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**HOUSE BILL NO. 195**

Offered January 10, 2018

Prefiled December 28, 2017

A *BILL to amend Chapter 536 of the Acts of Assembly of 1950, which provided a charter for the City of Alexandria, by adding a section numbered 9.35, relating to replacement of trees during development process.*

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Patron—Herring

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Referred to Committee on Counties, Cities and Towns

**Be it enacted by the General Assembly of Virginia:**

**1. That Chapter 536 of the Acts of Assembly of 1950 is amended by adding a section numbered 9.35 as follows:**

*§ 9.35. Replacement of trees during development process.*

*A. The City may adopt an ordinance providing for the planting and replacement of trees during the development process pursuant to the provisions of this section. The ordinance shall require that the site plan for any subdivision or development include the planting or replacement of trees on the site to the extent that, at 10 years, minimum tree canopies or covers will be provided in areas to be designated in the ordinance, as follows:*

- 1. Ten percent tree canopy for a site zoned business, commercial, or industrial;*
- 2. Ten percent tree canopy for a residential site zoned 20 or more units per acre;*
- 3. Fifteen percent tree canopy for a residential site zoned more than 10 but less than 20 units per acre;*

*4. Twenty percent tree canopy for a residential site zoned 10 units or less per acre; and*  
*5. Ten percent tree canopy for a cemetery as defined in § 54.1-2310 of the Code of Virginia, notwithstanding any other provision of this subsection.*

*B. The ordinance shall provide for reasonable provisions for reducing the tree canopy requirements or granting tree cover credit in consideration of the preservation of existing tree cover or for preservation of trees of outstanding age, size, or physical characteristics.*

*C. The ordinance shall provide for reasonable exceptions to or deviations from these requirements to allow for the reasonable development of areas devoid of healthy or suitable woody materials, for the preservation of wetlands, or otherwise when the strict application of the requirements would result in unnecessary or unreasonable hardship to the developer. In such instances, the ordinance may provide for a tree canopy bank whereby a portion of a development's tree canopy requirement may be met from off-site planting or replacement of trees at the direction of the City. The following shall be exempt from the requirements of any tree replacement or planting ordinance promulgated under this section: dedicated school sites, playing fields and other nonwooded recreation areas, and other facilities and uses of a similar nature.*

*D. The ordinance may designate tree species that shall not be planted to meet minimum tree canopy requirements due to tendencies of such species to (i) negatively impact native plant communities, (ii) cause damage to nearby structures and infrastructure, or (iii) possess inherent physiological traits that cause such trees to structurally fail. All trees to be planted shall meet the specifications of the American Association of Nurserymen. The planting of trees shall be done in accordance with either 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, or the road and bridge specifications of the Virginia Department of Transportation.*

*E. Existing trees that are to be preserved may be included to meet all or part of the canopy requirements and may include wooded preserves, if the site plan identifies such trees and the trees meet such standards of desirability and life-year expectancy as the City may establish.*

*F. For purposes of this section:*

*"Tree canopy" or "tree cover" includes all areas of coverage by plant material exceeding five feet in height and the extent of planted tree canopy at 10 years' maturity. Planted canopy at 10 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.*

*G. Penalties for violations of ordinances adopted pursuant to this section shall be the same as those applicable to other violations of the zoning ordinance.*

*H. In no event shall any local tree replacement or planting ordinance adopted pursuant to this section exceed the requirements set forth herein.*

INTRODUCED

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