

**Code of Ordinances, City of Norfolk, Virginia  
Abstracted April 2016**

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**CHARTER**

**Sec. 2. Powers of the city.**

In addition to the powers mentioned in the preceding section, the said city shall have power:

...

(11) To establish, open, widen, extend, grade, improve, construct, maintain, light, sprinkle and clean public highways, streets, alleys, boulevards and parkways, and to alter or close the same; to establish and maintain parks, playgrounds and other public grounds; to construct, maintain and operate bridges, viaducts, subways, tunnels, sewers and drains and to regulate the use of all such highways, parks, public grounds and works; to plant and maintain shade trees along the streets and upon such public grounds; to prevent the obstructing of such streets and highways, abolish and prevent grade crossings over the same by railroads; regulate the operation and speed of all cars and vehicles using the same as well as the operation and speed of all engines, cars and trains on railroads within the city; to regulate the services to be rendered and rates to be charged by busses, motor cars, cabs and other vehicles for the carrying of passengers, and by vehicles for the transfer of baggage; require all telephone and telegraph wires and all wires and cables carrying electricity to be placed in conduits underground and prescribe rules and regulations for the construction and use of such conduits; and to do all other things whatsoever adapted to make said streets and highways safe, convenient and attractive.

...

The enumeration of particular powers in this Charter shall not be deemed or held to be exclusive, but in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, the said city shall have and may exercise all other powers which are now or may hereafter be possessed or enjoyed by cities under the Constitution and general laws of this State.

(Acts 1919, Ex. Sess., Ch. 68; Acts 1982, Ch. 289, I; Acts 2000, Ch. 950, § 1; Acts 2004, Ch. 52; Acts 2010, Ch. 34)

**Sec. 58. General powers and duties.**

The head of the department of public welfare shall be known as the director of public welfare. Subject to the supervision and control of the city manager in all matters, he shall administer the affairs of his department, which shall include the management and supervision of all charitable, correctional and reformatory institutions and agencies belonging to the city; the use of all recreative facilities of the city, including parks and playgrounds other than school playgrounds; the management and supervision of cemeteries; the maintenance and preservation of shade trees and shrubbery; the inspection and supervision of all public amusements and entertainments, and of the places where the same are held; the enforcement of all laws, ordinances and regulations relative to the preservation and promotion of the public health; the prevention and restriction of all disease, including the enforcement in time of threatened epidemic, of such quarantine and isolation regulations as are appropriate to the emergency; the prevention, abatement and suppression of nuisances; the sanitary inspection and supervision of the production, transportation, storage and sale of food and foodstuffs; the inspecting, testing, measuring and weighing of any commodity or article of consumption or use within the city, as well as the inspection of weights, measures and meters used for the purpose aforesaid. The said department shall keep a complete and accurate system of vital statistics.

**Chapter 12 CEMETRIES**

**DIVISION 1. GENERALLY**

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## **ARTICLE I. IN GENERAL**

### **Sec. 12-16. Permit for planting or removal of plants, shrubbery or trees.**

No person shall plant or remove any plants, shrubbery or trees in any lot in any of the cemeteries of the city without first securing a permit from the director of facilities and enterprise management to do so. Such permit shall be in writing and in such form as may be prescribed by the director. After such plants, shrubbery or trees have been planted or removed, the permit shall be surrendered to the director and cancelled.  
(Code 1958, § 10.1-26; Ord. No. 40,343, § 4, 6-5-01)

### **Sec. 12-37. Cutting or picking flowers, plants or shrubs.**

No person shall cut, pick or pluck any plant, flower or shrub in any of the cemeteries.  
(Code 1958, §§ 10.1-23, 10.1-32)  
Cross reference— Trees and other vegetation, Ch. 45.  
State Law reference— Similar provisions, Code of Virginia, § 18.2-127.

## **ARTICLE II. SUBDIVISION OF CEMETRIES**

### **DIVISION 2. FOREST LAWN CEMETERY**

#### **Sec. 12-65. Live Oak Lawn generally.**

...

(c) In case a tree is planted at the intersection of any two (2) or more lots, the area occupied by such tree shall be considered as part of such lot in computing the number of adult burial spaces the purchaser of such lot shall pay for. Should any such tree, by reason of its growth, later occupy an increased area of any lot, the number of adult burial spaces in such a lot shall be reduced accordingly.  
(Code 1958, § 10.1-88)

## **ARTICLE III. GENERAL RULES AND REGULATIONS**

### **Sec. 12-248. Planting shrubs, plants and trees.**

(a) The director of facilities and enterprise management may grant to any person entitled to use a lot in Forest Lawn, Calvary, Calvary Cemetery Annex and any new sections in other cemeteries, such as Garden of Eternal Life, except that part as designated Live Oak Lawn and Subdivision of Blocks B and C, Live Oak Lawn, to plant and cultivate shrubs, plants and trees in such lot; provided, such person shall release the city of any obligation for the care and upkeep of such lot, which care and upkeep shall thereafter be at the cost and expense of such person. In the event such lot is not kept in good condition to the satisfaction of the director of facilities and enterprise management for any period of more than forty-five (45) consecutive days, the director of facilities and enterprise management shall remove such shrubs, plants and trees so planted and the care and upkeep of such lot shall thereafter be at the cost and expense of the city, as is now or may hereafter be provided by ordinance.  
(b) Planting will not be permitted on less than a four-grave lot or on less than any whole lot.  
(c) No planting on Pine Gardens, Sections I and II, shall be permitted in the front and rear of the lots, unless the same shall be done under the supervision of the cemetery management.  
(d) There will be no planting on Live Oak Lawn and Subdivision of Blocks B and C, Live Oak Lawn, at Forest Lawn, except that done by the city for the maintenance and beautification of the lawn.

(Code 1958, § 10.1-83; Ord. No. 40,343, § 17, 6-5-01)

Cross reference— Trees and other vegetation, Ch. 45.

## **Chapter 14.5 ENVIRONMENTAL OFFENSES**

### **Sec. 14.5-3. Definitions.**

The following definitions shall apply to this chapter:

*Solid waste:* Litter, garbage, trash, industrial waste, bulk waste, yard waste, commercial waste, hazardous waste, structural waste, tires, or any other condition, substance, material,

product or thing which may be detrimental or potentially harmful to health, safety, comfort and general welfare of the public or the environment.

*Yard waste:* All materials derived from trees, shrubbery, leaves, fallen branches, lawn trimmings, and other woody waste.

(Ord. No. 38,339, § 1, 5-14-96)

## **Chapter 15 EROSION AND SEDIMENT CONTROL**

### **Sec. 15-2. Definitions.**

As used in this chapter, unless the context requires a different meaning, the following definitions shall have the meanings set out below:

*Chesapeake Bay Preservation Area or CBPA:* Any land designated by the city pursuant to part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, 9 VAC 10-20-70, and section 10.1-2107 of the Code of Virginia. A Chesapeake Bay Preservation Area consists of a resource protection area and a resource management area. The general limits of the CBPA are shown on the official zoning map and the general requirements pertaining to CBPAs are detailed in section 11-2 of the zoning ordinance.

*Land disturbance or land-disturbing activity:* Any land change, including, but not limited to, clearing, grading, excavating, transporting and filling of land, or other construction activities which would disturb the natural vegetation or the existing contours of the land, which may result in soil erosion from water or wind and the movement of sediments into public or private storm drainage facilities, state waters, or onto lands in the commonwealth.

(Ord. No. 38,347, § 1, 5-14-96; Ord. No. 39,340, § 1, 10-20-98; Ord. No. 41,726, § 1, 2-15-05)

## **Chapter 25.2 NEIGHBORHOOD AND LEISURE SERVICES**

### **ARTICLE I. IN GENERAL**

#### **Sec. 25.2-3. Duties of director.**

Subject to the supervision and control of the city manager in all matters, the director shall be charged with the administration of the affairs of the department of neighborhood and leisure services, the supervision, planning, management, care and control of all public parks, gardens and city beautification, the maintenance and preservation of shade trees and shrubbery, the supervision, management, care and control of all recreative facilities of the city, now owned or hereafter acquired, including, but not limited to tennis courts, beaches, boat ramps, parks and playgrounds, the maintenance of school grounds and playgrounds, the enforcement of the property maintenance provisions of the Uniform Statewide Building Code, and the coordination, facilitation and delivery of neighborhood services. Coextensively with the director of public health, the director of neighborhood and leisure services and his designees are hereby empowered to administer and enforce all the provisions of sections 27-1 through 27-12 of the Norfolk City Code and to act pursuant to authority granted therein and perform all the duties required thereof.

(Ord. No. 39,590, § 4, 5-18-99)

## **Chapter 27 NUISANCES**

### **ARTICLE I. IN GENERAL**

#### **Sec. 27-9. Duty of owner or occupant of abutting land to remove solid waste and to cut grass, weeds and other vegetable matter between sidewalk and curb.**

It shall be the duty of the owner or occupant of any land or premises abutting upon any public right-of-way, including between the sidewalk and curb, whether paved or not, and the duty of the owner of any unoccupied land or premises abutting upon any public right-of-way, including between the sidewalk and curb, whether paved or not, to remove solid waste (as defined in chapter 14.5 of the City Code), therefrom and to have any grass, weeds and other vegetable matter cut and removed, and at all times to prevent such area from becoming unsightly, impeded, or offensive by reason of failure to remove any such solid waste (as defined in chapter 14.5 of the City Code), or cut any such grass, weeds and vegetable matter. No grass, weeds or other vegetable matter so cut shall be deposited or piled in any gutter or street, or storm water system. The occupant or the owner, or if unoccupied, the owner, of any such land or premises in front of which any such solid waste (as defined in chapter 14.5 of the City Code) or any such grass, weeds or vegetable matter is found contrary to the provisions of this section shall be prima facie the person responsible therefor. Nothing in this section shall be construed as authorizing any person to cut or remove any city tree or bush without first obtaining a permit from the director of neighborhood and leisure services or his designee. (Ord. No. 39,649, § 2, 6-22-99)

## **Chapter 31 PEDESTRIAN MALLS**

### **ARTICLE I. IN GENERAL**

#### **Sec. 31-6. Responsibilities as to maintenance, repair and upkeep.**

(a) The department of parks and recreation shall be responsible for the maintenance of grass, trees, plants, shrubs, planters, street furniture, pavilions and playground equipment on malls.

...

(Code 1958, § 32.1-22)

## **Chapter 41 SOLID WASTE**

### **ARTICLE I. IN GENERAL**

#### **Sec. 41-3. Definitions.**

Generally, for the purposes of this chapter, certain words and phrases shall have the meanings ascribed to them by this section:

...

(ee) *Yard waste* consists of materials derived from trees, leaves, fallen branches, shrubbery, plants, and lawn trimmings.

...

(Ord. No. 39,971, § 2, 5-23-00; Ord. No. 42,662, § 11, 5-15-07)

#### **Sec. 41-36. - Lot clearing, tree removal and pruning waste.**

No materials, such as trees, shrubbery or underbrush from land being developed and cleared, shall be picked up by city forces, but shall be collected by private collectors.

(Ord. No. 39,971, § 2, 5-23-00)

## **Chapter 41.1 STORMWATER MANAGEMENT**

### **ARTICLE I. IN GENERAL**

#### **Sec. 41.1-1. Definitions.**

For purposes of this chapter, certain words and phrases shall have the meaning ascribed to them by this section:

*Impervious surface area*: Surfaces on or in a lot or parcel of property which substantially reduce the rate of infiltration of stormwater into the earth.

*Stormwater runoff:* That part of precipitation that travels over natural, altered, or impervious surfaces to the nearest stream, channel, conduit or impoundment and appears in surface waters.

(Ord. No. 38,344, § 1, 5-14-96)

## **Chapter 42 STREETS AND SIDEWALKS**

### **ARTICLE I. IN GENERAL**

#### **Sec. 42-20.3. Filling of Chesapeake Bay Preservation Areas.**

(a) Before any filling, clearing or grading is done by the owner, or by any other person with the knowledge or consent of the owner, of any area designated pursuant to section 494 of the zoning ordinance as a Chesapeake Bay Preservation Area a fill plan shall be submitted to the director of public works. The fill plan shall be reviewed by the department of public works and by the division of environmental affairs to ensure consistency with the provisions of this section and of section 494 of the Zoning ordinance. Upon approval of the fill plan by the department of public works and the division of environmental affairs, the filling, clearing or grading shall be done in accordance therewith.

(b) For purposes of this section, the fill plan shall include:

- ...
- (5) If trees or other vegetation are to be removed in the buffer area of the resource protection area, as defined in section 32.2-3 of the City Code, in order to fill, clear or grade, a showing of all necessary tree permits pursuant to section 30-24(a)(9) of the City Code is required.
- ...

...  
(Ord. No. 36,175, § 1, 8-28-90; Ord. No. 40,580, § 2, 1-8-02)

### **ARTICLE II. UTILITY POLES, WIRES AND CONDUITS IN, OVER OR UNDER STREETS**

#### **Sec. 42-89. Attaching wires or cables to, or running them through, trees.**

No cable or wire supported by a pole shall be attached to a tree on any street and, except in the case of a single cut-in wire, no wire or cable supported by a pole shall be carried through the branches of any tree, unless enclosed in a protecting casing approved by the city transportation engineer.

(Code 1958, § 35-10; Ord. No. 35,363, § 1, 1-10-89; Ord. No. 40,378, § 4, 6-19-01)

## **Chapter 42.5 SUBDIVISIONS**

### **Sec. 42.5-2. Definitions.**

The words and phrases set forth in this section shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this section.

*Best management practices* or *BMPs*: A practice, or a combination of practices, that is determined by the city to be the most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals in accordance with the performance standards of subsection 11-2.9(b)(5) of the Zoning Ordinance.

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

*Chesapeake Bay Preservation Area* or *CBPA*: Any land designated by the city pursuant to part III of the management regulations, 9 VAC 10-20-70, and Code of Virginia, § 10.1-2107. A Chesapeake Bay Preservation Area consists of a resource protection area and a resource

management area. The general limits of the CBPA are shown on the official zoning map and the general requirements pertaining to CBPAs are detailed in section 11-2 of the Zoning Ordinance.

(Ord. No. 42,733, § 1(Exh. A), 7-10-07)

## **Chapter 45 TREES AND OTHER VEGETATION**

### **ARTICLE I. GENERALLY**

#### **Sec. 45-1. Violations.**

Unless otherwise specified, any person violating any provision of this chapter or any permit issued pursuant to any provisions of this chapter shall be guilty of a class 1 misdemeanor. Each day a violation continues shall be deemed a new violation. In addition to any penalties imposed for each violation, a judge hearing the case may order the person responsible for such condition or violation to restore, remediate or correct the violation or condition, and each day's default in such restoration, removal or remediation after being so ordered shall constitute a violation of and a separate offense under this chapter.

(Ord. No. 41,728, § 1, 2-15-05)

#### **Sec. 45-2. Definitions.**

As used in this chapter, the following terms shall have the meanings set forth herein:

*ANSI*: American National Standards Institute.

*Controlling arboricultural specifications and standards*: Professional specifications and standards governing safe and appropriate and horticultural practices, as periodically updated or revised, including, but not limited to:

- (1) ANSI Z133.1—American National Standards for Tree Care Operations, most current edition.
- (2) ANSI A300—The American National Standard for Tree Care Operations— Tree, Shrub and other Woody Plant Maintenance—Standard Practices, most current edition;
- (3) ANSI Z60.1—America Standard for Nursery Stock, most current edition;
- (4) ISA tree-pruning guidelines;
- (5) City of Norfolk Tree Protection Notes and Details—Specifications, standards and details for protection of trees during construction, including trees located on city-owned property, trees located within Chesapeake Bay Preservation Areas, and privately-owned trees impacted by city construction activities;
- (6) City of Norfolk Street Tree Planting and Location Standards—Standards governing the placement and type (species) of street trees approved for use in the city, most recent edition;
- (7) Council of Tree and Landscape Appraisers Guide for Plant Appraisal; and
- (8) City of Norfolk Mitigation Standards.

*Chesapeake Bay Preservation Area Overlay District* described in section 11-2 of the zoning ordinance in accordance with Code of Virginia 9 VAC 10-20-10 et seq.

*City-owned property*: Property within the city limits of the City of Norfolk owned by the city in fee simple or property impliedly or expressly dedicated to the public for the present or future use for the purpose of vehicular or pedestrian traffic or public right-of-way or park use.

*Critical root zone*: The portion of the root system of a tree that is the minimum necessary to maintain the continued health, vitality or stability of the tree, defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the crown spread.

*Crown-spread*: The distance between a tree trunk and the outermost edge of the tree canopy or branch spread.

*Director*: The director of neighborhood and leisure services or his designee.

*Emergency utility work*: Any sudden and unanticipated disruption or loss of existing utility service, including signal leaks from cable television, but not to include routine maintenance, planned repairs and service improvements or upgrades to any transmission or distribution system or residential, commercial or governmental facility.

*Forester*: The city forester of the city.

*ISA*: The International Society of Arboriculture.

*Person*: Any person, business, partnership, corporation, legal entity, or governmental entity or agency, and any of its subdivisions.

*Property owner*: The record owner or contract purchaser of any parcel of land.

*Trees, shrubs, and other vegetation*: All vegetation, woody, or otherwise, except lawn, ornamental grass and flowers less than twenty-four (24) inches in height.

(Ord. No. 41,728, § 1, 2-15-05)

#### **Sec. 45-3. Bureau of parks and forestry.**

The bureau of parks and forestry, in addition to the responsibilities and authorities vested in it by chapter 25.2 of this Code, shall have the management, control and care of the area between the street curbing and the walkway, and of all trees and shrubbery on the streets, avenues and public grounds of the city, shall direct and regulate planting, transplanting, pruning, removal, care and protection of all shade and ornamental trees and shrubbery to be planted and cultivated, determining species and distances for such planting, and shall have all other necessary and convenient powers incident to the conduct of its duties.

(Ord. No. 41,728, § 1, 2-15-05)

#### **Sec. 45-4. Duties of the city forester.**

Under the supervision and direction of the director and the superintendent of parks and forestry, the city forester shall have the following responsibilities:

- (a) To direct a comprehensive municipal forestry program encompassing natural resource conservation, preventative, corrective and routine maintenance, and reforestation components.
- (b) To administer the tree ordinance and street tree management plan and perform whatever acts are necessary including the planting, maintenance, treatment and protection of trees, and the removal of dead, dying, diseased, damaged or hazardous trees, including trees which by virtue of their type, form, condition, size, location, or site conditions are predisposed to structural failure, or otherwise undesirable trees, shrubs and other vegetation located on city-owned property; and to ensure that all trees, shrubs and other vegetation located on city property conform with the tree ordinance, street tree management plan, and other controlling arboricultural specifications and standards.
- (c) To establish and periodically review and revise, as necessary, controlling arboricultural specifications and standards, street tree planting and location standards, tree protection notes and details, and policies or practices to professionally manage the city's tree population and carry out the expressed intent of this article.
- (d) To direct the development and operation of a municipal nursery.
- (e) Administer a vegetated buffer protection program within the Chesapeake Bay Preservation Area Overlay District.

(f) To propose annual budget requirements and staffing and equipment requirements as deemed necessary to carry out the expressed purpose and intent of this article and street tree management plan.

(g) To establish and maintain a public relations program, including annual Arbor Day observations, Tree City USA certification, and other public relations programs in furtherance of the expressed purpose and intent of this article and the street management plan.

(Ord. No. 41,728, § 1, 2-15-05)

**Sec. 45-5. Interference with bureau of parks and forestry.**

No person shall, in anywise, interfere with, hinder, prevent or delay or cause or permit any person to interfere with, hinder, prevent or delay the bureau of parks and forestry, or its employees, in the enforcement of this chapter, or in and about the planting, mulching, pruning, spraying, treating or removing of any tree in the public streets, parks, schools, city-owned cemeteries, or other city-owned property, or in the removing of stone, cement or other sidewalks, or stone, cement or other substances about the trunk of any tree in any street, or in cultivating, seeding and caring for the area between the street curbing and the walkway in any sidewalk of the city.

(Ord. No. 41,728, § 1, 2-15-05)

**Sec. 45-6. City nurseries.**

The bureau of parks and forestry shall have the authority to establish and maintain nurseries for the cultivation and growth of trees and plants for public use upon such land owned by the city as may be designated by the director of neighborhood and leisure services. Such nurseries shall be under the supervision of the bureau of parks and forestry and shall be operated under such rules and regulations as may be prescribed by the bureau. Such bureau is hereby authorized to supply and install trees and plants from its nurseries to be planted on the streets, parks, schools and other city-owned property, at such points as the bureau may deem expedient or for the purpose of replacing trees which have heretofore been planted, but which have died.

(Ord. No. 41,728, § 1, 2-15-05)

**Sec. 45-7. Picking, pulling, damaging, etc., vegetation on lands of another or in park or wildlife sanctuary.**

It shall be unlawful for any person to pick, pull, pull up, tear, tear up, dig, dig up, cut, break, injure, burn or destroy, in whole or in part, any tree, shrub, vine, plant, flower or turf found growing or being upon the land of another, or upon any land reserved, set aside or maintained by the city as a public park, or as a refuge or sanctuary for wild animals, birds or fish, without having previously obtained the permission in writing of such other owner or his agent or of the superintendent or custodian of such park, refuge or sanctuary so to do, unless the same is done under the personal direction of such owner, his agent, tenant or lessee, or the superintendent or custodian of such park, refuge or sanctuary.

(Ord. No. 41,728, § 1, 2-15-05)

**Sec. 45-8. Selling trees or shrubs removed from property of another.**

It shall be unlawful for any person to sell or offer for sale within the city any tree, shrub or vine, or any part thereof which was picked, pulled up, torn up, dug up, cut or broken on the property of another without previously obtaining permission, in writing, from such other person, his agent, tenant or lessee.

(Ord. No. 41,728, § 1, 2-15-05)

**Sec. 45-9. Failure to install or maintain landscaping.**

It shall be unlawful to neglect or fail to install or maintain landscaping as shown on an approved site plan where the landscaping has been reviewed and approved by the director of neighborhood and leisure services or his designee as part of the site plan review process pursuant to the zoning ordinance.

(Ord. No. 41,728, § 1, 2-15-05)



**Sec. 45-10. Disposal or surplus trees or urban forest products.**

The director may sell surplus nursery stock produced by the city and wood and other forest products generated through urban forestry and park operations which are not needed by the city. Monies generated from permit fees, donations, gifts and the sale of surplus nursery trees and wood or other forest products, or monies received as full compensation for the appraised value of trees removed by permit, shall be used solely for the purpose of enhancing urban forestry programs and operations.

(Ord. No. 41,728, § 1, 2-15-05)

**Sec. 45-11. Payment in lieu of tree, shrub, and other vegetation replacement or mitigation.**

In any situation where replacement or mitigation is required, and it is impractical in the opinion of the director to perform replacement or mitigation, the director may accept a payment in lieu of replacement or mitigation. The payment due shall be determined by the director according to controlling arboriculture specifications and standards.

(Ord. No. 41,728, § 1, 2-15-05)

**ARTICLE II. TREE ORDINANCE**

**Sec. 45-12. Purpose and intent.**

It is the purpose of this article, to be referred to as the "Norfolk Tree Ordinance," to promote and protect the public health, safety and general welfare by providing for the regulation of the planting, maintenance and removal of trees, shrubs and other vegetation in the city. It is the intent of the city council that the terms of this article shall be construed so as to promote the planting, maintenance, restoration and protection of desirable trees, shrubs and other vegetation within the city, to protect citizens from personal injury and property damage, and to protect public property from property damage caused or threatened by improper planting, maintenance, or removal of trees, shrubs, or vegetation plants located within the city.

(Ord. No. 41,728, § 1, 2-15-05)

**Sec. 45-13. Permits; when required.**

(a) Residents of Norfolk may apply for a permit to prune and trim city trees located between the curbs and sidewalks. A request for a permit can take place only after a resident has successfully completed a workshop devoted to basic tree trimming techniques led by an I.S.A. certified arborist for the city, and the individual resident receives a certificate of completion in such training. All appropriate tools and required safety equipment must be supplied by the resident(s) and approved by the arborist. The pruning may take place from the ground only, utilizing only nonpowered hand tools. Debris from any pruning session must be removed in accordance with normal Norfolk Division of Waste Management regulations.

(b) Except as otherwise provided in this section, it shall be unlawful for any person except an authorized employee of the bureau of parks and forestry to perform any of the following acts on city-owned property without first obtaining a permit from the director:

(1) Plant, transplant, prune, trim, root prune, spray, fertilize, treat, remove, paint, climb or otherwise damage or disturb any tree, shrub or other vegetation or any part thereof (including live, diseased, declining or dead), or protective and supportive devices.

(2) Place either above or below ground level, a container for trees, shrubs or other vegetation.

(3) Affix or cause to be affixed to any tree, shrub or other vegetation any sign, notice, announcement, banner, rope, cable, nail, tape, wire, or any other object, or to use the same in any connection with any guard or stake protecting or supporting such tree, or permit any electrical wires, cables, poles, cross arms, brackets, insulators, or other wires or fixtures to come into contact with any shade tree or ornamental tree on the streets or other city owned property.

(4) Dig a tunnel, trench, or otherwise excavate within the critical root zone of a tree, except within the paved roadways from curb face to curb face.

(5) Apply and chemical or material of any sort to or within the critical root zone of any tree located on city-owned property, including but not limited to insecticides,

herbicides, fungicides, or soil sterilants/or growth regulators that either prevent or hinder the establishment or viability of vegetation or is detrimental to the environment.

(6) Place any material of any sort, including, but not limited to, dirt, soil, rubble, concrete, bricks, wood, dredge spoil, asphalt, creosote timbers, logs, garbage, tires, organic wastes and personal property such as boats, trailers, vehicles on or within the critical root zone of any tree, shrub or other vegetation.

(c) It shall be unlawful for any person to perform any of the following acts within the resource protection area or intensely developed areas in the Chesapeake Bay Preservation Area Overlay District without first obtaining a permit from the director:

(1) Plant, transplant, trim, prune, remove or otherwise disturb any tree, shrub or other vegetation (including live, diseased, declining or dead), or portion thereof.

(2) Damage, cut, tap, caulk, paint, attach any rope, wire, nail, sign or any other manmade object to any tree or shrub.

(3) Dig a tunnel trench or otherwise excavate within the critical root zone of any tree, shrub or other vegetation.

(4) Apply any chemical, including, but not limited to, herbicides and/or growth regulators, that either prevents or hinders the establishment or viability of vegetation or is detrimental to the environment.

(5) Place any material of any sort, including, but not limited to, dirt, soil, rubble, concrete, bricks, wood, dredge spoil, asphalt, creosote timbers, logs, garbage, tires, organic wastes and personal property such as boats, trailers, vehicles on or within the crown-spread or critical root zone of any tree, shrub or other vegetation.

(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 as approved by the bureau of environmental services and in accordance with applicable permit conditions or requirements.

(e) When trees, shrubs or other vegetation are removed, destroyed or damaged beyond recovery in violation of this section, the director may require that they be replaced in accordance with controlling arboricultural specifications and standards. Failure to mitigate as directed shall constitute a violation of this chapter.

(f) It shall be unlawful to fail to comply with any terms or conditions of any permit issued pursuant to this section.

(g) Nothing in this section shall be construed to exempt any person from the requirements of obtaining any additional permits as may be required by law.

(Ord. No. 41,728, § 1, 2-15-05; Ord. No. 44,580, § 1, 2-28-12)

#### **Sec. 45-14. - Maintenance permit for work on city property.**

(a) The director, under special circumstances, may issue a maintenance permit which authorizes residents within a defined area to maintain the shrubs, trees and flowers on city-owned property lying between the paved portion of the street and in areas of the city where sidewalks do not exist and the distance between the paved portion of the street and the property line is larger than is normally found in other areas of the city, and in such other areas as the director shall determine that the issuance of such maintenance permit would be in the best interest of the city in carrying out the purpose and intent of the tree ordinance. The director may impose such conditions and limitations on the permits as would be consistent with the terms and conditions of this article. If residents in the area fail to carry out the maintenance program within the conditions and limitations set forth in the permit, the director of neighborhood and leisure services may revoke the same. The issuance of such permit shall not in any way condone or authorize any property owner to maintain a public nuisance on public or private property, nor does the permit exempt such property owner from the other provisions of this article.

(b) The director may issue an area-wide or city-wide permit in order to correct or eliminate problems or conditions where it is not feasible or practicable to handle in any other way. The director may implement this permit by advertising in a newspaper of general circulation in the city setting forth the problem or condition to be corrected or eliminated, the manner and materials to be used, and other conditions, as he sees fit, to protect the urban forest.

(Ord. No. 41,728, § 1, 2-15-05)

**Sec. 45-15. Maintenance permit for work on private property.**

The director may issue a maintenance permit for activity in the resource protection area or intensely developed area in the Chesapeake Bay Preservation Area Overlay District when he has determined that the applicant has presented sufficient information to ensure the objectives of the zoning ordinance and the tree ordinance will be faithfully carried out by the applicant. The director shall impose such conditions and limitations as would be consistent with the terms and conditions of the zoning ordinance. If the permittee fails to carry out the maintenance program within the terms and conditions set forth in the approved management plan, the director shall revoke the same and take such action as is appropriate to remedy or restore the buffer area. The director shall be guided by the following performance standards designed to maintain the functional value of the buffer area and the indigenous vegetation located therein:

- (1) Trees in excess of three (3) inches in diameter at breast height (four and one-half (4.5) feet above the ground) shall not be pruned or removed except as necessary to provide minimal sight lines and vistas, and provided that where removed they will be replaced with other vegetation that in the discretion of the director is equally effective in retarding runoff, preventing erosion and filtering nonpoint source pollution from runoff.
- (2) Any access path in the buffer area shall be constructed and surfaced so as to effectively control erosion.
- (3) A three-tier riparian vegetated buffer comprised of overstory, understory and groundcover plant materials will be established and/or maintained where practical in the discretion of the director. Disturbance to the soil environment and root systems of trees to remain shall be minimized.
- (4) When permitted, alterations to the resource protection area or intensely developed area in the Chesapeake Bay Preservation Area Overlay District on city-owned property must be completed and maintained by a Virginia Nurseryman and Landscape Association (VNLA) certified horticulturist, or ISA certified arborist or ISA certified tree worker.

(Ord. No. 41,728, § 1, 2-15-05)

**Sec. 45-16. Permit exemptions.**

- (a) Any person performing emergency utility work to restore, but not increase beyond the original capacity of underground transmission or distribution systems or utility services to existing residential, commercial or governmental facilities, and within the same trench as existing utilities, shall be exempt from obtaining a permit, provided that all applicable controlling arboricultural specifications and standards are followed and that the city forester is notified as soon as practical should excavation necessitate cutting roots in excess of three (3) inches in diameter.
- (b) Any person performing emergency work to restore but not to relocate or increase the capacity of overhead transmission or distribution systems or overhead utilities services to residential, commercial, or governmental facilities and which necessitates the cutting of limbs or branches up to four (4) inches in diameter, as measured outside the branch collar, shall be exempt from obtaining a permit, provided that all applicable controlling arboricultural specifications and standards are followed and the city forester is notified as soon as practical following the completion of such work.
- (c) A resident of the city shall not be required to obtain a permit for pruning sucker growth less than one inch in diameter which originates from the base of crape myrtle trees growing in that portion of the public right-of-way between the curb and sidewalk and directly adjacent to property owned or substantially controlled by said resident, or from watering without a permit any tree, plant or shrub located in the right-of-way.

(Ord. No. 41,728, § 1, 2-15-05)

**Sec. 45-17. Review of application for permit.**

- (a) The director, within ten (10) working days of the receipt of an application for a permit, shall issue a permit to perform any of the specified acts for which a permit may be required pursuant to this chapter as long as the following conditions are met:
- (1) When such acts would result in abatement of a public nuisance;
  - (2) When such acts consistent with the development and implementation of the street tree management plan or with any regulations and controlling arboricultural specifications and standards or with the purpose and expressed intent of this chapter;
  - (3) When an application has been signed by the applicant and submitted to the bureau of parks and forestry detailing the location, number, size and species of trees, shrubs and other vegetation would be affected by such acts, setting forth the purpose of such acts and the methods to be used along with any additional information the city forester may find reasonably necessary;
  - (4) When the applicant agrees to perform the work for which the permit is sought in accordance with the provisions of this article, the street tree management plan and controlling arboricultural specifications and standards; and
  - (5) When the applicant certifies that he has read and understands the provisions of this article, the terms and conditions of the permit, controlling arboricultural specifications and standards, city tree protection notes and details, and street tree planting and location standards, or other applicable standards which are pertinent to the work for which the permit is sought; or
- (b) The director may place certain conditions, limitations or other applicable standards and guidelines in the permit which he deems to be necessary to carry out the purpose and expressed intent of this article.
- (c) The director may require the applicant to post a bond or provide a letter of credit in an amount and with surety and with conditions satisfactory to him securing compliance with the conditions and limitations set forth in the permit.
- (Ord. No. 41,728, § 1, 2-15-05)

**Sec. 45-18. Appeal of denial of a permit.**

Any person aggrieved by the actions or orders of the director respecting issuance of a permit shall within ten (10) days from such action or order have an appeal to the city manager or to a person designated by the city manager to hear such appeals. The decision of the city manager or his designee shall be the final administrative remedy under this article.

(Ord. No. 41,728, § 1, 2-15-05)

**Sec. 45-19. Revocation of permit.**

The director may revoke any permit issued under this chapter if the work for which a permit is issued is not completed in full compliance of stated conditions and limitations or if the work is completed in an unsafe manner, or in violation of any provision of this chapter, the Virginia State Code [Code of Virginia] and guidance promulgated thereto, an order of the board of zoning appeals, or any other applicable permit. The director may also take action as is appropriate to remedy or restore to a safe condition any tree, shrub or other vegetation for which a permit has been revoked or suspended at the applicant's expense.

(Ord. No. 41,728, § 1, 2-15-05)

**Sec. 45-20. Safeguards during construction work.**

For the purposes of safeguarding trees on city-owned property and in the resource protection area and intensely developed area in the Chesapeake Bay Preservation Overlay District in zoning ordinance) (sic) during construction, including pruning, overhead or underground utility, installations and excavations, within the critical root zone, the following conditions shall apply to all trees other than those for which a permit has been issued authorizing removal:

- (1) Prior to the commencement of construction, all trees, shrubs and other vegetation on the building site or within the project area shall be inventoried by the applicant or contractor as to species, diameter at breast height (four and one-half (4.5) feet above ground) expressed in inches crown-spread expressed in feet, and location on the lot, and the inventory shall be clearly and accurately shown to scale on a map, drawing, or plat of known scale, and shall be submitted to the bureau of parks and forestry.

(2) Damage to any trees, shrubs and other vegetation during construction shall be immediately reported by the person causing the damage, or the owner, to the city forester, and the applicant shall treat the tree for damage in the manner specified by the director.

(3) Excavations within the critical root zone of any tree, except within the paved roadways and for all emergency repairs to existing underground utilities, shall be done only after consultation with the director and then only to the extent authorized in the permit and in accordance with all controlling arboricultural specifications and standards and city tree protection notes and details.

(4) Unless otherwise allowed by the director, approved protective fencing shall be installed at the crown-spread or critical zone of all trees, shrubs and other vegetation located within the work zone prior to the commencement of any construction activity including mobilization, except for construction activities which limit disturbance to within the paved roadways (from face of curb to face of curb) and for emergency restoration of existing underground utility service, in order to prevent unnecessary damage to the trunk, crown, root system or soil environment.

(5) Whenever excavations, approved through a permit issued by the director, are made within the critical root zone of trees, shrubs and other vegetation appropriate measures as specifically described or referenced in the permit or City of Norfolk tree protection notes and details, shall be taken to protect the root system (roots and rooting environment) from any damage or loss, desiccation, and soil compaction.

(6) Except on improved paved roadways (from face of curb to face of curb), no material of any sort, including, but not limited to, soil, dirt, rock, stone, rubble, bricks, concrete, concrete rinse, mortar mix, asphalt, steel, wood, construction supplies, dredge spoil, fill material, organic wastes, herbicides, oil, gasoline, diesel fuel, chemicals, paint, paint thinners, waste water, construction effluents, or other materials detrimental to trees, shrubs and other vegetation or soil environment, shall be placed within the crown-spread or critical root zone of any tree, shrubs and other vegetation or uphill from such where said substance might reach the roots through a leaching process without a tree permit specifically approving same.

(7) Except on paved roadways and for emergency restoration of existing utility service to original capacity, and for construction projects where a permit has been issued by the director authorizing the use of equipment fundamental to the proposed construction activity within the critical root zone, no vehicles or heavy equipment shall be permitted within the critical root zone of any trees, shrubs and other vegetation.

(Ord. No. 41,728, § 1, 2-15-05)

#### **Sec. 45-21. Stop work order.**

The director may order the cessation of any work to any tree, shrub or other vegetation located on private property or public property when such work is completed in an unsafe manner which is deemed threatening to any property owned or controlled by the city, or the health, safety or welfare of the general public, or when such acts constitute a violation of this chapter. The director may further direct whatever action is reasonably necessary to protect the public safety, including, but not limited to, establishment of worker qualifications and work standards and specifications, hold harmless indemnification, and a liability insurance policy in the amount established by the director which names the city as an additional insured.

(Ord. No. 41,728, § 1, 2-15-05)

#### **Sec. 45-22. Public nuisance.**

(a) Any tree, shrub or other vegetation or a portion thereof, whether located on city-owned property or on private property, which by reason of its location or condition constitutes an imminent danger to the public health, safety or welfare of the general public shall constitute a public nuisance.

(b) Any tree, shrub or other vegetation or a portion thereof, whether located on city-owned property or on private property, which dangerously obstructs free passage of pedestrian or vehicular traffic shall constitute a public nuisance.

(c) Any tree, shrub or other vegetation or a portion thereof, whether located on city-owned property or on private property, which dangerously obstructs the view in the "visibility triangle" as defined in the city street tree planting and location standards shall constitute a public nuisance.

(d) Any tree, shrub or other vegetation growing on private property, when infested by any insect or infected by any disease, which by reason of such infestation or infection endangers the life or growth or healthful existence of other trees, shrubs or other vegetation within the city not so infested or infected shall constitute a public nuisance.

(e) Any tree, shrub, or other vegetation growing on private or public property, which by reason of its invasive or aggressive growth habit encroaches upon or threatens any rights-of-way, park, or other city-owned property shall constitute a public nuisance.

(Ord. No. 41,728, § 1, 2-15-05)

**Sec. 45-23. Eradication of public nuisance; public or private property.**

(a) Any public nuisance as specified in this article which is located on city-owned property shall be pruned, removed, or otherwise treated by the director in whatever fashion is required to cause the abatement of the nuisance within a reasonable time after its discovery.

(b) Any public nuisance as specified in this article which is located on private property shall be pruned, removed, or otherwise treated by the property owner or his agent in whatever fashion is required to abate the nuisance.

(c) In the event that a confirmed infestation or infection, as described in section 45-22, shall occur, the director, at the convenience of the city and when authorized by the city manager, may cause such abatement measures as he shall deem appropriate to be accomplished at public expense.

(Ord. No. 41,728, § 1, 2-15-05)

**Sec. 45-24. Notice.**

In the event of a public nuisance existing on private property, the director shall cause a written notice to be personally served, posted on the property, or sent by regular mail to the person to whom was sent the tax bill for the real estate taxes for the last preceding quarter. Such notice shall describe the kind of tree, shrub or other vegetation which has been declared to be a public nuisance, its location on the property, the reason for the declaration of a nuisance and shall state the actions that the property owner may undertake to abate the nuisance and the time limit for the abatement. Failure to abate in the time specified shall constitute a violation of this chapter.

(Ord. No. 41,728, § 1, 2-15-05)

**Sec. 45-25. Abatement by city.**

If such nuisance remains on any land or premises after the expiration of the time specified in the notice given under this section, the director may cause the same to be abated or removed therefrom at the expense of such person, or of the occupant or owner of such land or premises, as the case may be. In addition, an administrative fee, as prescribed by the Code of Virginia and as approved by the city manager, shall be assessed in each case. If the land is unoccupied and the owner is not a resident of the city, notice of abatement by the city shall be given by mailing or delivering a letter to the last known address of the owner no less than five (5) days before the abatement by the city. If the abatement is done at the expense of the owner, the expense of abatement or removal and the administrative fee shall be a lien upon such land or premises and shall be reported to the city treasurer, who shall collect the same in the manner in which city taxes levied upon real estate are authorized to be collected. Such expenses shall be docketed in a book kept for that purpose in the office of the city treasurer and indexed in the name of the person owning such premises or land at the time such lien accrued.

(Ord. No. 41,728, § 1, 2-15-05)

**ARTICLE III. TREE COMMISSION**

**Sec. 45-27. Tree commission—Created.**

Pursuant to section 141 of the City Charter, there is hereby created the "Norfolk Tree Commission," which may be designated as "tree commission," and which shall act in an advisory capacity to the director.  
(Ord. No. 41,728, § 1, 2-15-05)

**Sec. 45-28. Same—Membership.**

The tree commission shall be composed of nine (9) commissioners appointed by the council. The members of the commission shall serve without compensation and shall reside within the city. Of the commissioners initially appointed to the tree commission, three (3) shall serve for a term of one year, three (3) shall serve for a term of two (2) years, and three (3) shall serve for a term of three (3) years. Thereafter, each member appointed shall serve for a term of three (3) years with maximum service not to exceed four (4) consecutive full three-year terms. The council shall designate the individuals serving for the particular terms of the initial appointments and shall designate the chairman and initial chairman of the tree commission. The city forester shall serve in an ex-officio, nonvoting capacity and as a staff representative of the department of recreation, parks and open spaces. The membership shall be selected to include persons from the business community and citizens at-large and persons having particular interests or associations with arboriculture, tree care, and/or landscape architecture.  
(Ord. No. 41,728, § 1, 2-15-05; Ord. No. 44,060, § 2, 12-7-10)

**Sec. 45-29. Same—Vacancy.**

Within thirty (30) days following the expiration of the term of any appointed commissioner, who shall serve until his successor has been appointed and qualified, his successor shall be appointed by the council and the successor shall serve for the term of three (3) years. Should any commissioner resign or be removed from the tree commission, or a vacancy otherwise occur, a successor shall be appointed by the council to serve the unexpired term.  
(Ord. No. 41,728, § 1, 2-15-05)

**Sec. 45-30. - Duties of tree commission.**

The tree commission shall perform the following duties:

- (1) Within a reasonable time after its appointment, the tree commission shall meet and adopt rules of procedure for regular and special meetings to fulfill the duties imposed upon it by this article.
- (2) It shall advise the director on any matter pertaining to the tree ordinance and its enforcement.
- (3) The topics upon which this advice may be given shall include, but are not limited to, any of the following:
  - (a) Amendments to the Norfolk Tree Ordinance, or revisions to the street tree management plan;
  - (b) Policies concerning selection, planting, maintenance, removal of trees and other vegetation within the city;
  - (c) Establishment of educational, environmental and information programs;
  - (d) Establishment and administration of volunteer programs; and
  - (e) Recommend to the council any legislation, plans, policies and programs complementary to the intent and purpose of the city's municipal tree policy;
  - (f) Assist with public relations and education programs to increase public understanding of urban forestry issues, including programs developed by the department of recreation, parks, open spaces;
  - (g) Work with interested private organizations to raise money for projects involving city-owned trees and programs developed by the department recreation, parks, open spaces;
  - (h) Prepare and submit an annual report to the council and make presentations on an annual basis and as requested by the council;
  - (i) The tree commission is responsible for implementation of the Celebrate Trees program.

(Ord. No. 41,728, § 1, 2-15-05; Ord. No. 44,060, §§ 1, 3, 12-7-10)

## Chapter 46.1 WATER SUPPLY

### ARTICLE V. REGULATIONS APPLICABLE TO CITY-OWNED LAKES AND ADJOINING LAND

#### Sec. 46.1-51. Damage to or removal of trees or shrubs.

(a) It shall be unlawful for any person except an authorized employee or agent of the department of utilities to perform any of the following acts without first obtaining a permit from the director:

(1) Plant, prune, trim or remove any tree or portion thereof or damage, cut, tap, caulk, paint, attach any rope, wire, nail, sign or any manmade object to any tree or shrub, or dig a tunnel trench or otherwise excavate or place any dirt, rubble or debris within the drip line of any tree or shrub.

(2) Place any material of any sort, including, but not limited to, dirt, soil, rubble, concrete, bricks, wood, dredge spoil, asphalt, creosote timbers, logs, garbage, tires, organic wastes and other materials including herbicides and growth regulators that either prevent or hinders the establishment of vegetation or is detrimental to the environment beneath the drip line of any tree or shrub except as authorized by permit.

(c) When a tree is removed, destroyed or damaged beyond recovery in violation of this section, the director may require that they be replaced on the basis of one tree with a minimum two and one-half (2.5) inches in caliper for every two and one-half (2.5) inches diameter of tree removed, destroyed or damaged. Failure to replace or replant as directed shall constitute a violation of this chapter.

(d) Nothing in this section shall be construed to exempt any person from the requirements of obtaining any additional permits as required by law.

(Ord. No. 41,100, § 2, 7-15-03)

#### Sec. 46.1-54. Conditions for the declaration of potential shortage of water.

Upon a determination by the city manager of the existence of the following conditions, the city manager shall take the following actions:

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

a. The watering of shrubbery, trees, lawns, grass, plants, or any other vegetation, except indoor plantings, greenhouse or nursery stocks and except watering by commercial nurseries of freshly planted plants upon planting and once a week for five (5) weeks following planting.

...

(Ord. No. 41,100, § 2, 7-15-03)

## APPENDIX A ZONING ORDINANCE

### ARTICLE I. GENERAL PROVISIONS

#### CHAPTER 2: DEFINITIONS

##### 2-3 Definitions.

For the purposes of this ordinance, the following terms shall have the following meanings.

*Buffer.* An area of natural or planted vegetation adjoining or surrounding a land use and unoccupied in its entirety by any building, structure, paving or portion of such land use, for the purposes of screening and softening the effects of the land use, no part of which buffer is used for recreation or parking.

*Buffer yard.* See "BUFFER."



*Landscape plan.* The plan for landscaping required pursuant to Article III, Chapter 17, section 17-3.

*Landscaping.* The improvement of a lot, parcel or tract of land with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, ornamental objects such as fountains, statuary, and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

*Vegetation.* Living plant material including, but not limited to, trees, shrubs, flowers, grasses, herbs and ground cover.

*Yard.* On the same zoning lot with a use, building or structure, an open space which is unoccupied and unobstructed from its ground level to the sky, except as otherwise permitted herein. A yard extends along a lot line, and to a depth or width specified in the yard requirements for the Zoning District in which such zoning lot is located.

*Yard, front.* A yard extending between side lot lines across the front of a lot adjoining a public street.

*Yard, rear.* A yard extending along the full length of the rear lot line and back to a line drawn parallel to the rear lot line at a distance therefrom equal to the depth of the required rear yard.

*Yard, rear; adjacent to a street.* A yard only applicable to certain through lots extending along the full length of the lot line along the public street which the main entrance of the principal building does not face and back to a line drawn parallel to the rear lot line at a distance therefrom equal to the depth of the required yard. The through lots to which this yard shall apply include only those where eighty (80) percent of the residential buildings along the same side of the block face the same public street.

*Yard, side.* A yard extending along a side lot line and back to a line drawn parallel to the side lot line at a distance therefrom equal to the width of the required minimum side yard, but excluding any area encompassed within a front yard or rear yard.

*Yard, side; adjacent to a street.* The minimum yard required on corner lots between any building and the property line adjacent to the street upon which the lot has the greater lineal dimension. This yard may be observed when no other lots with frontage on this street have, or have the ability to have, a building fronting on this street. Also known as a "corner side yard".

*Yard, special.* A yard behind any required yard adjacent to a public street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term "side yard" nor the term "rear yard" as generally applied and defined fits the circumstances of the particular case. In such instances, the zoning administrator shall require a special yard, with minimum dimensions and methods of measurement as generally required for either a side yard or a rear yard in the district.

(Ord. No. 37,750, § 1, 9-13-94; Ord. No. 38,216A, § 1, 12-12-95; Ord. No. 38,217A, § 1, 12-12-95; Ord. No. 38,850, § 1, 7-22-97; Ord. No. 38,880, § 1, 8-26-97; Ord. No. 39,028, § 5, 1-27-98; Ord. No. 39,117, § 1, 4-28-98; Ord. No. 39,282, § 1, 8-18-98; Ord. No. 40,238, § 1, 3-6-01; Ord. No. 40,664, § 1(Exh. A), 4-9-02; Ord. No. 40,665, § 1(Exh. A), 4-9-02; Ord. No. 41,203, § 1, 10-28-03; Ord. No. 41,389, § 1(Exh. A), 6-11-04; Ord. No. 41,730, § 1(Exh. A), 3-1-05; Ord. No. 42,133, § 1(Exh. A), 1-10-06; Ord. No. 42,260, § 1(Exhs. A—H), 5-9-06; Ord. No. 42,284, § 1(Exh. A), 5-23-06; Ord. No. 42,404, § 1(Exh. A), 9-19-06; Ord. No. 42,552, § 2(Exh. B), 2-13-07; Ord. No. 42,611, § 1(Exhs. A—F), 3-27-07; Ord. No. 43,027, § 1(Exh. A), 3-25-08; Ord. No. 43,143, § 1(Exh. A), 7-1-08; Ord. No. 43,078, § 1(Exhs. A—C), 5-13-08; Ord. No. 43,143, § 1(Exh. A), 7-1-08; Ord. No. 43,248, § 1(Exh. A), 10-7-08; Ord.

No. 43,078, § 1(Exhs. A—C), 5-13-08; Ord. No. 43,143, § 1(Exh. A), 7-1-08; Ord. No. 43,248, § 1(Exh. A), 10-7-08; Ord. No. 43,511, § 1(Exh. A), 7-14-09; Ord. No. 43,531, § 1(Exh. A), 8-18-09; Ord. No. 43,588, § 1(Exh. A), 9-15-09; Ord. No. 43,654, § 1(Exh. A), 11-17-09; Ord. No. 43,655, § 1(Exh. A), 11-17-09; Ord. No. 43,751, §§ 1(Exh. A), 2, 3-2-10; Ord. No. 44,003, § 1(Exh. A), 10-12-10; Ord. No. 44,004, § 1(Exh. A), 10-5-10; Ord. No. 44,140, § 1(Exh. A), 2-15-11; Ord. No. 44,170, § 1(Exh. A), 3-22-11; Ord. No. 44,200, § 1(Exh. A), 4-12-11; Ord. No. 44,367, § 1(Exh. A), 9-13-11; Ord. No. 44,593, § 1(Exh. A), 3-27-12; Ord. No. 44, 787, § 1(Exh. A), 8-28-12; Ord. No. 45,009, §§ 1(Exh. A), 2(Exh. B), 2-26-13; Ord. No. 45,103, § 1(Exh. A), 5-21-13; Ord. No. 45,184, § 2(Exh. A), 7-23-13; Ord. No. 45,305, § 1(Exh. A), 11-26-13; Ord. No. 45,382, § 2(Exh. A), 12-17-13; Ord. No. 45,457, § 2(Exh. A), 2-25-14, eff. 4-1-14; Ord. No. 45,499, § 1(Exh. A), 3-25-14; Ord. No. 45,523, § 2(Exh. A), 4-22-14; Ord. No. 45,628, § 1(Exh. A), 7-22-14; Ord. No. 45,631, § 1(Exh. A), 7-22-14; Ord. No. 45,747, § 1(Exh. A), 10-28-14; Ord. No. 45,769, § 1(Exh. A), 11-25-14; Ord. No. 45,946, § 1(Exh. A), 5-19-15; Ord. No. 46,108, § 1(Exh. A), 10-27-15)

## **ARTICLE III. REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS**

### **CHAPTER 17: LANDSCAPE PLANTINGS AND BUFFERS**

#### **17-1 Purpose statement.**

The purpose of this chapter is to provide for the landscape planting and buffering of all building sites and parking areas which are subject to site plan review. These regulations are intended to protect and promote the public health, safety, and general welfare by preventing soil erosion; providing shade; protecting from excessive noise, glare, and heat; conserving natural resources of air and water; enhancing the overall appearance of development sites; and facilitating a convenient, attractive, and harmonious streetscape and community. These provisions are also intended to help implement the policies in the General Plan of Norfolk. (Ord. No. 42,529, § 1(Exh. A), 1-30-07)

#### **17-2 Scope of application.**

The standards contained within this chapter shall apply to all uses in zoning districts which require site plan review. The requirement for site plan review of a proposed use or structure is set forth in the district regulations in Article II of this ordinance. Site plan review provisions are set forth in Article V, Chapter 26. (Ord. No. 42,529, § 1(Exh. A), 1-30-07)

#### **17-3 Landscape plan.**

17-3.1 Requirement of a landscape plan. A landscape plan shall be submitted as part of the site plan review process set forth in Chapter 26. Such plans shall be reviewed and approved by the department of neighborhood and leisure services and the department of planning. The department of neighborhood and leisure services shall not approve any landscape plan unless it conforms to the provisions of this chapter and standards that may be established by the Department.

17-3.2 Contents of the landscape plan. Fifteen copies of a landscape plan prepared by and signed by either a Registered Landscape Architect, Certified Landscape Designer, Virginia Certified Horticulturist or a person with a horticulture or related degree shall be submitted to the department of planning to coordinate review by city departments. Proposed landscape treatment shall be indicated on the landscape plan and shall not be shown on any separately required site plan. Each landscape plan shall be drawn to engineer's scale, shall show the placement of individual plants and shall include the following information:

- (a) Title of project.
- (b) Street address of the project.
- (c) Name of Registered Landscape Architect, Certified Landscape Designer or Virginia Certified Horticulturist.
- (d) Distance from the property to nearest intersecting street.
- (e) North arrow, scale (1"=20' preferred, no scale smaller than 1"=40'), date and/or date of revisions.

- (f) The species (common name and botanical name), location and crown spread to scale of all trees existing on the site prior to construction with a caliper of six (6) inches or greater at breast height (four-and-a-half (4½) feet).
- (g) Zoning District boundaries and zoning designations of the site and adjacent properties.
- (h) Location, width and names of all existing/proposed streets and water courses.
- (i) All easements (provide size and purpose).
- (j) Location of all existing and proposed utilities, both overhead and underground.
- (k) Principal buildings, parking spaces, driveways, streets (public and private), right-of-way lines and property lines.
- (l) Location and type of trash disposal and details of screening.
- (m) Location, height, type and material of all fences, walls, screen planting and landscaping details of all buildings and grounds. Show each individual plant on the plan.
- (n) Square footage measures for the total site, building, parking and hard surface areas, and landscape areas. Show percentage of landscape area for the total project. For ten or more parking spaces, show percentage of interior landscape area.
- (o) Dimensions and distances of landscape strips as required in this chapter.
- (p) Plant list on the same sheet as the landscape plan. List key, quantity, botanical and common name of plant, size, root description (i.e., bare root or ball and burlap), spacing and any special descriptions or comments.
- (q) Planting details of trees, shrubs and ground covers.
- (r) Additional requirements for development as may be required within Chesapeake Bay Preservation Areas.
- (s) Berms and topographical lines at two (2) foot intervals.
- (t) Landscape notes indicating the following:
  - (1) All trees shall be a minimum of 2.5 inches in caliper and eight (8) feet in overall height at the time of installation and of a variety which shall attain a mature spread of at least twenty (20) feet.
  - (2) All plant materials shall meet the minimum specifications and standards described in the most current edition of American Standard for Nursery Stock, 1986, published by the American Association of Nurseryman, 1250 I Street, N.W., Suite 500, Washington, D.C. 20005.
  - (3) Planting season restrictions:
    - (i) All ball and burlap plant material shall be installed from October 15 to March 31, unless otherwise authorized by the department of neighborhood and leisure services.
    - (ii) All container grown plant material shall be installed from September 15 to May 15, unless otherwise authorized by the department of neighborhood and leisure services.
    - (iii) Any other dates not listed above in this section shall be considered out-of-season. In such cases, a bond or other form of surety covering the cost of installation of all landscape material and construction shall be required in conformance with provisions set forth in section 17-12.

17-3.3 Landscape design and materials. No plant materials shall be approved for use in any landscape planting plan unless they are judged suitable for planting in the City of Norfolk by the department of neighborhood and leisure services.

Where possible, existing vegetation which meets the standards prescribed by this chapter should be preserved and may be used to meet some or all of the landscaping requirements, when approved by the department of neighborhood and leisure services. When not suitable, new plant materials must be provided.

Trees and other plant materials may be planted in appropriate clusters or groups and need not be planted in linear or equidistant patterns, in the landscape areas. Trees shall be spaced a minimum of four feet from the edge of pavement or back of curb.

Trees and other plant materials shall be mulched with two to three inches minimum of bark mulch or other material commonly used for the purpose.

The zoning administrator, with the advice of the department of neighborhood and leisure services, may waive or modify any buffer requirement where the use of earth berms and/or existing topography will achieve the intent of this chapter.

(Ord. No. 42,529, § 1(Exh. A), 1-30-07)

#### **17-4 Landscape requirements for buildings and yards.**

Landscape requirements for building lots and yards shall be as follow:

17-4.1 Percentage of open space. At least ten (10) percent of the lot exclusive of parking areas, driveways and sidewalks, shall be open space. For purposes of this chapter, open space shall include required and optional plant materials as well as open areas covered with grass and/or ground cover.

17-4.2 Yard landscape planting requirement. For each twenty-five (25) feet of lot width, or portion thereof, there shall be at least one (1) tree planted in required front yards and corner side yards adjacent to a public street. No less than twenty-five (25) percent and no more than fifty (50) percent of trees shall be evergreen for the frontage requirement. With the approval of the department of neighborhood and leisure services, these required frontage trees may be planted on side and/or back yards, in order to provide greater design flexibility based on landscape requirements.

(Ord. No. 43,751, § 8(Exh. G), 3-2-10)

17-4.3 Facades. All facades fronting on a public street or other public space shall have continuous foundation planting except where precluded by access to parking spaces located under the building or by building entrances. In the case of additions to existing structures, the facades of both the addition and the existing structure shall be planted with continuous foundation planting. Front facades of buildings located on flag lots shall also have continuous foundation planting.

17-4.4 Trash containers. Trash containers shall be shielded from view by opaque masonry or concrete walls (exclusive of that area needed for accessibility for trash removal) designed to be compatible with the principal building that it serves. Where accessibility is necessary and the trash container is visible from any public right-of-way or residential zoning district, an opaque gate shall be provided. All walls and gates shall be a minimum of six (6) feet in height. Where such walls are visible from any public right-of-way or residential zoning district, there shall be sufficient planting of evergreen shrubs along the exposed wall to give the effect of a continuous landscape planting. Evergreen shrubs shall have a minimum height of thirty-six (36) inches at time of installation.

17-4.5 Loading berth. In addition to the requirements of 15-6.1(a), where a loading berth is screened by a concrete or masonry wall, a planting space of four (4) foot minimum width along the expanse of the wall shall be required to create the effect of continuous planting. Evergreen plants which are expected to reach a height of six (6) feet or greater within three (3) growing seasons based on the latest edition of Manual of Woody Landscape Plants, by Michael A. Dirr, published by Stipes Publishing, L.L.C., Champaign, Illinois, shall be planted in the planting space. Plants shall be a minimum of thirty-six (36) inches at the time of installation.

(Ord. No. 42,529, § 1(Exh. A), 1-30-07)

#### **17-5 Landscape requirements, parking lots.**

The intent of the planting requirements is to provide shade and screening for the parking area. Landscape requirements for parking lots shall be as follow:

17-5.1 Interior planting requirement. Any parking lot of ten (10) or more spaces shall be provided with ten (10) percent interior landscape planting area. Such interior landscape planting area shall be in addition to any perimeter landscape planting area required by section 17-5.3.

17-5.2 Landscape islands. Provide one (1) tree per 144 square feet of required interior landscape planting area. No island shall be less than sixteen (16) feet by eighteen (18) feet in size and must be spaced to provide an even distribution of shade. Linear islands are encouraged to provide continuous landscape planting areas and reduce pedestrian conflicts. If

linear islands are included in the design, they shall have a minimum width of eight (8) to twelve (12) feet and one (1) tree per twenty-five (25) linear feet. The species selected should be capable of providing shade at maturity. Shrubbery, hedges and other plant materials may be used to complement the tree, but shall not be used in locations where they would be subject to damage by car overhangs or the opening of car doors.

17-5.3 Perimeter landscape planting areas. Any parking lot of four (4) or more spaces shall be required to provide perimeter landscape planting areas as follow:

- (a) Where the parking lot perimeter is adjacent to an abutting zoning lot:
  - (1) A landscape planting area at least six (6) feet in width shall be located between the parking lot or any associated paved surfaces, and abutting property lines. Such planting area may be located within the buffer area required by section 17-8, below.
  - (2) At least one tree for each twenty-five (25) linear feet, or portion thereof, shall be planted in the landscape planting area.
  - (3) Fences and walls.
    1. In addition to the required trees mentioned above, where a parking lot abuts an area which is zoned residential, there shall be a fence, wall, hedge, or other durable evergreen landscape barrier planted or installed to ensure adequate screening for the entire length of the parking lot along the abutting property line(s) behind the required front yard of such parking lot. The height of such evergreen landscape barrier shall be no less than four (4) feet at time of installation. The height of any fence or wall shall be between four (4) and six (6) feet in height in one-family residential and historic zoning districts and between six (6) feet and eight (8) feet in height in all other districts.
    2. The finished side of any fence shall face the exterior of the property. If fence posts or supports are visible only from one side, then the opposite side shall be the finished side.
    3. Any wall shall be constructed of one or more of the following materials: stucco over concrete block, exposed aggregate concrete, brick, stone, or architectural block. Other materials may be permitted with the approval of the Planning Director or his authorized designee whenever such other materials provide a similar level of opacity as the materials listed herein and are compatible with the architecture of the surrounding development. Under no circumstances shall walls constructed of plain concrete cinder block be permitted.
    4. Where a nonliving barrier is constructed, there shall be at least one shrub for each three feet of nonliving barrier. Such shrubs shall be located between the barrier and the parking lot and may be planted in clusters if appropriate.
    5. Specifications of any fences or walls shall be detailed on the landscape plans.
- (b) Where the perimeter is adjacent to a public right-of-way:
  - (1) A landscape planting area a minimum of ten (10) feet in depth (exclusive of sidewalks or other walkways) shall be located between the parking lot and the property line. In corner side yards in the C-1 and C-2 Districts, the landscape planting area shall be a minimum of five (5) feet.
  - (2) At least one (1) tree for each twenty-five (25) linear feet, or portion thereof, of the landscape planting area shall be planted within the landscape planting area; provided, however, that up to fifty (50) percent of the required trees may be placed elsewhere on the lot on recommendation of the department of neighborhood and leisure services in order to achieve a better landscape effect. Such trees shall be in addition to those required by section 17-4.2.
  - (3) A landscape planting shall extend the entire length of the planting strip to screen the parking lot from the public right-of-way. This planting shall consist of evergreen shrubs; however, some deciduous shrubs and/or perennials may be accepted when their usage fulfills the screening requirement and enhances the

aesthetic quality of the planting design, subject to the approval of the department of neighborhood and leisure services.

(4) Shrubs specified to screen the parking area shall have a growth habit conducive to attaining a minimum height of thirty (30) inches within three (3) growing seasons. The latest edition of Manual of Woody Landscape Plants, by Michael A. Dirr, published by Stipes Publishing, L.L.C., Champaign, Illinois shall be the reference in determining growth habit.

(5) Shrubs specified to screen the parking area shall be a minimum of eighteen (18) inches in height at time of installation.

(6) A non-living, opaque screen may be used in combination with or in replacement of an ornamental planting. Non-living screening may be a berm or a low wall. The minimum height of a non-living screen shall be thirty (30) inches, measured from the top of the curb of the nearest adjacent parking area to the top of the berm or low wall, excluding columns or posts.

(7) A non-living, non-opaque fence may be used in combination with ornamental plantings. These plantings shall meet the intent of the screening requirement in section 17-5.3(b)(3)–(5).

(8) To ensure that landscape materials do not constitute a driving hazard, sight distance triangles as defined in Article 1, Chapter 2, shall be established at driveways and street intersections.

(Ord. No. 42,529, § 1(Exh. A), 1-30-07; Ord. No. 44,367, § 5(Exh. E), 9-13-11)

#### **17-6 Landscape requirements, parking garages.**

Landscape requirements for parking garages, including parking areas beneath occupied structures, shall be as follow:

17-6.1 *Facades.* All facades fronting on a public street or other public space shall have continuous foundation planting except where precluded by access to parking spaces located within or under the building or by building entrances. Visible parking areas beneath occupied structures shall be screened according to the requirements in 17-5.3(b).

17-6.2 *Trees.* For each twenty-five (25) feet of lot width, or portion thereof, there shall be at least one tree planted adjacent to a developed street. With the approval of the department of neighborhood and leisure services, frontage trees may be planted in side yards or tree belts.  
(Ord. No. 42,529, § 1(Exh. A), 1-30-07)

#### **17-7 Landscape requirement, automobile sales and service.**

Landscape requirements for automobile sales and service uses shall be as follow:

17-7.1 *Buffer yards.* There shall be a buffer yard minimally ten feet in width adjacent to all rights-of-way. Parking or storing of vehicles in buffer yards is prohibited.

17-7.2 *Trees.* At least one tree for each twenty-five (25) linear feet or portion thereof shall be planted in the landscape strip; provided, however, up to fifty (50) percent of the required trees may be placed elsewhere on the lot on recommendation of the department of neighborhood and leisure services in order to achieve a better landscape effect.

17-7.3 *Shrubs.* In addition to the required trees mentioned above, perimeter plantings within the buffer yard shall be required and shall conform to 17-5.3(b). With the approval of the department of neighborhood and leisure services, clustering of shrubs will be permitted in order to provide greater design flexibility based on landscape requirements.

...

(Ord. No. 42,529, § 1(Exh. A), 1-30-07)

#### **17-8 Buffer yards for nonresidential uses adjacent to residential uses.**

Where a nonresidential district abuts a residential district the following buffers shall be required.

17-8.1 *Extent of buffer yard.* Where a nonresidential district abuts a residential district, a buffer yard shall be maintained on the nonresidential lot along the abutting property lines. The extent of the buffer yard shall conform to the requirements of the following sections:

- (a) Commercial districts, see section 6-0.3(f).
- (b) Industrial districts, see section 7-0.3(d).

(c) Institutional District (IN-1), see section 10-2.5.

(d) Institutional Campus District (IN-2), see sections 10-3.6.

17-8.2 *Trees.* The buffer yard shall contain at least one tree for every four hundred (400) square feet of buffer yard area. The remainder of the buffer yard shall be planted in shrubs, grass, and/or flowers.

...

(Ord. No. 42,529, § 1(Exh. A), 1-30-07; Ord. No. 44,367, § 6(Exh. F), 9-13-11)

#### **17-10 Planting season.**

Installation of landscape materials shall be done during the appropriate planting season as listed below to insure plant survival to the greatest extent feasible.

The appropriate planting season for ball and burlap stock shall be between October 15 and March 31 and the appropriate planting season for container grown nursery stock shall be between September 15 and May 15.

(Ord. No. 42,529, § 1(Exh. A), 1-30-07)

#### **17-11 Maintenance.**

With the intent of the original landscape plan and within the intent of this ordinance, the site shall be maintained in perpetuity. The property owners and their agents shall be responsible for providing, protecting, and maintaining all landscaping in a healthy and growing condition, replacing dead or damaged vegetation, and keeping all landscaped areas free of refuse and debris.

(Ord. No. 42,529, § 1(Exh. A), 1-30-07)

#### **17-12 Installation of required landscape planting.**

No certificate of occupancy for the proposed construction shall be issued by the building official of the department of planning until the applicant has properly installed the landscape planting in accordance with the approved landscape plan in a manner deemed satisfactory to the department of neighborhood and leisure services, with the following exception:

At the applicant's option, the property may be occupied prior to the installation of required landscape materials by posting a bond or other form of surety in an amount estimated by the department of neighborhood and leisure services for value of landscape construction that needs to be completed. Upon receipt of assurance documents, determined acceptable to the department of neighborhood and leisure services, the Department will notify the building official in the department of planning that a certificate of occupancy can be issued. At the next available planting season, the property owner shall undertake the work that needs to be completed. Following successful inspection by the department of neighborhood and leisure services, the Department will release the bond and notify the building official that the project is completed.

(Ord. No. 42,529, § 1(Exh. A), 1-30-07)

#### **17-13 Tree preservation.**

Whenever possible, existing trees that are healthy and with an attractive form shall be preserved in their location. When considering trees for retention, young trees are more adaptable to site modifications than are older, more established trees. Therefore, young trees should be favored. Existing trees to be retained shall be clearly marked with brightly colored, non-fading plastic flagging tape. Special precautions shall be made during construction to prevent damage to such flagged trees.

17-13.1 *Tree preservation fencing techniques.*

(a) *Installation of fencing:* Approved protective tree fencing shall be installed along the outer edge of and completely surrounding the critical root zones of all trees marked for retention, prior to any land disturbance, and shall remain in place and in good repair until project completion. In no case shall the protective fence be installed inside the tree's critical root zone unless otherwise specified by the department of neighborhood and leisure services.

(b) Grading and construction equipment: All grading and construction equipment, construction material, supplies, and vehicles shall remain outside of tree preservation fencing.

(c) No materials shall be stored inside the tree preservation fencing.

17-13.2 Removal of trees designated for preservation. In the event that a tree designated for preservation is destroyed or permanently disfigured or significantly damaged during the construction process, the tree shall be replaced with a new tree or trees. The replacements shall total the same number of caliper trunk inches as that of the tree(s) destroyed in diameter at common breast height.

(Ord. No. 42,529, § 1(Exh. A), 1-30-07)

#### **17-14 Tree and vegetation removal.**

17-14.1 Tree and vegetation removal from Chesapeake Bay Preservation Act (CBPA) buffer. Removal of trees and vegetation within the CBPA buffer shall conform to provisions of Chapter 26 of the Zoning Ordinance of the City of Norfolk, 1992.

17-14.2 Protection and removal of tree and vegetation on City of Norfolk property. The protection or removal of existing trees or any other vegetation from the City of Norfolk property, including public rights-of-way, shall conform to Chapter 45 of the Norfolk City Code, 1979.

(Ord. No. 42,529, § 1(Exh. A), 1-30-07)

### **ARTICLE V. AMENDMENTS AND SPECIAL APPROVALS**

#### **CHAPTER 25: SPECIAL EXCEPTIONS**

##### **25-10 Special standards and regulations pertaining to certain types of special exception uses.**

In addition to the general standards and considerations contained in section 25-9 which apply to all special exception uses, the following standards and regulations shall apply to the particular uses listed below:

...

25-10.5 Communication tower:

...  
(f) Screening requirements:

(1) At least one row of shrubs capable of forming a continuous hedge at least five (5) feet in height shall be provided at the base of the tower, with individual plantings spaced not more than five (5) feet apart, and at least one row of trees spaced not more than twenty-five (25) feet apart shall be provided in accordance with Chapter 17, Landscaping and Buffers.

(2) For accessory buildings and structures, landscaping shall be provided in accordance with Chapter 17, Landscaping and Buffers.

...

...

25-10.8 Commercial drive-through facility:

(a) Site plan required. A site plan shall be submitted and approved for all proposed commercial drive-through facilities in accordance with the procedures and requirements of Article V, Chapter 26 of the Zoning Ordinance. In addition to the landscape requirements of Article III, Chapter 17, the site plan shall illustrate compliance with the following requirements if the proposed commercial drive-through facility is located within fifty (50) feet of a street and is situated between a building and such street:

(1) A landscape planting area at least three (3) feet in width is provided along the perimeter of those property lines that face the commercial drive-through facility;

(2) Canopy trees (or understory trees if overhead power lines would interfere with canopy trees) are provided at a rate of one (1) two and one-half-inch (2½) caliper tree for every forty (40) linear feet of street frontage; and

(3) Shrubs are planted at a rate of one (1) fifteen-inch-high shrub for every three (3) linear feet of roadway frontage, excluding driveways. Except within sight distance triangles, such shrubs shall be of a species expected to reach a



minimum height of thirty (30) inches and a minimum spread of thirty (30) inches within three (3) to five (5) years of planting and a minimum of sixty (60) percent of all shrubs used shall be evergreens.

...  
...

(Ord. No. 37,411, § 2, 10-12-93; Ord. No. 38,217A, § 4, 12-12-95; Ord. No. 38,766, § 1, 5-27-97; Ord. No. 38,880, § 2, 8-26-97; Ord. No. 39,028, § 7, 1-27-98; Ord. No. 39,085, § 1, 3-24-98; Ord. No. 40,238, § 1, 3-6-01; Ord. No. 40,664, § 2(Exh. A), 4-9-02; Ord. No. 42,404, § 2(Exh. B), 9-19-06; Ord. No. 42,785, § 1(Exh. A), 8-21-07; Ord. No. 43,511, § 4(Exh. D), 7-14-09; Ord. No. 43,655, § 3(Exh. D), 11-17-09; Ord. No. 43,928, § 1(Exh. A), 7-22-10; Ord. No. 43,939, § 1(Exh. A), 8-17-10; Ord. No. 44,200, § 7(Exh. G), 4-12-11; Ord. No. 44,367, § 7(Exh. G), 9-13-11; Ord. No. 44,705, § 1(Exh. A), 6-12-12; Ord. No. 44,851, § 1(Exh. A), 10-9-12; Ord. No. 45,052, § 3(Exh. C), 4-9-13; Ord. No. 45,184, § 13(Exh. M), 7-23-13; Ord. No. 45,260, § 2(Exh. B), 10-8-13; Ord. No. 45,424, § 3, 2-11-14; Ord. No. 45,457, § 13(Exh. M), 2-25-14, eff. 4-1-14; Ord. No. 45,496, §§ 5(Exh. D), 6(Exh. E), 7, 8(Exh. F), 3-25-14; Ord. No. 45,523, § 5(Exh. D), 4-22-14; Ord. No. 45,747, § 5(Exh. E), 10-28-14; Ord. No. 45,768, § 1(Exh. A), 2, 11-25-14)

## **CHAPTER 26: SITE PLAN REVIEW**

### **26-13 Chesapeake Bay Preservation Areas.**

Plan submission requirements in a Chesapeake Bay Preservation Area (CBPA) shall conform to the provisions of section 26-13.1 or section 26-13.2 as defined below:

...

26-13.4 Landscape plan; additional requirements for Chesapeake Bay Preservation Areas. A landscape plan shall be submitted for approval in conjunction with the CBPA major site plan review process. In addition to the requirements of Article III, Chapter 17, section 17-3 the plan shall also include the following:

- (a) Within the buffer area, trees to be removed for sight lines, vistas, and access paths shall be shown on the plan. Vegetation required by Chapter 45 of the City Code to replace any existing trees within the buffer area shall also be shown on the landscape plan.
- (b) Trees to be removed for shoreline stabilization projects and any replacement vegetation required by this section shall be shown on the landscape plan.
- (c) The plan shall depict grade changes or other work adjacent to trees which would affect them adversely. Specifications shall be provided as to how grade, drainage, and aeration would be maintained around trees to be preserved.
- (d) The landscape plan shall include specifications for the protection of existing trees during clearing, grading, and all phases of construction in accordance with the provisions of Chapter 45 of the City Code.
- (e) Where areas to be preserved, as designated on an approved landscape plan, are encroached, replacement of existing trees and other vegetation shall be in accordance with Chapter 45 of the City Code.

...

26-13.6 Water quality impact assessment. A water quality impact assessment shall be required for any development except those uses exempt from the stormwater management requirements in section 42.5-7(f) of the City Code, which (1) exceeds 5,000 square feet of land disturbance or land disturbing activity within Chesapeake Bay Preservation Areas and requires any modification or reduction of the landward fifty (50) feet of the 100-foot buffer area; (2) disturbs any portion of any other component of a resource protection area or disturbs any portion of the buffer area within fifty (50) feet of any other component of a resource protection area; or (3) is located in a resource management area and is deemed necessary by the director. The information required in this section shall be considered a minimum, unless the director determines that some of the elements are unnecessary due to the scope and nature of the proposed use and development of land or when the elements of the assessment are duplicative of information submitted in other required plans under this article.

The following elements shall be included in the preparation and submission of a water quality assessment:

...

(c) A landscape element that in addition to the requirements under section 26-13.4 includes a description of the potential measures for mitigation. Possible mitigation measures include:

- (1) Replanting schedule for trees and other significant vegetation removed for construction, including a list of possible plants and trees to be used.
- (2) Demonstration that the design of the plan will preserve to the greatest extent possible any significant trees and vegetation on the site and will provide maximum erosion control and overland flow benefits from such vegetation.
- (3) Demonstration that indigenous plants are to be used to the greatest extent possible.

...

(Ord. No. 39,339, § 1, 10-20-98; Ord. No. 41,544, § 1, 8-24-04; Ord. No. 41,722, §§ 11–13, 2-15-05; Ord. No. 45,531, § 2(e)(Exh. F), 5-13-14, eff. 7-1-14)

## **CHAPTER 27: PLANNED DEVELOPMENT (PD)**

### **27-8 Development plan.**

The development plan submitted pursuant to section 27-6 shall contain the following information either on the plan itself or in an accompanying document:

...

(i) The location and type of all existing trees with a caliper of eight inches or greater. The plan shall indicate which of the trees are to be retained and which are to be removed.

(j) A landscape plan showing the location, description and sizes of all new plant material.

...

### **27-11 Standards for Planned Development Districts.**

In reviewing an application for a PD District, the planning commission and the city council shall consider the following standards and criteria:

27-11.1 General standards and criteria.

...

(e) Useability and preservation of common open space in planned residential developments. Where common open space is provided, it shall meet the following standards.

...

- (5) No portion of a planned development shall be conveyed or dedicated to public use by the developer or any other person to any public body or homeowner's association unless the character and quality of the tract to be conveyed makes it suitable for the purposes for which it is intended, taking into consideration the size and character of the dwellings to be constructed within the residential planned development, the topography and existing trees, ground cover, and other natural features; the manner in which the open space is to be improved and maintained for recreational or amenity purposes; and the existence of public parks or other public recreational facilities in the vicinity.

...

...

### **27-31 Promenade Pointe Apartments Residential Planned Development (PD-R Promenade Pointe).**

...

27-31.6 Landscaping.

(a) Interior parking lot green space.

- (1) This district shall provide green space for parking lot of not less than ten (10) percent of the entire parking field, excluding those portions of the field that

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are covered by any portion of a building. Such calculation may include any green space buffer areas provided between the paved parking surface and Tidewater Drive or Roland Drive.

(2) The minimum width of linear islands within the parking lot shall be six (6) feet. Typical landscape islands within the parking lot shall be a minimum of seven (7) feet wide and eighteen (18) feet long.

(b) Streetscape.

(1) A landscape buffer not less than eight (8) feet wide shall be established for the entire length of the property frontage along Tidewater Drive and Roland Drive.

(2) Along all portions of the property frontage along any streets that are not located in a wetland area, a four-foot-tall masonry or stone wall located three (3) feet from the property line shall be installed. The space between the wall and the property line shall be improved with evergreen shrubs to be maintained at a maximum height of three (3) feet. The side of the wall facing the interior of the property shall be improved with a mixture of evergreen and canopy trees consistent with the requirements of Chapter 17, entitled "Landscape Plantings and Buffers".

(c) Plant materials. The selection of both large and small canopy trees shall be derived from that list of preferred trees for street development as published by the City of Norfolk, Division of Parks and Urban Forestry.

(1) Large canopy trees planted on site shall have a minimum caliper of two (2) inches and shall be twelve (12) to fourteen (14) feet in height at the time of planting.

(2) Small canopy trees shall be six (6) to eight (8) feet in height at the time of planting.

...  
(Ord. No. 45,184, § 14(Exh. N), 7-23-13)

**27-36 Water's Edge Mixed-Use Planned Development District (PD-MU-WE).**

...  
27-36.8 Landscaping. All landscaping shall comply with the provisions of Article III, Chapter 17, subject to the following modifications:

(a) Parking area plantings.

(1) Not less than eight (8) percent of the parking area shall be landscaped with grasses, trees, or other vegetation.

(2) Landscape islands within the parking area shall be a minimum of eight (8) feet in width and nineteen (19) feet in length.

(b) Plant materials.

(1) Large and medium shade trees shall be not less than two (2) inches in caliper at the time of planting.

(2) Small flowering trees shall be not less than eight (8) feet tall at the time of planting.

(3) Evergreen trees shall be not less than six (6) feet tall at the time of planting.

(4) The species and variety of trees planted on the property shall be derived from a list maintained by or approved by the City's Bureau of Parks and Forestry.

...  
(Ord. No. 45,184, § 14(Exh. N), 7-23-13)