



# Staff Report

PLANNING DIVISION  
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Appeals Hearing Officer

From: Chris Lee, [chris.lee@slcgov.com](mailto:chris.lee@slcgov.com), 801.535.7706

Date: March 6, 2019

Re: PLNAPP2018-00731 - Appeal of Enforcement for utilizing Artificial Turf at 568 South 900 East

## Appeal of Administrative Decision

**PROPERTY ADDRESS:** 568 South 900 East

**PARCEL ID:** 16-05-377-035

**ORDINANCE SECTION:** 21A.48 (Landscaping and Buffers)

**APPELLANTS:** Mathew and Jessica Boardman

### INTERPRETATION ISSUE:

Whether artificial turf can be utilized in park strips and front yards.

### ZONING ADMINISTRATOR'S DETERMINATION:

The Zoning Administrator finds that artificial turf is not allowed in park strips nor in required landscape yards. Both areas must be landscaped per the specifications of Salt Lake City Zoning Ordinance chapter 21A.48.

### APPEAL:

The appellants claim that enforcement action HAZ2018-00212 requiring removal of artificial turf installed in the front yard and parking strip area of the subject property is in error because:

- Information stating that artificial turf is not allowed in those areas is not readily available.
- Existing language in the zoning code in regards to artificial turf is too ambiguous.
- That the rationale for the City to exclude artificial turf from front yards and parking strips is incorrect and outdated.
- No public hearing was held to establish the existing standards.

### PROJECT DESCRIPTION:

The appellants own the parcel located at approximately 568 South 900 East and reside in one of the triplex units in the principal building on the site. Their property is located within the RMF-30 (Low Density Multi-Family Residential) zoning district. In the fall of 2017 they installed artificial turf in the front yard and the park strip. Early in 2018 a complaint was lodged with HAZE (Housing and Zoning Enforcement) regarding a "complaint about artificial turf". Consequently, a file (HAZ2018-00212) was opened and an inspector was assigned to investigate the complaint. The case notes (see [Attachment F](#) for details) state that the appellants were informed by the inspector that artificial turf is not allowed in front yards and park strips via a letter that was sent out on 2/1/2018. There was subsequent

communication across several months with a notice and order being posted and mailed on 7/19/2018. Extensions were subsequently issued to allow time for the appellants to discuss the matter with their City Council Representative at that time, Derek Kitchen. A hold was placed on the case on 9/17/2018 due to the appellants filing this appeal.

### **PLANNING DIVISION RESPONSE TO APPEAL:**

To assist the Appeals Hearing Officer in reviewing the appeal, the Planning Division has provided the following response to the appellants' claims. In the documents submitted for the petition the appellants provided four major reasons for their appeal within their extensive written statement which can be examined in full in [Attachment C](#). Each will be addressed in this section.

#### **Claim 1**

The first claim made by the appellants is in regard to "the unavailability of materially relevant information to the public". They state that the Landscaping and Buffers section of the zoning ordinance (21A.48) is ambiguous and that searches for other documents that specifically forbid artificial turf were unproductive. Additionally, they state that an Administrative Interpretation ([Attachment D](#)) issued in 2015 regarding the use of artificial grass in park strips serves as the official interpretation of the ordinance for enforcement purposes. Due to the fact that this information is not readily available within the ordinance itself, on the City website, or via web searches, the installation of artificial turf on their property was uninformed and therefore, they should not be held responsible for violating the zoning standards.

#### **Response**

Relevant information in regards to the regulation of front yard and parking strip landscaping is available within the Salt Lake City zoning code (code). Sections of the code are referred to throughout this report with pertinent portions of chapter 21A.48 (Landscaping and Buffers) included in [Attachment E](#). Please refer to it for more detail. The code has separate standards for required landscaped yards and park strips. Therefore, this report will consider them separately beginning with landscaped yards.

#### **Landscaped Yards**

The subject parcel is located within the RMF-30 (Low Density Multi-Family Residential) (21A.24.120) zoning district which contains the following language in regards to landscaping requirements:

*Required Landscape Yards: The front and corner side yards shall be maintained as landscape yards.*

The *General Provisions* (21A.24.010) section of the *Residential Districts* chapter of the Code also references required landscaping:

*Front and Corner Side Yard Landscaping: All required front and corner yards should be maintained as landscape yards. In addition, all uses in residential districts shall comply with the provisions governing landscaping in chapter 21A.48 of this title.*

The *Landscape Yards* (21A.48.090) section of the Code referenced in the *General Provisions* contains abundant information about front yard standards:

*Landscape yards are yards devoted exclusively to landscaping except, however, that driveways and sidewalks needed to serve the use and buildings on the lot may be located within a required landscape yard. As used in this chapter, the term "landscaping" shall be defined as set forth in section [21A.62.040](#), "Definitions Of Terms", of this title. No specific improvements are required within landscape yards, except that all landscape areas shall be maintained with at least one-third ( $\frac{1}{3}$ ) of the yard(s) area covered by*

*vegetation, which may include trees, shrubs, grasses, annual or perennial plants and vegetable plants. Mulches such as organic mulch, gravel, rocks and boulders shall be a minimum depth of three inches to four inches (3" - 4"), dependent on the material used, to control weeds and erosion in unplanted areas and between plants, and that these aforementioned items at all times cover any installed weed block barriers that cover the ground surface.*

The cited code sections establish that the front yard of the subject property must have a landscape yard. The language contained within them leads to the *Definitions* (21A.62) section of the Code for clarification of certain terms. The following definitions are pertinent to this situation:

*LANDSCAPE YARD: That portion of a lot required to be maintained in landscape area.*

*LANDSCAPING: The improvement of a lot, parcel or tract of land with grass, shrubs and trees. Landscaping may include pedestrian walks, flowerbeds, ornamental objects such as fountains, statuary, and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.*

*VEGETATION: Living plant material including, but not limited to, trees, shrubs, flowers, grasses, herbs and ground cover.*

These Code sections and definitions make it clear that:

- Landscaping is required in the front yard and fundamentally means to improve a parcel with living “grass, shrubs, and trees”. Other items may be included to enhance the effect of the vegetation but not to eliminate it.
- At least 1/3 of the required front yard must be vegetation.
- In unplanted areas between plants, organic mulch, gravel, rocks, and boulders may be used to control weeds and erosion. No other alternatives are listed.

Consequently, artificial turf is not allowed in front yards.

### **Park Strips**

The required front yard on the subject parcel is abutted by a large park strip at the front of the parcel. Park strips are regulated by the *Park Strip Landscaping* section (21A.48.060) of the Code. Property owner responsibility is addressed under the *General Landscape Requirements*:

*All park strips shall be landscaped by the abutting property owner, in conformance with the provisions of this section. For permits involving new construction of a principal building, the contractor shall be responsible for landscaping the park strips as part of the building permit. In general, this landscaping will involve improving the ground surface of the park strip with plant material, or hard surface treatments where permitted. Park strip trees shall also be provided as required herein.*

The *Park Strip Ground Surface Treatment* (21A.48.060.E) section goes on to clarify the regulations further by stating that:

*At least thirty three percent (33%) or more of the park strip surface must be covered with turf, perennial or low growing shrub vegetation within three (3) years of planting or when planting has reached maturity, whichever comes first...*

*Paving materials, limited to poured concrete, concrete pavers, brick pavers, or natural stone pavers, may be used in portions of a park strip subject to the following limitations:...*

*In park strips thirty six inches (36") in width or greater, the combination of all paving materials, gravel, rocks, and boulders shall not exceed sixty seven percent (67%) of the total park strip surface area. Poured concrete shall not be used except for carriageways as outlined in subsection E6 of this section.*

The definition of *hard surfaced* and *turf* are also located in the *Definitions* (21A.62) section of the Code:

*HARD SURFACED: A concrete, asphalt surface, brick, stone or turf block.*

*TURF: Grasses planted as a ground cover that may be mowed and maintained to be used as a lawn area of landscaping. Does not include inorganic substitutes.*

Given that the park strip abutting the subject parcel is wider than 36", the combination of all paving materials cannot exceed 67% of the area. Such paving materials are clearly listed in that code section, and artificial turf is not among them.

All of this information is readily available within the SLC Zoning Code, which is publicly available on the Salt Lake City website. The Code provides clear parameters when dealing with the landscape requirements of park strips within the city by establishing the following:

- The owner of any parcels abutting park strips are responsible for the landscaping and care of said park strips.
- At least 33% of the total area of the park strip, "must be covered with turf, perennial or low growing shrub vegetation".
- Turf is considered to be grasses that are mowed and maintained. Inorganic substitutes are not allowed.
- In the remaining 67% of the park strip area, the only other materials that may be utilized (with restrictions) are "poured concrete, concrete pavers, brick pavers, or natural stone pavers".

Consequently, artificial turf is not allowed in park strips.

### **Discussion**

The language regarding front yards and park strips cited in this section of the staff report is taken directly from the zoning ordinance which disproves the contention that the City has created an "unavailability of materially relevant information to the public". The codified language clearly prohibits the use of artificial turf in both required landscaped front yards and park strips. The code can stand alone to refute this claim, but there are additional resources offered by Salt Lake City to provide relevant information to the public. For example, Planning Staff is available to discuss citizen questions in person at the Planning Counter in room 215 of the City & County Building, or via telephone or email.

### **Claim 2**

The second claim is that there is "ongoing ambiguity of the ordinance language". It is closely related to Claim 1 in that the reportedly ambiguous language within the zoning ordinance contributes to "the unavailability of materially relevant information to the public". The petition goes on to explain that, "ordinances pertaining to front yard and park strip landscaping make

no mention of artificial grass. As a result, readers are given no reason whatsoever to question the legality of installing artificial grass.”

### **Response**

As laid out in the response to Claim 1, Planning Staff is of the opinion that there is not “ongoing ambiguity of the ordinance language”. As demonstrated in the first response, the codified language clearly establishes that the landscaping standards do not allow for artificial turf in either landscaped front yards nor in park strips. The argument that artificial turf not being specifically mentioned in the front yard and park strip landscaping sections of the code should therefore make it permissible is incorrect. The code establishes the materials that may be utilized (both vegetation and otherwise) but does not list every item that cannot be utilized. Such an approach is untenable when it comes to drafting codified language due to the impossibility of accounting for everything that currently exists or that may exist in the future. Consequently, the code delineates what can be utilized; not what is prohibited.

### **Claim 3**

In this claim, the appellants state that “the outdated and misguided nature of the City’s rationale for the law” is incorrect and offers several counter arguments to the codified prohibition against artificial turf in front yards and parking strips. It is the understanding of Planning Staff that once the appellants reached out to their City Council representative, Derek Kitchen, he requested documentation from City Staff regarding the rationale for the artificial turf prohibition. That information was provided to the appellants and is featured as the first column, “Rationale against Artificial Turf”, in Appendix 2 of their application (see [Attachment C](#)). The Appellants rebut each rationale claiming that they are incorrect and/or outdated and that the artificial turf standards are ripe for change.

### **Response**

The appellants raise many arguments as to why they believe that the City’s standards forbidding the use of artificial turf in park strips and front yards should be changed. The value or merit of these arguments are not being reviewed by staff through this process. These arguments have no bearing on whether current law prohibits the use of artificial turf. Their arguments are irrelevant to this case in that they seem to be proposing a legislative process to potentially change the standards of the existing zoning ordinance rather than appealing an Administrative Determination per the standards of the existing codified zoning code. The potential for a future zoning text amendment cannot be a consideration in the appeal process.

### **Claim 4**

The last claim is in regards to what the Appellants consider to be, “the fact that there has never been a public hearing on the matter”. They also state that, “seeing that this matter has never been brought to the attention of the broader community, I would ask that a public hearing be scheduled, whereupon this matter can be discussed in a public forum”.

### **Response**

The contention that, “there has never been a public hearing on the matter”, appears to indicate that there was no public hearing prior to the adoption and codification of the ordinances prohibiting artificial turf in front yards and park strips. However, the second statement seems to indicate that they would like a public hearing scheduled sometime in the future which seems to align with their desire for changes to the zoning code as stipulated in Claim 3.

Per state and local laws, whenever the zoning code is amended, notices must be provided to the public for any and all public hearings where they can express their views of the proposed changes. Additionally, when going through this type of change, the public is invited to open

houses and similar activities to help shape the content of the proposed changes and then public hearings are held before adoption by the City Council. Regardless of process, the option to appeal whether certain sections of the Code adopted years ago has long passed. Consequently, this claim is irrelevant because the current appeal relates to the contents of the current Code and not whether it was properly adopted.

It appears that the appellants may also be making the claim that the current enforcement action against the use of artificial turf on their property is due to a previous administrative interpretation ([Attachment D](#)) for a distinct parcel in another part of the city which did not receive a public hearing (due to the administrative nature of administrative interpretations none receive a public hearing unless appealed). However, that is not the case. Their property is under enforcement due to the receipt of a valid complaint based on the standards within the code and not an interpretation thereof. A public hearing of their contentions in regards to the code will occur through this appeals process.

**Summary:**

This is an appeal of an administrative interpretation. Therefore, the standard of review for the appeal shall be de novo. The Appeals Hearing Officer shall review the matter appealed anew, based upon applicable procedures and standards for approval, and shall give no deference to the original decision. A public hearing must be held prior to the Appeal Hearing Officer making a decision.

For the reasons stated in the responses, Planning Staff does not believe that the appellants have provided sufficient grounds to successfully appeal this administrative determination in their favor.

**NEXT STEPS:**

If the administrative determination is upheld, the enforcement decision stands and the artificial turf must be removed. The appellants would have the right to appeal that ruling to Third District Court within 30 days.

If the administrative decision is overturned, the appellants could maintain the artificial turf on the subject parcel as currently installed.

**ATTACHMENTS:**

- A.** Vicinity Map
- B.** Photos
- C.** Appeal Application
- D.** Administrative Interpretation
- E.** Applicable Zoning Code Sections
- F.** Inspector Notes



## ATTACHMENT A: Vicinity Map





## **ATTACHMENT B: Photos**

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568 South 900 East



568 South 900 East – Wide Park Strips on 900 East





568 South 900 East – Front Yard View

## **ATTACHMENT C: Appeal Application**

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# Appeal of a Decision

SALT LAKE CITY PLANNING

OFFICE USE ONLY		
Project # Being Appealed:	Received By:	Date Received:
PINAPP2018-00731	A. Anglin	9/14/18
Appealed decision made by:		
<input type="checkbox"/> Planning Commission	<input checked="" type="checkbox"/> Administrative Decision	<input type="checkbox"/> Historic Landmark Commission
Appeal will be forwarded to:		
<input type="checkbox"/> Planning Commission	<input type="checkbox"/> Appeal Hearing Officer	<input type="checkbox"/> Historic Landmark Commission
Project Name:		
Artificial Turf		
PLEASE PROVIDE THE FOLLOWING INFORMATION		
Decision Appealed:		
Artificial Grass		
Address of Subject Property:		
568 S. 900 E.		
Name of Appellant:	Phone:	
Mathew & Jessica Boardman	801-864-2608	
Address of Appellant:		
568 S. 900 E.		
E-mail of Appellant:	Cell/Fax:	
mattboardman5@gmail.com	" "	
Name of Property Owner (if different from appellant):		
E-mail of Property Owner:		Phone:
Appellant's Interest in Subject Property:		
owner		
AVAILABLE CONSULTATION		
➔ Please call (801) 535-7700 if you have any questions regarding the requirements of this application.		
APPEAL PERIODS		
➔ An appeal shall be submitted within ten (10) days of the decision.		
REQUIRED FEE		
➔ Filing fee of \$243.		
➔ Plus additional fee for required public notices.		
SIGNATURE		
➔ If applicable, a notarized statement of consent authorizing applicant to act as an agent will be required.		
Signature of Owner or Agent:		Date:
[Signature]		9/13/2018



## SUBMITTAL REQUIREMENT

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A written description of the alleged error and the reason for this appeal.

### WHERE TO FILE THE COMPLETE APPLICATION

*Mailing Address:* Planning Counter  
PO Box 145471  
Salt Lake City, UT 84114

*In Person:* Planning Counter  
451 South State Street, Room 215  
Telephone: (801) 535-7700

### INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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*mb*

I acknowledge that Salt Lake City requires the items above to be submitted before my application can be processed. I understand that Planning will not accept my application unless all of the following items are included in the submittal package.

### Additional Guidelines for Those Appealing a Planning Commission or Landmarks Commission Decision

A person who challenges a decision by the Planning Commission or the Landmarks Commission bears the burden of showing that the decision made by the commission was in error.

The hearing officer, according to state statute, must assume that the decision is correct and only reverse it if it is illegal or not supported by substantial evidence in the record.

"Substantial evidence" means information that is relevant to the decision and credible. Substantial evidence does not include public clamor and emotion. It involves facts and not mere speculation. A witness with particular expertise can provide substantial evidence, but conjecture and public opinion alone are not substantial evidence.

The "record" includes information, including the application by the person seeking approval, the staff report, the minutes of the meeting, and any information submitted to the commission by members of the public, the applicant or others, before the decision was made. It does not include facts or opinion, even expert opinion, expressed after the decision is made or which was not available to the commission at the time the decision was made.

A decision is "illegal" if it is contrary to local ordinance, state statute or case law, or federal law. An applicant is entitled to approval if the application complies with the law, so a person challenging a denial should show that the application complied with the law; a person challenging an approval should show that the application did not conform to the relevant law. Issues of legality are not restricted to the record of the decision, but the facts supporting or opposing the decision are limited to those in the record.

With regard to the factual information and evidence that supports a decision, the person bringing the appeal, according to a long line of decisions handed down by the Utah State Supreme Court and the Court of Appeals, has a burden to "marshal the evidence" and then to demonstrate that the evidence which has been marshaled is not sufficient to support the decision.

The appellant is therefore to:

1. Identify the alleged facts which are the basis for the decision, and any information available to the commission when the decision is made that supports the decision. Spell it out. For example, your statement might begin with: "The following information and evidence may have been relied upon by the Commission to support their decision . . ."
2. Show why that basis, including facts and opinion expressed to the commission is either irrelevant or not credible. Your next statement might begin with: "The information and evidence which may have been relied upon cannot sustain the decision because . . ."

If the evidence supporting the decision is not marshaled and responded to, the hearing officer cannot grant your appeal. It may be wise to seek the advice of an attorney experienced in local land use regulation to assist you.

To Whom it May Concern,

My name is Matt Boardman. My wife Jessica and I own and live in a quaint triplex located at 568 S 900 E (District 4). Earlier this year, we were contacted by an enforcement officer from the Salt Lake City Planning Office. He informed us that our front-yard renovation and beautification project was not in compliance with current zoning ordinances. Last fall we had artificial grass installed. Unbeknownst to us, and apparently to many others in the city who are in the same predicament, the SLC Planning Office does not consider artificial grass to be an acceptable form of ground cover for front yards or park strips.

We are appealing this enforcement due to 1) the unavailability of materially relevant information to the public, 2) the ongoing ambiguity of the ordinance language, 3) the outdated and misguided nature of the City's rationale for this law, and 4) the fact that there has never been a public hearing on the matter.

Our request is that the enforcement against us be discontinued and a public hearing scheduled to give the people of this city an opportunity to be informed and have a voice in the matter.

As you can read in Appendix 1, ordinances pertaining to front yard and parkstrip landscaping make no mention of artificial grass. As a result, readers are given no reason whatsoever to question the legality of installing artificial grass. In reading the zoning laws prior to renovating our yard, I found no instruction pertaining to artificial grass. But I didn't stop there, I performed dozens of Google searches to try and find any relevant information from the City about it's views on artificial grass - I found nothing. I scoured SLC.gov websites and found nothing. I had four contractors come to our house and provide bids on the project - none of whom were aware of any laws prohibiting the installation of artificial grass. In addition, artificial grass is sold in Salt Lake's Home Depot (who's representatives had no knowledge of laws against artificial grass) and installed in school athletic fields, The Gateway downtown, and many other residential and commercial properties near the downtown area. Consequently, I had no reason to believe that moving forward with the project would put me in my current predicament.

But I am not the only one. Over the past 3 years, there have been more than 10 properties enforced upon by the Planning Office for installing artificial grass. Each property owner has shared a similar confusion and displeasure about the law and the availability of relevant decision-making information.

In 2015 we had our first case of enforcement against a property owner who installed artificial grass. Unsurprisingly, this property owner sought additional clarification from the Planning Office as they were completely unaware of such a law. In response, the Planning Office issued a letter to this owner which now serves as their official interpretation of ordinance 21A.48.060 - stating therein that artificial grass is prohibited for use in park strips. However, the Planning Office failed to make this letter of interpretation publicly available. It cannot be found from a Google search, and there are no links in the official city ordinances to this letter of interpretation. In fact, the only way to obtain this letter is to request it from the Planning Office, which seems rather backwards

considering that the only reason one would even think to request this letter is if they've been indicted by the City for an infraction in the first place - as it was with this particular property owner in 2015.

In addition to the official interpretation mentioned above, it seems as though the Planning Office has devoted a significant amount of time and energy in researching the subject of artificial grass. In Appendix 2, you will see a list (provided to me by my Council Member, and compiled by the Planning Office) detailing the Planning Office's rationale for their position against artificial grass. Clearly the City has a very specific and particular opinion when it comes to artificial grass (understandable, given that artificial grass has become a very common and popular form of ground cover throughout the country, particularly in dry, drought prone locations such as Salt Lake City) yet the City has neglected to share their opinion and rationale with the public. As I have stated previously, none of this information is readily available and accessible to the public, but can only be obtained by request.

This lack of clarity and transparency has resulted in an ongoing cycle where property owners install artificial grass, only to later find out that it is against the law when they are enforced upon and made aware of the information discussed above. This cycle will persist until the Planning Office takes responsibility to make their interpretation of ordinance 21A.48.060 as well as their opinions and rationale widely available to the public. Property owners will continue to install artificial grass - for good reason.

While efforts to make this law more clear to the public would be a step in the right direction, I also believe that the City's rationale for this law is misguided and outdated. As mentioned previously, I received from my Council Member's office a list of the City's rationale for their stance against artificial grass. I've concluded that many, if not all, of the City's points can be easily refuted and debunked (see my detailed rebuttals in Appendix 2). Some points of rationale are simply false or outdated. Others are based on research that for the time being is inconclusive. There is no evidence to suggest that artificial grass (absent rubber infill) behaves any different than other approved, permeable landscaping materials such as gravel or pavers - materials that are permitted so long as they make up no more than 66% of the landscape area. As such, I do not believe that a law against artificial grass should persist without consideration from the people of this city.

As a consequence of the above, I would request that the enforcement against us be discontinued. I do not believe it is fair that I be required to pull out my grass (throwing away thousands of dollars) due to a poorly written ordinance relating to an issue with no evidence suggesting that it is harmful in any way to the environment. Additionally, seeing that this matter has never been brought to the attention of the broader community, I would ask that a public hearing be scheduled, whereupon this matter can be discussed in a public forum.

I believe the City has a responsibility to clearly communicate the law to its residents. If no action is taken to increase clarity and transparency, the result will be more and more infractions and enforcement, especially as the efficacy and popularity of artificial grass increases (as has been



the case over the past decade). As it has been said, the definition of insanity is doing same thing over and over and expecting different results.

I will be meeting with my Council Member (Derek Kitchen) on Tuesday, September 18th to discuss ways in which we can work to have this ordinance amended - whether that be simply to better communicate the City's position on artificial grass, or to have the law changed altogether. I ask that I be given the opportunity and time to work with my Council Member and other members of the community to come up with a proposal that satisfies the majority (if not all) of this community.

I thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Boardman', with a long, sweeping horizontal stroke extending to the right.

Matt Boardman

## **Appendix 1**

# Appendix 1

## 21A.48.060: PARK STRIP LANDSCAPING:

A. Intent: The intent of these requirements is to maintain the appearance of park strips, and expand landscape design flexibility while not unreasonably inhibiting access for repair and maintenance of public utilities, encourage water conservation through the use of water conserving plants and generally to improve environmental conditions along the city's streets. It is also the intent to protect the users of park strips by prohibiting the use of materials that may cause harm or injury to pedestrians or vehicles, and to provide for safe and convenient visual and physical access across park strips to and from vehicles that may park at the curb.

### C. General Landscape Requirements:

1. Property Owner Responsibility: All park strips shall be landscaped by the abutting property owner, in conformance with the provisions of this section. For permits involving new construction of a principal building, the contractor shall be responsible for landscaping the park strips as part of the building permit. In general, this landscaping will involve improving the ground surface of the park strip with plant material, or hard surface treatments where permitted. Park strip trees shall also be provided as required herein.
2. Maintenance: All park strip landscaping shall be maintained in a safe and well kept condition by the abutting property owner. Trash, other debris, and noxious weeds shall not be allowed to collect or grow in these areas.
3. Watering: Sufficient water shall be provided for vegetative ground cover, annuals, perennials, shrubs and trees to keep them in a healthy condition.
4. Definition Of An "Operable Irrigation System": For purposes of this section, "operable irrigation system" shall mean a fixed underground irrigation system connected to the adjacent property's water supply, but does not include a movable hose, sprinkler or other portable watering system.

E. Park Strip Ground Surface Treatment: The intent of this section is to provide a palette of allowed plant, organic and/or natural materials that allow for creative landscaping, maintain a healthy street tree canopy, and create an attractive pedestrian environment while encouraging actual, not merely perceptual, water conservation. In many instances, a water wise turf grass/sod remains the most effective park strip plant material.

1. Plant Coverage: Live plant materials, not to exceed twenty two inches (22") in height, are allowed. Plants with heights up to thirty six inches (36") tall may be allowed as specimen or accent plants when not located within sight distance areas. These plants may not be planted in a manner that would create a visual barrier between the street and the sidewalk.

At least thirty three percent (33%) or more of the park strip surface must be covered with turf, perennial or low growing shrub vegetation within three (3) years of planting or when planting has reached maturity, whichever comes first. For lots with two (2) or more street frontages, this standard shall be applied separately to each adjacent park strip on each street frontage. In new park strips, or when replacing landscaping in existing park strips, it is recommended that water conserving plants constitute at least eighty percent (80%) of all plants used.

Plants which have thorns, spines, or other sharp, rigid parts are hazardous to pedestrians and bicyclists, and are difficult to walk across and are generally prohibited except that limited use of thorn bearing flowers, such as roses, may be acceptable subject to the approval of the zoning administrator.

2. Erosion: It shall be the property owner's responsibility to ensure that erosion does not deposit soil or other material on sidewalks or in the street. Where annual or perennial plants are planted in the park strip, an organic mulch is required on the park strip during the dormant season to prevent erosion.
3. Organic Mulch: Materials such as bark, shredded plant material, and compost, may be used as water conserving mulch for plants and may also be used as the only material in portions of a park strip.
4. Gravel, Rocks, And Boulders: Because rock, gravel and other hard surface materials as a ground cover retain and emit heat during the summer months when water is scarce, they may not be used within a thirty six inch (36") radius (72 inch diameter) of any street tree, unless an operable irrigation system is provided. Otherwise, gravel, rocks, and boulders, may be used on portions of the park strip. Organic mulch or gravel, as approved by the city forester, shall be used near existing street trees. Rocks are limited to twenty inches (20") in height. Boulders as an accent material are limited to thirty six inches (36") in height, and may not be arranged in a manner that creates a continuous visual obstruction.

Any rock raised above the curb height shall be set back from the curb by at least twenty four inches (24").

Large diameter rocks (over 6 inches) or boulders shall be kept a minimum of twenty four inches (24") away from street trees.

Any material placed beneath gravel, rocks or boulders designed to block weed growth must be of a porous nature, allowing water to percolate to plant root systems.

5. Paving Materials: Paving materials, limited to poured concrete, concrete pavers, brick pavers, or natural stone pavers, may be used in portions of a park strip subject to the following limitations:
  - a. Paving Materials Near Existing Street Trees: Poured concrete shall not be placed in any park strip with existing street trees unless the park strip is being improved as part of an improvement district or pedestrian traffic counts warrant (as determined by Salt Lake City transportation and engineering divisions) and tree grates and an operable irrigation system is being installed, except as otherwise noted. Organic mulch or gravel, as approved by the city forester, shall be used near existing street trees. Poured concrete or rocks/gravel may not be used in any park strip unless an operable irrigation system is provided to the street trees.
  - b. Twenty Four Inch Wide Park Strips: Except as specified in subsection E5a of this section, any allowed paving material listed in this section may be used in a park strip that is twenty four inches (24") or less in width. If poured concrete is used, it shall be finished with a stamped pattern resembling brick or natural stone or scored with another decorative pattern to distinguish it from the adjacent sidewalk.
  - c. Less Than Thirty Six Inch Wide Park Strips: In park strips that are less than thirty six inches (36") in width, brick pavers, concrete pavers, or natural stone pavers may be used. Poured concrete shall not be used except for carriageways as outlined in subsection E6 of this section. The use of plants in combination with paving materials is encouraged.

- d. **Park Strips Thirty Six Inches Wide Or Greater:** In park strips thirty six inches (36") in width or greater, the combination of all paving materials, gravel, rocks, and boulders shall not exceed sixty seven percent (67%) of the total park strip surface area. Poured concrete shall not be used except for carriageways as outlined in subsection E6 of this section.
6. **Carriageways:** In order to provide for safe and convenient access across park strips to and from vehicles that may park at the curb, carriageways (walkways between the curb and sidewalk) through planted area are encouraged. The material of carriageways may be poured concrete, concrete pavers, brick pavers, or flat, natural stone paving materials such as flagstone or a combination of these materials. If poured concrete is used, the carriageway shall be not more than four feet (4') in width and shall be located so as to provide the most direct route from the curb to the sidewalk. The area of carriageways shall be included in calculating the percentage of inorganic material in the park strip.
7. **Retaining Walls, Fences And Other Similar Structural Encroachments:** Retaining walls, fences, steps, raised planter boxes and other similar structural encroachments in park strips are only permitted when specifically approved by the engineering department pursuant to adopted standards and/or recognized engineering principles, and by:
- The historic landmark commission if the proposed structure is located with the H historic preservation overlay district;
  - The planning commission if the proposed structure is part of a development proposal that requires planning commission approval;
  - The planning director or the planning director's designee if the proposed structure is not within an H historic preservation overlay district and not part of a development proposal that requires planning commission approval; or
  - The city council if the proposed structure is part of an adopted improvement district.
- Structural encroachments in park strips are generally limited because they may block access from the street to the sidewalks and create obstructions to, and increase the cost of performing maintenance of public improvements and utilities within the park strip. Structural encroachments are not permitted unless the relevant decision making entities identified in this section find that:
- The proposed structures will serve the general public and are part of general public need, or
  - The proposed structures are necessary for the functional use of the adjacent property (such as a mailbox near the curb, steps or a retaining wall on a sloping site, fence behind the sidewalk, etc.), and
  - There are no other practical locations for the structure on the adjacent private property.
- Any raised structure or retaining wall shall be set back from the curb by at least twenty four inches (24").
- This subsection E7 does not apply to outdoor dining that is subject to section [21A.40.065](#) of this title or ground mounted utility boxes governed by section [21A.40.160](#) of this title.
8. **Plants And Objects Within Sight Distance Areas:** Because of safety and visibility issues related to both pedestrians and automobile drivers, tall objects are not allowed in sight distance triangle areas. Except for street trees, or mailboxes, no plant, boulder, monument, structure or other object which is over twenty two inches (22") in height shall be planted or located within sight distance areas.
9. **Turf And Gravel On Steep Park Strips:** Turf and gravel are not permitted in park strips with a slope greater than three to one (3:1) (3 feet horizontal distance to 1 foot vertical distance). Turf is difficult to mow on steep slopes and gravel will migrate down the slope and collect in the gutter. Larger rocks (a diameter greater than 6 inches) or boulders used on steep park strips shall be buried in the ground to a depth equal to at least one-third ( $\frac{1}{3}$ ) of the rock or boulder's average dimension in order to anchor them into the slope.
10. **Exceptions To Park Strip Standards.** Exceptions to the park strip policies established herein shall be limited to the following:
- Improvement District:** Variations from these standards may be approved as part of improvement districts. Areas where alternative park strip materials could be considered include identifiable nonresidential areas. The improvement district concept is not intended to respond to one or two (2) properties but an identifiable district. The improvement district concept is not generally applicable to residential areas where a predominant design theme consisting of vegetation has been established.
  - Nonconforming Provision:** All vegetation located in park strips prior to November 5, 1992, may be maintained subject to city transportation division approval for sight distance and public way safety requirements.
  - Bus Stop Benches And Shelters, And Bike Share Stations:** Concrete pads for bus stop benches and/or shelters and bike share stations are permitted with zoning administrator approval and subject to all permitting requirements. Concrete used for this purpose shall not be included in calculating the percentage of inorganic material in the park strip.
  - Outdoor Dining:** Park strip materials may be modified by the zoning administrator when outdoor dining is approved pursuant to section [21A.40.065](#) of this title. (Ord. 16-16, 2016)

## 21A.48.090: LANDSCAPE YARDS:

Landscape yards are yards devoted exclusively to landscaping except, however, that driveways and sidewalks needed to serve the use and buildings on the lot may be located within a required landscape yard. As used in this chapter, the term "landscaping" shall be defined as set forth in section [21A.62.040](#), "Definitions Of Terms", of this title. No specific improvements are required within landscape yards, except that all landscape areas shall be maintained with at least one-third ( $\frac{1}{3}$ ) of the yard(s) area covered by vegetation, which may include trees, shrubs, grasses, annual or perennial plants and vegetable plants. Mulches such as organic mulch, gravel, rocks and boulders shall be a minimum depth of three inches to four inches (3" - 4"), dependent on the material used, to control weeds and erosion in unplanted areas and between plants, and that these aforementioned items at all times cover any installed weed block barriers that cover the ground surface.

- A. **Bond Requirement:** All developers and/or contractors shall be required to post a bond with the City for the total amount of the landscaping contract for all multi-family dwellings and commercial development. (Ord. 16-16, 2016)



## Appendix 2

<b>Rationale</b> <i>against artificial turf</i>	<b>Rebuttal</b> <i>to the aforementioned 'Rationale'</i>	<b>Rebuttal Source</b>
<p>Artificial turf has a negative impact on heat island effect (artificial turf does not 'respire' and so does not contribute to cooling)</p>	<ul style="list-style-type: none"> <li>• The same argument can be made of other approved landscape materials, such as landscape rock, asphalt or concrete driveways, or brick walkways. While the surface of artificial lawns may get warmer than conventional lawns, this is not like the amount of heat absorbed and radiated by other approved landscaping materials, such as those mentioned above.</li> <li>• Artificial grass is cooler than these other materials, which are approved by the city so long as they make up no more than 66% of the landscape area. Even on a hot day, our grass is still comfortable to sit on and enjoy.</li> <li>• We have a very large tree that casts a shadow over our entire front yard, thus preventing the sun from beating directly onto our grass. This is what made it difficult for us to install natural grass in the first place, but it is also beneficial for other landscaping materials (such as artificial grass or rock) because it doesn't cause any excess heating.</li> </ul>	<ul style="list-style-type: none"> <li>• <a href="https://www.installitdirect.com/learn/does-artificial-grass-get-hot/">https://www.installitdirect.com/learn/does-artificial-grass-get-hot/</a></li> </ul>
<p>Because it lacks biological functions and does not support an earthy soil community, artificial turf creates environments where bacteria can grow</p>	<ul style="list-style-type: none"> <li>• There is no evidence to support this. In fact, two studies (Kasakova 2005; Begier 2004) examined the matter and concluded this statement to be false. An additional study performed by Penn State University in 2011 found that the amount of bacteria that existed on synthetic turf surfaces was low compared to those on natural grass.</li> <li>• Consistent with these studies, the Centers for Disease Control and Prevention does not view artificial grass as a significant source of MRSA infections.</li> </ul>	<ul style="list-style-type: none"> <li>• <a href="http://www.momsteam.com/modern-infilled-synthetic-turf-fields-dont-harbor-staph-bacteria-cause-mrsa-studies-say">http://www.momsteam.com/modern-infilled-synthetic-turf-fields-dont-harbor-staph-bacteria-cause-mrsa-studies-say</a></li> </ul>

<p>Artificial turf needs to be washed, and if installed in an arena-setting, needs to be cooled for play, and so may have as high a water demand as natural turf (ambient air temperature in play areas with artificial turf can be extremely hot)</p>	<ul style="list-style-type: none"> <li>• Artificial grass in an arena setting has a large amount of black, rubber infill. This black rubber is the primary contributor to arena grass being so hot, thus requiring cooling before play. Residential artificial grass is not comparable in this respect. Residential turf (like ours) infill is composed of light-colored sand and dirt, which does not absorb and transfer heat like rubber infills.</li> <li>• Secondly, the city permits the installation of stadium grass for athletic fields. The University of Utah, several high school fields, and The Gateway are laid with artificial grass. Their rationale for installing artificial grass is no different than ours, or anyone else's for that matter. It saves on maintenance costs, water usage, etc. and looks beautiful year-round.</li> <li>• Lastly, residential artificial grass needs to be washed far less often (perhaps once or twice monthly, at most) than natural grass needs to be watered (several times weekly during the summer).</li> </ul>	<ul style="list-style-type: none"> <li>• <a href="https://www.installitdirect.com/learn/does-artificial-grass-get-hot/">https://www.installitdirect.com/learn/does-artificial-grass-get-hot/</a></li> <li>• <a href="https://www.nexgenlawn.com/salt-lake-synthetic-grass/">https://www.nexgenlawn.com/salt-lake-synthetic-grass/</a></li> </ul>
<p>Historically, artificial turf requires approximately 17 times its weight in water to manufacture</p>	<ul style="list-style-type: none"> <li>• This is a great example of a statement made without context. This amount of water is still a tiny fraction of what natural grass requires on a weekly basis. If this statement is even true, that would equate to roughly 10 lbs of water per square foot of artificial grass to manufacture. It is estimated that a natural grass lawn needs roughly 8 lbs of water per square foot each and every time it is watered. So, you can see that after watering a lawn two times, you've already exceeded the amount of water required to manufacture artificial grass. Context is important here.</li> </ul>	<ul style="list-style-type: none"> <li>• <a href="https://www.trulawn.co.uk/news/guide-to-artificial-grass/">https://www.trulawn.co.uk/news/guide-to-artificial-grass/</a></li> <li>• <a href="https://www.lowes.com/projects/lawn-and-garden/watering-tips/project">https://www.lowes.com/projects/lawn-and-garden/watering-tips/project</a></li> </ul>
<p>Artificial turf cannot be recycled</p>	<ul style="list-style-type: none"> <li>• This is an outdated rationale. New equipment is able to successfully remove the sand and rubber, leaving a clean plastic carpet to be put through the recycling process individually. Today, processed turf can be repurposed or recycled into other products.</li> </ul>	<ul style="list-style-type: none"> <li>• <a href="https://www.artificialgrass-direct.com/artificial-grass-can-be-recycled/">https://www.artificialgrass-direct.com/artificial-grass-can-be-recycled/</a></li> </ul>
<p>Artificial turf has a life expectancy of 5 to 10 years (some newer types claim 15 years)</p>	<ul style="list-style-type: none"> <li>• This is completely irrelevant to the City. This is only relevant to a property owner when determining ROI in an investment decision. The ROI, by the way, is still very compelling.</li> </ul>	

<p>Artificial turfs may contain lead and other contaminants, that are given off as the turf ages. These contaminants may also leech into soils causing groundwater contamination (may also negatively affect air quality)</p>	<ul style="list-style-type: none"> <li>• This rational is based on a study performed on arena fields which contain large amounts of black rubber infill (which potentially contains lead).</li> <li>• Residential artificial grass is not the same as arena style artificial grass and should not be placed in the same category.</li> <li>• Residential turf does not contain rubber infill, and contains no detectable traces of lead or any other RCRA (Resource Conservation and Recovery Act) hazardous waste heavy metals.</li> </ul>	<ul style="list-style-type: none"> <li>• <a href="https://www.installitdirect.com/learn/does-artificial-grass-have-lead/">https://www.installitdirect.com/learn/does-artificial-grass-have-lead/</a></li> </ul>
<p>Artificial turf provides no filtering processes related to stormwater run-off, as does natural turf</p>	<ul style="list-style-type: none"> <li>• This is completely false. Artificial grass is fully porous and rainwater drains through it.</li> <li>• Artificial grass is manufactured with a holed backing that is concealed within the pile height and not visible when laid. Water simply drains straight through these holes and into the aggregate base (sand, dirt, soil) below.</li> <li>• Due to this, artificial lawns dry relatively quickly compared to regular lawns.</li> </ul>	<ul style="list-style-type: none"> <li>• <a href="https://www.artificialgrass-direct.com/faqs/">https://www.artificialgrass-direct.com/faqs/</a></li> <li>• <a href="https://www.trulawn.co.uk/faq/artificial-lawns-water-drainage/">https://www.trulawn.co.uk/faq/artificial-lawns-water-drainage/</a></li> </ul>
<p>Artificial turf does not provide forage or habitat opportunities for birds, bees, or soil “denizens”</p>	<ul style="list-style-type: none"> <li>• Again, the same argument can be made of other approved landscape surfaces, such as landscape rock/gravel, pavers or concrete driveways, brick walkways, etc. This is precisely why the “33% rule” exists.</li> <li>• We have vegetation surrounding all perimeters of our artificial grass as well as multiple large trees that provide forage or habitat opportunities for birds bees, or soil “denizens.”</li> </ul>	



### Appendix 3

**Our yard prior to the improvements:**



**Our current yard:**

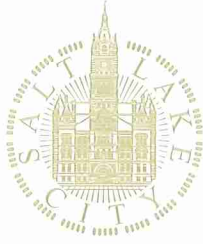


**Our current yard vs our neighbors yard:**



## **ATTACHMENT D: Administrative Interpretation**





March 31, 2015

Darren Mansell  
9161 Baronay Circle  
Sandy, UT 84093

Re: PLNZAD2015-00135: Administrative Interpretation

Dear Mr. Mansell:

This letter is in response to your request for an administrative interpretation dated March 2, 2015 regarding the property at 720 S 900 West. Specifically, you are asking if synthetic grass can be used as a landscaping component in a park strip that is wider than 36”.

The property in questions was developed under a duly approved building permit issued based on a site plan that conformed to the city’s zoning code. This approved building permit indicated a landscaping plan that met the requirements of the zoning code.

As you have indicated, subsequent to the approval of the building permit, and without additional review by the city for conformance to the zoning code, the material properties of the landscaping plan were significantly altered. This change substituted a synthetic material meant to simulate the look of grass, in areas that previously had been designated for organic ground cover.

As per 21A.48.040(C)(1) it is the responsibility of a property owner to landscape all park strips “in conformance with the provisions of [21A.48.060].

The section continues, “For permits involving new construction of a principal building, the contractor shall be responsible for landscaping the park strips as part of the building permit. In general, this landscaping will involve improving the ground surface of the park strip with plant material, or hard surface treatments [organic mulch, gravel, rocks and boulders, and certain paving materials] where permitted. Park strip trees shall also be provided as required herein.”

You are correct in your assertion that, when a term is not specifically defined in the zoning code, the standard reference used to arrive at its meaning is Webster’s College Dictionary (21A.62.010). However, the term ‘turf’ is specifically defined in 21A.62.040. The zoning code defines ‘turf’ as, “grasses planted as a ground cover and mowed and maintained to be used as a lawn area of landscaping.” Though it may share some of the properties of water permeability with natural plant material, your proposed substitute does not meet this definition.

This synthetic product does not replicate the function of natural plant materials in either allowing for the establishment of ecological communities or reducing the urban heat island effect. Furthermore, this is a product created from non-renewable petroleum resources, which degrades over time, and is not recyclable or reusable in any meaningful way.

Though your desire to conserve water is admirable, there are approved natural plant materials that are exceptionally more water-efficient than the Kentucky Blue Grass you initially proposed without resorting to a synthetic material.

The options for ground surface treatments on park strips are provided in 21A.48.060(E) and are copied below for your reference.



1. **Plant Coverage:** The intent of the park strip landscaping standards is that thirty three percent (33%) or more of the park strip surface be covered with vegetation within three (3) years of planting or when planting has reached maturity, whichever comes first. For lots with two (2) or more street frontages, this standard shall be applied separately to each adjacent park strip on each street frontage. In new park strips, or when replacing landscaping in existing park strips, it is recommended that water conserving plants constitute at least eighty percent (80%) of all plants used.
2. **Annual Or Perennial Flowering Plants:** If the entire park strip is planted with annual or perennial flowering plants, it shall be the property owner's responsibility to ensure that erosion does not deposit soil or other material on sidewalks or in the street.
3. **Organic Mulch:** Materials such as bark, shredded plant material, and compost, may be used as water conserving mulch for plants and may also be used as the only material in portions of a park strip.
4. **Gravel, Rocks, And Boulders:** Gravel, rocks, and boulders, may be used on portions of the park strip. Large diameter rocks and boulders shall be kept a minimum of eighteen inches (18") away from existing street trees. Organic mulch or gravel, as approved by the urban forester, shall be used near existing street trees.
5. **Paving Materials:** Paving materials, limited to poured concrete, concrete pavers, brick pavers, or natural stone pavers, may be used in portions of a park strip subject to the following limitations:
  - a. **Paving Materials Near Existing Street Trees:** Poured concrete shall not be placed in any park strip with existing street trees. Other paving materials shall be kept a minimum of eighteen inches (18") away from existing street trees. Organic mulch or gravel, as approved by the urban forester, shall be used near existing street trees.
  - b. **Twenty Four Inch Wide Park Strips:** Except as specified above, any paving material may be used in one hundred percent (100%) of a park strip that is twenty four inches (24") or less in width. If poured concrete is used, it shall be finished with a stamped pattern resembling brick or natural stone or scored with another decorative pattern to distinguish it from the adjacent sidewalk.
  - c. **Thirty Six Inch Wide Park Strips:** In park strips that are thirty six inches (36") or less in width, brick pavers, concrete pavers, or natural stone pavers may be used in one hundred percent (100%) of the surface area. Poured concrete shall not be used except for carriageways as outlined below. The use of plants in combination with paving materials is encouraged.
  - d. **Park Strips Over Thirty Six Inches Wide:** In park strips over thirty six inches (36") in width, the combination of all paving materials, gravel, rocks, and boulders shall not exceed sixty seven percent (67%) of the total park strip surface area. Poured concrete shall not be used except for carriageways as outlined below.
6. **Carriageways:** In order to provide for safe and convenient access across park strips to and from vehicles that may park at the curb, carriageways (walkways between the curb and sidewalk) through planted area are encouraged. The material of carriageways may be poured concrete, concrete pavers, brick pavers, or flat, natural stone paving materials such as flagstone or a combination of these materials. If poured concrete is used, the carriageway shall be not more than four feet (4') in width and shall be located so as to provide the most direct route from the

curb to the sidewalk. The area of carriageways shall be included in calculating the percentage of inorganic material in the park strip.

In the zoning ordinance, 'vegetation' is defined in 21A.62.040 as " Living plant material including, but not limited to, trees, shrubs, flowers, grasses, herbs and ground cover."

Although synthetic grass is not listed as a prohibited material in 21A.48.080(E)(7), it is not listed as one of the specific park strip materials that are allowed for ground treatment within the park strip, which include plants, organic mulches and paving materials such as concrete pavers, brick pavers, or natural stone pavers.

Based on the above findings and the information you submitted with your application, I find that the proposed use of a synthetic substitute to meet the 33% plant coverage requirement, or the 67% limitation on the use of paving materials, gravel, or rocks and boulders, in a park strip does not meet the requirements of Section 21A.48.060(E), Park Strip Ground Surface Treatment, nor can the synthetic substitute be considered vegetation as defined by the zoning ordinance.

If you have any questions regarding this interpretation please contact Anthony Riederer at (801) 535-7625 or by email at [anthony.riederer@slcgov.com](mailto:anthony.riederer@slcgov.com).

Sincerely,



Joel Paterson, AICP  
Salt Lake City Zoning Administrator

Cc: Posted to Web  
File

#### NOTICE:

Please be advised that a determination finding a particular use to be a permitted use or a conditional use shall not authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure. It shall merely authorize the preparation, filing, and processing of applications for any approvals and permits that may be required by the codes and ordinances of the City including, but not limited to, a zoning certificate, a building permit, and a certificate of occupancy, subdivision approval, and a site plan approval.

An applicant or any other person or entity adversely affected by a decision administering or interpreting this Title may appeal to the Appeals Hearing Officer. Notice of appeal shall be filed within ten (10) days of the administrative decision. The appeal shall be filed with the Planning Division and shall specify the decision appealed and the reasons the appellant claims the decision to be in error. Applications for appeals are located on the Planning Division website along with information about the applicable fee. Appeals may be filed in person at the Planning Counter, 451 South State Street, Room 215 or by mail at Planning Counter PO Box 145471, Salt Lake City, Utah 84114.

## ATTACHMENT E: Applicable Zoning Code Sections

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### 21A.48.010: PURPOSE STATEMENT:

The landscaping and buffering requirements specified in this chapter are intended to foster aesthetically pleasing development which will protect and preserve the appearance, character, health, safety and welfare of the community. These regulations are intended to increase the compatibility of adjacent uses and, in doing so, minimize the harmful impacts of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusions, and other objectionable activities or impacts conducted or created by an adjoining or nearby use, thereby fostering compatibility among different land uses. These regulations are also intended to preserve, enhance and expand the urban forest and promote the prudent use of water and energy resources. (Ord. 88-95 § 1 (Exh. A), 1995; Ord. 26-95 § 2(24-1), 1995)

### 21A.48.060: PARK STRIP LANDSCAPING:

A. Intent: The intent of these requirements is to maintain the appearance of park strips, and expand landscape design flexibility while not unreasonably inhibiting access for repair and maintenance of public utilities, encourage water conservation through the use of water conserving plants and generally to improve environmental conditions along the city's streets. It is also the intent to protect the users of park strips by prohibiting the use of materials that may cause harm or injury to pedestrians or vehicles, and to provide for safe and convenient visual and physical access across park strips to and from vehicles that may park at the curb.

B. Applicability: The requirements of this section shall apply to all "park strips", as defined in section [21A.62.040](#) of this title, except as otherwise noted.

1. Properties With Curbs And Gutters: These standards apply to all properties in the city, including vacant lots that have street curb and/or gutter. Owners of property on streets that do not have curb and gutter are not required to maintain formal landscaping within the public right of way.
2. Improvement Districts: These requirements shall not apply to official improvement districts where exceptions to park strip standards are approved pursuant to subsection E of this section.
3. Discretionary Authority: The zoning administrator may modify the standards of this section to better achieve its intent and address site specific conditions such as, among other things, steep grades between the curb and sidewalk or the presence of canals or drainage channels.

#### C. General Landscape Requirements:

1. Property Owner Responsibility: All park strips shall be landscaped by the abutting property owner, in conformance with the provisions of this section. For permits involving new construction of a principal building, the contractor shall be responsible for landscaping the park strips as part of the building permit. In general, this landscaping will involve improving the ground surface of the park strip with plant material, or hard surface treatments where permitted. Park strip trees shall also be provided as required herein.



2. Maintenance: All park strip landscaping shall be maintained in a safe and well kept condition by the abutting property owner. Trash, other debris, and noxious weeds shall not be allowed to collect or grow in these areas.
3. Watering: Sufficient water shall be provided for vegetative ground cover, annuals, perennials, shrubs and trees to keep them in a healthy condition.
4. Definition Of An "Operable Irrigation System": For purposes of this section, "operable irrigation system" shall mean a fixed underground irrigation system connected to the adjacent property's water supply, but does not include a movable hose, sprinkler or other portable watering system.

#### D. Park Strip Trees:

1. Spacing And Size: Park strip trees, when required, shall be provided at the equivalent of at least one tree for each thirty feet (30') of street frontage and may be clustered or spaced linearly as deemed appropriate by the city forester. Tree size shall be a minimum of two inch (2") caliper (measured at a point 6 inches above the soil line) at time of planting.
2. Tree Grates: If new trees are proposed in a park strip in which the area surrounding the tree will have an impervious surface, the property owner responsible for installation shall ensure that tree wells with grates are provided which have dimensions adequate to accommodate the recommended tree species. All new installation of tree grates shall be accompanied by an operable irrigation system to ensure adequate water to the tree, and structural soil shall be installed according to Salt Lake City engineering standards.
3. Permit And Planting: No tree shall be planted in a park strip without first obtaining a permit from the urban forestry division of the Salt Lake City public services department (section [2.26.210](#) of this code). Tree species and location shall be approved by the city forester.
4. Tree Maintenance: Planting and maintenance of trees shall be done in conformance with the Salt Lake City urban forestry standards and specifications which are available and shall be administered and enforced through the urban forestry office. No work (pruning, removal, etc.) shall be performed on street trees without first obtaining a permit from the urban forestry office.

#### E. Park Strip Ground Surface Treatment: The intent of this section is to provide a palette of allowed plant, organic and/or natural materials that allow for creative landscaping, maintain a healthy street tree canopy, and create an attractive pedestrian environment while encouraging actual, not merely perceptual, water conservation. In many instances, a water wise turf grass/sod remains the most effective park strip plant material.

1. Plant Coverage: Live plant materials, not to exceed twenty two inches (22") in height, are allowed. Plants with heights up to thirty six inches (36") tall may be allowed as specimen or accent plants when not located within sight distance areas. These plants may not be planted in a manner that would create a visual barrier between the street and the sidewalk.

At least thirty three percent (33%) or more of the park strip surface must be covered with turf, perennial or low growing shrub vegetation within three (3) years of planting or when planting has reached maturity, whichever comes first. For lots with two (2) or more street frontages, this standard shall be applied separately to each adjacent park strip on each street frontage. In new park strips, or when replacing landscaping in existing park strips, it

is recommended that water conserving plants constitute at least eighty percent (80%) of all plants used.

Plants which have thorns, spines, or other sharp, rigid parts are hazardous to pedestrians and bicyclists, and are difficult to walk across and are generally prohibited except that limited use of thorn bearing flowers, such as roses, may be acceptable subject to the approval of the zoning administrator.

2. **Erosion:** It shall be the property owner's responsibility to ensure that erosion does not deposit soil or other material on sidewalks or in the street. Where annual or perennial plants are planted in the park strip, an organic mulch is required on the park strip during the dormant season to prevent erosion.
3. **Organic Mulch:** Materials such as bark, shredded plant material, and compost, may be used as water conserving mulch for plants and may also be used as the only material in portions of a park strip.
4. **Gravel, Rocks, And Boulders:** Because rock, gravel and other hard surface materials as a ground cover retain and emit heat during the summer months when water is scarce, they may not be used within a thirty six inch (36") radius (72 inch diameter) of any street tree, unless an operable irrigation system is provided. Otherwise, gravel, rocks, and boulders, may be used on portions of the park strip. Organic mulch or gravel, as approved by the city forester, shall be used near existing street trees. Rocks are limited to twenty inches (20") in height. Boulders as an accent material are limited to thirty six inches (36") in height, and may not be arranged in a manner that creates a continuous visual obstruction.

Any rock raised above the curb height shall be set back from the curb by at least twenty four inches (24").

Large diameter rocks (over 6 inches) or boulders shall be kept a minimum of twenty four inches (24") away from street trees.

Any material placed beneath gravel, rocks or boulders designed to block weed growth must be of a porous nature, allowing water to percolate to plant root systems.

5. **Paving Materials:** Paving materials, limited to poured concrete, concrete pavers, brick pavers, or natural stone pavers, may be used in portions of a park strip subject to the following limitations:
  - a. **Paving Materials Near Existing Street Trees:** Poured concrete shall not be placed in any park strip with existing street trees unless the park strip is being improved as part of an improvement district or pedestrian traffic counts warrant (as determined by Salt Lake City transportation and engineering divisions) and tree grates and an operable irrigation system is being installed, except as otherwise noted. Organic mulch or gravel, as approved by the city forester, shall be used near existing street trees. Poured concrete or rocks/gravel may not be used in any park strip unless an operable irrigation system is provided to the street trees.
  - b. **Twenty Four Inch Wide Park Strips:** Except as specified in subsection E5a of this section, any allowed paving material listed in this section may be used in a park strip that is twenty four inches (24") or less in width. If poured concrete is used, it shall be finished with a stamped pattern resembling brick or natural stone or scored with another decorative pattern to distinguish it from the adjacent sidewalk.

- c. **Less Than Thirty Six Inch Wide Park Strips:** In park strips that are less than thirty six inches (36") in width, brick pavers, concrete pavers, or natural stone pavers may be used. Poured concrete shall not be used except for carriageways as outlined in subsection E6 of this section. The use of plants in combination with paving materials is encouraged.
  - d. **Park Strips Thirty Six Inches Wide Or Greater:** In park strips thirty six inches (36") in width or greater, the combination of all paving materials, gravel, rocks, and boulders shall not exceed sixty seven percent (67%) of the total park strip surface area. Poured concrete shall not be used except for carriageways as outlined in subsection E6 of this section.
6. **Carriageways:** In order to provide for safe and convenient access across park strips to and from vehicles that may park at the curb, carriageways (walkways between the curb and sidewalk) through planted area are encouraged. The material of carriageways may be poured concrete, concrete pavers, brick pavers, or flat, natural stone paving materials such as flagstone or a combination of these materials. If poured concrete is used, the carriageway shall be not more than four feet (4') in width and shall be located so as to provide the most direct route from the curb to the sidewalk. The area of carriageways shall be included in calculating the percentage of inorganic material in the park strip.
7. **Retaining Walls, Fences And Other Similar Structural Encroachments:** Retaining walls, fences, steps, raised planter boxes and other similar structural encroachments in park strips are only permitted when specifically approved by the engineering department pursuant to adopted standards and/or recognized engineering principles, and by:
- a. The historic landmark commission if the proposed structure is located with the H historic preservation overlay district;
  - b. The planning commission if the proposed structure is part of a development proposal that requires planning commission approval;
  - c. The planning director or the planning director's designee if the proposed structure is not within an H historic preservation overlay district and not part of a development proposal that requires planning commission approval; or
  - d. The city council if the proposed structure is part of an adopted improvement district.

Structural encroachments in park strips are generally limited because they may block access from the street to the sidewalks and create obstructions to, and increase the cost of performing maintenance of public improvements and utilities within the park strip. Structural encroachments are not permitted unless the relevant decision making entities identified in this section find that:

- a. The proposed structures will serve the general public and are part of general public need, or
- b. The proposed structures are necessary for the functional use of the adjacent property (such as a mailbox near the curb, steps or a retaining wall on a sloping site, fence behind the sidewalk, etc.), and
- c. There are no other practical locations for the structure on the adjacent private property.



Any raised structure or retaining wall shall be set back from the curb by at least twenty four inches (24").

This subsection E7 does not apply to outdoor dining that is subject to section [21A.40.065](#) of this title or ground mounted utility boxes governed by section [21A.40.160](#) of this title.

8. **Plants And Objects Within Sight Distance Areas:** Because of safety and visibility issues related to both pedestrians and automobile drivers, tall objects are not allowed in sight distance triangle areas. Except for street trees, or mailboxes, no plant, boulder, monument, structure or other object which is over twenty two inches (22") in height shall be planted or located within sight distance areas.
9. **Turf And Gravel On Steep Park Strips:** Turf and gravel are not permitted in park strips with a slope greater than three to one (3:1) (3 feet horizontal distance to 1 foot vertical distance). Turf is difficult to mow on steep slopes and gravel will migrate down the slope and collect in the gutter. Larger rocks (a diameter greater than 6 inches) or boulders used on steep park strips shall be buried in the ground to a depth equal to at least one-third ( $\frac{1}{3}$ ) of the rock or boulder's average dimension in order to anchor them into the slope.
10. **Exceptions To Park Strip Standards:** Exceptions to the park strip policies established herein shall be limited to the following:
  - a. **Improvement District:** Variations from these standards may be approved as part of improvement districts. Areas where alternative park strip materials could be considered include identifiable nonresidential areas. The improvement district concept is not intended to respond to one or two (2) properties but an identifiable district. The improvement district concept is not generally applicable to residential areas where a predominant design theme consisting of vegetation has been established.
  - b. **Nonconforming Provision:** All vegetation located in park strips prior to November 5, 1992, may be maintained subject to city transportation division approval for sight distance and public way safety requirements.
  - c. **Bus Stop Benches And Shelters, And Bike Share Stations:** Concrete pads for bus stop benches and/or shelters and bike share stations are permitted with zoning administrator approval and subject to all permitting requirements. Concrete used for this purpose shall not be included in calculating the percentage of inorganic material in the park strip.
  - d. **Outdoor Dining:** Park strip materials may be modified by the zoning administrator when outdoor dining is approved pursuant to section [21A.40.065](#) of this title. (Ord. 16-16, 2016)

#### **21A.48.090: LANDSCAPE YARDS:**

Landscape yards are yards devoted exclusively to landscaping except, however, that driveways and sidewalks needed to serve the use and buildings on the lot may be located within a required landscape yard. As used in this chapter, the term "landscaping" shall be defined as set forth in section [21A.62.040](#), "Definitions Of Terms", of this title. No specific improvements are required within landscape yards, except that all landscape areas shall be maintained with at least one-third ( $\frac{1}{3}$ ) of the yard(s) area covered by vegetation, which may include trees, shrubs, grasses, annual or perennial plants and vegetable plants. Mulches such as organic mulch, gravel, rocks and boulders

shall be a minimum depth of three inches to four inches (3" - 4"), dependent on the material used, to control weeds and erosion in unplanted areas and between plants, and that these aforementioned items at all times cover any installed weed block barriers that cover the ground surface.

- A. **Bond Requirement:** All developers and/or contractors shall be required to post a bond with the City for the total amount of the landscaping contract for all multi-family dwellings and commercial development. (Ord. 16-16, 2016)

## **ATTACHMENT F: Inspector Notes**

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**Request Comment (2/01/2018)** - complaint about artificial turf.

**Result Comment (2/01/2018)** – mailed zone 1 letter

**Request Comment (2/20/2018)** - follow up on artificial turf

**Result Comment (2/21/2018)** – request N/O letter from Elaine

**Request Comment (3/15/2018)** - the property owner requested via email an extension to the notice and order as per the instructions on the notice and order. He is the process of appealing this.

**Result Comment (6/5/2018)** – restarting enforcement. Sending zone 1 letter.

**Request Comment (6/5/2018)** - Follow up to zoning letter sent 6/5/18

**Result Comment (7/5/2018)** – Property is not in compliance with SLC ordinance. Artificial turf is not allowed in required front and side yards/ park strips. Call Civil Enforcement for additional steps required. 801-535-7965 or 801-535-7225. Post Notice and Order.

**Request Comment (7/19/2018)** - Post N/O for artificial turf.

**Result Comment (7/19/2018)** – Date: 7/19/2018 Posted N/O to the front door. Also, mailed N/O certified and regular.

**Request Comment (7/25/2018)** - Spoke With Matt on the Phone. Asked for a little more time to discuss getting an approval via Derek Kitchen. I granted a 10 day extension.

**Request Comment (8/16/2018)** - begin fines if official appeal has not been filed with planning or turf is not removed.

**Case Note (8/16/2018)** - Spoke with Matt on the phone and stated that we would be starting fines on the property within one months time. He asked what he could do to appeal and i informed him that we would need to contact the planning department and go down to the city and county building to file an official appeal and that is a fee associated with it. He asked if they usually get approved and I stated that my understanding was that they usually do not. With this being said Matt assured me that they would be filing an appeal. I let him know to give me a call and provide official documentation to support these claims and that at that point I would suspend fines until a decision was made. If I don't here back from Matt fines will begin on 9/17/18.

**Result Comment (9/17/2018)** – Case will be placed on a temporary hold as the owner has filed an official appeal with the Zoning department. Will follow up in one months time... Please reference for appeal case. PLNAPP2018-00731