

**ORDINANCE NO. 22-06**

**AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, REVISING AND AMENDING SOUTH OGDEN CITY CODE 10-23, 10-14-19, AND 7-2-1 CREATING AN IMPROVED WATER WISE LANDSCAPE ORDINANCE; MAKING NECESSARY LANGUAGE CHANGES TO THE CITY CODE TO EFFECT THOSE CHANGES; AND ESTABLISHING AN EFFECTIVE DATE FOR THOSE CHANGES.**

**SECTION I - RECITALS:**

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

**WHEREAS**, the City Council finds that in conformance with Utah Code (“UC”) §10-3-717, and UC §10-3-701, the governing body of the city may exercise all administrative and legislative powers by resolution or ordinance; and,

**WHEREAS**, in conformance with the provisions of UCA §10-9a-501 the governing body of the city may enact a zoning ordinance establishing regulations for land use and development within the city; and,

**WHEREAS**, South Ogden City has previously adopted and promulgated a city zoning ordinance; and,

**WHEREAS**, the City Council finds that much of Utah, including South Ogden, is experiencing a water shortage due to drought; and,

**WHEREAS**, the City Council finds that steps should be taken to conserve water; and,

**WHEREAS**, the City Council finds that the Planning Commission has recommended certain changes to the city landscape ordinance in order to be water wise and conserve more water; and,

**WHEREAS**, the City Council finds that South Ogden City Code, Titles 7 and 10 and various of their subsections should be amended by adding new language governing these changes and related regulations for the city; and,

**WHEREAS**, the City Council finds that the requirements should be effective upon passage of this Ordinance; and,

**WHEREAS**, the City Council finds that the public safety, health and welfare is at issue and requires action by the City as noted above;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH** that the City Code be changed and amended:

**Amended Section:**

Upon the adoption of this Ordinance, Titles 7 and 10 of the South Ogden City Code is readopted with the changes set out in **Attachment "A"**, which is incorporated herein, to read as indicated.

The foregoing recitals are incorporated herein.

**SECTION II - REPEALER OF CONFLICTING ENACTMENTS:**

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

**SECTION III - PRIOR ORDINANCES AND RESOLUTIONS:**

The body and substance of any prior Ordinances and Resolutions, with their specific provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

**SECTION IV - SAVINGS CLAUSE:**

If any provision of this Ordinance shall be held or deemed or shall be invalid, inoperative or unenforceable such reason shall not render any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Ordinance being deemed the separate independent and severable act of the City Council of South Ogden City.

**SECTION V - DATE OF EFFECT**

This Ordinance shall be effective on the 19<sup>th</sup> day of April 2022, and after publication or posting as required by law.

DATED this 19<sup>th</sup> day of April, 2022.

SOUTH OGDEN CITY, a municipal corporation

by: \_\_\_\_\_  
Mayor Russell Porter

Attested and recorded

\_\_\_\_\_  
Leesa Kapetanov, CMC  
City Recorder

# **ATTACHMENT "A"**

## **ORDINANCE NO. 22-06**

An Ordinance Of South Ogden City, Utah, Revising And Amending South Ogden City Code 10-23,10-14-19, And 7-2-1 Creating An Improved Water Wise Landscape Ordinance; Making Necessary Language Changes To The City Code To Effect Those Changes; And Establishing An Effective Date For Those Changes.

19 Apr 22

## **10-14-19: Landscape And Maintenance Of Developed Land**

- A. Required: Construction on land approved for development in the City will be undertaken as required by City ordinances ~~and the Planning Commission or City Council~~. Land remaining on developed sites not covered with structures or impervious surfaces such as driveways, walks, courts, landscape features (sculptures, boulders, etc.), shall be landscaped in accordance with 10-23 if this Title and 10-5.1A-7 or 10-5.1B-7 if applicable ~~with live plant material~~ and irrigated with a system to maintain any plants in a healthy, growing condition, compatible with the general neighborhood appearance.
- B. Residential Yard Areas: Landscaping shall be installed in all required residential yard areas adjoining a public or private street within eighteen (18) months of occupancy. Landscaping of a residential site shall be in accordance with 10-23 if this Title ~~consist of a combination of trees, shrubs, grass and an irrigation system~~.
- C. Failure To Comply: Owners/operators of ~~commercial~~ property located within the City Center, 40<sup>th</sup> Street Corridor, or Commercial Areas Form Based Code not landscaped or maintained as required by ~~the Planning Commission~~ this section, 10-23, or 10-5.1A -7 or 10-5.1B-7, or any other, ~~under the~~ criteria established in this Code may have their business licenses revoked. Owners of residential property not landscaped or maintained as required are subject to prosecution for a Class C misdemeanor, and upon conviction, subject to penalty as provided in section 1-4-1 of this Code. (Ord. 17-23, 11-21-2017, eff. 11-21-2017)

## **CHAPTER 23 LANDSCAPE REGULATIONS**

### **10-23-1: Purpose**

It is in the public interest to conserve the public's water resources and to promote water efficient landscaping. The purpose of this chapter is to protect and enhance the community's environmental, economic, recreational, and aesthetic resources by promoting efficient use of water in the community's landscapes, to reduce water waste, and to establish a structure for the designing, installing and maintaining of water efficient landscapes throughout the City. (Ord. 17-10, 3-21-2017, eff. 3-21-2017)

### **10-23-2: Definitions**

The following definitions shall apply to this chapter:

**ARTIFICIAL TURF:** A ground cover or surface consisting of synthetic fibers made to look like natural grass.

**BACKFLOW:** An unwanted flow of water in the reverse direction.

**BACKFLOW PREVENTION DEVICE (BACKFLOW PREVENTER):** Reduced pressure in the pipe may allow contaminated water from the soil, storage, or other sources to be drawn up into the system. A backflow prevention device (backflow preventer) is used to protect potable water supplies from contamination or pollution due to backflow.

**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.

**DRIP EMITTER:** Drip irrigation fittings that deliver water slowly at the root zone of the plant, usually measured in gallons per hour.

**DROUGHT TOLERANT PLANT:** A plant that can survive without irrigation throughout the year once established, although supplemental water may be desirable during drought periods for improved appearance and disease resistance.

**EVAPOTRANSPIRATION:** The quantity of water evaporated from adjacent soil surfaces and transpired by plants during a specific time, expressed in inches per day, month or year.

**GRADING PLAN:** The grading plan shall be shown at the same scale as the planting and irrigation plan. The grading plan shows all finish grades, spot elevations as necessary and existing and new contours with the developed landscaped area.

**GROUND COVER:** Material planted in such a way as to form a continuous cover over the ground that can be maintained at a height not more than twelve inches (12").

**HARDSCAPE:** Patios, decks and paths (does not include driveways and sidewalks).

**IRRIGATED LANDSCAPED AREA:** All portions of a development site to be improved with planting and irrigation. Natural open space areas shall not be included in the irrigated landscaped area.

**IRRIGATION CONTRACTOR:** A person certified by the Irrigation Association (IA) to install irrigation systems.

**IRRIGATION DESIGNER:** A person certified by the Irrigation Association to prepare irrigation system designs, and/or a professionally licensed landscape architect.

**IRRIGATION EFFICIENCY:** The measurement of the water beneficially applied, divided by the total water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system hardware characteristics and management practices.

**IRRIGATION PLAN:** The irrigation plan shall be shown at the same scale as the planting plan. The irrigation plan shall show the components of the irrigation system with water meter size, backflow prevention, precipitation rates, flow rate and operating pressure for each irrigation circuit, and identification of all irrigation equipment.

**LANDSCAPE IRRIGATION AUDITOR (LIA):** A person certified by the Irrigation Association to conduct a landscape irrigation audit.

**LANDSCAPE PLAN DOCUMENTATION PACKAGE:** The preparation of a graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features such as plantings, ground and water forms, circulation, walks and other features to comply with this chapter. The landscape plan documentation package shall include a project data sheet, a planting plan, an irrigation plan, a grading plan, a soils report, a landscape water allowance, a landscape water allowance report, and an irrigation schedule.

**LANDSCAPE WATER ALLOWANCE:** For design purposes, the upper limit of annual applied water for the established landscaped area. It is based upon the local reference evapotranspiration rate, the ETO adjustment factor and the size of the landscaped area.

**LANDSCAPE ZONE:** A portion of the landscaped area having plants with similar water needs, areas with similar microclimate (i.e., slope, exposure, wind, etc.) 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.

**MULCH:** Any material such as bark, wood chips or other materials left loose and applied to the soil for the purpose of preventing evapotranspiration.

**NON-DROUGHT TOLERANT PLANT:** A plant that will require regular irrigation for adequate appearance, growth and disease resistance.

**PLANTING PLAN:** A planting plan is a drawing that clearly and accurately identifies and locates elements related to a landscape such as new and existing trees, shrubs, ground covers, turf areas, driveways, sidewalks, hardscape features, and fences, etc.

**PRECIPITATION RATE:** The depth of water applied to an area, usually measured in inches per hour.

**PROFESSIONAL LANDSCAPE ARCHITECT:** A person who holds a license to practice landscape architecture in Utah.

**RAIN SHUT-OFF DEVICE:** A device wired to the automatic controller that shuts off the irrigation system when it rains.

**REFERENCE EVAPOTRANSPIRATION RATE OR ETO:** A standard measurement of environmental parameters which affect the water use of plants. ETO is expressed in inches per day, month or year and is an estimate of the evapotranspiration of a large field of four inch (4") to seven inch (7") tall, cool season grass that is well watered. The average annual ETO for South Ogden City is 25.57 inches<sup>1</sup>.

**RUNOFF:** Water not absorbed by the soil or landscape area to which it is applied and which flows onto other areas.

**SOILS REPORT:** A report by a laboratory indicating soil type(s), soil depth, uniformity, composition, bulk density, infiltration rates, and pH for the topsoil and subsoil for a site. The soils report also includes recommendations for soil amendments.

**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 with its roots.

**WATER AUDIT:** An on-site survey and measurement of irrigation equipment and management efficiency, and the generation of recommendations to improve efficiency.

**WATER-CONSERVING PLANT:** A plant that uses less water than standard plants. (Ord. 17-10, 3-21-2017, eff. 3-21-2017)

Notes

<sup>1</sup>ETO is based on the 30 year average from 1961 to 1990 for the Ogden area, for the 8 month growing season March through October. See *Sprinklers, Crop Water Use, and Irrigation Time - Weber County* by Robert W. Hill and James Barnhill, Utah State University Extension, April 2001, table 3, page 6.

### **10-23-3: Applicability Of This Chapter**

This chapter shall apply to all new and rehabilitated landscapes for public projects, private development projects, developer-installed landscaping in multi-family residential projects, and developer-installed landscaping in single-family projects.

~~This chapter does not apply to home owner provided landscaping at single family projects, although water efficient landscapes are encouraged for such sites as well.~~

This chapter does not apply to home owner provided landscaping at single family or duplex projects, although water efficient landscapes are encouraged for such sites as well.

In addition, sports fields, turf play areas within public parks, school grounds, golf courses and cemeteries are exempt from the landscape water allowance limitations of this chapter. All other portions of this chapter shall apply. (Ord. 17-10, 3-21-2017, eff. 3-21-2017)

### **10-23-4: Documentation**

- A. Landscape Plan Documentation Package: A copy of a landscape plan documentation package shall be submitted to and approved by the City prior to issuance of any permit. The landscape plan documentation package shall be prepared by a professional landscape architect.

The irrigation plan shall be prepared by an irrigation designer certified by the Irrigation Association and/or a professional landscape architect.

The landscape plan documentation package shall consist of the following items:

1. Project Data Sheet: The project data sheet shall contain:
  - a. Project name and address;
  - b. Applicant or applicant agent's name, address, phone and fax number;
  - c. Landscape designer/landscape architect's name, address, phone and fax number; and
  - d. Landscape contractor's name, address, phone and fax number, if available.
2. Planting Plan: A detailed planting plan shall be drawn at an appropriate scale suitable for identifying:
  - a. Location of all plant materials;

- b. A legend with botanical and common names and size of plant materials;
  - c. Property lines and street names;
  - d. Existing and proposed buildings, walls, fences, utilities, paved areas and other site features;
  - e. Existing trees and plant materials to be removed or retained;
  - f. Designation of landscape zones; and
  - g. Details and specifications for tree staking, soil preparation, blue stakes, and other planting work.
3. Irrigation Plan: A detailed irrigation plan shall be drawn at the same scale as the planting plan and shall contain:
- a. Layout of the irrigation system;
  - b. A legend summarizing the type and size of all components of the system, including manufacturer name and model numbers;
  - c. Static water pressure in pounds per square inch (psi) at the point of connection to the public water supply;
  - d. 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
  - e. Installation details for irrigation components.
4. Grading Plan: A grading plan shall be drawn at the same scale as the planting plan and shall contain:
- a. Property lines and street names, existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements, and
  - b. Existing and finished contour lines and spot elevations for the proposed site improvements.
5. Soils Report: A soils report will be provided and shall describe the depth, composition, and bulk density of the topsoil and subsoil at the site, and shall include recommendations for soil amendments. The planting plan shall incorporate the recommendations of the soils report into the planting specifications.
- ~~6.~~ Landscape Water Allowance: The annual landscape water allowance shall be calculated using the following equation:

~~Landscape water allowance =  $ETO \times 1.0 \times 0.62 \times A$ , where landscape water allowance is in gallons per year.~~



<u>ET<sub>o</sub></u>	=	Reference evapotranspiration in inches per year
<u>1.0</u>	=	ET <sub>o</sub> adjustment factor, 100 percent of turf grass ET <sub>o</sub> (water year adjustment factor)
<u>0.62</u>	=	Conversion factor (to gallons per square feet)
<u>A</u>	=	Total irrigated landscape area in square feet

The Maximum Applied Water Allowance shall be calculated using the following equation:

$$\text{MAWA} = (\text{ET}_o) (0.62)(1.15)[(0.8 \times \text{LA}) + (0.3 \times \text{SLA})]$$

MAWA = Maximum Applied Water Allowance (gallons per year)

ET<sub>o</sub> = Reference Evapotranspiration (inches per year) as calculated from weather data at the closest available weather station.

0.62 = Conversion Factor (to gallons)

1.15 = Delivery Inefficiency Factor (sprinkler system uniformity etc.)

0.8 = ET Adjustment Factor (ETAF), plant factor or crop coefficient (.8 standard for cool season turf)

LA = Landscape Area including SLA (square feet)

0.3 = Additional Water Allowance for SLA

SLA = Special Landscape Area (square feet)

ET<sub>o</sub> values can be obtained directly from the USU Climate Center where a data base of weather data from local stations is collected, analyzed, and stored. If you cannot find the ET data you need, please contact the City.

**7.6. Irrigation Schedule:** A monthly irrigation schedule shall be provided that covers the initial 120-day plant establishment period adjusted for seasonal variations. This schedule shall consist of a table with the following information for each valve:

- a. Plant type (turf, trees, low water use plants);
- b. Irrigation type (sprinklers, drip, bubblers);
- c. Flow rate in gallons per minute;

- d. Precipitation rate in inches per hour (sprinklers only);
- e. Run times in minutes per day;
- f. Number of water days per week; and
- g. Cycle time to avoid runoff. (Ord. 17-10, 3-21-2017, eff. 3-21-2017)

## **10-23-5: Landscape Design Standards**

### **A. Plant Selection.**

1. The Salt Lake City Plant List and Hydrozone Schedule 2013 prepared by Salt Lake City Public Utilities and the Jordan Valley Conservation District Conservancy Gardens ""Locascapes (<https://locascapes.com>) programs shall be a the primary references e document for the selection, design and installation of water-conserving plants and landscapes as modified from time to time by South Ogden City's certified arborist or the Planning Commission.
2. Plants selected for landscape areas shall be well-suited to the microclimate and soil conditions at the project site. Plants with similar water needs shall be grouped together as much as possible.
3. Areas with slopes greater than twenty five percent (25%) shall be landscaped with deep-rooting, water-conserving plants for erosion control and soil stabilization. No turf grasses or overhead irrigation is allowed on slopes greater than 25%.
4. No turf grasses or overhead irrigation is allowed in areas with a width less than 8 feet, including park strips.
5. Turf grass areas shall not exceed a total of 15% of the total landscaped area for new Commercial, Institutional, Industrial, Multi-Family, HOA Common Areas, mixed-use, townhome, PRUD, etc.)
6. Turf grass areas shall not exceed a total of 35% for new single-family residential construction.
7. For projects at the interface between urban areas and natural non-irrigated open space, drought tolerant plants shall be selected that will blend with the native vegetation and that are fire resistant or fire retardant. Plants with low fuel volume or high moisture content shall be emphasized.

~~1. Areas with slopes greater than thirty percent (30%) shall be landscaped with deep-rooting, water-conserving plants for erosion control and soil stabilization. For parking strips and other landscaped areas less than eight feet (8') wide, please refer to title 7, chapter 2 of this Code.~~

~~The Salt Lake City Plant List and Hydrozone Schedule 2013 prepared by Salt Lake City Public Utilities shall be a primary reference document for the selection, design and installation of water-conserving plants and landscapes as modified from time to time by South Ogden City's certified arborist or the Planning Commission.~~

B. Trees: The City wants to ensure that existing trees are preserved and newly planted trees survive in order to enhance the beauty of the City. This is particularly important for street trees. In order to accomplish this, the following guidelines should be followed:

1. Selection and planting of street trees should follow requirements of 10-5.1A-7-3, 10-5.1B-7-3, and 7-2.
2. Existing trees should be preserved whenever possible.
3. When removing turf or other plantings around trees in order to install a water efficient landscape, special care should be taken to not damage the roots of existing trees.
4. Newly planted trees will need additional water during the first years of planting in order to become established. In addition to properly designed irrigation systems, other methods such as drip hoses and gator bags should be used to provide more water for new trees.

B.C. Mulch: After completion of planting, all irrigated non-turf areas shall be covered with a minimum three inch (3") to four inch (4") layer of mulch to retain water, inhibit weed growth, and moderate soil temperature. Nonporous material shall not be placed under the mulch. Drip irrigation is required where turf grasses are not being utilized.

C.D. Soil Preparation: Soil preparation will be suitable to provide healthy growing conditions for the plants and to encourage water infiltration and penetration. Soil preparation shall include scarifying the soil to a minimum depth of six inches (6") and amending the soil with organic material as per recommendations of the landscape designer/landscape architect based on the soils report. (Ord. 17-10, 3-21-2017, eff. 3-21-2017)

#### **10-23-6: Irrigation Design Standards**

- A. Design Standards: Irrigation design standards for this chapter are outlined in the latest version of the "Minimum Standards for Efficient Landscape Irrigation System Design and Installation" prepared by the Utah Irrigation Association. In addition, the remainder of this section shall also apply.
- B. Backflow Prevention Device: A backflow prevention device shall be installed according to State and County standards on all culinary irrigation systems. The backflow device must be tested on an annual basis and annual certification submitted to the City.
- C. Pressure Regulation: A pressure regulating valve shall be installed and maintained by the consumer if the static service pressure exceeds eighty (80) pounds per square inch (psi). The pressure-regulating valve shall be located between the meter and the first point of water use, or first point of division in the pipe, and shall be set at the manufacturer's recommended pressure for the sprinklers.
- D. Landscape Water Meter: A water meter shall be installed for landscape irrigation systems, and shall be separate from the water meter installed for culinary uses. The size of the meter shall be determined based on irrigation demand.

- E. Automatic Controller: All irrigation systems shall include an electric automatic controller with multiple program and multiple repeat cycle capabilities and a flexible calendar program. All controllers shall be equipped with an automatic rain shut-off device, and the ability to adjust run times based on a percentage of maximum ETO.
- F. Slopes Exceeding ~~Thirty Three Percent~~ twenty-five percent: On slopes exceeding ~~thirty~~ threetwenty-five percent (~~33~~25%), the irrigation system shall consist of drip emitters, bubblers or sprinklers with a maximum precipitation rate of 0.85 inch per hour and adjusted sprinkler cycle times to eliminate runoff.
- G. Separate Valves: Each valve shall irrigate a landscape with similar site, slope and soil conditions and plant materials with similar watering needs. Turf and non-turf areas shall be irrigated on separate valves. Drip emitters and sprinklers shall be placed on separate valves.
- H. Bubbler Specifications: Drip emitters or a bubbler shall be provided for each tree. Bubblers shall not exceed 1.5 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.
- I. Matched Precipitation Rates: Sprinklers shall have matched precipitation rates with each control valve circuit.
- J. Check Valves: Check valves shall be required where elevation differences will cause low-head drainage. Pressure compensating valves and sprinklers shall be required where a significant variation in water pressure will occur within the irrigation system due to elevation differences.
- K. Drip Irrigation: Drip irrigation lines shall be undergrounded, except for emitters and where approved as a temporary installation. Filters and end flush valves shall be provided as necessary.
- L. Times Of Operation: Valves with spray or stream sprinklers shall be scheduled to operate between six o'clock (6:00) P.M. and ten o'clock (10:00) A.M. to reduce water loss from wind and evaporation.
- M. Programmed Valves: Valves shall be programmed for multiple repeat cycles where necessary to reduce runoff, particularly on slopes and soils with slow infiltration rates. (Ord. 17-10, 3-21-2017, eff. 3-21-2017)

#### **10-23-7: Use Of Artificial Turf As A Ground Cover**

- A. Artificial turf shall consist of green, lifelike individual blades of grass that:
  - 1. Emulate natural turf in look and color;
  - 2. Have a minimum pile height of 1.5 inches, except in areas where shorter pile height may be installed as a sport or recreational surfaces; and
  - 3. Have a minimum tufted weight of fifty six (56) ounces per square yard;

- B. In no case shall artificial turf be installed within permanent drainage features (e.g., ponds, swales, and retention and detention basins);
- C. Artificial turf may be installed in park strips located within the public right-of-way fronting properties.
  - 1. In order to maintain an acceptable appearance, special maintenance and care of artificial turf park strips is assumed. Acceptance of this responsibility shall be borne by the property owner when installing artificial turf.
  - 2. South Ogden City will not be responsible for costs to maintain artificial turf in the street right-of-way.
  - 3. South Ogden City shall not be responsible for any costs to repair artificial turf damaged as part of utility and street repair and maintenance within the street right-of way.
- D. Artificial turf shall have a minimum eight (8) year manufacturer's warranty protecting against color fading and decrease in pile height;
- E. The use of indoor or outdoor plastic or nylon carpeting as a substitute or replacement for artificial turf or natural turf is prohibited;
- F. It shall be properly anchored to ensure that the artificial turf will withstand the effects of wind;
- G. All seams shall be nailed and glued, not sewn, and edges shall be trimmed to fit against all regular and irregular edges to resemble a natural look;
- H. Proper grading, compaction and drainage shall be provided for all artificial turf installations to prevent excess runoff or pooling of water and artificial turf installations shall have a minimum permeability of thirty inches (30") per hour per square yard;
- I. It shall be visually level, with the grain pointing in a single direction;
- J. An appropriate solid barrier device (e.g., concrete mow strip, bender board) is required to separate the artificial turf from planters and live vegetation;
- K. A minimum four foot (4') separation between artificial turf and tree trunks and two foot (2') separation between artificial turf and shrubs shall be maintained to ensure roots are not damaged with the installation of artificial turf and that the overall health of the living plant material is not compromised;
- L. It shall be cleaned regularly and maintained in an appropriate and neat manner; and
- M. It shall be replaced if it is worn, uneven, discolored, or damaged. (Ord. 17-10, 3-21-2017, eff. 3-21-2017)

### **10-23-8: Plan Review, Construction Inspection And Post-Construction Monitoring**

- A. As part of the building permit approval process, a copy of the landscape plan documentation package shall be submitted to the city for review and approval before a permit shall be issued and construction begins. With the landscape plan documentation package, a copy of the landscape water allowance worksheet shall be completed by a landscape designer and submitted to the City. Once approved, the landscape water allowance worksheet will be transmitted to the local water purveyor.
- B. All landscape plan documentation packages submitted must be stamped by a professionally licensed landscape architect (PLA). The irrigation plan must be prepared by an IA certified irrigation designer, or a PLA.
- C. All landscape irrigation systems shall be installed by an IA certified irrigation contractor. The certified person representing the contracting firm shall be directly involved with the project and complete and document at least weekly site visits.
- D. All installers, designers and auditors shall meet State and local license, insurance, and bonding requirements, and be able to show proof of such.
- E. During construction, site inspection may be performed by the City Building Inspection Department.
- F. Prior to issuance of substantial completion status, an inspection shall be scheduled with the Building Inspection Department to verify compliance with the approved landscape plans. The Certificate of Substantial Completion shall be completed by the property owner, contractor or landscape designer/landscape architect and submitted to the City.
- G. Prior to issuance of substantial completion status, a water audit will be conducted by an IA certified landscape irrigation auditor. The auditor shall be independent of the contractor, design firm, and owner/developer of the project. The water performance audit will verify that the irrigation system complies with the minimum standards required by this chapter. The minimum efficiency required for the irrigation system is sixty percent (60%) for the distribution efficiency for all fixed spray systems and seventy percent (70%) distribution efficiency for all rotor systems. The auditor shall furnish a certificate to the City, designer, installer, and owner/developer certifying compliance with the minimum distribution requirements, and shall also submit an irrigation schedule.
- H. A guarantee of the installation of landscaping as approved by the Planning Commission shall be made to the City in the same manner as that required for any other required improvement by including in a bond, escrow or letter of credit, the estimated cost of the landscaping work at the time of building permit issuance, or is deemed satisfactory by the Planning Commission for all small developments, by means of a financial guarantee for landscaping remaining uncompleted at the time of application for final building inspection and power to panel and/or occupancy permit. Such financial guarantee shall specify the maximum length of time for completion of the remaining landscaping.

~~G.~~

~~H.I.~~ 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 chapter are not satisfied. (Ord. 17-10, 3-21-2017, eff. 3-21-2017)

### **7-2-1: Definitions**

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

CITY: The city of South Ogden City, Utah.

LANDSCAPING: The visual improvements and beautification of grounds, yards and property through the planting, arrangement and maintenance of [mulch \(including rocks\)](#), grass, lawns, flowers and flower beds, ground cover, ornamental shrubs and trees in accordance with a planned design.

NUISANCE: Any tree or shrub located on public or private property having a destructive or communicable disease or pestilence which endangers the growth, health, life or well-being of trees, shrubs or plants in the city or which is capable of causing an epidemic spread of a communicable disease or insect infestation; the roots of any tree or shrub, located on public or private property, which cause the surface of the public street, curb or sidewalk to be upheaved or otherwise disturbed; any tree, shrub or portion thereof located on public or private property, which, by reason of location or condition, constitutes an imminent danger to the health, safety or well-being of the general public on city property.

PARKING/PLANTING STRIP: The area between curb and sidewalk or where curb should be and the property line that is city-owned.

PARKS SUPERINTENDENT/URBAN FORESTER: The parks division manager.

PERSON: Any person, firm, partnership, association, corporation, company or organization of any kind.

SHADE TREE OR TREE: A tree in any public place, except where otherwise indicated.

SHRUB: A woody perennial plant smaller than a tree, usually having permanent stems branching from or near the ground. (Ord. 00-17, 9-19-2000, eff. 9-19-2000; amd. 2001 Code)

### **7-2-4: Authority Of Planning Commission**

~~A. The zoning ordinance of the city vests with the planning commission the authority and responsibility to review and approve all development plans and proposals as part of the~~

conditional use or planned residential unit development, or commercial or industrial site plan approval process.

- B. ~~The consideration of landscaping requirements to improve the visual appearance of property proposed for development is one means by which the planning commission is authorized to achieve a better city environment and image.~~
- C. ~~The planning commission, city council and the urban forestry commission feel it necessary and desirable to establish general policy guidelines for landscaping for new proposed development in the city and in particular as it applies to commercial property so that developers may more clearly understand what will be required of them to achieve a harmonious and somewhat uniform level of property landscape improvements.~~
- D. ~~The following is a guide covering landscaping and property improvements that will be used in reviewing landscaping proposals for developing property and establishing the Planning Commission's requirements as part of the site plan review, conditional use and planned residential unit development approval process of the City Zoning Ordinance:~~
  - 1. ~~A form of landscaping shall be required for all or a part of a property proposed for development and which is subject to review by the Planning Commission under the following Zoning Ordinance provisions:~~
    - a. ~~Conditional use, title 10, chapter 15 of this Code;~~
    - b. ~~Planned residential unit, title 10, chapter 11 of this Code; (Ord. 00-17, 9-19-2000, eff. 9-19-2000)~~
    - c. ~~Site plan reviews for any development in the City Center/40th Street or Commercial Area form based code areas, section 10-5.1A-10-2 or 10-5.1B-10-2 of this Code. (Ord. 17-21, 11-21-2017, eff. 11-21-2017)~~
    - d. ~~Landscaping regulations, title 10, chapter 23 of this Code. (Ord. 07-15, 9-4-2007, eff. 9-4-2007)~~
  - 2. ~~Lawns are considered most appropriate for the parking/planting strip between the curb and sidewalk and the site property line. Approval must be obtained and a permit must be issued by the Parks Superintendent/Urban Forester before any trees or shrubs are planted in any City parking/planting strip.~~
  - 3. ~~Existing healthy trees that are on the City's approved tree list should be retained as far as the design of the proposed building location allows. No trees within the street parking/planting strip shall be removed without first obtaining a permit from the Parks Superintendent/Urban Forester or his/her assistant.~~
  - 4. ~~Emphasis will be given to the landscaping of the front yard or that area between the curb, front property line and the most visible area from the public way, which helps create the visual environment of the community.~~
  - 5. ~~Selection of shrubs and tree types shall be made with regard to existing types on the same and adjoining properties so that a compatible and aesthetically pleasing relationship may be developed and maintained.~~
  - 6. ~~Consideration shall be given to the use of trees, shrubs and other types of landscaping in and around parking lots to relieve asphalt monotony.~~



- ~~7. Shrubs and trees should, at the time of planting, be of a sufficient size (caliper) and condition so that after a reasonable period of growth they are approaching the space they are intended to fill.~~
- ~~8. A water irrigation system to maintain the proposed plantings is considered a part of the landscaping requirements and should be installed with the initial plantings and operated in a manner to adequately maintain growth.~~
- ~~9. When designing the required landscaping plan, the developer should consider the location of existing and proposed overhead power lines and underground sewer lines so that trees and large shrubs are not located under or over such lines, thus avoiding possible future hazardous situations, power outages and clogged sewer lines, etc.~~
- ~~10. The Planning Commission strongly recommends that a developer consult with a trained landscape designer for help in preparing the landscaping plan in order to assure an acceptable standard of development, which will be a significant factor in obtaining a favorable response from the Planning Commission.~~
- ~~11. A guarantee of the installation of landscaping as approved by the Planning Commission shall be made to the City in the same manner as that required for any other required improvement by including in a bond, escrow or letter of credit, the estimated cost of the landscaping work at the time of building permit issuance, or is deemed satisfactory by the Planning Commission for all small developments, by means of a financial guarantee for landscaping remaining uncompleted at the time of application for final building inspection and power to panel and/or occupancy permit. Such financial guarantee shall specify the maximum length of time for completion of the remaining landscaping. (Ord. 00-17, 9-19-2000, eff. 9-19-2000)~~