

City of Richmond, VA
Code of the City of Richmond, VA
Abstracted June 2010
<http://search.municode.com/html/16118/index.htm>

CHARTER
DIVISION 8. DEPARTMENT OF PUBLIC WORKS
Sec. 2-451. Created; composition.

The department of public works shall consist of a director and such bureaus, divisions, and other units as may be provided by the Charter, by ordinance, or by the orders of the director consistent therewith.
(Code 1993, § 2-197)

Sec. 2-453. Duties.

The department of public works shall be responsible for:

...

(10) The operation and maintenance of nurseries for flowers, vines, shrubs and trees for use in the public parks, grounds, streets, and ways of the city; and

(11) The planting and care of all flowers, vines, shrubs and trees in the public parks, grounds, streets, and ways of the city; and

(12) The sale or exchange of the surplus products of the city nurseries; and

(Code 1993, § 2-199; Ord. No. 2004-181-201, § 1, 7-26-2004; Ord. No. 2004-360-330, § 1, 12-13-2004; Ord. No. 2008-28-48, § 1, 3-10-2008)

Chapter 26 CITY-OWNED REAL ESTATE
ARTICLE IX. USE OF PUBLIC GROUNDS, PARKS, PLAYFIELDS AND
PLAYGROUNDS

DIVISION 1. GENERALLY

Sec. 26-404. Cutting down any tree on city property prohibited.

It shall be unlawful for any person to cut down or cause to be cut down any tree on any city-owned real estate or in any city-owned right-of-way without the express written permission of the director of parks, recreation and community facilities. Each tree so cut down or caused to be cut down shall constitute a separate offense under this section.
(Code 1993, § 8-226)

Chapter 38 ENVIRONMENT
ARTICLE IV. REFUSE, LITTER AND WEED CONTROL
Sec. 38-154. Weeds and other vegetation.

(a) It shall be a misdemeanor for any person who owns or occupies property within the city to permit any grass, plant, bushes, weeds or any other vegetation 12 inches high or over, other than trees, shrubbery, agricultural plants, garden vegetables, flowers or ornamental plants, to exist on such property.

(b) It shall be a misdemeanor for any person who owns or occupies property within the city to permit the existence on such property of any live or dead hedge, shrub, tree or other vegetation, any part of which extends or protrudes into any street, sidewalk, public right-of-way, grass strip or alley so as to obstruct or impede or threaten the safe and orderly movement of persons or vehicles.

(c) It shall be a misdemeanor for any person who owns or occupies property within the city to permit any grass, plants, bushes, weeds or any other vegetation 12 inches high or over,

other than trees, shrubbery, agricultural plants, garden vegetables, flowers or ornamental plants, to exist on any sidewalk, public right-of-way, or grass strip adjacent to such property or unimproved street or alley (to the centerline of such unimproved street or alley).

(d) It shall be a misdemeanor for any person who owns or occupies property within the city to fail to remove fallen trees, detached limbs, or branches, the accumulation of which is offensive, unwholesome, and unsightly.

(Code 1993, § 19-54)

Chapter 50 FLOODPLAIN MANAGEMENT, EROSION AND SEDIMENT CONTROL, AND DRAINAGE GENERALLY

ARTICLE III. SITE CONTROL, EROSION, AND DRAINAGE

Sec. 50-192. Definitions.

Terms defined in Code of Virginia, § 10.1-560 and the Virginia Erosion and Sediment Control Regulations (4VAC50-30) have those meanings when used in this article. In addition, 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:

Clearing means any activity which removes the vegetative ground cover including, but not limited to, root mat removal or top soil removal.

Development means a tract of land developed or to be developed as a single unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more residential dwelling units.

Erosion and sediment control plan means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory, and management information with needed interpretations and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions and all information deemed necessary by the plan-approving authority to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.

Erosion impact area means an area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 10,000 square feet or less used for residential purposes or to shorelines where the erosion results from wave action or other coastal processes.

Land-disturbing activity means any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, including, but not limited to, clearing, grading, excavating, transporting and filling of land, except that the term shall not include:

(1) Minor land-disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;

(2) Individual service connections;

(3) Installation, maintenance, or repair of any underground public utility lines when such activity occurs on an existing hard-surfaced road, street or sidewalk provided the land-disturbing activity is confined to the area of the road, street or sidewalk which is hard-surfaced;

(4) Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;

(5) Surface or deep mining;

(6) Exploration or drilling for oil and gas including the well site, roads, feeder lines, and off-site disposal areas;

- (7) Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, or livestock feedlot operations, including engineering operations and agricultural engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the Dam Safety Act, Article 2, (§ 10.1-604 et seq.) of Chapter 6 of the Code of Virginia, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in Code of Virginia, § 10.1-1163(B);
- (8) Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of a railroad company;
- (9) Individual noncommercial tracts of land of less than 7,500 square feet which do not exceed 2,500 square feet disturbed within Chesapeake Bay Preservation Areas;
- (10) Alterations or additions to existing facilities where the disturbed area will not exceed 4,000 square feet or 2,500 square feet disturbed within Chesapeake Bay Preservation Areas;
- (11) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;
- (12) Shoreline erosion control projects on tidal waters when all of the land disturbing activities are within the regulatory authority of and approved by local wetlands boards, the Marine Resources Commission or the United States Army Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to this article; and
- (13) Emergency work to protect life, limb or property, and emergency repairs; however, if the land-disturbing activity would have required an approved erosion and sediment control plan if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the plan-approving authority.

ARTICLE IV. CHESAPEAKE BAY PRESERVATION AREAS

DIVISION 1. GENERALLY

Sec. 50-302. Definitions.

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

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

ARTICLE IV. CHESAPEAKE BAY PRESERVATION AREAS

DIVISION 4. LAND USE AND DEVELOPMENT PERFORMANCE CRITERIA

Sec. 50-332. Development criteria for resource protection areas.

In addition to the general performance criteria set forth in section 50-331, the criteria in this section are applicable in resource protection areas.

...

(c) Buffer area requirements. The 100-foot wide buffer area shall be the landward component of the resource protection area as set forth in subsection (b)(5) of section 50-

321. Notwithstanding permitted uses, encroachments, and vegetation clearing, as set forth in this section, the 100-foot wide buffer area is not reduced in width. To minimize the adverse effects of human activities on the other components of the resource protection area, state waters, and aquatic life, a 100-foot wide buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be retained if present and established where it does not exist.

(1) The 100-foot wide buffer area shall be deemed to achieve a 75 percent reduction of sediments and a 40 percent reduction of nutrients.

(2) Where land uses such as agriculture or silviculture within the area of the buffer cease and the lands are proposed to be converted to other uses, the full 100-foot wide buffer shall be reestablished. In reestablishing the buffer, management measures shall be undertaken to provide woody vegetation that assures the buffer functions set forth in this article.

(d) Permitted encroachments into the buffer area.

(1) When the application of the buffer area would result in the loss of a buildable area on a lot or parcel recorded prior to October 1, 1989, encroachments into the buffer area may be allowed through an administrative process, in accordance with the following criteria:

a. Encroachments into the buffer area shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities.

b. Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the buffer area shall be established elsewhere on the lot or parcel.

c. The encroachment may not extend into the seaward 50 feet of the buffer area.

(2) When the application of the buffer area would result in the loss of a buildable area on a lot or parcel recorded between October 1, 1989 and March 1, 2002, encroachments into the buffer area may be allowed through an administrative process in accordance with the following criteria:

a. The lot or parcel was created as a result of a legal process conducted in conformity with the city's subdivision regulations;

b. Conditions or mitigation measures imposed through a previously approved exception shall be met;

c. If the use of a best management practice was previously required, the best management practice shall be evaluated to determine if it continues to function effectively and, if necessary, the best management practice shall be reestablished or repaired and maintained as required; and

d. The criteria in section 50-332(d)(1) shall be met.

(e) Permitted modifications of the buffer area. In order to maintain the functional value of the buffer area, existing vegetation may be removed, subject to approval by the city, only to provide for reasonable sight lines, access paths, general woodlot management, and best management practices, including those that prevent upland erosion and concentrated flows of stormwater, as follows:

(1) Trees may be pruned or removed as necessary to provide for sight lines and vistas, provided that where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff as specified in the *Riparian Buffer Modification & Mitigation Guidance Manual, 2003*, published by the Chesapeake Bay Local Assistance Division of the Department of Conservation and Recreation and as may be amended by the division from time to time.

(2) Any path shall be constructed and surfaced so as to effectively control erosion.

(3) Dead, diseased, or dying trees or shrubbery and noxious weeds (such as Johnson grass, kudzu, and multiflora rose) may be removed and thinning of trees may be allowed, pursuant to sound horticultural practices.

(4) For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline in accordance with the best available technical advice and applicable permit conditions or requirements.

...

(g) Buffer area requirements for intensely developed areas. In intensely developed areas, the city may exercise discretion regarding whether to require establishment of vegetation in the 100-foot wide buffer area. However, while the immediate establishment of vegetation in the buffer area may be impractical, the city shall give consideration to implementing measures that would establish vegetation in the buffer in these areas over time in order to maximize water quality protection, pollutant removal, and water resource conservation. Where buffers are to be established, they shall be designed in accordance with the standards established in the *Riparian Buffer Modification & Mitigation Guidance Manual, 2003*, prepared by the Chesapeake Bay Local Assistance Division of the Department of Conservation and Recreation and as may be amended by the division from time to time. (Ord. No. 2004-331-321, § 1, 12-13-2004; Ord. No. 2005-203-172, § 1, 7-25-2005)

Chapter 66 OFFENSES AND MISCELLANEOUS PROVISIONS

ARTICLE IV. OFFENSES AGAINST PROPERTY

Sec. 66-112. Destruction or removal of property.

(a) If any person unlawfully destroys, defaces, damages or removes without the intent to steal any property, real or personal, not such person's 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 the city or any tree marked for that purpose, such person 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, such person shall be guilty of a class 1 misdemeanor if the value of or damage to the property, memorial or monument is less than \$1,000.00. The amount of loss caused by the destruction, defacing, damage or removal of such property, memorial 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 1993, § 20-52)

Chapter 94 SUBDIVISION OF LAND

ARTICLE II. DESIGN STANDARDS

DIVISION 3. LOTS

Sec. 94-176. Easements along side or rear in dwelling districts abutting expressway or toll road.

An easement at least ten feet in width, across which there shall be no right of access to or from subdivision lots, shall be provided along the side or rear of lots in dwelling districts established by or pursuant to chapter 114 which abut an expressway or toll road. The easement shall be used for the cultivation of trees, shrubs or other vegetation of such character as will lessen the adverse effect of the movement of vehicles over such

expressway or toll road upon the use of land for dwelling purposes.
(Code 1993, § 26-48)

Chapter 106 UTILITIES

ARTICLE V. WATER

DIVISION 9. WATER CONSERVATION

Sec. 106-497. Definitions.

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

Established landscape means landscape plants existing in an area after such period of time as to accomplish an establishment and maintenance of growth.

Landscape plant means any member of the kingdom Plantae, including any tree, shrub, vine, herb, flower, succulent, ground cover or grass species that grows or has been planted outdoors.

New landscape means any landscape made up of plants or seeds planted in or transplanted to an area within such period of time as to accomplish a reasonable establishment and maintenance of growth.

(Code 1993, § 29-281)

Chapter 114 ZONING

ARTICLE VI. SUPPLEMENTAL REGULATIONS

DIVISION 11. WIRELESS TELECOMMUNICATIONS FACILITIES, MICROWAVE RELAY STATIONS, AND RADIO AND TELEVISION BROADCAST ANTENNAS

Sec. 114-692.2. Standards applicable to all facilities and antennas.

(a) In addition to meeting minimum submission requirements for plan of development and building permit applications, requests for approval for wireless communications facilities shall include the following:

(3) Plans required for applications shall also clearly depict the following:

g. Landscape plans-minimum evergreen hedge for the base of the support structure and ground-mounted equipment, with additional trees for support structure screening.

(Code 1993, § 32-692.2)

ARTICLE VII. OFF-STREET PARKING AND LOADING REQUIREMENTS

DIVISION 2.1. OFF-STREET PARKING IMPROVEMENT REQUIREMENTS AND LANDSCAPING STANDARDS

Sec. 114-710.10. Intent.

The intent of this division is to facilitate the creation of a convenient, attractive and harmonious community; to conserve and protect natural resources, including air and water quality; to protect and enhance property values; and to promote public safety by providing internal landscaping, perimeter buffer, tree coverage and other improvement standards for the development and maintenance of parking areas and parking lots in the city.

(Code 1993, § 32-710.10)

Sec. 114-710.12. Improvement of parking areas and parking lots.

Parking areas and parking lots containing five or more parking spaces shall be improved and maintained in accordance with the following:

(1) *Screening along interior lot lines in certain cases.* Whenever a parking area or parking lot abuts or is situated within 50 feet of property in an R, RO, HO or I district, unless separated therefrom by an alley providing access to such parking area or parking lot, the parking area or parking lot shall be effectively screened from view from such property by evergreen vegetative material not less than 3 1/2 feet in height at the time of installation or by an opaque structural fence or wall not less than four feet in height, provided that such parking area or parking lot need not be screened from an adjacent parking area or parking lot containing five or more parking spaces or from an adjacent loading area. Evergreen vegetative material intended to satisfy this subsection shall be planted at such intervals that will result in a continuous visual screen within one year of planting.

...

(Code 1993, § 32-710.12)

Sec. 114-710.13. Perimeter buffers: landscaping requirements.

Except as provided in subsection (3) of this section, parking areas and parking lots containing five or more parking spaces shall be improved and maintained with landscaping in accordance with the requirements of this section as follows:

(1) *Treatment of required landscaped buffers.* Treatment of required landscaped buffers shall be in accordance with the following:

a. Required landscaped buffers shall be provided with vegetative ground cover, trees, shrubs, other plant material, or any combination thereof, except where more specific requirements are set forth in subsection (2) of this section. Mulch ground cover may be provided as a border or supplement to other vegetation in a required landscaped buffer. Pedestrian walkways incidental to landscaped buffers may be incorporated within such buffers when the other requirements of this subsection (1)a. are met.

b. All required landscaped buffers shall be protected from encroachment by motor vehicles by installation of curbs, wheel stops or other features which separate the landscaped buffer from areas improved for vehicle parking or circulation.

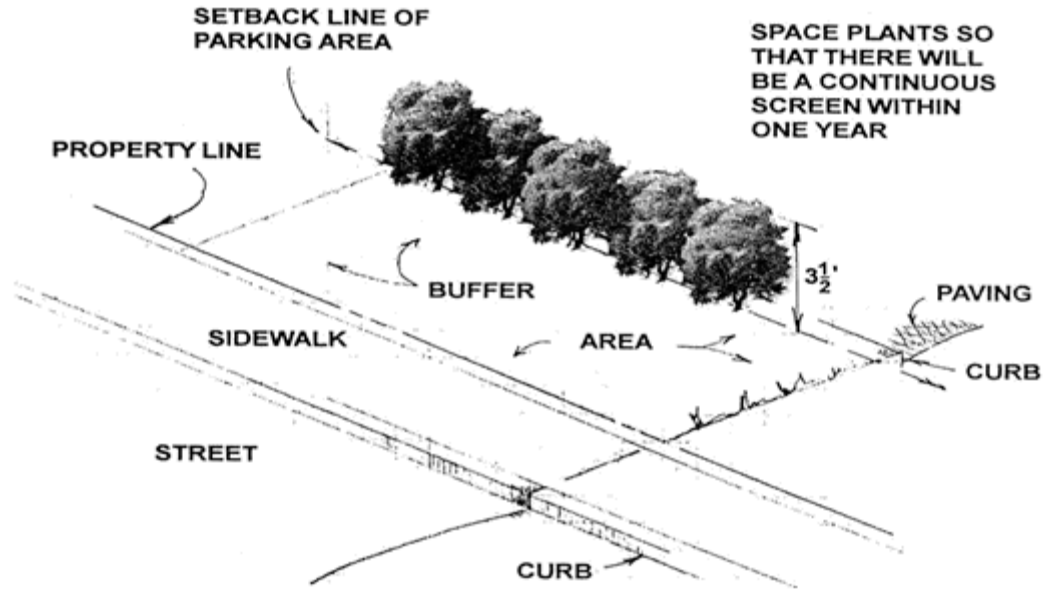
(2) *Landscaped buffers along streets.* Landscaped buffers as set forth in subsections (2)a. through (2)d. of this section shall be installed and maintained between all areas devoted to parking and all adjacent street lines, provided that approved driveways enabling access to abutting streets may extend through such buffers.

a. *Zoning districts and permitted buffer alternatives.* The following table specifies the buffer and buffer alternatives that satisfy the landscaped buffer requirement in each zoning district. Where more than one buffer alternative is listed for a zoning district, any of the listed alternatives may be provided to satisfy the buffer requirement in that district:

Zoning Districts	Buffer Alternatives
R, RO, HO, I	A, B, C, D
UB	F, G, H
B-1	E
UB-2, B-2, B-3	F, G, H, I, J
B-4, B-5, B-6	I, J
RF-1, RF-2	I, J
CM, DCC	I, J
OS	F
RP	F, G, H
M-1, M-2	J, K

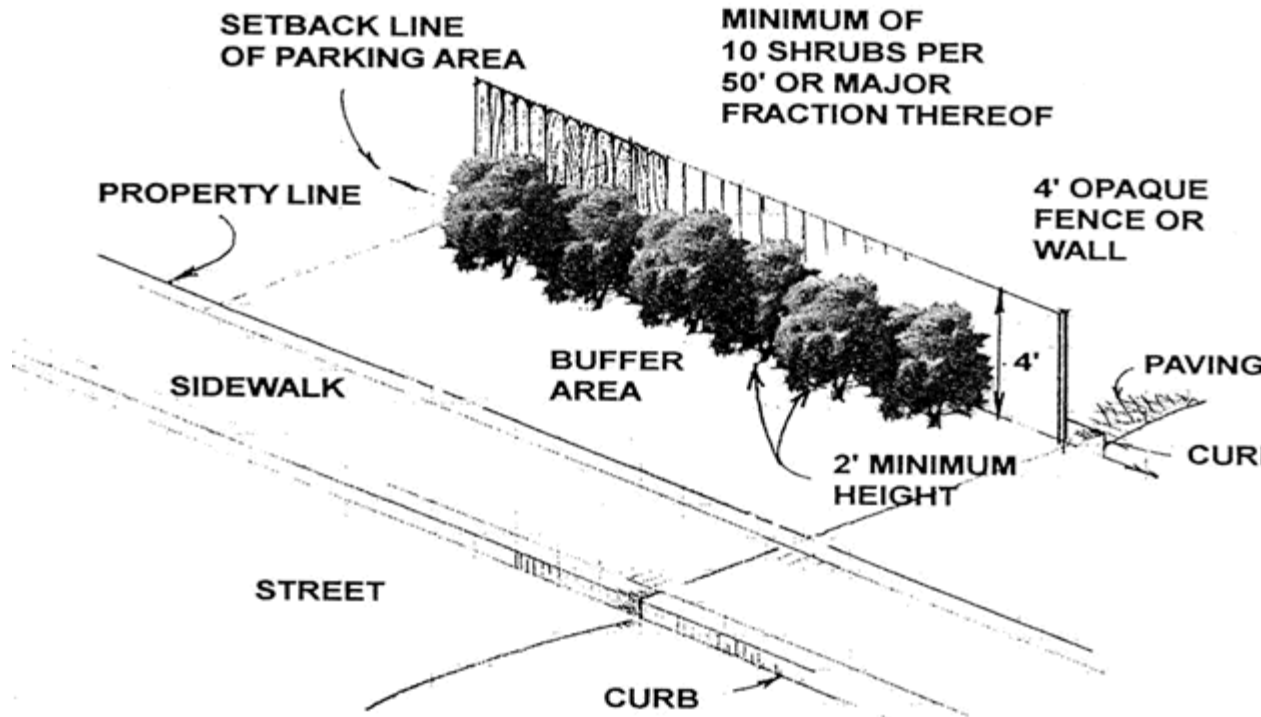
b. *Description of buffer alternatives.* The depth of and improvements required within each buffer alternative are as follows. In all cases, buffer alternatives are minimum requirements, and greater buffer depth, additional landscaping or additional fence or wall improvements may be provided:

1. Buffer "A," as shown below, shall have a depth of not less than the minimum yard requirement applicable along each street frontage of the property, but in no case less than five feet, and shall include an evergreen vegetative screen not less than 3½ feet in height at the time of installation placed along the setback line of the parking area. Evergreen vegetative material intended to satisfy this requirement shall be planted at such intervals that will result in a continuous visual screen within one year of planting.



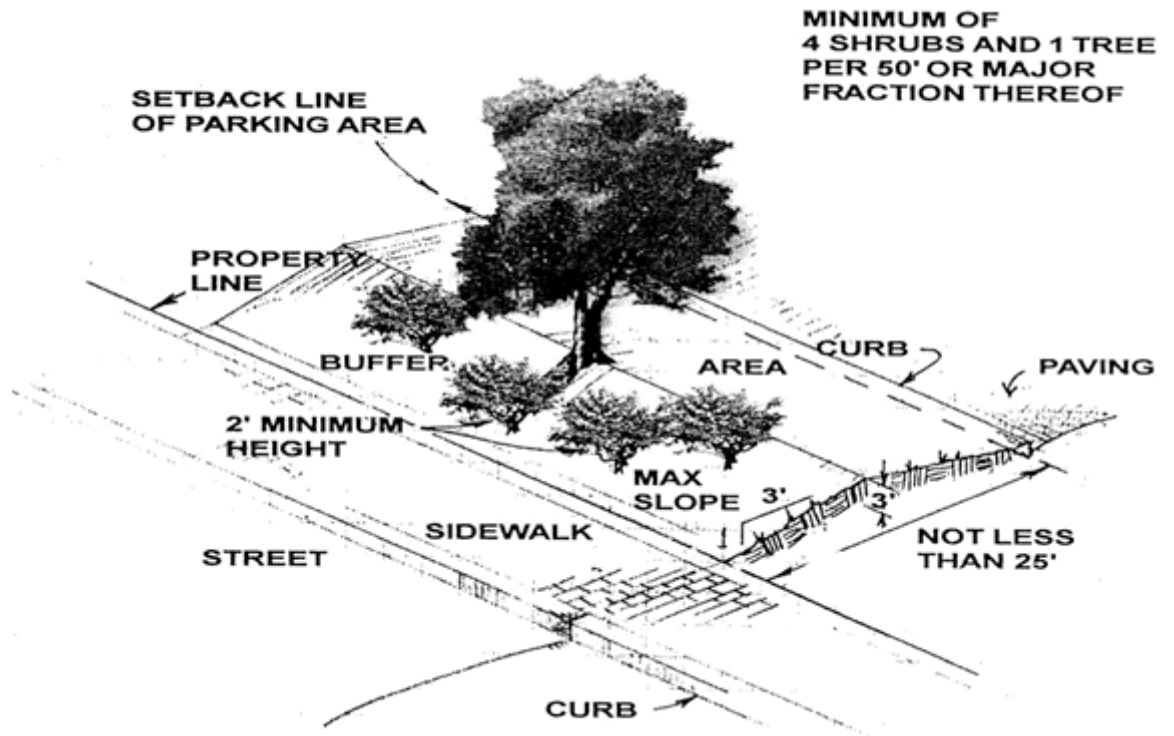
Buffer area depth dependent on yard requirement in district, but in no case less than five feet.

2. Buffer "B," as shown below, shall have a depth of not less than the minimum yard requirement applicable along each street frontage of the property, but in no case less than five feet, and shall include an opaque structural fence or wall not less than four feet in height placed along the setback line of the parking area and shall include shrubs located adjacent to such fence at a rate of not less than ten for each 50 linear feet or major fraction thereof of buffer along each street frontage.



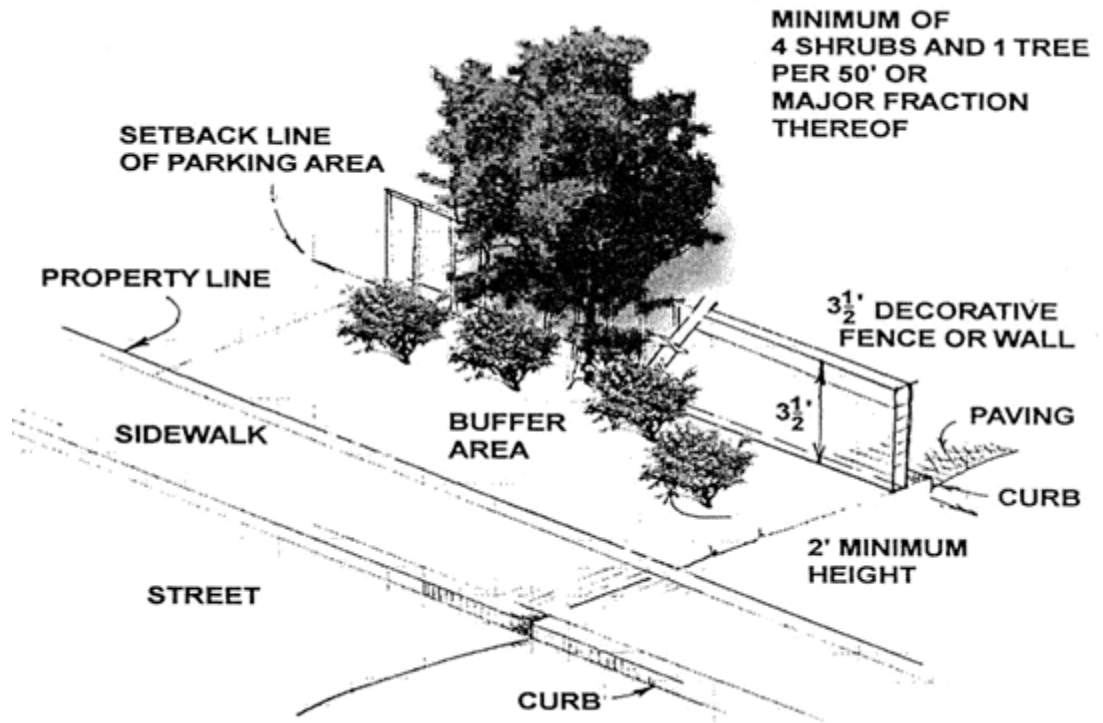
Buffer area depth dependent on yard requirement in district, but in no case less than five feet.

3. Buffer "C," as shown below, shall have a depth of not less than the minimum yard requirement applicable along each street frontage of the property, but in no case less than five feet, and shall include a decorative fence or wall not less than 3½ feet in height placed along the setback line of the parking area and shall include trees and shrubs located adjacent to such fence at a rate of not less than one tree and four shrubs for each 50 linear feet or major fraction thereof of buffer along each street frontage.

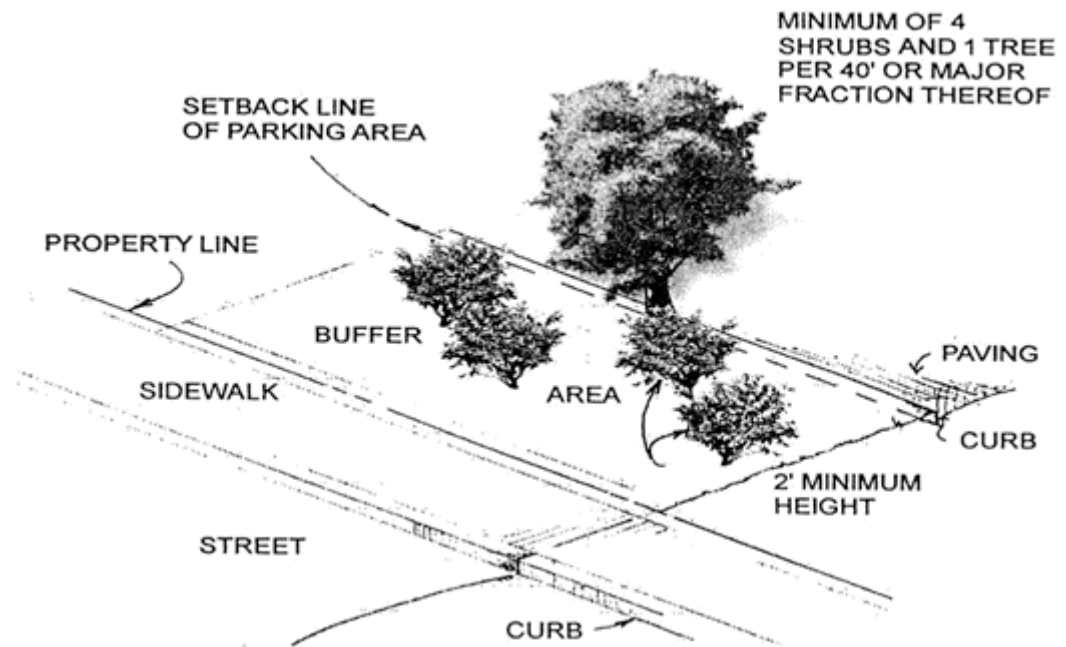


Buffer area depth dependent on yard requirement in district, but in no case less than five feet.

4. Buffer "D," as shown below, shall have a depth of not less than 25 feet and shall consist of an earthen berm not less than three feet in height with slopes not greater than three feet horizontal for each one foot vertical and shall include trees and shrubs located on the top or street side of such berm at a rate of not less than one tree and four shrubs for each 50 linear feet or major fraction thereof of buffer along each street frontage.

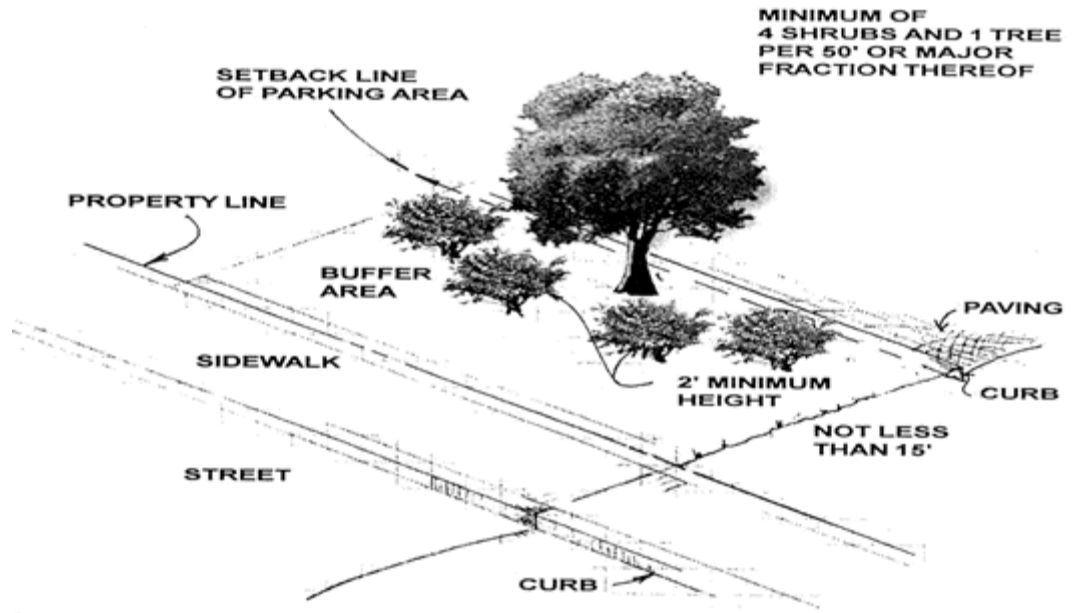


5. Buffer "E," as shown below, shall have a depth of not less than the minimum yard requirement applicable along each street frontage of the property and shall include trees and shrubs at a rate of not less than one tree and four shrubs for each 40 linear feet or major fraction thereof of buffer along each street frontage. In any case where the applicable yard requirement along a street is five feet or less, the trees and shrubs required for buffer "E" may be substituted with the improvements specified for buffer "H," "I," or "J," provided that the applicable yard requirement is met.

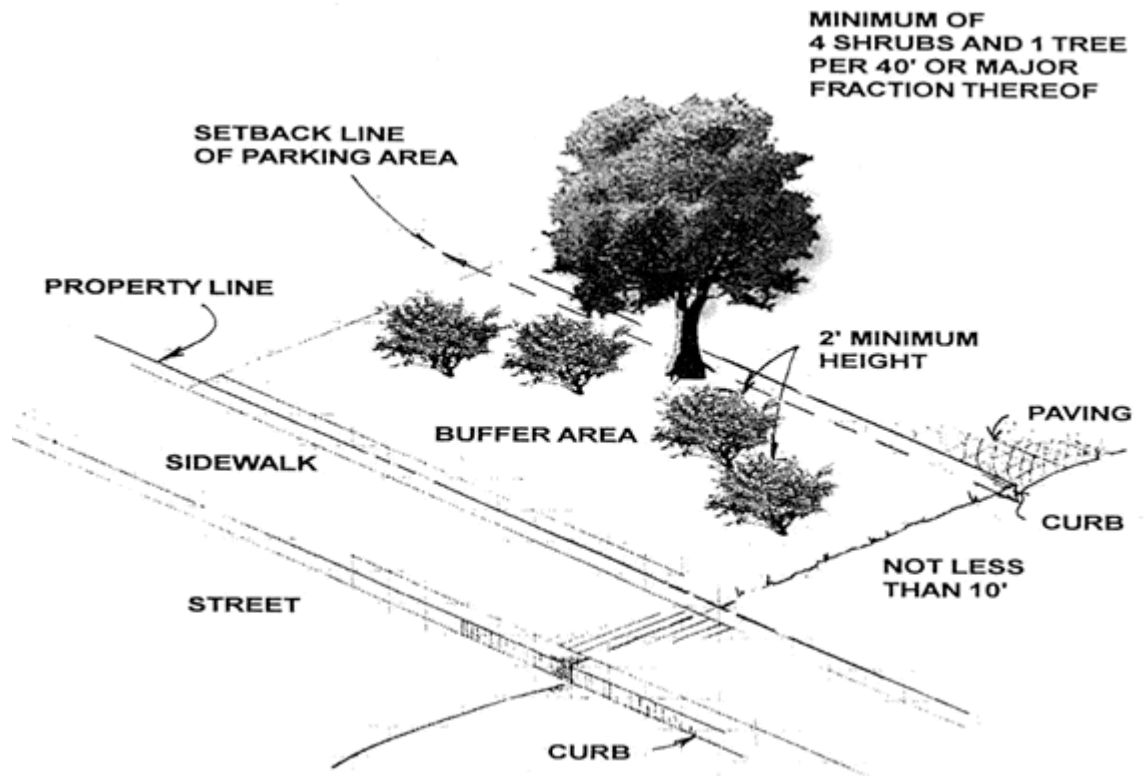


Buffer area depth dependent on yard requirement in district, but in no case less than five feet. Where yard requirement is five feet or less, trees and shrubs may be substituted as specified for buffers "H," "I," and "J."

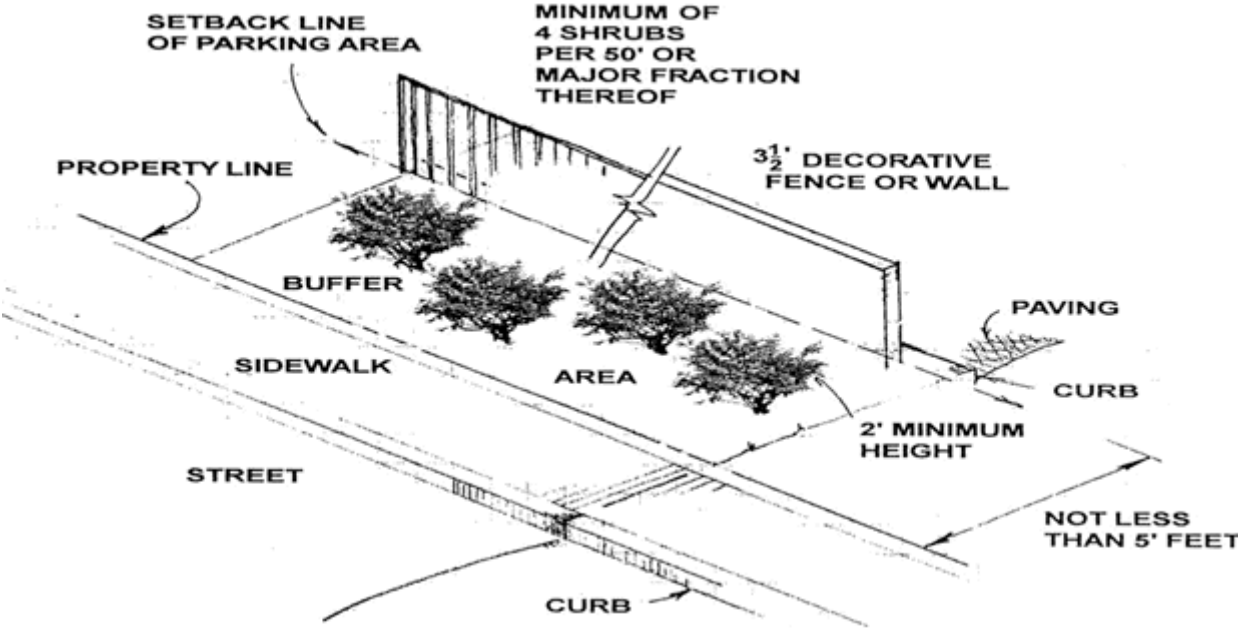
6. Buffer "F," as shown below, shall have a depth of not less than 15 feet and shall include trees and shrubs at a rate of not less than one tree and four shrubs for each 50 linear feet or major fraction thereof of buffer along each street frontage.



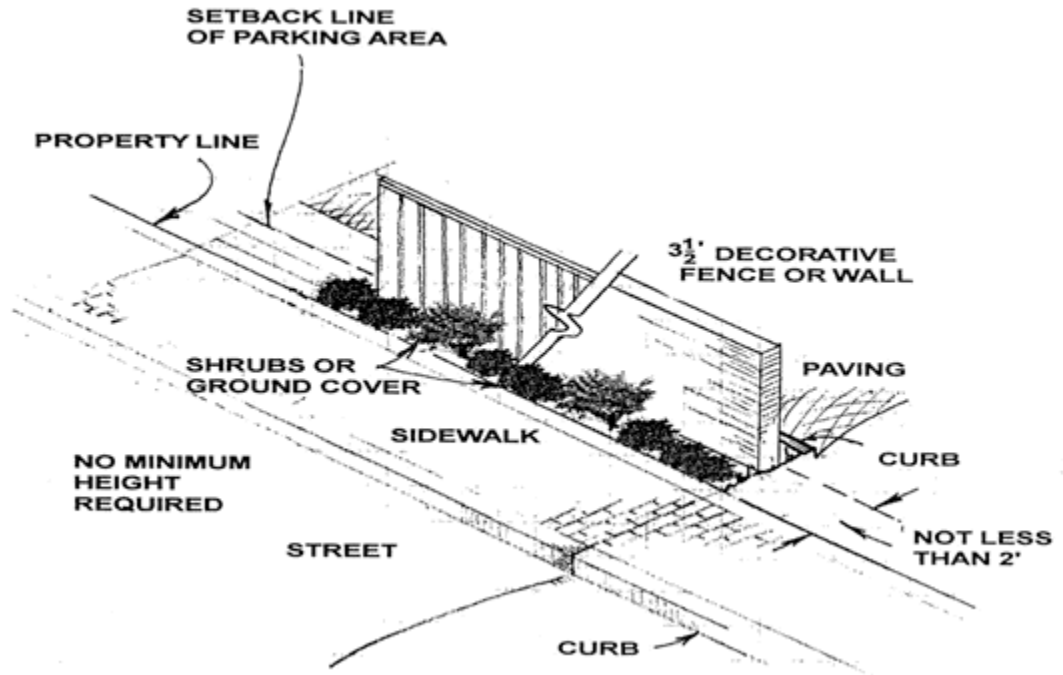
7. Buffer "G," as shown below, shall have a depth of not less than ten feet and shall include trees and shrubs at a rate of not less than one tree and four shrubs for each 40 linear feet or major fraction thereof of buffer along each street frontage.



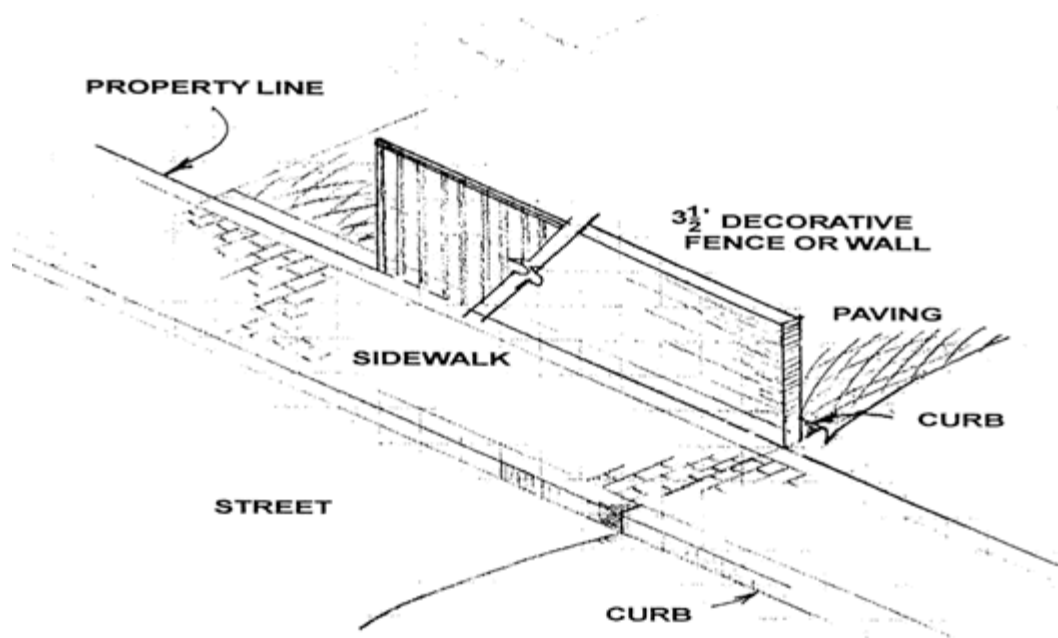
8. Buffer "H," as shown below, shall have a depth of not less than five feet and shall include a decorative fence or wall not less than 3½ feet in height and shrubs at a rate of not less four shrubs for each 50 linear feet or major fraction thereof.



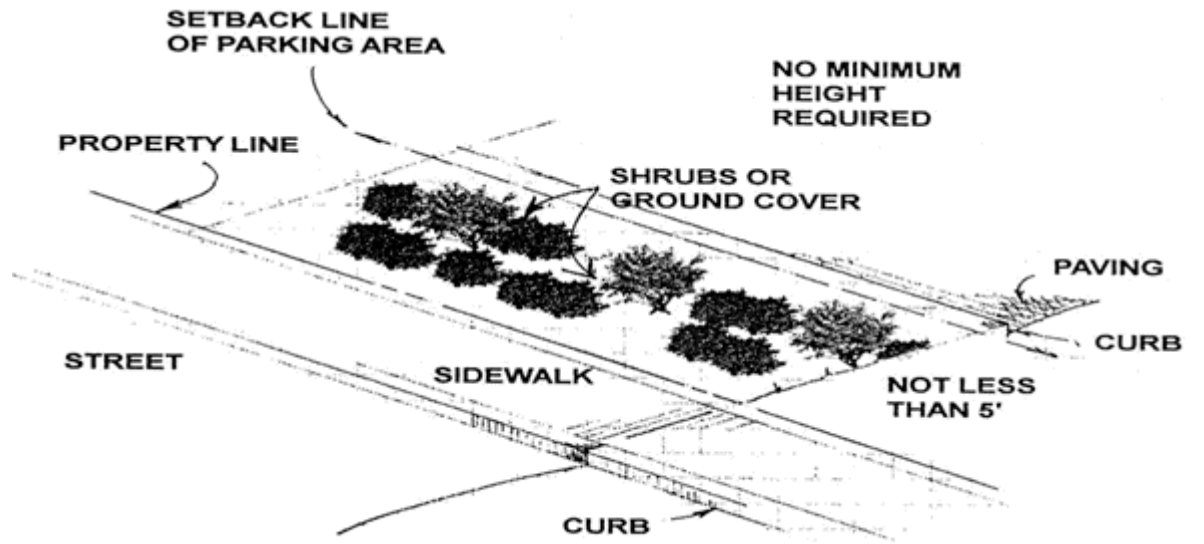
9. Buffer "I," as shown below, shall have a depth of not less than two feet and shall include a decorative fence or wall not less than 3½ feet in height and vegetative ground cover, shrubs or other plant material.



10. Buffer "J," as shown below, shall consist of a decorative fence or wall not less than 3½ feet in height located at the edge of the area devoted to parking.



11. Buffer "K," as shown below, shall have a depth of not less than five feet and shall include vegetative ground cover, shrubs or other plant material.



- c. *Tree and shrub standards.* Standards for trees and shrubs shall be as follows:
1. Trees to be credited toward buffer requirements shall be deciduous trees having a caliper of not less than 2½ inches at the time of installation measured six inches above the ground or evergreen trees having a height of not less than six feet at the time of installation. Healthy existing trees to be retained within a buffer area may be credited toward buffer requirements when such trees are shown on approved plans and are adequately protected during construction.
 2. Trees to be credited toward buffer requirements shall be distributed as equally as practical throughout the length of the buffer, with consideration for the species of trees, topography, location of driveways and utilities and other physical conditions.
 3. Shrubs to be credited toward buffer requirements shall be evergreen shrubs not less than two feet in height at the time of installation. Shrubs may be grouped in a manner appropriate to the species and need not be distributed equally throughout the length of the buffer.
- d. *Fences or walls.* Fences or walls to be credited toward buffer requirements shall comply with fence and wall design guidelines adopted by resolution of the planning commission or their equivalent as determined by the zoning administrator. In no case shall chainlink, chainlink with slats or similar fencing be considered to meet the requirements of the fence and wall design guidelines.
1. A fence or wall disapproved by the director of community development shall, at the request of the applicant, be submitted to the planning commission for its review. The request for such review shall be made in writing to the secretary of the commission, who shall place the request on the planning commission's agenda for consideration at its first regularly scheduled meeting following the receipt of such request, provided that the request is received not less than ten days prior to such meeting.
 2. After reviewing the decision of the director of community development, the planning commission may affirm the decision or, upon finding that the proposed fence or wall satisfies the fence and wall design guidelines, may instruct the director of community development to approve the fence or wall. The planning commission may attach such conditions as it deems necessary to ensure conformance with the intent and purpose of the fence and wall design guidelines.

(3) *Landscaped buffers along interior lot lines.* In addition to the screening requirements set forth in section 114-710.12, parking areas and parking lots containing 30 or more parking spaces and parking areas containing five or more parking spaces serving uses with drive-up facilities or facilities for dispensing motor fuels shall be provided with landscaped buffers of not less than five feet in depth installed and maintained between all areas devoted to parking and all lot lines other than street lines, provided that approved driveways connecting properties or enabling access to abutting alleys may extend through such buffers.

(Code 1993, § 32-710.13; Ord. No. 2004-180-167, § 1, 6-28-2004; Ord. No. 2006-168-189, § 2, 7-10-2006; Ord. No. 2008-2-55, § 2, 3-24-2008)

Sec. 114-710.14. Internal landscaping requirements.

Landscaped islands meeting the requirements of this section shall be provided within all parking areas and parking lots containing 30 or more parking spaces and within parking

areas containing five or more parking spaces serving uses with drive-up facilities or facilities for dispensing motor fuels.

(1) *Required number of landscaped islands.* Landscaped islands shall be installed at a rate of not less than the following, unless a greater number of landscaped islands are required to satisfy the provisions of subsection (2) of this section:

a. Within parking areas containing 30 or more parking spaces serving uses other than uses with drive-up facilities or facilities for dispensing motor fuels and within parking lots containing 30 or more parking spaces: one landscaped island for every 15 parking spaces, or major fraction thereof, for the first 100 parking spaces, plus one landscaped island for every additional 20 parking spaces, or major fraction thereof;

b. Within parking areas containing five or more parking spaces serving uses with drive-up facilities or facilities for dispensing motor fuels: one landscaped island for every ten parking spaces, or major fraction thereof, for the first 30 parking spaces; plus one landscaped island for every additional 15 parking spaces, or major fraction thereof, for up to and including 100 parking spaces; plus one landscaped island for every additional 20 parking spaces, or major fraction thereof, in excess of 100 parking spaces.

(2) *Location of required landscaped islands.* Within parking areas and parking lots containing 100 or fewer parking spaces, landscaped islands shall be located so that no more than 15 parking spaces are situated in a continuous row, and within parking areas and parking lots containing more than 100 parking spaces, landscaped islands shall be located so that not more than 20 parking spaces are situated in a continuous row. Each end of each row of parking spaces shall be separated from adjacent access aisles and driveways by a landscaped island.

(3) *Size of required landscaped islands.* Required landscaped islands shall be not less than eight feet in width measured between the outside faces of curbs or other features that define the landscaped island if curbs are not provided, and shall be not less than the length of abutting parking spaces. In the case of landscaped islands having irregular width, the width shall be measured at each point where a tree is to be located within the island.

(4) *Improvement of required landscaped islands.*

a. Each required landscaped island shall contain not less than one deciduous tree having a caliper of not less than 2 1/2 inches at the time of installation measured six inches above the ground.

b. In addition to required trees, landscaped islands shall be provided with vegetative ground cover, shrubs, other plant material, or any combination thereof. All portions of required landscaped islands not provided with vegetative ground cover or other plant material shall be mulched.

c. Pedestrian walkways incidental to landscaped islands may be incorporated within such islands when the other requirements of this subsection are met.

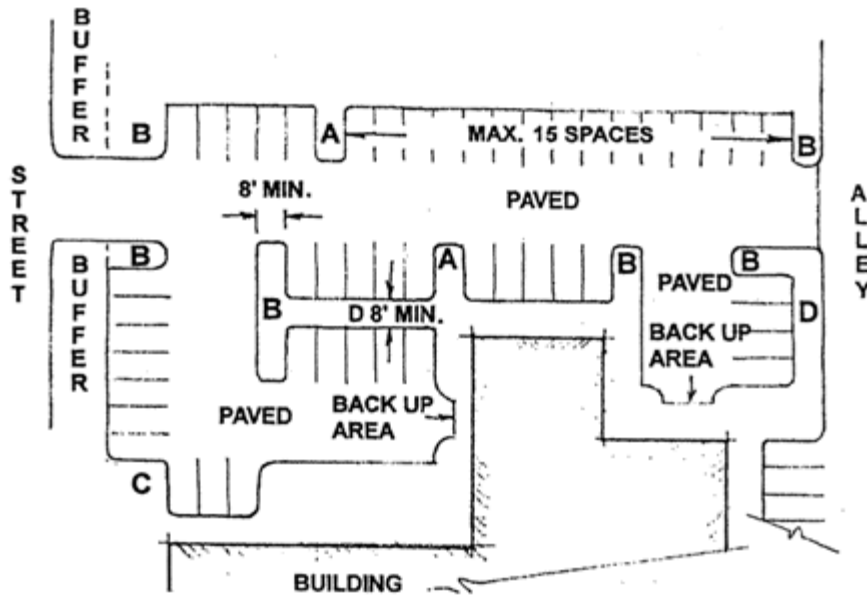
d. All required landscaped islands shall be protected from encroachment by motor vehicles by installation of curbs, wheel stops or other features which separate the landscaped island from areas improved for vehicle parking or circulation. Required landscaped islands shall not include any portion of a required perimeter buffer or any portion of a parking space.

(5) *Areas qualifying as landscaped islands.* As shown below, landscaped islands shall include areas that are improved in accordance with the requirements of this section and are situated:

a. Within an otherwise continuous row of parking spaces so as to provide separation between parking spaces; or

b. At the end of a row of parking spaces so as to provide separation between parking spaces and an access aisle, driveway, street, alley or other paved area; or

- c. At the end of a row of parking spaces so as to provide a corner between rows of parking spaces that are arranged at an angle to one another; or
- d. Between opposing rows of parking spaces or between a row of parking spaces and an access aisle, driveway, street, alley or other paved area.



Landscape Islands

(Code 1993, § 32-710.14; Ord. No. 2004-180-167, § 1, 6-28-2004)

Sec. 114-710.15. Tree coverage requirements.

Parking areas and parking lots containing 30 or more parking spaces and parking areas containing five or more parking spaces serving uses with drive-up facilities or facilities for dispensing motor fuels shall be improved and maintained with trees in accordance with the requirements of this section.

(1) *Determining projected tree coverage.* Projected tree coverage shall be determined in accordance with the City of Richmond Tree Canopy Chart which shall be adopted by resolution of the planning commission. Other tree species and larger trees not shown on the tree canopy chart may be given credit toward the tree coverage requirement when supporting data adequate to determine coverage is submitted to and accepted by the zoning administrator.

(2) *Minimum projected tree coverage.* Trees shall be planted or existing trees shall be retained so as to provide a projected tree coverage at ten years from the date of plan approval as determined by the following formulas:

- a. A parking area serving a use other than a use with drive-up facilities or facilities for dispensing motor fuels, or a parking lot, shall have a projected tree coverage area equivalent to not less than 30 square feet for each parking space contained in the parking area or parking lot.
- b. A parking area serving a use with drive-up facilities or facilities for dispensing motor fuels shall have a projected tree coverage area equivalent to not less than 40 square feet for each parking space contained in the parking area.

(3) *Minimum tree sizes.* Trees to be credited toward the tree coverage requirement shall meet the following standards at the time of installation.

a. Deciduous trees shall have a caliper of not less than 2 1/2 inches measured six inches above the ground.

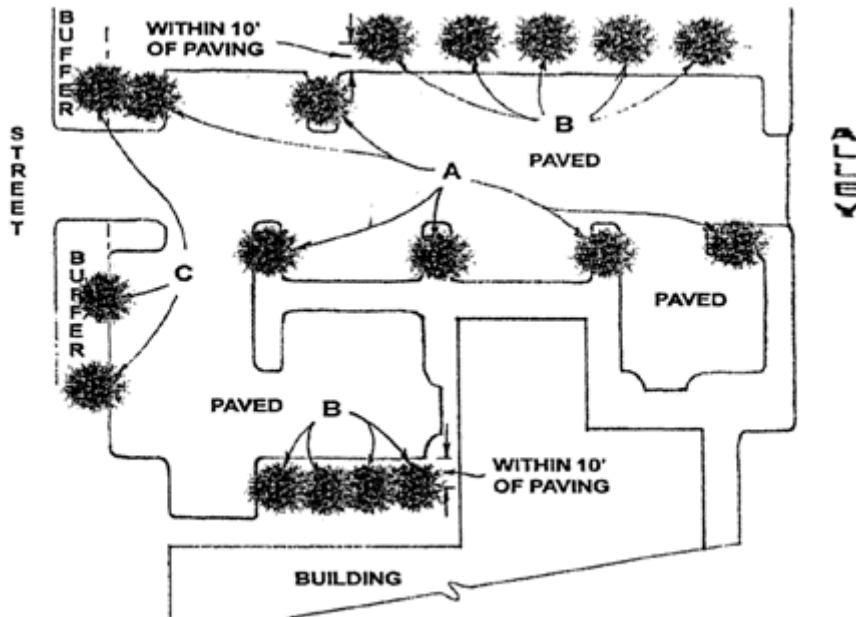
b. Evergreen trees shall be not less than six feet in height.

(4) *Location of trees to be credited.* As shown below, trees to be credited toward the tree coverage requirement may be located:

a. Within landscaped islands meeting the requirements of section 32-710.14; or

b. Between the area devoted to parking and a building on the same site, or between the area devoted to parking and a side or rear property line, provided such trees are located within ten feet of the area devoted to parking; or

c. Within that portion of a perimeter buffer lying within ten feet of the area devoted to parking, provided that trees required to meet perimeter buffer requirements shall not be credited toward the tree coverage requirement.



Location of Trees

(5) *Retention of existing trees.* Healthy existing trees to be retained may be credited toward the tree coverage requirement when such trees are located as specified in subsection (4) of this section, are shown on approved plans, and are adequately protected during construction.

(Code 1993, § 32-710.15; Ord. No. 2004-180-167, § 1, 6-28-2004)

Sec. 114-710.16. Maintenance.

The owner of the property shall be responsible for maintenance, repair and replacement of landscaping materials and other improvements required by this division in such manner that the requirements of this division continue to be met.

(Code 1993, § 32-710.16)

ARTICLE IX. OVERLAY DISTRICTS
DIVISION 4. OLD AND HISTORIC DISTRICTS
Sec. 114-930.1. Definitions.

Major plantings means any substantial existing or proposed plant material, including but not limited to trees or shrubs with trunks greater than three inches in diameter or eight feet in height and hedgerows exceeding ten feet in length.

ARTICLE X. ADMINISTRATION AND ENFORCEMENT
DIVISION 4. PLAN OF DEVELOPMENT
Sec. 114-1030.4. Criteria.

The director of community development shall approve the plan of development if the director finds the following criteria to be met; otherwise, the director shall disapprove the plan of development. In reviewing the plan of development and taking action thereon, the director shall also take into consideration the objectives of the City of Richmond Master Plan as approved and amended by the city council.

(1) *Preservation of landscape and other natural features.* The natural landscape of the site shall be preserved by retaining mature, healthy trees and natural topography except where removal or thinning of trees and alteration of topography is necessary to accommodate building sites, recreation areas, required parking and driveway areas, necessary drainage facilities and utility systems. Appropriate ground cover, trees and other vegetative materials shall be retained or planted to prevent excessive stormwater runoff, erosion, siltation and dust, and to enhance the general appearance of the site and its compatibility with nearby sites.

(2) *Arrangement of buildings and spaces:*

a. Buildings shall be located on the site or designed in such a manner that the fronts of buildings do not face into rear yards or service areas of other buildings located either within the site or adjacent to it, except where privacy walls, fences, plant materials or topographic features provide screening therefrom.

b. Where a site abuts an interstate/freeway or principal or minor arterial street as designated in the master plan, railroad or another site developed or intended to be developed for uses potentially incompatible with the proposed use, buildings and open spaces shall be so located, designed and arranged as to provide reasonable separation from such features or uses. Where necessary to achieve such separation, trees or other vegetative materials shall be retained on the site or supplemented by additional planting or the erection of appropriate walls or fences.

...

(Ord. No. 2004-180-167, §§ 3, 5, 6-28-2004)

Sec. 114-1030.5. Authority of zoning administrator.

The zoning administrator shall approve the application for a building permit or for a certificate of use and occupancy after receiving plans from the director of community development bearing proof of the director's approval, provided that the zoning administrator is satisfied that the proposed construction and use of the premises conform with the applicable provisions of this chapter. The authority and responsibility of the zoning administrator shall, with respect to applications having been approved by the director of community development, be the same as for other applications for building permits and for certificates of use and occupancy submitted for the zoning administrator's approval, and nothing in this article shall be construed to abrogate such authority and responsibility.

(Ord. No. 2004-180-167, §§ 3, 5, 6-28-2004)