

Ordinance 2015-12

SHORT TITLE:

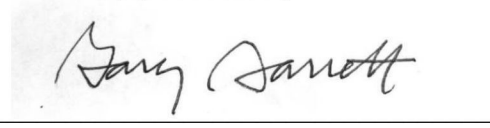
An ordinance amending Provo City Code Section 15.20 (Development Landscape Requirements) to add references to new zones and update landscaping requirements.

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	MOTION	SECOND	FOR	AGAINST	OTHER	
CW 1	DAVID SEWELL			✓			
CW 2	GARY GARRETT			✓			
CD 1	GARY WINTERTON			✓			
CD 2	KIM SANTIAGO		✓	✓			
CD 3	HAL MILLER			✓			
CD 4	KAY VAN BUREN			✓			
CD 5	CALLIE HALES	✓		✓			
				TOTALS	7	0	0


This ordinance was passed by the Municipal Council of Provo City, on the 17th day of March, 2015 on a roll call vote as described above. Signed this 21st day of May, 2015.



 Chair

II
APPROVAL BY MAYOR

This ordinance is approved by me this 27th day of May 2015.



 Mayor

ORDINANCE 2015-12

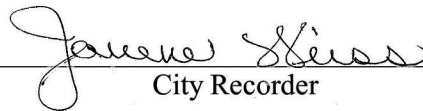
III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was recorded in the office of the Provo City Recorder on the 27th day of May 2015, with a short summary being published on the 26th day of March 2015, in The Daily Herald, a newspaper circulated in Provo, Utah. I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to Ordinance Number 2015-12.



Signed this 27th day of May 2015.



City Recorder

ORDINANCE 2015-12.

AN ORDINANCE AMENDING PROVO CITY CODE SECTION 15.20 (DEVELOPMENT LANDSCAPE REQUIREMENTS) TO ADD REFERENCES TO NEW ZONES AND UPDATE LANDSCAPING REQUIREMENTS. CITY WIDE IMPACT (14-00130A)

WHEREAS, it is proposed that an amendment be made to Provo City Code Section 15.20 (Development Landscape Requirements) to add references to new zones and update landscaping requirements; and

WHEREAS, the Provo City Development Landscape Requirements were last amended in 2012, and since that time there have been several new zones enacted in Title 14 that reference Chapter 15.20; and

WHEREAS, noting that these zones were not detailed in Chapter 15.20 and seeing several other helpful corrections and updates to the Code, Staff began drafting an update amendment in November 2014; and

WHEREAS, there are improved landscaping practices that have not been incorporated into the current landscaping requirements; and

WHEREAS, the draft went through several revisions after review from the Urban Forester, Zoning Administrator, Parks Project Coordinator, and members of the Public Works Department; and

WHEREAS, on January 28, 2015, 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 that the proposed amendment be approved as set forth below; and

WHEREAS, on March 17, 2015, the Municipal Council held a duly noticed public meeting to receive public comment and ascertain the facts regarding this matter, which facts and comments are found in the meeting record; and

WHEREAS, after considering the Planning Commission’s recommendation, and facts and comments presented to the Municipal Council, the Council finds (i) Provo City Code Section 15.20 (Development Landscape Requirements) should be amended on the basis recommended by the Planning Commission and (ii) this action, 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:

Section 15.20 of the Provo City code is hereby amended as follows:

Chapter 15.20

Development Landscaping Requirements.

15.20.010. Purpose.

- 49 15.20.020. Landscape Requirements.
- 50 15.20.030. Saving Existing Vegetation.
- 51 15.20.040. Definitions.
- 52 15.20.050. Landscape Plan.
- 53 15.20.060. Design Standards.
- 54 15.20.070. Installation and Maintenance of Plant Materials.
- 55 15.20.080. **Supplemental** Landscaping Requirements by Zone.
- 56 15.20.090. Parking Lot Landscaping.
- 57 15.20.100. Required Perimeter Parking Lot Landscape Improvements.
- 58 15.20.110. Landscape Buffers.
- 59 15.20.120. Parkways.
- 60 15.20.130. Bonding.
- 61 15.20.140. Noncomplying Lot Due to Landscaping.
- 62 15.20.150. Enforcement.
- 63 15.20.160. Appeal.

64 **15.20.010. Purpose.**

65 The landscaping and buffering requirements specified in this Chapter are intended to foster aesthetically pleasing
66 development which will protect and preserve the appearance, character, health, safety and welfare of the community.
67 These regulations are intended to increase the compatibility of adjacent uses and, in doing so, minimize the harmful
68 impacts of noise, dust and debris, motor vehicle headlight glare or other artificial light intrusions, and other
69 objectionable activities or impacts conducted or created by an adjoining or nearby use, thereby fostering
70 compatibility among different land uses. These regulations are also intended to preserve, enhance and expand the
71 City forest and promote the prudent use of water and energy resources. (R&R 1999-34, Rep&ReEn 1999-61, Am
72 2012-20)

73 **15.20.020. Landscape Requirements.**

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

77 (2) The Planning Commission may approve a project plan modifying the standards of this Chapter if the property
78 owner seeking development approval presents substantial evidence demonstrating that the modification, as
79 determined by the Planning Commission, should be approved based on one (1) of the following reasons:

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

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

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

86 (3) If any provision of this Chapter is inconsistent with a provision of an adopted design corridor or special overlay
87 zoning district, the more restrictive provision shall govern. (R&R 1999-34, Rep&ReEn 1999-61, Am 2012-20)

88 **15.20.030. Saving Existing Vegetation.**

89 (1) Developments shall be designed to incorporate existing large trees, clusters of trees or clusters of large shrubs
90 unless the Provo City Forester finds (or a certified ~~botanist~~ arborist in the absence of a finding from the Provo City
91 Forester) that such preservation is unwise. The Planning Commission or its designee shall review the
92 appropriateness of removal of such vegetation if proposed in a development plan.

93 (a) The Planning Commission may approve removal of some or all existing vegetation based on a
94 determination of the benefits of such vegetation and the efforts made to save and incorporate the vegetation into
95 the design of a development versus the problems such vegetation may create for the development in terms of

96 general construction techniques, the impact removal may have on the character of the area, the topography of
97 the site and harmful conditions the vegetation may create.

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

103 (2) Trees and other vegetation to be saved shall be clearly marked to ensure protection against removal or damage.
104 Snow fencing or other acceptable barriers shall be used to protect existing vegetation designated to be saved. The
105 Community Development Department or City Forestry Division shall approve the location of such barriers. (R&R
106 1999-34, Rep&ReEn 1999-61, Am 2006-15, Am 2012-20)

107 **15.20.040. Definitions.**

108 The following definitions shall apply to the regulation and control of landscaping within this Title (more detailed
109 information can be found in the ANSI Z60.1-2004 revision of the American Standard for Nursery Stock):

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

111 "**Botanical name**" means the Latin scientific name of a plant.

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

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

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

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

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

122 "**Design Review Committee**" means the committee established by Chapter 14.04A, Provo City Code.

123 "**Detention area**" means a temporary storage of a determined quantity of water with a release rate that is either
124 fixed or variable.

125 "**Drip irrigation**" means a network of narrow tubes or porous tubing which delivers small amounts of water to
126 individual plants in order to reduce the amount of water wasted due to wind, evaporation or spillage.

127 "**Drip line**" means a vertical line extending from the outermost edge of the tree canopy or shrub branch to the
128 ground.

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

130 "**Foundation area**" means the ground area immediately adjacent to a building on all sides thereof.

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

132 "**Ground cover**" means a prostrate plant less than two (2) feet in height at maturity and used for ornamental
133 purposes.

- 134 **"Hardscape"** means landscaping which may include interior decorative walkways, play areas, improved pads for
135 barbecues, picnic areas, sports facilities, pools, or other functional recreational amenities.
- 136 **"Hardy"** means ~~a plant which can withstand prolonged exposure to temperatures at or below forty five (45) degrees~~
137 ~~Fahrenheit~~ **the ability of a plant to withstand minimum cold and maximum hot temperatures in a specific location.**
- 138 **"Island"** means a raised planting area, usually curbed, and placed to guide traffic, separate lanes, limit paving
139 (impervious surface), ~~preserve existing~~ **provide** vegetation, **reduce heat island effect**, and increase aesthetic quality in
140 parking lots and other areas.
- 141 **"Landscape plan"** means the preparation of graphic and written criteria, specifications, and detailed plans to
142 arrange and modify the effects of natural features such as plantings, ground and water forms, circulation, walks and
143 other features to comply with the provisions of this Chapter.
- 144 **"Landscape yards"** means a yard devoted exclusively to landscaping (~~except that for~~ **for** driveways and sidewalks
145 needed to serve the use and buildings on the lot). ~~may be located within a required landscape yard.~~
- 146 **"Landscaping"** means any combination of living plants, such as trees, shrubs, vines, ground covers, flowers or
147 grass; natural features such as rock, stone, bark chips or shavings; and structural features, including, but not limited
148 to, fountains, reflecting pools, outdoor art work, screen walls, fences, or benches.
- 149 **"Microclimate"** means a specific expression of the wind, temperature, and precipitation patterns of a specific site
150 or property.
- 151 **"Mulch"** means any loose, ~~usually organic~~ **or inorganic**, material placed over the soil as a protective covering or for
152 decorative purposes such as ground bark, saw dust, leaves, compost, ~~or straw~~, **gravel, stone, or rock** .
- 153 **"Parking lot plantings"** means a planting area, within or adjacent to a parking area, designed to shade and improve
154 the attractiveness of large areas of pavement.
- 155 **"Parkway area"** means the strip of land next to a road which is between the curb and the sidewalk.
- 156 **"Perennial"** means a plant which will live for three (3) years or more under normal conditions.
- 157 **"Planting area"** means the area prepared for the purpose of accommodating the planting of trees, shrubs, and
158 ground covers.
- 159 **"Retention area"** means an area designed and used for the temporary or permanent storage of storm water runoff.
- 160 **"Rootball"** means ~~matted roots plus enclosed soil within the pot of a container grown plant~~ **the intact ball of earth or**
161 **growing medium containing the roots of a nursery plant.**
- 162 **"Shrub"** means a small, medium, or large upright plant growing less than five (5) feet to twenty (20) feet in height
163 at maturity that is planted for ornamental or screening purposes.
- 164 **"Site analysis plan"** means a plan drawn with sufficient detail to show existing site conditions including steep
165 slopes, wetlands, watercourses, existing vegetation, scenic views, drainage ways, fences, easements, and other
166 existing features pertaining to the proposed site.
- 167 **"Species"** means a category of plants ranking below genus.
- 168 **"Street tree"** or **"public tree"** is a tree in any public place, located on Provo City property, or street rights-of-way,
169 including, but not limited to, parkway areas.
- 170 **"Street yard"** means a planting area parallel to a public street designed to provide continuity of vegetation along
171 the right-of-way and to soften the impact of development by providing a pleasing view from the street.
- 172 **"Tree"** means a woody plant with a distinct central trunk.

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

175 "Tree protection zone" means the area around a tree corresponding to the drip line or ten (10) feet in all directions
176 from the trunk or as identified by the City Forester or certified arborist.

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

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

180 "Water wise" describes a ~~reduced water usage~~ water conservative landscape achieved through the use of good
181 planning and design, limited turf areas, soil improvements, efficient irrigation, mulching, low water use/native
182 plants, and appropriate trees, shrubs, and ground cover. (R&R 1999-34, Rep&ReEn 1999-61, Am 2012-20)

183 15.20.050. Landscape Plan.

184 (1) A landscape plan shall be required whenever landscaping or alteration of existing landscaping is required by this
185 Title or Title 14, Provo City Code, and shall be submitted with the initial application for approval. Such landscape
186 plan shall conform to the requirements specified in this Chapter. Landscape and irrigation plans shall be prepared by
187 a Landscape Architect licensed in the State of Utah ~~design professional where applicable~~ and be approved by the
188 Planning Commission or its designee prior to the issuance of a building permit. If a building permit is not required,
189 landscape plans shall be approved as part of a project plan. The construction of detached single-family residences
190 shall be exempt from this landscape plan requirement, except as set forth in Chapter 14.31, Performance
191 Development Overlay Zone, Chapter 15.04, Conventional and Open Space Subdivision Requirements, and Section
192 15.20.080(2), Provo City Code. **In the case of existing single-family residences, the Community Development
193 Office may require a landscape plan from the property owner and/or contractor to determine compliance with this
194 ordinance.**

195 (2) All landscape plans submitted for approval shall be drawn to a standard engineer's or architect's scale on an
196 ~~twenty four (24) inch by thirty six (36) inch~~ or eleven (11) inch by seventeen (17) inch sheets and submitted
197 electronically, and shall include the following components:

198 (a) Landscape plan showing the following information:

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

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

204 (iii) location, size and common names of all existing plants including trees and other plants in the
205 parkway;

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

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

209 (vi) existing and proposed grading of the site using two (2) foot contour intervals;

210 (vii) proposed berming using one (1) foot contour intervals;

211 (viii) elevations and cross-sections of all proposed fences and retaining walls;

212 (ix) elevations and cross-sections of other landscape features; and

213 (x) summary data indicating the total area of property and percentage of the site devoted to landscape area.

214 (b) Irrigation System Plan. The landscape plan and the irrigation plan shall be provided on separate sheets.
215 (R&R 1999-34, Rep&ReEn 1999-61, Am 2012-20)

216 **15.20.060. Design Standards.**

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

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

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

224 (b) Evergreens ~~may~~**should** be incorporated into the landscape treatment of a site, particularly in those areas
225 where screening and buffering is required.

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

228 (d) Detention/retention basins and ponds shall be landscaped where possible. Such landscaping may include
229 shade and ornamental trees, evergreens, shrubbery, hedges, turf and ground cover.

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

231 (i) Deciduous trees shall be placed on the south and west sides of buildings to provide shade from the
232 summer sun-, **but may be placed elsewhere in the landscape.**

233 (ii) Where possible, evergreens should be concentrated on the north side of buildings to dissipate the effect
234 of winter winds.

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

237 (3) Landscape design shall recognize the climatic and geologic limitations of the Provo City area and the need for
238 water conservation. While irrigation systems are required for certain landscape areas, and may be desirable for other
239 applications, all irrigation systems shall be designed to minimize the use and runoff of water.

240 (a) All areas to be landscaped with sod, seed, and/or hydroseed shall have ~~sprinklers and/or~~ **an automatic**
241 irrigation system. ~~All other landscaped areas shall be provided with drip irrigation systems.~~

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

244 ~~(e)~~**(b)** To promote water conservation every effort should be made to use drought-tolerant species that can
245 withstand dry conditions once established. The use of drought-tolerant vegetation is encouraged in required
246 landscape areas, especially in hillside areas. The City Forester shall maintain a current list of drought-tolerant
247 trees and shrubs that are locally available. Water wise landscaping may include a combination of drought-
248 resistant trees, shrubs, ground covers, organic mulches ~~as well as some dry landscape materials,~~ **decorative**
249 **stone, including** and native plants.

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

254 (5) Minimum plant sizes **at time of installation** shall be as follows:

255 (a) All deciduous and/or ornamental trees shall have a minimum two (2) inch caliper size. **Multi-stem varieties**
256 **shall have a minimum height of six (6) feet.**

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

259 (c) All shrubs shall ~~have a minimum height or spread of eighteen (18) inches~~ **be a minimum five (5) gallon size**
260 **stock** depending on the plant's natural growth habit. (R&R 1999-34, Rep&ReEn 1999-61, Am 2012-20)

261 **15.20.070. Installation and Maintenance of Plant Materials.**

262 (1) All landscaping shall be installed in accordance with planting procedures established by the American Nursery
263 and Landscape Association and ANSI Z60.1-~~1996~~-**2004**. The installation of all plants required by this Chapter may
264 be delayed until the next optimal planting season, as determined by the Community Development Department,
265 subject to the posting of a bond to guarantee installation. Such bond shall conform to the requirements of Section
266 15.03.280, Provo City Code.

267 (2) All landscaping materials, fences and walls, and irrigation systems shall be maintained in good condition so as to
268 present a healthy, neat and orderly appearance, and shall be replaced when necessary. The owner of the premises
269 shall be responsible for the maintenance, repair and replacement of all landscaping materials, fences and walls.
270 (R&R 1999-34, Rep&ReEn 1999-61, Am 2012-20)

271 **15.20.080. Supplemental Landscaping Requirements by Zone.**

272 (1) The requirements of this Section shall apply in addition to other requirements of this Chapter.

273 (2) **Within the following zones, all open areas except driveways, parking areas, walkways, utility areas, decks,**
274 **patios, porches, etc. shall be landscaped by the following standards.**

275 (a) **Within all A1, RA, and R1 zones and one-family or two-family dwellings in the RC zone, landscaping**
276 **shall comply with Provo City Code Section 15.20.060. The design layout and details may be determined by**
277 **the property owner so long as the standards set forth in 15.20.060 are met.**

278 (i) **Existing one-family or two-family dwellings replacing front yard landscaping must submit a**
279 **plan to the Community Development Department for approval.**

280 (b) **Within all LDR, MDR, HDR, and CMU zones, landscaping shall meet the following requirements:**

281 (i) **Each property shall have a minimum of one (1) tree per two thousand (2,000) square feet of**
282 **landscape space (parkway and interior parking lot trees shall not be counted towards this**
283 **requirement).**

284 (ii) **Foundation area plantings (including fences) shall have a minimum four (4) foot planting bed,**
285 **a minimum three (3) foot average plant height, and have minimum 50% coverage at maturity;**
286 **layered planting is encouraged (additional width may be required to accommodate mature spread**
287 **of selected plant materials).**

288 (c) **Within all PO, PF, PFS, SC1, SC2, SC3, CG, CM, MP, M1, M2, PIC, FC1, FC2, HCF, and TF zones,**
289 **landscaping shall have a minimum of fifteen (15) trees per acre.**

290 (i) **The Airport Director and Community Development Director may jointly approve any**
291 **modifications to a requirement of this Chapter as applied to City-owned property located on or**
292 **adjacent to the Provo City Airport.**

293 ~~(2) Within A1, RA, and R1 zones, and within the RC zone on lots or parcels for one-family detached dwellings,~~
294 ~~including but not limited to any dwelling with a legally established accessory apartment in an R1(A) or R1(S)~~
295 ~~overlay zone or RC zone, or for semi-detached (twin home) or two-family ("duplex") dwellings, or for dwellings~~
296 ~~constructed as one- or two-family dwellings and legally converted for additional units ("one-family conversions");~~
297 ~~all open areas except driveways, parking areas, walkways, utility areas, decks, patios, porches, etc., shall be~~
298 ~~landscaped as outlined in Section 15.20.060, Provo City Code, as determined by the property owner.~~

299 ~~(3) Within R2, R2.5, R3, R4, R5, and CBD zones and within any PD overlay zone used in conjunction with any of~~
300 ~~these zones, and within the RC zone except on individual lots or parcels for one family detached dwellings or other~~
301 ~~dwellings as described in Subsection (2) of this Section, all open areas except driveways, parking areas, walkways,~~
302 ~~utility areas, decks, patios, or porches, etc., shall be landscaped with plants, shrubs, trees, grass and similar~~
303 ~~landscaping materials as provided in Table 15-20-1, Landscape Requirements.~~

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

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

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

310 ~~(5)(3) Within the **CBD** **DT1** and **DT2** zones any open areas or courts lying between a front or side property line and~~
311 ~~the front or side of any building or structure located on the property, except those portions devoted to driveways,~~
312 ~~shall be maintained with suitable landscaping of plants, shrubs, trees, grass, and similar landscaping materials.~~
313 ~~Landscaping materials shall be in character with and shall complement the landscaping provided in adjacent public~~
314 ~~rights-of-way.~~

315 ~~(6)(4) Within the CA zone front and side yard areas adjacent to a public street, except those portions devoted to~~
316 ~~driveways and parking, shall be maintained with suitable landscaping of plants, shrubs, trees, grass, and similar~~
317 ~~landscaping materials. At least five (5) trees per acre shall be provided **in the parkway.**~~

318 ~~(7)(5) Within the RM zone all open areas except driveways, parking areas, walkways, utility areas, improved decks,~~
319 ~~patios, or porches shall be landscaped **with a minimum of fifteen (15) trees per acre.**~~

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

322 ~~(b) Front yard and street side yards shall be landscaped as outlined in Section 15.20.060, Provo City Code.~~

323 ~~(e)(b) Hedges, shrubs, trees, and other plant material shall be installed between perimeter fencing and all public~~
324 ~~streets.~~

325 ~~(d) All common areas shall be reasonably landscaped with plants, shrubs, trees, grass, and similar landscaping~~
326 ~~materials, including a minimum of fifteen (15) trees per acre. All shrubs and trees shall have a minimum size as~~
327 ~~listed in Section 15.20.060, Provo City Code.~~

328 ~~(e)(c) A central **landscaped** recreation area shall be established in each manufactured home park and~~
329 ~~manufactured home subdivision.~~

330 ~~(i) The size of said **landscaped** recreation area shall be at least ten percent (10%) of the site excluding~~
331 ~~buffer yards ~~and a community center~~ and may contain community clubhouses, swimming pools, and~~
332 ~~similar facilities provided exclusively for recreation purposes.~~

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

335 ~~(iii) Within a manufactured home park or subdivision, some provision satisfactory to the Planning~~
336 ~~Commission shall be made to assure perpetual common use and perpetual maintenance of the recreation~~
337 ~~areas and facilities. Open space easements shall be granted to the City within recreation and open space~~
338 ~~areas to assure that said areas will not be developed in a manner inconsistent with an approved project~~
339 ~~plan.~~

340 ~~(8)(6) Within the R&BP zone the following landscaping provisions shall apply:~~

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

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

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

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

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

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

359 (ii) The slope of berms shall be ~~such as to be mowable with a standard rider mower~~ at a slope of 3:1 or less.

360 (f) Large ~~mature~~ caliper trees shall be planted along perimeter public access street frontages ~~approximately~~
361 ~~every thirty-five (35) feet.~~

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

363 (ii) ~~Recommended species are Sycamore, Shademaster Honey Locust, Sunburst Honey Locust, Little Leaf~~
364 ~~Linden, or Norway Maple planted thirty five (35) feet on center.~~ Tree species shall be approved by the City
365 Forester.

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

368 (i) Fifty percent (50%) of the deciduous trees shall be two (2) to two and one-half (2 1/2) inch caliper.
369 Thirty percent (30%) of deciduous trees shall be one and one-half (1 1/2) to two (2) inch caliper. Twenty
370 percent (20%) of the deciduous trees shall be three (3) inches or more in caliper.

371 (ii) No deciduous trees of less than one and one-half (1 1/2) inch caliper shall be accepted, nor shall
372 evergreen trees less than six (6) feet in height be accepted. No bare root stock shall be accepted.

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

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

375 (ii) ~~Thirty (30) percent of~~ No shrubs shall be at least ~~less than~~ one (1) gallon size stock.

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

377 ~~(9)(7)~~ Within the SSC zone a minimum thirty percent (30%) of the total lot area of the commercial center shall be
378 developed and maintained as landscaped open space.

379 ~~(10)~~(8) Vacant lots in all zones awaiting construction shall be maintained free of unsightly storage of equipment,
380 construction materials, or overgrown weeds and nuisance vegetation. (Am 1999-61, Am 2005-33, Am 2006-46, Am
381 2009-10, Am 2010-31, Am 2012-20)

382 **15.20.090. Parking Lot Landscaping.**

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

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

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

393 ~~(a) Interior parking lot landscaping shall be dispersed throughout the parking lot. Landscaped islands shall be~~
394 ~~required at the end of the parking rows, and at the mid-point of parking rows which exceed ten (10) parking~~
395 ~~stalls, or every ten (10) stalls if parking rows exceed twenty (20) stalls.~~

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

398 **(a) A minimum of six percent (6%) of the interior parking area shall be landscaped and shall be dispersed**
399 **throughout the parking lot.**

400 **(b) Landscaped islands a minimum five (5) feet in width shall be required at the end of all parking rows.**

401 **(c) Interior landscape design shall meet one of the following options:**

402 **(i) Landscaped strip planters a minimum five (5) feet in width shall be required in front of or between rows**
403 **of parking spaces, except when using vegetated drainage swales the minimum width shall be eight (8) feet;**
404 **(or)**

405 **(ii) Landscaped islands shall be required at the mid-point of parking rows which exceed ten (10) parking**
406 **stalls, or every ten (10) stalls if parking rows exceed twenty (20) stalls.**

407 **(d) Two (2) feet of a parking space may have a clear overhang and count toward the required length of the**
408 **parking space.**

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

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

414 (b) One (1) shade tree shall be provided for every one hundred twenty (120) square feet of **interior parking lot**
415 **landscaping area.**

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

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

420 (a) In CM, M1, and M2 zones, hard-surfaced areas used as operational yard areas for trucks, trailers and other
421 incidental vehicles, other than passenger automobiles and light trucks, and which are not parking lots for
422 employees, clients, and customers, shall be exempt from parking lot interior landscaping requirements. (R&R
423 1999-34, Rep&ReEn 1999-61, Am 2012-20)

424 (b) When using vegetated drainage swales, six (6) inch by six (6) inch parking stops may be used to allow
425 stormwater to pass into the planter.

426 **15.20.100. Required Perimeter Parking Lot Landscape Improvements.**

427 (1) The landscape requirements identified in Table 15-20-21, Required Perimeter Parking Lot Landscape
428 Improvements, provide for the enhancement of parking lots by recognizing two (2) distinct conditions. The first is
429 where parking lots are located in front and side street areas, and a uniform scheme of landscaping is required to
430 protect the aesthetics along public streets. The second condition is where parking lots are located within rear and
431 interior side yards, and minimum requirements for beautification of both residential and nonresidential uses are the
432 City's goal.

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

435 (b) The improvements established in Table 15-20-2 shall be required only for parking lots with six (6) or more
436 stalls and where the lot is located within a required yard or within twenty (20) feet of a lot line. For reduction of
437 impacts between dissimilar uses, see Sections 14.34.300 and 15.20.110, Provo City Code.

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

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

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

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

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

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

449 ~~(4) Six (6) inch by six (6) inch minimum poured concrete curb controls shall be constructed around all required~~
450 ~~landscaping on the perimeter and within parking lots. (R&R 1999-34, Rep&ReEn 1999-61, Am 2012-20)~~

451 **15.20.110. Landscape Buffers.**

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

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

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

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

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

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

467 (d) Areas not planted with trees or shrubs shall be maintained as turf or other ground cover. (R&R 1999-34,
468 Rep&ReEn 1999-61, Am 2012-20)

469 **15.20.120. Parkways.**

470 The intent of this Section is to maintain the appearance of parkways; protect the public by prohibiting the use of
471 materials that may cause harm or injury to pedestrians or vehicles; provide for safe and convenient access across
472 parkways; expand landscape flexibility while not unreasonably inhibiting access for repair and maintenance of
473 public utilities; encourage water conservation and generally improve environmental conditions along the City
474 streets. All parkways shall be landscaped in conformance with the provisions of this Section.

475 (1) Parkway Landscaping.

476 (a) Parkways less than four (4) feet in width shall be landscaped with materials including bark, decorative
477 stone, brick pavers, concrete pavers, poured concrete or ~~turf grass~~ **vegetative groundcover**. If poured concrete is
478 used, a decorative pattern ~~is encouraged~~ **shall be used**.

479 (b) Parkways four (4) feet or more in width shall be landscaped. Turf grass, vegetative materials (not exceeding
480 twenty-four (24) inches in height at maturity), as well as other materials including brick pavers, or decorative
481 stone may be used. Stone or rock smaller than one (1) inch in diameter presents a hazard to vehicular and
482 pedestrian traffic and poses a clogging risk to City storm drains and shall not be allowed in parkway strips.
483 When non-vegetative materials are used, they are not to exceed sixty percent (60%) of the parkway surface
484 area. Thorn bearing plant species, asphalt or poured concrete shall not be permitted.

485 (2) Parkway Maintenance.

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

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

494 (c) Sufficient irrigation shall be required for any and all vegetative plant material, including trees, installed in a
495 parkway strip. Irrigation shall be done in a manner that does not waste water; ~~drip irrigation should be used~~
496 ~~where feasible. Overhead irrigation shall be prohibited in spaces less than five (5) feet.~~

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

499 (3) Parkway Trees.

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

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

503 (c) A variety of compatible species shall be included in the planting plan for a specific site or development.
504 Trees shall be selected from the tree selection guide maintained by the City ~~Forestry Division~~ **Forester** and shall

505 be appropriate to their location. Tree selection shall be reviewed and approved by the City Forester prior to
506 planting.

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

509 (e) A fee, as shown on the Consolidated Fee Schedule adopted by the Municipal Council, based upon a formula
510 of one (1) tree for every twenty-five (25) feet of street frontage, shall be required of the property owner when a
511 building permit is issued for a new structure on a lot. Street trees shall be installed by the City Forestry
512 Division. A property owner shall have two (2) years from the date the fee has been paid to prepare the parking
513 strip with an irrigation system and landscaping that conforms to City code. Failure to do so shall be a violation
514 of this Section. If the property owner has not installed the required irrigation system and suitable landscaping,
515 the City may undertake appropriate administrative and/or legal action to enforce this provision, forfeit these
516 funds and use them to (i) make necessary improvements, (ii) seek court ordered completion of the required
517 landscaping, and/or recoup its enforcement costs, or (iii) plant trees elsewhere in Provo City.

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

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

522 (h) The City Forester shall undertake the removal of diseased and dead trees from the parkway. Removal of
523 trees from the parkway by ~~property owners~~ others without approval from the City Forester is prohibited unless
524 otherwise expressly allowed by another provision of the Provo City Code.

525 (4) Parkway Provisions.

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

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

530 (c) In all new subdivisions and developments requiring street improvements (curb, gutter, sidewalk, and street
531 trees), the developer shall, as a part of the development, install the concrete work around the parkway strip,
532 along with **four (4) inch** sleeves underneath or through the sidewalk **and drive approach** to accommodate
533 placement of irrigation systems to and in the parkway strip.

534 (d) Wasting water in parkways, by significantly over-spraying landscaped areas, or by creating ~~superfluous~~
535 excess runoff, is prohibited. If, after notice from the City and a reasonable opportunity to correct this violation,
536 a property owner fails to cease this practice, it shall be deemed a nuisance, which nuisance may be abated as
537 provided by law. (Enacted 1999-61, Am 2003-13, Am 2004-15, Am 2006-50, Am 2011-08, Am 2012-20)

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Table 15-20-1 Landscape Requirements

	R-2 zone	R-2.5 zone	R-3 zone	R-4 zone	R-5 zone
Max. % of required landscaping used as decorative hardscape*	30%	30%	30%	30%	30%
Min. trees used per unit. Half deciduous, half coniferous	One (1)	One (1)	One (1)	One-half (1/2)	One-half (1/2)
Min. % of lot to be landscaped	40%	40%	40%	30%	30%
Foundation area* plantings	Min. 4 ft. planting bed	Min. 4 ft. planting bed	Min. 4 ft. planting bed	Min. 4 ft. planting bed	Min. 4 ft. planting bed
Number of shrubs required (foundation area plantings and ground covers)	One (1) per 10 lineal feet of the perimeter of the property	One (1) per 10 lineal feet of the perimeter of the property	One (1) per 10 lineal feet of the perimeter of the property	One (1) per 10 lineal feet of the perimeter of the property	One (1) per 10 lineal feet of the perimeter of the property

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* Additional width may be required to accommodate mature spread of selected plant materials (Am 2010-31)

544 **15.20.130. Bonding.**
 545 Bonding shall be required for all landscaping improvements prior to obtaining a building permit or commencing work on any
 546 project where landscaping is required by this Title. Bonds shall be subject to the requirements of Section 15.03.280, Provo City
 547 Code. (Enacted 1999-61, Am 2012-20)

548 **15.20.140. Nonconforming Lot Due to Landscaping.**
 549 If the remodeling of a building in any zone causes the exterior of the building to be enlarged, the landscaping requirements of
 550 this Chapter shall apply, with the following limitations:

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

553 (2) The requirements of this Chapter shall not apply ~~to~~when required improvements ~~which~~ cost more than ten percent (10%) of
 554 a total remodeling project. (Enacted 1999-61, Am 2012-20)

555 **15.20.150. Enforcement.**

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

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

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

563 (2) The Community Development Department and the ~~Urban~~City Forester are hereby authorized to bring actions against
 564 property owners for violations of this Chapter. (Enacted 1999-61, Am 2012-20)

565 **15.20.160. Appeal.**

566 Any person adversely affected by a decision involving the provisions of this Chapter may appeal the same to the Board of
 567 Adjustment as provided in Section 14.05.030, Provo City Code. (Enacted 1999-61, Am 2012-20)

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Table 15-20-21 Required Perimeter Parking Lot Landscape Improvements

Required Landscaping	Front Yards and Side Yards Abutting a Street	
	Shade Trees	1 tree per 50 feet of yard length, measured to the nearest whole number (in addition to required parkway trees).
Shrubs	1 shrub per 3 feet, on center along 100% of the yard length. Shrubs with mature height not more than 3 feet unless lower shrub height is specifically required in this Chapter for front yard areas.	
Ground Cover	Landscape area outside of shrub masses shall be established in turf or other ground cover.	
Required Landscaping	Rear and Interior Yards	
	Residential Use (including institutional residential uses)	Nonresidential Use
Shade Trees	1 tree per 30 feet of yard length, measured to the nearest whole number.	1 tree per 50 feet of yard length, measured to the nearest whole number.
Shrubs	1 shrub per 3 feet, on center along 100% of the yard length. Shrubs shall have a mature height not less than 3 feet.	1 shrub per 36 30 feet, on center along 50 100% of the yard length. Shrubs shall have a mature height not less than 3 feet.
Ground Cover	Landscape area outside of shrub masses shall be established in turf or other	Landscape area outside of shrub masses shall be established in turf or other

	ground cover.	ground cover.
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(R&R 1999-34, Rep&ReEn 1999-61)

PART II:

- A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance shall prevail.
- B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.
- C. The Municipal Council hereby directs that the official copy of the Provo City Code be updated to reflect the provisions enacted by this ordinance.
- D. This ordinance shall take effect immediately after being posted or published as required by law.

END OF ORDINANCE.