

THE CHARTER

CHAPTER II. GOVERNMENT AND ADMINISTRATION

Section 11 General powers of council; ordinances for exercise of police power; enumeration of specific powers.

The council shall have all the general powers vested in it by the Constitution and laws of the state, and it shall have power to enact ordinances providing for the exercise within its jurisdiction of all police powers which the state itself may exercise under the Constitution, except such as may be specifically denied by act of the General Assembly; and shall further have power:

...

NINTH. To establish, open, widen, extend, grade, improve, construct, maintain, light, and clean public highways, streets, alleys and sidewalks, boulevards and parkways, and to alter or close the same; make or construct sewers or public ducts through the same or wherever else they may deem expedient; build bridges in or culverts under said streets or alleys, prevent or remove obstructions or encroachments over, under, or in the same; plant shade trees along the same, and prevent the cumbering of streets, alleys, walks, public squares, lanes or bridges in any manner whatsoever.

...

(Acts 1950, Ch. 249; Acts 1964, Ch. 107; Acts 1972, Ch. 545, § 1)

CITY CODE

Title 9 PUBLIC PEACE, MORALS AND WELFARE

Chapter 9.05 OFFENSES – MISCELLANEOUS

9.05.190 Unlawful conditions on private property generally.

(1) It shall be unlawful for any person to have or suffer any unwholesome or offensive matter, stagnant water or nuisance of any kind upon any vacant land, in any house or cellar or upon any premises owned by such person in the city. Any grass, weeds, bushes and vegetation, other than trees, ornamental shrubbery, flowers and garden vegetables properly tended, having an overall height of more than 10 inches above the surface of the surrounding ground shall be judged to be in violation of the provisions of this section.

Notwithstanding the foregoing, however, in the case of a large tract of land exceeding two acres, the health official or such other person as may be designated by the city manager may require that a strip of land 35 feet in width along all lot lines of said parcel be cleared of any grass, weeds, bushes and vegetation other than the permitted trees, ornamental shrubbery, flowers and garden vegetables properly tended, having an overall height of more than 10 inches above the surface of the surrounding ground, if in the opinion of such official said 35-foot strip serves the purpose of meeting the spirit and intent of this chapter.

...

(Code 1964, §§ 1313.2 – 13-13.4, 13-14, 13-15, 13-16.1, 13-17; Code 1985, § 18-19; Ord. 6-9-94; Amended during the 2003 reformat).

State law reference – Authority for above section, Code of Virginia, §§ 15.2-901, 15.2-1115.

Title 12 STREETS, SIDEWALKS AND PUBLIC PLACES*

Charter references – General authority of council as to streets and sidewalks, § 11(9); injunctions staying city in exercise of power over streets, § 29; street encroachments, § 30; dedication of streets, § 31.

Cross references – Street improvements to promote industrial development, SCC 2.10.060; begging on streets, SCC 5.25.010; taxicabs, Ch. 5.30 SCC; suspending advertisements over streets, SCC 8.05.020; deposit of advertisements on streets, SCC 8.05.030; noise, Ch. 8.25 SCC; littering in streets, SCC 8.30.020; transportation of garbage on streets, SCC 8.30.040; location of refuse containers at edge of street for collection of contents thereof, SCC 8.30.170; meetings, parades, etc., on streets, SCC 9.05.130; motor vehicles and traffic, Title 10; riding bicycle on sidewalks, SCC 10.40.130; erosion and sediment control, Title 13, Division I; sewers, Title 13, Division III; building regulations, Title 15; design standards for streets in subdivisions, SCC 17.15.040 – 17.15.100; required street improvements in subdivisions, SCC 17.20.030 – 17.20.070; zoning, Title 18.

State law reference – General authority of city relative to streets and sidewalks, Code of Virginia, §§ 15.114, 15.1-363 – 15.1-426, 15.1-888 et seq.

Chapter 12.25 TREES AND SHRUBBERY ON PUBLIC PROPERTY*

*Editor's note – An ordinance adopted June 25, 1987, amended the code by the addition of Art. V, §§ 26-64 – 26-72. However, at the discretion of the editor, the provisions of § 26-72, which repealed § 26-13, have not been set out herein.

12.25.010 Purpose.

It is recognized that trees add a great deal to property values by providing shade, erosion control, and general beauty to the city, making the latter more appealing to visitors and more pleasant for the citizenry.

It is further recognized that landscaping on public property also adds to the general beauty and appeal of the city, thereby enhancing both tourism and the quality of life for the citizenry.

It is, therefore, the purpose of this chapter to set forth a policy which encourages the planting, nurturing, and proper maintenance of all trees on public property. Experience has shown that trees, under some circumstances, can be hazardous to public safety; hence, this chapter also provides for tree pruning or removal when conditions warrant. (Code 1985, § 26-64; Ord. 6-25-87; Ord. 2-10-99).

12.25.020 Definitions.

"Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the city.

"Park trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation in public parks having individual names, and all other areas owned by the city to which the public has free access as a park.

"Public landscaping" is hereby defined as all horticultural and other public planting area improvements installed and maintained on public property in accordance with the comprehensive landscape master plan, as amended.

(Code 1985, § 26-65; Ord. 6-25-87; Ord. 2-10-99).

12.25.030 Landscaping advisory board and terms of members.

The city advisory landscaping board is hereby established and is charged with oversight of both "street" and "park" trees, as well as charged with advisory responsibilities to the horticultural operations of the city and the comprehensive landscape master plan.

It shall consist of five members, citizens, residents, and business owners of this city, with the director of public works, the city horticulturist, and director of parks and recreation as members ex officio. Members shall be appointed by council and of the initial members, three shall be appointed for a three-year term and two shall be appointed for a two-year term. Thereafter, all appointments shall be for a three-year term, and no member shall serve more than two consecutive terms.

Members shall serve without compensation. The board shall designate one of its members who shall serve as recording secretary for the board.

(Code 1985, § 26-66; Ord. 2-10-99).

12.25.040 Duties and responsibilities.

The board shall:

- (1) Serve to enhance the public participation in the beautification of the city through landscape improvements;
- (2) Act as an advocate for both public and private landscaping, assisting in the coordination of both;
- (3) Provide advisory oversight to the amendment and implementation of the comprehensive landscape master plan;
- (4) Assist with the education of the public on matters of public landscaping through materials, public appearances and media exposure as appropriate;
- (5) Act in an advisory and advocacy role to the city horticulturist, city manager and city council;
- (6) Perform as required in SCC 12.25.060.

Upon approval of the goals, objectives and recommendations by the city council for the city of Staunton, the same shall constitute a part of the official city landscaping plan.

(Code 1985, § 26-67; Ord. 6-25-87; Ord. 112-89; Ord. 2-10-99).

12.25.050 Operation.

The board shall choose its own officers, make its own rules and regulations, with the consent of the city manager, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

(Code 1985, § 26-68; Ord. 6-25-87).

12.25.060 Public tree care.

- (1) The city, in consonance with the comprehensive landscape master plan, shall plant, prune, maintain and relocate trees, plants, and shrubs within the lines of all streets, alleys, avenues, lanes, squares, and public grounds, as may be appropriate to preserve or enhance the symmetry and beauty of such public grounds.
- (2) Before the removal of any street tree or park tree, or any part thereof, by the city, or before the city issues an order directing said removal, the city shall advise the landscaping advisory board in writing of its intention and the reasons therefor. The landscaping advisory board shall have 30 days after receipt of such notice to make its recommendation to the city with respect thereto, suggesting, if possible, any alternative to the proposed removal. Such alternatives are advisory only, the decision to remove hereunder being at the discretion of the city, provided the provisions of subsection (3) of this section are met.
- (3) The city shall not remove a street tree of significant size, or permit removal by others, unless notice of the intended removal or destruction is given. The notice shall consist of a durable and legible statement of the city's intent, affixed to and easily visible on the tree for not less than five days immediately preceding the contemplated removal or destruction; and the notice shall state the reason for the intended removal or destruction of the tree and the person or persons to whom inquiries or protests thereon may be directed.
- (4) In the event of an emergency situation, such as a fallen tree or some other condition or occurrence requiring an immediate removal or destruction of a tree along one of these

public ways, the city may remove or destroy the tree without complying with the foregoing provisions of this section. "Emergency situation" shall include, but is not limited to, trees posing an immediate danger to public safety and trees causing stoppage of utility services such as water lines, sewer lines, electric or power lines, or other public or private improvements; all as determined by the director of public works for the city.

(5) When a tree is removed it shall be city policy to plant a replacement somewhere in the general area to include planting on private property, with the consent of the owner.

(6) This section does not prohibit the planting of "street trees" by home owners on public property in front of their lot, or by other citizens, providing that the selection and location of said trees is in accordance with the comprehensive landscape master plan and approval obtained from the landscaping advisory board, the city horticulturist, and the director of public works for the city.

(Code 1985, § 26-69; Ord. 2-10-99).

12.25.070 Review by city council.

Any action, conduct or decision of the city landscaping board may be reviewed by the city council for the city of Staunton. Any person, firm or corporation aggrieved by such action, conduct or decision, may appeal therefrom in writing to the city council. Such appeal shall be filed with the city clerk within 30 days of such action, conduct or decision, and the filing of such appeal shall delay the implementation of such action, conduct or decision until the city council has heard the matter and made a final decision with respect thereto. In such cases, city council shall schedule a hearing upon such matter at either the next regularly scheduled meeting of city council following the receipt of such notice of appeal, or at the regularly scheduled meeting of council immediately following thereafter. The city clerk, upon receipt of such notice of appeal and further upon the matter being scheduled for hearing by the city council, shall notify in writing the city landscaping advisory board and the appellants of the time and date for such hearing.

(Code 1985, § 26-70; Ord. 6-25-87; Ord. 2-1099).

12.25.080 Violations.

(1) Except as otherwise specifically provided, any person who shall violate any provision of this chapter or shall fail to comply with any of the requirements thereof, shall be guilty of a misdemeanor punishable by a fine of not more than \$1,000.

(2) The imposition of the penalty described in subsection (1) of this section shall not preclude the city attorney from instituting appropriate action to prevent unlawful violations or to restrain, correct or abate a violation.

(Code 1985, § 26-71; Ord. 6-25-87).

Title 13 ENVIRONMENT

Chapter 13.05 IN GENERAL

13.05.040 Exceptions and special provisions.

...

(3) Notwithstanding any other provisions of Division I of this title, the following activities are exempt from obtaining a VESCP permit, unless otherwise required by federal law:

(a) Minor land-disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;

...

(g) Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, or livestock feedlot operations, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip-cropping, lister furrowing, contour cultivating, contour furrowing, land drainage

and land irrigation; however, this exception shall not apply to removal of trees or harvesting of forest crops;

...

...

(Ord. 2014-09; Ord. 2009-09; Ord. 2007-20. Code 1985, § 11-4; Ord. 11-9-95).

Chapter 13.10 COMPREHENSIVE DRAINAGE PLAN

13.10.010 Comprehensive drainage plan permit procedures and requirements.

...

(12) Stormwater Management Concept Plan Required. A stormwater management concept plan shall include all information as required by this chapter in order to evaluate the environmental characteristics of the planning area, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site.

(a) The concept plan should be prepared at the time of the preliminary plan of subdivision or other early step in the development process to identify the type of stormwater management measures necessary for the proposed project. The intent of this conceptual planning process is to ensure adequate planning for management of stormwater runoff from future development. To accomplish this goal, the following information shall be included in the concept plan:

...

(iv) Existing Tree and Vegetation Plan. The plan shall include the following for the entire project area:

(A) The outline of existing masses of vegetation. Forested areas shall be separately identified.

(B) Description of Existing Conditions. A narrative shall describe the quality of the existing vegetation and the impacts of the development on the vegetation.

(C) Description of Preservation Strategies. A narrative shall be provided to describe strategies for preservation and protection of existing vegetation to remain.

...

...

(Ord. 2014-09; Ord. 2009-09; Ord. 2007-30; Ord. 2007-20. Code 1985, § 11-20).

Chapter 13.12 RIPARIAN BUFFERS

13.12.010 Definitions.

...

(3) "Riparian buffer" means an area of trees, shrubs, grasses, or a combination thereof, that is: (a) at least 50 feet in width, (b) adjacent to wetlands and/or state waters, (c) managed to maintain the integrity of stream channels and shorelines, and (d) reduces the effects of upland sources of pollution through the infiltration of runoff and filtering of pollutants. A managed lawn adjacent to state waters does not constitute a riparian buffer.

...

(Ord. 2007-20).

13.12.030 Management of a riparian buffer.

Each riparian buffer required to be established or maintained pursuant to Division I of this title shall be managed as part of the stormwater facility management agreement and as provided herein:

- (1) The target vegetative cover in a riparian buffer area shall be an indigenous riparian forest with ground cover, shrub and tree canopy layers.
- (2) Within 25 feet of the top of the state waters bank and land classified as wetlands:
 - (a) Indigenous riparian vegetation shall be preserved, or, where it does not exist, it shall be restored or allowed to evolve by natural succession;
 - (b) Dead, diseased, and dying trees may be removed;
 - (c) Fallen trees that are blocking stream channels, or trees with undermined root systems in imminent danger of falling, may be removed where stream bank erosion is a current or potential problem that outweighs any positive effects the fallen tree or trees may have on the stream ecosystem;
 - (d) Removal or pruning of invasive shrub and vine species is allowed; provided, that such removal or pruning is done in a manner that prevents erosion;
 - (e) Unpaved pathways and trails may be constructed and maintained in a manner that will effectively control erosion and minimize adverse impacts to the buffer, subject to applicable provisions of SCC 13.12.050; and
 - (f) Stormwater channels may be constructed and maintained in a manner that will prevent erosion and minimize adverse impacts to the buffer.
- (3) Beyond 25 feet from the top of the public waterway bank to the limits of the required buffer:
 - (a) Dead, diseased and dying trees may be removed;
 - (b) Trees six inches in diameter or greater, measured 48 inches from the ground, shall be preserved;
 - (c) Removal or pruning of invasive shrub and vine species shall be allowed; provided, that such removal or pruning is done in a manner that prevents erosion;
 - (d) Unpaved pathways and trails may be constructed and maintained in a manner that will effectively control erosion and minimize adverse impacts to the buffer, subject to applicable provisions of SCC 13.12.050; and
 - (e) Stormwater channels may be constructed and maintained in a manner that will prevent erosion and minimize adverse impacts to the buffer.
- (4) Where an existing structure (i.e., building, street, road, bridge, etc.) is located within the buffer, vegetation, not including the ground cover, can be removed within 15 feet of the structure. Removal of additional vegetation can be allowed if required by state or federal requirements or if necessary for the health, safety or welfare of the city's citizens and approved by the administrator.
(Ord. 2009-09; Ord. 2007-30; Ord. 2007-20).

Division III. Sewers and Sewage Disposal*

*Charter reference – Authority of council to construct sewers or public ducts, § 11(9).

Cross references – Extension of sewer lines to promote industrial development, SCC 2.10.060; solid waste, Ch. 8.30 SCC; sewer pipes to be run directly to street, SCC 12.05.090; erosion and sediment control, Title 13, Division I; water supply, Title 13, Division II; building regulations, Title 15; sanitary sewer lines in subdivisions, SCC 17.20.090; zoning, Title 18.

State law references – Sewage disposal generally, Code of Virginia, § 32.1-163 et seq.; authority of city to establish, maintain and operate sewage disposal systems, §§ 15.1-320, 15.1-876; authority of city to regulate sewage disposal, §§ 15.1-855, 15.1-856.

Chapter 13.50 SEWER STOPPAGE AND REPAIR

13.50.010 Responsibility for repair and maintenance.

...

- (3) Notwithstanding subsection (1) of this section, however, if the maintenance or repair needed to a main line is caused by an agency owned, under control of or constructed upon

the property of the owner, such as, but not limited to, roots of trees situated upon private property which invade the main, such cost of repair or maintenance shall be reimbursed to the city by the property owner concerned.

...
(Code 1985, § 22-42; Ord. 5-13-87)

Title 18 ZONING

Chapter 18.53 TND-I TRADITIONAL NEIGHBORHOOD DEVELOPMENT INFILL DISTRICT

18.53.070 Development standards.

In order to accomplish the objectives of the TND-I district, the following development standards shall apply:

...
(3) General Development Standards.

- ...
- (h) *Landscaping.* Landscaping shall meet the requirements of Chapter 18.175 SCC and shall incorporate the following design considerations:
 - (i) Landscaping in the traditional neighborhood infill district is different from other districts. Most landscaping is expected to be concentrated in open spaces such as parks, squares and greens.
 - (ii) Buildings with substantial lot coverage should provide interior or rear courtyards or forecourts or roof gardens.
 - (iii) Because buildings have small front yards, street trees substitute for front yard trees and the focus is well-designed hedges and planters rather than berms or mown lawns.
 - (iv) Parking lots are moved from the fronts of buildings or walled or screened. Landscaping should be integrated into these walls and screens.
 - (v) In general, the same or more landscaping should occur as in a conventional district but with different locations.

...
(Ord. 2005-36)

18.53.080 Design and architectural standards.

...

(4) *Low-Density Residential.* These standards apply to uses allowed in the low-density residential areas of the TND-I district. The low-density residential area may include single-family detached homes or single-family cluster homes and shall comply with the density, lot size and building area requirements in a TND-I. The streetscape shall be an important element in the residential character focusing on a pedestrian-friendly environment with front-facing porches, curbs, planter strips, and sidewalks lining streets with a well-planned and integrated pattern of street trees. Home types shall be intermixed as they often were in historic communities, with large and small homes sharing the parks and streetscape. High-quality landscaping will compliment the architecture and blend the residential into its rolling site.

...
(Ord. 2005-36).

Chapter 18.65 B-3 PLANNED BUSINESS DISTRICT

18.65.030 Area regulations.

In this district the area regulations, maximum lot coverage, height regulations, and off-street parking shall comply with the requirements of the B-1 district. There shall be a 25-foot setback from all streets and all adjoining residential property. This setback shall act as a buffer between the business and residential uses. It shall be fully landscaped and maintained with grass and with trees or shrubbery of sufficient height and density to serve as a screen between the business zone and the residential zone. The buffer zone shall not constitute a site-distance obstruction at street intersections. The buffer zone shall be considered as part of the lot area but shall not be used for any business purpose such as buildings, parking lots, signs, or any accessory use.

The buffer zoning, upon completion of development of the project, shall be at or near the same grade or plane which existed prior to the development of the planned business district property, unless otherwise expressly reviewed and approved by the planning commission and by city council.

These restrictions shall not apply to that portion of the lot fronting on the major business thoroughfare or thoroughfares. Entrances to the property will be allowed from the arterial streets only.

(Zoning ordinance Art. 4, § 10)

Chapter 18.83 ENTRANCE CORRIDOR OVERLAY DISTRICT

18.83.050 Approval process.

...

(2) Minimum Requirements for Development Plan. Materials submitted with the application or on subsequent request by the zoning administrator or designee shall include clearly labeled plans, maps, studies, narratives, drawings, and reports depicting or presenting the following, with sufficient copies for necessary referrals and records, unless deemed unnecessary by the zoning administrator or designee due to the scope and nature of the proposed development:

- ...
- (b) Tree preservation plan (to scale) to include:
 - (i) Survey of existing topography and location of existing trees (over three inches in caliper), their species, and caliper and other vegetation per SCC 13.10.010(6)(a)(i)(E)(I);
 - (ii) Existing trees and other vegetation to remain;
 - (iii) Existing trees and other vegetation to be removed; and
 - (iv) Location, extent, and construction details of proposed protection for existing trees and other vegetation to remain;
- ...

18.83.090 Design standards.

...

(5) Planting Requirements. The requirements of Chapter 18.175 SCC, Landscaping and Screening, shall apply with the following exceptions:

- (a) Site plantings shall reflect design characteristics identified as desirable in the guidelines developed for each corridor.
- (b) New development along corridors must incorporate as much of the existing plants as possible.
- (c) No grading or other earth disturbing activity, storage of materials, equipment, or refuse shall occur within the drip line of any trees or wooded areas or intrude upon any other existing features designated for preservation as provided for in the most recent edition of the Virginia Erosion and Sediment Control Handbook.

(d) Plantings of major trees shall equal a minimum 10 percent of the parking and vehicular circulation area. Planting areas provided shall be a minimum of five feet wide.

(e) Plants shall not be used to screen poorly sited utilities; all utilities, site, and building equipment (including but not limited to loading docks, service entrances, dumpsters and other refuse containers) shall be built into the building envelope, be screened with architectural elements such as walls or extended parapets, or built into the site design.

...

(Ord. 2008-09)

Chapter 18.85 H-1 HISTORIC PRESERVATION DISTRICT

18.85.020 Definitions.

The following definitions apply to this chapter

...

(9) "Exterior environmental features" means all those aspects of the landscape or the development of a site which affect the historical character of the property including trees, shrubbery, plantings, walks, fences, walls, signs, lights, and other appurtenances and elements.

...

(Zoning ordinance Art. 4, § 14)

18.85.060 Maintenance and zoning code provisions.

(1) Ordinary Maintenance or Repair. Ordinary maintenance or repair of any exterior architectural or environmental feature in or on an historic property or a building, structure, site or object within an historic district to correct deterioration, decay or damage, or to sustain the existing form, and that does not involve a material change in design, material or outer appearance thereof, does not require a certificate of appropriateness.

Such actions shall include the following and any similar actions which in the opinion of the commission or its designated staff will have no more effect on the character of the district than those listed:

...

(e) Planting of grass, trees and shrubs, but not including landscape treatment which substantially alters the contour of a site or involves landscaping or construction of parking areas, fences, walls, walkways, pools, fountains and the like which materially affect the appearance of a site and which is visible from a public street.

...

...

(Zoning ordinance Art. 4, § 14)

Chapter 18.100 I-3 PLANNED INDUSTRIAL DISTRICT

18.100.030 Area regulations.

The following requirements shall apply to all uses permitted in this district:

...

(5) Buffer Zone. Setback areas shall act as a buffer between adjacent residential and business uses. They shall be fully landscaped and maintained with grass, trees and shrubbery of sufficient height and density to serve as a screen between the planned industrial zone and the residential zone. The buffer zone shall not constitute a site-distance obstruction at street intersections. The buffer zone shall be considered as part of the lot area, but shall not be used for any business purpose such as buildings, parking lots, signs,

or any accessory use. The buffer zone, upon completion of the development of any project, shall be at or near the same grade or plane which existed prior to the development of the planned industrial district property, unless otherwise expressly reviewed and approved by the planning commission and by city council. These restrictions shall not apply to that portion of the lot fronting on the major thoroughfares, however all other required landscaping shall apply.

(Zoning ordinance Art. 4, § 17)

Chapter 18.120 YARD, BUILDING SETBACK, AND OPEN SPACE EXCEPTIONS

18.120.010 Setback exceptions.

The following requirements are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulations set forth except in Division II of this title.

(1) No yard, open space, or lot area required for a building or structure shall, during its life, be occupied by any other building or structure except:

- ...
- (k) Trees, shrubs, flowers, and other plants subject to the vision requirements in this chapter.

...

(Ord. 2011-07; Ord. 2009-22; Ord. 2009-20; Ord. 2004-06. Zoning ordinance Art. 5, § 4)

Chapter 18.125 MINIMUM OFF-STREET PARKING REQUIREMENTS

18.125.020 Off-street parking lot layout, construction, and maintenance.

Where the required off-street parking requires the building of a parking lot, and wherever a parking lot is built, such parking shall be laid out, constructed, and maintained in accordance with the following regulations:

...

(11) Where parking is to be provided in the front yard of a multiple-family dwelling, there shall be established a setback line 10 feet from the street lot line. The land between the setback line and the lot line is for the purposes of this title called a buffer strip. The ground in the front buffer strip shall be prepared and shall be planted with trees, shrubs, and grass.

...

(Zoning ordinance Art. 5, § 5)

Chapter 18.175 LANDSCAPING AND SCREENING

18.175.010 Purpose and intent.

The city council for the city of Staunton, Virginia, in order to promote the general health, safety, and welfare of the citizens; to facilitate the creation of an attractive and harmonious community; to conserve, protect, and enhance natural resources; and to safeguard and protect land values states that the purpose and intent of this chapter is as follows:

- (1) To aid in stabilizing the environment's ecological balance by contributing to the process of air purification, oxygen regeneration, groundwater recharge, and storm water runoff retardation, while at the same time aiding in noise, glare, and heat abatement;
- (2) To encourage the preservation of existing trees and cultivated vegetation;
- (3) To assist in providing adequate light and air and in preventing overcrowding of land;
- (4) To provide visual buffering and enhance the beautification of the city;
- (5) To safeguard and enhance property values and to protect public and private investment;
- (6) To preserve, protect and restore the unique identity and environment of the city and to protect the economic base attracted to the city by such factors;

(7) To conserve energy and to protect the public health, safety, and general welfare.
(Zoning ordinance Art. 5, § 15).

18.175.020 Definitions.

For the purpose of this chapter, the following definitions apply:

“Evergreen tree” means a tree which has foliage that remains green through more than one growing season. Evergreen trees used for screening purposes shall be a minimum of five to six feet in height when planted.

“Ground cover” means low plants which grow close to the ground and may upon review take the place of turf.

“Major tree” means a tree which, at maturity, has a trunk diameter in excess of four inches. Major trees shall be two inches minimum caliper when planted (measured six inches above ground level).

“Minor tree” means a tree which, at maturity, has a trunk diameter of less than four inches. Minor street trees shall be one and one-half inches minimum caliper when planted (measured six inches above ground level).

“Shrub” means a low usually several stemmed plant which, at maturity, is less than 25 feet in height and generally spreads less than 15 feet. Shrubs shall be a minimum of 12 inches in height when planted. This excludes ground cover.

(Zoning ordinance Art. 5, § 15)

18.175.030 Requirements and applicability.

(1) Landscaping Plan. Except as provided herein, a landscaping plan shall be submitted for review and approval with respect to all land use and development activities, to be commenced after the effective date of the ordinance codified in this chapter. “Land use and development activities,” as used herein, shall mean those activities that require a building permit therefor or the creation of new parking areas or the enlargement of existing parking areas by more than four additional parking spaces (cumulative over a four-year period).

(2) Screening Plan. Except as provided herein, a screening plan shall be submitted for review and approval with respect to all land use and development activities within business, professional and industrial districts, designed to screen the uses of the most intensive use district from the adjoining least intensive use district and public streets.

(3) Exceptions. The requirements hereunder do not apply to:

- (a) Individually developed single-family residences;
- (b) Additions to or accessory buildings of single-family residences;
- (c) Any alteration or reconstruction of buildings situated in the historic conservation district;
- (d) Any construction necessitated by the destruction by fire, calamity, storm or other accidental means of less than 50 percent of pre-existing improvements;
- (e) Interior and facade improvements made to a structure not requiring any exterior enlargement thereof.

(4) Notwithstanding the foregoing, however, a landscaping plan is required for the development of a residential subdivision.

(Zoning ordinance Art. 5, § 15)

18.175.040 Procedure and administration.

(1) The plans required to be submitted hereunder shall be submitted by the owner and the developer of the particular property involved to the director of planning for the city. Said

director shall be responsible for the receipt and processing of such applications and shall have the authority to approve or disapprove such plans. Said director is hereby designated as the agent of the city for such purposes. If the director disapproved the plan, the director shall promptly notify the applicant and set forth the reasons why the plan was disapproved and, if necessary, suggestions as to corrections.

(2) Any applicant aggrieved by a decision of the agent may appeal such decision to the planning commission for the city of Staunton in writing within 30 days of the decision in question. The planning commission shall schedule such appeal for hearing at its next regularly scheduled meeting to be held at least 14 days after such appeal is noted. The planning commission shall render its judgment on the date the appeal is heard, unless by the agreement of all parties, the decision can be delayed.

(3) Any applicant who is aggrieved by the judgment of the planning commission may appeal such judgment to the council for the city of Staunton in writing within 30 days of the judgment rendered. Such appeal shall be heard by the city council at its next regularly scheduled meeting to be held at least 14 days after such appeal is noted. The city council shall render its judgment on the date the appeal is heard, unless, by agreement of all parties, the decision can be delayed.

(4) All appeals set forth above shall be filed with the agent and shall set forth the grounds upon which the petitioner is aggrieved. The agent shall promptly schedule such matter to be heard with the planning commission and/or the city council, as the case may be.

(5) Nothing herein shall deprive an aggrieved party from seeking a variance or other determination with respect hereto from the board of zoning appeals of the city of Staunton as permitted by local and state law.

(Zoning ordinance Art. 5, § 15)

18.175.050 Plan contents.

The department of planning for the city of Staunton will assist those required to submit plans hereunder upon request. The landscape and/or screening plan should provide information such as:

(1) The location, size, and type of all proposed plant materials and screening measures.

(2) Existing trees with a caliper of six inches or greater, or wooded areas must be identified and considered for preservation.

(3) Existing landscaping features on the site to be retained.

(4) Location of utilities, including watering facilities for plantings on the site and drainage patterns.

(5) A plan of maintenance.

(Zoning ordinance Art. 5, § 15)

18.175.060 Standards.

(1) The following minimum landscaping standards shall apply:

Landscaping shall consist of at least a five feet wide landscaped area, along the street right-of-way, in business and professional districts and at least a 10 feet wide landscaped area, along the street right-of-way, in the industrial districts. These areas are exclusive of the area required for sidewalks, public street rights-of-way, or parking. Utility easements can be used with the permission of the city.

(2) The following minimum screening standards shall apply:

Screening shall consist of a planting strip, existing vegetation, a slightly opaque wall or fence, or combination thereof, to the reasonable satisfaction of the agent. Where only vegetative screening is provided, such screening strip shall not be less than five feet wide in the business and professional districts and 10 feet wide in the industrial districts. Vegetative screening may consist of a double staggered row of evergreen trees planted 15 feet on center, or a double staggered row of evergreen shrubs planted 10 feet on center. Alternate methods of vegetative screening may be approved by the agent. Where a fence or a wall is

provided, it shall be a minimum of six feet in height and plantings shall be required at intervals along such fence or wall.

(3) The following minimum street tree standards shall apply:

(a) Street trees shall be required along existing or proposed public streets and shall be planted with even spacing, or as otherwise required by the agent, adjacent to the public street right-of-way. One street tree shall be required for every 50 feet of road frontage, or portion thereof, if the street abutment is 20 feet or more in length, except as exempted in subsection (4) of this section. These trees should have a clear trunk height of at least six feet. The agent may waive these requirements in certain cases where site conditions warrant an alternate solution.

(b) Streets with posted speeds of over 35 mph shall have minor trees only planted along the right-of-way. Streets with posted speeds of less than 35 mph may have major or minor trees planted along the rightof-way.

(c) In the event that trees are desired along walkways adjacent to traffic flow, no tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curblines or pavement lines. No street tree shall be planted closer than 10 feet to any fire hydrant.

(d) No trees other than those species listed as 30 feet or less in height at maturity may be planted under or within 10 lateral feet to any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line, or other utility.

(4) The following landscaping requirements for new parking areas consisting of five spaces or more shall apply:

(a) Street Trees. Street trees shall be planted in accordance with subsection (3) of this section. The trees shall be planted between the street right-of-way and the parking area within the landscape setback. If this requirement creates a hardship by causing the relocation of required parking spaces, then the additional planting area may be counted toward the interior landscaping requirement.

(b) Interior Landscaping. An area equal to five percent of the parking and patron vehicular circulation area, as measured by the outside boundaries thereof, shall be landscaped to include trees and shrubs. Such landscaping shall be fairly uniformly dispersed throughout the vehicular parking and circulation area. At least one minor shade tree is required for each 10 parking spaces or portion thereof. Shrub plantings, except to the extent that they exceed five feet in width, adjacent to a building shall not be counted as interior landscaping. The requirements of subsections (4)(a), Street Trees, and (4)(c), Additional Planting Along Public Streets, of this section and screening of parking lots are to be excluded as a part of the five percent interior landscaping requirement.

(c) Additional Plantings Along Public Streets. When a parking lot is located such that the parked cars will be visible from a public street, then additional landscaping of low street shrubs may be required between the street and the parking lot. Shrubs shall be in a single row planted five feet on center. All shrub plantings along entrances, exits, and intersections shall be kept below two and one-half feet so that visibility will not be impaired. Alternate methods of landscaping designed to minimize the visual impact of the parking lot may be approved by the agent.

(d) Wheel stops, curbing, or other barriers shall be provided to prevent damage to landscaping by vehicles. Where necessary, trees shall be walled or otherwise protected against change of grade. All pervious areas of the site shall be permanently protected from soil erosion with grass, ground covers, low shrubs, or mulch material. Special attention should be given to using plants that are drought tolerant.

(Zoning ordinance Art. 5, § 15)

18.175.070 Exceptions.

In lieu of planting new materials, existing trees and vegetation may satisfy landscaping and screening requirements, subject to the agent's approval. The landscaping plan shall indicate the trees to be saved, limits of clearing, location and type of protective fencing, grade changes requiring tree wells, or walls and trenching.

Upon review of the site and/or site plan, the agent, or the reviewing authority, may reduce or suspend any of the requirements of this chapter, if the site presents special circumstances whereby the strict compliance of this chapter will produce an undue hardship or if the spirit of the chapter has been met and deviation has been deemed to be in the best interest of the city.

(Zoning ordinance Art. 5, § 15)

18.175.080 Approval period and revisions.

(1) All landscaping shall be planted and maintained according to established planting and maintenance procedures using good quality plant materials. The required plant materials may be chosen from a recommended species list provided by the agent. Plant materials not listed may be substituted for suggested plant material if such substitution is expressly approved by the agent.

(2) Approval of landscaping and screening plan under the provisions of this chapter is valid for a period of one year; however, if said plan is part of approved site plan in accordance with this title or an approved subdivision plan, then approval is extended for same period as the site or subdivision plan.

(3) Requested changes or revisions to approved landscaping and screening plans may be authorized in writing by the agent as long as said revisions do not, in the agent's opinion, substantially affect terms of the original approval. Otherwise, the agent may require a new plan be prepared and submitted for review in accordance with the provisions of this chapter.

(4) All landscaping and screening required by this chapter shall be installed at the cost of the developer or property owner. The owner shall be responsible for maintaining all landscaping in good condition so as to present a healthy, neat appearance and shall be kept free from refuse and debris.

(5) All landscaping and screening features shown on the approved plan must be adequately maintained and kept in effect in order for approved plan to remain valid and not become a zoning violation of this title.

(Zoning ordinance Art. 5, § 15)

18.175.090 Plans required prior to issuance of building permit.

No building permit shall be issued by the city until the applicant therefor exhibits to the building inspector the approved plans required by this chapter.

(Zoning ordinance Art. 5, § 15)

18.175.100 Occupancy permit.

The building inspector for the city shall not issue an occupancy permit for such development until the landscaping and/or screening required hereunder has been completed.

Notwithstanding the foregoing, however, the building inspector may issue a temporary occupancy permit with respect to the development, if, in the opinion of the building inspector, said landscaping and/or screening has been delayed for reasons beyond the control of the developer, such as weather and other causes.

(Zoning ordinance Art. 5, § 15)

Chapter 18.185 TELECOMMUNICATIONS FACILITIES**18.185.080 Landscaping requirements.**

The following requirements shall govern the planting and maintenance of landscaping surrounding telecommunications facilities:

...

(2) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as telecommunications facilities sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer. (Zoning ordinance Art. 5, § 17)

18.185.090 Information required and factors considered in granting special use permits.

Each applicant requesting a special use permit under this chapter shall submit to the planning and inspection department the following for consideration by the planning commission, historic preservation committee (if applicable) and city council:

(1) The following shall be required for a telecommunications facility, telecommunications tower, or for siting an antenna on an alternative telecommunications structure:

...

(r) Surrounding tree coverage and foliage (at least a 400-foot radius).

...

...

The planning and inspection department may share such information with other applicants applying for approvals or special use permits under this chapter or other organizations seeking to locate telecommunications towers within the city; provided, however, that the planning and inspection department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

(Zoning ordinance Art. 5, § 17)