



**NOTICE OF  
PLANNING COMMISSION MEETING  
Tuesday, October 29, 2019 7:00 p.m.  
Community Recreation Center  
10640 N Clubhouse Drive, Cedar Hills, Utah**

Notice is hereby given that the Planning Commission of the City of Cedar Hills, Utah, will hold a **Planning Commission Meeting on Tuesday, October 29, 2019 beginning at 7:00 p.m.** at the Community Recreation Center, 10640 N Clubhouse Drive, Cedar Hills, Utah. This is a public meeting and anyone is invited to attend.

**PLANNING COMMISSION MEETING**

1. Call to Order
2. Public Comment: Time has been set aside for the public to express their ideas, concerns, and comments (comments limited to 3 minutes per person with a total of 30 minutes for this item)

**SCHEDULED ITEMS & PUBLIC HEARINGS**

3. Review/Recommendation and Public Hearing on Amendments to City Code Title 10, Chapter 5-39 related to Tobacco Specialty Businesses
4. Discussion on Landscaping and Watering Restrictions in Park Strips and in the SC-1 Commercial Zone

**ADJOURNMENT**

5. Adjourn

Posted this 25th day of October, 2019

/s/ Colleen A. Mulvey, City Recorder

- Supporting documentation for this agenda is posted on the City's Website at [www.cedarhills.org](http://www.cedarhills.org).
- In accordance with the Americans with Disabilities Act, the City of Cedar Hills will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the City Recorder at 801-785-9668 at least 48 hours in advance of the meeting to be held.
- The order of agenda items may change to accommodate the needs of the Planning Commission, the staff, and the public.
- This meeting may be held electronically via telephone to permit one or more of the commission members to participate.



# CITY OF CEDAR HILLS

<b>TO:</b>	Planning Commission
<b>FROM:</b>	Chandler Goodwin, City Manager
<b>DATE:</b>	10/29/2019

## Planning Commission Agenda Item

<b>SUBJECT:</b>	Review/Action and Public Hearing on Amendments to City Code 10-5-39 Related to Tobacco Specialty Retail Businesses
<b>APPLICANT PRESENTATION:</b>	N/A
<b>STAFF PRESENTATION:</b>	Chandler Goodwin, City Manager
<b>BACKGROUND AND FINDINGS:</b>	
<p>On October 4, 2019, the Utah County Health Department issued an emergency administrative rule related to vaping. The ruling is aimed at reducing the number of vaping-related lung injury cases in the state and protect the health and safety of Utah youth. The emergency administrative rule requires tobacco retailers to comply by October 7, 2019. The local health department will be enforcing the emergency rule R384-418 requirements and may choose to not enforce the full extent of the rule until Monday October 21, 2019. Current Cedar Hills Code prohibits the establishment of a tobacco retail specialty businesses, the proposed modification to the code would specifically prohibit current tobacco retailers from modifying their business in a way that would allow them to operate as a tobacco specialty business.</p>	
<b>PREVIOUS LEGISLATIVE ACTION:</b>	
Current ordinance was adopted May 2018	
<b>FISCAL IMPACT:</b>	
None	
<b>SUPPORTING DOCUMENTS:</b>	
Cedar Hills City Code 10-5-39, with proposed modifications	
<b>RECOMMENDATION:</b>	
Review code, make suggestions for changes	
<b>MOTION:</b>	
To recommend/not recommend the proposed modifications to Cedar Hills City Code 10-5-39, subject to the following changes {LIST ANY CHANGES BEING RECOMMENDED TO THE CITY COUNCIL}.	

## **10-5-39: TOBACCO SALES, TOBACCO PARAPHERNALIA AND TOBACCO SPECIALTY BUSINESSES:**

A. Applicability: No individual, entity or organization shall:

1. Conduct or operate a retail tobacco specialty business; or
2. Sell, furnish, or otherwise distribute a "tobacco product" as defined in this chapter and section [10-8-41.6](#) of the Utah Code, unless it satisfies the requirements set forth in this chapter.

B. Definitions:

RETAIL TOBACCO SPECIALTY BUSINESS: As used herein, this term/phrase shall have the same definition as set forth in section [10-8-41.6\(1\)\(b\)](#) of the Utah Code, and shall include vape shops.

TOBACCO PARAPHERNALIA: As used herein, this term/phrase shall have the same definition as set forth in section 76-10-104.1(1)(b) of the Utah Code.

TOBACCO PRODUCT: As used herein, this term/phrase shall have the same definition as set forth in section [10-8-41.6\(1\)\(c\)](#) of the Utah Code.

TOBACCO SALES BUSINESS LICENSE: A business license issued by the City of Cedar Hills, which permits the licensee to sell tobacco products and tobacco paraphernalia from its validly licensed business.

C. Tobacco Sales Business License Required:

1. Tobacco Products And Tobacco Paraphernalia: No individual, entity, organization, or business shall sell tobacco products or tobacco paraphernalia unless it has obtained a tobacco sales business license. A tobacco sales business license shall only be issued as a secondary license to a business license for one of the following:
  - a. A business that is primarily engaged in the sale of food and beverage products and is located in a building which is ten thousand (10,000) square feet or larger;
  - b. A business that is primarily engaged in the sale of gasoline or diesel fuel and is located in a building which is two thousand (2,000) square feet or larger;
  - c. An on-premises alcoholic beverage sales license;
  - d. A business license for a pharmacy under Utah Code and is located in a building which is ten thousand (10,000) square feet or larger; or
2. Application For License:
  - a. An application for a license shall be made in writing on the form provided by the City's licensing officer. The form must be completed in its entirety. The application must be accompanied by:

- (1) The business license required in [title 3](#) of this Code;
- (2) Documentation showing the square footage of the building;
- (3) Proof of the operation of a business specified in subsection C1a or C1b of this section, if the application is to qualify as such a business.

D. Retail Tobacco Specialty Businesses Not Permitted:

1. The City shall not issue tobacco sales business licenses for the operation of retail tobacco specialty businesses or vape shops. **No business with a tobacco sales business license shall convert, retrofit, or modify their business in order to seek or apply for a retail tobacco specialty business license.**

E. Revocation Of A Tobacco Sales Business License: Pursuant to and consistent with the City's business licensing process in section [3-1-11](#), "Denial, Suspension Or Revocation Of A License Or Registration", of this Code, the City may suspend, revoke, or terminate the business license of a business which is operating as a tobacco sales business (including those businesses operating under a retail tobacco specialty business license) if:

1. The tobacco sales business license is not renewed continuously without relapse or revocation;
2. The tobacco sales business is closed for business or otherwise suspends the sale of tobacco products or tobacco paraphernalia for more than sixty (60) consecutive days; or
3. The tobacco sales business substantially changes the business premises or its business operation without complying with and obtaining approval for/from applicable City zoning ordinances, building permit processes, conditional use permit processes (including the process for amendment of an existing conditional use permit), and business licensing processes (including the amendment of an existing business license).

F. Penalty: Any violation of this chapter is a Class B misdemeanor and punishable by a fine of one thousand dollars (\$1,000.00), not including any mandatory fees and surcharges imposed by law or a court of competent jurisdiction.

1. If any provision or clause of this chapter or application thereof to any person or entity or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses or applications thereof which can be implemented without the invalid provision(s), clause(s) or application(s) hereof, and to this end the provisions and clauses of this chapter are declared to be severable.
2. This chapter supersedes or repeals the provision(s) of any ordinance(s) or resolution(s) that is (are) inconsistent with the provisions of this chapter.
3. This chapter shall take effect immediately upon publication or posting, as required by law. (Ord. 05-01-2018A, 5-1-2018)

**Footnotes** - Click any footnote link to go back to its reference.

[Footnote 1](#): See [title 3, chapter 1, article B](#) of this Code. See section [3-1-6](#) of this Code for license approval or renewal.

[Footnote 2](#): See [title 3, chapter 1, article E](#) of this Code.

[Footnote 3](#): See also [title 1, chapter 12](#) of this code.

[Footnote 4](#): See [title 3, chapter 1, article B](#) of this code. See section [3-1-6](#) of this code for license approval or renewal.

[Footnote 5](#): See also subsection [1-12-3A](#) of this code. See also section [10-6-16](#) of this title relative to large scale development.

[Footnote 6](#): See [title 3, chapter 1, article E](#) of this code.

[Footnote 7](#): UCA §§ 10-9a-102, 10-9a-104, 10-8-26, [10-8-28](#).

[Footnote 8](#): UCA § 10-9a-704.

[Footnote 9](#): UCA § 10-9a-512.



# CITY OF CEDAR HILLS

<b>TO:</b>	Planning Commission
<b>FROM:</b>	Chandler Goodwin, City Manager
<b>DATE:</b>	10/29/2019

## Planning Commission Agenda Item

<b>SUBJECT:</b>	Discussion on Landscaping Requirements in the SC-1 Commercial Zone
<b>APPLICANT PRESENTATION:</b>	N/A
<b>STAFF PRESENTATION:</b>	Chandler Goodwin, City Manager
<b>BACKGROUND AND FINDINGS:</b>	
<p>Each year, the Utah State Legislature passes additional legislation that requires cities to report on water consumption, and state and federal entities enact further regulations on curbing water usage. Cities have been tasked with decreasing consumption by 20-25%. In an effort to create an environment that recognizes the scarcity of water, and understanding that the ordinances and codes that Cedar Hills has creates that environment, it becomes necessary to review requirements for both commercial and residential development. This discussion is centered on landscaping requirements in the SC-1 Commercial zone, and trying to find ways that development can occur that aesthetically is inviting, but conserves water usage. The Code that needs to be discussed is 10-6A-4 (B). Items that need to be discussed are the percentage requirements and the types of landscaping that we permit in the SC-1 zone.</p>	
<b>PREVIOUS LEGISLATIVE ACTION:</b>	
Current ordinance was adopted in May 2016	
<b>FISCAL IMPACT:</b>	
None	
<b>SUPPORTING DOCUMENTS:</b>	
Cedar Hills City Code 10-6A-4(B), model ordinance	
<b>RECOMMENDATION:</b>	
Review code, make suggestions for changes that would assist in water conservation	
<b>MOTION:</b>	
No motion necessary, discussion item only.	

**10-6A-4: SITE REQUIREMENTS:**  

It is intended that these requirements and standards will promote consistent, quality development within the SC-1 Zone.

A. Area:

1. Site Area: Each proposed development shall contain an initial site size of ten (10) contiguous acres, which shall be considered as the minimum amount necessary to constitute a logical design area; provided, however, that in the instance of lots of record containing less than ten (10) acres, the minimum initial site size shall be the entire parcel.
2. Additions: Subsequent additions to the site area containing less than the amount set forth under subsection A1 of this section may be permitted, upon a determination that the area to be added constitutes a logical extension of the initial site plan.
3. Phased Construction: A proposed development may be constructed in phases upon approval by the City Council and upon a finding that the proposed phase is consistent with the overall plan for the project, constitutes a significant portion of the total project, and is consistent with other requirements specified in this Code.

B. Landscaping: The following requirements shall be followed for landscaping within the SC-1 zone:

All planter areas shall be edged with a concrete mow strip and landscaped. All planter shapes and walks shall be curvilinear. Landscape boulders may be used on site, but must be over two feet (2') in size. Each building shall have flowering crab (malus species) trees planted near the building. Trees may be placed on any or all sides of the building. The minimum number of these trees required for each building shall be determined by adding up the length of all building facades (linear feet), dividing by forty (40) and rounding up. All landscape shall be appropriately maintained throughout the year.

Other plants near buildings can be selected by a licensed landscape architect for compatibility to microclimate (north, south, east, west building faces). Shrubs shall be selected for color in all seasons, including winter. Trees near buildings are encouraged to have spring and/or fall color. Evergreen trees are encouraged where practical for positive aesthetic effects in winter.

To ensure consistency throughout the zone, all plants used within the zone shall be found within the following plant list:

<b>Evergreen trees:</b>		
Abies concolor	White fir	8' height minimum
Abies lasiocarpa	Alpine fir	8' height minimum
Picea engelmannii	Engelmann spruce	8' height minimum
Picea pungens	Colorado green spruce	8' height minimum
<b>Deciduous trees:</b>		

<b>Evergreen trees:</b>		
Acer platanoides	Norway maple	2 <sup>1</sup> / <sub>2</sub> " caliper minimum
Fraxinus pennsylvanica	Patmore ash	2 <sup>1</sup> / <sub>2</sub> " caliper minimum
Koelreuteria paniculata	Golden rain tree	2" caliper minimum
Prunus blireana	Blireana plum	2" caliper minimum
Acer palmatum bloodgood	Bloodgood Japanese maple	6 - 8' height minimum
Prunus subhirtella	Weeping flowering cherry	2" caliper minimum
<b>Shrubs:</b>		
Euonymus alatus compacta	Burning bush	5 gallon minimum
Potentilla fruticosa	Shrubby cinquefoil	5 gallon minimum
Prunus glandulosa	Dwarf flowering almond	5 gallon minimum
Mahonia aquifolium	Compact Oregon grape	5 gallon minimum
Prunus laurocerasus "Otto Luyken"	English laurel Otto Luyken	18 - 24" minimum
Cornus sericea "Kelseyi"	Kelsey dwarf dogwood	5 gallon minimum
Buxus koreana wintergreen	Wintergreen boxwood	5 gallon minimum
Berberis t.a. nana	Crimson pygmy barberry	5 gallon minimum

The following requirements shall apply:

1. No less than thirty percent (30%) of any individual site shall be landscaped. Individually developed sites must provide the required thirty percent (30%) landscaping within that individual site. Larger planned developments must provide the required thirty percent (30%) landscaping for the entire site but shall not be required to provide thirty percent (30%) landscaping on individual pads or parcels within the planned development. So that all of the building(s) within the proposed development may be seen within a parklike setting by the community, the required thirty percent (30%) landscaping shall be visible and accessible to the public way and shall not be concealed by walls, fences, building layout, etc.
2. Planted areas such as yard space, planter boxes, flowerbeds, shrubbery beds and other traditional landscaped features shall qualify toward the landscaped requirement. Sidewalks shall not count toward the requirement.
3. Proposed fountains, plazas, or splash pads shall be included in the site design. The city council, with a recommendation from the planning commission, may approve a five percent (5%) reduction in

landscaping area requirements for these features when designed as a publicly accessible gathering area. Public art features are encouraged.

4. Landscaping shall also be used as a screen, where other means are less appropriate, to shield Cedar Hills Drive and 4600 West from large areas of parking.
5. Landscaped areas shall not be residual in nature but shall create a cohesive network from site to site and throughout the project. Specifically, landscaped areas shall help create a parklike atmosphere with linked pedestrian corridors designed to promote pedestrian activity.
6. Landscaping materials and details shall contribute to the perpetuation of the established architectural theme.
7. As part of the site plan approval process, landscape plans shall be required. Such plans shall be prepared by a professional landscape architect licensed in the state of Utah. Landscape plans shall provide for landscape treatments that are consistent with the architectural theme. All landscape plans are subject to the approval of the city council, following a recommendation by the planning commission.
8. Storm drainage shall be retained on site through landscaping or other approved facilities.
9. Xeriscape plans are permitted and shall be prepared by a qualified landscape architect, and shall not constitute more than one-third ( $\frac{1}{3}$ ) of the total landscaped area.

C. Streetscapes: Cedar Hills Drive is the main thoroughfare for the community. As such, special attention and consideration shall be given to creating an attractive, distinct entrance to the City of Cedar Hills. To encourage continuity throughout the site and to provide appropriate ties to the surrounding residential areas, 4600 and 4800 West shall receive the same treatments as Cedar Hills Drive. Landscaped areas adjacent to public streets shall conform to the landscaping requirements listed in subsection B of this section.

1. Sidewalks shall be separated from Cedar Hills Drive, 4600 West and 4800 West so as to encourage pedestrian activity and other active transportation. Separations shall include landscaped berms, shrubbery or other elements that convey a sense of protection from the vehicular travel lanes. Streetscapes shall be varied between grass and planter areas and be appropriately maintained year round.
2. Sufficient planter strips shall be provided so as to allow for the planting of trees as outlined in the plant list.
3. The landscaped areas adjacent to Cedar Hills Drive and 4600 West shall serve, in part, to screen adjacent parking areas from the view of passing motorists. Trees, berms and shrubbery shall be incorporated to provide the above described screening.

At street intersections, a clear view of intersecting streets shall be maintained. Clear view of intersecting streets shall be measured as follows: extend lines along each street curb to a point of intersection and measure back sixty feet (60') along each curb. Draw a line between those two (2) points. This triangular area is the area that must have clear view of intersecting streets.

Trees closest to intersections shall be capitol flowering pear with no less than three (3) at each intersection. Trees on east-west streets between walks and curbs or within ten feet (10') of street

curbs shall be burr oak (*Quercus macrocarpa*) with all branches pruned to five feet (5') from ground. Trees on north-south streets shall be London plane trees (*Platanus acerifolia*) with all branches pruned to five feet (5') from ground.

The number of trees along all streets shall be at least one tree for every thirty feet (30') of street frontage. Trees shall be two and one-half inch (2<sup>1</sup>/<sub>2</sub>" ) caliper minimum. Additional trees are encouraged. These additional trees shall be selected from the table below.

Berming shall be required along streets to screen parking areas and travel lanes. Berms shall not exceed three to one (3:1) in steepness. Curvilinear walks are encouraged where practical. Any planter areas shall have a curvilinear concrete curb between plants and lawn. All planters shall be mulched three inches (3") deep and maintained with shredded fir bark. Plants for planters shall be selected from the table below.

<b>Evergreen trees:</b>		
Abies concolor	White fir	8' height minimum
Abies lasiocarpa	Alpine fir	8' height minimum
Picea engelmannii	Engelmann spruce	8' height minimum
Picea pungens	Colorado green spruce	8' height minimum
Deciduous trees:		
Acer platanoides	Norway maple	2 <sup>1</sup> / <sub>2</sub> " caliper minimum
Fraxinus pennsylvanica	Patmore ash	2 <sup>1</sup> / <sub>2</sub> " caliper minimum
Shrubs:		
Euonymus alatus compacta	Burning bush	5 gallon minimum
Juniperus tamariscifolia	Tam juniper	5 gallon minimum
Prunus cistena	Cistena plum	5 gallon minimum
Pinus mugo "mughus"	Dwarf mugo pine	18 - 24" minimum

# WATER EFFICIENT LANDSCAPE ORDINANCE

ORDINANCE NUMBER <CITY ORDINANCE NUMBER>

## Section 1. Preamble

- A. Whereas, <CITY NAME> desires to promote the design, installation and maintenance of landscapes that are both attractive and water efficient;
- B. Whereas, <CITY NAME> can accomplish these goals by adopting this ordinance; and,
- C. Whereas, <CITY NAME> has the authority to adopt this ordinance pursuant to Utah Code Annotated (2010) § 10-3-702, and hereby exercises its legislative powers in doing so.

## Section 2. Ordaining Clause

Be it ordained by the <CITY NAME>, that the Water Efficient Landscape Ordinance, Number <CITY ORDINANCE NUMBER>.

## Section 3. Title, Water Efficient Landscape Requirements

- A. An ordinance amending the Zoning Code of the City of <CITY NAME> so as to add a Water Efficient Landscape Ordinance of minimum landscape requirements. This ordinance shall be referred to as "<CITY NAME> City Water Efficient Landscape Ordinance".

## Section 4. Purpose

The City Council has found that it is in the public interest to conserve the public's water resources and to promote water efficient landscaping. The purpose of this ordinance is to protect and enhance the community's environmental, economic, recreational, and aesthetic resources by promoting efficient use of water in the community's landscapes, reduce water waste and establish a structure for designing, installing and maintaining water efficient landscapes throughout the City.

## Section 5. Definitions

The following definitions shall apply to this ordinance:

Active Recreation Area: An area that is dedicated to active play where turf grass may be used as the playing surface. Examples of active recreation areas include sports fields, play areas, and other similar uses.

Bubbler: An irrigation head that delivers water to the root zone by "flooding" the planted area, usually measured in gallons per minute. Bubblers exhibit a trickle, umbrella or short stream pattern.

Check Valve: A device used in sprinkler heads or pipe to prevent water from draining out of the pipe through gravity flow.

Controller: A device used in irrigation systems to automatically control when and how long sprinklers or drip systems operate.

Drip Emitter: Drip irrigation fittings that deliver water slowly at the root zone of the plant, usually measured in gallons per hour.

Grading Plan: The Grading Plan shows all finish grades, spot elevations, drainage as necessary and existing and new contours with the developed landscaped area.

Ground Cover: Material planted in such a way as to form a continuous cover over the ground that can be maintained at a height not more than twelve (12) inches.

Hardscape: Patios, decks and paths. Does not include driveways and sidewalks.

Irrigation Plan: The irrigation plan shows the components of the irrigation system with water meter size, backflow prevention, precipitation rates, flow rate and operating pressure for each irrigation circuit, and identification of all irrigation equipment.

Landscape Architect: A person who holds a professional license to practice landscape architecture in the state of Utah. Per State Code, licensed landscape architects, licensed architects, licensed land surveyors, and licensed engineers can professionally stamp plans that fall under the practice of landscape architecture. This includes commercial landscape and irrigation plans. Each municipality has the authority to require that only a licensed landscape architect can stamp plans that fall under the practice of landscape architecture.

Landscape Designer: A person who may or may not hold professional certificates for landscape design/architecture and cannot legally create commercial landscape plans. Landscape Designers generally focus on residential design and horticultural needs of home landscapes.

Landscape Documentation Package: The preparation of a graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features such as plantings, ground and water forms, circulation, walks and other features to comply with the provisions of this ordinance. The Landscape Documentation Package shall include a project data sheet, a Site Plan, a Planting Plan, an Irrigation Plan, Construction Details, and a Grading Plan.

Landscape Zone: A portion of the landscaped area having plants with similar water needs, areas with similar microclimate (i.e., slope, exposure, wind, etc.) and soil conditions, and areas that will be similarly irrigated. A landscape zone can be served by one irrigation valve, or a set of valves with the same schedule.

Landscaping: Any combination of living plants, such as trees, shrubs, vines, ground covers, annuals, perennials, ornamental grass, or seeding; natural features such as rock, stone, or bark chips; and structural features, including but not limited to, fountains, reflecting pools, outdoor art work, screen walls, fences or benches.

Localscapes®: A locally adaptable and environmentally sustainable urban landscape style that requires less irrigation than traditional Utah landscapes (see [www.Localscapes.com](http://www.Localscapes.com)).

Mulch: Any material such as rock, bark, wood chips or other materials left loose and applied to the soil.

Park Strip: A typically narrow landscaped area located between the back-of-curb and sidewalk.

Planting Plan: A Planting Plan shall clearly and accurately identify the type, size, and locations for new and existing trees, shrubs, planting beds, ground covers, turf areas, driveways, sidewalks, hardscape features, and fences.

Pop-up Spray Head: A sprinkler head that sprays water through a nozzle in a fixed pattern with no rotation.

Precipitation Rate: The depth of water applied to a given area, usually measured in inches per hour.

Pressure Regulating Valve: A valve installed in an irrigation mainline that reduces a higher supply pressure at the inlet down to a regulated lower pressure at the outlet.

Pressure Compensating: A drip irrigation system that compensates for fluctuating water pressure by only allowing a fixed volume of water through drip emitters.

Rotor Spray Head: A sprinkler head that distributes water through a nozzle by the rotation of a gear or mechanical rotor.

Runoff: Irrigation water that is not absorbed by the soil or landscape area to which it is applied, and which flows onto other areas.

Spray Sprinkler: An irrigation head that sprays water through a nozzle.

Stream Sprinkler: An irrigation head that projects water through a gear rotor in single or multiple streams.

Turf: A surface layer of earth containing mowed grass with its roots.

Water-Conserving Plant: A plant that can generally survive with available rainfall once established although supplemental irrigation may be needed or desirable during spring and summer months.

## Section 6. Applicability of Water Efficient Landscape Ordinance

The provisions of this ordinance shall apply to all new and rehabilitated landscaping for public agency projects, private development projects, developer-installed landscaping in multi-family and single-family residential projects, and homeowner provided landscape improvements within the front, side, and rear yards of single and two-family dwellings.

## Section 7. Landscape Design Standards

- A. Plant Selection. Plants shall 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 possible.

Areas with slopes greater than 25 percent, or 4:1 grade, shall be landscaped with deep-rooting, water-conserving plants, that do not include turf.

Park strips and other landscaped areas less than eight (8) feet wide shall be landscaped with water-conserving plants, that do not include turf.

- B. Mulch. After completion of all planting, all irrigated non-turf areas shall be covered with a minimum 3 to 4-inch layer of mulch to retain water, inhibit weed growth, and moderate soil temperature. Non-porous material shall not be placed under the mulch.
- C. Soil Preparation. Soil preparation will be suitable to provide healthy growing conditions for the plants and to encourage water infiltration and penetration. Soil preparation shall include scarifying the soil to a minimum depth of six (6) inches and amending the soil with organic material as per specific recommendations of the Landscape Designer/Landscape Architect based on the soil conditions. In some cases, soil testing will provide additional recommendations for amending the soil.
- D. 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. Trees shall be selected as follows:
  - 1. Broad canopy trees shall be selected where shade or screening of tall objects is desired;
  - 2. Low-growing trees shall be selected for spaces under utility wires;
  - 3. Select trees from which lower branches can be trimmed to maintain a healthy growth habit where visual clearance and natural surveillance is a concern;
  - 4. Narrow or columnar trees shall be selected for small spaces, or where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street for natural surveillance;
  - 5. Street trees shall be planted within existing and proposed park strips, and in sidewalk tree wells on streets without park strips. Tree placement shall provide canopy cover (shade) and avoid conflicts with existing trees, retaining walls, above and below ground utilities, lighting, and other obstructions; and
  - 6. Trees less than a two-inch caliper shall be double-staked until the trees mature to a two-inch caliper.

#### Section 8. Irrigation Design Standards

- A. Pressure Regulation. A pressure regulating valve shall be installed and maintained by the consumer if the static service pressure exceeds 80 pounds per square inch (psi). The pressure-regulating valve shall be located between the meter and the first point of water use, or first point of division in the pipe, and shall be set at the manufacturer's recommended pressure for the sprinklers.
- B. Irrigation Controller. Landscaped areas shall be provided with a WaterSense labeled smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers shall be equipped with automatic rain delay or rain shut-off capabilities.

- C. Each valve shall irrigate a landscape with similar site, slope and soil conditions and plant materials with similar watering needs. Turf and non-turf areas shall be irrigated on separate valves. Drip emitters and sprinklers shall be placed on separate valves.
- D. Drip emitters or a bubbler shall be provided for each tree. Bubblers shall not exceed 1.5 gallons per minute per device. Bubblers for trees shall be placed on a separate valve unless specifically exempted by the City due to the limited number of trees on the project site.
- E. Drip irrigation or bubblers shall be used to irrigate plants in non-turf areas.
- F. Pop-up spray heads shall be at a minimum of four (4) inches in height to clear turf.
- G. Sprinklers shall have matched precipitation rates with each control valve circuit.
- H. Sprinkler heads shall be attached to rigid lateral lines with flexible material (swing joints) to reduce potential for breakage.
- I. Check valves shall be required where elevation differences cause low-head drainage. Pressure compensating valves and sprinklers shall be required where a significant variation in water pressure occurs within the irrigation system due to elevation differences.
- J. Filters and end flush valves shall be provided as necessary for drip irrigation lines.
- K. Valves with spray or stream sprinklers shall be scheduled to operate between 6 p.m. and 10 a.m. to reduce water loss from wind and evaporation.
- L. Program valves for multiple repeat cycles where necessary to reduce runoff, particularly on slopes and soils with slow infiltration rates.

#### Section 9. Landscapes in New Single-family Residential Developments

- A. Homebuilders and/or developers subdividing lots and/or constructing new single-family residential homes shall offer a water-efficient landscaping option to prospective home buyers, such as the Locascapes design style. The water-efficient landscaping option shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance, and the turf area shall not exceed 35% of the total landscaped area.
- B. Homebuilders and/or developers who construct model homes for a designated subdivision shall have at least one model home with water-efficient landscaping, such as the Locascapes design style. The water-efficient landscaping option shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance, and the turf area shall not exceed 35% of the total landscaped area.
- C. Model homes shall have landscaping and irrigation plans approved by the City Planning Department prior to issuance of building permits, for which no variance may be granted, and which meet the aforementioned requirements.
- D. Model homes shall include an informational brochure on water-efficient landscaping or Locascapes. Locascapes brochures can be obtained from the City Planning Department.

Section 10. Prohibition on Restrictive Covenants Requiring Turf

- A. Any Homeowners Association governing documents, such as bylaws, operating rules, covenants, conditions, and restrictions that govern the operation of a common interest development, are void and unenforceable if they:
1. Require the use of turf in landscape areas less than 8 feet wide or require turf in other areas that exceed 35% of the landscaped area; or
  2. Prohibit, or include conditions that have the effect of prohibiting, the use of water-conserving plants as a group; or
  3. Have the effect of prohibiting or restricting compliance with this ordinance or other water conservation measures.

Section 11. Landscapes in Commercial, Industrial, and Institutional Developments

- A. Commercial, industrial and institutional landscapes shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance, and the turf area shall not exceed 20% of the total landscaped area, outside of active recreation areas.

Section 12. Documentation for Commercial, Industrial, and Institutional Projects

Landscape Documentation Package. A copy of a Landscape Documentation Package shall be submitted to and approved by the City prior to the issue of any permit. A copy of the approved Landscape Documentation Package shall be provided to the property owner or site manager and to the local retail water purveyor. The Landscape Documentation Package shall be prepared by a professional landscape architect (PLA) and shall consist of the following items:

- A. Project Data Sheet. The Project Data Sheet shall contain the following:
1. Project name and address;
  2. Applicant or applicant agent's name, address, phone number, and email address;
  3. Landscape architect's name, address, phone number, and email address; and
  4. Landscape contractor's name, address, phone number and email address, if available at this time.
- B. Planting Plan. A detailed planting plan shall be drawn at a scale that clearly identifies the following:
1. Location of all plant materials, a legend with botanical and common names, and size of plant materials;
  2. Property lines and street names;
  3. Existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements;

4. Existing trees and plant materials to be removed or retained;
  5. Scale: graphic and written;
  6. Date of design;
  7. Designation of landscape zones, and
  8. Details and specifications for tree staking, soil preparation, and other planting work.
- C. Irrigation Plan. A detailed irrigation plan shall be drawn at the same scale as the planting plan and shall contain the following information:
1. Layout of the irrigation system and a legend summarizing the type and size of all components of the system, including manufacturer name and model numbers;
  2. Static water pressure in pounds per square inch (psi) at the point of connection to the public water supply;
  3. Flow rate in gallons per minute and design operating pressure in psi for each valve and precipitation rate in inches per hour for each valve with sprinklers, and
  4. Installation details for irrigation components.
- D. Grading Plan. A Grading Plan shall be drawn at the same scale as the Planting Plan and shall contain the following information:
1. Property lines and street names, existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements, and
  2. Existing and finished contour lines and spot elevations as necessary for the proposed site improvements, as well as drainage.

Section 13. Plan Review, Construction Inspection, and Post-Construction Monitoring for Commercial, Industrial, and Institutional Projects

- A. As part of the Building Permit approval process, a copy of the Landscape Documentation Package shall be submitted to the City for review and approval before construction begins.
- B. All installers and designers shall meet state and local license, insurance, and bonding requirements, and be able to show proof of such.
- C. During construction, site inspection of the landscaping may be performed by the City Building Inspection Department.
- D. Following construction and prior to issuing the approval for occupancy, an inspection shall be scheduled with the Building Inspection Department to verify compliance with the approved landscape plans. The Certificate of Substantial Completion shall be

completed by the property owner, contractor or landscape architect and submitted to the City.

- E. The City reserves the right to perform site inspections at any time before, during or after the irrigation system and landscape installation, and to require corrective measures if requirements of this ordinance are not satisfied.

Section 14. Effective Date

This ordinance shall be effective as of <EFFECTIVE DATE>.

Dated: _____	<u>&lt;CITY NAME&gt;</u>
	By: _____
	Its: _____ Mayor
[Municipal Recorder Attestation and Seal]	