

# WEST BOUNTIFUL CITY

ORDINANCE #461-22

## AN ORDINANCE AMENDING THE CITY'S LANDSCAPE REGULATIONS IN VARIOUS SECTIONS OF THE WEST BOUNTIFUL MUNICIPAL CODE

**WHEREAS**, the West Bountiful City Council desires to promote the conservation and efficient use of water and to prevent waste of this valuable resource; and

**WHEREAS**, Utah Code Annotated §10-3-702 et seq., grants authority to the West Bountiful City Council to accomplish these goals by adopting this ordinance; and

**WHEREAS**, the City Council recently adopted a Water Efficient Landscape ordinance (WBMC 12.28) but did not make changes to other sections of city code that also address landscaping; and

**WHEREAS**, the Planning Commission held a properly noticed public hearing on August 23, 2022 to consider appropriate modifications to make all landscape regulations in the city consistent and complementary and recommends approval of attached Exhibit A.

**NOW THEREFORE BE IT ORDAINED** by the City Council of West Bountiful that WBMC 12.28, 17.28.080, 17.32.080, 17.34.090, 17.36.080, 17.40.080, 17.44.050.E, 17.52.060, 17.52.080, and 15.12.040 be modified as shown in attached Exhibit A.

This ordinance will become effective upon signing and posting.

Adopted this 6th day of September, 2022.

By:



Mark Preece, Mayor Pro Tem

Voting by the City Council:

	<u>Aye</u>	<u>Nay</u>
Councilmember Ahlstrom	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Bruhn	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Enquist	<u>excused</u>	<input type="checkbox"/>
Councilmember Preece	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Wood	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Attest:

  
Cathy Brightwell, City Recorder

**12.28 Water Efficient Landscape Standards**

**12.28.010 Purpose**

**12.28.020 Applicability**

**12.28.030 Definitions**

**12.28.040 General Standards**

**12.28.050 Landscape Design Standards**

**12.28.060 Irrigation Design Standards**

**12.28.070 Landscape and Irrigation Plans Required**

**12.28.080 Completion of Improvements**

**12.28.090 Homeowners Association Restrictions**

**12.28.100 Prohibited Watering Practices**

**12.28.110 Enforcement And Penalties**

**12.28.010 Purpose**

The purpose of this chapter is to protect and enhance the city's environmental, economic, recreational, and aesthetic resources by promoting efficient use of the public's limited water resources by reducing water waste and establishing guidelines for designing, installing, and maintaining water efficient landscapes throughout the city.

**12.28.020 Applicability**

Except as otherwise provided in this chapter, the provisions of this chapter apply to:

- A. All new landscapes in all zones of the city associated with construction of any new residential home, commercial or industrial structure, public facility, or mixed-use development.
- B. Any existing residential, commercial, industrial, or mixed-use projects where the owner or developer proposes to modify the landscaped area by more than fifty percent (50%).

In addition to the foregoing, compliance with the landscaping standards in this chapter is highly encouraged for all landscaped areas. These landscaping standards are not intended to conflict with other landscaping requirements under Utah law or other sections of the West Bountiful Municipal Code, including stormwater retention requirements and low-impact development guidelines. These landscaping standards are subject to any conflicting requirement of Utah law.

**12.28.030 Definitions**

The following definitions shall apply to this chapter.

"Hardscape" means durable landscape materials such as brick or concrete pavers, benches, artificial turf, walls, decorative rocks, mulch, landscape curbing, planters, concrete, or other like materials that are not of a vegetative nature. Hardscape does not include building or structure footprints, driveways, and public sidewalks.

"Landscaped area" means improved areas of the property that make up the landscape. The landscaped area does not include non-irrigated natural areas that are intentionally left undeveloped.

“Landscape” means living vegetation or a combination of living vegetation and hardscape.

“Mulch” means any material such as rock, bark, or wood chips that is left loose and applied to the soil.

“Park strip” means a typically narrow landscaped area located between the back-of-curb and sidewalk.

“Smart automatic irrigation controller” means an automatic timing device used to remotely control valves in the operation of an irrigation system using the internet to connect to a real time weather source or soil moisture sensor. Smart automatic irrigation controllers schedule irrigation events using either evapotranspiration or soil moisture data to control when and how long sprinklers or drip systems operate and will vary based on time of year and weather or soil moisture conditions.

“Turf” means a surface layer of earth containing grass species with full root structures that are maintained as mowed grass, also called lawn.

“Xeriscape” is a style of landscape design requiring little or no irrigation or other maintenance using plants that can survive on low or minimal water usage.

#### **12.28.040 General Standards**

The following general standards apply:

- A. Every property within the city to which this chapter applies shall maintain landscape in a well-cared for manner that enhances the appearance of the property.
- B. Landscaping shall consist of a balance of vegetation and hardscape that does not violate any applicable law. A minimum of fifteen percent (15%) of the front landscaped area shall be vegetation.
- C. Landscape and hardscape shall comply with the clear view, fencing, and setback requirements of the Municipal Code.
- D. Irrigating any landscape between the hours of 10:00 am and 6:00 pm is prohibited.

#### **17.28.050 Landscape Design Standards**

The following landscape design standards are required for all applicable properties, and strongly encouraged for all landscape projects, to conserve the public’s water resources and promote water efficient landscaping. Landscaping may include a combination of turf, plant cover, hardscape, and xeriscape as described below.

- A. Plant Selection. Plants shall be selected for various landscape situations and conditions and be well-suited to the microclimate and soil conditions at the project site. Both native and locally-adapted plants are acceptable. Plants with similar water needs shall be grouped together as much as reasonably practicable. (*Visit [weberbasin.com](http://weberbasin.com) for a list of recommended water-conserving plants.*)

- B. Turf/Lawns. Except for designated recreational areas that allow access to the public:
  - 1. Turf areas located in the front yards of residential properties should not exceed thirty-five percent (35%) of the total landscaped area. Developers and owners are encouraged to also limit side and back yard turf areas to a maximum of thirty-five percent (35%).
  - 2. Turf area shall not exceed twenty percent (20%) of the total landscaped area on non-residential or mixed-use properties, or ten percent (10%) if secondary water is not available.
  - 3. No turf will be planted in park strips, areas less than eight (8) feet wide, parking lot landscaping, or on slopes greater than twenty-five percent (25%).
    - a. Water-conserving plants not requiring overhead spray irrigation may be planted in park strips subject to clear view regulations.
    - b. Park strip areas may be designed as bioswales, especially recommended in commercial, industrial and HOA common areas.
- C. Tree Selection. Tree species shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. *(See city website for a list of general recommendations and trees prohibited in park strips.)*
- D. Mulch. After completion of all planting, all irrigated non-turf areas should be covered with a minimum three (3) inch layer of mulch to retain water, inhibit weed growth, and moderate soil temperature. Non-porous material shall not be placed under the mulch.

#### **12.28.060 Irrigation Design Standards**

The following irrigation design standards are required for applicable properties, and strongly encouraged for all landscape projects.

- A. Irrigation Controller. Landscaped areas should be provided with a WaterSense-labeled smart automatic irrigation controller, equipped with rain delay or rain shut-off capabilities.
- B. Irrigation valves should irrigate landscapes with similar site, slope, soil conditions and plant materials with similar water needs.
  - 1. Drip irrigation should be used for all non-turf areas and be equipped with pressure regulator and filter.
  - 2. Turf and non-turf areas should be irrigated on separate valves.
  - 3. Drip emitters and sprinklers should be placed on separate valves.

#### **12.28.070 Landscape and Irrigation Plans Required**

For applicable properties, a landscape and irrigation plan for the front yard shall be provided to the city for review as part of the building permit application package.

#### **12.28.080 Completion of Improvements**

All required landscaping improvements shall be completed as follows.

- A. Commercial, developer, industrial, and public facility projects shall be completed prior to issuance of a certificate of occupancy. A performance bond or cash deposit, in an amount estimated by staff

as equivalent to the cost of the required landscaping, may be required to assure installation of required landscaping within the time prescribed in this section.

- B. Individual front yard residential projects shall be completed within one year, but no later than October 31 of the year following completion of construction.

If the installation of any landscaping improvements cannot be completed due to weather, including drought conditions or other circumstances beyond the control of the owner or developer, an extension of up to nine (9) months may be granted by the land use administrator or designee for good cause shown.

#### **12.28.090 Homeowners Association Restrictions**

No Homeowner's Association documents that govern the operation of a common interest development shall:

- A. Require the use of any uniform plant material requiring overhead spray irrigation in landscaped areas less than eight (8) feet wide or in other areas that exceed thirty-five percent (35%) of the front landscaped area;
- B. Prohibit, or include conditions that have the effect of prohibiting, the use of water-conserving plants as a group; or
- C. Have the effect of prohibiting or restricting compliance with this chapter or other water conservation measures under applicable law.

#### **12.28.100 Prohibited Watering Practices**

Notwithstanding any provision of this chapter to the contrary, water shall be properly used. Waste of water, including but not limited to the following, is prohibited on any property within the city, regardless of whether the standards in this chapter otherwise apply to the property.

- A. Using culinary water for irrigation where irrigation water is provided by a third-party service district and restrictions are in place.
- B. Washing sidewalks, driveways, parking areas, tennis courts, patios, or other hard surface areas except to alleviate immediate health or safety hazards.

#### **12.28.110 Enforcement and Penalties**

The land use administrator and public works director, or their designee, shall be authorized to enforce all provisions of this chapter in accordance with the Municipal Code.

**17.XX.XXX Development Standards (Commercial Neighborhood, Commercial General, Commercial Highway, Light Industrial, and Industrial General)**

- A. Site Plan. A site plan for all phases of the proposed development shall be presented for review and approval, as provided in the Municipal Code.
- B. Landscaping. Notwithstanding Chapter 12.28, no less than ten percent (10%) of the total site area shall be landscaped. Required side and rear yard areas may be used for driveways or parking; provided, that trees and shrubs of sufficient size and quantity are installed to assure a visual screen from abutting residential properties. All landscaping shall be designed, irrigated, and maintained in accordance with Chapter 12.28.

**17.44.050(E) – HCCO Landscaping**

Notwithstanding Chapter 12.28, no less than ten percent (10%) of the total site area (including building, parking, and setbacks) shall be landscaped. The site landscape should include a minimum of 5 trees and 15 shrubs per acre. Trees should be a minimum of 1.5 inch caliper and shrubs a minimum of 5-gallon; two 1-gallon ornamental grasses or perennials equal one shrub for up to fifty percent (50%) of the shrub requirement. Turf area shall not exceed twenty percent (20%) of the total landscaped area.

Setbacks adjacent to a residential zone, as described in Section 17.42.050.A, shall be landscaped. Buffering of adjacent residential zones should include a six-foot masonry wall located on the property line (subject to the fencing and clear view requirements of Chapter 17.50) and medium to large trees planted every 30 feet. Such areas may also incorporate spaces for recreational activities; provided, that no swimming pool, court, playground, or other recreational facility should be located within 15 feet of a residential zone. A landscape and irrigation plan, stamped by a professional landscape architect, engineer, or certified irrigation designer, including plant locations/types, grading, and irrigation systems, shall be submitted for review and approval by City staff in accordance with Chapter 12.28. All landscaping shall be designed, irrigated, and maintained in accordance with Chapter 12.28.

**15.12.040 – Movement of Buildings**

No building or substantial part thereof shall be relocated within the city if otherwise allowed, unless all the following additional requirements are fulfilled. Prior to issuance of a permit to move the same:

- D. Notwithstanding Chapter 12.28, a landscape plan, consistent with Chapter 12.28, showing the proposed landscaped area, together with an agreement to complete the same within eighteen (18) months from the date of the permit, is filed with the city. The right of occupancy shall be conditioned upon this agreement.

#### **17.52.060 – Maintenance of Parking Lots.**

Every parcel of land used as a public or private parking lot shall be developed and maintained in accordance with the following requirements.

1. Surfacing. Each off-street parking lot shall be surfaced with gravel, asphaltic or Portland cement or other binder pavement and permanently maintained to provide a dustless surface. The parking area shall be designed and maintained consistent with WBMC 13.30 Storm Water Management.
2. Screening. The sides and rear of any off-street parking lot which adjoins an area that is primarily residential shall be screened from such area by a masonry wall or solid visual barrier fence not less than four feet in height.
3. Lighting. Lighting used to illuminate any parking lot shall be directed downward and arranged to reflect the light away from adjoining residential uses and from street traffic.
4. All surfacing, screening, landscaping, lighting, and any other parking area elements shall be continually and properly maintained.

#### **17.52.080 – Landscaping in Parking Lots**

The following landscape requirements apply to parking lots.

1. Each parking lot adjacent to a public street shall provide along the entire frontage of the property (except for any drive approach) a minimum depth of ten (10) feet of permanently maintained landscaping.
2. Each parking lot consisting of more than 20 spaces, or 4,000 square feet shall include landscaped parking islands as follows:
  - a. Office and commercial: 7% of total parking lot area.
  - b. Industrial and warehouse: 5% of total parking lot area.
3. Parking island areas are intended to define major drives and access ways, to delineate ends of parking rows, and at aisle intersections. For every six required parking spaces, or portion thereof, a minimum of one tree shall be provided within each parking island. Additionally, each parking island shall contain:
  - a. A minimum of 140 square feet;
  - b. Have a minimum average width of 8 feet; and
  - c. Include a minimum of one tree from the city's approved tree list.
4. In all other respects, the landscaping of parking lots shall comply with Chapter 12.28.