

ORDINANCE NO. 2020-5

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AMENDING ARTICLE IX OF THE LAKEWOOD MUNICIPAL CODE PERTAINING TO FRONT YARD STANDARDS FOR LANDSCAPING, PERMEABLE AND IMPERMEABLE SURFACES.

THE CITY COUNCIL OF THE CITY OF LAKEWOOD DOES ORDAIN AS FOLLOWS:

SECTION 1. INTENT. Article IX Planning - Zoning of the Lakewood Municipal Code is hereby amended as provided in this Ordinance to update the required single-family residence standards for front yard areas, including requirements for organic landscaping, and permeable and impermeable surfaces, pursuant to Public Hearings before the Planning and Environment Commission and the City Council.

SECTION 2. PURPOSE. The purpose of this ordinance is to modify the development standards for Lakewood single-family residential front yards to require organic landscaping and to clarify the allowed installation and use of permeable and impermeable surfaces.

SECTION 3. Section 9322.10 regarding Yard Areas of Part 2 of R-1 (Single-Family Residential) Zone Regulations of Chapter 3 Zoning of Article IX of the Lakewood Municipal Code is hereby repealed in its entirety and replaced to read as follows:

**9322.10. LOT AREA SURFACES.** The following lists standards for required and allowed surfacing materials to cover all areas of a single-family residential lot, including ground covers, driveways, walkways, front yard hardscape areas, and front yard landscape areas. The application of the standards listed below in subsections B, C, D, E, and F shall only apply to construction or resurfacing projects that affect front yards after the effective date of this amended Section.

**A. Ground Cover Required.** All open lot areas not occupied by paved driveways or paved walkways, buildings, accessory structures, pools, spas, decks, or other impermeable structures or devices, are to be provided with approved ground cover materials to deter erosion, dust, accumulation of water or mud, and an unsightly appearance. Approved ground cover materials include natural turf, artificial turf, low-growing ground cover plants, flowers, shrubs, trees, drought-tolerant landscaping, and other decorative soil covering materials such as bark, rock, bricks, pavers, decomposed granite, turf block and/or concrete.

**B. Allowed Driveways.** An allowed driveway is a paved surface that provides a direct path from the property line adjacent to a public or private street, alley, or common area driveway from which the property is accessed to the required off-street parking spaces. A circular driveway may be allowed in those instances, where the Public Works Department has approved encroachment

permits to allow two driveway approach aprons on the same lot and that lot has a frontage width of at least seventy-five (75') feet or more. The circular driveway shall connect the two driveway aprons and the off-street parking area. Driveways are allowed as follows:

1. **Driveway Surface.** Driveways shall be constructed of concrete, patterned concrete, bricks, and pavers or may be constructed of other impermeable or permeable materials approved by the Community Development Director. Asphaltic concrete ("asphalt") is not an allowed driveway surface for single-family residential uses.
2. **Driveway Width.** The driveway width shall be no wider than ten (10) feet for each offsite parking space to which it leads (*e.g. 20-foot wide drive for a two-car garage or carport.*) Every single-family residence shall have a minimum of two off-street parking spaces, except and as specified by Section 9321 or other sections of this code or by state law. The driveway may be expanded to fill-in the area between the driveway and the nearest side property line. The driveway fill-in provision shall apply to only one property line. A driveway leading to parking spaces behind the residence shall not exceed ten feet (10') in width or the width between residence and the side property line, whichever is greater. Vehicles may park on all portions of an allowed driveway, including any portion thereof in the required front yard and may be parked in tandem on the driveway to satisfy parking requirements of the lot.

**C. Front Yard Hardscape Area.** The "Front Yard Hardscape Area" or "FYHA" shall be the total area of all impermeable materials or structures located in the required "Front Yard" area, as specified by Section 9322.4 of this Code. This includes the "allowed driveway," any permitted porch projections into the front yard, and the front yard walkways. The FYHA shall also include the area located adjacent and connected to the allowed driveway paved with any permeable hardscape materials. The FYHA shall not exceed the following percentages of the total Front Yard area based on the width of the lot at street frontage, unless otherwise approved by application:

1. Sixty percent (60%) for lots with forty-five (45) feet or more of frontage.
2. Eighty percent (80%) for lots with less than forty-five (45) feet of frontage and more than thirty (30) feet of frontage.
3. Ninety percent (90%) for lots with thirty (30) feet of frontage or less. Such lots shall have a minimum of forty (40) square feet of organic material.

The Development Review Board (DRB) may approve an application to expand the FYHA above the listed percentages, provided a finding is made that the project area maintains an acceptable streetscape aesthetic and limits front yard parking to be no more than two vehicles on lots with forty five feet (45') of frontage or less.

**D. Front Yard Landscape Area.** The "Front Yard Landscape Area" or "FYLA" shall be all the remaining area in the required Front Yard Area, after excluding any areas occupied by the FYHA. The FYLA shall be covered with permeable ground cover arranged in an aesthetically pleasing manner, especially from street views, as determined by the Community Development Director or

in conjunction with another planning review. At least 50% of the total FYLA permeable area shall be covered with organic materials as listed below, unless otherwise approved per this Section. The FYLA permeable ground cover areas may include:

1. Organic materials including bark, mulch, ground cover plants, flowers, shrubs, and trees.
2. Artificial turf.
3. Decomposed granite.
4. Decorative rock no greater than four inches (4") in diameter.
5. In addition, the following are allowed, provided they collectively do not occupy more than 5% of FYLA: large boulders, decorative rocks greater than 4" in diameter, steppingstones and water features no more than 18" deep.

**E. Front Yard Walkway(s).** A property owner may have one or more front yard walkways as part of their allowed FYHA and/or FYLA hardscape, in accordance with the following:

1. **Walkway Parking Prohibited.** There shall be no vehicle parking on any portion of any front yard walkway, except as otherwise allowed by this Code or administrative directive.
2. **Passenger Walkway.** An FYHA or FYLA hardscape area no more than two feet wide (2') may be added adjacent to the allowed driveway for the purpose of passengers exiting a vehicle.
3. **Front Entry Walkway.** An FYHA and/or FYLA hardscape area no wider than six feet (6') that leads to the front residence entry door from the public sidewalk or other site access points (e.g. driveway or side yards.) When the walkway is parallel to the driveway and either connects to the public sidewalk or connects to the driveway within six feet (6') of the public sidewalk, the walkway shall be separated from the allowed driveway by a landscape planter with turf or other organic material that has an average width of three feet (3') or wider. Where terrain (e.g. *elevated yard*) or the residence entry door location require access directly from the driveway, the walkway shall be limited to be no more than four feet (4') wide from the adjacent edge of the driveway and may extend from the public sidewalk to the front entry door of the residence.

**F. Modifications.** Any modification of the front yard that increases or redesigns the FYHA by 5% or more and/or any reduction or redesign of the FYLA area by 5% or more shall be approved by the Community Development Director or designee through a Site Plan Review or through another other planning application process. Routine maintenance, plant replacement and incidental landscape enhancements do not require this review.

SECTION 4. Section 9326.13 regarding Yard Areas of Part 2a of R-A (Single-Family Residential – Limited Agriculture) Zone Regulations of Chapter 3 Zoning of Article IX of the Lakewood Municipal Code is hereby repealed in its entirety and replaced to read as follows:

**9326.13. LOT AREA SURFACES.** The "LOT AREA SURFACES" in the R-A shall be the same as that stipulated in the entirety of Section 9322.10 of the R-1 zone district.

SECTION 5. Section 9492.L.1 and .2 regarding General Requirements for Development of Off-Street Parking Areas – Surfacing of Part 19 of Chapter 3 Zoning of Article IX of the Lakewood Municipal Code is hereby repealed in its entirety and replaced to read as follows:

...

1. **Covered Parking Areas and Driveways.** Parking areas within or under a building shall be paved with reinforced concrete with a minimum compressive strength of 2,000 p.s.i. New or replaced driveways for a single-family residence shall not be paved with asphaltic concrete (“asphalt”) and shall be paved with reinforced concrete or other materials approved by the Community Development Director.
2. **Open Parking Areas.** Parking and driveway areas other than those listed above in Section 9492.L.1 may be paved with asphaltic concrete. ...

SECTION 6 CEQA. This ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) which is the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. CEQA does not apply where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment. This ordinance has no impact on the physical environment as it will only modify administrative procedures and not result in any changes to the physical environment.

SECTION 7. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase or portion of this ordinance, is for any reason held to be invalid or unconstitutional by the decision of any 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, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 8. CONTINUITY. To the extent the provisions of the Lakewood Municipal Code as amended by this ordinance are substantially the same as the provisions of that Code as they read immediately prior to the adoption of this ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

SECTION 9. CERTIFICATION. The City Clerk shall certify to the adoption of this ordinance and shall post a certified copy of this ordinance, including the vote for and against same, in the Office of the City Clerk, in accordance with Government Code Section 36933. The City Council hereby finds and determines there are no newspapers of general circulation both published and circulated within the City and, in compliance with Section 36933 of the Government Code, directs the City Clerk to cause the ordinance within 15 days after its passage to be posted in at least three (3) public places within the City as established by ordinance.

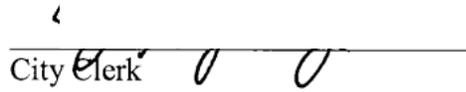
SECTION 10. EFFECTIVE DATE. This Ordinance shall be posted or published as required by law and shall take effect thirty (30) days after its adoption.

APPROVED AND ADOPTED this 12th day of January, 2021, by the following roll call vote:

	AYES	NAYS	ABSENT
Council Member Croft	<u>X</u>	_____	_____
Council Member Pe	<u>X</u>	_____	_____
Council Member Stuckey	<u>X</u>	_____	_____
Council Member Wood	<u>X</u>	_____	_____
Mayor Rogers	<u>X</u>	_____	_____

  
Mayor

ATTEST:

  
City Clerk