

Town of Lovettsville

Minutes of the Planning Commission Regular Meeting and Public Hearings September 3, 2014

Call to Order/Welcome

Chairman Joseph Mueller called the Regular Meeting of the Lovettsville Planning Commission to order at 7:30 p.m. on September 3, 2014 at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA.

Present at Meeting

- Chairman Joseph Mueller
- Vice Chair Robert Gentile (arrived at 7:57 p.m.)
- Commission Thomas Ciolkosz
- Commissioner Frank McDonough
- Commissioner Dorri O'Brien (arrived at 7:47 p.m.)
- Commissioner Anthony Quintana

Absent

- Commissioner Lorraine Bauer

Staff Present

- Town Manager Keith Markel
- Town Clerk Harriet West

Public Comment

Chairman Mueller called for comments from the public. There were none.

Additions/Deletions/Modifications to the Agenda

Chairman Mueller asked if there were any changes to the agenda. Hearing none, Chairman Mueller added an item to discuss attendance at Town Council meetings. Manager Markel asked to add an item to discuss the R-3 Residential District.

Approval of Planning Commission Minutes

No minutes were presented.

Staff Reports

There was no staff report.

Action/Discussion Items

A. Planning Commission Text Amendment – Public Hearing

Chairman Mueller closed the Regular Meeting at 7:36 p.m. and opened the Public Hearing for LVZA 2014-0002: Amendment to Modify Composition of the Planning Commission. He then read the Notice of Public Hearing (Attachment 1).

Manager Markel presented this item. The Planning Commission is being asked to hold a public hearing to receive comments on amending Section 42-28 of the Zoning Ordinance in regard to the membership of the Planning Commission. Section 42-28 of the Zoning Ordinance states that, "A member of the Town Council shall serve as a nonvoting member of the Planning Commission." Staff recommends amending this section to change "shall" to "may." This change would provide the option of having a Town Council member on the Planning Commission but not make it a requirement. Manager Markel said this would

give the Planning Commission the opportunity to deliberate independent of the Town Council. In response to a question from Chairman Mueller, Manager Markel noted that there has not been a Town Council member on the Planning Commission since 2008.

Chairman Mueller called for comments from the public. Hearing none, he called for a motion.

Motion: I move that the Lovettsville Planning Commission recommend that the Lovettsville Town Council amend Section 42-28 of the Zoning Ordinance, as attached, to remove the requirement that a Town Council member serve as a non-voting member of the Planning Commission (Attachment 2).
By: Commissioner McDonough
Second: Commissioner Quintana
Aye: Commissioner Ciolkosz, McDonough, Mueller, and Quintana
Nay: None
Abstain: None
Absent: Commissioner Bauer, Gentile, and O'Brien

Chairman Mueller closed the Public Hearing at 7:43 p.m.

B. Landscape Ordinance Text Amendment – Public Hearing

Chairman Mueller opened the Public Hearing for LVZA 2014-0001: Amendments to Landscaping Requirements at 7:43 p.m. He then read the Notice of Public Hearing (Attachment 1).

Manager Markel presented this item. The Planning Commission is being asked to hold a public hearing to amending "Article X: Landscape, Buffering and Screening" of the Town Code to adopt the recommendations of the Parks and Environment Board.

Staff has been working with the Loudoun County Tree Stewards who reviewed "Article X: Landscape, Buffering, and Screening" of the Zoning Ordinance and made a number of recommendations. Manager Markel noted that the suggested modifications include grammatical changes, different terminology, an updated list of recommended plant species, and provisions for waiving or modifying the landscaping requirements. He added that the recommendations also include authorizing the Planning Commission to make certain modifications to landscaping requirements, rather than the Town Council.

Following discussion, Chairman Mueller called for comments from the public. Hearing none, he called for a motion.

Motion: I move that the Planning Commission recommend that the Town Council amend "Article X: Landscape, Buffering and Screening" as attached (Attachment 3).
By: Commissioner Quintana
Second: Commissioner O'Brien
Aye: Commissioners Ciolkosz, McDonough, Mueller, O'Brien, and Quintana
Nay: None
Abstain: None
Absent: Commissioners Bauer and Gentile

Chairman Mueller closed the Public Hearing and opened the Regular Meeting at 7:52 p.m.

C. Town Council Liaison Meeting

The Commissioners agreed to the following assignments for attending Town Council meetings to give an update on Planning Commission activities:

September 11 – Commissioner Quintana
October 9 – Commissioner Ciolkosz
October 23 – Commissioner O'Brien

November 6 – Vice Chair Gentile

Commissioner McDonough recommended bringing a friend to the Town Council meetings so residents can observe how local government works.

Chairman Mueller suggested using the Planning Commission agenda as the basis for updating the Mayor and Town Council.

D. R-3 Zoning District

Manager Markel said that he would like to schedule a work session on September 17, 2014 regarding proposed changes to the R-3 Residential District to allow for more flexibility in housing types if that was agreeable to the Commissioners. There were no objections.

Information Items

A. Update on Hiring Process of New Zoning Administrator/Planner

Manager Markel announced that the new Zoning Administrator, Joshua Bateman, will begin on Monday, September 8, 2014. He noted that Mr. Bateman has lots of local government experience in Virginia.

Manager Markel announced he has accepted a position with the Town of Leesburg and will leaving at the end of September. Sam Fins will be serving as the Interim Town Manager during the transition period.

Comments from the Mayor and Commissioners

Councilman McIntyre gave the following report on behalf of Mayor Zoldos:

- He thanked the Commissioners for their input during the Town Center joint work session last night.
- The Town Council voted to move forward with the information sign.
- Patriot Day is September 11 and Movie on the Green is September 12.
- Oktoberfest is at the end of September. Volunteers are needed to serve in one-hour increments. Commissioner Ciolkosz noted that still have room for vendors and sponsors.
- He thanked Manager Markel for his service and noted how much they would miss him.

Commissioner McDonough introduced a member of Leesburg Planning Commission who he attended the Planning Commissioner training with.

Adjournment

There being no further business before the Planning Commission the meeting was adjourned at 8:09 p.m.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: January 21, 2015

Attachments:

1. Notice of Public Hearing, September 3, 2014
2. Proposed Text Amendment to Section 42-28
3. Draft Text Modifications to Article X: Landscape, Buffering and Screening

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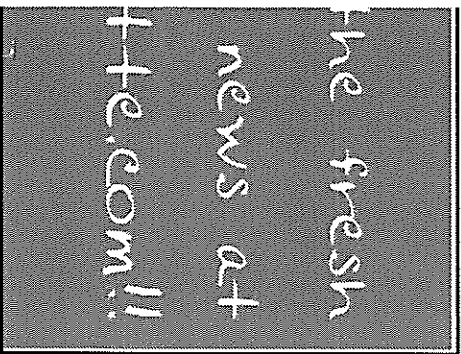
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Public Hearing/Legal Notices

Notice of Public Hearing Lovettsville Planning Commission

The Lovettsville Planning Commission will hold a public hearing on the following items at their meeting on September 3, 2014 at 7:30pm at the Lovettsville Town Hall, 6 East Pennsylvania Avenue:

LVZA-2014-0001 Amendments to Landscaping Requirements

To amend Article X of the Lovettsville Town Code to modify landscaping requirements. Modifications include correcting inaccurate tree and shrub names and to remove invasive and undesirable planting material from the list of approved items.

LVZA-2014-0002 Amendment to Modify the Composition of the Planning Commission

To amend Section 42-28 of the Lovettsville Town Code to make it optional that a Town Council member serve as a non-voting member of the Planning Commission.

The items being considered are available for review at the Town Hall between the hours of 8:30am and 4:30pm weekdays or by special appointment, holidays excepted. Call 540-822-5788 for more information or visit www.lovettsvilleva.gov. In the event the meeting is cancelled due to inclement weather, the public hearing will be convened on the next regular scheduled meeting at the same time and place.

August 22, 2014

Proposed Text Amendment to Section 42-28

Sec. 42-28. Planning commission.

- (b) A member of the town council shall may serve as a nonvoting member of the planning commission. The term of this member shall the same as the term of office to which he has been elected or appointed, unless the town council, at the first regular meeting each year, appoints another councilmember to serve as its representative. Vacancies shall be filled by appointment for the unexpired term only. Members may be removed for malfeasance in office.

Draft Text Modifications to
Article X: Landscape, Buffering and Screening
(As proposed by the Loudoun Master Gardeners/Tree Stewards)

Sec. 42-360. Applicability.

- (a) This article shall apply to all site plans and subdivision applications, approved after the effective date of the ordinance from which this chapter is derived, including those which include:
 - (1) The reconstruction and enlargement of existing structures, constituting 50 percent of the floor area; or
 - (2) The existing structure.
- (b) This article shall apply to the expansion of any parking lot with five or more parking spaces.
- (c) This article shall apply to the construction of any parking lot containing more than five spaces and the construction, widening, or extension of any public street.

(Ord. of 9-21-2006, § 6-1)

Sec. 42-361. Purpose and intent.

The purpose of this article is to facilitate the creation of a convenient, attractive and harmonious community to preserve the character of the town and to preserve and promote the health, safety and general welfare of the public.

(Ord. of 9-21-2006, § 6-2)

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. The town may choose to relax, waive or modify the requirements for landscaping required by this article based upon a review of the landscaping plan by the zoning administrator and where such conditions are deemed to warrant such a change. The planning commission shall act upon the zoning administrator's recommendation.
- (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.

(Ord. of 9-21-2006, § 6-3)

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 feet of frontage, plus three shrubs for every 50 feet of frontage. A minimum of 75 percent of the trees provided shall be canopy trees, except when overhead utility lines may prohibit the planting of such trees.
- (c) Parking lots adjacent to lands not in the right-of-way of a street shall provide a continuous landscape area five feet in width, located between the parking area and the property line. The landscape area shall be planted at a rate of one tree for every 50 feet of frontage, plus three shrubs for every 50 feet of frontage. A minimum of 75 percent of the trees provided shall be canopy trees.
- (d) All parking lots with ten spaces or more shall provide interior parking lot landscaping. Such landscaping shall be in addition to any planting or landscaping within six feet of a building, required perimeter landscaping and required screening. A minimum landscape area of five 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 feet. Trees shall be provided at the rate of one tree for every ten parking spaces, with a minimum of one 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)

Sec. 42-364. Buffering and screening.

- (a) Certain uses, when adjoining each other, are incompatible and create conflict whichthat 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 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:

Table 6-1. Minimum Buffer Area Required

Proposed Use/Development	Residential			Institutional (schools and churches)	Office	Retail and Commercial	Industrial
Residential							
Single-family detached		B	B	B	B	C	C
Single-family attached	B		B	B	B	C	C
Multifamily	B	B		B	B	C	C
Institutional							
Schools and churches	B	B	B		B	C	C
Office	B	B	B	B		C	C
Retail/commercial	C	C	C	C	C		C
Industrial	C	C	C	C	C	C	

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

Type	Width (in feet)	Required Planting			
		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 buffer area may be reduced by five 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-foot tall opaque fence (board-on-board) or architectural block wall may be substituted for one third of the required buffer yard and the plant material reduced accordingly as long as 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.)

- (h) All loading areas, dumpsters, maintenance areas and equipment and similar areas are to be screened from view from all public streets and adjoining properties.

(Ord. of 9-21-2006, § 6-5)

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 four-inch caliper, in healthy condition and be protected from all construction activity.
- (c) Where the strict application of the minimum tree canopy requirements would result in an unnecessary or unreasonable hardship for the property owner, the planning commission council may impose conditions to any modification which would ensure that the results created by the modification are in accordance with the purpose and intent of this section.

(Ord. of 9-21-2006, § 6-6)

Sec. 42-366. Street trees.

- (a) Canopy and understory trees shall be provided adjacent to right-of-way in a manner that will enhance streets throughout the town.
- (b) One tree shall be planted for every 40 feet of street frontage. The majority of street trees shall be medium or large scale canopy trees to provide shade and visual relief except when overhead utility lines prohibit such trees.

(Ord. of 9-21-2006, § 6-7)

Sec. 42-367. Minimum specification for plant materials.

- (a) All plants shall be well branched and well formed, sound, vigorous, healthy, ~~and~~ 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: 2½-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)

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 6-78, in ~~subsection (b)(2) of this section~~ section 42-370. Table 6-7 provides ~~The following is~~ an explanation of the ~~columns and~~ codes contained ~~therein for tree categories/tree canopy coverage: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 2½	200	130
	3 to 3½	250	130
Medium deciduous tree	2 to 2½	150	90
	3 to 3½	175	90
Small deciduous tree	2 to 2½	100	50
	3 to 3½	125	50
Compact deciduous tree	2 to 2½	50	30
	3 to 3½	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 (table 6-7).

(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_sis 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 [which 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 [which 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 ~~which~~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 (CS) 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 1, 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. *Faculative wetland (FACW).* Faculative wetland usually occur in wetland (estimated probability 34 percent to 67 percent), but occasionally found in non-wetland-areas.
 - c. *Faculative upland (FAUP).* Usually occur in nonwetlands (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 nonwetlands 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)

Sec. 42-369. Approval of alternatives.

- (a) The counciltown recognizes that the landscaping, buffering and screening requirements of this article cannot address every situation because of the wide variety of potential developments and the relationships between them. Subject to a recommendation of the zoning administrator, the planning commission may approve alternate proposals that deviate from the requirements of this section whenever it concludes that the proposal meets or exceeds the standards of this article.
- (b) Whenever the planning commission allows or requires a deviation from the requirements of this article, the alternate standards shall be noted on the zoning permit along with the reasons for allowing or requiring the deviation.

(Ord. of 9-21-2006, § 6-10)

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 maintenance, repair and replacement of all landscape materials, fences and walls required by this section.
- (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 the administrator, repair or replace any landscape materials, fencing or walls not meeting the requirements of this chapter within 30 days.

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>Fraxinus Americana</i>	White ash, 'autumn purple'	B, S, RF, IS, WS
<i>Fraxinus pennsylvanica</i>	Green ash, 'Marshall's seedless,' 'patmore,' 'summit'	P, B, RZ, SL, IS, WS, D, I, W, P, B, S, RF, RZ, SL, WS, D, P, B, S, RF, SL, WS, D
<i>Ginkgo biloba</i>	Male ginkgo, 'Princeton sentry'	S, B, AP, DR, F, (<u>Ffemale only</u>)
<i>Juglans nigra</i>	Black walnut	B, RF, WS
<i>Liquidamber 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>Phellodendron amursense</i>	Corktree	<u>P, B, AP, DR</u>
<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 accutissima</i> <u><i>Quercus alba</i></u>	Sawtooth <u>White oak*</u>	P, 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, 'greenspie'	P, B, S
Ulmus hollandica	Groenvelde elm	B, S
Ulmus parviflora-parvifolia	Chinese elm	B, S
<i>Zelkova cultivars</i>	Zelkova	P, B, S
Medium deciduous trees		
Acer <i>campestre</i>	Hedge maple	B, S, U, AP, DR
Acer <i>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</i> , 'fastigata'	European hornbeam	B, P, S, SL, AP
<i>Carya ovata</i>	Shagbark hickory*	B, RF
<i>Cercidiphyllum japonicum</i>	Katsura tree	B, S
Cladastris luteakentukea	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
Morus albarubra	Red Mulberry*	RF, F
<i>Nyssa sylvatica</i>	Blackgum	P, B, RF, WS, T
<i>Quercus robur</i> , 'fastigiata'	English oak	P, S, B, SL
<i>Taxodium distichum</i>	Bald cypress*	B, S, RF, WS
Small deciduous trees		
<i>Amelanchier arborea</i>	Downey 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 candensis</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
Koelreuteria <i>Koelreuteria paniculata</i>	Goldenrain-tree	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</i> spp., improved varieties	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
Pyrus calleryana	Ornamental pear, 'aristocrat', 'redspire', 'whitehouse', 'chanitclarie',	P, B, S, SL, DR, W

	Cleveland select, 'capital'	
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 snowball	B, U, PS
Evergreen trees (recommended for general use)		
<i>Cedrus atlantica</i>	Atlas cedar	B
<i>Chamaecyparis spp.</i>	Chamaecyparis	B, U
Cupressocyparis leylandii	Leyland-cyprus	B, U
<i>Ilex aquifolium cultivars</i>	English holly	B, U
<i>Ilex opaca cultivars</i>	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 granifloragrandiflora</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>Albizia julibrissin</i>	Mimosas	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
Crataegus phasnopyrum	Washington hawthorn	†
<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>Pauwlonia tomentosa</i>	Empress tree	W, F, INVASIVE
<i>Pinus strobes</i>	White pine	D, W, AP
Prunus serotina	Black cherry	D,†
<i>Ulmus Americana</i>	American elm	D, I
<i>Ulmus pumila</i>	Siberian elm	W
Cupessocypris leylandi	Leyland Cyprus	D
Pyrus calleryana	Ornamental Pear: 'Aristocrat' 'Redspire' 'Whitehouse' 'Chanitclarie' 'Cleveland Select' 'Capital'	P, B, S, SL, DR, W, INVASIVE, weak wood
Shrubs (not acceptable for general use)		
Azalea spp. and cultivars Berberis thunbergii	Japanese azalea barberry	D, †INVASIVE, associated with deer ticks
<i>Eleagnus ubellatus</i>	Autumn olive	Invasive
Kalmia latifolia Euonymous	Mountain laurel	Susceptible to scale, some species invasive
<i>Pieris japonica</i>	Andromeda	†
<i>Pyracantha spp.</i>	Pyracantha	†INVASIVE
Rhododendron spp. and cultivars Viburnum plicatum	Rhododendron Doublefile viburnum	D, †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</i> /red maple	High	FAC	Yes	Rapid growth
<i>Celtis laevagata</i> /hackberry		FACW		

<i>Fagus grandiflora</i> American beech loam	High	FACU	No	Prefers shade; well-drained
<i>Fraxinus pennsylvanica</i> /green ash	Moderate	FACW	Yes	Stream stabilizer
<i>Fraxinus nigra</i> /black ash	Moderate	FACW	Yes	Stream stabilizer
<i>Juglans nigra</i> black walnut	High	FACU		
<i>Larix laricina</i>	Low		Yes	Conifer; full sun; boggy soil
<i>Liquidambar styraciflua</i> /sweetgum	Moderate	FAC	Yes	Tolerates acid or clay soils
<i>Liriodendron tulipifera</i> tulip tree	Moderate		No	Rapid growth
<i>Platanus occidentalis</i> sycamore	Low	FACW	Yes	Rapid growth
<i>Populus deltoides</i> eastern cottonwood		FACW		Rapid growth
<i>Quercus bicolor</i> swamp white oak	High	OBL	Yes	
<i>Quercus falcata</i> southern red oak	High	FACW	Yes	
<i>Quercus michauxii</i> swamp chestnut oak	High	FACW	Yes	
<i>Quercus palustris</i> /pin oak	High	FACW		
<i>Quercus phellos</i> /willow oak	High	FACW	No	
Medium deciduous trees				
<i>Asimina triloba</i> /paw paw		FACU+		
<i>Betula nigra</i> /river birch	Low	FACW	Yes	Stream bank stabilizer
<i>Carpinus caroliniana</i> American hornbeam		FACU		
<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 glyptostroboides</i> dawn redwood				
<i>Nyssa sylvatica</i> /black-gum	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	FACW+	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 canadensis</i> spp./serviceberry	High	FAC	Yes	Prefers shade, Understory
<i>Chionanthus Virginicus</i> /fringe tree		FAC+		
<i>Crataegus</i> spp./hawthorns	High	FACU		
<i>Magnolia Virginiana</i> /sweetbay magnolia	Low	FACW+	Yes	Prefers some shade
<i>Morus alba</i> /white mulberry	Moderate	FACU		
<i>Prunus serotinal</i> black cherry	High	FACU		
<i>Prunus Virginiaiana</i> purple chokecherry Common chokecherry	High	FACU	No	
<i>Sorbus aucuparia</i> /European mountain-ash		FACU		
Evergreen trees				
<i>Chaemacyparis</i> spp.	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>Berberis thunbergii</i> Japanese barberry		FACU	No	Thorny
<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</i> spp./hawthorns	Moderate	FACU	No	
<i>Euonymus</i>	High	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> / purplecommon chokecherry	High	FACU	No	
<i>Rhododendron maxima</i> /rosebay rohdendron		FAC		
<i>Rhododendron viscosum</i> /swamp azalea	Low	OBL	Yes	
<i>Rhus typhinal</i> / staghorn sumac	Moderate			
<i>Rosa palustris</i> /swamp rose		OBL		
<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 'streamco'</i> /purple- osier willow	Moderate	FACW		Stream stabilizer
<i>Spiraea tormentosa</i> / steeple-bush		FACW		
<i>Vaccinium corymbosum</i> /highbush blueberry	High	FACW-		
<i>Viburnum</i> spp.	Moderate	FACW		
<i>Viburnum</i> , many more		FAC		
<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> /sheet 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	RampantAmerican bittersweet only. Oriental bittersweet is highly invasive
<i>Clematis Virginiana</i> /virgin's leverBower	Low		No	
<i>Parthenocissus quinquefolia</i> /Virginia creeper <i>trianspiolata</i>		FACU		Berries are poisonous to some and leaves may cause skin irritation
<i>Rubus hispidus</i> /swamp dewberry	High	FACW	No	
<i>Vitis riparia</i> /riverbank grape	High	FACW	No	
<i>Vitis vulpina</i> /winter grape	High	FAC	No	
Emergent and aquatic plants				
<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	Perimeter
<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	Submergent
<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 recognitum</i>, 'Fernald'/smooth arrowhead		FACW-		
<i>Viburnum trilobum</i> /highbush cranberry	Moderate	FACW	yes	