

City of Newport News, VA

CODE OF ORDINANCES CITY OF NEWPORT NEWS, VIRGINIA

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Chapter 13 BUILDING REGULATIONS

ARTICLE I. IN GENERAL

Sec. 13-4. Definitions.

(aa) *Weeds* means all grasses, annual plants and vegetation, other than trees and shrubs, except that the word "weed" shall not include cultivated flowers and gardens.

(Ord. No. 5365-99; Ord. No. 5876-02; Ord. No. 5975-03, § 1; Ord. No. 6039-04, § 1)

ARTICLE VII. ACCUMULATION OF WEEDS

Sec. 13-153. Prohibiting dead trees or parts thereof on property in the city.

It shall be unlawful for any responsible person to permit a dead tree which might endanger the health or safety of persons or property to remain on real property in the city. For the purpose of this ordinance, "responsible person" means an owner of real property or the agent therefor, or any other person responsible for the maintenance of the real property. For the purpose of this ordinance, "dead tree which might endanger the health or safety of persons or property" means any dead tree, any tree that is diseased; or has a dead, diseased, or broken limb or a dead, diseased or broken trunk, or any tree that is totally or partially uprooted, if the height of the tree or the length or the limb or trunk is such that, if it were to fall, the tree, limb or trunk could fall within the public right of way or strike a structure or improvement to real property. A determination of whether or not a tree or part thereof is dead or diseased, shall be made by a qualified arborist employed by the city.

(Ord. No. 6227-06, § 1)

Chapter 29 PARKS, SQUARES AND RECREATIONAL FACILITIES

ARTICLE I. IN GENERAL

Sec. 29-4. General responsibilities of department of parks and recreation.

The department of parks and recreation shall be responsible for:

...

(4) Operating and maintaining nurseries for flowers, vines, shrubs and trees for use in the public parks, grounds, streets and ways of the city;

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

...

(Ord. No. 2789-81)

ARTICLE II. GENERAL REGULATIONS GOVERNING PARKS, SQUARES, BEACHES, GOLF COURSES, ETC.

Sec. 29-42. Climbing, or attaching swing or hammock to trees.

No person shall climb a tree, nor attach a swing, hammock or other object to any tree, located in any recreational facility.

(Ord. No. 172, § 15; Code 1961, § 26-20; Ord. No. 2909-82)

Chapter 33.02 SITE REGULATIONS

ARTICLE I. IN GENERAL

Sec. 33.02-2. Purpose and intent.

(a) *Purpose.* The purpose of this chapter is to promote the orderly development of certain activities within the city and to ensure that such activities are developed in a manner that is harmonious with surrounding properties and consistent with the comprehensive plan of the city. If the requirements of this chapter will affect sites which are already developed, or which are partially developed, such sites should be brought into compliance as much as is possible with the provisions of this chapter without creating an undue hardship especially with regard to a potential need to demolish or relocate existing parking lots or structures.

(b) *Intent.* The intent of this chapter is to provide for a review of site development proposals in terms of:

- (1) The compatibility of the project with its environment and with other land uses and buildings in the surrounding area.
 - (2) The quantity, quality, utility, size and type of the recreation space required because of the project.
 - (3) The impact of the project upon the existing natural environment and proposed landscaping improvements. The ecological balance among air, soil and water shall be preserved by the planting and retention of trees, landscaping and green areas since these features will cleanse stormwater runoff, stabilize soils, absorb carbon dioxide and produce oxygen and water vapor.
 - (4) The ability of the traffic circulation system for the project to provide for convenient and safe internal and external movement of vehicles and pedestrians, to include abatement measures for anticipated noise associated with increased traffic.
 - (5) The quantity, quality, utility and type of community facilities required because of the project.
 - (6) The location and adequacy of drainage facilities and other utility provisions associated with the project, whether existing or proposed.
- (Ord. No. 4952-96; Ord. No. 5030-97)

Sec. 33.02-3. Definitions.

Caliper. The diameter of a tree trunk measured six (6) inches above ground level for nursery stock and four and one-half (4 1/2) feet above grade for existing trees on-site.

Dripline. A vertical projection to the ground surface from the farthest lateral extent of a tree leaf canopy.

Ground cover. Any of a variety of living plants that lie close to and cover the ground.

Impervious area. A surface that is covered with material that is resistant to infiltration by water, including but not limited to most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures.

Landscape. To cover, adorn or improve an area using living plants (such as trees, shrubs, vines, ground covers or grass), natural features (such as rock, stone, bark chips, wood shavings or land contouring) and/or structural features (such as fences or walls).

Landscape treatment. Rock, stone, bark chips, wood shavings or opaque durable barrier.

Plant materials. All genera of the plant kingdom such as trees, shrubs, groundcover, annuals and perennials.

Site. The property being or to be developed. Said property may include a lot or group of lots or the leased portion of a lot.

Site plan:

(1) *Class 1 site plan.* A plan that delineates the overall development of a site, showing phases if appropriate.

(2) *Class 2 site plan.* A plan that delineates the minor development activity contemplated.

Tree. Unless the context in which the word is used indicates otherwise, a tree is any living, self-supporting woody plant that usually produces one (1) main trunk.

Tree, height. The distance measured vertically above ground to the uppermost branch joining the main stem(s) or trunk.

Tree, multi-stem. A tree having several stems emanating from the root mass or root crown.

Tree, single-stem. A tree with one (1) main central stem or trunk emanating from the root mass or root crown.

Sec. 33.02-8. Land-disturbing permit required.

A person shall not cut down, destroy, remove, move or otherwise damage trees on vacant, developed or undeveloped property in such a manner as to change existing contours of the land until a site plan and/or erosion control plan has been approved and a land-disturbing permit has been issued in accordance with the provisions of this chapter or Chapter 35, "Soil Removal and Other Land-Disturbing Activities" of this Code.

(Ord. No. 4952-96; Ord. No. 5030-97)

ARTICLE II. SITE PLAN FORM AND CONTENT

Sec. 33.02-31. Content of Class 1 site plans.

Class 1 site plans shall contain information necessary to satisfy the requirements of this chapter. The information to be supplied includes but is not limited to the following:

...

(12) A lighting and landscaping plan showing proposed lighting facilities and landscaping features, such as the number, location, size and species of landscaping materials and details of irrigation systems and plant protection. A note shall be included on the plan reciting the requirements of section 33.02-51 for protecting trees to be preserved on the site.

(13) The location, type, detail, dimension, elevation, size, and/or number of the following existing and proposed items:

...

j. The limits of clearing, including the driplines of trees to be preserved on the site.

...

m. Chesapeake Bay Preservation areas.

...

(Ord. No. 4952-96; Ord. No. 5030-97; Ord. No. 5725-02)

Sec. 33.02-32. Same--Class 2 site plans.

Class 2 site plans shall contain sufficient information to facilitate an engineering review so that the director can determine whether the plan may be accepted for review rather than requiring that the proposed development activity be handled through the review process for Class 1 site plans. Information required to be indicated on a Class 2 site plan includes but is not limited to the following:

...

(7) As appropriate for the site under consideration, the location, type, dimension, elevation, size and/or number of the following existing and proposed items:

...

c. The limits of clearing, including the driplines of trees to be preserved on the site.

d. Methods of collecting, retaining, directing or disposing of stormwater, including appropriate drainage calculations.

- e. Chesapeake Bay Preservation areas.
- f. Site impervious area calculations.
- g. Areas where special regulations apply to properties on or adjacent to airports.
- h. Areas of all required transitional area and landscaping and green area required and provided, including the number of trees and shrubs required and provided on the site to meet the provisions of this chapter.

...

(Ord. No. 4952-96; Ord. No. 5030-97)

ARTICLE III. SITE PLAN REGULATIONS AND STANDARDS

Sec. 33.02-51. Landscaping and green area required.

(a) The area to be developed shall be clearly delineated on the site plan(s). Within such area and subject to the provisions of this section, a minimum percent of the site shall be designated as landscaping and green area as follows:

(1) Ten (10) percent of the area to be developed shall be so designated for a site containing less than forty-five thousand (45,000) square feet.

(2) Fifteen (15) percent of the area to be developed shall be so designated for a site containing forty-five thousand (45,000) square feet and no more than ninety thousand (90,000) square feet, subject to modifications that are authorized by this section.

(3) Twenty (20) percent of the area to be developed shall be so designated for a site containing more than ninety thousand (90,000) square feet, subject to modifications that are authorized by this section.

(4) If no additional impervious area is being created, the landscaping and green area requirements of this ordinance shall not be imposed.

(b) The following requirements shall be applicable to the landscaping and green area within the developed area:

(1) *Existing trees.* All landscaping and green areas must be identified on the plan. Within those landscaping and green areas, healthy existing trees of a minimum six-inch DBH (diameter at breast height), measured at least four and one-half (4.5) feet above grade, for single-stemmed, deciduous trees, and of a minimum eight (8) feet in height for multi-stemmed or evergreen trees, shall be retained, preserved and protected during construction in accordance with the following:

a. Preserved trees shall be identified by size and variety, clearly marked in the field, and shown on the landscaping, erosion and sedimentation, demolition, and grading plans.

b. In naturally vegetated areas of one thousand (1,000) square feet or more, groups of trees rather than single trees may be identified on the plan. Existing tree canopy limits shall be clearly shown on all plans. Within the tree canopy limits shown on the plan(s), an accounting shall be provided stating the minimum quantities, sizes and varieties of trees to remain in each group.

c. Existing healthy, single-stemmed deciduous trees meeting a minimum of two-inch caliper measured six (6) inches above the ground and no less than eight (8) feet in height, and multi-stemmed or evergreen trees meeting a minimum of eight (8) feet in height which are preserved and protected on-site, may be counted toward meeting the requirements identified below in subsection (2).

d. When the loss creates a quantity deficit or void in spacing for the minimum requirements of this section, any preserved tree(s) on-site shall be replaced if such tree(s) should die, or at such time that fifty (50) percent of the tree crown is damaged, diseased or dead. Replacement trees shall be provided with the same size as those replaced, at the time of replacement

with a maximum installation size of three and one-half (3.5) inches for single-stemmed, deciduous trees and twelve (12) feet in height for evergreen or multi-stemmed species.

e. Individual trees and groups of trees that are preserved shall be enclosed by a temporary fence or barrier to be located and maintained five (5) feet outside the dripline of the tree(s) during construction. Such a fence or barrier shall be installed prior to clearing, construction or issuance of a land disturbing permit (Section 33.02-8, Site Regulations, and Chapter 35, Soil Removal and Other Land Disturbing Activities). The tree protection fencing shall be a minimum of forty (40) inches in height and sufficient to prevent intrusion into the protected area during construction. In no case shall materials, vehicles or equipment be stored or stockpiled within the enclosure.

f. The property owner, the owner's agent or the developer, as applicable, shall be responsible for notifying all construction personnel of the presence and purpose of clearing limits and protective fences or barriers and for ensuring that the restrictions associated with the same are observed.

g. Where grade changes in excess of six (6) inches from the existing natural grade level are necessary, permanent protective structures, such as tree wells or walls, shall be properly installed by the property owner, the owner's agent or the developer, as applicable.

h. The director may allow trees to be removed in the case of hardship in developing the site, when the tree becomes irreversibly diseased or damaged by natural causes, or when prohibited by FAA regulations. Such tree removal(s) shall be based on the following:

1. The number of trees to be removed are replaced with at least an equal number of trees meeting the size and species provisions of this section. Replacement trees shall be located in such a manner so as to more effectively landscape the entire site, taking into consideration the objectives of dispersal, screening, pedestrian and vehicular movement on-site, and the size and location of proposed buildings.

2. Existing trees that fall within proposed parking islands of four hundred (400) square feet or less shall not be required to be preserved and protected. However, replacement trees shall be required, meeting the provisions of section 33.02-52, and provided within all interior parking islands as well as in the landscaping and green areas at the ends of parking rows.

3. For sites located on property of the Newport News Williamsburg International Airport, the director may waive the preservation of existing trees that may affect aviation safety.

(2) *Trees and shrubs:*

a. A minimum of one (1) tree and two (2) shrubs for every four hundred (400) square feet of the required landscaping and green area shall exist or be provided. No more than sixty (60) percent of the required number of trees or shrubs shall be of the same species. No less than twenty (20) percent or more than sixty (60) percent evergreen trees shall be planted on each site. No less than twenty (20) percent or more than sixty (60) percent evergreen shrubs shall be planted on each site.

1. Existing healthy trees that are either single-stemmed deciduous trees of a minimum of two-inch caliper measured six (6) inches above ground, and no less than twelve (12) feet in height or multi-stemmed or evergreen trees of no less than eight (8) feet in height which are preserved within the developed area may be counted toward meeting the above requirements.

2. Additional existing healthy trees over the minimum number of trees required meeting a minimum of six-inch DBH (diameter at breast height) measured four and one-half (4.5) feet above grade and are properly protected and preserved can be used to reduce landscaping and green area to no less than ten (10) percent and twelve (12) percent as follows:

- i. Five (5) percent per tree on property containing forty-five thousand (45,000) square feet and less than ninety thousand (90,000) square feet.
- ii. Two and one-half (2.5) percent per tree on property containing ninety thousand (90,000) square feet and less than one hundred fifty thousand (150,000) square feet.
- iii. One and one-fourth (1.25) percent per tree on property containing one hundred fifty thousand (150,000) square feet and less than three hundred thousand (300,000) square feet.

3. Shrubs at the time of planting shall be from nursery stock grown in a minimum three (3) gallon size container, with a minimum spread and/or height of eighteen (18) inches. Shrubs serving as a visual barrier for parking shall be a variety capable of reaching a minimum height of thirty-six (36) inches.

b. All landscaping and green areas must be identified on the plan, and where an insufficient number of plant materials exist in the required landscaping and green area, the property owner, the owner's agent or the developer, as applicable, shall supplement the existing landscaping. Newly provided trees shall be either single-stemmed deciduous trees of a minimum two-inch caliper measured six (6) inches above ground and no less than eight (8) feet in height or multi-stemmed or evergreen trees of no less than eight (8) feet in height, or a combination thereof. A minimum of one (1) tree and two (2) shrubs (eighteen-inch minimum height/spread) for each four hundred (400) square feet of required landscaping and green area shall exist or be provided. All plant materials, new or existing, meeting the requirements of this section shall be maintained in perpetuity in a healthy condition or replaced. Appropriate plant replacements shall be provided in the event that fifty (50) percent or more of the plant vegetation is damaged, diseased or dead.

c. For plant materials newly provided on the approved plan(s), the replacement trees and shrubs shall account for plant growth since initial installation and be provided as follows:

1. For single-stemmed deciduous trees, the minimum replacement tree size shall be two-inch caliper for the first growing year with an increment of one-half (0.5) inch in caliper for each subsequent year of growth since installation. The maximum installation size for single-stemmed deciduous species shall be three and one-half (3.5) inches in caliper.
2. For multi-stemmed or evergreen trees, the minimum replacement size shall be eight (8) feet in height for the first growing year with an increment of one (1) foot in height for each subsequent year of growth since installation. The maximum installation size for multi-stemmed or evergreen replacement trees shall be twelve (12) feet in height.
3. For shrubs, the minimum replacement size shall be eighteen (18) inches in spread and/or height for the first growing year with an increment of three (3) inches in height and/or spread for each subsequent year of growth since installation. For large growing shrub varieties located in transitional buffer areas, shrubs shall have a

minimum replacement size of forty-eight (48) inches in height for the first growing year with an increment of six (6) inches in height for each subsequent year of growth since installation. The maximum installation size for shrubs shall be thirty-six (36) inches in height and/or spread for low to medium growing shrub varieties and sixty (60) inches in height for large growing shrub varieties.

d. Single-street frontage properties shall have at least fifty (50) percent of the total number of required trees and shrubs placed forward of the front building line. Multiple-street frontage properties shall have at least thirty-seven and one-half (37.5) percent of the total number of required trees and shrubs forward of the front building line and at least twelve and one-half (12.5) percent of the total number of required trees and shrubs between the side of the largest building and the minor street right-of-way or where there is no right-of-way, the side property line.

e. The species of the trees, shrubs and ground covers which may be planted shall be left to the discretion of the property owner, the owner's agent or the developer, as applicable, with the exception that use of the following species of trees shall be prohibited:

- American Elm (*Ulmus americana*)
- Black Locust (*Robinia pseudoacacia*)
- Boxelder (*Acer negundo*)
- Bradford Pear (*pyrus calleryana* 'Bradford')
- Chinaberry (*Melia azedarach*)
- Common Honeylocust (*Gleditsia triacanthos*)
- European White Birch (*Betula pendula*)
- Lombardy Poplar (*Populus italica*)
- Mimosa (*Albizzia julibrissin*)
- Quaking Aspen (*Populus tremuloides*)
- Siberian Elm (*Ulmus pumila*)
- Silver Maple (*Acer saccharinum*)
- Tree of Heaven (*Ailanthus glandulosa*)
- Virginia (Scrub) Pine (*Pinus virginiana*)
- Weeping Willow (*Salix babylonica*)

f. The director may waive the requirements when prohibited by FAA regulations for trees and shrubs when their planting may affect the aviation safety for sites located on property of the Newport News/Williamsburg International Airport. Any newly proposed plant materials within aviation affected areas shall mature at a height no greater than twenty (20) feet.

(3) An annual listing of approved trees will be prepared and issued by the department of planning.

(4) If requested in writing and the activity will not result in impervious surfaces being installed, the director may permit recreational uses within this area that are consistent with the type of development indicated on the plan.

(5) There shall be no storage of any kind in this area.

(6) Single-street frontage, undeveloped properties shall have sixty (60) percent of the required landscaping and green area either between the front of the proposed building and the right-of-way or where there is no right-of-way, the front property line.

(7) Multiple-street frontage, undeveloped properties shall have forty-five (45) percent of the required landscaping and green area either between the front of the proposed building and the right-of-way or where there is no right-of-way, the front property line. Fifteen (15) percent of the required landscaping and green area shall

be located either between the side of the proposed building and the minor street right-of-way or where there is no right-of-way, the side property line.

(8) Single-street frontage, developed properties shall have sixty (60) percent of the required landscaping and green area either between the rear of the largest building and the right-of-way or where there is no right-of-way, the front property line.

(9) Multiple-street frontage, developed properties shall have forty-five (45) percent of the required landscaping and green area either between the rear of the largest building and the right-of-way or where there is no right-of-way, the front property line. Fifteen (15) percent of the required landscaping and green area shall be located either between the side of the largest building and the minor street right-of-way or where there is no right-of-way, the side property line.

(10) A landscape strip shall be located along street frontage. Landscaping in this strip shall include at least one (1) tree, either existing or installed, in every thirty (30) feet of street frontage, exclusive of driveway entrances. The remainder of the required landscaped strip shall consist of shrubs, grass, ground cover or other landscape treatment approved by the director in conjunction with the review of a site plan. The director may reduce the width of the landscaped strip by up to fifty (50) percent along minor streets when the total site is less than twenty thousand (20,000) square feet.

a. For public streets, the landscaped strip shall be placed along the right-of-way and located between the adjacent right-of-way line and either the front building setback line or parking lot, whichever is closer to the adjacent right-of-way. The width of this strip shall be a minimum of ten (10) feet or ten (10) percent of the existing right-of-way width or the proposed right-of-way width, whichever is greater, included in the appropriate transportation plan. On existing sites, if this landscaped strip is landscaping and green area, it cannot be disturbed. Whenever there is a street right-of-way dedicated for a site, except on the major street, the director may reduce the landscaped strip width up to fifty (50) percent.

b. For private streets, the landscaped strip shall be located in an area bounded by a line no closer than ten (10) feet to the edge of pavement of the private street and either the building setback line or the parking lot, whichever is closer to the private street.

(11) When parking lots in excess of fifteen (15) spaces are adjacent to public or private streets, a continuous visual barrier of shrubs is required.

(12) Parking lots and refuse collection points adjacent to single-family residential areas shall be screened by privacy fencing and/or dense vegetation sufficient to form a visual barrier a minimum of six (6) feet in height, except where transitional buffer areas are required by the zoning ordinance. Such screening shall be compatible with the surrounding neighborhood and shall permit adequate air circulation and lighting on both sides. If a privacy fence is installed, it shall be located in a landscaped strip a minimum of three (3) feet wide extending the length of the fence. A minimum of one (1) shrub shall be planted every ten (10) feet along the fence. The shrubs shall be located on the residential side of the fence.

(c) For areas of naturally vegetated land which are greater than one (1) acre in area that will remain undeveloped, a note on the plan(s) stating "This area will remain undisturbed and all natural vegetation shall be preserved and protected in accordance with Section 33.02-51 of the Site Regulations." shall be acceptable.

(d) The following modifications shall apply to landscaping and green area requirements:

(1) The landscaping and green area requirements of this ordinance shall not be required in the Regional Business District (RBD), the Heavy Industrial District (M2) bounded by the James River and Hampton Roads from 70th Street to the east side of

Jefferson Avenue, the Oyster Point Urban Core or the Hilton Village Historic District, except as otherwise provided for in the Zoning Ordinance.

(2) If a Class 2 site plan is involved, the director may, upon written request, reduce the percentage of landscaping and green area required, but not to less than ten (10) percent, with respect to a specific site under the following conditions:

- a. The plan relates to modifying an existing building whose physical characteristics preclude full compliance; or,
- b. Pre-existing physical characteristics of the site preclude full compliance (e.g., building takes up most of the property or limited setback distance is available).

(3) The minimum percentage of the site area that shall be designated as landscaping and green area in subsections (a)(2) and (a)(3) above may be reduced by the director to no less than ten (10) percent and twelve (12) percent, respectively, subject to the following:

- a. Every additional tree planted over the minimum required may reduce the required landscaping and green area by three hundred (300) square feet or up to thirty-five (35) percent.
- b. Every additional shrub planted over the minimum required may reduce the required landscaping and green area by one hundred thirty-five (135) square feet or up to thirty-five (35) percent. Shrubs used in this manner shall be used to screen the frontage of parking areas.
- c. Where parking is screened by an earthen berm or other visual barrier planted with approved ground cover and shrubs, and the top of berm is at least two and one-half (2.5) feet above ground and within a minimum slope of 2.5:1, each linear foot of such berm may be used to reduce the required landscaping and green area by fifty (50) square feet or up to forty-five (45) percent. Berms proffered can qualify for landscaping and green area reduction under this section.
- d. If a master landscape plan is approved by the director, all individual sites participating in such plan shall be able to reduce the minimum required landscaping and green area percentage to ten (10) percent where the minimum following criteria are included:
 1. A landscape strip shall be established along all streets a minimum width of ten (10) feet from the property line or edge of a private street right-of-way.
 2. Trees shall be planted at a minimum of thirty (30) feet on center in this strip exclusive of driveway entrances.
 3. Shrubs shall be used to form a continuous hedge on at least fifty (50) percent of the right-of-way.
 4. Berms with ground cover can be used in lieu of shrubs as a continuous visual barrier.
 5. No more than five (5) trees shall be planted along the same line; staggering and other methods of creating variations are encouraged. To encourage the same effect, no hedge or berm shall continue more than sixty (60) feet along the same line.

(4) Trees or other landscaping shall not be placed or planted so as to interfere with the proper operation or maintenance of any utility line or apparatus or obstruct vehicular sight distances as defined in the Design Criteria Manual.

(Ord. No. 4952-96; Ord. No. 5030-97; Ord. No. 5509-00; Ord. No. 5726-02; Ord. No. 5967-03)

Sec. 33.02-52. Parking lot, traffic area, and loading and unloading area requirements.

Parking lots, traffic areas, and loading and unloading areas shall be accessible, functional and meet all applicable requirements as set forth in the Zoning Ordinance and according to the following:

...

(6) All sites having more than one hundred thousand (100,000) square feet or having more than fifteen (15) parking spaces shall have landscaped islands or parking lot perimeter landscaping at each end of parking rows subject to the following requirements:

- a. Landscaped islands shall also be provided at the ends of parking rows to separate them from accessways. These islands must be a minimum of nine (9) feet in width for the full depth of the adjacent parking stalls.
- b. Internal landscaped islands are required when the length of a parking row exceeds fifteen (15) regular spaces or seventeen (17) compact spaces. Internal islands must be a minimum of nine (9) feet of width for the full depth of the adjacent parking stalls. The director of engineering may permit, upon written request, relocation or reduction of internal islands to better conform to the physical characteristics of the site.
- c. These landscaped islands may be omitted where handicapped spaces are parallel to entrances or entrance canopies to buildings.
- d. All landscaped islands shall be raised at least five (5) inches above the adjacent parking surface.
- e. Each landscaped island shall have a minimum of one (1) tree if the landscaped island is at least sixteen (16) feet long or a minimum of two (2) trees if it is at least thirty-two (32) feet long.
- f. All landscaped islands shall be planted with ground cover or fully mulched or both.
- g. The provisions of this subsection shall not be applicable within any parking garage or on the top deck of any multi-level parking garage.

(7) Provisions for stormwater runoff shall be in accordance with the Design Criteria Manual.

(Ord. No. 4952-96; Ord. No. 5030-97; Ord. No. 5509-00)

Sec. 35-22. Preparation of plan.

...

(b) In the absence of an approved site plan issued pursuant to the site regulations of this code, an undisturbed buffer area as described in this subsection shall be accurately located on the erosion and sediment control plan. In such cases, the buffer area, which will function as an erosion control measure, shall be retained and remain undisturbed as follows, except as otherwise approved in the plan for ingress and egress:

(1) For parcel sizes less than one (1) acre, an undisturbed buffer area on the parcel twenty (20) feet in width, parallel and adjacent to all property lines shall be retained. For parcel sizes from one (1) acre but less than five (5) acres, an undisturbed buffer area on the parcel forty (40) feet in width parallel and adjacent to all property lines shall be retained. For all parcel sizes from five (5) acres but less than ten (10) acres, an undisturbed buffer area on the parcel sixty (60) feet in width parallel and adjacent to all property lines shall be retained. For all parcel sizes ten (10) acres or greater, an undisturbed buffer area on the parcel one hundred (100) feet in width parallel and adjacent to all property lines shall be retained.

(2) All vegetation within a buffer area as defined in the zoning ordinance, plus an additional ten-foot strip within the parcel and adjacent to but outside of such buffer area, shall be retained and remain undisturbed. If a buffer area is adjacent to a

property line, the greater of the requirements of the preceding subsection (1) or this subsection shall apply.

(c) All areas of vegetation, including ground cover, trees, shrubs, grass and other plants, to be retained in accordance with Chapter 33.02, Site Regulations of this Code, shall be marked in the field prior to clearing taking place. One temporary point of access no greater than twenty-five (25) feet in width shall be allowed for site clearance.

(d) Land disturbance shall be limited to the area necessary to provide for the desired use or development.

(1) In accordance with an approved site plan, the limits of land disturbance, including clearing or grading shall be clearly shown on submitted plans and physically marked on the development site.

(2) Where feasible, ingress and egress during construction shall be limited to one access point, unless otherwise approved by the director.

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

(1) Existing trees more than five (5) inches in diameter four and one-half (4.5) feet above existing grade shall be preserved outside the limits of land disturbance. Trees that are diseased or that have been weakened by age, storm, fire or other injury may be removed.

(2) Clearing shall be allowed only to provide necessary visual and vehicular access, positive site drainage, water quality stormwater management control facilities, and the installation of utilities as approved by the director.

(3) Prior to clearing or grading, suitable protective barriers, such as fencing, shall be erected five (5) feet outside of the dripline of any tree or stand of trees to be preserved. These protective barriers shall remain so erected throughout all phases of construction. The storage of equipment, materials, debris or fill shall not be allowed within the area protected by the barrier unless otherwise authorized by the director.

...

(Ord. No. 4667-94; Ord. No. 5517-00; Ord. No. 5652-01, § 1; Ord. No. 6296-06)

Chapter 37.1 STORMWATER MANAGEMENT

Article IV. Stormwater Control Regulations

Sec. 37.1-33. General criteria.

...

(k) Indigenous vegetation shall be preserved to the maximum extent possible consistent with the use and development permitted and in accordance with the Virginia Erosion and Sediment Control Handbook, as adopted by Chapter 35, Article III, of the Newport News City Code.

(1) Existing trees more than five (5) inches in diameter four and one-half (4.5) feet above existing grade shall be preserved outside the limits of land disturbance. Trees that are diseased or that have been weakened by age, storm, fire or other injury may be removed.

...

(3) Prior to clearing or grading, suitable protective barriers, such as fencing, shall be erected five (5) feet outside of the dripline of any tree or stand of trees to be preserved. These protective barriers shall remain so erected throughout all phases of construction. The storage of equipment, materials, debris or fill shall not be allowed within the area protected by the barrier unless otherwise authorized by the director.

...

(Ord. No. 4669-94)

Article V. Chesapeake Bay Preservation
Sec. 37.1-48. Definitions.

Agricultural lands . Those lands used for the planting and harvesting of crops or plant growth of any kind in the open, pasture, horticulture, dairying, floriculture, or in the raising of poultry and/or livestock, except land used for gardening or landscaping.

Best Management Practices (BMPs) . A practice, or combination of practices contained in the Newport News Design Criteria Manual, that is determined by the director of engineering to be an effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

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

Chesapeake Bay Preservation Area . Any land designated as such on the map adopted by the city council subject to the determination of the director of planning on a site-specific basis. A Chesapeake Bay Preservation Area shall consist of a resource protection area, a resource management area and any designated industrial waterfront intensely developed area.

Diameter at breast height (DBH) . The diameter of a tree measured outside its bark at a point four and one-half (4.5) feet above the existing grade.

Disturbed land area . An area cleared or graded as necessary for the construction of improvements including, but not limited to, buildings, roads and drives, parking areas, and sidewalks.

Dripline . A vertical projection to the ground surface from the furthest tips of a tree's leaf canopy.

Noxious weeds . Weeds that are difficult to control effectively, including, but not limited to Johnson Grass, Kudzu, and multiflora rose.

Sec. 37.1-51. Performance standards.

(a) *Purpose and intent* . The purpose and intent of these requirements, as set forth in section 37.1-47(a), is to establish criteria to implement the following objectives: prevent a net increase in nonpoint source pollution from development; achieve a ten (10) percent reduction in nonpoint source pollution from redevelopment; and achieve a forty (40) percent reduction in nonpoint source pollution from agricultural and silvicultural uses. The performance standards recognize that diverse local circumstances require varying methods for protecting water quality. The performance standards establish the means to minimize erosion and sedimentation potential, reduce land application of nutrients and toxins, and maximize rainwater infiltration. Where land is undeveloped and not actively used, natural ground cover, especially woody vegetation, is most effective in holding soil in place and preventing site erosion. Indigenous vegetation, with its adaptability to local conditions without the use of harmful fertilizers or pesticides, filters stormwater runoff. Minimizing impervious cover enhances rainwater infiltration and effectively reduces stormwater runoff potential....

(b) *General performance standards for development and redevelopment* . Performance standards for development and redevelopment within all Chesapeake Bay Preservation Areas, except within industrial waterfront IDAs, are set forth in subsection (1). Performance standards for development and redevelopment within all resource protection areas, except within Industrial Waterfront IDAs, are set forth in subsection (2). Performance standards for development and redevelopment within industrial waterfront IDAs are set forth in subsection (3).

(1) *Chesapeake Bay Preservation Areas* . The following performance standards for development and redevelopment apply in all Chesapeake Bay Preservation Areas except industrial waterfront IDAs and as otherwise hereinafter set forth.

...

f. Indigenous vegetation shall be preserved to the maximum extent practicable consistent with the use or development proposed and in accordance with the Virginia Erosion and Sediment Control Handbook, as adopted by Chapter 35, Article III of the Code.

1. Existing trees shall be preserved outside the limits of land disturbance. Diseased trees or trees weakened by age, storm, fire, or other injury may be removed, pursuant to section 37.1-51(b)(2)a.
2. Clearing shall be allowed only to provide necessary vehicular access, positive site drainage, water quality BMPs, and the installation of utilities as approved by the director of engineering.
3. Prior to clearing or grading, suitable protective barriers, such as fencing shall be erected five (5) feet outside of the dripline of any tree or stand of trees to be preserved. These protective barriers shall remain so erected throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier unless otherwise authorized by the director of engineering.

...

(2) *Resource protection area buffer requirements* . Except as hereinafter set forth, the following requirements shall apply within all resource protection areas. Development and redevelopment within industrial waterfront IDAs is exempt from these requirements.

To minimize the adverse effects of human activities on the other components of resource protection areas, state waters, and aquatic life, it is recognized that a one hundred-foot vegetative buffer area is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff. A vegetated buffer area not less than one hundred (100) feet in width shall be established where it does not exist and retained where already present.

The buffer area shall be located adjacent to and landward of all RPA components and along both sides of any water body with perennial flow. The full buffer area shall be designated as the landward component of the RPA, in accordance with sections 37.1-49, areas of applicability and 37.1-52, plan of development.

The one hundred (100) foot buffer area shall be deemed to achieve a seventy-five (75) percent reduction of sediments and a forty (40) percent reduction of nutrients. The buffer area shall be maintained to meet the following additional performance standards:

- a. In order to maintain the functional value of the buffer area, indigenous vegetation may be removed subject to approval by the director of planning only to provide for reasonable sight lines, access paths, general woodlot management and Best Management Practices, as follows:
 1. Trees may be pruned or removed as necessary to provide for reasonable 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.
 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 may be removed, and thinning of trees allowed pursuant to sound horticultural standard, subject to approval of the director of planning.
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.

b. When the application of the buffer areas would result in the loss of a buildable area on a lot or parcel recorded prior to October 1, 1989, the director of planning, after consulting with the director of engineering, may allow encroachment into the buffer area in accordance with section 37.1-52, plan of development and the following criteria:

1. Encroachments into the buffer area shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities.
2. Where practicable, a vegetated area that will maximize water quality protection, mitigate the effect of buffer encroachment, and is, equal to the area of encroachment into the buffer area shall be established elsewhere on the lot or parcel.
3. The encroachment may not extend into the seaward fifty (50) feet of the buffer area.

c. 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:

1. The lot or parcel was created as a result of a legal process conducted in conformity with the city's subdivision regulations;
2. Conditions or mitigation measures imposed through previously approved exceptions shall be met;
3. If the use of a Best Management Practice (BMP) was previously required, the BMP shall be evaluated to determine if it continues to function effectively and, if necessary, the BMP shall be re-established or repaired and maintained as required; and
4. The criteria in subdivision (2)b. of this section shall be met.

...

(Ord. No. 5991-03, § 1; Ord. No. 6097-05)

Sec. 37.1-52. Plan of development.

...

(c) *Landscaping and tree preservation plan* . A landscaping/tree preservation plan shall be submitted in conjunction with site plan approval or as part of subdivision plat approval. No clearing or grading of any lot or parcel shall be permitted without an approved landscaping/tree preservation plan. No landscaping/tree preservation plan shall be required in connection with development in Industrial Waterfront IDAs.

Landscaping/tree preservation plans shall be prepared and certified by design professionals practicing within their areas of competence as prescribed by the Code of Virginia.

(1) *Contents of the plan* .

- a. The landscaping plan shall be drawn to scale and clearly delineate the location, size and description of existing and proposed plant material. All existing trees on the site five (5) inches or greater DBH shall be shown on the landscaping plan. Where there are groups of five (5) or more trees, stands may be outlined instead. The specific number of trees be preserved outside of

the limits of clearing shall be indicated on the plan. Dead, diseased and dying trees to be removed shall be clearly delineated on the landscaping plan. The plan shall be consistent with Chapter 33.02 of the City Code, Site Plan Ordinance.

b. Any required buffer area shall be clearly delineated and any plant material to be added to establish or supplement the buffer area, as required by this article, shall be shown on the landscaping plan.

c. Within the buffer area, trees to be removed for sight lines, vistas, vehicular access, paths, and shoreline erosion control, as provided for in this article shall be shown on the plan. Vegetation required to replace any existing trees within the buffer area shall be also shown on the landscaping plan.

d. Trees to be removed for shoreline stabilization projects and any replacement vegetation required shall be shown on the landscaping plan.

e. The plan shall depict grade changes or other work adjacent to trees which would affect them adversely. Specifications shall be provided as to how grade, drainage, and aeration would be maintained around trees to be preserved.

f. The landscaping plan will include specifications for the protection of existing trees during clearing, grading, and all phases of construction, consistent with such measures as described in Article IV of Chapter 37.1 and Chapter 33.02, Site Plan Ordinance of the City Code.

(2) *Plant specifications* .

a. All plant materials necessary to supplement the buffer area or vegetated areas outside the disturbed land area shall be installed in accordance with the specifications referred to in Chapter 33.02, Site Plan Ordinance of the City Code.

b. All supplementary or replacement plant materials shall be living and in a healthy condition. Plant materials shall conform to the standards of the most recent edition of the American Standard for Nursery Stock, published by the American Association of Nurserymen.

c. When existing trees and other vegetation to be preserved, as designated on an approved landscaping plan, are encroached upon, they shall be replaced. Replacement trees shall be planted at a ratio of three (3) to one (1), at the time of planting.

...

(f) *Resource protection area and resource management area water quality impact assessment.*

...

(3) *Minor water quality impact assessment* . A minor water quality impact assessment pertains only to land disturbance, development or redevelopment within the resource protection area which causes no more than ten thousand (10,000) square feet of land disturbance and requires any modification or reduction of the landward fifty (50) feet of the one hundred-foot buffer area. Submission of a plan of development that demonstrates through the use of calculations provided for by section 37.1-52(d)(1)c., that the remaining buffer area and necessary Best Management Practices will result in removal of no less than seventy-five (75) percent of sediments and forty (40) percent of nutrients from post-development stormwater runoff shall be deemed to have satisfied the requirement for a minor water quality impact assessment. Best Management Practices should retard runoff, prevent erosion and filter nonpoint source pollution the equivalent of the full undisturbed one hundred-foot buffer area.

(4) *Major water quality impact assessment.* A major water quality impact assessment shall be required for any land disturbance, development or redevelopment which: (i) exceeds ten thousand (10,000) square feet of land

disturbance within a resource protection area or (ii) disturbs any other component of the RPA seaward of the landward fifty (50) feet of the one hundred-foot buffer area. The information required in this section shall be considered a minimum, unless the director of engineering determines that some of the elements are unnecessary due to the scope and nature of the proposed use and development of land.

...

b. A landscape element that describes the potential measures for mitigation of the water quality and land impacts including:

1. Replanting schedule for trees and other significant vegetation removed for construction;
2. Demonstrating that the design of the plan will provide effective erosion control and overland flow benefits from such vegetation; and
3. Demonstrating the use of indigenous plants to the greatest extent possible.

c. As part of any major water quality impact assessment submittal, the city manager, upon the recommendation of the director of planning and the director of engineering, may require a review by the department of conservation and recreation (DCR). Upon receipt of a major water quality impact assessment, the city manager, upon the joint recommendation of the director of planning and the director of engineering, will determine if such review is warranted and may request DCR to review the assessment and respond with written comments. Any comments by DCR may be incorporated into the final review by the director of engineering, provided that such comments are provided by DCR within ninety (90) days of the request.

...

(Ord. No. 5991-03, § 1; Ord. No. 6097-05)

Chapter 38 STREETS AND SIDEWALKS

ARTICLE II. WORK ON, OVER, UNDER OR AFFECTING STREETS

DIVISION 2. PERMIT GENERALLY

Sec. 38-47. General requirements and exceptions.

Except as otherwise provided in this article, it shall be unlawful for any person to perform any work in connection with the erection, construction, removal, relocation or maintenance of any surface, overhead or underground installation, or to cut, trim or spray trees, or to place construction signs or materials if such work, cutting, trimming, spraying or placing is on, under, over or in any way affects the surface or subsurface of any street, lane, alley, right-of-way or easement in the city without first having obtained a permit therefore from the director of engineering or the director's authorized representative; nor shall such work be performed after such permit shall have been revoked by the director of engineering or the director's authorized representative, or by the terms of the permit.

...

(Ord. No. 62, § 2; Code 1961, § 36-28; Ord. No. 3051-83; Ord. No. 3111-83, § 1; Ord. No. 3134-84)

Sec. 38-49. Application.

(a) Application for a permit required by this division shall be filed in the office of the director of engineering on forms supplied by the city. Such application shall show all required information and be signed by the applicant or the applicant's authorized agent. Such application shall include a description of the work to be done and a sketch showing such work, if required by the director of engineering.

(b) Sketches filed with an application under this section shall show the following:

- ...
- (5) Any tree which is to be removed.

...

(Ord. No. 62, §§ 4, 5, 15, 20; Code 1961, §§ 36-29--36-32; Ord. No. 3051-83; Ord. No. 3111-83, § 1)

Sec. 38-55. Issuance for cutting, trimming or spraying trees.

The director of engineering may issue a permit under this division for the cutting, trimming or spraying of trees on a street only when such work is fully justified in the public interest. Such work shall be done only in a manner prescribed in the permit so issued.

(Ord. No. 62, § 24; Code 1961, § 36-52; Ord. No. 3051-83; Ord. No. 3111-83, § 1)

Sec. 38-59. Contents of permits.

Permits issued under this division shall specify the manner and the conditions under which the permitted work shall be done. Unless otherwise specified in the permit, every permit issued shall be deemed to include the following provisions:

...

(7) No tree roots shall be cut to the extent of rendering the tree unsafe and, if possible, tunneling through or under roots instead of cutting anchor roots shall be followed.

...

(Ord. No. 62, §§ 9, 21; Code 1961, §§ 36-36, 36-37; Ord. No. 3051-83; Ord. No. 3111-83, § 1; Ord. No. 3223-84)

DIVISION 3. PERMIT, INSPECTION AND GUARANTEE FEES

Sec. 38-67. Schedule.

(a) Minimum permit and inspection fees for work for which a permit is required by this article shall be required in accordance with the following schedule:

TABLE INSET:

...

(3) SPECIAL: Tree trimming and cutting \$50.00

...

(Ord. No. 62, § 26; Code 1961, § 36-61; Ord. No. 3051-83; Ord. No. 3111-83, § 1; Ord. No. 3223-84; Ord. No. 5933-03, § 1)

Sec. 38-75. Protection of adjoining property.

The permittee shall at all times at his or its own expense preserve and protect from injury any adjoining property by providing proper foundations and taking other measures suitable for the purpose. The permittee shall, at its own expense, shore up and protect all buildings, walls, fences or other property likely to be damaged during the progress of the excavation work and shall be responsible for all damage to public or private property or highways resulting from its failure properly to protect and carry out said work. All construction and maintenance work shall be done in a manner calculated to leave the lawn area clean of earth and debris and in a condition as nearly as possible to that which existed before such work began. The permittee shall not remove, even temporarily, any trees or shrubs which exist in parking strip areas or easements across private property without first having notified the property owner, or in the case of public property, the appropriate city department or city official having control of such property.

(Ord. No. 3051-83)

Chapter 40.3 VEGETATION

Sec. 40.3-1. General.

The city council hereby finds and determines that damage to city trees, shrubs and other landscape plants and vegetation on city properties and rights-of-way is a matter that affects the public health, safety and welfare. The city council, therefore, concludes that regulations affecting activities that result in such damage are necessary and appropriate.

(Ord. No. 5679-01, § 1)

Sec. 40-3.3. Pruning, removing, damaging, etc., generally.

(a) No person shall, without a permit from the director, prune, spray, remove, destroy, cut, girdle or deface any tree, shrub, landscape planting or other vegetation located on city property or injure the same by root cutting or exposure or by placing any chemical or substance on the ground around such tree, shrub, landscape planting or other vegetation; provided, however, that permits for the activities listed in this subsection affecting any tree, shrub, landscape planting or other vegetation located within city rights-of-way shall be issued by the department of engineering after review and recommendation by the director.

(b) No person shall, without a permit from the director, injure, disturb, misuse or remove any device placed to protect any tree, shrub, landscape planting or other vegetation located on city property; provided, however that permits for the activities listed in this subsection affecting any tree, shrub, landscape planting or other vegetation located within city rights-of-way shall be issued by the department of engineering after review and recommendation by the director.

(c) The provisions of this section shall not apply to any cutting or trimming of grasses upon city rights-of-way by the owner of property adjacent to such right-of-way.

(Ord. No. 5679-01, § 1)

Sec. 40.3-4. Trimming by utility companies.

No electric light company, telephone company, telegraph company, cable television company or other entity authorized to occupy city property shall trim any tree, shrub, landscape planting or other vegetation located on city property without a permit from the director.

(Ord. No. 5679-01, § 1)

Sec. 40.3-5. Unauthorized attachments.

No person shall, without a permit from the director, attach or keep attached a sign, rope, wire, or any other device to a tree, shrub, landscape planting or other vegetation located on city property, or to the guard or stake intended for the protection of such tree, shrub, landscape planting or other vegetation.

(Ord. No. 5679-01, § 1)

Sec. 40.3-6. Impeding entrance of air and water to roots.

No person shall, without a permit from the director, place or maintain upon city property any stone, cement or other substance which might impede the free entrance of water and air to the roots of any tree, shrub, landscape planting or other vegetation on city property. An open space of ground shall be maintained outside the trunk of any such tree, shrub, landscape planting or other vegetation. Such open space shall not be less than four (4) square feet in area.

(Ord. No. 5679-01, § 1)

Sec. 40.3-8. Violations.

(a) Violations of this chapter shall constitute Class 1 misdemeanors.

(b) If any person shall commit any of the acts prohibited herein upon more than one (1) tree, shrub, landscape planting or other vegetation, a separate violation of this chapter shall be deemed to have occurred with respect to each such tree, shrub, landscape planting or other vegetation.

(Ord. No. 5679-01, § 1)

Chapter 45 ZONING ORDINANCE

ARTICLE II. DEFINITIONS

Sec. 45-201. Definition of certain words and terms.

Caliper. The diameter of a tree trunk measured six (6) inches above ground level for nursery stock, and four and one-half (4.5) feet above grade for existing trees on-site.

Deciduous. Pertaining to plant materials which drop their leaves annually, usually during the Fall season.

Evergreen. Pertaining to plant materials that retain most of their green foliage throughout the entire year in USDA Plant Hardiness Zones Seven and Eight.

Landscaped yard or open space. That space designed to enhance the privacy and appearance of a development by providing landscaping features or screening for the benefit of the occupants or those in neighboring areas or to enhance the appearance of the community. The space may include a combination of lawns, decorative plantings, flower beds, sidewalks, walkways, outdoor sitting areas, active recreational areas, ornamental

objects, wooded areas, water courses or other such similar areas as are designed and arranged to produce an aesthetically pleasing effect.

Large growing shrub. A woody plant material producing its branches primarily at the base and capable of maturing at heights greater than ten (10) feet.

Large growing tree. A variety of tree, evergreen or deciduous, capable of maturing at heights greater than or equal to fifty (50) feet.

Low growing shrub. A woody plant material producing its branches primarily at the base and typically maturing at heights around three (3) feet.

Recreational open space. Open space for both passive and active recreation. Passive recreation facilities include outdoor sitting areas or roof gardens, shaded areas along walkways or portions of walkways overlooking open areas. Active recreation areas include but are not limited to pedestrian ways located and landscaped to provide for strolling activities, tennis courts, swimming and boating areas, shuffleboard courts, bridle paths, playlots, playgrounds and playfields.

Small growing tree. A variety of tree, evergreen or deciduous, typically maturing at heights around twenty-five (25) to thirty-five (35) feet.

Vegetative density. The minimum number of trees and shrubs required per four hundred (400) square feet of transitional buffer area (created by a twenty-foot by twenty-foot grid, excluding approved improvements, easements, or accessways).

Article V. General Regulations

Sec. 45-523. Communication tower/antenna.

The purpose of this section is to describe minimum standards for tower/antenna construction and siting in order to minimize adverse visual effects and traffic distraction, by careful design, siting and vegetative screening and to maximize the use of any new or existing transmission tower to avoid proliferation of towers throughout the community.

(1) Communication tower/antenna are permitted in accordance with Article IV, section 45-402. Any applicable information or siting requirements detailed below may be required for administrative review.

...

c. Screening requirements are as follows:

1. For towers/antennas, one (1) row of Leyland Cypress at least eight (8) feet in height shall be planted and maintained on ten (10) foot centers completely surrounding the tower/antenna and equipment building compound, excluding entrances. Where existing trees about the compound but are located within the lease area, such trees shall be maintained and Leyland Cypress shall be used as infill to achieve minimum spacing.

...

(Ord. No. 5028-97, § 1; Ord. No. 5175-98; Ord. No. 5701-01; Ord. No. 6453-08)

Article X. R5 Low Density Multiple-Family Dwelling District Regulations

Sec. 45-1006. Landscaping.

A planting plan shall be filed with the site plan, required by the Site Plan Ordinance of the City Code and shall show all required open space areas, buffer areas, trees and plantings.

(Ord. No. 5028-97, § 1)

Article XI. R6 Manufactured Home District Regulations

Sec. 45-1106. Landscaping.

A planting plan shall be filed with the site plan required by the Site Plan Ordinance of the City Code and shall show all required open space areas, buffer areas, trees and plantings. (Ord. No. 5028-97, § 1)

Article XII. R7 Medium Density Multiple-Family Dwelling District Regulations
Sec. 45-1206. Landscaping.

A planting plan shall be filed with the site plan, required by the Site Plan Ordinance of the City Code and shall show all required open space areas, buffer areas, trees and plantings. (Ord. No. 5028-97, § 1)

Article XIII. R8 High Density Multiple-Family Dwelling District Regulations
Sec. 45-1306. Landscaping.

A planting plan shall be filed with the site plan required by the Site Plan Ordinance of the City Code and shall show all required open space area, buffer areas, trees and plantings. (Ord. No. 5028-97, § 1)

Article XIV. R9 Mixed Use District Regulations
Sec. 45-1406. Landscaping.

A planting plan shall be filed with the site plan required by the Site Plan Ordinance of the City Code and shall show all required open space areas, buffer areas, trees, and plantings. (Ord. No. 5028-97, § 1)

Article XV. Planned Residential Development Regulations
Sec. 45-1505. Lot area and dimensional regulations in residential districts.

Within any PRD approved under this article, the requirements set forth below shall apply in lieu of lot area and dimensional regulations set forth in the district in which the development is located:

...
(2) *Setbacks.*

...
c. *Perimeter yards:* Where the property lines of a PRD abut land not included in the development, a fifty-foot setback shall be provided to include a twenty-five-foot wide landscaped buffer containing a minimum of two (2) trees for every four hundred (400) square feet.

(Ord. No. 5028-97, § 1; Ord. No. 5251-99)

Article XVI. P1 Park District Regulations
Sec. 45-1606. Landscaping.

A planting plan shall be filed with the site plan required by the Site Plan Ordinance of the City Code and shall show all required open space areas, buffer areas, trees and plantings. (Ord. No. 5028-97, § 1)

Article XVII. O1 Office District Regulations
Sec. 45-1708. Landscaping.

A landscaping plan shall be filed with the site plan required by the Site Plan Ordinance of the City Code and shall show all required green areas, buffer areas, trees, parking spaces and aisles, and plantings.

(Ord. No. 5028-97, § 1)

**Article XVIII. O2 Office Park District Regulations
Sec. 45-1806. Performance standards.**

(a) *Landscaping:*

(1) Landscaped perimeter yards shall contain no structures, road (except driveways points), parking, storage areas, accessory buildings or no mechanical equipment, but may contain walkways, trails, art, and man-made landscape features. Landscaped yards shall be provided as follows:

- a. *Front yard:* Forty (40) feet minimum.
- b. *Side yard:* Twenty (20) feet minimum.
- c. *Rear yard:* Forty (40) feet minimum.

(2) Off-street parking lots having more than fifteen (15) parking spaces shall provide a landscaped island every fifteen (15) spaces and at the end of each parking row or aisle. These landscape islands shall be a minimum of one hundred twenty-eight (128) square feet in area for a single parking row and a minimum of two hundred fifty-six (256) square feet in area for a double parking row. Within the interior of the parking lot, a minimum of one (1) tree shall be provided for each fifteen (15) parking spaces.

(3) Trees shall be provided in accordance with the standards set forth in the master development plan for the office park. Tree standards shall meet or exceed the minimum requirements of the city's site plan ordinance.

(b) *Buffer provisions.* The following buffer areas shall be required when the O2 district abuts the following zoning districts of lesser intensity:

- (1) Forty (40) feet when abutting any single-family district;
- (2) Thirty (30) feet when abutting any multiple-family district; and
- (3) Twenty (20) feet when abutting any R8 district.

...
(Ord. No. 5028-97, § 1)

**Article XIX. O3 Office/Research and Development District Regulations
Sec. 45-1906. Landscaping.**

A landscaping plan shall be filed with the site plan required by the site plan ordinance of the City Code and shall show all required green areas, buffers, trees and other plantings.

(Ord. No. 5028-97, § 1)

**Article XX. C1 Retail Commercial District Regulations
Sec. 45-2006. Landscaping.**

A landscape plan shall be filed with the site plan required by the site plan ordinance of the City Code and shall show all required green areas, buffer areas, trees and plantings.

(Ord. No. 5028-97, § 1)

**Article XXI. C2 General Commercial District Regulations
Sec. 45-2106. Landscaping.**

A planting plan shall be filed with the site plan required by the site plan ordinance of the City Code and shall show all required green areas, buffer areas, trees and plantings.

(Ord. No. 5028-97, § 1)

Article XXII. C3 Regional Business District Regulations

Sec. 45-2206. General performance standards of design and operation.

(a) *Landscaping.*

(1) Any new non-residential building over the height of eighty (80) feet must provide a landscaped plaza or area at the street level equal to ten (10) percent of the lot area. Such area may be open to the sky, covered by the upper floors of the building, or covered by a bridge between the buildings or other structures, provided that such floor, bridge or structure leaves a minimum clearance of ten (10) feet in height and eight (8) feet in width at ground level.

(2) Off-street surface parking lots having at least fifteen (15) parking spaces shall provide a landscaped buffer ten (10) feet in width around the perimeter of the paved area designated for automobile parking (except for access points to public streets, alleys or plazas).

(3) Ground signs for buildings under eighty (80) feet in height shall provide five (5) square feet of landscaped ground area per square foot of sign area around the base of the sign.

(4) Street furnishings such as street furniture, pavement, plant materials, planter spacing and lighting shall be in accordance with the Regional Business District Development Manual approved and adopted by city council.

(b) *Buffering provisions.*

(1) Any new development adjoining a building originally and historically used as a church shall provide a landscape buffer at least fifteen (15) feet wide along the common property line, and such landscape buffer shall extend the entire length of the said property line.

(2) A twenty-foot wide landscape buffer shall be provided where a new non-residential use abuts an existing or approved residential use. However, no landscape buffer shall be required for a new building, structure, addition or site five thousand (5,000) square feet or less in gross floor area or site area.

(3) Any new non-residential development adjoining an existing residential use or an approved residential development shall provide a landscape buffer at least thirty (30) feet wide if the proposed development includes a structure fifty (50) feet or higher in height. Such required landscape buffer shall be provided the entire length of common property line.

(4) The landscape buffers required above may be reduced in size or width if the applicant adequately demonstrates that either:

a. The proposed development is similar in use, height and size with the use to be protected by the landscape buffer; and, the landscaping being provided in the reduced buffer will provide adequate screening to the adjoining use; or

b. The lot size, configuration, and orientation of the proposed development requires a smaller landscape buffer area; and, the landscaping being provided in the reduced buffer will provide adequate screening to the adjoining use.

(5) The landscape buffers required in this article shall contain living plants (i.e., trees, shrubs, ground covers or grass), natural features (i.e., rock, stone, bark chips, wood shavings or land contouring) and/or structural features (i.e., walls, pedestrian walkways, night lighting, street furnishings), and shall be designed and provided in accordance with the criteria in the Regional Business District Development Manual approved and adopted by the city council.

...

(Ord. No. 5028-97, § 1)

Article XXV. M1 Light Industrial District Regulations

Sec. 45-2506. Landscaping.

A planting plan shall be filed with the site plan required by the site plan ordinance of the City Code and shall show all required green areas, buffer areas, trees, and plantings. (Ord. No. 5028-97, §

Article XXVI. M2 Heavy Industrial District Regulations
Sec. 45-2606. Landscaping.

A planting plan shall be filed with the site plan required by the site plan ordinance of the City Code and shall show all required green areas, buffer areas, trees, and plantings. (Ord. No. 5028-97, § 1)

ARTICLE XXVIII. MODIFICATIONS AND ADJUSTMENTS OF DISTRICT REGULATIONS

Sec. 45-2802. Modifications to yard regulations.

...

e) *Transitional buffer area required between zoning districts of different intensity.*

(1) A special transitional buffer area shall be required in any zoning district when that zoning district abuts a lower intensity zoning district and shall be measured from the zoning district line to produce a transitional buffer area with the minimum width indicated by the following table 28-1.

TABLE INSET:

TABLE 28-1 TRANSITIONAL BUFFER AREA REQUIRED BETWEEN ZONING DISTRICTS OF DIFFERENT INTENSITIES				
Abutting (Higher Intensity) District	Abutted (Lower Intensity) District			
	R1, R2, R3, R4	P1	R5, R6, R7, R8	R9, O1, O2, O3, C1, C2, C3, C4
R5, R6, R7, R8	20 feet	--	--	--
P1	20 feet	--	--	--
R9, O1, O2, O3, C1, C2, C3, C4	30 feet	20 feet	20 feet	--
M1, M2, C5	40 feet	30 feet	30 feet	20 feet

(2) In accordance with section 45-3128(d) of this article, transitional buffer areas shall not be required within the neighborhood conservation district when multiple-family zoning districts abut single-family zoning districts.

(3) The term "transitional buffer area" as used in this section shall apply to the area in the higher intensity district between the principal use and the zoning district line. This transitional buffer area shall contain a minimum number of plant materials in order to meet the standards set forth in this section and to provide the required vegetative density. The required vegetative density for transitional buffer area(s) shall be defined as each four hundred (400) square feet of transitional buffer areas (created by a twenty-foot by twenty-foot grid, excluding approved improvements, easements, or accessways) which contains at least two (2) healthy trees of two-inch caliper measured six (6) inches above the ground for single-stemmed deciduous trees or for multi-stemmed or evergreen trees, no less than eight (8) feet in height,

or a combination thereof; and two (2) large growing evergreen shrubs, with a minimum height of forty-eight (48) inches, capable of reaching ten (10) feet at maturity. It is the purpose and intent of this ordinance that in the transitional buffer area(s) the owner of said property shall retain existing mature vegetation and to supplement such vegetation where necessary to meet the vegetative density defined above. All transitional buffer area(s) shall be properly maintained to assure that they will function effectively and continuously.

The transitional buffer area shall contain no structure or improvements that promote or encourage the concentration of people, vehicles, or noise or otherwise produce conditions not compatible with the intensity of uses permitted in the abutted lower intensity district.

When supplementing the plant materials in the area(s) buffer to meet the required vegetative density, any re-vegetation shall require the planting of two (2) trees (one (1) shall be a large growing variety and one (1) shall be a small growing variety) per four hundred (400) square feet of transitional buffer area. If the two (2) trees will be newly installed, then one (1) shall be evergreen, and one (1) shall be deciduous. The minimum sizes for the installed trees shall be two-inch caliper, measured six (6) inches above the ground, for single-stemmed, deciduous trees, and eight (8) feet in height for multi-stemmed or evergreen trees.

In addition to the trees, two (2) large growing evergreen shrubs, with a minimum forty-eight (48) inches installed height, shall be required every four hundred (400) square feet of transitional buffer area for transitional buffer areas non-adjacent to public streets. For transitional buffer areas adjacent to public streets, the installation of three low growing shrubs, capable of maturing at three (3) feet in height shall be required for every four hundred (400) square feet of transitional buffer area. The low growing shrubs may be evergreen or deciduous, with a minimum installed height and/or spread of eighteen (18) inches. When visual barriers are required by Site Regulations Section 33.02-51(6)c. and the two (2) land areas coincide, then the visual barrier shrub requirement shall govern and serve to fulfill the transitional buffer area shrub requirement.

Hand grooming of dead, diseased, or injured vegetation, and removal of nuisance vines shall be permitted within transitional buffer area(s). No grading shall be permitted within transitional buffer area(s). Maintenance of grass, and removal of weeds, trash and debris as specified in sections 13-150 and 13-180 of the City Code shall be required. All plant materials, pre-existing or newly installed, within the transitional buffer area(s) shall be maintained in perpetuity in accordance with an approved site plan or development plan whichever is applicable. Appropriate plant replacements shall be provided in the event that fifty (50) percent or more of a plants' vegetation is diseased, damaged or dead and the affected vegetation creates a deficit or void in the required vegetative density.

Tree protection fencing for existing vegetation shall be erected prior to the issuance of a land disturbance permit and shall be maintained until all construction activities on the site have been completed. The limits of tree protection fencing shall be established no closer than five (5) feet outside the dripline of the existing vegetation and shall be a minimum height of forty (40) inches and sufficient to prevent intrusion into the protected area. The location, type and installation details for the tree protection fencing shall be clearly shown on the approved site plan or development plan whichever is applicable.

(4) If the transitional buffer area does not abut a public street and contains existing vegetation (trees, shrubs, or ground covers) the transitional buffer area shall remain undisturbed, in its natural state, and supplemented, where necessary, to meet the required vegetative density. Within the transitional buffer area, all existing healthy trees, shrubs, and ground covers shall be preserved and protected. Hand grooming

shall be limited to the removal of dead, diseased, or injured limbs. If the transitional buffer area does not meet the required vegetative density, then additional plant materials (except those trees prohibited in the Site Regulations, Section 33.02-51.(c)(2)e.) shall be planted in conformance with the standards of the most recent edition of the "American Standards for Nursery Stock" and the standards defined above.

(5) If the transitional buffer area abuts a public street(s), then removal of existing shrubs or ground covers and/or trees less than six (6) inches in caliper shall be permitted with an approved landscape plan showing the required re-vegetation of one (1) large tree, one (1) small tree and three (3) low growing shrubs. Existing overstory trees may be "limbed-up" to a maximum height of ten (10) feet above the tree base and existing understory trees may be "limbed-up" to a maximum height of six (6) feet. The landscape plan shall provide the required vegetative density (consisting of either newly proposed and/or existing) and replacement plant materials as set forth above.

(6) When the zoning line falls on a public street, railroad, or other public right-of-way, the buffer shall begin along the property line of the higher intensity district. Where the zoning line falls within a body of water, the buffer shall begin at the edge of mean low water of the higher intensity district. However, pedestrian and vehicular access such as sidewalks, driveways, entrances, landscaping, plantings, street furniture and the like shall be permitted in buffers along public streets, railroads, other public rights-of-way, and bodies of water.

(7) For undeveloped sites that are greater than ninety thousand (90,000) square feet, when a required buffer coincides or shares land area with an easement, the transitional buffer area width or easement width shall be relocated so that they will not coincide or overlap. The relocation of either area shall begin at the adjacent interior shared edge of the transitional buffer area or easement. In determining the relocation of the area(s), consideration shall be given to existing trees/vegetation residing on the site. The transitional buffer area(s) shall be located to maximize the inclusion of naturally occurring trees/vegetation on the site. Where no vegetation exists within the transitional buffer area(s), plant materials shall be installed, maintained and replaced in accordance to [sub]section (2) above.

(8) For redeveloped sites or sites that are equal to or less than ninety thousand (90,000) square feet, collocation of easements and transitional buffer areas shall be permitted up to fifty (50) percent of the greater of the two (2) widths. Should the easement width be greater than the transitional buffer area width, no more than fifty (50) percent of the transitional buffer area width shall coincide within the easement area. In determining the collocation of the areas, consideration shall be given to existing trees/vegetation residing on the site. The transitional buffer area(s) shall be located to maximize the inclusion of naturally occurring trees/vegetation on site. Where no vegetation exists within the transitional buffer area(s), plant materials shall be installed, maintained and replaced in accordance to [sub]section (2) above. The portion of the transitional buffer area that is collocated within an easement shall be exempt from re-vegetation, but that same portion shall remain a green area consisting of a viable turf grass and maintained according to sections 13-150 and 13-180 of the City Code.

(9) Within a transitional buffer area, an easement shall be permitted to cross the transitional buffer area in such a way as to minimize the land area impacted by the crossing and shall be excluded from the re-vegetation requirement. All breaks shall cross transitional buffer areas at right angles.

(10) The board of zoning appeals may grant a special exception for the use or reduction of the transitional buffer area subject to the conditions prescribed in Article XXXII, section 45-3204.

...

(Ord. No. 5028-97, § 1; Ord. No. 5096-98, § 1; Ord. No. 5723-02; Ord. No. 6572-09)

Article XXX. Off-Street Parking and Loading Regulations

Sec. 45-3002. Screening and lighting.

Surface lots when abutting any residential use shall be screened by privacy fencing no less than six (6) feet in height, or a seven-foot wide treed buffer planted with evergreen trees at a minimum height of eight (8) feet and no more than ten (10) feet apart, as provided in Chapter 33.02 of the City Code, except where buffer areas are required by Article XXVIII, of this chapter. Such fencing shall be designed to be architecturally compatible with, and not detract from, the surrounding neighborhood and shall be erected in a manner as to provide adequate air and light and to not obstruct clear sight vision for traffic safety purposes. The board of zoning appeals may grant a special exception for the reduction or elimination of the fencing or treed buffer, subject to the conditions prescribed in Article XXXII, section 45-3204. Where lighting is required by this or any other ordinance of the city, it shall be erected and shielded in a manner as to direct lighting inward to the property being developed and prevent glare to adjacent properties or vehicular public rights-of-way. (Ord. No. 5028-97, § 1; Ord. No. 5204-98)

Sec. 45-3004.1. Requirements and procedures for parking increases.

...

- (2) Applications for parking space increases shall meet the following criteria:
- a. The applicant shall demonstrate that the use will generate a greater need for parking spaces than is provided in this ordinance.
 - b. The applicant shall prepare a parking increase landscaping plan for the premises. This plan shall not reduce other landscaping prescribed for the premises but shall provide a landscaped buffer ten (10) feet in width around the perimeter of the paved area designated for parking. This buffer shall contain one (1) tree and two (2) shrubs for every four hundred (400) square feet of the buffer area less access ways into the parking area. The landscaping plan shall be approved by the director of planning and development prior to the zoning administrator's approval of the parking space increase application.

(Ord. No. 5751-02; Ord. No. 6417-07, § 1)

Article XXXI. Overlay Zoning Districts and Regulations

DIVISION 1. SPECIAL REGULATIONS APPLICABLE TO PROPERTY ON AND SURROUNDING THE AIRPORT

Sec. 45-3102. Definitions.

- (21) *Tree*: Any object of natural growth.

DIVISION 9. LEE HALL CORRIDOR OVERLAY DISTRICT

Sec. 45-3166. Guidelines and development standards.

Purpose and intent: The following guidelines and development standards are intended to protect and enhance the visual experience from the established entrance corridors and to reduce incompatible and adverse impacts on scenic and historic sites.

...

(b) *Development standards.* New subdivision, mixed-use, commercial and industrial development within this Lee Hall Overlay District should provide for visual compatibility and harmony with surrounding natural landforms and vegetation; be protective of views and vistas from the corridors identified in section 45-3163 of the City Code; and provide continuity of site design within the proposed development. These objectives include the following standards, in addition to the development standards specified for the underlying zones in the Zoning Ordinance:

(1) *General.*

- a. Structures should not dominate, by excessive or inappropriate height or mass, any general development, adjacent building, or natural landscape.
- b. Natural amenities such as views, trees, water courses, and other natural features should be preserved and incorporated into the site design.
- c. Impervious surface areas should be minimized and landscaped areas should be maximized.

...

(h) *Landscaping requirements and tree protection.*

(1) *Purpose and intent.* The purpose and intent of such landscaping requirements are to reduce the visibility of paved areas from adjacent properties and streets; moderate climatic effects; minimize noise and glare; and, to enhance public safety by defining spaces so as to influence traffic movement. Landscaping will also reduce the amount of storm water runoff, provide transition between neighboring properties, and frame and soften structures. Every effort shall be made through the design, layout, and construction of development projects to incorporate and preserve as many trees as possible.

(2) *General.* Landscaping and green area requirements shall be as established by City Code Chapter 33.02-51, Site Regulations. In addition, the following requirements shall apply to all landscape plans:

- a. A landscaping plan shall be submitted in conjunction with the development or site plan submittal.
- b. Such landscaping plan shall be drawn to scale, include dimensions and distances, and clearly delineate all existing and proposed vehicular movement and parking, and the location, size and description of all landscaping materials. All easements, transitional buffer areas and setback areas shall be labeled and dimensioned.
- c. All plant materials shall be maintained in perpetuity in a healthy condition. The property owner or designated agent shall be responsible for the maintenance, repair and replacement of all landscaping materials as may be required by the provisions of this subsection. All plant material and landscaped bed areas shall be tended and maintained in a healthy growing condition, free from refuse, debris and weeds at all times.

(3) *Parking area landscaping.* In addition to the requirements of section 33.02-51(12) of the City Code, the following shall apply:

- a. Masonry walls, fences, hedges or berms three (3) to four (4) feet in height in combination with required landscaping are required to screen parking areas with ten (10) spaces or more.
- b. Pedestrian walkways between sites, parking areas and buildings are required to promote and enhance safe pedestrian circulation.

(4) *Buffers and screening.* Transitional buffer areas shall be provided as required by section 45-2802(e) of the City Code. Screening shall include a wall or fence designed to block visual and noise impacts to ensure compatibility between adjacent uses.

(5) *Requirements for landscape plans.* Outdoor furniture and fixtures for commercial and mixed-use development are elements of building and landscape design, and shall be identified on the landscape plan.

(6) *Tree protection.*

- a. No person shall cut down, destroy, move, or remove or cause to be cut down, destroyed, moved or removed any living, disease-free tree of any species having a trunk six (6) inches in caliper or larger, measured four and one-half (4 1/2) feet from the base, in conjunction with any development of land governed by this division until such activity has been approved under the provisions of this division.
- b. No land shall be cleared or altered prior to approval of a development or site plan.
- c. A survey of all trees six (6) inches in caliper or larger within the development area shall be made and submitted in conjunction with the development plan. All trees proposed for removal shall be clearly noted. The tree survey shall be certified either by a licensed land surveyor, registered engineer, or landscape architect.
- d. When preliminary site evaluation by the applicant reveals the ability to accomplish the proposed project without removal of any trees six (6) inches in caliper or larger, the applicant shall submit a written statement that no trees will be removed and the development plan or site plan will indicate "No Large Caliper Tree Removal" as a condition thereof.
- e. Those trees designated for preservation in accordance with the provisions of this Ordinance as shown on the approved landscaping plan shall be protected in accordance with section 33.02-51.(c) of the City Code.

(Ord. No. 6294-06)

Article XXXII. Board of Zoning Appeals

Sec. 45-3204. Procedure for review and approval of special exceptions.

...

(e) The board shall be authorized to hear and decide only those special exceptions listed below:

...

(10) The board may grant a special exception reducing or eliminating privacy fencing or treed buffers provided all of the following are met:

- a. Any such reduction or elimination is limited to:
 1. Community facilities as specified in Article IV., section 45-402, Summary of Uses by District.
 2. Uses authorized by and located within the Neighborhood Conservation district as defined by Article XXXI.
- b. That the applicant shall clearly show that the proposed surface lot:
 1. Requires a lesser amount of fencing or tree screening or no fencing or tree screening; and
 2. The applicant shall clearly demonstrate that the reduction or elimination of the fencing or tree screening is necessary by reason of surface lot location, location of existing fencing, location of adjacent residences and other special circumstances as may warrant such reduction or elimination.

(11) The board may grant as a special exception an increase to the maximum required number of off street parking spaces permitted for a retail store or personal

service establishment, a furniture or appliance store, wholesale establishment or service shop and an enclosed mall building, provided that:

- a. Such increase will not be detrimental to the general character and development of the immediate area.
- b. Satisfactory evidence is provided that additional parking cannot be provided through sharing arrangements with adjoining properties.
- c. Any such increase in parking also shall meet the following criteria:
 1. If the site is wooded, a tree survey shall be conducted on the site prior to land clearance or work being conducted on the site and all trees of six (6) inch caliper or greater shall be saved within all green areas;
 2. Twenty-five (25) percent of the total site shall be landscaped in accord with a plan developed by the applicant for the special exception and approved by the director of planning. The approved landscaping shall be installed and maintained by said applicant;
 3. A twenty-five-foot landscape strip shall be installed and maintained along the site's existing or planned street frontage;
 4. Notwithstanding any other provision in the City Code, the only freestanding sign on an undeveloped site shall be a ground sign; and
 5. Notwithstanding any other provision in the City Code, if the site is already developed, any existing freestanding signs on site shall be removed and replaced with ground signs.

(Ord. No. 5028-97, § 1; Ord. No. 5048-97, § 1; Ord. No. 5205-98; Ord. No. 5752-02; Ord. No. 5867-02; Ord. No. 5873-02; Ord. No. 6445-08)