

City Council Staff Report

Date:

4/10/2024

Applicant:

Mapleton City

Location:

City-wide

Prepared By:

Sean Conroy, Community
Development Director

Public Hearing:

No

Attachments:

1. Draft ordinances.

REQUEST

Consideration of an ordinance amending Mapleton City Code (MCC) section 18.90 regarding landscaping and buffering requirements in commercial and residential zones.

BACKGROUND & DESCRIPTION

On March 6, 2024 the City Council held a public hearing and reviewed proposed changes to MCC Section 18.90 that included the removal of redundant or difficult to enforce requirements, updated landscape standards and new requirements for fencing between residential and commercial uses. The Council was generally supportive of the proposed changes but wanted to look some additional revisions to the fencing standards to require an eight-foot decorative except in limited conditions. Below is the revised language:

“When a project in a commercial zone abuts a residential zone a solid wall at least eight feet (8) feet in height shall be constructed along the property line. The wall shall be decorative block (CMU), precast concrete, or masonry unless otherwise approved by the Planning Commission. The wall shall be consistent between adjacent commercial parcels. The Planning Commission may allow a fence or wall of six (6) feet in height for uses that are not anticipated to generate significant noise impacts. Examples may include office, clinics, non drive-through restaurant and financial institutions.”

Below are examples of the types of walls that could be expected.

Precast Concrete



Decorative CMU



Masonry



RECOMMENDATION

Adopt the proposed ordinance.

ORDINANCE NO. 2024-

AN ORDINANCE AMENDING MAPLETON CITY CODE SECTION 18.90 REGARDING LANDSCAPING
AND BUFFERING REQUIREMENTS IN COMMERCIAL AND RESIDENTIAL ZONES.

WHEREAS, Mapleton City Code (MCC) section 18.90 contains landscaping and buffering standards for new development within the City; and

WHEREAS, Goal 3 of the Land Use Element of the General Plan encourages ensuing that land uses are compatible, attractive and utilize adequate buffers; and

WHEREAS, the proposed amendments are intended to remove redundant or difficult to enforce requirements, to update standards and to address fencing requirements between residential and commercial uses; and

WHEREAS, the Planning Commission recommended adoption of the proposed amendments on February 22, 2024.

NOW THEREFORE, BE IT RESOLVED by the City Council of Mapleton, Utah, to adopt the amendments to MCC Section 18.90 as described in Exhibit "A".

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF MAPLETON, UTAH,

This 10th Day of April, 2024.

Dallas Hakes
Mayor

ATTEST:

Camille Brown
City Recorder

Publication Date:

Effective Date:

Exhibit “A”
Proposed Changes Shown in Strikeout and Underline

18.90.010: PURPOSE:

The landscaping and buffering requirements specified in this chapter are intended to foster aesthetically pleasing development which will protect and preserve the appearance, character, health, safety and welfare of the community. These regulations are intended to increase the compatibility of adjacent uses and, in doing so, minimize the harmful impacts of noise, dust and debris, motor vehicle headlight glare or other artificial light intrusions, and other objectionable activities or impacts conducted or created by an adjoining or nearby use, thereby fostering compatibility among different land uses. These regulations are also intended to preserve, enhance and expand the urban forest and promote the prudent use of water and energy resources. Off street parking and unloading facilities within the PO-1, NC-1, CC-1 and GC-1 Zones are subject to section 18.92.030 of this title. (Ord. 2017-01, 4-19-2017, eff. 5-12-2017)

18.90.020: LANDSCAPE REQUIREMENTS:

A. Whenever the submission and approval of a landscape plan is required by this chapter, such plan shall be an integral part of any application for a commercial project plan approval, SDP proposal, assisted living center proposal, multiple-family development proposal, building permit or occupancy permit (aforementioned uses only). No such permits or approvals shall be issued without City approval of a landscape plan as required in this chapter.

B. The Planning Commission may approve a project plan modifying the standards of this chapter if the property owner seeking development approval presents substantial evidence for the modification. The Planning Commission shall determine if the proposed modification constitutes an innovative landscaping design superior to the required landscaping standards. If the Planning Commission grants a modification under this subsection, it shall make particularized findings justifying the modification. (Ord. 2016-01, 5-18-2016, eff. 6-16-2016)

18.90.030: SAVING EXISTING VEGETATION:

A. Developments should ~~shall~~ be designed to incorporate existing large trees, clusters of trees or clusters of large shrubs ~~unless the Mapleton City Shade Tree Commission finds (or a certified arborist in the absence of a finding from the Mapleton City Shade Tree Commission) that such preservation is unwise. The Planning Commission or its designee shall review the appropriateness of removal of such vegetation if proposed in a development plan.~~

~~— 1. The Planning Commission may approve removal of some or all existing vegetation based on a determination of the benefits of such vegetation and the efforts made to save and incorporate the vegetation into the design of a development versus the problems such vegetation may create for the development. Areas of consideration will be general construction techniques, the impact the removal will have on the character of the area, the topography of the site and harmful conditions created by the vegetation.~~

~~— 2. The Planning Commission may deny a development plan if it determines trees or other vegetation were removed prior to submittal of the development application. If existing trees, clusters of trees or clusters of large shrubs deemed beneficial to the property are removed without City authorization prior to approval of a development, then the replacement of a specific caliper and number of trees will be recommended by the Mapleton City shade tree commission and shall be planted in their place.~~

~~— B. Trees and other vegetation to be saved shall be clearly marked to ensure protection against removal or damage. Snow fencing or other acceptable barriers shall be used to protect~~

~~existing vegetation designated to be saved. The planning department or shade tree commission shall approve the location of such barriers. (Ord. 2016-01, 5-18-2016, eff. 6-16-2016)~~

18.90.050: LANDSCAPE REQUIREMENTS FOR SINGLE-FAMILY HOMES:

It is the intent of this section to encourage aesthetically pleasing front yards and the use of water conserving landscaping. This section shall apply to all new subdivision lots. This section shall only apply to the front yards of residential homes. For the purposes of this section, the "front yard" shall be defined as the area between the front property line and the front wall of the dwelling. Unless otherwise agreed upon by the developer of a subdivision, the homeowner, within one calendar year of receiving a certificate of occupancy, must provide landscaping with the following minimum standards:

A. The front yard of any lot containing a dwelling shall include landscaping. The term "landscaping" shall mean and include the installation of any combination of turf (including either sod or seeded area), planter beds, gardens, trees, shrubs, ground cover, wood chips, mulch, rocks and boulders. At least thirty percent (30%) of the area not covered in hardscape shall include vegetation (i.e., turf, plants, shrubs, trees, etc.).

B. Xeriscape designs are permitted and encouraged provided, however, that the failure of an owner to install and maintain landscaping within the front yard under the guise that the vegetation and bare ground that occur naturally on the site constitutes xeriscaping shall not qualify as conforming with the provisions of this section.

C. No more than forty five percent (45%) of the area within the front yard setback shall include hardscape. For the purposes of this section "hardscape" shall be defined as any nonpermeable hard surface located within the front setback (i.e., driveways, walkways, porch, stoop, patio, etc.). If a public sidewalk is located within a public utility easement on the lot, the sidewalk shall not be included in the hardscape limitations.

D. A landscape plan shall be submitted with a building permit application detailing how the proposed landscaping will comply with this section.

E. The property owner is required to maintain the landscaping in an attractive manner. Grass and weeds shall be maintained at a height of not more than six inches (6") at any time. Dead, decayed, diseased, or hazardous trees, weeds, hedges, and overgrown or uncultivated vegetation that is in a hazardous condition, is an obstruction to pedestrian or vehicular traffic, or that is likely to harbor rats, vermin, or other pests shall be considered a nuisance and shall not be permitted.

F. Automatic surface sprinkling system for front yard is encouraged. This will include lawn area, parkway in front of house and between sidewalk and curb. Each station should provide sufficient water to meet needs of plants being watered.

G. Separate deep soak irrigation system for street trees and trees planted in planter strips between curb and sidewalk is also encouraged. A drip irrigation system is encouraged for other planting areas.

H. Where a parkway or planter strip is present, see section 18.90.120 of this title. ~~street trees, as approved by the Mapleton City tree list shall be installed. The number of trees shall be determined by the spread or canopy of the tree at full maturity. Trees shall be no less than one inch (1") caliper in size. Larger trees may be used, but are not recommended. A bond for the trees shall be collected with the building permit for any new home with a parkway in the front or~~

~~side yard (corner lots). See section [18.90.120](#) of this chapter for more information on parkway landscaping. (Ord. 2016-01, 5-18-2016, eff. 6-16-2016)~~

18.90.060: LANDSCAPE PLAN:

~~A. A landscape plan shall be required whenever landscaping or alteration of existing landscaping is required by this title (excluding section [18.90.050](#) of this chapter) or title 17 of this code, and shall be submitted with the initial application for approval. Such landscape plan shall conform to the requirements specified in this chapter. Landscape plans shall be prepared by a licensed Utah design professional where applicable and be approved by the planning commission or its designee prior to the issuance of a building permit. If a building permit is not required, landscape plans shall be approved as part of a project plan.~~

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

- ~~—1. Location and dimensions of all existing and proposed structures, property lines, easements, parking lots and drives, roadways and rights of way, sidewalks, bicycle paths, ground signs, refuse disposal and recycling areas, bicycle parking areas, fences, freestanding electrical equipment, tot lots and other recreational facilities, and other freestanding structural features;~~
- ~~—2. Location, quantity, size, and botanical and common names of all proposed plants;~~
- ~~—3. Location, size and common names of all existing plants including trees and other plants in the parkway;~~
- ~~—4. Indication of plants to be retained or removed and how they will be protected during construction;~~
- ~~—5. Location of existing buildings, structures and plants on adjacent property within twenty feet (20') of the site;~~
- ~~—6. Existing and proposed grading of the site using two foot (2') contour intervals;~~
- ~~—7. Proposed berming using one foot (1') contour intervals;~~
- ~~—8. Elevations and cross sections of all proposed fences and retaining walls;~~
- ~~—9. Elevations and cross sections of other landscape features;~~
- ~~—10. Summary data indicating the total area of property and percentage of the site devoted to landscape area; and~~
- ~~—11. Irrigation system plan provided on a separate sheet of paper. (Ord. 2016-01, 5-18-2016, eff. 6-16-2016)~~

18.90.070: DESIGN STANDARDS:

~~This section applies to all industrial projects. All areas not included as part of the parking lot or areas wherein any structure lies, shall be landscaped according to this chapter. Parking lots shall not encroach on any required setback area. (Ord. 2017-01, 4-19-2017, eff. 5-12-2017)~~

~~A. Landscape plans shall incorporate the design standards set forth in this section and shall be evaluated and approved based on compliance therewith.~~

~~—B. The scale and nature of landscaping materials shall be appropriate to the size of the structures on the premises and character of the location.~~

~~—1. Plants shall be selected for form, texture, color pattern of growth and adaptability to local conditions. Plants shall be of good quality, and capable of withstanding the extremes of the Mapleton City climate. The mature height and spread of plants shall be taken into account during selection.~~

~~—2. Evergreens shall be incorporated into the landscape treatment of a site, particularly in those areas that require screening and buffering.~~

~~—3. Plants shall be placed intermittently against long expanses of building walls, fences, and other barriers to create a softening effect.~~

~~—4. Detention/retention basins and ponds shall be landscaped where possible. Such landscaping may include shade and ornamental trees, evergreens, shrubbery, hedges, turf and ground cover.~~

~~—5. Plant placement shall be designed to reduce the energy consumption needs of the development.~~

~~—a. Deciduous trees shall be placed on the south and west sides of buildings to provide shade from the summer sun.~~

~~—b. Evergreens shall be concentrated on the north side of buildings to dissipate the effect of winter winds.~~

~~—6. Whenever practical, earthen berms and existing topographic features shall be incorporated into the landscape treatment of a site, particularly when combined with plant material to facilitate buffering.~~

~~—C. Landscape design shall recognize the climatic and geologic limitations of the Mapleton City area and the need for water conservation. While irrigation systems are required for certain landscape areas, and may be desirable for other applications, all irrigation systems shall be designed to minimize the use and run off of water.~~

~~—1. All areas to be landscaped with sod, seed, and/or hydroseed shall have sprinklers and/or an irrigation system. All other landscaped areas shall be provided with drip irrigation systems.~~

~~—2. Sod shall be used in areas with less than a ten percent (10%) slope to prevent the runoff of irrigation water.~~

~~—3. To promote water conservation every effort should be made to use drought tolerant species that can withstand dry conditions once established. The use of drought tolerant vegetation is encouraged in required landscape areas, especially in hillside areas. The shade tree commission shall maintain a current list of drought tolerant trees and shrubs that are locally available. Xeriscape landscaping may include a combination of drought resistant trees, shrubs, ground covers, organic mulches as well as some dry landscape materials.~~

~~—D. Annuals, biennials and perennials, decorative stone or similar materials shall be used in planting beds and may be used as an alternative to grasses. Ground covers may be used together with mulch to provide complete coverage of bare ground. Where ground cover is not used, planting beds shall be mulched with bark chips, decorative stone, or similar materials. Mulch shall not be used as a substitute of plants.~~

~~E. Minimum plant sizes shall be as follows:~~

~~1. All deciduous and/or ornamental trees shall have a minimum one inch (1") caliper size.~~

~~2. All evergreen trees shall have a minimum height of five feet (5') measured from finished grade to the top of the plant.~~

~~3. All shrubs shall have a minimum height or spread of eighteen inches (18") depending on the plant's natural growth habit. (Ord. 2016-01, 5-18-2016, eff. 6-16-2016)~~

18.90.110: LANDSCAPE BUFFERS:

A. The requirements of this section shall establish the dimensions and improvement requirements of landscape buffers as required for transitions between dissimilar uses.

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

C. The width of landscape buffers shall be a minimum of ten feet (10'), subject to the following requirements:

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

~~2. A continuous evergreen or deciduous shrub hedge shall be planted along the entire length of landscape buffer. This shrub hedge shall have an expected mature height of not less than six feet (6') within three (3) years of planting. (Ord. 2016-01, 5-18-2016, eff. 6-16-2016)~~

18.90.115: FENCING IN COMMERCIAL ZONES

When a project in a commercial zone abuts a residential zone a solid wall at least eight feet (8) feet in height shall be constructed along the property line. The wall shall be decorative block (CMU), precast concrete, or masonry unless otherwise approved by the Planning Commission. The wall shall be consistent between adjacent commercial parcels. The Planning Commission may allow a fence or wall of six (6) feet in height for uses that are not anticipated to generate significant noise impacts. Examples may include office, clinics, non drive-through restaurant and financial institutions.

18.90.120: PARKWAYS:

A. All parkways in new developments shall be landscaped in conformance with the provisions of this section.

B. Parkway two feet (2') or more in width shall be landscaped with turf grass or with an approved xeriscape design. Parkway less than two feet (2') in width may be landscaped with impervious materials including brick pavers, concrete pavers or concrete. Asphalt shall not be permitted. For xeriscape designs a landscape plan shall be submitted that satisfies the following:

1. Plant Coverage: Thirty percent (30%) or more of the parkway surface be covered with vegetation, not including required street trees, within three (3) years of planting or when planting has reached maturity, whichever comes first. For lots with two (2) or more street frontages, this standard shall be applied separately to each adjacent parkway on each street frontage. Water conserving plants shall constitute at least eighty percent (80%) of all plants used. With the exception of trees, no planting material shall exceed thirty six inches (36") in height at maturity.

C. Parkway four feet (4') or more in width shall include trees. Such trees shall be spaced not more than thirty feet (30') apart and shall have a minimum caliper size of one inch (1").

~~1. Parkway trees may be clustered or spaced linearly in the right of way as determined by Mapleton City's shade tree commission.~~

~~— 2. If adequate space is not available in the parkway, the shade tree commission may require the planting of parkway trees on the lot adjacent to the right of way.~~

~~— 3. A variety of compatible species shall be included in the planting plan for a specific site or development. Trees shall be selected from the tree selection guide maintained by the shade tree commission and shall be appropriate to their location. Tree selection shall be reviewed and approved by the shade tree commission.~~

~~— 4. Trees may be planted in parkways along state highways only after a permit is issued by the Utah department of transportation.~~

D. Vegetation which causes a public safety problem, as determined by the city engineer, may be removed by the city.

E. Occupancy permits for new commercial or multi-family residential buildings shall not be issued unless abutting parkway landscaping has been installed or a bond provided to guarantee installation.

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

G. It shall be unlawful for any person to remove from a parkway any landscaping required by the provisions of this chapter. This provision shall not apply to routine parkway maintenance.

H. In all new subdivisions and developments requiring street improvements (curb, gutter, sidewalks and street trees), the developer shall, as part of the development, install the concrete work around the parkway strip, along with sleeves underneath or through the sidewalk to accommodate eventual deep soak irrigation system.

I. Unless a developer agrees to install landscaping in a parkway ~~Every developer shall install trees and improvements for each new development as provided in this section. However, in standard subdivisions where a developer would sell off the lots, it shall be the homeowner's responsibility to install said trees and landscaping. A bond for the required trees shall be required with the building permit application. A bond estimate shall be submitted by a local nursery. The trees shall conform to the adopted Mapleton City tree list or otherwise approved by the Community Development Director. Spacing of the trees shall depend on the type of tree being installed. Trees shall be a one inch (1") caliper or greater, however, one inch (1") caliper is highly recommended. Improvement guarantee bonds collected from developers shall be placed in individual project accounts with the city and shall be released to the developer when trees are installed.~~

J. General tree care and maintenance is the responsibility of the property owner. However, Mapleton City. The city parks department may periodically prune and spray parkway trees as needed to allow for proper street and sidewalk maintenance. Utah Power And Light may, with the city's permission, maintain safe distances between tree limbs and power lines in the area.

1. If a parkway tree needs to be removed because of disease or death, the property owner shall be responsible to remove it and replace it. the city shall do so. Removal of parkway trees by property owners without approval from the shade tree commission shall be unlawful except as otherwise provided by another express provision of this code. (Ord. 2016-01, 5-18-2016, eff. 6-16-2016)

18.90.125: OTHER RIGHTS-OF-WAY

A. A property owner that abuts or adjoins a public right-of-way that does not include curb, gutter, parkway or sidewalk may install landscaping up to the road pavement edge with the following restrictions:

1. Landscaping is limited to grasses, deciduous trees and/or groundcover. Trees shall be setback at least six (6) feet from the road pavement edge.
2. No fencing, walls or landscape boulders are permitted.
3. Mapleton City is not responsible for impacts to landscaping that may occur during the course of normal City operations within the right-of-way.
4. Maintenance of existing trees within the right-of-way shall be the responsibility of the abutting land owner.

18.90.130: BONDING:

Bonding shall be required for all landscaping improvements prior to obtaining a building permit or commencing work on any commercial or industrial project where landscaping is required by this title. Bonds shall be subject to the requirements as outlined in the adopted Mapleton City bond form.