

ORDINANCE NO. 17-2026

AN ORDINANCE OF WEST HAVEN CITY AMENDING TITLE XV LAND USAGE, DESIGN REVIEW AND LANDSCAPING STANDARDS AND REQUIREMENTS, INCLUDING §157.730 THROUGH §157.737 AND §157.985 THROUGH §157.996(7), THE RENUMBERING OF THE SECTIONS AS SUCH; AND PROVIDING AN EFFECTIVE DATE FOR THESE CHANGES.

SECTION 1 – RECITALS

WHEREAS, the City of West Haven (“City”) is a municipal corporation duly organized and existing under the laws of Utah; and

WHEREAS, the City Council finds that in conformance with UC §10-3-702, the governing body of the City may pass any ordinance to regulate, require, prohibit, govern, control, or supervise any activity, business, conduct, or condition authorized by the laws of the State of Utah or any other provision of law; and,

WHEREAS, West Haven City has adopted and promulgated city ordinances and rules regarding landscaping standards and requirements; and

WHEREAS, the City Council finds that certain changes to the West Haven City Code found in the Design Review and Landscape Standards and Requirements sections, including §157.730 through §157.737 and §157.985 through §157.996(7), should be made; and

WHEREAS, the City’s adopted Water Element of the General Plan recommends that the City should “[p]rioritize water-efficient landscaping and irrigation at the design stage to avoid costly retrofits, and ensure ongoing efficiency through post-occupancy monitoring”; and

WHEREAS, the City’s adopted Water Element of the General Plan recommends that the City should “[r]eview landscaping, zoning, and other relevant standards to ensure they do not create barriers for residents seeking to implement water-wise landscape improvements. Provide guidance or resources as needed”; and

WHEREAS, the City’s adopted Water Element of the General Plan recommends that the City should “[r]eview and update the landscaping ordinance to support water conservation, including guidance on site-specific design, soil preparation, runoff reduction, and management of high-evaporation features, while maintaining flexibility for residents and developers”; and

WHEREAS, the City Council finds that the specific changes to the referenced sections are desired and will promote water conservation within the City; and

WHEREAS, the Planning Commission held a public hearing and made a positive recommendation of the proposed changes on August 26, 2026; and

WHEREAS, the City Council finds that the public convenience and necessity, public safety, health, and welfare is at issue in this matter and require action by the City as noted above.

NOW THEREFORE, BE IT ORDAINED by the City Council of West Haven City, Utah that the following portions of the West Haven City Zoning Code be, and the same is, changed and amended to read as follows:

- a. **In Title XV Land Usage, Design Review and Landscaping Standards and Requirements, including §157.730 through §157.737 and §157.985 through §157.996(7), amendments as shown in red, as seen on Attachment “A”.**
- b. **The Mayor is authorized to sign this Ordinance.**

The forgoing Recitals are fully incorporated herein.

Section 2 – Prior Ordinances and Resolutions

That the above changes, where they may have been taken from prior City Ordinances and Resolutions, are listed here for centralization and convenience; and that the body and substance of those prior Ordinances and Resolutions, with their specific provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

Section 3 – Repealer of Conflicting Enactments

All orders, ordinances and resolutions regarding the changes enacted and adopted which have been adopted by the City, or parts thereof, which conflict with this Ordinance are, for such conflict, repealed, except that this repeal will not be construed to revive any act, order or resolution, or part.

Section 4 – Savings Clause

If any provision of this Ordinance be held or deemed invalid, inoperative, or unenforceable, such will render no other provision or provisions invalid, inoperative, or unenforceable to any extent whatsoever, this Ordinance being deemed the separate independent and severable act of the City Council of West Haven City.

Section 5 – Date of Effect

This Ordinance shall be effective as of the date of signing and after being published or posted as required by law.

DATED the 16th day of September 2026

WEST HAVEN CITY

Rob Vanderwood
Mayor

ATTEST:

Emily Green, City Recorder

Mayor Rob Vanderwood
Councilmember Carrie Call
Councilmember Kim Dixon
Councilmember Nina Morse
Councilmember Ryan Saunders
Councilmember Ryan Swapp

Yes _____	No _____
Yes _____	No _____
Yes _____	No _____
Yes _____	No _____
Yes _____	No _____
Yes _____	No _____

DRAFT

RECORDER'S CERTIFICATION

STATE OF UTAH)
 : ss.
County of Weber)

I, EMILY GREEN, the City Recorder of West Haven, Utah, in compliance with UCA §10-3-713 and UCA §10-3-714 do hereby certify that the above and foregoing is a full and correct copy of **Ordinance No. __-2026**, entitled **“AMENDING TITLE XV LAND USAGE, DESIGN REVIEW AND LANDSCAPING STANDARDS AND REQUIREMENTS, INCLUDING §157.730 THROUGH §157.737 AND §157.985 THROUGH §157.996(7), THE RENUMBERING OF THE SECTIONS AS SUCH”**, adopted and passed by the City Council of West Haven, Utah, at a regular meeting thereof on September 16, 2026 which appears of record in my office, with the date of posting or publication being September 16, 2026.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City this 16th day of September 2026.

Emily Green
City Recorder

(city seal)

EXHIBIT A

Attached to Ordinance 17-2026

**AMENDING TITLE XV LAND USAGE, DESIGN REVIEW AND LANDSCAPING
STANDARDS AND REQUIREMENTS, INCLUDING §157.730 THROUGH §157.737
AND §157.985 THROUGH §157.996(7), THE RENUMBERING OF THE SECTIONS AS
SUCH**

DRAFT

DESIGN REVIEW

§ 157.730 PURPOSE.

The purpose and intent of this subchapter is to ensure that the general design, layout and appearance of buildings and structures are compatible with their surroundings and aid the orderly and harmonious development of the city.

(Prior Code, § 54.02) (Ord. 2-92, passed - -1992; Ord. 19-2015, passed 10-21-2015; Ord. 06-2022, passed 3-16-2022; Ord. 10-2025, passed 9-17-2025)

§ 157.731 APPLICATION; REVIEW AND APPROVAL.

(A) All proposals in commercial or manufacturing zones shall be subject to the provisions of this subchapter.

(B) Regardless of the zone underlying the land use, the following uses, including any accessory uses thereto, shall be subject to the provisions of this subchapter:

- (1) Multi-family dwellings; and
- (2) Public and quasi-public uses.

(C) The following shall be submitted as part of all applications for projects subject to the provisions of this subchapter, further details of which are found in this subchapter:

- (1) A preliminary site plan containing the following:
 - (a) A statement containing the proposed use and whether it complies with current zoning.
 - (b) *Site layout*. Site layout shall show:
 1. Building locations.
 2. Setbacks, including front, rear, and both sides, for every proposed building.
 3. Access points and traffic circulation, including fire access.
 4. Landscape areas.
 5. Proposed fencing and gates.
 6. Outdoor storage.
 7. Dumpster areas and dumpster enclosures. All dumpsters that are visible from the adjacent public right(s)-of-ways, parking lots, or access drives shall be fully enclosed with opaque fencing or walls.

8. Natural features, including hillsides, wetlands, floodplains, or other prominent natural features.

(c) *Building elevations.* Elevations shall show:

1. Building materials and colors;
2. Architectural features, if applicable per § [157.734](#); and

3. Elevation drawings shall also contain a table showing ratios and percentages of each material/color and percentages of architectural features, if applicable, that meet the standards set out within this chapter.

(d) Landscaping plans shall contain a table showing types, numbers, and percentages of each landscape material, the number of trees and shrubs, per [West Haven Landscaping Requirements and Standards found within this title, § 157.988\(A\)](#), and the percentage of total site landscaping.

(e) *Parking.* The applicant shall include a parking plan, with a table showing the number of parking spaces required, the number provided, and the number of ADA parking stalls.

(f) *Signage.* Plans shall show the location, size, and material of any and all proposed signs. This signage plan does not exempt the applicant from needing to obtain a building and sign permit for each sign upon construction

(g) *Utility plan.* The applicant shall show a preliminary utility plan, including will serve or availability letters from public utility providers, including culinary and secondary water and sanitary sewer districts.

(h) Preliminary stormwater plans, including stormwater storage location, type of storage, proposed overflows, and other details to allow the city to understand how stormwater will be handled within the property.

(i) Outdoor lighting plan in compliance with §§ [157.775](#) through [157.785](#).

(j) UDOT conditional access permit approval or minutes from a UDOT pre- application meeting, if applicable.

(2) The Development Review Committee (DRC) shall review all preliminary site plan applications and make a recommendation to the Planning Commission regarding compliance, findings, and conditions. The Planning Commission may approve, approve with conditions, or deny a preliminary site plan based on the applicant's ability or inability to meet or sufficiently address the requirements within this chapter and all applicable development standards adopted by the city.

(3) Once the applicant has received approval of their preliminary site plan from the Planning Commission, they shall proceed to prepare civil drawings and improvement plans and shall present those to the City Engineer and Community Development Director. The DRC shall

review the improvement plans, provide comments to the applicant, and shall make a recommendation to the City Engineer and Community Development Director. The City Engineer and Community Development Director shall approve, approve with conditions, or deny improvement plans.

(4) No final site plan application can be approved without the City Engineer's and Community Development Director's approval of improvement drawings. Each applicant shall submit as part of a final site plan application improvement drawings, stamped by a licensed civil engineer. These drawings shall demonstrate the site's compliance with the West Haven Code, compliance with public utility providers' standards, preliminary site plan approval conditions, and vehicle access and parking.

(D) After preliminary site plan approval or approval with conditions by the Planning Commission, the applicant shall submit a final site plan application and supporting construction drawings to the city in a format specified by the city within 12 months. Before the submittal of a final site plan and improvement plan, the applicant shall address each condition from the preliminary site plan approval. All applications for final site plan approval shall be reviewed by the Development Review Committee. The Planning Commission shall be the land use authority for the final site plan and shall either approve, approve with conditions, or deny a final site plan based on findings and compliance with all applicable code and standards, with the following exceptions:

(1) All buildings or combination of buildings which total over 40,000 square feet on a single parcel. After first being presented to and receiving a recommendation from the Planning Commission, the City Council shall review and may approve, deny, or approve with conditions site plans for these buildings.

(2) Any requests for building materials not otherwise considered as a primary or secondary material. After first being presented to and receiving a recommendation from the Development Review Committee, the Planning Commission shall review and may approve, deny, or approve with conditions any requests for alternate building materials.

(E) The Planning Commission shall determine whether the proposed architectural and site development plans submitted are consistent with this subchapter and with the general objectives of this subchapter and shall give or withhold approval accordingly. Denial may be appealed to the Hearing Officer.

(F) No building, occupancy, or other land use permit shall be issued until the proposed project has received approval under the terms of this subchapter.

(Prior Code, § 54.04) (Ord. 2-92, passed --1992; Ord. 19-2015, passed 10-21-2015; Ord. 06-2022, passed 3-16-2022; Ord. 10-2025, passed 9-17-2025)

§ 157.732 EXCEPTIONS.

(A) Projects subject to conditional use and/or planned unit development approval shall have site plan and design review incorporated into such review. Such projects shall be required to meet the requirements of this subchapter.

(B) *Existing or modified sites.*

(1) The city shall require an updated preliminary site plan and final site plan for existing commercial, industrial, institutional/civic, or multi-family sites if the property owner proposes to do any of the following.

(a) Add additional building(s), paved parking areas, or other material changes to the site.

(b) Change the use to a use type that the site's infrastructure, parking, or access points do not reasonably support.

(c) Change from a permitted use to a conditional use in the underlying zone.

(d) Change from one conditional use to another conditional use in the underlying zone.

(e) Switch to a use that has a reasonably higher impact.

(2) The Planning Commission may waive certain site development standards that do not impact the health or safety of the public for an existing or modified site, allowing an applicant to update a site without necessitating significant or unreasonable changes to the existing layout.

(3) The Planning Commission may approve a preliminary and final site plan approval at the same meeting if the site does not require updated improvement plans.

(C) The City Engineer may waive improvement plan requirements in full or in part for sites that have already been developed, and the existing facilities and infrastructure can support the proposed site plan and use.

(D) The Planning Commission may waive landscaping requirements if the applicant provides a letter from the water provider stating that the provider can't supply water for landscaping or for an existing site with pre-established landscaping. All areas where landscaping requirements have been waived shall comply with all other applicable provisions of West Haven Landscape Standards and Requirements as found within this title, including the Water Source Limitations and Alternative Compliance.

(E) *Public facilities.* Public utility substations, wells and well houses, sewer lift stations, public buildings under 1,000 square feet, school district projects, Utah state projects, federal projects, and updates to government parking areas shall be exempt from the complete site plan approval process. Each of these improvements and designs shall be reviewed by the Development Review Committee to ensure compliance with city standards and approved by the City Engineer and Community Development Director.

(Prior Code, § 54.06) (Ord. 2-92, passed - -1992; Ord. 19-2015, passed 10-21-2015; Ord. 06-2022, passed 3-16-2022; Ord. 10-2025, passed 9-17-2025)

§ 157.733 STANDARDS OF REVIEW.

The Planning Commission and Development Review Committee shall consider the following matters, and others when applicable, in its review of applications and where the plan is found deficient the plan design shall be amended or conditions imposed to mitigate such deficiencies when considering:

(A) *Traffic safety and circulation.*

(1) Does the site plan comply with the City Engineering Design Standards and Specifications related to traffic ingress, egress and internal circulation?

(2) A traffic study shall be required, if in the opinion of the Planning Commission, with input from the Development Review Committee, such would be necessary.

(B) *Parking.* Does the site plan comply with city ordinances regarding design, location and number of parking stalls required?

(C) *Signage.* Does the proposed signage meet the requirements of the city sign ordinance?

~~(D) *Landscaping.*~~

~~—(1) The following landscaping shall be provided in each project subject to the provisions of this subchapter:~~

~~—(a) *Front yard.* 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 said landscaping is 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.~~

~~—(c) *Parking area landscaping.* Landscaping within all parking and driveway areas shall comprise a minimum 5% of the total square footage of those areas and shall be placed within those parking areas to break up the mass of asphalt.~~

~~—(2) Where possible, developers are encouraged to preserve existing, healthy trees.~~

~~—(3) Developers are encouraged to take current drought and other environmental conditions into account when preparing a landscaping plan.~~

~~—(4) Landscape plans shall include a minimum of three items from the following list:~~

- ~~—(a) Trees;~~
- ~~—(b) Decorative rock and boulders (gravel and pea gravel are not permitted);~~
- ~~—(c) Shrubs;~~
- ~~—(d) Groundcover; and~~
- ~~—(e) Grass (artificial or other).~~

(DE) Building/site layout.

(1) All buildings shall be designed with breaks in the facade. This may be accomplished through a change in building materials, actual breaks in the facade, a mix of roofline projections.

(2) All mechanical equipment shall be screened so as to not be seen from any public right-of-way adjacent to the project.

(3) Developers are encouraged to keep in mind visual compatibility with existing development when preparing the site layout and architectural elevations of proposed buildings.

(4) Buildings which are located within 100 feet of the centerline of the following roads shall be designed so it appears the front of the building faces the street, regardless of how the building is actually oriented:

- (a) 2550 South;
- (b) Midland Drive;
- (c) 4000 South;
- (d) 3500 West;
- (e) 1900 West;
- (f) 2100 South/Wilson Lane;
- (g) 1800 South; and
- (h) Hinckley Drive.

(EF) Engineering standards. Does the site plan comply with the City Engineering Design Standards and Specifications related to utility easements, drainage and other engineering requirements?

(EG) Governing documents. Is the site subject to a master development agreement or any conditions or agreements related to the property?

(Ord. 2-92, passed - -1992; Ord. 19-2015, passed 10-21-2015; Ord. 06-2022, passed 3-16-2022; Ord. 10-2025, passed 9-17-2025)

Formatted: Font: 12 pt

LANDSCAPING STANDARDS AND REQUIREMENTS

§ 157.985 PURPOSE AND INTENT.

This subchapter is established to promote 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.

§ 157.986 DEFINITIONS.

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

Formatted: Font: 12 pt

ACTIVE LAWN AREA. An area that is dedicated to active play, including where turfgrass 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 drenching the planted area. The amount of water used by bubblers is usually measured in gallons per minute. BUBBLERS 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 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 soil and other surfaces and transpired by plants during a specified time. EVAPOTRANSPIRATION-ET is an important part of

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Font: (Default) Calibri, 12 pt

the local water cycle and climate, and measurement of it plays a key role in water resource management, and ET is typically expressed in inches per day, month or year.

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. 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 these calculations.

HARDSCAPE. Durable landscape materials 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 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.

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 commercial landscape plans for large-scale residential and commercial projects.

LANDSCAPE DESIGNER. A person who is not a PROFESSIONAL LANDSCAPE ARCHITECT (PLA) and cannot legally create or stamp landscape plans for commercial use. LANDSCAPE DESIGNERS generally focus on 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 quantities included. The percentage of landscape areas and open space on the site is also included to ensure conformance with zoning coverage requirements.

Formatted: Font: (Default) Calibri, 12 pt

Formatted: Font: (Default) Calibri, 12 pt

Formatted: Font: 12 pt

Formatted: Font: Calibri

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 not landscaped.

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).

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 of~~ an area of land that is free from buildings and often designated for public use, such as natural areas, parks or gardens. Landscaping, walkways, covered patios, light poles and other ornamental features may or may not be appropriate elements in these zones, depending on specific needs and context. Areas used for storm drainage shall not be considered an OPEN SPACE area, and utility corridors shall only be counted if improved as an accessible amenity 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 are maintained by a homeowner's association or organization.

PLANTER BED. Any irrigated, non-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, 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 fixed nozzle. See also ROTOR SPRAY HEAD.

TURFGRASS. A surface of 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) 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, discharge into the sewer system, or 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, including for cleaning and sealing.

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. Xeriscape 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.

Formatted: Font: 12 pt

The provisions of this subchapter shall apply to all new development and to rehabilitation of existing landscaping exceeding 25% of the total landscaped area. Properties subject to the 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.

§ 157.988 GENERAL LANDSCAPE PROVISIONS.

Formatted: Font: 12 pt

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. Plants shall be organized into hydrozones, grouping plants with similar water needs 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, or on a single-family residential lot.

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

(4) The following resources may be consulted for a list of recommended water-conserving plants (not a comprehensive list): Locascapes®, 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 within parks 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 30% 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) 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.

(D) Tree Selection. Tree species shall be selected based on their ability to create an urban tree canopy with proper and consistent maintenance. When selecting trees, qualities such as the approximate size at maturity, location, and 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 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.

(b) Medium Trees are defined as trees with a mature height between twenty-five (25) and forty (40) feet. Planting area width shall be 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 four (4) feet wide.

(d) Based on a recommendation of a landscape architect, a specific tree may be planted in areas that are more narrow ~~than~~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 landscaped and meet the following requirements.

(1) 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.

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Font: 12 pt

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

Formatted: Font: 12 pt

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

Formatted: Font: 12 pt

(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.

Formatted: Font: 12 pt

(ii) Parking Islands. End-of-row islands shall be provided at the end of each parking row, a minimum of four (4) 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.

Formatted: Font: 12 pt

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

Formatted: Font: 12 pt

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

(2) Multi-Family. All other areas not developed with structures, amenities, rights-of-way, driveways, or parking areas shall be landscaped. 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 lots, and along key walkways and other areas with significant resident and pedestrian value. The frontage, side and rear boundaries, and parking lots of the development shall meet the required landscape minimums set forth in this chapter.

Formatted: Font: 12 pt

(3) Tree Requirements (see also 157.994).

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

(b) Street Trees. Each parcel or 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 are available. Trees shall be planted within park strips whenever possible. Placement shall provide canopy cover/shade and avoid conflicts with existing trees, retaining walls, utilities, lighting, or other obstacles. All street trees shall comply with the clear vision standards of this

chapter. Street trees planted within UDOT or County rights-of-way shall be planted based on that organization's standards.

(c) Deciduous trees shall have a minimum trunk size of (2) two inches in caliper measured 6" above ground level when planted. Evergreen trees and multi-stem deciduous trees shall have a minimum size of five (5) feet in height when planted.

(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.

(b) 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.

(c) Mulch and Irrigation. Planting beds shall comply with the mulch requirements of subsection (2) and shall be irrigated in compliance with § 157.991, Irrigation Design Standards.

(d) 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. For the purposes of this code, light hues refer to all colors that have a light reflective value (LRV) of 51% or higher, while dark hues refer to colors that have an LRV of 50% or lower. The relative luminance formula can be used to approximate the LRV by selecting the most comparable sRGB value (digital color) to the proposed rock's color.

(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 previously defined 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 and boulders, 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 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.

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

(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.

Formatted: Font: 12 pt

(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.

(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 plan shall be submitted to and approved by the city prior to the issue of a final site plan. All plans shall be prepared by a Professionally Licensed Landscape Architect and shall consist of the following items:

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

(a) Project name and address, landscape architect's information, graphic and written scale, and date of design. Existing trees and plant materials to be either removed or retained are 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 plant schedule with botanical and common names, size of plant materials at maturity, size of container stock, and designated hydrozones.

(d) Existing and proposed structures (where applicable), walls, fences, utilities, paved areas and other site improvements.

(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) 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.

(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 berms 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).

Formatted: Font: 12 pt

(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 shall be performed by the city.

(4) Following construction and prior to final inspection by the 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.

§ 157.990 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.

(b) Areas with slopes greater than 33% shall be landscaped with deep-rooting, water-conserving plants for erosion control and soil stabilization.

(c) Park strips 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 stormwater.

(d) Turf Grass. Turf grass 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) City recommends and encourages, but does not require, that residents with new or rehabilitated landscaping follow the Localscapes® process, as detailed in the Localscapes® Program, including but not limited to:

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

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

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

(iv) Locating activity zones outside of the central open space that are surfaced with materials other than turfgrass.

(v) 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.

(vi) Planting appropriately sized trees to provide shade, reducing the need for water on landscaping, but also providing cooling to an area.

(vii) Visit weberbasin.com for a list of recommended water-conserving plants.

(viii) Park strips four feet (4') or wider are recommended to plant at least one tree for every forty (40) feet of frontage.

Formatted: Font: 12 pt

(B) *Homebuilders and developers.*

(1) Homebuilders and developers subdividing lots and/or constructing new single-family residential homes 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 water efficient designs, such as the Localscapes® design style, to prospective home buyers.

(2) Any model home shall meet the water-efficient landscaping standards of this chapter and provide an informational brochure on water-efficient landscaping. Brochures can be obtained from the city's Planning Division.

(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.

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

(D) *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.

~~(E)~~ (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.

§ 157.991 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-shutoff 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 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.

(D) Drip emitters or 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-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 rotor sprinklers shall be scheduled to operate in accordance with local water supplier restrictions to reduce water loss due to wind, evaporation, or other environmental conditions that are not suitable for irrigation.

(K) Valves should be programmed for multiple repeat cycles as 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)

§ 157.992 RESTRICTIVE COVENANTS REQUIRING TURFGRASS OR PLANT MATERIAL WITH UNIFORM OVERHEAD SPRAY IRRIGATION.

Homeowners association governing documents, 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;

(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.

Formatted: Font: 12 pt

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

§ 157.993 COMPLETION OF IMPROVEMENTS.

Formatted: Font: 12 pt

(A) Completion. All landscaping improvements required by this subchapter shall be installed in accordance with the approved landscape and irrigation 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 on which a certificate of occupancy is issued for the first building or structure in an individual phase or plat 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 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 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.

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

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

Formatted: Font: 12 pt

(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, they also help mitigate the negative effects weather and seasonal changes, stabilize surface drainage, provide shade, and and help reduce soil erosion. A well-designed landscape can reduce air and sound pollution, regulate solar radiation and help with wind control.

(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.

(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, due to common issues with short life, pests and disease, weedy nature, messiness, root heaving, or visibility:

(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.

(e) Flowering Plum – *Prunus cerasifera*

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

(h) Norway Maple - *Acer platanoides*

(i) Russian Olive – *Eleagnus angustifolia*

(j) Siberian Elm – *Ulmus pumilia*

(k) Silver Maple – *Acer saccharinum*

(l) Tree of Heaven – *Alianthus* 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.

(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 all 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 West Haven City.

(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)

§ 157.996 PROHIBITED WATERING PRACTICES.

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

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

Formatted: Font: 12 pt

§ 157.997 ENFORCEMENT.

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

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

Formatted: Font: 12 pt

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 water-efficient landscaping.~~

~~(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 AREA.** An area that is dedicated to active play, including where turf may provide a playing surface.~~

~~—**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. 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.~~

—**EVAPOTRANSPIRATION (ET).** The quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time, expressed in inches per day, month or year.

—**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 a continuous cover over the ground.

—**GROUND PLANE COVERAGE.** Vegetative cover of the horizontal surfaces of a landscaped area. Canopies of deciduous trees shall not be counted toward the coverage calculation.

—**HARDSCAPE.** Durable landscape materials, such as concrete, wood, stone or brick pavers, or compacted organic mulch.

—**IRRIGATION EFFICIENCY.** The measurement of the amount of water beneficially applied, divided by the total amount of water 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.** A person who holds a certificate to practice landscape architecture in the State of Utah. Only a **LANDSCAPE ARCHITECT** can legally create commercial landscape plans.

—**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 PLAN.** The landscape plan shows the design of the landscape with natural features such as plantings, ground and water forms, circulation, walks, hardscape and other features to comply with this subchapter. Types of plantings are identified, and quantities included. A landscape and open space percentage of the site is also included to ensure conformance with the minimum requirements of the zone in which the development is located.

—**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) 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; 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).

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

—**OPEN SPACE.** An area which is completely free and unobstructed from any building or structure. Landscaping, walkways, covered patios, light poles and other ornamental features shall not be considered obstructions for the purposes of this definition. Areas used for storm drainage shall not be eligible for inclusion in a required **OPEN SPACE** area. Utility corridors shall only be counted toward the **OPEN SPACE** requirement if improved as an accessible amenity to the project 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 maintained by a homeowner's association or organization.

—**PLANTER BED.** Any irrigated, non-turf 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 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.

—**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.

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

—**TURF.** A surface layer of earth containing 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 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 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.

—**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.

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

§ 157.987 APPLICABILITY.

—The provisions of this subchapter shall apply to all new and rehabilitated 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 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 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 towards the coverage calculation. Park strips are exempt from the ground plane coverage requirements.~~

~~—(B) *Landscape design standards.*~~

~~—(1) *Plant selection.*~~

~~—(a) Plants shall be well-suited to 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 33% shall be landscaped with deep-rooting, water-conserving plants for erosion control and soil stabilization.~~

~~—(b) Park strips and other landscaped areas less than eight feet wide shall not be landscaped with turf and shall be maintained free of weeds. Any hardscape installed within a park strip shall cover no more than 50% of the park strip area, unless otherwise required by city code.~~

~~—(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).~~

~~—(2) *Mulch.* After completion of planting, all irrigated non-turf 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 mulch.~~

~~—(3) *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:~~

~~—(a) Broad-canopy trees shall be selected where shade or screening of tall objects is desired;~~

~~—(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;~~

~~——(e) 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, utilities, lighting and other obstacles. All street trees shall comply with the clear vision standards of this subchapter; and~~

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

~~——(b) Evergreen trees shall be installed at a minimum height of six feet.~~

~~——(c) Shrubs shall be installed at a minimum size of three gallons.~~

~~——(d) Ornamentals 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. 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 plans shall be prepared by a registered landscape architect and shall consist of the following items:~~

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

~~——(a) Project name and address, and landscape architect's information;~~

~~——(b) Location of all plant materials, a legend with botanical and common names and size of plant materials;~~

~~——(c) Location of landscape features, ground and water forms, walks, hardscape, mulch and other features;~~

~~——(d) Property lines and street names;~~

~~——(e) Existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements;~~

~~——(f) Existing trees and plant materials to be removed or retained;~~

~~——(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) 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 be performed by the city.~~
 - ~~—(4) Following construction and prior to issuing the approval for occupancy, an inspection shall be scheduled with the Community Development Department to verify compliance with the approved landscape plans.~~
 - ~~—(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. 13-2022, passed 7-6-2022)~~

~~§ 157.989 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.~~

~~—(b) Areas with slopes greater than 33% shall be landscaped with deep-rooting, water-conserving plants for erosion control and soil stabilization.~~

~~—(c) Park strips 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.~~

~~—(d) Turf area 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).~~

~~—(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) *Homebuilders and developers.*~~

~~—(1) Homebuilders and developers subdividing lots and/or constructing new single-family residential homes 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 water-efficient designs, such as the Locascapes® design style, to prospective home buyers.~~

~~—(2) Any model home shall meet the water-efficient landscaping standards of this chapter and provide an informational brochure on water-efficient landscaping. Brochures can be obtained from the city's Planning Division.~~

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

~~§ 157.990 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 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 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 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 or stream 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 for multiple repeat cycles where necessary to reduce runoff, particularly on slopes and soils with slow infiltration rates.

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

~~§ 157.991 RESTRICTIVE COVENANTS REQUIRING TURF OR PLANT MATERIAL WITH UNIFORM OVERHEAD SPRAY IRRIGATION.~~

—Any homeowners association governing documents, such as bylaws, operating rules, covenants, conditions and restrictions that govern the operation of a common interest development, 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;

—(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)

~~§ 157.992 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.

~~—(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 plat 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 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 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.

~~—(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)~~

~~§ 157.993 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 stabilize surface drainage and soil erosion. A well-designed landscape can reduce air and sound pollution, regulate solar radiation and help with wind control.~~

~~—(B) *City Arborist.*~~

~~—(1) *Created.* 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.~~

~~—(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 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)

~~§ 157.994 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 improvements to parks and recreation facilities. 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)~~

~~§ 157.995 PROHIBITED WATERING PRACTICES.~~

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

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

~~§ 157.996 ENFORCEMENT.~~

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

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