



# COUNCIL STAFF REPORT

CITY COUNCIL of SALT LAKE CITY

**TO:** City Council Members

**FROM:** Jennifer Bruno, Deputy Director

**DATE:** March 5, 2024

**RE:** Landscaping and Buffers Chapter Text Amendment

## **PROJECT TIMELINE:**

Briefing 1: Dec 5, 2023  
Set Date: Dec 12, 2023  
Public Hearing: Jan 9, 2024  
Potential Action: TBD

### **New Information – March 5 Discussion**

As of the printing of this staff report, the Administration has not identified a preferable way to handle enforcement for constituents who may have installed artificial turf based on perceived inconsistent information about whether it is currently legal or may become legal at some point in the future. Some options discussed during the Feb 20 Council Work session meeting:

- Grandfather constituents who have installed artificial turf by X date. Community And Neighborhoods Staff noted that this has caused significant work/confusion in the past as there is not always a way to guarantee by which date someone had installed the turf. In some cases competing information from neighbors was provided.
- Establish a time window where constituents could certify with the City that they had installed artificial turf, and receive confirmation from the City. CAN staff noted that when the City used this approach for the unit legalization process several years ago, this still created administrative difficulties with constituents who insisted they did not know about the window. CAN staff indicated that they would not recommend using this approach again.
- Establish an income-qualified loan/grant program to help individuals come into compliance. *Note: this would require the Council to authorize additional budget, and staff would have to work with the Administration to determine whether/where it makes sense to administer a program like this.*
- Give a period of 12/18/24 months for people to come into compliance with the new requirements. As of last week, CAN staff indicated this may be the preferable option.

*The following information was provided for the February 20 discussion. It's provided again for reference.*

### **New Information - February 20 Discussion**

The Council held a discussion on February 6 and took straw polls regarding several potential edits and/or clarifications to the ordinance. Planning staff has included those edits/clarifications in the attached memo and revised ordinance:

- Clarifying that landscaping requirements for properties with multiple park strips will be calculated cumulatively rather than separately. Planning has suggested the following language:  
*“Park strip standards shall be applied cumulatively along the adjacent street frontage. Lots with park strips on 2 or more street frontages shall be calculated separately for each street frontage.”*
- Keep “promote water conservation” in the purpose statement:  
*“The purpose of this chapter is to promote water conservation, preserve and expand Salt Lake City’s urban tree canopy, improve air quality, and reduce urban heat islands and stormwater runoff.”*
- Vehicle overhang in parking lot perimeter landscaping. Planning staff has provided the following response:  
*A question was raised whether the proposed chapter and existing zoning code allows for vehicle overhang into a required parking lot perimeter landscaping area. The Division of Transportation parking standards allow for an approximately 2’ vehicle overhang allowance, dependent on the angle of the park stall. The proposed Landscaping & Buffers chapter will allow for this vehicle overhang to extend into the required parking lot perimeter landscaping.*

#### **Unresolved Issue – enforcement on artificial turf**

- Some Council Members have been contacted by constituents who were referred by Public Utilities to a rebate program run by the Central Utah Water Conservancy District (CWUWCD) which reimburses residents who remove their grass turf on the basis of how much grass turf is removed. As a part of this program, a resident would take a class run by CWUWCD. While the program strongly discourages artificial turf, it doesn’t expressly prohibit it. So some residents who participated in this program installed artificial turf as a part of removing their grass turf.
  - In order to address the issue regarding messaging, one Council Member have suggested that the ordinance simply grandfather any artificial turf installed by January 1, 2024 (or some other date).
  - Another Council Member has suggested the ordinance could outline a “grace period” to give those who installed artificial term a period of time to comply with the new ordinance.
  - Public Utilities indicated support for the concept of an enforcement date. Community and Neighborhoods Staff raised concerns about equitably enforcing based on a date.
  - The Council may wish to discuss further with the Administratoin.
- ***The Council may wish to discuss this issue and straw poll a preferred approach to enforcement on artificial turf.***
- Note: Council Staff is inquiring with City staff to get an estimate of how many properties may have installed artificial turf in their required landscaping area, to get a better idea of the scope of the issue.

#### **The following was provided for the February 6 Discussion, and is provided again for reference:**

The Council held a discussion on December 5 and 12, 2023, and identified several areas to discuss further and potentially adjust. Planning Staff has provided a memo and revised ordinance (see attached) responding to the various areas identified. The Council may wish to discuss and straw poll any of these items:

- **Parking Lot Landscaping** – there are five elements relating to Parking Lot landscaping that the Administration has evaluated based on the Council’s discussion, and has come back with recommendations:

- **Applicability** – The Council discussed whether the requirements should apply to parking lots as small as 10 stalls (initial proposal). Upon review and analysis included in their memo, ***the Administration is recommending the requirements apply to parking lots of 15 stalls or more*** (which is the current code).
- **Perimeter Landscaping** – The Council’s discussion included a concern that the proposal’s requirement of 10’ of perimeter landscaping could be too much. Current perimeter landscaping is 7’. After discussion with the City’s Urban Forester, ***the Administration is recommending 8’ of required perimeter landscaping***, to achieve the policy goals of tree health and urban heat island effect. See analysis in the Administration’s memo.

**Look at the nose of the car and seeing if external spots could have a 2 foot overhang**

- **Clarification of Double-Loading Row and Row End Landscaping** – ***The Administration has recommended the following language*** to clarify this language, as there was some confusion in the previous discussion, page 88, line 2642 of the ordinance:
  - “2. Location: Interior landscape areas shall be provided in the following locations:***
    - a. At each end of a parking row containing 6 stalls or more, where not abutting required perimeter landscaping.***
    - b. Parallel to parking lot stalls, at a rate of 1 interior landscape area for every 6 parking spaces, or landscape areas may be provided along the interior length of double-loaded parking rows.”***
- **Accessibility** – The Council’s discussion included concerns about the proposed changes and pedestrian experience/walkability. The Administration believes that the overall increase in walking distance would be minimal, and notes that a walkway is required in lots with 25 or more stalls. As such, ***the Administration is not recommending changes.***
- **Reduce required Minimum Interior Landscaping** – the Council requested a change in the minimum required size of the interior landscaping to be similar in size to a parking stall. The original proposal required interior landscaping be at least 10’ wide. The Urban forester recommended that a landscaping area be between 8’ and 9’. ***The Administration has provided proposed language changes***, page 88, line 2651 of the ordinance:
  - “Size: Interior landscape areas shall have a minimum width equal to the width of average parking stall within the parking lot, as measured from the inside of the curbing, and shall have a minimum length equal to the length of the abutting parking spaces. Where interior landscape areas do not abut parking spaces, a minimum length of 10’ is required.”***
- **Natural Turf** – See page 4 of the Administration’s memo which covers additional information regarding the reasoning for allowing natural turf. *Staff note: Staff is aware of some suggestions from Public Utilities about the definition of turf in the code, and is inquiring with the Administration if these adjustments are included in the proposal.* ***The Administration is not recommending changes.***
- **Public Information prohibiting artificial turf** – The memo (page 5) indicates that public outreach is ongoing and staff will be updating a project webpage on this topic.
- **Reduction in Tree Canopy** that qualifies as vegetation coverage – Based on the Council conversation, the Administration is recommending that qualifying tree canopy coverage be limited to newly planted tree canopy at the time of planting (or existing canopy). ***The Administration has provided proposed language changes***, page 84, line 2603 of the ordinance

*“The total area of an existing tree canopy, or a tree canopy at the time of planting, may be included in the vegetation coverage calculations of the required landscaping location the tree is within.”*

- **Rock Mulch Limits** – Based on the Council conversation, the Administration has modified this language to clarify that a maximum of 20% of rock mulch be allowed in the required landscaping area. ***The Administration has provided proposed language changes***, page 92, line 2759 of the ordinance  
*“f. Rock used as a mulch material is limited to 20% of an area where landscaping is required by this chapter.”*
- **Park Strip Vegetation Height Allowance** – This item was raised by the Planning Director to allow for some native plant species and addressing the sight distance triangle. ***The Administration has provided proposed language changes*** – pg 81, line 2433:
  - A. All landscaping shall:
    - 1. Maintain a clearance from grade level to 7 feet above the sidewalk, or 10 feet above a street;
    - 2. Not create a hedge or visual barrier between the sidewalk and street;
    - 3. Not create obstructions within the sight distance triangle, as defined and illustrated in Chapter 21A.62 of this title;

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***The following information was provided for the Council’s previous work session. It is provided again for reference.***

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#### **ISSUE AT-A-GLANCE**

The Administration’s proposed ordinance rewrites and re-organizes the Landscaping and Buffers Chapter, consistent with previous Council discussions relating to various sustainability goals for Salt Lake City, and consistent with the strategies outlined in the City’s Urban Forest Action Plan. The Administration’s transmittal notes that the ordinance is intended to “better support the City’s adopted policies related to reducing water use, enhancement of the urban forest, reduction in the urban heat island, improve air quality...”. It also notes that re-organizing this section of the code to improve clarity and readability for both the public and administration. The proposed changes also include feedback from several City departments, as well as changes recommended from the Planning Commission. On April 26, 2023 the Planning Commission voted 10 to 1 to recommend a positive recommendation to the Council with two modifications (see Key Elements #2 and Policy Question #1 on page 3).

***Goal of the Briefing:*** Review proposed changes to Landscaping and Buffers chapter, provide feedback and schedule public hearing to receive public comment.

#### **KEY ELEMENTS**

1. **Proposed Changes** – The Administration’s transmittal notes the following proposed changes/additions, organized by policy goal:
  - a. **Improve water conservation by:**
    - i. Requiring a landscaping or irrigation professional letter of compliance with irrigation and landscaping standards.
    - ii. Requiring a WaterSense automatic irrigation controller.
    - iii. Prohibiting water waste.
    - iv. Creating standards for irrigation systems to be designed and maintained to maximize water efficiency.

**b. Supporting the Urban Forest/trees by:**

- i. Allowing tree canopy to count toward vegetation coverage standards and requiring the largest tree appropriate to the landscape location in most zoning districts.
- ii. Ensuring tree health by requiring Urban Forestry review of alterations to street trees and root zone protection.
- iii. Improving tree survival rates by requiring a permanent irrigation system for street trees when a landscape plan is required (new construction, or a commercial property where the landscaping is being updated by 50% or more, or a commercial addition that increases the floor area by 50% or more).
- iv. Requiring trees in the Northwest Quadrant.

**c. Reduce the urban heat island by:**

- i. Creating parking lot landscaping standards directed at reducing the urban heat island effect.
- ii. Establishing rock mulch limitations.
- iii. Allowing tree canopy to count toward landscape coverage and requiring street trees where new construction is proposed.

**d. Reduce stormwater runoff by:**

- i. Allowing stormwater curb cuts.
- ii. Requiring bioretention for parking lots with 50 or more stalls in the Parking Chapter (21A.44)

**e. Simplify and clarify through:**

- i. Requiring separate plans for planting, grading, and irrigation.
- ii. Addressing artificial turf, by removing it as permitted, based on the Planning Commission recommendation (*See Planning Commission changes below and policy question #1 on Page 3*).
- iii. Consolidating buffer sizes.
- iv. Updating the Freeway Landscape buffer better comply with goals and intent of chapter.
- v. Creating tables and graphics where possible.
- vi. Removing duplicate or wordy standards that were difficult to implement.
- vii. Quantifying, where possible, minimum landscaping standards.

**2. Planning Commission Changes** – The Planning Commission voted 10-1 to forward a positive recommendation to the Council with the following changes:

- c. **Prohibiting artificial turf.** The Administration’s transmittal notes that the proposed draft before the Council includes “a statement that artificial turf is prohibited anywhere landscaping is regulated by the chapter. Where landscaping is not regulated in this chapter, artificial turf would be allowed (such as the rear yard), as it is today in unregulated landscaping areas. *The commission’s recommendation was based on a discussion centered around artificial turfs impact on stormwater runoff and possible harmful chemicals contained in the manufacturing process.*” See **Policy Question #1 on Page 3**.
- d. **Define “Landscape or Irrigation specialist”.** During the Planning Commission hearing, some commented that the general language originally proposed about a “landscape or irrigation professional” was too broad. The current draft now requires review and signature by a landscape architect (licensed with the State of Utah), or a US-EPA WaterSense Labeled Certified Professional.

5. **Elements not changing** - The Administration's transmittal notes that several current standards in the zoning code will remain:
- a. Regulated landscaping locations (Park Strips, Yard areas, Buffers, Parking Lots).
  - b. 33% vegetation standard.
  - c. 20% hard surfacing limitations.
  - d. Landscaping and irrigation designed depending on watering needs.
  - e. Drip and spray irrigation on separate valves.
  - f. Park Strip less than 36" in width are exempt from some landscaping standards.
  - g. Landscaping buffer tree and shrub quantities. –
  - h. Mulching depth and permeability standards.
  - i. And encroachment standards in the park strip or public right of way.
  - j. Maintaining the City's resident's eligibility for "rip your strip" rebate programs through the CUWCD (Central Utah Water Conservancy District) and Utah Department of Natural Resources.

## **POLICY QUESTIONS**

1. **Planning Commission recommendations relating to turf** –
- The draft presented to the Planning Commission on April 26th, permitted artificial turf in front and corner yard landscaping locations as an impervious surface, which is limited to a maximum of 20% of the required landscaping. It was prohibited in other locations. Additionally, artificial turf would have had to meet certain material standards such as individual grass blade length and quantity as well as infill material type.
  - As noted above, the Planning Commission was concerned with this aspect of the proposal, particularly the impact of turf on stormwater runoff and harmful chemicals used in the turf manufacturing process. Therefore, **the Planning Commission recommended to prohibit turf in required landscaping areas**. Where landscaping is not regulated by this chapter, such as the rear yard, turf would be permitted.
  - Recently, some cities, including Boston and several in California have prohibited artificial turf. They have cited Poly-fluoroalkyl Substances or P-FAS, as well as bisphenol A (BPA) in the rubber crumb underlayer as a main public health reason to prohibit artificial turf.
  - According to the Environmental Protection Agency, PFAS chemicals are a known carcinogen which can interfere with hormones, reproduction, immunity and cause developmental delays in children. The EPA has not officially listed BPA on their concerned substance list but they are continuing to monitor research.
  - Turf manufacturers have been working to improve the production of artificial turf to reduce/remove chemicals, and each year of development shows improvement on this front.
  - ***Previous Council discussions asked for the Administration to evaluate artificial turf as an option for required landscaping areas. Does the Council wish to discuss this further with the Administration, including reviewing the language originally proposed to the Planning Commission?***

2. **Enforcement** – The Council may wish to ask the Administration if they have a recommendation for how to handle enforcement/grandfathering of the changing standards, particularly as it relates to turf? Currently staff understands that the Administration has paused enforcement on turf in landscaping areas, while this ordinance is working its way through the process.

#### **CHRONOLOGY**

- September 6, 2022 – Initial feedback from City Council in work session
- February 8, 2023 – Text amendment formally initiated
- February 10, 2023 – Notice emailed to recognized organizations and changes posted to Planning Division Open House webpage
- March 20, 2023 – Proposed changes presented to Sugar House Community Council
- April 26, 2023 – Planning Commission discussion and positive recommendation forwarded
- May 8, 2023 – Ordinance forwarded to Attorney’s office for review
- June 15, 2023 – Ordinance corrections forwarded to Attorney’s office
- August 29, 2023 – Corrected ordinance returned to Attorney’s office for final review
- September 26, 2023 – Final ordinance received from Attorney’s Office
- September 28, 2023 – Transmittal sent to Council Office