ORDINANCE 2022-04

AN ORDINANCE OF THE SOUTH WEBER CITY COUNCIL AMENDING TITLE 10 CHAPTER 15 LANDSCAPE PLAN

WHEREAS, water is an increasingly scarce resource, of limited supply, and are subject to ever increasing demands; and

WHEREAS, it is the policy of South Weber City to promote the conservation and efficient use of water and to prevent waste of this valuable resource; and

WHEREAS, South Weber City recognizes that landscapes provide areas for active and passive recreation; and

WHEREAS; landscape design, installation, maintenance, and management can and should be water efficient; and

WHEREAS, South Weber City desires to promote the design, installation and maintenance of landscapes that are both attractive and water efficient; and

WHEREAS, South Weber City can accomplish these goals by adopting this ordinance; and,

WHEREAS, South Weber 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.

NOW, THEREFORE, BE IT ORDAINED by the City Council of South Weber City, State of Utah:

Section 1. Amendment: Title 10 Chapter 15 shall be amended to read as follows in Exhibit 1.

Section 2. Effective Date. The City Council of South Weber City, State of Utah, has determined that the public health, safety, and welfare requires that this ordinance take effect immediately. Therefore, this ordinance shall become effective immediately upon passage and publication as required by law.

PASSED AND ADOPTED by the City Council of South Weber, Davis County, on the 22nd day of February 2022.

MAYOR: Rod Westbroek

ATTEST: City Recorder, Lisa Smith

SOUTH WEBER CITY * 1938 * 1970 * DAVIS COUNTY, UTAH * OFFICIAL SEAL

Roll call vote is as follows:		
Council Member Dills	FOR	AGAINST
Council Member Petty	FOR	AGAINST
Council Member Soderquist	FOR	AGAINST
Council Member Alberts	FOR	AGAINST
Council Member Halverson	FOR	AGAINST

CERTIFICATE OF POSTING

I hereby certify that Ordinance 2022-04 was passed and adopted the 22nd day of February 2022 and that complete copies of the ordinance were posted in the following locations within the City this 8th day of March 2022.

1. South Weber Elementary, 1285 E. Lester Drive
2. South Weber Family Activity Center, 1181 E. Lester Drive
3. South Weber City Building, 1600 E. South Weber Drive

Lisa Smith

Lisa Smith, City Recorder

EXHIBIT 1
TITLE 10 CHAPTER 15
WATER EFFICIENT LANDSCAPE REQUIREMENTS

CHAPTER 15: WATER EFFICIENT LANDSCAPE REQUIREMENTS

10-15-1: PURPOSE

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.

10-15-2: GENERAL REQUIREMENTS

A. Required: All land approved for development in the city shall be constructed as required by city ordinances and the planning commission or city council. In order to control the potential for adverse conditions resulting from dust, mud and erosion, land remaining on developed sites that is not covered with structures or impervious surfaces such as driveways, walks, courts, landscape features (sculptures, boulders, etc.), shall be landscaped in accordance with this chapter and when applicable irrigated with an appropriate system to maintain plants in a healthy, growing condition, compatible with the general neighborhood appearance.

B. Residential Front, Side, And Back Yard Areas: Landscaping shall be installed in all residential front yards, side yards, and back yards in residential low-moderate (R-LM), residential moderate (R-M), and residential multi-family (R-7) zones. Front and side yard landscaping shall be completed within eighteen (18) months of occupancy. Back yards shall be landscaped within twenty-four (24) months of occupancy. Landscaping of a residential site shall include an irrigation system sufficient to maintain the health and beauty of the landscaping. Residents who fail to abide by these landscaping regulations are subject to penalties as set forth in section 10-15-8 of this chapter. (Ord. 07-02, 2-13-2007; amd. Ord. 19-16, 11-26-2019)

10-15-3: DEFINITIONS

Applied Water: The portion of water supplied by the irrigation system to the landscape.

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.

Effective Precipitation: The portion of total precipitation which becomes available for plant growth.

Established Landscape: The point at which plants in the landscape have developed significant root growth into the soil.

Establishment Period: the first year after installing the plant in the landscape.

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 System Audit: an in-depth evaluation of the performance of an irrigation system that includes, but is not limited to, inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule.

Irrigation Landscaped Area: All portions of a development site to be improved with plantings and irrigation. Natural open space areas shall not be included in the irrigated landscape area.

Irrigation Efficiency: the measurement of the amount of water beneficially applied, divided by the total amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system hardware characteristics and management practices.

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 Education Package: A package that is intended to inform and educate water users in the City about water efficient landscapes. This package should include a listing of water conserving plants, certified landscape designers, landscape architects, certified irrigation designers, and certified irrigation contractors. Information regarding the City's water rates, billing format for water use and commitment to water conservation may also be included.

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 artwork, 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).

Maximum Applied Water Allowance (MAWA): the upper limit of annual applied water for the established landscaped area as specified in Section 8. It is based upon the area's reference evapotranspiration, a plant adjustment factor, and the size of the landscape area. The Estimated Total Water Use shall not exceed the MAWA.

Microclimate: The climate of a very small, restricted area that is different from the surrounding area. These areas include shade areas, sun areas, and areas protected by surrounding structures.

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.

Plant Adjustment Factor: A reference evapotranspiration factor, also referred to as a crop coefficient which is a value to indicate water needs of various plant types for optimum growth or yield. It is a factor to provide acceptable appearance and function of the plant.

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.

Rehabilitated Landscaping: Altering, repairing, or adding to a landscape to make possible a compatible use, increase curb appeal, decrease maintenance, etc.

Rotor Spray Head: A sprinkler head that distributes water through a nozzle by the rotation of a gear or mechanical rotor.

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.

Special Landscape Area: (SLA) means an area of the landscape dedicated solely to edible plants, areas irrigated with recycled water, water features using recycled water and areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.

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 grass species with full root structures that are maintained as mowed grass.

Waste of Water: shall include, but not necessarily limited to:

1. The use of water for any purpose, including outdoor irrigation, that consumes, or for which is applied substantial excess water beyond the reasonable amount required by the use, whether such excess water is lost due to evaporation, percolation, discharges into the sewer system, or is allowed to run into the gutter or street.

2. Washing sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas except to alleviate immediate health or safety hazards.

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.

10-15-4: APPLICABILITY OF WATER EFFICIENT LANDSCAPE ORDINANCE

The provisions of this ordinance shall apply to all new and rehabilitated landscaping for public agency projects, private commercial and industrial development projects, developer-installed landscaping in multi-family and single-family residential projects. Owner-installed landscaping shall not be required to apply the provisions of this ordinance but are encouraged to do so.

10-15-5: LANDSCAPE DESIGN STANDARDS

A. 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 that do not constitute a mass planting of any type of plant material requiring uniform overhead spray irrigation.

B. 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.

C. 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.

D. 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.

10-15-6: IRRIGATION DESIGN STANDARDS

A. 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 setup to operate in “smart” mode.

B. 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.

C. Drip emitters or a bubbler shall be provided for each tree. Bubblers shall not exceed 1.5 gallons per minute per device. Bubblers for trees shall be placed on a separate valve unless specifically exempted by the City due to the limited number of trees on the project site.

D. Drip irrigation or bubblers 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.

E. Sprinklers shall have matched precipitation rates with each control valve circuit.

F. Sprinkler heads shall be attached to rigid lateral lines with flexible material (swing joints) to reduce potential for breakage.

G. 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.

H. 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.

I. 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.

J. 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.

K. Program valves for multiple repeat cycles where necessary to reduce runoff, particularly on slopes and soils with slow infiltration rates.

L. Meter Installation: Meters shall be specified by the South Weber City for the particular installation and shall report instantaneous flow in gallons per minute (GPM) and totalized flow in gallons via encoded register output. Meters shall be installed in accordance with the South Weber Public Works Standards Drawings.

M. AMR Transmitters: Each meter shall be fitted with an AMR transmitter with integral connector. AMR Transmitters shall be installed in accordance with the South Weber Public Works Standards Drawings.

Each new development or rehabilitated landscape that uses primary potable water for landscape irrigation must provide a water budget calculation to demonstrate a Maximum Applied Water Allowance (MAWA) for the new landscape or development. For parcels using secondary water, the MAWA is determined by the secondary water provider based on parcel size and is referred to as an allocation.

The Maximum Applied Water Allowance shall be calculated using the following equation:

MAWA = (ETo) (0.62)(1.15)[(0.8 x LA) + (0.3 x SLA)]

MAWA = Maximum Applied Water Allowance (gallons per year)

ETo = Reference Evapotranspiration (inches per year) as calculated from weather data at the closest available weather station.

0.62 = Conversion Factor (to gallons)

1.15= Delivery Inefficiency Factor (sprinkler system uniformity etc.)

0.8 = ET Adjustment Factor (ETAF), plant factor or crop coefficient (.8 standard for cool season turf)

LA = Landscape Area including SLA (square feet)

0.3 = Additional Water Allowance for SLA

SLA = Special Landscape Area (square feet)

ETo values can be obtained directly from the USU Climate Center where a database of weather data from local stations is collected, analyzed, and stored. If you cannot find the ET data you need, please contact the City.

Additional details and examples of calculations are found in Appendix A

10-15-7: LANDSCAPES IN NEW SINGLE-FAMILY RESIDENTIAL DEVELOPMENTS

A. 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.

B. 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.

C. 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.

D. Model homes shall include an informational brochure on water-efficient landscaping or Localscapes. Localscapes brochures can be obtained from the City Planning Department.

E. 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 (3) years to complete the total landscape.

10-15-8: **PROHIBITION ON RESTRICTIVE COVENANTS REQUIRING UNIFORM PLANT MATERIAL IRRIGATED WITH SPRAY IRRIGATION**

A. 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 any uniform plant material requiring overhead spray irrigation in landscape areas less than 8 feet wide or require any uniform plant material requiring overhead spray irrigation in other areas that exceed 40% 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.

10-15-9: 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. Landscaping in park strips shall not be used when calculating the total landscaping area.

10-15-10: 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:

A. 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.

B. 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.

C. 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.

D. 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.

10-15-11: PLAN REVIEW, CONSTRUCTION INSPECTION, AND POST-CONSTRUCTION MONITORING FOR COMMERCIAL, INDUSTRIAL, AND INSTITUTIONAL PROJECTS

A. 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.

B. All installers and designers shall meet state and local license, insurance, and bonding requirements, and be able to show proof of such.

C. During construction, site inspection of the landscaping may be performed by the City Building Inspection Department.

D. 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.

E. 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.

10-15-12: PROHIBITED WATERING PRACTICES

Regardless of the age of a development (commercial, industrial, office, or residential), water shall be properly used. Waste of water is prohibited.

10-15-13: ENFORCEMENT, PENALTY FOR VIOLATIONS

The Public Works Director, Planning Services Director, Code Enforcement Officer, and other employees of the Public Works Department are authorized to enforce all provisions of this Ordinance.

10-15-14: BUFFER YARD LANDSCAPING:

A. Intent: The intent of these requirements is to increase the compatibility of adjacent land uses and foster compatibility among different land uses by minimizing the harmful effects of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusions, and other objectionable activities or impacts conducted or created by an adjoining or nearby use.

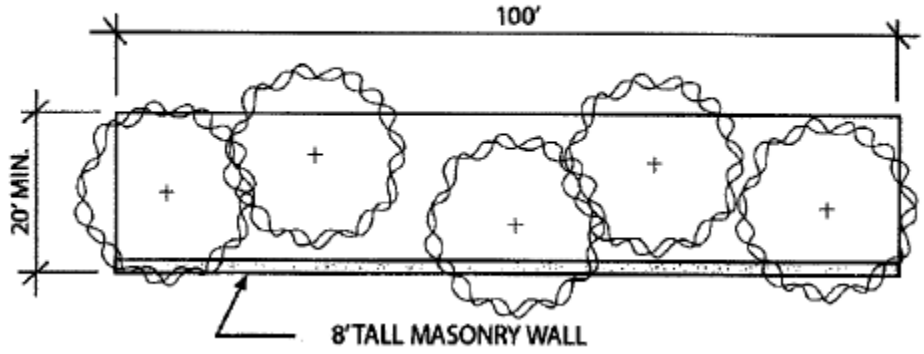
B. Requirements: The following illustration graphically indicates the specifications of a buffer yard. The type and quantity of plant materials required by a buffer yard are specified in this section. Only those plant materials capable of fulfilling the intended function shall satisfy the requirements of this chapter.

C. Satisfaction Of Requirements: Any existing plant material which otherwise satisfies the requirements of this section may be counted toward satisfying all such requirements.

D. Placement: The exact placement of required plants and structures shall be the decision of each user except that evergreen (or conifers) shall be planted in clusters rather than singly in order to maximize their chances of survival.

E. Waived: Any provision contained in this chapter may, with just cause, be waived by the City Council with the advice of the Planning Commission.

BUFFER YARD



- Masonry wall shall be at or near property line.
- There shall be 1 tree with mature height of at least 25' for every 20' of length of buffer yard or fraction thereof.
- Ground plane shall be landscaped with shrubs, ground covers, flowers, or decorative mulch.

(Ord. 18-05, 8-14-2018)

10-15-15: FAILURE TO COMPLY

Owners/operators of commercial property not landscaped or maintained as required may have their business licenses revoked. Owners of residential property not landscaped or maintained in accordance with this chapter are subject to prosecution for a Class C misdemeanor, and upon conviction, subject to penalties including a fine in the amount of one hundred dollars ($100.00) and fifty dollars ($50.00) each day that the area to be landscaped remains uncorrected or unabated. (Ord. 07-02, 2-13-2007)