

**Option #1** – Restrict private utility placement within public rights of way **less than 50-feet** in width (typically residential streets)

This option would result in preservation of the existing 5-foot planting space between the back of curb and sidewalk (on a 50-foot) residential street. However, given the limited planting area and possible issues associated with sight line obstructions, driveway conflicts, and growing conditions the following revisions to the UDC would be needed. Adoption of such an option may also require a potential revision to Chapter 24 of the City Code.

Bold underlined text is proposed to be added and ~~striketrough~~ text is to be removed.

Section 29-4.4. – Landscaping, screening, and tree preservation

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(d) Street frontage landscaping.

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(2) *Street trees.* Street tree landscaping shall be installed as follows and in accordance with [chapter 24](#), article V of the City Code:

**A. Rights of way less than 50-feet in width.**

- (i) One tree per **sixty (60)** ~~forty (40)~~ feet of street frontage. **Lots (existing or legally created) with less frontage shall be exempt from street trees.**
- (ii) ~~Thirty (30) percent of the trees shall be large trees and thirty (30) percent shall be medium trees.~~ **Tree type (large, medium, small) and percentage mixture shall be proposed by the property owner/design professional and approved by the city arborist.**
- (iii) No more than thirty (30) percent of ~~the~~ required trees **per street frontage** may be from one tree species.
- (iv) ~~Required trees~~ ~~The medium and large trees shall~~ **generally** be planted at **intervals of at least sixty (60) forty (40) feet on center; however, may be clustered and placed at uneven intervals upon approval of the city arborist when it is determined that such placement will address unique site conditions impacting public health, safety, and welfare. In no instance shall the number of required trees along a street frontage be reduced in total number unless otherwise provided for within this Code.**

- (v) ~~Street trees may be clustered and placed at uneven intervals, with approval from the city arborist.~~ **When street trees are required within tree lawns (the space between back of curb to sidewalk) where compacted soils are a limiting factor of tree survivability, soils amendments shall be required as follows:**
- a. Existing soil will be tilled to loosen the subgrade to a depth of 24 inches.**
  - b. Approximately 50% of tilled material will be removed and replaced with a planting mixture (60% topsoil to 40% compost).**
  - c. The soil amendment will be mixed with remaining existing soil to avoid a harsh transitional barrier at the planting site.**
  - d. The prepared planting site will be no smaller than 3ft x 3ft.**
- (vi) If the public right-of-way **is determined to be unable to** ~~does not contain or accommodate~~ **the required** street trees meeting this requirement, then **said trees shall be planted by** the property owner **either** ~~must install the required street trees within the private landscaping buffer,~~ **subject to compliance with the provisions of [chapter 24](#), article V of the City Code, or upon private property.**
- (vii) **Required** ~~s~~Street trees **planted outside the public right of way** may ~~not~~ be counted towards compliance with all other provisions of **[section 29-4.4](#) and shall become the responsibility of the private property owner for future maintenance.** **If such trees were counted toward meeting any other requirements of [section 29-4.4](#) they shall be maintained in accordance with the provisions [section 29-4.4](#) and are subject to the enforcement provisions of section 29-6.6.**

**B. Rights of way greater than 50-feet in width.**

- (i) One tree per sixty (60) feet of street frontage. Lots (existing or legally created) with less frontage shall be exempt from street trees.**
- (ii) Tree type (large, medium, small) and percentage mixture shall be proposed by the property owner/design professional and approved by the city arborist.**
- (iii) No more than thirty (30) percent of the required trees per street frontage may be from one tree species.**
- (iv) Required trees shall generally be planted at intervals of at least sixty (60) feet on center; however, may be clustered and placed at uneven intervals upon approval of the city arborist when it is determined that such placement will address**

unique site conditions impacting public health, safety, and welfare. In no instance shall a the number of tree required along a street frontage be reduced in total number unless otherwise provided for within this Code.

(v) When street trees are required within tree lawns (the space between back of curb to sidewalk) where compacted soils are a limiting factor of tree survivability, soils amendments shall be required as follows:

- a. Existing soil will be tilled to loosen the subgrade to a depth of 24 inches.
- b. Approximately 50% of tilled material will be removed and replaced with a planting mixture (60% topsoil to 40% compost).
- c. The soil amendment will be mixed with remaining existing soil to avoid a harsh transitional barrier at the planting site.
- d. The prepared planting site will be no smaller than 3ft x 3ft.

(vi) If the public right-of-way is determined to be unable to accommodate the required street trees meeting this requirement, then said trees shall be planted by the property owner either within the private landscaping buffer, subject to compliance with the provisions of [chapter 24](#), article V of the City Code, or upon private property.

(vii) Required street trees planted outside the public right of way may be counted towards compliance with all other provisions of [section 29-4.4](#) and shall become the responsibility of the private property owner for future maintenance. If such trees were counted toward meeting any other requirements of [section 29-4.4](#) they shall be maintained in accordance with the provisions [section 29-4.4](#) and are subject to the enforcement provisions of [section 29-6.6](#).

## Section 29-5.1(g) – Public Improvements

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(4) Utilities. Utilities, including but not limited to water, sewer, natural gas, electric and telephone lines, and fire hydrants, shall be provided to lots in accordance with standards and specifications governing the construction and installation of such utilities adopted by council or promulgated by the city departments or utility companies responsible for those utilities.

Easements for public and private utilities shall be provided adjacent to all street right-of-way and in other locations in accordance with facility requirements and design standards. ~~To the maximum extent feasible,~~ **Private** utilities shall be located in designated easements and not in the street right-of-way.

**Option #2** - Eliminate street trees along rights of way **less than 50-feet** in width.

This option would continue the long-standing practice of allowing private utilities to remain in the public right of way. In staff's opinion attempting to make tree planting possible within the space retained on a street containing 50-feet or less of right of way is likely impossible due to the off-set required from other utilities per Chapter 24, Article V. Adjustment of tree species and modification of tree spacing is not believed a viable solution given the issue at hand is available space for tree survival.

If this option were considered acceptable, the net effect of changing the existing provisions would be a **"partial"** return to the standards that existed pre-UDC adoption. The "partial" return is due to the fact that the existing provisions would still apply to any street containing more than 50-feet of right of way such as along neighborhood feeders and collectors as well as non-residential streets. Furthermore, acceptance of this option would not preclude a developer or private property owner from seeking approval from the City to plant trees in residential street right of way of given all other Code requirements could be met.

While this option requires only the text shown as bold **red underlined**, staff believes that the revisions offered in Option #1 are also warranted. Text shown in bold **underlined** is proposed to be added and text to be removed is shown as ~~strikethrough~~.

Section 29-4.4. – Landscaping, screening, and tree preservation

.....

(d) Street frontage landscaping.

....

(2) *Street trees.* Street tree landscaping shall be installed **along any right of way greater than 50-feet in width** as follows and in accordance with [chapter 24](#), article V of the City Code:

- (i) One tree per ~~sixty (60)~~ **forty (40)** feet of street frontage. **Lots (existing or legally created) with less frontage shall be exempt from street trees.**
- (ii) ~~Thirty (30) percent of the trees shall be large trees and thirty (30) percent shall be medium trees.~~ **Tree type (large, medium, small) and percentage mixture shall be proposed by the property owner/design professional and approved by the city arborist.**

- (iii) No more than thirty (30) percent of the required trees per street frontage may be from one tree species.
- (iv) **Required trees** ~~The medium and large trees~~ shall **generally** be planted at **intervals of at least sixty (60) ~~forty (40)~~ feet on center; however, may be clustered and placed at uneven intervals upon approval of the city arborist when it is determined that such placement will address unique site conditions impacting public health, safety, and welfare. In no instance shall the number of required trees along a street frontage be reduced in total number unless otherwise provided for within this Code.**
- (v) ~~Street trees may be clustered and placed at uneven intervals, with approval from the city arborist.~~ **When street trees are required within tree lawns (the space between back of curb to sidewalk) where compacted soils are a limiting factor of tree survivability, soils amendments shall be required as follows:**
  - a. Existing soil will be tilled to loosen the subgrade to a depth of 24 inches.**
  - b. Approximately 50% of tilled material will be removed and replaced with a planting mixture (60% topsoil to 40% compost).**
  - c. The soil amendment will be mixed with remaining existing soil to avoid a harsh transitional barrier at the planting site.**
  - d. The prepared planting site will be no smaller than 3ft x 3ft.**
- (vi) If the public right-of-way **is determined to be unable to** does not contain or accommodate **the required** street trees meeting this requirement, then **said trees shall be planted by** the property owner **either** must install the required street trees within the private landscaping buffer, **subject to compliance with the provisions of [chapter 24](#), article V of the City Code, or upon private property.**
- (vii) **Required** ~~s~~Street trees **planted outside the public right of way** may ~~not~~ be counted towards compliance with all other provisions of **[section 29-4.4](#) and shall become the responsibility of the private property owner for future maintenance. If such trees were counted toward meeting any other requirements of [section 29-4.4](#) they shall be maintained in accordance with the provisions [section 29-4.4](#) and are subject to the enforcement provisions of section 29-6.6.**

# TMP-13135 - Draft Text Change Options (dated 10-4-19)

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Regardless is which amendment option is favored, the following standards of Appendix A, Section A.3 (Street Widths) of the Unified Development Code will need to be amended as follows. Text shown as ~~strickthrough~~ is to be deleted and bold underlined text is to be added.

### A.3 - Street Widths.

The right-of-way width required to be dedicated and the pavement width required to be constructed for streets, according to street classification, shall be:

| Type of Street   | Right-of Way                | Pavement Width Face to Face of Curb |                             |
|--|-----------------------------|-------------------------------------|-----------------------------|
|  | (Minimum Feet)              | (Maximum Feet)                      | (Minimum Feet)              |
| Freeway  | Variable                    | 96*                                 | 48*                         |
| Expressway   | Variable                    | 72                                  | 48*                         |
| Arterial, major**  | 106—110                     | 68                                  | 60                          |
| Arterial, minor**  | 84—100                      | 52                                  | 40                          |
| Collectors, major**  | 66—76                       | 44                                  | 32                          |
| Collectors, neighborhood**   | 60                          | 34                                  | 30                          |
| Local, nonresidential, central traffic zone  | 66                          |                                     | 44                          |
| Local, nonresidential, all other**   | 60—66                       | 38                                  | 30                          |
| Local, residential**   | <del>44</del> <u>40</u> —50 | 32                                  | <del>20</del> <u>24</u> -32 |
| Cul-de-sacs, residential (stem portion)**  | 44—50                       | 32                                  | 24—28                       |
| Alleys   | 18                          |                                     | 16                          |
| Estate lanes   | 50                          |                                     | 28                          |
| Frontage roads   | 30                          |                                     | 20                          |
| *In addition to road pavement, two (2) paved, ten (10) foot shoulders are required |                             |                                     |                             |