

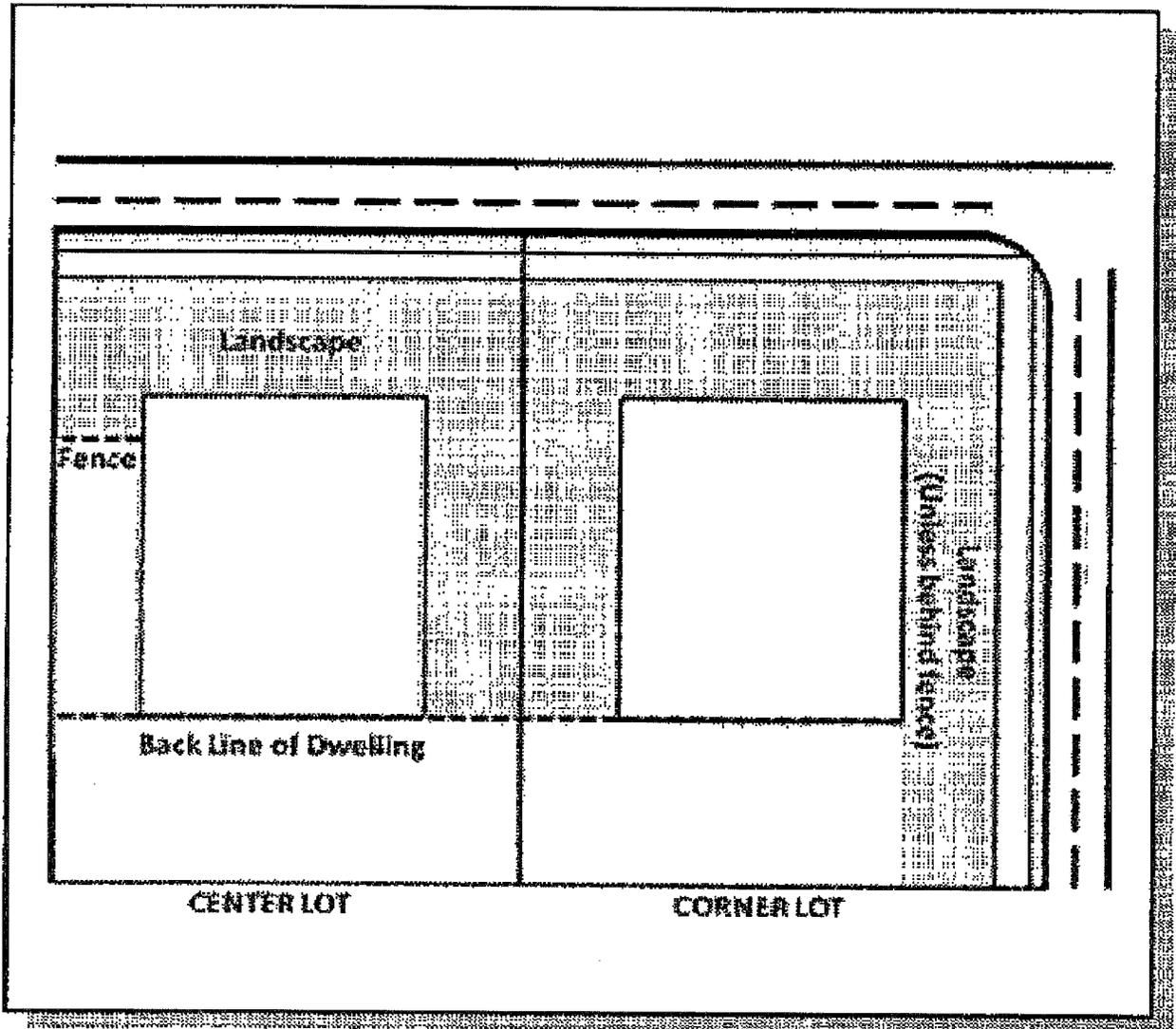
**Changes to the March 23 version landscaping code, the revised file now known as the April landscaping code.**

1. Subparagraphs were added to almost all paragraphs for ease of reference and locating parts of the code.
2. Paragraph A-1 added defining to who and when the code applies. Paragraph A reformatted for added clarity.
3. Paragraph B the word "structure" replaced with the word "main building" for clarity. Side yards and rear yard further defined.
4. The statement, "The decision of the council is final" in C-1, last line, was removed.
5. Paragraphs C-2 and C-3 were reworded requiring the building inspector verify landscape work is completed prior to bond release.
6. Paragraph D-4 added, sheds and accessory buildings are not part of landscaping.
7. Paragraph E rewritten to define the front yard and to clarify what is allowed in the front yard and what is not. Added a grandfather clause for existing front yards with pasture, corrals, barns, coops, and so forth.
8. Paragraph G-2 and G-3 has text added so that street trees apply only to new permits.
9. Paragraph J-1 yards requiring landscape and watering system maintenance further defined.
10. Paragraph J-2 non-landscaped rear yards added to those areas requiring weed control.

**10-12-36: LANDSCAPING REQUIREMENTS; RESIDENTIAL AND COMMERCIAL:**  

A. Residential Lot;

1. The requirements of sub-paragraphs 2, 3, and 6 of this paragraph apply only to lots where a building permit has been issued after the effective date of this section.
2. Front yard is defined as any area in front of the dwelling, and including the area between the street and the sidewalk called the planter-strip. The front yard and planter-strip shall be landscaped.
3. Side yard is defined as the yard from the front line of the dwelling to the back line of the dwelling or to a sight-obscuring fence. The side yard shall be landscaped. On corner lots, the side yard and sidewalk planter-strip adjacent to the street shall be landscaped. Areas behind a sight-obscuring fenced are not required to be landscaped.
4. The definition of front yards and side yards as defined in chapter 10-2-2 of this title shown as "Yard: Front and Yard: Side" do not apply in this section.
5. Rear yard is defined as the yard to the rear of the back line of the dwelling and that part of any side yard behind a sight-obscuring fence. The rear yard shall at a minimum, be required to maintain weed control. Noxious weeds and native grasses shall be kept less than four inches (4") tall within thirty feet (30') of a structure. Noxious weeds shall be kept less than twelve inches (12") tall for all other areas
6. Lots without street curbing shall be landscaped to the property line of the lot.



**B. Commercial Lot:**

1. Any area in front of the main building including the area between the street and the sidewalk called the planter-strip. This area shall be landscaped.
2. Side yard is the area from the front line of the main building to the back line of the main building. The side yard shall be landscaped. On corner lots, the side yard and the area between the street and the sidewalk called the planter-strip shall be landscaped,
3. Rear yard is the area from the rear line of the main building to the back property line. The rear yard shall be landscaped.

4. Lots without street curbing shall be landscaped to the asphalt of the road.

C. Residential and Commercial Developments:

1. Landscaping and Certificate of Occupancy Requirement: Landscape materials shall be installed prior to the issuance of a Certificate of Occupancy (COO) for single-family dwellings, single-family dwellings in a residential subdivision, multiple-family dwellings, planned unit developments, senior housing overlay zones, hillside cluster overlay zones, HR-1 hillside residential 1 zones, CE-2 critical environmental zones, and commercial developments. The building permit applicant shall be responsible for the installation of the landscape materials.

A development with common areas shall have landscaping materials installed prior the issuance of the initial COO. If a development is to be completed in phases, with the advance approval of the Elk Ridge City Council, only the common area for that phase need be completed prior to issuance of COO's.

2. Development with Common Areas-Cash Bond Requirement: A cash bond of one-hundred twenty-five percent (125%) of the estimated landscaping costs of the common area(s) shall be posted prior to the recording whether the landscaped area is proposed to be in city ownership or in a private homeowners' association. The building permit applicant shall be responsible for the payment of the cash bond. If weather does not permit for landscaping to be installed prior to the development completion, the city can extend the landscaping installation to June 1 of the following year. Landscaping not completed by June 1 of the following year will be turned over to the City Attorney's Office for legal remedies, which may include the forfeiture of a portion or all of the posted cash bond guarantee. The city building inspector shall verify the work is completed before the cash bond is released.

3. Temporary Certificate of Occupancy: Between Nov 1 and Mar 1 when weather conditions prohibit the completion of required landscaping as defined in paragraphs A-2, A-3, A-6, and B of this section, an exception may be permitted and a Temporary Certificates of Occupancy (TCOO) issued. The building permit applicant shall post a cash bond for one-hundred twenty-five percent (125%) of the estimated landscaping costs. This cash bond is not for common areas. The cash bond shall not extend beyond June 1 of the following year. Landscaping not completed by June 1 of the following year will be turned over to the City Attorney's Office for legal remedies, which may include the forfeiture of a portion or all of the posted guarantee. The city building inspector shall verify the work is completed before the cash bond is released and a Certificate of Occupancy is issued.

4. Landscaping Plan: A landscaping plan shall be designed, drawn, and certified by a licensed landscape architect and submitted to the Elk Ridge City Planning Commission for their approval. The plan shall show street trees, planting materials, irrigation, water runoff controls and containment, structural features, playgrounds, sport fields, building locations, and hard surfaces (streets, driveways, sidewalks, trails, etc.). It shall also show grading with contours and spot elevations before construction and anticipated contours and elevations after completion.

a. A single-family dwelling not part of a residential development will not require a landscaping plan be certified from a licensed landscape architect; but, shall require a landscaping plan be designed, drawn, and submitted with the building permit application

showing street trees, planting materials, irrigation, water run off controls and containment, and hard surfaces (driveways, sidewalks, etc.)

D. Landscaping Material Installation Requirements: The landscaping requirements of this paragraph apply only to lots where a building permit has been issued after the effective date of this section.

1. Landscaping shall include the installation of an automatic sprinkler system with a backflow prevention device (specifically a RPZ valve), a pressure-reducing valve (PRV), automatic drain valves, a rain or soil moisture sensor to prevent unneeded watering, and as applicable low-loss heads and/or drip systems.

2. Approved landscaping materials include the treatment of the ground surface with live materials such as, but not limited to; grasses, ground covers, trees, shrubs, vines, perennial plants, and other growing horticultural plant material. In addition, a combination of Xeriscape, (defined as a landscaping method that utilizes drought-tolerant plants, mulch, and efficient irrigation) and the utilization of native vegetation is encouraged. Native vegetation includes trees and grasses native to this area and established on non-developed areas. In order to qualify for native vegetation, erosion control and elimination of noxious weeds must be accomplished. Simply grading the ground and letting vegetation grow back promotes noxious and non-native weed growth and will not be allowed.

3. Other approved landscaping may include decorative surfacing such as bark chips, crushed stone, gravel, mulch materials, curbing, walkways, rocks, pavers, and the like. Structural features such as pools, fountains, statues, gazebos, playgrounds, benches, tennis and/or basketball courts, and the like are also considered part of landscaping.

4. Sheds and accessory buildings are not considered as part of landscaping for purposes of this section.

E. Zones with Animal Rights:

1. Properties within zones that have animal rights shall be allowed to use areas of the property for the raising of livestock and agriculture uses. This can include corrals, pastures, coops, barns, barnyards, feed storage, and the like.

2. Corrals and pasture are permitted in the front yard as defined in paragraph A-2 of this section except corrals and pasture are not allowed in the planter strip area. Approval by the Elk Ridge City Planning Commission is required for corrals or pasture in the front yard. Coops, barns, barnyards, feed storage, hay bales, loading chutes, water storage tanks, and the like, shall not be located in the front yard as defined in paragraph A-2 of this section. Corrals, pastures, coops, barns, barnyards, feed storage, hay bales, loading chutes, water storage tanks, and the like, located in the front yard as defined in paragraph A-2 of this section, and existed prior to the effective date of this paragraph, shall be grandfathered.

3. Weed control must be maintained in corral, pasture, coop, barn, and barnyard areas. Noxious weeds and native grasses shall be kept less than four inches (4") tall within thirty feet

(30') of a structure. Noxious weeds shall be kept less than twelve inches (12") tall for all other areas

F. Deleted

G. Street Trees

1. The following trees are approved to be planted within the planter strip area between the sidewalk and the street: norway maple, honey locust, summit ash, little leaf linden, green spire linden, autumn purple ash, or others as approved by the City Tree Committee.

2. Street trees in the planter-strip of single-family dwellings or single-family dwellings as part of a residential subdivision shall have a trunk caliper of at least one and one-half inches (1 1/2"). Each lot shall have two (2) trees in the planter strip. If the lot is a corner lot, there shall be two (2) additional trees in the planter-strip side yard of that lot for a total of four (4) trees on corner lots. The required sight distance at intersections shall be maintained in accordance with section 10-12-9 of this chapter. The two (2) or four (4) tree requirements of this paragraph apply only to lots where a building permit has been issued after the effective date of this section.

3. Street trees in the planter-strip of a development of any kind other than single-family dwellings or single-family dwellings as part of a residential subdivision shall have a trunk caliper of at least two-inches (2"). Each lot shall have at a minimum two (2) trees in the planter strip. If the lot is a corner lot, there shall be a minimum of two (2) additional trees in the planter-strip side yard of that lot for a total of at least four (4) trees on corner lots. The required sight distance at intersections shall be maintained in accordance with section 10-12-9 of this chapter. The two (2) or four (4) tree requirements of this paragraph apply only to lots where a building permit has been issued after the effective date of this section.

4. At the time of development, each street within a development other than a single-family dwelling shall have the same type of tree planted along that street within the planter-strip. The type of tree should vary from one named street to the next. A variety of trees from street to street in a development is encouraged. Each lot that has a planter-strip shall have at least two (2) trees per lot. If the lot is a corner lot, there shall be two (2) additional trees in the planter-strip side yard of that lot for a total of at least four (4) trees on corner lots. Lots with considerable frontage shall have a minimum of two trees in the planter-strip and a maximum tree spacing of fifty feet (50'). The required sight distance at intersections shall be maintained in accordance with section 10-12-9 of this chapter. Ord. 08-15.6, 10-28-2008, eff. 11-28-2008)

H. Deleted

I. Deleted

J. Landscape Maintenance:

1. The landowner shall be responsible for the continued proper maintenance of all landscaping and watering systems as defined in paragraphs A-2, A-3, or B of this section as applicable.
2. All landscaping or non-landscaped rear yards shall be kept free from noxious weeds and other non-native volunteer plants that have the potential to spread, by either growth or seed, beyond the containing yard or common area.

K. Landscaping Hazards:

Landscaping shall be maintained to prevent property damage to sidewalks, roads, trails, or other public improvements and to avoid public safety hazards. This may include the removal/replacement of dead or decaying plant material, removal of low hanging branches obstructing sidewalks and traffic-sight distance requirements. In the event a tree, shrub, or other plant causes damage to streets, sidewalks, trails, or other public improvements, the city may order the removal of the offending vegetation and/or other landscape features and may require the repair or replacement of the damaged city property at the landowner's expense. (Ord. 08-15.6, 10-28-2008, eff. 11-28-2008)