

*Having been duly posted on the 9th day of March 1998 and the public having the opportunity to comment on the propriety of the following regulation, the regulation will be duly promulgated and become effective on the 20th day of March 1998.*

**RE: ADMINISTRATIVE REGULATION NO. 98-1**

Zoning and Development Code Section 5-4-15 Landscaping Standards

ISSUED BY: \_\_\_\_\_

E. Scott Harrington, Community Development Director

\_\_\_\_\_ Date

**Topic:** Landscape Requirements in Public Rights-of-Way

**Background:** Paragraph A of Section 5-4-15 states:

“A. For all zones required landscaped areas shall contain one tree for each increment of five hundred (500) square feet or fraction thereof. Forty percent (40%) of the landscaped area shall contain shrubs, and this shrub area(s) shall be covered by a minimum of seventy-five percent (75%) plant material.”

Paragraph G of Section 5-4-15 states:

“G. A property owner is required to landscape the entire area within the public right-of-way...”

Given these two apparently contradictory provisions, there may be questions as to whether the landscaping requirements of paragraph A apply to required landscaping in the right-of-way as provided under paragraph G and if not, then the question may arise as to what constitutes ‘landscaping in the right-of-way’ as required in paragraph G? The purpose of this administrative regulation is to answer these questions.

**Administrative Interpretation:** Section 5-4-15, paragraph A is hereby is hereby interpreted and construed, consistent with the authority of GJCO 2-61, as follows:

- A. For all zones required landscaped areas shall contain one tree for each increment of five hundred (500) square feet or fraction thereof. Forty percent (40%) of the landscaped area shall contain shrubs, and this shrub area(s) shall be covered by a minimum of seventy-five percent (75%) plant material.

This requirement (5-4-15 A) shall not apply to landscaping required in a public right-of-way.

The interpretation effectuates the purpose of the Zoning and Development Code and clarifies the extant inconsistency between 5-4-15 A and 5-4-15 G of the Zoning and Development Code.

The balance of the paragraph is not affected by this administrative regulation.

Section 5-4-15, paragraph G is hereby interpreted and construed, consistent with the authority of GJCO 2-61, as follows:

- G. A property owner is required to landscape the entire area within the public right-of-way and may, with the written approval of the Administrator, place up to fifteen percent (15%) of the required landscaping for the parcel (except for required parking lot landscaping) in the right-of-way to satisfy this requirement. The administrator shall deny approval of a request to install required landscaping in the right-of-way if the City anticipates road widening and/or other improvements in the right-of-way. The Administrator shall be guided by the advice of the Director of Public Works and capital improvements plans in making this determination.

At a minimum, landscaping in the right-of-way shall consist of the following:

1. A minimum of seventy-five (75%) of the unpaved portions of a right-of-way shall be covered with turf, low shrubs or ground cover; however, the administrator may adjust this percentage as appropriate to provide an overall appearance that is consistent with the intent of this section and/or consistent with existing or planned right-of-way landscaping along a particular roadway.
2. Rights-of-way shall remain free of weeds, litter, junk, rubbish and other nuisances and obstructions. To prevent weed growth, erosion and blowing dust, right-of-way areas not covered by vegetation or paving shall be covered with mulch, wood chips, bark chips, decorative rocks or cobble, or similar natural materials providing a clean, uniform appearance.
3. Paving in any public right-of-way (not including the road surface, curb, gutter, sidewalk and similar public use improvements) shall be limited to driveways and walkways which are necessary to provide adequate ingress and egress to a parcel. Subject to the approval of the Administrator, with advise from the Director of Public Works, an exception may be granted for decorative paving in commercial or other high pedestrian traffic areas provided the decorative paving is compatible with other right-of-way paving and landscaping in the surrounding area and is not intended for parking.

**Topic:** Required Street Trees

**Background:** Paragraph H of Section 5-4-15 states:

“H. Street Trees: One (1) street tree shall be provided for every forty (40) feet of street frontage where none presently exist. Wherever practical, street trees shall be located between the sidewalk and street and shall be irrigated by a pressurized, underground irrigation system.”

Others portions of Section 5-4-15, and other sections of the code as well, require trees be placed along the street frontage of a property. This raises the issue as to whether the trees required in paragraph H are in addition to or in lieu of those required elsewhere in the code. The purpose of this administrative regulation is to answer this question.

**Administrative Interpretation:** Paragraph H of Section 5-4-15 is hereby interpreted and construed, consistent with the authority of GJCO 2-61, as follows:

H. Street Trees: One (1) street tree shall be provided for every forty (40) feet of street frontage where none presently exist. Wherever practical, street trees shall be located between the sidewalk and street and shall be irrigated by a pressurized, underground irrigation system. Where street trees cannot be located on the right-of-way, they shall be placed within the first ten (10) feet of the property, or as close to the street as practical outside of ten (10) feet. Street trees placed on a property shall be in addition to all other trees required to be placed on the property.

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