

Chapter 9

COMMUNITY FORESTRY

7-9-1: PURPOSE

7-9-2: DEFINITIONS

7-9-3: STANDARDS AND REFERENCES

7-9-4: ROLE OF PARKS SUPERINTENDENT

7-9-5: PUBLIC NUISANCES/ABATEMENT OF PUBLIC NUISANCES

7-9-6: TREE MAINTENANCE AND PRUNING

7-9-7: TREE REMOVAL

7-9-8: TREE PLANTING

7-9-9: TREE SELECTION

7-9-10: TREE PERMITS

7-9-11: DAMAGING, DESTROYING OR MUTILATING PUBLIC TREES

7-9-12: PENALTIES FOR VIOLATION

7-9-1: PURPOSE:

This ordinance establishes regulations and standards to ensure that the City realizes the benefits provided by street trees planted in public rights-of-way. It is not intended to resolve or regulate disputes over trees on private property that do not affect general public safety. This ordinance is enacted to:

- A. Promote the general welfare of the City by establishing and maintaining the maximum amount of canopy coverage provided by trees;
- B. Preserve and enhance the City's environmental, economic and social character with mature trees;
- C. Protect public safety, health and welfare;
- D. Encourage site and utility planning, building, and development practices to prevent indiscriminate removal or destruction of trees and avoid unnecessary disturbance to trees within the City and its Area of Impact;
- E. Maintain trees in a healthy, non-hazardous condition through the application of tree care standards contained in these ordinances;
- F. Establish and maintain appropriate species diversity and age classes in order to provide a stable and sustainable community forest;
- G. Establish a process by which trees are to be planted, pruned and removed; and
- H. Implement the goals and objectives of the General Plan.

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7-9-2: DEFINITIONS:

For the purposes of this Chapter, the following words and phrases shall have the following meanings:

ADJACENT PROPERTY OWNER: Any person owning property adjacent to public rights-of-way.

ALTERNATE HOST PLANT: One of two kinds of plants on which a pest must develop to complete its life cycle.

ANSI A300: The American National Standard for Tree Care Operations - Tree, Shrub and Other Woody Plant Maintenance - Standard Practices. This is a document offering basic performance standards for tree pruning, published in 1995 by the American National Standards Institute (ANSI) or the same as amended from time to time.

ARBORICULTURE: The cultivation of trees, including planting, pruning, removal or any other action which affects the growth and maintenance of trees.

CITY: City of North Salt Lake, Utah.

CRITICAL ROOT ZONE: The area under a tree extending from the base of a tree in all directions to an imaginary line 10 feet outside of the dripline or as determined at a preliminary site inspection by the Parks Superintendent.

DUTCH ELM DISEASE: A disease condition in elm trees caused by fungal organisms known by the scientific names *Ophiostoma ulmi* or *Ophiostoma novo-ulmi*.

FAMILY: Single or group of genera of trees that closely or uniformly resemble each other in general appearance and technical character.

GENUS: A group of tree species that have fundamental traits in common but that differ in other, lesser characteristics.

HAZARD: Any tree, public or private, with visibly defined structural defects likely to cause failure of all or part of the tree, and be a danger to public safety.

PARKS SUPERINTENDENT: The North Salt Lake Parks and Recreation Superintendent or designee.

PERMIT: Written approval issued by the City for any activity on public trees or within the critical root zone of public trees.

PERSON: Any individual, firm, partnership, corporation, association, company or organization of any kind.

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PEST: Any insect, disease or other organism harmful to trees.

PRUNING: The practice of cutting tree limbs according to standards contained in ANSI A300.

PUBLIC NUISANCE: For the purpose of this Chapter, the term “public nuisance” is defined to mean any condition or use of street trees that are detrimental to the health or safety of persons, or the property of others, or which is declared to be a nuisance by this Chapter, any other provision of this Code, or by any other State or Federal law. The following are defined and declared to be public nuisances under this Chapter:

- A. Any dead or diseased tree or shrub harboring insects or disease which constitutes a threat to other trees in the City, whether located on public or private property.
- B. Any tree with structural defects likely to cause failure of all or part of the tree and pose a danger to public safety or property.
- C. Any tree or shrub which obstructs the free passage of pedestrian or vehicular traffic or which obstructs a traffic sign, or interferes with the clear sight zones at intersections.
- D. The roots of any tree or shrub which cause the surface of the public street, curb, or sidewalk to be upheaved or otherwise disturbed.
- E. Any tree species indicated in this Chapter as being undesirable or not suitable for use as a street tree.

PUBLIC PROPERTY: Any property owned by, dedicated to, or deeded to, the public or for the public's use. City parks, public rights-of-way and other publically owned, controlled, leased or managed properties are included in this definition.

PUBLIC RIGHTS-OF-WAY: Improved or unimproved public property owned by, dedicated to, or deeded to the public or for the public's use, for the purpose of providing vehicular, pedestrian and other public use. Such public property provides circulation and travel to abutting properties and includes, but is not limited to, streets, sidewalks, landscaping, provisions for public utilities, cut and fill slopes, and open public space.

PUBLIC SAFETY: The condition of being safe from bodily harm or property damage resulting from tree conditions or from failures while using public property.

PUBLIC TREES: Any tree (inclusive of roots within the critical root zone) whose trunk is located, partly or in whole, on public property.

SPECIES: A natural group of trees in the same genus made up of similar individuals.

STREET TREES: All trees located within the public street rights-of-way, with a focus on street trees planted in park strips located on the edges of the associated roadway.

TOPPING: "Rounding" or "heading back" or any other term that can be described as severe cutting back of limbs within a tree crown to buds, stubs, or laterals not large enough to assume a terminal role or as defined in ANSI A300.

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TREE: Any woody plant, which is 15 feet or more in height at maturity, with a single or multiple trunk, often unbranched for several feet above the ground and having a definite crown.

TREE LITTER: Plant material such as leaves, bark, needles, twigs, and fruit that have fallen to the ground.

7-9-3: STANDARDS AND REFERENCES:

A. Most recent versions of the following apply:

1. *ANSI A300 Tree Care Operations - Tree, Shrub and Other Woody Plant Maintenance - Standard Practices.*
2. *Tree Care Operations Standard ANSI Z-133.1, Pruning, Trimming, Repairing, Maintaining, and Removing Trees, and Cutting Brush - Safety Requirements.*
3. *ISA Best Management Practices.*

B. In the case of a discrepancy between the standards between the references above and City Code or Design Standards and Specifications, City Code and Design Standards and Specifications take precedence.

7-9-4: ROLE OF PARKS SUPERINTENDENT:

A. Jurisdiction

1. Public Property

- a. The Parks Superintendent shall manage and regulate the planting, maintenance, protection, removal and replacement of all public trees within the City limits, including park strips and medians.

2. Private Property

- a. The Parks Superintendent shall have jurisdiction to determine if a tree located on private property constitutes a public nuisance as defined in this section and if the trees should be pruned or removed.

B. The Parks Superintendent shall reserve the right to perform the duties as follow:

1. Administrative Duties

- a. Enforce specifications, as adopted, for tree planting on public property.
- b. Recommend modifications to tree lists or specifications.
- c. Implement temporary restrictions on species which pose a threat to the health of the tree.

2. Major Tree Maintenance Duties

- a. Order the pruning of public trees to ensure public health, safety and welfare while considering the health of the tree and other elements of the infrastructure.
- b. Declare trees as public nuisances.

3. Tree Removal Duties

- a. Remove trees located on or near public rights-of-way which have been declared to be a public nuisance.

C. It shall be unlawful to interfere with the Parks Superintendent, or sub-contracted professionals, assigned to carry out the enforcement of this Chapter.

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7-9-5: PUBLIC NUISANCES:

The following are hereby declared public nuisances under this Chapter:

- A. Any tree or part thereof (public or private) which, by reason of location or condition, constitutes a hazard to public safety as determined by the Parks Superintendent;
- B. Any tree or part thereof (on public or private property) which obstructs the free passage of pedestrian or vehicular traffic on a public street or right of way or which obstructs public street lighting;
- C. Any tree or alternate host plant or part thereof (on public or private property) which harbors pests which reasonably may be expected to injure or harm public trees. This includes any standing elm tree infected to any degree with Dutch Elm Disease or which harbors elm bark beetles, and any dead elm tree or part thereof, including logs, stumps, or other elm material from which the bark has not been removed.

ABATEMENT OF PUBLIC NUISANCES

- A. Any public nuisances shall be abated as provided in Title 12, Administrative Code Enforcement Hearing Program.

7-9-6: TREE MAINTENANCE AND PRUNING:

- A. City Powers. The City reserves the right to prune or order the pruning of trees in the public rights-of-way and utility easements, as necessary, including to maintain minimum clear heights for public trees in public rights-of-way maintained by the City as provided in this Chapter.

B. Private Property Owner Responsibilities for Public Trees

Private property owners, occupants and their agents shall have the following responsibilities for the protections of trees in park strips abutting their real property except those in park strips that are maintained by the City:

- 1. Maintain trees upon adjacent public rights-of-way and any trees upon private property which may affect public property, in a safe, healthy condition in compliance with the provisions of this Chapter.
 - a. Pruning of trees located on public rights-of-way adjacent to the owner's private real property
 - i. Trees shall be pruned and maintained in accordance with ANSI A300 and City Design Standards and Specifications.
 - ii. Topping, heading, shearing or rounding over are not acceptable forms of tree pruning and are not allowed on public trees unless first approved by the Parks Superintendent.
 - iii. Except as otherwise determined by the Parks Superintendent, branches that overhang sidewalks or streets shall be pruned to provide sufficient vertical clearance over the sidewalk and street so as not to interfere with public travel. Trees shall be pruned to provide 8 feet of clearance

ORD 2019-11, adopted 9.17.2019

on the sidewalk side of the tree, and 14 feet of clearance on the roadway side of the tree.

- iv. Trees shall be pruned to remove dead limbs or other limbs that are considered a public nuisance.
- b. Control pests on trees located on public rights-of-way adjacent to the owner's private real property.
- c. Provide water and fertilization sufficient to keep trees located on public rights-of-way adjacent to the owner's private real property in a healthy, growing condition.
- d. Rake, clean up, and properly dispose of tree litter that falls from trees so litter does not impede the storm water system, sidewalks or pedestrian walkways.
- e. Notice is not required when determined to be an emergency or immediate hazard to public safety by the Parks Superintendent.
- f. If pruning of tree is anticipated to impede traffic in any way, a permit must first be obtained from the City's Engineering Department for traffic control.

C. Tree Protection and Preservation

- 1. To avoid creating public nuisances or damaging trees in the public rights-of-way, the City is authorized to require the protection (including the critical root zone) from construction or other harmful practices.
- 2. Any person performing any activity which may harm any part of a tree in the public rights-of-way, inclusive of the critical root zone, shall obtain a permit from the City prior to commencing work.
- 3. Any person performing any activity which has harmed any part of a public tree, inclusive of the critical root zone, shall notify the City.
- 4. No person shall use a public tree for the attachment of any items such as signs, nails, wires, ropes, chains, swings, hammocks, slack lines, or treehouses.

D. Private Property Owner Responsibilities for Private Trees

Private property owners, occupants and their agents shall have the following responsibilities for the protections of trees located on the owner's private real property:

- 1. Routine Tree Maintenance
 - a. Removal or pruning of trees located on the owner's private real property that are considered a public nuisance.
 - b. Branches that overhang sidewalks or streets shall be pruned to provide sufficient vertical clearance over the sidewalk and street so as not to interfere with public travel. Trees shall be pruned to provide 8 feet of clearance on the sidewalk side of the tree, and 14 feet of clearance on the roadway side of the tree.
 - c. Control of pests on trees located on the owner's private real property which may, upon determination by the Parks Superintendent, pose a threat to public trees.
 - d. Removal of all debris (wood, branches and leaves) from public property by sunset of the day on which any tree work is done.
 - e. Rake, clean up, and properly dispose of tree litter that falls from trees so litter does not impede the storm water system, sidewalk or pedestrian walkways.

ORD 2019-11, adopted 9.17.2019

- f. If pruning of tree is anticipated to impede traffic in any way, a permit must first be obtained from the City's Engineering Department for traffic control.

7-9-7: TREE REMOVAL

A. City Powers. The City reserves the right to:

1. Remove diseased or dying trees in park strips or other public property maintained by the City that are beyond reclamation.
2. The Parks Superintendent shall make a determination of need to remove trees in the public rights-of-way.
3. The City may require removal of any tree that is declared a public nuisance, or that does not meet the requirements of this Chapter, at the discretion of the Parks Superintendent. The City shall notify the property owner adjacent to the public right-of-way, in writing, stating reason and date for removal at least 7 days prior to removal.
4. Notice is not required when determined to be an emergency or immediate hazard to public safety by the Parks Superintendent.

B. Private Property Owner Responsibilities

1. Private property owners, occupants and their agents shall have the following responsibilities for the trees in park strips abutting their real property except those in park strips that are maintained by the City:
 - a. Removal of diseased or dying trees that are beyond reclamation.
 - b. De-stumping.
 - c. Removal of all debris (wood, branches and leaves) from public property by sunset of the day on which any tree work is done.
 - d. Obtain Permits
 - i. Meet all requirements and obtain all permits necessary for removal of any public trees.
 - ii. Meet all requirements and obtain all permits necessary prior to commencing repair of damage done to public streets or sidewalks adjacent to any public trees.
 - e. If removal of tree is anticipated to impede traffic in any way, a permit must first be obtained from the City's Engineering Department for traffic control.

7-9-8: TREE PLANTING:

A. Responsibilities

1. City Responsibilities
 - a. Establish and maintain specifications for tree planting on public property.
 - b. Plant trees in City owned and operated parks, on the grounds of City buildings, and in park strips and medians that the City administration has designated will be maintained by the City in accordance with this Chapter.
 - c. Issue permits, including approval of tree species and location.
2. Private Property/Owner Responsibilities
 - a. Any person in possession of private property adjacent to public rights-of-way shall plant new or replacement trees in public rights-of-ways in compliance

ORD 2019-11, adopted 9.17.2019

with the provisions of this Chapter, including the acquisition of a permit from the City.

- b. Adjacent land owners shall purchase street trees at their own expense, except where park strip is maintained by the City.
- c. Obtain Permits
 - i. Meet all requirements and obtain all permits necessary for planting of any public trees.
 - ii. Meet all requirements and obtain all permits necessary prior to commencing repair of damage done to public streets or sidewalks adjacent to any public trees.

B. Planting Requirements

- 1. Street trees shall be located in middle of parking strip (equidistant between sidewalk and curb).
- 2. Adjacencies and proximity standards. Street trees shall be located at minimum distances from infrastructure, objects, sidewalks, curbs, other trees, signs, other elements, driveway cuts, etc. as indicated below. Distances may be altered by the Parks Superintendent to protect the public health, safety, and welfare.
 - a. Street trees shall be located 5 feet from:
 - i. water meter or utility box
 - ii. side property line of the adjacent property
 - iii. non-traffic conducting signage
 - iv. utility pole or light
 - v. traffic conducting signage not located within a clear-view area
 - b. Street trees shall be located 10 feet from:
 - i. fire hydrant
 - ii. driveway
 - c. Street trees shall be located 15 feet from:
 - i. any tree that is small in size at maturity (less than 30 feet tall)
 - d. Street trees shall be located 20 feet from:
 - i. any tree that is medium in size at maturity (30 to 45 feet tall)
 - e. Street trees shall be located 30 feet from:
 - i. any tree that is large in size at maturity (more than 45 feet tall)
 - f. Street trees shall be located 40 feet from:
 - i. the point of intersection of street curb lines at all intersections
 - g. Maintaining clear view of intersecting streets
 - i. Street trees shall meet the City's requirements for the clear view of intersecting streets as provided in Section 10-1-31.
 - h. Trees in Parking Islands
 - i. Trees in parking islands shall meet the City's landscaping standards as provided in Section 10-6-7 D.

7-9-9: TREE SELECTION:

Trees in the City's Approved Street Tree List are those which, given proper and consistent maintenance including supplemental irrigation, proper pruning and avoidance of chemical

ORD 2019-11, adopted 9.17.2019

contaminants, will be assets to the City's urban tree canopy. Any tree planted on public property, including park strips, shall comply with the standards in this Chapter.

A. Any selected tree shall meet all requirements of this Chapter and be on the City's Approved Street Tree List, which addresses soil type, location and park strip width.

1. Any tree not included on the approved Street Tree List may not be planted in the public rights-of-way unless expressly permitted in writing.
2. Minimum Standards
 - a. Nursery Stock Specifications
 - i. Trees shall be grown in a recognized nursery in accordance with good horticultural practice (American Association of Nurseryman Standards, ANSI Z60.1).
 - ii. Trees shall be healthy, vigorous stock grown under climatic conditions similar to the locality of the project and free of disease, insects, eggs, larvae, and defects such as knots, sun-scale, injuries, abrasions, or disfigurement.
 - b. Minimum Tree Size
 - i. The minimum size of all trees planted in the public rights-of-way shall be 2 inch caliper minimum as measured 4 feet above grade.
 - ii. Evergreen trees may not be planted in the public rights-of-way unless expressly permitted in writing.

B. Prohibited Street Tree List

The following trees are not to be planted on any public rights-of-way in the City:

1. American Elm – *Ulmus americana* (exceptions are new species that are resistant to Dutch Elm disease)
2. Ash – *Fraxnius sp.*
3. Birch – *Betula sp.*
4. Black Locust – *Robinia pseudoacacia*
5. Box Elder – *Acer negundo*
6. Cottonwood, Quaking Aspen and Poplars – *Populus sp.*
7. Flowering Plum – *Prunus cerasifera*
8. Idaho Locust – *Robinia x ambigua*
9. London Plane Tree – *Platanus sp.*
10. Russian Olive – *Elagnus angustifolia*
11. Siberian Elm – *Ulmus pumilla*
12. Silver Maple – *Acer saccharinum*
13. Trees of Heaven – *Alianthus*
14. Willow – *Salix sp.*
15. Evergreens – including but not limited to Colorado Blue Spruce, Austrian Pine, Ponderosa Pine, Pinyon Pine, Mugo Pine, White Fir, Douglas Fir, Subalpine Fir, and Upright Junipers

C. Street Tree Selection Criteria

1. Street trees shall be selected based on a combination of their approximate size at maturity, the location within the City and the width of the park strip. Soil Conditions,

ORD 2019-11, adopted 9.17.2019

Tree Areas, and approved Street Trees are provided in the North Salt Lake Design Standards and Specifications.

- a. Size at maturity
 - i. Small Trees – Less than 30 feet tall at maturity
 - ii. Medium Trees – 30 to 45 feet tall at maturity
 - iii. Large Trees – 45 feet tall or greater at maturity
- b. Location within the City
Several conditions including soil type and location within the City warrant the use of different street trees. The Tree Area map shall be found in the North Salt Lake Design Standards and Specifications.
 - i. Tree Area A: Standard Soil Conditions
 - a. Typical soils and conditions with few constraints. Dominated by soils with good drainage and no salinity issues.
 - b. Mostly located east of the railroad, with a few areas near the Jordan River.
 - ii. Tree Area B: Challenging Soil Conditions
 - a. More challenging clay soils, often with drainage and salinity issues.
 - b. Mostly located on the west side of the City.
 - iii. Tree Area C: Downtown/Urban Planting Conditions
 - a. Urban soils and conditions. Requires planting in tree grates, compacted soils and other particularly challenging urban planting/growth conditions.
 - b. Located in the Town Center.
- c. Park Strip Width
 - i. Narrow Park Strip and Tree Grates: Select trees from the Small Street Tree List.
 - a. Park strip or tree grate is 3 to 5 feet wide
 - ii. Medium Width Park Strip: Select from the Medium Street Tree List.
 - a. Park strip is 5 to 8 feet wide
 - iii. Wide Park Strip: Select from the Large Street Tree List.
 - a. Park strip is greater than 8 feet wide
 - iv. Park Strips of Any Width with Overhead High Voltage Transmission Lines: Select tree specifically designated as approved for use under power lines on City's Approved Tree Lists.

7-9-10: TREE PERMITS:

It shall be unlawful to plant or remove any tree on public property or to cause such acts to be done by others without first obtaining a permit from the City. The City may issue such permits if, in its judgment, the work is necessary and if the proposed methods of workmanship are satisfactory. No permit fee is required. The person receiving the permit shall abide by the specifications and standards of practice adopted by the City and the specific conditions and methods listed on the permit.

A. Application Process

ORD 2019-11, adopted 9.17.2019

1. The applicant shall obtain a permit for planting or removing a public tree prior to the commencement of the proposed work.

B. Requirements - Tree Planting Permits

1. Each application for a planting permit shall designate the species and location of public tree proposed.
2. The permit shall designate the proposed tree species, spacing, placement and minimum tree well sizes.
3. The City may remove any public tree that has been planted without a permit or that is in conflict with the provisions of this Chapter.

C. Requirements - Tree Removal Permits

1. The applicant shall obtain a permit for the removal of any public tree prior to its removal.
2. If a tree within public rights-of-way is removed, the applicant shall replace the tree removed as a condition of issuance of a permit for removal, unless such requirement is waived by the City for good cause shown.

7-9-11: DAMAGING, DESTROYING OR MUTILATING PUBLIC TREES:

A. It shall be unlawful for any person to:

1. Damage, mutilate or destroy any public tree;
2. Attach any device or structure (i.e. tree houses, lights) to or on public trees unless otherwise authorized by the Parks Superintendent;
3. Store, spill or dump substances, whether liquid or solid, which may be harmful to trees, on any part of a public tree or within the critical root zone of a public tree;
4. Damage public trees through construction activities in violation of the conditions of a permit issued under this Chapter. Such activities include, but are not limited to:
 - a. Making excavations or cuts in the soil near roots of public trees unless otherwise approved by the Parks Superintendent;
 - b. Damaging roots of a public tree by compacting or placing fill within the critical root zone of a tree;
 - c. Engaging in any pruning activity on public trees not in accordance with ANSI A300, including, but not limited to: topping, heading, rounding or shearing unless otherwise approved by the Parks Superintendent.

B. Compensatory Payments

1. In the event any person removes, destroys or damages any public tree except as otherwise required by law, that person shall be required to replace such tree with a tree of equivalent dollar value on public property, unless otherwise determined by the Parks Superintendent. The value of a tree shall be determined by the Parks Superintendent in accordance with accepted plant appraisal methods as set forth in the most recent edition of the *Guide for Plant Appraisal*, published by the International Society of Arboriculture or the same as amended from time to time.
2. If no suitable location exists in the vicinity of the tree removed or if the replacement tree is of lesser value, the person causing the tree to be removed shall make a

ORD 2019-11, adopted 9.17.2019

- compensatory payment to the City of North Salt Lake equal to the difference in value between the tree removed and any replacement tree.
3. Any public tree that is determined by the Parks Superintendent to be damaged, but not sufficiently to justify its removal, shall be considered to be devalued. The amount of devaluation shall be paid to the City by the person causing the damage.
 4. Compensatory payments shall be paid into a fund established for that purpose and restricted to use for community forestry programs.

7-9-12: PENALTIES FOR VIOLATION:

- A. Any person who violates any provision of this Chapter or who fails to comply with a lawful order of the Parks Superintendent may be subject to the assessment of civil penalties for each violation in accordance with Title 12, Administrative Code Enforcement Hearing Program.
- B. In addition to any civil penalties and restitution for actual damages that may be imposed, the City may pursue criminal penalties in accordance with State Law.

10-7-7: SUBDIVISIONS (LAND DEVELOPMENT):

K. Design Standards:

23. Landscaping Design Standards For Redwood Road:

a. For development along the west side of Redwood Road, the following development standards are adopted:

(1) The area behind the curb and gutter of Redwood Road ~~and the property line~~ shall include an area not less than twenty four feet (24') wide containing improved and irrigated landscaping and an eight foot (8') wide meandering asphalt multiuse trail. If any portion of the required twenty-four foot (24') landscaped area is outside the dedicated right of way, a public trail easement and street tree easement shall be dedicated to the city upon the recorded plat.

(2) Within the twenty-four foot (24') wide area, trees shall be planted in accordance with the requirements of Title 7 Chapter 9, Community Forestry.

(3) Residential developments along Redwood Road shall, in addition to complying with the requirements of chapter 11 of this title, include a solid wall, not less than six feet (6') in height as a buffer along the entire length of frontage along Redwood Road. The wall shall be constructed of masonry or other hard, permanent materials and shall generally be a sight obscuring wall or a combination of berms, rocks, planted materials and manmade materials that render the wall sight obscuring. Any solid walls constructed pursuant to this subsection shall also be treated with an antigraffiti treatment approved by the city.

b. For developments along the east side of Redwood Road, the same development standards apply except that there shall be a five foot (5') wide concrete sidewalk provided in lieu of an eight foot (8') wide meandering asphalt multiuse trail. (Ord. 2012-04, 2-7-2012)