



WEST HAVEN PLANNING COMMISSION MEETING MINUTES

June 10, 2026 6:00 PM
 City Council Chambers
 4150 South 3900 West, West Haven, UT 84401

| Present | |
|-------------------------|--------------------------------|
| Jeff Reed | Commission Chairman |
| Andrew Reyna (Via Zoom) | Commission Vice Chairman |
| Melinda Stimpson | Commission Member |
| Linda Smith | Commission Member |
| Jennifer Streker | Commission Member |
| James Jenson | Commission Member |
| George LaMar | Commission Member |
| Damian Rodriguez | City Planner |
| Stephen Nelson | Community Development Director |
| Charis Sully | District Recorder |
| Amy Hugie (Via Zoom) | City Attorney |
| Excused | |
| | |

6:00, Or as Soon Thereafter the Work Session Concludes, Regular Planning Commission Meeting

1. **MEETING CALLED TO ORDER:** **Chairman Reed**
Chairman Reed called the meeting to order at 6:00 PM and welcomed those in attendance.

2. **OPENING CEREMONIES**
 A. PLEDGE OF ALLEGIANCE **Commission Member Smith**
 B. PRAYER/MOMENT OF SILENCE **Commission Member LaMar**

3. **ACTION ON MINUTES**
 A. **Planning Commission Minutes** **Meeting Held** **May 27, 2026**

Commission Member Jenson made a motion to approve the May 27, 2026, minutes. **Commission Member Smith** seconded the motion.

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| AYES: | Chairman Reed, Vice Chair Reyna, Commission Member Streker, Commission Member Jenson, Commission Member Stimpson, Commission Member Smith, Commission Member LaMar |
| NAYS: | |
| EXCUSED: | |

4. **REPORTS** - Actions taken by City Council and other items
Stephen Nelson let the commission know that the City Council approved the rezone from Mixed Use to C-2 on 2100 S for the Odekirk family. He also let them know that the Home Occupation and Patio Home Ordinances were tabled.

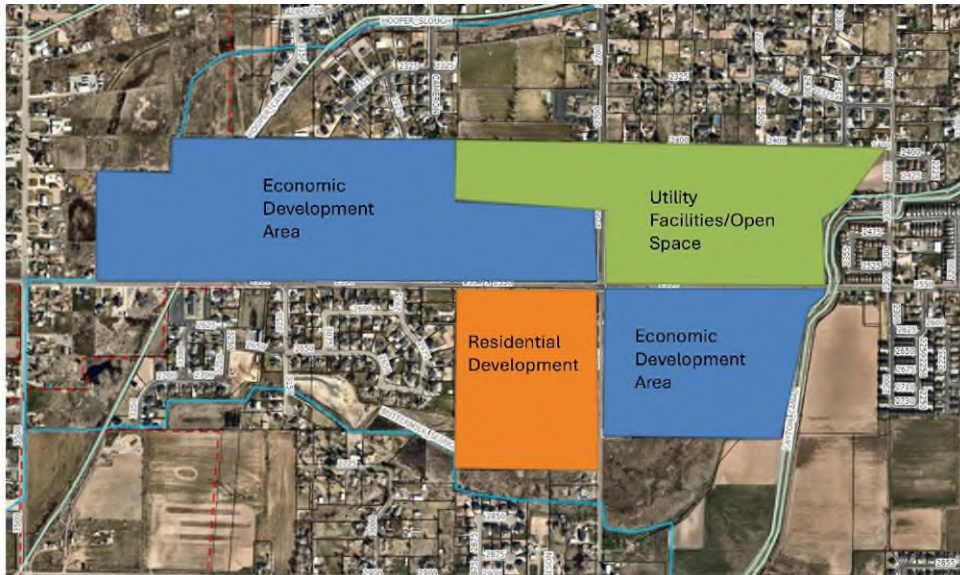
Stephen said that the council will be having a work session with Landmark on July 1, 2026.

5. **DISCUSSION AND ACTION** – Adoption of West Haven’s Economic Development Strategic Plan

Stephen said that at the public hearing there were concerns about the designation of the property along the south side of 2550 S. Based off of the comments and comments from the planning commission staff has provided an updated map which would eliminate everything east of 2700 W and south of 2550 S and only include properties that were mostly undeveloped.

A few people had reached out to the Mayor and the planning department and expressed concern. Stephen met with Jordan Valley Water District and discussed the property they owned in that area and was told some property would likely surplus 20-30 acres and would like to work with the city. The

Stephen let the commission know the he, the Mayor and, the City Manager met with the Baldwin family. They were generally supportive of the original map. They would like the council and planning commission to keep their property and properties to the south east of the intersection within the Economic Development area.



This map shows what it would potentially look like with the feedback that was received.



This map shows a more detailed interpretation of what it would look like if they did go in that direction.

Commission Member LaMar asked how the meeting with the Baldwin Family came about.

Stephen said that they reached out to the Mayor and the Mayor arranged the meeting.

Commission Member LaMar said there are over 30 individual portions of property that are included with that and is concerned that they are taking comment from one person and not the others.

Stephen said he has met with several property owners that are on the north side of the corridor that have reached out to the city and expressed their desire. They have not reached out to the individual homeowners other than the ones that came to the previous meeting.

Commission Member LaMar said there were a few property owners that said they did not want this to take place but the map shows them still being included.

Vice Chairman Reyna stated that the majority of the people that spoke at the public hearing in opposition were on the South West corner.

Commission Member Stimpson stated that this in one area that we have an opportunity to plan it.

Commission Member LaMar suggested splitting the commercial and the commercial and/or Residential on the south east side of the intersection and split in in half with commercial on the front half along 2550 and residential on the back half. Commission Member Stimpson agrees

Leslie Barrow is concerned that her neighbors property is showing commercial after they came to the meeting and said they did not want to be commercial.

Commission Member LaMar said he would like to have another Public Hearing on this since this is a pretty big change from what was originally proposed. Chairman Reed agreed with this request.

Stephen asked for direction from the commission on what they would like to see on the map for the public hearing.

There was a discussion about what those maps should look like.

Commission Member Streker made a motion table Adoption of West Haven's Economic Development Strategic plan until they can do another meeting with slight changes to the map and schedule another public hearing.

Commission Member Jenson seconded the motion.

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| AYES: | Chairman Reed, Commission Member Jenson, Commission Member Stimpson, Commission Member LaMar, Vice Chair Reyna, Commission Member Smith, Commission Member Streker |
| NAYS: | |
| EXCUSED: | |

Commission Member LaMar wanted to clarify what the new proposed map would look like. He stated he would like to use the map that is shown with the orange, purple, green, and red and limit the commercial to boarding 2550 on the south east corner and provide a transition away from the commercial to the agricultural that is currently there.

6. **DISCUSSION AND ACTION** – Consideration of a Conditional Use Permit-2441 W 1725 S Parcel #154200042-To allow employees who do not live at the residence-Applicant Jaqueline Lugo

Stephen let the commission know that the applicant asked to be excused from the meeting because of a scheduling conflict.

This business provides wood flooring maintenance and installation and the business operates primarily off site and the home is used as an administrative office. An employee would take the company van and pick up other employees from their homes. The employees do not report to the home.

The van that is used for the business is unmarked and is parked in the driveway. There will be no onsite storage as well.

Chairman Reed confirmed that the van does not have any business markings.

Commission Member Stimpson made a motion approve the conditional use permit for the home occupation at 2441 W 1725 S, finding that there are no reasonably anticipated detrimental effects of the land use that are not already mitigated with the proposal. **Chairman Reed** seconded the motion.

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| AYES: | Chairman Reed, Commission Member Jensen, Commission Member Stimpson, Commission Member LaMar, Vice Chair Reyna, Commission Member Smith, Commission Member Streker |
| NAYS: | |
| EXCUSED: | |

~~7. **DISCUSSION AND ACTION** – Consideration of a Conditional Use Permit 4785 W 4600 S Parcel #084280017- Maximum Area Exception for a Detached Accessory Dwelling Unit Applicant Rae Jean Ross~~

8. **DISCUSSION** – Transportation Element of the General Plan Scope Review

Stephen told the Planning Commission that the City applied for a grant to complete the Transportation Master Plan. They applied for \$83,000 with a match of \$7,000 for a total of \$90,000 from the Wasatch Front Regional Council and was awarded in full.

As part of the plan the transportation system would be to be expanded on or better connections would need to be made. Some other items that the city would like to work on are related to SB 195 that requires cities to do additional planning within the transportation elements that would include key connections, costs estimates of funding sources, construction barriers of priority connections. By code these have to be implemented by July 1, 2027.

Some other things that were found to be needed are some trouble spots in the city with single access, or too few access points or intersections or roadways that could use a more thorough review. We would like to review the street cross sections that are in the Public Work Standards. The city would also like to include an active transportation element that would include trails, bike lane plans and update the cross sections to include those with them.

One of the biggest differences were a few areas that were identified in the RFP. Those areas are North of 2100 S between 1900 W and I-15; East of I-15 around the 2100 S interchange; 3300 S and Midland Intersection; Property between Midland and Hinckley at 2400 W and Midland.

Commission Member LaMar requested that the areas in the Economic Development Strategic Plan be added to this Transportation plan.

Stephen said he will submit the update to the Wasatch Front Regional Council tomorrow and they will post it in the next couple days.

9. **WORKSHOP** – Update to the Landscape Ordinance

Stephen provided an introduction to the Landscape Ordinance.

LANDSCAPING STANDARDS AND REQUIREMENTS

§ 157.985 PURPOSE AND INTENT.

—This subchapter is established to promote the health, safety and general welfare of the public by enhancing the aesthetic quality of residential and commercial areas while promoting attractive, functional, water-efficient landscaping that supports community character, reduces water demand, mitigates heat, and is practical to install and maintain. Landscaping standards are intended to allow flexibility in site-specific design, encourage water-wise plant selection, and ensure that landscaping contributes to shade, visual quality, and environmental performance without requiring unnecessary water use.

(Ord. 13-2022, passed 7-6-2022)

§ 157.986 DEFINITIONS.

—For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

—ACTIVE RECREATION LAWN AREA.—An area that is dedicated to active play, including where turf or grass may provide a playing surface.

—BIOSWALE. Bioswales are vegetated open channels designed to convey and treat storm water runoff. They are appropriate when it is desirable to convey flows away from structures or as an alternate conveyance method to pipes, concrete channels, or curbed gutters. Bioswales reduce peak flow rates, reduce flow velocities, filter storm water pollutants, and can also reduce runoff volume through infiltration.

BUBBLER.—An irrigation head that delivers water to the root zone by flooding or trenching the planted area. The amount of water used by bubblers is usually measured in gallons per minute. BUBBLERS exhibit typically convey water as 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. Used to prevent pollution or contamination of the water supply due to the reverse flow of water.

—DRIP EMITTER.—Drip irrigation fittings that deliver water slowly at the root zone of the plant, usually measured in gallons per hour. DRIP EMITTERS typically convey water as a consistent trickle.

—EVAPOTRANSPIRATION (ET).—The quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time. EVAPOTRANSPIRATION is an important part of the local water cycle and climate, and measurement of it plays a key role in water resource management, and is expressed in inches per day, month or year.

6.10.2026

1

Commented [SN1]: Some General Notes:

1. The colored text are the changes. Some appear in different colors, that just reflects that some changes were made at different times by different people.
2. Some of the items that show it not changed may have moved into a different spot. This is how Microsoft word decided to track the change.

—GRADING PLAN.—The grading plan shows all finish grades, spot elevations as necessary and existing and new contours with the developed landscape area.

—GROUND COVER.—Material planted in such a way as to form plant material that forms a continuous cover over the ground.

—GROUND PLANE COVERAGE.—Vegetative cover of the horizontal surface of a landscaped area. Canopies of deciduous trees shall not be counted toward the coverage calculation in these calculations.

—HARDSCAPE.—Durable landscape materials, such as that cover the horizontal surfaces of a landscaped area. Typical HARDSCAPE materials include concrete, wood, stone or brick pavers, or compacted organic mulch.

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

IRRIGATION EFFICIENCY.—The measurement of the amount of water beneficially intended to be applied to a landscaped area, divided by the total amount of water actually applied.—IRRIGATION EFFICIENCY is derived from measurements and estimates of irrigation system hardware characteristics and management practices.

—IRRIGATION PLAN.—The irrigation plan shows the components of the irrigation system with water meter size, backflow prevention (when outdoor irrigation is supplied with culinary water), precipitation rates, flow rate and operating pressure for each irrigation circuit and identification of all irrigation equipment.

—LANDSCAPED AREA.—Improved areas of the property that make up the landscape. The LANDSCAPED AREA does not include building or structure footprints, sidewalks and other non-irrigated natural areas intentionally left undeveloped.

—LANDSCAPE ARCHITECT—, PROFESSIONAL (PLA). A person who holds a license certificate to practice landscape architecture in the State of Utah. Only a PROFESSIONAL LANDSCAPE ARCHITECT (PLA) can legally prepare and sign create commercial landscape plans for large-scale residential and commercial projects.

—LANDSCAPE DESIGNER.—A person who may or may not hold professional certificates for landscape design/architecture is not a PROFESSIONAL LANDSCAPE ARCHITECT (PLA) and cannot legally create commercial or stamp landscape plans for commercial use. LANDSCAPE DESIGNERS generally focus on residential design and horticultural needs of home and smaller residential landscapes.

—LANDSCAPE PLAN.—The landscape plan shows the design of the landscape with natural features such as plantings, ground and water forms, circulation, walks, hardscape areas and other features to comply with this subchapter. The types of plantings are identified, and

6.10.2026

2

quantities included. ~~A. The percentage of landscape areas and open space percentage of on the site is also included to ensure conformance with the minimum zoning coverage requirements of the zone in which the development is located.~~

LANDSCAPED AREA. ~~Improved areas of the property that make up the landscape. -- LANDSCAPE ZONE. A portion of the landscaped area having plants with similar water needs, areas with similar microclimate (i.e., slope, exposure, wind and the like) The LANDSCAPED AREA does not include building or structure footprints, sidewalks and other non-irrigated natural areas intentionally not landscaped.~~

~~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, flowers or grass; natural features such as rock, stone or bark chips; ~~hardscape areas such as concrete, wood, stone or brick pavers, or compacted organic mulch;~~ and structural features, including, but not limited to, fountains, reflecting pools, outdoor art work, ~~pergolas, arbors,~~ 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) (www.localscapes.com).

MULCH. Any material such as rock, ~~crushed stone,~~ bark, wood chips or other materials left loose and applied to the soil in landscape areas to help to conserve water in gardens by ~~reducing soil evaporation, controlling weeds, and maintaining consistent soil temperatures.~~ Organic mulches such as wood chips are particularly beneficial as they improve soil health while retaining moisture.

OPEN SPACE. An area which is ~~completely an area of land that is free and unobstructed from any building, buildings and often designated for public use, such as natural areas, parks or structure gardens.~~ Landscaping, walkways, covered patios, light poles and other ornamental features ~~shall may or may not be considered obstructions for the purposes of this definition.~~ appropriate elements in these zones, depending on specific needs and context. Areas used for storm drainage shall not be ~~eligible for inclusion in a required.~~ considered an OPEN SPACE area. ~~Utility and utility corridors shall only be counted toward the OPEN SPACE requirement if improved as an accessible amenity to for the project, surrounding neighborhood or the community as a whole.~~

PARK STRIP. A typically narrow landscaped area located between the back-of-curb and sidewalk.

PLANNED SINGLE-FAMILY RESIDENTIAL DEVELOPMENT. A planned single-family development with specific open space and/or amenity standards that are required by the zone or a development agreement, and in which common open spaces ~~will be are~~ maintained by a homeowner's association or organization.

6.10.2026

3

PLANTER BED. Any irrigated, non-~~turf~~~~turfgrass~~ portion of the landscaped area.

PLANTING PLAN. A planting plan shall clearly and accurately identify and locate new and existing trees, shrubs, ground covers, ~~turf~~~~turfgrass~~ 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 COMPENSATING. A drip irrigation system that compensates for fluctuating water pressure by only allowing a fixed volume of water through drip emitters.

PUBLIC FACILITY. A government, educational or non-profit organization that provides services to the general public.

REHABILITATED LANDSCAPING. Altering, repairing or adding to a landscape to make possible a compatible use, increase curb appeal, decrease maintenance and the like.

ROTOR SPRAY HEAD. A sprinkler head that distributes water through a nozzle by the rotation of a gear or mechanical rotor. ~~The spray heads have stationary nozzles that spray water in a specific direction.~~ **ROTARY SPRINKLER.** An irrigation head that projects water through a gear rotor in single or multiple streams. ~~The nozzle rotates to cover a larger area in a circular motion, making them most suitable for expansive lawns or gardens.~~

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

SMART AUTOMATIC IRRIGATION CONTROLLER. 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/soil moisture conditions.

SPRAY SPRINKLER. An irrigation head that sprays water through a nozzle. ~~See also ROTARY SPRAY HEAD.~~

~~**STREAM SPRINKLER.** TURFGRASS. An irrigation head that projects water through a gear rotor in single or multiple streams.~~

TURF. A surface layer of earth containing perennial grass applied on topsoil that contains grass species with full root structures that are maintained as mowed grass.

WASTE OF WATER. Includes, but is not necessarily limited to:

— (1) ~~The use of Wasted~~ water for any purpose, including outdoor irrigation, that consumes or for which is applied substantial excess water beyond the reasonable amount required by the use, whether such excess water is lost due to evaporation, percolation, ~~discharges~~ discharge into the sewer system, or ~~is~~ allowed to run into the gutter or street; or

— (2) ~~Washing sidewalks, driveways, parking areas, tennis courts, patios or other paved areas, except to alleviate immediate health or safety hazards or for standard maintenance.~~

— ~~WATER-CONSERVING PLANT. A plant that can generally survive with available rainfall once established although supplemental irrigation may be needed or desirable during periods of dry and warm weather.~~

~~XERISCAPE. A water-efficient landscaping method characterized by the use of site-appropriate, drought-tolerant, or native plants; the use of organic and inorganic mulches to reduce evaporation; and the implementation of efficient irrigation systems. Xeriscaping is a comprehensive approach to landscaping that reduces the need for supplemental water while maintaining an aesthetically pleasing environment. XERISCAPE is not "Zero-scape" (the absence of vegetation) and requires a minimum percentage of living plant material.~~

~~ZERO-SCAPE. A landscape design method that eliminates the need for irrigation water by eliminating plants from the landscape. ZEROSCAPE landscapes are typified by yards and landscape areas covered with inert materials such as concrete pavement, other paving and hardscape materials, gravel, rock, and stone.~~

(Ord. 13-2022, passed 7-6-2022)

§ 157.987 APPLICABILITY.

~~The provisions of this subchapter shall apply to all new and rehabilitated development and to rehabilitation of existing landscaping for public facility projects, commercial and industrial projects, multi-family residential projects and landscaping for new single-family residential dwellings and fully rehabilitated single-family residential landscapes.~~

(Ord. 13-2022, passed 7-6-2022)

§ 157.988 COMMERCIAL, INDUSTRIAL, MULTI-FAMILY AND PUBLIC FACILITY DEVELOPMENT STANDARDS.

~~(A) Open space. Commercial, manufacturing, multi-family, and public facility developments: landscaping for commercial, manufacturing, multi-family and public facility developments shall comply with exceeding 25% of the requirements of West Haven City "Site Plan and Design Review" ordinances. All open space required shall be landscaped with a minimum of one tree for every 400 square feet of total landscaped area and one shrub for every 200 square feet of landscaped area. Planter beds shall be planted to provide a minimum of 50% ground plane coverage when plant material reaches maturity. Canopies of deciduous trees shall not count~~

6.10.2026

5

~~towards. Properties subject to the coverage calculation. Park strips are exempt from the ground plane coverage requirements.~~

~~(B) Landscape design provisions of this subchapter shall comply with all landscaping standards herein, except where limitations of secondary water service or other special circumstances prevent adequate irrigation of a property.~~

— (1) § 157.988 GENERAL LANDSCAPE PROVISIONS.

~~The following landscape provisions shall be adhered to by all land use types unless otherwise noted:~~

~~(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.~~

~~(a) Plants shall be well-suited to conditions at the project site. Both native and locally adapted plants are acceptable. Plants with organized into hydrozones, with plants grouped according to similar water needs shall be grouped together as much as, to the maximum extent possible.~~

~~(1) Xeriscaping is permitted in all zones.~~

~~(2) Zero-scaping shall not be permitted except where limitations of secondary water service or other qualifying conditions, as defined in this section, prevent adequate irrigation.~~

~~(3) Areas with slopes greater than 3-25% shall be landscaped with deep-rooting, water-conserving plants for erosion control and soil stabilization.~~

~~(b) (4) The following resources may be consulted for a list of recommended water-conserving plants (not a comprehensive list): LocalScapes®, the Weber Basin Water Conservancy District (weberbasin.com), and the Utah State University Center for Water-Efficient Landscaping.~~

~~(B) Park strips. Park strips and other landscaped areas less than eight feet wide shall not be landscaped with turfgrass and shall be maintained free of weeds. All planting with park strips and other landscape areas of less than eight feet wide shall be planted in accordance with the standards within this title. Any hardscape installed within a park strip shall cover no more than 40% of the park strip area, unless otherwise required by city code or by an agency of the state. Park strips within the County or Utah Department of Transportation (UDOT) shall be developed according to that organization's standards.~~

~~(c) Turf area shall not exceed 15% of the total landscaped area, outside of active recreation areas.~~

~~(d) Note: Please visit weberbasin.com for a list of recommended water-conserving plants (not a comprehensive list).~~

6.10.2026

6

Commented [SN2]: This is a new section, but some items have been moved from other sections.

~~(2) (C) Mulch. After completion of planting, all irrigated non-turfgrass areas shall be covered with a minimum three-inch layer of mulch to retain water, inhibit weed growth and moderate soil temperature. Non-porous material such as concrete or asphalt shall not be placed under the selected mulch.~~

~~(3) (D) Tree selection-Selection. Tree species shall be selected based on growth characteristics their ability to create an urban tree canopy with proper and site-conditions, including available space, overhead clearance, soil conditions, exposure consistent maintenance. When selecting trees, qualities such as the approximate size at maturity, location, and desired color and appearance planting area width should be carefully considered.~~

~~(1) Tree sizes are defined below, along with their corresponding minimum planting area widths for each size category:~~

~~(a) Large Trees shall be selected as follows: are defined as trees with a mature height of forty (40) feet or more. Planting area width shall be a minimum of ten (10) feet wide.~~

~~(a) Broad canopy (b) Medium Trees are defined as trees with a mature height between twenty-five (25) and forty (40) feet. Planting area width shall be selected a minimum of eight (8) feet wide.~~

~~(c) Small Trees are defined as trees with a mature height of twenty-five (25) feet or less. Planting area width shall be no smaller than six (6) feet wide.~~

~~(d) Based on a recommendation of a landscape architect, a specific trees may be planted in areas that are more narrow than listed above.~~

§ 157.989 COMMERCIAL, INDUSTRIAL, MULTI-FAMILY AND PUBLIC FACILITY DEVELOPMENT STANDARDS.

~~(A) Applicability. The following standards shall be required for all new and rehabilitated landscaping for public facility, commercial, industrial, and multi-family residential projects. Landscaping for these project types shall comply with the requirements of the West Haven City "Site Plan and Design Review" ordinances.~~

~~(B) Required Landscape Area. The following areas shall be landscape and meet the following requirements.~~

~~(i) Areas of required landscaping which shall meet the listed planting schedule and number as outlined within this section.~~

~~(a) Frontage. Landscaping shall be required along the entire frontage of the lot, except for the frontage required for ingress/egress. Said landscaping shall be a minimum of 15 feet deep, calculated from the property line.~~

~~(b) Side/rear yards. There shall be a minimum of five feet of landscaping between parking areas and side or rear property lines (except between commercial uses where shade of~~

6.10.2026

7

~~screening of tall objects said landscaping is desired not visible from areas of public access) and a minimum of five feet of landscaping between an access driveway and a side or rear property line unless said driveway is to be used for common access by an adjacent lot.~~

~~(b) Low-growing trees shall be selected for spaces under utility wires.~~

~~(c) Trees shall be selected from which lower branches can be trimmed to maintain a healthy growth habit where vision clearance and natural surveillance is a concern.~~

~~(d) Narrow or columnar trees shall be selected where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street for natural surveillance.~~

~~(c) (e) Multi-Family. All areas that are not developed with structures, amenities, rights of way, driveways, and parking areas must be landscaped. The required landscape area shall be focused on the areas surrounding buildings. Landscaped areas shall be defined as a combination of trees, shrubs, perennials, mulch, and permeable surfaces, professionally designed to create engaging landscape treatments near building facades and entrances, within parking plots, and along key walkways and other areas with significant resident and pedestrian value.~~

~~(d) Parking Lot Landscaping. Hard-surfaced parking lots containing ten (10) or more parking spaces shall comply with this section.~~

~~(i) Landscape Area Requirements for Parking Lots Located on Project Lots. Interior landscaping shall total a minimum of five percent (5%) of the paved parking and drive aisle area, or as otherwise required by this subsection, whichever is greater. Perimeter landscaping does not count toward this total.~~

~~(ii) Parking Islands. End-of-row islands shall be provided at the end of each parking row, a minimum of 8 feet wide, and planted with at least one shade tree and low shrubs or perennials not exceeding three (3) feet in height. Islands shall avoid narrow or diamond shapes.~~

~~(iii) Parking Medians. Parking lots medians shall be provided on every third drive aisle or at intervals not exceeding 150 feet. Medians shall be a minimum of 8 feet wide, planted with shade trees no more than 40 feet apart, and be landscaped with low shrubs, and may be either at grade or include curb cuts and a planted bioswale for storm drainage. Pedestrian pathways may be provided within medians in addition to the required planting area.~~

~~(e) All other areas not listed shall have appropriate ground cover to control dust and weeds.~~

~~(2) Tree Requirements (see also 157.994).~~

6.10.2026

8

Commented [SN4]: This is the current standard in the design review. The following paragraphs clarify what this standard means.

~~(a) A minimum of one tree shall be provided for every 400 square feet of required landscape area. Street trees shall be planted within existing and proposed may not be counted toward this minimum.~~

~~(b) Street Trees. Each lot is required to have one street tree for every forty (40) feet of street frontage with a minimum of one street tree per street frontage where park strips and sidewalk tree wells on streets without are available. Trees shall be planted within park strips. Tree placement whenever possible. Placement shall provide canopy cover (shade) and avoid conflicts with existing trees, retaining walls, utilities, lighting and or other obstacles. All street trees shall comply with the clear vision standards of this subchapter and chapter. Street trees planted within UDOT or County rights-of-way shall be planted based on that organization's standards.~~

~~(f) All trees to be installed on public property or on property to be maintained by the city shall be subject to approval by the City Arborist or designee.~~

~~(4) Plant material size at installation.~~

~~(a) (c) Deciduous trees shall be installed at have a minimum trunk size of (2) two inches in caliper, measured eight inches above the soil line.~~

~~(b) ground level when planted. Evergreen trees and multi-stem deciduous trees shall be installed at have a minimum size of five (5) feet in height of six feet when planted.~~

~~(f) (e)~~

~~(3) Ground Plane Planting Requirements. At maturity, landscapes must have sufficient plant material (perennials and shrubs) to achieve a minimum of 50% living plant coverage at ground level, excluding tree canopies. At least 30% of the ground plane landscape shall be comprised of hardy shrubs, with the remainder composed of perennials, ornamental grasses, or other approved groundcover plants.~~

~~(a) Shrubs and Perennials. All shrubs and perennials shall be a minimum size of one (1) gallon container stock when planted. Shrubs shall be installed at a minimum size of (3) three gallons.~~

~~(d) Ornamental grasses and perennials shall be installed at a minimum size of one gallon.~~

~~(e) Ground cover shall be installed at a minimum height of three inches.~~

~~(c) Landscape and irrigation plan submittal. (b) Turfgrass. Turfgrass, Turfgrass areas shall not exceed 15% of the total landscaped area, excluding active lawn areas and detention basins. Turfgrass shall not be used in park strips, parking islands or medians, or buffer landscaping.~~

6.10.2026

9

~~(c) Mulch and Irrigation. Planting beds shall comply with the mulch requirements of subsection (2) and shall be irrigated in compliance with § 157.993, Irrigation Design Standards.~~

~~(D) Water Limitations. Where access to secondary water service is limited or not available, or where other special circumstances prevent adequate irrigation from being available, the interior landscaping required by this section may be designed and installed in accordance with § 157.989.(F) Water Source Limitations and Alternative Compliance.~~

~~(E) Buffer Landscaping. Buffer landscaping is intended to provide visual separation, screening, and aesthetic transition between parking areas, driveways, and adjacent properties, while accounting for site constraints, land use patterns, and the availability of irrigation.~~

~~(1) Minimum Buffer Width. A minimum five-foot landscaped buffer shall be provided between parking areas and side or rear property lines, except where adjacent uses are commercial and the landscaping is not visible from areas of public access. A minimum five-foot landscaped buffer shall also be provided between an access driveway and a side or rear property line, unless the driveway is designed for common access by an adjacent lot.~~

~~(2) Materials and Plant Selection. Buffer landscaping shall incorporate a mix of trees, shrubs, and groundcovers where site conditions allow.~~

~~(F) Water Source Limitations and Alternative Compliance. Where limitations of secondary water service or other special circumstances prevent adequate irrigation of a property, the required open space and landscaped areas of the property may be installed as ZERO-SCAPE as defined previously and implemented in accordance with the standards of this section.~~

~~(1) Adequate irrigation limitations must be demonstrated by a written statement or letter from the applicable water provider confirming that secondary water service or other water sources are unavailable, limited, or otherwise insufficient to meet standard landscape requirements.~~

~~(2) A minimum of three different landscaping materials from the list below shall be used to dress the areas of required landscaping, and said materials shall be designed to achieve a deliberate appearance and result.~~

~~(a) Decorative rock, multiple variations in size and color may be provided to satisfy material requirements~~

~~(b) Rock mulch~~

~~(c) Artificial turf~~

~~(d) Pavers: No more than 5% of landscaped the area.~~

~~(3) Where variations of decorative rock are used as a landscaping material, the variations shall noticeably differ in size, texture, or color to be considered different materials.~~

Commented [SN5]: This section was added to address the Planning Commission's ability to waive landscaping requirements if there is no outdoor or secondary water available.

6.10.2026

10

(4) Decorative rock and rock mulch shall be of light or muted hues to mitigate ambient heat. Decorative rock of a dark hue may be utilized as a secondary material and shall comprise no more than 15% of the total landscaped area.

(5) Where artificial turf is used as a landscape material, it shall comply with the following standards:

(a) Artificial turf shall consist of individual blades of grass that emulate natural turfgrass in color and general appearance.

(b) Artificial turf shall be limited to no more than 15% of the total landscaped area, excluding those areas designated for active recreation.

(c) Where artificial turf abuts decorative rock or rock mulch, landscape edging of concrete, stone, brick, or metal shall be provided.

(d) Artificial turf shall be properly anchored and seamed according to the manufacturer's specifications.

(e) Artificial turf shall not be installed in ponds, swales, basins, or any other permanent drainage feature.

(6) Decorative boulders shall be provided, either in an array or dispersed across the property in a deliberate, decorative fashion.

(G) Landscape Plan Submittal. All landscape plan applications associated with design review approval shall comply with West Haven Design Review 157.730 -736 and other applicable sections.

(H) Final Landscape Plan Submittal Standards. A copy of a landscape and irrigation plan shall be submitted to and approved by the city prior to the issue of any permit. The a final site plan. All plans shall be prepared by a registered landscape architect/Professionally Licensed Landscape Architect and shall consist of the following items:

— (1) ~~Landscape~~ Planting plan. A detailed ~~landscape~~ planting plan shall be drawn at a scale that clearly identifies the following:

— (a) Project name and address, ~~and~~ landscape architect's information, ~~graphic and~~ written scale, and date of design. Existing trees and plant materials to be either removed or retained to be clearly indicated.

— (b) Existing landscaping, including trees at least twenty (20) feet beyond the property lines. Where possible, developers are encouraged to preserve existing, healthy trees.

(c) Location of all proposed plant materials, a ~~legend~~ plant schedule with botanical and common names ~~and~~, size of plant materials, at maturity, size of container stock, and designated hydrozones.

- ~~—(c) Location of landscape features, ground and water forms, walks, hardscape, mulch and other features;~~
- ~~—(d) Property lines and street names;~~
- ~~—(e) —(d) Existing and proposed buildings, structures (where applicable), walls, fences, utilities, paved areas and other site improvements;~~
- ~~—(f) Existing trees and plant materials to be removed or retained;~~
- ~~—(e) Location and descriptions of all proposed landscape features and ground surface material treatments.~~
- ~~—(f) Clear indication of property lines, easements, and street names.~~
- ~~—(g) Scale: graphic and written;~~
- ~~—(h) Date of design;~~
- ~~—(i) Designation of a landscape zone; and~~
- ~~—(j) Details and specifications for tree staking, soil preparation and other planting work.~~
- ~~—(2) Irrigation plan. A detailed irrigation plan shall be drawn at the same scale as the planting plan and shall contain the following information:~~
 - ~~—(a) 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;~~
 - ~~—(b) Static water pressure in pounds per square inch (PSI) at the point of connection to the public water supply;~~
 - ~~—(c) 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~~
 - ~~—(d) Installation details for irrigation components.~~
- ~~—(D) Plan review, construction inspection and post-construction monitoring.~~
- ~~—(1) — (3) Grading plan.~~
 - ~~—(a) Property lines, street names, existing and proposed structures, turfgrass areas, and paved areas.~~
 - ~~—(b) Existing and proposed grading of the site indicating contours at 2-foot intervals.~~
 - ~~—(c) Any proposed berming shall be indicated using 1-foot contour intervals.~~
 - ~~—(d) Delineate and label areas with a grade greater than 25% (4 feet Horizontal: 1 foot Vertical).~~

6.10.2026

12

- ~~—(4) Project Data Table. A project data table containing the following:~~
 - ~~—(a) Project/lot size in acres and square feet;~~
 - ~~—(b) Required landscape area in square feet;~~
 - ~~—(c) Number of trees required and number of trees provided;~~
 - ~~—(d) Percentage of required shrubs/perennials and percentage of provided shrubs/perennials;~~
 - ~~—(e) Maximum allowable turfgrass area and turfgrass area provided.~~
 - ~~(H) Plan Review, Construction Inspection, and Post-Construction Monitoring.~~
 - ~~—(1) As part of the land use approval process, a copy of the landscape and irrigation plans shall be submitted to the city for review and approval before construction begins.~~
 - ~~—(2) All installers and designers shall meet state and local license, insurance and bonding requirements, and be able to show proof of such.~~
 - ~~—(3) During construction, site inspection of the landscaping may shall be performed by the city.~~
 - ~~—(4) Following construction and prior to issuing final inspection by the approval-for-occupancy/building inspector, an inspection shall be scheduled with the Community Development Department to verify compliance with the approved landscape plans. Failure to comply with the approved landscape plan, the City may withhold business licenses, future land use approvals for expansions on the site, or may take other legal actions to enforce the provisions of this chapter.~~
 - ~~—(5) 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 subchapter are not satisfied.~~
- (Ord. 13-2023, passed 7-6-2023)

§ 157.99990 SINGLE-FAMILY RESIDENTIAL

- ~~—(A) Landscape design standards.~~
 - ~~—(1) Plant selection:~~
 - ~~—(a) 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 should be grouped together as much as possible.~~

6.10.2026

13

Commented [R6]: The changes proposed changes are from the City Landscape Architect Firm. Generally, the planning staff has some concerns about some of these requirements. Namely, I am hesitant to dictate how someone landscaped their private residential yard. Some of the listed changes are just clarification of current standards, but this goes into greater detail about how much of the yard would need to be landscaped.

~~—(b) Areas with slopes greater than 33%. (A) Applicability. The following standards shall be landscaped with deep-rooting, water-conserving plants required for erosion control all new and soil stabilization.~~

~~—(c) Park strips/rehabilitated landscaping for single-family and other landscaped areas less than eight feet wide shall not be landscaped with turf and shall be maintained free of weeds. Hardscape is permitted provided it does not interfere with the park strip's ability to capture storm water in twin home residential dwellings.~~

~~—(d) Turf area. (B) Required Landscaping Area. All portions of a lot that are not improved with impervious materials must be landscaped. Weeds do not qualify as required landscaping. Landscaped areas must be maintained in a neat, clean, and orderly condition, including the removal of litter, proper pruning, lawn mowing, weeding, replacement of dead plants, and regular watering and fertilization of all landscaped areas.~~

~~—(1) Required landscaping in the park strips, front yards, and side yards that are visible from the street shall consist of live plant materials with an automated irrigation system.~~

~~—(2) At maturity, single-family landscapes shall have at least 50% living plant cover (shrubs, perennials and decorative grasses) on the ground plane at maturity a, not including tree canopies, in all front and side yards visible from the street.~~

~~—(3) Landscaped areas within front, side, and rear yards for new and rehabilitated single-family and twin home residential dwellings should follow the Locascapes® process, as detailed in the Locascapes® Program, including but not limited to:~~

~~—(a) Creating a central open space in the front and rear yards consisting of lawn, hardscape, groundcover, gravel or compacted mulch.~~

~~—(b) Creating smaller gathering areas constructed of hardscape placed outside of the central open shape. In a landscape without turfgrass, gathering areas may function as the central open shape.~~

~~—(c) Filling remaining areas with planting beds composed of water-conserving plants and water-efficient irrigation systems.~~

~~—(d) Locating activity zones outside of the central open shape that are surfaced with materials other than turfgrass.~~

~~—(e) Providing paths and walkways to link the different areas of the yard together. These should be constructed of hardscape, mulch, other groundcover, or non-turfgrass materials.~~

~~(C) Turfgrass. Turfgrass areas shall not exceed 35% of the combined front and interior side yard landscaped areas of the lot or parcel or 250 square feet, whichever is greater.~~

~~—(e) Please visit weberbasin.com for a list of recommended water-conserving plants (not a comprehensive list).~~

6.10.2026

14

~~—(2) Mulch. After completion of all planting, all irrigated non-turf areas and all non-irrigated park strip areas shall be covered with a minimum three-inch layer of mulch to retain water, inhibit weed growth and moderate soil temperature. Non-porous material shall not be placed under the mulch.~~

~~—(B)— (1) Turfgrass areas shall be a minimum of 8 feet wide in any direction.~~

~~—(2) Small residential lots which the total landscaped area is less than 250 square feet are exempt from the maximum of 35% lawn requirement.~~

~~(D) Water Limitations. Where limitations of secondary water service or other special circumstances prevent adequate irrigation, landscaping may be installed as ZERO-SCAPE. Adequate irrigation limitations must be demonstrated by a written statement or letter from the applicable water provider, and the landscaping shall follow the standards in § 157.989.E Water Source Limitations and Alternative Compliance.~~

~~(E) Homebuilders and developers.~~

~~— (1)— Homebuilders and developers subdividing lots and/or constructing new single-family and twin home residential homes units within a planned development with common ownership and maintenance of landscaped areas shall comply with all of the water efficient landscaping and irrigation standards of this subchapter, and provide including water efficient designs, such as that follow the Locascapes® design style process, to prospective home buyers.~~

~~— (2)— Any model home. Model homes shall meet the water-efficient landscaping standards of this chapter and provide an informational brochure to help future home owners understand landscape design expectations and possibilities. Informational brochures on water-efficient landscaping. Brochures can be obtained and the Locascapes® design process shall be available at the model homes and from the city's Planning Division.~~

~~(Ord. 13-2022, passed 7-6-2022)~~

§ 157.990991 IRRIGATION DESIGN STANDARDS.

—(A)— Irrigation systems shall be designed to maximize irrigation efficiency.

—(B)— Landscaped areas shall utilize a smart automatic irrigation controller. Smart irrigation controllers shall be WaterSense® labeled and automatically adjust 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. Plants watered by a valve should have similar watering needs. Turf and non-turf and be grouped within the same hydrozone. Turfgrass and non-turfgrass areas shall be irrigated on separate valves. Drip emitters and sprinklers shall be placed on separate valves.

6.10.2026

15

—(D)— Drip emitters or ~~a bubbler~~~~bubblers~~ shall be used for each tree. Bubblers shall not exceed one and one-half 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. Drip irrigation or bubblers shall be used to irrigate plants in non-~~turf~~~~turfgrass~~ areas.

—(E)— Pop-up spray heads shall be at a minimum of four inches in height to avoid blockage from lawn foliage.

—(F)— Sprinkler heads shall be attached to rigid lateral lines with flexible material (swing joints) to reduce potential for breakage.

—(G)— Check valves shall be required when attached to the city culinary water system and 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.

—(H)— Filters shall be required on all secondary water service connections. Filters shall have as a minimum a 30 mesh screen and shall be cleaned and maintained by the property owner on a regular basis.

—(I)— Drip irrigation lines require additional filtration at or after the zone valve at a minimum of 200 mesh and end flush valves are required as necessary for drip irrigation lines.

—(J)— Valves with spray, ~~rotary~~, or ~~stream~~~~rotor~~ sprinklers shall be scheduled to operate in accordance with local water supplier restrictions to reduce water loss from wind, evaporation, or other environmental conditions not suitable for irrigation.

—(K)— ~~Program valves. Valves should be programmed~~ for multiple repeat cycles ~~whereas~~ necessary to reduce runoff ~~and ensure maximum soil penetration~~, particularly on slopes and soils with slow infiltration rates.

~~(Ord. 13-2022, passed 7-6-2022)~~

~~(Ord. 13-2022, passed 7-6-2022)~~

§ 157. ~~991992~~ RESTRICTIVE COVENANTS REQUIRING ~~TURF~~~~TURFGRASS~~ OR PLANT MATERIAL WITH UNIFORM OVERHEAD SPRAY IRRIGATION.

~~Any homeowners~~~~Homeowners~~ association governing documents, ~~such as including all~~ bylaws, operating rules, covenants, conditions and restrictions that govern the operation of a common interest development, ~~shall specifically indicate that the requirements of this chapter are to be met. In addition, they specifically~~ shall not:

—(A)— Require the use of any uniform plant material requiring overhead spray irrigation in landscape areas less than eight feet wide or require any uniform plant material requiring overhead spray irrigation in other areas that exceed 35% of the landscaped area;

6.10.2026

16

—(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 subchapter or other water conservation measures.

~~(Ord. 13-2022, passed 7-6-2022)~~

~~(Ord. 13-2022, passed 7-6-2022)~~

§ 157. ~~992993~~ COMPLETION OF IMPROVEMENTS.

—(A)— Completion. All landscaping improvements required by this subchapter shall be installed in accordance with the approved landscape and irrigation ~~plans as follows, plan and the following completion of improvement requirements:~~

—(1)— Non-residential landscaping. Landscaping for commercial, industrial and public facility projects shall be completed prior to the issuance of a certificate of occupancy for the building or structure with which it is associated, or in cases of inclement weather, within six months of the date of initial occupancy. The date of initial occupancy shall be the date that a certificate of occupancy is issued for the first building or structure of an individual phase or plot of the development.

—(2)— Multi-family residential. Landscaping for two-family and multiple-family dwellings in all zones shall be completed prior to the issuance of a certificate of occupancy for the building or structure with which they are associated, or in cases of inclement weather, within six months of the date of initial occupancy. Date of initial occupancy will be the date that a certificate of occupancy is issued for the first dwelling unit.

—(3)— Single-family residential. The front and side yards of all single-family dwellings in all zones shall be landscaped within ~~12~~~~18~~ months of the date of initial occupancy for the building or structure with which they are associated. The rear yard shall be landscaped within ~~18~~~~24~~ months of the date of initial occupancy. Date of initial occupancy will be the date that a certificate of occupancy is issued for the dwelling unit.

~~(B)— Bond/escrow required for nonresidential, two-family, and multiple-family developments. In cases of inclement weather and in order to ensure that all required landscaping is installed in an acceptable manner, the developer shall post a separate cash bond with the city or establish an escrow account with an appropriate financial institution. The cash bond or escrow account shall be subject to approval by the Community Development Department, and shall be in an amount equal to 110% of the estimated costs of construction and installation of all required landscaping, parks, playgrounds, recreation facilities, fences, walls and other amenities shown on the final landscape plan or site plan, as applicable.~~

6.10.2026

17

~~—(1) The bond or escrow account shall be posted or established in accordance with all other city regulations.~~

~~—(2) The bond or escrow account shall be posted or established prior to the issuance of a certificate of occupancy for the site.~~

~~—(3) The bond shall be accompanied by a schedule of anticipated completion dates for such improvements. In no case shall the time period for completion exceed the time periods set forth in division (A) above.~~

~~—(4) In the event that the improvements are not completed in reasonable conformance with said schedule, the city may undertake to complete the improvements and pay for such improvements from the bond or escrow account.~~

~~—(5) This section shall not pertain to the completion or installation of private landscaping on individual building lots for single-family dwellings.~~

~~_(Ord. 2015-19, passed 12-8-2015; Ord. 13-2022, passed 7-6-2022)~~

§ 157.993994 TREE AND SHRUB REGULATIONS FOR PUBLIC WAYS AND PLACES.

~~—(A) Purpose. The city values its open spaces, both natural and enhanced, and recognizes the importance of trees within the community. Not only do trees add to the beauty of the community, but they also help mitigate the negative effects weather and seasonal changes, stabilize surface drainage and, provide shade, and help reduce soil erosion. A well-designed landscape can reduce air and sound pollution, regulate solar radiation and help with wind control.~~

~~—(B) City Arborist.~~

~~—(3) Created. (B) Street Tree Adjacencies and Proximity Standards. Trees shall be spaced in accordance with the species' characteristics such that the trees' crowns at maturity will not touch or overhang a building or power lines.~~

~~—(1) Trees shall be planted no closer to any curb or sidewalk than the following: Small Trees, two (2) feet; Medium Trees, three (3) feet; and Large Trees, four (4) feet.~~

~~—(2) Trees shall be planted no closer than thirty (30) feet of any street corner, measured from the point of nearest intersecting curbs extended.~~

~~—(3) Trees shall be planted no closer than ten (10) feet of any fire hydrant.~~

6.10.2026

18

~~—(4) Only tree species classified as Small Trees in this Ordinance may be planted under or within ten (10) lateral feet of any overhead utility wire, or over or within five (5) lateral feet of any underground water line, sewer line, storm water line, transmission line, or other utility.~~

~~—(5) All trees installed on public property or on property maintained by the city shall be subject to approval by the City Arborist or designee. All trees installed on public property shall adhere to the American Standard for Nursery Stock (ANSI Z60.1).~~

~~—(6) Prohibited Street Tree List. The following trees shall not be planted within public rights-of-way in the City:~~

~~—(a) Flowering Pear – *Pyrus calleryana*~~

~~—(b) Ash Tree – *Fraxinus sp.*~~

~~—(c) Birch – *Betula sp.*~~

~~—(d) Box Elder – *Acer negundo*~~

~~—(e) Cottonwood, Quaking Aspen, and Poplars – *Populus sp.*~~

~~—(f) Flowering Plum – *Prunus cerasifera*~~

~~—(g) London Plane Tree – *Platanus sp.*~~

~~—(h) Norway Maple - *Acer platanoides*~~

~~—(i) Russian Olive – *Eleagnus angustifolia*~~

~~—(j) Siberian Elm – *Ulmus pumila*~~

~~—(k) Silver Maple – *Acer saccharinum*~~

~~—(l) Tree of Heaven – *Allianthus sp.*~~

~~—(m) Willow – *Salix sp.*~~

~~—(n) Trees with Large Fruits – apple, pear, peach, cherry, plum, etc.~~

~~—(o) Evergreen Conifers – including but not limited to spruces, pines, firs, and junipers~~

~~—(B) City Arborist.~~

~~—(1) Designation. The City Manager or designee shall appoint a City Arborist.~~

~~—(2) Duties and responsibilities. The City Arborist shall have authority over all trees and shrubs located within the city's rights-of-way, parks and public places. On private, commercial and residential property, the City Arborist shall have the authority over trees and shrubs which constitute a public hazard or threat as described in the standards for specification manual.~~

6.10.2026

19

— (C)— Planting trees, landscaping in city right-of-way.—Tree planting on public ways shall be coordinated with required open landscaping areas to achieve the most effective use of these areas and to accomplish the purposes of aesthetics and conservation. Street trees shall be selected based on growth characteristics that are well suited to their environment. For a list of permitted street trees, contact the City Arborist.

— (D)— Public rights-of-way tree and plant care.—It is the duty of the property owner and occupant of any real property with frontage along a public sidewalk to maintain any trees, shrubs and plant material between such property and the curb line of the street. The city shall have the right, as determined by its sole discretion after attempting to contact property owners, to plant, prune, maintain and remove trees, plants, and shrubs within rights-of-way, streets, and public property as may be necessary to ensure public safety or to preserve or enhance public grounds.

— (E)— Clear vision.—All trees, shrubs and other plant material located within the public rights-of-way or in public places shall comply with the clear vision standards of this subchapter.

— (F)— Illegal to cut, injure or top trees.

— (1)— It shall be unlawful for any person to remove trees situated on city property, including streets and roadways of the city, without obtaining permission from the City Arborist for that purpose.

— (2)— It shall be unlawful as a normal practice for any person, firm or city department to top any tree on city property.—TOPPING—is the severe cutting back of limbs to stubs larger than three inches in diameter within the tree’s crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other cause, or other obstructions where other pruning practices are impractical, may be exempted from this division (F)(2) at the determination of the City Arborist.

— (G)— Pruning, corner clearance.—Every owner of any tree or shrub overhanging any street, sidewalk or right-of-way within the city, shall prune the branches so that such branches shall not severely obstruct the light from any street lamp, obstruct the view of any street intersection, or obstruct and create a hazard on a sidewalk. Said owners shall remove all dead, diseased or dangerous trees and shrubs, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right after attempting to contact property owners to prune any tree or shrub on private property when it interferes with visibility of any traffic control device, sign or sight triangle at intersections or constitutes a hazard on a sidewalk. Any costs incurred by the city will be collected from the adjacent property owner.

— (H)— Appeal.— Any person may appeal a decision of the City Arborist to the City Manager, who may hear the matter and make a final decision within 60 days.

(Ord. 13-2022, passed 7-6-2022)

§ 157.994995 SUPPLEMENTARY STANDARDS.

— (A)— Fee in lieu of open space.—A fee in lieu of landscaped open space in commercial, industrial, multi-family and public facility developments may be permitted by the Planning Commission for required open space that is less than 5,000 square feet in size; provided that the development can be adequately served by existing parks and recreation facilities. The amount of the fee shall be set forth in the city’s fee schedule. Any fee in lieu paid to the city shall be set forth in a development agreement. Open space fees in lieu shall be held by the city in a reserved account to be used solely for the acquisition, development and/or improvements to parks and recreation facilities citywide. Where possible, the fees collected by the city shall be used to improve the park or open space nearest the location where those fees were paid.

— (B)— Modification.—The percentage of required landscaped open space may be modified through a development agreement, subject to Planning Commission recommendation and City Council approval. No modification shall be granted, however, unless the following standards are met:

— (1)— The granting of the modification will not adversely affect the rights of adjacent landowners or residents;

— (2)— The modification desired will not adversely affect the public health, safety or general welfare; and

— (3)— The granting of the modification will not be opposed to the general spirit and intent of this subchapter or the general plan.

— (C)— Preservation, maintenance and ownership.

— (1)— The Planning Commission and City Council shall require the preservation, maintenance and ownership of all required open space for non-residential, multi-family or planned single-family residential developments through one or a combination of the following: Dedication of the land as a public park or parkway system;

— (2)— Dedication of the land as permanent open space on the recorded plat;

— (3)— Granting the city a permanent open space easement on the private open spaces to guarantee that the open space remain perpetually in recreation use, with ownership and maintenance being the responsibility of a homeowners’ association;

— (4)— Through compliance with the provisions of the condominium ownership act as outlined in UCA Title 57, which provides for the payment of common expenses for the upkeep of common areas and facilities;

— (5)— Landscaping for all single-family residential properties shall be maintained in accordance with the provisions of this subchapter and applicable regulations of the zone in which the property is located; and

— (6) — In the event that open space or other required landscaping improvements or facilities are not landscaped or maintained in a manner consistent with the approved site plan or landscaping plan, the city may at its option cause such landscaping or maintenance to be performed and assess the costs to the affected property owner(s) or other responsible association or entity.

(Ord. 13-2022, passed 7-6-2022)

§ 157.995996 PROHIBITED WATERING PRACTICES.

— Regardless of the age of a development, water shall be properly used. ~~Waste of~~Wasting water is prohibited.

(Ord. 13-2022, passed 7-6-2022) Penalty, see § ~~157.999~~ 157.999

§ 157.996997 ENFORCEMENT.

— The Community Development Director or designee is authorized to enforce all provisions of this subchapter.

(Ord. 13-2022, passed 7-6-2022)

§ 157.999998 PENALTY.

— (A) — Any person violating any provisions of this chapter, for which no specific penalty is prescribed, shall be subject to § ~~10.99~~ 10.99.

— (B) — (1) — Each day that a violation of §§ ~~157.080~~ 157.080 through ~~157.086~~ 157.086 occurs, or continues, is a separate violation.

— (2) — For any violation of §§ ~~157.080~~ 157.080 through ~~157.086~~ 157.086, the Code Enforcement Officer, or his or her designee, may issue a written citation or notice of violation to the owner specifying the violation and the penalty to be imposed.

— (a) — For the first violation within any 12-month period, the penalty shall be \$500.

— (b) — For a second violation within any 12-month period, the penalty shall be \$750.

— (c) — For a third violation within any 12-month period, the penalty shall be \$1,000 plus revocation of any issued building permit or conditional use permit. The owner shall then be ineligible to have a building permit or conditional use permit reissued until the fine is paid and the structure immediately removed.

— (e) — For a third violation within any 12-month period, the penalty shall be \$1,000 plus revocation of any issued building permit or conditional use permit. The owner shall then be ineligible to have a building permit or conditional use permit reissued until the fine is paid and the structure immediately removed.

6.10.2026

22

— (d) — For any violation within any 12-month period following the third violation, the penalty shall be \$1,000 and the owner shall be permanently ineligible to receive a building permit or conditional use permit for a structure, and the structure is to be immediately removed.

(Prior Code, § 10.02.070.0100)

— (C) — (1) — Each day that a violation of §§ ~~157.100~~ 157.100 through ~~157.108~~ 157.108 occurs, or continues, is a separate violation.

— (2) — For any violation of §§ ~~157.100~~ 157.100 through ~~157.108~~ 157.108, the Code Enforcement Officer, or his or her designee, may issue a written citation or notice of violation to the owner specifying the violation and the penalty to be imposed.

— (a) — For the first violation within any 12-month period, the penalty shall be \$500.

— (b) — For a second violation within any 12-month period, the penalty shall be \$750.

— (c) — For a third violation within any 12-month period, the penalty shall be \$1,000 plus revocation of any issued building permit or conditional use permit. The owner shall then be ineligible to have a building permit or conditional use permit reissued until the fine is paid and the structure immediately removed.

— (d) — For any violation within any 12-month period following the third violation, the penalty shall be \$1,000 and the owner shall be permanently ineligible to receive a building permit or conditional use permit for a structure, and the structure is to be immediately removed.

(Prior Code, § 10.04.080.0100)

— (D) — (1) — Each day that a violation of §§ ~~157.120~~ 157.120 through ~~157.129~~ 157.129 occurs, or continues, is a separate violation.

— (2) — For any violation of §§ ~~157.120~~ 157.120 through ~~157.129~~ 157.129, the Code Enforcement Officer, or his or her designee, may issue a written citation or notice of violation to the owner specifying the violation and the penalty to be imposed.

— (a) — For the first violation within any 12-month period, the penalty shall be \$500.

— (b) — For a second violation within any 12-month period, the penalty shall be \$750.

— (c) — For a third violation within any 12-month period, the penalty shall be \$1,000 plus revocation of any issued building permit or conditional use permit. The owner shall then be ineligible to have a building permit or conditional use permit reissued until the fine is paid and the structure immediately removed.

— (d) — For any violation within any 12-month period following the third violation, the penalty shall be \$1,000 and the owner shall be permanently ineligible to receive a building

6.10.2026

23

permit or conditional use permit for a structure, and the structure is to be immediately removed.

(Prior Code, § 10.06.090.0100)

~~—(E)—(1)—~~ Each day that a violation of §§ ~~157.140, 157.140~~ through ~~157.149, 157.149~~ occurs, or continues, is a separate violation.

~~—(2)—~~ For any violation of §§ ~~157.140, 157.140~~ through ~~157.149, 157.149~~, the Code Enforcement Officer, or his or her designee, may issue a written citation or notice of violation to the owner specifying the violation and the penalty to be imposed.

~~—(a)—~~ For the first violation within any 12-month period, the penalty shall be \$500.

~~—(b)—~~ For a second violation within any 12-month period, the penalty shall be \$750.

~~—(c)—~~ For a third violation within any 12-month period, the penalty shall be \$1,000 plus revocation of any issued building permit or conditional use permit. The owner shall then be ineligible to have a building permit or conditional use permit reissued until the fine is paid and the structure immediately removed.

~~—(d)—~~ For any violation within any 12-month period following the third violation, the penalty shall be \$1,000 and the owner shall be permanently ineligible to receive a building permit or conditional use permit for a structure, and the structure is to be immediately removed.

(Prior Code, § 10.08.090.0100)

~~—(F)—(1)—~~ Each day that a violation of §§ ~~157.160, 157.160~~ through ~~157.169, 157.169~~ occurs, or continues, is a separate violation.

~~—(2)—~~ For any violation of §§ ~~157.160, 157.160~~ through ~~157.169, 157.169~~, the Code Enforcement Officer, or his or her designee, may issue a written citation or notice of violation to the owner specifying the violation and the penalty to be imposed.

~~—(a)—~~ For the first violation within any 12-month period, the penalty shall be \$500.

~~—(b)—~~ For a second violation within any 12-month period, the penalty shall be \$750.

~~—(c)—~~ For a third violation within any 12-month period, the penalty shall be \$1,000 plus revocation of any issued building permit or conditional use permit. The owner shall then be ineligible to have a building permit or conditional use permit reissued until the fine is paid and the structure immediately removed.

~~—(d)—~~ For any violation within any 12-month period following the third violation, the penalty shall be \$1,000 and the owner shall be permanently ineligible to receive a building permit or conditional use permit for a structure, and the structure is to be immediately removed.

6.10.2026

24

~~(Prior Code, § 10.10.090.0100)~~

~~—(G)—(1)—~~ Each day that a violation of §§ ~~157.180, 157.180~~ through ~~157.189, 157.189~~ occurs, or continues, is a separate violation.

~~—(2)—~~ For any violation of §§ ~~157.180, 157.180~~ through ~~157.189, 157.189~~, the Code Enforcement Officer, or his or her designee, may issue a written citation or notice of violation to the owner specifying the violation and the penalty to be imposed.

~~—(a)—~~ For the first violation within any 12-month period, the penalty shall be \$500.

~~—(b)—~~ For a second violation within any 12-month period, the penalty shall be \$750.

~~—(c)—~~ For a third violation within any 12-month period, the penalty shall be \$1,000 plus revocation of any issued building permit or conditional use permit. The owner shall then be ineligible to have a building permit or conditional use permit reissued until the fine is paid and the structure immediately removed.

~~—(d)—~~ For any violation within any 12-month period following the third violation, the penalty shall be \$1,000 and the owner shall be permanently ineligible to receive a building permit or conditional use permit for a structure, and the structure is to be immediately removed.

~~(Prior Code, § 10.10.090.0100)~~

~~—(d)—~~ For any violation within any 12-month period following the third violation, the penalty shall be \$1,000 and the owner shall be permanently ineligible to receive a building permit or conditional use permit for a structure, and the structure is to be immediately removed.

~~(Prior Code, § 10.12.100.0100)~~

~~—(H)—(G)—(1)—~~ Each day that a violation of §§ ~~157.230, 157.180~~ through ~~157.240, 157.189~~ occurs, or continues, is a separate violation.

~~—(2)—~~ For any violation of §§ ~~157.230, 157.180~~ through ~~157.240, 157.189~~, the Code Enforcement Officer, or his or her designee, may issue a written citation or notice of violation to the owner specifying the violation and the penalty to be imposed.

~~—(a)—~~ For the first violation within any 12-month period, the penalty shall be \$500.

~~—(b)—~~ For a second violation within any 12-month period, the penalty shall be \$750.

~~—(c)—~~ For a third violation within any 12-month period, the penalty shall be \$1,000 plus revocation of any issued building permit or conditional use permit. The owner shall then be ineligible to have a building permit or conditional use permit reissued until the fine is paid and the structure immediately removed.

~~—(d)—~~ ~~(d)~~ For any violation within any 12-month period following the third violation, the penalty shall be \$1,000 and the owner shall be permanently ineligible to receive a building

6.10.2026

25

permit or conditional use permit for a structure, and the structure is to be immediately removed.

(Prior Code, § 10.12.100.0100)

~~(H) (1) Each day that a violation of §§ 157.230 through 157.240 occurs or continues is a separate violation.~~

~~(2) For any violation of §§ 157.230 through 157.240, the Code Enforcement Officer, or his or her designee, may issue a written citation or notice of violation to the owner specifying the violation and the penalty to be imposed.~~

~~(a) For the first violation within any 12-month period, the penalty shall be \$500.~~

~~(b) For a second violation within any 12-month period, the penalty shall be \$750.~~

~~(c) For a third violation within any 12-month period, the penalty shall be \$1,000 plus revocation of any issued building permit or conditional use permit. The owner shall then be ineligible to have a building permit or conditional use permit reissued until the fine is paid and the structure immediately removed.~~

~~(d) For any violation within any 12-month period following the third violation, the penalty shall be \$1,000 and the owner shall be permanently ineligible to receive a building permit or conditional use permit for a structure, and the structure is to be immediately removed.~~

(Prior Code, § 16.30.010)

~~(I) (1) Each day that a violation of §§ ~~157.255, 157.255~~ through ~~157.264, 157.264~~ occurs, or continues, is a separate violation.~~

~~(2) For any violation of §§ ~~157.255, 157.255~~ through ~~157.264, 157.264~~, the Code Enforcement Officer, or his or her designee, may issue a written citation or notice of violation to the owner specifying the violation and the penalty to be imposed.~~

~~(a) For the first violation within any 12-month period, the penalty shall be \$500.~~

~~(b) For a second violation within any 12-month period, the penalty shall be \$750.~~

~~(c) For a third violation within any 12-month period, the penalty shall be \$1,000 plus revocation of any issued building permit or conditional use permit. The owner shall then be ineligible to have a building permit or conditional use permit reissued until the fine is paid and the structure immediately removed.~~

~~(e) For a third violation within any 12-month period, the penalty shall be \$1,000 plus revocation of any issued building permit or conditional use permit. The owner shall then be ineligible to have a building permit or conditional use permit reissued until the fine is paid and the structure immediately removed.~~

6.10.2026

26

~~(d) For any violation within any 12-month period following the third violation, the penalty shall be \$1,000 and the owner shall be permanently ineligible to receive a building permit or conditional use permit for a structure, and the structure is to be immediately removed.~~

(Prior Code, § 18.16010.0100)

~~(J) (1) Each day that a violation of §§ ~~157.290, 157.290~~ through ~~157.296, 157.296~~ occurs, or continues, is a separate violation.~~

~~(2) For any violation of §§ ~~157.290 through 157.296~~, (2) For any violation of §§ ~~157.290 through 157.296~~, the Code Enforcement Officer, or his or her designee, may issue a written citation or notice of violation to the owner specifying the violation and the penalty to be imposed.~~

~~(a) For the first violation within any 12-month period, the penalty shall be \$500.~~

~~(b) For a second violation within any 12-month period, the penalty shall be \$750.~~

~~(c) For a third violation within any 12-month period, the penalty shall be \$1,000 plus revocation of any issued building permit or conditional use permit. The owner shall then be ineligible to have a building permit or conditional use permit reissued until the fine is paid and the structure immediately removed.~~

~~(d) For any violation within any 12-month period following the third violation, the penalty shall be \$1,000 and the owner shall be permanently ineligible to receive a building permit or conditional use permit for a structure, and the structure is to be immediately removed.~~

(Prior Code, § 22.12.010)

~~(K) (1) Each day that a violation of §§ ~~157.310 through 157.315~~ occurs or continues is a separate violation.~~

~~(2) For any violation of §§ ~~157.310 through 157.315~~, the Code Enforcement Officer, or his or her designee, may issue a written citation or notice of violation to the owner specifying the violation and the penalty to be imposed.~~

~~(a) For the first violation within any 12-month period, the penalty shall be \$500.~~

~~(b) For a second violation within any 12-month period, the penalty shall be \$750.~~

~~(c) For a third violation within any 12-month period, the penalty shall be \$1,000 plus revocation of any issued building permit or conditional use permit. The owner shall then be ineligible to have a building permit or conditional use permit reissued until the fine is paid and the structure immediately removed.~~

~~(d) For any violation within any 12-month period following the third violation, the penalty shall be \$1,000 and the owner shall be permanently ineligible to receive a building~~

6.10.2026

27

permit or conditional use permit for a structure, and the structure is to be immediately removed.

(Prior Code, § 22.12.010)

(K) (1) Each day that a violation of §§ 157.310 through 157.315 occurs or continues is a separate violation.

(2) For any violation of §§ 157.310 through 157.315, the Code Enforcement Officer, or his or her designee, may issue a written citation or notice of violation to the owner specifying the violation and the penalty to be imposed.

(a) For the first violation within any 12-month period, the penalty shall be \$500.

(b) For a second violation within any 12-month period, the penalty shall be \$750.

(c) For a third violation within any 12-month period, the penalty shall be \$1,000 plus revocation of any issued building permit or conditional use permit. The owner shall then be ineligible to have a building permit or conditional use permit reissued until the fine is paid and the structure immediately removed.

(d) For any violation within any 12-month period following the third violation, the penalty shall be \$1,000 and the owner shall be permanently ineligible to receive a building permit or conditional use permit for a structure, and the structure is to be immediately removed.

(3) Sections 157.310 through 157.315 shall be enforced based upon the geographical map dated Friday, April 10, 2020, for any complaints about preexisting nonconforming uses.

(Prior Code, § 23.12.010)

(L) (1) Each day that a violation of §§ ~~157.370~~ 157.370 through ~~157.376~~ 157.376 occurs, or continues, is a separate violation.

(2) For any violation of §§ ~~157.370 through 157.376~~, (2) For any violation of §§ 157.370 through 157.376, the Code Enforcement Officer, or his or her designee, may issue a written citation or notice of violation to the owner specifying the violation and the penalty to be imposed.

(a) For the first violation within any 12-month period, the penalty shall be \$500.

(b) For a second violation within any 12-month period, the penalty shall be \$750.

(c) For a third violation within any 12-month period, the penalty shall be \$1,000 plus revocation of any issued building permit or conditional use permit. The owner shall then be ineligible to have a building permit or conditional use permit reissued until the fine is paid and the structure immediately removed.

6.10.2026

28

(d) For any violation within any 12-month period following the third violation, the penalty shall be \$1,000 and the owner shall be permanently ineligible to receive a building permit or conditional use permit for a structure, and the structure is to be immediately removed.

(Prior Code, § 28.12.10)

(M) (1) Each day that a violation of §§ ~~157.495~~ 157.495 through ~~157.501~~ 157.501 occurs, or continues, is a separate violation.

(2) For any violation of §§ ~~157.495 through 157.501~~, (2) For any violation of §§ 157.495 through 157.501, the Code Enforcement Officer, or his or her designee, may issue a written citation or notice of violation to the owner specifying the violation and the penalty to be imposed.

(a) For the first violation within any 12-month period, the penalty shall be \$500.

(b) For a second violation within any 12-month period, the penalty shall be \$750.

(c) For a third violation within any 12-month period, the penalty shall be \$1,000 plus revocation of the STR business license and land use permit. The owner shall then be ineligible for an STR land use permit and an STR business license for two years from the date of the third notice of violation.

(d) For any violation within any 12-month period following the third violation, the penalty shall be \$1,000 and the STR owner shall be permanently ineligible to receive an STR land use permit and an STR business license.

(Prior Code, § 34.06)

(N) (1) Any person, firm, or corporation who shall violate any of the provisions of §§ ~~157.840~~ 157.840 through ~~157.850~~ 157.850 shall be guilty of a Class B misdemeanor and, upon conviction, shall be punished as provided by the laws of the state for Class B misdemeanors. Each day's failure of compliance shall constitute a separate violation.

(2) In addition to any other penalty as provided for herein, any license may be revoked by order of the city after a hearing has been held, to which the owner and/or operator of the licensed use shall be invited, for the purpose of hearing evidence from any interested party or administrative officer as to the operator's failure to fulfill and/or maintain the requirements of §§ ~~157.840 through 157.850~~, 157.840 through 157.850, or other ordinances of the city.

(3) Notice of hearing shall be given to the owner and/or operator at least five days before the hearing. Notice sent by certified mail eight days before the date of hearing shall be deemed to be sufficient.

(Prior Code, § 62.18.020)

6.10.2026

29

— [O]— Any person, firm, or corporation who shall violate any of the provisions of ~~§ 157.854-157.851~~ shall be guilty of a Class B misdemeanor and, upon conviction, shall be punished as provided by the laws of the state for Class B misdemeanors.

(Prior Code, § 62.22.060)

— [P]— Any person, firm, or corporation violating any of the provisions or terms of ~~§§ 157.925-157.925~~ through ~~157.939-157.939~~ shall, upon conviction, be punishable by a fine not to exceed the sum of \$500 for each day during which the offense continued.

(Prior Code, § 70.30)

(Ord. 2-92, passed --1992; Ord. 15-99, passed 12-1-1999; Ord. 23-2020, passed 6-17-2020; Ord. 11-2021, passed 2-17-2021; Ord. 29-2021, passed 7-21-2021)

6.10.2026

30

10. ADJOURNMENT

Commission Member Stimpson made a motion to adjourn at 7:44 PM. **Chairman Reed** seconded the motion.

| | |
|-----------------|--|
| AYES: | Chairman Reed, Vice Chair Reyna, Commission Member Streker, Commission Member Jenson, Commission Member Stimpson, Commission Member Smith, Commission Member LaMar |
| NAYS: | |
| EXCUSED: | |

Charis Sully

District Recorder

June 24, 2026

Date Approved