

TOQUERVILLE CITY
ORDINANCE 2023-XX



AN ORDINANCE AMENDING AND RESTRUCTURING CHAPTER 21 (STANDARDS FOR CONSTRUCTION AND DEVELOPMENT) TO CREATE SEPARATE ARTICLES FOR GENERAL/RESIDENTIAL DESIGN STANDARDS (ARTICLE A), COMMERCIAL DESIGN STANDARDS (ARTICLE B) AND LANDSCAPE DESIGN STANDARDS (ARTICLE C) AND SETTING FORTH ALL LANDSCAPE DESIGN STANDARDS CONTAINED IN THE NEW ARTICLE C.

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.

WHEREAS in Chapter 21 of Title 10 of the Toquerville City Code, the City has promulgated standards applicable to all types of construction and development within the City.

WHEREAS the City Council, in consultation with the City’s Planning Commission, City Staff and the Washington County Water Conservancy District has determined that the City needs to adopt standards for landscaping within the City that will protect and enhance the City’s environmental, economic, recreational, and aesthetic resources by promoting efficient use of water in area landscapes, reduce water waste and establish a structure for designing, installing, and maintaining water efficient landscapes throughout the City.

WHEREAS the City 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.

WHEREAS the City Council has determined that in order enact and landscaping design standards that it needs to restructure Chapter 21 (Standards for Construction & Development) to separate the standards into three Articles – General and Residential Design Standards (Article A), Commercial, Industrial and Institutional Design Standards (Article B) and Landscaping Design Standards (Article C) and setting forth in detail within Article C specific standards and guidelines for installing and maintaining water wise landscaping within the City and to create an exemption for the historic downtown area of Toquerville.

ORDINANCE

NOW THEREFORE BE IT HEREBY ORDAINED by Toquerville City, Washington County, State of Utah, acting by and through the City Council as follows:

1. AMENDEMENT & RESTRUCTURING OF CHAPTER 21 OF TITLE 10 OF THE TOQUERVILLE CITY CODE. Chapter 21 (Standards for Construction & Development) of Title 10 (Land Use Regulations) of the Toquerville City Code is hereby amended and restructured to create three (3) Articles within the Chapter as follows:

**CHAPTER 21
STANDARDS FOR CONSTRUCTION & DEVELOPMENT**

**ARTICLE A
GENERAL & RESIDENTIAL DESIGN STANDARDS**

SECTION:

- 10-21A-1: Applicability*
- 10-21A-2: Lot Standards*
- 10-21A-3: Development Design And Layout*
- 10-21A-4: Construction On Slopes Exceeding Ten Percent*
- 10-21A-5: Buildings*
- 10-21A-6: Roads*
- 10-21A-7: Driveways*
- 10-21A-8: Cuts, Fills And Retaining Walls*
- 10-21A-9: Bridge And Tunnel Regulations*
- 10-21A-10: Building Setbacks From Waterways And Flood Hazard Areas*
- 10-21A-11: Utilities*
- 10-21A-12: Parking*

(No Changes to Sections except deletion of Section 5 & renumbering)

**ARTICLE B
COMMERCIAL DESIGN STANDARDS**

SECTION:

- 10-21B-1: Introduction*
- 10-21B-2: General Design Objectives*
- 10-21B-3: Site Planning*
- 10-21B-4: Architectural Guidelines*
- 10-21B-5: Landscaping Guidelines*
- 10-21B-6: Toquerville Plant List*

(No Changes to Sections except renumbering)

**ARTICLE C
LANDSCAPE DESIGN STANDARDS**

SECTION:

- 10-21C-1: *Landscaping Definitions & Applicability*
- 10-21C-2: *Residential Landscape Design Standards*
- 10-21C-3: *Commercial, Industrial, & Inst'l Landscape Design Standards*
- 10-21C-4: *Landscape Irrigation Design Standards*
- 10-21C-5: *~~Historical Area~~ Exemptions.*

10-21C-1: LANDSCAPING DEFINITIONS & APPLICABILITY:

A. *Definitions: The following definitions shall apply to this Section:*

ACTIVE RECREATION AREA: An area that is dedicated to active play where turf grass may be used as the playing surface. Examples of active recreation areas include sports fields, play areas, and other similar uses.

CHECK VALVE: A device used in sprinkler heads or pipe to prevent water from draining out of the pipe through gravity flow.

CONTROLLER: A device used in irrigation systems to automatically control when and how long sprinklers or drip irrigation systems operate.

DRIP IRRIGATION: An irrigation system that delivers water by adding water at the plant's base and root zone, usually measured in gallons per hour. Drip irrigation exhibit a droplet, trickle, umbrella or short stream pattern. Additional benefits include minimal evaporation and overspray as well as lower water use for lower cost and better water conservation.

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

GRADING PLAN: The grading plan shows all finish grades, spot elevations, drainage as necessary and existing and new contours with the developed landscaped area.

GROUND COVER: Material planted in such a way as to form a continuous cover over 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.

~~*HISTORICAL DOWNTOWN AREA: The historical downtown area of Toquerville City comprised of Toquer Boulevard from _____ on the North and _____ on the South and any homes or streets located within 500 feet East and West of both sides of the above described stretch of Toquer Boulevard.*~~

IRRIGATION PLAN: The irrigation plan shows the components of the

irrigation system with water meter size, backflow prevention, precipitation rates, flow rate, and operating pressure for each irrigation circuit, and identification of all irrigation equipment.

LANDSCAPE ARCHITECT: A person who holds a professional license to practice landscape architecture in the State of Utah. Per Utah Code, licensed landscape architects, licensed architects, licensed land surveyors, and licensed engineers can professionally stamp plans that fall under the practice of landscape architecture. This includes commercial landscape and irrigation plans. Each municipality has the authority to require that only a licensed landscape architect can stamp plans that fall under the practice of landscape architecture.

LANDSCAPE AREA: Lot size minus the home footprint, driveway, sidewalks, and patios.

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 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 Documentation Package shall include a project data sheet, a site plan, a planting plan, an irrigation plan, construction details, and a grading plan.

LANDSCAPE EXCLUSION MAP: The official map created and maintained by the City identifying those areas within the City that were historically irrigated and which are exempt from compliance with the design standards set forth in this Article C.

LANDSCAPE ZONE: A portion of the landscaped area having plants with similar water needs, areas with similar microclimate (e.g., 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, annuals, perennials, ornamental grass, or seeding; natural features such as rock, stone, or cork chips; and structural features, including but not limited to, fountains, outdoor artwork, screen walls, fences or benches.

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 the type, size, and locations for new and existing trees, shrubs, planting beds, 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 REGULATING VALVE: A valve installed in an irrigation mainline that reduces a higher supply pressure at the inlet down to a regulated lower pressure at the outlet.

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

ROTOR SPRAY HEAD: A sprinkler head that distributes water through a nozzle by the tractions of a gear or mechanical rotor.

SPRAY SPRINKLER: An irrigation head that sprays water through a nozzle.

STREAM SPRINKLER: An irrigation head that projects water through a gear rotor in single or multiple streams.

TURF: A surface layer of earth containing mowed grass with its roots.

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.

B. Applicability of Water Efficient Landscape Ordinance. The provisions of this ordinance shall apply to all new and rehabilitated landscaping for public agency projects, private development projects, developer-installed landscaping in multi-family and single-family residential projects, and homeowner provided landscape improvements within the front, side, and rear yards of single and two-family dwellings. If a high-water use landscape (e.g. predominantly turf) has been converted to a lower-water use landscape, the landscape cannot be returned to a high-use landscape.

10-21C-2: RESIDENTIAL LANDSCAPE DESIGN STANDARDS:

A. 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.

B. Steep Grades. Areas with slopes greater than 25 percent, or 4:1 grade, shall be landscaped with deep-rooting, water-conserving plants, that do not include turf.

C. Park Strips. Park strips and other landscaped areas less than eight (8) feet wide shall be landscaped with water-conserving plants, that do not include turf.

D. Mulch. After completion of all planting, all irrigated non-turf areas shall be covered with a minimum of 3- to 4-inch layer of mulch to retain water, inhibit weed growth, and moderate soil temperature. Non-porous material shall not be placed under the mulch.

E. Soil Preparation. Soil preparation will be suitable to provide healthy growing conditions for the plants and to encourage water infiltration and penetration. Soil preparation shall include scarifying the soil to a minimum depth of six (6) inches and amending the soil with organic material as per specific recommendations of the Landscape Designer / Landscape Architect based on the soil conditions. In some cases, soil testing will provide additional recommendations for amending the soil.

F. 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 suited for water-efficient landscapes. 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 visual clearance and natural surveillance is a concern;

4. Narrow or columnar trees shall be selected for small spaces, or 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, above and below ground utilities, lighting, and other obstructions; and

6. *Trees less than a two-inch caliper shall be double-staked until the trees mature to a two-inch caliper.*

10-21C-3: COMMERCIAL, INDUSTRIAL, & INSTITUTIONAL LANDSCAPE DESIGN STANDARDS:

A. *Baseline Standards. 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 20 percent of the total landscaped area, outside of active recreation areas.*

B. *Documentation. A copy of a Landscape Documentation Package shall be submitted to and approved by the City prior to the issue of any permit. A copy of the approved Landscape Documentation Package shall be provided to the property owner or site manager. The Landscape Documentation Package shall be prepared by a professional landscape architect (PLA) and shall consist of the following items:*

1. *Project Data Sheet. The Project Data Sheet shall contain the following: a) Project name and address; b) Applicant or applicant agent's name, address, phone number, and email address; c) Landscape architect's name, address, phone number, and email address; and d) Landscape contractor's name, address, phone number and email address, if available at that time.*

2. *Planting Plan. A detailed planting plan shall be drawn at a scale that clearly identifies the following: a) Location of all plant materials, a legend with botanical and common names, and size of plant materials; b) Property lines and street names; c) Existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements; d) Existing trees and plant materials to be removed or retained; e) Scale: graphic and written; f) Date of design; g) Designation of landscape zones, and h) 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: a) 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; b) Static water pressure in pounds per square inch (psi) at the point of connection to the public water supply; c) 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 d) 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: a) Property lines and street names, existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements, and b) Existing and finished contour*

lines and spot elevations as necessary for the proposed site improvements, as well as drainage.

C. Plan Review, Construction Inspection, and Post-Construction Monitoring. As part of the building permit approval process, a copy of the Landscape Documentation Package shall be submitted to the City for review and approval before construction begins. All installers and designers shall meet state and local license, insurance, and bonding requirements, and be able to show proof of such. During construction, site inspection of the landscaping may be performed by the City's Building Department. Following construction and prior to issuing a certificate of occupancy, an inspection shall be scheduled with the City's Building 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. 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.

10-21C-4: LANDSCAPE IRRIGATION DESIGN STANDARDS:

A. Pressure Regulation. A pressure regulating valve shall be installed and maintained by the consumer if the static service pressure exceeds 80 pounds per square inch (psi). The pressure-regulating valve shall be located between the meter and the first point of water use, or first point of division in the pipe, and shall be set at the manufacturer's recommended pressure for the sprinklers.

B. Irrigation Controller. It is recommended that landscaped areas use 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.

C. Separate Valves. Each valve shall irrigate a landscape with a 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.

D. Drip Emitters. Drip emitters shall be provided for each tree.

E. Irrigation of Plants in Non-Turf Areas. Drip irrigation shall be used to irrigate plants in non-turf areas.

F. Spray Heads. Pop-up spray heads shall be at a minimum of four (4) inches in height to clear turf.

G. Sprinklers. Sprinklers shall have matched precipitation rates with each control valve circuit. Sprinkler heads shall be attached to rigid lateral lines with

flexible material (swing joints) to reduce potential for breakage.

H. Check Valves. 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. Filters and end-flush valves shall be provided as necessary for drip irrigation lines.

I. Landscape Irrigation with Culinary (Treated) Water. Landscape watering with culinary (treated) water is prohibited from 10 a.m. to 8 p.m. to maximize irrigation efficiency.

J. Valve Programming. Program valves for multiple repeat cycles where necessary to reduce runoff, particularly on slopes and soils with slow infiltration rates. Landscapes in New Single-Family Residential Developments.

K. Model Homes. Model 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. Model Homes shall include an informational brochure on water-efficient landscaping.

L. Prohibition on Restrictive Covenants Requiring Turf. 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:

- 1. Require the use of turf in landscape areas less than 8 feet wide or require turf in other areas that exceed 35 percent of the landscaped area; or*
- 2. Prohibit, or include conditions that have the effect of prohibiting, the use of water-conserving plants as a group; or*
- 3. Have the effect of prohibiting or restricting compliance with this ordinance or other water conservation measures.*

10-21C-5: ~~HISTORICAL AREA~~ EXEMPTIONS:

A. Landscape Exclusion Map Exemption. Notwithstanding any in this Article to the contrary, those properties ~~located within the Historical Downtown Area of Toquerville~~ identified in the Landscape Exclusion Map, are exempt from compliance with the landscape design standards set forth in this Article C. The purpose of this exemption is to maintain the charming historical rural feel and look of the City's downtown which contain older homes with streets lined with large trees and front yards with irrigated grass, plants and shrubbery.

B. Additional Exemptions. The following are exempt from compliance with the

landscape design standards set forth in this Article C:

i. Permitted agricultural, horticultural, and gardening uses (including fruit trees) in any zone; and

b. Public parks or playgrounds, or public or school-owned active recreation areas, in any zone; however, all new uses which fall under this subsection must be served by secondary and not culinary municipal water.

1. Severability. If any section, clause or portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

2. Conflicts/Repealer. This Ordinance repeals the provisions of any prior ordinance in conflict herewith.

3. Effective Date. This Ordinance shall become effective immediately upon the signing of the Toquerville City Council.

ADOPTED AND APPROVED BY THE TOQUERVILLE CITY COUNCIL this ____ day of ~~May~~ June, 2023, based upon the following vote:

Councilmember:

Ty Bringhurst	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Joey Campbell	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
John ‘Chuck’ Williams	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Gary Chaves	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Todd Sands	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____

TOQUERVILLE CITY
a Utah Municipal Corporation

Attest:

Justin Sip, Toquerville City Mayor

Daisy Fuentes, Toquerville City Recorder