

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

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CHARTER

Sec. 2. Powers of the city.

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

...

(12) To establish, open, widen, extend, grade, improve, construct, maintain, light, sprinkle and clean, public highways, streets, alleys, boulevards and parkways, and to alter, or close the same; to establish and maintain parks, playgrounds and other public grounds; to construct, maintain and operate bridges, viaducts, subways, tunnels, sewers and drains, and to regulate the use of all such highways, parks, public grounds and works; to plant and maintain shade trees along the streets and upon such public grounds; to prevent the obstruction of such streets and highways, and abolish and prevent grade crossings over the same by railroads in the manner provided by law; regulate the operation and speed of all cars and vehicles using the same, as well as the operation and speed of all engines, cars and trains on railroads within the city; to provide by ordinance for the removal from such streets, highways, alleys, boulevards, parkways and other public places of vehicles and other objects abandoned thereon or left or placed thereon in violation of law or of an ordinance of the city, and to take charge of, impound and thereafter dispose of by sale or otherwise, such vehicles or other objects, any such sale to be held only after the owner or person lawfully entitled to the possession thereof shall have refused to pay the costs of such removal and keeping or after such vehicle or other object shall have remained unclaimed in the custody of the city for not less than sixty days, and, in either case, after notice of such sale, describing the vehicle or object to be sold, shall have been published for not less than five days in a local daily newspaper of general circulation, and to recover the costs of such removal, keeping and sale; to provide for the condemnation and scrapping or other disposition of abandoned or unclaimed motor vehicles which, by reason of damage or dilapidation, are unsafe and impracticable of repair; to regulate the service to be rendered and rates to be charged by busses, motorcars, cabs and other vehicles for the carrying of passengers and by vehicles for the transfer of baggage; to require all telephone and telegraph wires and all wires and cables carrying electricity to be placed in conduits underground and prescribe rules and regulations for the construction and use of such conduits; and to do all other things whatsoever adapted to make said streets and highways safe, convenient and attractive.

...

(Acts 1956, Ch. 393, § 1; Acts 1962, Ch. 442, § 1, Acts 1966, Ch. 73, § 1; Acts 1970, Ch. 207, § 1; Acts 1989, Ch. 129, § 1; Acts 1991, Ch. 449, § 1)

CODE OF THE CITY

Chapter 11.1 EROSION AND SEDIMENT CONTROL

Sec. 11.1-2. Definitions.

For the purposes of this chapter, certain terms and words used herein shall have the following meaning, unless the context indicates otherwise:

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

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

Transporting: Any moving of earth materials from one place to another other than such movement incidental to grading, as authorized on an approved plan.

(Ord. No. 33336, § 2, 4-21-97; Ord. No. 37350, § 2, 4-3-06)

Sec. 11.1-4. Exemptions from chapter.

The provisions of this chapter shall not be construed to apply to the following:

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

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Chapter 11.3 STORMWATER DISCHARGE REQUIREMENTS

Sec. 11.3-3. Definitions.

The following words and terms as used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

Best Management Practices (BMPs) means the schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce pollutants from entering the storm sewer system or being improperly discharged from the storm sewer system. BMPs include, but are not limited to, treatment methods and practices to control the discharge of pollutants.

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.

(Ord. No. 37151, § 1, 8-15-05)

Chapter 14.1 SOLID WASTE MANAGEMENT

ARTICLE I. IN GENERAL

Sec. 14.1-1. Definitions.

Bagged leaves shall mean leafy yard debris consisting of leaves resulting from ordinary yard maintenance contained inside a paper bag.

Brush shall mean woody or leafy yard debris containing branches resulting from ordinary yard maintenance such as a tree, shrub or bush trimmings less than three (3) inches in diameter and less than six (6) feet in length.

Leaf season shall mean the period of time during which bagged leaf collection is scheduled as determined by the city manager.

Loose leaves shall mean leafy yard debris consisting solely of leaves resulting from ordinary yard maintenance.

(Ord. No. 35063, § 2, 9-18-00; Ord. No. 35647, § 1, 11-19-01; Ord. No. 36858, § 1, 9-20-04; Ord. No. 37507, § 1, 8-21-06; Ord. No. 37800, § 1, 6-4-07; Ord. No. 38011, § 1, 2-4-08; Ord. No. 38587, § 1, 9-8-09; Ord. No. 39129, § 1, 6-6-11; Ord. No. 39621, § 1, 4-1-13; Ord.

No. 40089, § 1, 11-3-14; Ord. No. 40091, § 1, 11-3-14; Ord. No. 40129, § 1, 12-15-14; Ord. No. 40336, § 1, 9-8-15; Ord. No. 40378, § 1, 11-2-15)

DIVISION 1. GENERALLY

Sec. 14.1-16. Placement for collection generally.

(a) Except as otherwise provided, any person placing solid waste to be removed by an authorized person under this article shall place the solid waste as close as possible to the public street in the front of the principal structure on the property from which the solid waste originated, not in front of an adjoining property. Solid waste set out for collection shall have at least five (5) feet clearance from all vines, trees, shrubs, vehicles, buildings or other structures, on all sides. Automated collection containers and recyclable containers shall be placed so that the lid opens away from the street and shall be placed so that traffic is not impeded.

...

(Ord. No. 35063, § 2, 9-18-00; Ord. No. 35647, § 1, 11-19-01; Ord. No. 37507, § 3, 8-21-06; Ord. No. 38011, § 2, 2-4-08; Ord. No. 38874, § 1, 7-6-10; Ord. No. 39212, § 1, 9-19-11)

Sec. 14.1-21. Certain solid waste not to be collected—Generally.

(a) Acids, asphalt, automobile parts, brick, caustics, concrete, dead animals, earth, explosives or other dangerous materials, fire-damaged items, grease from nonresidential establishments, hazardous waste, heavy metal, loose leaves, manure, plate or large broken glass, poisons, rock, rubbish from construction, remodeling, razing and repair operations on houses, commercial buildings and other structures, sheet rock, stone, stumps, topsoil or trees shall not be placed out for collection by, and shall not be removed by, the city, and in no circumstances shall hazardous waste be put out for collection by any person.

...

(Ord. No. 35063, § 2, 9-18-00; Ord. No. 35936, § 2, 6-17-02; Ord. No. 37507, § 3, 8-21-06; Ord. No. 38587, § 1, 9-8-09; Ord. No. 40336, § 1, 9-8-15)

Chapter 24 PUBLIC BUILDINGS AND PROPERTY GENERALLY

ARTICLE IV. PARKS

Sec. 24-101. Climbing trees or attaching swings thereto; unlawful use, etc., of benches or fences; entering closed areas.

It shall be unlawful for any person to climb a tree or attach a swing or hammock to any tree, or remove or change any bench or seat from its place, in any public park, or to lie down upon any bench in any such park, or to go within or upon any enclosures, lawns, slopes or places where there is a sign prohibiting ingress, or to stand or sit upon any guard fences, enclosures or other fences, in any such park.

(Code 1956, Tit. VIII, Ch. 3, § 10)

CODE OF THE CITY OF ROANOKE (1979)

Chapter 30 STREETS AND SIDEWALKS

ARTICLE VI. ERECTION AND MAINTENANCE OF FLAGS, POLE-MOUNTED BANNERS, BANNERS, AND HOLIDAY DECORATIONS

Sec. 30-113. Other conditions.

...

(f) The city manager may impose conditions upon any permit or promulgate regulations to be complied with by any permittee when such conditions or regulations are intended to protect the public health, safety or welfare or to protect city-owned light standards, poles, facilities, or trees from being defaced, harmed or otherwise damaged.

...

(Ord. No. 30780, § 1, 11-11-91; Ord. No. 38268, § 1, 11-3-08)

Chapter 31.1 SUBDIVISIONS

ARTICLE IV. REQUIRED IMPROVEMENTS

Sec. 31.1-400. Standards for streets.

...

(b) Whenever a subdivision is classified as a major subdivision, the subdivider shall provide street improvements as set forth in Table 400-1 below.

TABLE 400-1 REQUIRED STREET IMPROVEMENTS

Condition/Location	Improvements Required
Subdivision which requires creation of a new street in the following zoning districts: RA, R-12, R-7, R-5, R-3, RM-1, RM-2, RMF, and ROS.	Street paving Curb and gutter Planted strip
Subdivision along an existing street, within the following zoning districts: R-7, R-5, R-3, RM-1, RM-2, and RMF.	Large deciduous street trees Street lighting (required only when a new street is created) Sidewalks
Subdivision within the following zoning districts: CN, CG, CLS, MX, D, I-1, I-2, IN, AD, and UF.	Street paving Curb and gutter Large deciduous street trees, except the subdivision agent may approve small deciduous trees in the CN, D, and UF district where the area available is inadequate for large trees Planted strip or extended width sidewalk Street lighting (required only when a new street is created) Sidewalks
Subdivision along existing street in an RA, R-12, or ROS district.	Street paving Curb and gutter Street trees
Subdivision on a private street in a MXPUD, IPUD, or INPUD district.	Requirements for asphalt street paving, curb and gutter, planted strips, street trees, street lighting, and sidewalks shall be specified on a PUD development plan approved by city council.

(c) Curb and gutter, planted strips, street trees, and sidewalks shall be provided on both sides of a new street. Where lots are being established on only one (1) side of a new street, and where topographic conditions would preclude future establishment of lots on the undeveloped side of the street, sidewalks shall not be required on the side of the street where no lots are being created. Where a subdivision takes place only on one (1) side of an existing street, such improvements shall be required only on the side on which the subdivision takes place.

...

(f) Street trees shall be planted along the entire length of the street being created or improved, exclusive of areas required to remain clear for the purposes of sight distance.

(1) The minimum number of street trees required shall be calculated by dividing the block length, minus twenty (20) feet of sight distance required at each corner of the block, by forty (40). Any fractional remainder may be rounded down to a whole number. The required number of trees may be reduced by the number of street lights located more than twenty (20) feet from an intersection.

(2) Street trees shall be provided in the planted strip between the sidewalk and curb or within tree grates located in an extended-width sidewalk as permitted in Table 400-1. Street trees shall be located with centers a minimum of three (3) feet from the back of the curb in a planted strip or in tree grates along an extended-width sidewalk. A minimum of five (5) feet of clearance shall be maintained between street trees and underground utilities.

(3) Street trees shall be planted in accordance with the Standardized Landscape Specifications for the Commonwealth of Virginia, 2000, jointly adopted by the Virginia Nurserymen's Association, the Virginia Society of Landscape Designers, and the Virginia Chapter of the American Society of Landscape Architects.

(4) All trees required by this section shall be selected from the approved tree list in Table 400-3 and shall meet the specified minimum caliper or height at the time of planting. The subdivision agent may approve the use of trees not set forth in Table 400-3 to meet the minimum street tree requirements of this section, provided the subdivision agent determines the proposed alternative species are consistent with the intent of this section. The resource for such determination shall be based on the published reference text, Manual of Woody Landscape Plants, fifth edition, 1998, by Michael A. Dirr.

TABLE 400-3. TREES: APPROVED STREET TREES

Common Name	Botanical Name	Minimum Size at Planting
LARGE DECIDUOUS TREES		
Beech, American	<i>Fagus grandifolia</i>	2" caliper
Beech, Copper	<i>Fagus sylvatica cuprea</i>	2" caliper
Birch, River	<i>Betula nigra</i>	2" caliper
Black Gum/Tupelo	<i>Nyssa sylvatica</i>	2" caliper
Elm, Lacebark	<i>Ulmus parvifolia</i>	2" caliper
Ginkgo (male variety only)	<i>Ginkgo biloba</i>	2" caliper
Honey Locust, 'Shademaster'	<i>Gleditsia triacanthos</i> 'Shademaster'	2" caliper
Japanese Pagoda Tree	<i>Sophora japonica</i>	2" caliper
Japanese Zelkova	<i>Zelkova serrata</i>	2" caliper
Linden, American	<i>Tilia americana</i>	2" caliper
Linden, Little Leaf	<i>Tilia cordata</i>	2" caliper
London Planetree	<i>Platanus acerfolia</i>	2" caliper
Maple, Red	<i>Acer rubrum</i>	2" caliper
Maple, Sugar	<i>Acer saccharum</i>	2" caliper
Oak, Chestnut	<i>Quercus prinus</i>	2" caliper
Oak, Northern Red	<i>Quercus rubra</i>	2" caliper
Oak, Pin	<i>Quercus palustris</i>	2" caliper
Oak, White	<i>Quercus alba</i>	2" caliper
Oak, Willow	<i>Quercus phellos</i>	2" caliper
Redwood, Dawn	<i>Metasequoia glyptostroboides</i>	2" caliper
Tuliptree	<i>Liriodendron tulipifera</i>	2" caliper
SMALL DECIDUOUS TREES		
Cherry, Cornelian	<i>Cornus mas</i>	5' height
Cherry, Kwanzan Flowering	<i>Prunus serrulata</i> 'Kwanzan'	2" caliper
Cherry, Yoshino	<i>Prunus yeodensis</i>	2" caliper
Dogwood, Flowering	<i>Cornus florida</i>	5' height
Dogwood, Kousa	<i>Cornus kousa</i>	5' height
Goldenraintree	<i>Koelreuteria paniculata</i>	2" caliper
Hawthorn, Washington	<i>Crataegus phaenopyrum</i>	5' height
Hophornbeam, American	<i>Ostrya virginiana</i>	2" caliper
Hornbeam, American	<i>Carpinus caroliniana</i>	2" caliper
Maple, Amur	<i>Acer ginnala</i>	2" caliper
Maple, Hedge	<i>Acer campestre</i>	2" caliper
Maple, Japanese	<i>Acer palmatum</i>	5' height
Maple, Trident Acer	<i>Acer buergerianum</i>	2" caliper
Myrtle, Crape	<i>Lagerstroemia indica</i>	5' height
Redbud, Eastern	<i>Cercis canadensis</i>	5' height
Serviceberry	<i>Amelanchier arborea</i>	5' height
Sourwood	<i>Oxydendrum arboreum</i>	5' height
White Fringetree	<i>Chionanthus virginicus</i>	5' height

(g) The subdivision agent, in consultation with the city engineer and city traffic engineer, will review proposed street lighting to determine that the overall layout and design of street lights are adequate for the streets and related pedestrian ways as to the height of poles, shielding of light sources, and that placement is coordinated with the location of street trees and other public improvements. A certificate of appropriateness from the architectural review board shall be obtained for street lights to be installed in either the Historic Downtown Overlay District (H-1) or the Historic Neighborhood Overlay District (H-2).

...

(Ord. No. 37985, § 2, 12-17-07; Ord. No. 38425, § 1, 4-20-09)

APPENDIX A. DEFINITIONS

For the purposes of this chapter, the following words and terms shall have the meanings ascribed to them in this appendix:

Planted strip: The area between the back of the curb and the sidewalk planted with a vegetative ground cover and street trees.

Right-of-way, private: A legally established area or strip of land over which an irrevocable right of passage is granted to any person or entity holding interest in such land. Such land may be occupied by a private street, utility service, or other use for the general benefit of the owners holding interest in the land.

Right-of-way, public: A legally established area or strip of land over which an irrevocable public right of passage is granted to the city or the Commonwealth of Virginia. Such land may be occupied by a public street, utility service, or other public use, with such right of passage being available to the general public.

Chapter 33 VEGETATION AND TRASH

ARTICLE I. IN GENERAL

Sec. 33-1. Planting trees or shrubs on city property.

It shall be unlawful and a Class 4 misdemeanor for any person, other than a duly authorized agent of the city, to plant any tree or shrub on any public right-of-way or other city property, except in accord with rules and regulations promulgated by the city manager.
Charter reference— Authority of city to plant and maintain shade trees along the streets and on public grounds, § 2(12).

Sec. 33-2. Cutting, pruning or removing trees or shrubs on city property.

(a) It shall be unlawful for any person other than a duly authorized employee or agent of the city, to cut, trim, prune or remove any tree or shrub in the public streets or ways or in any of the public grounds or property of the city, without first obtaining a permit so to do from the city manager. Application for such permit shall be in writing and shall specify, in detail, the work proposed to be done. Each such application shall be accompanied by a fee in such amount as is prescribed by the city council.

(b) In addition to the prescribed fee, each application for a permit under this section shall be accompanied by security to the city, in a sum not exceeding one thousand dollars (\$1,000.00) to guarantee satisfactory completion of the work proposed to be done, which security may be in the form of a certified check or a personal bond, in writing, of the applicant. Such security shall be deposited with the city clerk.

(c) If, in the discretion of the city manager, the work proposed to be done in an application for a permit under this section is necessary or desirable, and the method proposed for performing the work is in accord with approved practices, the city manager shall issue the permit. The permit shall contain the terms and conditions under which the work shall be performed. More than one (1) location may be designated in a single permit, but no permit shall remain in force and effect for more than one (1) year following its issuance.

(d) In performing work authorized by a permit issued under this section, no person shall use climbing irons or spurs on any live tree.

(e) All work done pursuant to a permit issued under this section shall be subject to the supervision of the city manager and shall be inspected, by personnel designated by the city manager, at times prescribed by the manager. Upon completion, the work shall be inspected to insure compliance with this section and approved practices. Upon such inspection and written approval of such work by the city manager, the city clerk shall forthwith release and deliver to the permittee the security held pending such completion and approval.

(f) Any violation of the provisions of this section shall constitute a Class 3 misdemeanor. (Code 1956, Tit. VIII, Ch. 6, § 3)

Sec. 33-3. Openings in sidewalks to protect trees and shrubs.

When any concrete, brick or other permanent sidewalk is laid in any street along which trees or shrubs have been planted, care shall be taken that, when practicable, an opening around such trees or shrubs shall be left in such sidewalk, large enough for the expected growth of the trees or shrubs.

(Code 1956, Tit. VIII, Ch. 6, § 4)

Sec. 33-4. Cutting or removing flowers, fruits or nuts from plants or trees on city property.

(a) It shall be unlawful and a Class 4 misdemeanor for any person to cut, break off, pull or otherwise remove any flowers, fruits or nuts from any bush, shrub or tree, whether wild or cultivated, growing in or on any public street, way, park or other public property in the city.

(b) This section shall not apply to persons harvesting crab apples from trees in public parks, on dates approved by the city manager and under the direct supervision of city personnel designated by the city manager.

(Code 1956, Tit. VIII, Ch. 3, § 5; Ch. 6, § 3)

Sec. 33-5. Authority of city to spray and treat diseased trees and shrubs.

For the purpose of preventing the spread of scale, insects, worms or other diseases to which trees and shrubs are subject, the city manager shall, in his discretion, have the power and authority to spray and treat any infected tree or shrub within the city, whether on public or private property. Before spraying or treating any trees on private property, the city manager shall give reasonable notice thereof to the owner. Any person interfering with, or in any way attempting to prevent city personnel from inspecting, spraying or treating trees and shrubs in the city, whether on either public or private property, shall be guilty of a Class 4 misdemeanor.

(Code 1956, Tit. VIII, Ch. 6, § 2)

ARTICLE II. WEED AND TRASH ABATEMENT

Sec. 33-17. Definitions.

For the purpose of this chapter, certain terms and words used herein shall be defined as follows:

...

(c) *Public nuisance* means a state of facts requiring governmental action for the establishment and maintenance of public health, safety, order and convenience.

...

(g) *Weed* or *weeds* means any plant, grass or other vegetation over ten (10) inches in height growing upon a parcel in the City of Roanoke, including, but not limited to, any sage brush, poison oak, poison ivy, Ailanthus Altissima (commonly called Tree of Heaven or Paradise Tree), ragweed, dandelions, milkweed, Canada thistle, and any other undesirable growth, excluding trees, ornamental shrubbery, vegetable and flower gardens purposefully planted and maintained by the property owner or occupant free of weed hazard or nuisance, cultivated crops, or undisturbed woodland not otherwise in violation.

(Ord. No. 24633, § 2, 5-14-79; Ord. No. 30275, § 1, 10-15-90; Ord. No. 36118, § 1, 11-4-02; Ord. No. 36189, § 1, 1-6-03; Ord. No. 37350, § 8, 4-3-06)

Sec. 33-18. Weeds and trash declared public nuisance; abatement required.

Weeds growing or trash lying on any parcel shall constitute a public nuisance, except that in the case of a parcel greater than one (1) acre in area natural vegetation growing more than fifty (50) feet from every property line shall not constitute a public nuisance. It shall be unlawful to cause or allow a public nuisance with respect to any parcel. The owner of any parcel shall abate any public nuisance with respect to his parcel.

(Ord. No. 24633, § 2, 5-14-79; Ord. No. 30275, § 1, 10-15-90)

Sec. 33-19. Weeds and trash prohibited; duty of owner to remove weeds and trash.

It shall be unlawful and a public nuisance for the owner of any parcel to allow weeds, as defined herein, to grow or trash to stand upon such parcel. It shall be the duty of the owner of any parcel to immediately cut, remove or destroy any and all weeds and to remove trash on his parcel. Any owner who shall violate any provision of this section shall be deemed to be guilty of a Class 4 misdemeanor, and each day that such weeds shall remain uncut or such trash is allowed to stand after the period within which they are required hereunder to be cut or removed shall be deemed to constitute a separate offense under this section.

(Code 1956, Tit. XXIII, Ch. 6, § 3; Ord. No. 30275, § 1, 10-15-90)

Sec. 33-20. - Notice of removal of weeds.

(a) Notwithstanding the criminal sanctions provided for elsewhere in this Code, and in addition to them, whenever the city manager determines that a public nuisance exists with respect to any parcel, the city manager shall post a notice of violation on the property and either shall serve the owner of the property with personal service a notice of violation or shall mail notice by United States Postal Service mail, postage prepaid, to the owner of the parcel at the owner's address, as determined from public records. Any written notice provided under this section shall state that there exists a public nuisance with respect to the owner's property and demand the abatement of the nuisance within seven (7) days following the posting of the notice on the property. Such notice, when posted on the property and either served in person or addressed and deposited with the postal service with proper postage prepaid, shall be deemed complete and sufficient.

(b) The notice shall:

- (1) Be in writing;
- (2) Set forth the alleged violation of this article;
- (3) Describe the parcel of real property where the violations are alleged to exist or to have been committed;
- (4) Advise that if the weeds or trash are not removed within the prescribed time, and that if the weeds and trash do not remain abated or removed, the city will proceed to abate the nuisance with the costs thereof together with an administrative fee and interest authorized by this article being specially assessed against the owner and the parcel;
- (5) Advise that the cost of abatement together with the administrative fee and interest constitutes a lien against the property in favor of the city; and
- (6) Advise that within seven (7) days of the posting of the notice on the property, the owner may appeal to the city manager stating in detail the reasons why the proposed action should not be taken.

(c) In the event the owner appeals the proposed abatement as provided for above, the city manager shall set a hearing and notify the owner of the time and location of a hearing to be held within five (5) days from the date of the city manager's receipt of the appeal. At any hearing, the city manager shall hear and investigate any objection that may be raised and take action in response as he may deem reasonable.

(d) Any notice sent by the city manager to any owner of a parcel which, because of weeds or trash, has been declared a public nuisance under this article and which notice otherwise complies with the requirements of this section, shall constitute complete and sufficient notice for any similar condition during the same period of April 1 until November 1 in which the notice was sent.

(Ord. No. 24633, § 2, 5-14-79; Ord. No. 30275, § 1, 10-15-90; Ord. No. 34715, § 1, 3-20-00; Ord. No. 36118, § 1, 11-4-02; Ord. No. 37436, § 1, 6-19-06)

Sec. 33-21. Abatement of public nuisance.

(a) If the owner shall fail or neglect to complete abatement of the public nuisance as required within seven (7) days of mailing of notice or of posting, whichever is applicable, or if the owner fails to continue to comply with the requirements of this section, the city manager may direct in writing that city forces abate or complete the abatement of such public nuisance, or the city manager may contract for this abatement on behalf of the city with a private contractor.

(b) Any owner may abate the public nuisance himself without liability to the city, provided that he completes the abatement prior to commencement of abatement by city personnel or any private contractor on behalf of the city.

(Ord. No. 24633, § 2, 5-14-79; Ord. No. 30275, § 1, 10-15-90; Ord. No. 34715, § 1, 3-20-00; Ord. No. 36118, § 1, 11-4-02)

Sec. 33-22. Accounting for abatement costs.

The city manager, or city manager's designee, shall keep an account of the cost of abating public nuisances and embody such account in periodic reports with assessment lists which shall be transmitted to the city clerk at convenient intervals. The copy retained by the city clerk shall be available for public inspection. The reports shall refer to each parcel as to which public nuisance was abated by description sufficient to identify the parcel, and specify and include an additional administrative fee as specified in section 2-178.4 of this Code, to be assessed against the owner; the cost of abatement including but not limited to a minimum of two (2) hours labor as well as other reasonable charges for equipment; and interest authorized by this article.

(Ord. No. 24633, § 2, 5-14-79; Ord. No. 30275, § 1, 10-15-90; Ord. No. 34715, § 1, 3-20-00; Ord. No. 35858, § 2, 5-13-02; Ord. No. 39658, § 1, 5-13-13; Ord. No. 40389, § 11, 11-16-15)

Charter reference— Lien for amount of expense incurred by city in cutting weeds, § 51.

Cross reference— Authority of director of finance to reduce or waive penalty and interest on charges levied against land owners for removal of noxious weeds, § 2-283.

Sec. 33-23. Notice to owner on abatement costs.

(a) Upon completion of the reports and assessment lists, the city manager shall mail by United States Postal Service to each owner at his address as determined from public records a notice including a statement to the owner of the abatement cost and the administrative fee. The notice shall provide that upon confirmation by the city manager of the abatement cost and administrative fee, they shall constitute special assessments against the owner and the parcel, a personal obligation of the owner, and a lien upon the owner's parcel from the date and time of the recordation of the notice of lien, and from the date of such confirmation, until paid, bear interest at the legal rate, and that any fees, charges or costs for the abatement of a nuisance thereof shall be collected in any manner provided by the Code of Virginia for the collection of state and local taxes.

(b) The city manager shall cause a notice of the lien of the special assessment prepared by the city attorney to be recorded in the clerk's office of the circuit court of the City of Roanoke, Virginia. The city attorney may take appropriate steps including a personal or in rem suit or action in the appropriate court to enforce the lien to satisfy the special assessment.

(c) The director of finance and the city treasurer, when in their discretion it is just and proper to do so, may waive liens imposed pursuant to this section whenever doing so will facilitate the sale of the property and encourage its productive reuse. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

(Ord. No. 24633, § 2, 5-14-79; Ord. No. 30275, § 1, 10-15-90; Ord. No. 34485, § 2, 9-20-99; Ord. No. 37708, § 1, 3-19-07; Ord. No. 39658, § 1, 5-13-13)

Chapter 36.2 ZONING

DIVISION 1. RESIDENTIAL DISTRICTS

ARTICLE 3. REGULATIONS FOR SPECIFIC ZONING DISTRICTS

Sec. 36.2-312. Dimensional regulations for residential districts.

District	RA	R-12	R-7	R-5	R-3	RM-1	RM-2	RMF
...								
Tree canopy coverage (Min. percent of lot areas)	20	20	20	20	15	15	10	10
...								

(Ord. No. 39122, § 1, 5-16-11; Ord. No. 40088, § 1, 10-20-14; Ord. No. 40296, § 1, 7-6-15)

DIVISION 2. MULTIPLE PURPOSE DISTRICTS

Sec. 36.2-316. Dimensional regulations for multiple purpose districts.

District	MX	CN	CG	CLS	D	IN	ROS	UF
...								
Minimum tree canopy (percentage of lot area)	10	0	10	10	0	10	20	0
...								

(Ord. No. 39122, § 1, 5-16-11; Ord. No. 39495, § 1, 9-4-12; Ord. No. 40296, § 1, 7-6-15)

Sec. 36.2-317. Civic space yard option.

In districts where indicated as applicable in Section 36.2-316, a building may be exempted from the maximum front yard requirement set forth in Table 205-2 of this chapter, if a civic space accessible to the general public is provided along the entire frontage(s) where the maximum frontage would otherwise be applicable. Such civic space shall meet these requirements:

- ...
- (e) At least thirty (30) percent of the civic space shall consist of landscaped area. Such area shall include one (1) large deciduous tree for each five hundred (500) square feet of landscaped area or portion thereof up to two thousand (2,000) square feet. One (1) additional large deciduous tree shall be required for each additional one thousand (1,000) square feet of civic space. One (1) deciduous or evergreen shrub shall be provided for each ten (10) square feet of landscaped area with vegetative ground cover or one (1) square foot of planted bed for each ten (10) square feet of landscaped area with vegetative ground cover on remaining space.

...

(Ord. No. 39122, § 1, 5-16-11; Ord. No. 39495, § 1, 9-4-12; Ord. No. 40088, § 1, 10-20-14)

DIVISION 3. INDUSTRIAL DISTRICTS

Sec. 36.2-323. Dimensional regulations for industrial districts.

District	I-1	I-2	AD
...			
Tree canopy coverage (Min. percent of lot areas)	10	10	0
...			

(Ord. No. 39122, § 1, 5-16-11; Ord. No. 39495, § 1, 9-4-12)

DIVISION 4. PLANNED UNIT DEVELOPMENT DISTRICTS

Sec. 36.2-328. Dimensional regulations for planned unit development districts.

District	MPUD	INPUD	IPUD
...			

Tree canopy coverage (Min. percent of lot areas)	15	10	10
...			

(Ord. No. 39122, § 1, 5-16-11; Ord. No. 39495, § 1, 9-4-12)

DIVISION 5. OVERLAY DISTRICTS

Sec. 36.2-334. Airport Navigation Overlay District (AN).

...
(i) *Applicability of regulations to pre-existing structures, uses, or vegetation.*

...
(2) The owner of any structure, vegetation, or use which existed prior to August 29, 1966, or where applicable prior to the effective date of any subsequent amendment to this section, and which is inconsistent with or in violation of this section or an amendment thereto, shall be required, as a condition of the continued maintenance of such structure, tree, or use, to permit any mitigation procedures deemed necessary including, without limitation, the City's installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Federal Aviation Administration (FAA) so as to indicate the presence of such object or hazardous use to operators of aircraft in the vicinity of the airport. Such markers and lights shall be installed, operated, and maintained at the expense of the City and not of such owner.

...
Sec. 36.2-335. - River and Creek Corridors Overlay District (RCC).

...
(e) *Riparian buffer standards.*

...
(4) Removal of vegetation within the required riparian buffer area shall be permitted only in accordance with the following provisions:

- (A) Trees may be pruned or removed as necessary to provide limited sight lines and vistas, provided that where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff.
- (B) Dead, diseased, or dying trees may be removed.

...
(f) *Permitted buffer impacts.* The following development activities shall be permitted within the required riparian buffer area of the RCC Overlay District, provided no more land is disturbed than is necessary to provide for the desired installation or construction, all required permits have been issued, and any land disturbance activity complies with all erosion and sediment control requirements of Chapter 11.1 of this Code for the stabilization of disturbed areas to minimize negative effects on the quality of surface waters:

- (4) Public passive recreation uses such as greenways and pervious trails, provided that to the extent possible, such pathways use existing and proposed utility alignments or previously cleared areas and minimize tree cutting to the maximum extent practicable;
- (5) Individual pedestrian paths connecting homeowners to the river or creek in the form of narrow, pervious footpaths with minimal tree disturbance; or

...
ARTICLE 6. DEVELOPMENT STANDARDS

DIVISION 3. GENERAL DEVELOPMENT STANDARDS

Sec. 36.2-630. General development standards.

The provision and location of all pedestrian and vehicular traffic related facilities, including sidewalks, curbs and gutters, street trees, street lighting, frontage roads, and acceleration and deceleration lanes, shall be as required by the Agent to the Planning Commission, provided that the property's development directly generates the need for such infrastructure and provided further that the infrastructure required is in proportion to the level of need generated by the development. Such determination by the Agent shall be based upon a quantifiable need documented by analysis of existing and post-development conditions, such as traffic or drainage studies.

(Ord. No. 40088, § 1, 10-20-14)

DIVISION 4. LANDSCAPING AND SCREENING

Sec. 36.2-640. Purpose.

The purpose of this division is to protect the public health, safety, and general welfare by incorporating landscaping, screening, and tree canopy preservation requirements into the development process. This Division establishes minimum requirements for the installation, preservation, and maintenance of planting and screening materials intended to:

- (a) Ensure development consistent with the goals of the Comprehensive Plan;
- (b) Reduce soil erosion;
- (c) Increase infiltration in permeable land areas to improve stormwater management and aquifer recharge;
- (d) Mitigate air, dust, noise, and chemical pollution;
- (e) Reduce the heat island effect of impervious surfaces;
- (f) Preserve existing native vegetation as an integral part of the community;
- (g) Promote planting techniques that ensure the long-term health of landscaping materials;
- (h) Reduce public costs to taxpayers for stormwater management, air pollution controls, and related infrastructure;
- (i) Protect property values by requiring site appropriate landscaping; and
- (j) Mitigate the impacts of intense development on less intense uses.

Sec. 36.2-642. General landscaping and screening standards.

(a) General requirements.

(1) All portions of a lot which are not included in the calculation of impervious surface ratio shall be landscaped. Landscaping shall include plant materials as may be required by this division as well as open areas covered with grass or other vegetative groundcover.

(2) Landscaping within a sight distance triangle shall not include any evergreen tree and, furthermore, shall not include shrubs or ground cover exceeding thirty (30) inches in height above the graded ground level.

(3) When a determination of the number of required trees or shrubs, as set forth in this division, results in a fraction, any fraction shall be counted as one (1) tree or shrub.

(4) If the development of any portion of a lot includes the creation of a slope of two to one (2:1), horizontal to vertical, or greater, such slope shall be planted with vegetative cover, subject to determination of the Zoning Administrator that the methods of planting will hold the soil in place and that the proposed vegetative cover and rate of planting will ensure stabilization of the slope.

(b) Planting materials. Where landscaping is required by this division, the following standards shall apply:

(1) All trees required by this division shall be selected from the approved tree list in Table 642-1 and shall meet the applicable minimum height and caliper at the time of planting and suitability requirements as set forth in Table 642-1, unless otherwise provided for in this division. The Zoning Administrator may approve the use of trees not set forth in Table 642-1 to meet the minimum tree requirements of this division, subject to the Zoning Administrator's determination that the height, caliper, canopy, and suitability characteristics of such alternative trees are consistent with the intent and standards of this division. The resource for such determination shall be based on

the published reference text, Manual of Woody Landscape Plants, fifth edition, 1998, by Michael A. Dirr.

(2) Where evergreen or deciduous shrubs are required by this division, such shrubs shall have a minimum height of eighteen (18) inches at the time of planting.

(3) Existing vegetation which meets the standards prescribed by this division, as determined by the Zoning Administrator, may be preserved and may be used to meet some or all of the landscaping requirements.

(4) All required landscaping materials shall meet the specifications and standards of the American Association of Nurserymen.

(5) Where the planting of trees which have a height at twenty-year maturity which would interfere with overhead utility lines, the Zoning Administrator may, as a part of development plan approval, permit the substitution of trees with a lesser height at maturity, provided the substitute trees shall be provided at a rate that will result in the same amount of total tree canopy.

Table 642-1. Trees: Approved Plant List, Minimum Size at Planting, 20-Year Canopy, and Suitability

Common Name	Botanic Name	Min. Height at Planting	Min. Caliper at Planting	Canopy at 20 years (sq. ft.)	Suitability
Evergreen Trees					
Cedar, Deodar	<i>Cedrus deodara</i>	5'		177	C, B
Cedar, Eastern Red	<i>Juniperus virginiana</i>	5'		38	C, B
Cypress, Leyland	<i>X Cupressocyparis leylandii</i>	5'		113	B
Holly, American	<i>Ilex opaca</i>	5'		38	C, B
Magnolia, Southern	<i>Magnolia grandiflora</i>	5'		177	C, B
Pine, Eastern White	<i>Pinus strobus</i>	5'		177	C, B
Spruce, Colorado Blue	<i>Picea pungens</i>	5'		113	C, B
Spruce, Norway	<i>Picea abies</i>	5'		177	C, B
Spruce, White	<i>Picea glauca</i>	5'		113	C, B
Large Deciduous Trees					
Beech, American	<i>Fagus grandifolia</i>		2"	177	C
Beech, Copper	<i>Fagus sylvatica cuprea</i>		2"	177	C
Birch, River	<i>Betula nigra</i>		2"	254	P, C
Black Gum/Tupelo	<i>Nyssa sylvatica</i>		2"	177	C
Elm, Lacebark	<i>Ulmus parvifolia</i>		2"	254	P, C
Ginkgo (Male Variety Only)	<i>Ginkgo biloba</i> (Male Variety Only)		2"	133	P, C
Honey Locust, "Shademaster"	<i>Gleditsia triacanthos</i> , "Shademaster"		2"	314	C
Japanese Pagoda tree	<i>Sophora japonica</i>		2"	254	C
Japanese Zelkova	<i>Zelkova serrata</i>		2"	177	P, C
Linden, American	<i>Tilia Americana</i>		2"	314	C
Linden, Little Leaf	<i>Tilia cordata</i>		2"	177	P, C
London Planetree	<i>Platanus acerfolia</i>		2"	380	P, C
Maple, Red	<i>Acer rubrum</i>		2"	314	P, C
Maple, Sugar	<i>Acer saccharum</i>		2"	314	P, C
Oak, Chestnut	<i>Quercus prinus</i>		2"	254	C
Oak, Northern Red	<i>Quercus rubra</i>		2"	254	P, C
Oak, Pin	<i>Quercus palustris</i>		2"	254	P, C
Oak, White	<i>Quercus alba</i>		2"	254	C
Oak, Willow	<i>Quercus phellos</i>		2"	254	P, C
Redwood, Dawn	<i>Metasequoia glyptostroboides</i>		2"	177	C
Tuliptree	<i>Liriodendron tulipifera</i>		2"	254	C
Small Deciduous Trees					
Cherry, Comelian	<i>Cornus mas</i>	5'		113	C, B
Cherry, Kwanzan Flowering	<i>Prunus serrulata</i> 'Kwanzan'		2"	177	P, C

Cherry, Yoshino	Prunus yeodensis		2"	177	P, C
Dogwood, Flowering	Cornus florida	5'		177	P, C
Dogwood, Kousa	Comus kousa	5'		177	P, C
Goldenraintree	Koelreuteria paniculata		2"	177	P, C
Hawthorn, Washington	Crataegus phaenopyrum	5'		113	C, B
Hophombeam, American	Ostrya virginiana		2"	201	C
Hombeam, American	Carpinus caroliniana		2"	177	C
Maple, Amur	Acer ginnala		2"	113	C, B
Maple, Hedge	Acer campestre		2"	177	P, C, B
Maple, Japanese	Acer palmatum	5'		177	C
Maple, Trident	Acer buergerianum		2"	177	C
Myrtle, Crape	Lagerstroemia indica	5'		113	P, C
Redbud, Eastern	Cercis Canadensis	5'		177	P, C
Serviceberry	Amelanchier arborea	5'		201	C
Sourwood	Oxydendrum arboreum	5'		113	C
White Fringetree	Chionanthus virginicus	5'		113	C
Source for Tree Canopy Coverage at 20 Years: Virginia Nursery & Landscape Association, Inc.					
* Suitability Key for Table 642-1: P = Parking Areas or Street Yard Trees C = Tree Canopy for Overall Site B = Buffer Yards					

(c) *Screening*. Where screening is required by this division, the following standards shall apply:

- (1) Screening shall be visually opaque and constructed of a durable material.
- (2) Screening shall be maintained by the owner of the property so as to meet the requirements of this division.
- (3) Acceptable screening materials shall include stockade fences, decorative masonry walls, brick walls, and earth berms. The Zoning Administrator may approve alternative materials where their characteristics and design meet the intent and standards of this division.

(d) *Landscape plan*. For development plans subject to the requirements of this division, the following landscaping information shall be required as part of development plan approval:

- (1) For a basic development plan, the landscaping information as set forth in Section B-1, Appendix B, shall be submitted; or
- (2) For a comprehensive development plan, a Landscape Plan as set forth in Section B-3, Appendix B, shall be submitted.

(e) *Installation*. The installation of required tree canopies, landscaping, buffering, and screening shall meet the following requirements:

- (1) Only healthy planting materials shall be used for required plantings.
- (2) The planting of trees shall be done in accordance with either the standardized landscape specifications jointly adopted by the Virginia Nurserymen's Association, the Virginia Society of Landscape Designers, and the Virginia Chapter of the American Society of Landscape Architects, or the road and bridge specifications of the Virginia Department of Transportation.
- (3) No temporary Certificate of Occupancy shall be issued until either the required landscaping is completed in accordance with an approved development plan or the property owner or developer provides a guarantee in a form acceptable to the City Attorney that ensures installation.
 - (A) A guarantee for required landscaping shall be an amount equal to one hundred ten (110) percent of the cost of the plants, related materials, and installation.
 - (B) All required landscaping shall be installed, inspected, and approved within three (3) months of acceptance of the guarantee.
 - (C) During any water emergency declared by the governing body in which the use of water is restricted, the Zoning Administrator may permit the delayed installation of required trees, plants, or screening materials. In this event, the property owner shall be required to maintain the guarantee. After a declaration

of water emergency ends, the property owner shall install the required plants within thirty (30) days.

(4) No permanent Certificate of Occupancy shall be issued until the required landscaping is completed in accordance with an approved development plan.

(f) *Maintenance.* After approval by the Zoning Administrator that all landscaping required by this chapter is complete and in healthy condition, the property owner shall be responsible for the ongoing protection and maintenance of all required landscaping in a manner that complies with the requirements of this chapter and in conformance with the approved development plan. Where necessary to comply with the requirements of this chapter and the approved development plan, dead or damaged landscaping materials shall be replaced by the property owner within six (6) months of notification by the City.

(g) *Modification of landscaping requirements.* The Zoning Administrator may approve in writing a development plan subject to, in whole or in part, alternative landscaping, screening, or buffer yard standards if the Zoning Administrator finds that any of the following circumstances exist on the proposed development site, or surrounding properties, provided any such alternative plan shall provide the equivalent quantity of required vegetative material and shall have no additional adverse visual impact on adjacent properties or public areas or otherwise be inconsistent with the stated purposes of this division:

(1) Natural land characteristics, such as topography or existing vegetation, on the proposed development site would achieve the same intent of this division;

(2) Innovative landscaping or architectural design is employed on the development site to achieve an equivalent tree canopy, landscaping, screening, or buffering effect;

(3) The screening and landscaping for a required buffer would be ineffective because of the proposed topography of the site or the location of the improvements on the site; or

(4) The topography of adjacent and surrounding sites would render required screening ineffective.

(Ord. No. 37633, § 14, 11-20-06; Ord. No. 37984, § 6, 12-17-07; Ord. No. 38423, § 1, 4-20-09; Ord. No. 39495, § 1, 9-4-12)

Sec. 36.2-643. Preservation of existing landscape features.

(a) Generally.

(1) During development, the property owner shall demonstrate reasonable efforts, in light of the proposed development and topography of a particular site, to preserve, replenish, protect, and utilize the following types of landscape features: trees of six (6) inch caliper or larger; ornamental trees of any size; trees within required yards, along property boundaries, or within twenty (20) feet of streams or lakes, unless necessary to remove for access, tree health, traffic circulation, utilities, or drainage; and streams in their natural condition.

(2) The Zoning Administrator shall have the authority to require the replacement of trees destroyed during site development, particularly as delineated in subparagraph (1) above.

(3) With the approval of the Zoning Administrator, any existing tree, of six (6) inch caliper or greater, determined to be in healthy condition and of a species permitted and suitable for the requirement of this division for which credit is requested, as established in Table 642-1, and preserved on the site in accordance with Section 36.2-643(b), may receive a tree preservation bonus. For purposes of this subsection, a tree preservation bonus shall provide credit as follows for purposes of satisfying tree canopy requirements:

(A) Existing approved tree of at least six (6) inch caliper shall receive a canopy credit of two (2) trees of the same species;

(B) Existing approved tree of at least nine (9) inch caliper shall receive a canopy credit of three (3) trees of the same species; or

(C) Existing approved tree of at least twelve (12) inch caliper shall receive a canopy credit of four (4) trees of the same species.

(b) Tree protection during construction. Where, at the option of the developer, existing trees, of at least six (6) inch caliper, or wooded areas, are to be preserved in lieu of planting new

materials in order to satisfy the tree canopy, landscaping, buffer yard, or screening requirements of this division, subject to determination of the Zoning Administrator that such trees or wooded areas to be preserved will serve the purposes of this division, and as a condition of any approval pursuant to Section 36.2-643(a)(3), the following requirements shall apply:

- (1) Groups of trees and individual trees that will be retained on a development site shall be accurately located on a basic development plan (see Section B-1, Appendix B) or on the Landscape Plan of a comprehensive development plan (see Section B-3, Appendix B) and designated as "Tree Protection Areas," and shall be clearly marked on the development site prior to any land disturbance. Grading, clearing, storage of materials, dumping of materials, and parking or transporting vehicles and equipment shall be prohibited inside any "Tree Protection Areas."
- (2) Tree protection devices as specified in "STD & SPEC 3.38, Tree Preservation and Protection," in the 1992 edition of the Virginia Erosion and Sediment Control Handbook, shall be used to protect trees in any "Tree Protection Areas."
- (3) Applicable diagrams of tree protection devices shall be provided as part of any development plan (see Appendix B). Such tree protection devices shall be installed prior to any cleaning or grading on the site, shall be maintained during construction, and shall remain in place until completion of all guaranteed improvements shown on the development plan and final release on all requirements by the City.
- (4) The Zoning Administrator shall make a determination concerning the degree of damage to any tree, whether replacement of any damaged tree is required, or the corrective measures to be taken to ensure the survival of damaged trees. The Zoning Administrator shall notify the property owner if any trees must be repaired or replaced because of the damage caused by the stress of construction.

Sec. 36.2-644. - Overall tree canopy requirements.

(a) Definition of tree canopy. For purposes of this section, "tree canopy" shall include all areas of coverage by existing plant materials exceeding five (5) feet in height, and the extent of planted tree canopy at maturity shall be based on the "canopy at 20 years" as set forth in Table 642-1. Where an existing tree is not listed in Table 642-1, "canopy at maturity" shall be based on the published reference text, Manual of Woody Landscape Plants, fifth edition, 1998, by Michael A. Dirr.

(b) Applicability.

- (1) This section shall apply to any development that requires submission of a comprehensive development plan or a basic development plan, except that:
 - (A) Dedicated school sites, playing fields, and other nonwooded recreation areas, and other facilities and uses of a similar nature, shall be exempt from the requirements of this section.
 - (B) Construction of an addition to or accessory structure associated with an existing single family or two-family dwelling, provided that no required trees are removed as part of the project, shall be exempt from the requirements of this section.

(c) Tree canopy requirements.

- (1) The planting or replacement of trees on a development site shall be required to the extent that, at twenty (20) years, minimum tree canopies will be provided as specified in the dimensional regulations in Article 3 of this chapter.
- (2) Existing trees which are to be preserved may be included to meet all or part of the canopy requirements of subsection (1), above, provided such preservation is in accordance with the standards set forth in Section 36.2-643.
- (3) Existing trees infested with disease or insects or structurally damaged to the extent that they pose a hazard to persons or property, or to the health of other trees on site, shall not be included to meet the tree canopy requirements.
- (4) This section does not replace, or negate full compliance with, the requirements of any other section of this chapter. However, if the trees provided to satisfy the requirements of street yard trees (Section 36.2-645), buffer yards (Section 36.2-647) and parking areas (Section 36.2-648) equal or exceed the tree canopy required by this

section, no further planting of trees or tree replacement is required in order to comply with the requirements of this section.

(5) New trees planted in a right-of-way adjacent to the frontage of the development site may be credited toward meeting minimum overall tree canopy requirements. (Ord. No. 39122, § 1, 5-16-11; Ord. No. 40088, § 1, 10-20-14; Ord. No. 40296, § 1, 7-6-15)

Sec. 36.2-646. - Façade planting.

Structures containing single-family, two-family, townhouse or rowhouse, or multifamily dwelling units shall be subject to the following landscaping requirements:

(a) A minimum of one (1) deciduous or evergreen shrub for each four (4) linear feet of building foundation that fronts on a street shall be planted in the area between the street right-of-way and the principal building.

(b) For through lots, the regulations of this section shall apply only to the façade of the building that contains the principal entrance(s) to the structure.

(Ord. No. 37633, § 14, 11-20-06; Ord. No. 37984, § 6, 12-17-07)

Sec. 36.2-647. - Buffering and screening.

(a) Buffering or screening shall be provided for certain activities and uses as specified in Table 647-1 except for parking areas which is contained in Section 36.2-648. The required buffering and screening materials shall be provided in accordance with Section 36.2-649.

(b) Except where specified otherwise, buffering and screening shall be installed in side and rear yards behind the building line of the lot being developed such that it reduces the visual impact of the structures, activities, or uses on abutting properties and public rights-of-way, as applicable, considering sight lines from those abutting properties and public rights-of-way, as applicable.

(c) For purposes of this section, abutting lots shall not include lots separated by a right-of-way containing a street, river or creek, or railroad line. Lots that would abut if not for their separation by an alley shall be considered abutting lots for purposes of this section and shall be subject to these buffering and screening requirements.

Table 647-1. Buffering and Screening of Certain Uses and Activities

Activity or Use	Location	Buffering or Screening Materials	Minimum Height
Wall of a principal building that contains less than 15% transparency	Between the wall and an abutting residential district, multiple purpose district, or PUD district.	Buffer: Deciduous trees and evergreen shrubs	None
Base of a retaining wall 5 or more feet in height within 10 feet of property line	Between the wall and an abutting residential district, multiple purpose district, or PUD district.	Buffer: Evergreen shrubs	18 inches
...			
Loading area, bay door, loading dock, or truck terminal	Between the loading area or loading dock and any abutting residential district, multiple purpose district, or PUD district.	Screen: Solid fence, wall, or evergreen tree screen	6 feet
...			
Car wash	Between wash bay openings and any abutting residential district, multiple purpose district, or PUD district.	Screen: Solid fence, solid wall, or evergreen tree screen	6 feet
Commercial motor vehicle sales or service, new or used, or commercial motor vehicle storage area	Between any display or service areas and any abutting residential district	Screen: Solid fence, solid wall, or evergreen tree screen	6 feet
...			
Gasoline stations	Between the pumps and canopy and any abutting residential district	Screen: Solid fence, solid wall, or evergreen tree screen	6 feet

Junkyards, wrecker yards, and recycling centers	Perimeter of any area where the storage, collection, processing or other associated activity occurs, and which is not wholly enclosed within a building	Screen: Solid fence or solid wall, and evergreen tree screen	6 feet
Mini-warehouse	Between the facility and any abutting residential or multiple purpose district	Screen: Solid fence, solid wall, or evergreen tree screen	6 feet
Motor vehicle or trailer painting and body repair	Perimeter of any area used to store any visibly damaged or inoperative vehicles	Screen: Solid fence, solid wall, or evergreen tree screen	6 feet
Motor vehicle repair or service establishment	Perimeter of any area used to store any visibly damaged or inoperative vehicles	Screen: Solid fence, solid wall, or evergreen tree screen	6 feet
Motor vehicle sales and service establishment, new or used	Between the display area and any abutting residential district	Screen: Solid fence, solid wall, or evergreen tree screen	6 feet
Outdoor storage	Between the storage area and any abutting residential district, multiple purpose district, or PUD district. Between the storage area and any residential district, multiple purpose district, or PUD district across a street	Screen: Solid fence, solid wall, or evergreen tree screen	6 feet
Outdoor storage lot	Between the storage area and any abutting residential, multiple purpose district, or PUD district and between the storage area and any residential, multiple purpose, or PUD district across a street Along street frontage when not abutting a residential, multiple purpose, or PUD district across a street.	Screen: Solid fence, solid wall, or evergreen tree screen Deciduous trees	6 feet
...			
Wireless telecommunications facility and associated mechanical equipment	Perimeter of the base of the facility and mechanical equipment	Screen: Solid fence, solid wall, or evergreen tree screen	6 feet

(Ord. No. 37984, § 6, 12-17-07; Ord. No. 38423, § 1, 4-20-09; Ord. No. 38424, § 1, 4-20-09; Ord. No. 39495, § 1, 9-4-12; Ord. No. 40088, § 1, 10-20-14)

Sec. 36.2-648. Parking area landscaping.

- (a) Parking areas shall be subject to the following buffering and screening standards:
 - (1) Wheel stops, curbing, or other barriers shall protect landscaping from damage by motor vehicles.
 - (2) Interior planting areas shall be at least eight (8) feet by eighteen (18) feet, with a minimum soil depth of two (2) feet, and shall include surface landscaping, mulch, grass or other vegetative ground cover.
 - (3) Trees required by this section shall be selected from Table 642-1.
- (b) Parking areas shall be landscaped according to the standards set forth in the Table 648-1.
- (c) The landscaping and screening materials shall be provided in accordance with Section 36.2-649.

Table 648-1. Parking Area Landscaping Standards

Size of Parking Area	Street Frontage Buffering Materials	Perimeter Buffering Materials	Minimum Tree Canopy Required
6 or fewer parking spaces	None required	None required	None required

7–20 parking spaces	Street screen or an 8-foot deep yard with deciduous trees and evergreen shrubs.	Deciduous trees and shrubs between the parking area and an abutting residential district. Exception: Buffering is not required where the parking area abuts a parking area with 7 or more spaces on an adjacent lot.	The minimum parking area tree canopy is 10%. If the canopy of trees planted to meet requirements for street frontage buffering materials and perimeter buffering materials does not meet 10% of the parking area canopy, add at least half of the balance of required tree canopy to the interior of the parking area. Any remaining balance may be added to the perimeter of the parking area. Only trees planted within 8 feet of the parking area pavement are credited toward parking area canopy.
21 or more parking spaces	Street screen or an 8-foot deep yard with deciduous trees and evergreen shrubs.	Deciduous trees and shrubs between the parking area and an abutting residential district. Exception: Buffering is not required where the parking area abuts a lot that contains a parking area with 7 or more spaces.	The minimum parking area tree canopy is 20%. If the canopy of trees planted to meet requirements for street frontage buffering materials and perimeter buffering materials does not meet 20% of the parking area canopy, add at least half of the balance of required tree canopy to the interior of the parking area. Any remaining balance may be added to the perimeter of the parking area. Only trees planted within 8 feet of the parking area pavement are credited toward parking area canopy.

(Ord. No. 37633, § 14, 11-20-06; Ord. No. 38237, § 5, 9-15-08; Ord. No. 38423, § 1, 4-20-09; Ord. No. 39495, § 1, 9-4-12)

Sec. 36.2-649. Standards for buffering, screening, and parking area landscaping materials.

Materials used to meet requirements of Sections 36.2-647 and 36.2-648 shall meet the standards of Table 649-1.

Table 649-1. Buffering, Screening and Landscaping Materials

Materials	Standards
Deciduous Trees	Spacing for small deciduous trees Minimum 15 feet on center Maximum 30 feet on center
	Spacing for large deciduous trees Minimum 20 feet on center Maximum 40 feet on center
	No more than half of the deciduous trees planted to meet canopy requirements shall be of the same species.
	Provide planting strip with minimum width of 8 feet unless otherwise specified in this chapter.
Solid fence or solid wall	Use a fence or wall that is at least 95% opaque along the length of screen.
Evergreen shrubs	Minimum spacing 2 feet on center Maximum spacing 3 feet on center
Provide planting strip with minimum width of 3 feet unless otherwise specified in this chapter.	
Where a screen and shrubs are used together, shrubs shall be planted on the side of the screen opposite of where the development is proposed.	
Street screen	Use a street screen with these characteristics: <ul style="list-style-type: none"> •Minimum height of 30 inches and maximum height of 42 inches. •Vertical support posts of metal or masonry spaced at no more than 8 feet on center. •Panels between supports shall be metal, masonry, or both. •Metal elements that are painted or coated and of rigid construction, with no members less than 0.25 inch. •Masonry elements that are finished; exposed concrete block is not an acceptable finish.

Planting strip is a strip of land dedicated to required plantings for buffering and screening purposes.

(Ord. No. 37984, § 6, 12-17-07; Ord. No. 38423, § 1, 4-20-09; Ord. No. 39495, § 1, 9-4-12; Ord. No. 40088, § 1, 10-20-14)

APPENDIX A. DEFINITIONS

For the purposes of this chapter, the following terms and words shall be defined as set forth below, unless otherwise provided in this chapter:

Agricultural operations: The use of property for the purpose of producing agricultural, horticultural, or floricultural products including livestock, poultry, eggs, dairy products, vegetables, trees, or similar products. A garden that is accessory to a residential use shall not be deemed an agricultural operation. Agricultural operations shall not include principal industrial uses related to food processing or distribution.

Caliper: The measurement of a tree trunk's diameter in inches at a height six (6) inches above the ground for trees up to and including four (4) inches in caliper, and at a height twelve (12) inches above the ground for trees exceeding four (4) inches in caliper.

Impervious surface: Any man-made surface or material that does not readily absorb water or that substantially reduces or prevents the infiltration of stormwater. For purposes of this chapter, impervious surfaces shall include, without limitation, roofs, private streets, decks, sidewalks, outdoor storage areas, and parking and other areas paved with asphalt, concrete, compacted sand, compacted gravel, or clay.

Impervious surface ratio: That portion of a lot or zoning district which, when viewed from directly above, would be covered by any impervious surface. Compacted gravel parking areas shall be considered impervious for the purpose of calculating impervious surface ratio, unless specially designed to remain pervious as documented by an engineer. Impervious surface ratio (percentage) shall be calculated by dividing the area of impervious surface (in square feet) by the total area of the lot (in square feet).

Nursery or greenhouse, commercial: A retail establishment whose exclusive activity is the sale of plants, shrubs, and trees and the sale of any article, substance, or commodity related to such planting, maintenance, or harvesting such as packaged fertilizers, soils, chemicals, or other nursery goods or products in small quantities to the consumer. Such establishment may conduct its activities both within an enclosed building and outside in the open. The exterior display of inventory for sale shall not be considered "outdoor storage" for purposes of this chapter.

Open space, usable: Open space within or directly related to a multifamily residential development or a Planned Unit Development which is designed and intended for the common use and enjoyment of the residents of the development, or employees of such Planned Unit Development. Such open space is land not covered by parking, driveways, buildings, or storm water management facilities, except that it may contain structures of a recreational nature (such as picnic shelters, gazebos, swimming pools, tennis courts, and the like). Usable open space shall consist of open areas of such a size that the smallest dimension is not less than fifteen (15) feet and is of such configuration to allow for the conduct of outdoor activities. Yards required by this chapter, which meet the foregoing dimensions, may be included in the allocation and calculation of usable open space. Other open or landscaped areas with a dimension of less than fifteen (15) feet in any direction shall not be credited to the usable open space requirement for the development.

Yard: An open space, on the same zoning lot as a use or structure, which space is unoccupied and unobstructed from thirty (30) inches above the graded ground level to the sky, except as otherwise provided in this chapter. A yard extends along a lot line and to a depth or width

specified in the yard requirements for the zoning district in which such zoning lot is located, with such depth or width being measured from the lot line on which the principal structure is located to the closest projection of the principal structure.

Yard, established front: A yard provided between a front lot line and either the building line or the façade of a building that faces the front lot line.

Yard, front: A yard extending between side lot lines across the front of a lot adjoining a street, the depth of which is the horizontal distance between the front lot line and a line parallel thereto on the lot, as required by the respective zoning district regulations.

Yard, rear: A yard extending along the full length of the rear lot line and back to a line drawn parallel to the rear lot line at a distance equal to the depth specified in the yard requirements for the zoning district in which such lot is located.

Yard, side: A yard extending from the rear line of the required front yard (the setback line) to the rear lot line, at a depth required by the respective zoning district regulations, unless otherwise provided for in the supplemental regulations.

(Ord. No. 37633, § 19, 11-20-06; Ord. No. 37984, § 8, 12-17-07; Ord. No. 38237, § 7, 9-15-08; Ord. No. 38423, § 2, 4-20-09; Ord. No. 39122, § 1, 5-16-11; Ord. No. 39495, § 1, 9-4-12; Ord. No. 40088, § 1, 10-20-14; Ord. No. 40296, § 1, 7-6-15)

APPENDIX B. - SUBMITTAL REQUIREMENTS

This Appendix outlines the materials and information that must be submitted in order to provide a complete application for approval of basic development plans, comprehensive development plans, and associated landscape plans.

B-3. - Landscape Plan

(a) A landscape plan shall be drawn to scale of not less than one (1) inch equals fifty (50) feet, or a scale as necessary to establish compliance with this chapter, and shall include dimensions and distances.

(b) In addition to the information required for a comprehensive development plan, as set forth in Section B-2, Appendix B, a landscape plan shall include the following additional information:

- (1) Sight distance triangles.
- (2) Areas reserved for dedications and easements, including above ground easements and overhead utility lines.
- (3) Delineation of all portions of a lot which are not included in the calculation of impervious surfaces and a schedule of all trees and other plant materials, including grass or other ground cover, required by Division 4, Article 6, of this chapter, noting the size, caliper, and scientific and common names consistent with the regulations set forth in Section 36.2-642.
- (4) Delineation of any created slope of two to one (2:1), horizontal to vertical, or greater, and schedule of vegetative cover pursuant to Section 36.2-642(a)(4).
- (5) Planting and installation methods.
- (6) Extent of preservation of existing landscape features and methods of protection:
 - (A) Delineation of existing trees of six (6) inch caliper or greater measured at four and one-half (4½) feet above grade; existing ornamental trees of any size; existing trees within required yards, along property boundaries, or within twenty (20) feet of streams or other watercourses; and streams in their natural condition;
 - (B) Delineation of existing trees and streams as set forth in subsection (A), above, and any other existing vegetation, to be removed;
 - (C) Delineation of existing trees for which a tree preservation bonus is requested pursuant to Section 36.2-643(a)(3);

- (D) Delineation of Tree Protection Areas for groups of trees and individual trees that will be retained on the development site, noted by location, size, and type;
 - (E) Protective features including trenching, landscape walls, tree wells, stormwater management, and Best Management Practices structures; and
 - (F) Plans, cross sections, or illustrations and standard specifications depicting the manner in which the trees of the Tree Protection Areas and existing vegetation and streams to remain shall be protected.
- (7) Delineation of all landscaping, buffering, and screening, including location, size, and description of all landscaping material by size, caliper, and scientific and common names consistent with the regulations set forth in Section 36.2-642, for the following:
- (A) Street yard trees, as required by Section 36.2-645;
 - (B) Buffer yards, as required by Section 36.2-647; and
 - (C) Façade planting, as required by Section 36.2-646.
- (8) Delineation of screening of specific uses as required by Section 36.2-649, including location, size, and description of screening materials.
- (9) Delineation of all landscaping for parking areas as required by Section 36.2-648, including location, size, and description of all landscaping material by size, caliper, and scientific and common names consistent with the regulations set forth in Section 36.2-642, and including notation of the following:
- (A) Name, quantity, location, and spacing of trees, and the name, location, and spacing of shrubs, in landscaping strips along the perimeters of parking areas as required by Section 36.2-648;
 - (B) Minimum tree canopy for parking areas as required by Section 36.2-648;
 - (C) Minimum tree canopy within the interior of parking areas as required by Section 36.2-648;
 - (D) Calculation of tree canopy within the interior of parking areas provided by the plan;
 - (E) Calculation of the cumulative tree canopy along the perimeters and within the interior of parking areas provided by the plan; and
 - (F) Dimensions of all planting islands or peninsulas and perimeter landscaping strips (width, length, and soil depth).
- (10) Overall tree canopy:
- (A) Minimum tree canopy required for the development site pursuant to Section 36.2-644;
 - (B) Calculation of total tree canopy on the site provided by the plan; and
 - (C) Location, size, and description of all trees used in the calculation of the tree canopy provided by the plan, noting the size, caliper, and scientific and common names consistent with the regulations set forth in Section 36.2-642.
- (11) If applicable, delineation of all landscaping, buffer yards, and screening as required by the supplemental regulations set forth in Article 4 of this chapter, including location, size, and description of all landscaping material by size, caliper, scientific and common names consistent with the regulations set forth in Section 36.2-642, and location, size, and description of screening materials.