

**RICHMOND CITY CORPORATION
ORDINANCE 2021-11**

WHEREAS, the City Council of Richmond has the responsibility for the general welfare of the City; and

WHEREAS, such responsibility includes but is not limited to, establishment of best management practices; and

WHEREAS, management practices may evolve over the passage of time:

NOW THEREFORE, the City Council of Richmond City, County of Cache, State of Utah, hereby adopts, passes and publishes the following:

**AN ORDINANCE AMENDING THE RICHMOND CITY MUNICIPAL CODE,
TITLE 12-000 “LAND USE, DEVELOPMENT AND MANAGEMENT (LUDMO)”,
CHAPTER 12-1000 “OVERLAYS”, PART “12-1010-7 “OPEN SPACE”.**

BE IT ORDAINED BY THE CITY COUNCIL OF RICHMOND CITY, CACHE COUNTY, UTAH AS FOLLOWS:

1. Sections shall be amended such that the **highlighted** areas below shall be added and the ~~strikeout~~ areas shall be deleted.

12-1010-7 Open Space

~~A. Functional and aesthetic bodies of open space are an essential part of a P.U.D.~~

~~B. Total open space must equal forty (40) percent of the entire project area.~~

~~C. A minimum of ten (10) percent of the entire project area must be useable open space for recreation.~~

~~D. The Planning and Zoning Commission may determine whether all or a part of stream areas, bodies of water, and slopes may or may not be included as usable open space.~~

~~1. In making this determination, the Planning and Zoning Commission shall be guided by the following factors:~~

~~a. The relationship of these areas to other areas, structures, and uses within the planned unit.~~

~~b. The degree to which these areas contribute to the quality, livability, and aesthetics of the P.U.D.~~

~~E. Common park areas are encouraged and may be counted as part of the required open space within a P.U.D. provided they meet the following requirements:~~

~~1. They are to be used and are suitable for scenic, landscaping, or recreational purposes.~~

~~2. They are on land which is accessible and available to all occupants of dwelling units for~~

~~whose use the common park area is intended.~~

~~F. Preservation, maintenance, and ownership of open spaces within the development shall be accomplished by:~~

- ~~1. Dedication of land as a public park or parkway system, provided that such dedication is acceptable to the City Council, or~~
- ~~2. Granting to the City a permanent open space easement on and over the said open spaces to guarantee that they remain perpetually in recreational use, with ownership and maintenance being the responsibility of an Owners Association established with articles of association and bylaws which are satisfactory to the Planning and Zoning Commission, or~~
- ~~3. Jointly owned land or facilities in a Planned Unit Development must comply as though belonging to a condominium per Utah Code Annotated Title 57, Chapter 8, or~~
- ~~4. The developer may retain ownership and responsibility for maintenance of the designated open space, and shall commit himself/herself through written agreement with all parties who subsequently acquire ownership of property within the P.U.D.~~

A. Functional and aesthetic usable open spaces for use by the homeowners are deemed essential to and must be included within a Planned Unit Development (PUD) in accordance with the following:

1. There shall be a minimum of usable open space of forty (40) percent of the total gross area of the PUD, including all walkways, Common Space and Limited Common Space, as here defined:
 - a. Common space: PUD area managed and maintained by the HOA (Homeowner's Association) and intended for use by all members of the HOA.
 - b. Limited Common Space: PUD area managed and maintained by the HOA for use only by individual homeowners.
2. Open space needs to be identified as an area to facilitate snow retention during the winter months.
3. The preservation, maintenance and ownership of usable open space within the PUD must be held by the HOA.
4. For all Planned Unit Developments, not less than ten percent of the gross area of the project site shall be set aside for the use of the occupants for parks, playgrounds, open space or other open areas. All areas required for vehicular access, parking areas, and land which is otherwise required to comply with the minimum yard requirements around buildings, shall not be included in computing the area required for parks, playgrounds or other open space areas.
5. The required open space shall be landscaped with sod and irrigation sprinklers and a minimum 25% of the proposed open space shall be water-wise landscaped.

6. Detention and retention basins shall not be counted toward meeting the minimum open space requirement. Open space design and location issues shall be kept separate and independent of drainage issues.

B. Location of Open Space: The location of open space conserved through a Planned Unit Development shall be consistent with the policies contained in the General Plan Appendix 1 Parks, Recreation, and Open Space Plan. Required open space areas shall be well planned, walkable, and connected, not a collection of remnants. Where possible, units shall front onto the open space(s). Yard areas within lots shall not be counted toward meeting the minimum open space requirement.

C. Landscaping: All areas not covered by buildings, or by off-street car parking areas or driveways, shall be planted in lawn, trees and shrubs, or otherwise landscaped and maintained in accordance with an approved landscape plan. All required front yard and side yard areas which are adjacent to a public street shall not be used for automobile parking areas, except for permitted driveways, but shall be landscaped and maintained with lawns, trees and shrubs, or other landscape materials.

1. Trees shall be provided within the open space at a rate of ten trees per acre of provided open space. Deciduous trees shall be a minimum 2" caliper and coniferous trees shall be a minimum six feet in height.

D. Definitions For This Section:

1. Water Wise Landscaping (Xeriscaping or Localscaping): Landscaping in ways that conserves water and requires less supplemental irrigation. Ground covers used typically include native soils, bark mulch, and rock mulch without the use of turf sod. Plants used in water wise landscaping shall be drought tolerant and it is recommended that plants and trees are used that are native to our climate. A minimum of seventy (70) percent of the total landscaped area shall be covered with plant material at maturity. Plantings shall include a variety of coniferous and deciduous perennials, shrubs, and trees. Landscape boulders and varying types of ground cover shall be used in a water-wise landscape.
2. Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, in whole or in part, the same shall not affect the validity of the Ordinance as whole, or any other part thereof.
3. All ordinances, and the chapter, clauses, sections, or parts thereof in conflict with provisions of this ordinance are hereby repealed, but only insofar as is specifically provided for herein.
4. This ordinance shall become effective after the required public hearing and upon its posting as required by law.

THIS ORDINANCE shall be attached as an amendment to the Richmond City Municipal Code above referred to.

ADOPTED AND PASSED by the Richmond City Council on this 11th day of January, 2022.

RICHMOND CITY CORPORATION

Paul J. Erickson, Mayor

ATTEST:

Justin B. Lewis, City Recorder