

**CHAPTER 79**  
**PAVING OF PARKING AREAS**

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**79.010. Definition and Purpose.**

- (a) The term "Landscape Strip," as used in this chapter, shall mean that part of any public street right-of-way lying between the sidewalk and the curb or pavement, also known as the parking strip, planting area, or planting strip.
- (b) The purpose of having a landscape strip is to provide a landscaped buffer between the sidewalk and the curb and roadway section of the public street right-of-way. A non-hard surface landscape strip may also provide a limited amount of pervious surface area for stormwater run-off. (Ord No. 4060; Ord No. 72-2002)

**79.020. Option of Property Owners.** Any person owning or controlling property abutting upon any improved street having a right-of-way width of not less than 80 feet and situated in any commercial or industrial district, as such districts are defined in SRC 113.010, upon complying with the provisions of this chapter, may improve the landscape strip in front of his property by paving such area with a hard-surfaced pavement, for only the following purposes:

- (a) to expand the existing sidewalk area to create increased hard surface area for pedestrian passage and compliance with the Americans With Disabilities Act.
- (b) to create hard surface areas for pedestrian plazas, outdoor cafes, promenades, street furniture, bicycle parking, and improved building access.
- (c) to provide hard surface pedestrian waiting areas for transit stops and shelters.
- (d) to create additional on-street parking areas. (Ord No. 4539; Ord No. 186-82; Ord No. 72-2002)

**79.030. Permit; Required.** It shall be unlawful for any person to pave or attempt to pave any landscape strip or, for that purpose, to remove any curbing without first obtaining a permit from the director of public works. (Ord No. 4040; Ord No. 72-2002)

**79.040. Application; Generally.** Before paving any landscape strip, the abutting owner shall make application in accordance with the provisions, standards, and fees prescribed for a street construction permit in chapter 77 of this code. As part of the permit application the abutting owner shall demonstrate compliance with provisions and requirements contained in SRC chapters 86, 132 and this chapter. (Ord No. 4060; Ord No. 69-89; Ord No. 72-2002)

**79.060. False Statement.** It shall be unlawful for any person to make any false statement in an application for a permit under this chapter. (Ord No. 4060)

**79.070. Investigation and Issuance.** When an application for a permit is made under this Chapter, the Public Works Director shall make an investigation, and if the Director determines that the paving of the landscape strip will not damage the street or sidewalk, not interfere with proper storm drainage, not interfere with its use for travel, parking, and pedestrian purposes, not create safety hazards for vehicles, bicyclists and pedestrians, and is not contrary to the public interest, then the Director shall issue a permit for the construction and installation of the improvement of the landscape strip; provided, if the landscape strip falls within an area planned for future tree planting, any permit shall require "blockouts" or "tree wells" in the paved area at points and of a size determined by the Public Works Director. No permit shall be issued to any applicant to pave any landscape strip in front of any premises not owned by the applicant. (Ord No. 4060; Ord No. 5723; Ord No. 51-96; Ord No. 72-2002; Ord No. 42-09)

**79.080. Extent of Paving.** Whenever a permit is granted under this chapter, the landscape strip in front of the premises owned by applicant shall be paved from the sidewalk to the pavement and lineally for such distance as may be specified in the permit or application therefor. (Ord No. 4060; Ord No. 72-2002)

**79.090. Drainage.** Any paving laid in a landscape strip shall be laid so that the drainage therefrom will be toward the gutter or approved on-site facility and such existing drainage shall be maintained. (Ord No. 4060; Ord No. 72-2002)

**79.100. Installation of Curb.** When a landscape strip is paved, and such area is to be used for angled parking, a new curb of such height and width as the director of public works shall uniformly prescribe shall be installed three feet from the outside edge of the sidewalk so as to prevent parked vehicles from extending over the sidewalk. (Ord No. 4060; Ord No. 72-2002)

**79.110. Compliance with Public Works Director's Specifications..** All paving laid down pursuant to any permit issued under this chapter, the base therefor and all curbing installed shall be done in such manner and meet the specifications and be of such materials as the director of public works may prescribe, which may be equal to, but not greater than, standard specifications for street improvements made by the city. (Ord No. 4060)

**79.120. Liability for Costs.** The city shall not be liable for the cost of any part of the installation of any improvement of a planting strip made pursuant to this chapter, the entire cost thereof to be borne by the abutting owner. (Ord No. 4060; Ord No. 72-2002)

**79.130. Work Does Not Divest City of Control.** The improvement or paving of any landscape strip as authorized by this chapter shall not be construed as granting to any person any property interest or control over any such paved landscape strip, but the control thereof, including the regulations of the parking and standing of vehicles thereon, shall remain with the city. (Ord No. 4060; Ord No. 72-2002)

**79.140. Variances.** In case any property owner desires the paving of a landscape strip at variance with the provisions of this chapter he may apply for the same to the council, setting forth in his application all information required by the director of public works in applications for paving of landscape strip permits, and also setting forth the peculiar, exceptional, or extraordinary circumstances or conditions prompting the application for the variance. The council may approve or reject the application, and, if approved, such action shall be by resolution. Upon approval, the director of public works shall issue the permit upon the payment of the required fee. (Ord No. 5768; Ord No. 72-2002)

**79.990. Violations.**

- (a) It shall be unlawful for any person to cause, suffer, or permit the paving of a landscape strip without a permit issued pursuant to this chapter. Violation of this subsection is an infraction.
- (b) Violation of SRC 79.060 is a misdemeanor. (Ord No. 193-79; Ord No. 72-2002)