

AN ORDINANCE OF THE COUNTY OF SARASOTA AMENDING CHAPTER XXII OF THE SARASOTA COUNTY CODE TO ADD ARTICLE VI, WATER EFFICIENT LANDSCAPING REGULATIONS; BY PROVIDING FOR CONSISTENCY WITH STATE LAW AND THE COUNTY OF SARASOTA COMPREHENSIVE PLAN; PROVIDING FOR A SHORT TITLE; PROVIDING FOR AUTHORITY; PROVIDING FOR ADMINISTRATIVE STANDARDS; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR GENERAL PROVISIONS AND DESIGN STANDARDS; PROVIDING FOR EDUCATION; PROVIDING FOR ENFORCEMENT; PROVIDING FOR VIOLATIONS AND PENALTIES; PROVIDING FOR VARIANCES; PROVIDING FOR CONFLICTS AND RELATIONSHIPS TO OTHER LAWS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AMENDMENT OF EXISTING REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR APPLICABILITY AND PROVIDING AN EFFECTIVE DATE.

BOARD REQUIRED
FILED FOR RECORD
2001 NOV 27 PM 3:09

WHEREAS, Sarasota County recognizes the need for and the protection of water as a natural resource through the application of enhanced landscape practices; and

WHEREAS, local governments are required by Sections 125.568 and 166.048, Florida Statutes (F.S.), to consider the adoption of water-efficient Landscaping Standards and further required by Section 376.62, F.S., to regulate the installation of rain sensor devices on automatic lawn sprinkler systems; and

WHEREAS, water-efficient landscaping maximizes the conservation of water by the use of adapted plants and efficient watering methods; and

WHEREAS, water-efficient landscaping reduces energy expenditures in the individual landscape, directly impacting community energy expenditures via water pumping and treatment, manufacture and shipping of fertilizers, insecticide, and other gardening chemicals; and

WHEREAS, community-wide landscape water conservation efforts can save significant amounts of water; and

WHEREAS, the Board of County Commissioners, sitting as the Sarasota County Land Development Regulation Commission, has reviewed the Ordinance and found it to be consistent with the Sarasota County Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS, SARASOTA COUNTY, FLORIDA:

Sections 22-151 through 22-161 of the Sarasota County Code are hereby created as Article VI of Chapter XXII to read as follows:

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2001 NOV 27 PM 2:53
DEPT. OF STATE
TALLAHASSEE, FLORIDA

ARTICLE VI

Section 22-151. Short Title

This article shall be known and may be cited as the Sarasota County Water-Efficient Landscaping Regulations.

Section 22-152. Purpose and Intent

It is the intent of this article to require resourceful landscape planning and installation, and water efficient irrigation, and to encourage appropriate maintenance measures to promote conservation of water resources.

Section 22-153. Definitions

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section.

All words used in the present tense include the future; all words in the singular number include the plural and the plural the singular; the word "structure" includes the word "building;" the word "shall" is mandatory. The word "used" shall be deemed to include the words "arranged," "designed," or "intended to be used." Any word or term not interpreted or defined by this section shall be used with a common dictionary meaning of common or standard utilization.

Assessed Value. The value as published by Sarasota County's Property Appraiser's office.

Automatic Controller. A mechanical or electronic timer, capable of operating valve stations to set the days and length of time of a water application.

Code Enforcement Officer. Code Enforcement Officer as defined in Section 2-344.

Constant Pressure/Flow Control. A device that prevents continual cycling of irrigation pumps caused by low volume water use.

Community Play Areas. Common use areas composed of predominantly turfgrass used for functions such as picnics, outdoor games, and gatherings.

Emitter. Devices that are used to control the applications of irrigation water.

Filter. An inline device in irrigation distribution systems that filters out sediment or other foreign matter which could clog emitters.

Ground Cover. Plants, other than turfgrass, annual flowers and vegetables normally reaching an average maximum height of not more than twenty-four (24) inches at maturity.

Hardscape. Non-planted areas outside the building footprint, such as patios, decks, pools, driveways, walkways and the like.

Irrigation System. A permanent, supplemental electrically operated watering system designed to transport and distribute water to plants.

Landscaped Area. The entire parcel less the building footprint, driveways, non-irrigated portions of parking lots, hardscapes such as decks and patios, and other non-planted areas. Water features are included in the calculation of the landscaped area. This landscaped area includes Xeriscape as defined in 373.185(1)(b), F.S.

Landscaping. Any combination of living plants (such as grass, ground cover, flowers, shrubs, vines, hedges, or trees) and non-living landscape material (such as walkways, rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials).

Micro-irrigation. The frequent application of small quantities of water directly on or below the soil surface through emitters placed along the water delivery tubes (laterals).

Mulch. Non-living, organic or synthetic materials used in landscape design to cover the ground surface, retard erosion and retain moisture.

Pervious Paving Materials. A porous asphaltic, concrete or brick surface.

Plant Bed. A grouping of trees, shrubs, and or ground covers growing together in a defined area devoid of turfgrass, normally using mulch around the plants.

Pop-up Sprinklers. Spray heads in lawns that pop up with water pressure and provide a continuous spray pattern throughout a given arc of operation.

Pressure Tank. A pressurized holding tank for irrigation water coming from wells to minimize cycling of the water pump.

Pump Cycling. Irrigation pump coming on and shutting off frequently during operation of irrigation systems.

Rain Sensing Shutoff Device. A component placed in the circuitry of an automatic lawn irrigation system which is designed to shutoff automatically a sprinkler controller when precipitation has reached a pre-set quantity.

Repeat Violation. A Repeat Violation as defined in Section 2-344.

Rotor Sprinklers. Sprinkler heads in lawn areas that provide water as they rotate through a set arc of operation.

Runoff. Water that is not absorbed by the soil or landscape to which it is applied and therefore flows from the area.

Turf and/or Turfgrass. Continuous plant coverage consisting of grass species that is mowed to maintain an established height.

Valve. A device used to control the flow of water in the irrigation system.

Violator. A Violator as defined in Section 2-344.

Water Use Zone. A grouping of sprays, sprinklers, or micro-irrigation emitters that can be operated simultaneously by the control of one valve according to the water requirements of the plants used.

Section 22-154. General Provisions and Design Standards

The provisions of this article shall be applied to: 1) site and development plans reviewed under Article III of Chapter 74, including amendments to existing site and development plans for redevelopment, reconstruction, or expansion; 2) all new single and multi-family residential structures; and 3) any horizontal addition to a residential building, unless the applicant demonstrates that the value of the addition is less than 50% of the assessed value of the existing building or the addition is less than 50% of the footprint of the existing building.

Exempted from the provisions of this article include the following:

- Landscaping having no supplemental irrigation through an in-ground system;
- Bonafide agricultural activities;
- Athletic fields;

- Golf Course play areas;
- Any development approved by a valid site development plan or a valid building permit prior to the effective date of this article;
- Grass in stormwater management areas;
- Grass in public rights-of-way;
- Community play areas; and
- Cemeteries.

(a) Landscape Planning and Installation

- (1) Plants with similar water requirements shall be irrigated on the same zone. Installed trees and other vegetation shall be spaced and located to accommodate their mature size on the site and not interfere with irrigation spray patterns of coverage. No plants shall be planted under roof overhangs. When utilizing organic mulch a minimum depth of 3" shall be applied in plant beds and around individual trees and palms.
- (2) High Irrigated Water Use Zone - An area of the site that shall be limited to a maximum of fifty (50) percent of the total irrigated landscape vegetated area. Plants and turf within this area require supplemental water throughout the year in addition to natural rainfall to survive or grow. This zone consists of turfgrass varieties, annual flowers, and residential vegetable gardens.
- (3) Low Irrigated Water Use Zone - An area of the site containing plants that require supplemental water only during seasonal dry periods.
- (4) Impervious surfaces and materials within the planted portion of the landscaped area shall be limited to borders, walkways, stepping stones, and other similar materials, and shall not exceed 10 % of the landscaped area.
- (5) The type, location, and shape of turf areas shall be determined in the same manner as with all the other plantings. Turf shall be placed so that it can be irrigated separately. Turf areas shall be no narrower than four (4) feet except when next to landscaping on contiguous properties.

(b) Efficient Irrigation

- (1) Irrigation systems shall be designed and installed for efficient and effective use of water to the landscaped area. Irrigation systems shall have separate High and Low Water Use Zones for independent operation. Turfgrass areas, annual flowerbeds and vegetable gardens shall be irrigated on separate irrigation zones from tree, shrub, and groundcover beds. No water spray from irrigation systems shall be applied under roof overhangs.
- (2) Sprinklers and rotors for turf areas shall be installed so as to minimize overspray onto paved surfaces, structures, and non-vegetated areas; minimize runoff of irrigation water; and operate at their designed overlap pattern of 75%-100% (A

pattern of 100% overlap would represent head-to-head coverage). Pop-up sprinklers and rotors will not be mixed in the same zone.

- (3) Reclaimed or other non-potable water source shall be used for irrigation if available. If the water supply for the irrigation system is from a well, a constant pressure flow control device or pressure tank with adequate capacity shall be required to minimize pump "cycling".
- (4) Micro-irrigation systems that have low volume emitters shall be required for tree, shrub and ground cover beds if permanent irrigation is provided for these areas. A "Y" type filter shall be installed at the head end of such systems. In-line pressure regulators to reduce pressure to no more than 15 P.S. I. shall also be utilized.
- (5) A rain sensing shutoff device shall be required on automatic irrigation systems to avoid irrigation during periods of sufficient rainfall. Said equipment shall consist of an automatic sensing device or switch which will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred. It must be placed where it is exposed to unobstructed natural rainfall.

(c) Maintenance Schedule

- (1) A landscape maintenance checklist shall be provided to the property owner by the builder in a format prepared by the County. It shall include, but not be limited to, adjusting and repairing irrigation distribution equipment; calibrating the irrigation system; resetting the automatic controller; cleaning irrigation filters; checking the rain shut off device; replenishing mulch; and pruning plants and cutting grass around sprinkler heads. Further, the builder shall inform the owner of the current irrigation restrictions adopted by the Southwest Florida Water Management District and Sarasota County.
- (5) The builder shall provide the property owner with all warranty information for the irrigation system.
- (3) The information required above shall be provided to the owner by posting or hanging it next to the irrigation controls.

Section 22-155. Enforcement

(a) Certification

The builder, landscape architect, irrigation contractor or landscape contractor licensed, registered, or certified by the State of Florida or Sarasota County shall conduct a final field inspection. A certificate of compliance with the article and an as built drawing of the irrigation system shall be provided to the County and property owner prior to obtaining a certificate of occupancy. If the landscaping is installed by the property owner, the owner shall act as certifying agent.

(b) Inspections

- (1) The Code Enforcement Officer or designated inspectors shall be authorized and empowered to make inspections at reasonable hours of all land uses or activities regulated by this article in order to insure compliance with the provisions of the article.
- (2) For purposes of discharging the duties imposed by this article, including investigation of possible violations and enforcement, a code enforcement officer is empowered to enter without authority of any court competent jurisdiction upon any private property other than a dwelling unit, structure, or fenced enclosure. Officers shall be immune from prosecution for reasonable, good faith trespass upon private property as provided in Section 810.12(5), F.S.

Section 22-156. Enforcement by Other Means.

The requirements adopted herein are enforceable through the processes provided in Article VIII of Chapter 2. In addition, the County may enforce this article by any other means provided by law, and may further enforce this article by actions at law and in equity, including actions for injunctive relief, and if the County prevails in any such action, the County shall be entitled to its costs and reasonable attorney fees incurred in such action.

It shall be the duty of all law enforcement officers to assist in making inspections when the Code Enforcement Officer or inspector requests such assistance.

Section 22-157. Variances and Appeals

Under the process for building code variances and appeals provided in Section 22-34, the Board of Building Code Board of Adjustments and Appeals is hereby authorized to hear appeals of administrative determinations and grant variances in accordance with stated provisions and can attach conditions to variances granted.

Section 22-158. Conflicts and Relationships to Other Laws

Whenever regulations or restrictions imposed by this article conflict with other ordinances or regulations, the regulations, rules or restrictions which are more restrictive or which impose the highest standards or requirements shall govern. Where any provision refers to another provision, code, statute, regulation, or other document, it refers to most current version in effect, incorporating any subsequent amendments.

Section 22-159. Severability

This article and the various parts, sections, subsections and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the article shall not be affected thereby. If any part, sentence, paragraph, subsection, section or clause be adjudged unconstitutional or invalid as applied to a particular property, building, or other structure, it is

hereby provided that the application of such portion of the article to other property, buildings or structures shall not be affected thereby.

Section 22-160. Applicability

The provisions of this article shall apply throughout the unincorporated area of Sarasota County.

Section 22-161. Sunset Provision

This article shall be automatically repealed on October 1, 2008, unless otherwise amended or ratified by the Board of County Commissioners.

This ordinance shall take effect sixty days after adoption.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 13th day of November, 2001.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

By: *Paul P. Miller*
Chairman

ATTEST:
KAREN B. RUSHING, Clerk of
the Circuit Court and
Ex-Officio Clerk of the Board
of County Commissioners of
Sarasota County, Florida.

By: *[Signature]*
Deputy Clerk

STATE OF FLORIDA
COUNTY OF SARASOTA
I HEREBY CERTIFY THAT THE FOREGOING IS A
TRUE AND CORRECT COPY OF THE ORIGINAL FILES
IN THIS OFFICE WITNESS MY HAND AND OFFICIAL

SEAL THIS DATE 11/27/01
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
EX-OFFICIO CLERK TO THE BOARD OF COUNTY
COMMISSIONERS, SARASOTA COUNTY, FLORIDA
By: *[Signature]*
OFFICE CLERK

SARASOTA COUNTY

Landscape Compliance Certification and Checklist Chapter XXII, Article VI Of Sarasota County Code Ordinance Number 2001-081

(Each item must be filled in or checked and contractor signature and date is required)

Development _____ Specific Address _____

_____ Permit Number _____

___ Turfgrass, annual flowers and vegetable garden do not exceed 50% of irrigated area; Section 22-154(a)(2)

___ Impervious surfaces in planted area are 10% or less of landscaped area; Section 22-154(a)(4)

___ Organic mulch is at least 3 inches deep; Section 22-154(a)(1)

___ No grass is planted in strips narrower than 4 feet (except next to contiguous properties)
Section 22-154(a)(5)

___ No plants planted or spray irrigation applied under roof overhangs; Section 22-154(a)(1)

___ Micro-irrigation is used for all tree/shrub/groundcover beds and a filter is installed at the head end of the system; Section 22-154(b)(4)

___ Where multiple lawn spray heads are used, spray patterns overlap 75%-100%; Section 22-154(b)(4)

___ Pop-up spray heads and rotors are not mixed in the same lawn irrigation zone; Section 22-154(a)(1)

___ Plants are installed so they do not interfere with irrigation spray coverage; Section 22-154(b)(2)

___ Turfgrass, annual flowers and vegetable gardens are on separate irrigation zones from tree, shrub and groundcover beds; Section 22-154(b)(1)

___ Sprinklers do not spray excessive water unto paved surfaces; Section 22-154(b)(2)

___ A functioning rain shutoff device is evident and exposed to unobstructed rainfall; Section 22-154(b)(5)

___ Reclaimed or non-potable is used for irrigation if available (NA if not available); Section 22-154(b)(3)

___ A landscape maintenance checklist and information package produced by the County is provided for the property owner; Section 22-154(b)(1)

___ An as-built drawing of the irrigation system is provided for property owner; Section 22-155(a)

Contractor (Print Name)

License Number

Date

Signature

APPENDIX C31 – LANDSCAPE ARCHITECT'S CERTIFICATION OF COMPLIANCE

Project Name:

I hereby certify that to the best of my knowledge and belief this project has been installed in substantial compliance with the plans as approved by Sarasota County. I further certify that the project landscaping meets the requirements of the Sarasota County Zoning Code.

Signature of Landscape Architect

Name (Please Print or Type)

(AFFIX SEAL HERE)

Florida License No.

Company Name

Company Street Address

City

State

Zip

()

Telephone Number

()

Fax Number

Date