



Requesting Department:
Development Services

TO: Planning and Zoning Commission

THRU: Brett Burningham, Development Services Director

FROM: Erik Swanson, Planning Administrator

RE: **Public Hearing and Possible Action on P22-0207 Landscape Medians Text Amendment**, a staff initiated text amendment to Article 5.3 Landscaping Standards of the Zoning Ordinance addressing installation and maintenance of landscaping medians and a mechanism for addressing lack of maintenance

DATE: October 12, 2022

STAFF RECOMMENDATION

The request is for a staff initiated text amendment to Article 5.3 Landscaping Standards of the Zoning Ordinance addressing installation and maintenance of landscaping medians and a mechanism for addressing lack of maintenance. Staff recommends approval of P22-0207 Landscape Medians Text Amendment.

PROPOSED MOTION

Move to recommend approval of P22-0207 Landscape Medians Text Amendment.

RELEVANT COUNCIL GOAL



Effective Government

DISCUSSION

In the past months, ongoing maintenance of landscaping in right of ways, particularly within roadway medians, have presented concerns as select medians have become overgrown and poorly maintained. Historically, conditions of approval were added to any rezoning request or as part of Preliminary and Final Plats to require that landscaping be installed and maintained by the adjacent property owner's association (commercial/industrial development) or homeowner's association (subdivisions). A recent situation involving a master-planned community with a number of phases, and therefore a number of differing HOAs, resulted in Code Enforcement staff issuing Notices of Violation to maintain the medians. Unfortunately, the situation was not remedied within a timely manner resulting in the Town Streets Department contracting with a landscape company to clean-up the median.

As a result of this situation, and other locations throughout the Town where information has been limited in order to determine maintenance responsibilities, Staff is recommending codifying the requirement for installation and maintenance within the Zoning Ordinance in addition to any conditions of approval that may be applied to development applications.

Staff is recommending the following language to create points 10 and 11 of Article 5.3.F *Street Rights-Of Way Landscaping*:

10. Landscaping of medians shall be installed at a rate of one (1) tree and six (6) shrubs per thirty (30) lineal feet of median. Alternative planting materials may be considered by the Planning Administrator.

11. Landscape installation and maintenance including medians, shall be the responsibility of the adjacent property owners or homeowners association. Failure to maintain landscaping so as to present a safety hazard or so presented as to be poorly maintained may result in the Town providing clean-up to bring the landscaping into compliance. Any maintenance that the Town provides will result in fees assessed to the property owners or homeowners association responsible for maintaining the remedied area. All work performed on medians, and as required by the Town on other rights of way owned by the Town, shall require submittal and approval of a Traffic Control Plan under Section 11-3-3 of the Town Code. Failure to maintain the landscaping as required by the Town and/or failure to comply with all requirements will be a nuisance under Chapter 10 of the Town Code and enforceable as provided under law and the Town Code, including without limitation under Sections 10-2, 10-3, 10-11 and 11-5 of the Town Code.

Upon adoption of the proposed text amendment, Planning and Code Enforcement staff will coordinate with the homebuilder community, existing developments and HOAs, and will include language during development reviews of the adoption of this requirement.

ATTACHMENTS

1. Proposed Zoning Ordinance – Redline
2. Proposed Zoning Ordinance – Clean

ARTICLE 5 – SITE IMPROVEMENT STANDARDS

- c. Slopes steeper than three to one (3:1), where revegetation and plant material alone will not hold soil in place, shall be held in place with turf, retaining walls, rip-rap, or shall be developed with a system of terraces or diversions to ensure slope stability, control surface water runoff and encourage rapid vegetation establishment, or any method deemed appropriate by the Town.

10. *Dust Control.* During grading and until revegetation is established, the applicant shall use the following methods to reduce and mitigate the production of dust and such methods shall be addressed in the grading permit prior to commencement of construction.

- a. Dust palliative approved by Town Engineer;
- b. Watering during grading;
- c. Use of decomposed granite or other decorative landscape material as a groundcover for non-slope and vehicular/pedestrian areas; and,
- d. The use of motor oil, oil treatment, sodium chloride, or any other palliative method that cause adverse effects on human, animal or plant life or that may cause property damage shall be prohibited.

E. *Prohibited Plants.* The "Swan Hill Olive" and the "Wilson Hill Olive" varieties may be used due to their non-flowering non-pollen status and are exempt from the prohibited plants list:

1. Olive Trees (*Olea Europaea*) are prohibited for reasons of their profuse production of allergy producing pollen except for the two (2) varieties as mentioned above;
2. Fountain Grass (*Pennisetum Setaceum*) is prohibited as a defined weed with the potential to spread throughout the Town and become a fire hazard;
3. Common Bermuda grass (*Cynodon Dactylon*) is prohibited as a defined weed and for its profuse production of allergy

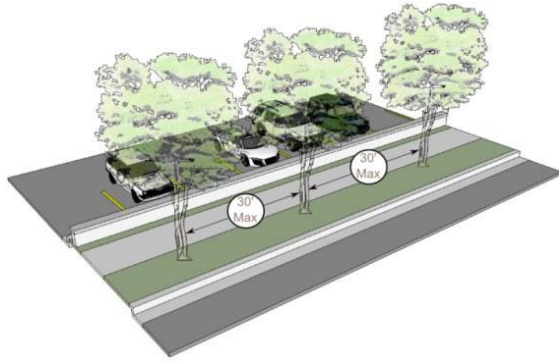
producing pollen. (For clarification purposes, non-allergenic species are permissible as approved by the Town); and,

4. Mulberry Trees (*Morus*) are prohibited as noxious pollen producers.

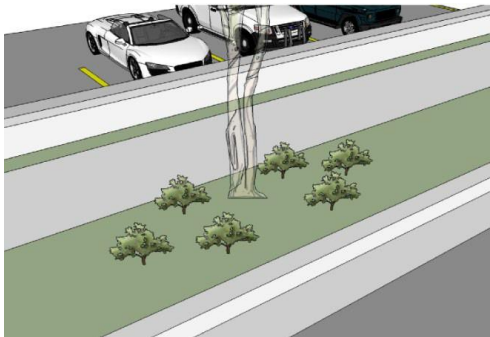
F. *Street Rights-Of Way Landscaping.*

1. Street trees and other plant materials (i.e. shrubs, ground cover, accent plantings, etc.) shall be planted within a street right-of-ways in all zoning districts.
2. Trees shall not be planted in planting strips that are less than five (5) feet wide, measured from the back of curb to the edge of the adjacent sidewalk.
3. All parcels located at the intersection of an arterial intersection, shall observe a buffer setback pursuant to Table 5.3-1. Said buffer shall not be encumbered by parking areas, buildings or other improvements. The Planning Administrator or his or her designee shall have the authority to impose special conditions or guidelines on the development of property at arterial intersections that affect the following design elements in order to achieve the purposes of this section:
 - a. Landscape architecture;
 - b. Building architecture;
 - c. Building orientation;
 - d. Vehicular ingress, egress, and circulation;
 - e. Walls and screening devices; and,
 - f. Building setbacks.
4. Street trees shall be spaced on each side of the street and within medians where applicable, in order to form a pleasant experience for motorists, pedestrians, and building occupants, as applicable.

ARTICLE 5 – SITE IMPROVEMENT STANDARDS



5. Planting shall be spaced at regular intervals without regard to property lines in order to present a balanced appearance. Required spacing shall be not greater than thirty feet (30') or fraction thereof to achieve a tree-lined street appearance. Linear planting is preferred.
6. Trees for an entire block shall be planted at the same time.
7. Up to two (2) different species of trees may be planted alternately where an entire block is developed.
8. A minimum of six (6) shrubs are required per every one (1) tree planted.



9. The entire area of the right-of-way, between the property line and back of curb (BOC) and / or pavement except for approved driveways, walkways and bike paths, shall be landscaped.

10. Landscaping of medians shall be installed at a rate of one (1) tree and six (6) shrubs per thirty (30) lineal feet of median. Alternative planting materials may be considered by the Planning Administrator.

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G. *Parking Lot Landscaping.* Parking lots shall be landscaped in accordance with the requirements of Section 5.6 of this Ordinance.

H. *Retention Basin Landscaping and Design Requirements.*

1. All private retention basins in single residence, duplex, multifamily, commercial, or industrial projects, or districts shall be landscaped. Such basins shall not exceed more than fifty percent (50%) of the linear street frontage.
2. Retention basins shall be contoured and designed as an integral part of any frontage landscaping and shall not take on the appearance of a ditch or basin.

I. *Native Plant Preservation and Landscape Plan Standards.*

1. *Purpose.* The purpose of these standards is to protect native plants and to ensure appropriate re-vegetation for all development projects. The standards provide for in-place preservation protection of existing plants and the transplanting of native plant materials indigenous to the area such as: varieties of Acacia, Mesquite and Cercidium trees,

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- c. Slopes steeper than three to one (3:1), where revegetation and plant material alone will not hold soil in place, shall be held in place with turf, retaining walls, rip-rap, or shall be developed with a system of terraces or diversions to ensure slope stability, control surface water runoff and encourage rapid vegetation establishment, or any method deemed appropriate by the Town.

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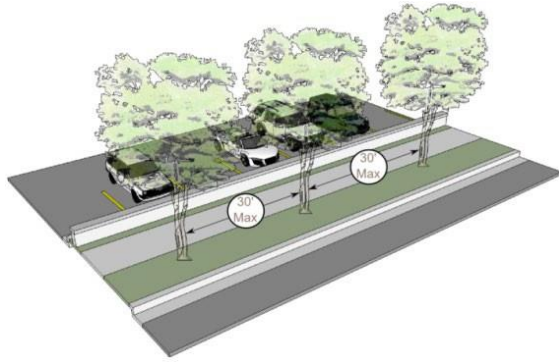
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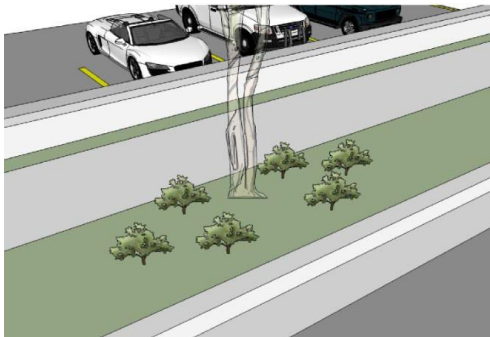
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