

## Chapter 8, Landscapes and Streetscapes

<b>Section:</b>	N/A	<b>Title:</b>	N/A	<b>Source:</b>	HPC Special Workshop
				<b>Date:</b>	2/15/18

**Public Comment:** This whole chapter needs a look.

**Response:** This chapter is being reviewed. Any specific comments received will be taken into consideration.

<b>Section:</b>	N/A	<b>Title:</b>	N/A	<b>Source:</b>	HPC Special Workshop
				<b>Date:</b>	2/15/18

**Public Comment:** A legal decision was previously given regarding illustrated design guidelines.

**Response:** All proposed amendments will be reviewed for its consistency with state and local codes.

<b>Section:</b>	A	<b>Title:</b>	Definitions	<b>Source:</b>	HPC Special Workshop
				<b>Date:</b>	2/15/18

**Public Comment:** Is greenspace regulated by other codes?

**Response:** No. There are no limits on impervious surface in the DB/DBO/DR districts under the Land Management Code. Regardless, impervious surface does not directly correlate to “greenspace” as defined by the guidelines. There are restrictions on lot coverage for accessory structures but they do not apply to driveways or other paved parking areas in a residential zoning district, or to accessory structures in the DB/DBO/DR districts.

<b>Section:</b>	A	<b>Title:</b>	Definitions	<b>Source:</b>	HPC Special Workshop
				<b>Date:</b>	2/15/18

**Public Comment:** The 30% greenspace requirement needs to be reevaluated--both because it appears to be inconsistent with language in Chapter 9 and also because it can be burdensome with smaller lots and the desire to have additions and off street parking. Where did this requirement come from?

**Response:** The consensus of the Commission is to maintain the 30% standard generally but to provide criteria where less greenspace may be appropriate. Consistency issues were addressed in Chapter 9.

<b>Section:</b>	A	<b>Title:</b>	Definitions	<b>Source:</b>	HPC Workshop
				<b>Date:</b>	3/22/18

**Public Comment:** Recommendation to change the 30% greenspace requirement because it negatively impacts goal for infill. Numerous examples exist where this requirement is not currently met. Historically back yards were used for more utilitarian purpose other than greenspace. This requirement appears to have a greater negative impact on smaller residential lots. Homeowners might have to choose between a parking space and an addition. This negatively impacts economies of scale for redevelopment. Is this regulation intended to apply to multi-family as well as single family residential? Does the yard include both the front and back yard in the calculation?

**Response:** The consensus of the Commission is to maintain the 30% standard generally but to provide criteria where less greenspace may be appropriate. This section was edited to clarify that this standard is intended to apply to historically residential building types, not necessarily the

*Comments received as of August 23, 2018 and Staff Responses*

property's current use. The definition of yard is "the space on [a] lot not occupied by buildings or parking, generally characterized by plantings and turf." Although they are generally at the backs of buildings, it does not mean that front or side yards are excluded from consideration in the calculation.

<b>Section:</b>	A	<b>Title:</b>	Definitions	<b>Source:</b>	HPC Workshop
				<b>Date:</b>	6/28/18

**Commission Comment:** Note that any decrease in greenspace is reviewed by the HPC. Acknowledge that green space should be retained to protect historic structures from water damage; however more flexibility could be offered with considerations of site constraints.

**Response:** This section will be modified to note cases where less greenspace may be appropriate. Drainage is not necessarily a factor as permeable paving is not considered "greenspace." The goal of maintaining greenspace is largely visual impact on the setting.

<b>Section:</b>	F	<b>Title:</b>	Plantings and Tree Removal	<b>Source:</b>	Email
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**Public Comment:** Recommendation for pruning to be considered before a tree is approved for removal for causing damage to a structure. Recommendation to require replacement plans for trees that are approved for removal. Define "DBH."

**Response:** These recommendations were incorporated into the text.

<b>Section:</b>	F	<b>Title:</b>	Plantings and Tree Removal	<b>Source:</b>	HPC Workshop
				<b>Date:</b>	3/22/18

**Public Comment:** Does the addition of language regarding flexible porous pavements mean that "rubber mulch" in tree wells requires approval? Why not staff level and/or blanket approval?

**Response:** More information may be needed for a specific product to be evaluated but generally these materials are permanent installations that would require approval. Administrative approval authority is established in the Rules of Procedures and Regulations of the HPC, not in the guidelines. The Commission could specifically consider adding this to that authority. Currently there are no provisions for "blanket approvals." However, a more appropriate solution may be for the treatment of tree wells to be established in the City Standards with input from the Commission.

<b>Section:</b>	F	<b>Title:</b>	Plantings and Tree Removal	<b>Source:</b>	HPC Workshop
				<b>Date:</b>	6/28/18

**Commission Comment:** HPC should review the removal of trees, but standards should be created. Healthy, older trees should be retained. However, sick or dead tree, a tree causing structural issues to a building or other historic resource, creating a life/safety issue, or a maintenance may be removed. Also, the removal of multiple older trees, which may help define the character of a site is discouraged.

**Response:** Standards for approving the removal of trees has been included. It is not recommended to review trees based on age ("older") as that is not information that is readily available or verifiable. Additionally, creating an alternative standard to review the removal of multiple trees (some or all less than 12 inches in diameter) would create an enforcement problem. For example, would this apply only to multiple trees in one day? Over the course of weeks? Months? It is recommended to stay with the dimensional standard which can actually be quantified and enforced.

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<b>Section:</b>	F	<b>Title:</b>	Plantings and Tree Removal	<b>Source:</b>	HPC Workshop
				<b>Date:</b>	3/8/18

**Commissioner Comment:** Some trees are less desirable than others. Sometimes groups of trees have a strong impact on the environment. Less concerned about an individual tree removed, rather than multiple trees being removed at once. Encourages Staff to consult with the City’s arborist for guidance.

**Response:** See previous response.

<b>Section:</b>	F	<b>Title:</b>	Plantings and Tree Removal	<b>Source:</b>	HPC Workshop
				<b>Date:</b>	3/8/18

**Commissioner Comment:** Should there be a requirement to add a tree if a tree is being removed for parking area?

**Response:** A section was added that addresses replacement trees.

<b>Section:</b>	G	<b>Title:</b>	Fences, Gates, & Walls	<b>Source:</b>	HPC Special Workshop
				<b>Date:</b>	2/15/18

**Public Comment:** Should fences and walls be separated into different sections to differentiate more about where appropriate materials apply?

**Response:** Upon evaluation it was determined that appropriate materials for walls versus fences are clearly differentiated within the draft.

<b>Section:</b>	G	<b>Title:</b>	Fences, Gates, & Walls	<b>Source:</b>	HPC Special Workshop
				<b>Date:</b>	2/15/18

**Public Comment:** **(1) Definition-** define "garden wall"

**Response:** Intention from discussion is understood for "garden wall" to refer to low accent wall or sitting wall or retaining wall, but not a wall intended to screen or create a barrier. Language to this effect was added.

<b>Section:</b>	G	<b>Title:</b>	Fences, Gates, & Walls	<b>Source:</b>	Email
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**Public Comment:** **(4) Location of fences and walls.**  
“City Code” should be fully cited and some mention of existing fences grandfathered in.

**Response:** Specific references to sections of the City Code are not noted throughout the guidelines since the City Code can be amended separately from the guidelines which may make references obsolete. Apart from code violations, all existing structures/features, including fences, are permitted to remain even if they are not in accordance with the current design guidelines. When an application is made to replace a fence, it should be in accordance with the design guidelines that are in place at that time. It is not recommended to make a specific explanation regarding “grandfathering” just for fences.

<b>Section:</b>	G	<b>Title:</b>	Fences, Gates, & Walls	<b>Source:</b>	HPC Special Workshop
				<b>Date:</b>	2/15/18

**Public Comment:** **(6) Appropriate materials-** Question regarding pressure-treated wood being permitted for fencing.

**Response:** This section was updated to note that pressure-treated wood is permitted for fences and gates unless facing the street in order to be consistent with Chapter 5, B. Wood Materials.

*Comments received as of August 23, 2018 and Staff Responses*

<b>Section:</b>	G	<b>Title:</b>	Fences, Gates, & Walls	<b>Source:</b>	HPC Special Workshop
				<b>Date:</b>	2/15/18

**Public Comment:** (6) **Appropriate materials-** Question regarding the minimum code spacing for pickets in wrought or cast iron fences.

**Response:** There is no code requirement for minimum spacing of fence pickets.

<b>Section:</b>	G	<b>Title:</b>	Fences, Gates, & Walls	<b>Source:</b>	HPC Special Workshop
				<b>Date:</b>	2/15/18

**Public Comment:** (6) **Appropriate materials-** Question regarding the justification for adding language regarding pre-cast concrete wall blocks and other materials. These materials can negatively impact view sheds. As written, nothing prohibits these walls from being six feet high.

**Response:** These materials were added to the guidelines because they are materials that have been proposed in the past. A mention of a material in the guidelines does not mean it is automatically approved. Criteria should be provided that allows the staff/Commission to consider when these materials may be appropriate based on the resource, context, setting, etc. General consensus among the Commission appears to be that these materials may be appropriate in rear yards for low walls (garden walls to be defined) that are not visible from the street.

<b>Section:</b>	G	<b>Title:</b>	Fences, Gates, & Walls	<b>Source:</b>	HPC Workshop
				<b>Date:</b>	8/23/18

**Commission Comment:** (6) **Appropriate materials**

Materials permitted under previous comment/response when used for retaining walls should only be for cases where they are interior to the property, not retaining walls along a property line, even if not visible from the street.

Provide guidance that existing cinder or concrete block walls can be repaired, but when replaced should be constructed from identified appropriate materials.

**Response:** These recommendations have been incorporated into this section.

<b>Section:</b>	G	<b>Title:</b>	Fences, Gates, & Walls	<b>Source:</b>	Email
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**Public Comment:** Permit chain link fencing for “institutional” sites as well so that they can be installed at schools and churches.

**Response:** Institutional and industrial sites were added to the types of properties where chain link fencing may be permitted.

<b>Section:</b>	I	<b>Title:</b>	Paving	<b>Source:</b>	HPC Special Workshop
				<b>Date:</b>	2/15/18

**Public Comment:** (d) **Driveways, parking lots and parking areas.** Concern noted that there was a change towards less restriction on screening parking areas.

**Response:** No changes are proposed regarding requirements for screening parking areas.

<b>Section:</b>	L	<b>Title:</b>	Street Furniture	<b>Source:</b>	HPC Workshop
				<b>Date:</b>	3/22/18

**Public Comment:** (5) **Benches**

Guidelines require that new benches resemble “historic benches.” Can this be opened up to allow for a modern/artistic approach? Current language is also inconsistent with the guidelines for public art which list benches as potential public art.

**Response:** The requirement for new benches to resemble historic benches was eliminated and other criteria were provided.

<b>Section:</b>	L	<b>Title:</b>	Street Furniture	<b>Source:</b>	HPC Special Workshop
				<b>Date:</b>	2/15/18

**Public Comment:** **(7) Drinking fountains and ash trays**  
Ash trays – stop prohibition of ash trays- must allow because it is getting messy.

**Response:** The guidelines currently state, “Drinking fountains and ash trays shall not be placed on public sidewalks, but can be placed in parks and other public spaces that encourage passive recreation.” This should more accurately state "installed" and not "placed" because "placed" implies temporary and a temporary item (ash tray, flower pot, chair, etc.) can be placed anywhere without HPC review regardless. The addition of “permanent” was meant to clarify this.

Additional amendments were made to discourage “freestanding, permanent ashtrays” and encourage ashtrays be incorporated into existing street furniture/features to the extent possible to limit detractions from the streetscape.

<b>Section:</b>	L	<b>Title:</b>	Street Furniture	<b>Source:</b>	HPC Workshop
				<b>Date:</b>	3/22/18

**Public Comment:** **(7) Drinking fountains and ash trays**  
Clarify what is meant by “permanent ash tray.” Dealing with litter is important to downtown Frederick.

**Response:** Approval is only ever required for permanently installed items, ash tray or otherwise. See previous response. “Permanent” was only added in this case to clarify that movable ash trays that are temporarily placed by some businesses are not prohibited or otherwise regulated by the Commission as this was previously misinterpreted and caused confusion.

<b>Section:</b>	N	<b>Title:</b>	Street Signage	<b>Source:</b>	HPC Workshop
				<b>Date:</b>	3/22/18

**Public Comment:** **(3) Wayfinding signs.**  
This may need to clarify that sign locations are the focus and not the messages on the sign. Assumption stated that you would not need to return for approval if no changes are made to the sign type/size, but location/direction text only.

**Response:** Sign location, size, material, and impact on the streetscape are all factors. Content or message is never subject to Commission review for any sign. However, the Land Management Code Section 864 currently requires permits for the re-facing of any sign in the Historic Preservation Overlay.