

Chapter 9 BUILDING AND DEVELOPMENT REGULATIONS

ARTICLE V. STORMWATER MANAGEMENT POLICY

DIVISION 1. GENERALLY

Sec. 9-151. Definitions.

As used in this article, the word "Director" shall mean the Director of the Department of Public Works. "Natural drainage system" shall mean the path along which surface or ground water would flow under natural conditions, including storm conditions. "Stormwater conveyance channel" shall mean a permanent, designed waterway, shaped and lined with appropriate vegetation or structural material to convey excess stormwater runoff away from a developing area. "Stormwater drainage system or facility" shall mean any natural, or manmade, system or facility conveying or intended to convey stormwater, including but not limited to stormwater conveyance channels, ditches, streams, pipes, culverts, and other drainage systems or facilities. "Driveway pipe" shall mean pipe used to convey water from a natural drainage system or a stormwater drainage system or facility under a driveway. (Ord. No. 89-5.10, 5-2-89; Ord. No. 92-8.6, § 2, 8-4-92)

Sec. 9-179.3. Obstructing gutters or drains generally.

It shall be unlawful for any person to throw, place or deposit, or cause to be thrown, placed or deposited in any gutter, ditch, storm drain, natural watercourse or other drainage area in the City, anything else that impedes or interferes with the free flow of water therein, or for any owner to allow vegetation or siltation to obstruct any gutter, ditch, storm drain, natural watercourse or drainage area. Any person violating the provisions of this Section shall be guilty of a Class 3 misdemeanor and each day that the free flow of water is impeded or interfered with shall constitute a separate offense.

(Ord. No. 90-9.13, 9-18-90)

Cross reference— Penalty for Class 3 misdemeanor, § 1-11.

Sec. 9-179.31. Watercourse protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, downed trees, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. The owner or lessee shall not remove healthy bank vegetation beyond that actually necessary for maintenance, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion. The property owner shall be responsible for maintaining and stabilizing that portion of the watercourse that is within their property lines in order to protect against erosion and degradation of the watercourse originating or contributed from their property.

(Ord. No. 2005-08.08, 8-2-05)

Chapter 9.5 CABLE TELEVISION

Sec. 9.5-13. Use of streets.

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(d) *Tree trimming.* The Grantee shall notify the City regarding the need to trim trees upon and overhanging streets of the City so as to prevent the branches of such trees from coming in contact with the wires and cables of the Grantee; at the option of the City, such trimming may be done by the City at the expense of the Grantee, or by the Grantee under the City's supervision and direction at the expense of the Grantee. When authorized, trimming shall be limited to the area required for clear cable passage and shall not include major structural branches which materially alter the appearance and natural growth habits of the tree.

...
(Ord. No. 87-3.6, 3-3-87; Ord. No. 92-8.7, 8-4-92)

Chapter 9.5 CEMETERIES

Sec. 10-2. Damaging, defacing, etc., cemetery property; obstructing ingress or egress to or from cemetery.

(a) It shall be unlawful and a Class 1 misdemeanor for any person to:

...
(2) Willfully or maliciously destroy, remove, cut, break or injure any tree, shrub or plant within any cemetery or any lot of any memorial or monumental association.

...
(Code 1962, § 17-11.1; Ord. No. 83-3.3, § 5.2-4, 3-8-83)
Cross reference— Penalty for Class 1 misdemeanor, § 1-11.
State Law reference— Similar provisions, Code of Virginia, § 18.2-127.

Sec. 10-23. Payments for perpetual care not previously purchased—Generally.

(a) Any person owning a lot for burial purposes in any cemetery of the City for which perpetual care was not purchased may arrange with the City for care in perpetuity of such lot by the City upon the following terms: Such person shall pay to the Treasurer of the City for the care of such lot in perpetuity by the City payment in such amount as is prescribed and approved by the Council. All such charges shall be in addition to the cost of any such lot that may have been heretofore acquired by such person. Upon such payment being made by any such person, a receipt shall be delivered to such person specifying that the same is for the care and maintenance of such lot in perpetuity by the City. The term "perpetual care," as used in reference to lots or plots, shall be held to mean the cutting of grass upon the lot or plot at reasonable intervals, raking and cleaning of the lot or plot, pruning of the shrubbery and trees that may be placed by the City, meaning and intending the general preservation of the lot, plot, grounds, walks, roadways, boundaries, and structures, to the end that such grounds shall remain and be reasonably cared for as cemetery grounds forever.

...
(Ord. No. 83-3.3, § 5.2-8, 3-8-83; Ord. No. 2014-11.01, 11-6-14)
State Law reference— Authority of City to contract for perpetual care of cemetery lots, Code of Virginia, § 15.2-1121.

Chapter 17 GARBAGE AND REFUSE (SOLID WASTE)

ARTICLE I. IN GENERAL

Sec. 17-2. Definitions.

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

Solid waste means and includes garbage, refuse, ashes, grass clippings, trees, shrubs, and yard waste.

Sec. 17-22. Precollection preparation.

When being placed for scheduled collection, solid waste must be prepared as follows:

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(4) *Trees, shrub and bush trimmings.* The limbs and trimmings from trees, shrubs and bushes shall be securely tied into bundles not exceeding two (2) feet in diameter, four (4) feet in length, and fifty (50) pounds in weight.

...

(Ord. No. 2007-02.06, 2-20-07; Ord. No. 2013-07.05, 7-2-13)

Sec. 17-36. Waiver of certain article requirements after major storm.

After a major storm which results in downed limbs and trees, the Director, subject to the approval of the City Manager, may waive the requirements of this article with respect to the times when solid waste may be placed for collection and the maximum quantity permitted with respect to limbs and trees.

(Ord. No. 2007-02.06, 2-20-07)

Sec. 17-37. Preparation, storage and placement of yard waste for collection.

(a) *Leaves.* From October 1 of each year through the following January, as designated by the Director, loose leaves containing no rocks, glass, sticks, limbs or other solid objects may be placed for collection by the City under this article in piles behind the curb and not to block the sidewalk, nor in the curb flow line, so as to block the flow of water to any storm drain or inlet. From February 1 to September 30, leaves shall be bagged or boxed and placed behind the curb for collection. Bagged or containerized leaves shall not be placed out for collection sooner than the evening prior to the scheduled collection time.

(b) *Trees, shrubs and limbs.* Trunks, limbs and branches of trees, shrubs and bushes, not exceeding twelve (12) inches in diameter, shall be cut into lengths not exceeding four (4) feet, or into such shorter lengths as may be required to assure that each item does not exceed fifty (50) pounds in weight, and may be placed for collection by the City under this article in loose piles back of the curblines or margin of, but not on or within the street, alley or sidewalk adjacent to the premises; provided, however, that no item shall be collected by the City which exceeds twelve (12) inches in diameter or (50) pounds in weight, and no accumulation or pile of such items shall be collected by the City which exceeds a total of two and one-half (2½) cubic yards in volume. No such yard waste shall be placed out for collection sooner than the evening prior to scheduled collection.

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(Ord. No. 2007-02.06, 2-20-07)

Chapter 20 LICENSES

ARTICLE II. LICENSE TAX AND REGULATIONS FOR AUTOMOBILE GRAVEYARDS AND JUNKYARDS

Sec. 20-14. Definitions.

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

Screen or screening. Screen or screening shall mean a method of visually shielding or obscuring any inoperative motor vehicles or junk by fencing, walls, barriers or densely planted evergreen vegetation from being visible from any city street or improved public right-of-way.

(Ord. No. 2007-02.07, 2-20-07)

Chapter 35 STREETS AND SIDEWALKS

Sec. 35-14. Clearance of tree limbs above street or sidewalk.

It shall be unlawful for any person to suffer his shade trees to have any limbs lower than twelve (12) feet above the sidewalk or street. If the owner shall fail or refuse to have such limbs cut off, the Director of Public Works shall trim such trees so as to conform with the provisions of this section.

(Code 1962, § 28-9)

Sec. 35-14.1. Obstructions to visibility at street intersections.

(a) No sign, fence, wall, hedge, planting or other obstruction to vision, extending from a height of two and one-half (2½) feet to ten (10) feet above the established street grade, shall be permitted within the area formed by the intersection of right-of-way lines at corner lots and a straight line joining the right-of-way lines at points which are twenty-five (25) feet distance from the intersection of the right-of-way lines at the corner of the lot. This section shall not apply to mailboxes, police and fire alarm boxes, public utility poles, street name markers, official traffic signs and control devices, fire hydrants, trees with no visual obstruction (except tree trunk) up to the height of ten (10) feet above the established street grade, or when an engineering and traffic investigation reveals that no safety hazard exists.

(b) Upon determination that a violation of this section exists, the City shall send written notice by first class mail of the violation to the owner or occupant of the lot requiring the owner or occupant to remove all obstructions violating the provisions of this section within five (5) days after receipt of the written notice. It shall be unlawful for any owner or occupant of a corner lot to fail to remove all obstructions violating the provisions of this section within five (5) days after receipt of written notice from the City so to do.

(c) Upon failure of the owner or occupant of a corner lot to comply with the provisions of this section within five (5) days after receipt of written notice from the City so to do, the City may enter upon such lot and remove there from any and all obstructions found to be in violation of this section. Where trees, shrubs, hedges or other plantings constitute the violation of this section, the City shall have the authority to either trim or remove the same based upon the most cost effective method.

(d) In the event an obstruction violating this section is located on City-owned property or right-of-way, such obstruction may be trimmed or removed, whichever is applicable; provided, however, that prior to removal the City shall give written notice to the owner or occupant of the property adjacent to the City-owned property or right-of-way on which the violation of this section is located of the City's intention to remove the obstruction within five (5) days from the receipt of the written notice by first class mail.

(Ord. No. 83-11.5, 11-7-83; Ord. No. 2011-07.13, 7-19-11)

Chapter 38 UTILITY SERVICES

ARTICLE I. IN GENERAL

Sec. 38-14. Emergency drought management plan.

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(f) Restrictions applicable to various flows of the Dan River. The severity of the water shortage shall be determined primarily by the flow in the Dan River and expected demands and potential rainfall. The restrictive measures in effect at each stage are as follows:

...

(3) *Drought Emergency Stage I*. In the event flow in the Dan River continues to drop to a second preset level or the water usage reaches a certain percentage of system capacity as determined by the City Manager, or their designee, a "Drought Emergency Stage I" may be declared in effect and the following mandatory water restriction shall be imposed. It shall be unlawful to use water from the public water system supplied by the City of Danville for the following purposes:

- a. To water lawns, grass, shrubbery, trees, flowers and vegetable gardens except by hand-held hose, container, or drip irrigation system. Provided, however, that a person regularly engaged in the sale of plants shall be permitted to use water for irrigation of their commercial stock in trade and golf courses may water greens.

...

(4) *Drought Emergency Stage II*. In the event the flow in the Dan River continues to drop to a third preset level or the water usage reaches a certain percentage of system capacity as determined by the City Manager, or their designee, in spite of restrictions as imposed above, a "Drought Emergency Stage II" may be imposed under Stage I, the following mandatory water restrictions shall be imposed. It shall be unlawful to:

- a. Water or sprinkle any lawn, grass, shrubbery, trees, or flowers. Provided, however, that a person regularly engaged in the sale of plants shall be permitted to use water for irrigation of their commercial stock in trade and golf courses may water greens.
- b. Water any vegetable garden except by hand-held hose, container, or drip irrigation system.

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(Ord. No. 2011-09.11, 9-20-11)

Chapter 38.5 VEGETATION

ARTICLE II. WEEDS AS PUBLIC NUISANCE

Sec. 38.5-16. Definitions.

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

Abandon responsibility means the continued failure of the property owner(s) to abate a weed nuisance, after the second consecutive notice of the season, during the remainder of the season.

Abatement cost means the City's cost of labor, equipment, and supplies for, or the contract price of, and any charges to the City, with respect to its removal and disposal of weeds from a parcel.

Owner means any person shown by any public record maintained by any Circuit Court, General District Court, Treasurer, Commissioner of the Revenue, City Clerk, or any other official record to have an ownership or possessory interest in real estate located in the City; or any successor in title or interest taking with actual or constructive notice of the existence of a public nuisance.

Season means a calendar year January 1st through December 31st.

Weeds means any plant, grass, or other vegetation of uncontrolled growth over twelve (12) inches high, other than trees, shrubbery, agricultural plants, or flowering landscaping with controlled growth, and excluding there from the following:

- (1) Growth located on banks of continually flowing streams.
- (2) Natural and undisturbed slopes of a vertical angle of thirty (30) degrees or greater.
- (3) Cliffs, bluffs, ravines, and other similar areas with vegetation foliage.
- (4) Natural and industrial wooded areas.
- (5) Undeveloped property with no known improvements pertaining to infrastructure.
- (6) English ivy, poison ivy, poison oak, honeysuckle, kudzu, and/or such other similar vines.

(Ord. No. 2007-02.04, 2-6-07; Ord. No. 2011-07.14, 7-19-11; Ord. No. 2011-12.07, 12-20-11)

ARTICLE III. LANDSCAPING

Sec. 38.5-23. Definitions.

[The following terms, when used in this article, shall have the meanings ascribed to them in this section, unless context clearly indicates a different meaning:]

Tree and/or *shrub* shall include all woody vegetation presently or hereafter planted on any public area.

(Ord. No. 92-11.15, 11-5-92; Ord. No. 2001-05.07, § 8, 5-15-01)

Sec. 38.5-24. - Authorization required.

(a) No person shall plant vegetation or maintain, remove, or otherwise disturb, any tree or shrub on any public area without first receiving approval from the Director of Public Works or his designate.

(b) Public utility companies and municipal utilities and their subcontractors employing tree experts, when engaged in the maintenance of easements, shall be exempt from the provisions of this section.

(c) In case of emergencies, such as windstorms, ice storms, or other disasters, permits may be waived by the Director of Public Works during the emergency period so as not to hamper work to restore order to the City.

(d) Maintenance of public areas by the City or its subcontractors shall be exempt from the provisions of this section.

(e) All plantings installed on land owned by the City shall become the property of the City of Danville and under the control of the City and subject to all regulations of the City thereafter.

(f) Notwithstanding the foregoing, no authorization shall be required for any planting in a City street, sidewalk, or alley right-of-way immediately contiguous to privately owned residential or commercial property, provided that:

- (1) If it is contiguous with residential property, the person making the planting maintains the property as he does his property;
- (2) If it is contiguous with commercial property, the person making the planting maintains the property as his place of business; and
- (3) The planting does not violate any other provision of this Code including, but not limited to, section 35-14.1 of this Code.

(Ord. No. 92-11.15, 11-5-92)

Sec. 38.5-25. Enforcement.

The Director of Public Works shall have the general powers and duties to:

- (1) Direct, manage, supervise, and control the City landscape program to include all plantings, removal, maintenance, and protection of all trees and shrubs on all public areas.
- (2) Guard all vegetation on any public area within the City so as to prevent the spread of disease or pests and to eliminate dangerous conditions which may affect the health, life, or safety of persons or property.
- (3) Administer the provisions of this article.
- (4) Accept requests for planting, removal or maintenance of plantings on any public area, and accept or deny the request as required by the provisions of this article.
- (5) Remove vegetation placed on a public area without approval, where approval is required by the provisions of this article.

(Ord. No. 92-11.15, 11-5-92)

Sec. 38.5-26. Abuse or mutilation of public trees or shrubs.

Unless specifically authorized by the Director of Public Works, no person shall intentionally damage, cut, carve, transplant, or remove any tree or shrub on land owned by the City or a City street, sidewalk, or alley right-of-way; attach any nails, advertising posters, or other contrivance to any public tree or shrub on land owned by the City or a City street, sidewalk, or alley right-of-way; allow any gas, liquid, or solid substance which is harmful to such trees or shrubs to come in contact with them; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree or shrub on land owned by the City or a City street, sidewalk, or alley right-of-way.

(Ord. No. 92-11.15, 11-5-92)

Sec. 38.5-27. Protection of trees.

(a) All trees on any land owned by the City or a City street, sidewalk, or alley right-of-way near any excavation or construction of any building, structure, or street work, shall be guarded with a good substantial fence, frame, or box not less than four (4) feet high, and all building material, dirt, or other debris shall be kept outside the barrier.

(b) No person, including public utility companies and City departments and utilities, shall excavate any ditches, tunnels, trenches, or lay any drive within a radius of ten (10) feet from any tree on land owned by the City or a City street, sidewalk, or alley right-of-way without first obtaining authorization from the Director of Public Works.

(c) All trees on public areas shall, to the degree practical, be pruned or trimmed only in accordance with the standards established by the National Arborist Association, entitled "Pruning Standards for Shade Trees", as revised in 1988. This includes all public utility companies and City departments involved in maintenance of easements.

(Ord. No. 92-11.15, 11-5-92)

Sec. 38.5-28. Removal and maintenance.

(a) The City will provide maintenance or removal of dead or diseased trees or shrubs on land owned by the City or a City street, sidewalk, or alley right-of-way when such trees or shrubs are determined by the City to constitute a hazard to life, health, or property.

(b) No person shall remove trees or shrubs from land owned by the City or a City street, sidewalk, or alley right-of-way for any purpose without first procuring authorization from the Director of Public Works. The person who obtains such authorization shall bear the cost of removal if it is determined that the tree or shrub does not present a hazard to person or property.

ARTICLE IV. HAZARDOUS TREE REMOVAL

Sec. 38.5-31. Abatement of public nuisance.

(a) If a tree which constitutes a public nuisance is located on real property which is not owned by the City, the Director of Public Works, or his designee, shall notify the owner of such tree in writing by first class mail, to the address of the owner shown on the records in the office of the City Real Estate Assessor, citing the tree's condition and the corrective action required to remove the public nuisance. If such owner cannot be identified or found, a copy of such notice shall be placed upon such tree or part thereof. Written notice shall also be given to any tenant leasing such property.

(b) Upon receipt of the written notice described above, the property owner may appeal the order to the City Manager. Such appeal must be made in writing during the fifteen-day interval given in the notice from the Director of Public Works, or his designee. Any actions required in the notice shall be delayed pending the City's Manager's response to the appeal.

(c) If any work required to be done by the Director of Public Works, or his designee, is not accomplished within the time specified, the Director of Public Works shall request the City Attorney to institute a suit for an injunction to compel the responsible party to abate or remove the public nuisance and/or see that such responsible person is prosecuted for violation of section 38.5-30.

(d) If the tree constituting a public nuisance presents an imminent and immediate threat to life or property, then the Director of Public Works is authorized and directed to abate or remove such public nuisance and to request the City Attorney to bring an action against the responsible party to recover the necessary costs incurred including administrative fees as prescribed by the City of Danville Fee Schedule for the provision of emergency services reasonably required to abate any such public nuisance.

(e) The term "responsible party" shall include, but not be limited to, the owner, occupier, or possessor of the premises where the nuisance is located.

(Ord. No. 95-4.16, 4-4-95; Ord. No. 2011-07.14, 7-19-11)

Sec. 38.5-33. Penalty.

Any person, firm, or corporation violating the provisions of section 38.5-30 after receiving the notice described in section 38.5-31 shall be fined not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ord. No. 95-4.16, 4-4-95)

Danville, Virginia - Zoning

Chapter 41 ZONING ORDINANCE

ARTICLE 2. GENERAL REGULATIONS

E. Certificates of Use and Occupancy.

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5. The Director of Planning/Zoning Administrator shall not approve any temporary certificate of use and occupancy where the applicable provisions of this ordinance are not met, except in such instances where lack of compliance is of a temporary nature and involved site related improvements, such as landscaping, vegetative screening and paving which cannot reasonably be completed due to seasonal or weather conditions. In such instances the Director of Planning/Zoning Administrator shall, before approving such temporary certificate of use and occupancy, be satisfied that the premises involved is physically suitable for use and occupancy in terms of access, parking and other site-related improvements.

(Ord. No. 2004-02.04, Art. 2, § E, 2-17-04)

ARTICLE 3.A SR-R, SANDY RIVER RESIDENTIAL (Single Family Residential District)

G. Landscaping, Open Space and Recreation Areas.

1. A minimum of thirty (30) feet of open space shall be kept between any pasture of any type and adjacent residentially zoned property.
2. Refer to Landscaping and Screening Regulations for screening and buffer yard provisions.
(Ord. No. 2004-02.04, Art. 3.A, § G, 2-17-04)

I. Additional Regulations.

1. Refer to Landscaping and Screening Regulations for screening and buffer yard provisions.
...
(Ord. No. 2004-02.04, Art. 3.A, § I, 2-17-04)

ARTICLE 3.B T-R, THRESHOLD RESIDENTIAL DISTRICT

G. Landscaping, Open Space and Recreation Areas.

1. Regulated by the Landscape and Screening Regulations.
(Ord. No. 2004-02.04, Art. 3.B, § G, 2-17-04)

I. Additional Regulations.

1. Refer to Landscaping and Screening Regulations for screening and buffer yard provisions.
...
(Ord. No. 2004-02.04, Art. 3.B, § I, 2-17-04)

ARTICLE 3.C S-R, SUBURBAN RESIDENTIAL DISTRICT (Single Family Residential District)

G. Landscaping, Open Space and Recreation Areas.

1. In subdivisions approved for cluster development, twenty percent (20%) of the gross site area shall be common open space dedicated to common usage and ownership. Twenty-five percent (25%) of the required open space area shall be developed as active recreational and active community open space, as defined.
2. In conventional subdivisions with 50 or more lots, ten percent (10%) of the gross site area shall be common open space dedicated to common usage and ownership. Fifty percent (50%) of the required common open space area shall be developed as active recreational and active community open space, as defined. If a subdivision with 50 or more lots is located within one-half mile of an existing City park, then the subdivision may apply to the Planning and Zoning Administrator for a waiver of the 50% recreational and active community open space requirement.
3. Stormwater management basins and structures and BMP facilities may be counted towards the minimum open space requirement provided that these basins, structures, and facilities include the appropriate landscaping and maintenance in accordance with the Landscape and Screening Regulations.
4. For cluster and conventional subdivisions, no more than 40% of the required common open space shall consist of land classified as 100 year floodplain, stream valleys, wetlands, water features, stormwater management and BMP facilities, slopes greater than 30%, and/or drainage easements.
5. Required open space shall be contiguous and shall occupy a single parcel within the subdivision unless otherwise approved by the Planning Commission.

6. Open space credit shall not be given for lands which are included in or reserved for public rights-of-way or private travelways, loading areas, required sidewalks or parking areas. Sidewalks and parking areas designed for and devoted entirely to the provision of access to open space may be counted towards open space in net developable area computations.
7. Open space shall be accessible to all residential lots within the subdivision via dedicated pedestrian access easements. Where bike and pedestrian trails intended for public use have been designated by the adopted Comprehensive Plan or the Capital Improvements Plan, access easements shall be provided, where appropriate, within the subdivision to link these trails to common open space areas. These access easements may be counted towards open space in net developable area computations.
8. All open space shall be further regulated by landscaping requirements.
9. All common open space, recreational areas and other common properties shall be preserved for their intended purpose as shown on the approved General Development Plan and shall be established by metes and bounds on the Final Subdivision Record Plat.
10. Common open space, recreational areas and other common properties shall be owned, administered and maintained by a not-for-profit, property owners' association, provided, however, that a portion or all of such properties may be dedicated to the City subject to and at the sole discretion of the City for acceptance at time of plat recordation. Property owners' association by-laws, articles of incorporation and restrictive covenants shall be submitted with any application for subdivision plat approval. Prior to final approval of a subdivision plat including properties to be owned by a property owners' association, the City Attorney shall review and approve the bylaws, articles of incorporation and restrictive covenants.
11. For open space, recreational areas and other common properties to be retained by the property owners' association of a subdivision, the initial developer/owner of the subdivision must establish the owners' association as a legal entity prior to the recordation of the final plat. Membership in the association shall be mandatory for all lot owners within the subdivision. The owners' association shall own all common open space and recreational facilities and shall provide for their perpetual administration, maintenance and operation.
12. Common open space, recreational areas and other common properties are not subject to the street frontage requirements referred to in the General Regulations, Article 2. (Ord. No. 2004-02.04, Art. 3.C, § G, 2-17-04)

I. Additional Regulations.

1. Refer to Landscaping and Screening Regulations for screening and buffer yard provisions.

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(Ord. No. 2004-02.04, Art. 3.C, § I, 2-17-04)

ARTICLE 3.D NT-R, NEO-TRADITIONAL RESIDENTIAL DISTRICT

G. Landscaping, Open Space and Recreation Areas.

1. Twenty percent (20%) of the gross site area shall be open space dedicated to common usage and ownership, 25% of which shall be developed, improved and maintained in perpetuity as recreational and active community open space.
2. Stormwater management basins and structures and BMP facilities may be counted towards the minimum open space requirement provided that these basins, structures, and facilities include the appropriate landscaping and maintenance in accordance with the Landscape and Screening Regulations.
3. No more than 50% of the dedicated open space shall consist of land classified as 100-year floodplain, stream valleys, wetlands, slopes greater than 30%, stormwater management and BMP facilities, or drainage easements.

4. Required open space within the NT-R District shall include a central plaza or commons serving as a landscaped, passive open space for the residential neighborhood.
5. All dedicated open space is regulated by landscaping, screening and buffer yard requirements.
6. An open space and landscape design program shall be submitted with applications for any land use governed by this district.
7. In no instance shall open space credit be given for lands which are included in or reserved for public rights-of-way or private travelways and parking areas.
(Ord. No. 2004-02.04, Art. 3.D, § G, 2-17-04)

ARTICLE 3.E OT-R, OLD TOWN RESIDENTIAL DISTRICT (Urban Areas Single Family Residential District)

G. Open Space.

1. In subdivisions with 25 or more lots, 10% of the gross site area shall be open space dedicated to common usage and ownership, 50% of such area shall be developed as recreational and active community open space, as defined.
2. If a subdivision with 25 or more lots is located within one-half mile of an existing City park, then the subdivision may apply to the Director of Planning/Zoning Administrator for a waiver of the 50% recreational and active community open space requirement.
3. Stormwater management basins and structures and BMP facilities may be counted towards the minimum open space requirement provided that these basins, structures, and facilities include the appropriate landscaping and maintenance in accordance with the Landscape and Screening Regulations.
4. No more than 40% of the dedicated open space shall consist of land classified as 100 year floodplain, stream valleys, wetlands, stormwater management and BMP facilities, slopes greater than 30% and/or drainage easements.
5. All dedicated open space is regulated by landscaping requirements.
6. In no instance shall open space credit be given for lands which are included in or reserved for public rights-of-way, private travelways, loading areas, required sidewalks or parking areas.
(Ord. No. 2004-02.04, Art. 3.E, § G, 2-17-04)

I. Additional Regulations.

1. Refer to Landscaping and Screening Regulations for screening and buffer yard provisions.
- ...
- (Ord. No. 2004-02.04, Art. 3.E, § I, 2-17-04)

ARTICLE 3.F A-R, ATTACHED RESIDENTIAL DISTRICT (Townhouse and Attached Residential District)

G. Open Space and Recreation Areas.

1. A minimum of twenty-five percent (25%) of the gross site area shall be common open space dedicated to common usage and ownership.
2. A minimum of fifty percent (50%) of the required common open space area shall be developed as active recreational areas and facilities.
3. If the development proposed for a permitted or special permitted use is located within one-half mile of an existing City park, then the applicant may apply to the Director of Planning/Zoning Administrator for a waiver of the 50% recreational and active community open space requirement.
4. Active recreational areas may include playgrounds with recreational structures, tot lots, tennis courts, swimming pools, wading pools, spas and saunas, clubhouse facilities,

community meeting rooms and other similar facilities intended for the exclusive use and participation of residents within the A-R development. The applicant shall establish that the type and quality of the planned improvements for the active recreation space shall satisfy the needs of the residents of the project. The location, mix, type, quality and phasing of active recreation facilities and open spaces shall be delineated on the General Development Plan and are subject to Planning Commission approval. A bond may be required for such improvements and facilities subject to the discretion of the Planning Commission.

5. Stormwater management basins and structures and BMP facilities may be counted towards the minimum open space requirement provided that these basins, structures, and facilities include the appropriate landscaping and maintenance in accordance with the Landscape and Screening Regulations.

6. No more than 40% of the required common open space shall consist of land classified as 100 year floodplain, stream valleys, wetlands, water features, stormwater management and BMP facilities, slopes greater than 30% and/or drainage easements.

7. Required common open space shall be contiguous and shall occupy a single parcel within the A-R development unless otherwise approved by the Planning Commission.

8. Open space credit shall not be given for lands which are included in or reserved for public rights-of-way or private travelways, loading areas, required sidewalks or parking areas. Sidewalks and parking areas designed for and devoted entirely to the provision of access to open space may be counted towards open space in net developable area computations.

9. Open space and active recreational areas shall be accessible to all attached residential lots within the development via dedicated pedestrian access easements. Walkways and other forms of pedestrian access shall form an interconnected system within the A-R District, serving as access to open space, recreational areas and other pedestrian destinations. Pedestrian systems shall be delineated on the General Development Plan. These access easements may be counted towards open space in net developable area computations.

10. Where community bike and pedestrian trails intended for public use have been designated by the City's adopted Comprehensive Plan or the Capital Improvements Plan, the applicant shall connect interior pedestrian trails and sidewalks within the project, where appropriate, to these community trails.

11. All open space shall be further regulated by landscaping requirements.

12. All common open space, recreational areas and other common properties shall be preserved for their intended purpose as shown on the approved Plan of Development and shall be established by metes and bounds on the Final Subdivision Record Plat.

13. Common open space, recreational areas and other common properties shall be owned, administered and maintained by a not-for-profit, property owners' association, provided, however, that a portion or all of such properties may be dedicated to the City subject to and at the sole discretion of the City for acceptance at time of plat recordation. Property owners' association by-laws, articles of incorporation, restrictive covenants and a schedule of maintenance shall be submitted with any application for subdivision plat or site plan approval.

14. For open space, recreational areas and other common properties to be retained by the property owners' association of a subdivision, the initial developer/owner of the subdivision must establish the owners' association as a legal entity prior to the recordation of the final plat. Membership in the association shall be mandatory for all lot owners within the subdivision. The owners' association shall own all common open space and recreational facilities and shall provide for their perpetual administration, maintenance and operation. (Ord. No. 2004-02.04, Art. 3.F, § G, 2-17-04)

I. Additional Regulations.

...

5. Additional Setback and Lot Requirements:
A. Where adjacent properties are zoned to a district other than the A-R District, all Attached Residential buildings shall be set back at least 25 feet from the common district property line(s) or as otherwise provided by screening and buffer requirements.

...

9. Additional Land Development and Site Plan Requirements:

...

- D. Refer to Landscaping Regulations for additional screening buffer yard and open space landscaping provisions.

...

(Ord. No. 2004-02.04, Art. 3.F, § I, 2-17-04)

ARTICLE 3.G M-R, MULTIFAMILY RESIDENTIAL DISTRICT (Multifamily Residential District)

G. Open Space and Recreation Areas.

1. Twenty-five percent (25%) of the gross site area shall be common open space dedicated to common usage and ownership.
2. Fifty percent (50%) of the required common open space area shall be developed as active recreational areas and facilities. If a multifamily project is located within one-half mile of an existing City park, then the subdivision may apply to the Planning and Zoning Administrator for a waiver of the 50% recreational and active community open space requirement.
3. Active recreational areas may include playgrounds with recreational structures, tot lots, tennis courts, swimming pools, wading pools, spas and saunas, clubhouse facilities, community meeting rooms and other similar facilities intended for the exclusive use and participation of residents within the M-R development. The applicant shall establish that the type and quality of the planned improvements for the active recreation space shall satisfy the needs of the residents of the project. The location, mix, type, quality and phasing of active recreation facilities and open spaces shall be delineated on the General Development Plan and is subject to Planning Commission approval. A bond may be required for such improvements and facilities subject to the discretion of the Planning Commission.
4. Stormwater management basins and structures and BMP facilities may be counted towards the minimum open space requirement provided that these basins, structures, and facilities include the appropriate landscaping and maintenance in accordance with the Landscape and Screening Regulations.
5. No more than 40% of the required common open space shall consist of land classified as 100 year floodplain, stream valleys, wetlands, water features, stormwater management facilities, slopes greater than 30% and/or drainage easements.
6. Required open space shall be contiguous and shall occupy a single parcel within the M-R development unless otherwise approved with the General Development Plan.
7. Open space credit shall not be given for lands which are included in or reserved for public rights-of-way or private travelways, loading areas, required sidewalks or parking areas. Sidewalks and parking areas designed for and devoted entirely to the provision of access to open space may be counted towards open space in net developable area computations.
8. Common open space and active recreational areas shall be accessible to all attached residential lots within the development via dedicated pedestrian access easements. Walkways and other forms of pedestrian access shall form an interconnected system within the M-R District, serving as access to open space, recreational areas and other pedestrian

destinations. Pedestrian systems shall be delineated on the required General Development Plan. These access easements may be counted towards open space in net developable area computations.

9. Where community bike and pedestrian trails intended for public use have been designated by the City's adopted Comprehensive Plan or the Capital Improvements Plan, the applicant shall connect interior pedestrian trails and sidewalks within the project to these community trails.

10. All open space shall be further regulated by landscaping and buffer yard requirements.

11. All common open space, recreational areas and other common properties shall be preserved for their intended purpose as shown on the approved Plan of Development and shall be established by metes and bounds on the Final Subdivision Record Plat.

12. Common open space, recreational areas and other common properties shall be owned, administered and maintained by a not-for-profit, property owners' association, provided that a portion or all of such properties may be dedicated to the City at the sole discretion of the City Council for acceptance at the time of plat recordation. Property owners' association by-laws, articles of incorporation, restrictive covenants and a schedule of maintenance shall be submitted with any application for a subdivision plat or site plan approval.

13. For common open space, recreational areas and other common properties to be retained by the property owners' association, the initial developer/owner of the project must establish the owners' association as a legal entity prior to the recordation of the final plat. Membership in the association shall be mandatory for all property owners within the development. The owners' association shall own all common open space and recreational facilities and shall provide for their perpetual administration, maintenance and operation. (Ord. No. 2004-02.04, Art. 3.G, § G, 2-17-04)

I. Additional Regulations.

...

5. Additional Setback and Lot Requirements:

A. Where adjacent properties are zoned to a district other than the M-R District, all buildings shall be set back at least 30 feet from the common district property line(s) or as otherwise provided by screening and buffer requirements.

...

...

9. Additional Land Development and Site Plan Requirements:

...

D. Refer to Article 9, Landscape and Screening Regulations for additional screening buffer yard and open space landscaping provisions.

...

...

(Ord. No. 2004-02.04, Art. 3.G, § I, 2-17-04)

ARTICLE 3.H MHP-R, MANUFACTURED HOME PARK RESIDENTIAL DISTRICT (Manufactured Home Park District).

G. Landscaping, Open Space and Recreation Areas.

1. Twenty-five percent (25%) of the gross site area shall be open space dedicated to common usage and ownership.

2. Fifty percent (50%) of the required open space area shall be developed as active recreational areas and facilities. If a manufactured home park is located within one-half mile of an existing City park, then the park may apply to the Planning and Zoning Administrator for a waiver of the 50% recreational and active community open space requirement.

3. Active recreational areas may include playgrounds with recreational structures, tot lots, tennis courts, hard-surfaced courts, swimming pools, wading pools, spas and saunas,

clubhouse facilities, community meeting rooms and other similar facilities intended for the exclusive use and participation of residents within the MHP-R development. The applicant shall establish that the type and quality of the planned improvements for the active recreation space shall satisfy the needs of the residents of the project. The location, mix, type, quality and phasing of active recreation facilities and open spaces shall be delineated on the General Development Plan and is subject to Planning Commission approval. A bond may be required for such improvements and facilities subject to the discretion of the Planning Commission.

4. Stormwater management basins and structures and BMP facilities may be counted towards the minimum open space requirement provided that these basins, structures, and facilities include the appropriate landscaping and maintenance in accordance with the Landscape and Screening Regulations.

5. No more than 40% of the required open space shall consist of land classified as 100 year floodplain, stream valleys, wetlands, water features, stormwater management and BMP facilities, slopes greater than 30% and/or drainage easements.

6. Required open space shall be contiguous and shall occupy a single parcel within the MHP-R development unless otherwise approved by the Planning Commission.

7. Open space credit shall not be given for lands which are included in or reserved for public rights-of-way or private travelways, loading areas, required sidewalks or parking areas. Sidewalks and parking areas designed for and devoted entirely to the provision of access to open space may be counted towards open space in net developable area computations.

8. Open space and active recreational areas shall be accessible to all attached residential lots within the development via dedicated pedestrian access easements. Walkways and other forms of pedestrian access shall form an interconnected system within the MHP-R District, serving as access to open space, recreational areas and other pedestrian destinations. Pedestrian systems shall be delineated on the General Development Plan. These access easements may be counted towards open space in net developable area computations.

9. Where community bike and pedestrian trails intended for public use have been designated by the City's adopted Comprehensive Plan or the Capital Improvements Plan, the applicant shall connect interior pedestrian trails and sidewalks within the project, where appropriate, to these community trails.

10. All open space shall be further regulated by landscaping and buffer yard requirements.

11. All common open space, recreational areas and other common properties shall be preserved for their intended purpose as shown on the approved Plan of Development and shall be established by metes and bounds on the Final Subdivision Record Plat.

12. Common open space, recreational areas and other common properties shall be owned, administered and maintained by the mobile home park ownership or a not-for-profit, property owners' association, provided, however, that a portion or all of such properties may be dedicated to the City subject to and at the sole discretion of the City for acceptance at time of plat recordation. Property owners' association by-laws, articles of incorporation, restrictive covenants and a schedule of maintenance shall be submitted with any application for subdivision plat or site plan approval.

13. For open space, recreational areas and other common properties to be retained by the property owners' association of a subdivision, the initial developer/owner of the mobile home park must establish the owners' association as a legal entity prior to the recordation of the final plat. Membership in the association shall be mandatory for all lot owners within the subdivision. The owners' association shall own all common open space and recreational facilities and shall provide for their perpetual administration, maintenance and operation. (Ord. No. 2004-02.04, Art. 3.H, § G, 2-17-04)

I. Additional Regulations.

1. Refer to Landscaping and Screening Regulations for screening and buffer yard provisions.

...

8. Special criteria for mobile home park development:

...

L. A landscaped buffer of forty (40) feet in width shall be constructed and maintained around the perimeter of the mobile home park, with plant material and placement thereof prior to final site plan approval.

...

(Ord. No. 2004-02.04, Art. 3.H, § I, 2-17-04)

ARTICLE 3.I TO-C, TRANSITIONAL OFFICE (Transitional Residential/Office District)

G. Landscaping, Open Space and Recreation Areas.

1. Twenty percent (20%) of the gross lot area shall be landscaped open space.
2. Stormwater management basins and structures and BMP facilities may be counted towards the minimum open space requirement provided that these basins, structures, and facilities include the appropriate landscaping and maintenance in accordance with the Landscape and Screening Regulations.

(Ord. No. 2004-02.04, Art. 3.I, § G, 2-17-04)

I. Additional Regulations.

...

3. Refer to Landscaping and Screening Regulations for additional yard buffer requirements related to frontage landscape, parking lots, and screening.

...

(Ord. No. 2004-02.04, Art. 3.I, § I, 2-17-04)

ARTICLE 3.J N-C, NEIGHBORHOOD COMMERCIAL (Neighborhood Retail Commercial District).

E. Bulk Regulations.

...

2. Minimum yard requirements:

A. Front yard: 25 feet, parking may be located within a front yard if the N-C-zoned property is adjacent to a property zoned in one of the following districts: TO-C, HR-C, PS-C, CB-C, or TW-C. If parking is provided in a front yard, the front yard shall include a five (5) foot landscape buffer.

B. Side yard: 15 feet, parking may be located within a side yard if the N-C-zoned property is adjacent to a property zoned in one of the following districts: TO-C, HR-C, PS-C, CB-C, or TW-C. If parking is provided in a side yard, the yard shall include a 2.5 foot landscape buffer. Where the lot adjoins an existing residential district, the side yard must then be at least 20 feet.

C. Rear yard: 25 feet, parking may be located within a rear yard if the N-C-zoned property is adjacent to a property zoned in one of the following districts: TO-C, HR-C, PS-C, CB-C, or TW-C. If parking is provided in a rear yard, the yard shall include a 2.5 foot landscape buffer.

Rear yard (accessory uses): 5 feet.

...

(Ord. No. 2004-02.04, Art. 3.J, § E, 2-17-04)

F. Open Space.

1. Stormwater management basins and structures and BMP facilities may be counted towards the minimum open space requirement provided that these basins, structures, and facilities include the appropriate landscaping and maintenance in accordance with the Landscape and Screening Regulations.

(Ord. No. 2004-02.04, Art. 3.J, § F, 2-17-04)

H. Additional Regulations.

1. Refer to Landscaping and Screening Regulations for parking lot landscaping, rear lot screening, buffer yards, and related landscape architecture provisions.

...

10. In addition to landscaping and screening requirements, there shall be a minimum landscaped buffer strip of five (5) feet in depth along all N-C District property frontage. This buffer area may include the yard setbacks described in subsection E. Bulk Regulations of this district. No parking is permitted within the buffer strip.

11. Where a lot is contiguous to property located in a residential district, fencing may be required in addition to landscape buffers in such cases deemed necessary by the Planning Commission with fence material and heights subject to final plan approval.

...

(Ord. No. 2004-02.04, Art. 3.J, § H, 2-17-04; Ord. No. 2011-10.05, 10-18-11)

ARTICLE 3.K CB-C, CENTRAL BUSINESS DISTRICT (Central Business Commercial District).

E. - Bulk Regulations.

...

2. Minimum yard requirements:

a. Front yard: Not regulated; provided front yard dimensions shall conform to within twenty percent (20%) of the setback of the average of the existing, adjacent structures.

b. Side yard: Not regulated.

(1) Side yard shall be at least 10 feet or as otherwise required by buffer yard criteria where adjacent to any residential district; and

(2) Side yard shall be at least 5 feet where adjacent to an alley which is recorded as an access easement or public right-of-way.

c. Rear yard: Not regulated; except rear yard shall be at least 10 feet where adjacent to any residential district.

...

(Ord. No. 2004-02.04, Art. 3.K, § E, 2-17-04)

F. Open Space.

1. Not regulated for existing structures and uses.

2. Landscaped open space shall be provided in accord with an approved site plan or subdivision plat.

3. Stormwater management basins and structures and BMP facilities may be counted towards the minimum open space requirement provided that these basins, structures, and facilities include the appropriate landscaping and maintenance in accordance with the Landscape and Screening Regulations.

(Ord. No. 2004-02.04, Art. 3.K, § F, 2-17-04)

H. Additional Regulations.

...

11. Subject to special use permit approval, the outdoor area devoted to storage, loading and display of goods shall be limited to a maximum of 15% of the total lot area and as

otherwise designated on an approved site plan. Outdoor storage, loading and display areas in excess of 15% may be approved under special circumstances when the applicant can demonstrate need and provide expanded and enhanced screening, buffers and landscaping. (Ord. No. 2004-02.04, Art. 3.K, § H, 2-17-04)

ARTICLE 3.L TW-C, TOBACCO WAREHOUSE DISTRICT (Tobacco Warehouse Commercial District).

F. Open Space.

1. Not regulated for existing structures and uses.
2. Landscaped open space shall be provided in accord with an approved site plan or subdivision plat.
3. Stormwater management basins and structures and BMP facilities may be counted towards the minimum open space requirement provided that these basins, structures, and facilities include the appropriate landscaping and maintenance in accordance with the Landscape and Screening Regulations.

(Ord. No. 2004-02.04, Art. 3.L, § F, 2-17-04)

ARTICLE 3.M HR-C, HIGHWAY RETAIL COMMERCIAL (Highway Retail Commercial District)

E. Bulk Regulations.

...

2. Minimum yard requirements:
 - a. Front yard: 30 feet, provided that a 20 foot setback is required for the outdoor display of items within the front yard. For a corner lot, the front yard shall be 20 feet if access is not provided onto a non-arterial or collector street.
 - b. Side yard: 20 feet, provided, where side yard abuts a residential district, the side yard shall be 30 feet.
 - c. Rear yard: 20 feet, provided, where rear yard abuts a residential district, the rear yard shall be 30 feet.
 - d. In addition to the above regulations, buffer yard provisions shall apply in accordance with landscape and screening regulations.

...

(Ord. No. 2004-02.04, Art. 3.M, § E, 2-17-04)

F. Open Space and Landscaping.

1. Stormwater management basins and structures and BMP facilities may be counted towards the minimum open space requirement provided that these basins, structures, and facilities include the appropriate landscaping and maintenance in accordance with the Landscape and Screening Regulations.

(Ord. No. 2004-02.04, Art. 3.M, § F, 2-17-04)

H. Additional Regulations.

...

6. In addition to landscaping and screening requirements, there shall be a minimum landscaped buffer strip of 5 feet in depth along all HR-C District property frontage. No parking is permitted within the buffer strip.
7. The outdoor area devoted to storage, loading and display of retail goods shall be limited to a maximum 15% of the net developable lot area and shall provide screening as indicated on an approved site plan. Subject to special use permit approval, outdoor storage, loading and display areas of retail goods in excess of 15% of net developable lot area may be approved under special circumstances when the applicant can provide expanded and

enhanced screening, buffers and landscaping. Screening of outdoor display and product sales areas only may be waived by administrative action of the Director of Planning/Zoning Administrator, provided that loading and storage areas not related to displays shall be screened.

8. Where a lot is contiguous to property located in a residential district, all buildings shall have a minimum setback of 30 feet from common property lines. A landscaped buffer strip shall be provided in accord with the transitional buffer yard requirements for commercial/residential properties (see Appendix), with landscape materials and placement subject to site plan approval.

...

11. Refer to Landscaping and Screening Regulations for parking lot landscaping, rear lot screening, buffer yards, and related landscape architecture provisions.

...

(Ord. No. 2004-02.04, Art. 3.M, § H, 2-17-04)

ARTICLE 3.N PS-C, PLANNED SHOPPING CENTER COMMERCIAL (Planned Shopping Center District).

F. Open Space and Landscaping.

1. Fifteen percent (15%) of the site shall be landscaped open space. Refer to Landscaping and Screening for additional regulations and requirements.

2. Stormwater management basins and structures and BMP facilities may be counted towards the minimum open space requirement provided that these basins, structures, and facilities include the appropriate landscaping and maintenance in accordance with the Landscape and Screening Regulations.

(Ord. No. 2004-02.04, Art. 3.N, § F, 2-17-04)

H. Additional Regulations.

...

7. Where a lot in the PS-C District is contiguous to property located in a residential district, all buildings shall have a minimum setback of 40 feet from common property lines. A landscaped buffer strip shall be provided in accord with the transitional buffer yard requirements for commercial/residential properties (see Appendix), with landscape materials and placement subject to site plan approval. However, no buffer yard shall be established with a horizontal width less than the height of the structure adjacent to the buffer yard. Fencing may be required in addition to landscape buffers in such cases deemed necessary by the Planning Commission with fence material and heights subject to final plan approval.

8. The outdoor area devoted to storage, loading, and display of retail goods shall be limited to a maximum 15% of the net developable lot area and shall provide screening as indicated on an approved site plan. Subject to special use permit approval, outdoor storage, loading and display areas of retail goods in excess of 15% of net developable lot area may be approved under special circumstances when the applicant can provide expanded and enhanced screening, buffers and landscaping. Screening of outdoor display and product sales areas only may be waived by administrative action of the Director of Planning/Zoning Administrator, provided that loading and storage areas not related to displays shall be screened.

9. In addition to landscaping and screening requirements, there shall be a minimum landscaped buffer strip of 10 feet in depth along all PS-C District property frontage. No parking is permitted within the buffer strip. The landscape buffer strip shall be exclusive of the area required for utility easements, sidewalks and other infrastructure which would interrupt the nature and intent of the buffer area.

...

11. Refer to Landscaping and Screening for parking lot landscaping, screening and buffer yard provisions.

...

(Ord. No. 2004-02.04, Art. 3.N, § H, 2-17-04)

ARTICLE 3.O LED-I, INDUSTRIAL DISTRICT (Light Economic Development District).

H. Open Space.

1. An open space plan and landscape plan shall be submitted with applications for any land use governed by this district.

2. Stormwater management basins and structures and BMP facilities may be counted towards the minimum open space requirement provided that these basins, structures, and facilities include the appropriate landscaping and maintenance in accordance with the Landscape and Screening Regulations.

3. Twenty (20) percent of the site shall be landscaped open space, provided that no more than fifty (50) percent of the dedicated open space shall consist of land classified as 100 year stream valleys, wetlands, stormwater management and BMP facilities, slopes greater than thirty (30) percent and/or drainage easements.

(Ord. No. 2004-02.04, Art. 3.O, § H, 2-17-04)

I. Additional Regulations.

...

3. Refer to Landscaping and Screening for frontage landscaping, parking lot landscaping, exterior lot screening and buffer yard provisions.

...

8. Subject to special use permit approval, the outdoor areas of an LED-I use devoted to storage, loading, and display of goods shall be limited to a maximum 25% of the total lot area and as otherwise designated on an approved site plan. Outdoor storage, loading and display areas in excess of 50% of the area of building coverage may be approved under special circumstances when the applicant can provide expanded and enhanced security, fencing, screening, buffers and landscaping.

9. Where a lot is contiguous to property located in a residential district, all buildings shall have a minimum setback of 75 feet from common property lines. A landscaped buffer yard shall be provided, with landscape materials and placement subject to final plan approval. Fencing may be required in such cases with fence material and heights subject to final plan approval.

...

11. In addition to landscaping and screening requirements, there shall be a minimum landscaped buffer strip of 10 feet in depth along all LED-I District property frontage. No parking is permitted within the buffer strip. The landscaped buffer strip shall be exclusive of the area required for utility easements, sidewalks and other infrastructure which would interrupt the nature and intent of the buffer area.

...

(Ord. No. 2004-02.04, Art. 3.O, § I, 2-17-04; Ord. No. 2011-12.03, 12-20-11)

ARTICLE 3.P CP-1, CYBER PARK ONE DISTRICT (Cyber Park One Economic Development District).

G. Open Space.

1. An open space plan and landscape plan shall be submitted with applications for any land use governed by this district.

2. Stormwater management basins and structures and BMP facilities may be counted towards the minimum open space requirement provided that these basins, structures, and facilities include the appropriate landscaping and maintenance in accordance with the Landscape and Screening Regulations.
3. Ten (10) percent of the lot shall be landscaped open space; provided that no more than fifty (50) percent of the landscaped open space shall consist of land classified as rivers, stream valleys, wetlands, slopes in excess of 30%, or drainage easements.
(Ord. No. 2004-02.04, Art. 3.P, § G, 2-17-04)

H. Additional Regulations.

...

12. Where a lot is contiguous to property located in a residential district, all buildings shall have a minimum setback of 50 feet from common property lines. A landscaped buffer yard shall be provided, with landscape materials and placement subject to final plan approval. Fencing may be required in such cases with fence material and heights subject to final plan approval.

...

17. Refer to Landscaping and Screening for frontage, parking lot, and yard landscaping, screening and buffer yard provisions.
(Ord. No. 2004-02.04, Art. 3.P, § H, 2-17-04)

ARTICLE 3.Q M-I, INDUSTRIAL DISTRICT (Industrial Manufacturing District).

H. Open Space.

1. An open space plan and landscape plan shall be submitted with applications for any land use governed by this district.
2. Stormwater management basins and structures and BMP facilities may counted towards the minimum open space requirement provided that these basins, structures, and facilities include the appropriate landscaping and maintenance in accordance with the Landscape and Screening Regulations.
3. Ten (10) percent of the lot shall be landscaped open space; provided that no more than fifty (50) percent of the landscaped open space shall consist of land classified as rivers, stream valleys, wetlands, slopes in excess of 30%, or drainage easements.
(Ord. No. 2004-02.04, Art. 3.Q, § H, 2-17-04)

I. Additional Regulations.

...

9. Where a lot is contiguous to property located in a residential district, all buildings shall have a minimum setback of 50 feet from common property lines. A landscaped buffer yard shall be provided, with landscape materials and placement subject to final plan approval. Fencing may be required in such cases with fence material and heights subject to final plan approval.

...

15. Refer to Landscaping and Screening for frontage, parking lot, and yard landscaping, screening and buffer yard provisions.
(Ord. No. 2004-02.04, Art. 3.Q, § I, 2-17-04)

ARTICLE 3.R HP-O, HISTORIC PRESERVATION DISTRICT (Historic Preservation Overlay District)

C. District Administration: Review Commission.

...

4. Exemptions from Review: Certain minor actions which are deemed not to permanently affect the character of a given HP-O District are exempted from review. Such actions shall include the following and any similar actions which in the opinion of the Director of Planning/Zoning Administrator will have no more effect on the character of the district than those listed hereinbelow:

...

G. Permitted outside storage in a residential which is not visible from a public street (provided screening and buffers for such storage is provided in accord with the Landscape Regulations. Article 9 of this ordinance).

...

6. Application Submission Requirements: In consideration of a complete application, the Planning Director and the Review Commission may require any or all of the following information and any other materials as may be deemed necessary for its review:\\

...

F. A landscaping and buffer plan.

...

...

(Ord. No. 2004-02.04, Art. 3.R, § C, 2-17-04; Ord. No. 2014-08.09, 8-19-14)

ARTICLE 3.U PSC-O PLANNED SHOPPING CENTER OVERLAY DISTRICT

F. Additional Requirements.

...

5. A landscaped buffer will be provided along the entire property frontage of any shopping centers and outparcels in accordance with the conceptual master landscape plan attached to the overlay district. Parking, utility easements and sidewalks will be allowed to encroach into the landscaped buffer so long as a minimum of five (5) feet of landscaping is maintained along any street right-of-way.

(Ord. No. 2006-17.09, 12-19-06; Ord. No. 2007-01.02, 1-2-07)

L. Landscape Regulations.

A landscaped buffers, screening, parking lot islands and landscaping design shall be provided in accordance with the conceptual master landscape plan attached to the overlay district. In any case, no less than a five (5) foot buffer must be maintained along a public right-of-way.

(Ord. No. 2006-17.09, 12-19-06)

ARTICLE 4. ZONING AMENDMENTS

B. Requirements for Zoning Amendment Application.

For zoning amendment applications initiated by a property owner's petition in accord with paragraph A.3. above, the applicant shall be responsible for the preparation and cost of all materials, exhibits, notifications, fees and other considerations related to the application. All petitions for zoning map amendment (rezoning) or zoning ordinance text change related thereto shall include a complete and signed rezoning application as well as other materials as specified hereinafter.

Ten (10) copies of the application must be submitted to the office of the Director of Planning/Zoning Administrator and shall include, at a minimum, the following:

...

8. A Master Development Plan which graphically depicts the scope and intent of the proposed development to include the following:

...

- i. Schematic plan depicting how adjacent and neighboring properties shall be protected from any adverse effects of the proposed development, including screening, buffering, fencing and related landscape treatments.

...

...
(Ord. No. 2004-02.04, Art. 4, § B, 2-17-04)

ARTICLE 9. LANDSCAPING AND SCREENING REGULATIONS

A. Purpose and Intent.

The purpose of this section is to establish general standards and processes by which the Danville's Comprehensive Plan's goals and objectives for landscape architecture, urban and rural area site design, site buffering, and transitional screening will be implemented. Pursuant to the intent of preserving and promoting the health, safety and general welfare of the City, these regulations are promulgated in order to:

1. Facilitate the protection, replenishment and maintenance of the existing environment;
2. Conserve and protect the character of the City's sensitive environmental resources, open spaces, parks, and entrance corridors;
3. Preserve and enhance the aesthetic character of the City;
4. Protect and improve the quality of the City's natural rivers, streams, and wetlands;
5. Enhance erosion control practices through the creative use of plant materials;
6. Improve the relationship between adjacent properties via screening and buffering;
7. Preserve and enhance to quality of existing flood plains and stream valleys through improved landscaping and landscape maintenance;
8. Provide adequate tree canopy and vegetative cover for new development; and
9. Introduce and promote complementary landscaping to supplement site plan requirements, Best Management practices, and stormwater management improvements.

(Ord. No. 2004-02.04, Art. 9, § A, 2-17-04)

B. General Standards.

The following general standards shall apply to the planning, design, installation and maintenance of all landscape improvements, site plan improvements, urban design standards, screening and buffering measures, and related site development practices required by this section:

1. A landscape plan meeting the requirements of this article shall be required for all subdivision, site plan, and other development plan applications. Landscaping, screening, and buffering for any subdivision and site development activity shall be guided by this article as well as generally accepted landscape design principles.
2. Landscape design plans shall strive to maximize the preservation of existing trees and minimize the disruption of established landscape materials, employing preservation and protection criteria provided in the Virginia Erosion and Sediment Control Manual, the State's Urban Best Management Practices Handbook and NPDES permitting guidelines.
3. The quality and type of all new plant materials installed on a site shall be in accord with the specifications of the American Association of Nurserymen, provided that the transplanting of trees and shrubs may be done in accordance with accepted horticultural and forestry practices.
4. The property owner, developer and or successor in title to a given property shall be responsible for the perpetual maintenance as well as timely repair and

replacement of all landscaping, buffers and screening as required by this article. A failure to adequately maintain landscape improvements in a healthy state and to keep such improvements free of litter, refuse and debris shall be deemed a violation of this ordinance. Landscape planting, maintenance and repair regulations also shall apply to all land in common open space, active recreational areas, or other lands not in lots in residential subdivisions. Property owners' documents shall incorporate such requirements.

5. Landscape plans to accompany any site plan or plat shall be prepared by the applicant, a qualified landscape designer, nurseryman or horticulturalist in association with a Professional Engineer or Architect of record (certifying the plan or plat) or shall be prepared and certified by a Certified Landscape Architect licensed to practice in the State of Virginia.

6. The landscaping and buffering standards hereinafter established provide minimum guidelines for landscape architecture of commercial, industrial, institutional and residential properties. Refer to the Appendix A of the Zoning Ordinance for graphic illustrations and design guidelines.

7. In addition to the provisions of this article, property which is situated within areas recognized by the Official Zoning Map as a H-PO, Historic Preservation Overlay District or a TC-O, Tourism Corridor Overlay District shall be subject to additional regulations as provided for in the individual zoning districts, supplemental regulations and design guidelines related thereto.

(Ord. No. 2004-02.04, Art. 9, § B, 2-17-04)

C. Site Landscaping, Canopy and Tree Preservation Standards.

1. The applicant shall strive to preserve and protect existing trees in the design and development of projects requiring City subdivision and/or site plan approval and to strive to replace those trees necessarily removed during such development.

2. The subdivision plat or site plan for any subdivision or site development activity shall include the planting and/or replacement of trees, minimum tree canopies or tree covers will be provided in accord with the following standards: (Refer to Appendix for graphic illustrations of canopy coverage ratios for commercial, industrial and residential land uses.)

a. Apartment Residential Zoning District: Ten percent (10%) of the total site area shall be covered in tree canopy.

b. Townhouse and Mobile Home Park Zoning Districts: Fifteen percent (15%) of the total site area shall be covered in tree canopy.

c. Single Family, Two-family and Duplex Residential Zoning Districts: Twenty percent (20%) of the total site area shall be covered in tree canopy.

d. Off-Site Planting Option: If the full canopy requirement cannot be met by on-site plantings, the requirement may be satisfied by off-site plantings at the discretion of the Director of Planning/Zoning Administrator.

3. All landscape materials shall conform with the following minimum size or height (at date of planting) standards:

a. Deciduous shade trees: 2" caliper.

b. Street trees: 2" caliper.

c. Ornamental and understory trees: 6' height.

d. Coniferous trees: 6' height.

e. Evergreen shrubs: 18" spread or height.

f. Deciduous shrubs: 24" spread or height.

4. "Tree canopy" or "tree cover" shall include all areas of coverage by trees and plant materials, including street trees, provided that all such trees and plant materials exceed six (6) feet in height at date of planting.

5. All landscape materials shall be selected and sized in accordance with hardiness rating and growth habit appropriate for the intended placement of materials. All landscape

materials shall be well branched and well formed, vigorous, healthy and free from disease, sun and wind damage and insect and shall have healthy and unbroken root systems.

6. Tree canopy requirements may be reduced on a case-by-case basis by waiver of the Planning Director during the site plan and/or subdivision plat approval process where it can be clearly demonstrated by the applicant that either (a) the reduced canopy achieves the intended landscape design objective through a combination of alternative landscape architectural and landscaping techniques or (b) where the characteristics property is such that the canopy coverage would not be effective and other methods of landscaping provide equal and adequate design responses. The above stipulated sizes may be modified based on specific property conditions and site design requirements.

7. Existing trees, inclusive of wooded preserved areas, which are to be preserved may be included to meet all or part of the aforementioned canopy requirements; provided that the landscape plan identifies such existing trees.

8. In cases where the application of the screening and/or parking lot landscape requirements cited hereinafter exceed the above minimum canopy requirements, the final placement, type, and quantity of landscape materials shall be determined as a part of the City's site plan or subdivision plat review process, provided that nothing herein shall restrict the applicant from exceeding the minimum canopy requirements, if desired.

9. No landscaping materials shall be installed which interfere with minimum transportation site distances for public and private streets. The landscape plan shall depict sight distance alignments and the location of sight easements.

10. The applicant, or the applicant's landscape architect or qualified landscape designer shall consult with the Director of Planning/Zoning Administrator during the preliminary plan phase to determine the most appropriate layout and coordinated landscape design concepts, tree placement and suitable species of trees and ground cover to be incorporated into the site plan.

(Ord. No. 2004-02.04, Art. 9, § C, 2-17-04)

D. Parking Lot Landscaping for Commercial, Industrial, and Residential Uses.

1. Parking Lots Adjacent to Lot Lines: For parking lots and private access adjacent to lot lines which are subject to site plan or subdivision approval for uses within commercial, industrial, townhouse, apartment, and mobile home park zoning districts or where a site plan is otherwise required, the following landscape regulations shall apply:

a. Where a parking lot (or a private driveway providing access to a parking lot or building entry) abuts a property line not common with the right-of-way of a street, a landscaping strip of two and one-half (2 1/2) feet in width shall be located between the parking lot and the abutting property line. Refer to the Appendix for graphic examples.

b. A minimum of one tree for each forty (40) feet of contiguous property line shall be planted in the landscaping strip. This planting shall be in addition to any planting within a required zoning district buffer yard and in addition to any planting within six (6) feet of a building or structure.

c. Where appropriate, shrubs and ground covers may be provided within the landscaping strip to establish an enhanced low level visual buffer between the adjoining properties.

d. At maturity, these shrubs and other ground covers shall be three (3) to five (5) feet in height. Landscape plans are encouraged to incorporate earth berms, where appropriate, into the buffer strips.

2. Parking Lots Adjacent to Public Streets: For parking lots and private access adjacent to public streets which are subject to site plan or subdivision approval for uses within commercial, industrial, townhouse, apartment, mobile home park zoning districts or where a site plan is otherwise required, the following landscape regulations shall apply:

- a. Where a parking lot (or a private driveway providing access to a parking lot or building entry) abuts a public right-of-way for a City or VDOT street, a landscaping strip of five (5) feet in width (not including sidewalk) shall be located between the parking lot or private driveway and the right-of-way line.
 - b. A minimum of one tree for each forty (40) feet of property line common with the public right-of-way shall be planted in the landscaping strip. This planting shall be in addition to any planting within a required zoning district buffer yard and in addition to any planting within six (6) feet of a building or structure.
 - c. Where appropriate, shrubs and ground covers may be provided within the landscaping strip to establish an enhanced low level visual buffer between the parking lot and the public right-of-way.
 - d. At maturity, these shrubs and other ground covers shall be a minimum of three (3) to five (5) feet in height. The landscape design for such shrubs and ground covers shall also serve to direct and control pedestrian access into parking lots.
 - e. Landscape plans are encouraged to incorporate earth berms, where appropriate, into the right-of-way landscaped buffer strips.
3. All parking lots of thirty-one (31) or more spaces shall contain within the interior of the parking lot not less than one tree for every fifteen (15) continuous parking spaces or fraction thereof. Such trees shall be reasonably dispersed throughout the interior of the parking lot in accord with good landscape and urban design practices. In the instance where the parking lots contain double-loaded parking bays, trees planted in the interior section between the bays may count towards the spaces in both rows. Furthermore, both exterior trees and buffer trees included in the site plan may be applied towards this requirement. In the case of redevelopment proposals, this parking lot tree requirement is only applicable to those proposals that necessitate additional parking spaces over those that are currently provided. All plant materials shall be of a variety and size which can be used to meet the tree canopy cover requirements hereinabove outlined. Refer to the Appendix for graphic illustrations.
4. Landscaping located within the interior of parking lots shall be contained within "planting islands" with raised medians. Planting islands which are located parallel to the long dimension of a parking spaces shall have a minimum width of ten (10) feet and shall be designed to permit vehicular doors to open fully without impacting plant materials. A median (or island) shall be constructed to separate no more than fifteen (15) contiguous perpendicular spaces for single-loading bays and thirty (30) for double-loading bays. A planting island with raised median (with curb and gutter) shall be constructed to terminate the end of any perpendicular parking bay and to provide adequate separation from an adjacent to a private driveway or travelway.
5. Landscaped "planting islands" (located such that parking spaces are on opposing sides of the planting island) shall be developed in parking lots meeting the following criteria:
 - a. The total size of the parking lot exceeds one hundred fifty (150) total parking spaces.
 - b. Parking lot layout incorporates three or more double-loaded or single-loaded parking bays which are contiguous and parallel to each other, and the requirements of Paragraph 4 above.
 - c. Planting islands which are designed to be perpendicular to the parking bay shall be constructed for every other parking bay.
 - d. Planting islands shall have a minimum width of six (6) feet to allow for bumper overhang and shall otherwise provide adequate width for the growth and maintenance of the intended landscape materials to be planted therein.
6. The primary landscaping materials used in parking lots shall be trees which provide shade or are capable of providing shade at maturity. Shrubs and other live planting material may be used to complement the primary, tree landscaping.

7. The landscaping shall be dispersed throughout the parking lot, with interior dimensions of any planting area (i.e. interior parking median) sufficient to protect and maintain all landscaping materials planted therein. See illustrative example in the Appendix.
 8. The type and method of parking lot landscape irrigation shall be fully described in the site plan if any type and method is to be included in the design.
 9. The applicant, or the applicant's landscape architect or landscape designer and project engineer shall consult with the Director of Planning/Zoning Administrator during the sketch plan and preliminary plat phase to determine the most appropriate parking lot layout and coordinated landscape design concepts, tree placement, and suitable species of trees and ground cover to be used in parking lots.
 10. The landscape provisions of this article are not intended to apply to off-street parking spaces or private driveway access to such off-street parking spaces for individual single family residential dwellings.
- (Ord. No. 2004-02.04, Art. 9, § D, 2-17-04)

E. Transitional Screening and Buffer Yards.

1. Transitional screening and buffer yards shall be required between properties as designated by the Official Zoning Map for different land use categories. Screening and buffer yard requirements shall be imposed on the property of the more intensive zoning category. Buffer landscape yard geometry, plant types, plant quantities and related landscaping requirements between different land use categories shall be based on the screening and buffer yard standards in the Appendix of this ordinance.
2. Transitional screening shall be provided at the outer boundaries of a lot, except in locations where driveways, parking lots, utility easements and/or other openings are required. Where transitional screening and landscape buffer yards are required, evergreen trees and deciduous trees of size, type and canopy as approved by the Director of Planning or Planning Commission, shall be employed for screening purposes.
3. Understory and shrubs, in the recommended size and quantities described in the graphic design standards in the appendix, may be incorporated into the buffer yard at the option of the applicant. Landscape plans are encouraged to incorporate earth berms, where physiographically feasible, and other creative landscape features into transitional screening and buffer yard designs. See illustrative examples in the Appendix for recommended landscape materials and placement.
4. Buffer yards and transitional screening may not be used for the storage of materials, buildings, parking or loading areas for motor vehicles or equipment or signs. Sidewalks and pedestrian trails may be incorporated into buffer yards.
5. All outdoor storage and loading areas shall be screened from adjacent residential properties. An opaque screen with a minimum height of six (6) feet of landscape materials, architectural walls, opaque fencing or other opaque material shall be used.
6. Transitional screening may be waived or otherwise modified by the Planning Commission for any public use or utility when it can be demonstrated that such use has been specifically designed to minimize adverse impacts on adjacent properties.
7. No landscape materials or screening shall be installed which interfere with minimum transportation site distances. The landscape plan shall depict sight distance alignments and the location of sight easements in accord with transportation design standards.
8. Transitional screening requirements may be modified by the Director of Planning/Zoning Administrator in cases where it can be clearly demonstrated by the applicant that either (a) the alternative landscape design minimizes any adverse impact through a combination of architectural and landscaping techniques or (b) where the topography of the property is such that transitional screening would not be effective and other methods of screening provide equal and adequate design responses.
9. The applicant, or the applicant's certified landscape architect or qualified landscape designer shall consult with the Director of Planning/Zoning Administrator during the sketch

plan and preliminary plat phase to determine the most appropriate buffer and screening design concepts, tree placement and suitable species of trees to be used for screening purposes.

10. The applicant, or the applicant's certified landscape architect or qualified landscape designer shall consult with the Director of Planning/Zoning Administrator during the sketch plan and preliminary plat phase to determine the most appropriate location for the buffer plantings. The Director of Planning/Zoning Administrator has the authority to ensure that the buffer shall be planted at the highest point on the subject property relative to the adjacent residential uses. In instances where grading allows a difference in elevation, buffer landscape planting shall be placed at the highest point where it can be feasibly planted. (Ord. No. 2004-02.04, Art. 9, § E, 2-17-04)

F. Subdivision Landscaping and Street Tree Requirements.

1. For any subdivision developed within any residential, commercial or industrial zoning district, a street tree landscape plan shall be submitted with all subdivision plats and other development plans involving the construction, extension or widening of private or public streets.
2. The street tree landscape plan for subdivisions shall provide for the placement of street trees outside of and contiguous to the public right-of-way. A minimum of two (2) street trees shall be provided per each lot.
3. Within subdivisions, the street tree landscape plan shall provide an integrated program of street tree plantings, individual lot landscaping, and tree preservation for all lots located within the subdivision.
4. Street trees shall be counted towards the landscape canopy requirement.
5. No street trees shall be installed which interfere with minimum transportation site distances for public and private streets, as determined by the Director of Planning/Zoning Administrator. The landscape plan shall depict sight distance alignments and the location of sight easements.
6. The applicant's landscape architect or qualified landscape designer shall consult with the Director of Planning/Zoning Administrator during the sketch plan and preliminary plat phase to determine the most appropriate species of street trees as well as suitable landscape design and placement concepts for use in a given subdivision or street development program. A list of candidate landscape materials and varieties for differing functions and applications is provided in the appendix of this ordinance. (Ord. No. 2004-02.04, Art. 9, § F, 2-17-04)

G. Landscape Plan Requirements.

1. The landscape plan drawn on a site plan base map to the same scale as the accompanying site plan and/or subdivision plat.
2. Refer to the City's Design and Construction Standards Manual and the appendix of this ordinance for additional information related to landscape materials, installation standards, and design details.
3. The landscape plan shall include:
 - a. Location, type, size, height, number and botanical name and construction details for proposed landscaping materials. Information is to be provided in graphic and tabular format.
 - b. Planting specifications and installation details for proposed landscaping materials, including a schedule of recommended planting timeframes for specific plant materials and ground covers.
 - c. Location and size of all existing landscape materials to be retained during the site development process as well as appropriate landscape protection measures to be implemented during the site construction process.

- d. Location, size and other related design details for all hardscape improvements, signage, recreational improvements and open space areas, fences, walls, barriers and other elements related to transitional buffer yards.
 - e. Designation of required setbacks, yards and screening areas.
 - f. Location of other man-made site features, parking lots, hardscape improvements, overhead structures and underground utilities to ensure that landscape materials will not be in conflict with the placement and operation of these improvements.
 - g. Acreage of disturbed areas, computed by planimetric methods, to the nearest 0.1 acre.
 - h. Acreage and location of proposed open spaces and recreation areas, computed to the nearest 0.1 acres.
 - i. Location, size and construction details for site lighting, special hardscape and landscape features, irrigation systems and exterior site furnishings.
 - j. Methods and specifications for tree protection during construction phases.
 - k. Landscape treatment of stormwater management improvements, Best Management Practices structures, and erosion and sediment controls.
 - l. Certification of the plan preparer.
- (Ord. No. 2004-02.04, Art. 9, § G, 2-17-04)

ARTICLE 15. DEFINITIONS

B. Definitions.

As used in this article, the following terms or words shall have meanings given below unless the context requires otherwise.

Agriculture. The production, keeping or maintenance, for sale or lease on lots or portions of lots over two (2) acres, of plants and animals useful to man, including, but not limited to: forage and sod crops, grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, goats or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, flora, ornamental and greenhouse products. The raising of livestock shall be no more than one (1) form of livestock animal or five poultry per every three (3) acres. This district does not permit feed lots and confinement operations for swine, veal, poultry and the like.

Buffer or screening. Any device or natural growth, or a combination thereof, which shall serve as a barrier to vision, light, or noise between adjoining properties, wherever required by this ordinance and further defined herein.

Landscaping. The improvement of a lot with grass, shrubs, trees, other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flower beds, ornamental objects such as fountains, statues and other similar natural and artificial objects designed and arranged to produce an esthetically pleasing effect.

Open space. That area intended to provide light and air, and is designed for either scenic or recreational purposes. Open space shall, in general, be available for entry and use by the residents or occupants of the development, but may include a limited proportion of space so located and treated as to enhance the amenity of the development by providing landscaping features, screening for the benefit of the occupants or those in neighboring areas, or a general appearance of openness. Open space shall not include driveways, parking lots, or other vehicular surfaces, any area occupied by a building, or areas so located or so small as to have no substantial value for the purpose stated in this definition.

Open space, common. All open space that is designed and designated for use and enjoyment by all residents or occupants of the development or by the residents or occupants of a designated portion of the development. Common open space shall represent those areas not to be dedicated as public lands and rights-of-way, but which are to remain in the ownership of a homeowners association or of a condominium in accordance with the provisions set forth in this ordinance. Pedestrian paths and sidewalks may be included in the calculation of required common open space. Vehicular travel ways, parking lots and individual private yards within the area of platted residential lots may not be included in the calculation of required common open space.

Open space, dedicated. All open space which is to be dedicated or conveyed to the City or an appropriate public agency, board, or body for public use as open space.

Open space, landscaped. That open space within the boundaries of a given lot that is designed to enhance privacy and the amenity of the development by providing landscaping features, screening for the benefit of the occupants or those in neighboring areas, or a general appearance of openness. Landscaped open space may include, but need not be limited to lawns, decorative planting, flower beds, sidewalks/walkways, ornamental objects such as fountains, statues and other similar natural or artificial objects, wooded areas and water courses, any or all of which are designed and arranged to produce an esthetically pleasing effect within the development. Landscaped open space may be either Common or Dedicated open space as defined herein.

Street tree. Any tree which grows in the street right-of-way or on private property abutting the street right-of-way.

Tree canopy or tree cover. Shall include all areas of coverage by plant material exceeding five (5) feet in height.

Urban agriculture. The production, keeping or maintenance, for sale or lease on lots or portions of lots equal to or less than two (2) acres, of plants and animals useful to man, including, but not limited to: forage and sod crops, grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, goats or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, flora, ornamental and greenhouse products. The raising of livestock shall be no more than one (1) form of livestock animal or five (5) poultry per every three (3) acres. This district does not permit feed lots and confinement operations for swine, veal, poultry and the like.

Yard. Any open space on the same lot with a building or building group lying between the building or building group and the nearest lot line, unobstructed from the ground upward and unoccupied except by specific uses and structures allowed in such open space by the provisions of this ordinance. On any lot which is occupied by an attached dwelling, no minimum required yard shall be occupied by any part of a vehicular travel way or parking space that is owned and maintained by a homeowners' association, condominium or by the public.

Yard, Minimum. The minimum yard requirements set forth in this ordinance represent that minimum distance which the principal building(s) shall be set back from the respective lot

lines. On a lot where a service drive is to be dedicated to the City, such dedication shall not affect the applicable minimum yard requirements.

Yard, front. A yard extending across the full width of a lot, measured perpendicular to the front lot line and extending to the principal building. On a corner lot, all yards lying between the principal building and the intersecting streets shall be deemed front yards.

Yard, rear. A yard extending across the full width of the lot and lying between the rear lot line of the lot and the principal building group.

Yard, side. A yard between the side lot line of the lot and the principal building, and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or rear lot lines.

(Ord. No. 2004-02.04, Art. 15, § B, 2-17-04; Ord. No. 2005-01.03, 1-4-05; Ord. No. 2005-04.04, 4-5-05; Ord. No. 2008-03.02, 3-4-08; Ord. No. 2008-07.04, Art. 15, § B, 7-15-08; Ord. No. 2009-07.02, 7-7-09; Ord. No. 2009-11.07, 11-5-09; Ord. No. 2009-12.08, 12-15-09; Ord. No. 2012-08.02, 8-21-12; Ord. No. 2012-09.09, 9-18-12; Ord. No. 2012-12.07, 12-18-12; Ord. No. 2012-11.09, 11-20-12; Ord. No. 2013-02.03, 2-19-13; Ord. No. 2013-06.01, 6-4-13; Ord. No. 2013-10.06, 10-17-13; Ord. No. 2014-08.09, 8-19-14; Ord. No. 2015-07.05, 7-21-15; Ord. No. 2015-09.09, 9-15-15)

ARTICLE 16. APPENDIX: LANDSCAPE, SCREENING AND BUFFER YARD GUIDELINES AND STANDARDS

A. Purpose and Intent.

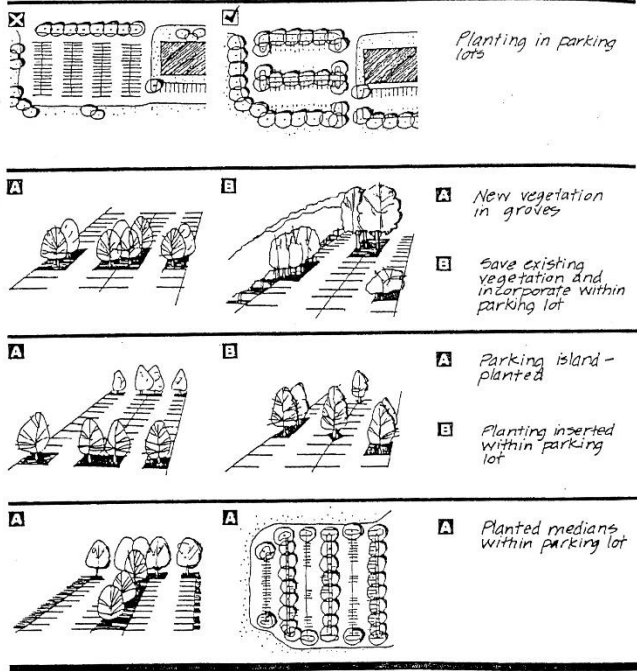
This appendix provides graphic guidelines for landscaping, screening and buffer yards for development projects within the City. It is intended to be employed by applicants as a companion to illustrate the landscape design requirements of Article 9 of this ordinance. Where conflict exists between this appendix and Article 9, the article shall govern.

B. - Appendix Contents.

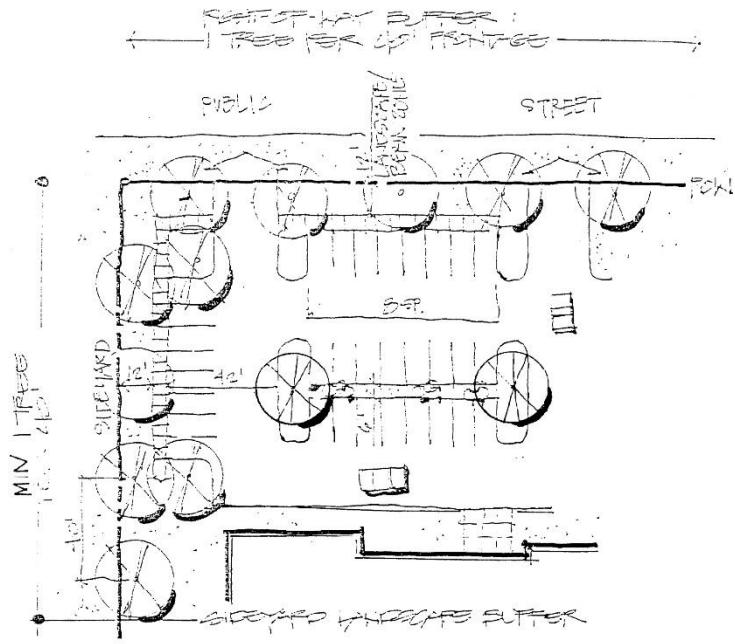
Parking Lot Landscaping Guidelines and Illustrations

- A.4 Parking lot landscaping: general illustrative design concepts.
- A.5 Parking lot landscaping: minimum requirements for parking lots.
- A.6 Parking lot landscaping: landscape islands and medians in parking lots.

PARKING LOT LANDSCAPING



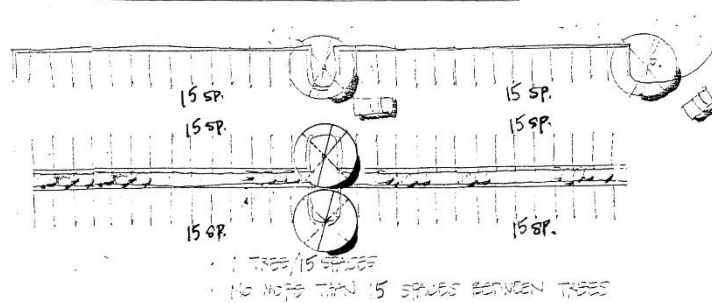
PARKING LOT LANDSCAPING



MINIMUM REQUIREMENTS PRIVATE PARKING LOTS

PRIVATE PARKING LOTS

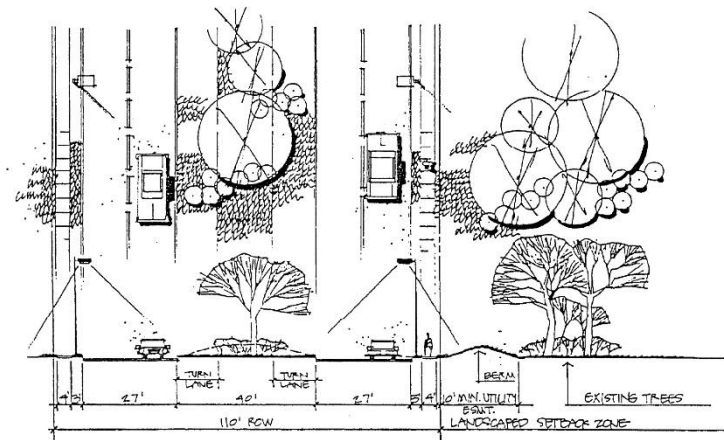
LANDSCAPE ISLANDS OR MEDIANS
IN PRIVATE PARKING LOTS



LANDSCAPE ISLAND OR MEDIANS

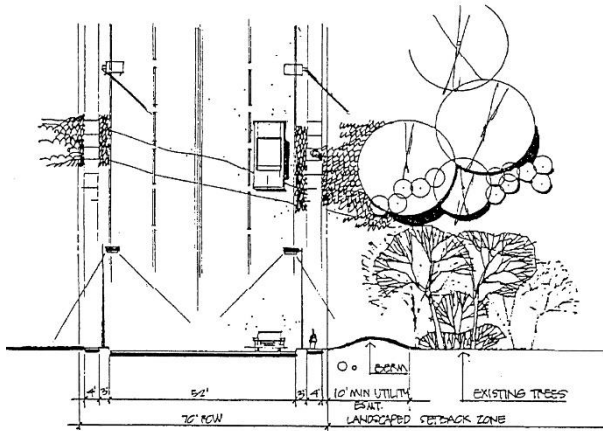
General Landscaping Guidelines and Illustrations

- A.7 Residential subdivision landscaping: street tree design concepts.
- A.8 Right-of-way edge buffer landscaping: edge buffers.
- A.9 Buffer yards: landscape berms.



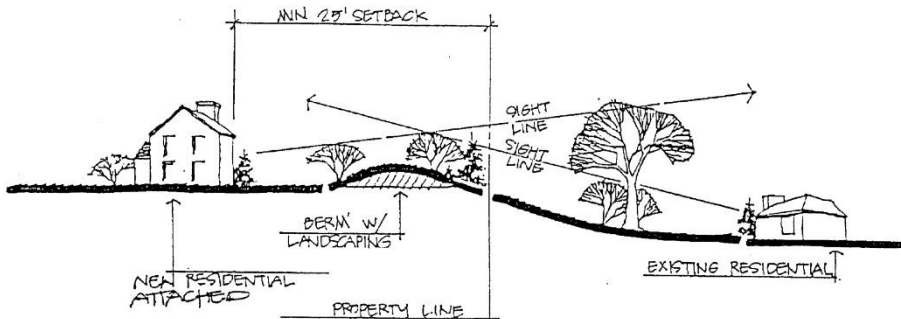
STREET TREE CONCEPTS:
SUBDIVISION DEVELOPMENT

STREET TREE CONCEPTS



RIGHT-OF-WAY LANDSCAPING
FREE BUFFERS

RIGHT-OF-WAY LANDSCAPING

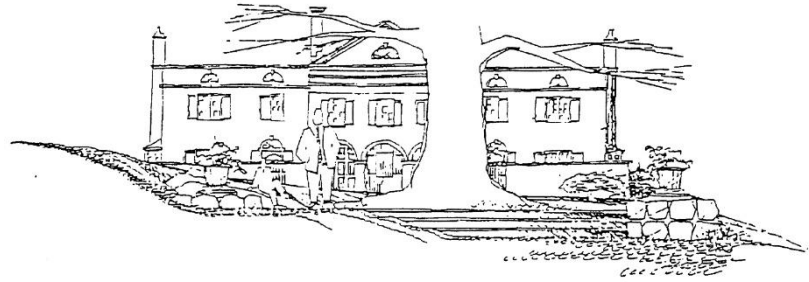


BUFFER YARDS:
LANDSCAPED BERMS

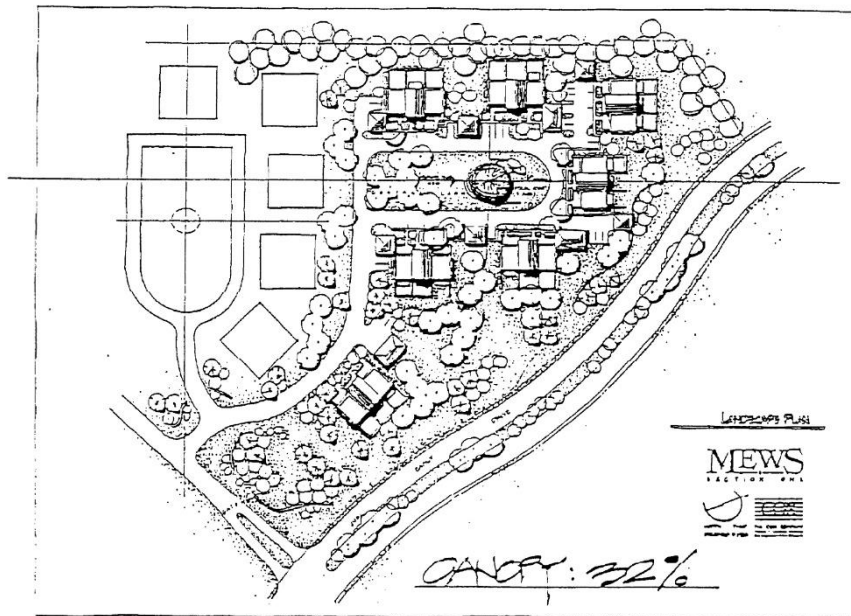
BUFFER YARDS

Examples of Canopy Requirements for Urban Land Uses

- A.10 Illustrative canopy example: multi-family residential project.
- A.11 Illustrative canopy example: retirement community project.
- A.12 Illustrative canopy example: townhouse residential project.
- A.13 Illustrative canopy example: waterfront mixed-use project.
- A.14. Illustrative canopy example: downtown commercial project.



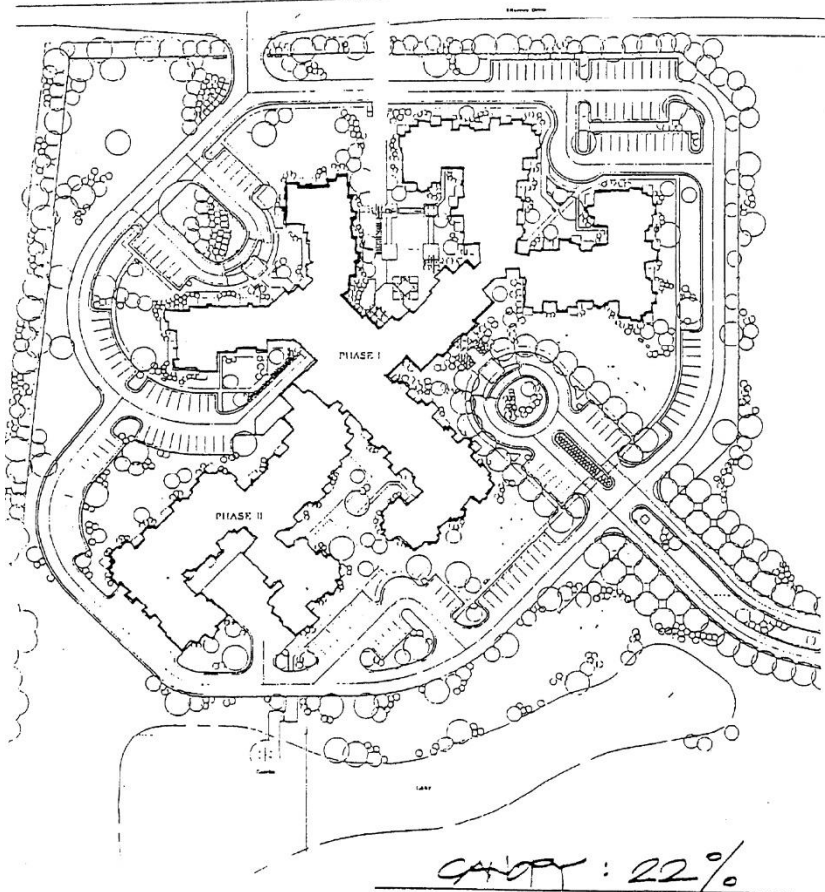
MULTI-FAMILY PROJECT M-R DISTRICT



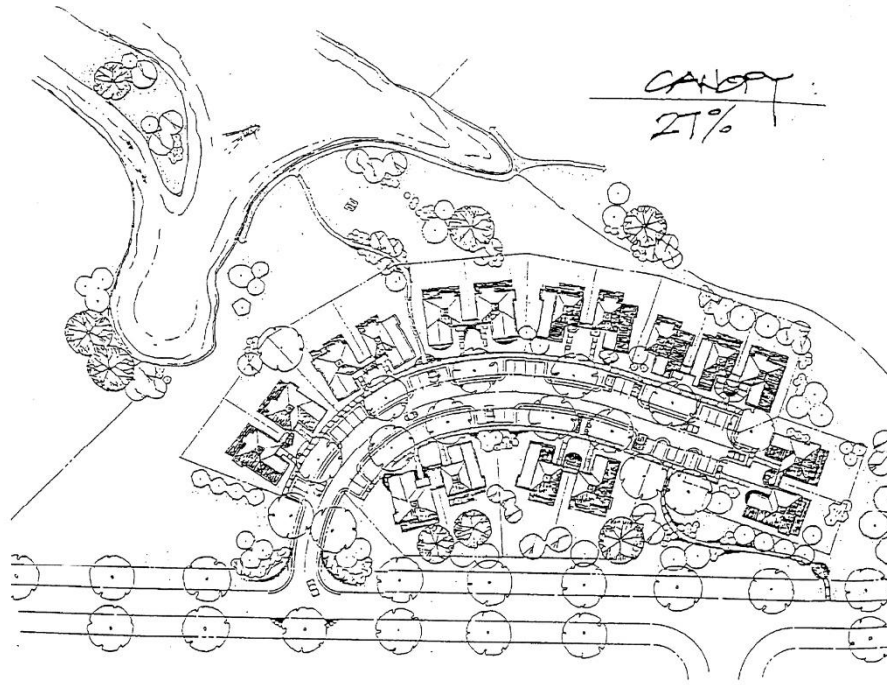
MULTI-FAMILY PROJECT

RETIREMENT COMMUNITY
7.0-ACRE SITE

M-R DISTRICT

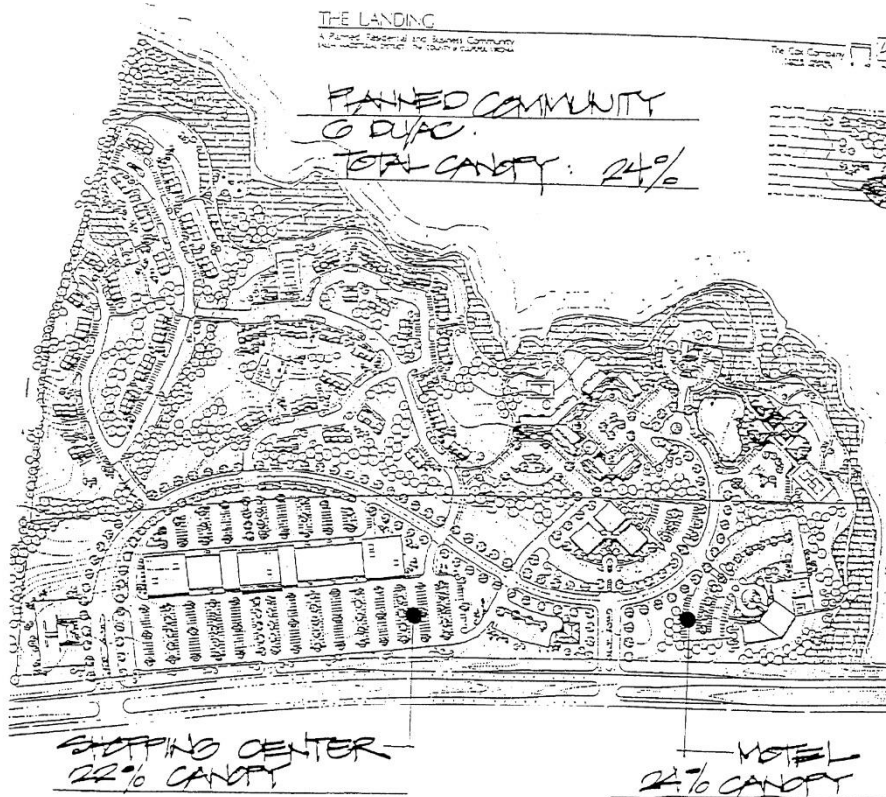


CANOPY : 22%
RETIREMENT COMMUNITY

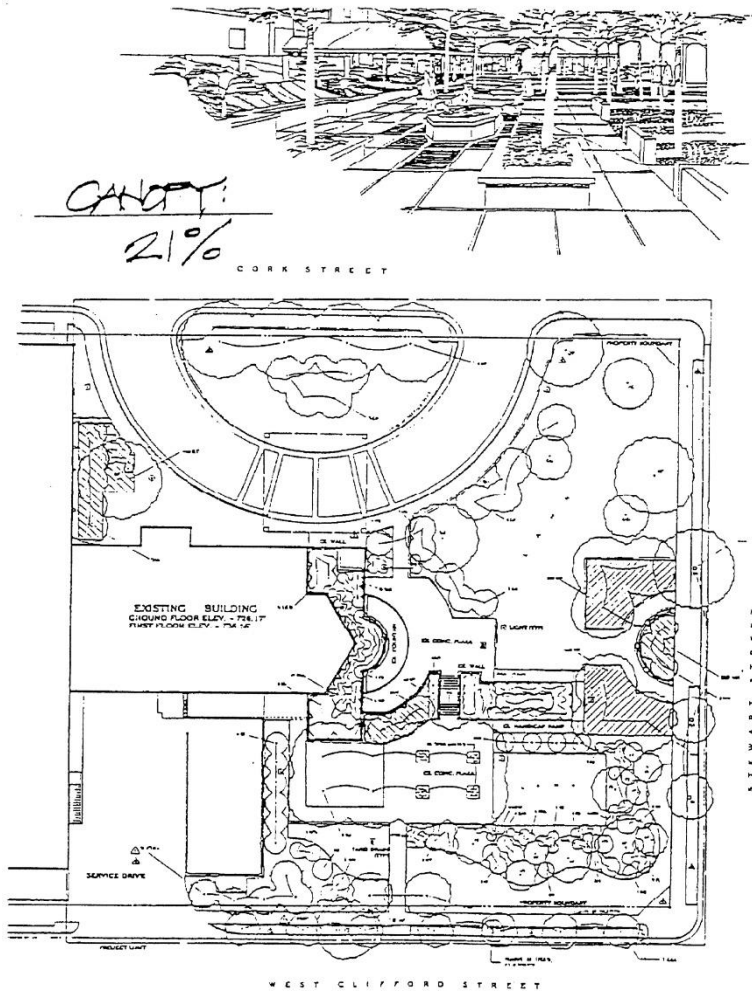


TOWNHOUSE COMMUNITY A-R DISTRICT 6 DU/AC

TOWNHOUSE COMMUNITY



PLANNED COMMUNITY



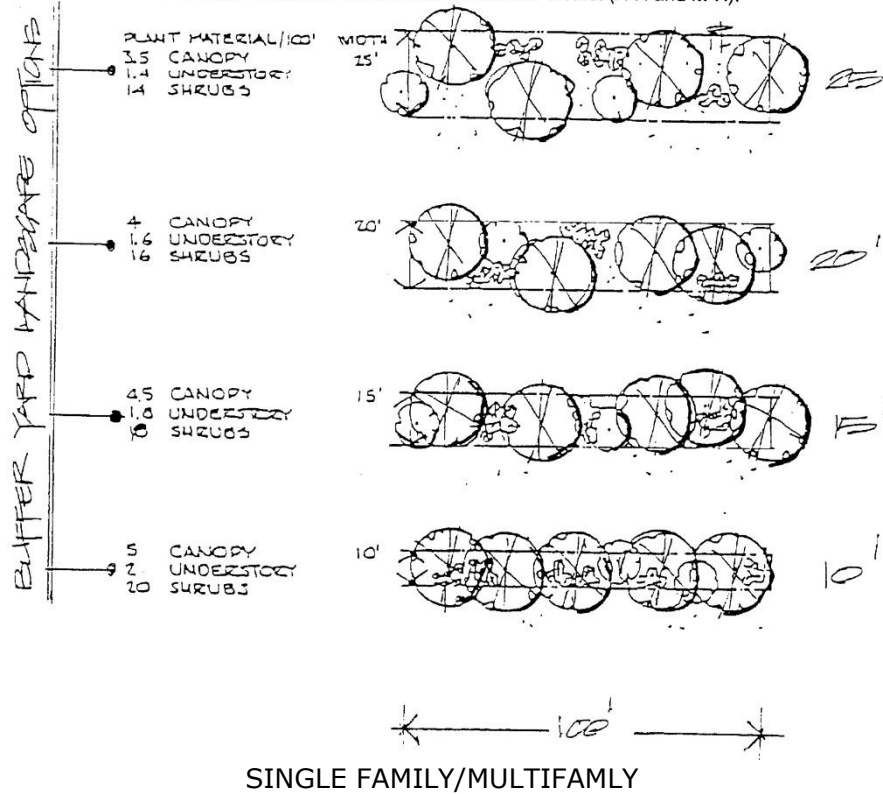
DOWNTOWN COMMERCIAL CB-C DISTRICT
 PARKING LOT LANDSCAPING

Transitional Buffer Yard Requirements

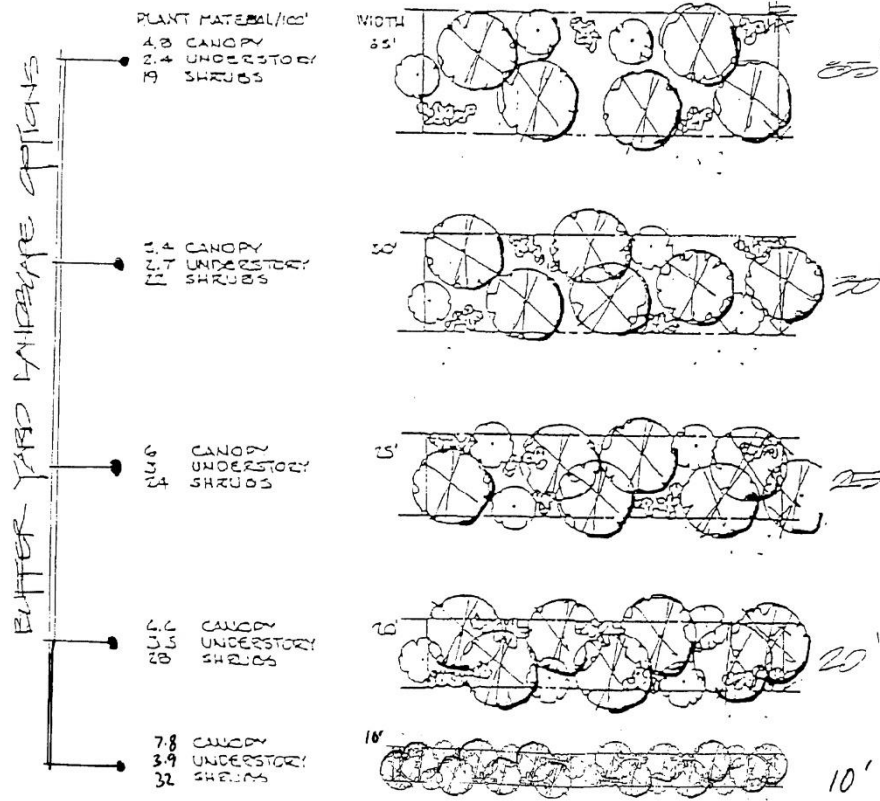
- A.15 Transitional buffer yard requirements: Multi-family and Attached Residential Single Family Residential Districts (T-R, S-R, NT-R, OT-R and MHP-R) adjacent to a Multifamily Residential or Attached Residential District (A-R and M-R).
- A.16 Transitional buffer yard requirements: Commercial Residential Districts (T-R, S-R, NT-R, OT-R and MHP-R) and adjacent to a Commercial District (N-C, CB-C, TW-C, HR-C, PS-C).
- A.17 Transitional buffer yard requirements: Light Economic Development Residential District (T-R, S-R, NT-R, OT-R and MHP-R) adjacent to a Light Economic Development District (LED-1).
- A.18 Transitional buffer yard requirements: Manufacturing Residential District (T-R, S-R, NT-R, OT-R and MHP-R) adjacent to a Manufacturing District (M-1).

TRANSITIONAL BUFFER YARD SINGLE FAMILY / MULTI-FAMILY

Transitional buffer yard requirements: Multi-family and Attached Residential
Single Family Residential Districts (T-R, S-R, NT-R, OT-R and MHP-R) adjacent to a
Multifamily Residential or Attached Residential District (A-R and M-R).



TRANSITIONAL BUFFER YARD RESIDENTIAL/COMMERCIAL

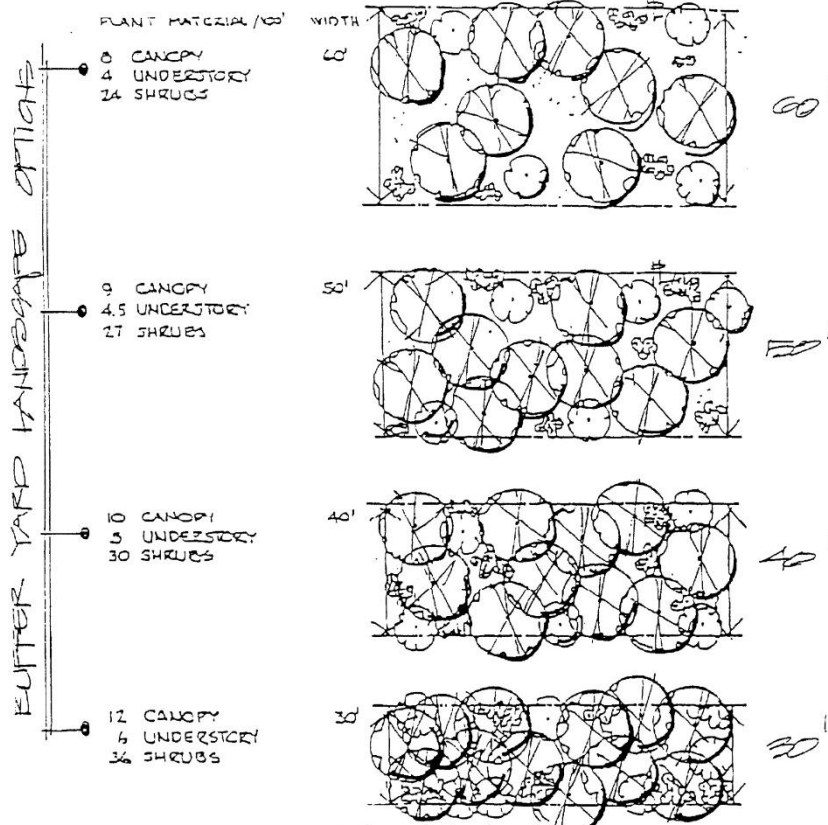


Transitional buffer yard requirements: Commercial
Residential Districts (T-R, S-R, NT-R, OT-R and MHP-R) and adjacent to a Commercial
District (N-C, CB-C, TW-C, HR-C, PS-C).

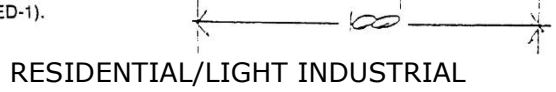


RESIDENTIAL/COMMERCIAL

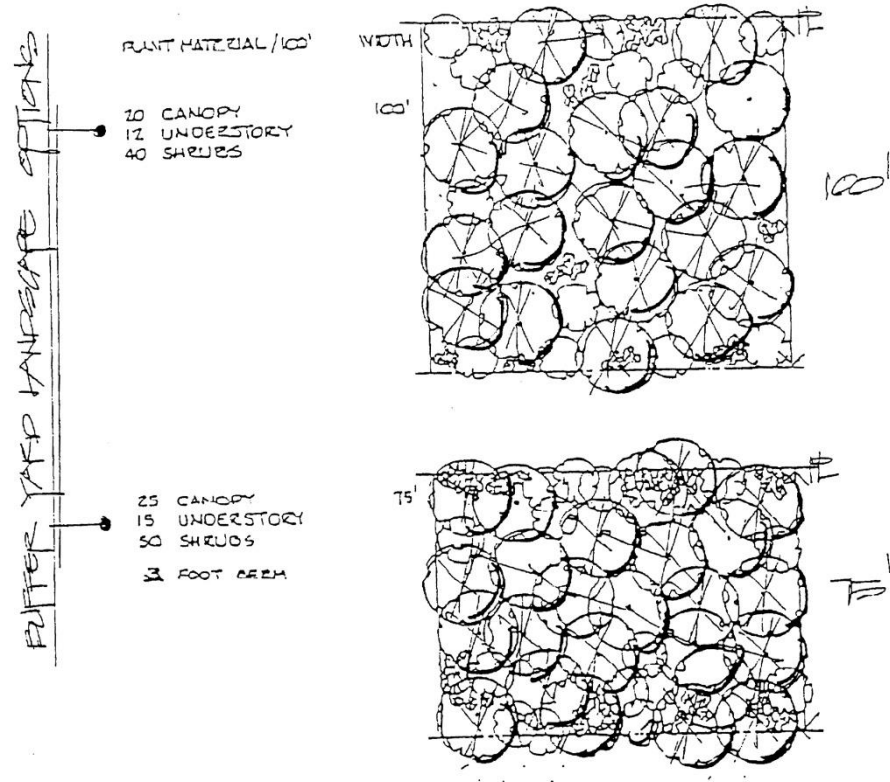
TRANSITIONAL BUFFER YARD RESIDENTIAL/LIGHT INDUSTRY



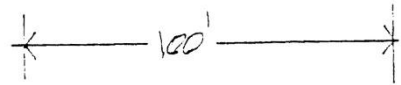
Transitional buffer yard requirements: Light Economic Development Residential District (T-R, S-R, NT-R, OT-R and MHP-R) adjacent to a Light Economic Development District LED-1).



TRADITIONAL BUFFER YARD RESIDENTIAL/HEAVY INDUSTRY



Transitional buffer yard requirements: Manufacturing Residential District (T-R, S-R, NT-R, OT-R and MHP-R) adjacent to a Manufacturing District (M-1).



RESIDENTIAL/HEAVY INDUSTRY

(Ord. No. 2004-02.04, Art. 16, 2-17-04)