

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

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PART II CODE

Chapter 30 ENVIRONMENT

ARTICLE III. EROSION AND SEDIMENT CONTROL

DIVISION 1. GENERALLY

Sec. 30-86. Definitions.

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

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

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

Transporting means any moving of earth materials from one place to another, other than such movement incidental to grading, to the extent that erosion and sediment will result from the soil or earth materials over which such transporting occurs.

(Ord. of 1-13-03)

ARTICLE IV. STORMWATER MANAGEMENT

DIVISION 2. DEFINITIONS Modified

Sec. 30-137. Definitions. Added

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

Best management practice (BMP) means schedules of activities, prohibitions of practices, including both structural and nonstructural practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters and groundwater systems from the impacts of land-disturbing activities.

Development means land disturbance and the resulting landform associated with the construction of residential, commercial, industrial, institutional, recreation, transportation or utility facilities or structures or the clearing of land for non-agricultural or non-silvicultural purposes.

Land disturbance or land disturbance activity means a man-made change to the land surface that potentially changes its runoff characteristics including clearing, grading, or excavation except that the term shall not include those exemptions specified in section 30-133(b) of this article.

Stormwater means precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.

Chapter 90 UTILITIES

ARTICLE III. WATER AND SEWAGE DISPOSAL DIVISION 2. WATERWORKS SYSTEM AND WATER SUPPLY Subdivision II. Water Conservation

Sec. 90-97. Determination by council; use restrictions.

Whenever the council, by resolution duly adopted, deems that the city's public water supply may be jeopardized due to minimal rainfall and thus adversely affect the safety and welfare of the citizens, it shall be unlawful for such period as specified in the aforesaid resolution for any person to use water for any of the following purposes:

- ...
- (3) Watering of outside shrubbery, trees, lawns, grass, plants or any other vegetation, except from a watering can or other container not exceeding three-gallon capacity. This limitation shall not apply to greenhouse or nursery stocks which may be watered in the minimum amount required to preserve plant life before 8:00 a.m. or after 6:00 p.m.

...

(Code 1969, § 16-21.2)

ARTICLE V. WATER EMERGENCIES

Sec. 90-395. Water conservation measures.

Upon a determination by the city manager or his designee of the existence of the following conditions, the city manager shall take the following actions that shall apply to all water users in the city:

- ...
- (3) Drought emergency. As drought conditions continue to worsen, a drought emergency may be declared by the city manager or their designee. When a drought emergency is declared, the following mandatory water restrictions are imposed:

- ...
- Watering outdoor vegetation will be prohibited, except from a watering can or other container not exceeding three gallons in capacity or with recycled water. Any person regularly engaged in the sale of plants will be permitted to irrigate only in amounts necessary to prevent the loss of nursery stock;

...

(Ord. of 10-24-2011)

Chapter 94 VEGETATION

Sec. 94-1. - Cutting grass, weeds, etc.

All persons shall keep their premises, whether owned, leased, occupied, or in their charge, clear of grass, weeds and other foreign growth and, if after written notice from the city manager or the building official, such grass, weeds and foreign growth are not cut within a period of 15 days from such notice, then the person in question shall be guilty of a class 4 misdemeanor. After the expiration of such 15 days, the city manager or the building official may cause such grass, weeds and other foreign growth to be cut and removed, where necessary, and the cost thereof shall thereupon be chargeable to and be collected from the

owner of the premises in question, or the person leasing, occupying or having such premises in his charge, as taxes or levies are or may be collected.
(Code 1969, § 24-28; Ord. of 3-10-97(5))

Chapter 95 PUBLIC TREES

Sec. 95-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have these meanings respectively ascribed to them:

Beautification division. The division of the street and general maintenance department responsible for the master planning of public trees under this chapter.

City horticulturist. The person within the beautification division, or his/her representative, assigned to carry out certain duties of the chapter.

Park. All public parks, or public open spaces having individual names.

Property line. The right of way line of a street or highway.

Property owner. The person owning real property as shown by the records in the clerk's office of the circuit court for the city.

Public trees. All shade and ornamental trees now or hereafter growing on any public areas including but not limited to parks, city buildings and facilities, and public rights-of-way.

Street or highway. The entire width of every public way or right-of-way when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular and pedestrian traffic.

Treelawn. That part of a street or highway, not covered by a sidewalk or other paving, lying between the property line and that portion of the street or highway usually used for vehicular traffic.

(Ord. of 1-10-00)

Sec. 95-2. Master street tree plan.

(a) The city horticulturist shall have the authority to formulate, administer, and amend a master street tree plan. The master street tree plan shall specify the species of trees to be planted on each of the streets or other public sites of the city. From and after the effective date of the master street tree plan, or any amendment thereof, all planting shall conform thereto whenever possible.

(b) The horticulturist shall consider all existing and future utility and environmental factors when recommending a specific species for each of the streets and other public sites of the city.

(Ord. of 1-10-00)

Sec. 95-3. Obstruction.

Duty of occupant. It shall be the duty of any person or persons owning or occupying real property bordering on any street upon whose property there may be trees or other vegetation, to prune such trees or vegetation in such manner that they will not interfere with utility lines on the city right-of-way, obstruct the passage of pedestrians on sidewalks,

obstruct the view of any street or alley intersection, or obstruct view of any traffic control devices (including but not limited to signs and traffic signals). Suggested minimum vertical clearance of any overhanging portion thereof shall be eight feet over sidewalks, and 16 feet over all streets. Suggested minimal horizontal distance to any traffic signal equipment, traffic control signs, or utility lines should be ten feet. If the occupant fails to perform these duties, city maintenance crews or other tree maintenance crews authorized by the city shall have the right to prune for such clearance over city rights-of-way for safety and accessibility as needed. City maintenance crews or other tree maintenance crews authorized by the city shall have the right to maintain public trees located in the city right-of-way.
(Ord. of 1-10-00)

Sec. 95-4. Abuse or mutilation of public trees.

Unless specifically authorized by the city horticulturist, no person shall intentionally damage, cut, carve, transplant or remove any public tree; nor attach any rope, wire, nails, staples, advertising posters, or other contrivance to any public tree; nor allow any gas, liquid, or solid substance which is harmful to such trees to come in contact with them; nor set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any public tree. Any person violating the provisions of this section shall be guilty of a class 2 misdemeanor and, in addition thereto, shall be responsible for the cost of repair or replacement of any public tree so damaged.

It shall be unlawful as a normal practice to top any public tree. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wire or other obstruction where other pruning practices are impractical may be exempted from this ordinance at the determination of the city horticulturist.

(Ord. of 1-10-00)

Sec. 95-5. Protection of trees.

All public trees near any excavation or construction of any building structure, or street work, shall be guarded with a fence, frame, or box not less than four feet high and eight feet square or at a distance in feet from the tree equal to the diameter of the trunk in inches (diameter measured at breast height), whichever is greater, and all building material, dirt, or other debris be kept outside the barrier.

No person shall excavate any ditches, tunnels, or trenches within a distance of ten feet from a public tree without first obtaining written approval from the beautification division.

(Ord. of 1-10-00)

Sec. 95-6. Placing materials on public property.

No person shall deposit, place, store, or maintain upon any public place of the city, any stone, brick, sand, concrete, or other materials which may impede the free passage of water, air, and fertilizer to the roots of any tree growing thereon, except by written permit of the beautification division. In the event of an emergency or in order to repair existing utilities, these written permits may be waived.

(Ord. No. 1-10-00)

Sec. 95-7. Removal, planting, replanting, and replacement.

Whenever practical, the city shall replace a tree or trees in a treelawn when such trees are removed for street or highway paving.

No person, other than the city, shall remove a tree from the treelawn for the purpose of construction, or for any other reason, without first filing an application and procuring a permit from the city horticulturist, and without replacing the removed tree or trees to the

satisfaction of the horticulturist. The person or property owner shall bear the cost of removal and replacement of all trees removed.

No person shall plant a tree on city property or right of way contrary to the master street tree plan. Any such planting may be removed by the city at the cost of such person. Any person violating the provisions of this section shall be guilty of a class 2 misdemeanor. (Ord. of 1-10-00)

Sec. 95-8. Timing of application for permits.

Application for permits required by the provisions of this article shall be made at the office of the city horticulturist not less than 72 hours in advance of the time the work is to be done.

(Ord. of 1-10-00)

Sec. 95-9. Decision review.

The director of streets and general maintenance shall have the right to review the conduct, acts, masterplanning, and decisions of the city horticulturist. Any person may appeal from any ruling or order of the city horticulturist to this director. If not satisfied by the decision of this director, the city manager shall review the matter and his/her decision shall be final.

(Ord. of 1-10-00)

Chapter 106 ZONING

ARTICLE I. GENERAL PROVISIONS

Sec. 106-104. Purpose.

(A) This chapter, and any amendments hereto, have been adopted for the general purpose of implementing the Comprehensive Plan of the City of Salem, and for the purpose of promoting the health, safety, and/or general welfare of the public. To these ends, this chapter is designed to give reasonable consideration to each of the following purposes:

1. Provide for adequate light, air, convenience of access, and safety from fire, flood, crime, and other dangers;
2. Reduce or prevent congestion in the public streets;
3. Facilitate the creation of a convenient, attractive and harmonious community;
4. Facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements;
5. Protect against destruction of, or encroachment upon, historic areas;
6. Protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health or property from fire, flood, panic or other dangers;
7. Encourage economic development activities that provide desirable employment and enlarge the tax base;
8. Provide for the preservation of agricultural and forestal lands;
9. Protect approach slopes and other safety areas of licensed heliports and airports;
10. Promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the city;
11. Protect surface and groundwater resources.

(Ord. of 3-14-05(2))

ARTICLE II. DISTRICT REGULATIONS

Sec. 106-230. Urban forest overlay district.

Sec. 106-230.1. Statement of intent.

(A) It is the intent of the Urban Forest Overlay District to promote healthy tree canopies within the City of Salem. The standards contained in this district help to increase both the number and size of trees in new development. These types of plants are important to maintaining general health as they reduce temperatures caused by urban heat islands, absorb carbon dioxide and other pollutants, and emit oxygen. This ordinance shall not apply to parcels zoned RSF or RMF.

Sec. 106-230.3. Establishment of urban forest overlay district.

(A) Urban Forest Overlay Districts shall include all parcels with frontage on one or more of the following roads:

1. West Main Street—Between 4th Street and the Western City Limits.
2. East Main Street—Between Thompson Memorial and Route 419.
3. Route 419.
4. Apperson Drive.
5. 4th Street—Between West Main Street and Union Street.
6. Wildwood Road.
7. Thompson Memorial Drive.

Sec. 106-230.5. Development regulations.

(A) Development regulations within the Urban Forest Overlay District shall be as specified in the underlying zoning districts, with the following additions:

1. A minimum of one tree, selected from section 106-230.9, per acre. Approved tree species in the Urban Forest Overlay District, shall be planted within the interior parking lot. Development on less than one acre shall also contain a minimum of one tree. No development shall be required to have more than five trees. Where multiple trees are required, a mix of different species from the list is encouraged.
2. In addition to item 1., when a new, expanded, or reconfigured parking area is required or proposed adjacent to a public street rights-of-way, one tree selected from section 106-230.9, approved tree species in the Urban Forest Overlay District shall be planted at 100 foot intervals, starting at the designated rights-of-way intersection, in order to maximize the beneficial environmental effects. All trees shall be planted ten feet behind the curb with a minimum eight foot radius landscaped area surrounding it. This requirement may be modified to allow for ingress and egress areas, signage or for other reasons at the discretion of the administrator. A list of planting locations shall be kept in the department of inspections and zoning.
3. All approved trees shall have a minimum caliper of three inches dbh (diameter at breast high) at the time of planting, be trained to a central leader, and have a minimum height of five feet.
4. Non-approved tree species may be used at the discretion of the administrator.
5. The locations of tree plantings may be left to the developer, but must be approved during the site plan review process.
6. The preservation of appropriate existing mature trees is encouraged and may count towards the required number of trees at the discretion of the administrator.

Sec. 106-230.7. Administration.

(A) All trees shall be locally adapted to the area and shall meet the specifications for the measurement, quality, and installation of trees outlined in this chapter.

(B) Landscaping shall not obstruct the view of motorists using any street, private driveway, parking aisles or the approach to any street intersection so as to constitute a traffic hazard or a condition dangerous to the public safety upon any such street, driveway, parking aisle, or street intersection. Required sight distances shall apply to street trees. Larger trees with a central leader should be limbed up a minimum of eight feet for visibility

and access. Trees with multiple leaders should be thinned. Any sight obstruction determined by the administrator shall be corrected immediately.

(C) The owner shall be responsible for the perpetual maintenance and protection of all trees required by this ordinance.

(D) Replacement of trees is permitted and shall be in accordance with the applicable provisions of this ordinance. Dead, unhealthy, or misshapen trees shall be replaced immediately by the owner.

(E) Maintenance includes actions necessary to keep trees neat and orderly in appearance and free of litter and debris. Pruning of trees shall be done in a manner that preserves the character of the tree and is not detrimental to the health of the tree.

(F) The administrator shall have the authority to enforce the requirements of this ordinance.

Sec. 106-230.9. Approved tree species in the urban forest overlay district.

(A) These tree species have been selected to grow to a minimum height of 20 feet and for other criteria such as absorption of ozone or particulate matter.

Approved trees: (NOTE: pH and soil samples are strongly recommended before selecting a particular species.)

Interior Parking Lots (As required under 106-203.5 A1.)	Size at Maturity	Shape
'Regal' Elm	55' tall x 30' wide	Pyramidal
'Allee' Elm	60' tall x 50' wide	Vase
'Regal' Elm	55' tall x 30' wide	Pyramidal
'Autumn Blaze' Maple	50' tall x 40' wide	Oval
'Red Sunset' Maple	50' tall x 40' wide	Oval
'Armstrong' Maple	60' tall x 15' wide	Fastigiated
Pin Oak	70' tall x 40' wide	Pyramidal
Willow Oak	60' tall x 40' wide	Pyramidal
'Green Vase' Zelkova serrata	65' tall x 45' wide	Vase
Redbud	25' tall x 25' wide	rounded
Serviceberry varieties	20' tall x 15' wide	Oval
Star Magnolia	20' tall x 20' wide	Pyramidal
Hedge maples	35' tall x 30' wide	Oval
'Winter King' Hawthorn	20' tall x 20' wide	Pyramidal
Disease resistant crabapple varieties	20' tall x 20' wide	rounded
Crepe Myrtle	20' tall x 20' wide	Vase
Snowgoose Cherry	20' tall x 20' wide	oval
Yoshino Cherry	35' tall x 35' wide	rounded
Kwanzan Cherry	35' tall x 35' wide	Vase

Interior Parking Lots (As required under 106-203.5 A2.)	Size at Maturity	Shape
Redbud	25' tall x 25' wide	Rounded
Serviceberry varieties	20' tall x 15' wide	Oval
Star Magnolia	20' tall x 20' wide	Pyramidal
Hedge maples	35' tall x 30' wide	Oval
'Winter King' Hawthorn	20' tall x 20' wide	Pyramidal
Disease resistant crabapple varieties	20' tall x 20' wide	Rounded
Crepe Myrtle	20' tall x 20' wide	Vase
Snowgoose Cherry	20' tall x 20' wide	Oval
Yoshino Cherry	35' tall x 35' wide	Rounded
Kwanzan Cherry	35' tall x 35' wide	Vase

(Ord. of 2-11-08)

Sec. 106-232. Industrial park overlay district.

Sec. 106-232.5. Site development regulations.

(A) Notwithstanding the requirements of article IV, herein, the development regulations within the industrial park overlay district shall be as specified in the underlying zoning districts, with the following exceptions:

1. The front yard setback shall be a minimum of eight feet from the street right-of-way. For parcels adjacent to the Roanoke River, the rear yard setback shall be a minimum of eight feet from normal high water elevation.
2. For parcels adjacent to the Roanoke River, an eight-foot landscape buffer yard from normal high water elevation shall be established and reserved for natural vegetation.
3. When parcels abut a different zoning classification, a 15-foot buffer yard with two rows of large evergreen trees shall be planted within the buffer.
4. No perimeter landscaping as required under section 106-402.7 between parking areas and adjacent properties is required for parking lots with fewer than 100 parking spaces.
5. Planting islands at the ends of parking rows are not required for parking lots with fewer than 100 parking spaces.
6. Regardless of the number of parking spaces, rows of more than 20 parking spaces shall be broken up with an island containing at least one tree.
7. Front yard setbacks shall be professionally designed and landscaped with a combination of evergreen shrubs and deciduous trees. The required number of shrubs shall be a minimum of one shrub per 25 linear feet of frontage. The required number of deciduous trees shall be a minimum of one tree per 100 linear feet of frontage. These plantings may be grouped with the approval of the administrator.
8. Each parcel shall have a minimum of one canopy tree, as defined in section 106-230.9, per 100 parking spaces. For parcels containing fewer than 100 parking spaces, a minimum of one such tree shall be provided. These trees shall be located within large planting areas so as to shade parking areas or buildings.
9. Stormwater areas may be landscaped with bog plants, or as rain gardens, in conjunction with city stormwater regulations. Stormwater areas may include appropriately adapted trees or plants, which may count towards the overall landscaping requirements.
10. Structures that encroach into the front setback at the time of the adoption of this ordinance are exempt from the provisions of section 106-402.23(4). However all other requirements of section 106-402.23 are in full force and effect, as well as the requirements in section 106-526
(Ord. of 1-23-2012)

Sec. 106-232.7. Administration.

(A) The owner shall be responsible for the perpetual maintenance and protection of all landscaped areas required by this ordinance.

(B) Replacement of trees is permitted and shall be in accordance with the applicable provisions of this ordinance. Dead, unhealthy, or misshapen trees shall be replaced immediately by the owner.

(C) Maintenance includes actions necessary to keep trees neat and orderly in appearance and free of litter and debris. Pruning of trees shall be done in a manner that preserves the character of the tree and is not detrimental to the health of the tree.

(D) The administrator shall have the authority to enforce the requirements of this ordinance.

(Ord. of 1-23-2012)

ARTICLE III. USE AND DESIGN STANDARDS

Sec. 106-304. Residential uses.

Sec. 106-304.17. Townhouse.

...
(B) Townhouse Development Standards: The following minimum standards refer to the overall design of the site, and not to individual townhouse lots.

- ...
6. When buffer yards are not required between zoning districts of different intensities, a minimum 25-foot setback shall be established between the townhouse groupings and adjacent properties. This area shall be professionally landscaped with a combination of trees and shrubs, and shall be free of all physical improvements including parking areas, except for the following:
 - a. Pedestrian walkways and sidewalks.
 - b. Privacy fences in rear yards.
 - c. Accessory buildings in rear yards.
 - d. Retaining walls.

...
(Ord. of 3-14-05(2); Ord. of 10-8-2012)

Sec. 106-306.3. Community recreation.

(A) Any outdoor activity area, swimming pool or ball field or court that adjoins a residential use type shall be landscaped with one row of small evergreen trees in accordance with section 106-402 of this chapter.

Sec. 106-310. Commercial uses.

Sec. 106-310.13. Personal storage.

(A) General standards:

- ...
7. Outdoor storage areas shall be used for the storage of motor vehicles, trailers, and recreational vehicles only. All outdoor storage areas shall be screened from adjoining properties by a ten foot landscaped area consisting of small evergreen trees and evergreen shrubs in accordance with section 106-402

...
(Ord. of 3-14-05(2))

Sec. 106-312. Industrial uses.

Sec. 106-314.5. Towers.

...
(R) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the support buildings from adjacent property. The standard buffer shall consist of a landscaping strip of at least four feet wide outside the perimeter of the compound. Existing mature tree growth and natural land form on the site shall be preserved to the maximum extent possible.

...
(Ord. of 3-14-05(2))

ARTICLE IV. DEVELOPMENT STANDARDS

Sec. 106-402. Buffer yards, screening and landscaping.

(A) It is the intent of these provisions to promote the public health, safety and welfare by reducing common conflicts associated with incompatible abutting land uses. It is also the intent of these provisions to promote the protection of the natural environment through plantings that absorb gaseous emissions and improve air and water quality. To the ends, these requirements seek to ease transition among different uses by reducing noise, glare, dust and overcrowding, redirecting emissions, confining litter, maintaining property values,

protecting neighborhood character, promoting visual harmony, restricting passage, promoting peaceful enjoyment and privacy and enhancing the natural environment. Further, the requirements seek to encourage innovation in landscape and architectural design. (Ord. of 3-14-05(2))

Sec. 106-402.1. General requirements.

(A) These provisions shall apply to all developments requiring a site plan as specified by this chapter. All required landscaped plans shall be prepared by a licensed professional knowledgeable of plant materials and landscape design. (Ord. of 3-14-05(2))

Sec. 106-402.3. Buffer yards.

(A) Buffer yards containing specified screening and plantings shall be required between zoning districts of different intensities as shown in Table 1. For each required buffer type, the developer of the site shall choose which option to install. Buffer yards shall be installed in the higher intensity zoning district.

(B) Required buffer yards shall be located such that they provide a visual and physical barrier between abutting zoning districts of different intensities and shall buffer and screen all exterior storage, service, refuse, maintenance, repair, processing, salvage, parking, and other similar areas. No use of the site may be extended beyond the required buffer yard.

(C) Required buffer yards shall not be located on any portion of any existing or dedicated public or private street or right-of-way, shall not obstruct the visibility of traffic circulation, and shall not interfere with the use of adjoining properties.

	Adjoining Zoning												
	AG	RSF	RMF	MHP	RB	DBD	TBD	HBD	BCD	LM	HM	CUD	PUD
Site Zoning	Category of Buffer Yard Required												
RMF	B	B	*	*	*	*	*	*	*	*	*	*	B
MHP	B	B	B	*	B	*	*	*	*	*	*	B	B
RB	B	B	B	B	*	*	*	*	*	*	*	*	*
DBD	B	B	B	B	*	*	*	*	*	*	*	*	B
TBD	B	B	B	B	*	*	*	*	*	*	*	*	B
HBD	B	B	B	B	*	*	*	*	*	*	*	B	B
BCD	B	B	B	B	*	*	*	*	*	*	*	B	B
LM	C	C	C	C	A	A	A	A	A	*	*	C	C
HM	C	C	C	C	A	A	A	A	A	*	*	C	C
CUD	B ¹	B ¹	B ¹	B ¹	B ¹	B ¹	B ¹	B ¹	B ¹	B ¹	B ¹	*	*
PUD	*	*	*	*	*	*	*	*	*	*	*	*	*

¹ Buffering and screening within the CUD shall only be required for industrial use types.

Type of Buffer Yard	Option 1	Option 2
A	Six-foot screening	Five-foot buffer yard, one row of evergreen shrubs
B	Eight-foot buffer yard, one row of small evergreen trees, one row of evergreen shrubs	15-foot buffer yard, one row of small evergreen trees
C	15-foot buffer yard, one row of large evergreen trees, one row of small evergreen trees	25-foot buffer yard, one row of large evergreen trees

(D) Required buffer yards, including screening and plantings shall be in place at the time of any occupancy or use of the property. Required plantings may be installed at the beginning of the first opportune planting season after any occupancy or use of the property.

(E) The buffer yard shall be reserved solely for screening and plantings, except for required pedestrian or vehicular access driveways to the property, passive recreation areas, or pedestrian or bicycle trails, which can be accommodated in a manner that preserve the intended screening function between abutting zoning districts of different intensities. In no case shall any portion of a required buffer yard be used for parking, service, refuse, storage, maintenance, or any other use that impairs the intended buffer function.

(F) The property owner or lessee shall have the responsibility to continuously maintain the required buffer yards, screening and plantings such that they continue to meet the specified standards and intent of this section. All materials shall present an attractive appearance and be of durable construction.

(Ord. of 3-14-05(2))

Sec. 106-402.5. Standards for buffer yard planting and screening.

(A) Planting required by this section shall be provided in accordance with the following standards:

1. Where required, all evergreen shrubs shall have a height of at least 24 inches at the time of planting and an ultimate height of six feet or more. One such shrub shall be planted for each three linear feet of buffer yard. Some evergreen shrubs that meet these standards are various types of hollies, yews, and junipers.
2. Where required, each small evergreen tree shall have a height of at least four feet at time of planting and an ultimate height of 15 feet or greater. One such tree shall be planted for each five linear feet of buffer yard. Some small evergreen trees that meet these standards are various types of pines, hollies, upright arborvitae and junipers.
3. Where required, each large evergreen tree shall have a height of at least six feet at the time of planting and an ultimate height of 50 feet or greater. One such tree shall be planted for each 15 linear feet of buffer yard. Some large evergreen trees that meet these standards are various types of pines, firs and hemlocks.
4. Existing evergreen trees and shrubs which meet the requirements of this section may be counted as contributing to total planting requirements.
5. All portions of buffer yard areas not containing plantings shall be seeded with lawn grass or other approved vegetative ground cover.

(B) Screening required by this section shall be provided in accordance with the following standards:

1. Screening shall be visually opaque and shall be constructed of a durable material. It shall be installed within the required buffer yard, and shall be continuously maintained.

2. Acceptable screening materials shall include stockade fences, decorative masonry walls, brick walls, and earth berms. Alternate materials may be approved, if in the opinion of the administrator, their characteristic and design meet the intent and standards of this section.

(Ord. of 3-14-05(2))

Sec. 106-402.7. Perimeter landscaping standards for parking lots.

(A) When a new, expanded, or reconfigured parking area is required or proposed adjacent to a public street rights-of-way, a landscaped planting strip shall be established between the parking area and the adjacent street rights-of-way. This required landscaped planting strip shall have a minimum width of eight feet, if the depth of any portion of the parking area is 60 feet or less when measured at a right angle to the street rights-of-way. The width of the required landscaped planting strip shall be increased by one foot for each additional five foot depth of parking area provided. No required landscaped planting strip shall be required to exceed a width of 50 feet.

(B) Within the required landscaped planting area, one deciduous tree shall be planted for each 320 square feet of landscaped area. All shade trees shall have a minimum caliper of two inches dbh at the time of planting and trained to a central leader. Lower limbs shall be removed to a clear trunk height of six foot as tree growth allows. Smaller ornamental/flowering trees may be used with the permission of the administrator. When used, these trees may retain their lower limbs, but must be planted with consideration of visibility and traffic flow.

(C) When buffer yards as specified in this section are not required, an eight foot wide landscaped planting strip shall be provided between all parking areas and adjacent properties. Within the required landscaped planting area, one deciduous tree shall be planted for each 160 square feet of landscaped area. All shade trees shall have a minimum caliper of two inches dbh at the time of planting and trained to a central leader. Lower limbs shall be removed to a clear trunk height of six foot as tree growth allows. Smaller ornamental/flowering trees may be used with the permission of the administrator. When used, these trees may retain their lower limbs, but must be planted with consideration of visibility and traffic flow.

(Ord. of 3-14-05(2))

Sec. 106-402.9. Landscaping of front setback areas.

(A) All front setback are as located between a building and a public street shall be professionally landscaped with a combination of trees, shrubs and groundcover.

(Ord. of 3-14-05(2))

Sec. 106-402.11. Use of existing woodland areas.

(A) In cases where quality woodland exists, preservation of existing trees between the parking lot and the adjoining right-of-way or property is encouraged and may be substituted for landscaping requirements at the discretion of the city horticulturist.

(Ord. of 3-14-05(2))

Sec. 106-402.13. Interior landscaping standards for parking lots.

(A) The following minimum standards for interior parking lot landscaping shall be met for all new, expanded or reconfigured parking areas containing 5,000 square feet or more of impervious area.

1. At least one deciduous shade tree shall be installed for every ten parking spaces provided. All shade trees shall have a minimum caliper of two inches dbh at the time of planting and trained to a central leader. Lower limbs shall be removed to a clear trunk height of six foot as tree growth allows. Smaller ornamental/ flowering trees may be used with the permission of the administrator. When used, these trees may

retain their lower limbs, but must be planted with consideration of visibility and traffic flow.

2. A continuous landscape strip shall be installed between every four rows of parking. This strip shall be a minimum of eight feet in width to accommodate required trees and shrubs.

3. Large planting islands (over 200 square feet) shall be located throughout the lot at the end of parking rows. These islands shall be planted with shade trees, low shrubs and/or ground cover.

4. Planting islands, with a minimum width of nine feet shall be provided between every 15 parking spaces to avoid long rows of parked cars. One deciduous shade tree shall be provided within each of these planting islands.

5. Within the interior of the parking lot, landscaping should be used to delineate vehicular and pedestrian circulation patterns, improve stormwater quality and to promote stormwater management objectives. Clear and legible signs and other techniques should be used to further direct the flow of both vehicular and pedestrian traffic within the lot.

(Ord. of 3-14-05(2); Ord. of 3-10-08(6))

Sec. 106-402.15. Planting and design guidelines.

(A) Use deciduous urban shade trees with ground cover or low shrubs as the primary landscape material. Avoid tall shrubs or low-branching trees that will restrict visibility.

(B) For planting islands that are parallel to spaces, islands shall be a minimum of nine feet wide to allow doors to open.

(C) For planting islands that are perpendicular to spaces, islands shall be a minimum of eight feet wide to allow for overhang of parked cars. If parking is only on one side of the island, an eight-foot width is still required.

(Ord. of 3-14-05(2))

Sec. 106-402.17. Maintenance of landscaping.

(A) The owner, tenant and their agents, if any, shall be jointly and severally responsible for the maintenance of all required and provided landscaping in good condition so as to present a healthy, neat and orderly appearance. All landscaped areas shall be kept free from refuse and debris.

(B) All landscaped area shall be provided with a readily available water supply with at least one outlet located within 150 feet of all planted areas. Drip-type irrigation systems are encouraged.

(C) All required or provided trees, shrubs, ground covers and other plant materials must be replaced during the first opportune planting season if they die or become unhealthy because of accidents, drainage problems, disease or other causes.

(D) Trees shall not be trimmed or topped so that advertisement signs may be visible. Trees shall instead be allowed to grow and at the appropriate time, the crown may be lifted.

(Ord. of 3-14-05(2))

Sec. 106-402.19. Modifications.

(A) The requirements of this section shall be applied equally to all similarly classified and situated properties but may be modified or waived by the administrator where the intent of this section is preserved and where the proposed developments of new use meets any of the following guidelines:

1. Natural land characteristics and/or existing vegetation would achieve the same intent of this section, provided such natural features are maintained and not modified by the development or use of the site;

2. Innovative landscape design, staggering of planting, screenings or architectural design would achieve the intent of this section;

3. The amount of required buffer yard would occupy more than ten percent of the total lot, parcel of land or development site, and proportional increases of planting and screening are added which are determined by the administrator to offset any reductions of the required buffer yard; or
4. The subject uses are separated by an alley, public utility right-of-way, water body or other physical separation. In such case, the width of the separating feature may replace the buffer yard requirements on a foot-for-foot basis, provided the intent of the applicable screening and planting requirements is met. Where such separating feature is wider than the applicable buffer year requirements, one row of the applicable planting requirements may be waived for every five feet of separation in excess of the required buffer yard; provided, however, that a minimum of one row of plantings or screening may be required.
5. When property lines abut an adjacent jurisdiction, the administrator shall determine the specific screening and buffering requirements along the property lines after consideration of the zoning designation and or land use of the adjacent property. Requirements shall not exceed those that would be required for similarly situated property within the city.
6. If site characteristics do not permit the compliance with these parking lot landscaping regulations and the requirements of section 106-404 (Off-Street Parking), then the administrator shall, after consultation with the city horticulturist, have the authority to determine which standards shall take precedent on the site.
7. The location and design of any required landscaped area may be modified by the administrator to achieve local stormwater management water quality objectives.

(Ord. of 3-14-05(2))

Sec. 106-402.21. Conflicting requirements.

(A) When buffering, screening or planting requirements are required by a conditional rezoning, or a special exception permit approved after the effective date of this chapter, and said requirements are in conflict with the requirements contained herein, the more restrictive requirements shall apply.

(Ord. of 3-14-05(2))

Sec. 106-402.23. Nonconforming uses and sites.

(A) Any lot or parcel of land having a lawful use that does not conform with the buffering, screening and landscaping provisions for this section shall be required to comply with these provisions if:

1. The lawful use is discontinued for more than two years; or
2. The lawful use is replaced in whole or in part by a higher intensity use type, i.e., commercial to industrial;
3. The associated building or structure containing the lawful use is removed; or
4. The associated building or structure containing the lawful use is enlarged, extended, reconstructed or structurally altered to the extent that costs exceed 25 percent of the building's or structure's fair market value prior to any improvement. For purpose of this section, all costs incurred from enlargement, extension, reconstruction or structural alteration of such structure during a three-year period shall be included in determining whether the costs of such improvements exceed 25 percent of the fair market value.

(Ord. of 3-14-05(2))

Sec. 106-402.25. Additional requirements for exterior storage, refuse disposal, etc.

(A) Any exterior area used for storage, service, maintenance, repair, processing, manufacturing, fabrication, salvage, refuse disposal, or other similar use that is visible from

a public street right-of-way, shall be screened with a buffer yard, screening and plantings meeting Type A standards listed in this section, and shall be provided in a manner which screens the use from view. Any area so used shall also be similarly screened from view of adjoining residences and business.

(Ord. of 3-14-05(2))

Sec. 106-402.27. Additional requirements for outdoor recreation uses.

(A) Where any area used for active outdoor recreation use, playground, tennis courts, swimming pool, or other similar use is located in a residential district, such use shall be screened from any adjoining residences with buffer yards, screening and plantings meetings Type B standards listed in this section.

(Ord. of 3-14-05(2))

ARTICLE VI. DEFINITIONS AND USE TYPES

Sec. 106-600. Definitions.

...

(C) The words and terms listed below shall have the following meanings:

Buffer yard. A yard improved with screening and landscaping materials required between abutting zoning districts of differing intensities or between adjoining land uses for the purpose of decreasing the adverse impact of differing uses and districts.

Land disturbing activity. Any land change which may result in soil erosion from water or wind and the movement of sediments into State waters or onto lands in the Commonwealth, including, but not limited to, clearing, grading, excavating, transporting and filling of land.

Landscaping. The improvement of the appearance of an area by the planting of trees, grass, shrubs, or other plant materials.

Screening. A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation. Screening is intended to substantially, but not necessarily totally obscure visual impacts between adjoining uses.

Yard. A required open space on a lot, unoccupied and unobstructed from the ground upward, unless otherwise provided by this chapter.

Yard, front. A yard between the building line and the street right-of-way extending across the full width of the lot.

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

Yard, side. A yard between the side line of the building and the side line of the lot extending from the front lot line to the rear lot line.

(Ord. of 3-14-05(2); Ord. of 12-12-05(7))

Sec. 106-602.1. Agricultural use types.

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

Agriculture. The use of land for the production of food and fiber, including farming, dairying, pasturage, agriculture, horticulture, viticulture, and animal and poultry husbandry. A garden accessory to a residence shall not be considered agriculture. The keeping of a cow, pig, sheep, goat, chicken or similar animal shall constitute agriculture regardless of the size of the animal and regardless of the purpose for which it is kept.

Forestry operations. The use of land for the raising and harvesting of timber, pulp woods and other forestry products for commercial purposes, including the temporary operation of a sawmill and/or chipper to process the timber cut from that parcel or contiguous parcels. Excluded from this definition shall be the cutting of timber associated with land development approved by the City of Salem, which shall be considered accessory to the development of the property.

(Ord. of 3-14-05(2); Ord. of 6-25-2012(2))

Sec. 106-602.9. Commercial use types.

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

Garden center. Establishments or places of business primarily engaged in retail or wholesale (bulk) sale, from the premises, of trees, shrubs, seeds, fertilizers, pesticides, plants and plant materials primarily for agricultural, residential and commercial consumers. Such establishments typically sell products purchased from others, but may sell some material which they grow themselves. Typical uses include nurseries, plant stores and lawn and garden centers.

(Ord. of 3-14-05(2); Ord. of 10-9-06(2); Ord. of 11-23-09; Ord. of 2-7-2013)