Chapter 10   BUILDINGS AND BUILDING REGULATIONS

ARTICLE XI.  BLIGHTED PROPERTIES
Sec. 10-701. 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:

*Excessive land coverage* means land development that overly restricts access to light and air, or has extensive impervious surface that creates stormwater runoff that regularly and detrimentally impacts adjacent properties, or that does not meet zoning requirements for open space and tree canopy.

(Code 1978, § 5-148)
Cross reference—Definitions generally, § 1-2.

Chapter 38   ENVIRONMENT

ARTICLE III.  PUBLIC HEALTH OR SAFETY MENACES
Sec. 38-31. Definitions.
The following definitions shall apply to this article:

*Yard waste.* All materials derived from trees, shrubbery, leaves, fallen branches, lawn trimmings, and other woody waste.


Chapter 54   OFFENSES AND MISCELLANEOUS PROVISIONS

ARTICLE III.  OFFENSES AGAINST PROPERTY
DIVISION 1.  GENERALLY
Sec. 54-67. Injuring properties or monuments.
It shall be unlawful for any person to unlawfully destroy, deface, damage or remove without the intent to steal any property, real or personal, not his own, or break down, destroy, deface, damage, or remove without the intent to steal, 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 the city, or any tract of land, or any tree marked for that purpose.

(Code 1978, § 14-22.2)
State Law reference—Similar provisions, Code of Virginia, § 18.2-137.

Sec. 54-69. Destruction of trees, shrubs, etc.
(a) It shall be unlawful for any person to pick, pull, pull up, tear, tear up, dig, dig up, cut, break, injure, burn or destroy, in whole or in part, any tree, shrub, vine, plant, flower or turf found, growing or being upon the land of another, or upon any land reserved, set aside or maintained by the commonwealth as a public park, or as a refuge or sanctuary for wild
animals, birds or fish, or upon any land reserved, set aside or maintained as a public park, by a park authority created under the provisions of Code of Virginia, § 15.2-5702, without having previously obtained the permission in writing of such other or his agent or of the superintendent or custodian of such park, refuge or sanctuary so to do, unless such actions are done under the personal direction of such owner, his agent, tenant or lessee or superintendent or custodian of such park, refuge or sanctuary.

(b) Any person violating this section shall be guilty of a class 3 misdemeanor; provided, however, that the approval of the owner, his agent, tenant or lessee, or the superintendent or custodian of such park or sanctuary afterwards given in writing or in open court shall be a bar to further prosecution or suit.

(Code 1978, § 14-22.1)

Cross reference—Vegetation, ch. 106.

State Law reference—Similar provisions, Code of Virginia, § 18.2-140.

Chapter 86   SUBDIVISIONS

Sec. 86-13. Subdivision fees.
Subdivision fees are hereby established as follows:

... Required Screening  $2.00/lin. ft.
Tree Management    $110.00 per division of land or disturbed acre or fraction thereof, whichever is greater

... (Ord. No. 2008-23, 11-25-2008)

Chapter 94   TELECOMMUNICATIONS

ARTICLE III. CABLE COMMUNICATIONS
DIVISION 7. SYSTEM OPERATIONS.
Sec. 94-93 Street occupancy; construction standards and procedures.

... (i) A grantee shall have the authority to trim trees and shrubs on public property at its own expense as may be necessary to protect its wires and facilities, subject to the regulation, supervision and/or direction of the city or other local government authority.

...
plumbing and repair all leaks as soon as practicable after notification of the water shortage emergency. Use of water for the following purposes is prohibited:
a. Watering or irrigation of shrubbery, trees, lawns, grass, plants or other vegetation, except from a container not exceeding three gallons in capacity. This prohibition shall not apply to plant nurseries, golf course greens, and commercial agricultural activities;

... (Code 1978, § 24-46)

Chapter 110  ZONING

ARTICLE I.  IN GENERAL
Sec. 110-3.  Certain fees required.
The applicant for each permit or application described below shall submit to the zoning administrator the applicable fee as set forth below:
(i) Site plan fees pursuant to chapter 110, article II, division 4.
   ... (xi) Required screening, per lin. ft. ...... 2.00
   (xii) Tree management per division of land or disturbed acre or fraction thereof, whichever is greater ...... 110.00
   ...
   (k) Tree removal permit fees pursuant to section 110-252.
      (i) Individual residential lot ...... 10.00
      (ii) Residential development project ...... 100.00
      (iii) Other ...... 50.00
   ...
   (Code 1978, § 26-3; Ord. No. 2008-22, 11-25-2008; Ord. No. 2010-08, 4-29-2010)

Sec. 110-4.  Definitions.
The following words and terms have the following meanings, unless the context clearly indicates otherwise. In addition, any terms not defined in this section shall be in accordance with the definitions in the Code of Virginia, § 10.1-2101.

Best management practice or BMP means a practice, or combination of practices, that are determined by the commonwealth to be the most effective, practicable means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with state water quality goals.

Buffer area means an area of natural or established vegetation managed to protect other components of a resource protection area and state waters from significant degradation due to land disturbances.

Dripline means an imaginary line on the ground beneath a tree which delineates the extent of the tree's canopy.

Open space, landscaped, means the open space within the boundaries of a given lot that is designed to enhance privacy and the amenity of the development by providing landscape features, screening for the benefit of occupants or those in neighboring areas, or a general appearance of openness. Landscaped open space may include, but need not be limited to lawns, decorative planting, flower beds, sidewalks/walkways, ornamental objects such as
fountains, statues and other similar natural or artificial objects, wooded areas, and watercourses, any or all of which are designed and arranged to produce an aesthetically pleasing effect within the development. Landscaped open space does not include any area beneath a building on stilts. Landscaped open space includes dedicated open space and common open space.

*Tree* means any living, self-supporting woody plant which produces one main trunk and is ten feet or greater in height, and 3½ inches or greater in caliper measured six inches above ground level.

*Tree canopy* means the horizontal spread of a tree.

*Tree, designated specimen*, means any tree which the city council has designated by ordinance to be notable by virtue of its outstanding size and quality for its particular species.

*Tree, heritage*, means any tree which the city council has designated by ordinance to have notable historic or cultural interest.

*Tree, memorial*, means any tree which the city council has designated by ordinance to be a special commemorating memorial.

*Tree, street*, means any tree which grows in the right-of-way of a street or on private property adjacent to a street as authorized by the owner and placed or planted there by the city and designated by ordinance.

*Yard* means an open space on the same lot as a building lying between the building and the nearest lot line, unoccupied and unobstructed from the ground upward except as specifically provided by this chapter.

*Yard, front*, means a yard extending the full width of the lot between any building and the front lot line, and measured perpendicular to the building at the closest point to the front lot line. On a corner lot, each yard lying between the principal building and any street shall be deemed to be a front yard. The following improvements may be located in a front yard:

1. Landscaping and screening improvements;
2. Roof overhangs, eaves, bay windows or chimneys which do not exceed more than three feet into the yard;
3. Driving lanes complying with the requirements of this chapter;
4. Permitted signs;
5. Sidewalks and steps.

*Yard, rear*, means a yard extending the full width between the principal dwelling and the rear lot line, and measured perpendicular to the building at the closest point to the rear lot line. A corner lot is deemed to have no rear yard and no rear lot line. Improvements permitted in front yards, as well as other improvements specifically permitted by this chapter may be located in a rear yard.

*Yard, side*, means a yard extending from the front yard to the rear yard between the principal building and the side lot line, measured perpendicular to the building at the closest point to the side lot line. On a corner lot, the side yard shall be that yard extending from the front yard to the opposite side lot line, between the principal structure and the side lot line, measured perpendicular to the structure at the closest point to the side lot line.
Improvements permitted in front yards, as well as other improvements specifically by this chapter may be permitted in a side yard.


Cross reference—Definitions generally, § 1-2.

DIVISION 1. GENERALLY

Sec. 110-35. Spires, towers, antennas and projections.

(b) Antennae structures and towers for radio, television, and/or telecommunications reception or transmission (hereafter referred to as telecommunication facilities) may be located on existing conforming structures in the city not to exceed a maximum height of 65 feet measured from the ground level to the highest point of such structure or telecommunication facility. If the total height of the telecommunication facility and the structure on which it is mounted exceeds 12 feet, the placement and location of such telecommunication facility shall be subject to approval of the zoning administrator, who shall coordinate this decision with the building official. The zoning administrator shall employ the following standards and criteria in determining whether to approve any proposed placement or location of such telecommunication facility pursuant hereto:

... (3) The placement or location shall take advantage of existing topography, trees, structures and other obstructions to screen such telecommunications facility from adjoining and nearby properties to the extent possible; provided that the placement or location does not prevent compliance with the standards and criteria set forth in subsections (b)(1) and (2) of this section.

... (c) The city council may by special use permit approve a total height greater than 65 feet for a telecommunication facility and the structure on which it is mounted in accordance with the procedures and review criteria as set forth in section 110-366, as well as additional guidelines established by the adopted city council policy. The zoning administrator does not have the authority to approve stand-alone telecommunications facilities and/or towers (also known as monopoles). Such stand-alone telecommunications facilities and/or towers may be approved only by the city council in those zoning districts where such a use is permitted with a special use permit, subject to following criteria and standards:

... (3) The placement or location shall take advantage of existing topography, trees, structures and other obstructions to screen such telecommunication facility from adjoining and nearby property owners to the extent possible; provided that the placement or location does not prevent compliance with the standards and criteria set forth in subsections (c)(1) and (2) of this section.

(Code 1978, § 26-12)

Sec. 110-37. Fences; curbs.

(a) Fences. Building restriction lines and setback requirements shall not apply to fences, walls, trees, hedges and shrubbery. On any property in the R-1, R-2, or R-3 residential districts, the following standards shall apply:

...
DIVISION 3. CHESAPEAKE BAY PRESERVATION

Sec. 110-76. Title.
This division shall be known and referenced as the "Chesapeake Bay Preservation Area Ordinance" of the city.

Sec. 110-77. Findings of fact.
The Chesapeake Bay together with its tributaries is one of the most important and productive estuarine systems in the world, providing economic and social benefits to the citizens of the city and the commonwealth.
The Chesapeake Bay waters have been degraded significantly by many sources of pollution, including nonpoint source pollution from existing land uses and new development. Existing high quality waters are worthy of protection from degradation to guard against further pollution. Certain lands that are proximate to shorelines have intrinsic water quality value due to the ecological and biological processes they perform. Other lands have severe development constraints from flooding, erosion, and soil limitations. With proper management, they offer significant ecological benefits by providing water quality maintenance and pollution control, as well as flood and shoreline erosion control. These lands together, designated by the city council as Chesapeake Bay Preservation Areas, need to be protected from destruction and damage in order to protect the quality of water in the bay and consequently the quality of water in the city and the commonwealth.

Sec. 110-78. Purpose and intent.
(a) This division is enacted to implement the requirements of Code of Virginia, § 62.1-44.15:75 et seq., the Chesapeake Bay Preservation Act. These regulations establish the criteria that the city shall use to determine the extent of the Chesapeake Bay Preservation Areas. These regulations also establish criteria for use by the city in approving, denying or modifying requests to rezone, subdivide, use, develop and/or redevelop land in Chesapeake Bay Preservation Areas. The intent of the city council and the purpose of this division is to:
   (1) Protect sensitive environmental lands within the city;
   (2) Safeguard the quality of state waters;
   (3) Prevent further increase in pollution of state waters;
   (4) Reduce existing pollution of state waters; and
   (5) Promote water resource conservation in order to provide for the health, safety, and welfare of the present and future citizens of the city.
(b) Unless otherwise stated in this division, the review and approval procedures provided for in chapter 110 of the City Code, Zoning, shall be adhered to in reviewing and approving development, redevelopment and uses governed by this division.

Sec. 110-79. Areas of applicability.
(a) The Chesapeake Bay Preservation Area ordinance shall apply to all lands identified as Chesapeake Bay Preservation Areas as designated by the city council and as shown on the city Chesapeake Bay Preservation Area Map.
The Chesapeake Bay Preservation Area Map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this division. The map entitled "City of Fairfax Chesapeake Bay Preservation Area Map" shall be identified by the signature of the zoning administrator, attested to by the city clerk, together with the date of adoption by city council. The map shall show the general location of Chesapeake Bay Preservation
Areas within the city and should be consulted by persons contemplating activities within the city prior to engaging in a regulated activity. The specific delineation of the Chesapeake Bay Preservation Area boundaries is the responsibility of the applicant in accordance with section 110-83 of this division.

(1) The resource protection area includes:

f. A 100-foot vegetated buffer area located adjacent to and landward of the components listed in subsections a. through e. above, and expanded to include noncontiguous wetlands within the floodplain that are partially located within the buffer, along both sides of any water body with perennial flow. The full buffer area shall be designated as the landward component of the resource protection area notwithstanding the presence of permitted uses, encroachments or permitted vegetation clearing in compliance with the performance criteria of this division.

Sec. 110-84. General performance standards for Chesapeake Bay Preservation Areas.

(a) Development, land disturbances and uses authorized by underlying zoning classifications are allowed provided that they are carried out in accordance with the applicable general performance standards set forth in section 110-84 of this division or otherwise modified by the requirements set forth herein.

(b) Development and redevelopment in Chesapeake Bay Preservation Areas.

(2) Indigenous vegetation shall be preserved to the maximum extent practicable consistent with the use and development proposed and in accordance with the “Virginia Erosion and Sediment Control Handbook.”

a. Existing trees shall be preserved outside the limits of disturbance, however, diseased trees or trees weakened by age, storm, fire or other injury may be removed.

b. Clearing and grading shall be limited outside the defined limits of disturbance. Clearing shall be allowed only to provide public roads, necessary access, positive site drainage, water quality BMPs, and the installation of utilities, as approved by the zoning administrator.

c. Prior to clearing or grading, suitable protective barriers, such as safety fencing, shall be erected at the drip line of any tree or stand of trees to be preserved. These protective barriers shall remain erected throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be permitted within the area protected by the barrier.

(d) Buffer area requirements. To minimize the adverse effects of human activities on the core components of resource protection areas, state waters, and aquatic life, a 100-foot buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be retained if present and established where it does not exist. The 100-foot buffer area shall be deemed to achieve a 75 percent reduction of sediments and a 40 percent reduction of nutrients. The buffer area shall be maintained to meet the following additional performance standards:

(1) In order to maintain the functional value of the buffer area, indigenous vegetation may be removed, subject to approval of the zoning administrator, only to provide for reasonable sight lines, access paths, general woodlot management, and
best management practices (including those that prevent upland erosion and concentrated flows of stormwater), as follows:

(2) When the application of the buffer areas would result in the loss of a buildable area on a lot or parcel recorded prior to October 1, 1989, the zoning administrator may permit encroachments into the required buffer area pursuant to section 110-89, Administrative waivers and special exceptions, and in accordance with the following provisions:

a. Encroachments into the buffer areas shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;

b. Where practicable, a vegetated area shall be established elsewhere on the lot or parcel in a manner that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the buffer area; and

c. In no case shall the encroachment extend into the seaward 50 feet of the buffer area.


Sec. 110-85. Water quality impact assessment.

... (c) Minor water quality impact assessment. A minor water quality impact assessment pertains only to development resulting in no more than 5,000 square feet of land disturbance, or development that encroaches onto the landward 50 feet of the 100-foot buffer area. The calculations of a minor assessment will demonstrate that the remaining buffer area and necessary best management practices will result in removal of no less than 75 percent of sediments and 40 percent of nutrients from post development stormwater runoff. A minor assessment shall include a site drawing to scale that shows the following:

(4) Location of existing vegetation on site, including the number and type of trees and other vegetation to be removed in the buffer to accommodate the encroachment or modification; and

(5) A revegetation plan that supplements the existing buffer vegetation in a manner that provides for pollutant removal, erosion and runoff control.

(d) Major water quality impact assessment. A major water quality impact assessment shall be required for any development that exceeds 5,000 square feet land disturbance or that encroaches onto the seaward 50 feet of the 100-foot buffer area; or is located in the resource management area and is deemed necessary by the zoning administrator. The information required in this section shall be considered a minimum, unless the zoning administrator determines that some of the elements are unnecessary due to the scope and nature of the proposed use and development of land. The following elements shall be included in the preparation and submission of a major water quality impact assessment:

(1) All of the information required in a minor water quality impact assessment, as specified in subsection (c) above;

(2) A hydrogeological element that describes existing topography, estimates of soils characteristics and potential for erosion, hydrology of the area, impacts on wetlands and streams, proposed mitigation measures, and a listing of requisite permits with permit or application status.

(3) A landscape element that fully describes existing trees required to be identified as part of a tree-management plan in accordance with subsection 110-252(c); limits
of clearing and grading; trees and indigenous vegetation that are to be preserved within the disturbed area; measures to be taken to protect vegetation, proposed plantings, and other vegetative measures used to enhance water quality; and a proposed construction schedule that includes all activities related to clearing, grading, and proposed plantings; and
(4) Such other measures as deemed necessary by the zoning administrator to ensure the impact to water quality can be accurately predicted.


Sec. 110-86. Development review procedures.

... (b) Required information. The following plans or studies shall be submitted, unless otherwise provided for:
...
(4) A tree-management plan consistent with the provisions of chapter 110, division 10, Tree preservation, landscaping and screening;
...

... (d) Tree-management plan. A tree-management plan shall be submitted as part of the development review procedures required by this division and shall be prepared in accordance with the requirements set forth in subsection 110-252(c). No clearing, grading, or construction on any lot or parcel shall be permitted without an approved tree management plan.

In addition to the tree management plan contents required in subsection 110-252(c), the following supplemental information shall be provided for land disturbance, development, or redevelopment activity proposed within the resource protection area:

(1) Any required buffer area shall be clearly delineated and any plant material to be added to establish or supplement the buffer area, as required by this division, shall be shown on the tree management plan.

(2) Within the buffer area, trees to be removed for sight lines, vistas, access paths, and best management practices, as provided for in this division, shall be shown on the plan. Vegetation required by this division to replace any existing trees within the buffer area shall also be shown on the tree management plan.

(3) Trees to be removed for stream bank stabilization projects and any replacement vegetation required by this division shall be shown on the landscaping plan.

DIVISION 4. SITE PLANS
Sec. 110-103. Required information.

The zoning administrator, during pre-application discussions with the applicant, shall determine information required for the submittal of a plan of development. Minor site plans shall include only those types of information required for a site plan that the agent deems necessary to review the request. Site plans shall be prepared at a scale no smaller than one inch equals 30 feet and shall be submitted as 24-by-36-inch prints, unless a modified format is permitted by the agent. All site plans and minor site plans shall contain the following information, except that the information provided for minor site plans may be limited to the locations on the site where site construction is proposed, if the agent determines that such limitation allows proper review of the plan:
...
(m) A tree management plan as required in division 10 and a landscaping plan showing the location, number, type and size of all proposed plant material at the times of planting
and ten-year maturity. The landscaping plan shall also depict all trees larger than five inches in diameter existing on-site prior to development and intended to be retained.

Sec. 110-106. Screening.
Screening from adjacent property shall be provided in accordance with the requirements contained in division 10, Tree Preservation, Landscaping and Screening.
(Ord. No. 2000-25, 11-14-00)

DIVISION 6. OFF-STREET PARKING AND LOADING
Sec. 110-153. Required improvements. Modified
Each parcel of land used as a private or public parking area, other than required parking for single-family detached and semidetached dwellings, after the effective date of the ordinance from which this section derives shall be designed so as not to detract from the surrounding area, shall be provided with safe and convenient access to a street, shall incorporate a functionally efficient circulation scheme, and shall be improved in accordance with the following requirements:
...
(5) Landscaping. Landscaping within and adjacent to parking areas shall be provided as required in division 10 of this article, tree preservation, landscaping and screening.
...
(Code 1978, § 26-39.2)

Sec. 110-157. Parking structures.
(a) Landscaping within and adjacent to parking structures shall be provided as required in division 10 of this article, tree preservation, landscaping and screening.
...
(Code 1978, § 26-39.6)

DIVISION 10. TREE PRESERVATION, LANDSCAPING AND SCREENING
Sec. 110-251. Purpose.
The purpose of this division is to encourage the planting and proper care of trees throughout the city, to ensure the preservation of existing trees and the replenishment of tree stock to the maximum extent possible, and otherwise provide for appropriate screening and landscaping. These actions are intended to contribute to the health, safety and welfare of the city by decreasing flooding, soil erosion, air pollution and noise, improving aesthetics and increasing property values. Tree replenishment, performed in accordance with the comprehensive plan and the community appearance plan, will contribute to establishing and reinforcing a positive identity for the city. In addition, the implementation of screening and landscaping requirements will improve compatibility of uses by providing privacy and enhancing the aesthetic transition between uses.
(Code 1978, § 26-61)

Sec. 110-252. Tree removal permit.
(a) Permit required. No person shall remove or destroy any tree which is five inches or greater in caliper, measured six inches above ground level, on any lot larger than one-half acre without first obtaining a tree removal permit from the zoning administrator in accordance with the procedures set forth in this division. Further, no person shall remove or destroy any such tree located in the common open space of any development without first obtaining a tree removal permit.
(b) Issuance of permit. Tree removal permits shall be issued only after the zoning administrator has received the required tree management plan and a completed application
for such permit which has been signed by the property owner. In determining whether to grant or deny a permit the zoning administrator shall consider:

(1) The effect of the proposed tree removal upon the stabilization of soil, lakes, ponds, streams and rivers;
(2) The intended use of the property and feasible alternatives which would preserve existing trees;
(3) The existing topography, proposed changes in the topography and proposed landscaping;
(4) The hardship imposed or the reasonable use denied to the applicant as a result of permit denial;
(5) Historical value of the trees;
(6) Good horticultural and forestry practices;
(7) The effect of the proposed tree removal on the deadening and absorption of sound;
(8) The likelihood that the proposed action will adversely affect the control of flooding or soil erosion;
(9) The impact of such action on surrounding property or persons;
(10) The consistency of the proposed action with the purpose of this division.

(c) **Tree management plan required.**

(1) Any applicant proposing to remove or destroy existing trees in conjunction with any land development activity, including the moving of buildings, shall submit a tree management plan containing such of the following information as deemed necessary by the zoning administrator:
   a. The location, size and species of all trees which are at least five inches in diameter, measured six inches above the ground;
   b. The location, size and species of all trees to be preserved and removed;
   c. Specifications for the removal of trees and protection of trees during construction;
   d. Proposed grade changes or other potentially injurious work adjacent to trees designated for preservation with specifications for maintaining ground drainage and aeration around such trees;
   e. The location, size and species of all trees to be planted;
   f. Such other information that the zoning administrator deems essential.

(2) Any applicant proposing to remove or destroy existing trees not in conjunction with a land development activity shall submit an application containing that information specified in subsections (c)(1)a. through f. of this section above deemed necessary by the zoning administrator to make the determinations required by subsection (b) of this section.

(Code 1978, § 26-62)

**Sec. 110-253. Acts harmful to trees.**

(a) No person shall abuse, mutilate or otherwise damage any tree located on public property, or any tree protected by section 110-253, including those located in the public right-of-way along street frontages within subdivisions. However, nothing in this division shall be construed to prevent reasonable and proper trimming of trees located on public property by authorized persons in accordance with accepted horticultural practices.

(b) No person shall attach any sign, notice, placard, electrical wire or other injurious device to any tree, nor shall any person cause any substance harmful to trees to come in contact with them, or prevent water and oxygen from reaching their roots.

(c) No person shall cover the ground with impervious material any closer to the trunk of a tree than its dripline. This provision may be waived by the zoning administrator if he determines that the proposed action will not harm the tree.

(Code 1978, § 26-63)
Sec. 110-254. Diseased or dangerous trees.
When the zoning administrator finds that a tree growing on private property creates a hazard which threatens the general public safety or welfare, he shall order the owner to remove the tree or otherwise eliminate the hazardous condition. If the property owner fails to comply with such order within 30 days of notification, or sooner if necessary to protect the public safety, the zoning administrator may enter the property, remove the tree or otherwise mitigate the hazardous condition, and assess the cost thereof against the property owner.
(Code 1978, § 26-64)

Sec. 110-255. Canopy cover required.
Each subdivision or development shall provide for the planting or retention of trees on the site to the extent that, at a maturity of ten years, the minimum lot coverage of the tree canopy shall be as follows:
(1) Ten percent for a lot within any office, commercial or industrial zoning district;
(2) Fifteen percent for a site zoned RM or any other residential site zoned greater than ten units per acre;
(3) Twenty percent for a site zoned R-2, R-3, R-T6, RT or any other residential site zoned three to ten units per acre; and
(4) Twenty-five percent for a site zoned R-1 or any other residential site zoned less than three units per acre.
(Code 1978, § 26-65)

Sec. 110-256. Tree protection during development.
During development or razing activity, the builder shall install effective dripline protection around all tree preservation areas, and shall further install tree wells, retaining walls or other structures necessary to protect individual trees designated for preservation. Such protective measures shall be specified on the tree management plan and shall be designed and installed in a manner consistent with good horticultural practices and subject to the approval of the site plan approving agent. To further ensure the survival of trees designated to be preserved, the property owner or his agent shall provide such surety as required in section 110-107 and section 86-4 of this Code.
(Code 1978, § 26-66)

Sec. 110-257. Preservation of special trees.
(a) Upon the recommendation of the city arborist, the city council may, by ordinance, designate any tree which meets the criteria specified in section 110-4 as a heritage, memorial, designated specimen or street tree. No such designated tree shall be removed, damaged or disturbed in any way unless the city council finds that:
(1) There is an overriding need for public improvements;
(2) A severe hardship exists in developing a site; or
(3) The tree dies, becomes irreversibly diseased or irreversibly damaged by natural causes. In permitting such action, the city council may require that the tree be relocated on-site or to another site designated by the city, or be replaced with a similar tree or trees to approximate the canopy lost.

(b) The provisions of this section shall 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 utilities;
(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.
(Code 1978, § 26-67)

Sec. 110-258. Screening required.
(a) In all new developments and redevelopments, screening from adjacent property shall conform to the following standards. The board of architectural review or the city council, in accordance with the provisions of article XIX of this chapter, may authorize deviations from these standards, provided that equal or better screening from adjacent properties is provided and the zoning administrator has approved the proposal.

CITY OF FAIRFAX STANDARDS FOR SCREENING

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<tr>
<th>Proposed Development</th>
<th>Adjacent District</th>
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<tr>
<td></td>
<td>R-1</td>
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<tr>
<td>R-T6 Townhouse</td>
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<tr>
<td>RT Townhouse</td>
<td>A</td>
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<tr>
<td>RM Multifamily</td>
<td>A</td>
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<tr>
<td>RPD Residential Planned Development</td>
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<tr>
<td>P-D Planned Development</td>
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<tr>
<td>CPD Commercial Planned Development</td>
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<tr>
<td>C-1L Limited Office</td>
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<tr>
<td>C-3 General Commercial</td>
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<td>I-1 Industrial</td>
<td>D</td>
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<tr>
<td>I-2 Industrial</td>
<td>D</td>
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</tbody>
</table>

(1) Use screen "A" adjacent to planned development components of equal or lesser density/intensity.
(2) Screening as approved on the general development plan. Use the relationships established in this matrix as a guideline.
(3) Use screen "B" adjacent to planned development components of equal or lesser density/intensity.
(4) Use screen "C" adjacent to planned development components of equal or lesser density/intensity.

...
SCREEN A *
(Alternatives)

Property Line

Fence

12'

12'

Dense evergreen row

25'

Deciduous trees underplanted with evergreen shrubs

SCREEN B *

12'

12'

6'

25'

Dense evergreen row backed with deciduous row
SCREEN C *
(Alternatives)

Double row of evergreen trees

Deciduous trees with large evergreen shrubs
SCREEN D *

Average of 3 trees/
75 linear feet

50'

12'

Dense deciduous/
evergreen screen

*Variations in the spatial relationship between the property line, fence and landscaping may be permitted to respond to site conditions; such variation may be authorized by the BAR with approval of the zoning administrator to ensure the quality of the screening effect.
Required screening fences separating commercial and residential properties shall be eight feet in height. All other required screening fences shall be six feet in height. All fencing shall be constructed of wood supported by decorative masonry piers and shall provide a solid visual screen. Final design shall be subject to the approval of the board of architectural review or the city council in accordance with article XIX of this chapter. Variations to these standards may be authorized by the board of architectural review or the city council upon recommendation of the zoning administrator, provided that the quality of the proposed screening is equal to or better than that illustrated herein.

(b) Each refuse disposal area shall be completely screened from view on all sides by a wall or fence of board-on-board, decorative masonry or other construction of equal or better quality as approved by the board of architectural review or the city council in accordance with article XIX of this chapter.

(c) Each above grade mechanical or utility structure shall be screened by a wall or fence as specified in subsection (b) of this section, or by plant material forming a continuous year-round screen, or a combination thereof.


Sec. 110-259. Parking area landscaping. Modified
(a) Surface parking areas.
   (1) Perimeter landscaping requirements.
      a. Where parking area is adjacent to right-of-way. Each off-street parking area which is adjacent to a public right-of-way shall be separated from such
right-of-way by a landscaped strip of not less than the width of the required building restriction area for the zoning district within which such parking area is located. Such strip shall contain an earthen berm, compact evergreen hedge or an equal or better alternative approved by the director. Landscaping shall be no less than 30 inches in height at the time of installation and mulched to a depth of at least four inches. In addition, such strip shall contain at least one deciduous tree not less than 3½ inches in caliper measured six inches above the ground level for every 500 square feet of required landscaped strip.

b. Where parking area is not adjacent to public right-of-way. Each off-street parking area not adjacent to a public right-of-way shall be separated from the property line by a landscaped strip of not less than the width of the required setback for the zoning district within which such parking area is located, or 12 feet in width, whichever is less, provided that a minimum of seven feet in width shall be provided. Such landscaped strip shall be planted with at least one deciduous tree meeting the dimensional requirements contained in subsection (a)(1) of this section for every 200 square feet of required landscaped strip. Where this requirement conflicts with the provisions of this division pertaining to required screening between uses, the more stringent requirements shall prevail.

c. The provisions of the subsection (a)(1) of this section notwithstanding, no more than one deciduous tree shall be required for every 30 linear feet of landscaped strip.

(2) Interior landscaping requirements.

a. At least one planting island with minimum dimensions of nine feet by 18 feet shall be provided for every 12 parking or loading spaces proposed. Where the calculation of planting island requirements results in a fraction of an island, the number required shall be the next highest integer.

b. Not more than 12 parking spaces shall be located consecutively without an intermittent planting island; provided, however, that within townhouse developments, no more than ten parking spaces shall be located consecutively without an intermittent planting island. The provisions of subsection (a)(1) of this section notwithstanding, the applicant may aggregate some or all of the required landscaped islands to preserve existing trees located within such parking area in lieu of providing landscaped islands planted with trees, provided that the aggregate total of internal landscaping shall equal or exceed the landscaped area otherwise required within landscaped islands.

c. Within parking areas containing more than 25 spaces, planting islands shall be provided at each end of each parking bay to direct the movement of traffic.

d. Each required planting island shall be landscaped with a deciduous tree which meets the dimensional requirements established in subsection (a)(1) of this section. The type and location of landscaping within a planting island shall be subject to approval by the director.

e. Shrubs and ground cover shall be installed in each planting island to provide full coverage of the area and placed to complement tree landscaping.

f. Landscaping material shall be located within planting islands in a manner which will protect the plants from automobile bumpers and allow for the mature size of the species.

(b) Parking structures.

(1) Perimeter landscaping requirements. Structured parking which is above finish grade shall comply with building setback requirements. Landscaping for parking
structures shall be provided in all yards pursuant to perimeter landscaping requirements for surface parking. However, where the location of such structure with respect to property boundary and adjacent structures will substantially inhibit the growth of the required deciduous trees, such trees may be located along another perimeter of the site in a manner approved by the director.

(2) Interior landscaping requirements.
   a. Interior landscaping requirements shall not apply to the levels of parking structures which are covered by decks or roofs.
   b. Where an uncovered parking structure is proposed, if the parking surface is at grade or up to five feet above finish grade, then the internal landscaping requirements specified for surface parking lots shall apply. However, plant materials such as small trees and shrubs may be substituted for the larger trees required in surface lots, subject to the approval of the director.
   c. Internal landscaping requirements shall not apply where the parking surface of an uncovered parking structure is greater than five feet above finish grade.

(3) Additional screening required. Appropriate screening in the form of landscaping, decorative fences or architectural walls shall be installed on or adjacent to each parking structure to provide a complete, year-round buffer of exposed motor vehicles from adjacent property.
   (c) Encroachment upon landscaped strip. Required landscaped strips shall not be encroached upon by parking or driving surfaces except that driving lanes may traverse such strip in a perpendicular alignment to provide the necessary ingress and egress to the parking areas. In addition, to ensure that no part of any motor vehicle overhangs any required landscaped strip, concrete bumper blocks shall be provided or the landscaped strip shall be enlarged by two feet in overhang areas.
   (d) Plant materials. All plant materials shall be as specified in the community appearance plan, unless otherwise approved by the director.
   (e) Minor deviations. Minor deviations from the provisions of this section may be permitted by the zoning administrator, with the concurrence of the board of architectural review or the city council, in accordance with the provisions of article XIX of this chapter, provided that the proposed landscaping provides coverage equal to or greater than that required in this division.


Sec. 110-260. Additional landscaping required.
Any development or redevelopment of any site located in an area included in the community appearance plan shall incorporate the applicable landscaping improvements identified in that plan.
(Code 1978, § 26-70)

Sec. 110-261. Conflicting provisions.
Where provisions of this chapter dictate conflicting landscaping or screening requirements, the more stringent requirements shall prevail.
(Code 1978, § 26-71)

Sec. 110-262. Violations.
Violation of any provision of this division shall be punishable as prescribed in section 110-9 provided that a violation of the provisions of section 110-257 shall be punishable by civil penalties not to exceed $2,500.00 for each offense. The removal or destruction of each tree in violation of the provisions of this division shall be considered a separate offense.
(Code 1978, § 26-71.1)
Sec. 110-263. Special exceptions.
City council may, upon application of the property owner, grant special exceptions modifying the requirements of this division in accordance with the procedures and limitations established for special use permits in section 110-366. Special exceptions shall be granted only if the applicant has clearly demonstrated a situation of extreme topography, unusual lot shape or extraordinary circumstance. In addition, the requested special exception shall only be granted if the city council finds that the proposed development will not be inconsistent with the comprehensive plan, the community appearance plan and the purpose of this division, and otherwise will not result in inadequate on-site amenity or any condition which will adversely affect nearby property. Requests for special exceptions may be granted in whole, in modified form with conditions or denied by the city council after consideration of the requisites presented in this section.
(Code 1978, § 26-71.2)

DIVISION 11. STORMWATER AND STORM DRAINAGE FACILITIES
Subdivision I. In General
Sec. 110-286. Usage, improvement and preservation of creeks and channels.

... (b) Natural drainage systems will be improved where necessary to meet the specified performance standards for land conditions which existed as of September 17, 1974. To the maximum degree possible, these improvements shall be made in such a manner as to preserve, enhance or restore the vegetation, including trees, along the creek line so that the aesthetic, environmental and ecological values of the vegetation are not lost to the community.

... (Ord. No. 2013-27, 11-12-2013, eff. 7-1-2014)

DIVISION 12. EROSION AND SEDIMENT CONTROL
Sec. 110-339. Permits.
It shall be unlawful for any person to engage in land disturbing activities of 2,500 square feet or more for any purpose until a permit is issued by the plan-approving authority, adequate soil erosion and sediment control measures are utilized as approved by the plan-approving authority and the activity is allowed in the zoning district in which it is located. The following activities, however, are exempt from the requirement for a permit, provided the activity is allowed in the zoning district in which it is located:

... (7) Tilling, planting or harvesting of agricultural, horticultural or forest crops or products, livestock feed lot operations, 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 now badly gullied or otherwise eroded.

... (Code 1978, § 26-94)