

# ORDINANCE NO. 23-04Z

## ZONING TEXT CHANGE

### AN ORDINANCE AMENDING VARIOUS CHAPTERS OF THE CLINTON CITY ZONING ORDINANCE FOR WATER EFFICIENT LANDSCAPE REGULATIONS.

- WHEREAS,** Clinton City has established an ordinance regulating zoning within the City; and
- WHEREAS,** Clinton City desires to reduce water waste and promote efficient use of water in the city's landscapes; and
- WHEREAS,** Clinton City desires to establish a structure for designing, installing and maintaining water efficient landscapes throughout the City; and
- WHEREAS,** The Clinton City Planning Commission and City Council has convened public hearings and has determined that changes are needed in this ordinance to promote the health, safety, and general welfare of the citizens;
- NOW THEREFORE,** BE IT ORDAINED BY THE CITY COUNCIL OF CLINTON CITY, DAVIS COUNTY, STATE OF UTAH:
- BY MOTION** The Clinton City Council voted to adopt this Ordinance.

#### **SECTION 1. Enactment**

Chapter 28-2 Definitions, Chapter 28-3 Regulations Applicable to All Zones, Chapter 28-4 Parking, Chapter 28-18 Light Manufacturing (MP-1) Zone, Chapter 28-19 Performance Standards (PZ) Zone, and Chapter 28-20 Central Business Design Standards shall be amended as described in Exhibit A.

#### **SECTION 2. Enactment**

Chapter 28-3 shall be amended by adding Section 28-3-21 Water Efficient Landscape Requirements as described in Exhibit B

#### **SECTION 3. Planning Commission Action**

Reviewed in a public hearing the 20<sup>th</sup> day of June 2023, by the Clinton City Planning Commission and recommended for approval through a motion passed by a majority of the members of the Commission based upon the following findings.

**For Favorable Action (Adoption):**



- Proposed changes do not adversely affect the effectiveness of the Ordinance and are consistent with the intent of the General Plan.

**SECTION 4. Severability.** In the event that any provision of this Ordinance is declared invalid for any reason, the remaining provisions shall remain in effect.

**SECTION 5. Effective date.** This ordinance shall be recorded and become effective upon the date of posting indicated below.

PASSED AND ORDERED RECORDED AND POSTED by the Council of Clinton City, Utah, this 27<sup>th</sup> day of June, 2023.

May 26, 2023  
NOTICE PUBLISHED

  
\_\_\_\_\_  
BRANDON STANGER  
MAYOR

ATTEST:

  
\_\_\_\_\_  
LISA TITENSOR  
CITY RECORDER

2267 N 1500 W  
CLINTON CITY, UTAH 84405

Posted: June 28, 2023



## ORDINANCE 23-04Z – EXHIBIT A

### CHAPTER 28-2 DEFINITIONS

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*“Landscaping, Non-living”* Rocks, gravel, mulches, wood chips or other non-living materials typically used in landscaping may be used as ground covers under plant materials. ~~Such materials used solely as ground cover, without plants above, will not cover more than ten (10) percent of the ground area required to be landscaped. If more than ten (10) percent is desired, approval must be given by the planning staff based on the criteria in § 3.20.3 for Commercial developments and § 3.21.3 for residential dwellings of this title.~~

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### CHAPTER 28-3 REGULATIONS APPLICABLE TO ALL ZONES

#### 28-3-4 Additional Yard Regulations.

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(7) Front-yards shall remain free of impervious surfaces except as allowed in 28-4 for parking and access to covered parking or as allowed in 28-3-4 (4) above. ~~Minor landscape features shall not cover more than 5% of the available front yard.~~

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#### 28-3-10 Site Plan and Architectural Approval

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##### *(e) Landscaping.*

(i) Landscape Plan: As part of any proposed development, the owner or developer shall submit a landscape plan to the Community Development Department for approval. All landscaping plans shall demonstrate conformance with the applicable requirements contained in this Section and other applicable regulations in this Title.

(ii) Landscape Objectives: Landscaping should substantively satisfy the following objectives to the extent that they apply to the specific site:

(A) Landscaping should be encouraged that will serve the function of enhancing the visual environment by:

- (1) Adding visual interest through texture, color, size and shape, etc;
- (2) Enhancing perspective by framing views, complementing architecture, screening and creating points of interest and activity; and
- (3) Defining and screening parking areas and associated access lanes from adjacent residential zones and public rights of way.

(B) Landscaping, combined with other design elements, shall be encouraged that will serve the function of ensuring public safety by:

- (1) Guiding the circulation of cars and people;
- (2) Controlling access to parking lots;
- (3) Making traffic diverters prominent; and
- (4) Defining the relative importance of streets by varying the species, height and location of landscaping.

(C) Landscaping should be encouraged that will serve the function of minimizing the nuisance of noise and glare.

(D) Landscaping should be encouraged that will service the function of conserving energy by:

- (1) Shading hot summer sun; and
- (2) Blocking cold winter winds.

(E) Care should be taken to integrate the project to the site. Landscaping is one tool in carrying out this thoughtful consideration of the land. Sensitivity to topography and useful existing vegetation should be used in determining building location and special uses. The total landscape should be harmonious with the overall neighborhood concept.

(F) Preservation of existing landforms and mature trees is usually desirable.

(G) Visual variety should be the aim of landscaping treatment. Landscaping should be used to break up large expanses of pavement.

(H) Species that are a public nuisance or that cause excess litter should be avoided.

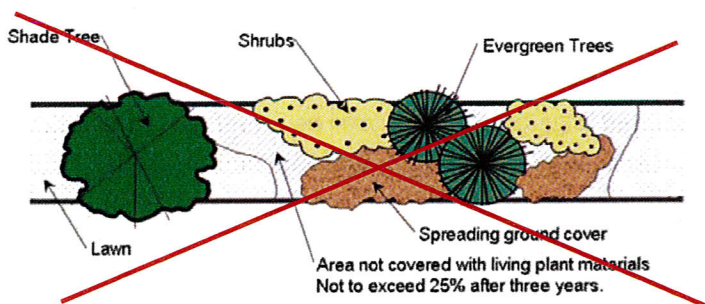
## ORDINANCE 23-04Z – EXHIBIT A

(H) Landscaping and other design elements, such as pavers, lighting, seating, etc., as deemed appropriate, should enhance the visual environment by creating a visually obvious and definite entry point or entry corridor, ~~en~~-framing views, complementing the architecture, screening objectionable views and creating points of interest.

### (iii) General Requirements:

(A) ~~Landscaping shall be installed in~~ all areas not occupied by buildings, parking, storage, future phased plan areas or access-ways, as well as the area of the public right of way defined by a curb or gutter shall be landscaped utilizing ground covers, turf, trees and/or shrubs.

~~(B) When shrubs or ground covers other than turf are used for landscaping, the spacing, type and size of plants used shall be such that seventy five percent (75%) of all landscaped areas shall be covered with living material within three (3) years of planting.~~



~~(B)~~ Planting beds shall be covered with rock or wood mulch to a minimum depth of three inches ~~(3")~~.

~~(C)~~ Plant material shall be species that are regionally appropriate and suitable for the site-specific planting conditions, including available moisture, shade, salt tolerance, wind exposure and soil pH.

~~(D)~~ The maximum allowable cut or fill slope is two feet ~~(2')~~ horizontal distance for one foot ~~(1')~~ of rise. Slopes steeper than two to one ~~(2:1)~~ will require retaining walls or other types of approved slope stabilization methods.

~~(E)~~ No plant material greater than ~~twenty-four~~ 24 inches ~~(24")~~ in height shall be located within ~~twenty-five feet~~ 25 feet of a curb cut or drive approach except for street trees as required herein.

(iv) Size of Landscape Materials at Time of Planting: Unless specified elsewhere in this Code:

(A) Deciduous shade trees shall have a minimum caliper size of two inches ~~(2")~~ as defined by industry standards.

(B) Evergreen trees shall be a minimum of six ~~(6)~~ feet tall.

(C) Shrubs shall be of a size generally known in the landscape industry as requiring at least a one ~~(1)~~ gallon container.

### ~~(v) Installation and Maintenance:~~

~~(A) Landscaping shall be installed prior to occupancy of any unit in the structure. In the case of inclement weather that prevents the installation of the required improvements, the time completion of the improvements may be extended, in writing, upon the approval of the applicable reviewing body or designee. However, in no case shall the time for completion be extended beyond June 1 immediately following the completion date. A financial guarantee according to 28-3-22 of this Title shall be required prior to issuing building permits.~~

~~(B) All landscaping, fencing, walls and other buffering/screening materials shall be maintained in a good, healthy, weed-free, effective condition by the owner. Diseased or dead plant material shall be removed and replaced by June 1 if due to winterkill or October 1 if the plant material dies during summer months.~~

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~~Deteriorated or ineffective fencing material shall be removed and replaced within three (3) months of notice of correction.~~

~~(C) Landscaping materials shall be contained so as not to obstruct any portion of the public sidewalk or street pavement.~~

~~(D) All landscaping shall be protected from automobile overhang, by use of a curb or a wheel bumper.~~

~~(vi) Irrigation System Design:~~

~~(A) Irrigation systems shall be designed to avoid or minimize overspray of water onto paved surfaces or structures.~~

~~(B) Landscaped areas shall be irrigated with an underground irrigation system, not including single-family residential dwellings. Areas with existing natural vegetation of shrubs or trees are not required to be irrigated unless site improvements have altered the historic drainage pattern or soil absorption patterns so as to reduce the amount of available water so the planting cannot exist in its natural state.~~

~~(vii) Tree Preservation:~~

(A) Existing trees that are in a healthy condition and have a minimum caliper of four inches (4") as measured by industry standards shall be considered "significant," and shall be preserved to the extent reasonably feasible. Existing trees and shrubs within areas that can be developed may be used to satisfy the landscaping requirements of this Section. All required landscape plans shall accurately identify the locations, species, size, condition and proposed disposition of all significant trees.

(B) Species that are a public nuisance or that causes excess litter should be avoided.

(C) Existing trees that will remain and their root systems shall receive adequate water to ensure survival, and shall be protected from damage, soil contamination and compaction within the drip line during construction through the use of barricades or fencing.

~~(viii) Street Trees:~~ When the public street frontage has existing curbs or is required to install curbs as part of the development improvements, street trees shall be required to be installed in the ~~parkway~~park strip. Trees shall be spaced based upon the species or as established in the site plan review. If the space in the ~~parkway~~park strip is less than four feet (4') wide, the required trees shall be placed outside of the ~~parkway~~park strip but within ~~twenty-five feet (25')~~25 feet of the curb line and may be arranged in a formal or informal manner.

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### **28-3-20 Required Residential and Commercial Landscaping.**

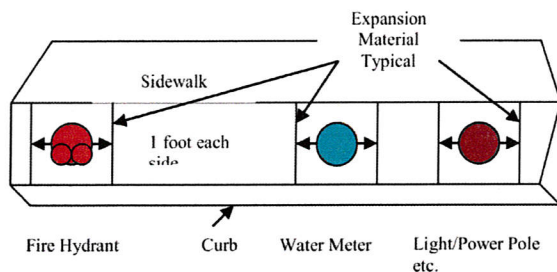
#### **28-3-20.1 Required Residential Landscaping**

(1) All front & side yards that are visible from public view (excluding fenced rear yards), shall be landscaped; as well as the area within the public right of way between the curb and gutter and sidewalk otherwise known as the "park -strip".

(a) The park strip may be covered with non-turf landscaping or non-living landscaping. Concrete is not allowed in park strips of local streets, only major streets, known as collector and arterial streets. However, e Concrete is placed in the park strip area of collector and arterial streets around the water meter ring, fire hydrants and similar utilities, the area surrounding the item shall be separated from the utilities with expansion joint material or other approved material on each side of the item from the remainder of the concrete. -This joint material shall be located one foot from the largest edge of the item on each side, extending from sidewalk to curb, thus facilitating removal of the concrete around the item without damage to the adjacent concrete in the park strip. -In no case will the City be required to

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replace any concrete or other material that it may remove. -Caution should be exercised not to place items in the park strip that could be a hazard to pedestrian or vehicular traffic.



(b) Additional information related to structures, trees, excavation, height limitations, and maintenance requirements associated with the right-of-way and park strip can be found in Title 25, Chapters 15 and 16.

(2) Existing and New Residential Uses:

(a) Existing single-family residential uses which have either not installed landscaping, or residential uses where the landscaping no longer exists, must install landscaping according to these regulations and shall be installed within 18 months from the enactment of this provision.

(b) For all single-family homes that are constructed after the enactment of this provision, landscaping must be installed within 18 months after the initial occupancy of the home.

### 28-3-20.2 Required Commercial Landscaping

When an area is required to be landscaped under the terms of this Title, the requirements shall be met by the installation and maintenance of improvements as set forth in 28-3-10 and below:

#### (1) General Requirements:

(a) All plantings shall be maintained in a healthy and attractive condition.

(b) Landscaping materials shall be contained so as not to spill into the public right of way.

(c) All areas not occupied by buildings, parking, storage, future phased plan areas or access-ways, shall be landscaped; as well as the area within the public right of way between the curb and gutter and sidewalk shall be landscaped, unless the area falls along a gateway or entry corridor as designated in the general plan. ~~Public right of way defined by a curb or gutter can be landscaped utilizing ground covers, trees and shrubs instead of turf. When shrubs or ground covers are used for landscaping, the spacing, type and size of plants used shall be such that seventy five percent (75%) of all landscaped areas shall be covered with living material within three (3) years of planting.~~

~~(d) For all uses except single family dwellings, all landscaping shall be serviced by an acceptable underground sprinkling or irrigation system.~~

#### (2) Gateway and Entry Corridor Rights Of Way:

(a) For areas at an entry point or along an entry corridor, the area within the public right of way between the curb and gutter and sidewalk may be fully landscaped, or may invoke a combination of landscaping, pavers and other design elements to create the desired visual impact. The use of landscaping and pavers at entry points and along entry corridors should substantively satisfy the following objectives:

(i) Landscaping, combined with pavers and other design elements such as lighting, seating, etc., as deemed appropriate, should enhance the visual environment by creating a visually obvious and definite

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entry point or entry corridor through use of a texture, color, size and shape, etc., enhancing perspective by framing views, complementing architecture, screening, and creating points of interest and activity;

(ii) Landscaping, combined with other design elements, shall be encouraged that will serve the function of ensuring public safety by:

(A) Guiding the circulation of cars and people;

(B) Controlling access to parking lots;

(C) Making traffic diverters prominent; and

(D) Defining the relative importance of streets by varying the species, height and location of landscaping.

(iii) Landscaping combined with other design elements should minimize maintenance to ensure these points of first impression are maintained at an optimum level.

(b) Care should be taken to integrate the design of the entry point or entry corridor to the surrounding areas in a way that maximizes the assets of the area while still maintaining the desired continuity and visual impact.

(c) Visual continuity and overall design shall control the balance of landscaping and other design elements. However, whenever possible, landscaping shall be used.

### ~~(3) More Than Ten Percent Nonliving Ground Cover:~~

~~When considering if more than ten percent (10%) of nonliving ground cover shall be allowed the following principles shall be in place in the landscaping or landscaping design:~~

~~(a) The overall landscaping on the property enhances the visual environment by:~~

~~(i) Adding visual interest through texture, color, size and shape, etc., and~~

~~(ii) Enhancing perspective by framing views complementing architecture, screening and creating points of interest and activity;~~

~~(b) The design includes elements which work with existing topography and is designed in such a way as to make softened transitions from the landscaping of adjoining properties to the property in question;~~

~~(c) Plant species that are a public nuisance or that cause excess litter should be avoided;~~

~~(d) The other aspects of water wise design are included on the properties which are:~~

~~(i) An overall landscape design for the entire property,~~

~~(ii) Mulches are used in planting bed areas,~~

~~(iii) Turf areas are used in high use areas of the lot,~~

~~(iv) Plants are selected and installed which are appropriate for the physical condition of site specific locations, and~~

~~(v) The landscaping is kept free of weeds and junk materials.~~

### ~~(4) General Maintenance:~~

~~All landscaped areas, whether required or otherwise, shall be kept and maintained in accordance with all of the following standards:~~

~~(a) Landscaped areas shall be kept free of litter and debris.~~

~~(b) Landscaped areas shall be weeded on a regular basis.~~

~~(c) Trees and shrubs shall be pruned so as to avoid damage to other improvements, structures or utility lines.~~

~~(d) Dead branches or dead trees, shrubs or other plant materials are removed from the property.~~

~~(e) Lawns are mowed on a regular basis according to the growth habit of the type of turf grass used.~~

~~(f) All plant materials shall be adequately watered to maintain a healthy condition as by the typical color of the plant under normal growing conditions; provided that when water use restrictions are imposed by~~

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~~the city or applicable secondary water provider during times of drought, no violation shall occur as long as the owner or occupant is watering within such restrictions.~~

~~(g) Required trees, shrubs or other plant materials that have died shall be removed and must be replaced.~~

~~(5) Landscaping shall be installed in all areas not occupied by buildings, parking or access ways and according to the approved plot plan. Landscaping shall be installed prior to occupancy of any unit in the structure. In the case of inclement weather that prevents the installation of the required improvements, the time completion of the improvements may be extended, in writing, upon the approval of the applicable reviewing official or body, or designee. However, in no case shall the time for completion be extended beyond June 1 immediately following the completion date. A financial guarantee according to 28-3-22 of this Chapter shall be required prior to issuing building permits.~~

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**28-3-26 Model and Display Homes.**

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(1) Model Homes

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(i) Full landscaping, consistent with the water efficient landscape provisions of this Chapter, must be installed prior to occupying the building as a model home. The Community Development Director or an appointed staff member may grant ~~a one (1)~~ time up to a six-month extension for weather-related reasons.

(2) Display Homes

...

(e) Full landscaping, consistent with the water efficient landscape provisions of this Chapter, must be installed prior to occupying the building as a model home. The Community Development Director or an appointed staff member may grant ~~a one (1)~~ time up to a six-month extension for weather-related reasons.

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CHAPTER 28-4 PARKING AND LOADING SPACE, VEHICLE TRAFFIC AND ACCESS REGULATIONS

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**28-4-18 Parking Lot Landscaping.**

Parking lot screening, perimeter and interior landscaping shall be consistent with the water efficient landscape standards and landscape plan requirements set forth in Section 28-3-21 of this Title.

(1) Landscaping and Screening: Whenever parking spaces for five ~~(5)~~ or more cars and their associated access driveways are located in or near a residential zone, screening is required to protect residential properties from potential impacts of lights, noise, increased pedestrian and automobile traffic, invasions of privacy and physical intrusions on property. Based on the applicant's site plan, the department will determine the potential impacts resulting from location, site design and layout as they relate to the areas of concern identified in Table A of this section. The nature of surrounding topography may be considered in determining whether impacts exist. The applicant may then choose from among those screening options in Table A of this section that are designed to mitigate identified impacts. The specified standard for each option is identified in Table B of this section. Determinations may be appealed to the Planning Commission. If there are no potential impacts, screening may not be required. The fencing and landscaping required under this section shall be maintained and replaced as needed in order to provide an effective screen. Whenever a fence abuts a parking area, tire blocks will be required; the tire blocks must be set back a minimum of two and one-half feet (2-1/2') from the curb, in order to protect the fence from traffic. Landscaping shall be protected from automobile overhang, excluding low growing ground covers ~~and turf.~~

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**28-4-18 Parking Lot Landscaping. (continued)**

**TABLE B: SCREENING OPTION DESCRIPTIONS**

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B - Berm with shrub landscaping sufficient to achieve a four-foot-high (4') ~~high~~ screen Screens parking lot and buffers building. Evergreen shrubs shall be of a locally adapted species ~~such as pyracantha, yew, juniper or evergreen euonymus.~~ Shrubs shall be a minimum of five (5) gallons when planted and shall be expected to reach a height of at least four feet (4') within five (5) years of planting. Shrubs shall be planted at a maximum of five feet (5') on center. The berm shall have a stabilized side slope no greater than three-3 to one-1 ratio ~~(3:1)~~ of run to rise.

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E - A six-foot-6'-wide (6') landscaped strip and either a six-foot-6'-tall (6') solid fence of either ~~wood,~~ vinyl or chain-link with interlocking opaque vinyl, or a six-foot-tall (6') ~~tall~~ decorative masonry wall with textured surfacing facing residential use.  
Screens ground level lights, higher level lights, noise, and objectionable views; provides privacy, access restriction and additional noise mitigation. Trees shall be a minimum of two-inch (2") caliper in size, spaced at a minimum of twenty20 feet (20') on center.

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**28-4-18 Parking Lot Landscaping. (continued)**

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(3) Parking Lot Interior Landscaping: -In addition to the site landscaping requirements;  
(a) Required parking areas shall install landscaped islands with raised curbs. Islands shall not be placed over asphalt or concrete. A curb shall be provided along all interior roadways to prevent vehicular intrusion into landscape areas. Whenever a landscaped island under this provision is required it shall be

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a minimum width of nine feet ~~(9')~~ and the length of the parking stalls it abuts. Landscaped islands shall be required for each of the following conditions:

(i) The end of all rows ~~(s)~~ of stalls.

(ii) A row of parking has over ~~fifteen (15)~~ 15 parking stalls. One island shall be placed between every ~~fifteen (15)~~ 15 stalls in the row. In the light manufacturing zone, if the parking is located behind the building and is not in public view from the street, the island placed between every ~~fifteen (15)~~ 15 stalls can be relocated and placed as one large island. The area for the large island shall be the cumulative square footage of the separate islands. Such combined area shall be located at the entrance to the row of parking which is most visible from the public street.

(iii) To define parking lot entrances.

(iv) To define the main interior circulation road pattern.

(b) When landscaped islands are required, a minimum of one deciduous tree shall be planted in each island. This tree requirement is in addition to the number of trees required on the remainder of the lot.

The surface of the island shall be planted in grass, mulch, ground cover or shrubs. ~~If shrubs are used they shall meet the requirement of seventy five percent (75%) of the landscaped area covered with living plant material within three (3) years.~~ Plantings shall be maintained at a height not to exceed ~~three two~~ three feet. ~~(3')~~

(c) Required public and employee parking areas over ~~two hundred (200)~~ 200 stalls shall be divided by a minimum ~~ten 10-foot (10')~~ 10-foot wide landscaped planting island perpendicular to the parking stalls. The planting island shall be placed along every fourth row of parking. Trees shall be planted in the island at ~~forty 40 feet (40')~~ 40 feet on center and shall be a minimum ~~two-foot-inch (2')~~ two-foot caliper size. -Where possible, these islands should line up with exit & entryways of the buildings and have a minimum of a ~~five-foot (5')~~ five-foot walkway, within the island.

(d) A minimum of six percent ~~(6%)~~ 6% of the interior space (as measured by drawing a rectangular shaped area around the maximum extent of each parking area) of all parking lots with ~~ninety nine (99)~~ 99 or less spaces, and ~~ten 10~~ 10 percent ~~(10%)~~ 10% of all parking lots with ~~one hundred (100)~~ 100 or more spaces shall be landscape areas.

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CHAPTER 28-18 LIGHT MANUFACTURING (MP-1) ZONE

28-18-10 Bufferyard Requirements.

(1) Bufferyard requirements are outlined in Table 18.7.

(a) The following plant material substitutions shall satisfy the requirements of this section.

(i) Evergreen canopy or evergreen understory trees may be substituted for deciduous canopy forest trees without limitation.

(ii) In all bufferyards, evergreen or conifer shrubs may be substituted for deciduous shrubs without limitation.

(2) If the development on the adjoining use is existing, planned, or deed-restricted for solar access, understory trees may be substituted for canopy trees where canopy trees would destroy solar access.

(3) Any existing plant material which ~~otherwise~~ satisfies the requirements of this section may be counted toward satisfying all such requirements.

(4) The exact placement of required plants and structures shall be the decision of each user except that evergreen (or conifer) plant materials shall be planted in clusters rather than singly in order to maximize their chances of survival.

(5) All bufferyard areas shall be ~~seeded with grass and provided with a means of watering~~ planted, irrigated and maintained consistent with the water efficient landscape standards of this Title.

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### CHAPTER 28-19 PERFORMANCE ~~STANDARDS~~STANDARD ZONE

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#### 28-19-11 Open Space.

(1) Land which is required by this chapter to remain as open space may be used for the recreation, agriculture, resource protection, amenity and other purposes specified in this section. Open-space land shall be freely accessible to all intended users of a development with the exception that agricultural land uses shall be permitted to restrict access to that land to those solely engaged in agricultural pursuits. Open-space land shall not be occupied by non-recreational buildings, roads, road right-of-way or parking areas.

(2) All developments required by this chapter to provide open space shall meet the following requirements:

(a) Land designated as open space shall be maintained as open space and may not be separately sold, subdivided, or developed except as provided below.

(b) An open-space landscape plan shall be submitted as a part of the application for site plan approval.

This landscape plan shall follow the standards outlined in Section 28-3-21 of this Title. designate and indicate the boundaries of all open space areas required by this ordinance. The plan shall:

~~(i) Designate areas to be reserved as open space. The specific design of open space areas shall be sensitive to the physical and design characteristics of the site.~~

~~(ii) Designate the type of open space which will be provided.~~

~~(iii) Specify the manner in which the open space shall be perpetuated, maintained, and administered.~~

(c) The types of open space which may be provided to satisfy the requirements of this ordinance, together with the maintenance required for each type, are as follows:

(i) Agricultural uses. No specific maintenance is required.

(ii) Greenways are linear green belts linking residential areas with other open-space areas. These greenways may contain bicycle paths, footpaths, and bridle paths. Connecting greenways between residences and recreational areas are encouraged. Maintenance is limited to a minimum removal and avoidance of hazards, nuisances, or unhealthy conditions.

(iii) Lawns consist of grass with or without trees. Any lawn or turf areas shall be consistent with the water efficient landscape standards in Section 28-3-21 of this Title. Maintenance is limited to watering and mowing to insure neatness.

(iv) Interim open space. Land intended for future development may be designated as a holding zone and thus remains vacant until such time as this land is annexed or rezoned as a development district.

(d) All designated open space shall be large enough to be useable open space. The minimum dimension for usable open space shall be ~~{10}~~ feet and the minimum area shall be ~~one hundred (100)~~100 square feet.

(3) Preservation of open space. Open-space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open-space areas may be owned, preserved, and maintained as required by this section by any of the following mechanisms or combinations thereof:

(a) Dedication of open space to the City or an appropriate public agency, if there is a public agency willing to accept the dedication.

(b) Common ownership of the open space by a homeowner's association which assumes full responsibility for its maintenance.

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(c) Dedication of development rights of open space may be made to an appropriate public agency with ownership remaining with the developer or homeowner's association. Maintenance responsibility shall remain with the property owner.

(d) Deed-restricted private ownership which shall prevent development and/or subsequent subdivision of the open-space land and provide the maintenance responsibility.

In the event that any private owner of open space fails to maintain same according to the standards of this ordinance, Clinton City may, in accordance with the Open-Space Landscape Plan and following reasonable notice, demand that deficiency of maintenance be corrected, ~~and~~ enter the open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the open space.

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### 28-19-18 Bufferyard Requirements.

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(4) The following plant material substitutions shall satisfy the requirements of this section.

(a) In bufferyards F, G, H, and I, evergreen canopy or evergreen understory trees may be substituted for deciduous canopy forest trees without limitation.

(b) In bufferyards A, B, C, D, E, and G, evergreen canopy or evergreen understory trees may be substituted as follows:

(i) In the case of deciduous canopy forest trees, up to a maximum of ~~fifty (50)~~50 percent of the total number of the deciduous canopy trees otherwise required.

(ii) In the case of deciduous understory, without limitation.

(iii) In all bufferyards, evergreen or conifer shrubs may be substituted for deciduous shrubs without limitation.

(iv) In all bufferyards required of public service uses, the public service use may substitute evergreen canopy or evergreen understory plant materials for canopy forest trees and understory plant materials, without limitation.

(v) If the development on the adjoining use is existing, planned, or deed-restricted for solar access, understory trees may be substituted for canopy trees where canopy trees would destroy solar access.

(vi) Any existing plant material which otherwise satisfies the requirements of this section may be counted toward satisfying all such requirements.

(vii) The exact placement of required plants and structures shall be the decision of each user except that the following requirements shall be satisfied:

(a) Evergreen (or conifer) class III and IV plant materials shall be planted in clusters rather than singly in order to maximize their chances of survival.

(b) Berms with masonry walls (BW1, BW2, and BW3) required of bufferyard I are intended to buffer more significant nuisances from adjacent uses and, additionally, to break up and absorb noise, which is achieved by the varied heights of plant materials between the masonry wall and the noise source.

(c) All bufferyard areas shall be landscaped according to the water efficient landscape standards in Chapter 3 of this Title~~seeded with grass and provided with a means of watering.~~

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**ORDINANCE 23-04Z – EXHIBIT A**

**CHAPTER 28-20 CENTRAL BUSINESS DISTRICT DESIGN STANDARDS**

**28-20-6 Additional Design Objectives**

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**Clinton City Street Tree List – Table 20.2**

<i>In a 3 to 4 foot park strip:</i>		
Columnar Norway Maple	Chanticleer Pear	Mountain Ash
Queen Elizabeth Hedge Maple	Bradford Pear	Bechtel Crabapple
Flowering Plum	Aristocrat Pear	Eastern Redbud
<i>In a 4 to 5 1/2 foot park strip:</i>		
Chanticleer Pear	Imperial Honey locust	Emerald Queen Norway Maple
Bradford Pear	Sunburst Honey locust	Schwedleri Norway Maple
Aristocrat Pear	Shademaster Honey locust	Deborah Norway Maple
Little Leaf Linden	Hackberry	Queen Elizabeth Hedge Maple
<u><i>Trees listed above to be cross referenced with the Weber Basin Water Efficient Tree List as part of the landscape plan review and approval process.</i></u>		
<i>The following are not acceptable or allowed as street trees:</i>		
All varieties of Bearing Nut Trees <u>(including Walnut, Pecan &amp; Hickory)</u>	All species of Willow <u>(including Walnut, Pecan &amp; Hickory)</u>	All up-right-growing species and varieties of Conifers (including Spruce, Pine, Fir, and Juniper)
Tree of Heaven (Bird of Paradise Tree)	All varieties of bearing fruit trees (including Crabapple)	All species of Birch
		All species of Elm
All species of Cottonwood	All species of Poplar	Catalpa
Paul’s Scarlet Hawthorn	Globe Catalpa	Silver Maple
London Planetree	Boxelder	Black Locust
Apple, Pear, Plum & Cherry	Sycamore	Mulberry
	Umbrella Catalpa	

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## ORDINANCE 23-04Z – EXHIBIT B

### 28-3-21 Water Efficient Landscape Requirements.

**(1) Purpose.** The purpose of this ordinance 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, reduce water waste and establish a structure for designing, installing and maintaining water efficient landscapes throughout the City.

### **(2) Definitions.**

Active Recreation Area: Areas of the landscape dedicated to active play where lawn may be used as the playing surface (ex. sports fields and play areas).

~~Artificial Turf: An artificial ground cover or surface consisting of synthetic fibers made to look like natural grass.~~

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.

Check Valve: A device used in sprinkler heads or pipe to prevent water from draining out of the pipe through gravity flow. Used to prevent pollution or contamination of the water supply due to the reverse flow of water from the secondary irrigation system.

Davis and Weber Counties Canal Company (DWCCC): The local secondary water (pressurized irrigation) provider for Clinton City.

Grading Plan: The Grading Plan shows all finish grades, spot elevations as necessary and existing and new contours with the developed landscape 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 12 inches.

Hardscape: Patios, decks and paths. Does not include driveways and sidewalks.

Irrigation Plan: The irrigation plan shows the components of the irrigation system with water meter size, backflow prevention (when outdoor irrigation is supplied with culinary water), precipitation rates, flow rate and operating pressure for each irrigation circuit, and identification of all irrigation equipment.

Landscape Architect: A person who holds a certificate to practice landscape architecture in the state of Utah. Only a Landscape Architect can legally create commercial landscape plans.

Landscape Designer: A person who may or may not hold professional certificates for landscape design/architecture and cannot legally create commercial landscape plans. Landscape Designers generally focus on residential design and horticultural needs of home landscapes.

Landscape Education Package: A package that is intended to inform and educate water users in the City about water efficient landscapes. This package should include a listing of water conserving plants, certified landscape designers, landscape architects, certified irrigation designers, and certified irrigation contractors. Information regarding the City’s water rates, billing format for water use and commitment to water conservation may also be included.

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Landscape Plan: 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 the provisions of this ordinance. The Landscape Plan shall include a project data sheet, a Planting Plan, an Irrigation Plan, and a Grading Plan.

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.

Landscaping: Any combination of living plants, such as trees, shrubs, vines, ground covers, flowers, or grass; natural features such as rock, stone, or bark chips; and structural features, including but not limited to fountains, reflecting pools, outdoor art work, screen walls, fences or benches.

Lawn: See Turf/Turf grass/Lawn, below

Localscapes<sup>®</sup>: A locally adaptable and environmentally sustainable urban landscape style that requires less irrigation than traditional Utah landscapes (see [www.Localscapes.com](http://www.Localscapes.com)).

Microclimate: The climate of a very small restricted area that is different from the surrounding area. These areas include shade areas, sun areas, and areas protected by surrounding structures.

Mulch: Any material such as rock, bark, wood chips or other materials left loose and applied to the soil.

Park Strip: A typically narrow landscaped area located between the back-of-curb and sidewalk.

Planting Plan: A Planting Plan shall clearly and accurately identify and locate new and existing trees, shrubs, ground covers, turf areas, driveways, sidewalks, hardscape features, and fences.

Pop-up Spray Head: A sprinkler head that sprays water through a nozzle in a fixed pattern with no rotation.

Precipitation Rate: The depth of water applied to a given area, usually measured in inches per hour.

Pressure Compensating: A drip irrigation system that compensates for fluctuating water pressure by only allowing a fixed volume of water through drip emitters.

Pressure Regulating Valve: A valve installed in an irrigation mainline that reduces a higher supply pressure at the inlet down to a regulated lower pressure at the outlet.

Rehabilitated Landscaping: **Significantly altering a majority of , repairing, or adding to** a landscape, including the replacement of turf areas with water efficient plant material in accordance with the provisions of this Chapter.

Rotor Spray Head: A sprinkler head that distributes water through a nozzle by the rotation of a gear or mechanical rotor.

Runoff: Irrigation water that is not absorbed by the soil or landscape area to which it is applied, and

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which flows onto other areas.

Smart Automatic Irrigation Controller: An automatic timing device used to remotely control valves in the operation of an irrigation system using the internet to connect to a real time weather source or soil moisture sensor. Smart Automatic Irrigation Controllers schedule irrigation events using either evapotranspiration or soil moisture data to control when and how long sprinklers or drip systems operate and will vary based on time of year and weather/soil moisture conditions.

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.

Total Landscaped Area: Improved areas of property that incorporate all of 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.

Turf/Turfgrass/Lawn: A surface layer of earth containing grass species with full root structures that are maintained as mowed grass; generally, nonagricultural land planted in closely mowed, managed grasses; does not include a golf course, park, athletic field or sod farm.

Water-Conserving Plant: A plant that can generally survive with available rainfall once established although supplemental irrigation may be needed or desirable during spring and summer months.

Weber Basin Water Conservancy District (WBWCD): Regional water supplier within the Ogden and Weber River drainages providing a variety of water supplies and strategies to conserve water and extend existing supplies. The WBWCD provides rebates for various products and programs that help save water in this region.

### **(3) Applicability of Water Efficient Landscape Ordinance.**

- A. The provisions of this ordinance shall apply to all new and rehabilitated landscaping for public agency projects, private commercial, planned multi-family developments, and industrial development projects. Developer-installed and homeowner-installed landscape projects for the front and side yards of single-family residential areas may adhere to the standards set forth in Sections 4 and 5 of this Chapter, but shall be subject to the standards of Section 6 of this Chapter.
- B. For the purposes of this Chapter, single-family residential areas are those located in the A (Agricultural) and R (Residential) zones and multi-family residential areas are those located in the R-M (Residential, Multi Family) zone. Individual multi-family buildings on separate lots shall follow the same regulations as single family residential.
- C. Certain special purpose landscape areas (e.g. stormwater management areas, etc.) may receive exceptions from the slope limitations and other elements of this Chapter, and are to be considered on a case by case basis with input from the Public Works Department.
- D. These standards are not intended to be in conflict with other landscaping requirements as defined by Utah law, including stormwater retention requirements

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and low-impact development (LID) guidelines. Notwithstanding these standards, whenever any requirement may be in conflict with Utah law, such conflicting requirements shall not apply.

### (4) Landscape Design Standards

- A. Plant Selection.
  1. Plants shall be well-suited to the microclimate and soil conditions at the project site. Both native and locally-adapted plants are acceptable. Plants with similar water needs shall be grouped together as much as possible.
  2. **It is recommended that plants be selected** from the Weber Basin Water Conservancy District water-wise plant list for ground covers, perennials, shrubs, ornamental grasses and trees. ~~Substitutions may be considered as part of the site plan review process. In no case shall the approved substitutions constitute more than 10% of the plants and trees specified for a project landscape plan.~~
  3. Areas with slopes greater than 25% shall be landscaped with deep-rooting, water-conserving plants for erosion control and soil stabilization.
  4. **If landscaped with living material**, areas less than eight feet wide shall be landscaped with water-conserving plants that do not require uniform overhead spray irrigation.
- B. Mulch. After completion of all planting, all irrigated non-turf areas shall be covered with a minimum three-inch layer of mulch to retain water, inhibit weed growth, and moderate soil temperature. Non-porous material shall not be placed under the mulch.
- C. Soil Preparation. **When a soil report is required**, soil preparation will be suitable to provide healthy growing conditions for the plants and to encourage water infiltration and penetration. Soil preparation shall include tilling the soil to a minimum depth of six inches and amending the soil with organic material as per specific recommendations of the Landscape Designer/Landscape Architect based on the soil conditions.
- D. Tree Selection. Tree species shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. Trees shall be selected as follows:
  1. Broad canopy trees shall be selected where shade or screening of tall objects is desired;
  2. Low-growing trees shall be selected for spaces under utility wires;
  3. Select trees from which lower branches can be trimmed to maintain a healthy growth habit where vision clearance and natural surveillance is a concern;
  4. Narrow or columnar trees shall be selected where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street for natural surveillance;
  5. Street trees shall be planted in accordance with the standards of this Title. Tree placement shall provide canopy cover (shade) and avoid conflicts with existing

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trees, retaining walls, utilities, lighting, and other obstacles; and

6. **For commercial, industrial, institutional and planned multi-family residential developments, trees** less than a two-inch (2") caliper shall be double-staked until the trees mature to a two-inch (2") caliper.

### (5) Irrigation Design Standards.

- A. Smart Automatic Irrigation Controller. Landscaped areas shall be provided with a WaterSense labeled smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers shall be equipped with automatic rain delay or rain shut-off capabilities and shall be setup to operate in "smart" mode.
- B. 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.
- C. Drip emitters or a bubbler shall be provided for each tree. Bubblers shall not exceed one and a half 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.
- D. Drip irrigation or bubblers shall be used to irrigate plants in non-turf areas. Pop-up spray heads shall be at a minimum of four inches in height to avoid blockage from lawn foliage.
- E. Sprinklers ~~shall~~ **are recommended to have** matched precipitation rates with each control valve circuit.
- F. Sprinkler heads shall be attached to rigid lateral lines with flexible material (swing joints) to reduce potential for breakage.
- G. Check valves shall be required where elevation differences cause low-head drainage. Pressure compensating valves and sprinklers shall be required where a significant variation in water pressure occurs within the irrigation system due to elevation differences.
- H. Filters shall be required on all secondary water service connections. Filters shall have as a minimum a 30 mesh screen and shall be cleaned and maintained by the property owner on a regular basis.
- I. Drip irrigation lines shall require additional filtration at or after the zone valve at a minimum of 200 mesh and end flush valves are required as necessary for drip irrigation lines.
- J. Valves with spray or stream sprinklers shall be scheduled to operate in accordance with Davis and Weber Counties Canal Company restrictions to reduce water loss from wind, evaporation or other environmental conditions not suitable for irrigation.
- K. Valves shall be programmed for multiple repeat cycles where necessary to reduce runoff, particularly on slopes and soils with slow infiltration rates.

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### (6) Landscapes in New Single-family Residential Developments.

- A. Homebuilders, developers and homeowners installing new or rehabilitated residential landscapes are required to submit a landscaping and irrigation plan to the Community Development Department for review and approval. Landscape/irrigation plans shall be subject to the following:
1. Plant material in mass requiring overhead spray irrigation, such as common turf grass, shall not exceed 35% of the total landscaped area of the front and side yards.
  2. No turf or overhead spray is allowed in park strips or in areas less than eight feet in width. **Park strips are not required to have living plants.**
  3. Plantings shall be done such that a minimum of 35% of the **total** ground surface of non-turf areas shall be covered by living plants at mature growth. **The park strip is included in the total ground surface of non-turf areas.** The coverage does not include the area covered by any deciduous tree canopy above the ground.
  4. Landscaping of the front and side yard areas for new home construction shall be completed 18 months from the time of occupancy.
- B. Residential Landscape/Irrigation Plan. A copy of a Landscape/Irrigation Plan shall be submitted to and approved by the Community Development Department. Homeowners may reference *Localscapes* for guidance in designing front and side yard area landscapes. The Landscape/Irrigation Plan shall consist of the following items:
1. Project Information Summary including the following:
    - i. Project name and address;
    - ii. Applicant's name, address, phone number, and email address;
    - iii. Landscape designer's name (if other than applicant), address, phone number, and email address; and
    - iv. Landscape contractor's name (if other than applicant), address, phone number and email address, if available at this time.
  2. Planting Plan drawn at a scale that identifies the following:
    - i. Location, name and size of plant materials, with labels or a legend;
    - ii. Property lines and street names;
    - iii. Existing and proposed buildings, walls, fences, paved areas and other site improvements;
    - iv. Trees and plant materials to be removed or retained;
    - v. Scale: graphic or written; and
    - vi. Date of design.
  3. Irrigation Plan drawn at the same scale as the planting plan and containing the following information:

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- i. Layout of the irrigation system with labels or a legend summarizing the type and size of components; and
  - ii. Installation details for irrigation components.
- C. The City will review the landscape and irrigation plan to ensure all landscaping meets the intent of this Chapter.

### **(7) Prohibition on Restrictive Covenants Requiring Uniform Plant Material Irrigated with Spray Irrigation.**

- A. Any provisions of Homeowners Association governing documents, such as bylaws, operating rules, covenants, conditions, and restrictions that govern the operation of a common interest development, are void and unenforceable if they:
  1. Require the use of any uniform plant material requiring overhead spray irrigation in landscape areas less than eight feet wide or require any uniform plant material needing overhead spray irrigation in front and side yards that exceeds 35% of the landscaped area; or
  2. Prohibit, or include conditions that have the effect of prohibiting, the use of water-conserving plants as a group; or
  3. Have the effect of prohibiting or restricting compliance with this ordinance or other water conservation measures.

### **(8) Landscapes in Commercial, Industrial, Institutional and Planned Multi-Family Residential Developments.**

- A. Commercial, industrial, institutional and planned multi-family residential landscapes shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance, and the plant material in mass requiring overhead spray irrigation, such as common turf grass, shall not exceed 15% of the total landscaped area, outside of active recreation areas.
- B. Plantings shall be done such that a minimum of 35% of the ground surface of non-turf areas shall be covered by living plants at mature growth. The coverage does not include the area covered by any deciduous tree canopy above the ground.

### **(9) Landscape Plans for Commercial, Industrial, Institutional and Planned Multi-Family Residential Projects.**

Landscape Plan. A copy of a Landscape Plan shall be submitted to and approved by the City prior to the issue of any permit. A copy of the approved Landscape Plan shall be provided to the property owner or site manager. The Landscape Plan shall be prepared by a registered landscape architect and shall consist of the following items:

- A. Project Data Sheet. The Project Data Sheet shall contain the following:
  1. Project name and address;
  2. Applicant or applicant agent's name, address, phone number, and email address;

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3. Landscape architect's name, address, phone number, and email address; and
  4. Landscape contractor's name, address, phone number and email address, if available at this time.
- B. Planting Plan. A detailed planting plan shall be drawn at a scale that clearly identifies the following:
1. Location of all plant materials, a legend with botanical and common names, and size of plant materials;
  2. Property lines and street names;
  3. Existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements;
  4. Existing trees and plant materials to be removed or retained;
  5. Scale: graphic and written;
  6. Date of Design;
  7. Designation of a landscape zone, and
  8. Details and specifications for tree staking, soil preparation, and other planting work.
- C. Irrigation Plan. A detailed irrigation plan shall be drawn at the same scale as the planting plan and shall contain the following information:
1. Layout of the irrigation system and a legend summarizing the type and size of all components of the system, including manufacturer name and model numbers;
  2. Static water pressure in pounds per square inch (psi) at the point of connection to the public water supply;
  3. 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
  4. Installation details for irrigation components.
- D. Grading Plan. A Grading Plan shall be drawn at the same scale as the Planting Plan and shall contain the following information:
1. Property lines and street names, existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements, and
  2. Existing and finished contour lines and spot elevations as necessary for the proposed site improvements.

### **(10) Plan Review, Construction Inspection, and Post-Construction Monitoring for Commercial, Industrial, Institutional and Planned Multi-Family Residential Projects.**

- A. As part of the Building Permit approval process, a copy of the Landscape Plan shall be

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submitted to the City for review and approval before construction begins.

- B. All installers and designers shall meet state and local license, insurance, and bonding requirements, and be able to show proof of such.
- C. During construction, site inspection of the landscaping may be performed by the Community Development Department.
- D. Following construction and prior to issuing the approval for occupancy, an inspection shall be scheduled with the Community Development Department to verify compliance with the approved landscape plans. The Certificate of Substantial Completion shall be completed by the property owner, contractor or landscape architect and submitted to the City.
- E. 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 ordinance are not satisfied.

### **(11) Restricted Watering Practices.**

Regardless of the age of a development (commercial, industrial, office, or residential), outdoor water shall be used in a manner consistent with Davis and Weber Counties Canal Company restrictions and standards.

### **(12) Enforcement, Penalty for Violations.**

- A. The Community Development Director and other employees of the Community Development and Public Works Departments are authorized to enforce all provisions of this Ordinance.
- B. Any consumer who violates any provisions of this Ordinance shall be issued a written notice of violation. The notice will describe the violation and order that it be corrected in accordance with the provisions of this Title.

