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## MEMORANDUM

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**DATE:** July 6, 2007

**TO:** Council Members

**FROM:** Janice Jardine  
Land Use Policy Analyst

**SUBJECT:** Petition 400-06-22 – Planning Commission – Zoning Ordinance Text Amendments relating to:

1. Landscaping requirements for front/corner side yards in Residential zoning districts
2. Landscaping bonding requirements for multi-family and commercial developments

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### POTENTIAL MOTIONS:

1. ["I move that the Council"] **Adopt an ordinance** amending the Zoning Ordinance text relating to:
    - a. Landscaping requirements for front/corner side yards in Residential zoning districts
    - b. Landscaping bonding requirements for multi-family and commercial developments
  2. I further move that the ordinance include a provision to limit the height of vegetable plants to a maximum of 24 inches. *(This motion was prepared at the request of Council Member Love. This language should be included with the original motion if the Council is supportive of it.)*
  3. ["I move that the Council"] **Not adopt an ordinance** amend the Zoning Ordinance text relating to:
    - a. Landscaping requirements for front/corner side yards in Residential zoning districts
    - b. Landscaping bonding requirements for multi-family and commercial developments
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- A. On April 17, 2007, the City Council held a public hearing to accept comment and consider action on the proposed Zoning Ordinance text changes relating to residential landscaping requirements and multi-family/commercial landscaping bonding requirements.
- B. It was noted during the public hearing that the proposed ordinance did not contain all of the recommendations made by the Planning Commission.
- C. The Council voted to close the public hearing and continue action to a future Council meeting. This action was taken to allow Administrative staff an opportunity to provide a corrected ordinance.
- D. The Administration's transmittal indicates that the proposed ordinance now includes the language missing in the previous ordinance.
- E. It should be noted that the proposed ordinance also contains changes requested by the Council. This relates to adjusting the language in the proposed regulations to maintain consistency and provide additional clarity with the existing definition of landscaping and include specific reference to vegetables as a type of plant that would be permitted.

Please note, the April 13, 2007 Council staff report has been provided for additional background.

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## SALT LAKE CITY COUNCIL STAFF REPORT

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**DATE:** April 13, 2007

**SUBJECT:** Petition 400-06-22 – Planning Commission – Zoning Ordinance Text Amendments relating to:

1. Landscaping requirements for front/corner side yards in Residential zoning districts
2. Landscaping bonding requirements for multi-family and commercial developments

**AFFECTED COUNCIL DISTRICTS:** If the ordinance is adopted the text amendments would affect Council Districts citywide

**STAFF REPORT BY:** Janice Jardine, Land Use Policy Analyst

**ADMINISTRATIVE DEPT. AND CONTACT PERSON:** Community Development Department, Planning Division  
Kevin LoPiccolo, Zoning Administrator

**NOTICE REQUIREMENTS:** Newspaper advertisement and written notification to surrounding property owners 14 days prior to the Public Hearing

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### POTENTIAL MOTIONS:

1. ["I move that the Council"] **Adopt an ordinance** amending the Zoning Ordinance text relating to:
  - a. Landscaping requirements for front/corner side yards in Residential zoning districts
  - b. Landscaping bonding requirements for multi-family and commercial developments
2. I further move that the ordinance include a provision to limit the height of annual flowers or vegetable plants to a maximum of 24 inches. *(This motion was prepared at the request of Council Member Love. This language should be included with the original motion if the Council is supportive of it.)*
3. ["I move that the Council"] **Not adopt an ordinance** amend the Zoning Ordinance text relating to:
  - a. Landscaping requirements for front/corner side yards in Residential zoning districts
  - b. Landscaping bonding requirements for multi-family and commercial developments

### WORK SESSION SUMMARY/NEW INFORMATION:

- A. On March 20, 2007, the Council discussed the proposed zoning text change with the Administration.
- B. Issues and questions discussed are summarized below.
  1. Provide educational outreach through public utilities and other resources to explain the new regulations and that parking in the front/corner yard areas is not permitted.
  2. Steps that could be taken to ensure property owners to install landscaping with new construction. (Planning staff indicated that a bond will be required for new construction to ensure installation of landscaping.)
  3. Ensure the proposed changes are consistent with zoning regulations and standards that fall under the purview of the Historic Landmark Commission.

4. Proposed changes are intended to promote water conservation, reduce non-point pollution such as from over fertilization, reduce noise and air pollution from weed-eaters and lawn mowers.
5. Proposed changes are intended to help clarify the language in the Zoning Ordinance to assist addressing enforcement complaints. The proposed changes would not have an effect on the current weed enforcement program.
6. Adjust the language in the proposed regulations to maintain consistency with the existing definition of landscaping and to provide additional clarity include specific reference to vegetables as a type of plant that would be permitted.

The correct ordinance is not available from the Administration as of Friday, and so it will be provided on Monday.

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The following information was provided for the Council Work Session on March 6, 2007. It is provided again for your reference.

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## **KEY ELEMENTS:**

- A. An ordinance has been prepared for Council consideration that would amend the text of the Zoning Ordinance relevant to landscaping requirements for front/corner side yards in Residential zoning districts and landscaping bonding requirements for multi-family and commercial developments. The proposed changes include:
  1. Front and corner side yard landscape standards shall require at least 1/3 of yard(s) area be devoted to vegetation. Vegetation shall include turf grass, planting beds, and annuals or perennial flowering plants or shrubs. The remaining 2/3 yard(s) area may include organic mulch, gravel, rocks, and boulders to control weeds and erosion in unplanted areas.
  2. Installation of all required landscaping shall begin no later than one month after a Certificate of Occupancy is issued unless a Certificate of Occupancy is issued between October 15 and the following April 1, in which case installation of the landscaping shall begin not later than April 30. Landscaping shall be substantially completed within nine (9) months after Certificate of Occupancy is issued. (This provision currently only applies to the Foothill Zoning Districts; the proposed amendment will extend into all residential districts in the City.)
  3. Multi-family and commercial development shall have a bonding requirement for the total contract amount of the required landscaping.
  4. The proposed amendment will eliminate references to “domestic” turf grass.
- B. The Administration’s transmittal notes the following key points relating to this petition.
  1. It has been the policy of the City that landscape yard areas be improved only with trees, grass, or an approved vegetative groundcover.
  2. This policy has become problematic because many property owners would like to promote water conservation by utilizing drought tolerant vegetation rather than the traditional trees, turf, or shrubs allowed by current ordinance.
  3. The proposed Zoning text amendments are intended to:
    - a. Allow more flexibility to use drought tolerant plants and mulch beds in the front and corner yard areas.
    - b. Ensure that required landscaping is achieved in a timely fashion while allowing flexibility for seasonal changes affecting successful landscape installation.
    - c. Ensure that landscaping is achieved if the developer/contractor fails to install the required landscaping.
    - d. Allow more flexibility to use drought tolerant plants and mulch beds in front and corner yard areas.

- C. The purpose of the landscaping and buffering requirements is to foster aesthetically pleasing development which will protect and preserve the appearance, character, health, safety and welfare of the community. The regulations are intended to increase the compatibility of adjacent uses to minimize harmful impacts of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusions, and other objectionable activities or impacts conducted or created by an adjoining or nearby use, thereby fostering compatibility among different land uses. The regulations are also intended to preserve, enhance and expand the urban forest and promote the prudent use of water and energy resources.
- D. The Zoning Ordinance Landscaping and Buffers Chapter, Design Standards and Guidelines Section notes the following:
- Drought-Tolerant Species. Site conditions in Salt Lake City are generally arid, and the selection of plant species suited to dry conditions is appropriate. To promote water conservation, not less than 80% of the trees and 80% of the shrubs used on a site shall be drought-tolerant species that can withstand dry conditions once established. The City has compiled a list titled “Water Conserving Plants for Salt Lake City” that may be locally available. (Sec. 21A.48.050.A.5)
  - Water Conservation. Landscape design pursuant to the requirements of this chapter must recognize the climatic limitations of the Salt Lake City area and the need for water conservation. While irrigation systems are required for certain landscape areas, and may be desirable for other applications, all irrigation systems shall be designed for efficient use of water. (Sec. 21A.48.050.B.7)
  - Energy Conservation. Plant placement shall be designed to reduce the energy consumption needs of the development. (Sec. 21A.48.050.B.9)
    - Deciduous trees should be placed on the south and west side of buildings to provide shade from the summer sun.
    - Evergreens and other plant materials should be concentrated on the north side of buildings to dissipate the effect of winter winds.
- E. The Planning staff report provides the findings for the Zoning Ordinance (Sec. 21A.50.050) - Standards for General Amendments and (Sec. 21A.34.020.C.2). The standards were evaluated in the Planning staff report and considered by the Planning Commission. (Discussion and findings for the standards are found in the Planning staff report.)
- F. The Planning Division requested comment from the City’s Public Utilities, Fire and Police Departments and the Transportation, Building Services, Engineering and Zoning Enforcement Divisions. Of the responses received, no concerns were raised.
- G. The public process included a Planning Division sponsored Open House and written notification of the Planning Commission hearing to all Community Council Chairpersons and various organizations. According to the Planning Staff Report, no comments were received from the Community Councils.
- H. On September 27, 2006, the Planning Commission voted to forward a positive recommendation to the City Council to adopt the proposed Zoning Ordinance text amendments. Issues discussed at the Planning Commission hearing (summarized from the Planning Commission minutes) included:
1. A Commissioner’s concern relating to whether the use of inorganic materials will promote the use of the yard areas as parking space.
  2. Comments were provided in support by a representative of the Utah Rivers Council and Reagan Outdoor Advertising.

## MATTERS AT ISSUE /POTENTIAL QUESTIONS FOR THE ADMINISTRATION:

- A. The definition of landscaping differs in the Zoning Ordinance Definition Section and the proposed text amendments. Would the Council like to request a draft ordinance that makes the definitions consistent?
1. The Zoning Ordinance Definitions Chapter (Sec. 21A.62) defines landscaping as “*the improvement of a lot, parcel or tract of land with grass, shrubs and trees. Landscaping may include pedestrian walks, flower beds, ornamental objects such as fountains, statuary, and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.*”
  2. The proposed text amendment (shown here in *italics*) states: “No specific improvements are required within landscape yards, except *that landscape areas shall be maintained with at least 1/3 of the yard(s) area covered by vegetation, which may include trees, turf grasses, annual or perennial flowering plants. The remaining 2/3 yard(s) area maybe maintained with organic mulch, gravel, rocks, and boulders. Mulch shall be used to control weeds and erosion in unplanted areas.*”
- B. The Council may wish to request the City Attorney’s office provide an updated ordinance that would include language to provide clarity as to how vegetable plants/gardens would be treated.
1. The proposed text amendment (shown here in *italics*) states: “No specific improvements are required within landscape yards, except *that landscape areas shall be maintained with at least 1/3 of the yard(s) area covered by vegetation, which may include trees, turf grasses, annual or perennial flowering plants. The remaining 2/3 yard(s) area maybe maintained with organic mulch, gravel, rocks, and boulder. Mulch shall be used to control weeds and erosion in unplanted areas.*”
  2. In 2006, media reports noted that landscaping used in front yard areas by many homeowners wishing to conserve water were in violation of City zoning regulations.
  3. In late 2005 and throughout 2006, the Council office worked with the Administration to address issues from a property owner in Council District 6 who was concerned about a neighboring property owner’s use of vegetables in the front yard. A major concern was the use of tall bamboo, corn and sunflower plants. At that time, the Administration noted that
    - a. The Zoning Ordinance does not prohibit the use of vegetable plants as part of any required landscaping. On this particular property, vegetables have been used in conjunction with flowers and other plants in the front yard.
    - b. The side yard which is south of the driveway is in compliance but it has been determined that more vegetation in the front yard will be required.
    - c. Discussions with the property owner indicated that a plan is in place for landscaping in the front yard. There are new seedlings growing along the sidewalk area and above to the second row of mature plants. The plan also calls for installing bark for ground cover once the new flowers have grown.
  4. Council staff contacted Planning staff to inquire, based on the propose text amendments, how vegetable plants/gardens planted in a front or corner side yard would be treated or which section of the proposal would address vegetable gardens.
  5. Planning staff indicated that if one elects to plant a garden, the ordinance would recognize the garden as vegetation. As long as the garden represents a 1/3 coverage, it would not be a problem.
- C. The Council may wish to discuss with the Administration if it may be appropriate to limit the height of plants that may be used in front/corner yard areas and/or specify a location criteria indicating where taller plants may be placed in front/corner yard areas.
- Currently, the Zoning Ordinance landscaping standards limit the height of ground cover, shrubs or other types of vegetation used in park strips to 18 inches. (This is intended to address safety concerns such as vehicle sight distance, impeding access from the curb to the sidewalk, causing visual barriers or creating hazards to pedestrians, pets or children riding on toys.)

## MASTER PLAN AND POLICY CONSIDERATIONS:

- A. The Administration's transmittal and Planning staff report note the City Vision and Strategic Plan applies to the proposed text amendments. Sections 1.0 through 4.0 encourage environmental consciousness that promotes conservation of natural resources.
- B. The City's Community Master Plans express urban and conservation concepts that promote aesthetic qualities to create a sense of visual unity with urban environments, encourage conservation of natural resources, and the development of tools, strategies and educational programs that facilitate these concepts.
- C. The 1990 Urban Design Element includes statements that emphasize preserving the City's image, neighborhood character and maintaining livability while being sensitive to social and economic realities.
- D. The City's Strategic Plan and the Futures Commission Report express concepts such as maintaining a prominent sustainable city, ensuring the City is designed to the highest aesthetic standards and is pedestrian friendly, convenient, and inviting, but not at the expense of minimizing environmental stewardship or neighborhood vitality.

## CHRONOLOGY:

The Administration's transmittal provides a chronology of events relating to the proposed rezoning and master plan amendment. Key dates are listed below. Please refer to the Administration's chronology for details.

- |                      |   |
|----------------------|---|
| • July 12, 2006      | Petition Delivered to Planning                  |
| • August 1, 2006     | Planning Division sponsored Open House          |
| • September 27, 2006 | Planning Commission Hearing                     |
| • September 27, 2006 | Ordinance requested from City Attorney's office |
| • October 5, 2006    | Ordinance received from City Attorney's office  |

cc: Sam Guevara, Lyn Creswell, DJ Baxter, Ed Rutan, Lynn Pace, Melanie Reif, LeRoy Hooton, Jeff Niermeyer, Stephanie Duer, Vicki Bennett, Jordan Gates, Louis Zunguze, Chris Shoop, Orion Goff, Larry Butcher, George Shaw, Doug Wheelwright, Cheri Coffey, Craig Spangenberg, Kevin LoPiccolo, Jan Aramaki, Marge Harvey, Sylvia Richards, Janne Nielson, Cindy Rockwood, Lehua Weaver, Jennifer Bruno, Barry Esham, Gwen Springmeyer, Michael Stott

File Location: Community Development Dept., Planning Division, Zoning Text Amendment, Landscaping requirements for front/corner side yards in Residential zoning districts, and landscaping bonding requirements for multi-family and commercial developments

JUN 08 2007

A. LOUIS ZUNGUZE

DIRECTOR

BRENT B. WILDE

DEPUTY DIRECTOR

# SALT LAKE CITY CORPORATION

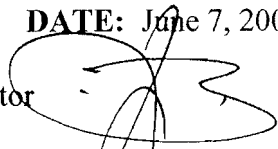
DEPT. OF COMMUNITY DEVELOPMENT  
OFFICE OF THE DIRECTOR

ROSS C. "ROCKY" ANDERSON

MAYOR

## CITY COUNCIL SUPPLEMENTAL TRANSMITTAL

**TO:** Lyn Creswell, Chief Administrative Officer **DATE:** June 7, 2007

**FROM:** Louis Zunguze, Community Development Director 

**RE:** Supplemental Transmittal for Petition number 400-06-22, a request by the Salt Lake Planning Commission to amend the text of the Salt Lake City Zoning Ordinance to specify the minimum amount of required landscaping for the front and corner side yard and address bonding requirements when the mandatory landscaping is not completed for multi-family dwellings and commercial development

**STAFF CONTACTS:** Kevin LoPiccolo, Zoning Administrator, 535-6003 or  
kevin.lopiccolo@slcgov.com

**RECOMMENDATION:** That the City Council hold a Public Hearing

**DOCUMENT TYPE:** Ordinance

**BUDGET IMPACT:** None

### DISCUSSION:

**Issue Origin:** At the City Council public hearing on April 17, 2007, Planning Staff was made aware that language in Section 5 of the proposed ordinance "Landscape Yards" did not contain all of the recommendations made by the Planning Commission at the Planning Commission September 27, 2006, public hearing, at which time the Commission forwarded a positive motion to the City Council to amend the Landscape Ordinance. The proposed ordinance now includes the following language which was missing in the previous proposed ordinance:

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. 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. Mulch shall be used to control weeds and erosion in unplanted areas and between plants (see page 4 of the proposed ordinance).

The original language that was presented to the Planning Commission stated that “the remaining two-thirds (2/3) of the yard(s) area may include organic mulch, gravel, rocks and boulders”. This sentence should have been omitted but was never removed.

The proposed ordinance has been reviewed by Building Services and Public Utilities, and as prepared, the proposed Landscape Ordinance was found acceptable.

**Analysis:** The purpose of the proposed amendment is to revise the Zoning Ordinance to clarify the City’s landscape requirements. These requirements are generally intended to foster aesthetically pleasing developments which will protect and preserve the appearance, character, health, safety, and welfare of the community. These landscape regulations are also intended to preserve, enhance, and expand the urban forest and promote the prudent use of water and energy resources. The existing landscaping requirements contained in the Zoning Ordinance, which have historically required domestic turf grass or selected ground cover to landscape the yard area, lack clarity and do not promote water conservation by utilizing drought tolerant vegetation. For example, in existing City Ordinance Chapter 21A.48.090, “Landscape yards” are described as yards devoted exclusively to landscaping excluding driveways and sidewalks located within a required landscape yard which are needed to serve the use and buildings on the lot. No specific improvements are required within landscape yards, except that all landscaping areas not planted with trees and shrubs shall be maintained in turf or other approved vegetative groundcover.

The proposed Zoning Ordinance text change specifies that a minimum of 1/3 of front and corner side yards be landscaped. The proposed text amendment also addresses bond requirements when the required landscaping is not completed for multi-family dwellings and commercial development and corrects a minor text error.

In an effort to better clarify and promote water conservation, the following amendments are being proposed to the City’s landscaping requirements:

- Front and corner side yard landscape standards shall require at least 1/3 of yard(s) area be devoted to vegetation. Vegetation may include trees, shrubs, grasses, annual perennial plants and vegetable plants. Mulch shall be used to control weeds and erosion in unplanted areas and between plants. (see Attachment 2, page 4).

*Intent: Allow more flexibility to use drought tolerant plants and mulch beds in the front and corner yard areas*

- Installation of all required landscaping shall begin no later than one month after a Certificate of Occupancy is issued unless a Certificate of Occupancy is issued between October 15 and the following April 1, in which case installation of the landscaping shall begin not later than April 30. Landscaping shall be substantially completed within nine (9) months after Certificate of Occupancy is issued (see page 11 of Attachment 2). This provision currently only applies to the Foothill Zoning Districts; the proposed amendment will extend into all residential districts in the City.



*Intent: Ensure that required landscaping is achieved in a timely fashion while allowing flexibility for seasonal changes affecting successful landscape installation*

- Multi-family and commercial development shall have a bonding requirement for the total contract amount of the required landscaping (see page 4 of Attachment 2).  
*Intent: Ensure capability to install required landscaping in the event that the developer/contractor fails to install it.*
- The proposed amendment will eliminate references to “domestic” turf grass (see pages 1, 3, 5, and 8 of Attachment 2).

*Intent: Allow more flexibility to use drought tolerant plants and mulch beds in front and corner yard areas*

- Correction of a paragraph numbering error (see pages 17, 18, and 20 of Attachment 2).

**Master Plan Considerations:** The Salt Lake City Vision and Strategic Plan applies to this proposed text amendment. Sections 1.0 through 4.0 of the City Vision and Strategic Plan Final report encourages environmental consciousness that promotes conservation of natural resources.

#### **PUBLIC PROCESS:**

The Planning Division held an Open House for Community Councils and interested parties on August 1, 2006. Only City staff attended. Planning Division Staff did not receive any comments from any Community Councils on the proposed text change.

The Planning Commission held a Public Hearing on September 27, 2006. Members of the public who spoke regarding the proposed ordinance change were all in favor. The Planning Commission voted unanimously in support and recommended that the Council adopt the proposed ordinance.

The City Council held a public hearing at their April 17, 2007 meeting and the Council was made aware that Section 5 of the proposed Landscape Ordinance was inconsistent with the language recommended by the Planning Commission regarding Section 21.48.090 Landscape Yards.

#### **RELEVANT ORDINANCES:**

The proposed text amendment would amend Chapter 21A.48.090, 21A.24.010N, 21A.48.030, 21A.48.050, 21A.48.080D, 21A.48.100, 21A.24.010N, Table 21A.48.070G and 21A.48.080 in the Salt Lake City Zoning Ordinance. Staff has included both a legislative copy and clean copy of the proposed ordinance (see Attachment 2). Due to the length of the proposed ordinance, Staff notes that changes amending select landscaping provisions occur on pages 1-5 5, 8, 11, 17, 18, and 20 of the legislative version of the proposed ordinance.

Amendments to the Zoning Ordinance and Maps are authorized under Section 21A.50 of the Salt Lake City Zoning Ordinance, as detailed in Section 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." It does, however, list five standards, which should be analyzed prior to rezoning property (Section 21A.50.050 A-E). The five standards are discussed in detail starting on page 3 of the Planning Commission Staff Report (see Attachment 5).

**Zoning Text Amendment:**

Section 21A.10 – General Application and Public Hearing Procedures

Section 21A.50.050 – Standards for General Amendments

## **TABLE OF CONTENTS**

1. Chronology
2. Proposed Ordinance
3. City Council Hearing Notice
  - A. Notice of City Council Hearing Newspaper Publication
  - B. Newspaper Publication Transmittal
  - C. Mailing Labels
4. Planning Commission Agenda for September 27, 2006
5. Staff Report for the September 27, 2006 Commission meeting
6. Planning Commission minutes from September 27, 2006
7. City Council minutes from April 17, 2007

## PROJECT CHRONOLGY

- July 12, 2006                      Petition delivered to Planning
- July 18, 2006                      Petition assigned
- July 19, 2006                      Request Department Comments
- August 1, 2006                      Open House
- September 12, 2006              Notice for September 27, 2006 Planning Commission
- September 27, 2006              Planning Commission Hearing
- September 27, 2006              Ordinance requested from City Attorney
- October 5, 2006                      Ordinance received from City Attorney
- October 31, 2006                  City Council Transmittal completed by Project Planner
- March 20, 2007                      City Council Briefing
- April 17, 2007                      City Council Public Hearing
- May 16, 2007                      Ordinance requested from City Attorney
- May 23, 2007                      Ordinance received from City Attorney
- June 1, 2007                      Council Transmittal completed by Planner

SALT LAKE CITY ORDINANCE

No. \_\_\_\_\_ of 2007

(Amending Select Landscaping Provisions in Title 21A)

AN ORDINANCE AMENDING SECTION 21A.48.030B.9.b, *SALT LAKE CITY CODE*, PERTAINING TO CONTENT OF LANDSCAPE PLAN, SECTION 21A.48.050B.8, *SALT LAKE CITY CODE*, PERTAINING TO DESIGN GUIDELINES, TABLE 21A.48.070G, *SALT LAKE CITY CODE*, PERTAINING TO REQUIRED PERIMETER PARKING LOT LANDSCAPE IMPROVEMENTS, SECTION 21A.48.080D, *SALT LAKE CITY CODE*, PERTAINING TO IMPROVEMENT OF LANDSCAPE BUFFERS, SECTION 21A.48.090, *SALT LAKE CITY CODE*, PERTAINING TO LANDSCAPE YARDS, SECTION 21A.48.100, *SALT LAKE CITY CODE*, PERTAINING TO SPECIAL LANDSCAPE REGULATIONS, AND SECTION 21A.24.010, *SALT LAKE CITY CODE*, PERTAINING TO GENERAL PROVISIONS FOR RESIDENTIAL DISTRICTS, PURSUANT TO PETITION NO. 400-06-22.

WHEREAS, the Planning Commission and the City Council of Salt Lake City, Utah, have held public hearings and have taken into consideration citizen testimony, filing, and demographic details of the area, the long range general plans of the City, and the local master plan as part of their deliberation. Pursuant to these deliberations, the City Council has concluded that the proposed amendments are in the best interest of the City.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. **Amending Content of Landscape Plan.** That Section 21A.48.030B.9.b of the *Salt Lake City Code*, pertaining to Content of Landscape Plan be, and hereby is, amended to read as follows:

b. Total area and percentage of the site in domestic-turf grasses, and

SECTION 2. **Amending Design Guidelines.** That Section 21A.48.050 B.8 of the *Salt Lake City Code*, pertaining to Design Guidelines be, and hereby is, amended to read as follows:

8. Domestic Turf Grasses. Domestic Turf grasses should be used in areas with less than a fifty percent slope to prevent the runoff of irrigation water.

SECTION 3. **Amending Landscape Improvements Table.** That the table, entitled Landscape Improvements Table, which is located at Section 21A.48.070G of the *Salt Lake City Code*, shall be, and hereby is, amended to read as set forth in the attached Exhibit “A.”

SECTION 4. **Amending Improvement of Landscape Buffers.** That Section 21A.48.080D of the *Salt Lake City Code*, pertaining to Improvement of Landscape Buffers be, and hereby is, amended to read as follows:

D. **Improvement of Landscape Buffers:** Required planting and fencing shall be installed in conformance with the following provisions:

1. RMF-30, RMF-35, RMF-45, RMF-75, R-MU-35, R-MU-45, R-MU, RO, MU, PL, PL-2 And OS Districts: In the RMF-30, RMF-35, RMF-45, RMF-75, R-MU-35, R-MU-45, R-MU, RO, MU, PL, PL-2 and OS districts, the following improvements shall be provided:

a. Shade trees shall be planted at the rate of one tree for every thirty (30) linear feet of landscape buffer.

b. A continuous evergreen or deciduous shrub hedge shall be planted along the entire length of landscape buffer. This shrub hedge shall have a mature height of not less than four feet (4').

c. A fence not exceeding six feet (6') in height may be combined with the shrub hedge, subject to the approval of the zoning administrator.

d. Landscape yards shall be maintained~~Areas not planted with trees or shrubs shall be maintained as turf or other groundcover approved by the zoning administrator per Section 21A.48.090.~~

2. CN, CB, CC And CSHBD Districts: In the CN, CB, CC and CSHBD districts, the following improvements shall be provided:

a. Shade trees shall be planted at the rate of one tree for every thirty (30) linear feet of landscape buffer;

b. Shrubs, having a mature height of not less than four feet (4'), shall be planted along the entire length of the landscape buffer;

c. Landscape yards shall be maintained~~Areas not planted with trees or shrubs shall be maintained as turf or other groundcover approved by the zoning administrator per Section 21A.48.090;~~ and

d. A solid fence between four (4) and six feet (6') in height shall be erected along the property line unless waived by the zoning administrator.

3. CS, CG, M-1, I, UI, MH, RP And BP Districts: In the CS, CG, M-1, I, UI, MH, RP and BP districts, the following improvements shall be provided:

a. Shade trees shall be planted at the rate of one tree per twenty five (25) linear feet along the entire length of the landscape yard. Shade trees may be clustered subject to the site plan review approval. Evergreen trees may be substituted for a portion of the shade trees;

b. Shrub masses, at least two (2) rows deep and with shrubs alternately spaced, shall be provided along the entire length of the landscape yard. Shrubs shall reach a mature height of not less than four feet (4');

c. Landscape yards shall be maintained~~Areas not planted with trees or shrubs shall be maintained as turf or other groundcover approved by the zoning administrator per Section 21A.48.090;~~ and

d. A solid fence six feet (6') in height shall be located on the property line along the required landscape buffer unless waived by the zoning administrator.

4. M-2 District:

a. Shade trees shall be planted at a rate of one tree for every twenty feet (20') of length of the landscape buffer. Shade trees may be grouped or clustered, subject to site plan review approval. Evergreen trees may be used as substitutes for some of the shade trees.

b. Shrub masses, at least two (2) rows deep and with shrubs alternately spaced, shall be provided along seventy five percent (75%) of the length of the landscape yard. Shrubs shall reach a mature height of not less than four feet (4').

c. Landscape yards shall be maintained~~Areas not planted with trees or shrubs shall be maintained as turf or other groundcover approved by the zoning administrator per Section 21A.48.090.~~

5. EI And LO Districts: Each use must submit a landscape plan to the zoning administrator indicating how the proposed landscaping will mitigate noise, dust or other impacts on surrounding and nearby uses.

SECTION 5. **Amending Landscape Yards.** That Section 21A.48.090 of the *Salt Lake*

*City Code*, pertaining to Landscape Yards be, and hereby is, amended to read as follows:

**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). No specific improvements are required within landscape yards, ~~except that all landscape areas not planted with trees and shrubs shall be maintained in turf or other approved groundcover~~ 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 used to control weeds and erosion in unplanted areas and between plants.

A. **Bond Requirement:** All developers and/or contractors shall be required to post a bond with the City for the total amount of the landscaping contract for all multifamily dwellings and commercial development.

SECTION 6. **Amending Special Landscape Regulations.** That Section 21A.48.100 of the *Salt Lake City Code*, pertaining to Special Landscape Regulations be, and hereby is, amended to read as follows:

**21A.48.100 Special Landscape Regulations:**

In addition to the foregoing requirements, special landscape regulations shall apply to certain zoning districts. These regulations are established below:

A. **FP Foothills Protection District:**

1. Landscape Plan Required: A landscape plan, conforming to sections 21A.48.030 and 21A.48.050 of this chapter, shall be required for all uses within this district. This plan shall delineate the proposed revegetation of disturbed areas of the site, and road/driveway areas. The landscape plan shall extend one hundred feet (100') beyond the disturbed site area and twenty five feet (25') beyond the limits of grading for roads/driveways, but need not include any portions of the site designated as undevelopable unless these areas are disturbed.

2. Maximum Disturbed Area: The maximum disturbed area shall not exceed ten percent (10%) of the total site area.



3. Tree Preservation And Replacement: Existing trees over two inches (2") in caliper that are removed from the site to accommodate development shall be replaced. Whenever microclimate conditions make it practical, the proportion of replacement tree species shall be the same as the trees removed.

4. Limits On Domestic-Turf: To help promote the intent of this district by minimizing the impact on the natural landscape, the area of domestic-turf grasses shall not exceed thirty percent (30%) of the area to be landscaped and shall not encroach into undevelopable areas.

5. Slope Revegetation: All slopes graded or otherwise disturbed shall be restored/replanted. Restored vegetation shall consist of native or adapted grasses, herbaceous perennials, or woody trees and shrubs as appropriate for slope, soil and microclimate conditions.

6. Irrigation: Irrigation shall be installed to provide needed water for at least the first two (2) years of growth to establish revegetation of natural areas. Irrigation for areas of domestic-turf and ornamental landscaping shall be provided at the discretion of the property owner, however all systems shall be subject to the review and approval of the zoning administrator.

7. Erosion Protection: As a condition of site plan approval, a plan for erosion protection shall be submitted with the landscape plan.

**B. FR-1 And FR-2 Foothills Residence District:**

1. Landscape Plan Required: A landscape plan, conforming to sections 21A.48.030 and 21A.48.050 of this chapter, shall be required for all uses within this district. This plan shall delineate the proposed revegetation of disturbed site areas.

2. Tree Preservation And Replacement: Existing trees over two inches (2") in caliper that are removed from the site to accommodate development shall be replaced. Whenever microclimate conditions make it practical, the proportion of replacement tree species shall be the same as the trees removed.

3. Slope Revegetation: All slopes graded or otherwise disturbed shall be restored/replanted. Restored vegetation shall consist of native or adapted grasses, herbaceous perennials, or woody trees and shrubs as appropriate for slope and microclimate conditions.

4. Irrigation: Irrigation shall be installed to provide needed water for at least the first two (2) years of growth to establish revegetation of natural areas. Irrigation for areas of domestic-turf and ornamental landscaping shall be provided at the discretion of the property owner, however all systems shall be subject to city review and approval.

5. Erosion Protection: As a condition of site plan approval, a plan for erosion protection shall be submitted with the landscape plan.

**C. CC Commercial District:**

1. Special Front Yard Landscaping: Special front yard landscaping shall be required in conformance with the following:

- a. The first fifteen feet (15') of lot depth shall be devoted to landscaping. Driveways and sidewalks may be located within this area to serve the building and use on the lot;
- b. Shrubs limited to a height of not more than three feet (3') shall be provided at the rate of one shrub for every two feet (2') of lot width. A mix of shrub species is recommended, and at least forty percent (40%) of the shrubs must be evergreen;
- c. Trees shall be provided at the rate of one tree for every twenty five feet (25') of lot width, rounded to the nearest whole number. Evergreen trees or shade trees may be substituted with ornamental trees, subject to the review and approval of the development review team; and
- d. Areas not planted with shrubs or trees shall be maintained in turf or as vegetative groundcover. A drought tolerant groundcover is recommended.

2. Irrigation: Permanent irrigation shall be installed and used as needed to maintain plant material in a healthy state.

3. Maintenance: Landscaping shall be installed and maintained in substantial conformance with the approved landscape plan. Landscaping shall be kept free of weeds and litter.

**D. D-1 Central Business District And D-4 Downtown Secondary Central Business District:**

1. Right Of Way Landscaping: The principal area of focus for landscaping in the D-1 and D-4 districts shall be along sidewalks and parkways. Landscaping on private property shall be subject to the regulations below and in the D-1 and D-4 districts.

a. Location: Landscape areas shall be located a minimum of two feet (2') from back of the street curb and shall be located in conformance with the adopted beautification plan for an approved beautification district. If the beautification plan does not address the site in question, the location of landscape areas shall be determined through the site plan review process.

b. Trees: Shade trees shall be planted as specified through the site plan review process.

c. Shrubs/Groundcover: The ground surface of the landscape area may be suitable for the planting of shrubs, groundcover or flowers depending on use and pedestrian patterns. Tree grates or other improvements may be required to facilitate pedestrian circulation along the street. The ground surface shall be determined by the beautification plan, or in the absence of specific direction from the plan, the site plan review process.

2. Landscaping For Vacant Lots: Special landscaping shall be required on those lots becoming vacant, where no replacement use is proposed, in conformance with the following:

a. Landscape Yard Requirement: A landscape yard of fifteen feet (15') shall be required as measured from any point along all property lines. Fencing, pursuant to section 21A.40.120 of this part, can be used as an element of the overall landscaping plan, however, shall not be used in lieu of the landscaping requirements of this section. The purpose of any fencing on downtown lots is for aesthetic value only, and shall consist of wrought iron or other similar material (no chainlink). Fencing shall be open so as not to create a visual barrier, and shall be limited to a maximum of four feet (4') in height, with the exception of a fence located within thirty feet (30') of the intersection of front property lines on any corner lot as noted in subsection 21A.40.120D of this part. The approval of a final landscape plan, that includes a fencing element, shall be delegated to the building official with the input of the planning director, to determine if the fencing materials, location, and height are compatible with adjacent properties in a given setting.

b. Trees: Shade trees shall be provided at the rate of one tree per thirty feet (30') of yard length, rounded up to the nearest whole number.

c. Shrubs: Shrubs shall be provided at the rate of one plant for every three feet (3') of yard length, evenly spaced, limited to a height of not more than three feet (3') . All plants shall be drought tolerant; consult the Salt Lake City water wise plant list for suggestions. At least forty percent (40%) of the plants must be evergreen.

d. Groundcover: Areas not planted with shrubs and trees shall be maintained in drought tolerant vegetative groundcover.

e. Irrigation: Permanent irrigation shall be installed and used as needed to maintain plant materials in a healthy state.

f. Maintenance: Landscaping shall be installed and maintained in conformance with the approved landscape plan. Landscaping shall be kept free of weeds and litter.

E. **Transitional Overlay District:** All conditional uses in the transitional overlay district shall conform to the following landscape/buffer requirements. Permitted uses shall be exempt from these requirements.

1. Landscaped Front And Corner Side Yard: All front and corner side yards shall be maintained as landscape yards. The improvement of such landscape yards shall be consistent with the character of the residential neighborhood.

2. Landscaped Interior Side Yard: Where the interior side yard abuts a residential use, a landscape yard eight feet (8') in width shall be provided. This landscape yard shall be improved as set forth below:

a. A six foot (6') high solid fence or wall shall be constructed from the front yard setback line to the rear lot line. The outside edge of this fence or wall shall be located no less than seven feet (7') from the side lot line. The requirement for a fence or wall may be waived by the zoning administrator if the building elevation facing the residential property is of a design not requiring screening by a fence or wall;

b. Deciduous shade trees shall be planted within the landscape yard. One tree per thirty (30) linear feet of landscape yard shall be required, although the spacing of trees may be arranged in an informal manner;

c. A continuous row of shrubs (deciduous or evergreen) shall be planted along the entire length of the landscape yard. The size of the shrubs shall not be less than four feet (4') in height at the time of maturity. The spacing of shrubs shall not be greater than five feet (5') on center. Shrubs must be set back from the side lot line at least four feet (4') on center; and

d. ~~All parts of the landscape yard not covered by shrubs shall be planted in grass.~~ Landscape yards shall be maintained per Section 21A.48.090.

3. Landscaped Rear Yard: Where the rear yard abuts a residential use, a solid fence or wall shall be constructed along the entire length of the rear lot line. The requirement for a fence or wall may be waived if conditions on the lot, including landscape screening within the rear yard, eliminate the need for a fence or wall.

SECTION 7. **Amending General Provisions.** That Section 21A.24.010 of the *Salt Lake City Code*, pertaining to General Provisions for Residential Districts be, and hereby is, amended to read as follows:

**21A.24.010 General Provisions:**

A. **Statement Of Intent:** The residential districts are intended to provide a range of housing choices to meet the needs of Salt Lake City's citizens, to offer a balance of housing types and densities, to preserve and maintain the city's neighborhoods as safe and convenient places to live, to promote the harmonious development of residential communities, to ensure compatible in fill development, and to help implement adopted plans.

B. **Site Plan Review:** In certain districts, permitted uses and conditional uses have the potential for adverse impacts if located and laid out without careful planning. Such impacts may interfere with the use and enjoyment of adjacent property and uses. Site plan review is a process designed to address such adverse impacts and minimize them where possible. Site plan review is not required for single-family, two-family and twin home dwellings unless they are approved as a

conditional use. All other uses shall be subject to the site plan review regulations contained in part V, chapter 21A.58 of this title.

C. **Permitted Uses:** The uses specified as permitted uses, in the table of permitted and conditional uses for residential districts found at section 21A.24.190 of this chapter, are permitted provided that they comply with all requirements of this chapter, the general standards set forth in part IV of this title and all other applicable requirements of this title.

D. **Conditional Uses:** The uses specified as conditional uses in the table of permitted and conditional uses for residential districts found at section 21A.24.190 of this chapter shall be allowed provided they are approved pursuant to the standards and procedures for conditional uses set forth in part V, chapter 21A.54 of this title, and comply with all other applicable requirements of this title.

E. **Obnoxious Or Offensive Uses:** No use of land shall be permitted which is obnoxious or offensive by reason of odor, dust, smoke, vapors, noise, light, vibration or refuse matter.

F. **Accessory Lots, Accessory Uses, Buildings And Structures:** Accessory lots, accessory uses, buildings and structures are allowed in the residential districts subject to the requirements of this chapter, table 21A.36.020B, section 21A.36.030 of this title, and the provisions of part IV, chapter 21A.40 of this title.

G. **Flag Lots In Residential Districts:** Flag lots are a permitted use only as part of a new subdivision in the FP, FR-1, FR-2 and FR-3 districts. Flag lots in all other residential districts, unless being approved through the planned development process, may be allowed as a conditional use pursuant to part V, chapter 21A.54 of this title, provided that the planning commission finds the flag lot proposal to be compatible with the existing pattern of property development of the surrounding area. The planning commission shall also make findings on the standards listed in subsections G1 through G14 of this section:

1. In residential districts other than new subdivisions in the FP, FR-1, FR-2, FR-3 districts, flag lots shall be approved only when one flag lot is proposed at the rear of an existing lot, unless being approved through the planned development process;
2. Flag lots shall be used exclusively to provide lots for single-family residential dwellings;
3. All lot and yard requirements applicable to flag lots shall apply to the main body of the flag lot. For flag lots, the front yard shall begin at the point where the access strip joins the main body of the lot;
4. Except for the special provisions contained in this subsection G, the creation of a flag lot shall not result in a violation of required lot area, lot width, yards or other applicable provisions of this title;

5. Flag lots shall have a minimum lot depth of one hundred feet (100') measured from the point where the access strip joins the main body of the lot;

6. The flag lot access strip shall have minimum of twenty four feet (24') of frontage on a public street. No portion of the flag lot access strip shall measure less than twenty four feet (24') in width between the street right of way line and main body of the lot. A minimum sixteen foot (16') wide hard surfaced driveway shall be provided along the entire length of the access strip. A four foot (4') minimum landscape yard shall be provided on each side of the driveway (see illustration in part VI, chapter 21A.62 of this title);

7. Flag lots, including the access strip, shall be held in fee simple ownership;

8. The minimum lot area of a flag lot shall not be less than 1.5 times the minimum lot area of the applicable district. The lot area calculation excludes the lot access strip;

9. The minimum required side yard for a single story building on a flag lot is ten feet (10'). If any portion of the structure exceeds one story in height, all side yard setbacks shall meet the required rear yard setback of the underlying zoning district. The planning commission may increase the side or rear yard setback where there is a topographic change between lots;

10. Both the flag lot and any remnant property resulting from the creation of a flag lot (including existing buildings and structures) shall meet the minimum lot area, width, frontage, setback, parking and all other applicable zoning requirements of the underlying zoning district;

11. Any garage, whether attached to or detached from the main building, shall be located in the buildable area of the lot;

12. Accessory buildings other than garages may be located in the rear yard area, however, planning commission approval is required for any accessory building that requires a building permit;

13. A four foot (4') wide landscaped strip is required along both side property lines from the front to rear lot lines;

14. Reflective house numbers shall be posted at the front of the access strip;

15. In addition to any other provisions that may apply, the creation of a flag lot is considered a subdivision and shall be subject to applicable subdivision regulations and processes.

H. **Side Entry Buildings:** To provide for adequate air, light and separation between buildings, greater yard requirements are necessary for buildings whose principal means of entry is located along an interior side yard. For all such buildings, the side yard shall not be less than twelve feet (12'), eight feet (8') of which shall be devoted to landscape area.

I. **Front Facade Controls:** To maintain architectural harmony and primary orientation along the street, all buildings shall be required to include an entrance door, and such other features as windows, balconies, porches, and other such architectural features in the front facade of the building, totaling not less than ten percent (10%) of the front facade elevation area, excluding any area used for roof structures. For buildings constructed on a corner lot, only one front facade is required in either the front or corner side facade of the building.

1. Exceptions: Properties located in the FP zone are exempt from the front facade control requirement.

J. **Basement Structures:** All dwellings must have at least one full story aboveground. Residential structures built into a hillside with less than all elevations exposed may be approved through the site plan review process.

K. **Lighting:** On site lighting shall be located, directed or designed in such a manner as to contain and direct light and glare only to the property on which it is located.

L. **Parking And Loading:** All uses in the residential districts shall comply with the provisions governing off street parking in part IV, chapter 21A.44 of this title.

M. **Signs:** All uses in the residential districts shall comply with the provisions governing signs in part IV, chapter 21A.46 of this title.

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

O. **Landscaping and Revegetation:** Installation of all required landscaping shall begin no later than one (1) month after a Certificate of Occupancy; except that if a Certificate of Occupancy is issued between October 15 and the following April 1, installation of the landscaping shall begin no later than April 30. Landscaping shall be substantially completed within nine (9) months after a Certificate of Occupancy is issued.

P. **Special Foothills Regulations:** The FP foothills protection district, section 21A.32.040 of this part, and the FR-1/43,560, FR-2/21,780 and FR-3/12,000 districts shall be subject to the regulations of this subsection, other general provisions for residential districts, and the district regulations of each district.

1. Special Building Height Controls: Uses and buildings in the FR-1/43,560, FR-2/21,780, FR-3/12,000 and FP districts shall conform to the following special height regulations:

a. Building height for initial construction of a building in a foothill zone shall be measured as the vertical distance between the top of the roof and the established grade at any given point of building coverage. Building height for any subsequent structural modification or addition to a building shall be measured from finished grade existing at the time a building permit is

requested. Building height for foothills districts is defined and illustrated in part VI, chapter 21A.62 of this title.

b. In the FR-1 district, the maximum building height shall be thirty five feet (35'), except that the front and rear vertical building walls shall not exceed thirty one feet (31'). On a corner lot, roof gable ends which face onto either the front or corner side yard, but not both, are permitted to the height of thirty five feet (35').

c. In the FR-2, FR-3 and FP districts, the maximum building height shall be twenty eight feet (28'), except that the front and rear vertical building walls shall not exceed twenty five feet (25'). On a corner lot, roof gable ends which face onto either the front or corner side yard, but not both, are permitted to a height of twenty eight feet (28').

Where buildings are stepped to accommodate the slope of terrain, each step shall have a horizontal dimension of at least twelve feet (12').

d. All building heights for initial construction of a building in a foothill zone shall be measured from the established grade. Up to four feet (4') of fill (or 6 feet within the buildable area of the lot) may be added on top of the established grade in order to bring the exposed portion of the lower story of a single exterior wall of building into compliance with the definition of a basement when the majority of that lower level of that exterior wall already complies with this definition. The height of any subsequent structural modification or addition to a building shall be measured from the finished grade existing at the time a building permit is requested.

2. Height Special Exception: The board of adjustment, as a special exception to the height regulations of the applicable district, may approve a permit to exceed the maximum building height but shall not have the authority to grant additional stories. To grant a height special exception the board of adjustment must find the proposed plan:

a. Is a design better suited to the site than can be achieved by strict compliance to these regulations; and

b. Satisfies the following criteria:

i. The topography of the lot presents difficulties for construction when the foothill height limitations are applied,

ii. The structure has been designed for the topographic conditions existing on the particular lot, and

iii. The impact of additional height on neighboring properties has been identified and reasonably mitigated.

c. In making these considerations the board of adjustment can consider the size of the lot upon which the structure is proposed.



d. The burden of proof is upon the applicant to submit sufficient data to persuade the board of adjustment that the criteria have been satisfied.

e. The board of adjustment may deny an application for a height special exception if:

i. The architectural plans submitted are designed for structures on level, or nearly level ground, and the design is transposed to hillside lots requiring support foundations such that the structure exceeds the height limits of these regulations;

ii. The additional height can be reduced by modifying the design of the structure through the use of stepping or terracing or by altering the placement of the structure on the lot;

iii. The additional height will substantially impair the views from adjacent lots, and the impairment can be avoided by modification; or

iv. The proposal is not in keeping with the character of the neighborhood.

3. Design Regulations: The following design regulations shall also apply:

a. Exterior Building Colors: The exterior of any building or structure shall blend with the natural materials and predominant colors and hues of the surrounding foothills. Colors permitted include grays, browns, greens, tans and other earth tones. White or bright colors shall be limited to window casings, doors, eaves and other trim areas.

b. Exterior Building Glass: Windows and other glass surfaces shall have an outdoor visible light reflective value no more than eighteen percent (18%) as defined and measured by ASTM E308-90 or its successor.

c. Roof Materials And Colors: Roof colors shall be earth tones. White, bright and reflective materials are prohibited from roofs. Tile, slate, architectural asphalt shingles and fire retardant wood are permitted as roofing materials.

d. Mechanical Equipment: Mechanical equipment including, without limitation, swamp coolers, air conditioning equipment, heat pumps, vents, blowers and fans shall be screened from view or painted to match the building color adjacent to the equipment. Roof mounted mechanical equipment shall not extend above the highest roof ridgeline. Roof mounted solar collection panels need not be screened or painted so long as they are mounted parallel to and flush with the roof slope and do not project above the ridgeline of the roof segment upon which they are mounted. Except as provided in the foregoing sentence, solar collection panels shall not be mounted upon any roof.

4. Satellite Antennas: In addition to the regulations contained in part IV, chapter 21A.40 of this title, satellite antennas shall be painted nonreflective black or other dark earth tone colors.

5. Exterior Lighting: Floodlighting of buildings and structures is prohibited. Exterior lighting shall be architecturally integrated decorative lighting. Yard areas may be lit only with "directional" lighting and no direct light beam may impact any other property, except for security lights intended to be activated only at limited times as necessary for immediate security.

6. Grade Changes: No grading shall be permitted prior to the issuance of a building permit. The established grade of any lot shall not be raised or lowered more than four feet (4') at any point for the construction of any structure or improvement except:

a. Within the buildable area, established grade may be raised or lowered a maximum of six feet (6') by grading or retaining walls; and

b. As necessary to construct driveway access from the street to the garage or parking area grade changes and/or retaining walls up to six feet (6') from the established grade may be permitted.

7. Grading: Unauthorized grading and other surface disturbing activities are prohibited in all undevelopable areas within the lot or the subdivision. Prior to any grading or other surface disturbing activity on the property, the undevelopable areas shall be clearly delineated by temporary fencing or flagging. Any flagging stakes used to delineate undevelopable areas shall be a minimum of four feet (4') above grade and no more than ten feet (10') apart.

8. Retaining Walls: All cuts and fills in excess of two feet (2') shall be supported by retaining walls if required by the zoning administrator. Any stacking of rocks to create a rock wall in excess of a thirty percent (30%) slope, that is intended to retain soil, shall be considered a retaining wall. No retaining wall may exceed four feet (4') in height above the established grade except as provided in subsections O6a and O6b of this section. In a terrace of retaining walls, each four foot (4') vertical retaining wall must be separated by a minimum of three (3) horizontal feet, and any six foot (6') retaining wall must be separated from any other retaining wall by a minimum of five (5) horizontal feet. The horizontal area between terraced retaining walls shall be landscaped with vegetation. All retaining walls, in excess of four feet (4') in height shall be approved by an engineer licensed by the state, and the engineer's approval shall be consistent with the provisions of a geotechnical report. The zoning administrator may require an engineer's approval for retaining walls less than four feet (4') that there are sufficient risk factors, such as slope, soil stability, or proximity to structures on adjacent property.

9. Roads And Driveways: To ensure that private roads and driveways minimize impact on the natural landscape, plans for the design and improvement of roads and driveways shall be subject to review and approval by the city engineer and fire department as a condition of building permit issuance. Design standards and guidelines for private roads and driveways shall include the following:

a. Driveways which serve more than one parcel are encouraged as a method of reducing unnecessary grading, paving, and site disturbance. The drive approach for driveways which serve more than one parcel shall not exceed the standard widths for drive approaches as specified by the Salt Lake City transportation division.

b. Driveway approaches shall not be located within six feet (6') of any side property line. Exceptions may be considered by the development review team, based on the driveway slope and dimension, slope of the roadway or lot, location of existing drive approaches serving abutting properties, and proposed uses.

i. Driveway approaches shall maintain a twelve foot (12') separation from another drive approach. Drive approaches shall be located ten feet (10') from a corner property line or five feet (5') from the termination of a corner curb radius, whichever is greater. Drive approaches located along a designated right turn lane shall maintain a fifty foot (50') setback from the termination of a corner curb radius. Exceptions to those requirements may be approved by the development review team.

c. A driveway shall not exceed sixteen percent (16%) average slope with standard vertical curve transitions from the property line to a legal parking space.

i. The cross slope of driveways should not exceed four percent (4%).

d. Driveway approaches shall maintain a five foot (5') offset from power poles, fire hydrants, trees or any other roadside hazards. Exceptions to the requirement may be approved by the development review team.

e. Sight obstructions along driveways shall maintain a ten foot (10') wide by ten foot (10') deep sight distance triangle as noted in figure 21A.62.050I of this title. Obstructions in the required sight distance triangle shall generally not exceed thirty inches (30") in height. Exceptions may be approved by the development review team based upon location and type of material.

10. Fence Restrictions: Fences and walls shall only be constructed after first obtaining a building permit subject to the standards of this section.

a. Site Plan Submittal: As part of the site plan review process, a fencing plan shall be submitted which shall show:

i. Any specific subdivision approval conditions regarding fencing;

ii. Material specifications and illustrations necessary to determine compliance with specific approval limitation and the standards of this section.

b. Field Fencing Of Designated Undevelopable Areas: Fencing on areas identified as undevelopable areas or transitional areas on any subdivision granted preliminary approval by the planning commission after November 4, 1994, or any lot previously platted which identifies undevelopable areas or transitional areas shall be limited to the following standards unless subdivision approval granted prior to November 4, 1994, included specific fencing requirements which are more restrictive. The more restrictive requirement shall apply.

i. Low visibility see-through fencing shall consist of flat black colored steel "T" posts and not more than four (4) strands of nonbarbed steel wire, strung at even vertical spacing between such "T" post, and erected to a height of not more than forty two inches (42") above the natural ground surface.

ii. When fencing lot boundary lines, vegetation or native brush shall not be cleared so as to create a visible demarcation form off site.

iii. The existing surface of the ground shall not be changed by grading activities when erecting boundary fences.

iv. Fence materials and designs must not create a hazard for big game wildlife species.

v. No field fencing shall be erected in conflict with pedestrian easements dedicated to Salt Lake City.

c. Buildable Area Fencing: Fencing on any portion of a lot identified as buildable area or required side yard on any subdivision granted preliminary approval by the planning commission after November 4, 1994, or any lot previously platted which identifies undevelopable area or transitional areas shall be limited to the following standards unless subdivision approval granted prior to November 4, 1994, includes specific fencing requirements which are more restrictive. The more restrictive requirement shall apply.

i. Open, see-through fencing constructed of tubular steel, wrought iron or similar materials, finished with a flat black, nonreflective finish constructed to a height of six feet (6') or less; or

ii. Sight obscuring or privacy type fencing shall be of earth tone colors, or similar materials to the primary dwelling, and located in a way which screens private outdoor living spaces from off site view.

d. Front Yard Fencing: Walls and fences located within the front yards and along roadways shall not exceed a maximum of forty two inches (42") in height.

11. Utilities: To the maximum extent practical, all utilities shall be placed within existing road rights of way and front yard setbacks. For lots platted after September 4, 1992, all water, sewer, electrical, telephone, cable television and other utilities shall be placed underground, except that transformers, pedestals and other appurtenances which are normally located aboveground in connection with the underground installations are permitted. All areas disturbed by the installation of underground utilities shall be revegetated in conformance with the regulations of this subsection, and part IV, chapter 21A.48 of this title. Temporary or emergency utilities may be erected and maintained aboveground for no more than four (4) months.

12. Landscaping And Revegetation: Installation of all required landscaping shall begin no later than one month after a certificate of occupancy; except that if the certificate of occupancy is issued between October 15 and the following April 1, installation of the landscaping shall begin no later than April 30. Landscaping shall be substantially completed within nine (9) months after a certificate of occupancy is issued. Landscaping shall conform to the requirements of part IV, chapter 21A.48 of this title, and shall also conform to the following requirements:

a. Front Yards And Side Yards: Front yards, corner side yards and interior side yards shall be completely landscaped except for driveways, walkways and patios/decks.

b. Disturbed Areas: All other areas disturbed during construction shall be either landscaped or revegetated to a natural state.

c. Undevelopable Areas: Lawns or gardens are prohibited in the undevelopable areas. Native and drought tolerant plant species established in undevelopable areas may be enhanced by irrigation and supplemental planting as approved by the zoning administrator, provided the zoning administrator finds that such supplemental planting is in keeping with the natural conditions.

13. Applicability To Existing Buildings And Structures: Colors and building materials on existing structures may be maintained and/or repaired with materials and colors similar to those existing before the enactment of this title. Such colors and materials may only be modified to bring them into closer compliance with subsection O3 of this section. The provisions of this subsection shall apply to additions to existing buildings and structures within the FR-1/43,560, FR-2/21,780, FR-3/12,000 and FP districts. Additions after April 12, 1995, to buildings and structures existing prior to April 12, 1995, shall conform to all provisions of this subsection, except that building colors and materials may match the original building or structure.

QP. **Restrictions On Community Gardens:** Community gardens, as specified in section 21A.24.190, "Table Of Permitted And Conditional Uses For Residential Districts", of this chapter, shall conform to the following regulations:

1. The required front yard shall be maintained as a landscape yard consistent with that of residential property in the neighborhood.
- 2.

RQ. **Accessory Storage:** Unless otherwise specified, all accessory storage in residential districts shall be located within enclosed buildings. Firewood and the temporary storage of materials for construction activity in progress on the premises shall be excepted. Ordinary household recycling storage and household garbage container storage is also permitted outdoors. RV parking and storage shall conform to subsection 21A.44.020K of this title.

SR. **Public Utilities In Residential Districts:**

1. Conditional Use Required: Where not otherwise authorized by this title and after conditional use approval by the planning commission pursuant to part V, chapter 21A.54 of this title, land in

a residential district may be used for a public utility building, electrical substation, or radio or television relay station, including necessary towers, and other similar public utilities; provided, that in all such cases the planning commission finds that:

- a. It is essential in order to provide the area with adequate electrical, gas, telephone, television or radio service;
- b. Due to certain peculiar conditions, the facility could not be located outside the residentially zoned district and properly serve the city;
- c. The building and site are designed to conform to the residential character of the district;
- d. All yard spaces as required for permitted uses in the district are provided;
- e. Adequate screening is provided by landscaping and fencing where the facility is not within a building;
- f. Such other conditions are met as may be deemed necessary by the planning commission to protect the character of the residential district.

2. Prohibited Uses: The planning commission shall not permit a privately owned or operated commercial radio or television tower or station in any residential district.

**TS. Nonresidential Uses Of Landmark Sites In Residential Districts:**

1. Purpose Statement: The purpose of allowing a nonresidential use of a landmark site in a residential district is to preserve landmark sites as defined in subsection 21A.34.020B4 of this part. In some instances these sites have outlived their original use as a residential dwelling due to economic conditions, size of the structure, and/or a substantial degree of deterioration of the historic property. Such sites, however, still contribute to the welfare, property and education of the people of Salt Lake City because of their historic, architectural or cultural significance. The planning commission shall consider the allowance of a nonresidential use of a landmark site in a residential district according to the standards outlined in subsection S2b of this section and pursuant to part V, chapter 21A.54 of this title, in order to ensure that the residential character of the surrounding environment is preserved.

2. Conditional Use Required: Where authorized by this title as shown in section 21A.24.190, "Table Of Permitted And Conditional Uses For Residential Districts", of this chapter, landmark sites in any residential district may be used for certain nonresidential uses.

a. Uses: Nonresidential uses which may be allowed include:

- i. Bed and breakfast establishments;

ii. Offices;

iii. Reception centers; and

iv. House museums.

b. Standards: In addition to section 21A.54.080, "Standards For Conditional Uses", of this title, the planning commission shall find the following:

i. The structure is designated as a landmark site on the Salt Lake City Register of Cultural Resources. The designation process must be completed prior to the city accepting a conditional use application for the structure unless the planning director determines that it is in the best interest of the city to process the designation and conditional use applications together because of the risk of probable demolition;

ii. The use is conducive to the preservation of the landmark site;

iii. The use is compatible with the surrounding residential neighborhood;

iv. The use does not result in the removal of residential characteristics of the structure or site including mature landscaping;

v. The change in use from residential to nonresidential is necessary due to one of the following:

(A) Probable demolition of the landmark site;

(B) Economic hardship as provided in subsection 21A.34.020K of this part; or

(C) Excessive size of the landmark site for residential uses allowed in the residential district;

vi. The proposed use will not have a material net cumulative adverse impact on the neighborhood or the city as a whole by considering the following:

(A) The spatial distribution of:

(1) Business licenses issued for properties located within three hundred feet (300') of any property line and the block frontage on both sides of the street between one hundred (100) series addresses; and

(2) Previously approved conditional uses for nonresidential uses in landmark sites within the same planning community, as shown on a map of planning communities maintained by the zoning administrator.

(B) Impacts on neighboring properties including, but not limited to:

(1) Traffic;

(2) Parking;

(3) Signage;

(4) Lighting;

(5) Removal of landscaping; and

(6) For the purposes of evaluating subsections S2bvi(B)(1)-S2bvi(B)(5) of this section, professionally prepared impact studies shall not be required unless specifically requested by the zoning administrator.

c. Condition Of Approval: A preservation easement in favor of the city shall be placed upon the landmark site.

| UF. Dwelling Unit Occupancy: A dwelling unit may not be occupied by more than one "family" as defined in chapter 21A.62 of this title.

| VU. **Residential Building Foundation Standard:** Each dwelling shall have poured concrete footings, the top of which must be placed below the applicable frost line. Except as otherwise authorized by the planning director and the chief building official in foothill districts, each dwelling shall have a site built concrete or masonry foundation/perimeter skirting constructed around the entire perimeter with interior supports as necessary to meet applicable building codes and adopted seismic loading requirements. The dwelling shall be permanently tied to the foundation system in accordance with applicable building codes and adequately weatherproofed.

| WV. **Entrance Landing:** At each exit door, there must be a concrete or wood landing that is a minimum of thirty six inches by thirty six inches (36" x 36"), constructed to meet the minimum requirements of the uniform building code with adequate foundation support and permanent attachment to the building.

| XW. **Compliance With Noise Regulations Required:** Any construction work in residential zoning districts shall comply with section 9.28.040, "Noises Prohibited", of this code.

SECTION 8. **Effective Date:** This Ordinance shall become effective on the date of its first publication.



SECTION 8. **Effective Date:** This Ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. \_\_\_\_\_ of 2007.  
Published: \_\_\_\_\_.

APPROVED AS TO FORM AND CONTENT  
Salt Lake City Attorney's Office  
Date June 5, 2007  
By Melanie Keif

**5. STAFF REPORT FOR THE SEPTEMBER 27, 2006 PLANNING  
COMMISSION MEETING**

**DATE:** September 27, 2006

**TO:** Salt Lake City Planning Commission

**FROM:** Kevin LoPiccolo, Zoning Administrator at 535-6003 or  
kevin.lopiccolo@slcgov.com

**RE:** Petition 400-06-22, a text amendment request to the Salt Lake City Zoning Ordinance clarifying the landscape ordinance and landscape bond requirements in all zoning districts.

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**PETITION NUMBER:** 400-06-22

**APPLICANT:** Salt Lake City Corporation

**STATUS OF APPLICANT:** Salt Lake City Corporation

**PROJECT LOCATION:** This zoning ordinance text change will specify the minimum amount of required landscaping for the front and corner side yards. The proposed text amendment will address bonding requirements when the required landscaping is not completed for multi-family dwellings and commercial development.

**COUNCIL DISTRICT:** All Council Districts

**REQUESTED ACTION:** Salt Lake City Zoning Ordinance, Chapter 21A.24.010N, Front and Corner Side Yard Landscaping, requires front and corner side yards be maintained as landscape yards. In addition, all uses in residential districts shall comply with provisions governing landscaping in part IV, Chapter 21A.48, Landscape & Buffers.

Chapter 21A.48.090, Landscape yards is described as yards devoted exclusively to landscaping except, however, driveways and sidewalks needed to serve the use and buildings on the lot may be located within a required landscape yard. No specific improvements are required within landscape yards, except that all landscaping areas not planted with trees and shrubs shall be maintained in turf or other approved groundcover.

In response to better clarify the city's landscaping requirements for all zoning districts, front and corner yard areas (rear and interior yard not included); staff is proposing the following minimum landscape requirements:

- Front and Corner side yard landscape standards shall be at least 1/3 of yard(s) area be devoted to vegetation. Vegetation may include turf grass, planting beds, i.e., annuals or perennial flowering plants or shrubs. The remaining 2/3 of the yard(s) area may include organic mulch, gravel, rocks and boulders.
- Staff is requesting that landscaping installation of all required landscaping shall begin no later than one month after a Certificate of Occupancy; except that if a Certificate of Occupancy is issued between October 15 and the following April 1, installation of the

landscaping shall begin not later than April 30. Landscaping shall be substantially completed within nine (9) months after Certificate of Occupancy is issued.

- For multi-family and commercial projects, bonding may be the appropriate method to achieve landscaping if the developer/contractor fails to install the required landscaping. The recommendation is that multi-family and commercial development has a bonding requirement for the total contract amount of the required landscaping.

**PROPOSED ZONING TEXT AMENDMENT:**

Sections 21A.48.090, 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. No specific improvements are required within landscape yards, except that all landscape areas not planted with trees shall be at least 1/3 vegetation, shall include turf grasses, annuals or perennial flowering plants. The remaining 2/3 of the yard area may include organic mulch, gravel, rocks and boulders. This section would incorporate landscape requirements for multi-family dwellings and commercial developments and require that a developer/contractor shall be required to post a bond for the total contract amount for the required landscaping.

**APPLICABLE LAND USE REGULATIONS:**

The proposed text amendment would amend Chapter 21A.48.090, 21A.24.010N, Table 21A.48.070G and 21A.48.080 in the Salt Lake City Zoning Ordinance.

**MASTER PLAN SPECIFICATIONS:**

The Salt Lake City Vision and Strategic Plan applies to this proposed text amendment. Section 1.0 through 4.0, of the City Vision and Strategic Plan Final report encourages environmental consciousness that promotes conservation of natural resources.

**COMMENTS:**

The following applicable City agencies were contacted regarding the proposed text amendment. The following is a summary of the comments/concerns received by the Planning Division:

**Transportation:** Transportation Division did not see any traffic related issues for the proposed use in the general provisions for this use designation are not altered in that all parking staging and maneuvering areas are maintained in compliance with general city transportation standards.

**Public Utilities:** Public Utilities is in support of the proposed changes.

**Building Services:** Building Services did not object to the proposed text amendment.

**Police Department:** The Police Department did not express opposition to the proposed text change.

**Salt Lake City Engineering:** Salt Lake City Engineering did not respond to request.

**Fire Department:** The Fire Department did not respond to request.

**Zoning Enforcement:** Zoning Enforcement Division supports request.

**Community Council(s):** The Planning Division held an Open House for Community Councils and interested parties on August 1, 2006. Only City staff attended. Planning Division Staff did

not receive any comments from any of the respective Community Councils on the proposed text change.

#### **ANALYSIS:**

The purpose of this amendment is to revise the Zoning Ordinance to help clarify the city's landscape requirements. It has been the policy of the city that landscape yards be applied exclusively to turf or an approved groundcover. This policy has become somewhat problematic to apply because many property owners do not want to install their entire front and corner yards with turf, trees or shrubs, but would like to promote water conservation methods and drought tolerant vegetation.

Landscape requirements are generally intended to foster aesthetically pleasing developments, which will protect and preserve the appearance, character, health, safety and welfare of the community. Landscape regulations are also intended to preserve, enhance and expand the urban forest and promote the prudent use of water and energy resources.

#### **CODE CRITERIA / DISCUSSION / FINDINGS**

Since the proposed text amendment request is a modification of the zoning text, the Planning Commission shall review the proposed text change and forward a recommendation to the City Council. The Planning Commission shall use the following standards:

#### **21A.50.050 Standards for general amendments.**

- A. Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.**

**Discussion:** The proposed text amendment is consistent with the Salt Lake City Vision and Strategic Plan, stating that the City seeks to exhibit a high level of environmental consciousness that promotes conservation of natural resources as found on pages 6-9.

**Findings:** The proposed text change is consistent with Salt Lake City Strategic Plan policies.

- B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property.**

**Discussion:** The text amendment is intended to clarify the city's landscape requirements for all zoning districts for front and corner side yards.

**Findings:** The proposed text amendment meets this standard.

- C. The extent to which the proposed amendment will adversely affect adjacent properties.**

**Discussion:** The proposed text amendment will encourage the promotion of water conservation methods and drought tolerant vegetation.

**Findings:** The proposed text amendment will not adversely impact adjacent properties.

- D. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.**

**Discussion:** The proposed text amendment is city-wide and applies to all zoning districts.

**Findings:** The proposed text amendment meets this standard.

- E. **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, storm water drainage systems, water supplies, and waste water and refuse collection.**

**Discussion:** The proposal applies to all zoning districts.

**Findings:** All pertinent City Departments will review any request through the permit process to ensure adequacy of public facilities and a services.

The proposed text amendment meets the general intent of the respective zoning districts, and does not materially harm any of the zoning districts.

**RECOMMENDATION:** The Planning Division recommends that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed text amendment, as reflected in the Staff Report and Exhibit 1.

**Exhibits:**

Exhibit 1 – Proposed Draft Ordinance

Exhibit 2 – Memorandum & Open House Notification

Kevin LoPiccolo  
Zoning Administrator  
September 27, 2006

Chapter 21A.24  
RESIDENTIAL DISTRICTS

21A.24.010 **General Provisions:**

- A. **Statement Of Intent:** The residential districts are intended to provide a range of housing choices to meet the needs of Salt Lake City's citizens, to offer a balance of housing types and densities, to preserve and maintain the city's neighborhoods as safe and convenient places to live, to promote the harmonious development of residential communities, to ensure compatible in fill development, and to help implement adopted plans.
- B. **Site Plan Review:** In certain districts, permitted uses and conditional uses have the potential for adverse impacts if located and laid out without careful planning. Such impacts may interfere with the use and enjoyment of adjacent property and uses. Site plan review is a process designed to address such adverse impacts and minimize them where possible. Site plan review is not required for single-family, two-family and twin home dwellings unless they are approved as a conditional use. All other uses shall be subject to the site plan review regulations contained in part V, chapter 21A.58 of this title.
- C. **Permitted Uses:** The uses specified as permitted uses, in the table of permitted and conditional uses for residential districts found at section 21A.24.190 of this chapter, are permitted provided that they comply with all requirements of this chapter, the general standards set forth in part IV of this title and all other applicable requirements of this title.
- D. **Conditional Uses:** The uses specified as conditional uses in the table of permitted and conditional uses for residential districts found at section 21A.24.190 of this chapter shall be allowed provided they are approved pursuant to the standards and procedures for conditional uses set forth in part V, chapter 21A.54 of this title, and comply with all other applicable requirements of this title.
- E. **Obnoxious Or Offensive Uses:** No use of land shall be permitted which is obnoxious or offensive by reason of odor, dust, smoke, vapors, noise, light, vibration or refuse matter.
- F. **Accessory Lots, Accessory Uses, Buildings And Structures:** Accessory lots, accessory uses, buildings and structures are allowed in the residential districts subject to the requirements of this chapter, table 21A.36.020B, section 21A.36.030 of this title, and the provisions of part IV, chapter 21A.40 of this title.
- G. **Flag Lots In Residential Districts:** Flag lots are a permitted use only as part of a new subdivision in the FP, FR-1, FR-2 and FR-3 districts. Flag lots in all other residential districts, unless being approved through the planned development process, may be allowed as a conditional use pursuant to part V, chapter 21A.54 of this title, provided that the planning commission finds the flag lot proposal to be compatible with the existing pattern of property development of the surrounding area. The planning commission shall also make findings on the standards listed in subsections G1 through G14 of this section:

1. In residential districts other than new subdivisions in the FP, FR-1, FR-2, FR-3 districts, flag lots shall be approved only when one flag lot is proposed at the rear of an existing lot, unless being approved through the planned development process;
2. Flag lots shall be used exclusively to provide lots for single-family residential dwellings;
3. All lot and yard requirements applicable to flag lots shall apply to the main body of the flag lot. For flag lots, the front yard shall begin at the point where the access strip joins the main body of the lot;
4. Except for the special provisions contained in this subsection G, the creation of a flag lot shall not result in a violation of required lot area, lot width, yards or other applicable provisions of this title;
5. Flag lots shall have a minimum lot depth of one hundred feet (100') measured from the point where the access strip joins the main body of the lot;
6. The flag lot access strip shall have minimum of twenty four feet (24') of frontage on a public street. No portion of the flag lot access strip shall measure less than twenty four feet (24') in width between the street right of way line and main body of the lot. A minimum sixteen foot (16') wide hard surfaced driveway shall be provided along the entire length of the access strip. A four foot (4') minimum landscape yard shall be provided on each side of the driveway (see illustration in part VI, chapter 21A.62 of this title);
7. Flag lots, including the access strip, shall be held in fee simple ownership;
8. The minimum lot area of a flag lot shall not be less than 1.5 times the minimum lot area of the applicable district. The lot area calculation excludes the lot access strip;
9. The minimum required side yard for a single story building on a flag lot is ten feet (10'). If any portion of the structure exceeds one story in height, all side yard setbacks shall meet the required rear yard setback of the underlying zoning district. The planning commission may increase the side or rear yard setback where there is a topographic change between lots;
10. Both the flag lot and any remnant property resulting from the creation of a flag lot (including existing buildings and structures) shall meet the minimum lot area, width, frontage, setback, parking and all other applicable zoning requirements of the underlying zoning district;
11. Any garage, whether attached to or detached from the main building, shall be located in the buildable area of the lot;
12. Accessory buildings other than garages may be located in the rear yard area, however, planning commission approval is required for any accessory building that requires a building permit;
13. A four foot (4') wide landscaped strip is required along both side property lines from the front to rear lot lines;
14. Reflective house numbers shall be posted at the front of the access strip;
15. In addition to any other provisions that may apply, the creation of a flag lot is considered a subdivision and shall be subject to applicable subdivision regulations and processes.



H. **Side Entry Buildings:** To provide for adequate air, light and separation between buildings, greater yard requirements are necessary for buildings whose principal means of entry is located along an interior side yard. For all such buildings, the side yard shall not be less than twelve feet (12'), eight feet (8') of which shall be devoted to landscape area.

I. **Front Facade Controls:** To maintain architectural harmony and primary orientation along the street, all buildings shall be required to include an entrance door, and such other features as windows, balconies, porches, and other such architectural features in the front facade of the building, totaling not less than ten percent (10%) of the front facade elevation area, excluding any area used for roof structures. For buildings constructed on a corner lot, only one front facade is required in either the front or corner side facade of the building.

1. Exceptions: Properties located in the FP zone are exempt from the front facade control requirement.

J. **Basement Structures:** All dwellings must have at least one full story aboveground. Residential structures built into a hillside with less than all elevations exposed may be approved through the site plan review process.

K. **Lighting:** On site lighting shall be located, directed or designed in such a manner as to contain and direct light and glare only to the property on which it is located.

L. **Parking And Loading:** All uses in the residential districts shall comply with the provisions governing off street parking in part IV, chapter 21A.44 of this title.

M. **Signs:** All uses in the residential districts shall comply with the provisions governing signs in part IV, chapter 21A.46 of this title.

N. **Front And Corner Side Yard Landscaping:** All required front and corner yards should be maintained as landscape yards. In addition, all uses in residential districts shall comply with the provisions governing landscaping in part IV, chapter 21A.48.090 of this title.

O. **Landscaping and Revegetation:** Installation of all required landscaping shall begin no later than one month after a Certificate of Occupancy; except that if a Certificate of Occupancy is issued between October 15 and the following April 1, installation of the landscaping shall begin not later than April 30. Landscaping shall be substantially completed within nine (9) months after a Certificate of Occupancy is issued.

Q. P. **Special Foothills Regulations:** The FP foothills protection district, section 21A.32.040 of this part, and the FR-1/43,560, FR-2/21,780 and FR-3/12,000 districts shall be subject to the regulations of this subsection, other general provisions for residential districts, and the district regulations of each district.

1. **Special Building Height Controls:** Uses and buildings in the FR-1/43,560, FR-2/21,780, FR-3/12,000 and FP districts shall conform to the following special height regulations:

Chapter 21A.48  
LANDSCAPING AND BUFFERS

**21A.48.010 Purpose Statement:**

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

**21A.48.020 Enforcement Of Landscape Requirements:**

Wherever the submission and approval of a landscape plan is required by this title, such landscape plan shall be an integral part of any application for a building permit and occupancy permit. No permit shall be issued without city approval of a landscape plan as required herein. The requirements of this chapter may be modified by the zoning administrator, on a case by case basis, in response to input from the city police department regarding the effects of required landscaping on crime prevention. (Ord. 88-95 § 1 (Exh. A), 1995; Ord. 26-95 § 2(24-2), 1995)

**21A.48.030 Landscape Plan:**

A. **Landscape Plan Required:** A landscape plan shall be required whenever landscaping or alteration of landscaping is required by this title. Such landscape plan shall be drawn in conformance with the requirements specified in this chapter. Landscape plans must be approved by the zoning administrator prior to the issuance of a building permit. Landscape plans for planned developments or conditional uses, or other uses requiring site plan review approval shall be reviewed and approved by the development review team. The construction of detached single-family residences and two-family residences shall be exempt from this landscape plan requirement, except for dwellings in the FP, FR-1 and FR-2 districts, which shall conform to the requirements of this chapter.

B. **Content Of Landscape Plan:** All landscape plans submitted for approval shall contain the following information, unless specifically waived by the zoning administrator:

1. The location and dimensions of all existing and proposed structures, property lines, easements, parking lots and drives, roadways and rights of way, sidewalks, bicycle paths, ground signs, refuse disposal and recycling areas, bicycle parking areas, fences, freestanding electrical equipment, tot lots and other recreational facilities, and other freestanding structural features as determined necessary by the zoning administrator;
2. The location, quantity, size and name, both botanical and common names, of all proposed plants;
3. The location, size and common names, of all existing plants including trees and other plants in the parkway, and indicating plants to be retained and removed;

4. The location of existing buildings, structures and plants on adjacent property within twenty feet of the site, as determined necessary by the zoning administrator;
5. Existing and proposed grading of the site indicating contours at two-foot intervals. Proposed berming shall be indicated using one-foot contour intervals;
6. Elevations of all fences and retaining walls proposed for location on the site;
7. Elevations, cross-sections and other details as determined necessary by the zoning administrator;
8. Water efficient irrigation system (separate plan required);
9. Summary data indicating the area of the site in the following classifications:
  - a. Total area and percentage of the site in landscape area,
  - b. Total area and percentage of the site in domestic turf grasses, and
  - c. Total area and percentage of the site in drought-tolerant plant species. (Ord. 88-95 § 1 (Exh. A)(part), 1995; Ord. 26-95 § 2(24-3), 1995)

#### **21A.48.040 Selection, installation and maintenance of plant materials.**

A. **Selection.** Plants used in conformance with the provisions of this chapter shall be of good quality, and capable of withstanding the extremes of individual site microclimates. Size and density of plants both at the time of planting and at maturity, are additional criteria which shall be considered by the zoning administrator when approving plants. The use of drought-tolerant plants is preferred when appropriate to site conditions.

B. **Installation.** All landscaping shall be installed in accordance with the current planting procedures established by the American Association of Nurserymen. The installation of all plants required by this chapter may be delayed until the next optimal planting season, as determined by the zoning administrator.

C. **Maintenance.**

1. **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.

2. **Landscaping Materials.** All landscaping materials shall be maintained in good condition so as to present a healthy, neat and orderly appearance, and plants not in this condition shall be replaced when necessary and shall be kept free of refuse and debris.

3. **Fences, Walls and Hedges.** Fences, walls and hedges shall be maintained in good repair.

4. **Irrigation Systems.** Irrigation systems shall be maintained in good operating condition to promote the conservation of water. (Ord. 88-95 § 1 (Exh. A)(part), 1995; Ord. 26-95 § 2(24-4), 1995)

#### **21A.48.050 Design standards and guidelines.**

Landscape plans shall be prepared based on the following design standards and guidelines. Design standards are numerically measurable design requirements that can be definitively evaluated for compliance. Design guidelines are not precisely measurable, but compliance can be determined through the evaluation process of landscape plan review. The evaluation and approval of landscape plans shall be based on compliance with both the design standards and guidelines.

A. **Design Standards at Time of Planting.**

1. **Deciduous Trees.** All deciduous trees shall have a minimum trunk size of two inches in caliper, unless otherwise specified.
2. **Evergreen Trees.** All evergreen trees shall have a minimum size of five feet in height, unless otherwise specified.
3. **Ornamental Trees.** All ornamental trees shall have a minimum trunk size of one and one-half inches in caliper, unless otherwise specified.
4. **Shrubs.** All shrubs shall have a minimum height or spread of eighteen inches depending on the plant's natural growth habit, unless otherwise specified. Plants in five-gallon containers will generally comply with this standard.
5. **Drought-Tolerant Species.** Site conditions in Salt Lake City are generally arid, and the selection of plant species suited to dry conditions is appropriate. To promote water conservation, not less than eighty percent of the trees and eighty percent of the shrubs used on a site shall be drought-tolerant species that can withstand dry conditions once established. The city has compiled a list titled "Water Conserving Plants for Salt Lake City," that may be locally available.
6. **Existing Street Trees.** The removal of trees within the street right-of-way is prohibited without the approval of the zoning administrator in consultation with the urban forester.

B. **Design Guidelines.**

1. **Scale and Nature of Landscaping Material.** The scale and nature of landscaping materials shall be appropriate to the size of the structures. Large scaled buildings, for example, should generally be complemented by larger scaled plants.
2. **Selection of Plants.** Plants shall be selected for form, texture, color, pattern of growth and adaptability to local conditions.
3. **Evergreens.** Evergreens should be incorporated into the landscape treatment of a site, particularly in those areas where screening and buffer is required.
4. **Softening of Walls and Fences.** Plants shall be placed intermittently against long expanses of building walls, fences, and other barriers to create a softening effect.
5. **Planting Beds.** Planting beds may be mulched with bark chips, decorative stone, or similar materials. Mulch shall not be used as a substitute for plants.
6. **Detention/Retention Basins and Ponds.** Detention/retention basins and ponds shall be landscaped. Such landscaping may include shade and ornamental trees, evergreens, shrubbery, hedges, turf, groundcover and/or other plant materials.
7. **Water Conservation.** Landscape design pursuant to the requirements of this chapter must recognize the climatic limitations of the Salt Lake City area and the need for water conservation. While irrigation systems are required for certain landscape areas, and may be desirable for other applications, all irrigation systems shall be designed for efficient use of water.
8. **Domestic Turf Grasses.** Domestic turf grasses should be used in areas with less than a fifty percent slope to prevent the runoff of irrigation water.
9. **Energy Conservation.** Plant placement shall be designed to reduce the energy consumption needs of the development.
  - a. Deciduous trees should be placed on the south and west sides of buildings to provide shade from the summer sun.

b. Evergreens and other plant materials should be concentrated on the north side of buildings to dissipate the effect of winter winds.

10. **Preservation of Existing Plants.** Existing plants should be incorporated into the landscape treatment of a site as required herein or as required by the site plan review process found in Part V, Chapter 21A.58, Site Plan Review. Trees in the public right-of-way shall not be removed without the approval of the zoning administrator and urban forester.

11. **Berming.** Earthen berms and existing topographic features should be, whenever determined practical by the zoning administrator, incorporated into the landscape treatment of a site, particularly when combined with plant material to facilitate screening. (Ord. 88-95 § 1 (Exh. A)(part), 1995; Ord. 26-95 § 2(24-5), 1995)

#### **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 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 groundcover, annuals, perennials, shrubs and trees to keep them in a healthy condition.

**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.

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.

**E. Park Strip Ground Surface Treatment:**

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

2. **Annual Or Perennial Flowering Plants:** If the entire park strip is planted with annual or perennial flowering plants, it shall be the property owner's responsibility to ensure that erosion does not deposit soil or other material on sidewalks or in the street.

3. **Organic Mulch:** Materials such as bark, shredded plant material, and compost, may be used as water-conserving mulch for plants and may also be used as the only material in portions of a park strip.

4. **Gravel, Rocks, And Boulders:** Gravel, rocks, and boulders, may be used on portions of the park strip. Large diameter rocks and boulders shall be kept a minimum of eighteen inches (18") away from existing street trees. Organic mulch or gravel, as approved by the Urban Forester, shall be used near existing street trees.

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

a. **Paving Materials Near Existing Street Trees:** Poured concrete shall not be placed in any park strip with existing street trees. Other paving materials shall be kept a minimum of eighteen inches (18") away from existing street trees. Organic mulch or gravel, as approved by the Urban Forester, shall be used near existing street trees.

b. **Twenty Four Inch Wide Park Strips:** Except as specified above, any paving material may be used in one hundred percent (100%) of a park strip that is twenty four inches (24") or less in width. If poured concrete is used, it shall be finished with a stamped pattern resembling brick or natural stone or scored with another decorative pattern to distinguish it from the adjacent sidewalk.

c. **Thirty Six Inch Wide Park Strips:** In park strips that are thirty six inches (36") or less in width, brick pavers, concrete pavers, or natural stone pavers may be used in one hundred percent (100%) of the surface area. Poured concrete shall not be used except for carriageways as outlined below. The use of plants in combination with paving materials is encouraged.

d. **Park Strips Over Thirty Six Inches Wide:** In park strips over thirty six inches (36") in width, the combination of all paving materials, gravel, rocks, and boulders shall not exceed sixty seven percent (67%) of the total park strip surface area. Poured concrete shall not be used except for carriageways as outlined below.

6. **Carriageways:** In order to provide for safe and convenient access across park strips to and from vehicles that may park at the curb, carriageways (walkways between the curb and sidewalk) through planted area are encouraged. The material of carriageways may be poured concrete, concrete pavers, brick pavers, or flat, natural stone paving materials such as flagstone or a combination of these materials. If poured concrete is used, the carriageway shall be not more than four feet (4') in width and shall be located so as to provide the most direct route from the curb to the sidewalk. The area of carriageways shall be included in calculating the percentage of inorganic material in the park strip.

7. **Prohibited Materials:** Materials prohibited in park strips referenced 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), groundcover 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:

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. **Continuous Plantings Of Groundcover And Shrubs Which Exceed Eighteen Inches In Height At Maturity:** Continuous plantings of groundcover and shrubs 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, and limit access to the sidewalk from vehicles parked adjacent to the park strip.

d. **Retaining Walls, Fences, Steps, And Other Similar Structural Encroachments:** Retaining walls, fences, steps, and other similar structural encroachments in park strips are prohibited unless they are specifically approved through the City revocable permit and review process (not an automatic approval). These structural encroachments are generally prohibited because they limit 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.

e. **Plants And Objects Within Sight Distance Areas:** Except for street trees, no plant, boulder, monument, or other object which is over eighteen inches (18") in height shall be planted or located within sight distance areas.

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.

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 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.

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. Poured concrete shall not be used in park strips which contain existing street trees.

Table 21A.48.060

**PARK STRIP DESIGN STANDARDS:**

Table 21A.48.060

**PARK STRIP DESIGN STANDARDS**

Park Strip Materials	Standards
Turf	Permitted on slopes less than 3:1 (3 feet horizontal to 1 foot vertical).
Evergreen groundcover	Permitted – less than 18 inches in height at maturity.
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. Shrubs shall not be planted at a spacing that would result in a visual barrier between the street and sidewalk (See subsection F of this Section).
Trees	Permitted – see subsection D of this Section
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.
Carriageways providing access to street	Permitted – carriageways not to exceed 4 feet wide if they are poured concrete.
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.
Inorganic materials including pervious materials (gravel, stone, and boulders) or paving materials (limited to brick, concrete, or natural stone pavers)	<p>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.</p> <p>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.</p> <p>Paving materials shall be kept a minimum of 18 inches away from existing street trees.</p>
Water	Sufficient water shall be provided to keep all plants in a healthy condition.
Prohibited materials	<ul style="list-style-type: none"> <li>Asphalt</li> <li>Poured concrete, except in park strips under 24 inches in width or for carriageways less than 4 feet in width. 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 in another decorative pattern to distinguish it from the adjacent sidewalk.</li> <li>Thorn-bearing plants.</li> <li>Structural encroachments.</li> <li>Plants (except trees), boulders, and other objects over 18 inches in height in sight distance areas.</li> <li>The total coverage of all organic mulch and inorganic material used without plants shall not exceed 67 percent of the park strip surface area.</li> </ul>

**F. Clarifying Provisions For Table 21A.48.060:**

1. **Groundcover:** "Groundcovers" are defined as any perennial evergreen plant species that does not exceed eighteen inches (18") 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.

3. **Annual Flowering Plants:** Annual flowering plants are flowering plants which have a life span of only one growing season outdoors.

4. **Shrubs:** Shrubs are generally long-lived woody plants that may be either evergreen or deciduous. They differ from groundcovers in that they are generally over eighteen inches (18") 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 inches (18") in height above grade. (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)

**21A.48.070 Parking Lot Or Vehicle Sales Or Lease Lots Landscaping:**

A. **Applicability:** All hard surfaced parking lots or hard surfaced vehicle sales or lease lots, for passenger cars and light trucks, with fifteen (15) or more parking spaces shall provide landscaping in accordance with the provisions of this section. Smaller parking lots shall not be required to provide landscaping other than yard area landscaping and landscaped buffer requirements as specified in other sections of this title.

**B. Interior Parking Lot And Vehicle Sales Or Lease Lots Landscaping:**

1. **Area Required:** Not less than five percent (5%) of the interior of a parking lot or vehicle sales or lease lots shall be devoted to landscaping. Landscaping areas located along the perimeter of a parking lot or vehicle sales or lease lots beyond the curb or edge of pavement of the lot shall not be included toward satisfying this requirement.

2. **Landscaped Areas:** The landscaped areas defined in subsection B1 of this section shall be improved in conformance with the following:

a. **Dispersion:** Interior parking lot or vehicle sales or lease lots landscaping areas shall be dispersed throughout the parking lot or vehicle sales or lease lots.

b. **Minimum Size:** Interior parking lot or vehicle sales or lease lots landscaping areas shall be a minimum of one hundred twenty (120) square feet in area and shall be a minimum of five feet (5') in width, as measured from back of curb to back of curb.

c. **Landscaped Material:** The plants used to improve the landscape areas defined above shall conform to the following:

i. **Type:** The primary plant materials used in parking lots or vehicle sales or lease lots shall be shade tree species in conformance with applicable provisions of subsections 21A.48.050A and B of this chapter. Ornamental trees, shrubbery, hedges, and other

plants may be used to supplement the shade tree plantings, but shall not be the sole contribution to such landscaping;

ii. **Quantity:** One shade tree shall be provided for every one hundred twenty (120) square feet of landscaping area;

iii. **Groundcover:** A minimum of fifty percent (50%) of every interior parking lot or vehicle sales or lease lots landscaping area shall be planted with an approved groundcover in the appropriate density to achieve complete cover within two (2) years, as determined by the zoning administrator.

3. **Exceptions:** In the CG, M-1, M-2 and EI districts, hard surfaced areas used as operational yard areas for trucks, trailers and other incidental vehicles, other than passenger automobiles and light trucks, and which are not parking lots for employees, clients, and customers, are exempt from the parking lot interior landscaping standards.

**C. Perimeter Parking Lot Landscaping:**

1. **Applicability:** Where a parking lot is located within a required yard, or within twenty feet (20') of a lot line, perimeter landscaping shall be required along the corresponding edge of the parking lot in conformance with the provisions in table 21A.48.070G of this section. Perimeter landscaping for vehicle sales or lease lots shall include rear and interior side yard landscaping only. Front and corner side yard landscaping for vehicle sales or lease lots shall be provided as specified in each zoning district. Where both landscape buffers and parking lot landscaping is required, the more restrictive requirement shall apply.

2. **Landscape Area:** Where perimeter landscaping is required, it shall be provided within landscape areas at least seven feet (7') in width, as measured from the back of the parking lot curb and extending any parking space overhang area.

3. **Required Improvements:** Within the landscape area required above, landscape improvements shall be required as established in table 21A.48.070G of this section.

**D. Parking Lot Fencing:** Fences along parking lot perimeters may be required through the site plan review process pursuant to the provisions of part V, chapter 21A.58 of this title or when required by the zoning administrator to satisfy buffer requirements outlined in section 21A.48.080 of this chapter.

**E. Parking Lot Curb Controls:** Six inch (6") poured concrete curb controls shall be constructed around all required landscaping on the perimeter and within parking lots.

**F. Discretionary Authority:** The zoning administrator may modify requirements of this section to better achieve the intent of this section and address site specific conditions. These modifications shall be limited to the location of required plants and shall not permit a reduction in the required total number of plants.

**G. Landscape Improvements Table:**

**Table 21A.48.070G**

**REQUIRED PERIMETER PARKING LOT LANDSCAPE IMPROVEMENTS**

**General Intent:** The landscape requirements identified in this table provide for the enhancement of parking lots by recognizing two (2) distinct conditions. The first is where parking lots are located within front and corner side yards, and a uniform scheme of

landscaping is required to protect the aesthetics along public streets. The second condition is where parking lots are located within rear and interior side yards, and minimum requirements for beautification of both residential and nonresidential uses are the city's goal. The intent is to require a higher level of landscaping for residential uses (principally multi-family uses) than for nonresidential uses. The improvements established in this table are required only for parking lots with fifteen (15) or more spaces and where the lot is located within a required yard or within twenty feet (20') of a lot line. The reduction of impacts between dissimilar uses is addressed by section 21A.48.080 of this chapter. Where both parking lot landscaping and landscape buffers are required, the more restrictive shall apply.

**Required Landscaping                      Front And Corner Side Yards**

Shade trees    1 tree per 50 ft. of yard length, measured to the nearest whole number (in addition to required parkway trees)

Shrubs 1 shrub per 3 ft., on center along 100% of the yard length. Shrubs with mature height not more than 3 ft. unless a lower shrub height is specifically required in this Chapter for front yard areas

Groundcover   Landscape area outside of shrub masses shall be established ~~in turf or other groundcover~~ as per Chapter 21A.48.090

**Rear And Interior Side Yards**

**Required Landscaping Residential Use (Including Institutional Residential Uses)**

**Nonresidential Use**

Shade trees 1 tree per 30 ft. of yard length, measured to the nearest whole number  
per 50 ft. of yard length, measured to the nearest whole number

Shrubs 1 shrub per 3 ft., on center along 100% of the yard length. Shrubs shall have a mature height not less than 3 ft. 1 shrub per 3 ft., on center along 50% of the yard length. Shrubs shall have a mature height of not less than 3 ft.

Landscape area outside of shrub masses shall be established ~~in turf or other groundcover~~ as per Chapter 21A.48.090

H. Landscaping Performance Standards For Airport ("A") District: Parking lot landscaping in airport district shall comply with the specifications set forth in sections 21A.34.040.31 and 32 of this title. (Ord. 70-03 §§ 3, 4, 2003; Ord. 35-99 §§ 87, 88, 1999; Ord. 88-95 § 1 (Exh. A), 1995; Ord. 26-95 § 2(24-7), 1995)

**21A.48.080 Landscape Buffers:**

A. **Applicability:** The regulations of this section shall establish the dimensions and improvement requirements of landscape buffers as required for transitions between dissimilar uses.

B. **General Restrictions:** Landscape buffers shall be reserved for planting and fencing as required within this section. No parking, driveways, sidewalks, accessory buildings or other impervious surfaces shall be permitted, unless specifically authorized through the site plan review process. Landscape buffers may be located within required yards or required landscape yards as established in the applicable district regulations. Where both landscape buffers and parking lot landscaping is required the more restrictive shall apply.

**C. Size Of Landscape Buffers:** The minimum size of landscape buffers for various situations is set forth below:

1. RMF-30, RMF-35, RMF-45, RMF-75, R-MU-35, R-MU-45, R-MU, RO, MU, PL, PL-2 And OS Districts: Lots in the RMF-30, RMF-35, RMF-45, RMF-75, R-MU-35, R-MU-45, R-MU, RO, MU, PL, PL-2 or OS districts which abut a lot in a single-family or two-family residential district, shall provide a ten foot (10') wide landscape buffer.
2. **RB District:** A landscape buffer is not required for lots in an RB district which abut a lot in a residential district.
3. **CN, CB, CC And CSHBD Districts:** Lots in the CN, CB, CC or CSHBD districts which abut a lot in a residential district shall provide a seven foot (7') landscape buffer.
4. **CS And CG Districts:** Lots in the CS or CG districts which abut a lot in a residential district shall provide a fifteen foot (15') landscape buffer.
5. **M-1 District:** Lots in the M-1 district which abut a lot in a residential district shall provide a fifteen foot (15') landscape buffer.
6. **M-2 District:** Lots in the M-2 district which abut a lot in a residential district shall provide a fifty foot (50') landscape buffer.
7. **RP And BP Districts:** Lots in the RP or BP districts which abut a lot in a residential district shall provide a thirty foot (30') landscape buffer.
8. **I Institutional District:** Lots in the I institutional district which abut a lot in a residential district shall provide a landscape buffer fifteen feet (15') in width or equal to the average height of the facade of the principal building facing the buffer, whichever is greater.
9. **UI Urban Institutional District:** Lots in the UI urban institutional district which abut a lot in a single-family or two-family residential district shall provide a fifteen foot (15') landscape buffer.
10. **MH Mobile Home District:** A landscape buffer of twenty feet (20') in width shall be provided around the perimeter of each mobile home park.
11. **EI Extractive Industry And LO Landfill Overlay Districts:** A landscape buffer of thirty feet (30') shall be provided around the perimeter of each use.
12. **TC-75 District:** Lots in the TC-75 district which abut a lot in a residential district, shall provide a ten foot (10') landscaped buffer.

**D. Improvement Of Landscape Buffers:** Required planting and fencing shall be installed in conformance with the following provisions:

1. RMF-30, RMF-35, RMF-45, RMF-75, R-MU-35, R-MU-45, R-MU, RO, MU, PL, PL-2 And OS Districts: In the RMF-30, RMF-35, RMF-45, RMF-75, R-MU-35, R-MU-45, R-MU, RO, MU, PL, PL-2 and OS districts, the following improvements shall be provided:
  - a. Shade trees shall be planted at the rate of one tree for every thirty (30) linear feet of landscape buffer.
  - b. A continuous evergreen or deciduous shrub hedge shall be planted along the entire length of landscape buffer. This shrub hedge shall have a mature height of not less than four feet (4').
  - c. A fence not exceeding six feet (6') in height may be combined with the shrub hedge, subject to the approval of the zoning administrator.
  - d. Areas not planted with trees or shrubs shall be maintained as ~~turf or other groundcover~~ approved by the zoning administrator. —Per Chapter 21A.48.090

2. **CN, CB, CC And CSHBD Districts:** In the CN, CB, CC and CSHBD districts, the following improvements shall be provided:

- a. Shade trees shall be planted at the rate of one tree for every thirty (30) linear feet of landscape buffer;
- b. Shrubs, having a mature height of not less than four feet (4'), shall be planted along the entire length of the landscape buffer;
- c. ~~Areas not planted with trees or shrubs shall be maintained as turf or other groundcover approved by the zoning administrator;~~ <sup>shall</sup> per Chapter 21A.48.090; and
- d. A solid fence between four (4) and six feet (6') in height shall be erected along the property line unless waived by the zoning administrator.

3. **CS, CG, M-1, I, UI, MH, RP And BP Districts:** In the CS, CG, M-1, I, UI, MH, RP and BP districts, the following improvements shall be provided:

- a. Shade trees shall be planted at the rate of one tree per twenty five (25) linear feet along the entire length of the landscape yard. Shade trees may be clustered subject to the site plan review approval. Evergreen trees may be substituted for a portion of the shade trees;
- b. Shrub masses, at least two (2) rows deep and with shrubs alternately spaced, shall be provided along the entire length of the landscape yard. Shrubs shall reach a mature height of not less than four feet (4');
- c. ~~Areas not planted with trees or shrubs shall be maintained as turf or other groundcover approved by the zoning administrator;~~ per Chapter 21A.48.090; and
- d. A solid fence six feet (6') in height shall be located on the property line along the required landscape buffer unless waived by the zoning administrator.

4. **M-2 District:**

- a. Shade trees shall be planted at a rate of one tree for every twenty feet (20') of length of the landscape buffer. Shade trees may be grouped or clustered, subject to site plan review approval. Evergreen trees may be used as substitutes for some of the shade trees.
- b. Shrub masses, at least two (2) rows deep and with shrubs alternately spaced, shall be provided along seventy five percent (75%) of the length of the landscape yard. Shrubs shall reach a mature height of not less than four feet (4').
- c. ~~Areas not planted with trees or shrubs shall be maintained as turf or other groundcover approved by the zoning administrator.~~ Per Chapter 21A.48.090.

5. **EI And LO Districts:** Each use must submit a landscape plan to the zoning administrator indicating how the proposed landscaping will mitigate noise, dust or other impacts on surrounding and nearby uses. (Ord. 76-05 § 3, 2005; Ord. 71-04 §§ 25, 26, 2004; Ord. 13-04 §§ 28, 29, 2004; Ord. 73-02 §§ 16, 17, 2002; Ord. 88-95 § 1 (Exh. A), 1995; Ord. 26-95 § 2(24-8), 1995)

**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. No specific improvements are required within landscape yards, ~~except that all landscape areas not planted with trees and shrubs shall be maintained in turf or other approved groundcover.~~ at least 1/3 vegetation, which may include turf grasses, annuals or perennial flowering plants. The remaining 2/3 of the yard(s) area may include, organic mulch, gravel, rocks and boulders. (Ord. 88-95 § 1 (Exh. A), 1995; Ord. 26-95 § 2(24-9), 1995)

4. Developer/Contractor shall be required to post a bond for the total contract amount for the required landscaping.

#### 21A.48.100 Special Landscape Regulations:

In addition to the foregoing requirements, special landscape regulations shall apply to certain zoning districts. These regulations are established below:

##### A. FP Foothills Protection District:

1. **Landscape Plan Required:** A landscape plan, conforming to sections 21A.48.030 and 21A.48.050 of this chapter, shall be required for all uses within this district. This plan shall delineate the proposed revegetation of disturbed areas of the site, and road/driveway areas. The landscape plan shall extend one hundred feet (100') beyond the disturbed site area and twenty five feet (25') beyond the limits of grading for roads/driveways, but need not include any portions of the site designated as undevelopable unless these areas are disturbed.

2. **Maximum Disturbed Area:** The maximum disturbed area shall not exceed ten percent (10%) of the total site area.

3. **Tree Preservation And Replacement:** Existing trees over two inches (2") in caliper that are removed from the site to accommodate development shall be replaced. Whenever microclimate conditions make it practical, the proportion of replacement tree species shall be the same as the trees removed.

4. **Limits On Domestic Turf:** To help promote the intent of this district by minimizing the impact on the natural landscape, the area of domestic turf grasses shall not exceed thirty percent (30%) of the area to be landscaped and shall not encroach into undevelopable areas.

5. **Slope Revegetation:** All slopes graded or otherwise disturbed shall be restored/replanted. Restored vegetation shall consist of native or adapted grasses, herbaceous perennials, or woody trees and shrubs as appropriate for slope, soil and microclimate conditions.

6. **Irrigation:** Irrigation shall be installed to provide needed water for at least the first two (2) years of growth to establish revegetation of natural areas. Irrigation for areas of domestic turf and ornamental landscaping shall be provided at the discretion of the property owner, however all systems shall be subject to the review and approval of the zoning administrator.

7. **Erosion Protection:** As a condition of site plan approval, a plan for erosion protection shall be submitted with the landscape plan.

##### B. FR-1 And FR-2 Foothills Residence District:

1. **Landscape Plan Required:** A landscape plan, conforming to sections 21A.48.030 and 21A.48.050 of this chapter, shall be required for all uses within this district. This plan shall delineate the proposed revegetation of disturbed site areas.

2. **Tree Preservation And Replacement:** Existing trees over two inches (2") in caliper that are removed from the site to accommodate development shall be replaced. Whenever microclimate conditions make it practical, the proportion of replacement tree species shall be the same as the trees removed.



3. **Slope Revegetation:** All slopes graded or otherwise disturbed shall be restored/replanted. Restored vegetation shall consist of native or adapted grasses, herbaceous perennials, or woody trees and shrubs as appropriate for slope and microclimate conditions.

4. **Irrigation:** Irrigation shall be installed to provide needed water for at least the first two (2) years of growth to establish revegetation of natural areas. Irrigation for areas of domestic turf and ornamental landscaping shall be provided at the discretion of the property owner, however all systems shall be subject to city review and approval.

5. **Erosion Protection:** As a condition of site plan approval, a plan for erosion protection shall be submitted with the landscape plan.

**C. CC Commercial District:**

1. **Special Front Yard Landscaping:** Special front yard landscaping shall be required in conformance with the following:

a. The first fifteen feet (15') of lot depth shall be devoted to landscaping. Driveways and sidewalks may be located within this area to serve the building and use on the lot;

b. Shrubs limited to a height of not more than three feet (3') shall be provided at the rate of one shrub for every two feet (2') of lot width. A mix of shrub species is recommended, and at least forty percent (40%) of the shrubs must be evergreen;

c. Trees shall be provided at the rate of one tree for every twenty five feet (25') of lot width, rounded to the nearest whole number. Evergreen trees or shade trees may be substituted with ornamental trees, subject to the review and approval of the development review team; and

d. Areas not planted with shrubs or trees shall be maintained in turf or as vegetative groundcover. A drought tolerant groundcover is recommended.

2. **Irrigation:** Permanent irrigation shall be installed and used as needed to maintain plant material in a healthy state.

3. **Maintenance:** Landscaping shall be installed and maintained in substantial conformance with the approved landscape plan. Landscaping shall be kept free of weeds and litter.

**D. D-1 Central Business District And D-4 Downtown Secondary Central Business District:**

1. **Right Of Way Landscaping:** The principal area of focus for landscaping in the D-1 and D-4 districts shall be along sidewalks and parkways. Landscaping on private property shall be subject to the regulations below and in the D-1 and D-4 districts.

a. **Location:** Landscape areas shall be located a minimum of two feet (2') from back of the street curb and shall be located in conformance with the adopted beautification plan for an approved beautification district. If the beautification plan does not address the site in question, the location of landscape areas shall be determined through the site plan review process.

b. **Trees:** Shade trees shall be planted as specified through the site plan review process.

c. **Shrubs/Groundcover:** The ground surface of the landscape area may be suitable for the planting of shrubs, groundcover or flowers depending on use and pedestrian patterns. Tree grates or other improvements may be required to facilitate pedestrian circulation along the street. The ground surface shall be determined by the beautification plan, or in the absence of specific direction from the plan, the site plan review process.

2. **Landscaping For Vacant Lots:** Special landscaping shall be required on those lots becoming vacant, where no replacement use is proposed, in conformance with the following:

a. **Landscape Yard Requirement:** A landscape yard of fifteen feet (15') shall be required as measured from any point along all property lines. Fencing, pursuant to section 21A.40.120 of this part, can be used as an element of the overall landscaping plan, however, shall not be used in lieu of the landscaping requirements of this section. The purpose of any fencing on downtown lots is for aesthetic value only, and shall consist of wrought iron or other similar material (no chainlink). Fencing shall be open so as not to create a visual barrier, and shall be limited to a maximum of four feet (4') in height, with the exception of a fence located within thirty feet (30') of the intersection of front property lines on any corner lot as noted in subsection 21A.40.120D of this part. The approval of a final landscape plan, that includes a fencing element, shall be delegated to the building official with the input of the planning director, to determine if the fencing materials, location, and height are compatible with adjacent properties in a given setting.

b. **Trees:** Shade trees shall be provided at the rate of one tree per thirty feet (30') of yard length, rounded up to the nearest whole number.

c. **Shrubs:** Shrubs shall be provided at the rate of one plant for every three feet (3') of yard length, evenly spaced, limited to a height of not more than three feet (3') . All plants shall be drought tolerant; consult the Salt Lake City water wise plant list for suggestions. At least forty percent (40%) of the plants must be evergreen.

d. **Groundcover:** Areas not planted with shrubs and trees shall be maintained in drought tolerant vegetative groundcover.

e. **Irrigation:** Permanent irrigation shall be installed and used as needed to maintain plant materials in a healthy state.

f. **Maintenance:** Landscaping shall be installed and maintained in conformance with the approved landscape plan. Landscaping shall be kept free of weeds and litter.

E. **Transitional Overlay District:** All conditional uses in the transitional overlay district shall conform to the following landscape/buffer requirements. Permitted uses shall be exempt from these requirements.

1. **Landscaped Front And Corner Side Yard:** All front and corner side yards shall be maintained as landscape yards. The improvement of such landscape yards shall be consistent with the character of the residential neighborhood.

2. **Landscaped Interior Side Yard:** Where the interior side yard abuts a residential use, a landscape yard eight feet (8') in width shall be provided. This landscape yard shall be improved as set forth below:

a. A six foot (6') high solid fence or wall shall be constructed from the front yard setback line to the rear lot line. The outside edge of this fence or wall shall be located no less than seven feet (7') from the side lot line. The requirement for a fence or wall may be waived by the zoning administrator if the building elevation facing the residential property is of a design not requiring screening by a fence or wall;

b. Deciduous shade trees shall be planted within the landscape yard. One tree per thirty (30) linear feet of landscape yard shall be required, although the spacing of trees may be arranged in an informal manner;

c. A continuous row of shrubs (deciduous or evergreen) shall be planted along the entire length of the landscape yard. The size of the shrubs shall not be less than four feet (4') in

height at the time of maturity. The spacing of shrubs shall not be greater than five feet (5') on center. Shrubs must be set back from the side lot line at least four feet (4') on center; and

d. All parts of the landscape yard not covered by shrubs shall be ~~planted in grass~~ maintained per Chapter 21A.48.090.

3. **Landscaped Rear Yard:** Where the rear yard abuts a residential use, a solid fence or wall shall be constructed along the entire length of the rear lot line. The requirement for a fence or wall may be waived if conditions on the lot, including landscape screening within the rear yard, eliminate the need for a fence or wall. (Ord. 65-05 § 4, 2005: Ord. 13-04 § 30, 2004: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(24-10), 1995)

#### 21A.48.110 Freeway Scenic Landscape Setback:

A. **Purpose Statement:** Freeway scenic landscape setbacks shall be established along all federal interstate highways to enhance the visual appearance of Salt Lake City, reduce visual distractions to motorists and promote the general health, safety and welfare of Salt Lake City.

B. **Applicability:** Freeway scenic landscape setbacks shall be required for all lots abutting an interstate highway that are subdivided after April 12, 1995, for construction of a principal building, or for a twenty five percent (25%) floor area increase of a principal building, or for any new use of a previously undeveloped site or twenty five percent (25%) expansion of an existing use on a developed site, in the CS, CC, CG, D-2, D-3, G-MU, M-1, M-2, RP, BP, PL, PL-2, I, UI, EI, A and MH districts.

C. **Scenic Landscape Location:** Freeway scenic landscape setbacks shall be located directly adjacent to an interstate highway right of way line. For applicable properties adjacent to an interstate highway, a scenic landscape setback shall be provided along the full length of its frontage along such interstate highway.

D. **Size Of Scenic Landscape Setback:** For lots platted after April 12, 1995, scenic landscape setbacks shall be twenty feet (20') in width. For lots existing as of April 12, 1995, the width of the scenic setback may be reduced, upon approval of the zoning administrator, if such reduction is necessary to achieve the required off street parking. The width of the scenic landscape setback shall not be less than ten feet (10').

E. **Planting Of Scenic Landscape Setback:** All scenic landscape setbacks shall be planted to achieve a significant vegetative screen. To accomplish this, the following planting shall be required within a scenic landscape setback.

1. **Shade Trees:** One shade tree shall be planted for each three hundred (300) square feet of setback area.

2. **Evergreen Trees:** Evergreen trees may be substituted for one hundred percent (100%) of the shade trees required in subsection E1 of this section, where microclimate conditions support the use of evergreen trees, subject to the approval of the zoning administrator.

3. **Ornamental Trees:** Ornamental trees, having a mature canopy size less than thirty feet (30'), may be substituted for up to thirty percent (30%) of the shade trees required in subsection E1 of this section.

4. **Large Shrubs:** Large shrubs may be substituted for up to ten percent (10%) of the shade trees required in subsection E1 of this section. Three (3) large shrubs shall be planted for each shade tree substitution.

5. **Groundcover:** To promote water conservation and the visual character of the native landscape, scenic landscape setbacks shall use native grasses, wildflowers and shrubs for the establishment of groundcover. In areas with greater exposure to sun and drought conditions, herbaceous perennials and shrubs will be used to create a native groundcover.

F. **Drought Tolerant Material:** All of the plant material used shall be drought tolerant species conforming to the current list maintained by the zoning administrator, or as otherwise approved.

G. **Irrigation:** A permanent water efficient irrigation system shall be installed within each scenic landscape setback.

H. **Waiver Of Requirements:** Some or all of the requirements of this section may be waived by the zoning administrator if conformance with such will not benefit the visual appearance of the city or the general public welfare. Specifically, the zoning administrator may waive the requirement where property abuts interstate highway bridges and underpasses and where the change of grade/elevation would not allow for views of the scenic landscape setback. (Ord. 73-02 § 18, 2002; Ord. 83-98 § 15, 1998; Ord. 88-95 § 1 (Exh. A), 1995; Ord. 26-95 § 2(24-11), 1995)

#### 21A.48.120 **Screening Of Refuse Disposal Dumpsters:**

All refuse disposal dumpsters, except those located in the CG, M-2, LO and EI districts shall be screened on all sides by a solid wood fence, masonry wall or an equivalent opaque material to a height of not less than six feet (6') but not more than eight feet (8'). This requirement shall not apply to recycling containers and devices. (Ord. 88-95 § 1 (Exh. A), 1995; Ord. 26-95 § 2(24-12), 1995)

#### 21A.48.130 **Innovative Landscaping:**

Innovative landscaping design is encouraged and shall be considered as a positive attribute in connection with any request for a variation from the requirements of this chapter. (Ord. 88-95 § 1 (Exh. A), 1995; Ord. 26-95 § 2(24-13), 1995)

#### 21A.48.140 **Changes To Approved Landscape Plans:**

Any change or deviation to an approved landscape plan shall require the approval of the zoning administrator. Changes which do not conform to this chapter shall be subject to the procedures for a variance as established in part II, chapter 21A.18 of this title.

Landscape improvements made to a lot that are not in conformance with an approved landscape plan shall be a violation of this title, and subject to the fines and penalties established herein. (Ord. 88-95 § 1 (Exh. A), 1995; Ord. 26-95 § 2(24-14), 1995)

#### 21A.48.150 **Automobile Sales Establishments:**

In the absence of more restrictive regulations of the applicable zoning district, automobile sales and lease establishments shall be required to provide a five foot (5') landscape front and corner side yard. (Ord. 35-99 § 89, 1999; Ord. 88-95 § 1 (Exh. A), 1995; Ord. 26-95 § 2(24-15), 1995)

#### 21A.48.160 **Appeal:**

Any person adversely affected by a decision of the zoning administrator on a landscaping or buffer requirement may appeal the decision to the board of adjustment pursuant to the

provision in part II, chapter 21A.16 of this title. (Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(24-16), 1995)

**21A.48.170 Landscaping Provided As A Condition Of Building Permit Issuance:**

The landscaping required by this chapter shall be provided as a condition of building permit issuance for any addition, expansion or intensification of a property that increases the floor area and/or parking requirement by fifty percent (50%) or more. The zoning administrator may waive the landscaping requirement if an existing building is located in an area of the lot that is required to be landscaped and compliance with the landscaping requirements of this chapter necessitates removing all or a portion of an existing building. (Ord. 13-04 § 31, 2004: Ord. 35-99 § 90, 1999: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(24-17), 1995)

**6. PLANNING COMMISSION MINUTES FOR SEPTEMBER 27, 2006**

**Petition 400-06-22-** a petition by the Salt Lake City Planning Commission to assist in clarifying the City's residential and commercial landscape requirements. The proposed text amendment will specify the minimum amount of required landscaping for the front and corner side yards and address bonding requirements when the mandatory landscaping is not completed for multi-family dwellings and commercial development.

*(This item was heard at 10:18 p.m.)*

Chairperson McDonough recognized Kevin LoPiccolo as staff representative. Mr. LoPiccolo stated that currently the landscaping ordinance is somewhat nebulous, simply because it doesn't identify what landscaping is. He added that the current ordinance does not allow for alternative types of landscaping (*Mr. LoPiccolo later gave examples of alternative landscaping, such as mulch, xeriscape, rocks and boulders*). Mr. LoPiccolo indicated that this ordinance will replicate the current park strip ordinance which states that one-third of the lot (front and corner-side yard) be vegetated.

Vice Chairperson Wirthlin inquired if the one-third area rule was after subtracting the square footage from driveways and walkways to the front of the house and if it is the residual area that this rule would apply to.

Mr. LoPiccolo stated that this was true and the ordinance will apply to all development in the city. He added that as part of the ordinance there will also be a bond requirement for multi-family housing with a specific planting date.

Commissioner Scott voiced a concern that the allowance of inorganic materials in the front and corner side yard might encourage front yard parking.

Mr. LoPiccolo indicated that it may be a problem, as it has been with the park strip ordinance, but that it then becomes a matter of zoning enforcement.

Stephanie Duer, Public Utilities Water Conservation Coordinator, directed the Commission's attention to section 21A.48.080.D of the draft ordinance. Ms. Duer pointed out the strikethroughs which have been applied to this section will instead be referred to in the ordinance: as per 21A.48.090. Ms. Duer indicated that in this way all of the language within the draft ordinance will match. She also recommended that under 21A.48.090 the last paragraph portion outlined in red should read: ...at least 1/3 vegetation, which may include turf grasses, annuals or perennial flowering plants. Mulches such as organic mulch, gravel, rocks and boulders shall be used to control weeds and erosion in unplanted areas. Ms. Duer stated that this proposed change was due to concerns over soil erosion.

Chairperson McDonough opened the hearing to comments from the public.

Mark Danenhaus, 1055 East 2100 South # 207, was present as a representative for the Utah Rivers Council to speak in favor of the draft ordinance. Mr. Danenhaus stated that he firstly was pleased that this ordinance will give individuals the option to landscape their yards as they see fit. Secondly, Mr. Danenhaus indicated that the proposed ordinance will help citizens do their part in the water conservation effort within the City. Mr. Danenhaus also mentioned that this proposed ordinance is in step with the changes made by many other cities in the West where water conservation is an extremely contentious issue.

Dewey Reagan, 1775 North Warm Springs Road, with Reagan Outdoor Advertising indicated that these changes would allow his business to put in drought tolerant plants that may be more aesthetically pleasing than the turf now required under the City's ordinance and would in turn save water.

Chairperson McDonough closed the Public hearing portion at 10:32 p.m.

**Regarding Petition 400-06-22 Commissioner Chambless made a motion based upon the findings of fact noted in the staff report to forward a positive recommendation to the City Council incorporating the following changes:**

1. 21A.48.080.D.d to read: ... Areas shall be maintained Per Chapter 21A.48.090.

2. 2.21A.48.090 to read: ...at least 1/3 vegetation, which may include turf grasses, annuals or perennial flowering plants. Mulches such as organic mulch, gravel, rocks and boulders shall be used to control weeds and erosion in unplanted areas.

The motion was seconded by Commissioner Scott. All voted "Aye". The motion passed unanimously.



**7. CITY COUNCIL MINUTES FROM APRIL 17, 2007**

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

#2. 7:20:46 PM RE: Accept public comment and consider adopting an ordinance amending Section 21A.48.030B.9.b, Salt Lake City Code, pertaining to content of landscape plan, Section 21A.48.050B.8, Salt Lake City Code, pertaining to design guidelines, Table 21A.48.070G, Salt Lake City Code, pertaining to required perimeter parking lot landscape improvements, Section 21A.48.080D, Salt Lake City Code, pertaining to improvement of landscape buffers, Section 21A.48.090, Salt Lake City Code, pertaining to landscape yards, Section 21A.48.100, Salt Lake City Code, pertaining to special landscape regulations, and Section 21A.24.010, Salt Lake City Code, pertaining to general provisions for Residential Zoning Districts pursuant to Petition No. 400-06-22. View Attachments & View Attachments

The following people spoke in support of the landscape ordinance amendments: Mark Danenhauer; Barbara Ishimatsu and Jeff Salt.

Ms. Ishimatsu said there was one sentence under Section 5 "Landscape Yards" that needed to be removed. Kevin LoPiccolo, Zoning Administrator, said the sentence which read "the remaining 2/3's of the yard(s) area may be maintained with organic mulch, gravel, rocks and boulders" should have been removed.

Councilmember Jergensen moved and Councilmember Simonson seconded to close the public hearing, which motion carried, all members voted aye.

Councilmember Jergensen moved and Councilmember Simonsen seconded to defer consideration of this ordinance to the earliest Council meeting, which motion carried, all members voted aye.  
(O 07-4)

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH  
WORKING SESSION

#4. 3:36:54 PM RECEIVE A BRIEFING REGARDING A REQUEST TO AMEND SECTIONS OF THE ZONING ORDINANCE RELATED TO LANDSCAPING REQUIREMENT FOR FRONT/CORNER SIDE YARDS IN RESIDENTIAL ZONING DISTRICTS AND LANDSCAPING BONDING REQUIREMENTS FOR MULTI-FAMILY AND COMMERCIAL DEVELOPMENTS. (PETITION NO. 400-06-22) See Attachments

Doug Wheelwright, Janice Jardine, Kevin LoPiccolo and Stephanie Duer briefed the Council with the attached handout. Councilmember Jergensen said he was concerned that a xeriscape could become an additional parking area. Ms. Jardine said a clarification could be put in the ordinance explaining xeriscape is not a parking area. Councilmember Saxton requested reviewing the parking strip ordinance to include a path way.