

City of Manassas, VA
CODE OF ORDINANCES City of MANASSAS, VIRGINIA
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Chapter 34 CEMETERIES

Sec. 34-14. Cutting or removal of trees.

Before any tree shall be cut or removed in the cemetery, a permit for cutting and removing of the tree shall be first obtained from the caretaker of the cemetery. Such tree shall be cut and removed under the supervision of such caretaker and at the expense of the person desiring such removal. Any person who violates any provision of this section shall be guilty of a Class 1 misdemeanor.

(Code 1978, § 7-29)

(4) Electric, natural gas and telephone utility companies, interstate and intrastate natural gas pipeline companies and railroad companies that undertake a project involving a land disturbing activity when such activity is approved by the Virginia Soil and Water Conservation Board.

(Code 1978, § 9-4; Ord. No. 0-2007-02, 8-9-2006)

Chapter 70 HEALTH AND SANITATION

Division 1. Generally

Sec. 70-91. Offensive or detrimental conditions on private property generally.

(a) *Definitions.* The following words, terms and phrases, when used in section 70-91 and 70-92, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

...

Yard waste means decomposable waste materials generated by yard and lawn care and includes leaves, grass trimmings, brush, wood chips, and shrub and tree trimmings. Yard waste shall not include roots or stumps that exceed six inches in diameter.

...

(Code 1978, § 21-46)

DIVISION 2. HEALTH AND SAFETY MENACES

Sec. 70-111. Intent; definitions.

...

Yard waste means that fraction of municipal solid waste that consists of grass clippings, leaves, brush, and tree and shrub prunings arising from general landscape maintenance.

(Code 1978, § 14-11)

Chapter 78 OFFENSES AND MISCELLANEOUS PROVISIONS

Sec. 78-70. Damaging church, church property, cemetery or burial grounds.

Any person who willfully or maliciously commits any of the following acts is guilty of a Class 1 misdemeanor:

(1) Destroys, removes, cuts, breaks, or injures any tree, shrub, or plant on any church property or within any cemetery or lot of any memorial or monumental association;

...

(Code 1978, § 7-30)

Sec. 78-73. Damaging property generally; damaging monuments.

(a) If any person unlawfully destroys, defaces, damages or removes without the intent to steal any property, real or personal, not his own, or breaks down, destroys, defaces, damages or removes without the intent to steal any monument or memorial for war veterans described in Code of Virginia, § 15.2-1812, any monument erected for the purpose of marking the site of any engagement fought during the War Between the States, or for the purpose of designating the boundaries of any city, town, tract of land, or any tree marked for that purpose, he shall be guilty of a Class 3 misdemeanor; provided that the court may, in its discretion, dismiss the charge if the locality or organization responsible for maintaining the injured property, monument, or memorial files a written affidavit with the court stating it has received full payment for the injury.

(b) If any person intentionally causes such injury, he shall be guilty of a Class 1 misdemeanor if the value of or damage to the property or monument is less than \$1,000.00. The amount of loss caused by the destruction, defacing, damage or removal of such property or monument may be established by proof of the fair market cost of repair or fair market replacement value. Upon conviction, the court may order that the defendant pay restitution.

(Code 1978, § 21-32; Ord. No. O-2002-07, § 2, 11-15-2001)

Chapter 122 VEGETATION

ARTICLE II. TREE CONSERVATION

DIVISION 1. GENERALLY

Sec. 122-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Advisory committee on trees means that body within the city which, together with the city arborist, recommends tree preservation and enhancement actions, advises the city council on tree conservation issues, and provides education to city residents. The beautification committee shall serve as the city's advisory committee on trees.

Arborist and *urban forester* mean a person trained in arboriculture, forestry, landscape architecture, horticulture, or related fields and experienced in the conservation and preservation of native and ornamental trees, who is designated by the city council as administrator of this article. The city horticulturist is hereby designated as the arborist/urban forester for the city.

Desirable tree means any tree designated as such in the city's design and construction standards manual, based on attractiveness, hardiness, suitability to the climate and soil conditions, hazards typically created by the tree, and a lifespan of at least 20 years.

Heritage tree means any tree which has been individually designated by the city council to have notable historic or cultural interest, as per the Code of Virginia.

Memorial tree means any tree which has been individually designated by the city council to be a special commemorating memorial, as per the Code of Virginia.

Specimen tree means any tree which has been individually designated by the city council to be notable by virtue of its outstanding size and quality for its particular species, as per the Code of Virginia.

Street tree means any tree which has been individually designated by the city council and which grows in the street right-of-way.

(Ord. No. O-2002-07, § 1(37.1-4(b)), 11-15-2001)

Sec. 122-32. Purpose of article.

It is the general purpose of this article to preserve trees for future generations, to protect and to enhance property values, aesthetic qualities, appearance, and quality of life by providing for the regulation of the planting, maintenance, restoration, and survival of desirable trees within the city. Specifically, the purposes of this article are to:

- (1) Establish and maintain the maximum sustainable amount of tree cover on public and private lands in the city;
 - (2) Maintain trees within the city in a healthy and nonhazardous condition through good arboricultural practices;
 - (3) Establish and maintain an optimal level of age and species diversity among trees within the city;
 - (4) Promote conservation of tree resources;
 - (5) Provide advice and information concerning the establishment and maintenance of trees and tree cover on public and private lands.
 - (6) Select, situate, and maintain public trees to maximize benefits, minimize hazard, nuisance, and erosion, and manage costs at an appropriate level;
 - (7) Coordinate tree management under a person or agency with the necessary expertise;
 - (8) Foster community awareness and support for a local urban forestry program, and to foster good tree management on privately owned properties; and
 - (9) Protect heritage, memorial, and specimen trees.
- (Ord. No. O-2002-07, § 1(31.1-1), 11-15-2001)

Sec. 122-33. Acceptance of trees and forest property.

The city may, by action of the city council, accept or reject any proposed transfer of property within the city containing trees or suitable for the growth of trees. If it accepts the transfer, the city will maintain the property, including any trees, under the terms of the instrument creating the transfer. Unless and until the city accepts ownership of the property, it does not acquire the responsibility to maintain any trees on private property within the city.

(Ord. No. O-2002-07, § 1(31.1-2), 11-15-2001)

Sec. 122-34. Planting trees on city property; planting water-seeking trees on private property.

(a) No person, other than a city employee acting in the scope of his duties, shall plant any tree on city property, including but not limited to the streets and sidewalks of the city, without the prior written consent of the city.

(b) The following genera and species of trees are hereby deemed water-seeking and, after December 15, 2001, may not be planted on private property within ten feet of any water, storm sewer, or sanitary sewer easement: Genus *Salix* (willow), Genus *Populus* (poplar), Genus *Ulmus* (elm), Species *Acer saccharinum* (silver maple), Species *Acer rubrum* (red maple).

(c) If the person planting the tree neglects or refuses to remove any tree planted contrary to this section within 30 calendar days after being ordered to do so by the city arborist, the city may have the tree removed and require the person planting the tree to pay the cost of removal.

(Ord. No. O-2002-07, § 1(31.1-3), 11-15-2001)

DIVISION 2. PRESERVATION AND REMOVAL

Sec. 122-51. Purpose of division.

This division regulates the preservation and removal of heritage, specimen, memorial and street trees, when such preservation and removal are not commercial silvicultural or

horticultural activities, including but not limited to planting, managing, or harvesting forest or tree crops.

(Ord. No. O-2002-07, § 1(31.1-4(a)), 11-15-2001)

Sec. 122-52. Designation of trees.

(a) A tree becomes designated under this article when the owner of the tree consents, the city arborist recommends designation after consulting with the beautification committee, and the city council designates the tree by uncodified ordinance. No tree on private property shall be designated without the express written consent of the property owner.

(b) This article does not apply to:

- (1) Work conducted on federal or state property;
- (2) Emergency work to protect life, limb or property;
- (3) Routine installation, maintenance and repair of cable and wires used to provide cable television, electric, gas or telephone service;
- (4) Activities with minor effects on trees, including but not limited to home gardening and landscaping of individual homes; and
- (5) Commercial silvicultural or horticultural activities, including but not limited to planting, managing, or harvesting forest or tree crops.

(c) If the application of this article results in any taking of private property for a public purpose or use, the city shall compensate by fee or other consideration the property owner for such taking. However, it is the intent of the city that the application of this article not result in any taking of private property for public purposes without the express written consent of the owner. To the extent that the owner's express written consent grants the city any rights, that grant of rights is a gift.

(d) In deciding whether to designate trees, the city shall consider planned land use by the property owner.

(e) Designation of a tree under this section does not obligate the city to inspect, maintain, or take any other action with regard to that tree.

(Ord. No. O-2002-07, § 1(31.1-4(c)--(g)), 11-15-2001)

Sec. 122-53. Education, advice, and assistance.

(a) The beautification committee and the city arborist shall educate the public on the benefits of tree designation and the monetary and nonmonetary value of trees.

(b) The beautification committee and the city arborist shall provide information on the care, preservation, maintenance and/or removal of particular designated trees to owners of those trees upon request.

(c) When materials are available for this purpose, the city arborist may provide materials to property owners for tree care, including fertilizer, soil conditioners, and ecologically safe pesticides.

(d) When a submitted site plan, subdivision plan, or building permit application concerns a property which has a designated tree, the city arborist shall advise the property owner of its presence and suggest ways of preserving and maintaining the designated tree.

(e) The city arborist may inspect designated trees from time to time for safety and maintenance. If the city arborist does an inspection, he will give the owners of the property his findings, if any, and recommendations, if any, related to the designated trees.

(Ord. No. O-2002-07, § 1(31.1-5), 11-15-2001)

DIVISION 3. PROTECTION AND NUISANCE ABATEMENT

Sec. 122-71. Marking, pruning, damaging or killing trees belonging to another; posting signs, etc.

(a) It shall be unlawful and a Class 1 misdemeanor for any person intentionally to mark, prune, damage or kill a tree, not his own, or to affix a sign or other object to a tree without the consent of the owner. This subsection shall not apply to a property owner who, personally or through an agent, trims or prunes trees which extend from a neighbor's property into his own.

(b) Posting a sign or other object on a tree belonging to the city is prohibited by section 6-1 of this Code.

(Ord. No. O-2002-07, § 1(31.1-6), 11-15-2001)

Sec. 122-72. Trees posing hazard to human life or safety.

The city arborist may require the pruning or removal of trees or parts thereof which are in danger of falling. The procedure for doing so is given in section 70-111 et seq.

(Ord. No. O-2002-07, § 1(31.1-7), 11-15-2001)

Sec. 122-73. Removal of dead, decaying, etc., trees.

It shall be unlawful for an owner or occupier of property to permit any tree, bush or other plant to remain on the property if such tree, bush or other plant endangers persons using the streets and sidewalks of the city or poses a risk of fire or other property damage because of its location and/or condition. The city arborist may give a written notice of violation to the owner or occupier of property to remove any such tree, bush or other plant. Such notice shall give the owner or occupier a date certain by which to remove the plant, and such date shall be reasonable under the circumstances. If the owner or occupier of the property does not comply with the notice, the city may remove the tree, bush or other plant and require the owner or occupier of the property to pay the cost of removal. In an emergency, the city may have the tree, bush, or other plant removed without prior notice and require the owner or occupier of the property to pay the cost of removal.

(Ord. No. O-2002-07, § 1(31.1-8), 11-15-2001)

Sec. 122-74. Tree canopy.

The city enforces a tree canopy ordinance, adopted under the authority of Virginia Code § 15.2-961, through its zoning ordinance, chapter 130 of this Code. See section 130-216 et seq.

(Ord. No. O-2002-07, § 1(31.1-9), 11-15-2001)

Chapter 130 ZONING

Article II. Interpretations; Definitions

Sec. 130-42. Definitions.

...

Landscaping means the improvement of a lot, parcel or tract of land with a combination of materials, such as; grass, shrubs, trees, other vegetation and ornamental objects designed and arranged to produce an aesthetically pleasing green area effect.

Open space means land area set aside for recreation, landscaping or natural preservation and not used for residences or business activities.

Tree, heritage means any tree which has been individually designated by the local governing body to have notable historic or cultural interest.

Tree, memorial means any tree which has been individually designated by the local governing body to be a special commemorating memorial.

Tree, specimen means any tree which has been individually designated by the local governing body to be notable by virtue of its outstanding size and quality for its particular species.

Tree, street means any tree which has been individually intentionally planted or designated in the street right-of-way by the local governing body, or on private property as authorized by the owner, as part of the city street landscape.

ARTICLE VII. TREE CANOPY REQUIREMENTS*

Sec. 130-216. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Tree canopy/tree cover means the aggregate area of coverage by plant material exceeding five feet in height and measured at the drip line.

Minimum percent coverage means the retention and/or planting of trees so that, at maturity of 20 years, a specified minimum tree canopy/cover will be provided.

(Ord. No. O-2002-22, § 34.1-122, 2-11-2002; Ord. No. O-2000-18, § 34.1-122, 3-27-2000; Ord. No. O-2003-9, § 34.1-122, 12-9-2002)

Sec. 130-217. Requirements generally.

(a) All site and subdivision plans shall include tree canopies as specified in section 130-218.

(b) All trees shall be in conformance with the provisions of the design and construction standards manual (DCSM).

(Ord. No. O-2000-18, § 34.1-121, 3-27-2000)

Sec. 130-218. Minimum canopy/cover requirements.

Minimum canopy/cover requirements shall be of follows:

TABLE INSET:

Zoning District	Minimum Canopy/Cover As a Percent of the Total Area Shown on Plan
A-1, R-1, R-2, R-2S, R-3, R-4 R-6, single-family & duplex, R-7, with 3.5 density	20
R-5, R-6, quadraplex developments, R-7, with density waivers of 10+units per ac.	15
B-1, B-2, B-4, I-1, I-2, R-6, apartments/condos, 20 units per acre and above	10

B-3	None required
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(Ord. No. O-2000-18, § 34.1-123, 3-27-2000; Ord. No. O-2004-32, § 1, 3-22-2004)

Sec. 130-219. Redevelopment of nonconforming properties.

In the redevelopment of nonconforming properties 20,000 square feet or larger which include a building, the zoning administrator may reduce the parking required in section 130-201 in order to accommodate the required tree canopy. This may be done at the ratio of one parking space for every 250 square feet of required canopy. However, the parking shall not be reduced by more than ten percent of the total required.

(Ord. No. O-2000-18, § 34.1-124, 3-27-2000; Ord. No. O-2003-9, § 34.1-124, 12-9-2002)
 Secs. 130-220--130-240. Reserved.

ARTICLE VIII. ZONING DISTRICTS

DIVISION 6. R-3 TOWNHOUSE DISTRICT

Sec. 130-341. R-3 townhouses.

...

(l) *Minimum tree canopy requirements:*

(1) A tree canopy of 20 percent or more shall be provided based on the total area of the original parcel. (See article XIII of this chapter).

(2) Location and species shall be in conformance with the standards identified in the city DCSM, as amended.

...

(Code 1978, § 34.1-105; Ord. No. O-2004-40, § 1, 4-12-2004)

DIVISION 8. R-5 MULTIFAMILY DISTRICT

Sec. 130-381. R-5 multifamily.

...

(k) *Minimum tree canopy requirements:*

(1) A tree canopy of 20 percent or more shall be provided based on the total area of the original parcel. (See article XIII of this chapter).

(2) Location and species shall be in conformance with the standards identified in the city DCSM.

...

(Code 1978, § 34.1-107.1; Ord. No. O-2004-40, § 1, 4-12-2004)

DIVISION 10. R-7 PLANNED RESIDENTIAL DISTRICT

Sec. 130-411. R-7 planned residential.

...

(14) A tree canopy or cover shall be planted over a minimum of 20 percent of the total area shown on a site plan or subdivision plan. The area of any permanent pond or lake may be subtracted from the total land area for tree canopy purposes.

...

(Ord. No. O-2000-10, 12-13-1999; Ord. No. O-2001-29, 6-18-2001; Ord. No. O-2004-40, § 1, 4-12-2004)

DIVISION 13-A. B-3.5 CITY CENTER TRANSITIONAL DISTRICT

Sec. 130-471. B-3.5 city center transitional.

...

(4) A landscaped area of 25 feet shall be provided when any B-3.5 project abuts any residential district line. However, such area may be reduced, if the residential property owner agrees to such a reduction, either by means of providing an enhanced opaque screening or the acquisition of an offsite easement as evidenced by the recording of an agreement between the B-3.5 owner and the adjoining residential district property owner(s).

...

(h) *Green space requirements.* Green space shall be provided that is equal to, but not less than seven percent of the total site area by means of one or more of the following techniques; traditional surface gardens and landscaped areas; and/or other green areas incorporated into the proffered building design by means of planters or other permanently affixed units.

(i) *Tree canopy.* See article VII of this chapter.

(j) *Street and parking lot trees :*

(1) Street trees shall be provided on all public road frontages, a minimum of one tree for every 35 feet.

(2) When surface parking is proposed a minimum of one tree for every 20 parking spaces must be provided to reduce the visual impact and heat generated by the increased impervious surface area.

...

(5) *Landscaping.*

a. Landscaping within building and structure setback areas and internal gardens used to meet the requirements of subsections (h) and (j) are to be included.

b. Specimen trees on site are to be identified and their preservation incorporated into the overall design of the project. Any specimen tree thus preserved shall have an easement placed on it in accordance with section 122-52 of the City Code for tree preservation purposes. Maintenance by the property owner should be properly identified within the design guidelines.

c. Green space improvements that are included in the proposed project shall be integrated in the design guidelines, including amenities within parks, plazas, or squares such as bicycle facilities, walkways, paths, trails, benches, ponds, sculptured elements, and art or fountains, including the size of parks, plazas and squares. Elements within the structure designed to accommodate this requirement shall be by specific proffer with associated maintenance agreements. public access should be accommodated if possible.

...

(Ord. No. O-2005-13, § 1, 12-20-2004)

ARTICLE IX. SPECIAL USE PERMITS

Sec. 130-611. PMD planned mixed use development.

...

(9) A tree canopy or cover shall be planted over a minimum of 15 percent of the total area shown on a site plan or subdivision plan. The area of any permanent pond or lake may be subtracted from the total land area for tree canopy purposes.

(10) A minimum ten percent greenspace shall be provided, excluding utility strips, parking lot islands and other unusable planting strips. Greenspace shall provide as active or passive areas of such a size to benefit the community.

...

(Code 1978, § 34.1-135; Ord. No. O-2006-02, 8-8-2005; Ord. No. O-2007-07, 1-22-2007)

Sec. 130-613. Generalized development plans (GDP).

(a) The generalized development plans shall be submitted with all applications for a special use permit. The generalized development plans shall include:

- ...
- (2) A landscape plan indicating the general location and type of significant or specimen trees located within the limits of the planned development area.

...

(Code 1978, § 34.1-137; Ord. No. O-2002-22, § 34.1-137, 2-11-2002)

ARTICLE XI. TEXT AMENDMENTS, REZONING AND PUBLIC HEARING REQUIREMENTS

Sec. 130-693. Generalized development plans (GDP).

Generalized development plans (GDP), as required by section 130-692(5), shall include the following:

- ...
- (4) A landscape plan indicating the general location and type of significant or specimen trees located within the limits of the planned development area.

(Code 1978, § 34.1-183; Ord. No. O-2002-22, § 34.1-183, 2-11-2002)

ARTICLE XIII. SITE PLAN COMPLIANCE WITH DCSM (ed note Design and Construction Standards Manual)

Sec. 130-766. Improvements required to be shown on final site plans.

In order to ensure public safety, general welfare and convenience, the following improvements shall be required and shown on all final site plans:

- ...
- (12) A landscape plan:
 - a. Indicating the general location and type of significant or specimen trees located within the limits of the planned development area.
 - b. Identifying the planting or replacement of trees in conformance with article VII.

(13) When a parcel abuts a public street and is located in a B-1, B-2, B-4, I-1 or I-2 zoning district, the following improvements shall be required:

- ...
- e. Trees or groups of trees shall be planted within the buffer area at alternating distances from the public street right-of-way where no utility easement is required. Where a utility easement is required, trees shall be planted within the buffer area at alternating distances from the utility easement. There shall be a sufficient number of trees planted to achieve a 50 percent tree canopy over the buffer area at ten-year maturity. Trees or groups of trees shall be located so that there is no greater than 20 feet between the canopies of the trees or groups of trees at ten-year maturity. In addition, shrubs may be planted within the landscaped buffer area but may not serve as credit towards the required tree canopy.
 - f. The type of trees planted within the buffer area shall be approved by the city horticulturist as being in conformance with the specifications of the DCSM.

(Code 1978, § 34.1-237; Ord. No. O-2000-18, § 34.1-237; 3-27-2000; Ord. No. O-2002-22, § 34.1-237, 2-1-2002)