



# Town of Vinton Planning and Zoning

## *Proposed Landscape Ordinance*



### INTRODUCTION

This proposed new division introduces new landscaping standards to enhance the Town’s aesthetic and environmental context in relation to stormwater management, reducing urban heat island effects, and enhancing public health and safety. Screening and buffer yard requirements have been in existence, however these revisions provide greater guidance on the standards, installation methods, and use types that require such provisions. These provisions are intended to be flexible and allow space for creativity during the design and construction phases of a new development or redevelopment project.

### DRAFT OF LANDSCAPING ORDINANCE

#### ***DIVISION 5. - LANDSCAPING, SCREENING, AND BUFFER YARD REQUIREMENTS***

##### **Sec. 6-18 - Purpose.**

(a) *Purpose.* The purpose of this section is to provide for landscape planting. Landscaping standards are intended to:

- (1) Promote public health, safety and resilience;
- (2) Prevent soil erosion;
- (3) Provide shade;
- (4) Conserve natural resources;
- (5) Enhance the overall appearance of development sites.
- (6) Mitigate potential negative impacts from development on adjoining lands;
- (7) Provide a transition between private lands and the public realm;
- (8) Create an attractive edge along the street for motorists and pedestrians; and
- (9) Improve stormwater infiltration in certain locations.

##### **Sec. 6-19. - Applicability.**

(a) *Applicability.* All of the following types of development shall comply with the standards in this section:

- (1) The requirements of this division apply to any development for which a site development plan is required by Article VIII, Division 3, "Site Plan Review."
- (2) The Town Council shall also have the authority to apply any of these requirements as a condition of a special use permit approved by the Council.

##### **Sec. 6-20. - Enforcement procedures and penalties.**

(a) All landscaping, buffering, and screening materials must be in place prior to issuance of a certificate of zoning compliance. In situations where a building, structure, or property, must be occupied or used prior to completion of landscaping requirements, the Town may issue a temporary or partial

certificate of zoning compliance. A bond in the amount of forty (40) percent of the total cost of landscaping shall be held until final zoning approval.

(b) Any violations shall be subject to Article VIII, Division 5, Section 8-41 of the Town of Vinton Zoning Ordinance.

### **Sec. 6-21. - Landscaping plan.**

(a) *Landscaping Plan.* A landscaping plan shall be submitted with an application for any development subject to the requirements of this section. The plan shall depict how the proposed development complies with the standards of this section.

(b) *Landscaping Plan Preparation.* A landscaping plan, when required through site plan review, shall be prepared by a Virginia Licensed Landscape Architect, Virginia Certified Landscape Designer, or a Certified Horticulturist or Arborist.

(c) Proposed planting chart shall be indicated on the landscaping plan. A landscape planting chart showing the planting schedule, minimum size at planting, total canopy percentage, species, and total canopy coverage for the site.

### **Sec. 6-22. - General standards for landscaping and screening.**

(a) *General Requirements.*

(1) Acceptable vegetative ground cover consists of shrubs and ground cover including grass. Using standards from recognized texts on the subject, the Zoning Administrator shall decide the appropriateness of any such trees and ground cover.

(2) Species of trees shall not be planted if the roots cause damage to public utilities, the branches are subject to a high incidence of breakage, or the fruit is considered a nuisance or high maintenance, as determined by the Zoning Administrator.

(3) 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.

(4) 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.

(5) 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.

(6) Trees planted to meet any of the requirements below may also be used to meet any other screening or landscaping requirement within this Article.

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

(1) Trees used to meet the requirements of this division shall be selected from the current list of landscape trees approved and published by the Zoning Administrator. Such list shall specify minimum height or minimum caliper at planting, the 20-year canopy of trees in square feet, and the suitability of each species for parking areas, site canopy, or buffer yards.

- (2) 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. Any existing vegetation to be preserved and incorporated into the landscape must be adequately protected during construction to insure their survival, as specified in the protection and preservation methods section below (Sec. 6-23).
  - (3) All required landscaping materials shall meet the specifications and standards of the AmericanHort, previously the American Nursery and Landscape Association. Native plantings are encouraged when compatible with the surrounding land use. Every effort should be made to incorporate healthy existing trees into the landscape and avoid the use of highly invasive species.
  - (4) 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.
- (c) *Installation.* The installation of required tree canopies, landscaping, buffering, and screening shall meet the following requirements:
- (1) Landscaping required by this ordinance shall be planted during an opportune planting season, and shall be in place and in good condition prior to a final certificate of zoning compliance being issued for the site.
  - (2) The planting of trees shall be done in accordance with either the standardized landscape specifications jointly adopted by the Virginia Nursery and Landscape 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) *Minimum tree and shrub size.* New and existing tree and shrub types shall be defined by the height, caliper, and diameter at breast height per the Table below, Minimum Tree and Shrub Size.

<b>Table 1. Minimum Size and Spacing Requirements</b>			
	Height At Planting	Final Height	Screening and Spacing Requirements
Small shrubs	12"	2' minimum	N/A
Large shrubs (evergreen or deciduous)	24"	6' minimum	5' on center
Small evergreen trees	5'	15' minimum	15' on center
Large evergreen trees	6—8'	50' minimum	20' on center
Small deciduous trees	1½" caliper	15' minimum	N/A

Large deciduous trees	2" caliper	50' minimum	N/A
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- (4) *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 Town

**Sec. 6-23. - Protection and preservation methods.**

- (a) Vegetation designated for protection and/or preservation shall be enclosed in a protection zone which establishes limits of construction disturbance to the root area of designated plant material. All protection zones and measures shall be established to the satisfaction of the zoning administrator. During construction, plastic or wood fencing shall be installed at the perimeter of all protection zones.
- (1) Vegetation of specimen quality, historic designation or cultural value: Provide extraordinary measures to ensure complete protection/preservation.
- (2) Type of material specified may vary due to site-specific determinants. Silt, erosion control, or geotechnical fabric materials are not acceptable for use as vegetation protection.
- (b) Areas designated for protection and/or preservation shall not be violated throughout the entire construction period by actions including, but not limited to:
- (1) Placing, storing, or stockpiling backfill or construction related supplies.
- (2) Felling trees into the designated area.
- (3) Burning within or in close proximity.
- (4) Modifying site topography in a manner which causes damage by collection/ponding or flow characteristics of site drainage.
- (5) Trenching or grading operations.
- (6) Operating equipment or machinery.
- (7) Parking of construction vehicles.
- (8) Temporary or permanent paving or impervious surface installation.
- (9) Temporary or permanent utility construction installation.
- (10) Disposal of construction debris or chemical pollutants.
- (c) Work or construction related activities within areas designated for protection and/or preservation of existing vegetation shall be accomplished only with prior approval of the zoning administrator.

**Sec. 6-24. - Canopy coverage 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 the current list of landscape trees referenced above in Sec 6-22.

- (b) Trees shall be provided within the limits of construction to the extent that at twenty years from the date of planting, tree canopies or covers will provide at least the following minimums:

<b>Table 2. Canopy Coverage Requirements by District</b>	
<u>Zoning District</u>	<u>Tree Canopy</u>
R-LD	20%
R-1, R-2	20%
CB	20%
R-3	10%
GB, R-B, M-1, M-2	10%
PD, MUD	Per Uses Above

- (c) Existing trees or wooded areas which are to be preserved, at the applicants option may be included to meet all or part of the canopy requirements, provided the site plan identifies such trees and the trees meet the standards of size, health, placement, etc. set out in this section. The Zoning Administrator shall evaluate the use of existing trees to ensure they have adequate health and strength to allow such use.
- (d) Existing trees designated to be included as part of these requirements shall be protected during construction by fencing placed at a distance in feet equal to or greater than the diameter of the tree in inches at the height of 4½ feet.
- (e) 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 6-26), buffer yards (Section 6-28) and parking areas (Section 6-25) 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.

**Sec. 6-25. - Parking lot landscaping.**

- (a) The following provisions are intended to require that 5% of the entire parking lot, excluding the access drive, is landscaped with trees and vegetative ground cover. The area of the parking lot is the square foot area of the parking spaces and aisles and interior parking lot islands, excluding access drives that do not contain either parallel or perpendicular parking spaces.
- (b) Within the parking lot there shall be planted one tree per ten spaces, rounded down to the closest whole number.
- (c) Planter islands or peninsulas containing trees shall be located within the parking lot, such that each island or planter is surrounded on at least 3 sides by parking lot or an access road to the parking lot. Their minimum size shall be 162 square feet in area, or equal total area in irregular shapes such that adequate space is provided for adequate tree canopy maturation and protection of the landscaping materials planted therein.
- (d) Planter islands may be combined or placed together such that more than one tree may be provided in the combined planter island, so long as the total space equals a multiple of the requirements above.
- (e) Perimeter plantings may be used to satisfy this requirement in parking facilities less than forty-two feet in width.
- (f) Perimeter planting beds at least 10 feet in width shall be provided whenever a parking area is immediately adjacent to a public right-of-way. If a question arises as to whether or not a parking

area is immediately adjacent to a public right-of-way, the Zoning Administrator shall make the determination.

- (1) Plantings within this area shall include trees and vegetative ground cover.
- (2) Berms may be used in addition to, but not instead of plantings.

**Sec. 6-26. - Adjacent right-of-way/street side plantings.**

- (a) Where a new or expanded development, or reconfigured parking area is proposed adjacent to a public street right-of-way, a planting strip shall be established between the parking areas and the adjacent right-of-way. The planting strip shall have a minimum width of ten (10) feet.
- (b) Within this planting strip a minimum of one (1) large deciduous tree shall be planted every thirty (30) linear feet along the public street right-of-way. Small trees planted every twenty (20) linear feet, may be used where an overhead power line or other obstruction is present.
- (c) The trees shall be planted adjacent to the public right-of-way on the site being developed, or with the concurrence of the developer and the Zoning Administrator, in the public right-of-way.
- (d) The Zoning Administrator may reduce or eliminate this standard based on the size, street frontage, existing vegetation, and specific conditions of the site.

**Sec. 6-27. - Applicability of buffering and screening requirements.**

- (a) A buffer yard shall be required of any lot in any zoning district when the lot in that district abuts a zoning district of lower intensity as shown on the table in Sec. 6-28.
- (b) Changes in use that require site plan approval, or a change in use of an existing development where an existing use is replaced with a new more intense use (e.g., from a residential use to an institutional use, or from a commercial use to an industrial use), shall be subject to these buffering and screening requirements to the maximum extent practicable.

**Sec. 6-28. - Perimeter buffer standards.**

- (a) *Buffer Yard Standards*
  - (1) *Location and depth.* A buffer yard shall be provided in any case where a side or rear lot line of a lot abuts or is situated across an alley from property located in a district of lower intensity as shown on the following table. The buffer yard shall be provided on the lot in the higher intensity district.
  - (2) Buffer yards containing specified screening and plantings shall be required between zoning districts of different intensities as shown in Table 3. For each required buffer type, the developer of the site shall choose which option to install. Buffer yards shall be installed in the higher intensity zoning district.
  - (3) Required buffer yards shall be located such that they provide a visual and physical barrier between abutting zoning districts of different intensities and shall buffer and screen all exterior storage, service, refuse, maintenance, repair, processing, salvage, and other similar areas. No use of the site may be extended beyond the required buffer yard.
  - (4) Required buffer yards shall not be located on any portion of any existing or dedicated public or private street or right-of-way, shall not obstruct the visibility of traffic circulation, and shall not interfere with the use of adjoining properties.

Zoning District	Abutting Zoning District		
	R-LD, R-1, R-2, or R-3	RB	GB or CB
RB	A	N/A	N/A
GB or CB	B	A	N/A
M-1 or M-2	C	C	B

Note: Buffer yard types are defined in the table below.

Type of Buffer Yard	Option 1: Architectural	Option 2: Vegetative
A	Six-foot screen	Five-foot buffer yard, one row of large evergreen shrubs
B	Six-foot screen, 10-foot buffer yard, one row of small evergreen trees	25-foot buffer yard, one row of small evergreen trees, one row of large evergreen shrubs
C	Eight-foot screen, 25-foot buffer yard, one row of large evergreen trees, one row of small evergreen trees	50-foot buffer yard, one row of large evergreen trees, one row of small evergreen trees, and one row large of evergreen shrubs

- (5) The buffer yard shall be reserved solely for screening and plantings, except for required pedestrian or vehicular access driveways to the property, passive recreation areas, or pedestrian or bicycle trails, which can be accommodated in a manner that preserve the intended screening function between abutting zoning districts of different intensities. In no case shall any portion of a required buffer yard be used for parking, service, refuse, storage, maintenance, or any other use that impairs the intended buffer function.
- (6) The property owner or lessee shall have the responsibility to continuously maintain the required buffer yards, screening and plantings such that they continue to meet the specified standards and intent of this section. All materials shall be properly installed and of durable construction.

**Sec. 6-29. - Standards for buffer yard planting and screening.**

- (a) Planting required by this section shall be provided in accordance with the following standards:
  - (1) Vegetative material shall consist of evergreen shrubs or evergreen trees of such species, size, shape and spacing as will provide effective visual screening in accordance with the requirements of this section.
  - (2) Where necessary to provide the required screening effect, the planting pattern shall be staggered.
  - (3) Where required, all evergreen shrubs shall have a height of at least 24 inches at the time of planting and an ultimate height of six feet or more. Some evergreen shrubs that meet these standards are various types of hollies, yews, and junipers.
  - (4) Where required, each small evergreen tree shall have a height of at least five feet at time of planting and an ultimate height of 15 feet or greater. Some small evergreen trees that meet these standards are various types of pines, hollies, upright arborvitae and junipers.
  - (5) Where required, each large evergreen tree shall have a height of at least six to eight feet at the time of planting and an ultimate height of 50 feet or greater. Some large evergreen trees that meet these standards are various types of pines, firs and hemlocks.
  - (6) Existing evergreen trees and shrubs which meet the requirements of this section may be counted as contributing to total planting requirements.
  - (7) All portions of buffer yard areas not containing plantings shall be seeded with lawn grass or other approved vegetative ground cover.

- (b) Screening required by this section shall be provided in accordance with the following standards:
  - (1) Screening shall be visually opaque and shall be constructed of a durable material. It shall be installed within the required buffer yard, and shall be continuously maintained.
  - (2) Acceptable screening materials shall include stockade fences, decorative masonry walls, brick walls, earth berms, and/or evergreen vegetation. Alternate materials may be approved, if in the opinion of the Zoning Administrator, their characteristic and design meet the intent and standards of this section.
  - (3) Screening shall be provided, in addition to the requirements listed above, for:
    - (A) All articles or materials being stored, maintained, repaired, processed, erected, fabricated, dismantled, or salvaged, such that the activity is not visible from surrounding properties or roads.
    - (B) Refuse storage and loading areas such that these activities are not visible from surrounding properties or roads.
    - (C) Rooftop and ground level mechanical equipment such that it is not visible from surrounding properties or roads.
    - (D) All trash dumpsters or containers used for recycling shall be screened so that it is not visible from surrounding properties or roads. At minimum, the dumpster or container shall be screened on three (3) sides with architectural screening. Screening shall be based upon the standards above and subject to the approval of the Administrator.
      - (1) Four (4) foot tall architectural screening is acceptable when household style trash containers are used in place of dumpsters.

**Sec. 6-30. - Modifications.**

- (a) Screening, landscaping, and buffer yards required by this section shall be applied equally to all similarly situated properties. Modifications to these standards may be granted in writing by the administrator if the administrator finds any of the following circumstances exist on the proposed building site, or surrounding properties:
  - (1) Natural land characteristics such as topography or existing vegetation on the proposed building site would achieve the same intent of this section;
  - (2) Innovative landscaping or architectural design is employed on the building site to achieve an equivalent screening or buffering effect.
  - (3) The required screening would be ineffective at maturity due to the proposed topography of the site, and/or the location of the improvements on the site.
  - (4) The topography of adjacent and surrounding sites is such as to render required screening ineffective at maturity.
  - (5) The size or character of the area or equipment to be screened is such that screening may be ineffective in carrying out the intention of this section.
- (b) When the acreage of a site is significantly larger than the area proposed for physical improvements or active usage, buffer yards shall be reserved as required by the section. However, to achieve the intent of this section, the administrator may approve an alternative location and design for required screening and plantings.
- (c) When property lines abut an adjacent jurisdiction, the administrator shall determine the specific screening and buffering requirements along that property line(s) after consideration of the zoning designation and/or land use of the adjacent property. Requirements shall not exceed those that would be required for similarly situated/zoned property within the Town.
- (d) When a site plan is submitted to modify or expand an existing building or site improvements, or accommodate a change in land use, buffer yard and screening requirements shall only be applied to those portions of the site that are directly affected by the proposed improvements, or change in land use, as determined by the administrator.
- (e) The areas of any required buffer yard shall not be required to exceed fifteen (15) percent of the site proposed for development. In such cases, the administrator shall allow the width or location



of certain buffer yards to be reduced or eliminated. The administrator shall require additional landscaping and/or screening within the remaining buffer yards, or elsewhere on the site.

- (f) No landscaping or screening shall be required which in the opinion of the administrator interferes with traffic safety, or which violates the provisions that govern the establishment of sight triangles.

**Sec. 6-31. - Credit toward other standards.**

- (a) Buffer yard areas and associated vegetation within such areas may be credited toward compliance with the Canopy coverage requirements in Sec. 6-24, above.