Contract Review and Approval

Contract Title/Description: Development Agreement (R2014-07)

Contractor/Vendor: SJC Utah, LLC (Jordan Station)
Contract Begin Date: April 15, 2014
Contract End Date: _____
Account Number: _____
Available Budget: _____
Contract Price: _____

Approved as to:

Content: Damir Drozdek 4/15/2014
Owner / Project Manager (Date)

Form: Ryan Loose 4/15/2014
City Attorney / Assistant City Attorney (Date)

Budget: _____
Finance Officer (Date)

Bid Summary Included: Yes ☐ N/A ☐

Service Group Authorization:

Department Director: _____
Name/Signature (Date)

ACM: _____
Name/Signature (Date)

Original Received:

City Recorder: Cynthia M. West 5-27-2014
Name/Signature (Date)

Contract Number: 2014-0061

Item (20-7) Permanent Retention

RESOLUTION R2014 - 07.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, AUTHORIZING THE SOUTH JORDAN MAYOR TO EXECUTE THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF SOUTH JORDAN AND the Developer of the Jordan Station Development.

WHEREAS, the City of South Jordan is a municipal corporation and a political subdivision of the State of Utah authorized to enter into development agreements that it considers necessary or appropriate for the use and development of land within the City under Utah Code Ann. § 10-9a-102 et seq; and

WHEREAS, the City of South Jordan has entered into development agreements for time to time as the City has deemed necessary for the orderly development of the City; and

WHEREAS, The South Jordan City Council finds it in the best interest of the public welfare and the development of the City to enter into the Development Agreement with the Developer of Jordan Station.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, UTAH:

SECTION 1. Authorization. South Jordan City Mayor, David L. Alvord is authorized to sign the Development Agreement by and between the City of South Jordan and the Developer of Jordan Station.

SECTION 2. Severability. If any section, clause, or portion of the Resolution is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

SECTION 3. Effective Date. This Resolution shall become effective immediately upon passage.

<<The remainder of page intentionally left blank>>

11849481
05/15/2014 09:38 AM $0.00
Book - 10230 Pg - 8333-8379
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
SOUTH JORDAN
1600 W TOWNE CENTER DR
SOUTH JORDAN UT 84095-8265
BY: SSA, DEPUTY - WI 47 P.

APPROVED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS 15th DAY OF April, 2014 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Mark Seethaler	X			
Chuck Newton	X			
Dave Alvord	X			
Steve Barnes	X			
Christopher Rogers		X		

Mayor: _____
David L. Alvord

Attest: _____
City Recorder

Approved as to form:

_____
Office of the City Attorney

City of South Jordan CORPORATE Seal State of Utah

DEVELOPMENT AGREEMENT

The City of South Jordan, a Utah municipal corporation (the "City"), and SJ Utah LLC a Utah limited liability company ("SJ Utah LLC"), enter into this Development Agreement (the "Agreement") this 15th day of APRIL, 2014 ("Effective Date"), and agree as set forth below for the development of property to be known as Jordan Station (the "Project"). SJC Utah LLC is referred to as the "Developer." The City and the Developer are jointly referred to as the "Parties."

RECITALS

WHEREAS, the Developer is the owner of certain real property identified as Assessor's Parcel Number(s) 27-13-178-009, 27-13-178-010, and a portion of 27-13-178-012 specifically described in attached Exhibit A (the "Property") and intends to develop the Project consistent with the Master Development Plan attached as Exhibit B (the "Master Development Plan"); and

WHEREAS, the City, acting pursuant to (1) its authority under Utah Code Annotated 10-9a-102(2) *et seq*., as amended, and (2) the South Jordan City Municipal Code (the "City Code"), and in furtherance of its land use policies, goals, objectives, ordinances, resolutions, and regulations, the City has made certain determinations with respect to the proposed development of the Property and in exercise of its legislative discretion has elected to enter into this Agreement; and

WHEREAS, the Property is currently subject to the Planning and Land Use Ordinance of South Jordan City and is within the Commercial-Freeway zone (the "C-F Zone"). A copy of the provisions of such zone designation in the South Jordan City Code is attached as Exhibit C; and

WHEREAS, the Developer desires to make improvements to the Property in conformity with this Agreement and desires a zone change on the Property from C-F to Mixed Use-Transit Oriented Development (the "MU-TOD Zone"). A copy of the provisions of the MU-TOD Zone designation in the South Jordan City Code is attached as Exhibit D; and

WHEREAS, the Developer and the City acknowledge that the development of the Project pursuant to this Agreement will provide certainty useful to the Developer and to the City in ongoing and future dealings and relations among the Parties; and

WHEREAS, the City has determined that the proposed Project contains features which advance the policies goals and objectives of the South Jordan City General Plan, preserve and maintain the open and sustainable atmosphere desired by the citizens of the City, or contribute to capital improvements which substantially benefit the City and will result in planning and economic benefits to the City and its citizens; and

WHEREAS, this Agreement shall only be effective and valid upon approval of such by the South Jordan City Council, pursuant to resolution R-2014-07 a copy of which is attached as Exhibit E; and

WHEREAS, the City and the Developer acknowledge that the terms of this Agreement shall be enforceable and the rights of the Developer relative to the Property and the Project shall vest only if the South Jordan City Council, in its sole legislative discretion, approves a zone change for the Property currently zoned as C-F to a zone designated as MU-TOD.

NOW THEREFORE, based upon the foregoing recitals and in consideration of the mutual covenants and promises contained set forth herein, the Parties agree as follows:

TERMS

A. Recitals; Definitions. The recitals set forth above are incorporated herein by this reference. Any capitalized term used but not otherwise defined in this Agreement shall have the meaning ascribed to such term in the Planning and Land Use Ordinance of South Jordan City.

B. Enforceability: The City and the Developer acknowledge that the terms of this Agreement shall be enforceable, and the rights of the Developer relative to the Property shall vest, only if the South Jordan City Council in its sole legislative discretion approves a zone change for the Property currently zoned as C-F to a zone designated as MU-TOD.

C. Conflicting Terms. The Property shall be developed in accordance with the requirements and benefits provided for in relation to an MU-TOD zone under the City Code as of the Effective Date. In the event of a discrepancy between the requirements of the City Code including the MU-TOD zone, and this Agreement, this Agreement shall control.

D. Developer Obligations:

1. Concept Plan. The Developer agrees to develop the Project consistent with the Concept Plan and the requirements set forth in this Agreement and the City Code, jointly referred to as the "Developer Obligations".

2. Housing. The majority of housing in the Project will consist of stacked dwelling units ranging in height from a 4 story apartment building to a 1 or 2 story covered parking under a 4 story apartment building. There shall also be a senior housing component and/or owner occupied condominium units in the project.

3. Commercial. The Project shall include a retail component to be located at the northeast corner of the Project, incorporated into a residential building.

4. Street Trees. The Project shall include street trees in the parkstrip along Jordan Gateway as determined by the City.

5. Architecture. Buildings shall range in height at the roof line to provide for a village feel within the Project.

6. Access. There shall be an ADA compliant path that provides access from each building and amenity in the project to a public sidewalk.

7. Joint and Severable Liability. As the Developer is comprised of two separate entities, each entity shall be jointly and severally liable to the City for all Developer Obligations and shall be responsible for the full performance such irrespective and independent of the performance or non-performance of the Developer Obligations by the other entity.

8. One Developer Representative. The Developer hereby designates Jeff Wells of SJC Utah LLC as representative of the Developer ("Developer Agent") for the Project and this Agreement. Any actions by, representations from, or commitments made by the Developer Agent relative to the Project and this Agreement shall be unconditionally binding upon both entities which comprise the Developer. Further, the Developer expressly represents that the City may rely upon the actions, representations, and commitments of the Developer Agent and may consider the Developer Agent as representing both entities, which comprise the Developer, for purposes of this Agreement and for any future requests or applications related to the Property or the Project. The Developer's representative may be changed by the Developer upon providing City with notice pursuant to this Agreement.

E. City Obligations.

1. Development Review. The City shall review development of the Property in a timely manner, consistent with the City's routine development review practices and in accordance with all applicable laws and regulations.

F. Vested Rights and Reserved Legislative Powers.

1. Vested Rights. Consistent with the terms and conditions of this Agreement, City agrees Developer has the vested right to develop and construct the Property in accordance with: (i) the MU-TOD (Exhibit D) zoning designation; (ii) the City Code in effect as of the Effective Date and; (iii) the terms of this Agreement.

2. Reserved Legislative Powers. Developer acknowledges that the City is restricted in its authority to limit its police 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 limited. Notwithstanding the retained power of the City to enact such legislation under the police powers, such legislation shall only be applied to modify the vested rights of Developer under this Agreement and with respect to use under the zoning designations as referenced in *Section F. 1.* above under the terms of this Agreement based upon the policies, facts and circumstances meeting the compelling, countervailing public interest exception to the vested rights doctrine in the State of Utah. Any such proposed change affecting the vested rights of the Property shall be of general application to all development activity in the City and Salt Lake County (the "County"); and, unless in good faith the City declares an emergency, Developer shall be entitled to prior written notice and an opportunity to be heard with respect to the proposed change and its applicability to the Property under the compelling, countervailing public interest exception to the vested rights doctrine. The notice required by this paragraph shall be that public notice published by the City as required by State statute

G. Term. This Agreement shall be effective as of the date of recordation, shall run with the land and shall continue in full force and effect until all obligations hereunder have been

fully performed and all rights hereunder fully exercised; provided, however, that unless the parties mutually agree to extend the term, this Agreement shall not extend further than a period of 10 years from its date of recordation in the official records of the Salt Lake County Recorder's Office.

H. General Provisions.

1. Notices. All Notices, filings, consents, approvals, and other communication provided for herein or given in connection herewith shall be validly given, filed, made, delivered or served if in writing and delivered personally or sent by registered or certified U.S. Postal Service mail, return receipt requested, postage prepaid to the following addresses or to such other addresses as either party may from time to time designate in writing and deliver in like manner. Any such change of address shall be given at least 10 days before the date on which the change is to become effective:

If to City: ATTN: City Recorder
City of South Jordan
1600 West Towne Center Drive
South Jordan City, Utah 84095
Attention: City Recorder

If to Developer:

ATTN: Jeff Wells
SJ Utah, LLC
2020 East Pebble Creek,
Springville, UT 84663

2. Mailing Effective. Notices given by mail shall be deemed delivered 72 hours following deposit with the U.S. Postal Service in the manner set forth above.

3. No Waiver. Any party's failure to enforce any provision of this Agreement shall not constitute a waiver of the right to enforce such provision. The provisions may be waived only in writing by the party intended to be benefited by the provisions, and a waiver by a party of a breach hereunder by the other Party shall not be construed as a waiver of any succeeding breach of the same or other provisions.

4. Headings. The descriptive headings of the paragraphs of this Agreement are inserted for convenience only, and shall not control or affect the meaning or construction of any provision this Agreement.

5. Authority. The parties to this Agreement represent to each other that they have full power and authority to enter into this Agreement, and that all necessary actions have been taken to give full force and effect to this Agreement. Developer represents and warrants it is fully formed and validly existing under the laws of the State of Utah, and that it is duly

qualified to do business in the State of Utah and is in good standing under applicable state laws. Developer and the City warrant to each other that the individuals executing this Agreement on behalf of their respective parties are authorized and empowered to bind the parties on whose behalf each individual is signing. Developer represents to the City that by entering into this Agreement Developer has bound all persons and entities having a legal or equitable interest to the terms of the Agreement as of the Effective Date.

6. Entire Agreement. This Agreement, together with the Exhibits attached hereto, documents referenced herein and all regulatory approvals given by the City for the Property contain the entire agreement of the parties with respect to the subject matter hereof and supersede any prior promises, representations, warranties, inducements or understandings between the parties which are not contained in such agreements, regulatory approvals and related conditions.

7. Amendment. This Agreement may be amended in whole or in part with respect to all or any portion of the Property by the mutual written consent of the parties to this Agreement or by their successors-in-interest or assigns. Any such amendment of this Agreement shall be recorded in the official records of the Salt Lake County Recorder's Office.

8. Severability. If any of the provisions of this Agreement are declared void or unenforceable, such provision shall be severed from this Agreement. This Agreement shall otherwise remain in full force and effect provided the fundamental purpose of this Agreement and Developer's ability to complete the development of the Property as set forth in the Concept Plan is not defeated by such severance.

9. Governing Law. The laws of the State of Utah shall govern the interpretation and enforcement of the Agreement. The parties shall agree that the venue for any action commenced in connection with this Agreement shall be proper only in a court of competent jurisdiction located in Salt Lake County, Utah. The Parties hereby expressly waive any right to object to such choice of law or venue.

10. Remedies. If any party to this Agreement breaches any provision of this Agreement, the non-defaulting party shall be entitled to all remedies available at both law and in equity.

11. Attorney's Fee and Costs. If any party brings legal action either because of a breach of the Agreement or to enforce a provision of the Agreement, the prevailing party shall be entitled to reasonable attorney's fees and court costs.

12. Binding Effect. The benefits and burdens of this Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, legal representatives, successors in interest and assigns. This Agreement shall be incorporated by reference in any instrument purporting to convey an interest in the Property.

13. No Third Party Rights. The obligations of the Developer and the City set forth in this Agreement shall not create any rights in or obligations to any other persons or parties except to the extent otherwise provided herein.

14. Assignment. Developer may freely assign this Agreement, in which case the assignor or successor-in-interest shall be fully liable under this Agreement and Developer shall be deemed released of its obligations in connection with this Agreement; provided, however, that Developer shall provide the City with notice of the assignment of this Agreement within a reasonable time after the occurrence of such assignment.

15. No Agency Created. Nothing contained in the Agreement shall create any partnership, joint venture, or agency relationship between the parties.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date.

CITY OF SOUTH JORDAN,
a Utah Municipal Corporation

By: _____
David L. Alvord
Mayor

APPROVED AS TO FORM:

_____
Attorney for the City

State of Utah)
:ss
County of Salt Lake)

On this 25th day of April, 20 14, personally appeared before me DAVID L. ALVORD, whose identity is personally known to me or proved to me on the basis of satisfactory evidence, and who affirmed that he is the MAYOR, of the City of South Jordan, a Utah municipal corporation, and said document was signed by him in behalf of said municipal corporation by authority of the South Jordan City Code by a Resolution of the South Jordan City Council, and he acknowledged to me that said municipal corporation executed the same.

_____
Notary Public

NOTARY PUBLIC
ANNA M. WEST
Commission No. 658435
Commission Expires
OCTOBER 4, 2016
STATE OF UTAH

{Signatures Continue on following page}

SJ UTAH LLC

Signature: _____

Print Name: JEFF WELLS

Title: Managing Member

State of Utah)
:ss
County of Salt Lake)

State of Utah)
:ss
County of Salt Lake)

On this 24 day of April, 2014, personally appeared before me Jeffrey Wells *[name of person(s)]*, whose identity is personally known to me or proved to me on the basis of satisfactory evidence, and who affirmed that he/she is the Managing Member *[title]*, of SJ Utah LLC *[name of LLC]*, limited liability company, by authority of its members or its articles of organization, and he/she acknowledged to me that said limited liability company executed the same.

_____
Notary Public

CORINNE COWDELL
Notary Public
State of Utah
Comm. No. 664677
My Comm. Expires Mar 27, 2017

Exhibit A

(Legal Description of the Property)

C-F to MU-TOD

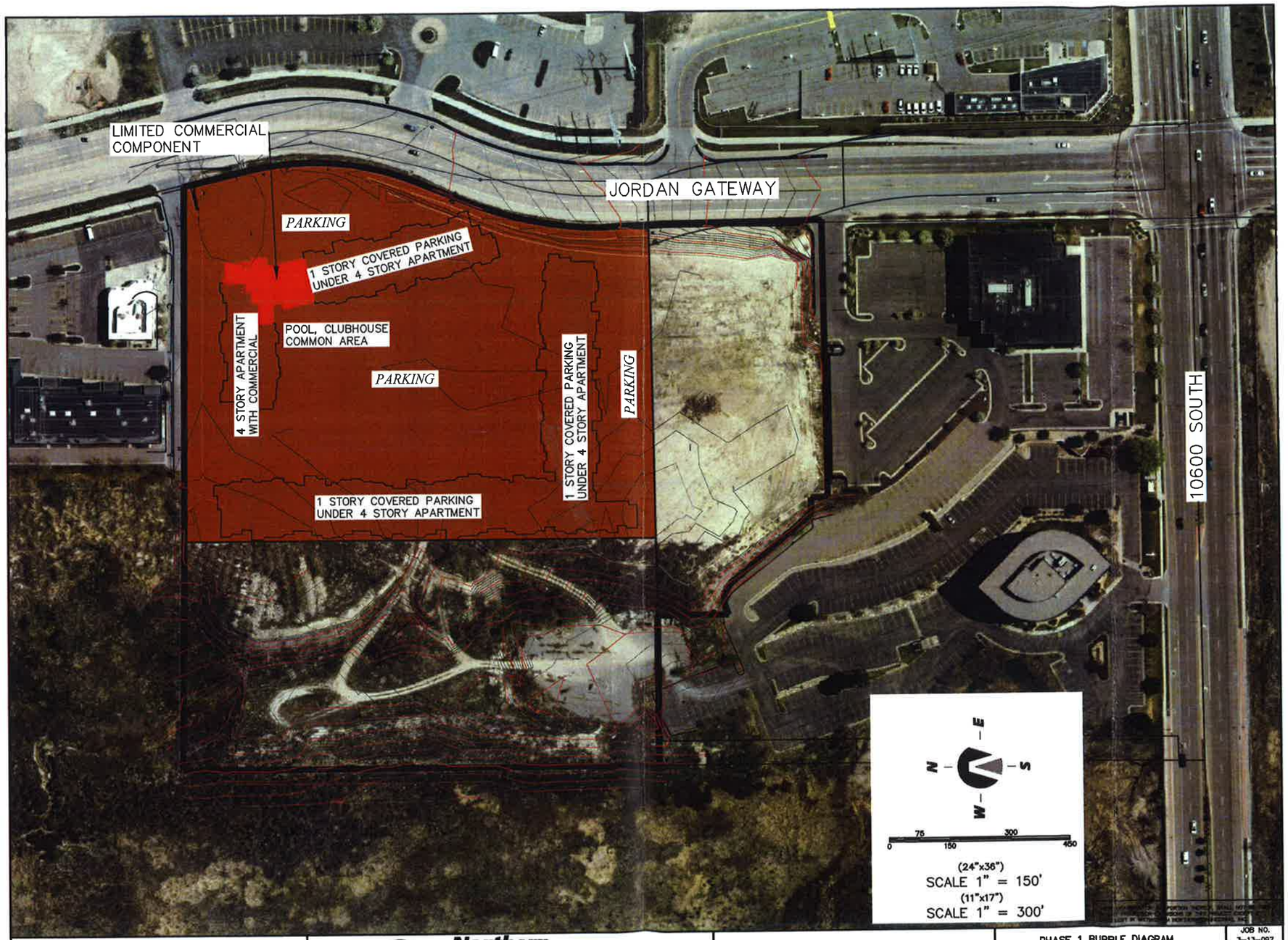
A PARCEL OF LAND LYING WITHIN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, UTAH COUNTY, UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP MONUMENT MARKING THE CENTER OF SAID SECTION 13; THENCE S 89°07'37" W ALONG SECTION LINE A DISTANCE OF 601.63 FEET; THENCE N 00°00'00" E 676.60 FEET TO THE POINT OF BEGINNING.

THENCE S 89°07'37" W 388.64 FEET; THENCE N 00°00'03" W 583.51 FEET; THENCE S 89°48'25" E 440.12 FEET TO A POINT ON THE WEST LINE OF SOUTH JORDAN PARKWAY; THENCE ALONG SOUTH JORDAN PARKWAY FOR THE NEXT 5 CALLS 1) S 13°39'43" E 79.12 FEET TO A POINT OF CURVATURE OF A 344.50-FOOT RADIUS TANGENT CURVE TO THE RIGHT 2) THENCE SOUTHWESTERLY ALONG THE ARC OS SAID CURVE 213.57 FEET, HAVING A CENTRAL ANGLE OF 35°31'14" AND A CHORD THAT BEARS S 04°05'53" W 210.17 FEET; 3) THENCE S 21°51'26" W 63.20 FEET TO A POINT OF CURVATURE OF A 453.00-FOOT RADIUS TANGENT CURVE TO THE LEFT 4) THENCE SOUTHWESTERLY ALONG THE ARC OS SAID CURVE 174.96 FEET, HAVING A CENTRAL ANGLE OF 22°07'43" AND A CHORD THAT BEARS S 11°39'09" W 173.87 FEET; 4) THENCE S 03°15'56" E 60.75 FEET TO THE POINT OF BEGINNING. CONTAINS 249347 S.F. 5.72 AC MORE OR LESS.

Exhibit B

MASTER DEVELOPMENT PLAN



Northern ENGINEERING INC
ENGINEERING-LAND PLANNING
CONSTRUCTION MANAGEMENT
1040 E. 800 N.
OREM, UTAH 84097
(801) 802-8992

JORDAN GATEWAY APARTMENTS

PHASE 1 BUBBLE DIAGRAM

SOUTH JORDAN

JOB NO. 3-13-097

SHEET NO. X

H:\3-13-097-00 SJ Gateway\CAD\Preliminary\FINAL BUBBLE DIAGRAM.dwg 4/16/2014 11:28 AM

Exhibit C

C-F ZONE City Code Provisions

Chapter 17.64
COMMERCIAL-FREEWAY (C-F) ZONE

17.64.010: PURPOSE:
17.64.020: PERMITTED USES:
17.64.030: CONDITIONAL USES:
17.64.040: USE REGULATIONS:
17.64.050: DEVELOPMENT REVIEW:
17.64.055: PERFORMANCE DEVELOPMENT:
17.64.060: LOT WIDTH AND FRONTAGE:
17.64.070: AREA REQUIREMENTS:
17.64.080: PRIOR CREATED LOTS:
17.64.090: YARD REQUIREMENTS:
17.64.100: PROJECTIONS INTO YARDS:
17.64.110: PARKING AND ACCESS:
17.64.120: FENCING, SCREENING AND CLEAR VISION:
17.64.130: ARCHITECTURAL STANDARDS:
17.64.140: LANDSCAPING:
17.64.150: LIGHTING:
17.64.160: OTHER REQUIREMENTS:

17.64.010: PURPOSE:

The commercial-freeway (C-F) zone may be cited as the "C-F zone" and is established along the interstate freeway to provide areas for major commercial uses which are both compatible with and dependent on freeway visibility and access. Developments in the C-F zone should be generally upscale with attention given to coordination of traffic circulation and building placement. The C-F zone should provide a pleasing and functional environment which represents the quality of life in the city but also enhances employment opportunities and the retail tax base of the city. (Ord. 2012-07, 6-19-2012)

17.64.020: PERMITTED USES:

The following uses are permitted in C-F zones:

Auto and equipment parts retailing, no service.

Banks, credit unions, financial institutions.

Beauty, health and fitness centers.

Books, videos, media, photography, copies, art and drafting supplies, office supplies, stationery retail.

Department, discount and food stores.

Furniture, electronics, appliances and home furnishings retailing.

Hardware and home improvement retailing.

Health, beauty and medical products retailing; prescription drugs retailing.

Hobbies and crafts retailing.

Hotels and motels.

Household goods retailing.

Miscellaneous retail sales.

Restaurants, eating establishments.

Shopping centers and malls containing only allowed uses.

Sporting goods, toy retailing.

Textiles, sewing supplies, apparel, footwear retailing.

Theaters, concert halls, entertainment facilities. (Ord. 2012-07, 6-19-2012)

17.64.030: CONDITIONAL USES:

A conditional use permit may be issued for the following uses in the C-F zone:

Automobile sales, new and ancillary used.

Automobile sales, used; minimum eight thousand (8,000) square foot building required.

Automotive services enclosed within a building including lube, tune up, automatic wash, inspection, tires, mufflers, minor repairs.

Bed and breakfast inn.

Convention, arena, reception and assembly facilities.

Cultural exhibits and activities.

Custom storage; limited to six (6) total acres within the zone, and not allowed on property with a general plan land use designation of TOD or on property located east of 250 West.

Daycare center facility.

Drive-through facilities for allowed use.

Educational and training activities.

Entertainment, amusement, recreational activities.

Equipment and appliance light repairs and service enclosed within a building.

Fast food with no eating accommodations.

Gas stations, convenience stores.

Golf courses and ranges.

Laundry.

Lumber, building material and landscaping retail sales yards.

Medical, health or dental services.

Nature or zoological exhibits.

Office buildings with commercial office uses.

Parks.

Pharmacy.

Preschool center facility.

Public or quasi-public facilities.

Recreational vehicle and boat sales, new and ancillary used.

Religious activities.

Secondhand goods retailing. (Ord. 2012-12, 10-2-2012)

17.64.040: USE REGULATIONS:

Uses may be conducted in C-F zones only in accordance with the following regulations:

A. Only allowed permitted, conditional or accessory uses as set forth in this chapter may be conducted in C-F zones. A conditional use permit must be obtained prior to the establishment of a conditional use. Sexually oriented business is prohibited in C-F zones. (Ord. 2008-07, 6-3-2008)

B. All uses in C-F zones shall be conducted within completely enclosed buildings, unless otherwise allowed in this chapter, except those temporary uses customarily conducted in the outdoors, including, Christmas tree lots, fireworks stands and parking lot sales associated with an approved use on the property. Parking lot sales may be conducted up to four (4) 1-week periods per year.

C. Accessory uses and buildings may be conducted in C-F zones only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, parking lots and

terraces, properly screened utility and loading areas and other buildings and activities which are incidental and subordinate to the principal permitted or conditional use on the premises.

D. There shall be no open storage of trash, debris, used, wrecked or neglected materials, equipment or vehicles in C-F zones. No commercial materials, goods or inventory may be stored in open areas in C-F zones, except for temporary display items which are removed daily and which may be located only on private property no closer than ten feet (10') from any public right of way. No more than twelve (12) small party balloons and six (6) weatherproof placards, each not exceeding two feet (2') square, per business may be attached to the displays and shall be removed daily with the displays. All other signs and devices are prohibited. Outdoor storage of inventory or products such as firewood, water softener salt, garden supplies and building materials is permitted only in screened areas approved for such purpose with site plan review.

E. No vehicle, boat or trailer, or parts thereof, which is in a wrecked, junked, dismantled, inoperative or abandoned condition, attended or not, may be parked or stored in C-F zones for longer than seventy two (72) hours unless stored within a completely enclosed building.

F. No commercial vehicles such as earthmoving or material handling equipment, semitrucks or trailers or any commercial truck, trailer or vehicle may be stored in C-F zones for longer than seventy two (72) hours, except in conjunction with an approved use or approved development or construction activities on the property.

G. Utility trailers and recreational vehicles such as motor homes, travel trailers, watercraft, campers and all-terrain vehicles, may not be stored in any area in C-F zones, except those specifically allowed by the city council in conjunction with a permitted or conditional use on the premises.

H. Home occupations may be licensed in any residence in C-F zones according to provisions of chapter 17.98 of this title. (Ord. 2007-02, 1-16-2007)

17.64.050: DEVELOPMENT REVIEW:

All uses proposed in C-F zones may only be established in conformance with development review procedures of the city. Applicants shall follow the procedures and requirements of this code regarding development review in the preparation and review of development proposals in C-F zones. All uses shall be conducted according to the approved plan or plat and any conditions of approval. Plans or plats may not be altered without prior approval of the city, except as allowed under state law. (Ord. 2007-02, 1-16-2007)

17.64.055: PERFORMANCE DEVELOPMENT:

A. The land use standards of this chapter and of any other section of this title or of the development code pertaining to development in the C-F zone may be altered or waived for a "performance development" by the planning commission, only with the positive recommendation of city staff, with a conditional use permit. "Performance development" shall be defined as any development in the C-F zone which is exempted from certain land use and development requirements but which demonstrates superior design and function. Variations in the standard requirements of the C-F zone will be based on additional enhancements provided in the development and the desirability of the proposed development relating to one or more of the following: amenities,

economic benefit, additional architectural features, resolution of neighbors' concerns, and the development's contribution to principles of quality growth suggested by "Envision Utah's Urban Planning For Quality Growth". The following provisions will govern the review of a proposed performance development:

1. The minimum area of a performance development shall be five (5) acres unless otherwise recommended by city staff and approved by the planning commission.

2. The conditional use permit/site plan application shall delineate the requested exceptions and variations from city ordinances and the offsetting upgrades and benefits proposed. Possible exceptions may include, but are not limited to, unlisted uses, yard requirement reduction, building height increase, alternative screening technique, and reduced parking requirements. Possible upgrades may include, but are not limited to, improved landscape design, architectural enhancements, and coordination with adjoining development. Staff will make a determination as to the reasonableness of the proposed exceptions and upgrades and make recommendations to the planning commission. Proposed upgrades and enhancements must clearly exceed what would normally be expected for development in the C-F zone.

3. Uses which significantly diverge from the character and purpose of the C-F zone, such as industrial uses, are prohibited.

4. All nonretail uses proposed shall be supportive of retail uses in the development in areas planned for commercial development and as described in section 17.64.010 of this chapter.

5. Integrated residential use with "village" style design, building height, architecture, and connectivity, and office uses may be incorporated as components of mixed use commercial developments.

6. Sexually oriented businesses are prohibited.

B. The following standards and regulations may not be varied for performance developments:

1. Building and infrastructure construction standards.

2. Use regulations as set forth in section 17.64.040 of this chapter, except for office use restrictions in subsection A of this section.

3. Required landscaping as set forth in section 17.64.140 of this chapter.

4. Sign regulations as set forth in title 16, chapter 16.36 of this code.

5. Requirements of section 16.24.050 of this code.

6. Requirements of section 16.24.070 of this code.

7. Any standards relating to the public health, safety and welfare. (Ord. 2011-03, 11-15-2011)

17.64.060: LOT WIDTH AND FRONTAGE:

No minimum lot width is required for lots in C-F zones, except for the initial lot of a development which shall have a minimum width of one hundred fifty feet (150') measured at the minimum front yard setback at a point which corresponds to the midpoint of the front lot line. The initial lot shall abut the right of way line of a public street a minimum distance of one hundred fifty feet (150'). Lots not

fronting on a street must be accessible to the public via a recorded easement or right of way. (Ord. 2007-02, 1-16-2007)

17.64.070: AREA REQUIREMENTS:

The following area requirements shall apply in the C-F zone:

A. Minimum Zone Area: The minimum area of a C-F zone shall be five (5) acres.

B. Minimum Project Area: "Project" shall be defined as any development in C-F zones for which preliminary plat or site plan approval has been proposed or granted. The minimum area of any project in C-F zones shall be one acre.

C. Minimum Lot Area: There shall be no minimum lot area in C-F zones. (Ord. 2007-02, 1-16-2007)

17.64.080: PRIOR CREATED LOTS:

Nonconforming lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of a C-F zone shall be brought into conformance with the requirements of this chapter prior to development. (Ord. 2007-02, 1-16-2007)

17.64.090: YARD REQUIREMENTS:

The following yard requirements shall apply on lots in C-F zones:

A. Front Yard, Interior And Corner Lots: The minimum landscaped front yard for lots in C-F zones shall be twenty feet (20').

B. Side Yard, Interior Lots: No minimum side yard is required adjacent to nonresidential or nonagricultural zones. The minimum side yard for lots adjacent to residential or agricultural zones shall be thirty feet (30'), of which at least ten feet (10') adjacent to the property line shall be landscaped.

C. Side Yard, Corner Lots: The minimum landscaped street side yard for corner lots shall be twenty feet (20').

D. Rear Yard: No minimum rear yard is required adjacent to nonresidential or nonagricultural zones. The minimum rear yard for lots adjacent to residential or agricultural zones shall be thirty feet (30'), of which at least ten feet (10') adjacent to the property line shall be landscaped.

E. Reduction Of Requirements By Approval: Should an adjacent property have a future land use designation that is commercial, office or industrial, the required minimum interior side and/or rear yard may be reduced if approved by the planning commission with site plan review. (Ord. 2008-08, 6-3-2008)

17.64.100: PROJECTIONS INTO YARDS:

The following may be erected on or projected into any required yard space in C-F zones:

A. Fences and walls in conformance with city codes and ordinances.

B. Landscape elements, including trees, shrubs and other plants.

C. Utility or irrigation equipment or facilities.

D. Decks not more than two feet (2') in height.

E. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks or similar architectural features attached to the building extending not more than two feet (2') into a side yard or four feet (4') into a front or rear yard.

F. Chimneys, fireplace keys, box or bay windows or cantilevered walls attached to the building not exceeding eight feet (8') wide and extending not more than two feet (2') into a side yard or four feet (4') into a front or rear yard. (Ord. 2007-02, 1-16-2007)

17.64.110: PARKING AND ACCESS:

Parking areas and access in C-F zones shall meet requirements of chapter 16.26 of this code. (Ord. 2007-02, 1-16-2007)

17.64.120: FENCING, SCREENING AND CLEAR VISION:

The following fencing, screening and clear vision requirements shall apply in C-F zones:

A. All mechanical equipment, antennas (where possible), loading and utility areas and trash receptacles shall be screened from view with architectural features or walls consistent with materials used in the associated buildings.

B. The boundary of a C-F zone which is not in or adjacent to a street and which is adjacent to a residential or agricultural zone shall be fenced with a six foot (6'), decorative precast concrete panel or masonry fence as determined with development approval. Six foot (6') solid vinyl boundary fencing may be allowed in unusual circumstances such as adjacent to property which is master planned for nonresidential uses. A higher fence may be required or allowed by the city in unusual circumstances. A building permit is required for fences and walls over six feet (6') high. Other fencing or landscaping techniques may be used to buffer waterways, trails, parks, open spaces or other uses as determined with development approval.

C. No wall, fence or screening material shall be erected between a street and a front or street side building line in C-F zones, except as required in subsection A of this section.

D. Landscape materials, except for mature trees which are pruned at least seven feet (7') above the ground and fences, shall not exceed three feet (3') in height within a ten foot (10') triangular area formed by the edge of a driveway and a street right of way line or within a thirty foot (30') triangular area formed by the right of way lines of intersecting streets. (Ord. 2007-02, 1-16-2007)

17.64.130: ARCHITECTURAL STANDARDS:

The following architectural standards are required in C-F zones:

A. Architectural drawings and elevations, exterior materials and colors of all buildings shall be submitted in conjunction with site plan review. In projects containing multiple buildings, a design book containing architectural theme, features, exterior materials and colors governing the entire project shall be submitted.

B. All building materials shall be high quality, durable and low maintenance.

C. Exterior walls of buildings, in excess of sixty feet (60') in length, shall have relief features at least four inches (4") deep at planned intervals. All sides of buildings shall receive design consideration.

D. Signs shall meet requirements of chapter 16.36 of this code and shall be constructed of materials which complement the buildings which they identify.

E. No maximum building height is required in C-F zones.

F. The exteriors of buildings in the C-F zone shall be properly maintained by the owners. (Ord. 2007-02, 1-16-2007)

17.64.140: LANDSCAPING:

The following landscaping requirements and standards shall apply in the C-F zone:

A. The front, side and rear yards of lots in C-F zones, as described in section 17.64.090 of this chapter, shall be landscaped and properly maintained with grass, trees and other plant material.

B. All areas of lots in C-F zones not approved for parking, buildings or other hard surfacing shall be landscaped and properly maintained with grass, deciduous and evergreen trees and other plant material approved in conjunction with a site plan or plat for the development.

C. A minimum of one tree per five hundred (500) square feet, or part thereof, of required landscaped yard areas is required in C-F zones in addition to other trees required in this section. A minimum of thirty percent (30%) of required yard area trees shall be minimum seven foot (7') evergreens. Deciduous trees shall be minimum two inch (2") caliper. Deciduous and evergreen trees required in this section need not be equally spaced but shall be dispersed throughout the required yard areas on the site.

D. All collector street and other public and private park strips in C-F zones shall be improved and maintained by the adjoining owners according to specifications adopted by the city unless otherwise allowed with development approval.

E. Trees may not be topped nor may any landscape material be removed in C-F zones without city approval. Any dead plant material shall be replaced in accordance with the requirements of this chapter and the conditions of site plan or plat approval.

F. The following landscaping requirements shall apply in parking areas in C-F zones:

1. Curbed planters with two inch (2") or larger caliper shade trees and grass, shrubs or ground cover shall be installed at the ends of parking rows. Planters shall be at least five feet (5') wide.

2. Shade trees shall be planted between double parking rows at minimum intervals of six (6) stalls and along single parking rows at minimum intervals of three (3) stalls and no farther than six feet (6') from the parking area. Shade trees are not required in parking rows which are adjacent to buildings.

3. All landscaped areas adjacent to parking areas shall be curbed.

G. A minimum twenty foot (20') wide landscaped planter shall be required along the freeway right of way on lots in the C-F zone which adjoin the freeway right of way. This area may be counted toward any minimum yard area that would otherwise be required adjacent to the freeway right of way. These areas shall be planted with grass, trees and other plant materials.

H. Developments which are contiguous to canals, streams or drainage areas shall make reasonable efforts to include banks and rights of way in the landscaping of the project and the urban trails system. Any areas so included and perpetually preserved may be counted toward required yard space for the development. If approved by the city engineer, waterways which traverse developments may be left open if properly landscaped and maintained by the adjacent owners. Waterways may not be altered without written approval of any entity or agency having jurisdiction over said waterways.

I. All required landscaping in C-F zones, shall be installed (or escrowed due to season) prior to occupancy.

J. All landscaped areas, including adjoining public right of way areas, shall be properly irrigated and maintained by the owners. (Ord. 2007-02, 1-16-2007)

17.64.150: LIGHTING:

The following lighting requirements shall apply in C-F zones:

A. A lighting plan shall be submitted with all new developments in C-F zones. Site lighting shall be shielded to prevent glare on adjacent properties.

B. Lighting fixtures on private property shall be architectural grade and consistent with the architectural theme of the development.

C. Lighting fixtures on public property shall be architectural grade. A single streetlight design, approved by the city engineer, will be used on the same street. (Ord. 2007-02, 1-16-2007)

17.64.160: OTHER REQUIREMENTS:

The following provisions shall apply in C-F zones:

A. Private Covenants: The developer of a condominium project in a C-F zone shall submit a proposed declaration of covenants to the city attorney for review, including an opinion of legal counsel licensed to practice law in the state that the condominium meets the requirements of state law, and record the covenants with the condominium plat for the project.

B. Grading And Drainage: All development sites in C-F zones shall be graded according to the city engineering and building requirements to provide adequate drainage. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.

C. Maintenance: All private areas in developments shall be properly maintained by the owners.

D. Easements: Buildings may not be located within a public easement.

E. Phasing Plan: A project phasing plan shall be submitted for review at the time of preliminary plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the city. (Ord. 2007-02, 1-16-2007)

Exhibit D

MU-TOD ZONE City Code Provisions

Chapter 17.74
MIXED USE (MU) ZONE

17.74.010: OBJECTIVES AND CHARACTERISTICS OF ZONE:
17.74.020: PERMITTED USES AND CONDITIONAL USES:
17.74.030: USE REGULATIONS:
17.74.040: ZONE ESTABLISHMENT:
17.74.050: DEVELOPMENT REVIEW:
17.74.060: SPECIAL PROVISIONS:
17.74.070: AREA REQUIREMENTS:
17.74.080: DEVELOPMENT STANDARDS APPLICABLE TO MIXED USE (MU) ZONES/SUBDISTRICTS:
17.74.090: RESIDENTIAL DESIGN REQUIREMENTS:
17.74.100: REQUIREMENTS UNIQUE TO THE MIXED USE TRANSIT ORIENTED DEVELOPMENT (MU-TOD) SUBDISTRICT:
17.74.110: REQUIREMENTS UNIQUE TO THE MIXED USE TOWN CENTER (MU-TC) SUBDISTRICT:
17.74.120: REQUIREMENTS UNIQUE TO THE VILLAGE MIXED USE (VMU) SUBDISTRICT:

The section below has been affected by a recently passed ordinance, 2013-07 - TEMPORARY LAND USE REGULATION . Go to new ordinance.

17.74.010: OBJECTIVES AND CHARACTERISTICS OF ZONE:

The mixed use (MU) zone is established to provide a zone to be used in specific locations near city transportation nodes and corridors with the intent of allowing a mix of specific land uses that are typically found separately in "mutually exclusive" zoning districts. Mixed use represents a departure from characteristic zoning to the extent that it encourages a combination of land uses which may be compatible, but have traditionally been separated.

The intent of this zone is to create self-sustaining developments that become walkable neighborhoods, in which residents may walk to work, to shopping, to recreational facilities, and have access to mass transit. These neighborhoods are to provide a variety of housing opportunities and choices that include a range of household types, family sizes, and incomes. They shall provide convenient pedestrian access to commercial services and employment opportunities.

Design standards include requirements that help produce a true "neighborhood" by stipulating various mix of uses, "build-to" lines, compact building design, preservation of open space, pedestrian friendly streets, streetscape, parking concealment, architectural control, and maintenance. Proposed developments with increased land intensity and housing density but without the above "walkable" elements are unacceptable and will not be approved. (Ord. 2011-11, 4-19-2011)

The section below has been affected by a recently passed ordinance, 2013-07 - TEMPORARY LAND USE REGULATION . Go to new ordinance.

17.74.020: PERMITTED USES AND CONDITIONAL USES:

Permitted and conditional uses in the MU zone shall be approved based on the uses listed under each respective mixed use subdistrict. (Ord. 2011-11, 4-19-2011)

The section below has been affected by a recently passed ordinance, 2013-07 - TEMPORARY LAND USE REGULATION . Go to new ordinance.

17.74.030: USE REGULATIONS:

Uses may be conducted in the MU zone only in accordance with the following regulations:

A. Only allowed permitted, conditional or accessory uses as set forth in this chapter may be conducted in the MU zone. A conditional use permit must be obtained prior to the establishment of a conditional use.

B. Accessory buildings uses may be constructed in the MU zone only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, garages, sheds, swimming pools, recreational equipment, gardens, greenhouses and other structures and activities which are incidental and subordinate to the principal permitted or conditional use on the premises.

C. There shall be no open storage of trash, debris, used materials or commercial goods or wrecked or neglected materials, equipment or vehicles in the MU zone.

D. It shall be unlawful to park, store or leave, or to permit the parking, storing or leaving of any vehicle of any kind, or parts thereof, which is in a wrecked, junked, dismantled, inoperative or abandoned condition, whether attended or not, upon any private or public property within the MU zone for longer than seventy two (72) hours, except that up to two (2) such vehicles or parts thereof may be stored completely within an enclosed building or within an opaque fence enclosure which is completely screened from view of public streets and neighboring properties.

E. No commercial vehicle or commercial earthmoving or material handling equipment shall be parked or stored on any lot or parcel designated for residential or office uses within the MU zone, except in conjunction with temporary development or construction activities on the lot. Commercial vehicles shall include semitrucks and trailers, trucks and trailers equaling or exceeding eight thousand (8,000) pounds' curb weight, delivery vehicles, dump trucks, backhoes, graders, loaders, farm implements, cement trucks, bulldozers, belly dumps and scrapers, forklifts or any similar vehicle or apparatus.

F. No commercial vehicles such as earthmoving or material handling equipment, semitrucks or trailers or any commercial truck, trailer or vehicle may be parked or stored on any lot or parcel designated for commercial uses within the MU zone for longer than twenty four (24) hours unless in conjunction with approved construction activities or unless it is in conjunction with an approved use or development and parked or stored in an approved loading dock that is screened from street view.

G. Watercraft, trailers, campers, motor homes and other utility or recreational vehicles shall be stored within lawfully constructed buildings or behind the front line of the main building on the lot or parcel in an MU zone except that said vehicles may be stored temporarily in front or street side yards for no longer than seventy two (72) hours. Recreational and utility vehicles may be stored permanently in the street side yard of a corner lot only if stored completely behind the front line of the main building and at least eight feet (8') from the street right of way line and if enclosed with a six foot (6') high solid vinyl or masonry fence. Travel trailers, campers and motor homes may not be occupied as living quarters in the MU zone, except that a vehicle owned by a guest of the resident may be stored and occupied in the driveway located in the required front yard or street side yard of the permanent dwelling for no more than seven (7) days per calendar year. (Ord. 2011-11, 4-19-2011)

The section below has been affected by a recently passed ordinance, 2013-07 - TEMPORARY LAND USE REGULATION . Go to new ordinance.

17.74.040: ZONE ESTABLISHMENT:

A. Each proposed MU zone, or subdistrict thereof, may be established by following standard rezoning procedures of chapter 17.22 of this title and shall be accompanied by a master development plan (MDP) prepared by the applicant, in consultation with city staff and area property owners, which specifies land use areas and residential types. Retail, office, residential, vertical mixed use (containing different upper floor uses), open space and public/quasi-public land use areas will be shown on the MDP. The MDP must show all stages of the development (including any phasing plans), street connections, and both existing and reasonable projected development on adjoining properties, determined as needed. Phased developments and approved individual plats and site plans shall conform to the master development plan.

B. The intent of the above is to achieve a consistent overall mixed use neighborhood with uniform and compatible site standards when the project area is completely built out. Remnant parcels left from old developments, rebuilds on existing parcels, or pads within existing center developments, are required to make reasonable compliance with mixed use development standards through consultation with the community development director.

C. The MDP shall be adopted as an exhibit to the ordinance establishing the MU zone subdistrict, in which it is proposed. The MDP, or portions thereof, may be amended only after review by the planning commission and upon approval of the city council with public input after the establishment of the MU zone, as may be needed. A development agreement between the city and the applicant may be required by the city council and executed before the zoning designation shall be effective. (Ord. 2011-11, 4-19-2011)

The section below has been affected by a recently passed ordinance, 2013-07 - TEMPORARY LAND USE REGULATION . Go to new ordinance.

17.74.050: DEVELOPMENT REVIEW:

All development and uses in MU zones may only be established in conformance with development review procedures of the city as set forth in title 16, chapter 16.24 of this code and in conformance with the approved master development plan (MDP), or as the plan may be amended and approved.

Applicants shall follow the procedures and requirements of this code regarding development review

in the preparation and review of development proposals in MU zones. All uses shall be conducted according to the approved plan or plat and any conditions of approval. Applicants are encouraged to consult with city staff and/or the development review committee (DRC) prior to submitting a site plan application. The following procedure shall be used for site plan review of projects in the MU zone:

A. The developer shall prepare and submit a site plan and submit a design book containing typical renderings, cross sections, and plan views of the following:

1. Existing and proposed public street curb, gutter, sidewalk, park strip, landscaping, streetlights and pavement.

2. Yard areas between buildings and public streets, including trees, grass, shrubs, ground cover, signs and screen walls.

3. Parking areas, walkways, driveways, landscaped areas and storm detention/retention areas.

4. Architectural features, including materials and colors, of buildings, freestanding and wall mounted signs and light fixtures, trash enclosures, utility and loading area screen walls, pedestrian furniture and artwork.

5. Other improvements as required by city staff.

B. The city staff shall review the site plan and design book for compliance with the master development plan and shall provide comments to the developer for needed revisions to the documents. Upon final review and approval of city staff, the site plan and design book for the development will be scheduled on the planning commission agenda for a public hearing.

C. Upon approval of the site plan and design book by the planning commission, the subdivision or condominium plats for all or portions of the MU zone may be prepared and submitted in accordance with title 16, chapter 16.10 of this code and other applicable sections of title 16, "Development Code", of this code.

D. Building permits shall only be approved upon prior approval of the site plan, design book, and, if necessary, the subdivision or condominium plat (including improvements). (Ord. 2011-11, 4-19-2011)

The section below has been affected by a recently passed ordinance, 2013-07 - TEMPORARY LAND USE REGULATION . Go to new ordinance.

17.74.060: SPECIAL PROVISIONS:

When reviewing a proposed development in the MU zone, the planning commission shall consider the following special provisions in order to protect the intended characteristics of the zone:

A. Location: Mixed use developments shall be located at transportation nodes and along transportation corridors and other locations where "walkable" components (i.e., housing choices, convenience commercial, employment, community facilities, transportation linkages, park or other open space, schools, churches) are already present, planned, or where the size and scale of development is such that said components can be provided within the project itself. As a

guiding principle, mixed use components should be within a five (5) minute (or $^1/_4$ mile) walking distance, approximately one-fourth ($^1/_4$) mile, of the above.

B. Traffic: The developer shall demonstrate that all potential traffic concerns regarding existing intersections, substandard streets, inadequate improvements, and access are mitigated.

C. Surrounding Properties: The developer shall demonstrate to the satisfaction of the planning commission, that sufficient measures have been incorporated into the development plan to assure that adjacent properties will not experience significant impacts as a result of the proposed development.

D. Use Composition: Each MU zone shall contain a combination of more than one use. The actual blend of "vertical" and/or "horizontal" mixed use development shall be determined depending upon the size, scale, and location of the development. Where size and scale permit, housing units shall include more than one land use type (i.e., single-family homes, twin homes, townhomes, condominiums, apartments, row houses), housing size, and number of bedrooms, encouraging neighborhoods with a mix of family cycles and incomes.

E. Pedestrian Realm: In order to achieve an overall "walkable" development, appropriate land uses, pedestrian connections, cross easements, common driveways, consistent site standards, etc., must be coordinated within the respective MU zone subdistrict, even though properties may be individually owned. In order to promote pedestrian activity and to improve air quality, drive-through windows are discouraged in conjunction with uses such as fast food restaurants, dry cleaners, banks, etc. (Ord. 2011-11, 4-19-2011)

The section below has been affected by a recently passed ordinance, 2013-07 - TEMPORARY LAND USE REGULATION . Go to new ordinance.

17.74.070: AREA REQUIREMENTS:

The following area requirements shall apply in any MU zone:

A. Minimum Zone Area: The minimum area of an MU zone/MDP shall be four (4) acres.

B. Minimum Project Area: Any development in any MU zone for which a preliminary plat or site plan has been proposed or approved. The minimum area of any project within an MU zoned area shall be two (2) acres. Approved projects may be built in phases based upon an overall approved phasing plan.

C. Minimum Lot Area: There shall be no minimum lot area in any MU zone, except as established with development approval. Parcels shall be of sufficient size to assure compliance with building setbacks, landscaping, access, parking, and walkability standards. (Ord. 2011-11, 4-19-2011)

The section below has been affected by a recently passed ordinance, 2013-07 - TEMPORARY LAND USE REGULATION . Go to new ordinance.

17.74.080: DEVELOPMENT STANDARDS APPLICABLE TO MIXED USE (MU) ZONES/SUBDISTRICTS:

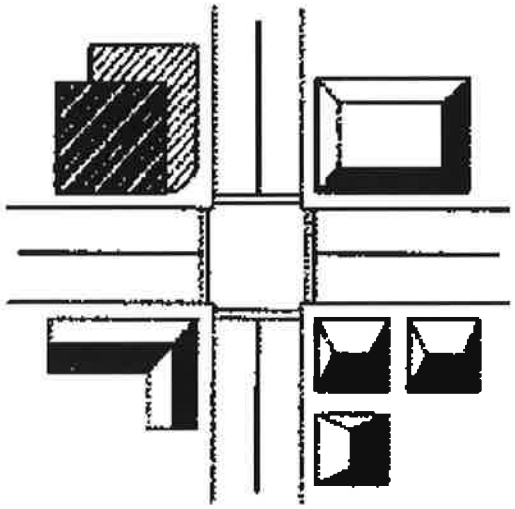
The following standards are to be considered as applying specifically to development in mixed use (MU) subdistricts in addition to general standards provided elsewhere in this code:

A. Building Placement And Massing:

1. Setbacks: Building facades for nonresidential development shall comprise at least seventy percent (70%) of each street edge identified as "build-to lines". To meet this requirement, building facades adjacent to streets must be zero feet (0') to five feet (5') from the street side (typically inside edge of sidewalk) property lines where build-to lines are drawn. Awnings and architectural features may project beyond build-to lines, as approved by the planning commission. Street side setback variations may be used when an activity related to pedestrian use is maintained, i.e., special landscaping, outside restaurant seating. Recessed plazas, courtyards, and trellises are encouraged.

   Zero lot line side setbacks with attached structures, in compliance with the international building code (IBC) may be required except for necessary driveway access, pedestrian access, open space, and landscape areas. Unless otherwise approved by the planning commission, rear yards and the rear of buildings shall not directly abut streets.

2. Building Orientation And Access: The entrances of all retail, civic, residential, and office buildings shall front onto streets (or approved private driveways designed as streets), with the exception of center block residences (which still must front green courts and pedestrianways) and anchor stores greater than forty thousand (40,000) square feet in size, which may be considered for "side fronting" design.



Secondary entries are encouraged and may be required at the rear of street facing buildings. Where possible, "like land uses" shall face "like land uses" or open space, i.e., retail across the street from retail, townhomes from townhomes, etc. Loading docks and service areas must be screened from streets and adjacent properties through architectural design and landscaping. Anchor store

entrances must be connected to adjacent streets via landscaped, publicly accessible walkways. Access from parking areas may be via midblock passageways or "paseos" connected to the street.

3. Building Height: Buildings shall have a minimum and maximum number of stories as indicated by building type and mixed use subdistrict (see sections 17.74.100, 17.74.110, and 17.74.120 of this chapter), with height to be measured in accordance with the city's adopted ordinances and standards. Buildings of greater height than allowed may be approved by the planning commission on a limited basis, based upon the size, scale, topography, and uniqueness of the development, i.e., rooftop gardens. Approved structures with additional height may be required to employ suitable "step back" architecture and other architectural features which encourage a more walkable "village" feel at street level.

4. CPTED (Crime Prevention Through Environmental Design): Where practically possible, CPTED principles shall be used in the design and layout of buildings, streets, accesses and open space areas. Design shall promote natural surveillance, access control, territorial reinforcement, sense of ownership, proper management and maintenance. CPTED landscaping guidelines shall be used, including planting shrubs with a maximum height of two feet (2') to three feet (3') and trees with a proper ground clearance of six feet (6') to eight feet (8') above walkways and sidewalks and eight feet (8') to ten feet (10') above vehicular travel and parking lanes.

   In order to encourage public safety through natural surveillance, natural access control, and territorial reinforcement, blank walls are not permitted adjacent to streets, pedestrian corridors, parking areas, and open space amenities. Symbolic barriers, such as low lying fences/wall, landscaping and signage may be used, as appropriate, to discourage crime and to promote safety through natural access control. Developments shall have street side building entrances and extensive windows, with balconies, decks or landscape terraces, and other architectural features being encouraged to promote "eyes on the street".

B. Land Use Impact And Buffering: Landscape buffers are preferred over fences and walls where separation is desirable. A visually open look is encouraged between compatible uses. The planning commission may require special treatment of such areas. Fences or walls, if determined to be necessary or desirable, must be reviewed for their effectiveness in protecting private space while not creating isolated uses or dead space void of natural surveillance. When approved, fences or walls shall be compatible in color, texture, and design in relationship to building materials.

C. Architectural Design And Materials: The treatment of building mass, materials and exterior appurtenances shall create an aesthetically pleasing building and site that is in character with and in proportion to other surrounding buildings, while still providing diversity in design. The city's architectural review committee (ARC) shall review such and make recommendations to the planning commission. Requirements applicable to all buildings are stated below:

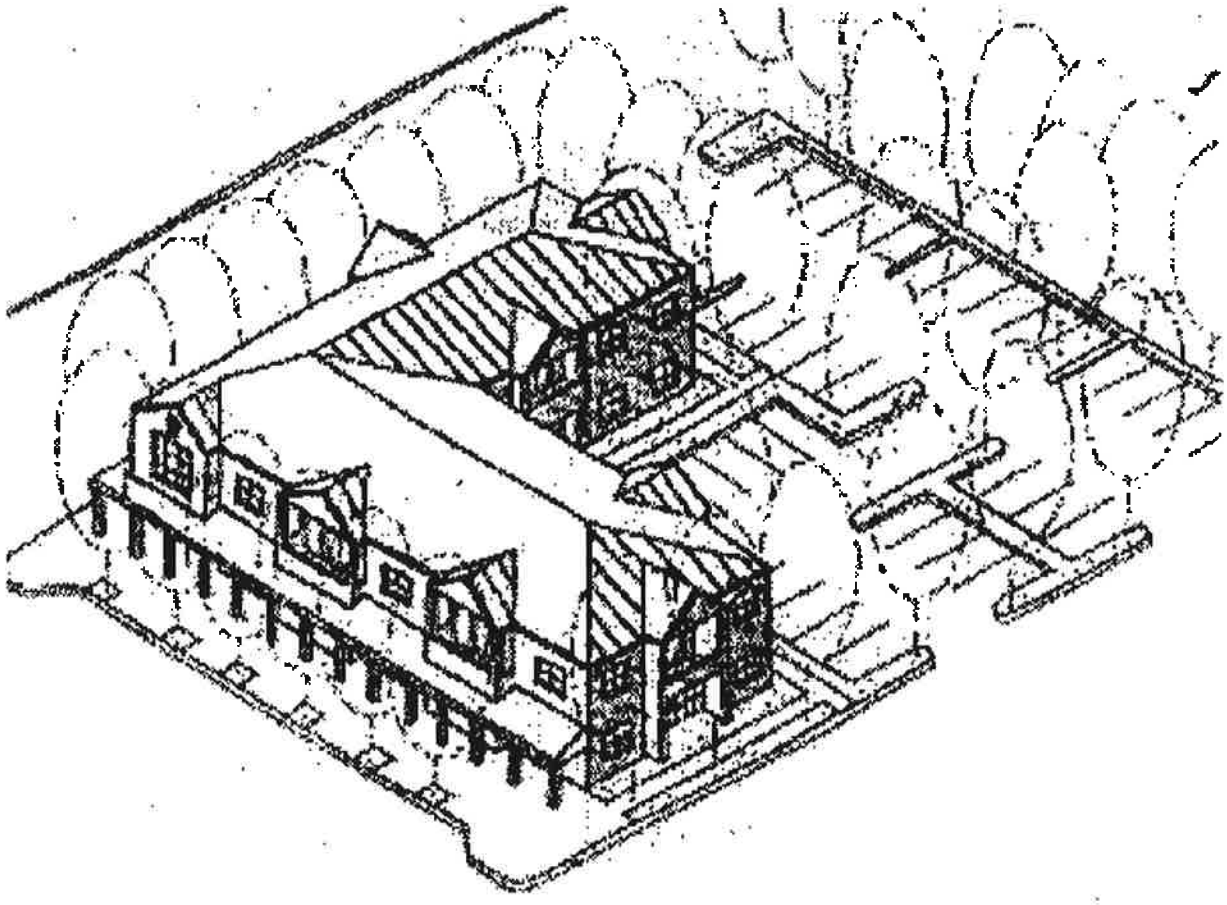
1. All sides of buildings shall receive equal design consideration, particularly where exposed to pedestrian and/or vehicular traffic and adjacent properties.

2. Building materials for structures, including garages, shall use brick, stone, or cement fiber products (i.e., hardie board) in combinations that create aesthetically pleasing architecture. Stucco products, if used, shall clearly be used in minimal amounts and as a contrast or accent to other building materials, i.e., gables. Both vertical and horizontal elements should be used, as appropriate, to enrich and give variety to the architectural theme. Individual buildings shall have enough

architectural variation to appear as separately recognizable structures. The use of exposed concrete (architectural concrete excepted), or plastic for storefront facades is not permitted.

3. A consistent architectural theme with colors from the natural environment is encouraged to help buildings blend with surrounding developments. Building styles shall be compatible with existing buildings within the respective MU zone.

4. Buildings shall be designed to relate to grade conditions with a minimum of grading and exposed foundation walls, creating easy pedestrian access from sidewalks, parking areas, etc. Commercial or mixed use buildings shall be designed with contrasting ground floor architectural articulation in order to enhance street activity and walkability. All buildings shall have expansive windows, balconies, terraces, or other design features which are oriented to the street, or other people spaces, in order to maximize interface connection. Windows, display windows, doors, and arcades must make up at least seventy percent (70%) of street facing facades on the first story of commercial developments. Window shapes and sizes shall be so designed to be compatible from building to building. Tinted windows or windows with reflective film or glass are not permitted at street level.



5. Mechanical equipment shall be located or screened so as not to be visible from streets, pedestrian areas, and adjacent developments. Screens shall be aesthetically incorporated into the design of the building whether located on the ground or on the roof.

6. Plans for significant exterior modifications to any existing structures must be submitted to the planning commission for approval and must meet the same requirements as all other structures within the MU development.

D. Signage: Proper design and placement of signs and their lighting shall be compatible with structures and uses. Mixed use developments shall have a sign theme which promotes mixed use compatibility. Permitted signs within the MU zone shall be in compliance with title 16, chapter 16.36 of this code, except that freestanding and off premises signs or billboards shall not be permitted. Wall signs, blade signs, and window signs, approved as part of an overall sign theme, are encouraged.

Monument signs and directional signs are discouraged. Where approved, a monument sign must comply with the following limitations: the sign shall have as the prominent feature the name of the development (i.e., "Jordan Village", "Jordan Plaza"). All other lettering shall be no taller than four inches (4") in height. The maximum height of the sign shall be four feet (4') for the portion containing general copy, with an overall maximum height of six feet (6') above sidewalk grade. It is intended that the top two feet (2') be utilized to identify the name of the development. The lettering font style for tenant identification shall be the same for all tenants. Monument signs shall be constructed with the materials similar to that of the main building. Monument signs may not extend into the required sign visibility triangle, unless otherwise approved by the city transportation engineer.

E. Open Space: Significant usable open space shall be provided within the mixed use development, depending upon size, scale, nature, and proximity of other accessible open space amenities in the area of the development. Approved open space may include, but is not limited to: commons, pocket parks, plazas, outdoor dining, courtyards, natural or manmade landscape features or focal points, fountains, waterfalls, other water features, greenbelts, trail connections, playgrounds, pavilions, and picnic areas. A "village green", as a commons area, may be required adjacent to mass transit connections or other significant activity.

Construction materials used within open space areas shall be related to the materials of adjacent buildings and shall be a nonskid finish. Design and texture shall encourage comfortable and safe pedestrian use, including landscaping, seating areas, and lighting as appropriate.

Areas of environmental concern or interest may be required to be preserved, i.e., drainages, steep slopes, connections to trail systems, and water features. Unless otherwise specified through special agreement or understanding with the city, all open space areas shall be maintained by property owners or property associations.

F. Landscaping: Landscaping guidelines are established to improve and maintain site qualities while minimizing alteration, removal, or degradation of approved landscaping. Landscaping, in general, shall follow CPTED (crime prevention through environmental design) principles.

1. Submittal Of Landscape And Streetscape Plans: No plans for any building, structure or other improvements shall be approved by the city unless there shall also have been submitted landscape and streetscape plans satisfactory to the planning commission or to the staff, if so designated.

2. Installation At Time Of Occupancy: Landscaping in accordance with the plans submitted must be installed at the time of occupancy or as otherwise approved by the planning staff as seasonal conditions may dictate.

3. Condition Free Of Weeds: Future development areas or land area not occupied by buildings, structures, hard surfacing, vehicular driveways or pedestrian walkways shall be kept in a weed free condition or landscaped, as approved by the planning commission.

4. Bond For Landscape Improvements: The developer shall bond for landscape improvements to ensure that installations are completed as submitted and approved. Performance assurance requirements for landscape improvements shall be the same as required by the city for street improvements.

5. Planting Specifications:

a. Sixty percent (60%) medium size trees; deciduous trees with a caliper of two inches (2") and evergreen trees with a minimum height of seven feet (7'). Forty percent (40%) small size trees and shrubs in a combination with deciduous trees with a caliper of one and one-half inches ($1^1/_2$") to two inches (2") and evergreen trees with a minimum height of four feet (4'). Depending on site conditions, a 50/50 mix of deciduous and evergreen trees and shrubs should be used for on site landscaping.

b. Street trees with a minimum two inch (2") caliper shall be installed along all public rights of way by the developer. The species type, location, and spacing of trees shall be as shown on the approved landscape plan, in compliance with designated streets within the city's streetscape plan.

c. Parking lot landscaping shall include planters at the ends of parking rows with shade trees and ground covers. Planters shall be at least five feet (5') wide. Shade trees and ground covers shall be installed in planters at minimum intervals, or groups with a ratio of at least one tree per six (6) parking stalls for double parking rows and one tree per three (3) parking stalls for single parking rows. Planter areas may also include rocks (minimum of 3 inches) or bark mulch provided that a commercial grade weed barrier or fabric is used.

d. Landscaping for plazas shall include at least one tree per seven hundred fifty (750) square feet. At least forty percent (40%) of the plaza area shall be covered with trees or planted canopy structures. One linear foot of seating shall be provided for every one foot (1') of perimeter of the plaza area.

e. The landscaping of other open space shall include trees and ground covers, with a requirement of at least one tree per five hundred (500) square feet. Trees should be clustered together, where possible, to allow larger open areas for seating and activities.

6. Installation: It shall be the responsibility of the developer to grade, place topsoil, seed, sod, install sprinkler irrigation systems, and properly plant trees, shrubs, and other approved plant materials.

7. Maintenance: It shall be the responsibility of the developer and/or property association to properly maintain landscaped areas including watering, mowing, pruning, fertilizing, and the removal and replacement of dead plant materials in a timely manner.

8. Vegetation Modification/Removal: Pruning vegetation for "exposure", which results in unnatural plant specimens, is prohibited. Necessary vegetation removal shall be replaced with equal or better quality plant materials. Trees that are necessarily removed shall be replaced with a mix of trees with comparable total caliper. Street tree replacement shall be in compliance with the city's streetscape plan, unless otherwise approved by the planning staff.

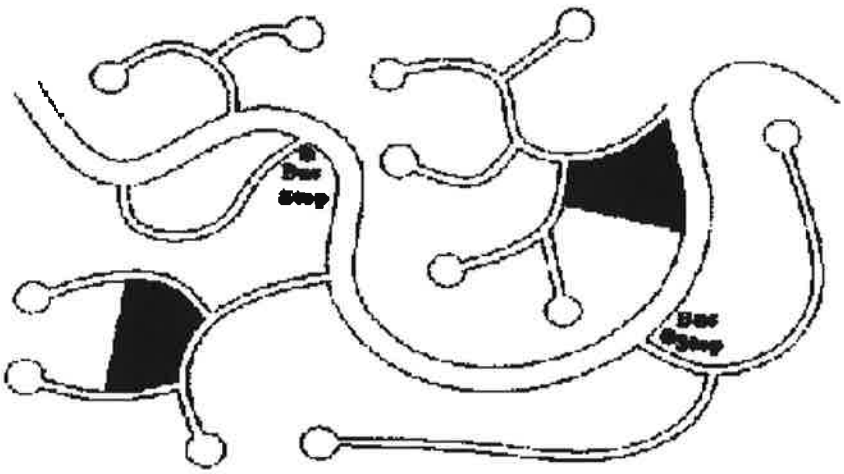
9. Utility Connections: When disturbances are made to existing landscaped areas, the existing landscaping must be replaced to its previous condition. Other modification of landscaped areas shall require approval by the community development director.

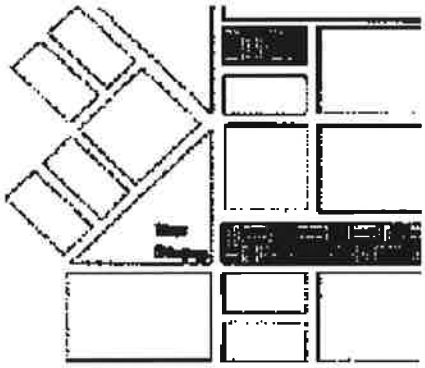
G. Outdoor Lighting: The lighting of streets, pedestrian areas, parking lots, and open space is required. Streetlights shall conform to an approved theme and shall encourage a "village" feel and walking safety. Indirect lighting, bollard lighting, and landscape lighting is encouraged.

Lighting will be judged as to how adequately it meets its intended purpose. Design and location of standards and fixtures shall be specified on the site development drawings. Intensities shall be controlled so that "safety" lighting is provided while neighboring areas are protected from glare or excessive direct light. Streetlight design fixtures shall be pedestrian in scale, shall evoke a "village" feel and be installed and maintained as required.

H. Streets And Pedestrianways:

1. Streets: All accesses within a mixed use development shall have connectivity with existing and future street patterns. A grid street pattern or modified grid pattern is required where practically possible. Cul-de-sac streets will not be approved unless it can be demonstrated that no other practical way exists to make connectivity. Private streets are discouraged and gated communities are prohibited in mixed use developments.





2. Widths: Street widths shall be determined during site plan review and approved by the planning commission. In general, streets shall be designed to implement "complete streets" concept as recommended in the document: "Context Sensitive Solutions In Designing Major Urban Thoroughfares For Walkable Communities". The level of travel and service should be considered, while incorporating principles of traffic calming and pedestrian compatibility, i.e., tree lined streets with pedestrianways and linkages, decreasing the need for pavement width by spreading traffic through a grid or modified grid street system.

3. Sidewalks And Walkways: The design of pedestrianways may include a solitary meandering pathway or trail, a "pedestrian street", and the many possible designs in between. Walkways and connections to trail systems shall be incorporated into the project. Choice of appropriate pedestrian access will be made based upon scale, the type of mixed use project being proposed, and by the way uses are integrated. A standard eleven foot (11') cross section, with a six foot (6') park strip and a five foot (5') sidewalk, is a minimum, while wider park strips and/or sidewalks may be required depending upon the land uses and the desired effect. All streets shall have sidewalks and curbside

streetscape.

Pavers, borders, and other sidewalk design materials with compatible colors shall be used as needed in order to break up expanses of hard surfacing and to encourage pedestrian interest and activity. In "vertical mixed use" and other more urban areas, sidewalk adjustments may be required in order to enhance street and land use connectivity. Portions of the park strip may be paved to accommodate street furniture, leaving appropriately sized tree wells for street trees.

Street furniture, including, but not limited to, benches, trash receptacles, artwork, drinking fountains, bike racks, and newspaper racks, may be required depending upon the nature of the block face and specific land uses. Street furniture requirements shall include an overall design theme for compatibility.

4. Crosswalks: Extensive use of crosswalks shall be incorporated within the project, at intersections, midblocks as needed, within parking lots, or other desirable pedestrian connections. A "pedestrian inconvenience distance" of one hundred fifty feet (150') shall be used as a guideline. Crosswalks shall be so configured to be a design feature of the development, i.e., multiple painted lines, pavers, edges, and other methods of emphasizing pedestrian use versus auto use. Crosswalk paving materials matching sidewalk materials are encouraged to further enhance the pedestrian realm. Bulb outs and other pedestrian design features shall be used to shorten walking distances across open pavement. Gaps in planted medians shall be used in appropriate areas to encourage walking and to act as a "refuge" for crossing pedestrians.

I. Other Forms Of Transportation: All forms of transportation shall be considered within and without the mixed use development with the intent to improve convenience and reduce vehicle trips ("complete streets"). All forms of transportation should be encouraged, including train, auto, bus, bicycle, and pedestrian. Access connections shall be required where deemed essential to provide circulation or access to churches, schools, playgrounds, open space, shopping centers, transportation, and other community facilities.

Appropriate bus turnouts, shelters, stops and other transit options shall be coordinated and planned as part of the development review process. Based upon land use and the level of demand, bicycle parking shall be provided in appropriate locations, i.e., visible from storefronts and entrances to office buildings and residential structures.

J. Parking Areas: Parking areas shall be considered as structures since they present a three-dimensional appearance when occupied. Parking areas shall be designed as follows:

1. Location of parking shall be determined not only from its visual relationship to the building and site, but also as it relates to safe, convenient pedestrian and vehicular circulation patterns. The placing of building and parking elements on a site shall be evaluated by the planning commission based on the following factors:

a. Type of land use and structure.

b. Building height and configuration.

c. Relationship to other buildings both horizontally and vertically.

d. Natural land features such as slopes and vegetation.

e. Physical features such as rail lines, canals, and controlled ingress and egress.

f. Visibility from vehicular approaches and distant highways.

g. Safe pedestrian connections to buildings, walkways, open space, and streets.

2. Where possible, parking lots shall be broken up and planned as "outdoor rooms" through the use of buildings, walkways, open space, and landscape design. When approved, large parking lots shall be broken up with substantial tree and ground cover plantings. Parking lots should be broken up into "rooms" of no more than one hundred (100) parking stalls through the use of connecting walkways.

3. Unless otherwise approved by the planning commission, parking lots are prohibited between streets and buildings.

4. Underground parking, deck or terrace parking, and parking garages are encouraged and may be required in conjunction with structures of three (3) stories or more. Said structures shall have architectural treatments compatible with area buildings. Parking structures with ground level parking immediately adjacent to the frontage of a street are prohibited. Parking structures shall be designed around natural light with "safety" lighting added as needed. Landscaping, within and without, may be required to enhance compatibility and safety.

5. Developments are not allowed to be "over parked" without justification. Developments may be approved by the planning commission with less than required parking if evidence can be shown that the nature of the land uses proposed will not generate the number of stalls as recommended in the city's parking ordinance. Developments may also be "under parked" if justified with a walkable design that demonstrates such, and/or where local multimodal transit systems exist or are immediately planned, which would help reduce the number of needed parking stalls and/or automobile trips. Shared parking arrangements may be required in order to reduce unnecessary parking areas and to encourage pedestrian activity.

6. Where possible, on street parking shall be provided adjacent to developments, and a prorated share of such, may be used to satisfy overall parking requirements. Parallel or angle parking may be approved based upon the overall design and width of the street, as recommended by the city transportation engineer and approved by the planning commission.

K. Environmental Concerns:

1. Building, landscape, and solar access should be adjusted, where possible, to be compatible with the local climate. Such design should include, but not be limited to, window placement, building recesses, overhangs, trellises, awnings, porches, and landscape placement, planned in such a way to enhance livability and reduce energy costs.

2. The use of lighter colored building materials (i.e., rooftops), fences/walls, and extensive deciduous and evergreen tree cover shall be incorporated into developments in order to reduce the urban heat island effect. Where possible, streets, driveways, parking lots, etc., should use concrete or other materials which absorb less sunlight.

3. Where possible, drought resistant ground covers, shrubs, and trees shall be incorporated into the landscape to reduce water usage and storm runoff. Water gardens, landscape swales or other on site drainage design should be designed into the project. Extensive areas of grass or other high water use plants without a public purpose are discouraged.

L. Service Areas: Loading and refuse collection areas must be screened from public view. These areas are not permitted between buildings and streets unless they can be adequately screened

through landscaping and architectural design. Buildings and site improvements must be designed to properly accommodate loading, unloading and refuse collection, with such being discouraged on public streets. Screen walls and enclosures shall be constructed with materials compatible with the structures they serve. Loading and refuse collection areas shall be properly maintained in a debris free condition.

Except for approved and screened recreational vehicle storage lots associated with a residential use, storage areas, including the storage of materials, merchandise, pallets, etc., shall be within buildings.

M. Utilities: Utility companies shall coordinate utility infrastructure location and grouping to create minimal impact on site design. All utility lines shall be placed underground in designated easements. No pipe, conduit, cable, line for water, gas, sewage, drainage, steam, electricity or any other energy or service shall be installed, and no pole or other support structure therefor shall be erected, altered or replaced, upon any lot (outside of any building) above the surface of the ground except for hoses, movable pipes used for irrigation or other purpose during construction.

1. Utility boxes shall be grouped together where possible and screened with vegetation or other appropriate method. Such facilities shall be sensitively placed so as to not detract from street aesthetics and pedestrian design. Gas meters and electric service meters and panels shall be located on the sides of buildings.

2. Where overhead utility poles exist, service lines to new developments must be placed underground from the nearest overhead service pole.

3. This section does not require removal of any existing electrical transmission facilities and electrical distribution lines nor does it restrict the repair, minor relocation, and maintenance of any such existing facilities. However, the developer shall be responsible for the removing or relocating of utility poles out of the public right of way and/or away from the frontage of the development. (Ord. 2011-11, 4-19-2011)

The section below has been affected by a recently passed ordinance, 2013-07 - TEMPORARY LAND USE REGULATION . Go to new ordinance.

17.74.090: RESIDENTIAL DESIGN REQUIREMENTS:

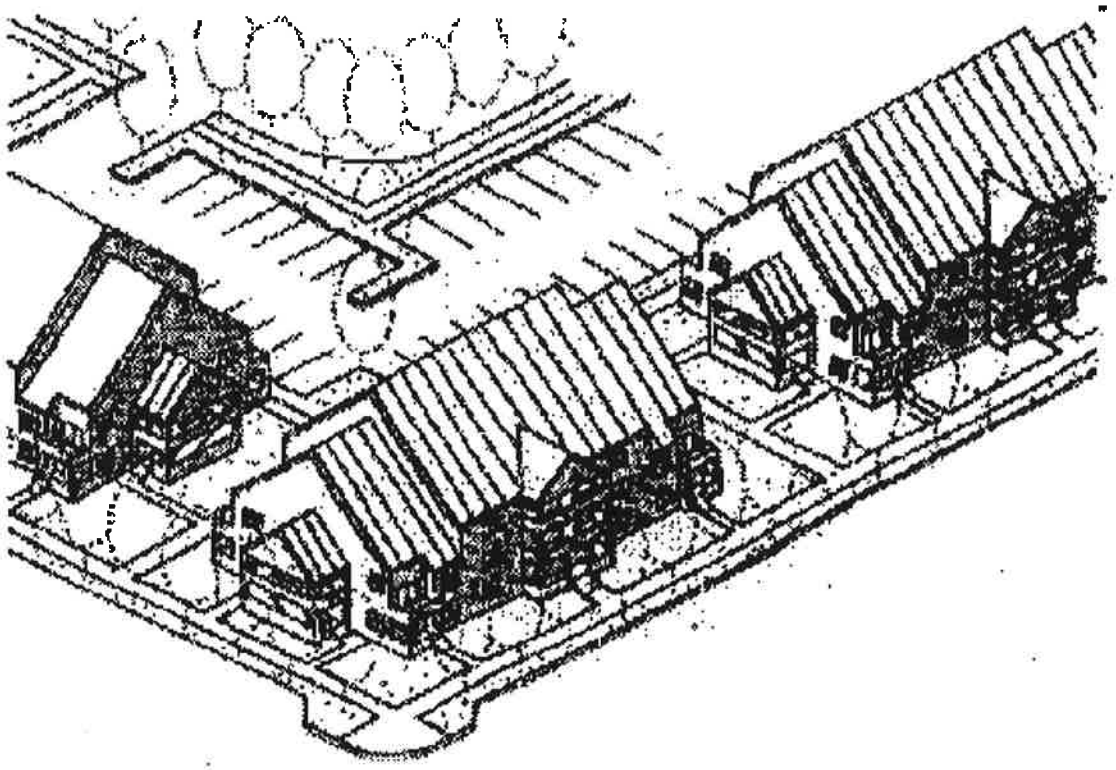
Depending upon the size and scale of mixed use projects, residential dwellings shall comprise more than one land use type, fulfilling housing needs with an assortment of housing options and shall be designed using standards and design principles as promulgated in the "Wasatch Choices 2040 Plan". The number of bedrooms per unit and other housing design options shall be varied in proportions to assist in providing suitable housing for a range of household incomes, family size, and life cycles.

A. Where possible, multi-family development shall front onto open space or public streets with appropriate walkable elements, including building entrances facing the street, sidewalks, and park strips with street trees. When approved, private streets shall be so designed to resemble a walkable public street design.

B. Multi-family residential development shall conform to requirements heretofore presented. Approved setbacks shall be determined by the planning commission based upon acceptable layout and design.

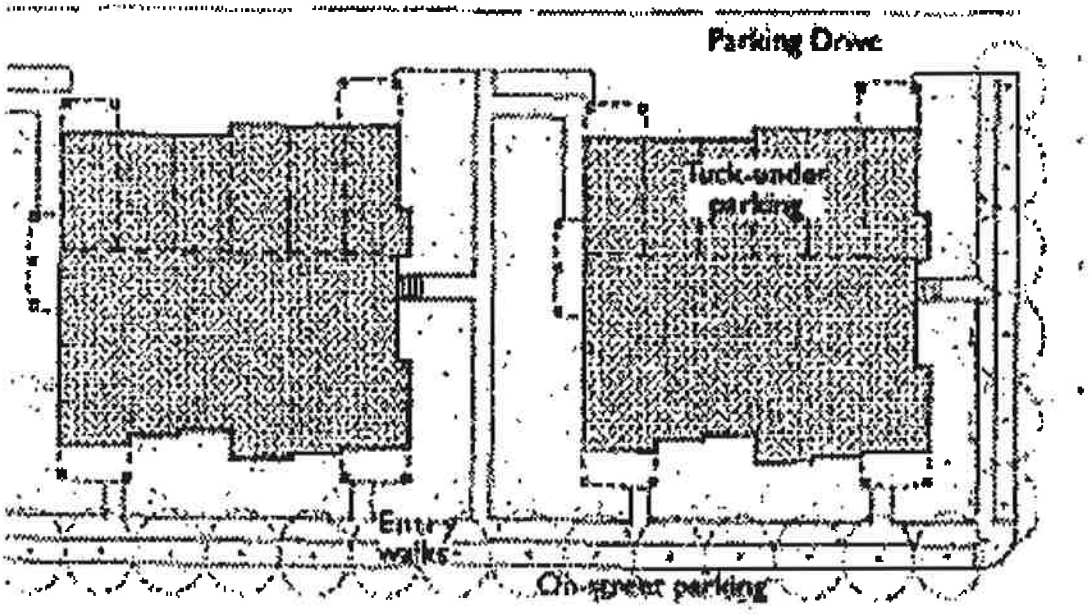
1. The following standards shall be required for multi-family residential:

a. Properly designed off street surface parking hidden from streets, or provided within parking terraces.



b. Surface parking, where possible, shall be designed in a linear fashion to better resemble a public street design.

c. Garage units associated with multi-family development should be rear loaded. Where front loaded garages are approved, they shall be so designed to be subservient (set back at least 5 feet from the front line of the dwelling) to the architecture of the residential structure.



d. Roofs with a four to twelve (4:12) pitch or greater, unless otherwise approved by the planning commission.

e. Dwelling and garage gables facing streets and alleys.

f. Extensive windows facing streets, alleys and pedestrian connections.

g. Covered entrance porches.

h. Entry sidewalks that connect directly to public sidewalks.

i. Variety of building sizes, shapes and building heights.

j. Open space and recreational amenities compatible with project scale and market.

2. The following standards for multi-family residential shall be encouraged:

a. Multi-level structures.

b. Dormers and/or shutters, and other window treatments.

c. Street side balconies/decks.

C. Single-family residential dwellings, unless fronting a "green court", shall have front setbacks that range between twenty two feet (22') and thirty two feet (32'), measured from the porch to the edge of the curb. Front loaded garages shall be subservient to the dwelling and shall not have a setback less than eighteen feet (18') to the inside edge of the sidewalk. Side and rear setbacks shall be determined by the planning commission based upon acceptable subdivision layout and design.

1. The following standards shall be required for single-family residential:

a. Subservient garages, i.e., rear loaded with alley access, front loaded detached or attached but set back from the front line of the home by at least five feet (5'), side entry attached, or a combination of the above.

b. Roofs with a four to twelve (4:12) pitch or greater, unless otherwise approved by the planning commission.

c. Dwelling and garage gables facing streets and alleys.

d. Covered open front porches comprising at least fifty percent (50%) of the front elevation (not including the garage), and in no case being no less than fifteen feet (15') in width.

e. Entry sidewalks that connect directly to public sidewalks.

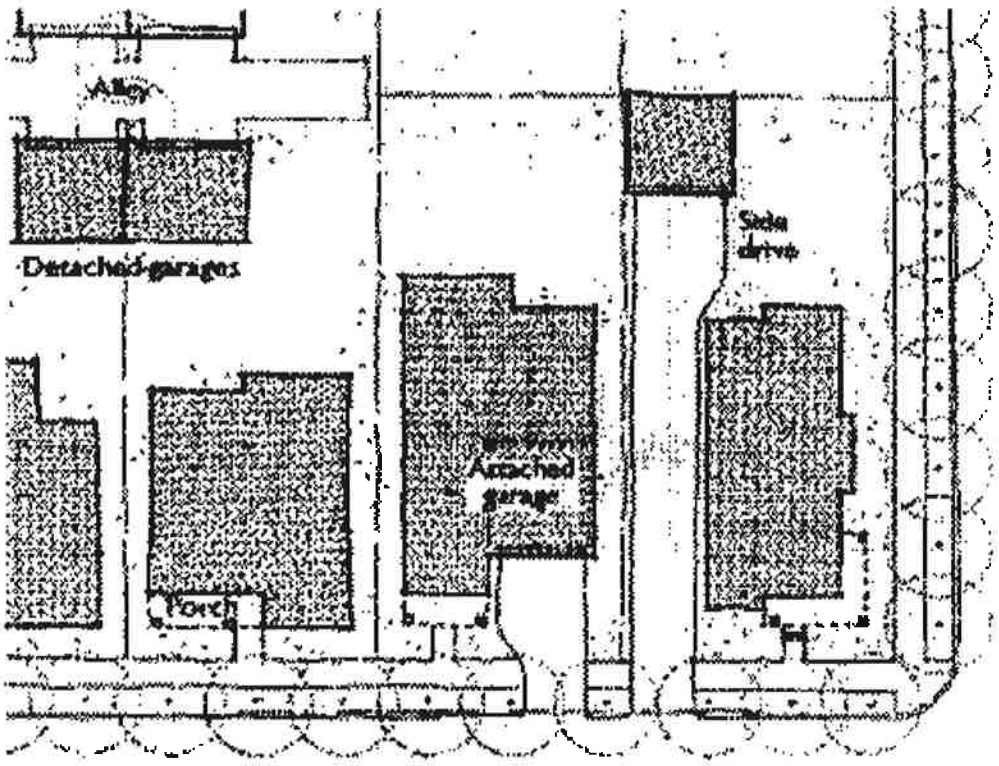
2. The following standards for single-family residential shall be encouraged:

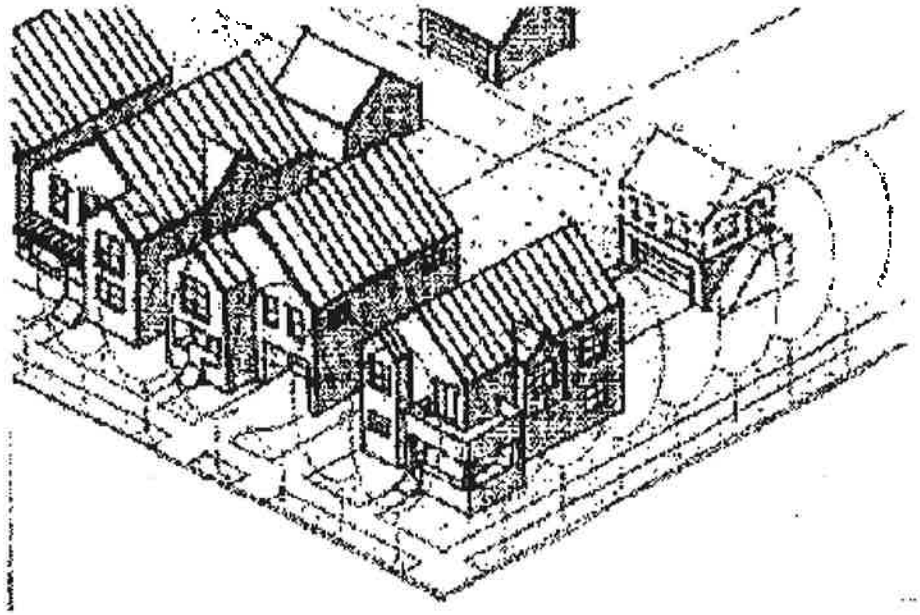
a. Two-story dwellings.

b. House dormers and/or shutters, and other window treatments.

c. Street side balconies/decks.

d. Wraparound porches, particularly on corner lots.





(Ord. 2011-11, 4-19-2011)

The section below has been affected by a recently passed ordinance, 2013-07 - TEMPORARY LAND USE REGULATION . Go to new ordinance.

17.74.100: REQUIREMENTS UNIQUE TO THE MIXED USE TRANSIT ORIENTED DEVELOPMENT (MU-TOD) SUBDISTRICT:

A. Purpose Of The MU-TOD Subdistrict: The purpose of this subdistrict is to encourage the development of high intensity regional mixed land uses with maximum building height and bulk standards conducive to transit oriented development. The focus of such uses would be in appropriate areas along Jordan Gateway and I-15 in proximity to the "FrontRunner" Commuter Rail Station. (Ord. 2011-11, 4-19-2011)

B. Permitted Uses: The following uses shall be permitted in the MU-TOD subdistrict:

Accessory uses.

Agriculture without livestock or poultry.

Banks, credit unions, financial institutions without drive-up facilities.

Business services.

Educational facilities.

Home occupations in compliance with this title.

Household pets in accordance with this code.

Medical and dental offices or clinics.

Multi-family dwellings, varied and integrated with adjacent uses.

Office services.

Personal services.

Residential facility for disabled persons as required by state law.

Residential use above the first floor of commercial or office use.

Restaurants without drive-up facilities.

Retail sales and services; excluding auto services such as stand alone car wash, tires, repairs, gas stations and/or convenience store.

C. Conditional Uses: A conditional use permit may be issued for the following uses in the MU-TOD subdistrict:

Auto service, including stand alone car wash, tires, repairs, gas stations and/or convenience store wherein the building is built to the street with bays, pumps, etc., to the side or rear.

Banks, credit unions, financial institutions with drive-up facilities located to the rear of the structure.

Churches, excluding temporary revival tents or structures.

Daycare center facility.

Health and fitness centers.

Live/work units.

Parks and recreational activities.

Preschool center facility.

Public buildings.

Public or private schools.

Restaurants with drive-up facilities located to the rear of the structure. (Ord. 2012-12, 10-2-2012)

D. Building Height: Buildings shall have a minimum and maximum height as indicated by building type, as shown below. Additional height may be granted by the planning commission for rooftop landscaping/amenities.

Land Use	Commercial	Office	Vertical Mixed Use	Condos	Apartments	Townhomes	Public And Quasi-Public
Min. building height	1 story, extended[1]	3 stories	2 stories	3 stories	3 stories	2 stories	1 story, extended[1]
Max. building height	20 stories[2]	20 stories[2]	20 stories[2]	20 stories[2]	20 stories[2]	3 stories	3 stories

Notes:
1. Vertical architectural elements that make the buildings appear greater than 1 story.
2. "Step back" architecture may be required wherein building height adjacent to public streets may be limited in order to enhance pedestrian design.

(Ord. 2011-11, 4-19-2011)

The section below has been affected by a recently passed ordinance, 2013-07 - TEMPORARY LAND USE REGULATION . Go to new ordinance.

17.74.110: REQUIREMENTS UNIQUE TO THE MIXED USE TOWN CENTER (MU-TC) SUBDISTRICT:

A. Purpose Of The MU-TC Subdistrict: The purpose of this subdistrict is to encourage the development of medium intensity community and town center mixed uses with a "village" look and feel (i.e., human scale, pedestrian friendly, architecturally diverse). The location of such uses would be in appropriate locations along portions of Redwood Road and South Jordan Parkway, with a focus on the area around city hall and the South Jordan Towne Plaza. (Ord. 2011-11, 4-19-2011)

B. Permitted Uses: The following uses shall be permitted in the MU-TC subdistrict:

Accessory uses.

Agriculture without livestock or poultry.

Banks, credit unions, financial institutions without drive-up facilities.

Business services.

Educational facilities.

Healthcare facilities and services.

Home occupations in compliance with this title.

Household pets in accordance with this code.

Medical and dental offices or clinics.

Multi-family dwellings, varied and integrated with other uses in a "village" style.

Office services.

Personal services.

Residential accessory uses.

Residential facility for disabled persons as required by state law.

Residential use above the first floor of commercial or office use.

Restaurants without drive-up facilities.

Retail sales and services; excluding auto services such as stand alone car wash, tires, repairs, gas stations and/or convenience store.

C. Conditional Uses: A conditional use permit may be issued for the following uses in the MU-TC subdistrict:

Auto service, including stand alone car wash, tires, repairs, gas stations and/or convenience store wherein the building is built to the street with bays, pumps, etc., to the side or rear.

Banks, credit unions, financial institutions with drive-up facilities located to the rear of the structure.

Churches, excluding temporary revival tents or structures.

Daycare center facility.

Health and fitness centers.

Live/work units.

Park and recreational activities.

Preschool center facility.

Public buildings.

Public or private schools.

Restaurants with drive-up facilities located to the rear of the structure. (Ord. 2012-12, 10-2-2012)

D. Building Height: Buildings shall have a minimum and maximum height as indicated by building type, as shown below. Additional height may be granted by the planning commission for rooftop landscaping/amenities.

Land Use	Commercial	Office	Vertical Mixed Use	Condos	Apartments	Townhomes	Public And Quasi-Public
Min. building height	1 story, extended[1]	1 story, extended[1]	2 stories	2 stories	2 stories	2 stories	1 story, extended
Max. building height	4 stories[2]	4 stories[2]	5 stories[2]	4 stories[2]	4 stories[2]	3 stories	3 stories

Notes:
1. Vertical architectural elements that make the buildings appear greater than 1 story.
2. "Step back" architecture may be required wherein building height adjacent to public streets may be limited in order to enhance pedestrian design.

(Ord. 2011-11, 4-19-2011)

The section below has been affected by a recently passed ordinance, 2013-07 - TEMPORARY LAND USE REGULATION . Go to new ordinance.

17.74.120: REQUIREMENTS UNIQUE TO THE VILLAGE MIXED USE (VMU) SUBDISTRICT:

A. Purpose Of The VMU Subdistrict: The purpose of this subdistrict is to encourage the development of low intensity neighborhood mixed land uses with a "village" look and feel (i.e., human scale, pedestrian friendly, architecturally diverse). The location of such uses would be in appropriate locations along major collector streets.

B. Permitted Uses: The following uses shall be permitted in the VMU subdistrict:

Accessory uses.

Agriculture without livestock or poultry.

Banks, credit unions, financial institutions without drive-up facilities.

Business services.

Educational facilities.

Healthcare facilities and services.

Home occupations in compliance with this title.

Household pets in accordance with this code.

Medical and dental offices or clinics.

Multi-family dwellings, varied and integrated with other uses in a "village" style.

Office services.

Personal services.

Residential accessory buildings on single-family lots that do not exceed that allowed under comparable lot size zoning requirements.

Residential accessory uses.

Residential facility for disabled persons as required by state law.

Residential use above the first floor of permitted commercial and office use.

Restaurants, excluding establishments with drive-up facilities.

Retail sales and services; excluding auto services such as stand alone car wash, tires, repairs, gas stations and/or convenience store.

Single-family dwellings.

C. Conditional Uses: A conditional use permit may be issued for the following uses in the MU-VMU subdistrict:

Auto service, including stand alone car wash, tires, repairs, gas stations and/or convenience store wherein the building is built to the street with bays, pumps, etc., to the side or rear.

Banks, credit unions, financial institutions with drive-up facilities located to the rear of the structure.

Churches, excluding temporary revival tents or structures.

Daycare center facility.

Health and fitness centers.

Live/work units.

Parks and recreational activities.

Preschool center facility.

Public buildings.

Land Use	Commercial	Office	Vertical Mixed Use	Condos	Apartments	Townhomes	Single-Family, Twin Homes	Public And Quasi Public
Min. building height	1 story, extended[1]	1 story, extended	2 stories	2 stories	2 stories	2 stories	1 story	1 story, extende
Max. building height	2 stories	2 stories	3 stories	$2^1/_2$ stories	$2^1/_2$ stories	$2^1/_2$ stories	2 stories	3 storie

Public or private schools.

Restaurants with drive-up facilities located to the rear of the structure. (Ord. 2012-12, 10-2-2012)

D. Building Height: Buildings shall have a minimum and maximum height as indicated by building type, as shown below. Additional height may be granted by the planning commission for rooftop landscaping/amenities.

Note:
1. Vertical architectural elements that make the buildings appear greater than 1 story.

(Ord. 2011-11, 4-19-2011)

Exhibit E

RESOLUTION R2014 - 07.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, AUTHORIZING THE SOUTH JORDAN MAYOR TO EXECUTE THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF SOUTH JORDAN AND the Developer of the Jordan Station Development.

WHEREAS, the City of South Jordan is a municipal corporation and a political subdivision of the State of Utah authorized to enter into development agreements that it considers necessary or appropriate for the use and development of land within the City under Utah Code Ann. § 10-9a-102 et seq; and

WHEREAS, the City of South Jordan has entered into development agreements for time to time as the City has deemed necessary for the orderly development of the City; and

WHEREAS, The South Jordan City Council finds it in the best interest of the public welfare and the development of the City to enter into the Development Agreement with the Developer of Jordan Station.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, UTAH:

SECTION 1. Authorization. South Jordan City Mayor, David L. Alvord is authorized to sign the Development Agreement by and between the City of South Jordan and the Developer of Jordan Station.

SECTION 2. Severability. If any section, clause, or portion of the Resolution is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

SECTION 3. Effective Date. This Resolution shall become effective immediately upon passage.

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APPROVED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS 15th DAY OF April, 2014 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Mark Seethaler	X			
Chuck Newton	X			
Don Shelton	X			
Steve Barnes	X			
Christopher Rogers		X		

Mayor: _____
David L. Alvord

Attest: _____
City Recorder

Approved as to form:

_____
Office of the City Attorney

City of South Jordan CORPORATE Seal State of Utah

ORDINANCE NO. 2014-01-Z

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, AMENDING THE ZONING MAP TO CHANGE THE ZONING FROM C-F TO TOD-MU ON PROPERTY LOCATED AT 10464 SOUTH JORDAN GATEWAY, KYLE SPENCER (APPLICANT).

WHEREAS, the City Council has adopted a Zoning Map for the City; and

WHEREAS, the South Jordan Planning Commission has reviewed and made recommendations concerning this rezoning; and

WHEREAS, the City Council has held a public hearing concerning the proposed Zoning Map amendment; and

WHEREAS, in accordance with principles of sound municipal planning, the City Staff, the City Planning Commission, and the City Council have taken into account the impact the proposed rezoning will or may have on existing development projects, and to the extent legally permissible or practical, the City Staff, Planning Commission and Council have taken reasonable steps to ensure that the proposed rezoning is in harmony with density, permitted uses, and other components of existing adjacent development project entitlements; and

WHEREAS, the City Council has found and determined that the proposed amendment the Zoning Map will help to implement the General Plan of the City; and

WHEREAS, the City Council has determined that said amendment will stabilize or improve property values and enhance the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, UTAH:

SECTION 1. That Ordinance No. 7-1-1 entitled, Zoning Ordinance of South Jordan, Utah, as the ordinances of the City of South Jordan, is amended as follows:

The property described in Application REZ-2013.22 filed by Kyle Spencer, located in the City of South Jordan, is hereby reclassified and adjusted from C-F to TOD-MU on said property being described as follows and attached as "Exhibit 'A'- Zoning":

C-F to TOD-MU

Parcels: 27-13-178-009, 27-13-178-010, and a portion of 27-13-178-012

Legal Description:

A PARCEL OF LAND LYING WITHIN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, UTAH COUNTY, UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP MONUMENT MARKING THE CENTER OF SAID SECTION 13; THENCE S 89°07'37" W ALONG SECTION LINE A DISTANCE OF 601.63 FEET; THENCE N 00°00'00" E 676.60 FEET TO THE POINT OF BEGINNING.

THENCE S 89°07'37" W 388.64 FEET; THENCE N 00°00'03" W 583.51 FEET; THENCE S 89°48'25" E 440.12 FEET TO A POINT ON THE WEST LINE OF SOUTH JORDAN PARKWAY; THENCE ALONG SOUTH JORDAN PARKWAY FOR THE NEXT 5 CALLS 1) S 13°39'43" E 79.12 FEET TO A POINT OF CURVATURE OF A 344.50-FOOT RADIUS TANGENT CURVE TO THE RIGHT 2) THENCE SOUTHWESTERLY ALONG THE ARC OS SAID CURVE 213.57 FEET, HAVING A CENTRAL ANGLE OF 35°31'14" AND A CHORD THAT BEARS S 04°05'53" W 210.17 FEET; 3) THENCE S 21°51'26" W 63.20 FEET TO A POINT OF CURVATURE OF A 453.00-FOOT RADIUS TANGENT CURVE TO THE LEFT 4) THENCE SOUTHWESTERLY ALONG THE ARC OS SAID CURVE 174.96 FEET, HAVING A CENTRAL ANGLE OF 22°07'43" AND A CHORD THAT BEARS S 11°39'09" W 173.87 FEET; 4) THENCE S 03°15'56" E 60.75 FEET TO THE POINT OF BEGINNING. CONTAINS 249347 S.F. 5.72 AC MORE OR LESS.

SECTION 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.

SECTION 3. Effective Date. This Ordinance shall become effective immediately upon publication or posting as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, UTAH, ON THIS 15th DAY OF April, 2014 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Mark Seethaler	X			
Chuck Newton	X			
Don Shelton	X			
Steve Barnes	X			
Christopher Rogers		X		

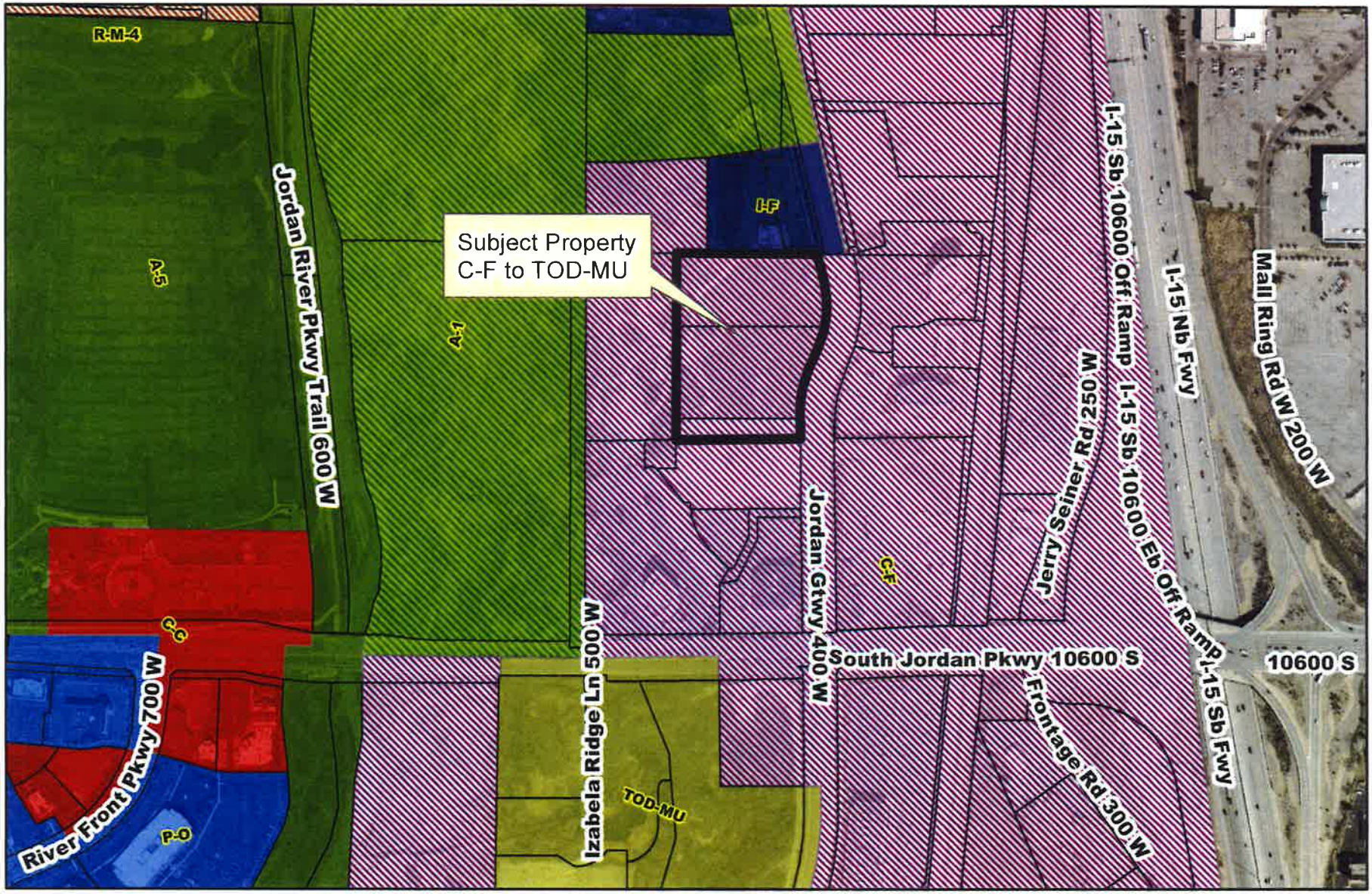
Mayor: _____
David L. Alvord

Attest: _____
City Recorder

Approved as to form:

_____
Office of the City Attorney

City of South Jordan CORPORATE Seal State of Utah



Legend

STREETS

PARCELS

Exhibit 'A'

City of South Jordan

0 145 290 580 870 1,160 Feet

Aerial Imagery
April 2012

ESRI

ORDINANCE NO. 2014-01-Z

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, AMENDING THE ZONING MAP TO CHANGE THE ZONING FROM C-F TO TOD-MU ON PROPERTY LOCATED AT 10464 SOUTH JORDAN GATEWAY, KYLE SPENCER (APPLICANT).

WHEREAS, the City Council has adopted a Zoning Map for the City; and

WHEREAS, the South Jordan Planning Commission has reviewed and made recommendations concerning this rezoning; and

WHEREAS, the City Council has held a public hearing concerning the proposed Zoning Map amendment; and

WHEREAS, in accordance with principles of sound municipal planning, the City Staff, the City Planning Commission, and the City Council have taken into account the impact the proposed rezoning will or may have on existing development projects, and to the extent legally permissible or practical, the City Staff, Planning Commission and Council have taken reasonable steps to ensure that the proposed rezoning is in harmony with density, permitted uses, and other components of existing adjacent development project entitlements; and

WHEREAS, the City Council has found and determined that the proposed amendment the Zoning Map will help to implement the General Plan of the City; and

WHEREAS, the City Council has determined that said amendment will stabilize or improve property values and enhance the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, UTAH:

SECTION 1. That Ordinance No. 7-1-1 entitled, Zoning Ordinance of South Jordan, Utah, as the ordinances of the City of South Jordan, is amended as follows:

The property described in Application REZ-2013.22 filed by Kyle Spencer, located in the City of South Jordan, is hereby reclassified and adjusted from C-F to TOD-MU on said property being described as follows and attached as "Exhibit 'A'- Zoning":

C-F to TOD-MU

Parcels: 27-13-178-009, 27-13-178-010, and a portion of 27-13-178-012

Legal Description:

A PARCEL OF LAND LYING WITHIN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, UTAH COUNTY, UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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	YES	NO	ABSTAIN	ABSENT
Mark Seethaler	X			
Chuck Newton	X			
Don Shelton	X			
Steve Barnes	X			
Christopher Rogers		X		

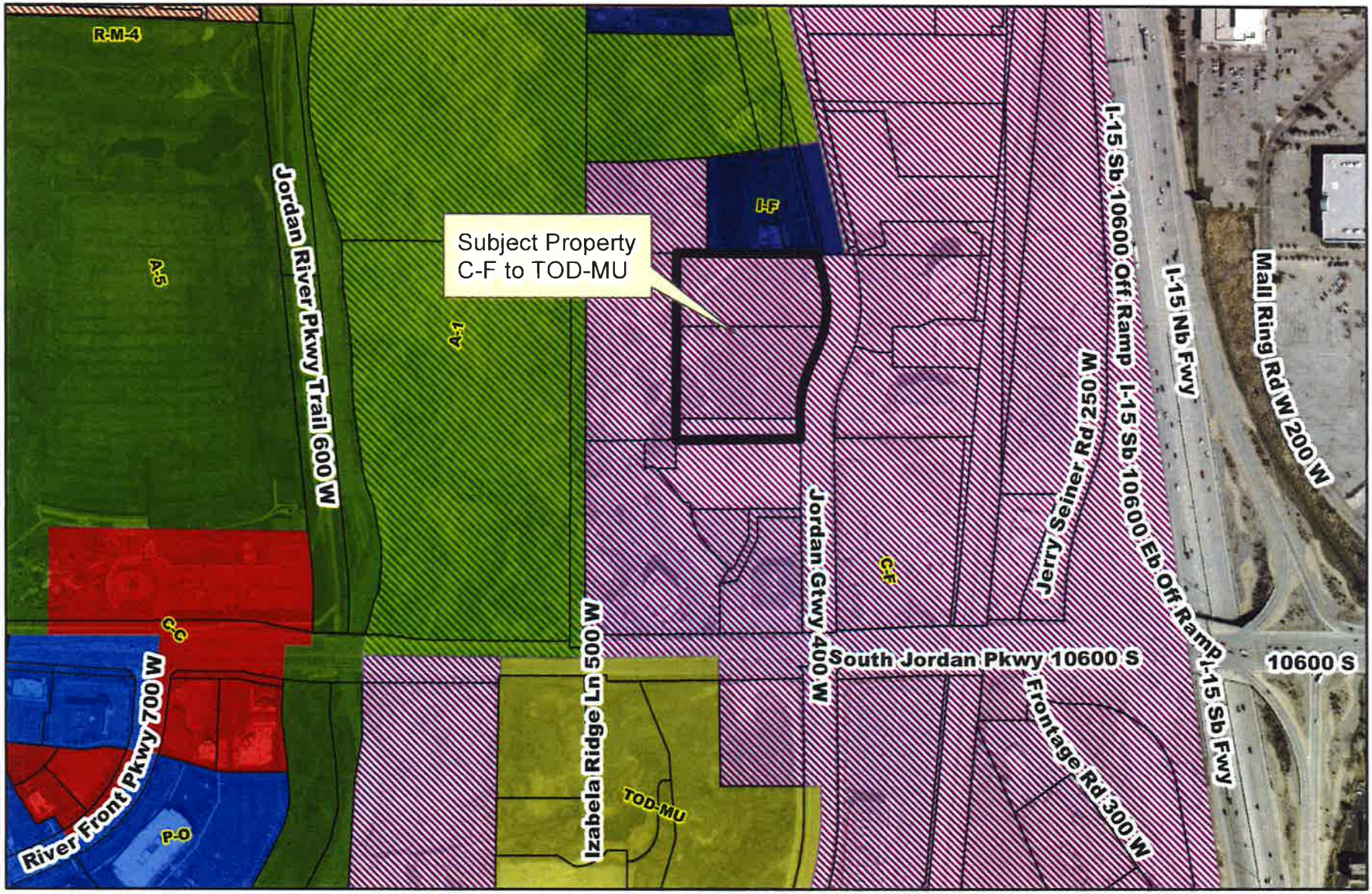
Mayor: _____
David L. Alvord

Attest: _____
City Recorder

Approved as to form:

_____
Office of the City Attorney

City of South Jordan CORPORATE Seal State of Utah



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