

TOWN OF EDGEWOOD

ORDINANCE NO. 2000-25

AN ORDINANCE PROVIDING FOR LANDSCAPING AND LANDSCAPE REGULATION; PROVIDING THAT THE LANDSCAPE REQUIREMENTS APPLY AT THE TIME OF APPLICATION FOR ZONING, REZONING, SUBDIVISION APPROVAL, ISSUANCE OF CERTIFICATE OF OCCUPANCY OR ISSUANCE OF A BUSINESS LICENSE; PROVIDING FOR PENALTIES FOR VIOLATION

WHEREAS, the Town has adopted a Comprehensive Zoning Ordinance No. 1999Q and an Ordinance Regulating Subdivisions No. 1999-R.

WHEREAS, the purpose of this Ordinance is to require owners and developers of land in the area governed by either Ordinance No. 1999Q or Ordinance No. 1999-R to comply with landscaping regulations set out in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY (THE TOWN COUNCIL) OF THE TOWN OF EDGEWOOD, NEW MEXICO THAT:

SECTION 1. APPLICATION FOR REZONING, ZONING, SUBDIVISION, CERTIFICATE OF OCCUPANCY OR BUSINESS LICENSE

When a person applies for zoning, rezoning, or subdivision approval under the Ordinances of the Town the provisions with regard to landscaping contained in this Ordinance shall be applied and compliance will be required as a condition of zoning and subdivision approval. In addition, compliance shall be required as a condition of any certificate of occupancy or granting of a business license.

SECTION 2. LANDSCAPING PURPOSE AND INTENT

The purpose of landscaping requirements under this Ordinance is:

1. To assure that new development improves and enhances the visual quality of an area;

2. Limitations on grading and clearing. Grading shall be limited to the development site within the buildable area on a lot or tract.

3. Clearing of existing native vegetation shall be limited to approved development sites. No significant tree may be removed from slopes greater than thirty percent (30%).

4. Cleared or graded areas which are not built on and cut and fill areas shall be revegetated to the approximate original density and type of vegetation existing prior to disturbance. Areas to be used for recreation or park landscaping or rural agricultural uses shall be excluded from this requirement.

5. Any transplantable tree that will be displaced by construction shall be the primary source of new vegetation required for screening, buffering or other landscaping purposes.

6. Native trees, shrubs and landscape shall be retained within any designated landscape areas set aside for buffers. Retention of the natural vegetation will reduce the requirement for new planting. Native trees which are to be preserved on a development site shall be protected during construction from such hazards as damage by vehicles and equipment compaction of soils, and spills of contaminants by temporary fences and barricades erected at the perimeter of the critical root zone. Permanent installation of such techniques as retaining walls, terracing and tree wells with drainage shall be used to protect trees in areas where significant grade changes are approved.

7. A landscaping plan is required for all new development and shall be presented for review with either the master plan or the preliminary development plan and shall contain the following information:

1. A landscaping map drafted to scale describing the lot(s) or parcel(s), the development site, proposed structures and other development, the designated landscape areas, including revegetation areas; private gardens are not included.
2. Within the designated landscape areas, including revegetation areas, the plan shall locate and label:
 - a. existing vegetation which will be retained by type and size;
 - b. existing vegetation which will be transplanted, or removed by type and size and
 - c. location, type and size of plants to be installed.

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 - a. existing vegetation which will be retained by type and size;
 - b. existing vegetation which will be transplanted, or removed by type and size; and
 - c. location, type and size of plants to be installed.

3. All plant material to be retained or installed shall be located and labeled, footprinted according to the spread of the plants at maturity;
4. A list of the type and number of plants to be retained and installed, with common and botanical names, showing the existing size of specific trees and plants by approximate width of canopy, spread and caliper or gallon size at time of planting and the size of the plant material at maturity in height and width.

SECTION 5. LANDSCAPING DESIGN STANDARDS

All landscaping shall meet the following requirements:

1. Proposed landscaping plans shall promote water conservation, provide planting materials that are appropriate to the growing conditions of the site, and provide buffers and landscaped areas which are proportionate to the area and height of the proposed development.
2. Native vegetation shall be protected pursuant to the standards of Section 4.
 - a. Limitations may be placed on the maximum landscaped area in order to meet water conservation requirements.
 - b. Pedestrian, bike or equestrian pathways or trails are allowed within landscape areas on street frontages provided that no plant material is eliminated and the total width of the buffer is maintained;
 - c. Parking, loading and outdoor storage are prohibited within a landscaped area.

SECTION 6. XERISCAPE PRINCIPLES

Water requirements shall be reduced by:

1. Native vegetation or introduced vegetation that is freeze and drought resistant shall be used for new landscaping in an effort to conserve water use once the plants are established. Botanical materials shall be chosen so they fit within the water budget or water use plans for the development. Plant materials, their size at maturity, how they can be used, their water use and other information shall be as in Appendix 3 C

– Xeriscape Principles and Planting Guidelines which is adopted herein by reference as if fully set out.

2. Limiting the amount of lawn grass areas:
 - a. Lawn or turf areas shall be limited to no more than twenty-five percent (25%) of landscaped areas. Areas dedicated to recreational playfields or to the production of food crops such as vegetable gardens or orchards are not included;
 - b. Lawn areas shall not be planted in strips eight feet (8') wide or less.
 - c. Xeriscape principles shall be followed in the design, installation and maintenance of landscaping, pursuant to Appendix 3 C – Xeriscape Principles and Planting Guidelines.

SECTION 7. PLANTING STANDARDS

1. A minimum of seventy five percent (75%) of an area designated for landscaping shall be developed with living plant materials including areas seeded with grasses and flowers. See references in Appendix 3 C – Xeriscape Principles and Planting Guidelines for information and recommendations on use of water efficient planting.

2. Designated landscape areas or buffer zones shall be planted according to a ratio of one tree at a minimum height at maturity of twenty-four feet (24') for each five hundred (500) square feet, and one shrub of a minimum height and spread at maturity of four feet (4') for each sixteen (16) square feet.

3. Non-vegetative landscape materials may include gravel, rock and bark mulch. Walls, fences and berms are types of non-vegetative landscape structures which may be incorporated into landscape areas pursuant to these standards.

SECTION 8. MINOR ADJUSTMENTS

Adjustments to the landscape standards may be permitted in accordance with this subsection, subject to the approval of the Town Clerk or designee pursuant to a site visit and provided that the modification shall not be inconsistent with the purposes of this Section.

Adjustments will be considered for existing heavily vegetated areas or for plant materials with varying characteristics provided that:

1. The ratio of living plant material to inorganic material is maintained at seventy-five percent (75%) living materials to twenty-five percent (25%) inorganic materials; and
2. The living plant material is installed so as to provide a continuous visual screen or may be planted in drifts or clumps with pockets of open areas providing the sense of continuity with the street edge is maintained; and
3. Screening of cuts or retaining walls in steep slopes from public rights of way is maintained.
4. Additional trees meeting minimum planting standards may be substituted for shrubs in rural locations or where water restrictions are severe, provided that the buffering or screening function is maintained; each additional tree may substitute fifteen (15) shrubs.
5. Adjustments of up to fifty percent (50%) to the width of the road frontage landscape area (see Section 10) will be considered where a four foot (4') high masonry wall or six foot (6') high opaque fence or earth berm is constructed.
6. Plant materials required for screening of cuts, fills or retaining walls in areas of steep terrain may not be adjusted.
7. In other areas, the ratio of living plant materials may be reduced by fifty percent (50%) where the landscape treatment includes walls, fences or berms. Walls or fences should be located in the landscape area to accommodate the installation of the living plant materials.
8. Minor design adjustments may be made to the designated landscape areas on the development site to accommodate solar access for solar design as long as the substance of landscape standards for screening and buffering are met.

SECTION 9. BUFFERING AND REVEGETATION FOR RIDGETOPS AND DEVELOPMENT SITES WITH A NATURAL SLOPE OF FIFTEEN PERCENT (15%) OR GREATER

Any cut slope greater than four feet (4') in height or with a grade of two and one half to one (2.5:1) or steeper, retaining walls and erosion control structures and the facades of any building visible from a public way shall be screened or otherwise landscaped as follows: (a) a minimum of fifty percent (50%) of the visible portion of a

façade or retaining wall shall be screened: trees shall be planted or retained within fifteen feet (15') of all retaining walls to be screened and in an area no less than twenty-five (25') and no more than fifty feet (50') from any façade to be screened:

1. Trees shall be planted on the downhill side of roads cut and of fill areas. Cuts and fills may be required to be terraced and planted in order to provide screening and slope stabilization.
2. Topsoil shall be removed and stockpiled for later use in revegetation of the disturbed areas;
3. New vegetation (trees and seeded areas) shall approximate existing vegetation in type, density, and natural pattern of occurrence on the lot; density shall be determined by an inventory of existing vegetation within the development site prior to grading;
4. Density in landscape and revegetation areas shall approximate the density of vegetation prior to disturbance. in no case shall density in landscape and revegetation areas be less than one (1) tree per one thousand (1000) square feet of designated area:
5. New trees shall be spaced at a distance equal to the average diameter of the spread of the crown of the typical mature specimen of the species planted under similar growing conditions;
6. New trees shall be a minimum of six feet (6') in height, which, at maturity, will approximate the height of existing native trees and be as tall as the cut and fill or structure to be screened; (h) Seeded areas shall be protected by accepted horticultural practices to assure germination; See Appendix 3 C – Xeriscape Principles and Planting Guidelines incorporated by reference herein. (i) Seeding or planting may be delayed for the optimum germination or planting season, provided such delay is conditioned on the development permit and bonding or other financial warranty is secured.
7. Designated landscape areas for screening on ridgetops and steep terrain may be included in the minimum 10% development site landscape area required pursuant to Section 5.

SECTION 10. LANDSCAPING FOR ROAD FRONTAGE AREAS

1. The width of landscape areas between the street or road right of way and any developed areas of a parcel shall be as follows: Highways or Arterials – 25 feet. Collector or Local – 10 feet.

2. Upon approval of the governmental agency responsible for the maintenance of the adjoining roadway, any public right of way between the front property line and the street may be landscaped and maintained by the property owner retaining native materials or using grass, groundcovers, or low growing shrubs having a maximum mature height exceeding two feet (2'), or be treated with a non-vegetative cover such as bark mulch or gravel.

3. Living plant materials installed in areas designated for landscaping on road frontages shall be planted so as to create the appearance of a continuous edge occasionally punctuated with dissimilar materials.

4. In order to avoid a tunneling effect where a development borders on a highway or arterial street or road for more than one thousand feet (1000'), developers or builders shall vary the masonry structures, fences or walls with living plants.

SECTION 11. LANDSCAPING FOR PARKING LOTS

1. Except as otherwise provided in Section 5, perimeter landscape screening providing a visual buffer is required in the following circumstances:

a. Along the front for parking lots with more than ten (10) parking spaces or four thousand (4,000) square feet, whichever is less; and

b. Along the front, side and rear property lines, as applicable, where parking is located within twenty five (25) feet of a property line adjoining residential uses. Standards for landscaping the front of the lot are set forth in Section 10. Standards for side lot landscaping are set forth in Section 13.

2. Interior landscaping is required for parking lots with more than forty (40) parking spaces and/or more than twelve thousand (12,000) square feet. Interior landscaping shall cover a minimum area equivalent to one (1) parking space or one hundred sixty (160) square feet for every twenty (20) parking spaces.

a. Interior landscaping shall be designed to shade the parking spaces and provide a visual break to the parking lot surface. Plant material shall consist of a minimum of one (1) deciduous shade tree and three shrubs for every ten parking spaces. The shade tree shall be a minimum of one and one-half inch (1.5") caliper and six (6) feet tall and meet current American Association of Nurserymen standards at the time of planting, and have thirty (30) foot minimum mature height, with a clear trunk at least five (5) feet above the finished grade. Shrubs shall be five (5) gallon size at the time of planting and shall have a minimum mature height of three (3) feet.

- b. Non-vegetative cover including but not limited to gravel or bark is required under trees where other planting is not provided.
- c. Interior landscaping planting islands shall have a minimum area of one hundred sixty (160) square feet and a minimum dimension of four (4) feet:
- d. Interior landscaping shall be uniformly distributed throughout the parking lot:
- e. Pedestrian pathways or sidewalk areas shall be incorporated into parking area landscape treatment.

3. Large parking lots (100 spaces or more and/or 30,000 square feet in area or larger) shall provide interior planting area equal to at least ten percent (10%) of the parking lot area; and

- a. Interior landscaping shall be designed to share the parking spaces and provide a visual break to the parking lot surface. Plant material shall consist of a minimum of one (1) deciduous shade tree and two (2) shrubs for every five (5) parking spaces. Shrubs shall be five (5) gallon size at the time of planting and shall have a minimum mature height of three (3) feet. Shade trees must have a clear trunk at least five (5) feet above the finished grade to allow vehicular circulation beneath the tree canopy and shall have a minimum height at maturity of forty (40) feet; shade trees shall be a minimum of three inch (3") caliper and six (6) feet tall at the time of planting; all plant and tree sizes must meet current American Association of Nurserymen standards at the time of planting.
- b. Non-vegetative cover including but not limited to gravel or bark is required under trees where other planting is not provided.
- c. Larger planting islands connected by pedestrian access ways shall be provided for greater visual relief from paved expanses, to reduce high summer temperatures and to create an environment more conducive for healthy tree growth; tree planting areas must be at least eight feet (8') in any dimension; planting islands parallel to parking spaces must be at least nine feet (9') wide to allow car doors to swing open.
- d. Tree species chosen should require little maintenance, and be able to tolerate harsh growing conditions such as sun, wind, glare, reflected heat, drought, salt and other chemicals.

- e. Interior landscaped areas not dedicated to trees or to preservation of existing vegetation shall be landscaped with native grasses, ground cover, shrubs, or other appropriate landscape treatment.
- f. To calculate parking lot area, all areas within the lot perimeter are counted, including planting islands, curbed areas, sidewalks, parking spaces and all interior driveways and aisles. Landscaped areas outside the parking lot may not be used to meet the interior planting requirements.

SECTION 12. LANDSCAPE TREATMENTS SHALL BE SCALED

Landscape treatments shall be scaled to screen multi-story commercial, industrial, and large scale residential structures and/or buildings of 30,000 square feet or larger by:

- 1. Use of trees in road frontage areas and residential buffer areas which have a minimum height at maturity of forty feet (40'); shade trees shall be a minimum of three inch (3").
- 2. Use of evergreens and canopy or shade trees should predominate in road frontage areas; ornamental trees and shrubs and smaller native trees may be interspersed in groups which simulate natural tree stands;
- 3. Placement of landscaping materials to screen the bulk of buildings and provide visual relief and protection from high summer temperature for large areas of impervious surface (buildings, paving, courtyards, etc.);
- 4. Existing vegetation and native species may be retained on site and counted toward required trees and shrubs in landscape areas, but the plant reduction shall not apply to large scale buildings.

SECTION 13. BUFFERING RESIDENTIAL USES FROM NONRESIDENTIAL USES AND ROADWAYS

1. Commercial, office or industrial developments located at the perimeter of nonresidential districts where there are existing residential uses may be required to provide a landscaped area and structural buffer between any nonresidential use and residential use on the side or rear lot lines. Such buffer shall consist of a six foot (6') masonry wall or fence constructed of opaque materials and a three foot (3') wide planting area. Trees and shrubs selected for the three foot planting area may be

used to create shade or visual amenity. Trailing vines for the wall may also be considered.

2. Screening and Buffering for Residential Uses. The requirements for screening residential areas from roadways and nonresidential uses, and for landscaping residential common open space, may include one or more of the following:

- a. stuccoed poured concrete walls;
- b. stuccoed masonry walls of cement block, brick or adobe;
- c. earthtone masonry walls;
- d. rock or field stone walls;
- e. wood fences or materials at least $\frac{3}{4}$ inch thick with crossbracing secured with posts on maximum eight (8) foot centers set in concrete or posts treated with preservatives set twenty four (24) inches deep;
- f. earth berms with shrubs and vegetative groundcovers;
- g. any combination of shrubs and trees which effectively creates a screen; or
- h. a combination of the above. The developer may choose any of the above screening methods at this discretion.

3. Density of vegetation shall meet standards of Section 7 Planting Standards and Section 8, Minor Adjustments.

SECTION 14. INSTALLATION, MAINTENANCE, INSPECTION, ENFORCEMENT

1. Landscaping shall be installed for inspection prior to the issuance of a Certificate of Occupancy or Business License or approval of Zoning, Rezoning or subdivision unless appropriate financial guarantee has been approved by the Town Clerk or designee.

2. A bond or letter of credit in an amount reasonably required by the Town Clerk or designee shall be submitted if seeding or planting of required landscaping and revegetation must be delayed for optimum results. The applicant may be required to submit a cost estimate by a licensed landscape architect. Such delay shall be specified on the relevant permit.

3. All vegetation installed pursuant to an approved landscaping or terrain management plan which later dies shall be replaced.

4. Trees and large shrubs shall be supported after planting in such a way that the plants will not be injured by strong winds.

5. Responsibility for the success of landscaping installations belongs entirely to the property owner and may be subject to periodic inspections by the Town Clerk or designee. The property owner shall be responsible for control of plant growth by pruning or trimming so that it will not interfere with the installation, maintenance or repair of any public utility, pedestrian or vehicular access or constitute a traffic hazard.

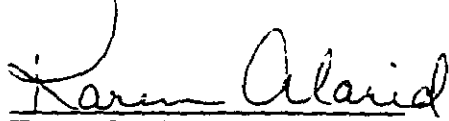
SECTION 15. PENALTY

It is unlawful to maintain any premises unless in compliance with this Ordinance. Any violation of the provisions of this Ordinance shall be punishable by a fine of \$300.00 or ninety (90) days in jail or both and each day of violation shall be punishable as a separate offense.

PASSED, ADOPTED AND APPROVED THIS 4th DAY OF April, 2000.


Larry Keaty, Mayor

ATTEST:


Town Clerk

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