

SALT LAKE CITY ORDINANCE

No. _____ of 2007

(Amending Select Landscaping Provisions in Title 21A)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. M-2 District:

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

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

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

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

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

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

21A.48.090 Landscape Yards:

Landscape yards are yards devoted exclusively to landscaping except, however, that driveways and sidewalks needed to serve the use and buildings on the lot may be located within a required landscape yard. As used in this Chapter, the term “landscaping” shall be defined as set forth in Section 21A.62.040 (Definitions). No specific improvements are required within landscape yards, ~~except that all landscape areas not planted with trees and shrubs shall be maintained in turf or other approved groundcover~~ that all landscape areas shall be maintained with at least one-third (1/3) of the yard(s) area covered by vegetation, which may include trees, turf grasses, annual or perennial flowering and vegetable plants. The remaining two-thirds (2/3) of the yard(s) area may be maintained with organic mulch, gravel, rocks and boulders. Mulch shall be used to control weeds and erosion in unplanted areas and between plants.

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

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

21A.48.100 Special Landscape Regulations:

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

A. FP Foothills Protection District:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C. CC Commercial District:

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

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

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

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

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

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

c. Shrubs/Groundcover: The ground surface of the landscape area may be suitable for the planting of shrubs, groundcover or flowers depending on use and pedestrian patterns. Tree grates

or other improvements may be required to facilitate pedestrian circulation along the street. The ground surface shall be determined by the beautification plan, or in the absence of specific direction from the plan, the site plan review process.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21A.24.010 General Provisions:

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

B. **Site Plan Review:** In certain districts, permitted uses and conditional uses have the potential for adverse impacts if located and laid out without careful planning. Such impacts may interfere with the use and enjoyment of adjacent property and uses. Site plan review is a process

designed to address such adverse impacts and minimize them where possible. Site plan review is not required for single-family, two-family and twin home dwellings unless they are approved as a conditional use. All other uses shall be subject to the site plan review regulations contained in part V, chapter 21A.58 of this title.

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

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

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

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

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

1. In residential districts other than new subdivisions in the FP, FR-1, FR-2, FR-3 districts, flag lots shall be approved only when one flag lot is proposed at the rear of an existing lot, unless being approved through the planned development process;
2. Flag lots shall be used exclusively to provide lots for single-family residential dwellings;
3. All lot and yard requirements applicable to flag lots shall apply to the main body of the flag lot. For flag lots, the front yard shall begin at the point where the access strip joins the main body of the lot;

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

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

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

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

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

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

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

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

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

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

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

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

a. Building height for initial construction of a building in a foothill zone shall be measured as the vertical distance between the top of the roof and the established grade at any given point of building coverage. Building height for any subsequent structural modification or addition to a building shall be measured from finished grade existing at the time a building permit is requested. Building height for foothills districts is defined and illustrated in part VI, chapter 21A.62 of this title.

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

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

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

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

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

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

b. Satisfies the following criteria:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

mounted. Except as provided in the foregoing sentence, solar collection panels shall not be mounted upon any roof.

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

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

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

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

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

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

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

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

issuance. Design standards and guidelines for private roads and driveways shall include the following:

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

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

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

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

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

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

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

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

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

i. Any specific subdivision approval conditions regarding fencing;

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

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

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

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

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

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

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

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

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

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

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

11. Utilities: To the maximum extent practical, all utilities shall be placed within existing road rights of way and front yard setbacks. For lots platted after September 4, 1992, all water, sewer, electrical, telephone, cable television and other utilities shall be placed underground, except that

transformers, pedestals and other appurtenances which are normally located aboveground in connection with the underground installations are permitted. All areas disturbed by the installation of underground utilities shall be revegetated in conformance with the regulations of this subsection, and part IV, chapter 21A.48 of this title. Temporary or emergency utilities may be erected and maintained aboveground for no more than four (4) months.

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

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

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

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

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

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

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

RQ. Accessory Storage: Unless otherwise specified, all accessory storage in residential districts shall be located within enclosed buildings. Firewood and the temporary storage of materials for construction activity in progress on the premises shall be excepted. Ordinary

household recycling storage and household garbage container storage is also permitted outdoors. RV parking and storage shall conform to subsection 21A.44.020K of this title.

SR. Public Utilities In Residential Districts:

1. Conditional Use Required: Where not otherwise authorized by this title and after conditional use approval by the planning commission pursuant to part V, chapter 21A.54 of this title, land in a residential district may be used for a public utility building, electrical substation, or radio or television relay station, including necessary towers, and other similar public utilities; provided, that in all such cases the planning commission finds that:

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

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

TS. Nonresidential Uses Of Landmark Sites In Residential Districts:

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

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

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

i. Bed and breakfast establishments;

ii. Offices;

iii. Reception centers; and

iv. House museums.

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

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

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

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

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

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

(A) Probable demolition of the landmark site;

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

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

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

(A) The spatial distribution of:

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

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

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

(1) Traffic;

(2) Parking;

(3) Signage;

(4) Lighting;

(5) Removal of landscaping; and

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

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

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

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

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

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

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2007.
Published: _____.

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date April 16, 2007
By Melanie Telford

I:\Ordinance 07\Amending 21A.48 Landscaping and Buffers - 04-16-07 draft #1.doc