

**Town of Ashland, VA  
Ashland, VA Code of Ordinances  
Abstracted June 2010**

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**Chapter 4.1 - ENVIRONMENTAL PROTECTION  
ARTICLE I. - IN GENERAL  
Sec. 4.1-3. Definitions.**

The following words and terms used in this chapter have the following meanings, unless the context clearly indicates otherwise. Words and terms not defined in this article, but defined in Chapter 5, Erosion and Sediment Control and Chapter 21, Zoning, of this Code shall be given the meanings set forth therein.

*Agricultural lands* means those lands used for the planting and harvesting of crops or plant growth of any kind in the open; pasture; horticulture; dairying; floriculture; or raising of poultry and/or livestock.

*Best management practices* or *BMPs* means a practice, or a combination of practices, accepted by the director of public works to be the most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

*Buffer area* means an area of natural or established vegetation managed to protect other components of a resource protection area and state waters from significant degradation due to land disturbances.

*Chesapeake Bay Preservation Area* or *CBPA* means any land designated by the town council pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, VR 173-02-01, and section 10.1-2107 of the Code of Virginia. A Chesapeake Bay Preservation Area shall consist of a resource protection area and a resource management area.

*Diameter at breast height* or *DBH* means the diameter of a tree measure outside the bark at a point four and one-half (4.5) feet above ground.

*Dripline* means a vertical projection to the ground surface from the furthest lateral extent of a tree's leaf canopy.

*Noxious weeds* means weeds that are difficult to control effectively, such as Johnson grass, kudzu, and multiflora rose.

*Resource management area* or *RMA* means that component of the Chesapeake Bay Preservation Area that is not classified as the resource protection area. RMAs include land types that, if improperly used or developed, have the potential for causing significant water quality degradation or for diminishing the functional value of the resource protection area.

*Resource protection area* or *RPA* means that component of the Chesapeake Bay Preservation Area comprised of lands adjacent to water bodies with perennial flow that have intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters.

*Silvicultural activities* means forest management activities, including but not limited to the harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for reforestation that are conducted in accordance with the silvicultural best management practices developed and enforced by the state forester pursuant to section 10.1-1105 of the Code of Virginia and are located on property defined as real estate devoted to forest use under section 58.1-3230 of the Code of Virginia.

(9-17-90, § 2; 12-21-04)

**ARTICLE III.  
CHESAPEAKE BAY PRESERVATION AREA**

**Sec. 4.1-209. Performance standards for Chesapeake Bay Preservation Areas.**

(a) *Purpose and intent.* The performance standards establish the means to minimize erosion and sedimentation potential, reduce land application of nutrients and toxics, and maximize rainwater infiltration. Natural ground cover, especially woody vegetation, is most effective in holding soil in place and preventing site erosion. Indigenous vegetation, with its adaptability to local conditions without the use of harmful fertilizers or pesticides, filters stormwater runoff. Minimizing impervious cover enhances rainwater infiltration and effectively reduces stormwater runoff potential.

The purpose and intent of these requirements are also to implement the following objectives: prevent a net increase in nonpoint source pollution from new development; achieve a ten-percent reduction in nonpoint source pollution from redevelopment; and achieve a forty-percent reduction in nonpoint source pollution from agricultural uses.

(b) Development and redevelopment in Chesapeake Bay Preservation Areas.

...

(2) Indigenous vegetation shall be preserved to the maximum extent practicable consistent with the use or development permitted and in accordance with the "Virginia Erosion and Sediment Control Handbook."

a. Existing trees over six (6) inches shall be preserved outside the limits of disturbance, including clearing and grading. Diseased trees or trees weakened by age, storm, fire, or other injury may be removed.

b. Clearing shall be allowed only to provide public roads, necessary access, positive site drainage, water quality BMPs, and the installation of utilities, as approved by the town manager or designee.

c. Prior to clearing or grading, suitable protective barriers, such as safety fencing, shall be erected at the dripline of any tree or stand of trees to be preserved. These protective barriers shall remain so erected throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier.

...

(c) *Buffer area requirements.* To minimize the adverse effects of human activities on the other components of resource protection areas (as defined in section 4.1-203), state waters, and aquatic life, a one-hundred-foot buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be retained if present and established where it does not exist. The buffer area shall be maintained to meet the following additional performance standards:

(1) In order to maintain the functional value of the buffer area, indigenous vegetation may be removed, subject to approval by the Town of Ashland, only to provide for reasonable sight lines, access paths, general woodlot management, and best management practices, as follows:

a. Trees may be pruned or removed as necessary to provide for sight lines and vistas, provided that where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff.

b. Any path shall be constructed and surfaced so as to effectively control erosion.

c. Dead, diseased, or dying trees or shrubbery may be removed and thinning may be conducted pursuant to sound horticulture practices.

d. For stream bank erosion control projects, tree and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline in accordance with

the best available technical advice and applicable permit conditions or requirements.

...

(3) Where land uses such as agriculture or silviculture within the area of the buffer cease and the lands are proposed to be converted to other uses, the full one-hundred-foot wide buffer shall be reestablished. In reestablishing the buffer, management measures shall be undertaken to provide woody vegetation that assures the buffer functions set forth in this chapter.

(9-17-90, § 2; 12-21-04)

#### **Sec. 4.1-210. Water quality impact assessment.**

...

(c) *Minor water quality impact assessment.* A minor water quality impact assessment pertains only to development within CBPAs which causes no more than five thousand (5,000) square feet of land disturbance and requires any encroachment into the landward fifty (50) feet of the one-hundred-foot buffer area. The calculations of a minor assessment will demonstrate that the remaining buffer area and necessary best management practices will result in removal of no less than seventy-five (75) percent of sediments and forty (40) percent of nutrients from postdevelopment stormwater runoff. A minor assessment shall include a site drawing to scale which shows the following:

...

(4) Location of existing vegetation on-site, including the number and type of trees and other vegetation to be removed in the buffer to accommodate the encroachment or modification;

(5) Revegetation plan that supplements the existing buffer vegetation in a manner that provides for pollutant removal, erosion and runoff control.

(d) *Major water quality impact assessment.* A major water quality impact assessment shall be required for any development which:

(1) Exceeds five thousand (5,000) square feet of land disturbance within CBPAs and requires any encroachment into the landward fifty (50) feet of the one-hundred-foot buffer area;

(2) Proposes to disturb any portion of the buffer area within fifty (50) feet of preservation component of the RPA; or

(3) Is located in an RMA and is deemed necessary by the town manager or designee. The information required in this section shall be considered a minimum, unless the town manager or designee determines that some of the elements are unnecessary due to the scope and nature of the proposed use and development of land.

The following elements shall be included in the preparation and submission of a major water quality assessment.

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...

(3) A landscape element that:

a. Identifies and delineates the location of all significant plant material on site, including all trees six (6) inches or greater in diameter at breast height. Where there are groups of trees, stands may be outlined.

b. Describes the impacts of the development or use will have on the existing vegetation. Information should include:

1. General limits of clearing, based on all anticipated improvements, including buildings, drives, and utilities;

2. Clear delineation of all trees which will be removed.

c. Describes the potential measures for mitigation. Possible mitigation measures include:

1. Replanting schedule for trees and other significant vegetation removed for construction, including a list of possible plants and trees to be used;
2. Demonstration that the design of the plan will preserve to the greatest extent possible any significant trees and vegetation on the site and will provide maximum erosion control and overland flow benefits from such vegetation.

...  
(f) Evaluation procedure.

...  
(2) Upon the completed review of a major water quality impact assessment, the town manager or designee will determine if the proposed development is consistent with the purpose and intent of this article and make a finding based upon the following criteria:

...  
h. Proposed revegetation of disturbed areas will provide optimum erosion and sediment control benefits;

...  
(9-17-90, § 2; 12-21-04)

#### **Sec. 4.1-211. Plan of development process.**

(a) *Generally.* Any development or redevelopment exceeding two thousand five hundred (2,500) square feet of land disturbance shall be accomplished through a plan of development process prior to any clearing or grading of the site or the issuance of any building permit, to assure compliance with all applicable requirements of this article.

...  
(d) *Landscaping plan.* A landscaping plan shall be submitted in conjunction with site plan approval or as part of subdivision plat approval. No clearing or grading of any lot or parcel shall be permitted without an approved landscaping plan. Landscaping plans shall be prepared and/or certified by design professionals practicing within their areas of competence as prescribed by the Code of Virginia.

(1) *Contents.*

- a. The landscaping plan shall be drawn to scale and clearly delineate the location, size, and description of existing and proposed plant material. Where there are groups of trees, stands may be outlined instead. The specific number of trees six (6) inches or greater DBH to be preserved outside of the construction footprint shall be indicated on the plan. Trees to be removed to create a desired construction footprint shall be clearly delineated on the landscaping plan.
- b. Any required buffer area shall be clearly delineated and any plant material to be added to establish or supplement the buffer area, as required by this article, shall be shown on the landscaping plan.
- c. Within the buffer area, trees to be removed for sight lines, vistas, access paths, and best management practices, as provided for in this article, shall be shown on the plan. Vegetation required by this article to replace any existing trees within the buffer area shall also be shown on the landscaping plan.
- d. Trees to be removed for stream bank stabilization projects and any replacement vegetation required by this article shall be shown on the landscaping plan.
- e. The plan shall depict grade changes or other work adjacent to trees which would affect them adversely. Specifications shall be provided as to how grade, drainage, and aeration would be maintained around trees to be preserved.

f. The landscaping plan will include specifications for the protection of existing trees during clearing, grading, and all phases of construction.

g. The landscaping plan shall also be in accordance with Article XXIII, Landscaping, of Chapter 21, Zoning, of the Town Code.

(2) Plant specifications.

a. All plant materials necessary to supplement the buffer area or vegetated areas outside the construction footprint shall be installed according to standard planting practices and procedures.

b. Where areas to be preserved, as designated on an approved landscaping plan, are encroached, replacement of existing trees and other vegetation will be achieved at a ratio of three (3) planted trees to one (1) removed.

Replacement trees shall be a minimum of three and one-half (3.5) inches DBH at the time of planting.

(3) *Maintenance.*

a. The applicant shall be responsible for the maintenance and replacement of all vegetation as may be required by the provisions of this article.

b. In buffer areas and areas outside the limits of land disturbance, plant material shall be tended and maintained in a healthy growing condition and free from refuse and debris.

...

(9-17-90, § 2; 12-21-04)

**Sec. 4.1-213. Exemptions.**

...

(b) *Silvicultural activities.* Silvicultural activities are exempt from the requirements of this article provided that silvicultural operations adhere to water quality protection procedures prescribed by the Department of Forestry in the January 1997 edition of "Forestry Best Management Practices for Water Quality in Virginia, Technical Guide."

...

(9-17-90, § 2; 12-21-04); oh5;

**ARTICLE V. - WATER QUALITY PROTECTION**

**Sec. 4.1-400. Statement of intent.**

(a) This article is enacted to implement development requirements designed to protect the quality of water resources within the town from the effects of nonpoint source pollution runoff caused by land disturbing activities. The development performance criteria contained in this article establish the means to minimize erosion and sedimentation potential and maximize rainwater infiltration.

Natural ground cover, especially woody vegetation, is most effective in holding soil in place and preventing site erosion. Indigenous vegetation, with its adaptability to local conditions without the use of harmful fertilizers or pesticides, filters stormwater runoff. Minimizing impervious cover enhances rainwater infiltration and effectively reduces stormwater runoff potential. More specifically, the intent of the town council and the purpose of the article is to:

(1) Protect existing high quality state waters;

(2) Restore all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them;

(3) Prevent any increase in pollution;

(4) Reduce existing pollution; and

(5) Promote water resource conservation in order to provide for the health, safety and welfare of the present and future citizens of the town.

...

(11-8-94, § 1; 12-21-04)

**Sec. 4.1-405. Performance standards.**

(a) *Disturbance of land.* Land disturbance shall be limited to the area necessary to provide for the desired use or development.

...

(b) *Vegetation.* Indigenous vegetation shall be preserved to the maximum extent possible consistent with the use and development permitted and in accordance with the "Virginia Erosion and Sediment Control Handbook."

(1) Existing trees over six (6) inches shall be preserved outside the limits of disturbance, including clearing and grading. Diseased trees or trees weakened by age, storm, fire, or other injury may be removed.

(2) Clearing shall be allowed only to provide public roads, necessary access, positive site drainage, water quality best management practices (BMP), and the installation of utilities, as approved by the town manager or designee.

(3) Prior to clearing or grading, suitable protective barriers, such as safety fencing, shall be erected at the dripline of any tree or stand of trees to be preserved. These protective barriers shall remain so erected throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier.

...

(11-8-94, § 1; 12-21-04)

**Chapter 7.1 - FRANCHISES**

**Article I. Community Antenna Television Systems**

**Division 5. System Operations**

**Sec. 7.1-41. Street occupancy.**

...

(j) *Tree trimming.* A grantee shall have the authority to trim trees on public property at its own expense as may be necessary to protect its wires and facilities, subject to the supervision and direction of the town. Trimming of trees on private property shall require consent of the property owner.

(6-22-93)

**Chapter 11 - NUISANCES\***

**ARTICLE I. - IN GENERAL**

**Sec. 11-1. Nuisances prohibited within town.**

It shall be unlawful for any person to cause, harbor, commit or maintain, or to suffer to be caused, harbored, committed or maintained any nuisance as defined by the statute or common law of this state or as defined by this Code or other ordinance of the town at any place within the town.

**Sec. 11-2. Certain nuisances enumerated.**

The following acts when committed, or conditions when existing, within the town are hereby defined and declared to be nuisances:

...

(c) All trees and other appendages of or to realty kept or maintained or which are permitted by any person owning or having control thereof to be kept or maintained in a condition unsafe, dangerous, unhealthy or injurious to the public.

...

(4-23-91, § 1)

**Chapter 16 - STREETS AND SIDEWALKS\***  
**ARTICLE III. - MAINTENANCE OF TREES**  
**Sec. 16-18. Street trees.**

The town manager shall have control and removal of trees on the streets and in the public places of the town, except those trees on the public school sites within the town.  
(3-9-82)

**Sec. 16-19. Permit to plant, remove, etc., in public places--Required.**

It shall be unlawful for any person, except for the town manager or his duly authorized representative, to plant any tree, shrub, plant, or vegetation on or to remove any tree, shrub, plant or vegetation from any dedicated street, alleyway or highway, public right-of-way or easement, public land lying between property lines on either side of a public street, highway or alley, public parking strip, public street, sidewalk or divider, public median strip or planting strip or other land or public place owned by the town, except public school sites, without applying for and obtaining a permit from the town manager; provided, however, that nothing contained in this section shall prohibit the trimming or cutting of grass on a public right-of-way.  
(3-9-82)

**Sec. 16-20. Same--Issuance; information to be shown.**

The town manager shall issue a written permit, as required by the preceding section, to any applicant without charge, only when he finds that the action proposed is necessary or desirable, will not be contrary to the town's comprehensive plan, in regard to trees, shrubs, plants or other vegetation, is not contrary to the provisions of this chapter and will be performed in a workmanlike manner.  
Any permit issued pursuant to the preceding section shall contain the location approved, the action allowed to be performed, the duration of the permit and any other requirements deemed necessary desirable by the town manager.  
(3-9-82)

**Sec. 16-21. Right of reserve to town to trim, remove, etc., trees, shrubs, etc., planted under permit.**

Whenever a permit is granted to plant a tree, shrub, plant or vegetation and any of the properties enumerated in section 16-19 of this Code, the right is reserved to the town at any time to trim, prune or remove such tree, shrub, plant or other vegetation without notice to abutting property owner, but subject to the restrictions contained in this chapter.  
(3-9-82)

**Sec. 16-22. Abuse and mutilation of trees, etc.**

It shall be unlawful for any person to abuse, destroy or mutilate any tree, shrub or plant in or on any public place, or to attach or place any rope or wire (other than one used to support a young or broken tree) sign, poster, handbill or other thing to or on any tree growing in any public place, or to cause or permit any wire charged with electricity to come into contact with any such tree, or to allow any gases, liquid or solid substances which are harmful to such trees to come in contact with the roots or leaves.  
(3-9-82)

**Sec. 16-23. Trimming by utility companies.**

The electric light, telephone and telegraph companies shall have permission to trim trees or shrubs only to prevent any wire to come in contact with any such tree.  
(3-9-82)

**Sec. 16-24. Trees, shrubs, etc., on private property interfering with public or public property--Trimming required.**

It shall be the duty of any person growing or permitting to be grown any tree, shrub, plant or other vegetation on the private property abutting on or near public property to trim or prune such tree, shrub, plant or other vegetation so it does not or is not likely to interfere with, endanger or cause a hazard to any public street or highway or vehicle or person thereon, any public sidewalk or person thereon, or any public property or the public.  
(3-9-82)

**Sec. 16-25. Same--Procedure to correct violations of preceding section.**

When a violation of section 16-24 of this Code is observed, the town manager shall have a written notice to correct the condition served upon the owner, operator, occupant or other person growing or permitting the growth of any such tree, shrub, plant or other vegetation. Personal service of such notice or mailing of such notice to the last known address to the owner of the premises, by registered mail, shall be deemed sufficient service. Any such notice shall describe the violation, describe the corrective measures necessary and set forth a time for compliance, depending upon the hazard created, which time limit shall not, however, be less than seven (7) days, nor more than thirty (30) days from the service of the notice.  
(3-9-82)

**Sec. 16-26. Same--Final action by town upon failure to comply with section 16-25.**

The town manager, or his duly authorized representative, may trim or prune the trees, shrubs, plants or other vegetation as described in the notice in section 16-25, in the event that there is no appeal on the owner's failure to comply with the notice when the time limit described therein has expired. Such action by the town manager shall not preclude any criminal proceedings for the violation.  
(3-9-82)

**Sec. 16-27. Dangerous trees, shrubs, etc., declared a nuisance; trimming or removal.**

Notwithstanding any other provision of this chapter, any tree, shrub, plant or other vegetation or part thereof, located on private property, which is in immediate or serious danger to any public street or highway or any vehicle or person thereof, any public sidewalk or person thereon or any public property of the traveling public, is hereby declared a public nuisance and may be immediately trimmed or removed by the town manager when the person in control fails to do so.  
(3-9-82)

**Chapter 17 - SUBDIVISION OF LAND**  
**Article III. Standards of Design**  
**Division 6. Streets**

**Sec. 17-55.2. Street trees.**

Street trees shall be provided within all street rights-of-way in all subdivisions in accordance with the standards set forth in section 21-234 of chapter 21, zoning.

## **Chapter 21 - ZONING**

### **Article III. Rural, Residential District RR-1**

#### **Division 1. General Provisions**

##### **Sec. 21-30. Landscape plan: landscaping, trees, buffers and screening.**

A landscape plan shall be required and landscaping, trees, buffers, and screening shall be provided in accordance with the applicable provisions of article XXIII of this chapter.  
(2-17-04, § A2)

### **Article IV. Residential, Restricted District R-1**

#### **Sec. 21-38. Landscape plan: landscaping, trees, buffers and screening.**

A landscape plan shall be required and landscaping, trees, buffers, and screening shall be provided in accordance with the applicable provisions of article XXIII of this chapter.  
(2-17-04, § A2)

### **Article V. Residential, Limited District R-2**

#### **Sec. 21-46. Landscape plan: landscaping, trees, buffers and screening.**

A landscape plan shall be required and landscaping, trees, buffers, and screening shall be provided in accordance with the applicable provisions of article XXIII of this chapter.  
(2-17-04, § A2)

### **Article VI. Residential, Medium District R-3**

#### **Sec. 21-54. Landscape plan: landscaping, trees, buffers and screening.**

A landscape plan shall be required and landscaping, trees, buffers, and screening shall be provided in accordance with the applicable provisions of article XXIII of this chapter.  
(2-17-04, § A2)

### **Article VII. Residential, Medium-High District R-4**

#### **Sec. 21-65. Landscape plan: landscaping, trees, buffers, and screening.**

A landscape plan shall be required and landscaping, trees, buffers and screening shall be provided in accordance with the applicable provisions of article XXIII of this chapter.  
(11-24-98(3), § 1; 6-12-01, § 1; 2-17-04, § A3)

### **Article VIII. Residential, Multi-family District R-5**

#### **Sec. 21-77. Landscape plan: landscaping, trees, buffers, and screening.**

A landscape plan shall be required and landscaping, trees, buffers and screening shall be provided in accordance with the applicable provisions of article XXIII of this chapter.  
(2-17-04, § A3)

### **Article IX. Residential, Office District RO-1**

#### **Sec. 21-82.1. Landscape plan: landscaping, trees, buffers and screening.**

A landscape plan shall be required and landscaping, trees, buffers, and screening shall be provided in accordance with the applicable provisions of article XXIII of this chapter.  
(2-17-04, § A2)

### **Article X. Central Business District B-1**

**Sec. 21-99.1. Landscape plan: landscaping, trees, buffers, and screening.**

A landscape plan shall be required and landscaping, trees, buffers and screening shall be provided in accordance with the applicable provisions of article XXIII of this chapter.  
(2-17-04, § A3)

**Article XI. Highway Commercial District B-2**

**Sec. 21-109. Landscape plan: landscaping, trees, buffers, and screening.**

A landscape plan shall be required and landscaping, trees, buffers and screening shall be provided in accordance with the applicable provisions of article XXIII of this chapter.  
(2-17-04, § A3)

**Article XII. Neighborhood Commercial District B-4**

**Sec. 21-117. Landscape plan: landscaping, trees, buffers, and screening.**

A landscape plan shall be required and landscaping, trees, buffers and screening shall be provided in accordance with the applicable provisions of article XXIII of this chapter.  
(2-17-04, § A3)

**Article XIII. Limited Industrial District M-1**

**Sec. 21-125.2. Landscape plan: landscaping, trees, buffers, and screening.**

A landscape plan shall be required and landscaping, trees, buffers and screening shall be provided in accordance with the applicable provisions of article XXIII of this chapter.  
(2-17-04, § A3)

**Article XIV. Higher Education District HE**

**Sec. 21-133.2. Landscape plan: landscaping, trees, buffers and screening.**

A landscape plan shall be required and landscaping, trees, buffers, and screening shall be provided in accordance with the applicable provisions of article XXIII of this chapter.  
(2-17-04, § A2)

**Article XVI. Planned Developments**

**Division 2. Planned Unit Development PUD**

**Sec. 21-153. Landscape plan: landscaping, trees, buffers, and screening.**

A landscape plan shall be required and landscaping, trees, buffers and screening shall be provided in accordance with the applicable provisions of article XXIII of this chapter.  
(2-17-04, § A3)

**Division 3. Planned Mobile Home District PMH**

**Sec. 21-168. Landscape plan: landscaping, trees, buffers, and screening.**

A landscape plan shall be required and landscaping, trees, buffers and screening shall be provided in accordance with the applicable provisions of article XXIII of this chapter.  
(2-17-04, § A3)

**Division 4. Planned Shopping Center District PSC**

**Sec. 21-175. Landscape plan: landscaping, trees, buffers, and screening.**

The minimum landscaped open space in any PSC District shall not be less than two (2) percent of the gross area of the lot. A landscape plan shall be required and landscaping, trees, buffers and screening shall be provided in accordance with the applicable provisions of article XXIII of this chapter.

(2-17-04, § A3)

#### **Article XIX. Off-Street Parking**

##### **Sec. 21-201. Landscaping, trees, buffers and screening.**

Landscaping, trees, buffers and screening within and adjacent to off-street parking areas shall be provided in accordance with the applicable provisions of article XXIII of this chapter.

(3-23-93, § 1; 2-17-04, § C2)

#### **ARTICLE XXIII. - LANDSCAPING**

##### **Sec. 21-230. Intent and applicability.**

(a) *Intent.* Pursuant to the general purpose of this chapter set forth in article I, the intent of this article is to establish regulations and standards for the preservation and planting of trees, the provision of other landscaping features and the provision of buffers and screening, in order to:

- (1) Aid in the prevention of erosion and sedimentation;
- (2) Reduce stormwater runoff and the costs associated therewith;
- (3) Aid in the removal of carbon dioxide from the atmosphere and in the generation of oxygen and in the filtration of air pollutants;
- (4) Preserve the water table and provide for reforestation;
- (5) Provide shade in summer, thus reducing air conditioning costs, and provide windbreaks in winter as protection against severe weather;
- (6) Aid in the control of drainage and the restoration of denuded soil subsequent to construction and grading;
- (7) Protect and enhance property values;
- (8) Protect and enhance the physical and aesthetic environment of the town as a whole;
- (9) Provide, where applicable, visual screening and sound abatement, and generally enhance compatibility between land uses;
- (10) Generally protect and enhance the quality of life and the general welfare of the town;
- (11) Minimize the effect of heat islands;
- (12) Provide residents with a possible seating area or resting point between destinations.

...

(10-8-85; 9-22-87; 2-17-04)

##### **Sec. 21-231. Landscape plan.**

...

(c) *Contents of landscape plan.* The landscape plan shall show the following information, provided that with prior approval of the zoning administrator, required contents of the landscape plan may be shown on the site plan, and particular information may be omitted from a landscape plan when, due to the nature or limited scope of a development, such information is not necessary for evaluation of the plan or for purposes of maintaining a record.

...

(2) All existing healthy trees and other significant vegetation on the site, provided that groups of trees may be outlined so long as all trees in excess of twenty (20) inches caliper are shown as individual specimens;

(3) All trees and significant vegetation proposed to be removed, and all trees and significant vegetation proposed to be preserved, including the means of protecting such during construction in accordance with guidelines contained in the Development Guidelines Handbook;

(4) The means of satisfying all applicable requirements of this article for tree planting, landscaping, treatment of setbacks, buffers, and screening, including a schedule of plant materials and including all structural material to be installed and all vegetative material to be planted with its location, species, size at planting, spacing where applicable, and typical planting detail;

...

(10-8-85; 9-22-87; 2-17-04)

### **Sec. 21-232. Tree preservation and planting.**

(a) *Applicability.* The tree preservation and tree planting requirements set forth in this section shall apply to all uses in all districts, except that the requirements shall not apply to single-family detached dwellings or to farmland, designated wetlands, dedicated school sites, playing fields and other nonwooded recreation areas, and other facilities and uses of a similar nature. In the case of development existing at the effective date of these provisions, the requirements of this section shall apply when there is a change in use of the property, or where the main building on the property is enlarged by a cumulative total of more than ten (10) percent of the gross floor area of the original building, or more than one thousand (1,000) square feet, whichever is less.

(b) *Tree coverage requirements.* Existing trees shall be preserved or additional trees shall be planted on each lot, and shall be of such species, size and number as to provide an estimated canopy with twenty (20) years after approval of the landscape plan of not less than the following:

(1) Lots in RR-1, R-1, R-2, R-3, R-4, RO-1 and PMH districts: Twenty (20) percent of the lot area; except that lots devoted to office use in the RO-1 district: Ten (10) percent of the lot area;

(2) Lots in R-5 and PUD districts: Fifteen (15) percent of the lot area;

(3) Lots in B-1, B-2, M-1, PSC and POB districts: Ten (10) percent of the lot area.

(c) *Credit for preservation of existing trees.* Healthy existing trees must be preserved to the extent possible as determined by the zoning administrator. Existing trees on the lot shall be credited toward the tree coverage requirement when such trees meet the other requirements of this section, are shown on the approved landscape plan and are adequately protected during construction, provided such trees have a reasonable expectation of survival as determined by the zoning administrator from material contained in the Development Guidelines Handbook or additional supporting data submitted with the landscape plan.

(d) *Location of trees.* Trees to be credited toward the tree coverage requirement may be located anywhere on a lot, provided such trees are reasonably dispersed throughout portions of the lot not covered by buildings or paved areas. Existing trees to be preserved and trees to be planted to satisfy parking lot landscaping requirements and street tree requirements of this article shall be credited toward the tree coverage requirement, except that existing trees within public rights-of-way shall not be so credited.

(e) *Minimum tree sizes.* Trees to be credited toward the tree coverage requirement shall meet the following standards at the time of planting or, in the case of existing trees to be preserved, shall meet the following standards at the time of completion of development on the site:

(1) Large deciduous trees: Minimum two and one-half (2 1/2) inches caliper;

- (2) Small deciduous trees: Minimum five (5) feet height;
- (3) Evergreen trees: Minimum five (5) feet height.
- (4) Each type of tree chosen must provide a canopy of at least two hundred fifty (250) square feet after twenty (20) years.

(f) *Determining projected tree coverage, acceptable species and other standards.* Projected tree coverage, acceptable species, accepted means of protecting existing trees and other standards and guidelines for tree preservation and tree planting shall be determined in accordance with the tree canopy matrix and other material included in the Development Guidelines Handbook. Otherwise acceptable tree species or larger trees not shown on the tree canopy matrix may be given credit toward the tree coverage requirement when supporting data adequate to determine coverage is provided to and accepted by the zoning administrator.

(10-8-85; 9-22-87; 2-17-04)

### **Sec. 21-233. Landscape setbacks.**

(a) *Landscaped setback required.* A landscaped setback of not less than twenty (20) feet in depth measured from the existing or future right-of-way, whichever is greater, shall be provided along all streets, except that this requirement shall not be applicable to:

- (1) Property located in the B-1 district (See article X of this chapter for setback and yard requirements in the B-1 district); and
- (2) Property devoted to single-family detached or two-family use (See setback and yard requirements in the district in which the use is located).

(b) *Improvement of required landscaped setbacks.* Required landscaped setbacks shall be landscaped with appropriate vegetative ground cover or shrubbery and shall be provided with street trees as specified in section 21-234 of this article. Existing healthy trees with a caliper of ten (10) inches or greater located within such setback shall be preserved unless preservation is not possible due to circumstances external to the site. Approved walkways and other incidental improvements for pedestrian use may be located within landscaped setbacks. (See the Development Guidelines Handbook for guidelines and examples for treatment of landscaped setbacks.)

(c) *Use of required landscaped setbacks.* No building or structure, other than a permitted sign, and no parking, loading or vehicle circulation area, except approved means of ingress and egress, shall be located within any required landscaped setback. No required landscaped setback shall be used for the display or storage of items for sale or for any similar activity.

(10-8-85; 9-22-87; 2-17-04)

### **Sec. 21-234. Street trees.**

(a) *Required street trees.* Street trees as specified in this section shall be preserved or planted along all streets, except that this requirement shall not be applicable to single-family detached dwellings on existing lots of record. In the case of development existing at the effective date of these provisions, the requirements of this section shall apply when there is a change in use or the property, or where the main building on the property is enlarged by a cumulative total of more than ten (10) percent of the gross floor area of the original building, or more than one thousand (1,000) square feet of floor area, whichever is less. (See section 17-35 of chapter 17, subdivision of land, for street tree requirement in single-family subdivisions).

(b) *Number of street trees required.* Street trees shall be provided at the rate of not less than one (1) tree for each fifty (50) linear feet, or major fraction thereof, of street frontage. In addition thereto, median strips within a development shall be provided with street trees at the rate of not less than one (1) tree for each fifty (50) linear feet, or major fraction

thereof, of such median. It is not the intent of this provision to require that street trees be provided with specific or uniform spacing, but that they be distributed throughout permitted locations with consideration for the species of trees, and the locations of driveways, other landscaping and topographic features, signs, easements and utilities, in accordance with guidelines contained in the Development Guidelines Handbook.

(c) *Location of trees.* Trees to be credited toward the street tree requirement shall be located within the required landscaped setback as set forth in section 21-233 of this article, provided that street trees may be located within the street right-of-way when in accordance with the guidelines contained in the Development Guidelines Handbook. In any case where a landscaped setback is not required by section 21-233, required street trees may be located within the street right-of-way or on the lot and within ten (10) feet of the street line.

(d) *Minimum tree sizes.* Trees to be credited toward the street tree requirement shall be deciduous trees having a caliper of not less than two and one-half (2 1/2) inches at the time of planting or, in the case of existing trees to be preserved, at the time of completion of development on the site.

(e) *Credit for preservation of existing trees.* Healthy existing trees to be preserved shall be credited toward the street tree requirement when such trees meet the other requirements of this section, are shown on the approved landscape plan and are adequately protected during construction, provided such trees have a reasonable expectation of survival as determined by the zoning administrator from material contained in the Development Guidelines Handbook or additional supporting data submitted with the landscape plan.

(f) *Acceptable species, spacing of trees and other standards.* Acceptable species, spacing of trees, accepted means of protecting existing trees and other standards and guidelines for tree preservation and tree planting shall be as specified in the Development Guidelines Handbook.

(10-8-85; 9-22-87; 2-17-04)

### **Sec. 21-235. Parking area landscaping.**

(a) *Applicability.* The requirements of this section shall be applicable to all off-street parking areas exceeding four thousand five hundred (4,500) square feet in area. For purposes of this section, the area of an off-street parking area shall be construed to be that portion of a lot which is paved or otherwise improved for the purpose of parking vehicles, including all parking spaces, access aisles, driveways, loading space and vehicle stacking areas and maneuvering space. (See the Development Guidelines Handbook for illustrative examples of application of the requirements of this section).

(b) *Existing parking areas.* In the case of parking areas existing at the effective date of these provisions, the requirements of this section shall apply when a previously unpaved parking area is paved or when a parking area is reconstructed by removal of existing improvements and replacement thereof. In the case of expansion of any parking area existing at the effective date of these provisions by a cumulative total of more than two thousand (2,000) square feet, the requirements of this section shall apply to the area of expansion, provided that internal landscaping and trees required for the expanded area may be dispersed throughout the entire parking area. In any case where an existing parking area is expanded by a cumulative total of greater than fifty (50) percent of its original area, the requirements of this section shall apply to the entire parking area.

(c) *Required internal landscaping.* Not less than five (5) percent of the parking area shall be devoted to landscaped islands or other internal landscaping. When landscaped islands located in accordance with the requirements of paragraph (d) of this section result in an area greater than five (5) percent of the parking area, the higher percentage shall apply. When landscaped islands located in accordance with the requirements of paragraph (d) of this section result in an area less than five (5) percent of the parking area, any landscaped

area located within the front yard of the lot and in excess of the minimum required landscaped setback or minimum required peripheral landscaping may be credited toward the internal landscaping requirement. All areas to be credited toward the internal landscaping requirement shall consist of trees, shrubs, vegetative ground cover, other plant material, or combinations thereof, and may contain pedestrian walkways incidental to such landscaping.

(d) *Landscaped islands.* Landscaped islands meeting the standards of this section shall be located within parking areas so that not more than ten (10) parking spaces are situated in a single continuous row, except as provided in paragraph (1) below, and so that each end of each row of parking spaces is separated from adjacent access aisles and driveways by a landscaped island. The following standards shall be applicable to landscaped islands:

(1) *Size of landscaped islands.* Landscaped islands shall be not less than nine (9) feet in width as measured between the outside faces of curbs or other features that define the landscaped island if curbs are not provided, and shall be not less than the length of the abutting parking spaces. When landscaped islands of not less than fifteen (15) feet in width are provided, such islands may be located so that not more than fifteen (15) parking spaces are situated in a single continuous row. In the case of landscaped islands having irregular width, the width shall be measured at each point where a tree is to be located within the island.

(2) *Improvement of landscaped islands.* Each landscaped island shall be planted with at least one (1) deciduous tree having a caliper of not less than two and one-half (2 1/2) inches at the time of planting. The type of deciduous tree that should be used can be located on the tree canopy matrix and would consist of those trees that fall under the "shade and parking lot" use category. The appropriate quantity and type of tree shall be approved by the zoning administrator. The island shall also include shrubs, vegetative ground cover, other plant material, or combinations thereof, and may contain pedestrian walkways incidental to landscaping. Healthy existing trees to be preserved shall be credited toward the tree requirement when such trees meet the other requirements of this section, are shown on the approved landscape plan and are adequately protected during construction, provided such trees have a reasonable expectation of survival as determined by the zoning administrator from material contained in the Development Guidelines Handbook or additional supporting data submitted with the landscape plan. Required landscaped islands shall be protected from encroachment by vehicles by curbs, wheel stops or other approved features, and shall not include any portion of a required parking space.

(3) *Areas to be credited as landscaped islands.* Landscaped islands shall include areas that meet the requirements of this section and are situated in any of the following manners:

- a. Within an otherwise continuous row of parking spaces so as to provide separation between such spaces;
- b. At the end of a row of parking spaces so as to provide separation between such spaces and an access aisle or driveway;
- c. Between opposing rows of parking spaces, or between a row of parking spaces and an access aisle or driveway; or
- d. At the end of a row of parking spaces so as to provide a landscaped corner between rows of parking spaces that are arranged at an angle to one another.

(e) *Peripheral landscaping.* Landscaped areas of not less than five (5) feet in width shall be provided so as to separate off-street parking areas from abutting property, except that this requirement shall not apply where buffer or screening requirements set forth in section 21-236 of this article impose a greater standard, or along a mutual lot line that is subject to a recorded cross-easement enabling vehicle access between abutting lots. Peripheral landscaping shall consist of trees, shrubs, vegetative ground cover, other plant material, or combinations thereof, and may contain walkways incidental to such landscaping and

providing pedestrian access between abutting properties. Peripheral landscaping shall be protected from encroachment by vehicles by curbs, wheel stops or other approved features, and shall not include any portion of a required parking space.  
(2-17-04)

**Sec. 21-238. Maintenance and replacement of required landscaping.**

All required landscaping, trees, buffers and screening shall be maintained and replaced or supplemented as necessary to continue to comply with the standards set forth in this article. All structural features installed to satisfy the requirements of this article shall be maintained, repaired, replaced, painted or otherwise enhanced as necessary to continue to perform the function for which they are intended.  
(2-17-04)