

**Code of Ordinances, City of Manassas, Virginia
Abstracted March 2016**

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CHARTER

CHAPTER V. POWERS AND DUTIES OF COUNCIL; CITY OFFICERS AND DEPARTMENTS

Sec. 18. General powers.

The council of the city shall have, subject to the provisions of this charter, the control and management of the fiscal and municipal affairs of the city and of all property, real and personal, belonging to the city and may make such ordinances and bylaws relating to the same as it shall deem proper. The council shall in addition to other powers given by general law, have power to make such ordinances, orders, bylaws and regulations as it may deem proper and necessary to carry out the following powers, which are hereby vested in it:

...

E. Streets, sidewalks and alleys generally. To open, extend, widen or narrow, close, plan, grade, curb, and pave, and otherwise improve streets, sidewalks, and public alleys in the city, and have them kept in good order and properly lighted; in order to properly light the streets of the city, the council may erect and operate such number of lamps and fixtures thereto belonging as it may deem necessary; it may build bridges in and culverts under streets, and may prevent or remove any structure, obstruction, or encroachment over, or under, or in any street, sidewalk, or alley in the city, and may permit shade trees to be planted along streets; but no person shall occupy with his works, or any appurtenances thereof, the streets, sidewalks, or alleys of the city, without the consent of the council, duly entered upon its records. (Acts 1990, ch. 16, § 1)

Chapter 34 CEMETERIES

Sec. 34-14. Cutting or removal of trees.

Before any tree shall be cut or removed in the cemetery, a permit for cutting and removing of the tree shall be first obtained from the caretaker of the cemetery. Such tree shall be cut and removed under the supervision of such caretaker and at the expense of the person desiring such removal. Any person who violates any provision of this section shall be guilty of a Class 1 misdemeanor.

(Code 1978, § 7-29)

Cross reference— Vegetation, ch. 122.

State Law reference— Digging up, cutting, etc., trees found growing or being upon the land of another, Code of Virginia, § 18.2-140.

Chapter 58 ENVIRONMENT

ARTICLE III. EROSION AND SEDIMENTATION CONTROL[3]

DIVISION 1. GENERALLY

Sec. 58-63. Definitions.

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

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

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

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

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

...

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

(Code 1978, § 9-3)

Cross reference— Definitions generally, § 1-2.

State Law reference— Similar provisions, Code of Virginia, §§ 10.1-500, 10.1-560.

Sec. 58-65. Exemptions.

The provisions of this article shall not apply to:

- (1) Any person who owns, occupies or operates private agricultural, horticultural or forest lands and who engages in land disturbing activities which result from the tilling, planting or harvesting of agricultural, horticultural or forest crops or products or engineering operations, such as the construction of terraces, terrace outlets, check dams, desilting basins, floodwater retarding structures, channel improvements, floodways, dikes, ponds, ditches and the like; the utilization of strip cropping, lister furrowing, contour cultivating and contour furrowing; land drainage; land irrigation; seeding and planting of waste, sloping, abandoned or eroded lands to water-conserving and erosion-preventing plants, trees and grasses, forestation and reforestation; rotation of crops; soil stabilization with trees, grasses, legumes and other thick-growing, soil-holding crops; retardation of runoff by increasing absorption of rainfall; and retirement from cultivation of steep, highly erosive areas and areas badly gullied or otherwise eroded. Any person who owns, occupies or operates private agricultural, horticultural or forest lands shall comply with the requirements of this article when that person proposes to conduct grading, excavating or filling operations, except as otherwise specifically provided.

...

(Code 1978, § 9-4; Ord. No. 0-2007-02, 8-9-2006)

State Law reference— Similar provisions, Code of Virginia, § 10.1-563; state agency projects, Code of Virginia, § 10.1-564.

ARTICLE IV. VIRGINIA STORMWATER MANAGEMENT PROGRAM

DIVISION 1. GENERALLY

Sec. 58-98. Definitions.

In addition to the definitions set forth in 9VAC25-870-10 of the Virginia Stormwater Management Regulations, as amended, which are expressly adopted and incorporated herein by reference, the following words and terms used in this ordinance have the following meanings unless otherwise specified herein. Where definitions differ, those incorporated herein shall have precedence.

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

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

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

Land disturbance or *land-disturbing activity* means a manmade change to the land surface that potentially changes its runoff characteristics including any clearing, grading, or excavation except that the term shall not include those exemptions specified in section 58-99 of this ordinance.

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.

Wetlands means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

(Ord. No. O-2014-21, § 1, 6-16-2014, eff. 7-1-2014)

Note— State Administrative Code reference—Section 9VAC25-870-10.

Chapter 70 HEALTH AND SANITATION

ARTICLE IV. CONDITION OF PREMISES

DIVISION 1. GENERALLY

Sec. 70-91. Offensive or detrimental conditions on private property generally.

(a) Definitions. The following words, terms and phrases, when used in section 70-91 and 70-92, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

...

Yard waste means decomposable waste materials generated by yard and lawn care and includes leaves, grass trimmings, brush, wood chips, and shrub and tree trimmings. Yard waste shall not include roots or stumps that exceed six inches in diameter.

...

(Code 1978, § 21-46)

Cross reference— Offenses against property, § 78-61 et seq.
State Law reference— Definitions pertaining to waste management, Code of Virginia, § 10.1-1400; abatement or removal of nuisances, Code of Virginia, §§ 15.2-900, 15.2-1115.

DIVISION 2. HEALTH AND SAFETY MENACES

Sec. 70-111. Intent; definitions.

...

(b) The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

...

Health or safety menace includes, but is not limited to:

...

(3) Hazards such as open excavations, open wells, pits, trees or parts thereof in danger of falling, unsecured vacant structures or habitation for rats, insects or other pests.

...

Rubbish means glass, metal, paper, plant growth, wood or nonputrescible solid wastes.

Yard waste means that fraction of municipal solid waste that consists of grass clippings, leaves, brush, and tree and shrub prunings arising from general landscape maintenance.

(Code 1978, § 14-11)

Cross reference— Definitions generally, § 1-2.

State Law reference— "Garbage" defined, Code of Virginia, § 3.1-758; definitions pertaining to the Virginia Waste Management Act, Code of Virginia, § 10.1-1400.

ARTICLE III. OFFENSES AGAINST PROPERTY

Sec. 78-70. Damaging church, church property, cemetery or burial grounds.

Any person who willfully or maliciously commits any of the following acts is guilty of a Class 1 misdemeanor:

(1) Destroys, removes, cuts, breaks, or injures any tree, shrub, or plant on any church property or within any cemetery or lot of any memorial or monumental association;

...

(Code 1978, § 7-30)

State Law reference— Injuries to cemeteries, places of burial, etc., Code of Virginia, § 18.2-127.

Sec. 78-73. Damaging property generally; damaging monuments.

(a) If any person unlawfully destroys, defaces, damages or removes without the intent to steal any property, real or personal, not his own, or breaks down, destroys, defaces, damages or removes without the intent to steal any monument or memorial for war veterans described in Code of Virginia, § 15.2-1812, any monument erected for the purpose of marking the site of any engagement fought during the War Between the States, or for the purpose of designating the boundaries of any city, town, tract of land, or any tree marked for that purpose, he shall be guilty of a Class 3 misdemeanor; provided that the court may, in its discretion, dismiss the charge if the locality or organization responsible for maintaining the injured property, monument, or memorial files a written affidavit with the court stating it has received full payment for the injury.

(b) If any person intentionally causes such injury, he shall be guilty of a Class 1 misdemeanor if the value of or damage to the property or monument is less than

\$1,000.00. The amount of loss caused by the destruction, defacing, damage or removal of such property or monument may be established by proof of the fair market cost of repair or fair market replacement value. Upon conviction, the court may order that the defendant pay restitution.

(Code 1978, § 21-32; Ord. No. O-2002-07, § 2, 11-15-2001)

State Law reference— Similar provisions, Code of Virginia, § 18.2-137.

Chapter 98.1 SOLID WASTE

ARTICLE I. IN GENERAL

Sec. 98.1-1. Definitions.

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

Yard waste means decomposable waste materials generated by yard and lawn care and includes leaves, grass trimmings, brush, wood chips, and shrub and tree trimmings. Yard waste shall not include roots or stumps or any yard or lawn care material contaminated with soil.

(Ord. No. O-2014-23, § 1, 5-14-2014)

Chapter 118 UTILITIES

ARTICLE III. WATER SERVICE

DIVISION 1. GENERALLY

Sec. 118-64. Protection of the city's reservoir (Lake Manassas).

...

(i) Brush or trees may be cleared from city property upon the written approval of submitted plans by the Water and Sewer Superintendent for the City of Manassas, provided all applicable county permits (including permits for open burning) are obtained. Clearing shall be in strict accordance with approved plans.

...

(Ord. No. O-2005-05, § 1, 9-29-2004)

Chapter 122 VEGETATION

ARTICLE II. TREE CONSERVATION

DIVISION 1. GENERALLY

Sec. 122-31. Definitions.

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

Advisory committee on trees means that body within the city which, together with the city arborist, recommends tree preservation and enhancement actions, advises the city council on tree conservation issues, and provides education to city residents. The beautification committee shall serve as the city's advisory committee on trees.

Arborist and urban forester mean a person trained in arboriculture, forestry, landscape architecture, horticulture, or related fields and experienced in the conservation and preservation of native and ornamental trees, who is designated by the city council as administrator of this article. The city horticulturist is hereby designated as the arborist/urban forester for the city.

Desirable tree means any tree designated as such in the city's design and construction standards manual, based on attractiveness, hardiness, suitability to the climate and soil conditions, hazards typically created by the tree, and a lifespan of at least 20 years.

Heritage tree means any tree which has been individually designated by the city council to have notable historic or cultural interest, as per the Code of Virginia.

Memorial tree means any tree which has been individually designated by the city council to be a special commemorating memorial, as per the Code of Virginia.

Specimen tree means any tree which has been individually designated by the city council to be notable by virtue of its outstanding size and quality for its particular species, as per the Code of Virginia.

Street tree means any tree which has been individually designated by the city council and which grows in the street right-of-way.

(Ord. No. O-2002-07, § 1(37.1-4(b)), 11-15-2001)
Cross reference— Definitions generally, § 1-2.

Sec. 122-32. Purpose of article.

It is the general purpose of this article to preserve trees for future generations, to protect and to enhance property values, aesthetic qualities, appearance, and quality of life by providing for the regulation of the planting, maintenance, restoration, and survival of desirable trees within the city. Specifically, the purposes of this article are to:

- (1) Establish and maintain the maximum sustainable amount of tree cover on public and private lands in the city;
- (2) Maintain trees within the city in a healthy and nonhazardous condition through good arboricultural practices;
- (3) Establish and maintain an optimal level of age and species diversity among trees within the city;
- (4) Promote conservation of tree resources;
- (5) Provide advice and information concerning the establishment and maintenance of trees and tree cover on public and private lands.
- (6) Select, situate, and maintain public trees to maximize benefits, minimize hazard, nuisance, and erosion, and manage costs at an appropriate level;
- (7) Coordinate tree management under a person or agency with the necessary expertise;
- (8) Foster community awareness and support for a local urban forestry program, and to foster good tree management on privately owned properties; and
- (9) Protect heritage, memorial, and specimen trees.

(Ord. No. O-2002-07, § 1(31.1-1), 11-15-2001)

Sec. 122-33. Acceptance of trees and forest property.

The city may, by action of the city council, accept or reject any proposed transfer of property within the city containing trees or suitable for the growth of trees. If it accepts the transfer, the city will maintain the property, including any trees, under the terms of the

instrument creating the transfer. Unless and until the city accepts ownership of the property, it does not acquire the responsibility to maintain any trees on private property within the city.

(Ord. No. O-2002-07, § 1(31.1-2), 11-15-2001)

Sec. 122-34. Planting trees on city property; planting water-seeking trees on private property.

(a) No person, other than a city employee acting in the scope of his duties, shall plant any tree on city property, including but not limited to the streets and sidewalks of the city, without the prior written consent of the city.

(b) The following genera and species of trees are hereby deemed water-seeking and, after December 15, 2001, may not be planted on private property within ten feet of any water, storm sewer, or sanitary sewer easement: Genus Salix (willow), Genus Populus (poplar), Genus Ulmus (elm), Species Acer saccharinum (silver maple), Species Acer rubrum (red maple).

(c) If the person planting the tree neglects or refuses to remove any tree planted contrary to this section within 30 calendar days after being ordered to do so by the city arborist, the city may have the tree removed and require the person planting the tree to pay the cost of removal.

(Ord. No. O-2002-07, § 1(31.1-3), 11-15-2001)

DIVISION 2. PRESERVATION AND REMOVAL

Sec. 122-51. Purpose of division.

This division regulates the preservation and removal of heritage, specimen, memorial and street trees, when such preservation and removal are not commercial silvicultural or horticultural activities, including but not limited to planting, managing, or harvesting forest or tree crops.

(Ord. No. O-2002-07, § 1(31.1-4(a)), 11-15-2001)

Sec. 122-52. Designation of trees.

(a) A tree becomes designated under this article when the owner of the tree consents, the city arborist recommends designation after consulting with the beautification committee, and the city council designates the tree by uncodified ordinance. No tree on private property shall be designated without the express written consent of the property owner.

(b) This article does not apply to:

- (1) Work conducted on federal or state property;
- (2) Emergency work to protect life, limb or property;
- (3) Routine installation, maintenance and repair of cable and wires used to provide cable television, electric, gas or telephone service;
- (4) Activities with minor effects on trees, including but not limited to home gardening and landscaping of individual homes; and
- (5) Commercial silvicultural or horticultural activities, including but not limited to planting, managing, or harvesting forest or tree crops.

(c) If the application of this article results in any taking of private property for a public purpose or use, the city shall compensate by fee or other consideration the property owner for such taking. However, it is the intent of the city that the application of this article not result in any taking of private property for public purposes without the express written consent of the owner. To the extent that the owner's express written consent grants the city any rights, that grant of rights is a gift.

(d) In deciding whether to designate trees, the city shall consider planned land use by the property owner.

(e) Designation of a tree under this section does not obligate the city to inspect, maintain, or take any other action with regard to that tree.
(Ord. No. O-2002-07, § 1(31.1-4(c)–(g)), 11-15-2001)

Sec. 122-53. Education, advice, and assistance.

- (a) The beautification committee and the city arborist shall educate the public on the benefits of tree designation and the monetary and nonmonetary value of trees.
- (b) The beautification committee and the city arborist shall provide information on the care, preservation, maintenance and/or removal of particular designated trees to owners of those trees upon request.
- (c) When materials are available for this purpose, the city arborist may provide materials to property owners for tree care, including fertilizer, soil conditioners, and ecologically safe pesticides.
- (d) When a submitted site plan, subdivision plan, or building permit application concerns a property which has a designated tree, the city arborist shall advise the property owner of its presence and suggest ways of preserving and maintaining the designated tree.
- (e) The city arborist may inspect designated trees from time to time for safety and maintenance. If the city arborist does an inspection, he will give the owners of the property his findings, if any, and recommendations, if any, related to the designated trees.
(Ord. No. O-2002-07, § 1(31.1-5), 11-15-2001)

DIVISION 3. PROTECTION AND NUISANCE ABATEMENT

Sec. 122-71. Marking, pruning, damaging or killing trees belonging to another; posting signs, etc.

- (a) It shall be unlawful and a Class 1 misdemeanor for any person intentionally to mark, prune, damage or kill a tree, not his own, or to affix a sign or other object to a tree without the consent of the owner. This subsection shall not apply to a property owner who, personally or through an agent, trims or prunes trees which extend from a neighbor's property into his own.
- (b) Posting a sign or other object on a tree belonging to the city is prohibited by section 6-1 of this Code.
(Ord. No. O-2002-07, § 1(31.1-6), 11-15-2001)

Sec. 122-72. Trees posing hazard to human life or safety.

The city arborist may require the pruning or removal of trees or parts thereof which are in danger of falling. The procedure for doing so is given in section 70-111 et seq.
(Ord. No. O-2002-07, § 1(31.1-7), 11-15-2001)

Sec. 122-73. Removal of dead, decaying, etc., trees.

It shall be unlawful for an owner or occupier of property to permit any tree, bush or other plant to remain on the property if such tree, bush or other plant endangers persons using the streets and sidewalks of the city or poses a risk of fire or other property damage because of its location and/or condition. The city arborist may give a written notice of violation to the owner or occupier of property to remove any such tree, bush or other plant. Such notice shall give the owner or occupier a date certain by which to remove the plant, and such date shall be reasonable under the circumstances. If the owner or occupier of the property does not comply with the notice, the city may remove the tree, bush or other plant and require the owner or occupier of the property to pay the cost of removal. In an emergency, the city may have the tree, bush, or other plant removed without prior notice and require the owner or occupier of the property to pay the cost of removal.
(Ord. No. O-2002-07, § 1(31.1-8), 11-15-2001)

Sec. 122-74. Tree canopy.

The city enforces a tree canopy ordinance, adopted under the authority of Virginia Code § 15.2-961, through its zoning ordinance, chapter 130 of this Code. See section 130-216 et seq.

(Ord. No. O-2002-07, § 1(31.1-9), 11-15-2001)

Chapter 130 ZONING

ARTICLE II. DEFINITIONS

Sec. 130-42. Definitions.

For the purpose of this chapter, the following alphabetical listing of terms and their definitions shall apply. Additional definitions specific to their application in a section may be found in sections 130-165 and 130-422; however, when a conflict exists between any other definitions found in this chapter and the definitions listed in section 130-42, the definitions listed in section 130-42 shall take precedent.

Agriculture and silviculture means the use of land for the bona fide production or harvesting of agricultural products as defined in § 3.2-6400 of the Code of Virginia, including silvicultural products, but shall not include the processing of agricultural or silviculture products, the above ground application or storage of sewage sludge, or the storage or disposal of nonagricultural excavation material, waste, or debris if the excavation material, waste, or debris are not generated on the farm, subject to the provisions of the Virginia Waste Management Act.

Garden center means the use of land for the sale, from the premises, of garden plants, trees, flowers, shrubs, fertilizers, garden tools, and other accessories, primarily for agricultural, residential, and commercial consumers, with accessory outdoor sales and storage areas. Such establishments typically sell products purchased from others, but may sell material which they grow themselves.

Landscaping means the improvement of a lot, parcel, or tract of land with a combination of materials, such as grass, shrubs, trees, other vegetation, or ornamental objects, designed and arranged to produce an aesthetically pleasing open space.

Minimum percent coverage means the retention and/or planting of trees so that, at maturity of 20 years, a specified minimum tree canopy/tree cover will be provided.

Tree canopy/tree cover means the aggregate area of coverage by plant material exceeding five feet in height and measured at the drip line.

Tree, heritage means any tree, which has been individually designated by the local governing body to have notable historic or cultural interest.

Tree, memorial means any tree, which has been individually designated by the local governing body to be a special commemorating memorial.

Tree, specimen means any tree, which has been individually designated by the local governing body to be notable by virtue of its outstanding size and quality for its particular species.

Tree, street means any tree planted or designated in the street right-of-way, or on private property as authorized by the owner, as part of the street landscaping.

Yard means an open area on a lot unoccupied and unobstructed from the ground upward except as otherwise provided in this chapter.

Yard, front means a yard along any street frontage for the full width of the lot between the principal building and the front lot line.

Yard, rear means a yard provided between a principal building and the rear lot line, and measured perpendicular to the rear lot line.

Yard, side means a yard provided from the front yard to the rear yard, between a principal building and the side lot line, and measured perpendicular to the side lot line.

(Code 1978, § 34.1-20; Ord. No. 099-41, § 34.1-20, 6-14-1999; Ord. No. O-2001-07, § 34.1-20, 9-25-2000; Ord. No. O-2001-29, § 34.1-20, 6-18-2001; Ord. No. O-2002-22, § 34.1-20, 2-11-2002; Ord. No. O-2002-21, § 34.1-20, 2-26-2002; Ord. No. O-2003-09, § 34.1-20, 12-9-2002; Ord. 2003-56 § 130-42, 8-13-2003 Ord. No. O-2004-17, § 130-42, 12-24-2003; Ord. No. O-2004-17, § 1, 11-24-2003; Ord. No. O-2004-39, § 1, 4-12-2004; Ord. No. O-2007-14, 4-9-2007; Ord. No. O-2009-09, § 1, 12-8-2008; Ord. No. O-2009-20, § 1, 6-22-2009; Ord. No. O-2009-12, 7-27-2009; Ord. No. O-2009-02, § 1, 8-4-2009; Ord. No. O-2010-10, § 1, 2-22-2010; Ord. No. O-2011-10, § 1, 12-13-2010; Ord. No. O-2011-11, § 1, 12-6-2010; Ord. No. O-2011-21, § 1, 5-9-2011; Ord. No. O-2012-12, § 1, 4-9-2012; Ord. No. O-2015-15, § 1, 5-11-2015)

Editor's note— The effective date of the former zoning ordinance was July 15, 1979. The effective date of the current zoning ordinance was June 15, 1999.

Cross reference— Definitions generally, § 1-2.

State Law reference— Definitions pertaining to planning, subdivision of land and zoning, Code of Virginia, § 15.2-2201; definitions pertaining to architects, engineers, etc., Code of Virginia, § 54.1-400.

ARTICLE VI. PARKING AND LOADING REQUIREMENTS

Sec. 130-206. Construction, location and arrangement of parking and loading spaces.

...

(f) All loading spaces required by this chapter shall be located so as to facilitate the moving of goods directly from trucks or delivery vehicles to the main building or storage facility. All required loading spaces shall conform not regulated by a special use permit, to protect and preserve open yard areas, trees, and grass, and to minimize the impact of storm water to the design standards set forth in the city DCSM.

...

(h) In the R-1, R-2 and R-2-S districts for any use not regulated by a special use permit, to protect and preserve open yard area, trees, and grass, and to minimize the impact of storm water runoff and erosion, the cumulative total of designed parking spaces, driveways and paved areas shall not exceed the total square footage as based on the following provisions.

...

(5) Waiver provisions. When in the course of improving a lot, the allowable paved surface cannot be created as authorized in subsection (h)(1) a., b., or c. above, due to topography, building location, easements, specimen trees or other physical conditions beyond the control of the homeowner, or a driveway or parking space can not be placed in one of the yards as otherwise permitted, the property owner may submit a request for a waiver of subsection (h)(1)a., b. or c. above, provided that at

no time shall the total area devoted to parking spaces driveways and paved areas exceed 20 percent of the total lot coverage.

Prior to issuance of the waiver, the owner of the property shall submit a request on a form provided by the zoning administrator with a plan identifying the area and location of the proposed paved area, specific topographic information or other information as necessary to support the request for a waiver. The zoning administrator shall determine the degree of the impediment and impact of the paved areas on the character of the surrounding area. In the deliberation the zoning administrator shall take into consideration the standards for driveway construction and tree preservation as found in the DCSM, the percentage of paved yard area proposed and issues a waiver when appropriate. The decision of the zoning administrator may be appealed to the board of zoning appeals in accordance with section 130-660.

...

(Code 1978, § 34.1-80.1; Ord. No. O-2002-22, § 34.1-80.1, 2-11-2002; Ord. No. O-2003-42, § 1, 7-14-2003; Ord. No. O-2004-36, § 1, 2-23-2004; Ord. No. O-2005-37, § 1, 6-20-2005; Ord. No. O-2012-12, § 1, 4-9-2012)

ARTICLE VII. TREE CANOPY REQUIREMENTS

Sec. 130-216. Definitions.

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

Tree canopy/tree cover means the aggregate area of coverage by plant material exceeding five feet in height and measured at the drip line.

Minimum percent coverage means the retention and/or planting of trees so that, at maturity of 20 years, a specified minimum tree canopy/cover will be provided.

(Ord. No. O-2002-22, § 34.1-122, 2-11-2002; Ord. No. O-2000-18, § 34.1-122, 3-27-2000; Ord. No. O-2003-9, § 34.1-122, 12-9-2002)

Cross reference— Definitions generally, § 1-2.

Sec. 130-217. Requirements generally.

(a) All site and subdivision plans shall include tree canopies as specified in section 130-218.

(b) All trees shall be in conformance with the provisions of the design and construction standards manual (DCSM).

(Ord. No. O-2000-18, § 34.1-121, 3-27-2000)

Sec. 130-218. - Minimum canopy/cover requirements.

Minimum canopy/cover requirements shall be of follows:

Zoning District	Minimum Canopy/Cover as a Percent of the Total Area Shown on Plan
A-1, R-1, R-2, R-2S, R-3, R-4 R-6, single-family & duplex, R-7, with 3.5 density	20
R-5, R-6, quadraplex	15

developments, R-7, with density waivers of 10 + units per ac.	
B-1, B-2, B-4, I-1, I-2, R-6, apartments/condos, 20 units per acre and above	10
B-3	None required

(Ord. No. O-2000-18, § 34.1-123, 3-27-2000; Ord. No. O-2004-32, § 1, 3-22-2004)

Sec. 130-219. Redevelopment of nonconforming properties.

In the redevelopment of nonconforming properties 20,000 square feet or larger which include a building, the zoning administrator may reduce the parking required in section 130-201 in order to accommodate the required tree canopy. This may be done at the ratio of one parking space for every 250 square feet of required canopy. However, the parking shall not be reduced by more than ten percent of the total required.

(Ord. No. O-2000-18, § 34.1-124, 3-27-2000; Ord. No. O-2003-9, § 34.1-124, 12-9-2002)

ARTICLE VIII. ZONING DISTRICTS
DIVISION 2. RESIDENTIAL DISTRICTS
Sec. 130-265. R-3 townhouses.

...

- (i) Minimum tree canopy requirements:
 - (1) See Article VII and Article XIII of this chapter.
 - (2) The required tree canopy shall be provided based on the total area of the original parcel prior to subdivision or construction of any dwelling units.

...

(Ord. No. O-2015-15, § 1, 5-11-2015)

Sec. 130-266. R-4 residential manufactured home parks.

...

- (i) Minimum tree canopy requirements:
 - (1) See Article VII and Article XIII of this chapter.
 - (2) The required tree canopy shall be provided based on the total area of the original parcel prior to subdivision or construction of any dwelling units.

...

(Ord. No. O-2015-15, § 1, 5-11-2015)

Sec. 130-267. R-5 multifamily.

...

- (i) Minimum tree canopy requirements:
 - (1) See Article VII and Article XIII of this chapter.
 - (2) The required tree canopy shall be provided based on the total area of the original parcel prior to subdivision or construction of any dwelling units..

...

(Ord. No. O-2015-15, § 1, 5-11-2015)

Sec. 130-268. R-6 age-restricted residential.

...

- (d) Development guidelines:
 - (9) For tree canopy requirements, see Article VII and Article XIII of this chapter.

...
(Ord. No. O-2015-15, § 1, 5-11-2015)

Sec. 130-269. R-7 planned residential.

...
(d) Development guidelines:

...
(13) A tree canopy or cover shall be planted over a minimum of 20 percent of the total area of the original parcel prior to subdivision or construction of any dwelling units. The area of any permanent pond or lake may be subtracted from the total land area for tree canopy purposes.

...
(Ord. No. O-2015-15, § 1, 5-11-2015)

DIVISION 3. NON-RESIDENTIAL AND MIXED USE DISTRICTS

Sec. 130-301. B-1 business office.

...
(f) Open space and tree canopy requirements. See Article VII and Article XIII of this chapter.

...
(Ord. No. O-2015-15, § 1, 5-11-2015)

Sec. 130-302. B-2 neighborhood commercial.

...
(f) Open space and tree canopy requirements. See Article VII and Article XIII of this chapter.

...
(Ord. No. O-2015-15, § 1, 5-11-2015)

Sec. 130-303. B-3 city center commercial (Old Town district).

...
(f) Open space and tree canopy requirements. See Article VII and Article XIII of this chapter.

...
(Ord. No. O-2015-15, § 1, 5-11-2015)

Sec. 130-304. B-3.5 city center planned.

...
(g) Tree canopy. See Article VII of this chapter.

...
(p) Design guidelines. Design guidelines shall be submitted with any request for a rezoning or special use permit. The following elements shall be contained in the design guidelines in both narrative and graphic form unless waived by the city. Once adopted through approved proffers or conditions, development shall proceed only in accordance with the design guidelines:

...
(5) Landscaping:
a. Landscaping within building and structure setback areas and internal gardens used to meet the requirements of section 130-304(f) and section 130-304(h) are to be included.

b. On-site specimen trees are to be identified and their preservation incorporated into the overall design of the project. Any specimen tree thus preserved shall have an easement placed on it in accordance with section 122-52 of the City Code for tree preservation purposes. Maintenance by the property owner shall be properly identified within the design guidelines.

...

...

...
(Ord. No. O-2015-15, § 1, 5-11-2015)

Sec. 130-305. B-4 general commercial.

...

(g) Tree canopy. See Article VII of this chapter.

...

(Ord. No. O-2015-15, § 1, 5-11-2015)

Sec. 130-306. I-1 light industrial.

...

(g) Tree canopy. See Article VII of this chapter.

...

(Ord. No. O-2015-15, § 1, 5-11-2015)

Sec. 130-307. I-2 heavy industrial.

...

(g) Open space and tree canopy requirements. See Article VII and Article XIII of this chapter.

...

(Ord. No. O-2015-15, § 1, 5-11-2015)

Sec. 130-308. PMD planned mixed use development.

...

(e) Development standards and guidelines:

...

(9) A tree canopy or cover shall be planted over a minimum of 15 percent of the total area of the original parcel. The area of any permanent pond or lake may be subtracted from the total land area for tree canopy purposes.

...

...

(Ord. No. O-2015-15, § 1, 5-11-2015)

ARTICLE IX. SPECIAL USE PERMITS

Sec. 130-503. Generalized development plans (GDP).

The GDP shall be submitted with all applications for a special use permit. The GDP shall be to a scale no less than one-inch to 50 feet and shall include:

...

(d) A landscape plan including the general location and type of significant or specimen trees located within the limits of the proposed special use permit area.

(Ord. No. O-2015-15, § 1, 5-11-2015)

ARTICLE XI. TEXT AMENDMENTS, REZONING AND PUBLIC HEARING REQUIREMENTS

Sec. 130-693. Generalized development plans (GDP).

Generalized development plans (GDP), as required by section 130-692(5), shall include the following:

- (4) A landscape plan indicating the general location and type of significant or specimen trees located within the limits of the planned development area.
(Code 1978, § 34.1-183; Ord. No. O-2002-22, § 34.1-183, 2-11-2002)
State Law reference— Plan of development, Code of Virginia, § 15.2-2286(A)(8).

ARTICLE XIII. SITE PLAN COMPLIANCE WITH DCSM

Sec. 130-766. Improvements required to be shown on final site plans.

In order to ensure public safety, general welfare and convenience, the following improvements shall be required and shown on all final site plans:

- ...
- (12) A landscape plan:
- a. Indicating the general location and type of significant or specimen trees located within the limits of the planned development area.
 - b. Identifying the planting or replacement of trees in conformance with article VII.
- (13) When a parcel abuts a public street and is located in a B-1, B-2, B-4, I-1 or I-2 zoning district, the following improvements shall be required:
- ...
- e. Trees or groups of trees shall be planted within the buffer area at alternating distances from the public street right-of-way where no utility easement is required. Where a utility easement is required, trees shall be planted within the buffer area at alternating distances from the utility easement. There shall be a sufficient number of trees planted to achieve a 50 percent tree canopy over the buffer area at ten-year maturity. Trees or groups of trees shall be located so that there is no greater than 20 feet between the canopies of the trees or groups of trees at ten-year maturity. In addition, shrubs may be planted within the landscaped buffer area but may not serve as credit towards the required tree canopy.
 - f. The type of trees planted within the buffer area shall be approved by the city horticulturist as being in conformance with the specifications of the DCSM.

(Code 1978, § 34.1-237; Ord. No. O-2000-18, § 34.1-237; 3-27-2000; Ord. No. O-2002-22, § 34.1-237, 2-1-2002)