

**ORDINANCE # 22-16**

AN ORDINANCE REVISING TITLE 21 OF THE SANDY CITY MUNICIPAL CODE CHAPTER 25, "LANDSCAPING STANDARDTS", AND CHAPTER 37, "DEFINITIONS" BY AMENDING THE REQUIREMENTS FOR WATERWISE LANDSCAPING; ALSO PROVIDING A SAVING CLAUSE AND EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, a request has been made to revise Title 21 of the Sandy City Municipal Code, Chapter 25, "Landscaping Standards", and Chapter 37, "Definitions" to amend the requirements for waterwise landscaping. The amendments would strengthen current requirements and incorporate new ones that will bring the City's codes in line with Utah Code, Central Utah Water Conservation District water efficiency standards and low impact development design standards; and

WHEREAS, the Planning Commission held a public hearing on November 3, 2022, which meeting was preceded by notice posting in Sandy City Hall, the Sandy City Parks & Recreation Building, Salt Lake County Library – Sandy, on the Sandy City Website – <http://www.sandy.utah.gov>, and the Utah Public Notice Website – <http://pmn.utah.gov> on October 13, 2022; and

WHEREAS, following the public hearing before the Planning Commission, the Commission recommended the amendment to the City Council; and

WHEREAS, a public meeting was held by the Sandy City Council on December 6, 2022 to consider adoption of the proposed amendment; and

WHEREAS, the City Council has been given specific authority in Title 10, Chapter 9a, Utah Code Ann. to adopt land use regulations to regulate the erection, construction, reconstruction, alteration, repair and uses of buildings and structures, and the uses of land; and

WHEREAS, the State legislature has granted welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the City to pass ordinances which are reasonable and appropriate to the objectives of that power, i.e., providing for the public safety, health, morals, and welfare; and

WHEREAS, the forgoing legitimate governmental objectives are achieved by reasonable means, in that any adverse impact on private property value or use has been carefully balanced against the corresponding gain to the public; and the regulations have been calculated, on recommendation of City planning staff to permit property owners to beneficially use their properties for the practical purposes to which the property is reasonably adaptable; and procedures have been established by the Land Development Code and Utah Code Ann. Whereby appeals can be heard and decided if it is alleged that there is legislative or administrative error, or where a special exception or variance to the ordinance is required.

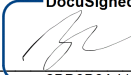
NOW, THEREFORE, BE IT ORDAINED by the City Council of Sandy City, State of Utah, as follows:

Section 1. Amendment. Title 21 is amended as shown on **Exhibit "A"**, which is attached hereto and by this reference made a part hereof.

Section 2. Severable. If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgement shall not affect, impair or invalidate the remainder of this ordinances or the application thereof to other persons and circumstances, but shall be confined in its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted of such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section 3. Effective. This ordinance shall become effective up on publication of a summary thereof.

PASSED AND APPROVED this 6th day of December, 2022.

DocuSigned by:  
  
2BD9B8A447C845C...  
Zach Robinson, Sandy City Council Chair

ATTEST:

\_\_\_\_\_  
City Recorder

12/9/2022

PRESENTED to the Mayor of Sandy City for her approval this \_\_\_\_\_ day of  
December, 2022.

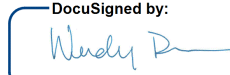
12/9/2022

APPROVED this \_\_\_\_\_ day of December, 2022.



DocuSigned by:  
  
2FEF8CAF412042D...  
Monica Zoltanski, Mayor

ATTEST:

DocuSigned by:  
  
688E7E8272014B1...  
City Recorder

PUBLISHED this 9th day of December, 2022.

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## CHAPTER 21-25. LANDSCAPING STANDARDS

### Sec. 21-25-1. General Landscaping Standards.

(a) The following standards shall apply to all districts:

- (1) *Preservation of Natural Features.* The preservation of natural features that enhance the development and will benefit the community, including trees, scenic points, view corridors, historic buildings or locations, unique geological formations, and other community assets shall be preserved and incorporated into the overall Landscape Plan.
- (2) *Parking in Landscaped Areas.* Parking is prohibited upon any required front, side, rear, or interior landscaped areas.
- (3) *Parkstrip Maintenance.* Parkstrip maintenance shall be the responsibility of the adjacent property owner unless approved otherwise by Sandy City. Proper maintenance shall include the removal of all weeds (regardless of height) and debris. Adjacent property owners are required to landscape and beautify the parkstrip with approved streetscape materials. Unless otherwise approved by the Public Works, Public Utilities, and Parks and Recreation Departments, placement of concrete slabs or other impenetrable material, other than approved hard surface materials, as set forth below, within the parkstrip is prohibited. It is prohibited to install either permanent or temporary recreational equipment, such as a basketball standard, anywhere within the public right-of-way.
- (4) *Parkstrip Plantings and Hard Surface and Streetscape Materials.* Parkstrip planting and materials may include water efficient landscaping, street trees and hardscape materials in accordance with the following standards:
  - ~~a. Parkstrip hard surface material includes material that is not plant material, does not need watering, and is a permanent surface. Examples would include colored concrete, stamped concrete (e.g., Bomanite), and concrete pavers.~~
  - ~~b. In general, it is preferable to have no more than 50 percent of the parkstrip area covered in hard surface material. Hard surface sections should alternate with planted sections and be complementary to the surrounding landscape. The property owner is required to obtain a road cut permit from the Public Works Department prior to adding or changing any hard surface materials within the parkstrip. All hard surface material must be installed according to the specifications within the Sandy City Standard Specifications and Details for Municipal Construction.~~
  - ~~c. Landscaped sections used in conjunction with hard surface sections should not include trees if the parkstrip is less than eight feet wide. If parkstrip is eight feet wide, planting may include trees (planted equidistant from the sidewalk and curb and gutter in a planter bed no smaller than eight feet wide by eight feet long), sod, ground cover, drought tolerant shrubs, rock not to exceed three feet in height. Planting within 15 feet of the driveway should not exceed three feet in height. Drip irrigation systems are highly encouraged and landscaping should comply with Section 21-25-4.~~
  - a. *Turf.* In new development, turf is only allowed where the parkstrip is a minimum of eight feet in width.
  - b. *Trees.* If a parkstrip is a minimum of eight feet wide by eight feet long, planting may include trees (planted equidistant from the sidewalk and curb and gutter in the planter bed). Parkstrips less than eight feet wide should not include trees.
  - c. *Mulch.* After completion of all plantings, all non-turf areas shall be covered with a minimum layer of three inches of mulch. Non-porous material shall not be placed under the mulch. A porous weed barrier fabric may be used under the mulch. In new development, bark mulch is prohibited, unless

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a two-foot-wide buffer of rock mulch abutting the curb is provided. Rock mulch is allowed in accordance with the Sandy City Standard Specifications and Details for Municipal Construction.

- d. Boulders. Boulders shall be a minimum of 18 inches in diameter and not more than three feet in height to maintain clear vision areas.
- e. Hardscape. Parkstrip hard surface material includes material that is not plants, does not need watering, and is a permanent surface. Examples include colored concrete, stamped concrete (e.g., Bomanite), and concrete pavers.
1. Hardscape Coverage. To help manage stormwater drainage, no more than 50 percent of a parkstrip area may be covered in hard surface material, unless otherwise stipulated in the Cairns Design Standards or subject to the Storefront Conservation Overlay zone. Parkstrips three feet wide or less may be covered 100 percent in hard surface material.
  2. Road Cut Permit. The property owner is required to obtain a road cut permit from the Public Works Department prior to adding or changing any hard surface materials within the parkstrip. All hard surface material must be installed according to the specifications within the Sandy City Standard Specifications and Details for Municipal Construction.
- f. Height. Plantings within 15 feet of the driveway shall not exceed three feet in height and tree canopies must be a minimum eight feet high to maintain clear vision areas.
- g. Irrigation. Drip irrigation is required for all vegetated non-turf areas in parkstrips in accordance with the irrigation design standards found in this chapter.

(LDC 2008, § 15A-25-01; Ord. No. 11-14, 9-2-2011; Ord. No. 21-08, § 1(Exh. A), 3-23-2021)

## **Sec. 21-25-2. Commercial, ~~and~~ Industrial, Institutional, and Multifamily Residential Landscaping Requirements.**

- (a) *Front Yard.* Front yard landscaping is measured from the front property lines after any required street dedication. This standard shall apply to all street frontages.
- (1) *Commercial, ~~and~~ Industrial, Institutional, and Multifamily Residential Zones.* In all commercial, ~~and~~ industrial, institutional, and multifamily residential zones, a minimum of 15 feet of front yard landscaping shall be required, unless otherwise stipulated in the Cairns Design Standards or subject to the Storefront Conservation Overlay zone.
  - ~~(2) *Berms.* The use of berms (random sculptured mounds), 12 to 18 inches high above the curb level, are required in all front landscape areas where found to be practical by the Community Development and Public Utilities staff.~~
  - ~~(23) *Street Trees.* Two-inch minimum caliper street trees shall be planted in the front parkstrip area (centered between the sidewalk and the curb to minimize tree conflicts and to maximize tree root zone) where the parkstrip is a minimum of eight feet in width, according to the varieties and spacing specified in the Sandy City Streetscape Plan. Where the parkstrip is less than eight feet in width or the sidewalk has been placed against the curb, street trees shall be planted four feet behind the sidewalk.~~
  - ~~(34) *Front Landscape.* Front landscape areas shall include a combination of ~~sed as well as areas of~~ trees, plants, shrubs, living ground covers, and mulch.~~
  - ~~(45) *Elimination of Parkstrip.* The Planning Commission may approve the elimination of the parkstrip ~~in a commercial district~~ allowing the sidewalk to be placed against the curb. If the elimination of the parkstrip is approved by the Planning Commission, the sidewalk against the curb shall be increased in width to six feet or wider ~~as per AASHTO standards~~. In these instances, the front landscape area shall not be less than 20 feet in depth.~~

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~~(56)~~ *Non-Existent Parkstrips.* Where a sidewalk exists directly adjacent to a public right-of-way, the front landscaping shall be a minimum of 20 feet in depth.

(b) *Side and Rear Yards.*

(1) There shall be a minimum of five feet of landscaping between parking areas and side or rear property lines (except between ~~commercial non-residential~~ uses where said landscaping is not visible from areas of public access, or where structures are allowed to have a zero setback) and a minimum of five feet of landscaping between an access driveway and a side or rear property line unless said driveway is to be used for common access by an adjacent lot.

(2) Non-residential Areas not visible from the street shall have one landscape area in the amount of 100 square feet for every 75 lineal feet of property line not visible from the public right-of-way.

(3) Properties adjacent to a residential zoning district must have a minimum ten-foot width of landscaping, including a combination of trees and shrubs (evergreen and deciduous).

(c) *Landscaping Within Parking Areas.*

(1) Landscaping within all parking and driveway areas shall comprise a minimum five percent of the total square footage of those areas, in addition to the required front, side, and rear landscaping (parking area shall be defined to include all asphalt areas with parking spaces and driveways). The placement of this landscaping shall be within parking areas to break up the mass of asphalt as well as adjacent to the building for foundation landscaping. Such landscaping shall be composed of natural elements/live plant materials, including ground cover, shrubs, trees (evergreen and deciduous), and combinations of mulch.

(2) All traffic islands shall be fully landscaped and be considered as a portion of the required five percent parking lot landscaping and shall be a minimum of five feet in width. A landscaped traffic island may be reduced to four feet in width for the purpose of implementing a low impact development element.

(3) Landscape planters and/or raised barrier sidewalks shall be installed along buildings' foundations (except where not visible from public access areas or loading areas) and any paved areas where visible from the street to provide safety to pedestrians, to protect the structure, and to provide foundation landscaping to soften a structure's appearance.

(4) All landscaped areas abutting any paved area shall include a six-inch-high concrete curb with openings as needed for stormwater management or a minimum of six-inch-wide flush concrete ribbon with bumper stops. Landscaped areas shall comply with Sandy City's Standard Specifications and Details for Municipal Construction for low impact development. Concrete bumper stops are not acceptable.

(5) At intersections of streets, driveways, sidewalks, etc., landscaping shall be limited to a height of not more than three feet above street level within the area required for minimum sight distances. for local roads and streets.

(d) *Undeveloped Areas.*

(1) All undeveloped areas shall be maintained free of weeds and trash.

(2) All expansion areas or pad sites shall be maintained with drought tolerant sod, mulch, or other materials as approved by the Director until such time as construction is started on that building pad.

~~(e) Adjacent to Residential Districts. A minimum ten-foot width of landscaping shall be provided on an applicant's property, including a combination of trees and shrubs (evergreen and deciduous), and ground covers shall be provided to create a buffer for the adjacent residential district.~~

~~(fe)~~ *Installation.*

(1) It shall be the responsibility of the developer to grade, place topsoil, ~~seed or sod~~, install automatic sprinkler irrigation systems, and properly plant trees, shrubs, and other approved plant materials.

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- (2) All trees planted on-site less than two-inch caliper shall be double staked.
  - (3) All landscaping shall be completed in accordance with the plans submitted and approved by staff.
    - a. All landscape work must be installed prior to a Certificate of Occupancy of the building being issued or as otherwise approved by the Community Development Department as seasonal conditions may dictate.
    - b. The developer shall bond for such landscape improvements if not installed prior to occupancy to assure that installations are completed as submitted and approved. Performance assurance requirements for landscape improvements shall be the same as required by the City for street improvements.

**(gf)** *Maintenance.*

- (1) It shall be the responsibility of the property owner to properly maintain landscaped areas in accordance with the approved site plan, Post-Construction Storm Water Maintenance Plan ~~where applicable~~ and Landscape Plan, which includes watering, mowing, proper pruning, fertilizing, the removal and replacement of dead plant materials in a timely manner, and the maintenance of irrigation systems to eliminate waste of water.
- (2) All pruning shall be accomplished according to good horticultural standards. Trees shall be pruned only as necessary to promote healthy growth.
- (3) Unless approval is otherwise provided by the Director, trees shall be allowed to attain their normal size and shall not be severely pruned up from the ground or "hat racked" in order to permanently maintain growth at a reduced height. Pruning trees solely for the purpose of exposure is prohibited.
- (4) Pruning trees for ~~traffic~~transportation and mobility safety reasons shall be reviewed and approved by the City Transportation Engineer.

**(hg)** *Vegetation Removal.*

- (1) Once the required landscaping has been installed, it shall not be removed without the approval of the Community Development Department.
- (2) Removed vegetation shall be replaced with equal or better quality plant materials. Trees that are necessarily removed shall be replaced with trees with comparable total caliper. Street trees that are necessarily removed shall be replaced with comparable original Landscape Plan caliper in compliance with the Sandy City Streetscape Plan, unless otherwise approved by the Community Development Department.
- (3) When utility connections or other disturbances are made to existing landscaped areas, the existing landscaping must be replaced to its previous condition. Other modification of landscaped areas shall require approval by the Director.

**(ih)** *Minimum Tree Size.* The minimum size of all trees planted on a development site shall be as follows:

- (1) Street trees: two-inch caliper minimum as measured 18 inches above grade.
- (2) All other trees on-site: one and one-half-inch caliper minimum as measured 18 inches above grade.
- (3) Evergreen trees: six-foot minimum height above grade.

**(ji)** *Tree Mix.* There shall be a mix of evergreen and deciduous trees on all development sites to allow for a green winterscape. A minimum of 40 percent of all trees on the proposed site shall be evergreens, where found to be practical by the Community Development Department.**(kj)** *Existing Trees.*

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- (1) The retention of existing healthy, desirable tree species on-site is strongly encouraged. Buildings and parking areas should be designed around existing trees wherever possible.
  - (2) A tree survey ~~on an existing site~~ may be required as determined by the Community Development Department.
  - (k) *Minimum Number of Trees.* A minimum ratio of one tree per every 500 square feet of on-site landscaping shall be provided on the overall site plan.
  - (m) ~~*Xeriscape-Water Efficient Landscaping.*~~
    - (1) ~~Landscaping shall conform with the water efficient landscaping standards found in this chapter. Xeriscape is encouraged in required landscape areas. A true xeriscape may include a combination of drought-resistant trees, shrubs, ground covers, organic mulches as well as some dry landscape materials. [See waterwise landscaping standards.]~~
    - (2) ~~All xeriscape design and installation shall be completed by a professional landscape designer and installer certified in the design and installation of xeriscape.~~

(LDC 2008, § 15A-25-02; Ord. No. 14-24, 9-4-2014; Ord. No. 21-08, § 1(Exh. A), 3-23-2021)

### Sec. 21-25-3. Tree Stewardship.

- (a) *Purpose.* Sandy City prides itself on its many areas of public and private landscapes, both natural and enhanced, and recognizes the importance of trees within the community. The City Council declares it to be a policy of the City that:
  - (1) Specified City property be landscaped to enhance the natural beauty of the City.
  - (2) Responsibilities of City departments be coordinated to encourage quality landscaping.
  - (3) Landscaped City properties be effectively managed.
  - (4) The City plant species of trees that are aesthetically pleasing, require less maintenance (so as to prevent damage to sidewalks and streets and reduce risks to pedestrians and motorists), work with utilities, and conserve natural resources.
  - (5) The street environment be made hospitable through landscaping.
  - (6) Residents of Sandy City be encouraged to participate in beautification efforts through installing and maintaining quality trees and landscaping on private property.

To fulfill this policy, this section is enacted and intended to establish a Tree Stewardship Ordinance. This section may be referred to as the "Tree Stewardship Ordinance."

- (b) *Urban Forester.* The Urban Forester shall be the supervisor of the Tree Stewardship Ordinance and administrator of the provisions of this section. The Urban Forester shall:
    - (1) Be responsible for the long-term management, health, maintenance, inventory, planting, and design of City trees in cooperation with the Community Development Department, Parks and Recreation Department, Public Utilities Department, and the Public Works Department.
    - (2) Foster and maintain partnerships between public and private parties for the benefit of trees.
    - (3) Facilitate communication, coordination, cooperation, and education for the stewardship of City and private trees.
    - (4) Keep abreast of new information and research in arboriculture.
    - (5) Provide a written annual report to the Parks and Recreation Department Director highlighting the fiscal year activities of the tree stewardship program.
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- (6) Train and supervise City crews so the best methods of tree care are practiced in the community.
  - (7) Work with engineers, architects, and the Community Development Department during the design phase of development.
  - (8) Periodically review this section, the Tree Stewardship Ordinance, the Streetscape Plan, and Streetscape Specifications to evaluate the effectiveness of each and make recommendations for improvement and/or change.
- (c) *Citizen Responsibilities.* Citizens/property owners, occupants, and their agents shall have the following responsibilities for the protection of trees in parkstrips abutting their real property, except in those parkstrips that are maintained by the City:
- (1) Periodic watering and fertilization of City trees as necessary to maintain good health and vigor.
  - (2) Protect City trees in parkstrips from damage caused by lawn mowers, weed trimmers, snow blowers, and similar equipment.
  - (3) Protect City trees in parkstrips from damage caused by attachment of any items such as signs, nails, wires, ropes, and chains.
  - (4) The species of trees planted in the parkstrips should comply with the list contained in the Streetscape Plan unless otherwise approved by the Urban Forester. They should also be planted as set forth in the Streetscape Plan and Sandy City's Standard Specifications and Details for Municipal Construction, which states that no trees are to be planted within intersection sight triangles. See detail for exact dimensions of the sight triangle, which can vary depending on location.
  - (5) Remove private trees or limbs that have fallen upon a City street, property, or sidewalk.
  - (6) Maintain ground covers, except in those parkstrips maintained by the City.
  - (7) Notify the Urban Forester of any hazard tree.
  - (8) Rake, clean up, and properly dispose of leaves that fall from City and private trees so leaf fall does not impede the storm water system.
  - (9) Sandy City shall have no liability for the failure of any tree or landscaping installed by private parties on other than City-maintained property.
  - (10) Keep any branches that overhang a public access sidewalk pruned eight feet above the sidewalk and any branch that overhangs a road pruned 14 feet above the road.
- (d) *City Responsibilities.* The City shall assume responsibility for:
- (1) Tree care in City-owned and -operated parks, on the grounds of City buildings, and in parkstrips that the City administration has designated will be maintained by the City in this section.
  - (2) Pruning of City trees, as necessary, after appropriate notification to property owners.
  - (3) Pruning of trees in the City-maintained public rights-of-way and utility easements.
  - (4) Removal and replacement of diseased or dying City trees that are beyond reclamation, as determined appropriate by the Urban Forrester.
  - (5) Removal of City trees and/or limbs that the Urban Forester or Transportation Engineer determines to be a hazard after appropriate notification.
  - (6) Maintenance of planted areas on City property and specifically designated City rights-of-way.
- (e) *Responsibility for Correcting Private Hazard Trees.* Where a hazard tree (see definition) exists upon private property, the property owner and all other persons having control of the property on which such hazard tree
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exists shall be responsible to mitigate, abate, remove, or correct the hazard. Any tree that is a hazard tree is a public nuisance.

- (1) It is unlawful for any person, firm, or corporation, either as owner, agent, or occupant, to create, aid in creating, or maintain a hazard tree.
- (2) If the City determines that a particular tree is a hazard tree, the City may give a written notice to the owner, occupant, or agent of any lot, building, or premises in or upon which a hazard tree is found, or to the person who may be the cause of such hazard tree to remove, mitigate, abate, or correct the hazard, including its recommendation as to the most effective method of doing so.
- (3) Notice under Subsection (e)(2) of this section may be served by personal service or by mailing the notice to the person, firm, or corporation by certified mail (return receipt requested), and posting a copy on the property a minimum of 28 calendar days in advance of further action.
- (4) If the hazard tree is not mitigated, abated, removed, or corrected within 28 additional calendar days after the notice is complete, the City may mitigate, abate, correct, or remove the hazard tree at the expense of such person, firm, or corporation or may take further action as determined.
- (5) The City may recover the costs and expenses incurred in mitigating, abating, correcting, or removing the hazard tree, serving notice, and the costs of a lawsuit, if any.
- (6) If the person, firm, or corporation disputes or denies the City's determination that the tree is a hazard tree or refuses to remove or permit removal, the City may bring an action to abate the hazard tree as a public nuisance. If the City is granted a judgment, the City may recover the costs of having the public nuisance abated.
- (7) The City, its agents, or employees, if acting in good faith, incur no liability for causing removal of a hazard tree.
- (8) Notice of appeal of the City's determination that a tree is a hazard tree may be filed with the Urban Forester or Transportation Engineer within ten working days of service of the notice to abate. Appeals from the Urban Forester's or Transportation Engineer's decision shall be heard by the City's Parks and Recreation Director or Public Works Director within 15 calendar days of receipt of the appeal, which decision is final.

(f) *Protection of City Trees.*

- (1) It shall be unlawful for any person to do any of the following:
    - a. Construct a concrete, asphalt, brick or gravel sidewalk within 18 inches of a City tree that damages any part (roots, crown, trunk) of the tree so as to cause injury or death to the tree.
    - b. Fill up the ground area around any City tree so as to shut off air, light, or water from its roots.
    - c. Pile building material, equipment, or other substance on or near a City tree so as to cause injury to the tree.
    - d. Pour or spray any injurious matter on or around a City tree.
    - e. Injure any City tree, tree stake, or guard with any vehicle or animal, or in any other manner causing injury to any City tree, shrub, ground cover, or lawn.
    - f. Post any sign, tree stake, or guard, or fasten any guy wire, cable, or rope to any City tree, tree stake, or guard.
    - g. Prune trees for commercial exposure.
  - (2) Any person doing construction, excavation, or demolition work in the near vicinity of a City tree shall protect the tree from injury or damage with a substantial protective barrier. Said barrier shall not be less than four feet high and have a two-foot radius or to a distance in feet from the tree equal to the diameter
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## Exhibit "A"

of the tree trunk in inches measured four and one-half feet above ground, whichever is greater. All building materials, extra dirt, or other debris shall be kept outside the barrier. The Urban Forester and the City Transportation Engineer must be consulted about any deviation to this standard.

- (3) No person shall use a City tree for any unauthorized purpose.
- (g) *Trees Planted in Parkstrips.* Trees planted in parkstrips or other public rights-of-way should be in conformance with the Streetscape Plan.
- (h) *Interference with Service.* It shall be unlawful for any person to interfere with City personnel or contractors under the direction of the Urban Forester in the performance of their duties.
- (i) *Historic Tree Preservation.* The Urban Forester, in conjunction with the City's Parks and Recreation Department, the Community Development Department, and property owners, may identify, mark, publicize, and preserve historic and notable trees on public or private property in conjunction with the Utah Heritage Tree Act. The Urban Forester may help locate and record healthy trees that qualify as candidates for the Utah Heritage Tree Register.
- (j) *Preservation of Trees During Development.* Tree surveys may be required as part of the development review and approval process. Said surveys shall be reviewed by the Community Development Department and the Urban Forester. Tree surveys must identify both City and private trees or groves of trees of at least three-inch caliper and shall indicate which, if any, may be preserved or relocated. Where practically possible, site designs should be modified to accommodate significant tree cover. Proper care should be taken during the construction phase to protect tree root zones from compaction and excessive excavation. Clear cutting an area of trees on a site will not be allowed unless determined appropriate by the Community Development Department and the Urban Forester.
- (k) *Violation and Penalty.* Any person who violates any provision of this section shall be guilty of a Class C misdemeanor. In addition to other remedies provided for herein or otherwise provided by law, if the violation of any provision of this section causes the injury, mutilation, or death of a tree, shrub, or other plant located on City-owned or -maintained property, the violating party shall pay the cost of repair or replacement of such tree, shrub, or other plant. The replacement value of trees and/or shrubs shall be determined in accordance with the latest edition of the "Guide for Plant Appraisal," as published by the International Society of Arboriculture. The City may pursue criminal or civil actions against any person or entity who violates this section as is deemed appropriate, including abatement or injunctive relief.

(LDC 2008, § 15A-25-03; Ord. No. 18-02 , § 1, 2-16-2018; Ord. No. 21-08 , § 1(Exh. A), 3-23-2021)

#### **Sec. 21-25-4. Water Efficient Landscaping.**

(a) *Purpose.*

- (1) The City ~~Council~~ has found that:
- a. Water is an increasingly scarce resource.
  - b. Nearly two-thirds of the City's culinary water resources are used for outdoor use, including watering landscapes.
  - c. The City desires to promote the design, installation, and maintenance of landscapes that are both attractive and water efficient.
- (2) Furthermore, the City ~~Council~~ has determined that it is in the public's interest to conserve public water resources and promote water efficient landscaping. The purpose of this section 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.

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- (b) *Definitions-Applicable to Section*. The following words, terms and phrases, apply to Chapter 21-25 Landscaping Standards; when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
- (1) Activity Zones means portions of the landscape designed for recreation or function, such as storage areas, fire pits, vegetable gardens, and playgrounds.
  - (2) Active Recreation Areas means areas of the landscape dedicated to active play where turf (lawn) may be used as the playing surface (examples are sports fields and play areas).
  - (3) Administrative standards means the set of rules, procedures, and requirements set forth in a landscape ordinance associated with making permit application, assembling materials for public review, meeting the requirements of the landscape ordinance, seeking approvals, enforcement, conducting site inspections, and filing reports.
  - (42) Bubbler means 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.
  - (5) Central Open Shape means an unobstructed area that functions as the focal point of Localscapes and is designed in a shape that is geometric in nature.
  - (63) Drip emitter means a drip irrigation fitting that delivers water slowly at the root zone of the plant, usually measured in gallons per hour.
  - (74) Evapotranspiration (ET) means the quantity of water evaporated from adjacent soil surfaces and transpired by plants during a specific time, expressed in inches per day, month, or year. (See also Reference evapotranspiration rate.)
  - (85) Extra-drought tolerant plant means a plant that can survive without irrigation throughout the year once established, although supplemental water may be desirable during drought periods for improved appearance and disease resistance.
  - (9) Gathering Areas means portions of the landscape that are dedicated to congregating, such as patios, gazebos, decks, and other seating areas.
  - (106) Ground cover means 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 12 inches.
  - (117) Hardscape (Hard Surface Materials) means materials, such as concrete, pavers, stone, artificial turf, or compacted inorganic mulch, placed within the total landscaped area. Hardscape may include patios, decks, and paths, but does not include driveways, parking lots, and sidewalks.
  - (128) Irrigated landscaped area means all portions of a development site to be improved with planting and irrigation. Natural open space areas shall not be included in the irrigated landscaped area.
  - (139) Irrigation audit means an on-site survey of the irrigation system, conduct of a catch-can test to measure system efficiency, and the generation of an irrigation schedule and recommendations to improve irrigation efficiency.
  - (1410) Irrigation contractor means a person who has been certified by the Irrigation Association to install irrigation systems or as otherwise approved by the Public Utilities Department.
  - (1511) Irrigation designer means a person who has been certified by the Irrigation Association to prepare irrigation system designs, or a landscape architect, or as otherwise approved by the Public Utilities Department.
  - (1612) Irrigation efficiency means 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.

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- (1713) *Irrigation Plan* means the plan that shows the components of the irrigation system with water meter size, backflow prevention, rain shut-off device, precipitation rates, flow rate and operating pressure for each irrigation zone, and identification of all irrigation equipment.
- (1814) *Landscape architect* means a person who holds a ~~certificate~~ license to practice landscape architecture in the State of Utah.
- (1915) *Landscape designer* means a person who has been certified by the Utah Nursery and Landscape Association to prepare landscape plans or as otherwise approved by the Public Utilities Department.
- (2016) *Landscape Education Package* ~~means a package of documents~~ is an online resource that is intended to inform and educate water users in the City about water efficient landscapes. The package includes the principles of water efficient landscape design, a listing of water conserving plants, a listing of certified landscape designers, landscape architects, certified irrigation designers, certified irrigation contractors, an information packet about various area demonstration projects, City's water rates, billing format for water use, and the economics of installing and maintaining a water efficient landscape.
- (2117) *Landscape Irrigation Auditor* means a person who has been certified by the Irrigation Association to conduct a landscape irrigation audit or as otherwise approved by the Public Utilities Department.
- (2218) *Landscape Plan Documentation Package* means the preparation of 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 section. The Landscape Plan Documentation Package shall include a project data sheet, a Planting Plan, an Irrigation Plan, a Grading Plan, a soils report, a landscape water allowance, and an irrigation schedule.
- (23) *Landscape Plan* means a plan showing the proposed location, type and size of all new and existing trees, shrubs and living ground covers to be planted on the site as well as non-living ground cover, hardscape features, and a complete Water Efficient Irrigation System Plan.
- (2419) *Landscape water allowance* means, for design purposes, the upper limit of annual applied water for the established landscaped area. The landscape water allowance is based upon the local reference evapotranspiration rate, the ET adjustment factor, and the size of the landscaped area.
- (2520) *Landscaped Zone* means 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.
- (2621) *Landscaping* means any combination of living plants such as trees, shrubs, vines, ground covers, flowers, turf or ornamental grass; natural features such as rock, stone, or bark chips; and structural features, including, but not limited to, fountains, reflecting pools, outdoor art work, screen walls, fences, or benches.
- (27) *Localscapes*<sup>®</sup> means a landscaping approach designed to create locally adapted and sustainable landscapes through a basic five-step approach (central open shape, gathering areas, activity zones, connecting pathways, and planting beds).
- (2822) *Mulch* means any material such as bark, wood chips, rocks/stones, or other similar materials left loose and applied to the soil.
- (2923) *Native Vegetation* means plant species indigenous to the area prior to settlement including but not limited to grasses, shrubs, and trees.
- (3023) *Non-drought tolerant plant* means a plant that will require regular irrigation for adequate appearance, growth, and disease resistance.
- ~~(30) *Park Strip* means a typically narrow landscaped area located between the back-of-curb and sidewalk.~~

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- (31) Paths mean designed routes between landscape areas and features.
- (32) Planting Bed (Planter Area) means areas of the landscape that consist of plants, such as trees, ornamental grasses, shrubs, perennials, and other regionally appropriate plants.
- ~~(24) Planting Plan means a plan which clearly and accurately identifies and locates new and existing trees, shrubs, ground covers, turf areas, driveways, sidewalks, hardscape features, and fences.~~
- (3325) Precipitation rate means the rate at which water is applied per unit of time, usually measured in inches per hour.
- (3426) Rain shut-off device means a device wired to an automatic controller that shuts off the irrigation system when it rains.
- (3527) Reconstructed landscaping means any existing approved landscaping and irrigation that is removed and replaced as part of new construction.
- (3628) Reference evapotranspiration rate or *ET* means a standard measurement of environmental parameters that affect the water use of plants. *ET* is expressed in inches per day, month or year and is an estimate of the evapotranspiration of a large field of four- to five-inch tall, cool season grass that is well watered. The average growing season *ET* for the Sandy City area is 31.18 inches. (See also Evapotranspiration.)
- (3729) Runoff means irrigation water that is not absorbed by the soil or landscape area to which it is applied and that flows onto other areas.
- (3830) Soils report means a report by a soils laboratory indicating soil types, soil depth, uniformity, composition, bulk density, infiltration rates, and pH for the top soil and subsoil for a given site. The soils report also includes recommendations for soil amendments.
- (3931) Spray sprinkler means an irrigation head that sprays water through a nozzle.
- (4032) Stream sprinkler means an irrigation head that projects water through a gear rotor in single or multiple streams.
- (41) Total Landscaped Area means improved areas of the property that incorporate all the complete features of the landscape. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, and other non-irrigated areas intentionally left undeveloped.
- ~~(4233) Turf means a surface layer of earth containing mowed grass with its roots. Turf (or lawn) means nonagricultural land planted with closely mowed and managed grasses, along with a surface layer of earth, and its roots. Turf does not include native or ornamental grasses.~~
- (4335) Vegetative Coverage means the ground level surface area covered by the exposed leaf area of a plant or group of plants at full maturity. The area covered by the exposed leaf area of a tree or stand of trees shall not be counted towards vegetative coverage.
- (4434) Waste of water includes, but is not limited to:
- a. The use of water for any purpose, including landscape irrigation, that consumes or for which is applied substantial amounts of excess water beyond the reasonable amount required by the use, whether such excess water remains on the site, evaporates, percolates underground, goes into the sewer system, or is allowed to run into the gutter or street. Every water consumer is deemed to have under his control at all times the water lines and facilities, other than water utility facilities, through which water is being supplied and used to his premises, and to know the manner and extent of his water use and excess runoff.
  - b. The excessive use, loss, or escape of water through breaks, leaks, or malfunctions in the water user's plumbing for any period of time after such escape of water should reasonably have been discovered and corrected. It shall be presumed that a period of 48 hours after the water user

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discovers such break, leak, or malfunction or receives notice from the City of such condition, whichever occurs first, is a reasonable time to correct such condition.

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

~~(4535)~~ *Water check.* See Irrigation audit.

~~(4636)~~ *Water conserving plant* means a plant that can generally survive with available rainfall once established, although supplemental irrigation may be needed or desired during the growing season.

~~(4737)~~ *Water use efficiency review* means an on-site survey and measurement of irrigation equipment and management efficiency and the generation of recommendations to improve efficiency.

~~(4838)~~ *Xeriscape* means a landscaping method developed especially for arid and semiarid climates that utilizes water-conserving techniques (as the use of drought tolerant plants, mulch, and efficient irrigation).

- (c) *Commercial, Industrial, Institutional, and Multifamily Residential Development.*

(1) *Applicability.*

- a. The provisions of this Subsection (c) shall apply to landscaping for all new and reconstructed landscaping for public agency projects, private commercial and industrial projects, institutional projects, developer-installed landscaping in multifamily residential projects, and developer-installed landscaping in single-family projects. These developments that require project review and approval by the City. Such review includes through a site plan or modified site plan review, modified conditional use permit review, and building permits issued for exterior modifications to commercial and multifamily buildings. With a modified site plan, only the disturbed areas impacted by the proposed site modifications are required to adhere to all requirements of this section.

- b. This Subsection (c) does not apply to homeowner-provided landscaping at single-family projects, nor to registered historical sites.

- (2) *Documentation to be Submitted for Plan Approval.* A Landscape Plan Documentation Package shall be submitted to and approved by the Public Utilities Department prior to the issuance 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 or a landscape designer. The Irrigation Plan shall be prepared by an irrigation designer or a landscape architect.~~ The Landscape Plan Documentation Package shall consist of the following items:

- a. *Project Data Sheet.* The Project Data Sheet shall contain the following:

1. Project name and address;
2. Applicants or applicant's agent's name, address, and phone number; ~~and fax number;~~
3. Landscape ~~designer/landscape~~ architect's name, address, and phone number; ~~and fax number;~~ and
4. Landscape contractor's name, address, and phone number; ~~and fax number.~~

- b. *PlantingLandscape Plan.* A detailed PlantingLandscape 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;

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3. Existing and proposed buildings, walls, fences, light poles, utilities, paved areas, and other site improvements;
  4. Existing trees and plant materials to be removed or retained; and
  5. Designation of landscape zones.
- c. *Irrigation Plan.* A detailed Irrigation Plan shall be drawn at the same scale as the [PlantingLandscape](#) 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; and
  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.
- d. *Grading Plan.* A Grading Plan shall be drawn at the same scale as the [PlantingLandscape](#) 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.
- e. *Soils Report.* A soils report will be required where irrigated landscaped areas consisting of grass or similar turf exceed 33 percent of the overall landscaped area. The soils report shall describe the depth, composition, and bulk density of the top soil and subsoil at the site and shall include recommendations for soil amendments. The [PlantingLandscape](#) Plan shall incorporate the recommendations of the soils report into the planting specifications.
- f. *Landscape Water Allowance.* The annual landscape water allowance shall be calculated using the following equation:

$$\text{Landscape Water Allowance} = ET \times 1.0 \times 0.62 \times A$$

Where landscape water allowance is in gallons per growing season:

ET	=	Reference Evapotranspiration in inches per growing season
1.0	=	ET adjustment factor, 100% of turf grass ET (growing season adjustment factor)
0.62	=	Conversion factor
A	=	Total irrigated landscape area in square feet

- g. *Irrigation Schedule.* A monthly irrigation schedule shall be prepared that covers the initial 90-day plant establishment period and the typical long-term use period. This schedule shall consist of a table with the following information for each valve:
1. Plant type (e.g., turf, trees, low water use plants);
  2. Irrigation type (e.g., sprinklers, drip, bubblers);
  3. Flow rate in gallons per minute;
  4. Precipitation rate in inches per hour (sprinklers only);
  5. Run times in minutes per day;

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6. Number of water days per week; and
  7. Cycle time to avoid runoff.
- (3) *Landscape Design Standards.*
- a. *Plant Selection.*
    1. Plants selected for landscape zones shall consist of water conserving plants and/or native vegetation plants that are well suited to the microclimate and soil conditions at the project site. Plants with similar water needs shall be grouped together as much as possible in landscape zones.
    2. For projects located at the interface between urban areas and natural open space (non-irrigated), extra drought tolerant plants shall be selected that will blend with the native vegetation and are fire-resistant or fire-retardant. Plants with low fuel volume or high moisture content shall be emphasized. Plants that tend to accumulate excessive amounts of dead wood or debris shall be avoided.
    3. Areas with slopes greater than ~~30-25~~ percent shall be landscaped with deep rooting water conserving plants or native vegetation for erosion control and soil stabilization. Irrigation devices are limited to drip emitters, bubblers, or sprinklers with a maximum precipitation rate not to exceed 0.85 inches per hour.
    4. Turf is prohibited on slopes greater than 25 percent or 4:1 grade, and in parkstrips and other landscaped areas less than eight feet wide at its narrowest point. Parkstrip planting and materials shall comply with Section 21-25-1 of this Chapter.
    5. In commercial, industrial, institutional, and common areas of residential development, the amount of turf area shall not exceed 20 percent of the total landscaped area. For purposes of this subsection, total landscaped area does not include active recreation areas (such as sports fields, private/public park, etc.).
    6. In single family residential development, turf areas shall not exceed 35 percent of the total landscaped area, except for the following.
      - i. Residential lots, in which the total landscaped area of the rear yard is less than 250 square feet, and the front yard dimensions cannot accommodate the minimum eight feet wide turf area, are exempt from the eight feet minimum width turf area requirement and maximum of 35 percent turf requirement.
    7. **Vegetative Coverage.** At maturity, the total landscaped area, excluding turf areas, shall have a minimum vegetative coverage of 33 percent of living plant cover at the ground plane, not including tree canopies.
    8. **Hardscape Coverage.** No more than 50 percent of the total landscaped area may be covered in hard surface material, unless otherwise stipulated in the Cairns Design Standards or subject to the Storefront Conservation Overlay zone.
    9. Landscaping shall adhere to the following Localscapes standards:
      - i. If size permits, the landscaped areas of the front yard and back yard shall include a designed central open shape created by using turf, hardscape, groundcover, gravel, or mulch.
      - ii. Gathering areas shall be constructed of hardscape and placed outside of the central open shape. In a landscape without turf, gathering areas may function as the central open shape.



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- iii. Activity zones shall be located outside of the central open shape and shall be surfaced with materials other than turf.
- iv. Paths shall be made with materials that do not include turf, such as hardscape, mulch, or other groundcover.
- b. *Mulch.* After completion of all plantings, all ~~irrigated~~-non-turf areas shall be covered with a minimum layer of ~~four~~three inches of mulch to retain water, inhibit weed growth, and moderate soil temperature. Non-porous material shall not be placed under the mulch. A porous weed barrier fabric may be used under the mulch.
- c. *Soil Preparation.* Soil preparation shall 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 inches and amending the soil with organic material as per specific recommendations of the ~~landscape designer~~/landscape architect based on the soils report.
- d. Exceptions.
1. These landscape standards are not intended to conflict with stormwater management low-impact development design. A request to seek an exception to the landscaping requirements of this Chapter may be granted by the Director after consultation with the Public Utilities Director for the purpose of implementing low impact development design.
2. These landscape standards are not intended to conflict with other landscaping requirements as defined by Utah law. Notwithstanding these landscape standards, whenever any requirement in the Landscaping Standards of Chapter 21-25 conflict with Utah law, such conflicting requirements of Chapter 21-25 shall not apply.
- (4) *Irrigation Design Standards.*
- a. *General.* Irrigation design standards for this section shall be as outlined in the latest version of the Minimum Standards for Efficient Landscape Irrigation System Design and Installation as specified in the Sandy City Standard Specifications and Details for Municipal Construction. In addition, the following portions of this Subsection (4) shall also be applicable. All irrigation shall be appropriate for the designated plant material to achieve the highest water efficiency.
- b. *Landscape Water Meter.* A water meter and backflow prevention assembly for landscaping that are in compliance with State Code shall be installed after the City meter and outside the City maintained meter box on the customer's service line. The size of the meter shall be determined based on irrigation demand.
- c. *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 landscape water 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 sprinklers.
- d. *Automatic Controller.* All irrigation systems shall include a ~~n electric automatic controller with multiple program and multiple repeat cycle capabilities and a flexible calendar program~~ 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 ~~an~~ automatic rain ~~delay or~~ shut-off ~~device~~capabilities.
- e. *Slopes Exceeding ~~30~~25 Percent.* On slopes exceeding ~~30~~25 percent, the irrigation system shall consist of drip emitters, bubblers, or sprinklers with a maximum precipitation rate of 0.85 inches per hour and adjusted sprinkler cycle to eliminate runoff.

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- f. *Valves.* Each valve shall irrigate a landscape zone 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. In addition, drip emitters and sprinklers shall be placed on separate irrigation valves.
  - g. *Drip Emitters/Bubbler.* Drip irrigation or bubblers shall be used except in turf areas. Drip emitters or a bubbler shall be provided for each tree, where practicable. Bubblers shall not exceed one and one-half gallons per minute per device. Bubblers for trees shall be placed on a separate valve unless specifically exempted by the Public Utilities Department due to the limited number of trees on the project site.
  - h. *Sprinklers.* Sprinklers shall have matched precipitation rates with each control valve circuit.
  - i. *Check Valves; Pressure Compensating Valves and Sprinklers.* Check valves shall be required where elevation differences will cause low head drainage. Pressure compensating valves and sprinklers shall be required where a significant variation in water pressure will occur within the irrigation system due to elevation differences.
  - j. *Drip Irrigation Lines.* Drip irrigation lines shall be placed underground or otherwise permanently covered, except for drip emitters and where approved as a temporary installation. Drip irrigation systems shall be equipped with a pressure regulator, Filters and end filter, flush end assembly, and any other appropriate components. valves shall be provided, as necessary.
  - k. *Operation Time for Irrigation Zones with Overhead Spray/Stream Sprinklers.* Irrigation zones with overhead spray or stream sprinklers shall be designed to operate between 6:00 p.m. and 10:00 a.m. to reduce water loss from wind and evaporation. Drip or bubbler zones are excluded.
  - l. *Program Valves.* Program valves for multiple repeat cycles where necessary to reduce runoff, particularly slopes and soils with slow infiltration rates.
- (5) *Plan Review, Construction Inspection, and Post-Construction Monitoring.*
- a. As part of the site plan approval ~~and building permit~~ process, a copy of the Landscape Plan Documentation Package shall be submitted to the City for review and approval before construction begins. With the Landscape Plan Documentation Package, a copy of the Landscape Water Allowance Worksheet shall be completed by a landscape ~~designer~~ architect and submitted to the City.
  - b. All Landscape Plan Documentation Packages submitted must be certified by a licensed landscape architect, ~~or an approved landscape designer. The Irrigation Plan must be prepared by an approved irrigation designer or a landscape architect.~~
  - c. All landscape irrigation systems shall be installed by an irrigation contractor. The person representing the contracting firm shall be a full-time employee of the firm and shall be directly involved with the project, including at least weekly site visits during construction.
  - d. All installers, designers, and auditors shall meet State and local license, insurance, and bonding requirements and be able to show proof of such upon demand.
  - e. During construction, site inspection of the landscaping may be performed by the City.
  - f. Following construction and prior to the release of the secondary bond guarantee posted for the project, an inspection shall be scheduled with the Public Utilities Department to verify compliance with the approved Landscape and Irrigation Plans. A Certificate of Substantial Completion, as defined in the Sandy City Standard Specifications and Details of Municipal Construction Manual, shall be completed by the property owner, contractor, or ~~landscape designer~~/landscape architect and submitted to the City.
  - g. Following construction and prior to release of the secondary bond guarantee posted for the project, a water use efficiency review will be conducted by a landscape irrigation auditor. The
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auditor shall be independent of the contractor, design firm, and owner/developer of the project. The water performance audit will verify that the irrigation system complies with the minimum standards required by this section. The minimum efficiency required for the irrigation system is 60 percent for distribution efficiency for all fixed spray systems and 70 percent distribution efficiency for all rotor systems. The auditor shall furnish a certificate to the City, designer, installer, and owner/developer certifying compliance with the minimum distribution requirements, and an irrigation schedule. Compliance with this provision is required before the City will release the bond for the project.

(d) *Residential (Single-Family) Development.*

(1) The provisions of this Subsection (d) apply to homeowner installed landscaping for all new and reconstructed landscaping for single-family residential dwellings. This Subsection (d) does not apply to residential developments with developer installed landscapes, nor to registered historical sites.

(2) *Provisions for New or Reconstructed Landscapes.*

a. *Landscape Education Package.* A copy of the Landscape Education Package is available online. shall be given to all new single family homeowners by the City at the time of application for a building permit and all new or modified water account owners. The Landscape Education Package, prepared by the Public Utilities Department, shall consists of the following items:

1. Principals of water efficient landscape design;
2. List of water conserving plants;
3. List of certified landscape designers, certified irrigation system designers and suppliers, and certified landscape irrigation contractors;
4. Information packet about the various area demonstration gardens; and
5. Information packet about the City's water rate schedule, billing format for water use, and the economics of installing and maintaining a water efficient landscape.

b. *Post Installation.* After the landscaping has been installed, the homeowner is encouraged to notify the Public Utilities Department of its completion and request a listing of landscape auditors who can perform a water use efficiency review, also called a water check. The water check will determine the irrigation system efficiency, make recommendations for improvements, and provide the homeowner with an irrigation schedule.

(3) ~~Parkstrips and other~~ landscaped areas less than eight feet wide are encouraged to be landscaped with water conserving plants and not turf./or grass.

(4) The front yard, excluding approved driveways and turf areas, shall have a minimum vegetative coverage of 33 percent of living plant cover on the ground plane, not including tree canopies.

(5) All non-turf planting areas in the front yard shall be covered with mulch.

(6) Parkstrip planting and materials shall comply with Section 21-25-1 of this Chapter.

(e) *Prohibited Watering Practices.*

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

(2) *Restricted Watering Time.* Watering time is restricted as specified in Title 8.

(f) *Enforcement, Penalty for Violations.*

(1) *Enforcement Authority.* The Public Utilities Director and other employees of the Public Utilities Department are authorized to enforce all provisions of this section.

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- (2) *Violation of this section.* Any consumer who violates any provisions of this section shall be issued a written notice of violation. The written notice shall be affixed to the property where the violation occurred and mailed to the consumer of record and to any other person known to the City who is responsible for the violation and its corrections. Such notice shall describe the violation and order that it be corrected, cured, or abated immediately or within such specified time as the City determines is reasonable under the circumstances. Failure to receive such notice shall not invalidate further actions by the City. If the order is not complied with, the City may terminate water service to the customer and/or issue a Class C misdemeanor citation.

(LDC 2008, § 15A-25-04; Ord. No. 10-04, 2-19-2010; Ord. No. 09-17, 7-31-2010; Ord. No. 21-08 , § 1(Exh. A), 3-23-2021)

**CHAPTER 21-37. - DEFINITIONS**

**Sec. 21-37-13. - "L" Definitions.**

~~(2) Landscape Plan means a plan showing the proposed location, type and size of all trees, shrubs and ground covers to be planted on the site as well as a complete Water Efficient Irrigation System Plan.~~

~~(3) Landscaping means the finishing and adornment of unpaved yard areas. Materials and treatment generally include naturally growing elements as grass, trees, shrubs, and flowers. Treatment may also include the use of rocks, fountains, benches, and contouring of the earth.~~