



## CITY COUNCIL TRANSMITTAL

  
Lisa Shaffer (Dec 22, 2022 11:58 MST)

Lisa Shaffer, Chief Administrative Officer

**Date Received:** 12/22/2022

**Date sent to Council:** 12/22/2022

**TO:** Salt Lake City Council  
Dan Dugan, Chair

**DATE:** December 22, 2022

**FROM:** Blake Thomas, Director, Department of Community & Neighborhoods



**SUBJECT:** PLNPCM2022-01055 Landscaping Modifications Required to be an Eligible City to Qualify for Rebates.

**STAFF CONTACT:** Nick Norris, Planning Director at [nick.norris@slcgov.com](mailto:nick.norris@slcgov.com) or 801-535-6173

**DOCUMENT TYPE:** Ordinance

**RECOMMENDATION:** That the City Council adopt the Planning Commission recommendation to approve the proposal.

**BUDGET IMPACT:** none

**BACKGROUND/DISCUSSION:** This proposal modifies 21A.48 Landscaping of the zoning code in order for Salt Lake City to become an eligible city for grant programs related to replacing turf with more appropriate water wise landscaping. There are currently two rebate programs offered, one through the Utah Department of Natural Resources (DNR) and one through the Central Utah Water Conservancy District (CUWCD). The DNR rebate program was a pilot program in 2021 that was funded by an allocation from the Utah Legislature.

The DNR program requires rebate applicants to own property in a qualifying city. A qualifying city is one that has adopted landscaping provisions that prohibit turf in park strips or other areas that are less than eight feet in width and that limit the total amount of turf to no more than 35% of the landscaped area in a front or side yard. More information can be found here:

<https://conservewater.utah.gov/grass-removal-rebates/>

The CUWCD rebate program has similar requirements, but also requires certain provisions related to sprinkler valve controllers, turf for non-residential uses, and turf on steep slopes. This rebate program requires cities to include in their landscaping regulations provisions that include:

- Limits turf in residential uses to no more than 35% of the landscaped area;
- Limits turf in multi-family, commercial, industrial, and institutional uses to no more than 20% of the landscaped area.
- Prohibits turf in areas that have a minimum dimension of less than eight feet
- Prohibits turf on slopes greater than 25%
- Prohibits the use of aerial sprinkler heads in areas with turf that are less than eight feet
- Requires a smartsense sprinkler controller

The proposed ordinance includes a complete list of changes. This rebate program is requiring that landscape codes be updated by March 1, 2023 for residents of the city to be eligible for the rebates. CUWCD indicated that Salt Lake City residents are the largest recipient of their rebate programs.

The landscape regulations are going through a comprehensive update. However, these modifications were pulled out of the proposal to try to have the proposal adopted before the March 1, 2023 deadline or at least reduce the time that the city is not listed as an eligible city. These changes will be incorporated into the more comprehensive proposal.

**PUBLIC PROCESS:** This proposal is subject to the required 45-day engagement period that is required prior to the first public hearing. The 45-day notice period began in late October and ran through December 13, 2022. Notice of the proposal was sent to all recognized organizations and emailed to the Planning Division list serve. Comments that were received are included in the Planning Commission staff report. Comments received after the Planning Commission public hearing are attached to this transmittal. There was one comment submitted that indicated that turf can be watered with an underground system that eliminates water waste. However, the requirements that need to be adopted do not include this type of exception.

#### **Planning Commission (PC) Records**

- a) [PC Agenda of December 14, 2022](#) (Click to Access)
- b) [PC Minutes of December 14, 2022](#) (Click to Access)
- c) [Planning Commission Staff Report of December 14, 2022](#) (Click to Access Report)

#### **EXHIBITS:**

- 1) Project Chronology
- 2) Notice of City Council Public Hearing
- 3) Original Petition
- 4) Public Comment Received After Publishing of Planning Commission Staff Report

SALT LAKE CITY ORDINANCE

No. \_\_\_\_\_ of 2023

(Amending the zoning text of Section 21A.48.050 and definitions in Title 21A associated therewith of the *Salt Lake City Code* pertaining to the use of landscape materials)

An ordinance amending the text of Section 21A.48.050 and definitions in Title 21A of the *Salt Lake City Code* pertaining to the use of landscape materials pursuant to Petition No. PLNPCM2022-01050.

WHEREAS, on December 14, 2022, the Salt Lake City Planning Commission (“Planning Commission”) held a public hearing on a petition submitted by Salt Lake City Mayor, Erin Mendenhall to amend land use regulations pertaining to water wise landscaping materials for new development (Petition No. PLNPCM2022-01050); and

WHEREAS, at its December 14, 2022 meeting, the Planning Commission voted in favor of forwarding a positive recommendation to the Salt Lake City Council (“City Council”) on said petition; and

WHEREAS, after a public hearing on this matter the City Council has determined that adopting this ordinance is in the city’s best interests.

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

SECTION 1. Amending the Text of Section 21A.48.050. That Section 21A.48.050 of the *Salt Lake City Code* (Zoning: Landscaping and Buffers), shall be and hereby is amended read as follows:

21A.48.050: DESIGN STANDARDS AND GUIDELINES: Landscape plans shall be prepared based on the following design standards and guidelines. The standards and guidelines apply to all new development and redevelopment of a residential, commercial, institutional, or manufacturing use and all associated landscaped areas as identified by this chapter. The standards and guidelines also apply when a landscaping plan is required to be submitted by this chapter. Design standards are numerically measurable design requirements that can be definitively evaluated for compliance. Design guidelines are not precisely measurable, but

compliance can be determined through the evaluation process of landscape plan review. The evaluation and approval of landscape plans shall be based on compliance with both the design standards and guidelines.

A. Design Standards At Time Of Planting:

1. Deciduous Trees: All deciduous trees shall have a minimum trunk size of two inches (2") in caliper, unless otherwise specified.
2. Evergreen Trees: All evergreen trees shall have a minimum size of five feet (5') in height, unless otherwise specified.
3. Ornamental Trees: All ornamental trees shall have a minimum trunk size of one and one-half inches (1 1/2") in caliper, unless otherwise specified.
4. Shrubs: All shrubs shall have a minimum height or spread of eighteen inches (18") depending on the plant's natural growth habit, unless otherwise specified. Plants in five (5) gallon containers will generally comply with this standard.
5. Drought Tolerant Species: Site conditions in Salt Lake City are generally arid, and the selection of plant species suited to dry conditions is appropriate. To promote water conservation, not less than eighty percent (80%) of the trees and eighty percent (80%) of the shrubs used on a site shall be drought tolerant species that can withstand dry conditions once established. The city has compiled a list titled "Water Conserving Plants For Salt Lake City", that may be locally available.
6. Street Trees: Trees located within the public right of way are subject to the following provisions:
  - a. The pruning or removal of trees is prohibited without the approval of the urban forester or designee.
  - b. Cutting, Removal, Or Damage Prohibited: Trees shall not be cut, removed, pushed over, killed, or otherwise damaged without the approval of the urban forester or designee.
  - c. The root zone of all street trees shall be protected when impacted by any construction work on the abutting property or any work within the right of way when a street tree is present. Root zone protection is subject to approval from the urban forester or designee.
  - d. All street trees shall be provided with an irrigation system that has the capability of providing adequate and efficient water to each street tree as determined by the urban forester or designee.
7. Limitations on Turf:
  - a. For single family and two-family uses turf shall not exceed 35%, of the area to be covered with vegetation. For yards and areas required to include

vegetation where the 35% calculation would result in a number less than 250 square feet, the property may have a maximum of 250 square feet of turf. Active recreation areas are exempt from this provision.

- b. For multi-family uses turf shall not exceed 20% of the area to be covered with vegetation. Active recreation areas are exempt from this provision.
  - c. For commercial, industrial, and institutional uses, turf shall not exceed 20% of the area to be covered with vegetation. Active recreation areas are exempt from this provision.
  - d. Areas planted with turf shall not be less than eight feet wide at the narrowest point. This applies to any required yard, landscaped yard, landscape buffer, park strip, and parking lot landscaping.
  - e. Turf shall not be installed on any slope greater than 25% or where the rise of the slope is more than one vertical foot for every four horizontal feet.
8. Mulch: At least 3-4 inches of mulch, permeable to air and water, shall be used in planting beds and in landscaped areas that are not covered with vegetation or other allowed inorganic surfaces to control weeds and improve the appearance of the landscaping. Fiber barriers and plastic sheeting that are not porous to air and water are prohibited.
9. Automatic Irrigation Controller Required. Irrigation systems are required to use an irrigation controller that includes a Watersense label that can automatically adjust the frequency and/or duration of irrigation in response to changing weather conditions and be equipped with an automatic rain delay or rain shut-off capabilities.

#### B. Design Guidelines:

- 1. Scale And Nature Of Landscaping Material: The scale and nature of landscaping materials shall be appropriate to the size of the structures. Large scale buildings, for example, should generally be complemented by larger scale plants.
- 2. Selection Of Plants: Plants shall be selected for form, texture, color, pattern of growth and adaptability to local conditions.
- 3. Evergreens: Evergreens should be incorporated into the landscape treatment of a site, particularly in those areas where screening and buffer is required.
- 4. Softening Of Walls And Fences: Plants shall be placed intermittently against long expanses of building walls, fences, and other barriers to create a softening effect.

5. Detention/Retention Basins And Ponds: Detention/retention basins and ponds shall be landscaped. Such landscaping may include shade and ornamental trees, evergreens, shrubbery, hedges, ~~turf~~, ground cover and/or other plant materials.
6. Irrigation Systems: All irrigation systems shall comply with the following requirements:
  - a. All irrigation shall be appropriate for the designated plant material and achieves the highest water efficiency.
  - b. Drip irrigation or bubblers shall be used except in turf areas. Drip irrigation systems shall be equipped with a pressure regulator, filter, flush-end assembly, and any other appropriate components.
  - c. Each irrigation valve shall irrigate landscaping with similar site, slope and soil conditions, and plant materials with similar watering needs. Turf and planting beds shall be irrigated on separate irrigation valves. In addition, drip emitters and sprinklers shall be placed on separate irrigation valves.
7. Energy Conservation: Plant placement shall be designed to reduce the energy consumption needs of the development.
  - a. Deciduous trees should be placed on the south and west sides of buildings to provide shade from the summer sun.
  - b. Evergreens and other plant materials should be concentrated on the north side of buildings to dissipate the effect of winter winds.
8. Berming: Earthen berms and existing topographic features should be, whenever determined practical by the zoning administrator, incorporated into the landscape treatment of a site, particularly when combined with plant material to facilitate screening.

SECTION 2. Amending the Text of Section 21A.62.040. That the definition of Turf in Section 21A.62.040 of the *Salt Lake City Code* shall be and hereby is amended read as follows:

TURF: Grasses planted as a ground cover that may be mowed and maintained to be used as a lawn area of landscaping. Does not include decorative grasses, grasses that are native to the local environment or grasses that do not generally require supplemental water, or inorganic substitutes commonly referred to as artificial turf.

SECTION 3. Amending the Text of Section 21A.60.020. That Section 21A.60.020 of the *Salt Lake City Code* shall be amended to include the following two (2) terms:

Active Recreation Areas

Mulch

SECTION 4. Amending the Text of Section 21A.60.040. That definitions of the terms “Active Recreation Areas” and “Mulch” be added to Section 21A.62.040 of the *Salt Lake City Code* as follows:

ACTIVE RECREATION AREAS: Areas of the landscape dedicated to active play where turf may be used as the playing surface. This may include sports fields, play areas, golf courses, and other similar areas where turf is commonly used as the surface for outdoor activities.

MULCH: Any material such as rock, bark, compost, wood chips or other materials left loose and applied to the soil.

SECTION 5. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
CHAIRPERSON

ATTEST AND COUNTERSIGN:

\_\_\_\_\_  
CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

CITY RECORDER  
(SEAL)

Bill No. \_\_\_\_\_ of 2023.

Published: \_\_\_\_\_.

Ordinance Amending Section 21A.48.050 Landscape Materials

**APPROVED AS TO FORM**

Salt Lake City Attorney's Office

Date: December 16, 2022

By:   
Katherine D. Pasker, *Senior City Attorney*



## **1. CHRONOLOGY**

October 27, 2022	Petition initiated by Mayor Erin Mendenhall.
October 28, 2022	45-day engagement period started; notice emailed to all recognized community organizations along with draft proposal.
November 14, 2022	Online open house information posted.
December 1, 2022	Public notice mailed, emailed, and posted on State Public Notice website for Planning Commission Public Hearing on December 14, 2022.
December 7, 2022	Staff report posted on Planning Commission Agenda webpage.
December 13, 2022	45-day public engagement period ended.
December 14, 2022	Planning Commission Public Hearing held.

## **2. NOTICE OF CITY COUNCIL HEARING**

The Salt Lake City Council is considering **Petition PLNPCM2022-01055**

On December 14, 2022, the Planning Commission held a public hearing and voted to recommend approval of the proposed modifications to 21A.48 Landscaping of the Salt Lake City Zoning Code. The proposed modifications are being requested in order for the City to be listed as an “eligible city” by entities that provide rebates for property owners who replace turf with more water-wise landscaping. If the changes are not adopted, property owners would not be eligible to receive the rebates. The proposal includes placing limits on the amount of turf that can be planted based on use, size of landscaped area, and slope and makes other similar changes required to be considered an eligible city. The City Council may amend other related chapters and sections of Title 21A Zoning as part of this proposal. As part of their study, the City Council is holding an advertised public hearing to receive comments regarding the petitions. During the hearing, anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The Council may consider adopting the ordinance the same night of the public hearing. The hearing will be held:

**DATE: TBD**

**TIME: 7:00 PM**

**PLACE: Electronic and in-person options.  
451 South State Street, Room 326, Salt Lake City, Utah**

**\*\* This meeting will be held via electronic means, while also providing for an in-person opportunity to attend or participate in the hearing at the City and County Building, located at 451 South State Street, Room 326, Salt Lake City, Utah. For more information, including WebEx connection information, please visit [www.slc.gov/council/virtual-meetings](http://www.slc.gov/council/virtual-meetings). Comments may also be provided by calling the 24-Hour comment line at (801) 535-7654 or sending an email to [council.comments@slcgov.com](mailto:council.comments@slcgov.com). All comments received through any source are shared with the Council and added to the public record.**

If you have any questions relating to this proposal or would like to review the file, please call Nick Norris (801) 535-6173 between the hours of 8:00 a.m. and 5:00 p.m, Monday through Friday, or via email at [nick.norris@slcgov.com](mailto:nick.norris@slcgov.com).

The application details can be accessed at <https://citizenportal.slcgov.com/>, by selecting the “planning” tab and entering the petition number PLNPCM2022-01055

People with disabilities may make requests for reasonable accommodation, which may include alternate formats, interpreters, and other auxiliary aids and services. Please make requests at least two weeks in advance. To make a request, please contact the City Council Office at [council.comments@slcgov.com](mailto:council.comments@slcgov.com), (801)535-7600, or relay service 711.

### **3. Original Petition**



# MEMORANDUM

PLANNING DIVISION  
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Mayor Erin Mendenhall

Cc: Lisa Shaffer, Chief Administrative Officer; Blake Thomas, Department of Community and Neighborhoods Director; Michaela Oktay, Deputy Planning Director

From: Nick Norris, Planning Director

Date: October 20, 2022

Re: Updates to landscape regulations

In March 2023 the Utah Water Conservancy District will launch new requirements for their rebate programs that provide reimbursement for property owners who remove sod and replace it with more appropriate landscaping for our local climate. One of the requirements for the reimbursement program is that cities within their service area, including Salt Lake City, must have adopted landscaping regulations that include specific requirements. The Salt Lake City zoning ordinance includes most of these requirements, however there are two key provisions that need to be added to our code for property owners to be eligible to utilize the incentives:

- A prohibition of using sod or aerial sprinkler heads on areas that are less than eight feet in any dimension.
- Limiting the amount of sod for nonresidential uses to no more than 25% of a required landscape area.

UWCD instructed us that these two provisions are required to be adopted prior to March 1, 2023. If they are not, then our property owners would not be eligible for the incentives. UWCD informed us that Salt Lake City property owners are the largest users of their rebate programs. To ensure that there is not a gap in eligibility, the Planning Division would like to request that you initiate a petition to start the process as soon as possible. Please note that this will be a separate action from updating the entire landscaping regulation chapter. That work is in progress and our goal is to have that to the council in time to adopt prior to the 2023 growing season. There is potential risk that if we relied on that process to add these provisions that it will not be adopted prior to March 1, 2023. Running this in a condensed time frame allows us to get something to the council so they can act prior to March 1.

This memo includes a signature block to initiate the petition if that is the decided course of action. If the decided course of action is to not initiate the application, the signature block can remain blank. Please notify the Planning Division when the memo is signed or if the decision is made to not initiate the petition.

Please contact me at ext. 6173 or [nick.norris@slcgov.com](mailto:nick.norris@slcgov.com) if you have any questions. Thank you.

**Concurrence to initiate the zoning text amendment petition as noted above.**

  
Erin Mendenhall, Mayor

10.27.22  
Date

#### **4. Public Comment Received After Publishing Planning Commission Staff Report**



December 9, 2022

TO: Salt Lake City Planning Commission

FROM: Judi Short, First Vice Chair and Land Use Chair  
Sugar House Community Council

RE: PLNPCM20202-01050 Landscape Regulation Modifications Needed to Qualify for Rebates

We have read this proposal and have no problems with it. Salt Lake City residents should be able to qualify for rebates provided by other entities for replacing turf with water wise landscaping.

We understand the main changes being proposed are:

- Prohibiting turf in areas that are less than eight feet in width at the narrowest point;
- Limiting turf to no more than 35% of the total landscaped area for residential uses, with a carve out for small lots where the yard areas required to be landscaped are less than 250 square feet;
- Prohibiting turf on slopes greater than 25% • Limiting turf to no more than 25% of the total landscaped area for commercial, industrial, institutional, and multi-family development common areas.
- Limitations on types of sprinklers used in narrow landscaped areas.

All of us who worry about having enough water ought to be looking to convert our lawns and gardens into waterwise irrigation and plants, if we haven't already done so. We look forward to reading the complete chapter of the landscape code. In the meantime, we approve this revision so that we can continue to be eligible for rebates.



**From:** [James Webster](#)  
**To:** [Norris, Nick](#)  
**Subject:** (EXTERNAL) Credit underground drip for sod  
**Date:** Monday, December 12, 2022 6:12:37 PM

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The 85 ac District commercial project in S. Jordan is entirely irrigated with Netafim drip under sod. Water consumption is comparable, or less than SLC's proposed irrigation concepts for non-sodded areas pending design and equipment. I was the landscape architect for the District. Jim Webster, RLA

Sent from my iPhone