

Town Mayor
Christopher M. Hornbaker



Town Council
Vice Mayor Thomas Budnar
Council Member Ann Arena
Council Member Brandon Davis
Council Member David Earl
Council Member David Smith
Council Member Stuart Stahl

ORDINANCE NO. 2025-12-0005

LVZA 2025-0002, AMEND CHAPTER 30, SUBDIVISIONS, ARTICLE III, APPROVAL PROCEDURES AND CRITERIA, ARTICLE IV, DEVELOPMENT SITE PLANS, AND ARTICLE V, DESIGN AND CONSTRUCTION STANDARDS; AMEND CHAPTER 42 ZONING ORDINANCE ARTICLE II, ADMINISTRATION AND ENFORCEMENT, ARTICLE VI, RESIDENTIAL DISTRICTS, ARTICLE VII, COMMERCIAL AND LIGHT INDUSTRIAL DISTRICTS, ARTICLE VIII, ADDITIONAL STANDARDS, ARTICLE X, LANDSCAPING , BUFFERING AND SCREENING.

MOTION: Davis
SECOND: Smith

WHEREAS, amendments to Chapter 30, Subdivisions, and Chapter 42 Zoning, were referred to the Planning Commission by the Town Council on January 25, 2024, upon approval of the Planning Commission work program for 2024 and carried forward into 2025; and

WHEREAS, the Planning Commission has deemed it beneficial to modify the Subdivision and Zoning Chapters to introduce standards that address environmental protection, landscaping and buffering, lighting, and community design in Residential and Commercial Zoning Districts; and

WHEREAS, the Planning Commission conducted a Public Hearing on July 2 and August 13, 2025, after giving public notice in accordance with Section 42-34 of the Zoning Ordinance and § 15.2-2204 of the Code of Virginia, and voted 4-0-1 (Corcoran absent, 2 vacancies) to forward the draft to the Town Council for consideration; and

WHEREAS, the Town Council conducted a Public Hearing on Case No. LVZA 2025-0002 on October 23, 2025, such Public Hearing having been duly advertised as required by Section 42-34 of the Zoning Ordinance and § 15.2-2204 of the Code of Virginia; and

WHEREAS, the Town Council met on November 20, 2025, to further review and refine the proposed amendment; and

WHEREAS, the Town Council has determined that adoption of the amendments will promote the health, safety, and welfare of the citizens of the Town and is consistent with good zoning practices generally.

NOW, THEREFORE, BE IT ORDAINED by the Lovettsville Town Council of the Town of Lovettsville, Virginia, as follows:

SECTION 1: that Chapter 30, Subdivision, and Chapter 42, Zoning, of the Code of the Town of Lovettsville are hereby amended as set forth in the attachment hereto.

SECTION 2: The Town Council hereby adopts the tree replacement fee schedule set forth in the attachment hereto.

SECTION 3: The Zoning Administrator and Town Attorney are hereby authorized to make corrections of misnumbering, grammatical errors or misspellings found in the said attachment without further action by the Town Council, and that the Town Clerk is authorized to amend the number assigned to this Ordinance to reflect the correct order of approval of such Ordinances and Resolutions by the Town Council without further action by the Town Council.

SECTION 4: This Ordinance shall become effective upon its adoption.

VOTE:

AYES: Stahl, Smith, Budnar, Davis, Arena

NAYS: None

ABSENT: Earl

PASSED this 11^h day of December 2025:


CHRISTOPHER M. HORNBAKER, MAYOR

ATTEST:


ELIZABETH R. FONTAINE, TOWN CLERK

Chapter 30, Subdivisions**ARTICLE 30-III APPROVAL PROCEDURES AND CRITERIA****Sec 30-65 Required Contents Of Preliminary Subdivision Plats**

This section shall apply to preliminary subdivision plats submitted for approval in accordance with this chapter. The zoning administrator shall have the authority to waive one or more requirements of this section if the zoning administrator determines that such information is not necessary for the review and approval of the plat, and that failure to provide such information will in no way affect any public improvements, adversely affect adjoining properties or conflict with any other requirements of this chapter and chapter 42, zoning. Requests for a waiver to the requirements of this section shall be made to the zoning administrator in writing, and written approval shall be granted prior to official submission of the plat. Unless a waiver is approved in writing, all applications for preliminary plat approval shall be accompanied by the following information:

(a) General information.

- (1) Name of the proposed subdivision, town, county and state.
- (2) Proposed use of the property being subdivided.
- (3) Names and addresses of owners of record, and applicant or subdivider, if different.
- (4) Names of any holders of easements or liens affecting the property.
- (5) Name, address, signature, and seal of licensed professional surveyor and/or engineer who prepared the plat.
- (6) Deed reference, tax map number and Loudoun County parcel identification (PARID) number.
- (7) Date plat was drawn and date of any revision.
- (8) Vicinity map at a scale of not less than one inch equals 1,000 feet, indicating thereon roads and their names, town limits, subdivisions and other landmarks.
- (9) Existing zoning, including any proffers associated with the property.
- (10) Evidence that all real estate taxes which have been assessed against the property to be subdivided or developed and all other town charges due and owing from such developer, subdivider or person under this chapter have been paid.
- (11) Names and addresses of all adjoining property owners, including proof that all such property owners have been notified in writing by the applicant that application has been made for subdivision of the subject property. Notice sent by certified mail to the last known address of such owners as shown on the current real estate tax assessment books shall be deemed adequate compliance with this requirement.
- (12) Proof of any approved variances or exceptions necessary for the subdivision.
- (13) Include the following note on the plat:
"This preliminary plat approval is valid for a period of five years. One-year extensions of this approval after the original expiration date may be considered annually. No more than two extensions will be considered in cases where an applicant has not recorded a final plat for any section of the preliminary plat. The applicant will not receive any notification from the Town of Lovettsville of this plat's expiration. The applicant is responsible for filing an extension request in accordance with the Town of Lovettsville's subdivision ordinance in effect on the date of application."

(b) Project tabulations.

- (1) Gross acreage of the subdivision, to the nearest one-tenth of an acre.
- (2) Number of lots.
- (3) Minimum lot area.

- (4) Average lot size.
- (5) Minimum lot width.
- (6) Area in lots.
- (7) Area in common open space.
- (8) Common open space as percentage of the subdivision.

(c) *Existing site conditions.* The preliminary plat shall illustrate the following conditions:

- (1) Boundary lines of the proposed subdivision.
- (2) Existing topography with a maximum of five-foot contour interval.
- (3) Location and full width of existing rights-of-way within 200 feet of site.
- (4) Location and width of existing roadways within 200 feet of site.
- (5) Boundaries, purposes and widths of existing easements.
- (6) Location of existing driveways and access points on the subject property and within 200 feet of the site.
- (7) Location of 100-year floodplain as shown on the most recent Federal Emergency Management Agency (FEMA) maps.
- (8) All overland watercourses and drainage structures within the subdivision or within 100 feet of the subdivision.
- (9) Names of all abutting subdivisions or names or owners of record of abutting properties.
- (10) Existing uses and zoning of all adjoining properties.
- (11) ~~Indication of~~ **Location of native trees with a 4-inch or larger caliper, and** areas of tree cover on the property.
- (12) Identification of all existing slopes greater than or equal to 15 percent, and further delineation of slopes greater than or equal to 25 percent.

(d) *Graphic requirements.* The following graphic elements shall be provided:

- (1) All sheets shall be clearly and legibly drawn at a scale not less than 100 feet to the inch with a north arrow, on numbered sheets 24 inches by 36 inches in size, which shall be clearly labeled "Preliminary Plat." If more than one sheet is necessary, a match line and corresponding sheet numbering system must be provided.
- (2) A north arrow.
- (3) Location, right-of-way width and typical pavement section of all proposed streets, driveways and parking courts along with proposed street names.
- (4) The proposed lot and yard requirements with approximate dimensions lot areas and tentative lot numbers.
- (5) Preliminary plans for water, storm and sanitary sewer systems for the subdivision, including any off-site improvements.
- (6) All proposed connections to existing water lines, sewer lines and storm drainage structures.
- (7) Preliminary layout of provisions or facilities for collection and discharge of surface drainage.
- (8) Preliminary plans for erosion and sedimentation control measures.
- (9) Proposed phases or sections within the subdivision and the order of development.
- (10) A soil overlay map at a scale of not less than one inch to 200 feet with accompanying narrative.
- (11) Location and size of existing and proposed public open spaces within and adjacent to the subdivision.
- (12) Location and size of all parcels of land and easements proposed to be dedicated for public use and the conditions of each dedication, including temporary dedications.
- (13) Location and size of required buffer yards.

- (14) Proposed modifications to 100-year floodplains.
- (15) Identification of tree protection areas within the subdivision.
- (16) Location of proposed fire hydrants and/or distance to existing fire hydrants.
- (17) Location of proposed streetlights.
- (18) Approval block on first sheet as follows:

APPROVED	
Chair, Planning Commission	Date

(Ord. of 3-2-2000, § 2.7.9; Ord. of 4-12-2012; Ord. No. 2016-11-0001, 11-17-2016)

ARTICLE 30-IV DEVELOPMENT SITE PLANS

Sec 30-97 Required Contents Of Final Site Plans

All final site plans shall be prepared showing compliance with these regulations, the zoning ordinance and all applicable federal, state and local regulations. The zoning administrator shall have the authority to waive one or more submittal requirements, if it is determined such information is not necessary for the review and approval of the plan and that failure to provide the information will in no way affect any public improvements, adversely affect adjoining properties or conflict with any other requirements of this chapter and chapter 42, zoning. Waiver requests shall be made to the zoning administrator in writing and written approval granted prior to submission of the plan. All final site plans shall include the following minimum information unless waived:

(a) General requirements.

- (1) Name of the proposed development, town, county and state.
- (2) Proposed uses of the property or properties which are the subject of the development.
- (3) Names and addresses of owners of record and of the applicant or developer, if different.
- (4) Names of any holders of easements or liens affecting the property.
- (5) Name, address, signature and registration of licensed professionals who prepared the plan.
- (6) Deed reference, tax map number and parcel identification (PARID) number.
- (7) Date plan was prepared and date of any revisions.
- (8) Vicinity map at a scale of not less than one inch equals 1,000 feet, indicating thereon roads and their names, town limits, subdivisions and other landmarks.
- (9) Boundary survey, with an error of closure within the limit of one in 10,000, related to the true meridian or the state grid with a minimum of three coordinated grid marks.
- (10) Existing zoning, including any proffers associated with the property.
- (11) All covenants and restrictions which run with the property.
- (12) Evidence that all real estate taxes which have been assessed against the property to be subdivided or developed and all other town charges due and owing from such developer, subdivider or person under this chapter have been paid.
- (13) Names and addresses of all adjoining property owners, including proof that all such property owners have been informed in writing that the final site plan has been filed with the town. Such notification sent by certified mail to the last known address of such owners as shown on the current real estate tax assessment books shall be deemed adequate compliance with this requirement.

- (14) Proof of any approved variances or exceptions associated with the development.
- (15) The accurate outlines, dimensions and purposes of all property which is to be reserved by deed covenant for the common use of all the property owners.
- (16) Outlines of various parcels and identification of individual parcels which may comprise the proposed development.
- (17) The accurate outline, dimensions and purposes of all property which is offered for dedication or is to be reserved for public use.
- (18) Include the following note on the cover sheet:
"Approval of this Plan is Not a Commitment to Provide Public Water or Sanitary Sewer. Issuance of Zoning Permits Shall be Subject to the Availability of Town Water and Sanitary Sewer Connections."

(b) *Project tabulations.*

- (1) Gross acreage of the development to the nearest one-tenth of an acre.
- (2) Number of lots.
- (3) Number of parking spaces required and provided.
- (4) Proposed permitted uses by square footage and total square footage of proposed buildings.
- (5) Landscaping area tabulations for all landscaped areas required by article X of the zoning ordinance.
- (6) Height of building(s) and number of floors.
- (7) Minimum yard requirements on each boundary line.
- (8) Provided yard requirements on each boundary line.
- (9) Minimum buffer yard required on each boundary line.
- (10) Provided buffer yard on each boundary line.
- (11) Percentage of lot covered by:
 - a. Buildings.
 - b. Impervious surfaces, including parking and loading areas, drive aisles, and sidewalks.
 - c. Landscaping and landscape areas required by article X of the zoning ordinance.
- (12) Proposed floor area ratio (FAR).

(c) *Existing site conditions.* The final site plan shall illustrate the following conditions:

- (1) Survey of the proposed property boundary certified by a land surveyor with all existing property lines and dimensions of the area, which is the subject of the final site plan, if different from the boundary survey.
- (2) Existing topography with maximum of two-foot contour intervals.
- (3) Location and full width of existing rights-of-way within 200 feet of site.
- (4) Location and full width of existing roadways within 200 feet of the site.
- (5) Boundaries, purposes and widths of all easements; boundaries, purposes and widths of all easements or other rights-of-way proposed to be vacated.
- (6) Location and dimensions of existing driveways and access points on the property and within 200 feet of the site.
- (7) All survey monuments, lot corners, block markers and bench marks together with their descriptions.
- (8) Location of 100-year floodplain as shown on the most recent Federal Emergency Management Agency (FEMA) maps.
- (9) All overland watercourses and drainage structures within the development or within 100 feet of the development.
- (10) Names of all owners of record of abutting properties.
- (11) Existing uses and zoning of abutting properties.

- (12) Identification of areas of tree cover on the property, including areas where tree protection or preservation measures are to be taken. All trees with a diameter of eight caliper of 4 inches or greater shall be individually located and identified on the plan.
 - (13) Identification of all existing slopes between 15 and 25 percent and further delineation of slopes greater than 25 percent.
 - (14) Identification and location of known areas of contamination, remediation, and other adverse environmental conditions of the property, and locations of all known below-ground structures including, but not limited to, wells, sewage disposal systems, utilities and fuel tanks within 100 feet of the subject property.
- (d) *Graphic requirements.* The following graphic elements shall be provided:
- (1) All sheets shall be clearly and legibly drawn at a scale no more than 50 feet to the inch on numbered sheets 24 inches by 36 inches in size which shall be clearly marked "Final Site Plan."
 - (2) A north arrow.
 - (3) Location, right-of-way widths, typical pavement section of all proposed entrances, parking lots, parking spaces, drive aisles, sidewalks and trails.
 - (4) The building footprints and geometric plan of all site improvements with dimensions tied to the boundary survey.
 - (5) Proposed grading shall be shown along with proposed elevations of the finished grade at all building corners, high points, low points and all other appropriate locations necessary to define the finish grade.
 - (6) Storm drainage pipes and structures shall be shown with sizes and elevations indicated.
 - (7) Plans and profiles shall be provided for all proposed water, sanitary and storm sewer facilities.
 - (8) Location, type, size and height of all fencing, screening and retaining walls shall be included with all necessary details for construction.
 - (9) The location of all building entrances and exits shall be indicated.
 - (10) All off-street parking areas and spaces, indicating the type of surfacing, size and angle of stalls, widths of aisles and a specific schedule showing the required number of parking spaces and the number of spaces proposed.
 - (11) A landscape plan in accordance with article X of the zoning ordinance showing the location and type of all existing trees, identifying trees to be saved and those to be removed. The location, type number and size of all proposed landscaping material shall be indicated.
 - (12) A soil overlay map at a scale of not less than one inch equals 200 feet with accompanying narrative.
 - (13) Location and size of existing and proposed public open spaces within and adjacent to the development.
 - (14) Location and size of all parcels of land and easements proposed to be dedicated for public use and the conditions of each dedication, including temporary dedications.
 - (15) Two benchmarks which will not be disturbed by proposed construction shall be shown with elevations.
 - (16) The type and location of each buffer yard proposed with a listing of proposed and required plantings.
 - (17) Location of proposed fire hydrants and/or distance to existing fire hydrants.
 - (18) Location and details of proposed site lighting and streetlights **including height, type of fixture, hours of illumination and a photometric analysis.**

(e) *Other information.*

- (1) Plats and deeds shall be submitted in accordance with section 30-68.
- (2) A type II geotechnical report shall be submitted with all final site plans. The report shall be prepared under the direction of and certified by a professional engineer licensed in the commonwealth with experience in geotechnical engineering. The report shall meet all requirements for a type II report as specified in the Loudoun County Facility Standards Manual, latest edition.
- (3) Final site plans shall consider the following general criteria and shall include sufficient information necessary to determine compliance with the following:
 - a. *Water systems.* Public water systems shall be designed and constructed in compliance with the standards and specifications of Loudoun Water, the Town of Lovettsville, and/or the Virginia Department of Health, as applicable.
 - b. *Sanitary sewer systems.* Public sanitary sewer systems shall be designed and constructed in compliance with the standards and specifications of Loudoun Water, the Town of Lovettsville, and/or the Virginia Department of Health, as applicable.
 - c. *Storm drainage systems.* Provisions shall be made for public storm drainage improvements, and stormwater management facilities shall be designed and installed in accordance with the standards and specifications of the Virginia Department of Transportation and the Loudoun County Facilities Standards Manual, latest edition. Appropriate documentation and calculations demonstrating compliance with these standards and with the Virginia Stormwater Management Act and Regulations, as applicable, shall be submitted as part of the site plan for the development.
 - d. *Erosion control, floodplain management and environmental protection.* The final site plans shall include appropriate provisions the protection of soil and water, including, but not limited to, an erosion and sediment control plan, tree preservation and protection plan, a plan for the protection of jurisdiction wetlands and watercourses against the effects of construction and development, a plan for mitigating against the effects of inundation of land by floodwaters in accordance with applicable town and county ordinances and the Loudoun County Facilities Standards Manual, latest edition.
 - e. *Transportation system and circulation network.* Final site plans shall include plans, specifications and details necessary for the review and approval of public streets, parking lots and courts, including entrances, drive aisles and loading areas, public sidewalks, bikeways and pedestrian trails in accordance with the Loudoun County Facilities Standards Manual, latest edition, and the standards and specifications of the Virginia Department of Transportation, as applicable.

(Ord. of 3-2-2000, § 3.5.10; Ord. of 4-12-2012; Ord. No. 2016-11-0001, 11-17-2016)

ARTICLE 30-V DESIGN AND CONSTRUCTION STANDARDS

Sec 30-127 Tree Preservation And Landscaping

- (a) **The development limits of disturbance shall avoid forested areas that are within and contiguous to drainage swales, streams, and wetlands, or are part of a larger forested area, on or off site.** A minimum of 80% of existing tree cover within any proposed subdivision or development outside the designed improvements and grading of the property **outside the limits of disturbance** shall be preserved. **All such trees and tree preservation areas**

- shall be identified and labeled as such on the landscape plan of the subdivision or development.**
- (b) **Within preserved areas, the property owner shall remove invasive, diseased and damaged plants and shall maintain the area free of such plants.**
- (c) Every subdivision or development shall retain existing, healthy, **native** trees, measuring **eight 4** inches or more in diameter at breast height, including but not limited to those lying adjacent to existing street rights-of-way and within existing or proposed common areas and public parks, to the fullest extent practicable. **All such trees and tree preservation areas shall be identified and labeled as such on the landscape plan of the subdivision or development.**
- (d) No excavation, embankment, subsurface disturbance, or construction activity shall take place within an area equal to **one 1** foot of horizontal distance for each inch of trunk diameter (**the root zone**) of any tree to be retained. **No impervious surface may be located within 12 feet of any such tree. Adequate without adequate** tree protection measures **including the following:**
- (1) **Temporary Fencing: Prior to land disturbance, install temporary fencing around tree root zones to protect preserved trees and vegetation from construction damage. Fencing will be maintained throughout the construction process and removed only when an occupancy permit has been issued. Fencing will consist of heavy duty chain link or equivalent construction barrier. Fencing will be rigidly supported and maintained during all construction periods have a minimum height of 4.0 feet above grade.**
 - (2) **Grading, storing fill, construction materials, or debris is prohibited inside the root zone. Grade changes may be approved when other options are not available, and shall not allow more than 6 inches of fill soil or allow more than 4 inches of existing soil to be removed from natural grade, unless mitigated through permanent aeration, permeable material or other approved means. Cuts exceeding 4 inches at the edge of the root zone shall use retaining walls or other appropriate transition.**
 - (3) **Utilities that must cross the root zone shall be bored or tunneled under the tree rather than across the roots, to minimize root damage.**
 - (4) **A sidewalk or other impervious surface to be located within the root zone shall use geo-grid material for soil stabilization and geonet root protection underlays to protect tree roots.**
- (e) If the preservation of trees required in subsections **(a), (b) and (c)** above means the off-street parking requirement(s) of the zoning district cannot be complied with, the number of parking spaces required may be reduced by approval of an exception in accordance with section 30-33.
- (f) **Trees. Existing native trees preserved on-site may be credited towards canopy coverage, parking lot landscaping and street trees required by this article. Any existing trees used to meet the minimum canopy requirements of the ordinance must be identified by type, have a 4-inch caliper, be in healthy and structurally sound condition, and be protected from construction activity. Healthy and structurally sound conditions are defined as any tree with an overall rating of 40 percent or greater when the roots, trunk, scaffold branches, small branches and twigs, foliage and buds are evaluated and documented through field observations using the latest edition of the Guide for Plant Appraisal condition rating guide.**

CHAPTER 42 ZONING

ARTICLE 42-I IN GENERAL

Sec 42-2 Definitions And Rules Of Construction

Color temperature, is a way to describe the visual appearance of light produced by a source. It's measured in Kelvin (K) and indicates whether the light appears "warm" (yellowish or reddish) or "cool" (bluish-white). Lower Kelvin values represent "warmer" light.

Micro wind turbine means a turbine which uses wind energy to generate electricity and has a capacity rating of less than or equal to 100 kW.

~~*Vertical axis wind turbine (VAWT), means a wind turbine where the main rotor shaft is perpendicular to the wind and blades spin parallel to the ground rather than the more common vertical propeller arrangement.*~~

DIVISION 42-II-1 GENERALLY

Sec 42-30 Zoning Permits

- (a) A zoning permit shall be required before any use may be established on any property subject to the requirements of this chapter, or before any building or structure may be constructed, reconstructed, enlarged, erected, moved or structurally altered. Improvements subject to the requirements of a zoning permit shall be classified as major or minor improvements in accordance with the provisions of subsection (d) of this section.
- (b) The zoning permit application shall certify that the proposed project, as demonstrated by the drawings, sketches, plans and/or specifications filed with the zoning administrator, will be in compliance with the provisions of this chapter and chapter 30, subdivisions, and such application shall contain the signatures of the property owner of record and the applicant, if other than the property owner.
- (c) Any applicant for zoning permits shall, at the time of application, provide satisfactory evidence that all real estate taxes which have assessed against the property which is the subject of the application and all other town charges due and owing from the property owner and applicant have been paid in full.
- (d) For the purposes of zoning permits:
 - (1) The term "minor improvements" includes fences, decks, satellite dish antennas larger than 24 inches, aboveground swimming pools and spas, storage sheds having a footprint area of 150 square feet or less, additions to buildings or structures whereby the footprint area of the addition does not exceed 150 square feet, and all other such minor improvements or accessory uses;
 - (2) The term "major improvements" includes the establishment of any principal use, construction of any building or structure not subject to subsection (d)(1) above, parking lots, loading areas and all other vehicular parking, storage or maneuvering areas, detached garages, storage sheds having a footprint area exceeding 150 square feet, additions to buildings or structures whereby the footprint area of the addition exceeds 150 square feet, inground swimming pools and spas, and all other such major improvements.
- (e) Any applicant for zoning permit for minor improvements shall submit with the zoning permit application a modified location plan drawn to scale, showing the actual shape and dimensions of the lot, the exact location and size and shape of existing structures and the proposed location, shape and size of the minor improvement. The applicant shall provide any additional information required by the zoning administrator with regard to the lot, existing structures and the proposed minor improvements as may be necessary for the enforcement of this chapter.

- (f) Any application for zoning permit for major improvements shall submit with the zoning permit application an acceptable location plan drawn at a scale of not more than one inch to 50 feet. Such location plan shall include the following information:
- (1) The name of the property owner, the name of the surveyor or engineer who prepared the plan, zoning and present use of adjacent parcels; departing property lines, minimum setback lines, north arrow; the source of the boundary; the source of the topography, date of the drawing and dates of any revisions;
 - (2) The location and health of trees with a 4 inch caliper or larger and identification of indigenous and invasive plants.
 - (3) A landscape plan showing retained and proposed trees and shrubs by species, planting areas, open or grass areas, canopy cover (based on 10-year growth) and a tree protection plan for all preserved trees, pursuant to Article 30-V, Design And Construction Standards, Sec 30-127 Tree Preservation And Landscaping.
 - (4) An exterior lighting plan showing location, height, type of light fixture, and color temperature.
 - (5) The location and description of any existing well and drainfield, and proposed sewer and water lines and connections to the Town systems.
 - (6) Location of proposed exterior generators, pumps, HVAC equipment, if known.
 - (7) Existing topography for the site and proposed grading supplemented by spot elevations as necessary to demonstrate adequate drainage. Any modification of existing drainage patterns shall be noted on the plan.;
 - (8) Location and dimensions of all existing and proposed improvements;
 - (9) Provision and schedule for the adequate control of stormwater, including the location, size, type and grade of all ditches, swales and other improvements;
 - (10) Provision for adequate erosion and sedimentation control, including stabilization of the site at the completion of construction;
 - (11) Any other information regarding the subject property or adjoining properties as may be necessary for the enforcement of this chapter as determined by the zoning administrator; and
 - (12) Locations, dimensions, descriptions and instrument numbers for all easements located on the subject property.
- (g) One copy of the plans shall be returned to the applicant together with the approved or disapproved zoning permit.
- (h) Where a site plan has been submitted and approved in accordance with the provisions of article IV of chapter 30 of the town Code, one copy of the approved site plan shall be submitted in lieu of the plans required by subsection (f) of this section.
- (i) Before a zoning permit is issued, the plans and intended use shall demonstrate conformity in all respects to the provisions of this chapter. Zoning permits shall be issued within 15 days of receipt of a complete application, provided the proposed construction or use conforms to this chapter.
- (j) A zoning permit shall expire automatically within one year of the date of issuance if the use authorized or substantial work required has not commenced. If, after work is begun, such work is suspended for a period of one year, the zoning permit shall automatically expire. Exterior construction of structures shall be completed within one year of the date of issuance of the permit. Upon application by the permit holder, the zoning administrator may extend the permit without charge for additional periods not to exceed six months, if:
- (1) The permit has not yet expired;
 - (2) The permit recipient has proceeded with due diligence and in good faith; and
 - (3) Conditions have not substantially changed compared to what has been represented in the zoning permit application and accompanying documentation, provided there has been no change in circumstances such as an amendment to the applicable zoning regulations, fraud, or a mistake that would justify, in the opinion of the zoning administrator, denial of the extension as requested.
- (k) Water and sewer connections, if available, may be approved at the time zoning permits are issued upon receipt of completed applications and payment of all fees therefor.

- (l) The zoning administrator shall make a good faith effort to ensure that all town Code requirements applicable to the applicant's property and/or project have been met prior to issuance of the zoning permit.

(Ord. of 9-21-2006, § 10-4; Ord. No. 2017-06-0002, 6-29-2017)

ARTICLE 42-VI RESIDENTIAL DISTRICTS

Sec 42-170 General Design Standards

The following provisions apply to residential zoning districts:

- (a) New developments should be an extension of the existing town development pattern.
- (b) Streets shall be designed and located in a manner to:
 - 1. Provide for the continuation of and connection to existing streets;
 - 2. Maintain and preserve significant landmarks and trees;
 - 3. Minimize cut and fill; and
 - 4. Preserve and protect views and vistas on and off the subject property.
- (c) Blocks shall be generally laid out in a grid pattern with interconnecting roads.
- (d) Provisions should be made for pedestrian and bicycle traffic both within the new development and within the town pedestrian and bicycle network.
- (e) ~~Pedestrian-oriented developments, both residential and nonresidential, should provide motor vehicle access and parking from the rear of properties, utilizing alley networks rather than driveway entrances from the public street system. Curb interruptions should be minimized.~~
- (f) Parking ~~in pedestrian-oriented developments~~ should be located at the rear or side of buildings or accessed from rear alleys to minimize new curb cuts on the street.
- (g) Parking lots and parking garages should not:
 - 1. Abut street intersections or civic use lots;
 - 2. Be adjacent to squares or parks; or
 - 3. Occupy lots which terminate a street vista.
- (h) New construction should be compatible with surrounding properties, in terms of ~~formal characteristics such as~~ height, massing, roof shapes, orientation on a lot and window proportions. ~~Building elevations and architectural details sufficient to show compliance with this standard shall be submitted for approval to the town council prior to approval of final subdivision plat.~~
- (i) All dwellings must meet the requirements of article II of chapter 38, water and sewer systems.
- (j) Only one principal building and its accessory buildings may be erected on any lot within any residential district unless otherwise specified or permitted by the town council in conjunction with the approval of a conditional use permit.
- (k) Any exterior illumination shall be arranged and shielded so as to eliminate glare onto any adjacent property or roadway and shall direct light in a downward direction to minimize interference with night vision. Exterior lighting should have a light temperature of 3000 Kelvin or less. Security lighting facing a residential zoning district or use should be motion activated at a distance not exceeding the nearest property line. Such lights should remain on for not more than 10 minutes after motion ceases.

- (l) Exterior lighting shall not exceed 0.10 foot candles above ambient light measured at the lot line of any adjacent residential lot or road right-of-way.
- (m) Parcels designated as **public or community** open spaces shall have a minimum lot area of 6,000 square feet, shall be accessible and located **in accord with Section 42-326 in reasonable proximity to residents of the development. Open space shall not include streets, off-street parking and loading areas, areas so located or of such size or shape to have no substantial aesthetic or recreational value.**

(Ord. of 9-21-2006, § 3-1(a))

DIVISION 42-VI-3 SPECIFIC DISTRICTS

Sec 42-234 R-1 Residential District

- (a) *Scope and purpose.* The provisions of this section apply to the R-1 Residential District. This district is established to provide locations for low to medium density residential uses. This district includes residential development and selected compatible uses. It is established to promote the efficient and well planned use of land, by encouraging the provision and conservation of open space through cluster development. Residential developments are encouraged to preserve the integrity of sites by protecting and promoting the preservation of steep slopes, desirable vegetation, historic features, wetlands and other natural features.
- (b) *Permitted and conditional uses.* Refer to Section 42-151, Table 1, Uses by Zoning District. Conditional Uses may be permitted with a conditional use permit.
- (c) *Lot* *requirements.*
- (1) Size: 8,000 square feet, minimum, exclusive of floodplain and wetlands.
 - (2) Width: The minimum lot width measured at the front setback line shall be 60 feet.
 - (3) Front yard: Structures shall be located not less than 20 feet nor more than 40 feet from any street right-of-way. Detached private garages shall be setback at least 20 feet from the building line of the main structure.
 - (4) Side yards: The minimum total width of the side yards for the main structure shall be 20 feet, with a minimum side setback of eight feet. Accessory structures not exceeding 15 feet in height may be located not less than five feet from a side or rear property line.
 - (5) Rear yard: main structures shall have a minimum rear setback of 25 feet. Accessory structures not exceeding 15 feet in height may be located not less than five feet from a side or rear property line.
 - (6) Length/width ratio: 3.0:1 maximum.
 - (7) Building height: 35 feet maximum for single-family detached dwellings; 30 feet maximum for all other buildings and structures. No accessory structure shall exceed the height of the principal structure.
 - (8) Minimum open space area: A minimum of 35 percent of the net site area shall be provided as open space for all development projects creating more than 5 lots. For the purpose of open space calculations, net site area shall be determined as the total site area exclusive of public road dedications, private access easements and alleyways, floodplain, slopes greater than 25 percent and wetlands.
 - (9) Lot coverage: The lot coverage by all buildings on a lot shall not exceed 35 percent of the total lot area.
 - (10) Modification of minimum lot size, width and required yards: The lot size, lot width and required yards standards may be reduced by the Town Council in conjunction with a conditional use permit. Such application shall specifically outline the lot size, lot width and yard standards and define the need. Permitted uses, conditionally permitted uses and unit density shall not be modified by this provision.

(d) *Utility requirements.* All public utilities located within the R-1 zoning district shall be located underground and shall be designed per the article VI of chapter 30, required installation of public improvements, section 30-157, public utilities installation standards.

~~(e) *General Design Guidelines For Individual Lots.* The purpose of these guidelines is to encourage new construction to complement the established development pattern of the R-1 district.~~

- ~~(1) Retain existing accessory buildings, fences and other structures that contribute to the historic character of the area.~~
- ~~(2) Use existing driveways (1) to avoid additional traffic impediments, (2) to reduce the need for clearing and grading, and (3) to maintain the current driveway pattern.~~
- ~~(3) Place garages to the rear of the house if detached, and behind the front façade of the house if attached. Parking spaces should not be located on the front lawn.~~
- ~~(4) Align building setbacks from the road with the properties on either side of the new construction.~~
- ~~(5) Protect existing native trees. Diseased or dying trees or trees that cannot be protected from construction should be replaced with native species.~~
- ~~(6) Use landscape screening and fences to hide utility features such as trash cans, generators and HVAC units that are visible from the street.~~
- ~~(7) Enhance the site's appearance by incorporating a variety of native landscape materials – bedding/grass, shrubs, and trees. Refer to Section 42-370 for a recommended selection of plants.~~
- ~~(8) Create defined outdoor spaces, delineate pathways, entries, and driveways and create a sense of continuity from one site to another.~~
- ~~(9) Avoid plant species and locations that may damage sidewalks, or interfere with pedestrians along a sidewalk, or block with sight distance at intersections or driveways.~~
- ~~(10) Avoid privacy board, chain-link, split rail, or walls of concrete block on front lawns, or other highly visible areas. Where permitted, solid board or concrete fences over four feet in height should be landscaped to soften their appearance. Stringers should be on the interior side of the fence.~~

(Ord. of 9-21-2006, § 3-3; Ord. of 11-20-2008; Ord. No. 2009-11-001, 11-19-2011; Ord. of 9-10-2009; Ord. of 6-27-2013(01), § 3-3; Ord. No. 2015-11-0001, 9-11-2015; Ord. No. 2017-08-0001, 8-24-2017; Ord. 2024-09-000, 9-17-2024; Ord. 2025-06-0004, 6-26-2025)

Sec 42-237 R-C Retirement Community District

- (a) *Scope and purpose.* The provisions of this section apply to the R-C Retirement Community District. The purpose of the Retirement Community District is to provide housing and related professional office, commercial uses; facilities and amenities for older persons (55 years of age or older) in accordance with the provisions of the Virginia Fair Housing Law (Code of Virginia, § 36-96.7, the "Act"); as well as nonresidential uses, as permitted by the provisions of this section. The residential portions of any retirement community shall be subject to restrictions recorded in a declaration of covenants and restrictions recorded among the land records of the county, limiting occupancy consistent with the requirements of the Act.
- (b) *Permitted and conditional uses.* [Refer to 42-151, Table 1, Uses by Zoning District.](#) Conditional Uses may be permitted with a conditional use permit.
- (c) *Concept plan.* A concept plan for the entire development shall be provided that identifies the following:
- (1) Separate facilities for assisted living facility and nursing home uses may be incorporated into a concept plan with residential use, as permitted by the provisions of this section.
 - (2) Lot configuration for all uses in all phases of the project.
 - (3) Location and description of all uses.
 - (4) Configuration of streets, sidewalks and trails.
 - (5) Location and acreage of usable open space.
 - (6) Maximum building height.
 - (7) Maximum lot area, depth and width requirements;
 - (8) A construction phasing plan.
 - (9) Major stormwater management facilities.
 - (10) Architectural elevations of all sides of all primary structures.
 - (11) 100-year floodplain (indicate location of any alteration).
 - (12) Visitor parking spaces.
- (d) *Phasing.* Describe the timing of residential and nonresidential development using the following criteria:
- (1) Commercial space shall not be occupied until 50 percent of the total residential units are occupied.
 - (2) 50 percent of commercial space must be occupied before more than 85 percent of the total residential units may be occupied.
- (e) *District requirements.*
- (1) Minimum district size: Five acres.
 - (2) Housing mix: Shall include at least two housing types (e.g., single-family detached and multifamily).
 - (3) Maximum building height:
 1. Single-family detached, semi-detached, and attached residential dwelling units: 35 feet.
 2. Office, commercial, nursing homes, assisted living facility, institutional and multifamily residential structures: 40 feet.
 - (4) Parking and access: See table 4-1 in section 42-286.
 - (5) Visitor parking: Sufficient visitor parking shall be provided for all residential units in convenient locations that can be provided on public or private streets or in separate parking areas.
 - (6) Open space:
 1. A minimum of 25 percent of the net ~~(excluding street right-of-way and floodplain)~~ acreage of the entire development shall be provided as **usable** open space. **For the purpose of open space calculations, net site area shall be determined as the total site area exclusive of public road dedications, private access easements and alleyways, floodplain, steep slopes and wetlands.**
 2. **Open space shall comply with applicable regulations in article IX of this chapter, open space and recreational space.**

- (7) Management and maintenance: The operation and maintenance of facilities, open space and amenities that are not conveyed in fee simple to residents or to commercial owners of nonresidential facilities, shall be the responsibility of one or more homeowners' or commercial owners' associations. When more than one such association is charged with the obligations of this section, the organizational documents for each such association shall address the allocation of responsibilities among them in order to ensure that the duties and the party responsible for discharging them are clearly assigned. Every declaration of covenants, organizational charter or similar document addressing any aspect of the obligations imposed by this section, or amendment of such document, shall be submitted for advance review and comment by the town attorney before such document may be executed and recorded.
 - (8) Utility requirement: All public utilities located within the R-C zoning district shall be located underground and shall be designed per the article VI of chapter 30, required installation of public improvements, section 30-157, public utilities installation standards.
 - (9) Accessory community use is required.
 - (10) Use ratio: Land area of the total nonresidential uses (includes nursing home or extended care facility; commercial; and professional office use) may not exceed ten percent of the gross acreage of the project.
- (f) *Lot requirements.*
- (1) Minimum lot size.
 - 1. Single-family dwelling unit: 4,500 square feet.
 - 2. Semi-detached dwelling unit: 3,000 square feet.
 - 3. Attached dwelling unit: 2,000 square feet.
 - 4. Multiple dwelling: 8,000 square feet.
 - (2) Minimum lot width.
 - 1. Single-family dwelling unit: 50 feet.
 - 2. Semi-detached dwelling: 40 feet.
 - 3. Attached dwelling: 30 feet.
 - 4. Multiple dwelling: 80 feet.
 - (3) Setbacks.
 - 1. Single-family detached dwelling unit.
 - 1. Front yard: 20 feet.
 - 2. Side yards: eight feet.
 - 3. Rear yard: eight feet.
 - 2. Semi-detached dwelling unit.
 - 1. Front yard: 20 feet.
 - 2. Side yards: eight feet or zero feet, if attached.
 - 3. Rear yard: eight feet or zero feet, if attached.
 - 3. Attached dwelling unit.
 - 1. Front yard: 20 feet.
 - 2. Side yards: 25 feet or zero feet, if attached.
 - 3. Rear yard: 25 feet.
 - 4. Multiple dwelling structure.
 - 1. Front yard: 30 feet.
 - 2. Side yards: 30 feet; 15 feet, if adjacent to common open space.
 - 3. Rear yard: 30 feet; 15 feet, if adjacent to common open space.
 - 5. Professional office, commercial.
 - 1. Front yard: 20 feet.
 - 2. Side yards: 25, or zero feet, if attached.
 - 3. Rear yard: 25 feet.
 - 6. Nursing home or extended care.
 - 1. Front yard: 30 feet.
 - 2. Side yards: 30 feet; 15 feet, if adjacent to common open space.

3. Rear yard: 30 feet; 15 feet, if adjacent to common open space.

- (g) *Regulation modification by Town Council.* The Town Council may, at the time a Retirement Community District is created, modify the site development regulations set forth in this section. The modifications shall be included in the ordinance zoning the property. Modifications may be permitted only if necessitated by conditions on the site and must be consistent with the character and intent of the R-C district. The Town Council may modify or waive design standards and requirements of Article V of Chapter 30, Subdivisions. Substitute standards shall be specifically proffered and accepted by the Council. (Ord. of 9-21-2006, § 3-6; Ord. of 11-20-2008; Ord. of 9-10-2009; Ord. No. 2011-03-001, 3-10-2011; Ord. No. 2009-11-001, 11-19-2011; Ord. No. 2011-12-002, 12-8-2011; Ord. No. 2024-06-0003, 6-13-2024; 2024-09-0006, 9-17-2024)

ARTICLE 42-VII COMMERCIAL AND LIGHT INDUSTRIAL ZONING DISTRICTS

Sec 42-257 Purpose; Specific Requirements For All Commercial Uses

Commercial, industrial, and certain residential zoning districts are established to accommodate a variety of commercial, industrial and service-related activities within specific areas of the town. All commercial and industrial uses shall be subject to the following standards:

- (a) Lighting requirements.
- (1) Canopy or roof fascia of any size or dimension shall not be internally lighted.
 - (2) All site lighting, if any, shall utilize fully shielded cutoff fixtures and be designed and focused to prohibit glare onto adjacent properties.
 - (3) **Exterior lighting will have a color temperature of 3000 Kelvin or less.**
 - (4) **Exterior lighting measured at adjoining residential properties shall not exceed 0.10 foot candles above ambient light at the property line and shall not exceed 0.25 foot candles above ambient light measured at the property line of other adjoining lots and road rights-of-way.**
 - (5) **All exterior lighting will be extinguished after business hours with the exception of security lighting.**
 - (6) **Security lighting facing a residentially zoned lot shall be motion activated at a distance not exceeding the nearest property line. Such lights should remain on for not more than 10 minutes after motion ceases.**
 - (7) **All applications that propose outdoor lighting must submit a photometric plan to document compliance with these requirements.**

Sec 42-260 CI-1 Commercial And Limited Industrial/Flex District

- (a) *Scope and purpose.* The purpose of this district is to permit certain low-density and small-scale commercial and industrial uses that are consistent with the economic and community development goals and policies of the Comprehensive Plan. The uses in this district will be well landscaped and screened to minimize adverse conditions to adjacent land uses of all types and will include appropriate restrictions on outdoor commercial and industrial activities to afford maximum protection to adjacent residential neighborhoods. The uses permitted in the district are intended to promote employment in addition to expansion of economic activity and the town's tax base. All properties within the Commercial and Limited Industrial/Flex District shall be subject to the standards set forth in this section.
- (b) *Permitted and conditional uses.* [Refer to Section 42-151, Table 1, Uses by Zoning District.](#) Conditional Uses may be permitted with a conditional use permit.
- (c) *Prohibited uses.* The following specific uses shall not be permitted in the CI-1 district:
1. Animal slaughterhouse.
 2. Ammonia and chlorine manufacturing.

3. Asphalt mixing plant.
4. Blast furnace.
5. Boiler works.
6. Bulk storage of flammable materials, not including liquified petroleum distribution and storage tanks as regulated herein.
7. Concrete mixing, and batching products.
8. Coal or wood distillation.
9. Extraction and mining of rocks and minerals.
10. Fertilizer, lime or cement manufacturing.
11. Fireworks or explosives manufacturing.
12. Manufacturing of toxic and hazardous materials including but not limited to acids, pesticide, herbicide, insecticide, fertilizer, and explosives
13. Private garbage incineration.
14. Rendering plants.
15. Automated salvage and other salvage yards.
16. Metal foundries, smelting, processing, fabrication and storage.
17. Stockyards.
18. Acid manufacture.
19. Tanning and curing of skins.
20. Petroleum, asphalt or related product refining.
21. Private landfills.
22. Pesticide manufacturing.
23. Herbicide manufacturing.
24. Insecticide manufacturing.
25. Any other similar use which in the opinion of the town council might be injurious or noxious by reason of odor, fumes, dust, smoke, vibration, noise or other cause.

(d) *Lot requirements.*

1. Minimum size: 10,000 square feet.
2. Minimum lot width: 80 feet.
3. Yard requirements:
 1. Front yard: 25 feet.
 2. Side yards: Ten feet.
 3. Rear yard: 40 feet minimum setback.

(e) *Buffering and screening.* Where property in the CI-1 District is located adjacent to land lying in a residential zoning district, a minimum 50-foot wide landscape buffer shall be required with a berm not less than 8 feet and not more than ten feet in height, as follows,

1. Landscaping will be provided in ratios required for a Type C buffer.
2. The berm shall be measured from the average grade at the base of the berm to the average height at the crest of the berm, provided that the required height of any such berm may be interrupted by pedestrian trails traversing the berm for the purpose of connecting any property located in the CI-1 District to any adjacent property.
3. Any such berm shall have slopes no steeper than 3:1.
4. The requirements of this subsection shall be subject to the provisions of section 42-369 authorizing approval of alternative proposals that deviate from the requirements of Article X.

(f) *Building standards.*

1. Height: 35 feet for principal and accessory structures.

(g) *Design standards.*

1. Buildings shall be oriented to public streets and off-street parking located to the side or in the rear of buildings to the maximum extent feasible. Sidewalks or other

pedestrian connections such as shared-use trails shall be provided to connect properties located in the CI-1 District to adjacent properties.

2. The facade of any building having a footprint area greater than 10,000 square feet shall be use fenestration, combinations of materials, and articulation to avoid large, flat, monotonous walls.
3. All 4 walls of any building will be finished in the same materials provided the percentages of each material may be altered.
4. All uses must have access to a road having a functional classification of major collector or higher without having to travel through any residential zoning district located within the town limits, unless there exists a recorded ingress-egress easement, right-of-way, or other similar recorded legal instrument granting permanent access to any such property as of May 10, 2018.
5. To the maximum extent feasible, vehicle service bays, loading bays and garage doors shall not be designed or oriented so as to face adjacent public streets, or any adjacent property located in any residential zoning district.
6. All off-street parking and loading areas shall be paved with an asphalt or concrete surface, provided that gravel may be used for surfacing outdoor storage areas.
7. The use of environmentally sustainable and energy-efficient building and/or site design, and related technologies such as rooftop solar, green roofs and ~~vertical axis wind turbines~~ **micro wind turbines** shall be permitted within the CI-1 District **subject to Section 42-304 and provided their location, specifications and other pertinent details are included on the final site plan for the development. All such rooftop equipment visible from a public street shall be screened from view by a parapet wall not greater than five feet in height.**

(h) Lighting requirements:

- ~~1. No canopy or roof fascia shall have internal lighting of any kind.~~
 - ~~2. All site lighting shall utilize fully shielded cut-off fixtures, be downward oriented, and located so as to prohibit glare onto adjacent properties.~~
- (i) Noise/vibration. Tractor-trailer trucks shall not be left idling prior to 7:00 a.m. and later than 7:00 p.m. Monday through Friday, and prior to 9:00 a.m. and later than 7:00 p.m. on Saturday and Sunday.
- (j) Outdoor storage and display: Outdoor storage and display are permitted subject to Section 42-257.
- (k) *Utility requirements.* All public utilities located within the CI-1 zoning district shall be located underground and shall be designed per the article VI of chapter 30, required installation of public improvements, section 30-157, public utilities installation standards.
- (l) Modification of lot and building requirements: Lot and building requirements may be modified by the Town Council in conjunction with a conditional use permit. Such application shall outline the modified requirement and define the need. Permitted uses and conditionally permitted uses shall not be modified by this provision. Modifications must be consistent with the character and intent of the district. The Town Council may also modify or waive the design standards and requirements of Article V of Chapter 30, Subdivisions.
- (m) Other requirements: Applicants should also refer to Section 42-257, Purpose, Specific Requirements for All Districts, for additional location, hours of operation, wellhead protection, and other standards.

(Ord. of 9-21-2006, § 3-14; Ord. No. 2008-06-02, 6-26-2008; Ord. of 11-20-2008; Ord. of 9-10-2009; Ord. No. 2009-11-19-01, 11-19-2009; Ord. No. 2010-05-01, 5-13-2010; Ord. No. 2012-01-02, 1-26-2012; Ord. No. 2018-05-0001, 5-10-2018; Ord. 2024-09-0006, 9-17-2024)

DIVISION 42-VIII-2 ADDITIONAL STANDARDS

Sec 42-294 Exceptions To Height Limitations

The maximum height limitations established within this chapter shall not apply to the following structures:

- (a) Barns, silos, windmills and related agricultural structures;
- (b) ~~Vertical axis~~ **Micro wind turbines subject to Sec. 42-304.**
- (c) Water towers, fire and observation towers;
- (d) Chimneys, church spires, belfries, clock towers and governmental monuments;
- (e) Air conditioning units and related mechanical structures when completely screened from the view of public rights-of-way and adjoining properties, such screening to be an integral architectural design element of the building;
- (f) Parapet walls extending no more than four feet above the maximum height limit;
- (g) Residential antennas, attached to the principal structure, not including satellite dish antennas, up to maximum of ten feet above the height of the structure.
- (h) Gasoline and fuel canopies provided the height as measured from the finished grade directly beneath the canopy at its shortest height to the canopy ceiling shall not exceed 15 feet, and provided the overall height of canopies shall not exceed 18 feet three inches.

Sec 42-304 Solar Photovoltaic (PV) and ~~Vertical-Axis~~ Micro Wind Turbine (VAWT MWT) Systems

(a) *Definitions.*

- (1) Building-Integrated PV System: A solar photovoltaic system that is constructed as an integral part of a principal or accessory building or structure and where system replaces or substitutes for an architectural or structural component of the building or structure, replacing glass or traditional roofing materials, canopies, sunshades, or other building or structure systems.
- (2) Building-Mounted PV System: A solar photovoltaic system wherein the solar cells are attached to a principal or an accessory structure.
- (3) Ground-Mounted PV System: A solar photovoltaic system mounted on a structure, pole or series of poles constructed specifically to support the photovoltaic system and not attached to any other structure.
- (4) **Micro wind turbine (MWT) means a turbine that uses several blades that rotate around an vertical or horizontal axis with a capacity rating of up to 100 kW.**
- (5) **Vertical Axis Wind Turbines (VAWT): a wind turbine that uses several blades not exceeding 60 inches in length that rotate around an upright axis rather than a horizontal axis of traditional wind turbines, to generate electricity for use by the**

property on which the windmill is situated. Windmills may be ground- or building-mounted and are accessory to the principal use.

(b) *Applicability.*

- (1) Solar PV ~~and VAWT~~ MWT systems constructed prior to the effective date of this Ordinance are not required to meet the requirements of this Ordinance. Any expansion of or structural alteration to an existing ~~solar PV~~ system shall comply with the provisions of this Section.
- (2) A building integrated system where the system replaces glass or traditional materials or solar-based architectural elements such as canopies, and awnings are not considered accessory uses and are not subject to the requirements of this Ordinance.

(c) *Permitted Zoning Districts.*

- (1) Building-mounted PV systems are permitted in all zoning districts as an accessory use to any permitted principal use on the same lot provided, they generate electricity for a use on the same property rather than for commercial or utility generation purposes. Such systems may allow customers to receive a credit for surplus electricity.
- (2) Ground-mounted PV systems shall be limited to the CI-1 Commercial And Limited Industrial/Flex District provided they generate electricity for a use on the same property rather than for commercial or utility generation purposes. Such systems may allow customers to receive a credit for surplus electricity.

(d) *Location Within A Lot.*

- (1) Building-mounted PV systems are permitted to face any rear, side, and front yard.
 - a. On an angled roof, the system must be installed at the same angle as the roof on which it is installed with a maximum distance between the roof and highest edge or surface of the system, measured perpendicular to the roof, of 6 inches.
 - b. The highest point of the system shall not exceed the highest point of the roof to which it is attached, and the lowest point shall not extend beyond the eaves of the building.
 - c. On a flat roof, the highest point of the system may extend up to two (2) feet above the roof to which it is attached on a residential building and up to six (6) feet above the roof to which it is attached on a nonresidential building. On nonresidential buildings, all such rooftop equipment visible from a public street shall be screened from view by a parapet wall not greater than five feet in height.
 - d. Ground-mounted systems and ground-mounted equipment associated with either a building or ground-mounted system are subject to the accessory use or structure setback requirements in the zoning district in which the system is to be provided No part of the ground-mounted system shall extend into the required setbacks due to a tracking system or other adjustment of solar PV related equipment or parts.

(e) VAWT-MWT systems shall be permitted only in the CRA-1, Commercial Residential Annexation, and the CI-1, Commercial Limited Industrial/Flex, zoning districts and provided they generate electricity only for a use on the same property rather than for commercial or utility generation purposes. Such systems may allow customers to receive a credit for surplus electricity.

(1) MWT systems shall be subject to the following standards:

- a. **No more than 1 MWT will be permitted on a lot.**
- b. **Building-mounted VAWT MWT systems may extend up to 6 feet above the peak of the roof. All such rooftop equipment visible from a public street shall be screened from view by a parapet wall not greater than five feet in height.**

- c. Ground-mounted systems and ground-mounted equipment associated with either a building or ground-mounted system are subject to the accessory use or structure setback requirements in the zoning district in which the system is to be **provided**.
- d. No part of the ground-mounted system shall extend into the required setbacks due to a tracking system or other adjustment of solar PV related equipment or parts.
- e. **Ground-mounted VAWT MWT shall be located only in a rear yard, and shall have a setback from the boundaries of the lot equal to the height fall zone of the windmill.**
- f. **Turbine blades may be up to 5 feet in length.**
- g. **Vertical axis turbines may have a total horizontal width of up to 48 inches (measured from the outside edge of blades at their widest point).**
- h. **The lowest point of the rotating blades shall be a minimum of 20 feet above the ground.**
- i. **The maximum height of a ground-mounted MWT shall be 35 feet.**
- j. **A VAWT MWT shall not be lighted internally or externally, and shall be finished in nonreflective material and muted colors.**

(2) The standards in 42-304(e) may be modified by the Town Council in conjunction with a conditional use permit. Such application shall outline the specific standards to be modified and define the need.

(f) A PV **and VAWT MWT** system shall be permitted on a nonconforming building or lot so long as there is no expansion of the nonconformance and so long as it complies with the other provisions of this Ordinance.

(g) *Design and Installation Standards.*

- (1) All PV **and VAWT MWT** systems shall require a building permit. All ~~solar PV~~ systems are subject to compliance with applicable performance standards detailed elsewhere in the Zoning Ordinance.
- (2) For building-mounted systems, all framing, piping, control devices and wiring must be painted to match the color of the roof or the element upon which it is installed.
- (3) For ground-mounted systems, all exterior electrical lines must be buried. The ~~solar PV~~ system must be constructed to comply with the most recent fire code.
- (4) No signs or graphic content may be displayed on the ~~PV~~ system except the manufacturer's badge, safety information and equipment specification information.
- (5) The use of magnetic levitation is encouraged in all VAWT systems and shall be required on lots of less than 10,000 square feet to reduce noise.**

(Ord. 2021-07-0002, 7-29-2021, Ord. 2023-08-0004, 8-30-2023)

ARTICLE 42-X LANDSCAPING, BUFFERING AND SCREENING

Sec 42-362 Landscaping Plan And Maintenance

(a) All landscaping required by this article shall be identified on a landscaping plan and reviewed along with other plans by the town prior to installation. For any conditional use permit or zoning map amendment associated with a proposed use or activity, the planning commission may recommend, and the Town Council may approve a modification or alternative to the landscaping, buffering or screening required by this article where conditions are deemed to warrant approval of the same. Consideration and approval of modifications and alternatives by the town shall be in accordance with section 42-369 below.

- (b) All landscaping required by this article shall be installed per the approved landscaping plan. All plants and other materials required by the approved plan shall be maintained by the property owner in a state of good repair and shall be replaced or repaired promptly as appropriate.
- (c) **Existing native trees preserved on-site may be credited towards landscaping required by this article. Any existing trees used to meet the minimum requirements of the ordinance must be identified by type, have a 4-inch caliper, be in healthy and structurally sound condition, and be protected from construction activity. Healthy and structurally sound conditions are defined as any tree with an overall rating of 40 percent or greater when the roots, trunk, scaffold branches, small branches and twigs, foliage and buds are evaluated and documented through field observations using the latest edition of the Guide for Plant Appraisal condition rating guide.**

(Ord. of 9-21-2006, § 6-3; Ord. No. 2014-10-0002, 10-9-2014; Ord. No. 2019-08-0001, 8-22-2019)

Sec 42-363 Parking Lot Landscaping

- (a) All parking areas with five or more spaces shall provide perimeter parking lot landscaping outside of the parking area of the lot.
- (b) Parking lots adjacent to public streets shall provide a continuous landscape area of not less than ten feet in width located between the parking lot and property line. The landscape area shall be planted at a rate of one tree for every ~~50~~ **40** feet of frontage, plus three shrubs for every ~~50~~ **40** feet of frontage. A minimum of 75 percent of the trees provided shall be **large deciduous** canopy trees, ~~except when overhead utility lines may prohibit the planting of such trees. When overhead utility lines may prohibit the planting of large trees, small or medium deciduous trees should be used.~~
- (c) Parking lots adjacent to lands not in the right-of-way of a street shall provide a continuous landscape area ~~five~~ **5** feet in width, located between the parking area and the property line. The landscape area shall be planted at a rate of ~~one~~ **1** tree for every ~~50~~ **40** feet of frontage, plus three shrubs for every ~~50~~ **40** feet of frontage. A minimum of 75 percent of the trees provided shall be canopy trees. **Where a wider buffer is required, the buffer requirement shall apply.**
- (d) All parking lots with ~~ten~~ **10** spaces or more shall provide interior parking lot landscaping. Such landscaping shall be in addition to any planting or landscaping within ~~six~~ **6** feet of a building, required perimeter landscaping and required screening. A minimum landscape area of ~~five~~ **5** percent of the gross parking lot area shall be provided within the parking area. The gross area of the parking lot shall include all designated parking spaces and areas designated for ingress and egress. Landscape areas shall have a minimum dimension of ~~ten~~ **10** feet. Trees shall be provided at the rate of ~~one~~ **1** tree for every ten parking spaces, with a minimum of ~~one~~ **1** tree provided.
- (e) Plant materials at entrances shall be located so as to maintain safe sight distances in accordance with the Virginia Department of Transportation standards.

(Ord. of 9-21-2006, § 6-4; Ord. No. 2014-10-0002, 10-9-2014)

Sec 42-364 Buffering And Screening

- (a) Certain uses, when adjoining each other, are incompatible and create conflict that may be reduced or eliminated by appropriate measures. Buffering between incompatible uses minimizes these conflicts and the adverse impact of incompatible development. These provisions are intended to provide adequate buffer areas between incompatible land uses in all zoning districts, except where the incompatibility arises from an existing nonconforming use.

(b) Buffer yards are to be used for the planting of landscape material. Buffer yards shall not be used for the storage of materials, buildings, parking lots or loading areas for vehicles or

Proposed Use/ Development	Residential			Institutional (schools and churches)	Office	<u>Retail Sales & Service Up to 4,000 gfa*</u>	<u>Retail Sales & Service >4,000 gfa*</u>	Industrial
	SFD	SFA	MF					
Residential								
Single-family detached		B	B	B	B	<u>B</u>	<u>C</u>	C
Single-family attached	B		B	B	B	<u>B</u>	<u>C</u>	C
Multifamily	B	B		B	B	<u>B</u>	<u>C</u>	C
Institutional (Schools and churches)	B	B	B		<u>B A</u>	<u>A</u>	<u>C</u>	C
Office	B	B	B	<u>C B</u>		<u>C</u>	<u>C</u>	C
Retail Sales & Service Up to 4,000 gfa	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>			<u>A</u>	<u>B</u>
Retail Sales & Service > 4,000 gfa	C	C	C	C	C	<u>A</u>		
Industrial	C	C	C	C	C	<u>B</u>		

equipment. Driveways and entrances connecting adjacent parking lots or developments may interrupt the required buffer yard. Minimal utility crossings shall be permitted within buffer yards.

(c) Buffer yards may be provided in the area required for setbacks by the zoning district requirements. Where the required buffer yard exceeds the required setback for the zoning district, the required buffer yard shall be provided.

(d) The buffer area requirements are based on the compatibility between the proposed use and that of the adjoining property the following table 6-1 identifies the minimum buffer area that is required to be provided.

(e) Plant materials are required per square foot of required buffer area as shown in table 6-2 in this subsection for types A, B and C.

Table 6-1. Minimum Buffer Area Required

- gfa is the gross floor area and is measured from the outside walls of a building

Table 6-2. Buffers (Area Width and Plant Requirements)

		Required Planting			
Type	Width (in feet)	Canopy Trees (in square feet)	Understory Trees (in square feet)	Evergreen Trees (in square feet)	Shrubs (in square feet)
A	10	1/1,000	1/500		1/500
B	25	1/1,000	1/500	1/500	1/100
C	35	1/1,000	1/500	1/500	1/100

- (f) Berms are encouraged within buffer yards. ~~Where the minimum width of a buffer area is at least 25 feet, the A Type C~~ buffer area may be reduced ~~by five feet to 24 feet~~ with the provision of a berm at least four feet higher than the elevation of the adjacent ground. Slopes on the berm shall not exceed 3.0:1. Number of required plantings shall be based on the reduced yard area.
- (g) A ~~six 6-foot~~ tall opaque fence or architectural block wall may be substituted for ~~one-third one-half~~ of the required buffer yard and the plant material reduced accordingly ~~as long as provided~~ the purpose of reducing or eliminating the conflict between uses and adverse impact is met (For example, a six-foot wall may not reduce the adverse impact of parking lot lights) **and subject to the following:**
 - (1) The wall or fence will be constructed with low maintenance materials with the finished side of the fence facing the adjoining property.
 - (2) The wall or fence will not impede stormwater flow.
 - (3) Required landscaping shall be placed between the fence or wall and the associated property line.
- (h) All loading areas, dumpsters, trash bins, generators, maintenance areas and equipment and similar areas are to be screened from view from all public streets and adjoining properties **by a 6-foot opaque fence, wall, or structure meeting the requirements of paragraph g.**

(Ord. of 9-21-2006, § 6-5; Ord. No. 2014-10-0002, 10-9-2014)

Sec 42-365 Tree Canopy Coverage

- (a) Any project subject to the provisions of this article shall be subject to the tree canopy requirements set out in this section. Tree cover requirements may be met by providing landscaping in the form of residential lot planting, parking lot landscaping, street planting and buffer yard planting. For purposes of tree canopy coverage, the total site area may be reduced by the area to be dedicated for public street purposes.

Table 6-3. Required Tree Canopy Cover (at ten-year maturity)

Development Type	Percent of Area>
Residential	15
Commercial, industrial and institutional	10

- (b) Existing tree cover within any proposed development shall be retained to the greatest extent possible and taken fully into account in the design of the improvements, site grading and calculation of tree canopy requirement. Existing trees used to meet the tree canopy coverage must be at least a 4-inch caliper, a native species, in healthy condition, and be protected from all construction activity pursuant to Chapter 30, Subdivisions.

- (c) For any conditional use permit associated with a proposed use or activity, the planning commission may recommend, and the Town Council may impose reasonable conditions with respect to the tree canopy coverage requirements of this section in order to ensure that the tree canopy coverage is preserved and maintained to the maximum extent practicable in accordance with the purpose and intent of this section.

(Ord. of 9-21-2006, § 6-6; Ord. No. 2014-10-0002, 10-9-2014; Ord. No. 2019-08-0001, 8-22-2019)

Sec 42-366 Street Trees

- (a) Canopy and understory trees **that do not interfere with pedestrian or automobile traffic and will not damage sidewalks** shall be provided adjacent to right-of-way in a manner that will enhance streets throughout the town.
- (b) **For all new construction one street tree, as identified in Table 6-8, shall be planted for every 40 feet of street frontage. The majority of street trees shall be medium or large scale canopy deciduous trees to provide shade and visual relief except when overhead utility lines prohibit such trees. When overhead utility lines may prohibit the planting of large trees, small or medium deciduous trees should be used.**

(Ord. of 9-21-2006, § 6-7; Ord. No. 2014-10-0002, 10-9-2014; Ord. No. 2019-08-0001, 8-22-2019)

Sec 42-367 Minimum Specification For Plant Materials

- (a) All plants shall be well branched and well formed, sound, vigorous, healthy, free from disease and trunk wounds, and have a healthy, normal and unbroken root system. All plants shall comply with the American Association of Nurserymen's Standards and conform to the representative species.
- (b) All plant materials installed to meet the requirements of this chapter shall meet the following minimum size requirements at the time of planting:

Table 6-4. Minimum Planting Size Requirements

Street and canopy trees	Caliper: 2 1/2-inch minimum
Understory trees	Height: 6-foot minimum
Evergreen trees	Height: 6-foot minimum
Shrubs	Height: 18-inch minimum

- (c) The planting of all trees shall be done in accordance with the standardized landscape specifications jointly adopted by the Virginia Nurserymen's Association, the Virginia Society of Landscape Designers and the Virginia Chapter of the American Society of Landscape Architects.

(Ord. of 9-21-2006, § 6-8; Ord. No. 2014-10-0002, 10-9-2014)

Sec 42-368 Plant Selection Guide

(a) *Plant selection guide for buffer areas, basic landscaping, street planting and reforestation areas.* The plant selection guide to be utilized by persons preparing landscape plans for buffer areas, basic landscaping, street planting, and reforestation areas is found in Table 6-8, in section 42-370. Table 6-7 provides an explanation of the codes contained in the Plant Selection Guide, Table 6-8.

- (1) Table 6-5 is divided into groups of trees (e.g., large, medium, small and compact) for purposes of calculating tree canopy coverage. Tree canopy coverage is determined by the size of a tree at planting related to the projected size of tree's canopy in square feet after ten years of growth in an urban environment.
- (2) Tables 6-5 and 6-6 provide the square footages to be utilized in tabulating tree canopy coverage and shall be used for meeting the town's requirements. Tree canopy coverage for deciduous trees is based on the caliper of tree at planting. Evergreen trees are based on height at planting. The minimum planting area for achieving healthy tree growth as well as the projected ten-year canopy growth is also included.

Table 6-5. Ten-Year Tree Canopy Cover for Deciduous Trees (Relative to Caliper at Planting Recommended Minimum Planting Area)

Tree Category Area	Caliper at Planting (in inches)	10-year Canopy Coverage (in square feet)	Minimum Planting (in square feet)
Large deciduous tree	2 to 2 1/2	200	130
	3 to 3 1/2	250	130
Medium deciduous tree	2 to 2 1/2	150	90
	3 to 3 1/2	175	90
Small deciduous tree	2 to 2 1/2	100	50
	3 to 3 1/2	125	50
Compact deciduous tree	2 to 2 1/2	50	30
	3 to 3 1/2	75	30

Table 6.6. Ten-Year Tree Canopy Cover for Evergreen Trees (Relative to Height at Planting)

Height at planting (in feet)	Ten-Year Tree Canopy Coverage (in square feet)
6-7	125
7-8	150
9	175

(b) Table 6-7 provides a listing of the codes found in the plant selection guide.

- (1) *Environmental tolerances.* This column is used to select species that are tolerant of specific environmental factors, both natural and manmade. Eight factors are considered, as follows:

- a. *Restricted root zone.* Trees indicated as (RZ) are recommended for areas which are relatively limited in soil volume and surrounded by impervious barriers typical of parking lot islands and planting strips provided between parking bays and between sidewalks and curbs. A larger planting space will result in a healthier and more vigorous tree.
 - b. *Poor soil.* Trees indicated as (SL) are recommended for soil conditions which are poor. These trees are noted for their tolerance to a wide range of soils found in an urban environment. Most trees, however, do not tolerate poor soils. Better soils will result in a healthier and more vigorous tree. Subsoil is used to provide a stable base for sidewalks, parking lots, buildings, etc., and general grading purposes are often found to be inadequate for plant growth. Soil amendments are generally needed.
 - c. *Partial shade.* Trees indicated as (PS) are recommended for areas receiving partial amounts of direct sunlight such as on the eastern or western boundary of a structure.
 - d. *Shade trees.* Shade trees indicated as (SH) are recommended for a shaded environment. These trees are noted for their tolerance to shade, but more sun will result in a healthier and more vigorous tree.
 - e. *Air pollution.* Trees indicated as (AP) are recommended for areas subject to exhaust emissions, as found along a highway or in a parking lot with excessive stop and go traffic. Deciduous trees are more tolerant of air pollution than evergreen trees.
 - f. *Deicing salts.* Trees indicated as (IS) are recommended for areas near streets and parking lots where deicing salts containing sodium chloride and/or calcium chloride are used.
 - g. *Wet soil.* Trees indicated as (WS) are recommended for areas near waterways, ponds, lakes, and stormwater management facilities.
 - h. *Drought.* Trees indicated as (DR) are recommended for hot, dry conditions such as along streets, near or in parking lots, and near buildings.
- (2) *Associated problems.* Table 6-7 codes are used to identify general problems associated with specific tree species. Six problem codes are provided: disease, insect damage, storm and structural damage due to weak wood, production of objectionable fruit and production of objectionable root systems.
- a. *Diseased trees.* Diseased trees indicated as (D) are susceptible to severe stress, disfigurement, or death brought about by disease-causing agents which produce symptoms that are not curable or controllable by known or practical methods. Some of these species are susceptible to one or more pathogens.
 - b. *Insect damaged trees.* Insect damaged trees indicated as (I) are susceptible to severe damage by insects. Considerable damage such as defoliation and sometimes death can result. Pests causing such damage cannot be effectively controlled without considerable maintenance with pesticides.
 - c. *Storm and structural damage.* Storm and structural damage due to weak wood trees indicated as (W) are susceptible to structural failure, such as branches breaking and falling or major portions of the main trunk snapping off during storms. These species should not be planted near buildings.
 - d. *Objectionable fruit trees.* Objectionable fruit trees indicated as (F) produce fruit that is capable of causing damage when falling, is slick or sticky on roads and walkways, attracts pests, produces disagreeable odors, and/or produces prolific seedlings.
 - e. *Objectionable root systems.* Trees indicated as (R) produce shallow or surface-oriented root systems that may heave sidewalks and asphalt surfaces, clog sewer and drainage pipes, or damage foundations if planted too close to buildings.

- f. *Transplanting difficulty*. Trees indicated as (T) produce deep root systems that are difficult to retain in transplanting.

Table 6-7. Plant Selection Guide Codes

Uses	Code
Interior parking lot planting areas	P
Buffer areas	B
Street planting areas	S
Reforestation areas	RF
Areas near overhead utilities	U
Native to Virginia	*
Environmental tolerances	
Restricted root zone	RZ
Poor soils	SL
Partial shade	PS
Shade	SH
Air pollution	AP
Deicing salts	IS
Wet soils	WS
Drought	DR
Associated problems	
Disease	D
Insect damage	I
Weak wood	W
Objectionable fruit	F
Objectionable root systems	R
Transplanting difficulty	T

(c) *Plant selection guide*. The plant selection guide provides the guidelines for selecting plants, including information on uses, environmental tolerances and associated problems.

- (1) *Genus and species*. The first column on Table 6-8 contains the Latin name for the plant, sometimes followed by a specific cultivar name.
- (2) *Common name*. The second column on Table 6-8 contains the name of the plant commonly used in the Mid-Atlantic region of the United States.
- (3) *Planting location/situation codes*. This column in Table 6-8 is used to select a species that will thrive and exhibit desirable characteristics suitable to the demands of a particular environment. Five situations are considered in Table 6-8 as follows:
 - a. *Interior parking lot planting areas*. Trees indicated as (P) tolerate poor soils drought, reflected heat, restricted root zones. Desirable branching habit is also considered.

- b. *Buffer areas.* Trees indicated as (B) provide screening of undesirable views. Both deciduous and evergreen species are listed, but the use of more evergreens will provide the most effective buffer.
 - c. *Street planting areas.* Trees indicated as (S) are appropriate for planting within street rights-of-way, selected based on their form and potential spread.
 - d. *Reforestation areas.* Trees indicated as (RF) are appropriate for planting in areas which are to be reforested.
 - e. *Areas near or under overhead utilities.* Trees indicated as (U) are appropriate for planting near or under overhead utilities and have been selected based on their ultimate height and spread. Use of the selected species can prevent disfigurement and associated structural and health problems caused by periodic topping or pruning of trees near power lines.
- (d) *Plant selection guide for stormwater management facilities.* Table 6-9 (in section 42- 370) contains plants which are suitable for planting in stormwater management facilities. Like table I, genus and species, as well as common names, are listed followed by columns of three variables: wildlife value, adaptation to wetland growing condition, and tolerance to periodic flooding. The variables are provided to assist persons designing landscapes for stormwater management facilities.
- (1) *Calculating tree canopy coverage.* Table 6-9 (in section 42-370) is divided into groups of trees (e.g. large, medium, and small) for purposes of calculating tree canopy coverage.
 - (2) *Wildlife values.* This column of Table 6-9 (in section 42-370) provides wildlife values, given as high, moderate, and low and are intended to assist those designing stormwater facilities for promoting or managing wildlife.
 - (3) *Wetland status.* This column in Table 6-9 (in section 42-370) provides indicators taken from the National List of Plant Species That Occur in Wetlands: Northeast (Region I) USDI/Fish and Wildlife Service, 1998, or most recent edition. These indicators may be used as a guide to the adaptability of various species to various prevailing soil moisture conditions. The categories are defined as follows:
 - a. *Obligate wetland (OBL).* Obligate wetland occur almost always (estimated at 90 percent probability) under natural conditions in wetlands.
 - b. *Facultative wetland (FACW).* Facultative wetland usually occur in wetland (estimated probability 34 percent to 67 percent), but occasionally found in non-wetland-areas.
 - c. *Facultative upland (FAUP).* Usually occur in non-wetlands (estimated probability 67 percent to 99 percent), but occasionally found in wetlands (estimated probability one percent to 33 percent).
 - d. *Obligate upland (UPL).* Obligate upland occur in wetlands in another region but occur almost always (estimated probability greater than 99 percent) under natural conditions in non-wetlands in this region.
 - e. *Wetness or dryness.* A plus or minus sign indicates if the species is usually found in the wetter (+) or drier (-) end of its category.
 - (4) *Flood tolerant.* This column in table 6-9 refers to the ability of a plant to survive periodic flooding. While this is shown as a "yes" or "no," it is not absolute. Actual plant survival will also depend on such variables as the amount of soil loss around roots and the amount of silt deposited over the root zone during the storm event.

(Ord. of 9-21-2006, § 6-9; Ord. No. 2014-10-0002, 10-9-2014)

Sec 42-369 Modifications And Alternatives

- (a) The Town Council recognizes that the landscaping, buffering and screening requirements of this article cannot address every situation due to the variety of potential developments,

properties and the relationships between adjoining properties and uses. Subject to a recommendation of the zoning administrator, the Town Council ~~is authorized to may~~ approve alternate proposals that deviate from the requirements of this article in excess of those permitted by 42-369(b), or modifications to the standards provided herein, whenever the Town Council concludes that the proposal: (1) meets or exceeds ~~the standards of this article; or (2) accomplishes~~ the purpose and intent of this article ~~to a degree equal to or exceeding that of the applicable standard for which the modification or alternative is being requested~~. Requests for modifications and alternatives shall be submitted by the applicant in writing and shall be depicted on the landscape plan submitted in conjunction with the request.

- (b) Notwithstanding paragraph (a), the zoning administrator may approve minor changes to the landscaping requirements if the change involves reducing a requirement by no more than 10 percent and complies with the purpose of this article.
- (c) Whenever the Town Council or zoning administrator approves a modification or alternative to the requirements of this article, the alternate standards shall be noted on the zoning permit along with the reasons for approval.

(Ord. of 9-21-2006, § 6-10; Ord. No. 2014-10-0002, 10-9-2014; Ord. No. 2019-08-0001, 8-22-2019)

Sec 42-370 Monitoring And Enforcement

- (a) The enforcement of the provisions of this section shall be the responsibility of the administrator. Any violation of this section is a civil violation as described in section 42-35(d).
- (b) No occupancy permit shall be signed until the trees, plants, and other screening materials required by this article have been installed.
- (c) If the weather prohibits the installation of the required tree, plant or screening materials at the time of occupancy, the applicant may, at his option, post a cash bond for the installation of the required plants and installation costs. The bond shall be supported by an estimate by a landscape contractor of the cost of installing such landscaping and a letter expressing the intent of the contractor to install the required plants. If the required landscaping is not installed within six months, the bond shall be forfeited to the town to use for planting of the required materials.
- (d) The property owner shall be responsible for the installation, maintenance, repair and replacement of all landscape materials, fences and walls required by this section. This shall include the maintenance of trees and shrubs by the owner following best practices as prescribed by the International Society of Arboriculture.
- (e) All landscape materials shall be kept in healthy condition free of disease and infestation. All fences and walls shall be maintained in a safe and attractive condition.
- (f) The property owner shall, upon written notice ~~of~~ from the administrator, repair or replace any landscape materials, fencing or walls not meeting the requirements of this chapter within 30 days.
- (g) If the full canopy, street tree, or other tree requirement cannot be achieved on-site, the applicant may provide cash in lieu of the remaining tree requirement subject to the following.
 - (1) Tree Preservation and Tree Canopy Fund. The Zoning Administrator may allow developers to contribute a pro-rated fee to the Town's Tree Fund when full canopy requirements cannot be provided on-site due to easements, topography, or similar constraints, or safety concerns. The Town may use this fund directly to plant trees on public property, including the right-of-way on public roads, or the Town may elect to disburse this fund to community-based organizations exempt from taxation under 501 (c) (3) of the Internal Revenue Code for tree planting projects that benefit

- the community at large. A fee for the total shall be collected prior to site plan approval.
- (2) Fee Basis.** Fees collected for these purposes shall be based on the cost of plants needed to complete the required canopy cover using 2.5 inch caliper nursery stock tree and the cover specifications of Section 42-368, Plant Selection Guide.
- (3) Pro-rata Tree Canopy Cost.** The cost to establish a new tree(s) with a 10 year canopy area starting with a 2.5 inch caliper nursery stock at a price established by Town Council. This price covers the cost typically associated with purchasing plant material, cost of installation, and cost associated with proper tree care to ensure the development and survival of a healthy tree over a 5 year period.
- (4) Five Year Time Limit.** Any fees collected for these purposes must be spent within a 5-year period established by the collection date or the fees will be refunded to the original contributor or legal successor.

Table 6-8. Plant Selection Guide for Buffer Areas, Basic Landscaping, Street Planting, and Reforestation Areas

Botanical Name	Common Name	Codes (See table 6-7)
Large deciduous trees		
<i>Acer rubrum</i>	Red maple*	P, B, S, RF, PS, WS
<i>Acer saccharum</i>	Sugar maple*	B, RF, PS
<i>Celtis laevagata</i>	Hackberry*	B, RF, SL, WS, DR
<i>Fagus grandiflora</i>	American-beech*	B, RF, PS, R
<i>Fagus sylvatica</i>	European-beech	B, PS, R
<i>Ginkgo biloba</i>	Male-ginkgo, 'Princeton-sentry'	S, B, AP, DR, F (female only)
<i>Liquidambar styraciflus</i>	Sweetgum*	B, RF, SL, WS, DR, F
<i>Liriodendron tulipifera</i>	Tulip poplar*	B, RF, AP, WS, W
<i>Magnolia accuminata</i>	Cucumber magnolia*	B, RF, WS
<i>Platanus acerifolia</i>	London-planetree	P, B, S, R, SL, AP, DR
<i>Platanus occidentalis</i>	Sycamore*	RF, WS, R, D, I
<i>Quercus alba</i>	White oak*	B, S, RF, SL, WS, DR, T
<i>Quercus bicolor</i>	Swamp white oak*	B, S, RF, SL, WS, DR, T
<i>Quercus coccinea</i>	Scarlet oak*	B, S, RF, SL, DR
<i>Quercus falcate</i>	Southern red oak*	B, S, RF, SL, DR, T
<i>Quercus palustris</i>	Pin oak*	P, B, S, RF, SL, WS, DR
<i>Quercus phellos</i>	Willow oak*	P, B, S, RF, SL, WS, DR
<i>Quercus rubra borealis</i>	Northern red oak*	B, S, RF, SL, DR, T
<i>Tilia Americana</i>	American-linden, 'redmond,' 'legend'*	B, RF
<i>Tilia cordata</i>	Littleleaf-linden, 'greensprig'	P, B, S
<i>Ulmus parviflora</i>	Chinese-elm	B, S
<i>Zelkova cultivars</i>	Zelkova	P, B, S
Medium deciduous trees		
<i>Acer campestre</i>	Hedge-maple	B, S, U, AP, DR

<i>Acer ginnala</i>	Amur maple	B, S, U, PS, DR
<i>Aesculus hippocastanum</i>	Horse chestnut*	RZ, SL, IS
<i>Betula nigra</i>	River birch*	B, WS
<i>Carpinus betulus, 'fastigata'</i>	European hornbeam	B, P, S, SL, AP
<i>Carya ovata</i>	Shagbark hickory*	B, RF
<i>Cercidiphyllum japonicum</i>	Katsura tree	B, S
<i>Cladastris kentukea</i>	American Yellowwood*	P, B, S
<i>Diospyros virginiana</i>	Persimmon*	B, RF (male and female trees)
<i>Magnolia macrophylla</i>	Bigleaf magnolia	B
<i>Metasequoia glyptostroboides</i>	Dawn redwood	P, B, S, WS
<i>Morus rubra</i>	Red Mulberry*	
<i>Nyssa sylvatica</i>	Blackgum	P, B, RF, WS, T
<i>Quercus robur, 'fastigiata'</i>	English oak	P, S, B, SL
<i>Taxodium distichum</i>	Bald cypress*	B, S, RF, WS
Small deciduous trees		
<i>Amelanchier arborea</i>	Downy serviceberry*	B, RF, PS, SH, W, I
<i>Amelanchier laevis</i>	Alleghany serviceberry*	B, PS, SH, W, I
<i>Carpinus caroliniana</i>	American hornbeam*	B, RF, WS, SH
<i>Cercis canadensis</i>	Eastern Redbud*	B, S, RF, U, SL, DR, PS, SH
<i>Cornus florida</i>	Flowering Dogwood*	B, RF, S, U, SH, D
<i>Cornus kousa</i>	Kousa dogwood	B, S, U
<i>Koelreuteria paniculata</i>	Goldenraintree	B, S, U, SL, DR
<i>Lagerstroemia indica</i>	Crepe myrtle	P, B, S, U, SL
<i>Magnolia soulangeana</i>	Saucer magnolia	B, S, U, AP
<i>Malus spp., improved varieties</i>	Crabapples*	B, S, U, DR, D, I, F
<i>Ostrya virginiana</i>	Eastern Hophornbeam, Ironwood*	B, T
<i>Prunus sargentii</i>	Sargent's cherry	P, B, S, U
Compact deciduous trees		
<i>Acer palmatum</i>	Japanese maple	B, S, U, PS, SH
<i>Chionanthus virginicus</i>	Fringetree*	B, RF, U, PS
<i>Magnolia stellata</i>	Star magnolia	B, S, U, AP
<i>Oxydendron arboretum</i>	Sourwood*	B, S, RF, T

<i>Prunus cerasifera</i>	Flowering plum	B, S, U
<i>Sassafras albidum</i>	Sassafras*	B, RF, T
<i>Stewartia koreana</i>	Korean Stewartia	B, U
<i>Stewartia ovata</i>	Mountain Stewartia*	B, U
<i>Stewartia pseudocamellia</i>	Japanese Stewartia	B, U
<i>Styrax japonicum</i>	Japanese snowbell	B, U, PS
Evergreen trees (recommended for general use)		
<i>Cedrus atlantica</i>	Atlas cedar	B
<i>Chamaecyparis spp.</i>	Chamaecyparis	B, U
<i>Ilex aquifolium</i> cultivars	English holly	B, U
<i>Ilex opaca</i> cultivars	American holly*	B, RF, U, WS, DR
<i>Juniperus virginiana</i>	Red cedar*	B, RF, U, WS, DR
<i>Magnolia virginiana</i>	Sweetbay magnolia*	B, RF, I, WS, not reliably evergreen in Northern Virginia
<i>Magnolia grandiflora</i>	Southern magnolia	B
<i>Picea abies</i>	Norway spruce	B
<i>Pinus nigra</i>	Austrian pine	B
<i>Pinus thunbergii</i>	Japanese pine	B
<i>Pinus virginiana</i>	Virginia pine*	RF
<i>Thuja spp.</i>	Arborvitae	B, WS
Trees (not acceptable for general use)		
<i>Acer negundo</i>	Box elder*	D, I, W, R
<i>Acer platanoides</i>	Norway maple	R, INVASIVE and brittle in storms
<i>Acer pseudoplatanus</i>	Sycamore maple	D, W
<i>Acer saccharinum</i>	Silver maple*	D, I, W, R, can be brittle in storms
<i>Ailanthus altissima</i>	Tree of Heaven	W, HIGHLY INVASIVE
<i>Albizzia julibrissin</i>	Minosa	D, W, INVASIVE, susceptible to disease
<i>Betula papyrifera</i>	Paper birch	D, I
<i>Betula pendula</i>	European white birch	D, I, W, highly susceptible to birch borer
<i>Ginkgo biloba</i>	Female ginkgo	I
<i>Gleditsia triacanthos</i>	Thorny honeylocust*	I, THORNS
<i>Maclura pomifera</i>	Osage orange	F, THORNS
<i>Morus spp.</i>	Mulberry	W, F, INVASIVE
<i>Populus spp.</i>	Poplar	D, W, R
<i>Salix spp.</i>	Willows	W, R

<i>Sorbus spp.</i>	Mountain ash	D, I
<i>Pawlonia tomentosa</i>	Empress tree	W, F, INVASIVE
<i>Pinus strobes</i>	White pine	D, W, AP
<i>Ulmus Americana</i>	American elm	D, I
<i>Ulmus pumila</i>	Siberian elm	W
<i>Cupessocyparis leylandi</i>	Leyland Cyprus	D
<i>Pyrus calleryana</i>	Ornamental Pear: 'Aristocrat' 'Redspire' 'Whitehouse' 'Chanitclarie' 'Cleveland Select' 'Capital'	P, B, S, SL, DR, W, INVASIVE, weak wood
Shrubs (not acceptable for general use)		
<i>Berberis thunbergii</i>	Japanese barberry	INVASIVE, associated with deer ticks
<i>Eleagnus ubellatus</i>	Autumn olive	Invasive
<i>Euonymous</i>		Susceptible to scale, some species invasive
<i>Pyracantha spp.</i>	Pyracantha	INVASIVE
<i>Viburnum plicatum</i>	Doublefile viburnum	INVASIVE

Table 6-9. Plant Selection Guide For Stormwater Management Facilities

Botanical Name/Common Name	Wildlife Values	Wetland Status	Flood Tolerant	Comment
Large deciduous trees				
<i>Acer rubrum/red maple</i>	High	FAC	Yes	Rapid growth
<i>Celtis laevagata/hackberry</i>		FACW		
<i>Fagus grandiflora/American beech loam</i>	High	FACU	No	Prefers shade; well-drained
<i>Liquidambar styraciflua/sweetgum</i>	Moderate	FAC	Yes	Tolerates acid or clay soils
<i>Liriodendron tulipifera/tulip tree</i>	Moderate		No	Rapid growth
<i>Platanus occidentalis/sycamore</i>	Low	FACW	Yes	Rapid growth
<i>Populus deltoids/eastern cottonwood</i>		FACW		Rapid growth
<i>Quercus bicolor/swamp white oak</i>	High	OBL	Yes	
<i>Quercus falcate/southern red oak</i>	High	FACW	Yes	
<i>Quercus michauxii/swamp chestnut oak</i>	High	FACW	Yes	
<i>Quercus palustris/pin oak</i>	High	FACW		
<i>Quercus phellos/willow oak</i>	High	FACW	No	
Medium deciduous trees				
<i>Asimina triloba/paw paw</i>		FACU+		
<i>Betula nigra/river birch</i>	Low	FACW	Yes	Stream bank stabilizer
<i>Carpinus caroliniana/American hornbeam</i>		FACU		

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<i>Carya cordiformis</i> /bitternut hickory	High	FACU+		
<i>Carya ovata</i> /shagbark hickory	High	FACU-		
<i>Diospyros Virginiana</i>/persimmon	Moderate	FAC-	No	Needs full sun
<i>Metasequoia glyptostobodies</i>/dawn redwood				
<i>Nyssa sylvatica</i> /Blackgum	High	FAC	Yes	
<i>Salix alba</i>/white willow		FACW	Yes	
<i>Salix babylonica</i>/weeping willow		FACW-	Yes	
<i>Salix nigra</i> /black willow	Low	FACU+	Yes	Streambanks
<i>Taxodium distichum</i>/bald cypress	Moderate	FACW+	Yes	Prefers sun
Small deciduous trees				
<i>Alnus glutinosa</i>/black alder		FACW	Yes	Rapid growth; Streambanks
<i>Alnus serrulata</i>/common alder		OBL		
<i>Amelanchier spp.</i> /serviceberry	High	FAC	Yes	
<i>Chionanthus Virginicus</i> /fringe tree		FAC+		
<i>Crataegus spp.</i> /hawthorns	High	FACU		
<i>Magnolia Virginiana</i>/sweetbay magnolia	Low	FACW+		Prefers some shade
<i>Prunus serotina</i> /black cherry	High	FACU		
<i>Prunus Virginiana</i> /Common chokecherry	High	FACU	No	
<i>Sorbus aucuparia</i> /European Mountain ash		FACU		
Evergreen trees				
<i>Chaemacyparis spp.</i>	Cover	OBL	No	
<i>Cryptomeria japonica</i>				
<i>Ilex opaca</i> /holly, American	Food	FAC	Infrequent	Plant 1 male, 10 female
<i>Juniperus Virginiana</i> /eastern red cedar	Food	FACU	No	
<i>Magnolia Virginiana</i> /swamp magnolia or sweetbay	Low	FACU+	Yes	Semievergreen
<i>Pinus Virginiana</i> /Virginia pine	High	FAC-	Some	
<i>Thuja occidentalis</i> /eastern arborvitae	Cover	FACW	No	
Deciduous shrubs				
<i>Aronia arbutifolia</i> /red chokeberry*	Moderate	FACW	Yes	
<i>Aronia melanocarpa</i> /black chokeberry*		FAC		
<i>Calycanthus Floridus</i>/sweet shrub				
<i>Cephalanthus occidentalis</i> /buttonbush*	High	OBL	Yes	
<i>Clethra alnifolia</i>/sweet pepperbush*		FAC+	Yes	
<i>Cornus amomum</i>/silky dogwood*	Moderate	FACW	Yes	Shade, drought tolerant
<i>Cornus stolonifera</i> /red osier dogwood	Moderate	FACW+	Yes	Shade tolerant
<i>Crataegus spp.</i> /hawthorns	Moderate	FACU	No	

<i>Gaylussacia</i> spp./huckleberries	High	FAC		
<i>Hammamelis virginiana</i> /witch hazel	Low	FAC-	No	
<i>Ilex laevegata</i> /smooth winterberry	Moderate	OBL	No	
<i>Ilex verticillata</i> /common winterberry	High	FACW		
<i>Lindera benzoin</i> /spice bush	Moderate	FACW	No	
<i>Myrica pennsylvanica</i>/northern bayberry	High	FAC		
<i>Prunus virginiana</i> /common chokecherry	High	FACU	No	
<i>Rhododendron maximal</i>/rosebay rhododendron		FAC		
<i>Rhododendron viscosum</i> /swamp azalea	Low	OBL	Yes	
<i>Rhus typhina</i> /staghorn sumac	Moderate			
<i>Rosa rugosa</i> /rugosa rose	High	FACU-		
<i>Rubus hispida</i> /bristly hispidoides				
<i>Rubus</i> /Blackberry—BOG	High	FACW		
<i>Sambucus Canadensis</i>/American elder	High	FACW-	Yes	
<i>Salix purpurea</i> 'streamco'/purpleosier willow	Moderate	FACW		Stream-stabilizer
<i>Spiraea tomentosa</i>/steepleshub		FACW		
<i>Vaccinium corymbosum</i> /highbush blueberry	High	FACW-		
<i>Viburnum opulus</i> /European cranberrybush				
<i>Viburnum prunifolium</i> /Black haw	High	FACU		
<i>Viburnum dentatum</i> /Arrowwood	High			
Broadleaf evergreen shrubs				
<i>Euonymus americanus</i>/strawberry-bush, American	Moderate	FAC	No	
<i>Ilex glabra</i> /inkberry	Moderate	FACW-	Yes	
<i>Kalmia augustifolia</i> /sheep laurel		FAC	No	
<i>Kalmia latifolia</i> /mountain laurel	Low	FACU	No	Tolerates acid soils
Woody vines				
<i>Campsis radicans</i>/trumpet vine		FAC	No	Rampant
<i>Celastris scandens</i>/American bittersweet	Low	FACU-	No	American bittersweet only, Oriental bittersweet is highly invasive
<i>Clematis Virginia</i> /virgin's Bower	Low		No	
<i>Parthenocissus quinquefolia</i> /Virginia creeper		FACU		Berries are poisonous to some and leaves may cause skin irritation
<i>Rubus hispidus</i>/swamp dewberry	High	FACW	No	

Attachment 1

<i>Vitis riparia</i> /riverbank grape	High	FACW	No	
<i>Vitis vulpina</i> /winter grape	High	FAC	No	
<i>Acorus calamus</i> /sweet flag	Low	OBL	Yes	Emergent
<i>Cephalanthus occidentalis</i> /buttonbush	High	OBL	Yes	Emergent
<i>Ceratophyllum demersum</i> /coontail	Low	OBL	Yes	Emergent
<i>Cyperus spp.</i> /sedges	Moderate	Varies	Yes	Emergent
<i>Hibiscus moscheutos</i> /marsh hibiscus	Low	OBL	Yes	Emergent
<i>Iris pseudoacorus</i> /water iris	Low	OBL	Yes	Emergent
<i>Leersia oryzoides</i> /rice cutgrass	Moderate	OBL	Yes	Emergent
<i>Nasturtium officinale</i>/watercress	Moderate	OBL	Yes	Emergent
<i>Nuphar luteum</i> /spatterdock	Moderate	OBL	Yes	Emergent
<i>Peltandra virginica</i> /arrow arum/duck corn	Wood ducks	OBL	Yes	Emergent
<i>Polygonum spp.</i>/smartweed	High	Varies	Yes	Emergent
<i>Pontederia cordata</i> /pickerelweed	Low	OBL	Yes	Emergent
<i>Potamogeton spp.</i>/pond weed	High	OBL	Yes	Emergent
<i>Sagittaria latifolia</i> /arrowhead/duck potato	Moderate	OBL	Yes	Emergent
<i>Saururus cernuus</i>/lizard's tail	Low	OBL	Yes	Emergent
<i>Scirpus Americanus</i> /common three-square	High	OBL	Yes	Emergent
<i>Scirpus validus</i>/soft-stem bulrush	Moderate	OBL	Yes	Emergent
<i>Viburnum trilobum</i> /highbush cranberry	Moderate	FACW	Yes	

(Ord. of 9-21-2006, § 6-11; Ord. No. 2014-10-0002, 10-9-2014)

Tree Preservation and Tree Canopy Fund. Pro-rata Tree Canopy Cost.

Large deciduous tree: \$1,000
Medium/small deciduous tree: \$800
Evergreen tree: \$800