

**CITY OF LYNCHBURG, VIRGINIA**

**ZONING ORDINANCE**

**ARTICLE V. GENERAL REGULATIONS**

**Sec. 35.1-14. Site plan review.**

(a) Intent. Site plan review is intended to ensure proper design in types of development which can have deleterious effects on their surroundings. These effects are subject to modification or reduction through the physical design of such development. Review of the design, therefore, is aimed at the greatest possible benefit to the community as a result of building and site design.

(b) Developments subject to site plan review. The following types of development shall be subject to the site plan review provisions of this ordinance, including petitions for a rezoning request or for a conditional use permit request:

- (1) All commercial and industrial facilities, including off-street parking;
- (2) All institutional facilities, such as schools, hospitals and clubs;
- (3) All residential developments, involving more than two (2) dwelling units in one (1) building or on one (1) lot;
- (4) Planned unit developments (see Section 35.1-42.1 et seq.);
- (5) Conditional use permits (as specified in this ordinance).

(c) Site plan procedures and review:

(1) Definitions:

- a. Schematic site plan. Plan to accompany all rezoning petitions with the exception of CCD and PUD requests.
- b. Preliminary site plan. Plan to accompany CCD requests; however, final CCD rezoning approval will be contingent upon approval of a final site plan.
- c. Final site plan. Plan required for final CCD rezoning approval and/or issuance of a building permit.

(d) Plan requirements: The planning division will require an appropriate number of clearly legible copies for each of the following applicable site plans.

(1) The schematic site plan shall include the following:

- a. Name and address of petitioner and owner;
- b. Name and location of development;
- c. Property lines by metes and bounds;
- d. Existing and proposed zoning;
- e. Type of proposed zoning;
- f. Owner, present use and existing zoning of all abutting property;
- g. Existing and proposed streets, easements, rights-of-way and other reservations;
- h. Ingress and egress points;
- i. Proposed parking areas, materials for same and number of spaces;
- j. Existing and proposed buildings;
- k. Date, scale of not less than one (1) inch equals one hundred (100) feet, and north point;
- l. Limits of established one hundred (100) year floodplain;
- m. Major natural features;
- n. Required setbacks and areas for landscaping and buffering;
- o. Location of existing water, storm and sanitary sewer lines.

(2) The preliminary site plan shall include for review by the appropriate city department, in addition to the items specified for a schematic site plan, the following:

- a. Existing and proposed topography;
- b. Location of proposed water mains, fire hydrants, pipe sizes, grades and direction of flow;
- c. Generalized erosion control measures;
- d. Location of proposed utility lines, indicating where they already exist and whether they will be underground;
- e. Location of proposed storm and sanitary sewer systems, both surface and subsurface, showing pipe sizes, grade flow and design loads;
- f. Vicinity map at a scale no smaller than one (1) inch equals six hundred (600) feet, showing all streets and property within one thousand (1,000) feet of the subject property;
- g. Existing and proposed curb lines and sidewalks;
- h. Location of proposed signs;
- i. Proposed location and materials for disposal of refuse and other solid waste;
- j. Recreation and/or open spaces;
- k. Name and address of person(s) preparing the site plan;
- l. Proposed buildings and structures to include:
  1. Distance between buildings;
  2. Number of stories;
  3. Area in square feet of each floor;
  4. Number of dwelling units or guestrooms;
  5. Structures above height regulations.
- m. Proposed location of outdoor lighting.
- n. Landscaping plan as required by Section 35.1-25.1.5, Landscaping plan required.

(3) The site plan shall be accompanied by a check payable to the City of Lynchburg in the amount set forth in the fee schedule adopted by city council.

(4) The final site plan shall include, in addition to the items specified for a preliminary site plan, the following:

- a. Name and address of owners of record of all adjacent properties;
- b. Current zoning boundaries, including surrounding areas to a distance of three hundred (300) feet;
- c. Final erosion and sediment control plans;
- d. Location of watercourses, marshes, rock outcroppings, wooded areas and single trees with a diameter of ten (10) inches measured three (3) feet from the base of the trunk;
- e. Location of buildings existing on the tract to be developed and on adjacent tracts within a distance of one hundred (100) feet, indicating whether existing buildings on the tract are to be retained, modified or removed;
- f. Proposed streets and other ingress and egress facilities (indicating curb lines, sidewalk lines and public right-of-way lines). profiles and cross-sections of streets;
- g. Layout of off-street parking;
- h. Proposed location, direction of, power and time of use of outdoor lighting (not required of industrial development);
- i. Landscaping plan as required by Section 35.1-25.1.5, Landscaping plan required;
- j. Location, size and design of proposed signs;
- k. Elevations of buildings to be built or altered on site.

(e) Administrative responsibility.

(1) The city planner shall be responsible for checking the site plans for general completeness and compliance with adopted plans or such administrative requirements as may be established prior to routing copies thereof to the technical review committee. He shall see that all examination and review of the site plans are completed by the approving authorities.

(2) The city planner shall approve or disapprove the site plans in accordance with the technical review committee's recommendations. He shall then return two (2) copies of the site plan, together with modifications, noting thereon any changes that will be required, to the applicant not later than thirty (30) days from the date of submission, except under abnormal circumstances.

(f) Adjustment in approved site plan. After a site plan has been approved by the city planner, minor adjustments of the site plan, which comply with the spirit of this article and other provisions of this chapter with the intent of the technical review committee in their approval of site plans and with the general purpose of the comprehensive plan for development of the area, may be approved by the city planner with concurrence of the technical review committee. Minor adjustment from an approved site plan without the city planner's approval, or any major deviations, shall require the applicant to resubmit a new site plan for consideration.

(g) Waiver. Any requirement of this section may be waived by the planning commission and/or its designee in a specific case where such requirement is found to be unreasonable or unnecessary for review of the proposal and where such waiver will not be adverse to the purpose of this section.

(h) Building and occupancy permits. No building permit shall be issued for a building in an area in which site plan review is required unless the construction proposed by such building permit is in conformance with the approved site plan. No occupancy permit shall be issued in such an area for a use which is not in conformance with the approved site plan.

(i) Appeal. An appeal of any decision made by the city administration concerning site plan review procedure may be made to the planning commission. (Ord. No. O-78-352, 12-12-78; Ord. No. O-84-140, § 1, 6-12-84, eff. 7-1-84; Ord. No. O-88-098, § 1, 5-10-88, eff. 7-1-88; Ord. No. O-97-063, 4-22-97; Ord. No. O-98-124, 6-9-98; Ord. No. O-06-070, 6-13-06)

### **Sec. 35.1-25.1. Landscaping.**

It is the intent of the landscaping ordinance to promote the public necessity, convenience, general welfare and good zoning practice by incorporating landscaping, screening and tree preservation requirements into the development review process. The goals are to provide landscaping requirements that will: ensure development consistent with the goals of the comprehensive plan; reduce soil erosion; increase infiltration in permeable land areas to improve stormwater management, mitigate air, dust, noise, and chemical pollution; reduce heat island effect; protect property values, provide buffers between incompatible uses; preserve existing natural vegetation as an integral part of the city and ensure that the city remains an attractive place to live, visit and work. (Ord. of 6-13-06, #O-06-070)

### **Sec. 35.1-25.1.3. Definitions.**

Buffer: An area of land, including landscaping, or combination of landscaping berms, solid fences and/or walls that is located between land uses of different character and is intended to mitigate negative impacts of the more intense use.

Caliper: Trunk diameter measured six (6) inches from the ground. If the caliper is greater than four (4) inches, the measurement is taken twelve (12) inches from the ground.

Decorative landscape stone: Stone that has natural or manmade distinguishing characteristics such as color and shape. Decorative landscape stone may be used as mulch.

Development area / disturbed area: All areas shown within the limits of clearing and grading on a site development plan.

Evergreen tree: A tree or shrub that has foliage that persists and stays green throughout the year.

Foundation planting: Trees and shrubs planted along and adjacent to the perimeter of a building.

Ground cover: Any evergreen or broadleaf plant that does not generally attain a mature height of more than one (1) foot, characterized by a growth habit in which the plant spreads across the ground to connect with other similar plants forming a continuous vegetative cover on the ground. Sod and seeding shall be considered an appropriate ground cover.

Heat island effect: An elevated temperature over an urban area caused by pavement, buildings, other infrastructure and pollutant emissions

Landscape island: An area containing required landscaping not less than one hundred eight (108) square feet for a parking row or two hundred sixteen (216) square feet for a parking bay.

Mulch: A protective covering, usually of organic matter placed around plants to prevent evaporation, root freezing and weed growth.

Naturalized planting area: Any area planted for bioretention containing native or indigenous species that mimics local natural surroundings and is allowed to grow undisturbed.

Naturalized planting areas require minimal maintenance.

Ornamental tree: Deciduous tree that grows to a mature height of less than thirty (30) feet with flowering or other distinguishing characteristics.

Parking bay: Two (2) parking rows abutting one another.

Parking row: One (1) single line of parking spaces.

Raising: Providing vertical clearance under tree canopy by using appropriate pruning techniques.

Riprap: A permanent, large, loose angular stone generally used for erosion and sediment control in concentrated high velocity flow areas.

Screening: A method of visually shielding or obscuring items such as a structure, receptacle, parking area, equipment, or stormwater management pond by densely planted landscaping, or a combination of landscaping, berms, solid fences and/or walls.

Shade tree: Deciduous tree that grows to be more than thirty (30) feet at maturity and planted chiefly to provide shade from sunlight.

Shrub: A woody plant deciduous or evergreen that generally exhibits several erect, spreading stems with a bushy appearance growing to a height of no more than fifteen (15) feet.

Shrub small: A shrub with a minimum height of one (1) foot at planting.

Shrub medium: A shrub with a minimum height of two (2) feet at planting.

Shrub large: A shrub with a minimum height of three (3) feet at planting.

Sight distance triangle: A straight line with unobstructed view measured fifty (50) feet along the edge of pavement lines from their points of junction with points being three (3) feet above the pavement edge.

[View Sight Distance Triangle](#)

Slope: The deviation of a surface from the horizontal.

Topping: An inappropriate practice of making heading cuts through a stem more than two (2) years old that drastically reduces tree height, destroys tree architecture and results in discoloration, decay of the cut stem, or death of the tree.

Water feature: A stormwater management structural measure such as a stormwater retention pond, bioretention, forebay, or landscape garden pond that is wet permanently or intermittently during rain events and contains landscaping that is hydric or water tolerant. (Ord. of 6-13-06, #O-06-070)

#### **Sec. 35.1-25.1.4. General regulations.**

(a) Landscaping within a sight distance triangle shall not include any evergreen trees, and shall not include shrubs exceeding three (3) feet in height above the ground at maturity. Tree limbs within a sight distance triangle shall be raised to ensure visibility for motor vehicle safety, but in no case shall tree limbs be raised more than sixteen (16) feet above the ground.

(b) When a determination of the number of trees or shrubs results in a fraction, any fraction shall be rounded up to count as one (1) tree or shrub.

(c) Existing vegetation within the development area and at least three (3) inches in caliper that meets the requirements of the landscaping ordinance may be preserved and may be used to meet all or part of the landscaping requirements.

(d) Removal of healthy trees eighteen (18) inches or greater in caliper is discouraged. For each healthy tree eighteen (18) inches or greater in caliper that is retained within the development area a credit of twelve (12) trees shall be given towards meeting the requirements of the landscaping ordinance.

(e) All landscaped areas shall be covered with an appropriate ground cover, mulch, or decorative landscape stone. Where mulch or decorative landscape stone is used, it shall be installed to a depth of not less than two (2) to three (3) inches. The use of gravel and/or riprap is prohibited.

(f) All slopes shall be covered with an appropriate ground cover. The use of riprap for ground cover on any slope visible from a public or private street, or residential district is prohibited.

(g) All retaining walls visible from any public or private street or residential district shall be constructed of segmental block, brick, treated wood, stone or stamped and colored concrete that gives the appearance of brick or stone. Retaining walls that consist of creosote materials are prohibited. Retaining walls of other materials are permitted provided that they are supplemented with landscape material as follows:

(1) Retaining walls less than eight (8) feet in height, one (1) large evergreen shrub per three (3) linear feet of wall.

(2) Retaining walls eight (8) feet in height or greater, one (1) large evergreen shrub per three (3) linear feet of wall and one (1) ornamental tree per twenty (20) linear feet of wall.

(h) All trees used to satisfy the requirements of the landscaping ordinance shall be in accordance with the city's master tree list. The city's master tree list shall be maintained by the city's urban forester. The city's urban forester may approve the substitution of a different species of tree in circumstances of disease, drought, or overhead utility lines.

(i) No tree, shrub and/or ground cover contained on the invasive alien plant species of Virginia list as maintained by the department of conservation of Virginia (DCR) and the Virginia native plant society may be planted or used to satisfy any portion of the landscaping ordinance.

(j) Where the planting of trees that have a height at twenty (20) year maturity would interfere with overhead utility lines, the Urban Forester shall as part of the site development plan approval require the substitution of a tree with lesser maturity height or allow placement of trees in a manner that will not interfere with overhead utility lines, provided that the general intent and purpose of the landscaping ordinance is met.

(k) All disturbed areas not used for operations, including slopes shall be landscaped at the rate of twenty (20) trees per acre. Required trees may be any combination of deciduous or evergreen and may be placed in creative groupings.

(l) Parking garages are subject to the regulations of Section 35.1-25.1.9, foundation plantings only. (Ord. of 6-13-06, #O-06-070)

#### **Sec. 35.1-25.1.5. Landscaping plan required.**

When required as part of a preliminary site development plan, a landscape plan shall indicate the following information:

- (a) The location, size, height at planting, and botanical name of all required landscaping.
- (b) The location, size, and botanical name of any existing landscaping proposed to be used or required to satisfy any portion of the landscaping ordinance.
- (c) The dimensions of all required landscape islands.

When required as part of a final site development plan, a landscape plan shall indicate a, b and c above and the following additional information:

(d) A tree protection detail as specified in "STD & SPEC 3.38, Tree Preservation and Protection," in the 1992 edition of the Virginia erosion and sediment control handbook for all landscaping proposed or required to be preserved to satisfy the requirements of the landscaping ordinance.

[View Tree Protection Detail](#)

- (e) A planting detail for all trees, shrubs, and ground cover used to satisfy the requirements of the landscaping ordinance.
- (f) A planting, fertilization, and watering schedule for all trees, shrubs and or ground cover used to satisfy the requirements of the landscaping ordinance. The schedule shall cover a period of one (1) year after installation of the required landscaping.
- (g) A description of soil amendments necessary to support the growth of all required trees and shrubs. (Ord. of 6-13-06, #O-06-070)

#### **Sec. 35.1-25.1.6. Residential street tree landscaping.**

In the event of the subdivision of any land for residential purposes where it is proposed that new city streets will be dedicated or existing city streets will be extended to serve said subdivision the following landscaping requirements apply:

(a) Shade type trees shall be planted at the rate of two (2) trees for every forty (40) feet of the new street centerline or ornamental trees may be substituted at the rate of two (2) trees for every thirty (30) feet of the new street centerline.

[View Calculation of Street Trees for New Residential Subdivisions](#)

- (b) Required landscaping shall be placed within the proposed right of way and no required landscaping shall be planted on any private property.
- (c) Trees shall be placed in a manner to prevent interference with driveways, drainage areas and/or utilities.
- (d) In order to prevent damage to trees, required landscaping installed prior to completion of construction of the subdivision shall be protected as provided in Section 35.1-25.1.5(d).
- (e) Prior to the acceptance of any new road by the city the developer shall do one (1) of the following:

- (1) Install all required street trees.
- (2) Post a performance bond for the amount of all required street trees, related materials and installation cost.
- (3) At the discretion of the developer, a cash payment may be made to the city for all required street trees, related material and installation cost. At such time a cash payment is made to the city, installation of the required landscaping becomes the responsibility of the city's urban forester and landscaping shall be installed within a reasonable time period.

(Ord. of 6-13-06, #O-06-070)

#### **Sec. 35.1-25.1.7. Parking area landscaping.**

Parking areas are subject to the following landscaping standards:

- (a) All parking rows and parking bays shall be capped with a landscaped island.
- (b) Parking areas with less than two hundred (200) parking spaces.

- (1) One (1) shade type tree for every eight (8) parking spaces, planted within landscape islands, reasonably dispersed within the parking area so that no more than fifteen (15) to twenty (20) parking spaces exist between landscape islands.
- (2) One (1) medium shrub for every one (1) parking space shall be planted within landscape islands containing required trees.
- (c) Parking areas with two hundred (200) or more parking spaces.
- (1) One (1) shade type tree for every eight (8) parking spaces, planted within landscape islands, reasonably dispersed within the parking area so that no more than fifteen (15) to twenty (20) parking spaces exist between landscaped islands.
- (2) One (1) medium shrub for every one (1) parking space shall be planted within landscape islands containing required trees.
- (3) One (1) landscape median six (6) feet in width for every three (3) parking bays shall be installed. The landscape median shall be required to extend the full length of the parking bay and shall include twenty (20) percent of the required parking area landscaping.
- [View Landscape Median Required](#)
- (d) Wheel stops, curbing, or other barriers shall be provided to prevent damage to required landscaping by vehicular traffic. Protection shall be installed to prevent soil erosion from the landscape area.
- (e) Parking area screening.
- (1) In all instances where parking areas are adjacent to public or private streets, a screen with a minimum height of three (3) feet at time of installation shall be provided along the entire length of the parking area exclusive of driveways and entrances. The minimum planting width for the screen shall be six (6) feet.
- (2) For the purposes of this section, any of the following combination of landscaping and berms may be used to fulfill this requirement:
- (a) One (1) large shrub per three (3) feet of street frontage.
- (b) Earthen berm with three (3) small shrubs per three (3) feet of street frontage.
- (c) Earthen berm with one (1) medium shrub and one (1) small shrub per three (3) feet of street frontage.
- (d) Any combination of a, b or c above.
3. Earthen berms shall vary in width and height and shall be curvilinear in form and provide a gentle tie-in with the existing grade. Average height of earthen berms used to satisfy this requirement shall be three (3) feet in height.
- [View Parking Area Screening](#)
- (f) Parking area exceptions.
- (1) Where the primary use of a parking area is for the sale of motor vehicles, recreational vehicles, trailers, boats, tractors, or mobile homes the required parking area landscaping and parking area screening may be disbursed in a reasonable manner so as not to interfere with display and maintenance. (Ord. of 6-13-06, #O-06-070)

### **Sec. 35.1-25.1.8. Street trees for multi-family, commercial and industrial districts.**

- (a) For all multi-family, commercial and industrial developments, street trees are required at the rate of one (1) shade tree for each forty (40) feet of street frontage or in the case where overhead utility lines prohibit the planting of shade trees one (1) ornamental tree for each twenty (20) feet of street frontage.
- (b) Required street trees shall be planted along the property line that fronts the street and shall not be planted within the public right-of-way or within any utility easements.
- (c) Street trees within the site distance triangle may be raised to allow for visibility. (Ord. of 6-13-06, #O-06-070)

**Sec. 35.1-25.1.9. Foundation plantings.**

(a) All sides of multi-family, commercial, or industrial buildings, which front on a public or private street or are visible from an adjacent residential district, shall be landscaped with foundation plantings as follows:

- (1) One (1) ornamental tree per fifty (50) linear feet of building, and
- (2) One (1) large shrub per ten (10) linear feet of building, or
- (3) One (1) medium shrub and one (1) small shrub per ten (10) linear feet of building, or
- (4) Three (3) small shrubs per ten (10) linear feet of building, or
- (5) Any combination of 2, 3 or 4 above.

(b) Foundation plantings may be placed in collective groupings along the perimeter of the building for which required.

(c) In the event that the city planner determines that topography or other landscaping would prevent the required foundation plantings from being visible from a public or private street or an adjacent residential district, the only foundation plantings that shall be required are for the wall of the building on which the main entrance is located. (Ord. of 6-13-06, #O-06-070; Ord. No. O-07-045, 4-10-07)

**Sec. 35.1-25.1.10. Utility screening.**

(a) Loading areas, refuse areas, storage yards, stormwater management ponds, HVAC equipment, water vaults, Reduced Pressure Zone (RPZ) devices or other objectionable items shall be screened from view of any public or private street, or any adjacent residential district.

(b) Stormwater Management Facilities intended for display as a water feature or naturalized planting area are exempt from screening requirements.

(c) Screening may be accomplished by a combination of existing evergreen vegetation, walls, fences, earthen berms and new evergreen vegetation appropriate to screen the equipment or activity. The required height of screening at installation shall be sufficient to screen the equipment or activity.

(d) The use of chain link fence as the sole method of screening is prohibited. Where it is deemed appropriate by the property owner or developer for security purposes, it shall be screened from view as listed in paragraph c above. (Ord. of 6-13-06, #O-06-070)

**Sec. 35.1-25.1.11. Buffering.**

(a) In all instances where a commercial district, industrial district, or any parking area is located adjacent to any residential district, or a multi-family residential district is adjacent to a one or two family residential district, a vegetative evergreen buffer shall be established on the property for which said buffer is required.

(b) Where required, the planting area for buffering shall be a minimum of twenty (20) feet in width extending along the entire length of the development area and shall generally be required along the property line unless topographic or other considerations would make it more effective located back from the property line.

(c) The vegetative buffer shall consist of a staggered evergreen tree line with a baseline filler of medium height evergreen shrubs. The evergreen tree material shall be a minimum of four (4) feet in height at time of planting. The evergreen tree line shall be planted in rows fifteen (15) feet apart and staggered ten (10) feet on center. In lieu of the baseline filler an earthen berm may be used. The earthen berm shall vary in width and height and shall be curvilinear in form and provide a gentle tie-in with the existing grade. Average height of earthen berms used to satisfy this requirement shall be three (3) feet in height.

(d) Where appropriate existing vegetation may be used to satisfy this requirement. Existing vegetation may be required to be supplemented with additional evergreen material in order to meet the buffering requirements. The need for additional evergreen material shall be determined during the site development plan review process. (Ord. of 6-13-06, #O-06-070)

**Sec. 35.1-25.1.12. Tree canopy requirements.**

(a) For purposes of this section, "tree canopy" shall include all areas of coverage by existing plant material exceeding five (5) feet in height, and the extent of planted tree canopy at maturity shall be based on the published reference text, manual of woody landscape plants, fifth edition, 1998, by Michael A. Dirr.

(b) The planting or replacement of trees on a development site shall be required to the extent that, at a twenty (20) years, minimum tree canopies will be provided as follows:

	<b>Minimum Tree Canopy Required</b>
B-1, B-2, B-3, B-4, B-5, B-6, I-1, I-2, I-3	10% of entire development site
R-4, R-5	10% of entire development site
R-3	15% of entire development site
R-C, R-1, R-2	20% of entire development site

(c) Existing trees that are to be preserved may be included to meet all or part of the tree canopy requirements.

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

(e) Tree canopy requirements do not replace, or negate full compliance with, the requirements of any other section of the landscaping ordinance. However, if planting of landscaping required by this ordinance meets or exceeds the tree canopy requirement, no further planting of trees or replacement of trees is required by this section.

(f) In areas zoned B-4, central business district, B-6, riverfront business district or where the city planner determines that crime prevention through environmental design (CPTED) principles apply, the city planner, in consultation with the city's urban forester, may allow the off-site planting of up to ninety-nine (99) percent of the required street trees, parking area screening, buffering and foundation plantings. Off-site planting areas shall be within the city limits and in such location as approved by the city planner.

(g) The following shall be exempt from the tree canopy requirements.

- (1) Dedicated K-12 school sites.
- (2) Playing fields and other non wooded recreation areas
- (3) Designated wetlands
- (4) Other facilities and uses similar in nature as determined by the city council.

(Ord. of 6-13-06, #O-06-070)

**Sec. 35.1-25.1.13. Installation.**

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

(b) All landscaping used to satisfy the requirements of the landscaping ordinance shall meet the specifications and standards of the American Association of Nurserymen.

(c) Any tree used to satisfy the requirements of the landscaping ordinance shall be a minimum of one and one half (1.5) inches in caliper at time of planting.

(d) Required landscaping shall be installed in accordance with an approved site development plan. Required landscaping shall be completed prior to occupancy or the property owner or

developer may provide a guarantee in a form acceptable to the zoning administrator that ensures installation.

(1) A guarantee for required landscaping shall be in an amount equal to one hundred twenty percent (120%) of the cost of all plants, related materials and installation.

Amount is subject to approval of the city's zoning administrator and urban forester.

(2) All required landscaping shall be installed, inspected, and approved within six (6) months of acceptance of the guarantee.

(3) During any water emergency declared by the governing body in which the use of water is restricted, the Zoning Administrator may permit the delayed installation of required trees, plants or screening materials. In this event, the property owner shall be required to obtain and or maintain a guarantee. After declaration of the water emergency ends, the property owner shall be required to install all trees, plants, screening and related materials within six (6) months. (Ord. of 6-13-06, #O-06-070)

#### **Sec. 35.1-25.1.14. Maintenance.**

(a) After the zoning administrator determines that all landscaping required by this chapter is complete and in healthy condition, the property owner shall be responsible for the ongoing protection and maintenance of all required landscaping in a manner consistent with the approved site development plan.

(b) In the event required landscaping as shown on the approved site development plan is dead or damaged, it shall be replaced by the property owner after notification by the zoning administrator. The zoning administrator may accept a guarantee in the amount of one hundred twenty percent (120%) of the cost of all damaged or dead plants, related materials and installation.

(c) All required trees and shrubs as shown on the approved site development plan shall be allowed to grow until maturity and shall not be removed, unless a suitable replacement is provided that meets the standards of this ordinance and shown on an approved landscaping plan. Pruning techniques shall be done in accordance with the standards adopted by the American National Standards Institute (ANSI), A300, Part 1, Standard 1 and the International Society of Arboriculture (ISA). Topping of trees is inappropriate. Any tree that dies as the result of topping shall be replaced by the property owner. (Ord. of 6-13-06, #O-06-070)

#### **Sec. 35.1-25.1.16. Alternate layout of landscaping.**

The city planner with the concurrence of the planning commission may approve an alternative layout to landscaping required by this ordinance provided that the spirit and intent of the ordinance are preserved and the goals of Section 35.1-25.1 are assured. (Ord. of 6-13-06, #O-06-070)