



Amherst County Board of Supervisors  
County Ordinance No. 2013-0013

**AN ORDINANCE, NO. 2013-0013**

Amending §§ 1601 and 1603, and §§ 1605 through 1610 of the Amherst County Code to expand the goals of landscaping plans to include supporting stormwater regulations and requirements; amend the minimum requirements relating to the number and size of trees required; increase the size of parking lots to which plans are applicable from five spaces to 20 spaces; allow applicants to submit information indicating that screening is not necessary; eliminate requirements relating to tree canopies; and modify the types of suggested trees, shrubs and flowers. This ordinance is a recommendation of the Amherst County Business Taskforce.

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Approved as to form and legality by the County Attorney

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**FIRST READING: Planning Commission, September 5, 2013**  
**PUBLIC HEARING: Planning Commission, September 19, 2013**  
**FIRST READING: Board of Supervisors, October 1, 2013**  
**PUBLIC HEARING: Board of Supervisors, October 15, 2013**

**THE COUNTY OF AMHERST HEREBY ORDAINS:**

**§ 1. That sections 1601 and 1603, and sections 1605 through 1610 of the Code of the County of Amherst, be and hereby are amended, as follows:**

**Sec. 1601. - Introduction and purpose.**

It is recognized that a vegetative landscape is desirable throughout the county. The conservation and planting of vegetation serves to enhance our cultural and physical environment. With landscaping, the appearance of our business, residential and industrial zones is improved, as is the natural beauty of the less developed areas. Vegetation also provides protection against environmental degradation. The converse is also true. Uncontrolled cutting or destruction of trees and vegetated areas can damage the cultural and physical environment. It is appropriate therefore to regulate landscaping through this ordinance in the interests of protecting public health, safety and welfare. It is the intent of these regulations to promote the planting and preservation of landscape materials in order to achieve the following goals:

- a. Enhance the outward appearance of all developed sites;

- b. Create greater property value;
- c. Provide screening between incompatible land uses;
- d. Protect ground water and air quality;
- e. Provide shade and windbreaks for conservation of energy;
- f. Reduce damage due to ultraviolet radiation, noise pollution and light pollution;
- g. Decrease erosion and flood damage;
- h. Enhance the beauty of vehicular and pedestrian transportation corridors;
- i. Buffer unsightly development;
- j. Support the Virginia stormwater regulations and requirements.

**Sec. 1603. - When landscaping plans are required.**

A landscape plan shall be required as a precedent to final site plan approval for the following:

- a. All development subject to site plan review as found in Section 1103 ~~All commercial and industrial development including expansions;~~
- b. ~~All entryways and common areas in residential subdivisions;~~
- c. ~~All other developments if deemed appropriate by the Commission and the Zoning Administrator due to a perceived compromising of the above mentioned goals a. through i;~~
- b. Any development which the Commission and Zoning Administrator identify as needing a landscape plan in order to help accomplish the goals identified in section 1601, *supra*.
- d. ~~Designated county street tree areas are subject to additional regulations for those areas.~~

**Sec. 1605. - Minimum standards.**

The following minimum standards shall apply to any proposed plantings, retention of vegetation and screening:

- a. Any existing tree used to meet the requirements of this ordinance must be at least three (3) inch caliper, in healthy condition and be protected from construction activity;
- b. ~~Removal of health trees over eighteen (18) inches in caliper shall be prohibited except in the building footprint area, construction activity area, right of ways or private drives, utility easements and septic areas;~~
- e b. One tree per ~~fifteen (15)~~ fifty (50) feet of street frontage and one shrub per ~~5 (ten)~~ 10 feet of street frontage shall be planted in creative groupings. The trees may be a combination of evergreens and large and small deciduous trees, and both trees and shrubs must meet the size requirements below. The construction of flower/mulch beds of a total area of at least one hundred (100) square feet may be planted in exchange for a tree as stated above;
- d c. Shade trees shall be a minimum one and one-half (1½) inches caliper (measured six (6) inches above ground level) when planted. Ornamental or flowering street trees shall be a minimum of one (1) inch caliper when planted. Evergreen trees for screening shall be a minimum four (4) feet in height when planted. Shrubs ~~for screening shall be a minimum twenty four (24)~~ twelve (12) inches in height when

planted and shall be maintained to a height not to exceed (twenty-four) 24 inches. ~~Shrubs for street planting shall be a minimum eighteen (18) inches in height when planted;~~

e ~~d.~~ Planting islands shall contain a minimum of fifty (50) square feet per tree, with a minimum dimension of five (5) feet in order to protect the landscaping and allow for proper growth;

f ~~e.~~ Trees that obstruct traffic sight lines shall be limbed up to a height of eight (8) feet.

#### **Sec. 1606. - Parking lot landscaping.**

Parking lots consisting of ~~five (5)~~ twenty (20) spaces or more:

a. Interior landscaping shall include a minimum of one (1) shade tree per ten (10) parking spaces or portion thereof. Interior landscaping shall be located in reasonably dispersed planting islands or perimeter areas. Shrub plantings adjacent to a building shall not be counted as interior landscaping;

b. Additional plantings along public streets: When a parking lot is located such that the parked cars will be visible from a public street, then additional landscaping of low street shrubs shall be required between the street and the parking lot. Shrubs shall be in a single row planted five (5) feet on center;

c. Screening of parking lots shall not be counted toward the interior landscaping requirement.

#### **Sec. 1607. - Screening.**

The following requirements shall apply to screening:

a. When required, screening shall consist of a planting strip, existing or new vegetation, wall, fence, earthen berm or combination thereof. Where only vegetative screening is provided; such screening strip shall not be less than twenty (20) feet in depth. Vegetative screening shall consist of a double staggered row of evergreen trees planted fifteen (15) feet on center, or a double staggered row of evergreen shrubs planted ten (10) feet on center. When a fence or wall is provided, it shall be a minimum of six (6) feet in height and plantings shall be required along such fence or wall. Earthen berms shall be a minimum of three (3) feet in ~~heights;~~ height.

b. Screening shall be required in the following instances, unless the applicant submits information satisfactory to the Zoning Administrator indicating that screening is not necessary.

1. Commercial and industrial uses and manufactured home parks shall be screened from adjacent residential and rural area districts;

2. Parking lots consisting of five (5) spaces or more shall be screened from adjacent residential and rural area districts;

3. Objectionable features including, but not limited to, the following uses shall be screened from adjacent residential and rural area districts and public streets:

i. Loading areas;

ii. Refuse areas;

iii. Storage yards;

iv. Retention ponds; and

v. Recreation facilities determined to be of objectionable character.

4. The Zoning Administrator and Commission may require screening of any use, or portion thereof, upon determination that the use would otherwise have a negative visual impact on a property listed on the ~~Bona Fide~~ Historic Landmarks Register.

#### **Sec. 1608. - Tree canopy.**

If ten (10) percent of a business's tree canopy exists on a site prior to development, the business may either (i) preserve and maintain the existing canopy and have that credited towards meeting the requirements of this Article XVI, or (ii) modify or eliminate the canopy and thereafter comply fully with the requirements of this Article.

If ten (10) percent of a business's tree canopy does not exist on a site prior to development, the business shall comply with all applicable provisions of this Article XVI.

In addition to other provisions of this ordinance, a minimum tree canopy shall be provided in accordance with this section. "Tree canopy" or "tree cover" shall include all areas of coverage by plant material exceeding five (5) feet in height at a maturity of ten (10) years after planting.

a. The following minimum canopy requirements shall apply:

1. Ten (10) percent canopy of a site to be developed with commercial, office or industrial uses;
2. Ten (10) percent canopy of a residential site to be developed at a gross density of five (5) dwelling units per acre or more;
3. Fifteen (15) percent canopy of a residential site to be developed at a gross density of less than five (5) dwelling units per acre.

b. In the calculation of land area subject to this section, the following areas may be deducted at the option of the developer:

1. Farm land or other areas devoid of woody material at the time of adoption of this section;
2. Recreation areas;
3. Open space areas;
4. Land dedicated to public use;
5. Playing fields and recreation areas attendant to schools, day care, and the like;
6. Ponds or lakes;
7. Areas required for the preservation of wetlands, flood plain, or other areas required to be maintained in a natural state by this chapter or other applicable law;

Deductions provided above shall be cumulative but shall not be duplicative.

e. Where existing trees are maintained, a canopy bonus shall be granted as follows:

1. The canopy area shall be calculated at ten years of additional maturity;
2. The resultant area shall be multiplied by a factor of 1.25.

#### **Sec. 1609. - General.**

The applicant may propose an increase in landscaping and site beautification, or relocation of parking to the rear of the building in exchange for a larger building site, set back alterations, or reduction in parking requirements. Once an agreeable solution has been reached with the Commission, they shall give a favorable recommendation for a variance to the Board of Zoning Appeals.

#### **Sec. 1610. - Suggested trees, shrubs and flowers.**

- a. Street and shade trees: Green Ash, Red Maple, Sugar Maple, Red Oak, Willow Oak, Japanese Pagoda Tree, Littleleaf Linden, Silver Linden, Zelkova, Yellowwood, Sycamore, European Plane

~~Tree~~ London Planetree, Sweet Gum, Fastigiata European Hornbeam, Princeton Sentry Ginkgo (non-fruiting), Littleleaf Linden, Bald Cypress;

b. *Ornamental or flowering trees:* Amur maple, American or Chinese Dogwood, Washington Hawthorn, American Plum, Serviceberry, Redbud, ~~Shadblow~~, Deciduous Magnolia, Fringe Tree, Japanese Maple;

c. *Evergreen or flowering shrubs:* English Yew, Japanese Yew, Azalea, Chinese Holly, Rhododendron, Obelia, Cotoneaster, Forsythia, Viburnum, Winged Euonymus, Flowering Quince, Gray Owl Juniper;

d. *Screening:* Cedar, Austrian Pine, Norway Spruce, American Holly, Arborvitae, Foster Holly, ~~White Pine,~~ Leyland Cyprus, Japanese Cryptomeria;

e. *Flowers shall be drought tolerant & deer resistant and may include the following:* Daylily, Daffodil, Sedums, Echinacea;

f. Other alternative species as approved by the county.

**§2. That this ordinance shall be in force and effect upon adoption.**

Adopted this 15<sup>th</sup> day of October, 2013.

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Robert M. Curd, Chairman  
Amherst County Board of Supervisors

**ATTEST:**

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Clarence C. Monday, Clerk  
Amherst County Board of Supervisors

Ayes \_\_\_\_

Nays \_\_\_\_

Abstentions \_\_\_\_