

ORDINANCE NO. 633

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AMENDING PORTIONS OF TITLE 13 AND TITLE 16 OF THE ARROYO GRANDE MUNICIPAL CODE RELATING TO THE ESTABLISHMENT OF WATER EFFICIENT LANDSCAPE REQUIREMENTS

WHEREAS, the Water Conservation in Landscaping Act of 2006 (Government Code Sections 65591 et seq.) requires cities to adopt landscape water conservation ordinances by January 1, 2010; and

WHEREAS, in accordance with this law, the California Department of Water Resources prepared a Model Water Efficient Landscape Ordinance (MWELO); and

WHEREAS, all cities and counties had until January 1, 2010 to either adopt the State's MWELO or their own local water efficient landscape ordinance; and

WHEREAS, the City took no action on adopting its own local water efficient landscape ordinance by the deadline and therefore the State's MWELO went into effect as if it were officially adopted; and

WHEREAS, a draft local ordinance has been prepared and provides requirements that are as effective at achieving water savings as the MWELO, reduces the costs for new homes compared to the State's requirements, and reduces the City's administrative costs compared to the State's MWELO approach; and

WHEREAS, this Development Code Amendment would include a new Chapter 16.84, Water Efficient Landscape Regulations, and amends portions of Title 13 and Title 16 to refer to this new Chapter; and

WHEREAS, at its meeting on May 3, 2011, the Planning Commission considered the facts and analysis, as presented in the staff report prepared for this project, conducted a public hearing to obtain public testimony, and recommended that the City Council adopt the proposed ordinance; and

WHEREAS, based on consideration of information received at its meeting of May 24, 2011, the City Council considered the facts and analysis as presented in the staff report prepared for this project, and conducted a public hearing to obtain public testimony.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Arroyo Grande, as follows:

SECTION 1: The Council finds that:

- a. It is necessary to amend Title 16 of the Municipal Code in order to comply with the Water Conservation in Landscaping Act of 2006 (Government Code Sections 65591 et seq.);
- b. The proposed code amendment would meet the City's policy to promote the conservation and efficient use of water and to prevent waste of this valuable resource;

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- c. Consistent with California Law, the purpose of this ordinance is to promote the values and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible;
- d. Consistent with California Law, the purpose of this ordinance is to establish a structure for planning, designing, installing, maintaining, and managing water efficient landscapes in new construction and rehabilitated projects.
- e. The proposed ordinance is estimated to be at least as effective as the State's Model Water Efficient Landscape and Irrigation Ordinance as a result of the turf limitations and limitations on overhead spray irrigation for all projects including single family residential.

SECTION 2: The above recitals and findings are true and correct.

SECTION 3: Section 13.05.010 of Chapter 13.05 (Water Conservation) of the Arroyo Grande Municipal Code is hereby amended, as follows:

13.05.010 - Water conservation measures established.

Mandatory water conservation measures are hereby established as set forth in this Chapter. Please refer to Chapter 16.84, Water Efficient Landscape Requirements, for rules and regulations regarding landscape and irrigation, including limitations on the percentage of turf/lawn that can be placed in landscape areas.

SECTION 4: Subsection 16.16.030.D.3(b)(ix) of Chapter 16.16 (Specific Plan Adoption and Amendments) of the Arroyo Grande Municipal Code is hereby amended, as follows:

16.16.030.D.3(b)(ix)

Identification of any project phasing, if applicable. All major infrastructure, including parks and landscaping adjacent to roadways or major elements of the specific plan, shall be installed in the first phase of development. Please refer to Chapter 16.84, Water Efficient Landscape Requirements, for rules and regulations regarding landscape and irrigation, including limitations on the percentage of turf/lawn that can be placed in landscape areas. All parks and roadways required to service each phase shall be completed prior to occupancy. The responsibility of the developer, the city, and any other agencies shall be discussed in the phasing section of the document. Any and all agreements that require city participation, developer contribution, or construction of facilities shall be discussed.

SECTION 5: Subsections 16.32.050.B.4. and 16.32.050.B.5. of Chapter 16.32 (Residential Districts) of the Arroyo Grande Municipal Code are hereby amended, as follows:

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16.32.050.B.4

Developments of five or more dwelling units in the SF, MF, MFA and MFVH districts shall be required to provide front and street side yard landscaping consisting of predominantly drought resistant plant materials, except for necessary walks, drives and fences. Please refer to Chapter 16.84, Water Efficient Landscape Requirements, for rules and regulations regarding landscape and irrigation, including limitations on the percentage of turf/lawn that can be placed in landscape areas.

16.32.050.B.5

In the MF, MFA and MHP districts, a minimum of thirty-five (35) percent of the site area shall be landscaped, consisting of predominantly drought resistant plant materials, and/or provided with an adequate underground irrigation system. Please refer to Chapter 16.84, Water Efficient Landscape Requirements, for rules and regulations regarding landscape and irrigation, including limitations on the percentage of turf/lawn that can be placed in landscape areas. The required landscaping shall include required setback areas and may include outdoor recreation areas.

SECTION 6: Subsection 16.36.020.L.5. of Chapter 16.36 (Commercial and Mixed Use Districts) of the Arroyo Grande Municipal Code is hereby amended, as follows:

16.36.020.L.5

In all mixed use or commercial districts, required front and street side building setback areas shall be landscaped. The landscaping shall consist predominantly of plant materials except for necessary walks and drives. A minimum landscaped area five (5) feet in depth shall be provided between the property line and the off-street parking area, with additional landscaped area between the parking area and the building, unless otherwise approved by minor use permit. Please refer to Chapter 16.84, Water Efficient Landscape Requirements, for rules and regulations regarding landscape and irrigation, including limitations on the percentage of turf/lawn that can be placed in landscape areas.

SECTION 7: Subsections 16.44.010.D.2(d) and 16.44.030.D.(f) of Chapter 16.44 (Special Districts) of the Arroyo Grande Municipal Code, are hereby amended, as follows:

16.44.010.D.2(d)

Landscaping plans, in detail, excepting typical single-family lot residential areas of ten thousand (10,000) square and over. The street tree planting requirements of the city may be waived; provided, that the development plan or covenants provide adequate alternatives to the satisfaction of the planning commission and city council. Please refer to Chapter 16.84, Water Efficient Landscape Requirements, for rules and regulations regarding landscape and irrigation, including limitations on the percentage of turf/lawn that can be placed in landscape areas.

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16.44.030.D.(f)

A unifying landscape design which is clearly identified and included as part of the specific plan is required and shall enhance the building design, enhance public views and spaces and provide buffers and transitions. Landscaping shall provide for solar access and for shade to facilitate energy conservation. Where appropriate, landscape design features such as color accents, specimen tree planting and decorative hardscape shall be provided to enhance roadway intersections, driveway approaches, pedestrian walkways, and building entries. A discussion of plant materials, minimum sizes, number of plants, placement and anticipated landscape budget for the project is required. Please refer to Chapter 16.84, Water Efficient Landscape Requirements, for rules and regulations regarding landscape and irrigation, including limitations on the percentage of turf/lawn that can be placed in landscape areas.

SECTION 8: Section 16.56.130 of Chapter 16.56 (Parking and Loading Requirements) of the Arroyo Grande Municipal Code is hereby amended, as follows:

16.56.130 – Landscaping for off-street parking facilities.

Off-street parking areas containing five or more parking spaces shall be subject to the following landscaping requirements. Prior to the issuance of a building permit, a landscape plan shall be submitted and approved by the director of recreation and maintenance services. The plan shall show the location, size, variety of plantings, water supply and similar designations. Please refer to Chapter 16.84, Water Efficient Landscape Requirements, for rules and regulations regarding landscape and irrigation, including limitations on the percentage of turf/lawn that can be placed in landscape areas.

SECTION 9: Chapter 16.84 entitled “Water Efficient Landscape Requirements” is hereby added to Title 16 of the Arroyo Grande Municipal Code as set forth in Exhibit A, attached hereto and incorporated herein.

SECTION 10: If any section, subsection, subdivision, paragraph, sentence, or clause of this Ordinance or any part thereof is for any reason held to be unlawful, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, or clause thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, or clause be declared unconstitutional.

SECTION 11: A summary of this Ordinance shall be published in a newspaper published and circulated in the City of Arroyo Grande at least five (5) days prior to the City Council meeting at which the proposed Ordinance is to be adopted. A certified copy of the full text of the proposed Ordinance shall be posted in the office of the City Clerk. Within fifteen (15) days after adoption of the Ordinance, the summary with the names of those City Council Members voting for and against the Ordinance shall be

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published again, and the City Clerk shall post a certified copy of the full text of such adopted Ordinance.

SECTION 12: This Ordinance shall take effect thirty (30) days after its adoption.

On motion by Council Member Brown, seconded by Council Member Guthrie, and by the following roll call vote, to wit:

AYES: Council Members Brown, Guthrie, Costello, Ray, and Mayor Ferrara
NOES: None
ABSENT: None

the foregoing Ordinance was adopted this 14th day of June, 2011.

/s/ TONY FERRARA, MAYOR

ATTEST:

/s/ KELLY WETMORE, CITY CLERK

Exhibit A

Chapter 16.84

WATER EFFICIENT LANDSCAPE REQUIREMENTS

Sections:

- 16.84.010 Purpose
- 16.84.020 Definitions
- 16.84.030 Applicability
- 16.84.040 Turf Limitations for New Construction and Rehabilitated Landscapes
- 16.84.050 Landscape and Irrigation System Design Requirements

16.84.010 Purpose.

Consistent with California State Law, it is the purpose of this Chapter to: (a) promote the values and benefits of landscapes while recognizing the need to use water resources as efficiently as possible; (b) establish a structure for planning, designing, installing, maintaining, and managing water efficient landscapes in new construction and rehabilitated projects.

16.84.020 Definitions.

A. Purpose and Intent.

The purpose of this section is to ensure precision in interpretation of this Chapter. The meaning and construction of words and phrases defined in this Section applies throughout this Chapter, except where the context of such words or phrases clearly indicates a different meaning or construction.

B. Definitions.

“Certificate of completion” means the document required under Section 16.84.050.B.4.

“Landscape architect” means a person who holds a license to practice landscape architecture in the State of California as described in the business and Professionals Code, §5615.

“Landscaped area” means all the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

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“Landscape contractor” means a person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

“Landscape Documentation Package (LDP)” means the documents required under Section 16.84.050.B.3.

“Landscape project” means total area of landscape in a project as defined in “landscape area” for the purposes of this Chapter.

“Mulch” means any organic material such as leaves, bark and straw or inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, regulating soil temperature, decreasing erosion, preventing the freezing of roots, and suppressing weeds. The decomposition of organic mulches also serves as soil amendments.

“Multi-family residential” means two or more attached residential units. Landscape areas for multiple detached units on one parcel will be considered single family units for the purposes of this Chapter.

“New construction” means, for the purposes of this Chapter, a new building with a landscape or other new landscape, such as a park, playground or greenbelt without an associated building.

“Permit” means an authorizing document issued by local agencies for new construction or rehabilitated landscapes.

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

“Project applicant” means the individual or entity submitting a Landscape Documentation Package required under Section 16.84.050.B3, to request a permit, plan check, architectural review, or design review from the local agency. A project applicant may be the property owner or his or her designee.

“Rehabilitated landscape” means any re-landscaping project that requires a permit, plan check, architectural review, or design review.

“Runoff” means water that is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.

“Single family residential” means one home on one lot, or multiple detached units on one lot (not attached).

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“Soil moisture sending device” or “soil moisture sensor” means a device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.

“Turf” means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermudagrass, Kikuyugrass, Seashore Paspalum, St. Augustinegrass, Zoysiagrass, and Buffalo grass are warm-season grasses.

“Valve” means a device used to control the flow of water in the irrigation system.

“Water conserving plant species” means a plant species identified as having a low plant factor.

16.84.030 Applicability.

The requirements within this Chapter apply to new construction and rehabilitated landscapes for commercial, industrial and residential projects that are subject to the development review process and/or a building permit.

A. Development Review Process

In conjunction with the submittal of a project for development review (specific plan, tentative tract map, tentative parcel map, planned unit development, conditional use permit, architectural review, design review), conceptual landscape plans shall be provided that demonstrate that the design of the landscaping complies with the standards within this Chapter. These plans shall be reviewed by City staff during the development review process.

B. Building Permit

In conjunction with the submittal of a project for building plan check, final landscape and irrigation plans, in compliance with this Chapter, shall be submitted with the project. After plan check review by the Community Development Department for compliance with this Chapter, a building Permit may be issued. Fees consistent with the fees established for building plan check will be applied for staff review of the landscape and irrigation plan.

C. Certificate of Completion

Once the landscape and irrigation plans and necessary documentation has been provided in substantial compliance with the Landscape Development Package (LDP), a Certificate of Completion may be issued. A Certificate of Completion shall be issued prior to the project receiving a Certificate of Occupancy by the Building Division.

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D. Landscape and Irrigation Installation

For all projects, the landscape and irrigation shall be installed per the approved plans prior to the issuance of a Certificate of Occupancy or "final" of the building/project. For phased development projects, all landscape improvements, including creek bank and setback area restoration and enhancement and trail construction, shall be installed in the first phase of development.

E. Landscape Bond

For projects that have a landscape area of one (1) acre or greater and require a LDP, a bond may be posted that would allow a building to be finaled and a Certificate of Occupancy to be issued prior to the site landscape and irrigation being completed. The bond shall be based on an estimate for labor and materials to complete the landscape and irrigation project per the approved plans, plus an additional 25-percent. The applicant shall fill out the Landscape Bond Security Agreement along with the necessary bonding information, to the Community development Department for review and approval to determine the specific bond amount.

For projects that have a landscape area of less than one (1) acre, which does not require the LDP, the Community Development Director or his or her designee may approve a bond to be posted that would allow a building to be finaled and a Certificate of Occupancy to be issued prior to the site landscape and irrigation being completed.

16.84.040 Turf Limitations for New Construction and Rehabilitated Landscapes.

A. All new construction projects (residential, commercial, industrial) shall comply with the following limitations:

1. Turf areas less than eight (8) feet in width in any direction are prohibited, unless subsurface irrigation is used and maximum turf areas do not exceed the percentages outlined in this Chapter.
Turf shall be prohibited within the public right-of-way, including parkways.
3. Development shall be graded to maximize the on-site distribution of runoff to planted areas.
4. For non-turf areas, drip irrigation methods and low water use plants are recommended.
5. Covenants, Conditions and Restrictions (CC&Rs) shall not require turf landscaping nor have the effect of prohibiting low-water use landscaping and shall include by reference and/or attachment a copy of Chapter 16.84.

B. Commercial and Industrial projects:

1. The area planted in turf grass and irrigated with spray irrigation shall be limited to 10 percent of the development's landscaped area.
Exceptions: This section does not apply to Cemeteries, plant collections as part of botanical gardens and arboretums open to the public, City parks, and school sports fields.

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C. Single Family Residences:

1. Turf grass installed with spray irrigation in residential front yards shall be limited to 25 percent of the landscaped area.

The common areas in residential subdivisions planted in turf (including landscape and lighting district areas) shall be limited to 10 percent of the landscaped area (excluding active play areas such as ball fields, playgrounds, and picnic areas).

D. Model Homes:

1. Turf grass shall be prohibited in the front yards of model homes, and shall be limited to 50 percent for the landscaped area in back and side yards.
2. Model homes shall be used to educate future home owners about water efficient landscape and irrigation techniques. Education features for Model homes shall include:

- (a) The installation of interpretive landscape information signs that describe the principles of water efficient landscapes including features such as hydrozones, appropriate irrigation equipment and other techniques that contribute to the overall water efficient irrigation theme.

- (b) Information shall be provided to new home owners that include techniques on designing, installing, managing and maintaining water efficient landscapes.

E. Multi-family Residential Projects:

1. Turf grass shall be limited to 20 percent of the total landscaped area. The 20 percent limitation shall be exclusive of areas designed as active play surfaces (e.g. ball fields, playgrounds, picnic areas).

F. Rehabilitated Landscapes:

1. Rehabilitated landscapes shall comply with the turf limitations outlined in Sections A-E above, as appropriate to the property type.

16.84.050 Landscape and Irrigation System Design and Information Requirements.

A. All project landscaping and irrigation plans/designs shall comply with the following standards:

1. Rain sensors, either integral or auxiliary, that suspend irrigation during and after rainfall events, shall be required on all irrigation control systems.
Prohibit turf on slopes greater than 20 percent where the toe of the slope is adjacent to an impermeable hardscape (where 20 percent means one foot of vertical elevation change for every five feet of horizontal length rise divided by run times one hundred).
3. Water features shall use recirculating water systems.
4. Prohibit overhead spray irrigation within 24 inches of non-permeable surfaces such as, but not limited to, concrete sidewalks and driveways. Subsurface irrigation may be used as long as other requirements of this Chapter are met. Allowable irrigation within the setback from non-

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permeable surfaces may include drip, drip line, or other low-flow non-spray type of systems. The setback area may be planted or non-planted. The surfacing of the setback may be mulch, gravel, cobbles, or other porous material. These restrictions may be modified if the landscape area is adjacent to permeable surfacing, and no runoff occurs or the adjacent non-permeable surface drains entirely to landscaped areas.

5. Irrigation systems shall be designed and constructed to achieve a minimum efficiency of 71 percent.
6. Apply minimum two inch (2") layer of mulch on all exposed soil surface of planting areas.
7. The architectural guidelines and Covenants, Conditions, and Restrictions of common interest developments shall not have the effect of prohibiting the use of low-water use plants or requiring turf grass in landscaped areas.

B. Projects that have a landscape area equal to or greater than one acre shall submit the following information:

Note that the landscape area for new residential subdivisions will be calculated on an individual lot basis as each lot develops, not for the total of landscape areas prior to subdivision. Therefore, a residential subdivision generally will not require an LDP for individual lot landscaping. However, if there are common areas, or areas within a Landscape and Lighting District that have landscape areas of one acre or greater, there will be a requirement for an LDP for those areas to be completed prior to the recordation of the final map.

1. All of the items identified in Section A above.
Weather-based irrigation controllers, soil moisture-based controllers, or other self-adjusting irrigation controllers shall be required for irrigation scheduling.
3. The following documents and plans shall be submitted prior to the issuance of a building Permit for the associated project (refer to the Landscape & Irrigation Design Guide for specific forms and criteria):
 - Project Information
 - Water Efficient Landscape Worksheet
 - Soil Management Report
 - Landscape Design Plan
 - Irrigation Design Plan
 - Grading Design Plan
4. The following documents and plans shall be completed and the landscape and irrigation project shall be installed prior to the issuance of a Certificate of Occupancy for the associated project (refer to the Landscape & Irrigation Design Guide for specific forms and criteria):
 - Irrigation Scheduling
 - Landscape and Irrigation Maintenance Schedule
 - Irrigation Audit, Irrigation Survey and Irrigation Water Use Analysis
 - Irrigation Efficiency
 - Stormwater Management