

A G E N D A
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
December 14, 2017
4:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. November 9, 2017 Meeting Minutes

D. OLD BUSINESS

1. Potential Amendments to Address Formerly Proffered Policies Impact Mitigation Items:
Streetscape Policy - Stage II

E. NEW BUSINESS

F. ADJOURNMENT

ITEM SUMMARY

DATE: 12/14/2017

TO: The Policy Committee

FROM: Paul D. Holt, III, Secretary

SUBJECT: November 9, 2017 Meeting Minutes

ATTACHMENTS:

	Description	Type
	November 9, 2017 Meeting Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Rosario, Tammy	Approved	12/8/2017 - 11:22 AM
Policy	Holt, Paul	Approved	12/8/2017 - 1:31 PM
Publication Management	Burcham, Nan	Approved	12/8/2017 - 1:45 PM
Policy Secretary	Secretary, Policy	Approved	12/8/2017 - 1:49 PM

MINUTES
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
November 9, 2017
4:00 PM

A. CALL TO ORDER

Mr. Jack Haldeman called the meeting to order at approximately 4 p.m.

B. ROLL CALL

Present:

Jack Haldeman, Chair

Rich Krapf

Heath Richardson

Danny Schmidt

Absent:

Felice Pete

Staff:

Tammy Rosario, Principal Planner

Christy Parrish, Zoning Administrator

Roberta Sulouff, Senior Planner

Lauren White, Planner

Tom Leininger, Community Development Assistant

Max Hlavin, Assistant County Attorney

Darryl Cook, Assistant Director of Stormwater and Resource Protection, Floodplain Manager

C. MINUTES

1. October 12, 2017 Meeting Minutes

Mr. Rich Krapf made a motion to Approve the October 12, 2017, meeting minutes.

The motion passed 4-0.

D. OLD BUSINESS

1. Case No. ZO-0001-2017. Proposed Amendments to the Zoning Ordinance, Division 3. Floodplain Area Regulations – Stage III

Mr. Jack Haldeman opened the discussion.

Ms. Christy Parrish stated that the purpose of the Zoning Ordinance amendment was to add a separate construction standard for small accessory structures being located in the floodplain. She stated that staff has also received feedback from the Department of Conservation and Recreation (DCR) which she would review item by item.

Ms. Parrish stated that the first page of the ordinance defines an accessory building or structure as non-residential. Ms. Parrish stated that the next change is in Section 24-588 where Item C states that staff will keep all of the records in perpetuity. She stated that the change would be in compliance with DCR. Ms. Parrish stated that the next change is in Section 24-590. She stated that flood-prone areas not defined by a study are not enforceable; therefore, it was recommended by DCR to remove the reference from the ordinance. She stated that the Federal Insurance Agency (FIA) was changed to Federal Emergency Management Agency (FEMA).

Mr. Haldeman asked how the changes would affect the insurance rates of the County.

Ms. Parrish stated that the recommendations were from DCR and they would not have any impact on the insurance rates.

Ms. Parrish continued summarizing the ordinance changes. She stated that the next change to the ordinance is in Section 24-592. She stated the language clarifies that a permit is required for all proposed construction and other developments, including the placement of manufactured homes, within the floodway or any floodplain district. Ms. Parrish stated that the next ordinance change is in Section 24-595 (2) and the information did not change from the previous meeting regarding floodproofing standards. She stated that the ordinance change in Section 24-595 (7) stated that requirement applies to all floodplain zones. Ms. Parrish stated that Section 24-595 (5) states that nonresidential structures may use dry floodproofing instead of watertight floodproofing.

Mr. Heath Richardson asked what the reasoning was behind adding the text regarding an application being reviewed to ensure that the proposed construction would be reasonably safe.

Ms. Parrish stated that the purpose is to make sure any new construction or any addition would not impact the floodplain. She stated that for Section 24-595 (9) accessory structures shall comply with specific elevation or floodproofing requirements in Section 24-595 (2) or conform to the standards in Section 24-595 (9). She stated that the Planning Director recommended that an accessory structure should not be used to store hazardous material as listed in Section 24-593. She stated that hazardous material could cause damage. She stated that all other federal and state permits shall be obtained along with a building permit. Ms. Parrish stated that Section 24-597 clarifies the regulations for replacing a manufactured home. She stated that the permanent foundation shall be elevated in accordance with the construction standards identified in Section 24-595. She stated that in Section 24-598 staff added a phrase stating that the anchoring and elevation would depend on the floodplain it is located in. She stated that in Section 24-603 (13) no variance shall be granted for any accessory structure to be wet floodproofed if that structure exceeds 600 square feet.

Ms. Parrish stated that DCR has reviewed the amended ordinance twice. She stated that the County is scheduled to be audited in 2018, and these revisions are expected to put the County in a good position for the audit.

Mr. Richardson asked what the timeline would be going forward.

Ms. Parrish stated that the advertisement for the December Planning Commission (PC) is currently being worked on and then the ordinance would proceed to the Board of Supervisors (BOS) in January.

Mr. Danny Schmidt asked if the DCR was involved in recommending the two-foot freeboard.

Ms. Parrish stated that DCR does not suggest freeboard recommendations. She stated that freeboard is a higher standard and that the County requires two feet.

Mr. Haldeman asked for a motion to recommend the ordinance changes to the PC.

Mr. Richardson made a motion.

Motion passed 4-0 by voice vote.

2. Zoning Ordinance Revisions to Permit Short-Term Residential Rentals - Stage III

Ms. Roberta Sulouff presented a graphic to the Policy Committee.

Mr. Rich Krapf asked if an Airbnb is considered a homestay.

Ms. Sulouff stated that an Airbnb is a medium to rent a home. She stated that someone would use Airbnb to rent the room out.

Mr. Krapf stated that a person could reserve a tourist home or short-term rental through Airbnb and that it depends on the intensity of the dwelling.

Ms. Sulouff confirmed. She stated that the proposed amendments would only have two types of short-term rentals. She stated that those are homestays and tourist homes.

Mr. Haldeman asked where rental of rooms fall in these definitions.

Ms. Sulouff stated that rental of rooms would be long-term rentals exceeding the family definition.

Mr. Richardson asked if a tourist home can be a primary residence.

Ms. Sulouff confirmed.

Mr. Haldeman asked what the definition of transient would be.

Ms. Lauren White stated that the transient definition is located in the Commissioner of Revenue section of the ordinance in Chapter 20.

Ms. Sulouff stated that the intent is to include the definition in the zoning ordinance.

Ms. Sulouff stated that during the September meeting the Policy Committee had suggested feedback on the proposed draft language to address short-term rentals. She stated that staff has prepared more formal draft language. She stated that the language is similar to what was presented in September. She stated that the updated definitions draw a more clear distinction for tourist homes being more commercial and homestay being residential. Ms. Sulouff stated that previously, the rental of rooms had been interpreted to include both. She stated that the updated use-list for all residential zoning districts is also included. She stated that homestays of one room are permitted in all residential zoning districts. Ms. Sulouff stated that homestays with two rooms or more are more intense and require a Special-Use Permit (SUP) in all but a few zoning districts. She stated that a tourist home requires an SUP in most zoning districts. She stated that the new ordinance for tourist homes in addition to homestays package includes a guidance policy. She stated that staff recommends the more intense tourist home to be geographically constrained. She stated that they should be located on collector or arterial roads. She stated that staff would like the Policy Committee's feedback regarding the tourist home policy concerns raised during recent public hearings for tourist homes. She stated that the proposed definitions and performance standards are intended to create a logically consistent and predictable framework for short-term rentals. She stated that staff is seeking

Policy Committee feedback on the proposed changes. She stated that staff would include this feedback in future draft language to the PC at the December PC meeting.

Mr. Krapf stated that the homestay limits the number of separate contracts. He asked if tourist home can have the same limitations. Mr. Krapf stated that a home with five rooms could have five separate contracts. He stated that a tourist home does not require the owner to be onsite. He stated that his concern is with the potential for disruption. He asked if it would be worth adding the contract restriction to tourist home.

Ms. Sulouff stated that each tourist home case could have that limitation with the SUP process. She stated that staff would advise putting the limitations in the policy language because the tourist home use includes bed and breakfasts and boarding homes, and not just private homes. She stated that those specific business models rely on the separate contracts. She stated that most recent cases could have included a single contract per night restriction.

Mr. Richardson expressed concern regarding the equity of local hotels and the unfair competition. He asked how tourist homes with multiple contracts would be handled.

Ms. Sulouff stated that restricting the contracts for tourist homes overall would impact applicants for bed and breakfasts as bed and breakfast fall under the tourist home use. She stated that if such a restriction was added, a new definition would be needed to differentiate bed and breakfast. She stated that as the PC and BOS see individual cases there will be individual conditions applied. She stated that for the most recent tourist home there could be specific guidelines.

Mr. Schmidt asked if a condition limiting contracts per night could be applied to the most recent tourist home case.

Ms. Sulouff stated that the PC asked staff to add such a condition. She stated that when the case is presented to the PC in December, there will be an added condition.

Mr. Haldeman stated that he liked the idea of applicants providing their contact information to neighbors.

Mr. Schmidt agreed. He asked if there was a mechanism to make sure applicants notify neighbors.

Ms. Sulouff stated that a possible idea is similar to the adjacent property letters for site plans. She stated that when a site plan comes in, applicants are required to submit a sample letter and a list of addresses. She stated that the application could have that attachment.

Mr. Haldeman stated he thought that it would help neighbors feel more comfortable living near a tourist home.

Mr. Richardson asked if other municipalities use an adjacent property notification method.

Ms. Lauren White stated that Blacksburg requires neighbors to be notified if a wall is being shared such as townhome.

Ms. Sulouff stated that Roanoke publishes all of their registered transient listings on their website. She stated that staff has not explored the feasibility of that method yet for James City County. She stated that in that example consumers can check to see if the person they rent from went through the proper procedures.

Mr. Richardson stated that he was in favor of a website-based registry for public access.

Mr. Krapf stated that this method would help the applicant and reduce the extra work of sending out letters.

Ms. Tammy Rosario stated that the application can state that the contact information would be disclosed on the website.

Mr. Max Hlavin stated that the registry could be published.

Mr. Haldeman stated that the Policy Committee was in favor of the registry system being published.

Mr. Krapf asked if the condition restricting the number of contracts was due to the proximity to other residential homes.

Ms. Sulouff stated that the condition restricting the number of contracts is a performance standard for homestay. She stated that the intention of the condition to limit the intensity of the use.

Mr. Schmidt asked what would happen if there were any disputes between neighbors.

Mr. Krapf stated that it would be a homeowner issue and not so much a County issue.

Mr. Richardson asked what other definitions were needed besides transient. He asked if Chapter 20 would be referenced in the policy.

Ms. Sulouff stated that the homestay and rental of rooms' definitions were created. She stated that tourist home was amended and the materials show the original with a strike-through. She stated that the intent was to provide further clarification of the distinctions between the uses.

Ms. White stated that, according to Chapter 20, the definition of transient means any individual or group of same individuals who, for a period of fewer than 30 consecutive days, either at his own expense, or at the expense of another, obtains lodging at any hotel as defined herein. She stated that hotel means any public or private hotel, inn, hostelry, tourist home or house, motel, rooming house, travel campground or tourist camps, or other lodging place within the County offering lodging, as defined herein, for compensation, to any transient as defined herein.

Ms. Sulouff stated that the definition presented in the previous meeting modified the definition of transient from Chapter 20 to create less confusion.

Mr. Richardson stated that the Policy Committee is comfortable with the definition as found in September's meeting materials.

Ms. Sulouff stated that the transient definition was presented last month. She stated that the definition of transient is a period of less than 30 days and specifically relating to the lodging of occupants. She stated that staff defines transient as a period of time.

Mr. Haldeman stated that if there were not any other questions or discussion then a motion would need to be made to move the draft ordinance to the PC on December 6.

Mr. Richardson made a motion to move to the PC.

Motion passed 4-0 by voice vote.

Ms. Sulouff stated that there was one member of the public attending the meeting.

Mr. Krapf stated that the Policy Committee would listen to comments made from the public.

Ms. Patricia Spayd, 3550 Cedar Branch, stated that she opens her home up for people to stay with her for a couple of nights. She stated that she is a widow and a disabled veteran and has lived in the County for eight years. She has had good experiences with having people stay with her. She stated that women tend to stay with her because they feel safe. She stated that she would be in favor of the language as proposed.

Mr. Richardson asked if they expect any pushback from Homeowners Associations (HOA).

Ms. Sulouff stated that she has not received any feedback from HOA's.

Mr. Richardson stated that, like chicken keeping, he sees HOA's becoming more restrictive on homestays.

Ms. Sulouff stated that the County can't force an HOA to allow homestays.

Ms. Parrish stated that the chicken keeping application states that the County cannot supersede the HOA. She stated that the new application could have similar text.

E. NEW BUSINESS

There was no new business.

F. ADJOURNMENT

Mr. Richardson made a motion to Adjourn. The motion passed 4-0.

Mr. Haldeman adjourned the meeting at approximately 4:45 p.m.

Mr Jack Haldeman, Chair

Mr. Paul Holt, Secretary

ITEM SUMMARY

DATE: 12/14/2017

TO: The Policy Committee

FROM: W. Scott Whyte, Senior Landscape Planner II

SUBJECT: Potential Amendments to Address Formerly Proffered Policies Impact Mitigation Items:
Streetscape Policy - Stage II

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Proposed Subdivision and Zoning Ordinance Revisions	Exhibit
☐	York County's Subdivision Ordinance	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Rosario, Tammy	Approved	12/8/2017 - 11:25 AM
Policy	Holt, Paul	Approved	12/8/2017 - 1:36 PM
Publication Management	Burcham, Nan	Approved	12/8/2017 - 1:46 PM
Policy Secretary	Secretary, Policy	Approved	12/8/2017 - 1:49 PM

MEMORANDUM

DATE: December 14, 2017

TO: The Policy Committee

FROM: W. Scott Whyte, Senior Landscape Planner II

SUBJECT: Potential Amendments to Address Formerly Proffered Policies Impact Mitigation Items:
Streetscape Policy- Stage II

Overview

The County's Streetscape Policy was first adopted by the Board of Supervisors in 1999 and was amended in 2004 and 2010. The Policy was first proposed as a result of the 1997 Comprehensive Plan recommendation and subsequent Zoning Ordinance revisions. The goal of the Policy was to establish or preserve a tree canopy along residential streets and to achieve a 20% canopy coverage within a 20-year period.

Since that time, the Streetscape Policy elements have been incorporated into the Community Appearance Guide, the Toano, Five Forks and New Town design guidelines and have been supported in all revisions of the Comprehensive Plan. Most major subdivisions since 1999 that were approved via either a special use permit or proffered rezoning also implemented the Streetscape Policy. The Policy has worked very well since it was created, with slight revisions made in 2004 and 2010.

At its 2016 Session, the Virginia General Assembly approved Senate Bill 549, which was signed into law by the Governor as Chapter 322. Chapter 322 created new Section 15.2-2303.4 to the Code of Virginia, 1950, as amended (the "Virginia Code") which fundamentally changed the conditional zoning system in the Commonwealth of Virginia. As a result, the County no longer accepts proffers for new residential rezoning applications or the residential component of multi-use rezoning applications. On September 14, 2017, the Policy Committee met to discuss initial planning for policies and ordinance amendments to address the topic. At the meeting, the Committee expressed interest in retaining the existing adopted Streetscape Guidelines Policy to serve as the guide for major subdivisions which have either proffered or conditioned streetscape improvements per the adopted policy. At the meeting, the Committee also expressed interest in having staff create a draft of the Streetscape Policy as an ordinance requirement. This would enable staff to require street trees within all major subdivisions. The ordinance is modeled after York County's street tree ordinance which has been in existence for a long time and retains many elements of the existing Streetscape Guidelines Policy.

Staff has worked to incorporate feedback from this meeting, as well as feedback from the County Attorney's Office, into draft regulations for this Stage II meeting.

Draft Regulations

The draft language is included as Attachment No. 1 and accomplishes the following:

- In the Subdivision Ordinance, amend Section 19-27 (Preliminary Plan – submittal requirements):
 - Adds submission of a landscape plan to the list of preliminary plan submittal requirements.
- In the Subdivision Ordinance Section, create new Section 19-74 (Street Trees):
 - Creates a new section that lists the standards and specifications for street trees in major subdivisions.

- In the Zoning Ordinance, Article II, Special Regulations, Division 4 (Landscaping), creates new Section 24-102 (Street Trees);
 - Creates a new section that lists standards and specifications for street trees in multi-family and apartment developments, or areas of multi-family or apartment units within a larger development.

Staff suggests that the existing policy be retained to serve as a guide for existing major subdivisions and approved major subdivisions which have not been developed and for future special use permits.

Recommendation

Staff looks forward to the Committee's input on these discussion items and recommendations prior to moving forward with a revised draft ordinance.

WSW/tlc
ZOStScapePolStgII

Attachments:

1. Proposed Subdivision and Zoning Ordinance Revisions
2. York County's Subdivision ordinance

Draft Subdivision Ordinance Revisions for Streetscapes

Section 19-27.

(q) For proposed Major subdivisions and multifamily subdivisions, a landscape plan showing street trees per section 19-73. Street trees, and any applicable requirements of article II, division 4 of the zoning ordinance.

Section 19-73.1 Street trees.

Street trees shall meet the following requirements:

- a) In all major subdivisions, deciduous shade trees shall be planted as street trees along all rights-of-way within the subdivision. Such trees shall be located within a five-foot (5') landscape preservation easement contiguous to such right-of-way. Where located within an easement, the subdividing landowner shall dedicate the easement together with a maintenance easement to the property owners' association or other entity approved by the agent and county attorney. Street trees may also be located within the right-of-way. When located within the right-of-way the trees will need to meet any applicable VDOT standards and maintenance provisions. Street trees should only be located within the right-of-way when topographic, utility or other constraints prohibit the landscape preservation easement from being located adjacent to the right-of-way.*
- b) The easement or right of way shall contain at a minimum, one (1) tree planted approximately every forty feet (40').*
- c) All trees planted to meet this requirement shall have a minimum caliper of one and one half inch (1-½ ") and conform to the provisions of section 24-94 of the zoning ordinance. Existing trees within the landscape preservation easement that are protected and preserved in accordance with the standards contained in the zoning ordinance may be used to satisfy the planting requirement.*
- d) All street trees shall be deciduous shade trees that are native species or street trees commonly planted in James City County and adaptive to the soils and climate of James City County. If an applicant wishes to substitute the required shade trees with an evergreen or ornamental tree, a landscape modification request form referenced in section 24-91 of the zoning ordinance may be submitted for consideration by the director of planning.*
- e) Installation. Unless otherwise approved by the director of planning or his designee plantings shall occur between September and February while the plant materials are dormant. Installation shall be guaranteed in accordance with article IV of this chapter.*

Draft Zoning Ordinance Revisions for Streetscapes

Section 24-102. Street trees.

In multi-family and independent living facilities and apartment developments, or areas of multi-family or apartment units containing two or more dwelling units, deciduous shade trees shall be planted as street trees along all rights-of-way. In instances where all or portions these developments are designed as parking lots rather than rights-of-way, then landscaping shall instead be provided in accordance with section 24-99. Street trees shall meet the following requirements:

- a) *Deciduous shade trees shall be planted as street trees along all right-of-ways within the development. Such trees shall be located either within the right-of-way or within a five-foot (5') landscape preservation easement contiguous to such right-of-way. Where located within an easement, the subdivided shall dedicate the easement together with a maintenance easement to the property owners' association or other entity approved by the agent and county attorney.*
- b) *The easement or right-of-way shall contain at a minimum, one (1) tree planted approximately every forty feet (40').*
- c) *All trees planted to meet this requirement shall have a minimum caliper of one and one half inch (1-1/2") and conform to the provisions of section 24-94 of the zoning ordinance. Existing trees within the landscape preservation easement that are protected and preserved in accordance with the standards contained in the zoning ordinance may be used to satisfy the planting requirement.*
- d) *All street trees shall be deciduous shade trees that are native species or street trees commonly planted in James City County and adaptive to the soils and climate of James City County. If an applicant wishes to substitute the required shade trees with an evergreen or ornamental tree, a landscape modification request form referenced in section 24-91 of the zoning ordinance may be submitted for consideration by the director of planning.*
- e) *Installation. Unless otherwise approved by the director of planning or his designee, plantings shall occur between September and February while the plant materials are dormant; however, temporary certificates of occupancy may be issued pursuant to section 24-8 (b).*

appropriate groundcovers (other than grass) and shrubs shall be installed within the planting area, including a minimum of six (6) shrubs.

- (e) Walls, fences and other similar treatments which delineate or define the entrance to or boundaries of a subdivision shall require the submission of architectural renderings for approval by the agent.

The agent shall deny or require modification of plans for such features when he finds that the installation would be visually obtrusive upon adjacent properties or public streets, be incompatible with the character of existing or anticipated surrounding development, or conflict with other goals and policies of the county.

Nothing contained in this section shall be interpreted to prevent the mounting of entrance signs on decorative fences or walls.

(Ord. No. 05-33, 12/20/05)

Sec. 20.5-82. Addresses and parcel identification numbers.

Addresses and parcel identification numbers (PIN) shall be assigned by the county during review of development plans. The parcel identification numbers shall be shown on the final plat and record plat, either within the boundaries of the lots or in tabular form on the plat. Once assigned, neither addresses nor parcel identification numbers shall be changed or otherwise altered except upon the direction of the agent.

Sec. 20.5-83. Preservation of natural features and cultural resources.

The natural terrain and features of the land, including heritage, memorial, significant and specimen trees, natural watercourses, perennial streams, and other water areas, historic and archaeological sites, scenic areas and other features and resources worthy of preservation located within the area encompassed by any proposed subdivision of property in the county shall be preserved and protected during the development process to the extent possible while enabling reasonable development of property. In this regard, no more land disturbance than absolutely necessary to accommodate reasonable development shall occur and extensive cut and fill of the natural topography shall not be allowed.

The removal of trees or the clearing and grading of land by the subdivider shall be generally permitted only to accommodate the construction and installation of those improvements required by this chapter or other portions of this code or on those lots for which a valid building permit has been issued. Mature trees throughout the remainder of the area encompassed by any proposed subdivision of property shall be protected in accordance with the Virginia Erosion and Sediment Control Manual or other generally accepted tree protection measure during construction and installation of subdivision improvements. In any case, limits of clearing and grading shall be clearly shown on development plans.

(Ord. No. 05-33, 12/20/05)

Sec. 20.5-84. Landscaping, buffers and screening.

(a) *Landscaping.*

- (1) Entrances and common areas shall be landscaped by the subdivider with appropriate combinations of trees, shrubs, grass and groundcovers except where the existing mature trees have been preserved and protected in such areas. Unless the agent determines that such landscape treatment is unnecessary, impractical or in conflict with drainage, utilities, or other required features of the subdivision, the cleared portions of entrance and common areas in residential subdivisions shall be landscaped with a minimum of one (1) tree and one (1) shrub for each one thousand (1,000) square feet contained in such areas exclusive of roadways, sidewalks, recreational facilities, or other paved areas.
- (2) All landscape treatments required by this chapter or the zoning ordinance shall be designed, arranged, installed and maintained in accordance with the landscaping standards contained in the zoning ordinance.

(b) *Tree planting and replacement.*

- (1) In accordance with section 15.2-961, Code of Virginia, trees shall be preserved, planted or replaced on all residential lots, excluding recreation lots. Tree preservation/planting shall be

accomplished such that, within twenty (20) years growing time, the minimum tree canopy or cover on residential lots shall be twenty percent (20%).

- (2) The required tree canopy or cover shall generally be evenly distributed across the lot with a preference for trees located in front of the principal building and along the rear property line.
 - (3) The calculation of tree canopies shall be based on the Manual of Woody Landscape Plants, 4th edition, 1990, by Michael A. Dirr (ISBN 0-87563-347-1) or Street Tree Factsheets, 1993, Municipal Tree Restoration Program, Pennsylvania State University (ISBN 1-883956-00-5) as they may from time to time be amended.
 - (4) Existing trees which are to be preserved and used to meet all or part of the canopy requirements shall be protected before, during, and after the development process in accordance with those standards contained in the zoning ordinance.
 - (5) Newly planted trees and shrubs shall be selected, installed and maintained in accordance with the standards contained in the zoning ordinance.
 - (6) In all subdivisions in nonindustrial zoning districts, deciduous shade, or ornamental trees shall be planted as street trees along all rights-of-way within and abutting the subdivision. Such trees shall be located either within the right-of-way itself or within a ten-foot (10') landscape preservation easement contiguous to such right-of-way and shall contain, at a minimum, one (1) tree planted approximately every forty feet (40'). Where located within an easement, the subdivider shall dedicate the easement together with a maintenance easement to the property owners' association or other entity approved by the agent and county attorney. All trees planted to meet this requirement shall have a minimum caliper of two and one-half inches (2½") and conform with the relevant provisions of the zoning ordinance. Existing trees which are within twenty feet (20') of the edge of the right-of-way and which are protected and preserved in accordance with the standards contained in the zoning ordinance may be used to satisfy the planting requirement.
 - (7) The subdivider shall have the option to meet the requirements of this subsection through actual installation/retention, a postponed improvement agreement with surety, establishment of restrictive covenants, or some combination which achieves the same intent.
- (c) *Buffers.* A landscaped buffer, broken only by necessary entrances approved by the agent, shall be established on all residential lots along all major roads abutting a proposed subdivision. Such roads shall be defined to include Routes 17, 105, 132, 134, 143, 171, 199, and Interstate 64 and such other routes as may be specified in section 24.1-245 of the zoning ordinance.
- (1) The minimum width of said landscaped buffer shall be thirty-five feet (35'), or such greater dimension as may be prescribed by the zoning ordinance, measured from the edge of the existing or reserved right-of-way.
 - (2) A landscape preservation easement, acceptable as to content and form by the county attorney and encompassing the required buffer, shall be granted to the county.
 - (3) The buffer shall be landscaped in accordance with the landscaping requirements contained section 24.1-243(a)(1) of the zoning ordinance, provided however, that lakes which are at least thirty-five feet (35') in width and are adjacent to such roadways shall be deemed to meet this requirement without the provision of the landscaping required herein.
- (d) *Screening fences.*
- (1) Screening fences supplemented by appropriate landscaping shall be required between proposed commercial/industrial subdivisions and abutting property used for residential purposes where the agent determines that such fences are necessary by reason of use, topography, building location, or other physical aspect of the site.
 - (2) Screening fences shall be constructed of wood or masonry and the agent shall specifically review and approve both the location and design of the screening fence. Fences facing streets shall be finished on the street side.
 - (3) Where required, such screening fences and supplementary landscaping shall be included within the terms of any subdivision agreement entered into by the subdivider and the county.