



TOWN COUNCIL WORK SESSION
Monday, August 9, 2021 @ 7:00pm
Town Hall Conference Room

1. Infrastructure Improvement Projects Presentation – *Robbie Boyer (10 minutes)*
2. Special Use Permit for Bed & Breakfast for Philip Vaught at 124 Luray Avenue – *Chris Brock*
3. Ordinance Amendment to Chapter 175 Pertaining to Bed & Breakfasts to Increase the Number of Rooms – *Chris Brock*
4. Ordinance Amendment to Chapter 175 Pertaining to Apartment Use Regulations – *Chris Brock*
5. Ordinance Amendment to Revise Chapter 156 to Environmental Sustainability Advisory Committee – *Steven Hicks*
6. Proposed Dusk to Dawn Lights Policy Criteria Presentation – *David Jenkins*
7. Proposed Ordinance Amendment to Chapter 4 Pertaining to Placing Items on an Agenda – *Mayor Holloway*
8. CLOSED MEETING – Front Royal Economic Development Authority Continued Interviews



Work Session Agenda Statement

Item # 1

Meeting Date: August 9, 2021

Agenda Item: Infrastructure Improvement Projects Presentation (10 minutes)

Summary:

This presentation will cover several different types of infrastructure improvement projects.

- Inflow & Infiltration (I&I)
- Wastewater Treatment Plant Influent Pump Replacement
- Wastewater Treatment Plant Rotary Fan Press Replacement
- Radio Read Water Meters Changeout Project (AMI)
- 522 N. Parallel Waterline Project
- Water Treatment Plant Filter Media Replacement
- N. Royal Avenue Waterline Upgrade
- E. Prospect Street Bridge Repairs
- Paving/ Curb & Gutter Projects

Budget/Funding: N/A

Staff Recommendation: Information purposes



Work Session Agenda Statement

Item # 2

Meeting Date: August 9, 2021

Agenda Item: Special Use Permit for Bed & Breakfast for Philip Vaught at 124 Luray Ave.

Summary: This agenda item is for a special use permit application submitted by Philip Vaught requesting to operate a five (5) bedroom bed and breakfast at his residence 124 Luray Avenue in the Residential District R-3. FRSPU-002655-2021

Budget/Funding: N/A

Staff Recommendation: Staff does not have a recommendation to offer.

TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING



STAFF REPORT – SPECIAL USE PERMIT APPLICATION #FRSPU-2655-2021

APPLICATION #:

FRSPU-2655-2021

APPLICANT:

Philip Vaught

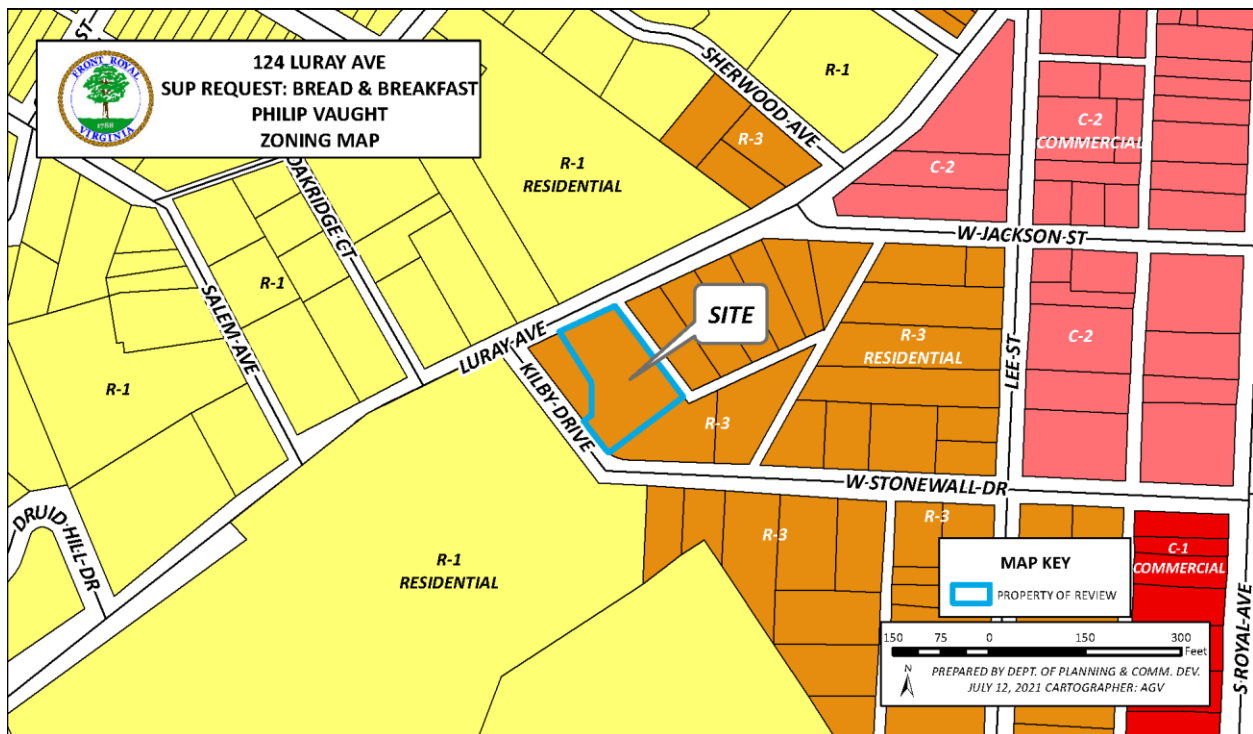
SUMMARY OF REQUEST:

The application for review proposes to use a single-family dwelling residence located at 124 Luray Avenue in the R-3 Residential District as a five (5) bedroom bed and breakfast.

GENERAL INFORMATION:

<i>Site Addresses</i>	124 Luray Ave
<i>Property Owner(s)</i>	Vaught Real Estate LLC
<i>Existing Zoning</i>	R-3 Residential District
<i>Proposed Use</i>	Bed and Breakfast, five (5) bedrooms
<i>Tax Identification</i>	20A7-4-74
<i>Location</i>	The property is located on the southeast side of Luray Avenue between W. Jackson Street to the northeast and Kilby Drive to the southwest. The property has double frontage on Luray Avenue and Kilby Drive.





INFORMATION ON THE APPLICATION:

Application Documents

A list and brief description of the attachments:

- A – Special Use permit Application
- B – Plat
- C – Letter of Intent
- D – Site Development Plan Application

ATTACHMENT A: APPLICATION

- **Application Form.** This is the standard application form used for special use permit applications in the Town.

ATTACHMENT B: PLAT

- **Plat.** A survey plat of the property showing property limits and existing improvements thereon. This survey plat suffices as the preliminary plan required by the site plan application.

ATTACHMENT C: LETTER OF INTENT

- **Letter of Intent.** The letter states: “I have been encouraged by friends and neighbors to find a way to showcase the beauty and historical significance of ‘Bon Air.’...I have decided that the best way to do so is to utilize this property as a Bed & Breakfast...Located only a few blocks from Main Street and in close proximity to the Shenandoah River and other amenities is only part of the many reasons that make this location an ideal candidate for a B & B.”

ATTACHMENT D: SITE PLAN APPLICATION

- **Site Plan Application.** This is the standard application form used for site development plan applications in the Town.

Zoning Ordinance

This special use permit application proposes to use a single-family dwelling residence located at 124 Luray Avenue in the R-3 Residential District as a five (5) bedroom bed and breakfast. The statement of intent of the R-3 residential district as set forth in the Front Royal Zoning Ordinance is as follows:

R-3 District, Zoning Ordinance Sec. 175-19.

“The R-3 Residential District is composed of medium-to-high density concentrations of residential uses. The standards for this district are designed to stabilize and protect the essential character of the area so designated and to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for families desiring

*Zoning and
Surrounding
Land Uses*

the amenities of apartment living and the convenience of being closest to shopping, employment centers and other community facilities. Development is, therefore, limited to medium- to high-density concentration, and permitted uses are limited to single-family, two-family and multifamily dwellings, plus selected additional uses, such as schools, parks, churches and certain public facilities..."

R-3 Zoning District

- Permits medium-to-high density residential uses (two-family dwellings, duplexes, townhouses, apartments)
- Permits, by special-use permit, bed and breakfasts in accordance with Town Code Chapter 175-107.2.

*Town Comp.
Plan*

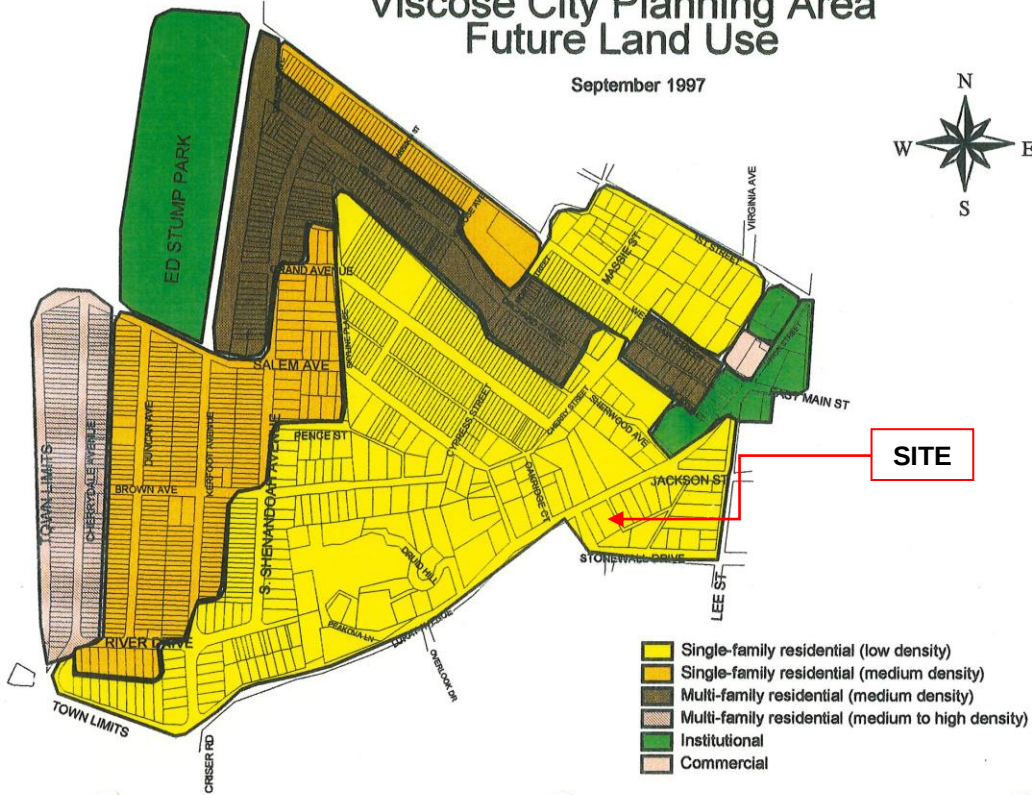
The property of review is bound by properties classified as either R-1 Residential District or R-3 Residential District. Properties adjoining the site across Luray Avenue and Kilby Drive are in the R-1 Residential District. Those properties directly abutting the site and across the alley (to the east) are zoned R-3 Residential District. Most of the adjoining properties are single-family dwellings, except for the Front Royal Presbyterian Church across Luray Avenue (to the north) and Skyline Middle School across Kilby Drive (south and west).

The property is in the Viscose City planning area, which consists of several zoning districts: small clusters of C-1, C-2, I-2; primarily R-1, R-1A, R-2, and R-3.

The Town of Front Royal Comprehensive Plan future land use chapter shows the property of review being located in the Viscose City Planning Area (see future land use map below) and shows the proposed future land use as single-family residential (low density).

Viscose City Planning Area Future Land Use

September 1997



113b

Findings and Analysis

The proposed special use permit application is to operate a five (5) bedroom bed and breakfast (B&B) in the single-family dwelling at 124 Luray Avenue. The property is zoned Residential District R-3 and is 0.51 acres. Per the zoning ordinance (Chapter 175), the Residential R-3 district is designed to provide medium-to-high density residential uses (single-family dwellings, duplexes, two-family dwellings). The proposed use (B&B) would change the use of the property as a single-family dwelling, to a dwelling with guests occupying a room at any time; however, the residential land use (single-family dwelling) is consistent with the uses of the adjoining properties across the Luray Avenue and directly abutting properties, which are primarily residential.

Review and comment below are reviewed per each regulation stated below:

175-107.2 BED AND BREAKFAST USES IN RESIDENTIAL ZONING DISTRICTS BY SPECIAL PERMIT

The following provisions shall apply to Bed and Breakfast Uses located in residential zoning districts:

- A. The minimum lot size for a Bed and Breakfast Home use shall be 1.5 acres if associated uses referenced in Subsection H are proposed on the property. The minimum lot size for a Bed & Breakfast with no associated uses is 0.5 acres. (Amended 9-27-10-Effective Upon Passage)
 - **Staff Comment:** Uses in subsection H are not permitted, because the lot size is 0.51 acres.
- B. The maximum number of guest rooms shall be six (6) for Bed & Breakfasts with a lot size of 1.5 acres or greater. The maximum number of guest rooms shall be three (3) for Bed and Breakfasts with a lot size of 0.5 acres to 1.49 acres. (Amended 9-27-10-Effective Upon Passage)
 - **Staff Comment:** The number of guests rooms permitted on the property is limited to three (3), because the lot size is 0.51 acres.
- C. No provisions shall be allowed for cooking in individual guest rooms.
 - **Staff Comment:** The applicant has not stated any intent to permit cooking in guest rooms.
- D. Parking shall be provided as follows: Two (2) spaces for residents, one (1) space per guest room and spaces for associated uses as determined by the Planning Commission. Tandem or stacked parking arrangements may be approved. Parking for associated uses must be provided on site. (Amended 9-27-10-Effective Upon Passage)
 - **Staff Comment:** The plat dated 6/17/2021 prepared by Brogan Land Surveying shows six (6) off-street parking spaces in accordance with the design standards in Town Code Chapter 148 – Article 8.

- E. The provision of the required parking and the traffic created due to this use shall not adversely impact any adjacent residential uses.
- **Staff Comment:** All parking is off-street and does not block any ingress/egress, public or private right-of-way, etc. as shown on the plat. Further, the driveway off Luray Avenue is limited to one-way entrance and exit and access to the property is also available from the sixteen (16) foot-wide alley.
- F. The exterior appearance of the structure shall not be altered from its single-family character.
- **Staff Comment:** No applications have been made to alter, change, renovate the exterior of the property and or buildings/structures thereon. The property is within the Front Royal Historic District, exterior changes may require review and approval by Town Staff and/or the Board of Architectural Review – separate from this application.
- G. Adequate landscaping, distancing and/or restriction of hours of operation shall be provided to buffer the adjacent residential uses from any noise or light generated by this use that is either uncharacteristic of residential neighborhoods or takes place at times uncharacteristic to residential neighborhoods.
- **Staff Comment:** No landscaping, distancing, or restriction of hours has been proposed by the applicant. The property is subject to the regulations set forth in Town Code Chapter 106 “Noise”.
- H. Associated uses are allowable and may include but not be limited to catered events such as receptions and dinner parties, provided that such associated uses do not adversely impact any adjacent residential uses.
- **Staff Comment:** Uses in this subsection are not permitted, because the lot size is 0.51 acres – see staff comment in subsection A.
- I. The owner must reside on premise. (Added 9-27-10-Effective Upon Passage)
- **Staff Comment:** The applicant has stated he intends to reside on the premise per the letter of intent.
- J. Applicable provisions of the Uniform Statewide Building Code and all other laws, regulations, inspections, and licenses must be met. (Added 9-27-10-Effective Upon Passage)
- **Staff Comment:** The applicant is required to meet the above when he submits a change of use application to Warren County Building Inspections, which is responsible for those inspections prior to issuing approval for that use.
- K. Each Bed and Breakfast shall be allowed one (1) on premise sign no larger than two feet by two feet (2’ x 2’). (Added 9-27-10-Effective Upon Passage)

- **Staff Comment:** The applicant has not submitted any renderings for a sign for the site.
- L. The owner must submit a plat of the property showing the existing conditions and location of the proposed parking. (Added "A-H" 9-27-10-Effective Upon Passage)
- **Staff Comment:** The applicant has submitted the plat dated 6/17/2021 prepared by Brogan Land Surveying titled "PLAT SHOWING PROPOSED PARKING SPACES ON THE VAUGHT REAL ESTATE LLC PROPERTY".

Staff Recommendation

Staff does not have a recommendation to offer.

Town of Front Royal
Attn: Planning & Zoning Department
102 E Main St
Front Royal, VA 22630

Philip Vaught
124 Luray Ave
Front Royal, VA 22630
(540)671-0460

Re: Letter of Intent for proposed Bed & Breakfast

To Whom it May Concern,

My home located at 124 Luray Ave in Front Royal is the oldest standing residence in Front Royal. Since purchasing the property this winter, I have been encouraged by friends and neighbors to find a way to showcase the beauty and historical significance of 'Bon Air.' After substantial consideration, I have decided that the best way to do so is to utilize this property as a Bed & Breakfast, which will allow me to share this special place with others who are visiting our town and experiencing all we have to offer. Located only a few blocks from Main St, and in close proximity to the Shenandoah River and other amenities is only part of the many reasons that make this location an ideal candidate for a B & B.

Please find enclosed a site plan/survey that shows seven parking spaces (6 + 1 handicap space), which is consistent with the requirement for proposed guest rooms. The home features an elevator, a pedestrian door ramp, and easy access entrances that make this property handicap accessible.

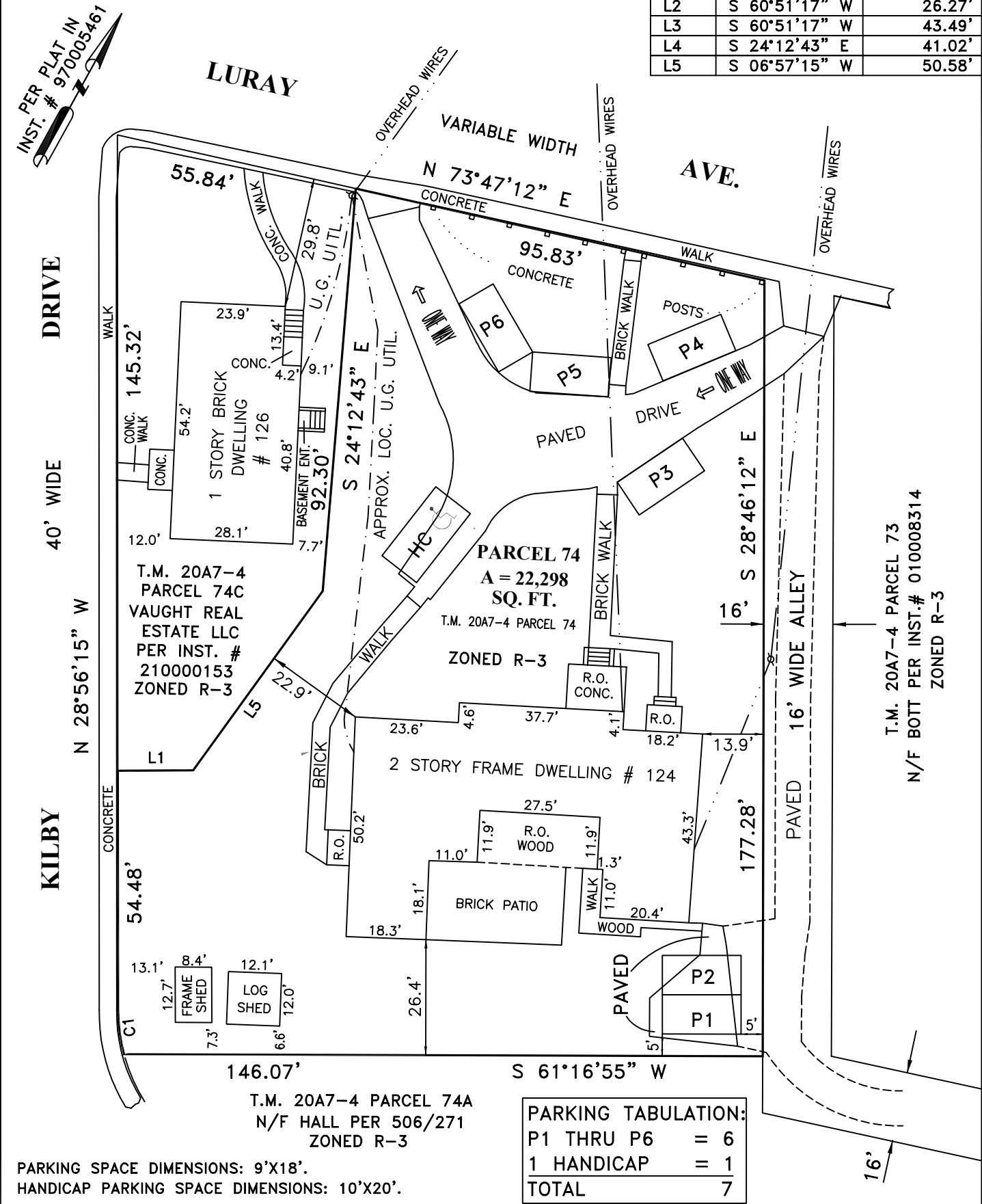
While I occupy a portion of the home as my personal residence, Bon Air has approximately 5500 square feet of living space that will provide comfortable accommodations for B & B guests. To my knowledge, this property meets all of the stated requirements for this proposed use. It is also worth mentioning that I am the owner of an adjacent property located at 126 Luray Ave, and my neighbors on both sides of Bon Air support this proposal.

Thank you for your time and consideration.

Sincerely,
Philip E. Vaught

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	DELTA ANGLE
C1	39.91'	10.44'	10.41'	14°59'15"

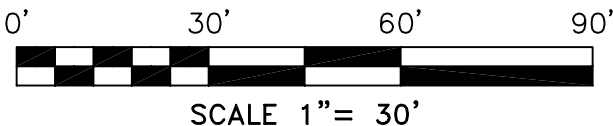
LINE	BEARING	DISTANCE
L1	S 60°51'17" W	17.22'
L2	S 60°51'17" W	26.27'
L3	S 60°51'17" W	43.49'
L4	S 24°12'43" E	41.02'
L5	S 06°57'15" W	50.58'



NO TITLE REPORT FURNISHED TO THIS OFFICE.
SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.
DERIVATION OF TITLE TO: VAUGHT REAL ESTATE LLC
PER INST.# 210000155.
SUBJECT PARCELS SITUATED OUTSIDE THE LIMITS
OF THE FEMA FLOOD ZONE.

PLAT SHOWING PROPOSED PARKING SPACES
ON THE VAUGHT REAL ESTATE LLC PROPERTY
Fork Magisterial District

TOWN OF FRONT ROYAL
WARREN COUNTY, VA



prepared by:
BROGAN LAND SURVEYING PLC
P.O. BOX 1578
FRONT ROYAL, VA. 22630-0034
TEL. & FAX (540) 635-5657
JUNE 17, 2021



TOWN OF FRONT ROYAL

DEPARTMENT OF PLANNING & ZONING
102 EAST MAIN STREET
P.O. BOX 1560
FRONT ROYAL, VA 22630

Main: 540.635.4236

Fax: 540.631.2727

Internet: www.frontroyalva.com

SUP FRSPU2655-2021

SPECIAL USE PERMIT REQUEST

APPLICANT

NAME PHILIP VAUGHT
VAUGHT REM ESTATE, LLC PHONE 540 671 0460
ADDRESS 124 LURAY AVE, FRONT ROYAL VA 22630
E-MAIL philipvaught@gmail.com

PROPERTY DESCRIPTION

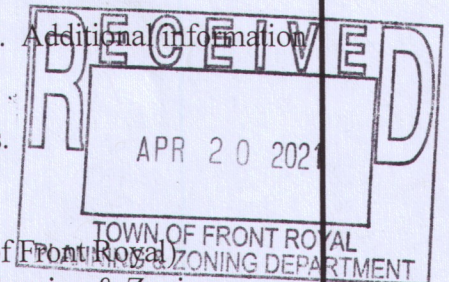
PROPERTY ADDRESS 124 LURAY AVENUE
TAX MAP 20 SECTION A 7 BLOCK 4 LOT 74
SUBDIVISION NAME _____ ACREAGE .5119

REQUEST

ZONING DISTRICT R 3
PROPOSED USE OF PROPERTY BED & BREAKFAST / AIRBNB
SPECIFIC SPECIAL USE PERMIT REQUEST AIRBNB

ATTACHMENTS --The following must be submitted with the application. Additional information may be required depending on the nature of the request.

1. Survey/Plat of property showing all **existing** improvements.
(10 copies if larger than 11" X 17")
2. Site Plan Application
3. Application Fee of \$400.00 (Checks payable to the Town of Front Royal)
4. Additional information as required by the Department of Planning & Zoning.



CERTIFICATION

I certify that the information provided with this application is correct to the best of my knowledge and should the special use permit be granted, the project will comply with the conditions imposed upon it and will be implemented only as approved by Town Council.

Signature [Signature] Date 4/20/2021

By submitting this application, the applicant grants permission to Town officials and employees to enter upon the property, which is the subject of this application, during reasonable hours and for purposes related to the application process.

Receipt # 140208 Check # 1343 Date Paid 4-20-2021

\$400-



Work Session Agenda Statement

Item # 3

Meeting Date: August 9, 2021

Agenda Item: Ordinance amendment to Chapter 175 Pertaining to Bed and Breakfasts to increase the number of rooms.

Summary: Ordinance amendment to ease the regulations for bed and breakfasts (B&B) uses in residential districts to promote tourism. The proposed amendment would increase the permitted number of bedrooms from three (3) to six (6) for lots between 0.5 acres to 1.49 acres in area and from six (6) to ten (10) for lots 1.5 acres or greater in area.
FRZORDAM2835-2021

Budget/Funding: N/A

Staff Recommendation: Staff does not have a recommendation to offer.

**ORDINANCE TO AMEND TOWN CODE CHAPTER 175-107.2 BED AND BREAKFAST USES IN
RESIDENTIAL ZONING DISTRICTS BY SPECIAL PERMIT**

WHEREAS, it is requested to amend Town Code to allow for more guest rooms for Bed & Breakfasts based on lot sizes, and,

NOW THEREFORE, BE IT ENACTED, by the Town Council of the Town of Front Royal, Virginia, that Chapter 175 of the Front Royal Town Code hereby be amended as follows:

175-107.2 BED AND BREAKFAST USES IN RESIDENTIAL ZONING DISTRICTS BY SPECIAL PERMIT

The following provisions shall apply to Bed and Breakfast Uses located in residential zoning districts:

B. The maximum number of guest rooms shall be ~~six (6)~~ **ten (10)** for Bed & Breakfasts with a lot size of 1.5 acres or greater. The maximum number of guest rooms shall be ~~three (3)~~ **six (6)** for Bed and Breakfasts with a lot size of 0.5 acres to 1.49 acres.

This ordinance shall become effective upon passage.

APPROVED:

Chris W. Holloway Mayor

ATTEST:

Tina L. Presley, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia conducted _____ 2021, upon the following recorded vote:

Lori A. Cockrell __Yes__ __No__

Gary L. Gillispie __Yes__ __No__

Letasha T. Thompson __Yes__ __No__

E. Scott Lloyd __Yes__ __No__

Joseph E. McFadden __Yes__ __No__

A public hearing on the above was held on _____ having been advertised in the Northern Virginia Daily on _____ and _____, 2021.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____/____/____



Work Session Agenda Statement

Item # 4

Meeting Date: August 9, 2021

Agenda Item: Ordinance Amendment to Chapter 175 Pertaining to Apartment Use Regulations

Summary: Ordinance amendment to Town Code Chapter 175 pursuant to the resolution adopted by the Front Royal Town Council on February 8th, 2021, to promote residential living in Downtown Front Royal. The proposed amendment defines “conversion” and would ease apartment conversions in the C-2 Downtown Business District by increasing the number of dwelling unit conversions from six (6) to eight (8) units for by-right uses and exempting new apartment conversions along a defined exemption area in the C-2 Downtown Business District from the lot area requirements in Town Code Chapter 175-49.A. *FRORDAM-2519-2021*

Budget/Funding: N/A

Staff Recommendation: Staff recommends approval of the proposed text amendment.

**AN ORDINANCE PROPOSING TEXT AMENDMENTS TO THE REGULATIONS OF
THE FRONT ROYAL ZONING ORDINANCE (CHAPTER 175) PERTAINING TO THE
PERMITTING OF APARTMENTS AND MULTI-FAMILY DWELLINGS IN THE C-2
DOWNTOWN BUSINESS DISTRICT**

WHEREAS, the Town of Front Royal has a downtown business district that is central to the historic, social, and economic identity of the Town and its future prosperity; and,

WHEREAS, the unique nature and existing physical development of the downtown district warrants its own zoning district with regulations tailored to promote the complementary coexistence of historical preservation and new development; and,

WHEREAS, by Resolution adopted February 8, 2021, the Front Royal Town Council has duly initiated the consideration of amendments to the use and development regulations of the C-2 District and other Ordinance regulations pertaining to apartments and other multi-family dwelling uses as contained in the Front Royal Town Code, Chapter 175, Zoning, as identified below:

NOW THEREFORE, BE IT ENACTED, by the Town Council of the Town of Front Royal, Virginia, that Chapter 175 of the Front Royal Town Code hereby be amended as follows:

SECTION I

That **Section 175-3**, Definitions, be amended by adding the following:

APARTMENT HOUSE **(STRUCTURE)** - A multifamily structure originally intended, arranged or designed to be occupied by three (3) or more families, each in an individual dwelling unit and living independently of each other. The number of families in permanent residence shall not exceed the number of dwelling units provided. Entranceways through the structure to the units may be either common or separate, and each lot on which the building is located shall be held in single ownership, even though individual units may be sold in accordance with this chapter. Such term shall not include "row house" or "townhouse." Each apartment unit shall occupy space on not more than one (1) story in a structure.

CONVERSION - a physical, structural, or design change or transformation of a building and/or structure from one state or condition to another, especially to affect a change in use. A conversion of a structure shall not be considered new construction, nor include new construction.

SECTION II

That **Section 175-47(A)**, Uses Permitted by Right, C-2, be amended by adding the following:

A. Subject to the standards and requirements set forth in this Chapter, except as prohibited or restricted by separate restrictions of record that may pertain to property within the C-2 District, the following uses of land and buildings are permitted by-right in the C-2 District:

RESIDENTIAL:

Conversion of existing residential and/or commercial structures into buildings with a greater number of dwelling units **not exceeding eight (8) total existing and new dwelling units combined** Single-family and two-family dwellings.

SECTION III

That **Section 175-48(A)**, Uses Permitted by Special Permit, C-2, be amended by rescinding the following:

A. The following uses are permitted within the C-2 District only by approval of a special use permit, except as prohibited or restricted by separate restrictions of record that may pertain to property within the C-2 District:

RESIDENTIAL:

Conversion of existing residential and/or commercial structures into buildings with a greater number of dwelling units exceeding eight (8) total existing and new dwelling units combined. Apartment developments, in accordance with 175-113.
Apartment houses.

SECTION IV

That a new section, **175-48.1**, Use Provisions, be added:

A. Conversion(s) exempt from the area requirements in 175-49(A), as defined in 175-3, of existing residential and/or commercial structures into buildings with a greater number of dwelling units are permitted only on lots fronting on that portion of Main Street which extends from Royal Avenue to Happy Creek or upon that portion of Jackson Street which extends between South Royal Avenue and Church Street.

B. Residential uses are not permitted on the ground floor on any lot fronting on that portion of Main Street which extends from Royal Avenue to Happy Creek or upon that portion of Jackson Street which extends between South Royal Avenue and Church Street.

SECTION V

That section **175-49**, Area Regulations, C-2, be amended by rescinding the following:

A. Minimum Lot Size: There are no area requirements except in the case of apartment conversions or new apartment homes (structures), whereby the lot must be three thousand (3,000) square feet, plus an additional one thousand (1,000) square feet for each individual dwelling unit above one (1) and for new apartment developments where lot size requirements must be in accordance with 175-113.

B. Minimum Unit Size: The minimum unit size (floor area) in any structure containing dwellings shall be three (300) hundred square feet. ~~No dwelling unit shall have less than two hundred and fifty (250) square feet of floor area. This floor area shall not include bathroom, closet and storage space.~~

This ordinance shall become effective upon passage.

APPROVED:

Chris W. Holloway Mayor

ATTEST:

Tina L. Presley, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia conducted _____ 2021, upon the following recorded vote:

Lori A. Cockrell __Yes __No

Gary L. Gillispie __Yes __No

Letasha T. Thompson __Yes __No

E. Scott Lloyd __Yes __No

Joseph E. McFadden __Yes __No

A public hearing on the above was held on _____ having been advertised in the Northern Virginia Daily on _____ and _____, 2021.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____/____/____

DRAFT

RESOLUTION

A RESOLUTION INITIATING PROPOSED TEXT AMENDMENTS TO THE REGULATIONS OF THE FRONT ROYAL ZONING ORDINANCE PERTAINING TO THE PERMITTING OF APARTMENTS AND MULTI-FAMILY DWELLINGS IN THE C-2 DOWNTOWN BUSINESS DISTRICT

WHEREAS, the Town of Front Royal has a downtown business district that is central to the historic, social, and economic identity of the Town and its future prosperity; and,

WHEREAS, the unique nature and existing physical development of the downtown district warrants its own zoning district with regulations tailored to promote the complementary coexistence of historical preservation and new development; and,

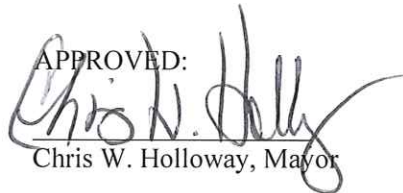
WHEREAS, it is increasingly recognized that a thriving and successful downtown means more than just being a place that is an attractor of businesses and visitors, but also a place where people choose to live and reside.

NOW THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Front Royal, Virginia, in the furtherance of promoting the public necessity, convenience, general welfare, and for good zoning practice does hereby initiate amendments to the by-right and special use permit regulations of the C-2 District pertaining to apartments and other multi-family dwelling uses to increase administrative permitting opportunities and greater flexibility in special use permitting to promote residential life as part of a successful and sustainable downtown development strategy.

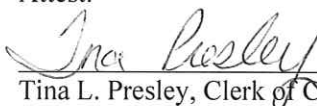
BE IT FURTHER RESOLVED, that staff prepare an Ordinance to amend the by right and special use permit regulations of the C-2 District as required and otherwise deemed appropriate to best accomplish these public purposes and that such Ordinance be forwarded to the Planning Commission as soon as practical for required public hearing and the transmittal of a recommendation for consideration by this Council.

Adopted this 8th day of February 2021.

APPROVED:


Chris W. Holloway, Mayor

Attest:


Tina L. Presley, Clerk of Council

Lori A. Cockrell Yes/No
Letasha T. Thompson Yes/No
E. Scott Lloyd Yes/No

Gary L. Gillispie Yes/No
Jacob L. Meza Yes/No
Joseph E. McFadden Yes/No

Approved as to Form and Legality:


Douglas W. Napier, Town Attorney

Dated: 02-08-2021



Work Session Agenda Statement

Item # 5

Meeting Date: August 9, 2021

Agenda Item: Ordinance Amendment to Revise Chapter 156 to Environmental Sustainability and Create an Advisory Committee

Summary: Town Manager Hicks has proposed amendments to Town Code Chapter 156 that would revise it and create an Environmental Sustainability Advisory Committee, as presented.

Budget/Funding: None

Staff Recommendation: Council takes desired action. If the consensus is to move forward a public hearing will be heard on August 23rd.

Chapter 156~~URBAN FORESTRY~~ – ENVIRONMENTAL SUSTAINABILITY

Sections:

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

It is the intent and purpose of this Chapter to create Environmental Sustainability in the Town of Front Royal that focuses on the Town's ecosystem, by establishing recommended goals for environmental protection involving waste reduction, recycling, energy conservation, clean air and water, natural resources, as well as establishing a sustainable community to include public art. Further intent and purpose of this Chapter is to create an Environmental Sustainability Advisory Committee (ESAC). This is to include to promote and protect the public health, safety, and general welfare by providing for the regulation of the planting, maintenance, preservation, and removal of trees within the Town of Front Royal on both public property and private property during land disturbing activities.

156-2 DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

Protective Root Zone - The entire surface and subsurface soil area encompassed by radius for protected trees (per Landscape Preservation and Planting Guide) typically the distance around tree trunk equal to the drip line of the tree; also generally referred to as tree preservation target or critical root zone.

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

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

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

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

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

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

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

TREE CANOPY CALCULATION WORKSHEET

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

**156-3 ~~URBAN FORESTRY ADVISORY COMMISSION (UFAC)~~
ENVIRONMENTAL SUSTAINABILITY ADVISORY COMMITTEE (ESAC)**

The vision of the ESAC shall include recommendations on:

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

ESAC shall further promote the following:

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

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

A. ~~An Urban Forestry Advisory Commission~~ **An Environmental Sustainability Advisory Committee** (ESAC) shall be established to

Perform the following duties:

1. Develop and monitor a Tree Canopy Cover Plan.
2. ~~To develop, implement, and maintain an urban forestry management program and adopt an Urban Forestry Management Plan.~~ **Provide advisory recommendations on matters related to the preservation, enhancement, management and protection of the Town's environment and natural resources through education, outreach, and communications.**
3. ~~To develop, implement and maintain a program that recognizes trees of significance for heritage, memorial or specimen designation.~~ **Provide advisory recommendations regarding proposed amendments and variations to environmental and natural resources-related policies, regulations, ordinances, and plans.**
4. ~~To develop standards and guidelines for planting, maintenance, preservation, and replacement of trees on public property and any land disturbing activities on private property.~~ **Provide advisory recommendations pertaining to the Town's Comprehensive Land-Use Plan for the elements regarding an Environmental Sustainability Plan.**
5. ~~To promote education of the general public, Town Officials, and Town Employees regarding proper tree care and planting practices.~~ **provide advisory recommendations pertaining to education, outreach, and communications regarding preservation and enhancement of the Town's environment and natural resources.**

6. Support the efforts of other groups interested in ~~urban forestry~~ **environmental sustainability** in Front Royal, **including but not limited to** Master Gardeners, Beautification of Front Royal Committee and the Front Royal / Warren County Tree Stewards.
7. Provide expert advice ~~regarding urban forestry~~, as needed, to the Town Manager **or designee**, Town Council, ~~members of Town Staff~~ **Director of Planning & Zoning, Director of Public Works, Town Engineer, Planning Commission**, and other Boards or Commissions of the Town.
8. Provide guidance regarding appropriate tree species for specific landscaping projects, including education regarding non-native invasive vegetation.
9. **Upon request**, review plantings, maintenance, and removal of trees and other vegetation on Town-owned public property, landscaping easements and rights-of-way.
10. **Upon request**, review and make recommendations to the Director of Planning & Zoning regarding landscape plans related to subdivisions and/or developments. Except where authorized by the applicant, any subdivision or development application may not be delayed or denied solely because of a delay or lack of review by the ~~UFAC~~ **ESAC**.

B. Establishment of ~~UFAC~~ **Environmental Sustainability Advisory Committee (ESAC)**

1. Composition & Appointment.

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

- ~~b. The members shall be appointed by the Town Council.~~

2. Qualifications.

The ~~Urban Forestry Advisory Commission~~ **ESAC** shall be made up of citizens with skills and an expressed interest in at least one of the following areas:

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

3. Terms of Office.

- a. The three (3) members of ESAC shall be appointed initially for the following terms: one member for two (2) years, one member for three (3) years and one member for four (4) years. Subsequent appointments shall be for terms of four (4) years, except appointments to fill vacancies, which shall be for the unexpired terms. The Town employee member and high school senior shall be selected by the Town Manager or designee and serve terms as deemed by the Town Manager or designee.
- b. Members may be re-appointed to serve consecutive terms as determined appropriate by the Town Council.
- c. ~~The Commission shall elect a Chair and Vice Chair who shall serve annual terms and may succeed themselves.~~

4. Agenda, Minutes and Rules.

- a. The Committee shall adopt such rules and regulations as it may consider necessary.
- b. The Committee shall prepare meeting agendas in advance of meetings and make available to the public prior to the start of the meeting. The Committee shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact. It shall keep records of its examinations and other such official actions, all of which shall be immediately filed in the office of the Committee and shall be a public record. **MAYBE HAVE THIS INFORMATION FILED WITH THE TOWN MANAGER'S OFFICE OR SOMEWHERE IN TOWN HALL.**
- c. All meetings of the Committee shall be open to the public.

d. A quorum shall be at least three (3) members.

e. The Commission shall hold one regular meeting every third month or as needed.

C. Authority for ~~UFAC~~ ESAC to Receive Donations and Apply for Grants.

1. All persons interested in an ~~urban forestry~~ Environmental Sustainability Community in the Town are invited to make gifts, devises and bequests to the Town to be used for that purpose. All donations of money shall be made through the Department of Finance, and it is hereby authorized and directed to receive such donations. All such monies shall be used only for the purpose of ~~planting, maintenance, and promotion of the urban forest~~ creating an Environmental Sustainable Community in the Town. Expenditures from of these donations shall be made by the Town Manager or designee as authorized, from time to time, by the Town Council.
2. The ~~Urban Forestry Advisory Commission~~ ESAC may, with the consent of the Town Council, apply for federal, state, or private grants or funding, and/or assistance, and to aid in the performance of their duties.

D. Sharing of Information and Services.

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

E. Designation of Heritage, Memorial or Specimen Trees ~~Designation~~.

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

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

A. Planting.

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

B. Maintenance.

1. All outside contractors hired for pruning and/or maintenance of Town-owned trees shall meet the following minimum requirements:
 - a. Have current Town Business License.
 - b. Provide proof of liability and Workmen's Compensation Insurance in amount established by the Town Council. **Should this be Council?**
 - c. Have employed at least one certified arborist to generally oversee all work.
2. All Town-owned trees shall be maintained in accordance with the most recent version of the "American National Standards Institute's ANSI A300 (Part 1): Tree, Shrub, and Other Woody Plant Maintenance – Standard Practices (Pruning)" and the "American National Standards Institute's ANSI Z-133.1: Safety Requirements." No town-owned tree shall be "topped" nor shall any climbing spurs be used when working on live trees.
3. All tree pruning around utility lines shall be performed in accordance with the guidelines in "American National Standards Institute's ANSI A300 (Part 1): Tree, Shrub, and Other Woody Plant Maintenance – Standard Practices (Pruning)", "Best Management Practices Utility Pruning of Trees."
4. No private citizen shall cut, prune, or elevate any Town-owned tree in conflict with guidelines adopted by the ~~Urban Forestry Advisory Commission~~ **ESAC**, without prior approval by the Town Manager **or designee** after review and recommendation by the ~~UFAC~~ **ESAC**.
5. The Town of Front Royal should maintain elevation of Town-owned trees to a height of thirteen (13) feet over roadways and a height of eight (8) feet over public sidewalks where possible.

6. The Town is not required to cut and/or remove weeds, brush, plants, grass or other vegetation growing in the public alleys, unimproved streets and other unimproved rights-of-way except as provided in Section 170-2 of the Town Code. Any adjacent property owner, tenant or citizen, at their own expense, may cut and/or remove any weeds, brush, plants, grass or other vegetation, except trees in excess of three (3) inches (3") caliber measured twelve (12") from the ground, growing in the public alleys, unimproved streets and other unimproved rights-of-way and in the unimproved portion of the public right-of-way lying between any public property and private property lines.
7. If any tree growing in a public alley, unimproved street or other unimproved right-of-way is dead or growing in such a manner that the branches, limbs or other parts of the tree extend or protrude onto private property in a manner that constitutes a danger to citizens or property, the Town will cut and remove or prune such tree once it has been notified of the condition of the tree. It shall be the responsibility of the adjoining property owner or tenant to notify the Town when a tree is growing in such a manner that it needs to be cut and removed or pruned.

C. Protection.

1. Excavation or construction of any building or structure shall be kept outside of the protective root zone of a tree proposed to be saved on a site plan. Such tree shall be guarded with a highly visible protective fence with signage placed at least three (3) feet from the trunk of the tree, or the dripline, whichever is greater. Signage shall include language to the effect that all equipment, building material, dirt or other debris shall be kept outside the protected area.
2. To the maximum extent possible, all Town Departments will coordinate with the UFAC-ESAC during the planning phase of public improvements that might require the removal of or cause injury to any street tree, or its root system, or interfere with the fulfillment of any adopted street tree plan.
3. When a tree is removed on an emergency basis, UFAC the Town's Arborist or Director of Public Works or designee will be notified so proper tree replacements can be made, where appropriate. After consideration of the tree species, tree size and location, UFAC's Town's response should include recommendations as to whether removed trees are to be replaced, and if so, the type of replacement to be planted.
4. When advance coordination with the UFAC ESAC is not practicable due to unforeseen or emergency circumstances, the Town Departments should request the UFAC's- ESAC's recommendations on an expedited basis. In such instances, the UFAC ESAC will make every effort to respond within forty-eight (48) hours and will forward its recommendations to the Director of Public Works or designee, through the Office of the Town Manager.

CONFUSING

5. Recommendation to the Town Manager or designee is need from ESAC to remove a tree. No tree may be removed if the UFAC ESAC establishes that the tree is a heritage specimen, or other tree of significant historic status, except upon approval by Town Council.
6. Any existing plant material less than six (6) inches in diameter (dbh) or determined by the Town's Arborist or designee shall be exempt under the preservation requirements in this ordinance.
7. Except for normal household refuse collection activities, no person shall deposit, place, store or maintain, upon any public place of the Town, any stone, brick, sand, concrete or other materials that may impede the free passage of water, air and fertilizer to the roots within the dripline of any tree growing thereon, except by written approval by the Town Manager or designee after review and recommendation by the UFAC ESAC.
8. Whenever any tree is planted or set out in conflict with the provisions of this chapter, the UFAC ESAC may pursue removal of said tree and initiate effective remedies.
9. Unless specifically authorized by the Town Manager or designee, after review and recommendation by the UFAC ESAC, it shall be unlawful for any person to intentionally damage, cut, carve, transplant or remove any tree on public property, nor attach any rope, wire, nails, advertising posters or other contrivance to any public tree, nor allow any gaseous liquid or solid substance which is harmful to such trees to come in contact with them, nor set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any public tree. Any person found to violate the provisions of this section shall be responsible for the cost of repair, or removal and replacement, of any public tree so damaged. The owner of any vehicle that accidentally damages any tree on public property shall be responsible for the cost of repair, or removal, and replacement, of any public tree damaged.

156-5 SCREENS AND BUFFERS

A. Vegetative Buffers.

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

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

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

156-6 DEVELOPMENT TREE PLANTINGS

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

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

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

- B. The minimum tree canopy cover may be achieved by new tree plantings or preservation of existing trees. Existing trees that are to be preserved may be approved to meet all or part of the tree cover requirements of this section according to subsection C below. New tree plantings may include the trees provided as part of required interior or perimeter parking lot landscaping, landscaped open space, vegetative screens and buffers, street trees or other trees that are planted on the site.
- C. The tree cover calculations for planted trees shall be based on the projected twenty-year tree cover area for each tree as shown in the adopted “Landscape Preservation and Planting Guide for the Town of Front Royal”, or other generally accepted tree resource guide accepted by the UFAC **ESAC**. Calculation of credit for preservation of existing trees shall be as determined by the UFAC **ESAC**, based on the UFAC’s **ESAC**’s “Tree Canopy Calculation Worksheet”, and consideration of the following additional information.
1. Location of existing trees on a subdivision plan or plat.
 2. Tree species.
 3. Identification of all observable diseases, wounds, decay, cavities, or organisms that may threaten the health of the tree.
 4. Tree trunk diameter.
 5. Approximate tree height.
 6. Identification of any trees that have been designated as a heritage, memorial or specimen tree.
 7. Any other noteworthy conditions.
- D. All major subdivision plans, or site plans for uses on property one (1) acre or greater, shall include the existing canopy cover.
- E. Tree cover requirements may be waived or modified by the Director to permit the reasonable development of farm land or other areas devoid of woody materials.
- F. The following areas shall be exempt from the requirements of the Landscape Preservation and Planting Guide for the Town of Front Royal, as follows:
1. Dedicated school sites.
 2. Playing fields and other non-wooded recreation areas.
 3. Floodplains and wetlands.
 4. Other areas where, in the opinion of the Director, the strict application of the requirements would result in unnecessary or unreasonable hardship to the developer.
- G. Tree cover and planting requirements shall be completed by the developer or subdivider prior to the issuance of any occupancy permit or business licenses. Exceptions may be made when weather conditions or other justifiable circumstances exist or occur that impede tree planting. In such cases, the subdivider or developer shall provide a

performance bond with surety satisfactory to the Town for the installation of required planting in accordance with a completion schedule.

- H. For one (1) year from the date of acceptance, the subdivider or developer shall be required to replace any trees that do not survive, or that, in the opinion of the Town, are undesirable due to disease, malformation, infestation, damage, or are otherwise not expected to thrive under the existing conditions. The subdivider or developer shall execute a landscape maintenance agreement with the Town to ensure performance under this section.
- I. Tree Bank. When neither tree preservation nor on-site tree planting is feasible, a developer may submit a written request to the Director of **Planning or designee** to make payment in-lieu of all, or a portion of, the required landscaping. The written request shall include the rationale for not being able to meet the tree preservation or tree planting requirements. The ~~UFAC~~ **ESAC** shall advise the Director of **Planning or designee** of the in-lieu fee amount, which shall be based on the estimated cost of the landscaping that is required by code. If approved, the payment shall be placed within an escrow account, generally referred to as a “tree bank”, that may be used by the Town to advance urban forestry goals, such as, but not limited to, increasing the Town’s tree canopy coverage.

156-7 STREET TREES

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

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

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

- 3. Street trees may either be spaced evenly, massed, or a combination of the two styles along the street.
- 4. The number of massed trees shall not be less than the number calculated for the street under the even spacing guidelines.

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

156-8 PARKING LOT LANDSCAPING

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

4. The requirements for interior parking lot landscaping shall not apply to any lots used solely for the storage of vehicles or the display of vehicles for sale. Such lots shall comply, however, to the requirements for peripheral parking lot landscaping.

B. Peripheral parking lot landscaping.

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

1. A landscaped buffer strip at least five (5) feet in width shall be located between the parking lot and each abutting property line, except where parking or access is designed to be shared by the abutting property. A total of one (1) tree for each fifty (50) feet of landscaped buffer shall be planted. Trees may be massed or spaced evenly.
 2. In the event that the parking lot adjoins a public street with no intervening structures, a landscaped buffer strip of at least ten (10) feet in width, which shall not include a sidewalk or other paved surface, shall be located between the parking lot and the street right-of-way. A total of one (1) tree for each forty (40) feet of landscaped buffer shall be planted. Trees may be massed or spaced evenly.
- C. All deciduous trees planted shall be a minimum caliper of two (2) inches in diameter and shall be nursery grown. Evergreen trees shall be planted at a height of no less than six (6) feet. All materials and installation shall be in accordance with the adopted Landscape Preservation and Planting Guide for the Town of Front Royal.
- D. The requirements of this section shall be required for all new parking lots, and for the enlargement or substantial alteration of any existing lot. The requirements shall not apply to the resurfacing of any existing parking lot.
- E. The Town may, in its discretion, waive or modify the requirements for parking lot landscaped buffer strips in cases where berms, grade separation, plantings or other approved designs provide an effective screen and do not adversely impact on adjoining properties, traffic patterns or safety.

156-9 ADMINISTRATION AND ENFORCEMENT

1. Administration and Enforcement. The requirements of this chapter shall be administered and enforced by the Town Manager or designee in regards to public property. The requirements of this chapter shall be administered and enforced by the Director of Planning or designee and Zoning in regards to private property, and new subdivisions and/or developments, provided that, the approval authority for landscaping plans shall be as specified under Chapter 148 of the Town Code.

2. Violations. Any person, firm or corporation violating, causing or permitting the violation of any of the provisions of this chapter shall be guilty of a class I misdemeanor, and upon conviction thereof, may be punishable by up to 12 months in jail and a \$2500 fine.

156-10 APPEALS

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

156-11 SEVERABILITY

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

This ordinance shall become effective upon passage.

APPROVED:

Chris W. Holloway Mayor

ATTEST:

Tina L. Presley, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia conducted _____ 2021, upon the following recorded vote:

Lori A. Cockrell __Yes __No Gary L. Gillispie __Yes __No

Letasha T. Thompson __Yes __No E. Scott Lloyd __Yes __No

Joseph E. McFadden __Yes __No

A public hearing on the above was held on _____ having been advertised in the Northern Virginia Daily on _____ and _____, 2021.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____/____/____



Work Session Agenda Statement

Item # 6

Meeting Date: August 9, 2021

Agenda Item: Proposed Dusk to Dawn Lights Policy Criteria Presentation

Summary: Council has requested the Town of Front Royal's Energy Services Department reevaluate their process for the installation of Dusk to Dawn Lights and make recommendations to include policy criteria. Director of Energy Services David Jenkins will have a presentation.

Budget/Funding: N/A

Staff Recommendation: Staff will be available for discussion



Work Session Agenda Statement

Item # 7

Meeting Date: August 9, 2021

Agenda Item: Proposed Ordinance Amendment to Chapter 4 Pertaining to Placing Items on an Agenda

Summary: Mayor Holloway is requesting that Council consider an ordinance amendment to Chapter 4 pertaining to the placement of items on Council agendas. Currently Town Code Chapter 4-19.B.d. and 4-19.C.1. reads that at least two (2) members of Council shall place items on an agenda. He is suggesting revising "at least two (2) members" to "at least a majority" with the Mayor breaking a tie if needed.

Budget/Funding: None

Staff Recommendation: Council takes desired action. If the consensus is to move forward a public hearing will be heard on August 23rd.

**AN ORDINANCE TO AMEND TOWN CODE CHAPTER 4-19 PERTAINING TO
PLACEMENT OF ITEMS ON COUNCIL AGENDAS**

WHEREAS, currently the Front Royal Town Code allows items to be placed on a Council agenda by at least two (2) members of Council; and,

WHEREAS, the Mayor has requested an amendment to the Front Royal Town Code that would require a majority of Council to place an item on a Council agenda; and,

WHEREAS, in the event of a tie the Mayor will determine the placement; and,

NOW THEREFORE, BE IT ENACTED, by the Town Council of the Town of Front Royal, Virginia, that Chapter 4-19 of the Front Royal Town Code hereby be amended as follows:

CHAPTER 4-19

B. THE PLACEMENT OF ITEMS ON AGENDAS

1. The following items shall be placed on a Council Agenda for a regular meeting or work session provided they are delivered to the office of the Town Manager.

- a. Items from members of Town Boards or Commissions whose membership is appointed by the Council.
- b. Items required for decision by the Town Manager, to include citizen requests placed in writing by the citizen or by the Town Manager.
- c. Items requested by the Mayor to include citizen requests placed in writing.
- d. Items requested by at least ~~two (2) members~~ **a majority** of Council. **In the event of a tie the Mayor will determine the placement.**
- e. Items requested from citizens who have appeared at a previous meeting of Council, and who have placed their requests in writing and asked for the matter to be considered at an upcoming meeting of Council.

C. APPROVAL OF PLACEMENT OF ITEMS ON THE AGENDAS

1. The Mayor, or in his absence, the Vice Mayor approves the final regular meeting and work session agendas before publication and shall not remove any item on said agendas placed by at least ~~(2) council members~~ **a majority of Council.**

2. No items may be placed on regular meeting or work session agendas after publication without unanimous vote from all members of Council present and voting.

This ordinance shall become effective upon passage.

APPROVED:

Chris W. Holloway Mayor

ATTEST:

Tina L. Presley, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia conducted _____ 2021, upon the following recorded vote:

Lori A. Cockrell __Yes __No

Gary L. Gillispie __Yes __No

Letasha T. Thompson __Yes __No

E. Scott Lloyd __Yes __No

Joseph E. McFadden __Yes __No

A public hearing on the above was held on _____ having been advertised in the
Northern Virginia Daily on _____ and _____, 2021.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____/____/____



Work Session Agenda Statement

Item # 8

Meeting Date: August 9, 2021

CLOSED MEETING

Motion to Go Into Closed Meeting

I move Town Council go into Closed Meeting pursuant to Section 2.2-3711, of the Code of Virginia for the following purposes:

- (A) The purpose of assignment, appointment, promotion, performance, demotion, salaries, discipling or resignation of specific public officers, appointees, or employees of a public body, under subsection A. 1

Motion to Certify Closed Meeting at its Conclusion *[At the conclusion of the Closed Meeting, immediately re-convene in open meeting and take a roll call vote on the following:]*

I move that Council certify that to the best of each member's knowledge, as recognized by each Council member's affirmative vote, that only such public business matters lawfully exempted from Open Meeting requirements under the Virginia Freedom of Information Act as were identified in the motion by which the Closed Meeting was convened were heard, discussed or considered in the Closed Meeting by Council, and that the vote of each individual member of Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.