

TOQUERVILLE CITY

ORDINANCE 2023-XX

AN ORDINANCE AMENDING AND RESTATING IN ITS ENTIRETY SECTION 5, CHAPTER 21, OF TITLE 10 OF THE TOQUERVILLE CITY CODE ESTABLISHING THE WATER EFFICIENT LANDSCAPING AND CONSERVATION STANDARDS.

RECITALS

WHEREAS Toquerville City (“the City”) is a Utah municipal corporation and political subdivision of the State of Utah and as such, holds the delegated police powers under the Utah Constitution to act as the Land Use Authority within its municipal boundaries - with the power to regulate those items set forth in Utah Code Ann. § 10-9a-102(2).

WHEREAS the City, by and through its legislative body, the Toquerville City Council (“City Council”), is required to enact all necessary land use regulations as required by Utah Code Ann. § 10-9a-501.

ORDINANCE

NOW THEREFORE, be it ordained by the City Council of Toquerville City, State of Utah as follows:

1. AMENDMENT AND RESTATEMENT OF SECTION 5, CHAPTER 21, TITLE 10 OF THE TOQUERVILLE CITY CODE. Section 5 (Water Efficient Landscaping and Conservation Standards) of Chapter 21 (Design Standards for Construction and Development) of Title 10 (Land Use Regulations) of the Toquerville City Code is hereby amended and restated in its entirety as follows:

10-21-5: WATER EFFICIENT LANDSCAPING AND CONSERVATION STANDARDS:

A. Definitions: The following definitions shall apply to this ordinance:

1. Active Recreation Area: dedicated active play areas where irrigated lawn is used as the playing surface, such as a sports field designed for public use. Active recreation areas shall be:

- a. A minimum of 1,500 contiguous square feet of lawn area;*
- b. Not less than 30 feet in any dimension;*
- c. Not less than 10 feet from areas dedicated to vehicular use, such as a street or parking lot;*
- d. Designed and located to be accessible to large populations, such as at a school, daycare, recreation center, senior center, public park, private park, water park, or religious institution;*
- e. Co-located with amenities, including but not limited to trash bins, benches, tables, walking paths, drinking water, playground*

equipment, and/or other recreational amenities.

- 2. Irrigation Plan: a plan that shows the components of an irrigation system that uses potable or culinary water. Those components include water meter size, backflow prevention, precipitation rates, flow rate, operating pressure for each irrigation circuit, and identification of all irrigation equipment.*
 - 3. Landscape Plan: a plan that clearly and accurately identifies the location and species of new and existing trees, shrubs, ground covers, and other plants on a site, and any other landscape elements, and includes an irrigation plan.*
 - 4. Lawn: irrigated nonagricultural land planted in closely mowed, managed grasses.*
 - 5. Mulch: material (such as, but not limited to, rock, bark, wood chips) uniformly applied upon the surface of the soil to reduce evaporation and weed growth. Mulches must allow penetration of water and air. For the purposes of this chapter, ungrouted pavers, stepping stones, and artificial turf manufactured to be permeable to air and water may be considered mulch.*
 - 6. Planting Bed: areas of the landscape that consist of plants, such as trees, ornamental grasses, shrubs, perennials, and other regionally appropriate plants.*
- B. Applicability: All new single and multi-family residential, commercial, institutional, and industrial development, construction activity, or landscape installation shall comply with the standards found in this chapter as well as with the current Water Efficiency Standards as adopted by the City. These standards shall not apply to permitted agricultural, horticultural, and gardening uses (including fruit trees) in any zone, or public or school-owned parks, playgrounds, or active recreation areas in any zone.*
- C. Indoor Requirements:*
- 1. Fixtures: New and future installations of plumbing fixtures must meet or exceed the water conservation requirements specified in Utah Code.*
 - 2. Hot Water Recirculation Systems: Hot water recirculation systems shall be installed in single and multi-family properties exceeding 1,400 square feet unless hot water can be delivered without displacing more than 0.6 gallons of water.*
 - 3. Car Wash Facilities: All car wash facilities shall be plumbed during construction for water recycling systems and not exceed an average of 35 gallons of potable water per washed vehicle.*

D. Landscape Requirements:

All landscape projects, including new installations and rehabilitations, shall comply with the following standards:

- 1. Where lawns are allowed, spray irrigation may be used. All other plant material must be irrigated from a drip irrigation system equipped with a*

pressure regulator filter, flush-end assembly and emitters rated for 20 gallons per hour (gph) or less.

- 2. Drip irrigation and sprinkler irrigation may not be served from the same irrigation valve.*
- 3. Automated irrigation systems must use a US EPA WaterSense labeled smart controller or a similar weather-based controller if an appropriate WaterSense model is not available for the specific application.*
- 4. All Planting Beds must have mulch upon the soil surface with exceptions for areas being restored to appear as native desert.*
- 5. Plant Selection: Plants shall be well-suited to the microclimate and soil conditions at the project site. Both native and locally adapted plants are acceptable. Plants with similar water needs shall be grouped together as much as possible.*
- 6. At least 40% of the project's proposed (and installed) landscaped area shall contain vegetative cover consisting of water-efficient plants adequate in number and configuration to visually enhance the project, prevent heat islands, and prevent soil erosion.*
- 7. Lawn Allowances:*
 - a. Lawns must be accessible for active use and may not be in streetscape frontages, parking lots, roundabouts, medians, driveways, and other areas not conducive to access and safe use. Lawns may not be within 10 feet of a roadway.*
 - b. Single-family residential – 8% of any residential lot, or 2,500 square feet, whichever is less. Lots less than 7,500 square feet are allowed up to 600 square feet of lawn.*
 - c. Limited common area development – single-family homes with limited common areas designated for the exclusive use of the adjacent dwelling shall have the same allowances as a single-family home.*
 - d. Attached multi-family residential – up to 100 square feet per dwelling unit used in functional applications. Properties with less than 6 dwelling units are allowed up to 600 square feet of lawn.*
 - e. Commercial, institutional, and industrial – lawn areas are prohibited except where an Active Recreation Area is appropriate, such as at a childcare center or athletic complex.*
 - f. No lawn shall be less than 8 feet in any dimension, or upon a slope with a grade exceeding 25% (1 foot of rise per 4 feet of run). To the extent possible, spray irrigation should be free from obstructions (trees, signs, posts, enclosures, etc.).*
- 8. Certain special purpose landscape areas (e.g., stormwater management areas, cemeteries, etc.) may receive exceptions from the slope or lawn allowances and other elements of the Landscaping Requirements.*

Exceptions shall be considered by the City on a case-by-case basis.

9. Golf Courses:

- a. All courses using water supplied by the City or the Washington County Water Conservancy District shall have a separate meter for irrigation.*
- b. All golf courses, without regard to the date of construction, shall be required to submit and follow a water budget and identify water conservation measures for regular city and water provider review.*

10. Manmade Ornamental Water Features:

- a. Manmade ornamental water features are limited to 25 square feet per parcel and are limited to the parcel.*

E. Metering:

- 1. All attached and detached single-family dwelling units with ground floor square footage shall be separately metered, sub metered, or equipped with alternative technology capable of tracking the water use of the individual unit.*
- 2. All non-single family residential projects require separate meters for outdoor water use when irrigating more than 5,000 square feet.*

F. Multi-family and Nonresidential Application Requirements:

- 1. Landscape Documentation Package: A copy of a Landscape Documentation Package must be submitted to and approved by the city. The Landscape Documentation Package shall be prepared by a professional landscape architect (PLA) and must consist of the following items:*
 - a. A Project Data Sheet containing the following:*
 - i. Project name and address;*
 - ii. Applicant or applicant agent's name, address, phone number, and email address;*
 - iii. Landscape architect's name, address, phone number, and email address; and*
 - iv. Landscape contractor's name, address, phone number, and email address, if available currently.*
 - b. A Planting Plan. A detailed planting plan must be drawn at a scale that clearly identifies the following:*
 - i. Location of all plant materials, a legend with common and botanical names, and sizes of plant materials;*
 - ii. Property lines and street names;*
 - iii. Existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements;*

- iv. *Existing trees and plant materials to be removed or retained.*
 - v. *Scale: graphic and written;*
 - vi. *Date of design;*
 - vii. *Designation of hydrozones; and*
 - viii. *Details and specifications for tree staking, soil preparation, and other planting work.*
- c. *An Irrigation Plan. A detailed irrigation plan must be drawn at the same scale as the planting plan and contain the following information:*
- i. *Layout of the irrigation system and a legend summarizing the type and size of all components of the system, including manufacturer name and model numbers.*
 - ii. *Static water pressure in pounds per square inch (psi) at the point of connection to the public water supply;*
 - iii. *Flow rate in gallons per minute and design operating pressure in psi for each valve and precipitation rate in inches per hour for each valve with irrigation equipment (i.e., sprinklers, drip emitters, bubblers, etc.); and*
 - iv. *Installation details for irrigation components.*
- d. *A Grading Plan. A grading plan must be drawn at the same scale as the planting plan and must contain the following information:*
- i. *Property lines and street names, existing and proposed buildings, walls, fences, utilities, paved areas, and other site improvements; and*
 - ii. *Existing and finished contour lines and spot elevations as necessary for the proposed site improvements, as well as drainage.*

2. **REPEALER.** All ordinances, resolutions and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency and only for the period of time this Ordinance remains effective. This Repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.

3. **SEVERABILITY.** Should any provision, clause or paragraph of this Ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this Ordinance or the Toquerville City Code to which these amendments apply. The valid part of any provision, clause or paragraph of this Ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections and subsections of this Ordinance, together with the regulations contained therein, are hereby declared to be severable.

4. EFFECTIVENESS. This Ordinance shall become effective immediately upon approval by the City Council.

ADOPTED AND APPROVED BY THE TOQUERVILLE CITY COUNCIL this _____ day of February, 2024, based upon the following vote:

Councilmember:

Gary Chaves	AYE _____	NAE _____	ABSTAIN _____	ABSENT _____
John 'Chuck' Willilams	AYE _____	NAE _____	ABSTAIN _____	ABSENT _____
Joey Campbell	AYE _____	NAE _____	ABSTAIN _____	ABSENT _____
Todd Sands	AYE _____	NAE _____	ABSTAIN _____	ABSENT _____
Wayne Olsen	AYE _____	NAE _____	ABSTAIN _____	ABSENT _____

TOQUERVILLE CITY
a Utah Municipal Corporation

Attest:

Justin Sip, Toquerville City Mayor

Daisy Fuentes, Toquerville City Recorder