

# WEST BOUNTIFUL CITY

ORDINANCE #455-22

## AN ORDINANCE AMENDING WBMC 12.28 AS THE CITY'S WATER EFFICIENT LANDSCAPE ORDINANCE

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

**WHEREAS**, the West Bountiful City Council desires to promote the conservation and efficient use of water and to prevent waste of this valuable resource; and

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

**WHEREAS**, Utah Code Annotated §10-3-702 et seq., grants authority to the West Bountiful City Council to accomplish these goals by adopting this ordinance; and

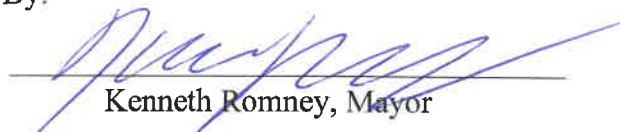
**WHEREAS**, the West Bountiful Planning Commission held a properly noticed public hearing on April 26, 2022, to consider appropriate modifications and recommends approval of a water efficient landscape ordinance.

**NOW THEREFORE BE IT ORDAINED** by the City Council of West Bountiful that WBMC 12.28 be modified as shown in attached Exhibit A.

This ordinance will become effective upon signing and posting.

Adopted this 21st day of June 2022.

By:

  
Kenneth Romney, Mayor

Voting by the City Council:

	<u>Aye</u>	<u>Nay</u>
Councilmember Ahlstrom	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Bruhn	<u>Absent</u>	<input type="checkbox"/>
Councilmember Enquist	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Preece	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Wood	<input checked="" type="checkbox"/>	<input type="checkbox"/>



Attest:

  
Cathy Brightwell, City Recorder

**12.28 Water Efficient Landscape Standards**

**12.28.010 Purpose**

**12.28.020 Applicability**

**12.28.030 Definitions**

**12.28.040 General Standards**

**12.28.050 Landscape Design Standards**

**12.28.060 Irrigation Design Standards**

**12.28.070 Landscape and Irrigation Plans Required**

**12.28.080 Completion of Improvements**

**12.28.090 Homeowners Association Restrictions**

**12.28.100 Prohibited Watering Practices**

**12.28.110 Enforcement And Penalties**

**12.28.010 Purpose**

The purpose of this chapter is to protect and enhance the city's environmental, economic, recreational, and aesthetic resources by promoting efficient use of the public's limited water resources by reducing water waste and establishing guidelines for designing, installing, and maintaining water efficient landscapes throughout the city.

**12.28.020 Applicability**

Except as otherwise provided in this chapter, the provisions of this chapter apply to:

- A. 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.
- B. Any existing residential, commercial, industrial, or mixed-use projects where the owner or developer proposes to modify the landscaped area by more than fifty percent (50%).

In addition to the foregoing, compliance with the landscaping standards in this chapter is highly encouraged for all landscaped areas. These landscaping standards are not intended to conflict with other landscaping requirements as defined by Utah law or other sections of the West Bountiful Municipal Code, including stormwater retention requirements and low-impact development guidelines. Notwithstanding these landscaping standards, whenever any requirement may be in conflict with Utah law, such conflicting requirements shall not apply.

**12.28.030 Definitions**

The following definitions shall apply to this chapter.

"Hardscape" means durable landscape materials such as brick or concrete pavers, benches, artificial turf, walls, decorative rocks, mulch, curbing, planters, concrete, asphalt, or other like materials that are not of a vegetative nature. Hardscape does not include building or structure footprints, driveways, and sidewalks.

“Landscaped area” means improved areas of the property that make up the landscape and may include hardscape. The landscaped area does not include non-irrigated natural areas that are intentionally left undeveloped.

“Landscape” means a combination of living vegetation and hardscape.

“Mulch” means any material such as rock, bark, or wood chips that is left loose and applied to the soil.

“Park strip” means a typically narrow landscaped area located between the back-of-curb and sidewalk.

“Smart automatic irrigation controller” means 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 or soil moisture conditions.

“Turf” means a surface layer of earth containing grass species with full root structures that are maintained as mowed grass, also called lawn.

“Xeriscape” is a style of landscape design requiring little or no irrigation or other maintenance using plants that can survive on low or minimal water usage.

#### **12.28.040 General Standards**

The following general standards apply:

- A. Every property within the city to which this chapter applies shall maintain landscape in a well-cared for manner that enhances the appearance of the property.
- B. Landscaping shall consist of a balance of vegetation and hardscape that does not violate any other federal, state, or municipal statute, ordinance, or law. A minimum of twenty-five percent (25%) of the front landscaped area shall be vegetation.
- C. Landscape and hardscape shall comply with the clear view, fencing, and setback requirements of the city’s Municipal Code.
- D. Irrigating any landscape between the hours of 10:00 am and 6:00 pm is prohibited.

#### **17.28.050 Landscape Design Standards**

The following landscape design standards are required for all applicable properties, and strongly encouraged for all landscape projects, to conserve the public’s water resources and promote water efficient landscaping. Landscaping may include a combination of turf, plant cover, hardscape, and xeriscape as described below.

- A. Plant Selection. Plants shall be selected for various landscape situations and conditions and 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 reasonably practicable. (*Visit [weberbasin.com](http://weberbasin.com) for a list of recommended water-conserving plants.*)

- B. Turf/Lawns. Except for designated recreational areas that allow access to the public,
1. Turf areas located in the front yards of residential areas should not exceed thirty-five percent (35%) of the total landscaped area on residential properties. Developers and owners are encouraged to also limit side and back yard turf areas to a maximum of thirty-five percent (35%).
  2. Turf area shall not exceed twenty percent (20%) of the total landscaped area on non-residential or mixed-use properties, or ten percent (10%) if secondary water is not available.
  3. No turf will be planted in park strips, areas less than eight (8) feet wide, parking lot landscaping, or on slopes greater than twenty-five percent (25%).
    - a. Water-conserving plants not requiring overhead spray irrigation may be planted in park strips subject to clear view regulations.
    - b. Park strip areas may be designed as bioswales, especially recommended in commercial, industrial and HOA common areas.
- C. 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. *(See city website for a list of general recommendations and trees prohibited in park strips.)*
- D. Mulch. After completion of all planting, all irrigated non-turf areas should 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.

#### **12.28.060 Irrigation Design Standards**

The following irrigation design standards are strongly encouraged for all landscape projects.

- A. Irrigation Controller. Landscaped areas should be provided with a WaterSense-labeled smart automatic irrigation controller, equipped with rain delay or rain shut-off capabilities.
- B. Irrigation valves should irrigate landscapes with similar site, slope, soil conditions and plant materials with similar water needs.
1. Drip irrigation should be used for all non-turf areas and be equipped with pressure regulator and filter.
  2. Turf and non-turf areas should be irrigated on separate valves.
  3. Drip emitters and sprinklers should be placed on separate valves.

#### **12.28.070 Landscape and Irrigation Plans Required**

For applicable properties, these standards take effect when building permits are required. A landscape and irrigation plan shall be provided to the city for review as part of the building permit application package.

#### **12.28.080 Completion of Improvements**

All required landscaping improvements shall be completed as follows.

- A. Commercial, developer, industrial, and public facility projects shall be completed prior to issuance of a certificate of occupancy. A performance bond or cash deposit, in an amount estimated by staff as equivalent to the cost of the required landscaping, may be required to assure installation of required landscaping within the time prescribed in this section.
- B. Individual residential projects shall be completed within one year, but no later than October 31 of the year following completion of construction.

If the installation of any landscaping improvements cannot be completed due to weather, including drought conditions or other circumstances beyond the control of the owner or developer, an extension of up to nine (9) months may be granted by the land use administrator or designee for good cause shown.

#### **12.28.090 Homeowners Association Restrictions**

No Homeowner's Association documents that govern the operation of a common interest development shall:

- A. Require the use of any uniform plant material requiring overhead spray irrigation in landscaped areas less than eight (8) feet wide or in other areas that exceed thirty-five percent (35%) of the landscaped area;
- B. Prohibit, or include conditions that have the effect of prohibiting, the use of water-conserving plants as a group; or
- C. Have the effect of prohibiting or restricting compliance with this chapter or other water conservation measures.

#### **12.28.100 Prohibited Watering Practices**

Notwithstanding any provision of this chapter to the contrary, water shall be properly used. Waste of water, including but not limited to the following, is prohibited on any property within the city, regardless of whether the standards in this chapter otherwise apply to the property.

- A. Using culinary water for irrigation where irrigation water is provided by a third-party service district and restrictions are in place.
- B. Washing sidewalks, driveways, parking areas, tennis courts, patios, or other hard surface areas except to alleviate immediate health or safety hazards.

#### **12.28.110 Enforcement and Penalties**

The land use administrator and public works director, or their designee, shall be authorized to enforce all provisions of this chapter in accordance with the Municipal Code.