

TOWN OF FREDERICK, COLORADO
ORDINANCE NO. 1396

AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO TO AMEND THE FREDERICK LAND USE CODE TO UPDATE LANDSCAPING PROVISIONS AND PROVIDE RELATED DEFINITIONS BY AMENDING SECTION 1.15, DEFINITIONS, AND SECTION 2.14, LANDSCAPE DESIGN, AND PROVIDING FOR REPEALER, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, the Town of Frederick is a statutory municipality created and organized pursuant to Title 31, Colorado Revised Statutes; and,

WHEREAS, the Town of Frederick has authority, pursuant to Colorado Revised Statutes § 31-15-401, *et seq.*, and C.R.S. § 31-15-601, *et seq.*, to exercise its police powers to promote and protect the health, safety, and welfare of the community and its inhabitants; and,

WHEREAS, the Town of Frederick is in the process of updating its comprehensive plan and revising its Land Use Code; and

WHEREAS, during the process, the Board of Trustees determined that interim amendments to the existing Land Use Code to update and modernize the landscaping provisions would provide immediate public benefits in terms of enhancement of community character and conservation of water; and

WHEREAS, the Town of Frederick has researched and studied current best practices for water efficiency, which resulted in the adoption of the Town's Water Efficiency Plan in October of 2022; and,

WHEREAS, as a result of these efforts, the Town of Frederick has determined that it must adjust its standards addressing Landscape Design; and,

WHEREAS, the Board of Trustees intends that these interim updates to the landscaping provisions, with adjustments as appropriate, will be incorporated into the revised Land Use Code when it is complete; and

WHEREAS, on _____, the Town of Frederick Planning Commission reviewed the proposed amendments to the Land Use Code and upon such review, recommended that the Board of Trustees adopt the same; and

WHEREAS, on _____, the Town of Frederick Parks, Recreation, Open Space and Trails Commission reviewed the proposed amendments to the Land Use Case and upon such review, recommended that the Board of Trustees adopt the same.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, WELD COUNTY, COLORADO, AS FOLLOWS

Section 1. Section 1.15, Definitions, Town of Frederick Land Use Code, is hereby amended to add definitions as follows (* * * represents large blocks of text that are unchanged by this amendment):

Sec. 1.15. Definitions

Functional turf: Turf that is located in a recreational use area or other space that is regularly used for civic, community, or recreational purpose, which may include playgrounds; sports fields; picnic grounds; amphitheaters; portions of parks; and the playing areas of golf courses, such as driving ranges, chipping and putting greens, tee boxes, greens, fairways, and roughs.

* * *

Hydrozone: Landscape containing vegetation requiring similar water needs and exposure. For the purpose of this document, hydrozones are broken into three (3) categories. A hydrozone may be irrigated or non-irrigated. For example, a naturalized area planted with native vegetation that will not need supplemental irrigation once established is a non-irrigated hydrozone. In the Approved Plant List, if a plant is identified as being in more than one hydrozone, the higher hydrozone designation shall be used in the landscape and hydrozone plans.

Hydrozone Classifications		
Hydrozone	Irrigation Water Required for an Average Year	General Land Use
Low Hydrozone	0-6 gallons per sq. ft per year	Limited uses. Plant materials within this zone are typically drought-tolerant natives used to provide visual interest, habitat, and ecological services.
Medium Hydrozone	6-12 gallons per sq. ft per year	Limited uses. Plant materials within this zone are typically drought-tolerant natives used to provide visual interest, habitat, and ecological services.
High Hydrozone	12-18.70 gallons per sq. ft per year	High pedestrian traffic areas. Plant materials within this zone are intended for high-pedestrian traffic areas such

		as athletic fields or community gathering spaces. There are limits to the amount of high water use plant materials that may be used.
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Landscaped area: The area within a lot or property not comprised of impervious surfaces, measured at the ground plane. Landscaped area will not include bare dirt or weeds. Landscaped area will consist of living groundcover, including turf or other groundcover, or shrub bed area that is permanently irrigated.

* * *

Nonfunctional turf: Turf that does not meet definition of functional turf found in this code.

* * *

Planting season: The period from March 15 to June 15 and the period from September 1 to October 15 of any calendar year.

Section 2. Amendment of Section 2.14, Landscape Design. Section 2.14 is replaced in its entirety and renamed “Landscaping and Buffering.”

Section 2.14. Landscaping and Buffering

Section 2.14.1. Purpose and Intent; Applicability; Landscape Plan Required; Landscape Design Principles.

Sec. 2.14.1.1. Purpose and Intent.

- a. *Purpose.* The purpose of this Article is to establish minimum landscaping and buffering requirements.
- b. *Intent.* The intent of this Article is to preserve and enhance the Town’s special character, and integrate new development into the community by promoting high quality landscape design that:
 - (1) Reinforces the identity of the community and each neighborhood;
 - (2) Provides tree-lined and landscaped streets, which contribute to the safety of pedestrians and motorists;
 - (3) Contributes to desired community character by softening the visual impacts of buildings and development, breaking up the appearance of building mass, and providing contextually appropriate balances among landscaping, buildings, and paved areas;

- (4) Screens unsightly land uses and structures from view from public rights-of-way and neighboring residential properties and contributes to the mitigation of off-site impacts including dust, noise, and external lighting;
- (5) Provides tree canopies over, and landscaping within, paved areas, to enhance community aesthetics, reduce the urban heat island effect, and slow stormwater runoff;
- (6) Preserves existing trees, conserves and efficiently utilizes water, prioritizes the planting of native species, and enhances valuable habitat, all of which promote natural resource stewardship;
- (7) Promotes health, wellness, community vitality, interest, public safety, and physical comfort; and
- (8) Provides for structured and non-structured recreation areas.

Sec. 2.14.1.2. Applicability.

The standards of this Article apply to all new development, redevelopment, or substantial improvements to existing sites or buildings.

Sec. 2.14.1.3. Landscape Plan, Hydrozone Plan, and Irrigation Plan Required.

a. *Applicability and exceptions.*

- (1) All land development or redevelopment applications shall be accompanied by an appropriate site analysis, landscape plan, hydrozone plan, and irrigation plan. Building permit applications for individual single-family residences will not require landscape plans, hydrozone plans, or irrigation plans, but landscaping on properties designated for single-family residences shall comply with applicable requirements of this Article.
- (2) Any portion of existing landscaping that is renovated and requires an irrigation system shall comply with this Article. Renovations include expansions and rehabilitation of landscape materials (except pruning) and components installed (except replacement of rocks or mulch) prior to the adoption of these regulations.

b. *Landscape plan, hydrozone plan, and irrigation plan requirements.*

- (1) All final and approved landscape plans shall be developed and stamped by a professional Landscape Architect who is licensed by the State Board of Landscape Architects, or an equivalent approved by the Director. Landscaping improvements on a lot used for single-family detached or duplex purposes are exempt from this requirement, except as may be provided in an agreement between the Town and the developer.
- (2) All landscape plans, hydrozone plans, and irrigation plans shall follow requirements outlined in Town of Frederick Development Application User Guides.

- (3) Landscape, grading, and utility plans shall be coordinated to ensure consistency.

Sec. 2.14.1.4. Landscape Design Principles

- a. *Application of Landscape Design Principles.* The landscape design principles of this Section are intended as guidelines for landscape design. They are not intended to be applied to require more landscape material or larger setbacks or buffers than otherwise required by this Code. However, the Town may request redesign or alternative arrangement of required landscaping to optimize the application of these principles.
- b. *General Landscape Design Principles.* Landscape plans shall be guided by the following design principles:
 - (1) Building orientation, site design, and planting schemes should address climatic and micro-climatic conditions to promote the wise use of water and energy resources;
 - (2) Plant and turf selection and placement should focus on minimizing energy, water use, and maintenance requirements;
 - (3) Soil moisture should be maintained, and evaporation reduced, through the optimal use of layered landscaping (e.g., organic mulch, ground cover, shrubs, grasses, and overstory landscaping);
 - (4) Plant materials should be organized into hydrozones according to microclimatic needs and water requirements;
 - (5) Soil should be augmented as needed to promote plant health and longevity;
 - (6) Irrigation systems should be efficient, with weather and rain gauges to minimize resource consumption, waste, and optimize the efficiency of water use;
 - (7) Landscapes should be attended to with appropriate maintenance, care, and irrigation schedules;
 - (8) Where landscaping is adjacent to a transportation corridor, it should be designed to provide for the safety and comfort of all users of the transportation corridor, provide access to all ages and abilities, and reduce opportunities for illicit activity or behavior;
 - (9) As appropriate to Colorado's climate and to the extent allowed by Colorado water law, materials (e.g., permeable pavers), systems, and landscape designs that minimize storm water runoff and maximize water infiltration while reducing the potential for non-point source groundwater pollution should be used;
 - (10) Native species and natural drainage ways should be protected;

- (11) Landscapes should provide for seasonal variation in interest, as well as framing and buffering of views (as appropriate), and the careful placement of overstory and understory materials to mitigate winter winds and provide shade from summer sun;
- (12) Where a subject property is adjacent to a natural resource or amenity such as a flood plain, trail corridor, park, or other open space, the landscape plan should be designed to complement the natural character and integrity of the resource or amenity; and
- (13) Near natural streams and wetlands in particular, trees and shrubs should be preserved in the streamside zone and middle zone (within the floodplain), and grasses and groundcovers should be planted in the outer zone in order to filter runoff (see Figure 2.14.1.4).

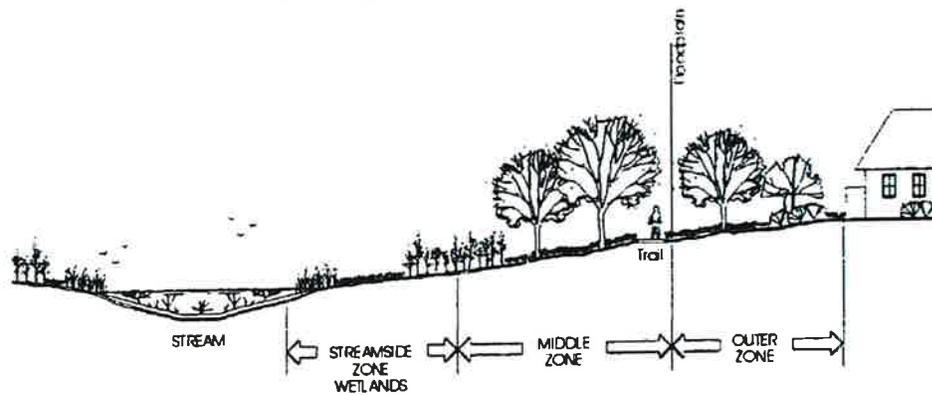


Figure 2.14.1.4

Section 2.14.2. Landscape Requirements

Sec. 2.14.2.1. Generally.

- a. *Coverage with living plant material.* Covering landscaped areas with living plant material aims to add color and versatility to outdoor landscapes. All distinct landscaped areas shall be designed with a minimum of fifty (50) percent coverage with living plant material at maturity (3 years). No more than fifty (50) percent may be non-living material, such as wood mulch and rock. Living plant materials can include shrubs, ornamental grasses, and turfgrass. Landscaped areas shall not be covered in native seed in the front of principal buildings, unless approved by the Director. Plant material shall be planted or installed as appropriate to meet the requirements of this Article and to stabilize soil and prevent erosion.
- b. *Artificial turf.* Artificial turf is prohibited in landscaped areas. The Director may approve the use of artificial turf on private nonresidential property if it is demonstrated that natural turf or alternative groundcover is not a viable alternative due to the nature or intensity of use of the area proposed to be covered by artificial turf.
- c. *Mulch.* Including wood mulch and rock mulch.

- (1) Rock mulch placed within one foot of a sidewalk or vehicular use area must be contained with a border or be of a sufficient size that it will not travel onto the sidewalk or vehicular use area.
 - (2) Wood mulch placed within one foot of a sidewalk or vehicular use area must be contained with a border.
 - (3) Where used, mulch shall be applied over a weed control barrier to a depth of three (3) inches.
- d. *Drainage.* Landscaping improvements shall not alter the drainage pattern or amount of storm water run-off that is set out in the applicable, approved grading plan.

Sec. 2.14.2.2. Size and Quality of Landscape Plants.

- a. *Size and quality of landscape plants.* In general, plant materials that are installed according to the requirements of this Article shall meet the standards that are set out in this Section. However, the Town may require larger sizes as it determines necessary to ensure survival, or to implement a condition of approval of a limited use, a conditional use, or a requirement that is set out in an approved planned unit development document.
- b. *Shrubs.* When grouped three (3) or more, shall be installed in a shrub bed, which are defined as mulched planter areas.
- c. *Minimum size of landscape materials.* The minimum size of landscape materials used to satisfy the requirements of this Article are set out in Table 2.14.2.2, *Plant Material Requirements*.

Table 17.2.2	
PLANT MATERIAL REQUIREMENTS	
Plant Type	Minimum Planting or Installation Size
Deciduous Shade Tree	1.5 inch caliper measured 6 inches above ground
Deciduous Ornamental Tree	1 inch caliper measured 6 inches above ground; or multi-stemmed clump form with minimum height of 4 feet
Evergreen Tree	6 feet height
Evergreen and Deciduous Shrubs	5 gallon container
Ornamental Grasses and Perennials	1 gallon container
Ground Covers and Vines	1 gallon container

- d. *Specification of landscape materials.* All plant material shall be true to type, form, species, quality, and free of injury, broken root balls, pests, and diseases, as well

as conform to the minimum requirements described in “American Standards for Nursery Stock” (ANSI Z60.1), published by AmericanHort, as may be amended from time to time, and follow the Green Industries of Colorado (“GreenCo”) Tree Planting Recommendations, as may be amended from time to time. Plant materials shall have normal, well-developed branches and vigorous root systems.

Sec. 2.14.2.3. Selection and Arrangement of Plant Material.

- a. *Water Conservation Required.* All landscaping plans shall be designed to incorporate water conserving materials and techniques, including low-water use and native plants, hydrozoning, and efficient irrigation systems. Water conservation does not include or allow artificial turf or plants, large mulched (including gravel) beds, or areas without landscape plant material, paving of areas that are not required for walkways, plazas, or parking lots, bare ground, weed covered or infested surfaces, or any landscaping that does not comply with the standards of this Article.
- b. *Tree spacing.* Trees shall be spaced as outlined in this Section. Exceptions to these requirements may be approved by the Director where utilities are not located in their standard designated locations, or where the landscape design is otherwise incompatible with existing and planned utility installations. Tree and utility separations shall not be used as a means of avoiding the planting of required street trees.
 - (1) Tree spacing shall allow for adequate growth of plants at maturity and for intersection visibility.
 - (2) Spacing from street lights:
 - (a) Deciduous shade trees and evergreen trees that reach a mature height of fifteen (15) feet or larger shall be located a minimum forty (40) feet from street lights.
 - (b) Deciduous ornamental trees and evergreen trees that reach a mature height of less than fifteen (15) feet shall be located a minimum of fifteen (15) feet from street lights.
 - (3) Spacing from utilities:
 - (a) Trees shall be spaced fifteen (15) feet from water and sewer mains and gas collection lines, six (6) feet from water, sewer, and gas service lines, and ten (10) feet from fire hydrants.
 - (b) Trees that reach a mature height of more than twenty-five (25) feet shall not be planted within twenty (20) feet of an overhead utility line.
- c. *Sight distance triangles.* Landscaping near pedestrian and vehicle intersections shall meet sight triangle requirements as noted in the *Town of Frederick Design Standards and Construction Specifications*.
- d. *Approved plant species.* The Director shall maintain and periodically update an Approved Plant List, which shall identify approved plant species (including references to family and genus) that may be used to demonstrate compliance with the requirements of this Article. The Director shall also maintain an Approved

Street Tree List, which shall identify approved tree species that are permitted for use in right-of-way landscaping.

- e. *Prohibited plant species.* The Director shall maintain and periodically update a Prohibited Plant List, which shall identify plant species that are prohibited in the Town of Frederick (or prohibited in certain locations as may be specified).
- f. *Plant selection.* Plants shall be selected from the approved plant list. The Director may approve or approve with conditions other plants if the Director finds that they are low-maintenance, non-invasive, drought-tolerant, water-wise, and otherwise appropriate for use in the locations in which they are proposed.
 - (1) Native, drought-tolerant, and water-wise plants and turf shall be used where practicable.
 - (2) Plants shall be compatible with project soils.
- g. *Required biodiversity.* Landscapes shall consist of a variety of plant species to enhance biodiversity. No one plant species may make up more than twenty-five percent (25%) of the non-turf plant materials on site.

Sec. 2.14.2.4. Tree Preservation Credits.

- a. *Applicability and exceptions.* Existing trees that are preserved on a subject property count towards the planting requirements of this Article, provided that the applicant selects a Consulting Arborist, registered with the American Society of Consulting Arborists, or Certified Arborist, registered with the International Society of Arboriculture, to create a Tree Preservation Plan using the most recent version of the Guide for Plant Appraisal published by the International Society of Arboriculture. The Tree Preservation Plan must be submitted to the Town detailing the following:
 - (1) Existing trees are established for at least five (5) years and not a species that is prohibited by this Article; and
 - (2) Existing trees are not overmature, diseased, poor in form, leaning heavily over buildings, too close to building foundations, damaging sidewalks and driveways, or impacting utilities.
- b. *Protected Trees.* Existing significant trees (six (6) inches and greater in diameter) within development area and within natural habitat buffer zones shall be preserved to the extent reasonably feasible and may count as tree preservation credits. Such trees shall be considered “protected” trees. Streets, buildings, and lot layouts shall be designed to minimize the disturbance to significant existing trees. All required landscape plans shall accurately identify the locations, species, size, and condition of all significant trees, each labeled showing the applicant’s intent to either remove, transplant, or protect. Where it is not feasible to protect and retain significant existing tree(s) or to transplant them to another on-site location, the applicant shall replace such tree(s) in addition to satisfying the tree planting

standards of this Section. To the extent reasonably feasible, replacement trees shall be planted on the development site or, if not reasonably feasible, in the closest available and suitable planting site on nearby public or private property.

- c. *Calculation of credits.* Preserved trees may count as more than one (1) tree for the purposes of the landscaping requirements of this Article, as set out in Table 2.14.2.4, *Tree Preservation Credits*.

Table 2.14.2.4 TREE PRESERVATION CREDITS			
DBH of Tree to be Preserved		Tree Credit	Landscaped Area Where Credit May Be Applied
Min. Diameter (Inches)	Up to, But Not Including		
None	10 inches	1	Location of preserved tree
10 inches	15 inches	2	Location of preserved tree
15 inches	20 inches	3	Location of preserved tree, or any other location except a buffer
20 inches	No limit	5	Location of preserved tree, or any other location except a buffer.

- d. *Restrictions within dripline or critical root zone of trees used for credit.* Construction activities around trees that are used for credit pursuant to this Section are restricted, within the larger of the perimeter of the dripline or the critical root zone.
- (1) The following construction activities are prohibited:
 - (a) Cutting or filling;
 - (b) Storage of building materials or debris;
 - (c) Disposal of waste;
 - (d) Installation of buildings, structures, or impervious paving.
 - (2) The larger of the dripline or the critical root zone shall be barricaded during construction to prevent damage to the preserved trees and their roots by construction equipment.

Section 2.14.3. Landscaping Categories and Calculations

Sec. 2.14.3.1. Landscaping Categories.

- a. *Categories established.* This Article establishes standards for four (4) categories of landscaping:
- (1) *Site landscaping.* Site landscaping is the landscaping that is required on a subject property, excluding parking lots and right-of-way landscaping.

- (2) *Gateway Landscaping.* Gateway landscaping establishes a landscaped buffer for developments adjacent to arterial streets.
 - (3) *Parking lot landscaping.* Parking lot landscaping is the required landscaping within and on the boundaries of surface parking lots.
 - (4) *Right-of-way landscaping.* Right-of-way landscaping is landscaping that is required within public street rights-of-way or adjacent to public street rights-of-way as provided in this Article.
- b. *Designation of categories on landscape plans.* Landscape plans shall delineate areas within the subject property to which each applicable landscaping category applies and shall provide a table showing the number square feet of land within each landscaping category and the proportion of the subject property (expressed as a percentage) occupied by each landscaping category.

Sec. 2.14.3.2. Calculations.

- a. *Counting areas.* No area of a subject property shall be counted more than once for the purposes of applying landscaping requirements unless specifically exempted below.
- b. *Minimum required landscaping.* The minimum required landscaped area of a given multifamily or non-residential property shall be fifteen percent (15%) of the lot area. The areas eligible to be counted toward this minimum are site landscaping and buffer landscaping that are provided within the boundaries of the subject property. Front yards of single-family, duplex, and multiplex properties shall be landscaped and such landscaping shall follow the requirements set out in section 2.14.3.3. On these lots, the front and side yards are considered the landscaped area. All landscaped areas must meet minimum standards found in section 2.14.3.3.b.(1) of this article.
 - (1) *Areas that shall not be included toward required site landscaping:*
 - (a) Areas within and extending up to fifteen (15) feet from plazas, play fields, golf greens and fairways, or other outdoor gathering spaces or recreation areas, the use of which would be diminished by the presence of trees;
 - (b) Areas within designated outdoor storage areas;
 - (c) Areas within, and within five (5) feet of, irrigation ditch property or easements, or within thirty-five (35) feet of the outer toe of the ditch bank if the easement does not have delineated boundaries;
 - (d) Areas used for agriculture or gardens;
 - (e) Wetlands and waterbodies;
 - (f) Areas where ground-mounted solar panels (of any type) are installed, and any areas around them that must be kept clear of

vegetation to avoid shading of the panels in order to optimize their use;

- (g) Permeable areas that are less than eighty (80) square feet that are enclosed by any combination of buildings, structures, impermeable surfaces such as asphalt or concrete; and
- (h) Areas in which the soils or topography are not suitable for the establishment and growth of healthy trees, and that cannot reasonably be made suitable using soil amendments or grading. Soil and topography must be appropriate for plant species.
- (i) No more than forty (40) percent of the area of vegetated stormwater detention ponds and stormwater retention ponds may be counted toward the minimum required landscaped area of a site. This percentage shall be calculated based on the plan view of the stormwater retention pond.

Sec. 2.14.3.3. Site Landscaping.

- a. *Applicability and exceptions.* Site landscaping is required as set out in this section. The standards of this section apply in all zoning districts except D-A.
- b. *Use Specific Landscape Requirements.*
 - (1) *Residential – Single-Family/Duplex.*
 - (a) High hydrozones. No more than fifty percent (50%) of the landscaped area shall be high hydrozone.
 - (b) Coverage with living plant material. Refer to Section 2.14.2.1.a.
 - (c) Trees. A minimum of one (1) tree per single-family/duplex lot shall be required to be planted within the front yard.
 - (d) Shrubs. A minimum of five (5) shrubs per single-family/duplex lot shall be required. Corner lots shall have five (5) additional shrubs placed in the side yard when practical.
 - (2) *Residential – Multifamily.*
 - (a) High hydrozones. No more than thirty percent (30%) of the landscaped areas shall be high hydrozone.
 - (b) Coverage with living plant material. Refer to Section 2.14.2.1.a.
 - (c) Trees. A minimum of one (1) tree for every fifteen hundred (1,500) square feet of required landscaped area shall be required.
 - (d) Shrubs. A minimum of one (1) shrub for every one hundred fifty (150) square feet of required landscaped area shall be required.
 - (3) *Non-Residential.*
 - (a) High hydrozones. High hydrozones are prohibited on non-residential properties, unless otherwise approved by the Director.
 - (b) Nonfunctional turf. Nonfunctional turf is prohibited in commercial, institutional, industrial, and common interest community property.
 - (c) Coverage with living plant material. Refer to Section 2.14.2.1.a.

- (d) Trees. A minimum of one (1) tree for every fifteen hundred (1,500) square feet of required landscaped area shall be required.
 - i) Areas within vegetated stormwater detention ponds and stormwater retention ponds that are counted towards landscaping requirements shall be used for the calculation of tree planting requirements. However, the resulting required trees shall be planted elsewhere on the subject property.
 - ii) Waiver or reduction of tree planting requirements. The Director may waive or decrease planting requirements if the total number of trees that are required exceeds the number that can be reasonably planted on the subject property without materially increasing fire risk, compromising the health of the trees, or diminishing the use of the property.
 - iii) Shrubs. A minimum of one (1) shrub for every one hundred fifty (150) square feet of landscaped area shall be required.
- (4) All existing development previously approved through a site plan shall be allowed to remain with existing amounts of high hydrozone plants.

Sec. 2.14.3.4. Gateway Landscaping.

- a. *Applicability.* Gateway landscaping for all developments adjacent to all arterials is required as set out in this section.
- b. *High hydrozones.* High hydrozones are prohibited in gateway landscaping.
- c. *Nonfunctional turf.* Nonfunctional turf is prohibited in commercial, institutional, industrial, or common interest community property.
- d. *Coverage with living plant material.* Refer to Section 2.14.2.1.a.
- e. *Criteria.* A minimum gateway landscaping of thirty (30) feet shall be provided and measured from the right-of-way line.
 - (a) No building or parking lot shall be permitted within gateway landscaping.
 - (b) Signage may be included in gateway landscaping, provided that it conforms to Article 7 of the Land Use Code and applicable site triangle requirements.
 - (c) Gateway landscaping may be reduced to fifteen (15) feet if used in combination with a masonry wall between three (3) and four (4) feet in height. The wall shall be articulated every fifty (50) feet per the standards set forth in Section 2.16 of this Code. Fifty (50) percent of the gateway landscaping shall be located between the masonry wall and the adjacent right-of-way.
 - (d) *Trees.* A minimum of one (1) tree for every fifteen hundred (1,500) square feet of landscaped area shall be required.
 - (e) *Shrubs.* A minimum of one (1) shrub for every 150 square feet of landscaped area shall be required.

- (2) Gateway landscaping may count toward the site landscaping requirement per 2.14.3.2, when applicable.

Sec. 2.14.3.5. Parking Lot Landscaping.

- a. *Purpose.* Parking lot landscaping shall break up expanses of pavement, provide shade, buffer views of parking lots from adjacent streets and development, and enhance the overall appearance of each project.
- b. *Applicability and exceptions.* All parking lots with ten (10) spaces or more, on a single lot, excluding the Downtown zoning districts, shall be subject to the requirements of this Section. Parking lot landscaping requirements are in addition to any other landscaping that may be required for the site.
- c. Trees and shrubs shall not interfere with driver visibility of pedestrians or drive-aisle traffic.
- d. Turfgrass, native seed, artificial turf, and high hydrozones are prohibited in parking lot landscaping.
- e. Mulch shall be sufficiently contained within parking lot islands.
- f. Coverage with living plant material. Refer to Section 2.14.2.1.a.
- g. Required site landscaping set out in section 2.14.3.3 shall be installed around the perimeter of parking lots to provide screening from adjacent streets and development, when feasible. Landscape for screening purposes is recommended to be within ten (10) feet of parking lot edge.
- h. *All developments shall provide:*
 - (1) A minimum of one parking lot island per ten (10) contiguous spaces.
 - (2) Every parking lot island shall have a minimum of one (1) shade tree and five (5) shrubs.
 - (3) Parking lot islands shall be at minimum the same dimensions as the adjacent parking stall(s).
 - (4) All rows of parking spaces shall terminate in a parking lot island, regardless of the number of contiguous spaces.

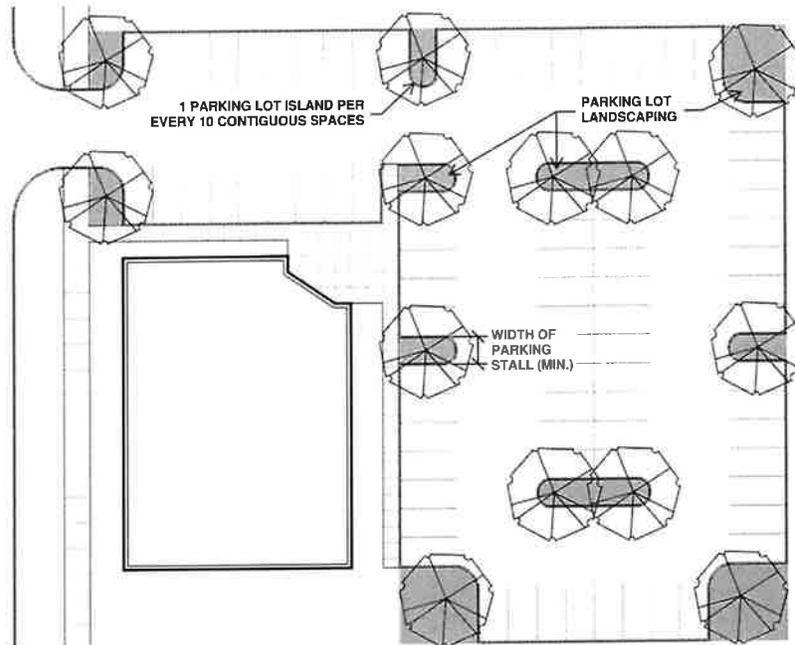


Figure 2.14.3.5

- i. The Director may waive the planting requirements of this Section, or allow the landscaping to be planted in an alternative location on the subject property (if reasonably available), for any particular landscaped area or portion thereof if:
- (1) The tree(s) will interfere with sight triangles that are necessary for safe ingress to or egress from the parking lot;
 - (2) The tree(s) are in conflict with utilities and or parking lot lighting;
 - (3) The landscaped area is part of a stormwater conveyance system, and is not suitable for tree planting.

Sec. 2.14.3.6. Right-of-Way Landscaping.

- a. *Applicability and exceptions.* Landscaped areas within the right-of-way shall be provided as set out in this Section. The Town Engineer, after consultation with the Director, may waive or modify the requirements of this Section in order to resolve conflicts with utilities or street design requirements. Such waivers or modifications shall minimize reductions in the overall number of trees required by this Article, and tree plantings outside the right-of-way may be used to mitigate necessary reductions in the right-of-way landscape requirements adjacent to a subject property. Additional exceptions include:
- (1) Right-of-way landscaping is not required in the Agricultural (A) zone district and Residential Estate (RE) zone district.
 - (2) In locations where a landscape master plan has been approved by the Town landscaping shall be consistent with the approved master plan.
 - (3) Roads intersecting with the I-25 Frontage Roads are not required to have landscaped medians; however, the other applicable requirements of this Section shall apply along the I-25 frontage.

- b. Street corridors should feel cohesive. The selection and placement of plant materials shall enhance the aesthetic character of the corridor and adjacent properties. Rhythmic spacing and the use of a variety of tree species is encouraged to meet the intent of this standard.
- c. *Permitted Tree Species.* See Approved Street Tree List.
- d. *High hydrozones.* High hydrozones are prohibited within right-of-way landscaping.
- e. *Nonfunctional turf.* Nonfunctional turf is prohibited within street right-of-way, median, and transportation corridor landscaping.
- f. *Mulch.* Wood mulch is prohibited in right-of-way landscaping except up to four (4) feet around trees and shrubs.
- g. *Tree lawns.* Landscaped areas within the right-of-way along arterial, collector, and local streets shall be installed by the developer and shall include street trees, coverage with living plant material (shrubs, ornamental grass, or perennials), and mulch.
 - (1) Coverage with living plant material. Refer to Section 2.14.2.1.a.
 - (2) *Street trees.*
 - (a) *Minimum number of street trees.* One (1) deciduous shade tree for every forty (40) linear feet of road frontage or curb shall be provided.
 - (b) *Location.* Street trees shall be planted within the tree lawn portion of the right-of-way. Where a tree lawn is not available within the right-of-way or when it is not feasible or practical to place trees in the tree lawn street trees shall be planted on the subject property within ten (10) feet of the right-of-way boundary, if this is not feasible, street trees shall be replaced with shrubs at a rate of ten (10) shrubs per eligible tree.
 - (c) *Spacing.* Street trees shall be spaced evenly, with adequate spacing to allow for the mature spread of the trees. The linear spacing of the street trees may be altered based on the character of the streetscape or to avoid utilities, site triangles, and curb cuts.
 - (d) *Rights-of-way adjacent to parks and open space.* Street trees that are required to be located along parks and open space shall conform to the requirements of Section 2.11.4(a).
- h. *Medians.* Not less than one half of the required median shall consist of landscaped area, which shall include trees, shrubs, and rock mulch.
 - (1) *Coverage with living plant material.* No required coverage.
 - (2) *Medians in arterial streets.* Medians in arterial streets shall follow the street tree requirement in this section. Any additional living material is prohibited.
 - (3) *Medians in streets other than arterials.* Medians in streets other than arterials shall follow the street tree and shrub requirements in this section.
 - (4) *Street Trees.*
 - (a) *Minimum number of trees.* There shall be a minimum one (1) tree for every forty (40) linear feet of median. Fewer trees may be

placed if the Director determines that such reduction will ensure that views of significant cultural, economic, or natural features are preserved and framed.

- (b) *Spacing*. Trees shall be spaced evenly, with adequate spacing to allow for the mature spread of the trees.
- (5) *Shrubs*. Shrubs shall be provided at a ratio of one (1) shrub per seventy-five (75) square feet of landscaped area.
- i. *Roundabouts*. Roundabouts should be appropriately landscaped to conserve water, minimize maintenance, promote traffic calming, and maintain visibility for safe pedestrian circulation while enhancing and complementing the aesthetic character of the adjacent properties. The use of boulders, variation of rock mulch, artistic vertical elements, and berming are encouraged to meet the intent of this standard.

Section 2.14.4. Installation and Maintenance Standards.

Sec. 2.14.4.1. Timing of Installation; Surety.

- a. *Generally*. All approved and required landscaping outside of individual lot landscaping (e.g., subdivision outlots, pocket parks, subdivision open space, right-of-way tree lawns, etc.) shall be installed as stipulated in a development agreement with the Town prior to final acceptance of public improvements. For lot-specific development, such as single-family residential, multi-family, commercial, industrial, or other developments, all landscaping shall be installed prior to Temporary Certificate of Occupancy or (in the case of residential development) Certificate of Occupancy, as applicable, or final inspection.
- b. *Seasonal Delays*. In no event shall landscaping be delayed beyond seven months from issuance of a Temporary Certificate of Occupancy or three weeks into the beginning of the next planting season, whichever is sooner.
- c. *Surety*. If landscaping is not installed at the time of Temporary or Final Certificate of Occupancy, then the developer shall post a financial guarantee for the installation of the improvements, based on one hundred twenty-five percent (125%) of the estimated total cost of installation. The estimated total cost of installation shall include all labor, materials, and necessary activities required for installation of the approved landscaping. The Town will release the guarantee after installation of improvements following a passed final inspection.

Sec. 2.14.4.2. Maintenance.

- a. All landscaping elements and irrigation equipment shall be maintained in good condition. Ongoing maintenance, including but not limited to pruning, replacement of dead or unhealthy plantings, and replenishment of mulches, is required for areas that are landscaped pursuant to an approved landscape plan.
- b. *Right-of-Way Landscaping Maintenance*. All property owners or occupants shall be jointly and severally responsible for the maintenance of landscaping within the portion of the public right-of-way between the back of the curb or street pavement

and their adjacent property, unless otherwise specified in a maintenance agreement.

c. Tree Pruning Techniques.

- (1) All pruning of trees shall be performed in accordance with ANSI A300, Part 1 (Pruning), as amended from time to time, and Tree Pruning Best Management Practices or Best Management Practices - Utility Pruning of Trees, as applicable (published by the International Society of Arboriculture), as either may be amended from time to time.
- (2) Other Private Property. The following pruning techniques are prohibited on trees that are preserved or planted pursuant to an approved landscape plan, and that are not otherwise subject to subsection a., above:
 - (a) Topping (cutting large vertical branches of the tree to reduce its height).
 - (b) Tipping (cutting branches between nodes).
- (3) Bark ripping (cutting branches so that the bark rips when the branch falls).
- (4) Flush cuts (cutting the branch too close to the collar, the area where the branch connects to the tree).
- (5) Stub cuts (cutting branches too far away from the collar, the area where the branch connects to the tree).

Section 2.14.5. Irrigation Requirements

Sec. 2.14.5.1. Irrigation.

- a. *Generally.* All required landscaping shall be irrigated as required for plant establishment, health, and maintenance. The developer shall install irrigation systems that conform to requirements noted in the approved version of the Town of Frederick Design Standards and Construction Specifications, as they may be amended from time to time.
 - (1) Irrigation systems shall be zoned appropriate to the type and scope of the landscape improvements and plant requirements, including but not limited to landscaping within the right-of-way.
 - (2) Irrigation systems shall be capable of supporting multiple zones and settings, including adjusting for weather conditions and water restrictions.
 - (3) All irrigation systems shall have central control.
 - (4) All irrigation systems shall be connected to a back flow prevention device.
- b. *Irrigation water.* The developer or property owner shall provide water taps, irrigation improvements, and dedicate water as needed to supply the landscaping. Use of non-treated water for irrigation is encouraged if a permanent, suitable supply is available.
- c. *Temporary irrigation.* Temporary irrigation may be used to establish and maintain ground cover and plantings within natural areas, or areas set aside for later development, as approved by the Town.

Section 3. Codification Amendments. The codifier of the Frederick Land Use Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this ordinance into the Frederick Land Use Code.

Section 4. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 5. Severability. If any part, section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Board of Trustees hereby declares that it would have passed the Ordinance including each part, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses, or phrases be declared invalid.

Section 6. Effective Date. This Ordinance shall be published and become effective as provided by law.

Section 7. Necessity. The Board of Trustees of the Town of Frederick finds that this Ordinance is necessary for the immediate preservation and protection of the health, safety, welfare, and property of the inhabitants and owners of property in the Town of Frederick.

Section 8. Certification. The Town Clerk shall certify the passage of this Ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED THIS
10TH DAY OF SEPTEMBER 2024.

ATTEST:

By:


Tricia David, Town Clerk

TOWN OF FREDERICK

By:


Kevin Brown, Mayor Pro
Tern

