

ORDINANCE 2019-12

AN ORDINANCE OF POLK CITY, FLORIDA; AMENDING THE POLK CITY CODE OF ORDINANCES AND THE UNIFIED LAND DEVELOPMENT CODE OF POLK CITY, FLORIDA; AMENDING ARTICLE 3, DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS, TO ADD A NEW SECTION 3.08.00, WATER CONSERVATION FOR LANDSCAPE IRRIGATION, IRRIGATION SYSTEM DESIGN AND INSTALLATION STANDARDS, AND EFFICIENT PLUMBING REQUIREMENTS; PROVIDING FOR APPLICABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF POLK CITY, FLORIDA:

SECTION 1. COMMISSION FINDINGS. In adopting this Ordinance and modifying the Polk City Code and the therein-incorporated Unified Land Development Code, the City Commission of Polk City, Florida, hereby makes the following findings:

- (1) Section 163.3167(c), Florida Statutes, empowers the City to adopt land development regulations to guide the growth and development of the City.
- (2) The City Commission recognizes the need for procedures and regulations for the review and consideration of conditional use permits within Polk City.
- (3) The City Commission has determined that having the ability to issue conditional use permits will provide additional flexibility and enforceability for the City Commission in its review and implementation of its Unified Land Development Code.
- (4) Pursuant to Section 166.041(c)2, Florida Statutes, the Planning Commission and the City Commission have held meetings and hearings to amend the Unified Land Development Code as presented in the attached exhibit, such exhibit attached as Exhibit "A" and made a part hereof.
- (5) The meetings were advertised and held with due public notice, to obtain public comment; and having considered written and oral comments received during public hearings, find the changes necessary and appropriate to the needs of the City.

SECTION 2. CREATION OF SECTION 3.08.00, UNIFIED LAND DEVELOPMENT CODE, CONTAINED IN SECTION 78-1, POLK CITY CODE. Section 3.08.00, Unified Land Development Code, is hereby created to read as follows:

“Section 3.08.00 Water Conservation for Landscape Irrigation, Irrigation System Design and Installation Standards, and Efficient Plumbing Requirements”

3.08.01 Intent and Purpose

It is the intent and purpose of this Section to implement uniform procedures that promote water conservation through more efficient landscape irrigation and the installation of more efficient plumbing fixtures.

3.08.02 Definitions

For the purposes of this Section, the following words, and terms shall have the meaning given herein:

- 1) Automatic irrigation system. An irrigation system designed to operate following a preset program entered into an automatic controller.
- 2) Distribution equipment. The water emitters on irrigation systems, including but not limited to sprinklers, rotors, spray heads and micro-irrigation devices.
- 3) ENERGY STAR® (“Energy Star”). For this Section, Energy Star is the joint program of the U.S. Environmental Protection Agency and the U.S. Department of Energy, which certifies products and practices that protect the environment and lead to money saving through energy and water conservation.
- 4) Florida Water Star® (“Florida Water Star”). A program for new residential and commercial construction that is intended to provide indoor and outdoor water efficient options and help prevent leaks.
- 5) Florida Water Star Inspector. A person who verifies Florida Water Star program criteria in accordance with program documents. Inspectors demonstrate sufficient knowledge to verify appropriate subcategories, such as; irrigation, landscape, and plumbing, and have passed the inspector exam and are current with their CEUs per the requirements of the Florida Water Star program. Inspectors are accredited parties who may inspect irrigation systems modified or installed by irrigation professionals.
- 6) Florida Water Star Irrigation and Landscape Accredited Professional. A landscape or irrigation professional who has successfully passed the Florida Water Star accredited professional

exams for landscaping and irrigation and is currently in good standing with the program.

- 7) Head to head coverage. The spacing of sprinkler heads so that each sprinkler throws water to the adjacent sprinkler.
- 8) High volume irrigation. An irrigation system with a minimum flow rate per emitter of more than 30 gallons per hour ("GPH") or higher than 0.5 gallons per minute ("GPM"). High volume emitter flow rates are usually measured in GPM.
- 9) Irrigation professional. Any person installing or maintaining an irrigation system in Polk City for payment.
- 10) Irrigation design professional. An irrigation design professional shall include state-licensed plumbers operating within the limits of the Florida Building Code, professional engineers or landscape architects licensed by the State of Florida, Florida Water Star Irrigation and Landscape Accredited Professionals and irrigation designers certified by the Irrigation Association or the Florida Irrigation Society.
- 11) Irrigation system. A set of components that may include the water source, water distribution network, control components, and other general irrigation equipment which has been installed to provide irrigation.
- 12) Landscaped area. The entire parcel less the building footprint, driveways, hardscapes such as decks and patios, and other non-planted areas. Water features are included in the calculation of the landscaped area. Landscaped area includes Florida-Friendly landscaped areas.
- 13) Licensed Irrigation Professional. An irrigation specialty contractor who obtains the irrigation specialty license from the Florida Construction Industry Licensing Board and maintains continuing education requirements.
- 14) Low volume irrigation. Any emitter or sprinkler that applies less than 30 GPH or 0.5 GPM.
- 15) Matched precipitation. Irrigation in which all of the sprinklers in a particular zone apply similar amounts of water to a given area.

- 16) Micro-irrigation. The frequent application of small quantities of water directly on or below the soil surface or plant root zone, usually as discrete drops, tiny streams, or miniature sprays through emitters placed along the water delivery pipes. Micro-irrigation encompasses a number of methods or concepts, including drip, subsurface, bubbler and micro-spray irrigation, previously known as trickle irrigation. Micro-irrigation is typically a form of low volume irrigation.
- 17) Rotors. Sprinkler heads in lawn areas that provide water as they rotate through a set arc of operation.
- 18) Spray heads. Irrigation heads that pop up with water pressure and provide a continuous spray pattern throughout a given arc of operation.
- 19) Substantial modification. Any modification to existing irrigation systems such that 50 percent or more of the irrigation system (by area) is replaced or altered.
- 20) Temporary establishment irrigation. The temporary use of irrigation for the establishment of new vegetation that shall be removed once the plants are established or within two years, whichever occurs first.
- 21) WaterSense. A U.S. Environmental Protection Agency (EPA) program for the management of water supplies by working with manufacturers and retailers to establish efficient plumbing standards, guidelines and certifications.

3.08.03 Efficient Plumbing Requirements

All new residential, commercial and institutional construction contractors obtaining Polk City Building Permits, 60 days after the effective date of this Sections, shall incorporate WaterSense labeled plumbing fixtures, to consist at a minimum of all faucets, showerheads and toilets, and Energy Star labeled appliances, to consist at a minimum of all washing machines and dishwashing machines, into said construction. In applications where WaterSense plumbing fixtures and Energy Star appliances are not available, a written request for an exception must be submitted and approved by the city. For the exception to be approved, a best alternative water and/or energy conservative fixture and/or appliance must be identified in the submittal.

3.08.04 Florida Water Star Certification; Effect

Florida Water Star is a water conservation certification program for new and existing homes and commercial developments that meet specific water-efficiency criteria for indoor fixtures and appliances, landscape design and irrigation systems. Residential and commercial properties obtaining the Florida Water Star Certification will exceed the conservation requirements imposed by this Section. Upon receipt of certification from the Florida Water Star program that a residential or commercial property has obtained the Florida Water Star Certification, the City will not require submission of the Letter of Certification of the Design for an Irrigation System, or the Letter of Completion Certifying compliance with Design for Irrigation System.

3.08.05 Irrigation System Design and Installation Standards

- A. For all new commercial and institutional construction where a new landscape irrigation system will be installed, and for all significant (50% or greater) alteration or rehabilitation of an existing landscape irrigation system, the design and installation of said system, or of a portion of such system, shall be required to be installed or rehabilitated in a manner consistent with this section ("irrigation system standards").
- B. All new residential irrigation system construction or significant (50% or greater) alteration or rehabilitation of a residential irrigation system shall be consistent with the irrigation systems standards and consistent with the following additional requirements:
- 1) The maximum total irrigated area on residential lots, regardless of lot size, shall not exceed 0.5 acres. This provision does not apply to temporary irrigation such as portable hoses and sprinklers.
 - 2) High volume irrigation area shall not exceed 60 percent to the landscaped area. This standard is applicable on residential lots over 1/8 acre and commercial lots over 1/8 acre. This standard applies to common areas and open space in developments. This standard excludes vegetable gardens and fruit or nut trees on individual lots or community gardens.
 - 3) Narrow areas, four feet wide or less, shall not be irrigated unless correctly installed irrigation devices are used, as recommended by a licensed irrigation professional, which confine the spray pattern to the area in question.
 - 4) High volume irrigation shall not be used for trees, shrubs, or groundcover beds. Permanent micro-irrigation may be used in

these areas. The county encourages the use of temporary establishment irrigation.

- 5) Irrigation zones shall be divided according to vegetated groupings (e.g., turfgrass, shrubs, native plants, trees) and the water requirements of the plants. Turf grass and landscaped beds, such as trees, shrubs, and groundcover beds, shall not be irrigated in the same zone as each other.
- 6) Sprinkler head types, such as spray heads and rotors, shall not be mixed in the same zone.
- 7) Distribution equipment in a given zone shall have matched precipitation rates.
- 8) Rotors and spray sprinkler heads in turfgrass areas shall be spaced to provide head to head coverage.
- 9) A minimum separation of four inches shall be required between distribution equipment and pavement.
- 10) A minimum separation of 24 inches shall be required between distribution equipment and buildings and other vertical structures, except fences.
- 11) Technology that inhibits or interrupts operation of the system during periods of sufficient moisture shall be required on all irrigation systems to avoid irrigation during periods of sufficient rainfall. Examples of such devices include soil moisture sensors, weather stations, and rainfall shut off devices. The technology shall override the irrigation cycle when adequate rainfall has occurred. Technology that depends on rainfall for bypassing irrigation shall be placed where it is exposed to unobstructed natural rainfall and in compliance with section 373.62, Fla.Stat., as amended.
- 12) Permanent irrigation systems shall be equipped with an automatic control system to provide the following minimum capabilities:
 - a. Ability to be programmed in minutes, by day of week, season and time of day;
 - b. Ability to accommodate multiple start times and programs;
 - c. Automatic shut off after adequate rainfall;
 - d. Ability to maintain time during power outages; and
 - e. Operational flexibility to meet applicable year-round water conservation requirements.

- 13) Check valves which are capable of holding a minimum of a five-foot head shall be used in low-lying areas to prevent head drainage.
 - 14) Irrigation system equipment shall be installed in accordance with manufacturer's specifications.
 - 15) No direct spray shall be allowed onto walkways, buildings, roadways, drives and impervious surfaces.
 - 16) Pipelines shall be designed to provide the system with the appropriate pressure required for maximum irrigation uniformity.
 - 17) All sprinkler heads with spray nozzles (non-rotary) shall be pressure-regulated at the head or zone valve.
 - 18) All irrigation system underground piping shall have minimum soil cover of six inches.
 - 19) Sprinklers shall rise above turf grass height: a minimum of 6-inch pop-up for sprays and 4-inch pop-up for rotors for St. Augustine, Zoysia and Bahia grasses; a minimum of a 4-inch pop-up for sprays and rotors for Centipede, Bermuda and Seashore Paspalum grasses.
- C. Nothing within this Section shall require the installation of an irrigation system. Requirements for installing irrigation systems are specified in other locations within Section 3.07.00 of the Land Development Code.
- D. All irrigation systems shall be designed by an irrigation design professional consistent with the irrigation systems standards and as set forth in this Section.
- E. A "Letter of Certification of the Design for an Irrigation System" by an irrigation design professional certifying the design is consistent with the requirements of this Section shall be required to obtain a building or irrigation permit before issuance of said permit.
- F. A "Letter of Completion Certifying Compliance with Design for Irrigation System" by an irrigation design professional or Florida Water Star inspector consistent with the design shall be required before issuance of a certificate of completion.

- G. Compliance with this Section shall not exempt an individual from any other local, state or federal requirements.

3.08.05 Maintenance of Irrigation Systems

- A. An irrigation professional responsible for installing or substantially modifying an irrigation system shall provide the property owner with a maintenance checklist affixed to or near the controller and accompanied by a recommended maintenance schedule, proper irrigation system settings according to season, recommendations for checking technology that inhibits or interrupts operation of the system during periods of sufficient moisture, filter cleaning recommendations, if applicable, and information on the current water restrictions.
- B. A property owner shall ensure that irrigation systems on their property are inspected at least annually for leaks, overspray, maladjusted heads, and heads that may be capped due to changes in the landscape, such as maturity or changes in plants. Technology that inhibits or interrupts operation of the system during periods of sufficient moisture may need to be replaced every few years and shall be correctly functioning to be in compliance with this article. Irrigation systems with known leaks shall not be operated until the leaks are repaired, except for testing purposes.
- C. Within 60 calendar days after installation, the property owner shall ensure that the irrigation controller is adjusted to operate according to normal, established landscape conditions or irrigation restrictions, if the irrigation system is installed as part of newly established landscaping.

3.08.06 Exemptions

The following are exempted from the provisions of this article, but should follow applicable Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries:

- 1) Bona fide agricultural activities;
- 2) Vegetable gardens and fruit and nut trees;
- 3) Athletic fields;
- 4) Golf course play areas;
- 5) Cemeteries;
- 6) Nurseries; and
- 7) Temporary establishment irrigation (as defined in Section 3.09.02).

3.08.07 Alternative Compliance

- A. An applicant may submit a proposal that varies from the strict application of the requirements of this Section (also known as "alternative compliance") in order to accommodate unique site features or characteristics, utilize innovative design, prevent extraordinary hardship, or to promote the overriding public interest or general public welfare. Diminished value of property or inconvenience is not an extraordinary hardship.
- B. An applicant seeking authorization for alternative compliance shall have the burden of demonstrating to the City the reasons why the strict application of the requirements of this Section should not apply.
- C. Requests for alternative compliance shall be submitted as part of the irrigation system approval process.
- D. The City may approve an alternative compliance plan upon finding that the alternative compliance plan fulfills the purpose and intent of this Section at least as well as a plan that strictly adheres to the requirements of this Section.
- E. The City may require a site inspection and corresponding site inspection fee for systems which are installed according to a department-approved alternative compliance plan.

3.08.08 Enforcement

Violation of any provision of this article shall be subject to penalties as provided for by this Code or by local law and compliance with this article may be enforced by any remedy available to the City at law or equity."

SECTION 3. AMENDMENT TO ARTICLE 3, UNIFIED LAND DEVELOPMENT CODE, CONTAINED IN SECTION 78-1, POLK CITY CODE. Sections 3.08.00 through 3.11.00, Unified Land Development Code, shall be amended to be renumbered starting with Section 3.09.00 to accommodate for the new Section 3.08.00.

SECTION 4. CODIFICATION OF ORDINANCE. This Ordinance shall be codified in the Code of Ordinances of Polk City, Florida, and incorporated into the Unified Land Development Code which is a part thereof. A certified copy of this enacting ordinance shall be located in the Office of the City Clerk of Polk City. The City Clerk shall also make copies available to the public for a reasonable publication charge.

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by

any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

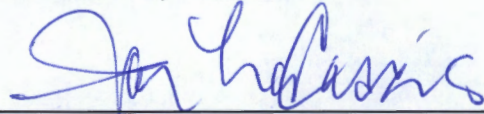
SECTION 6. CONFLICTING ORDINANCES AND RESOLUTIONS. All existing ordinances and resolutions of Polk City in conflict with this ordinance are repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage.

INTRODUCED AND PASSED ON FIRST READING, this 16th day of September, 2019.

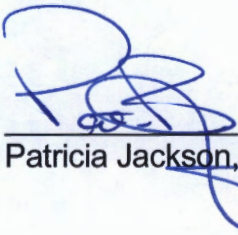


POLK CITY, FLORIDA



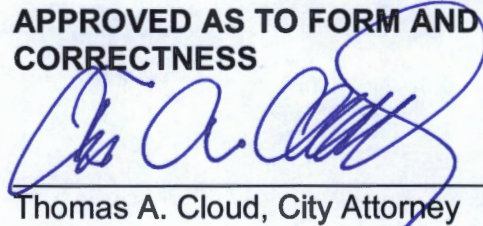
Joe LaCascia, Mayor

ATTEST:



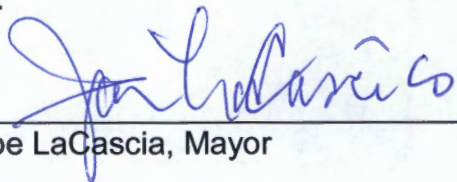
Patricia Jackson, City Manager/Clerk

APPROVED AS TO FORM AND CORRECTNESS



Thomas A. Cloud, City Attorney

PASSED AND DULY ADOPTED ON SECOND READING, with a quorum present and voting by the City Commission of Polk City, Florida meeting in Regular Session this 18th day of November, 2019.



Joe LaCascia, Mayor

ATTEST:



Patricia Jackson, City Manager/City Clerk