
LANDSCAPE PLAN:

- A. Landscape Plan Required: A landscape plan shall be required for all new developments that have common area, open space, or as otherwise required by Chapter 16 of the Midway City Code. The landscape plan shall be submitted to the Planning Department prior to seeking preliminary approval. Such landscape plan shall conform to the requirements specified in this chapter.
- B. Landscape Architect Approval: A landscape plan for a site of one acre or more shall be signed by and bear the seal of a licensed Utah landscape architect under the Landscape Architects Licensing Act, Utah Code section 58-53-101, et seq. and be approved by the City Council and made a part of the Development Agreement. A landscape plan for less than one acre shall not require the seal of a licensed Utah landscape architect but shall still require approval from the City Council and be made part of the Development Agreement.
- C. Required Information in Landscape Plans: All landscape plans submitted for approval shall be drawn to standard engineer's or architect's scale on twenty four inch by thirty six inch (24" x 36") or eleven inch by seventeen inch (11" x 17") sheets and shall include the following components:
1. Location and dimensions of all existing and proposed structures, property lines, easements, parking lots and drives, roadways and rights-of-way, sidewalks, bicycle paths, ground signs, refuse disposal and recycling areas, bicycle parking areas, fences, freestanding electrical equipment, tot lots and other recreational facilities, and other freestanding structural features;
 2. Location, quantity, size, and botanical and common names of all proposed plants;
 3. Existing and proposed grading of the site using two foot (2') contour intervals;
 4. Proposed berming using one foot (1') contour intervals;
 5. Elevations and cross sections of all proposed fences and retaining walls;
 6. Elevations and cross sections of other landscape features;
 7. Summary data indicating the total area of property and percentage of the site devoted to landscape area; and
 8. Irrigation system plan provided on a separate sheet of paper.
- D. Design Standards, Plant Choice and Placement:
1. Landscape design shall recognize the climatic and geologic limitations of the Midway City area and the need for water conservation. Drought tolerant species that can withstand dry conditions once established are encouraged. The planning office shall maintain a current list of drought tolerant trees and shrubs that are locally available. Landscaping shall include a combination of drought resistant trees, shrubs, ground covers, organic mulches as well as some dry landscape materials.
 2. Minimum plant sizes shall be as follows:

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- i. All deciduous and/or ornamental trees shall have a minimum one inch (1") caliper size.
 - ii. All evergreen trees shall have a minimum height of five feet (5') measured from finished grade to the top of the plant.
 - iii. All shrubs shall have a minimum height or spread of eighteen inches (18") depending on the plant's natural growth habit.
 3. Plants shall be placed intermittently against long expanses of building walls, fences, and other barriers to create a softening effect.
 4. Detention/retention basins and ponds shall be landscaped where possible. Such landscaping may include shade and ornamental trees, evergreens, shrubbery, hedges, turf and ground cover.
 5. Whenever practical, earthen berms and existing topographic features shall be incorporated into the landscape treatment of a site, particularly when combined with plant material to facilitate buffering.
 6. All areas to be landscaped with sod, seed, and/or hydroseed shall have a pressurized irrigation system. All other landscaped areas shall be provided with drip irrigation systems.
 7. Sod or hydroseed shall be used in areas with less than a ten percent (10%) slope to prevent the runoff of irrigation water.

E. Installation of Plants, Grass and Trees:

1. All landscaping shall be installed in accordance with planting procedures established by the American Nursery and Landscape Association and ANSI Z60.1-1996. Inspection and verification that the landscaping has been installed in accordance with the stated standards and the Landscape Plan shall be conducted by the licensed landscape architect who certified the Landscape Plan. This verification shall be provided to the City as part of the request made by the applicant to receive a Certificate of Substantial Completion.
2. **Installer License, Insurance and Bonding Requirements.** All landscape architects and installers shall meet state and local license, insurance, and bonding requirements and be able to show proof of such.

F. Sprinkler System Design and Installation:

1. As part of the Landscape Plan, the applicant shall submit a Sprinkler System Design Plan created and signed by someone with an Irrigation Association (IA) certification or a licensed landscape architect.
 - i. The plan shall verify the proposed system will fully cover the landscaping and is designed in a manner to assure sufficient pressure in the system/zones to assure functionality that meets industry standards.
 - ii. All irrigation systems shall be pressurized, automatic and include rain sensors.
 - iii. The sprinkler system shall be planned and installed to prevent unnecessary runoff on sidewalks or other impervious surfaces.

iv. Drip system irrigation shall be required around shrubs, trees and ground cover.

1. Inspection and verification that the sprinkler system has been installed in accordance with the Sprinkler System Design Plan shall be conducted by the person who signed the Sprinkler System Design Plan as a licensed landscape architect or holder of an Irrigation Association certification. This verification shall be provided to the City as part of the request made by the applicant to receive a Certificate of Substantial Completion.
2. Installer License, Insurance and Bonding Requirements. All sprinkler system designers and installers shall meet state and local license, insurance, and bonding requirements and be able to show proof of such.

G. On-Going Construction Inspection and Compliance Requirements.

1. Construction Observation and Certification of Compliance. On-going construction observation and monitoring of all required landscape improvements shall be provided by a licensed landscape architect (hired and paid for by the applicant) so as to ensure compliance with the approved Landscape Plan for the site.
2. Right to Inspect. Both the planning department and City Engineer reserves the right to perform site inspections at any time and to require corrective measures regarding the installation of site landscaping and irrigation system improvements found not to comply with the requirements of this chapter and the approved Landscape Plan.

H. Bond for Landscape Plan.

1. A landscaping bond shall be provided to the City prior to the plat being recorded for the development, or a proposed phase of the development.
2. The landscaping bond shall be for 110% of the projected costs to construct all landscaping/sprinkler installation for the development or phase.
3. Applicant shall submit verified bids to complete the landscaping and sprinkler installation to the City, and the City Engineer, based on his/her professional opinion and experience, will determine the appropriate amount of the bond.

I. Release of Landscape Bond.

1. Due to the nature of landscaping and the common condition that landscaping is at times installed appropriately at the beginning of a phase, only to be destroyed or damaged during construction of the units within the phase, it shall be at the discretion of Midway City and its City Engineer to determine whether the landscaping bond will be released per completed unit, or whether the bond will be held until all construction on the infrastructure, the units, and the landscaping is substantially complete in the phase.
2. Certificate of substantial completion: Upon completion of all required landscaping improvements, sprinkler installation, and substantial completion of unit construction, the applicant shall request a Certificate of Substantial Completion

from the building department. The request shall include certification from the Licensed Landscape Architect that a field inspection has been performed verifying the landscaping has been installed in accordance with the Landscape Plan, and certification from either the Licensed Landscape Architect or holder of a Irrigation Association certification that a field inspection has been performed on the installed sprinkler system and that it was installed in accordance with the Sprinkler System Design Plan, and that it functions in accordance with the requirements of the Sprinkler System Design Plan.

3. The Certificate of Substantial Compliance will be issued and shall include the following:
 - i. A disclosure clearly indicating that the property is subject to the requirements of this chapter and that any re-landscaping by the present or future property owners shall be in accordance with the certified landscape plan for the property.
 - ii. The statement that the City shall hold a minimum of 10% of the landscape bond (which may be increased by the City Engineer for good cause shown) for a period of one year from the date a Certificate of Substantial Completion is issued, and shall not be released until:
 - a. A request is filed by the applicant that includes certification from: 1) the Licensed Landscape Architect that a field inspection has been performed and all dead trees, plants or grass have been replaced and remedied; and 2) certification from either the Licensed Landscape Architect or holder of a Irrigation Association certification that a field inspection has been performed on the installed sprinkler system and that it is still functioning in accordance with the Sprinkler System Design Plan.

Effective 5/14/2019

10-9a-604.5 Subdivision plat recording or development activity before required infrastructure is completed -- Improvement completion assurance -- Improvement warranty.

- (1) A land use authority shall establish objective inspection standards for acceptance of a landscaping or infrastructure improvement that the land use authority requires.
- (2)
 - (a) Before an applicant conducts any development activity or records a plat, the applicant shall:
 - (i) complete any required landscaping or infrastructure improvements; or
 - (ii) post an improvement completion assurance for any required landscaping or infrastructure improvements.
 - (b) If an applicant elects to post an improvement completion assurance, the applicant shall provide completion assurance for:
 - (i) completion of 100% of the required landscaping or infrastructure improvements; or
 - (ii) if the municipality has inspected and accepted a portion of the landscaping or infrastructure improvements, 100% of the incomplete or unaccepted landscaping or infrastructure improvements.
 - (c) A municipality shall:
 - (i) establish a minimum of two acceptable forms of completion assurance;
 - (ii) if an applicant elects to post an improvement completion assurance, allow the applicant to post an assurance that meets the conditions of this title, and any local ordinances;
 - (iii) establish a system for the partial release of an improvement completion assurance as portions of required landscaping or infrastructure improvements are completed and accepted in accordance with local ordinance; and
 - (iv) issue or deny a building permit in accordance with Section 10-9a-802 based on the installation of landscaping or infrastructure improvements.
 - (d) A municipality may not require an applicant to post an improvement completion assurance for:
 - (i) landscaping or an infrastructure improvement that the municipality has previously inspected and accepted;
 - (ii) infrastructure improvements that are private and not essential or required to meet the building code, fire code, flood or storm water management provisions, street and access requirements, or other essential necessary public safety improvements adopted in a land use regulation; or
 - (iii) in a municipality where ordinances require all infrastructure improvements within the area to be private, infrastructure improvements within a development that the municipality requires to be private.
- (3) At any time before a municipality accepts a landscaping or infrastructure improvement, and for the duration of each improvement warranty period, the municipality may require the applicant to:
 - (a) execute an improvement warranty for the improvement warranty period; and
 - (b) post a cash deposit, surety bond, letter of credit, or other similar security, as required by the municipality, in the amount of up to 10% of the lesser of the:
 - (i) municipal engineer's original estimated cost of completion; or
 - (ii) applicant's reasonable proven cost of completion.
- (4) When a municipality accepts an improvement completion assurance for landscaping or infrastructure improvements for a development in accordance with Subsection (2)(c)(ii), the municipality may not deny an applicant a building permit if the development meets the requirements for the issuance of a building permit under the building code and fire code.

(5) The provisions of this section do not supersede the terms of a valid development agreement, an adopted phasing plan, or the state construction code.

Amended by Chapter 384, 2019 General Session

Effective 5/5/2021

10-9a-604 Subdivision plat approval procedure -- Effect of not complying.

- (1) A person may not submit a subdivision plat to the county recorder's office for recording unless:
- (a) the person has complied with the requirements of Subsection 10-9a-603(6)(a);
 - (b) the plat has been approved by:
 - (i) the land use authority of the municipality in which the land described in the plat is located;
and
 - (ii) other officers that the municipality designates in its ordinance;
 - (c) all approvals described in Subsection (1)(b) are entered in writing on the plat by the designated officers; and
 - (d) if the person submitting the plat intends the plat to be or if the plat is part of a community association subject to Title 57, Chapter 8a, Community Association Act, the plat includes language conveying to the association, as that term is defined in Section 57-8a-102, all common areas, as that term is defined in Section 57-8a-102.
- (2) A subdivision plat recorded without the signatures required under this section is void.
- (3) A transfer of land pursuant to a void plat is voidable by the land use authority.

Amended by Chapter 47, 2021 General Session