

Proposed Title 10 Code Changes – CC APPROVED on November 16th, 2021

CHAPTER 14

REGULATIONS APPLICABLE TO ALL ZONES

10-14-12: NONRESIDENTIAL AND RESIDENTIAL DEVELOPMENT LANDSCAPE REQUIREMENTS:

A. Residential: All new and refurbished or remodeled single- family and two-family homes, apartments, condominiums and townhouses shall be required to improve and maintain, as landscape yards, the front, corner street side yard and park strip and install an appropriate permanent irrigation system, so that the landscaping will receive the appropriate amount of water in order to flourish in good health, before final approval or certificate of occupancy is issued. An escrow agreement with the City may be issued with a temporary certificate of occupancy which includes a time certain for installation of the landscaping and irrigation system by the owner/developer. Failure to install landscaping by the end of the next planting season (October of the following year) shall lead to forfeiture of the escrow funds and may lead to revocation of the temporary certificate of occupancy. Landscaping may include a combination of grass, plant cover and xeriscape. Also see Title 10, Chapter 28 for additional landscaping standards and requirements for residential developments.

B. Nonresidential: All new or refurbished development in any nonresidential zone shall satisfy all of the following minimum landscape requirements, any other development standards or requirements notwithstanding: The planning commission shall require a combination of plant cover, xeriscape and other drought tolerant landscape features which will include plant material that can survive on low or minimal water usage and decorative hardscape which will enhance the look and feel of the property that is nonliving, including, but not limited to: water features, benches, planters, decorative walls, decorative ornaments, stamped concrete, small decorative rocks, boulders, mulch, and decorative curbing.

1. Refurbished Existing Developments: The refurbishing of any existing development that, in any manner whatsoever, is expanding, reducing or otherwise changing a building footprint, structure or parking lot, shall provide new landscaping equal to twenty percent (20%) of the new footprint of the expanded or reduced development area, no less than eighty-five percent (85%) of which shall be in the form of xeriscape and other drought tolerant landscape features including, but not limited to: water features, benches, planters, decorative walls, decorative ornaments, stamped concrete, small decorative rocks, boulders, mulch, and decorative curbing. Xeriscape and other drought tolerant landscape needing irrigation shall be required to use a properly designed drip irrigation system (no overhead spray) for the irrigation of plant materials on a separate zone for watering. In no case shall turf and lawn planting be allowed to exceed more than fifteen percent (15%) of the overall landscaping area. However, designated recreational areas are excluded from this turf and lawn planting requirement and any deviation from this requirement, due to the establishment of recreational areas, is subject to City Council approval.

a. Landscaping Requirements: The landscaping requirement for refurbished existing developments may be satisfied under the conditions set forth below. Options A and B are preferred over option C. Option C shall only be permitted when options A and B cannot, in the

determination of the planning commission, reasonably be accomplished by the developer/owner:

- (1) Option A: Landscaping on site or off site within the city;
- (2) Option B: Other beautification efforts of equal value, including, but not limited to, planters, hardscape, xeriscape, etc.;
- (3) Option C: Funds, equal in value to the required twenty percent (20%) landscaping as determined in the landscaping plan, contributed to the city to allow the city to install landscaping elsewhere within the city limits.

b. Landscaping Plan: The developer/owner shall submit to the planning commission a landscape plan for the expansion, reduction or other changes of the building/development. The planning commission shall direct where and what type of landscaping, beautification or funds shall be allowed to satisfy this landscaping requirement.

2. New Development: Twenty percent (20%) of all lot area, including parking areas, shall be landscaped, no less than eighty-five percent (85%) of which shall be in the form of xeriscape and other drought tolerant landscape features including, but not limited to: water features, benches, planters, decorative walls, decorative ornaments, stamped concrete, small decorative rocks, boulders, mulch, and decorative curbing. In no case shall turf and lawn planting be allowed to exceed more than fifteen percent (15%) of the overall landscaping area. However, designated recreational areas are excluded from this turf and lawn planting requirement and any deviation from this requirement, due to the establishment of recreational areas, is subject to City Council approval. At the planning commission recommendation, floodways (with an appropriate expert opinion), wetlands and undisturbed hillsides on the lot area may be counted for up to five percent (5%) of the required twenty percent (20%) as part of the landscape requirement, unless it is the determination of the planning commission that the landscaping in the area adds to the overall aesthetic value of the entire site, in such case, the allotted percentage credit may be increased. The following requirements shall be satisfied as part of any new development landscaping plan:

a. Placement of decorative landscaping shall be required based on the size of the entire parking area, at a rough proportionality of the exterior/interior parking area. The proportions will be reviewed by the planning commission in regards to design. No small landscaping islands or planters shall be allowed in parking areas. Landscaped areas should be arranged in larger massed area formats

b. Landscape screening shall be required for parking or storage areas visible from any roadway. Said screening shall be in the form of a gentle berm. Berms shall be graded to appear as smooth, rounded, natural forms. All planting areas shall be protected to prevent damage by vehicles and vehicle overhang.

c. At the planning commission recommendation, loading docks, dumpster areas or service areas visible from any roadway or residence, or abutting any residence or residential area shall be appropriately landscaped to reduce the impact to surrounding areas. Dumpsters shall be placed in the rear of the property or the most inconspicuous location on the site, in such a manner that it will still allow the area to be properly accessed and maintained.

d. All areas not used for parking, drives or structures shall be landscaped. All areas along roadways shall be landscaped with landscape features that strengthen and enhance the aesthetic appeal of the development throughout and viewable from the roadway corridors. Turf and lawn plantings are not allowed to be located within the park strip or areas with widths less

than 8 feet. Other forms of landscaping and low impact plantings are allowed to be placed and located within the park strip areas, subject to an approved landscaping plan, but in no case shall overhead spray be allowed for the irrigation of plant material in park strips. Irrigation of all park strip plantings shall be accomplished using a properly designed drip irrigation system on a separate zone. If concrete is planned to be placed within the park strip, then standards found within the City Technical Standards and Specifications manual must be followed for said placement.

e. A minimum of two inch (2") caliper trees shall be required as part of all landscape requirements. There shall be a minimum of one tree per five thousand (5,000) square feet of lot area, and not more than thirty three percent (33%) of all newly planted trees may be of the same variety. All species of trees need approval from the planning commission. No trees are allowed to be planted within the park strip.

f. Owners/developers shall enter into an escrow agreement with the city wherein the owner/developer shall deposit sufficient funds to ensure installation of the required landscape, which amount shall include an additional ten percent (10%) of the total amount required. The escrow agreement shall include a time certain for installation of the landscaping by the owner/developer. Upon default of the owner/developer of any of the conditions of this section, or the escrow agreement, the city shall receive the escrowed funds and use said funds to complete the required landscaping and appropriate irrigation system.

g. Where any nonresidential development abuts any residence or residential area, the planning commission may require a landscape strip for said area and development. This may be separate from, and not be included in, the overall required percentage amount of landscape required for the specific area.

h. The planning commission shall review the landscape site plan following the certification of the correct landscape ratios by the owner's/developer's engineer and after review of the certification by the city staff. A landscape plan shall accompany, or be a part of, the final site plan. The planning commission shall then forward its recommendations to the city council.

i. It is the intent of this section to promote water conservation through proper plant selection, installation and maintenance practices. The following xeriscape principles shall serve as the primary means of achieving this goal:

- (1) Appropriate planning and design;
- (2) Limiting turf to locations where it provides functional benefits;
- (3) Efficient irrigation systems;
- (4) Use of soil amendments and mulches to improve water holding capacities;
- (5) Use of drought tolerant plants;
- (6) Decorative hardscape; and
- (7) Appropriate and timely maintenance.

j. All areas landscaped with living plant material shall be serviced by an acceptable underground sprinkling or irrigation system. The establishment and continued operational use of smart watering irrigation systems are required for all underground sprinkling and landscaping irrigation systems. A WaterSense labeled smart irrigation controller, equipped with the appropriate rain delay feature, is required to be installed with the irrigation system;

k. For xeriscape and nonliving ground cover landscaping, the following standards shall be utilized in establishing the landscaping and landscaping design:

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

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

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

(2) 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;

(3) Plant species that are a public nuisance or that cause excess litter shall be avoided;

(4) The other aspects of waterwise design are included on the property which are:

(A) An overall landscape design for the entire property,

(B) Mulches are used in planting bed areas,

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

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

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

l. The landowner, his successors and/or assigns, or agent, if any, shall be jointly and severally liable for the installation, regular maintenance and repair or replacement of any landscaping required by this section.

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

1. Landscaped areas shall be kept free of litter and debris.

2. Landscaped areas shall be weeded on a regular basis.

3. Trees and shrubs shall be pruned so as to avoid damage to other improvements, structures or utility lines.

4. Dead branches or dead trees, shrubs or other plant materials are removed from the property.

5. Lawns are mowed on a regular basis according to the growth habit of the type of turf grass used.

6. 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 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.

7. Required trees, shrubs or other plant materials that have died and been removed shall be replaced. (Ord. 885, 3-7-2017)

CHAPTER 28

RESIDENTIAL LANDSCAPING

10-28-1: PURPOSE:

The purpose of this chapter is to establish residential landscaping standards (for new and refurbished private property landscaping) that enhance the appearance of individual lots, increase the compatibility of residential uses, maintain open space, provide for "green" space, and protect the public health, safety and welfare by minimizing the impacts of: soil erosion, pollution, refuse, fire hazards, and unmanaged growth, through promoting natural landscaping or "Xeriscaping", and water conservation. (Ord. 655, 4-4-2006)

10-28-2: SCOPE:

A. The provisions of this chapter shall govern and be applied to all owners and occupants of real property which is:

1. Located within the Riverdale City corporate limits with the zoning designation of R-1-4.5, R-1-6, R-1-8, R-1-10, R-2, R-3, R-4, R-5, RE-15, RE-20; or
2. Located within the Riverdale City corporate limits with a zoning designation of A-1, provided said A-1 property has been developed for a residential use and said chapter provisions shall only be applicable to a residential lot in said A-1 zone in a minimum amount of eight thousand (8,000) square feet.

B. The provisions of this chapter shall not be applicable to any real property located in the Riverdale City corporate limits, zoning designation notwithstanding, which is:

1. Protected by local, state, or federal law, statute, or regulations;
2. A nonconforming use permitted by Riverdale City; or
3. All properties with a certified hillside slope of twenty percent (20%) or greater.

C. This chapter may be enacted in whole or in part, and if any of this chapter is ever deemed unconstitutional or vague the remaining sections shall remain in force and effect. (Ord. 655, 4-4-2006)

10-28-3: NOTICE:

All new residential property owners, whether purchasing an existing or new residential property, shall receive a copy of this chapter upon applying for a building permit or utilities for said property. Said property owner shall be immediately subject to all provisions in this chapter. (Ord. 655, 4-4-2006)

10-28-4: DEFINITIONS:

HARD SURFACE: Shall consist of concrete, asphalt, brick or concrete pavers, rock or gravel and cobblestones. All hard surface material must be kept free of weeds.

HARDSCAPE SPACE: Any space made up of water features, benches, artificial grass/turf, walls, decorative ornaments, stamped concrete, small decorative rocks as well as boulders, mulch, curbing, and planters or other like materials, approved by the planning commission, that are not of a vegetative nature.

LIVING LANDSCAPE: Consists of turf, trees, shrubs, plant material both flowering and nonflowering, it shall include indigenous plants that are not noxious weeds so long as they are maintained as set out within this chapter.

NONLIVING LANDSCAPE: Shall consist of boulders, rock, lava rock, wood chips, decorative curbing and masonry work.

OPEN SPACE: All the space on the property not occupied by the residence, a driveway equivalent to the carport, or attached garage, and/or swimming pool.

REFURBISHED: Any landscaped area on a residential property wherein twenty percent (20%) of the landscaped area is being redesigned or redeveloped.

XERISCAPE: Includes plant material that can survive on low or minimal water usage. (Ord. 715, 8-19-2008; amd. Ord. 926, 10-20-2020)

10-28-5: GENERAL STANDARDS AND REQUIREMENTS:

Every applicable place of property within the city of Riverdale shall maintain landscape in a well cared for manner that enhances the appearance of the property.

A. Residential landscaping shall consist of no less than sixty-five percent (65%) of hardscape space, hard surface, nonliving landscape, non-turf/non-lawn living landscape, xeriscape, and other drought tolerant landscape features including, but not limited to: water features, benches, planters, decorative walls, decorative ornaments, stamped concrete, small decorative rocks, boulders, mulch, and decorative curbing. The use of overhead spray devices for the irrigation of hardscape spaces is not allowed. Where needed, drip irrigation established on a separate zone shall be used to meet the irrigation needs of non-turf plant materials. In no case shall hardscape and hard surfaces of a residential dwelling exceed fifty percent (50%) of the open space of the property, unless said hardscape and hard surfaces exists prior to passage of this chapter. In no case shall turf and lawn planting be allowed to exceed more than thirty-five percent (35%) of the overall residential landscaping area. No turf and lawn plantings are allowed in the park strips, slopes greater than 25%, or in areas less than eight feet (8') wide. Residential landscaping shall consist of a mixture/variation of hardscaping, nonliving landscape, xeriscape, and other drought tolerant landscape features reflected in the overall landscaping plan;

B. Yards shall consist of a balance of living and nonliving landscape that do not violate any other federal, state, or municipal statute, ordinance, or law;

C. All planter beds are required to filled with a minimum of 3 inches of mulch. Also, drip irrigation systems are required to be used for areas outside of lawn areas. All drip irrigation systems shall be equipped with a pressure regulator, filter, and other similar required equipment;

D. All irrigation valves shall irrigate landscapes with similar site, slope, and plant materials with similar needs (lawn and plantings beds shall be irrigated using separate valves). No drip sprinklers are allowed on the same irrigation valve. No combination of differing sprinkler heads are allowed on the same irrigation valve. A WaterSense labeled smart irrigation controller,

equipped with the appropriate rain delay feature, is required to be installed with the irrigation system;

E. Yards shall comply with the fencing and setback requirements of all Riverdale City ordinances;

F. Yards shall be maintained as not to cause "interference from landscaping" with public property or right of way. No trees are allowed to be planted within the park strip;

G. All living landscape shall be maintained in an orderly, attractive and healthy condition. This shall include, but not be limited to, proper pruning, mowing, weeding, and removal of litter;

H. All hardscape and hard surfaces shall be maintained to be free from defects and maintain an orderly and attractive appearance;

I. No vehicles shall be allowed to park overnight on anything other than hard surfaces that are as large as, or larger than, the full size (length and width) of the vehicle. Established landscaped yard areas, features, and spaces around the residential dwelling structure(s) do not qualify as hard surfaces that allow for overnight parking; and

J. All new and refurbished single-family and two-family homes, apartments, condominiums and townhouses shall be required to approve and maintain, as landscape yards, the front, corner street side yard and park strip and install an appropriate irrigation system, so that the landscaping will receive the appropriate amount of water in order to flourish in good health, before final approval or certificate of occupancy is issued and meet the requirements of this Chapter. An escrow agreement may be issued with a temporary certificate of occupancy which includes a time certain for installation of the landscaping and irrigation system by the owner/developer. Failure to install landscaping by the end of the next planting season (October of the following year) shall lead to forfeiture of the escrow funds and may lead to revocation of the temporary certificate of occupancy. Landscaping may include a combination of grass, plant cover and Xeriscape. (Ord. 655, 4-4-2006; amd. Ord. 926, 10-20-2020)

10-28-6: FAILURE TO MEET STANDARDS:

Failure to meet the standards set forth in this chapter shall be dealt with through the procedures as identified in title 4, chapter 5, "Nuisances", of this code. (Ord. 655, 4-4-2006)