

Chapter 46

SITE PLAN*

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State law reference(s)—Planning, subdivision of land and zoning, Code of Virginia, § 15.2-2200 et seq.

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ARTICLE I. IN GENERAL**Sec. 46-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approving authority means those persons delegated the responsibility of approving any portion or part of the requirements of this chapter.

Architect means an individual who is recognized by the state, and who is registered with the state board for architects, professional engineers, land surveyors and landscape architects as an architect.

Building means any structure built for the support, shelter, housing or enclosure of persons, animals or property of any kind.

Chesapeake Bay Preservation Area or *CBPA* – see definition in Chapter 66, Zoning Ordinance, Section 66-193.

Construction standards means the design and construction standards of the building/code official of the town, as approved by the town council.

Driveway means that space specifically designated and reserved on the site for the movement of vehicles from one site to another or from a site to a public street.

Dwelling Unit means a group of one or more rooms designed for or intended for occupancy by a single family.

Easement means a grant by a property owner of the use of his land by any person for a specific purpose.

Engineer means an individual who is recognized by the state, and who is registered with the state board for architects, professional engineers, land surveyors and landscape architects as a professional engineer.

Final site plan means a plan delineating the overall scheme of development of a tract of land, including but not limited to grading, engineering design, construction details and survey data for existing and proposed improvements.

Off site means any area that does not fall within the boundary of the land to be developed.

Off-street parking means any space specifically allotted to the parking of motor vehicles, which space shall not be in dedicated right-of-way.

On site means that area within the boundary of the land to be developed.

Owner means the person having legal title to the land involved, or holding a lease for a term not less than 30 years.

Preliminary site plan means a plan showing the proposed general layout, the general location of the various types of land use, the proposed densities of population in residential areas, a major thoroughfare plan, a public utility plan, a storm drainage plan, and a plan showing the location of recreation spaces, parks, schools and other public or community uses.

Resource protection area or *RPA* – see definition in Chapter 66, Zoning Ordinance, Section 66-193.

Single-family dwelling means a detached building designed for or intended to be occupied by one family.

Structure means anything built or constructed, an assembly of materials, or any piece or work artificially built up or composed of parts joined together in some definite manner.

Surveyor, means an individual who is recognized by the state, and who is registered with the state board for architects, professional engineers, land surveyors and landscape architects as a registered land surveyor.

Travel lane means that space specifically designated and reserved, on the site, for the movement of vehicular traffic.

Two-family dwelling means a building designed for or intended to be occupied by two families, living independently of each other, including both duplex (one dwelling unit above another) and semidetached (two dwelling units having a common vertical party wall).

(Code 1981, § 13-1) (Ord. O-2012-03, § 46-1)

Cross reference—Definitions generally, § 1-2.

Sec. 46-2. Construction of land use requiring site plan.

Reference in this chapter to sanitary sewer systems, water mains, gas, power and telephone lines is intended to apply to main distribution systems and not to individual services on private property.

(Code 1981, § 13-2)

Sec. 46-3. Development of land use requiring site plan.

A site plan is required and shall be submitted for approval of:

A site plan is required and shall be submitted for approval of:

- (1) Any use or development in district B-1.

- (2) Any land use or development in district R-2, in any residential planned community division, or district R-1.
- (3) Churches, schools, hospitals and nursing homes.
- (4) Any exterior addition or change in any existing residential use or development when changing the residential use to commercial, industrial or institutional use.
- (5) Any land use or development for which a special use permit is required, except single trailers and signs.

(Code 1981, § 13-3; Ord. O-2004-08, § 46-3)

Sec. 46-4. Construction in accordance with site plan.

It shall be unlawful for any person to construct, erect or alter any building or structure, or develop or improve any land, for which a site plan is required except in accordance with the approved site plan.

(Code 1981, § 13-4)

Sec. 46-5. Site plan prerequisite to issuance of permit.

No building permit shall be issued to construct, erect or alter any building or structure, or develop or improve any land, that is subject to the provisions of this chapter until a site plan has been submitted and approved.

(code 1981, § 13-5)

Sec. 46-6. Penalties, continuing offenses, injunctions.

Any person violating the provisions of this chapter shall be guilty of a class 4 misdemeanor. Violators of the provisions of this chapter may also be restrained, prohibited or enjoined by injunction, mandamus or any other appropriate judicial proceedings.

(Code 1981, § 13-6)

Secs. 46-7—46-40. Reserved.

ARTICLE II. PREPARATION

Sec. 46-41. Persons authorized to prepare site plans.

Site plans involving engineering, architecture or land surveying shall be prepared and certified, respectively, by an engineer, architect or land surveyor duly registered by the state to practice as such.

(Code 1981, § 13-7)

Sec. 46-42. Contents of preliminary site plan.

Every preliminary site plan submitted in accordance with this chapter shall show the location of the following land uses that involve:

- (1) Residential uses.
- (2) Commercial uses.
- (3) Industrial uses.
- (4) Governmental uses.
- (5) Institutional uses.
- (6) School sites.
- (7) Parks.
- (8) Playgrounds.
- (9) Recreation areas.
- (10) Parking areas.
- (11) Other open spaces.
- (12) Resource Protection Areas (RPAs).

(Code 1981, § 13-8) (Ord. O-2012-03, § 46-42)

Sec. 46-43. Contents of final site plan generally.

Every final site plan submitted in accordance with the requirements of this chapter shall show the following:

- (1) Name and address of the development.
- (2) Boundary of the entire tract by courses and distances.

- (3) Area and present zoning of tract.
- (4) Name and address of the owner of record of the tract and name and address of the applicant.
- (5) Owner and present use of all contiguous or abutting property.
- (6) Date, scale, north point and number of sheets.
 - a. Scale shall be one inch equals 50 feet, or larger.
 - b. When more than one sheet is required to cover the entire project, a common sheet, general in nature, shall be provided, which shall show all the individual sheets of an application in proper relations to one another.
- (7) Courses and distances of centerlines of all streets or roads adjoining or abutting the tract.
- (8) All building restriction lines, highway setback lines, easements, covenants, reservations and rights-of-way.
- (9) Existing topography, with a maximum of two-foot contour intervals within 100 feet of all buildings, and a maximum of ten-foot contour intervals on the remainder of the tract.
- (10) Name, address, signature and registration number of the professionals preparing the plan.
- (11) A blank space, three inches wide and five inches high, for the use of the approving authority.
- (12) All CBPA information required by Chapter 66, Zoning, Article II, Division 7, Chesapeake Bay Preservation Overlay District, as applicable.

(Code 1981, § 13-9) (Ord. O-2012-03, § 46-43)

Sec. 46-44. Existing improvements to be shown.

In addition to the information required in section 46-43, the final site plan shall show, when existing, the location, dimension, size and heights of the following:

- (1) Sidewalks, streets, alleys and easements.
- (2) Buildings and structures.
- (3) Driveways, entrances, exits, parking areas and loading spaces.

- (4) Sanitary sewer systems.
- (5) Water mains and fire hydrants.
- (6) Gas, power and telephone lines.
- (7) Recreation areas.
- (8) Storm drainage systems, to include natural and artificial watercourses.
- (9) Limits of floodplains, as established by the Federal Emergency Management Agency and the United States Department of Housing and Urban Development.

(Code 1981, § 13-10)

Sec. 46-45. Proposed improvements to be shown.

In addition to the information required by sections 46-43 and 46-44, the final site plan shall show, when proposed, the location, dimensions, size and height of the following:

- (1) Sidewalks, streets, alleys and easements.
- (2) Buildings and structures, to include:
 - a. Distance between buildings.
 - b. Number of stories.
 - c. Area in square feet of each floor.
 - d. Number of dwelling units or guestrooms.
 - e. Structures above the building height limit.
- (3) Driveways, entrances, exits, parking areas and loading spaces, to include:
 - a. Number of parking spaces.
 - b. Number of loading spaces.
- (4) Sanitary sewer systems.
- (5) Water mains and fire hydrants.

- (6) Gas, power and telephone lines.
- (7) Slopes, terraces, retaining walls, fencing and screening.
- (8) Recreation areas and open green spaces.
- (9) Plans for collecting and depositing stormwater, in accordance with the requirements of the drainage section of the public watercourses, including a delineation of proposed development.
- (10) Finished grading, with a maximum of two-foot contour intervals, within 100 feet of all buildings, and a maximum of ten-foot contour intervals on the remainder of the property.

(Code 1981, § 13-11)

Sec. 46-46. Number and size of sheets; number of copies.

- (a) A site plan may be prepared in one or more sheets to show clearly the information required by this chapter and to facilitate review and approval of the plan. If prepared in more than one sheet, match lines shall clearly indicate where the several sheets join.
- (b) The sheets to be used shall be 24 inches by 36 inches, or any multiple thereof.
- (c) Clearly legible blue or black line copies (four administrative, plus planning commission members) of a site plan, prepared in accordance with the requirements of this chapter, are required to be submitted for approval, as provided in this chapter.

(Code 1981, § 13-12)

Secs. 46-47—46-80. Reserved.

ARTICLE III. REVIEW; APPROVAL

Sec. 46-81. Submission of site plan.

The required number of copies of the site plan, preliminary or final, shall be filed with the planning commission. The filing of the plan, signed by the applicant or his agent, shall constitute the application for approval. The plan shall be accompanied by a receipt from the town treasurer evidencing the payment of all site plan fees, as prescribed by the town council for the examination and approval of site plans.

(Code 1981, § 13-3)

Sec. 46-82. Responsibility of the planning commission generally.

The planning commission is responsible for checking the site plan for general completeness and compliance with the adopted plans or such administrative requirements as may be established prior to routing copies to reviewing agencies or officials. It shall see that all examination and review of the site plan are completed by the approving authorities. The planning commission shall recommend approval or disapproval of the site plan to the town council, in accordance with reviewing authorities' recommendations. It shall then return to the applicant two copies of the site plan, together with modifications, noting any changes that will be required. Such return to the applicant shall be made not later than 45 days from the date of submission, except under abnormal circumstances.

(Code 1981, § 13-14)

Sec. 46-83. Review of subdivision plans and site plan by approving authorities.

All subdivision plans and site plans properly submitted as provided in this chapter shall be reviewed and recommended for approval or disapproval by:

- (1) The zoning administrator or his agents relative to:
 - a. Compliance with the requirements of this chapter, including setbacks, side yards and rear yards, heights of buildings, lot area and lot coverage, fencing and screening.
 - b. Location and adequacy of automobile parking, as to number of spaces, square footage per space, including movement lanes, and total area.
- (2) The planning commission or its agents, relative to:
 - a. Location and design of vehicular entrances and exits, in relation to streets giving access to the site, and in relation to pedestrian traffic.
 - b. Location and design of all parking areas.
 - c. Concurrence of the state department of transportation for the location and design of the vehicular entrances and exits to and from state-maintained streets and highways.
 - d. Adequate provision for traffic circulation and control within the site, and provision of access to adjoining property.
 - e. Adequacy of drainage, water supply, fire protection and sanitary sewage facilities.
 - f. Compliance with applicable established design criteria, construction standards and specifications for all required public improvements.

(3) The county service authority or its agents, relative to sewage disposal.

(4) Soil support report shall be provided by a certified soil scientist in appropriate case as determined by town council.

(Code 1981, § 13-15; Ord. O-2002-06, § 46-83; Ord. O-2002-06, § 46-83)

Sec. 46-84. Period of validity of approved site plan.

An approved preliminary site plan shall become null and void if the final site plan is not submitted to the planning commission within six months from the date of approval of the preliminary plan. An approved final site plan shall be valid for a period of five years from the date of approval thereof. A site plan shall be deemed final once it has been reviewed and approved by the council if the only requirement remaining to be satisfied in order to obtain a building permit is the posting of any bonds and escrows. Construction or development may begin upon approval by council of the final site plan upon payment of site plan fees and acquisition of construction permits. The planning commission may grant a single one-time, six-month extension, upon written request of the applicant, made at least 30 days before the expiration of the approved site plan.

(Code 1981, § 13-16; Ord. O-2002-03, § 46-84)

Sec. 46-85. Minor adjustments of approved site plan; effect of deviations from approved site plan.

After a site plan has been approved by the town council, minor adjustments of the site plan, which comply with the spirit of this division and other provisions of this article, with the intent of the approving bodies in their approval of site plans, and with the general purpose of the master plan for development of the area, may be approved by the planning commission, with concurrence of the reviewing authorities concerned. Deviation from an approved site plan without the written approval of the planning commission shall void the plan, and the planning commission shall require the applicant to submit a new site plan for consideration.

(Code 1981, § 13-17).

Sec. 46-86. Major revision of approved site plan; waiver of requirements article.

Application for approval of any major revision of an approved site plan may be made in the same manner as for approval of an original site plan; and any requirement of this article may be waived by the town council in specific cases where such requirement is found to be unreasonable and where such waiver will not be adverse to the purposes of this article.

(Code 1981, § 13-18)

Sec. 46-87. Extension of Site Plan Approvals to Address Housing Crisis

- (1) Any valid final site plan outstanding as of January 1, 2009, shall remain valid until July 1, 2014, or such later date provided for by the terms of the Town's approval, local ordinance, resolution or regulation, or for a longer period as agreed to by the Town Council by express action and recorded roll call vote. Any other plan or permit associated with such site plan extended by this section shall likewise be extended for the same time period.
- (2) The extension of validity provided in subsection (1) of this section shall not be effective unless any performance bonds and agreements or other financial guarantees of completion of public improvements in or associated with the proposed development are continued in force.

(Ord. O-2009-06, § 46-87)

Secs. 46-88—46.120. Reserved.

ARTICLE IV. REQUIRED IMPROVEMENTS

Sec. 46-121. Generally.

In order to assure public safety, general welfare and convenience, the agencies and officials charged with the responsibility for review and recommendation of approval of site plans shall require such of the following improvements as fall within their respective assignments:

- (1) Designation of pedestrian walkways, so that persons may walk on them from store or building to building within the site and to adjacent sites.
- (2) Construction of vehicular travel lanes or driveways not less than 22 feet in width, which will permit vehicular travel on site and to and from adjacent parking areas and adjacent property.
- (3) Connection, wherever possible, of all walkways, travel lanes and driveways with similar facilities in adjacent developments.
- (4) Screening, fences, walls, curb and gutter, as required by the provisions of this Code and other ordinances of the town, or by the regulations of the state department of transportation.
- (5) Easements or rights-of-way for all facilities to be publicly maintained; however, each easement shall be clearly defined for the purpose intended.
- (6) Extension or construction of service road and access to such service roads on site bordering on a state primary highway.
- (7) Dedication or reservation of land for streets and service roads and the construction on such streets and roads.

(Code 1981, § 13-19)

Sec. 46-122. Construction requirements.

The construction standards for off-site improvements and on-site improvements, required by this chapter, shall conform to the design and construction standards of the town. The planning commission or its agents shall approve the plans and specifications for all required improvements, and shall inspect the installation of such improvements to assure conformity to the plan.

(Code 1981, § 13-20)

Sec. 46-123. Agreement as to construction.

Prior to approval of the final site plan, the applicant shall execute an agreement to construct such required improvements as are located within public rights-of-way or easements or such as are connected to any public facility, and shall file a performance bond with surety acceptable to the town in the amount of the estimated costs of the required improvements, as determined by the planning commission.

(Code 1981, § 13-21)

Sec. 46-124. Inspection and supervision during installation; certificate of approval.

(a) Inspections during the installation of the off-site improvements and required on-site improvements shall be made by the agency responsible for such improvements, as required to certify compliance with the approved site plan and applicable town standards. The owner or developer shall notify the building/code official three days prior to the beginning of all street or storm sewer work shown to be constructed on the site plan. The owner or developer shall provide adequate supervision on site during the installation of all required improvements and have a responsible superintendent or foreman, together with one set of approved plans, profiles and specifications, available at the site at all times work is being performed.

(b) Upon satisfactory completion of the installation of the requirement improvements, the owner or developer shall receive a certificate of approval from the planning commission, upon the application for such certificate. The certificate of approval will not authorize the release of any bond that may have been furnished to guarantee the satisfactory installation of such improvements but shall serve as a letter of recommendation to the town council, suggesting release of such bonds.

(Code 1981, § 13-22)

ARTICLE V. LANDSCAPE PLAN

Sec. 46-130. Purpose and Intent.

The purpose of this Article V is to establish minimum standards for the design, installation, and maintenance of landscaped areas that require the use of appropriate native vegetation and to promote the preservation of indigenous plant communities on site. The Town recognizes the significant benefits of establishing and protecting appropriate native vegetation and, therefore, the necessity to maximize the use of appropriate native vegetation in all public and private landscaped areas within the Town. It is the intent of this ordinance that these minimum landscape requirements be incorporated in order to promote the public health, safety, and welfare by:

- (1) protecting and promoting appropriate native vegetation;
- (2) promoting microhabitats in urban areas for the conservation of wildlife by establishing new wildlife habitat and maintaining existing wildlife habitat;
- (3) creating larger, more connected plant habitats, helping ensure the future of native plant species by increasing their ability to respond to changes in climate;
- (4) conserving scarce water resources by promoting water-efficient landscaping through the use of appropriate native plants which, once established, typically require much less water than other species;
- (5) reducing the use of chemical fertilizers and pesticides to maintain landscaping;
- (6) reducing the negative impacts of landscape maintenance on local air quality;
- (7) reducing the negative impacts on the land from the use of inappropriate vegetation and poorly planned landscaping;
- (8) reducing the financial costs of landscape maintenance; and
- (9) encouraging creative landscaping designs that further the above stated goals.

(Ord. O-2009-04, § 130)

Sec. 46-131. Definitions

- (a) *Appropriate Native Vegetation and Appropriate Native Tree* – those species of plants and trees identified and listed in publicly available sources as Native Plants for Conservation, Restoration, and Landscaping by the Virginia Department of Conservation and Recreation, for the Coastal Plain and Piedmont areas of Virginia, and suited to the soil, topography, and hydrology risk of a particular site.
- (b) *Appropriate Non-Native Vegetation and Appropriate Non-Native Tree* – those species of plants and trees not identified among Native Plants for Conservation, Restoration, and Landscaping by the Virginia Department of Conservation and Recreation, for the Coastal Plain and Piedmont areas of Virginia, but nevertheless suited to the soil, topography, and hydrology risk of a particular site, and not an invasion alien plant.
- (c) *Community Garden* – a public or community use area intended for the purposes of gardening.
- (d) *Community Play Area* – public use areas, including school and athletic fields, composed of predominantly turfgrass intended for use for recreational purposes.

- (e) *Caliper* – a measurement of the size of a tree equal to the diameter of the trunk six (6) inches from the root ball.
- (f) *Endangered Plant* – any plant contained on the Rare Vascular Plant List or Rare Non-Vascular Plant List maintained by the Division of Natural Heritage of the Virginia Department of Conservation and Recreation or its successor.
- (g) *Invasive Alien Plant* – a plant reproducing outside its native range and outside cultivation that disrupts naturally occurring native plant communities by altering structure, composition, natural processes or habitat quality. Invasive Alien Plants are those plants recognized and listed in publicly available sources as Invasive Alien Plant Species of Virginia by the Virginia Department of Conservation and Recreation. The Zoning Administrator shall maintain a list of such plants.
- (h) *Landscaped Area* – the entire parcel less the building footprint, driveway, non-irrigated portions of parking lots, hardscapes such as decks and patios, and other non-porous areas. Water features are included in the calculation of landscaped areas.
- (i) *Landscaping* – any combination of living plants and non-living landscape material (such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials).
- (j) *Native Plant* – those species of plants identified and listed in publicly available sources as Native Plants for Conservation, Restoration, and Landscaping by the Virginia Department of Conservation and Recreation, for the Coastal Plain and Piedmont areas of Virginia. The Zoning Administrator shall maintain a list of such plants.
- (k) *Natural Community* – a distinct and recurring assemblage of populations of plants, animals, fungi and microorganisms naturally associated with each other and their physical environment.
- (l) *Natural Area* – an area on a site that contains natural vegetation and that will be undisturbed during development and will remain undisturbed when the property is fully developed.
- (m) *Rare Plant* – a plant species that has been designated with a legally protected status such as “threatened” or “endangered”, or that is contained on the Rare Vascular Plant List or Rare Non-Vascular Plant List maintained by the Division of Natural Heritage of the Virginia Department of Conservation and Recreation or its successor.
- (n) *Remove* – to transport a native plant from the premises on which it has been growing.
- (o) *Threatened Plant* – any plant species that is contained on the Vascular Plant Watch List maintained by the Division of Natural Heritage of the Virginia Department of Conservation and

Recreation or its successor.

Tree – a self-supporting woody plant having a single trunk or a multi-trunk of lower branches, growing to a mature height of at least twelve (12) feet.

Turfgrass – continuous plant coverage consisting of a grass species that is mowed to maintain an established height

(Ord. O-2009-04, § 131)

Sec. 46-132. Applicability.

This Article applies to every site plan and site disturbance permit application submitted to the Town. In addition, it applies whenever the cumulative change to a previously-approved site plan amounts to 50% or more of the landscaped area provided in that site plan. It also applies to the removal of any tree four (4) caliper inches or larger on any property not otherwise exempted in this Article.

(Ord. O-2009-04, § 132; Ord. O-2011-03, § 132)

Sec. 46-133. Exemptions.

The following areas are exempt from this ordinance:

- (1) community gardens;
- (2) community play areas;
- (3) non-invasive food plants on residential properties;
- (4) turfgrass in stormwater management areas;
- (5) turfgrass in public rights-of-way; and
- (6) scientific and educational purposes, if approved in advance by the Zoning Administrator for a period not to exceed two years, with renewals of up to two years.

The Town shall, however, encourage the protection and promotion of native vegetation in these areas to the maximum extent practicable.

(Ord. O-2009-04, § 133)

Sec. 46-134. Minimum Native Vegetation Required

(a) Public Property.

Only native vegetation may be used in any newly-developed, publicly-owned landscaped areas within the Town limits. Native vegetation shall be used to the greatest extent practicable in all existing landscaped areas. The Town will strive to use appropriate native vegetation that is well suited to the soil, topography, and hydrology risk of the particular site.

(b) Private Property.

The minimum coverage of native vegetation in all newly landscaped private areas shall not be less than 50% of all permeable surfaces covered by the landscaping plan. Landowners of private property are encouraged to use appropriate native vegetation that is well suited to the soil, topography, and hydrology risk of the particular site. Additional minimum coverage standards may be set forth elsewhere in this ordinance.

(Ord. O-2009-04, § 134)

Sec. 46-135. Unavailability of Native Vegetation.

If native vegetation is not available at the time of installation, the landowner may, with the advance written consent of the Zoning Administrator, substitute non-native vegetation. The Zoning Administrator may, in the alternative, authorize a delay in completion of the landscaping plan to obtain native vegetation. If non-native vegetation is used, the landowner is encouraged to select vegetation suited to the soil, topography, and hydrology risk of the site.

(Ord. O-2009-04, § 135)

Sec. 46-136. Protection of Rare, Threatened, and Endangered Plants.

Landowners submitting a landscape plan pursuant to Section 46-137 of this ordinance are encouraged to provide protection and maintain in perpetuity all or a percentage of existing rare, threatened, and endangered plants at the site.

(Ord. O-2009-04, § 136)

Sec. 46-137. Landscape Plan Requirement and Approval.

Prior to or simultaneous with the submission of the final site plan, or the issuance of a site disturbance permit, a landowner or their representative shall submit a landscape plan to the appropriate local government staff. The landscape plan must be prepared by a licensed design professional, unless the site plan or site disturbance permit covers only one single family dwelling. At a minimum, except as otherwise specifically provided, the landscape plan shall show the name and address of the development, the boundaries of each parcel covered by the plan, the areas of landscaping, the area and present zoning of each parcel, the name and address of the owner of record and of the applicant, the date, the scale (which shall be 50 feet to the inch or larger), the north point, the number of sheets (with a common sheet showing the entire development if more than one sheet is required), the location of all storm water management and drainage easements and facilities, and the topography with a maximum

two-foot contour intervals within all landscaped areas. The staff shall review and either approve or deny the landscape plan.

(a) Single-Family Residence Landscape Plan Requirements.

The developer or owner of a single-family residence subject to this Article shall submit a landscape plan that includes a drawing of the proposed landscaped area, a list of each species of native plant to be installed, and the quantities of each species of plant to be installed in each landscape category listed in Section 46-138 (a). However, a landscape plan submitted solely in relation to the removal of native trees under Section 46-143 may instead provide a photograph of the existing tree and a sketch showing the location of any replacements.

(b) Multi-family, Business, or Municipal Landscape Plan Requirements.

An applicant for development or modification of a multi-family, business, or municipal site shall submit a landscape plan. The landscape plan shall include:

- (1) the name, address, and phone number of the landscape designer;
- (2) graphic symbols for all new and existing vegetation, labeled by name;
- (3) a legend that indicates sizes, quantity, and spacing of all vegetation; and
- (4) a graphic representation of the irrigation system, if any.

(Ord. O-2009-04, § 137)

Sec. 46-138. Landscaping Requirements.

(a) Single-Family Residential.

The minimum landscaping requirements for single-family residential properties shall be fulfilled by native trees, shrubs, and groundcovers, as specified:

- (1) Buffer and Perimeter Planting
- (2) Interior Planting
- (3) Foundation Planting
- (4) Tree Planting Requirements
- (5) Preservation of Existing Native Vegetation

(b) Multi-Family Residential.

The minimum landscaping requirements for multi-family residential properties shall be fulfilled by native trees, shrubs, and groundcovers, as specified:

- (1) Buffer and Perimeter Planting
- (2) Interior Planting
- (3) Foundation Planting
- (4) Parking Lot and Street Trees

- (5) Tree Planting Requirements
- (6) Preservation of Existing Native Vegetation

(c) Business.

The minimum landscaping requirements for business properties shall be fulfilled by native trees, shrubs, and groundcovers, as specified:

- (1) Buffer and Perimeter Planting
- (2) Interior Planting
- (3) Foundation Planting
- (4) Parking Lot and Street Trees
- (5) Tree Planting Requirements
- (6) Preservation of Existing Native Vegetation

(d) Municipal

The minimum landscaping requirements for municipal properties shall be fulfilled by native trees, shrubs, and groundcovers, as specified:

- (1) Buffer and Perimeter Planting
- (2) Interior Planting
- (3) Foundation Planting
- (4) Parking Lot and Street Trees
- (5) Tree Planting Requirements
- (6) Preservation of Existing Native Vegetation

- (e) In (a) through (d) above, the landowner is encouraged to use native trees, shrubs, and groundcovers suited for the soil, topography, and hydrology risk of the particular site, and to preserve existing native vegetation, in particular existing rare, threatened, and endangered plants.

(Ord. O-2009-04, § 138)

Sec. 46-139. Turfgrass.

Non-native turfgrass shall be considered within the percentage of non-native vegetation permitted. The landowner shall use a low-water use turfgrass appropriate for the area.

(Ord. O-2009-04, § 139)

Sec. 46-140. Landscape Plan Review Criteria.

When reviewing a landscape plan the Town shall approve a landscape plan if it satisfies the landscaping requirements of sections 46-137 and 46-138 at the site.

(Ord. O-2009-04, § 140)

Sec. 46-141. Landscape Maintenance.

A landowner is responsible for ensuring that all landscape material that is part of an approved landscape plan regulated by this ordinance is maintained in a healthy condition. Within the first year after the date that the landscape plan has been completely installed, if any native plant that is part of the requirements of this ordinance dies or is substantially damaged, the landowner shall replace the plant with the same landscape material or other native vegetation as approved by appropriate local government staff.

(Ord. O-2009-04, § 141)

Sec. 46-142. Land Clearing.

No construction shall begin nor land cleared until a landscape plan for the site has been approved, if required by the provisions of this ordinance.

(Ord. O-2009-04, § 142)

Sec. 46-143. Tree Protection.

It shall be unlawful for any person to remove, destroy, or permanently damage any existing native tree that is four (4) caliper inches or larger without an approved landscape plan or permit, except in an emergency threatening human life or to comply with a valid order of a government authority. The Town Manager may issue a permit permitting the removal, destruction, or damage of an existing native tree covered by this article, provided an applicant submits an application or letter identifying the tree at issue, detailing the reason for the action, identifying appropriate native vegetation and/or an appropriate native tree that will replaced the tree removed, destroyed, or damaged, and the date by which the replacement vegetation and/or tree will be planted. If these conditions are not met, the Town Manager may not issue a permit, and the applicant will need to file a landscape plan in accordance with this Article. All existing native trees designated as remaining in their original placement as a part of the landscape plan shall be protected during construction and land clearing from permanent damage to any part of the tree by silt fencing at their drip lines.

(Ord. O-2009-04, § 143; Ord. O-2011-03 § 143)

Sec 46-144. Fees.

The Town Council may charge an applicant reasonable fees for any permits and applications required by this ordinance. Such fees may from time to time be amended by the Town Council by uncodified ordinance.(Ord. O-2009-04, § 144)