



ACKNOWLEDGEMENT OF DROUGHT RESTRICTIONS LANDSCAPE AND WATER FEATURES

PROJECT INFORMATION

Site Address: _____

Bldg.#

Street Name

Way/Dr./St./etc.

Cross Streets/Location of Property: _____

Gross Acreage: _____ Net Acreage: _____

Assessor's Parcel #: _____ Recorded Document #: _____

SUBDIVISION INFORMATION

Final Map Name: _____

Final Map #: _____ Lot/Block: _____

OWNER/BUILDER/ARCHITECT

Property Owner(s): _____

Owner's Phone No.: _____ Fax: _____

Builder: _____

Builder's Address: _____ Phone: _____ Fax: _____

Architect: _____

Architect's Address: _____ Phone: _____ Fax: _____

Signing of this form is an acknowledgement of compliance with all provisions set forth in the *City of Henderson Municipal Code*, specifically Title 13 UTILITIES, Chapter 13.14 Conservation and Drought. The following language is an excerpt from the HMC regarding landscape material and water use restrictions. Items in **bold** are of direct relevance to residential projects.

13.14.090 Landscape Material Restrictions

Landscape materials shall be limited as described below. The planting of cool-season grasses (i.e. tall fescue or rye grass) for new lawns is prohibited during the months of May through August; however, the planting of warm-season grasses (i.e. bermuda and zoysia) is permitted. Any development or facility that has obtained approval of a land use application (i.e. design review, planned unit development, or tentative map plan) or permit for construction prior to August 1, 2003, which approved landscaping not in conformance with the restrictions listed in this ordinance will not be subject to these restrictions.

A. The following landscape material restrictions apply:

1. Residential Landscape Restrictions.

a. The use of drought tolerant landscaping materials is encouraged in residential front yards.

b. Single-family and multifamily developments are prohibited from installing new turf in common areas of residential neighborhoods. This restriction shall not apply to public parks or privately owned and maintained parks, including required usable open space in any new development, provided that no turf area dimension is less than ten feet.

2. Non-Residential Landscape Restrictions. *The installation of new turf in non-residential developments is limited to fifteen percent of the landscapable area, provided that no turf area dimension is less than ten feet or subsurface irrigation is used. These provisions shall not apply to golf courses and public or private schools and parks.*

B. *During drought watch the installation of new turf in non-residential developments is prohibited, unless specifically permitted by the approval of land use application. Under no circumstances shall a permit be approved to allow more than fifty percent of the turf permitted under non-drought conditions. The provisions shall not apply to public or private schools and parks*

C. The following additional landscape development restrictions will apply during drought alert:

1. Residential Landscape Restrictions.

a. The installation of new turf is prohibited in residential front yards.

b. For single-family residential lots, the installation of new turf shall not exceed fifty percent of the gross area side and rear yard, or one hundred square feet whichever is greater, provided no turf area dimension is less than ten feet. A maximum of five thousand square feet of turf is allowed.

2. Non-Residential Landscape Restrictions. *The restrictions defined in drought watch shall continue to apply.*

D. *Any person(s) or association(s) regardless of date of establishment is prohibited from imposing private covenants, conditions, restrictions, deed clauses or other agreements between the parties, which prevent person(s) from utilizing water efficient landscaping including but not limited to xeriscape, provided such landscaping receives appropriate architectural review approval. In any event, landscaping materials and designs may not be prohibited solely on the basis that they make use of water-efficient landscaping such as referenced in Title 19 as amended.*

E. Waivers. There shall be no waivers or variances granted to the standards listed in this section. Such a request shall be considered a request to amend the requirements of this section and shall only be considered in accordance with the proper procedures. (Ord. 2272 § 3, 2004:Ord. 2199 § 5 (part), 2003)

13.14.130 Operation of ornamental fountains and water features.

All fountains and water features owned or operated by any person holding an account with the City are subject to drought restrictions. During drought watch or drought alert the operation of fountains and water features utilizing water provided by the City or water reprocessed by the customer shall be prohibited.

The following uses shall be exempt:

A. Swimming pools, spas and recreational water parks, both public and private.

B. Fountains or water features at single family residences of less than two hundred square feet in surface area during drought watch and less than twenty-five square feet in surface area during drought alert.

C. Fountains or water features that are necessary and functional components serving other allowable uses such as storage ponds on golf course or aeration devices.

D. Indoor water features that drain to the sanitary sewer, or features with the majority of the total water volume contained indoors or underground.

E. Fountains or water features at resort hotels. Resort hotels will be required to submit a water use reduction plan to the city of Henderson within ninety days after the effective date of the ordinance codified in this section, or the exemption under the ordinance will be immediately revoked. These plans will be considered public documents.

F. Fountains or water features necessary to sustain aquatic animals, provided that such animals are of significant value as determined by the city and have been actively managed within the water feature prior to declaration of drought.

G. Residential and commercial fountains or water features that have the specific turf removal activities outlined below:

1. Removal of turf or water features from the property where the fountain or water feature located at a 50:1 ratio of turf to fountain surface area. Fifty square feet of turf must be removed for every square foot of fountain or water feature surface area.

a. Should the property with the fountain have no turf, a fee of ten (\$10.00) dollars per square foot of fountain surface area, must be paid to the city. These fees will be added to the SNWA's Water Smart Landscape program budget to fund future turf removals.

b. Should the property with the fountain have some turf, but not enough to meet the 50:1 ratio, all non-functional turf must be removed and the ten (\$10.00) dollars per square foot fee must be paid for the remainder of the fountain surface area not covered by the turf conversion.

c. Should the fountain be located on a multi-family property, the city will work with the property owner(s) to determine which turf is non-functional and to be removed.

Any turf removed prior to the adoption of the drought plan and declaration of drought status cannot receive credit for the conversion in order to maintain a fountain or water feature. In addition, any turf removed after the adoption of the drought plan and declaration of drought status, which received a rebate through the SNWA Water Smart Landscapes program cannot receive a credit for the conversion in order to maintain a fountain or water feature.

2. For every subsequent year during drought watch or drought alert that the fountain owner operates the fountain, a two hundred dollar (\$200.00) fountain permit fee must be submitted to the city by January 1 of the year for which the fountain is to be operated. (Ord. 2272 § 6, 2004: Ord. 2199 § 5 (part), 2003)

In the event it shall become necessary to ration or otherwise curtail water service to Property Owner or any other water customers of the City, for any reason, said rationing or curtailment shall be applied to the Property Owner on the same terms and conditions as presently exists with other customers. The parties agree that the City may be required to curtail water service to Property Owner in order to comply with a water conservation plan or a shortage sharing agreement promulgated by the Southern Nevada Water Authority. Property Owner also understands that the development of the Project and the usage of water are also subject to reasonable and necessary exercises of the police power or other governmental powers by the City, the Southern Nevada Water Authority, the Bureau of Reclamation, or other state or federal agencies, in order to protect the public health, safety and welfare.

The City and applicant(s) recognize that the City has the right to enforce its rules, policies, regulations, ordinances, and the terms of Henderson Municipal Code by seeking an injunction to compel turning off or disconnection of the supply of water provided hereunder. In the event that Property Owner or any user on the subject property violates the rules, policies, regulations or ordinances of the City applicable to Drought Ordinance as set forth in this acknowledgement, Henderson Municipal Code or any other applicable water provisions, the City may, without seeking an injunction and after three (3) days notice to correct the violation, terminate the delivery of water hereunder to the violator until such conditions have been honored by the violator. The City shall be free from any liability arising out of the exercise of its rights under this paragraph.

Signature of Owner(s) or Authorized Agent with Power of Attorney (copy attached):

Signed By: _____ Signed By: _____

Print Name: _____ Print Name: _____

Date: _____ Date: _____

Company (If non-owner): _____

Phone Number: _____