

1 **LANDSCAPING REQUIREMENTS**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Ryan D. Wilcox**

5 Senate Sponsor: Michael K. McKell

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7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions regarding water wise landscaping.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines terms; and
- 13 ▶ authorizes certain landscaping requirements.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **57-8a-231**, as enacted by Laws of Utah 2022, Chapter 230

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22 *Be it enacted by the Legislature of the state of Utah:*

23 Section 1. Section **57-8a-231** is amended to read:

24 **57-8a-231. Water wise landscaping.**

25 (1) As used in this section:

26 (a) "Lawn or turf" means nonagricultural land planted in closely mowed, managed

27 grasses.

28 (b) "Mulch" means material such as rock, bark, wood chips, or other materials left

29 loose and applied to the soil.

30 (c) "Overhead spray irrigation" means above ground irrigation heads that spray water  
31 through a nozzle.

32 (d) (i) "Vegetative coverage" means the ground level surface area covered by the  
33 exposed leaf area of a plant or group of plants at full maturity.

34 (ii) "Vegetative coverage" does not mean the ground level surface area covered by the  
35 exposed leaf area of a tree or trees.

36 (e) "Water wise landscaping" means any or all of the following:

37 (i) installation of plant materials suited to the microclimate and soil conditions that  
38 can:

39 (A) remain healthy with minimal irrigation once established; or

40 (B) be maintained without the use of overhead spray irrigation;

41 (ii) use of water for outdoor irrigation through proper and efficient irrigation design  
42 and water application; or

43 (iii) the use of other landscape design features that:

44 (A) minimize the need of the landscape for supplemental water from irrigation; [~~or~~]

45 (B) reduce the landscape area dedicated to lawn or turf[-]; or

46 (C) encourage vegetative coverage.

47 (f) "Water wise plant material" means a plant material suited to water wise landscaping  
48 as defined in this section.

49 (2) An association may not enact or enforce a governing document that prohibits, or  
50 has the effect of prohibiting, a lot owner of a detached dwelling from incorporating water wise  
51 landscaping on the property owner's property.

52 (3) (a) Subject to Subsection (3)(b), Subsection (2) does not prohibit an association  
53 from requiring a property owner to:

54 (i) comply with a site plan review or other review process before installing water wise  
55 landscaping;

56 (ii) maintain plant material in a healthy condition;

57 (iii) follow specific water wise landscaping design requirements adopted by the

58 association including a requirement that:

59 (A) restricts or clarifies the use of mulches considered detrimental to the association's  
60 operations; and

61 [~~(B) imposes minimum or maximum vegetative coverage; or~~]

62 [~~(C)~~ (B) restricts or prohibits the use of specific plant materials other than water wise  
63 plant materials.

64 (b) An association may not require a property owner to:

65 (i) [~~require a property owner to~~] install or keep in place lawn or turf in an area with a  
66 width less than eight feet[-]; or

67 (ii) have more than 50% vegetative coverage, that is not water wise landscaping, on the  
68 property owner's property.