Summary of Code Changes to the May V.2 Landscaping Code

1. Only paragraph D is affected in the May V.2 revision.

    a. Any reference to a certificate of occupancy being required before landscaping is completed has been deleted. The cash bond will drive landscaping completion.

    b. Sub paragraphs 1, 2, and 4 were deleted in entirety.

2. Sub paragraph 1 added requiring a landscaping plan be part of the preliminary development agreement. This will bring clarity to the table for all interested parties.

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

A. Purpose: The purpose of this chapter is to promote the health, safety, and general welfare of the public and to enhance the aesthetic features of the City; to protect property values, trap and filter dust and pollutants, reduce soil erosion, protect and conserve city water supplies, and to facilitate the orderly development of an attractive and harmonious community.

B. Definitions as applied to this chapter:
   1. Front Yard-a yard extending across the full width of the lot, between the front lot line and the front wall plane of the main building.
   2. Planter Strip-the area between the street and the sidewalk.
   3. Rear Yard-a yard extending across the full width of the lot, between the rear lot line and the rear wall plane of the main building.
   4. Side Yard-Corner Lot-a yard extending from the front lot line to the rear lot line, between the side lot line and the side wall plane of the main building.
   5. Side Yard-a yard extending from the side lot line to the side wall plane of the main building, and extending from the front wall plane to the rear wall plane of the building.
   6. Street Trees-Trees located in a planter strip.
   7. Xeriscape-Reduced water usage landscape achieved using good planning and design, limited turf areas, soil improvements, efficient irrigation, mulching, low water use plants, and appropriate trees, shrubs, and ground cover. Failure of an owner to install and maintain landscaping within the front yard under the guise that the vegetation and bare ground that occur naturally on the site constitutes xeriscaping shall not qualify as conforming to the provisions of this section.

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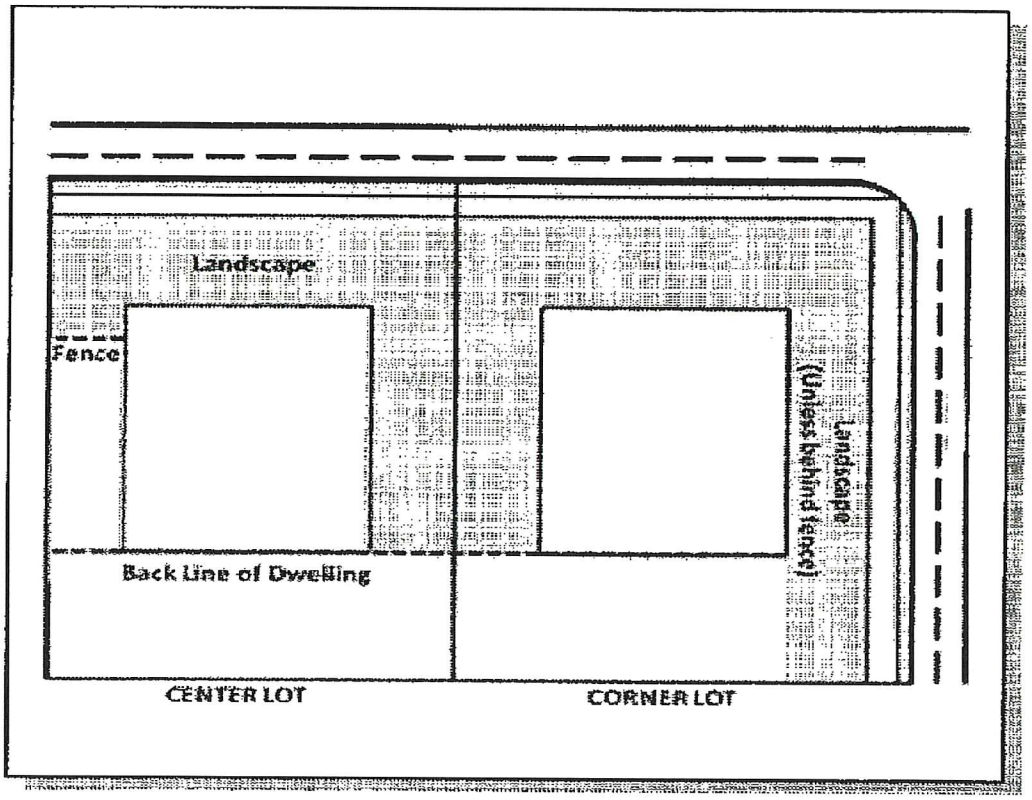

C. Single Family:
   1. All single family residential lots shall have the front yard, side yard-corner lot, or side yard in front of a sight-obscuring fence, and park strips landscaped within one year of receiving a certificate of occupancy. The applicant shall be responsible for the landscaping.
   2. Required landscaping may be comprised of grass with an irrigation system, trees, bushes, Xeriscape improvements, other manicured vegetative groundcover, or a combination of them.
      a. Water is a precious commodity that should be protected and conserved. An irrigation system connected to the Elk Ridge City water system shall include the installation of a backflow prevention device (specifically a RPZ valve), a pressure-reducing valve (PRV), a rain or soil moisture sensor, low-loss heads and/or drip systems as applicable, and an automatic drain system.
   3. In order to ensure landscaping requirements are met, Elk Ridge City shall require applicants to provide a deposit with the construction of new homes. The deposit amount is set and may be adjusted from time to time by the City Council. The deposit will be returned to the property owner when the required landscaping has been installed. In the event that the required landscaping has not been installed within three (3) years after the certificate of occupancy has been issued, the deposit is forfeited to the City.

D. Multiple-Family Dwellings, Planned Unit Developments, Senior Housing Overlay Zones, Hillside Cluster Overlay Zones, Hillside Residential 1 Zones, Critical Environmental Zones, and Commercial Zones:

1. A development with common areas shall have a landscaping plan shown as part of the preliminary development agreement.
2. 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.
3. 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. Once the city building inspector inspects any irrigation systems connected to the city water system and verifies the landscaping work for all phases is completed, the cash bond is returned to cash bond holder.

E. Zones with Animal Rights:
1. Properties within zones that have animal rights may use the property for raising of livestock and for other agriculture uses. This may include the use of corrals, pastures, coops, barns, barnyards, feed storage, and the like.
2. Corrals and pasture are permitted in the front yard 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. Corrals, pastures, coops, barns, barnyards, feed storage, hay bales, loading chutes, water storage tanks, and the like, located in the front yard 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

Trees greatly enhance the aesthetic features of the City. Tree lined streets increase property values, reduce summer-time temperatures, extend pavement life, improve air quality, protect from solar glare, reduce UV rays, reduce storm water run-off, and reduce noise. The aesthetics of tree lined streets and green spaces are shown to have positive psychological benefits including lower rates of blood pressure and lower levels of stress. To promote these benefits the city has adopted a tree lined street ordinance.

1. For new construction and new developments each lot shall have two (2) trees in a planter strip. If the lot is a corner lot, there shall be two (2) additional trees in the planter-strip of the side yard 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.
2. Single Family New Construction-Street trees will have a trunk caliper of one and one-half inches (1 1/2"). The applicant shall be responsible for the installation of the required street trees.
3. Multiple-Family Dwellings, Planned Unit Developments, Senior Housing Overlay Zones, Hillside Cluster Overlay Zones, Hillside Residential 1 Zones, Critical Environmental Zones, and

Commercial Zones New Construction-Street trees will have a trunk caliper of two-inches (2"). The applicant shall be responsible for the installation of the required street trees.

4. The applicant shall provide the street trees with an adequate automatic watering system.
5. At the time a development is constructed each street should 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 discourages disease and is encouraged.
6. Lots with considerable frontage shall have a maximum tree spacing of fifty feet (50').
7. 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.
   Ord. 08-15.6, 10-28-2008, eff. 11-28-2008)

H. Deleted

I. Deleted

J. Landscape Maintenance:
   1. Landscaped areas shall be maintained in a neat, clean, and orderly condition. This in meant to include proper pruning, lawn mowing, weeding, removing of litter, fertilizing, replacing of dead plants, and regular watering of all landscaped areas.
   2. Maintenance of street trees in the planter strip shall be performed by the adjacent property owner.
   3. Newly developed landscaped areas shall be maintained with an automatic sprinkler system.
   4. All landscaping and/or non-landscaped rear yards will 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. For fire safety, 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 and not allow to reseed.

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)

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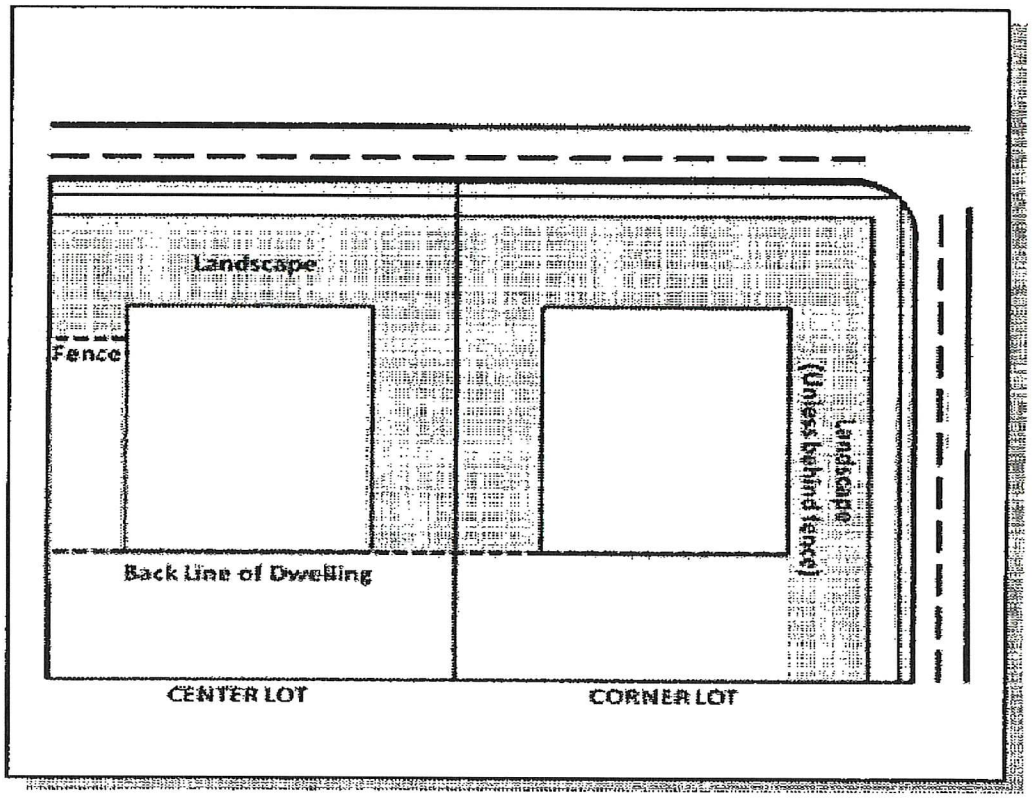
10-12-36: LANDSCAPING REQUIREMENTS; RESIDENTIAL AND COMMERCIAL:

~~A.~~ A. Purpose: The purpose of this chapter is to promote the health, safety, and general welfare of the public and to enhance the aesthetic features of the City; to protect property values, trap and filter dust and pollutants, reduce soil erosion, protect and conserve city water supplies, and to facilitate the orderly development of an attractive and harmonious community.

B. Definitions as applied to this chapter:

1. ~~Residential Lot; Front Yard: Front yards of single-family lots, including~~ Front Yard-a yard extending across the full width of the lot, between the front lot line and the front wall plane of the main building.
2. Planter Strip-the area between the street and the sidewalk.
3. Rear Yard-a yard extending across the full width of the lot, between the rear lot line and the rear wall plane of the main building.
4. Side Yard-Corner Lot-a yard extending from the front lot line to the rear lot line, between the side lot line and the side wall plane of the main building.
5. Side Yard-a yard extending from the side lot line to the side wall plane of the main building, and extending from the front wall plane to the rear wall plane of the building.
6. Street Trees-Trees located in a planter strip.
7. Xeriscape-Reduced water usage landscape achieved using good planning and design, limited turf areas, soil improvements, efficient irrigation, mulching, low water use plants, and appropriate trees, shrubs, and ground cover. Failure of an owner to install and maintain landscaping within the front yard under the guise that the vegetation and bare ground that occur naturally on the site constitutes xeriscaping shall not qualify as conforming to the provisions of this section.

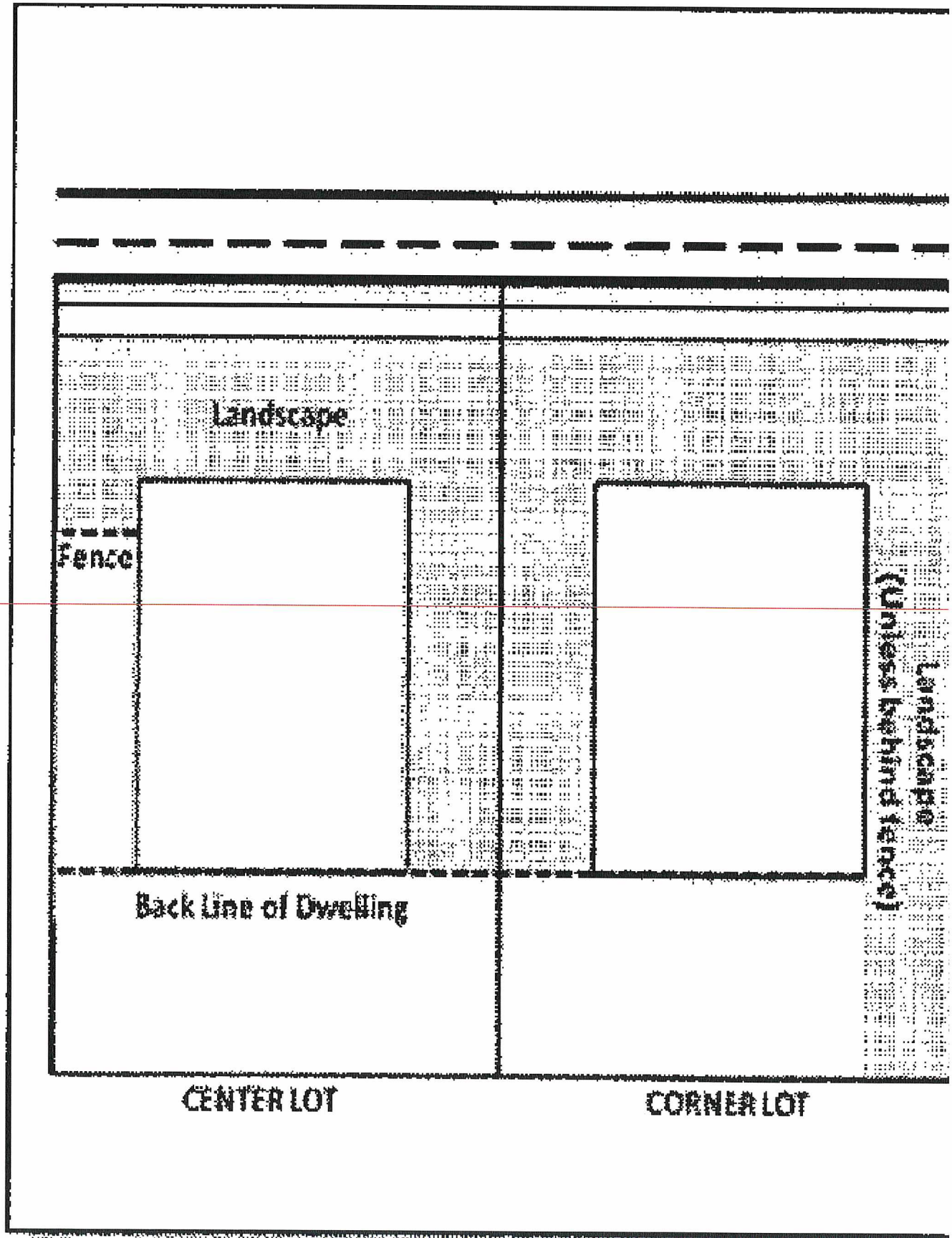
~~any area in front of the dwelling, including the sidewalk planter strip, shall be landscaped. Side yards to the back line of the dwelling or to a sight obscuring fence, shall also be landscaped. On corner lots the side yard and sidewalk planter strip adjacent to the street shall be landscaped, except areas behind a sight obscuring fence. Lots without street curbing shall be landscaped to the asphalt of the road or to the shoulder gravel~~



~~area.~~

C. Single Family:

1. All single family residential lots shall have the front yard, side yard-corner lot, or side yard in front of a sight-obscuring fence, and park strips landscaped within one year of receiving a certificate of occupancy. The applicant shall be responsible for the landscaping.
2. Required landscaping may be comprised of grass with an irrigation system, trees, bushes, Xeriscape improvements, other manicured vegetative groundcover, or a combination of them.
   a. Water is a precious commodity that should be protected and conserved. An irrigation system connected to the Elk Ridge City water system shall include the installation of a backflow prevention device (specifically a RPZ valve), a pressure-reducing valve (PRV), a rain or soil moisture sensor, low-loss heads and/or drip systems as applicable, and an automatic drain system.
3. In order to ensure landscaping requirements are met, Elk Ridge City shall require applicants to provide a deposit with the construction of new homes. The deposit amount is set and may be adjusted from time to time by the City Council. The deposit will be returned to the property owner when the required landscaping has been installed. In the event that the required landscaping has not been installed within three (3) years after the certificate of occupancy has been issued, the deposit is forfeited to the City.


Landscape
Fence
Back Line of Dwelling
Landscape
(Unless higher fence)
CENTER LOT
CORNER LOT

B. Residential Lot; Rear Yard: Rear yards of single-family lots, including any area to the rear of the dwelling and side yard not included as part of the front 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.

D. C. Commercial And Large Multiple-Family Dwellings, Planned Unit Developments, Senior Housing Overlay Zones, Hillside Cluster Overlay Zones, Hillside Residential 1 Zones, Critical Environmental Zones, and Commercial Zones:Residential Developments: Landscape materials must be installed prior to completion of all commercial projects, planned unit, senior housing, hillside cluster, and mountain home developments. A l

1. A development with common areas shall have a landscaping plan shown as part of the preliminary development agreement.
2. 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.

andscaping plan must be drawn, designed and certified by a licensed landscape architect and submitted to the planning commission for their approval. The plan shall show planting materials, irrigation, structural features, playgrounds, sport fields, building locations, and hard surfaces (streets, sidewalks, trails, etc.). It shall also show grading with contours and spot elevations before construction and anticipated contours and elevations after completion. 3. AA cash bond of one hundred twenty five percent (125%) of the estimated landscaping costs of the common area(s) shallwill be posted prior to the recording whether the landscaped area is proposed to be in city ownership or in a private homeowners' association. Once the If weather does not permit for landscaping to be installed prior to subdivision completion, the city can extend installation up to May 15 the following year. city building inspector inspects any irrigation systems connected to the city water system and verifies the landscaping work for all phases is completed, the cash bond is returned to cash bond holder.An inspection shall be performed by the city building inspector to verify work complies with all city code and ordinance requirements before the bond is released.

If the subdivision contains individual lots to be built upon after subdivision completion, only common areas in the subdivision will be subject to this requirement. Individual lots will be required to follow front and rear yard landscaping requirements.

D. Types Of Landscaping: Landscaping shall include the treatment of the ground surface with live materials such as, but not limited to, sod, grass, ground cover, trees, shrubs, vines and other growing

horticultural plant material. In addition, a combination of xeriscape plantings and the utilization of native vegetation is encouraged in clusters on smaller and flatter terrain lots and allowed exclusively on slopes over fifteen percent (15%). Native vegetation includes grasses and trees that are currently established in the nondeveloped hillside areas of the city. Erosion control and elimination of noxious weeds must be accomplished in order to qualify as native plantings. Simply grading the ground and letting vegetation to grow back is not allowed because this promotes noxious weeds to grow. Landscaping may also include other decorative surfacing such as bark chips, crushed stone, mulch materials, or pavers. Structural features such as fountains, pools, statues, playgrounds, and benches shall also be considered a part of the landscaping, but such objects alone shall not meet the requirements of landscaping. Hard surfaces, such as concrete or asphalt, shall not cover more than thirty percent (30%) of a front yard area.

E. -Zones wWith Animal Rights:

1. Properties within zones that havewith animal rights shall be allowed tomay usekeep areas of the property for use of raising of livestock and for other agriculture uses.. This may can include the use of corrals, pastures, coops, barns, barnyards, feed storage, and the like.etc.
2. Corrals and pasture are permitted in the front yard 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. Corrals, pastures, coops, barns, barnyards, feed storage, hay bales, loading chutes, water storage tanks, and the like, located in the front yard 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 barnyardThese areas will still 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.

F. -Deleted Vegetative Clearance: The use of native vegetation is encouraged on steeper slopes over fifteen percent (15%) and on larger lots over one-half (1/2) acre in size to conserve water and to help preserve the native hillside areas of the city. Properties within the urban/wildland interface area (generally hillside areas in the southern area of the city) shall adhere to the requirements for vegetative clearance as listed in section 9-3-9 of this code. Properties within the hillside residential 1 zone have additional native vegetation preservation requirements.

G. -Street Trees

Trees greatly enhance the aesthetic features of the City. Tree lined streets increase property values, reduce summer-time temperatures, extend pavement life, improve air quality, protect from solar glare, reduce UV rays, reduce storm water run-off, and reduce noise. The aesthetics of tree lined streets and green spaces are shown to have positive psychological benefits including lower rates of blood pressure and lower levels of stress. To promote these benefits the city has adopted a tree lined street ordinance.: To allow for proper root depth needed within planter strips and to recognize the higher elevation growth requirements, t

1. For new construction and new developments each lot shall have two (2) trees in a planter strip. If the lot is a corner lot, there shall be two (2) additional trees in the planter-strip of the side

yard 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.

2. Single Family New Construction-he following trees are approved to be planted within the planter strip area between the sidewalk and the street: autumn blaze maple, Norway maple, honey locust, summit ash, green spire linden, autumn purple ash. It is recommended that trees have a two inch (2") caliper trunk and be potted rather than burlap balled.

Street trees in the planter strip of will have a trunk caliper of one and one-half inches (1 1/2"). The applicant shall be responsible for the installation of the required street trees.

3. Multiple-Family Dwellings, Planned Unit Developments, Senior Housing Overlay Zones, Hillside Cluster Overlay Zones, Hillside Residential 1 Zones, Critical Environmental Zones, and Commercial Zones New Construction-Street trees commercial, planned unit, senior housing, hillside cluster, or mountain home developments shall be shown on the landscaping plan. Trees shalwill have a trunk of at least two inchtrunk caliper of two-inches (2"). The applicant shall be responsible for the installation of the required street trees.

4. The applicant shall provide the street trees with an adequate automatic watering system.

5. At caliper and be potted rather than burlap balled to provide for stronger growth in the Elk Ridge environment. the time a development is constructed each Each street within these types of developments shouldall have the same typetype of tree planted along that streetalong it 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 discourages disease and is encouraged.

6. -Lots with considerable frontage shall have a maximum tree spacing of fifty feet (50').All units shall have at least two (2) trees within the planter strip adjacent to the unit (4 on corner lots). The required sight distance at intersections shall be maintained

7. 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.

.(Ord. 08-15.6, 10-28-2008, eff. 11-28-2008)

H. -Deleted Time Allowed For Residential Landscaping Installation: Landscape materials must be installed within twenty four (24) months of occupancy of residential structures. If in noncompliance after twenty four (24) months, this will be considered a violation of the city of Elk Ridge development code and will be classified as a class C misdemeanor, with all the applicable penalties and fines. (Ord. 14-5, 10-14-2014)

I. -Deleted Existing Residential Yard Requirements: Existing residential yards associated with a structure, which do not comply with this section, shall be brought into compliance within twenty four (24) months of enactment of this section (October 31, 2008). If in noncompliance after twenty four (24) months, this will be considered a violation of the city of Elk Ridge development code and will be classified as a class C misdemeanor, with all the applicable penalties and fines.

J. Landscape -Maintenance:

1. Landscaped areas shall be maintained in a neat, clean, and orderly condition. This in meant to include proper pruning, lawn mowing, weeding, removing of litter, fertilizing, replacing of dead plants, and regular watering of all landscaped areas.

2. Maintenance of street trees in the planter strip shall be performed by the adjacent property owner.

3. Newly developed landscaped areas shall be maintained with an automatic sprinkler system. ~~The landowner shall be responsible for the continued proper maintenance of all landscaping materials. Landscaping shall be maintained in good condition so as to present a healthy, neat, and orderly appearance at all times. Landscaping shall be mowed, groomed, trimmed, pruned and watered according to water wise conservation guidelines to maintain healthy growing conditions and not detract from the appearance of the immediate neighborhood.~~

4. All ~~L~~landscaping and/or non-landscaped rear yards ~~shall be kept visually free of insects and disease, and~~ wi~~sha~~ll 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. For fire safety, ~~weeds and other volunteer plants. Irrigation systems shall be maintained so as to eliminate water loss due to damaged, missing, or improperly operating sprinkler system components. All unhealthy or dead plant material shall be replaced within six (6) months, or the next planting period (spring or fall), whichever comes first; while other defective landscape features shall be removed, replaced or repaired within three (3) months. Gravel shoulder areas on lots without street curbing shall be kept weed and vegetation free. If utility work is needed within the city owned road right of way the city or utility company shall restore landscaping and other improvements to their original state.~~

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 and not allow to reseed.

K. Landscaping ~~-~~Hazards:

Landscaping shall be maintained to ~~minimize~~ prevent property damage to sidewalks, roads, trails, or other public improvements and to avoid public safety hazards. This may ~~,~~ include~~ing~~ the removal/replacement of dead or decaying plant material, removal of low hanging branches ~~and those~~ 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)