

ORDINANCE NO. 06-01-2020

AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO REQUIRE LANDSCAPING IN THE FRONT AND SIDE YARDS OF EVERY NEW RESIDENTIAL DWELLING, PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, the City of Santaquin is a fourth class city of the state of Utah; and

WHEREAS, the City Council has specific authority pursuant to Title 10, Chapter 9a Utah Code Ann. (1953 as amended) to adopt a zoning plan including an ordinance and map which divide the municipality into districts or zones and within such districts to regulate the erection, construction, reconstruction, alteration, repair and uses of buildings and structures and the uses of land; and

WHEREAS, the state legislature has granted general welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the city to pass ordinances which are reasonably and appropriately related to the objectives of that power, i.e. providing for the public safety, health, morals, and welfare; and

WHEREAS, the City Council desires to amend Santaquin City Code Title 10 Chapter 15 to require landscaping in the front and side yards of every new residential dwelling; and

WHEREAS, the Santaquin City Planning Commission held a public hearing on May 12, 2020, which hearing was preceded by the posting of public notice in at least three public places within the City limits of Santaquin City, and which notice of public hearing was published in a newspaper in accordance with Section 10-9a-205 of the Utah State Code; and

WHEREAS, after the noted public hearing, the Santaquin City Planning Commission forwarded a recommendation to the City Council;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Santaquin City, State of Utah, as follows:

Section I. Amendments

Title 10 Chapter 15 is amended as follows: (underlined text is added, stricken text is deleted)

Chapter 15 LANDSCAPING STANDARDS

10-15-1: PURPOSE:

10-15-2: SCOPE OF REQUIREMENT:

10-15-3: GENERAL LANDSCAPING STANDARDS:

10-15-4: LANDSCAPE YARDS AND SCREENING:

10-15-5: BUILDING LANDSCAPING:

10-15-6: PARKING AREA LANDSCAPING:

10-15-7: SPECIES DIVERSITY AND MINIMUM STANDARDS:

10-15-8: WAIVERS AND EXCEPTIONS:

10-15-9: NONCONFORMING STATUS:

10-15-1: PURPOSE:

The purpose of the landscaping requirements in this title shall be to promote the health, safety, and general welfare of the public; to stabilize property values by encouraging pleasant and attractive surroundings and thus create the necessary atmosphere to facilitate the orderly development of an attractive and harmonious community. Specific ways these purposes are accomplished include:

- A. Enhancing the appearance and visual character of the community;
- B. Promoting compatibility between all land uses by reducing visual, noise and light impacts of development on adjacent properties;
- C. Reducing the area of impervious surfaces and storm water drainage impacts;
- D. Providing shade to help mitigate heat and exposure on paved surfaces and to help conserve energy;
- E. Encouraging the conservation of water resources through inclusion of more drought tolerant plants;
- F. Defining entry points on property and guides for the separated circulation of vehicles and pedestrians.
- G. The relief of heat, noise, and glare through the proper placement of landscaping. (Ord. 12-02-2006, 12-6-2006, eff. 12-7-2006)

10-15-2 CITY WIDE LANDSCAPING REQUIREMENT FOR NEW RESIDENTIAL DWELLINGS:

All new residential dwellings must provide completely landscaped front yards and side yards, as defined in section 10-6-29, where such yard area is visible from the public street or private street. Acceptable landscaping must include plants and sufficiently control erosion, dust, and weeds to mitigate negative impacts on neighboring residences. Unless an appropriate bond is posted, landscaping must be completed before the residential dwelling receives a certificate of occupancy.

In the event that a residential dwelling is completed when pressurized irrigation is not available, a cash bond may be provided to Santaquin City as per the approved fee schedule. If a cash bond is paid, the landscaping improvements shall be completed by the end of the following irrigation season before the City's pressurized irrigation is turned off in mid-October.

10-15-3 DEVELOPMENT PROJECT LANDSCAPING REQUIREMENTS:

10-15-~~2~~-3-1: SCOPE OF REQUIREMENT:

The provisions of this section shall apply to landscaping for all new and reconstructed landscaping for public agency projects, private nonresidential projects, developer installed landscaping in multi-family residential projects, and developer installed landscaping in single-family projects, which require project review and approval by the city. Such review may include initial or modified site plan reviews, modified conditional use permit review, and building permits issued for commercial and multi-family building exterior or site modifications, other than typical maintenance, where the estimated cost of construction is greater than fifty

thousand dollars (\$50,000.00) in either a single application or any number of applications within a five (5) year period. (Ord. 12-02-2006, 12-6-2006, eff. 12-7-2006)

10-15-33-2: GENERAL LANDSCAPING STANDARDS:

The following requirements apply to all landscaping projects that are subject to city review:

- A. Site Landscaping: All areas not utilized in a building footprint or necessary for site access, parking, or vehicle and pedestrian circulation shall be planted with an effective combination of trees, ground cover, lawn, shrubbery, and/or approved dry landscape materials and mulches under the standards established by this section and in accordance with an approved landscape plan.
- B. Landscape Plans: A landscape plan is required for all developments under the scope of this chapter and shall be submitted to and approved by the development review committee prior to issuance of any permit or site plan approval. Each landscape plan shall address the functional aspects of landscaping such as grading, drainage, runoff, erosion prevention, wind barriers, provisions for shade, and reduction of glare. The landscape plan shall be prepared by a landscape architect registered in the state of Utah or professional landscape designer and shall contain the information required in exhibit A attached to the ordinance codified herein.
- C. Plant Selection: Plants selected for landscape areas shall be well suited to the microclimate and soil conditions at the project site as well as year round aesthetics of the property. Developments should include a good combination of evergreen trees in addition to deciduous trees in order to achieve a nonbarren landscape design during winter months when there are no leaves on the trees. Preference shall be given to those species listed in the city approved tree species list provided in the city's construction standards. Sod shall not be permitted in landscape areas less than four feet (4') in width.
- D. Installation: All landscaping shall be installed according to sound horticultural practices in a manner designed to encourage quick establishment and healthy growth. The following shall also apply:
 - 1. It shall be the responsibility of the developer to grade, place topsoil, seed or sod, install automatic sprinkler irrigation systems, and properly plant trees, shrubs, and other approved plant materials. Plants with similar water needs shall be grouped together as much as possible.
 - 2. Landscaping shall be completed in accordance with the landscape plans submitted and approved by the development review committee.
 - 3. All landscape work must be installed prior to a certificate of occupancy of the associated building or as otherwise approved by the development review committee as seasonal conditions may dictate.
 - 4. The developer shall bond for such landscape improvements prior to occupancy to ensure that installations are completed as submitted and approved. Guarantee requirements for landscape improvements shall be the same as required by the city for all other site improvements.
- E. Maintenance: Trees and vegetation, irrigation systems, fences, walls, and other landscape elements shall be considered as elements of the project in the same manner as parking, and other site details. The applicant, landowner, or successors in interest shall be responsible for the regular and proper maintenance of all landscaping elements installed. Maintenance is required on all landscaping appropriate to the method and type, which may include, but is not limited to, mowing, removal of litter, trash, or garbage, pruning, watering, and repair of all landscape structures such as fences and walls, etc. Maintenance also includes replacing dead or dying plants with healthy stock of the same species or another as approved by the community development department, and as required by the

approved landscape plan. Failure to adequately maintain the health, condition, and number of plantings required by an approved landscape plan is a violation of this chapter.

F. Vegetation Removal: Any alterations to site landscaping beyond typical maintenance must be approved by the community development department. Any vegetation removed or needing to be replaced due to disease, health, or condition, shall be replaced within one growing season. No vegetation required by a landscape plan shall be removed for purposes of greater visibility to a site or signage.

G. Curbing: All landscape yards and areas abutting driveways, drive aisles, parking stalls and property lines shall be protected by a concrete curb, which shall be four inches wide and six inches deep (4" x 6"). No curbing is required along property lines where a shared landscaping area extends over a property line and the adjacent property has been or will be developed within six (6) months or is part of a master planned development. (Ord. 12-02-2006, 12-6-2006, eff. 12-7-2006)

10-15-43-3: LANDSCAPE YARDS AND SCREENING:

A. Required Landscape Yards: The following landscaping yards and buffers are required as listed in table 1 of this section:

TABLE 1
REQUIRED LANDSCAPE YARDS AND AREAS

Zone/Use	Front To Building/To Parking	Street Side To Building/To Parking	Side	Rear	Side Or Rear Abutting A Residential Zone ¹	Minimum Percentage Of Landscape Area
MBD along Main Street (200 W to 100 E)	10'/10' ²	10'/10' ²	5' ³	5'	5'	See MBD development standards
C-1	Landscape yards within these zones shall be established in relationship to required setbacks for buildings and parking areas					10%
RC	30'/15'	20'/10'	10'	10'	20'	10%
PC	30'/15' ²	20'/10' ²	10'	10'	20'	10%
I-1	35'/20'	25'/20'	10' ⁴	10' ⁴	15'	8%
PO	30'/15'	20'/10'	10'	20'	20'	10%
Multiple-unit residential dwellings ⁵	30'/20'	30'/20'	20'	30'	30'	See multi-family development standards
Core area (multi-family/nonresidential) other than MBD	20'/20'	15'/20'	10'	20'	20'	10%
Nonresidential uses that may be appropriate in a residential zone	30'/20'	30'/20'	5'	5'	10'	15%

Notes:

1. A site is considered to abut a residential zone even if the residential zone begins at the centerline of an adjacent public street to the rear or side of the proposed development.
2. Where sites are constructed with outdoor eating and display areas along the public right of way, a maximum of 60 percent of this area may include pavers or other city approved hardscape.
3. This side yard requirement for the building can be waived when the associated building is constructed with 0 setback from a side property line and an adjoining building is or will be constructed with a similar 0 setback as part of a master planned

development or plans for the adjoining site are under review by the city.

4. Landscaping yards are not required within storage or material yards unless adjacent to a residential zone.

5. Landscape yards are to be established from the outer walls of any attached unit structures.

B. Required Landscaping Amounts Within Landscape Yards:

1. Landscape yards abutting residential zones shall include a minimum of one tree and five (5) shrubs for each thirty (30) linear feet or fraction thereof of the landscape yard area (as measured along the property line).
2. Side and rear landscape yards abutting a nonresidential development or property zoned for such shall include a minimum of one tree and four (4) shrubs for each forty (40) linear feet or fraction thereof of the landscape yard area (as measured along the property line).
3. Front and street side landscape areas shall include a minimum of one tree for each forty (40) linear feet or fraction thereof of the landscape yard area (as measured along the property line).
4. In addition to the above, ground cover shall be provided over all landscape areas. (Ord. 07-01-2016, 7-6-2016, eff. 7-7-2016)

C. Plant Spacing: Trees and shrubs may be spaced irregularly in informal groupings or be uniformly spaced, as consistent with larger overall planting patterns and organization of the site. Perimeter landscaping along a street shall be designated and integrated with the streetscape in the street right of way.

D. Park Strips: Developments which front onto a public road shall install one tree per thirty feet (30') of frontage or fraction thereof and ground cover in accordance with city approved streetscape designs, materials and plantings between the sidewalk and curb. Maintenance of these areas is to be performed by the adjacent property owner.

E. Utility Screening: All aboveground utility equipment (e.g., power, phone, cable boxes, etc.) as well as ground mounted HVAC equipment, etc., shall be screened from public view by a wall or plantings equal to or greater than the equipment height.

F. Fencing And Property Line Screening:

1. In addition to the required landscaping, screening along rear or side property lines should incorporate berming, open construction barriers, low maintenance fencing materials or decorative walls constructed of stone, masonry or decorative iron.
2. Screening heights along front property lines and along side property lines within the existing or proposed building front setbacks shall be the same as outlined in section [10-6-26](#) of this title for all fences, walls, and hedges.
3. Fences or walls along rear or side property lines shall not exceed six feet (6') in height for general nonindustrial uses. Walls may be ten feet (10') tall to lessen the sound and visual impacts of industrial uses or uses where diesel traffic or noise caused by service bays, loading docks, crushing operations, etc., is expected. Walls greater than six feet (6') in height must be architecturally articulated (e.g., materials, planes, columns, crown features, etc.) and landscaping around such walls shall be designed to soften the wall presence.
4. Screening shall be designed and located to provide a natural crime deterrent. Barbed or razor wire is not permitted unless specifically approved by the planning commission for security, public safety, health, or general welfare of the citizens and property owners of Santaquin and/or their

property. This provision does not apply to agricultural uses and public utility facilities. (Ord. 12-02-2006, 12-6-2006, eff. 12-7-2006)

G. Decorative Materials: Materials such as crushed rock, redwood chips, pebbles, pavers, or stamped concrete and stones may not cover more than fifty percent (50%) of the areas required to be landscaped. Artificial plants are not acceptable.

H. Clear View Areas: Landscaping within designated clear view areas shall comply with section 10-6-9 of this title. (Ord. 07-01-2016, 7-6-2016, eff. 7-7-2016)

10-15-~~53~~-4: BUILDING LANDSCAPING:

A. Except within MBD areas, exposed sections of building walls that are in high visibility areas along arterial and collector streets as well as on site, general public access areas, shall have planting beds approximately six feet (6') wide placed directly along at least fifty percent (50%) of such walls. These planting areas may overlap required landscape yards.

B. Trash enclosures and other accessory structures shall have a minimum five foot (5') wide planting area along three (3) sides and a minimum of four (4) shrubs per landscaped side. These planting areas may overlap required landscape yards.

C. Except within MBD areas, a group of four (4) shrubs and one tree shall be provided in a landscape area or grade adjacent to the front and side elevations of a building per fifty (50) linear feet or fraction thereof, of elevation where the building exceeds one hundred feet (100') in length (e.g., 110 feet of building face would require 3 of the above groupings). (Ord. 07-01-2016, 7-6-2016, eff. 7-7-2016)

10-15-~~63~~-5: PARKING AREA LANDSCAPING:

In addition to the required landscape yards, parking lots shall have landscaping which reduces the area of impervious surfaces and stormwater drainage impacts, provides shade to help mitigate heat and exposure on paved surfaces and to help conserve energy, and helps to define entry points on property and guides for the separated circulation of vehicles and pedestrians. The following shall apply: (Ord. 12-02-2006, 12-6-2006, eff. 12-7-2006)

A. Landscape Areas: Landscaping shall be provided in the amount of six percent (6%) of the interior space of parking lots with less than one hundred (100) spaces, and ten percent (10%) of the interior space of all parking lots with one hundred (100) spaces or more. For single developments on less than two (2) acres, this percentage will count toward the minimum landscape requirement provided in subsection 10-15-4A of this chapter. (Ord. 07-01-2016, 7-6-2016, eff. 7-7-2016)

B. Screening: Screening from the street and all nonresidential uses shall be of sufficient height and opacity to continuously block the lowest three feet (3') of the cross section view of the parking area from the street or adjacent use. These screening standards may be met in any number of different ways, including, but not limited to, a garden wall, earthen berm, constructed planter, dense hedge, or combination of ways. Landscape plans submitted for review shall include a graphic depiction of the parking lot screening as viewed from the street. Plant material used for the required screening shall achieve required capacity in its winter seasonal condition within three (3) years of construction of the vehicular use area.

C. Pedestrian Walking/Refuge Areas: Pedestrian walking/refuge areas shall be provided between parking aisles closest to major business entries where one hundred (100) or more parking spaces are required. Such areas shall be at least eleven feet (11') wide and have a five foot (5') wide meandering sidewalk running the length of the area. Those portions of this area not utilized as sidewalk shall be

landscaped with at least one tree and four (4) shrubs per sidewalk return. Additionally, ground cover shall be provided over the entire landscape area.

D. Planter Islands: Landscaped islands shall be provided at the end of parking aisles and appropriately spaced at intermediate locations along parking aisles.

1. Dimensions: Islands at the end of single stall width parking aisles shall be at least six feet (6') in width and eighteen feet (18') in length. Islands at the end of dual stall width parking aisles shall be at least six feet (6') in width and thirty six feet (36') in length, with at least one hundred sixty (160) square feet of ground area per shade tree or one hundred (100) square feet of ground per ornamental tree to allow for root aeration.
2. Vegetation: Islands shall include one or more canopy shade trees and four (4) or more shrubs per eighty (80) square feet of planter area. Additionally, ground cover shall be provided over the entire landscape area.
3. Curbing: All islands shall have raised concrete curbs surrounding them. Curb extents shall not be included in the required dimensions. (Ord. 12-02-2006, 12-6-2006, eff. 12-7-2006)

10-15-73-6: SPECIES DIVERSITY AND MINIMUM STANDARDS:

A. Diversity: To prevent uniform insect or disease susceptibility and eventual uniform maturity and agedness on a development site or in the adjacent area or the district, species diversity is required and extensive monocultures are prohibited. The following requirements shall apply to site development plans:

Number Of Trees On Site	Maximum Percentage Of Any One Species
10 - 19	75%
20 - 39	60%
40 or more	50%

B. Plant Sizes: The following minimum plant sizes shall be required: (Ord. 12-02-2006, 12-6-2006, eff. 12-7-2006)

Type	Minimum Size
Canopy shade (deciduous) tree	2.0 inch caliper balled and burlapped equivalent
Canopy shade (deciduous) tree as a street tree on a residential local street only	2.0 inch caliper container or equivalent
Evergreen tree	6.0 foot height balled and burlapped or equivalent
Ornamental tree	1.5 inch caliper balled and burlapped or equivalent
Shrubs	5 gallon or adequate size consistent with design intent

(Ord. 12-02-2006, 12-6-2006, eff. 12-7-2006; amd. Ord. 10-02-2007, 10-17-2007, eff. 10-18-2007)

10-15-83-7: WAIVERS AND EXCEPTIONS:

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, K. AARON SHIRLEY, City Recorder of Santaquin City, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed by the City Council of Santaquin City, Utah, on the 16th day of June, 2020, entitled

“AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO REQUIRE LANDSCAPING IN THE FRONT AND SIDE YARDS OF EVERY NEW RESIDENTIAL DWELLING, PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER’S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE FOR THE ORDINANCE.”

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Santaquin City Utah this 16th day of June, 2020.



K. AARON SHIRLEY
Santaquin City Recorder

(SEAL)



AFFIDAVIT OF POSTING

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, K. AARON SHIRLEY, City Recorder of Santaquin City, Utah, do hereby certify and declare that I posted in three (3) public places the ordinance, which is attached hereto on the 16th day of June, 2020.

The three places are as follows:

1. Zions Bank
2. Post Office
3. City Office

I further certify that copies of the ordinance so posted were true and correct copies of said ordinance.



K. AARON SHIRLEY
Santaquin City Recorder

The foregoing instrument was acknowledged before me this 17 day of June, 2020, by K. AARON SHIRLEY.



Notary Public

The city's land use authority may waive a requirement of a site plan if, in its opinion, specific requirements are unnecessary or inappropriate due to circumstances unique to the property, or if the requirements have been previously submitted and approved. Such requirements may be set aside only to the extent that the intent and purpose of this chapter is not violated. (Ord. 12-02-2006, 12-6-2006, eff. 12-7-2006)

10-15-93-8: NONCONFORMING STATUS:

Any use of property, which, on the effective date hereof, is nonconforming only as to the regulations relating to landscaping may be continued in the same manner as if the landscaping were conforming until such time that any such land use, parking area, site development or landscaping changes. (Ord. 12-02-2006, 12-6-2006, eff. 12-7-2006)

Section II. Severability

If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section III. Contrary Provisions Repealed

Any and all other provisions of the Santaquin City Code that are contrary to the provisions of this Ordinance are hereby repealed.

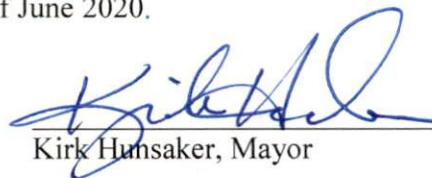
Section IV. Codification, Inclusion in the Code, and Scrivener's Errors

It is the intent of the City Council that the provisions of this ordinance be made part of the Santaquin City Code as adopted, that sections of this ordinance may be re-numbered or re-lettered, and that the word ordinance may be changed to section, chapter, or other such appropriate word or phrase in order to accomplish such intent regardless of whether such inclusion in a code is accomplished. Typographical errors which do not affect the intent of this ordinance may be authorized by the City without need of public hearing by its filing a corrected or re-codified copy of the same with the City Recorder.

Section V. Posting and Effective Date

This ordinance shall become effective at 5:00 p.m. on Wednesday, June 17th, 2020. Prior to that time, the City Recorder shall deposit a copy of this ordinance in the official records of the City and place a copy of this ordinance in three places within the City.

PASSED AND ADOPTED this 16th day of June 2020.



Kirk Hunsaker, Mayor

Councilmember Nick Miller
Councilmember Elizabeth Montoya

Voted yes
Voted yes

Councilmember Lynn Mecham
Councilmember Jennifer Bowman
Councilmember David Hathaway

Voted yes
Voted yes
Voted yes

ATTEST:



K. Aaron Shirley, City Recorder