

ORDINANCE NO: O-2026-22

AN ORDINANCE AMENDING HIGHLAND CITY DEVELOPMENT CODE RELATED TO LANDSCAPING REGULATIONS

WHEREAS, Highland City is authorized to enact land use regulations that govern the use and development of property in accordance with State law;

WHEREAS, Highland City desires to promote water-wise landscaping methods and water conservation and to establish minimum landscaping standards to accomplish such goals;

WHEREAS, a duly noticed public hearing was held by the Planning Commission regarding the proposed amendments on July 28, 2026, after which hearing the Commission recommended adoption of certain amendments;

WHEREAS, the Highland City Council provided notice of and conducted a public hearing regarding the proposed amendments and to review the recommendation of the Planning Commission on August 4, 2026;

WHEREAS, the Highland City Council finds that this ordinance furthers the public welfare, is in the interest of the public, and does not negatively impact family health, stability, and formation.

NOW THEREFORE, BE IT ORDAINED by the Highland City Council as follows:

SECTION 1. The Highland Development Code is amended as shown in Exhibit A, attached hereto.

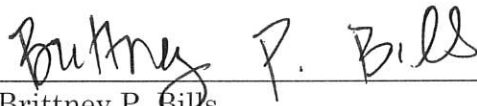
SECTION 2. The discussion of landscaping is continued specifically as to landscape maintenance, and City staff is directed to prepare additional amendments to the newly adopted Development code Section 3-628 regarding the maintenance of landscaped areas and present the same to the City Council.

SECTION 3. The City Recorder, under the supervision of the City Administrator and City Attorney, may make non-substantive corrections to any portion of this ordinance and to the City codes referenced herein for grammatical, typographical, numbering, and consistency purposes in accordance with the expressed intent of the City Council.

SECTION 4. All ordinances and parts and provisions thereof in conflict with this ordinance are repealed to the extent of such conflict.

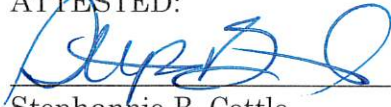
SECTION 5. This ordinance shall take effect immediately upon its adoption and publication, in accordance with law.

ADOPTED AND PASSED BY THE CITY COUNCIL OF HIGHLAND CITY, UTAH,
this 4th day of August, 2026.



Brittney P. Bills
Mayor

ATTESTED:



Stephannie B. Cottle
City Recorder



Exhibit A

3-4107 Special Provisions [R-1-40]

Special provisions shall apply in the R 1-40 Zone in order to protect its essential characteristics:

1. The space required around buildings and structures shall be kept free from refuse and debris.
2. All buildings and uses within this zone shall comply with all applicable sections of Chapter 3, Article 6~~portions of Sections 3-601 through 3-620.~~
3. Park or Planter Strips. All park strip areas, between the sidewalk and the curb, ~~are to shall~~ be covered landscaped and maintained ~~according to the requirements defined in Chapter 3, Article 6, in compliance with~~ Section 3-621 ~~in this Code.~~
4. At least seventy percent (70%) of the area contained within a required front yard or side yard adjacent to a street shall be landscaped within one year of occupancy in compliance with Section 3-628.
5. Sufficient off street parking shall be provided and maintained for all automobiles and recreational vehicles owned or used by occupants of each dwelling.

3-4207 Special Provisions [R-1-20]

~~Special provisions shall apply in the R 1 20 Zone in order to protect its essential characteristics:~~

1. The setback required around buildings and structures shall be kept free from refuse and debris.
2. All buildings and uses within this zone shall comply with all applicable ~~sections of Chapter 3, Article 6~~portions of Sections 3-601 through 3-620.
3. At least seventy percent (70%) of the area contained within a required front yard or side yard adjacent to a street shall be landscaped within one year of occupancy in compliance with Section 3-628.
4. Park or Planter Strips. All park strip areas, between the sidewalk and the curb, ~~are to shall~~ be ~~landscaped~~covered and maintained according to ~~the requirements defined in Chapter 3, Article 6, Section 3-621 in this Code.~~
5. Sufficient off street parking shall be provided and maintained for all automobiles and recreational facilities owned or used by occupants of each dwelling.

3-4257 Special Provisions [R-1-30]

~~Special provisions shall apply in the R-1-30 Zone in order to protect its essential characteristics:-~~

1. The setback required around buildings and structures shall be kept free from refuse and debris.
2. All buildings and uses within this zone shall comply with all applicable ~~sections of Chapter 3, Article 6~~portions of Sections 3-601 through 3-620.
3. At least seventy percent (70%) of the area contained within a required front yard or side yard adjacent to a street shall be landscaped within one year of occupancy in compliance with Section 3-628.
4. Park or Planter Strips. All park strip areas, between the sidewalk and the curb, ~~are to shall be covered~~landscaped and maintained ~~according to the requirements defined in Chapter 3, Article 6, in compliance with~~ Section 3-621 ~~in this Code.~~
5. Sufficient off street parking shall be provided and maintained for all automobiles and recreational facilities owned or used by occupants of each dwelling.

3-4312 Landscaping [C-1]

The following guidelines for landscaping shall apply to all developments within the commercial district:

1. Landscaping shall enhance the overall visual appearance of the development and be designed, installed, and maintained in compliance with Sections 3-621 and 3-628.

3-4361 Landscaping [CR]

The following guidelines for landscaping shall apply to all developments within the commercial district:

1. Landscaping shall enhance the overall visual appearance of the development and be designed, installed, and maintained in compliance with Sections 3-621 and 3-628.

3-4408 Special Provisions

~~Special provisions shall apply in the A-1 Zone in order to protect its essential characteristics:~~

1. The setbacks around buildings shall be kept free of debris, refuse, weeds, and other flammable material which may constitute a fire or health hazard.
2. All buildings and uses within the zone shall comply with all applicable sections of Chapter 3, Article 6~~portions of Sections 3-601 through 3-620.~~
3. Sufficient off-street parking shall be provided and maintained for all automobiles and recreational facilities or vehicles used by the occupants of the premises.
4. Driveways shall be paved or shall be graded for adequate access of emergency vehicles.

3-4512 Landscaping [R-P]

The following guidelines for landscaping shall apply to all developments within the Residential-Professional district:

1. Landscaping shall enhance the overall visual appearance of the development and be designed, installed, and maintained in compliance with Sections 3-621 and 3-628.

3-4613 Landscaping [SCALO]

The following guidelines for landscaping shall apply to all developments within the Senior Care Assisted Living Overlay district:

1. Landscaping shall enhance the overall visual appearance of the development.
 - a. The City may require that landscaping plans be prepared by a registered landscape architect.
 - ~~a.b.~~ Landscaping shall be designed, installed, and maintained in compliance with Sections 3-621 and 3-628
2. A fully comprehensive landscaping plan shall include, but not be limited to:
 - a. List of plants
 - b. Size
 - c. Location
 - d. Irrigation plan
 - e. Hardscape
3. Minimum caliper for all trees shall be one-half inch (1/2") and minimum shrub size shall be one-half (1/2) gallon unless the landscaping is specifically required to screen adjacent residential property in which case the trees shall be a minimum of two inch (2") caliper and shrubs shall be a minimum size of one (1) gallon.
4. When inorganic or non-living ground cover is used, it shall be in combination with live plants.
 - ~~a. Inorganic ground cover shall not exceed 50% of the landscaping material.~~

3-4729 Landscaping [Town Center]

All areas not incorporated in the building footprint, parking area or access drives shall be landscaped. A minimum of fifteen (15%) of the project area shall be landscaped. The developer/owner shall incorporate the following landscaping design concepts and landscaping elements into each project and shall submit the following landscaping information with each project:

1. Quality. Landscaping shall enhance the overall visual appearance of the development and be designed, installed, and maintained in compliance with Sections 3-621 and 3-628.

3-4747 Special Provisions

~~Special provisions shall apply in the Town Center Overlay Urban Subdivision in order to protect its essential characteristics:~~

1. The space required around buildings and structures shall be kept free from refuse and debris.
2. All buildings and uses within this zone shall comply with all applicable sections of Chapter 3, Article 6~~portions of Sections 3-601 through 3-620 as applicable.~~

3-4767 Special Provisions

~~Special provisions shall apply in the Town Center Overlay Urban Subdivision in order to protect its essential characteristics:~~

1. The space required around buildings and structures shall be kept free from refuse and debris.
2. All buildings and uses within this zone shall comply with all applicable ~~portions of S~~sections ~~3-601 through 3-622 as applicable of~~ Chapter 3, Article 6.
3. Common Space. Land areas that are not occupied by buildings, parking area, streets or alleys, shall be accessible by the residents and considered common space. All common space shall be devoted to landscaping and maintained by the home owners association. It is the intent that all common space shall not be maintained, planted in, fenced in or be in control of any resident of a particular dwelling within the development with the exception of the "courtyard" space specifically identified by Addendum "B". Newly installed landscaping shall be designed, installed, and maintained in compliance with Sections 3-621 and 3-628.
4. Common Driveways. Driveways serving more than one unit shall be accessible by both residents of the development and the residents of the dwelling units. However, the owners of the dwelling units attached to the driveway shall have a perpetual access easement. Maintenance of common driveways shall be the responsibility of the Homeowners Association.
5. Private Space. Private space shall consist of that area provided for each dwelling unit for personal use noted as "courtyard" as defined by the plat and shall be immediately adjacent to, attached to, or within the dwelling unit it is designed to serve and shall be for the exclusive use of the residents of the dwelling unit. The private space shall be owned fee simple by the owner of the dwelling.
6. Streets. All public streets shall conform to Highland City subdivision standards and shall be maintained by the City and shall conform to the street layout as specified in addendum "B" Sufficient off street parking shall be provided and maintained for all automobiles and recreational vehicles owned or used by occupants of each dwelling.
7. Alleys. All alleys shall be accessible by both residents of the development, city personnel, utilities, franchisees of the city and the public. Alleys shall be deemed a Public Utility Easement and may be used accordingly. Alleys shall

be installed in accordance to location and to the cross-section as depicted on addendum "B". There shall be no parking or storage of any kind in the alleys. All garbage containers except on collection day must be stored out of sight in a garage or behind an approved screen. No common dumpsters will be allowed. Maintenance and ownership of alleys shall be the responsibility of the Homeowners Association.

8. Fences and Screening. Each unit shall be permitted reasonable visual and acoustical privacy. Landscaping and sound reducing construction techniques are encouraged and shall be used as appropriate for the aesthetic enhancement of property and the privacy of its occupants. No fences or screens shall be constructed within the common space. A homeowner may construct a fence which is a maximum of four (4) feet in height within the courtyard area as identified on the recorded plat if constructed of similar material to the wainscot of the home it is located on. A fence may be extended and additional two (2) feet in height if it is 55% open and constructed with wrought iron, high quality maintained wood, or a high quality vinyl fencing material. Homeowners who wish to install any fence in Highland are required to obtain a fence permit prior to construction after obtaining approval from the Architectural Review Committee.
9. Landscaping. It shall be the responsibility of the developer of the subdivision to install the landscaping and shall post a performance bond for all landscaping per Chapter 6, Guarantee of Performance, in this Code. In order to protect the landscaping, landscaping may be deferred until such time as final inspection on the dwelling structure. All landscaping shall be originally installed in accordance with irrigation, landscaping and amenities plan incorporated into addendum "C", and all new landscaping shall be designed, installed, and maintained in compliance with Sections 3-621 and 3-628. This development shall include two separately defined landscaping areas which shall be classified as "common area" and "personal space". It is the responsibility of Homeowners Association to maintain all common areas before and after landscaping is installed.
 - a. The "personal space" shall be defined as the area immediately surrounding each unit as illustrated in addendum "C" (plan L2.1 and L2.2).
 - i. No unit builder or homeowner can remove any landscaping item from the 'personal space' area surrounding each building unless that landscaping item is replaced with, at minimum, a

landscaping item of equal aesthetic value that is designed, installed, and maintained in compliance with Sections 3-621 and 3-628.

- ii. A unit builder or homeowner may add to and/or enhance the landscaping items within their 'personal space' surrounding each unit with landscaping that is aesthetically equal to or an improvement above the originally approved landscaping plan, including modifications, enhancements, and improvements to landscaping that conform to Sections 3-621 and 3-628, following approval from the Home Owners Association.
- b. The "common area" shall be the entire area of the development excluding the main dwelling unit, the 'personal space', and any improved hard surface as illustrated in addendum "C" (plan L1).
 - i. No unit builder or homeowner can remove, alter, or add any item to the "common area" without first amending addendum "C" (plan L1), except to comply with the requirements and standards of Sections 3-621 and 3-628.

3-4911 Landscaping [PO]

The following shall apply to all developments within the professional office district, and a landscape plan conforming to the following requirements shall be submitted for review in connection with site plan approval:

1. Landscaping shall enhance the overall visual appearance of the development and should incorporate varied landscaping features, such as planters, gardens, courtyards, terraces, shade structures, and seating areas to enhance the residential character of the site and provide outdoor spaces for employees and visitors, in compliance with Sections 3-621 and 3-628.

3-4951 Landscaping [P-I]

The following guidelines for landscaping shall apply to all civic buildings constructed within the Public Institution Zone:

1. Landscaping shall enhance the overall visual appearance of the development and be designed, installed, and maintained in compliance with Sections 3-621 and 3-628.
2. A fully comprehensive landscaping plan shall include, but not be limited to:
 - a. List of plants
 - b. Size
 - c. Location
 - d. Irrigation plan
 - e. Hardscape
3. Minimum caliper for all trees shall be 2" and minimum shrub size shall be one gallon. Trees shall be a mixture of a 50% deciduous and 50% evergreen variety. There shall be a minimum of one (1) tree per 3,000 sf of landscape area in addition to trees along rights-of-way. Street trees shall be planted at a minimum of one tree per 30 feet o.c., excluding any access driveway, or as per the designated street plan if defined.
4. ~~Not more than twenty-five percent (25%) of i~~inorganic and non-living ground cover may be used, ~~and it shall be~~ in combination with live plants.

3-41011 Landscaping [P-U]

The following guidelines for landscaping shall apply to all developments within the Public Utility Zone:

1. Landscaping shall enhance the overall visual appearance of the development and be designed, installed, and maintained in compliance with Sections 3-621 and 3-628.
2. A fully comprehensive landscaping plan shall include, but not be limited to:
 - a. List of plants
 - b. Size
 - c. Location
 - d. Irrigation plan
 - e. Hardscape
3. Minimum caliper for all trees shall be 2" and minimum shrub size shall be one gallon. Trees shall be a mixture of a 50% deciduous and 50% evergreen variety. There shall be a minimum of one (1) tree per 3,000 sf of landscape area in addition to trees along rights-of-way. Street trees shall be planted at a minimum of one tree per 30 feet o.c., excluding any access driveway, or as per the designated street plan if defined.
4. The City may require that landscaping plans be prepared by a registered landscape architect.
5. ~~Not more than twenty-five percent (25%) of i~~norganic and non-living ground cover may be used ~~, and it shall be~~ in combination with live plants.

3-601 Supplementary Regulations ~~Within Zones~~

1. The intent of the regulations in this Article Sections 3-602 through 3-621 is to provide ~~for several miscellaneous~~ land use and development standards ~~which that~~ are applicable in more than one zone.
2. The general regulations set forth in this Article ~~The requirements of these Sections~~ shall apply to all property within Highland ~~be~~ in addition to the specific use and development standards set forth ~~contained within~~ the various zones.
- ~~1.3.~~ Where the provisions of ~~these Sections this Article may be in~~ conflict with other provisions of this Code, the more stringent shall ~~prevail~~ control.

3-621 Park ~~Or Planter~~ Strips and Parkway Detail Regulations

1. All park strips ~~areas, the area between the sidewalk and the curb,~~ shall be landscaped and maintained by the property owner directly adjacent to that sidewalk using ~~Xeriscape or~~ water-wise landscaping methods according to the as defined definition in Chapter 10 ~~Definitions, the standards provided in Section 3-628, and the following requirements:-~~
 - a. Lawn shall not be installed in park strips.
 - b. Vegetation such as grasses, flowers, ground covers and shrubs shall not exceed 22-inches in height. Vegetation shall not include weeds identified on the State of Utah Department of Agriculture and Food Designated Noxious Weed List for Colorado (CO), Idaho (ID), Kansas (KS), Montana (MT), Nebraska (NE), North Dakota (ND), South Dakota (SD), Utah (UT), Wyoming (WY) but may include approved drought tolerant plants.
 - c. The park strip may be covered with ~~non-living material mulch~~ such as wood chips or decorative landscaping rocks (rock diameter of one inch minimum and six inches maximum) in combination with live plants if commonly practiced xeriscape landscaping procedures are followed.
 - d. ~~Vegetation and T~~rees planted in the park strip shall be watered through drip irrigation systems and not watered may be separated by non-living materials only if a water source is available at each tree (not from a hose, or above ground sprinkler).
 - e. Only trees from the city approved Class I Trees list may be planted within a park strip pursuant to . See Section 2.36.160(J) Tree Class Divisions in the Highland City of the Municipal Code ~~for the permitted Class I trees.~~
2. The seller of a newly constructed residence shall inform the first buyer of the residence of the water-wise and xeriscaping landscaping requirements ~~for park strips.~~
3. Parkway details shall be dedicated, improved, and maintained as follows:
 - a. Parkway detail areas shall be landscaped and improved according to the city's current design and construction standards and specifications. The city council may approve modifications to the parkway detail implementation in a specific area to address specific property or design constraints or to improve public use and connectivity such as by widening roadways or adding multiuse trails.

b. Parkway details shall be installed and maintained along the right of way corridors identified in the city's general plan and master transportation plan, including the following:

- i. Timpanogos Highway (SR-92);
- ii. Alpine Highway (SR-74);
- iii. 4800 West and North County Boulevard (SR-129);
- iv. Highland Boulevard;
- v. Beacon Hill Boulevard;
- vi. 10400 North;
- vii. 11800 North;
- viii. 6800 West.

c. The property on which a parkway detail is installed and maintained that extends beyond the area required by the applicable right of way cross-section standard shall be dedicated to the city either in fee simple or as a parkway landscape and public access easement.

a-d. Unless the city has otherwise agreed in writing, parkway detail areas shall be maintained by the city and not by the property owner directly adjacent to the parkway detail or another person. No person shall modify, re-grade, or landscape parkway detail areas or use parkway detail areas for construction or vehicular access without the City's prior written authorization. Fences installed along the boundary of parkway detail areas remain owned by the adjacent property owner, who is responsible for the maintenance of such fence.

3-626 Driveway Regulations

1. Driveways and other accesses that provide vehicular access from a public or private road shall conform to all requirements of the applicable zoning district, the clear view requirements set forth in Section 3-610, and the city's adopted engineering, design, and construction standards and specifications.
2. Driveways and other accesses that provide vehicular access from a public or private road shall be planned and designed in connection with any site plan or building permit that requires or necessitates the driveway or access.
3. Driveways and other accesses that provide vehicular access from a public or private road shall not be permitted to cross or be constructed upon a landscape easement, parkway detail, conservation or open space area, or any land reserved or dedicated for stormwater, drainage, or flood control purposes.

~~3.4.~~ Driveways and other accesses that provide vehicular access from a public or private road and on-site parking areas and drive aisles shall be designed, graded, located, and maintained so as to not cause water to drain or run off onto adjacent properties without authorization.

4.5. After January 1, 2024, no new driveways or other accesses that provide vehicular access from a public or private road to a property shall be permitted to connect to the following roads:

- a. Highland Boulevard
- b. 4800 West from SR-92 north to Highland City boundary
- c. 11800 North
- d. 6800 West from 9600 North south to Highland City boundary

3-628 Landscape Regulations

1. As used in this Section:

- 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 is used as the playing surface.
- c. “Gathering Areas” means portions of the landscape dedicated to congregating, such as patios, gazebos, decks, and other seating areas. Gathering areas shall be constructed of hardscape.
- d. “Hardscape” means durable landscape materials, such as concrete, wood, pavers, stone, or compacted inorganic mulch.
- e. “Lawn” means ground that is covered with grass or turf that is or typically should be regularly mowed.
- f. “Mulch” means any material such as rock, bark, compost, wood chips or other materials left loose and applied to the soil or on top of landscape fabric or similar barriers.
- g. “Paths” means designed routes between buildings, activity zones, active recreation areas, gathering areas, and other landscape areas and features. Does not include sidewalks along rights of ways and accesses.
- h. “Planting Bed” means areas of the landscape that consist of plants, such as trees, ornamental grasses, shrubs, perennials, and other regionally appropriate plants.
- i. “Total Landscaped Area” means the improved areas of the property that incorporate all the completed features of the landscape. The landscaped area does not include footprints of buildings or structures, sidewalks along rights of ways and accesses, parking areas, drive aisles, driveways, and other vehicular accesses, and non-irrigated areas intentionally left undeveloped.

2. Water-wise landscaping. All new commercial, institutional, industrial, and multi-family development, and all front and side yard landscaping for new

single-family residential development shall implement water-wise landscaping and shall comply with the following:

- a. Lawn shall not be less than 8 feet wide at its narrowest point.
 - b. Lawn shall not be installed in park strips, paths, or on slopes greater than 25% or 4:1 grade.
 - i. Paths shall be made with hardscape, mulch, or other non-lawn ground surface material.
 - c. For residential development, lawn shall not exceed 50% of the total landscaped area in front and side yards.
 - a.d. For commercial, industrial, institutional, and common area landscapes for multi-family development, lawn areas shall not exceed 20% of the total landscaped area outside of active recreation areas.
 - e. At least 25% of non-lawn landscaped areas must contain plants, trees, and shrubs that create at least 50% living plant cover at maturity at the ground plane, not including tree canopies, throughout the total landscaped area.
- 2.3. No more than 25% of the total landscaped area outside of activity zones and gathering areas may be covered by impervious material. All impervious materials and hardscapes shall be designed, graded, located, and maintained so as to not cause water to drain or run off onto adjacent property without authorization.

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44. **Landscaping.** Landscaping shall mean the use and integrations of traditional landscape design methods and water-wise landscaping methods including Xeriscape. Landscaping consists of the ~~A~~ combination of planted trees, shrubs, vines, ground covers, grass, rocks, mulch, fountains, pools, art works, screens, walls, fences, benches, planters, and paths ~~or surrounding walkways set into any aesthetically pleasing arrangement should be implanted.~~ Landscaped areas do not include footprints of buildings or structures, sidewalks along rights of ways and accesses, parking areas, drive aisles, driveways, and other vehicular accesses. ~~The use of structures or surfaced walkways, alone, in the absence of planted trees, grass, etc., shall not meet the requirements of this Code.~~

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63. **Park Strip.** The area within a right of way between the back of curb to the sidewalk. Park strips do not include any area within a parkway detail.

64. **Parkway Detail.** A streetscape and landscape standard defined by the City's adopted design and construction standards that is implemented or planned to be implemented along designated right of way corridors. Parkway details may be located on property owned by the city or within an easement dedicated to the city.

...

986. **Xeriscape Water-Wise Landscaping.** Xeriscape Water-wise landscaping, also referred to as xeriscaping or localscaping, is interpreted to be landscaping in a manner that reduces the need for supplemental irrigation, conserves water, and enhances the beauty and utility of the property. Water-wise landscaping Residents should be conscientious of avoids overuse of both lawn and non-living ground cover, utilizing plants, trees, and shrubs appropriate to the climate with sufficient density to maintain soil and plant health and to avoid creating or exacerbating heat islands, while employing high efficiency irrigation methods that to avoid losing water to evaporation and run-off. Xeriscape Water-wise landscaping shall consist of an attractive mix of plantings, lawn, rocks non-living mulch, hardscapes, paths, planting beds, and other landscaping materials. ~~For front yards and park strips, at least 25% of any xeriscape must contain plants, trees and shrubs.~~ See Section 3-628 for additional regulations and definitions.

-[Renumber accordingly]