

CITY OF EDGEWATER
ORDINANCE NO. 2023-12
SERIES OF 2023

AN ORDINANCE ADOPTING A NEW ARTICLE 34 OF CHAPTER 16 OF THE EDGEWATER MUNICIPAL CODE TO IMPOSE WATER EFFICIENT LANDSCAPING REQUIREMENTS ON NEW DEVELOPMENT AND CERTAIN REDEVELOPMENT PROJECTS; AND AMENDING CODE SECTION 16-1-50 TO PROVIDE DEFINITIONS RELATED THERETO; CODE SECTIONS 7-1-10, 7-8-10 AND 7-8-30 TO PROVIDE FOR ADMINISTRATIVE ENFORCEMENT OF THE SAME; AND CODE SECTIONS 11-4-40 AND 11-4-50(A) TO AMEND THE LISTS OF PERMITTED AND PROHIBITED TREE SPECIES WITHIN THE CITY

WHEREAS, the City of Edgewater, Colorado (the “City” or “Edgewater”), is a Colorado home rule municipality, duly organized and existing pursuant to Section 6 of Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule powers and C.R.S. § 31-23-301, the City, acting by and through its City Council (“Council”), possesses the authority to regulate and restrict the location, height, density, materials and other details concerning yards, vegetation and landscaping within the City; and

WHEREAS, the Council finds that imposing and enforcing water efficient landscaping requirements on certain projects within the City would protect and enhance the City’s environmental, economic, recreational, and aesthetic resources by promoting the efficient use of water, reducing water waste, improving the visual quality and compatibility within and between land uses, improving site permeability, reducing urban heat island impacts, contributing to the reduction of erosion and stormwater runoff, and promoting biodiversity and habitat for pollinators; and

WHEREAS, the Council therefore wishes to adopt new water efficient landscaping requirements as a part of the City’s zoning regulations and to further provide for enforcement of the same, all as further set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDGEWATER, COLORADO, THAT:

Section 1. Chapter 16 of the Edgewater Municipal Code (“Code”), concerning zoning, is hereby amended by the addition of a new Article 34, to read in its entirety as follows:

Sec. 16-34-10 Purpose and Intent.

The purpose of this Article is to protect and enhance Edgewater’s environmental, economic, recreational, and aesthetic resources by promoting the efficient use of water in Edgewater’s public and private

landscapes, reducing water waste, and establishing procedures for the design, installation, and maintenance of water efficient landscape and irrigation systems.

Landscaping can serve to improve the visual quality and compatibility within and between developments and differing land uses. It provides green spaces that improve site permeability, reduce urban heat island impacts, and contribute to the reduction of erosion and stormwater runoff, and, in a number of studies, are essential for long term well-being. In addition, landscaping can promote biodiversity and habitat for pollinators through planting a mix of native and drought-tolerant shrubs, trees and grasses.

Sec. 16-34-20 Applicability; Scope.

- (a) Effective January 1, 2024, the landscaping requirements of this Article shall apply to all of the following projects, excepting the requirements of Section 16-34-30, which shall apply to all property within the City:
 - (i) All development projects, that involve: new construction of a primary structure; and replacement or remodeling of an existing primary structure resulting in more than 500 square feet of additional gross floor area.
 - (ii) Construction of new streetscapes, medians, and rights-of-way.
 - (iii) Construction of new parking lots containing 10 or more parking spaces, and the redesign or reconfiguration of existing parking lots containing 10 or more parking spaces.
 - (1) Exception: Does not include painting and restriping projects that do not disturb soil or asphalt.
- (b) Within the boundaries of the properties to which this Article applies, these standards shall apply only to those ground surface areas actually disturbed by construction and development activities.

Sec. 16-34-30 - General Landscaping Standards.

- (a) Plant Material Requirements.
 - (i) *Plant Selection.* Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. To encourage the efficient use of water, the following are highly recommended:
 - (1) Protection, preservation, and installation of native, pollinator species and natural vegetation.

- (2) Selection of plants based on disease and pest resistance.
- (3) Consider the solar orientation for plant placement to maximize summer shade and winter solar gain.
- (ii) *Minimum Quality Standards.* All plant material shall meet or exceed the plant quality and species standards of the current American Standard for Nursery Stock.
- (iii) *Installation.*
 - (1) The installation of all required plant materials shall comply with the specifications of the Associated Landscape Contractors of Colorado.
 - (2) Plant materials shall be spaced appropriately to allow adequate room for the plant at maturity.
- (iv) *Minimum Plant Size.* Plant material shall be installed in the following minimum sizes:
 - (1) Shrubs: Minimum five-gallon container.
 - (2) Deciduous Trees: Minimum two-inch diameter measured six inches above the ground.
 - (3) Evergreen Trees: Six feet minimum height.
 - (4) Ornamental grasses and perennials: One-gallon container.
- (v) *Hydrozones.* Plants are to be hydrozoned with plants that have a similar water requirement. For example, plants of a very low hydrozone are not to be planted in a moderate to high hydrozone.
- (vi) *Cool Season Turf Limits.*
 - (1) No cool season turf or overhead irrigation is permitted in landscaped areas less than eight feet (8') wide.
 - (2) No cool season turf or overhead irrigation is permitted in areas with slopes greater than 25%.
- (vii) *Preferred Turf Species.*
 - (1) Include Buffalograss, Blue grama, Native shortgrass prairie mix, cold- hardy Bermudagrass, or other native or adapted seed or seed blends with lower demand than cool season turfgrass.
 - (2) There is no limitation on the use of preferred turf grass species.
- (viii) *Water Wise Plant Material Minimum.*
 - (1) At least 25% of the total landscaped area must be planted with non- irrigated, very-low or low water use plants.
 - (2) Water wise plants may be identified through water wise plant list references, including but not limited to: [Plant Select](#); the [Colorado State University Extension Fact Sheet on Xeriscaping](#); the [Colorado Native and Water Wise Grass Guide](#); [Greeley's Plant Finder](#); <https://extension.colostate.edu/docs/pubs/native/FrontRange.pdf>.

(ix) *Tree Minimums.*

(1) In all required landscaped areas, except streetscapes, medians, and rights-of-way, one (1) tree shall be planted for each two thousand square feet (2,000) of lot area not covered by a building or required parking.

- *Exception.* Tree requirements may be reduced based on specific site conditions if approved by the Community Development department.

(x) *Prohibited Plants.* The following plants may not be installed as landscaping:

- (1) Plants listed as an invasive species by the Colorado State University Extension Service;
- (2) Plants listed on the Colorado and Jefferson County Noxious Weed List;
- (3) Ash (*Fraxinus* species);
- (4) Aspen (all *Populus Tremuloides* species and cultivars);
- (5) Cottonwood (all species);
- (6) Tamarisk (all species); and
- (7) Russian Olive (all *Elaeagnus Agnustifolia* species and cultivars).
- (8) Siberian Elm (*Ulmus pumia*); and
- (9) Tree of Heaven (*Ailanthus* sp.)

(b) **Non-Living Landscape Material Requirements.**

(i) *Soil amendment.* The existing soil shall be amended with a minimum of four cubic yards of organic matter soil amendment per one thousand (1,000) square feet of landscaped area, tilled into the soil to a depth of not less than six (6) inches.

(ii) *Mulch.*

(1) Organic mulch including bark and wood chips is the preferred mulch treatment around all plant material and shall be applied:

a) At one (1) cubic yard per eighty (80) square feet at a depth of four (4) inches, and as appropriate to each species.

b) To the soil surface, not against the plant stem or base of tree trunks to minimize disease.

(2) Inorganic mulch including rock, gravel, or cobble shall:

a) Have a minimum depth of two (2) inches.

b) Recycled rubber for landscape use is discouraged, however, may be considered for playground use.

(iii) *Artificial Landscape Materials Prohibited.* Artificial landscape materials including trees, shrubs and synthetic turf, are prohibited within landscaped areas.

(iv) *Landscape fabric.* Landscape fabric may be used underneath mulch to reduce weeds. Plastic is not allowed.

(v) *Water Features.*

(1) Shall recirculate water and be designed to reduce evaporation.

(2) Wind shut off devices are required.

(3) Hot tub and pool covers are strongly recommended.

Sec. 16-34-40 Required Landscaping for Single Family and Two Family Residential Properties.

(a) *Living Plant Material Requirements.*

(i) Front yard. A minimum living plant material coverage of 65% of the landscaped area, at maturity, in the front yard is required.

(ii) Backyard. A minimum living plant material coverage of 50% of the landscaped area, at maturity, in the backyard is required.

(iii) Side yard. No living plant material is required.

(iv) Tree canopies shall not be included in the calculation.

(b) *Cool season turf limits.*

(i) Cool season turf shall be limited to 25% of the total landscaped area.

Sec. 16-34-50 Required Landscaping for Multi-Family Properties.

a) *Living Plant Material Requirements.*

(i) A minimum coverage of 65% of the landscaped area, at maturity, is required. Tree canopies shall not be included in the calculation.

b) *Cool season turf limits.*

(i) Cool season turf shall be limited to 25% of the total landscaped area.

Sec. 16-34-60 Required Landscaping for Commercial, Civic and Institutional Properties.

(a) *Living Plant Material Requirements.*

(i) A minimum coverage of 65% of the landscaped area, at maturity, is required. Tree canopies shall not be included in the calculation.

(b) *Cool season turf limits.*

(i) No cool season turf is permitted.

(ii) *Exception.* Cool season turf installed in active or programmed recreation areas may exceed this limit if approved by the Community Development department.

Sec. 16-34-70 Required Landscaping for Parking Lots; Exemption to Satisfy Parking Requirements.

Except as otherwise provided herein, this section applies to the construction of new parking lots containing 10 or more parking spaces, and the redesign or reconfiguration of existing parking lots containing 10 or more parking spaces.

(a) Living Plant Material Requirements.

- (i) Interior areas of the surface parking lot shall include vegetated swales located below the vehicle parking surface, located and designed so that stormwater from the vehicle parking surfaces flows into such swales to the maximum extent practicable.
- (ii) Vegetated swales shall be located so that no more than ten (10) vehicle parking spaces shall abut each other. Each group of not more than ten (10) vehicle parking spaces shall be separated from others by a vegetated swale or by a driving aisle or driveway giving access to the individual parking spaces.
- (iii) Each required vegetated swale shall be at least eight (8) feet in width, and shall be at least twenty (20) feet in length, located to border the entire length or width of each vehicle parking space or group of vehicle parking spaces.
- (iv) Each required vegetated swale shall include at least one deciduous or evergreen tree, which shall be separate from other trees by at least thirty (30) linear feet, and shall include at least six (6) shrubs per thirty (30) linear feet of the vegetated swale.

(b) Cool season turf limits.

- (i) Cool season turf is not permitted in interior areas of the parking lot.
- (c) If the strict application of the requirements of this section would result in the inability of the parking area, or the project or land use that it serves, to meet the applicable off-street parking and loading requirements of Section 16-3-160 of this Code, the applicant may request relief from the requirements of this section. Such request must be submitted in writing, explain the basis therefor and be filed with the Community Development Director. The Community Development Director shall render the City's final decision on the request in writing and may grant only such relief as is necessary to allow the area or project to meet the parking requirements.

Sec. 16-34-80. Required Landscaping for Streetscapes, Medians, and Right-of- Ways.

(a) Living Plant Material Requirements.

- a. A minimum coverage of 50% of the landscape area, at maturity, is required. Tree canopies shall not be included in the calculation.
- b. Plant material shall accommodate environmental conditions associated with streetscapes, medians and rights-of-way, including heat, salts, chemicals, pollution, pet waste, and snow removal.
- c. To the maximum extent possible, salt tolerant plant material shall be selected from the City of Greeley's Plant Finder List.
- d. Sight distance triangles are free from visual obstructions by plant materials and provide a safe view of traffic and pedestrians.
- e. City water, sanitary sewer, and drainage infrastructure are protected and able to be maintained or replaced.
- f. Water features are not allowed.

(b) Cool season turf limits.

- a. Cool season turf and overhead irrigation is not permitted.

(c) Street Tree Requirements.

- a. A minimum of one (1) deciduous tree for every forty (40) linear feet of landscaped area within ROW is required, when possible.
- b. 75% of street trees shall be large canopy deciduous shade trees.
- c. Alternative plant material cannot be substituted for any tree requirement.
- d. All street trees must be permanently irrigated.
- e. A tree planted within the front yard of a private property may be counted towards the minimum tree requirement.
 - i. For streets with attached sidewalks, a tree planted within sixteen (16) feet from back of street curb.
 - ii. For streets with detached sidewalks, a tree planted with twelve (12) feet from back of sidewalk.
- f. Street Tree Spacing & Location.
 - i. Spacing may be adjusted for driveways and streetlights.
 - ii. Trees shall be planted a minimum of forty-two (42) inches from the face of a street curb, whenever possible.
 - iii. Trees shall not be planted closer than thirty (30) feet from the face of a street curb at intersections and street corners.
 - iv. Under no circumstance shall trees be planted within sight distance triangles.

- v. A minimum distance of ten (10) feet shall be provided between trees and buildings or trees and fences.
- vi. For large canopy deciduous shade trees, the minimum planting width is six (6) feet wide.

Sec. 16-34-90 Required Irrigation for all Multi-Family, Commercial, Civic and Institutional Properties.

(a) *Irrigation Requirements.*

- (i) New landscaped areas, with the exception of edible produce and native plants and grasses that do not require supplemental irrigation post- establishment, shall be watered by a permanent automatic irrigation system.
- (ii) Automatic rain shutoff sensors shall be installed.
- (iii) Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be required, as close as possible to the point of connection of the water supply and to isolate sections of mainline on larger systems, to minimize water loss in case of an emergency (such as a main line break) or routine repair.
- (iv) Smart irrigation controllers labeled by U.S. Environmental Protection Agency's WaterSense Program or with published reports posted on the Smart Water Application Technologies website are required.
- (v) Master shut-off valves and flow sensors, integrated with the automatic irrigation controller, are required.
- (vi) Dedicated landscape water meters shall be installed for all irrigated landscapes of 5,000 sq-ft or more.
- (vii) Sensors (rain, freeze, wind, soil moisture etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions or when sufficient soil moisture is present shall be required on all irrigation systems.
- (viii) Shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures. In order to reduce runoff, and maximize sprinkler effectiveness, maximum application rate shall be 1.25 inches per hour.
- (ix) Six inch (6") minimum pop up height in turf areas is required for all spray heads and rotors.
- (x) Check valves or anti-drain valves are required on all sprinkler heads.

(xi) The irrigation systems shall be designed to ensure that the operating pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.

(xii) All irrigation emission devices shall meet the requirements set in the American National Standards Institute (ANSI) standard, ASABE/ICC 802-2014 "Landscape Irrigation Sprinkler and Emitter Standard" authored by the American Society of Agricultural and Biological Engineers and the International Code Council and verified by an independent third-party.

(xiii) The design of the irrigation system shall conform to the hydrozones of the landscape design plan.

(xiv) Sprinkler spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations. Spacing must achieve head-to-head coverage. Minimum acceptable distribution uniformities shall be sixty (60) percent for spray head zones and seventy (70) percent for rotor zones.

(xv) The irrigation system must be designed and installed to meet, at a minimum, any water windows or restrictions for operation such as day of the week and hours of the day.

(b) *Hydrozone Requirements.*

(i) Each remote control valve shall irrigate a hydrozone with similar microclimate, soil conditions, slope, and plant materials with similar water demand.

(ii) Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plants and soil type within that hydrozone.

(iii) In mulched planting areas, the use of low flow irrigation is required for any vegetation that will exceed 12 inches mature height.

(iv) Where feasible, trees shall be placed on separate valves from shrubs, groundcovers, and turfgrass to facilitate the appropriate irrigation of trees. The mature size and extent of the root zone shall be considered when designing irrigation for the tree.

Sec. 16-34-100 Application Requirements.

(a) Each applicant subject to this Article shall submit a landscape design plan as part of its application for a new or amended site development plan (SDP) or planned unit development proposal (PUD); right-of-way excavation permit; or parking facility building permit, as applicable.

(b) For Commercial, Multi-Family, Civic and Institutional Properties, an irrigation plan shall also be submitted alongside the landscape design plan.

(c) The plan shall be prepared and signed by a Colorado licensed landscape architect or certified/licensed landscape contractor, excepting plans for a single-family dwelling detached and two-family dwellings.

(d) The landscape & irrigation design plan shall include the following elements:

(i) Project Data Sheet

(1) Date

(2) Project name and/or address

(3) Applicant or applicant's agent's name, address, phone number, and email address;

(4) Landscape architect's name, address, phone number, and email address (if applicable);

(5) Landscape contractor's name, address, phone number, and email address, (if applicable and available at this time);

(ii) A landscape design plan that shall contain, at a minimum:

(1) A scaled plan with a north arrow showing property lines, easements, city right of ways, street names, existing or proposed structures, impervious surfaces and existing natural features;

(2) Plant material calculations:

a) Total landscape area (sq ft)

b) Landscaped area (sq ft) containing live plant material and the percentage of the total landscaped area

c) Landscaped area (sq-ft) containing non-living mulch and the percentage of total landscaped area

d) Landscaped area (sq-ft) containing water wise plant material and the percentage of total landscaped area

e) Landscaped area (sq ft) containing cool season turfgrass and the percentage of total landscaped area

(3) Delineated and labeled hydrozones with specified water use categories (non-irrigated, very low, low, moderate, high).

a) Proposed plants listed by common and botanical names within each hydrozone.

(4) Location, type and depth of mulch to be applied.

- (5) Location, type and quantity of soil amendments.
 - (6) Type and location of swimming pools, hot tubs, and other water features.
 - (7) Any existing trees or plants to be removed or retained.
 - (8) Identify location and installation details of any applicable stormwater best management practices that encourage infiltration or harvesting of stormwater. Except for Sec. 16-34-60 Parking Lot Landscaping Requirements, stormwater best management practices are encouraged in the landscape design plan and examples include, but are not limited to:
 - a) Infiltration beds, swales, and basins that allow water to collect and soak into the ground.
 - b) Pervious and porous surfaces such as permeable pavers or pervious concrete that minimize runoff.
 - c) Rainwater harvesting or catchment technologies such as rain gardens or rain barrels.
 - (9) Signature of Colorado licensed landscape architect or certified/licensed landscape contractor (if applicable).
- (iii) For Commercial, Multi-Family, Civic and Institutional Properties, an Irrigation Plan shall be drawn at the same scale as the Landscape Design Plan and shall contain, at a minimum, the following information:
- (1) A scaled plan with a north arrow showing property lines, easements, city right of ways, street names, existing or proposed structures, impervious surfaces and existing natural features;
 - (2) Location and size of the point of connection to the water supply and meter locations along with static water pressure at the point of connection to the water supply and dynamic pressure for proper system operation;
 - (3) Location, type and size of all components of the irrigation system, including, rain sensors, soil moisture sensors, manual shut off valves, remote control valves, master valve, flow sensor, smart irrigation controller, main and lateral lines, manual valves, sprinkler or rotor heads, pressure regulators;
 - (4) An irrigation legend showing the identification of irrigation components;
 - (5) Flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per inch for each irrigation zone);
 - (6) Installation details for each of the irrigation components;

- (7) A recommended irrigation and maintenance schedule;
- (8) Signature of Colorado licensed landscape architect or certified/licensed landscape contractor.

(e) *Seasonal Application Requirement.* Landscape and irrigation inspections are weather dependent. Due to the extreme variability and unpredictability in temperatures, precipitation, and reduced daylight hours inspections will not be performed between November 1st and March 1st.

(i) A Landscape Collateral Agreement will be issued for all applications filed between November 1st and March 1st of any calendar year.

(ii) To guarantee future installation of landscaping and irrigation, the Depositor shall provide collateral to the City in cash, which shall be forfeited if the associated irrigation and landscaping is not completed per submitted plans and an Inspection is not passed prior to July 15th of the subsequent irrigation season.

Sec. 16-34-110 Inspection Requirements.

(a) *Landscaping Certificate of Compliance.* Prior to inspection by the City, the landscape architect or certified/licensed landscape contractor must inspect and certify that all landscaping and irrigation are in substantial compliance with the landscape and irrigation plans approved as part of the development order. If applicable, an as-built landscape plan highlighting changes to the approved plans must be included with the certificate. The landscape architect or certified/licensed landscape contractor must submit a signed and sealed letter of compliance to the Community Development department along with a final landscape inspection request.

- *Exception:* Landscaping certificate of compliance is not required for a single-family dwelling detached and two-family dwellings.

(b) *Inspection of Landscaping.* All landscaping installed pursuant to an approved landscaping and irrigation design plan shall be initially inspected by the City for compliance with the approved plan after installation. The City may thereafter periodically inspect the landscaping to ensure ongoing compliance. Persons in control or possession of property, whether as owner, manager, tenant or other, shall allow City representatives access to all areas necessary to perform such inspection upon the presentation of City credentials and reasonable notice.

Sec. 16-34-120 Violation; Enforcement; Penalties.

- (a) *Violation.* It shall be unlawful and a violation of this Code for any person to fail to comply with the requirements of this Article.
- (b) Violators may be cited into Municipal Court and, upon conviction, subject to the penalties set forth in Code Sec. 1-4-20.
- (c) Violations of this Article are also subject to the Administrative Enforcement process set forth in Article 8 of Chapter 7 of this Code.
- (d) The City shall not issue a Certificate of Occupancy (CO) for any structure, or portion thereof, for which a CO is required until all requirements of this Article related to said structure are satisfied.
- (e) The remedies and enforcement mechanisms set forth in this Section are cumulative in nature.

Sec. 16-34-130 Landscaping Maintenance.

For all properties located within the City, the property owner shall keep all landscaping in a well-maintained and healthy growing condition. The following actions are to be taken as needed:

- (a) Watering, fertilizing, weeding, cleaning, mowing, edging, mulching, pruning, trimming, or other maintenance as needed and in accordance with acceptable horticultural practices. Areas of native or naturalized landscape are exempt from this level of maintenance. Acceptable maintenance of native plants includes, but is not limited to, removal of dead or diseased plants, weed control and seasonal mowing.
- (b) Mowing cool season turf grass to a preferred height of three and one-half inches, in order to promote root growth and reduce water requirements.
- (c) Removal of trash and weeds.
- (d) Removing dead and dying plants.
- (e) Removing and replacing dead and dying plants that are required by an approved landscaping plan, within two (2) months of their death except during adverse weather conditions.
- (f) Replenishing non-living landscape materials such as mulch, which no longer covers the area which they were originally deposited so as to achieve full coverage to a minimum depth of four (4) inches for organic mulch and two (2) inches for inorganic mulch.
- (g) Irrigation systems are to be monitored and adjusted periodically to ensure that the water demands of all plant materials are being met.
- (h) Irrigation system repairs shall be made within seven (7) days of discovery of damage, unless seasonal conditions prohibit repairs.

Section 2. Code Section 16-1-50, concerning zoning definitions, is hereby amended by the addition of the following definitions in alphabetical order:

Active or Programmed Recreation Area: An area with a primary function of sport field but can also accommodate secondary functions including but not limited to nonorganized sporting events, cultural activities and organized social gatherings.

Application rate: the depth of water applied to a given area, usually expressed in inches per hour.

Berm: an earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise or provide buffering from adjoining properties

Check valve or anti-drain valve: a valve located under, or incorporated within, a sprinkler head or other location within the irrigation system, to hold water in the system so it minimizes drainage from the lower elevation sprinkler heads when the system is off.

Certified/Licensed Landscape Contractor: Colorado State law governs the sizes and types of projects that unlicensed individuals can design independent of City requirements. For those projects that are exempt from State licensure, one of the following certifications are required: Associated Landscape Contractors of Colorado Landscape Industry Certified Technician, Qualified Water Efficient Landscaper (QWEL) program, or another program labeled by U.S. Environmental Protection Agency's WaterSense program.

Cool-Season Turf: any cool-season turf species, variety or blend, including but not limited to Kentucky bluegrass and fescue.

Curbside landscape: the landscaped area between a sidewalk and curb. *Deciduous Tree:* A plant or tree with foliage that is shed annually.

Distribution uniformity: the measure of the uniformity of irrigation water over a defined area.

Easement: The right to use lands owned by other parties for the purposes of maintenance, access, drainage, or other use, as specified in an agreement between parties.

Emission device: a component of the system that disperses water to the landscape and includes sprinklers, bubblers, emitters, microsprays, etc.

Evergreen Tree: A tree with foliage that persists and remains green year-round.

Flow rate: the rate at which water flows through pipes and valves (gallons per minute or cubic feet per second).

Groundcover: Living plant material that grows low to the ground, usually under twelve-inches in height, often of a spreading nature.

Hardscapes: a landscape feature that is made of any durable material (pervious and non-pervious).

Hydrozone: a portion of the landscaped area having plants with similar water needs that are served by a valve or set of valves with the same schedule. A hydrozone may be irrigated or non-irrigated. For example, a naturalized area planted with native vegetation that will not need supplemental irrigation once established is a non-irrigated hydrozone.

Irrigation Design Plan: the documents including the scaled drawing plan and any required forms showing calculations that are reviewed, approved and for which a permit could be issued.

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-porous areas. Water features are included in the calculation of the landscaped area. Areas dedicated to edible plants, such as orchards or vegetable gardens are not included.

Landscape buffer: a horizontal distance between adjacent uses or properties occupied by landscaping elements (excluding pools and spas), berms, swales, underground utilities, retention areas, screening, sight obscuring fences, walls, landscaped screening, or other features that individually or in combination reduce impacts on adjacent land areas or uses.

Landscape water meter: an inline device installed at the irrigation supply point that measures the volume of water into the irrigation system by using a flow totalizing device to record water use.

Lateral line: the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.

Low flow irrigation: the application of irrigation water at low pressure through a system of tubing or lateral lines and emitters such as point source emitters, dripper lines, microsprays and bubblers. Low flow irrigation systems apply small volumes of water slowly at or near the root zone of plants.

Main line: the pressurized pipeline that delivers water from the water source to the valve or outlet.

Master shut-off valve: an automatic valve installed at the irrigation supply point which controls water flow into the irrigation system. When this valve is closed water will not be supplied to the irrigation system.

Median: the landscaped area between opposing directions street traffic lanes.

Microclimate: the climate of a small, specific area that may contrast with the climate of the overall landscape area due to factors such as wind, sun exposure, plant density, or proximity to reflective surfaces.

Mulch: any organic material such as leaves, bark, straw, compost or inorganic mineral materials such as rocks, gravel, or decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

Native Area: An area of plant materials that are indigenous to Edgewater. Such area may or may not include permanent irrigation, depending on the use.

Naturalized landscape: A non-native plant that does not need human help to reproduce and maintain itself over time in an area where it was not native.

Operating pressure: the pressure at which the parts of an irrigation system are designed by the manufacturer to operate.

Overspray: the water that is delivered beyond the target area.

Permeable: any surface or material that allows the passage of water through the material and into the underlying soil.

Public right-of-way: the area of real property in which the city has a dedicated or acquired right- of-way interest in the real property.

Rain sensor or rain sensing shutoff device: a component which automatically suspends an irrigation event when it rains.

Remote control valve: a device used to control the flow of water in the irrigation system.

Runoff: water which is not absorbed by the soil or landscape to which it is applied and flows from the area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate), run times are set too long or a valve is stuck open, when there is a severe slope, etc.

Screening: a vertical barrier, including opaque fences/walls, sight obscuring fences, or landscaped screening, situated between adjacent uses or properties, or maintenance, trash, storage or loading areas, constructed or planted to reduce impacts on adjacent land areas or uses.

Slope: a vertical rise measured over a horizontal distance, expressed as a percentage, measured generally at right angles to contour lines.

Smart irrigation controller: an automatic timing device with nonvolatile memory used to remotely control valves that operate an irrigation system. Smart irrigation controllers are able to self-adjust and schedule irrigation events using either evapotranspiration (weather-based), soil moisture data or flow data or a combination of methods.

Soil amendment: Organic material added to the soil to improve texture, moisture holding capacity, nutrient capacity, water and air infiltration.

Soil moisture sensor: a device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event. Sprinkler head: a device that sprays water through a nozzle.

Static water pressure: the pipeline or municipal water supply pressure when water is not flowing.

Streetscape: Pedestrian and landscape improvements parallel to the roadway, which include at minimum the required width sidewalk, and the minimum required planting strip for trees, shrubs, and irrigation. The streetscape is typically located within the ROW but may be located on adjacent private property as appropriate.

Turf or turfgrass: a surface layer of earth containing mowed grass with its roots. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, fescue, and Tall fescue are cool-season grasses. Bermudagrass, Blue Grama, and Buffalo grass are warm-season grasses.

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

Water feature: a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, streams, spas, and swimming pools where water is artificially supplied. This includes water features supplied by raw water.

Water waste: The application of water to impervious surfaces, over irrigation resulting in runoff or pooling, and non-beneficial use of water.

Water-wise plants: shrubs, perennials and warm-season grasses with an annual irrigation water requirement of less than 15" (9.345 gallons) per square foot.

Zone: typically, an area served by a single control valve, sometimes referred to as a “station.” Zones are comprised of plant materials and soil types with similar water requirements.

Section 3. Code Section 7-1-10, concerning definitions applicable to Chapter 7, is hereby amended by amending the definition of “weeds” as follows:

~~Weeds means any unsightly, useless, troublesome or injurious plants, grass, brush or other noxious vegetation, but does not include flower gardens, shrubbery, vegetable gardens or small grain plots. Weeds shall also include all rank vegetable growth which exhales unpleasant and noxious odors and high and rank vegetable growth that may conceal filthy deposits of rubbish, trash, garbage, junk or litter which may conceal any health hazards or unsafe conditions, but is not limited to, any noxious plant which has been determined by the state noxious weed control board to be injurious to crops, livestock, or other property and which may conceal filthy deposits of rubbish, trash, garbage, junk, or litter or which may conceal any health hazards or unsafe conditions. Weeds does not include flower gardens, shrubbery, vegetable gardens, naturalized landscape, or water wise plants.~~

Section 4. Code Section 7-8-10, concerning the applicability of the administrative enforcement process set forth under Article 8 of Chapter 7, is hereby amended as follows:

Sec. 7-8-10. - Purpose and applicability.

The purpose of this Article 8 is to allow for administrative (non-judicial) enforcement of the requirements and limitations of Section 7-5-40 of this Code, concerning the duty to keep weeds cut or trimmed to not more than eight (8) inches, and Section 11-4-90 of this Code, concerning the pruning of City trees; and Article 34 of Chapter 16 of this Code, concerning water efficient landscaping.

Section 5. Code Section 7-8-30, concerning the scope of the administrative enforcement process, is hereby amended as follows:

Sec. 7-8-30. - Code provisions subject to administrative enforcement.

(a) It shall be unlawful and a violation of this Article for any person to fail to comply with the requirements of Section 7-5-40 of this Code, concerning the duty to keep weeds cut or trimmed to not more than eight (8) inches.

(b) It shall be unlawful and a violation of this Article for any person to fail to comply with the requirements of Section 11-4-90 of this Code, concerning the pruning of City trees.

(c) It shall be unlawful and a violation of this Article for any person to fail to comply with the requirements of Section 11-2-40 of this Code, concerning the removal of snow and other obstructions from sidewalks,

(d) It shall be unlawful and a violation of this Article for any person to fail to comply with the requirements of Section 7-3-30 of this Code, concerning junked or abandoned vehicles on private property.

(e) It shall be unlawful and a violation of this Article for any person to fail to comply with the requirements of Section 7-4-20 or 7-4-30 of this Code, concerning the accumulation and removal of garbage, junk and rubbish from property.

(f) It shall be unlawful and a violation of this Article for any person to fail to comply with the requirements of Article 34 of Chapter 16 of this Code, concerning water efficient landscaping.

Section 6. Code Section 11-4-40, concerning permitted tree species, is hereby amended as follows:

Sec. 11-4-40. - Trees allowed without permission of Tree Commission.

The following list constitutes the City tree species for the City. No species other than those included in this list may be planted as City trees without written permission of the Tree Commission.

Small Trees

Apricot
Crabapple, Flowering
Golden Rain Tree
Hawthorne
Pear, Bradford
Redbud
Soapberry
Lilac, Japanese Tree
Peach, Flowering
Plum, Purple Leaf
Serviceberry

Medium Trees

Aspen
Hackberry
Honeylocust (thornless)
Linden or Basswood

Mulberry, Red (fruitless male)
Oak, English
Oak, Red
Pagoda Tree, Japanese
Pecan
Osage Orange (male, thornless)
Persimmon
Poplar, White
Sassafras

Large Trees

Coffee Tree, Kentucky
Maple, Silver
Maple, Sugar
Oak, Bur
Sycamore
Sycamore, London plantree
~~Cottonwood (cottonless male)~~

Section 7. Code Section 11-4-50(a), concerning prohibited tree species, is hereby amended as follows:

(a) It is unlawful to sell or import into the City or to plant or cause to be planted within the City limits any of the following:

- ~~(1) Any cotton-bearing cottonwood tree (*Gene populus*)~~
- ~~(2) Any box-elder tree (*Acer negundo*)~~
- (2) Ash (*Fraxinus species*)
- (3) Aspen (all *Populus Tremoloides* species and cultivars)
- (4) Cottonwood (all species)
- (5) Tamarisk (all species)
- (6) Russian Olive (all *Elaeagnus Agnustifolia* species and cultivars)
- (7) Siberian Elm (*Ulmus pumia*)
- (8) Tree of Heaven (*Ailanthus sp.*)

Section 8. Severability. If any section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 9. Repeal. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 10. Safety Clause. The City Council hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the City, that it is promulgated for the health, safety, and welfare of the public, that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare, and that this ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 11. Effective Date. This ordinance shall become effective on January 1, 2024.

INTRODUCED, READ, PASSED ON FIRST READING AND ORDERED PUBLISHED this 24th day of October, 2023.

/s/ John Beltrone
John Beltrone, Mayor

ATTEST:
/s/ L Pedroza
Lenore Pedroza, MMC
City Clerk

READ AND ADOPTED ON SECOND READING, AFTER PUBLIC HEARING, AND ORDERED PUBLISHED this 14TH day of November, 2023.

/s/ John Beltrone
John Beltrone, Mayor

ATTEST:
/s/ L Pedroza
Lenore Pedroza, MMC
City Clerk

APPROVED AS TO FORM:

/s/ Carmen Beery
Carmen Beery, City Attorney