

## Ordinance PL2011-03

**AN ORDINANCE** to amend The Code of the Town of Ashland, Chapter 21, "Zoning", Article XXIII, "Landscaping", Sec. 21-233, "Landscape Setbacks," and Sec. 21-235 "Parking Area Landscaping."

The purpose of this ordinance is to amend the landscaping regulations to allow for exceptions to the landscape requirements to be made on commercially zoned corner lots when the existing requirements inhibit the development/redevelopment of these corner lots.

**WHEREAS**, the Town Council has held a public hearing on the 18th day of October 2011, advertised as required by Virginia Code Section 15.2 – 2204.

**NOW THEREFORE BE IT ORDAINED** by the Council of the Town of Ashland, Virginia that Section 21-233 "Landscape Setbacks" and Section 21-235 "Parking Area Landscaping" shall be amended to read, as follows:

### **Sec. 21-233. Landscape setbacks.**

(a) *Landscaped setback required.* A landscaped setback of not less than twenty (20) feet in depth measured from the existing or future right-of-way, whichever is greater, shall be provided along all streets, except that this requirement shall not be applicable to:

- (1) Property located in the B-1 district (See article X of this chapter for setback and yard requirements in the B-1 district); and
- (2) Property devoted to single-family detached or two-family use (See setback and yard requirements in the district in which the use is located).

(b) *Improvement of required landscaped setbacks.* Required landscaped setbacks shall be landscaped with appropriate vegetative ground cover or shrubbery and shall be provided with street trees as specified in section 21-234 of this article. At least 50% of the linear frontage, not including areas dedicated for ingress and egress, shall include continuous vegetative shrubbery at full plant maturity and at a maximum of thirty (30) inches in height. Existing healthy trees with a caliper of ten (10) inches or greater located within such setback shall be preserved unless preservation is not possible due to circumstances external to the site. Approved walkways and other incidental improvements for pedestrian use may be located within landscaped setbacks. (See the Development Guidelines Handbook for guidelines and examples for treatment of landscaped setbacks.)

(c) *Use of required landscaped setbacks.* No building or structure, other than a permitted sign, and no parking, loading or vehicle circulation area, except approved means of ingress and egress, shall be located within any required landscaped setback. No required landscaped setback shall be used for the display or storage of items for sale or for any similar activity.  
(10-8-85; 9-22-87; 2-17-04)

(d) *Exceptions.* The following provisions shall apply to all corner parcels zoned B-2, M-1, or PSC. Exceptions to the required landscape setbacks may be granted to allow for future economic development/redevelopment of key intersections that are currently inhibited by the landscape setback requirements of this section. Exceptions to the required twenty (20) foot landscape setback shall be allowed if the following minimum conditions are met, provided that the minimum depth of the landscape setback is reduced to no less than seven and one-half (7.5) feet:

- (1) The required twenty (20) foot landscape setback may be reduced by five (5) feet if the minimum amount of parking area landscaping required by Sec. 21-235(c) is increased from 5% to 10%.
- (2) The required twenty (20) foot landscape setback may be reduced by five (5) feet if the

minimum number of street trees required by Sec. 21-234 is increased by 25%.

- (3) The required twenty (20) foot landscape setback may be reduced by five (5) feet if the amount of vegetative shrubbery required by Sec. 21-233(b) is increased from 50% to 75%.

**Sec. 21-235. Parking area landscaping.**

(a) *Applicability.* The requirements of this section shall be applicable to all off-street parking areas exceeding four thousand five hundred (4,500) square feet in area. For purposes of this section, the area of an off-street parking area shall be construed to be that portion of a lot which is paved or otherwise improved for the purpose of parking vehicles, including all parking spaces, access aisles, driveways, loading space and vehicle stacking areas and maneuvering space. (See the Development Guidelines Handbook for illustrative examples of application of the requirements of this section).

(b) *Existing parking areas.* In the case of parking areas existing at the effective date of these provisions, the requirements of this section shall apply when a previously unpaved parking area is paved or when a parking area is reconstructed by removal of existing improvements and replacement thereof. In the case of expansion of any parking area existing at the effective date of these provisions by a cumulative total of more than two thousand (2,000) square feet, the requirements of this section shall apply to the area of expansion, provided that internal landscaping and trees required for the expanded area may be dispersed throughout the entire parking area. In any case where an existing parking area is expanded by a cumulative total of greater than fifty (50) percent of its original area, the requirements of this section shall apply to the entire parking area.

(c) *Required internal landscaping.* Not less than five (5) percent of the parking area shall be devoted to landscaped islands or other internal landscaping. When landscaped islands located in accordance with the requirements of paragraph (d) of this section result in an area greater than five (5) percent of the parking area, the higher percentage shall apply. When landscaped islands located in accordance with the requirements of paragraph (d) of this section result in an area less than five (5) percent of the parking area, any landscaped area located within the front yard of the lot and in excess of the minimum required landscaped setback or minimum required peripheral landscaping may be credited toward the internal landscaping requirement. All areas to be credited toward the internal landscaping requirement shall consist of trees, shrubs, vegetative ground cover, other plant material, or combinations thereof, and may contain pedestrian walkways incidental to such landscaping.

(d) *Landscaped islands.* Landscaped islands meeting the standards of this section shall be located within parking areas so that not more than ten (10) parking spaces are situated in a single continuous row, except as provided in paragraph (1) below, and so that each end of each row of parking spaces is separated from adjacent access aisles and driveways by a landscaped island. The following standards shall be applicable to landscaped islands:

- (1) *Size of landscaped islands.* Landscaped islands shall be not less than nine (9) feet in width as measured between the outside faces of curbs or other features that define the landscaped island if curbs are not provided, and shall be not less than the length of the abutting parking spaces. When landscaped islands of not less than fifteen (15) feet in width are provided, such islands may be located so that not more than fifteen (15) parking spaces are situated in a single continuous row. In the case of landscaped islands having irregular width, the width shall be measured at each point where a tree is to be located within the island.
- (2) *Improvement of landscaped islands.* Each landscaped island shall be planted with at least one (1) deciduous tree having a caliper of not less than two and one-half (2 1/2) inches at the time of planting. The type of deciduous tree that should be used can be located on the tree canopy matrix and would consist of those trees that fall under the

"shade and parking lot" use category. The appropriate quantity and type of tree shall be approved by the zoning administrator. The island shall also include shrubs, vegetative ground cover, other plant material, or combinations thereof, and may contain pedestrian walkways incidental to landscaping. Healthy existing trees to be preserved shall be credited toward the tree requirement when such trees meet the other requirements of this section, are shown on the approved landscape plan and are adequately protected during construction, provided such trees have a reasonable expectation of survival as determined by the zoning administrator from material contained in the Development Guidelines Handbook or additional supporting data submitted with the landscape plan. Required landscaped islands shall be protected from encroachment by vehicles by curbs, wheel stops or other approved features, and shall not include any portion of a required parking space.

- (3) *Areas to be credited as landscaped islands.* Landscaped islands shall include areas that meet the requirements of this section and are situated in any of the following manners:
- a. Within an otherwise continuous row of parking spaces so as to provide separation between such spaces;
  - b. At the end of a row of parking spaces so as to provide separation between such spaces and an access aisle or driveway;
  - c. Between opposing rows of parking spaces, or between a row of parking spaces and an access aisle or driveway; or
  - d. At the end of a row of parking spaces so as to provide a landscaped corner between rows of parking spaces that are arranged at an angle to one another.

(e) *Peripheral landscaping.* Landscaped areas of not less than five (5) feet in width shall be provided so as to separate off-street parking areas from abutting property, except that this requirement shall not apply where buffer or screening requirements set forth in section 21-236 of this article impose a greater standard, or along a mutual lot line that is subject to a recorded cross-easement enabling vehicle access between abutting lots. Peripheral landscaping shall consist of trees, shrubs, vegetative ground cover, other plant material, or combinations thereof, and may contain walkways incidental to such landscaping and providing pedestrian access between abutting properties. Peripheral landscaping shall be protected from encroachment by vehicles by curbs, wheel stops or other approved features, and shall not include any portion of a required parking space.  
(2-17-04)

- (1) If a minimum of a ten (10) foot peripheral landscape area exists on an adjacent parcel, then the requirement of a 5' peripheral landscape area may be waived provided that:
- a. Adjoining landowners execute a written acknowledgment of their consent to the waiver of such screening criteria and of its legal ramifications.
  - b. The waiver is recorded at the register of deeds in both the grantor's and grantee's names.

**BE IT FURTHER ORDAINED** by the Town Council that the amendments herein of the Code of the Town of Ashland shall be effective immediately upon adoption.

Introduced: June 21, 2011

Advertised: Planning Commission:

Herald Progress: August 25, 2011 & September 1, 2011  
Town Council:  
Herald Progress: September 29, 2011 & October 6, 2011

Public Hearing:

Planning Commission: September 14, 2011  
Town Council: October 18, 2011

Adopted:  
Effective:

October 18, 2011  
October 18, 2011