

ORDINANCE NO 2023-06-19

AN ORDINANCE CREATING CHAPTER 17.21 OF THE AMERICAN FORK CITY, UTAH, MUNICIPAL CODE RELATING TO WATER EFFICIENCY STANDARDS AND ENFORCEMENT OF THE AMENDMENT.

WHEREAS, American Fork City seeks to promote the health, safety, morals, convenience, order, prosperity, and general welfare of American Fork City;

WHEREAS, the American Fork City Council finds it in the best interest of the City to implement water efficiency standards within the City;

WHEREAS, the American Fork City Council finds that the adoption of this ordinance would promote the health, safety and welfare of the City and its residents.

NOW THEREFORE, be it ordained by the city council of American Fork, Utah, that:

PART I

TEXT OF ORDINANCE

SECTION 1. Chapter 17.21 of the American Fork City Municipal Code shall hereby read as follows:

17.21.010 Purpose, Applicability and Definitions

A. Purpose. The purpose of these water efficiency standards is to conserve the public's water resources by establishing water conservation standards and recommendations for outdoor landscaping and indoor plumbing fixtures.

B. Applicability.

1. The following standards are required for all new developer/contractor installed residential, commercial, institutional, and industrial construction, as applicable.
2. All new 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 shall comply with the landscaping standards in this Chapter. These standards shall also apply to existing ordinances related to City required landscaping.
3. The outdoor landscaping standards in this Chapter are not intended to conflict with other landscaping requirements as defined by Utah law, including storm water retention requirements and low-impact development guidelines. Notwithstanding these outdoor standards, whenever any requirement may conflict with Utah law, such conflicting requirements shall not apply.

C. Definitions. The following definitions shall apply to this Chapter:

1. Activity Zones: Portions of the landscape designed for recreation or function, such as storage areas, fire pits, vegetable gardens, playgrounds, and seating areas for leisure or breaks.

2. Active Recreation Areas: Areas of the landscape dedicated to active play where lawn may be used as the playing surface (ex. sports fields and play areas).
3. Central Open Shape: An unobstructed area that functions as the focal point of Localscapes and is designed in a shape that allows efficient watering.
4. Gathering Areas: Portions of the landscape that are dedicated to congregating, such as patios, gazebos, decks, and other seating areas.
5. Hardscape: Durable landscape materials, such as concrete, wood, pavers, stone, or compacted inorganic mulch.
6. Lawn: Ground that is irrigated and covered with grass that is designed to be regularly mowed.
7. Localscapes: 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).
8. Mulch: Any material such as rock, bark, compost, wood chips or other materials left loose and applied to the soil.
9. Park Strip: A typically narrow landscaped area located between the back-of-curb and sidewalk.
10. Paths: Designed routes between landscape areas and features.
11. Planting Bed: Areas of the landscape that consist of plants, such as trees, ornamental grasses, shrubs, perennials, and other regionally appropriate plants.
12. Total Landscaped Area: Improved areas of the property that incorporate all the completed features of the landscape. For single-family residential, this only includes the front and side-yard areas. The landscape area does not include footprints of buildings or structures, sidewalks along the street (but does include internal walking paths), driveways, and other non-irrigated areas intentionally left undeveloped.

17.21.020 Landscaping Requirements

1. Lawn shall not be less than 8 feet wide at its narrowest point.
2. Lawn shall not be installed in park strips, parking lot islands, or on slopes greater than 25% or 4:1 (4' horizontal to 1' vertical) grade. However, park strips shall conform to all street tree planting requirements including proper irrigation. If existing lawn is being removed from park strips to conform to these requirements, all existing street trees compliant with the municipal code and associated irrigation systems shall remain.
3. For single-family residential landscapes, lawn shall not exceed 35% of the Total Landscaped Area (as defined in this Chapter).
 - i. Small residential lots, which the total landscaped area is less than 250 square feet, are exempt from the 8 feet width requirement and the maximum of 35% lawn requirement.

- ii. Corner lots that are 8,000 square feet or less are exempt from the maximum of 35% lawn requirement for the side yard area adjacent to the street.
- 4. For institutional (churches, schools, etc.) and multi-family landscapes and common areas, lawn shall not exceed 20% of the Total Landscaped Area (as defined in this Chapter).
- 5. For commercial and industrial landscapes, lawn shall not exceed 20% of the Total Landscaped Area (as defined in this Chapter).

17.21.030 Prohibition on Restrictive Covenant on Grass Requirement

Any Homeowners Association governing documents, such as bylaws, operating rules, covenants, conditions, and restrictions that govern the operation of a common interest development, are void and unenforceable to the degree that they:

- i. Require the use of grass in landscape areas less than 8 feet wide or require grass in other areas that exceed 35% of the landscaped area; or
- ii. Prohibit, or include conditions that have the effect of prohibiting, the use of water-conserving plants as a group; or
- iii. Have the effect of prohibiting or restricting compliance with this Chapter or other water conservation measures.

17.21.040 Additional Recommendations

American Fork City encourages all individuals and entities to comply with the recommendations of the Central Utah Water Conservancy District.

17.21.050 Penalty and Violation

- A. Any person who violates any provisions of this chapter or fails to comply therewith, or who violates or fails to comply with any order made there under, shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000.00 or by imprisonment for not more than 180 days, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable period. When not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.
- B. In addition to any criminal penalties that may be imposed, the City may pursue civil penalties and restitution for actual damages.

PART II

PENALTY AND ADOPTION

SECTION 1 – Conflicting Provisions. Whenever the provisions of this Ordinance conflict with the provisions of any other ordinance, resolution or part thereof, the more stringent shall prevail.

SECTION 2 – Provisions Severable. This Ordinance and the various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is

adjudged to be unconstitutional or invalid it is hereby declared that the remainder of the ordinance shall not be affected thereby.

SECTION 3 – Penalty. Hereafter these amendments shall be construed as part of the Development Code of American Fork City, Utah, to the same effect as if originally a part thereof, and all provisions of said Code shall be applicable thereto, including, but not limited to, the enforcement, violation and penalty provisions.

SECTION 4 – Effective Date. This Ordinance shall take effect upon its passage and publication as required by law.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF AMERICAN FORK CITY, UTAH, THIS 13th DAY OF JUNE 2023.


Bradley J. Frost, Mayor

ATTEST:


City Recorder

