



**MOTION:** DUFFY

**June 25, 2024**

**SECOND:** MACKINTOSH

**Regular Meeting**

**Ordinance No. 24-17**

**RE:** Amending City Code Chapter 72, "Unified Development Ordinance," to Update Landscaping Standards and Clarify Related Development Procedures and Definitions

**ACTION:** APPROVED: Ayes: 6; Nays: 0

**FIRST READ:** June 25, 2024

**SECOND READ:** July 9, 2024

### **Sec. I. Introduction.**

Section 72-55, "Landscaping," of the City's Unified Development Ordinance has been largely unchanged since the UDO's original adoption in 2013. With the robust use of the Code over the last decade, staff recommends some updates and technical changes to these standards. The purpose of this Ordinance is to clarify terms and processes, revise tree planting standards, require the screening of rooftop equipment from public streets, and update options for specimen tree mitigation during the development process.

The City Council adopted a resolution to initiate this text amendment at its meeting on April 9, 2024. The Planning Commission held its public hearing on the amendment on May 8, 2024, after which it voted to recommend the amendment to the City Council. The City Council held its public hearing on this amendment on June 25, 2024.

In adopting this ordinance, City Council has considered the applicable factors in Virginia Code § 15.2-2284. The City Council has determined that public necessity, convenience, general welfare and good zoning practice favor this text amendment.

### **Sec. II. City Code amendment.**

It is hereby ordained by the Fredericksburg City Council that City Code Chapter 72, "Unified Development Ordinance," Section 72-55, "Landscaping," and Section 72-84, "Definitions" are amended to add the underlined language and delete the language shown in strikethrough as follows:

#### **72-55.0 Landscaping.**

- A. Purpose and intent. It is the purpose of this section to promote and protect the public health, safety, and general welfare by implementation of vegetative landscaping as means for:

- (1) Facilitating the creation of a convenient, attractive, and harmonious community, through the preservation of existing vegetation and/or the installation of additional trees, shrubs and other plants;
- (2) Providing vegetative buffers, screens, and boundaries, as visual and physical separations between uses, to mitigate the impacts of those uses upon each other;
- (3) Preserving existing tree canopy, and encouraging additional tree canopy, to provide shade, moderate the effect of urban heat islands, and improve air quality;
- (4) Preserving the character of lands, areas and properties of historic significance;
- (5) Protecting against erosion and sedimentation;
- (6) Reducing stormwater runoff and the costs associated therewith;
- (7) Preserving and protecting the water table and surface waters;
- (8) Increasing local food security;
- (9) Protecting residents and visitors from personal injury and property damage, and from property damage, caused or threatened by the improper planting, maintenance or removal of trees, shrubs or other plants;
- (10) Restoring soils and land denuded as a result of construction and/or grading;
- (11) Increasing the tree canopy to provide shade and moderate the effect of urban heat islands;
- (12) Protecting and enhancing property values and aesthetic qualities;
- (13) Providing additional improvements to air quality through the carbon dioxide uptake process provided by trees and landscaping; and
- (14) Providing visual screening, where appropriate.

**B. Applicability.**

- (1) General. Except where expressly exempted, these standards shall apply to all development in the City.
- (2) Review for compliance. Review for compliance with the standards of this section shall occur during review of an application for a site plan, planned development, or zoning permit, as appropriate.

- (3) Exemptions. Single-family detached and duplex dwellings shall be exempted from the standards in this section.

#### 72-55.1 General requirements.

##### A. Landscape plan.

- (1) To ensure compliance with the standards of this section, a professionally prepared landscape plan, approved by an International Society of Arboriculture ~~Arboricultural~~ Arboriculture certified arborist, demonstrating compliance with the requirements shall be included as a part of any application for approval of a site plan, subdivision, planned development, cluster development, certificate of appropriateness, special use permit, or zoning permit, as appropriate.
- (2) In the event of phased development, a separate landscape plan shall be required for each distinct phase of a development.
- (3) Minimum landscaping requirements are contained in Tables 72-55.4C and 72-55.4D.

B. Coordination with stormwater requirements. Stormwater management facilities required by this chapter or other City requirements may be incorporated into a proposed landscaping plan, potentially resulting in a credit towards landscaping or open space set-aside requirements.

##### C. Planting standards. Plantings shall comply with the following standards:

- (1) New plantings.
  - (a) Deciduous canopy or shade trees shall be a minimum of ~~1.5~~ one inches in caliper and a maximum of 2.5 inches in caliper at the time of planting, as determined in the American Standard for Nursery Stock, ANSI Z60.1-2004, as amended.
  - (b) Understory, small maturing, or ornamental trees shall have a minimum caliper of 1.5 ~~1-1/2~~ inches in caliper and a maximum of 2.5 inches in caliper at the time of planting, as determined in the American Standard for Nursery Stock, ANSI Z60.1-2004, as amended.
  - (c) Evergreen trees shall be a minimum of ~~four~~ three feet in height at the time of planting. Trees should reach a minimum height of 15 feet at maturity.
  - (d) Deciduous shrubs which are upright in nature shall be a minimum of 24 inches in height at the time of planting, and evergreen shrubs shall be a minimum of 18 inches in height at the time of planting.
  - (e) In cases where an aggregate caliper inch (ACI) requirement is utilized to derive a required

amount of vegetation, and the ACI figure includes a fraction, an applicant may:

- [1] Utilize a tree or trees with a caliper inch measurement exceeding the minimum size at time of planting standard of this subsection in order to meet the required ACI; or
  - [2] Round the ACI figure upwards until the figure corresponds with a whole number of trees meeting the minimum size at time of planting standard.
- (f) When trees exceeding the minimum size at time of planting standard are proposed, the minimum calipers of such trees shall be clearly noted on the site plan or subdivision plat, as appropriate.
  - (g) In cases where application of the requirements in this subsection result in a fraction in the number of shrubs to be provided, the minimum number of shrubs or trees to be provided shall be rounded upwards to the next highest whole number.
  - (h) All landscape plant materials shall conform to the latest version of the American Standard of Nursery Stock (ANSI Z60.1, as amended). Plant material shall be of standard quality or better, true to name and type of species or variety.
  - (i) ~~Native, d-Drought~~ tolerant vegetation, preferably native, should be used and preferred to reduce dependency upon irrigation and sustain the regions natural environment.
  - (j) To curtail the spread of disease or insect infestation in a plant genus, new plantings shall comply with the following standards:
    - [1] When fewer than 20 trees are required to be planted on the site, at least three different ~~genuses-genera~~ shall be used, in roughly equal proportions.
    - [2] When more than 20 trees are required on a site, no more than 20% of any genus shall be used.
    - [3] Nothing in this subsection shall be construed so as to prevent the utilization of a larger number of different ~~genuses-genera~~ than specified above.
    - [4] All trees and shrubs shall be planted in accordance with ANSI A300 Part 6.
  - (2) Existing vegetation. Existing healthy, well-formed canopy and understory trees, as well as healthy shrubs, which are preserved and protected throughout the development process, shall be credited toward the requirements of this section, provided the vegetation meets the minimum size standards and is protected before and during development of the site and maintained thereafter in a healthy growing condition (see §72-55.6, Tree preservation incentives).

(3) Stabilization.

- (a) All landscape planting areas shall be stabilized and maintained with ground covers, mulches, or other approved materials to prevent soil erosion and allow rainwater infiltration.
- (b) Groundcover located within three feet of a building base shall comply with applicable requirements of the Virginia State-wide Fire Prevention Code.

(4) Berms. All berms shall comply with the following design standards:

- (a) The slope of all berms shall not exceed a two-to-one (2:1) ratio (horizontal to vertical), shall have a top width at least one-half the berm height, and a maximum height of eight feet above the toe of the berm.
- (b) All berms, regardless of size, shall be stabilized with a ground cover or other suitable vegetation.
- (c) Berms proposed to be placed along street right-of-way shall be designed and constructed to provide adequate sight distances at intersections and along the street.
- (d) Berms shall not damage the roots of existing healthy vegetation designated to be preserved.

(5) Limitations on landscaping placement.

(a) Within easements.

- [1] Nothing except groundcover shall be planted or installed within the area of any underground or overhead utility, drainage, or gas easement, without the prior written consent of the utility provider, the City, or as provided for by the applicable easement agreement. Minimum clear separation distances required by the current adopted version of the state's Fire Prevention Code shall be maintained between landscaping and any fire protection system.
  - [2] Where required landscaping material is damaged or removed due to utility activity within an easement, the landowner shall be responsible for replanting all damaged or removed vegetation necessary to ensure required landscaping meets the standards in this chapter.
- (b) Near functional fire protection. Nothing except groundcover shall be planted or installed within 15 feet of a fire protection system without the prior written consent of the City Arborist. All such groundcover shall comply with applicable requirements of the Virginia State-wide Fire Prevention Code.

- (c) Near underground meter. Nothing except groundcover shall be planted or installed within three feet of an underground meter without the prior written consent of the utility provider or the City.
- (d) Beneath overhead utilities. Canopy trees shall not be planted beneath overhead utilities. Understory trees may be planted beneath overhead utilities with prior consent from the easement holder, or as provided for by the applicable easement agreement.

#### 72-55.2 Vehicular use area landscaping.

All vehicular use areas shall include landscaping, both within the interior of the vehicular use area and around its perimeter (see Figure 72-55.2, Vehicular Use Area Landscaping).

#### Figure 72-55.2. Vehicular Use Area Landscaping

[Image]

- A. Interior landscaping standards. All parking lots with containing more than 12 parking spaces ~~in a row~~ shall provide and maintain landscaped planting areas within the interior of the parking lot in accordance with the standards in this subsection. These standards shall not apply to parking structures, or vehicle display areas.
  - (1) Planting area size. Each planting area shall contain sufficient area, in accordance with ANSI Standard A300 Part 6, to accommodate the root growth of the plant material used. The size of the planting area, size of plant material at maturity, and placement of plant material shall allow for a two-and-one-half-foot bumper overhang from the face of the curb.
  - (2) Design. Unless altered through an Alternative Landscape Plan (see § 72-55.7), interior planting areas shall be designed in accordance with the following standards:
    - (a) Landscape islands shall be provided at a minimum rate of one island per every 12 parking spaces and shall be evenly distributed throughout the parking area.
    - (b) Islands shall be located at the end of parking bays and have a minimum size of 180 square feet for single-loaded parking bays, and a minimum size of 360 square feet for double-loaded bays.
    - (b~~c~~) Off-street surface parking areas with 200 or more parking spaces shall be organized into a series of smaller modules visually separated by landscaped islands that are located at least every six parking bays and are at least nine feet wide.
    - (c) ~~Landscaped planting areas shall be distributed throughout the parking area for the purpose of heat abatement.~~

- (d) No parking space shall be separated from the trunk of a shade or canopy tree by more than ~~50~~55 feet. Perimeter vehicular use area landscaping or other required landscaping may be used to meet this requirement.
  - (e) Where an existing easement prohibits compliance with these standards, an applicant may propose an alternative landscape plan in accordance with § 72-55.7, Alternative landscape plan.
- (3) Planting rate. Each interior planting island shall contain trees at the minimum rate of two aggregate caliper inches (ACI) of canopy tree for every 180 square feet of island area, except for locations directly under overhead utilities, where 1.5 ACI of understory trees may be substituted for each required canopy tree.
- (4) Protection of planting areas. All planting areas shall be protected from vehicle damage by the installation of curbing, wheel stops, or other comparable methods. This standard shall not prohibit the use of planting areas as stormwater management devices.
- B. Perimeter landscaping strips. Where a vehicular use area abuts a street right-of-way, vacant land, or any other development (except another parking lot), perimeter landscaping strips shall be provided and maintained between the vehicle use area and the abutting right-of-way or property line in accordance with the following standards.
- (1) Continuous visual screen. Perimeter landscaping for vehicular use areas shall form a continuous visual screen with a minimum height of 36 inches above grade, excluding required sight clearances at driveways and near intersections.
  - (2) Protection of landscaping strip. The perimeter landscaping strip shall be protected from vehicular damage by the installation of curbing, wheel stops, extra width in the landscaping strip, or other comparably effective method approved by the Development Administrator.
  - (3) Location. Perimeter landscaping strips shall be located on the property, and shall be placed to assure visibility and safety of pedestrians on the public street, as well as those within the vehicular use area.
  - (4) Minimum width. The minimum width of a perimeter landscaping strip serving a vehicular use area shall be eight feet.
  - (5) Required materials.
    - (a) Evergreen shrubs shall be used to form the continuous visual screen in the perimeter landscaping strip.

- (b) In addition to the evergreen shrub requirements, each perimeter landscaping strip shall include at least eight aggregate caliper inches (ACI) of canopy trees per 100 linear feet of landscaping strip. Understory trees may be used beneath overhead utilities.
- (6) Credit towards perimeter buffer requirements. Perimeter landscape strips associated with a vehicular use area may be credited towards perimeter buffer standards (see § 72-55.4), provided the minimum applicable buffer standards of this section are met, and provided the vehicular use area landscaping is within the area occupied by the perimeter landscape buffer.
- (7) Adjacent to off-street surface parking on other lots. Where two or more off-street surface parking lots are located adjacent to one another, but upon different lots, no perimeter landscaping strip shall be required between the two parking lots. Nothing in this section shall be construed to waive the requirement for perimeter landscape buffers in § 72-55.4.

#### 72-55.3 Foundation plantings.

- A. Purpose and intent. The purpose for these standards for foundation plantings is to require landscaping plantings that soften the visual impacts of building foundation walls.
- B. Applicability.
  - (1) The standards in this section shall apply to new nonresidential, multifamily, and mixed-use building facade walls that face streets and publically-owned lands.
  - (2) These standards shall also apply to additions or expansions of existing building walls meeting the criteria of Subsection **B(1)** above.
- C. Exemptions. The following shall be exempted from these standards:
  - (1) Buildings walls located within three feet of a public sidewalk; and
  - (2) Building walls located farther than 500 feet from an adjacent street or publically-owned lands; and
  - (3) Buildings in the C-D District.
- D. Foundation planting standards.
  - (1) Foundation plantings shall be comprised of large shrubs, planted no greater than five feet on-center along the full extent of building facades that face a street (other than an alley) or publically-owned lands.
  - (2) In instances where an equipment or service area occupies a portion of a building facade



wall facing a street or publically-owned lands, the landscaping requirements in § 72-55.5, Screening, shall be applied.

- (3) Required shrubs may be planted up to 15 feet from the building facade wall, provided there is a sidewalk located between the planting area and the building wall.

**72-55.4 Zoning District Boundary ~~Perimeter~~ landscape buffers.**

- A. Purpose and intent. ~~Zoning district boundary~~ ~~Perimeter~~ landscape buffers are intended to mitigate potential negative effects of contiguous uses in differing zoning districts.
- B. Applicability. All development shall provide a ~~zoning district boundary~~ ~~perimeter~~ landscape buffer to separate it from differently-zoned adjacent property in accordance with Table 72-55.4C, Buffer Types, and Table 72-55.4D, Buffer Type Application.

(1) Any required zoning district boundary buffer width can be reduced to six feet with the provision of a solid masonry wall at least six feet in height.

(2) Zoning district boundary buffer widths (but not vegetation amounts) may be reduced in accordance with § 72-55.7, Alternative landscape plans.

(3) The General Development Plan in a planned development (PD) district may propose an alternative buffer, including an exception to buffer requirements between uses within the boundaries of the PD District.

(4) Zoning district boundary buffers shall not be required within primary front yards.

- C. Buffer types. Table 72-55.4C, Buffer Types, describes two different buffering options in terms of their function, opacity, width, and planting requirements. Where a particular buffer type is required in Table 72-55.4D, Buffer Type Applications, the requirement may be met by using either of the buffer options (a narrow option with a wall is also an option). Where an option utilizing a berm or fence is selected, the berm or fence shall comply with the standards of § 72-55.1C(4), Berms, or § 72-56, Fences and walls, as appropriate.

**Table 72-55.4C: Buffer Types**

ACI = aggregate caliper inches

**Minimum Screening Requirements Within  
 Zoning District Boundary Perimeter Buffer**

Buffer Type and Configuration	Description	Option 1: Minimum Width 25 feet {1}{2}	Option 2: Minimum Width 15 feet {1}{2}
-------------------------------	-------------	--	---

**Type A Basic**

<u>[Image]</u>	This <u>zoning district boundary perimeter</u> buffer functions as basic edge demarcating individual properties with a slight visual obstruction from the ground to a height of 10 feet.	10 ACI of canopy trees per 100 linear feet	2 ACI of canopy trees + 12 ACI of understory trees per 100 linear feet
----------------	--	--	--

**Type B Aesthetic**

<u>[Image]</u>	This <u>zoning district boundary perimeter</u> buffer functions as an intermittent visual obstruction from the ground to a height of at least 20 feet, and creates separation without eliminating visual contact between uses.	8 ACI of canopy trees + 12 shrubs per 100 linear feet	4 ACI of canopy trees + 13.5 ACI understory trees + 5 shrubs per 100 linear feet
----------------	--	---	--

**Type C Semi-Opaque**

<u>[Image]</u>	This <u>zoning district boundary perimeter</u> buffer functions as a semi-opaque screen from the ground to at least a height of six feet.	<u>2 evergreen trees + 4 8-ACI of canopy trees + 9 ACI of understory trees + 11 shrubs per 100 linear feet</u>	A four-foot-tall opaque fence + <u>1 evergreen tree + 4 6 ACI of canopy trees + 12 ACI understory trees + 11 shrubs + per 100 linear feet</u>
----------------	---	--	---

**Type D Opaque**

<u>[Image]</u>	This <u>zoning district boundary perimeter</u> buffer functions as an opaque screen from the ground to a height of at least six feet. This type of buffer prevents visual contact between uses and creates a strong impression of total separation.	<u>3 evergreen trees + 4 10 ACI of canopy trees + 13.5 ACI of understory trees + 23 shrubs per 100 linear feet</u>	A six-foot-tall opaque fence + <u>2 evergreen trees + 4 8 ACI of canopy trees + 15 ACI of understory trees + 23 shrubs per 100 linear feet</u>
----------------	---	--	--

NOTES:

{1} ~~Any required perimeter buffer width can be reduced to six feet with the provision of a solid masonry wall at least six feet in height, along with 12 shrubs per every 100 linear feet located outside the wall.~~

{2} ~~Perimeter buffer widths (but not vegetation amounts) may be reduced in accordance with § 72-55.7, Alternative landscape plans.~~

D. Buffer type application. Table 72-55.4D, Buffer Type Application, specifies the type of landscaped buffer that development shall provide between it and adjacent differently-zoned. The buffer type is indicated by a letter corresponding to one of the four buffer types depicted in Table 72-55.4C, Buffer Types.

**Table § 72-55.4D: Buffer Type Application [Amended 2-11-2014 by Ord. No. 14-07; 9-8-2020 by Ord. No. 20-17]**

A = Type A Buffer B = Type B Buffer C = Type C Buffer D = Type D Buffer N/A = Not Applicable (No Buffer Required)

**Zoning Classification of Adjacent Property**

Zoning Classification of Proposed Development Site	R-2; R-4	R-8; R-12; PD-R	R-16; R-30; PD-MU	C-T; C-D; CM T-4M Transect	C-SC; PD-C; PD-MC	C-H; I-1; CM T-5M Transect	I-2
R-2; R-4	N/A	N/A	B	C	D	D	D
R-8; R-12; PD-R	N/A	N/A	A	B	C	D	D
R-16; R-30; PD-MU	B	A	N/A	A	B	C	D
C-T; C-D; CM T-4M Transect	C	B	A	N/A	A	B	D
C-SC; PD-C; PD-MC	D	C	B	A	N/A	A	D
C-H; I-1; CM T-5M Transect	D	D	C	B	A	N/A	C
I-2	D	D	D	D	D	C	N/A

**NOTES:**

[1] Letters in cells correspond to the buffer types depicted in Table 72-55.4C, Buffer Types.

~~[2] The General Development Plan in a planned development district may propose an alternative buffer, including an exception to buffer requirements between uses within the boundaries of the PD District.~~

[3] Form-based codes. The Frontage and Transitional Zone standards shall be used in place of buffer standards within the primary and secondary front yard of lots subject to an adopted form-based code.

E. Responsibility for buffer installation.

- (1) Vacant parcels. Where a developing parcel is adjacent to a vacant parcel and a zoning district boundary perimeter buffer is required for both parcels in accordance with this subsection, the developing parcel shall provide a minimum of one-half of the zoning district boundary perimeter buffer required adjacent to the vacant ~~land~~ parcel.
- (2) Existing land uses. Where a parcel that is the subject of a proposed development is adjacent to a developed parcel, and a zoning district boundary perimeter buffer is required in accordance with this subsection, the parcel that is the subject of the proposed development shall provide the zoning district boundary perimeter landscape buffer, at the full required width, adjacent to the developed parcel in accordance with Table 72-55.4C, Buffer Types, and Table 72-55.4D, Buffer Type Application, unless a portion or all of a zoning district boundary perimeter buffer that complies with the standards of this section already exists between the lots. Where a zoning district boundary perimeter landscape buffer exists, but the buffer does not fully comply with the standards of this section, the developing parcel shall be responsible for providing only the additional buffer and planting material as necessary to meet the standards of this section.

F. Location of buffers. zoning district boundary perimeter landscape buffers required by this subsection shall be located along the outer perimeter of the parcel; such buffers shall begin at the applicable boundary line and extend inward. In the case of parcel boundary lines along a public right-of-way, solid fencing having a height in excess of 48 inches, if provided, shall not encroach beyond the building setback line, except when otherwise approved as part of an alternative landscape plan. A zoning district boundary perimeter landscape buffer may be located along shared access easements between parcels in nonresidential developments.

G. Development within required buffers.

- (1) Unless permitted in this subsection, no required landscape buffer shall contain any buildings, structures, improvements, or uses other than landscaping.
- (2) Sidewalks and trails may be placed in zoning district boundary perimeter buffers if all required landscaping is otherwise provided. When sidewalks and trails are placed in a zoning district boundary perimeter landscape buffer, pervious surfacing shall be used to the maximum extent practicable, and the location of the sidewalk and trail shall be situated to minimize damage and removal of existing vegetation.
- (3) Overhead and underground utilities may cross a zoning district boundary perimeter buffer, but shall not be configured to run parallel with and inside a zoning district boundary perimeter buffer unless the landscaping located within the buffer will remain undisturbed, or the easement requires the landscaping to be replaced, if damaged.

(4) If required landscaping material is damaged or removed due to utility activity within a required buffer, and the utility easement does not require the utility company to replace the landscaping, then the landowner shall be responsible for re-establishing the required landscape buffer within 12 months to meet the requirements of this section.

H. Credit for existing and required vegetation.

(1) Existing vegetation meeting the size standards of § 72-55.1C(1), New plantings, located within 10 feet of the zoning district boundary ~~perimeter~~ buffer area, if preserved, will be credited toward the zoning district boundary ~~perimeter~~ landscape buffer standards.

(2) Vehicular use area landscaping meeting the size standards of § 72-55.1C(1), New plantings, and located within 20 feet of area to be occupied by a perimeter landscape buffer, may be credited towards the perimeter landscape buffer standards.

#### 72-55.5 Screening.

A. General requirements. In addition to the required foundation plantings, vehicular use area landscaping, and zoning district boundary ~~perimeter~~ landscape buffer requirements, screening shall be required to conceal specific areas of high visual or auditory impact, and hazardous areas, from both on-site and off-site views (see Figure 72-55.5, Screening Methods). Such areas shall be screened at all times, unless otherwise specified, regardless of adjacent uses, districts, or other proximate landscaping material.

B. Items to be screened. The following areas shall be screened from off-site views in accordance with this section:

(1) Large waste receptacles (dumpsters) and refuse collection points (including cardboard recycling containers);

(2) Loading and service areas;

(3) Outdoor storage areas (including storage tanks);

(4) To the extent feasible given access requirements, ground-based utility equipment in excess of 12 cubic feet; and

(5) Ground-level mechanical units, from public streets only.

(6) Rooftop mechanical units, from public streets only.

### Figure 72-55.5. Screening Methods

[Image]

- C. Screening methods. The following items are permitted for use as screening materials. Alternative screening materials that are not listed may be used if it is determined they are comparable to these screening materials.
- (1) Vegetative materials that meet the minimum vegetative screening requirements for a Type D buffer (see Table 72-55.4C, Buffer Types) and the size standards of § 72-55.1C(1), New plantings;
  - (2) An earthen berm that is at least two feet in height, covered with grass, and planted with other landscaping materials consistent with the function of and requirements for a Type D buffer (see Table 72-55.4C, Buffer Types; provided, however, that a berm shall not be used in the CD District or if it will replace existing trees;
  - (3) A masonry wall that is the minimum height necessary to fully-screen the object being screened, and that is constructed of brick, textured concrete masonry units, or stucco block; or
  - (4) Use of chain-link fencing with wooden or plastic slats shall be limited to access gates only.
- (5) Parapet wall.

### 72-55.6 Trees.

- A. Street trees. Street trees shall be required for all development in the City, in accordance with the following standards:
- (1) Where required. Street trees shall be required on both sides of all streets in the City except alleys and around temporary turnarounds.
  - (2) Location. Trees shall be evenly spaced, aligned along the right-of-way frontage within 15 feet of the edge of the roadway pavement, and placed between the edge of the roadway pavement and any sidewalk or trail.
  - (3) Type. All trees must be on the City of Fredericksburg's approved street tree list or be approved by the City Arborist. All plantings must be in accordance with ANSI A300 Part 6. Existing mature, healthy trees located within the streetscape zoning district boundary buffer shall be preserved and maintained as part of the overall landscaping plan for the development.
  - (4) Configuration.

- (a) Single street trees shall be canopy trees except when beneath overhead utilities, where understory trees shall be used. Refer to the City of Fredericksburg's Approved Street Tree List for a list of trees to be planted under power lines.
- (b) No single genus shall constitute more than 20% of the number of trees to be planted.
- (c) Understory trees shall be spaced a maximum average of 20 feet on-center.
- (d) Canopy trees shall be spaced a maximum average of 40 feet on-center.
- (5) Deviations. Deviations from the standards may be proposed in accordance with the standards in § 72-55.7, Alternative landscape plan, or by the City's Arborist.

B. Specimen tree protection.

(1) Applicability.

(a) General.

[1] Every development, except when exempted in accordance with § 72-55.6B(1)(b), shall include a specimen tree inventory as part of the overall landscaping plan for the development. The inventory shall be prepared by an International Society of Arboriculture certified arborist.

[12] Existing mature, healthy trees located within the streetscape-zoning district boundary landscape buffer shall be preserved and maintained. Removal of specimen trees within a zoning district boundary landscape buffer may be proposed in accordance with the standards in § 72-55.7, Alternative landscape plan, or by the City's Arborist. as part of the overall landscaping plan for the development. Every development, except that exempted in accordance with § 72-55.6B(1)(b), Exemptions, shall be required to protect specimen trees in accordance with this section.

[23] A specimen tree is notable by virtue of its outstanding size and quality for its particular species. An existing canopy tree is considered notable when it achieves a diameter at breast height of 32 inches or more and any understory tree is considered notable when it achieves a diameter at breast height of nine inches or more. Species not native to Virginia shall not be eligible for consideration as specimen trees.

(b) Exemptions. The following developments shall be exempt from these standards:

[1] Those located within the C-D District; and

[2] Existing single-family detached residential dwellings on lots of record established prior to October 8, 2013.



- (c) ~~Invasives not considered specimen trees, and alien species, including, but not limited to, those trees listed on the Virginia Department of Conservation and Recreation's Invasive Alien Plant Species list, are not considered specimen trees for the purpose of this Chapter. Regardless of the diameter at breast height (DBH), any tree listed on the Virginia Department of Conservation and Recreation's Invasive Alien Plant Species List shall not be considered a specimen tree for purposes of this chapter.~~
- (2) Depiction on landscaping or development plan. The location, species, and size of all specimen trees to be retained in accordance with this section shall be depicted on the proposed development plan associated with the development.
- (3) General requirement. No specimen tree shall be removed during the development process, except in accordance with § 72-55.6B(4), Removal of a specimen tree. In addition, all specimen trees shall have the following protections, whether located on public or private land:
- (a) Cutting, removal, or harm prohibited. Specimen trees shall not be cut, removed, pushed over, killed, or otherwise harmed.
- (b) Paving or soil compaction prohibited. The area within the dripline of any specimen tree shall not be subject to paving or soil compaction.
- (4) Removal of a specimen tree. Specimen trees may be trimmed, or cut if the landowner demonstrates to the City Arborist one of the following conditions:
- (a) Removal of a healthy specimen tree. A specimen tree is in healthy condition, and all of the following standards are met:
- [1] The landowner is otherwise in compliance with this section;
- [2] The specimen tree prevents development of a lot platted prior to October 8, 2013, in a way that limits building area to less than otherwise allowed, or hinders compliance with the standards in Article 72-3, Zoning Districts; Article 72-4, Use Standards; or Article 72-5, Development Standards; and
- [3] Mitigation is provided in accordance with § 72-55.6B(5), Replacement/mitigation of specimen trees.
- (b) Removal of a severely diseased, high-risk, damaged, or dying specimen tree. A specimen tree is certified by an arborist or other qualified professional as severely diseased, high risk, damaged by an act of God, or dying. Removal of a severely diseased, high risk, or dying specimen tree shall not require mitigation in accordance with § 72-55.6B(5), Replacement/mitigation of specimen trees.

- (c) Trimming, cutting or removal is otherwise necessary. This chapter's prohibition of the trimming, cutting or removal of a specimen tree shall not apply:
- [1] To work performed on federal or state property;
  - [2] To emergency work performed to protect life, limb or property;
  - [3] Routine installation, maintenance or repair of cable and wires used to provide cable television, electric, gas or telephone service;
  - [4] To activities having only minor effects upon trees, such as home gardening and landscaping of individual homes; or
  - [5] To commercial silvicultural or horticultural activities.
- (5) Replacement/mitigation of specimen trees. Any person who is determined to be responsible for the unauthorized destruction or who proposes removal of a specimen tree shall be required to implement, and to bear the cost of, the following measures:
- (a) Replacement trees required. Each healthy specimen tree removed or destroyed shall be replaced with replacement trees, each measuring no less than two inches in DBH by American Nurseryman Standard. Replacement trees shall be provided at a rate necessary to result in a cumulative total of replacement tree inches meeting or exceeding the DBH of the specimen tree removed. The replacement trees shall be replanted within 12 months of the removal or destruction of the specimen tree.
  - (b) Location of replacement trees. Replacement trees shall be either planted on the parcel of land from which the specimen tree was removed if sufficient space is available, or placed on nearby property within the same watershed in accordance with § 72-55.7, Alternative landscape plan. If onsite or nearby locations within the same watershed are not feasible, payment into the Specimen Tree Mitigation Account (STMA) in lieu of planting may be considered in accordance with § 72-55.7, Alternative Landscape Plan. The value of the replacement trees shall be determined by an engineer's cost estimate plus 20% to cover the initial maintenance.
  - (c) Specimen Tree Mitigation Account (STMA). As a condition of Alternative Landscape Plan approval, funds shall be collected by the Development Administrator prior to the issuance of the first certificate of occupancy for the site or prior to issuance of land disturbance permit for projects that do not include improvements that are intended for occupancy. The City Arborist shall use STMA payments to install replacement trees within the same watershed as the contributing project, or as near to the project as practicable if no sites within the watershed are available, within 24 months from receipt of payment.

(d) Watersheds. For the purpose of this section, watersheds are defined by the adopted map contained in the City's Comprehensive Stormwater Management Facilities Plan (as amended).

C. Tree protection during construction.

- (1) Owner's responsibility. At all times prior to completion of development, barriers shall be installed to protect existing and newly installed vegetation from damage, in accordance with ANSI standard A300 Part 5, Management of Trees and Shrubs During Site Planning, Site Development, and Construction and Best Management Practices - Managing Trees During Site Development and Construction (revised 2012 as amended). Except for driveway access points, sidewalks, curb, and gutter, no paving shall occur within a tree ~~save area~~ protection zone except as may be specifically authorized within an approved alternative landscaping plan.
- (2) Tree protection fencing.
  - (a) Where required. Specimen trees and other existing trees for which a developer is receiving credit towards landscaping requirements in accordance with § 72-55.6D, Tree preservation incentives, shall be fenced with a sturdy and visible fence. The fence shall be installed prior to commencement of any land disturbing activity and shall be maintained in place at all times until completion of development. Fencing shall be erected in accordance with ANSI standard A300 Part 5, Management of Trees and Shrubs During Site Planning, Site Development, and Construction and Best Management Practices - Managing Trees During Site Development and Construction (as amended). ~~no Closer than one linear foot to a tree's dripline.~~ The Zoning Administrator shall consider the existing site conditions in determining whether the location of tree protection fencing meets the requirements of this subsection. The area located inside tree protection fencing is referred to as the "tree ~~save area~~ protection zone".
  - (b) Inspection. All tree protection measures shall be inspected and approved by the Zoning Administrator as being compliant with the requirements of this subsection, prior to commencement of any land disturbing activities.
  - (c) When required. No construction, grading, equipment or material storage, or any other activity shall be allowed within any tree ~~save area~~ protection zone.
- (3) Encroachments into tree ~~save areas~~ protection zones. Encroachments into ~~specimen tree~~ save areas protection zones shall occur only when no other alternative exists. If such an encroachment is anticipated, the developer shall notify the Zoning Administrator and shall refrain from any such encroachment for a period of 48 hours following the notification, to allow the Zoning Administrator an opportunity to confer with the developer and inspect the site. Thereafter, if the developer proceeds with the encroachment, the following

preventive measures shall be employed:

- (a) Soil compaction. To help prevent compaction due to construction traffic or materials delivery through a ~~tree save area protection zone~~, the area must first be protected in accordance with ANSI standard A300 Part 5, Management of Trees and Shrubs During Site Planning, Site Development, and Construction and Best Management Practices - Managing Trees During Site Development and Construction (as amended). ~~mulched with a minimum four inch layer of wood chips~~. Under no circumstances shall equipment or materials be stored within a tree save area protection zone.
  - (b) Fill. No fill shall be placed within a ~~specimen tree save area protection zone~~. ~~without adequate venting to allow air and water to reach the roots~~.
  - (c) Chemical contamination. Trees located within a ~~specimen tree save area protection zone~~ shall be protected from chemical contamination from liquids or other materials, including but not limited to paint, chemical solvents, gasoline, oil, diesel fuel, hydraulic fluid, concrete spoils, or rinse water from vehicle cleaning, including rinsing of concrete truck tanks and chutes.
- D. Tree preservation incentives.
- (1) Tree preservation credits. In order to encourage the preservation of as many trees as practical on a development site, credit towards the minimum landscaping requirements shall be applied to all existing trees retained on a site that comply with the credit standards of this subsection and are not specimen trees. Credits shall be granted in accordance with the following standards:
    - (a) Standards. Existing healthy, well-formed canopy and understory trees shall be credited toward the minimum landscaping requirements in this section, provided:
      - [1] The vegetation to be credited shall meet the minimum size standards in this chapter;
      - [2] The vegetation to be credited conforms with all species requirements and does not include noxious or invasive weeds or other nuisance vegetation;
      - [3] The vegetation to be credited is protected before and during development by tree protection fencing or other methods approved by the Zoning Administrator, or designee, prior to the start of any land-disturbing activities; and
      - [4] The location of the existing vegetation contributes to the screening or buffering functions of the landscaping.
    - (b) Credit amount. As an incentive for retention of existing trees, existing trees meeting the

standards in Subsection **D(1)(a)** above that are retained during and after development shall be credited towards the minimum landscaping requirements in this chapter at a rate of 1.25 times the tree's actual caliper or diameter at breast height.

- (2) Reduction in the minimum number of required parking spaces. Up to a 5% reduction in the number of off-street parking spaces required on a development site shall be allowed, if the reduction of pavement will preserve the root zones of existing, healthy specimen trees. The specific amount of reduction will be determined by the Zoning Administrator after taking into consideration any unique site conditions and the impact of the reduction on parking needs for the use, and must be agreed upon by both the applicant and the Zoning Administrator. Alternative paving materials (see § **72-53.3G**, Alternative materials) may be required by the Zoning Administrator in cases where required parking areas encroach upon root zones.

#### **72-55.7 Alternative landscape plans.**

- A. General. Alternative landscape plans, materials, or methods may be justified due to natural conditions, such as streams, natural rock formations, topography, and physical conditions related to the site. Lot configuration and utility easements may justify an alternative landscape plan, as well as impractical situations that would result from the strict application of requirements of § 72-55, Landscaping.
- B. Allowable deviations. The Zoning Administrator may approve an alternative landscape in accordance with this § **72-55.7**. Allowable alternatives include, but are not necessarily limited to the following:
  - (1) Reduced planting rates due to public facilities. An adjustment to planting locations or reduction of up to 20% in the type or total number of required caliper inches may be allowed when underground connections to public facilities or public utilities, or public easements or right-of-way, are located upon or in close proximity to the parcel.
  - (2) Reduction in standards due to nature of parcel. A reduction in the count, spacing, or species diversity standards by up to 20% may be allowed where the reduction is desirable in terms of protection of existing natural resources, better consistency with the goals of the Comprehensive Plan, or a site design that exceeds the quality of what would otherwise result under a strict application of the standards in this chapter. In cases where plant counts have been reduced, the City may require off-site planting of some or all of the required landscaping.
  - (3) Redevelopment of nonconforming sites. The installation of required landscaping during redevelopment of existing nonconforming sites.

**72-55.8 Maintenance.**

The owner of a lot on which any required landscaping has been installed shall be responsible for the maintenance of all landscape areas not in the public right-of-way, and for continuing compliance with applicable landscaping requirements. Required landscaping shall be maintained in accordance with the approved landscape plan or alternative landscape plan for a development and shall present a healthy and orderly appearance free from refuse and debris. All trees and plantings shown on an approved landscape plan or alternative landscape plan shall be replaced if it dies, is seriously damaged, or removed. To ensure plant survival, fifty percent (50%) of the performance guarantee for landscaping shall be retained until final inspection and approval, which shall occur no earlier than 24 months after approval of the initial installation of the landscape improvements.

- A. Damage due to natural occurrence. In the event that any required landscaping, including any physical element thereof (such as fencing or berms) is severely damaged due to an unusual weather occurrence or natural catastrophe, or other natural occurrence such as damage by wild or domestic animals, the required landscaping shall be replanted and replaced to the extent necessary to return the property to compliance with the approved landscape plan or alternative landscape plan. The owner shall have one growing season to comply. The Zoning Administrator shall consider the type and location of the required landscaping as well as the propensity for natural revegetation in making a determination on the extent of replanting requirements.
- B. Protection during operations. Trees and other plantings that are the subject of an approved landscape plan or alternative landscape plan shall be protected from unnecessary damage during all facility and site maintenance operations. Plants shall be maintained in a way that does not obstruct sight distances at roadway and drive intersections, obstruct traffic signs or devices, or interfere with the use of sidewalks or pedestrian trails.
- C. Maintain shape. All required trees (whether canopy or understory) shown on an approved landscape plan or alternative landscape plan shall be maintained in their characteristic natural shape, and shall not be severely pruned, sheared, topped, or shaped as shrubs. Trees (including, but not limited to crape myrtles) that have been severely pruned, sheared, topped, shaped as shrubs, such that they no longer serve the intended buffering or screening function, shall be considered as damaged vegetation in need of replacement in accordance with § 72-55.8A, Damage due to natural occurrence, and shall be replaced within one growing season.
- D. Natural death. The natural death of existing trees and plantings within a required landscape will not trigger a requirement for replanting or replacement unless the loss of such trees and plantings results in a required landscape area that no longer complies with the requirements of this § 72-55.

\*\*\*\*\*

## 72-84 Definitions

### SPECIMEN TREE

A tree that is notable by virtue of its outstanding size and quality for its particular species. Generally, an existing canopy tree may be considered as notable when it achieves a diameter at breast height of 32 inches or more, and any understory tree may be considered as notable when it achieves a diameter at breast height of ~~nine~~<sup>9</sup> inches or more. ~~Invasive Species not native to Virginia and invasive~~ species shall not be eligible for consideration as specimen trees.

#### Sec. III. Effective date.

This ordinance shall be effective immediately.

#### Votes:

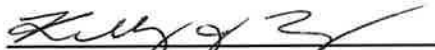
**Ayes:** Devine, Frye, Duffy, Gerlach, Holmes, Mackintosh

**Nays:** None

**Absent from Vote:** Graham

**Absent from Meeting:** Graham

Approved as to form:

  
\_\_\_\_\_  
Kelly J. Lackey, City Attorney

\*\*\*\*\*

#### **Clerk's Certificate**

*I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 24-17 duly adopted at a meeting of the City Council meeting held July 9, 2024 at which a quorum was present and voted.*

  
\_\_\_\_\_  
**Tonya B. Lacey, MMC**  
Clerk of Council