**ORDINANCE 2024-02**

**AN ORDINANCE AMENDING TITLE 10 CHAPTER 1 SECTION 3, AND ENACTING TITLE 10 CHAPTER 11 OF THE SUNSET CITY CODE REGARDING WATER EFFICIENT LANDSCAPING**

**Section 1. Recitals**

**WHEREAS**, the City Council finds, that the City of SUNSET (herein “City”) is a municipal corporation duly organized and existing under the laws of the State of Utah; and

**WHEREAS**, Sunset desires to encourage water efficient landscaping and supports Weber Basin’s efforts to conserve water resources; and

 **WHEREAS**, Sunset has the authority to adopt this ordinance pursuant to Utah Code Annotated (2010) § 10-3-702, and hereby exercises its legislative powers in doing so; and

**WHEREAS**, the City Council finds that this Ordinance is in the best interest of the health, safety, and general welfare of the citizens of Sunset; now,

**NOW THEREFORE, BE IT ORDAINED by the City of SUNSET that the following is amending Title 10 of the Sunset City Code:**

**Section 2. Prior Ordinances and Resolutions** The body and substance of any and all prior Ordinances and Resolutions, together with their specific provisions, where not otherwise in conflict with this Ordinance, are hereby reaffirmed and readopted.

**Section 3. Repealer** If any provisions of the City’s Code previously adopted are inconsistent herewith they are hereby repealed.

**Section 4. Amendment** Title 10, Chapter 1, Section 3 shall be amended to read as outlined in Exhibit A of the packet which is hereby incorporated by this reference.

**Section 5. Enactment** Title 10, Chapter 11 shall be enacted to read as outlined in Exhibit A of the packet which is hereby incorporated by this reference.

**Section 6. Severability** If any section, subsection, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

**Section 7. Date of Effect** This Ordinance shall be effective immediately upon passage, after publication or posting as required by law.

 Dated this \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_, 2024

 SUNSET, a municipal corporation

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 D Howard Madsen

 MAYOR

ATTESTED AND RECORDED

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CITY RECORDER

EXHIBIT A

**10-1-3 Definitions**

Bubbler: An irrigation head that delivers water to the root zone by “flooding” the planted area, usually measured in gallons per minute. Bubblers exhibit a trickle, umbrella or short stream pattern.

Check Valve: A device used in sprinkler heads or pipe to prevent water from draining out of the pipe through gravity flow. Used to prevent pollution or contamination or the water supply due to the reverse flow of water from the secondary irrigation system.

Drip Emitter: Drip irrigation fittings that deliver water slowly at the root zone of the plant, usually measured in gallons per hour.

Evapotranspiration (ET): The quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time, expressed in inches per day, month or year.

Grading Plan: The Grading Plan shows all finish grades, spot elevations as necessary and existing and new contours with the developed landscape area.

Ground Cover: Material planted in such a way as to form a continuous cover over the ground that can be maintained at a height not more than twelve (12) inches.

Hardscape: Patios, decks and paths. Does not include driveways and sidewalks.

Irrigation Plan: The irrigation plan shows the components of the irrigation system with water meter size, backflow prevention (when outdoor irrigation is supplied with culinary water), precipitation rates, flow rate and operating pressure for each irrigation circuit, and identification of all irrigation equipment.

Landscape Architect: A person who holds a certificate to practice landscape architecture in the state of Utah. Only a Landscape Architect can legally create commercial landscape plans.

Landscape Designer: A person who may or may not hold professional certificates for landscape design/architecture and cannot legally create commercial landscape plans. Landscape Designers generally focus on residential design and horticultural needs of home landscapes.

Landscape Plan Documentation Package: The preparation of a graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features such as plantings, ground and water forms, circulation, walks and other features to comply with the provisions of this ordinance. The Landscape Plan Documentation Package shall include a project data sheet, a Planting Plan, an Irrigation Plan, and a Grading Plan.

Landscape Zone: A portion of the landscaped area having plants with similar water needs, areas with similar microclimate (i.e., slope, exposure, wind, etc.) and soil conditions, and areas that will be similarly irrigated. A landscape zone can be served by one irrigation valve, or a set of valves with the same schedule.

Landscaping: Any combination of living plants, such as trees, shrubs, vines, ground covers, flowers, or grass; natural features such as rock, stone, or bark chips; and structural features, including but not limited to, fountains, reflecting pools, outdoor art work, screen walls, fences or benches.

Localscapes®: A locally adaptable and environmentally sustainable urban landscape style that requires less irrigation than traditional Utah landscapes (see [www.Localscapes.com](http://www.localscapes.com)).

Mulch: Any material such as rock, bark, wood chips or other materials left loose and applied to the soil.

Park Strip: A typically narrow landscaped area located between the back-of-curb and sidewalk.

Planting Plan: A Planting Plan shall clearly and accurately identify and locate new and existing trees, shrubs, ground covers, turf areas, driveways, sidewalks, hardscape features, and fences.

Pop-up Spray Head: A sprinkler head that sprays water through a nozzle in a fixed pattern with no rotation.

Precipitation Rate: The depth of water applied to a given area, usually measured in inches per hour.

Pressure Compensating: A drip irrigation system that compensates for fluctuating water pressure by only allowing a fixed volume of water through drip emitters.

Runoff: Irrigation water that is not absorbed by the soil or landscape area to which it is applied, and which flows onto other areas.

Smart Automatic Irrigation Controller: An automatic timing device used to remotely control valves in the operation of an irrigation system using the internet to connect to a real time weather source or soil moisture sensor. Smart Automatic Irrigation Controllers schedule irrigation events using either evapotranspiration or soil moisture data to control when and how long sprinklers or drip systems operate and will vary based on time of year and weather/soil moisture conditions.

Turf: A surface layer of earth containing grass species with full root structures that are maintained as mowed grass.

Water-Conserving Plant: A plant that can generally survive with available rainfall once established although supplemental irrigation may be needed or desirable during spring and summer months.

Section 4. Purpose

The purpose of this chapter is to support the State of Utah, Weber Basin Conservancy District, secondary water providers, and other water stakeholders in the responsible use of water. The City Council has found that it is in the public interest to conserve the public's water resources and to promote water efficient landscaping. The purpose of this ordinance is to protect and enhance the community's environmental, economic, recreational, and aesthetic resources by promoting efficient use of water in the community's landscapes, reduce water waste and establish a structure for designing, installing and maintaining water efficient landscapes throughout the City. Adoption of these standards will provide residents with eligibility for reimbursement programs and incentives to retrofit existing landscaping with water wise landscaping.

The City highly encourages all property owners to retrofit existing landscaping to come into compliance with all standards in this chapter.

Section 5. Prohibited Watering Practices

Wasteful use of water is prohibited on all properties within the City as regulated by 8-2-11 Water Use Regulations.

Section 6. Applicability of Water Efficient Landscape Ordinance

The provisions of this ordinance shall apply to:

1. All new landscapes in all zones of the city associated with construction of any new residential home, commercial or industrial structure, public facility, or mixed use development.
2. Any existing residential, commercial, industrial, or mixed-use projects where the owner or developer proposes to modify the landscaped area by more than 50 percent.

Section 7. Landscape Standards

1. Plant Selection.
	1. 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.
	2. Areas with slopes greater than 25% shall be landscaped with deep-rooting, water- conserving plants for erosion control and soil stabilization.
	3. Park strips and other landscaped areas less than eight (8) feet wide shall be landscaped with water-conserving plants. Turf is restricted in these spaces for new development or any retrofit projects.

Note: Please see Exhibit A for a list of recommended plants for various landscape situations and conditions (not a comprehensive list).

1. Mulch. After completion of all planting, all irrigated non-turf areas shall be covered with a minimum three (3) inch layer of mulch to retain water, inhibit weed growth, and moderate soil temperature. Non-porous material shall not be placed under the mulch.
2. Tree Selection. Tree species shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. Trees shall be selected as follows:
	1. Broad canopy trees shall be selected where shade or screening of tall objects is desired;
	2. Low-growing trees shall be selected for spaces under utility wires;
	3. Select trees from which lower branches can be trimmed to maintain a healthy growth habit where vision clearance and natural surveillance is a concern;
	4. Narrow or columnar trees shall be selected where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street for natural surveillance;
	5. Street trees shall be planted within existing and proposed park strips, and in sidewalk tree wells on streets without park strips. Tree placement shall provide canopy cover (shade) and avoid conflicts with existing trees, retaining walls, utilities, lighting, and other obstacles; and
	6. Trees less than a two-inch caliper shall be double-staked until the trees mature to a two-inch caliper.

Section 8. Irrigation Design Standards

1. Smart Automatic Irrigation Controller. Landscaped areas shall be provided with a WaterSense labeled smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers shall be equipped with automatic rain delay or rain shut-off capabilities and shall be set up to operate in “smart” mode.
2. Each valve shall irrigate a landscape with similar site, slope and soil conditions and plant materials with similar watering needs. Turf and non-turf areas shall be irrigated on separate valves. Drip emitters and sprinklers shall be placed on separate valves.
3. Drip emitters shall be provided for each tree.
4. Drip irrigation shall be used to irrigate plants in non-turf areas. Pop-up spray heads shall be at a minimum of four (4) inches in height to avoid blockage from lawn foliage.
5. Sprinklers shall have matched precipitation rates with each control valve circuit.
6. Sprinkler heads shall be attached to rigid lateral lines with flexible material (swing joints) to reduce potential for breakage.
7. Check valves shall be required where elevation differences cause low-head drainage. Pressure compensating valves and sprinklers shall be required where a significant variation in water pressure occurs within the irrigation system due to elevation differences.
8. Filters shall be required on all secondary water service connections. Filters shall have as a minimum a 30 mesh screen and shall be cleaned and maintained by the property owner on a regular basis.
9. Drip irrigation lines require additional filtration at or after the zone valve at a minimum of 200 mesh and end flush valves are required as necessary for drip irrigation lines.
10. Valves with spray or stream sprinklers shall be scheduled to operate in accordance with local water supplier restrictions to reduce water loss from wind, evaporation or other environmental conditions not suitable for irrigation.
11. Program valves for multiple repeat cycles where necessary to reduce runoff, particularly on slopes and soils with slow infiltration rates.

Section 9. Landscapes in New Single-Family Residential Developments

1. Homebuilders and/or developers subdividing lots and/or constructing new single-family residential homes shall provide water-efficient landscaping to prospective home buyers, such as the Localscapes design style when the landscape is installed by the homebuilder/developer. The water-efficient landscaping option shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance, and any central open shape area consisting of plant material in mass requiring overhead spray irrigation shall not exceed 35% of the total landscaped area.
2. Homebuilders and/or developers who construct model homes for a designated subdivision shall install water-efficient landscaping, such as the Localscapes design style. The water-efficient landscaping option shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance, and any central open shape area consisting of plant material in mass requiring overhead spray irrigation shall not exceed 35% of the total landscaped area.
3. New Construction homes shall have landscaping and irrigation plans approved by the City Planning Department prior to issuance of building permits, for which no variance may be granted, and which meet the aforementioned requirements.
4. When buyers or owners are installing their own landscaping on new home construction, a time frame for landscaping to be completed shall be 18 months from the time of occupancy to complete the front yard and no more than three years to complete the total landscape.

Section 10. Prohibition on Restrictive Covenants

1. Any Homeowners Association governing documents, such as bylaws, operating rules, covenants, conditions, and restrictions that govern the operation of a common interest development, are void and unenforceable if they conflict with any provisions of this chapter.

Section 11. Landscapes in Commercial, Industrial, and Institutional Developments

A. Commercial, industrial and institutional landscapes shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance, and the turf area shall not exceed 15% of the total landscaped area, outside of active recreation areas.

Section 12. Documentation for Commercial, Industrial, and Institutional Projects

Landscape Plan Documentation Package. A copy of a Landscape Plan Documentation Package shall be submitted to and approved by the City prior to the issue of any permit. A copy of the approved Landscape Plan Documentation Package shall be provided to the property owner or site manager and to the local retail water purveyor. The Landscape Plan Documentation Package shall be prepared by a registered landscape architect and shall consist of the following items:

1. Project Data Sheet. The Project Data Sheet shall contain the following:
	1. Project name and address;
	2. Applicant or applicant agent's name, address, phone number, and email address;
	3. Landscape architect's name, address, phone number, and email address; and
	4. Landscape contractor's name, address, phone number and email address, if available at this time.
2. Planting Plan. A detailed planting plan shall be drawn at a scale that clearly identifies the following:
	1. Location of all plant materials, a legend with botanical and common names, and size of plant materials;
	2. Property lines and street names;
	3. Existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements;
	4. Existing trees and plant materials to be removed or retained;
	5. Scale: graphic and written;
	6. Date of Design;
	7. Designation of a landscape zone, and
	8. Details and specifications for tree staking, soil preparation, and other planting work.
3. Irrigation Plan. A detailed irrigation plan shall be drawn at the same scale as the planting plan and shall contain the following information:
	1. 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;
	2. Static water pressure in pounds per square inch (psi) at the point of connection to the public water supply;
	3. 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 sprinklers, and
	4. Installation details for irrigation components.
4. Grading Plan. A Grading Plan shall be drawn at the same scale as the Planting Plan and shall contain the following information:
	1. Property lines and street names, existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements, and
	2. Existing and finished contour lines and spot elevations as necessary for the proposed site improvements.

Section 13. Plan Review, Construction Inspection, and Post-Construction Monitoring for Commercial, Industrial, and Institutional Projects

1. As part of the Building Permit approval process, a copy of the Landscape Plan Documentation Package shall be submitted to the City for review and approval before construction begins.
2. All installers and designers shall meet state and local license, insurance, and bonding requirements, and be able to show proof of such.
3. During construction, site inspection of the landscaping may be performed by the City Building Inspection Department.
4. Following construction and prior to issuing the approval for occupancy, an inspection shall be scheduled with the Building Inspection Department to verify compliance with the approved landscape plans. The Certificate of Substantial Completion shall be completed by the property owner, contractor or landscape architect and submitted to the City.
5. The City reserves the right to perform site inspections at any time before, during or after the irrigation system and landscape installation, and to require corrective measures if requirements of this ordinance are not satisfied.

Section 15. Enforcement, Penalty for Violations

The Public Works Director, the Code Enforcement Officer, and other employees of the Public Works Department and Police Department are authorized to enforce all provisions of this Ordinance. Any consumer who violates any provisions of this Ordinance shall be issued a written notice of violation. This notice shall be affixed to the property where the violation occurred. The notice will describe the violation and order that it be corrected, cured or abated immediately or within times specified by the City. Failure to receive a notice shall not invalidate further actions by the City. If the order is not complied with, the City may terminate water service to the customer and/or issue a citation.