

**ORDINANCE NO. 2022-10**

**AN ORDINANCE AMENDING SECTION 12.51.070 OF THE CENTERVILLE ZONING CODE REGARDING LANDSCAPING REGULATIONS TO ADD NEW PROVISIONS ENCOURAGING WATER-EFFICIENT LANDSCAPING AND DESIGN**

**WHEREAS**, the Utah Legislature adopted H.B. 282 (2022) enacting provisions and requirements regarding water wise landscaping, as more particularly set forth in Utah Code § 10-9a-535, et seq.; and

**WHEREAS**, the proposed amendments to the Centerville Zoning Code set forth new provisions encouraging water-efficient landscaping and design in accordance with applicable provisions of Utah Code § 10-9a-535, as more particularly provided herein; and

**WHEREAS**, the proposed amendments to the Centerville Zoning Code as set forth herein have been reviewed by the Planning Commission and the City Council and all appropriate public notices have been provided and appropriate public hearings have been held in accordance with Utah law to obtain public input regarding the proposed revisions to the Zoning Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:**

**Section 1. Amendments.** Section 12.51.070 of the Centerville Zoning Code is hereby amended to add a new subsection (h) regarding Water-Efficient Landscaping Design Schemes to read in its entirety as follows:

**12.51.070 Landscaping Requirements**

\* \* \*

- (h) **Water-Efficient Landscaping Design Schemes.** In all zones, when landscaping designs are submitted or installed, the City encourages the use of water-efficient plantings and irrigation systems. Unless otherwise provided, such as areas not serviced by secondary water, the City prohibits the use of culinary water to water landscaped areas and all landscaped areas shall be watered with secondary irrigation water service. It is highly recommended, but not required, that all landscaping design plans should implement water-wise landscape practices, as described in the water-efficient design methods and practices set forth in this Section (“Water-Efficient Design Methods and Practices”).
- (1) **Residential Zones.** There are no minimum landscaping requirements for development within single-family zones. However, there are restrictions on the allowable impervious improvements to property, as listed in CZC 12.32.330 (Table of Development Standards in Residential Zones). Such landscaping design schemes should include the Water-Efficient Design Methods and Practices set forth in this Section.
- (2) **Commercial and Industrial Zones.** For all commercial and industrial developments, landscaping designs shall comply with the landscaping design guidelines of 12.51.060 (Landscaping Design Guidelines), and such design

schemes should include the Water-Efficient Design Methods and Practices set forth in this Section.

- (3) **Water-Efficient Design Methods and Practices.** For all landscaping designs and plans, the following methods and practices should be implemented.
- A. Turf style grass should not exceed 35% of the total landscaped area.
  - B. Turf style grass should not be placed in landscaped areas less than eight feet in width.
  - C. Parkstrips less than eight feet in width are required to comply with alternative plantings and materials as outlined in CMC 11.02.020 (Parkstrip Landscaping or Hardscaping).
  - D. Ninety percent (90%) of all plant materials should be water-wise plantings, as listed or depicted in various water conservation demonstration gardens in Utah or as recommended by a landscape architect.
  - E. Rock or mulch used in plant beds outside the parkstrip should have a depth of three to four inches to prevent weed growth and retain soil moisture.
  - F. Soil scarification (the process of breaking up soil by fracturing or tilling) should be performed to a depth of at least six inches to allow for water and air exchange in soil following site work compaction in all landscaped areas.
  - G. Soil amendments (organic material) should be added and tilled into the soil to a minimum depth of six inches to increase organic content and improve water retention in all landscaped areas.
  - H. Irrigation systems should be designed with water wise controllers, valves, drip emitters, and bubblers that provide the minimum necessary amount of water to ideally sustain the landscape plantings.
  - I. Appropriately designed drip irrigation systems should be used for all non-turf landscaped areas.
  - J. Irrigation operation and watering should be done between the hours of 6 p.m. to 10 a.m. to reduce loss from wind and minimize evaporation or as restricted by other local, special service district, county, or state regulations, including, but not limited to CMC 9.02.210 (Sprinklers).
- (4) **State Law Restrictions.** Pursuant to Utah Code § 10-9a-535, the City is prohibited from enacting or enforcing an ordinance, resolution, or policy that prohibits or has the effect of prohibiting a property owner from incorporating water wise landscaping on the property owner's property. The City may not require a property owner to install or keep in place lawn or turf in an area with less than eight feet.

**Section 2. Findings.** The Zoning Code amendments set forth herein are based on the following findings:

- (1) The City Council finds that the State of Utah is experiencing significant drought conditions, which requires efforts statewide to consider ways to conserve water resources;
- (2) The City Council finds that encouraging water conservation through use of water-efficient design schemes for outdoor landscaping is needed;
- (3) The City Council finds that recommending water-efficient landscaping methods helps assist developers and residents implement conservation in a meaningful manner;
- (4) The City Council finds that House Bill 282 of the 2022 General Session prohibits certain public or private entities from prohibiting water wise landscaping; and
- (5) The City Council finds that the water-efficient recommendations are consistent with the City’s General Plan policies, as well as other policies adopted by the State, City, and Weber Basin Water Conservation District to help in conserving needed water sources.

**Section 3. Severability.** If any section, part, or provision of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

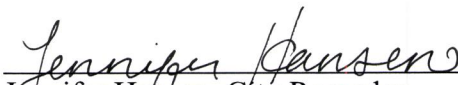
**Section 4. Omission Not a Waiver.** The omission to specify or enumerate in this ordinance those provisions of general law applicable to all cities shall not be construed as a waiver of the benefits of any such provisions.

**Section 5. Effective Date.** This Ordinance shall become effective immediately upon publication or posting, or thirty (30) days after passage, whichever occurs first.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, ON THIS 3<sup>rd</sup> DAY OF MAY, 2022.**

ATTEST:

CENTERVILLE CITY

  
 Jennifer Hansen, City Recorder

By:   
 Mayor Clark A. Wilkinson

Voting by the City Council:

	“AYE”	“NAY”	“ABSENT”
Councilmember Hirst	<u>  X  </u>	_____	_____
Councilmember Ince	<u>  X  </u>	_____	_____
Councilmember McEwan	<u>  X  </u>	_____	_____
Councilmember Mecham	<u>  X  </u>	_____	_____
Councilmember Summerhays	<u>  X  </u>	_____	_____

**CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB's Gas Station, on the foregoing referenced dates.

Jennifer Hansen  
JENNIFER HANSEN, City Recorder

DATE: 5-10-2022

RECORDED this 10<sup>th</sup> day of May, 2022.

PUBLISHED OR POSTED this 10<sup>th</sup> of May, 2022.

