

## ORDINANCE NO. 23-04

### IN ORDINANCE AMENDING THE CITY OF ELK RIDGE DEVELOPMENT CODE, LANDSCAPING TITLE 10 SECTION 12 SECTION 36: CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City of Elk Ridge has adopted the Elk Ridge City Development Code 10-12-36 Landscaping

**WHEREAS**, the Elk Ridge City held a public meeting on May 4, 2023 at 7:00pm, for the purpose of the proposed amendment to Development Code 10-12-36 Landscaping; and

**WHEREAS**, the public meeting was preceded by the posting of a notice of public meeting in at least three (3) public places: city office, Utah Public Notice website, City Website along with notification to the Payson Chronicle Newspaper, a newspaper of general circulation within the city, 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~~)**

#### C. Single-Family:

1. All single-family residential lots when constructed upon 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. 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 planter 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 planter strips, paths, or on slopes greater than 25%.
- d. 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.

4. Landscaping must be completed for certificate of occupancy. Temporary Certificate of occupancy may be issued if weather and other conditions do not allow for completion of landscaping.

E. Zones With Animal Rights:

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.

F. City Trees: Trees greatly enhance the aesthetic features of the city. Tree lined streets increase property values, reduce summertime temperatures, improve air quality, protect from



solar glare, reduce UV rays, reduce stormwater runoff, and reduce noise. The addition of trees in any landscaping plan is encouraged. Trees planted in planter strips are known as street trees and must meet certain requirements. The requirements for street trees are:

1. **Single-Family New Construction:** Each lot can have street trees. When street trees are planted on a corner lot, the required sight distance at intersections must be maintained in accordance with section [10-12-9](#) of this chapter. The trunk caliper of each tree should be approximately one and one-half inches (1 1/2") to insure survival of the tree in the harsher planter strip environment. The applicant shall be responsible for the installation of street trees.

2. **Multiple-Family Dwellings, Commercial Zones New Construction:** Each lot shall have a minimum of two (2) trees in a planter strip. If the lot is a corner lot, there must be a minimum of two (2) additional trees in the planter strip of the side yard. If the lot is a corner lot, the required sight distance at intersections must be maintained in accordance with section [10-12-9](#) of this chapter. Street trees must have a trunk caliper of two inches (2"). The applicant is responsible for the installation of the required street trees.

3. **Automatic Watering:** The applicant must provide the street trees with an adequate automatic watering system.

4. **Tree Variety:** At the time a multiple-family or commercial 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.

5. **Spacing:** Lots with considerable frontage must have a maximum tree spacing of fifty feet (50').

6. **Approved Street Trees:** All street trees must be approved by resolution or the tree committee.

#### G. Landscape Maintenance:

1. Landscaped areas must be maintained in a neat, clean, and orderly condition. This is 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 the planter strip and street trees in the planter strip must be performed by the adjacent property owner.

3. Newly developed landscaped areas must be maintained with an automatic sprinkler system or other appropriate irrigation systems.

4. All landscaping and/or nonlandscaped rear yards will be kept free from noxious weeds and other nonnative 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 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 and not allow to reseed.

#### H. Landscaping Hazards:

Landscaping must 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 and 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.

I. Commercial, Industrial, and Institutional Landscaping:

1. Lawn shall not be less than 8 feet at its narrowest point.
2. Lawn shall not exceed 35% of the total landscaped area.
  - a. 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.
  - b. Lawns shall not be installed in planter strips, paths, or on slopes greater than 25%.
3. In commercial, industrial, and institutional developments, lawn area shall not exceed 20% of the total landscaped area.

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 #\_\_\_\_\_, 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 AMENDING LANDSCAPING  
”**

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 #\_\_\_\_\_, 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 Utah Public Notice Website
3.       The City Website

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.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

Residing at:                   Utah County