

ORDINANCE NO. 2009-04

AN ORDINANCE OF THE CITY OF LA PALMA AMENDING CHAPTERS 17 AND 26 OF THE LA PALMA CITY CODE PERTAINING TO ARTIFICIAL TURF

WHEREAS, the City Council of the City of La Palma wishes to protect and preserve the quality of the residential areas of the City, as well as the quality of life throughout the City, through effective land use and planning; and

WHEREAS, the City Council of the City of La Palma recognizes the importance of water conservation within the State of California, and that methods exist which can lead to significant water saving opportunities for the residents and homeowners of the City of La Palma; and

WHEREAS, the City has initiated consideration of an Ordinance, repealing Section 17-6 of Chapter 17 in the La Palma City Code; and

WHEREAS, on May 11, 2009, the Development Committee of the City of La Palma conducted a duly noticed Public Hearing to solicit input from the Community regarding the proposed Ordinance, and considered testimony and evidence at the hearing held with respect thereto, and thereafter transmitted its comments to Planning Staff; and

WHEREAS, on June 2, 2009, the Planning Commission of the City of La Palma conducted a duly noticed Public Hearing regarding the installation, use and maintenance of artificial turf, and considered testimony and evidence at the hearing held with respect thereto, and thereafter transmitted its recommendation to the City Council; and

WHEREAS, on June 16, 2009, the City Council of the City of La Palma conducted a duly noticed Public Hearing on said Ordinance, and considered testimony and evidence at the Public Hearing held with respect thereto; and

WHEREAS, on July 7, 2009, the City Council of the City of La Palma conducted a duly noticed Public Hearing on said Ordinance, and considered testimony and evidence at the Public Hearing held with respect thereto; and

WHEREAS, the City Council has determined that Ordinance No. 2009-04 is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Section 15308 Actions by Regulatory Agencies for Protection of the Environment, "Class 8". Class 8 consists of the actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement,

or protection of the environment where the regulatory process involves procedures for protection of the environment; and

WHEREAS, the City Council finds and determines that the amendments to the Municipal Code affected by the proposed Ordinance are consistent with the General Plan of the City of La Palma; and

WHEREAS, the City Council has determined that it is in the best interest of the public health, safety and welfare of the residents of the City to adopt this Ordinance in accordance with Section 1.10 of the La Palma City Code to authorize the use of artificial turf and to regulate its installation, use and maintenance.

NOW, THEREFORE, the City Council of the City of La Palma does hereby ordain as follows:

SECTION 1: Section 17-6 of Article II of Chapter 17 of the La Palma City Code is hereby amended to add a new (x) to read as follows:

(x) Artificial turf constituting unsightly appearance by reason of it being or having any of the following conditions or characteristics:

- (1) Faded, or
- (2) Damaged, or
- (3) Improperly installed, or
- (4) Separated seam(s) and/or visible seam(s), or
- (5) Damaged edges (i.e. frayed or encroached upon by vegetation), or
- (6) Uneven and/or “wavy” appearance due to sunken or raised soil beneath,
or
- (7) Lacking of a proper barrier separating live landscaping (e.g., a mow strip),
or
- (8) Stained, or
- (9) Comprising noncompliant infill materials (e.g. rubber crumb), or
- (10) Use of noncompliant nylon fibers, or
- (11) Displaying a permanent image (e.g. sports team moniker).

SECTION 2: Section 17-37(n) and Section 17-37(o) of the La Palma City Code are hereby amended to read, as follows:

- (n) Landscaping. All landscaping visible from public rights-of-way shall be maintained in a healthy condition free of dying, dead, diseased, decayed, discarded, and/or overgrown vegetation. All artificial turf visible from public rights-of-way shall be maintained in a manner so as to mimic the appearance of a maintained, green, thriving lawn free of fading, visible seams, dents, ruts, trash, debris, damaged areas, stains, and/or exhibiting a worn out unnatural appearance.
- (o) Parkway landscaping. In areas with public parkways, the parkway shall be landscaped and maintained by the property owner(s) abutting said parkway. The landscaping shall be maintained in a healthy condition free of dying, dead, diseased, decayed, discarded, and/or overgrown vegetation. All artificial turf located in a parkway shall be maintained in a manner so as to mimic the appearance of a maintained, green, thriving lawn free of fading, visible seams, dents, ruts, trash, debris, damaged areas, stains, and/or exhibiting a worn out unnatural appearance.

SECTION 3: Section 26-10 of the La Palma City Code is hereby amended to add new defined terms “artificial turf,” “turf, artificial,” and “turf, live,” “drought-tolerant plant,” “hardscape,” “landscape coverage,” “landscaping, full,” “landscaping, minimal,” “landscaping plan,” “materials, natural,” “xeriscaping,” and to amend the definition of the term “landscaping,” as follows:

Artificial turf. See “Turf, artificial.”

Drought-tolerant plant. A native or non-native plant species that can survive extended periods of time without rain or supplemental irrigation, while remaining healthy and retaining acceptable appearance.

Hardscape. (Or "hardscaping") Consists of the part of a building's grounds consisting of inanimate nonliving structures, such as patios, retaining walls, and walkways, made with hard materials, but excluding artificial turf.

Landscaping. The planting and maintaining of an area with predominantly plant materials, including live turf, artificial turf, groundcover, trees, shrubs, and other plant materials; and also including small amounts of accessory decorative outdoor landscape elements such as ponds, fountains, and paved or decorated surfaces, (excluding driveways, parking, loading, or storage areas), natural materials, and sculptural elements, all of which are suitably designed, selected, installed, and maintained to enhance a property.

Landscape coverage. The percentage of the net lot area, excluding the area of the building(s) and any accessory structures and driveway(s), which is covered by landscaping as seen from a plan view.

Landscaping, full. One hundred percent of the required landscaping and irrigation system as required by Sec. 26-65 is installed and functional.

Landscaping, minimal. Seventy percent of the required landscaping and irrigation system as required by Sec. 26-65 is installed and functional.

Landscaping plan. A plan which indicates the type, size, and location of vegetation and accent material proposed for the covering of all areas of a property not covered by a building, driveway, parking lot, or accessory structures that includes all irrigation and other devices necessary to maintain the landscaping.

Materials, natural. Organic and inorganic materials such as rock, decomposed granite, gravel, bamboo, wood chips, etc. that are used to cover areas where landscaping and hardscaping is not present.

Turf, artificial. A synthetic grass-like man-made surface made from non-toxic synthetic materials to resemble thriving, live, green grass.

Turf, live. A surface layer of matted earth covered with grass.

Xeriscaping. Landscaping designed specifically for areas that are susceptible to drought or for properties where water conservation is practiced.

SECTION 4: Section 26-65 of the La Palma City Code is amended to read, in its entirety, as follows:

Sec. 26-65. Residential landscape standards.

(a) Applicability. This section provides landscaping requirements for residential uses that shall apply to:

- (1) All proposed new residential developments.
- (2) All existing residential developments.
- (3) All existing landscape and irrigation systems.

(b) General Provisions.

- (1) All residentially zoned properties shall provide landscaping as required under this section.
- (2) Landscape design may emphasize water conservation through minimal irrigation and the use of plant materials that are drought tolerant and well adapted to the local climate and soil conditions.
- (3) New Development. All new development shall require approval of a landscape and irrigation plan pursuant to Section 26-18.
- (4) Should any provision of this Chapter conflict with other any other

provisions of the City of La Palma Municipal Code or any adopted Specific Plan, the Community Development Director shall clarify the spirit and intent of the Code.

- (5) All landscaping shall be maintained in an attractive and healthy condition. Attractive and healthy condition shall include the proper pruning, mowing of live turf areas, weeding, litter removal, replacement of all dead and deceased plants, and the regular application of appropriate quantities of water to all landscaped areas. Indoor/outdoor plastic or nylon carpeting and similar materials that do not resemble thriving, live, green grass shall not be permitted as a substitute for artificial turf and/or live turf.
- (6) Irrigation systems shall be maintained in a proper operating condition. Water line breaks, head/emitter ruptures, overspray or runoff conditions and other irrigation system failures shall be repaired immediately.
- (7) Restrictions for traffic safety. In compliance with Section 26-58, landscaping in the traffic safety triangle shall not exceed a height of three feet.

(c) Artificial Turf Standards.

- (1) Artificial turf shall have polyethylene monofilament fiber with a minimum grass zone pile height of 1.5 inches.
- (2) A minimum face weight of 42 ounces per square yard of unfilled artificial turf.
- (3) Nylon, polypropylene, and similar fibers can be permitted in the thatch zone provided that the thatch zone is a minimum .25 inches lower than the grass zone pile height.
- (4) Artificial turf installations requiring infill materials shall use infill of the silica sand variety. Rubber infill made from old tires is not acceptable for use as infill for artificial turf.
- (5) All electric, water, gas, and irrigation lines and conduits shall be run outside the perimeter of an artificial turf installation with the exception of those that provide direct service to the residence.
- (6) An appropriate solid barrier device (i.e. concrete mow strip) is required to separate artificial turf from soil and live vegetation.
- (7) Artificial turf shall be lead free.
- (8) Artificial turf shall be trimmed to fit against all regular and irregular edges to resemble a natural look.

- (9) Artificial turf shall be designed to allow water to percolate through the synthetic grass at a minimum drain rate of 30 inches per hour to an adequate drainage system installed underneath the artificial turf to prevent run-off, pooling, and flooding.
- (10) All artificial turf shall have a warranty that protects against color fading and a decrease in pile height. A minimum four (4) year manufacturer's warranty is required for a "do it yourself" homeowner's installation; and a minimum eight (8) year manufacturer's warranty is required for an installation certified by the manufacturer.
- (11) Installation shall be done at minimum to the manufacturer's specifications, and include the following: removal of all sod or existing groundcover, a synthetic porous filter fabric shall be installed, compacted and porous decomposed crushed granite and/or road base material (minimum 3 inches), all edges and seams of the artificial turf are to be anchored with nails and glue, all seams shall be nailed and glued - not sewn - and artificial turf shall be visually level with the grain pointing in a single direction.

(d) Maintenance.

- (1) All landscaping, including parkway landscaping, plant materials, and live turf areas shall be maintained by the property owner, in a healthy, neat, and orderly condition that is free of weeds, trash, and debris.
- (2) Artificial turf shall be maintained by the property owner in an effective manner which includes cleaning, brushing, debris removal; repairing of depressions and ruts to maintain a level visual surface; elimination of any odors, flat or matted areas, weeds, evasive roots, looseness at edges, seams; and the replacement of the artificial turf when maintenance or repair is unable to simulate a natural thriving, green, grass appearance.
- (3) Dead or diseased plant(s) and/or any damaged or worn-out artificial turf areas shall be removed and appropriately replaced by the property owner. Repaired artificial turf areas shall be done so with like for like materials from the same manufacturer and done so in a manner that results in a repair that blends in with the existing artificial turf.

(e) Single family development landscaping.

- (1) Landscaped yards. Landscaping shall illustrate a concern for aesthetic elements such as balance, scale, texture, form, and unity. Yards visible from the public right-of-way shall be landscaped, except for driveways, parking areas, paved ancillary parking areas, parking walks, and fences. Driveways shall not encroach into the required front yard setback except to provide direct access to the garage door. Seventy percent of the area in

- front of the dwelling, excluding the driveway, shall be landscaped with plant materials, and/or live turf or artificial turf. A front yard may not be completely comprised of artificial turf; if artificial turf is installed, it must be complimented by a mixture of live plant materials.
- (2) Period for landscape installation. Minimal landscaping shall be installed prior to initial occupancy of a residential dwelling. Full landscaping shall be installed within six months of initial occupancy.
 - (3) Landscaping should encourage the use of drought-tolerant plant materials, drip irrigation systems, and minimal use of turf and artificial turf, where feasible. Landscape design should encourage the implementation of landscape maintenance practices that foster long-term water conservation.
 - (4) Planned Unit Developments (PUD). In Planned Unit Developments, a minimum of thirty percent of the site area shall be landscaped. An exception to this requirement may be granted with approval of a Precise Plan or Precise Plan Amendment if the approval authority finds that the landscape plan provides exceptional creativity, which may include artificial turf.
 - (5) A permit shall be required for the installation of artificial turf in the single family residential (R-1) zone.
- (f) Multiple family development landscaping. The following features shall be incorporated into the design of the proposed landscape and shown on the required landscape plans for multiple family developments:
- (1) Landscaping shall be required in all setback areas except for driveways and walkways;
 - (2) Landscaping adjacent to the driveways and parking areas shall be protected from vehicle damage through the provision of a minimum of six-inch high concrete curbs or other types of barriers as approved by the Community Development Director;
 - (3) Landscaping planter areas shall have a minimum inside width of three feet where trees and/or shrubs are provided and six feet where turf is provided;
 - (4) All landscaped areas shall incorporate an irrigation system and comply with the commercial irrigation standards in Section 26-66(f) of this Code;
 - (5) Plant materials shall be selected and installed to comply with the provisions for plant materials in the commercial landscaping requirements in Section 26-66(e) of this Code;

- (6) Common open area. At least two hundred square feet of recreational open space shall be required for each dwelling unit.
- (A) Recreational open space shall be lawn, garden, or other natural landscaping, and may include paved surfaces for walking/jogging, swimming pools, BBQ grills, play areas, and places to sit down.
- (B) Common open area shall not include setback areas or walkways providing access to buildings and/or other parts of the site.
- (7) Private open area. At least two hundred square feet on ground level shall be provided for each first floor unit. Second floor units may be exempt from providing private open area.
- (A) Private usable open space shall be provided for each dwelling unit immediately adjacent to, accessible to, and private to the unit it is designated to serve. Private open area shall not be permitted to be located in setback areas, driveway or parking areas and shall be distinguished from adjacent areas by a retaining wall, fence, or landscaping.
- (B) The space shall not be less than ten feet in any horizontal distance.
- (8) Three percent landscape in parking areas and three percent in non-parking areas. A minimum landscaping area of three percent in the parking areas and three percent in the non-parking areas of all remaining areas of the site where no building will be located shall be provided.
- (A) The method of calculating the three percent parking and three percent non-parking landscaping shall not include setback areas, private open areas, or the common open area.
- (B) The three percent non-parking landscaping requirement shall be distributed evenly throughout the project site and located immediately adjacent to each building on the site and is not permitted to be located in the setback areas, private open space areas, or the common open area. (Ord. 2003-07 § 3 (Exh. A part); Ord. 2004-09 § 7.)

SECTION 5: Section 26-95, Table IV-1, of the La Palma City Code is amended to read, in its entirety, as follows:

TABLE IV-1: REVIEW AUTHORITY

Type of Entitlement or Decision	Division of Development Code	Director of Community Development	Development Committee	Planning Commission	City Council	Special Permit Committee
Artificial Turf	26-65	Decision	Appeal	N/A	N/A	N/A

Permit						
Conditional Use Permits	26-163	Recommend	N/A	Decision	Appeal	N/A
Development Agreements	N/A	Recommend	N/A	Recommend	Decision	N/A
Development Code Amendments	26-128	Recommend	N/A	Recommend	Decision	N/A
General Plan Amendments	26-128	Recommend	N/A	Recommend	Decision	N/A
Interpretations	26-4	Decision	N/A	Appeal	Appeal	N/A
Precise Plan, Residential						
New	26-149	Recommend	Recommend	Decision	Appeal	N/A
Amendment	26-158	Recommend	Decision	Appeal	Appeal	N/A
Precise Plan, Nonresidential						
New	26-149	Recommend	Recommend	Decision	Appeal	N/A
Amendment	26-149	Recommend	Recommend	Decision	Appeal	N/A
Single Family Residential Remodels	26-158	Decision for Procedure A and Procedure B and Recommend for Procedure C	Appeal for Procedure B Decision for Procedure C	Appeal	Appeal	N/A
Specific Plans	26-215	Recommend	Recommend	Recommend	Decision	N/A
Temporary Use Permits	26-201	Decision	N/A	N/A	Appeal	N/A
Variances	26-208	Recommend	Recommend	Decision	Appeal	N/A
Zoning Map Amendments	26-128	Recommend	N/A	Recommend	Decision	N/A
Sign Permits and Master Sign Plan	26-171	Refer to 26-97 (Sign Review Authority)				

SECTION 6: A new Article VII, comprising Sections 26-240 through 26-245, inclusive, of the La Palma City Code is added to read, in its entirety, as follows:

ARTICLE VII. Miscellaneous Provisions. Division 1. Artificial Turf Permits

Sec. 26-240. Purpose.

The purpose of this division is to provide a permit process for the review and approval of artificial turf.

Sec. 26-241. Authority.

The approval authority designated in Section 26-95, Table IV-1 (Review Authority) may grant approval of artificial turf permits.

Sec. 26-242. Applications for artificial turf permits.

Applications for artificial turf permits shall be filed in compliance with Division 1 of Article V. Permits, Plans and Certificates. Division 1. In addition, the artificial turf permit application shall include a sample of the artificial turf material, a sample of the infill material (if applicable); warranty information; installation details; material specifications (i.e. face weight, pile height, composition etc.); photographs of the site; and one copy of a landscape plan drawn to scale indicating the following:

- (a) Scale, north arrow
- (b) Boundaries/Property Lines of subject property, streets and easements.
- (c) A cross section detail that shows the installation method and identifies the amount and type of materials used.
- (d) A materials and plant legend.
- (e) A planting plan (listing the artificial turf and plant materials by botanical of common name, quantity of materials, size of materials at planting, and existing trees.
- (f) Identify the percentage of the front yard that is artificial turf, hardscape, and live plant materials.

Sec. 26-243. Expiration of an artificial turf permit.

Artificial turf permits are subject to the expiration provisions in Article IV, Division 4.

Sec. 26-244. Time extensions of artificial turf permits.

An artificial turf permit may be extended if, in the judgment of the review authority, the proposed installation under the terms and conditions of the existing artificial turf permit will conform with all applicable municipal ordinances and

regulations thereunder have been complied with. The review authority may extend the artificial turf permit for an additional period of one year or other term if a different period of validity was specified in the original artificial turf permit.

Sec. 26-245. Modification of artificial turf permits.

An artificial turf permit may be revoked or modified in compliance with Article IV, Division 5.

Sec. 26-246. Fee Amount. The artificial turf permit fee shall be established by resolution of the City Council to offset the costs associated with administering the artificial turf regulations.

SECTION 7: If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each, section subdivision, sentence, clause, phrase, or portion of this Ordinance irrespective of the fact that one or more sections, subdivisions, sentences, clauses, phrases, or portions of this Ordinance be declared invalid.

SECTION 8: All required proceedings and considerations precedent to the adoption of this Ordinance have been regularly taken in accordance with applicable law.

SECTION 9: City staff is hereby authorized to file a notice of exemption with regard to this Ordinance.

SECTION 10: The City Clerk is authorized and directed to publish this Ordinance or a summary thereof in the manner provided by law and in accordance with procedures normally taken.

PASSED, APPROVED, and ADOPTED by the City Council of the City of La Palma at a regular meeting held on the 7th day of July, 2009.

Mark I. Waldman, Mayor

ATTEST:

Laurie A. Murray, City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS.
CITY OF LA PALMA)

I, LAURIE A. MURRAY, City Clerk of the City of La Palma, California, DO
HEREBY CERTIFY that the foregoing Ordinance was adopted by the City
Council of said City at a regular meeting of said City Council held on the 7th day
of July, 2009, and that it was so adopted by called vote as follows:

AYES: Charoen, Shanahan, and Waldman.

NOES: Herman and Rodriguez.

Laurie A. Murray, City Clerk