

Charter and Related Laws

CHAPTER III. Powers of the Council Generally

Sec. 22. Enumeration.

The Council shall have all the general powers vested in it by the Constitution and laws of the Commonwealth, and it shall have power to enact ordinances providing for the exercise within its jurisdiction of all police powers which the Commonwealth itself may exercise under the Constitution, and shall further have power:

...

D. To establish or change the grade or open, extend, construct, widen or narrow, lay out, graduate, curb, pave, gutter, and otherwise improve, maintain, repair, clean, and close streets including, but not limited to, limited access or express highways, roads, sidewalks, and public alleys in the city, and have them kept in good order and properly lighted; in order to properly light the streets of the city, the Council may erect and operate such number of lamps and fixtures thereto belonging as they may deem necessary, either on the outer side of the sidewalks, or in the center of the streets; and over any street or alley in the city, which may be ceded or conveyed to the city by proper deed, they shall have like power and authority as over other streets and alleys; they may build bridges in and culverts under such streets, viaducts, subways, and underpasses, and may prevent or remove any structure, obstruction, or encroachment over, or under, or in any street, sidewalk, or alley in the city, plant and maintain and may permit shade trees to be planted along the streets; but no person, firm, company, or corporation shall occupy with its works or any appurtenances thereof, the streets, sidewalks, or alleys of the city, without the consent of the Council, duly entered upon its records. In the meantime, no order shall be made, and no injunction shall be awarded by any court or judge, to stay proceedings of the City Council in the prosecution of its work, unless it is manifest that it, its officers or servants, are transcending the authority given by law, and that the interposition of the court is necessary to prevent injury that cannot be adequately compensated in damages;

...

Code of Ordinances

Chapter 38. Environment

Article IV. Virginia Stormwater Management Program

[Added 6-24-2014 by Ord. No. 14-29[2]]

[1] Editor's Note: Former Art. IV, Weeds and Wild Growth, derived from § 15-39 and 15-40 of the 1991 Code, as amended, was repealed 1-10-2012 by Ord. No. 11-35.

[2] Editor's Note: This ordinance provided that it shall be effective 7-1-2014.

Sec. 38-402. Definitions.

A. Terms used in this article shall have the definitions set forth in the Virginia Stormwater Management Regulations found at 9 VAC 25-870-10, and Code of Virginia § 62.1-44.15:35, as amended, unless defined herein.

B. The following additional definitions apply:

CHESAPEAKE BAY LAND DISTURBING ACTIVITY A man-made change to the land surface that potentially changes its runoff characteristics, including clearing, grading or excavation, which disturbs an area equal to or greater than 2,500 square feet and less than one acre. The term does not include land-disturbing activities associated with a single-family residence separately built and disturbing less than one acre, not part of a common plan of development or sale, including additions or modifications to existing single-family detached residential structures.

GRANDFATHERED LAND-DISTURBING ACTIVITY Until June 30, 2019, any land-disturbing activity for which a currently valid proffered or conditional zoning plan, preliminary or final subdivision plat, preliminary or final site plan or zoning with a plan of development, or any document determined by the administrator as being equivalent thereto, was approved by a City prior to July 1, 2012, and for which no coverage under the general permit for discharges of stormwater from construction activities has been issued prior to July 1, 2014.

LAND-DISTURBING ACTIVITY A man-made change to the land surface that potentially changes its runoff characteristics, including clearing, grading, or excavation, that disturbs an area equal to or greater than one acre. The term does not include those activities exempt from the VSMP permit requirement pursuant to Code of Virginia § 62.1-44.15:34(C)(1), (2), (4), (5), (6), (7), and (8).

Chapter 46. Franchises

ARTICLE II. Cable Communications

DIVISION 7. System Construction and Installation

Sec. 46-167. Authority of franchisee to trim trees.

A franchisee shall have the authority to trim trees overhanging streets, alleys, sidewalks and public places of the City to prevent their branches from touching wires and cables and other television conductors and fixtures of the franchisee. All trimming shall be done under the City's supervision and direction and at the expense of the franchisee. A franchisee shall provide reasonable advance notice to the City of its tree trimming activities.

[Code 1991, § 9-167]

Chapter 59. Nuisances

Article I. In General

Sec. 59-1. 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:

STORMWATER Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from that precipitation.

[Added 2-10-2015 by Ord. No. 15-02]

WEEDS Includes any plant, grass or other vegetation (herbaceous or woody) over 12 inches in height, excluding trees, ornamental shrubbery, vegetable and flower gardens, purposefully planted and maintained by the property owner or occupant free of weed hazard or nuisance, cultivated crops, or undisturbed woodland not otherwise in violation.

[Ord. No. 11-35, 1-10-2012; Ord. No. 12-29, 11-27-2012]

Chapter 62. Solid Waste

Sec. 62-1. 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:

RUBBISH Nonputrescible solid refuse or waste consisting of both combustible and noncombustible wastes, such as paper, cardboard, lawn clippings, tin or aluminum cans, glass, crockery, wood, rags, street sweepings, tree and shrub trimmings and similar discarded materials, but excluding garbage, bulky refuse, dead animals and refuse not acceptable for collection by the City under this chapter, such as hazardous refuse, construction or demolition materials and debris, motor vehicles, body wastes and sludges, screenings, pumpings and residue from cesspools, septic tanks or sewage.

[Code 1991, § 15-1]

Chapter 66. Streets, Sidewalks and Other Public Places

ARTICLE V. Historic Areas and Resources

DIVISION 2. Infrastructure Improvements on City Property in Historic District

Sec. 66-193. Review standards; appeals.

A. In considering proposals for infrastructure improvements within the Old and Historic Fredericksburg District, the City and public utility review committee shall consider the following factors:

- ...
- (2) The preservation of trees and other landscaping that provide visual uniformity to the streetscape;
- ...

[Code 1991, § 16-13]

ARTICLE VI. Trees

Sec. 66-221. Purpose and authority.

In order to promote the general health, safety, and welfare of the public, to facilitate the creation of an attractive and harmonious community, to conserve, protect, and enhance the City's natural resources, and to safeguard and protect land values, the City tree program is hereby established. The goals of the tree program shall be:

- A. To aid in stabilizing the environment's ecological balance by contributing to the process of air purification, oxygen regeneration, groundwater recharge, and stormwater runoff retardation, while aiding in noise, glare and heat abatement;
- B. To encourage the preservation of existing trees, shrubs, and cultivated vegetation;
- C. To beautify the City;
- D. To safeguard and enhance property values and to protect public and private investment;
- E. To preserve, protect, and restore the unique identity and environment of the City and to protect its economy; and
- F. To conserve energy and protect the public health, safety, and general welfare.

[Ord. No. 04-08, 4-27-2004]

Sec. 66-222. Planting of trees, shrubs, and vegetation on City property – Permit required.

It shall be unlawful for any person other than the City Manager or his designee to plant, trim, or prune any tree, shrub, or other vegetation on, or to remove any tree, shrub, or other vegetation from, any dedicated City street, alley, park, or other property owned or controlled by the City without first obtaining the written permission of the City Manager or his designee; provided, however, that nothing contained in this section shall prohibit the trimming or cutting of grass in the public right-of-way. For purposes of this article, the term "city-owned property" shall mean any lands owned by the City within the City except for property under the jurisdiction and control of the School Board. Any tree, shrub, or other vegetation planted in violation of this section shall be subject to removal by the City.
[Ord. No. 04-08, 4-27-2004]

Sec. 66-223. Same – Permitted species.

- A. It shall be unlawful for any person to plant any tree, shrub, or other vegetation on City-owned property unless it is shown on the current list of approved species developed and maintained by the City Manager. Any tree, shrub, or vegetation planted in violation of this section shall be subject to removal by the City.
- B. The City Manager or his designee may plant trees, shrubs, and vegetation not shown on the list of approved species in public parks only.
[Ord. No. 04-08, 4-27-2004]

Sec. 66-224. Issuance of tree permits.

- A. The City Manager or his designee shall have the authority to issue a tree permit to any person upon payment of an application fee to be established by the City Manager in order to plant any approved tree, shrub, or vegetation on City-owned property upon such terms and conditions as the City Manager deems appropriate and that are consistent with the provisions of this article.
- B. Any permit used pursuant to this section shall contain a clear description of the action to be performed, the approved location, the species of tree or shrub, the duration of the permit, and any other requirements deemed necessary by the City Manager or his designee. All work performed under such permit shall be in strict accordance with the terms thereof.
[Ord. No. 04-08, 4-27-2004]

Sec. 66-225. Master tree plan.

In order to promote an orderly, attractive, and economical tree planting program in the City, the City Manager shall develop and implement a master plan for the design, planting, maintenance, preservation and removal of trees, shrubs, and vegetation on City-owned property. Such plan shall be developed with appropriate public participation and include proper consultation and coordination with the City School Board regarding trees, shrubs, and vegetation on public school sites and Maury Field.
[Ord. No. 04-08, 4-27-2004]

Sec. 66-226. Planting and care of public trees, shrubs, and other vegetation.

- A. The City Manager shall be responsible for the planting, trimming, removal, and care of all trees, shrubs, plants, and other vegetation on City-owned property. He is hereby authorized to trim, prune, spray, fertilize, water, cultivate, maintain, plant, and remove any trees, shrubs, and other vegetation in accordance with the provisions of this article.
- B. The City Manager is hereby directed to plant, prune, maintain and relocate trees, plants and shrubs within the lines of all streets and public parks in accordance with the master tree plan to preserve or enhance the symmetry and beauty of such public grounds.

C. The City Manager shall provide a written report on the tree program to the City Council on an annual basis, specifying the number and location of trees that have been planted and removed on City-owned property.

D. When a tree is removed, it shall be the City's policy to plant a replacement tree in the same general area, consistent with specified standards; except when a replacement tree is determined by the City staff to be infeasible or inappropriate.

E. The City shall not, as a general practice, top any tree on City-owned property. For purposes of this section, "top" shall mean to cut back severely the limbs of any tree within its crown so as to remove the normal canopy of the tree and to disfigure it. Trees severely damaged by storms or other causes or trees located under utility wires or other obstructions, where other pruning practices are impractical, may be topped at the direction of the City Manager or his designee.

F. Stumps of trees located along City streets and in City parks shall generally be removed below the surface of the ground so that the top of the stump does not project above the surface of the ground.

[Ord. No. 04-08, 4-27-2004]

Sec. 66-227. Removal of trees.

The City Manager shall not remove or permit the removal of any tree, shrub, or other vegetation from any City-owned property unless he or his designee has determined that such tree, shrub, or vegetation is:

A. Diseased;

B. Infected with injurious insects or pests;

C. Obstructing or endangering existing or proposed public improvements or the traveling public;

D. Dead or unsightly; or

E. A species not permitted under the City's master tree plan.

[Ord. No. 04-08, 4-27-2004]

Sec. 66-228. Pruning, trimming and removal of trees by public service corporations.

A. Except as otherwise provided by law or a franchise granted by the City, any public service or utility corporation desiring to cut, trim, or remove trees, shrubs, or other vegetation from City-owned property shall submit a written plan to the City Manager for review and approval.

B. The City Manager or his designee shall, upon receipt of such application, issue a utility permit therefor if it appears to that such cutting, trimming, or removal is necessary for the protection of life or property and is consistent with the provisions of this article. Such cutting, trimming, or removal shall be done properly and at the expense of such public service corporation.

[Ord. No. 04-08, 4-27-2004]

Sec. 66-229. Abuse or mutilation of trees, shrubs, or other vegetation on City-owned property.

It shall be unlawful for any person to willfully or maliciously break, bark, belt, or otherwise injure any tree, shrub, plant, or other vegetation on City-owned property.

[Ord. No. 04-08, 4-27-2004]

Sec. 66-230. Violations.

Any person found in violation of any provision of § 66-222, 66-223, or 66-229 shall be guilty of a misdemeanor punishable by a fine of not more than \$1,000. This shall be in addition to any civil penalties, charges, or other actions that may be instituted against such person to prevent, restrain, correct, or abate violations of this article.

[Ord. No. 04-08, 4-27-2004]

ARTICLE VIII. Use of Other Public Property

Sec. 66-251. General regulations on use of public property.

- A. These general regulations apply to the parks, trails, parking lots, parking decks, riparian land, and other property described in this article, unless a more specific section of this article applies.
- B. Prohibited activities. It shall be unlawful, on the land described in Subsection A, to:

- ...
- (8) Cut, clear, damage, or destroy any tree or other natural vegetation.
- ...

...
[Ord. No. 14-04, 1-28-2014]

Chapter 72. Unified Development Ordinance

[HISTORY: Adopted by the City Council of the City of Fredericksburg 10-8-2013 by Ord. No. 13-16; recodified 12-12-2013. Amendments noted where applicable.]

Article 72-2. Administration

SECTION 72-23. Design Review

Sec. 72-23.1. Historic District-certificates of appropriateness.

- ...
- D. Review criteria. In reviewing applications, the ARB shall consider only those design features subject to view from the public right-of-way (not to include alleys) or City-owned property and shall not make any requirements except for the purpose of encouraging development that is architecturally compatible with the historic aspects of the HFD.

- ...
- (2) Alteration of an existing structure.
 - ...
 - (b) In conjunction with the standards referenced within Subsection D(1) above, the ARB shall consider the following review criteria:
 - ...
 - [4] The existence of trees and other landscaping, and the extent of paving.
 - ...

...
...
...

Sec. 72-33.3. Planned Development-Mixed-Use District.

- ...
- G. Additional regulations. A PD-MU District shall comply with the following standards:

- ...
- (10) Street trees. Street trees shall be planted at a density of one tree per 30 linear feet along all areas dedicated for vehicular access use. Such trees shall have a minimum caliper of two inches and a minimum height at maturity of 15 feet.

- ...
- I. General standards. No PD-MU development shall be approved unless the GDP accompanying such application satisfies the following general standards and design criteria:
 - ...

(14) The development shall maintain, as much as possible, the existing natural topography of the site by preserving the natural character and existing trees to the greatest extent possible.

Sec. 72-34.5. Chesapeake Bay Preservation Overlay District.

...
H. Development standards in the CBPO. The following additional design standards shall be required and provided for in the site plan and shall apply to all development and redevelopment within the CBPO District:

...
(2) Indigenous vegetation shall be preserved to the maximum extent practicable, consistent with the use and development permitted and in accordance with the current edition of the Virginia Erosion and Sediment Control Handbook of the Virginia Department of Conservation and Recreation as follows:

(a) Trees over eight inches diameter at breast height shall be preserved outside the construction footprint, unless otherwise authorized by the Stormwater Administrator. Diseased trees or trees weakened by age, storm, fire, or other injury may be removed.

[Amended 6-10-2014 by Ord. No. 14-25]

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

(3) Land development shall minimize impervious cover to promote infiltration of stormwater into the ground, consistent with the use or development permitted.

...
I. Resource protection area buffer requirements.

...
(2) Vegetation removal. In order to maintain the functional value of buffer areas, indigenous vegetation may be removed, subject to approval by the Stormwater Administrator, to provide for reasonable sight lines, access paths, general woodlot management, and best management practices, including those designed to prevent upland erosion and concentrated flows of stormwater, as follows:

[Amended 6-10-2014 by Ord. No. 14-25]

(a) Trees may be pruned or removed as necessary to provide for sight lines and vistas, provided that where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff;

(b) Any path shall be constructed and surfaced so as to effectively control erosion;

(c) Dead, diseased, or dying trees or shrubbery may be removed; thinning of trees may be allowed in accordance with sound horticultural standards;

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

(e) In IDAs, the Stormwater Administrator shall have the authority to require the establishment of vegetation within the one-hundred-foot-wide buffer area. Consideration shall be given to establishing vegetation in such areas over time in order to maximize water quality protection, pollutant removal, and water resource conservation.

...
...

L. Site plan requirements in the CBPO.

(1) General information. If any proposed development or redevelopment within the CBPO District exceeds 2,500 square feet of land disturbance, then the following additional information shall be submitted as all or part of the site plan required by this section:

...
(b) A vegetation plan, certified by a design professional, meeting the following requirements:

[1] The plan shall be drawn to scale and shall clearly set forth the location, size, and description of existing and proposed plant material and all existing trees on the site eight inches or greater in diameter at breast height. Where there are groups of trees, stands may be outlined instead. Trees eight inches or greater in diameter at breast height to be preserved outside of the construction footprint shall be indicated. Trees to be removed to create a desired construction footprint shall be clearly delineated;

[2] The buffer area shall be clearly delineated, as well as any plant material to be added in order to establish or supplement such buffer area;

[3] Within buffer areas, trees to be removed for sight lines, vistas, access paths, shoreline stabilization projects, or best management practices required by this division shall be shown. Vegetation required by this chapter to replace existing trees within the buffer area shall also be depicted;

[4] The plan shall depict grade changes or other work adjacent to trees that would adversely affect them. Specifications shall be provided as to how grade, drainage, and aeration will be maintained around trees to be preserved;

[5] The plan shall include specifications for the protection of existing trees during clearing, grading, and all phases of construction;

...
...
(3) Water quality impact assessment contents. A major water quality impact assessment shall include the following information and elements:

...
(d) Includes a vegetation survey that:

[1] Identifies and delineates the location of all significant plant material on site, including all trees eight inches or greater in diameter at breast height or, where there are groups of trees, an outline of stands;

[2] Describes the potential impacts of the proposed development or use on existing vegetation;

[3] Describes the general limits of clearing;

[4] Provides a clear delineation of trees to be removed; and

[5] Describes the plant species to be disturbed or removed;

...
Sec. 72-34.6. Gateway Corridor Overlay District.
...

F. Additional standards for the Cowan Boulevard and Fall Hill Avenue Corridor Subdistricts. Development on parcels within the Cowan Boulevard and Fall Hill Avenue Corridor Subdistricts shall comply with the following:

- (1) Streetscape buffers. The front yard setback areas within the GCO shall be reserved for streetscape buffers consisting primarily of landscaped open space and berms, but may also include amenities such as sidewalks, trails, utilities, and lighting, in accordance with the following standards:
 - (a) A streetscape buffer, comprised of trees and shrubs, shall be provided where needed to screen parking areas, electrical, and mechanical devices.
 - (b) Each streetscape buffer shall incorporate at least one large shade tree of two inches in diameter DBH for every 30 linear feet of road frontage (excluding driveways).
 - (c) Above-grade streetscape buffers along the Cowan Boulevard and Fall Hill Avenue Corridors shall include berms at least three feet in height. The height and design of such berms and all vegetation planted thereon shall be approved by the Development Administrator.
 - (d) Vegetation planted within the streetscape buffer shall be of a type and positioned so that, when fully grown, it will not interfere with existing overhead or underground utility lines.
 - (e) All electrical, data, and mechanical devices taller than one foot in height and located within the streetscape buffer shall be screened with landscaping.
 - (f) No chain-link, vinyl, or plastic fencing shall be permitted within the streetscape buffer area.
 - (g) Landscaped entrance areas shall be irrigated and properly maintained. Xeriscaping practices shall be encouraged, as practicable.
 - (h) The streetscape buffer shall be properly maintained and any landscaping that dies or is substantially destroyed shall be replaced with like species.
- [Amended 2-11-2014 by Ord. No. 14-10]

...

...

Sec. 72-51.5. Open space.

A. Open space standards.

- (1) Calculation of open space set-asides.
 - (a) Features counted as open space set-asides. The following site features shall be credited towards the open space set-aside requirement:
 - [1] Existing water features: drainage canals, lakes, natural ponds, streams, rivers, etc., wetlands, floodplains, and areas of steep slopes of 25% and greater.
 - [2] Required landscaping and tree protection zones: areas occupied by required landscaping or tree protection zones.
 - [3] Recreation and park areas: lands used for recreation, parks, and gardens.
 - [4] Private active recreational areas: land occupied by active recreational uses such as pools, playgrounds, tennis courts, jogging trails, and clubhouses.
 - [5] Private passive recreational areas: passive recreation areas such as trails, walkways, and open fields or meadows.
 - [6] Functionally-dependent features: docks, swimming platforms, boat launches, and boardwalks providing access to surface waters.
 - [7] Urban features: plazas, fountains, roof gardens, atriums, and pedestrian seating/activity areas in the C-D and planned development districts.

[8] Stormwater management site amenities: land area occupied by stormwater management devices (including retention ponds, fully vegetated detention basins, and other bioretention devices) that function as a site amenity with access, gentle slopes of 3:1 or less, and pedestrian elements such as paths, benches, and similar features.

...

(2) Design standards for open space set-asides. Land used as an open space set-aside shall meet the following design standards:

...

(d) Prioritization of open space set-aside. To the maximum extent practicable, every open space set-aside should be located and organized to include, protect, or enhance the following open areas and features:

[1] Environmentally-sensitive lands and natural features such as riparian areas, steep slopes, wildlife corridors, and mature trees (four-inch caliper or greater);

...

...

(3) Allowable uses in open space set-asides. Open space set-aside areas shall not be disturbed, developed, or improved with any structures except for the following limited purposes:

(a) Active recreation uses. Structures for active recreation purposes — including pedestrian-scaled lighting; gazebos or other decorative structures; fountains or other water features; swimming pools; club houses; play structures for children; gardens or seasonal planting areas; or ball fields used primarily for recreational purposes (equipment or structures shall be indicated on site plans, subdivision plats, or planned development master plans.

(b) Passive recreational uses. Facilities for passive recreational, environmental education, wildlife habitat protection, and natural area preservation purposes — including, but not limited to: undisturbed land; walking, jogging, and biking paths or trails; benches or other seating areas; tables, shelters, grills, and other picnicking facilities; open and unimproved fields or lawn areas; docks and other facilities for fishing; and environmental guides and exhibits.

(c) Public facilities. Public features such as libraries, community centers, museums, historic sites, and similar features.

(d) Conservation lands. Areas of undisturbed land and vegetation.

(e) Farming and forestry lands. Active agricultural operations, including farming and forestry.

...

Sec. 72-52.6. Pedestrian access and bicycle trails.

A. *Sidewalks*. Where the property on either side of a lot being subdivided or developed has an existing sidewalk, then the owner of the lot being subdivided or developed shall dedicate land for an easement and shall construct within the easement a sidewalk to connect to the existing sidewalk. All new sidewalks shall be constructed in accordance with the VDOT Requirements. In neighborhoods where existing sidewalks are less than five feet wide, or to provide sufficient space for street trees, the Development Administrator may approve a width or alternative material other than the VDOT Requirement.

...

Sec. 72-53.3. Alternative parking plans.

The Zoning Administrator is authorized to approve an alternative parking plan as an element of a site plan, as set forth within this section. The alternative parking plan may include a combination of one or more of the following parking alternatives for a single use.

Reductions in the minimum number of required parking spaces in order to preserve the root zones of existing, healthy specimen trees in accordance with § 72-55.6, Trees, shall not require approval of an alternative parking plan.

...

G. Alternative materials. The Zoning Administrator may approve an alternative parking plan that authorizes the use of alternative paving materials for vehicular use areas. The use of pervious or semi-pervious parking area surfacing materials — including, but not limited to, "grass-crete," "turfstone," geo-cells, porous concrete, or recycled materials (such as rubber, used asphalt, brick, block, and concrete) — may be approved for a vehicular use area on a site, upon a determination that the property owner has provided sufficient assurance that such areas will be properly maintained. Such assurance may be demonstrated by written instrument recorded among the City's land records, site plan provisions, or other methods satisfactory to the Zoning Administrator with the approval of the City Attorney. Where possible, such materials should be used in areas proximate to and in combination with on-site stormwater control devices or tree protection measures (see Figure 72-53.3G, Alternative Materials).

[Amended 1-27-2015 by Ord. No. 15-03]

SECTION 72-55. Landscaping

Sec. 72-55.0. Landscaping.

A. Purpose and intent. It is the purpose of this section to promote and protect the public health, safety, and general welfare by implementation of vegetative landscaping as means for:

- (1) Facilitating the creation of a convenient, attractive, and harmonious community, through the preservation of existing vegetation and/or the installation of additional trees, shrubs and other plants;
- (2) Providing vegetative buffers, screens, and boundaries, as visual and physical separations between uses, to mitigate the impacts of those uses upon each other;
- (3) Preserving existing tree canopy, and encouraging additional tree canopy, to provide shade, moderate the effect of urban heat islands, and improve air quality;
- (4) Preserving the character of lands, areas and properties of historic significance;
- (5) Protecting against erosion and sedimentation;
- (6) Reducing stormwater runoff and the costs associated therewith;
- (7) Preserving and protecting the water table and surface waters;
- (8) Increasing local food security;
- (9) Protecting residents and visitors from personal injury and property damage, and from property damage, caused or threatened by the improper planting, maintenance or removal of trees, shrubs or other plants;
- (10) Restoring soils and land denuded as a result of construction and/or grading;
- (11) Increasing the tree canopy to provide shade and moderate the effect of urban heat islands;
- (12) Protecting and enhancing property values and aesthetic qualities;
- (13) Providing additional improvements to air quality through the carbon dioxide uptake process provided by trees and landscaping; and
- (14) Providing visual screening, where appropriate.

B. Applicability.

- (1) General. Except where expressly exempted, these standards shall apply to all development in the City.
- (2) Review for compliance. Review for compliance with the standards of this section shall occur during review of an application for a site plan, planned development, or zoning permit, as appropriate.

(3) Exemptions. Single-family detached and duplex dwellings shall be exempted from the standards in this section.

Sec. 72-55.1. General requirements.

A. Landscape plan.

(1) To ensure compliance with the standards of this section, a professionally prepared landscape plan, approved by an International Society of Arboricultural certified arborist, demonstrating compliance with the requirements shall be included as a part of any application for approval of a site plan, subdivision, planned development, cluster development, certificate of appropriateness, special use permit, or zoning permit, as appropriate.

(2) In the event of phased development, a separate landscape plan shall be required for each distinct phase of a development.

(3) Minimum landscaping requirements are contained in Tables 72-55.4C and 72-55.4D.

B. Coordination with stormwater requirements. Stormwater management facilities required by this chapter or other City requirements may be incorporated into a proposed landscaping plan, potentially resulting in a credit towards landscaping or open space set-aside requirements.

C. Planting standards. Plantings shall comply with the following standards:

(1) New plantings.

(a) Deciduous canopy or shade trees shall be a minimum of one inch in caliper at the time of planting, as determined in the American Standard for Nursery Stock, ANSI Z60.1-2004, as amended.

(b) Understory, small maturing, or ornamental trees shall have a caliper of 1 1/2 inches at time of planting, as determined in the American Standard for Nursery Stock, ANSI Z60.1-2004, as amended.

(c) Evergreen trees shall be a minimum of four feet in height at the time of planting.

(d) Deciduous shrubs which are upright in nature shall be a minimum of 24 inches in height at the time of planting, and evergreen shrubs shall be a minimum of 18 inches in height at the time of planting.

(e) In cases where an aggregate caliper inch (ACI) requirement is utilized to derive a required amount of vegetation, and the ACI figure includes a fraction, an applicant may:

[1] Utilize a tree or trees with a caliper inch measurement exceeding the minimum size at time of planting standard of this subsection in order to meet the required ACI; or

[2] Round the ACI figure upwards until the figure corresponds with a whole number of trees meeting the minimum size at time of planting standard.

(f) When trees exceeding the minimum size at time of planting standard are proposed, the minimum calipers of such trees shall be clearly noted on the site plan or subdivision plat, as appropriate.

(g) In cases where application of the requirements in this subsection result in a fraction in the number of shrubs to be provided, the minimum number of shrubs or trees to be provided shall be rounded upwards to the next highest whole number.

(h) All landscape plant materials shall conform to the latest version of the American Standard of Nursery Stock (ANSI Z60.1, as amended). Plant material shall be of standard quality or better, true to name and type of species or variety.

- (i) Native, drought tolerant vegetation should be used and preferred to reduce dependency upon irrigation and sustain the regions natural environment.
- (j) To curtail the spread of disease or insect infestation in a plant genus, new plantings shall comply with the following standards:
 - [1] When fewer than 20 trees are required to be planted on the site, at least three different genres shall be used, in roughly equal proportions.
 - [2] When more than 20 trees are required on a site, no more than 20% of any genus shall be used.
 - [3] Nothing in this subsection shall be construed so as to prevent the utilization of a larger number of different genres than specified above.
 - [4] All trees and shrubs shall be planted in accordance with ANSI A300 Part 6.
- (2) Existing vegetation. Existing healthy, well-formed canopy and understory trees, as well as healthy shrubs, which are preserved and protected throughout the development process, shall be credited toward the requirements of this section, provided the vegetation meets the minimum size standards and is protected before and during development of the site and maintained thereafter in a healthy growing condition (see § 72-55.6, Tree preservation incentives).
- (3) Stabilization.
 - (a) All landscape planting areas shall be stabilized and maintained with ground covers, mulches, or other approved materials to prevent soil erosion and allow rainwater infiltration.
 - (b) Groundcover located within three feet of a building base shall comply with applicable requirements of the Virginia State-wide Fire Prevention Code.
- (4) Berms. All berms shall comply with the following design standards:
 - (a) The slope of all berms shall not exceed a two-to-one (2:1) ratio (horizontal to vertical), shall have a top width at least one-half the berm height, and a maximum height of eight feet above the toe of the berm.
 - (b) All berms, regardless of size, shall be stabilized with a ground cover or other suitable vegetation.
 - (c) Berms proposed to be placed along street right-of-way shall be designed and constructed to provide adequate sight distances at intersections and along the street.
 - (d) Berms shall not damage the roots of existing healthy vegetation designated to be preserved.
- (5) Limitations on landscaping placement.
 - (a) Within easements.
 - [1] Nothing except groundcover shall be planted or installed within the area of any underground or overhead utility, drainage, or gas easement, without the prior written consent of the utility provider, the City, or as provided for by the applicable easement agreement. Minimum clear separation distances required by the current adopted version of the state's Fire Prevention Code shall be maintained between landscaping and any fire protection system.
 - [2] Where required landscaping material is damaged or removed due to utility activity within an easement, the landowner shall be responsible for replanting all damaged or removed vegetation necessary to ensure required landscaping meets the standards in this chapter.
 - (b) Near functional fire protection. Nothing except groundcover shall be planted or installed within 15 feet of a fire protection system without the prior

written consent of the City Arborist. All such groundcover shall comply with applicable requirements of the Virginia State-wide Fire Prevention Code.

(c) Near underground meter. Nothing except groundcover shall be planted or installed within three feet of an underground meter without the prior written consent of the utility provider or the City.

(d) Beneath overhead utilities. Canopy trees shall not be planted beneath overhead utilities. Understory trees may be planted beneath overhead utilities with prior consent from the easement holder, or as provided for by the applicable easement agreement.

Sec. 72-55.2. Vehicular use area landscaping.

All vehicular use areas shall include landscaping, both within the interior of the vehicular use area and around its perimeter (see Figure 72-55.2, Vehicular Use Area Landscaping).

A. Interior landscaping standards. All parking lots with containing more than 12 parking spaces in a row shall provide and maintain landscaped planting areas within the interior of the parking lot in accordance with the standards in this subsection. These standards shall not apply to parking structures, or vehicle display areas.

...
(2) Design. Unless altered through an Alternative Landscape Plan (see § 72-55.7), interior planting areas shall be designed in accordance with the following standards:

...
(d) No parking space shall be separated from the trunk of a shade or canopy tree by more than 50 feet. Perimeter vehicular use area landscaping or other required landscaping may be used to meet this requirement.

...
(3) Planting rate. Each interior planting island shall contain trees at the minimum rate of two aggregate caliper inches (ACI) of canopy tree for every 180 square feet of island area, except for locations directly under overhead utilities, where 1.5 ACI of understory trees may be substituted for each required canopy tree.

...
B. Perimeter landscaping strips. Where a vehicular use area abuts a street right-of-way, vacant land, or any other development (except another parking lot), perimeter landscaping strips shall be provided and maintained between the vehicle use area and the abutting right-of-way or property line in accordance with the following standards.

...
(5) Required materials.
(a) Evergreen shrubs shall be used to form the continuous visual screen in the perimeter landscaping strip.
(b) In addition to the evergreen shrub requirements, each perimeter landscaping strip shall include at least eight aggregate caliper inches (ACI) of canopy trees per 100 linear feet of landscaping strip. Understory trees may be used beneath overhead utilities.

Sec. 72-55.4. Perimeter landscape buffers.

A. Purpose and intent. Perimeter landscape buffers are intended to mitigate potential negative effects of contiguous uses in differing zoning districts.

B. Applicability. All development shall provide a perimeter landscape buffer to separate it from differently-zoned adjacent property in accordance with Table 72-55.4C, Buffer Types, and Table 72-55.4D, Buffer Type Application.

C. Buffer types. Table 72-55.4C, Buffer Types, describes two different buffering options in terms of their function, opacity, width, and planting requirements. Where a particular buffer type is required in Table 72-55.4D, Buffer Type Applications, the requirement may be met

by using either of the buffer options (a narrow option with a wall is also an option). Where an option utilizing a berm or fence is selected, the berm or fence shall comply with the standards of § 72-55.1C(4), Berms, or § 72-56, Fences and walls, as appropriate.

Buffer Type and Configuration	Description	Minimum Screening Requirements within Perimeter Buffer	
		Option 1: Minimum With 25 feet	Option 2: Minimum With 15 feet
Type A Basic	This perimeter buffer functions as basic edge demarcating individual properties with a slight visual obstruction from the ground to a height of 10 feet.	10 ACI of canopy trees per 100 linear feet	10 ACI of canopy trees per 100 linear feet
Type B Aesthetic	This perimeter buffer functions as an intermittent visual obstruction from the ground to a height of at least 20 feet, and creates separation without eliminating visual contact between uses.	8 ACI of canopy trees + 12 shrubs per 100 linear feet	8 ACI of canopy trees + 12 shrubs per 100 linear feet
Type C Semi-Opaque	This perimeter buffer functions as a semi-opaque screen from the ground to at least a height of six feet.	8 ACI of canopy trees + 9 ACI of understory trees + 11 shrubs per 100 linear feet	8 ACI of canopy trees + 9 ACI of understory trees + 11 shrubs per 100 linear feet
Type D Opaque	This perimeter buffer functions as an opaque screen from the ground to a height of at least six feet. This type of buffer prevents visual contact between uses and creates a strong impression of total separation.	10 ACI of canopy trees + 13.5 ACI of understory trees + 23 shrubs per 100 linear feet	10 ACI of canopy trees + 13.5 ACI of understory trees + 23 shrubs per 100 linear feet

ACI = Aggregate Caliper Inches

NOTES:

[1] Any required perimeter buffer width can be reduced to six feet with the provision of a solid masonry wall at least six feet in height, along with 12 shrubs per every 100 linear feet located outside the wall.

[2] Perimeter buffer widths (but not vegetation amounts) may be reduced in accordance with § 72-55.7, Alternative landscape plans.

...

Sec. 72-55.5. Screening.

...

C. Screening methods. The following items are permitted for use as screening materials. Alternative screening materials that are not listed may be used if it is determined they are comparable to these screening materials.

- (1) Vegetative materials that meet the minimum vegetative screening requirements for a Type D buffer (see Table 72-55.4C, Buffer Types) and the size standards of § 72-55.1C(1), New plantings;
- (2) An earthen berm that is at least two feet in height, covered with grass, and planted with other landscaping materials consistent with the function of and requirements for a Type D buffer (see Table 72-55.4C, Buffer Types; provided, however, that a berm shall not be used in the CD District or if it will replace existing trees;

...

Sec. 72-55.6. Trees.

A. Street trees. Street trees shall be required for all development in the City, in accordance with the following standards:

- (1) Where required. Street trees shall be required on both sides of all streets in the City except alleys and around temporary turnarounds.
- (2) Location. Trees shall be evenly spaced, aligned along the right-of-way frontage within 15 feet of the edge of the roadway pavement, and placed between the edge of the roadway pavement and any sidewalk or trail.
- (3) Type. All trees must be on the City of Fredericksburg's approved street tree list or be approved by the City Arborist. All plantings must be in accordance with ANSI A300 Part 6. Existing mature, healthy trees located within the streetscape buffer shall be preserved and maintained as part of the overall landscaping plan for the development.
- (4) Configuration.
 - (a) Single street trees shall be canopy trees except when beneath overhead utilities, where understory trees shall be used. Refer to the City of Fredericksburg's Approved Street Tree List for a list of trees to be planted under power lines.
 - (b) No single genus shall constitute more than 20% of the number of trees to be planted.
 - (c) Understory trees shall be spaced a maximum average of 20 feet on-center.
 - (d) Canopy trees shall be spaced a maximum average of 40 feet on-center.
- (5) Deviations. Deviations from the standards may be proposed in accordance with the standards in § 72-55.7, Alternative landscape plan, or by the City's Arborist.

B. Specimen tree protection.

- (1) Applicability.
 - (a) General.
 - [1] Existing mature, healthy trees located within the streetscape buffer shall be preserved and maintained as part of the overall landscaping plan for the development. Every development, except that exempted in accordance with § 72-55.6B(1)(b), Exemptions, shall be required to protect specimen trees in accordance with this section.
 - [2] A specimen tree is notable by virtue of its outstanding size and quality for its particular species. An existing canopy tree is considered notable when it achieves a diameter at breast height of 32 inches or more and any understory tree is considered notable when it achieves a diameter at breast height of nine inches or more. Species not native to Virginia shall not be eligible for consideration as specimen trees.

(b) Exemptions. The following developments shall be exempt from these standards:

[1] Those located within the C-D District; and

[2] Existing single-family detached residential dwellings on lots of record established prior to October 8, 2013.

(c) Invasives not considered specimen trees. Regardless of the diameter at breast height (DBH), any tree listed on the Virginia Department of Conservation and Recreation's Invasive Alien Plant Species List shall not be considered a specimen tree for purposes of this chapter.

(2) Depiction on landscaping or development plan. The location, species, and size of all specimen trees to be retained in accordance with this section shall be depicted on the proposed development plan associated with the development.

(3) General requirement. No specimen tree shall be removed during the development process, except in accordance with § 72-55.6B(4), Removal of a specimen tree. In addition, all specimen trees shall have the following protections, whether located on public or private land:

(a) Cutting, removal, or harm prohibited. Specimen trees shall not be cut, removed, pushed over, killed, or otherwise harmed.

(b) Paving or soil compaction prohibited. The area within the dripline of any specimen tree shall not be subject to paving or soil compaction.

(4) Removal of a specimen tree. Specimen trees may be trimmed, or cut if the landowner demonstrates to the City Arborist one of the following conditions:

(a) Removal of a healthy specimen tree. A specimen tree is in healthy condition, and all of the following standards are met:

[1] The landowner is otherwise in compliance with this section;

[2] The specimen tree prevents development of a lot platted prior to October 8, 2013, in a way that limits building area to less than otherwise allowed, or hinders compliance with the standards in Article 72-3, Zoning Districts; Article 72-4, Use Standards; or Article 72-5, Development Standards; and

[3] Mitigation is provided in accordance with § 72-55.6B(5), Replacement/mitigation of specimen trees.

(b) Removal of a severely diseased, high-risk, damaged, or dying specimen tree. A specimen tree is certified by an arborist or other qualified professional as severely diseased, high risk, damaged by an act of God, or dying. Removal of a severely diseased, high risk, or dying specimen tree shall not require mitigation in accordance with § 72-55.6B(5), Replacement/mitigation of specimen trees.

(c) Trimming, cutting or removal is otherwise necessary. This chapter's prohibition of the trimming, cutting or removal of a specimen tree shall not apply:

[1] To work performed on federal or state property;

[2] To emergency work performed to protect life, limb or property;

[3] Routine installation, maintenance or repair of cable and wires used to provide cable television, electric, gas or telephone service;

[4] To activities having only minor effects upon trees, such as home gardening and landscaping of individual homes; or

[5] To commercial silvicultural or horticultural activities.

(5) Replacement/mitigation of specimen trees. Any person who is determined to be responsible for the unauthorized destruction or removal of a specimen tree shall be required to implement, and to bear the cost of, the following measures:

(a) Replacement trees required. Each healthy specimen tree removed or destroyed shall be replaced with replacement trees, each measuring no less

than two inches in DBH by American Nurseryman Standard. Replacement trees shall be provided at a rate necessary to result in a cumulative total of replacement tree inches meeting or exceeding the DBH of the specimen tree removed. The replacement trees shall be replanted within 12 months of the removal or destruction of the specimen tree.

(b) Location of replacement trees. Replacement trees shall be either planted on the parcel of land from which the specimen tree was removed if sufficient space is available, or placed on nearby property in accordance with § 72-55.7, Alternative landscape plan.

C. Tree protection during construction.

(1) Owner's responsibility. At all times prior to completion of development, barriers shall be installed to protect existing and newly installed vegetation from damage, in accordance with ANSI standard A300 Part 5, Management of Trees and Shrubs During Site Planning, Site Development, and Construction (revised 2012). Except for driveway access points, sidewalks, curb, and gutter, no paving shall occur within a tree save area except as may be specifically authorized within an approved alternative landscaping plan.

(2) Tree protection fencing.

(a) Where required. Specimen trees and other existing trees for which a developer is receiving credit towards landscaping requirements in accordance with § 72-55.6D, Tree preservation incentives, shall be fenced with a sturdy and visible fence. The fence shall be installed prior to commencement of any land disturbing activity and shall be maintained in place at all times until completion of development. Fencing shall be erected no closer than one linear foot to a tree's dripline. The Zoning Administrator shall consider the existing site conditions in determining whether the location of tree protection fencing meets the requirements of this subsection. The area located inside tree protection fencing is referred to as the "tree save area".

(b) Inspection. All tree protection measures shall be inspected and approved by the Zoning Administrator as being compliant with the requirements of this subsection, prior to commencement of any land disturbing activities.

(c) When required. No construction, grading, equipment or material storage, or any other activity shall be allowed within any tree save area.

(3) Encroachments into tree save areas. Encroachments into specimen tree save areas shall occur only when no other alternative exists. If such an encroachment is anticipated, the developer shall notify the Zoning Administrator and shall refrain from any such encroachment for a period of 48 hours following the notification, to allow the Zoning Administrator an opportunity to confer with the developer and inspect the site. Thereafter, if the developer proceeds with the encroachment, the following preventive measures shall be employed:

(a) Soil compaction. To help prevent compaction due to construction traffic or materials delivery through a tree save area, the area must first be mulched with a minimum four inch layer of wood chips. Under no circumstances shall equipment or materials be stored within a tree save area.

(b) Fill. No fill shall be placed within a specimen tree save area without adequate venting to allow air and water to reach the roots.

(c) Chemical contamination. Trees located within a specimen tree save area shall be protected from chemical contamination from liquids or other materials, including but not limited to paint, chemical solvents, gasoline, oil, diesel fuel, hydraulic fluid, concrete spoils, or rinse water from vehicle cleaning, including rinsing of concrete truck tanks and chutes.

D. Tree preservation incentives.

(1) Tree preservation credits. In order to encourage the preservation of as many trees as practical on a development site, credit towards the minimum landscaping requirements shall be applied to all existing trees retained on a site that comply with the credit standards of this subsection and are not specimen trees. Credits shall be granted in accordance with the following standards:

(a) Standards. Existing healthy, well-formed canopy and understory trees shall be credited toward the minimum landscaping requirements in this section, provided:

[1] The vegetation to be credited shall meet the minimum size standards in this chapter;

[2] The vegetation to be credited conforms with all species requirements and does not include noxious or invasive weeds or other nuisance vegetation;

[3] The vegetation to be credited is protected before and during development by tree protection fencing or other methods approved by the Zoning Administrator prior to the start of any land-disturbing activities; and

[4] The location of the existing vegetation contributes to the screening or buffering functions of the landscaping.

(b) Credit amount. As an incentive for retention of existing trees, existing trees meeting the standards in Subsection D(1)(a) above that are retained during and after development shall be credited towards the minimum landscaping requirements in this chapter at a rate of 1.25 times the tree's actual caliper or diameter at breast height.

(2) Reduction in the minimum number of required parking spaces. Up to a 5% reduction in the number of off-street parking spaces required on a development site shall be allowed, if the reduction of pavement will preserve the root zones of existing, healthy specimen trees. The specific amount of reduction will be determined by the Zoning Administrator after taking into consideration any unique site conditions and the impact of the reduction on parking needs for the use, and must be agreed upon by both the applicant and the Zoning Administrator. Alternative paving materials (see § 72-53.3G, Alternative materials) may be required by the Zoning Administrator in cases where required parking areas encroach upon root zones.

Sec. 72-55.8. Maintenance.

The owner of a lot on which any required landscaping has been installed shall be responsible for the maintenance of all landscape areas not in the public right-of-way, and for continuing compliance with applicable landscaping requirements. Required landscaping shall be maintained in accordance with the approved landscape plan or alternative landscape plan for a development and shall present a healthy and orderly appearance free from refuse and debris. All trees and plantings shown on an approved landscape plan or alternative landscape plan shall be replaced if it dies, is seriously damaged, or removed.

A. Damage due to natural occurrence. In the event that any required landscaping, including any physical element thereof (such as fencing or berms) is severely damaged due to an unusual weather occurrence or natural catastrophe, or other natural occurrence such as damage by wild or domestic animals, the required landscaping shall be replanted and replaced to the extent necessary to return the property to compliance with the approved landscape plan or alternative landscape plan. The owner shall have one growing season to comply. The Zoning Administrator shall consider the type and location of the required landscaping as well as the propensity for natural revegetation in making a determination on the extent of replanting requirements.

B. Protection during operations. Trees and other plantings that are the subject of an approved landscape plan or alternative landscape plan shall be protected from unnecessary

damage during all facility and site maintenance operations. Plants shall be maintained in a way that does not obstruct sight distances at roadway and drive intersections, obstruct traffic signs or devices, or interfere with the use of sidewalks or pedestrian trails.

C. Maintain shape. All required trees (whether canopy or understory) shown on an approved landscape plan or alternative landscape plan shall be maintained in their characteristic natural shape, and shall not be severely pruned, sheared, topped, or shaped as shrubs. Trees (including, but not limited to crape myrtles) that have been severely pruned, sheared, topped, shaped as shrubs, such that they no longer serve the intended buffering or screening function, shall be considered as damaged vegetation in need of replacement in accordance with § 72-55.8A, Damage due to natural occurrence, and shall be replaced within one growing season.

D. Natural death. The natural death of existing trees and plantings within a required landscape will not trigger a requirement for replanting or replacement unless the loss of such trees and plantings results in a required landscape area that no longer complies with the requirements of this § 72-55.

SECTION 72-84. Definitions

Sec. 72-84.0. Definitions.

AGRICULTURAL LANDS Lands used for planting and harvesting of crops or plant growth of any kind in the open, pasture, horticulture, dairying, floriculture, or raising of poultry and/or livestock.

ARBORETUM A place where trees, shrubs, or other woody plants are grown, exhibited or labeled for scientific, educational, or passive recreational purposes, not including the harvest of plants or their produce.

BUFFER AREA For the purposes of § 72-34.5, Chesapeake Bay Preservation Overlay District, an area of natural or established vegetation managed to protect other components of a resource protection area and state waters from significant degradation due to land disturbances.

BUFFER, PERIMETER LANDSCAPE Vegetative material and structures (i.e., walls, fences) that are used to separate uses from each other as required by this chapter, including but not limited to the Type A basic, Type B aesthetic, Type C semiopaque, and Type D opaque described in § 72-55.4, Perimeter landscape buffers.

CALIPER A horticultural method of measuring the diameter of a tree trunk for the purpose of determining size. The caliper of the trunk is measured six inches above the ground for trees up to and including four inches in diameter, 12 inches above the ground for trees greater than four inches and up to 10 inches in diameter, and at breast height (4 1/2 feet) for trees 10 inches or greater in diameter.

CANOPY TREE A tree that has an expected height at maturity of 30 feet or more.

CHESAPEAKE BAY PRESERVATION AREA (CBPA) Any land designated by City Council pursuant to § 72-34.5, Chesapeake Bay Preservation Overlay District, consisting of a resource protection area and/or a resource management area.

COMMUNITY GARDEN/GARDENING, COMMERCIAL An individual or group of individuals growing and harvesting food crops and/or non-food, ornamental crops, such as flowers, for commercial sale. Commercial community gardens may be divided into separate plots for

cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

COMMUNITY GARDEN/GARDENING NONCOMMERCIAL A group of individuals growing and harvesting food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members. Non-commercial community gardens/gardening refers to crops for use/consumption by growers only

DIAMETER AT BREAST HEIGHT (DBH) The diameter of a tree measured outside the bark at a point 4.5 feet above the ground.

DRIP LINE A vertical projection to the ground surface from the furthest lateral extent of a tree's leaf canopy.

LAND DISTURBING ACTIVITY Any movement of earth or substrate, manually or mechanically, including but not limited to any modification of existing grade by dredging, demolition, excavation or fill, grading, scraping, vegetation removal, landscaping, coring, well drilling, pile driving, undergrounding utility lines, trenching, bulldozing, sheeting, shoring and excavation for laying or removing foundations, pilings or other purposes.

LANDSCAPING The improvement of a property with grass, shrubs, trees or other vegetation. It shall include pedestrian walks, flowerbeds, and ornamental objects such as fountains, statues and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

PLANT NURSERY The growing, storage, storage, and sale of garden plants, shrubs, trees, vines, groundcovers, and other related landscaping materials for resale, typically occurring as wholesale or retail sales directly to landscaping professionals. Such uses may include limited incidental retail sales to members of the general public. Such uses may include greenhouses; outdoor storage of goods, materials, and equipment; irrigation systems; and caretaker's dwelling.

PLANTING SEASON The dormant time of the year for trees beginning with leaf drop and ending with bud break; generally late fall to early spring.

PLANTING STRIP Areas intended for the placement of vegetation within the interior of vehicular use areas or along street right-of-way edges, typically between the back of the curb and the inside edge of the sidewalk.

ROOT ZONE The area inside the dripline of a tree that contains its roots.

SEVERE PRUNING The pruning, cutting, or otherwise damaging of the natural form of a tree or shrub, whether existing or planted, such that a significant or noticeable portion of the crown system is removed (i.e., 25% of the crown removed from a tree, or the continued cutting/trimming of trees previously pruned illegally, or pruning of trees that must grow naturally to meet the landscaping requirements), and/or if more than one-third of the overall circumference of a tree is exposed by pruning cuts.

SHRUB A woody plant, smaller than a tree, consisting of several small stems emerging from the ground, or small branches near the ground. Shrubs may be deciduous or evergreen.

SPECIMEN TREE A tree that is notable by virtue of its outstanding size and quality for its particular species. Generally, an existing canopy tree may be considered as notable when it achieves a diameter at breast height of 32 inches or more, and any understory tree may be considered as notable when it achieves a diameter at breast height of nine inches or more. Invasives shall not be eligible for consideration as specimen trees.

STREET TREE A tree that is planted along the edge of an improved street.

TIDAL WETLANDS Vegetated and nonvegetated wetlands, as defined in § 28.2-1300 of the Code of Virginia, as amended.

TREE PROTECTION ZONE A ground area around a tree extending one foot beyond the dripline (the outer extent of the tree's branches) for each inch in the diameter of the trunk line of the tree at breast height (dbh).

UNDERSTORY TREE A tree that has an expected height at maturity of no greater than 30 feet.

VEGETATION, NATIVE Any indigenous tree, shrub, ground cover or other plant adapted to the soil, climatic, and hydrographic conditions occurring on the site.

VEHICULAR USE AREA LANDSCAPING, PERIMETER Vegetative material, structures (walls or fences), berms, and associated ground cover located around the perimeter of a parking lot, or other vehicular use area when such areas are adjacent to a street right-of-way or land in a residential district or residentially developed lands, used property for the purposes of screening the vehicular use area from off-site views.

Chapter 74 Utilities

DIVISION 4. Water Supply Emergencies

Sec. 74-112. Water conservation measures.

A. Upon the adoption of an ordinance by the City Council declaring a water supply emergency under § 74-111, the City Manager shall make a written finding that one of the following conditions exists and impose water conservation measures, as follows:

...

(2) Condition 2. When very limited supplies of water are available, the City Manager shall order curtailment of less essential water usage, including, but not limited to, one or more of the following:

(a) The watering of shrubbery, trees, lawns, grass, plants, or other vegetation, except indoor plantings, greenhouse or nursery stocks, limited watering of newly seeded lawns, and watering by commercial nurseries of freshly planted plants upon planting and once a week for five weeks following planting.

...

...

...

[Ord. No. 02-22, 8-20-2002]

Chapter 78. Zoning, Planning and Development

Article V. Erosion and Sediment Control

Sec. 78-1308. Definitions.

Terms and phrases, when used in this article, shall have the meanings ascribed to them in Code of Virginia § 10.1-560. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

CONSERVATION PLAN, EROSION AND SEDIMENT CONTROL PLAN and PLAN A document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory and management information with needed interpretations, and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to ensure that the entire unit of land will be so treated to achieve the conservation objectives.

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

EROSION IMPACT AREA An area of land not associated with current land disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of one acre or less used for residential purposes or to shorelines where the erosion results from wave action or other coastal processes.

LAND DISTURBING ACTIVITY Any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands of the state, including, but not limited to, clearing, grading, excavating, transporting, and filling of land, other than federal lands, except that the term shall not include:

A. Such minor land disturbing activities as home gardens and individual home landscaping, repair or maintenance work.

...

TRANSPORTING Any moving of earth materials from one place to another place other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

[Ord. No. 08-04, 2-12-2008]