

ZONING ADMINISTRATOR INTERPRETATION

DATE: April 2, 2008

CODE SECTION: Section 17.40.160.F. 3 (Paving) and Article 8 (Landscaping).

QUESTION NEEDING INTERPRETATION: When is alternative paving materials considered paving and when is it considered landscaping in residential zoning districts?

INTERPRETATION:

Section 17.40.160.F.3 of the Zoning Code outlines the maximum allowance for paved areas in the front and corner side yard setback in residential zones. It states the following:

Section 17.40.160.F.3 - Front and corner side setback pavement in residential zones. Within a residential zoning district, no portion of any front or corner side setback area between the street property line and the building line shall be paved unless paving has been approved by the Zoning Administrator and the paving and site comply with the following requirements:

- a. Not more than 30 percent of the front or corner side setback area shall be paved.*
- b. All unpaved areas shall be improved and maintain with landscaping.*
- c. A driveway shall lead to covered parking elsewhere on the lot; and*
- d. Driveway widths shall not exceed the maximum allowed under Section 17.46.150 (Driveway Design, Widths and Clearances).*

Typically, a house is developed with a cement concrete driveway to a garage and walkway to the main entrance. Combined, these and other paved areas shall occupy no more than 30 percent of the front and corner side setback area. The property owner may request the Zoning Administrator to approve alternative paving materials, such as brick, decomposed granite or gravel in lieu of concrete. The remaining portions of the yard are then landscaped with grass, vine ground cover, shrubs, flower, trees and other plant materials.

However, as a response to the need to conserve water, a growing number of property owners are requesting alternative paving materials to count towards their landscaping requirements. The Zoning Code definition of landscaping allows some alternative paving materials to count as landscaping. The intent of including natural features in the definition is to provide alternatives and flexibility to property owners when landscaping their yards, to allow the planting of drought tolerant landscaping and to reduce water consumption. The definition states the following:

Article 8 - Definitions. Landscaping. The planting and maintenance of some combination of trees, shrubs, vines, ground covers, flowers or lawns. In addition, the combination of design may include natural features (e.g. rocks and stone) and structural features, including fountains, reflecting pools, art work, screens, walls, fences and benches.

Since using alternative paving materials as paving requires Zoning Administrator approval, it is reasonable to require Zoning Administrator approval to use alternative paving materials as landscaping. However, it is sometimes difficult to determine when an alternative paving material is considered paving (and counts towards the maximum 30 percent paving standard) and when it is considered landscaping.

Therefore, staff has developed the following guidelines in a table format to determine, on a case-by-case basis, whether the alternative paving material is paving or landscaping:

<p>IS CONSIDERED PAVING AND WOULD COUNT TOWARD THE MAXIMUM 30 PERCENT PAVING STANDARD</p> <p>WOULD ONLY NEED TO MEET <u>ONE OF THE ITEMS LISTED BELOW TO BE CONSIDERED PAVING</u></p>	<p>IS CONSIDERED LANDSCAPING.</p> <p>WOULD NEED TO MEET <u>ALL OF THE ITEMS LISTED BELOW TO BE CONSIDERED LANDSCAPING</u></p>
<p>--</p>	<p>Is consistent with the Zoning Code definition of landscaping and its use is approved by the Zoning Administrator.</p>
<p>Can be accessed by a vehicle.</p>	<p>Cannot be accessed by a vehicle.</p>
<p>Acts as a driveway or walkway connecting to a garage, porch, sidewalk, street, alley, building entrance or fence gate.</p>	<p>Functions separately from any driveway or walkway and is integrated with the landscaping. Does not connect to a garage, porch, sidewalk, street, alley, building entrance or fence gate.</p> <p>May be considered if it provides exclusive access to garden areas, fountains and similar features.</p>
<p>Is highly visible from the public right-of-way.</p>	<p>Is predominately screened from the public right-of-way by shrubs, flowers, berms and/or fences.</p>
<p>Is not part of any landscape plan.</p>	<p>Is part of a landscaping plan that includes some combination of trees, shrubs, vines, ground covers, flowers or lawns. In addition, the plan has an objective to conserving water.</p>
<p>Is not permeable.</p>	<p>Is predominately permeable.</p>
<p>Is made up of concrete or other similar material.</p>	<p>Is made up of natural features such as decomposed granite, gravel, rocks, stones and water.</p> <p>Bricks and pavers may be considered if they are spaced apart and combined with plant materials or lawns.</p>



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