

Chapter 156**ENVIRONMENTAL SUSTAINABILITY****Sections:**

- 156-1 PURPOSE AND INTENT OF THIS CHAPTER**
- 156-2 DEFINITIONS**
- 156-3 ENVIRONMENTAL SUSTAINABILITY ADVISORY COMMITTEE (ESAC)**
- 156-4 PLANTING, MAINTENANCE AND PROTECTION OF TREES ON PUBLIC PROPERTY**
- 156-5 SCREENS AND BUFFERS**
- 156-6 DEVELOPMENT TREE PLANTINGS**
- 156-7 STREET TREES**
- 156-8 PARKING LOT LANDSCAPING**
- 156-9 ADMINISTRATION AND ENFORCEMENT**
- 156-10 APPEALS**
- 156-11 SEVERABILITY**

Adopted by the Town Council of the Town of Front Royal 12-20-99. Amended 156-2.B.; 156-5.C.2.b.; 156-5.C.2.c. and enacted 156-5.C.2.d.; 156-5.C.2.e. and 156-7 on 5-28-02. Chapter Amended in its entirety 6-8-15. Amended 1-28-19 in various areas as UFAC. Chapter Amended in its entirety 8-23-21.

156-1 PURPOSE AND INTENT OF THIS CHAPTER

It is the intent and purpose of this Chapter to create Environmental Sustainability in the Town of Front Royal that focuses on the Town's ecosystem, by establishing recommended goals for environmental protection involving waste reduction, recycling, energy conservation, clean air and water, natural resources, as well as establishing a sustainable community to include public art. Further intent and purpose of this Chapter is to create an Environmental Sustainability Advisory Committee (ESAC).

156-2 DEFINITIONS

Buffer - Linear bands of vegetation, preferably consisting of native and locally adapted species, associated with many features including wetlands, greenways, transportation corridors, and wildlife corridors. Vegetated buffers uptake pollution and minimize impact on adjacent surrounding areas.

Caliper: the diameter measurement of the tree trunk taken six (6) inches above ground level for trees up to and including four (4) inch caliper size. Measurement shall be taken twelve (12) inches above the ground level for larger trees.

Canopy - The full extent of existing leaves crowning a tree or groups of trees, or the full extent of future leaves crowning a tree or group of trees at a tree maturity of twenty (20) years.

Certified Arborist - A tree professional certified by the International Society of Arboriculture. Certified Arborists have achieved a level of knowledge in the art and science of tree care through at least three years of experience and have passed a comprehensive examination to provide proper tree care.

Cutting - The felling or removal of a tree, or any procedure which leads to the death or substantial destruction of a tree. Cutting does not include normal pruning within the bounds of accepted arboricultural practice.

DBH - diameter of tree trunk at breast height; measured at 4.5 feet above the ground.

Dripline - An imaginary perpendicular line that extends downward from the outermost branches of a tree to the ground.

Hazard - A tree with structural defects likely to cause failure of all or part of the tree, which could strike a “target.” A target can be a vehicle, building, or a place where people gather such as a park bench, picnic table, street, or backyard. (per Department of Agriculture’s Urban Tree Risk Management: A Community Guide to Program Design.)

Heritage Tree - Any tree that because of its historical association (associated with a notable local or regional historical event, person, or landscape) is of special importance to the Town. Such a tree, on either public or private property, will be nominated and adopted by the Town for significant designation. The significant designation of a heritage tree is transferable through the property deed and will extend to any new owner.

Invasive, Nonnative Vegetation - Any plant not indigenous to the Commonwealth of Virginia, which exhibits, or has the potential to exhibit, uncontrolled growth and invasion or alteration of the natural qualities and functions of any native habitat.

Memorial Tree - A tree donated to commemorate a person or event is of special importance to the Town as a living tribute. Such a tree, on either public or private property, will be nominated and adopted by the Town for significant designation. The significant designation of a memorial tree is transferable through the property deed and will extend to any new owner.

Public Property - Property that is owned or maintained by the Town of Front Royal.

Private Tree - Any tree not located on property owned or controlled by the Town. For the purposes of this ordinance, a private tree is subject to this ordinance if it is either (1) designated as a Memorial, Heritage, or Specimen tree; or (2) is on property proposed for land disturbance after adoption of this ordinance and is subject to site landscape plan and conformance with the Town canopy plan guidelines; or (3) is a Hazard tree.

Protective Root Zone - The entire surface and subsurface soil area encompassed by radius for protected trees (per Landscape Preservation and Planting Guide) typically the distance

around tree trunk equal to the drip line of the tree; also generally referred to as tree preservation target or critical root zone.

Public Trees - Trees on land owned and or managed by the Town of Front Royal.

Specimen Tree - Individual trees which are healthy with a diameter at breast height of twenty-four (24) inches or greater, or which otherwise are noteworthy because of species, age, size, location, aesthetics, or any other exceptional quality, such as, uniqueness, rarity, ecological value, or status as a landmark or species specimen. Such a tree, on either public or private property, will be nominated and adopted by the Town for significant designation. The significant designation of a specimen tree is transferable through the property deed and will extend to any new owner.

Topping - Topping involves cutting limbs back to stubs or lateral branches not large enough to assume dominance. A lateral branch that is acceptable is generally greater than one third (1/3) the size of the branch that is being removed. This includes pruning that leads to the disfigurement of the normal shape of the tree. Topping is the indiscriminate cutting of tree branches to stubs or lateral branches that are not large enough to assume the terminal role.

Tree - Any self-supporting woody plant, growing upon the earth with one trunk, or a multi-stemmed trunk system with a definitely formed crown, or other woody plant material exceeding five (5) feet in height.

Tree Bank - Funds for tree replacement paid into account managed by the Director for Public Works or designee for the purposes of future tree replacement or restoration in-lieu of tree planting.

Tree Canopy - Also referred to as “tree cover”, or “tree canopy coverage”, an area of land covered by plant material exceeding five feet in height, and the extent of planted tree canopy at ten (10) or twenty (20) years maturity. Planted canopy at ten (10) or twenty (20) years maturity shall be based on published reference texts generally accepted by landscape architects, nurserymen, and arborists in the community, and the texts shall be specified in the ordinance.

Tree Canopy Plan – The ESAC shall prepare a Tree Canopy Plan in coordination with the Director of Planning or designee of the Town which designates preferred sites as priority areas for tree plantings when off-site tree replacement planting is utilized.

TREE CANOPY CALCULATION WORKSHEET

Tree Canopy Calculation Worksheet Town of Front Royal						
Please fill in only the green shaded cells below						
A. Site Size						
A1	Total Site Area in square feet	Ft ²				
Choose the % canopy cover required based on the requirements of Section 156-6.A. of the Town Code.						
A2	<table border="1"> <tr> <td>10%</td> <td>15%</td> <td>20%</td> </tr> </table>	10%	15%	20%		%
10%	15%	20%				
A3	Multiply line A2 % times A1 To calculate Required Canopy Cover for Site in Sq Feet	Ft ²	0			
B. Tree Preservation (provides 1.5 credit)						
B1	Existing Tree Canopy Cover (<i>Insert Square feet here calculated from Town Planning Dept or calculate sum of driplines</i>)	Ft ²				
B2	Tree Canopy to be preserved of the overall site (<i>Insert Sq Feet here calculated by Town Planning Dept or sum of driplines of preserved trees</i>)	Ft ²				
B3	Canopy Preservation Credit (Multiply B2 x 1.5)	Ft ²	0			
B4	Canopy Remaining to meet Requirements (Subtract A3 - B3)	Ft ²	0			
B5	If a negative number appears in B4; canopy requirements have been met. Otherwise, please go to Section C or D	Have been met.				
		Have NOT been met.				
C. New Tree Plantings						
C1	Canopy (sq ft) remaining to meet requirements (B4) Refer to Front Royal Tree Cover Guide for species list and 10 year projected canopy to fulfill necessary coverage on line C1	Ft ²	0			
C2	Projected canopy coverage (sq ft) from plantings (<i>Insert Sq Feet</i>)	Ft ²				
C3	Canopy remaining to meet requirements (C1 - C2)	Ft ²	0			
C4	If C3 is a negative number, canopy requirements have been met. Otherwise, please go to Section D	Have been met.				
		Have NOT been met.				
D. Exception						
Has A3 been met? (Preferably through preservation &/or new plantings.) If not calculate amount owed below:						
D1	Square feet requirements still remaining to meet A3	Ft ²	0			
D2	Amount for Tree Fund (D1 x \$3.00)	\$	\$ -			

156-3 ENVIRONMENTAL SUSTAINABILITY ADVISORY COMMITTEE (ESAC)

The vision of the ESAC shall include recommendations on:

- Preservation, enhancement, management and protection of Front Royal’s environment and natural resources.
- Education, outreach, communications, and public awareness on the care of the Town’s environmental assets.
- Proposed amendments and variations to environmental and natural resources-related policies, regulations, ordinances, and plans.
- Updates to the Town’s Comprehensive Land-use Plan regarding sustainability and urban forestry planning.
- Continue a sustainable community to include public art
- Maintaining recognition as a Tree City USA Town.
- Coordinating with community organizations and volunteer groups to work on environmental projects.
- Planning the annual Arbor Day ceremony.
- Supporting and coordinating with farmers markets and small retailers that specialize in farm to table and healthy food choices.

The ESAC shall further promote the following:

1. The preservation and planting of trees in the development process to create a specified tree canopy cover pursuant to the authority granted in Section 15.2-961 of the Code of Virginia, 1950, as amended and set forth herein.
2. The planting, maintenance, and preservation of desirable trees to increase the tree canopy cover in the Town of Front Royal. A goal of this Chapter is to increase tree canopy cover from 41% (2008) to 46% by 2030.
3. The protection of residents living in the community and visitors from personal injury and property damage, and the protection of the Town from property damage, caused or threatened by the improper planting, maintenance, or removal of trees located on public property and private property proposed for land disturbance after adoption of this ordinance.
4. The reduction of erosion, sedimentation, stormwater run-off, and associated costs.
5. The protection and enhancement of property values, unique or significant landscapes, and aesthetic qualities in the Town for the enhancement of the overall environment and the quality of life.
6. The economic benefits of reduced energy use and wind resistance, which results from strategically planted trees shading homes, schools and businesses.

7. The environmental and social benefits related to the ability of trees and other vegetation to mitigate sound and light pollution and reduce sunlight and heat loss.
8. Assistance in improving air quality through the use of trees which filter the air by removing dust and other particulates. Trees also absorb carbon dioxide from the air and other air pollutants, such as ozone, carbon monoxide, and sulfur dioxide, and provide oxygen.
9. Filtering of water, reducing nutrients, stabilizing, and recharging the groundwater, slowing velocity of overland sheet flow, and up taking floodwaters through root systems.
10. The improvement of traffic safety by controlling sightlines and calming traffic.
11. The provision of areas for wildlife habitat.

A. An Environmental Sustainability Advisory Committee (ESAC) shall be established to

Perform the following duties:

1. Develop and monitor a Tree Canopy Cover Plan.
2. Provide advisory recommendations on matters related to the preservation, enhancement, management and protection of the Town's environment and natural resources through education, outreach, and communications.
3. Provide advisory recommendations regarding proposed amendments and variations to environmental and natural resources-related policies, regulations, ordinances, and plans.
4. Provide advisory recommendations pertaining to the Town's Comprehensive Land-Use Plan for the elements regarding an Environmental Sustainability Plan.
5. Support the efforts of other groups interested in environmental sustainability in Front Royal, including but not limited to Master Gardeners, Beautification of Front Royal Committee, and the Front Royal / Warren County Tree Stewards.
6. Provide expert advice as needed, to the Town Manager or designee, Town Council, Town Staff and other Boards or Commissions of the Town.
7. Provide guidance regarding appropriate tree species for specific landscaping projects, including education regarding non-native invasive vegetation.
8. Upon request, review plantings, maintenance, and removal of trees and other vegetation on Town-owned public property, landscaping easements and rights-of-way.

9. Upon request, review and make recommendations to the Director of Planning regarding landscape plans related to subdivisions and/or developments. Except where authorized by the applicant, any subdivision or development application may not be delayed or denied solely because of a delay or lack of review by ESAC.

B. Establishment of the Environmental Sustainability Advisory Committee (ESAC)

1. Composition & Appointment.

Town Council shall appoint five (5) volunteer committee members to ESAC who are committed to environmental protection programs and working to strengthen the sustainability of the Town's ecosystem. Committee members shall include one (1) Town employee who shall be the chairman, one (1) high school senior, and three (3) at-large residents. The three (3) at-large residents shall be appointed by Town Council. Each member shall be a resident of the Town of Front Royal or Warren County when appointed or selected. Residents of Warren County must own a business within the corporate limits of the Town of Front Royal. When a member ceases to be a resident of the Town, or if a resident of Warren County ceases to be owner of a business within the corporate limits of the Town or ceases to be a resident of Warren County, that member shall become immediately vacant, and a new member shall be appointed or selected for the remainder of the term. The ESAC shall be made up of no fewer than five (5) members.

2. Qualifications.

The ESAC shall be made up of citizens with skills and an expressed interest in at least one of the following areas:

- a. Urban Forestry
- b. Landscaping
- c. Arboriculture
- d. Engineering or related field
- e. Study of Interest
- f. Water Resources
- g. Natural Resources
- h. Solid Waste
- i. Sustainability
- j. Energy Conservation
- k. Artist

3. Terms of Office.

- a. The three (3) members of the ESAC shall be appointed initially for the following terms: one member for two (2) years, one member for three (3) years and one member for four (4) years. Subsequent appointments shall be for terms of four (4) years, except appointments to fill vacancies, which shall be for the unexpired

terms. The Town employee member and high school senior shall be selected by the Town Manager or designee and serve terms as deemed by the Town Manager or designee.

- b. Members may be re-appointed to serve consecutive terms as determined appropriate by the Town Council.
4. Agenda, Minutes and Rules.
- a. The Committee shall adopt such rules and regulations as it may consider necessary.
 - b. The Committee shall prepare meeting agendas in advance of meetings and make available to the public prior to the start of the meeting. The Committee shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact. It shall keep records of its examinations and other such official actions, all of which shall be immediately filed in the office of the Committee and shall be a public record.
 - c. All meetings of the Committee shall be open to the public.
 - d. A quorum shall be at least three (3) members.
 - e. The Commission shall hold one regular meeting every third month or as needed.
- C. Authority for the ESAC to Receive Donations and Apply for Grants.
- 1. All persons interested in an Environmental Sustainability Community in the Town are invited to make gifts, devises, and bequests to the Town to be used for that purpose. All donations of money shall be made through the Department of Finance, and it is hereby authorized and directed to receive such donations. All such monies shall be used only for the purpose of creating an Environmentally Sustainable Community in the Town. Expenditures from of these donations shall be made by the Town Manager or designee as authorized, from time to time, by the Town Council.
 - 2. The ESAC may, with the consent of the Town Council, apply for federal, state, or private grants or funding, and/or assistance, and to aid in the performance of their duties.
- D. Sharing of Information and Services.

Upon request of the ESAC with approval by the Town Manager or designee, the departments, boards, commissions, offices, and agencies of the Town government shall furnish to the Committee such available information and render such service as may be needed in the performance of their duties.

E. Designation of Heritage, Memorial or Specimen Trees.

Designation of a Heritage, Memorial, or Street tree(s) are afforded recognition and protection by this ordinance. These trees, on either public or private property, have been recommended by the ESAC for significant status designation. The process for designation includes submittal of a nomination application form to the Director of Planning documenting the subject tree’s significance in age, size, location, aesthetics, historical association, species, and any other characteristic that justifies its uniqueness. The nomination is then forwarded to the ESAC for review, unless otherwise submitted by the ESAC. If the tree is recommended for designation by the ESAC, the Town Manager or designee shall present the nomination to Town Council for consideration of significant designation status. Trees designated as heritage, memorial, or specimen trees have a significant designation status transferable with change in property ownership. In addition, such trees are afforded protection status by the Town and are discouraged from removal.

156-4 PLANTING, MAINTENANCE AND PROTECTION OF TREES ON PUBLIC PROPERTY

A. Planting.

1. Any tree planted on public property shall be of an approved species as outlined in "The Preferred Species List" adopted by the ESAC, as found within the "Landscape Preservation and Planting Guide."
2. Any tree not on the preferred species list shall not be planted on public property without the Town’s Arborist or Director of Public Works or their designee approval.
3. Any tree shall be properly planted according to the standards and guidelines, as stipulated in the most current version of the "American Standard for Nursery Stock."

B. Maintenance.

1. All outside contractors hired for pruning and/or maintenance of Town-owned trees shall meet the following minimum requirements:
 - a. Have current Town Business License.
 - b. Provide proof of liability and Workmen's Compensation Insurance.
 - c. Have employed at least one certified arborist to generally oversee all work.
2. All Town-owned trees shall be maintained in accordance with the most recent version of the "American National Standards Institute's ANSI A300 (Part 1): Tree, Shrub, and Other Woody Plant Maintenance – Standard Practices (Pruning)" and the "American National Standards Institute’s ANSI Z-133.1: Safety Requirements." No

town-owned tree shall be "topped" nor shall any climbing spurs be used when working on live trees.

3. All tree pruning around utility lines shall be performed in accordance with the guidelines in “American National Standards Institute's ANSI A300 (Part 1): Tree, Shrub, and Other Woody Plant Maintenance – Standard Practices (Pruning), “Best Management Practices Utility Pruning of Trees.”
4. No private citizen shall cut, prune, or elevate any Town-owned tree in conflict with guidelines adopted by the ESAC, without prior approval by the Town Manager or designee after review and recommendation by the ESAC.
5. The Town of Front Royal should maintain elevation of Town-owned trees to a height of thirteen (13) feet over roadways and a height of eight (8) feet over public sidewalks where possible.
6. The Town is not required to cut and/or remove weeds, brush, plants, grass, or other vegetation growing in the public alleys, unimproved streets, and other unimproved rights-of-way except as provided in Section 170-2 of the Town Code. Any adjacent property owner, tenant, or citizen, at their own expense, may cut and/or remove any weeds, brush, plants, grass, or other vegetation, except trees in excess of three (3) inches (3") caliber measured twelve (12") from the ground, growing in the public alleys, unimproved streets and other unimproved rights-of-way and in the unimproved portion of the public right-of-way lying between any public property and private property lines.
7. If any tree growing in a public alley, unimproved street or other unimproved right-of-way is dead or growing in such a manner that the branches, limbs or other parts of the tree extend or protrude onto private property in a manner that constitutes a danger to citizens or property, the Town will cut and remove or prune such tree once it has been notified of the condition of the tree. It shall be the responsibility of the adjoining property owner or tenant to notify the Town when a tree is growing in such a manner that it needs to be cut and removed or pruned.

C. Protection.

1. Excavation or construction of any building or structure shall be kept outside of the protective root zone of a tree proposed to be saved on a site plan. Such tree shall be guarded with a highly visible protective fence with signage placed at least three (3) feet from the trunk of the tree, or the dripline, whichever is greater. Signage shall include language to the effect that all equipment, building material, dirt or other debris shall be kept outside the protected area.
2. To the maximum extent possible, all Town Departments will coordinate with the ESAC during the planning phase of public improvements that might require the

removal of or cause injury to any street tree, or its root system, or interfere with the fulfillment of any adopted street tree plan.

3. When a tree is removed on an emergency basis, the Town's Arborist or Director of Public Works or designee will be notified so proper tree replacements can be made, where appropriate. After consideration of the tree species, tree size and location, Town's response should include recommendations as to whether removed trees are to be replaced, and if so, the type of replacement to be planted.
4. When advance coordination with the ESAC is not practicable due to unforeseen circumstances, the Town Departments should request the ESAC's recommendations on an expedited basis. In such instances, the ESAC will make every effort to respond within forty-eight (48) hours and will forward its recommendations to the Director of Public Works or designee.
5. Recommendation to the Town Manger or designee is need from ESAC to remove a tree ESAC establishes that the tree is a heritage specimen, or other tree of significant historic status.
6. Any existing plant material less than six (6) inches in diameter (dbh) or determined by the Town's Arborist or designee shall be exempt under the preservation requirements in this ordinance.
7. Except for normal household refuse collection activities, no person shall deposit, place, store or maintain, upon any public place of the Town, any stone, brick, sand, concrete or other materials that may impede the free passage of water, air and fertilizer to the roots within the dripline of any tree growing thereon, except by written approval by the Town Manager or designee after review and recommendation by the ESAC.
8. Whenever any tree is planted or set out in conflict with the provisions of this chapter, the ESAC may pursue removal of said tree and initiate effective remedies.
9. Unless specifically authorized by the Town Manager or designee, after review and recommendation by the ESAC, it shall be unlawful for any person to intentionally damage, cut, carve, transplant or remove any tree on public property, nor attach any rope, wire, nails, advertising posters or other contrivance to any public tree, nor allow any gaseous liquid or solid substance which is harmful to such trees to come in contact with them, nor set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any public tree. Any person found to violate the provisions of this section shall be responsible for the cost of repair, or removal and replacement, of any public tree so damaged. The owner of any vehicle that accidentally damages any tree on public property shall be responsible for the cost of repair, or removal, and replacement, of any public tree damaged.

156-5 SCREENS AND BUFFERS

A. Vegetative Buffers.

1. A vegetative buffer shall be provided on the rear of any double frontage lot and on any commercial or industrial development abutting a residential district. All required vegetative buffers shall consist of a minimum area, as shown in the following table:

Type	Minimum Width (feet)
Rear yard abutting right-of-way 60 feet or wider	20 (3 Rows)
Rear yard abutting right-of-way less than 60 feet	15 (2 Rows)
Commercial/industrial uses abutting residential uses	15 (2 Rows)

2. Any required vegetative buffer shall be designed, planted, and maintained in accordance with a landscaping plan approved by the Director of Planning or designee, upon review and recommendation by the ESAC. The landscaping plan shall satisfy the following standards:
 - a. The vegetative buffer may be comprised of existing vegetation, provided that the majority of such existing vegetation consists of trees that are listed in the Town’s Construction Standards & Specifications Manual and have at least two-inch (2”) caliper. When complete, the vegetation and plantings shall provide a year-round screen visually opaque at five (5) feet above finished grade when viewed from fifteen (15) feet away, which satisfies the standards set out in this section.
 - b. The vegetative buffer may consist of a mixture of deciduous and evergreen trees or a planting of evergreen trees.
 - c. The vegetative buffer shall be subject to on-site inspection by the Department of Planning which, if necessary, may prescribe that additional planting be made in order to satisfy the standards set out herein.
 - d. The width of the vegetative buffer may be reduced by administrative waiver in an amount determined by the Director of Planning or designee, if a wall or fence is provided to supplement the planting to an equivalent degree, and/or if the size of the lot prevents a full-width buffer. In no case shall the requirement for vegetative material be totally waived.
3. All required vegetative buffers shall be located on a permanent landscaping easement and established so that perpetual maintenance is ensured. Where possible, the permanent landscaping easement should be located within open space and maintained by the homeowner’s association. If the landscaping easement is established on private property, the easement shall ensure that the property owner is provided disclosure of their responsibilities for future maintenance, including the replacement of dead trees. Upon review and recommendation by the ESAC, the Director of Planning or designee may waive the requirement of perpetual

maintenance when it is determined that such maintenance will create an unreasonable hardship on the property owner(s).

156-6 DEVELOPMENT TREE PLANTINGS

- A. All major subdivisions and developments shall provide a minimum tree canopy cover for the gross area of the subdivision or development in accordance with the following table.

Type of Development	Percent Tree Canopy*
Business, Commercial, or Industrial Development	10
Residential Development (>20 du per acre)	10
Residential Development (>10, but <20 du per acre)	15
Residential Development (< 10 du per acre)	20

*Notes: See Tree Canopy Calculation Worksheet. The acronym “du” means “dwelling unit.”

- B. The minimum tree canopy cover may be achieved by new tree plantings or preservation of existing trees. Existing trees that are to be preserved may be approved to meet all or part of the tree cover requirements of this section according to subsection C below. New tree plantings may include the trees provided as part of required interior or perimeter parking lot landscaping, landscaped open space, vegetative screens and buffers, street trees or other trees that are planted on the site.
- C. The tree cover calculations for planted trees shall be based on the projected twenty-year tree cover area for each tree as shown in the adopted “Landscape Preservation and Planting Guide for the Town of Front Royal”, or other generally accepted tree resource guide accepted by the ESAC. Calculation of credit for preservation of existing trees shall be as determined by the ESAC, based on the ESAC’s “Tree Canopy Calculation Worksheet”, and consideration of the following additional information.
 - 1. Location of existing trees on a subdivision plan or plat.
 - 2. Tree species.
 - 3. Identification of all observable diseases, wounds, decay, cavities, or organisms that may threaten the health of the tree.
 - 4. Tree trunk diameter.
 - 5. Approximate tree height.
 - 6. Identification of any trees that have been designated as a heritage, memorial, or specimen tree.
 - 7. Any other noteworthy conditions.
- D. All major subdivision plans, or site plans for uses on property one (1) acre or greater, shall include the existing canopy cover.
- E. Tree cover requirements may be waived or modified by the Director to permit the reasonable development of farmland or other areas devoid of woody materials.

- F. The following areas shall be exempt from the requirements of the Landscape Preservation and Planting Guide for the Town of Front Royal, as follows:
1. Dedicated school sites.
 2. Playing fields and other non-wooded recreation areas.
 3. Floodplains and wetlands.
 4. Other areas where, in the opinion of the Director, the strict application of the requirements would result in unnecessary or unreasonable hardship to the developer.
- G. Tree cover and planting requirements shall be completed by the developer or subdivider prior to the issuance of any occupancy permit or business licenses. Exceptions may be made when weather conditions or other justifiable circumstances exist or occur that impede tree planting. In such cases, the subdivider or developer shall provide a performance bond with surety satisfactory to the Town for the installation of required planting in accordance with a completion schedule.
- H. For one (1) year from the date of acceptance, the subdivider or developer shall be required to replace any trees that do not survive, or that, in the opinion of the Town, are undesirable due to disease, malformation, infestation, damage, or are otherwise not expected to thrive under the existing conditions. The subdivider or developer shall execute a landscape maintenance agreement with the Town to ensure performance under this section.
- I. Tree Bank. When neither tree preservation nor on-site tree planting is feasible, a developer may submit a written request to the Director of Planning or designee to make payment in-lieu of all, or a portion of, the required landscaping. The written request shall include the rationale for not being able to meet the tree preservation or tree planting requirements. The ESAC shall advise the Director of Planning or designee of the in-lieu fee amount, which shall be based on the estimated cost of the landscaping that is required by code. If approved, the payment shall be placed within an escrow account, generally referred to as a “tree bank”, that may be used by the Town to advance urban forestry goals, such as, but not limited to, increasing the Town’s tree canopy coverage.

156-7 STREET TREES

- A. According to the following standards, all subdivisions and developments shall provide for the planting of trees on both sides of new streets and along existing streets.
1. Street trees shall be planted in accordance with a submitted landscape plan approved by the Town. Existing trees, undisturbed by the construction process, may be incorporated and credited as part of the landscape plan.
 2. The minimum quantity of required street trees shall be based on the amount of street frontage and estimated size of the proposed tree’s canopy at maturity. The standards of the following table shall be used to calculate the minimum quantity of street trees.

Mature Tree Canopy Size (width)	Planting Interval*
Large trees (40' plus)	1 per 50'
Medium trees: (30' to 40')	1 per 40'
Small trees: (up to 30')	1 per 30'

*Note: These standards are based only on one side of a street. Additional trees would be required for the opposite side of the street if also included within the development.

3. Street trees may either be spaced evenly, massed, or a combination of the two styles along the street.
 4. The number of massed trees shall not be less than the number calculated for the street under the even spacing guidelines.
 5. Street trees may be placed within the street right-of-way when the street is a collector or arterial street. Street trees along local streets shall be planted on individual lots.
 6. All street trees that are required along local streets shall be provided a landscaping easement that ensures perpetual maintenance and protection. The easement shall also ensure that the property owner is provided disclosure of their responsibilities for future maintenance and protection of the street trees, including the replacement of dead trees. Upon review and recommendation by the ESAC, the Planning Director or designee may approve, or approve conditionally, a waiver to the requirements of this section when it is determined that such maintenance creates an unreasonable hardship.
- B. Tree plantings shall not interfere with utilities, roadways, sidewalks, sight distance or streetlights. Tree location, species and spacing shall be approved by the Town as part of the landscape plan.
- C. All street trees shall have a minimum caliper of two (2) inches in diameter and shall be nursery grown in order to better ensure survival and help meet the Town's requirements for canopy height at twenty (20) years. All tree plantings shall be in accordance with the adopted Landscape Preservation and Planting Guide for the Town of Front Royal.
- D. The subdivider or developer shall be required to replace, within one (1) year from the date of street acceptance, any trees that do not survive or that, in the opinion of the Town, are diseased, malformed, or otherwise undesirable. The subdivider or developer shall execute a landscape maintenance agreement with the Town of Front Royal to ensure performance under this section.

156-8 PARKING LOT LANDSCAPING

- A. Interior parking lot landscaping.

1. Parking areas shall be suitably landscaped to minimize noise, glare, and heat. Large parking areas shall be broken down into sections appropriate for the type and size of the development. Sections shall be separated by landscaped dividing strips, berms, or similar features. The landscaped areas shall be reasonably dispersed throughout parking areas.
2. Parking lots of fifteen (15) or more spaces shall have a total interior landscaped area of not less than five percent (5%) of the total area of the parking lot. Parking lot landscaped areas shall be more than five (5) feet from any principal structure.
3. The primary landscaping materials to be used in parking lots shall be shade trees. Other types of trees, including, but not limited to, those commonly referred to as shrubs, may be used to complement the tree landscaping, but shall not constitute the only landscaping.
4. The requirements for interior parking lot landscaping shall not apply to any lots used solely for the storage of vehicles or the display of vehicles for sale. Such lots shall comply, however, to the requirements for peripheral parking lot landscaping.

B. Peripheral parking lot landscaping.

In addition to the requirements for interior parking lot landscaping, parking areas with fifteen (15) or more parking spaces shall provide peripheral parking lot landscaping as follows:

1. A landscaped buffer strip at least five (5) feet in width shall be located between the parking lot and each abutting property line, except where parking or access is designed to be shared by the abutting property. A total of one (1) tree for each fifty (50) feet of landscaped buffer shall be planted. Trees may be massed or spaced evenly.
2. In the event that the parking lot adjoins a public street with no intervening structures, a landscaped buffer strip of at least ten (10) feet in width, which shall not include a sidewalk or other paved surface, shall be located between the parking lot and the street right-of-way. A total of one (1) tree for each forty (40) feet of landscaped buffer shall be planted. Trees may be massed or spaced evenly.

C. All deciduous trees planted shall be a minimum caliper of two (2) inches in diameter and shall be nursery grown. Evergreen trees shall be planted at a height of no less than six (6) feet. All materials and installation shall be in accordance with the adopted Landscape Preservation and Planting Guide for the Town of Front Royal.

D. The requirements of this section shall be required for all new parking lots, and for the enlargement or substantial alteration of any existing lot. The requirements shall not apply to the resurfacing of any existing parking lot.

- E. The Town may, in its discretion, waive or modify the requirements for parking lot landscaped buffer strips in cases where berms, grade separation, plantings or other approved designs provide an effective screen and do not adversely impact on adjoining properties, traffic patterns or safety.

156-9 ADMINISTRATION AND ENFORCEMENT

- 1. Administration and Enforcement. The requirements of this chapter shall be administered and enforced by the Town Manager or designee in regard to public property. The requirements of this chapter shall be administered and enforced by the Director of Planning or designee in regard to private property, and new subdivisions and/or developments, provided that, the approval authority for landscaping plans shall be as specified under Chapter 148 of the Town Code.
- 2. Violations. Any person, firm or corporation violating, causing, or permitting the violation of any of the provisions of this chapter shall be guilty of a class I misdemeanor, and upon conviction thereof, may be punishable by up to 12 months in jail and a \$2500 fine.

156-10 APPEALS

Town Council reserves the right to grant special exceptions to the requirements of this Chapter. Furthermore, Town Council reserves the authority to affirm, overrule or modify any administrative decision. Any person aggrieved by an administrative decision related to this Chapter, may submit a written appeal to the Town Manager or designee for consideration by Town Council. Any person aggrieved by a requirement of this Chapter may submit a written request for a special exception, however, such requests for special exception shall only be considered after all other administrative remedies of this ordinance have been exhausted.

156-11 SEVARABILITY

Should any part or provision of this Chapter be declared invalid by any Court, the same shall not affect the validity of the Chapter as a whole or any part thereof other than the part held to be invalid.

(Entire Chapter Amended 8-23-21-Effective Upon Passage)