PUBLIC NOTICE IS HEREBY GIVEN that the Midvale City Council will hold a regular meeting on the 14th day of November, 2017 at Midvale City Hall, 7505 South Holden Street, Midvale, Utah as follows:

6:30 PM
INFORMATIONAL ITEMS

I. DEPARTMENT REPORTS

II. CITY MANAGER BUSINESS

7:00 PM
REGULAR MEETING

III. GENERAL BUSINESS
A. WELCOME AND PLEDGE OF ALLEGIANCE
B. ROLL CALL

IV. PUBLIC COMMENTS
Any person wishing to comment on any item not otherwise on the Agenda may address the City Council at this point by stepping to the microphone and giving his or her name for the record. Comments should be limited to not more than three (3) minutes, unless additional time is authorized by the Governing Body. Citizen groups will be asked to appoint a spokesperson. This is the time and place for any person who wishes to comment on non-hearing, non-Agenda items. Items brought forward to the attention of the City Council will be turned over to staff to provide a response outside of the City Council meeting.

V. COUNCIL REPORTS
A. Councilmember Paul Hunt
B. Councilmember Quinn Sperry
C. Councilmember Wayne Sharp
D. Councilmember Stephen Brown
E. Councilmember Paul Glover

VI. MAYOR REPORT
A. Mayor JoAnn B. Seghini

VII. PUBLIC HEARING(S)
A. Consider Applewood 2-Lot Subdivision Plat located at 130 West 7500 South [Lesley Burns, City Planner]

ACTION: Approve Applewood 2-Lot Subdivision Plat located at 130 West 7500 South
B. Consider Midvale Townhomes MPD Preliminary Subdivision Plat for a 10-unit residential project located at 7475-7495 South 700 East [Lesley Burns, City Planner]

**ACTION:** Approve Midvale Townhomes MPD Preliminary Subdivision Plat for a 10-unit residential project located at 7475-7495 South 700 East

**VIII. CONSENT AGENDA**

A. Consider Minutes of October 17, 2017 [Rori Andreason, H.R. Director/City Recorder]

**IX. ACTION ITEMS**

A. Consider Ordinance No. 2017-O-17 approving a proposed text amendment to create a review process and development standards for residential development in Subarea 4 of the Jordan Bluffs Zone [Phillip Hill, Assistant City Manager/CD Director; Lesley Burns, City Planner]

B. Consider Resolution No. 2017-R-43 Authorizing the Mayor to enter into a Sewer Line Easement Agreement between Murray City and Midvale City [Lisa Garner, City Attorney]

**X. DISCUSSION ITEMS**

A. Discussion regarding amendments allowing a Business License Fee Reduction for Rental Units; and a Home Occupation Fee Exemption [Phillip Hill, Assistant City Manager/CD Director]

**XI. ADJOURN**

In accordance with the Americans with Disabilities Act, Midvale City will make reasonable accommodations for participation in the meeting. Request assistance by contacting the City Recorder at 801-567-7207, providing at least three working days advance notice of the meeting. TTY 711

A copy of the foregoing agenda was provided to the news media by email and/or fax; the agenda was posted in the City Hall Lobby, the 2nd Floor City Hall Lobby, on the City’s website at www.midvalecity.org and the State Public Notice Website at http://pmn.utah.gov. Council Members may participate in the meeting via electronic communications. Council Members’ participation via electronic communication will be broadcast and amplified so other Council Members and all other persons present in the Council Chambers will be able to hear or see the communication.

**PLEASE MAKE SURE ALL CELL PHONES ARE TURNED OFF DURING THE MEETING**

**DATE POSTED:** NOVEMBER 9, 2017

**RORI L. ANDREASON, MMC**

**H.R. DIRECTOR/CITY RECORDER**
SUBJECT:

Public Hearing on Applewood 2-Lot Subdivision Plat located at approximately 130 West 7500 South

SUBMITTED BY:

Lesley Burns, City Planner

SUMMARY:

The applicant, Paul Shupe, is the owner of the Applewood Mobile Park located at 130 West 7500 South. This property is approximately 8 acres in size and includes the mobile home park as well as a single-family house and 1,925 square foot accessory garage located in the southeast corner of the property. Mr. Shupe is requesting approval to subdivide the property into 2 lots, creating a separate lot for the single-family house and accessory garage. The proposed subdivision plat shows the single-family lot as 0.336 acres (14,646 square feet) in size with frontage on 7500 South. The second lot would encompass the remainder of the property (7.56 acres) which includes the mobile home park in its entirety.

This property is zoned Transit Oriented Development (TOD). This zone allows single-family residential lots provided the lots comply with the following lot standards: minimum area of 3,500 square feet; minimum width/frontage of 45 feet; minimum depth of 75 feet (or 67 feet if the lot width is greater than 67 feet). The proposed lot for the single-family house exceeds these minimum lot standards. The existing single-family house and unoccupied accessory garages also comply with the minimum side and rear setbacks from the new lot lines being created with the subdivision plat. The mobile home park is a non-conforming use in this zone, and there are not specific development standards in the City’s ordinances for this type of development. Because the mobile home park will continue to operate in the same manner without the single-family house property, Staff does not believe the proposed plat poses any issues for the non-conforming use and the mobile home park lot exceeds the lot standards for any type of redevelopment that may occur in the future.

The Planning Commission reviewed this request on October 25, 2017 and forwarded a positive recommendation to the City Council for approval of the subdivision plat with the following conditions:
1. The applicant shall reduce the size of the existing accessory garage or increase the single-family lot area to comply with the area standard for accessory structures in the TOD zone. If the lot size is increased, required setbacks and building code requirements for other structures to remain on either lot shall be satisfied. If the structure size is reduced, this work shall be completed prior to the subdivision plat being recorded.

2. The applicant shall verify separate water and sewer connections are existing for each lot and provide new connections if necessary. This work shall be completed prior to the subdivision plat being recorded or guaranteed with an appropriate bond.

3. The applicant shall have a final subdivision plat prepared. This plat shall be reviewed and approved by the City Engineer and City Council. This plat shall address the City Engineer’s preliminary plat comments.

4. The applicant shall remove portions of either driveway in the front yard and adjust the fence line if necessary along the west lot boundary of the single-family lot [to comply with the maximum driveway width allowed]. The driveway removal and fence line adjustment shall occur prior to the subdivision plat being recorded or guaranteed with a cash bond if weather conditions are prohibitive.

5. Three 2-inch caliper deciduous street trees are required to be planted on the single-family lot and five 2-inch caliper deciduous street trees are required to be planted on the mobile home park lot. These trees shall be planted prior to the subdivision plat being recorded or guaranteed with a cash bond if weather conditions are prohibitive.

The applicant has prepared a final subdivision plat which includes a slightly larger single-family lot to accommodate the existing accessory garage, ensuring the new lot lines do not create setback issues for any of the existing structures on the property. As shown on the attached aerial plan, the applicant is proposing to remove a portion of the west driveway to comply with the maximum driveway width requirement, adjust the existing fence line to follow the new lot boundary, and plant the required street trees associated with a new subdivision plat. At this time, it appears the single-family house and the mobile home park share water and sewer connections. The applicant has been working with the Midvale City and MidValley Sewer District to address the creation of separate connections. The City Engineer is also completing his review of the final plat, but does not expect there to be any significant changes needed to what has been submitted.

**FISCAL IMPACT:** N/A

**STAFF RECOMMENDATION:**

Staff recommends the City Council conducts the required public hearing on this request. Provided no new issues are raised during the public hearing, Staff recommends the City Council approves the final subdivision plat for the Applewood Subdivision with the following conditions:
1. The applicant shall obtain all required signatures on the subdivision plat Mylar.
2. The applicant shall ensure separate water and sewer connections are existing for each lot and provide new connections if necessary. This work shall be completed prior to the subdivision plat being recorded or guaranteed with an appropriate bond. Water and sewer letters from each service provider shall be obtained.
3. The applicant shall remove the portion of driveway, adjust the existing fence line to correspond with the new lot boundary, and plant the required street trees as shown on the attached aerial plan. This work shall be completed prior to the subdivision plat being recorded or guaranteed with an appropriate bond.

**RECOMMENDED MOTIONS:**

Option 1 – Table Decision

“I move that we table a decision on the proposed subdivision plat for the applicant to address the following items:

1. . . .
2. . . .”

Option 2 - Approval

“I move that we approve the final subdivision plat for the Applewood Subdivision with the following conditions:

1. The applicant shall obtain all required signatures on the subdivision plat Mylar.
2. The applicant shall ensure separate water and sewer connections are existing for each lot and provide new connections if necessary. This work shall be completed prior to the subdivision plat being recorded or guaranteed with an appropriate bond. Water and sewer letters from each service provider shall be obtained.
3. The applicant shall remove the portion of driveway, adjust the existing fence line to correspond with the new lot boundary, and plant the required street trees as shown on the attached aerial plan. This work shall be completed prior to the subdivision plat being recorded or guaranteed with an appropriate bond.”

**Attachments:**

- Vicinity Map
- Final Subdivision Plat
- Aerial Plan showing required improvements
Proposed Applewood Subdivision
130 West 7500 South
I, do hereby certify that I am a Licensed Land Surveyor, and that I hold Certificate as prescribed under laws of the State of Utah. I further certify that by authority of the No., and that lots and streets, hereafter to be known as LOCATED IN THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 2 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN MIDVALE CITY, SALT LAKE COUNTY, UTAH I-15 7500 SOUTH
A parcel of land situate in the Southeast Quarter of Section 25, Township 2 South, Range 1 West, Salt Lake Base and Meridian, more particularly described as follows: UTAH TRANSIT AUTHORITY VICINITY MAP
BEGINNING at a point at the intersection of the Quarter Section Line and the West line of Jack Smith Subdivision No. 1, said point being Meridian; and running EAST QUARTER CORNER
S 89°42'09" E     650.76'
184.90'
WITNESS CORNER
SECTION 25
thence South 00°01'20" East 646.67 feet along the West line of the Jack Smith Subdivision No. 1 and the West line of Victor STREET
N 89°42'09" W      1115.77'
T2S,R1W
thence North 89°35'21" West 428.20 feet along said Right-of-Way to a point on the Easterly Right-of-Way of the Union Pacific Railroad;
LOT 9
thence Northerly 684.56 feet along the arc of a 6,808.79 feet radius curve to the right (center bears North 68°06'59" East and the said Right-of-Way and the Quarter Section line;
thence South 89°42'09" East 650.76 feet along the Quarter Section line to the point of beginning. Contains 352,509 square feet or 8.092 acres or 2 Lots

Known all men by these presents that I / we, the undersigned owner (s) of the above described tract of land, having caused same to be done hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for Public use. Owner(s) hereby agree to warrant and defend and save the City harmless against any easements or other encumbrance on a dedicated street which will interfere with the City's use, maintenance, and operation of the street.

In witness whereof I / we have hereunto set our hand (s) this day of A.D., 20.

By:

S 89°57'01" W      82.01'
By:

16.0' WIDE INGRESS & EGRESS EASEMENT

S 0°01'20" E     646.67'

Owner's Dedication

Pursuant to Utah Code Ann. § 17-27-1-603(4)(C)(II) Rocky Mountain Power accepts delivery of Applewood Homes
Dominion Energy approves this plat solely for the purpose of confirming that the plat contains public utility easements. Dominion Energy may require other easements in order to serve this development. This approval does not constitute
the City's use, maintenance, and operation of the street.

2.1. A recorded easement or right-of-way
2.2. The law applicable to prescriptive rights
2.3. Title 54, Chapter 8A, Damage to underground utility facilities or provided by law or equity. This approval does not constitute
2.4. Any other provision of law.

This approval does not affect any right that Rocky Mountain Power has under:

Editor's Note: This plat was approved by the City of Midvale on March 14, 2013. This approval does not constitute
acknowledgment of any terms contained in the plat, including those set in the owner's dedication and the notes and does not constitute a guarantee

Corporation: Applewood Homes Subdivision

Date: March 14, 2013

Drawn by:

CHECKED BY:

Presented to the Midvale City Council this day of 2013, at which time the Subdivision was approved and accepted.
I, do hereby certify that I am a Licensed Land Surveyor, and that I hold Certificate 

the same has been correctly surveyed and staked on the ground as shown on this plat. I further certify that all lots meet frontage width 

MIDVALE CITY, SALT LAKE COUNTY, UTAH

I-15

A parcel of land situate in the Southeast Quarter of Section 25, Township 2 South, Range 1 West, Salt Lake Base and Meridian, more

7800 SOUTH

Beginning at a point at the intersection of the Quarter Section Line and the West line of Jack Smith Subdivision No. 1, said point being

NOT TO SCALE

North 89°42'09" West 1,115.77 feet from the East Quarter Corner of Section 25, Township 2 South, Range 1 West, Salt Lake Base and

thence South 00°01'20" East 646.67 feet along the West line of the Jack Smith Subdivision No. 1 and the West line of Victor

7400 SOUTH AND

STATE STREET

Acres Subdivision to a point on the Northerly Right-of-Way of 7500 South Street;

thence North 89°42'09" West 428.20 feet along said Right-of-Way to a point on the Easterly Right-of-Way of the Union Pacific

(FOUND BRASS CAP)

Railroad;

chord bears North 19°00'12" West 684.27 feet with a central angle of 05°45'38") along said Right-of-Way to a point at the intersection of

said Right-of-Way and the Quarter Section line;

thence South 89°42'09" East 650.76 feet along the Quarter Section line to the point of beginning.

Contains 352,509 square feet or 8.092 acres or 2 Lots
SUBJECT:

Public Hearing on Midvale Townhomes MPD Preliminary Subdivision Plat for a 10-unit residential project located at 7475-7495 South 700 East

SUBMITTED BY:

Lesley Burns, City Planner

SUMMARY:

Master Planned Development Site Plan

The applicant, A better Quality Home LLC represented by David George, has proposed a residential townhouse project on the properties located at 7475 South and 7495 South on 700 East. These properties total 1.05 acres in size and currently include two single-family houses with accessory structures. The applicant has created a development plan for the combined property. The proposed development plan includes demolishing all the existing structures to construct 10, two-story townhouse units. These units would be accessed from a new private road from 700 East. The plan also includes common open space/recreation areas and six guest parking spaces. Each unit would include a two-car garage. The proposed site plan and building elevations are attached.

The property is zoned SF-1 (single-family residential, minimum lot size 7,000 square feet) with a Duplex Overlay. The applicant is utilizing the master planned development (MPD) provision to allow some flexibility in the lot sizes, setbacks and unit type. The overall density complies with the existing zoning district; however, these units have been clustered on smaller lots with the remaining area left as common open space, which includes some recreation amenities for the residents of the development.

The Planning Commission conducted a public hearing and reviewed the MPD preliminary site plan for this project on June 28, 2017. At this time, the Planning Commission approved the MPD preliminary site plan with the following conditions:

1. The common recreation area details need to be included on the final site plan.
2. Earth tone colors shall be used on all building exteriors. The building materials and colors shall be indicated on the building elevations included on the final site plan and color samples provided.
3. The garages shall be able to accommodate two garbage cans in addition to two vehicles. A floor plan shall be submitted showing this prior to final site plan approval.
4. All fencing shall be clearly indicated on the final site plan and address height and sight distance requirements where applicable.
5. A landscape plan documentation package shall be prepared as part of the final site plan. This plan shall include all plant materials and specific locations, sizes and irrigation. The plan shall also address the following items:
   - Additional street trees along both sides of the private road complying with one tree per 30 feet of frontage.
   - Relocate street trees along 700 East to the east side of the sidewalk.
   - Foundation landscaping along the east sides of Units 4 & 7 and the south side of Unit 6.
   - At least 25% of the plant materials and non-street trees being an evergreen variety.
6. Street lights along the private road shall be added to the final site plan. These lights shall be LED fixtures and comply with the City’s street light standards.
7. The fire hydrant at the north end of the turnaround shall be relocated as required by the Fire Marshal.
8. Detailed construction drawings shall be reviewed and approved by the City Engineer as part of the final site plan.
9. All requirements of the Building Official shall be satisfied.
10. The final site plan shall be prepared in accordance with Section 17-3-3 E of the Zoning Ordinance to be reviewed and approved by the City Engineer, Fire Marshal and City Planner.
11. The applicant shall obtain duty to serve letters for water and sewer prior to final site plan approval.
12. The private road shall be posted as a “No Parking” area except in the designated off-street guest parking stalls.
13. The garages must be maintained to allow parking for two cars and for respective garbage can storage at all times.
14. Once the corner UDOT/Salt Lake County property is made part of the project, the final site plan may be amended to include additional guest parking stalls in accordance with the open space requirements.

Based on these conditions of approval from the Planning Commission, the applicant is preparing a final site plan for review and approval by Staff. The MPD site plan does not require any specific action by the City Council.

**Subdivision Plat**

On June 28, 2017, the Planning Commission also forwarded a positive recommendation to the City Council for approval of the preliminary subdivision plat for the Midvale Townhomes MPD project. The subdivision plat, once recorded, will allow the individual ownership of each structure on a small lot as shown on the preliminary subdivision plat. The remainder of the property will be included as limited common area and common area on the plat. The private road is part of the common area. These areas will be owned and maintained by a homeowners’ association. The subdivision plat requires a preliminary and final approval from the City Council. The Planning Commission’s recommendation included the following conditions:

1. The applicant shall clarify the intent of the proposed limited common area behind each unit, and adjust accordingly.
2. The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer and City Council.
3. Prior to the final subdivision plat approval, the applicant shall obtain final site plan approval for the master planned development.

4. The applicant shall provide evidence that a courtesy notice has been sent to Questar Gas, Rocky Mountain Power, Comcast Cable, Utopia and Century Link regarding the utility easements on the subdivision plat prior to final approval.

5. The applicant shall prepare a declaration of covenants, conditions and restrictions, including the creation of a homeowners’ association and language requiring garages be maintained to allow parking for two cars and for respective garbage can storage, for the development. This document shall be recorded concurrently with the subdivision plat.

6. The subdivision plat shall not be recorded until all existing structures have been removed from the property.

The proposed preliminary subdivision plat corresponds with the development layout in the master planned development approved by the Planning Commission. The applicant has also addressed the Planning Commission’s first condition, with the presented plat clarifying the location of limited common area near each unit. The applicant is working on completing the other conditions. The City Engineer and Fire Marshal have reviewed and approved this preliminary plat.

The applicant has also been working through a process with UDOT and Salt Lake County to acquire the remnant property adjacent to the 700 East/7500 South intersection. If acquired, this property will be included in the development’s common area.

**FISCAL IMPACT:** N/A

**STAFF RECOMMENDATION:**

Staff agrees with the Planning Commission’s recommendation.

**RECOMMENDED MOTIONS:**

Option 1 – Table Decision

“I move that we table a decision on the proposed subdivision plat for the applicant to address the following items:

1. . . .
2. . . .”

Option 2 - Approval

“I move that we approve the preliminary subdivision plat for the Midvale Townhomes Subdivision located at 7475-7495 South 700 East with the following conditions:

1. The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer and City Council.
2. Prior to the final subdivision plat approval, the applicant shall obtain final site plan approval for the master planned development.

3. The applicant shall provide evidence that a courtesy notice has been sent to Questar Gas, Rocky Mountain Power, Comcast Cable, Utopia and Century Link regarding the utility easements on the subdivision plat prior to final approval.

4. The applicant shall prepare a declaration of covenants, conditions and restrictions, including the creation of a homeowners’ association and language requiring garages be maintained to allow parking for two cars and for respective garbage can storage, for the development. This document shall be recorded concurrently with the subdivision plat.

5. The subdivision plat shall not be recorded until all existing structures have been removed from the property.”

Attachments:

- Vicinity Map
- Master Planned Development Site Plan
- Building Elevations
- Preliminary Subdivision Plat
**TREE LEGEND**

<table>
<thead>
<tr>
<th>Species</th>
<th>Scientific Name / Common Name</th>
<th>Quantity</th>
<th>Spacing</th>
<th>Planting Date</th>
<th>Planting Method</th>
</tr>
</thead>
</table>
| Deciduous | *Quercus rubra* (Red Oak) | 10 | 2 | 1998 | Dug/Rotted Bar
| Deciduous | *Prunus serotina* (Black Cherry) | 5 | 3 | 1998 | Dug/Rotted Bar
| Deciduous | *Populus deltoides* (Tall Poplar) | 10 | 3 | 1998 | Dug/Rotted Bar
| Evergreen | *Taxus x media* (White Arborvitae) | 5 | 3 | 1998 | Dug/Rotted Bar
| Evergreen | *Juniperus scopulorum* 'Blue Point' | 10 | 3 | 1998 | Dug/Rotted Bar
| Evergreen | *Cotoneaster horizontalis* | 5 | 3 | 1998 | Dug/Rotted Bar
| Evergreen | *Buxus sempervirens* | 5 | 3 | 1998 | Dug/Rotted Bar

**SHRUB LEGEND**

<table>
<thead>
<tr>
<th>Species</th>
<th>Scientific Name / Common Name</th>
<th>Quantity</th>
<th>Spacing</th>
<th>Planting Date</th>
<th>Planting Method</th>
</tr>
</thead>
</table>
| Evergreen | *Viburnum opulus* 'Roseum' | 5 | 3 | 1998 | Dug/Rotted Bar
| Evergreen | *Sorbaria sorbifolia* 'Snowflake' | 5 | 3 | 1998 | Dug/Rotted Bar
| Evergreen | *Chimonanthus praecox* 'Winter Beauty' | 5 | 3 | 1998 | Dug/Rotted Bar
| Evergreen | *Deutzia x hybrida* 'Ebanks' | 5 | 3 | 1998 | Dug/Rotted Bar
| Evergreen | *Kerria japonica* 'Sulphur Gem' | 5 | 3 | 1998 | Dug/Rotted Bar
| Evergreen | *Stewartia pseudothea* 'August值得一提' | 5 | 3 | 1998 | Dug/Rotted Bar
| Evergreen | *Skimmia japonica* 'Rubella' | 5 | 3 | 1998 | Dug/Rotted Bar
| Evergreen | *Cornus alba* 'Cloud Nine' | 5 | 3 | 1998 | Dug/Rotted Bar

**GRASS & PERENNIAL LEGEND**

<table>
<thead>
<tr>
<th>Species</th>
<th>Scientific Name / Common Name</th>
<th>Quantity</th>
<th>Spacing</th>
<th>Planting Date</th>
<th>Planting Method</th>
</tr>
</thead>
</table>
| Grass | *Festuca rubra* | 5 | 3 | 1998 | Dug/Rotted Bar
| Grass | *Liriope muscari* 'Blue Grass' | 5 | 3 | 1998 | Dug/Rotted Bar
| Perennials | *Agastache foeniculum* | 5 | 3 | 1998 | Dug/Rotted Bar
| Perennials | *Lavandula angustifolia* 'Hidcote Blue' | 5 | 3 | 1998 | Dug/Rotted Bar
| Grass | *Stipa tenuifolia* | 5 | 3 | 1998 | Dug/Rotted Bar

**LANDSCAPE NOTES**

1. Lawn areas to receive due to water of approx. 10 tons. All areas must be watered through sprinkler system. Designing and planting zones will be specified in future phase.
2. All shrubs to be spaced 5 ft apart. Designing and planting zones will be specified in future phase.
3. All shrubs to be spaced 3 ft apart. Designing and planting zones will be specified in future phase.
4. All shrubs to be spaced 3 ft apart. Designing and planting zones will be specified in future phase.
5. All shrubs to be spaced 3 ft apart. Designing and planting zones will be specified in future phase.
6. All shrubs to be spaced 3 ft apart. Designing and planting zones will be specified in future phase.
7. All shrubs to be spaced 3 ft apart. Designing and planting zones will be specified in future phase.
8. All shrubs to be spaced 3 ft apart. Designing and planting zones will be specified in future phase.

**LANDSCAPE PLAN**

- **Proposed Road**
- **Proposed Road**
- **7500 South Street**
- **UNIT 1**
- **UNIT 2**
- **UNIT 3**
- **UNIT 4**
- **UNIT 5**
- **UNIT 6**
- **UNIT 7**
- **UNIT 8**

**not part of plan.**

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**Landscape Plan**

- **1:100**
- **Graphic Scale**

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Mayor Seghini called the meeting to order at 6:31 p.m.

I. INFORMATIONAL ITEMS
   A. DEPARTMENT REPORTS

Chief Jason Mazuran reviewed a recent incident regarding a 7-Eleven clerk that had his credit card stolen by a woman while he was having a seizure. This woman has been apprehended. He also introduced the Officer of the Month, Officer Kent Lundberg who apprehended the suspects that were vandalizing the City.

Chief Brad Larson said he has the crews scheduled for the November 11th Veteran’s Day Ceremony. He reported that eight firefighters and two apparatus have been sent to California to assist with the wild fires. He reported on incidents handled by their Wildland Fire Crew. He said Nile Easton was selected as the UFA Director of Communications; he has excellent experience and will do a great job. He distributed a safety message for the month, which has been emailed to Laura Magness for the City’s website and newsletter.

Phillip Hill reported on the UIA Board meeting. At that meeting they considered and adopted a parameters resolution for a bond. The bond will refund $58.3 million dollars in outstanding bonds, our 2011, 2013, and 2015 series bonds with an additional $15 million in new monies to keep Utopia running 18 to 24 months. Utopia is doing great. There is one negative to refunding the bonds. The 2011 bond has a benefit to refund, 2013 breaks even, and the 2015 has negative arbitrage of about $1.5 million dollars. Even though it will be a bit of a hit now, moving forward it really gives the two entities the ability to move forward and complete the buildout. He introduced Alexander
Murphy, new Associate Planner. Alex worked for Salt Lake County on Millcreek issues. When they incorporated, Salt Lake County had layoffs. The City is lucky to have him on board.

Councilmember Stephen Brown asked if staff would review the hours of operation of the splash pad for next summer so it stays open later.

Rori Andreason informed the Council about a special meeting scheduled for October 24th. She also reminded the Council about the volunteer dinner on Wednesday, October 18, 2017 at 6:00 p.m. at the Midvale Senior Center. She announced that Jarin Blackham, IT Manager, has resigned his position and will be moving on to the Unified Fire Authority. She expressed her appreciation for Jarin’s hard work over the years.

Jarin Blackham thanked the Council and staff for the opportunity to serve them for the last 14 and a half years. He is excited to start with the Unified Fire Authority; however, he is sad to leave his relationships he has developed with Midvale City.

Kane Loader expressed his appreciation to Jarin for his dedicated work. He will be missed.

II. CITY MANAGER’S REPORT
Kane Loader reported on the Utopia UIA Bonding. Bonding gives them the ability to move forward with their financing plan. They are finally there and it is an exciting time for UTOPIA. He said they are gratified to get to this position. He also announced that Stephen Black has resigned his position with Public Works.

III. GENERAL BUSINESS
A. Welcome and Pledge of Allegiance

B. Roll Call – Council Members Paul Hunt, Wayne Sharp, Quinn Sperry, Stephen Brown, and Paul Glover were present at roll call.

IV. PUBLIC COMMENTS
Wade Walker said he and his wife will be more positive in their comments from now on. He thanked the Council for the bulky waste program. He also thanked Jarin Blackham for his work for the Arts Council. He also met the new Communications Specialist, Laura Magness, and are excited to work with her.

V. COUNCIL REPORTS
A. Councilmember Quinn Sperry – had nothing to report.

B. Councilmember Wayne Sharp – discussed a website called Donerschoo.org where teachers will post what they are in need of for their school classes and people can donate. It’s been a great website for the schools. With the freezing temperatures, the mosquitoes have slowed down a lot; however, a lot of them can hibernate throughout the winter. There have been quite a few west Nile Virus cases this year throughout the valley.

C. Councilmember Stephen Brown – he asked if the COP officers can contact Midvale Elementary about an assembly they are planning.
D. Councilmember Paul Glover – had nothing to report.

E. Councilmember Paul Hunt – had nothing to report.

VI. MAYOR REPORT
Mayor JoAnn B. Seghini – had nothing to report.

MOTION: Councilmember Paul Glover MOVED to open a public hearing. The motion was SECONDED by Councilmember Stephen Brown. Mayor Seghini called for discussion on the motion. There being none she called for a vote. The motion passed unanimously.

VII. PUBLIC HEARING(S)
A. JORDAN BLUFFS SUBAREA 4 RESIDENTIAL DEVELOPMENT ORDINANCE

Phillip Hill stated the Jordan Bluffs Zone and zoning ordinance were originally adopted in 2004 for the vacant 263-acre property located between 7800 South/8600 South and 700 West/Jordan River. The ordinance includes land uses, densities and common development standards related to parking, utilities, signage, access management and outdoor lighting. The zone allows up to 2,500 residential units as well as non-residential uses on the property. The location of these densities and uses is further refined through a Subarea Plan which is part of the adopted zoning ordinance. The boundaries of the four subareas within the Subarea Plan were recently amended to reflect the consensus of numerous geotechnical studies that have been done since the original plan adoption in 2004. Although the Jordan Bluffs Zone creates the use and density allowed on the property, details related to building architecture, landscaping, setbacks, fencing, etc. were only outlined through intent statements in the current ordinance. These intent statements were envisioned to guide the adoption of future specific development standards to be created with collaboration between the City and a master developer of the Jordan Bluffs property. The City has been working with the Gardner Company and Wasatch Residential Group in creating a viable master plan for the Jordan Bluffs property that recognizes the realities of the site and fits within the parameters of the adopted Jordan Bluffs zoning ordinance. The adoption of specific development standards is the next step.

The proposed standards reflect the goals of the Midvale City General Plan 2016 including the land use goals for the Jordan Bluffs Area, as well as goals for residential development and transportation.

- Promote consistency and compatibility with the Bingham Junction project to the north.

- Provide connectivity to the Main Street neighborhood, either physically (crosswalks) or by urban design.

- Support redevelopment of the adjacent area to the east to blend and enhance any redevelopment of the Jordan Bluffs Area.
• Maintain and strengthen stable neighborhoods. This includes preserving the quality and character of existing neighborhoods; providing neighborhoods with better connectivity and access to recreational amenities; and ensuring that infill and adjacent development is compatible with the existing neighborhoods.

• Connect Main Street to surrounding neighborhoods and to Bingham Junction and Jordan Bluffs through pedestrian and bicycle pathways and urban design techniques to create a cultural center.

Planning Commission Recommendation
The Planning Commission conducted a public hearing on the proposed text amendment on September 27, 2017 and has extensively reviewed the proposed ordinance language with consideration given to the public comment received and the goals of the General Plan. Based on this, the Planning Commission has forwarded a draft ordinance to the City Council for its consideration (Draft 1.11). Along with the ordinance language, the Planning Commission has also forwarded its findings for this recommendation, as well as the following recommendation regarding a traffic study:

“We acknowledge the community concerns for existing and future traffic in the area, and recommend the City engages a transportation consultant to study the area between 7200 South to 9000 South and Main Street to Bingham Junction Boulevard to provide the City with recommendations on future road connections and improvements before new development occurs to ensure these are incorporated into these plans and the City can plan for needed improvements outside the development area.”

* * *

Wasatch Residential Group has been involved in this process and has some changes to the Planning Commission’s recommended ordinance they would like the City Council to consider.

Jordan Bluffs Development

• 263 acres
• Jordan Bluffs Zone adopted in 2004
  • Zone includes:
• Allowance for residential and commercial uses
• Allowance for up to 2,500 residential units
• Subarea Plan refining location of uses and densities
• Common development standards:
  • Sign standards
  • Parking requirements
  • Access management
  • Outdoor lighting
• Intent statements to guide specific development standards:
  • Architecture, building materials, landscaping, open space, etc.
• Requirement to adopt specific development standards before development occurs

Subarea Plan
• 263 acres has been divided into four subareas

Midvale City General Plan 2016 Goals
- Promote consistency and compatibility with the Bingham Junction project to the north.
- Support redevelopment of the adjacent area to the east to blend and enhance any redevelopment of the Jordan Bluffs Area.
- Maintain and strengthen stable neighborhoods. This includes preserving the quality and character of existing neighborhoods; providing neighborhoods with better connectivity and access to recreational amenities; and ensuring that infill and adjacent development is compatible with the existing neighborhoods.
- Connect Main Street to surrounding neighborhoods and to Bingham Junction and Jordan Bluffs through pedestrian and bicycle pathways and urban design techniques to create a cultural center.

Development Standards
• Recreation Amenities: 15%
• Open Space/Landscaping: 25%
• Landscape Architecture

Proposed Parking Ratios

<table>
<thead>
<tr>
<th>Use</th>
<th>Existing-Parking-Ratio</th>
<th>Proposed-Parking-Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwellings: α</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multi-Family: α</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Studio and 1 Bedroom units: α</td>
<td>1.5 stalls per unit: α</td>
<td>1.5 stalls per unit: α</td>
</tr>
<tr>
<td>2 Bedroom units: α</td>
<td>2.0 stalls per unit: α</td>
<td>1.75 stalls per unit: α</td>
</tr>
<tr>
<td>3+ Bedroom units: α</td>
<td>2.5 stalls per unit: α</td>
<td>2.0 stalls per unit: α</td>
</tr>
<tr>
<td>Guest parking: α</td>
<td>1.0 stalls per 4 units: α</td>
<td>1.0 stalls per 10 units: α</td>
</tr>
</tbody>
</table>
Public Road Improvements were discussed.

Additional Requests
- Add language allowing surface patios to extend up to eight (8) feet into the setback
- Add language allowing for a 20% parking reduction for projects for all of the units that satisfy an affordability requirement.
  - https://cloud.pix4d.com/pro/project/190706?shareToken=7be36bd0efe643b798eef7351f9acc93

Councilmember Paul Glover said he did not like the parking. He felt there is not enough parking available now. He doesn’t want it reduced.

Councilmember Stephen Brown said he would not approve a four-story building. He will never be convinced that it’s okay to build a building of that height next to residential. He wants transition.

Adam Langford, Wasatch Group, said this is a complicated site. They would like some flexibility to develop this property. He said the setbacks address the concerns with the height. He said parking is very important to them as well. He said they like to keep a 1.8 stalls per unit but the City standards are currently about 2. They compromised with the Planning Commission to about 1.9 stalls per unit. They are asking for a reduction in parking just for the affordable units because they don’t usually have as many vehicles.

Jeff discussed affordable housing and the criteria required to meet in order to live in the affordable housing. Extensive background checks are done on people who move in and if they are not good neighbors, they will be removed.

Wade Walker said he loves Midvale, but he hates the zoning. The property is zoned for single family and we are not putting single family homes in. We are putting in apartments and it’s discouraging to see this. He asked if we have time to down zone the property.

Lisa Garner stated that it could be potentially problematic for the City to down zone with the development agreement that was put in place in 2004. Based on those expectations you have property owners or people with interest on that property.

Mr. Walker encouraged the Council to consider the down zone. He thinks single family homes would be more effective than more apartments. He agreed with Councilmember Brown about the transition of the height. He didn’t agree with the independent study on the parking ratio. The study was done by the developer, he felt it should have come from someone else rather than the developer. He encouraged a study on the parking in the winter time. He knows the area pretty well, and feels that the parking should not be reduced.

Councilmember Wayne Sharp said with the cost of developing that property, single family homes would cost too much to build and people would not pay that much to live there. He didn’t think building single family homes on Jordan Bluffs would remedy the problems between Main Street and Jordan Bluffs.
Melissa Hoagland said she disagreed with the use for this land even though it’s be best way to get a return on their investment. She doesn’t agree it is the best option for her and the residents. She is still hopeful to clean up the Jordan Bluffs area even though the cost is so much. She felt the cap it just a band aid on an infected wound. She doesn’t agree with the apartments.

Laurene Walker said it seems to her she is fighting against four story buildings against residential neighborhoods. She said everywhere you go there are apartments in Midvale. She said she objects to the four-story apartments.

Dustin Gettel said everything Wade Walker said is spot on. He said he lives in the San Moritz and the management communicated to him that the covered parking stalls and garages are increasing in price. Those that cannot find a guest parking spot, park on the street. He said the Florentine Villas has a dark parking lot that people don’t park in because they are afraid their cars will be broken into. He did not feel the study was an accurate display of the parking.

Councilmember Quinn Sperry asked Mr. Gettel if he wanted to see more communities like the one he lives in.

Dustin Gettel said he prefers to live in an apartment community at this point in his life. He thinks Midvale has a plethora of apartments and doesn’t feel it should be the first go to. It’s not necessarily best for the community. He said no, he doesn’t want to see that as a first option.

Jeff Burnson said he has a vested interest in this property selling it for the City as well as being involved in the property since 2004 and the contaminations involved. The bottom line is as they look at what can be done on all of these sites, was to create something that would be a diamond. Originally there was coal there and it has been forged to a diamond over time. EPA is very impressed with what the City has done in developing the site. He said the RM-25 zone is already there. Single family homes can be torn down and a four-story building can be built.

**MOTION:** Councilmember Stephen Brown MOVED to close the public hearing. The motion was SECONDED by Councilmember Wayne Sharp. Mayor Seghini called for discussion on the motion. There being none she called for a vote. The motion passed unanimously.

**ACTION:** CONSIDER ORDINANCE NO. 2017-O-17 ADOPTING THE JORDAN BLUFFS SUBAREA 4 RESIDENTIAL DEVELOPMENT ORDINANCE

Phillip Hill said he did not feel the issue was ready for action at that time with the additional issues that were raised at the meeting. He would like to come back with some additional language on buildings heights, etc. This item will be brought back for action on November 14, 2017.

**VIII. CONSENT AGENDA**

A. APPROVE MINUTES OF OCTOBER 3 & 10, 2017

B. CONSIDER RESOLUTION NO. 2017-R-41 DECLARING SURPLUS PROPERTY
MOTION: Councilmember Wayne Sharp MOVED to approve the consent agenda. The motion was SECONDED by Councilmember Stephen Brown. Mayor Seghini called for discussion on the motion. There being none the she called for a roll call vote. The voting was as follows:

- Council member Stephen Brown  Aye
- Council member Paul Glover  Aye
- Council member Paul Hunt  Aye
- Councilmember Wayne Sharp  Aye
- Council member Quinn Sperry  Aye

The motion passed unanimously.

IX. ACTION ITEMS
A. CONSIDER RESOLUTION NO. 2017-R-38 AMENDING THE GENERAL FUND AND OTHER FUNDS OF THE FY2018 BUDGET

Dalin Hackett said staff proposes amendments to the FY 2018 Budget for the following funds: General Fund, Capital Improvement Projects Fund, Sewer Utility Fund, and Storm Water Utility Fund. These amendments cover new revenues, carryovers from the FY 2017 budget, and adjustments in current year operations.

Midvale City Budget Amendments FY2018 Proposed October 3, 2017

Proposed Amendments to General Fund FY2018
- Proceeds from sale of Right-of-way to UDOT
  - $166,000
  - Capital project – 7200 South Gateway
  - Justice Assistance Grant (JAG)
  - FY 2018 - $15,500 for wireless mics and chairs for precinct
  - FY 2017 carryover - $16,600 for ballistic shields, entry ram, car printers
  - Community Development Block Grant
  - FY 2017 carryover - $89,200 remaining for Allen Street Project

- EPA Institutional Controls Grant
  - $45,000 for FY 2018 – New FTE salary and benefits
  - Contributions from/to Fund Balance
  - $30,000 from Fund Balance for specialized legal services – Cell towers
  - $13,800 from Fund Balance for the remaining lobbyist contract
  - $(30,000) to Fund Balance from the CIP to refund Arts Council contribution towards cancelled Amphitheater architectural drawings

Proposed Amendments to CIP Fund FY2018

- Transfers from/to General Fund
  - 7200 S. Gateway project - $166,000
  - CDBG project – Allen Street - $89,200
  - Refund of Arts Council contribution - $(30,000)

- Transfers from CIP Fund Balance for work in progress
Proceedings of the Midvale City Council Meeting
October 17, 2017

- Sidewalk/Curb/Gutter replacement - $100,000
- 7200 S. project – 7th East to Union Park Avenue - $134,800
- Cemetery improvements - $44,900
- Splashpad improvements - $55,500
- Pickleball Court - $30,000
- 50/50 sidewalk program - $20,000
- Road bond projects – major roads - $2,814,800
- Pavement management - $6,176,700
- Amphitheater improvements - $30,000
- Reserve for future projects - $410,000

Proposed Amendments to Enterprise Funds FY2018
- Sewer Fund
  - From Fund Balance - $30,000 for infrastructure improvements
    - $100,000 total to include choppers for 2 lift stations and electrical work
- Storm Water
  - From Fund Balance – Carryover remaining debt proceeds - $475,000

FISCAL IMPACT:
General Fund – Reduction of $13,800 in Fund Balance
Capital Projects Fund – no change to Fund Balance
Sewer Utility Fund – Reduction of $30,000 in Fund Balance
Storm Water Utility Fund – no change to Fund Balance

MOTION: Councilmember Wayne Sharp MOVED to adopt Resolution 2017-R-38, amending the budgets of the following funds: General Fund, Capital Improvement Projects Fund, Sewer Utility Fund, and Storm Water Utility Fund for the fiscal year ending June 30, 2018. The motion was SECONDED by Councilmember Quinn Sperry. Mayor Seghini called for discussion on the motion. There being none the she called for a roll call vote. The voting was as follows:

- Council member Stephen Brown  Aye
- Council member Paul Glover  Aye
- Council member Paul Hunt  Aye
- Councilmember Wayne Sharp  Aye
- Council member Quinn Sperry  Aye

The motion passed unanimously.

B. CONSIDER ORDINANCE NO. 2017-O-16 A REZONE REQUEST FROM SINGLE FAMILY RESIDENTIAL TO SINGLE FAMILY RESIDENTIAL WITH A DUPLEX OVERLAY (SF-1 TO SF1/DO) LOCATED AT 7410 SOUTH 240 EAST

Lesley Burns stated Adam Burak, identified property owner, is proposing to rezone his property in order to make the existing structure compliment for the applicant/property owner’s proposed use. This proposal includes one (1) parcel totaling approximately 0.20 acres (8,712 sq. ft.) and currently has one, existing single-family residence with the following improvements:
Proceedings of the Midvale City Council Meeting
October 17, 2017

- Two, separate living quarters, each containing two (2) bedrooms, one (1) bath, kitchen/eatery area, and living room space totaling 900± square feet;
- Separate entrances for each unit; and
- A one-car garage with a 27-foot wide driveway space.

The applicant is proposing, upon approval of the rezone request, to occupy one living quarters and utilize the second living quarters as a tenant apartment. In order for this development to proceed as proposed, the following approvals are required:
1. A rezone of the entire property from SF-1 to SF1/DO.
2. Approval of a Conditional Use Permit for the duplex use that complies with the requirements of the SF1-DO development standards.

History
Records from the Salt Lake County Assessor’s Office indicate this parcel is part of a recorded subdivision identified as Lot 10 of the Halelani Subdivision. The County identifies this structure as being built in 1953 and currently identifies 4 bedrooms, 2 full bathrooms, 2-3/4 bathrooms, 1 kitchen, a total square footage of 1,788, and 1 attached, 264 sq. foot one-car garage space. Midvale City archive records for this property identifies a code enforcement violation that was addressed in March, 2001 for converting the single-family residence into more than one-dwelling unit. A reinspection of the property was conducted on July 5, 2001 and the Building Department determined that the basement stove had been removed, thus determining the home had been converted back to a single-family dwelling, and the case had been closed.

General Plan and Rezone
Under Section 17-3-1 of the Zoning Ordinance, the Planning Commission may recommend, and the City Council may grant, a rezoning application if it determines the rezoning is consistent with the goals and policies of the Midvale City General Plan and the following:

1. The proposed rezoning is necessary either to comply with the Midvale City General Plan Proposed Land Use Map, or to provide land for a community need that was not anticipated at the time of the adoption of the Midvale City General Plan;
2. Existing zoning was either the result of a clerical error or a mistake of fact, or that it failed to take into account the constraints on development caused by natural characteristics of the land, including but not limited to steep slopes, floodplain, unstable soils, and inadequate drainage; or
3. Land surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage redevelopment of the area or to recognize the changed character of the area.

With the adoption of the Midvale City General Plan 2016, there is no longer a General Plan Proposed Land Use Map designating future uses of property. Under the new General Plan, these properties are identified as being within a Stability Area. The General Plan states there are relatively stable residential neighborhoods, throughout most areas of Midvale City, where little change internal to the neighborhood itself is expected. New development along major streets and in areas of underutilized properties is expected however; measures to protect and enhance the livability of stable residential neighborhoods should accompany the anticipated change (2016 General Plan, Pg. 45). The General Plan further states the current overall land-use mix is desirable
in these Stability Areas and the preservation of these areas character and function is the desired future condition. Some additional future land use goals for these Stability Areas include:

1. Support property maintenance and neighborhood stability.
2. Buffer uses in Stability Areas from more intensive land uses nearby, including adjacent Opportunity Areas.
3. Provide for better pedestrian/bicycle connections through and between neighborhoods.
4. Provide for access to parks, trails and recreation facilities.
5. Provide for appropriate transit opportunities.
6. Provide mechanisms for appropriate home remodeling to occur to accommodate today’s lifestyles and needs.

The General Plan identifies some future goals for Residential Development and Housing development (2016 General Plan, Pg. 56) that includes:

1. Maintain and strengthen stable neighborhoods. The goal includes preserving the quality and character of existing neighborhoods; providing neighborhoods with better connectivity and access to recreational amenities; and ensuring that infill and adjacent development is compatible with the existing neighborhoods.
2. Maintain and improve the quality of the existing housing stock in Midvale, and revitalize the physical and social fabric of neighborhoods that are in decline.
3. Expand the variety of housing opportunities to allow for more choices in types and locations of residences. This includes providing for a mixture of housing sizes, densities, types and affordability in each area of the City.
4. Support the development of more affordable housing in appropriate locations, i.e., near transit, retail commercial, schools and recreational amenities.

Staff believes the existing zone district was not the result of a clerical error or mistake of fact when the zoning designation for this property was created. Building Department records indicate that minimal changes have occurred within this surrounding neighborhood such as; furnace replacements, service panel changes, solar panel installations, and structural reroofs. The only significant surrounding environment change that has occurred within this area was a single-family dwelling that was built at 247 East 7390 South, back in December, 2006.

This rezone request represents a slight, but important, change to the current zoning and land use on this parcel of property. If the property receives approval of the rezone amendment, the applicant would then be required to receive a Conditional Use Permit approval for the additional dwelling unit, which at the minimum, would require the following development requirements:

- Allocation of two, off-street parking spaces for each dwelling unit; and
- Building permit application submittal for review and inspection of the existing two-unit structure for compliance with existing building codes.

Planning Commission Recommendation
On August 23, 2017, this application was presented before the Planning Commission at their regularly scheduled meeting. During discussion and review of this application, including citizen testimonies, the Commission heard concerns related to; resembles a spot-zone, spot-zone will set
a precedence for this area, parking and traffic concerns, and the General Plan identifies this area as a Stability Area. After further discussion and review, the Commission forwarded a negative recommendation concerning the rezone request with the following motion:

“For the following reasons, I move that we forward a negative recommendation to the City Council denying the request to rezone the property located at 7410 South 240 East:

1. None of the criteria for a rezone amendment has been met
2. The property is in a Stability Area as identified in the General Plan for single-family homes and this rezone would go against maintaining the stability of this area.
3. The rezone would create spot-zoning that does not directly tie to the surrounding Duplex Overlay zone.

A roll call vote was taken with a unanimous vote of 4-0.

**City Council Public Hearing**

On September 19, 2017, this application was presented before the City Council at their regularly scheduled meeting. During discussion and review of this application, including citizen testimonies, the Commission heard concerns related to: spot-zoning, precedence of spot-zoning, and parking and traffic concerns. Adoption of an ordinance is required for all rezones. If the City Council decides to approve the rezone as requested, an ordinance has been prepared to accomplish this, proposed Ordinance No. 2017-O-16

**MOTION:** Councilmember Paul Hunt MOVED to deny the request to rezone the properties located at 7410 South 240 East for the following reasons:

1. None of the criteria for a rezone amendment has been met.
2. This property has been designated as being within a Stability Area and a rezone of this property would violate the intent and recommended goals for this area.
3. This rezone would resemble a spot-zone which does not correlate with the surrounding parcels of property.

The motion was SECONDED by Councilmember Paul Glover. Mayor Seghini called for discussion on the motion. There being none she called for a roll call vote. The voting was as follows:

- Council member Stephen Brown Aye
- Council member Paul Glover Aye
- Council member Paul Hunt Aye
- Councilmember Wayne Sharp Abstained
- Council member Quinn Sperry Aye

The motion passed unanimously.

Councilmember Wayne Sharp said he abstained because he does work for the applicant.
GENDER IDENTITY, NATIONAL ORIGIN, RACE, RELIGION, OR SEXUAL ORIENTATION

Councilmember Quinn Sperry said he was contacted by a resident within his district that asked the Council to consider adoption of this proposed resolution. West Jordan City adopted the resolution, and other cities are considering the resolution. The current law that has been in effect for many years and is no longer effective for enforcing or pursuing these individuals. He was asked to bring a resolution for support to the Council for consideration. Other groups that are in support of this are the Utah Attorney General, Salt Lake County District Attorney, Statewide Association of Prosecutors, Utah Police of Chiefs Association, Utah Sheriffs Association, Commission of Criminal and Juvenile Justice, Utah Sentencing Commission, Utah Council of Victims of Crime, Law Enforcement Legislative Committee, and religious and community Groups.

Chief Mazuran said putting some pressure on the legislature to address this situation would be helpful.

The Council discussed this issue and agreed to support the resolution.

MOTION: Councilmember Paul Hunt MOVED to approve Resolution No. 2017-R-42 expressing support for legislation during the 2018 session providing law enforcement stronger tools to address crime and deliberately targets a victim because of an individual's ancestry, disability, ethnicity, gender, gender identity, national origin, race, religion, or sexual orientation. The motion was SECONDED by Councilmember Quinn Sperry. Mayor Seghini called for discussion on the motion. There being none the she called for a roll call vote.

The voting was as follows:

<table>
<thead>
<tr>
<th>Council member</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Stephen Brown</td>
<td>Aye</td>
</tr>
<tr>
<td>Paul Glover</td>
<td>Aye</td>
</tr>
<tr>
<td>Paul Hunt</td>
<td>Aye</td>
</tr>
<tr>
<td>Wayne Sharp</td>
<td>Aye</td>
</tr>
<tr>
<td>Quinn Sperry</td>
<td>Aye</td>
</tr>
</tbody>
</table>

The motion passed unanimously.

X. DISCUSSION ITEMS

A. DISCUSS PROPOSED WIRELESS COMMUNICATIONS ORDINANCE

Lisa Garner stated that the wireless communications ordinance addressed the small cell attachments that they put onto existing poles, and or other poles. The concerns are the placement of poles, the height of the poles, and the overall look of the poles. The ordinance is designed to address the Council’s concerns and the regulations.

Garrett Wilcox discussed the ordinance and the importance of adopting the ordinance to protect the City. He addressed what they could and couldn’t do legally.

Proposed Chapter 5.54
Wireless Communications Services

Small Cells
Concerns
Telecommunications Act of 1996
• Municipal powers and limitations
• Towers
• “Shot Clocks

Working Toward an Ordinance

Chapter 5.54 Wireless Communication Services

• Franchise requirements
• General site requirements

Specific site requirements

Franchise Requirement

• Nonexclusive franchise.
• Franchise only provides permission to site wireless facilities in the right-of-way.
• Limits ability to transfer and assignment of franchises.
• Compensation is required in the form of application and permit fees, telecommunications tax, and attachment fees.
• Provider must provide:
  • Certificate of convenience and public necessity from Utah’s Public Service Commission.
  • Certification of Provider’s financial ability to compensate the City for intrusion in the City’s rights-of-way.
  • Affidavit showing Provider’s agreement to follow siting requirements under Chapter 5.54 and application limits.
  • Copy of Provider’s FCC license.
  • Copy of Provider’s insurance policy.
  • Detailed alternative sites analysis demonstrating why the Provider must enter the City’s rights-of-way.
  • Signed authorization allowing others to collocate on the Provider’s facilities.
  • Description of Provider’s general approach to complying with City’s visual impact and design requirements.
  • Noise study for proposed wireless facilities.
  • Report prepared and signed by a Utah-licensed engineer demonstrating that the facilities are within the emissions limit establish by the FCC.

General Sire Requirements

• Separate franchises required for wired and wireless portions of system.
• Marcotowers are prohibited.
• Speculation is prohibited.
• Discourages new towers by incentivizing the use of existing poles.
• Pole height restricted to 50’ poles for one provider. Option to increase to 60’ if multiple providers can collocate on pole.
• No more than 17 cubic feet footprint including equipment.
• Undergrounding is encouraged.
• Attempts to minimize visual impact on surrounding properties through stealth, materials, and colors.
• Lighting is prohibited unless required by FAA.
• No advertising or additional signage allowed.
• Some discretion left to City to choose between sites and design elements.
• Limits number and size of application submissions.

Specific Site Requirements

<table>
<thead>
<tr>
<th>Eligible Facilities Request</th>
<th>Collocation</th>
<th>Replacement Pole</th>
<th>New Pole</th>
</tr>
</thead>
<tbody>
<tr>
<td>60 day review</td>
<td>90 day review</td>
<td>150 day review</td>
<td>150 day review</td>
</tr>
<tr>
<td>Scaled site plan</td>
<td>Scaled site plan</td>
<td>Scaled site plan</td>
<td>Scaled site plan</td>
</tr>
<tr>
<td>Drawings and simulations of proposed facilities</td>
<td>Drawings and simulations of proposed facilities</td>
<td>Permission from pole owner to replace pole</td>
<td>Alternative site analysis</td>
</tr>
<tr>
<td>Dimensions of existing facilities</td>
<td>Permission from pole owner to collocate</td>
<td>Alternative site analysis</td>
<td>Significant gap and least intrusive means analysis</td>
</tr>
<tr>
<td></td>
<td>Notice requirement to all property owners within 300'</td>
<td>Notice requirement to all property owners within 300'</td>
<td>Noise study</td>
</tr>
</tbody>
</table>

The council discussed the wireless communications ordinance options and regulations. This item will be scheduled for a future agenda for action.

XI. ADJOURN

MOTION: Councilmember Wayne Sharp MOVED to adjourn the meeting. Councilmember Paul Hunt SECONDED the motion. Mayor Seghini called for discussion on the motion. There being none, she called for a vote. The motion passed unanimously.

The meeting adjourned at 10:06 p.m.

Rori L. Andreason, MMC
H.R. DIRECTOR/CITY RECORDER

Approved this 14th day of November 2017.
SUBJECT:

Consider adopting Ordinance No. 2017-O-17 approving a proposed text amendment to create a review process and development standards for residential development in Subarea 4 of the Jordan Bluffs Zone

SUBMITTED BY: Phillip Hill, Asst. City Manager/CD Director

SUMMARY:

Following the October 17, 2017 public hearing, there were three items which the council identified for further consideration:

1. Are four stories an appropriate building height along the eastern boundary of Subarea 4 if the structure is at least 60 feet from the property boundary;
2. Are the requested parking reductions for two and three bedroom units (2.0 spaces reduced to 1.75 and 2.5 spaces reduced to 2.0 respectively) appropriate based on the information submitted; and
3. Is a 20% reduction in the parking requirement for units meeting an affordability requirement of 60% of the Area Median Income for not less than 50 years appropriate?

In addition to these three items, the question was posed as to whether multi-family residential is an appropriate use for the uncapped portion of the site. Based on the May 11, 2011 Geotechnical Review of Sharon Steel Site Operable Unit 1 Report prepared on behalf of the EPA by Skeo Solutions and Stark Consultants, Inc.; that the following determination was cited for this area:

- **Zone C: Medium to Highly Loaded Area** (approximately 40 acres)
  Reuses in this zone ideally would still be supported using spread footings or raft foundations, but deep foundations could be used in most of this zone because it is not underlain by the geosynthetic cover system. Some of the possible reuses in this area include: mid- to high-rise commercial or residential, office and industrial parks, hotels/ motels, government centers, jails, maintenance facilities, and public works or other municipal facilities.

Although this area is not capped, there are still environmental and geotechnical concerns that do not lend this area to being compatible with a single family residential use.
Planning Commission Recommendation

The Planning Commission conducted a public hearing on the proposed text amendment on September 27, 2017 and extensively reviewed proposed ordinance language with consideration given to the public comment received and the goals of the General Plan. Based on this, the Planning Commission forwarded a draft ordinance to the City Council for its consideration (Draft 1.11). Along with the ordinance language, the Planning Commission also forwarded its findings for this recommendation, as well as the following recommendation regarding a traffic study:

“We acknowledge the community concerns for existing and future traffic in the area, and recommend the City engages a transportation consultant to study the area between 7200 South to 9000 South and Main Street to Bingham Junction Boulevard to provide the City with recommendations on future road connections and improvements before new development occurs to ensure these are incorporated into these plans and the City can plan for needed improvements outside the development area.”

* * *

Planning Commission Findings
Jordan Bluffs Subarea 4
October 11, 2017

The Planning Commission would like the following findings to be made part of the record to explain the considerations and reasons for recommending the proposed Jordan Bluffs Subarea 4 ordinance:

• The Midvale City General Plan 2016 identifies the entire Jordan Bluffs Area as an “opportunity”. It is vacant with no approved master plan for development, and provides an opportunity for a high-quality mix of office, commercial and residential. There are significant environmental and geotechnical issues associated with the area due to the historical use of the property for ore milling operations and the cleanup that occurred through the EPA many years ago. This limits the type of development that can occur, as well as raises the costs to develop, creating additional constraints on the property. We see the proposed Jordan Bluffs Subarea 4 ordinance as a step towards using and creating this opportunity within the confines of the existing conditions of the property.
• We recognize the current Jordan Bluffs Zone District and the uses and densities that were created as part of that zone in 2004, as well as the property rights for current and future property owners of the property.
• We considered both the existing and future development in the surrounding area, specifically considering the adjacent RM-25 zone to the east, and how to best transition from this zone to new development in Subarea 4, as well as start the transition from development in Subarea 4 to the other Subareas of Jordan Bluffs.
• We considered the public comments received in the September 27th public hearing, acknowledging the requests to prohibit more apartments and affordable housing and
to downzone the property. We, however, recognize the City has some legal
obligations with the current zoning and past decisions made on the property, the
existing condition of the property limits the type of development and layout that can
occur (including the design and location of the main roads), and the City cannot and
should not discriminate against certain housing types and people.
- We acknowledge the community concerns for existing and future traffic in the area.
- The recommended development standards in the proposed ordinance provide the
necessary requirements to advance the land use, residential development,
transportation, and recreation goals of the General Plan when specific developments
are proposed in the future. These include:
  - Promoting consistency and compatibility with the Bingham Junction project to the north.
- Providing connectivity to the Main Street neighborhood, either physically
  (crosswalks) or by urban design.
- Supporting redevelopment of the adjacent area to the east to blend and enhance any
  redevelopment of the Jordan Bluffs Area.
- Maintaining and strengthening stable neighborhoods, including preserving the quality
  and character of existing neighborhoods; providing neighborhoods with better
  connectivity and access to recreational amenities; and ensuring that infill and adjacent
  development is compatible with the existing neighborhoods.
- Connecting Main Street to surrounding neighborhoods and to Bingham Junction and
  Jordan Bluffs through pedestrian and bicycle pathways and urban design techniques
  to create a cultural center.
- Extending Bingham Junction Boulevard.
- Improving pedestrian and bicycle travel through the area.
- Improving community connections to the Jordan River.

The attached proposed ordinance reflects the Planning Commission’s recommendation
with some clarifying language regarding the review process for a development parcel
subdivision plat; Main Street improvements; calculation of open space; connections to
the existing neighborhood; allowance for ground level patios; and a 20% reduction in
parking for affordable units.

**FISCAL IMPACT:** N/A

**STAFF RECOMMENDATION:**

Staff recommends the City Council consider the information and comments from the
October 17, 2017 Public Hearing, the recommendation and findings from the Planning
Commission, and the following three items when making a motion:

1. Based on the zoning and land uses to the east and the proposed 60-foot setback
   recommended by the Planning Commission, is a maximum height of 4 stories
   appropriate?
2. Based on the information submitted by the applicant, are the following parking ratios appropriate?

<table>
<thead>
<tr>
<th>Use</th>
<th>Existing Parking Ratios</th>
<th>Proposed Parking Ratios</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwellings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multi-Family</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Studio &amp; 1 Bedroom</td>
<td>1.5 stalls per unit</td>
<td>1.5 stalls per unit</td>
</tr>
<tr>
<td>2 Bedroom Units</td>
<td>2.0 stalls per unit</td>
<td>1.75 stalls per unit</td>
</tr>
<tr>
<td>3+ Bedroom Units</td>
<td>2.5 stalls per unit</td>
<td>2.0 stalls per unit</td>
</tr>
<tr>
<td>Guest Parking</td>
<td>1.0 stalls per 4 units</td>
<td>1.0 stalls per 4 units</td>
</tr>
</tbody>
</table>

3. Is a 20% reduction in the parking requirement for units meeting an affordability requirement of 60% of the Area Median Income or less and being rent restricted for not less than 50 years appropriate?

**RECOMMENDED MOTIONS:**

**Option #1**

“Finding that the appropriate public hearings have been noticed and held with respect to this proposed ordinance, and that there has been thoughtful consideration of the comments and information provided during those meetings, I move that we adopt Ordinance No. 2017-O-17, creating a review process and development standards for residential development in Subarea 4 of the Jordan Bluffs Zone as presented.”

**Option #2**

“Finding that the appropriate public hearings have been noticed and held with respect to this proposed ordinance, and that there has been thoughtful consideration of the comments and information provided during those meetings, I move that we adopt Ordinance No. 2017-O-17, creating a review process and development standards for residential development in Subarea 4 of the Jordan Bluffs Zone with the following changes:

1. . . .
2. . . .”

**Attachments:**

- Proposed Ordinance No. 2017-O-17 creating Chapter 17-7-10.11 “Jordan Bluffs Subarea 4 Residential Development”

**References:**

ORDINANCE NO. 2017-O-17

AN ORDINANCE AMENDING REGULATIONS TO CHAPTER 17-7-10.11 
“JORDAN BLUFFS SUBAREA 4 RESIDENTIAL DEVELOPMENT” IN THE 
MIDVALE CITY ZONING ORDINANCE; ALSO PROVIDING A SAVING 
CLAUSE AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, pursuant to Sections 10-9a-501 through 10-9a-505 Utah Code Annotated 1953 as amended the City has authority to make and amend a zoning plan which divides the City into zoning districts and within those districts to regulate the erection, construction, reconstruction, alteration, and uses of buildings and structures and the uses of land; and

WHEREAS, Pursuant to Section 17-1-1 A. of the Midvale City Municipal Code the City desires to “Promote coordinated development, redevelopment, effective use of land, and site planning; and

WHEREAS, Pursuant to Section 17-1-1 I. of the Midvale City Municipal Code the City desires to “Foster convenient, compatible and efficient relationships among land uses; and

WHEREAS, the City Council of Midvale finds it fair and equitable to divide the City into zoning districts that provides for the orderly development and thoughtful designation of locations of certain uses throughout the City; and

WHEREAS, the Planning Commission held a public hearing on September 27, 2017 to review the request and has made recommendations thereon to the City Council; and

WHEREAS, the City Council of Midvale City, Utah held a public hearing on October 17, 2017, which meeting was preceded by notice by publication in the Salt Lake Tribune, on October 03, 2017, and has taken into consideration citizen testimony, and planning and demographic data;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Midvale City, Utah as follows:

Section 1. The zoning ordinance which sets forth the zone districts and the uses allowed in those districts within Midvale City and the following sections of said zoning ordinance are hereby amended as follows:

Attachment “A”

Section 2. If any part of this ordinance or the applications thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.
Section 3. This ordinance shall be effective on this date.

PASSED AND APPROVED this ____ day of _______________, 2017.

________________________________________
JoAnn B. Seghini, Mayor

ATTEST:

<table>
<thead>
<tr>
<th>Voting by the Council:</th>
<th>“Aye”</th>
<th>“Nay”</th>
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</thead>
<tbody>
<tr>
<td>Steve Brown</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paul Glover</td>
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<td></td>
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<tr>
<td>Paul Hunt</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wayne Sharp</td>
<td></td>
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<tr>
<td>Quinn Sperry</td>
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</table>

__________________________
Rori Andreason, MMC
City Recorder
Chapter 17-7-10.11
Jordan Bluffs Subarea 4 Residential Development

Sections:

17-7-10.11.1 Purpose.

17-7-10.11.2 Uses.

17-7-10.11.3 Review Process.

17-7-10.11.4 Residential Development Standards.

17-7-10.11.5 Landscaping Standards.

17-7-10.11.6 Architectural Standards.

17-7-10.11.7 Parking and Access.

17-7-10.11.8 Utilities.

17-7-10.11.9 Signage.

17-7-10.11.10 Home Occupation Standards.

17-7-10.11.11 Institutional Controls.

17-7-10.11.1 Purpose.

The purpose of this Chapter is to create the zoning plan required in Chapter 17-7-10 and the specific development review process for residential development in Subarea 4 of the Jordan Bluffs Zone. This chapter applies to all residential development in the area depicted as Subarea 4 in the Jordan Bluffs Zone and described as Lot 1 in the Jordan Bluffs Subdivision. Provisions of Title 17 of the Midvale Municipal Code shall apply to residential development in Subarea 4 except to the extent that a provision conflicts or is inconsistent with the provisions set forth in this Chapter, in which case the provision of this Chapter shall apply. Figure 1 represents the divisions of Subarea 4 created for the purpose of identifying areas for specific development standards contained herein. The boundaries of these areas may be adjusted based on final interior road location.
17-7-10.11.2 Uses.

A. Use Table. The following uses are allowed with the applicable development permit(s) in Jordan Bluffs Subarea 4. If a use is not specifically designated, then it is prohibited.

Table 17-7-10.11.2

<table>
<thead>
<tr>
<th>Type</th>
<th>Allowed</th>
<th>Administrative</th>
<th>Conditional</th>
<th>Business License</th>
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<tr>
<td>Assisted Living Facility</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Child Care, In-Home:</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>---------------------</td>
<td>---</td>
<td>---</td>
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<td></td>
</tr>
<tr>
<td>Center: ≤ 6 children</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Facility: 7 to 12 children</td>
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<table>
<thead>
<tr>
<th>Dwellings:</th>
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<tr>
<td>Multi-Family</td>
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<td>Single Family, Attached</td>
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<table>
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<th>Home Occupation</th>
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<table>
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<tr>
<th>Religious/Educational Institution</th>
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<table>
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<tr>
<th>Residential Facility for Elderly Persons</th>
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<table>
<thead>
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<th>Residential Facility for Persons with a Disability</th>
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<tbody>
<tr>
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</tbody>
</table>

B. **Conditional use standards of review.** The city shall not issue a conditional use permit unless the community development department, in the case of an administrative conditional use, or the planning commission, for all other conditional uses, concludes that the application mitigates adverse impacts and complies with the following general standards applicable to all conditional uses, as well as the specific standards for the use.

1. **General Review Criteria.** An applicant for a conditional use in Subarea 4 must demonstrate:

   a. The application complies with all applicable provisions of this title, state and federal law;

   b. The structures associated with the use are compatible with surrounding structures in terms of use, scale, mass and circulation;

   c. The use is not detrimental to the public health, safety and welfare;

   d. The use is consistent with the Midvale City General Plan, as amended;
e. Traffic conditions are not adversely affected by the proposed use including the existence of or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets;

f. Sufficient utility capacity;

g. Sufficient emergency vehicle access;

h. Location and design of off-street parking as well as compliance with off-street parking standards provided for in Section 17-7-10.11.7;

i. Fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses;

j. Compatibility of the proposed mass, bulk, design, orientation, and location of the structures on the site, including compatibility with buildings on adjoining lots and to the street;

k. Exterior lighting that complies with the lighting standards of the zone and is designed to minimize conflict and light trespass with surrounding uses; and

l. Within and adjoining the site, impacts on the aquifer, slope retention, flood potential and appropriateness of the proposed structure to the topography of the site.

2. Specific Review Criteria for Certain Conditional Uses. In addition to the foregoing, the community development department or planning commission must review each of the following criteria when considering approving or denying an application for each of the following conditional uses:

a. Child Care. Each application for a child care facility or center must include:

   i. Proof of a state child care license;

   ii. Compliance with state, federal and local law; and

   iii. A delivery, traffic and parking plan which adequately mitigates the adverse impacts of increased traffic generation.

b. Assisted Living. Each application for an assisted living use must comply with the following:

   i. The maximum number of residents shall be:

      (A) Eight for structures fronting on public streets smaller than collector streets; and

      (B) Sixteen for structures fronting on public streets considered collector streets or larger.
ii. A complete application shall include:

(A) Proof of state license for assisted living or its equivalent;

(B) A design, residential in character and architecturally compatible with the neighborhood, which adequately screens the use from neighboring lots; complies with Utah Department of Health standards;

(C) An outdoor lighting plan which adequately screens lighting to mitigate its impact on surrounding uses;

(D) A sign plan which includes no more than two square feet of signage for facilities on public streets smaller than collector streets, and monument signs not to exceed thirty-two square feet for facilities on public streets considered collector streets or larger; and

(E) A delivery, traffic and parking plan which adequately mitigates the adverse impacts of increased traffic generation on the neighborhood in which it is located. The parking plan should propose parking appropriate to the proposed use of the facility.

17-7-10.11.3 Development review process.

The following development review process applies to all new development in Jordan Bluffs Subarea 4.

A. Large Scale Master Plan. A large scale master planned development application is required for Subarea 4 as a whole prior to any specific development applications, i.e. subdivision plats, site plans, conditional use permits, building permits. Subdivision plats creating development parcels are exempt from this requirement. The large scale master plan shall address the following development standards:

1. Environmental Constraints. Due to the limitations of the capped portions of the Jordan Bluffs site all wet utilities and landscaped areas shall be installed as regulated by this title, the Institutional Controls, Site Management Plan (2017) and Site Modification Plan (2004). The capped portion of Subarea 4 is identified as “Area C” in Figure 1 of this Chapter.
2. Residential Density. The maximum residential density is thirty (30) units per acre averaged over Subarea 4.

3. Recreational Amenities. The applicant shall improve a minimum of fifteen (15) percent averaged over the entire Subarea 4 as functional outdoor and indoor recreational amenity areas for residents of the development. These amenities include such improvements as elevated plazas designed for recreation purposes; outdoor recreation spaces such as pools, playgrounds, informal playing fields; and the square footage of buildings and interior spaces devoted to amenity and recreational use. Improved, common recreational amenities shall be located within close proximity or easily accessible to all residential projects within the Subarea 4.

4. Open Space, Landscaping and Recreational Amenities. The applicant shall improve a minimum of twenty-five (25) percent averaged over the entire Subarea 4 as open space, landscaping and recreational amenity areas. These areas include such improvements as landscaped areas not less than five (5) feet wide, landscaped setbacks, walkways, paths, and recreational amenities as described above. For purposes of clarification, the portion of the fifteen (15) percent recreational amenity standard located outside of buildings shall be included with the minimum twenty-five (25) percent open space standard.

5. Building Height Transition. In “Area A” and “Area B” identified in Figure 1 of this Chapter, the maximum height allowed for structures is four stories, not to exceed fifty (50) feet measured to the top of the highest parapet or the midpoint of a sloped roof, subject to the following exception: when a structure is less than sixty (60) feet from a property with a residential use, the maximum height shall be three stories, not to exceed forty (40) feet measured to the top of the highest parapet or the midpoint of a sloped roof.

6. Public Road Improvements. The applicant shall provide the following public road improvements:

   a. Bingham Junction Boulevard from 7800 South to the intersection of the extension of Ivy Drive as depicted on the Jordan Bluffs Subarea Plan. Bingham Junction Boulevard shall include a public right-of-way of ninety-two (92) feet to include a center raised planter/left turn lane with two traffic lanes, a bike lane, planter area and sidewalk on each side as shown by the cross section below.
b. Extension of Ivy Drive from Main Street to the intersection of Bingham Junction Boulevard as depicted on the Jordan Bluffs Subarea Plan. The extension of Ivy Drive shall include a public right-of-way of seventy (70) feet to include sidewalk, planter area, parking lane, bike lane and traffic lane on each side as shown by the cross section below.

c. Interior Roads. Interior public roads shall be constructed within Subarea 4 to service residential areas. Public roads interior to Subarea 4 shall include public rights-of-way of sixty-six (66) feet to include sidewalk, planter area, parking lane, and traffic lane on each side as shown by the cross section below.
d. 7800 South Right-of-Way Improvements. Curb, gutter, sidewalk and landscape improvements along the south side of 7800 South between Le Page Street and Bingham Junction Boulevard are required.

e. Main Street Right-of-Way Improvements. Curb, gutter, and sidewalk improvements along the Main Street property frontage are required. These improvements shall match and tie into the right-of-way improvements to the north with the necessary right-of-way property dedicated to Midvale City for these improvements.

f. Pedestrian Connections. Walkways of at least five (5) feet in width shall be incorporated within and between developments, and to Holden Street, Lennox Street and Main Street. Where walkways cross roads or driveways, stamped concrete or asphalt, or other distinguishable material, shall be used to construct crosswalks.

7. Private Roads. Private roads shall include a right-of-way width of thirty-five (35) feet, with twenty (20) feet of pavement installed to city specifications and fire code, two and one-half (2.5) feet of curb and gutter on each side and either a five (5) foot sidewalk adjacent to the curb on both sides or a four (4) foot sidewalk and a five (5) foot park strip on one side. On-street parking is not allowed on a private road and the road shall be posted as a no parking area. Private roads shall be owned and maintained by an owners’ association with an appropriate mechanism in place to ensure its long-term maintenance.

8. Connections to Existing Neighborhood. The applicant shall provide a pedestrian connection to Lennox Street and Main Street and pedestrian and automobile connections to Holden Street or Wasatch Street. Pedestrian connections shall be a minimum of five-foot wide improved walkways tying in with a project interior pedestrian system. The automobile connection is not required to be a full extension of the adjoining street through the new development, but shall include a minimum drive
width of twenty (20) feet. Other pedestrian and/or automobile connections to the existing neighborhood to the east are encouraged where such connections provide for the orderly flow of traffic both within and outside the development and minimize the concentration of traffic onto any particular city street.

B. Development Agreement. A development agreement, in a form satisfactory to the city attorney and city council, and consistent with law, shall be required to ensure the property owner complies with the provisions applying to Subarea 4 of the zoning district, the large scale master plan and site plan approvals, and allowing the property owner the right to develop in accordance with the approved plan for a period up to, but not exceeding, fifteen (15) years.

C. Subdivision Plats, Site Plans, Conditional Use Permits and Building Permits. Prior to any development occurring in Subarea 4, the applicant shall obtain all applicable development permits as required in Chapter 17-3 and Title 16 of the Midvale Municipal Code. These development permits shall be consistent with the approved large scale master plan, development agreement, this chapter and current building code.

17-7-10.11.4 Residential development standards.

The following development standards apply to all new development:

A. Lot Size. No minimum lot size is required, but the lot size must be sufficient to accomplish the development standards of this chapter and the building code.

B. Setbacks. All setbacks are measured from the property line. There are no minimum setbacks except as required by the building code, required landscape setbacks, residential landscape buffers, and the residential setback.

C. Residential Setback. The minimum setback from the property line to a new residential structure when adjacent to a property with a residential use is twenty (20) feet.

D. Build-to Line. When adjacent to Main Street, Ivy Drive or an interior public or private road, a thirty-foot (30’) landscape setback, measured from the property line adjacent to said road, is required. In the case of Main Street, the landscape setback shall be measured from the new right-of-way line created per Section 17-7-10.11.3 (A)(6)(e) herein. These setbacks shall serve as the build-to line for residential structures. At least fifty (50) percent of the front elevations must be built within five (5) feet of the build-to line. The planning commission may modify this requirement for changes in wall plane due to architectural features or if the site is encumbered by curvilinear roads and/or property lines. Residential structures in “Area A”
identified in Figure 1 of this Chapter shall not be subject to the build-to line requirement. At grade patios and porches may extend into the thirty-foot (30’) landscape setback up to eight (8) feet.

E. **Residential Density.** The maximum residential density is thirty (30) units per acre averaged over Subarea 4.

17-7-10.11.5 **Landscaping standards.**

The following landscaping standards apply to all new residential development:

A. **Required Open Space, Landscaping and Recreational Amenities.** The applicant shall professionally landscape the project property, in accordance with an approved landscape plan. The landscape plan shall include details for the open space, landscape and recreational amenity areas required in the approved large scale master plan for the specific development area. The amount of open space, landscaping and recreation amenity area for a specific development within Subarea 4 shall not be less than that included in the approved large scale master plan. Landscape plan approval is a condition precedent to issuance of a building permit for the project property. All landscaping shall be in place prior to issuance of a certificate of occupancy for a structure, unless seasonal conditions make installation unfeasible, in which case the applicant shall provide cash security or its approved alternative for all landscaping, which landscaping shall be installed by the following May 31st.

B. **Landscaped setback from edge of public or private right-of-way.** The landscaped setback from the edge of a public right-of-way or private right-of-way shall be a minimum of thirty (30) feet.

C. **Residential Landscape Buffer.** New development adjacent to a property with a single-family use shall provide a minimum fifteen (15) foot landscaped buffer consisting of large trees, shrubs, and a minimum six (6) foot and a maximum eight (8) foot screening wall along the residential property boundary. The screening wall shall be constructed of precast concrete, SimTek Ecostone Plus (or equivalent), brick, masonry or other permanent materials, and shall have a finish that complements the development along all property boundaries adjacent to single family residential use.

D. **Planting Standards.** Landscape plans shall address the following standards:

1. **Building Foundation Landscaping.** The ground adjacent to the building foundation must be landscaped if it is visible from public vantage points. Building foundation
landscaping shall consist of a combination of small and medium sized deciduous and evergreen shrubs, grasses and perennials.

2. Street Frontage Tree Requirements. An applicant shall provide at least one (1) street tree for each forty lineal feet (40’) of frontage along all public and private roads. Street frontage trees may be clustered or spaced linearly near the sidewalk as provided in an approved landscape plan.

3. Minimum Number of Trees. A minimum of one (1) tree for every four hundred (400) square feet of required landscaping is required for all landscaped areas. Street trees may be included in calculations to meet this requirement.

4. Plant Materials. Areas requiring landscaping shall be planted with substantial live plant material including: plants, shrubs, trees, sod, etc., for the purpose of buffering, screening, and improving the visual quality of the site. Plants selected for landscape areas shall consist of plants that are well suited to the microclimate and soil conditions at the project site. Plants with similar water needs shall be grouped together as much as possible. Landscaped areas less than four feet wide shall be landscaped with water conserving plants.
   a. Types of Vegetation. At least fifteen (15) percent of the landscaping must be evergreen. Up to twenty-five (25) percent of the landscape area may include specialty paving, street furniture, and outdoor seating areas. Trees that are planted in the park strip shall meet the specifications described in the standard construction specifications of Midvale City.
   b. Size of Trees. The following standards apply to the use of plant and tree material.
      i. Deciduous Trees. All deciduous trees shall have a minimum caliper size one and one-half (1 ½) inches.
      ii. Ornamental Trees. All ornamental trees shall have a minimum caliper size of one and one-half (1 ½) inches.
      iii. Evergreen Trees. All evergreen trees shall have a minimum height of six (6) feet.

5. Mulch. After completion of all planting, all irrigated non-turf areas shall be covered with a minimum four-inch layer of mulch to retain water, inhibit weed growth, and moderate soil temperature. Nonporous material shall not be placed under the mulch.
6. Soil Preparation. Soil preparation will be suitable to provide healthy growing conditions for the plants and to encourage water infiltration and penetration. Soil preparation shall include scarifying the soil to a minimum depth of six inches and amending the soil with organic material as per specific recommendations of the landscape designer based on the soil conditions.

7. Planting Plan. A detailed planting plan shall be drawn at a scale that clearly identifies the following:
   a. Location of all plant materials and ground covers, a legend with botanical and common names, and size of plant materials;
   b. Property lines and street names;
   c. Existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements;
   d. Existing trees and plant materials to be removed or retained;
   e. Designation of landscape zones; and
   f. Details and specification for tree staking (trees less than a two-inch caliper must be double-staked until the trees mature to two-inch caliper), soil preparation, and other planting work.

8. Crime Prevention Through Environmental Design (CPTED). The plan must demonstrate how CPTED principles will be used in the design and layout of buildings, streets, accesses and open space areas. Design shall promote natural surveillance, access control, territorial reinforcement, sense of ownership, and maintenance. CPTED landscaping guidelines shall be used, including planting shrubs so as not to impede natural surveillance and trees with a proper ground clearance of six feet above walkways and sidewalks and eight feet above vehicular travel and parking lanes. To encourage public safety through natural surveillance, natural access control, and territorial reinforcement, blank walls are discouraged adjacent to streets, pedestrian areas, and open space amenities. Symbolic barriers, such as low-lying fences/walls, landscaping and signage shall be used to discourage crime and to promote safety. Ground floor parking garages are discouraged immediately adjacent to streets. Developments shall have street-side building elevations, with windows, and with balconies, decks or landscape terraces encouraged.

a. As part of the site plan approval process, a copy of the landscape plan documentation package shall be submitted to the city for review and approval.

b. Following construction and prior to issuing the approval for occupancy, an inspection shall be scheduled with the planning department to verify compliance with the approved landscape plans.

c. The city reserves the right to perform site inspections at any time before, during or after the irrigation system and landscape installation, and to require corrective measures if requirements of this chapter are not satisfied.

10. Removal. No required landscaping shall be removed without replacement of equal or better quality. This shall include the installation of healthy plant materials as well as a tree-for-tree replacement as governed by this chapter.

E. **Irrigation Standards.** Irrigation plans shall be designed to accompany the landscape plan and shall address the following standards:

1. A pressure-regulating valve shall be installed and maintained by the consumer if the static service pressure exceeds eighty (80) pounds per square inch (psi). The pressure-regulating valve shall be located between the meter and the first point of water use, or first point of division in the pipe, and shall be set at the manufacturer’s recommended pressure for the sprinklers.

2. All irrigation systems shall include an electric automatic controller with multiple program and multiple repeat cycle capabilities and a flexible calendar program. All controllers shall be equipped with an automatic rain shut-off device, and the ability to adjust run times based on a percentage of maximum ETO.

3. On slopes exceeding thirty-three (33) percent, the irrigation system shall consist of drip emitters, bubblers or sprinklers with a maximum precipitation rate of 0.85 inches per hour and adjusted sprinkler cycle times to eliminate runoff.

4. Each valve shall irrigate a landscape with similar site, slope and soil conditions and plant materials with similar watering needs. Turf and non-turf areas shall be irrigated on separate valve. Drip emitters and sprinklers shall be placed on separate valves.
5. Drip emitters or a bubbler shall be provided for each tree unless located in a turf area. Bubblers shall not exceed 1.5 gallons per minute per device. Bubblers for trees shall be placed on a separate valve unless specifically exempted by the city due to the limited number of trees on the project site.

6. Sprinklers shall have matched precipitation rates with each control valve circuit.

7. Check valves shall be required where elevation differences will cause low-head drainage. Pressure-compensating valves and sprinklers shall be required where a significant variation in water pressure will occur within the irrigation system due to elevation differences.

8. Filters and end flush valves shall be provided as necessary for drip irrigation lines.

9. Valves with spray or stream sprinklers shall be scheduled to operate between six p.m. and ten a.m. to reduce water loss from wind and evaporation.

10. Program valves for multiple repeat cycles where necessary to reduce runoff, particularly on slopes and soils with slow infiltration rates.

11. Spacing of irrigation heads shall not exceed fifty-five percent of coverage diameter.

12. Backflow preventer device is required and shall be located between the water meter and stop and waste valve;

13. Irrigation Plan. A detailed irrigation plan shall be drawn at the same scale as the planting plan and shall contain the following information:

   a. Layout of the irrigation system and a legend summarizing the type and size of all components of the system;
   b. Static water pressure in pounds per square inch (psi) at the point of connection to the public water supply;
   c. Flow rate in gallons per minute and design operating pressure in psi for each valve and precipitation rate in inches per hour for each valve with sprinklers; and
   d. Installation details for irrigation components.
F. **Fencing.** Fencing shall be part of the landscape plan and shall comply with the following:

1. **Perimeter Fencing.**
   
a. Fences or walls constructed of sight obscuring solid materials shall not be located within the landscape setback along a public or private right-of-way.
   
b. Fences up to six (6) feet in height constructed of non-sight obscuring, open materials, such as wrought iron, picket with gaps greater than the width of the slats, etc., may only be located in the landscape setback along 7800 South, Le Page Street and Holden Street.
   
c. Screening walls up to eight (8) feet in height are allowed along property boundaries adjacent to existing development located outside Subarea 4. The screening wall shall be constructed of precast concrete, SimTek Ecostone Plus (or equivalent), brick, masonry or other permanent materials, and shall have a finish that complements the development.

2. **Interior Fencing.** Fences shall not be used to delineate individual developments within Subarea 4. Interior fencing shall only be used as needed for recreational amenities.

3. All fencing and screening walls shall be constructed to comply with sight distance requirements at road intersections and driveways.

17-7-10.11.6 **Architectural Standards.**

All new development must present an attractive streetscape, incorporate architectural and site design elements appropriate to a pedestrian scale, and provide for the safety and convenience of pedestrians. All new development shall comply with the following architectural standards:

A. **Height.** For purposes of defining the maximum structure height allowed, refer to Figure 1 of this Chapter. The maximum height allowed for structures in “Area C” is four stories of living space and two stories of podium parking, not to exceed seventy-five (75) feet measured to the top of the highest parapet or the midpoint of a sloped roof.

B. **Building Orientation and Scale.** Residential structures shall be oriented and scaled as follows:

1. Buildings required to be built at a build-to line shall be oriented to the street, with building entrances opening directly onto the public realm of the sidewalk along the corridor.

2. Buildings shall be serviced by a local street, an access drive or an alley, and shall not gain direct access from a collector or arterial street.
3. Ground floor pedestrian entrances shall be oriented toward adjacent streets, plazas, courtyards, sidewalks and walkways.

4. Buildings shall be designed to minimize pedestrian and automobile conflict and provide pedestrians direct access to a sidewalk or walkway.

5. Building planes shall incorporate varying heights, shifts, textures, shapes and colors to provide visual interest from public vantage points. Building plane shifts include recessed entrances or windows, balconies, cornices, columns, and other similar architectural features. The architectural feature must be either recessed or project a minimum of twenty-four (24) inches.

6. Building design and orientation should consider exposure to sunlight to avoid energy inefficiencies.

C. Proximity. Minimum separation between all habitable structures shall be as follows provided all building code requirements are met: ten (10) feet between one-story structures; fourteen (14) feet between two-story structures; eighteen (18) feet between three-story structures; and twenty (20) feet between four-story structures. The building separation between structures of different heights shall be the distance required by the higher structure.

D. Residential Building Design and Exterior Materials. The following standards shall be applied to all residential structures:

1. Exterior Materials. A minimum of seventy-five (75) percent of the exterior wall area, not to include window and door openings, shall be clad in durable materials. Durable materials include brick, masonry, stucco (not to include exterior insulation and finish system (EIFS)), cement siding textured or patterned concrete, cultured stone, and cut stone, or other material the Planning Commission determines to be durable. Each building elevation shall include at least two types of durable materials. Other materials may be used as accent or trim provided they cover twenty-five (25) percent or less of the exterior wall.

2. Prohibited Materials. Vinyl and aluminum siding products are prohibited as wall materials.

3. Color Scheme. The use of a single-color scheme, minimal detailing, or blank (or largely blank) walls is not permitted. The use of exterior staircases is discouraged.

4. Building Massing. Buildings that are uniformly three stories or more must step the roof form or interrupt it with other roof elements. The building mass of the elevation
can be reduced by off-setting dwelling units, and varying building setbacks and heights.

5. **Openings.** Not less than twenty-five (25) percent of any front or rear building face shall be made up of window or door areas. Not less than fifteen (15) percent of any side building face shall be made up of windows or door areas unless an adjacent building within twenty (20) feet of that side face obscures the majority of that side face from public view. The front building face is defined as the elevation which includes the primary entrance into the building.

6. **Protruding Features.** Bay windows and other architectural elements protruding from the facades may be clad in other materials.

7. **Roof Form.** Roof forms shall be designed in ways and/or used in combinations to break up large, continuous building forms, particularly for cluster and multiple-dwelling structures. Where flat roofs are used, other techniques to provide scale and interest shall be used to refine large, continuous building forms. Long unbroken ridge or parapet lines are prohibited.

8. **Entry Feature.** All dwelling units or residential buildings shall have an exterior entry that is a prominent, architectural focal point directing people into the unit or building. This feature shall relate to the architecture of the structure and may include porches, stoops, roofs, etc.

9. **Garage Doors.** Garage doors for individual dwelling units shall not face or directly access Main Street, Ivy Drive or an interior public or private road.

10. **Podium Parking.** Stand-alone parking structures are prohibited. Podium style parking structures are allowed with the following standards:
    a. No more than two levels of podium style parking above grade are allowed.
    b. Parking structures shall be designed with exterior wall treatments and architectural features similar to the residential portion of the building.
    c. Elevations that face or can be seen from a public or private road shall include openings of similar size and shape to those found on the residential building.

E. **Accessory Structures.** The style, materials, colors and roofs used in the construction of accessory structures, including garages, carports, sheds and maintenance buildings, shall be architecturally compatible with the primary structures.
F. Screening. Trash collection and recycling areas, service areas, and mechanical equipment shall be screened on all sides so that no portion of such areas is visible from public streets and adjacent properties. Required screening may include new and existing plantings, walls, fences, screen panels, doors, topographic changes, buildings, horizontal separation, or any combination thereof.

1. All building equipment shall be sited to minimize its visibility and impact, or screened and enclosed as to appear to be an integral part of the architectural design of the building. Measures shall be taken to mitigate noise impacts on adjacent properties.

2. Refuse containers shall be screened from view on all sides. Required screening may include new and existing plantings, walls, fences, screen panels, doors, topographic changes, buildings, horizontal separation, or any combination thereof. Screening fences, walls and/or plantings shall be one foot higher than the object to be screened. An opaque gate shall be included where required to complete screening.

17-7-10.11.7 Parking and Access

New development must include improvements for associated parking with an adequate number and design of parking spaces and provisions for independent ingress and egress by automobiles and other motorized vehicles. Off-street parking, on-street parking and development access shall meet the following standards:

A. Parking Ratio Requirements. Required parking must be on-site and shall meet the following standards:

Table 17-7-10.11.7
Parking

<table>
<thead>
<tr>
<th>Uses</th>
<th>Parking Requirement (Number of Spaces)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assisted Living Facility</td>
<td>1 per 2 bedrooms plus 1 per employee per shift, or 2 per 3 employees per shift, whichever is greater</td>
</tr>
<tr>
<td>Child Care, In-Home</td>
<td>1 per caregiver and 1 per 6 children</td>
</tr>
<tr>
<td>Dwellings:</td>
<td></td>
</tr>
<tr>
<td>Multi-Family*</td>
<td></td>
</tr>
<tr>
<td>Studio and 1 Bedroom units</td>
<td>1.5 stalls per unit</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>-------------------------</td>
<td>------------------------------------</td>
</tr>
<tr>
<td>2 Bedroom units</td>
<td>1.75 stalls per unit</td>
</tr>
<tr>
<td>3+ Bedroom units</td>
<td>2.0 stalls per unit</td>
</tr>
<tr>
<td>Guest parking</td>
<td>1.0 stalls per 4 units</td>
</tr>
<tr>
<td>Single Family, Attached</td>
<td>2.0 stalls per unit plus 1 per 4 units for guest parking</td>
</tr>
<tr>
<td>Religious/Educational Institution</td>
<td>The greater of: 1 per 5 seats, 2 per 3 employees or 1 per 1,000 s.f. of floor area</td>
</tr>
<tr>
<td>Residential Facility for Elderly Persons/ Persons with a Disability</td>
<td>The greater of: 1 per 2 bedrooms plus 1 per employee per shift or 2 per 3 employees per shift</td>
</tr>
</tbody>
</table>

*The parking requirement for affordable units shall be reduced by twenty percent (20%). Units eligible for this reduction must be units restricted to households making sixty percent (60%) of the area median income (AMI) or less, and must be rent restricted at that level for not less than fifty (50) years. This reduction does not apply to required guest parking. The applicant shall provide documentation assuring the affordable units.

B. Driveway Widths and Parking Standards. The following driveway width dimensions and parking standards apply to all new development. The city engineer may approve minor variations (equal to or less than ten (10) percent) in driveway width and spacing.

1. Parking. No parking is allowed within required landscape setbacks and residential buffers.

   a. Required Landscaping. The following landscaping standards apply to new parking areas:

   i. Parking areas with more than four (4) stalls must have perimeter landscaping of at least five (5) feet in width;

   ii. Parking areas with over fifteen (15) spaces shall provide landscaped islands at the end of each parking row, an island for every sixteen (16) spaces, and perimeter landscaping of at least five (5) feet in width.
2. Driveway Standards. For all new development, driveways shall comply with the following standards:

   a. No driveway along a public road shall be less than fifty (50) feet from intersecting rights-of-way.

   b. Driveways that exceed thirty (30) feet in total width at the lot frontage along a public road must be separated by a landscaped area of at least twelve (12) feet in width and ten (10) feet in depth.

   c. Development Requiring Five or More Parking Spaces. The minimum two-way drive width is twenty-four (24) feet. The maximum two-way drive width is thirty-six (36) feet.

   d. Development Requiring Four or Fewer Parking Spaces. The minimum two-way drive width is twenty (20) feet. The maximum two-way drive width is thirty (30) feet.

   e. Alleys. Alleys providing a shared vehicle access to the rear of individual units shall be a minimum of twenty feet in width and shall comply with the fire code if needed for emergency vehicle access. Alleys shall be owned and maintained by an owners association with an appropriate mechanism in place to ensure its long-term maintenance.

3. Spacing. New development shall provide the following:

   a. A minimum of seventy-five (75) feet spacing between major driveways is recommended. Shared use of drives is strongly recommended.

   b. Centerline. The centerline of intersections of the driveways of major traffic generators entering from opposite sides of roadway must either be aligned or offset by a minimum of one hundred fifty (150) feet.

   c. Deviations. The city engineer may approve minor spacing deviations (equal to or less than ten (10) percent).

4. Surfacing. Parking areas and driveways must be hard-surfaced, maintained in good condition, and clear of obstructions at all times.
5. Parking Space Dimensions. All new development shall provide parking spaces of the following minimum dimensions. The city engineer may approve minor (equal to or less than ten (10) percent) variations in parking space dimensions.
   a. Parking spaces must be nine (9) feet wide by eighteen (18) feet long;
   b. Accessible parking space width requirements vary and shall be consistent with current building code standards;
   c. Compact spaces with dimensions of eight (8) feet wide by sixteen (16) feet long may be provided and these spaces may be counted towards satisfying up to ten percent (10%) of the overall parking requirement for a project; and
   d. Tandem spaces count as two parking spaces, and may only occur in garages or parking structures.

6. Grading and Drainage. Parking shall be graded and constructed as follows:
   a. Parking areas must be graded for proper drainage with surface water diverted to keep the parking area free of accumulated water and ice;
   b. Adequate control curbs must be installed to control drainage and direct vehicle movement; and
   c. Parking area drainage must be detained on-site and otherwise approved by the city engineer.

7. Off-Street Parking. Off-street parking areas must have unobstructed access to a street or alley. The parking area design for five (5) or more vehicles must not encourage cars to back onto adjoining public sidewalks, parking strips, or public roadways. With the exception of permitted tandem parking, parking spaces shall be independently accessible and unobstructed.

8. Guest Parking. In multi-family developments, private driveways can be counted towards the required guest parking if the driveways have a minimum depth of eighteen (18) feet and each driveway is separated with landscaping. Guest parking shall be located within an
accessible and reasonable distance from all habitable structures. This may require more than one guest parking area within a development.

C. Parking Structures. Parking structures shall meet the following standards:

1. Pedestrian System. Parking structures shall include a layout that considers safe walking routes to elevators, stairways, doors, and to the sidewalk system.

2. Parking Configuration. Parking structures shall be designed with the following standards:

   a. Parking stall dimensions shall be a minimum of nine (9) feet by eighteen (18) feet, provided that up to ten (10) percent of parking stalls may be compact stalls of eight (8) feet by sixteen (16) feet.

   b. The minimum aisle width is twenty-four (24) feet.

   c. The parking structure must be designed to ensure that each required parking space is readily accessible, usable and safe for automobiles and pedestrians.

   d. Parking stalls located adjacent to walls or columns shall be one (1) foot wider than the minimum required width to accommodate door opening clearance and vehicle maneuverability.

D. Access Management. All new development shall comply with the following access management standards:

1. All driveways and curb cuts shall be installed according to the standards and specifications contained in the Midvale City Construction Standards and Specifications handbook. Curb cuts for pedestrian access shall orient toward each street frontage.

2. New development shall not propose parking in such a way that users may be allowed to back onto public rights-of-way.

E. Outdoor Lighting Standards. LED light sources are the only allowed light sources for outdoor lighting. Light levels should be designed with minimum light trespass off-site by using a cut-off
luminaire that is fully or partially shielded with little or no light distributed above the horizontal plane of the luminaire or other best practices that are available.

1. Maximum Light Distribution. For uniformity in lighting and prevention of shadows, a four to one (4:1) uniformity ratio shall occur over the parking area(s), excluding main building entrances. The maximum allowed average horizontal luminance level and light source shall be as noted in the following table:

<table>
<thead>
<tr>
<th>Use</th>
<th>Maximum Average Foot Candle</th>
<th>Light Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building entrance</td>
<td>5 f.c.</td>
<td>LED</td>
</tr>
<tr>
<td>Parking Area</td>
<td>2 f.c.</td>
<td>LED</td>
</tr>
</tbody>
</table>

2. Pole Height/Design/Height. Luminaire mounting height is measured from the parking lot or driveway surface, and may range from ten (10) feet to twenty (20) feet, based on:

   a. Review of the site plan;

   b. Proposed land uses;

   c. Surrounding land uses;

   d. Parking area size;

   e. Building mass;

   f. Location of the site with respect to other lighting sources;

   g. Impacts on the adjacent properties;

   h. Topography of site; and

   i. Other site features.
   
a. If metal fixtures or poles are used they shall be black or dark brown;

b. All attempts shall be made to place the base of light poles within landscape areas;

c. Wall-mounted lighting fixtures shall not be located above eighteen (18) feet in height. Fixture styles and finishes shall compliment the building exterior; and

d. Lighting located along pedestrian pathways or in areas primarily dedicated to human activity may not exceed twelve (12) feet in height.

4. Submission Requirements. An application for development with outdoor lighting must contain the following:

   a. Plans indicating the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, installation and electrical details;

   b. Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices that may include, but is not limited to, manufacturer catalog cuts and drawings, including section where required; and

   c. Photometric data, such as that furnished by manufacturers, or similar showing the angle of the cut off or light emission. A point-by-point light plan may be required to determine the adequacy of the lighting over the site.

F. Snow Removal. A plan for snow removal and/or storage shall be submitted for review by the planning staff.

17-7-10.11.8 Utilities.

All utilities within the proposed development shall be buried and shall comply with City Construction Standards and Specifications.

17-7-10.11.9 Signage.
All signage is subject to Section 17-3-7 of the Midvale Municipal Code. Allowed signage within Subarea 4 is limited to the sign types in Table 17-7-10.11.9 and shall comply with the following sign standards. All signage is subject to Section 17-3-7 of the Midvale Municipal Code.

Table 17-7-10.11.9

<table>
<thead>
<tr>
<th>Sign type</th>
<th>Sign Area Max.</th>
<th>Sign Height Max.</th>
<th>General Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monument*</td>
<td>32 s.f.</td>
<td>6’ (total)</td>
<td>At least 1 foot of pedestal. May be placed on berm, w/top of sign ≤ 9’; 3’ max. height in clear view triangle; ≥ 3’ from sidewalk on project property</td>
</tr>
<tr>
<td>Wall</td>
<td>40 s.f.</td>
<td>n/a</td>
<td>One blade or wall sign may be used within “Area A”, “Area B” and “Area C”</td>
</tr>
<tr>
<td>Blade</td>
<td>40 s.f.</td>
<td>≥7 feet above pavement or ground level.</td>
<td>One blade or wall sign may be used within “Area A”, “Area B” and “Area C”</td>
</tr>
</tbody>
</table>

A. Sign Standards.

1. Monument Signs. “Area A”, “Area B” and “Area C” identified in Figure 1 of this Chapter is allowed one monument sign for each street frontage. A monument sign shall not exceed thirty-two (32) square feet or six (6) feet in height with a minimum one-foot pedestal, and shall be located in a landscaped area associated with a project entry or focal point. The applicant may forgo the one-foot pedestal if the landscaped area is improved with something other than turf. The sign may be located on a berm provided the top of the sign does not exceed nine (9) feet in height above finished grade. Monument signs shall not be constructed within the clear view area and shall be set back at least three (3) feet from a public sidewalk and property lines.
Monument signs shall be constructed with materials similar to that of the surrounding building(s).

2. Wall Signs. “Area A”, “Area B” and “Area C” identified in Figure 1 of this Chapter may have one wall sign on one building. The maximum sign area shall be forty (40) square feet. External illumination of the sign may be allowed; internal illumination of the sign is prohibited. A wall sign cannot be utilized with a blade sign in the same area.

3. Blade Signs. “Area A”, “Area B” and “Area C” identified in Figure 1 of this Chapter may have one blade sign on one building. The maximum sign area shall be forty (40) square feet. The blade sign shall be mounted at least seven (7) feet above the pavement or ground level. External illumination of the sign may be allowed; internal illumination of the sign is prohibited. A blade sign cannot be utilized with a wall sign in the same area.

17-7-10.11.10 Home Occupation Standards.

Each application for a business license for a home occupation shall include the owner’s covenant that the proposed use:

A. Shall not include outdoor storage, outdoor display of merchandise, nor parking/storage of any vehicle in excess of twelve thousand pounds gross vehicle weight;
B. Shall not include identifying signage in excess of a two-square foot name plate attached to the dwelling;
C. Is limited to the on-site employment of immediate family who occupy the dwelling (this criteria is not intended to limit the number of employees who are engaged in business for the home occupation but work off-premises);
D. Shall not alter the residential character or appearance of the dwelling or neighborhood;
E. Shall not occupy more than twenty-five percent of the main floor of the dwelling nor more than fifty percent of the floor area of any garage or outbuilding in which the use is conducted;
F. Shall not generate business-related vehicular traffic in excess of three vehicles per hour;
G. Shall not cause a demand for municipal services in excess of that associated with normal residential use;
H. Shall be enclosed within a structure in complete conformity with current building, fire, electrical and plumbing codes;

I. Is not a mortuary, animal hospital, kennel, clinic, hospital, RV storage yard, junkyard, auto repair service, commercial stable or sexually oriented business.

17-7-10-11.11 Institutional Controls.

All new development shall be constructed and maintained in accordance with the “Institutional Controls” set forth in Chapter 8.10 of the Midvale City Municipal Code, and the adopted Site Management Plan (2017) and Site Modification Plan (2004).
ITEM: Approve Resolution No. 2017-R-43, authorizing the Mayor to enter into a Sewer Line Easement Agreement with Murray City

SUBMITTED BY: Lisa A. Garner, City Attorney

SUMMARY:

Murray City and Wynwood Investments, LC have requested that Midvale City grant Murray an easement for the construction of a sewer line to service the proposed new subdivision located at approximately 6700 South 700 West, within the boundaries of Murray City. This easement shall run on the north side of Bingham Junction Park. The developer, Wynwood Investments, LC has agreed to pay Midvale City the amount of $11,190.00 as consideration for this easement. An Easement Agreement has been prepared to memorialize the terms between the two cities for the Easement. This Easement shall be reflected in the records of the Salt Lake County Recorder’s Office as a Grant of Easement. A resolution has been prepared for Council consideration authorizing the Mayor to enter into an Easement Agreement with Murray City and to execute the Grant of Easement for recording.

Fiscal Impact: The fiscal impact to the City will include compensation for the easement in the amount of $11,190.00.

STAFF’S RECOMMENDATION AND MOTION:

I move that we adopt Resolution No. 2017-R-43, a resolution authorizing the Mayor to enter into an Easement Agreement with Murray City and execute the Grant of Easement for recording with the Salt Lake County Recorder’s Office.
MIDVALE CITY, UTAH
RESOLUTION NO. 2017-R-43

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN EASEMENT AGREEMENT WITH MURRAY CITY

WHEREAS, Wynwood Subdivision, a proposed subdivision to be developed by Wynwood Investments, LC, a Utah Limited Liability Company, (“Wynwood”) within the boundaries of Murray City, needs to be serviced with a gravity flow sanitary sewer line (“Sewer Line”).

WHEREAS, it is necessary for the Sewer Line to be constructed under and beneath a portion of property owned by and located within the boundaries of Midvale City, more specifically along the north end of Bingham Junction Park.

WHEREAS, to facilitate Wynwood’s construction of the Sewer Line, it is necessary for Midvale to execute and convey to Murray a permanent sewer line easement and right of way.

WHEREAS, Murray City will ensure that the Wynwood construction of the Sewer Line is accomplished according to Murray’s standards and specifications for a public Sewer Line.

WHEREAS, Wynwood will provide the consideration to Midvale City in the amount of $11,190.00 for the Easement.

WHEREAS, the parties desire to enter into this Easement Agreement for the purposes, and on the terms and conditions, specified in this Easement Agreement.

WHEREAS, this easement will be recorded on the property by a Grant of Easement.

NOW THEREFORE BE IT RESOLVED, based on the foregoing, the Midvale City Council does hereby approve this agreement between Midvale City and Murray City and authorizes the Mayor to sign the Easement Agreement and Grant of Easement, which will be recorded with the Salt Lake County Recorder’s Office.

APPROVED AND ADOPTED this 14th day of November, 2017.

JoAnn B. Seghini, Mayor

ATTEST:

Rori L. Andreason, MMC
City Recorder

Voting by the City Council “Aye” “Nay”

Stephen Brown
Paul Glover
Robert Hale
Paul Hunt
EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT ("Agreement") is made effective this ___ day of November, 2017, by and among MURRAY CITY CORPORATION, a Utah municipal corporation ("Murray") and MIDVALE CITY, a Utah municipal corporation ("Midvale") and WYNWOOD INVESTMENTS, LC, a Utah Limited Liability Company, with its principal business at 273 North East Capitol Street, Salt Lake City, Utah ("Developer")

RECITALS

A. Wynwood Subdivision, a proposed subdivision ("Subdivision") to be developed by Developer within the boundaries of Murray, needs to be serviced with a gravity flow sanitary sewer line ("Sewer Line").

B. It is necessary for the Sewer Line to be constructed under and beneath a portion of property owned by and located within the boundaries of Midvale.

C. To facilitate Developer’s construction of the Sewer Line, it is necessary for Midvale to execute and convey to Murray a permanent sewer line easement and right of way ("Easement").

D. Murray will ensure that the Developer’s construction of the Sewer Line is accomplished according to Murray’s standards and specifications for a public Sewer Line.

E. Developer will provide the consideration to Midvale for the Easement.

F. The parties desire to enter into this Agreement for the purposes, and on the terms and conditions, specified in this Agreement.

AGREEMENT

NOW, THEREFORE, the parties agree as follows:

Section 1. Easement. Midvale will grant Murray the Easement under and beneath Midvale’s property, in Salt Lake County, State of Utah, more particularly described on Exhibit A, attached hereto and incorporated herein for all purposes, for the continued maintenance, repair, alteration, and replacement of a sanitary sewer line and appurtenances of Murray.

(a) Recording. Murray will record the Easement after the Sewer Line has been dedicated to and accepted by Murray.

(b) Midvale’s Use of Easement. Midvale’s use of the described property shall be limited to the location of roadways, parking lots, walkways, and landscaping thereon, and to other similar and consistent uses.

(c) Cost. Developer shall pay Midvale the total sum of ELEVEN THOUSAND ONE HUNDRED NINETY Dollars ($11,190.00) for all the property described on Exhibit A.
Section 2. **Sewer Line Maintenance.** Upon acceptance of the Sewer Line by Murray, Murray agrees to perpetually operate and maintain, at its sole cost and expense, the improved Sewer Line and Easement. Murray agrees to repair any damage which may be caused to Midvale’s property by reason of Murray’s use of the Easement, and to otherwise restore Midvale’s property to its pre-existing condition. Murray City to notify Midvale City Public Works Department prior to any maintenance work.

Section 3. **Liability and Indemnification.** Murray and Midvale are governmental entities under the Governmental Immunity Act of Utah, Title 63G, Chapter 7 of the *Utah Code*. Consistent with the Governmental Immunity Act of Utah, Murray and Midvale shall be responsible and liable for their own wrongful or negligent acts which they commit. Murray and Midvale do not waive any defenses otherwise available to them under the Governmental Immunity Act of Utah.

Section 4. **General Provisions.** The following provisions are also integral parts of this Agreement:

(a) **Binding Agreement.** This Agreement shall be binding upon and shall inure to the benefit of the successors and assigns of the respective parties.

(b) **Captions.** The headings used in this Agreement are inserted for reference purposes only and shall not be deemed to define, limit, extend, describe, or affect in any way the meaning, scope or interpretation of any of the terms or provisions of this Agreement or the intent hereof.

(c) **Counterparts.** This Agreement may be signed in any number of counterparts with the same effect as if the signatures upon any counterpart were upon the same instrument. All signed counterparts shall be deemed to be one original.

(d) **Severability.** The provisions of this Agreement are severable, and should any provision hereof be void, voidable, unenforceable or invalid, such void, voidable, unenforceable, or invalid provision shall not affect the other provision of this Agreement.

(e) **Amendment.** This Agreement may not be modified except by an instrument in writing signed by the parties.

(f) **Time of Essence.** Time is of the essence in this Agreement.

(g) **Interpretation.** This Agreement shall be interpreted, construed, and enforced according to the substantive laws of the state of Utah.

(h) **Exhibits and Recitals.** The Recitals set forth above Exhibit A to this Agreement are incorporated herein to the same extent as if such items were set forth herein in their entirety within the body of the Agreement.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed.
WYNWOOD INVESTMENTS, LC, a Utah Limited Liability Company

By: __________________________
   Name: __________________________
   Title: __________________________

STATE OF UTAH )
   ss.
COUNTY OF SALT LAKE )

On the ___ day of ____________, 2017, personally appeared before me, the undersigned notary public in and for the County of Salt Lake, State of Utah, ___________________ who acknowledged to me that he is the _______ of WYNWOOD INVESTMENTS, LC, a Utah limited liability company and signed it freely and voluntarily and in behalf of said limited liability company for the purposes mentioned herein.
MIDVALE SANITARY SEWER EASEMENT

Beginning at a point on the Midvale City and Murray City boundary line, said point being South 89°33'48" West 2,995.70 feet and South 1,316.59 feet from the East Quarter Corner of Section 23, Township 2 South, Range 1 West, Salt Lake Base and Meridian, and running;

  thence North 89°28'44" East 792.86 feet along said boundary line;
  thence South 86°37'50" West 150.66 feet;
  thence South 86°05'18" West 187.39 feet;
  thence North 89°28'41" West 454.58 feet;
  thence North 05°04'20" West 10.33 feet to the point of beginning.

Contains 9,564 square feet or 0.220 acres.
When recorded, mail to:

Murray City Corporation
5025 South State Street
Murray, UT 84107

and to:

Midvale City
7505 South Holden Street
Midvale, UT 84047

 Parcel ID No.

**GRANT OF EASEMENT**

MIDVALE CITY, 7505 SOUTH HOLDEN STREET, Midvale, Salt Lake County, Utah, a political subdivision of the State of Utah, Grantor, hereby grants and conveys to MURRAY CITY CORPORATION, a political subdivision of the State of Utah, Grantee, it successors and assigns, in consideration of TEN DOLLARS ($10.00) and other good and valuable consideration described herein, a perpetual easement and right-of-way for the continued maintenance, repair, alteration and replacement of a sanitary sewer line under and beneath a portion of Grantor’s property in Salt Lake County, State of Utah, more fully described as follows:

Beginning at a point on the Midvale City and Murray City boundary line, said point being South 89°33’48” West 2,995.70 feet and South 1,316.59 feet from the East Quarter Corner of Section 23, Township 2 South, Range 1 West, Salt Lake Base and Meridian, and running:

thence North 89°28’44” East 792.86 feet along said boundary line;
thence South 86°37’50” West 150.66 feet;
thence South 86°05’18” West 187.39 feet;
thence North 89°28’41” West 454.58 feet;
thence North 05°04’20” West 10.33 feet to the point of beginning.

Contains 9,564 square feet or 0.220 acres.

The attached sketch is incorporated by reference as a part of this easement.

The easement hereby granted consists of a perpetual right of ingress and egress together with a perpetual easement to operate, repair, replace and maintain a sanitary sewer line and appurtenant structures under and beneath a strip of land as herein described.
Together with all rights of ingress and egress necessary or convenient for the full and complete use, occupation and enjoyment of the easement granted and all rights and privileges incident thereto with Grantee’s use, occupation or enjoyment of these easements.

Grantee agrees to hold and save the Grantor harmless from any and all damages arising from Grantee’s use of the easement herein granted and agrees to repair any damage which may arise to the premises through Grantee’s use, occupation and possession of the rights herein granted.

The provisions hereof shall be binding upon the heirs, executors, mortgagees, lessees, tenants, successors and assignees of the parties hereto.

DATED this _____ day of _______________, 2017.

MIDVALE CITY

ATTEST:

___________________________  _________________________
JoAnn B. Seghini, Mayor    City Recorder

STATE OF UTAH  )
: ss.
COUNTY OF SALT LAKE )

On the ___ day of ____________, 2017, personally appeared before me, the undersigned notary public in and for the County of Salt Lake, State of Utah, JoAnn B. Seghini and Rori Andreason who acknowledged to me that they are the Mayor and Recorder, respectively, of MIDVALE CITY, a Utah municipal corporation and signed it freely and voluntarily and in behalf of said municipal corporation for the purposes mentioned herein.

_______________________________
Notary Public
SUBJECT: Consider amending Title 5.02.090 allowing for prorated business license fees for home rentals; amending Title 5.02.010 T.1. allowing certain home occupations to be exempt from business license fees; and amending Title 5.02.140 E. allowing for reciprocal licensing for Mobile Food businesses.

SUBMITTED BY: Phillip Hill, Assistant City Manager/Director CD

SUMMARY:

Title 5.02.090

This title currently allows for all nonrental business licenses to be prorated semi-annually. The justification for excluding rental business licenses stemmed from the adoption of the Good Landlord program, when it was identified that numerous such businesses throughout the city were and had been operating without licenses. It was determined that because these businesses had been operating without a license, that as they were identified it would not be appropriate to prorate the business license fee. We are now at a position where it is believed that the existing rental businesses have been licensed and as new businesses come in they should be afforded the same fee reduction as other businesses. The proposed change to Part C of this title is attached as exhibit A.

Title 5.02.010 T.1.

During the last legislative session, SB81 was adopted requiring cities to provide for a business license fee exemption for Home Occupations as follows:

132 (7) A municipality may not:

(b) charge a license fee for a home-based business, unless the combined offsite impact of the home-based business and the primary residential use materially exceeds the offsite impact of the primary residential use alone

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In working with the League of Cities and Towns, the following language is proposed to be added (see Exhibit B) to this title:

5.02.010 T.1 Home Occupation-Exempt— A business, transaction or activity conducted entirely within no more than 25% of a primary dwelling and exclusively by persons residing within the dwelling, in a manner that is indiscernible from, clearly incidental, and secondary to the residential use, without altering the dwelling site or structure, the character of the neighborhood, the demand for public facilities or services, creating an unsafe condition, requiring outdoor storage or signage, or providing a short term residential rental.

**Title 5.02.140 E.**

During the last legislative session, SB250 was adopted requiring cities to allow for mobile food business licenses to be reciprocal between jurisdictions. This title can be brought into compliance with the new state law by simply eliminating “mobile food units” as noted in Exhibit B.

**FISCAL IMPACT:**

N/A

**STAFF RECOMMENDATION (MOTION READY):**

N/A

**Attachments:**

- Ordinance exhibits
5.02.090 Business license due dates and waiver.

A. Business license fees for new businesses shall be due and payable upon making application to the business license division. The application shall not be processed until the fees, fines and penalties, if applicable, are paid.

B. Nonrental business license fees for renewal businesses shall be due and payable on or before January 15th of each calendar year. The penalty for nonpayment of the renewal fee shall be:

   1. Fifty percent of the fee due if paid by February 15th;
   2. Seventy-five percent of the fee due if paid by March 15th; and
   3. If the fee plus penalty is not paid by March 15th, the business shall be considered to be operating without a business license in violation of this chapter, subject to criminal prosecution for every day of operation after two months from the due date, and the license fee, if a license is granted thereafter, shall be doubled.

C. All initial nonrental business licenses issued after the commencement of the current license year shall be prorated semi-annually, and the fee paid for each semi-annual period or fraction thereof during which the business has been or will be conducted, according to the following schedules; provided, however, that no annual license fee of thirty-five dollars or less shall be prorated:

   1. On or after January 15th, but prior to July 1st, the fee shall be one-half of the annual fee;
   2. On or after July 1st, but prior to January 15th, the fee shall be one-half of the annual fee;
   3. Each application for a license under this title shall be accompanied by the license fee required to be paid for the issuance of the license desired. In addition to the license fee regularly assessed, any applicant which shall have commenced doing business prior to obtaining a valid license shall be assessed a penalty fee. The penalty fee shall be equal to twenty-five percent of the regular license fee if the applicant has operated without a license for less than thirty days, and shall be equal to one hundred percent of the regular license fee if the applicant has operated without a license for more than thirty days during the calendar year in question. Any license which has been issued pursuant to payment by means of check or bond shall be void and of no force or effect if such check or bond is not honored.
5.02.010 T.1 Home Occupation - Exempt — A business, transaction or activity conducted entirely within no more than 25% of a primary dwelling and exclusively by persons residing within the dwelling, in a manner that is indiscernible from, clearly incidental, and secondary to the residential use, without altering the dwelling site or structure, the character of the neighborhood, the demand for public facilities or services, creating an unsafe condition, requiring outdoor storage or signage, or providing a short term residential rental.

5.02.110 Exemptions to business license fees requirements.

A. A business license fee shall not be imposed on any person engaged in business solely for religious, charitable, eleemosynary or other types of strictly nonprofit purpose which is tax exempt under the provision of Section 501(c) of the United States Tax Code.

B. A business license fee shall not be imposed on any person engaged in a business type specifically exempted from paying business licensing fees by the laws of the state of Utah or an "exempt home occupation".

C. Any business exempt from paying the license fee as provided in this section shall still comply with all other requirements of this title. (Ord. 2015-10 § 1 (Exh. A) (part); Ord. 10/28/2003-12 (part), 2003; Ord. 12-09-97 (part), 1997)

5.02.140 Reciprocal recognition of business licenses.

No license fee or tax shall be imposed by the city on any business whose only activity is the delivery of property sold at a regular place of business licensed and maintained outside the city where:

A. The business is at the time of such delivery licensed by a Utah municipality or county; and

B. The authority licensing such business grants to licensees of the city making deliveries within its jurisdiction the same privileges, upon substantially the same terms, as are granted by this section. However, before said business shall commence within the city a police background investigation may be required where appropriate; and

C. Neither the property delivered nor its manufacturing, producing or processing facilities are subject to inspection pursuant to any health or sanitary standards prescribed by the city; and

D. The delivery motor vehicle prominently displays a license plate or symbol issued by a Utah municipality or county evidencing compliance with its business license regulations; and

E. Reciprocity shall not be granted to solicitors, mobile food units or any business requiring police checks or police I.D. cards. (Ord. 2015-10 § 1 (Exh. A) (part); Ord. 10/28/2003-12 (part), 2003)