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ORDINANCE 2012-20.

AN ORDINANCE AMENDING CHAPTER 15.20 (DEVELOPMENT LANDSCAPING REQUIREMENTS) TO AMEND PROVISIONS RELATED TO LANDSCAPING IN PARKWAYS AND LANDSCAPING DESIGN STANDARDS. (12-0006OA)

WHEREAS, it is proposed that Chapter 15.20 (Development Landscaping Requirements) be amended to promote water wise landscaping in parkways and to update landscaping design standards; and

WHEREAS, on June 27, 2012, the Planning Commission held a duly noticed public hearing to consider the proposal and after such hearing the Planning Commission recommended to the Municipal Council the ordinance be amended as proposed; and

WHEREAS, on July 17, 2012, the Municipal Council held a duly noticed public meeting to ascertain the facts regarding this matter, which facts and comments are found in the meeting record; and

WHEREAS, on August 7, 2012, the Municipal Council held a duly noticed public hearing to receive public comments and ascertain the facts regarding this matter, which facts and comments are found in the hearing record; and

WHEREAS, all persons for and against the proposed ordinance amendment were given an opportunity to be heard; and

WHEREAS, after considering the Planning Commission's recommendation, and facts and comments presented to the Municipal Council, the Council finds (i) the Planning and Zoning Title of Provo City should be amended on the basis recommended by the Planning Commission and (ii) the ordinance amendment, as set forth below, reasonably furthers the health, safety and general welfare of the citizens of Provo City.

NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as follows:

PART I:

Chapter 15.20 of the Provo City Code is hereby amended as follows:

Chapter 15.20. Development Landscaping Requirements.

- 15.20.010. Purpose.
- 15.20.020. Landscape Requirements.
- 15.20.030. Saving Existing Vegetation.
- 15.20.040. Definitions.
- 15.20.050. Landscape Plan.

- 47 15.20.060. Design Standards.
- 48 15.20.070. Installation and Maintenance of Plant Materials.
- 49 15.20.080. Landscaping Requirements by Zone.
- 50 15.20.090. Parking Lot Landscaping.
- 51 15.20.100. Required Perimeter Parking Lot Landscape Improvements.
- 52 15.20.110. Landscape Buffers.
- 53 15.20.120. Parkways.
- 54 15.20.130. Bonding.
- 55 15.20.140. Noncomplying Lot Due to Landscaping.
- 56 15.20.150. Enforcement.
- 57 15.20.160. Appeal.

58

59 **15.20.010. Purpose.**

60 The landscaping and buffering requirements specified in this Chapter are intended to
61 foster aesthetically pleasing development which will protect and preserve the appearance,
62 character, health, safety and welfare of the community. These regulations are intended to
63 increase the compatibility of adjacent uses and, in doing so, minimize the harmful impacts of
64 noise, dust and debris, motor vehicle headlight glare or other artificial light intrusions, and other
65 objectionable activities or impacts conducted or created by an adjoining or nearby use, thereby
66 fostering compatibility among different land uses. These regulations are also intended to
67 preserve, enhance and expand the ~~urban~~ city forest and promote the prudent use of water and
68 energy resources.

69

70 **15.20.020. Landscape Requirements.**

71 (1) Whenever the submission and approval of a landscape plan is required by this
72 Chapter, such plan shall be an integral part of any application for a building permit or occupancy
73 permit. No such permits shall be issued without City approval of a landscape plan as required in
74 this Chapter.

75 (2) The Planning Commission may approve a project plan modifying the standards of this
76 Chapter if the property owner seeking development approval presents substantial evidence
77 demonstrating that the modification, as determined by the Planning Commission, should be
78 approved based on one of the following reasons:

79 (a) The strict application of applicable standards will result in an unreasonable
80 hardship as the result of shallow lot depth, irregular lot shape, unusual topography or
81 other similar factors; or

82 (b) The proposed modification constitutes an innovative landscaping design
83 which is superior to the landscaping that would result from application of required
84 standards.

85 (c) If the Planning Commission grants a modification under this Subsection, it
86 shall make particularized findings justifying the modification.

87 (3) If any provision of this Chapter is inconsistent with a provision of an adopted design
88 corridor or special overlay zoning district, the more restrictive provision shall govern.

89

90 **15.20.030. Saving Existing Vegetation.**

91 (1) Developments shall be designed to incorporate existing large trees, clusters of trees or
92 clusters of large shrubs unless the Provo City ~~Urban~~ Forester finds (or a certified botanist in the

93 absence of a finding from the Provo City ~~Urban~~ Forester) that such preservation is unwise. The
94 Planning Commission or its designee shall review the appropriateness of removal of such
95 vegetation if proposed in a development plan.

96 (a) The Planning Commission may approve removal of some or all existing
97 vegetation based on a determination of the benefits of such vegetation and the efforts
98 made to save and incorporate the vegetation into the design of a development versus the
99 problems such vegetation may create for the development in terms of general
100 construction techniques, the impact removal may have on the character of the area, the
101 topography of the site and harmful conditions the vegetation may create.

102 (b) The Planning Commission may disapprove a development plan if it
103 determines trees or other vegetation were removed prior to submittal of the development
104 application. If existing trees, clusters of trees or clusters of large shrubs deemed
105 beneficial to the property are removed without City authorization prior to approval of a
106 development, then a fee as shown on the Consolidated Fee Schedule adopted by the
107 Municipal Council, shall be assessed to any person responsible for such removal.

108 (2) Trees and other vegetation to be saved shall be clearly marked to ensure protection
109 against removal or damage. Snow fencing or other acceptable barriers shall be used to protect
110 existing vegetation designated to be saved. The Community Development Department or ~~Urban~~
111 City Forestry Division shall approve the location of such barriers.

112 113 **15.20.040. Definitions.**

114 The following definitions shall apply to the regulation and control of landscaping within
115 this Title:

116 "Annual" means a plant which completes its life cycle within one (1) year of germination.

117 "Botanical Name" means the Latin scientific name of a plant.

118 "Biennial" means a plant which completes its life cycle in two (2) years.

119 "Buffering" means the use of landscaping (other than mere grass on flat terrain), or the
120 use of landscaping along with berms, walls or decorative fences that at least partially and
121 periodically obstruct the view from the street, in a continuous manner, of vehicular use areas,
122 parking lots and their parked cars, and detention ponds.

123 "Caliper" means a standard trunk diameter measurement for nursery grown trees taken
124 six (6) inches above the ground for trees up to and including four (4) inch caliper size, and
125 twelve (12) inches above the ground for larger size trees.

126 "Cultivar" means the plant variety originated in cultivation and not in the wild.

127 "Deciduous" means a plant that loses its leaves at the end of the growing season.

128 "Design Review Committee" means the committee established by Section 14.04A, Provo
129 City Code.

130 "Detention Area" means a temporary storage of a determined quantity of water with a
131 release rate that is either fixed or variable.

132 "Drip Irrigation" means a network of narrow tubes or porous tubing which delivers small
133 amounts of water to individual plants in order to reduce the amount of water wasted due to wind,
134 evaporation or spillage.

135 "Drip Line" means a vertical line extending from the outermost edge of the tree canopy or
136 shrub branch to the ground.

137 "Evergreen" means a plant which retains its leaves in a living state during the winter.

138 "Foundation Area" means the ground area immediately adjacent to a building on all sides
139 thereof.

140 "Genus" means a class of plants divided into subordinate species.

141 "Ground Cover" means a prostrate plant less than two (2) feet in height at maturity and
142 used for ornamental purposes.

143 "Hardscape" means landscaping which may include interior decorative walkways, play
144 areas, improved pads for barbecues, picnic areas, sports facilities, pools, or other functional
145 recreational amenities.

146 "Hardy" means a plant which can withstand prolonged exposure to temperatures at or
147 below forty five (45) degrees Fahrenheit.

148 "Island" means a raised planting area, usually curbed, and placed to guide traffic, separate
149 lanes, limit paving (impervious surface), preserve existing vegetation and increase aesthetic
150 quality in parking lots and other areas.

151 "Landscaping" means any combination of living plants, such as trees, shrubs, vines,
152 ground covers, flowers or grass; natural features such as rock, stone, bark chips or shavings; and
153 structural features, including but not limited to, fountains, reflecting pools, outdoor art work,
154 screen walls, fences, or benches.

155 "Landscape Plan" means the preparation of graphic and written criteria, specifications,
156 and detailed plans to arrange and modify the effects of natural features such as plantings, ground
157 and water forms, circulation, walks and other features to comply with the provisions of this
158 ordinance.

159 "Landscape Yards" means a yard devoted exclusively to landscaping except that
160 driveways and sidewalks needed to serve the use and buildings on the lot may be located within
161 a required landscape yard.

162 "Microclimate" means a specific expression of the wind, temperature, and precipitation
163 patterns of a specific site or property.

164 "Mulch" means any loose, usually organic, material placed over the soil as a protective
165 covering or for decorative purposes such as ground bark, saw dust, leaves, compost or straw.

166 "Parkway Area" means the strip of land next to a road which is between the curb and the
167 sidewalk.

168 "Perennial" means a plant which will live for three (3) years or more under normal
169 conditions.

170 "Parking Lot Plantings" means a planting area, within or adjacent to a parking area,
171 designed to shade and improve the attractiveness of large areas of pavement.

172 "Planting Area" means the area prepared for the purpose of accommodating the planting
173 of trees, shrubs, and ground covers.

174 "Retention Area" means an area designed and used for the temporary or permanent
175 storage of storm water runoff.

176 "Rootball" means matted roots plus enclosed soil within the pot of a container grown
177 plant.

178 "Shrub" means a small, medium, or large upright plant growing less than five (5) feet to
179 twenty (20) feet in height at maturity that is planted for ornamental or screening purposes.

180 "Site Analysis Plan" means a plan drawn with sufficient detail to show existing site
181 conditions including steep slopes, wetlands, watercourses, existing vegetation, scenic views,
182 drainage ways, fences, easements, and other existing features pertaining to the proposed site.

183 "Species" means a category of plants ranking below genus.

184 "Street Tree" or "Public Tree" is a tree in any public place, located on Provo City
185 property, or street rights-of-way, including but not limited to, parkway areas.

186 "Street Yard" means a planting area parallel to a public street designed to provide
187 continuity of vegetation along the right-of-way and to soften the impact of development by
188 providing a pleasing view from the street.

189 "Tree" means a woody plant with a distinct central trunk.

190 "Tree, Ornamental" means a small to medium tree, growing fifteen (15) to forty (40) feet
191 in height at maturity, that is planted for aesthetic purposes such as colorful flowers, interesting
192 bark, or fall foliage.

193 "Tree, Shade" means a large tree, growing to over forty (40) feet in height at maturity,
194 planted to provide canopy cover shade.

195 "Tree Protection Zone" means the area around a tree corresponding to the drip line or ten
196 (10) feet in all directions from the trunk.

197 "Variety" means one (1) of possibly many closely-related plant species.

198 "~~Xeriscape~~" "Water Wise" ~~means~~ describes a reduced water usage landscape achieved
199 through the use of good planning and design, limited turf areas, soil improvements, efficient
200 irrigation, mulching, low water use plants, and appropriate trees, shrubs, and ground cover.

201 202 **15.20.050. Landscape Plan.**

203 (1) A landscape plan shall be required whenever landscaping or alteration of existing
204 landscaping is required by this Title or Title 14, Provo City Code, and shall be submitted with
205 the initial application for approval. Such landscape plan shall conform to the requirements
206 specified in this Chapter. Landscape plans shall be prepared by a licensed Utah design
207 professional where applicable and be approved by the Planning Commission or its designee prior
208 to the issuance of a building permit. If a building permit is not required landscape plans shall be
209 approved as part of a project plan. The construction of detached single-family residences shall be
210 exempt from this landscape plan requirement, except as set forth in Chapter 14.31 (Performance
211 Development Overlay Zone), Chapter 15.04 (Conventional and Open Space Subdivision
212 Requirements) and Section 15.20.080(2), Provo City Code.

213 (2) All landscape plans submitted for approval shall be drawn to a standard engineer's or
214 architect's scale on a twenty four inch by thirty six inch (24" x 36") or eleven inch by seventeen
215 inch (11" x 17") sheets and shall include the following components:

216 (a) Landscape plan showing the following information:

217 (i) location and dimensions of all existing and proposed structures,
218 property lines, easements, parking lots and drives, roadways and rights-of-way,
219 sidewalks, bicycle paths, ground signs, refuse disposal and recycling areas,
220 bicycle parking areas, fences, freestanding electrical equipment, tot lots and other
221 recreational facilities, and other freestanding structural features;

222 (ii) location, quantity, size, and botanical and common names of all
223 proposed plants;

224 (iii) location, size and common names of all existing plants including trees
225 and other plants in the parkway,

226 (iv) indication of plants to be retained or removed and how they will be
227 protected during construction;

228 (v) location of existing buildings, structures and plants on adjacent
229 property within twenty (20) feet of the site;

- 230 (vi) existing and proposed grading of the site using two (2) foot contour
231 intervals;
232 (vii) proposed berming using one (1) foot contour intervals;
233 (viii) elevations and cross-sections of all proposed fences and retaining
234 walls;
235 (ix) elevations and cross-sections of other landscape features; and
236 (x) summary data indicating the total area of property and percentage of
237 the site devoted to landscape area.
238 (b) Irrigation system plan. The landscape plan and the irrigation plan shall be
239 provided on separate sheets.

240
241 **15.20.060. Design Standards.**

242 (1) Landscape plans shall incorporate the design standards set forth in this Section and
243 shall be evaluated and approved based on compliance therewith.

244 (2) The scale and nature of landscaping materials shall be appropriate to the size of the
245 structures on the premises and character of the location.

246 (a) Plants shall be selected for form, texture, color, pattern of growth and
247 adaptability to local conditions. Plants shall be of good quality, and capable of
248 withstanding the extremes of individual site microclimates. The mature height and spread
249 of plants shall be taken into account during selection.

250 (b) Evergreens ~~shall~~ may be incorporated into the landscape treatment of a site,
251 particularly in those areas where screening and buffering is required.

252 (c) Plants shall be placed intermittently against long expanses of building walls,
253 fences, and other barriers to create a softening effect.

254 (d) Detention/retention basins and ponds shall be landscaped where possible.
255 Such landscaping may include shade and ornamental trees, evergreens, shrubbery,
256 hedges, turf and groundcover.

257 (e) Plant placement shall be designed to reduce the energy consumption needs of
258 the development.

259 (i) Deciduous trees shall be placed on the south and west sides of
260 buildings to provide shade from the summer sun.

261 (ii) Where possible Evergreens ~~shall~~ should be concentrated on the north
262 side of buildings to dissipate the effect of winter winds.

263 (f) Whenever practical earthen berms and existing topographic features shall be
264 incorporated into the landscape treatment of a site, particularly when combined with plant
265 material to facilitate buffering.

266 (3) Landscape design shall recognize the climatic and geologic limitations of the Provo
267 City area and the need for water conservation. While irrigation systems are required for certain
268 landscape areas, and may be desirable for other applications, all irrigation systems shall be
269 designed to minimize the use and run-off of water.

270 (a) All areas to be landscaped with sod, seed, and/or hydroseed shall have
271 sprinklers and/or an irrigation system. All other landscaped areas shall be provided with
272 drip irrigation systems.

273 (b) Sod or water wise landscaping shall be used in areas with less than a ten
274 percent (10%) slope to prevent the runoff of irrigation water.

275 (c) To promote water conservation every effort should be made to use
276 drought-tolerant species that can withstand dry conditions once established. The use of
277 drought-tolerant vegetation is encouraged in required landscape areas, especially in
278 hillside areas. The ~~Urban~~ **City** Forester shall maintain a current list of drought tolerant
279 trees and shrubs that are locally available. ~~Xeriscape~~ **Water wise** landscaping may include
280 a combination of drought resistant trees, shrubs, ground covers, organic mulches as well
281 as some dry landscape materials, **including native plants**.

282 (4) Annuals, biennials and perennials, decorative stone or similar materials shall be used
283 in planting beds and may be used as an alternative to grasses. Ground covers may be used
284 together with mulch to provide complete coverage of bare ground. Where ground cover is not
285 used, planting beds shall be mulched with bark chips, decorative stone, or similar materials.
286 Mulch shall not be used **by itself** as a substitute for ~~plants~~ **required landscaping**.

287 (5) Minimum plant sizes shall be as follows:

288 (a) All deciduous and/or ornamental trees shall have a minimum two (2) inch
289 caliper size.

290 (b) All evergreen trees shall have a minimum height of five (5) feet measured
291 from finished grade to the top of the plant.

292 (c) All shrubs shall have a minimum height or spread of eighteen (18) inches
293 depending on the plant's natural growth habit.

294 295 **15.20.070. Installation and Maintenance of Plant Materials.**

296 (1) All landscaping shall be installed in accordance with planting procedures established
297 by the American Nursery and Landscape Association and ANSI Z60.1-1996. The installation of
298 all plants required by this Chapter may be delayed until the next optimal planting season, as
299 determined by the Community Development Department, subject to the posting of a bond to
300 guarantee installation. Such bond shall conform to the requirements of Chapter 15.03.280, Provo
301 City Code.

302 (2) All landscaping materials, fences and walls, and irrigation systems shall be
303 maintained in good condition so as to present a healthy, neat and orderly appearance, and shall
304 be replaced when necessary. The owner of the premises shall be responsible for the maintenance,
305 repair and replacement of all landscaping materials, fences and walls.

306 307 **15.20.080. Landscaping Requirements by Zone.**

308 (1) The requirements of this section shall apply in addition to other requirements of this
309 Chapter.

310 (2) Within A1, RA, and R1 zones, and within the RC zone on lots or parcels for
311 one-family detached dwellings, including but not limited to any dwelling with a legally
312 established accessory apartment in an R1(A) or R1(S) overlay zone or RC zone, or for
313 semi-detached (twin home) or two-family (“duplex”) dwellings, or for dwellings constructed as
314 one- or two-family dwellings and legally converted for additional units (“one-family
315 conversions”), all open areas except driveways, parking areas, walkways, utility areas, decks,
316 patios, porches, etc., shall be landscaped ~~with plants, shrubs, trees, grass, and similar materials~~
317 **as outlined in Section 15.20.060** as determined by the property owner.

318 (3) Within R2, R2.5, R3, R4, R5, and CBD zones and within any PD overlay zone used
319 in conjunction with any of these zones, and within the RC zone except on individual lots or
320 parcels for one-family detached dwellings or other dwellings as described in Subsection (2) of

321 this section, all open areas except driveways, parking areas, walkways, utility areas, decks,
322 patios, or porches, etc., shall be landscaped with plants, shrubs, trees, grass and similar
323 landscaping materials as provided in Table 15-20-1, Landscape Requirements.

324 (4) Within PO, PF, SC1, SC2, SC3, CG, CM, MP, M1, M2 and PIC zones all open areas
325 except driveways, parking areas, walkways, utility areas, decks, patios, or porches, etc., shall be
326 maintained with suitable landscaping of plants, shrubs, trees, grass and similar landscaping
327 materials.

328 (a) At least fifteen (15) trees per acre shall be provided.

329 (b) The Airport Director and Community Development Director may jointly
330 approve any modification to a requirement of this Chapter as applied to City-owned
331 property located on or adjacent to the Provo City Airport.

332 (5) Within the CBD zone any open areas or courts lying between a front or side property
333 line and the front or side of any building or structure located on the property, except those
334 portions devoted to driveways, shall be maintained with suitable landscaping of plants, shrubs,
335 trees, grass, and similar landscaping materials. Landscaping materials shall be in character with
336 and shall complement the landscaping provided in adjacent public rights-of-way.

337 (6) Within the CA zone front and side yard areas adjacent to a public street, except those
338 portions devoted to driveways and parking, shall be maintained with suitable landscaping of
339 plants, shrubs, trees, grass, and similar landscaping materials. At least five (5) trees per acre shall
340 be provided.

341 (7) Within the RM zone all open areas except driveways, parking areas, walkways, utility
342 areas, improved decks, patios, or porches shall be landscaped.

343 (a) Trees of a type, size, and interval shall be planted along the street frontage of
344 any private or public street within the development and around the periphery of a
345 manufactured home park.

346 (b) Front yard and street side yards shall ~~consist of seventy five percent (75%) of~~
347 ~~live plant material such as grass, shrubs and trees~~ be landscaped as outlined in Section
348 15.20.060

349 (c) Hedges, shrubs, trees, and other plant material shall be installed between
350 perimeter fencing and all public streets.

351 (d) All common areas shall be reasonably landscaped with plants, shrubs, trees,
352 grass, and similar landscaping materials, including a minimum of fifteen (15) trees per
353 acre. All shrubs and trees shall have a minimum size as listed in Section 15.20.060 of this
354 Chapter.

355 (e) A central recreation area shall be established in each manufactured
356 home park and manufactured home subdivision. (i) The size of said recreation
357 area shall be at least ten percent (10%) of the site excluding buffer yards and a
358 community center and may contain community clubhouses, swimming pools, and
359 similar facilities provided exclusively for recreation purposes.

360 (ii) The Planning Commission may permit decentralization of recreation
361 facilities provided they are of adequate size to be usable and practical for group
362 recreation use.

363 (iii) Within a manufactured home park or subdivision, some provision
364 satisfactory to the Planning Commission shall be made to assure perpetual
365 common use and perpetual maintenance of the recreation areas and facilities.
366 Open space easements shall be granted to the City within recreation and open

367 space areas to assure that said areas will not be developed in a manner
368 inconsistent with an approved project plan.

369 (8) Within the R&BP zone the following landscaping provisions shall apply.

370 (a) At the time of rezoning and preliminary project plan approval, an overall
371 landscaping plan shall be submitted showing typical landscaping (including type, size,
372 number, and location of plant materials) for the following areas: project entrances,
373 perimeter buffers, open space easements and common areas, and streetscape landscaping.
374 Detailed landscape plans for individual lots shall be submitted at the time of project plan
375 approval for individual buildings. Landscape improvements for common open space
376 features shall be developed at each phase of the project.

377 (b) A minimum of forty percent (40%) of the overall project site and individual
378 lots shall be maintained in permanent landscaped open space.

379 (c) Internal circulation roads shall be landscaped with street trees and streetside
380 planters. A minimum ten (10) foot width shall be landscaped adjoining the right-of-way
381 of any such street or road. Streetscape planting shall be consistent throughout the
382 development to provide a unifying landscape theme. Details for these areas shall be
383 submitted with the overall landscape plan at the time of preliminary plan approval.

384 (d) Existing significant trees, tree stands, natural vegetation, and wildlife habitat
385 shall be integrated into the site landscape plan to the maximum extent possible.
386 Preliminary landscape plans shall identify all existing trees five (5) inch caliper or larger.

387 (e) Landscaped berms shall be constructed along all perimeter public access street
388 frontages.

389 (i) The height of berms shall be at least four (4) feet and shall be varied in
390 height with enclaves, protrusions, etc.

391 (ii) The slope of berms shall be such as to be mowable with a standard
392 rider mower.

393 (f) Large mature trees shall be planted along perimeter public access street frontages.

394 (i) Such trees shall be three (3) to five (5) inch caliper trees, planted at
395 least ten (10) feet from sidewalks.

396 (ii) Recommended species are Sycamore, Shademaster Honey Locust,
397 Sunburst Honey Locust, Little Leaf Linden, or Norway Maple planted thirty-five
398 (35) feet on center.

399 (g) In order to maintain the park-like atmosphere intended for a Research and
400 Business Park, thirty (30) trees per acre shall be used as a minimum standard in
401 developing the landscaping plans.

402 (i) Fifty percent (50%) of the deciduous trees shall be two (2) to two and
403 one-half (2.5) inch caliper. Thirty percent (30%) of deciduous trees shall be one
404 and one-half (1 ½) to two (2) inch caliper. Twenty percent (20%) of the deciduous
405 trees shall be three (3) inches or more in caliper.

406 (ii) No deciduous trees of less than one and one-half (1 ½) inch caliper
407 shall be accepted, nor shall evergreen trees less than six (6) feet in height be
408 accepted. No bare root stock shall be accepted.

409 (h) The following mix of shrub sizes shall be used to insure a quality landscape:

410 (i) Seventy percent (70%) of shrubs shall be at least five (5) gallon size
411 stock.

412 (ii) Thirty (30) percent of shrubs shall be at least one (1) gallon size stock.

413 (i) A foundation area planting strip at least ten (10) feet wide shall be placed
414 around all buildings.

415 (9) Within the SSC zone a minimum thirty percent (30%) of the total lot area of the
416 commercial center shall be developed and maintained as landscaped open space.

417 (10) Vacant lots in all zones awaiting construction shall be maintained free of unsightly
418 storage of equipment, construction materials, or overgrown weeds and nuisance vegetation.
419

420 **15.20.090. Parking Lot Landscaping.**

421 (1) All parking lots designed for six (6) or more parking spaces shall provide landscaping
422 in accordance with the provisions of this Section. Smaller parking lots shall not be required to
423 provide landscaping other than yard area landscaping and landscaped buffer requirements as
424 specified in other sections of this Chapter.

425 (2) Parking areas shall be landscaped at a rate of at least forty (40) square feet of
426 landscaping per required off-street parking stall. Landscaping areas located along the perimeter
427 of a parking lot (beyond the curb or edge of pavement of the parking lot, up to a depth of ten (10)
428 feet) may be included toward satisfying this requirement. Deciduous trees shall be planted within
429 said parking area landscaping in a manner such that, at maturity of said trees, at least twenty-five
430 percent (25%) of the paved surface area of the parking area will be shaded when the sun is
431 directly overhead.

432 (3) Landscaped areas shall be improved in conformance with the following requirements:

433 (a) Interior parking lot landscaping areas shall be dispersed throughout the
434 parking lot. Landscaped islands shall be required at the end of the parking rows, and at
435 the mid-point of parking rows which exceed ten (10) parking stalls, or every ten (10)
436 stalls if parking rows exceed twenty (20) stalls.

437 (b) Interior parking lot landscaping areas shall be a minimum of one hundred
438 twenty (120) square feet in area and shall be a minimum of five (5) feet in width, as
439 measured from back of curb to back of curb.

440 (4) The plants used to improve the landscape areas defined above shall conform to the
441 following:

442 (a) Primary plant materials used in the interior parking lots shall be deciduous
443 shade tree species in conformance with applicable provisions of Section 15.20.060, Provo
444 City Code. Ornamental trees, shrubbery, hedges, and other plants may be used to
445 supplement the shade tree plantings in perimeter planting areas, but shall not be the only
446 plants used in such landscaping.

447 (b) One (1) shade tree shall be provided for every one hundred twenty (120)
448 square feet of landscaping area;

449 (c) A minimum of fifty percent (50%) of every interior parking lot landscaping
450 area shall be planted with groundcover at a density that will achieve complete cover
451 within two (2) years.

452 (5) Six (6) inch by six (6) inch minimum poured concrete curb controls shall be
453 constructed around all required landscaping within the interior of parking lots for the protection
454 of the landscaping, except as follows:

455 (a) In CM, M1, and M2 zones, hard-surfaced areas used as operational yard areas
456 for trucks, trailers and other incidental vehicles, other than passenger automobiles and
457 light trucks, and which are not parking lots for employees, clients, and customers, shall
458 be exempt from parking lot interior landscaping requirements.

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15.20.100. Required Perimeter Parking Lot Landscape Improvements.

(1) The landscape requirements identified in Table 15-20-2, Required Perimeter Parking Lot Landscape Improvements, provide for the enhancement of parking lots by recognizing two (2) distinct conditions. The first is where parking lots are located in front and side street areas, 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.

(a) The intent of this Section is to require a higher level of landscaping for residential uses (principally multifamily uses) than for nonresidential uses.

(b) The improvements established in Table 15-20-2 shall be required only for parking lots with six (6) or more stalls and where the lot is located within a required yard or within twenty (20) feet of a lot line. For reduction of impacts between dissimilar uses, see Sections 15.20.100 and 14.34.300, Provo City Code.

(c) Where both parking lot landscaping and landscape buffers are required, the more restrictive shall apply.

(d) In no case shall parking be allowed in a required front or street side yard setback.

(2) Where a parking lot is located within a required yard, or within twenty (20) feet of a lot line, perimeter landscaping shall be required along the corresponding edge of the parking lot in conformance with the provisions in Table 15-20-2.

(a) Perimeter landscaping, if required, shall be provided within landscape areas at least five (5) feet in width, as measured from the back of the parking lot curb and extending into any parking space overhang area.

(b) Within the landscape area required above, landscape improvements shall be required as established in this Section and Table 15-20-2.

(3) Fences along parking lot perimeters may be required through the project plan review process pursuant to the provisions of Section 14.02 or when required by Section 14.34.300, Provo City Code.

(4) Six (6) inch by six (6) inch minimum poured concrete curb controls shall be constructed around all required landscaping on the perimeter and within parking lots.

15.20.110. Landscape Buffers.

(1) The requirements of this Section shall establish the dimensions and improvement requirements of landscape buffers as required for transitions between dissimilar uses.

(2) Landscape buffers shall be reserved for vegetation and fencing. No parking, driveways, sidewalks, accessory buildings or other impervious surfaces shall be permitted, unless specifically authorized through the project plan review process. Landscape buffers may be located within required landscape yards as established in the applicable zone regulations. Where both landscape buffers and parking lot landscaping is required the more restrictive shall apply.

(3) The width of landscape buffers shall be a minimum of ten (10) feet as set forth in Section 14.34.300, Provo City Code, subject to the following requirements:

(a) Shade trees shall be planted at the rate of one (1) tree for every thirty (30) linear feet of landscape buffer;

504 (b) A continuous evergreen or deciduous shrub hedge shall be planted along the
505 entire length of landscape buffer. This shrub hedge shall have an expected mature height
506 of not less than six (6) feet within three (3) years of planting;

507 (c) A fence not exceeding six (6) feet in height may be combined with the shrub
508 hedge. Where a fence or wall is required by another Section of this Code the more
509 restrictive requirement shall apply; and

510 (d) Areas not planted with trees or shrubs shall be maintained as turf or other
511 groundcover.

512 **15.20.120. Parkways.**

513 The intent of this section is to maintain the appearance of parkways; protect the public by
514 prohibiting the use of materials that may cause harm or injury to pedestrians or vehicles; provide
515 for safe and convenient access across parkways; expand landscape flexibility while not
516 unreasonably inhibiting access for repair and maintenance of public utilities; encourage water
517 conservation and generally improve environmental conditions along the city streets. (1) All
518 parkways in new developments shall be landscaped in conformance with the provisions of this
519 Section.
520

521 (2) ~~Parkways three (3) feet or more in width shall be landscaped with turf grass. No~~
522 ~~rocks, gravel, bark, asphalt, thorn bearing plant species, ground cover or shrubs shall be~~
523 ~~permitted in a parkway. Parkways less than three (3) feet in width may be landscaped with~~
524 ~~impervious materials including brick pavers, concrete pavers or concrete. Asphalt shall not be~~
525 ~~permitted.~~

526 (3) ~~Parkways four (4) feet or more in width shall include trees. Such trees shall be spaced~~
527 ~~not more than thirty (30) feet apart and shall have a minimum caliper size of two (2) inches.~~

528 ~~—— (a) Parkway trees may be clustered or spaced linearly in the right-of-way as~~
529 ~~determined by the City's Urban Forester.~~

530 ~~—— (b) If adequate space is not available in the parkway, the Urban Forester may~~
531 ~~require the planting of parkway trees on the lot adjacent to the right-of-way.~~

532 ~~—— (c) A variety of compatible species shall be included in the planting plan for a~~
533 ~~specific site or development. Trees shall be selected from the tree selection guide~~
534 ~~maintained by the City's Urban Forester and shall be appropriate to their location. Tree~~
535 ~~selection shall be reviewed and approved by the Urban Forester.~~

536 ~~—— (d) Trees may be planted in parkways along State highways only after a permit is~~
537 ~~issued by the Utah Department of Transportation.~~

538 ~~—— (4) The provisions of this Section shall not apply to property within the Provo City~~
539 ~~Beautification District or to any growing vegetation located in a parkway prior to July 1, 1996.~~
540 ~~Non-conforming vegetation may be maintained so long as it conforms to applicable sight~~
541 ~~distance requirements.~~

542 ~~(5) Vegetation which causes a public safety problem, as determined by the City~~
543 ~~Engineer, may be removed by the City.~~

544 ~~(6) Occupancy permits for new buildings shall not be issued unless abutting parkway~~
545 ~~landscaping has been installed or a bond provided to guarantee installation.~~

546 (7) Where a parkway strip has been installed, the abutting property owner shall provide
547 landscaping as provided in this Section and shall continue to maintain the landscaping in a
548 healthy, safe, attractive, and nuisance free condition. This shall include taking appropriate
549 measures to water and trim plant materials, and to keep the parkway weed free.

550 ~~(8) It shall be unlawful for any person to remove from a parkway any landscaping~~
551 ~~required by the provisions of this Chapter or Chapter 9.20, Provo City Code. This provision shall~~
552 ~~not apply to routine parkway maintenance.~~

553 ~~(9) In all new subdivisions and developments requiring street improvements (curb,~~
554 ~~gutter, sidewalk, and street trees), the developer shall, as a part of the development, install the~~
555 ~~concrete work around the parkway strip, along with sleeves underneath or through the sidewalk~~
556 ~~to accommodate eventual sprinkling systems to the parkway strip.~~

557 ~~(10) A fee, as shown on the Consolidated Fee Schedule adopted by the Municipal~~
558 ~~Council, based upon a formula of one (1) tree for every thirty (30) feet of street frontage, shall be~~
559 ~~required of the property owner when a building permit is issued for a new structure on a lot.~~
560 ~~Street trees shall be installed by the Urban Forester Division of the Energy Department.~~

561 ~~(11) The Energy Department and Urban Forester shall periodically prune and spray~~
562 ~~parkway trees as needed. The Energy Department shall maintain safe distances between tree~~
563 ~~limbs and power lines in the area.~~

564 ~~——(a) Trees planted under power lines shall conform to the Energy conductors.~~

565 ~~——(b) If a tree needs to be removed because of disease or death, the Urban Forester shall do~~
566 ~~so. Removal of trees by property owners without approval from the Urban Forester shall be~~
567 ~~unlawful except as otherwise provided by another express provision of the Provo City Code.~~

568 (1) Parkway Landscaping

569 (a) Parkways less than four (4) feet in width shall be landscaped with materials
570 including bark, decorative stone, brick pavers, concrete pavers, ~~or~~ poured concrete or turf
571 grass. If poured concrete is used, a decorative pattern is encouraged.

572 (b) Parkways four (4) feet or more in width shall be landscaped. Turf grass,
573 vegetative materials, (not exceeding twenty-four (24) inches in height at maturity) as well
574 as other materials including brick pavers, or decorative stone may be used. Stone or rock
575 smaller than one-inch in diameter presents a hazard to vehicular and pedestrian traffic
576 and poses a clogging risk to City storm drains and shall not be allowed in parkway strips.
577 When non-vegetative materials are used, they are not to exceed sixty percent (60%) of
578 the parkway surface area. Thorn bearing plant species, asphalt or poured concrete shall
579 not be permitted.

580 (2) Parkway Maintenance

581 (a) All materials used in the parkway strip shall be placed in such a way that they
582 will not spill or slough off into the gutter, sidewalk, roadway or adjacent property.
583 Property owners shall be responsible for maintaining such materials.

584 (b) A property owner whose real property abuts a parkway shall provide
585 landscaping in all parkways as provided in this Section and shall continue to maintain the
586 landscaping in a healthy, safe, attractive, and nuisance-free condition. This shall include
587 leveling, retaining and maintaining all materials from encroaching upon any areas outside
588 of the parkway strip, pruning all plant materials, (excluding public trees) and keeping the
589 parkway weed-free.

590 (c) Sufficient irrigation shall be required for any and all vegetative plant material,
591 including trees, installed in a parkway strip. Irrigation shall be done in a manner that does
592 not waste water.

593 (d) Vegetation which causes a public safety problem, as determined by the City
594 Engineer, may be ordered by the City to be removed or may be removed by the City.

595 (3) Parkway Trees

596 (a) Parkways four (4) feet or more in width shall be planted with trees. Such trees
597 shall be spaced not more than twenty-five (25) feet apart and shall have a minimum
598 caliper size of two (2) inches.

599 (b) Parkway trees may be clustered or spaced linearly in the right-of-way as
600 determined by the City's Forester.

601 (c) A variety of compatible species shall be included in the planting plan for a
602 specific site or development. Trees shall be selected from the tree selection guide
603 maintained by the City Forestry Division and shall be appropriate to their location. Tree
604 selection shall be reviewed and approved by the City Forester prior to planting.

605 (d) Trees may be planted in parkways along State highways only after a permit is
606 issued by the Utah Department of Transportation.

607 (e) A fee, as shown on the Consolidated Fee Schedule adopted by the Municipal
608 Council, based upon a formula of one (1) tree for every twenty-five (25) feet of street
609 frontage, shall be required of the property owner when a building permit is issued for a
610 new structure on a lot. Street trees shall be installed by the City Forestry Division. A
611 property owner shall have two years from the date the fee has been paid to prepare the
612 parking strip with an irrigation system and landscaping that conforms to City code.
613 Failure to do so shall be a violation of this section. If the property owner has not installed
614 the required irrigation system and suitable landscaping, the City may undertake
615 appropriate administrative and/or legal action to enforce this provision, forfeit these funds
616 and use them to (i) make necessary improvements, (ii) seek court ordered completion of
617 the required landscaping, and/or recoup its enforcement costs, or (iii) plant trees
618 elsewhere in Provo City.

619 (f) The Energy Department and/or the City Forester shall periodically prune and
620 spray parkway trees as they, in their sole discretion, deem appropriate for the purpose of
621 maintaining safe distances between tree limbs and power lines, according to Provo City
622 Code.

623 (g) Trees planted under power lines shall conform to City Code and Energy
624 Department standards.

625 (h) The City Forester shall undertake the removal of diseased and dead trees from
626 the parkway. Removal of trees from the parkway by property owners without approval
627 from the City Forester is prohibited unless otherwise expressly allowed by another
628 provision of the Provo City Code

629 (4) Parkway Provisions

630 (a) Occupancy permits for new commercial and residential buildings shall not be
631 issued unless abutting parkway landscaping has been installed or a bond provided to
632 guarantee installation.

633 (b) Except for routine parkway maintenance, no one may remove from a parkway
634 any landscaping required by the provisions of this Chapter or Chapter 9.20, Provo City
635 Code.

636 (c) In all new subdivisions and developments requiring street improvements
637 (curb, gutter, sidewalk, and street trees), the developer shall, as a part of the development,
638 install the concrete work around the parkway strip, along with sleeves underneath or
639 through the sidewalk to accommodate placement of irrigation systems to and in the
640 parkway strip.

641 (d) Wasting water in parkways, by significantly over-spraying landscaped areas,
642 or by creating superfluous excess runoff, is prohibited. If after notice from the City and a
643 reasonable opportunity to correct this violation, a property owner fails to cease this
644 practice, it shall be deemed a nuisance, which nuisance may be abated as provided by
645 law.

646
647 **15.20.130. Bonding.**

648 Bonding shall be required for all landscaping improvements prior to obtaining a
649 building permit or commencing work on any project where landscaping is required by this Title.
650 Bonds shall be subject to the requirements of Chapter 15.03.280, Provo City Code.

651
652 **15.20.140. Nonconforming Lot Due to Landscaping.**

653 If the remodeling of a building in any zone causes the exterior of the building to be
654 enlarged, the landscaping requirements of this Chapter shall apply, with the following
655 limitations:

656 (1) The requirements of this Chapter shall not apply where those requirements would
657 conflict with parking requirements, be incompatible with the design of existing buildings, or
658 impair ingress or egress to existing buildings or parking areas.

659 (2) The requirements of this Chapter shall not apply to required improvements which
660 cost more than ten percent (10%) of a total remodeling project.

661
662 **15.20.150. Enforcement.**

663 (1) All landscaping shall be installed and maintained in conformance with an
664 approved landscape plan. Any modification to an approved plan shall require approval of the
665 Planning Commission or its designee.

666 (a) Bonding for all landscape improvements shall be held until required landscaping
667 is inspected and shown to conform to the approved landscape plan.

668 (b) Unauthorized changes to a landscape plan shall be corrected by the person
669 responsible for deviating therefrom. Unauthorized changes which remain uncorrected
670 shall be a violation of this Chapter and subject to the fines and penalties established in
671 Chapter 14.42, Provo City Code.

672 (2) The Community Development Department and the Urban Forester are hereby
673 authorized to bring actions against property owners for violations of this Chapter.

674
675 **15.20.160. Appeal.**

676 Any person adversely affected by a decision involving the provisions of this Chapter
677 may appeal the same to the Board of Adjustment as provided in Section 14.05.030, Provo City
678 Code.

679
680 **PART II:**

681
682 A. If a provision of this Ordinance 2012-20 conflicts with a provision of a previously
683 adopted ordinance concerning the same title, chapter, and/or section number amended herein, the
684 provision in this ordinance shall prevail.

685

686 B. This ordinance and its various sections, clauses and paragraphs are hereby declared to
687 be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid,
688 the remainder of the ordinance shall not be affected thereby.

689
690 C. The Municipal Council hereby directs that the official copy of the Provo City Code be
691 updated to reflect the provisions enacted by this ordinance.

692
693 D. This ordinance shall take effect immediately after being posted or published as
694 required by law.

695
696 END OF ORDINANCE.