

**Chapter 5 BUILDING REGULATIONS; PROPERTY MAINTENANCE**

**Article V. Blighted Property**

**Division 1. Miscellaneous**

**Sec. 5-146. Damaging or defacing property generally.**

(a) It shall be unlawful for any person to willfully and maliciously damage or deface any public buildings, facilities or real or personal property (including, without limitation, any tree, shrub, bush or flowers), or any private buildings, facilities or real or personal property. The possession of paint, ink, stain, varnish, dye or any other substance which leaves a mark, without authority of the owner, lessee or agent of the owner, by a person apprehended upon public property, or in a public building, shall be prima facie evidence of an intent to defile, deface, brand, write, mark or paint such structure or building as is prohibited by this section. Except as provided herein below, a person found guilty of a violation of this section shall be punished as provided in section 5-1 of this chapter.

...  
(7-16-01(1))

**Sec. 5-149. Unlawful growth of weeds and other vegetation.**

(a) The following definitions shall apply to these words when used in this section:

- ...
- (3) *Weeds* means any plant, grass, weed, brush or any other vegetation, herbaceous or woody, other than
- (i) trees, ornamental shrubbery and vegetable and flower gardens purposefully planted and maintained free of weed hazard or nuisance;
  - (ii) cultivated crops;
  - (iii) public recreational areas or trails intended to be left in their natural state; and
  - (iv) vegetation along natural streams or watercourses when necessary to deter erosion.

(b) A person found guilty of a violation of either of the following provisions shall be punished as provided in section 5-1 of this chapter.

(1) It shall be unlawful for the owner of any parcel of real estate to allow weeds to reach a height of eighteen (18) or more inches, where such weeds are located: (i) on any developed lot or parcel in the city, or (ii) on that portion of any undeveloped lot or parcel in the city which is within one hundred fifty (150) feet of any building, street, sidewalk or public right-of-way. All weeds existing in violation of this section are hereby declared to constitute a public nuisance.

(2) It shall be unlawful for the owner of any parcel of real estate to allow thereon any hedge, shrub, tree or other vegetation, the limbs, branches or other parts of which overhang, extend or protrude into any street, sidewalk or public alley in a manner which obstructs or impedes the safe and orderly movement of persons or vehicles thereon, or in the case of trees, when the dead limbs or branches thereof are likely to fall into or across such street or sidewalk thereby endangering such persons and vehicles. Any such hedge(s), shrub(s), tree(s) or other vegetation existing in violation of this section is hereby declared to constitute a public nuisance.

...  
(7-16-01(1))

**Chapter 29 SUBDIVISION OF LAND**

**Article I. General Provisions**

**Sec. 29-3. Definitions.**

*Open space* means an area containing water or land, or a combination thereof, that is unoccupied by building lots, streets or other improvements, and which may be vegetated, or left in an undisturbed state.

*Streetscape trees* means trees planted adjacent to existing or proposed public streets, as required by City Code section 34-870.

**ARTICLE IV. DESIGN AND IMPROVEMENTS**

**DIVISION 2. BOUNDARIES, LOTS AND BLOCKS**

**Sec. 29-162. Streetscape trees.**

Sufficient areas shall be set aside on each lot for the planting of streetscape trees along the frontage of all existing or proposed public streets, in accordance with City Code section 34-870, as that section may be amended from time to time. Trees shall be planted according to the standards outlined in the master tree list, referenced in the zoning ordinance.

(4-21-08(1))

**Chapter 10 WATER PROTECTION**

**ARTICLE IV. STREAM BUFFERS**

**Sec. 10-71. Duty to retain or establish stream buffer.**

(a) Except as otherwise provided in this article, any land adjacent to the following listed waters, shall provide buffers for the purposes of retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff:

- (1) Rivanna River;
- (2) Moore's Creek;
- (3) Meadow Creek.

(b) A required stream buffer shall be no less than one hundred (100) feet wide on each side of the stream, which buffer shall be measured horizontally from the top of the stream bank.

...

(e) Within a required stream buffer, no indigenous vegetation shall be disturbed or removed, except as follows:

- (1) Activities pertaining to the management of the stream buffer, identified in section 10-72 of this article;
- (2) Development activities authorized in a stream buffer, identified in section 10-74;
- (3) Activities authorized in section 10-73;
- (4) Tilling, planting or harvesting of agricultural or horticultural crops in home gardens.

...

(9-20-04, § 1)

**Sec. 10-72. Management of a stream buffer.**

Each stream buffer required to be established or maintained pursuant to this article shall be managed as provided herein:

(1) The target vegetative cover in a stream buffer area shall be an indigenous riparian forest with ground cover, shrub and tree canopy layers.

- (2) Within twenty-five (25) feet of the top of the stream bank:
- a. Indigenous riparian vegetation shall be preserved, or, where it does not exist, it shall be restored or allowed to evolve by natural succession;
  - b. Dead, diseased, and dying trees may be removed;
  - c. Fallen trees that are blocking stream channels, or trees with undermined root systems in imminent danger of falling, may be removed where stream bank erosion is a current or potential problem that outweighs any positive effects the fallen tree or trees may have on the stream ecosystem;
  - d. Removal or pruning of invasive shrub and vine species is allowed, provided that such removal or pruning is done in a manner that prevents erosion;

...

- (3) Beyond twenty-five (25) feet from the top of the stream bank to the limits of the required buffer:

- a. Dead, diseased and dying trees may be removed;
- b. Trees six (6) inches in diameter or greater, measured forty-eight (48) inches from the ground, shall be preserved;
- c. Removal or pruning of invasive shrub and vine species shall be allowed, provided that such removal or pruning is done in a manner that prevents erosion; and

...

(9-20-04, § 1)

**Chapter 34 ZONING**  
**ARTICLE II. OVERLAY DISTRICTS**  
**DIVISION 3. ENTRANCE CORRIDOR OVERLAY DISTRICTS**  
**Sec. 34-312. Application requirements.**

...

(c) Each application shall include a landscaping plan, for the uses described following below.

(1) For development subject to site plan review, such plan shall meet the requirements set forth below as well as those required within Article VII, section 34-867.

(2) For other applications, the landscaping plan shall consist of drawings, documents and information sufficient to allow the director to determine whether the following requirements are satisfied:

a. *Uses to be screened:* Parking lots, loading areas, refuse areas, storage areas, detention ponds and mechanical equipment shall be screened from view from the adjacent EC street.

b. *Standards for screening:* When required, screening shall consist of the following:

(i) A planting strip of vegetation or trees, an opaque wall, an opaque fence or a combination of these.

(ii) Where only vegetative screening is provided, such screening strip shall not be less than twenty (20) feet in depth and shall consist of a double staggered row of evergreen trees on fifteen-foot centers, a minimum of five (5) feet in height when planted, or a double staggered row of evergreen shrubs on five-foot centers, a minimum of twenty-four (24) inches in height when planted. Alternative methods of vegetative screening may be approved by the ERB or the director in connection with approval of a certificate of appropriateness.

(iii) Where a fence or wall is provided for screening, it shall be a minimum of six (6) feet in height with planting required at ten-foot intervals along such structure.

(3) Landscaping. All nonresidential uses, including parking lots and vehicular display areas, shall have all of the street frontage, exclusive of driveways and walkway connections, landscaped with trees and other varieties of plant material at least eighteen (18) inches in height at maturity. The planning commission or the planning director may allow a deviation from these requirements if, in its judgment, such deviation is consistent with the intent of this article. The tree varieties shall conform to those recommended in the city's List of Approved Plantings. All uses shall have the side and rear property edges defined with a fence, wall or curbed planting strip of trees and other plantings a minimum of twenty-four (24) inches in height at maturity.

...

(9-15-03(3); 6-6-05(2))

**ARTICLE III. RESIDENTIAL ZONING DISTRICTS**  
**DIVISION 4. STANDARDS FOR TOWNHOUSES.**  
**Sec. 34-390. Access.**

If access to a townhouse development is to be provided by means of a private street or access easement, the following minimum standards shall be observed:

...

(5) Trees shall be planted along the frontage of the street/easement, at fifty (50) foot intervals (maximum).  
(9-15-03(3))

## **ARTICLE V. PLANNED UNIT DEVELOPMENT DISTRICTS**

### **DIVISION 1. GENERALLY**

#### **Sec. 34-490. Objectives.**

In reviewing an application for approval of a planned unit development (PUD) or an application seeking amendment of an approved PUD, in addition to the general considerations applicable to any rezoning the city council and planning commission shall consider whether the application satisfies the following objectives of a PUD district:

...

(7) To ensure preservation of cultural features, scenic assets and natural features such as trees, streams and topography;

...

(9-15-03(3))

### **DIVISION 2. DEVELOPMENT STANDARDS**

#### **Sec. 34-502. Landscaping.**

(a) A portion of the required open space shall consist of landscaped open areas, in an amount equal to twenty (20) percent of the aggregate gross floor area of commercial uses within the development.

(b) In all PUD districts landscaping shall be provided using materials consistent with those required by Article VIII, sections 34-861, et seq.) and the city's list of approved plantings.

(c) In addition to the requirements of paragraphs (a) and (b), above, landscaping shall be utilized within a PUD:

(1) To provide visual separations or buffers, as may be appropriate, between uses and areas different in intensity or character from one another, and between the PUD and adjacent low-density residential districts;

(2) To protect and enhance the scenic, recreational, or natural features of a site; priority shall be given to preservation of existing trees having a caliper of eight (8) or more inches and in-place natural buffers;

(3) As a means of harmonizing the street frontage along the perimeter of a PUD with the street frontage of adjacent properties;

(4) To minimize the impact of noise, heat, light and glare emanating from a building, use or structure upon adjacent buildings, uses or structures.

(9-15-03(3))

#### **Sec. 34-503. Sensitive areas.**

The following areas shall be left natural and undisturbed, except for street crossings, hiking trails, utilities and erosion control devices:

(1) Land within a floodway or floodway fringe;

(2) Wetlands; and

(3) Steep slopes.

(9-15-03(3))

### **DIVISION 3. PROCEDURES**

#### **Sec. 34-517. PUD development plan--Requirements.**

(a) Each of the following is a required component of a complete plan of development submitted in connection with an application for approval of a planned unit development:

...

(3) A concept plan, supporting maps, and written or photographic data and analysis which show:

...

c. A site inventory of the significant natural, environmental and cultural features of a site, including at a minimum: historic landmarks contained on any state or federal register; vegetation; existing trees of eight-inch caliper or greater; wetlands, topography, shown at intervals of five (5) feet or less, steep slopes, and other, similar characteristics or features, and a plan for preserving, protecting, utilizing and/or incorporating such features into the design and function of the proposed PUD.

...

e. A general landscape plan which focuses on the general location and type of landscaping to be used within the project as well as the special buffering treatment proposed between project land uses and adjacent zoning districts;

...  
(9-15-03(3))

## **ARTICLE VII. SITE PLANS**

### **DIVISION 1. APPLICABILITY AND ADMINISTRATION**

#### **Sec. 34-802. Site plans--When required.**

(a) In all zoning districts, a site plan shall be required for any construction, use or change in use, for any development, and prior to the removal of trees having a caliper of fifteen (15) inches or more, except that no site plan shall be required for the following:

- (1) The construction, addition to, or location of any single-family detached dwelling upon a lot whereon there are located, or proposed to be located, an aggregate of two (2) or fewer dwellings.
- (2) The construction or location of a two-family dwelling on any lot not occupied by any other dwellings.
- (3) Any accessory structure to a single-family detached or two-family dwelling.
- (4) Any change of a use, provided that:
  - a. Such change does not occasion additional parking under the requirements of this chapter;
  - b. No additional ingress/egress, or alteration of existing ingress/egress is recommended by the city, based on intensification of use; and
  - c. No additional ingress/egress, or alteration of existing ingress/egress is proposed.
  - d. No removal of trees having a caliper of fifteen (15) inches or more is proposed.

...

(c) The director may waive the requirement of a site plan, or one (1) or more particular submission requirements, for an addition to any existing building, structure or use, upon a determination that such addition will not adversely impact:

- (1) Other existing buildings and land uses in the surrounding area;
- (2) The existing natural environment;
- (3) The safety or convenience of traffic and pedestrian circulation in the surrounding area;
- (4) Drainage and public utilities; or
- (5) Existing trees having a caliper of eight (8) inches or more.

Alternatively, the director, in his sole discretion, may refer any waiver request to the planning commission for consideration. Any decision of the director denying a waiver request may be appealed by the developer to the planning commission.  
(9-15-03(3))

## **ARTICLE VIII. IMPROVEMENTS REQUIRED FOR DEVELOPMENTS**

### **DIVISION 2. LANDSCAPING AND SCREENING**

#### **Sec. 34-861. Purpose.**

The purpose of these landscaping and screening requirements is to provide for the installation, preservation and maintenance of plant materials intended to:

- (1) Insure development consistent with the goals of the comprehensive plan related to natural resources and environmental and land use standards;
- (2) Promote the public health, safety and welfare;
- (3) Conserve energy by providing shade and wind breaks;
- (4) Provide pervious area which helps to reduce surface water run-off;
- (5) Improve air quality;
- (6) Minimize noise, dust and glare;
- (7) Promote traffic safety by controlling views and defining circulation patterns; and
- (8) Protect and preserve the appearance, character and value of neighboring properties.

(9-15-03(3))

#### **Sec. 34-862. Approved list of plantings.**

The director shall, from time to time, promulgate a list of trees and other plant materials acceptable for use in meeting the landscaping requirements of this division ("list of approved plantings"). This list shall be maintained in the department of neighborhood development services and shall be available for inspection. Except where otherwise authorized by the director as an approved variation or waiver, all trees and other plant materials required by this article shall be selected from the current list of approved plantings.

(9-15-03(3))

#### **Sec. 34-863. Size of plantings.**

(a) Except where otherwise provided, trees and plant materials required by the provisions of this article shall be of the following minimum sizes at the time of planting:

- (1) *Trees*: Two-inch caliper.
- (2) *Shrubs*: Eighteen (18) inches.

(b) For the purposes of this division, the term "caliper" refers to the diameter of a tree. Tree caliper shall be determined as follows:

- (1) At a point six (6) inches above the root ball, at the time of planting (for trees planted or installed pursuant to a requirement of this article), and
- (2) At a point twelve (12) inches above the ground, for existing trees.

(9-15-03(3))

#### **Sec. 34-864. Bonding requirements.**

(a) *Performance bonds*. The director may require that landscaping shown on an approved landscaping plan be either installed or sufficiently bonded to guarantee installation, prior to

the issuance of a certificate of occupancy. All landscaping must be installed by the first planting season following issuance of a certificate of occupancy.

(1) The performance bond shall be for an amount equal to the value of the required plants and the costs of installation, as determined by the zoning administrator following consideration of an estimate prepared by a landscape contractor, which estimate must be obtained by the developer and supplied to the zoning administrator at the time a request for issuance of a certificate of occupancy is made.

(2) The performance bond shall be released when all required plantings have been installed in accordance with the final approved landscape plan, as determined by the zoning administrator.

(3) During any water emergency declared by the city council, the director may prohibit installation of trees, plants or screening materials. In this event, the developer shall be required to maintain the performance bond in effect for the duration of the emergency. Once a declaration of water emergency ends, the developer shall install the required plants within sixty (60) days.

(b) *Maintenance bonds.* A maintenance bond shall be posted by the developer in favor of the city. If the landscaping is installed prior to the issuance of a certificate of occupancy, then the maintenance bond shall be posted prior to the issuance of said certificate. If the landscaping is bonded for installation, rather than installed prior to the issuance of a certificate of occupancy, then the maintenance bond shall be posted when the materials are planted and before the performance bond is released.

(1) The maintenance bond shall be in the amount of one-third ( 1/3) of the value of the performance bond, and shall be held for a period of twelve (12) months following the planting date. When existing plantings are preserved in lieu of required new plantings, the bond shall be calculated according to the replacement value of plantings that meet the minimum requirements of this article.

(2) At the end of the twelve-month time period, the bond shall be released if all plantings are in healthy condition, as determined by the zoning administrator. Thereafter, landscaping shall be maintained in a healthy condition by the current owner of the property on which such materials are planted, or property owners' association (where applicable) and replaced when necessary. Replacement materials shall conform to the original landscape plan.

(9-15-03(3))

#### **Sec. 34-866. Preservation of existing landscape features.**

(a) The developer shall demonstrate reasonable efforts, in light of the proposed development and topography of a particular site, to preserve, replenish, protect and utilize the following types of landscape features: trees of eight-inch caliper or larger; ornamental trees of any size; trees within required setbacks or along boundaries, unless necessary to remove for access, grading, tree health, circulation, utilities or drainage; streams in their natural condition; and natural features of the site which promote energy conservation.

(b) The director may require a developer to preserve existing landscape features, upon a determination (following a site inspection) that the features contribute significantly to the character of the neighborhood and/or are unique in character, and that the preservation of such features is necessary to satisfy the purpose and intent of this section.

(c) With the approval of the director trees of exceptional size, canopy, specimen type, age or historical value may be credited as up to four (4) trees of the same function group, for purposes of satisfying landscaping and screening requirements ("tree preservation bonus").

(d) As a condition of any requested approval, or in conjunction with a requirement imposed pursuant to paragraph (b), above, the director may require the developer to

include on the erosion and sediment control plan for the development measures to protect existing trees.

(e) The planning commission or the director shall refuse to approve any site plan that proposes unnecessary destruction of trees or other natural features.

(9-15-03(3))

### **Sec. 34-867. Landscape plan-contents.**

When required as a component of a preliminary or final site plan, a landscape plan shall show the following:

(1) The location, size and shape of all proposed plant materials, and verification that minimum landscaping and screening requirements have been satisfied (dimensions of landscaped areas shall be indicated and trees shall be depicted at full canopy). Plant materials may be indicated in generic terms, e.g. large or medium canopy tree; evergreen tree; shrub; hedge, etc.

(2) A schedule of proposed plantings, including number, height, caliper or gallon size, and botanical name, and tables calculating the amount of any open space and tree cover required and provided.

(3) With respect to street trees, the plan should be marked to indicate the classification of the street on which such trees front (including, without limitation, whether such street is within an entrance corridor overlay district) and, if the street is within one (1) of the city's corridor districts whether such street is a "primary" or "linking" street.

(4) At the option of the developer existing healthy trees, of at least eight-inch caliper, or wooded areas, may be preserved in lieu of planting new materials, in order to satisfy landscaping and screening requirements, subject to the determination of the director that the trees or wooded areas to be preserved will serve the purposes of this section. In such case, the landscape plan shall indicate the trees to be saved; limits of clearing; location and type of protective fencing; grade changes requiring tree wells or walls; and trenching or tunneling proposed beyond the limits of clearing. The applicant shall provide a signed conservation checklist to insure that the trees and wooded areas approved by the director for preservation will be protected during construction. Except as otherwise expressly approved by the director in a particular case, such checklist shall conform to specifications contained in the Virginia Erosion and Sediment Control Handbook.

(5) The landscape plan shall depict existing landscape features, including, without limitation: wooded areas (indicated by general type, e.g., evergreen or deciduous) and location of tree line; small groupings of trees; individual trees of eight (8) inch caliper or greater; ornamental trees of any size (indicated by common name), approximate caliper, and location; distinctive natural features, such as rock formations or water features; and man-made features of local or historic significance.

(9-15-03(3))

### **Sec. 34-868. Trees, generally.**

(a) All trees to be planted shall be selected from the city's list of approved plantings, or a substitution approved by the director, and shall meet the specifications of the American Association of Nurserymen.

(b) The planting of trees shall be done in accordance with either the standardized landscape specifications jointly adopted by the Virginia Nurserymen's Association, the Virginia Society of Landscape Designers and the Virginia Chapter of the American Society of Landscape Architects, or the road and bridge specifications of the Virginia Department of Transportation.

(c) Planting islands shall contain a minimum of fifty (50) square feet per tree, with a minimum dimension of five (5) feet, in order to protect landscaping and allow for proper

growth. Wheel stops, curbing or other barriers shall be provided to prevent damage to landscaping by vehicles. Where necessary, trees shall be welled or otherwise protected against grade changes.

(d) Only trees having a mature height of less than twenty (20) feet may be installed under overhead utility lines.

(9-15-03(3))

**Sec. 34-869. Tree cover requirements.**

(a) The provisions of the city's tree canopy ordinance adopted June 25, 1990, are hereby continued in effect and incorporated in this zoning ordinance, as follows:

(1) All developments, public or private, requiring submission and approval of a site plan shall include provisions for the preservation and planting of trees on the site to the extent that, at ten (10) years from planting, minimum tree canopies or covers will be provided as follows:

TABLE INSET:

Zoning Districts	Percentage of Site Cover
R-3, B-1, B-2, B-3, IC	10 percent
R-2	15 percent
R-1, R-1A	20 percent

The area to be occupied by the building footprint(s) and driveway access area(s) proposed for a development site shall be subtracted from the gross site area before calculating required tree coverage only when the site is located within that portion of the city described in section 34-971 (parking exempt area). This exclusion from gross site area calculations shall be allowed whether or not the proposed development will add more than ten (10) percent floor area to an existing building or is found to be new construction in the context of the off-street parking requirements.

(2) Existing trees infested with disease or insects or structurally damaged to the extent that they pose a hazard to persons or property, or to the health of other trees on site, shall not be included to meet the tree cover requirements.

(3) The requirements of this section may be waived, in whole or in part, by the director of neighborhood development services or the planning commission in the following circumstances: to allow for the reasonable development of areas devoid of woody materials, dedicated school sites, playing fields and other non-wooded recreation areas, and other facilities and uses of a similar nature; to allow for the preservation of wetlands; or when strict application of the requirements would result in unnecessary or unreasonable hardship to the developer.

(b) Within all zoning districts other than those specifically referenced within paragraph (a), above, tree cover shall be provided to the extent that, at twenty (20) years, minimum tree canopies or covers will be provided (relative to the gross area of the development site) as follows:

(1) Ten (10) percent canopy for a development site zoned for business, commercial or industrial use;

(2) Ten (10) percent for a development zoned for residential use at a density of twenty (20) or more units per acre;

(3) Fifteen (15) percent for a development zoned for residential use at a density of more than ten (10) but less than twenty (20) units per acre; and

(4) Twenty (20) percent for a development zoned for residential use at a density of ten (10) units per acre or less.

(5) The area to be occupied by the building footprint(s) and driveway access area(s) proposed for a development site shall be subtracted from the gross site area before calculating required tree coverage only when the site is located within that portion of the city described in section 34-971 (parking exempt area), or within one (1) of the following mixed-use zoning districts: Downtown (D); West Main North (WM-N), and West Main South (WM-S). The following areas may be deducted, at the option of the developer, from the gross area of the site: required recreation areas; required open space areas; land dedicated to public use; playing fields and recreation areas attendant to schools, day care, and similar uses; areas required for the preservation of wetlands, floodplain or other areas required to be maintained in a natural state by this chapter or other applicable law; and other areas approved by the director as part of a variation or waiver of the landscape plan requirements.

(6) For any mixed-use development: whether such development falls within the category of a site zoned for residential, commercial or industrial use shall be determined by the principal (predominant) use.

(c) Where existing trees are preserved on the development site, a bonus shall be granted as follows ("tree canopy bonus"): in calculating the coverage provided by trees shown on the approved landscape plan, an existing tree included on the developer's conservation checklist shall be deemed to cover an area equal to one and one-half (1.5) times the diameter of the tree's existing dripline. In order to qualify for this bonus, an existing tree must have a caliper of at least eight (8) inches.

(d) Streetscape trees required by section 34-870 may be counted toward tree cover requirements.

(e) Within the city's list of approved plantings, the director shall designate any tree species that cannot be planted to meet minimum tree canopy requirements due to tendencies of such species to: (i) negatively impact native plant communities; (ii) cause damage to nearby structures and infrastructure; or (iii) which possess inherent physiological traits that cause such trees to structurally fail.

(9-15-03(3))

### **Sec. 34-870. Streetscape trees.**

(a) Streetscape trees shall be planted along all existing or proposed public streets; however, the following areas are exempt from the requirement of streetscape trees:

- (1) Areas subject to a zero (0) building setback requirement, or
- (2) Areas where the maximum permitted building setback is fewer than ten (10) feet.

(b) Streetscape trees shall be large canopy trees; however, upon a determination by the director that site conditions warrant smaller trees, the director may approve the substitution of a medium canopy tree.

(c) Streetscape trees shall be planted with even spacing in a row, at intervals sufficient to allow for their healthy growth and development.

(1) One (1) large tree shall be required for every forty (40) feet of road frontage, or portion thereof, if twenty-five (25) feet or more; or,

(2) Where permitted, one (1) medium tree shall be required for every twenty-five (25) feet of road frontage, or portion thereof, if twenty (20) feet or more.

(3) Where required along the edge of a parking lot (as set forth within section 34-873, one (1) large tree shall be required for every fifteen (15) feet of street frontage.

(4) There shall be a minimum distance of thirty (30) feet between a large and medium tree planted adjacent to one another. Flowering understory trees shall be planted in groups; there shall be a minimum distance of fifty (50) feet between such groups.

- (d) Streetscape trees shall be planted outside existing or proposed rights-of-way, but within fifteen (15) feet of the edge of such rights-of-way; however:
- (1) Streetscape trees shall be planted within five (5) feet of the edge of the right-of-way within an entrance corridor overlay district, and
  - (2) For certain parking lots adjacent to public rights of way (see section 34-873), streetscape trees shall be planted within ten (10) feet of the edge of the right-of-way.
- (e) As an alternative to the requirements of subsection (d) above, streetscape trees may be planted in the city's existing or proposed rights of way with the approval of the director of neighborhood development services. Such approval shall specify placement and type(s) of trees to be planted. The developer must include a statement in the preliminary and final site plans guaranteeing the maintenance and, if deemed necessary by the City's arborist, replacement of any and all streetscape trees planted in the city's existing or proposed rights of way. Such guarantee by the developer for maintenance and/or replacement shall be in effect for a period of two (2) years from the date of planting.
- (f) In the case of a development subject to the Virginia Property Owners' Association Act, required streetscape trees shall be designated as part of the common area to be maintained by a property owner's association. Otherwise, maintenance of the required streetscape trees shall be the responsibility of the owner of the lot on which such trees are located.  
(9-15-03(3); 11-17-08(3))

**Sec. 34-871. Screening--Generally.**

(a) For the purposes of this section, the terms "screening" and "screen" shall be deemed synonymous with "buffering" and "buffer."

(b) When required by this chapter, screening shall consist of a planting strip, existing vegetation, a slightly opaque wall or fence, or combination thereof, to the reasonable satisfaction of the director. The following types and categories of screening shall apply throughout this chapter:

*Screen 1 ("S-1")*. The S-1 buffer/screen requires an open landscaping scheme, and is generally to be utilized between relatively similar land uses. Plantings allowed by the S-1 designation consist of the following (an applicant has the option of selecting the combination of plantings from among options "A", "B" and "C" within this screen-type):

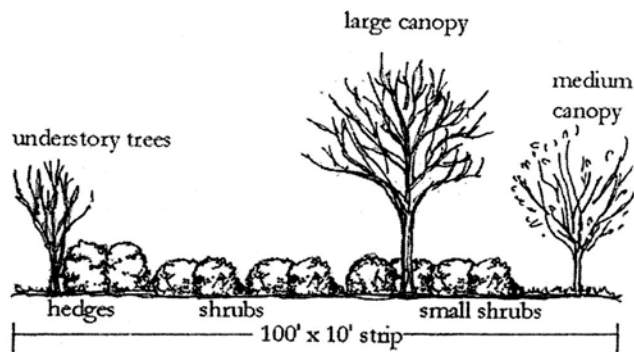


TABLE INSET:

Screen 1 (Expressed as a number of plant units per square foot of area to be covered)			
Type of Plant	A	B	C
Large Canopy Trees	1/1000 SF	1/1000 SF	1/1,000 SF
Medium Canopy Trees	1/1000 SF	1/1000 SF	1/1,000 SF

Understory Trees	n/a	1/1000 SF	n/a
Evergreen Trees	n/a	n/a	1/350 SF
Shrubs	1/100 SF	1/100 SF	1/200 SF

Screen 2 ("S-2"). The S-2 buffer/screen requires a semi-opaque landscaping scheme, which should partially block views between adjacent properties. This type of screening is generally to be utilized between dissimilar land uses, and the plantings allowed by the S-2 designation consist of the following (an applicant has the option of selecting the combination of plantings from among options "A", "B" and "C" within a designated screen-type):

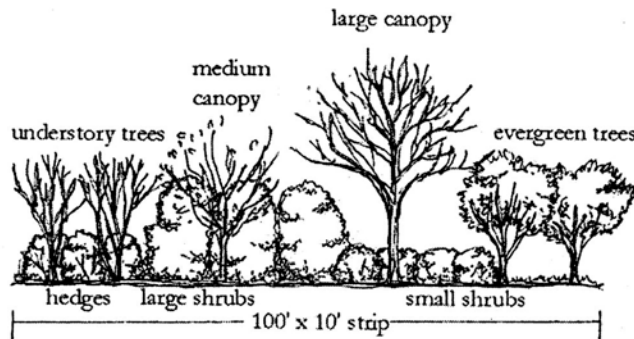


TABLE INSET:

Screen 2 (Expressed as a number of plant units per square foot of area to be covered)			
Type of Plant	A	B	C
Large Canopy Trees	1/1000 SF	1/750 SF	1/1000 SF
Medium Canopy Trees	1/1000 SF	1/1000 SF	1/1,000 SF
Understory Trees	n/a	1/500 SF	n/a
Evergreen Trees	1/500 SF	1/500 SF	1/175 SF
Shrubs	1/100 SF	1/100 SF	1/200 SF

Screen 3 ("S-3"). The S-3 buffer/screen requires an opaque landscaping scheme, one that blocks views between two adjacent properties. This type of screening is for use between dissimilar land uses, where the maximum amount of visual shielding is desired. The plantings allowed by the S-3 designation consist of the following (an applicant has the option of selecting the combination of plantings from among options "A", "B" and "C" within a designated screen-type):

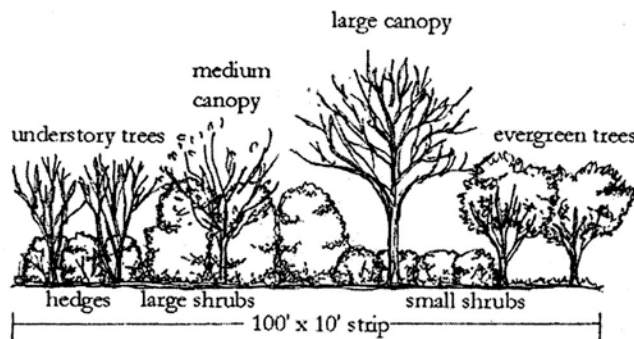


TABLE INSET:

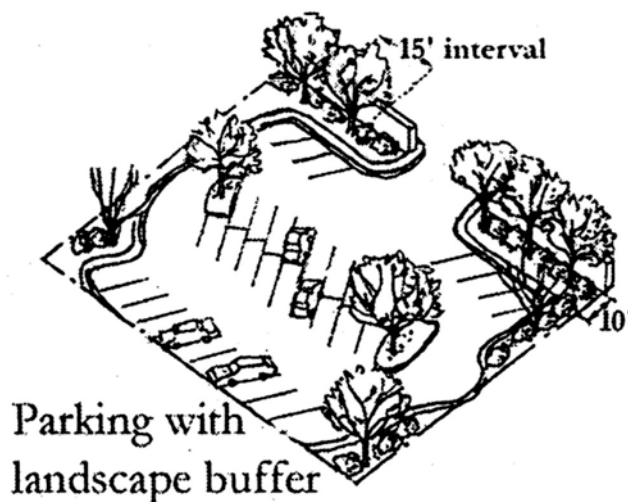
Screen 3
----------

(Expressed as a number of plant units per square foot of area to be covered)			
Type of Plant	A	B	C
Large Canopy Trees	1/1000 SF	1/1000 SF	1/1,000 SF
Medium Canopy Trees	1/1000 SF	1/1000 SF	1/1,000 SF
Understory Trees	1/500 SF	1/250 SF	1/500 SF
Evergreen Trees	1/500 SF	1/500 SF	1/175 SF
Shrubs	1/100 SF	1/100 SF	1/200 SF

With the approval of the director, an opaque wall or fence may be utilized for, or as part of, a required S-3 screen. Where allowed, such wall or fence (including any gate(s) forming a portion of such structure) shall be at least six (6) feet tall, or an alternate height deemed necessary by the director to protect required sight distances along a public right-of-way. (9-15-03(3))

**Sec. 34-873. Parking lots--Screening and interior landscaping.**

- (a) [*Defined.* ] For the purposes of this section the term "parking lot" shall mean and refer only to a parking lot containing twenty (20) or more spaces.
- (b) *Street buffer.*



(1) A continuous landscaped buffer ten (10) feet in width shall be established between the edge of a parking lot and any adjacent public right-of-way. If right-of-way improvements are required within such frontage, then a continuous landscaped buffer having an average width of ten (10) feet may be provided. Where an existing parking lot is to be expanded, and the existing lot has a landscaped buffer adjacent to a right-of-way of less than ten (10) feet in width, but at least four (4) feet in width, then no additional buffer shall be required along such frontage.

(2) The required buffer shall consist of S-3 screen materials ("street plantings"), other than trees, but shall not include any plantings of a size or material that will obstruct any required sight distances. The landscaped buffer shall include at least three (3) street plantings for every fifteen (15) feet of frontage, spaced at intervals of not more than four (4) feet. All plantings shall have a minimum height of eighteen (18) inches when planted. Plantings shall be evenly spaced in a row, at intervals sufficient to allow for their healthy growth and development.

(3) Streetscape trees required by section 34-870 shall be planted within the ten-foot landscaped buffer, and shall be integrated with other street plantings. If this

requirement cannot be satisfied due to sight distance requirements, utility easements or other conflicting requirements, then the required landscaped buffer area shall be enlarged to accommodate the trees. If enlargement of the buffer area requires the relocation of required parking spaces, then any additional required street plantings may be counted toward interior landscaping requirements.

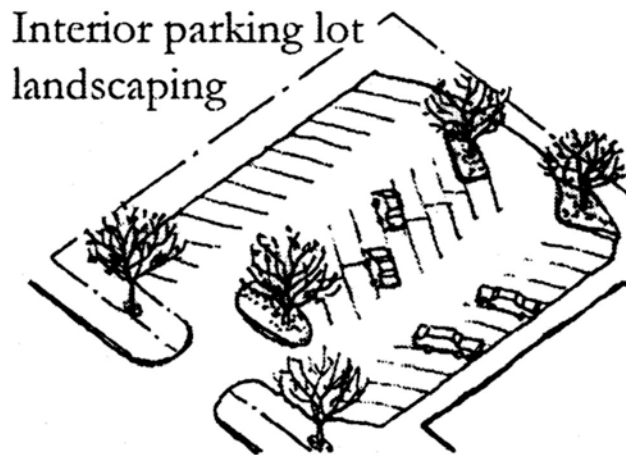
(c) *Adjacent property buffer.*

(1) A continuous landscaped buffer at least five (5) feet in width shall be established between the edge of a parking lot and an adjacent property, where there is no intervening public right-of-way.

(2) The required buffer shall consist of S-2 screen materials. One (1) large tree and three (3) shrubs shall be planted for every fifteen (15) feet of length of the property line. Plants shall be evenly spaced in a row, at intervals sufficient to allow for their healthy growth and development.

(3) If the edge of a parking lot abuts another parking lot on an adjacent property, and the other existing lot has a landscaped buffer area of at least four (4) feet wide, then no additional buffer shall be required.

(d) *Interior parking lot landscaping.*



(1) In addition to the other applicable requirements of this section, an area equal to five (5) percent of the gross area of a parking lot shall be landscaped with trees or shrubs ("interior landscaped area").

a. No interior landscaped area shall be less than one hundred forty-five (145) square feet, or have a width of less than nine (9) feet.

b. Paved storage areas serving a warehouse use may be excluded from the calculation of gross area of a parking lot.

c. Plantings immediately adjacent to (i.e., within fifteen (15) feet) a building shall not be counted toward interior landscaping.

d. Buffers required by the preceding paragraphs, shall not be counted toward interior landscaping requirements.

e. A landscaped island or other physical barrier shall separate parking areas from any entrance or exit to the parking lot.

(2) Interior landscaped areas shall consist of at least one (1) tree, and at least three (3) shrubs, per eight (8) parking spaces or portion thereof. Interior landscaped areas with an area of less than 300 square feet shall be planted with at least one (1) medium tree; those having an area of 300 square feet or more shall contain at least one (1) large tree, or two (2) medium trees.

(3) Interior landscaping shall be placed in reasonably dispersed planting islands. When screening is required along the frontage of public streets, the director shall determine if the street tree requirement has been met.

- (e) Buffers shall be designed to filter runoff from paved surfaces.  
(9-15-03(3))

## **ARTICLE IX. GENERALLY APPLICABLE REGULATIONS**

### **DIVISION 5. TELECOMMUNICATIONS FACILITIES**

#### **Sec. 34-1077. Screening and landscaping.**

(a) Landscaping shall be used to screen the view of freestanding communications facilities from adjacent public streets and public property, adjacent residentially-zoned property and adjacent residences. The minimum landscaping requirements shall be as follows:

(1) For facilities one hundred fifty (150) feet in height or less, at least one (1) row of evergreen shrubs capable of forming a continuous hedge at least five (5) feet in height within two (2) years of planting shall be spaced not more than five (5) feet apart within ten (10) feet of the perimeter of the required setback area.

(2) For towers more than one hundred fifty (150) feet in height, in addition to the requirements set forth in subsection (a)(1), above, at least one (1) row of deciduous trees, with a minimum caliper of two and one-half (2 1/2) inches at the time of planting, and spaced not more than forty (40) feet apart, shall be provided within twenty (20) feet of the perimeter of the required setback area.

(3) All security fencing shall be screened from view.

(b) Landscaping materials shall consist of drought-resistant native species.

(c) Landscaping materials shall be maintained by the owner and operator of the support structure for the life of the installation.

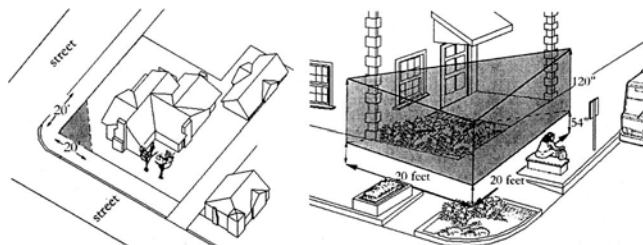
(d) Existing vegetation on the site shall be preserved to the greatest practical extent. Existing vegetation, topography, walls and fences, etc., combined with shrubs or other features may be substituted for the required shrubs or trees, if the director of neighborhood development services or his designee finds that they achieve the same degree of screening as the required shrubs or trees.

(e) In lieu of the landscaping requirements set forth within this section, an applicant may prepare a detailed plan and specifications for landscaping and screening, including plantings, fences, walls, topography, etc., to screen support structures and accessory uses. The plan shall accomplish the same degree of screening achieved by the requirements of this section, but may deviate from the specific requirements set forth if, in the opinion of the director of neighborhood development services, or his designee, the public interest will be equally served by such plan. In certain locations where the visual impact of a proposed facility would be minimal (such as a property surrounded by undevelopable land, or a site located within a heavily-developed area of the city) the specific landscaping requirements set forth within this section may be reduced or waived by the director of neighborhood development services or his designee.

(9-15-03(3))

### **DIVISION 7. LOTS AND PARCELS-DEVELOPMENT; GENERAL REGULATIONS**

#### **Sec. 34-1121. Sight distance--Required sight triangle.**



- (a) For purposes of this section, the term "sight triangle" shall mean:
  - (1) The triangular area formed at a corner intersection of public right-of-way and a driveway, at a corner intersection of an alley public right-of-way and a street right-of-way, or at a corner intersection of two (2) public rights-of-way, where
    - (2) The two (2) equal sides are twenty (20) feet long, measured along.
      - a. The right-of-way line of the street and the edge of the driveway, or
      - b. The lines of each of the two (2) intersecting public rights-of-way; and where
    - (3) The third side of the triangle is a line connecting the two (2) equal sides.
  - (b) Where a driveway intersects a public right-of-way, or where property abuts the intersection of two (2) public rights-of-way, no person shall place or maintain any structures, fences, landscaping or any other objects within any sight triangle area, where any such object(s) obstruct or obscure sight distance visibility by more than twenty-five (25) percent of the total view in the vertical plane above the sight triangle area between a height of fifty-four (54) inches and one hundred twenty (120) inches above the roadway surface, except for the following:
    - (1) Landscaping, structures or fences that protrude no more than fifty-four (54) inches above the adjacent roadway surface may be permitted within the sight triangle area; and
    - (2) Trees may be planted and maintained within the sight triangle area, if all branches are trimmed to maintain a clear vision for a vertical height of one hundred twenty (120) inches above the roadway surface and the location of the trees planted (based on the tree species' expected mature height and size) does not obstruct sight visibility by more than twenty-five (25) percent of the sight triangle area.
    - (3) United States mail boxes, police and fire alarm boxes, public utility poles, street name markers, official traffic signs and control devices, fire hydrants, and trees having no visual obstruction (other than the tree trunk) up to the height of ten (10) feet above the established street grade.

**Sec. 34-1125. Required plans and approvals--Residential dwellings.**

Except in the case of construction in developments pursuant to an approved site plan, along with each application for a building permit for constructing, enlarging, altering, or demolishing a single- or two-family dwelling, an applicant shall provide the following information and materials, to enable the zoning administrator to review the application to determine compliance with the requirements of this article:

- (1) Construction or reconstruction of a residential dwelling, on a vacant lot:
  - ...
  - c. A drawing identifying trees to be removed during the construction process, and specifying the diameter, location and condition of those trees.
- (2) Proposed additions/modifications of an existing building:
  - ...
  - c. A drawing identifying trees to be removed during the construction process, and specifying the diameter, location and condition of those trees.

...

(9-15-03(3))

**ARTICLE X. DEFINITIONS**

*Buffer* means a strip of land, which may or may not have trees and shrubs planted for screening purposes, designed to set apart and protect one (1) space or activity from an adjacent space or activity.

*Caliper* means a measure of tree size, determined by measuring the diameter of the tree at a point: six (6) inches above the root ball, at the time of planting, or twelve (12) inches above the ground, for established trees.

*Canopy* for purposes of the city's sign regulations, means a permanent, roof-like structure of rigid materials supported by and extending from a building, including marquees and port coaches (drive-under canopies).

*Landscape service* means an business engaged in the provision of yard and garden maintenance services to clients, usually consisting of an office and other buildings or structures for storage of inventory, equipment, and vehicles. The term shall not include or allow any dump heap, landfill, or any other form or repository of construction or demolition debris.

*Open space* refers to land or water areas left in undisturbed natural condition and unoccupied by any building lots, buildings, structures, streets, driveways, alleys, improved parking, sidewalks, and other improvements.

*Tree canopy* or *tree cover* means all areas of coverage by plant material exceeding five (5) feet in height, and the extent of planted tree canopy at ten (10) or twenty (20) years maturity, as applicable. Planted tree canopy at maturity shall be based on published reference texts generally accepted by landscape architects, nurserymen and arborists, i.e., in the Manual of Woody Landscape Plants by Michael A. Dirr (4th edition, 1990).