

**WASHINGTON TERRACE CITY
ORDINANCE 2015-04**

LANDSCAPING AMENDED

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE,
UTAH, AMENDING CHAPTER 17.44 RELATED TO
LANDSCAPING ON CERTAIN PUBLIC PROPERTY; MAKING
TECHNICAL CHANGES; SEVERABILITY; AND PROVIDING
AN EFFECTIVE DATE.**

WHEREAS, Washington Terrace City (hereafter referred to as “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* §§ 10-8-84 and 10-8-60 authorizes the City to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, the City desires to limit landscaping on certain public property to mitigate utility issues and road expansion problems;

NOW, THEREFORE, be it ordained by the City Council of Washington Terrace City as follows:

Section 1: Repealer. Any word other, sentence, paragraph, or phrase inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: Amendment. Chapter 17.44 is hereby amended to read as follows:

17.44.200. Landscaping regulations.

- A. Title. The name of this section shall be known and cited as “Landscaping Regulations” for the city of Washington Terrace (known as "city").
- B. Purpose and Goals. The purpose shall be to provide landscaping and buffering guidelines for developers and builders to follow in the design, installation, and maintenance of proposed residential, commercial, and industrial development projects. The goal shall be to promote quality landscaping design throughout the city while integrating various elements of site design. Landscaping regulations shall preserve and enhance the particular identity of the site by creating a pleasing site character and promote and encourage water conservation through landscaping design and irrigation systems.
- C. Landscaping Defined. "Landscaping" shall mean some combination of planting materials such as trees, shrubs, ground covers, perennials, annuals, Xeriscape principles and other materials such as rocks, water, sculpture, art, walls, fences, paving materials, benches, and street furniture.
- D. Landscaping. All landscaping shall be installed and maintained in conformance with a landscape plan approved by the planning commission for subdivisions, PRUDs, commercial/industrial businesses and commercial/industrial zones.
 1. Landscape Plan: Two (2) copies, eleven by seventeen (11 x 17), of a detailed landscaping plan and development plan shall be submitted to the planning commission at the time of site plan review. Fifteen percent (15%) of a business/commercial area shall be maintained in landscape open space;
 2. Tree Stand; Natural Vegetation: Existing significant tree stands and natural vegetation shall be integrated into the site landscape plan to the maximum extent possible. The minimum size for landscaping is five (5) gallon shrubs, two inch (2") width caliper trees, and five (5) to six foot (6') tall evergreens;

3. Preparation by a Licensed Architect. The city requires that landscaping plans be designed by a licensed landscape architect.
4. Sprinkling or Irrigation System. Plantings shall be serviced by an acceptable underground sprinkling or irrigation system.
5. Noise and Glare. Landscaping shall minimize the nuisance of noise and glare;
6. Certain Species Prohibited. Species that are a public nuisance or that cause excessive litter shall be avoided.

E. Scope Of Requirements:

1. Residential landscaping includes all R zones.
 - a. New Homes: All landscaping for new construction shall be installed and maintained ~~after for the park strip, front yard, and side yard within one (1) year of taking occupancy of any lot or parcel on which a home has been constructed.~~ Requirements: Front yard, side yard, park strip to be installed within 1 year. Rear yard landscaping shall be installed within 2 years of occupancy.
 - b. Existing Homes: All landscaping for existing homes shall be installed and maintained on any lot or parcel on which a home exists. Homes that have a transfer of title or ownership will have one (1) year to landscape the park strip, front yard, side yard, and rear yard. ~~(See table below.)~~
~~LANDSCAPING REQUIREMENTS FOR EXISTING HOMES~~
~~Front yard, side yard, park strip Installed within 1 year~~
~~Rear yard Installed within 1 year~~
 - c. Park Strip: Park strips shall be maintained and landscaped by the abutting property owner. Trees within a park strip must comply with the city ordinances and a city zoning compliance permit shall be completed before installing any trees in the park strips. (See approved park strip tree list below.) All existing trees in the park strips shall be nonconforming. Property owners shall get approval from the building official or public works director to have concrete or other decorative material installed on park strips. Low growing conforming type vegetation/grass shall be allowed to be planted in park strip areas.
 - d. Approved Park Strip Trees:
 - A. Crabapple/flowering
 - B. Plum-nonbearing varieties only
 - C. Goldenrain tree.
 - D. Hawthorn: Lavalley, Carriere, Washington, or Paul Sarlet
 - E. Imperial honey locust.
 - F. Japanese lilac tree.
 - G. Maple: hedge, amur, tartartian, Rocky Mountain, or truncatum.
 - H. May Day tree.
 - I. Red bud, eastern tree.
 - e. Alternative Landscape Methods: Any alternative method of landscaping, such as Xeriscape, shall receive approval by the city building official. The applicant shall submit two (2) copies, eleven by seventeen (11 x 17), of landscaping plans for review.
 - f. Compliance: All landscaping shall also comply with all other municipal codes that apply, including, but not limited to, this chapter.
 - g. Residential Compliance: Residential landscaping shall also comply with subsections D4, D5 and D6 of this section.
2. All landscaping for commercial/industrial businesses/zones shall be maintained and installed on lot or parcel. Businesses that have a transfer of title or ownership, by sale or lease, shall comply with the following items and subsection F of this section:
 - a. There shall be landscaping maintained along the right of way line of dedicated streets in accordance with a detailed landscaping plan approved by the planning commission.

- b. All landscaping shall not obstruct pedestrian walkways, vehicular use of driveways, and parking stalls and corner lot sight triangles of any street.
- c. Storm water related devices, such as detention/retention basins and ponds, culverts, and riprap structures should be landscaped to reduce their visual impacts. Such landscaping may include evergreen plantings, shrubbery, hedges, and other suitable planting material that will control siltation and erosion.
- d. ~~Existing trees and types of vegetation should be preserved whenever possible. The planning commission, on a case by case basis, may reduce landscaping requirements of existing trees or other types of vegetation that are to be preserved.~~
- e. Fire hydrants shall be free from obstruction on all sides by a minimum of three feet (3').
- f. Environmentally sensitive areas designated by the city shall be preserved and untouched by development. The same standard applies to wetlands.
- g. Berms shall comply with city standards.
- h. Concrete curbs shall be provided between landscaped areas and off street parking areas.
- i. Where a commercial or industrial development or business abuts any residential zone or residence, there shall be provided along the adjoining property line a decorative seven foot (7') high sight obscuring solid masonry wall and a ten foot (10') wide landscaped strip. The wall shall be constructed and maintained by the owner of the commercial or industrial development or business.
- j. All landscaping must be completed before final occupancy is granted or business license issued. If completion is unfeasible, the applicant must submit in escrow an amount equal to complete the landscape plan. All landscaping shall be completed within six (6) months of the issuance of final occupancy or business license. If completion is not obtained, the applicant will forfeit escrow.
- k. Landscaping shall be maintained during construction projects.
- l. Dead or damaged landscaping shall be replaced within thirty (30) days of notification by the city or during the next planting season if not possible at the current time.
- m. It shall be required to show the blowout valves and sprinkler connections on the site plan.

3. Public Park Strip in the Commercial/Industrial Zones and on Adams Avenue.

- a. No trees shall be planted in any public park strip within any Commercial/Industrial Zone. No tree shall be planted in the public park strip on and along Adams Avenue.**
- b. Any new tree planted is deemed a nuisance subject to abatement at the expense of the person who planted the tree. All existing trees in a park strip where a tree is prohibited shall be deemed nonconforming. Any nonconforming tree that is removed shall not be allowed to be replanted and shall comply with this chapter.**
- c. A nonconforming tree is deemed a nuisance subject to abatement and reimbursement of any damages at the expense of the person owning the street frontage where the tree is located in the event that the nuisance tree causes or may cause damage to any utility, infrastructure, sidewalks, curb or gutter, or storm drain.**
- d. No trees or landscaping shall be installed or maintained so as to obstruct pedestrian walkways, sidewalks, driveways, parking stalls, and standard corner lot sight triangles of any street.**
- e. All landscaping shall comply with this chapter and other governing provisions of the municipal code.**

f. Shrubs and vegetation not to exceed three (3) feet in height may be installed in any public park strip, subject to removal in the event the landscaping becomes a nuisance, utility work, or other construction.

g. Fire hydrants shall be free from obstruction on all sides by a minimum of three (3) feet.

h. The park strip under this subsection shall be properly maintained, watered, mowed, and kept weed free by the abutting property owner of the street frontage.

A. Submittal Requirements: All landscaping shall be installed and maintained in conformance with an approved landscape plan. The applicant shall submit two (2) copies, eleven by seventeen (11 x 17), of landscaping plans to the city building official.

1. Landscape plans are required for all nonresidential projects.
2. The landscape plan may be incorporated into the site plan or provided separately.
3. No permit for use, subject to the requirements of this section, shall be issued until a landscape plan has been approved by the planning commission.
4. The landscape plan shall be drawn to scale and accurately depict the following information:
 - a. The names of all types of plant species proposed.
 - b. The number, size and spacing of all proposed plants and the height of trees and shrubs at the time of planting.
 - c. The lot area and the total area of the lot required to be landscaped.
 - d. Location and dimensions of planting areas.
 - e. Details of any required berms, fences, or walls.
 - f. The location and dimensions of any proposed or required pedestrian walkways.
5. Escrow. Owner/developer shall enter into an escrow agreement with the city wherein the owner/developer shall deposit sufficient funds to ensure installation of the required landscape, which amount shall include an additional ten percent (10%) of the total amount required, ten percent (10%) shall be applied in the event of default by owner/developer. The escrow agreement shall include a time certain for installation of the landscaping by the owner/developer. Upon default of the owner/developer of any of the conditions of this section, or the escrow agreement, the city will receive the escrow funds and complete the required landscaping.
6. Nonconforming Status. Any use of property which on the effective date of this section or any subsequent amendment thereto is nonconforming only as to the regulations relating to landscaping may be continued in the same manner as if the landscaping was conforming. However, such use may not be increased in intensity except in accordance with the requirements of this section and any landscaping which may exist in the locations specified by this section shall not be reduced unless suitable substitutions are made which would meet the requirements of this section.

B. Penalty:

1. Penalties For Failure To Comply: Any owner, occupant or person having an interest in, or control over, the property to which a notice of compliance is issued under the provisions of this chapter, who fails to comply with the notice of compliance from the inspector or order given pursuant to this chapter, shall be guilty and the following penalties and remedies shall apply:
 - a. Any violation of this chapter shall be deemed a class C misdemeanor.
 - b. The amount of the monetary fine shall be a five hundred dollar (\$500.00) fine and penalty for the notification of the removal of the violation, and fifty dollars (\$50.00) each day that the violation remains uncorrected or unabated.

Section 3: Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which remainder shall continue in full force and effect.

Section 4: Effective date. This Ordinance shall be effective immediately upon posting or publication after final passage.

ADOPTED AND APPROVED on this ____ day of _____, 2015.

MARK C. ALLEN, Mayor,
Washington Terrace City

ATTEST:

AMY RODRIGUEZ, City Recorder

RECORDED this ____ day of _____, 2015.
PUBLISHED OR POSTED this ____ day of _____, 2015.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the municipal recorder of Washington Terrace City, hereby certify that foregoing Ordinance was duly passed and published, or posted at 1)_____ 2)_____ and 3)_____ on the above referenced dates.

City Recorder

DATE: _____