

12-1-15 CC Adopted Landscape and Irrigation Standards (Ord. 436)

12-1-15 1st Reading

1-5-16 2nd Reading

2-4-16 Effective Date

Chapter 17.24 DISTRICT REGULATIONS [Excerpts only]

17.24.050 Landscaping and screening.

A. Purpose. These landscaping and screening regulations are intended to protect individual properties from undesirable impacts generated by surrounding land uses and general urban activity, and to improve the appearance of neighborhoods in the city by providing adequate landscaping and screening.

B. Landscaping.

1. In any property development, an area shall be devoted to landscaping which amounts to a minimum of fifteen percent of total lot area in residential developments, and ten percent of the total lot area in nonresidential developments.

2. All landscaping required by this section shall be installed and maintained in accordance with a landscaping plan as approved by the planning community development director. This plan shall indicate the precise location, size and species of all landscaping materials. The use of drought resistant planting materials is required.

3. All planting areas shall be served by a permanent, water conserving irrigation system with an automatic rain sensor.

4. Ground cover may consist of low-growing plant materials, bark mulch or crushed rock.

5. Shrubbery which is intended to provide a dense screen to meet specific requirements of this section and plants installed as groundcover shall be of such size and growth characteristics as to be capable of reaching their specified height or extent of horizontal coverage within one year of planting.

6. Except in RL and RL/M districts, all planting areas shall be bounded by a curb having a minimum height of six inches.

7. Landscaping areas shall be kept free from weeds and debris. Whenever necessary, plantings shall be replaced with other plant materials to ensure continued compliance with applicable landscaping requirements.

8. For all off-street parking areas of five or more spaces, an area equivalent to a minimum of ten percent of the area provided for parking shall be landscaped. Such landscaping shall be considered as a portion of the landscaping required for the entire lot. As part of this landscaping, one tree for every six parking spaces, or fraction thereof, shall be provided and located so as to visually disrupt long rows of parked automobiles. These trees shall be at least fifteen gallons in size, may be clustered and shall be provided with a means of irrigation and properly maintained.

Chapter 18.08 EXCAVATION AND GRADING [Excerpts only]

18.08.130 Landscape and irrigation plans.

A. Except for agricultural grading plans, all slopes to be constructed, but only final slopes of any borrow pit, shall be provided with an irrigation system which shall be used by the permittee to promote the growth of plants to protect the slopes against erosion. A landscape

documentation package, if required by Chapter 18.44, shall accompany grading plan submitted for grading permits.

B. The grading on the project shall be designed for the efficient use of water by minimizing soil erosion, runoff and water waste, resulting from precipitation and irrigation.

C. The plans shall include specifications for the preparation of the existing soils or for the application of topsoil amendments to the slopes to encourage vigorous growth. The permittee shall be responsible for full compliance with the standards and procedures established by the city in this chapter or other applicable ordinances, standards or manuals. Landscape and irrigation plans and specifications shall maximize the use of drought resistant plants and shall provide for water conservation measures throughout the planting irrigation and maintenance plans and specifications. The plan shall show the finished configuration and elevations of each landscaped area including the height of graded slopes, the drainage pattern, pad elevations, finish grade and any stormwater retention improvements.

D. The landscape documentation package shall be prepared by a licensed landscape architect, licensed civil engineer, licensed architect, or other landscape professional appropriately licensed by the state and shall contain all of the elements required by Section 18.44.070.

E. The permittee shall be responsible for installation and maintenance of the irrigation system until the city engineer determines that the system has been properly installed and meets the minimum requirements of this section and the requirements of Chapter 18.44.

Chapter 18.44 WATER EFFICIENT LANDSCAPE REGULATIONS

18.44.010 Purpose.

A. The purpose of this chapter is to establish landscaping water use standards consistent with the development landscape design requirements established by the Water Conservation in Landscaping Act (the "California Landscaping Act"), Government Code Sections 65591 et seq. In that legislation, the state legislature determined that the state's water resources are in limited supply and recognized that while landscaping is essential to the quality of life in California, landscape design, installation, maintenance and management must be water efficient. Consistent with the legislature's findings, this chapter:

1. Promotes the values and benefits of landscapes while recognizing the need to utilize water and other resources as efficiently as possible;
2. Establishes a structure for planning, designing, installing, maintaining and managing water efficient landscapes in new construction;
3. Promotes the use, when available, of tertiary treated recycled water to irrigate landscaping;
4. Provides regulations that are at least as effective in conserving water as the State's Model Water Efficient Landscape Ordinance (MWELO);
5. Encourages water users of existing landscapes to use water efficiently and eliminate waste.
6. Provides minimum planting requirements to ensure new landscape has sufficient plant materials in order reduce gas emissions and heat island effect, create shady and pleasant outdoor spaces, and beautify the City.
7. Encourages edible plants and enhances community agriculture.

18.44.020 Findings.

This chapter implements the Efficiency Regulations in Landscaping Act. The requirements of this chapter reduce water use associated with irrigation of outdoor landscaping by designing, installing and maintaining water efficient landscapes consistent with the water allowance. The provisions of this chapter are equivalent to and at least as effective as the provisions of the state Model Landscape Ordinance because the calculation of maximum applied water allowance.

The requirements herein are intended to reduce water usage in Lemon Grove to the same extent as the Model Landscape Ordinance prepared by the state of California. In implementing this law, the city shall endeavor to apply the law in a manner, which will result in long-term water savings to the citizens of the state as required, by law. The water savings shall be achieved through permanent landscape rules using irrigation management, greater use of drought-tolerant plantings and improved design criteria.

In adopting this chapter, the city council finds and determines that this chapter will be as effective as the state Model Landscape Ordinance. The threshold regulations are based on those in the state Model Landscape Ordinance.

18.44.030 Definitions.

The following definitions shall apply to this chapter:

“Automatic irrigation controller” means an automatic timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers shall schedule irrigation events using either evapotranspiration (ET_o) (weather-based) or moisture sensor data.

“Application package” means a set of materials, established by the director, filed by an applicant to officially request a permit subject to this title, or other titles as may be appropriate.

“Building permit” means a permit to engage in a certain type of construction on a specific location.

“Compost” means the safe and stable product of controlled biologic decomposition of organic materials that is beneficial to plant growth.

“Developer” means a person who seeks or receives permits for or who undertakes land development activities who is not a single-family homeowner. Developer includes a developer’s partner, associate, employee, consultant, trustee, or agent.

“Director” means the community development director or anyone to whom the director has designated or hired to administer or enforce this chapter.

“Discretionary permit” means any permit requiring a decision making body to exercise judgment prior to its approval, conditional approval or denial.

“Evapotranspiration” means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time period.

“Graywater” means untreated wastewater that has not been contaminated by any toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and does not present a threat from contamination, by unhealthful processing, manufacturing, or operating wastes. Graywater includes, but is not limited to, wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers. Graywater is not “recycled water.”

“Grading” means any excavating or filling or combination thereof.

“Hardscape” means any durable surface material, pervious or nonpervious.

“Homeowner-provided landscaping” means landscaping for a single-family residence installed either by a private individual or a licensed contractor.

“Invasive species” means species of plants not historically found in California that spread outside cultivated areas and may damage environmental or economic resources.

“Landscaped area” means an area with outdoor plants, turf, other vegetation, and natural no water use ground cover such as crushed rock and wood trimmings. A landscaped area includes a water feature either in an area with vegetation or that stands alone. A landscaped area may also include design features adjacent to an area with vegetation. A landscaped area does not include the footprint of a building, decks, patio, sidewalk, driveway, parking lot or other hardscape. A landscaped area also does not include an area without irrigation designated for nondevelopment such as designated open space or area with existing native vegetation.

“Landscape documentation package” means those supplemental landscape-specific attachments required by Section 18.44.070 to be submitted as part of an application package, as required elsewhere in the Municipal Code.

“Low head drainage” means a sprinkler head or other irrigation device that continues to emit water after the water to the zone in which the device is located has shut off.

“Low volume irrigation” means the application of irrigation water at low pressure through a system of tubing or lateral lines and low volume emitters such as drip lines or bubblers.

“Mulch” means an organic material such as leaves, bark, straw or inorganic mineral materials such as rocks, gravel or decomposed granite left loose and applied to the soil surface to reduce evaporation, suppress weeds, moderate soil temperature, or prevent soil erosion.

“Overspray” means the water from irrigation that is delivered outside an area targeted for the irrigation and makes contact with a surface not intended to be irrigated.

“Pervious” means any surface or material that allows the passage of water through the material and into underlying soil.

“Public water purveyor” means a public utility, municipal water district, municipal irrigation district, or municipality that delivers water to customers.

“Recycled water” means waste water that has been treated at the highest level required by the California Department of Health Services for water not intended for human consumption.

“Runoff” means water that is not absorbed by the soil or landscape to which it is applied and flows from the landscaped area.

“Subsurface irrigation” means an irrigation device with a delivery line and water emitters installed below the soil surface that slowly and frequently emit small amounts of water into the soil to irrigate plant roots.

“Tertiary treated recycled water” means water that has been through three levels of treatment including filtration and disinfection.

“Turf” means a groundcover surface of mowed grass.

“Water feature” means a design element where open water performs an aesthetic or recreational function. A water feature includes a pond, lake, waterfall, fountain, artificial streams, spa and swimming pool. Constructed water containment elements used for on-site wastewater treatment or stormwater best management practices are not water features.

“WUCOLS” means WUCOLS Region Number 4 (South Inland) of the Water Use Classification of Landscape Species published by the University of California Cooperative Extension and the Department of Water Resources 2014, as amended.

18.44.040 Applicability.

- A. This chapter shall apply to all new and renovated landscape areas.
- B. This chapter shall not apply to the following:
 - 1. A registered local, state, or federal historical site.
 - 2. An ecological restoration project that does not require a permanent irrigation system.
 - 3. A mined land reclamation project that does not require a permanent irrigation system.
 - 4. A botanical garden or arboretum, open to the public.
 - 5. Any single-family residence that is being rebuilt after it was destroyed due to a natural disaster, such as a fire, earthquake, hurricane, or tornado.

18.44.050 Landscape approval.

- A. No person shall install landscaping for a project subject to this chapter without the review and approval required by this chapter.
- B. A person constructing a project subject to the requirements of this chapter shall obtain approval for the landscaped area as follows:
 - 1. A person applying for a building permit for a new single-family residence shall obtain an approval of the landscaping as part of the permitting process.
 - 2. A person applying for a discretionary permit described in Section 18.44.040:
 - a. Shall submit a landscape concept plan required by the discretionary permit application package and which demonstrates conformance to Title 17 and this chapter. The concept plan shall include representation of the site features, proposed planting areas and the proposed method and type of irrigation.
 - b. Shall obtain approval for landscaping as part of the permitting process for each building permit for each project segment that requires installation of a water meter or connection to an existing water meter.
 - c. May use “typical” plans for developer-installed landscaping for new single-family homes.

18.44.060 Administration.

- A. The director shall administer and enforce this chapter.

18.44.070 Landscape documentation package.

- A. Applications for projects subject to Section 18.44.040 shall include a landscape documentation package that complies with the provisions of this chapter. The landscape documentation package shall contain the following elements:
 - 1. Planting and irrigation plans that describe the landscaping (size, type, water use classification, and location) and irrigation (type and location) for the project.
 - 2. A grading plan that complies with Sections 18.08.130 and 18.08.070 if grading is proposed.

3. When a project involves grading of a site, the applicant shall submit a soil management report that provides the analysis of the soil within each landscaped area of the project and makes recommendations regarding soil additives.

B. The landscape documentation package shall demonstrate conformance to Lemon Grove Municipal Code Chapter 17 and the following minimum design standards:

1. Slopes greater than twenty-five percent shall be irrigated with an irrigation system with a precipitation rate of 0.75 inches per hour or less to prevent runoff and erosion. An applicant may employ an alternative design if the plan demonstrates that no runoff or erosion will occur.

2. All wiring and piping under a paved area that a vehicle may use, such as a parking area, driveway or roadway, shall be installed inside a PVC conduit.

3. Irrigation piping and irrigation devices within twenty-four inches of a vehicle or pedestrian use area and that deliver water, such as sprinkler heads, shall be installed below grade. The director may allow on-grade piping where landform constraints make below grade piping infeasible.

4. Low volume or subsurface irrigation shall be used to irrigate any vegetation within twenty-four inches of an impermeable surface unless the adjacent impermeable surfaces are designed and constructed to cause water to drain entirely into a landscaped area.

5. A manual shutoff valve shall be installed as close as possible to the water supply. Additional manual shutoff valves shall be installed between each zone of the irrigation system and the water supply.

6. Minimum plantings per landscape area are required as follows:

a. Landscape areas may consist of very low and low water use plant materials per WUCOLS.

b. Landscape areas consisting of moderate and high water use plant materials per WUCOLS shall not exceed a ratio of 1 part planting area (one-third) per 2 parts of no water use natural nonvegetated ground cover (two-thirds). Alternative landscapes not in compliance with this regulation are allowed provided they comply fully with the State MWEL.

c. A minimum of 25 percent of the landscape area shall consist of vegetated plant materials.

d. A minimum of one 15 gallon tree shall be provided per 1,000 sq. ft. of landscape area (existing trees included).

e. A minimum of 100 sq. ft. of edible planting area or one 15 gallon fruit or nut tree shall be planted for each dwelling unit, but for no more than five dwelling units on a single lot.

7. Nonvegetated natural ground cover shall be a minimum of three inches deep and shall be one inch below surrounding paved surfaces.

8. New irrigation systems shall include an automatic irrigation controller and consist of drip or microspray systems.

9. High-efficiency, matched-precipitation rate sprinkler nozzles shall be required at all homes (residential landscapes), common areas, parks, and commercial/industrial landscapes.

10. Dedicated meters for outdoor water use shall be required as follows:

a. In single-family residences with one or more acre(s) of irrigated landscape,

- b. In all parks and common areas,
 - c. In commercial, industrial, government, and multi-family sites with 5,000 square feet or more of irrigated landscape;
11. Enroll all new irrigation meters (except those at single-family residences) in the Helix Water Budget Program and provide documentation of irrigated landscape area at the time of meter purchase;
 12. New impervious surfaces shall direct storm water drainage to landscape areas.
 13. Pervious and porous surfaces that minimize runoff shall be encouraged.
 14. New roofs shall be encouraged to direct storm water to landscape areas or to water capture and reuse containers.

18.44.080 Recycled water.

- A. A person who obtains a permit for a project that is subject to this chapter shall use recycled water for irrigation when tertiary treated recycled water is available from the water purveyor who supplies water to the property for which the city issues a permit.
- B. A person using recycled water shall install a dual distribution system for water received from a public water purveyor. Pipes carrying recycled water shall be purple.
- C. This section does not excuse a person using recycled water from complying with all state and local laws and regulations related to recycled water use.

18.44.090 Graywater.

- A. A person who obtains a permit for a residential project that is subject to this chapter may use graywater for subsurface irrigation provided the installation and operation of the graywater system conforms to all applicable state and local laws and regulations.
- B. A person using a graywater irrigation system shall design and construct the system consistent with the California Plumbing Code.

18.44.100 Landscaping and irrigation installation and soil preparation.

A person issued a landscape approval for a project shall install the approved irrigation system and landscaping before final inspection of the project. A pre-inspection prior to installation is required to inspect: 1) the irrigation, root barrier, ground cover, and planting excavations, 2) the compost and soil materials prior to blending, and 3) the irrigation, root barrier, ground cover, and planting materials. A final inspection is required after installation to inspect: 1) irrigation locations, types and flows, 2) planting locations, types and sizes, 3) ground cover depth, and 4) root barrier and tree staking installations. Installations shall be per San Diego Regional Standard Drawings and the following:

1. Holes for plantings shall be excavated slightly shallower and a minimum of two times the width of the root ball or container. Set the root ball so that the top of the root ball will sit slightly higher than the final grade.
2. Uniformly blend compost and excavated soil at a ratio of one part compost (one-third) per two parts soil (two-thirds).
3. Backfill and firm the compost-soil blend around the root ball within the planting hole.
4. Turf and shallow planting areas shall include compost at a minimum depth of one inch and the area shall be tilled to a minimum five inches in depth.
5. Water thoroughly during and after planting.

6. Best Management Practices shall be implemented at all times.

18.44.110 Maintenance.

After approval of a landscape and irrigation plan, the owner is required to:

- A. Maintain and operate the landscaping and irrigation system on the property.
- B. Replace broken or malfunctioning irrigation system components with components of the same materials and specifications, their equivalent or better.
- C. Ensure that when vegetation is replaced, replacement plantings are consistent with regulations in this Chapter.

18.44.120 Certificate of completion.

Each person issued a landscape approval shall submit a signed certificate of completion, under penalty of perjury, on a form provided by the city.

18.44.130 Waste water prevention and Maximum Applied Water Allowance (MAWA).

A. No person shall allow water to flow onto adjacent property, nonirrigated areas, structures, walkways, roadways, or other paved areas, whether due to runoff, low head drainage, overspray, or other similar condition.

B. No person whose landscape is subject to a landscape approval pursuant to this chapter shall apply water to the landscape in excess of the Maximum Applied Water Allowance (MAWA) established by the State MWELo which is estimated at 14 gallons of water annually per square foot of landscape area.

18.44.140 Reporting.

A. Reporting on the implementation and enforcement of this chapter shall be submitted to the Department of Water Resources by January 31st of each year. The Report shall address the following:

- 1. State this is a single agency ordinance using a locally modified Water Efficient Landscape Ordinance (WELo) which is as effective in conserving water as the State MWELo and applicable to all new and renovated landscape areas. Note the date of adoption of the WELo.
- 2. Define the reporting period as for the calendar year.
- 3. State that the City of Lemon Grove is the entity responsible for implementing the ordinance.
- 4. State the total area (in square feet) subject to the ordinance over the reporting period, if available.
- 5. Provide the number of new housing starts, new commercial projects, and landscape retrofits during the reporting period.
- 6. Describe the procedure for review of projects subject to the ordinance.
- 7. Describe actions taken to verify compliance.
- 8. Describe enforcement measures.

18.44.150 Enforcement.

A. The director shall administer and enforce the provisions of this chapter. Any city authorized personnel or enforcement officer may exercise any enforcement powers as set forth in the Lemon Grove Municipal Code.

B. The director may delegate to or enter into a contract with a local agency or other person to implement and administer any of the provisions of this chapter on behalf of the city.

18.44.160 Fees.

The city council shall establish and modify, by resolution, a schedule of fees and deposits for matters subject to this title. All applicable fees and deposits shall be paid in full prior to processing any application, appeal, or other matter for which a fee is required.

18.44.170 Appeals.

Any applicant or other interested person who is dissatisfied with the denial, approval, conditional approval, or other landscape approval decision made in the administration of this title may appeal the decision. Appeals will be processed according to the procedures found in LGMC Section 17.28.020(I).