

**HARRISVILLE CITY
ORDINANCE NO. 419**

ARCHITECTURE, LANDSCAPING, AND SCREENING

**AN ORDINANCE OF HARRISVILLE CITY, UTAH, ENACTING
CHAPTER 11.24 ENTITLED "ARCHITECTURE, LANDSCAPING, AND
SCREENING" ESTABLISHING REGULATIONS FOR THE SAME;
SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Harrisville City is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* §§ 10-8-84 and 10-8-60 allow municipalities in the State of Utah to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables municipalities to regulate land use and development;

WHEREAS, the City finds that the community has an interest in energy efficiency and conservation measures, promoting regulations which beautify the community, promoting community aesthetics, and enhancing the local environment;

WHEREAS, after publication of the required notice the planning commission held its public hearing on April 14, 2010, to take public comment on the proposed ordinance, and subsequently gave its recommendation to approve this ordinance;

WHEREAS, the city council received the recommendation from the planning commission and held its meeting on May 11, 2010, and desires to act on this Ordinance;

NOW, THEREFORE, be it ordained by the City Council of Harrisville City as follows:

Section 1. Repealer. This Ordinance repeals Ordinance #281 and Ordinance #373, and any other section, of the municipal code that conflicts with this Ordinance.

Section 2. Amendment. Chapter 11.24 is hereby amended in its entirety to read as follows:

**Chapter 11.24
ARCHITECTURE, LANDSCAPING, AND SCREENING**

Sections:

11.24.010. Purpose and intent.

11.24.020. Applicability.

11.24.030. Exterior architectural design standards.

- 11.24.040. Landscaping standards.**
- 11.24.050. Landscape installation, maintenance, and weed control.**
- 11.24.060. Landscape plan elements.**
- 11.24.070. Landscaping on public property.**
- 11.24.080. Screening and buffering standards.**
- 11.24.090. Clear sight distance for landscaping and screening.**

11.24.010. Purpose and intent.

The purpose and intent of this chapter is to promote energy conservation, enhance the local environment, promote community beautification and aesthetics, maintain efficient and quality landscaping, and preserve the unique beauty of Harrisville City in conjunction with development.

11.24.020. Applicability.

This chapter shall apply to all commercial, manufacturing, multi-family, and quasi-public uses. Applicability of this chapter to residential uses is only where specifically indicated in this chapter.

11.24.030. Exterior architectural design standards.

The following exterior architectural design standards apply to new and remodeled applicable structures, and for commercial, manufacturing, and multi-family uses:

1. Color. External surfaces shall be predominantly natural, muted earth-tone colors or white.
 - a. White and blue may be used as an accent color.
 - b. Contrasting accent colors may be allowed by the planning commission consistent with an overall design plan.
 - c. The roof or addition to an existing structure is allowed to match the existing roof color of the original building.
2. Building exposure. Exposed fronts and street sides of buildings shall be constructed of earth-tone non-reflective materials and shall be of textured concrete, brick, stone and/or natural wood/wood-like materials. Concrete masonry units or block CMU's shall not be considered acceptable materials unless it is earth-tone colored and textured or split-faced.
3. Glass. Use of glass for displays and to allow visual access to interior spaces shall be allowed.
 - a. Mirrored glazing is prohibited on any building.
 - b. Tinted or solar absorption glazing may be used.
4. Exposed metal. Exposed metal shall be painted, stained, or anodized in permitted colors and shall be non-reflective. Copper, brass, and wrought iron may remain untreated and allowed to develop a natural patina.
5. Awnings and canopies. Awnings and canopies shall not be backlit and be earth-tone color except when approved as an exception by the planning commission.
6. Metal windows. Metal as a window framing support or mounting material shall be painted, stained, anodized or vinyl-clad in approved earth-tone colors.

7. Design details. An architectural design detail shall be provided showing exposed view focal points on all building facades. Design detail shall incorporate main entrances, balconies, roof overhangs, and dormers, such that monotonous horizontal lines greater than fifty feet (50') are generally avoided.
8. Site plan. As part of the site plan the following shall also be included:
 - a. Architectural plan detail and basic elevations.
 - b. Site color scheme detail.
 - c. Proposed building material detail.
 - d. Landscape plan.

11.24.040. Landscaping standards.

1. Minimum standards. Commercial, manufacturing, multifamily, and quasi-public uses shall follow the landscape requirements set forth in Section 11.13.040 of the municipal code as minimum standards.
2. Structural soils. The city engineer may require CU Structural Soil or structural plant mix, based upon the type of soil, or if there is a compacted surface, to improve the vitality and survival potential of the tree.

11.24.050. Landscape installation, maintenance, and weed control.

1. Installation for commercial, industrial, and multi-family uses. Protective ground cover, landscaping, and other site plan requirements shall be complete prior to issuance of an occupancy permit.
2. Single-family dwellings. The owner(s) of a single family dwelling is encouraged to make the best possible appearance of their home, property, and any fence, and comply with the requirements of this part:
 - a. Installation time. A protective ground cover and landscaping shall be installed on the front and side yards of every lot not containing pavement, sidewalks or other similar materials within the first full growing season from the date of final inspection under the building permit. All backyards of every residential lot shall be covered by protective ground cover and landscaping within the second full growing season after final inspection under the building permit.
 - b. Nothing in this section shall prohibit the planting, installation or maintenance of a flower or vegetable garden, orchard, pasture, playground or other open space not prohibited by ordinance.
 - c. Restrictions. No vegetable garden shall be planted or maintained in the parking strip that obstructs the sidewalk.
3. Maintenance. Landscape installed by the owner(s) of real property as required by this chapter shall maintain such landscaping in order to fulfil the purpose and intent of this chapter, and to obviate the nuisances arising from weeds and other noxious growth. The following maintenance standards apply:
 - a. Landscaping maintenance. The owners of commercial and manufacturing uses shall maintain all landscaping approved by the city as part of a site plan. All other persons are encouraged make the best possible appearance of their landscaping.

- b. Undeveloped areas. The owner of property zoned commercial or manufacturing that does not have an approved site plan is required to cut all non-woody vegetation on said property to a height not to exceed six (6) inches from the ground in June and September of each year.
- c. Adequate water. With respect to living protective ground cover and landscaping, provide sufficient water and care which will insure that the ground cover and landscaping does not die and maintains the color or hue it would achieve if the proper quantity of water was applied to the protective ground cover and landscaping. This part does not apply in the event a drought declaration is issued by the mayor limiting the use of water for all purposes other than specified domestic uses.
- d. Mowing. If the protective ground cover is grass or similar turf, periodically mow or cut the turf so as not to exceed a height of more than six (6) inches.
- e. Weed control. Owner shall remove weeds and noxious growth on the owner's property, including areas that are xeriscaped or left natural.
- f. Noxious weeds. All property owners are encouraged to eradicate or control the following vegetative growths: Eliminate any poison ivy (*Rhus radicans* or *Toxicodendron radicans*), poison oak (*Rhus toxicodendron* or *Toxicodendron quercifolium* or *Toxicodendron diversilobum*), poison sumac (*Rhus vernix* or *Toxicodendron vernix*), ragweed (*Amrosia artemisiifolis*), "puncture" weeds, thistle, Dyer's Woad, or other noxious vegetation designated for eradication by the state or city.
- g. Controlled Growth. Control the growth of Virginia Creeper, English Ivy, morning glory, honeysuckle, wisteria, or other vine that is causing a threat to public safety or damage to trees on the property or to trees or structures on adjacent properties.
- h. Fire hazards. Dry weed overgrowth on non-agricultural property that exceeds twelve (12) inches in height may constitute a public nuisance as a fire hazard, particularly around structures, and may be abated by the city.

11.24.060. Landscape plan elements.

The landscape plan specified under this chapter is required as part of any site plan or amendment to a site plan. Such landscape plan shall substantially include the elements specified in this section as follows:

1. Minimum landscape area. Each application and site plan seeking approval of a permitted or conditional use shall include at least fifteen percent (15%) minimum of the overall site plan as landscape as provided in this chapter.
2. Type and material. All landscape plans shall provide a detail of the approved plant material, type of trees, planting and landscape area locations, turf grass area, approved xeriscape, and approved natural landscape area. Landscape plans submitted for approval shall contain the following information, unless specifically waived by the project management committee.
 - a. Project details. The landscape plans shall identify the location and dimensions of all existing and proposed structures, property lines, easements, parking lots and

drives, roadways and rights-of-way, sidewalks, bicycle and/or equestrian paths, ground signs, refuse disposal and recycling areas, bicycle parking areas, fences, freestanding electrical equipment, tot lots and playground equipment, all recreational facilities, and other freestanding structural features deemed necessary to accurately portray existing and proposed site characteristics.

- b. Trees and shrubs. The landscape plan shall include only trees and shrubs from the list prepared and maintained by the community forester. Identify the location, quantity, size and name (both botanical and common names) of all proposed plant material. Identify the location, size and common names of all existing plant material (including trees and other plants in the parkway) and whether they are to be retained or removed.
 - c. Irrigation design. The landscape plan shall detail an efficient irrigation system. This irrigation system shall indicate the locations and types of all equipment, including sprinkler heads, control valves, quick-coupling valves, back flow prevention devices, time clock or controller, lateral lines, and main lines.
 - d. Landscape summary. Summary data table indicating the area of the site in the following classifications:
 - (1) Total area of the site.
 - (2) Total area and percentage of the site in landscape area.
 - (3) Total area and percentage of the site in turf grass.
3. Xeriscaping. Xeriscaping plans, mixed landscaping/xeriscaping, or other alternative forms of landscaping may be approved where irrigation is limited so long as such approval is consistent with the purpose and intent of this chapter.
 4. Fully LEED (Leadership in Energy and Environmental Design) compliant building and site plan is deemed consistent with this chapter.

11.24.070. Landscaping on public property.

1. Parking strip. To prevent damage to the curb, gutter, sidewalk, and utilities only trees approved by the community forester may be planted in a parking strip or within four feet of a sidewalk.
2. Parks and other city property. Trees, shrubs, and other vegetation planted at a city park or other city owned property shall be under the direction of the city's public works director. The care and maintenance and/or removal of any trees, shrubs, and other growth shall be completed under the direction of the city's public works director.
3. Forester. The community forester may develop, update, and maintain a listing of acceptable trees and shrubs permitted for use in the city under this chapter.

11.24.080. Screening and buffering standards.

Screening devices and materials. The following qualify as acceptable minimum standards for screening and buffering devices and materials:

1. Non plant. A non plant material screening device may be constructed of textured, non-reflective metal, concrete, vinyl, wood, brick or stone.

- a.. If painted or stained, the screening devices shall be of a neutral, muted earth tone color and have a non-reflective finish.
 - b. Screening color shall be approved along with other colors during action on the site plan or conditional use permit.
 - c. Chain-link fencing or slatted chain-link fencing is generally not allowed, except adjoining agriculture uses or where practicable based upon the facts and circumstances.
2. Earthen Berm. Earth berms shall be a preferred device in the city, especially for commercial, industrial, multi-family, quasi-public, subdivisions, and other practical uses. It may be required by the city engineer as part of the landscape plan along state operated transportation corridors. A combination of earth berming or mounds and plant materials may be used as a screening device, and is recommended where practicable.
3. Parking screening. Parking and internal traffic circulation areas shall be screened or buffered from view along all street rights-of-way or along any property line which is contiguous to a residential use or zoning district as practicable.
 - a. The side and rear screens or buffers of parking areas, whether plant material or nonliving device, shall be a minimum of six feet (6') in height after two years of growth as measured from the parking surface. The first twenty-five feet (25') of the side lot line screen or buffer, as measured from the street right-of-way, shall not exceed four feet (4') in height unless it violates corner visibility requirements.
 - b. Loading, delivery and service docks or bays shall be located in the rear or side yards of the property and shall be screened from view from the street right-of-way by a screening device at least six feet (6') in height.
4. Mechanical screening. Mechanical equipment, whether roof or ground mounted shall be screened from street and residential district view by an approved screening device.
5. Trash dumpsters. Trash dumpsters shall be shown on a site plan and located where approved by the planning commission on the approved site plan.
 - a. Screening. All trash dumpsters shall be screened from street or public view by a six foot (6') masonry screening device on three (3) sides. The fourth side shall be a gate constructed of opaque materials.
 - b. Specifications. The screening device for a metal dumpster shall be placed adjacent to or on a concrete pad six inches (6') in thickness. The concrete pad shall match the adjacent grade and paving and provide for positive drainage.

11.24.090. Clear sight distance for landscaping and screening.

When an access way intersects with a public right-of-way, or when the subject property abuts the intersection of two or more public rights-of-way, all landscaping and screening shall conform to the sight distance requirements of the municipal code or other applicable code.

Section 3: Fencing. Front yard and corner visibility for any screening/fence shall not exceed four feet (4') from the road surface. The municipal code shall be changed to reflect such for all uses including residential.

Section 4: Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.

Section 5: Effective date. This Ordinance takes effect immediately upon adoption and posting.

PASSED AND ADOPTED by the City Council on this 11th day of May, 2010.

Richard Hendrix

RICHARD HENDRIX, Mayor



ATTEST:

Jennifer Marcell
City Recorder

Roll call vote is as follows:		
Mr. Allen	<input checked="" type="radio"/> yes	<input type="radio"/> no
Mr. Crowther	<input checked="" type="radio"/> yes	<input type="radio"/> no
Ms. Fowers	<input checked="" type="radio"/> yes	<input type="radio"/> no
Mr. Richins	<input checked="" type="radio"/> yes	<input type="radio"/> no
Mr. Wilhelmsen	<input checked="" type="radio"/> yes	<input type="radio"/> no

RECORDED this 12 day of May, 2010.
PUBLISHED OR POSTED this 19 day of May, 2010

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the municipal recorder of Harrisville City, hereby certify that foregoing ordinance was duly passed and published, or posted at 1) City Hall 2) 2150 North and 3) The Cabin on the above referenced dates.

Jennifer Marcell DATE: 5/19/10
City Recorder,
Harrisville City