

**MEETING MINUTES  
CITY OF MILPITAS**

**Minutes of:** Regular Meeting of Milpitas City Council  
**Date:** Tuesday, August 5, 2008  
**Time:** 6:00 PM  
**Location:** Council Chambers, Milpitas City Hall,  
 455 East Calaveras Blvd., Milpitas

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8. Residential Front Yard  
 Beautification Program

Councilmember Giordano wanted a discussion and investigation into an ordinance that would allow for yards to be maintained at their best in the City. It was not solely about beautification but really neighborhood maintenance. She discussed some ways that had begun already. This effort might be another way to keep up neighborhoods. The City was not immune to what was going on via the economy. She had a specific example of the City of Sacramento requirements.

Councilmember Polanski responded that the Community Advisory Commission could take a look at this issue. She raised the issue of recently increased City water rates and conservation efforts. Such matters affected seniors in particular. She knew of problems with absentee landlords and that Code Enforcement was needed on a regular basis in a program. There was much to consider for such a program.

Vice Mayor Livengood wanted to find out what the City's neighborhood beautification ordinance already contained about front yards. The City might have an ordinance that was not enforced. Staff responded to complaints, and there was not pro-active enforcement presently. So, to hone in on front yards, there might be elements of what was required already so Council could investigate and improve, if desired.

Councilmember Giordano agreed review of the current ordinance would help, but she wanted also to look at what other cities were doing on this, and desired more information on various alternatives and legal issues.

Mayor Esteves inquired what was the minimum the City could ask from residents to maintain public health and safety. There might be a need for some funds to go beyond that. Water conservation problems should be identified and discussed as an opportunity. Milpitas could be a "green" city then. It was time to start soliciting input from neighborhoods to get residents buy-in and ideas from homeowners, at the beginning of any process.

Speakers:

**Pete McHugh**, resident, commented that the two issues were related: property rights and impacts on people. He asked Council to look into code enforcement of existing ordinances; and there was a lot of impressive development so there was a need to preserve existing neighborhoods. He suggested organizations such as CSAC and LCC as resource references for approaches of other government agencies.

**Isaac Hughes** discussed videotaping of properties around town, marking the digital photo of locations that have violations, as a tool for code enforcement of any ordinances.

Motion: to direct staff to provide City Council with information on the current ordinance on front yards, learn what was the current law/regulations, and to consider the option to study it further

Motion/Second: Councilmember Giordano/Councilmember Gomez

Motion carried by a vote of: AYES: 5  
 NOES: 0

# Sample Landscape Regulations from CA Cities

## Report On Front Yard Maintenance Regulations January 20, 2009 City Council Meeting

### City of Sacramento

#### 17.68.010 Landscape Requirements

##### 1. Single-Family and Two-Family Residential--Front and Street Side.

- b. Landscape and Maintenance Requirements. Notwithstanding subsection (A)(1)(a) of this section, the remaining unpaved portion of the setback areas shall be landscaped, irrigated and maintained. The landscape may include grass, annuals, perennials, groundcover, shrubs, trees, and any design elements such as planters, rocks, mulch or similar elements when integrated as part of the landscape. However, only living vegetation may be used as a primary ground cover; no cement, brick, artificial turf, or other non-vegetative products such as plastic plants or flowers may be used for this purpose. All landscaping materials shall be mowed, trimmed, and/or maintained as often as necessary to prevent overgrowth and blight. No junk, debris, or other similar materials shall be stored in the landscaped setback area.

### City of San Dimas

#### 8.14.020 Maintenance of Property.

No person owning, leasing, occupying, or having the care or management of any real property in the city shall maintain such property in such a manner that any of the following conditions exist thereon:

- L. Dead, decayed, diseased or hazardous trees, shrubs, weeds and other vegetation:
  1. Constituting unsightly appearance, or
  2. Creating fire hazards or health hazards dangerous to public safety and welfare, or
  3. Having a tendency to depreciate the aesthetic and property values of surrounding properties, or
  4. Obstructs a public street, trail or sidewalk in a manner which makes it impassable or otherwise endangers the public safety and welfare.
- M. The keeping of property with a lack of adequate landscaping or groundcover sufficient to prevent blowing dust and erosion.
- O. Front yards, side yards or rear yards visible from an abutting street or alley which lacks substantial landscaping. "Substantial" means these yards shall be landscaped, except for that portion covered by a paved driveway or sidewalk. "Landscaping" shall mean the

planting and continuous maintenance of some combination of trees, shrubs, vines, ground covers, flowers, lawns or other decorative features to land.

### **City of San Clemente**

#### 17.68.060 Maintenance requirements.

The following standards shall be required of all development, new and existing:

- A. Maintenance of Landscape. All landscaped areas shall be maintained in an orderly, attractive and healthy condition. This shall include proper pruning, mowing of turf areas, weeding, removal of litter, fertilization, replacement of plants when necessary, and the regular application of appropriate quantities of water to all landscaped areas.
- B. Irrigation Systems Maintenance. All irrigation systems shall be maintained in proper operating condition. Waterline breaks, head/emitter ruptures, overspray or runoff conditions and other irrigation system failures shall be repaired immediately.

#### *Regulations Triggered by Building / Development Permits*

### **City of San Jose**

#### 20.100.440 Maintenance of Landscape

It shall be a violation of this Title for any property owner or other person in control of any lot to fail to maintain any landscaping required by a Permit or approval issued pursuant to this Chapter. Any vegetation, required by a Permit or approval, which is dead or dying shall be replaced within sixty (60) days.

### **City of Hanford**

#### Section 17.18.100

##### D. Corner Lot Development.

- 1. When the house and garage both front toward the front of the lot, the same as an interior lot, the area between the fence and back of sidewalk along the street side property line shall be landscaped with two of the four required street trees and with live ornamental bushes and shrubs with an automatic irrigation system at the time of house construction.

- E. Landscaping. Except for driveways and approved parking areas all yard areas and setback areas visible from the street(s) shall be landscaped with live plant materials and ornamentation common to the Hanford area. Landscaping is to be installed within six months after occupancy of the residence, apartment or office and continually maintained pursuant to Section 17.54.080. Landscaped areas are not to be used or converted to parking areas or any other use which results in the damage or removal of the landscaping. However, the widening of an existing paved driveway perpendicular to the street is permitted if the total width of the

existing paving and the new paving does not exceed forty (40) percent of the lot frontage along the street.

Section 17.54.080 (referenced under “E” above) states:

A landscaped area provided in compliance with the regulations prescribed in this title or as a condition of a site plan review, a use permit, a variance or any other type of approval shall be planted with live and healthy plant materials suitable for screening and/or ornamenting the site, and the plant materials shall be replaced as needed to screen and/or ornament the site. Landscaped areas shall be watered, weeded, pruned, fertilized, sprayed or otherwise maintained to assure compliance with the regulations requiring landscaped areas. Landscaped areas within sites subject to site plan review shall be watered by automatic systems and designed and developed in accordance with Sections 12.08.010 through 12.08.090 pertaining to landscape water conservation.

### **City of Paso Robles**

#### 21.16E.340 Landscaping requirements for front yard areas.

- A. Within one year of issuance of a certificate of occupancy, the holder of a building permit for a single-family dwelling shall have installed front yard landscaping in all nonpaved portions of the area between the front of the home and the street upon which the home faces. The landscaping may consist of lawn, ground cover, flowers, gravel, bark or other equivalent decorative materials. Bare ground and/or weeds are not acceptable landscaping treatments.
- B. In order to ensure enforcement of this provision, if required landscaping is not completed prior to issuance of a certificate of occupancy, a security deposit, in a form and an amount to be established by city council resolution, shall be submitted prior to issuance of the certificate of occupancy. The costs of inspecting the landscaping, as required by this section, shall be charged against the security deposit. The remaining deposit shall be refunded upon compliance with the requirements of this section.
- C. Upon completion of landscaping installation, the holder of the building permit shall request a building inspection; upon approval of the installed landscaping, the permit holder is released from further responsibility regarding the landscaping. Following approval of landscaping installation, it shall thereafter be the responsibility of the property owner to ensure that the installed landscaping is adequately maintained. Inadequately maintained landscaping may be grounds for public nuisance abatement. Judgment of the adequacy of installed and/or maintained landscaping shall be the responsibility of the city planner, who shall use reasonable discretion. Exceptions from the requirements to landscape front yard areas may be granted by the development review committee upon demonstration that such landscaping would not be reasonable or appropriate based on property size or location.

ADDITIONAL ATTACHMENT FOR

**Item # 2: Receive Report on Front Yard Maintenance Regulations**



City of Milpitas Neighborhood

Beautification Brochure

IS AVAILABLE AT THE CITY HALL INFORMATION

DESK, CITY CLERK'S OFFICE, and the COUNTY

LIBRARY