



Staff Report

PLANNING DIVISION
COMMUNITY & ECONOMIC DEVELOPMENT

To: Salt Lake City Planning Commission
From: Doug Dansie, AICP, 801 535-6182
Date: February 25, 2015
Re: PLNPCM2014-00194 Park strip/water wise

Zoning Text Amendment

PROPERTY ADDRESS: City wide
PARCEL ID: N/A
MASTER PLAN: All
ZONING DISTRICT: All

REQUEST: As part of the adoption of the water wise landscaping code in Spring, 2014, the Salt Lake City Council initiated a petition to address issues of tall plants in the park strip, tree health in the park strip and public outreach to educate people about water wise landscaping. Because the water wise code has been in effect for an entire growing season, staff is also updating the original ordinance to address administrative issues and problems that have been encountered. The proposed zoning code amendment affects the entire city and all council districts.

RECOMMENDATION: Based on the analysis and findings of this staff report, Planning Staff recommends that the Planning Commission approve the proposed zoning changes as illustrated in the draft document, direct the staff and attorney to create a final ordinance based upon those modifications and transmit to the City Council for adoption. Below is a proposed motion consistent with this recommendation:

Based on the information in the Staff report and the discussion heard, I move that the Planning Commission forward a positive recommendation to the City Council regarding petition PLNPCM2014-00194, text changes to 21A.48.060: PARK STRIP LANDSCAPING, 21A.48.055: WATER EFFICIENT LANDSCAPING, 21A.48.135: PRIVATE LANDS TREE PRESERVATION, and all associated zoning code references.

ATTACHMENTS:

- A. Analysis of Standards
- B. Outline of proposed changes
- C. Public Process and Comments
- D. Previous memo to City Council relating to landscape in parkstrips
- E. Dept. Comments
- F. Motions

PROJECT DESCRIPTION:

The water wise and tree protection ordinances, adopted in 2014, were the City's initial attempt to provide direction for the installation of more water efficient irrigation systems and to protect significant trees on private property. These ordinances were part of the Mayor's Sustainable City Code Initiative.

Also, the City has a long history of defining the type and minimum amount of landscaping materials in the park strip.

This petition is to update park strip landscaping requirements to address issues that have been raised, and also address administrative concerns that have been identified with the newly adopted water wise and tree protection ordinances.

[Although information about how the City conducts public outreach to educate people about water wise landscaping was requested by the City Council as part of this petition, it is not part of the Planning Commission review of the proposed regulatory changes. The Public Utilities Department oversees the public information outreach program and information about that program will be included as a separate item in the Administration transmittal to the Council.]

KEY ISSUES and DISCUSSION:

The key issues listed below have been identified through the analysis of the project, neighbor and community input and department review comments.

1. Identifying the appropriate height of plants, or structures, in the park strip.
2. Measures to ensure the health of trees in the park strip.
3. Technical changes to the water wise regulations to ensure administrative clarity.
4. Technical changes to the tree protection regulations to ensure administrative clarity.

Issue 1

Identifying the appropriate height of plants, or structures, in the park strip:

Plants are presently limited to 18 inches in height within the park strip, with exceptions for accent plants allowed to be 36 inches in height (and street trees-with minimum height clearance). The City has received requests regarding plants that exceed present height limits and has processed enforcement cases regarding this issue.

The policies regarding structures (statuary, planter boxes, etc.) in the park strip, and their associated necessity and scale, has also become a concern because of increasing requests and enforcement cases

Discussion

The Council asked the Planning staff to review the height limits of plants in the park strip. This discussion has been driven by the fact that some constituents have requested to grow taller plants such as corn or sunflowers in the park strip.

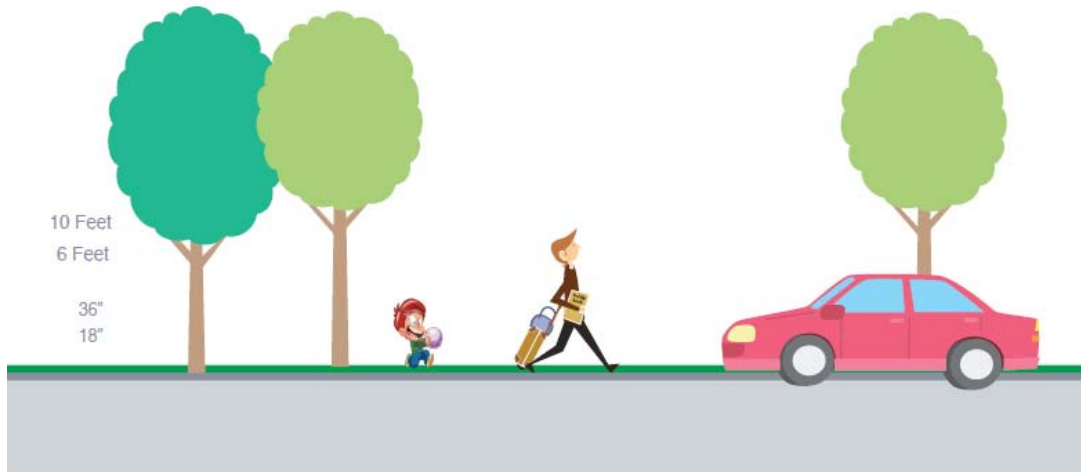
Historically; Salt Lake City generally limited plants in the park strip to street trees and turf. In 2002 the City Council updated the park strip regulations to allow for more varied planting; specifically with the desire for water conservation. The height limits were set at that time with the intent to provide flexibility while maintaining the view corridor between the sidewalk and the street. This view area is for the safety of pedestrians due to interaction with autos and also basic visibility for crime prevention. The present height limit for plants, combined with a clearance height for tree limbs, leaves a viewing area where most children, small pets and adults are visible.

Additionally, many tall plants have a tendency to be shrubby or sprawling. For example; annual sunflowers tend to lean into walking areas, which is not only a problem for the average pedestrian, it is particularly problematic for those with disability concerns. Therefore the safety issues of tall plants generally go beyond mere visibility issues.

In most cases there is room on the adjacent private property, out of the public walking area, where these plants may be easily accommodated.

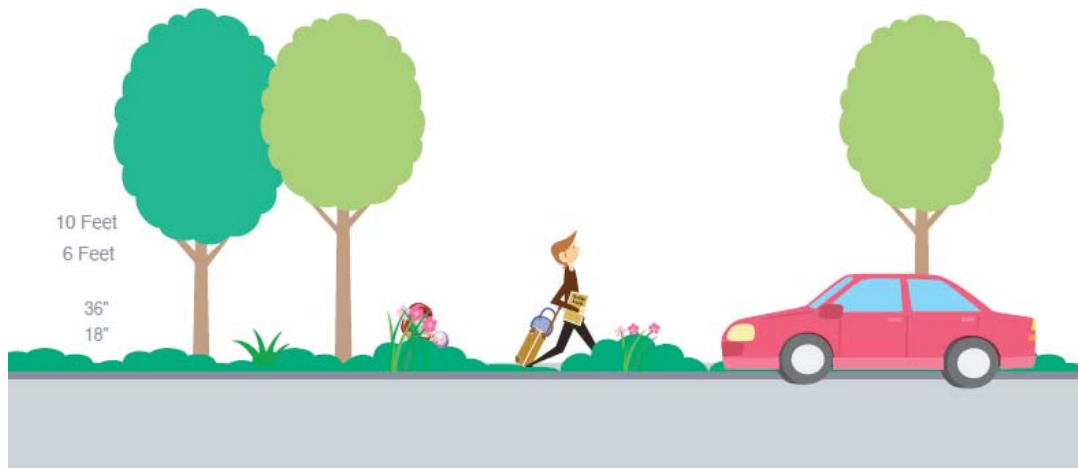
Traditional Park Strip

(Trees and Turf)



Current Allowance

(Such as low ground covers & accent plants)



Allowing Tall Plants

(Such as Corn Sunflowers)



After reviewing the park strip ordinance with other departments, it is determined that the rationale for the original height limit has continuing validity. A transmittal to the Council outlining these reasons was sent 1n 2012. That transmittal is included in attachment D. However; Staff is proposing to alter the height limits slightly to accommodate the mature growth height of several native plants that are good ground covers but may have an ultimate height slightly taller than the eighteen inch limit. Specifically; Gro-low sumac is native and commonly used in public plantings such as the center medians on Foothill Boulevard. The mature height of Gro-low sumac is typically twenty inches (20"). Other native plants are also water wise and good candidates for a slightly taller landscape material; such as Creeping Oregon Grape. Therefore staff is recommending keeping the original intent of the present ordinance but raising the height limit by the minimum amount required to accommodate these additional plants. It is suggested that there be a two inch increase in the maximum height from eighteen inches to twenty inches, which will accommodate additional important plants, while not significantly interfering with pedestrian safety.



Gro-low sumac (winter form-Foothill Boulevard) Creeping Oregon grape (Red Butte parking lot)

The city has received an increasing amount of requests for structures in the parks strip, yet structures create the same concerns regarding visibility, safety and other impacts as plants do. While it is important to let citizens personalize the park strip adjacent to their home, the primary purpose of the park strip remains public access. Therefore, criteria has been added to the park strip ordinance to regulate height, as with plants, and to help provide guidance for the approval of structures based upon the following criteria: Is it necessary for the public (utility boxes), is it necessary for the function of the adjacent property (steps, retaining walls, etc), and can it be better accommodated on the adjacent private property (private gardens or monuments).

The current park strip ordinance leaves the impression that gravel and rocks are preferred, when the reality is that water-wise landscaping is the goal (whether or not it contains rocks and gravel). Rocks mixed with high-water plants do not inherently accomplish that goal. Turf grasses are not all inherently high water users and many of the replacement plants people have used are not inherently low water users. Language has been added with the intention to make it clear that low water turf grasses, as identified by Public Utilities, are not prohibited, but high water use grasses and plants are discouraged. Again, clarifying that actual low water landscaping, not merely an illusion of low water usage, is the goal.

The layout of the current park strip ordinance has duplicated standards in both the text and table. The proposed modifications would separate the two, as much as practical, and place the rationale in the text and the standards in the tables for easier administration. This is meant to be technical clean up with no philosophical change.

Issue 2

Measures to ensure the health of trees in the park strip:

The City has had a long policy of encouraging street trees as both an urban design feature, to provide a more aesthetic experience for pedestrians and vehicular traffic, and to provide shade and cooling to offset vast hard surfaces of streets and sidewalks. The Council has asked to find resolution to the water wise issue that would preserve street trees.

Discussion:

Mulch is used to cover the ground where plants are not used. Mulch is used both as a weed barrier and protection from erosion. Organic mulches include such things as bark chips, shredded bark, coconut husks or similar plant based products: These mulches generally break down and improve the soil and increase water retention, while cooling the root zone. Inorganic mulches include rocks and gravel, which are natural but do not break down as quickly as organic mulch and often absorb heat and radiate it at night. Rock mulch is healthy for cactus or other heat loving plants, but usually negatively impacts more traditional planting materials. Other inorganic mulches may be constructed of shredded tires, glass or other materials, but while these forms of mulch may discourage erosion, they are not natural, do not deteriorate in a biologically friendly way, polluting the soil and requiring environmental cleanup: They have not been permitted.

One of the unintended consequences of allowing various mulches in the park strip has been the decline and death of some mature street trees due to decreased watering and increased heat radiated by rocks and gravel. Placing plastic or other non-penetrable weed barriers below the rock mulch (which is not allowed but generally unseen) aggravates the issue by preventing natural rainfall from penetrating the earth.

The proposed changes to the ordinance would still allow rocks and gravel; but place a limit to their use adjacent to street trees if an operable irrigation system is not provided (requiring organic mulch instead.) This change does not prohibit rocks nor does it inherently require an irrigations system; it merely clarifies that a choice must be made, since the use of rocks without irrigation can be a lethal combination for the street trees.

For the purposes of tree protection, an "operable irrigation system" is deemed to be a below ground system connected to the adjacent property's water supply. A hose/sprinkler or a bucket or other non-permanent solutions to deliver water do not qualify. If a property owner does not choose to use an underground attached

irrigation system, then any mulch near the tree in the park strip should be organic, not rock, to ensure the trees health.

Most trees can thrive on occasional deep watering; therefore an irrigation system to street trees does not need to provide excessive water and remains a water wise solution to maintaining tree health.

Issue 3

Technical changes to the water wise code to ensure administrative clarity:

The waterwise ordinance has been in effect for one growing season and this provides an opportunity to review what has been, and not been, successful in its implementation.

Discussion:

Hydro zones are similar to hardiness zones. Hardiness zones, as determined by the USDA United States Department of Agriculture or other private sources, are used in the industry to direct people to use plant materials hardy for specific locations (with zone 1 being very cold and zone 11 being sub-tropical). Plants that survive in hardiness zones 5-7 are generally grown in the Salt Lake Valley. Hydro zones rank plant materials based upon water usage (independent of cold hardiness.) Hydro zone zero represents being very low water/desert usage and hydro zone 5 indicates a high water/bog type plant. By grouping plants according to hydro zones, irrigation systems may be installed to be the most efficient, instead of watering to the highest common denominator.

The portions of the water wise ordinance that have proven to be most effective, include the requirement to place hydro zone information on building plans (usually in the plant list, adjacent to name and size) and the requirement to indicate how irrigation lines are accommodating groupings of similar hydro zones. This is accomplished by either having differing hydro zoned plants on separate lines; or accommodating differing hydro zone plants on the same line but using a differing number of emitters according to plant need. This action insures that the long term operation of the irrigation system has been thought through and designed for efficiency prior to installation.

The ordinance is suggested to be modified for easier administration by performing the following:

Eliminate redundancies:

Many sections of the water wise code are already covered in other parts of the code; therefore they are being eliminated to end duplication and discrepancies. For example: Public Utilities already has regulations regarding water audits, maintenance, etc. Listing these actions in the zoning code has confused, rather than simplified things. Also, Public Utilities must already sign off on back flow preventers, etc. in order to get a certificate of occupancy, therefore listing it in the zoning code has merely created confusion. Public Utilities regulations should take precedence in this arena.

Eliminate technical aspects that routinely change: For example; the original code listed very specific sprinkler types; however technology changes and more effective types may be developed. It is not the type, but the result that is important. Technical information is routinely updated in the Public Utilities *Salt Lake City Landscape BMPs (Best Management Practices) for Water Resource Efficiency and Protection* manual. The ordinance needs to merely list the intent, with reference to the applicable administrative document, and people can adjust sprinkler types to accomplish the goal.

Eliminate unrelated or unnecessary items: For example; Engineering already requires runoff to not cross sidewalk, etc. Listing in the waterwise code is duplicative and somewhat confusing.

Issue 4

Technical changes to the tree protection code to ensure administrative clarity:

The current ordinance makes it necessary to identify and review every tree on most plans. This has been administratively cumbersome. The preference of the City Forester is to better identify specimen trees for protection, while allowing non-specimen trees to more easily be exempted in the permitting process. Specimen trees are meant to be trees of significant social, historical, biological or aesthetic value.

Discussion:

Proposed changes to the ordinance are intended to allow the City Forester to create a list of specimen trees that are to be protected, and/or specific classes of trees allowed to be removed without further review. This will help expedite the approval of building plans. For example: the City Forester may pre-determine that a specific species is common or invasive and not necessary for protection, allowing the Building Services division to move forward with approving building plans, including the removal of the tree, based upon that pre-determined information, without waiting for further verification from the Forestry Division.

Conversely, since the ordinance allows for some modification of building standards to protect specimen trees, a specific request for the addition of a tree to the list will allow some discretion in locating the new construction. The list for Specimen trees is intended to be maintained by the Forestry Division. Additions to this list would come in the form of citizen requests and/or administrative observation.

Items that were deemed more work than value added (such as written verification by arborists before encroachment) are proposed to be removed.

The proposal also removes contradictory or difficult to enforce standards (such as penalties for removal of a tree two years after development of a site)

NEXT STEPS:

The Planning Commission recommendation will be transmitted to the City Council.

If the Planning Commission recommendation is favorable, staff will work with the City Attorney to develop an ordinance consistent with the Planning Commission recommendation, which will be transmitted to the City Council for final consideration and adoption.

If the Planning Commission position is not favorable, that recommendation will also be transmitted to the City Council (and an ordinance will only be created at the discretion of the City Council).

ATTACHMENT A: ANALYSIS OF STANDARDS

ZONING TEXT AMENDMENTS

21A.50.050: A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. In making a decision concerning a proposed text amendment, the City Council should consider the following:

Factor	Finding	Rationale
1. Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents;	Complies	The proposed alterations do not inherently change the philosophy behind any established City goal or master plan policy. The changes are meant to clarify and refine the ability to administrate existing established policies.
2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;	Complies	The basic purpose statements have not changed. The details of the ordinance are being modified to make the standards more consistent with the purpose statement
3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards;	Complies	Changes are consistent with overlay districts, such as Historic Preservation. The intent is to provide both clarification and direction to City departments and administrators by clarifying requirements for both plant materials and discretionary structures placed in the park strip.
4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.	Complies	The modifications are intended to balance city goals of having good urban design, safe pedestrian areas, climate sensitive landscape policies and overall balance.
5. The adequacy of public facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreational facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.	Complies	These changes are meant to further balance City goals of decreasing pressure on the water supply, storm water drainage, etc., by creating a more efficient and effective use of natural resources.
NOTES:		

ATTACHMENT B: OUTLINE OF PROPOSED CHANGES

2015 Proposed changes to the SLC park strip ordinance

Park Strip

The following represent the text taken directly from the current City code. Proposed changes are illustrated with “track changes” in color.

21A.48.060: PARK STRIP LANDSCAPING.

A. Intent: The intent of these requirements is to maintain the appearance of park strips, protect the users of park strips by prohibiting the use of materials that may cause harm or injury to pedestrians or vehicles, provide for safe and convenient access across park strips to and from vehicles that may park at the curb, 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.

B. Applicability: The requirements of this section shall apply to all "park strips", defined as the ground area within the street right of way situated between the back of curb and the sidewalk or, if there is no sidewalk, the back of curb and the right of way line.

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. ~~D-1 District And~~ Beautification Districts: These requirements shall not apply to ~~lots in the D-1 district, which shall be subject to the provisions of subsection 21A.48.100D of this chapter and to~~ official beautification districts where exceptions to park strip standards are approved pursuant to subsection E2 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

Comment [%1]: This draft is to illustrate changes to the original zoning text as a reference point. The final ordinance will further modify the format of this strike and bold version.

Comment [%2]: This is being made more generic because there are Special Improvement districts outside of the D1 zoning district

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. References to an operable irrigation system refer to a fixed underground irrigation system connected to the adjacent property's water supply. It does not include a movable hose, sprinkler or other portable watering system.

Comment [%3]: The proper location for this information needs to be resolved with the City Attorney, since it is a definition, but also only applicable to certain circumstances in this section.

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 urban 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, tree wells with grates shall be 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 insure 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 urban 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.

Comment [%4]: Accommodating street trees surrounded by hard surfaces involves more than simply tree grates if they are to survive for an extended time.

E. Park Strip Ground Surface Treatment:

1. Plant Coverage: The intent of the park strip landscaping standards is that at least thirty three percent (33%) or more of the park strip surface be covered with perennial or 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. In many instances, a water wise

~~turf grass/sod remains the most effective park strip plant material to conserve water, protect street trees, discourage erosion, eliminate bark or gravel from being introduced into the stormwater system and maintain pedestrian visibility (pursuant to the Salt Lake City Plant List and Hydrozone Schedule maintained by Salt Lake City Public Utilities for water wise plants and turf grasses appropriate to the Salt Lake City area).~~

Comment [%5]: There remains a misconception that turf is inherently bad, when in fact the alternatives are often more water intensive. This statement is intended to refocus on the water wise aspects of the code and to dispel "anti-turf" assumptions

2. ~~Annual Or Perennial Flowering Plants~~**Erosion:** ~~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~~.

Comment [%6]: The heading has been altered to be consist with the goal

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 36 inch 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. 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.

Comment [%7]: These kind of technical standards are being moved to the table

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 a special improvement district and tree grates and an operable irrigation systems is being installed, except as otherwise noted. 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. ~~Poured concrete or rocks/gravel may not be used in any park strip unless an operable irrigation system is provided to the street trees.~~

Comment [%8]: This is to ensure tree health

b. Twenty Four Inch Wide Park Strips: Except as specified ~~in E.5.a~~ 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. ~~Less than~~ Thirty Six Inch Wide Park Strips: In park strips that are ~~less than~~ 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 ~~in E.6~~ below. The use of plants in combination with paving materials is encouraged.

d. Park Strips ~~Over~~ Thirty Six Inches Wide ~~or Greater~~: In park strips ~~over~~ 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 E.6~~ 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.

7. Prohibited Materials: Materials prohibited in park strips ~~are listed refereneed in table 21A.48.060 of this section include asphalt, concrete, thorn bearing plants (flowering shrubs, such as roses, may be authorized by the zoning administrator), ground cover which exceeds eighteen inches (18") in height at maturity, shrubs which create visual barriers, and structural encroachments.~~ These materials are prohibited for the reasons stated below:

Comment [%9]: Moved to table

a. Asphalt And Concrete: Asphalt is inconsistent with the city's urban design policy, and deteriorates quicker than pavers. Asphalt in park strips also reduces roadway access definition and encourages people to drive over the curb.

One of the primary uses of park strips is to provide an area for installation of public utilities. Concrete is more difficult and expensive to remove and replace than pavers if these utilities require maintenance or replacement. (See exceptions in subsections E4 and E6 of this section.)

b. Thorn Bearing Plants: Plants which have thorns, spines, or other sharp, rigid parts are hazardous to pedestrians and bicyclists, and are difficult to walk across. Limited use of thorn bearing flowers, such as roses, may be acceptable subject to the approval of the zoning administrator.

c. ~~Tall~~ Continuous Plantings Of Ground Cover And Shrubs ~~Which Exceed Eighteen Inches In Height At Maturity~~: ~~Tall~~ Continuous plantings of ground cover and shrubs ~~as identified in Table 21A.48.060 which exceed eighteen inches (18") in height at maturity~~ are hazardous to pedestrians, pets, children on riding toys, and vehicles due to sight distance problems, are difficult to walk across, create visual barriers which promote crime, ~~impair the disabled~~ and limit access to the sidewalk from vehicles parked adjacent to the park strip.

Comment [%10]: Specific height moved to table

d. Retaining Walls, Fences, Steps, And Other Similar Structural Encroachments: Retaining walls, fences, steps, ~~raised planter boxes~~ and other similar structural encroachments in park strips are ~~prohibited unless they only permitted if they~~ are specifically approved through ~~a the city revocable permit and review process, such as review by the Historic Landmark Commission, Planning Commission, as part of a Special Improvement District, Engineering Public Way Permit, review of the Planning Director or designee or similar, and be issued a revocable permit issued by the City. (not an automatic approval).~~ These structural encroachments are generally ~~prohibited-limited~~ because they ~~limit-may block~~ access from the street to 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 there is a finding that:

Comment [%11]: This refers to any discretionary process such as landmarks approval, planned development, special exception, etc.

- They are being constructed for the larger public good and are part of general public need (such as power lines or utility boxes)

- They are necessary for the functional use of the adjacent property (such as a mail box near the curb, steps or a retaining wall on a sloping site, fence behind the sidewalk, etc)
 - There are no other practical locations for the structure on the adjacent private property
- Any raised structure, rock or retaining wall shall be set back from the curb by at least 18 inches.
This section does not apply to outdoor dining that is subject to 21A.40.065 other regulations of this Title.

Comment [%12]: This section is to provide direction in determining when structures are, and are not, appropriate in the park strip

e. Plants And Objects Within Sight Distance Areas: Because of safety and visibility issues related to both pedestrians and automobile drivers, tall objects as identified in Table 21A.48.060 are not allowed in sight distance areas as identified: Except for street trees, or mail boxes, no plant, boulder, monument, or other object which is over eighteen inches (18") in height shall be planted or located within sight distance areas.

Comment [%13]: The drawings for sight distance triangles will be modified in the final code

Comment [%14]: This is being moved to the table

f. 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 or boulders used on steep park strips shall be buried in the ground to a depth equal to at least one-third (1/3) of the rock or boulder's average dimension in order to anchor them into the slope.

Comment [%15]: This is being moved to the table

g. High water lawn substitutes: Ornamental grasses are not inherently any more water wise than turf grass and their height and mass is often incompatible with a park strip location, therefore, when ornamental grasses are used, their ultimate size and water requirements should be considered. Other plant materials often use higher amounts of water than native or naturalized turf.

Comment [%16]: This is intended to refocus the conversation back to "water wise" and not "anti-turf". Permitted and Prohibited items are listed in the table

h. Artificial turf or other non-organic ground coverings are generally not of sustainable construction, deteriorate rapidly and do not provide biological function

Comment [%17]: These items are technically not presently allowed, however this is being added for further clarification. Prohibitions listed in the table

8. Exceptions To Park Strip Standards: Exceptions to the park strip policies established herein shall be limited to the following:

a. Beautification District: Salt Lake City currently has two (2) approved beautification districts, one located downtown and one in the Sugar House business district area. In both beautification districts, materials other than vegetation have been approved. Additional Variations from these standards may be approved as part of beautification districts could be approved by the planning commission. Areas where alternative park strip materials could be considered include identifiable nonresidential areas. The beautification district concept is not intended to respond to one or two (2) properties but an identifiable district. The beautification district concept is not generally applicable to residential areas where a predominant design theme consisting of vegetation has been established.

Comment [%18]: Salt Lake City now has more than two Special Improvement Districts

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. Poured Concrete: Due to maintenance and irrigation difficulties associated with narrow park strips, poured concrete may be used in park strips that are twenty four inches (24") or less in width but 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. Poured concrete may also be used for carriageways that are four feet (4') or less in width; and, for pads for bus stop benches or shelters and bike share stations with zoning administrator approval. Poured concrete shall not be used in park strips which contain existing street trees.

d. 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 ~~is not prohibited for these structures and~~ used for this purpose shall not be included in calculating the percentage of inorganic material in the park strip.

e. Outdoor Dining: Park strip materials may be modified by the zoning administrator when outdoor dining is approved pursuant to 21A.40.065.

Comment [%19]: This is to clarify that outdoor dining is subject to its own requirements that may supercede the park strip code

TABLE 21A.48.060
PARK STRIP DESIGN STANDARDS

Park Strip Materials	Standards
Annual and perennial flowering plants	Permitted - not to exceed 18-20 inches in height at maturity when located within sight distance areas at street intersections, alleys, or driveways. Annuals and perennials, up to 36 inches in height, may be used as individual specimens or accent plants when not located within sight distance areas. These plants shall not be planted at a spacing that would result in a visual barrier between the street and sidewalk. <u>(See subsection F of this section)</u>
Carriageways providing access to street; pads for bus stop benches and shelters, and bike share stations	Permitted - carriageways not to exceed 4 feet wide if they are poured concrete. Concrete pads for bus stop benches and/or shelters, and bike share stations are not limited in width but require review and approval by the zoning administrator.
Evergreen ground cover	Permitted - less than 18-20 inches in height at maturity.
Inorganic materials including pervious materials (gravel, stone, and boulders) or paving materials (limited to brick,	Park strips 36 inches or less: Permitted in 100 percent of the park strip surface area. The use of plants in combination with these materials is encouraged.
	Park strips over 36 inches in width: Permitted either as water conserving mulch for plants or may also be used alone on portions of a park strip.

Comment [%20]: Modified to allow specific native plants that mature at 20 inches

Comment [%21]: 100% still allowed, but not so overtly stated as to imply a mandate of 100 %

<u>concrete, or natural stone pavers) used as a ground cover/mulch</u>	<u>Paving materials shall be kept a minimum of 18 inches away from existing street trees.</u>
Organic mulch such as bark, shredded plant material, or compost	Permitted and encouraged to conserve water around plants. May also be used as the only material on portions of the park strip.
<u>Paving materials (limited to brick, concrete, or natural stone pavers)</u>	<u>Paving materials shall be kept a minimum of twenty four inches (24") away from existing street trees.</u>
<u>Rocks, And Boulders</u>	<u>Permitted, but large diameter rocks (over 6 inches) and boulders shall be kept a minimum of twenty four inches (24") away from street trees.</u>
Shrubs	Not permitted as a continuous hedge or when located within sight distance areas at street intersections, alleys, or driveways. Permitted, up to 36 inches in height, as individual specimens or accent plants when not located within sight distance areas <u>at street intersections, alleys, or driveways</u> . Shrubs shall not be planted at a spacing that would result in a <u>continuous hedge, in a manner that creates a visual barrier between the street and sidewalk or located within sight distance areas at street intersections, alleys, or driveways.</u> (See subsection F of this section.)
<u>Structures</u>	<u>When permitted as outlined in 21A.48.60.E.7: limited to thirty six (36) inches in height when located between the sidewalk and the curb, except as authorized as part of a special improvement district or other approval process.</u> <u>The height of any raised planting box is limited to twenty (20) inches, including the plant materials grown within, except as authorized as part of a special improvement district or other approval process. Raised planting boxes shall not be located within sight distance areas at street intersections, alleys, or driveways</u>
Trees	Permitted - see subsection D of this section.
<u>Turf, sod and Grasses</u>	Permitted on slopes less than 3:1 (3 feet horizontal to 1 foot vertical). <u>Permitted: Water wise turf grasses such as, but not limited to, fescue or blue grass hybrids.</u>

Comment [%22]: Moved and enlarged

Comment [%23]: This is added to insure adequate space for tree health

Comment [%24]: This is to protect a tree root zone

Comment [%25]: This is to insure that structures do not block visibility any more than plant materials do

Comment [%26]: Included to indicate turf is Not prohibited

		<u>Water wise ornamental grasses are permitted, but not to exceed twenty (20) inches in height or thirty six (36) inches when used as accent plants.</u>
Water		Sufficient water shall be provided to keep all plants in a healthy condition. <u>If rocks or gravel are used as mulch; an operable irrigation system to maintain street trees is required.</u>
Prohibited materials	*	Asphalt.
	*	Poured concrete, except in park strips under 24 inches in width or for carriageways less than 4 feet in width; or for bus stop benches and/or shelters and bike share stations upon approval by the zoning administrator. If used in park strips that are 24 inches or less in width, concrete 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.
	*	Thorn bearing plants. <u>(flowering shrubs, such as roses, may be authorized by the zoning administrator).</u>
		<u>Continuous Plantings which exceed twenty inches in height at maturity are prohibited</u>
	*	Structural encroachments. <u>Including, but not limited to walls, statuary, and raised planting boxes are prohibited except as reviewed by a city design process and with a revocable permit as outlined in 21A.48.60.E.7.</u>
	*	Plants (except trees), boulders, and other objects <u>(except a mail box) over 18-20 inches in height within sight distance areas.</u>
		<u>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).</u>
	*	<u>The total coverage of all organic mulch and inorganic material used without plants shall not exceed 67 percent of the park strip surface area.</u>
		<u>Non-native high water plants, turf grasses or ornamental grasses</u>
		<u>Continuous rows of rocks, structures or other non-organic material taller</u>

Comment [%27]: Included to distinguish between water wise and non-water wise ornamental grasses

Comment [%28]: Included to counter heat radiated from rock

Comment [%29]: Reflective back to text

Comment [%30]: Clarification of the prohibition

Comment [%31]: Moved from text

Comment [%32]: This is identified in the text

Comment [%33]: Removing turf in order to replace with high water plants is contrary to the purpose of the ordinance

	than twenty (20) inches.
	Rocks over thirty six (36) inches in height
	Specimen or accent plants or grasses over thirty six (36) inches in height
	Artificial turf or other inorganic/ not natural ground covers

Comment [%34]: Continuous rows of rocks block visibility just as much as a hedge of plants

Comment [%35]: This is the counter to allowing plants 36 inches or shorter

Comment [%36]: Reinforcement of the prohibition of unnatural or nonorganic materials

F. Clarifying Provisions For Table 21A.48.060 Of This Section:

1. Ground Cover: "Ground covers" are defined as any perennial ~~evergreen~~ plant species that does not exceed ~~eighteen-twenty~~ inches (~~2018~~" in height at maturity and will spread to form a uniform "mat". "Perennial" is defined as a plant having a life span of more than two (2) years. ~~"Evergreen" is defined as a plant having foliage that remains on the plant throughout the year.~~
2. Perennial Flowering Plants: Perennial flowering plants are flowering plants which have a life span of more than two (2) years but which become dormant each fall, losing all foliage, and generate new foliage and flowering buds the following spring and summer from the dormant root system. ~~When perennial plants are used, mulch is required in the park strip during the months of the year when the perennials are dormant~~
3. Annual Flowering Plants: Annual flowering plants are flowering plants which have a life span of only one growing season outdoors. ~~When annual plants are used, mulch is required in the park strip during the months of the year when the annuals are not living~~
4. Shrubs: Shrubs are generally long lived woody plants that may be either evergreen or deciduous. They differ from ground covers in that they are generally over ~~twenty eighteen~~ inches (~~2018~~" tall and do not generally form a uniform mat. ~~Shrubs shall not be planted at a spacing that will form a mass or hedge which creates a visual barrier between the street and sidewalk. The appropriate use of shrubs in park strips is as accent or specimen plants. Shrubs shall not be planted within street intersection, alley, or driveway sight distance areas. Shrubs may be planted outside sight distance areas but shall not exceed thirty six inches (36") in height at maturity.~~
5. Height Of Rocks And Boulders: Rocks and boulders placed in park strips shall not exceed ~~eighteen-twenty~~ inches (~~2018~~" in height above grade. (Ord. 20-14, 2014; Ord. 20-00 §§ 1-3, 2000; Ord. 35-99 § 86, 1999; Ord. 88-95 § 1 (Exh. A), 1995; Ord. 26-95 § 2(24-6), 1995)

Comment [%37]: This is to insure that the park strip is not "mud" during non-growing season months

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 this title. No specific improvements are required within landscape yards, except that all landscape areas shall be maintained with at least one-third (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 (3") or more~~, two to four inches (2" - 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.

Water wise

The following represents the text taken directly from the original 2014 adopted ordinance. Proposed changes are illustrated with “track changes” in color.

21A.62.040 of the *Salt Lake City Code* (Zoning: Definitions)

BACKFLOW PREVENTER: A mechanical device intended to prevent contamination of a culinary water line that meets the specifications set forth in the *Salt Lake City Landscape BMPs for Water Resource Efficiency and Protection*.

BEST MANAGEMENT PRACTICE (BMP): ~~A voluntary practice that is designed to reduce water usage and protect water quality. BMPs are reasonably economical, practical, and sustainable, and maintain a healthy, functional landscape without exceeding the water requirements of the landscape. (Adapted from IA Water Mgt Committee 2001). BMPs are also used in stormwater quality management under the Federal Clean Water Act.~~ A practice or system of practices and management measures found to be the most effective and practical methods of achieving an objective while making optimum use of available resources. Also sometimes called Integrated Management Practices.

BIODETENTION: A low impact development term, also sometimes called a rain garden, biofilter or porous landscape detention, that is based on onsite retention of stormwater through the use of vegetated depressions engineered to collect, store, and infiltrate runoff.

BMP: Best management practice. See Best Management Practice definition

ECOLOGICAL RESTORATION PROJECT: A project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

ET or ETo: See definition of EVAPOTRANSPIRATION (ET) RATE.

ETAF: Evapotranspiration adjustment factor; see definition of EVAPOTRANSPIRATION (ET) RATE.

EVAPOTRANSPIRATION (ET) RATE: The quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time. Reference ET or ETo is a standard of measurement of environmental parameters that affect the water use of plants. ETo is expressed in inches of water per day, month, or year and is an estimate

Comment [%38]: This draft is to illustrate changes to the original ordinance as a reference point. The final ordinance will further modify the format of this strike and bold version. For example: Items that are specifically noted in the comments, such as definitions will be moved to the definition section of the code (not the water wise section); submittal requirements will be moved to submittal section of the code (not the water wise section - as they were located in the original ordinance and reflected in this comparative draft).

Comment [%39]: By placing this definition in the general code; it is important to make it less specific to the water wise ordinance

of the evapotranspiration of a large field of four-to-seven inch tall cool-season grass that is well-watered. Reference ET is used as a basis for determining the Maximum Applied Water Allowances. Reference ET for the Salt Lake City area is defined in the *Salt Lake City Plant and Turf Guide*. The evapotranspiration adjustment factor (ETAF) is a coefficient that adjusts reference evapotranspiration (ET_o) values based on a plant factor (PF) and irrigation efficiency (IE) and is used to calculate the maximum amount of water that can be applied to a landscape.

HYDROZONES: In a landscape, when plants with similar water needs ~~that~~ are grouped together and irrigated together for the purpose of using water efficiently. A hydrozone may be irrigated or non-irrigated. Hydrozones and applicable plants are further defined in the *Salt Lake City Plant and Turf Guide*.

IRRIGATION AUDIT: An in-depth evaluation of the performance of an irrigation system that includes, but is not limited to an on-site inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule.

LANDSCAPE BMPs MANUAL: An abbreviated name for *Salt Lake City Landscape BMPs for Water Resource Efficiency and Protection*.

LOW-VOLUME IRRIGATION: The application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines, micro-emitters, in-line tubing, and bubblers. Low-volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

MULCH: Any organic material such as leaves, bark, straw, compost or inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

OASIS: A component of a landscape that requires a high, or comparatively higher volume of water to be sustained; includes water features.

OVERSPRAY: Irrigation water that is delivered beyond the target landscaped area.

RAINWATER HARVESTING: Collection of rainwater on site that is used or stored for landscape irrigation. Rainwater harvesting is regulated and managed by the Utah Division of Water Rights.

REUSE WATER: Treated or recycled waste water of a quality suitable for non-potable uses such as above-ground landscape irrigation and water features. This water is not intended or fit for human consumption.

SALT LAKE CITY LANDSCAPE BMPs FOR WATER RESOURCE EFFICIENCY AND PROTECTION: A manual published and maintained by the Salt Lake City Public Utilities Department establishing standards and practices to achieve water-use efficiencies, water quality protection measures, and tree and landscape best management practices in landscaping. Also referred to as Landscape BMPs Manual.

SALT LAKE CITY PLANT LIST AND HYDROZONE SCHEDULE: A guide published and maintained by the Salt Lake City Public Utilities Department setting forth appropriate plants and turf to be utilized in landscape plans and their associated hydrozones.

SOIL AMENDMENT: Elements added and incorporated into the soil, such as compost, peat moss, vermiculite, sand, or fertilizer, to improve its capacity to support plant life.

STRUCTURAL SOIL: A combination of amended soil and gravel that allows tree root development while providing the structural strength to hold the weight of hard surface treatments such as sidewalks or parking lot pavement. The specific mix of structural soil is determined by Salt Lake City engineering standards.

TEMPORARILY IRRIGATED AREA: Areas that are irrigated for a limited period only after landscaping installation until plantings become established.

TIER 2 WATER TARGET: When in reference to irrigation-only accounts, it is the volume of water that is calculated for reasonable outdoor water usage, as established by the Salt Lake City Department of Public Utilities.

TREASURED LANDSCAPE: Landscapes associated with designated historic structures and sites, public gardens, and other notable sites and institutions as determined by the city that may be allowed a higher volume of water use.

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

Comment [%40]: Clarification that artificial turf is not real turf

WATER BUDGET: The monthly and annual water use for a specific landscaped area based on the square footage of the area, the ETAF, and the reference ETo (see definition of EVAPOTRANSPIRATION (ET) RATE).

WATER FEATURE: A design element with open water that performs an aesthetic or recreational function. Water features include but are not limited to ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools where water is artificially supplied. Constructed wetlands used for on-site wastewater treatment or storm water best management practices are not included in this definition.

SECTION 2. ~~List of terms~~Amending text of Salt Lake City Code Section 21A.60.020.

~~That Section 21A.60.020 of the Salt Lake City Code (Zoning: List of Terms: List of Defined Terms), shall be, and hereby is, amended, in pertinent part, such that each of the following terms shall be added and inserted alphabetically into that section:~~

Backflow preventer.

Best Management Practice.

Biodetention.

BMP. (See “Best Management Practice”)

Caliper.

City Forester

Critical Root zone

DBH

Ecological restoration project.

ET or ETo. (See “Evapotranspiration rate”)

ETAF. (See “Evapotranspiration rate”)

Evapotranspiration (ET) rate.

Hydrozones.

Irrigation audit.

Comment [%41]: This section needs to be reviewed with the City attorney to determine final placement in the code

Landscape BMPs Manual. (See “Salt Lake City Landscape BMPs for Water Resource Efficiency and Protection”)

Low-volume irrigation.

Maximum extent practicable.

Mulch.

Oasis.

Overspray.

Rainwater harvesting.

Reuse water.

Salt Lake City Landscape BMPs for Water Resource Efficiency and Protection.

Salt Lake City Plant List and Hydrozone Schedule.

Soil amendment.

Specimen tree.

Structural soil.

Temporarily irrigated area.

Tier 2 Water Target.

Treasured landscape.

[Tree protection fencing.](#)

Tree protection ~~area~~zone.

Turf.

Water budget.

Water feature.

21A.48.055: WATER EFFICIENT LANDSCAPING

A. APPLICABILITY

1. New Development.

All new development as specified below requiring approval by the city shall comply with the provisions of this ordinance.

(1) Residential:

- (a) Large subdivisions with 10 or more lots which also have a common landscaped area. (common and public areas and street landscaping only, Applies to common area only) not individual single family lots unless greater than 1/2 acre;
- (b) Multi-family residential, three units or more;
- (c) Planned unit developments that include residential units;
- (d) Single-family and ~~two~~two-family homes on lots that have a landscaped area greater than 1/2 acre; and
- (e) Common areas of condominium and/or planned developments; and
- (f) Mixed-use developments including residential elements.

Comment [%42]: Modified for administrative clarity

Comment [%43]: Landscaping review on individual lots is only applicable on lots with large amounts of landscaping.

(2) Non-Residential:

- (a) Industrial;
- (b) Commercial;
- (c) Institutional (including public facilities); and
- (d) Mixed-use developments including industrial, commercial, or institutional elements; and
- (e) ~~Developments utilizing city funds or grants.~~

2. Existing Development.

The regulations in this ordinance shall apply to all existing non-residential, mixed-use and multi-family residential development projects that increase the assessed valuation

~~of the site and/or site improvements square footage of the footprint of the building or the parking requirement~~ by 25% or more.

Comment [%44]: Valuation was difficult to determine, therefore the criteria was changed to a more identifiable item

3. Exemptions.

The following developments and uses are exempt from the provisions of this ordinance unless otherwise specified:

- (1) New single- and ~~two~~two-family homes on lots one-half (1/2) -acre or less ~~of landscaped area, unless part of a subdivision with 10 or more lots;~~
- (2) Treasured landscapes;
- (3) Plant collections as part of botanical gardens and arboretums open to the public;
- (4) Community gardens and portions of private gardens dedicated to edible plants;
- (5) Cemeteries;
- ~~(6)~~ Parks, athletic fields, playgrounds
- ~~(7)~~ Ecological restoration projects that do not require a permanent irrigation system; and
- ~~(8)~~ Similar uses and activities as determined by the planning director zoning administrator in consultation with the public utilities department or designee.

B. SUBMITTAL REQUIREMENTS

In addition to the submittal requirements set forth in Section 21A.48.030, Landscape Plan, the applicant shall complete any additional submittal requirements identified in the landscape submittals packet as outlined in the Salt Lake City Landscape BMPs for Water Resource Efficiency and Protection. (Landscape BMPs Manual, see Appendix A). The landscape submittal packet shall be prepared by a licensed landscaped architect, licensed civil engineer, licensed architect, certified irrigation professional, or other landscape professional appropriately licensed or recognized by the State of Utah or Salt Lake City. It shall contain the submittal information listed in the Landscape BMPs Manual unless specifically waived in writing by the zoning administrator in consultation with the public utilities department director.

Comment [%45]: In the final ordinance; This section should be integrated into the overall submittal requirements of the zoning code, rather than be specific to the water wise section, therefore the text may change from this format

C. REVIEW PROCEDURES

The following review procedures shall be followed for all landscaping plans and irrigation systems subject to this ordinance:

1. Landscaping plans shall be submitted concurrently with a development application ~~and reviewed by the planning department in consultation with other relevant agencies such as the public utilities department.~~
 2. ~~The public utilities department is authorized to coordinate the production, publication, and maintenance of guides and manuals addressing water efficient irrigation systems and landscape design for non-residential and residential developments subject to this ordinance. These guides and manuals may include, but are not limited to, information on hydrozones and appropriate vegetation for each, water-wise landscape plant lists, and irrigation system design and components, and landscape design practices that promote water conservation.~~
 3. ~~No certificate of occupancy (CO) for a development subject to this ordinance shall be issued until any required water efficient landscape plan (including irrigation systems where relevant) has been approved, installed, and fully functioning. An irrigation audit report prepared by an independent certified irrigation auditor shall be required to be submitted to confirm that the irrigation system is functioning as required prior to issuance of a CO.~~
 4. ~~Temporary COs may be issued if seasonal growing conditions are not appropriate for landscape installation provided that the applicant post an acceptable surety with the city to ensure installation within nine months of the issuance of the temporary CO.~~
52. Backflow prevention plans shall be reviewed by the public utilities department.

Comment [%46]: These items are being removed because they are unnecessary (repetitive with other ordinances) and have caused administrative confusion

D. STANDARDS

All developments subject to this ordinance shall comply with the following standards:

1. Required Plants.

All landscapes in developments subject to this ordinance shall use plants identified in the *Salt Lake City Plant List and Hydrozone Schedule* or plants identified as being water-wise or low-water plants in other guides approved by the public utilities department ~~as listed in the *Salt Lake City Landscape BMPs for Water Resource Efficiency and Protection*. Plants. Plants not listed in these references shall not exceed ten (10) percent of the total landscaped area. Unlisted plants, water features, and the highest water demand turf grasses as identified in the *Salt Lake City Plant and Turf Guide* shall collectively not exceed more than twenty (20) percent of the total landscaped area.~~

Comment [%47]: Difficult to administer and the plant guide is consistently updated with industry changes

2. Plant Substitutions.

Landscaping shall be installed consistent with the approved planting plans, but plant substitutions may be made provided that the substituted plants are from the same

hydrozone and of similar plant type (grass for grass, tree for tree, etc) as the plant originally specified in the approved landscape plan.

3. Hydrozones.

- a. All landscape plans shall identify and indicate each plant, and all plants shall be grouped into appropriate hydrozones as listed in the *Salt Lake City Plant List and Hydrozone Schedule* and as described in the *Salt Lake City Landscape BMPs for Water Resource Efficiency and Protection Landscape BMPs Manual*. Mixing plants from different hydrozones and with different water demands is strongly discouraged. Landscape areas with a mix of plants from different hydrozones shall be designated on landscape submittals as being of the hydrozone of the highest water-demand plant within that irrigation zone.
- b. ~~No more than twenty (20) percent of the landscaped area of any landscape plan shall be devoted to the highest hydrozone or highest water demand turf species as defined in the Salt Lake City Plant List and Hydrozone Schedule or water features or a combination thereof.~~

Comment [%48]: This was deemed unnecessary

4. Water Budget.

- a. All developments with a total landscaped area ~~one-half (1/2) acre or greater~~ **than one-half (1/2) acre or** must install an irrigation meter at the expense of the applicant and shall be assigned a Tier 2 Water Target by the public utilities department as set forth in Section 17.16.680 of the Salt Lake City Code (Public Services).
- b. ~~All developments with a total landscaped area of less than one-half (1/2) acre will not be required to install an irrigation meter, but may do so at their option.~~

Comment [%49]: To make language consistent

Comment [%50]: Optional items were deemed unnecessary and confusing for code

5. Small Landscaped Areas.

To prevent overspray and water waste, landscaped areas eight (8) feet or smaller in any perimeter dimension, including but not limited to parkstrips, parking lot islands, and landscaped areas separated by walkways from other landscaped areas, shall only be irrigated with ~~micro emitter systems, MP rotator nozzles, or similar low flow devices identified in the Landscape BMPs Manual or by the public utilities department. Pop up spray and rotor heads, impact rotors, gear driven rotors, large turf rotors, and similar devices are prohibited in these areas.~~ **a system designed to prevent overspray.**

Comment [%51]: It is the result, not the method, that is important. Technology changes

6. Soil Amendment/Preparation.

~~Where a soil report documents soil conditions unfavorable for healthy plant growth, soil amendment with organic and/or inorganic materials to provide plant nutrients or a better growing medium shall be required as specified in the Landscape BMPs Manual. Where appropriate, the use of organic soil amendments or additives, such as~~

aged compost, are encouraged. See the Salt Lake City Landscape BMPs for Water Resource Efficiency and Protection for more information.

7. Mulch.

Where mulch is required or allowed in a landscape plan by this ordinance, it shall be installed and maintained at a minimum depth of three (3) to four (4) inches. Fiber barriers and plastic sheeting that are not porous to air and water are prohibited.

Comment [%52]: Mulch is impossible to maintain at exactly three inches, therefore a range was provided

8. ~~Runoff.~~

~~Water runoff from Irrigation systems and stormwater runoff from a site shall be minimized through the use of appropriate sprinkler head placement swales, rain gardens, terracing, and pervious materials (where approved by the city) and in compliance with existing city regulations, which includes prohibition of stormwater runoff crossing property lines or passing over public sidewalks or other approved BMPs. See the Salt Lake City Landscape BMPs for Water Resource Efficiency and Protection for more information.~~

Comment [%53]: Redundant with Engineering requirements. Engineering takes precedent

9. Preservation of Existing Specimen Trees.

All specimen trees located within a landscape plan area shall be protected as provided in Chapter 21A.48.135, Tree Protection.

10. Water Features.

~~The surface area of a water feature shall be included in the area calculation and assigned the appropriate hydrozone as specified in the Salt Lake City Plant List and Hydrozone Schedule. Unless it is a natural water body or stream, Recirculating recirculating systems shall be used for all water features such as fountains, ponds, reflecting pools, ~~ete~~and other similar water features.~~

11. Irrigation Systems.

- a. Irrigation systems shall be designed, installed, and maintained to work efficiently, and as set forth defined in the Salt Lake City Landscape BMPs for Water Resource Efficiency and Protection Landscape BMPs Manual. ~~At a minimum such systems shall be designed and calibrated that water delivery during irrigation season (April 1 through October 31) does not exceed 80 percent of reference ET or the current~~

~~Tier 2 Target Budget (Salt Lake City Code Section 17.16.670), whichever is less unless waived by the zoning administrator in consultation with the public utilities department. Such systems must be installed prior to plant materials.~~

- ~~b. Smart controllers and rain sensors (e.g., weather-based controllers that limit irrigation if raining) shall be installed on all irrigation systems as specified in the Landscape BMPs Manual.~~
- ~~c. Micro emitters, MP rotators, or similar low flow irrigation devices shall be used in landscaped areas eight (8) feet or smaller in any perimeter dimension to avoid overspray and runoff.~~
- ~~d. Irrigation systems with a precipitation rate exceeding 0.75 inches per hour shall be prohibited on steep slope areas (slope greater than 30%) exceeding one thousand (1,000) square feet unless (1) infiltration trenches, vegetated swales, bioretention areas, and similar facilities as approved by the city are employed to reduce runoff or (2) the landscape designer specifies an alternative design or technology that clearly demonstrates to the city's satisfaction no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the pre-occupancy irrigation inspection.~~

12. Backflow Prevention.

Backflow prevention assemblies shall be designed and installed according to the standards as outlined in the *Salt Lake City Landscape BMPs for Water Resource Efficiency and Protection* Salt Lake City Irrigation and Landscape Design Manual.

Comment [%54]: This level of detail was difficult to administer so a decision was made to simply reference Public Utility standards to accommodate industry changes.

~~E. INSPECTION, MAINTENANCE, ENFORCEMENT~~

~~1. Pre-Occupancy Inspection and Irrigation Audit.~~

~~Prior to the issuance of any certificate of occupancy for a development subject to this ordinance, an irrigation audit report shall be submitted to the city as provided in Section 21A.48.055.C.3. Additionally, a backflow prevention inspection report by a certified backflow technician shall be submitted to the department of pPublic uUtilities, and shall include a verification of compliance to approved submittal packet and an initial test report.~~

~~2. Bonds and Security Requirements.~~

~~Where an applicant/developer is required to provide water efficient landscaping and an irrigation system pursuant to this ordinance, the estimated cost of such landscaping and facilities, as approved by the zoning administrator in consultation with the public utilities department, shall be set forth as a separate figure in a security device acceptable to the city. Upon the completion of such landscaping and facilities, and provided that the city has not received any claims or notices of claim upon the security device, fifty percent~~

~~(50%) of the money held as security for such facilities shall be returned to the applicant/developer and fifty percent (50%) shall be retained for one (1) growing season to ensure that growth has taken hold and to secure the applicant/developer's other obligations under the landscaping plan. All dead vegetation shall be replaced through replanting at the end of the second growing season. At the end of that one (1) year period, and provided that the city has not received any claims or notices of claim upon the security device and that the landscaping and irrigation system remains acceptable to the city, the city shall release or consent to the release of the final fifty percent (50%) of the security device to the applicant/developer. All sums, if any, held by the city in the form of cash shall be returned to the applicant/developer without interest, the interest on such money being reimbursement to the city for the costs of supervision of the account. If the security device is a corporate surety bond, copies of the partial release from the city shall be sent to the recorder's office for inclusion with and attachment to the bond.~~

3. ~~Maintenance.~~

~~a. Responsibility: The owner of the premises shall be responsible for the maintenance, repair and replacement of all landscaping materials and barriers, including refuse disposal areas, as may be required by the provisions of this chapter.~~

~~b. Landscaping Materials: Landscape materials shall be maintained to ensure water efficiency. A regular maintenance schedule shall be maintained and available to be viewed by the city. It shall include but not be limited to: aerating and de-thatching turf areas (only if needed), replenishing mulch, fertilizing, pruning, and weeding in landscaped areas; checking, adjusting, and repairing irrigation equipment; removing obstructions to irrigation emission device; and resetting automatic controllers. See Salt Lake City Landscape BMPs for Water Resource Efficiency and Protection See Landscape BMPs Manual Appendix A.~~

~~c. Fences, Walls, and Hedges: Fences, walls and hedges shall be maintained in good repair.~~

~~d. Irrigation Systems: Irrigation systems shall be maintained in good operating condition to promote the conservation of water.~~

~~e. Backflow prevention assemblies shall be maintained in accordance with manufacturer's standards and state regulations. Annual test reports by a certified backflow technician shall be submitted to the public utilities department. Failed devices can be replaced with comparable assemblies and require reports as stated in Section 21A.48.055.D.12 of this code. Devices replaced with a different assembly type must meet submittal requirements as stated in Section 21A.48.055.B.7.~~

4. ~~Enforcement.~~

~~a. General. The provisions of this ordinance shall be enforced pursuant to Section 21A.20, Enforcement.~~

Comment [%55]: Bonding has been the most difficult to administer in this ordinance, and ultimately, its inclusion was a fixing a problem that did not really exist

Comment [%56]: There are already regulations regarding maintenance elsewhere in the zoning code.

b. ~~Failure to comply with regulation pertaining to backflow protection and cross connection control shall result in the termination of water service. In the case of a contamination or cross connection incident, the public utilities department may require a backflow prevention and cross connection inspection and take the appropriate measures to ensure utility system integrity and public health and safety.~~

Comment [%57]: General enforcement and maintenance are outlined elsewhere in the code – repeating here has become confusing

c. ~~Water audits. If a water budget established for a development pursuant to Section 21A.48.055.D.4.a above is exceeded in any billing cycle, the owner may be required by the public utilities department at the owner's expense to undertake an irrigation audit conducted by an independent certified irrigation auditor in a manner consistent with the standards adopted by the Irrigation Association. At the direction of the public utilities department, the owner shall carry out any remedial measures identified in the audit or by the public utilities department to comply with the established water budget.~~

Comment [%58]: Public Utilities retains the ability to perform water audits independent of this code

Tree Protection

The following represents the text taken directly from the original 2014 adopted ordinance. Proposed changes are illustrated with “track changes” in color.

Comment [%59]: This draft is to illustrate changes to the original ordinance as a reference point. The final ordinance will further modify the format of this strike and bold version.

21A.48.135: PRIVATE LANDS TREE PROTECTION-PRESERVATION

PURPOSE STATEMENT

The purpose of these tree ~~protection~~-preservation provisions is to recognize and protect the valuable asset embodied in the trees that exist on private lands within the city and ensure that the existing trees of Salt Lake City continue to provide benefit to its citizens. Essential to effective tree ~~protection~~-preservation is the understanding of tree growth requirements having to do with space, water, and soil quality needs, among other qualities. Good, early planning, site design, and construction management practices are key to allowing trees to prosper. Preconstruction planning and mitigation of potential impacts that development may have on trees is necessary and one of the purposes of this section. Numerous community and personal benefits arise from the presence of trees in urbanized areas--both on residential and non-residential lands--and it is the intent of this section through the ~~protection~~-preservation of the trees to:

1. Enhance the quality of life in the city and protect public health and safety;
2. Preserve and enhance the visual and aesthetic qualities of the city;
3. Enhance public and private property for greater enjoyment and usability due to the shade, cooling, and the aesthetic beauty afforded by trees;
4. Protect and improve the real estate values of the city;
5. Preserve and enhance air and water quality;
6. Reduce noise, glare, dust, and heat, and moderate climate, including urban heat island effect;
7. Increase slope stability, and control erosion and sediment run-off into streams and waterways;
8. Protect the natural habitat and ecosystems of the city;
9. Conserve energy by reducing heating and cooling costs; and
10. Preserve the function of mature trees to absorb greenhouse gases such as carbon dioxide.

A. APPLICABILITY

1. General.

The standards in this section shall apply to new development in the city unless exempted in accordance with Section B, Exemptions. The standards in this section shall apply at the time of a development application for “development” as defined in the zoning ordinance.

2. Other Regulations.

Chapter 2.26, the Salt Lake City Urban Forestry Ordinance, addressing the protection of trees located on public property owned by the city and in rights of way, shall remain in effect.

3 The City Forester shall maintain a list of trees or tree types that are deemed to be

Specimen trees subject to 21A.48.135.C Standards

B. EXEMPTIONS

The following specimen tree removal activities are may be exempt from the standards of this section upon confirmation and approval by the Urban-City Forester:

1. The removal of dead, damaged, or naturally fallen trees, or in cases of community emergency;
2. When in conjunction with the construction of a single- or two-family residence not part of a proposed new subdivision;
3. The removal of trees on an existing legal lot when not associated with new development;
4. The removal of trees in such a condition that they pose a threat to structures or natural features on the site, on adjoining properties, or in the public right of way;
5. The removal of diseased trees posing a threat to adjacent trees;
6. The selective and limited removal of trees necessary to obtain clear visibility at driveways or intersections;
7. The removal of trees associated with development at the Salt Lake City International Airport only as necessary to provide safe operations;
8. The removal of trees when required-requested by the Urban Forester for the purposes of conflict with utilities or streets.

9. The removal of trees deemed appropriate by the City Forester, based on tree species, site conditions, or other variables.

C.X DEFINITIONS

1. 1. ~~“Caliper”~~ “D.B.H.” “Diameter at Breast Height (D.B.H.)”; shall mean the dimension of the diameter of a tree trunk measured at a distance of 4 feet² 6 inches² from the ground.

Comment [%60]: The first year administration of this ordinance has led to a desire to identify specimen trees for review, rather than review every tree. This redefinition of exemptions is intended to allow the City Forester to set criteria for review for a specimen tree deserving of special consideration, as opposed to review every tree.

Comment [%61]: This clarifies that it is specimen trees, not all trees that are being reviewed.

Comment [%62]: In the final ordinance, These definitions should be moved to the overall definition section of the zoning code

2. ~~2.~~ “Caliper” shall mean the dimension of the diameter of a tree trunk measured at a distance of 6” from the ground.

Comment [%63]: These two definitions are included because they refer to different measurements. The nursery industry generally uses caliper, but the forester usually uses DBH

23. “Maximum extent practicable” shall mean no feasible or practical alternative exists, as determined by the Urban-City Forester, and all possible efforts to comply with the standards or regulations and minimize potential harmful or adverse impacts have been undertaken by the applicant. Economic considerations may be taken into account but shall not be the overriding factor in determining “maximum extent practicable.”

34. “Specimen tree” shall mean ~~a any~~ structurally sound ~~mature and healthy tree or grouping of trees, native or introduced, that is characteristic of the species having an individual, or combined, D.B.H. measuring greater than ten (10) inches; with space and essential requirements for its growth both above and below ground compatible with existing and proposed site conditions;~~ whose future vitality can be reasonably expected and maintained with proper protection and regularly scheduled care; ~~whose contributions to carbon sequestration, shade footprint, soil permeability, and aesthetics is high;~~ and whose absence from the landscape would significantly alter the site’s appearance, environmental benefit, character, or history.

45. “Tree ~~protection~~ Protection-area Zone” is the area of a development site that includes the area located within the drip line of specimen trees and also includes the area that supports tree health requirements and interactions as determined by the Urban-City Forester.

6. “Tree Protection Fencing” is the fencing required to be installed, and maintained during construction activities, to delineate required Tree Protection Zones.

7. “Critical Root Zone” is the area of soil surrounding a tree, where roots critical to the tree’s health and survival are likely to be present.

8. “City Forester” shall mean the City’s Urban Forestry Program Manager, or designee.

DC. STANDARDS

1. Preservation of Specimen Trees.

Specimen trees shall be preserved to the maximum extent practicable as determined by ~~the zoning administrator in consultation with~~ the Urban-City Forester, in consultation with the zoning administrator, unless exempted pursuant to Section B, Exemptions.

- a. In determining if preservation is impracticable, the city shall consider the following criteria, including but not limited to:

(1)a. Whether an alternative location or configuration of the development including elements such as parking or structures on the site would be feasible to accomplish tree preservation, without negatively impacting adjacent properties

(2)b. Whether preservation of the specimen tree would render all permitted development on the property infeasible, or

(3)e. If development of the property will provide significant community benefits that outweigh tree preservation.

b. ~~The zoning administrator may modify any dimensional standard, such as setbacks and height limits, by up to 20% if such modification will result in preservation of a specimen tree.~~

Comment [%64]: Existing standard moved to this location

2. Cutting, Removal, or ~~Harm-Damage~~ Prohibited.

Specimen trees, ~~required to be preserved~~, shall not be cut, removed, pushed over, killed, or otherwise ~~harmed-damaged, unless approved to Section D.1, above.~~

a. Paving, Fill, Excavation, or Soil Compaction Prohibited.

The tree protection ~~area zone~~ of any protected specimen tree shall not be subjected to paving, filling, excavation, or soil compaction.

3. Mitigation.

Where the city determines it is not practicable to preserve a specimen tree on the development site, the following mitigation provisions shall apply.

a. Replacement Tree Required.

Two caliper inches of replacement trees shall be provided for each ~~caliper-D.B.H.~~ of specimen tree removed (for example, if a 24" ~~caliper-D.B.H.~~ specimen tree is removed, it must be replaced with at least 24 trees of a minimum 2" caliper or eight trees with a 6" caliper). Each replacement tree shall be a minimum of two ~~caliper~~ inches ~~in caliper~~, and shall either be replanted prior to certificate of occupancy or within a conditional timeframe as approved by ~~the zoning administrator in consultation with the Urban City~~ Forester. ~~Replacement trees shall not be used to meet any other landscape requirements, but be in addition to such requirements.~~ Consult the Salt Lake City Plant and Turf Guide for recommendations on tree selection.

Replacement trees shall be planted on the lot or site where the specimen tree was removed except where ~~the zoning administrator in consultation with the Urban City~~ Forester, ~~in consultation with the zoning administrator,~~ finds the following:

Comment [%65]: This places the primary determination in the Forester's hands

(1) The site does not provide for adequate landscape surface area to accommodate the total number of replacement trees; or

(2) That due to unique soil types, topography, or unusual characteristics of the site, the likelihood of successful tree growth is diminished.

In such cases, the applicant shall mitigate for the loss of the specimen tree in the form of payment to the city's tree fund as provided below.

b. Cash In-Lieu Payment /Tree Fund Contribution.

Applicants who are permitted to remove a specimen tree but not plant a replacement tree on site shall make a cash in-lieu payment, in the amount of the cost to purchase and plant the required number of replacement trees, into the city's tree fund.

Comment [%66]: This was deemed the most straight forward and simple method of determining cost

~~e. Modification by Zoning Administrator.~~

~~The zoning administrator may modify any dimensional standard such as setbacks and height limits by up to 20% if such modification will result in preservation of a specimen tree.~~

Comment [TG67]: This has been moved – not deleted.

~~dc. Landscape Credit Provided.~~

~~Any development that preserves a specimen tree shall be granted credit towards any required landscaping tree planting requirements pursuant to Chapter 21A.48 of the zoning ordinance, Chapter 20 (Subdivisions), and the site development ordinance on a 2:1 basis (2 inches of caliper credit for every inch of caliper preserved).~~

Comment [%68]: This has been deemed unnecessary

~~ED.~~ SPECIMEN TREE PROTECTION DURING CONSTRUCTION

1. Owner's Responsibility.

During construction, the ~~applicant~~ owner of the property shall be responsible for the ongoing health of specimen trees located on the site. This includes basic tree maintenance and watering throughout the term of construction. The owner shall also ensure the erection of barriers necessary to protect any ~~existing or installed~~ specimen tree from damage during and after construction.

2. Tree Protection Zone Fencing.

~~a. When Required:~~

~~Tree Protection Fencing shall be erected to protect all preserved trees from excavation, fill, compaction, or other impacts that would threaten tree health.~~

Specimen trees shall be fenced in accordance with this subsection before any grading, excavating, or other land-disturbing activity begins on a construction site.

~~Tree Protection Fencing shall be erected to protect the tree all preserved trees from excavation, fill, compaction, or other impacts that would threaten tree health.~~

No construction, grading, equipment or material storage, or any other activity shall be allowed within the Tree Protection Zone, as delineated by the required tree protection fencing, fenced area except in accordance with the standards in subsection 3, below, Encroachments into Tree Protection ~~Areas~~ Zones and Critical Root Zones.

Fencing shall be maintained until the land disturbance activities are complete, and shall not be removed or altered without first obtaining written consent from the City Forester.

The tree protection fencing shall be clearly shown on the required development applications such as a site plan, building permit, or grading permit application.

ba. Location.

Fencing shall extend at least one foot in distance from the edge of the drip line of a specimen tree or group of specimen trees and/or as directed by the City Forester to best protect a specimen tree's critical root zone and still allow construction access.

eb. Type of Fencing.

The developer shall erect a ~~plastic mesh or~~ chain link fence, a minimum of four feet in height, secured to metal posts driven into the ground at the drip line around each specimen tree or group of specimen trees. Such fencing shall be secured to withstand construction activity and weather on the site and shall be maintained in a functional condition for the duration of work on the property. This is not considered permanent fencing subject to 21A.40.120: REGULATION OF FENCES, WALLS AND HEDGES.

ec. ~~Inspection~~ Timing.

All ~~tree~~ required tree protection measures shall be installed inspected and approved by the Urban-City Forester prior to the commencement of any land disturbing activities.

3. Encroachments Into Tree Protection ~~Areas~~ Zones and Root Zones.

Encroachments into a tree protection ~~area-zone~~ or within the critical root zones of trees protected in accordance with this subsection shall occur only in rare instances—and only upon obtaining written authorization from the City Forester.

If such encroachment is anticipated, ~~the following preventative tree preservation measures including, but not limited to, the following may be required: shall be employed prior to the action:~~

a. ~~Arborist Report: Tree Crown and/or Root Pruning.~~

~~Written verification is prepared by a certified arborist of the tree's condition before and after encroachment, including preventative measures that shall be employed prior to, during, and after the encroachment to insure the viability of the tree.~~

~~The pruning, or cutting, of specimen tree branches or roots shall only be done under the supervision of an ISA Certified Arborist, and only upon approval of the City Forester.~~

Comment [%69]: To insure that the City Forester is included in the review

b. Soil Compaction Impact Mitigation.

Where compaction might occur due to planned, temporary traffic through or materials placed within the protection area, the area shall first be mulched with a minimum four-inch layer of wood chips or a six-inch layer of pine straw. Plywood sheet or metal plate coverage of the impacted area may be accepted by the ~~Urban Forester~~ City Forester when high moisture conditions warrant. Equipment or materials storage shall not be allowed within the tree protection zone.

c. Grade Changes Impact Mitigation.

~~Grade changes that alter existing conditions of soil moisture content; historic drainage patterns; and/or diffusion of atmospheric gases entering and exiting the soil profile can injure and/or kill trees.—~~In the event proposed site development requires soil elevation changes tree protection measures designed to mitigate harm to the tree(s) shall be coordinated with the ~~zoning administrator and Urban City Forester~~ and the zoning administrator.

d. Construction Debris/Effluent Strictly Prohibited.

In no instance shall any debris or effluent, associated with the construction process, including equipment or vehicle washing, concrete mixing, pouring, or rinsing processes, be permitted to drain onto lands within tree protection areas zones, as delineated by the chain link tree protection fencing.

~~F. MAINTENANCE~~

~~Any new trees used to replace specimen trees shall be maintained in a healthy condition and cared for pursuant to the standards of the Urban City Forester. If in the opinion of the city, replacement trees show signs of decline or mortality within the first two years of planting, they shall be replaced by the applicant.~~

Comment [%70]: Difficult to administer

~~G. REMOVAL PRIOR TO DEVELOPMENT~~

~~If a specimen tree is removed from a site within two years prior to any development application on the site by the applicant or someone associated with the applicant, the applicant shall mitigate for such removal on a 3:1 caliper basis pursuant to the provisions of Section D.3 above.~~

Comment [%71]: Difficult to administer and tends to encourage cutting of trees

~~H.F. ENFORCEMENT~~

~~These tree protection provisions shall be subject to the zoning and development enforcement codes as adopted by the city.~~

ATTACHMENT C: PUBLIC PROCESS AND COMMENTS

An open house was held on November 13, 2014:
Several people discussed the project and information was dispensed,
however, no comments were received.

The Historic Landmark Commission reviewed the general concept on
December 4, 2014 (the minutes are attached): The overall discussion revolved
around the belief that park strips are part of the character of historic districts.
Those park strips may be able to evolve and still reflect historic character, but
the ordinance should emphasize continuity and simplicity.

SALT LAKE CITY HISTORIC LANDMARK COMMISSION
Meeting Minutes
451 South State Street, Room 326
December 4, 2014

A roll is being kept of all who attended the Historic Landmark Commission Meeting. The meeting was called to order at [5:44:30 PM](#). Audio recordings of the Historic Landmark Commission meetings are retained in the Planning Office for an indefinite period of time.

Present for the Historic Landmark Commission meeting were: Chairperson Thomas Brennan, Vice Chairperson Sheleigh Harding; Commissioners Robert McClintic, Rachel Quist, David Richardson and Charles Shepherd. Commissioner Heather Thuet was excused.

Planning Staff members present at the meeting were: Cheri Coffey, Acting Planning Director; Michaela Oktay, Planning Manager; Doug Dansie, Senior Planner; Michael Maloy, Senior Planner; Lex Traugher, Senior Planner; Katia Pace, Principal Planner; Amy Thompson, Associate Planner; Michelle Moeller, Administrative Secretary and Paul Neilson, Senior City Attorney.

[7:08:28 PM](#)

Landscaping Ordinance - Doug Dansie, Senior Planner, will facilitate a discussion regarding a request by the City Council to amend the water wise/park strip landscaping ordinance. Staff is seeking input from the Historic Landmark Commission with regard to treatment of park strips within local historic districts. (Staff contact: Doug Dansie at (801) 535-6182 or doug.dansie@slcgov.com). PLNPCM2014-00194

Mr. Doug Dansie, Senior Planner, gave an overview of the proposal as outlined in the Staff Report (located in the case file). He stated Staff was looking for direction and comments regarding the new ordinance.

The Commission and Staff discussed the following:

- The meaning of specimen plant.
- The types of plants that were preferred in park strips and types that thrived without a lot of water.
- The types of plants that were not allowed in park strips.
- If retaining structures were allowed as part of the park strip development.
- Why concrete would be allowed if one purpose of the park strip was to allow access to utilities.

- Concrete was generally approved in narrower park strips that could not adequately facilitate plants.
- The Commission should be making strong recommendations on what was planted or allowed in the park strips and not just making suggestions.
- If planter boxes should be allowed in the park strip.
 - The proposed ordinance stated that planter boxes would not be allowed unless a garden space was not available in another location on the property.
 - If a planter box was located in the park strip it should be held to the same height limit as the plants.
- The issues with letting one property owner have planter boxes and not the neighbors.
- The property management division issues revocable permits for the planter boxes allowing for enforcement and removal of the boxes.
- This was a city wide ordinance.
- How the planter boxes changed historic areas and could change the fabric of those areas.
- Encouraging turf in Historic Districts, because it is the characteristic of the districts.
- Issues with grass in the park strip where large amounts of shade are prevalent.
- Discouraging anything, plant or box, above grade.
- The size of park strip that allowed for rock.
- Need to educate the public on the water wise grasses.
- The importance of protecting the park strip trees.
- Outline what is allowed and not allowed in the park strips in Historic Districts.
- The safety issues of having raised planter boxes in the park strip
- Implementing setbacks for the planter boxes.
- Did the Commission feel that planter boxes were appropriate for the park strip as a whole.
 - Park strips are part of the character of the historic districts, they may be able to evolve but the ordinance should emphasize continuity and simplicity.
- Need to make sure the park strip does not detract from the home.

**ATTACHMENT D: PREVIOUS MEMO TO CITY COUNCIL
REGARDING LANDSCAPING IN PARKSTRIPS**

FRANK B. GRAY
DIRECTOR

MARY DE LA MARE-SCHAEFER
DEPUTY DIRECTOR

ROBERT FARRINGTON, JR.
DEPUTY DIRECTOR

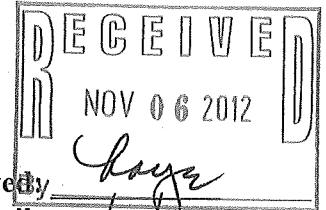
SALT LAKE CITY CORPORATION

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT
OFFICE OF THE DIRECTOR

SCANNED TO: *Mare*
SCANNED BY: *Chaya*
DATE: *11/6/2012*

CITY COUNCIL TRANSMITTAL


David Everitt, Chief of Staff

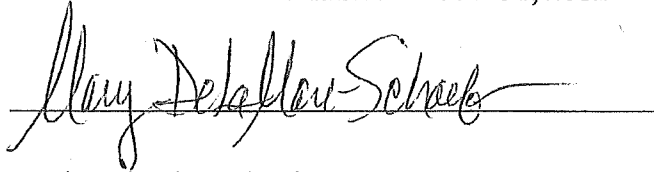


Date Received by: *Chaya*
Date sent to Council: *12/5/2012*

TO: Salt Lake City Council
Soren Simonsen, Chair

DATE: October 31, 2012

FROM: Frank Gray, CED Director



SUBJECT: Legislative Intent Relating to Landscaping in Parkstrips

STAFF CONTACTS: Ray Milliner, Principal Planner
(801) 535-7645 ray.milliner@slcgov.com

DOCUMENT TYPE: Briefing – Information only

BACKGROUND/DISCUSSION

On August 3, 2012, the City Council directed staff to review and address the possibility of revising current landscaping regulations in City-owned parkstrips. The purpose of the revisions would be to provide individuals with more options when planting in the parkstrip as it relates to vegetable gardening and water-wise plants.

At the August 3 Council meeting, Council Members specifically asked staff to evaluate the appropriateness of relaxing plant height regulation in the Zoning Ordinance to allow for greater flexibility in allowing vegetable gardening in the parkstrip while addressing the following:

- a) Adequate watering for trees in parkstrips
- b) Adequate safety distance from street corners/driveways
- c) Consider height exception only if the parkstrip is wide enough and water wise plants are used
- d) Address other potential safety/crime concerns such as dense plantings that may reduce visibility by requiring a certain distance between plantings
- e) Consider use of Crime Prevention Through Environmental Design CPTED concepts

Staff met with representatives from Civil Enforcement, Open Space, Public Services, Public Utilities, Transportation, and Sustainability to identify issues and options regarding the request. Planning staff has made some preliminary findings and prepared the following information for the Council to review. The Planning Division would like to meet with the Council to discuss this information and to determine whether any changes to the petition should be made.

HISTORY

Parkstrips constitute a major open space feature of the City and are a major component of the City's development character. That is why they are called "park" strips. Many residential neighborhoods continue to benefit greatly in appearance and ambiance from the trees lining the streets. Parkstrips are also an important part of the City's Urban Forest and are the location of many underground utilities that serve adjacent properties.

The parkstrip has been an important part of the development history of the City since as early as 1851, when a Supervisor of Shade Trees was appointed. Thousands of trees, particularly Lombardy Poplars, were planted and an ordinance was passed that required property owners to plant trees for the improvement of the City in front of their lots. The City's Shade Tree Commission was established in 1923. In 1930, City ordinances designated the types of trees to be planted on every major street in the City; 200 East was to have Thornless Honey Locust; 800 East, White Ash; 200 South, Sycamore, etc.

PURPOSE

Parkstrips are important for many reasons:

- They house much of the City's urban forest.
- They provide an important urban design characteristic of neighborhoods and
- They are a common unifying feature which underlies the variety of Salt Lake City streets.
- Parkstrips function as buffers between pedestrians and automobiles
- They develop continuity between buildings along a street

Residential streets in the City are characterized by large tree-lined landscaped parkstrips and sidewalks adjacent to wide front yards, which strengthens neighborhood identity. Neighborhoods which are well known for their tree lined streets include Yalecrest, Rose Park and South Temple. Trees in the park strip shade road surfaces and the sidewalk, decreasing heat islands and creating a more livable city. They generally serve as the most active part of a yard area as people use them to walk their dogs, play, and socialize.

REGULATIONS

In order to ensure that the purpose of the parkstrips is carried out, the City Council adopted Zoning Ordinance regulations governing parkstrip landscaping in 2002. The intent of the ordinance is:

“To maintain the appearance of parkstrips, protect the users of parkstrips by prohibiting the use of materials that may cause harm or injury to pedestrians or vehicles, provide for safe and convenient access across parkstrips to and from vehicles that may park at the curb, 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.”

The City requires only one third (1/3) of the parkstrip to have vegetation in order to provide flexibility in design and decrease water usage. There is no regulation prohibiting gardening and vegetable growth in the parkstrip.

Existing Plant Height Regulations in Parkstrips

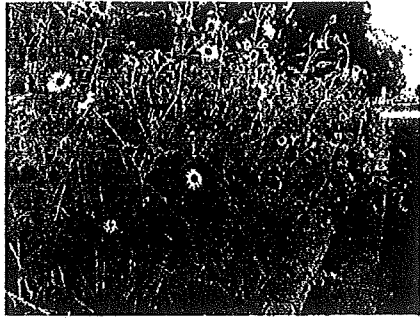
Section 21A.48.060 states the following:

“Annual and perennial flowering plants: Permitted not to exceed 18 inches in height at maturity when located within sight distance areas at street intersections, alleys, or driveways. Annuals and perennials, up to 36 inches in height, may be used as individual specimens or accent plants when not located within sight distance areas. These plants shall not be planted at a spacing that would result in a visual barrier between the street and sidewalk.”

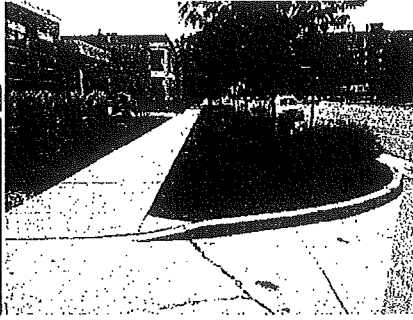
The purpose of this regulation is to ensure that the height of the plant does not become hazardous to pedestrians, small pets, children on riding toys and vehicles due to sight distance problems. The rationale for the height limit is that taller plants are difficult to walk across, create visual barriers for those in vehicles who may not see activity on the sidewalk or oncoming traffic, and which can promote a perception of crime and limit access to the sidewalk from riders of vehicles parked adjacent to the parkstrip. Furthermore, taller types of landscaping such as Sunflowers, tend to droop over and lean into the sidewalk area negatively impacting activity along the sidewalk, especially for people with disabilities, such as those with mobility and vision impairments. In addition, taller plants also tend to over grow and when not maintained can decrease the width of the public sidewalk, which decreases the walkability of our neighborhoods.

RECOMMENDATION DUE TO HEIGHT

Because of the specific health and safety issues associated with plant height in the parkstrips staff recommends that the Council be cautious when considering whether or not to eliminate plant height limits. Rather, it may be prudent to consider modifying the ordinance height limit to enable a greater range of plants, specifically vegetables like tomatoes, herbs, squashes and zucchinis etc. that may grow to a height greater than 18” but not more than 24”. This would provide gardeners with a simple range of options and preserve the general health, safety and welfare needs of the community, without creating complex regulations that are difficult to interpret and enforce. Taller vegetation is allowed on private property for those who grow taller plants such as sunflowers.



This planting disrupts the continuity of the streetscape, and limits pedestrian access to and from the street



This is a good example of a compliant parkstrip. The site distance area is clean, and the plantings are less than 36 inches in height.

WATER FOR TREES IN PARKSTRIPS

The ordinance requires that “sufficient water be provided for vegetative ground cover, annuals, perennials, shrubs and trees to keep them in a healthy condition.” To support this regulation, Salt Lake City is currently working on a sustainability ordinance to define the efficiency of the irrigation system and the grouping of plants with similar watering needs. The intent of the new ordinance is to increase real water delivery efficiency so that even existing landscapes may be maintained with less water. This ordinance will include parkstrip trees as well as all other types of landscaping in the parkstrip. Salt Lake City has maintained a list of water wise plants to be used in non single family settings for two decades (independent of the parkstrip landscaping) in order to encourage water wise planting in the entire landscape rather than merely the parkstrip (which is a minor portion of the lot), and has a significant amount of educational information available to the public.

CARE FOR TREES IN PARKSTRIPS

The City Arborist has identified the following issues for the City Council to consider when reviewing parkstrip landscaping:

- 1) Parkstrip settings can be high stress locations for trees. Type, extent, and product used for garden installation and ongoing care should be considered carefully to minimize unintended and increased stress to trees.
- 2) The root zone of large parkstrip trees can extend to and beyond the lateral most extension of branches. Alteration to this area for garden use with respect to existing soil grade, moisture gradient, and aeration would need to be managed carefully to prevent injury to trees; e.g., lowering grade may result in root removal; raising grade may wick water from deep soil horizons to more shallow horizons to the detriment of root health; raising grade also has potential of altering soil oxygen diffusion and oxygen content in the root zone in effect suffocating roots.
- 3) Matching species of garden plants and possible cultivation requirement of those plants will need to be compatible with the parkstrip trees current and future attributes and needs; i.e., size, shade, seasonal litter, pests, wildlife habitat, management, etc..
- 4) Care must be exercised to avoid placing soil fill, mulch, water, or garden plants or materials up against the root crown/trunk of the tree.

ADEQUATE SAFETY DISTANCE

The Transportation Division has established guidelines defining areas around all driveways and intersections (the sight distance areas) that must be kept clear of sight obstructions. The sight distance area depends primarily on the required visibility at the driveway or intersection. The size of the triangle is determined by the type of traffic control (stop sign, traffic signal or no control) and the speed limit on the road or street entered upon. The sight distance requirements are used to properly establish sight distance areas at various types of driveways and intersections and are an important traffic safety element, as taller vegetation near driveways and intersections blocks visibility of pedestrians, children, and pets from vehicles entering or exiting the street. Site distance areas are reviewed and enforced by the Transportation and Engineering Divisions generally as part of a building permit or conditional use process.

SAFETY/CRIME CONCERNS

Crime Prevention Through Environmental Design (CPTED) is a multi disciplinary approach to deterring criminal behavior through environmental design. It is based on the principal that a person is less likely to commit a crime if they think someone will see them do it, and if the design entices desirable users it is less likely that undesirable users will venture into the area. Current landscape requirements in the parkstrip are consistent with the overall CPTED principals, which promote spacing, visibility, lighting, access and maintenance. Staff discourages any changes to the ordinance such as increasing the height of plants, which may provide additional places to hide and limit visibility into the area as they are contrary to these principals.

URBAN DESIGN

Most Salt Lake City neighborhoods are characterized by a rich and varied architectural landscape within a strong and consistent grid pattern of small street blocks, park strips, open front lawn, mature tree cover, and common building setbacks. Variations in topography, rising generally to the north and the east, add further streetscape character within this pattern. Occasional retaining walls become more frequent on properties subject to steeper slopes, which tend to be more common on the north-south oriented streets. Overall, however, the streetscape character tends to be a progression from the public street to the private entrance, experienced primarily as a characteristic of the street block, rather than property by property.

To ensure that this continuity is maintained, the City Council has adopted regulations relating to the maximum height of fences in the front yard, mandatory setbacks, and design review for all structures in designated historic overlays. The introduction of vegetation or plantings that alter the character of a block face can negatively affect the visual continuity and cohesiveness of the neighborhood, and is contrary to Zoning Ordinance regulations designed to protect the cohesive nature of the block face.

ISSUES

After an initial review of the proposed landscaping in the parkstrip modifications, staff has identified the following issues for City Council consideration:

1. Elimination of the plant height requirement could have detrimental impacts on safety, walkability and urban design.
2. Current regulations incorporate CPTED policies. Relaxing regulations would negatively affect them.
3. Creating separate regulations for parkstrips of varying sizes, including plant height, types of plants or access requirements would be cumbersome to apply, and difficult to enforce.
4. Increased height of plants becomes problematic with urban design as the plants become higher than the regulations of fence height in the front yard.
5. Drooping plants affect walkability of the sidewalk and the ability of persons to cross over the parkstrip.

RECOMMENDATIONS

Staff recommends that the City Council consider the following:

1. Increasing the maximum height allowed for plants in site distance areas from 18" to 24". This would enable a number of additional plants, including seasonal vegetables that are currently prohibited (areas outside of the site distance area can be 36").
2. Current regulations suggest drought tolerant plants but do not require them. Staff suggests that these regulations remain as is because many vegetables and other desirable plants do not qualify as drought tolerant.

ATTACHMENT E: DEPARTMENT REVIEW COMMENTS

This ordinance did not follow a traditional process of interdepartmental review.

Public Utilities and the City Forestry Division were both heavily involved in the actual writing of the changes: Stephanie Duer (Public Utilities) and Tony Gliot (Forestry) are co-authors of the draft changes. Public Utilities comments received internal review prior to inclusion in this draft.

Drafts of the changes were reviewed by various staff members within Building Services and Engineering Divisions.

Their comments usually came in the form of marked-up copies (not emails or written comments) and have been integrated into the strike and bold draft.

ATTACHMENT F: MOTIONS

Not Consistent with Staff Recommendation: Based on the findings listed in the staff report, testimony and plans presented, I move that the Planning Commission reject the proposed the zoning text change. (Planning Commission must then make findings relating to the Factors to Consider identified in the Table in Attachment A.