

ZONING ORDINANCE UPDATE MODULE 3

SUMMARY OF ARTICLES



ARTICLE 12

CONSERVATION SUBDIVISIONS

SUMMARY:

This Article provides standards for the development of Conservation Subdivisions.

Conservation Subdivisions are residential developments in which building lots are concentrated in strategic areas of a development site so that large areas of open space and natural resources can be protected from development. Smaller lots are allowed in these developments in order to maintain residential densities while preserving significant amounts of open space.

The intent of this Article is to provide an improved set of standards for these subdivisions that will result in better design and enhanced natural resource protection.

KEY POINTS

The following are some of the key points/provisions within this Article:

- All “Primary Conservation Areas” on a development site (the natural resources that require protection in Article 13) must be preserved and placed in permanent open space.
- If the total amount of Primary Conservation Area land does not reach the requisite percentage of the site that must be in open space (50-60%, depending on Zoning District), “Secondary Conservation Areas” must be identified for protection.

- Secondary Conservation Areas may include - among other things - wooded areas, agricultural land, site features that would minimize the visual impact of lots, and other significant site features.
- The Article includes standards to help ensure large, connected areas of open space, rather than small, isolated pockets.
- To encourage design flexibility and enhance resource protection, up to 15% of the lots may be “flag lots”.

MAJOR CHANGES FROM CURRENT ORDINANCE:

The County has had a form of Conservation Subdivisions (Planned Resource Conservation Developments) for many years. The key changes from the current Ordinance include:

- The new Ordinance includes more guidance and direction in terms of the location, type, and design of open space.
- The new Ordinance affords greater design flexibility by allowing up to 15% of the lots to be “flag lots”.

ARTICLE 13

RESOURCE PROTECTION STANDARDS

SUMMARY:

This Article provides standards for the protection of natural and historic resources from the potential harmful effects associated with development.

The current Ordinance also contains provisions for the protection of these resources.

The intent of this Article is to provide an improved set of standards that will result in better protection of natural resources and improved user-friendliness.

KEY POINTS

The following are some of the key points/provisions within this Article:

- **Waterways** – requires an undisturbed buffer (width depends on size of drainage area) along perennial and intermittent streams
- **Steep Topography & Slippage Soils** – restricts development in areas that contain steep slopes, hilltops, ridgetops, and soils prone to slippage
- **Karst Topography** – restricts development on and adjacent to karst features, such as sinkholes and caves
- **Flood Hazard Areas** – regulates and restricts development within and adjacent to the 100-year floodplain
- **Wetlands** – restricts development (based on State and Federal requirements) in areas classified as wetlands

- **Woodlands** – requires the protection of a certain percentage of existing tree canopy on a development site.
- **Historic & Cultural Resources** – regulates development on sites containing historic structures and contains provisions for incorporating these features into the development
- Provisions generally require the natural and historic features described above to be located within permanently protected open space or, in instances where open space is not otherwise required, to be located outside of building envelopes and areas to be disturbed.

MAJOR CHANGES FROM CURRENT ORDINANCE:

The current Ordinance takes a formulaic approach to preserving natural resources. This approach is often difficult for the public to understand and presents challenges from an administration standpoint. One of the key changes in the new Ordinance is that the requirements for the protection of resources are more clearly expressed.

The woodland protection standards in the new Ordinance are based on a “sliding scale” (i.e. the lower the amount of existing tree canopy on a site, the higher the percentage of that tree canopy that must be preserved).

ARTICLE 14

OPEN SPACE SET-ASIDE STANDARDS

SUMMARY:

This Article provides specific standards related to the retention, design, protection and maintenance of open space within new developments.

This Article specifies how much open space is required (as a percentage of overall site area) based on the proposed use and the zoning district in which it is located. Additionally, the Article outlines the uses that are allowed in open space, regulates the design of open space areas, and contains provisions related to the ownership and maintenance of open space by homeowners associations or other entities.

KEY POINTS

The following are some of the key points/provisions within this Article:

- Table 14.03-1 identifies the minimum amount of open space required for new developments (as a percentage of overall site area) based on the proposed use and the zoning district in which it is located.
- Design standards address the accessibility, size, arrangement and contiguity of open space areas.
- Protection and maintenance standards address requirements/allowances for open space when dedicated to a homeowners or property owners association, retained on private lots, or dedicated to a non-profit or governmental entity.

MAJOR CHANGES FROM CURRENT ORDINANCE:

The most significant change in this Article is that the new Ordinance requires a certain amount of open space (20-30% of the overall site) within Traditional Subdivisions, whereas the current Ordinance only requires open space within non-traditional subdivisions (e.g. Planned Resource Conservation Areas). However, it should be noted that, while open space is not expressly required for Traditional Subdivisions in the current Ordinance, the vast majority of Traditional Subdivisions already contain open space due to the existing natural resource protection requirements and the requirement that stormwater management/detention facilities be located within open space.

The new Ordinance contains a set of new design requirements created to ensure that open space is accessible, usable, and contiguous.

Finally, the new Ordinance contains improved provisions related to the protection and maintenance of open space areas.

ARTICLE 15

LANDSCAPING AND BUFFERYARDS

SUMMARY:

This Article outlines the landscaping and buffering requirements for new developments.

Like the current Ordinance, the new Ordinance will require landscaping for new developments and buffers when new development is located next to a dissimilar land use and/or zoning district.

KEY POINTS

The following are some of the key points/provisions within this Article:

- A landscaping plan that demonstrates compliance with the standards of this Article is required in conjunction with the review and approval of new developments.
- Landscaping is required within and adjacent to new parking lots.
- Streetscape landscaping is required adjacent to and along existing roadways when new development occurs.
- A vegetative buffer is required between a proposed development and an existing parcel with a dissimilar use. The required width and density of the buffer increases as the dissimilarity in the uses increases (e.g. a new commercial development must have a wider and denser buffer when located next to a residential use than when located next to an office use).

- The Article contains provisions to ensure that new landscaping incorporate native and drought-tolerant vegetation as well as a diversity of species.

MAJOR CHANGES FROM CURRENT ORDINANCE:

One of the criticisms of the current Ordinance is that the landscaping standards are outdated and difficult to understand. The standards in this Article are much easier to understand, implement and administer.

The provisions related to species diversity and native/drought-tolerant vegetation are new and are designed to be more environmentally-friendly and to help ensure the survival of new landscaping.

ARTICLE 16

PERFORMANCE STANDARDS

SUMMARY:

This Article provides standards to address the potentially detrimental impacts associated with noise, lighting and the outdoor display and storage of goods and materials. Additionally, this Article establishes the standards for the applicability and formation of homeowners' associations.

KEY POINTS

The following are some of the key points/provisions within this Article:

- Noise standards regulate sound levels at property lines for certain uses, such as industrial uses, farm wineries, animal boarding facilities, conference and training centers, athletic facilities and residential businesses. Note: residential and agricultural uses are exempt.
- Lighting standards regulate illumination levels within parking lots and at property lines.
- Standards guide the location and design of outdoor display and sales areas of goods and merchandise.
- Standards guide the location and design of outdoor storage areas.
- Standards relate to the applicability and formation of homeowners' and property owners' associations.

MAJOR CHANGES FROM CURRENT ORDINANCE:

The current Ordinance regulates sound levels at property lines for industrial uses and residential businesses. However, the standards are difficult to understand and enforce. The new Ordinance modernizes the noise standards, improves the user-friendliness of the standards, and expands them to apply to additional uses with which noise issues are often associated.

The lighting standards in the new Ordinance address parking lot lighting in addition to regulating illumination at property lines.

The new Ordinance contains specific standards related to the outdoor display and storage of goods and materials and consolidates those requirements into one Article.

Finally, the new Ordinance contains a more detailed Section related to the applicability and formation of homeowners' and property owners' associations.

ARTICLE 17

ACCESS, OFF-STREET PARKING, AND LOADING STANDARDS

SUMMARY:

This Article provides standards related to vehicular access points (driveways) and off-street parking and loading for new developments.

These standards are intended to minimize congestion on public roadways, protect the capacity of the roadway system, promote greater safety and encourage the reduction of impervious surface and stormwater runoff.

KEY POINTS

The following are some of the key points/provisions within this Article:

- Standards regulate the number, location, spacing and design of roadway access points (driveways) for both residential and non-residential development.
- The current regulation allowing up to five lots on a 50-foot access easement is carried forward.
- Sidewalks are required within residential developments where the average lot size is 10,000 square feet or less.
- Standards regulate the number of off-street parking spaces required based on the type of development proposed.
- Standards address the design of parking spaces and parking lots.

- Standards allow for “alternative parking options”, including shared parking and the use of alternative paving materials.
- Standards address off-street loading for non-residential uses

MAJOR CHANGES FROM CURRENT ORDINANCE:

The new Ordinance includes a number of changes related to access, parking and loading. These changes include:

- The new Ordinance specifies the minimum number of development entrance points for new subdivisions based on the number of lots proposed.
- The parking requirements have been revised to provide more specificity with respect to parking requirements for various non-residential uses.
- The new Ordinance establishes both a minimum and a maximum number of parking spaces that are required and permitted; whereas the current Ordinance only establishes minimum parking requirements.
- The new Ordinance requires sidewalks within new residential developments where the average lot size is 10,000 square feet or less.
- The new Ordinance contains provisions for the shared use of parking spaces among uses.

ARTICLE 18

SIGNAGE

SUMMARY:

This Article provides standards related to the display of signs.

These standards are designed to maintain safety by ensuring the proper design and installation of signs, minimize distraction and obstructed views for motorists, and ensure the appropriate size and design of signs.

This Article predominantly carries forward the regulations of the current Ordinance with minimal changes.

KEY POINTS

The following are some of the key points/provisions within this Article:

- Standards regulate a variety of sign types, including ground signs, wall signs, projecting signs and development entrance signs.
- Regulations establish a maximum size (in square footage) and height for ground signs based on the use and the total lot width/street frontage of the property.
- Regulations establish a maximum size (in square footage) for wall or façade signs based on the use and the total length of the building frontage.
- Regulations establish a maximum size (in square footage) for projecting signs based on the total length of street frontage.

- Standards outline requirements/allowances for temporary signs for both residential and non-residential uses.

MAJOR CHANGES FROM CURRENT ORDINANCE:

The new Ordinance primarily carries forward the regulations for signage found in the current Ordinance.

The primary change in the new Ordinance relates to content neutrality. In other words, an emphasis on regulating the amount and size of signs permitted on a particular property rather than the content, or message, communicated on the sign(s).

ARTICLE 19

ROAD CAPACITY ADJUSTMENT

SUMMARY:

This Article directly connects the density/intensity of development to the capacity of the roadway infrastructure available to the property. Where the roadway infrastructure is inadequate to serve a proposed development, the density/intensity of the development will be limited unless the roadway infrastructure is modified (by the developer).

This Article carries forward the existing “traffic shed” approach of the current Ordinance, with modifications necessary to bring the standards in line with current conditions.

KEY POINTS

The following are some of the key points/provisions within this Article:

- In conjunction with the submission of development plans for review and approval by the County, the applicant is required to demonstrate adherence to the requirements of this Article.
- The traffic shed approach requires the applicable arterial and collector roadways to be evaluated to ensure they have the capacity to serve a proposed development.

- If the capacity to serve the proposed development does not exist, either the development must be scaled back so as not to exceed the capacity of the roadway network, or improvements to the network must be made by the developer.

MAJOR CHANGES FROM CURRENT ORDINANCE:

- The new Ordinance primarily carries forward the existing “traffic shed” approach of the current Ordinance, with modifications necessary to bring the standards in line with current conditions.

ARTICLE 20

WASTEWATER TREATMENT AND LAND DISPOSAL SYSTEMS

SUMMARY:

**This Article is under
development**