ORDINANCE NO. 20__-_____

AN ORDINANCE ADOPTING AND IMPLEMENTING REGULATIONS FOR LANDSCAPING AND WATER CONSERVATION FOR DEVELOPING LAND IN IVINS CITY, UTAH

RECITALS AND LEGISLATIVE FINDINGS

WHEREAS, Washington County is one of the most arid and fastest growing regions in Utah with all its major population centers dependent on a single water resource that is prone to drought, so it is essential that additional water conservation initiatives are enacted to protect the county's population, economy and quality of life;

WHEREAS, Ivins City, in partnership with Washington County and the Washington County Water Conservancy District, want to establish uniform standards for water efficient new development, to address limited water supplies, drought conditions, and the sustainability of future water resources;

WHEREAS, Ivins City is primarily served by the Washington County Water Conservancy District, a portion of the City is served by Kayenta Water Users Association (KWU) and a portion of the City is served by the Ivins Irrigation Company;

WHEREAS, Ivins City, Washington County, and the Washington County Water Conservancy District want to ensure that the City and its residents continue to have a reliable, resilient, and sustainable water supply;

WHEREAS, establishing standards for all new construction including single family residential, multi-family residential, commercial, and manufacturing development will help sustain a reliable and resilient water supply to all residents;

WHEREAS, it is in the public interest to conserve the public's water resources and to promote water efficient construction and landscaping to protect and enhance the community's environmental, economic, recreational, and aesthetic resources by promoting efficient use of water in our community's buildings and landscapes, reduce water waste, and establish a structure for designing, installing, and maintaining water efficient buildings and landscapes throughout the City;

WHEREAS, establishing standards for the use of water for outdoor landscaping and irrigation will help sustain a reliable and resilient water supply to all residents;

WHEREAS, carefully managing the county's water resources is of great importance to our community for the protection of present and future citizens;

WHEREAS, this proposed ordinance is necessary and proper for the safety, peace and good order of the City and its citizens; and

WHEREAS, this proposed ordinance is necessary for the preservation and longevity of these lands.

NOW THEREFORE, be it ordained by the City Council of Ivins City, Utah that the attached standards and regulations are adopted, and shall be incorporated into the ordinances of the City, as Title ___, Chapters ___ through ___. This Ordinance shall become effective on the date executed below and upon posting as required by law.

APPROVED AND ADOPTED this ___ day of _____, 20__.

_____ City

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ATTEST:

_____

Approved as to Form:

_____

_____ City Attorney

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TITLE ___

CHAPTER 1: GENERAL PROVISIONS

1-1: SHORT TITLE

The short title for this ordinance is the "Landscaping and Water Conservation Ordinance."

1-2: CONFLICT

(Note: Moved this – was stated at the end of each chapter) Restrictive Covenants in Conflict with Water Efficiency Standards: Any provisions in homeowners or property owners association governing documents, such as bylaws, operating rules, covenants, conditions, and restrictions that govern the operation of a common interest development, recorded after passage of this ordinance, are void and unenforceable if they conflict with the water efficiency standards in this ordinance, or if they have the effect of prohibiting or restricting compliance with this ordinance.

1-3: APPLICABILITY

The provisions of this title are applicable to all new construction, development and major landscape improvements in the city served by the Water Conservancy District (note: instead of saying private water users are exempted), excepting vested properties which are properties with a previously approved Development Agreement or Conditional Use Permit.

The provisions of this ordinance are severable and if any provision, clause, sentence, word, or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of this ordinance or their applicability to other persons or circumstances.

CHAPTER 2: DEFINITIONS

2-1: DEFINITIONS

The following definitions shall apply to this ordinance:

Active Recreation Area: An area with grass that is used for special events or as an outdoor event space. Examples of active recreation areas include sports fields, play areas, event lawns, picnic areas, and other similar uses designated for physical and/or social activity.

Common area: The area which is available for common use by all owners or renters in a development.

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 exhibits a droplet, trickle, umbrella, or short stream pattern, to reduce evaporation, overspray, and water use, and improving water conservation.

Drip Emitter: A drip irrigation fitting that delivers 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 new and existing contours with the developed landscaped area.

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

Grass area: The total square footage of grass located within the landscape area.

Ground Cover: Material planted in such a way as to form a continuous cover over ground that can be maintained at a height no more than twelve (12) inches.

Hardscape: Elements of landscape constructed from non-living materials such as concrete, boulders, brick, blacktop, and lumber. It includes patios, decks, and paths, but does not include driveways and sidewalks.

Hydrozone: Portion of landscape area having plants with similar water needs and rooting depth. A hydrozone may be irrigated or non-irrigated.

Irrigation Plan: A plan that 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 State 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.

Landscape Area: For developments regulated by Chapters 3 (single-family and twin home) or Chapter 4 (non-residential): Area within a lot or parcel that is not the home footprint, driveway, sidewalk, patio, swimming pool or water feature. For developments regulated by Chapter 5 (multifamily) or Chapter 7 (resorts): Area within the development that is not a building footprint, driveway, parking lot, sidewalk, patio, sports court, swimming pool, water feature, and other hard surfaces.

Landscape Designer: A person who may or may not hold professional certificates for landscape design/architecture and may be the owner of the property or in the landscaping business.

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Landscape Documentation Package: The documentation of graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural 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 or Landscaping: Any combination of berms; living plants, such as trees, shrubs, vines, ground covers, annuals, perennials, grass, or seeding; natural features such as rock, stone, or bark chips; and structural features, including but not limited to outdoor artwork, screen walls, fences or benches that create an attractive and pleasing environment.

Mulch: Any organic material such as leaves, bark, wood chips, straw; inorganic material such as crushed stone or gravel; other materials left loose and applied to the soil surface for the beneficial purpose of controlling weeds and conserving soil moisture.

Multifamily: Any residential use comprised of a dwelling or dwellings designed for occupation by more than one family in any zone, but for purposes of this ordinance, excludes: Single-family dwellings and twin homes (two family dwellings), dwellings containing an approved internal accessory dwelling unit, dwellings which are an approved accessory dwelling unit to a primary dwelling, resorts, and hotel rooms.

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

Plant List: A list of locally adaptable and environmentally sustainable plants for compliant Planting Plans as provided by the Washington County Water Conservancy District.

Planting Plan: A Planting Plan that clearly and accurately identifies the type, size, and locations for new and existing trees, shrubs, planting beds, ground covers, grass areas, driveways, sidewalks, hardscape features, and fences.

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.

Resort: A full-service lodging and recreational facility located in a Resort Commercial zone that is the primary provider of a range of amenities, recreation, or wellness facilities to emphasize a leisure or wellness experience beyond those found at motels and hotels. Separately platted residences or commercial facilities will be deemed part of the Qualified Resort so long as they are intended to be rented or otherwise used as a part of the hotel operations.

Secondary Irrigation Water: Non-potable water that is untreated and used for irrigation of outdoor landscaping Also called secondary water.

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Single-family: Any. residential use comprised of a dwelling designed for occupation by only one family in any zone, and for purposes of this ordinance includes primary dwellings, dwellings containing an approved internal accessory dwelling unit, and approved accessory dwelling units.

Slope: A vertical rise in feet measured over a horizontal distance, expressed as a percentage, measured generally at right angles to contour lines.

Smart irrigation controller: A smart/internet-connected device used in irrigation systems to automatically control when and how long sprinklers or drip irrigation systems operate.

Two-Family: Any residential use comprised of a dwelling (twin home or duplex) designed for occupation by two families in any zone, but for purposes of this ordinance excludes dwellings containing an approved internal accessory dwelling unit, or dwellings which are an approved accessory dwelling unit to a primary dwelling.

Vested properties: Properties with a previously approved Development Agreement or Conditional Use Permit.

Water-Conserving Plant: A plant that can generally survive with available rainfall once established, with possible supplemental irrigation needed or desirable during spring and summer months or during drought periods.

Water feature: Fountains, ponds, waterfalls, man-made streams, and other decorative water-related constructions provided solely for aesthetic or beautification purposes. May be referred to as decorative or ornamental water features.

CHAPTER 3: SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL WATER EFFICIENCY STANDARDS

These provisions are applicable to all new single-family and two-family (twin home/duplex) residential construction and development irrespective of its underlying zoning classification, except new single-family and two-family (twin home/duplex) residential construction and development within a resort which is subject to the requirements of Chapter 7.

3-1: Construction Standards

A. New single-family and two-family (twin home/duplex) residential dwellings 1,200 square feet or greater shall install hot water recirculation systems.

B. New single-family and two-family (twin home/duplex) residential dwellings shall install WaterSense labeled fixtures, or fixtures that are at least as water-efficient, including, but not limited to faucets, showerheads, toilets, and urinals.

C. New single-family and two-family (twin home/duplex) residential dwellings shall install Energy Star qualified appliances, or appliances that are at least as energy efficient.

D. Exterior, decorative water features must be limited to an aggregate capacity of three hundred (300) gallons or less and recirculating pumps are required in each feature. Exterior decorative water features shall only be located on individual single-family and two-family lots and not as entry features to a subdivision or community or in common areas. The capacity of the water feature in gallons shall be deducted from the allowed amount of grass using one gallon equals two square feet of grass. (*** Note: I added "or in common areas and provided a definition)

E. The square footage of any uncovered pool will be deducted from the allowed amount of grass. A pool is considered uncovered if it does not have a UL approved cover that is electrically operated. Twenty-five percent (25%) of the square footage of any pool with a UL approved electrically operated cover, or indoor pools, will be deducted from the allowed amount of grass. (*** Note: added possibility for indoor pools – more likely as a common area feature, like in Copper Canyon, but could be in a home. Is a 25% deduction okay?)

1. The grass deduction for a pool in a common area shall be deducted proportionately from the grass permitted on individual lots. (Example: a 300 square foot uncovered pool in a common area will result in a 30 square foot deduction in the amount of grass permitted on individual lots in a ten-home development.) (*** Note: I added this common area pool concept.)

3-2: Landscape Standards

A. For all new single-family and two-family (twin home/duplex) residential construction or development, the landscaping shall meet the following requirements:

1. Grass area must not exceed eight percent (8%) of the lot square footage, up to a maximum of 1,500 square feet of grass area. (*** Note: We did not set a limit)

2. Grass is not permitted in common areas of a development unless it is an active recreation area. The square footage of grass in a common area active recreation area will be deducted proportionately from the grass permitted on individual lots. (Example: 1,000 square feet of grass in a common area active recreation area will result in a 100 square foot deduction in the amount of grass permitted on individual lots in a ten-home development.) (*** Note: I added this.)

3. In addition, grass is prohibited in park strips, all landscape areas less than eight feet wide, and on any slope that exceeds 10%; and

4. Any lot in any zone which is larger than one-half (1/2) acre must use secondary irrigation where available to irrigate any agricultural, horticultural, or gardening uses which are permitted in the applicable zone.

CHAPTER 4: MULTIFAMILY DEVELOPMENT WATER EFFICIENCY STANDARDS

These provisions are applicable to all new multifamily construction and development irrespective of its underlying zoning classification, except new construction and development within a resort which will be subject to the requirements of Chapter 7.

4-1: Construction Standards

A. New multifamily dwellings shall install WaterSense labeled fixtures, or fixtures that are at least as water-efficient, including, but not limited to faucets, showerheads, toilets, and urinals.

B. New multifamily dwellings shall install Energy Star qualified appliances, or appliances that are at least as energy efficient.

C. Exterior, decorative water features must be limited to an aggregate capacity of three hundred (300) gallons or less and recirculating pumps are required in each feature. Exterior decorative water features shall not be located as entry features to the development or in common areas. The capacity of the water feature in gallons shall be deducted from the allowed amount of grass using one gallon equals two square feet of grass. (*** Note: added common areas exclusion.)

D. The square footage of any uncovered pool will be deducted from the allowed amount of grass. A pool is considered uncovered if it does not have a UL approved cover that is electrically operated." Twenty-five percent (25%) of the square footage of any pool with a UL approved electrically operated cover, or indoor pools, shall be deducted from the allowed amount of grass. (*** Note: added indoor pools here too.)

E. All units shall be separately metered, submetered, or equipped with alternative technology capable of tracking the water use of the individual unit, and the information shall be made available to the individual unit. Individually platted condominium units are excepted if a property owners association owns and maintains the water lines and meters.

F. Separate water meters are required, where secondary water is available, for all outdoor water usage, including landscaping.

4-2: Landscape Standards

For all new multifamily construction or development, the landscaping shall meet the following requirements:

A. Grass area must not exceed five percent (5%) of the total development's square footage.

B. Grass is not permitted in common areas of a development unless it is an active recreation area. The square footage of grass in a common area active recreation area will be deducted proportionately from the grass permitted for individual units. (Example: 1,000 square feet of grass in a common area active recreation area will result in a 100 square foot deduction in the amount of grass permitted for individual units in a ten-unit development.) (*** Note: I added this.)

C. In addition, grass is prohibited in park strips, all landscape areas less than eight feet wide, and on any slope that exceeds 10%; and

D. Landscape and irrigation installers shall follow the planting plans that have been signed and approved by the city.

E. Each project shall propose and follow an approved Planting Plan that has a minimum of 20% vegetative cover (based on the American Society of Landscape Architects "Landscape Architecture Documentation Standards: Principles, Guidelines and Best Practices") of a landscaped area with water-efficient shade trees and bushes adequate in number and configuration to visually enhance the project, prevent heat islands, and prevent soil erosion.

F. If secondary irrigation water is available, each project shall connect to the system for all outdoor water use. A city may make minor exceptions, allowing use of treated water for outdoor plantings in small beautification areas, in its sole discretion.

CHAPTER 5: NONRESIDENTIAL ZONES AND DEVELOPMENT WATER EFFICIENCY STANDARDS

These provisions are applicable to all new construction and new development in all nonresidential zones, and nonresidential development in any zone, except development within a resort which is subject to the requirements of Chapter 7.

5-1: Construction Standards

A. Hot water recirculation systems shall be installed.

B. WaterSense labeled fixtures, or fixtures that are at least as water-efficient, shall be installed, including, but not limited to faucets, showerheads toilets, and urinals.

C. Energy Star qualified appliances, or appliances that are at least as energy-efficient, shall be installed.

D. Except for hotels, all individually platted units shall be separately metered, submetered, or equipped with alternative technology capable of tracking the water use of the

individual unit, and the information shall be made available to the individual unit. All nonresidential projects require separate water meters for all outdoor water usage, including landscaping, where and when secondary water is available.

E. All carwash projects shall recirculate and limit the maximum amount of water to thirty-five (35) gallons per vehicle washed.

F. Exterior, decorative water features must be limited to an aggregate capacity of three hundred (300) gallons or less for each individually platted property, and recirculating pumps are required in each feature. Exterior decorative water features shall not be located as entry features to a development. The capacity of the water feature in gallons shall be deducted from the allowed amount of grass using one gallon equals two square feet of grass.

5-2: Landscape Standards

A. All new construction and new development in all nonresidential zones, and nonresidential development in any zone, shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance.

1. Grass is not permitted outside of an active recreation area. In addition, grass is prohibited in park strips, all landscape areas less than eight feet wide, and on any slope that exceeds 10%.

2. Landscape and irrigation installers shall follow the plans that have been signed and approved by the city.

3. Each project shall propose and follow an approved Planting Plan that has a minimum of 20% vegetative cover (based on the American Society of Landscape Architects "Landscape Architecture Documentation Standards: Principles, Guidelines and Best Practices") of a landscaped area with water-efficient shade trees and bushes adequate in number and configuration to visually enhance the project, prevent heat islands, and prevent soil erosion.

4. If secondary irrigation water is available, each project shall connect to the system for all outdoor water use. A city may make minor exceptions, allowing use of treated water for outdoor plantings in small beautification areas, in its sole discretion.

B. Required Documentation

1. Landscape Documentation Package: A copy of a Landscape Documentation Package shall be submitted to and approved by the city prior to the issue of any building 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 landscape designer or a professional landscape architect (PLA).

CHAPTER 6: LANDSCAPE AND IRRIGATION DESIGN STANDARDS FOR ALL NEW DEVELOPMENT IN ANY ZONE except new construction and development within a resort which will be subject to the requirements of Chapter 7.

6-1: Plant Selection and Maintenance

Plants shall be well-suited to the microclimate and soil conditions at the project site. Native, locally adaptable, and environmentally sustainable plants are acceptable. See the Washington County Water Conservancy District's recommended plant list on wcwcd.org. Plants with similar water needs shall be grouped together as much as possible into hydrozones for efficient irrigation. Invasive plant species as identified by the city shall not be planted.

A. Areas with slopes greater than 10% shall be landscaped with deep-rooting, water-conserving plants that do not include grass.

B. Park strips and landscape buffers shall be landscaped with water-conserving plants and/or mulch that do not include grass.

C. Landscaping shall be maintained in a live and thriving condition, with consideration for normal growth and water needs; and fertilized, mowed, trimmed, edged, mulched and free from weeds, dead plants, litter, refuse, or debris in compliance with regionally accepted horticultural practice and city ordinances. (*** Note: This was in definitions but nothing in the ordinance about maintenance, so it was ineffective. I took out of definitions and put here since we expressed concerns about maintenance.)

6-2: 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 suited for water-efficient landscapes; however, fruit and nut trees are allowed. Trees shall be selected and planted in accordance with the following city guidance:

A. Broad canopy trees are recommended where shade or screening of tall objects is desired;

B. Low-growing trees are recommended for spaces under utility wires;

C. Select trees from which lower branches will be trimmed to maintain a healthy growth habit where visual clearance and natural surveillance is a concern;

D. Narrow or columnar trees are recommended 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;

E. Tree placement shall provide canopy cover (shade) and avoid conflicts with existing trees, retaining walls, above and below ground utilities, lighting, and other obstructions;

F. Trees will be planted in a manner that protects view corridors and view sheds.

6-3: Irrigation Design Standards

A. Pressure Regulation. A pressure regulating valve shall be installed by the builder or developer, and maintained by the owner, if the static service pressure exceeds ninety (90) 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 required that landscaped areas use a WaterSense labeled smart irrigation controller, or controllers that are at least as water-efficient, 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 have memory retention capability to retain pre-programmed irrigation schedules. Sites are not exempt from water waste prohibitions.

C. Low-volume irrigation equipment (i.e., drip emitters, bubblers) shall be provided for each tree.

D. Drip irrigation shall be used to irrigate plants in non-grass areas.

E. High conservation efficiency spray nozzles are required for sprinkler applications.

F. Sprinkler heads shall have matched precipitation rates with each control valve circuit.

G. Filters shall be provided for drip irrigation lines.

H. Landscape watering with potable (treated) water is prohibited based on Ivins City requirements, which are currently from 8 a.m. to 8 p.m., from June 1 to September 1, to maximize irrigation efficiency.

I. Water waste is prohibited. Waste includes overwatering, irrigating during a precipitation event, water that sprays or flows off your property, failure to comply with drought restrictions and/or a failure to repair irrigation system leaks and/or malfunctions in a timely manner.

J. Program valves for multiple repeat cycles are required to reduce runoff on slopes and for soils with slow infiltration rates.

CHAPTER 7: RESORT DEVELOPMENT WATER EFFICIENCY STANDARDS

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(CHAPTER ON RESORTS TO BE ADDED)

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