

Town of Middleburg, VA
Zoning Ordinance
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**TOWN OF MIDDLEBURG, VIRGINIA
ZONING ORDINANCE
ARTICLE XV. BUFFERING, SCREENING AND TREES**

Section 208: Applicability

This article shall apply to all site plan and subdivision applications approved after the effective date of this ordinance. This article applies to the construction of any parking lot containing more than five parking spaces. This article shall apply to the enlargement of any parking lot but not to the resurfacing of an existing lot.

Part I. Buffering and Screening

Section 209: Purpose

- (a) Minimal buffering and screening can provide an impression of separation of spaces and more extensive screening can shield entirely one use from another;
- (b) Buffering and screening can provide a greater sense of privacy from visual or physical intrusion varying with the intensity of the screening;
- (c) Buffering and screening can protect and enhance property values; and
- (d) Buffering and screening protect the general health, safety and welfare of the town and its residents.

Section 210: General Buffering and Screening Standards

Every development shall provide sufficient buffering and screening so that neighboring properties are screened from any adverse effects of the development and the development is screened from any adverse effects of adjacent uses such as streets.

Section 211: Compliance with Buffering and Screening Standards

- (a) The following buffer yards shall be provided between various uses:
 - (1) Commercial adjacent to residential: 15 feet
 - (2) Commercial adjacent to institutional: 10 feet
 - (3) Multi-family residential next to single family, duplex, townhouses or commercial: 20 feet
 - (4) Institutional adjacent to residential: 15 feet
 - (5) Institutional adjacent to commercial: 10 feet

A solid wall or fence at least six (6) feet in height may be used to reduce the required buffer yard by 50 percent, if the remaining yard can be effectively planted.

(b) Buffer yards shall contain sufficient trees and shrubs to provide an opaque screen between uses. An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of separation. In general, small trees planted at a rate of 1 tree per 30 feet or large canopy trees planted at a rate of 1 tree per 40 feet and 1 evergreen tree planted at a rate of 1 tree per 20 feet shall be deemed to meet the requirements of this section. Evergreen shrubs planted at a rate of 3 shrubs per 10 feet in buffer yards of 10 feet and doubled in buffer yards of 25 feet shall be deemed to meet the requirements of this section. Plants should be placed to achieve maximum screening from intensive use areas of adjoining properties. Existing vegetation, such as hedgerows and trees, may be used to satisfy the requirements of this Section.

(c) No required buffer yard shall exceed 10 percent of the lot area of the subject property, but in no instance shall the buffer yard be less than five feet.

Section 212: Flexibility in Administration Required

(a) The council recognizes that the buffering and screening requirements of this article cannot address every situation because of the wide variety of developments and the relationships between them. The council may permit deviations from the presumptive requirements of Section 211 whenever such deviations meet or exceed the standards contained in Section 210.

(b) Whenever the council allows or requires a deviation from the requirements of Section 211, it shall include the screening requirement on the zoning permit along with the reasons for allowing or requiring the deviation.

Part II. Trees

Section 213: Purpose

(a) The preservation of existing trees and the planting of trees, shrubs and other vegetation reduces erosion and sedimentation;

(b) Trees provide shade in summer and windbreaks in winter;

(c) Trees restore soils and land cleared as a result of construction or grading;

(d) Trees are proven producers of oxygen, an element necessary for human survival;

(e) Trees are an invaluable physical, aesthetic and psychological counterpoint to the town setting; and,

(f) Trees protect the general health, safety and welfare of the town and its residents.

Section 214: Preservation of Trees

- (a) Every development shall retain all existing, healthy trees at least 18 inches or more in diameter measured at three feet above the ground unless such retention would unreasonably burden the development.
- (b) No excavation, embankment, or other subsurface disturbance shall be undertaken within an area equal to one foot of horizontal distance for every inch of diameter of any tree 18 inches in diameter or greater and no impervious surface may be located within 12.5 feet of any such tree unless compliance with this section would unreasonably burden the development.
- (c) A development is unreasonably burdened if the proposed activities on a lot would have to be substantially altered to accomplish such retention and such alteration would result in an unreasonable hardship on the developer as determined by the council.
- (d) If the preservation of trees required in subsections (a) and (b) above results in the elimination of space that would otherwise be devoted to parking and, as a result, the parking requirements of Section 222 cannot be met, the number of parking spaces required may be reduced by the number of spaces "lost", up to a maximum of 15 percent of the required parking spaces.

Section 215: Street Tree Planting

Street trees shall be required along both sides of all newly constructed streets which are dedicated for public use. Street trees shall be planted in an area generally within 20 feet of the public right-of-way. The developer shall provide an average of at least one deciduous canopy tree for every 40 feet of street frontage. All trees shall have a minimum caliper of two inches when planted and a trunk at least 12 inches in diameter when fully mature.

Section 216: Parking Lot Landscaping

- (a) A ten-foot wide perimeter landscape strip shall be provided between any parking lot and public right-of-way. The perimeter strip shall contain at least one small tree planted at the rate of one tree per 30 feet or one large canopy tree planted at the rate of one tree per 40 feet. Large trees shall have a minimum caliper of 2 inches; small trees a minimum caliper of 1-1/2 inches; and, evergreen trees a minimum height of six feet. In addition, the perimeter strip shall include a semi-opaque screen consisting of a stone or brick wall, berming, evergreen hedge or combination of these elements not less than three feet in height. Berms shall have a maximum slope of 3:1.
- (b) At least five percent of the interior parking lot area shall be landscaped. No landscaped area shall be less than 50 square feet. The landscaped area shall be planted at a rate of one tree and three shrubs per ten parking spaces. Each parking lot island shall contain a minimum of one canopy tree.
- (c) Parking lots shall be designed to prevent vehicles from striking trees. Vehicles are presumed to have a body overhang of three feet, six inches.
- (d) The council may waive the requirements of this Section in the C-2 district when such landscaped areas cannot be reasonably provided because of existing

structures or other unique features of the central business area.

Sections 217 through 220: Reserved