**HERRIMAN, UTAH**
**ORDINANCE NO. 2020- 35**

**AN ORDINANCE OF THE CITY COUNCIL OF HERRIMAN AMENDING AND ADOPTING CERTAIN CHANGES TO TITLE 10 OF THE HERRIMAN CITY CODE TO INCLUDE WATER EFFICIENCY STANDARDS.**

**WHEREAS**, the Herriman City Council (the "Council") met in regular session on December 9, 2020, to consider, among other things, an ordinance amending the City Code to include changes to Chapter 23 regarding Landscaping and to add a new chapter on City-wide water efficiency standards (the "Water Efficiency Standards"); and

**WHEREAS**, the City is authorized by law to exercise legislative powers and enact ordinances establishing regulations for land use within the limits of the City; and

**WHEREAS**, the Herriman City Planning Commission (the "Planning Commission") has provided the appropriate notice and held a public hearing regarding the proposed amendments to Title 10, Chapter 23 and the addition of new Water Efficiency Standards (collectively the "Proposed Amendments") as required by Utah Code Ann. § 10-9a-502; and

**WHEREAS**, the Council properly noticed and held a public hearing on the Proposed Amendments and has considered the same as recommended by the Planning Commission; and

**WHEREAS**, the Council finds that it is in the best interest of the residents of Herriman to adopt the Proposed Amendments as set forth herein.

**NOW THEREFORE**, be it ordained by the Herriman City Council as follows:

A. Title 10, Chapter 23, Sections 3 and 5 of the Herriman City Code be amended as set forth in the Attached Exhibit A. All other sections and provisions of Title 10, Chapter 23 shall be unaffected by this amendment.

B. Title 10 of the Herriman City Code shall be amended to add Section 32 as set forth in the attached Exhibit B.

C. The Water Efficiency Standards, that may be administratively amended from time to time, shall also be adopted as an Appendix to the Herriman City Engineering Standards Vol. 7.

D. This ordinance assigned no. 2020-35, shall take effect 90 days after approval.

**PASSED AND APPROVED** by the Council this 9th day of December, 2020.

**HERRIMAN**

**David Watts,** Mayor

**ATTEST:**

**Jackie Nostrom**, MMC
City Recorder

Corporate Seal Incorporated HERRIMAN CITY 1999 State of Utah

Ordinance No 2020-35

An Ordinance Of The City Council Of Herriman Amending Title 10 to add Chapter 32.

**CHAPTER 23**
**LANDSCAPING AND SCREENING**

SECTION:

10-23-1: Purpose
10-23-2: Scope
10-23-3: Definitions
10-23-4: Landscaping Required
10-23-5: Landscaping Plan
10-23-6: Waiver Of Strict Compliance
10-23-7: Landscaping Design Standards
10-23-8: Plant Material Standards
10-23-9: Substitute Plant Materials
10-23-10: Installation Of Landscaping
10-23-11: Maintenance Of Landscaping
10-23-12: Hazardous Conditions Prohibited
10-23-13: Screening Requirements

**10-23-3: DEFINITIONS:**

As used in this Chapter:

A. "Activity Zones" means portions of the landscape designed for recreation or function, such as storage areas, fire pits, vegetable gardens, and playgrounds.

B. "Central Open Shape" means an unobstructed area that functions as the focal point of Localscapes and is designed in a shape that is geometric in nature.

C. "Gathering Areas" means portions of the landscape that are dedicated to congregating, such as patios, gazebos, decks, and other seating areas.

D. "Lawn" means ground that is covered with grass or turf that is regularly mowed.

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E. "Paths" means designed routes between landscape areas and features.

~~F.~~ Certain other words and phrases have the meanings as set forth in Chapter 3 of this Title 10.~~Certain words and phrases in this chapter are defined in chapter 3 of this title. (Ord. 2017-54, 12-13-2017)~~

**10-23-5: LANDSCAPING PLAN:**

A. Landscaping Plan Required: When a provision of this title requires landscaping to be provided, a landscaping plan shall be submitted for the project which conforms to the requirements of this section and demonstrates compliance with the provisions of this chapter and applicable provisions of this title.

B. Information Required: A landscaping plan shall show at least the following information:

1. Landscaping and plant materials;
2. Location, spacing, and number of existing and proposed plantings;
3. Mature tree canopy line;
4. Tree and plant list, including sizes and totals;
5. Treatment of ground surfaces;
6. Irrigation or watering plan;
7. Central Open Space;
8. Gathering Areas;
9. Activity Zones;
10. Paths;
11. Lawn;
12. A completed Landscape Requirement Table as set forth in Exhibit A to the Herriman City Water Efficiency Standards; and
13. Such other information as may be needed to demonstrate compliance with the provisions of this chapter.

C. Landscape Architect Approval: A landscape plan for a site of one acre or more shall be signed by and bear the seal of a Utah licensed landscape architect licensed under the Landscape Architects Licensing Act, Utah Code section 58-53-101, et seq.

# CHAPTER 32
# WATER EFFICIENCY STANDARDS

## 10-32-1: PURPOSE

This chapter is designed and intended to enact City-wide water efficiency standards that promote conservation of the public's water resources.

## 10-32-2: SCOPE

This chapter shall apply to all property within the corporate limits of the City except property expressly exempted by this Title or other lawful exemptions.

## 10-32-3: DEFINITIONS

As used in the Chapter:

A. "Act" means the Municipal Land Use, Development, and Management Act as set forth in Utah Code Ann. § 10-9a-101, *et seq*.

B. "Community Development Director" means the Herriman City Community Development Director.

C. "Engineering Standards" means the Herriman City Engineering Standards adopted by Title 9, Chapter 2 of this Code, as amended.

D. "Jordan Valley Water" means the Jordan Valley Water Conservancy District.

E. "Water Efficiency Standards" means the Herriman City water efficiency standards adopted by this Chapter.

## 10-32-4: AUTHORITY

This chapter is enacted under authority of the Act, the general municipal welfare power as set forth in Utah Code Ann. § 10-8-84, and the municipal police power as established by Utah common law.

## 10-32-5: INTERPRETATION

A. The Community Development Director is authorized and directed to administer and interpret the Water Efficiency Standards.

B. In the event of any inconsistency between the water efficiency standards enacted by this Chapter and any other applicable standards, the provisions that provide the better water conservation and efficient use of water, as determined by the Community Development Director, shall control.

**10-32-6: ADOPTION OF WATER EFFICIENCY STANDARDS**

A. The Water Efficiency Standards are hereby adopted.

B. The Water Efficiency Standards shall be incorporated as an appendix to the Engineering Standards and may be adopted by other departments within the City as such departments enforce this Chapter under direction of the Community Development Director.

**10-32-7: ENFORCEMENT**

The Community Development Director is authorized to enforce the water efficiency standards within the City.

**10-32-8: TECHNICAL AMENDMENTS**

The Community Development Director is authorized to update the Water Efficiency Standards as necessary to comply with changes in:

A. Local, State, or Federal law;

B. Local, State, or Federal administrative orders;

C. Requirements from Jordan Valley Water or any other special or local service district that supplies water to the City for municipal use; or

D. Requirements from any other private water company that supplies water to the City for municipal use.

# WATER EFFICIENCY STANDARDS

1. Purpose

The purpose of these Water Efficiency Standards is to conserve the public's water resources by establishing water conservation standards for indoor plumbing fixtures and outdoor landscaping.

2. Applicability

The standards contained herein shall be required for all developer/contractor installed residential, commercial, institutional, and industrial construction, as applicable. The Outdoor Landscaping Standards shall also be required for new landscaping construction installed by homeowners.

3. Definitions

A. "Activity Zones" means portions of the landscape designed for recreation or function, such as storage areas, fire pits, vegetable gardens, and playgrounds.

B. "Active Recreation Areas" means areas of the landscape dedicated to active play where Lawn may be used as the playing surface (ex. sports fields and play areas).

C. "Central Open Shape" means an unobstructed area that functions as the focal point of Localscapes and is designed in a shape that is geometric in nature.

D. "Gathering Areas" means portions of the landscape that are dedicated to congregating, such as patios, gazebos, decks, and other seating areas.

E. "Hardscape" means durable landscape materials, such as concrete, wood, pavers, stone, or compacted inorganic mulch.

F. "Lawn" means ground that is covered with grass or turf that is regularly mowed.

G. "Localscapes®" means a landscaping approach designed to create locally adapted and sustainable landscapes through a basic 5-step approach (central open shape, gathering areas, activity zones, connecting pathways, and planting beds).

H. "Mulch" means any material such as rock, bark, compost, wood chips or other materials left loose and applied to the soil.

I. "Park Strip" means a typically narrow landscaped area located between the back-of-curb and sidewalk.

J. "Paths" means designed routes between landscape areas and features.

K. "Planting Bed" means areas of the landscape that consist of plants, such as trees, ornamental grasses, shrubs, perennials, and other regionally appropriate plants.

L. "Total Landscaped Area" means improved areas of the property that incorporate all of the completed features of the landscape. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, and other non-irrigated areas intentionally left undeveloped.

4. Indoor Fixture Requirements

It is recommended and encouraged, but not mandated, that all new and future construction and future additions, remodels, or refurbishments install plumbing fixtures that have the WaterSense label, including: lavatory faucets, shower heads, sink faucets, water closets (tank and flushometer-valve toilets), and urinals, to the extent Utah law allows municipalities or local districts to require these fixtures.

5. Outdoor Landscaping Standards

All new and rehabilitated landscaping for public agency projects, private development projects, developer-installed landscaping in multi-family and single-family residential projects within the front and side yards, and homeowner provided landscape improvements within the front and side yards of single and two-family dwellings shall comply with the landscaping standards set forth in Section 6 below. It is recommended and encouraged, but not mandated, that rear yard landscape improvements of single and two-family dwellings comply with these same standards.

6. Landscaping Requirements

A. All irrigation shall be appropriate for the designated plant material to achieve the highest water efficiency. Drip irrigation or bubblers shall be used except in Lawn areas. Drip irrigation systems shall be equipped with a pressure regulator, filter, flush-end assembly, and any other appropriate components.

B. Each irrigation valve shall irrigate landscaping with similar site, slope and soil conditions, and plant materials with similar watering needs. Lawn and Planting Beds shall be irrigated on separate irrigation valves. In addition, drip emitters and sprinklers shall be placed on separate irrigation valves.

C. Landscaped areas shall be provided with a WaterSense labeled smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers shall be equipped with automatic rain delay or rain shut-off capabilities.

D. At least 3-4 inches of Mulch, permeable to air and water, shall be used in Planting Beds to control weeds and improve the appearance of the landscaping.

E. At maturity, landscapes are recommended to have enough plant material (perennials and shrubs) to create at least 50% living plant cover at maturity at the ground plane, not including tree canopies.

F. Lawn shall not be installed in Park Strips, Paths, or on slopes greater than 25% or 4:1 grade and be less than 8 feet wide at its narrowest point. To the extent reasonably practicable, Lawn shall be free from obstructions (trees, signs, posts, valve boxes, etc.).

G. In residential landscapes, the landscaping shall adhere to the following Localscapes requirements and shall be properly labeled on the landscape plan submitted to the City for review:

   i. If size permits, the landscaped areas of the front yard and back yard shall include a designed Central Open Shape created by using Lawn, Hardscape, groundcover, gravel, or Mulch.

   ii. Gathering Areas shall be constructed of Hardscape and placed outside of the Central Open Shape. In a landscape without Lawn, Gathering Areas may function as the Central Open Shape.

   iii. Activity Zones shall be located outside of the Central Open Shape and shall be surfaced with materials other than Lawn.

   iv. Paths shall be made with materials that do not include Lawn, such as Hardscape, Mulch, or other groundcover.

   v. Lawn areas shall not exceed the greater of 250 square feet, or 35% of the Total Landscaped Area.

   vi. Small residential lots, where the Total Landscaped Area is less than 250 square feet, and where the front yard dimensions cannot accommodate the minimum 8 feet wide Lawn area requirement of the Landscaping Requirements in section F, are exempt from the 8 feet minimum width Lawn area requirement.

H. In commercial, industrial, institutional, and multi-family development common area landscapes, Lawn areas shall not exceed 20% of the Total Landscaped Area, outside of Active Recreation Areas.

I. Certain special purpose landscape areas (e.g. stormwater management areas, etc.) may receive exceptions from the slope limitations and other elements of the Landscaping Requirements (see Paragraph F, above). Applications to receive exceptions are to be considered on a case-by-case basis.

J. These outdoor standards are not intended to be in conflict with other landscaping requirements as defined by Utah law, including stormwater retention requirements and low-impact development guidelines. Notwithstanding these outdoor standards, whenever any requirement may be in conflict with Utah law, such conflicting requirements shall not apply.

**EXHIBIT A**

*Landscape Requirement Table*

All landscape plans required by Herriman City Code § 10-23-5 shall submit a completed Landscape Requirement Table as follows:

| | | |
|---|---|---|
| Property size (acres and Sqft) | | |
| Building footprint | | |
| Hardscape % of Property size | | |
| Overall Landscape sqft | Required | Provided |
| Live plant material sqft | Required | Provided |
| Trees 1 tree/500 sqft | Required | Provided |
| Trees in lawn areas | Prohibited | Provided |
| Parkstrip trees 1 per every 30’ of frontage | Required | Provided |
| Lawn areas less than 8 feet wide | Prohibited | Provided |
| Lawn areas on slopes greater than 25% or a 4:1 | Prohibited | Provided |
| **Residential** | | |
| Turf Grass provided | Allowed <35% of the total landscaped area | Provided |
| Small residential lot exemption when total landscaped area is < 250 sqft | Yes | No |
| **Commercial, Industrial, Institutional and multi-family** | Allowed <20% of the total landscaped area | Provided |
| | | |