

MEMORANDUM

DATE: June 26, 2002

TO: Council Members

SUBJECT: Proposed Ordinance to enact a Temporary Moratorium staying the enforcement of the Zoning Ordinance Park Strip Landscaping requirements

FROM: Janne Nielson, Constituent Liaison/Research and Policy Analyst
Janice Jardine, Planning and Policy Analyst

cc: Rocky Fluhart, David Nimkin, Roger Cutler, Lynn Pace, Margaret Hunt, LeRoy Hooton, Jeff Niermeyer, David Dobbins, Stephen Goldsmith, Tim Harpst, Max Peterson, Roger Evans, Brent Wilde, Harvey Boyd, Kevin Young, Rick Johnston, Craig Spangenberg, Larry Butcher, Stephanie Duer

OPTIONS AND MOTIONS:

The Council may identify additional options during the Work Session on July 2, 2002.

1. ["I move that the Council"] Adopt an ordinance enacting a Temporary Moratorium staying enforcement of the Zoning Ordinance Park Strip Landscaping requirements.
2. ["I move that the Council"] Not adopt an ordinance enacting a Temporary Moratorium staying enforcement the Zoning Ordinance Park Strip Landscaping requirements.
3. ["I move that the Council"] Not adopt an ordinance enacting a Temporary Moratorium staying enforcement of the Zoning Ordinance Park Strip Landscaping requirements. I further move that the Administration return to the Council in six-months with any options or amendments to the Zoning Ordinance relative to issues of compelling public interest.

KEY ELEMENTS:

The Administration proposes a six-month moratorium on the enforcement of the park-strip landscaping section of the Zoning Ordinance in order to reevaluate and potentially reformulate the City policy. The Administration proposes to suspend enforcement of the regulations pertaining to park strip landscaping and utilize the six-month period to further study specific issues of public interest relating to approved materials and water use. It is anticipated that the Administration would return to the Council at the end of this time with amendments to the Zoning Ordinance for the Council's consideration. The Utah Code allows the City to impose a moratorium for a time period not to exceed six months without a public hearing if the public interest is compelling. If approved, enforcement on non-compliant property owners would be suspended for the duration of the moratorium.

The Park Strip Landscaping section of the Zoning Ordinance was most recently amended in April 2000. The existing requirements reflect an effort by the previous Council to encourage water conservation and accommodate differing aesthetic perspectives. On its adoption, the revised ordinance:

- A. Required that 33% or more of the park strip surface be covered with vegetation within three years of planting or when the planting reached maturity, whichever came first,
- B. Required park strips to be maintained for vacant lots,
- C. Removed the prohibition on use of gravel, rocks and boulders, and
- D. Changed the mandatory requirement for irrigation to advisory.

Specific requirements can be found in the City's Zoning Ordinance Landscape Chapter 21A.48, Section 060, and includes provisions for:

- A. The use of gravel, rocks and boulders, organic mulch such as bark, shredded plant material and compost that may be used to cover the rest of the park strip area in addition to the 33% greenery
- B. The use of paving materials such as poured concrete, brick or natural stone pavers that may be used in portions of the park strip, subject to certain limitations:
 - 1. Poured concrete may be used in 100% of the park strip area if the park strip is less than 24 inches wide.
 - 2. Brick, concrete or natural stone pavers may be used in 100% of the park strip area if the park strip is less than 36 inches wide
- C. "Carriage walks" or walkways between the curb and sidewalk through planted areas are encouraged. Materials that may be used include poured concrete (no more than 4 feet wide), concrete, brick, or flat, natural stone pavers.

Plants, boulders, monuments, other types of objects are restricted to a maximum height of 18 inches to limit visual and structural barriers for pedestrian and traffic safety reasons.

MATTERS AT ISSUE:

The Administration has cited current drought conditions and a subsequent call by local water specialists and authorities to conserve water as key to this request. Potentially, the Administration would reshape the City's current policy into one that further encourages water conservation. In addition to the inquiries reported by the Administration, the Council Office has also received inquiries from constituents who express concern about the City's park strip landscaping policy and its appropriateness relative to the valley's drought conditions and local water supply. In response to these inquiries, and in anticipation of the Administration's advancement of this ordinance to enact a stay of enforcement, Council staff has conducted some preliminary research, which indicates like concern for some vital, related issues.

While water supply and usage is in sharp focus, local, state and national authorities also advocate the consideration of such systemic issues as the impact of increasing the amount of impervious surface, quality and volume of run-off, reduced cooling effect, storm drain availability and capacity, and aquifer replenishment. Further, previous Council discussions have included concerns relative to child and community safety, and aesthetics.

The moratorium could in itself be problematic if the public perceives the suspension of enforcement as permission to alter park strip designs that ultimately would not conform to current or future standards. Numerous occurrences of such "creative licensure" could pose a post-moratoria enforcement challenge for the City with non-compliant property owners, and contribute to any public perception of enforcement inequity.