

**Ordinance No. 2023-53**

**AN ORDINANCE AMENDING LAND MANAGEMENT CODE SECTIONS 15-5-5 ARCHITECTURAL DESIGN GUIDELINES, AND 15-15-1 DEFINITIONS CLARIFYING WATER WISE LANDSCAPE REGULATIONS TO QUALIFY FOR THE STATE'S LANDSCAPE CONVERSION PROGRAM**

WHEREAS, Water Wise is a landscape planning technique to reduce water usage, and create smart landscaping;

WHEREAS, the Park City General Plan recommends Land Use regulations to help reduce water use through efficient landscaping requirements;

WHEREAS, Strategy 5.3 of the General plans is to “adopt new landscaping requirements [in the Land Management Code] to decrease water utilization and preserve the native landscape”;

WHEREAS, the Land Management Code implements the goals and policies of the General Plan in part to promote the health of both the residents and the City and to encourage responsible environmental stewardship;

WHEREAS, on March 9, 2023, the City Council adopted Ordinance No. 2023-10 to amend the Land Management Code to implement Water Wise Landscaping Regulations and to define terms mandated by HB282;

WHEREAS, on May 1, 2023, the City launched the Landscape Incentive Program offering \$2 per square foot of turf removed when replaced with Water Wise Landscaping pursuant to the update Land Management Code regulations;

WHEREAS, Park City's Landscape Ordinance is required to further clarify Water Wise practices to qualify for the State-funded Landscape Conversion Program;

WHEREAS, on October 11, 2023, staff posted notice to the Utah Public notice and City websites, on October 11, 2023, staff mailed courtesy notices to property owners within Park City, and on October 11, 2023, the *Park Record* published public notice;

WHEREAS, the Planning Commission conducted a duly noticed public hearing on October 25, 2023, and forwarded a unanimous positive recommendation to the City Council;

WHEREAS, the City Council conducted a duly noticed public hearing on November 16, 2023.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah, as follows:

SECTION 1. AMEND MUNICIPAL CODE OF PARK CITY LAND MANAGE CODE TITLE 15. The recitals are incorporated herein as Findings of Fact. Municipal Code of Park City Title 15 Land Management Code § 15-5-5 *Architectural Design Guidelines* and § 15-15-1 *Definitions*, are hereby amended as outlined in Attachment 1.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 16<sup>th</sup> day of November, 2023.

PARK CITY MUNICIPAL CORPORATION

DocuSigned by:  
*Nann Worel*  
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Nann Worel, Mayor



Attest:

DocuSigned by:  
*Michelle Kellogg*  
E5F905BB533F431...

City Recorder

Approved as to form:

DocuSigned by:  
*Margaret Plane*  
11B5B6F4ACF34C7...

City Attorney's Office

## Attachment 1

### 1 15-5-5 Architectural Design Guidelines – Landscaping

2 1. PURPOSE. Park City is in a mountainous, semi-desert environment where much  
3 of the precipitation occurs as snow during the winter months and the highest  
4 demand for water occurs during the summer months, creating a significant risk of  
5 wildland fire. The largest single water demand is for irrigation of landscaping.

6 Water Wise Landscaping incorporates non-invasive, drought-tolerant plants that  
7 require little or no supplemental irrigation once established, includes water  
8 conserving irrigation, and uses Hydrozoning in which plants with similar water  
9 needs are planted in the same area with mulches that prevent water evaporation.

10 Water Wise Landscaping protects the health, safety, and welfare of the  
11 community from impacts of water shortages likely to occur during cycles of  
12 drought.

13 2. WATER WISE LANDSCAPING. At least fifty percent (50%) of the landscaped  
14 area Landscaped Area shall be Water Wise Landscaping containing approved  
15 non-invasive drought tolerant plants, and/or minimal irrigation. Water Wise  
16 Landscaping may be satisfied through approved vegetation, location of planting  
17 methods such as Xeriscaping or Hydrozoning, using healthy soil practices (that  
18 promotes soil moisture retention), such as compost, or biochar, and/or biodiverse  
19 plantings, or approved based on a site-specific Planning Department review.

20 3. HOMEOWNER ASSOCIATION LANDSCAPING REGULATIONS. Homeowner  
21 Associations may not prohibit a property owner from installing Water Wise  
22 Landscaping.

23 4. LANDSCAPE PLAN. A complete landscape plan is required for (I) new  
24 Development and/or Construction Activity proposed for an unimproved Lot or  
25 property and/or undisturbed natural Lots or property; (II) renovations or  
26 Construction Activity that modifies the Building Footprint; and (III) projects  
27 proposing to modify over 50% of the Landscaped ~~area~~ Area. Landscape plans  
28 shall incorporate best practices for water conservation. The landscape plan shall:

29 a. Identify the intended plant materials indicating the botanical name and the  
30 common name for:

31 (1) Plants (includes, but is not limited to trees and shrubs),

32 (2) Grasses,

33 (3) Mulches,

34 (4) Rocks (greater than 3”) and Gravel (less than 3”)

35 (A) Gravel is only allowed in the following applications:

36 (a) as an approved walkway;

37 (b) patio;

38 (c) drainage plan; and/or

39 (d) defensible space

40 (B) Gravel is prohibited in areas adjacent to the Right-of-  
41 Way.

42 (C) Any Gravel, rocks, or stone within the HRL, HR-1, HR-2,  
43 HRM, HRC, or HCB Zoning Districts must meet the  
44 requirements of the Design Guidelines for Historic  
45 District and Historic Sites in Chapter 15-13.

46 (D) Gravel and rocks are not an allowed surface for parking,  
47 ground cover on berms, or finished grade with a ratio  
48 greater than 3:1, within platted or zoned open space.  
49 Rock-cover should be no more than 20% of the new  
50 ground cover. Wood chip mulch is encouraged for water  
51 retention on the landscape.

52  
53 Refer to the Planning Department for a City-approved  
54 Plant List. A diverse selection of plantings, and the use  
55 of clumping and clustering, is suggested to provide  
56 plantings appropriate to the Park City climate and  
57 growing season, to provide aesthetic variety, and to  
58 prevent the spread of wildfire.

- 59 b. Utilize the concept of Water Wise Landscaping for selecting plants, plant  
60 location, irrigation methods, and mulching of all ~~landscaped areas~~  
61 **Landscaped Areas**.
- 62 c. For properties not included in a Historic District and for properties listed  
63 Landmark or Significant on Park City's Historic Sites Inventory, include  
64 plantings and ground cover in the Wildland Urban Interface Immediate  
65 Ignition Zone 0-5 feet and the Wildland Urban Interface Intermediate  
66 Ignition Zone 5-30 feet (Park City Municipal Code § 11-21-1(I) The 2006  
67 Utah Wildland-Urban Interface Code).
- 68 d. Indicate the percentage of the lot that is landscaped.

- 69 e. Indicate the percentage of the lot containing Impervious Surfaces,  
70 including driveways, parking areas, patios, and decks.
- 71 f. Indicate the percentage of the landscaping that is irrigated.
- 72 g. Identify the 50 percent (50%) of any Water Wise Landscaped ~~area~~ Area  
73 comprised of appropriate approved non-invasive drought-tolerant plants.
- 74 h. Identify Hydrozoning (grouping of plants based on irrigation needs) or  
75 Xeriscaping (sustainable, low-water landscaping) locations.
- 76 i. Identify all existing Significant Vegetation, which shall remain and be  
77 maintained on Site and protected during construction.
- 78 (1) If the Significant Vegetation is determined to be unhealthy and/or  
79 unsafe, under a Site-Specific review conducted by the Forestry  
80 Board and Planning Director in conjunction with a Conditional Use,  
81 Master Planned Development, Historic District Design Review  
82 approval, or building permit review, it may be replaced with  
83 equivalent landscaping in type and size.
- 84 (2) The Forestry Board and Planning Director may grant exceptions if  
85 upon their review it is found that equivalent replacement is  
86 impossible, would be detrimental to the site's existing and/or  
87 proposed vegetation, or violates Chapter 11-21 Utah Wildland-  
88 Urban Interface Code.
- 89 (3) Multiple trees from the City's approved Wildland-Urban Interface  
90 Planting List, clumped and grouped together with canopies of the  
91 clusters being no closer than 18 feet to the next closest cluster

92 within the Intermediate Zone, no cluster exceeding (5) five trees or  
93 cover more than 15% of the Intermediate Ignition Zone, whichever  
94 is lesser, and with vegetation not closer than 10 feet to any portion  
95 of a structure with vegetation at full grown height and size,  
96 equivalent in caliper to the size of the removed Significant  
97 Vegetation in the Intermediate Ignition Zone may be considered  
98 instead of replacement in kind and size.

99 (4) Significant Vegetation preservation shall be prioritized, but where  
100 applicable, Significant Vegetation may be removed or replaced to  
101 comply with Firewise Landscaping and/or Defensible Space  
102 regulations in Chapter 11-21 Utah Wildland-Urban Interface Code  
103 as approved by the Planning Director and Forestry Board.

104 j. Identify Artificial turf, which is recommended to be non-toxic synthetic,  
105 plant based, and/or made of recycled materials with reduced petroleum-  
106 based polymers. Artificial turf is allowed to be used in limited quantities on  
107 decks, pathways, recreation and play areas. Installation of artificial turf  
108 shall not pool water and be installed to allow for drainage.

109 k. Comply with Park City Municipal Code Chapter 11-21, Utah Wildland-  
110 Urban Interface Code.

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112 The Planning Director or designee may determine if proposed defensible  
113 space areas outlined in Chapter 11-21 Utah Wildland-Urban Interface  
114 Code may be exempt from 50% Water Wise landscaping requirements.

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All noxious weeds, as identified by the State of Utah or Summit County, shall be removed from the Property in a manner acceptable to the City and Summit County regardless of development state. All noxious weeds shall be removed prior to issuance of Certificates of Occupancy.

5. IRRIGATION PLAN. A detailed irrigation plan shall be drawn at the same scale as the landscape plan and shall include:

- a. The layout of the heads, lines, valves, controller, backflow preventer, and drip irrigation;
- b. A WaterSense labeled 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;

(1) Overhead Spray Irrigation shall be no greater than 12” above ground. Overhead irrigation is not permitted within 18” of any non-permeable surface. Overhead Spray Irrigation may be used for Lawn/Turf, but does not constitute a Water Wise landscaping method when used with other vegetation.

- c. Greywater System locations.

6. LAWN/TURF.

- a. Lawn/Turf is prohibited on slopes with a ratio greater than 3:1.
- b. Irrigated Lawn/Turf areas are limited to a maximum percentage of the allowed Limits of Disturbance Area of a Lot or Property that is not covered by Buildings,



138 Structures, ~~or~~ Impervious Surfaces, ~~or~~ Active Recreation Areas based on the size  
 139 of the ~~Lot or Property~~ Landscaped Area according to the following table:

Lot Size Landscaped Area	Maximum Turf or Lawn Area <del>as a percentage of the allowed Limits of Disturbance Area of the Lot that is not covered by Buildings, Structures, or other Impervious paving</del>
Greater than <del>one (1) acre</del> 250 square feet	20%
<del>0.50 acres to one (1) acre</del>	30%
<del>0.10 acres to 0.49 acres</del>	40%
Less than <del>0.10 acres</del> 250 square feet	No limitation

- 140 c. Lawn/Turf is prohibited on parking strips or areas less than eight feet (8') in width  
 141 ~~in new Residential Development.~~
- 142 ~~d. No more than 35% of the Front and Side Yard Landscaped Area in new~~  
 143 ~~residential development is lawn/turf. If there is an Active Recreation Area on the~~  
 144 ~~lot, then no more than 20% total Landscaped Area in new Residential~~  
 145 ~~Development is lawn/turf.~~
- 146 ~~e. Lawn/Turf limitations do not apply to small Residential Lots with less than 250~~  
 147 ~~square feet in Landscaped Area.~~
- 148 f. d. Lawn/Turf area limitations apply to all city-owned property with the exception  
 149 of an Active Recreation Area or as determined by the Planning Commission  
 150 under a Conditional Use Permit review.

151 Encouraged Lawn/Turf practices include:

- 152 A. Only using Lawn/Turf in areas where it is functional, such as play areas, and
- 153 areas needing temperature, noise, or dust mitigation;
- 154 B. Choosing non-irrigated Lawn/Turf or Lawn/Turf species with lower water
- 155 requirements;
- 156 C. Not planting Lawn/Turf in narrow, small, or oddly shaped areas that are difficult to
- 157 efficiently irrigate;
- 158 D. Mowing Lawn/Turf at a height of four inches (4”);
- 159 E. Planting Lawn/Turf in shaded areas on the lot;
- 160 F. Planting deep-rooted turfgrass on slopes;
- 161 G. Using healthy soil practices, such as biochar and/or compost;
- 162 H. Artificial turf is not recommended in any landscaping due to its impact on the
- 163 Urban Heat Island Effect;
- 164 I. Per PCMC Title 13 Section 1-21(A): Areas using City water will be restricted to
- 165 every other day from May 1 to September 30. Outside watering at even-
- 166 numbered street addresses shall be limited to even-numbered days of the month
- 167 and outside watering at odd-numbered addresses shall be limited to odd-
- 168 numbered days of the month. Hours of outside watering shall be restricted to
- 169 between 7:00 p.m. and 10:00 a.m.

170 \*Pursuant to Utah Code Section 10-9a-534, no affirmative requirements may be  
171 imposed on “building design elements” for Single-Family or Duplex Dwellings, unless  
172 that Dwelling is:

- 173 a. located within an area designated as a historic district in:
  - 174 i. the National Register of Historic Places;

- 175           ii.    the state register as defined in Utah Code Section 9-8-402; or
- 176           iii.    a local Historic District or area, or a site designated as a Significant or
- 177                 Landmark Historic Site on the Park City Historic Sites Inventory, created
- 178                 by ordinance before January 1, 2021;
- 179        b.    located within an area that:
  - 180            i.    is zoned primarily for residential use; and
  - 181            ii.   was substantially developed before calendar year 1950; or
- 182        c.    such requirement is imposed by a Development Agreement or other exception
- 183                 listed in Utah Code Section 10-9a-534.

184 Unless otherwise stated, prohibitions which do not impose a requirement shall apply.

185 HISTORY

186 Adopted by Ord. 02-07 on 5/23/2002

187 Amended by Ord. 06-56 on 7/27/2006

188 Amended by Ord. 11-05 on 1/27/2011

189 Amended by Ord. 12-37 on 12/20/2012

190 Amended by Ord. 2018-27 on 5/31/2018

191 Amended by Ord. 2019-30 on 5/30/2019

192 Amended by Ord. 2020-19 on 4/16/2020

193 Amended by Ord. 2020-35 on 7/9/2020

194 Amended by Ord. 2020-42 on 9/17/2020

195 Amended by Ord. 2021-05 on 1/21/2021

196 Amended by Ord. 2022-16 on 5/26/2022

197 Amended by Ord. 2023-10 on 3/9/2023

198 Amended by Ord. 2023-53 on 11/16/2023

199

200 **Section 15-15-1 Definitions**

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202 **ACTIVE RECREATION AREA.** An area ~~of a lot or parcel that is: not in low density~~  
203 ~~residential development,~~ comprised of lawn or turf dedicated to active use; installed or  
204 maintained on areas with a slope of not more than 25%. Active use means regular use  
205 for playing, exercise, recreation, or regular outdoor, activities that are ordinarily  
206 associated with lawn or turf, such as: a sports field, a social gathering area, an  
207 amphitheater, a public or private park, the playing area, including rough, driving ranges,  
208 and chipping and putting greens, of a golf course.

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210 **LANDSCAPED AREA.** The area of a Lot that is not covered by Buildings, Structures, or  
211 other Impervious Surfaces.

212 . . .