

Midway City Council
7 December 2021
Regular Meeting

Ordinance 2021-40 /
Landscaping



Midway

CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: December 7, 2021
NAME OF APPLICANT: Midway City
AGENDA ITEM: Code Text Amendment of Title 16

Midway City is proposing an amendment to Sections 16.4, 16.13.22, 16.16, and 16.15 of the Midway City Municipal Code. The proposed amendment would change landscaping for the commercial, resort, and residential zones.

BACKGROUND:

The purpose of this item is to update the landscape requirements for new development applications and to ensure that the requirements are consistently referenced in the various development sections of the code.

Below are some examples from the General Plan that highlight the importance of landscaping throughout the city:

Elements of the Community Vision

- *Open spaces will be accessible, visible, appropriately landscaped (depending on the open space purpose and use) and will be aesthetically pleasing.*
- *Development and City entryways will be landscaped, aesthetically pleasing and, where appropriate, will reinforce a Swiss/ European theme.*
- *Midway’s landscaping Master Plan will define the look and feel the City will create through landscapes, streetscapes, entryways and entry corridors, monuments, signage, etc.*
- *City entryways and travel corridors will be appropriately landscaped and maintained and will reinforce a Swiss/European theme.*

- *The Town Square, Main Street and all associated businesses and signage will be beautified through trees, landscaping, streetscaping, hanging flower baskets, window boxes, flower gardens and will be done consistent with a Swiss/ European theme.*

Land Uses

Commercial – C-2 and C-3 - These zones have also been established to create new development which is characterized by well landscaped frontages, safe access and egress, proper parking design, coordinated site planning, and buildings which follow the objectives of the City Master Plan and architectural requirements.

Main Street

Guideline 12: Require landscape plans for all commercial development that will be reviewed by the Visual and Architectural Committee.

There is clearly support for ensuring that the landscape and streetscape of a development enhances the rural character and Swiss/European theme of Midway.

The following text is section 16.13.22 of the land use code. This section outlines the landscape requirements as it relates to various types of development. The staff recommended edits to the section are shown in *red* text.

SUPPLEMENTARY REQUIREMENTS IN ZONES

16.13.22 Landscaping Plan –

A plan that demonstrates how the surface of the earth as approved for a building or as part of a Final Plan will be maintained to preserve the final grade for the drainage and storm water plan, control noxious weeds, provide economy of maintenance, water use and environmental protection, as well as providing aesthetic enhancement suitable to the project. In all cases, such a plan will show the finished grade, location, type, and size of plants. It shall include irrigation equipment, water demand, paving, curbs, berms, and other protective procedures around the edge of the planting beds.

At least 70 percent of the area contained within a required front or side yard adjacent to a street shall be landscaped. The purpose of the landscaping requirement in this Title shall be to provide a plan that when implemented, will provide the means to reasonably protect buildings, utilities, surrounding properties and public facilities from damage from surface drainage, conserve irrigation water, control dust, increase efficiency of maintenance for landscaped areas, enhance the appearance of buildings, to protect and enhance the beauty of the property and City, and to stabilize property values by encouraging pleasant and attractive surroundings and thus create the necessary atmosphere for the

orderly development of a pleasant community. Landscaping also contributes to the relief of heat, noise, and glare through the proper placement of plants and trees.

A. Scope of Requirement. Where landscaping is required, such landscaping shall comply with the requirements set forth in this Section for the specific use and location, and shall be specific enough so that the implementation of the plan can be valued for installation costs, monitored for compliance with the plan by the City or a third party as approved by the City and, if required by the terms of this Title, be secured for completion by a construction and a warranty bond.

B. Site Grading Plan. Provide reasonable drainage away from the buildings by establishing grade lines to positively control water in coordination with existing or approved storm water drainage plans, to minimize erosion, and to protect landscaped surfaces from damage by concentrated runoff.

*C. When landscaping is required as a part of a site plan, conditional use, ~~small~~ ~~or~~ standard subdivision, PUD, resort, **commercial**, or other development approved under this Title, such landscape plans shall incorporate compliance with all other required conditions of the City for the project.*

D. Maintenance Required. Required landscaped areas shall be maintained in a neat, clean, orderly, and healthful condition. This is meant to include proper pruning, mowing lawns, weeding, removal of litter, fertilizing, replacement of dead plants, and the regular watering of all plantings. A landscape plan shall include a description of the landscape maintenance plan and the plan by which funds sufficient to maintain the plan shall be provided. This shall be demonstrated by a drainage plan and reference to the storm drain plan, a list of planting material, including watering requirements and nutrient needs, surface material key and maintenance guidelines for the surface material, irrigation system maintenance plan and operational instructions.

E. Irrigation Plan. Where landscaping is required, such landscaping shall include an irrigation system suitable to maintain the landscape material subject to the plan.

F. Screening Requirements. Where landscape screening is required, said screening shall consist of evergreen shrubs, closely spaced and maintained at substantially the specified height of said required screening. When not otherwise specified, natural screening shall be maintained at a height of at least 6 feet.

*G. Site Plan Required. Where landscaping is required in this Title, a site plan showing the proposed landscaping development, watering system and use of the property shall be submitted to the **land use authority for approval. Planning Commission and City Council, except that a separate site plan showing the landscape plan shall not be required for one and two family dwellings within***

~~subdivisions or on zoning lots of record. Otherwise, the same plan used to show parking layout or other requirements for the issuance of a building permit may be used to show landscaping, providing all required landscaping is detailed adequately on said plot plan. The City Council may disapprove such plans if it determines that they are not consistent with the requirements and purposes of this Chapter.~~

H. Landscape Minimums. Where landscaping is required in this Title, the following landscape requirements must be met.

- I. Native grass and wildflower seed mixes may only be used on slopes of 20% or greater.*
- II. When property is developed, it must include trees at the following rates. These are in addition to any required street trees. At a minimum, trees must be spaced to accommodate their mature size:*
 - a. Residential Development: One tree per 2,904 square feet (gross) of common and open space area (15 trees per acre).*
 - b. New Commercial, New Mixed-Use or Business and Manufacturing Park Development: One tree per 4,840 square feet (gross) of parcel area (9 trees per acre).*
 - c. New Resort Development: One tree per 2,904 square feet (gross) of common and open space area (15 trees per acre).*
- III. Street trees will be required at the following rates. Required street trees are in addition to trees required above in subsection II:*
 - a. Planned Unit Development: Trees will be required in all park strips, or adjacent to roadways, spaced at a maximum interval of 40'.*
 - b. Large Subdivision: Trees are only required in park strips, or adjacent to roadways, when it abuts common space or open space, spaced at a maximum interval of 40'.*
 - c. New Commercial, New Mixed-Use, Business and Manufacturing Park or New Resort Developments: Trees will be required in all park strips, or adjacent to roadways, spaced at a maximum interval of 40'.*
- IV. All deciduous trees must have a minimum caliper of 2" at time of installation. All conifer trees must be a minimum of 6' in height at time of installation.*
- V. In all developments, no more than 20% of the proposed trees may be the same species. All proposed trees should be in compliance with any approved or prohibited tree list that is maintained by Midway City*
- VI. Trees that are proposed near trails must be installed in compliance with regulations found in Chapter 16.29.*
- VII. Landscape plans must note how landscaping will be irrigated (broadcast, drip, etc.)*

H. Non-Conforming Status. Any use of property, which, on the effective date of this Chapter is non-conforming only as to the regulations relating to landscaping, may be continued in the same manner as if the landscaping were conforming, unless such use constitutes a nuisance.

J. It is not required that any particular species of plants or grasses shall be provided, except that the landscape plan shall explain the choice for each plant material and demonstrate that the plant material is appropriate to the function of the landscape plan and can survive in this climate with the water rights and irrigation equipment proposed to implement the landscape plan. The landscape plan may include water wise plantings; however, any plan that does include water conserving plants or natural non-irrigated plan elements must demonstrate how noxious weed species can be controlled within the landscape plan area.

K. Construction Bond Required. When required by the provisions of this Title, all landscaping planting plans shall post a bond equal to 110 percent of the cost of construction and inspection of all elements of the landscaping planting plan as determined by the City Engineer, in writing, to assure the completion of the plan and a warranty bond for two years after construction is complete to assure the implementation of the constructed plan.

In addition to the above adjustments, we are proposing amendments to the Business and Manufacturing Park (16.4), Resort (16.15), and Planned Unit Developments and Standard Subdivision (16.16) codes to ensure that they require developments to be in compliance with the landscape requirements found in 16.13.22, similar to what currently exists in the Commercial C-2 and C-3 zone section (16.5.3.H). All proposed adjustments are shown in *red* text.

BUSINESS AND MANUFACTURING PARK ZONE

16.4.6 Landscaping –

*All land not covered by off-street parking or buildings shall be planted into lawn, trees or shrubs, and otherwise landscaped and maintained with lawns, trees and shrubs, except for permitted driveways and sidewalks. Landscaping and site drainage plans shall be **submitted for all permitted (primary and secondary) and conditional uses, and will be reviewed ~~approved~~** as a part of conditional use and site plan approval. **The plan will be reviewed by the Visual and Architectural Committee during the approval process and must meet the requirements found in section 16.13.22.***

RESORT ZONE

16.15.4.G Design Guidelines –

4. *Landscape Design Plan. A landscape design plan is required for all permitted and conditional uses in the Resort Zone. The plan will be reviewed by the Visual and Architectural Committee during the approval process and must meet the requirements found in Section 16.13.22. The Landscape Design Plan shall highlight the natural resources within the Resort and integrate them into the layout of the site in order to promote a connection to the natural environment.*

a. *Natural features of the site, such as significant vegetation, geologic features, rock outcroppings, water bodies, wildlife habitat, and animal use pattern, shall be preserved and incorporated into the project design to the extent practicable.*

b. *Project landscaping, including hardscape areas, shall be consistent with the overall design theme of the resort. Use of indigenous plant materials is encouraged. Existing vegetation shall be preserved and incorporated into the design of the project to the extent practical, especially wooded areas and other significant vegetation which provides shelter, feed or habitat for wildlife.*

16.15.5.D.4 Submit an updated Design Elements Plan –

c. *The Landscape Design Plans submitted with the Preliminary Development Plan Application shall be reviewed by the Visual and Architectural Committee during the approval process and must meet the requirements found in Section 16.13.22. The plan shall demonstrate that the natural resources within the Resort have been appropriately preserved and integrated into the layout of the site so that:*

PLANNED UNIT DEVELOPMENTS AND STANDARD SUBDIVISIONS

16.16.7.A General Standards and Requirements -

6. *A landscaping plan is required for all planned unit developments and standard subdivisions with open space and common space. The plan will be reviewed by planning staff during the approval process and must meet the requirements found in Section 16.13.22. In addition to the requirements found in section 16.13.22, all areas not covered by buildings, parking, streets or drives shall be planted with grass, trees, shrubs or other plant materials to preserve and protect the final grading plan and the drainage plan proposed are part of the project as part of the submittal of the final landscape plan. Areas may be allowed to be left in a natural state, or xeriscaped, if the Planning Commission and City Council find this more desirable than traditional landscaping; also, a permanent sprinkler system shall be installed in all landscaped areas to provide irrigation of planted areas.*

POSSIBLE FINDINGS:

- The General Plan emphasizes the importance of landscaping and the city's streetscape in helping reinforce the rural feel of Midway
- The proposed adjustments will clarify when landscaping plans are required
- The proposed adjustments will clarify the landscape requirements

PLANNING COMMISSION RECOMMENDATION:

Motion: Commissioner Whitney: I make a motion that we recommend approval of an amendment to Sections 16.4, 16.13.22, 16.16, and 16.15 of the Midway City Municipal Code. The proposed amendment would change landscaping for the commercial, resort, and residential zones. Accept the staff report and findings with the modification of allowing native grasses and to put together an approved plant list that would include seed mixes, grasses and trees, that would be considered appropriate by Midway City.

Seconded: Commissioner Wardle

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Whitney, Ream, Wardle, Garland, Simons and Cliften

Motion: Passed

ALTERNATIVE ACTIONS:

1. Approval. This action can be taken if the City Council that the proposed language is an acceptable addition to the City's Municipal Code.
 - a. Accept staff report
 - b. List accepted findings
 - c. Place condition(s)
2. Continuance. This action can be taken if the City Council would like to continue exploring potential options for the amendment.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - d. Date when the item will be heard again
3. Denial. This action can be taken if the City Council feels that the proposed amendment is not an acceptable revision to the City's Municipal Code.

- a. Accept staff report
- b. List accepted findings
- c. Reasons for denial



Midway

**ORDINANCE
2021-40**

**AN ORDINANCE TO AMEND SECTIONS 16.4, 16.13, 16.15,
AND 16.16 OF THE MIDWAY CITY LAND USE CODE TO
UPDATE THE LANDSCAPE REQUIREMENTS FOR NEW
DEVELOPMENT APPLICATIONS.**

WHEREAS, pursuant to Utah Code Section 10-9a-509 the Midway City Council may formally initiate proceedings to amend city ordinances; and

WHEREAS, the Midway City General Plan highlights the importance of landscaping throughout the City; and

WHEREAS, to ensure the General Plan is followed, the Midway City Council believes that landscaping and streetscaping in new developments within the City should enhance the rural character and Swiss/European theme of Midway; and

WHEREAS; the Midway City Council now desires to update the landscaping requirements for new development applications to ensure such requirements are consistently referenced in the various development sections of the Code.

NOW THEREFORE, be it ordained by the City Council of Midway City, Utah, as follows:

Section 16.13.22 shall be amended to read as follows:

16.13.22 Landscaping Plan

A plan that demonstrates how the surface of the earth as approved for a building or as part of a Final Plan will be maintained to preserve the final grade for the drainage and storm water plan, control noxious weeds, provide economy of maintenance, water use and environmental protection, as well as providing aesthetic enhancement suitable to the project. In all cases, such a plan will show the finished grade, location, type, and size of plants. It shall include irrigation equipment, water demand, paving, curbs, berms, and other protective procedures around the edge of the planting beds.

At least 70 percent of the area contained within a required front or side yard adjacent to a street shall be landscaped. The purpose of the landscaping requirement in this Title shall be to provide a plan that when implemented, will provide the means to reasonably protect buildings, utilities, surrounding properties and public facilities from damage from surface drainage, conserve irrigation water, control dust, increase efficiency of maintenance for landscaped areas, enhance the appearance of buildings, to protect and enhance the beauty of the property and City, and to stabilize property values by encouraging pleasant and attractive surroundings and thus create the necessary atmosphere for the orderly development of a pleasant community. Landscaping also contributes to the relief of heat, noise, and glare through the proper placement of plants and trees.

A. Scope of Requirement. Where landscaping is required, such landscaping shall comply with the requirements set forth in this Section for the specific use and location, and shall be specific enough so that the implementation of the plan can be valued for installation costs, monitored for compliance with the plan by the City or a third party as approved by the City and, if required by the terms of this Title, be secured for completion by a construction and a warranty bond.

B. Site Grading Plan. Provide reasonable drainage away from the buildings by establishing grade lines to positively control water in coordination with existing or approved storm water drainage plans, to minimize erosion, and to protect landscaped surfaces from damage by concentrated runoff.

C. When landscaping is required as part of a site plan, conditional use, standard subdivision, PUD, resort, commercial, or other development approved under this Title, such landscape plans shall incorporate compliance with all other required conditions of the City for the project.

D. Maintenance Required. Required landscaped areas shall be maintained in a neat, clean, orderly, and healthful condition. This is meant to include proper pruning, mowing lawns, weeding, removal of litter, fertilizing, replacement of dead plants, and the regular watering of all plantings. A landscape plan shall include a description of the landscape maintenance plan and the plan by which funds sufficient to maintain the plan shall be provided. This shall be demonstrated by a drainage plan and reference to the storm drain plan, a list of planting material, including watering requirements and nutrient needs, surface material key and maintenance guidelines for the surface material, irrigation system maintenance plan and operational instructions.

E. Irrigation Plan. Where landscaping is required, such landscaping shall include an irrigation system suitable to maintain the landscape material subject to the plan.

F. Screening Requirements. Where landscape screening is required, said screening shall consist of evergreen shrubs, closely spaced and maintained at substantially the specified height of said required screening. When not otherwise specified, natural screening shall be maintained at a height of at least 6 feet.

G. Site Plan Required. Where landscaping is required in this Title, a site plan showing the proposed landscaping development, watering system and use of the property shall be submitted to the land use authority for approval.

H. Landscape Minimums. Where landscaping is required in this Title, the following landscape requirements must be met.

- I. Native grass and wildflower seed mixes may only be used on slopes of 20% or greater.
- II. When property is developed, it must include trees at the following rates. These are in addition to any required street trees. At a minimum, trees must be spaced to accommodate their mature size:
 - a. Residential Development: One tree per 2,904 square feet (gross) of common and open space area (15 trees per acre).
 - b. New Commercial, New Mixed-Use or Business and Manufacturing Park Development: One tree per 4,840 square feet (gross) of parcel area (9 trees per acre).
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 - b. Large Subdivision: Trees are only required in park strips, or adjacent to roadways, when it abuts common space or open space, spaced at a maximum interval of 40'.
 - c. New Commercial, New Mixed-Use, Business and Manufacturing Park or New Resort Developments: Trees will be required in all park strips, or adjacent to roadways, spaced at a maximum interval of 40'.
- IV. All deciduous trees must have a minimum caliper of 2" at time of installation. All conifer trees must be a minimum of 6' in height at time of installation.
- V. In all developments, no more than 20% of the proposed trees may be the same species. All proposed trees should be in compliance with any approved or prohibited tree list that is maintained by Midway City
- VI. Trees that are proposed near trails must be installed in compliance with regulations found in Chapter 16.29.
- VII. Landscape plans must note how landscaping will be irrigated (broadcast, drip, etc.)

I. Non-Conforming Status. Any use of property, which, on the effective date of this Chapter is non-conforming only as to the regulations relating to landscaping, may be continued in the same manner as if the landscaping were conforming, unless such use constitutes a nuisance.

J. It is not required that any particular species of plants or grasses shall be provided, except that the landscape plan shall explain the choice for each plant material and demonstrate that the plant material is appropriate to the function of the landscape plan and can survive in this climate with the water rights and irrigation equipment proposed to implement the landscape plan. The landscape plan may include water wise plantings; however, any plan that does include water conserving plants or natural non-irrigated plan elements must demonstrate how noxious weed species can be controlled within the landscape plan area.

K. Construction Bond Required. When required by the provisions of this Title, all landscaping planting plans shall post a bond equal to 110 percent of the cost of construction and inspection of all elements of the landscaping planting plan as determined by the City Engineer, in writing, to assure the completion of the plan and a warranty bond for two years after construction is complete to assure the implementation of the constructed plan.

Section 16.4.6 shall be amended to read as follows:

16.4.6 Landscaping

All land not covered by off-street parking or buildings shall be planted into lawn, trees or shrubs, and otherwise landscaped and maintained with lawns, trees and shrubs, except for permitted driveways and sidewalks. Landscaping and site drainage plans shall be submitted for all permitted (primary and secondary) and conditional uses, and will be reviewed as a part of conditional use and site plan approval. The plan will be reviewed by the Visual and Architectural Committee during the approval process and must meet the requirements found in section 16.13.22.

The following Subsections of Section 16.15 shall be amended to read as follows:

16.15.4.G Design Guidelines

4. Landscape Design Plan. A landscape design plan is required for all permitted and conditional uses in the Resort Zone. The plan will be reviewed by the Visual and Architectural Committee during the approval process and must meet the requirements found in Section 16.13.22. The Landscape Design Plan shall highlight the natural resources within the Resort and integrate them into the layout of the site in order to promote a connection to the natural environment.

- a. Natural features of the site, such as significant vegetation, geologic features, rock outcroppings, water bodies, wildlife habitat, and animal use pattern, shall be preserved and incorporated into the project design to the extent practicable.
- b. Project landscaping, including hardscape areas, shall be consistent with the overall design theme of the resort. Use of indigenous plant materials is encouraged. Existing vegetation shall be preserved and incorporated into the design of the project to the extent practical, especially wooded areas and other significant vegetation which provides shelter, feed or habitat for wildlife.

16.15.5.D.4 Submit an Updated Design Elements Plan

c. The Landscape Design Plans submitted with the Preliminary Development Plan Application shall be reviewed by the Visual and Architectural Committee during the approval process and must meet the requirements found in Section 16.13.22. The plan shall demonstrate that the natural resources within the Resort have been appropriately preserved and integrated into the layout of the site so that:

Section 16.16.7.A shall be amended to read as follows:

16.16.7.A General Standards and Requirements

6. A landscaping plan is required for all planned unit developments and standard subdivisions with open space and common space. The plan will be reviewed by planning staff during the approval process and must meet the requirements found in Section 16.13.22. In addition to the requirements found in section 16.13.22, all areas not covered by buildings, parking, streets or drives shall be planted with grass, trees, shrubs or other plant materials to preserve and protect the final grading plan and the drainage plan proposed are part of the project as part of the submittal of the final landscape plan. Areas may be allowed to be left in a natural state, or xeriscaped, if the Planning Commission and City Council find this more desirable than traditional landscaping; also, a permanent sprinkler system shall be installed in all landscaped areas to provide irrigation of planted areas.

This ordinance shall take effect upon publication as required by law.

[*Signature Page Follows*]

PASSED AND ADOPTED by the City Council of Midway City, Wasatch County, Utah
this ____ day of December, 2021.

	AYE	NAY
Council Member Steve Dougherty	_____	_____
Council Member Jeff Drury	_____	_____
Council Member Lisa Orme	_____	_____
Council Member Kevin Payne	_____	_____
Council Member JC Simonsen	_____	_____

DRAFT

APPROVED:

Celeste Johnson, Mayor

ATTEST:

Brad Wilson, City Recorder

APPROVED AS TO FORM:

Corbin Gordon, City Attorney

(SEAL)