

Midway City Council
20 September 2022
Regular Meeting

Ordinance 2022-26 /
Resort Zone Landscaping Bond



Midway

CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: September 20, 2022
NAME OF APPLICANT: Midway City
AGENDA ITEM: Code Text Amendment of Section 16.15.8.C

ITEM: 18

Midway City is proposing a code text amendment of Section 16.15.8.C: Resort Zone Landscaping Bond. The proposed code will clarify that a landscaping bond, separate from the construction bond, is required for resort development.

BACKGROUND:

Midway is proposing a code text amendment to the Midway Municipal Code. The proposed change would be specific to the Resort Zone section, specifically Section 16.15.8.C. The proposed language would explain the existing requirements for landscape bond by clarifying that the landscape bond is separate from the construction bond. This is an important issue that has been discussed recently by the City Council and staff. In the past, landscaping was included in the construction bond, but because of construction completion timing issues, it is important that the landscape bond is separate from the construction bond. The infrastructure for a development is completed well before the landscaping is completed, and because of State law requirements when bonding must be released, it is important that the landscaping bond is held longer than a construction bond is held. In many cases, the landscaping for a development is finished years after the construction warranty bond has been released. The proposed language is the following:

16.15.8 Completion and Recordation

C. Landscaping Bond. Before recording any Subdivision Plat or Condominium Record of Survey of Map, a bond equal to 110 percent of the cost for construction and completion of the landscape plan shall be posted in accordance with requirements established, from time to time, by the City Council. ~~The Landscaping Bond can be posted as a designated part of the Construction Bond.~~

Staff feels the proposed change will allow administrating the code to be much simpler and allow for better landscaping results in resort development common areas and open spaces.

PLANNING COMMISSION RECOMMENDATION:

Motion: Commissioner Bouwhuis: I make a motion that we recommend approval for a code text amendment of Section 16.15: Resort Zone Landscaping Bond. The proposed code will clarify that a landscaping bond, separate from the construction bond, is required for resort development. We approve staff findings and add the word instillation into the new wording.

Seconded: Commissioner Simons

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners:

Nays: None

Motion: Passed

POSSIBLE FINDINGS:

- The proposed code amendment will allow for better landscaping results in resort development common areas and open spaces.
- The proposed adjustment will allow administrating the code to be much simpler.
- Landscape and construction bonds must be posted separately before a plat is recorded.

ALTERNATIVE ACTIONS:

1. Approval. This action can be taken if the City Council finds that the proposed language is an acceptable amendment to the City's Municipal Code.
 - a. Accept staff report
 - b. List accepted findings

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 finds 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

2022-26

**AN ORDINANCE TO AMEND SECTION 16.15.080(C) OF
THE MIDWAY CITY LAND USE CODE TO CLARIFY
THAT A SEPARATE LANDSCAPE BOND IS REQUIRED
FOR RESORT DEVELOPMENT.**

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 Council and City Staff have recently discussed the need to clarify that a landscape bond is separate and different from the construction bond required of new developments, particularly within the City's Resort Zone; and

WHEREAS, in the past, landscaping was included in the construction bond, but because of construction completion timing issues, the landscaping bond should be separate; and

WHEREAS, typically, the infrastructure for a development is completed well before the landscaping is completed, so it is important that the landscaping bond be held longer than a construction bond; and

WHEREAS, the Midway City Council desires to amend Section 16.15.080(C) to address these concerns.

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

Section 16.15.080(C) shall be amended to read as follows:

C. Landscaping Bond. Before recording any Subdivision Plat or Condominium Record of Survey of Map, a bond equal to 110 percent of the cost for construction and completion of the landscape plan shall be posted in accordance with requirements established, from time to time, by the City Council.

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

PASSED AND ADOPTED by the City Council of Midway City, Wasatch County, Utah
this ____ day of _____, 2022.

	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)