

City of Chesapeake, VA
City Code / Zoning Ordinance
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CITY OF CHESAPEAKE, VIRGINIA

ZONING ORDINANCE

ARTICLE 19. DESIGN, DEVELOPMENT AND PERFORMANCE STANDARDS

§ 19-600. Landscaping and buffering.

A. In General. This section of the zoning ordinance of the city of Chesapeake shall be known and may be cited and referred to as the Chesapeake Landscape Ordinance. The Chesapeake Landscape Specifications Manual, including definitions, is hereby incorporated into and made a part of this ordinance.

B. Intent. The intent of this ordinance is to provide minimum standards for the preservation, protection and enhancement of the ecologic and aesthetic environments of the City of Chesapeake. The urban forest which includes all landscaped areas within the city, serves to prevent soil erosion; reduce the hazards of flooding; absorb carbon dioxide and supply oxygen; reduce the effects of noise, glare, dust, and other objectionable activities generated by some land uses; provide shade and reduce adverse effects of winds; safeguard and enhance property values; buffer and screen adjacent properties; and promote the pleasant appearance and character of neighborhoods.

(Ord. No. 97-O-141, 11-18-97)

§ 19-601. All sites.

A. Landscaping plan requirements.

1. A preliminary landscaping plan, showing the location and dimensions of green space, buffer yards, and existing and known proposed public and private easements, shall be required as part of any preliminary site plan for all multifamily and nonresidential developments and for all residential major subdivisions where rear or secondary front yards abut an existing or proposed right-of-way 80 feet or more in width.

2. A final landscaping plan, prepared by a landscape designer, shall be submitted in the following circumstances: (1) as part of the final site plan for any multifamily or nonresidential development; (2) as part of the building permit application for any single-family or duplex residential construction on a lot, and (3) as part of any final subdivision plan for a residential major subdivision where rear or secondary front yards abut an existing or proposed right-of-way 80 feet or more in width.

3. Such landscaping plans shall contain the landscaping and/or plant replacement specifications required under this ordinance, including the Chesapeake Landscape Specifications Manual, which is hereby incorporated into and made a part of this ordinance by reference.

B. Site analysis. A site analysis, including all tree preservation areas, is required as part of the submittal of each preliminary and final subdivision plat, site plan, or erosion and sediment control plan submitted to the city. Such site analysis shall, by plan and narrative, include all those elements required by the Chesapeake Landscape Specifications Manual. The site analysis may, upon approval of the city arborist based on-site conditions, be presented in a narrative format only.

C. Townhouse communities. In townhome communities where adequate space does not exist for the placement of trees otherwise required under this ordinance, the city may approve the placement of trees in open spaces, common areas or end lots where adequate and appropriate space for mature growth exist. If such a plan is approved, it shall be the developer's responsibility to set forth a schedule for the installation of these plantings that meets the approval of the city. Further, the developer shall be responsible to call for city inspection and approval of said landscaping upon completion.

D. Parking areas.

1. Green space meeting the definition contained in the Chesapeake Landscape Specifications Manual shall be provided within the interior of parking areas at a ratio of 30 square feet of green space per each parking space required under this ordinance. Only those areas directly adjacent to and directly associated with the rows of parking will count towards required green space.
2. The equivalent of 300 square feet of large tree canopy coverage (appendix B of the Chesapeake Landscape Specifications Manual) shall be planted for each 150 square feet of interior green space required.
3. Where feasible, as determined by the city arborist, utilities shall be located outside of required green space.
4. Green space containing less than 150 square feet in contiguous area will not count toward interior green space required for parking. Individual green areas 150 square feet or more in contiguous area shall not substitute for more than 1,000 square feet of interior green space required for parking.
5. A maximum of 30% of the required interior green space may be combined with required buffer yards when natural vegetation is being retained in any such buffer yard. This combination of required areas shall only be permitted in the vicinity of, and in conjunction with, tree preservation, as approved by the city arborist. When tree preservation is approved by the city arborist, up to 1,500 square feet of contiguous interior green space may count toward interior green space requirements.
6. Green space no smaller than 9 x 18 feet in size, and containing at least one large tree, shall be required at both ends of each row of parking spaces containing 7 or more spaces. All parking lot trees shall be large trees, as listed in the Chesapeake Landscape Specifications Manual, unless otherwise approved by the city arborist due to extenuating circumstances.

E. Buffer yard requirements.

1. Where the zoning classification for a site to be developed under this section is more intense than the classification of a property bordering such site, the landscaping plan for the more intensely zoned site shall include provisions for a buffer yard and/or structure required along the length of the property line that separates the site from the property having a less intense zoning classification, as provided for in section 19-610 below.
2. A vegetated buffer as described in and required by section 19-610 shall be installed on those sites bordering public or private streets, including alleys, service drives and rights-of-way, unless waived or modified by the city arborist pursuant to section 19-606 of this ordinance. All required landscaping shall be set back from the street and ingress/egress points an adequate distance to provide clear visibility, in accordance with section 19-204 of this ordinance. Tree locations and spacing may be adjusted to provide reasonable visibility of signage and to ensure safe ingress/egress.

3. Street frontage hedges shall be restricted to a mature height of 4 feet except where they are required to screen service entrances and outside storage areas, where they shall be maintained at a height of 6 feet.

4. A minimum of 7 feet width, or 50 % of the required width, whichever is greater, of any required buffer yard must be located outside of all public or private easements. Where feasible, required trees must be located outside of all public easements or private utility easements. The city arborist shall determine on a case-by-case basis whether the location of trees outside of a particular utility easement is feasible, giving due consideration to such factors as topography, size of the lot and site design. No trees shall be planted in an easement where prohibited by the deed or agreement by which the easement was created. Required shrubs may be planted within a utility easement, provided that shrubs are not prohibited by the deed or agreement which created the easement. If no deed or agreement exists, no plant materials shall be placed in the easement area without the express permission of all persons having rights or interest in the easement.

5. Buffers required adjacent to public or private rights-of-way with an existing or proposed width of 80 feet or more are to be provided by the landowner or developer and depicted on the final subdivision plat recorded in the clerk's office of the circuit court of the City of Chesapeake. The plat shall contain a note stating that no structure shall be located in the buffer and that all plant materials therein are to be maintained by the owner of the property.

6. Screening for communication towers shall be in conformance with section 13-606 of this ordinance.

7. A buffer yard D as described in Section 19-610 of this ordinance, with a three-foot berm, shall be required where the rear of any commercial or industrial building faces a public or private right-of-way having an existing or proposed width of 80 feet or more.

8. For additional buffer yard and screening requirements, see Section 14-200, Fences, walls and hedges; Section 14-500, Trash receptacles; and Section 14-700, Signs.

(Ord. No. 97-O-141, 11-18-97)

Sec. 19-602. Tree preservation and canopy requirements.

The landscape plan for every site shall contain the tree preservation and canopy requirements set out below.

A. Tree preservation areas. Tree preservation areas which are marked on the plan shall be clearly delineated on the site. These areas are to be protected from traffic, equipment, excavation, stockpiles and staged materials. Areas set forth as tree preservation areas must remain marked and protected during construction in order to be included in the calculation of the required canopy.

B. Tree canopy requirement--Nonresidential development. Each plan for nonresidential development shall provide a landscaping plan that, at tree maturity, provides a minimum canopy of ten percent (10%) of the calculation area.

C. Tree canopy requirement--Residential development. Each residential plan shall provide a landscaping plan that, at tree maturity, provides minimum tree canopy as set out below.

1. Tree canopy totaling fifteen percent (15%) of the calculation area for a residential site zoned for multifamily or townhouse use.

2. Tree canopy totaling twenty percent (20%) of the calculation area for all residential sites other than property zoned for multifamily or townhouse use, provided that no more than eleven (11) large trees or twenty-one (21) small trees, or combination thereof approved by the City Arborist as being consistent with canopy coverage calculations, shall be required for lots one-half acre in size or larger. Such trees shall be 6--8 feet in height at the time of planting.

D. Requirements for preservation and replacement. The canopy requirements set out above shall be met by preservation or replacement methods as indicated in the Chesapeake Landscape Specification Manual. Where final site conditions will make the successful preservation of existing plants unlikely, the City of Chesapeake may direct the owner or developer to provide new, appropriate species and locations to ensure canopy coverage as set forth by the ordinance.

E. Incentives for preservation of trees. A credit toward canopy requirements will be given for the preservation of an outstanding tree, as defined in the Chesapeake Landscape Specifications Manual, or for the preservation of a cluster of trees, approved by the city arborist, pursuant to the following:

1. The credit provided per outstanding tree will be 2.0 multiplied by the area defined by the boundaries of the existing drip line of the tree.

2. The credit provided for a cluster of trees will be 1.25 multiplied by the area defined by the boundaries of the existing drip line of the cluster.

3. Credit shall only be given under this subsection if the entire area under the drip line of the outstanding tree or cluster of trees is preserved in a manner satisfactory to the city arborist.

4. In the event one or more trees to be preserved under this subsection is destroyed or, in the opinion of the city arborist, is significantly damaged during clearing or construction activities, or is willfully destroyed, injured or removed, the person responsible for such destruction, injury or removal shall replace such trees by planting or preserving one (1) large tree of four (4) inch caliper and one (1) small tree six (6) to eight (8) feet in height within every 300 square feet of area in which the damaged or destroyed tree or trees stood.

F. Placement of newly provided landscaping for certain residential districts. A minimum of one large or two small trees, as specified in the Chesapeake Landscape Specifications Manual, shall be planted in the front yard of each residential lot for residential districts allowing ten or fewer dwelling units per acre.

(Ord. No. 97-O-141, 11-18-97; Ord. No. 98-O-042, 3-17-98; Ord. No. 98-O-156, 10-20-98)

Sec. 19-603. Reserved.

Editor's note: Ord. No. 97-O-141, adopted Nov. 18, 1997, repealed § 19-603, which pertained to nonwooded sites and which derived from Ord. No. 93-O-145, adopted Oct. 21, 1993.

§ 19-604. Final inspection and approval.

A. Approval required for permanent certification of occupancy; temporary certificates. Prior to issuance of a permanent certificate of occupancy, the required landscaping shall be in place, and damaged or dead plants shall be pruned, removed or replaced as required by the city arborist to ensure compliance with this ordinance. In the event that one of the following circumstances exists, a temporary certificate of occupancy, of an appropriate duration, may be

issued. When such temporary certificate of occupancy is desired, the owner, developer, or builder shall submit in writing the circumstances justifying the request and the specific requested duration of the temporary certificate of occupancy.

1. Planting season does not permit immediate installation.
2. Weather conditions prohibit installation.
3. Specified plant material is not available.
4. Site conditions beyond the control of the owner, builder, or developer do not permit immediate installation.

B. Reinspection and approval. When the required landscaping is complete, the owner, builder or developer shall call for a reinspection. After approval by the city of Chesapeake, the permanent certificate of occupancy will be issued, provided there are no other impediments.

C. Bond requirement. The city may require that a bond or other security acceptable to the city be provided as a condition of development in order to ensure the timely completion of the landscape plan. No bond shall be required for single-family residential developments other than detached condominium units.

(Ord. No. 97-O-141, 11-18-97)

§ 19-605. Maintenance.

Retained and newly provided landscaping shall be maintained in healthy condition. Damaged or dead plants shall be pruned, removed or replaced as required by the city arborist to ensure compliance with this ordinance. Plant material lost due to work within utility easements shall be replaced and/or relocated as directed by the City of Chesapeake at the property owner's expense.

(Ord. No. 97-O-141, 11-18-97)

§ 19-606. Waivers and modifications.

A. Approval of waivers or modifications. Planting, preservation, buffer yard and green space requirements may be waived or modified by the joint approval of the city arborist and the planning director, or designee, under one or more of the following circumstances:

1. The particular characteristics of the site, such as its size, configuration, topography or subsurface conditions, are such that strict application of the requirements of this ordinance would result in unreasonable hardship to the developer.
2. Existing conditions on the site or neighboring sites are such that the buffering and canopy coverage intended by this ordinance are substantially provided without imposing such requirements.
3. Existing conditions on neighboring sites are such that compliance with the requirements of this ordinance would not produce the effect intended by the ordinance.

B. Appeal of decisions to the planning commission. Decisions made by the city arborist may be appealed to the planning commission and placed on the next available agenda for a final decision.

(Ord. No. 97-O-141, 11-18-97)

§ 19-607. Additions or modifications to existing development.

Additions or modifications to existing development shall be landscaped according to this ordinance. Landscaping requirements shall be confined to the area of new development. Decisions regarding the extent of new landscaping or preservation required will be made by the city of Chesapeake in accordance with this standard and may be appealed to the planning commission for a final decision.

§ 19-608. Conditional use permits.

A. Additional landscaping requirements. In addition to the landscaping requirements otherwise applicable to a use for which a conditional use permit is required, city council may impose further landscaping requirements as a condition of granting of any such use permit, in order to ensure the compatibility of the site with surrounding properties.

B. Buffer yard requirements. Unless otherwise specified by city council, the buffer yard requirements for a use requiring a conditional use permit shall be based upon the zoning classification in which such use is a permitted use under this ordinance. When such use is not a permitted use in any zoning classification under this ordinance, the buffer yard requirements shall be based upon the most intensive zoning classification in which such use is a conditional use.

§ 19-609. Violations.

Any violation of the terms of this section shall be a violation of the zoning ordinance and shall be subject to the penalties established for violations of the zoning ordinance. Enforcement action may be brought by the zoning administrator or by the city of Chesapeake.

§ 19-610. Tables and buffer yard standards.

The tables entitled "Buffer Yard Standards" and "Table of Required Buffer Yards" are hereby made a part of this ordinance and shall be used to determine the nature and type of each buffer yard that is required for a site that is subject to this ordinance.

§ 19-610. Buffer yard standards.

TABLE INSET:

Buffer Yard	Width	Structure Required	Plants Required Per 100 Linear Feet of Buffer Yard**
A	10'		25 shrubs 30--36" height
B	10'		3 large trees, 10 shrubs 30--36" height
C	10'	* 6' stockade fence or wall or 2' berm 10' off property line	3 large trees, 20 shrubs 18--24" height
		* 6' stockade fence, or wall 5' off property line	3 large trees, 20 shrubs 30--36" height (with fence or wall)
		No fence or wall	3 large trees 30 shrubs 30--36" height maintained at 6' height (without fence or wall)
D	15'	* 6' stockade fence or wall 10' off property line or 3' berm	3 large trees 25 shrubs 18--24" height***
		* 6' stockade fence or wall 7' off property line	3 large trees 25 shrubs 30--36" height
		No fence, wall or berm	3 large trees, 2 small trees, 25 shrubs 30--36" height
E	20'	* 6' stockade fence, wall or 3' berm adjacent to the more intensely zoned property 20' off property line	3 large trees 2 small trees 25 shrubs 30--36" height
F Street frontage buffer	10'		3 large trees 25 shrubs 18--24" height

* A standard opening shall be provided on each lot.

** Two small trees can be substituted for one required large tree. The terms "large tree," "small tree," and "shrubs" as used herein shall be assigned the meaning given in the Chesapeake Landscape Specifications Manual.

*** 17 shrubs 30" in height may be used in lieu of 25 shrubs 18--24" in height.

§ 19-610. Table of required buffer yards.

TABLE INSET:

Zoning Classification of Developing Property	Rear or Secondary Front Yards Bordering Right-of-Way 80' or Wider	Street or Rights-of-way	Loading Storage & Service Areas	C-1, C-2	Two-family Single-Family Residence	R-TH-I, R-MF-I, R-MF-2	O & I AC	B-1	B-2	M-1
Two-Family and Single-Family Residential	C									
R-TH-I	C		A		*C					
R-MF-I, R-MF-2	C	F	A		C					
O&I AC		F	A	E	D	C				
B-1		F	A	E	D	C	B			
B-2 C-2		F F	A	E	D F	D	B			
M-I		F	A	E	E	E	C	B	B	
M-2, M-3		F	A	E	E	E	C	B	B	

*Rear or side yard buffer required when bordering rights-of-way to be provided by the developer.
(Ord. No. 97-O-141, 11-18-97)

1. The single-family residential landscape plan must include one of the following tree canopy calculation formats:

NON CBPA TREE CANOPY LANDSCAPE PLAN (CZO 19-601.A.2)

Lot Size (sf) _____

Minus impervious (sf) _____

Calculation Area (sf) _____

Calculation Area X 20% = Canopy Required _____ sf

Canopy Credit [400 sf per large canopy tree (LCT)]

[200 sf per small canopy tree (SCT)]

Canopy Provided (# of LCT and SCT) X sf Credit _____ sf

All trees must be a minimum of 6' tall at planting planted in accordance with CZO 19-600 with 2"-3" of mulch.

CBPA TREE CANOPY LANDSCAPE PLAN (CZO 19-601.A.2)

CBPA site (Ches City Code Ch.26.10) (sf) _____

CBPA canopy requires 50% for RPA, 20% for RMA for gross site sf.

RPA sf X 50% = Canopy required _____ sf

RMA sf x 20% = Canopy required _____ sf

RPA + RMA + Total canopy required _____ sf

CBPA canopy provided (LCT or SCT X sf credit) _____ sf

All trees must be a minimum 6' tall at planting, planted in accordance with CZO 19-600 with 2"-3" of mulch.

2. At least one large canopy tree must be located between the front of the house and the right-of-way.