

ORDINANCE NO. 23-03

IN ORDINANCE AMENDING THE CITY OF ELK RIDGE SUPPLEMENTARY REGULATIONS WITHIN ZONES TITLE 10 CHAPTER 12 SECTION 36 LANDSCAPING REQUIREMENTS; RESIDENTIAL AND COMMERCIAL CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Elk Ridge has adopted the Elk Ridge City Supplementary Regulations Within Zones Title 10, Chapter 12, Section 36 Landscaping Requirements; Residential And Commercial; and

WHEREAS, the Elk Ridge City held a public hearing on _____, 2023 at 7:00pm, for the purpose of the proposed amendment to Supplementary Regulations Within Zones Title 10 Chapter 12 Section 36 Landscaping Requirements; Residential And Commercial; and

WHEREAS, the public hearing was preceded by the posting of a notice of public meeting in at least to the Payson Chronicle Newspaper, a newspaper of general circulation within the city, the Utah Public Access and the city website at least 24 hours prior to the Public Meeting; and

WHEREAS, the notice of the meeting, which was posted and published, by the City Council contains specific advance notice that the proposed ordinance amendment, as set forth herein, would be considered and that copies thereof were available for inspection in the city ' offices; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF ELK RIDGE CITY, UTAH, AS FOLLOWS: (red text is added text, ~~strikeout-text is deleted text~~)

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:

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.

PLANTER STRIP: The area between the street and the sidewalk.

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.

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.

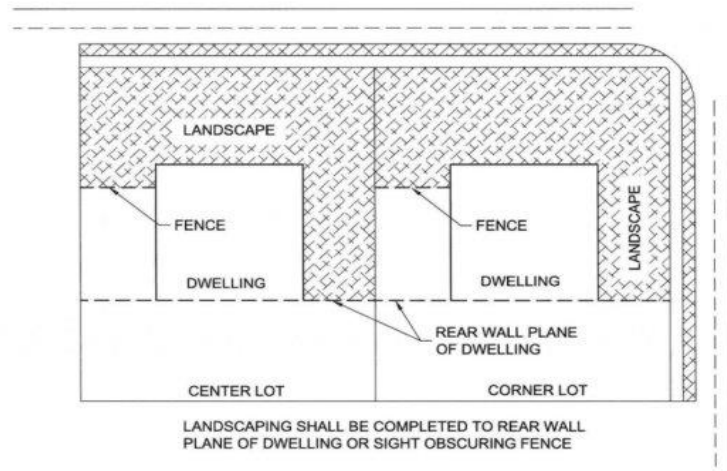
SIDE YARD - CORNER LOT: A yard extending from the front lot line to the rear lot line, between the side lot line and the side wall plane of the main building.

STREET TREES: Trees located in a planter strip.

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.

ZEROSCAPE: Dirt and weeds are not permitted.



C. Single-Family:

1. All single-family residential lots must have the front yard, side yard - corner lot, or side yard center lot landscaped to the rear wall plane of the dwelling. If there is a sight obscuring fence, on a center lot, landscaping can end at the front of the fence. Planter strips must be landscaped. All landscaping should be completed within three (3) years of receiving a certificate of occupancy or the purchase of an existing home. The applicant must be responsible for the landscaping.

2. Required landscaping may be comprised of an irrigation system, trees, bushes, Xeriscape improvements, other manicured vegetative ground cover, 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 must include the installation of a backflow prevention device (specifically an 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. Water is a precious commodity that should be protected and conserved. The following pertains to those parts of the lot as described in 10-12-36-C-1.

- a. Lawn shall not be less than 8 feet at its narrowest point.
- b. Lawn shall not exceed 35% of the total landscaped area.
 - i. Total Landscaped area: Improved areas of the property that incorporate all the completed features of the landscape. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, and other non-irrigated areas intentionally left undeveloped.
- c. Lawns shall not be installed in park strips, paths, or on slopes greater than 25%.

3 4. In order to ensure landscaping requirements are met, Elk Ridge City must 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 is not installed within three (3) years after the certificate of occupancy has been issued, the deposit is forfeited to the city.

D. Multiple-Family Dwellings:

1. A development with common areas must have a landscaping plan shown as part of the preliminary application package.

2. A landscaping plan must be designed, drawn, and certified by a licensed landscape architect and submitted to the Elk Ridge City planning commission for their approval. The plan must 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 must also show grading with contours and spot elevations before construction and anticipated contours and elevations after completion.

- a. Lawn shall not be less than 8 feet at its narrowest point.
- b. Lawn shall not exceed 35% of the total landscaped area.
 - i. Total Landscaped area: Improved areas of the property that incorporate all the completed features of the landscape. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, and other non-irrigated areas intentionally left undeveloped.
- c. Lawns shall not be installed in park strips, paths, or on slopes greater than 25%.
- d. In commercial, industrial, institutional, and multifamily development common area landscapes, lawn area shall not exceed 20% of the total landscaped area, outside of active recreation areas.

3. A cash bond of one hundred percent (100%) of the estimated landscaping costs of the common area(s) must 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 the 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 as examples the use of corrals, pastures, coops, barns, barnyards, or feed storage.

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, shall and must 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 existing 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 must be kept less than four inches (4") tall within thirty feet (30') of a structure. Noxious weeds must be kept less than twelve inches (12") tall for all other areas.

Passed and duly adopted this ____ day of _____, 2023.

Robert Haddock, MAYOR

Councilmember Nelson Abbott	Voted ____
Councilmember Tricia Thomas	Voted ____
Councilmember Jared Peterson	Voted ____
Councilmember Cory Thompson	Voted ____
Councilmember Tanya Willis	Voted ____

ATTEST:

ROYCE SWENSEN
Elk Ridge City Recorder

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, ROYCE SWENSEN, City Recorder of the City of Elk Ridge, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of

Ordinance #23-03, passed by the City Council of the City of Elk Ridge, Utah, on the ____ day of _____, 2023, entitled

“AN ORDINANCE OF THE ELK RIDGE CITY COUNCIL SUPPLEMENTARY REGULATIONS WITHIN ZONES 10-12-36 LANDSCAPING REQUIREMENTS; RESIDENTIAL AND COMMERCIAL”

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Elk Ridge City Utah this ____ day of _____, 2023

ROYCE SWENSEN
Elk Ridge City Recorder

AFFIDAVIT OF POSTING

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, ROYCE SWENSEN, City Recorder of the City of Elk Ridge, Utah, do hereby certify and declare that I posted in three (3) public places Ordinance #23-03 which is attached hereto on the ____ day of _____ 2023.

The three places are as follows:

1. The Elk Ridge City Office, 80 E Park Drive
2. The Elk Ridge City Website elkridgecity.org
3. The Utah Public Notice Website Utah.gov

I further certify that copies of the ordinance so posted were true and correct copies of said ordinance.

ROYCE SWENSEN
Elk Ridge City Recorder

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by ROYCE SWENSEN.

My Commission Expires:

Notary Public

Residing at: Utah County

