PUBLIC NOTICE IS HEREBY GIVEN that the Midvale City Council will hold a regular meeting on the 19th day of March 2019 at Midvale City Hall, 7505 South Holden Street, Midvale, Utah as follows:

6:00 PM – Dahl Conference Room
COUNCIL BUSINESS

6:30 PM – Council Chambers
INFORMATIONAL ITEMS

I. DEPARTMENT REPORTS
   • Admin Services Report
   • RDA Report

II. Unified Police and Fire Department Reports

7:00 PM
REGULAR MEETING

III. GENERAL BUSINESS
   A. WELCOME AND PLEDGE OF ALLEGIANCE
   B. ROLL CALL
   C. Proclamation declaring April as Child Abuse Prevention Month
   D. Legislative Update [David Spatafore]

IV. PUBLIC COMMENTS
Any person wishing to comment on any item not otherwise scheduled for public hearing 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 Dustin Gettel
   B. Councilmember Paul Glover
   C. Councilmember Quinn Sperry
   D. Councilmember Bryant Brown
   E. Councilmember Paul Hunt
VI. **MAYOR REPORT**
A. Mayor Robert M. Hale

VII. **CONSENT AGENDA**
A. Consider Minutes of March 5, 2019 [Rori Andreason, H.R. Director/City Recorder]

VIII. **ACTION ITEMS**
A. Consider Resolution No. 2019-R-09 Authorizing the Mayor to enter into the Amended and Restated Master Development Agreement for Jordan Bluffs Agreement [Brian Berndt, Assistant City Manager/CD Director]

B. Consider Ordinance No. 2019-O-03 Approving a proposed text amendment to increase the Residential Density in the Jordan Bluffs Zone, create a Review Process and Development Standards for Residential, Commercial, and Mixed-Use Development in Subareas 1-3 of the Jordan Bluffs Zone, and Amend Chapters 17-7-10 and 17-2 of the Midvale Municipal Code [Brian Berndt, Assistant City Manager/CD Director & Lesley Burns, City Planner]

C. Consider Resolution No. 2019-R-10 Amending the City Council Rules of Order and Procedures [Lisa Garner, City Attorney]


IX. **DISCUSSION ITEMS**
A. Discuss Reallocation of Bond Money [Glen Kennedy, Public Works Director]

X. **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 day 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 also posted at the following locations on the date and time as posted above: 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: MARCH 15, 2019

RORI L. ANDREASON, MMC  
H.R. DIRECTOR/CITY RECORDER
Run Data
February 2019

Unified Fire Authority
Midvale City
## February Call Volume

<table>
<thead>
<tr>
<th>Station</th>
<th>FT Heavy Apparatus</th>
<th>24-Hour Ambulance</th>
<th>Peak Load Ambulance</th>
<th>Fire</th>
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12 Month Average
Total Calls: 160.3
Med Calls: 137.9
Fire Calls: 22.4

Station 125
Station 126

12 Month Average
Total Calls: 109.3
Med Calls: 93.6
Fire Calls: 15.8
Fire Calls

Agric/BBQ/Outside/Trash/Tree/Misc - 1
Alarms - 14
Flooding/Hydrant Problem/Public Assist/Telephonic - 6
House/High-Rise/Shed Fire - 5
Natural Gas Leak - 2
Person Locked Out/In - 2
Search in Rescue/Assist Police/Commercial - 3
Smell/Odor - 1
Fire Prevention Activities

Total Occupancy Inspections: 54
   Assembly Occupancies Inspected: 4
   Business Occupancies Inspected: 13
   Hazardous Occupancies Inspected: 15
   Mercantile Occupancies Inspected: 5
   Residential Occupancies Inspected: 11
   Storage Occupancy Inspections: 2
   Daycare / Preschool Inspections: 4

Total Inspector Plan Reviews: 30
   Commercial Site Plan: 9
   Residential Site Plan: 1
   Fire Sprinkler Plan: 13
   Fire Alarm Plan: 6
   Other/Miscellaneous: 1

Total Protection System Reviews: 11
   Commercial Fire Sprinkler System Permit: 3
   Commercial Fire Alarm System Permit: 3
   Commercial Wet Chem System Permit: 4
   Tank Permit: 1

Total Fire Protection System Inspections: 30
   Fire Alarm Systems: 8
   Fire Sprinkler Systems: 22

Total Administrative: 268
   Code Consultation: 120
   Complaints Checked: 121
   Meetings Attended: 12
   Haz-Mat Permits Issued: 15
Questions??

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<tr>
<th>Role</th>
<th>Name</th>
<th>Email</th>
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</thead>
<tbody>
<tr>
<td>Midvale City Liaison</td>
<td>Fire Marshal Brad Larson</td>
<td><a href="mailto:Blarson@unifiedfire.org">Blarson@unifiedfire.org</a></td>
</tr>
<tr>
<td>Assistant Chief</td>
<td>Jay Ziolkowski</td>
<td><a href="mailto:Jziolkowski@unifiedfire.org">Jziolkowski@unifiedfire.org</a></td>
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<td>Fire Prevention</td>
<td>Christen Yee</td>
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<tr>
<td>Public Relations</td>
<td>Ryan Love</td>
<td>801-743-7228</td>
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<td>Event/Support Scheduling</td>
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<td>Station Tour/Visit Scheduling</td>
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<td><a href="mailto:Ufaevents@unifiedfire.org">Ufaevents@unifiedfire.org</a></td>
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<tr>
<td>Emergency Manager</td>
<td>Keith Bevan</td>
<td>801-743-7143</td>
</tr>
</tbody>
</table>

Unified Fire Authority
3380 South 900 West
Salt Lake City, UT 84119
801-743-7200
www.unifiedfire.org
**EARTHQUAKE PREPAREDNESS**

It is recommended that you have supplies to be self-sufficient for up to 7 days in case of an earthquake.

### SUGGESTED SUPPLIES AND EQUIPMENT:

#### FOOD
- Bottled water (at least one gallon per person per day for 3-5 days)
- Canned food, cookies, other snacks
- Foods for infants and the elderly
- Pet food

#### CLOTHING AND BEDDING
- Sturdy work shoes or boots
- Extra clothing
- Rain coat, hat and gloves
- Blankets and sleeping bags

#### TOOLS AND SUPPLIES
- Battery operated radio, flashlight, extra batteries
- Manual can opener
- Tool kit (hammer, nails, knife)
- Matches (waterproof container)
- Whistle, map, compass, rope
- Soap, toilet paper
- Cell phone, extra charger
- Cash and coins

#### MISCELLANEOUS
- First Aid Kit
- Baby items (formula, diapers)
- Prescription medications for all
- Books, games and other entertainment
- Important papers (insurance policies, identification)
- Family photo

### PREPARE FOR AN EARTHQUAKE:

1. Identify safe spots in the building
2. Know where fire extinguishers are
3. Keep emergency kit filled and handy
4. List important phone numbers
5. Know home/work earthquake plan
6. Learn First Aid and CPR

### DURING AN EARTHQUAKE:

When you feel an earthquake, duck under a desk, or sturdy table. Stay away from windows, unsecured furniture, hanging plants, and other heavy objects that could fall. Stay under cover until the shaking stops. Hold onto your cover: if it moves, move with it!

Are you in a **high-rise**? Do not use elevators. Stay indoors.

Are you **outside**? Move to a clear area away from trees, buildings, or poles.

Are you outside near buildings? Duck into a doorway to protect yourself from falling debris.

Are you in a **wheelchair**? Stay in it. Move to cover if possible. Lock wheels and cover head.

### AFTER THE EARTHQUAKE CHECK LIST:

Be prepared for aftershocks and plan where you will take cover when they occur.

- [ ] Check for injuries. Provide first aid if necessary.
- [ ] Avoid elevators and broken glass.
- [ ] Check for fire. Take appropriate actions and precautions.
- [ ] Check gas, water and electric lines. If damaged, shut off service. If gas is leaking, DO NOT use matches. Open windows, leave building and report to gas company.
- [ ] Leave note if vacating home and take emergency kit.
MAYOR: Mayor Robert M. Hale - Excused

COUNCIL MEMBERS: Council Member Dustin Gettel
Council Member Paul Glover
Council Member Quinn Sperry
Council Member Bryant Brown
Council Member Paul Hunt

STAFF: Kane Loader, City Manager; Bryce Haderlie, Asst. City Manager/Admin. Services Director; Brian Berndt, Asst. City Manager/CD Director; Rori Andreason, HR Director/City Recorder; Lisa Garner, City Attorney; Matt Dahl, Redevelopment Agency Director; Laura Magness, Communications Specialist; Glen Kennedy, PW Director; Chief Randy Thomas, UPD; Battalion Chief Larson, UFA; and Matt Pierce, IT Director.

The pre-meeting workshop began at 6:00 p.m.

COUNCIL BUSINESS
Staff and Council discussed agenda items as well as updates from staff.

Mayor Pro-Tem Dustin Gettel asked staff to report back on a meeting held with the Employees Association regarding a letter sent to the Council regarding hiring practices.

Council Member Bryant Brown discussed parking at the Performing Arts building. There was a problem recently with the business next door taking all the parking places. If it continues, he would like parking signs for the Arts Council only.

The Council and staff discussed the Jordan Bluffs Development.

INFORMATIONAL ITEMS
I. DEPARTMENT REPORTS

- Public Works
Glen Kennedy reported that Public Works has had a break from the snow and has been able to catch up on other things. There was an LED stop sign installed on 6790 South and 300 East. The curb painting was finished at Bingham Junction today and should help with some of the confusion with parking. Streets and Stormwater have been catching up on patching and they’ve been running the sweeper for the last few days. Parks and...
Cemetery have been working with the landscape contractor on de-winterizing the irrigation and getting the backflows in. They have also cleaned up the cemetery. Water and Sewer have been focusing on preventative maintenance. The well and sewer lift stations have been painted, and the wells pumps were serviced. Public Works has been focusing on safety. UFA will be performing first aid and CPR training for all Public Works employees.

Council Member Paul Hunt said the State Street Trax Bridge has been tagged.

- **Community Development**
  Brian Berendt reported on four grants they have applied for. Two of the grants are for active transportation. One is for a city active transportation plan, and one is for active transportation plan on a regional basis. These two grants are through the Wasatch Front Regional Council. They are in review with the committee. There are two grants for the CDBG Funding. One grant is for housing improvement and the second grant is for ADA ramps. This is also being reviewed by the County Council. They have actively been working with the County on the census. They are trying to get the word out on the census and get people motivated to participate. They are working with Laura to help get the word out. Jessie Stuart in Business Licensing has been very busy with renewals and has 96% of them processed. He invited the Council to a ribbon cutting Friday March 8 at 4:00 at the Little Geniuses Learning Center. They are ramping up for the street projects. Foxbridge neighborhood has approval for monies to do curbside and street improvements through the CDBG funding. Keith Ludwig will come next month to give an update on those projects.

Council Member Quinn Sperry said a portion of the street on 7800 South 1000 East where Jordan Valley did some work is not doing well and will need to be repaired.

Mayor Pro-tem Dustin Gettel asked to have a scheduled time during daylight hours to tour Jordan bluffs.

Kane Loader discussed legislative issues that will impact the City. He focused on the sales tax distribution bill.

**II. Unified Police Department Report**
Chief Randy Thomas reported on a few scams taking place within the city. He will work with Laura Magness to let the public know about these. He reported on their first Cinco de Mayo meeting. April 27th is take back for the prescription drugs. The drop off will be at Hillcrest High School.

Chief Thomas said within last week there has been two assaults on officers. Officer Pace made a traffic stop for a minor infraction. During the traffic stop there was an altercation where Officer Pace was knocked unconscious. Mr. Smith, a citizen, assisted in the welfare of Officer Pace and directed incoming officers, leading them to a successful apprehension of the suspect. Unified Police presented Mr. Smith with a certificate of appreciation.
Council Member Quinn Sperry requested UPD check for speeding on 1000 East.

III.  GENERAL BUSINESS
  A.  WELCOME AND PLEDGE OF ALLEGIANCE

  B.  ROLL CALL - Council Members Paul Hunt, Quinn Sperry, Dustin Gettel, Paul Glover, and Bryant Brown were present at roll call.

  C.  PROCLAMATION DECLARING KEN DONARSKI RECOGNITION FOR SERVICES TO MIDVALE SENIOR CENTER
Mayor Pro-Tem Dustin Gettel read and presented the proclamation to Ken Donarski in appreciation for his dedicated service to the Midvale Senior Center.

  D.  SALT LAKE COUNTY ANIMAL CONTROL REPORT
Carrie Seibert reviewed the quarterly report from the Salt Lake County Animal Control regarding their programs.

IV.  PUBLIC COMMENTS
Colleen Costello said she was there to sing praises to public works. There was a water break on 6th avenue. On Spruce Street they had mud and debris clear up to her back porch. She called Andrea Andreason at Public Works and that afternoon the crews cleaned up the street and did a great job!

Heidi Miller said she goes down 8000 South every day and there is no crossing guard there. The kids run across the street and it’s very dangerous. It’s a real concern to see all the little kids walking home and the dangerous conditions.

Kane Loader said he would bring this up with the school board this month.

V.  COUNCIL REPORTS
  A.  Mayor Pro-tem Dustin Gettel – discussed an email sent from a professor regarding gender parity. The information had recommendations for the city which included:
      1.  Begin establishing a tone from the top that is firmly committed to supporting and advancing woman.
      2.  Make a visible commitment like the elevate her challenge or the parity pledge.
      3.  Provide opportunities for staff, councils, boards, commissions and committees to increase their awareness and of why it is important to understand and support of gender quality in all areas.
      4.  Offer training to staff and governing bodies on how to recognize and minimize unconscious bias.
Mayor Pro-tem Dustin Gettel asked everyone to be aware of the diversity in the community.

  B.  Council Member Paul Glover – reported that he has talked to police who said they really appreciate the speed signs. They say they are effective, and they are helping.
C. Council Member Quinn Sperry – Had nothing to report.

D. Council Member Bryant Brown – reported that the Arts Council thanked Matt Pierce for assisting them with their Wifi. He asked if Center Street will be a project for this year. Kane Loader responded yes. Glen Kennedy said the city engineer will make that one of his first projects this year.

E. Council Member Paul Hunt – Had nothing to report.

VI. MAYOR REPORT

Mayor Robert Hale - excused

MOTION: Council Member Paul Glover MOVED to move into a public hearing. The motion was SECONDED by Council Member Quinn Sperry. Mayor Pro-Tem Dustin Gettel called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.

VII. PUBLIC HEARINGS

A. CONSIDER TST-1901; TEXT AMENDMENT TO INCREASE RESIDENTIAL DENSITY IN JORDAN BLUFFS ZONE, CREATE A REVIEW PROCESS AND DEVELOPMENT STANDARDS FOR RESIDENTIAL, COMMERCIAL, AND MIXED-USE DEVELOPMENT SUBAREAS 1-3 OF THE JORDAN BLUFFS ZONE, AND AMEND CHAPTERS 17-7-10 AND 17-2 OF THE MIDVALE MUNICIPAL CODE

Lesley Burns said 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. A Master Development Agreement for the property was also approved at this time and outlined the developer’s responsibilities for infrastructure improvements and public amenities on the property. 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 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.

In 2017, the City adopted an ordinance to create a review process and development standards for residential development in Subarea 4, which includes 40 acres of the Jordan Bluffs Zone. In August 2018, the Planning Commission reviewed and recommended an ordinance to create a review process and development standards for
the remaining Jordan Bluffs Subareas. As the City Council was starting its review of the Planning Commission’s recommended ordinance, the Jordan Bluffs property owners presented a revised concept for the property. This concept includes an additional 1,000 residential units, a 15-acre central community park with improvements and amenities to be turned over to the City, a minimum of three trail connections to the Jordan River Parkway, and public facilities and infrastructure including three traffic signals.

Proposal
This proposed text amendment increases the allowed residential density within the Jordan Bluffs zone from 2,500 units to 3,500 units. It creates a review process and development standards for residential, commercial, and mixed-use development in Subareas 1-3 of the Jordan Bluffs Zone. It also includes some new and amended definitions for terms in the proposed zoning chapter. The proposed development standards reflect several of the goals of the Midvale City General Plan 2016, which includes the Jordan Bluffs property as an Opportunity. (See supplemental information packet for list of goals.) The standards also recognize the proposed Jordan Bluffs Project amenities and improvements included in an amended and restated Master Development Agreement being finalized in conjunction with this text amendment. The main project amenities include the 15-acre public park, trail connections to the Jordan River Parkway, and public facilities and infrastructure.

Infrastructure/Traffic Analysis
Last year, the City evaluated the City’s infrastructure as it relates to the Jordan Bluffs project. At that time, the City Engineer prepared a memo indicating, with infrastructure improvements being made by the developer and ongoing improvements and investments made by the City since the early 2000’s in expectation of future development in the Bingham Junction and Jordan Bluffs areas, the City’s infrastructure can accommodate the Jordan Bluffs project. With the request to increase the density on Jordan Bluffs, a revised traffic impact study was prepared, and a new infrastructure assessment was made. As provided in an updated memo from the City Engineer, the City has determined existing and planned infrastructure facilities are still sufficient for the additional residential units being requested. (See supplemental information packet for memos and studies.)

Planning Commission Recommendation
The Planning Commission has been reviewing and discussing the review process and land use regulations for Subareas 1-3 of the Jordan Bluffs Zone since August 2018. The current proposal has been before the Commission three times for a presentation, workshop discussion on the proposed draft ordinance, and a public hearing. The Planning Commission public hearing was held on February 13, 2018. (See supplemental information packet for meeting minutes.) At this meeting, the Planning Commission forwarded a recommendation to the City Council to:

- Increase the residential density to 3,500 units in the Jordan Bluffs Zone;
- Approve the proposed text amendment draft to create a review process and development standards for Subareas 1-3 of the Jordan Bluffs Zone, including proposed definition amendments; and
• Amend the purpose statement of Chapter 17-7-10 (See supplemental information packet for copy of existing purpose statement) to reflect the new subchapters for Subarea 4 and Subareas 1-3 and repeal the other sections in the chapter.

**STAFF RECOMMENDATION:**
Staff recommended the City Council conduct a public hearing on this proposal. No action is being requested at this meeting.

Mayor Pro-Tem Gettel opened the hearing for public comment.

Heidi Miller expressed concern about the traffic study. She said they don’t really know exactly what is going in the pods. She feels that they got sold out for another 1,000 units. She asked the council to not agree to 1,000 more units. She feels that the land is full of toxic waste.

Mark Murdock, developer, said he was available to answer any questions. He addressed the traffic study and Environmental questions and concerns.

Council Member Paul Glover is concerned with the cost of the park. He feels the city should get everything listed for the park especially with the 1,000 extra units.

Mark Murdock said they would like to meet with staff to decide what priorities they need and want for the park.

Council Member Bryant Brown said he has concerns with the inflation costs in a few years that the money won’t go as far.

Mr. Murdock said they will be installing amenities as they go, so it won’t be the full cost.

Mayor Pro-tem Dustin Gettel asked Mr. Murdock what the 1,000 units mean to them.

Christian Gardner said the vision with the additional units was creating something different than Midvale currently has and to create more of a community feel and conceal the parking in the residential areas. It creates more of an urban feel.

Mayor Pro-tem Dustin Gettel asked about the access parking.

Christian Gardner said they will continue to monitor the parking and evaluate it.

Sophia Hawes-Tingey said she felt the community would feel a lot safer if their kids were not playing in the park if they were reassured the contaminants were not in the water.

Kane Loader said the site is tested constantly by the state. The main concern of the EPA (Environmental Protection Agency) is water going down through the material and then migrating to the river. The action levels are far less than you see in other areas of the state. The EPA put a low action level on this site in the 90’s.
Mayor Pro-tem Dustin Gettel said he would like the testing results published on the city's website.

Mark Murdock said the EPA has been testing this site for years and will continue to test the site.

Christian Gardner said they would like to meet with staff and forget the dollar amount and inflation costs and discuss what is actually going to be in the park.

John Call asked if the City was planning to widen Wasatch street?

Kane Loader said there are no plans for that. The city does not have the right of way there. They may put in a signal but west Wasatch does not align with east Wasatch so that is being reviewed.

**MOTION:** Council Member Paul Glover MOVED to move to close the public hearing. The motion was SECONDED by Council Member Quinn Sperry. Mayor Pro-Tem Dustin Gettel called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.

**MOTION:** Council Member Paul Glover MOVED to move into a public hearing. The motion was SECONDED by Council Member Bryant Brown. Mayor Pro-Tem Dustin Gettel called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.

### B. **CONSIDER ORDINANCE NO. 2019-O-02 REGARDING PYGMY GOATS**

Lisa Garner said after multiple discussions by the City Council, it was determined that it was necessary to codify the regulation of the keeping of miniature or pygmy goats on premises zoned for single family residential dwellings with a minimum lot size of at least .25 acre. The City Council was presented with a proposed ordinance with respect to the keeping of miniature goats in a residential zone on February 5, 2019. It was determined that it is in the best interest of the public health, safety, and welfare of the City to allow for and regulate the keeping of miniature goats in residential zones. The proposed ordinance defines the term “miniature goats” and outlines the requirements, that must be met by the goat owner, if miniature goats are kept on property zoned for single family residential dwellings.

**Chapter 6.18**
**KEEPING MINIATURE GOATS**

**Sections:**
6.18.010 Definitions.
6.18.020 Requirements for keeping miniature goats.

6.18.010 Definitions.
“Miniature Goat” means an animal of the species Capra hircus which, at maturity, is less than 27 inches high at the shoulder weighs no more than 100 pounds, and is more commonly known as a Pygmy, Dwarf, or Miniature Goat.

6.18.020 Requirements for keeping miniature goats.
Without limiting any of the other requirements of this title, the keeping of miniature goats on premises zoned for single family residential dwellings with a minimum lot size of at least 0.25 acre and developed with one, but not more than one, residential dwelling unit shall be permitted provided the following requirements are satisfied:

A. Miniature goats shall be dehorned unless they have reached the age of one (1) year old;
B. Male miniature goats shall be neutered, and female miniature goats shall be spayed;
C. No more or no less than two (2) miniature goats shall be kept on a premise;
D. Miniature goats must be vaccinated by a veterinarian licensed in Utah to treat livestock. Proof of certifications for rabies and other proper vaccinations is required;
E. Miniature goats shall be housed in a detached structure designed to be:
1. Predator proof;
2. Thoroughly vented;
3. Watertight and draft free;
4. A minimum of fifty (50) square feet of interior space;
5. Constructed with quality exterior building materials and in accordance with the building code;
6. Compliant with all accessory structure setbacks and permit requirements found in Title 17 of this code;
7. A minimum of fifteen (15) feet from any residential structure, excluding the residential structure on the property where the goats are kept; and
8. Located in the rear or side yard of the property as defined in Title 17 of this code.

Mayor Pro-Tem Gettel opened the hearing for comment.

Marcie Seal, SL County Animal Control suggested requiring a regulatory permit, so they can be monitored. Regulatory permits are $50 per year. The County has regulations to cover enforcement on the goats.

Mayor Pro-tem Dustin Gettel said the 25 ft requirement is fine with the owner of the pygmy goats. He read letters from Candace Yocum’s neighbors that were in favor of her keeping the pygmy goats.
Heidi Miller said her sister had a pygmy goat. The best pet anyone could have. They are relatively quiet.

Candace Yocum said she thought they were cute and always had farm animals. She had no idea this would be such a big deal.

MOTION: Council Member Bryant Brown MOVED to close the public hearing. The motion was SECONDED by Council Member Paul Glover. Mayor Pro-Tem Dustin Gettel called for discussion on the motion. There being none then he called for a vote. The motion passed unanimously.

ACTION: APPROVE ORDINANCE NO. 2019-O-02 REGARDING PYGMY GOATS

MOTION: Mayor Pro-tem Dustin Gettel MOVED to approve Ordinance No. 2019-O-02 Adopting Chapter 6.18 of the Midvale Municipal Code with the following conditions. 1. The goat enclosure standard should be 25’ or 15’ with the closest neighbor consent, also with requirement to use Salt Lake County Animal Control for registration of the pygmy goats. The motion was SECONDED by Council Member Bryant Brown. Mayor Pro-Tem Dustin Gettel called for discussion on the motion. There being none then he called for roll call vote. The voting was as follows:

  Council Member Quinn Sperry Aye
  Council Member Paul Glover Aye
  Council Member Paul Hunt Aye
  Council Member Bryant Brown Aye
  Council Member Dustin Gettel Aye

The motion passed unanimously.

VIII. CONSENT AGENDA
A. CONSIDER MINUTES OF FEBRUARY 19, 2019

MOTION: Council Member Paul Glover MOVED to approve the consent agenda. The motion was SECONDED by Council Member Quinn Sperry. Mayor Pro-Tem Dustin Gettel called for discussion on the motion. There being none then he called for roll call vote. The voting was as follows:

  Council Member Quinn Sperry Aye
  Council Member Paul Glover Aye
  Council Member Paul Hunt Aye
  Council Member Bryant Brown Aye
  Council Member Dustin Gettel Aye

The motion passed unanimously.

IX. DISCUSSION ITEMS
A. DISCUSS JORDAN BLUFFS MASTER AGREEMENT AND PROJECT DISCUSSION

Brian Berndt said this item has been discussed for a number of months. He would like to bring the development agreement and zoning ordinance back for consideration of approval on March 19th. This will update the previous development agreement from 2004. The primary discussion for tonight is the community park. The plan from the developer will give the city a majority of options for the park. It will also give the city the opportunity to add things in the future for specific items needed as the park is used. The park will have modifications to the plan. He will make sure there is adequate parking. He asked the Council what they would like to see in the park.

Mayor Pro-tem Dustin Gettel asked if a survey could be sent out to the residents to see what they want.

Council Member Bryant Brown said he would like to have Harvest Days at the new park.

Council Member Paul Glover said he would like developer to come back with what he could put in there.

Brian Berndt asked the Council to review the options for the park and send him their suggestions.

B. DISCUSS COUNCIL RULES & PROCEDURES

Lisa Garner discussed the council rules and procedure.

Current Rules Adopted in June of 2013
Contains the following Sections
  • Section 1: Council Aspirational Values and Goals
  • Section 2: Council Internal Policies
  • Section 3: Council Meetings

Two Common Themes to Council Rules and Procedure
  • Respect to one another, staff, citizens, and guests
  • Council acts as a body
    Directives
    Actions
    Representations

A discussion item could be placed on the agenda by one person. If the item goes to action, it would need the majority of council in agreement.

The Council discussed this issue at length.
Council Member Bryant Brown updated the Council on the UDOT sound wall. They think they are at 75%; they are checking and verifying the numbers. At this point they are as close to for sure as it can be.

X. **ADJOURN**

**MOTION:** Council Member Paul Glover MOVED to adjourn the meeting. The motion was SECONDED by Council Member Paul Hunt. Mayor Pro-Tem Dustin Gettel called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.

The meeting adjourned at 9:58 p.m.

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*Rori L. Andreason, MMC*

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

Approved this 19th day of March 2019.
SUBJECT: Jordan Bluffs Master Development Agreement

SUBMITTED BY: Brian Berndt, Assistant City Manager/Director, CED

SUMMARY:
The redevelopment of Jordan Bluffs, a former EPA Superfund site, helped Midvale reclaim what is now known as Bingham Junction by reusing 351 acres of formerly contaminated land. Repurposing the land will serve the community for decades to come. Once rife with contaminants like lead and arsenic and plagued by a toxic status that disrupted neighboring home sales, the sprawling Bingham Junction site now supports a $300 million tax base and is being heralded as a national model for cleanup and site redevelopment.

The subject site is located adjacent to the existing View 72 Corporate Center in Bingham Junction, the site is in the middle of the Salt Lake Metropolitan area along the banks of the Jordan River with access to regional transportation networks. The Jordan Bluffs project is situated at the crossroads of 78th South to approximately 85th South and from 7th West to the Jordan River.

The master-planned, mixed-use project is slated to bring more than 1 million square feet of additional office space to Midvale in a series of six-story towers, a data center, commercial areas along with thousands of multistory apartments and town houses, all built around a milelong linear city park that runs parallel to the Jordan River. The site is approximately 265 acres in size. Running through the site will be a linear park that is roughly 15.5 acres. The park will have various amenities and facilities including playgrounds, community gathering areas, sport fields, walking paths, restrooms, and other active and passive recreational services.

The Master Development Agreement (MDA) will:
- Update the previous Jordan Bluffs Project MDA dated December 1, 2004
- Introduce a Concept Plan for Development Pods that will be developed as large scale master plans
- Update the Jordan Bluff (JB) Zoning that includes mixed uses within a planned development
- Define buildout, community central park, concept plan, development timing
- Detail the components of the Community Central Park including:
  - Terms, timing and specifications
  - Designate up to 15+ acres that will be donated for a community park that may include: passive and active recreation, gathering areas, and other similar community facilities
  - Developer will donate land and construct the community park
- Feature trails and area connections to schools, shopping, light rail stations, employment and housing.
If the City Council is comfortable with this agreement, Staff has prepared a resolution that would authorize the Mayor to sign the Development Agreement on behalf of the City.

**FISCAL IMPACT:** N/A

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**STAFF RECOMMENDATION:**
Staff recommends that the City Council adopt Resolution **2019-R-09** having the Mayor enter into an amended and restated Master Development Agreement for the proposed Jordan Bluffs project as presented.

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**RECOMMENDED MOTION:**
“I move that we adopt Resolution **2019-R-09** authorizing the Mayor to enter into an amended and restated Master Development Agreement between Midvale City Corporation and Gardner Jordan Bluffs, LC, for the proposed Jordan Bluffs project as presented.”

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**Attachments:**
- Location map
- Resolution
- Master Development Agreement
WHEREAS, pursuant to Section 10-9a-102 (2) of the Utah State Code, Midvale City (the “City”) is authorized as follows: “To accomplish the purposes of this chapter, municipalities may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that they consider necessary or appropriate for the use and development of land within the municipality, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing uses, density, open spaces, structures, buildings, energy efficiency, light and air, air quality, transportation and public or alternative transportation, infrastructure, street and building orientation and width requirements, public facilities, fundamental fairness in land use regulation, considerations of surrounding land uses and the balance of the foregoing purposes with landowner’s private property interests, height and location of vegetation, trees, and landscaping, unless expressly prohibited by law”; and

WHEREAS, the City previously entered into that certain Master Development Agreement For The Jordan Bluffs Project dated December 1, 2004 (“Original MDA”); and

WHEREAS, the City and Gardner Jordan Bluffs, L.C. (the “Property Owner”) previously entered into that certain Amended Master Development Agreement For Jordan Bluffs Project dated September 5, 2017 (“Amended MDA”); and

WHEREAS, due to the unique circumstances involved in the development of the Jordan Bluffs property; information garnered from recent studies on geotechnical, infrastructure, traffic, and services; and demographic changes in the region; the City found it necessary and beneficial to both the City and Property Owner to amend and restate the Original MDA and Amended MDA in their entirety by this Amended and Restated Master Development Agreement For Jordan Bluffs Project (“Amended and Restated MDA”); and

WHEREAS, the City and Property Owner have negotiated such agreement, and, as of the date of this Resolution, agree to enter into said agreement; and

WHEREAS, the City Council has reviewed said Amended and Restated MDA and agrees that entering into such agreement will help redevelop a prior Superfund Site that has remained vacant for thirty plus years and further the goals of the Midvale City General Plan 2016.
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MIDVALE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. The Midvale City Council has reviewed the attached Amended and Restated Master Development Agreement For Jordan Bluffs Project between Midvale City Corporation and Gardner Jordan Bluffs, L.C.

Section 2. The Midvale City Council, through its understanding of the development challenges associated with the Jordan Bluffs property and the goals of the Midvale City General Plan 2016, believes it is in the best interest of the Property Owner and the City to enter into such Development Agreement.

Section 3. The Midvale City Council on this date does hereby authorize the Mayor to sign the attached agreement on behalf of the City once the agreement is signed by the Property Owner.

PASSED AND APPROVED this __________ day of ______________, 2019.

__________________________________________
Robert M. Hale, Mayor

ATTEST:

______________________________
Rori Andreason, MMC
City Recorder

Voting by City Council

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<thead>
<tr>
<th>Name</th>
<th>“Aye”</th>
<th>“Nay”</th>
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<td>Bryant Brown</td>
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<td>Quinn Sperry</td>
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WHEN RECORDED, RETURN TO:

Gardner Jordan Bluffs, L.C.
201 South Main Street, Suite 2000
Salt Lake City, Utah 84111

AMENDED AND RESTATED
MASTER DEVELOPMENT AGREEMENT
FOR
JORDAN BLUFFS PROJECT

March ___, 2019
AMENDED AND RESTATED
MASTER DEVELOPMENT AGREEMENT
FOR
JORDAN BLUFFS PROJECT

THIS AMENDED AND RESTATED MASTER DEVELOPMENT AGREEMENT (this “Amended and Restated MDA”) is made and entered into effective as of the ____ day of March, 2019, by and among Midvale City, a political subdivision of the State of Utah (the “City”), and Gardner Jordan Bluffs, L.C., a Utah limited liability company (the “Master Developer”), sometimes referred to as a “Party” or collectively as the “Parties”.

RECITALS

A. The capitalized terms used but not defined in these Recitals are defined in Section 1.2 below or elsewhere in this Amended and Restated MDA.

B. The City previously entered into that certain Master Development Agreement For The Jordan Bluffs Project dated December 1, 2004 (“Original MDA”). The City and Master Developer previously entered into that certain Amended Master Development Agreement For Jordan Bluffs Project dated September 5, 2017 (“Amended MDA”). The Original MDA and the Amended MDA are both amended and restated in their entirety by this Amended and Restated MDA.

C. A portion of the Jordan Bluffs Property (defined below) (such portion, the “Wasatch Property”) that was the subject of the Original MDA and Amended MDA has been sold to MOUNTAIN WEST CAPITAL PARTNERS, LLC, a Utah limited liability company and WASATCH JORDAN BLUFFS, LLC, a Utah limited liability company (collectively, “Wasatch”) and will be developed pursuant to a separate agreement. Master Developer is the owner of the Gardner Property (as defined herein) that is the subject of this Amended and Restated
MDA.

D. The Gardner Property is currently assigned the Jordan Bluffs (JB) Zone as set forth in §17-7-10 of the Midvale City Code (the “JB Zone”).

E. Master Developer and the City desire that the Gardner Property be developed in a unified and consistent fashion pursuant to the provisions of the JB Zone as supplemented by the Concept Plan and this Amended and Restated MDA.

F. Development of the Gardner Property as a mixed use project pursuant to this Amended and Restated MDA is acknowledged by the Council and the Parties to be consistent with LUDMA and the JB Zone and to operate to the benefit of the City, Master Developer and the general public.

G. The Parties acknowledge that development of the Gardner Property pursuant to this Amended and Restated MDA will result in significant planning and economic benefits to the City and its residents by, among other things, requiring orderly development of the Gardner Property, addressing environmental issues and concerns regarding the Gardner Property, providing public amenities and facilities for the benefit of the community, and increasing property tax, sales tax and other revenues to the City based on improvements to be constructed on the Gardner Property.

H. Development of the Gardner Property pursuant to this Amended and Restated MDA will also result in significant benefits to Master Developer by providing assurances to Master Developer that it will have the ability to develop the Gardner Property in accordance with this Amended and Restated MDA.

I. Master Developer and the City have cooperated in the preparation of this Amended and Restated MDA.

J. The Parties desire to enter into this Amended and Restated MDA to specify the
rights and responsibilities of Master Developer to develop the Gardner Property and the rights and responsibilities of the City to allow and regulate such development pursuant to the requirements of this Amended and Restated MDA.

K. The Parties understand and intend that this Amended and Restated MDA is a “development agreement” within the meaning of, and entered into pursuant to the terms of, Utah Code Ann. §10-9a-102.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and Master Developer hereby agree to the following:

TERMS

1. **Incorporation of Recitals and Exhibits/ Definitions.**

   1.1. **Incorporation.** The foregoing Recitals and Exhibits “A” through and including “F” are hereby incorporated into this Amended and Restated MDA.

   1.2. **Definitions.** As used in this Amended and Restated MDA, the words and phrases specified below shall have the following meanings:

      1.2.1. **Amended and Restated MDA** means this Amended and Restated Master Development Agreement including all of its Exhibits.

      1.2.2. **Applicant** means a Person submitting a Development Application for the Development of a Parcel.

      1.2.3. **Buildout** means the completion of all of the development on the entire Property in accordance with this Amended and Restated MDA.

      1.2.4. **City** means Midvale City, a political subdivision of the State of Utah.
1.2.5. **Central Community Park** means a park and other related recreational facilities as more fully described in §3.3.1 and Exhibit E.

1.2.6. **Concept Plan** means the concept plan creating smaller developable pods and depicting access including roads and trails, but not uses of density in any particular pod, for development of the Project, which has been approved by the City and is attached as Exhibit “B”, and constitutes the “concept plan” under the JB Zone.

1.2.7. **Council** means the elected City Council of the City.

1.2.8. **Default** means a material breach of this Amended and Restated MDA as specified herein beyond all applicable notice and cure periods.

1.2.9. **Development** means the development of a Parcel or a portion thereof pursuant to an approved Development Application.

1.2.10. **Development Application** means an application to the City for development of a portion of the Project including a Subdivision or any other permit, certificate or other authorization from the City required for Development of the Project.

1.2.11. **Gardner Property** means approximately 223 acres of land located in Midvale City, and more particularly described on Exhibit “A” attached hereto.

1.2.12. **Jordan Bluffs Property** means the approximately 265 acres of land located in Midvale City that was the subject of the Original MDA and the Amended MDA as more particularly described in Exhibit “D.”

1.2.14. **Master Developer** means Gardner Jordan Bluffs, L.C., a Utah limited liability company, and its assignees or transferees as permitted by this Amended and Restated MDA (other than a Subdeveloper or a Related Entity).

1.2.15. **Notice** means any notice to or from any Party to this Amended and Restated MDA.

1.2.16. **Parcel** means a parcel of the Gardner Property that is created by Master Developer to be sold or transferred to a Subdeveloper as a Subdivision or to a Related Developer.

1.2.17. **Phase** means the development of a portion of the Project at a point in a logical sequence as determined by Master Developer.

1.2.18. **Planning Commission** means the City’s Planning Commission.

1.2.19. **Person** means any natural person, partnership, trust, corporation, limited liability company or other legal entity.

1.2.20. **Project** means the total development to be constructed on the Gardner Property pursuant to this Amended and Restated MDA with the associated public and private facilities, Phases and all of the other aspects approved as part of this Amended and Restated MDA.

1.2.21. **Public Infrastructure** means those elements of infrastructure that are planned to be dedicated to the City as a condition of the approval of a Development Application.

1.2.22. **Related Entity** is an entity related to Master Developer as more fully defined in Section 22.
1.2.23. **Subdeveloper** means a Person which purchases, ground leases or leases all or a portion of a Parcel for Development.

1.2.24. **Subdivision** means the division of any portion of the Gardner Property into developable parcels or lots pursuant to state law and/or the Zoning Ordinance.

1.2.25. **Subdivision Application** means the application to create a Subdivision.

1.2.26. **Wasatch Property** means approximately 40 acres of land located in Midvale described as Lot 1, “Jordan Bluffs Subdivision” recorded with the County Recorder for Salt Lake County, Utah on November 29, 2017 as Entry No. 12668463 in Book 2017P at Page 331.

1.2.27. **Zoning** means the zoning for the Project.

1.2.28. **Zoning Ordinance** means the City’s Land Use and Development Ordinance adopted pursuant to LUDMA.

2. **Effect of Amended and Restated MDA.** This Amended and Restated MDA shall be the sole agreement between the Parties related to the Development of the Project except as it may be modified in writing by the agreement of the Parties (including pursuant to the terms of an Additional Development Agreement as provided herein).

3. **Development of the Project.**

3.1 **Project Development.** Development of the Project shall be in accordance with the JB Zone, the Concept Plan and this Amended and Restated MDA.

3.2 **Large Scale Master Plan Approval.** As part of this Amended and Restated MDA, the City has approved the Concept Plan for the Project which is attached hereto as Exhibit “B” and incorporated herein by this reference. The Parties acknowledge and agree
that Large Scale Master Plans shall be required for each of the development pods identified on Exhibit “B” in compliance with the requirements of the JB Zone.

3.3. **Project Amenities.**

3.3.1. **Central Community Park and Improvements.** As part of the consideration for this Amended and Restated MDA, Master Developer voluntarily agrees to design with the City’s input, construct the “Required Park Improvements” as defined below and in Exhibit “F”, and convey the Central Community Park Parcel via quit claim deed, at no cost to the City, which conveyance shall occur in phases, as discussed more fully below, no later than October 31, 2029, unless otherwise agreed to by the Parties. The Central Community Park Parcel shall consist of not less than fifteen (15) acres in the location as generally shown on Exhibit “E” (the “Central Community Park Parcel”). The area shown on Exhibit “E” may be modified by Master Developer with the approval of the City, provided any such modifications (a) will not decrease the acreage of the Central Community Park below fifteen (15) acres, and (b) will not decrease the width of the Central Community Park below one hundred and twenty five (125) feet. The Central Community Park Parcel shall be conveyed subject to a restriction that the Central Community Park Parcel may only be used as a public park and related amenities and for no other purpose. Master Developer shall cause the Central Community Park to be developed and improved in accordance with the requirements described on Exhibit “F” attached hereto and subject to all landscaping will be installed per site management plan. (the “Required Park Improvements”); provided, however, in no event will Developer be required to incur more than $6,000,000 to improve the Park with the Required Park Improvements. The Required Park Improvements shall be completed by Master Developer in conjunction with the construction of each project phase with frontage adjacent to the Central Community Park Parcel and for the
entire width of the Central Community Park Parcel adjacent to such project phase. Plans for the
park will be submitted with the Large-Scale Master Plan for each adjacent POD. The City will
accept the Required Park Improvements in phases as the work is completed, but in no event shall
the Required Park Improvements be completed later than October 31, 2029. Maintenance of
each portion of the Central Community Park Parcel shall be the responsibility of Master
Developer until such time as Master Developer has completed the applicable portion of the
Required Park Improvements and they have been inspected and accepted by the City, acceptance
of which shall not be unreasonably withheld or delayed. After completion of each portion of the
Required Park Improvements, acceptance by the City, and conveyance of such portion of the
Central Community Park Parcel to the City, the City will be responsible, at its sole cost and
expense, for operating and maintaining such portion of the Central Community Park Parcel and
all improvements thereon in a neat, clean and safe condition and in a manner consistent with
open space being maintained by Master Developer and Subdevelopers within the Gardner
Property.

3.3.2. **Trail System Outside Central Community Park.** Master Developer
agrees to provide and construct, at no cost to the City, a minimum of three (3) trail connections
through the Gardner Property to the Jordan River Parkway as generally depicted on Exhibit F.
The Parties acknowledge and agree that the location of such trail connections will be defined as
part of the approval process for the adjacent Pod areas for the purpose of providing a separated
walkway for public access to the Jordan River Parkway. The trail connections shall comply with
the following: (1) be constructed with a 10-foot wide concrete walkway surface, with bollard
lighting; (2) have a minimum of 10 feet of landscaping on each side of the walkway, which
landscaping can be part of required setbacks and development landscape features; (3) such
concrete walkway and lighting shall have a perpetual public use easement and will be maintained by the City. The trail connections shall be required to be completed in conjunction with the completion of the first project phase on the adjacent pod and the easement shall be conveyed to the City at such time as each trail section is completed, but, at Master Developer’s election, may be completed prior to this time. The easements for the trail connections shall be subject to a restriction that such trail connections will only be used as a trail or open space and may only be relocated if agreed to by the City and the owner of the real property on which such trail connection is located.

3.3.3. **Wetlands and Slope Areas.** Master Developer will use good faith efforts to negotiate an agreement with Salt Lake County pursuant to which the Wetlands located on the Gardner Property, as generally depicted on Exhibit “B,” would be conveyed to Salt Lake County to be operated and maintained by the County as part of their flood control system. In the event that Salt Lake County does not take ownership of and assume maintenance responsibility for the Wetlands, then and in that event Master Developer shall be responsible to continue to own and maintain the Wetlands located on the Gardner Property. The Slope Areas as depicted on Exhibit “B” shall continue to be owned and maintained by Master Developer.

3.4 **Approval Processes.** Development approval of the Project shall follow the applicable review processes as set forth in the JB Zone and Section 17-3 of the Midvale Municipal Code.

3.5 **Project Fees.** The Parties acknowledge that the City does not currently charge impact fees. The Parties further acknowledge and agree that in the event the City adopts impact fees at any time in the future the Project is entitled to a credit, because Master Developer will be providing the facilities necessary to service the proposed Development under the terms of
this Amended and Restated MDA, which might otherwise be financed by other means, and therefore no impact fees will be assessed by the City in connection with future development approval for the Project; however, the Project might be subject to any impact fees that might be assessed by third party service providers. The City retains the right to assess all other fees which are chargeable by the City on all similar developments.

3.6 Open Space Requirement. The City agrees that the combination of (a) donation and development of the Community Central Park Parcel in accordance with the provisions in Sections 3.3 hereof; (b) the construction of the trails in accordance with the Section 3.3.2 hereof; and (c) the preservation of the open space on the slope area and wetlands in accordance with Section 3.3.4 hereof, satisfies the open space requirements for the Project.

3.7 Limitation on Pod C. If Pod C is sold by Master Developer to a Subdeveloper that is not a Related Entity which Develops Pod C for residential use, the maximum number of residential units that may be constructed on such Pod will, unless otherwise agreed in writing by Master Developer, not exceed 162 units. The foregoing does not in any way constitute an approval by the City for the use of Pod C for 162 units and any such approvals for any number of units will be subject to complying with the provisions of this Agreement and the JB Zone.

4. Public Facilities and Infrastructure.

4.1 Compliance with City Construction Specifications. Master Developer and City, as the case may be, each with respect to its obligations for conveyance, construction, maintenance and repair, shall be responsible for complying with all applicable Federal, State and City laws, regulations and rules and the terms of this Amended and Restated MDA, including
bonding requirements for public facilities and infrastructure and the City Construction Specifications.

4.2 Funding of On-site Infrastructure and Public Improvements. Except as otherwise specifically provided herein, Master Developer shall be responsible for financing and construction of all on-site infrastructure and public improvements necessary to service the Project.

4.3 Other Infrastructure and Utilities. Master Developer and each Developer shall be responsible for complying with all applicable City, State, and Federal laws, regulations, and rules with respect to all other on-site infrastructure and utilities installed to service the Gardner Property, including electrical lines, natural gas lines, telecommunication and cable television lines, and so forth. The City agrees to use reasonable efforts to assist Master Developer and any applicable Developer(s) in the procurement and installation of other utility services for the Project. Master Developer or the applicable Developer shall install a specifically designated conduit for fiber optics within the portion of public roads constructed by Master Developer within the Gardner Property according to the design specifications set forth in Exhibit “C” attached hereto (the “Fiber Optics Improvements”) at the time of and in conjunction with construction of streets and other public utilities within the Project. After the construction, inspection and acceptance, acceptance of which shall not be unreasonably withheld or delayed, by the City of the Fiber Optics Improvements (or any portion thereof), the City shall reimburse Master Developer or the applicable Developer for the costs of the Fiber Optics Improvements within thirty (30) days of the receipt of invoices that detail the costs incurred for such improvements. The Parties hereby recognize that any obligations of Master Developer or applicable Developer(s) with regard to the Fiber Optic Improvements shall be contingent upon
the continued funding of, and the City’s continuing participation in, the Utah Telecommunications Open Infrastructure Agency (UTOPIA).

5. **Roads, Rights-of-Way and Pedestrian Access**

5.1 **Bingham Junction Boulevard.** Master Developer has previously dedicated through the recording of a plat the right-of-way for Bingham Junction Boulevard along the general alignment as shown in the Concept Plan attached as Exhibit B. The improvement of Bingham Junction Boulevard may be in phases in connection with the approval of development adjacent to the roadway. Master Developer agrees to contribute 50% of the cost for a traffic signal at the intersection of 700 West and Sandy Parkway/Bingham Junction Boulevard to be installed when warranted.

5.2 **Ivy Drive.** Master Developer has conveyed to the City the right-of-way for Ivy Drive along the general alignment as shown in the Concept Plan attached as Exhibit B. Master Developer agrees to install a traffic signal at the intersection of Ivy Drive and Bingham Junction Boulevard. Timing of the traffic signal installation shall be tied to completion of the sidewalks on the north side of Ivy Drive and the west side of Bingham Junction Boulevard between 7800 South and Ivy Drive, unless otherwise agreed to by the Parties.

5.3 **Other Public Rights-of-Way.** Master Developer may convey to the City certain other public rights-of-way as approved by the City, which approval shall not be unreasonably withheld or delayed. The City will only accept public rights-of-way that comply with the provisions of this Amended and Restated MDA and the City’s Construction Specifications. It shall be the responsibility of Master Developer to construct such rights-of-way in accordance with the provisions of this Amended and Restated MDA and the City’s Construction Specifications.
5.5  City’s Obligation to Maintain and Repair Bingham Junction Boulevard, Ivy Drive and Other Public Rights-of-Way. After conveyance, construction, completion, inspection and acceptance of Bingham Junction Boulevard, Ivy Drive and other public rights-of-way in the Project, as the case may be, the City shall be responsible to maintain, repair, and replace Bingham Junction Boulevard, Ivy Drive and such other public rights-of-way, as the case may be, in accordance with City policies and standards applicable to similar roads and rights-of-way in the City.


6.1 Vested Rights Granted by Approval of this Amended and Restated MDA. To the maximum extent permissible under the laws of Utah and the United States and at equity, the City and Master Developer intend that this Amended and Restated MDA grants Master Developer the right to develop and construct the Project consistent with the uses and density as provided in the JB Zone, the general development layout as depicted in the Concept Plan and this Amended and Restated MDA. If an Additional Developer Agreement is entered into after the date hereof, if there is a conflict between the provisions of this Amended and Restated MDA and the Additional Development Agreement, the more specific provisions of the Additional Development Agreement shall, without the requirement of amending the provisions of this Amended and Restated MDA, control with respect to the portion of the Gardner Property subject to such Additional Development Agreement. The Parties further acknowledge that the Wasatch Property includes a density of 1200 residential dwelling units. Under the provisions of the JB Zone, the Gardner Property includes a density of 2300 residential dwelling units. However, the foregoing notwithstanding, in the event that Wasatch does not use all of the 1200 residential dwelling units of density allocated to the Wasatch Property by the time of approval of
the last final plan for that project and Wasatch notifies the City in writing that it has used all of
the residential density that it intends to as part of that project, Master Developer shall
automatically be vested with the right use any of those remaining residential dwelling units as
part of this Project. The Parties intend that the rights granted to Master Developer under this
Amended and Restated MDA are contractual and also those rights that exist under statute,
common law and at equity. The Parties specifically intend that the JB Zone, the Concept Plan
and this Amended and Restated MDA, grant to Master Developer “vested rights” as that term is
construed in Utah’s common law and pursuant to Utah Code Ann. § 10-9a-509. To the extent
that any such conditions subsequent are not performed then vested rights shall be deemed to have
lapsed.

6.2 **Reserved Legislative Powers.** Subject to the provisions of §6.1 above,
Master Developer and the City acknowledge that the City is legally restricted in its authority to
limit its power by contract and that the limitations, reservations and exceptions set forth herein
are intended to reserve to the City all of its police power that cannot be so legally limited.
Notwithstanding the retained power of the City to enact legislation under its police powers, any
such proposed legislative changes affecting the vested rights of the Project as an exception to the
vested rights as set forth above must meet the compelling, countervailing public interest standard

7. **Phasing.** Master Developer and / or its assignees may develop the Project in
Phases as market conditions dictate at the discretion of Master Developer as long as each Phase
provides for a logical extension of the road system, infrastructure and utilities necessary to
service the Project, as approved by the City, in compliance with the terms of this Amended and
Restated MDA and the other applicable ordinances and regulations of the City.
8. **Successors and Assigns of Master Developer in the Ownership or Development of Any Portion of the Project.**

8.1 **Binding Effect.** Except as otherwise provided herein, this Amended and Restated MDA shall be binding upon Master Developer and any successors and assigns of Master Developer in the ownership or development of any portion of the Project.

8.2 **Assignment and Transfer of Development Rights and Obligations.** It is contemplated that Master Developer may sell, or facilitate the sale of, all or a portion of the Gardner Property and assign and transfer the rights and obligations under this Amended and Restated MDA with respect to all or portions of the Project, and will transfer, sell, or facilitate the sale of, various portions of the Gardner Property to one or more Related Entities, third parties or developers who will develop subareas or phases of the Project. Master Developer shall be entitled to cause the sale or transfer of any portion of the Gardner Property and/or Project subject to the terms and conditions of this Amended and Restated MDA, without the prior written consent of the Midvale City Council. In the event the buyer or transferee of all or any portion of the Gardner Property enters into an agreement with Master Developer whereby Master Developer assigns, and the buyer or transferee assumes the obligations of Master Developer under this Amended and Restated MDA with respect to all or any portion of the Gardner Property transferred, and Master Developer desires to be released from all future obligations in connection with such Property under this Amended and Restated MDA, City shall have the right to approve such assignment and assumption agreement, which approval shall not be unreasonably withheld or delayed. The review by and approval of the City is intended to verify the ability of the proposed transferee or assignee to assume all of the obligations of Master Developer under the terms of this Amended and Restated MDA with respect to the applicable
portion of the Gardner Property or Project. No approval of assignment or assumption shall be required in connection with (i) an assignment by operation of law, such as including, but not limited to, merger, reorganization or foreclosure; (ii) an assignment to a Qualified Mortgagee; or (iii) an assignment to a wholly owned subsidiary or affiliate of Master Developer.

9. **Term of Agreement.** The term of this Amended and Restated MDA shall be until December 31, 2043. This Amended and Restated MDA shall also terminate automatically at Buildout.

10. **Tax Benefits.** The City acknowledges that Master Developer may seek and qualify for certain tax benefits by reason of conveying, dedicating, gifting, granting or transferring portions of the Gardner Property to the City or to a charitable organization for open space. Master Developer shall have the sole responsibility to claim and qualify for any tax benefits sought by Master Developer by reason of the foregoing. The City shall reasonably cooperate with Master Developer to the maximum extent allowable under law to allow Master Developer to take advantage of any such tax benefits.

11. **City Obligations for Improvements.** In connection with the Project, the City agrees that it shall permit Master Developer and each Subdeveloper and Related Entity to connect to the City’s utility lines, including, without limitation, water, sewer and storm drain.

12. **Upsizing/Reimbursements to Master Developer.** The City shall not require Master Developer to “upsizes” any future Public Infrastructure (i.e., to construct the infrastructure to a size larger than required to service the Project) unless financial arrangements reasonably acceptable to Master Developer are made to compensate Master Developer for the incremental or additive costs of such upsizing. For example, if an upsizing to a water pipe size increases costs by...
10% but adds 50% more capacity, the City shall only be responsible to compensate Master Developer for the 10% cost increase. Acceptable financial arrangements for upsizing of improvements include reimbursement agreements, payback agreements, pioneering agreements, and impact fee credits and reimbursements.

13. **Consent Decree.** In connection with the Project, Master Developer and each Subdeveloper and Related Developer, as applicable, shall be required to comply with (a) the “Institutional Controls” set forth in Chapter 8.10 of the Midvale City Municipal Code, and (b) the Site Management Plan Former Sharon Steel Superfund Site Operable Unit 1, Midvale, Utah, dated May 19, 2017.

14. **Relationship of Parties and No Third-Party Rights.** This Amended and Restated MDA does not create any joint venture, partnership, undertaking, or business arrangement between the Parties hereto. Unless otherwise expressly stated herein, nothing in this Amended and Restated MDA creates any rights or benefits to third parties.

15. **Default.** Neither Party shall be in Default under this Amended and Restated MDA unless such Party fails to perform an obligation required under this Amended and Restated MDA within thirty (30) days after written notice is given to the defaulting Party by the other Party, reasonably setting forth the respects in which the defaulting Party has failed to perform such obligation. If the nature of the defaulting Party’s obligation is such that more than thirty (30) days are reasonably required for performance or cure, the defaulting Party shall not be in default if such Party commences performance within such thirty (30) day period (or, if such commencement is impossible due to Events of Force Majeure, as defined below), commences performance when the Events of Force Majeure terminate) and after such commencement diligently prosecutes the same to completion. “**Events of Force Majeure**”
means any event or circumstance beyond Master Developer’s or the City’s, as the case may be, reasonable control which delays or prevents the performance by Master Developer or City, as the case may be, of its obligations under this Amended and Restated MDA despite the Parties’ best efforts to fulfill the obligation. The requirement that the Parties exercise “best efforts to fulfill the obligation” includes using best efforts to anticipate any potential force majeure event and best efforts to address the effects of any potential force majeure event (i) as it is occurring and (ii) following the potential force majeure event, such that the delay is minimized to the greatest event possible. “Events of Force Majeure” do not include financial inability of City or Master Developer to complete any obligation under the provisions of this Amended and Restated MDA.

16. **Remedies.** In the event of any legal action or defense between the Parties hereto arising out of or related to this Amended and Restated MDA, or any of the documents provided for herein, the prevailing Party or Parties shall be entitled in addition to the remedies available at law and equity, if any, awarded in such proceeding, to recover their costs and reasonable documented out of pocket attorney’s fees, but not damages.

17. **Mortgagee Protections.**

17.1 **Definitions.** As used in this Section, each of the following terms shall have the indicated meaning:

a. “Mortgage” means a mortgage, or a deed of trust, or other security agreement recorded in the Official Records.

b. “Mortgagee” means the mortgagee under a mortgage, the beneficiary under a deed of trust or the secured party under any security agreement recorded with respect to the Gardner Property or any portion thereof in the Official Records.

d. “Qualified Mortgagee” means a Mortgagee of which City has been given written notice, including such Mortgagee’s name and address. A Qualified Mortgagee shall be a Mortgagee of public record as evidenced by a title report delivered to the City.

17.2 Obligations of Mortgagee. Unless and until it enters into possession or acquires title pursuant to foreclosure or any arrangement or proceeding in lieu of foreclosure, any Qualified Mortgagee shall have no obligation to take any action to comply with, and may not be compelled to take any action to comply with, this Amended and Restated MDA.

a. Notices; Right to Cure. On delivering to Master Developer any notice, demand or other communication pursuant to the provisions of this Amended and Restated MDA, City shall at the same time deliver copies of such notice to each Qualified Mortgagee at the latest address provided to City by such Qualified Mortgagee. Although otherwise effective with respect to Master Developer, no notice delivered to Master Developer shall affect any rights or remedies of a Qualified Mortgagee unless a copy of such notice has been delivered to such Qualified Mortgagee in accordance with the immediately preceding sentence. Each Qualified Mortgagee shall have the right to remedy a default, or cause the same to remedied within the time allowed to Master Developer, plus, in the case of monetary defaults, an additional thirty (30) days and, in the case of non-monetary defaults, an additional thirty (30) days; provided, however, that if a non-monetary default reasonably requires more than thirty (30) days to cure (or commencement or completion of cure within the specified period is impossible due to an
Event of Force Majeure), each Qualified Mortgagee shall have the right to remedy such
default if such Qualified Mortgagee promptly commences such cure and thereafter
diligently prosecutes such cure to completion.

b. **Performance.** A Qualified Mortgagee shall have the right to act for an in
the place of Master Developer to the extent permitted by the applicable Mortgage or
otherwise agreed to by Master Developer in writing. City shall accept performance by or
on behalf of a Qualified Mortgagee as if the same had been performed by Master
Developer. A Qualified Mortgagee shall have the right, to the extent Master Developer
agrees in writing, to appear in a legal action or proceeding on behalf of Master Developer
in connection with the Gardner Property.

c. **Recognition.** Within thirty (30) days of a written request therefor,
 together with evidence as City may reasonably require, that a proposed Qualified
 Mortgagee in fact meets the requirements of a Qualified Mortgagee as set forth herein,
 City agrees to execute, acknowledge and deliver to such Qualified Mortgagee an
 instrument stating that such Qualified Mortgagee is a “Qualified Mortgagee” entitled to
 the benefits of this section.

d. **Estoppel Certificate.** Within thirty (30) days after a request by Master
 Developer, a Qualified Mortgagee, or a proposed Qualified Mortgagee, City shall issue a
 certificate confirming that: (i) this Amended and Restated MDA is in full force and
effect; (ii) no default (or event which with the giving of notice of passage of time, or
 both) exists on the part of Master Developer or City under this Amended and Restated
 MDA; and (iii) such other matters pertaining to this Amended and Restated MDA as may
reasonably be requested. The Person requesting the certificate shall be entitled to rely on the certificate.

18. **Non-liability of Officials or Employees.** No officer, representative, agent, or employee of the City shall be personally liable to Master Developer or any successor-in-interest or assignee of Master Developer in the event of any default or breach by the City or for any amount which may become due to Master Developer or its successors or assigns for any obligation arising out of the terms of this Amended and Restated MDA. No officer, representative, agent, or employee of Master Developer, any Related Entity or any Subdeveloper shall be personally liable to the City in the event of any default or breach by Master Developer, any Related Entity or any Subdeveloper, as applicable, or for any amount which may become due to City for any obligation arising out of the terms of this Amended and Restated MDA.

19. **Counterparts.** This Amended and Restated MDA may be executed in multiple counterparts, which together shall constitute one and the same document.

20. **Annual Status Report.** Master Developer and the staff of the City shall give an annual status report to the City Council with regard to the matters contemplated by this Amended and Restated MDA.

21. **Notices.**

   a. **Notice Addresses.** All notices required or permitted under this Amended and Restated MDA shall, in addition to any other means of transmission, be given in writing by certified mail and regular mail to the following address:

   **To the Master Developer:**

   Gardner Jordan Bluffs, L.C.
   Attn: Christian Gardner
   201 South Main Street, Suite 2000
   Salt Lake City, Utah 84111
To the City:

Midvale City
Attn: Community Development Director
7505 South Holden Street
Midvale, UT 84047

b. Effectiveness of Notice. Except as otherwise provided in this Amended and Restated MDA, each Notice shall be effective and shall be deemed delivered on the earlier of:

i. Hand Delivery. Its actual receipt, if delivered personally, by courier service, or by facsimile provided that a copy of the facsimile Notice is mailed or personally delivered as set forth herein on the same day and the sending Party has confirmation of transmission receipt of the Notice). If the copy is not sent on the same day, then notice shall be deemed effective the date that the mailing or personal delivery occurs.

ii. Electronic Delivery. Its actual receipt if delivered electronically by email provided that a copy of the email is printed out in physical form and mailed or personally delivered as set forth herein on the same day and the sending Party has an electronic receipt of the delivery of the Notice. If the copy is not sent on the same day, then notice shall be deemed effective the date that the mailing or personal delivery occurs.

iii. Mailing. On the day the Notice is postmarked for mailing, postage prepaid, by First Class or Certified United States Mail and actually deposited in or delivered to the United States Mail. Any Party may change its address for Notice under this Amended and Restated MDA by giving written Notice to the other Party in accordance with the provisions of this agreement.
22. **Additional Development Agreements Required.** In accordance with the provisions of the JB Zone, or as requested by a Subdeveloper or an entity related to Master Developer which is an owner of a Parcel (a “Related Entity”), a Large Scale Master Plan implemented through a separate development agreement between the City and such Subdeveloper or Related Entity relating only to the Parcel owned by such Subdeveloper or Related Entity (as applicable, an “Additional Development Agreement”), shall be required as a condition precedent to approval of all development within the Project, provided that (i) such Additional Development Agreement shall be consistent with the Concept Plan, the provisions of the JB Zone and fully subject to the terms of this Amended and Restated MDA but only to the extent related to the particular Parcel being developed and not the remaining portion of the Project, (ii) such Additional Development Agreement shall not be cross defaulted with this Amended and Restated MDA or any other Additional Development Agreement, (iii) such Additional Development Agreement shall be modified to reflect specific construction approvals for such Parcel, and (iv) this Amended and Restated MDA shall no longer be applicable to the Parcel subject to the Additional Development Agreement. Each Additional Development Agreement shall be entered into only after a Subdeveloper or Related Entity has obtained all approvals required by this Amended and Restated MDA and the other provisions of the JB Zone for construction.

23. **Binding Effect.** If Master Developer sells or conveys Parcels of lands to Subdevelopers or related parties, the lands so sold and conveyed shall bear the same rights, privileges, and configurations as applicable to such Parcel and be subject to the same limitations and rights of the City when owned by Master Developer and as set forth in this Amended and Restated MDA without any required approval, review, or consent by the City except as
otherwise provided herein.

24. **Appointment of Representatives.** To further the commitment of the Parties to cooperate in the implementation of this Amended and Restated MDA, the City and Master Developer each shall designate and appoint a representative to act as a liaison between the City and its various departments and Master Developer. The initial representative for the City shall be Kane Loader, City Manager and the initial representative for Master Developer shall be Christian Gardner, President. The Parties may change their designated representatives by Notice. The representatives shall be available at all reasonable times to discuss and review the performance of the Parties to this Amended and Restated MDA and the development of the Project.

25. **Mutual Drafting.** Each Party has participated in negotiating and drafting this Amended and Restated MDA and therefore no provision of this Amended and Restated MDA shall be construed for or against either Party based on which Party drafted any particular portion of this Amended and Restated MDA.

26. **Applicable Law.** This Amended and Restated MDA is entered into in Salt Lake County in the State of Utah and shall be construed in accordance with the laws of the State of Utah irrespective of Utah’s choice of law rules.

27. **Venue.** Any action to enforce this Amended and Restated MDA shall be brought only in the Third District Court for the State of Utah, Salt Lake County.

28. **No Waiver.** Failure of any Party hereto to exercise any right hereunder shall not be deemed a waiver of any such right and shall not affect the right of such Party to exercise at some future date any such right or any other right it may have.

29. **Severability.** If any provision of this Amended and Restated MDA is held by a
court of competent jurisdiction to be invalid for any reason, the Parties consider and intend that this Amended and Restated MDA shall be deemed amended to the extent necessary to make it consistent with such decision and the balance of this Amended and Restated MDA shall remain in full force and affect.

30. **Entire Agreement.** This Amended and Restated MDA, and all Exhibits thereto, is the entire agreement between the Parties and may not be amended or modified except either as provided herein or by a subsequent written amendment signed by all Parties.

31. **Recordation and Running with the Land.** This Amended and Restated MDA shall be recorded in the chain of title for the Gardner Property. This Amended and Restated MDA shall be deemed to run with the land.

32. **Authority.** The Parties to this Amended and Restated MDA each warrant that they have all of the necessary authority to execute this Amended and Restated MDA. Specifically, on behalf of the City, the signature of the Mayor of the City is affixed to this Amended and Restated MDA lawfully binding the City pursuant to Resolution No. ________ adopted by the City Council on ____________, 2019.
IN WITNESS WHEREOF, the Parties hereto have executed this Amended and Restated MDA by and through their respective, duly authorized representatives as of the day and year first herein above written.

CITY:

______________________________
Robert M. Hale, Mayor

Attest:

_____________________________
Rori L. Andreason, MMC
City Recorder

Approved as to form:

_____________________________
Lisa Garner, City Attorney

STATE OF UTAH )
COUNTY OF SALT LAKE )

On this _____ day of __________, 2019 personally appeared before me Robert M Hale, Mayor of Midvale City, who executed the foregoing instrument on behalf of Midvale City.

_____________________________
NOTARY PUBLIC
My Commission Expires: Residing at:
DEVELOPER:

GARDNER JORDAN BLUFFS, L.C., a Utah limited liability company, by its manager

KC Gardner Company, L.C., a Utah limited liability company

By: ______________________________
   Name: Christian Gardner
   Title: Manager

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

On this _____ day of __________, 2019, personally appeared before me Christian Gardner, a Manager of KC Gardner Company, L.C., a Utah limited liability company, the manager of Gardner Jordan Bluffs, L.C., a Utah limited liability company, who executed the foregoing instrument on behalf of said company.

My Commission Expires: Residing at:
### TABLE OF EXHIBITS

| Exhibit “A” | Legal Description of Gardner Property |
| Exhibit “B” | Concept Plan |
| Exhibit “C” | Fiber Optics Improvements |
| Exhibit “D” | Legal Description of Jordan Bluffs Property |
| Exhibit “E” | Central Community Park Parcel |
| Exhibit “F” | Required Park Improvements and walkway locations (A full-size copy of Exhibit F, including photographs of amenities, is available for review in the Midvale City Community Development Department Office.) |
Exhibit “A”

Legal Description of Property

That certain real property located in Salt Lake County, Utah, as more particularly described as follows:

Lot 2, “Jordan Bluffs Subdivision” recorded with the County Recorder for Salt Lake County, Utah on November 29, 2017 as Entry No. 12668463 in Book 2017P at Page 331.

Contains 11,494,170 Square Feet or 263.870 Acres
Exhibit “B”

Concept Plan
Exhibit “C”

Fiber Optic Improvements

[Diagram of fiber optic improvements with annotations]

- Existing Liner
  - PVC or HDPE liner. See detail 6 or 6A/C-600 for information on new liner to exiting liner connection and for utility crossings under roadway.
  - Select utility trench backfill

- Natural Gas Line by Others

- 3-4 inch conduit required (fiber optic)
- 2-6 inch conduit required (electrical)
Exhibit “D”

Legal Description of Jordan Bluffs Property

That certain real property located in Salt Lake County, Utah, as more particularly described as follows:

Lots 1 and 2, “Jordan Bluffs Subdivision” recorded with the County Recorder for Salt Lake County, Utah on November 29, 2017 as Entry No. 12668463 in Book 2017P at Page 331.
Exhibit “E”

Central Community Park Parcel
Exhibit “F”

Required Park Improvements and Exhibits

A full-size version of plan is available in Midvale Community Development Department Office
splash pad

pickle ball courts

jordan bluffs midvale, UT

basketball courts

pavilion

playgrounds - large and small

jordan bluffs midvale, UT
mounded viewing area

gazebo

dog park

shade structure

tables and chairs

jordan bluffs  midway, UT  03.14.2019

counter height wall for eating at food truck plaza

bbq

bike rack

jordan bluffs  midway, UT  03.14.2019
restroom - pre-fabricated

seating walls

terraced seat walls

jordan bluffs  midvale, ut

03.14.2019
SUBJECT:

Consider adopting Ordinance No. 2019-O-03 approving a proposed text amendment to increase the residential density in the Jordan Bluffs Zone; create a review process and development standards for residential, commercial and mixed-use development in subareas 1-3 of the Jordan Bluffs Zone; and amend chapters 17-7-10 and 17-2 of the Midvale Municipal Code

SUBMITTED BY:

Brian Berndt, Asst. City Manager/CD Director & Lesley Burns, City Planner

SUMMARY:

On March 5, 2019, the City Council held a public hearing on this proposed text amendment which includes the following:

- Increases the allowed residential density within the Jordan Bluffs zone from 2,500 units to 3,500 units.
- Creates a review process and development standards for residential, commercial, and mixed-use development in Subareas 1-3 of the Jordan Bluffs Zone.
- Adds new and amended definitions for terms in the proposed zoning chapter.
- Amends and repeals sections of the existing Jordan Bluffs zone chapter to incorporate the new zone plans for each subarea of the Jordan Bluffs property.

The City Council has received information and studies on traffic, public facilities, and infrastructure regarding the development anticipated to occur under this proposed ordinance. It has been determined existing and planned infrastructure facilities are sufficient for the additional residential units being requested.

Planning Commission Recommendation

Approval of this proposed text amendment has been recommended by the Planning Commission. This recommendation to the City Council was made after a number of discussions and analysis of the issues, as well as a public hearing on February 13, 2019. The Planning Commission recognized the proposed development standards reflect several goals of the Midvale City General Plan 2016, which includes the Jordan Bluffs property as an Opportunity Area, as well as recognizing the proposed Jordan Bluffs Project amenities and improvements included in the Amended and Restated Master Development Agreement (the “MDA”) being finalized in conjunction with this text amendment. The main project amenities in the MDA include an
improved 15-acre public park, trail connections to the Jordan River Parkway, and public facilities and infrastructure. The proposed development standards also reflect the specific nature of the Jordan Bluffs property, especially the environmental constraints that exist.

**STAFF RECOMMENDATION:**

Staff recommends the City Council considers the information and comments that have been presented over the past few months and in the March 5th public hearing, as well as the Planning Commission’s findings and recommendation, when deciding on this proposed text amendment.

**RECOMMENDED MOTION:**

**Option 1 – Approve as Presented**

“Finding 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 through the course of the dialogue on this proposal, I move that we adopt Ordinance No. 2019-O-03, increasing the residential density in the Jordan Bluffs Zone; creating a review process and development standards for development in Subareas 1-3 of the Jordan Bluffs Zone, and amending Chapters 17-2 and 17-7-10 of the Midvale City Municipal Code, as presented.”

**Option 2 – Approve with Changes**

“Finding 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 through the course of the dialogue on this proposal, I move that we adopt Ordinance No. 2019-O-03, increasing the residential density in the Jordan Bluffs Zone; creating a review process and development standards for development in Subareas 1-3 of the Jordan Bluffs Zone, and amending Chapters 17-2 and 17-7-10 of the Midvale City Municipal Code, with the following changes:

1. . . .
2. . . . .”

**Attachments:**

- Summary of Proposed Ordinance
- Proposed Ordinance No. 2019-O-03
Jordan Bluffs Subareas 1-3 Ordinance Summary


- Applicable to residential, commercial, and mixed-use development in Subareas 1-3.
- Subareas 1-3 divided into 14 development pods for master planning purposes.
- Review process:
  - Concept Plan presented at a Planning Commission workshop meeting prior to any formal application being submitted.
  - Large Scale Master Plan required for each pod – reviewed and approved by Planning Commission/public hearing required. LSMP will include site plan showing general layout of area, preliminary master utility plan, transportation plan (including bicycle and pedestrian networks), traffic analysis, master parking plan, illustrative architectural elevations, thematic design elements (street trees, lighting, public furniture), and public pedestrian access and parking for the park in pods adjacent to the park.
  - Development Agreement required – approved by City Council.
  - Site Plan (preliminary & final) for each phase; must be consistent with approved LSMP – Staff review.
  - Subdivision Plats – reviewed by Planning Commission and approved by City Council.
- Uses: All uses included in the use table are allowed; no conditional use permits required, however, specific requirements for certain uses are still required as part of the allowed use (see proposed 17-7-10-12.12); new uses defined: “data center/data storage” and “research and development”.
- Public road standard requires sidewalks, planters, curb and gutter, bike lanes, and travel lanes. Flexibility is provided for parallel or angled on-street parking if appropriate for adjacent development.
- Building Height: Pods A, B & C the maximum building height is 80 feet; all other pods the maximum building height 180 feet.
- Setbacks: no minimum setbacks except as required by building code and required landscape setbacks. Landscape setbacks:
  - Bingham Junction Blvd. – 30 feet
  - 7800 South – 30 feet
  - East Ivy Drive – 30 feet
  - West Ivy Drive – 15 feet to parking lot; build-to line required to be established for all structures and structures must be oriented to the road.
  - 700 West and all other interior public and private roads – 15 feet
• Parking. Parking standards similar to existing City standards. Through a master parking plan or parking study, reductions can be made for shared parking. Parking and access for park required in pods adjacent to park.

• Landscape & Irrigation Standards: Similar to The Junction at Midvale with exception of elimination of building foundation landscaping (environmental constraint because of cap) and location of 15% interior parking lot landscaping.

• Fencing & Screening: Fencing and screening standards similar to existing City standards. No fencing allowed in landscape setback or adjacent to the park.

• Outdoor Lighting: New outdoor lighting standards based on overall site lighting.

• Residential Density: Maximum residential density for entire Jordan Bluffs increased to 3,500 units.

• Residential Development Standards: Similar to development standards in Subarea 4. Recreational amenity and landscaping requirements vary for stacked units and townhouse units.

• Commercial Development Standards: Landscaping and architecture similar to The Junction at Midvale and RC Overlay.
ORDINANCE NO. 2019-O-03

AN ORDINANCE AMENDING TITLE 17 OF THE MIDVALE CITY MUNICIPAL CODE BY: INCREASING THE RESIDENTIAL DENSITY IN THE JORDAN BLUFFS ZONE; ADDING CHAPTER 17-7-10.12 CREATING A REVIEW PROCESS AND LAND USE REGULATIONS FOR SUBAREAS 1-3 OF THE JORDAN BLUFFS ZONE; AMENDING AND REPEALING SECTIONS IN CHAPTER 17-7-10; AND AMENDING CHAPTER 17-2; ALSO, PROVIDING A SAVING CLAUSE AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, pursuant to Sections 10-9a-501 through 10-9a-503 Utah State Code, Midvale City (the “City”) has the authority to make and amend any regulation of or within zoning districts or any other provision of the land use ordinance to promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the municipality; and

WHEREAS, on January 2, 2002, the Midvale City Zoning Ordinance (Title 17 of the Midvale City Municipal Code (the “Code”)) became effective and may be subject to amendments from time to time pursuant to Section 17-3-1 the Code; and

WHEREAS, pursuant to Section 17-1-1 of the Code, the City desires to “promote coordinated development, redevelopment, effective use of land, and site planning”, “support the goals of the Midvale City General Plan”, and “foster convenient, compatible and efficient relationships among land uses”; and

WHEREAS, since the adoption of Section 17-7-10 of the Code creating the Jordan Bluffs Zone, the City has recognized it would need to create the specific land use regulations for this zone in collaboration with a master developer when the components were in place for development to occur on the Jordan Bluffs property; and

WHEREAS, the Planning Commission held a public hearing on February 13, 2019 to review the proposed text amendment regarding Subareas 1-3 of the Jordan Bluffs Zone, with such meeting being preceded by required notice, and the Planning Commission forwarded recommendations on such to the City Council on this same date; and

WHEREAS, the City Council of Midvale City, Utah held a public hearing on March 5, 2019, which meeting was preceded by required notice, on the proposed text amendment; and

WHEREAS, the City Council of Midvale City, Utah, after taking into consideration citizen testimony, planning analysis, and the Planning Commission recommendation, finds it is appropriate and within the best interests of the City to make this change to the Code.
NOW, THEREFORE, BE IT ORDAINED by the City Council of Midvale City, Utah as follows:

Section 1. The following chapters and sections of the Midvale City Municipal Code are hereby amended as included in the following attachments to this document:

- ATTACHMENT A – Adding new Chapter 17-7-10.12
- ATTACHMENT B – Amending Chapter 17-2
- ATTACHMENT C – Amending and Repealing sections of Chapter 17-7-10

Section 2. The maximum residential density allowed in the Jordan Bluffs Zone shall be increased from 2,500 units to 3,500 units.

Section 3. 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 4. This ordinance shall be effective upon the execution of the Amended and Restated Master Development Agreement for Jordan Bluffs Property by Jordan Bluffs property owner, the Mayor signing this ordinance, and the City Recorder publishing a summary thereof.

PASSED AND APPROVED this ___ day of _____________, 2019.

ATTEST:

________________________
Rori Andreason, MMC
City Recorder

Date of first publication: _____________

Voting by City Council

<table>
<thead>
<tr>
<th></th>
<th>“Aye”</th>
<th>“Nay”</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bryant Brown</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dustin Gettel</td>
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<tr>
<td>Paul Glover</td>
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<td>Paul Hunt</td>
<td></td>
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<tr>
<td>Quinn Sperry</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Chapter 17-7-10.12
Jordan Bluffs Subareas 1-3 Development

Sections:
17-7-10.12.1 Purpose.
17-7-10.12.2 Review Process.
17-7-10.12.3 Uses.
17-7-10.12.4 Large Scale Master Planned Development Submittal
17-7-10.12.5 Development Requirements.
17-7-10.12.6 Parking and Access Standards.
17-7-10.12.7 Landscaping and Irrigation Standards.
17-7-10.12.8 Fencing and Screening Standards.
17-7-10.12.9 Outdoor Lighting Standards.
17-7-10.12.10 Residential Development Standards.
17-7-10.12.11 Commercial Development Standards.
17-7-10.12.12 Additional Standards for Specific Uses.
17-7-10.12.13 Signage.

17-7-10.12.1 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 development in Subareas 1-3 of the Jordan Bluffs Zone. This chapter applies to all residential, commercial and mixed use development in the area depicted as Subareas 1-3 in the Jordan Bluffs Zone and described as Lot 2 in the Jordan Bluffs Subdivision. Provisions of Title 17 of the Midvale Municipal Code shall apply to all development in Subareas 1-3. To the extent that a provision of the Midvale Municipal Code, conflicts or is inconsistent with the provisions set forth in this Chapter, the provision of this Chapter shall apply. Figure 1 represents the concept plan for Subareas
1-3 created for the purpose of identifying fourteen (14) pods. Indications to “pod”, “pods”, or “park” within this Chapter shall reference Figure 1 for general location. This concept plan is designed to guide the main infrastructure and master planning of the site in a manner consistent with the zoning plan and environmental conditions associated with the site. A large scale master planned development application shall be submitted for each pod area based on the specific development standards contained herein.

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**Figure 1**

Subarea 1-3 Project Areas

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17-7-10.12.2 Development Review Process

The following development review process applies to all new development in Jordan Bluffs Subareas 1-3.

A. Initial Contact. The applicant shall confer with the community development director to discuss the proposal and applicable development review and approval procedures.
B. Initial Staff and Development Review Committee Review. The applicant shall provide the planning and zoning staff with a concept plan to allow for an initial review of the proposal. The concept plan shall show the location of all proposed streets, alleys, drives, pedestrian and bicycle elements, buildings, parking areas, landscaped areas, screening, uses of land and buildings, building heights, building elevation sketches showing typical exteriors and architecture, integration with the surrounding area, phasing plan, and other features. This concept plan shall be construed to be an illustration of the development concepts only and not an exact representation of the specific development proposed. After staff determines a complete concept plan proposal has been submitted, staff shall schedule a review by the development review committee. The applicant shall appear before the development review committee to address its concerns and to field input.

C. Planning Commission Work Session. The applicant shall present the concept plan to the planning commission in a work session at least once before submitting a formal application. The work session shall be for discussion and informal feedback purposes only, and no action shall be taken concerning the concept plan.

D. Large Scale Master Plan. The applicant may submit an application for a large scale master planned development following completion of the procedural steps above. A large scale master planned development application and approval is required for each pod shown on the concept plan in Figure 1 of this Chapter prior to any specific development applications, i.e. subdivision plats, site plans, and building permits. A master planned development application may include multiple pods. A subdivision plat recorded for purposes of identifying and dedicating roadways between pods may be recorded before submission of a large scale master planned development application provided the applicant shows how such roadways are anticipated to provide access and circulation to affected future development. A subdivision plat may also be recorded to establish the boundary of Pod “C” or the park. A large scale master plan shall comply with the provisions of Section 17-7-10.12.4.

E. Development Agreement. A development agreement, in a form satisfactory to the city attorney and city council, and consistent with law, shall be required in conjunction with each large scale master plan to ensure the property owner complies with the provisions applying to Subareas 1-3 of the zoning district; the Amended and Restated Master Development Agreement for Jordan Bluffs Project; the large scale master plan, including specific approved plans and elements establishing the character and design of the project area; and allowing the property owner the right to develop in accordance with the approved plan for a period up to, but not
exceeding, the term of the Amended and Restated Master Development Agreement for Jordan Bluffs Project.

F. Subdivision Plats, Site Plans and Building Permits. Prior to any development occurring in a pod, the applicant shall obtain all applicable development permits as required in Chapter 17-3 and Title 16 of the Midvale Municipal Code. The review processes for these permits shall be as set forth in Chapter 17-3 and Title 16. These development permits shall be consistent with the approved large scale master plan, development agreement, this chapter and current building code. Preliminary subdivision plats, final subdivision plats, preliminary site plans and final site plans may be reviewed concurrently with the large scale master plan.

17-7-10.12.3 Uses.

Use Table. The following uses are allowed with the applicable development permit(s) in Jordan Bluffs Subareas 1-3. If a use is not specifically designated, then it is prohibited. Uses designated with asterisk (*) require specific additional standards included in Section 17-7-10-12.12 herein. Unless otherwise specified, all buildings and uses shall comply with all city development requirements. The size, location, appearance, and method of operation shall be specified to the extent necessary to insure compliance with the requirements in this title.

<table>
<thead>
<tr>
<th>Use Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory Structure</td>
</tr>
<tr>
<td>Animal Clinic/Hospital</td>
</tr>
<tr>
<td>Assembly Hall</td>
</tr>
<tr>
<td>Assisted Living</td>
</tr>
<tr>
<td>Child Care</td>
</tr>
<tr>
<td>Data Center/Data Storage Facility</td>
</tr>
<tr>
<td>Disabled Care Facility</td>
</tr>
<tr>
<td>Dwellings:</td>
</tr>
<tr>
<td>Use Type</td>
</tr>
<tr>
<td>----------------------------------------------</td>
</tr>
<tr>
<td>Townhomes (single-family attached units)</td>
</tr>
<tr>
<td>Condominiums</td>
</tr>
<tr>
<td>Multi-Family (stacked units)</td>
</tr>
<tr>
<td>Entertainment Center</td>
</tr>
<tr>
<td>Financial Institution:</td>
</tr>
<tr>
<td>W/o drive-up window</td>
</tr>
<tr>
<td>W/drive-up window*</td>
</tr>
<tr>
<td>Food Truck Court*</td>
</tr>
<tr>
<td>Home Occupation*</td>
</tr>
<tr>
<td>Hotel</td>
</tr>
<tr>
<td>Manufacturing</td>
</tr>
<tr>
<td>Mixed Use</td>
</tr>
<tr>
<td>Mortuary/Funeral Home</td>
</tr>
<tr>
<td>Municipal Facilities</td>
</tr>
<tr>
<td>Office</td>
</tr>
<tr>
<td>Outdoor Dining*</td>
</tr>
<tr>
<td>Outdoor Storage*</td>
</tr>
<tr>
<td>Parking Lot/Structure</td>
</tr>
<tr>
<td>Public and Quasi-Public Facility</td>
</tr>
<tr>
<td>Recreation Facility, Commercial</td>
</tr>
<tr>
<td>Religious/Educational Institution</td>
</tr>
<tr>
<td>Research and Development</td>
</tr>
<tr>
<td>Residential Facility for Elderly Persons*</td>
</tr>
<tr>
<td>Residential Facility for Persons with a Disability*</td>
</tr>
<tr>
<td>Restaurant:</td>
</tr>
<tr>
<td>W/o drive-up window</td>
</tr>
</tbody>
</table>
17-7-10.12.4 Large Scale Master Planned Development Submittal.

The purpose of the large scale master planned development for each pod shown on the concept plan in Figure 1 of this Chapter is to provide an overview of the infrastructure and development layout for the site to ensure it provides physical and functional integration of the site components to each other, to the other Jordan Bluffs pod areas, and to the greater Midvale neighborhood areas, including design features to assure appropriate transition of uses, building heights and schematics, multi-modal transportation connection points, characteristics that encourage public pedestrian activity, convenience and safety in and around the development. In lieu of the large scale master planned development submittal requirements in Chapter 17-3 of the Midvale Municipal Code, the large scale master plan submittal shall consist of the following:

A. A written narrative and graphic exhibits explaining and showing the nature and character of the development. This information shall include: total acreage broken down into the approximate acreage of any phases, parcels, and specific land uses; scale/intensity of each land use expressed in numbers (i.e. residential units/density, square footage of commercial uses).

B. A map of the existing site showing approximate site boundaries and dimensions, topography, roads, public utilities, and other major infrastructure improvements, as well as existing adjacent land uses and development.

C. A proposed site plan showing general location and size of all buildings, setbacks, streets, walkways, parking areas, general landscaping plans, plazas, gathering areas, and recreational amenities. Site plans for pods adjacent to the park shall also show public pedestrian access to the park and parking for the park as required by Section 17-7-10.12.5.H.
D. A preliminary utilities master plan (including general location, size, capacity), grading, and drainage plan.

E. A transportation plan showing road, bicycle and pedestrian networks to include a project circulation system and connections to adjacent developments and larger circulation networks in the city and region (including transit); and descriptions of internal streets, roads, alleys, and pedestrian and bicycle facilities.

F. An analysis of the traffic impact of the project on existing and proposed streets (including projected traffic counts).

G. A master parking plan for each pod. If the developer chooses to use parking from other pods to offset the parking requirement on a subject pod, then the parking plan will include each pod in its overall calculation(s). The master parking plan shall be based on the minimum parking requirements found in Table 17-7-10.12.6 and may allow for reductions based on the developer’s ability to show shared parking opportunities for uses within and between pods.

H. Architectural elevations showing architectural theming for each type of building including building materials and architectural design precedents.

I. Thematic site design elements to be utilized. These elements include street trees, street lighting, pedestrian scaled lighting, parking lot lighting, public furniture (including benches, trash receptacles, bike racks, etc.), pedestrian crossings, and wayfinding signage.

J. A master sign plan with proposed project sign locations, sign designs, building sign envelopes and other related features. The master sign plan may include wayfinding signs that provide direction to points of interest within Jordan Bluffs and adjacent areas. These signs shall be designed to reflect the thematic site and architectural design of the area with the specific sign details and locations approved by the community development director.

K. A preliminary development schedule and proposed phasing plan.

L. Such other information as the community development director deems necessary to determine whether the application complies with the standards adopted in this chapter.

17-7-10.12.5 Development Requirements.

A. Development requirements for Jordan Bluffs Subareas 1-3 shall include, without limitation, the standards set forth in this title, Midvale Municipal Code Title 16 (Subdivisions), Midvale City Construction Specifications, APWA Standard Plans and Standard Specifications, Fire Code, Building Code, Institutional Controls set forth in Chapter 8.10 of the Midvale Municipal Code,
the adopted 2017 Site Management Plan for the Former Sharon Steel Superfund Site, and the 2004 Jordan Bluffs Site Modification Plan.

B. Protection and Enhancement of Wetlands. The applicant shall protect and enhance the wetland/drainage area near the southeast corner of Subarea 3. Development surrounding the wetland/drainage area shall be designed to use this area as an amenity.

C. Slope Area. Except for areas designated for solar energy production on the large scale master plan or trails for pedestrian connections to the Jordan River Parkway., sloped areas along 7800 South and the Jordan River shall be planted and/or hydroseeded with vegetation from the approved Sharon Steel Plant List in the Site Management Plan.

D. Public Road Improvements. The applicant shall provide the following public road improvements. All public roads shall be constructed to the City Construction Specifications.

1. Interior Roads (including the extension of Ivy Drive west of Bingham Junction Boulevard). Interior collector roads, including the extension of Ivy Drive west of Bingham Junction Boulevard, shall be designed and constructed to accommodate the development for which it serves as determined by the city engineer. Roads shall be aligned to create four-way intersections or offset in accordance with engineering standards and based on expected traffic volumes as determined by the city engineer. Roads shall be constructed with a public right-of-way of a minimum half-width to accommodate a ten and a half (10.5) foot traffic lane, five (5) foot bike lane (not including gutter pan), six (6) foot sidewalk, five (5) foot planter, and curb and gutter; and turn lanes as required by the city engineer. On-street parking will require additional right-of-way width in accordance with engineering standards. All turning radii, circulation and pavement cross sections are subject to approval by the city engineer and fire marshal. If Ivy Drive west of Bingham Junction Boulevard includes retail uses adjacent to the road, the planter area shall be replaced with sidewalk and tree grates for required street trees.

2. 7800 South Right-of-Way Improvements. Curb, gutter, sidewalk and landscape improvements along the south side of 7800 South are required. The applicant shall construct and install these improvements as part of the adjacent development project.

3. Main Street/700 West Right-of-Way Improvements. Curb, gutter, and sidewalk improvements along the Main Street property frontage are required. The applicant shall construct and install these improvements as part of the adjacent development project. 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.

E. Private Road Improvements. Projects may have interior private roads. The minimum right-of-way width must accommodate the pavement width required by the Fire Code and curb, gutter and five (5) foot wide sidewalks on both sides. Additional right-of-way width is required for on-street parking or bike lanes.

F. Street Frontage Tree Requirements. At least one (1) street tree shall be planted for each forty lineal (40) feet of frontage along all public and private roads. Street frontage trees may be clustered or spaced linearly in the planter between the sidewalk and curb or within ten (10) feet of the inside edge of the sidewalk if there is not a planter area. Street tree species shall comply with the thematic site design plan.

G. Pedestrian Connections. Walkways of at least five (5) feet in width shall be incorporated within and between developments. Where walkways cross roads, driveways, or drive aisles, stamped concrete or asphalt, or other distinguishable material, shall be used to construct crosswalks. The applicant shall provide pedestrian connections to the Jordan River Parkway Trail, 7800 South, Main Street/700 West, and other public amenity areas.

H. Public Access and Parking for Park Required. Public access and parking for park users are required in the pods adjacent to the park. The community development director may allow multiple pods to utilize the same public access and parking where the applicant demonstrates the plan provides for adequate public accessibility and parking for the park for all pods See Figure 1 of this chapter for park and pod location.

I. Landscaped Setback from Roads. The following landscaped setbacks are required along all roads. No buildings, structures, fencing, or parking shall be allowed within these landscaped setbacks unless specifically noted. Building overhangs, cantilevers, pop-outs and other above ground architectural features attached to a building may project into a landscape setback up to three (3) feet. At grade patios may extend into a thirty (30) foot landscaped setback up to eight (8) feet. Setbacks shall be measured from the edge of the public or private road or right-of-way:

<table>
<thead>
<tr>
<th>Road</th>
<th>Landscaped Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bingham Junction Boulevard</td>
<td>30’ minimum</td>
</tr>
<tr>
<td>7800 South</td>
<td>30’ minimum</td>
</tr>
<tr>
<td>East Ivy Drive (between Main Street and Bingham Junction Blvd.)</td>
<td>30’ minimum</td>
</tr>
</tbody>
</table>
J. Building Height. For purposes of defining the maximum structure height, refer to Figure 1 of this Chapter. The maximum building height allowed for structures in “Pod A”, “Pod B”, and “Pod C” is eighty (80) feet measured to the highest parapet or the midpoint of a sloped roof. The maximum building height allowed for all other pods is one hundred eighty (180) feet measured to the highest parapet or the midpoint of a sloped roof.

K. Utilities. All utilities within the proposed development shall be buried. Power lines serving a data center use may be located above ground.

L. Buildings Along West Ivy Drive. At least fifty (50) percent of the front elevations of buildings along West Ivy Drive in Pods “G”, “H”, “I”, and “L” are required to be built within five (5) feet of the build-to line oriented to a road, with building and unit entrances opening directly onto the adjacent public sidewalk. Such build-to line will be established with the large scale master plan for such pod.

M. Institutional Controls. Due to the environmental history of the Jordan Bluffs area and the limitations of the capped portions of the Jordan Bluffs site, all new development, including wet utilities and landscaped areas, shall be installed as regulated by this title, the Institutional Controls set forth in Chapter 8.10 of the Midvale Municipal Code, and the adopted Site Management Plan (2017) and Site Modification Plan (2004). All development shall continue to be maintained in accordance with these standards.

17-7-10.12.6 Parking and Access Standards.

Off-street parking, on-street parking and development access shall meet the following standards:

A. Parking Ratio Requirements. Required parking shall meet the following minimum standards or shall be consistent with the approved master parking plan included in the associated large
scale master plan. Required parking stalls shall be calculated based on the total required for the square footage of each use within a structure. The minimum parking requirements found in Table 17-7-10.12.6 may be reduced by the Community Development Director based on a parking study obtained by the developer and verified by the City showing how on-street parking or other parking strategies reduce the parking need. If the required parking ratio for a particular use is unclear, the most current edition of the ITE manual of parking generation rates shall be used.

### Table 17-7-10.12.6

<table>
<thead>
<tr>
<th>Uses</th>
<th>Parking Requirement (Minimum)</th>
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</thead>
<tbody>
<tr>
<td>Assembly Hall/Auditorium</td>
<td>1 per 5 seats or 3 per 100 s.f. of assembly area</td>
</tr>
<tr>
<td>Assisted Living/Disabled Care</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>Data Center Storage</td>
<td>0.25 stalls per 1,000 s.f. of floor area</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 plus guest parking</td>
</tr>
<tr>
<td>2 Bedroom units</td>
<td>1.75 stalls per unit plus guest parking</td>
</tr>
<tr>
<td>3+ Bedroom units</td>
<td>2.0 stalls per unit plus guest parking</td>
</tr>
<tr>
<td>Townhomes</td>
<td>2.0 stalls per unit plus guest parking</td>
</tr>
<tr>
<td>Senior (age restricted) affordable housing</td>
<td>0.5 per unit</td>
</tr>
<tr>
<td>Guest parking**</td>
<td>1.0 stall per 4 units</td>
</tr>
<tr>
<td>Entertainment Center</td>
<td>1 per 4 seats or 5 per 1,000 s.f. of floor area depending on type of facility</td>
</tr>
<tr>
<td>Financial Institution</td>
<td>3 per 1,000 s.f. of net leasable building area</td>
</tr>
<tr>
<td>Hotel</td>
<td>0.8 per suite</td>
</tr>
<tr>
<td>Manufacturing/Assembly/Warehouse/Distribution</td>
<td>1 per 1,000 s.f. of net leasable building area</td>
</tr>
<tr>
<td>Municipal Facilities</td>
<td>Based on type of use</td>
</tr>
<tr>
<td>---------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Office:</td>
<td></td>
</tr>
<tr>
<td>General</td>
<td>3 per 1,000 s.f. of net leasable building area</td>
</tr>
<tr>
<td>Intense</td>
<td>5 per 1,000 s.f. of net leasable building area</td>
</tr>
<tr>
<td>Park (required in pods adjacent to park)</td>
<td>Number of parking spaces determined by community development director at site plan review and based on number and type of adjacent park amenities.</td>
</tr>
<tr>
<td>Recreation Facility, Commercial</td>
<td>Greater of: 1 per 4 seats; 5 per 1,000 s.f. of floor area; or 1 per 3 persons rated capacity</td>
</tr>
<tr>
<td>Religious/Educational Institution</td>
<td>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>Greater of: 1 per 2 bedrooms plus 1 per employee per shift or 2 per 3 employees per shift</td>
</tr>
<tr>
<td>Restaurant</td>
<td>5 per 1,000 s.f. of net leasable floor area</td>
</tr>
<tr>
<td>Retail and Service Commercial</td>
<td>3 per 1,000 s.f. of net leasable building area</td>
</tr>
</tbody>
</table>

* The parking requirement for affordable units shall be reduced by twenty (20) percent. Units eligible for this reduction must be units restricted to households making sixty (60) percent 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.

** In residential developments, private driveways can be counted towards the required guest parking if the driveways have a minimum depth of eighteen (18) feet. Guest parking shall be distributed across each residential site based on the required guest parking ratio.

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 Area Landscaping.** No parking is allowed within required landscape setbacks. Parking areas with more than twenty (20) stalls shall provide at least fifteen (15) percent interior landscaping. The location of the landscaping is flexible, but shall be designed and located to facilitate safe vehicular and pedestrian circulation through the parking area to destinations, and efficient storm water detention. Paved walkways may be provided through landscape areas and will count towards the required percentage.

2. **Driveway Standards.** For all new development, driveways shall comply with the following standards:

   a. All driveways shall be of sufficient width to accommodate the expected traffic utilizing the driveway, not to exceed thirty (30) feet in width at the lot frontage. In locations where uses include large truck traffic, the city engineer may allow the driveway width to exceed thirty (30) feet provided the applicant shows that it is not adequate to accommodate the expected traffic and the minimum width required to do so.

   b. Driveways providing access to parking facilities and private residences shall have the following dimensions (unless otherwise required by the fire code):
      
      i. **Nonresidential Uses:** When fire apparatus access is required, the minimum driveway width shall be twenty (20) feet for one-way traffic and twenty-six (26) feet for two-way traffic. Otherwise the minimum driveway width for a one-way driveway shall be fourteen (14) feet and twenty-four (24) feet for two-way traffic. Where one-way drives exist, directional signs and arrows shall be provided.

      ii. **Residential Uses (accessing multiple units):** The minimum driveway width shall be twenty (20) feet of drivable surface. Where the length of a dead-end drive exceeds one-hundred fifty (150) feet, an approved fire apparatus turn-around shall be provided. Where alley loaded garages are to be constructed the driveway aprons accessing the private garages shall be a maximum of five (5) feet; if parking is allowed the driveway length shall be a minimum of eighteen (18) feet.
3. Spacing. New development shall provide the following:

   a. Along Bingham Junction Boulevard, a minimum of three hundred (300) feet of spacing between driveways is required; if a driveway is limited to right-in and right-out turns, the spacing may be reduced to two hundred (200) feet. A minimum of one hundred-fifty (150) feet of spacing between driveways is required on all other roads. Shared use of driveways is strongly recommended.

   b. Centerline. The centerline of intersections of the driveways entering from opposite sides of the roadway must be aligned.

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 (10) percent of the overall parking requirement for a project; and

   d. Tandem spaces count as two (2) parking spaces and may only occur in residential garages or residential 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 per current storm water pollution prevention standards.

d. Driveways shall not exceed a ten (10) percent slope.

7. Off-Street Parking. Off-street parking areas must have unobstructed access to a street or alley. With the exception of permitted tandem parking, parking spaces shall be independently accessible and unobstructed.

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.

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 Specifications. 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, parking strips, or roadways.
3. Along Bingham Junction Boulevard, a minimum of three hundred (300) feet of spacing between driveways is required; if a driveway is limited to right-in and right-out turns, the spacing may be reduced to two hundred (200) feet. A minimum of one hundred-fifty (150) feet of spacing between driveways is required on all other roads. Shared use of driveways is strongly recommended.

4. The centerline of intersections of the driveways entering from opposite sides of the roadway must be aligned.

5. All driveways shall be at least three hundred (300) feet from a roadway intersection. If a driveway is limited to right-in and right-out turns, the distance from a roadway intersection may be reduced to two hundred (200) feet.

17-7-10.12.7 Landscaping and Irrigation Standards.

All development must comply with the following landscaping and irrigation standards:

A. Landscaping Standards. Landscape plans shall address the following standards and shall be designed with plant types found acceptable in the adopted 2017 Site Management Plan for the Former Sharon Steel Superfund Site. 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. No required landscaping shall be removed from the project site after inspection 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.

1. Street Frontage Tree Requirements. An applicant shall provide at least one (1) street tree for each forty lineal feet (40’) of frontage along all roads. Street frontage trees may be clustered or spaced linearly in the planter between the sidewalk and curb or within ten (10) feet of the inside edge of the sidewalk in there is not a planter area.

2. 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.

b. Size of Trees. The following standards apply to the use of plant and tree material:
   i. Deciduous Trees. All deciduous, non-ornamental trees shall have a minimum caliper size two and one-half (2 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.

c. 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.

d. 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.

e. Planting Plan. A detailed planting plan shall be drawn at a scale that clearly identifies the following:
   i. Location of all plant materials and ground covers, a legend with botanical and common names, and size of plant materials;
   ii. Property lines and street names;
   iii. Existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements; and
   iv. 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.

B. Irrigation Standards. All landscaped areas shall be irrigated. 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, rotor, 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, gate valve or shut off vale is required and shall be located after 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.

17-7-10.12.8 Fencing and Screening Standards.

All development must comply with the following fencing and screening standards:

A. **Fencing.** Fencing, if any, shall be part of the landscape plan, shall be designed and constructed to be compatible with the project site architecture and character, and shall comply with the following:

1. Fences or walls shall not be located within the landscape setback along a public or private right-of-way, within thirty (30) feet of the park depicted in Figure 1 of this chapter, within the open space depicted in Figure 1 of this chapter, or used to block pedestrian and bicycle facilities.
2. Fences may be used for private recreational amenities provided non-obscuring open materials are used; private yard space for individual residential units; along project perimeters to separate uses; and to screen trash collection areas, service areas, and mechanical equipment.
3. Where allowed, fences and walls shall not exceed seven (7) feet in height and shall be limited to four (4) feet in height in a front yard. An exception to this fence height is allowed for a fence up to eight (8) feet in height in a side or rear yard, provided the fence is not adjacent to a public or private road, to provide a buffer between a residential use and a commercial use, or for a warehouse or data center storage use provided the fence is in a side or rear yard and is not adjacent to a public or private road.
4. **Athletic Facilities.** Fencing around athletic facilities, including without limitation, tennis courts, may be fourteen (14) feet in height provided all portions of the fence above seven (7) feet in height are constructed with at least fifty (50) percent non-opaque materials and are not located within the landscape setback along a public or private right-of-way.
5. All fencing and screening walls shall be constructed to comply with sight distance and clear view requirements at road intersections and driveways.

6. All fences shall be constructed of quality materials that are specifically manufactured for fencing and shall not be constructed with any material that was originally made for other intentions. Fencing in a residential area shall not be constructed from any material that was manufactured for an agricultural use such as chicken wire, deer fencing, hog wire, wire strands, t-stakes grape stakes, barbed wire or other sharp, pointed, or electrically charged material.

7. All fences shall be maintained in a good condition by the property owner including compliance with the following standards:
   a. The fence must be free of damage, breaks or missing components or parts.
   b. Areas of the fence that are leaning more than twenty (20) degrees from vertical, buckling, sagging or deteriorating must be repaired or replaced with materials and color similar to its original construction.
   c. All metal style fences shall be treated in a manner to prevent rust.
   d. Plant materials growing on fences within sight distance and clear view areas, shall be maintained at a maximum height of three (3) feet.

7. Conformance with This Section. No person shall construct, alter, or maintain a fence, hedge, wall, or any similar structure, any combination of such structures, or any portion of such structures except in conformance with all of the requirements of this section.

B. Screening. Trash collection and recycling areas, service areas, loading docks, mechanical and electrical equipment, and other building operation devices shall be screened on all sides so that no portion of such areas is visible from public and private roads and adjacent properties. Solar energy systems are exempt from this screening requirement. Required screening may include new and existing plantings, walls, fences, screen panels, doors, topographic changes, buildings, horizontal separation, or any combination thereof.

1. Screening and retaining walls shall be of materials complementary to the building’s materials.

2. All building equipment shall be sited to minimize its visibility and impact, and 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.
3. 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.

4. Loading docks and/or service areas shall be located to the side or rear of buildings. Where they are directly visible from streets and nearby residential buildings, they shall be screened by walls at least eight feet high, or densely and continuously massed landscaping that maintains its screening capabilities in the winter. Raised planters, berms or other landforms may also be used in conjunction with landscaping or walls. A combination of dense, continuous landscaping and walls may allow the use of lower walls, but no lower than four feet high from finished grade.

17-7-10.12.9 Outdoor Lighting Standards.

All development must comply with the following outdoor lighting standards.

A. LED Light Source. LED light sources, no greater than 4,000 K in color, are the only allowed light sources for outdoor lighting. Light levels shall be designed such that light trespass measured at the property line does not exceed 0.01 foot candles. Light fixtures shall use a cut-off luminaire that is fully or partially shielded with no light distributed above the horizontal plane of the luminaire.

B. Parking Lot Lighting. Parking lot lighting shall be designed and constructed to comply with the following standards:

1. Light Distribution. In no case shall the total lumens emitted for a single site exceed 100,000 lumens per acre.

2. Pole Height/Design.

   a. Luminaire mounting height is measured from the parking lot or driveway surface, and may range from ten (10) feet to thirty (30) feet, based on review of site plan, proposed land uses, surrounding land uses, parking area size, building mass, topography of site, and impacts on adjacent properties.

   b. If metal fixtures or poles are used, they shall be black or dark brown.

   c. All attempts shall be made to place the base of light poles within landscape areas.
d. Light poles in parking areas shall not exceed thirty (30) feet in height.

C. **Other Outdoor Lighting Standards.**
   
   1. Wall-mounted lighting fixtures shall not be located above eighteen (18) feet in height unless being used as building accent lighting. Fixture styles and finishes shall compliment the building exterior.
   
   2. Lighting located along pedestrian pathways or in areas primarily dedicated to human activity shall be bollard style lighting or down-directed lighting not to exceed twelve (12) feet in height.
   
   3. In order to avoid light pollution, backlit awnings, up light spotlights, and flood lights are prohibited.

D. **Lighting Plan Submission Requirements.** A lighting plan is required for all developments and must contain the following:

   1. Plans indicating the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, installation and electrical details;
   
   2. 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
   
   3. 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 shall be required to determine the adequacy of the lighting over the site.

17-7-10.12.10 **Residential Developments.**

In addition to the development requirements contained in this Chapter, all new residential development shall comply with following development standards:

A. **General.**

   1. 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.
   
   2. Setbacks. All setbacks are measured from the property line. There are no minimum setbacks except as required by the building code and required landscape setbacks.
   
   3. Residential Density. The maximum residential density for Subareas 1-3 is 2300 units. Additional units may be allocated from Subarea 4 as provided in the Amended and Restated Master Development Agreement.
B. Landscaping and Recreational Amenities for Multi-family Stacked Units

1. Recreational Amenities for Multi-family Stacked Units. The applicant shall provide both indoor and outdoor recreational amenities for residents of the development. The number and type of amenities shall be based on the unit count for the development and calculated as follows:

<table>
<thead>
<tr>
<th>Unit Count</th>
<th>Type of Amenity</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;100 units</td>
<td>2 indoor amenities, 1 outdoor amenity</td>
</tr>
<tr>
<td>100-200 units</td>
<td>3 indoor amenities, 2 outdoor amenities</td>
</tr>
<tr>
<td>201-400 units</td>
<td>4 indoor amenities, 3 outdoor amenities</td>
</tr>
<tr>
<td>&gt; 400 units</td>
<td>5 indoor amenities, 4 outdoor amenities</td>
</tr>
</tbody>
</table>

The following recreational amenities can be used to meet the indoor amenity requirement: minimum one thousand (1,000) square foot fitness center (can be counted as two (2) amenities); minimum five hundred (500) square foot club/recreation room; minimum two hundred (200) square foot business center/meeting room; minimum one hundred-fifty (150) square foot yoga room; theatre room; golf/sports simulator; or other similar amenity approved by the community development director.

The following recreational amenities can be used to meet the outdoor amenity requirement: pool and spa; outdoor kitchen/barbeque area with tables and seating; pavilion with tables and seating; tot lot; perimeter jogging/walking path with connection to a public pedestrian system and public recreation areas; firepit with seating; sports court; or other similar amenity approved by the community development director.

2. Required Landscaping for Multi-family Stacked Units. Residential developments with a multi-family stacked unit product type shall include a minimum of ten (10) percent of
the project site as landscaping. The applicant shall professionally landscape the project property, in accordance with an approved landscape plan. The landscape plan shall include details for the landscaped areas required in the approved large scale master plan for the development pod. 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 June 30th.

C. Landscaping and Recreational Amenities for Single-family Attached Townhome Units.

1. Recreational Amenities. The applicant shall improve a minimum of fifteen (15) percent of the project site as functional outdoor and/or 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 and designed to be accessible to all residential units due to proximity and via connecting walkways.

2. Required Landscaping and Recreational Amenities. Residential developments shall include a minimum of twenty-five (25) percent of the project site as landscaping and recreational amenity areas combined. The applicant shall professionally landscape the project property, in accordance with an approved landscape plan. The landscape plan shall include details for the landscaped and recreational amenity areas required in the approved large scale master plan for the development pod. 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 June 30th.

D. 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:
1. Building Height. For purposes of defining the maximum structure height, refer to Figure 1 of this Chapter. The maximum building height allowed for structures in "Pod A", "Pod B" and "Pod C" is eighty (80) feet measured to the highest parapet or the midpoint of a sloped roof. The maximum building height allowed for structures in all other pods is one-hundred eighty (180) feet measured to the highest parapet or the midpoint of a sloped roof.

2. Building Orientation and Scale. Residential buildings shall be oriented and scaled as follows:
   a. 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.
   b. Ground floor pedestrian entrances shall be oriented toward adjacent streets, private roads, plazas, courtyards, sidewalks, or walkways.
   c. Buildings shall be designed to minimize pedestrian and automobile conflict and provide pedestrians direct access to a sidewalk or walkway.
   d. 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.
   e. Building design and orientation should consider exposure to sunlight to avoid energy inefficiencies.

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

4. Residential Building Design and Exterior Materials. The following standards shall be applied to all residential buildings;
   a. Exterior Materials. A minimum of seventy-five (75) percent of each building face shall be windows, glass or 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 community development director 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.

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

c. 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.

d. Openings. Not less than twenty-five (25) percent of any building elevation that is adjacent to a public road or public park shall be made up of window, balcony, or door areas. Not less than fifteen (15) percent of all other building elevations shall be made up of window, balcony, or door areas unless an adjacent building is within twenty (20) feet of that building elevation obscures the majority of that elevation from public view. The community development director may allow for a reduction to the minimum opening requirement if the applicant can demonstrate the building floor plan cannot effectively accommodate the requirement and other architectural elements are used to create a visually interesting façade.

e. Protruding Features. Except as prohibited above, bay windows and other architectural elements protruding from the facades may be clad in other materials.

f. Roof Form. Roof forms for elevations of buildings in public view 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.

g. 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.

h. Garage Doors. Garage doors for individual dwelling units shall not face or directly access Bingham Junction Boulevard, Main Street, Ivy Drive or roadways serving more than one development.
i. Podium Parking. Stand-alone parking structures for residential uses are prohibited. Podium style parking structures are allowed with the following standards:
   i. No more than two levels of podium style parking above grade are allowed.
   ii. Parking structures shall be designed with exterior wall treatments and architectural features similar to the residential portion of the building.
   iii. Elevations that face or can be seen from a public road or public park shall include openings of similar size and shape to those found on the residential building.

k. 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. Roof grades on accessory structures are not required to match roof grades on primary structures.

l. Solar Facilities. Solar energy panels or other similar solar energy production facilities may be installed on primary structures or accessory structures, including parking structures.

17-7-10.12.11 Commercial Developments.

For purposes of this section, commercial development shall include all uses with the exception of residential. In addition to the development requirements contained in this Chapter, all new commercial development shall comply with following development standards.

A. General.
   1. 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.
   2. Setbacks. All setbacks are measured from the property line. There are no minimum setbacks except as required by the building code and required landscape setbacks.

B. Landscaping Standards.
   1. Required Landscaping and Gathering Areas. Commercial developments shall include a minimum of ten (10) percent of the interior project site as landscaping, courtyards, plazas and walkways. The calculation for this area shall not include the
required landscaped setbacks from the edge of rights-of-way. The applicant shall professionally landscape the project property, in accordance with an approved landscape plan. The landscape plan shall include details for the landscaped and gathering areas required in the approved large scale master plan for the development pod. 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 June 30th.

2. Pedestrian Connections. Project sites shall have a system of pedestrian sidewalks and walkways that provide pedestrian connections between building entrances, neighboring building entrances, parking areas, and adjacent public trails.

C. Architectural Standards. All new commercial development must present an attractive, coordinated 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:

1. Building Height. For purposes of defining the maximum structure height, refer to Figure 1 of this Chapter. The maximum building height allowed for structures in “Pod A,” “Pod B,” and “Pod C” is eighty (80) feet measured to the highest parapet or the midpoint of a sloped roof. The maximum building height allowed for structures in all other pods is one hundred-eighty (180) feet measured to the highest parapet or the midpoint of a sloped roof.

2. Building Orientation and Scale. Commercial buildings shall be oriented and scaled as follows:
   a. Buildings shall be serviced by a local street, an access road or drive, or an alley and shall not gain access from a collector or arterial street except as approved by the city engineer. Structures that front a courtyard, paseo, or common open space/recreation area are encouraged.
   b. Buildings shall be arranged and situated to relate to surrounding properties, to improve the view from and of buildings.
   c. Ground floor pedestrian entrances must be oriented toward adjacent streets, plazas, courtyards, sidewalks or walkways.
d. Buildings shall be designed to minimize pedestrian and automobile conflict while providing pedestrians direct access to a sidewalk or walkway.

e. Building planes shall incorporate, textures, shapes or colors to mitigate the visual impact buildings have on the public realm.

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

g. Gathering areas in central areas and between buildings shall be required. These areas shall be designed, through landscaping, hardscape, outdoor furniture, and public art, among others, to create a conducive atmosphere for people to come together. These areas shall be calculated as part of the required interior landscaping requirement.


a. Exterior Materials. Exterior finishes shall be of traditional, time- and weather-tested techniques. High standards for exterior materials, exterior building systems, and their application are required. A minimum of seventy-five (75) percent of each building face shall be windows, glass or clad in durable materials. Durable materials include brick, cultured brick, architectural pre-cast concrete, architecturally treated concrete masonry units, natural and cast stone, architectural metals, wood, synthetic wood products, cement siding, glazing or other material the community development director determines to be durable. Architectural site-cast concrete may be allowed if designed, articulated, and colored for a finished appearance.

b. Stucco/EFIS. The use of stucco, synthetic stucco and EFIS shall be limited and shall not exceed twenty-five (25) percent of each building face. The design and application of EIFS or synthetic stucco is expected to be of a high enough quality to allow for crisp detailing and substantial relief. The wall area from finished grade to where the use of EIFS begins shall be clad by a hard, durable material such as brick, stone, architectural pre-cast concrete, or architecturally treated concrete masonry units. The community development director may determine, on a case-by-case basis, that the architectural detail and excellence of a structure is such that the use of stucco in excess of this standard is warranted.
c. Prohibited Materials. Vinyl and aluminum siding products are prohibited as wall materials.

d. Color Scheme. Buildings shall use a cohesive palette of colors which tie to the antecedence of the development pod. The use of a single-color scheme is not permitted.

e. Design Consistency. All exposed sides of a building shall be designed with the same level of care, quality and integrity. Buildings shall be attractive and visually engaging on all sides visible from a public vantage point.

4. Roofs. Roof lines and shapes shall be consistent with the design and structure of the building. Roof forms shall reflect the facade articulation and building massing. Rooftop mechanical equipment shall be hidden from public vantage points with parapet walls or penthouses. Penthouses shall utilize materials, colors and form similar to the building. Solar energy panels or other similar solar energy production facilities may be installed on all roofs including parking structures.

5. Openings. The following standards apply to all new commercial buildings:

   a. Minimum Window and Opening Area. Not less than twenty-five (25) percent of any street-facing building façade or building façade that can be seen from a public road or public park shall be made up of window or door areas. Not less than fifteen (15) percent of any other building face on a third or higher story shall be made up of windows, balconies or other opening areas unless an adjacent building within twenty (20) feet of that side face obscures the majority of that side face from public view. The community development director may allow for a reduction to the minimum opening requirement if the applicant can demonstrate the building floor plan(s) required by the use cannot effectively accommodate the requirement and other architectural elements are used to (a) create visually interesting facades, (b) avoid large areas of blank facades, and (c) provide a human scale and details. Uses that may qualify for this reduction may include warehouses and uses which lend themselves to a more residential character, i.e., residential care facilities and hotels. This provision may also be applied to portions of buildings with three street frontages to accommodate kitchens, restrooms and other utility areas.

   b. Entry Feature. All commercial 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 elements such as canopies, awnings, porticos, arcades, recesses/projections of wall surfaces, display windows, raised parapets over the door, entry plazas, integral planters or wing walls that incorporate landscaping.

c. Weather Protection. Weather protection features such as awnings, canopies, doors inset by at least three feet, or arcades shall be provided at all customer and employee entrances.

d. Garage/Loading Overhead Doors. Garage/loading overhead doors shall not face or directly access roadways.

6. Form Variations and Architectural Treatments. Buildings shall provide variation and architectural treatments in building facades that face roadways. Blank (or largely blank) building walls and screening walls are not permitted. These may include elements such as protruding bays or columns; recessed entries; upper level step-backs; arcades; off-sets, projections, and shifts in the general plane of the façade; changes in materials and exterior colors; balconies; exterior shading devices; ornamental architectural details; reveals; pilasters; architectural banding or belt courses. Special attention shall be given to corner buildings that are highly visible, that may serve as landmarks and provide a sense of enclosure at intersections. Special attention can be achieved by architecture, landscape, and public place.

7. Accessory Structures/Security Devices. Accessory structures shall be architecturally compatible with the primary development. Security devices shall have materials and colors that complement the building’s architecture and building materials. Satellite dishes shall not be placed in view from public vantage points.

8. Parking Structures. The community development director may waive one or more of the following requirements if an architect can demonstrate the requirement in question is not architecturally feasible and when the architect has utilized other architectural methods to blend the structure with neighboring structures and screen the visual impacts of the structure from public vantage points.

   a. Ground level retail, office, display windows, ground level screening or landscaping to minimize the visual impact of the parking structure, along all street-facing facades of the parking structure are required for parking structures located within one hundred (100) feet of a public road or public park.
b. Parking structures that are not located adjacent to or within clear sight of a public street or other major transportation thoroughfare shall utilize plant material as screening to minimize the visual impact of the parking structure.

c. Parking structures shall be designed with an architectural theme similar to the adjoining structures. Openings that face and can be seen from vehicular and pedestrian thoroughfares shall be of similar size, and, whenever possible, shape to those found on adjacent buildings.

d. Walls, materials, patterns, colors, roof forms, and front entryways shall generally conform to the standards for all buildings in the applicable project area and shall reflect those used for adjacent buildings.

17-7-10.12.12 Additional Standards for Specific Uses.

In addition to the standards and requirements contained in this Chapter and Title, the following development standards shall be satisfied for each specific use:

A. Child Care. Each application for a child care facility or center must include:
   1. Proof of a state child care license;
   2. Compliance with state, federal and local law; and
   3. A delivery, traffic and parking plan which adequately mitigates the adverse impacts of increased traffic generation.
   4. Required parking spaces shall be one (1) per caregiver and one (1) per six (6) children.

B. Drive-up window. Each application for a drive-up or drive through service window must include:
   1. Sufficient stacking space for vehicles waiting for service, to prevent vehicles from waiting in the right-of-way
   2. Drive-up windows shall be located at the side or rear of buildings.
   3. While not desirable, a drive aisle may be located between the building and the street so long as its width is minimized and a low wall, railing with landscaping, or continuous hedge at least three feet high between stacked cars and the sidewalk.
      Drive-up windows are prohibited on corner parcels.
   4. Any pedestrian crossings of it are clearly delineated with special paving treatments.
   5. No parking spaces shall occur off of a drive aisle.
C. Outdoor dining. Each application for an outdoor dining use shall comply with the following:

1. The outdoor dining area shall be located in conjunction with a restaurant or retail use on private property or leased public property and shall not diminish parking or landscaping.

2. The dining area shall not impede pedestrian circulation.

3. The dining area shall not impede emergency access or circulation.

4. The outdoor furnishings shall be compatible with the streetscape and associated building.

5. No music or noise shall be in excess of the city noise ordinance, Section 8.01.070. Outdoor music shall not be audible off premises.

6. No use after ten-thirty p.m. and before seven a.m. when directly adjacent to a residential use.

7. No part of the outdoor dining area shall be located within one hundred feet of any existing residential use (measured from the edge of the outdoor dining area to the closest property line of the residential use), unless the outdoor dining area is separated from the residential use by a commercial building.

8. Cooking facilities shall be located within the primary building. No cooking utilities, including grills, shall be permitted in the outdoor dining area.

9. The outdoor dining area shall be kept in a clean condition and free of litter and food items which constitute a nuisance to public health, safety and welfare.

D. Outdoor storage. Outdoor storage shall be a secondary use to a primary commercial structure and use. No roof premises storage is permitted. Storage yards shall be located behind the primary structure and screened as follows:

1. Fencing parallel to the street shall be made of CMU or decorative concrete painted to match the structure. The other fencing may be made of solid metal, CMU or decorative concrete. All fencing shall be a minimum of seven (7) feet in height.

2. Paving. The storage yard shall be surfaced with asphalt or concrete.
3. Height. Items stored within twenty feet of the fencing may not exceed the height of the fence.

E. Residential facility for elderly persons. A residential facility for elderly persons shall be regulated as follows

1. A “residential facility for elderly persons” shall not include any facility:
   a. Operated as a business; provided, that such facility may not be considered to be operated as a business solely because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility;
   b. Where persons being treated for alcoholism or drug abuse are placed;
   c. Where placement is not on a strictly voluntary basis or where placement is part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution;
   d. Which is a health care facility as defined by Section 26-21-2 of the Utah Code Annotated; or
   e. Which is a residential facility for persons with a disability.

2. A residential facility for elderly persons shall:
   a. Be a permitted use in every zoning district which allows residential uses;
   b. Meet all applicable building, safety, land use, and health ordinances applicable to similar dwellings;
   c. Be subject to the same minimum site development standards as those for a residential project in the zone; and
   d. Be capable of use as such facility without structural or landscaping alterations that would change the structure’s residential character.

3. The use granted and permitted by this section is nontransferable and terminates if the structure is devoted to a use other than as a residential facility for the elderly, or if the structure fails to comply with the applicable health, safety, and building codes.
F. Residential facility for persons with a disability. A residential facility for persons with a disability shall be a permitted use in any zoning district where a dwelling is allowed. Each facility shall conform to the following requirements:

1. Shall be licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or shall be licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

2. The facility shall comply with all building, safety, and health regulations applicable to similar structures. As part of this requirement the following site development standards and parking standards shall be applicable:
   a. Each facility shall be subject to minimum site development standards applicable to a single-family dwelling or other similar dwelling in the zone in which the facility is located; and
   b. The minimum number of parking spaces required for a residential facility for persons with a disability shall be the same as those for a single-family dwelling located in the same zoning district in which the facility is located.

3. No facility shall be made available to an individual whose tenancy would:
   a. Constitute a direct threat to the health or safety of other individuals, or
   b. Result in substantial physical damage to the property of others. It is not the intention of this definition to establish any legal basis for tort liability on the part of the facility operator.

4. Prior to the occupancy of any facility, the person or entity licensed or certified by the department of human services or the department of health to establish and operate the facility shall provide to the zoning administrator:
   a. A copy of such license or certification; and
   b. A sworn affidavit that no person will reside or remain in the facility whose tenancy would likely:
      i. Constitute a direct threat to the health or safety of other individuals, or
      ii. Result in substantial physical damage to the property of others.

5. The use permitted by this section is nontransferable and shall terminate if:
   a. The facility is devoted to a use other than a residential facility for persons with a disability;
b. The license or certification issued by the department of human services or the department of health terminates or is revoked; or
c. The facility fails to comply with this section.

I. Home Occupations. Home occupations are allowed in all residential units subject to the following standards. Each application for a business license for a home occupation shall include the business owner’s covenant that the proposed use complies with these standards.

1. Shall not include outdoor storage, outdoor display of merchandise, nor parking/storage of any vehicle in excess of twelve thousand pounds gross vehicle weight;
2. Shall not include identifying signage in excess of a two (2) square foot name plate attached to the dwelling;
3. Is limited to the on-site employment of immediate family who occupy the dwelling (this criterion is not intended to limit the number of employees who are engaged in business for the home occupation but work off-premises);
4. Shall not alter the residential character or appearance of the dwelling or neighborhood;
5. 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;
6. Shall not generate business-related vehicular traffic in excess of three (3) vehicles per hour;
7. Shall not cause a demand for municipal services in excess of that associated with normal residential use;
8. Shall be enclosed within a structure in complete conformity with current building, fire, electrical and plumbing codes;
9. Shall not include a mortuary, animal hospital, kennel, clinic, hospital, RV storage yard, junkyard, auto repair service, commercial stable or sexually oriented business.

J. Food Truck Court. A food truck court is allowed in non-residential areas subject to the following standards:

1. No more than ten (10) individual food truck vendor pads or other authorized vendors are allowed on a parcel.
2. No participating food truck business or other authorized vendor shall continue in operation at the food truck court unless the holder thereof has paid an annual business regulatory fee as set forth in Title 5 of this code.
3. All landscaping requirements of the zone shall be met prior to the issuance of a site plan approval.

4. Food truck courts are for the sale of food products only, except for the sale of nonfood, promotional items directly related to the food truck business.

5. A master sign plan for the food truck court shall be submitted for review and approved as part of the site plan approval. The plan shall provide information relating to permanent signs for the court and shall comply with the requirements of this title.

6. All the proposed activities will be conducted on private property owned or otherwise controlled by the applicant and none of the activities will occur on any portion of a public right of way including sidewalks or landscaped park strips.

7. The proposed food truck court will not impede pedestrian or vehicular traffic in the public way.

8. All activities associated with a food truck court must comply with all health department requirements.

9. A detailed site plan demonstrating the following is required:

   a. The location and orientation of each vendor pad.

   b. The location of paving, trash enclosures, landscaping, planters, fencing, canopies, umbrellas or other table covers, barriers or any other site requirement by the international building code, or health department.

   c. The location of all utility hookups provided by the property owner for use by the mobile food trucks.

   d. The location of all existing and proposed activities on the site.

   e. The circulation of all pedestrian and vehicle traffic on the site.

   f. The food truck court shall not occupy required parking stalls of any primary use of the site.

10. Playing of music in the food truck court area must be within the decibel levels allowed in the Midvale City noise control ordinance, Section 8.01A of this code.

11. Parking for a food truck court is required at a ratio of one stall per mobile food business. This requirement may be waived by the community development director.
provided shared or off-site parking is available. Hard surface paving at the vehicular entrance to the mobile food court, and for each individual mobile food business is required. Alternatives to asphalt and cement may be approved as part of the review process.

K. Telecommunications Facility. This subsection applies to both commercial and private low-power radio services and facilities, such as “cellular” or “PCS” (personal communications system) communications and paging systems. Each application for a telecommunications facility shall comply with the following:

1. Wall-Mounted Antenna. Two types of wall-mounted antennas are allowed: stealth-mounted and non-stealth-mounted. Antennas mounted directly on existing parapet walls, penthouses, or mechanical equipment rooms are considered a wall-mounted antenna if no portion of the antenna extends above the roofline of the building or extends no more than four feet horizontally from the face of the building. Whip antennas are not allowed on a wall-mounted antenna structure. Antennas, equipment, and the supporting structures shall be selected to achieve the architectural compatibility with the host structure to which they are attached.

   a. Stealth facilities shall be designed to substantially conceal and camouflage the antennas and associated equipment.

      i. The planning commission shall review and may grant approval for any new antenna(s) that require construction of a new screening wall. New screening wall(s) shall be in harmony with the structure’s mass, architectural features, and overall aesthetics. Architectural and structural renderings, three-dimensional representation, line-of-sight diagrams, photo simulations, and/or building elevations of the proposed modifications may be required to effectively demonstrate the requested changes meeting the intent of this chapter.

      ii. Area Limitations for Stealth Wall-Mounted Antennas. The total area for all stealth wall-mounted antennas and supporting structures combined shall not exceed five percent of any exterior wall of the building. Stealth wall-mounted antennas may
occupy a maximum of four walls. The total calculated area is the sum of each individual antenna and the visible portion of the supporting structure as viewed when looking directly at the face of the building.

b. Non-stealth facilities shall only be considered in locations in which adverse visual impacts are not a substantial concern due to the location of the facility, the nature of the surrounding land uses, and is not visible from public vantage points.

i. Area Limitations for Non-Stealth Wall-Mounted Antennas. The total area for all non-stealth wall-mounted antennas and supporting structures combined shall not exceed forty square feet for each exterior wall of the building or a total of one hundred sixty square feet per building. The total calculated area is the sum of each individual antenna and the visible portion of the supporting structure as viewed when looking directly at the face of the building.

2. Roof-Mounted Antenna. Two types of roof-mounted antennas are allowed: stealth-mounted and non-stealth-mounted. Antennas, equipment, and the supporting structures shall be selected to achieve the architectural compatibility with the host structure to which they are attached. Roof-mounted antennas are an allowed use only on a flat roof and shall be screened, constructed and painted to match the structure to which they are attached. The planning commission shall review and may grant approval to place roof-mounted stealth antennas on a pitched roof if the antenna(s) are compatible with the existing structure. Roof-mounted antennas may be mounted on existing penthouses or mechanical equipment rooms if the antennas and antenna support structures are enclosed or visually screened from view.

a. Stealth facilities shall be designed to substantially conceal and camouflage the antennas and associated equipment.

i. Antennas shall be mounted at least five feet behind any parapet wall or from the exterior wall of the building. The maximum height of an antenna mounted between five and ten feet
a parapet or exterior wall shall be directly proportional to the setback distance, and may not exceed a height of ten feet above the top of the parapet wall or roof line of the building.

ii. The planning commission shall review and may grant approval for any new antenna(s) that require construction of a new screening wall. New screening wall(s) shall be in harmony with the structure’s mass, architectural features, and overall aesthetics. Architectural and structural renderings, three-dimensional representation, line-of-sight diagrams, photo simulations, and/or building elevations of the proposed modifications may be required to effectively demonstrate the requested changes meeting the intent of this chapter.

b. Non-stealth facilities shall only be considered in locations in which adverse visual impacts are not a substantial concern due to the location of the facility and the nature of the surrounding land uses.

3. Monopole with Antennas and Antenna Support Structure Less Than Two Feet in Width. The entire antenna structure mounted on a monopole may not exceed two feet in width.

a. The maximum height of this antenna may not exceed ten feet in height.

b. A monopole described in this subsection may not be located in or within five hundred feet of a residential zone district.

c. No pole shall be allowed in any front yard setback.

d. The monopole antenna must not exceed thirty-five feet in height.


a. The maximum visible width of antennas and antenna mounting structures on a monopole may not exceed either eight feet in height or fifteen feet in width as viewed looking directly at the monopole at the same elevation as the antennas and antenna mounting structure.
b. A monopole classified under this subsection may not be located in or within seven hundred fifty feet of a residential zone district.

c. No pole shall be allowed in any front yard setback.

d. The monopole antenna must not exceed thirty-five feet in height.

5. Lattice Towers. Except as provided for below, lattice towers may not be located within seven hundred fifty feet of a residential zone district.

a. A lattice tower may be located less than seven hundred fifty feet from a residential zone district if the planning commission finds that the tower’s height would not exceed the height of any public utility pole, wire, cable, or similar structures located in the same vicinity as the proposed tower.

b. A lattice tower may be located less than seven hundred fifty feet from a residential zone and reach up to eighty-five-foot height if required for the bona fide public services of a public transit district as defined in U.C.A. Section 17A-2-1001 et seq. and as certified by the public transit district.

c. No pole shall be allowed in any front yard setback.

d. The lattice tower must not exceed thirty-five feet in height.

6. Power Lines. All power lines on the lot leading to the accessory building and antenna structure of the telecommunications facility shall be installed underground.

7. Review Criteria. Each applicant for a telecommunications facility must demonstrate:

a. Compatibility of the proposed structure with the height and mass of existing adjacent buildings and utility structures;

b. Whether co-location of the antenna on other existing structures in the same vicinity such as other towers, buildings, utility poles and similar structures is possible without significantly affecting antenna transmission or reception;

c. Antenna transmissions will not interfere with public safety communications;
d. The location of the antenna in relation to existing vegetation, topography and buildings to optimize visual screening;

e. Whether the spacing between monopoles creates detrimental impact upon adjacent properties;

f. The location of the pole in relation to noteworthy structures, landmarks and pedestrian or automotive transportation view corridors;

g. Location and zoning compliance of accessory buildings associated with the telecommunications facility.

8. Co-Location. Co-location is both permitted and encouraged if all setbacks, design and landscape requirements are met for each telecommunications facility. The application shall include any existing or approved, but unbuilt, telecommunications facility within the telecommunications area that may meet the needs of the applicant. The documentation supplied shall evaluate the following factors:

a. Structural capacity of the antenna towers;

b. Geographic telecommunications area requirements;

c. Mechanical or electrical incompatibilities;

d. Inability or ability to locate equipment on existing antenna towers; and

e. Any restriction or limitation of the Federal Communications Commission that would preclude the shared use of the antenna tower.

9. Classification/Installation. Low-power radio services facilities are characterized by the type or location of the antenna structure.

10. Temporary Antenna for Use During Drive Tests. Telecommunications companies wishing to perform drive tests shall submit notice to the planning department stating the location and the date of the proposed test. Antennas in use for a drive test shall not be left standing for a period of greater than two days. Drive tests shall be limited to testing functions only and shall not be used for telecommunication services to
customers. Drive tests on city property require planning department approval and execution of the city’s test-drive agreement.

17-7.10.12.13 Signage.

All signage is subject to Section 17-3-7 of the Midvale Municipal Code, the master sign plan for the development pod, and the following standards:

A. Residential Projects. Residential projects are allowed the sign types in Table 17-7.10.12.13 A and shall comply with the following sign standards:

Table 17-7-10.12.13 A

<table>
<thead>
<tr>
<th>Sign type</th>
<th>Sign Area Max.</th>
<th>Sign Height Max.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monument*</td>
<td>32 s.f.</td>
<td>6 feet (total)</td>
</tr>
<tr>
<td>Wall</td>
<td>40 s.f.</td>
<td>n/a</td>
</tr>
<tr>
<td>Blade</td>
<td>40 s.f.</td>
<td>≥7 feet above pavement or ground level</td>
</tr>
</tbody>
</table>

1. Sign Standards.

   a. Monument Signs. Each residential project is allowed one (1) 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 (1) foot pedestal and shall be located in a landscaped area associated with a project entry or focal point. The applicant may forgo the one (1) 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 at the base of the berm. 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 a design and materials similar to those of the surrounding building(s).

   b. Wall Signs. Each residential project is allowed 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 development project.

c. Blade Signs. Each residential project is allowed 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 and may project up to three (3) feet from the building wall. 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.

B. Commercial Projects. Commercial projects are allowed the sign types in Table 17-7-10.12.13 B and shall comply with the following sign standards:

<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>Above-Canopy Sign</td>
<td>80% of width; part of allowed wall sign percentage</td>
<td>1-1/2 times fascia height or 4', whichever is less</td>
<td>Constructed of individual letters; one line of copy. Canopy cannot have sloped roof.</td>
</tr>
<tr>
<td>Awning/Canopy</td>
<td>5% of wall surface; 80% of width</td>
<td>80% of vertical drip</td>
<td>Constructed of canvas-like materials or architectural metal. Design and color to relate to storefront. May extend 5' from facade at least 8' above sidewalk.</td>
</tr>
<tr>
<td>Directional –</td>
<td>4 s.f.</td>
<td>3'</td>
<td>Located at drive entrances and on-site only.</td>
</tr>
<tr>
<td>Wall – Building Signage</td>
<td>15% of wall surface</td>
<td>n/a</td>
<td>Must be attached to main building. All signs attached to facade, including awning signs, window signs and wall signs, determine sign area.</td>
</tr>
<tr>
<td>Projecting Wall</td>
<td>12 s.f.</td>
<td>n/a</td>
<td>May extend four feet from facade perpendicular to facade. Must be 8' above sidewalk. One per ground level tenant.</td>
</tr>
<tr>
<td>Sign type</td>
<td>Sign Area Max.</td>
<td>Sign Height Max.</td>
<td>General Requirements</td>
</tr>
<tr>
<td>------------------------------</td>
<td>----------------</td>
<td>------------------</td>
<td>---------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Name Plate (R)</td>
<td>3 s.f.</td>
<td>n/a</td>
<td>Must be attached to main structure adjacent to building entrance.</td>
</tr>
<tr>
<td>Single Tenant Monument Sign</td>
<td>45 s.f.</td>
<td>6' total</td>
<td>One monument sign for each street frontage allowed per single tenant development. May not be located within 150’ of any other monument sign.</td>
</tr>
<tr>
<td>Multi-Tenant Monument Sign</td>
<td>96 s.f.</td>
<td>9’ total</td>
<td>One sign per identified multi-tenant development. Forty-eight square feet plus one square foot per foot of street frontage up to 96 square feet maximum. May not be located within 150’ of any other monument sign.</td>
</tr>
<tr>
<td>Jordan Bluffs Project Area Monument Sign</td>
<td>150 s.f.</td>
<td>9’ total</td>
<td>May be located at project boundaries: 7800 South and BJ Blvd.; BJ Blvd. and 700 West; Ivy Dr. and Main St. (not for tenant identification)</td>
</tr>
<tr>
<td>Pole Banners</td>
<td>2 ft. x 5 ft.</td>
<td>n/a</td>
<td>Must be attached to on-site light poles at top and bottom corners. Must hang vertically. One sign per pole.</td>
</tr>
<tr>
<td>Temporary Signs Window</td>
<td>(see text)</td>
<td>Max 25% of window area</td>
<td></td>
</tr>
</tbody>
</table>

1. Sign Standards.
   a. Wall Signs. The maximum sign area shall be fifteen (15) percent of the largest wall surface of the building. The following four (4) types of wall signs are allowed; all others are prohibited:
      i. An externally illuminated metal sign panel with cut out and/or channel letters illuminated by a specified cut-off floodlight fixture mounted to the building.
ii. An internally illuminated metal sign panel with cut out and/or reverse channel letters illuminated by neon tubes or fluorescent lamps behind the sign panel and/or letters.

iii. An externally illuminated individually fabricated channel letter form using a specified cut-off floodlight fixture mounted to the building.

iv. An internally illuminated channel letter mounted to the building.

b. Awning/Canopy Signs. All awnings and canopies shall be constructed of a canvas-like material or architectural metal. The design and color shall relate to the storefront design. No awning or canopy sign may extend more than five (5) feet over the sidewalk and shall be at least eight (8) feet above the sidewalk. Awnings and canopies that are utilized for signage shall use contrasting letters that are painted, applied or sewn onto the vertical drip or panel of the awning or canopy. The maximum sign area of an awning/canopy sign is the greater of sixteen (16) square feet or five (5) percent of the area of the wall to which it is attached. Letters shall not occupy more than eighty (80) percent of the width or the height of the vertical drip or panel. The sign area used for a canopy sign shall be included in any calculation of wall sign area.

c. Projecting Signs. One projecting sign may be attached to the building perpendicular to the facade facing the sidewalk per ground level tenant space. A projecting sign shall be made of a rigid material with the bracket and sign panel relating to the storefront design. Projecting signs may not exceed twelve (12) square feet in size, project more than four (4) feet from the facade and must be at least eight (8) feet above the sidewalk.

d. Window Signs. Window signs are permitted on ground level windows provided they cover less than twenty-five (25) percent of the window area. Lettering and logos may be applied directly onto storefront windows. Retail, service and restaurant establishments are permitted to use window-mounted signs advertising current sales or specials, subject to applicable sign area restrictions.

e. Monument Signs. One (1) monument sign may be allowed per building per street frontage, but may not be located within one hundred-fifty (150) feet of another monument sign. A monument sign shall not exceed the sign area area.
and height indicated in the sign table above and may be located on a berm of up to three (3) feet in height. 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 main building.

f. Pole Banners. One pole banner sign per privately owned, on-site light pole may be used. Such signs shall be a maximum size of two (2) feet by five (5) feet, shall hang vertically, and shall be securely attached to the light pole at the top and bottom corners of the banner. Banners must be kept in good condition at all times; i.e., tattered, torn, or faded banners must be removed. A sign permit is required.

g. Temporary Signs. The following provisions regulate the use of temporary signs. If a temporary sign type is not specifically designated, it is prohibited. Temporary signs may not be permanently attached to the ground, buildings or other structures.

   i. Banner Signs. One banner sign attached in a temporary manner is allowed per primary building wall or on-site fence/wall. Banners may not exceed forty-eight (48) square feet, and must be mounted flush on the wall or fence with all corners securely fastened to the wall or fence. Banners must be kept in good condition at all times; i.e., tattered, torn, or faded banners must be removed. A temporary sign permit is not required. A banner may not be used as primary signage for a business for more than three (3) months from the business opening.

   ii. Grand Opening Events Signs. Promotional signage, such as pennants, streamers, banners, balloon signs, and inflated sign displays, may be used for grand opening events for new businesses. Such promotional signage must be initiated within the first three (3) months of a new business receiving a certificate of occupancy, and may be used for a maximum of thirty (30) consecutive days. Said signs shall be used in such a manner so as not to constitute a safety hazard. A temporary sign permit shall be required. Promotional signage shall not include illuminated signs or devices.
h. Above-Canopy Signs. Above-canopy signs are permitted as follows:

i. The canopy shall be a horizontal element on the building and shall not include a sloped roof. The canopy design and color shall relate to the building entrance, shall not extend more than five (5) feet over the sidewalk, and shall be at least eight (8) feet above the sidewalk;

ii. The sign height shall not exceed one and one-half (1.5) times the fascia height or four (4) feet, whichever is less. In no instances shall the sign project above the building roofline;

iii. The sign width shall not exceed eighty (80) percent of the canopy width;

iv. The sign shall only be located above the front fascia of the canopy;

v. The sign shall project no farther from the building than the associated canopy;

vi. The sign shall be constructed of individual letters only and shall include only one line of lettering;

vii. The sign may be externally or internally illuminated; and

viii. The sign area used for the above-canopy sign shall be included in any calculation of wall sign area.
Amendments to Chapter 17-2 Definitions

“Animal clinic/hospital” means a place where animals are given medical care and the boarding of animals is limited to short-term care incidental to hospital use. Use does not include outside boarding of animals.

“Data center/data storage” means a place where a large group of networked computer servers typically used by organizations for the remote storage, processing, or distribution of large amounts of data.

“Food truck court” means an improved lot or parcel where food trucks and vending carts can operate.

“Manufacturing use” means an establishment primarily engaged in the production, fabrication, or processing or assembly of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such activities take place and are located entirely within a building. Such uses include research and development facilities and testing laboratories. These uses do not include refineries, rock crushers, incinerators, and similar uses.

“Research and development use” means a use that includes light and high technological industries, such as biotechnology, nonpolluting light manufacturing, computer technology and communications equipment establishments. This does not include uses with any significantly adverse impacts (such as excessive noise levels, or emitting significant quantities of dirt, dust, odor, radiation, glare or other pollutants).
Amendments to Chapter 17-7-10

*Repeal Sections 17-7-10.2 through 17-7-10.12

Chapter 17-7-10
JORDAN BLUFFS ZONE (JB)

Sections:

17-7-10.1 Purpose.
17-7-10.2 Planning and zoning process.
17-7-10.3 Uses.
17-7-10.4 Common intent statements.
17-7-10.4.1 Subarea 1 intent statements.
17-7-10.4.2 Subarea 2 intent statements.
17-7-10.4.3 Subarea 3 intent statements.
17-7-10.4.4 Subarea 4 intent statements.
17-7-10.5 Common development standards.
17-7-10.6 Parking.
17-7-10.7 Utilities.
17-7-10.8 Outdoor advertising.
17-7-10.9 Conditional use standards of review.
17-7-10.10 Itinerant merchant.
17-7-10.11 Adopted zoning plans.
17-7-10.12 Related provisions.

17-7-10.1 Purpose and Ordinance Construction.

This chapter provides standards for land development within the Jordan Bluffs zone (JB zone). The entire JB zone property will be planned as a large scale master planned development, and developed in accordance with this chapter and sub-chapters 17-7-10.11 and 17-7-10.12, prior to any new development on the property. Approval of a small scale master planned development, in accordance with this chapter, will also be a condition precedent to any new
development within the JB zone. Generally, the JB zone encourages a dynamic mix of uses, which includes three use categories to include up to 3,500 residential units and, urban (retail/office flex), commercial and mixed-use development. The large scale master plan (A concept plan) shall include at no cost to the city a dedication of twenty percent of the real property to be improved as open space and linked trails. This master planning process is designed to guide development of the elements of a functioning, sustainable community in a manner consistent with specific environmental conditions associated with the site. All new development that occurs within the JB zone is subject to institutional control plans, as approved by the Environmental Protection Agency, the Utah Department of Environmental Quality and the city of Midvale. In the JB zone, new development shall, to the extent relevant:

A. Address environmental conditions at of the site through adherence to applicable institutional controls governing (among other things) materials management, cover and barrier maintenance and replacement, surface water management, and so forth;

B. Include variations in architectural design and housing types and affordability that have direct access to open space or parklands;

C. Implement a project which joins new construction with the overall Midvale community in a thoughtful and constructive way;

D. Coordinate a mix of sustainable uses and development that complement housing and commerce opportunities and that are compatible with adjacent historic neighborhoods;

E. Include landscaping to provide a distinctive visual quality to the area;

F. Include multi-modal transportation links including the extension of Bingham Junction Boulevard;

G. Provide significant, functional, improved open space; and

H. Provide pedestrian connections within and among developments, and between adjacent neighborhoods, and to the Jordan River Parkway.

For purposes of planning and zoning, the property within the JB zone has been classified into four subareas (numbered 1 through 4) as depicted in Figure 1. Zoning plans, to include the review process and land use regulations for each of the subareas, have been created and shall be applied to all new development in the JB zone.
*Repeal Sections 17-7-10.2 through 17-7-10.12
SUBJECT: Amendment to the City Council Rules of Order and Procedure

SUBMITTED BY: Lisa Garner, City Attorney

SUMMARY:
The City Council adopted the Midvale City Council Rules of Order and Procedure in 2013. This was based on the West Jordan City Council Rules of Order and Procedure. During the Council Meeting on March 5, the Council discussed the current Rules of Order and Procedure. While the Council wished to keep the Rules of Order and Procedure largely the same, the Council requested several changes.

The proposed amendment to the Midvale City Council Rules of Order and Procedure addresses the Council’s requests by making the following changes. The proposed amendment:

1. Clarifies the procedure for Council Member-initiated legislation;
2. Clarifies Council and Mayor responsibilities when interacting with the public or the media;
3. Limits resolutions that do not require Council discussion or voting to Resolutions of Employee Recognition;
4. Establishes guidelines for the treatment of Council information; and
5. Clarifies the authority of Mayor Pro-Tempore.

The proposed amendment also attempts to standardize the style throughout the Rules of Order and Procedure and makes minor clarifications and corrections based on existing State and City law.

FISCAL IMPACT: None


Attachments: Proposed Resolution
Proposed Amendment to the Midvale City Council Rules of Order and Procedure (Redline)
Proposed Amendment to the Midvale City Council Rules of Order and Procedure (Clean)
MIDVALE CITY COUNCIL
RULES OF ORDER AND PROCEDURE

Adopted-Amended by Ordinance-Resolution No. 20132019-OR-0510
June 18, 2013March 19, 2019
SECTION 1

COUNCIL ASPIRATIONAL VALUES AND GOALS

1.1 COUNCIL VALUES GOVERNING ITS DECISION-MAKING PROCESS

1. LEADERSHIP VALUES. The City Council declares that it is committed to employing core values in the City’s decision-making process and operational activities. It is intended that these values will be reflected in actions among Council Members and City staff and include the following:

   a. City Team Leadership. Each Council Member will be committed to the success of the City and to providing responsible, efficient, and cost-effective governance and services to the public. They will do so by cooperatively making informed choices in establishing the municipal budget and in setting public policy.

   b. Mutual Respect. Individuals in the City’s Legislative and Administrative branches of government will care about and have respect for each other, as persons. Notwithstanding differences of opinion, each City official is expected to be cognizant of and have respect for staff and citizens. All shall be treated with courtesy. Thus, each Council Member, the Mayor, and the City Manager are expected to:

      i. refrain from making threats or uttering disparaging personal remarks in public meetings, to the news media, or at other times, even when provoked;

      ii. show courtesy by addressing problems directly with the Council Member involved, before taking the matter to the Council as a whole or uttering public statements;

      iii. seriously consider each comment or concern that comes before the Council and follow the Council Rules, Policy of Order and Procedures, in good faith, so they can be addressed in a fair, open, and timely fashion;

      iv. retain and use a sense of humor appropriately, but not over use it;

      v. focus attention on what can be accomplished and constructively work to build the community and individuals;

      vi. respect the City's Administrative procedures and chains-of-command, including addressing problems related to Administrative Department heads and staff directly with the City Manager or (alternatively) to the Council as a whole, when appropriate; and
vii. work to resolve differences between individuals Council Members and others—with tact and sensitivity, recognizing the value of individuals and treating each person with respect.

c. **Responsive Governance.** The Council believes that the best government is one that is close to the people, is responsive to their needs, and acknowledges that it is accountable to the electorate.

d. **Innovation, Ethics and Efficiency.** The City's objective at all times is to take courageous and pro-active action to: (a) stay on the leading edge of technology and management theory; and (b) be a well-run, efficiently managed, and an—innovative City, where policies and decisions are undertaken in a fiscally sound and ethically responsible manner.

### 1.2 CITY COUNCIL GOALS

1. **Goals.** The City government aspires to be efficient and accessible to the public it serves. It seeks to do so, among other means, by employing the following principles:

   a. **Accessible Government.** The City’s goal is to promote government accessibility to all citizens, in all its proceedings, by openness and transparent public processing, including: (a) encouraging interaction with elected officials and administrative staff in a logical and effective manner; (b) promoting quantifiable analysis and account of government performance for public view; (c) promoting electronic communications to enhance the public’s ability to participate in and observe government processes; and (d) encouraging citizens and interested parties to exercise their right to petition their government for redress or change, and providing appropriate avenues for them to be heard and have their views considered, impartially.

   b. **Effective Government.** The City’s goal is to be innovative in achieving effectiveness and efficiency in all its operations by: (a) making it a City standard to be pro-active in identifying and resolving problems; (b) rendering reason-based decisions and employing professional advice, citizen input, and using—verifiable information; and (c) funding and encouraging active participation in training for staff, elected, and appointed officials.

   c. **Cooperative Government.** The City’s goal is to be a state leader and advance good government and public service through cooperative interactions with others, including: (a) providing leadership and service in regional, state, and national programs, councils, organizations, and meetings; (b) fostering positive relationships between the city, business, government, and other service-oriented entities, whose function is to improve economic conditions and the quality of life in the city; and (c) receiving and soliciting citizen participation in the City’s decision-making and advisory committee process.
d. **Responsible Government.** The City’s goal is to provide necessary public services, but be frugal with public resources. The City will seek to be supportive and pro-active with City boards and committees and to function with the highest ethical standards by: (a) being fiscally conservative in the expenditure of taxpayer resources; (b) acting and requiring the highest standards of ethical conduct, at all levels of City government; (c) establishing high standards of accountability and employee performance, which includes exposing and correcting unproductive or inappropriate activities at all levels of City government; and (d) meeting with the Planning Commission and other City committees to discuss the Council’s vision and purpose, together with and to receiving reports regarding the needs, accomplishments, and goals of that reporting body.

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**SECTION 2**

**COUNCIL INTERNAL POLICIES**

2.1 **MEALS/REFRESHMENTS AT CITY COUNCIL MEETINGS**

1. **Meals and Refreshments.** The Council may provide meals and/or refreshments for the City Council Members and City staff during City Council meetings, Retreats, Strategic Planning Sessions, meetings with dignitaries for City business-related purposes, or similar events. To do so, the Mayor shall request the City Manager to make appropriate arrangements, provided that appropriated funds are available for that purpose.

2. **Funding.** Refreshments will be purchased only for the functions listed above, and will be purchased within appropriated funding levels, in the most effective manner possible.

3. **Staff.** As a courtesy, food at Council meetings may be provided for department heads. If additional food is available, others may be invited by the Council to receive food/refreshments.

4. **Use of Surplus.** If the City Manager wishes to have the Council authorize extra food for others in an emergency or for special occasions, he/she may make request of the City Council provided that the expenditure has a bona fide public purpose and appropriated funds are available.

2.2 **COUNCIL OFFICE TRAVEL**

1. **Conferences/Conventions.** Any Council members may travel to conferences and conventions on City business.
2. **Budgeting.** The Council currently budgets for travel by asking each Council Member, at the beginning of the budget formulation process, which conferences/activities he/she desires to attend. Based on this information, the City Manager will prepare cost estimates for including in the Council travel budget.

3. **Council Approval Required; City Manager Duties.** When a Council Member expresses interest in travel to a conference, convention, or seminar, the City Manager will notify the Council of a proposal by a Council Member to travel. If the Council is opposed to the proposed travel or if appropriated funds are not available, the trip will not be scheduled. If approved, the City Manager will arrange for the travel.

### 2.3 LEGISLATIVE ACTION ITEMS

1. **Council Initiatives.** Council Members may initiate legislation, rather than simply reacting to proposals from the Administration. This policy includes land-use and zoning issues; however, these matters usually require review or a factual development and recommendation by the Administration and the Planning Commission.

2. **Process of Development and Full Council Vote Required.** An individual Council Member who wishes to initiate legislation is encouraged to talk to the City Manager about the goal of the contemplated legislation and how the Council Member would like to achieve that objective. The City Manager will see that an appropriate Legislative Action Items (such as an ordinance or resolution) is prepared and put the requested legislation on the Council’s agenda as a discussion item, as expeditiously as possible.

3. **Council Vote Required.** Prior to the expenditure of any funds or the use of staff time on Council Member-initiated legislation, a vote of the Council is required. The Council must direct the City Manager how to proceed with the Council Member-initiated legislation by a majority vote.

4. **Preparation of Legislative Item.** Upon approval of the Council, the City Manager will oversee the preparation of the Council Member-initiated legislation and will place the appropriate legislative item (such as an ordinance or resolution) on the Council’s agenda as expeditiously as possible.

### 2.4 PARTICIPATION ON CITY BOARDS AND COMMISSIONS

1. **Service Limited to Ex-Officio Capacity.** Council Members shall not serve on any City appointed boards or commissions, except in an ex-officio capacity.

2. **Non-City Committee Service.** Council Members are free to participate on non-City appointed boards; however, where those organizations interact with City government on a policy, procedural, or financial basis, the following conditions apply:
a. Each Council Member shall submit, in writing, to the City Council a list of all non-City appointed boards on which that Council Member sits where the organization interacts on any policy, procedural, or financial basis with Midvale City.

b. When issues arise before the Council that directly or indirectly affect an organization on whose board a Council Member sits, that Council Member must declare a conflict of interest and abstain from both the debate and the vote.

### 2.5 SPEAKING TO THE PUBLIC OR MEDIA.

1. **Council Spokesperson.** The Mayor is the official spokesperson for the Council on items that the Council has voted on. As spokesperson, the Mayor speaks for the majority of the Council. When the Council has not voted on an item, there is no spokesperson for the Council and no one is authorized to speak on behalf of the Council.

2. **Individual Capacity.** The Mayor and Council Members may speak to the public or media in their individual capacity as Mayor or Council Member. When doing so, they must make it clear that the opinions presented are their own and they are speaking on their own behalf, rather than on behalf of the Council. The Mayor and Council Members should be careful to say “I” rather than “we” in such communications.

### SECTION 3

#### COUNCIL MEETINGS

### 3.1 CITY COUNCIL MEETING SCHEDULE

1. **Regular Meetings.** The City Council holds, at minimum, one regular Council meeting per month to approve City business items. However, the City Council desires to hold two regular meetings and one workshop meeting each month except for specified months. Generally, the two regular meetings will be held on the first and third Tuesdays of the month.

2. **Workshop Meetings.** The Council may schedule workshop meetings as necessary. The workshop meetings will be held during the second Tuesday of the month. Typically, City business items will not be presented to the City Council for approval during workshop meetings unless a special need arises to consider a business item for approval before a regular Council meeting. If a special need arises to consider a business item for approval before a regular Council meeting, the Council may consider the item for approval if the City Recorder has properly noticed and disclosed that a business item will be considered for approval by the City Council, in compliance with the Utah Open and Public Meetings Act.
23. **Special Meetings.** The Mayor or two Council Members may order the convening of a special meeting of the Council (see Utah Code Ann. §10-3-502(2)). A special meeting must be noticed in compliance with the Utah Open and Public Meetings Act.

4. **Emergency Meetings.** Special or An emergency meeting may only be called by the Mayor or other members of the City with the majority approval of the Council (see Utah Code Ann. §52-4-202(5)(b)), as provided by the An emergency meeting must be noticed in compliance with the Utah Open and Public Meetings Act.

3. **Notice.** The City Recorder shall be responsible for posting agendas and providing notice of all Council meetings, as provided by State law.

### 3.2 COUNCIL MEETING AGENDAS AND PAPERWORK

1. **Written Agenda.** The City Recorder, under the direction of the City Manager, is responsible for creating a written agenda for each Council meeting.

2. **Regular Council Meeting Agendas Items.** Items may be placed on Council agendas by the City Manager, the Mayor, individual Council Members, and staff. Requests will be made by:

   a. **Submittal to Recorder.** Requests to be placed on a Council meeting agenda and supporting documents should be delivered to the City Recorder for a regular Tuesday Council meeting, no later than at least five days before the scheduled Council meeting at 10 a.m. on the preceding Thursday.

   b. **Supporting Materials for Agenda Item.** All items submitted for Council action, on a regular Council meeting agenda, should include the following:

      i. **Ordinance, Resolution, or Other Action Item.** The action item being considered by the Council should be provided in the appropriate written form. For example, an ordinance being considered for Council approval must be properly formatted as an ordinance and assigned an ordinance number by the City Recorder.

      ii. **Agenda Summary.** A written report that outlines the subject matter, fiscal impact, and recommendation in a form approved by the City Manager for matters requiring approval by majority vote of the Council.

      iii. **City Attorney Approvals.** Many documents require the City Attorney’s approval “as to form” before they can be executed. Such documents include Interlocal Cooperation Agreements and contracts.

      iii. **Supporting Documents.** All background material appropriate to an agenda item should be included with the request to have a matter placed on the Council agenda.
iv. City Attorney Approvals. Some documents require the City Attorney’s approval “as to form” before they can be executed including, but not limited to, interlocal cooperation agreements, franchise agreements, and similar contracts. If the City Attorney’s approval is necessary, such approval must be received prior to the submission of the documents to the City Recorder.

c. Consent Items on Council Agenda. If the agenda item is routine and likely non-controversial and is of a routine or ongoing nature, it will be placed on the formal Council meeting “consent agenda,” for action at the soonest possible date. These items are only of a routine or ongoing nature. Consent agenda items shall include, but are not limited to: Resolutions for appointments and reappointments to City boards; Resolutions for appointment of administrative executive-level employees; Resolutions authorizing signature of non-controversial agreements, and other non-controversial items requiring a majority vote of the Council. If a Council Member has a question concerning a Council calendar item, they should talk to the City Manager prior to the meeting, if practical, rather than have the item pulled for discussion during the meeting.

d. Business Items on Council Agenda. If agenda items are not routine, the item will be placed on the formal Council meeting “Discussion/Action Items” category as either a discussion or an action item in the agenda. The City Manager shall determine which items are to appear as business items. Generally, it is the Council’s desire to have the item discussed in a previous meeting prior to being placed on the agenda for approval. An item should be placed on the Council agenda as a discussion item in a previous meeting prior to being placed on the Council agenda as an action item for approval of the Council.

e. Public Comments. Each agenda for a regularly scheduled Council meeting will contain an agenda schedule for allow time for citizen-public comments. Any person desiring to address the Council will be permitted to speak, subject to legal constraints and the other applicable provisions of these rules, including but not limited to 3.6 and 3.8.

3.3 RESOLUTIONS OF SUPPORT, EMPLOYEE APPRECIATION, OR RECOGNITION

1. Resolutions of Employee Recognition. Resolutions of support, appreciation or Employee Recognition are placed on the Council agenda at the request of the City Manager, the Mayor or one or more Council Member.
2. **Council Members Requests.** If a Council Member wishes to have a resolution placed on the Council agenda, the procedure will be as follows:

   a. The City Recorder will coordinate preparation of the resolution;

   b. As with all other agenda items, a copy of the resolution and background information will be included in the agenda packet that is prepared for Council Members, in advance of regular Council meetings;

   d. The City Manager will make the arrangements for appropriate City staff to be in attendance at the meeting to address the resolution that will be presented, if requested by the sponsoring Council Member.

3. **Employee/Department Recognition Letter.** When a proposed resolution is intended to recognize a City employee, department or division for achievement, the City Manager will draft a letter to be signed by the Mayor and Council Members congratulating the employee, department, or division.

4. **Council Meeting.** or (as appropriate) the City Manager may cause request time on the Council Agenda on the Council’s agenda to permit the Mayor, on behalf of the Mayor and the Council Members, to present or announce the award during a Council meeting.

4. **No Discussion or Vote.** Resolutions of Employee Recognition are ceremonial and do not require a discussion or vote by the Council.

### 3.4 CLOSED MEETINGS

1. **Open and Closed Meeting Standards.** Utah Law requires that every meeting of a legislative body remain open to the public unless it is lawfully closed. However, Utah Code Ann. §52-4-204, of the Utah Code provides that a closed meeting may be held upon the affirmative vote of two-thirds of the members of the public body Council, provided that a quorum is present. No ordinance, resolution, rule, regulation, contract, or appointment can be approved at-in a closed meeting. The reason(s) for holding a closed meeting and the vote of each Council Member, by name, either for or against the proposition to hold such a meeting, must be cast by each Council Member, by name, and the vote shall be entered in the minutes of the meeting. Subject to Utah Code Ann. §52-4-205, Utah law allows a closed meeting to-may be held for any of the following purposes:

   a. Discussion of the character, professional competence, or physical or mental health of an individual; however, the Council may not interview a person to fill an elected position or discuss filling a midterm vacancy or temporary absence in a closed meeting;

   b. strategy sessions to discuss collective bargaining;
c. strategy sessions to discuss pending or reasonably imminent litigation;

d. strategy sessions to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares, if public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction on the best possible terms;

e. strategy sessions to discuss the sale of real property, including any form of a water right or water shares, if:

   i. public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction on the best possible terms;

   ii. the public body previously gave public notice that the property would be offered for sale; and

   iii. the terms of the sale are publicly disclosed before the public body approves the sale;

f. discussion regarding deployment of security personnel, devices, or systems;

g. investigative proceedings regarding allegations of criminal misconduct.

2. **Records or Minutes Required.** Utah Code Ann. Section §52-4-206 of the Utah Code, defines the record of closed meetings and how they must be kept. This section states that if a public body closes a meeting to discuss the character, professional competence, or physical or mental health of an individual or to discuss the deployment of security personnel, devices, or systems, the person presiding must sign a sworn statement affirming that the meeting was closed for one of these sole purposes. If a public body closes a meeting for any other purpose, the public body shall either tape record the closed portion of the meeting or keep detailed written minutes that disclose the content of the closed portion of the meeting.

3. **Confidentiality Required.** It is imperative that all closed meeting discussions remain completely confidential. No Council Member shall disclose confidential information acquired by reason of the officer’s official position or use such information for the officer’s or another’s private gain or benefit. Any person violating this duty of non-disclosure may be subject to criminal sanctions.

4. **Notice.** Notice of a closed meeting must be in a Council agenda, duly posted and publicized. This notice must, usually, be given 24 hours before a scheduled meeting. However, emergency meetings, including closed meetings, may be held as provided and controlled by Utah Code Ann. §52-4-202(5) of the Utah Code.
3.5 TREATMENT OF INFORMATION

1. Access to Information. The Council recognizes two constitutional rights: (a) the public’s right of access to information concerning the public’s business; and (b) the right of privacy in relation to personal data gathered by governmental entities. The Council also recognizes a public policy interest in restricting access to certain records for the public good. The Council, therefore, follows Utah’s Government Records Access and Management Act as adopted by Chapter 2 of Title 63G of the Utah Code, as amended.

2. Public Information. The Council recognizes that information in City records are public unless expressly provided by law. This generally includes information such as meeting agendas and minutes, ordinances, resolutions, final reports, and official records of the City.

3. Private, Controlled, or Protected Information. The Council may access or be given information that is considered private, controlled, or protected under the Government Records Access and Management Act. Such information should be in confidence. While the City Manager and staff will do their best in notifying the Council if information is private, controlled, or protected, Council Members should consult with the City Attorney in determining the classification of information.

4. Legal Counsel. All correspondence, including, but not limited to, letters, emails, and memoranda, from legal counsel—whether from the City’s legal department or outside legal counsel retained by the City—should be kept confidential in order to maintain the attorney-client privilege. Failure to keep this information confidential may result in the waiver of this privilege.

5. Information Requests. Requests for City information should be forwarded to the City Recorder to ensure compliance with Utah’s Government Records Access and Management Act.

3.56 ELECTRONIC COUNCIL MEETINGS

1. Conditions; Elements. Utah law Utah Code Ann. §52-4-207 authorizes the City Council to hold meetings electronically. The law defines an electronic meeting as a public meeting convened or conducted by means of a telephonic, telecommunications or computer conference. In order to participate, members of the Council must have the ability to communicate with all other participating Council Members, either verbally or electronically, so that each participating Council Member can hear or see the communication. Public hearings are allowed, as part of the electronic meeting. However, as with any public meeting, electronic meetings must be properly noticed in compliance with the Open and Public Meetings Act.
2. **Limitations.** For those instances, when the Council elects to hold an electronic meeting:

   a. the meeting will be held with a quorum (3 members) physically present at the same physical location;

   b. the meeting will be called only for a declared City emergency, to accommodate Council Members who are traveling outside the City on official City business, or other unique circumstances that make such a meeting in the public interest;

   c. the meeting will be held within Midvale City Hall, or, if necessary, at the Emergency Operations Center of the Fire Station of the Unified Fire Authority, if necessary and or at a facility that allows the public to attend, monitor, and participate in open portions of the meeting;

   d. audio equipment will be used so that comments of each Council Member participating electronically will be audible to those attending the meeting; and

   e. in the event of an emergency, reasonable but diligent efforts shall be made to notify and accommodate Council Members who are traveling outside the City on official City business so that they can participate in such a meeting, if they desire to do so; and

   f. public notice of the meeting will provide notice that the meeting will be held electronically, identify the anchor location of the meeting, and comply with all the requirements under Utah Code Ann. 52-4-207(3).

3.67 **PUBLIC COMMENTS AT COUNCIL MEETINGS**

1. **Public Comment.** During the comment portion of Council meetings, members of the audience will be permitted to address the Council concerning any matter, if it pertains to City business or a matter over which the Council has jurisdiction, time permitting. However, if the matter to be discussed is the subject of a public hearing, the citizen-individual will be required to speak when that hearing is conducted and public comments are received. Audience members addressing the Council and/or Mayor will be called forward to the podium by the presiding officer of the Council meeting. Each speaker is required to speak into the microphone at the podium, clearly state their name, and indicate if they are a resident of Midvale City. The Council will allow three (3) minutes to address the Council, unless the Council, allocates more time in a content-neutral and uniform manner.

2. **Groups.** At the beginning of the formal Council meeting, those wishing to comment will be called forward to the podium. The presiding officer may take a poll of those wishing to speak for or against an issue, in determining how many individuals or
spokespersons to accommodate. When groups are going to speak to the same issue, the presiding officer will—may request a spokesperson or spokesperson(s) to represent that position as an aid and to facilitate the efficient and effective use of the limited time available at the meeting.

3. **Order of Comments.** The order of presentations—comments shall be at the sole discretion of the presiding officer; however, the presiding officer should give preference to those persons who have requested in writing, before the commencement of the meeting, to be heard or on the agenda. At that time, the Council may direct the City Manager to assist the citizen—individual on the issue, which could—may include future formal action by the Council. Citizens—Individuals may also supplement their comments by providing documents or supplementing their oral statements by filing written comments.

3. **Address and Phone Numbers.** In order to permit follow-up by City staff, the presiding officer may request the person addressing the Council to provide their—his/her address and phone number in writing to a staff member.

4. **Written Supplementary Information.** Due to the limitation on the time available for an oral presentation, any person wishing to communicate is encouraged to submit any written materials or comments to the Council by submitting them through the City Recorder, either before or at the time of the meeting he or she participates in.

### 3.78 COMMUNICATION DEVICES

1. **Duty to Disengage Electronic Equipment.** Persons attending Council meeting are to refrain from using and shall—must turn off or put on vibrate—silence all audible features of cellular telephones, audible pagers, or other communication devices, while meetings are in session.

2. **Removal for Violation.** A person who violates these provisions is disorderly and may be evicted—expelled from the meeting upon a two-thirds majority vote of the Council, pursuant to Utah Code Ann. §10-3-608 of the Utah Code.

### 3.89 REMOVAL OF DISORDERLY PERSONS

Persons who exceed the time or are otherwise disorderly, including Council Members, may be expelled by the Council upon a two-thirds majority vote, as provided in Utah Code Ann. §10-3-608 of the Utah Code. However, nothing herein shall limit or preclude a person from being arrested, cited, or otherwise subject to police action for a violation of other applicable law.
3.910 GENERAL PROCEDURES

1. Modified Roberts Rules. Roberts Rules were developed for large-scale legislative bodies. A scaled-down and modified version is more appropriate for a City Council comprised of seven members. Thus, the Council adopts a simplified parliamentary procedures, as follows:

   a. Presiding Officer-Mayor. The Mayor is the Presiding Officer and acts as Chair at Council meetings. In the absence or incapacity of the Mayor, the Mayor Pro-Tempore serves as presiding officer.

   b. Mayor Pro-Tempore. In the absence or incapacity of the Mayor, the Mayor Pro-Tempore serves as Presiding Officer. The Mayor Pro-Tempore maintains his/her ability to vote as a Council Member. The Mayor Pro-Tempore does not receive the Mayor's authority to vote in the event of a tie vote of the Council under Utah Code Ann. §10-3b-302(1)(b)(i).

   bc. Seating. The Mayor, with the approval of individual Council Members, shall establish other seating arrangements for regular Council meetings.

e. Discussion Rules. To assist the City Council in conducting meetings in an orderly manner.

   d. Limit Disruptive Behavior. Persons demonstrating rude, boisterous, or profane behavior will be called to order by the Mayor. When faced with continued rude, boisterous, or profane behavior any member of the Council may call a recess, request a vote on removing such disorderly person(s) from the Council Chambers, adjourn the meeting, or take such other appropriate action as permitted by law.

   e. Public Demonstrations Inappropriate. Applause, booing, or other similar behavior from the public during meetings is discouraged and, if persistent, may constitute disruptive behavior or render an individual a disorderly person, subject to removal and other lawful sanctions.

   f. Values of Respect. The City Council recognizes the importance of approaching the public's business in an environment of personal respect. The public's business should be conducted on a basis of considering policy and advancing the best interests of the community, while protecting individual rights and property. As such, Council Members should focus discussions on policy matter and avoid personal criticism. Polite and reasoned discourse should be observed, while following and observing proper rules of procedure.

   g. Enforcement of Order. The City Manager or his/her designee is the Sergeant-at-Arms. Any Council Member may request the Mayor to enforce
the rules of protocol and move to limit or end disruptive behavior or remove disorderly persons, consistent with law.

3.1011 VOTING PROCEDURES

1. Obligation to Vote. When present, unless prohibited by law, each Council Member is to vote when present.

2. Discussion. Prior to any action that requires a roll call vote of each Council Member, the Presiding Officer must allow Council Members to discuss the action prior to the roll call. Each Council Member has the option of speaking on the action at least once, if they so choose.

23. How Vote Taken. Each ordinance, resolution, and any action which would create a liability against the City, expends City funds, uses staff times, or directs the City Manager and other cases at the request of any Member of the Council, shall be acted upon by a roll call vote of each Council Member, by a “yes” or “no” vote. Every resolution or ordinance shall be in writing before the vote is taken and no ordinance, resolution, or motion shall be passed or become effective, without an affirmative majority vote of the quorum, including: (1) not less than the minimum votes required by §10-3-507 of the Utah Code Ann., 1953, as amended or its successor provision; or (2) a super majority vote, if mandated by applicable State law.

34. Abstention. If a seated Council Member abstains and refuses to vote, the abstention will be counted as a “no” vote.

45. Tie Vote. In the event of a tie vote of the Council Members present at a Council meeting, the Mayor may vote as a member of the Council. In the event that the Mayor is authorized to vote on the issue and there is a tie vote, the tie vote will be considered equivalent to a vote that has failed.

56. General Consensus. Matters not requiring a “roll call” vote may be acted upon by the presiding officer declaring a general consensus in his/her discretion provided there is no negative vote or objection by a Council Member. Alternatively, the presiding officer may call for a collective vote of the Council, as a yes or no vote.

67. Recording. All action and votes of the Council shall be recorded by the City Recorder.

78. Conflicts of Interest. If a Council Member has a conflict of interest under State or City law, that Council Member must declare that conflict and excuse him/herself from the dais. The conflicted Council Member may not lobby, vote, or address the matter with Council Members or staff.
A RESOLUTION AMENDING THE MIDVALE CITY COUNCIL RULES OF ORDER AND PROCEDURE.

WHEREAS, Utah Code Ann. §10-3-606 requires all municipal legislative bodies to adopt rules of order and procedure to govern public meetings of the legislative body; and

WHEREAS, the Midvale City Council adopted the Midvale City Council Rules of Order and Procedure with Resolution No. 2013-R-28; and

WHEREAS, the Midvale City Council wishes to amend the adopted Midvale City Council Rules of Order and Procedure to clarify certain procedures and standardize style.

NOW, THEREFORE, BE IT RESOLVED, based on the foregoing, by the City Council of Midvale City, Utah, as follows:

Section 1. The Midvale City Council does hereby approve the attached proposed amendment to the Midvale City Council Rules of Order and Procedure.

Section 2. This Resolution shall take effect immediately.

APPROVED AND ADOPTED this 19th day of March, 2019.

__________________________
Robert M. Hale, Mayor

ATTEST:

__________________________
Rori L. Andreason, MMC
City Recorder

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<tr>
<th>Voting by the City Council</th>
<th>“Aye”</th>
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MIDVALE CITY COUNCIL
RULES OF ORDER AND PROCEDURE

Amended by Resolution No. 2019-R-10
March 19, 2019
SECTION 1

COUNCIL ASPIRATIONAL VALUES AND GOALS

1.1 COUNCIL VALUES GOVERNING ITS DECISION-MAKING PROCESS

1. Leadership Values. The City Council declares that it is committed to employing core values in the City’s decision-making process and operational activities. It is intended that these values will be reflected in actions among Council Members and City staff and include the following:

a. City Team Leadership. Each Council Member will be committed to the success of the City and to providing responsible, efficient, and cost-effective governance and services to the public. They will do so by cooperatively making informed choices in establishing the municipal budget and in setting public policy.

b. Mutual Respect. Individuals in the City’s Legislative and Administrative branches of government will care about and have respect for each other as persons. Notwithstanding differences of opinion, each City official is expected to be cognizant of and have respect for staff and citizens. All shall be treated with courtesy. Thus, each Council Member, the Mayor, and the City Manager are expected to:

   i. refrain from making threats or uttering disparaging personal remarks in public meetings, to the news media, or at other times, even when provoked;

   ii. show courtesy by addressing problems directly with the individual involved, before taking the matter to the Council as a whole or uttering public statements;

   iii. seriously consider each comment or concern that comes before the Council and follow the Council Rules of Order and Procedures in good faith so they can be addressed in a fair, open, and timely fashion;

   iv. retain and use a sense of humor appropriately, but not over use it;

   v. focus attention on what can be accomplished and constructively work to build the community and individuals;

   vi. respect the City’s Administrative procedures and chains-of-command, including addressing problems related to Administrative department heads and staff directly with the City Manager or (alternatively) to the Council as a whole, when appropriate; and
vii. work to resolve differences between individuals with tact and sensitivity, recognizing the value of individuals and treating each person with respect.

c. **Responsive Governance.** The Council believes that the best government is one that is close to the people, is responsive to their needs, and acknowledges that it is accountable to the electorate.

d. **Innovation, Ethics and Efficiency.** The City's objective at all times is to take courageous and proactive action to: (a) stay on the leading edge of technology and management theory; and (b) be a well-run, efficiently managed, and innovative City where policies and decisions are undertaken in a fiscally sound and ethically responsible manner.

### 1.2 CITY COUNCIL GOALS

1. **Goals.** The City aspires to be efficient and accessible to the public it serves. It seeks to do so, among other means, by employing the following principles:

   a. **Accessible Government.** The City’s goal is to promote government accessibility to all citizens, in all its proceedings, by openness and transparent public processing, including: (a) encouraging interaction with elected officials and administrative staff in a logical and effective manner; (b) promoting quantifiable analysis and account of government performance for public view; (c) promoting electronic communications to enhance the public’s ability to participate in and observe government processes; and (d) encouraging citizens and interested parties to exercise their right to petition their government for redress or change, and providing appropriate avenues for them to be heard and have their views considered impartially.

   b. **Effective Government.** The City's goal is to be innovative in achieving effectiveness and efficiency in all its operations by: (a) making it a City standard to be proactive in identifying and resolving problems; (b) rendering reason-based decisions and employing professional advice, citizen input, and verifiable information; and (c) funding and encouraging active participation in training for staff, elected, and appointed officials.

   c. **Cooperative Government.** The City’s goal is to be a state leader and advance good government and public service through cooperative interactions with others, including: (a) providing leadership and service in regional, state, and national programs, councils, organizations, and meetings; (b) fostering positive relationships between the City, business, government, and other service-oriented entities to improve economic conditions and the quality of life in the City; and (c) receiving and soliciting citizen participation in the City’s decision-making process.
d. **Responsible Government.** The City’s goal is to provide necessary public services but be frugal with public resources. The City will seek to be supportive and proactive and to function with the highest ethical standards by: (a) being fiscally conservative in the expenditure of taxpayer resources; (b) acting and requiring the highest standards of ethical conduct at all levels of City government; (c) establishing high standards of accountability and employee performance, which includes exposing and correcting unproductive or inappropriate activities at all levels of City government; and (d) meeting with the Planning to discuss the Council’s vision and purpose and to receive reports regarding the needs, accomplishments, and goals of that reporting body.

**SECTION 2**

**COUNCIL INTERNAL POLICIES**

**2.1 MEALS/REFRESHMENTS AT CITY COUNCIL MEETINGS**

1. **Meals and Refreshments.** The Council may provide meals and/or refreshments for the Council Members and City staff during City Council meetings, retreats, strategic planning sessions, meetings with dignitaries for City business-related purposes, or similar events. To do so, the Mayor shall request the City Manager to make appropriate arrangements, provided that appropriated funds are available for that purpose.

2. **Funding.** Refreshments will be purchased only for the functions listed above and will be purchased within appropriated funding levels in the most effective manner possible.

3. **Staff.** As a courtesy, food at Council meetings may be provided for department heads. If additional food is available, others may be invited by the Council to receive food/refreshments.

4. **Use of Surplus.** If the City Manager wishes to have the Council authorize extra food for others in an emergency or for special occasions, he/she may make request of the Council provided that the expenditure has a bona fide public purpose and appropriated funds are available.

**2.2 COUNCIL OFFICE TRAVEL**

1. **Conferences/Conventions.** Any Council Member may travel to conferences and conventions on City business.

2. **Budgeting.** The Council currently budgets for travel by asking each Council Member, at the beginning of the budget formulation process, which conferences/activities
he/she desires to attend. Based on this information, the City Manager will prepare cost estimates for including in the Council travel budget.

3. **Council Approval Required; City Manager Duties.** When a Council Member expresses interest in travel to a conference, convention, or seminar, the City Manager will notify the Council of a proposal by a Council Member to travel. If the Council is opposed to the proposed travel or if appropriated funds are not available, the trip will not be scheduled. If approved, the City Manager will arrange for the travel.

### 2.3 LEGISLATIVE ACTION ITEMS

1. **Council Initiatives.** Council Members may initiate legislation, rather than simply reacting to proposals from the Administration. This policy includes land-use and zoning issues. However, these matters usually require review or a factual development and recommendation by the Administration and the Planning Commission.

2. **Process of Development.** An individual Council Member who wishes to initiate legislation is encouraged to talk to the City Manager about the goal of the contemplated legislation and how the Council Member would like to achieve that objective. The City Manager will put the requested legislation on the Council’s agenda as a discussion item as expeditiously as possible.

3. **Council Vote Required.** Prior to the expenditure of any funds or the use of staff time on Council Member-initiated legislation, a vote of the Council is required. The Council must direct the City Manager how to proceed with the Council Member-initiated legislation by a majority vote.

4. **Preparation of Legislative Item.** Upon approval of the Council, the City Manager will oversee the preparation of the Council Member-initiated legislation and will place the appropriate legislative item (such as an ordinance or resolution) on the Council’s agenda as expeditiously as possible.

### 2.4 PARTICIPATION ON CITY BOARDS AND COMMISSIONS

1. **Service Limited to Ex-Officio Capacity.** Council Members may not serve on any City appointed boards or commissions unless authorized in their ex-officio capacity.

2. **Non-City Committee Service.** Council Members are free to participate on non-City appointed boards. However, the following conditions apply:
   a. Each Council Member shall submit, in writing, to the City Council a list of all non-City appointed boards on which that Council Member sits.
   b. When issues arise before the Council that directly or indirectly affect an organization on whose board a Council Member sits, that Council Member
must declare a conflict of interest and abstain from both the debate and the vote.

2.5 SPEAKING TO THE PUBLIC OR MEDIA.

1. **Council Spokesperson.** The Mayor is the official spokesperson for the Council on items that the Council has voted on. As spokesperson, the Mayor speaks for the majority of the Council. When the Council has not voted on an item, there is no spokesperson for the Council and no one is authorized to speak on behalf of the Council.

2. **Individual Capacity.** The Mayor and Council Members may speak to the public or media in their individual capacity as Mayor or Council Member. When doing so, they must make it clear that the opinions presented are their own and they are speaking on their own behalf, rather than on behalf of the Council. The Mayor and Council Members should be careful to say “I” rather than “we” in such communications.

SECTION 3

COUNCIL MEETINGS

3.1 CITY COUNCIL MEETING SCHEDULE

1. **Regular Meetings.** The Council holds, at minimum, one regular Council meeting per month to approve City business items. Generally, two regular meetings will be held on the first and third Tuesdays of the month.

2. **Workshop Meetings.** The Council may schedule workshop meetings as necessary. Typically, City business items will not be presented to the Council for approval during workshop meetings. If a special need arises to consider a business item for approval before a regular Council meeting has been scheduled, the Council may consider the item for approval if the City Recorder has properly noticed and disclosed that a business item will be considered for approval by the City Council in compliance with the Utah Open and Public Meetings Act.

3. **Special Meetings.** The Mayor or two Council Members may order the convening of a special meeting of the Council (see Utah Code Ann. §10-3-502(2)). A special meeting must be noticed in compliance with the Utah Open and Public Meetings Act.

4. **Emergency Meetings.** An emergency meeting may only be with the majority approval of the Council (see Utah Code Ann. §52-4-202(5)(b)). An emergency meeting must be noticed in compliance with the Utah Open and Public Meetings Act.

3. **Notice.** The City Recorder is responsible for posting agendas and providing notice of all Council meetings, as provided by State law.
3.2 COUNCIL MEETING AGENDAS AND PAPERWORK

1. **Written Agenda.** The City Recorder, under the direction of the City Manager, is responsible for creating a written agenda for each Council meeting.

2. **Agenda Items.** Items may be placed on Council agendas by the City Manager, the Mayor, individual Council Members, and staff. Requests will be made by:
   
a. **Submittal to Recorder.** Requests to be placed on a Council meeting agenda and supporting documents should be delivered to the City Recorder at least five days before the scheduled Council meeting at 10 a.m.

b. **Materials for Agenda Item.** All items submitted for Council action should include the following:
   
i. **Ordinance, Resolution, or Other Action Item.** The action item being considered by the Council should be provided in the appropriate written form. For example, an ordinance being considered for Council approval must be properly formatted as an ordinance and assigned an ordinance number by the City Recorder.

ii. **Agenda Summary.** A written report that outlines the subject matter, fiscal impact, and recommendation in a form approved by the City Manager for matters requiring approval by majority vote of the Council.

iii. **Supporting Documents.** All background material appropriate to an agenda item should be included with the request to have a matter placed on the Council agenda.

iv. **City Attorney Approvals.** Some documents require the City Attorney's approval "as to form" before they can be executed including, but not limited to, interlocal cooperation agreements, franchise agreements, and similar contracts. If the City Attorney's approval is necessary, such approval must be received prior to the submission of the documents to the City Recorder.

c. **Consent Items on Council Agenda.** If the agenda item is likely non-controversial and is of a routine or ongoing nature, it will be placed on the formal Council meeting “Consent” agenda for action at the soonest possible date. Consent agenda items include but are not limited to: Resolutions for appointments and reappointments to City boards; Resolutions for appointment of administrative executive-level employees; Resolutions authorizing signature of non-controversial agreements; and other non-controversial items requiring a majority vote of the Council. If a Council Member has a question concerning a Council calendar item, they should talk
to the City Manager prior to the meeting, if practical, rather than have the item pulled for discussion during the meeting.

d. **Business Items on Council Agenda.** If agenda items are not routine, the item will be placed on the formal Council meeting as either a discussion or an action item in the agenda. The City Manager shall determine which items are to appear as business items. Generally, an item should be placed on the Council agenda as a discussion item in a previous meeting prior to being placed on the Council agenda as an action item for approval of the Council.

e. **Public Comments.** Each agenda for a regularly scheduled Council meeting will allow time for public comments. Any person desiring to address the Council will be permitted to speak, subject to legal constraints and the other applicable provisions of these Rules, including but not limited to 3.6 and 3.8.

### 3.3 RESOLUTIONS OF EMPLOYEE RECOGNITION

1. **Resolutions of Employee Recognition.** Resolutions of Employee Recognition are placed on the Council agenda at the request of the City Manager.

2. **Letter.** The City Manager will draft a letter to be signed by the Mayor and Council Members congratulating the employee, department, or division

3. **Council Meeting.** As appropriate, the City Manager may request time on the Council Agenda to permit the Mayor, on behalf of the Mayor and the Council Members, to present or announce the award during a Council meeting.

4. **No Discussion or Vote.** Resolutions of Employee Recognition are ceremonial and do not require a discussion or vote by the Council.

### 3.4 CLOSED MEETINGS

1. **Closed Meeting Standards.** Utah Law requires that every meeting of a legislative body remain open to the public unless it is lawfully closed. Utah Code Ann. §52-4-204 provides that a closed meeting may be held upon the affirmative vote of two-thirds of the Council, provided that a quorum is present. No ordinance, resolution, rule, regulation, contract, or appointment can be approved in a closed meeting. The reason(s) for holding a closed meeting and the vote of each Council Member, by name, either for or against the proposition to hold such a meeting shall be entered in the minutes of the meeting. Subject to Utah Code Ann. §52-4-205, a closed meeting may be held for any of the following purposes:

   a. Discussion of the character, professional competence, or physical or mental health of an individual; however, the Council may not interview a person to fill an elected position or discuss filling a midterm vacancy or temporary absence in a closed meeting;
b. strategy sessions to discuss collective bargaining;

c. strategy sessions to discuss pending or reasonably imminent litigation;

d. strategy sessions to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares, if public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction on the best possible terms;

e. strategy sessions to discuss the sale of real property, including any form of a water right or water shares, if:

i. public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction on the best possible terms;

ii. the public body previously gave public notice that the property would be offered for sale; and

iii. the terms of the sale are publicly disclosed before the public body approves the sale;

f. discussion regarding deployment of security personnel, devices, or systems;

g. investigative proceedings regarding allegations of criminal misconduct.

2. Records or Minutes Required. Utah Code Ann. §52-4-206 defines the record of closed meetings and how they must be kept. This section states that if a public body closes a meeting to discuss the character, professional competence, or physical or mental health of an individual or to discuss the deployment of security personnel, devices, or systems, the person presiding must sign a sworn statement affirming that the meeting was closed for one of these sole purposes. If a public body closes a meeting for any other purpose, the public body shall either tape record the closed portion of the meeting or keep detailed written minutes that disclose the content of the closed portion of the meeting.

3. Confidentiality Required. It is imperative that all closed meeting discussions remain completely confidential. No Council Member shall disclose confidential information acquired by reason of the officer's official position or use such information for the officer's or another's private gain or benefit. Any person violating this duty of non-disclosure may be subject to criminal sanctions.

4. Notice. Notice of a closed meeting must be in a Council agenda, duly posted and publicized. This notice must, usually, be given 24 hours before a scheduled meeting.
However, emergency meetings may be held as provided and controlled by Utah Code Ann. §52-4-202(5).

3.5 TREATMENT OF INFORMATION

1. Access to Information. The Council recognizes two constitutional rights: (a) the public’s right of access to information concerning the public’s business; and (b) the right of privacy in relation to personal data gathered by governmental entities. The Council also recognizes a public policy interest in restricting access to certain records for the public good. The Council, therefore, follows Utah’s Government Records Access and Management Act as adopted by Chapter 2 of Title 63G of the Utah Code, as amended.

2. Public Information. The Council recognizes that information in City records are public unless expressly provided by law. This generally includes information such as meeting agendas and minutes, ordinances, resolutions, final reports, and official records of the City.

3. Private, Controlled, or Protected Information. The Council may access or be given information that is considered private, controlled, or protected under the Government Records Access and Management Act. Such information should be in confidence. While the City Manager and staff will do their best in notifying the Council if information is private, controlled, or protected, Council Members should consult with the City Attorney in determining the classification of information.

4. Legal Counsel. All correspondence, including, but not limited to, letters, emails, and memoranda, from legal counsel—whether from the City’s legal department or outside legal counsel retained by the City—should be kept confidential in order to maintain the attorney-client privilege. Failure to keep this information confidential may result in the waiver of this privilege.

5. Information Requests. Requests for City information should be forwarded to the City Recorder to ensure compliance with Utah’s Government Records Access and Management Act.

3.6 ELECTRONIC COUNCIL MEETINGS

1. Conditions. Utah Code Ann. §52-4-207 authorizes the Council to hold meetings electronically. An electronic meeting is defined as a public meeting convened or conducted by means of electronic communications. In order to participate, Council Members must have the ability to communicate with all other participating Council Members, either verbally or electronically, so that each participating Council Member can hear or see the communication. Public hearings are allowed as part of the electronic meeting. However, as with any public meeting, electronic meetings must be properly noticed in compliance with the Open and Public Meetings Act.
2. **Limitations.** When the Council elects to hold an electronic meeting:

a. the meeting will be held with a quorum physically present at the same physical location;

b. the meeting will be called only for a declared City emergency, to accommodate Council Members who are traveling outside the City on official City business, or other unique circumstances that make such a meeting in the public interest;

c. the meeting will be held within Midvale City Hall, or, if necessary, at the Emergency Operations Center of the Unified Fire Authority or a facility that allows the public to attend, monitor, and participate in open portions of the meeting;

d. audio equipment will be used so that comments of each Council Member participating electronically will be audible to those attending the meeting;

e. in the event of an emergency, reasonable efforts will be made to notify and accommodate Council Members who are traveling outside the City so that they can participate in such a meeting; and

f. public notice of the meeting will provide notice that the meeting will be held electronically, identify the anchor location of the meeting, and comply with all the requirements under Utah Code Ann. §52-4-207(3).

### 3.7 PUBLIC COMMENTS AT COUNCIL MEETINGS

1. **Public Comment.** During the public comment portion of Council meetings, members of the audience will be permitted to address the Council concerning any matter if it pertains to City business or a matter over which the Council has jurisdiction, time permitting. However, if the matter to be discussed is the subject of a public hearing, the individual will be required to speak when that hearing is conducted and public comments are received. Audience members addressing the Council and/or Mayor will be called forward to the podium by the presiding officer of the Council meeting. Each speaker is required to speak into the microphone at the podium, clearly state their name, and indicate if they are a resident of Midvale City. The Council will allow three minutes to address the Council, unless the Council, allocates more time in a content-neutral and uniform manner.

2. **Groups.** At the beginning of the formal Council meeting, those wishing to comment will be called forward to the podium. The presiding officer may take a poll of those wishing to speak for or against an issue in determining how many individuals or spokespersons to accommodate. When groups are going to speak to the same issue, the presiding officer may request a spokesperson or spokespersons to represent that
position as an aid and to facilitate the efficient and effective use of the limited time available at the meeting.

3. **Order of Comments.** The order of comments shall be at the sole discretion of the presiding officer; however, the presiding officer should give preference to those persons who have requested in writing, before the commencement of the meeting, to be heard or on the agenda. At that time, the Council may direct the City Manager to assist the individual on the issue, which may include future formal action by the Council. Individuals may also supplement their comments by providing documents or supplementing their oral statements by filing written comments.

3. **Address and Phone Numbers.** In order to permit follow-up by City staff, the presiding officer may request the person addressing the Council to provide his/her address and phone number in writing to a staff member.

4. **Written Supplementary Information.** Due to the limitation on the time available for an oral presentation, any person wishing to communicate is encouraged to submit any written materials or comments to the Council by submitting them through the City Recorder either before or at the time of the meeting he or she participates in.

### 3.8 COMMUNICATION DEVICES

1. **Duty to Disengage Electronic Equipment.** Persons attending Council meeting are to refrain from using and must turn off or silence all audible features of cellular telephones, audible pagers, or other communication devices while meetings are in session.

2. **Removal for Violation.** A person who violates these provisions is disorderly and may be expelled from the meeting upon a two-thirds majority vote of the Council, pursuant to Utah Code Ann. §10-3-608.

### 3.9 REMOVAL OF DISORDERLY PERSONS

Persons who exceed the time or are otherwise disorderly, including Council Members, may be expelled by the Council upon a two-thirds majority vote, as provided in Utah Code Ann. §10-3-608. However, nothing herein shall limit or preclude a person from being arrested, cited, or otherwise subject to police action for a violation of other applicable law.

### 3.10 GENERAL PROCEDURES

1. **Modified Roberts Rules.** Roberts Rules were developed for large-scale legislative bodies. A scaled-down and modified version is more appropriate for a City Council comprised of six members. Thus, the Council adopts a simplified parliamentary procedure, as follows:
a. **Mayor.** The Mayor is the Presiding Officer and acts as Chair at Council meetings.

b. **Mayor Pro-Tempore.** In the absence or incapacity of the Mayor, the Mayor Pro-Tempore serves as Presiding Officer. The Mayor Pro-Tempore maintains his/her ability to vote as a Council Member. The Mayor Pro-Tempore does not receive the Mayor’s authority to vote in the event of a tie vote of the Council under Utah Code Ann. §10-3b-302(1)(b)(i).

c. **Seating.** The Mayor, with the approval of individual Council Members, shall establish other seating arrangements for regular Council meetings.

d. **Limit Disruptive Behavior.** Persons demonstrating rude, boisterous, or profane behavior will be called to order by the Mayor. When faced with continued rude, boisterous, or profane behavior any member of the Council may call a recess, request a vote on removing such disorderly person(s) from the Council Chambers, adjourn the meeting, or take such other appropriate action as permitted by law.

e. **Public Demonstrations Inappropriate.** Applause, booing, or other similar behavior from individuals during meetings is discouraged and, if persistent, may constitute disruptive behavior or render an individual a disorderly person, subject to removal and other lawful sanctions.

f. **Values of Respect.** The City Council recognizes the importance of approaching the public's business in an environment of personal respect. The public’s business should be conducted on a basis of considering policy and advancing the best interests of the community, while protecting individual rights and property. As such, Council Members should focus discussions on policy matter and avoid personal criticism. Polite and reasoned discourse should be observed, while following and observing proper rules of procedure.

g. **Enforcement of Order.** The City Manager or his/her designee is the Sergeant-at-Arms. Any Council Member may request the Mayor to enforce the rules of protocol and move to limit or end disruptive behavior or remove disorderly persons, consistent with law.

### 3.11 VOTING PROCEDURES

1. **Obligation to Vote.** Unless prohibited by law, each Council Member is to vote when present.

2. **Discussion.** Prior to any action that requires a roll call vote of each Council Member, the Presiding Officer must allow Council Members to discuss the action prior to the roll call. Each Council Member has the option of speaking on the action at least once, if they so choose.
3. **How Vote Taken.** Each ordinance, resolution, action which creates a liability against the City, expends City funds, uses staff times, or directs the City Manager, and other cases at the request of any Member of the Council, shall be acted upon by a roll call vote of each Council Member, by a “yes” or “no” vote. Every resolution or ordinance shall be in writing before the vote is taken and no ordinance, resolution, or motion shall be passed or become effective, without an affirmative majority vote of the quorum, including: (1) not less than the minimum votes required by §10-3-507 of the Utah Code, as amended or its successor provision; or (2) a super majority vote, if mandated by applicable State law.

4. **Abstention.** If a seated Council Member abstains and refuses to vote, the abstention will be counted as a “no” vote.

5. **Tie Vote.** In the event of a tie vote of the Council Members present at a Council meeting, the Mayor may vote as a member of the Council. In the event that the Mayor is authorized to vote on the issue and there is a tie vote, the tie vote will be considered a vote that has failed

6. **General Consensus.** Matters not requiring a “roll call” vote may be acted upon by the Presiding Officer declaring a general consensus in his/her discretion provided there is no negative vote or objection by a Council Member. Alternatively, the Presiding Officer may call for a collective vote of the Council as a yes or no vote.

7. **Recording.** All action and votes of the Council shall be recorded by the City Recorder.

8. **Conflicts of Interest.** If a Council Member has a conflict of interest under State or City law, that Council Member must declare that conflict and excuse him/herself from the dais. The conflicted Council Member may not lobby, vote, or address the matter with Council Members or staff.
SUBJECT: Amendment of Midvale Municipal Code 2.36.040 ‘Electronic Meetings.’

SUBMITTED BY: Lisa Garner, City Attorney

SUMMARY:
In the course of preparing the amendment to the Midvale City Council Rules of Order and Procedures, the Legal Department staff discovered that Midvale Municipal Code 2.36.040 establishes the initial anchor location for electronic Council meetings at the old City Hall address. The proposed amendment removes the old address while still specifying that the initial anchor location is the Midvale City Hall. This will prevent further edits if the City offices ever move locations in the future. Additionally, the proposed amendment also completes some minor housekeeping to standardize style and reflect current Open and Public Meetings Act language.

FISCAL IMPACT: None


Attachments: Proposed Ordinance 2019-O-04
Proposed Amendment to Midvale Municipal Code 2.36.040 ‘Electronic meetings’
MIDVALE CITY

ORDINANCE NO. 2019-O-04

AN ORDINANCE AMENDING SECTION 2.36.040 ‘ELECTRONIC MEETINGS’ OF THE MIDVALE MUNICIPAL CODE.

WHEREAS, Utah Code Ann. §52-4-207 authorizes public bodies to convene and conduct an electronic meeting under the Utah Open and Public Meetings Act; and

WHEREAS, Utah Code Ann. §52-4-207(2)(a) requires a public body to adopt a resolution, rule, or ordinance governing the use of electronic meetings; and

WHEREAS, the Midvale City Council adopted Midvale Municipal Code 2.36.040 governing the use of electronic meetings; and

WHEREAS, Midvale Municipal Code 2.36.040(C) currently requires the initial anchor location for Midvale City Council electronic meetings to be at the City Hall Council Chambers located at 655 West Center Street, Midvale; and

WHEREAS, the City Hall Council Chambers are no longer located at 655 West Center Street, Midvale; and

WHEREAS, the Midvale City Council wishes to correct the listed address.

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

Section 1. The Midvale City Council desires to amend Midvale Municipal Code 2.36.040 as set forth in the attached proposed amendment.

Section 2. This Ordinance shall take effect immediately.

APPROVED AND ADOPTED this 19th day of March, 2019.

______________________________
Robert M. Hale, Mayor

ATTEST:

Voting by the City Council
Bryant Brown
Dustin Gettel
Paul Glover
Rori L. Andreason, MMC
Paul Hunt
Quinn Sperry

“Aye” “Nay”

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2.36.040 Electronic meetings.

A. Definitions. As used in this title:

“Anchor location” means the physical location from which the electronic meeting originates or from which the participants are connected.

“Electronic meeting” means a Midvale City council meeting convened or conducted by means of a telephonic, telecommunications, or computer conference electronic communications.

“Electronic notice” means electronic mail or fax.

“Monitor” means to hear, live, by speaker, or by other equipment, all of the public statements of each member of the Midvale City council who is participating in a meeting; or see, by computer screen or other visual medium, all of the public statements of each member of the Midvale City council who is participating in a meeting.

“Participate” means the ability to communicate with all of the participating members of the Midvale City council, either verbally or electronically, so that each participating member of the Midvale City council can hear or see the communication.

“Public hearing” means a meeting at which comments from the public will be accepted.

“Public statement” means a statement made in the ordinary course of business of the Midvale City council with the intent that all other members of the Midvale City council receive it.

B. Procedures. The Midvale City council may, by following the procedures and requirements of this title, convene and conduct an electronic meeting. The Midvale City council, convening or conducting an electronic meeting, shall:

1. Give public notice of the meeting pursuant to Sections 52-4-202 and 54-2-207 of the Utah Code Annotated by posting written notice at the anchor location; and providing written or electronic notice to at least one newspaper of general circulation within the state; to a local media correspondent; and publish notice on the Utah Public Notice Website.

2. In addition to giving public notice required by subsection (B)(1) of this section, provide notice of the electronic meeting to the members of the Midvale City council at least twenty-four hours before the meeting so that they may participate in and be counted as present for all purposes, including the determination that a quorum is present; and a description of how the members will be connected to the electronic meeting.

C. Procedures Governing Electronic Meeting. The procedures to be followed at the electronic meeting shall be the same as those followed by the Midvale City council in a nonelectronic meeting of the board. The mayor or mayor pro tem shall conduct the meeting and the meeting shall be held pursuant to the agenda posted for that meeting.

Prior to commencing the electronic meeting an electronic link shall be established with all participants and the anchor location. Minutes shall be kept for the meeting in accordance with the requirements of the Open and Public Meetings Law Act. Following passage of a motion to adjourn, the electronic link shall be terminated, and the meeting shall be deemed concluded.

The initial anchor location for meetings of the Midvale City council shall be the City Hall Council Chambers located at 655 West Center Street, Midvale, Utah. If the meeting is a public hearing, space and facilities will be provided at the anchor location so that interested persons and the public may attend, monitor, and participate in the open portions of the meeting. (Ord. 2/16/2010O-2 § 1 (Exh. A) (part), 2010)