

ORDINANCE NO. 2021-12

AN ORDINANCE AMENDING CHAPTER 11.02 OF THE CENTERVILLE MUNICIPAL CODE REGARDING PARKSTRIP LANDSCAPING AND HARDSCAPING

WHEREAS, the City has previously adopted Chapter 11.02 of the Centerville Municipal Code regarding Parkstrips and Street Trees; and

WHEREAS, the City Council desires to amend certain provisions of Chapter 11.02 of the Centerville Municipal Code regarding parkstrip landscaping and hardscaping to allow decorative rock within parkstrips in all areas of the City other than the Parrish Lane Gateway Area; and

WHEREAS, the City Council finds the amendments to Chapter 11.02 of the Centerville Municipal Code as provided herein are in the best interest of the public health, safety, and welfare by providing more drought tolerant and water conservation landscaping and hardscaping options for parkstrips within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH:

Section 1. **Amendment.** Chapter 11.02 of the Centerville City Municipal Code regarding Parkstrips and Parkstrip Trees is hereby amended to read in its entirety as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

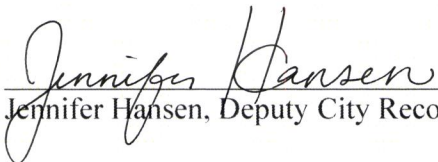
Section 2. **Severability Clause.** If any section, part, or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all provisions, clauses and words of this Ordinance shall be severable.

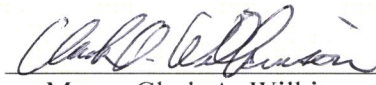
Section 3. **Effective Date.** This Ordinance shall become effective immediately upon publication and posting, or thirty days after passage, whichever occurs first.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE, STATE OF UTAH, ON THIS 4th DAY OF MAY, 2021

ATTEST:

CENTERVILLE CITY


Jennifer Hansen, Deputy City Recorder

By: 
Mayor Clark A. Wilkinson

Voting by the City Council:

	"AYE"	"NAY"	"ABSENT"
Councilmember Fillmore	<u>X</u>	<u> </u>	<u> </u>
Councilmember Ince	<u>X</u>	<u> </u>	<u> </u>
Councilmember Ivie	<u>X</u>	<u> </u>	<u> </u>
Councilmember McEwan	<u>X</u>	<u> </u>	<u> </u>
Councilmember Mecham	<u> </u>	<u>X</u>	<u> </u>

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published, or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB's Gas Station, on the foregoing referenced dates.

Jennifer Hansen
JENNIFER HANSEN, Deputy City Recorder

DATE: May 5, 2021

RECORDED this 5th day of May, 2021.

PUBLISHED OR POSTED this 5th of May, 2021.



EXHIBIT A

CMC 11.02 (Parkstrips and Parkstrip Trees)

11.02 Parkstrips And **Parkstrip Street-Trees**

11.02.010 Parkstrip Definition

11.02.020 Parkstrip Groundcover And Plantings

11.02.030 Parkstrip Maintenance

11.02.032 Public Utility Easements in Parkstrips

11.02.034 Damage to Underground Utilities in Parkstrips

11.02.040 **Parkstrip** Visual Obstructions

11.02.050 Parkstrip Trees - Permit Required

11.02.060 Parkstrip Trees - Location Restrictions

11.02.070 Parkstrip Trees - Maintenance Requirements

11.02.080 Parkstrip Trees - Approved Tree List

11.02.090 Enforcement

11.02.010 Parkstrip Definition

For purposes of this Chapter, parkstrip shall mean the area located between the top back of the curb line to the front face, street side of the sidewalk or to the right-of-way when no sidewalk is present, but not including driveways, sidewalks, or trails.

HISTORY

Adopted by Ord. 2017-03 on 4/4/2017

11.02.020 Parkstrip **Landscaping or Hardscaping Groundcover And Plantings**

Except as otherwise provided, all parkstrips within the City shall be landscaped with grass and plantings or hardsurfaced with acceptable materials as more particularly provided herein. Installation of parkstrip landscaping or hardscaping in accordance with this Chapter shall be the responsibility of the abutting property owner to the parkstrip. If the parkstrip, or any portion of the parkstrip, is landscaped with grass or plantings, such landscaping shall comply with applicable provisions of this Chapter and CMC 12 (Zoning). If the parkstrip, or any portion of the parkstrip, is improved with hardscaping, such hardscaping shall be limited to the following acceptable materials: 1.5" to 6" diameter decorative rocks and/or loosely laid bricks, pavers, and/or or flagstones. Except as otherwise provided and approved by the City, parkstrips shall be landscaped with grass and plantings in accordance with applicable City Ordinances, including, but not limited to CMC 12 (Zoning) and the provisions of this Chapter. In all zones, hard surfacing within the parkstrip shall be prohibited, unless reviewed and approved by the Streets Department. The use of concrete, asphalt, coarse wood or synthetic products (such as: bark, mulch, and wood chips), greater than a one-inch diameter), or any other materials or hardscaping is prohibited within parkstrips. within the parkstrip is prohibited. Decorative cobble, stepping stones, grass or other vegetation under two feet shall be acceptable. The provisions of this Section shall not apply to parkstrips and properties located in the Parrish Lane Gateway Area. Parkstrips and properties located in the Parrish Lane Gateway Area shall be subject to the streetscape design standards set forth in CMC 12.63 (Parrish Lane Gateway Design Standards).

HISTORY

Adopted by Ord. 2017-03 on 4/4/2017

11.02.030 Parkstrip Maintenance

Maintenance of all parkstrip areas shall be the responsibility of the abutting property owner to the parkstrip. Such maintenance of the parkstrip by the abutting property owner shall include:

1. Maintenance of all landscaping and hardscaping, ~~vegetation, hardscape, gravel, mulch or similar materials~~ within the parkstrip;
2. Removal of all noxious weeds in the parkstrip and ~~or~~ on adjacent sidewalks in accordance with CMC 7.04 (Weed Control and Cleaning of Real Property);
3. Removal of leaves and overhanging branches within the parkstrip, sidewalk or adjacent right-of-way in accordance with CMC 11.02.070;
4. Maintenance and compliance with all visual obstruction and site triangle requirements set forth in this Title and CZC 12 (Zoning); and
5. Compliance with all other parkstrip maintenance obligations set forth in CZC 12 (Zoning).

HISTORY

Adopted by Ord. 2017-03 on 4/4/2017

11.02.032 Public Utility Easements in Parkstrips

Most parkstrips within the City are located within the public right-of-way and are burdened by and subject to public utility easements for purposes of installing and maintaining public utilities. Such public utility easements shall be governed by and subject to applicable Utah law regarding rights of utilities with facilities within the easement, including, but not limited to Utah Code § 54-3-27. Property owners shall be subject to all rights and obligations of any applicable public utility easements and utility facilities within the parkstrips. Property owners, their agents, contractors, or assigns may be liable or responsible for any damage to or interference with public utilities within the parkstrip caused by any use of or improvements within the parkstrips.

11.02.034 Damage to Underground Utilities in Parkstrip

Any property owner, or the property owner's agent, contractor, or assign, making improvements to or maintaining the parkstrip shall be subject to the Damage to Underground Utility Facilities Act as set forth in Utah Code §§ 54-8a-101, et seq. As provided therein, Utah law requires any excavator to notify each operator of underground facilities in the parkstrip at least 48 hours before excavating.

11.02.040 Parkstrip Visual Obstructions

The following regulations shall apply to all structures, improvements, and landscaping, and hardscaping within parkstrips:

1. Height Restriction. In all zones, no fence, wall, sign, or similar structure, or landscaping which exceeds two feet in height shall be placed within the parkstrip, except for trees approved by permit, and standard mailboxes.
2. Enclosed mailboxes. Except for cluster-box structures, all enclosed mailboxes within the parkstrip, shall meet the USPS standard height of 41 inches to 45 inches and all other applicable USPS standards. Mailboxes, poles, stands, and other similar devices shall not exceed 18 inches by 18 inches measured at the base. Street side mail-boxes shall be reviewed at the time of building permit review for all new residential development.
3. Driveway. No sight obscuring fence, wall, sign, or other similar structure or landscaping, which exceeds two feet in height shall be placed within a triangular area formed by a driveway line, the street/curb line, and a line connecting them at points 12 feet along the driveway line and 12 feet along the street/curb line, measured at the joint of the asphalt and gutter line.

4. Clear View of Intersection Street. In all zones, no fence, wall, sign, or similar structure, or landscaping which exceeds two feet in height shall be placed on any corner lot within a triangular area formed by the street/curb lines measured at the joint of the asphalt and gutter line and a line connecting them at points 50 feet from the intersection of the street/curb lines, except for public safety signs and equipment. Deciduous trees within the 50-foot triangle shall be allowed by permit approved by the Public Works Director. Evergreen trees are not allowed within the 50-foot triangle. Trees planted without a permit shall be subject to removal by the Public Works Department. Trees existing as of the date of adoption of this Ordinance with trunks located within the clear-view area defined herein may remain at the discretion of the City based upon safety and visibility standards, but may not be replaced once removed.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

11.02.050 Parkstrip Trees - Permit Required

All property owners who desire to plant a tree, or trees, within the parkstrip, or any portion of the public right-of-way if a parkstrip is not established, shall submit a complete street tree permit application for review and approval by the Public Works Director or designee. The application shall include at least the following information:

1. Name and address of applicant;
2. Site plan indicating the location of the desired tree(s) and distance from curb, sidewalk, street corner, driveway, signage, fire hydrant, cross walk, utility meter and power lines;
3. The species and number of tree(s) to be planted; and
4. Evidence establishing compliance with the provisions of this Chapter.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

11.02.060 Parkstrip Trees - Location Restrictions

All parkstrip trees shall comply with the following location restrictions:

1. Trees shall only be allowed within parkstrips that have a minimum of four feet in width, measured between the top back of the curb line to the front face of the sidewalk line.
2. A tree planted within the parkstrip shall be planted in the center of the parkstrip at least two feet from the curb and two feet from the sidewalk.
3. Each tree within the parkstrip shall be planted no less than 20 feet from another parkstrip tree.
4. Parkstrip trees shall not be allowed within 30 feet of a public safety sign. Additional length for a specific area may be required as the City deems appropriate such as: distance from culinary and secondary water valves, distance from telecommunication fixtures, distance from power utility boxes, and distance from fire hydrants.
5. All trees planted within the park strip shall meet the visual obstructions criteria found within CZC 12.55.230.
6. Before choosing the planting location or installing any tree, the applicant shall contact Blue Stakes for location of underground utilities.

7. Trees within the right of way where no parkstrip exists shall be at least 12 feet from the street/curb line, as measured from the top back of curb, and planted no less than 20 feet from another street tree.
8. The guidelines for visual obstructions shall apply to all street trees.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

11.02.070 Parkstrip Trees - Maintenance Requirements

The following maintenance requirements shall apply to all trees located within the parkstrip or within or affecting any portion of the public right-of-way:

1. All property owners shall be responsible for the cleanup of shed leaves, fruit, nuts, pods, branches and all other items produced by the vegetation found within the parkstrip, or within the public right of way.
2. Trees shall be pruned by the property owner as to have eight feet of clearance over the sidewalk and 13 feet of clearance over the street.
3. All newly planted trees under power lines shall not exceed 25 feet at the tree's full mature height. Trees that may exceed this mature height limit may require removal at the homeowner's expense. All existing trees planted under power lines shall be pruned at the discretion of the electric utility provider.
4. The City shall have the right to prune, maintain, or remove trees, at the owner's expense, within the parkstrip and within the City right-of-way, that are deemed a hazard by the Centerville City Street Department Supervisor. A tree may be considered hazardous due to, but not limited to the following: size, age, condition, disease or obstructing the clear view of streets, signs, signals or intersections.
5. Trees existing as of the date of adoption of this Section that do not meet the City standard for park strip or street side trees may remain at the discretion of the City based upon safety and visibility standards, but may not be replaced once removed.
6. The City shall have the right to require a property owner to remove any tree, at the owner's expense, that is deemed a safety hazard to pedestrians or vehicular traffic, or is damaging public infrastructure, regardless of when the tree was planted.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

11.02.080 Parkstrip Trees - Approved Tree List

The following is a list of acceptable trees that may be planted in the parkstrip. Other trees may be approved in writing by the City:

1. Amur Maple Height: 15'
Spread: 15'
Growth Rate: Medium
2. Eastern Redbud
Height: 25'
Spread: 25'
Growth Rate: Medium

3. English Hawthorn
Height: 15'
Spread: 15'
Growth Rate: Slow
4. Rose of Sharon Tree Form
Height: 12'
Spread: 6'
Growth Rate: Slow-Medium
5. Spring Snow Flowering Crabapple
Height: 20'
Spread: 20'
Growth Rate: Fast
6. Flowering Pear
Height: 25'
Spread: 16'
Growth Rate: Fast
7. Lavalle Hawthorn
Height: 20'
Spread: 20'
Growth Rate: Medium
8. Red Buckeye
Height: 20'
Spread: 25'
Growth Rate: Medium
9. Bigtooth Maple
Height: 25'
Spread: 15'
Growth Rate: Slow
10. Washington Hawthorn
Height: 25'
Spread: 25'
Growth Rate: Medium

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

11.02.090 Enforcement

1. Trees existing as of the date of adoption of this Chapter that do not meet the City standard for parkstrip or street side trees may remain at the discretion of the City based upon safety and visibility standards, but may not be replaced once removed. Owners of existing parkstrip/street side trees shall still be required to follow all maintenance standards required herein.
2. Those who do not comply with the parkstrip standards found herein shall be subject to enforcement action, which may include the removal of any such non-approved item planted, constructed or placed within the parkstrip and/or City right-of-way.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017