

**ORDINANCE NO. 2767-09**

**AN ORDINANCE OF THE CITY OF WINTER PARK,  
FLORIDA, AMENDING CHAPTER 58 "LAND  
DEVELOPMENT CODE" ARTICLE V, "ENVIRONMENTAL  
PROTECTION REGULATIONS" DIVISION 9,  
"IRRIGATION REGULATIONS" SO AS TO ADOPT NEW  
IRRIGATION REGULATIONS IMPLEMENTING THE  
WATER CONSERVATION RULE FOR LANDSCAPE  
IRRIGATION OF THE ST. JOHNS RIVER WATER  
MANAGEMENT DISTRICT AND WATER CONSERVATION  
REQUIREMENTS ON PROPERTIES UNDERGOING NEW  
DEVELOPMENT OR REDEVELOPMENT.**

**(ZTA 3:09)**

**WHEREAS**, the St. Johns River Water Management District has responsibility and exclusive authority under Chapter 373, Florida Statutes, for regulating the consumptive use of water; and

**WHEREAS**, the St. Johns River Water Management District has amended Rule 40C-2.042, F.A.C., its General Consumptive Use Permit by Rule that regulates small irrigation uses below consumptive use permit thresholds in Rule 40C-2.041(1), F.A.C.; and

**WHEREAS**, Rule 40C-2.042(2)(a), F.A.C., grants a general permit to each person located within the District to use, withdraw or divert water for small landscape irrigation uses, provided that irrigation occurs in accordance with Section 58-364; 58-367 and 58-368

**WHEREAS**, Rule 40C-2.042(2), F.A.C., applies to landscape irrigation regardless of whether the water comes from ground or surface water, from a private well or pump, or from a public or private utility; and

**WHEREAS**, Rule 40C-2.042(2)(b), F.A.C., strongly encourages a local government to adopt an ordinance to enforce Rule 40C-2.042(2)(a), F.A.C., within its jurisdiction by adopting a landscape irrigation ordinance that incorporates each of the provisions set forth in Rule 40C-2.042(2)(a), F.A.C.; and

**WHEREAS**, it is the desire of the City of Winter Park to adopt an ordinance in accordance with 40C-2.042(2)(a) and (b), F.A.C.; and

**WHEREAS**, the *City Commission* of the *City of Winter Park* hereby finds and declares that the adoption of this ordinance is appropriate, and in the public interest of the citizens of this community.

**BE IT ENACTED BY THE PEOPLE OF THE CITY OF WINTER PARK:**

**SECTION 1.** That Chapter 58 "Land Development Code", Article V "Environmental Protection Regulations" of the Code of Ordinances is hereby amended and modified by adding Division 9, "Irrigation Regulations" to read as follows:

## **DIVISION 9. IRRIGATION REGULATIONS**

### **Section 58-360 Purpose and Intent**

To establish uniform minimum standards and requirements for the design and installation of safe, cost-effective, reliable irrigation systems for turf and landscape areas that promote the efficient use and protection of water and other natural resources and to implement procedures that promote water conservation. In order to provide for the safe and prudent use of said resources, the regulations set forth in this Division shall be applicable year round. However, St. Johns River Water Management District's (SJRWMD) respective rules shall supersede the regulations set forth in this Division, when applicable.

### **Section 58-361 Applicability**

- a. This ordinance shall apply to landscape irrigation for residential and non-residential properties, regardless of whether the water comes from a private well, lake, pond, or other surface water source, or a water supply utility, unless otherwise exempted under Section 58-367.
- b. As a condition for the issuance of a building permit all properties undergoing initial development or re-development involving construction, renovation, or expansion of the improvements on any property shall be required to conform to the irrigation requirements in this Division prior to the issuance of a Certificate of Occupancy if the value of the work is more than fifty (50) percent of the value of the improvements on the property as set forth in the most recent records of the Orange County Property Appraiser. One and two family dwelling interior alterations shall not require compliance with Section 58-363. Commercial and multi-family properties must meet these requirements as part of any expansion.
- c. This Division shall apply to all irrigation systems used on residential and non-residential landscape areas. This addresses the design requirements, water quality, materials, installation, inspection, and testing for such systems. This Division does not apply to irrigation systems for golf courses, nurseries, greenhouses, or agricultural production systems.
- d. Nothing contained in this Division shall be deemed to require any irrigation system or part thereof which existed prior to the establishment of this ordinance, to be changed, altered, or modified to meet the standards of this ordinance, unless governed by this Section.

### **Section 58-362 Definitions**

For the purposes of this Division, certain terms or words used herein shall be interpreted as follows except where the context may clearly indicate a different meaning:

*Address:* The house number of a physical location of a specific property. This includes "rural route" numbers but excludes post office box numbers. If a lot number in a mobile home park or similar community is used by the U.S. Postal Service to determine a delivery location, the lot number shall be the property's address. An "even-numbered

address" means an address ending in the numbers 0, 2, 4, 6, 8 or the letters A-M. An "odd-numbered address" means an address ending in the numbers 1, 3, 5, 7, 9 or the letters N-Z.

*Automatic Controller:* A mechanical or electronic device capable of automated operation of valve stations to set the time, duration, and frequency of water application, using a minimum of two programs that allow water use zones to be irrigated at different frequencies.

*Best Management Practices (BMPs):* The practice or combination of practices based on research, field-testing and/or expert review, determined to be the most effective and practicable on-location means, including economic and technological consideration, for improving water quality, conserving water supplies, and protecting natural resources.

*Common Areas:* Those portions of a building, land, or amenities owned (or managed or maintained) by the condominium owners' association, property owners' association or homeowners' association that are used by all of the tenants and/or owners who share in the common expenses for their operation and maintenance. Examples of common areas include swimming pools, tennis courts and other recreational areas, parking areas, areas of ingress or egress, right-of-ways, or medians.

*District:* The St. Johns River Water Management District (SJRWMD)

*Groundcover:* Plants used in mass to replace turf or create variety in landscape design; usually not having a mature height over two (2) feet. This term does not include turf.

*High-Volume Irrigation System:* The application of water by use of rotors or sprays, with application rates greater than 60 gallons per hour (gph).

*High Water Use Zone:* Area of a property that receives the application of landscape irrigation by use of rotors, or sprays with application rates greater than 60 gallons per hour (gph.).

*Irrigation Runoff:* Excess water flow produced by the watering of landscape or turfgrass by irrigation that causes water to be placed on, or flow onto, surfaces such as roadways, sidewalks, driveways, culverts, ditches, or canals.

*Landscape Irrigation:* The outside watering of plants in a landscape such as shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such flora that are situated in such diverse locations as residential areas, public, commercial and industrial establishments, and public medians and rights-of way. Landscape irrigation does not include agricultural crops, nursery plants, cemeteries, golf course greens, tees, fairways, primary roughs, and vegetation associated with intensive recreational areas, such as playgrounds, football, baseball and soccer fields.

*Licensed Contractors or Professional:* A licensed professional or specialty contractor in accordance with Florida state laws.

*Low Water Use Zone:* Area of a property that receives the application of landscape irrigation by only rainfall or the use of micro-irrigation.

*Micro-Irrigation (also known as Low-Volume or Drip Irrigation System):* The application of small quantities of water directly on or below the soil surface, 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 including, drip and subsurface rates of 60 gallons per hour (GPH) or less.

*Non-residential landscape irrigation:* The irrigation of landscape not included within the definition of "residential landscape irrigation," such as that associated with public, commercial and industrial property, including commercial or transient housing units, hotel and motel units, and public medians and rights-of-way.

*Person:* Any person, natural or artificial, individual, firm, association, organization, partnership, business trust, corporation, company, agent, employee, or any other legal entity, the United States of America, and the State of Florida and all political subdivisions, regions, districts, municipalities, and public agencies.

*Rain Sensor:* A device connected to the automatic controller of an in-ground irrigation system that will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred. (See Florida Statutes 373.62).

*Reclaimed Water (also known as Reuse Water):* Domestic wastewater that has received extensive treatment and disinfection, and meets the standards defined by the Florida Department of Environmental Protection (FDEP) to ensure the protection of public health and environmental quality. For the purpose of this Article, a reclaimed or reuse water system includes any system in which the primary source is reclaimed water, which may or may not be supplemented by water from another source.

*Recycled Water:* The use of an industrial water source that is captured and redirected back into the same water use scheme.

*Residential landscape irrigation:* The irrigation of landscape associated with any housing unit having sanitary and kitchen facilities designed to accommodate one or more residents, including multiple housing units and mobile homes.

*Surface Water:* Water located on or above ground and includes natural and manmade sources (e.g., lakes, ponds, retention areas, and streams). This term does not include swimming pools.

*Turf or Turfgrass:* A mat layer of monocotyledonous plants, including but not limited to, Bahia, Bermuda, Centipede, Paspalum, St. Augustine, and Zoysia.

*Water Utilities Director:* The director of the City of Winter Park Water and Wastewater Utilities Department or his authorized designee.

*Wet Detention:* means the collection and temporary storage of stormwater in a permanently wet impoundment in such a manner as to provide for treatment through physical, chemical, and biological processes with subsequent gradual release of the stormwater

## **Section 58-363 Landscape and Irrigation System Design Criteria**

### **Plans or Drawings**

- a. **One and two family dwellings:** Plans are not required unless required as a condition of approval of a city board or commission. A minimum of forty (40) percent of the pervious areas on each property must be low water use irrigation with allowance for watering container plantings and other plantings anytime with micro-irrigation on a separate irrigation zone and program.
- b. **Nonresidential and Multi-Family projects:** Provide drawings designed by a landscape professional at the time of building permit application. Design drawings shall be clearly readable, to reasonable scale, show the entire site to be irrigated, including all improvements, and shall include but not be limited to: date, scale, revisions, legend, and specifications that list all aspects of equipment and assembly thereof, water source, water meter, point of connection, backflow prevention devices, pump station size, pump station location, design operating pressure and flow rate per zone, locations of pipe, controllers, valves, rain sensor, sprinklers, sleeves, gate valves, etc. A minimum of seventy (70) percent of the pervious areas must be low water use with allowance for watering container plantings and other plantings anytime with micro-irrigation on a separate irrigation zone and program.
- c. The abutting public right of way shall be included in the water use area calculation for the subject property.
- d. The permit applicant or owner shall acknowledge in writing of intended compliance with the water use criteria prior to receiving a final inspection of the project.

## **Section 58-364 Landscape Irrigation Schedules**

1. \_\_\_\_\_ When Daylight Savings Time is in effect, landscape irrigation shall occur only in accordance with the following irrigation schedule:

- a. Residential landscape irrigation at odd numbered addresses or no address may occur only on Wednesday and Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
- b. Residential landscape irrigation at even numbered addresses may occur only on Thursday and Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
- c. Non-residential landscape irrigation may occur only on Tuesday and Friday and shall not occur between 10:00 a.m. and 4:00 p.m.; and



d. No more than  $\frac{3}{4}$  inch of water may be applied per irrigation zone on each day that irrigation occurs, and in no event shall irrigation occur for more than 1 hour per irrigation zone on each day that irrigation occurs.

2. When Eastern Standard Time is in effect, landscape irrigation shall occur only in accordance with the following irrigation schedule:

a. Residential landscape irrigation at odd numbered addresses or no address may occur only on Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

b. Residential landscape irrigation at even numbered addresses may occur only on Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

c. Non-residential landscape irrigation may occur only on Tuesday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

d. No more than  $\frac{3}{4}$  inch of water may be applied per irrigation zone on each day that irrigation occurs, and in no event shall irrigation occur for more than 1 hour per irrigation zone on each day that irrigation occurs.

3. All landscape irrigation shall be limited in amount to only that necessary to meet landscape needs.

#### **Section 58-365 Irrigation Systems and Application of Water**

a. **New or Substantially Altered Irrigation Systems:** All new irrigation systems installed or substantially modified as described in Section 58-361 shall comply with the requirements set forth in this paragraph:

(1) Irrigated zones shall receive only one (1) form of spray, rotor, bubbler, drip or other irrigation application.

(2) Irrigated turf areas shall be on a separate program with irrigation zones separate from other landscape plant groupings.

#### **Section 58-366 Irrigation System Equipment Installation and Maintenance Requirements**

a. Irrigation systems shall be designed, constructed, or substantially modified by licensed contractors or professionals; provided, however, to the extent otherwise authorized by Florida law or this Article, a homeowner or property owner may construct, maintain and repair an irrigation system on his or her property.

b. All irrigation equipment shall be operated in accordance with the individual system guidelines and maintained in good working order to prevent leaks and wasteful or unnecessary use of water. Irrigation runoff and overspray shall be minimized to the maximum extent practicable. The brief operation of an irrigation system for the purpose of testing, adjustment and repair is

permitted at any time, but run time may not exceed twenty (20) minutes per hour per zone.

- c. All hand-held water hoses in use for landscape irrigation shall be equipped with a functional automatic shut-off nozzle.
- d. Automatic irrigation systems shall be equipped with a functional rain sensor device. The backup battery in the timer or controller should be replaced annually unless it is a constantly recharging battery.
- e. Broken or misdirected irrigation spray heads, irrigation system leaks, and other irrigation system malfunctions shall be repaired.

### **Section 58-367 Exceptions to the Landscape Irrigation Schedules**

Landscape irrigation shall be subject to the following irrigation schedule exceptions:

1. Irrigation using a micro-spray, micro-jet, drip or bubbler irrigation system is allowed anytime.
2. Irrigation of new landscape is allowed at any time of day on any day for the initial 30 days and every other day for the next 30 days for a total of one 60-day period, provided that the irrigation is limited to the minimum amount necessary for such landscape establishment.
3. Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides, when required by law, the manufacturer, or best management practices, is allowed at any time of day on any day within 24 hours of application. Watering in of chemicals shall not exceed ¼ inch of water per application except as otherwise required by law, the manufacturer, or best management practices.
4. Irrigation systems may be operated at any time of day on any day for maintenance and repair purposes not to exceed 20 minutes per hour per zone.
5. Irrigation using a hand-held hose equipped with an automatic shut-off nozzle is allowed at any time of day on any day.
6. Discharge of water from a water-to-air air-conditioning unit or other water-dependent cooling system is not limited.
7. The use of water from a reclaimed water system is allowed anytime. For the purpose of this paragraph, a reclaimed water system includes systems in which the primary source is reclaimed water, which may or may not be supplemented from another source during peak demand periods.
8. The use of recycled water from wet detention treatment ponds for irrigation is allowed anytime provided the ponds are not augmented from any ground or off-site surface water, or public supply sources.

### **Section 58-368 Rain Sensors**

Any person who irrigates landscape with an automatic lawn sprinkler system installed after May 1, 1991, shall install, maintain and operate a rain sensor device or switch that overrides the irrigation system when adequate rainfall has occurred.

### **Section 58-369 Water Shortages**

When the SJRWMD declares a water shortage pursuant to Florida Administrative Code, Chapter 40C-21, the specific restrictions in conflict with the regulations set forth in this Article shall supersede the provisions in this Division.

### **Section 58-370 Variances**

All requests for a variance(s) from the requirements of this Article shall be made in writing to the Water Utilities Director. The Water Utilities Director may require the applicant for a variance to provide such information as necessary to carry out the purpose of this Division. The Water Division Manager may approve, approve with conditions or deny requests for variances. A variance from the specific days or day set forth in 58-364 may be granted if strict application of the scheduled days or day would lead to unreasonable or unfair results in particular instances, provided that the applicant demonstrates that compliance with the requirement(s) will result in a substantial economic, health or other hardship on the applicant requesting the variance or those served by the applicant. Where a contiguous property is divided into different zones, a variance may be granted hereunder so that each zone may be irrigated on different days than other zones of the property; however, no single zone may be irrigated more than two (2) days a week during Daylight Savings Time or more than one day per week during Eastern Standard Time.

### **Sec 58-371 Enforcement**

Enforcement of this Division shall be accomplished in accordance with Section 58-351 similar to enforcement of Landscape Regulations, Division 8.

### **Sec 58-372 Penalties**

Violation of any provision of this Division shall be subject to the following penalties:

First Violation: Written warning

Second Violation: Class I Code Enforcement Citation

Third Violation: Class II Code Enforcement Citation

Additional Violation: Class IV Code Enforcement Citation

See Section 1-23 for current fine amounts based on class of violation.

Each day violation exists shall constitutes a separate offense. Enforcement officials shall provide violators with no more than one written warning. In addition to the civil sanctions



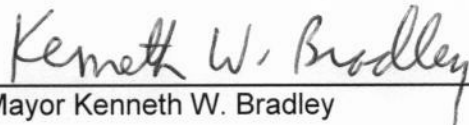
contained herein, the City may take any other appropriate legal action, including referring violations to the Code Enforcement Board.

SECTION 2. Chapter 102, Article VII is hereby repealed, and all ordinances or portions or ordinances in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall become effective immediately upon its final passage and adoption.

SECTION 4. Division 9 Exterior Lighting Standards shall be renumbered Division 10.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 27<sup>th</sup> day of April, 2009.

  
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Mayor Kenneth W. Bradley

ATTEST:

  
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City Clerk