

ORDINANCE 21-13

AN ORDINANCE OF THE TOWN OF DUNDEE, FLORIDA, RELATING TO CONSERVATION; CREATING SECTION 2.04.04 OF THE UNIFIED LAND DEVELOPMENT CODE OF THE TOWN OF DUNDEE, FLORIDA; PROVIDING PROCEDURES AND STANDARDS FOR THE USE OF WATER EFFICIENT PLUMBING IN NEW CONSTRUCTION, THE USE OF ENERGY EFFICIENT APPLIANCES IN NEW CONSTRUCTION, AND THE DESIGN AND INSTALLATION OF NEW IRRIGATION SYSTEMS; PROVIDING STANDARDS FOR IRRIGATION SYSTEM MAINTENANCE; PROVIDING FOR EXEMPTIONS, ALTERNATIVE COMPLIANCE AND ENFORCEMENT; AND AMENDING SECTIONS 2.01.01 AND 2.03.05 OF THE UNIFIED LAND DEVELOPMENT CODE OF THE TOWN OF DUNDEE, FLORIDA, TO PROVIDE REFERENCES; AND AMENDING ARTICLE 9 OF THE UNIFIED LAND DEVELOPMENT CODE OF THE TOWN OF DUNDEE, FLORIDA, TO PROVIDE DEFINITIONS, TO INCLUDE RELATED DEFINITIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION; THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS AND AN EFFECTIVE DATE

WHEREAS, the Florida Legislature has found that the overall water conservation goal of the state is to prevent and reduce wasteful, uneconomical, impractical, or unreasonable use of water resources; and

WHEREAS, the Florida Legislature has recognized that the proper conservation of water is an important means of achieving the economical and efficient utilization of water necessary, in part, to constitute a reasonable-beneficial use; and

WHEREAS, the Florida Legislature has found that the social, economic, and cultural conditions of the state relating to the use of public water supply vary by service area and that public water supply utilities must have the flexibility to tailor water conservation measures to best suit their individual circumstances; and

WHEREAS, the Florida Legislature encourages the use of efficient, effective, and affordable water conservation measures and, where water is provided by a public water supply utility, the Florida Legislature intends that a variety of conservation measures be made available and used to encourage efficient water use; and

WHEREAS, the Florida Legislature has found that multiple areas throughout the state have been identified by water management districts as water resource caution areas, which indicates that in the near future water demand in those areas will exceed the current available water supply and that conservation is one of the mechanisms by which future water demand will be met; and

WHEREAS, the Florida Legislature has found that landscape irrigation comprises a significant portion of water use and the current typical landscape irrigation systems and Florida-Friendly Landscaping designs offer significant potential water benefits; and

WHEREAS, Pursuant to Section 373.228(5) of the Florida Statutes, the Florida Legislature has instructed the state's water management districts, including the Southwest Florida Water Management District ("SWFWMD") to "consider whether the applicable local government has adopted ordinances for landscaping and irrigation systems" as part of "evaluating water use applications;" and

WHEREAS, on April 13, 2021, at a duly advertised public meeting of the Town Commission, SWFWMD presented information to the Town Commission related to the Florida Water Star program and the desire of the water management district for local governments in the SWFWMD area to adopt ordinances creating irrigation design standards, efficient plumbing standards, and other water conservation measures; and

WHEREAS, on April 22, 2021, the Planning and Zoning Board heard a presentation from SWFWMD staff regarding the desire of the water management district for local governments in the SWFWMD area to adopt ordinances creating irrigation design standards, efficient plumbing standards, and other water conservation measures; and

WHEREAS, the Town Commission desires to prescribe standards for the use of efficient plumbing and Florida-Friendly irrigation systems in all new residential, commercial and institutional construction occurring in the Town; and

WHEREAS, pursuant to Section 373.228(4) of the Florida Statutes, the Town Commission finds that the irrigation standards prescribed herein are based upon the Florida Building Code, Plumbing Volume, Appendix F; and

WHEREAS, in accordance with the procedures required by Sections 166.041(3)(c)2, Florida Statutes, and other applicable law, the regulations contained within this ordinance were considered by the Town's Planning and Zoning Board, sitting as the Local Planning Agency (LPA) as designated by the Town, at a duly advertised public meeting on June 19, 2021, at which time interested parties and citizens had the opportunity to be heard and such amendments were recommended to the Town Commission for adoption; and

WHEREAS, the Town Commission of the Town of Dundee finds it to be in the public interest of the Town, Polk County, the SWFWMD region and the State of Florida to engage in and encourage water conservation by all users, including residential users.

NOW, THEREFORE BE IT ENACTED BY THE PEOPLE OF THE TOWN OF DUNDEE, FLORIDA that:

Section 1. The foregoing findings are incorporated herein by reference and made a part hereof.

Section 2. The Unified Land Development Code (ULDC) of the Town of Dundee is hereby amended as shown in Exhibit "A", which is attached hereto and made a part hereof by reference (underlined words are added; stricken words are deleted).

Section 3. All ordinances and/or resolutions or parts of ordinances and/or resolutions which are in conflict with this ordinance are hereby repealed but only to the extent necessary to alleviate the conflict, but shall continue in effect insofar as they are not in conflict herewith.

Section 4. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid, unlawful, or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, facial, or other reasons, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. It is the intention of the Town Commission of the Town of Dundee, Florida, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Dundee, Florida; and that sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "chapter", "section", "article", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or re-lettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the Town Manager or his/her designee, without need of public hearing, by filing a corrected or re-codified copy of same with the Town Clerk. A certified copy of this enacting ordinance and certified copy of the Town of Dundee Code of Ordinances shall be located in the Office of the Town Clerk of Dundee. The Town Clerk shall also make copies available to the public for a reasonable publication charge.

Section 6. This Ordinance shall be effective immediately after adoption and passage after second reading and public hearing.

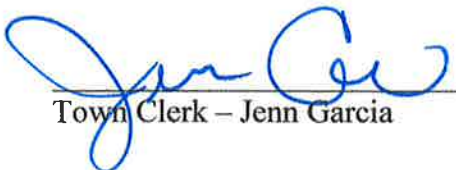
INTRODUCED AND PASSED on First Reading this 13th day of July, 2021.

PASSED AND DULY ADOPTED, on Second Reading with a quorum present and voting, by the Town Commission, this the 27th day of July, 2021.

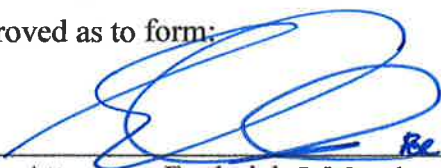
TOWN OF DUNDEE, FLORIDA


Mayor- Sam Pennant

ATTEST:


Town Clerk – Jenn Garcia

Approved as to form:


Town Attorney - Frederick J. Murphy, Jr.

**ORDINANCE 21-13
EXHIBIT "A"**

2.01.01. - General regulations for single-family detached dwellings.

- (1) Every single-family dwelling shall have a two-car, enclosed garage served by a two-car wide driveway with a minimum width of 16 feet. Said garage shall never be permitted to be enclosed as living space, unless the addition of a new garage is part of the same permit.
- (2) Every single-family dwelling shall comply with the off-street parking requirements as set forth in section 3.03.00 of this Code.
- (3) At a minimum, the front yard of every single-family dwelling shall be equipped with an underground irrigation system for lawn and landscaping consistent with the requirements of Section 2.04.00.
- (4) At a minimum, the landscaping of every single-family dwelling shall include one large canopy tree, plus four small trees/large shrubs and 12 small shrubs in the front yard. For approved landscape materials, see section 2.03, Tables 2.03(A), (B) and (C).

2.03.05. - Installation, irrigation and maintenance.

Installation of plants. All plants shall be "Florida No. 1" or better, and shall be healthy and free of diseases and pests, and shall be selected from tables 2.03(A) through 2.03(C). The trunks of canopy trees shall be a minimum of three inches in diameter, 12 inches above the ground; and small trees shall be a minimum of 1½ inches in diameter, 12 inches above the ground.

1. Plants shall be installed during the period of the year most appropriate for planting the particular species. If this requirement results in the planting of some or all of the landscaping subsequent to development approval, a performance bond shall be posted prior to the issuance of a certificate of occupancy which will be sufficient to pay the costs of the required landscaping.
2. Landscape plants shall not interfere, at or before maturity, with power, cable television, or telephone lines, sewer or water pipes, or any other existing or proposed overhead or underground utility service.
3. The developer shall provide sufficient soil and water to sustain healthy growth of all plants.

Irrigation and maintenance. All landscaped areas shall be provided with an appropriate irrigation system, consistent with the needs of the plants contained therein and the requirements of Section 2.04.04(C). Properties on which required landscape areas are in disrepair or improperly maintained shall be subject to code enforcement action.

1. All required plants shall be maintained in a healthy, pest-free condition.

2. Within six months of a determination by the town commission that a plant is dead or severely damaged or diseased, the plant shall be replaced by the developer in accordance with the standards specified in this Code.

2.04.00. - Water Conservation for Efficient Indoor Plumbing Requirements, Landscape Design and Installation Standards, and Irrigation System Design and Installation Standards

2.04.01. - Intent and Purpose

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

2.04.02. - Efficient Plumbing Requirements

- (A) Contractors obtaining Town of Dundee Building Permits, for all new residential, commercial, and institutional construction, no more than 60 days after the effective date of this Section, shall incorporate WaterSense plumbing fixtures (faucets, showerheads and toilets) and ENERGY STAR appliances (clothes washer and dishwasher) into said construction. All new construction shall incorporate WaterSense plumbing fixtures and ENERGY STAR appliances prior to issuance of certificate of occupancy.
- (B) In appliances where WaterSense plumbing fixtures and ENERGY STAR appliances are not available, a written request for an exception must be submitted and approved by the Town. For exception to be approved, a best alternative water and/or energy conservative fixture and/or appliance must be identified in the submittal.

2.04.03. - 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 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 Town will not require the submission of the Letter of Certification of the Design for an Irrigation System, or the Letter of Completion Certifying Compliance with Design for an Irrigation System.

2.04.04. - Irrigation System Design and Installation Standards

- (A) Applicability. Irrigation system design and installation standards shall apply to the following:
 - (1) All new residential, commercial, and institutional construction where a new landscape irrigation system is required.

- (2) Where significant rehabilitation (50% or greater) of an existing landscape irrigation system will be conducted.

(B) General.

- (1) Nothing within this Section shall require the installation of an irrigation system. Requirements for installing irrigation systems are specified in other locations within Sections 2.01.01 and 2.03.05 of the Land Development Code.
- (2) All irrigation systems shall be designed by an irrigation professional consistent with the irrigation systems standards and as set forth in this Section.
- (3) Where Florida Water Star Certification will not be obtained, a "Letter of Certification of the Design for an Irrigation System" signed by the contracted irrigation 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.
- (4) Florida Water Star Certification or a "Letter of Completion Certifying Compliance with Design for an Irrigation System" signed by the contracted irrigation professional certifying the installation is consistent with the design shall be required before issuance of a certificate of occupancy.
- (5) Consistent with Section 2.04.05, all irrigation systems must be properly installed and maintained and must operate technology such as rain and/or soil moisture sensors that inhibit or interrupt operation of the irrigation systems during periods of sufficient moisture.
- (6) Compliance with this Section shall not exempt an individual from any other local, state, or federal requirements.

(C) *System Design and Installation Standards.* Irrigation system design and installation shall be consistent with the irrigation system standards and the following 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 of 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 low-volume irrigation or correctly installed side-strip irrigation are used.
- (4) High-volume irrigation shall not be used for trees, shrubs, or groundcover beds.

Permanent micro-irrigation may be used in these areas. The Town 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 each 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 irrigation 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) Sprinklers in low-lying areas have check valves 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 turfgrass 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.

2.04.05. – 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 landscape 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.

2.04.06. – Exemptions

The following are exempted from the provisions of this article, but should follow the Florida Department of Environmental Protection's applicable "Florida-Friendly Best Management Practices for the 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. The temporary use of irrigation for the establishment of new vegetation that shall be removed once the plants are established or within two years, which occurs first.

2.04.07. – 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 Town 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 Town 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 Town may require a site inspection and corresponding site inspection fee for systems which are installed according to a department-approved alternative compliance plan.

2.04.08. – Enforcement

Violation of any provision of this article shall be subject to enforcement and penalties as provided for by the Code of Ordinances of the Town of Dundee, the Town of Dundee Unified Land Development Code, and/or applicable law. Each remedy provided for is an additional and supplemental means of enforcing the Code of Ordinances of the Town of Dundee and may be used for the enforcement of this code

singularly or in tandem. Nothing contained herein shall prohibit the Town of Dundee, Florida, from enforcing the Code of Ordinances of the Town of Dundee by any other means available at law or equity.

ARTICLE 9: DEFINITIONS

Water Conservation and Irrigation Definitions:

Automatic irrigation system. An irrigation system designed to operate following a preset program entered into an automatic controller.

Automatic controller. A mechanical or electrical device capable of automated operation of valve stations to set the time, duration and frequency of a water application.

Distribution equipment. The water emitters on irrigation systems, including but not limited to sprinklers, rotors, spray heads and micro-irrigation devices.

ENERGY STAR®. A joint program of the U.S. Environmental Protection Agency and the U.S. Department of Energy, with the purpose of reducing energy costs and protecting the environment, through every- and water-efficient products and practices.

Florida Water StarSM. A certification program for new residential and commercial construction that is intended to include indoor and outdoor water-efficient options and prevent leaks.

Florida Water Star Inspector. Person that verifies Florida Water Star program criteria in accordance with program documents. Inspectors demonstrate sufficient knowledge to verify appropriate subcategories (irrigation, landscape and plumbing). Inspectors are permitted to use construction documents, affidavits, and field verification during the verification period. See Florida Water Star certification program process web page at FloridaWaterStar.com.

Florida Water Star Irrigation and Landscape Accredited Professional (AP). A landscape or irrigation professional who has successfully passed the Florida Water Star AP exam and is in good standing with the program.

Head-to-head spacing. Spacing of sprinkler heads so that each sprinkler throws water to the adjacent sprinkler.

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 is usually measured as gpm.

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.

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.

Landscaped area. The entire parcel less the building footprint, driveways, hardscapes, decks and patios, and nonporous areas.

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.

Low-volume irrigation. Any emitter or sprinkler that applies less than 30 gallons per hour (gph) or 0.5 gallons per minute (gpm) (Florida Water Star).

Matched precipitation. Expressed in inches per hour, precipitation rate is the rate at which sprinklers apply water. Matched precipitation usually implies that all the sprinklers in a particular zone apply similar amounts of water to a given area.

Micro-irrigation. The 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 (laterals). Micro-irrigation encompasses a number of methods or concepts, including drip, subsurface, micro-bubbler, and micro-spray irrigation, previously known as trickle irrigation, low volume or low-flow irrigation.

Rotor. Sprinkler that rotates and specifically, a gear-driven sprinkler. Often delivers a thin stream of water in a circular pattern over a longer distance with a precipitation rate from 0.1 inches per hour to 1.5 inches per hour.

Side-strip sprinkler. Sprinkler nozzle that sprays a long, but narrow pattern.

Spray head. Sprinkler head with a fixed orifice that does not rotate.

WaterSense®. A program sponsored by the U.S. Environmental Protection Agency to promote the use of water-efficient products and services.