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South Jordan City
City Recorders Office

Appeal Authority of South Jordan City

In Re: Application for Variance for property located at 11400-11600 South 4000 West South Jordan, Utah 84095

Applicant: SJ Market Place LLC
BOA #2014.01

An application for a variance was filed by SJ Market Place, LLC. in early January, 2014 With South Jordan City. Notice was published of the date and time of the hearing. The hearing was before H. Craig Hall, sitting as the appeal authority, as authorized by Section 10-9A-701 and the ordinances of South Jordan City, Utah. The hearing was held on the 16th day of January, 2014, at South Jordan City, Hall.

The applicant, SJ Marketplace, LLC was represented by Bill Sandre. Damir Drozdek, Assistant City Planner II, Brad Klavano, City Engineer and Ryan Losee, Assistant City Attorney were present on behalf of the City

Each party presented various exhibits. Exhibits 1-5 were offered by the parties and were admitted as evidence and are to be considered during the deliberation process. Said exhibit are made part of the file and kept in the city records of appeal decisions.

The applicant, city engineer, city planner and assistant city attorney presented testimony regarding the history of the parcel of land, the proposed development and the anticipated realignment and reconstruction of 11400 South and Bangerter Highway.

Based on the testimony presented, exhibits received, and argument of the parties, the Hearing Officer enters his findings, conclusions and order.

The applicant has applied for a variance seeking relief from the required 20' landscaping setback along the street frontage of 4000 West, 11400 South and Bangerter Highway.

Requirements to Grant a Variance

In order for a variance to be granted, five factors as required by state and local regulations must be found. The applicant has the burden of proof to meet each and every condition and criteria.[1] These factors are:

1. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purposes of the land use ordinance;

[1] See 10-9a-701 & 702 Utah Code and 17.16.20 (B)(2) Code of Ordinances of South Jordan

2. There are special circumstances attached to the property that do not generally apply to other properties in the same zone;

3. Granting of the variance is essential to the enjoyment of a substantial property right possessed by other property owners in the same zone;

4. The variance will not substantially affect the general plan and will not be contrary to the public interest; and

5. The spirit of the land use ordinance is observed and substantial justice be done.

Findings of Fact

1. The owner/developer of the subject property located at 11400-11600 South 4000 West received approval of its zoning application, conceptual plan approval and an agreed upon Development Agreement on October 15, 2013. The property is zoned C-C (commercial-Community). All of the various city zoning requirements were met at that time. The project was approved.

2. On or about November 7, 2013, Utah Department of Transportation ("UDOT") met with the developer and city staff and informed those in attendance that UDOT needed to acquire from the developer additional parcel of land to accommodate the proposed intersection realignment. Such proposed realignment necessitated that the developer re-design the proposed project. The developer agreed to re-design the proposed project.

3. On or about November 11, 2013 the developer re-submitted a revised site plan to accommodate the proposed 65' additional right-of-way acquisition. On November 13, 2013, the proposed revised site plan was reviewed by UDOT's engineer. The engineer confirmed that the revised site plan complied with the new proposed alignment of the road. Subsequent to the revised submission, the city's Planning Commission approved the site plan for the second time.

4. On or about December 18, 2013, UDOT's engineer again submitted to the developer a second revised acquisition request of an additional 20' of property from the north property line of the proposed development. (for a total of 65')

5. On or about December 23, 2013, the developer again attempted to revise the project site plan for a third time in order to avoid conflicts with the proposed roadway design. This proposed revision could not comply with all of the various codes and regulations of the city. The third revision of 11400 South alignment has created the need for the request for the variance.

Conclusions of Law

As stated before, it is the burden of the applicant for a variance to show compliance with **all** five requirements. It is the opinion of the hearing officer that the applicant has satisfied all five conditions and requirements set forth above.

First. The developer's original project was approved on October 15, 2013. It was entitled and vested with development rights. The hardships or difficulties now attached to the project, were created by a third party. The developer has exercised an extreme amount of good faith in order to address the needs of UDOT. This requirement has been met.

Second. Special circumstances now attaché to the property because of the proposed and imminent re-construction of the intersection.

Third. The denial of this application would not render the subject property useless in the terms of enjoyment of the property. However, in order to be practical and not cause demolition and/or extensive remodeling of buildings which have been approved, the theory of economic waste should be considered. For purposes of this decision, it is found that unless the variance is granted, a portion of the property would be rendered useless based on previous twice approved development plans.

Fourth. The granting of the requested variance will not violate the general plan of the city. This requirement is satisfied.

Fifth. The granting of the requested variance will result in substantial justice and would violate not the spirit of the ordinances of the city. The applicant has shown remarkable patience and understanding with various governmental entities.. Asking a developer to re-designed three times for a previously approved project within 90 days is extraordinary.

Order

Based on the foregoing Findings of Fact and Conclusions of Law, the applicant's request for a variance, is hereby granted. The 20' landscaping setback along 11400 South, 4000 West and Bangerter Highlway are hereby expressly modified as follows:

Bangerter Highway: Not less than 10' feet of landscaping required adjacent to the right-of-way.

11400 South: Not less than 10' feet of landscaping required adjacent to the re-aligned right-of-way.

4000 West: Not less than 10' feet of landscaping required adjacent to the right-of-way including hardscape.

This decision shall be recorded in the Office of the Salt Lake County Recorder as evidence as the approval. The affected property is described in Exhibit A.

Dated this 23rd day of January 2014.

By _____
H. Craig Hall
South Jordan Hearing Officer
11607 Roselawn Way
South Jordan, UT 84095

Mailing Certificate

I hereby certify that a true and correct copy of the foregoing Order was mailed, U.S Mail, postage prepaid to on the 23rd day of January, 2014 to the applicants, SJ Market Place, LLC, 5670 Wilshire Boulevard, Suite 1250, Los Angeles, CA 90036, and hand delivered to the City Recorder of South Jordan City, 1600 West Town Center Drive, South Jordan, Utah 84095.

_____

DEVELOPMENT AGREEMENT

The City of South Jordan, a Utah municipal corporation (the "City"), and SJ Marketplace, LLC, a Delaware limited liability company ("the Developer"), enter into this Development Agreement (this "Agreement") this 12 day of November, 2013 ("Effective Date"), and agree as set forth below. 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) 27194310020000, 27194300020000, and approximately the north half of Parcel Number 27203020020000 specifically described in attached Exhibit A (the "Property") and intends to develop the Property consistent with the Concept Plan attached as Exhibit B (the "Concept 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, 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 agricultural A-5 zone (the "A-5 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 the A-5 Zone to the Residential R-2.5 Zone (the "R-2.5 Zone"), the Residential R-3 Zone (the "R-3 Zone") and the Commercial-Community Zone (the "C-C Zone") as shown on Exhibit B, Concept Plan. A copy of the provisions of the R-2.5 Zone, the R-3 Zone, and the C-C Zone designations in the South Jordan City Code are attached as Exhibit D, Exhibit E, and Exhibit F respectively; and

WHEREAS, the Developer and the City acknowledge that the development and improvement of the Property 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 development 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 residents; and

WHEREAS, this Agreement shall only be valid upon approval of such by the South Jordan City Council, pursuant to resolution R-2013-73 a copy of which is attached as Exhibit G; 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 shall vest only if the South Jordan City Council, in its sole legislative discretion, approves a zone change for the Property currently zoned as A-5 to zones designated as R-2.5, R-3 and C-C zones.

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 A-5 to zones designated as R-2.5, R-3 and C-C zones.

C. Conflicting Terms. The Property shall be developed in accordance with the requirements and benefits provided for in relation to the as R-2.5, R-3 and C-C zones under the City Code as of the Effective Date, except that in the event of a discrepancy between the requirements of the City Code including the requirements of the R-2.5, R-3 and C-C zones, and this Agreement, this Agreement shall control.

D. Developer Obligations:

1. Concept Plan. The Property shall be constructed consistent with the Concept Plan and the requirements set forth in this Agreement and the City Code; notwithstanding the Concept Plan the retail west of 4000 West shall abut 4000 West Street except to the extent otherwise agreed to by City Staff.
2. Parking. Except as shown on the Concept Plan (which is modified by Section D.1 above), all parking facilities in the C-C Zone shall be located in the rear and sides of commercial buildings. For this purpose, "rear" means the opposite side of a building to the side of the building that faces the nearest public street. No parking facilities will be allowed to be constructed between commercial buildings and the nearest public street, with the exception of (a) Bangerter Highway, and (b) the locations of the parking facilities shown on the Concept Plan. The City agrees that, as relates to the retail east of 4000 West only, the locations of the parking facilities shown on the Concept Plan are in compliance with the requirements of this Agreement and the City Code.
3. Architecture. All buildings in the C-C Zone will have similar architectural treatment on all sides. All buildings shall have a common architectural theme in respect to design and materials.
4. Walkability. All commercial pads and buildings in the C-C Zone will be connected by pedestrian friendly walks. Walks shall also connect to public sidewalks and the residential portion of the development to provide for walkable development.
5. Street Trees. Public streets in the R-2.5 Zone, R-3 and CC Zones shall have street trees planted in the parkstrip every 30' on center. Street trees in each will be of one species only.
6. Land Mark Sign. All signage in the C-C Zone will comply with the Master Sign Plan attached as Exhibit H (the "Sign Plan").; provided, however, notwithstanding the foregoing, the following modifications to the Sign Plan supersede the Sign Plan : (i) Pylon sign 1 Location 1 shall be a landmark sign that is no lower in height than The District signage and not higher than a height agreed to by City Staff, installed with the project that emphasizes development name (shopping center name) over tenant names, as shown in the Sign Plan and an emblem agreed to between the Developer and City Staff; (ii) Pylon Sign 1 Location 2 shall be comparable to, but not less than, the height of the

District Pylon signs; (iii) Pylon Sign 2 Location 1 shall be no higher than twenty feet (20') and (iv) all monument signage in the Sign Plan is hereby deleted; monument signage shall be per Code or as otherwise agreed upon by City Council.

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.

2. Sign Plan. The City agrees and accepts that all signage in the C-C Zone must comply with the Sign Plan instead of the City Code provisions relating to signage. Nothing herein changes any of the City Code requirements pertaining to signage in the R-2.5 Zone or R-3 Zone.

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 the R-2.5, R-3, and C-C zoning designations and the City Code in effect as of the Effective Date.

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 Recitals 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 statue.

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:

City: ATTN: City Recorder

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

Developer: SJ Marketplace, LLC
c/o CCA Acquisition Company, LLC
5670 Wilshire Blvd, Suite 1250
Los Angeles, California 90036
ATTN: Steven Usdan
Email: StevenU@kornwasser.net

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 Delaware, 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.

16. Closing Contingency. If Developer has not closed its acquisition of the Property by February 28, 2014, then either party shall have the right to terminate this Agreement by providing written notice of termination to the other party.

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

{Signatures follow on next page}

CITY OF SOUTH JORDAN,
a Utah Municipal Corporation

By: _____
John H. Geilmann
City Manager

APPROVED AS TO FORM:

_____
Attorney for the City

State of Utah)
:ss
County of Salt Lake)

On this 12 day of ~~October~~ November, 2013, personally appeared before me John H. Geilmann, whose identity is personally known to me or proved to me on the basis of satisfactory evidence, and who affirmed that he is the City Manager, 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
MELANIE EDWARDS
Commission No. 581410
Commission Expires
JANUARY 26, 2014
STATE OF UTAH

_____
Notary Public

SJ MARKETPLACE, LLC,
a Delaware limited liability company

By: CCA Acquisition Company, LLC,
a California limited liability company,
its manager

By: _____

Name: Steven Usdan

Title: Managing Member

State of Utah)
:ss
County of Salt Lake)

On this 12 day of November 2013 personally appeared before me Steven Usdan 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 of CCA Acquisition Co. 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
MELANIE EDWARDS
Commission No. 581410
Commission Expires
JANUARY 26, 2014
STATE OF UTAH

_____
Notary Public

Exhibit A

(Legal Description of the Property broken down by areas to be rezoned)

A-5 to R-3

A PARCEL OF LAND SITUATE IN THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, LOCATED IN SOUTH JORDAN CITY, COUNTY OF SALT LAKE, STATE OF UTAH AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF 4000 WEST STREET, SAID POINT BEING SOUTH 0°04'39" EAST, ALONG THE SECTION LINE, A DISTANCE OF 784.50 FEET AND SOUTH 89°55'21" WEST, PERPENDICULAR TO SAID SECTION LINE, A DISTANCE OF 42.50 FEET, FROM THE SALT LAKE COUNTY MONUMENT MARKING THE EAST QUARTER CORNER OF SAID SECTION 19; AND RUNNING THENCE SOUTH 0°04'18" EAST, ALONG THE WEST LINE OF SAID 4000 WEST STREET, A DISTANCE OF 81.93 FEET, TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 24.00 FEET, THROUGH A CENTRAL ANGLE OF 89° 59' 46", A DISTANCE OF 37.70 FEET, THE LONG CHORD OF WHICH BEARS SOUTH 44°55'21" WEST, A DISTANCE OF 33.94 FEET, TO THE NORTH LINE OF FOXVIEW DRIVE; THENCE ALONG THE NORTH LINE OF FOXVIEW DRIVE THE FOLLOWING NINE (9) COURSES: (1) SOUTH 89°55'21" WEST, A DISTANCE OF 225.85 FEET; (2) ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 714.50 FEET THROUGH A CENTRAL ANGLE OF 28° 10' 41", A DISTANCE OF 351.39 FEET, THE LONG CHORD OF WHICH BEARS NORTH 75°59'18" WEST, A DISTANCE OF 347.86 FEET; (3) NORTH 61°53'57" WEST, A DISTANCE OF 163.91 FEET; (4) ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 350.50 FEET THROUGH A CENTRAL ANGLE OF 03° 48' 52", A DISTANCE OF 23.33 FEET, THE LONG CHORD OF WHICH BEARS NORTH 63°48'22 WEST, A DISTANCE OF 23.33 FEET; (5) NORTH 65°42'48 WEST, A DISTANCE OF 121.52 FEET; (6) ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 289.00 FEET THROUGH A CENTRAL ANGLE OF 03° 48' 47", A DISTANCE OF 19.23 FEET, THE LONG CHORD OF WHICH BEARS NORTH 63°48'22 WEST, A DISTANCE OF 19.23 FEET; (7) NORTH 61°53'57 WEST, A DISTANCE OF 31.37 FEET; (8) ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 724.00 FEET, THROUGH A CENTRAL ANGLE OF 03° 38' 59", A DISTANCE OF 46.12 FEET, THE LONG CHORD OF WHICH BEARS NORTH 60°04'28" WEST, A DISTANCE OF 46.11 FEET; (9)NORTH 58°14'59" WEST, A DISTANCE OF 5.85 FEET, TO THE EAST LINE OF THE JACOB WELBY CANAL; THENCE ALONG SAID EAST LINE THE FOLLOWING THREE (3) COURSES: (1) NORTH 27°58'15 EAST, A DISTANCE OF 171.11 FEET; (2)NORTH 31°58'52 EAST, A DISTANCE OF 121.94 FEET; (3) NORTH 36°17'09" EAST, A DISTANCE OF 352.21 FEET, TO THE SOUTHERLY LINE OF 11400 SOUTH STREET; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 3733.00 FEET, THENCE CENTER OF WHICH BEARS NORTH 9°31'22" EAST, THROUGH A CENTRAL ANGLE OF 05° 33' 50, A DISTANCE OF 362.50 FEET, THE LONG CHORD OF WHICH BEARS SOUTH 83°15'33" EAST, A DISTANCE OF 362.35 FEET; THENCE SOUTH 00°04'39" EAST, PARALLEL WITH THE AFORESAID SECTION LINE, A DISTANCE OF 661.05 FEET; THENCE NORTH 89°55'21" EAST, PERPENDICULAR TO SAID SECTION LINE, A DISTANCE OF 239.35 FEET TO THE POINT OF BEGINNING.

CONTAINS: 431,493 SQUARE FEET, OR 9.906 ACRES.

A-5 to C-C

A PARCEL OF LAND SITUATE IN THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, LOCATED IN SOUTH JORDAN CITY, COUNTY OF SALT LAKE, STATE OF UTAH AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF 4000 WEST STREET, SAID POINT BEING SOUTH 0°04'39" EAST, ALONG THE SECTION LINE, A DISTANCE OF 132.64 FEET AND SOUTH 89°55'21" WEST, PERPENDICULAR TO SAID SECTION LINE, A DISTANCE OF 42.50 FEET, FROM THE EAST QUARTER CORNER OF SAID SECTION 19; AND RUNNING THENCE SOUTH 0°04'39" EAST, ALONG SAID WEST LINE OF 4000 WEST STREET, A DISTANCE OF 651.86 FEET; THENCE SOUTH 89°55'21"WEST, A DISTANCE OF 239.35 FEET; THENCE NORTH 0°04'39" WEST, PARALLEL WITH AFORESAID SECTION LINE, A DISTANCE OF 661.05 FEET, TO THE SOUTH LINE OF 11400 SOUTH STREET; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 3733.00 FEET, THE CENTER OF WHICH BEARS NORTH 3°57'33" EAST, THROUGH A CENTRAL ANGLE OF 03° 40' 37", A DISTANCE OF 239.57 FEET, THE LONG CHORD OF WHICH BEARS SOUTH 87°52'46 EAST A DISTANCE OF 239.53 FEET, TO THE POINT OF BEGINNING.

CONTAINS: 156,815 SQUARE FEET, OR 3.600 ACRE

A-5 to C-C

A PARCEL OF LAND SITUATE IN THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, LOCATED IN SOUTH JORDAN CITY, COUNTY OF SALT LAKE, STATE OF UTAH AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF 4000 WEST STREET, SAID POINT BEING SOUTH 0°04'39" EAST, ALONG THE SECTION LINE, A DISTANCE OF 132.83 FEET, AND NORTH 89°55'21" EAST, PERPENDICULAR TO SAID SECTION LINE, A DISTANCE OF 42.50 FEET, FROM THE WEST QUARTER CORNER OF SAID SECTION 20; THENCE SOUTH 89°49'18" EAST, ALONG THE SOUTH LINE OF 11400 SOUTH STREET, A DISTANCE OF 286.45 FEET; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 200.00 FEET, THE CENTER OF WHICH BEARS NORTH 66°35'59" EAST, THROUGH A CENTRAL ANGLE OF 66°25'20", A DISTANCE OF 231.86 FEET, THE LONG CHORD OF WHICH BEARS SOUTH 56°36'41" EAST, A DISTANCE OF 219.09 FEET, TO THE WEST LINE OF BANGERTER HIGHWAY; THENCE SOUTH 0°01'18" WEST, ALONG SAID WEST LINE, A DISTANCE OF 874.24 FEET; THENCE SOUTH 2°05'14" WEST, A DISTANCE OF 190.96 FEET; THENCE SOUTH 89°55'21" WEST, PERPENDICULAR TO AFORESAID SECTION LINE, A DISTANCE OF 460.49 FEET, TO THE EAST LINE OF AFORESAID 4000 WEST STREET; THENCE NORTH 0°04'39" WEST, ALONG SAID EAST LINE, A DISTANCE OF 1187.16 TO THE POINT OF BEGINNING.

CONTAINS: 539,081 SQUARE FEET, OR 12.376 ACRES

A-5 to R-2.5

A PARCEL OF LAND SITUATE IN THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, LOCATED IN SOUTH JORDAN CITY, COUNTY OF SALT LAKE, STATE OF UTAH AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF 4000 WEST STREET, SAID POINT BEING SOUTH 0°04'39" EAST, ALONG THE SECTION LINE, A DISTANCE OF 985.43 FEET, AND SOUTH 89°55'21" WEST, PERPENDICULAR TO SAID SECTION LINE, A DISTANCE OF 42.50 FEET, FROM THE SALT LAKE COUNTY MONUMENT MARKING THE EAST QUARTER CORNER OF SAID SECTION 19; AND RUNNING THENCE SOUTH 0°04'39" EAST, ALONG SAID WEST LINE OF SAID 400 WEST STREET, A DISTANCE OF 340.52 FEET, TO THE SOUTH LINE OF LOT 2 FOXVIEW DRIVE CHURCH SUBDIVISION; THENCE NORTH 89°51'00" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 855.60 FEET, TO THE WEST LINE THEREOF; THENCE NORTH 0°09'00" EAST, ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 189.82 FEET; THENCE NORTH 28°06'03" EAST, A DISTANCE OF 343.59 FEET, TO THE SOUTHERLY LINE OF FOXVIEW DRIVE; THENCE SOUTH 61°53'57" EAST ALONG SAID SOUTHERLY LINE, A DISTANCE OF 81.46 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 785.50 FEET, THROUGH A CENTRAL ANGLE OF 28° 10' 42", A DISTANCE OF 386.31 FEET, THE LONG CHORD OF WHICH BEARS SOUTH 75°59'18"EAST, A DISTANCE OF 382.43 FEET; THENCE NORTH 89°55'21" EAST, A DISTANCE OF 225.86 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 24.00 FEET, THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 37.70 FEET; THE LONG CHORD OF WHICH BEARS SOUTH 45°04-39" EAST, A DISTANCE OF 33.94 TO THE POINT OF BEGINNING.

CONTAINS: 326,168 SQUARE FEET, OR 7.488 ACRES.

Exhibit B

CONCEPT PLAN

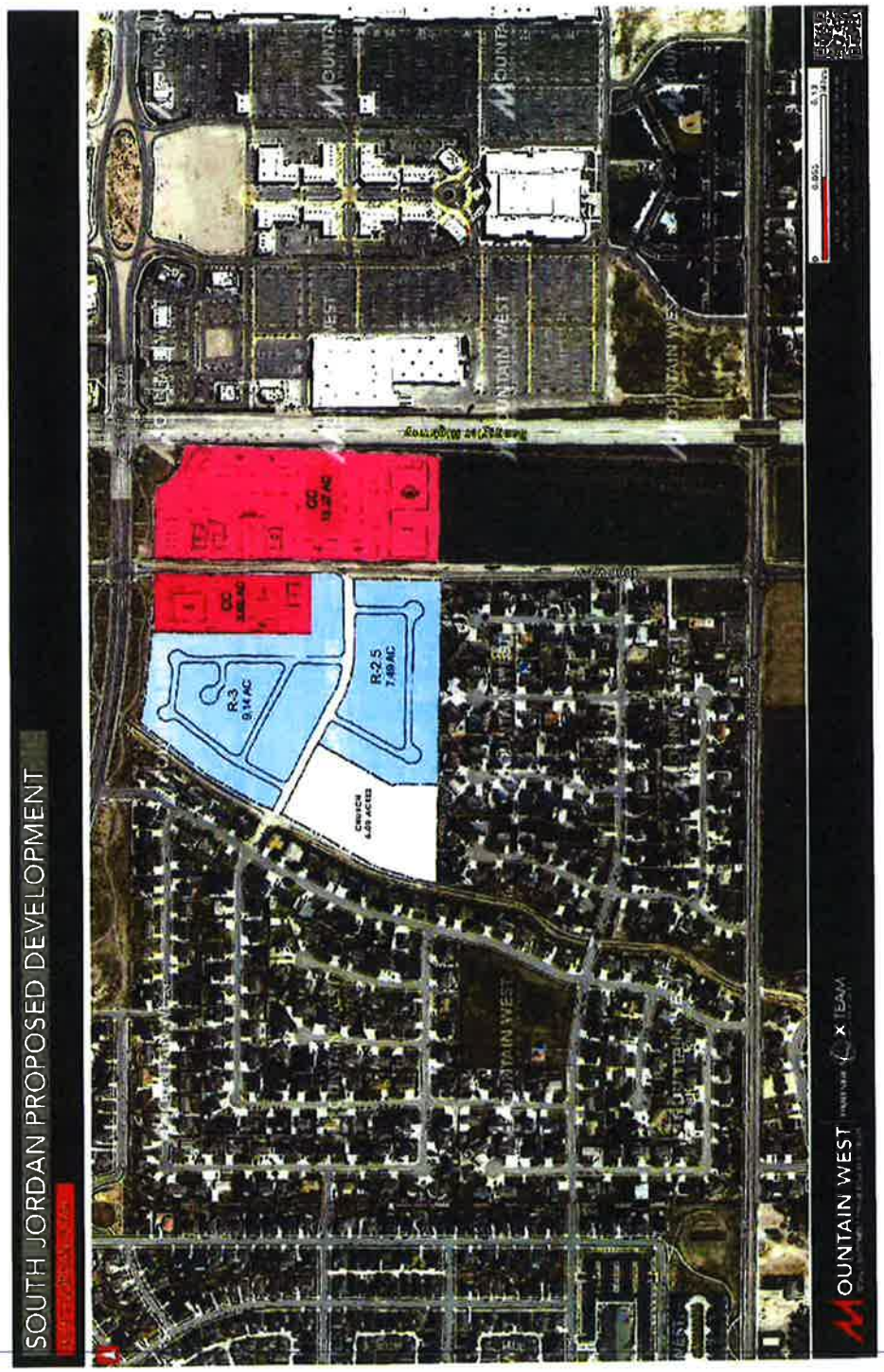

Exhibit C

A-5 ZONE City Code Provisions

Chapter 17.24
AGRICULTURAL A-5 ZONE

17.24.010: PURPOSE:

17.24.020: PERMITTED USES:

17.24.030: CONDITIONAL USES:

17.24.040: USE REGULATIONS:

17.24.050: DEVELOPMENT REVIEW:

17.24.060: LOT AREA:

17.24.070: LOT WIDTH AND FRONTAGE:

17.24.080: PRIOR CREATED LOTS:

17.24.090: DWELLING DENSITY:

17.24.100: LOT COVERAGE:

17.24.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:

17.24.120: PROJECTIONS INTO YARDS:

17.24.130: FARM ANIMALS1 (REP. BY ORD. 2011-18, 3-6-2012):

17.24.140: PARKING AND ACCESS:

17.24.150: FENCING, SCREENING AND CLEAR VISION:

17.24.160: ARCHITECTURAL STANDARDS:

17.24.170: LANDSCAPING:

17.24.180: LIGHTING:

17.24.190: OTHER REQUIREMENTS:

17.24.010: PURPOSE:
The agricultural A-5 zone (minimum 5 acre lot), may be cited as the "A-5 zone" and is established to allow for the continuation of agriculture in an expanding urban community and to complement the existing rural residential environment in the city. The regulations of this chapter are intended to allow for the orderly expansion of residential and commercial developments into agricultural lands while encouraging compatibility of new growth with existing agricultural uses. (Ord. 2007-02, 1-16-2007)

17.24.020: PERMITTED USES:
The following uses may be conducted in the A-5 zone as limited herein:
Agricultural and residential accessory uses and buildings.
Agricultural buildings not exceeding five thousand (5,000) square feet.
Crop production, horticulture.
Farm animals as regulated in section 17.130.040 of this title.
Home occupations according to city ordinances.
Produce stand, maximum three hundred (300) square feet, maximum one per parcel or lot for selling only produce grown on the premises.
Single-family dwelling, detached, maximum one per lot or parcel. (Ord. 2011-18, 3-6-2012)

17.24.030: CONDITIONAL USES:

A conditional use permit may be issued for the following uses in the A-5 zone:
Agricultural buildings exceeding five thousand (5,000) square feet in area.
Animal husbandry, unique or exotic animal specialties or other animal uses not otherwise regulated by this chapter.
Building other than single-family dwelling as a main building on the lot.
Commercial or public corrals, arenas, stables, silos, barns, equestrian or rodeo facilities and other commercial agricultural related structures and uses.
Cultural exhibits and activities.
Daycare center facility on minimum one acre lot.
Educational facilities that have direct access to a collector street.
Golf courses and driving ranges.
Nature or zoological exhibits.
Parks and recreational activities.
Preschool center facility on minimum one acre lot.
Public facilities.
Religious activities. (Ord. 2012-12, 10-2-2012)

17.24.040: USE REGULATIONS:

Uses may be conducted in the A-5 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 A-5 zone. A conditional use permit must be obtained prior to the establishment of a conditional use.

B. Accessory uses may be conducted in the A-5 zone only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, caretakers, nurses, nannies, maids, barns, garages, silos, corrals, sheds, stables, paddocks, swimming pools, recreational equipment, greenhouses, windmills, wells and water storage facilities 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, commercial goods or wrecked or neglected materials, equipment or vehicles in the A-5 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 A-5 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 in the A-5 zone, except in conjunction with temporary development or construction activities or in conjunction with an approved use which requires such vehicles. 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. 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 A-5 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 A-5 zone, except that a vehicle owned by a guest of the resident may be stored and occupied in the required front yard or side yard of the permanent dwelling for no more than seven (7) days per calendar year. (Ord. 2007-02, 1-16-2007)

17.24.050: DEVELOPMENT REVIEW:

Uses proposed in A-5 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 A-5 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)

17.24.060: LOT AREA:

The minimum area of any lot or parcel in the A-5 zone shall be five (5) acres. Every portion of a parcel being subdivided shall be included as a lot or lots in the proposed subdivision plat. (Ord. 2007-02, 1-16-2007)

17.24.070: LOT WIDTH AND FRONTAGE:

Each lot in the A-5 zone shall have a minimum width of one hundred feet (100'), measured at the minimum front yard setback at a point which corresponds to the midpoint of the front lot line. Each lot or parcel shall abut the right of way line of a public street a minimum distance of one hundred feet (100'), except that lots with side property lines which diverge at an angle of at least twenty degrees (20°) shall abut the right of way a minimum distance of sixty feet (60'). (Ord. 2007-02, 1-16-2007)

17.24.080: PRIOR CREATED LOTS:

Lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of an A-5 zone shall not be denied a building permit solely for reason of nonconformance with the parcel requirements of this chapter. (Ord. 2007-02, 1-16-2007)

17.24.090: DWELLING DENSITY:

Only one single-family dwelling may be placed upon a lot or parcel of land in the A-5 zone. (Ord. 2007-02, 1-16-2007)

17.24.100: LOT COVERAGE:

A maximum of twenty percent (20%) of the area of lots or parcels in the A-5 zone may be covered by buildings. (Ord. 2007-02, 1-16-2007)

17.24.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:

The following yard requirements shall apply in A-5 zones. Minimum yard areas are measured from the corresponding front, side and rear property lines of lots. A land use permit shall be obtained prior to the construction of any accessory building for which a building permit is not required. An application form, lot plan showing streets, existing buildings, dimensions, easements, setbacks of the proposed accessory building and other information as needed shall be submitted for review:

A. Minimum yard requirements for main buildings are as follows:

1. Front yard, interior and corner lots: Thirty feet (30').

2. Front yard, cul-de-sac lot adjacent to turnaround: Twenty five feet (25').

3. Side yard, interior lots: Ten feet (10').

4. Side yard, corner lots: Ten feet (10') on the side adjoining another lot, thirty feet (30') on the side adjoining the street.

5. Rear yard, interior lot: Twenty five feet (25').

6. Rear yard, corner lot: Ten feet (10').

B. Minimum yard requirements for accessory buildings are as follows:

1. Accessory Buildings: Accessory buildings may not be located between a street and the front building line of a main building.

2. Side Yard Accessory Building: An accessory building may be located in a side yard no closer than ten feet (10') from the side property line or boundary and no closer than six feet (6') from the dwelling or main building.

3. Street Side Yard Accessory Building, Corner Lot: An accessory building may be located between a street and the side of the dwelling or main building on a corner lot but not within the required minimum main building side yard and no closer than six feet (6') from the dwelling or main building.

4. Rear Yard Accessory Building: An accessory building may be located in a rear yard no closer than six feet (6') from the dwelling or main building and no closer than three feet (3') from the side or rear property line or boundary, except as required in subsection B5 of this section.

5. Height Considerations: The minimum setback from property lines or boundaries for accessory buildings or structures exceeding sixteen feet (16') in height shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16').

C. All buildings shall be separated by a minimum distance of six feet (6').

D. Buildings used for the housing or shelter of animals shall be located a minimum distance of forty feet (40') from any existing dwelling or neighborhood street right of way line and, if approved with a conditional use permit, a minimum of twenty feet (20') from any collector street right of way line. (Ord. 2007-02, 1-16-2007)

17.24.120: PROJECTIONS INTO YARDS:

The following may be erected on or projected into any required yard space in A-5 zones:

A. Fences and walls in conformance with city ordinances.

B. Agricultural crops and 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)

17.24.130: FARM ANIMALS[2]:

(Rep. by Ord. 2011-18, 3-6-2012)

17.24.140: PARKING AND ACCESS:

Parking areas and vehicle access in A-5 zones shall meet the requirements of title 16, chapter 16.26 of this code. (Ord. 2007-02, 1-16-2007)

17.24.150: FENCING, SCREENING AND CLEAR VISION:

The following fencing, screening and clear vision requirements shall apply in A-5 zones. A permit shall be obtained from the community development department prior to construction of any fence in the A-5 zone. An application form and the location, height and description of the proposed fence shall be submitted for review.

A. Utility Screening: In nonsingle-family residential developments requiring conditional use approval in A-5 zones, 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. Incompatible Land Use Screening: Incompatible land uses, including waterways, trails, parks, open spaces and other uses or zones shall be screened or buffered with fences, walls and/or landscaping as determined with development approval.

C. Rear And Side Yard Fencing: A maximum six foot (6') high fence and/or hedge may be installed and maintained between a dwelling and a rear or side lot line.

D. Front Yard Fencing: A maximum four foot (4') high, nonvisually obscuring decorative wrought iron, simulated wrought iron or vinyl fence may be constructed along a side lot line to the right of way line or sidewalk of a neighborhood street, except as regulated in clear vision areas. A masonry or solid vinyl fence or hedge may also be used along side lot lines to the right of way or sidewalk, but may not exceed three feet (3') in height. Brick pillars may not exceed eighteen inches (18") square or be closer than ten feet (10') on center. Posts or pillars may not extend higher than four inches (4") above the four foot (4') fence panel.

E. Clear Vision: 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 the street right of way line or within a thirty foot (30') triangular area formed by the right of way lines of intersecting streets. Lesser clear vision triangular areas may be approved by the city engineer based upon traffic speeds, flow, volumes and other traffic related variables.

F. Collector Street Fencing: Any single-family residential rear or side yard fence erected or maintained roughly parallel to and within twenty feet (20') of a collector or arterial street right of way in A-5 zones shall be constructed according to standards found in section 16.04.200 of this code. (Ord. 2009-12, 3-16-2009)

17.24.160: ARCHITECTURAL STANDARDS:

The following exterior materials and architectural standards are required in A-5 zones:

A. Each dwelling in A-5 zones shall be constructed with brick or stone in the minimum amount of two feet (2') times (x) the perimeter of the foundation (including garage). Dwellings shall be constructed with minimum five to twelve (5:12) roof pitch and a minimum two (2) car garage (minimum 22 feet by 22 feet, or approximate approved equivalent).

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

C. Buildings in A-5 zones may not exceed thirty five feet (35') in height, except for structures not intended for human occupancy.

D. Signs shall meet requirements of title 16, chapter 16.36 of this code and shall be constructed of materials which are consistent with the buildings which they identify.

E. The minimum floor area, finished and unfinished, of any single-family dwelling in A-5 zones shall be two thousand four hundred (2,400) square feet.

F. The exteriors of buildings in the A-5 zone shall be properly maintained by the owners.

G. Attached garages on single-family residential corner lots may be located on the interior side of the lot or on the street side of the lot only if the garage is accessed directly from the side street. (Ord. 2007-02, 1-16-2007)

17.24.170: LANDSCAPING:

The following landscaping requirements shall apply in A-5 zones:

A. The front and side yards of lots shall be landscaped and properly maintained with lawn and other acceptable plant material unless otherwise approved with a conditional use permit.

B. All areas of nonresidential developments not approved for parking, buildings, recreation facilities, access or other hard surfacing or otherwise exempted with development approval, 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. In nonresidential developments, a minimum of one tree per one thousand (1,000) square feet, or part thereof, of landscaped area, excluding landscaped sports or play areas, is required. A minimum of thirty percent (30%) of required trees shall be minimum seven foot (7') evergreens. Deciduous trees shall be minimum two inch (2") caliper. Deciduous and evergreen trees need not be equally spaced except as required in parking areas and in park strips, but shall be distributed throughout the required yard areas on the site.

D. All collector street and other public and private park strips in A-5 zones shall be improved and maintained by the adjoining owners according to specifications adopted by the city unless otherwise allowed with development approval.

E. In nonresidential developments in A-5 zones, the following landscaping requirements shall apply:

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. Minimum five foot (5') landscaped planters shall be provided along street sides of building foundations except at building entrances.

3. All landscaped areas shall be curbed.

F. 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. 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 approval of any entity or agency having jurisdiction over said waterways.

G. All required landscaping in yard areas and open spaces shall be installed (or escrowed on a case by case basis) prior to occupancy.

H. All landscaped areas, including adjoining public right of way areas not maintained by the city, shall be properly irrigated and maintained by the owners.

I. Required trees may not be topped nor may any required landscape material be removed in A-5 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. (Ord. 2007-02, 1-16-2007)

17.24.180: LIGHTING:

The following lighting requirements shall apply in A-5 zones:

A. A lighting plan shall be submitted with all new developments in A-5 zones. Where required by the city, lighting shall be shielded to prevent glare on adjacent agricultural and residential 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 type, approved by the city engineer, will be used on the same street. (Ord. 2007-02, 1-16-2007)

17.24.190: OTHER REQUIREMENTS:

The following requirements shall apply in A-5 zones:

A. All developments 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.

B. All areas of lots shall be properly maintained by the owners.

C. A project phasing plan shall be submitted for review at the time of 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

R-2.5 City Code Provisions

Chapter 17.36
RESIDENTIAL R-2.5 ZONE

17.36.010: PURPOSE:

17.36.020: PERMITTED USES:

17.36.030: CONDITIONAL USES:

17.36.040: USE REGULATIONS:

17.36.050: DEVELOPMENT REVIEW:

17.36.060: LOT AREA:

17.36.070: LOT DENSITY:

17.36.080: LOT WIDTH AND FRONTAGE:

17.36.090: PRIOR CREATED LOTS:

17.36.100: LOT COVERAGE:

17.36.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:

17.36.120: PROJECTIONS INTO YARDS:

17.36.130: PARKING AND ACCESS:

17.36.140: FENCING, SCREENING AND CLEAR VISION:

17.36.150: ARCHITECTURAL STANDARDS:

17.36.160: LANDSCAPING REQUIREMENTS:

17.36.170: LIGHTING:

17.36.180: PLANNED UNIT DEVELOPMENT OR CONDOMINIUM PROJECT:

17.36.190: OTHER REQUIREMENTS:

17.36.010: PURPOSE:

The residential R-2.5 zone (single-family residential, 2.5 lots per acre), may be cited as the "R-2.5 zone" and is established to provide areas for low density single-family housing without farm animal uses. This zone is intended to represent the standard for residential development in the city. (Ord. 2007-02, 1-16-2007)

17.36.020: PERMITTED USES:

The following uses may be conducted in the R-2.5 zone as limited herein:
Home occupations according to city ordinances.
Residential accessory buildings, the footprints of which do not exceed sixty percent (60%) of the footprint area of the dwelling.
Residential accessory uses.
Single-family dwelling, detached, maximum one per lot or parcel. (Ord. 2011-01, 2-1-2011)

17.36.030: CONDITIONAL USES:

A conditional use permit may be issued for the following uses in the R-2.5 zone:
Daycare center facility on minimum one acre lot.
Educational facilities that have direct access to a collector street.
Golf courses.
Parks and recreational activities.
Preschool center facility on minimum one acre lot.
Public facilities.
Religious activities.
Single-family dwelling planned unit development (PUD) or condominium project. (Ord. 2012-12, 10-2-2012)

17.36.040: USE REGULATIONS:

Uses may be conducted in the R-2.5 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 R-2.5 zone. A conditional use permit must be obtained prior to the establishment of a conditional use.

B. Accessory uses may be conducted in the R-2.5 zone only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, caretakers, nurses, nannies, maids, 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 R-2.5 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 R-2.5 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 in the R-2.5 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. 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 R-2.5 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 R-2.5 zone except that a vehicle owned by a guest of the resident may be stored and occupied in the required

front yard or side yard of the permanent dwelling for no more than seven (7) days per calendar year. (Ord. 2007-02, 1-16-2007)

17.36.050: DEVELOPMENT REVIEW:

Uses proposed in R-2.5 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 R-2.5 zones. All uses shall be conducted according to the approved plan, map or plat and any conditions of approval. Plans, maps or plats may not be altered without prior approval of the city except as allowed under state law. (Ord. 2007-02, 1-16-2007)

17.36.060: LOT AREA:

The minimum area of any lot or condominium private ownership space (unit in which building dimensions are not recorded) in R-2.5 zones shall be fourteen thousand five hundred twenty (14,520) square feet, except where smaller lots or units are allowed in a PUD or condominium project, in which case the minimum lot or unit size shall be ten thousand (10,000) square feet. Every portion of a parcel being subdivided or recorded as a condominium project shall be included as a lot or lots in the proposed subdivision plat or as common, limited common or private ownership area in a condominium project. (Ord. 2007-02, 1-16-2007)

17.36.070: LOT DENSITY:

The maximum gross density in any residential development in R-2.5 zones shall be 2.5 lots or dwelling units per acre. (Ord. 2007-02, 1-16-2007)

17.36.080: LOT WIDTH AND FRONTAGE:

Each lot or parcel in the R-2.5 zone shall have a minimum width of ninety feet (90') measured at the minimum front yard setback at a point which corresponds to the midpoint of the front lot line. Each lot or parcel, except in condominium projects and PUDs, shall abut the right of way line of a public street a minimum distance of ninety feet (90'), except that lots with side property lines which diverge at an angle of at least twenty degrees (20°) shall abut the right of way a minimum distance of fifty feet (50'). (Ord. 2007-02, 1-16-2007)

17.36.090: PRIOR CREATED LOTS:

Lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of an R-2.5 zone shall not be denied a building permit solely for reason of nonconformance with the requirements of this chapter. (Ord. 2007-02, 1-16-2007)

17.36.100: LOT COVERAGE:

A maximum of forty percent (40%) of the area of lots or private ownership areas in R-2.5 zones may be covered by buildings. (Ord. 2007-02, 1-16-2007)

17.36.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:

The following yard requirements shall apply in R-2.5 zones. Minimum yard areas are measured from the corresponding front, side and rear property lines of lots or from the boundaries of private ownership areas in condominium projects. A land use permit shall be obtained prior to the construction of any accessory building for which a building permit is not required. An application form, lot plan showing streets, existing buildings, dimensions, easements and setbacks of the proposed accessory building, and other information as needed shall be submitted for review.

A. Minimum yard requirements for main buildings are as follows:

1. Front yard, interior and corner lots: Thirty feet (30').

2. Front yard, cul-de-sac lot adjacent to turnaround: Twenty five feet (25').

3. Side yard, interior lots: Ten feet (10').

4. Side yard, corner lots: Ten feet (10') on the side adjoining another lot; thirty feet (30') on the side adjoining the street.

5. Rear yard, interior lot: Twenty five feet (25').

6. Rear yard, corner lot: Ten feet (10').

B. Minimum yard requirements for accessory buildings are as follows:

1. Location: Accessory buildings may not be located between a street and the front building line of a main building.

2. Side Yard: An accessory building may be located in a side yard no closer than ten feet (10') from the side property line or boundary and no closer than six feet (6') from the dwelling or main building.

3. Street Side Yard, Corner Lot: An accessory building may be located between a street and the side of the dwelling or main building on a corner lot but not within the required minimum main building side yard and no closer than six feet (6') from the dwelling or main building.

4. Rear Yard: An accessory building may be located in a rear yard no closer than six feet (6') from the dwelling or main building and no closer than three feet (3') from the side or rear property line or boundary, except as required in subsection B5 of this section.

5. Minimum Setback: The minimum setback from property lines or boundaries for accessory buildings or structures exceeding sixteen feet (16') in height shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16').

C. All buildings shall be separated by a minimum distance of six feet (6'). (Ord. 2007-02, 1-16-2007)

17.36.120: PROJECTIONS INTO YARDS:

The following may be erected on or projected into any required yard space in R-2.5 zones:

A. Fences and walls in conformance with city ordinances.

B. Agricultural crops and 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)

17.36.130: PARKING AND ACCESS:

Parking areas and vehicle access in R-2.5 zones shall meet requirements of title 16, chapter 16.26 of this code. (Ord. 2007-02, 1-16-2007)

17.36.140: FENCING, SCREENING AND CLEAR VISION:

The following fencing, screening and clear vision requirements shall apply in R-2.5 zones. A permit shall be obtained from the community development department prior to construction of any fence in the R-2.5 zone. An application form and the location, height and description of the proposed fence shall be submitted for review.

A. Utility Screening: In nonsingle-family residential developments requiring conditional use approval in R-2.5 zones, 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. Incompatible Land Use Screening: Incompatible land uses, including waterways, trails, parks, open spaces and other uses or zones shall be screened or buffered with fences, walls and/or landscaping as determined with development approval.

C. Rear And Side Yard Fencing: A maximum six foot (6') high fence and/or hedge may be installed and maintained between a dwelling and a rear or side lot line.

D. Front Yard Fencing: A maximum four foot (4') high, nonvisually obscuring decorative wrought iron, simulated wrought iron or vinyl fence may be constructed along a side lot line to the right of way line or sidewalk of a neighborhood street, except as regulated in clear vision areas. A masonry or solid vinyl fence or hedge may also be used along side lot lines to the right of way or sidewalk but may not exceed three feet (3') in height. Brick pillars may not exceed eighteen inches (18") square or be closer than ten feet (10') on center. Posts or pillars may not extend higher than four inches (4") above the four foot (4') fence panel.

E. Clear Vision: 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 the street right of way line or within a thirty foot (30') triangular area formed by the right of way lines of intersecting streets. Lesser clear vision triangular areas may be approved by the city engineer based upon traffic speeds, flow, volumes and other traffic related variables.

F. Collector Street Fencing: Any single-family residential rear or side yard fence erected or maintained roughly parallel to and within twenty feet (20') of a collector or arterial street right of way in R-2.5 zones shall be constructed according to standards found in section 16.04.200 of this code. (Ord. 2009-12, 3-16-2009)

17.36.150: ARCHITECTURAL STANDARDS:

The following exterior materials and architectural standards are required in R-2.5 zones:

A. Each dwelling in R-2.5 zones shall be constructed with brick or stone in the minimum amount of two feet (2') times (x) the perimeter of the foundation (including garage). Dwellings shall be constructed with minimum five to twelve (5:12) roof pitch and a minimum two (2) car garage (minimum 22 feet by 22 feet, or approximate approved equivalent).

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

C. Signs shall meet requirements of title 16, chapter 16.36 of this code and shall be constructed of materials which are consistent with the buildings which they identify.

D. The minimum total floor area, finished and unfinished, of any single-family dwelling in R-2.5 zones shall be two thousand four hundred (2,400) square feet.

E. Main buildings in R-2.5 zones may not exceed thirty five feet (35') in height. Accessory buildings may not exceed twenty five feet (25') in height.

F. The exteriors of buildings in the R-2.5 zone shall be properly maintained by the owners.

G. Attached garages on single-family residential corner lots may be located on the interior side of the lot or on the street side of the lot only if the garage is accessed directly from the side street. (Ord. 2007-02, 1-16-2007)

17.36.160: LANDSCAPING REQUIREMENTS:

The following landscaping requirements shall apply in the R-2.5 zones:

A. The front and street side yards of single-family lots shall be landscaped and properly maintained with lawn or other acceptable plant material unless otherwise approved with a conditional use permit.

B. All areas of PUD, condominium project and nonresidential developments not approved for parking, buildings, recreation facilities, access or other hard surfacing or otherwise exempted with development approval, 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. In PUD, condominium project and nonresidential developments, a minimum of one tree per one thousand (1,000) square feet, or part thereof, of landscaped area, excluding landscaped sports or play areas, is required. A minimum of thirty percent (30%) of required trees shall be minimum seven foot (7') evergreens. Deciduous trees shall be minimum two inch (2") caliper. Deciduous and evergreen trees need not be equally spaced, except as required in parking areas and in park strips but shall be distributed throughout the required yard areas on the site.

D. All collector street and other public and private park strips in R-2.5 zones shall be improved and maintained by the adjoining owners according to specifications adopted by the city unless otherwise allowed with development approval.

E. In nonresidential developments in R-2.5 zones, the following landscaping requirements shall apply:

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. Minimum five foot (5') wide landscaped planters shall be provided along street sides of building foundations, except at building entrances.

3. All landscaped areas shall be curbed.

F. 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 open 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 approval of any entity or agency having jurisdiction over said waterways.

G. All required landscaping in yard areas and open spaces shall be installed (or escrowed on a case by case basis) prior to occupancy.

H. All landscaped areas, including adjoining public right of way areas not maintained by the city, shall be properly irrigated and maintained by the owners.

I. Required trees may not be topped nor may any required landscape material be removed in R-2.5 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. (Ord. 2007-02, 1-16-2007)

17.36.170: LIGHTING:

The following lighting requirements shall apply in R-2.5 zones:

A. A lighting plan shall be submitted with all new developments in R-2.5 zones. Where required by the city, lighting shall be shielded to prevent glare on adjacent agricultural and residential 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 type, approved by the city council and city engineer, will be used on the same street. (Ord. 2007-02, 1-16-2007)

17.36.180: PLANNED UNIT DEVELOPMENT OR CONDOMINIUM PROJECT:

As used in this chapter, "planned unit development (PUD) or condominium project" shall mean a single-family residential development in the R-2.5 zone which meets the requirements of this section as well as other pertinent provisions of this title.

A. A PUD or condominium project may be allowed only with a conditional use permit in the R-2.5 zone. Uses allowed in a PUD or condominium project shall be the same as those allowed in the R-2.5 zone.

B. Each PUD or condominium project shall contain a minimum of five (5) acres.

C. Any open space provided within a PUD or condominium project shall be labeled and recorded as common area to be jointly owned and maintained as permanent common farmland, landscaped open space and/or recreation by the owners. Private yard areas may not be counted as open space. The city may determine the location of open space in the PUD or condominium project in consideration of topography, drainage or other land features. The city may also determine the acceptability of proposed recreational amenities. The city may require a cash bond or a letter of credit to guarantee installation of the open space improvements.

D. The following standards shall apply in PUDs and condominium projects:

1. A consistent architectural theme for all buildings, landscaping, streetscape, signs, street furniture, lighting, fencing and other design components shall be provided for review and applied throughout the PUD or condominium project.

2. Each dwelling shall contain a total of at least three thousand six hundred (3,600) square feet of floor area and a minimum two (2) car garage (minimum 22 feet by 22 feet, or approximate approved equivalent)..

3. All buildings shall be constructed with minimum six to twelve (6:12) roof pitches.

4. All dwellings shall be constructed of brick or stone in the minimum amount of three feet (3') times (x) the perimeter of the foundation (including garage).

5. Public and private street construction improvements in PUDs and condominium projects shall be constructed according to public street construction widths, cross section, and construction standards. Street widths, curbs, and pavement/subbase shall be designed and built as required in subsection 16.04.180A of this code.

6. For private streets, setbacks shall be measured from the back of the curb.

7. Two (2) parking spaces minimum, per unit shall be provided for all dwelling units within the PUD or condominium project. At least one space per unit shall be covered. One space per every four (4) dwelling units shall be provided for guest parking. Parking spaces shall be scattered throughout the project, so as to minimize the walking distance to the dwelling units. This requirement may be waived by the planning commission if the applicant can show that the design of the project makes this requirement unnecessary.

E. The minimum yard, width and frontage requirements of lots and units in the R-2.5 zones may be altered in a PUD or condominium project.

F. Before final plat approval, all PUD or condominium projects shall have approved by the staff of the city of South Jordan and recorded with the Salt Lake County recorder's office, a declaration of restrictive covenants containing, at a minimum, provisions for a homeowners' association, maintenance of all buildings, streets, sidewalks, other improvements and common areas, adherence to city conditions and standards applicable to the development at the time of approval, snow removal, and other items recommended by city staff and approved by the planning commission. Said restrictive covenants shall also comply with section 17.04.300 of this title. (Ord. 2007-02, 1-16-2007)

17.36.190: OTHER REQUIREMENTS:

The following requirements shall apply in R-2.5 zones:

A. Developers of condominium or PUD projects 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 or PUD meets requirements of state law, and record the covenants with the condominium or PUD plat for the project.

B. All improvements in PUDs and other developments, including buildings, open space, recreational facilities, roads, fences, utilities, landscaping, walkways, streetlights and signs not specifically dedicated to the city or accepted for ownership or maintenance by the city shall be perpetually owned by the homeowners and maintained by the owners or their agents through a special taxing district or owners' association with power to assess and collect fees for maintenance or other assessment and maintenance mechanisms acceptable to the city.

C. All development 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.

D. All private areas of lots or parcels shall be properly maintained by the owners.

E. A project phasing plan shall be submitted for review at the time of 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 E

R-3 City Code Provisions

Chapter 17.40
RESIDENTIAL R-3 ZONE

17.40.010: PURPOSE:

17.40.020: PERMITTED USES:

17.40.030: CONDITIONAL USES:

17.40.040: USE REGULATIONS:

17.40.050: DEVELOPMENT REVIEW:

17.40.060: LOT AREA:

17.40.070: LOT DENSITY:

17.40.080: LOT WIDTH AND FRONTAGE:

17.40.090: PRIOR CREATED LOTS:

17.40.100: LOT COVERAGE:

17.40.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:

17.40.120: PROJECTIONS INTO YARDS:

17.40.130: PARKING AND ACCESS:

17.40.140: FENCING, SCREENING AND CLEAR VISION:

17.40.150: ARCHITECTURAL STANDARDS:

17.40.160: LANDSCAPING REQUIREMENTS:

17.40.170: LIGHTING:

17.40.180: PLANNED UNIT DEVELOPMENT OR CONDOMINIUM PROJECT:

17.40.190: OTHER REQUIREMENTS:

17.40.010: PURPOSE:

The residential R-3 zone (single-family residential, 3 lots per acre), may be cited as the "R-3 zone" and is established to provide areas for medium density single-family housing in the city. (Ord. 2007-02, 1-16-2007)

17.40.020: PERMITTED USES:

The following uses may be conducted in the R-3 zone as limited herein:
Home occupations according to city ordinances.
Residential accessory buildings, the footprints of which do not exceed the footprint area of the dwelling.
Residential accessory uses.
Single-family dwelling, detached, maximum one per lot or parcel. (Ord. 2011-01, 2-1-2011)

17.40.030: CONDITIONAL USES:

A conditional use permit may be issued for the following uses in the R-3 zone:
Daycare center facility on minimum one acre lot.
Educational facilities that have direct access to a collector street.
Golf courses.
Parks and recreational activities.
Preschool center facility on minimum one acre lot.
Public facilities.
Religious activities.
Single-family dwelling planned unit developments (PUD) or condominium projects. (Ord. 2012-12, 10-2-2012)

17.40.040: USE REGULATIONS:

Uses may be conducted in the R-3 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 R-3 zone. A conditional use permit must be obtained prior to the establishment of a conditional use.

B. Accessory uses may be conducted in the R-3 zone only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, caretakers, nurses, nannies, maids, 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 R-3 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 R-3 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 in the R-3 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. 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 R-3 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 R-3 zone, except that a vehicle owned by a guest of the resident may be stored and occupied in the required front yard or side yard of the permanent dwelling for no more than seven (7) days per calendar year. (Ord. 2007-02, 1-16-2007)

17.40.050: DEVELOPMENT REVIEW:

Uses proposed in R-3 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 R-3 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)

17.40.060: LOT AREA:

The minimum area of any lot or condominium private ownership space (in which building dimensions are not recorded) in R-3 zones shall be ten thousand (10,000) square feet, except where smaller lots or units are allowed in a PUD or condominium project, in which case, the minimum lot or unit size shall be eight thousand (8,000) square feet. Every portion of a parcel being subdivided or recorded as a condominium project shall be included as a lot or lots in the proposed subdivision plat or as common, limited common or private ownership area in a condominium project. (Ord. 2007-02, 1-16-2007)

17.40.070: LOT DENSITY:

The maximum gross density in any residential development R-3 zones shall be three (3) lots or dwelling units per acre. (Ord. 2007-02, 1-16-2007)

17.40.080: LOT WIDTH AND FRONTAGE:

Each lot or parcel in the R-3 zone shall have a minimum width of ninety feet (90') measured at the minimum front yard setback at a point which corresponds to the midpoint of the front lot line. Each lot or parcel shall abut the right of way line of a public street a minimum distance of ninety feet (90'), except that lots with side property lines which diverge at an angle of at least twenty degrees (20°) shall abut the right of way a minimum distance of fifty feet (50'). Minimum lot width and frontage may be reduced or waived in PUDs and condominium projects. (Ord. 2007-02, 1-16-2007)

17.40.090: PRIOR CREATED LOTS:

Lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of an R-3 zone shall not be denied a building permit solely for reason of nonconformance with the requirements of this chapter. (Ord. 2007-02, 1-16-2007)

17.40.100: LOT COVERAGE:
A maximum of forty percent (40%) of the area of lots or private ownership areas in R-3 zones may be covered by buildings. Maximum lot coverage will be increased to sixty percent (60%) in PUDs and condominium projects. (Ord. 2007-02, 1-16-2007)

17.40.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:

The following yard requirements shall apply in R-3 zones. Minimum yard areas are measured from the corresponding front, side and rear property lines of lots or from the boundaries of private ownership areas in condominiums. A land use permit shall be obtained prior to the construction of any accessory building for which a building permit is not required. An application form, lot plan showing streets, existing buildings, dimensions, easements and setbacks of the proposed accessory building and other information as needed shall be submitted for review.

A. Minimum yard requirements for main buildings are as follows:

1. Front yard, interior and corner lots: Thirty feet (30').

2. Front yard, cul-de-sac lot adjacent to turnaround: Twenty five feet (25').

3. Side yard, interior lots: Ten feet (10').

4. Side yard, corner lots: Ten feet (10') on the side adjoining another lot, thirty feet (30') on the side adjoining the street.

5. Rear yard, interior lot: Twenty five feet (25').

6. Rear yard, corner lot: Ten feet (10').

B. Minimum yard requirements for accessory buildings are as follows:

1. Location: Accessory buildings may not be located between a street and the front or side building line of a main building.

2. Side Yard: An accessory building may be located in a side yard no closer than ten feet (10') from the side property line or boundary and no closer than six feet (6') from the dwelling or main building.

3. Street Side Yard, Corner Lot: An accessory building may be located between a street and the side of the dwelling or main building on a corner lot but not within the required minimum main building side yard and no closer than six feet (6') from the dwelling or main building.

4. Rear Yard: An accessory building may be located in a rear yard no closer than six feet (6') from the dwelling or main building and no closer than three feet (3') from the side or rear property line or boundary, except as required in subsection B5 of this section.

5. Minimum Setback: The minimum setback from property lines or boundaries for accessory buildings or structures exceeding sixteen feet (16') in height shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16').

C. All buildings shall be separated by a minimum distance of six feet (6'). (Ord. 2007-02, 1-16-2007)

17.40.120: PROJECTIONS INTO YARDS:

The following may be erected on or projected into any required yard space in R-3 zones:

A. Fences and walls in conformance with city ordinances.

B. Agricultural crops and 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)

17.40.130: PARKING AND ACCESS:

Parking areas and vehicle access in R-3 zones shall meet the requirements of chapter 16.26 of this code. (Ord. 2007-02, 1-16-2007)

17.40.140: FENCING, SCREENING AND CLEAR VISION:

The following fencing, screening and clear vision requirements shall apply in R-3 zones. A permit shall be obtained from the community development department prior to construction of any fence in the R-3 zone. An application form and the location, height and description of the proposed fence shall be submitted for review.

A. Utility Screening: In nonsingle-family residential developments requiring conditional use approval in R-3 zones, 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. Incompatible Land Use Screening: Incompatible land uses, including waterways, trails, parks, open spaces and other uses or zones shall be screened or buffered with fences, walls and/or landscaping as determined with development approval.

C. Rear And Side Yard Fencing: A maximum six foot (6') high fence and/or hedge may be installed and maintained between a dwelling and a rear or side lot line.

D. Front Yard Fencing: A maximum four foot (4') high, nonvisually obscuring decorative wrought iron, simulated wrought iron or vinyl fence may be constructed along a side lot line to the right of way line or sidewalk of a neighborhood street, except as regulated in clear vision areas. A masonry or solid vinyl fence or hedge may also be used along side lot lines to the right of way or sidewalk but may not exceed three feet (3') in height. Brick pillars may not exceed eighteen inches (18") square or be closer than ten feet (10') on center. Posts or pillars may not extend higher than four inches (4") above the four foot (4') fence panel.

E. Clear Vision: 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 the street right of way line or within a thirty foot (30') triangular area formed by the right of way lines of intersecting streets. Lesser clear vision triangular areas may be approved by the city engineer based upon traffic speeds, flow, volumes, and other traffic related variables.

F. Collector Street Fencing: Any single-family residential rear or side yard fence erected or maintained roughly parallel to and within twenty feet (20') of a collector or arterial street right of way in R-3 zones shall be constructed according to standards found in section 16.04.200 of this code. (Ord. 2009-12, 3-16-2009)

17.40.150: ARCHITECTURAL STANDARDS:

The following exterior materials and architectural standards are required in R-3 zones:

A. Each dwelling in R-3 zones shall be constructed with brick or stone in the minimum amount of two feet (2') times (x) the perimeter of the foundation (including garage). Dwellings shall be constructed with minimum five to twelve (5:12) roof pitch and a minimum two (2) car garage (minimum 22 feet by 22 feet, or approximate approved equivalent).

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

C. Signs shall meet requirements of title 16, chapter 16.36 of this code and shall be constructed of materials which are consistent with the buildings which they identify.

D. The minimum total floor area, finished and unfinished, of any single-family dwelling in R-3 zones shall be two thousand four hundred (2,400) square feet.

E. Main buildings in R-3 zones may not exceed thirty five feet (35') in height. Accessory buildings may not exceed twenty five feet (25') in height.

F. The exteriors of buildings in the R-3 zone shall be properly maintained by the owners.

G. Attached garages on single-family residential corner lots may be located on the interior side of the lot or on the street side of the lot only if the garage is accessed directly from the side street. (Ord. 2007-02, 1-16-2007)

17.40.160: LANDSCAPING REQUIREMENTS:

The following landscaping requirements shall apply in the R-3 zone:

A. The front and street side yards of single-family lots shall be landscaped and properly maintained with lawn or other acceptable plant material unless otherwise approved with a conditional use permit.

B. All areas of nonresidential developments not approved for parking, buildings, recreation facilities, access or other hard surfacing or otherwise exempted with development approval, 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. In nonresidential developments, a minimum of one tree per one thousand (1,000) square feet, or part thereof, of landscaped area, excluding landscaped sports or play areas, is required. A minimum of thirty percent (30%) of required trees shall be minimum seven foot (7') evergreens. Deciduous trees shall be minimum two inch (2") caliper. Deciduous and evergreen trees need not be equally spaced, except as required in parking areas and in park strips but shall be distributed throughout the required yard areas on the site.

D. All collector street and other public and private park strips in R-3 zones shall be improved and maintained by the adjoining owners according to specifications adopted by the city unless otherwise allowed with development approval.

E. In nonresidential developments in R-3 zones, the following landscaping requirements shall apply:

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. Minimum five foot (5') wide landscaped planters shall be provided along street sides of building foundations, except at building entrances.

3. All landscaped areas shall be curbed.

F. 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 open 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 approval of any entity or agency having jurisdiction over said waterways.

G. All required landscaping in yard areas and open spaces shall be installed (or escrowed on a case by case basis) prior to occupancy.

H. All landscaped areas, including adjoining public right of way areas not maintained by the city, shall be properly irrigated and maintained by the owners.

I. Required trees may not be topped nor may any required landscape material be removed in R-3 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. (Ord. 2007-02, 1-16-2007)

17.40.170: LIGHTING:

The following lighting requirements shall apply in R-3 zones:

A. A lighting plan shall be submitted with all new developments in R-3 zones. Where required by the city, lighting shall be shielded to prevent glare on adjacent agricultural and residential 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 type, approved by the city council and city engineer, will be used on the same street. (Ord. 2007-02, 1-16-2007)

17.40.180: PLANNED UNIT DEVELOPMENT OR CONDOMINIUM PROJECT:

As used in this chapter, "planned unit development (PUD) or condominium project" shall mean a single-family residential development in the R-3 zone which meets the requirements of this section as well as other pertinent provisions of this title.

A. A PUD may be allowed only with a conditional use permit in the R-3 zone. Uses allowed in a PUD shall be the same as those allowed in the R-3 zone.

B. Each PUD or condominium project shall contain a minimum of five (5) acres.

C. Any open space provided within a PUD or condominium project shall be labeled and recorded as common area to be jointly owned and maintained as permanent common farmland, landscaped open space and/or recreation by the owners. Private yard areas may not be counted as open space. The city may determine the location of open space in the PUD or condominium project in consideration of topography, drainage or other land features. The city may also determine the acceptability of proposed recreational amenities. The city may require a cash bond or a letter of credit to guarantee installation of the open space improvements.

D. The following standards shall apply in PUDs and condominium projects:

1. A consistent architectural theme for all buildings, landscaping, streetscape, signs, street furniture, lighting, fencing and other design components shall be provided for review and applied throughout the PUD or condominium project.

2. Each dwelling unit shall contain a total of at least three thousand six hundred (3,600) square feet of floor area and a minimum two (2) car garage (minimum 22 feet by 22 feet, or approximate approved equivalent).

3. All buildings shall be constructed with minimum six to twelve (6:12) roof pitches.

4. All dwellings shall be constructed of brick or stone in the minimum amount of three feet (3') times (x) the perimeter of the foundation (including garage).

5. Public and private street construction improvements in PUDs and condominium projects shall be constructed according to public street construction widths, cross section, and construction standards. Street widths, curbs, and pavement/subbase shall be designed and built as required in subsection 16.04.180A of this code.

6. For private streets, setbacks shall be measured from the back of the curb.

7. Two (2) parking spaces minimum, per unit shall be provided for all dwelling units within the PUD or condominium project. At least one space per unit shall be covered. One space per every four (4) dwelling units shall be provided for guest parking. Parking spaces shall be scattered throughout the project, so as to minimize the walking distance to the dwelling units. This requirement may be waived by the planning commission if the applicant can show that the design of the project makes this requirement unnecessary.

E. The minimum yard, width and frontage requirements of lots and units in the R-3 zones may be altered in a PUD or condominium project.

F. Before final plat approval, all PUD or condominium projects shall have approved by the staff of the city of South Jordan and recorded with the Salt Lake County recorder's office, a declaration of restrictive covenants containing, at a minimum, provisions for a homeowners' association, maintenance of all buildings, streets, sidewalks, other improvements and common areas, adherence to city conditions and standards applicable to the development at the time of approval, snow removal, and other items recommended by city staff and approved by the planning commission. Said restrictive covenants shall also comply with section 17.04.300 of this title. (Ord. 2007-02, 1-16-2007)

17.40.190: OTHER REQUIREMENTS:

The following requirements shall apply in R-3 zones:

A. All developments 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.

B. All private areas of lots or parcels shall be properly maintained by the owners.

C. A project phasing plan shall be submitted for review at the time of plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the city.

D. All improvements in PUDs and other developments, including buildings, open space, recreational facilities, roads, fences, utilities, landscaping, walkways, streetlights and signs not specifically dedicated to the city or accepted for ownership or maintenance by the city shall be perpetually owned by the homeowners and maintained by the owners or their agents through a special taxing district or owners' association with power to assess and collect fees for maintenance or other assessment and maintenance mechanisms acceptable to the city. (Ord. 2007-02, 1-16-2007)

Exhibit F

C-C City Code Provisions

Chapter 17.52
COMMERCIAL-COMMUNITY (C-C) ZONE

17.52.010: PURPOSE:

17.52.020: PERMITTED USES:

17.52.030: CONDITIONAL USES:

17.52.040: USE REGULATIONS:

17.52.050: DEVELOPMENT REVIEW:

17.52.055: PERFORMANCE DEVELOPMENT:

17.52.060: LOT WIDTH AND FRONTAGE:

17.52.070: AREA AND DENSITY REQUIREMENTS:

17.52.080: PRIOR CREATED LOTS:

17.52.090: YARD REQUIREMENTS:

17.52.100: PROJECTIONS INTO YARDS:

17.52.110: PARKING AND ACCESS:

17.52.120: FENCING, SCREENING AND CLEAR VISION:

17.52.130: ARCHITECTURAL STANDARDS:

17.52.140: LANDSCAPING:

17.52.150: LIGHTING:

17.52.160: OTHER REQUIREMENTS:

17.52.010: PURPOSE:

The commercial-community (C-C) zone may be cited as the "C-C zone" and is established to provide areas for large scale community or regional retail and service uses. These areas will generally be located near major transportation hubs but should be designed to buffer neighboring residential areas. Coordinated circulation, architecture and landscaping and a balance of uses should be incorporated in developments in the C-C zone. (Ord. 2010-08, 6-15-2010)

17.52.020: PERMITTED USES:

The following uses may be conducted in the C-C zone:
Apparel, footwear, sewing supplies retailing.
Auto and equipment parts retailing (no service).
Books, videos, media, copies, photography, 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.

Household goods retailing.
Miscellaneous retail sales.
Restaurants, eating establishments.
Shopping centers and malls with only allowed uses.
Sporting goods, toy retailing. (Ord. 2010-08, 6-15-2010)

17.52.030: CONDITIONAL USES:

A conditional use permit may be issued for the following uses in the C-C zone:
Automotive services, including lube, tune up, wash, inspection, tires, mufflers, minor repairs.
Banks, credit unions, financial institutions, freestanding banking kiosks.
Beauty and fitness centers.
Bed and breakfast inn.
Daycare center facility.
Drive-through facilities for allowed uses.
Educational and training activities.
Electronic vending machines.
Equipment and appliance light repairs and service enclosed within a building.
Fast food with no eating accommodations.
Gas stations, convenience stores.
Laundry.
Lumber, building materials and landscaping retail sales yards.
Medical, health or dental services.
Mortuary, funeral home.
Office service.
Pharmacy.
Preschool center facility.
Public or quasi-public facilities.
Religious activities.
Secondhand goods retailing.
Self-storage facilities, maximum total of six (6) acres.
Theaters, amusement, recreational activities.
Title loan, check cashing or other similar deferred deposit loan businesses no closer than one mile from a similar business. (Ord. 2012-12, 10-2-2012)

17.52.040: USE REGULATIONS:

Uses may be conducted in C-C 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-C zones. A conditional use permit must be obtained prior to the establishment of a conditional use. Sexually oriented business is prohibited in C-C zones.

B. All uses in C-C 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-C 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. One electronic vending machine (i.e., food, beverage, kiosks, etc.) may be located outside of the building of an established business if the building has a minimum main level footprint or floor area of five thousand (5,000) square feet and a minimum facade width of fifty (50) linear feet. One additional outdoor electronic vending machine may be allowed for every additional ten thousand (10,000) square feet of main level floor area. All outdoor vending machines shall be located adjacent to the building and within fifty feet (50') of the building's main entrance. Electronic vending machines shall not exceed fifteen (15) square feet in area and no more than seven feet (7') in total height. Electronic vending machines shall not impede or obstruct vehicular and/or designated pedestrian pathways or access.

E. Freestanding banking kiosks may be conducted in C-C zones with a site plan and conditional use permit approval. Freestanding banking kiosk shall not be allowed on parcels less than three (3) acres in size and shall be separated by a minimum distance of four hundred (400) linear feet from all other outdoor accessory banking or freestanding banking kiosks. Freestanding banking kiosks shall not be allowed within required landscaped yard areas, building setbacks, or within thirty feet (30') of the public right of way. Freestanding banking kiosks shall not exceed twenty (20) square feet in area nor ten feet (10') in height and shall incorporate materials and colors of surrounding buildings as determined by the city community development director.
Freestanding kiosks shall be designed to allow for a minimum of two (2) vehicles to be queued at any one given time without obstructing drive aisles or other functionality of other parking stalls as determined by the city engineer. There shall be multiple twenty four (24) hour video surveillance and adequate illumination as determined by the city's public safety department. All freestanding banking kiosks shall be securely mounted and anchored to the ground as determined by the city's building official.

F. There shall be no open storage of trash, debris, used, wrecked or neglected materials, equipment or vehicles in C-C zones. No commercial materials, goods or inventory may be stored in open areas in C-C 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.

G. 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-C zones for longer than seventy two (72) hours unless stored within a completely enclosed building.

H. 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-C zones for longer than seventy two (72) hours except in conjunction with an approved use, or approved development or construction activities on the property.

I. 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-C zones. (Ord. 2010-08, 6-15-2010)

17.52.050: DEVELOPMENT REVIEW:

All uses proposed in C-C 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-C 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)

17.52.055: 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-C 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-C 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-C 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-C zone.

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

4. All nonretail uses proposed shall be supportive of retail uses in the development as described in section 17.52.010 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 17.52.040 of this chapter, except for office use restrictions in subsection A of this section.

3. Required landscaping as set forth in section 17.52.140 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)

17.52.060: LOT WIDTH AND FRONTAGE:

No minimum lot width is required for lots in C-C 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)

17.52.070: AREA AND DENSITY REQUIREMENTS:

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

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

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

C. Minimum Lot Area: There shall be no minimum lot area in C-C zones.

D. Density: C-C zones shall be established in conformance with commercial designations on the future land use plan. (Ord. 2007-02, 1-16-2007)

17.52.080: 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-C zone shall be brought into conformance with the requirements of this chapter prior to development. (Ord. 2007-02, 1-16-2007)

17.52.090: YARD REQUIREMENTS:

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

A. Front Yard, Interior And Corner Lots: The minimum landscaped front yard for lots in C-C 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)

17.52.100: PROJECTIONS INTO YARDS:

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

17.52.110: PARKING AND ACCESS:

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

17.52.120: FENCING, SCREENING AND CLEAR VISION:

The following fencing, screening and clear vision requirements shall apply in C-C 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-C 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 used in unusual circumstances such as adjacent to property which is master planned for nonresidential uses. A higher fence may be required or allowed 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-C 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)

17.52.130: ARCHITECTURAL STANDARDS:

The following exterior materials and architectural standards are required in C-C 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. Buildings and structures in the C-C zone shall not exceed thirty five feet (35') in height unless otherwise allowed in this title.

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

17.52.140: LANDSCAPING:

The following landscaping requirements and standards shall apply in C-C zones:

A. The front, side and rear yards of lots in C-C zones, as described in section 17.52.090 of this chapter, shall be landscaped and properly maintained with grass, trees and other plant material.

B. All areas of lots in C-C 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-C 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-C 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-C 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-C 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. 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.

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

I. 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)

17.52.150: LIGHTING:

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

A. A lighting plan shall be submitted with all new developments in C-C 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)

17.52.160: OTHER REQUIREMENTS:

The following provisions shall apply in C-C zones:

A. Private Covenants: The developer of a condominium project in a C-C 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 requirements of state law, and record the covenants with the condominium plat for the project.

B. Grading And Drainage: All development sites in C-C 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 G

RESOLUTION R-2013-73

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, AUTHORIZING THE CITY MANAGER TO EXECUTE THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF SOUTH JORDAN AND SJ MARKETPLACE.

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 to enter into a development agreement with SJ Marketplace.

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

SECTION 1. Authorization. South Jordan City Manager, John H. Geilmann is authorized to sign the Development Agreement by and between the City of South Jordan and SJ Marketplace, LLC.

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.

APPROVED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS 15th DAY OF October, 2013 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Mark Seethaler			X	
Chuck Newton	X			
Brian C. Butters	X			
Steve Barnes	X			
Larry Short	X			

Mayor: _____ Attest: _____
Scott L. Osborn City Recorder

Approved as to form:

_____
Attorney for South Jordan

City of South Jordan CORPORATE Seal State of Utah

EXHIBIT H

MASTER SIGN PLAN

(SIGN CRITERIA)

FOR

PROPOSED SHOPPING CENTER

S.W.C. BANGERTER HIGHWAY AND W 11400 S
SOUTH JORDAN, UTAH

PREPARED BY:

CCA ACQUISTION COMPANY, LLC
5670 WILSHIRE BOULEVARD, SUITE 1250
LOS ANGELES, CALIFORNIA 90036

WITH:

YESCO
ROCKY MOUNTAIN REGION
1605 GRAMERCY ROAD
SALT LAKE CITY, UTAH 94104

Revised 12-Nov-2013

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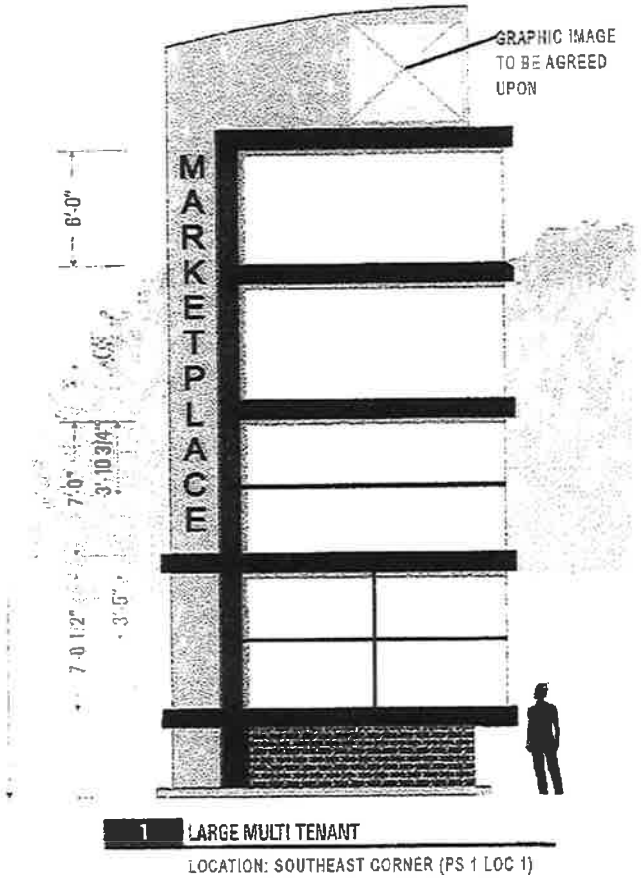
EXHIBIT H

PLYON SIGN (PS 1)

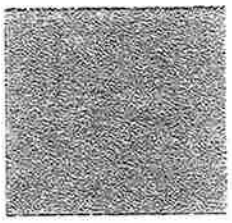
FOR ILLUSTRATIVE PURPOSES



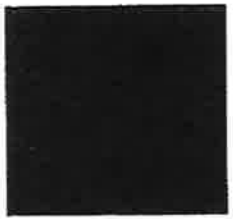
1 LARGE MULTI TENANT

LOCATION: SOUTHEAST CORNER (PS 1 LOC 1)

PAINT FINISHES

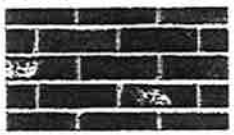


1124 SADDLE TAN
BENJAMIN MOORE



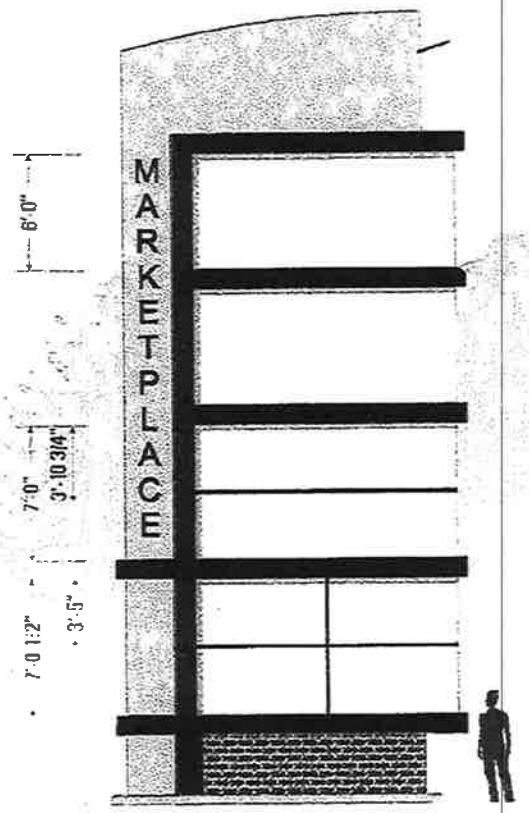
2116-10 NIGHT SHADE
BENJAMIN MOORE

BRICK VENEER



PLANTATION BLEND
PINE HALL BRICK

FOR ILLUSTRATIVE PURPOSES

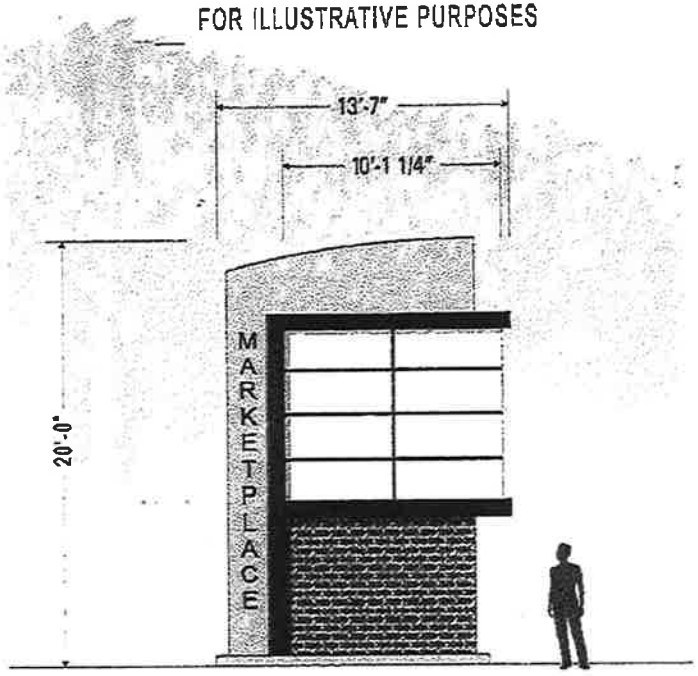


1 LARGE MULTI TENANT

LOCATION: SOUTHEAST CORNER (PS 1 LOC 1)

EXHIBIT H

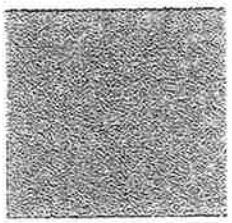
PLYON SIGN (PS 2)



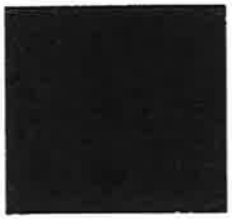
2 SMALL MULTI TENANT

LOCATION: 11400 (PS 2, LOC 1)

PAINT FINISHES

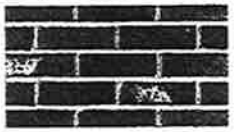


1124 SADDLE TAN
BENJAMIN MOORE



2116-10 NIGHT SHADE
BENJAMIN MOORE

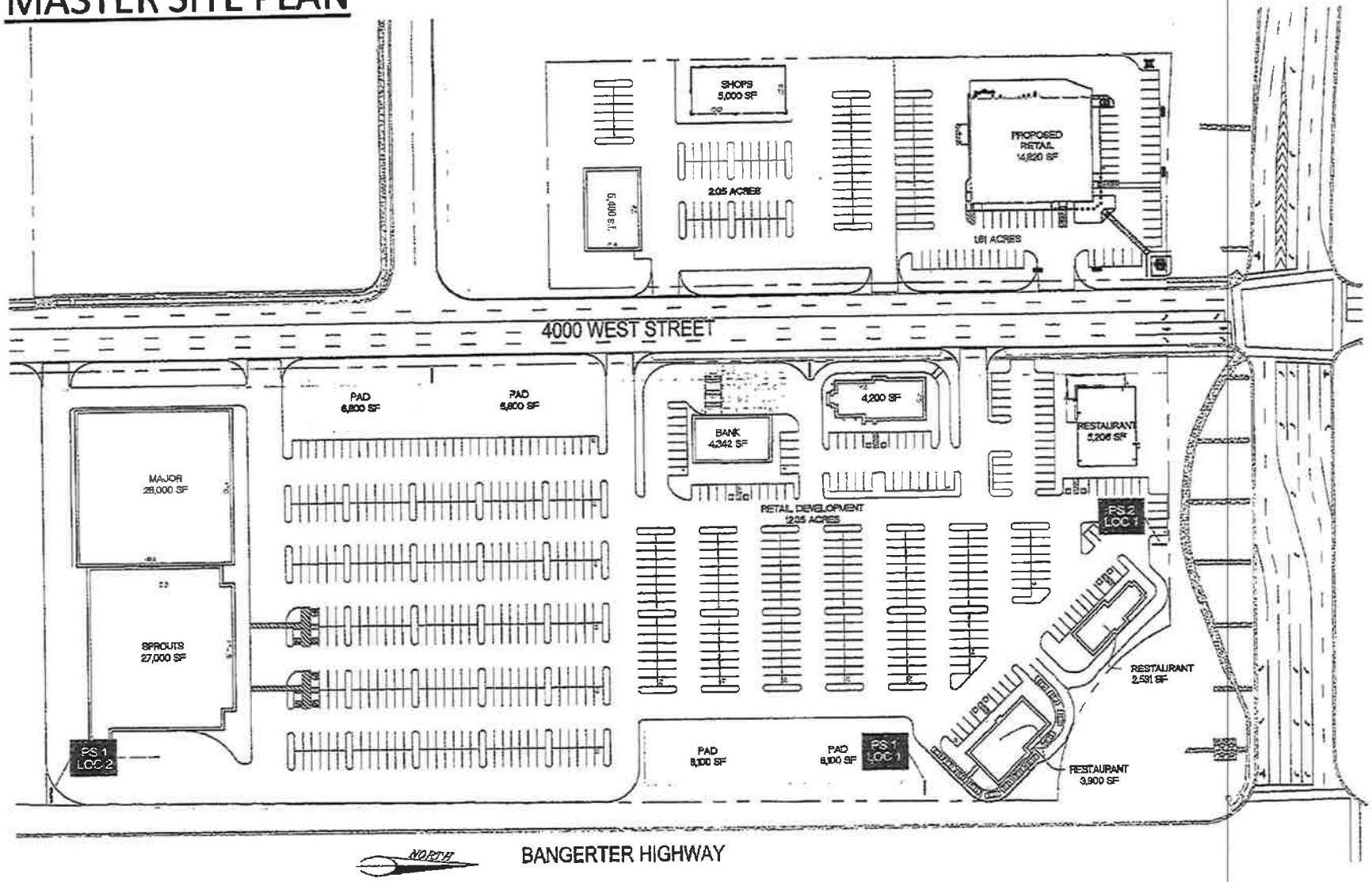
BRICK VENEER



PLANTATION BLEND
PINE HALL BRICK

EXHIBIT H

MASTER SITE PLAN



6. Sign copy shall be limited to Tenant's proper firm name and shall not include the names of items, goods, products, or service lines. The use of a crest, shield, logo, or other established corporate insignia or modifier which has been displayed or associated with Tenant's firm name shall be permitted subject to Owner's written approval.
7. Any sign that does not conform to the requirements of this Master Sign Plan or was not approved by the Owner as required hereby shall be immediately removed or brought into conformance at the Tenant's expense.
8. Any sign type not discussed or addressed herein shall be covered by the City of South Jordan sign code.

C. TYPE OF SIGN

1. All signs shall contain individual, pan channel, internally illuminated, wall mounted letters. Letters shall not be mounted on an exposed raceway.

D. SPECIFIC REQUIREMENTS FOR BUILDING SIGNAGE

1. Major Tenants (Greater than 5,000 square feet)

A. Size Guidelines
   1. Each Major will be allowed one & one-half (1.5) square feet of building signage per foot of linear building frontage when frontage is greater than 75 feet from Property Line/Street Frontage. If frontage is less than 75 feet, one (1) square foot of building signage per foot of linear building frontage.
      A. Each frontage will be calculated independently (Example: If a Major has 3 elevations, each elevation is entitled to have a building sign based on that elevation frontage).
   2. The square footage for an individual sign will be calculated by using multiple rectangles that contain the entire sign (Letter descender do not have to be included in the calculating rectangle; for example, the letters "y", "p", "q", "j", "g", all have descender that do not get calculated as a part of the total signage area.
   3. Pan Channel Letters must be a minimum of three (3) inches in depth and a maximum of ten (10) inches in depth.
   4. Length: The overall length of spread of letters shall not exceed 80% of the total leased frontage as specified by lease. (Example: Maximum spread for a sign for a space thirty (30) feet wide will be twenty-four (24) feet).
   5. Height: Sign may not exceed 80% of SIGN BAND height.
   6. National chain businesses shall be allowed to use their standard signage. This includes letter style, colors, logos and lighting method.
   7. Stylized Logo/Cabinet sign not to exceed 10 square feet.

2. Minor Tenants (Less than 5,000 square feet)

A. Size Guidelines
   1. Each Minor will be allowed one & one-quarter (1.25) square feet of building signage per foot of linear building frontage when frontage is greater than 75 feet from Property Line/Street Frontage. If frontage is less than 75 feet, one & one-quarter (1.25) square foot of building signage per foot of linear building frontage.
      A. Each frontage will be calculated independently for square footage. (Example: If a Minor has 3 elevations, each elevation is entitled to have a building sign based on that elevation frontage).
   2. The square footage for an individual sign will be calculated by using multiple rectangles that contain the entire sign

EXHIBIT H

SIGN CRITERIA GENERAL REQUIREMENTS, TYPE OF SIGN

The purpose of this Master Signage Plan is to create a graphic environment that is individual and distinctive in identity for the merchant and also compatible with other signs within the Property. The total concept should give an impression of quality and professionalism, as well as, instill a good business image.

The following specifications shall be used for the design of all signage within the Property; however, in all cases, final written approval by Owner is required prior to manufacturing and installation of all signs.

For purposes of this Master Signage Plan, any reference herein to "Owner" shall also include all tenants, subtenants, licensees and other occupants of Owner's Parcel.

PROCEDURE:
All signage drawing proposals will be submitted in three (3) copies to Owner for written approval, prior to application for sign permit from the City of South Jordan.

NOTICE:
WRITTEN APPROVAL AND CONFORMANCE WITH THE REQUIREMENTS SET FORTH HEREIN DOES NOT IMPLY CONFORMANCE WITH APPLICABLE LAWS, CODES, RULES, AND REGULATIONS PROMULGATED BY THE CITY OF SOUTH JORDAN OR ANY OTHER APPLICABLE GOVERNMENTAL AGENCY OR BODY (COLLECTIVELY, THE "LAWS"). ALL SIGNAGE LOCATED WITHIN THE PROPERTY SHALL BE APPROVED IN WRITING BY OWNER, SHALL COMPLY WITH THE APPLICABLE LAWS AND RECEIPT BY OWNER OF A SIGN PERMIT MUST BE RECEIVED PRIOR TO MANUFACTURING AND INSTALLATION OF ANY SIGNAGE.

A. GENERAL PROVISIONS

1. All signs and signage programs must confirm to the requirements of this Master Signage Plan, the City of South Jordan, and all applicable Laws. Applications and submittals for signage permits shall be per the City of South Jordan's procedure and requirements.
2. Signs shall identify the person or company operating the use conducted on the Parcel. No off-premises advertising is permitted.

B. GENERAL REQUIREMENTS

1. No signs, advertisements, notices, or other lettering shall be displayed, exhibited, inscribed, painted or affixed in any manner to any part of the building exterior except as approved in writing by Owner.
2. Each electrical sign, and the installation thereof, shall comply with all applicable Laws. Double back connections must be utilized for all electrical connections through the building structure.
3. Tenant shall obtain all necessary permits for signs and the construction and installation of signs.
4. No labels shall be placed on the exposed surfaces of signs except those required by applicable Laws. Required labels shall be applied in inconspicuous locations.
5. All penetrations of the building structure required for sign installation shall be neatly sealed in a watertight manner.

(Letter descender do not have to be included in the calculating rectangle; for example, the letters "y", "p", "q", "j", "g", all have descender that do not get calculated as a part of the total signage area.

3. Pan Channel Letters must be a minimum of three (3) inches in depth and a maximum of ten (10) inches in depth.
4. Length: The overall length of spread of letters shall not exceed 80% of the total leased frontage as specified by lease. (Example: Maximum spread for a sign for a space thirty (30) feet wide will be twenty four (24) feet).
5. Height: Sign may not exceed 80% of SIGN BAND height.
6. Stylized Logo/Cabinet sign not to exceed 8 square feet.

3. Pad Tenants

A. Size Guidelines
   1. Each Pad will be allowed one & one-quarter (1.25) square feet of building signage per foot of linear building frontage when frontage is greater than 75 feet from Property Line/Street Frontage. If frontage is less than 75 feet, one & one-quarter (1.25) square foot of building signage per foot of linear building frontage.
      A. Each frontage will be calculated independently (Example: If a Pad has 4 elevations, each elevation is entitled to have a building sign based on that elevation frontage)
   2. The square footage for an individual sign will be calculated by using multiple rectangles that contain the entire sign (Letter descender do not have to be included in the calculating rectangle; for example, the letters "y", "p", "q", "j", "g", all have descender that do not get calculated as a part of the total signage area.
   3. Pan Channel Letters must be a minimum of three (3) inches in depth and a maximum of ten (10) inches in depth.
   4. Length: The overall length of spread of letters shall not exceed 80% of the total leased frontage as specified by lease. (Example Maximum spread for a sign for a space thirty (30) feet wide will be twenty four (24) feet).
   5. Height: Sign may not exceed 80% of SIGN BAND height.
   6. Stylized Logo/Cabinet sign not to exceed 8 square feet.

4. Shops & Inline Tenants

A. Size Guidelines
   1. Each Tenant will be allowed one & one-quarter (1.25) square feet of building signage per foot of linear building frontage when frontage is greater than 75 feet from Property Line/Street Frontage. If frontage is less than 75 feet from Property Line, one & one-quarter (1.25) square foot of building signage per foot of linear building frontage.
      A. Each frontage will be calculated independently for square footage calculation and frontage measurement. (Example: If a Shop or Inline Tenant has 3 elevations, each elevation is entitled to have a building sign based on that elevation frontage)
   2. The square footage for an individual sign will be calculated by using multiple rectangles that contain the entire sign (Letter descender do not have to be included in the calculating rectangle; for example, the letters "y", "p", "q", "j", "g", all have descender that do not get calculated as a part of the total signage area.
   3. Pan Channel Letters must be a minimum of three (3) inches in depth and a maximum of ten (10) inches in depth.

4. Length: The overall length of spread of letters shall not exceed 80% of the total leased frontage as specified by lease. (Example Maximum spread for a sign for a space thirty (30) feet wide will be twenty-four (24) feet.
5. Height: Sign may not exceed 80% of SIGN BAND height.
6. Any Shop or Inline suite is guaranteed a minimum of thirty two (32) square feet of signage
7. Shops A & B shall be allowed signage on all elevations.
8. Each frontage will be calculated independently for allowable square footage.
9. Stylized Logo/Cabinet sign not to exceed 6 square feet.

E. LIGHTING

1. All lighting shall be illuminated with LED's, Neon or Fluorescent's.
   A. Neon must be 30MA and between 12mm & 15mm glass tubing
   B. LED must be Slone or Gelcor brand.
   C. Fluorescent lighting will be allowed. No exposed bulbs.
2. All electrical will be U.L. or equivalent approved.
3. Penetration of structure and graphics beams shall be kept to a minimum and must have proper insulation for voltage cable and must be approved in writing by Landlord.
4. Power supplies shall be concealed behind fascia and mounted in metal boxes.

F. DETAIL DRAWING

1. Three copies of a complete and detailed drawing by Owner's sign company shall be submitted to Owner for final review and written approval.
2. Elevation of building fascia and sign shall be drawn using a minimum 1/4" to 1" scale.
3. Drawing shall indicate the following specifications:
   a. Type, thickness, and color of Plexiglas type of material used for backs, returns, and trim caps, including color.
   b. Finish used on returns.
   c. Type of illumination and mounting method.
4. Drawing must include fascia cross section showing electrical connections.

G. WINDOW SIGNAGE

Window signs must comply with The City of South Jordan Sign Code and must be approved by Owner in writing.

Window signs to be created in a professional manner.

H. GRAND OPENING BANNERS

Grand Opening banners are allowed with Owner approval.

I. ADDRESS SIGNS

Each store is required to display a street address and suite number above storefront door and service door of four (4) inch white exterior vinyl.

J. THE FOLLOWING ARE NOT PERMITTED

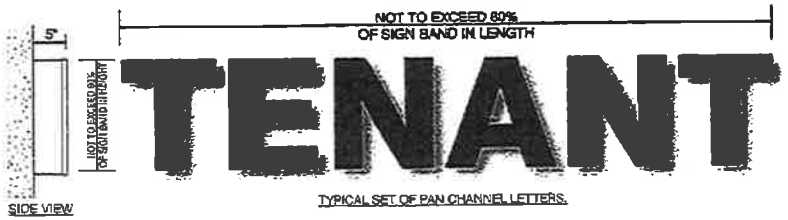
a. Roof signs.
b. Cloth signs or streamers hanging in front of business.
c. Exposed seam tubing.
d. Animated or moving components.
e. Intermittent or flashing illumination.
f. Iridescent painted signs.

g. Letter mounted or painted-on illuminated panels.
h. Signs or letters painted directly on any surface.
i. Signs will not be permitted to be installed or placed along perimeter of Property.

K. CONTACT INFORMATION

Bill Sandre
CCA Acquisitions Company, LLC
5670 Wilshire Boulevard, Suite 1250
Los Angeles, California
323.965.1510
BillS@kornwasser.net

SIGN EXAMPLES & DETAILS



TYPICAL SET OF PAN CHANNEL LETTERS.

FABRICATE & INSTALL
TYPICAL SET OF ILLUMINATED PAN CHANNEL LETTERS.

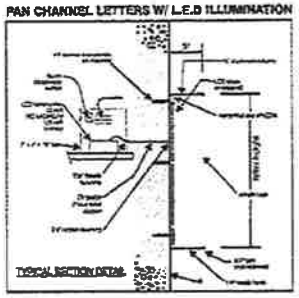
CONSTRUCTION
.063" ALUMINUM BACKS.
.040" ALUMINUM RETURNS, 5" DEEP COLOR TO BE DETERMINED BY TENANT.
3/4" TRIM CAP COLOR TO BE DETERMINED BY TENANT.

VINYL
COLOR TO BE DETERMINED BY TENANT. PER TENANTS CORPORATE COLORS.

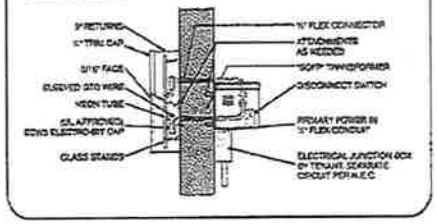
FACE
COLOR TO BE DETERMINED BY TENANT. PER TENANTS CORPORATE COLORS.

ILLUMINATION
SINGLE TUBE, DOUBLE TUBE AND OR GRID - 4" MAX STROKE BETWEEN TUBES.
DOUBLE BACKS W/ELECTRO-BIT RUBBER BOOTS.
30MA REMOTE TRANSFORMERS.
OR L.E.D's W/ REMOTE POWER PACKS.

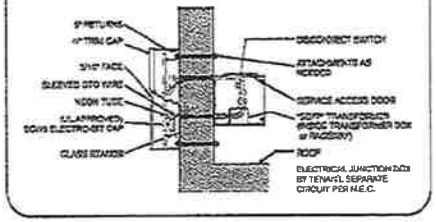
PAN CHANNEL LETTERS W/ L.E.D ILLUMINATION



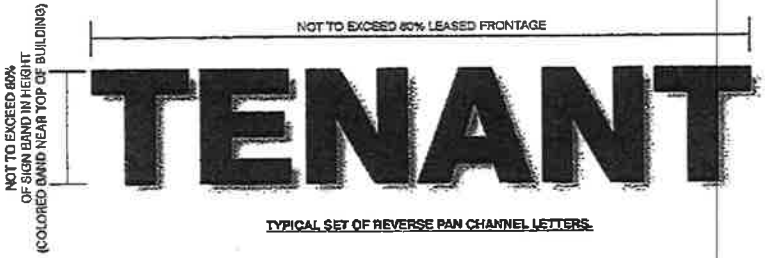
PAN CHANNEL LETTERS WITH TRANSFORMER BEHIND WALL



PAN CHANNEL LETTERS WITH REMOTE RACEWAY (ABOVE ROOF)



NOTE: ALL SIGNS MUST HAVE U.L. LABEL.



TYPICAL SET OF REVERSE PAN CHANNEL LETTERS.

FABRICATE & INSTALL
TYPICAL SET OF HALO-ILLUMINATED REVERSE CHANNEL LETTERS

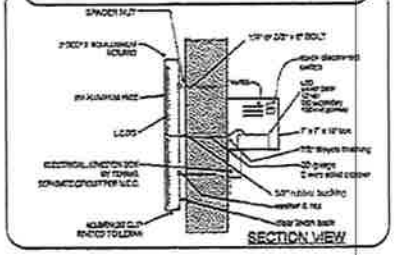
CONSTRUCTION
.090" ALUMINUM FACES,
.063" ALUMINUM 3" DEEP RETURNS, COLOR AS PER TENANT.

3/16" CLEAR LEXAN BACKS

MOUNTING
1" SPACE MOUNTED FROM WALL.

ILLUMINATION
SLOAN OR GEL-COR L.E.D.'S OR NEON TUBING,
SINGLE OR DOUBLE STROKE.
1 STROKE PER 4"
WITH REMOTE TRANSFORMER.

L.E.D. HALO-ILLUMINATED REVERSE PAN CHANNEL LETTERS



NEON HALO-ILLUMINATED REVERSE PAN CHANNEL LETTERS

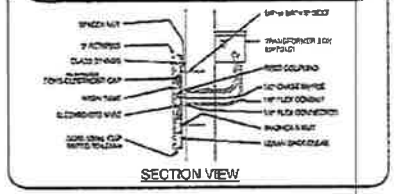
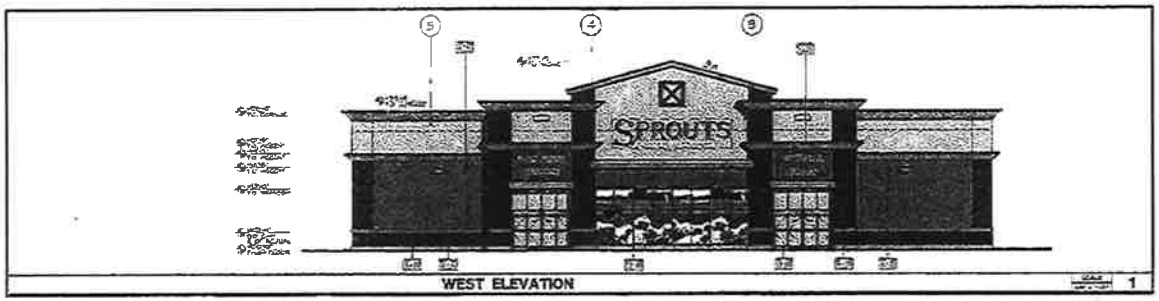
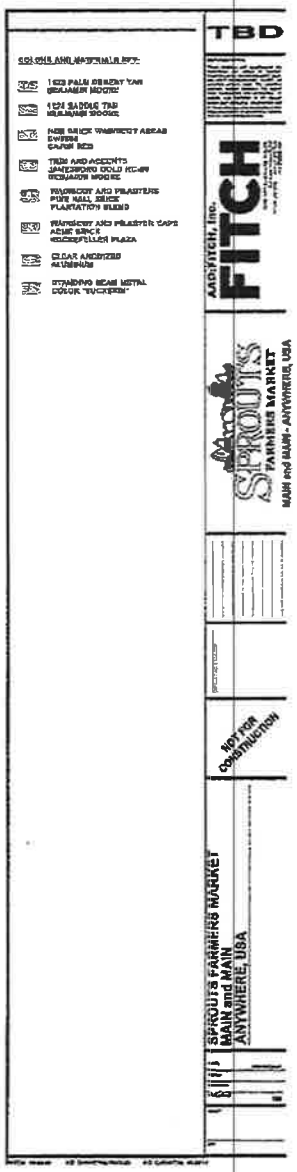
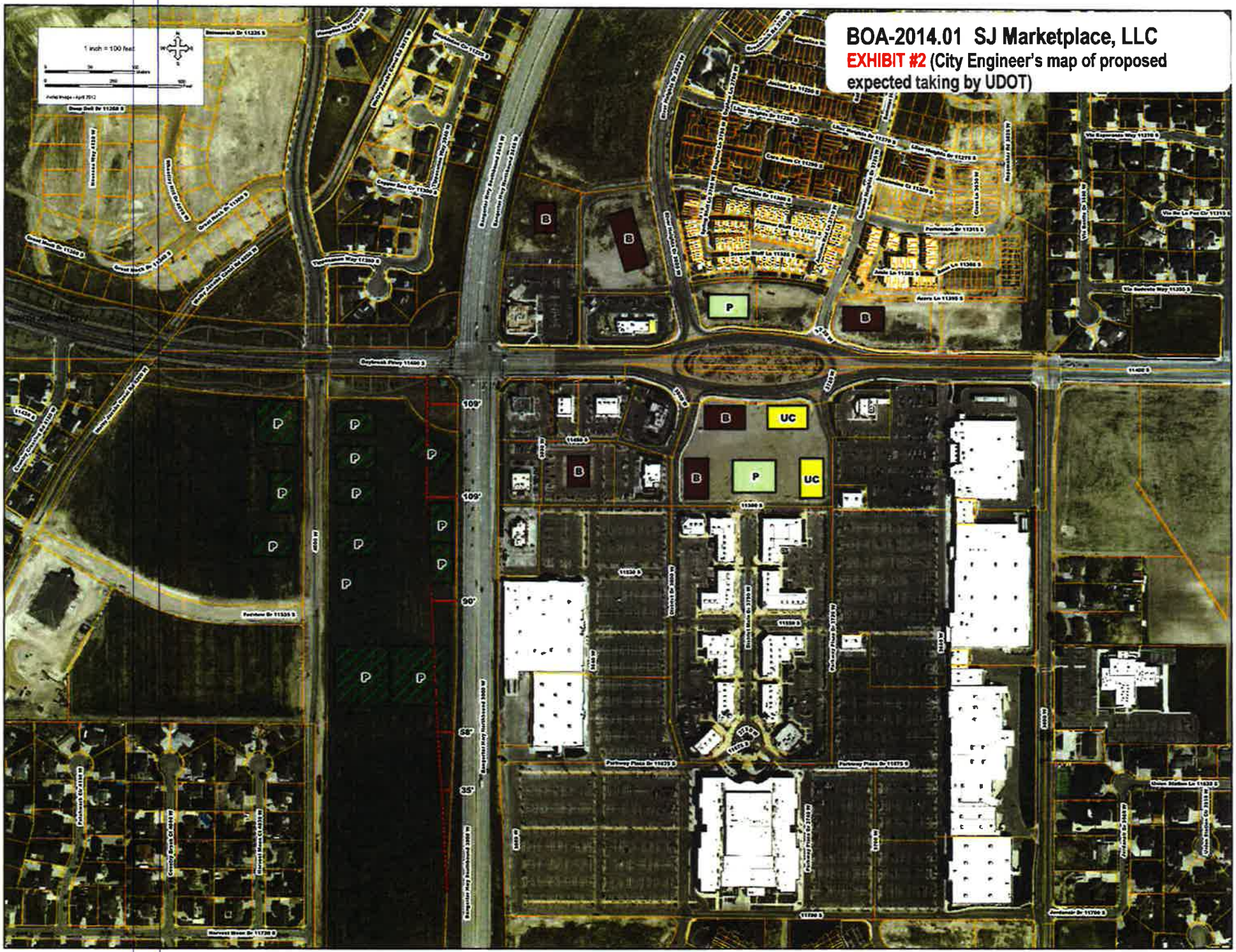


EXHIBIT D

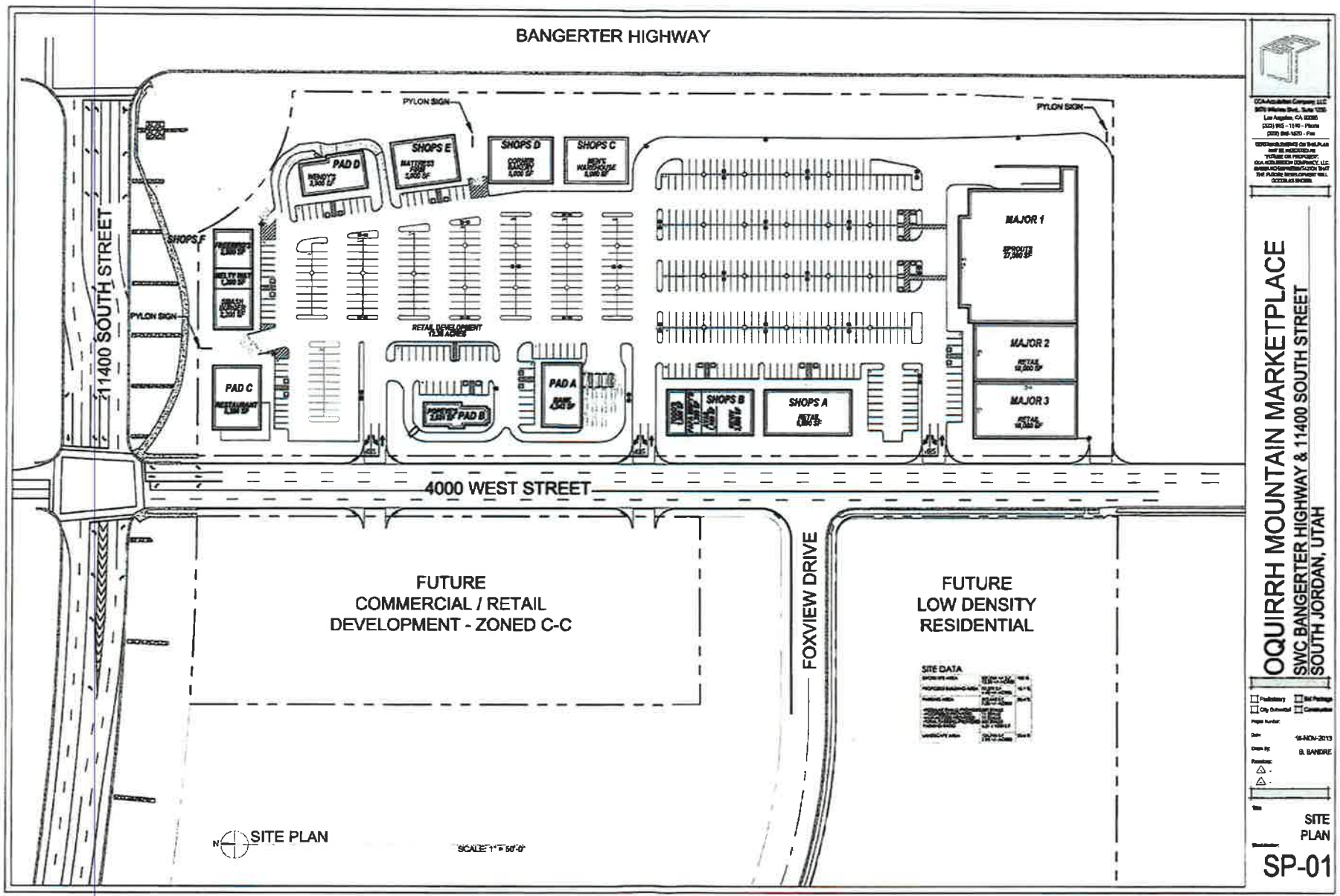
SPROUT'S COLORED BUILDING ELEVATIONS





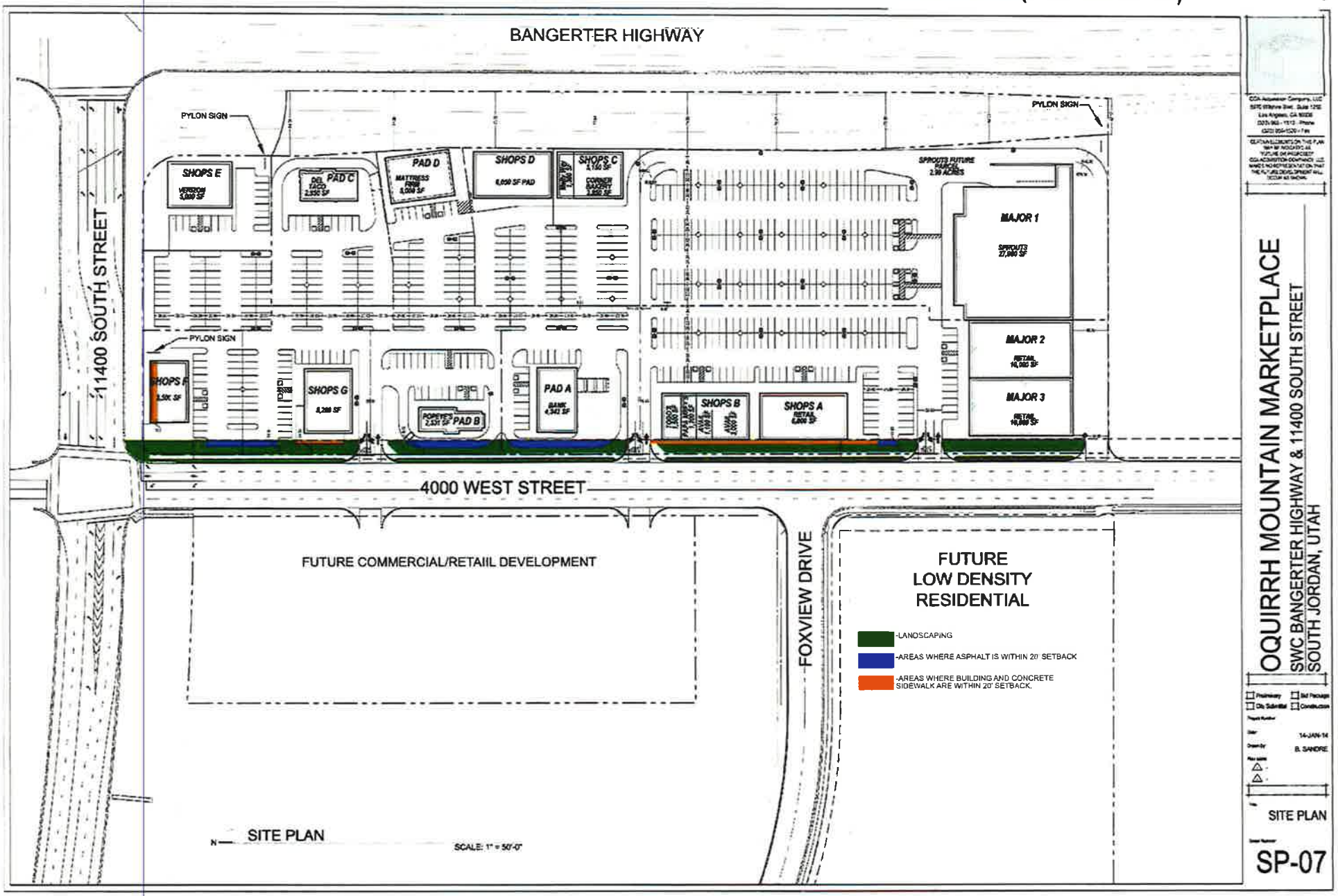

BOA-2014.01 SJ Marketplace, LLC
EXHIBIT #2 (City Engineer's map of proposed expected taking by UDOT)
1 inch = 100 feet
B
P
UC
100'
90'
65'
35'

BOA-2014.01 SJ Marketplace, LLC
EXHIBIT #3 (Approved Site Plan SP-01)



Approved Site Plan

BOA-2014.01 SJ Marketplace, LLC
EXHIBIT #4 (Site Plan SP-07)



SOUTH JORDAN CITY REQUEST FOR BOARD OF ADJUSTMENT ACTION

Meeting Date: 01/15/2014

Issue: **VARIANCE REQUEST TO MODIFY LANDSCAPE BUFFER REQUIREMENTS ALONG PUBLIC STREET FRONTAGE**
Address: Southwest corner of Bangerter Highway and 11400 South
File No: File# BOA-2014.01
Applicant: SJ Marketplace, LLC

Submitted by: Damir Drozdek, Planner II

ACREAGE:	Approximately 12 Acres
CURRENT ZONE:	C-C (Commercial-Community) Zone
CURRENT USE:	Vacant Land
FUTURE LAND USE PLAN:	Commercial
NEIGHBORING ZONES/USES:	North – A-5 / 11400 South South – A-5 / Vacant Land West – C-C, R-2.5 and R-3 / 4000 West East – BH-MU / Bangerter Highway

BACKGROUND:

The Applicant intends to commercially develop property located south of 11400 South and between 4000 West and Bangerter Highway. The project is intended to consist of major/anchor retail and a multitude of retail stores/pads around the site. The project is governed by a development agreement that was approved on November 26th of 2013 by the City at the same time rezone and land use amendment was approved.

Municipal Code requires a min. 20' of landscaping along the street frontage of 4000 West and 11400 South.. The site plan that was approved by the Planning Commission (SP-01) on November 26th of 2013 shows a 20' landscape buffer along 4000 West and 11400 South and a 10' landscape buffer along Bangerter Highway. The 10' buffer was approved by the Planning Commission as the Code requires 20' landscape buffer only for corner lots (front and street side only). Bangerter Highway side was found to be a rear lot side while the south side was found to be an interior lot side. And as such no landscape buffer was required along the Bangerter Highway.

As a matter of reference regarding UDOT the following are some key timelines:

1. The Developer received approval of the Zoning application with a concept development plan and a Development Agreement on October 15, 2013.
2. On November 7, 2013, UDOT through their hired consultant (Horrocks Engineering) met with City Staff and the developer to inform the City and Developer of the right of way required from this property in order to install a grade separated interchange at 11400 South and Bangerter Highway. This came to light as a high priority intersection with UDOT after the October 15, 2013, City Council meeting.
3. On November 8, 2013, Horrocks Engineering submitted to the Developer an AutoCad drawing of the proposed right of way needed so that the Developer could see if he could adjust is site plan to make the right of way take work.

4. On November 11, 2013, the Developer submitted to the City and Horroks Engineering a revised site plan that was able to accommodate the right of way (about 65 feet) needed for the 11400 South Bangerter Highway future interchange.
5. On November 13, 2013, Horrocks Engineering confirmed that the right of way for the interchange on the site plan submitted by the developer on November 11, 2013 would provide what was required to construct the future interchange.
6. On November 26, 2013, the Site Plan was approved by the City of South Jordan Planning Commission, meeting all City Codes as outlined in this report.
7. On December 18, 2013, Horrocks Engineering submitted to the Developer a revised right of way requirement that requested approximately an additional 20 feet making the take approximately 85 feet instead of the 65 feet. This requirement was made because the UDOT staff determined that the original request of 65 feet was insufficient and that 85 feet was what was required.
8. On December 23, 2013, the developer revised the approved site plan the best he could and that is where we are at with this Board of Adjustment Request.

Since the Planning Commission approval (see time-line number 7), UDOT has approached the Applicant and informed them that UDOT would be acquiring additional property, approximately 20 additional feet, for the proposed intersection improvements at 11400 South and Bangerter Highway. According to the Applicant the amount of land required for the UDOT project imposes certain hardships that can be alleviated with the landscape buffer adjustment. The Applicant proposes to be allowed to make the following change:

- 10' encroachment into the landscape buffer with the Shops F building along 11400 South (see attached proposed Site Plan SP-07).

STAFF FINDINGS:

Findings:

- Section 17.52.090 "C" states the following: "Side Yard, Corner Lots: The minimum landscaped street side yard for corner lots shall be twenty feet (20')."
- The Applicant is requesting a reduced landscaping buffer along 4000 West and 11400 South.
- The Applicant believes that the hardship is caused by UDOT's actions, specifically land acquiring for the improvements to be made at the intersection of 11400 South and Bangerter Highway.

FISCAL IMPACT:

- No analysis performed.

ALTERNATIVES:

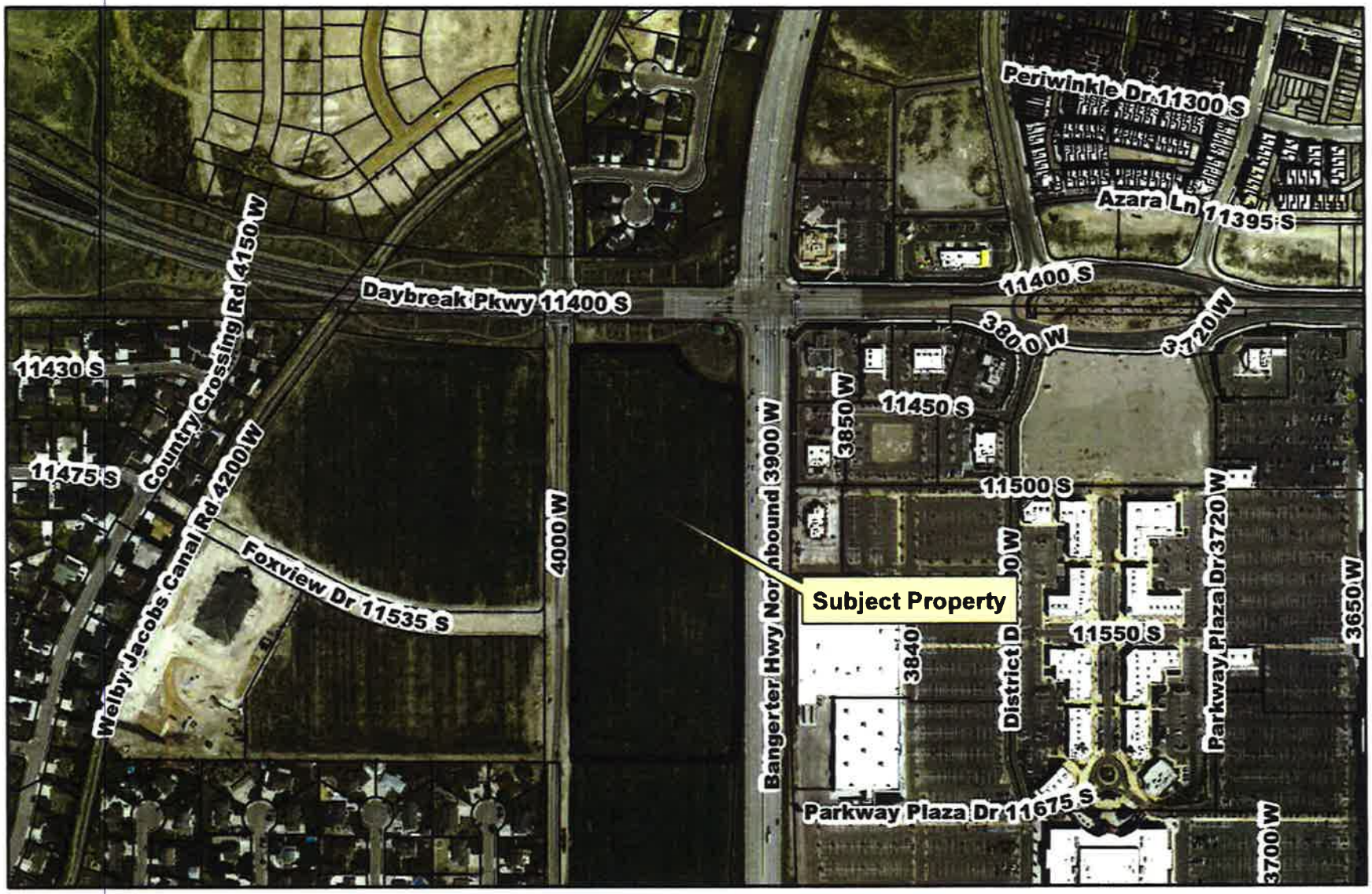
- Approve an amended variance request.
- Deny the variance request.
- Schedule the application for a decision at some future date.

SUPPORT MATERIALS:

- Aerial Map
- Zoning Map
- PC approved Site Plan SP-01
- Proposed Site Plan SP-07
- City approved Development Agreement (DA Part1, DA Part2 and DA Part3)
- Current Zoning Ordinance (17.52.090: Yard Requirements)
- Applicant's Application

_____

Damir Drozdek
Planner II
Community Development Department



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STREETS

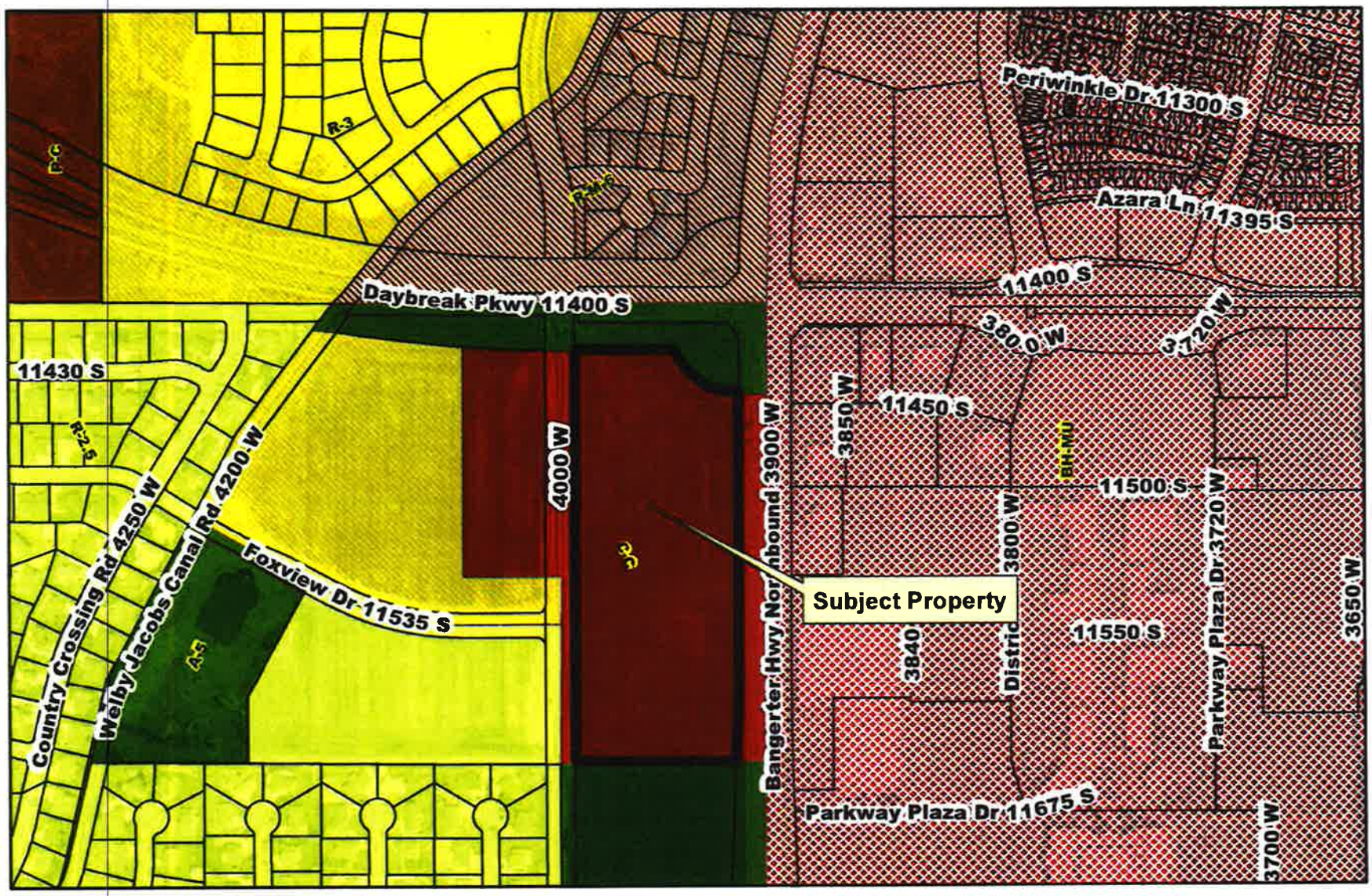
PARCELS

Aerial Map

City of South Jordan

0 130 260 520 780 1,040 Feet

Aerial Imagery
April 2012



Legend

STREETS

PARCELS

Zoning Map

City of South Jordan

0 130 260 520 780 1,040 Feet

Aerial Imagery
April 2012

CITY OF SOUTH JORDAN ■ PLANNING & ZONING
1600 W. TOWNE CENTER DRIVE ■ SOUTH JORDAN UT 84095
TEL. (801) 254-3742 ■ FAX. (801) 253-5235

SOUTH JORDAN

BOARD OF ADJUSTMENT APPLICATION

Owner Name: SJ Marketplace, LLC
Address: 5670 Wilshire Boulevard, Suite 1250 Los Angeles, CA 90036
Home Phone: (313) 965-1510 Cell Phone (optional) (602) 501-8107 Fax: (323) 965-1520

Subject Property Information:
Address/Location: SWC Bangerter HWY & 11400 S. Zone District: C-C
Property I.D. # (Sidwell) _____ Property Size (acres): 12.3 Acres
Proposed Use of Property: Commercial / Retail

Brief Description of Variance Request: The request is for relief of a City Ordinance requireing a 20 foot setback from a property line along Bangerter Hwy. 11400 S and 4000 West Street.

The applicant is required to prove that all conditions justifying a variance have been met. After reading each section below describing the justifications for a variance, provide a brief explanation of how your request complies. Attach additional sheets if necessary. This application sheet along with other required materials will be submitted to the Hearing Officer to aid in his/her review and decision.

Before any variance may be authorized, it must be shown that:

1) Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;
   a) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (1) above, the Board may not find an unreasonable hardship unless the alleged hardship:
      i) Is located on or associated with the property for which the variance is sought; and
      ii) Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

   b) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (1) above, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.

SEE ATTACHED

2) There are special circumstances attached to the property that do not generally apply to other properties in the same zone;
   a) In determining whether or not there are special circumstances attached to the property under Subsection (2) above, the appeal authority may find that special circumstances exist only if the special circumstances:
      i) Relate to the hardship complained of; and
      ii) Deprive the property of privileges granted to other properties in the same zone.

SEE ATTACHED

3) Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;

SEE ATTACHED

4) The variance will not substantially affect the general plan and will not be contrary to the public interest; and

SEE ATTACHED

5) The spirit of the land use ordinance is observed and substantial justice done.

SEE ATTACHED

Fee: _____
Date Paid: _____
Received By: _____

F/COMMON/APPLICATIONS/BOARD OF ADJUSTMENT APP.DOC

CCA ACQUISTION COMPANY, LLC

FOR: SJ MARKETPLACE, LLC (SOUTH JORDAN)
OQUIRRH MOUNTAIN MARKETPLACE

Attachment to: "Board of Adjustment Application"

Item No. 1:

Literal enforcement of the subject ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purposes of the land use ordinance for the reasons set forth below:

On October 15, 2013, the City of South Jordan City Council vote 4-0 with one abstention to effect the following: (i) to rezone the subject property, along with additional property, to Community Commercial and (ii) to approve the Development Agreement attached hereto as Exhibit A (the "Development Agreement").

Subsequently, it was brought to Applicant's attention that UDOT's plan contemplated taking approximately 65 feet of right of way along the eastern boundary of the subject property, bordering Bangerter Highway. Applicant was forced to adjust the site plan approved as concept plan in the Development Plan to that certain site plan subsequently submitted to the City and approved by the Planning Commission on November 12, 2013.

Subsequent to Planning Commission approval of the site plan, UDOT informed the applicant that it requires an additional approximately 20 feet of right of way along the eastern boundary of the subject property, bordering Bangerter Highway, for a total of approximately 84 feet of right of way at the widest point.

UDOT's imposition upon the subject property is peculiar to land at this particular intersection of 114th Street and Bangerter Highway and further imposes a unique and greater burden upon the subject property than it does upon the property immediately across Bangerter Highway. While UDOT's plans contemplate taking approximately 84 feet from the subject development, UDOT's plans contemplating taking less than approximately 15 feet from the commercial property immediately across the street.

UDOT's imposition upon the subject property impairs the vested rights previously obtained by the Applicant.

In light of UDOT's imposition upon the subject property, literal enforcement of the ordinance would eliminate parking and buildings needed to create a retail project with adequate retail synergy and supporting parking for a retail project to succeed long term.

The site plan proposed with the subject application would not only preserve a retail project with adequate retail synergy and supporting parking for a retail project to succeed long term, but would also preserve landscaping setbacks of: (i) 20 feet along most of the frontage of the subject property fronting 4000 West, (ii) 10 feet of landscaping along 11400 South Street (in addition to the approximately 15-20 feet of landscaping and hardscaping between the property line and the curb of 11400 South Street) and (iii) 10 feet of landscaping along Bangerter Highway.

Item No. 02:

The subject property is unique in that it is zoned C-C and is adjacent property with different zoning designations.

The only property with the same zoning designation is across 4000 West and is not affected by the UDOT taking. UDOT's proposed upgrades to the intersection at Bangerter Hwy and 11400 S. require substantially more of Applicant's property than any other surrounding property Owner. UDOT requires approximately 85 feet of Applicant's property compared to less than 15 feet of right of way from the landowner immediately across Bangerter Highway from the development with the zoning most comparable to (but not the same as) the subject property.

Item No. 03:

Granting the variance is essential to the enjoyment of a substantial property right to any property owner that would have the same zoning designation.

As stated above, the only adjacent property with the same zoning designation is across 4000 West and is not impacted and the property in the vicinity (i.e. immediately across Bangerter Highway) with the most similar zoning designation will be impacted by less than 20% of the impact to the subject property.

The impact upon the subject property of UDOT's taking approximately 84 feet of property has caused unique and special circumstances whereby other surrounding property Owner's in commercial zones are not challenged.

Item No. 04:

Applicant defers to the City.

Notwithstanding, it is applicant's understanding that the purpose and intent of the General Plan for this area is to promote retail development at major intersections along the Bangerter corridor.

Applicant believes that granting the variance will promote the purpose and intent of the General Plan and is in the public interest.

Item No. 05:

Applicant defers to the City.
Notwithstanding, applicant believes that granting the variance would cause the spirit of the land use ordinance to be observed and cause substantial justice to be done for the following reason. In addition to allowing a well-designed, aesthetically pleasing retail project to be developed that will provide a mix of necessary public services with sufficient parking, which is permitted by developer's vested zoning and entitlements (and called for in the General Plan) but has been interfered with by UDOT, the variance will also preserve the following setbacks and landscaping: (i) 20 feet along most of the frontage of the subject property fronting 4000 West, (ii) 10 feet of landscaping along 11400 South Street (in addition to the approximately 15-20 feet of landscaping and hardscaping between the property line and the curb of 11400 South Street) and (iii) 10 feet of landscaping along Bangerter Highway.

Chapter 17.52
COMMERCIAL-COMMUNITY (C-C) ZONE

17.52.090: YARD REQUIREMENTS:

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

A. Front Yard, Interior And Corner Lots: The minimum landscaped front yard for lots in C-C 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)

Exhibit A

(Legal Description of the Property broken down by areas to be rezoned)

A-5 to R-3

A PARCEL OF LAND SITUATE IN THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, LOCATED IN SOUTH JORDAN CITY, COUNTY OF SALT LAKE, STATE OF UTAH AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF 4000 WEST STREET, SAID POINT BEING SOUTH 0°04'39" EAST, ALONG THE SECTION LINE, A DISTANCE OF 784.50 FEET AND SOUTH 89°55'21" WEST, PERPENDICULAR TO SAID SECTION LINE, A DISTANCE OF 42.50 FEET, FROM THE SALT LAKE COUNTY MONUMENT MARKING THE EAST QUARTER CORNER OF SAID SECTION 19; AND RUNNING THENCE SOUTH 0°04'18" EAST, ALONG THE WEST LINE OF SAID 4000 WEST STREET, A DISTANCE OF 81.93 FEET, TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 24.00 FEET, THROUGH A CENTRAL ANGLE OF 89° 59' 46", A DISTANCE OF 37.70 FEET, THE LONG CHORD OF WHICH BEARS SOUTH 44°55'21" WEST, A DISTANCE OF 33.94 FEET, TO THE NORTH LINE OF FOXVIEW DRIVE; THENCE ALONG THE NORTH LINE OF FOXVIEW DRIVE THE FOLLOWING NINE (9) COURSES: (1) SOUTH 89°55'21" WEST, A DISTANCE OF 225.85 FEET; (2) ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 714.50 FEET THROUGH A CENTRAL ANGLE OF 28° 10' 41", A DISTANCE OF 351.39 FEET, THE LONG CHORD OF WHICH BEARS NORTH 75°59'18" WEST, A DISTANCE OF 347.86 FEET; (3) NORTH 61°53'57" WEST, A DISTANCE OF 163.91 FEET; (4) ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 350.50 FEET THROUGH A CENTRAL ANGLE OF 03° 48' 52", A DISTANCE OF 23.33 FEET, THE LONG CHORD OF WHICH BEARS NORTH 63°48'22 WEST, A DISTANCE OF 23.33 FEET; (5) NORTH 65°42'48 WEST, A DISTANCE OF 121.52 FEET; (6) ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 289.00 FEET THROUGH A CENTRAL ANGLE OF 03° 48' 47", A DISTANCE OF 19.23 FEET, THE LONG CHORD OF WHICH BEARS NORTH 63°48'22 WEST, A DISTANCE OF 19.23 FEET; (7) NORTH 61°53'57 WEST, A DISTANCE OF 31.37 FEET; (8) ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 724.00 FEET, THROUGH A CENTRAL ANGLE OF 03° 38' 59", A DISTANCE OF 46.12 FEET, THE LONG CHORD OF WHICH BEARS NORTH 60°04'28" WEST, A DISTANCE OF 46.11 FEET; (9)NORTH 58°14'59" WEST, A DISTANCE OF 5.85 FEET, TO THE EAST LINE OF THE JACOB WELBY CANAL; THENCE ALONG SAID EAST LINE THE FOLLOWING THREE (3) COURSES: (1) NORTH 27°58'15 EAST, A DISTANCE OF 171.11 FEET; (2)NORTH 31°58'52 EAST, A DISTANCE OF 121.94 FEET; (3) NORTH 36°17'09" EAST, A DISTANCE OF 352.21 FEET, TO THE SOUTHERLY LINE OF 11400 SOUTH STREET; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 3733.00 FEET, THENCE CENTER OF WHICH BEARS NORTH 9°31'22" EAST, THROUGH A CENTRAL ANGLE OF 05° 33' 50, A DISTANCE OF 362.50 FEET, THE LONG CHORD OF WHICH BEARS SOUTH 83°15'33" EAST, A DISTANCE OF 362.35 FEET; THENCE SOUTH 00°04'39" EAST, PARALLEL WITH THE AFORESAID SECTION LINE, A DISTANCE OF 661.05 FEET; THENCE NORTH 89°55'21" EAST, PERPENDICULAR TO SAID SECTION LINE, A DISTANCE OF 239.35 FEET TO THE POINT OF BEGINNING.

CONTAINS: 431,493 SQUARE FEET, OR 9.906 ACRES.

A-5 to C-C

A PARCEL OF LAND SITUATE IN THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, LOCATED IN SOUTH JORDAN CITY, COUNTY OF SALT LAKE, STATE OF UTAH AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF 4000 WEST STREET, SAID POINT BEING SOUTH 0°04'39" EAST, ALONG THE SECTION LINE, A DISTANCE OF 132.64 FEET AND SOUTH 89°55'21" WEST, PERPENDICULAR TO SAID SECTION LINE, A DISTANCE OF 42.50 FEET, FROM THE EAST QUARTER CORNER OF SAID SECTION 19; AND RUNNING THENCE SOUTH 0°04'39" EAST, ALONG SAID WEST LINE OF 4000 WEST STREET, A DISTANCE OF 651.86 FEET; THENCE SOUTH 89°55'21"WEST, A DISTANCE OF 239.35 FEET; THENCE NORTH 0°04'39" WEST, PARALLEL WITH AFORESAID SECTION LINE, A DISTANCE OF 661.05 FEET, TO THE SOUTH LINE OF 11400 SOUTH STREET; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 3733.00 FEET, THE CENTER OF WHICH BEARS NORTH 3°57'33" EAST, THROUGH A CENTRAL ANGLE OF 03° 40' 37", A DISTANCE OF 239.57 FEET, THE LONG CHORD OF WHICH BEARS SOUTH 87°52'46 EAST A DISTANCE OF 239.53 FEET, TO THE POINT OF BEGINNING.

CONTAINS: 156,815 SQUARE FEET, OR 3.600 ACRE

A-5 to C-C

A PARCEL OF LAND SITUATE IN THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, LOCATED IN SOUTH JORDAN CITY, COUNTY OF SALT LAKE, STATE OF UTAH AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF 4000 WEST STREET, SAID POINT BEING SOUTH 0°04'39" EAST, ALONG THE SECTION LINE, A DISTANCE OF 132.83 FEET, AND NORTH 89°55'21" EAST, PERPENDICULAR TO SAID SECTION LINE, A DISTANCE OF 42.50 FEET, FROM THE WEST QUARTER CORNER OF SAID SECTION 20; THENCE SOUTH 89°49'18" EAST, ALONG THE SOUTH LINE OF 11400 SOUTH STREET, A DISTANCE OF 286.45 FEET; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 200.00 FEET, THE CENTER OF WHICH BEARS NORTH 66°35'59" EAST, THROUGH A CENTRAL ANGLE OF 66°25'20", A DISTANCE OF 231.86 FEET, THE LONG CHORD OF WHICH BEARS SOUTH 56°36'41" EAST, A DISTANCE OF 219.09 FEET, TO THE WEST LINE OF BANGERTER HIGHWAY; THENCE SOUTH 0°01'18" WEST, ALONG SAID WEST LINE, A DISTANCE OF 874.24 FEET; THENCE SOUTH 2°05'14" WEST, A DISTANCE OF 190.96 FEET; THENCE SOUTH 89°55'21" WEST, PERPENDICULAR TO AFORESAID SECTION LINE, A DISTANCE OF 460.49 FEET, TO THE EAST LINE OF AFORESAID 4000 WEST STREET; THENCE NORTH 0°04'39" WEST, ALONG SAID EAST LINE, A DISTANCE OF 1187.16 TO THE POINT OF BEGINNING.

CONTAINS: 539,081 SQUARE FEET, OR 12.376 ACRES

A-5 to R-2.5

A PARCEL OF LAND SITUATE IN THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, LOCATED IN SOUTH JORDAN CITY, COUNTY OF SALT LAKE, STATE OF UTAH AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF 4000 WEST STREET, SAID POINT BEING SOUTH 0°04'39" EAST, ALONG THE SECTION LINE, A DISTANCE OF 985.43 FEET, AND SOUTH 89°55'21" WEST, PERPENDICULAR TO SAID SECTION LINE, A DISTANCE OF 42.50 FEET, FROM THE SALT LAKE COUNTY MONUMENT MARKING THE EAST QUARTER CORNER OF SAID SECTION 19; AND RUNNING THENCE SOUTH 0°04'39" EAST, ALONG SAID WEST LINE OF SAID 400 WEST STREET, A DISTANCE OF 340.52 FEET, TO THE SOUTH LINE OF LOT 2 FOXVIEW DRIVE CHURCH SUBDIVISION; THENCE NORTH 89°51'00" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 855.60 FEET, TO THE WEST LINE THEREOF; THENCE NORTH 0°09'00" EAST, ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 189.82 FEET; THENCE NORTH 28°06'03" EAST, A DISTANCE OF 343.59 FEET, TO THE SOUTHERLY LINE OF FOXVIEW DRIVE; THENCE SOUTH 61°53'57" EAST ALONG SAID SOUTHERLY LINE, A DISTANCE OF 81.46 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 785.50 FEET, THROUGH A CENTRAL ANGLE OF 28° 10' 42", A DISTANCE OF 386.31 FEET, THE LONG CHORD OF WHICH BEARS SOUTH 75°59'18"EAST, A DISTANCE OF 382.43 FEET; THENCE NORTH 89°55'21" EAST, A DISTANCE OF 225.86 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 24.00 FEET, THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 37.70 FEET; THE LONG CHORD OF WHICH BEARS SOUTH 45°04-39" EAST, A DISTANCE OF 33.94 TO THE POINT OF BEGINNING.

CONTAINS: 326,168 SQUARE FEET, OR 7.488 ACRES.

CITY OF SOUTH JORDAN ■ PLANNING & ZONING
1600 W. TOWNE CENTER DRIVE ■ SOUTH JORDAN UT 84095
TEL. (801) 254-3742 ■ FAX. (801) 253-5235

SOUTH JORDAN

BOARD OF ADJUSTMENT APPLICATION #BOA-2014.01

Owner Name: SJ Marketplace, LLC
Address: 5670 Wilshire Boulevard, Suite 1250 Los Angeles, CA 90036
Home Phone: (313) 965-1510 Cell Phone (optional) (602) 501-8107 Fax: (323) 965-1520

Subject Property Information:
Address/Location: SWC Bangerter HWY & 11400 S. Zone District: C-C
Property I.D. # (Sidwell) _____ Property Size (acres): 12.3 Acres
Proposed Use of Property: Commercial / Retail

Brief Description of Variance Request: The request is for relief of a City Ordinance requireing a 20 foot setback from a property line along Bangerter Hwy, 11400 S and 4000 West Street.

The applicant is required to prove that all conditions justifying a variance have been met. After reading each section below describing the justifications for a variance, provide a brief explanation of how your request complies. Attach additional sheets if necessary. This application sheet along with other required materials will be submitted to the Hearing Officer to aid in his/her review and decision.

Before any variance may be authorized, it must be shown that:

1) Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;
   a) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (1) above, the Board may not find an unreasonable hardship unless the alleged hardship:
      i) Is located on or associated with the property for which the variance is sought; and
      ii) Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

   b) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (1) above, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.

SEE ATTACHED

2) There are special circumstances attached to the property that do not generally apply to other properties in the same zone;
   a) In determining whether or not there are special circumstances attached to the property under Subsection (2) above, the appeal authority may find that special circumstances exist only if the special circumstances:
      i) Relate to the hardship complained of; and
      ii) Deprive the property of privileges granted to other properties in the same zone.

SEE ATTACHED

3) Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;

SEE ATTACHED

4) The variance will not substantially affect the general plan and will not be contrary to the public interest; and

SEE ATTACHED

5) The spirit of the land use ordinance is observed and substantial justice done.

SEE ATTACHED

Fee: _____
Date Paid: 1-13-14
Received By: DAMIR DROZDEK

F/COMMON/APPLICATIONS/BOARD OF ADJUSTMENT APP.DOC

CCA ACQUISTION COMPANY, LLC

FOR: SJ MARKETPLACE, LLC (SOUTH JORDAN)
OQUIRRH MOUNTAIN MARKETPLACE

Attachment to: "Board of Adjustment Application"

Item No. 1:

Literal enforcement of the subject ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purposes of the land use ordinance for the reasons set forth below:

On October 15, 2013, the City of South Jordan City Council vote 4-0 with one abstention to effect the following: (i) to rezone the subject property, along with additional property, to Community Commercial and (ii) to approve the Development Agreement attached hereto as Exhibit A (the "Development Agreement").

Subsequently, it was brought to Applicant's attention that UDOT's plan contemplated taking approximately 65 feet of right of way along the eastern boundary of the subject property, bordering Bangerter Highway. Applicant was forced to adjust the site plan approved as concept plan in the Development Plan to that certain site plan subsequently submitted to the City and approved by the Planning Commission on November 12, 2013.

Subsequent to Planning Commission approval of the site plan, UDOT informed the applicant that it requires an additional approximately 20 feet of right of way along the eastern boundary of the subject property, bordering Bangerter Highway, for a total of approximately 84 feet of right of way at the widest point.

UDOT's imposition upon the subject property is peculiar to land at this particular intersection of 114th Street and Bangerter Highway and further imposes a unique and greater burden upon the subject property than it does upon the property immediately across Bangerter Highway. While UDOT's plans contemplate taking approximately 84 feet from the subject development, UDOT's plans contemplating taking less than approximately 15 feet from the commercial property immediately across the street.

UDOT's imposition upon the subject property impairs the vested rights previously obtained by the Applicant.

In light of UDOT's imposition upon the subject property, literal enforcement of the ordinance would eliminate parking and buildings needed to create a retail project with adequate retail synergy and supporting parking for a retail project to succeed long term.

The site plan proposed with the subject application would not only preserve a retail project with adequate retail synergy and supporting parking for a retail project to succeed long term, but would also preserve landscaping setbacks of: (i) 20 feet along most of the frontage of the subject property fronting 4000 West, (ii) 10 feet of landscaping along 11400 South Street (in addition to the approximately 15-20 feet of landscaping and hardscaping between the property line and the curb of 11400 South Street) and (iii) 10 feet of landscaping along Bangerter Highway.

Item No. 02:

The subject property is unique in that it is zoned C-C and is adjacent property with different zoning designations.

The only property with the same zoning designation is across 4000 West and is not affected by the UDOT taking. UDOT's proposed upgrades to the intersection at Bangerter Hwy and 11400 S. require substantially more of Applicant's property than any other surrounding property Owner. UDOT requires approximately 85 feet of Applicant's property compared to less than 15 feet of right of way from the landowner immediately across Bangerter Highway from the development with the zoning most comparable to (but not the same as) the subject property.

Item No. 03:

Granting the variance is essential to the enjoyment of a substantial property right to any property owner that would have the same zoning designation.

As stated above, the only adjacent property with the same zoning designation is across 4000 West and is not impacted and the property in the vicinity (i.e. immediately across Bangerter Highway) with the most similar zoning designation will be impacted by less than 20% of the impact to the subject property.

The impact upon the subject property of UDOT's taking approximately 84 feet of property has caused unique and special circumstances whereby other surrounding property Owner's in commercial zones are not challenged.

Item No. 04:

Applicant defers to the City.

Notwithstanding, it is applicant's understanding that the purpose and intent of the General Plan for this area is to promote retail development at major intersections along the Bangerter corridor.

Applicant believes that granting the variance will promote the purpose and intent of the General Plan and is in the public interest.

Item No. 05:

Applicant defers to the City.
Notwithstanding, applicant believes that granting the variance would cause the spirit of the land use ordinance to be observed and cause substantial justice to be done for the following reason. In addition to allowing a well-designed, aesthetically pleasing retail project to be developed that will provide a mix of necessary public services with sufficient parking, which is permitted by developer's vested zoning and entitlements (and called for in the General Plan) but has been interfered with by UDOT, the variance will also preserve the following setbacks and landscaping: (i) 20 feet along most of the frontage of the subject property fronting 4000 West, (ii) 10 feet of landscaping along 11400 South Street (in addition to the approximately 15-20 feet of landscaping and hardscaping between the property line and the curb of 11400 South Street) and (iii) 10 feet of landscaping along Bangerter Highway.

CCA Acquisition Company, LLC
5670 Wilshire Blvd, Suite #12
Los Angeles, CA 90036
(323) 965-1510

NATIONAL BANK OF CALIFORNIA
LOS ANGELES, 90036
16-3936/

15493

01/09/2014

PAY TO THE ORDER OF City of South Jordan $ **262.00

Two hundred sixty-two and 00/100********** DOLLARS

TAMPER RESISTANT TONER AREA

City of South Jordan

MEMO Oquirrh Mountain Marketplace

[redacted]

CCA Acquisition Company, LLC 15493

01/09/2014 City of South Jordan

Date	Type	Reference	Original Amount	Balance Due	Payment
01/09/2014	Bill	Chk.Req.01.09.14	262.00	262.00	262.00
			Check Amount		262.00

CITY OF SOUTH JORDAN
REVENUE STATEMENT

RECEIVED FROM: CCA Acquisition Company LLC DATE: 01-15-14

ACCOUNT #	DESCRIPTION	AMOUNT
	Board of Adjustment	$ 262.00
	TOTAL	$ 262.00

COMMENTS:

CHECK # 15493

RECEIVED BY:

CHECK ☐
CASH ☐
DB. CARD ☐
CR. CARD ☐

BANGERTER HIGHWAY

PYLON SIGN

PYLON SIGN

PYLON SIGN

11400 SOUTH STREET

SHOPS E
VERIZON
5,000 SF

DEL TACO
PAD C
2,950 SF

PAD D
MATTRESS FIRM
5,000 SF

SHOPS D
6,050 SF PAD

Welly Way
1,300 SF

SHOPS C
5,150 SF
CORNER BAKERY
3,850 SF

SPROUTS FUTURE PARCEL
2.99 ACRES

MAJOR 1
SPROUTS
27,000 SF

MAJOR 2
RETAIL
10,000 SF

MAJOR 3
RETAIL
10,000 SF

SHOPS F
3,500 SF

SHOPS G
5,206 SF

POPEYE'S
2,531 SF
PAD B

PAD A
BANK
4,342 SF

TOGO'S
1,500 SF

PAPA MRFY'S
1,200 SF

AVAIL
1,100 SF

SHOPS B
AVAIL
3,000 SF

SHOPS A
RETAIL
6,800 SF

4000 WEST STREET

FUTURE COMMERCIAL/RETAIIL DEVELOPMENT

FOXVIEW DRIVE

FUTURE
LOW DENSITY
RESIDENTIAL

-LANDSCAPING

-AREAS WHERE ASPHALT IS WITHIN 20' SETBACK

-AREAS WHERE BUILDING AND CONCRETE SIDEWALK ARE WITHIN 20' SETBACK.

N

SITE PLAN

SCALE: 1" = 50'-0"

CCA-Acquisition Company, LLC
5670 Wilshire Blvd., Suite 1250
Los Angeles, CA 90036
(323) 965 - 1510 - Phone
(323) 956-1520 - Fax

CERTAIN ELEMENTS ON THIS PLAN MAY BE INDICATED AS "FUTURE OR PROPOSED". CCA ACQUISITION COMPANCY, LLC MAKES NO REPRESENTATION THAT THE FUTURE DEVELOPMENT WILL OCCUR AS SHOWN

OQUIRRH MOUNTAIN MARKETPLACE

SWC BANGERTER HIGHWAY & 11400 SOUTH STREET
SOUTH JORDAN, UTAH

Preliminary
City Submittal
Bid Package
Construction

Project Number:

Date: 14-JAN-14

Drawn By: B. SANDRE

Revisions:
-
-

Title: SITE PLAN

Sheet Number: SP-07

COPY

RECEIVED

JAN 2 3 2014

South Jordan City
City Recorders Office

Appeal Authority of South Jordan City

In Re: Application for Variance for property located at 11400-11600 South 4000 West South Jordan, Utah 84095

Applicant: SJ Market Place LLC
BOA #2014.01

An application for a variance was filed by SJ Market Place, LLC. in early January, 2014 With South Jordan City. Notice was published of the date and time of the hearing. The hearing was before H. Craig Hall, sitting as the appeal authority, as authorized by Section 10-9A-701 and the ordinances of South Jordan City, Utah. The hearing was held on the 16th day of January, 2014, at South Jordan City, Hall.

The applicant, SJ Marketplace, LLC was represented by Bill Sandre. Damir Drozdek, Assistant City Planner II, Brad Klavano, City Engineer and Ryan Losee, Assistant City Attorney were present on behalf of the City

Each party presented various exhibits. Exhibits 1-5 were offered by the parties and were admitted as evidence and are to be considered during the deliberation process. Said exhibit are made part of the file and kept in the city records of appeal decisions.

The applicant, city engineer, city planner and assistant city attorney presented testimony regarding the history of the parcel of land, the proposed development and the anticipated realignment and reconstruction of 11400 South and Bangerter Highway.

Based on the testimony presented, exhibits received, and argument of the parties, the Hearing Officer enters his findings, conclusions and order.

The applicant has applied for a variance seeking relief from the required 20' landscaping setback along the street frontage of 4000 West, 11400 South and Bangerter Highway.

Requirements to Grant a Variance

In order for a variance to be granted, five factors as required by state and local regulations must be found. The applicant has the burden of proof to meet each and every condition and criteria.[1] These factors are:

1. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purposes of the land use ordinance;

[1] See 10-9a-701 & 702 Utah Code and 17.16.20 (B)(2) Code of Ordinances of South Jordan

2. There are special circumstances attached to the property that do not generally apply to other properties in the same zone;

3. Granting of the variance is essential to the enjoyment of a substantial property right possessed by other property owners in the same zone;

4. The variance will not substantially affect the general plan and will not be contrary to the public interest; and

5. The spirit of the land use ordinance is observed and substantial justice be done.

Findings of Fact

1. The owner/developer of the subject property located at 11400-11600 South 4000 West received approval of its zoning application, conceptual plan approval and an agreed upon Development Agreement on October 15, 2013. The property is zoned C-C (commercial-Community). All of the various city zoning requirements were met at that time. The project was approved.

2. On or about November 7, 2013, Utah Department of Transportation ("UDOT") met with the developer and city staff and informed those in attendance that UDOT needed to acquire from the developer additional parcel of land to accommodate the proposed intersection realignment. Such proposed realignment necessitated that the developer re-design the proposed project. The developer agreed to re-design the proposed project.

3. On or about November 11, 2013 the developer re-submitted a revised site plan to accommodate the proposed 65' additional right-of-way acquisition. On November 13, 2013, the proposed revised site plan was reviewed by UDOT's engineer. The engineer confirmed that the revised site plan complied with the new proposed alignment of the road. Subsequent to the revised submission, the city's Planning Commission approved the site plan for the second time.

4. On or about December 18, 2013, UDOT's engineer again submitted to the developer a second revised acquisition request of an additional 20' of property from the north property line of the proposed development. (for a total of 65')

5. On or about December 23, 2013, the developer again attempted to revise the project site plan for a third time in order to avoid conflicts with the proposed roadway design. This proposed revision could not comply with all of the various codes and regulations of the city. The third revision of 11400 South alignment has created the need for the request for the variance.

Conclusions of Law

As stated before, it is the burden of the applicant for a variance to show compliance with **all** five requirements. It is the opinion of the hearing officer that the applicant has satisfied all five conditions and requirements set forth above.

First. The developer's original project was approved on October 15, 2013. It was entitled and vested with development rights. The hardships or difficulties now attached to the project, were created by a third party. The developer has exercised an extreme amount of good faith in order to address the needs of UDOT. This requirement has been met.

Second. Special circumstances now attaché to the property because of the proposed and imminent re-construction of the intersection.

Third. The denial of this application would not render the subject property useless in the terms of enjoyment of the property. However, in order to be practical and not cause demolition and/or extensive remodeling of buildings which have been approved, the theory of economic waste should be considered. For purposes of this decision, it is found that unless the variance is granted, a portion of the property would be rendered useless based on previous twice approved development plans.

Fourth. The granting of the requested variance will not violate the general plan of the city. This requirement is satisfied.

Fifth. The granting of the requested variance will result in substantial justice and would violate not the spirit of the ordinances of the city. The applicant has shown remarkable patience and understanding with various governmental entities.. Asking a developer to re-designed three times for a previously approved project within 90 days is extraordinary.

Order

Based on the foregoing Findings of Fact and Conclusions of Law, the applicant's request for a variance, is hereby granted. The 20' landscaping setback along 11400 South, 4000 West and Bangerter Highlway are hereby expressly modified as follows:

Bangerter Highway: Not less than 10' feet of landscaping required adjacent to the right-of-way.

11400 South: Not less than 10' feet of landscaping required adjacent to the re-aligned right-of-way.

4000 West: Not less than 10' feet of landscaping required adjacent to the right-of-way including hardscape.

This decision shall be recorded in the Office of the Salt Lake County Recorder as evidence as the approval. The affected property is described in Exhibit A.

Dated this 23rd day of January 2014.

By _____
H. Craig Hall
South Jordan Hearing Officer
11607 Roselawn Way
South Jordan, UT 84095

Mailing Certificate

I hereby certify that a true and correct copy of the foregoing Order was mailed, U.S Mail, postage prepaid to on the 23rd day of January, 2014 to the applicants, SJ Market Place, LLC, 5670 Wilshire Boulevard, Suite 1250, Los Angeles, CA 90036, and hand delivered to the City Recorder of South Jordan City, 1600 West Town Center Drive, South Jordan, Utah 84095.

City of South Jordan CORPORATE Seal State of Utah

Anna M. West
City Recorder

Exhibit A

(Legal Description of the Property broken down by areas to be rezoned)

A-5 to R-3

A PARCEL OF LAND SITUATE IN THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, LOCATED IN SOUTH JORDAN CITY, COUNTY OF SALT LAKE, STATE OF UTAH AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF 4000 WEST STREET, SAID POINT BEING SOUTH 0°04'39" EAST, ALONG THE SECTION LINE, A DISTANCE OF 784.50 FEET AND SOUTH 89°55'21" WEST, PERPENDICULAR TO SAID SECTION LINE, A DISTANCE OF 42.50 FEET, FROM THE SALT LAKE COUNTY MONUMENT MARKING THE EAST QUARTER CORNER OF SAID SECTION 19; AND RUNNING THENCE SOUTH 0°04'18" EAST, ALONG THE WEST LINE OF SAID 4000 WEST STREET, A DISTANCE OF 81.93 FEET, TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 24.00 FEET, THROUGH A CENTRAL ANGLE OF 89° 59' 46", A DISTANCE OF 37.70 FEET, THE LONG CHORD OF WHICH BEARS SOUTH 44°55'21" WEST, A DISTANCE OF 33.94 FEET, TO THE NORTH LINE OF FOXVIEW DRIVE; THENCE ALONG THE NORTH LINE OF FOXVIEW DRIVE THE FOLLOWING NINE (9) COURSES: (1) SOUTH 89°55'21" WEST, A DISTANCE OF 225.85 FEET; (2) ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 714.50 FEET THROUGH A CENTRAL ANGLE OF 28° 10' 41", A DISTANCE OF 351.39 FEET, THE LONG CHORD OF WHICH BEARS NORTH 75°59'18" WEST, A DISTANCE OF 347.86 FEET; (3) NORTH 61°53'57" WEST, A DISTANCE OF 163.91 FEET; (4) ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 350.50 FEET THROUGH A CENTRAL ANGLE OF 03° 48' 52", A DISTANCE OF 23.33 FEET, THE LONG CHORD OF WHICH BEARS NORTH 63°48'22 WEST, A DISTANCE OF 23.33 FEET; (5) NORTH 65°42'48 WEST, A DISTANCE OF 121.52 FEET; (6) ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 289.00 FEET THROUGH A CENTRAL ANGLE OF 03° 48' 47", A DISTANCE OF 19.23 FEET, THE LONG CHORD OF WHICH BEARS NORTH 63°48'22 WEST, A DISTANCE OF 19.23 FEET; (7) NORTH 61°53'57 WEST, A DISTANCE OF 31.37 FEET; (8) ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 724.00 FEET, THROUGH A CENTRAL ANGLE OF 03° 38' 59", A DISTANCE OF 46.12 FEET, THE LONG CHORD OF WHICH BEARS NORTH 60°04'28" WEST, A DISTANCE OF 46.11 FEET; (9)NORTH 58°14'59" WEST, A DISTANCE OF 5.85 FEET, TO THE EAST LINE OF THE JACOB WELBY CANAL; THENCE ALONG SAID EAST LINE THE FOLLOWING THREE (3) COURSES: (1) NORTH 27°58'15 EAST, A DISTANCE OF 171.11 FEET; (2)NORTH 31°58'52 EAST, A DISTANCE OF 121.94 FEET; (3) NORTH 36°17'09" EAST, A DISTANCE OF 352.21 FEET, TO THE SOUTHERLY LINE OF 11400 SOUTH STREET; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 3733.00 FEET, THENCE CENTER OF WHICH BEARS NORTH 9°31'22" EAST, THROUGH A CENTRAL ANGLE OF 05° 33' 50, A DISTANCE OF 362.50 FEET, THE LONG CHORD OF WHICH BEARS SOUTH 83°15'33" EAST, A DISTANCE OF 362.35 FEET; THENCE SOUTH 00°04'39" EAST, PARALLEL WITH THE AFORESAID SECTION LINE, A DISTANCE OF 661.05 FEET; THENCE NORTH 89°55'21" EAST, PERPENDICULAR TO SAID SECTION LINE, A DISTANCE OF 239.35 FEET TO THE POINT OF BEGINNING.

CONTAINS: 431,493 SQUARE FEET, OR 9.906 ACRES.

A-5 to C-C

A PARCEL OF LAND SITUATE IN THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, LOCATED IN SOUTH JORDAN CITY, COUNTY OF SALT LAKE, STATE OF UTAH AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF 4000 WEST STREET, SAID POINT BEING SOUTH 0°04'39" EAST, ALONG THE SECTION LINE, A DISTANCE OF 132.64 FEET AND SOUTH 89°55'21" WEST, PERPENDICULAR TO SAID SECTION LINE, A DISTANCE OF 42.50 FEET, FROM THE EAST QUARTER CORNER OF SAID SECTION 19; AND RUNNING THENCE SOUTH 0°04'39" EAST, ALONG SAID WEST LINE OF 4000 WEST STREET, A DISTANCE OF 651.86 FEET; THENCE SOUTH 89°55'21"WEST, A DISTANCE OF 239.35 FEET; THENCE NORTH 0°04'39" WEST, PARALLEL WITH AFORESAID SECTION LINE, A DISTANCE OF 661.05 FEET, TO THE SOUTH LINE OF 11400 SOUTH STREET; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 3733.00 FEET, THE CENTER OF WHICH BEARS NORTH 3°57'33" EAST, THROUGH A CENTRAL ANGLE OF 03° 40' 37", A DISTANCE OF 239.57 FEET, THE LONG CHORD OF WHICH BEARS SOUTH 87°52'46 EAST A DISTANCE OF 239.53 FEET, TO THE POINT OF BEGINNING.

CONTAINS: 156,815 SQUARE FEET, OR 3.600 ACRE

A-5 to C-C

A PARCEL OF LAND SITUATE IN THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, LOCATED IN SOUTH JORDAN CITY, COUNTY OF SALT LAKE, STATE OF UTAH AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF 4000 WEST STREET, SAID POINT BEING SOUTH 0°04'39" EAST, ALONG THE SECTION LINE, A DISTANCE OF 132.83 FEET, AND NORTH 89°55'21" EAST, PERPENDICULAR TO SAID SECTION LINE, A DISTANCE OF 42.50 FEET, FROM THE WEST QUARTER CORNER OF SAID SECTION 20; THENCE SOUTH 89°49'18" EAST, ALONG THE SOUTH LINE OF 11400 SOUTH STREET, A DISTANCE OF 286.45 FEET; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 200.00 FEET, THE CENTER OF WHICH BEARS NORTH 66°35'59" EAST, THROUGH A CENTRAL ANGLE OF 66°25'20", A DISTANCE OF 231.86 FEET, THE LONG CHORD OF WHICH BEARS SOUTH 56°36'41" EAST, A DISTANCE OF 219.09 FEET, TO THE WEST LINE OF BANGERTER HIGHWAY; THENCE SOUTH 0°01'18" WEST, ALONG SAID WEST LINE, A DISTANCE OF 874.24 FEET; THENCE SOUTH 2°05'14" WEST, A DISTANCE OF 190.96 FEET; THENCE SOUTH 89°55'21" WEST, PERPENDICULAR TO AFORESAID SECTION LINE, A DISTANCE OF 460.49 FEET, TO THE EAST LINE OF AFORESAID 4000 WEST STREET; THENCE NORTH 0°04'39" WEST, ALONG SAID EAST LINE, A DISTANCE OF 1187.16 TO THE POINT OF BEGINNING.

CONTAINS: 539,081 SQUARE FEET, OR 12.376 ACRES

A-5 to R-2.5

A PARCEL OF LAND SITUATE IN THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, LOCATED IN SOUTH JORDAN CITY, COUNTY OF SALT LAKE, STATE OF UTAH AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF 4000 WEST STREET, SAID POINT BEING SOUTH 0°04'39" EAST, ALONG THE SECTION LINE, A DISTANCE OF 985.43 FEET, AND SOUTH 89°55'21" WEST, PERPENDICULAR TO SAID SECTION LINE, A DISTANCE OF 42.50 FEET, FROM THE SALT LAKE COUNTY MONUMENT MARKING THE EAST QUARTER CORNER OF SAID SECTION 19; AND RUNNING THENCE SOUTH 0°04'39" EAST, ALONG SAID WEST LINE OF SAID 400 WEST STREET, A DISTANCE OF 340.52 FEET, TO THE SOUTH LINE OF LOT 2 FOXVIEW DRIVE CHURCH SUBDIVISION; THENCE NORTH 89°51'00" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 855.60 FEET, TO THE WEST LINE THEREOF; THENCE NORTH 0°09'00" EAST, ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 189.82 FEET; THENCE NORTH 28°06'03" EAST, A DISTANCE OF 343.59 FEET, TO THE SOUTHERLY LINE OF FOXVIEW DRIVE; THENCE SOUTH 61°53'57" EAST ALONG SAID SOUTHERLY LINE, A DISTANCE OF 81.46 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 785.50 FEET, THROUGH A CENTRAL ANGLE OF 28° 10' 42", A DISTANCE OF 386.31 FEET, THE LONG CHORD OF WHICH BEARS SOUTH 75°59'18"EAST, A DISTANCE OF 382.43 FEET; THENCE NORTH 89°55'21" EAST, A DISTANCE OF 225.86 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 24.00 FEET, THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 37.70 FEET; THE LONG CHORD OF WHICH BEARS SOUTH 45°04-39" EAST, A DISTANCE OF 33.94 TO THE POINT OF BEGINNING.

CONTAINS: 326,168 SQUARE FEET, OR 7.488 ACRES.

DEVELOPMENT AGREEMENT

The City of South Jordan, a Utah municipal corporation (the "City"), and SJ Marketplace, LLC, a Delaware limited liability company ("the Developer"), enter into this Development Agreement (this "Agreement") this 12 day of November, 2013 ("Effective Date"), and agree as set forth below. 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) 27194310020000, 27194300020000, and approximately the north half of Parcel Number 27203020020000 specifically described in attached Exhibit A (the "Property") and intends to develop the Property consistent with the Concept Plan attached as Exhibit B (the "Concept 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, 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 agricultural A-5 zone (the "A-5 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 the A-5 Zone to the Residential R-2.5 Zone (the "R-2.5 Zone"), the Residential R-3 Zone (the "R-3 Zone") and the Commercial-Community Zone (the "C-C Zone") as shown on Exhibit B, Concept Plan. A copy of the provisions of the R-2.5 Zone, the R-3 Zone, and the C-C Zone designations in the South Jordan City Code are attached as Exhibit D, Exhibit E, and Exhibit F respectively; and

WHEREAS, the Developer and the City acknowledge that the development and improvement of the Property 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 development 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 residents; and

WHEREAS, this Agreement shall only be valid upon approval of such by the South Jordan City Council, pursuant to resolution R-2013-73 a copy of which is attached as Exhibit G; 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 shall vest only if the South Jordan City Council, in its sole legislative discretion, approves a zone change for the Property currently zoned as A-5 to zones designated as R-2.5, R-3 and C-C zones.

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 A-5 to zones designated as R-2.5, R-3 and C-C zones.

C. Conflicting Terms. The Property shall be developed in accordance with the requirements and benefits provided for in relation to the as R-2.5, R-3 and C-C zones under the City Code as of the Effective Date, except that in the event of a discrepancy between the requirements of the City Code including the requirements of the R-2.5, R-3 and C-C zones, and this Agreement, this Agreement shall control.

D. Developer Obligations:

1. Concept Plan. The Property shall be constructed consistent with the Concept Plan and the requirements set forth in this Agreement and the City Code; notwithstanding the Concept Plan the retail west of 4000 West shall abut 4000 West Street except to the extent otherwise agreed to by City Staff .
2. Parking. Except as shown on the Concept Plan (which is modified by Section D.1 above), all parking facilities in the C-C Zone shall be located in the rear and sides of commercial buildings. For this purpose, "rear" means the opposite side of a building to the side of the building that faces the nearest public street. No parking facilities will be allowed to be constructed between commercial buildings and the nearest public street, with the exception of (a) Bangerter Highway, and (b) the locations of the parking facilities shown on the Concept Plan. The City agrees that, as relates to the retail east of 4000 West only, the locations of the parking facilities shown on the Concept Plan are in compliance with the requirements of this Agreement and the City Code.
3. Architecture. All buildings in the C-C Zone will have similar architectural treatment on all sides. All buildings shall have a common architectural theme in respect to design and materials.
4. Walkability. All commercial pads and buildings in the C-C Zone will be connected by pedestrian friendly walks. Walks shall also connect to public sidewalks and the residential portion of the development to provide for walkable development.
5. Street Trees. Public streets in the R-2.5 Zone, R-3 and CC Zones shall have street trees planted in the parkstrip every 30' on center. Street trees in each will be of one species only.
6. Land Mark Sign. All signage in the C-C Zone will comply with the Master Sign Plan attached as Exhibit H (the "Sign Plan").; provided, however, notwithstanding the foregoing, the following modifications to the Sign Plan supersede the Sign Plan : (i) Pylon sign 1 Location 1 shall be a landmark sign that is no lower in height than The District signage and not higher than a height agreed to by City Staff, installed with the project that emphasizes development name (shopping center name) over tenant names, as shown in the Sign Plan and an emblem agreed to between the Developer and City Staff; (ii) Pylon Sign 1 Location 2 shall be comparable to, but not less than, the height of the

District Pylon signs; (iii) Pylon Sign 2 Location 1 shall be no higher than twenty feet (20') and (iv) all monument signage in the Sign Plan is hereby deleted; monument signage shall be per Code or as otherwise agreed upon by City Council.

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.

2. Sign Plan. The City agrees and accepts that all signage in the C-C Zone must comply with the Sign Plan instead of the City Code provisions relating to signage. Nothing herein changes any of the City Code requirements pertaining to signage in the R-2.5 Zone or R-3 Zone.

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 the R-2.5, R-3, and C-C zoning designations and the City Code in effect as of the Effective Date.

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 Recitals 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 statue.

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:

City: ATTN: City Recorder

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

Developer: SJ Marketplace, LLC
c/o CCA Acquisition Company, LLC
5670 Wilshire Blvd, Suite 1250
Los Angeles, California 90036
ATTN: Steven Usdan
Email: StevenU@kornwasser.net

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 Delaware, 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.

16. Closing Contingency. If Developer has not closed its acquisition of the Property by February 28, 2014, then either party shall have the right to terminate this Agreement by providing written notice of termination to the other party.

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

{Signatures follow on next page}

CITY OF SOUTH JORDAN,
a Utah Municipal Corporation

By: _____
John H. Geilmann
City Manager

APPROVED AS TO FORM:

_____
Attorney for the City

State of Utah)
:ss
County of Salt Lake)

On this 12 day of ~~October~~ November, 2013, personally appeared before me John H. Geilmann, whose identity is personally known to me or proved to me on the basis of satisfactory evidence, and who affirmed that he is the City Manager, 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
MELANIE EDWARDS
Commission No. 581410
Commission Expires
JANUARY 28, 2014
STATE OF UTAH

_____
Notary Public

SJ MARKETPLACE, LLC,
a Delaware limited liability company

By: CCA Acquisition Company, LLC,
a California limited liability company,
its manager

By: _____

Name: Steven Usdan

Title: Managing Member

State of Utah)
:ss
County of Salt Lake)

On this 12 day of November 2013 personally appeared before me Steven Usdan 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 of CCA Acquisition Co. 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
MELANIE EDWARDS
Commission No. 581410
Commission Expires
JANUARY 28, 2014
STATE OF UTAH

_____
Notary Public

Exhibit A

(Legal Description of the Property broken down by areas to be rezoned)

A-5 to R-3

A PARCEL OF LAND SITUATE IN THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, LOCATED IN SOUTH JORDAN CITY, COUNTY OF SALT LAKE, STATE OF UTAH AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF 4000 WEST STREET, SAID POINT BEING SOUTH 0°04'39" EAST, ALONG THE SECTION LINE, A DISTANCE OF 784.50 FEET AND SOUTH 89°55'21" WEST, PERPENDICULAR TO SAID SECTION LINE, A DISTANCE OF 42.50 FEET, FROM THE SALT LAKE COUNTY MONUMENT MARKING THE EAST QUARTER CORNER OF SAID SECTION 19; AND RUNNING THENCE SOUTH 0°04'18" EAST, ALONG THE WEST LINE OF SAID 4000 WEST STREET, A DISTANCE OF 81.93 FEET, TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 24.00 FEET, THROUGH A CENTRAL ANGLE OF 89° 59' 46", A DISTANCE OF 37.70 FEET, THE LONG CHORD OF WHICH BEARS SOUTH 44°55'21" WEST, A DISTANCE OF 33.94 FEET, TO THE NORTH LINE OF FOXVIEW DRIVE; THENCE ALONG THE NORTH LINE OF FOXVIEW DRIVE THE FOLLOWING NINE (9) COURSES: (1) SOUTH 89°55'21" WEST, A DISTANCE OF 225.85 FEET; (2) ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 714.50 FEET THROUGH A CENTRAL ANGLE OF 28° 10' 41", A DISTANCE OF 351.39 FEET, THE LONG CHORD OF WHICH BEARS NORTH 75°59'18" WEST, A DISTANCE OF 347.86 FEET; (3) NORTH 61°53'57" WEST, A DISTANCE OF 163.91 FEET; (4) ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 350.50 FEET THROUGH A CENTRAL ANGLE OF 03° 48' 52", A DISTANCE OF 23.33 FEET, THE LONG CHORD OF WHICH BEARS NORTH 63°48'22 WEST, A DISTANCE OF 23.33 FEET; (5) NORTH 65°42'48 WEST, A DISTANCE OF 121.52 FEET; (6) ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 289.00 FEET THROUGH A CENTRAL ANGLE OF 03° 48' 47", A DISTANCE OF 19.23 FEET, THE LONG CHORD OF WHICH BEARS NORTH 63°48'22 WEST, A DISTANCE OF 19.23 FEET; (7) NORTH 61°53'57 WEST, A DISTANCE OF 31.37 FEET; (8) ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 724.00 FEET, THROUGH A CENTRAL ANGLE OF 03° 38' 59", A DISTANCE OF 46.12 FEET, THE LONG CHORD OF WHICH BEARS NORTH 60°04'28" WEST, A DISTANCE OF 46.11 FEET; (9)NORTH 58°14'59" WEST, A DISTANCE OF 5.85 FEET, TO THE EAST LINE OF THE JACOB WELBY CANAL; THENCE ALONG SAID EAST LINE THE FOLLOWING THREE (3) COURSES: (1) NORTH 27°58'15 EAST, A DISTANCE OF 171.11 FEET; (2)NORTH 31°58'52 EAST, A DISTANCE OF 121.94 FEET; (3) NORTH 36°17'09" EAST, A DISTANCE OF 352.21 FEET, TO THE SOUTHERLY LINE OF 11400 SOUTH STREET; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 3733.00 FEET, THENCE CENTER OF WHICH BEARS NORTH 9°31'22" EAST, THROUGH A CENTRAL ANGLE OF 05° 33' 50, A DISTANCE OF 362.50 FEET, THE LONG CHORD OF WHICH BEARS SOUTH 83°15'33" EAST, A DISTANCE OF 362.35 FEET; THENCE SOUTH 00°04'39" EAST, PARALLEL WITH THE AFORESAID SECTION LINE, A DISTANCE OF 661.05 FEET; THENCE NORTH 89°55'21" EAST, PERPENDICULAR TO SAID SECTION LINE, A DISTANCE OF 239.35 FEET TO THE POINT OF BEGINNING.

CONTAINS: 431,493 SQUARE FEET, OR 9.906 ACRES.

A-5 to C-C

A PARCEL OF LAND SITUATE IN THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, LOCATED IN SOUTH JORDAN CITY, COUNTY OF SALT LAKE, STATE OF UTAH AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF 4000 WEST STREET, SAID POINT BEING SOUTH 0°04'39" EAST, ALONG THE SECTION LINE, A DISTANCE OF 132.64 FEET AND SOUTH 89°55'21" WEST, PERPENDICULAR TO SAID SECTION LINE, A DISTANCE OF 42.50 FEET, FROM THE EAST QUARTER CORNER OF SAID SECTION 19; AND RUNNING THENCE SOUTH 0°04'39" EAST, ALONG SAID WEST LINE OF 4000 WEST STREET, A DISTANCE OF 651.86 FEET; THENCE SOUTH 89°55'21"WEST, A DISTANCE OF 239.35 FEET; THENCE NORTH 0°04'39" WEST, PARALLEL WITH AFORESAID SECTION LINE, A DISTANCE OF 661.05 FEET, TO THE SOUTH LINE OF 11400 SOUTH STREET; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 3733.00 FEET, THE CENTER OF WHICH BEARS NORTH 3°57'33" EAST, THROUGH A CENTRAL ANGLE OF 03° 40' 37", A DISTANCE OF 239.57 FEET, THE LONG CHORD OF WHICH BEARS SOUTH 87°52'46 EAST A DISTANCE OF 239.53 FEET, TO THE POINT OF BEGINNING.

CONTAINS: 156,815 SQUARE FEET, OR 3.600 ACRE

A-5 to C-C

A PARCEL OF LAND SITUATE IN THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, LOCATED IN SOUTH JORDAN CITY, COUNTY OF SALT LAKE, STATE OF UTAH AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF 4000 WEST STREET, SAID POINT BEING SOUTH 0°04'39" EAST, ALONG THE SECTION LINE, A DISTANCE OF 132.83 FEET, AND NORTH 89°55'21" EAST, PERPENDICULAR TO SAID SECTION LINE, A DISTANCE OF 42.50 FEET, FROM THE WEST QUARTER CORNER OF SAID SECTION 20; THENCE SOUTH 89°49'18" EAST, ALONG THE SOUTH LINE OF 11400 SOUTH STREET, A DISTANCE OF 286.45 FEET; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 200.00 FEET, THE CENTER OF WHICH BEARS NORTH 66°35'59" EAST, THROUGH A CENTRAL ANGLE OF 66°25'20", A DISTANCE OF 231.86 FEET, THE LONG CHORD OF WHICH BEARS SOUTH 56°36'41" EAST, A DISTANCE OF 219.09 FEET, TO THE WEST LINE OF BANGERTER HIGHWAY; THENCE SOUTH 0°01'18" WEST, ALONG SAID WEST LINE, A DISTANCE OF 874.24 FEET; THENCE SOUTH 2°05'14" WEST, A DISTANCE OF 190.96 FEET; THENCE SOUTH 89°55'21" WEST, PERPENDICULAR TO AFORESAID SECTION LINE, A DISTANCE OF 460.49 FEET, TO THE EAST LINE OF AFORESAID 4000 WEST STREET; THENCE NORTH 0°04'39" WEST, ALONG SAID EAST LINE, A DISTANCE OF 1187.16 TO THE POINT OF BEGINNING.

CONTAINS: 539,081 SQUARE FEET, OR 12.376 ACRES

A-5 to R-2.5

A PARCEL OF LAND SITUATE IN THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, LOCATED IN SOUTH JORDAN CITY, COUNTY OF SALT LAKE, STATE OF UTAH AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF 4000 WEST STREET, SAID POINT BEING SOUTH 0°04'39" EAST, ALONG THE SECTION LINE, A DISTANCE OF 985.43 FEET, AND SOUTH 89°55'21" WEST, PERPENDICULAR TO SAID SECTION LINE, A DISTANCE OF 42.50 FEET, FROM THE SALT LAKE COUNTY MONUMENT MARKING THE EAST QUARTER CORNER OF SAID SECTION 19; AND RUNNING THENCE SOUTH 0°04'39" EAST, ALONG SAID WEST LINE OF SAID 400 WEST STREET, A DISTANCE OF 340.52 FEET, TO THE SOUTH LINE OF LOT 2 FOXVIEW DRIVE CHURCH SUBDIVISION; THENCE NORTH 89°51'00" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 855.60 FEET, TO THE WEST LINE THEREOF; THENCE NORTH 0°09'00" EAST, ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 189.82 FEET; THENCE NORTH 28°06'03" EAST, A DISTANCE OF 343.59 FEET, TO THE SOUTHERLY LINE OF FOXVIEW DRIVE; THENCE SOUTH 61°53'57" EAST ALONG SAID SOUTHERLY LINE, A DISTANCE OF 81.46 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 785.50 FEET, THROUGH A CENTRAL ANGLE OF 28° 10' 42", A DISTANCE OF 386.31 FEET, THE LONG CHORD OF WHICH BEARS SOUTH 75°59'18"EAST, A DISTANCE OF 382.43 FEET; THENCE NORTH 89°55'21" EAST, A DISTANCE OF 225.86 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 24.00 FEET, THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 37.70 FEET; THE LONG CHORD OF WHICH BEARS SOUTH 45°04-39" EAST, A DISTANCE OF 33.94 TO THE POINT OF BEGINNING.

CONTAINS: 326,168 SQUARE FEET, OR 7.488 ACRES.

Exhibit B

CONCEPT PLAN

Exhibit C

A-5 ZONE City Code Provisions

Chapter 17.24
AGRICULTURAL A-5 ZONE

17.24.010: PURPOSE:

17.24.020: PERMITTED USES:

17.24.030: CONDITIONAL USES:

17.24.040: USE REGULATIONS:

17.24.050: DEVELOPMENT REVIEW:

17.24.060: LOT AREA:

17.24.070: LOT WIDTH AND FRONTAGE:

17.24.080: PRIOR CREATED LOTS:

17.24.090: DWELLING DENSITY:

17.24.100: LOT COVERAGE:

17.24.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:

17.24.120: PROJECTIONS INTO YARDS:

17.24.130: FARM ANIMALS1 (REP. BY ORD. 2011-18, 3-6-2012):

17.24.140: PARKING AND ACCESS:

17.24.150: FENCING, SCREENING AND CLEAR VISION:

17.24.160: ARCHITECTURAL STANDARDS:

17.24.170: LANDSCAPING:

17.24.180: LIGHTING:

17.24.190: OTHER REQUIREMENTS:

17.24.010: PURPOSE:
The agricultural A-5 zone (minimum 5 acre lot), may be cited as the "A-5 zone" and is established to allow for the continuation of agriculture in an expanding urban community and to complement the existing rural residential environment in the city. The regulations of this chapter are intended to allow for the orderly expansion of residential and commercial developments into agricultural lands while encouraging compatibility of new growth with existing agricultural uses. (Ord. 2007-02, 1-16-2007)

17.24.020: PERMITTED USES:
The following uses may be conducted in the A-5 zone as limited herein:
Agricultural and residential accessory uses and buildings.
Agricultural buildings not exceeding five thousand (5,000) square feet.
Crop production, horticulture.
Farm animals as regulated in section 17.130.040 of this title.
Home occupations according to city ordinances.
Produce stand, maximum three hundred (300) square feet, maximum one per parcel or lot for selling only produce grown on the premises.
Single-family dwelling, detached, maximum one per lot or parcel. (Ord. 2011-18, 3-6-2012)

17.24.030: CONDITIONAL USES:

A conditional use permit may be issued for the following uses in the A-5 zone:
Agricultural buildings exceeding five thousand (5,000) square feet in area.
Animal husbandry, unique or exotic animal specialties or other animal uses not otherwise regulated by this chapter.
Building other than single-family dwelling as a main building on the lot.
Commercial or public corrals, arenas, stables, silos, barns, equestrian or rodeo facilities and other commercial agricultural related structures and uses.
Cultural exhibits and activities.
Daycare center facility on minimum one acre lot.
Educational facilities that have direct access to a collector street.
Golf courses and driving ranges.
Nature or zoological exhibits.
Parks and recreational activities.
Preschool center facility on minimum one acre lot.
Public facilities.
Religious activities. (Ord. 2012-12, 10-2-2012)

17.24.040: USE REGULATIONS:

Uses may be conducted in the A-5 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 A-5 zone. A conditional use permit must be obtained prior to the establishment of a conditional use.

B. Accessory uses may be conducted in the A-5 zone only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, caretakers, nurses, nannies, maids, barns, garages, silos, corrals, sheds, stables, paddocks, swimming pools, recreational equipment, greenhouses, windmills, wells and water storage facilities 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, commercial goods or wrecked or neglected materials, equipment or vehicles in the A-5 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 A-5 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 in the A-5 zone, except in conjunction with temporary development or construction activities or in conjunction with an approved use which requires such vehicles. 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. 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 A-5 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 A-5 zone, except that a vehicle owned by a guest of the resident may be stored and occupied in the required front yard or side yard of the permanent dwelling for no more than seven (7) days per calendar year. (Ord. 2007-02, 1-16-2007)

17.24.050: DEVELOPMENT REVIEW:

Uses proposed in A-5 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 A-5 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)

17.24.060: LOT AREA:

The minimum area of any lot or parcel in the A-5 zone shall be five (5) acres. Every portion of a parcel being subdivided shall be included as a lot or lots in the proposed subdivision plat. (Ord. 2007-02, 1-16-2007)

17.24.070: LOT WIDTH AND FRONTAGE:

Each lot in the A-5 zone shall have a minimum width of one hundred feet (100'), measured at the minimum front yard setback at a point which corresponds to the midpoint of the front lot line. Each lot or parcel shall abut the right of way line of a public street a minimum distance of one hundred feet (100'), except that lots with side property lines which diverge at an angle of at least twenty degrees (20°) shall abut the right of way a minimum distance of sixty feet (60'). (Ord. 2007-02, 1-16-2007)

17.24.080: PRIOR CREATED LOTS:

Lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of an A-5 zone shall not be denied a building permit solely for reason of nonconformance with the parcel requirements of this chapter. (Ord. 2007-02, 1-16-2007)

17.24.090: DWELLING DENSITY:

Only one single-family dwelling may be placed upon a lot or parcel of land in the A-5 zone. (Ord. 2007-02, 1-16-2007)

17.24.100: LOT COVERAGE:

A maximum of twenty percent (20%) of the area of lots or parcels in the A-5 zone may be covered by buildings. (Ord. 2007-02, 1-16-2007)

17.24.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:

The following yard requirements shall apply in A-5 zones. Minimum yard areas are measured from the corresponding front, side and rear property lines of lots. A land use permit shall be obtained prior to the construction of any accessory building for which a building permit is not required. An application form, lot plan showing streets, existing buildings, dimensions, easements, setbacks of the proposed accessory building and other information as needed shall be submitted for review:

A. Minimum yard requirements for main buildings are as follows:

1. Front yard, interior and corner lots: Thirty feet (30').

2. Front yard, cul-de-sac lot adjacent to turnaround: Twenty five feet (25').

3. Side yard, interior lots: Ten feet (10').

4. Side yard, corner lots: Ten feet (10') on the side adjoining another lot, thirty feet (30') on the side adjoining the street.

5. Rear yard, interior lot: Twenty five feet (25').

6. Rear yard, corner lot: Ten feet (10').

B. Minimum yard requirements for accessory buildings are as follows:

1. Accessory Buildings: Accessory buildings may not be located between a street and the front building line of a main building.

2. Side Yard Accessory Building: An accessory building may be located in a side yard no closer than ten feet (10') from the side property line or boundary and no closer than six feet (6') from the dwelling or main building.

3. Street Side Yard Accessory Building, Corner Lot: An accessory building may be located between a street and the side of the dwelling or main building on a corner lot but not within the required minimum main building side yard and no closer than six feet (6') from the dwelling or main building.

4. Rear Yard Accessory Building: An accessory building may be located in a rear yard no closer than six feet (6') from the dwelling or main building and no closer than three feet (3') from the side or rear property line or boundary, except as required in subsection B5 of this section.

5. Height Considerations: The minimum setback from property lines or boundaries for accessory buildings or structures exceeding sixteen feet (16') in height shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16').

C. All buildings shall be separated by a minimum distance of six feet (6').

D. Buildings used for the housing or shelter of animals shall be located a minimum distance of forty feet (40') from any existing dwelling or neighborhood street right of way line and, if approved with a conditional use permit, a minimum of twenty feet (20') from any collector street right of way line. (Ord. 2007-02, 1-16-2007)

17.24.120: PROJECTIONS INTO YARDS:

The following may be erected on or projected into any required yard space in A-5 zones:

A. Fences and walls in conformance with city ordinances.

B. Agricultural crops and 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)

17.24.130: FARM ANIMALS[2]:

(Rep. by Ord. 2011-18, 3-6-2012)

17.24.140: PARKING AND ACCESS:

Parking areas and vehicle access in A-5 zones shall meet the requirements of title 16, chapter 16.26 of this code. (Ord. 2007-02, 1-16-2007)

17.24.150: FENCING, SCREENING AND CLEAR VISION:

The following fencing, screening and clear vision requirements shall apply in A-5 zones. A permit shall be obtained from the community development department prior to construction of any fence in the A-5 zone. An application form and the location, height and description of the proposed fence shall be submitted for review.

A. Utility Screening: In nonsingle-family residential developments requiring conditional use approval in A-5 zones, 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. Incompatible Land Use Screening: Incompatible land uses, including waterways, trails, parks, open spaces and other uses or zones shall be screened or buffered with fences, walls and/or landscaping as determined with development approval.

C. Rear And Side Yard Fencing: A maximum six foot (6') high fence and/or hedge may be installed and maintained between a dwelling and a rear or side lot line.

D. Front Yard Fencing: A maximum four foot (4') high, nonvisually obscuring decorative wrought iron, simulated wrought iron or vinyl fence may be constructed along a side lot line to the right of way line or sidewalk of a neighborhood street, except as regulated in clear vision areas. A masonry or solid vinyl fence or hedge may also be used along side lot lines to the right of way or sidewalk, but may not exceed three feet (3') in height. Brick pillars may not exceed eighteen inches (18") square or be closer than ten feet (10') on center. Posts or pillars may not extend higher than four inches (4") above the four foot (4') fence panel.

E. Clear Vision: 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 the street right of way line or within a thirty foot (30') triangular area formed by the right of way lines of intersecting streets. Lesser clear vision triangular areas may be approved by the city engineer based upon traffic speeds, flow, volumes and other traffic related variables.

F. Collector Street Fencing: Any single-family residential rear or side yard fence erected or maintained roughly parallel to and within twenty feet (20') of a collector or arterial street right of way in A-5 zones shall be constructed according to standards found in section 16.04.200 of this code. (Ord. 2009-12, 3-16-2009)

17.24.160: ARCHITECTURAL STANDARDS:

The following exterior materials and architectural standards are required in A-5 zones:

A. Each dwelling in A-5 zones shall be constructed with brick or stone in the minimum amount of two feet (2') times (x) the perimeter of the foundation (including garage). Dwellings shall be constructed with minimum five to twelve (5:12) roof pitch and a minimum two (2) car garage (minimum 22 feet by 22 feet, or approximate approved equivalent).

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

C. Buildings in A-5 zones may not exceed thirty five feet (35') in height, except for structures not intended for human occupancy.

D. Signs shall meet requirements of title 16, chapter 16.36 of this code and shall be constructed of materials which are consistent with the buildings which they identify.

E. The minimum floor area, finished and unfinished, of any single-family dwelling in A-5 zones shall be two thousand four hundred (2,400) square feet.

F. The exteriors of buildings in the A-5 zone shall be properly maintained by the owners.

G. Attached garages on single-family residential corner lots may be located on the interior side of the lot or on the street side of the lot only if the garage is accessed directly from the side street. (Ord. 2007-02, 1-16-2007)

17.24.170: LANDSCAPING:

The following landscaping requirements shall apply in A-5 zones:

A. The front and side yards of lots shall be landscaped and properly maintained with lawn and other acceptable plant material unless otherwise approved with a conditional use permit.

B. All areas of nonresidential developments not approved for parking, buildings, recreation facilities, access or other hard surfacing or otherwise exempted with development approval, 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. In nonresidential developments, a minimum of one tree per one thousand (1,000) square feet, or part thereof, of landscaped area, excluding landscaped sports or play areas, is required. A minimum of thirty percent (30%) of required trees shall be minimum seven foot (7') evergreens. Deciduous trees shall be minimum two inch (2") caliper. Deciduous and evergreen trees need not be equally spaced except as required in parking areas and in park strips, but shall be distributed throughout the required yard areas on the site.

D. All collector street and other public and private park strips in A-5 zones shall be improved and maintained by the adjoining owners according to specifications adopted by the city unless otherwise allowed with development approval.

E. In nonresidential developments in A-5 zones, the following landscaping requirements shall apply:

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. Minimum five foot (5') landscaped planters shall be provided along street sides of building foundations except at building entrances.

3. All landscaped areas shall be curbed.

F. 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. 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 approval of any entity or agency having jurisdiction over said waterways.

G. All required landscaping in yard areas and open spaces shall be installed (or escrowed on a case by case basis) prior to occupancy.

H. All landscaped areas, including adjoining public right of way areas not maintained by the city, shall be properly irrigated and maintained by the owners.

I. Required trees may not be topped nor may any required landscape material be removed in A-5 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. (Ord. 2007-02, 1-16-2007)

17.24.180: LIGHTING:

The following lighting requirements shall apply in A-5 zones:

A. A lighting plan shall be submitted with all new developments in A-5 zones. Where required by the city, lighting shall be shielded to prevent glare on adjacent agricultural and residential 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 type, approved by the city engineer, will be used on the same street. (Ord. 2007-02, 1-16-2007)

17.24.190: OTHER REQUIREMENTS:

The following requirements shall apply in A-5 zones:

A. All developments 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.

B. All areas of lots shall be properly maintained by the owners.

C. A project phasing plan shall be submitted for review at the time of 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

R-2.5 City Code Provisions

Chapter 17.36
RESIDENTIAL R-2.5 ZONE

17.36.010: PURPOSE:

17.36.020: PERMITTED USES:

17.36.030: CONDITIONAL USES:

17.36.040: USE REGULATIONS:

17.36.050: DEVELOPMENT REVIEW:

17.36.060: LOT AREA:

17.36.070: LOT DENSITY:

17.36.080: LOT WIDTH AND FRONTAGE:

17.36.090: PRIOR CREATED LOTS:

17.36.100: LOT COVERAGE:

17.36.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:

17.36.120: PROJECTIONS INTO YARDS:

17.36.130: PARKING AND ACCESS:

17.36.140: FENCING, SCREENING AND CLEAR VISION:

17.36.150: ARCHITECTURAL STANDARDS:

17.36.160: LANDSCAPING REQUIREMENTS:

17.36.170: LIGHTING:

17.36.180: PLANNED UNIT DEVELOPMENT OR CONDOMINIUM PROJECT:

17.36.190: OTHER REQUIREMENTS:

17.36.010: PURPOSE:

The residential R-2.5 zone (single-family residential, 2.5 lots per acre), may be cited as the "R-2.5 zone" and is established to provide areas for low density single-family housing without farm animal uses. This zone is intended to represent the standard for residential development in the city. (Ord. 2007-02, 1-16-2007)

17.36.020: PERMITTED USES:

The following uses may be conducted in the R-2.5 zone as limited herein:
Home occupations according to city ordinances.
Residential accessory buildings, the footprints of which do not exceed sixty percent (60%) of the footprint area of the dwelling.
Residential accessory uses.
Single-family dwelling, detached, maximum one per lot or parcel. (Ord. 2011-01, 2-1-2011)

17.36.030: CONDITIONAL USES:

A conditional use permit may be issued for the following uses in the R-2.5 zone:
Daycare center facility on minimum one acre lot.
Educational facilities that have direct access to a collector street.
Golf courses.
Parks and recreational activities.
Preschool center facility on minimum one acre lot.
Public facilities.
Religious activities.
Single-family dwelling planned unit development (PUD) or condominium project. (Ord. 2012-12, 10-2-2012)

17.36.040: USE REGULATIONS:

Uses may be conducted in the R-2.5 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 R-2.5 zone. A conditional use permit must be obtained prior to the establishment of a conditional use.

B. Accessory uses may be conducted in the R-2.5 zone only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, caretakers, nurses, nannies, maids, 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 R-2.5 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 R-2.5 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 in the R-2.5 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. 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 R-2.5 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 R-2.5 zone except that a vehicle owned by a guest of the resident may be stored and occupied in the required

front yard or side yard of the permanent dwelling for no more than seven (7) days per calendar year. (Ord. 2007-02, 1-16-2007)

17.36.050: DEVELOPMENT REVIEW:

Uses proposed in R-2.5 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 R-2.5 zones. All uses shall be conducted according to the approved plan, map or plat and any conditions of approval. Plans, maps or plats may not be altered without prior approval of the city except as allowed under state law. (Ord. 2007-02, 1-16-2007)

17.36.060: LOT AREA:

The minimum area of any lot or condominium private ownership space (unit in which building dimensions are not recorded) in R-2.5 zones shall be fourteen thousand five hundred twenty (14,520) square feet, except where smaller lots or units are allowed in a PUD or condominium project, in which case the minimum lot or unit size shall be ten thousand (10,000) square feet. Every portion of a parcel being subdivided or recorded as a condominium project shall be included as a lot or lots in the proposed subdivision plat or as common, limited common or private ownership area in a condominium project. (Ord. 2007-02, 1-16-2007)

17.36.070: LOT DENSITY:

The maximum gross density in any residential development in R-2.5 zones shall be 2.5 lots or dwelling units per acre. (Ord. 2007-02, 1-16-2007)

17.36.080: LOT WIDTH AND FRONTAGE:

Each lot or parcel in the R-2.5 zone shall have a minimum width of ninety feet (90') measured at the minimum front yard setback at a point which corresponds to the midpoint of the front lot line. Each lot or parcel, except in condominium projects and PUDs, shall abut the right of way line of a public street a minimum distance of ninety feet (90'), except that lots with side property lines which diverge at an angle of at least twenty degrees (20°) shall abut the right of way a minimum distance of fifty feet (50'). (Ord. 2007-02, 1-16-2007)

17.36.090: PRIOR CREATED LOTS:

Lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of an R-2.5 zone shall not be denied a building permit solely for reason of nonconformance with the requirements of this chapter. (Ord. 2007-02, 1-16-2007)

17.36.100: LOT COVERAGE:

A maximum of forty percent (40%) of the area of lots or private ownership areas in R-2.5 zones may be covered by buildings. (Ord. 2007-02, 1-16-2007)

17.36.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:

The following yard requirements shall apply in R-2.5 zones. Minimum yard areas are measured from the corresponding front, side and rear property lines of lots or from the boundaries of private ownership areas in condominium projects. A land use permit shall be obtained prior to the construction of any accessory building for which a building permit is not required. An application form, lot plan showing streets, existing buildings, dimensions, easements and setbacks of the proposed accessory building, and other information as needed shall be submitted for review.

A. Minimum yard requirements for main buildings are as follows:

1. Front yard, interior and corner lots: Thirty feet (30').

2. Front yard, cul-de-sac lot adjacent to turnaround: Twenty five feet (25').

3. Side yard, interior lots: Ten feet (10').

4. Side yard, corner lots: Ten feet (10') on the side adjoining another lot; thirty feet (30') on the side adjoining the street.

5. Rear yard, interior lot: Twenty five feet (25').

6. Rear yard, corner lot: Ten feet (10').

B. Minimum yard requirements for accessory buildings are as follows:

1. Location: Accessory buildings may not be located between a street and the front building line of a main building.

2. Side Yard: An accessory building may be located in a side yard no closer than ten feet (10') from the side property line or boundary and no closer than six feet (6') from the dwelling or main building.

3. Street Side Yard, Corner Lot: An accessory building may be located between a street and the side of the dwelling or main building on a corner lot but not within the required minimum main building side yard and no closer than six feet (6') from the dwelling or main building.

4. Rear Yard: An accessory building may be located in a rear yard no closer than six feet (6') from the dwelling or main building and no closer than three feet (3') from the side or rear property line or boundary, except as required in subsection B5 of this section.

5. Minimum Setback: The minimum setback from property lines or boundaries for accessory buildings or structures exceeding sixteen feet (16') in height shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16').

C. All buildings shall be separated by a minimum distance of six feet (6'). (Ord. 2007-02, 1-16-2007)

17.36.120: PROJECTIONS INTO YARDS:

The following may be erected on or projected into any required yard space in R-2.5 zones:

A. Fences and walls in conformance with city ordinances.

B. Agricultural crops and 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)

17.36.130: PARKING AND ACCESS:

Parking areas and vehicle access in R-2.5 zones shall meet requirements of title 16, chapter 16.26 of this code. (Ord. 2007-02, 1-16-2007)

17.36.140: FENCING, SCREENING AND CLEAR VISION:

The following fencing, screening and clear vision requirements shall apply in R-2.5 zones. A permit shall be obtained from the community development department prior to construction of any fence in the R-2.5 zone. An application form and the location, height and description of the proposed fence shall be submitted for review.

A. Utility Screening: In nonsingle-family residential developments requiring conditional use approval in R-2.5 zones, 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. Incompatible Land Use Screening: Incompatible land uses, including waterways, trails, parks, open spaces and other uses or zones shall be screened or buffered with fences, walls and/or landscaping as determined with development approval.

C. Rear And Side Yard Fencing: A maximum six foot (6') high fence and/or hedge may be installed and maintained between a dwelling and a rear or side lot line.

D. Front Yard Fencing: A maximum four foot (4') high, nonvisually obscuring decorative wrought iron, simulated wrought iron or vinyl fence may be constructed along a side lot line to the right of way line or sidewalk of a neighborhood street, except as regulated in clear vision areas. A masonry or solid vinyl fence or hedge may also be used along side lot lines to the right of way or sidewalk but may not exceed three feet (3') in height. Brick pillars may not exceed eighteen inches (18") square or be closer than ten feet (10') on center. Posts or pillars may not extend higher than four inches (4") above the four foot (4') fence panel.

E. Clear Vision: 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 the street right of way line or within a thirty foot (30') triangular area formed by the right of way lines of intersecting streets. Lesser clear vision triangular areas may be approved by the city engineer based upon traffic speeds, flow, volumes and other traffic related variables.

F. Collector Street Fencing: Any single-family residential rear or side yard fence erected or maintained roughly parallel to and within twenty feet (20') of a collector or arterial street right of way in R-2.5 zones shall be constructed according to standards found in section 16.04.200 of this code. (Ord. 2009-12, 3-16-2009)

17.36.150: ARCHITECTURAL STANDARDS:

The following exterior materials and architectural standards are required in R-2.5 zones:

A. Each dwelling in R-2.5 zones shall be constructed with brick or stone in the minimum amount of two feet (2') times (x) the perimeter of the foundation (including garage). Dwellings shall be constructed with minimum five to twelve (5:12) roof pitch and a minimum two (2) car garage (minimum 22 feet by 22 feet, or approximate approved equivalent).

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

C. Signs shall meet requirements of title 16, chapter 16.36 of this code and shall be constructed of materials which are consistent with the buildings which they identify.

D. The minimum total floor area, finished and unfinished, of any single-family dwelling in R-2.5 zones shall be two thousand four hundred (2,400) square feet.

E. Main buildings in R-2.5 zones may not exceed thirty five feet (35') in height. Accessory buildings may not exceed twenty five feet (25') in height.

F. The exteriors of buildings in the R-2.5 zone shall be properly maintained by the owners.

G. Attached garages on single-family residential corner lots may be located on the interior side of the lot or on the street side of the lot only if the garage is accessed directly from the side street. (Ord. 2007-02, 1-16-2007)

17.36.160: LANDSCAPING REQUIREMENTS:

The following landscaping requirements shall apply in the R-2.5 zones:

A. The front and street side yards of single-family lots shall be landscaped and properly maintained with lawn or other acceptable plant material unless otherwise approved with a conditional use permit.

B. All areas of PUD, condominium project and nonresidential developments not approved for parking, buildings, recreation facilities, access or other hard surfacing or otherwise exempted with development approval, 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. In PUD, condominium project and nonresidential developments, a minimum of one tree per one thousand (1,000) square feet, or part thereof, of landscaped area, excluding landscaped sports or play areas, is required. A minimum of thirty percent (30%) of required trees shall be minimum seven foot (7') evergreens. Deciduous trees shall be minimum two inch (2") caliper. Deciduous and evergreen trees need not be equally spaced, except as required in parking areas and in park strips but shall be distributed throughout the required yard areas on the site.

D. All collector street and other public and private park strips in R-2.5 zones shall be improved and maintained by the adjoining owners according to specifications adopted by the city unless otherwise allowed with development approval.

E. In nonresidential developments in R-2.5 zones, the following landscaping requirements shall apply:

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. Minimum five foot (5') wide landscaped planters shall be provided along street sides of building foundations, except at building entrances.

3. All landscaped areas shall be curbed.

F. 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 open 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 approval of any entity or agency having jurisdiction over said waterways.

G. All required landscaping in yard areas and open spaces shall be installed (or escrowed on a case by case basis) prior to occupancy.

H. All landscaped areas, including adjoining public right of way areas not maintained by the city, shall be properly irrigated and maintained by the owners.

I. Required trees may not be topped nor may any required landscape material be removed in R-2.5 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. (Ord. 2007-02, 1-16-2007)

17.36.170: LIGHTING:

The following lighting requirements shall apply in R-2.5 zones:

A. A lighting plan shall be submitted with all new developments in R-2.5 zones. Where required by the city, lighting shall be shielded to prevent glare on adjacent agricultural and residential 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 type, approved by the city council and city engineer, will be used on the same street. (Ord. 2007-02, 1-16-2007)

17.36.180: PLANNED UNIT DEVELOPMENT OR CONDOMINIUM PROJECT:

As used in this chapter, "planned unit development (PUD) or condominium project" shall mean a single-family residential development in the R-2.5 zone which meets the requirements of this section as well as other pertinent provisions of this title.

A. A PUD or condominium project may be allowed only with a conditional use permit in the R-2.5 zone. Uses allowed in a PUD or condominium project shall be the same as those allowed in the R-2.5 zone.

B. Each PUD or condominium project shall contain a minimum of five (5) acres.

C. Any open space provided within a PUD or condominium project shall be labeled and recorded as common area to be jointly owned and maintained as permanent common farmland, landscaped open space and/or recreation by the owners. Private yard areas may not be counted as open space. The city may determine the location of open space in the PUD or condominium project in consideration of topography, drainage or other land features. The city may also determine the acceptability of proposed recreational amenities. The city may require a cash bond or a letter of credit to guarantee installation of the open space improvements.

D. The following standards shall apply in PUDs and condominium projects:

1. A consistent architectural theme for all buildings, landscaping, streetscape, signs, street furniture, lighting, fencing and other design components shall be provided for review and applied throughout the PUD or condominium project.

2. Each dwelling shall contain a total of at least three thousand six hundred (3,600) square feet of floor area and a minimum two (2) car garage (minimum 22 feet by 22 feet, or approximate approved equivalent).

3. All buildings shall be constructed with minimum six to twelve (6:12) roof pitches.

4. All dwellings shall be constructed of brick or stone in the minimum amount of three feet (3') times (x) the perimeter of the foundation (including garage).

5. Public and private street construction improvements in PUDs and condominium projects shall be constructed according to public street construction widths, cross section, and construction standards. Street widths, curbs, and pavement/subbase shall be designed and built as required in subsection 16.04.180A of this code.

6. For private streets, setbacks shall be measured from the back of the curb.

7. Two (2) parking spaces minimum, per unit shall be provided for all dwelling units within the PUD or condominium project. At least one space per unit shall be covered. One space per every four (4) dwelling units shall be provided for guest parking. Parking spaces shall be scattered throughout the project, so as to minimize the walking distance to the dwelling units. This requirement may be waived by the planning commission if the applicant can show that the design of the project makes this requirement unnecessary.

E. The minimum yard, width and frontage requirements of lots and units in the R-2.5 zones may be altered in a PUD or condominium project.

F. Before final plat approval, all PUD or condominium projects shall have approved by the staff of the city of South Jordan and recorded with the Salt Lake County recorder's office, a declaration of restrictive covenants containing, at a minimum, provisions for a homeowners' association, maintenance of all buildings, streets, sidewalks, other improvements and common areas, adherence to city conditions and standards applicable to the development at the time of approval, snow removal, and other items recommended by city staff and approved by the planning commission. Said restrictive covenants shall also comply with section 17.04.300 of this title. (Ord. 2007-02, 1-16-2007)

17.36.190: OTHER REQUIREMENTS:

The following requirements shall apply in R-2.5 zones:

A. Developers of condominium or PUD projects 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 or PUD meets requirements of state law, and record the covenants with the condominium or PUD plat for the project.

B. All improvements in PUDs and other developments, including buildings, open space, recreational facilities, roads, fences, utilities, landscaping, walkways, streetlights and signs not specifically dedicated to the city or accepted for ownership or maintenance by the city shall be perpetually owned by the homeowners and maintained by the owners or their agents through a special taxing district or owners' association with power to assess and collect fees for maintenance or other assessment and maintenance mechanisms acceptable to the city.

C. All development 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.

D. All private areas of lots or parcels shall be properly maintained by the owners.

E. A project phasing plan shall be submitted for review at the time of 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 E

R-3 City Code Provisions

Chapter 17.40
RESIDENTIAL R-3 ZONE

17.40.010: PURPOSE:

17.40.020: PERMITTED USES:

17.40.030: CONDITIONAL USES:

17.40.040: USE REGULATIONS:

17.40.050: DEVELOPMENT REVIEW:

17.40.060: LOT AREA:

17.40.070: LOT DENSITY:

17.40.080: LOT WIDTH AND FRONTAGE:

17.40.090: PRIOR CREATED LOTS:

17.40.100: LOT COVERAGE:

17.40.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:

17.40.120: PROJECTIONS INTO YARDS:

17.40.130: PARKING AND ACCESS:

17.40.140: FENCING, SCREENING AND CLEAR VISION:

17.40.150: ARCHITECTURAL STANDARDS:

17.40.160: LANDSCAPING REQUIREMENTS:

17.40.170: LIGHTING:

17.40.180: PLANNED UNIT DEVELOPMENT OR CONDOMINIUM PROJECT:

17.40.190: OTHER REQUIREMENTS:

17.40.010: PURPOSE:

The residential R-3 zone (single-family residential, 3 lots per acre), may be cited as the "R-3 zone" and is established to provide areas for medium density single-family housing in the city. (Ord. 2007-02, 1-16-2007)

17.40.020: PERMITTED USES:

The following uses may be conducted in the R-3 zone as limited herein:
Home occupations according to city ordinances.
Residential accessory buildings, the footprints of which do not exceed the footprint area of the dwelling.
Residential accessory uses.
Single-family dwelling, detached, maximum one per lot or parcel. (Ord. 2011-01, 2-1-2011)

17.40.030: CONDITIONAL USES:

A conditional use permit may be issued for the following uses in the R-3 zone:
Daycare center facility on minimum one acre lot.
Educational facilities that have direct access to a collector street.
Golf courses.
Parks and recreational activities.
Preschool center facility on minimum one acre lot.
Public facilities.
Religious activities.
Single-family dwelling planned unit developments (PUD) or condominium projects. (Ord. 2012-12, 10-2-2012)

17.40.040: USE REGULATIONS:

Uses may be conducted in the R-3 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 R-3 zone. A conditional use permit must be obtained prior to the establishment of a conditional use.

B. Accessory uses may be conducted in the R-3 zone only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, caretakers, nurses, nannies, maids, 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 R-3 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 R-3 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 in the R-3 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. 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 R-3 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 R-3 zone, except that a vehicle owned by a guest of the resident may be stored and occupied in the required front yard or side yard of the permanent dwelling for no more than seven (7) days per calendar year. (Ord. 2007-02, 1-16-2007)

17.40.050: DEVELOPMENT REVIEW:

Uses proposed in R-3 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 R-3 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)

17.40.060: LOT AREA:

The minimum area of any lot or condominium private ownership space (in which building dimensions are not recorded) in R-3 zones shall be ten thousand (10,000) square feet, except where smaller lots or units are allowed in a PUD or condominium project, in which case, the minimum lot or unit size shall be eight thousand (8,000) square feet. Every portion of a parcel being subdivided or recorded as a condominium project shall be included as a lot or lots in the proposed subdivision plat or as common, limited common or private ownership area in a condominium project. (Ord. 2007-02, 1-16-2007)

17.40.070: LOT DENSITY:

The maximum gross density in any residential development R-3 zones shall be three (3) lots or dwelling units per acre. (Ord. 2007-02, 1-16-2007)

17.40.080: LOT WIDTH AND FRONTAGE:

Each lot or parcel in the R-3 zone shall have a minimum width of ninety feet (90') measured at the minimum front yard setback at a point which corresponds to the midpoint of the front lot line. Each lot or parcel shall abut the right of way line of a public street a minimum distance of ninety feet (90'), except that lots with side property lines which diverge at an angle of at least twenty degrees (20°) shall abut the right of way a minimum distance of fifty feet (50'). Minimum lot width and frontage may be reduced or waived in PUDs and condominium projects. (Ord. 2007-02, 1-16-2007)

17.40.090: PRIOR CREATED LOTS:

Lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of an R-3 zone shall not be denied a building permit solely for reason of nonconformance with the requirements of this chapter. (Ord. 2007-02, 1-16-2007)

17.40.100: LOT COVERAGE:
A maximum of forty percent (40%) of the area of lots or private ownership areas in R-3 zones may be covered by buildings. Maximum lot coverage will be increased to sixty percent (60%) in PUDs and condominium projects. (Ord. 2007-02, 1-16-2007)

17.40.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:

The following yard requirements shall apply in R-3 zones. Minimum yard areas are measured from the corresponding front, side and rear property lines of lots or from the boundaries of private ownership areas in condominiums. A land use permit shall be obtained prior to the construction of any accessory building for which a building permit is not required. An application form, lot plan showing streets, existing buildings, dimensions, easements and setbacks of the proposed accessory building and other information as needed shall be submitted for review.

A. Minimum yard requirements for main buildings are as follows:

1. Front yard, interior and corner lots: Thirty feet (30').

2. Front yard, cul-de-sac lot adjacent to turnaround: Twenty five feet (25').

3. Side yard, interior lots: Ten feet (10').

4. Side yard, corner lots: Ten feet (10') on the side adjoining another lot, thirty feet (30') on the side adjoining the street.

5. Rear yard, interior lot: Twenty five feet (25').

6. Rear yard, corner lot: Ten feet (10').

B. Minimum yard requirements for accessory buildings are as follows:

1. Location: Accessory buildings may not be located between a street and the front or side building line of a main building.

2. Side Yard: An accessory building may be located in a side yard no closer than ten feet (10') from the side property line or boundary and no closer than six feet (6') from the dwelling or main building.

3. Street Side Yard, Corner Lot: An accessory building may be located between a street and the side of the dwelling or main building on a corner lot but not within the required minimum main building side yard and no closer than six feet (6') from the dwelling or main building.

4. Rear Yard: An accessory building may be located in a rear yard no closer than six feet (6') from the dwelling or main building and no closer than three feet (3') from the side or rear property line or boundary, except as required in subsection B5 of this section.

5. Minimum Setback: The minimum setback from property lines or boundaries for accessory buildings or structures exceeding sixteen feet (16') in height shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16').

C. All buildings shall be separated by a minimum distance of six feet (6'). (Ord. 2007-02, 1-16-2007)

17.40.120: PROJECTIONS INTO YARDS:

The following may be erected on or projected into any required yard space in R-3 zones:

A. Fences and walls in conformance with city ordinances.

B. Agricultural crops and 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)

17.40.130: PARKING AND ACCESS:

Parking areas and vehicle access in R-3 zones shall meet the requirements of chapter 16.26 of this code. (Ord. 2007-02, 1-16-2007)

17.40.140: FENCING, SCREENING AND CLEAR VISION:

The following fencing, screening and clear vision requirements shall apply in R-3 zones. A permit shall be obtained from the community development department prior to construction of any fence in the R-3 zone. An application form and the location, height and description of the proposed fence shall be submitted for review.

A. Utility Screening: In nonsingle-family residential developments requiring conditional use approval in R-3 zones, 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. Incompatible Land Use Screening: Incompatible land uses, including waterways, trails, parks, open spaces and other uses or zones shall be screened or buffered with fences, walls and/or landscaping as determined with development approval.

C. Rear And Side Yard Fencing: A maximum six foot (6') high fence and/or hedge may be installed and maintained between a dwelling and a rear or side lot line.

D. Front Yard Fencing: A maximum four foot (4') high, nonvisually obscuring decorative wrought iron, simulated wrought iron or vinyl fence may be constructed along a side lot line to the right of way line or sidewalk of a neighborhood street, except as regulated in clear vision areas. A masonry or solid vinyl fence or hedge may also be used along side lot lines to the right of way or sidewalk but may not exceed three feet (3') in height. Brick pillars may not exceed eighteen inches (18") square or be closer than ten feet (10') on center. Posts or pillars may not extend higher than four inches (4") above the four foot (4') fence panel.

E. Clear Vision: 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 the street right of way line or within a thirty foot (30') triangular area formed by the right of way lines of intersecting streets. Lesser clear vision triangular areas may be approved by the city engineer based upon traffic speeds, flow, volumes, and other traffic related variables.

F. Collector Street Fencing: Any single-family residential rear or side yard fence erected or maintained roughly parallel to and within twenty feet (20') of a collector or arterial street right of way in R-3 zones shall be constructed according to standards found in section 16.04.200 of this code. (Ord. 2009-12, 3-16-2009)

17.40.150: ARCHITECTURAL STANDARDS:

The following exterior materials and architectural standards are required in R-3 zones:

A. Each dwelling in R-3 zones shall be constructed with brick or stone in the minimum amount of two feet (2') times (x) the perimeter of the foundation (including garage). Dwellings shall be constructed with minimum five to twelve (5:12) roof pitch and a minimum two (2) car garage (minimum 22 feet by 22 feet, or approximate approved equivalent).

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

C. Signs shall meet requirements of title 16, chapter 16.36 of this code and shall be constructed of materials which are consistent with the buildings which they identify.

D. The minimum total floor area, finished and unfinished, of any single-family dwelling in R-3 zones shall be two thousand four hundred (2,400) square feet.

E. Main buildings in R-3 zones may not exceed thirty five feet (35') in height. Accessory buildings may not exceed twenty five feet (25') in height.

F. The exteriors of buildings in the R-3 zone shall be properly maintained by the owners.

G. Attached garages on single-family residential corner lots may be located on the interior side of the lot or on the street side of the lot only if the garage is accessed directly from the side street. (Ord. 2007-02, 1-16-2007)

17.40.160: LANDSCAPING REQUIREMENTS:

The following landscaping requirements shall apply in the R-3 zone:

A. The front and street side yards of single-family lots shall be landscaped and properly maintained with lawn or other acceptable plant material unless otherwise approved with a conditional use permit.

B. All areas of nonresidential developments not approved for parking, buildings, recreation facilities, access or other hard surfacing or otherwise exempted with development approval, 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. In nonresidential developments, a minimum of one tree per one thousand (1,000) square feet, or part thereof, of landscaped area, excluding landscaped sports or play areas, is required. A minimum of thirty percent (30%) of required trees shall be minimum seven foot (7') evergreens. Deciduous trees shall be minimum two inch (2") caliper. Deciduous and evergreen trees need not be equally spaced, except as required in parking areas and in park strips but shall be distributed throughout the required yard areas on the site.

D. All collector street and other public and private park strips in R-3 zones shall be improved and maintained by the adjoining owners according to specifications adopted by the city unless otherwise allowed with development approval.

E. In nonresidential developments in R-3 zones, the following landscaping requirements shall apply:

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. Minimum five foot (5') wide landscaped planters shall be provided along street sides of building foundations, except at building entrances.

3. All landscaped areas shall be curbed.

F. 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 open 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 approval of any entity or agency having jurisdiction over said waterways.

G. All required landscaping in yard areas and open spaces shall be installed (or escrowed on a case by case basis) prior to occupancy.

H. All landscaped areas, including adjoining public right of way areas not maintained by the city, shall be properly irrigated and maintained by the owners.

I. Required trees may not be topped nor may any required landscape material be removed in R-3 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. (Ord. 2007-02, 1-16-2007)

17.40.170: LIGHTING:

The following lighting requirements shall apply in R-3 zones:

A. A lighting plan shall be submitted with all new developments in R-3 zones. Where required by the city, lighting shall be shielded to prevent glare on adjacent agricultural and residential 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 type, approved by the city council and city engineer, will be used on the same street. (Ord. 2007-02, 1-16-2007)

17.40.180: PLANNED UNIT DEVELOPMENT OR CONDOMINIUM PROJECT:

As used in this chapter, "planned unit development (PUD) or condominium project" shall mean a single-family residential development in the R-3 zone which meets the requirements of this section as well as other pertinent provisions of this title.

A. A PUD may be allowed only with a conditional use permit in the R-3 zone. Uses allowed in a PUD shall be the same as those allowed in the R-3 zone.

B. Each PUD or condominium project shall contain a minimum of five (5) acres.

C. Any open space provided within a PUD or condominium project shall be labeled and recorded as common area to be jointly owned and maintained as permanent common farmland, landscaped open space and/or recreation by the owners. Private yard areas may not be counted as open space. The city may determine the location of open space in the PUD or condominium project in consideration of topography, drainage or other land features. The city may also determine the acceptability of proposed recreational amenities. The city may require a cash bond or a letter of credit to guarantee installation of the open space improvements.

D. The following standards shall apply in PUDs and condominium projects:

1. A consistent architectural theme for all buildings, landscaping, streetscape, signs, street furniture, lighting, fencing and other design components shall be provided for review and applied throughout the PUD or condominium project.

2. Each dwelling unit shall contain a total of at least three thousand six hundred (3,600) square feet of floor area and a minimum two (2) car garage (minimum 22 feet by 22 feet, or approximate approved equivalent).

3. All buildings shall be constructed with minimum six to twelve (6:12) roof pitches.

4. All dwellings shall be constructed of brick or stone in the minimum amount of three feet (3') times (x) the perimeter of the foundation (including garage).

5. Public and private street construction improvements in PUDs and condominium projects shall be constructed according to public street construction widths, cross section, and construction standards. Street widths, curbs, and pavement/subbase shall be designed and built as required in subsection 16.04.180A of this code.

6. For private streets, setbacks shall be measured from the back of the curb.

7. Two (2) parking spaces minimum, per unit shall be provided for all dwelling units within the PUD or condominium project. At least one space per unit shall be covered. One space per every four (4) dwelling units shall be provided for guest parking. Parking spaces shall be scattered throughout the project, so as to minimize the walking distance to the dwelling units. This requirement may be waived by the planning commission if the applicant can show that the design of the project makes this requirement unnecessary.

E. The minimum yard, width and frontage requirements of lots and units in the R-3 zones may be altered in a PUD or condominium project.

F. Before final plat approval, all PUD or condominium projects shall have approved by the staff of the city of South Jordan and recorded with the Salt Lake County recorder's office, a declaration of restrictive covenants containing, at a minimum, provisions for a homeowners' association, maintenance of all buildings, streets, sidewalks, other improvements and common areas, adherence to city conditions and standards applicable to the development at the time of approval, snow removal, and other items recommended by city staff and approved by the planning commission. Said restrictive covenants shall also comply with section 17.04.300 of this title. (Ord. 2007-02, 1-16-2007)

17.40.190: OTHER REQUIREMENTS:

The following requirements shall apply in R-3 zones:

A. All developments 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.

B. All private areas of lots or parcels shall be properly maintained by the owners.

C. A project phasing plan shall be submitted for review at the time of plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the city.

D. All improvements in PUDs and other developments, including buildings, open space, recreational facilities, roads, fences, utilities, landscaping, walkways, streetlights and signs not specifically dedicated to the city or accepted for ownership or maintenance by the city shall be perpetually owned by the homeowners and maintained by the owners or their agents through a special taxing district or owners' association with power to assess and collect fees for maintenance or other assessment and maintenance mechanisms acceptable to the city. (Ord. 2007-02, 1-16-2007)

Exhibit F

C-C City Code Provisions

Chapter 17.52
COMMERCIAL-COMMUNITY (C-C) ZONE

17.52.010: PURPOSE:

17.52.020: PERMITTED USES:

17.52.030: CONDITIONAL USES:

17.52.040: USE REGULATIONS:

17.52.050: DEVELOPMENT REVIEW:

17.52.055: PERFORMANCE DEVELOPMENT:

17.52.060: LOT WIDTH AND FRONTAGE:

17.52.070: AREA AND DENSITY REQUIREMENTS:

17.52.080: PRIOR CREATED LOTS:

17.52.090: YARD REQUIREMENTS:

17.52.100: PROJECTIONS INTO YARDS:

17.52.110: PARKING AND ACCESS:

17.52.120: FENCING, SCREENING AND CLEAR VISION:

17.52.130: ARCHITECTURAL STANDARDS:

17.52.140: LANDSCAPING:

17.52.150: LIGHTING:

17.52.160: OTHER REQUIREMENTS:

17.52.010: PURPOSE:

The commercial-community (C-C) zone may be cited as the "C-C zone" and is established to provide areas for large scale community or regional retail and service uses. These areas will generally be located near major transportation hubs but should be designed to buffer neighboring residential areas. Coordinated circulation, architecture and landscaping and a balance of uses should be incorporated in developments in the C-C zone. (Ord. 2010-08, 6-15-2010)

17.52.020: PERMITTED USES:

The following uses may be conducted in the C-C zone:
Apparel, footwear, sewing supplies retailing.
Auto and equipment parts retailing (no service).
Books, videos, media, copies, photography, 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.

Household goods retailing.
Miscellaneous retail sales.
Restaurants, eating establishments.
Shopping centers and malls with only allowed uses.
Sporting goods, toy retailing. (Ord. 2010-08, 6-15-2010)

17.52.030: CONDITIONAL USES:

A conditional use permit may be issued for the following uses in the C-C zone:
Automotive services, including lube, tune up, wash, inspection, tires, mufflers, minor repairs.
Banks, credit unions, financial institutions, freestanding banking kiosks.
Beauty and fitness centers.
Bed and breakfast inn.
Daycare center facility.
Drive-through facilities for allowed uses.
Educational and training activities.
Electronic vending machines.
Equipment and appliance light repairs and service enclosed within a building.
Fast food with no eating accommodations.
Gas stations, convenience stores.
Laundry.
Lumber, building materials and landscaping retail sales yards.
Medical, health or dental services.
Mortuary, funeral home.
Office service.
Pharmacy.
Preschool center facility.
Public or quasi-public facilities.
Religious activities.
Secondhand goods retailing.
Self-storage facilities, maximum total of six (6) acres.
Theaters, amusement, recreational activities.
Title loan, check cashing or other similar deferred deposit loan businesses no closer than one mile from a similar business. (Ord. 2012-12, 10-2-2012)

17.52.040: USE REGULATIONS:

Uses may be conducted in C-C 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-C zones. A conditional use permit must be obtained prior to the establishment of a conditional use. Sexually oriented business is prohibited in C-C zones.

B. All uses in C-C 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-C 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. One electronic vending machine (i.e., food, beverage, kiosks, etc.) may be located outside of the building of an established business if the building has a minimum main level footprint or floor area of five thousand (5,000) square feet and a minimum facade width of fifty (50) linear feet. One additional outdoor electronic vending machine may be allowed for every additional ten thousand (10,000) square feet of main level floor area. All outdoor vending machines shall be located adjacent to the building and within fifty feet (50') of the building's main entrance. Electronic vending machines shall not exceed fifteen (15) square feet in area and no more than seven feet (7') in total height. Electronic vending machines shall not impede or obstruct vehicular and/or designated pedestrian pathways or access.

E. Freestanding banking kiosks may be conducted in C-C zones with a site plan and conditional use permit approval. Freestanding banking kiosk shall not be allowed on parcels less than three (3) acres in size and shall be separated by a minimum distance of four hundred (400) linear feet from all other outdoor accessory banking or freestanding banking kiosks. Freestanding banking kiosks shall not be allowed within required landscaped yard areas, building setbacks, or within thirty feet (30') of the public right of way. Freestanding banking kiosks shall not exceed twenty (20) square feet in area nor ten feet (10') in height and shall incorporate materials and colors of surrounding buildings as determined by the city community development director.
Freestanding kiosks shall be designed to allow for a minimum of two (2) vehicles to be queued at any one given time without obstructing drive aisles or other functionality of other parking stalls as determined by the city engineer. There shall be multiple twenty four (24) hour video surveillance and adequate illumination as determined by the city's public safety department. All freestanding banking kiosks shall be securely mounted and anchored to the ground as determined by the city's building official.

F. There shall be no open storage of trash, debris, used, wrecked or neglected materials, equipment or vehicles in C-C zones. No commercial materials, goods or inventory may be stored in open areas in C-C 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.

G. 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-C zones for longer than seventy two (72) hours unless stored within a completely enclosed building.

H. 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-C zones for longer than seventy two (72) hours except in conjunction with an approved use, or approved development or construction activities on the property.

I. 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-C zones. (Ord. 2010-08, 6-15-2010)

17.52.050: DEVELOPMENT REVIEW:

All uses proposed in C-C 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-C 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)

17.52.055: 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-C 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-C 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-C 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-C zone.

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

4. All nonretail uses proposed shall be supportive of retail uses in the development as described in section 17.52.010 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 17.52.040 of this chapter, except for office use restrictions in subsection A of this section.

3. Required landscaping as set forth in section 17.52.140 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)

17.52.060: LOT WIDTH AND FRONTAGE:

No minimum lot width is required for lots in C-C 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)

17.52.070: AREA AND DENSITY REQUIREMENTS:

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

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

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

C. Minimum Lot Area: There shall be no minimum lot area in C-C zones.

D. Density: C-C zones shall be established in conformance with commercial designations on the future land use plan. (Ord. 2007-02, 1-16-2007)

17.52.080: 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-C zone shall be brought into conformance with the requirements of this chapter prior to development. (Ord. 2007-02, 1-16-2007)

17.52.090: YARD REQUIREMENTS:

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

A. Front Yard, Interior And Corner Lots: The minimum landscaped front yard for lots in C-C 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)

17.52.100: PROJECTIONS INTO YARDS:

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

17.52.110: PARKING AND ACCESS:

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

17.52.120: FENCING, SCREENING AND CLEAR VISION:

The following fencing, screening and clear vision requirements shall apply in C-C 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-C 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 used in unusual circumstances such as adjacent to property which is master planned for nonresidential uses. A higher fence may be required or allowed 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-C 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)

17.52.130: ARCHITECTURAL STANDARDS:

The following exterior materials and architectural standards are required in C-C 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. Buildings and structures in the C-C zone shall not exceed thirty five feet (35') in height unless otherwise allowed in this title.

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

17.52.140: LANDSCAPING:

The following landscaping requirements and standards shall apply in C-C zones:

A. The front, side and rear yards of lots in C-C zones, as described in section 17.52.090 of this chapter, shall be landscaped and properly maintained with grass, trees and other plant material.

B. All areas of lots in C-C 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-C 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-C 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-C 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-C 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. 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.

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

I. 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)

17.52.150: LIGHTING:

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

A. A lighting plan shall be submitted with all new developments in C-C 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)

17.52.160: OTHER REQUIREMENTS:

The following provisions shall apply in C-C zones:

A. Private Covenants: The developer of a condominium project in a C-C 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 requirements of state law, and record the covenants with the condominium plat for the project.

B. Grading And Drainage: All development sites in C-C 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 G

RESOLUTION R-2013-73

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, AUTHORIZING THE CITY MANAGER TO EXECUTE THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF SOUTH JORDAN AND SJ MARKETPLACE.

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 to enter into a development agreement with SJ Marketplace.

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

SECTION 1. Authorization. South Jordan City Manager, John H. Geilmann is authorized to sign the Development Agreement by and between the City of South Jordan and SJ Marketplace, LLC.

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.

APPROVED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS 15th DAY OF October, 2013 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Mark Seethaler			X	
Chuck Newton	X			
Brian C. Butters	X			
Steve Barnes	X			
Larry Short	X			

Mayor: _____ Attest: _____
Scott L. Osborne City Recorder

Approved as to form:

_____
Attorney for South Jordan

City of South Jordan CORPORATE Seal State of Utah

EXHIBIT H

MASTER SIGN PLAN

(SIGN CRITERIA)

FOR

PROPOSED SHOPPING CENTER

S.W.C. BANGERTER HIGHWAY AND W 11400 S
SOUTH JORDAN, UTAH

PREPARED BY:

CCA ACQUISTION COMPANY, LLC
5670 WILSHIRE BOULEVARD, SUITE 1250
LOS ANGELES, CALIFORNIA 90036

WITH:

YESCO
ROCKY MOUNTAIN REGION
1605 GRAMERCY ROAD
SALT LAKE CITY, UTAH 94104

Revised 12-Nov-2013

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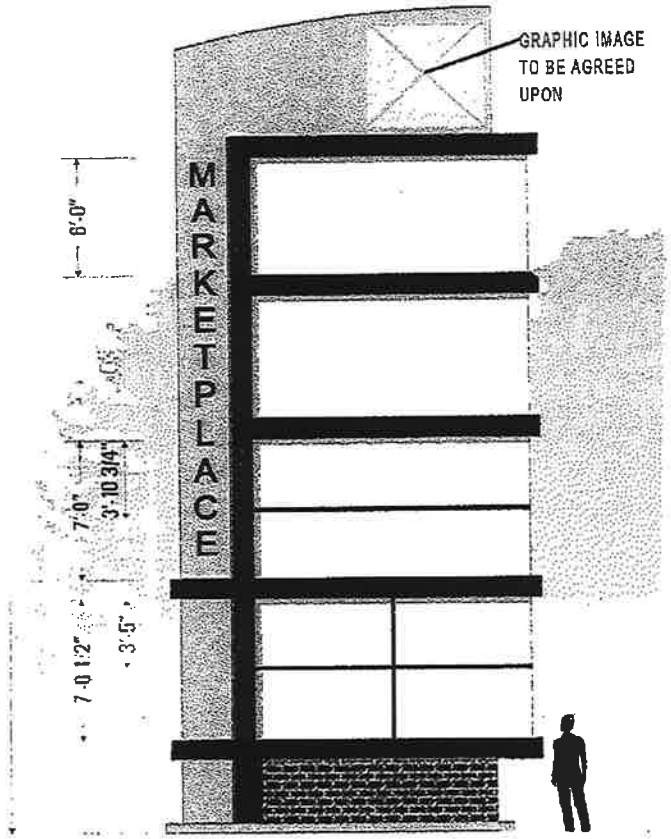
EXHIBIT H

PLYON SIGN (PS 1)

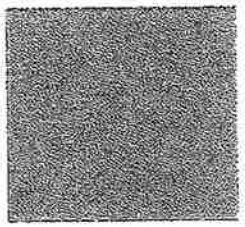
FOR ILLUSTRATIVE PURPOSES



1 LARGE MULTI TENANT

LOCATION: SOUTHEAST CORNER (PS 1 LOC 1)

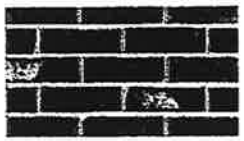
PAINT FINISHES



1124 SADDLE TAN
BENJAMIN MOORE

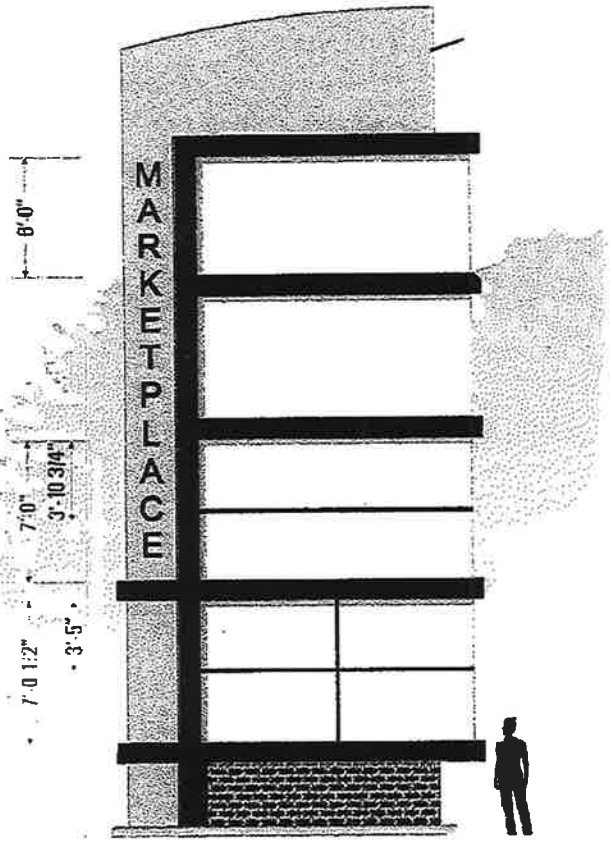
2116-10 NIGHT SHADE
BENJAMIN MOORE

BRICK VENEER



PLANTATION BLEND
PINE HALL BRICK

FOR ILLUSTRATIVE PURPOSES

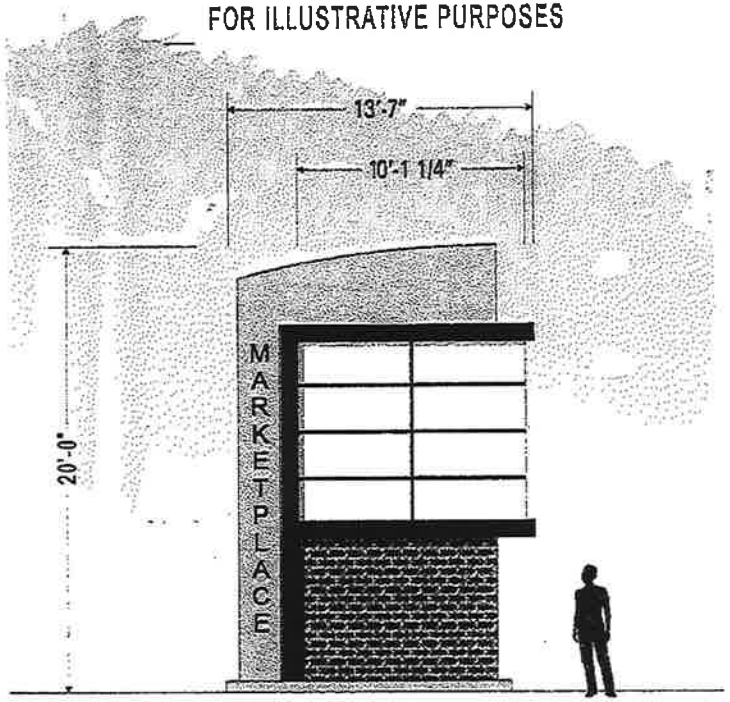


1 LARGE MULTI TENANT

LOCATION: SOUTHEAST CORNER (PS 1 LOC 1)

EXHIBIT H

PLYON SIGN (PS 2)



2 SMALL MULTI TENANT

LOCATION: 11400 (PS 2, LOC 1)

PAINT FINISHES

1124 SADDLE TAN
BENJAMIN MOORE

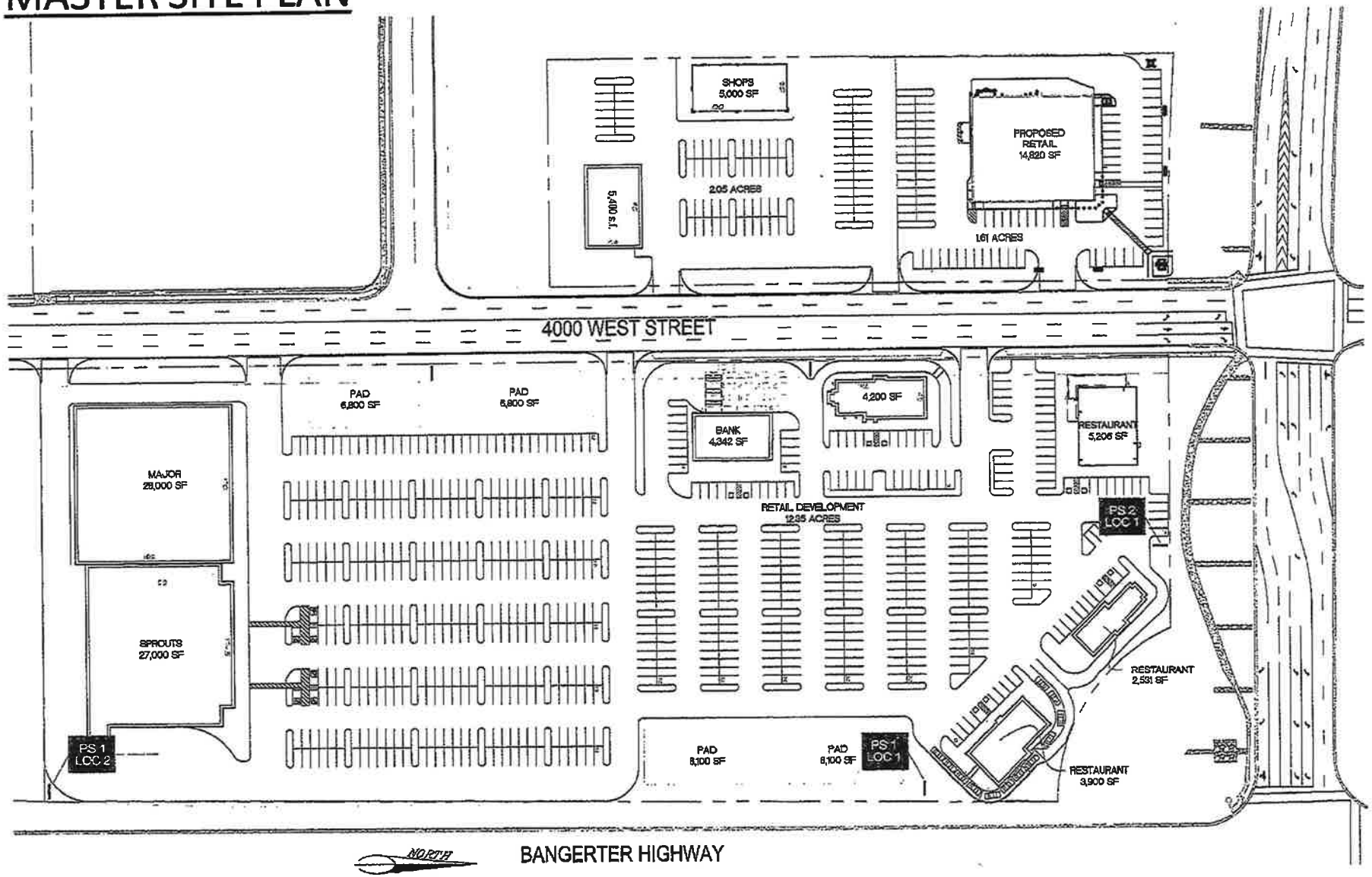
2116-10 NIGHT SHADE
BENJAMIN MOORE

BRICK VENEER

PLANTATION BLEND
PINE HALL BRICK

EXHIBIT H

MASTER SITE PLAN



6. Sign copy shall be limited to Tenant's proper firm name and shall not include the names of items, goods, products, or service lines. The use of a crest, shield, logo, or other established corporate insignia or modifier which has been displayed or associated with Tenant's firm name shall be permitted subject to Owner's written approval.
7. Any sign that does not conform to the requirements of this Master Sign Plan or was not approved by the Owner as required hereby shall be immediately removed or brought into conformance at the Tenant's expense.
8. Any sign type not discussed or addressed herein shall be covered by the City of South Jordan sign code.

C. TYPE OF SIGN

1. All signs shall contain individual, pan channel, internally illuminated, wall mounted letters. Letters shall not be mounted on an exposed raceway.

D. SPECIFIC REQUIREMENTS FOR BUILDING SIGNAGE

1. Major Tenants (Greater than 5,000 square feet)

A. Size Guidelines
   1. Each Major will be allowed one & one-half (1.5) square feet of building signage per foot of linear building frontage when frontage is greater than 75 feet from Property Line/Street Frontage. If frontage is less than 75 feet, one (1) square foot of building signage per foot of linear building frontage.
      A. Each frontage will be calculated independently (Example: If a Major has 3 elevations, each elevation is entitled to have a building sign based on that elevation frontage).
   2. The square footage for an individual sign will be calculated by using multiple rectangles that contain the entire sign (Letter descender do not have to be included in the calculating rectangle; for example, the letters "y", "p", "q", "j", "g", all have descender that do not get calculated as a part of the total signage area.
   3. Pan Channel Letters must be a minimum of three (3) inches in depth and a maximum of ten (10) inches in depth.
   4. Length: The overall length of spread of letters shall not exceed 80% of the total leased frontage as specified by lease. (Example: Maximum spread for a sign for a space thirty (30) feet wide will be twenty-four (24) feet).
   5. Height: Sign may not exceed 80% of SIGN BAND height.
   6. National chain businesses shall be allowed to use their standard signage. This includes letter style, colors, logos and lighting method.
   7. Stylized Logo/Cabinet sign not to exceed 10 square feet.

2. Minor Tenants (Less than 5,000 square feet)

A. Size Guidelines
   1. Each Minor will be allowed one & one-quarter (1.25) square feet of building signage per foot of linear building frontage when frontage is greater than 75 feet from Property Line/Street Frontage. If frontage is less than 75 feet, one & one-quarter (1.25) square foot of building signage per foot of linear building frontage.
      A. Each frontage will be calculated independently for square footage. (Example: If a Minor has 3 elevations, each elevation is entitled to have a building sign based on that elevation frontage).
   2. The square footage for an individual sign will be calculated by using multiple rectangles that contain the entire sign

EXHIBIT H

SIGN CRITERIA GENERAL REQUIREMENTS, TYPE OF SIGN

The purpose of this Master Signage Plan is to create a graphic environment that is individual and distinctive in identity for the merchant and also compatible with other signs within the Property. The total concept should give an impression of quality and professionalism, as well as, instill a good business image.

The following specifications shall be used for the design of all signage within the Property; however, in all cases, final written approval by Owner is required prior to manufacturing and installation of all signs.

For purposes of this Master Signage Plan, any reference herein to "Owner" shall also include all tenants, subtenants, licensees and other occupants of Owner's Parcel.

PROCEDURE:
All signage drawing proposals will be submitted in three (3) copies to Owner for written approval, prior to application for sign permit from the City of South Jordan.

NOTICE:
WRITTEN APPROVAL AND CONFORMANCE WITH THE REQUIREMENTS SET FORTH HEREIN DOES NOT IMPLY CONFORMANCE WITH APPLICABLE LAWS, CODES, RULES, AND REGULATIONS PROMULGATED BY THE CITY OF SOUTH JORDAN OR ANY OTHER APPLICABLE GOVERNMENTAL AGENCY OR BODY (COLLECTIVELY, THE "LAWS"). ALL SIGNAGE LOCATED WITHIN THE PROPERTY SHALL BE APPROVED IN WRITING BY OWNER, SHALL COMPLY WITH THE APPLICABLE LAWS AND RECEIPT BY OWNER OF A SIGN PERMIT MUST BE RECEIVED PRIOR TO MANUFACTURING AND INSTALLATION OF ANY SIGNAGE.

A. GENERAL PROVISIONS

1. All signs and signage programs must confirm to the requirements of this Master Signage Plan, the City of South Jordan, and all applicable Laws. Applications and submittals for signage permits shall be per the City of South Jordan's procedure and requirements.
2. Signs shall identify the person or company operating the use conducted on the Parcel. No off-premises advertising is permitted.

B. GENERAL REQUIREMENTS

1. No signs, advertisements, notices, or other lettering shall be displayed, exhibited, inscribed, painted or affixed in any manner to any part of the building exterior except as approved in writing by Owner.
2. Each electrical sign, and the installation thereof, shall comply with all applicable Laws. Double back connections must be utilized for all electrical connections through the building structure.
3. Tenant shall obtain all necessary permits for signs and the construction and installation of signs.
4. No labels shall be placed on the exposed surfaces of signs except those required by applicable Laws. Required labels shall be applied in inconspicuous locations.
5. All penetrations of the building structure required for sign installation shall be neatly sealed in a watertight manner.

(Letter descender do not have to be included in the calculating rectangle; for example, the letters "y", "p", "q", "j", "g", all have descender that do not get calculated as a part of the total signage area.

3. Pan Channel Letters must be a minimum of three (3) inches in depth and a maximum of ten (10) inches in depth.
4. Length: The overall length of spread of letters shall not exceed 80% of the total leased frontage as specified by lease. (Example: Maximum spread for a sign for a space thirty (30) feet wide will be twenty four (24) feet).
5. Height: Sign may not exceed 80% of SIGN BAND height.
6. Stylized Logo/Cabinet sign not to exceed 8 square feet.

3. Pad Tenants

A. Size Guidelines
   1. Each Pad will be allowed one & one-quarter (1.25) square feet of building signage per foot of linear building frontage when frontage is greater than 75 feet from Property Line/Street Frontage. If frontage is less than 75 feet, one & one-quarter (1.25) square foot of building signage per foot of linear building frontage.
      A. Each frontage will be calculated independently (Example: If a Pad has 4 elevations, each elevation is entitled to have a building sign based on that elevation frontage)
   2. The square footage for an individual sign will be calculated by using multiple rectangles that contain the entire sign (Letter descender do not have to be included in the calculating rectangle; for example, the letters "y", "p", "q", "j", "g", all have descender that do not get calculated as a part of the total signage area.
   3. Pan Channel Letters must be a minimum of three (3) inches in depth and a maximum of ten (10) inches in depth.
   4. Length: The overall length of spread of letters shall not exceed 80% of the total leased frontage as specified by lease. (Example Maximum spread for a sign for a space thirty (30) feet wide will be twenty four (24) feet).
   5. Height: Sign may not exceed 80% of SIGN BAND height.
   6. Stylized Logo/Cabinet sign not to exceed 8 square feet.

4. Shops & Inline Tenants

A. Size Guidelines
   1. Each Tenant will be allowed one & one-quarter (1.25) square feet of building signage per foot of linear building frontage when frontage is greater than 75 feet from Property Line/Street Frontage. If frontage is less than 75 feet from Property Line, one & one-quarter (1.25) square foot of building signage per foot of linear building frontage.
      A. Each frontage will be calculated independently for square footage calculation and frontage measurement. (Example: If a Shop or Inline Tenant has 3 elevations, each elevation is entitled to have a building sign based on that elevation frontage)
   2. The square footage for an individual sign will be calculated by using multiple rectangles that contain the entire sign (Letter descender do not have to be included in the calculating rectangle; for example, the letters "y", "p", "q", "j", "g", all have descender that do not get calculated as a part of the total signage area.
   3. Pan Channel Letters must be a minimum of three (3) inches in depth and a maximum of ten (10) inches in depth.

4. Length: The overall length of spread of letters shall not exceed 80% of the total leased frontage as specified by lease. (Example Maximum spread for a sign for a space thirty (30) feet wide will be twenty-four (24) feet.
5. Height: Sign may not exceed 80% of SIGN BAND height.
6. Any Shop or Inline suite is guaranteed a minimum of thirty two (32) square feet of signage
7. Shops A & B shall be allowed signage on all elevations.
8. Each frontage will be calculated independently for allowable square footage.
9. Stylized Logo/Cabinet sign not to exceed 6 square feet.

E. LIGHTING

1. All lighting shall be illuminated with LED's, Neon or Fluorescent's.
   A. Neon must be 30MA and between 12mm & 15mm glass tubing
   B. LED must be Slone or Gelcor brand.
   C. Fluorescent lighting will be allowed. No exposed bulbs.
2. All electrical will be U.L. or equivalent approved.
3. Penetration of structure and graphics beams shall be kept to a minimum and must have proper insulation for voltage cable and must be approved in writing by Landlord.
4. Power supplies shall be concealed behind fascia and mounted in metal boxes.

F. DETAIL DRAWING

1. Three copies of a complete and detailed drawing by Owner's sign company shall be submitted to Owner for final review and written approval.
2. Elevation of building fascia and sign shall be drawn using a minimum 1/4" to 1" scale.
3. Drawing shall indicate the following specifications:
   a. Type, thickness, and color of Plexiglas type of material used for backs, returns, and trim caps, including color.
   b. Finish used on returns.
   c. Type of illumination and mounting method.
4. Drawing must include fascia cross section showing electrical connections.

G. WINDOW SIGNAGE

Window signs must comply with The City of South Jordan Sign Code and must be approved by Owner in writing.

Window signs to be created in a professional manner.

H. GRAND OPENING BANNERS

Grand Opening banners are allowed with Owner approval.

I. ADDRESS SIGNS

Each store is required to display a street address and suite number above storefront door and service door of four (4) inch white exterior vinyl.

J. THE FOLLOWING ARE NOT PERMITTED

a. Roof signs.
b. Cloth signs or streamers hanging in front of business.
c. Exposed seam tubing.
d. Animated or moving components.
e. Intermittent or flashing illumination.
f. Iridescent painted signs.

g. Letter mounted or painted-on illuminated panels.
h. Signs or letters painted directly on any surface.
i. Signs will not be permitted to be installed or placed along perimeter of Property.

K. CONTACT INFORMATION

Bill Sandre
CCA Acquisitions Company, LLC
5670 Wilshire Boulevard, Suite 1250
Los Angeles, California
323.965.1510
BillS@kornwasser.net

SIGN EXAMPLES & DETAILS

TYPICAL SET OF PAN CHANNEL LETTERS.

FABRICATE & INSTALL
TYPICAL SET OF ILLUMINATED PAN CHANNEL LETTERS.

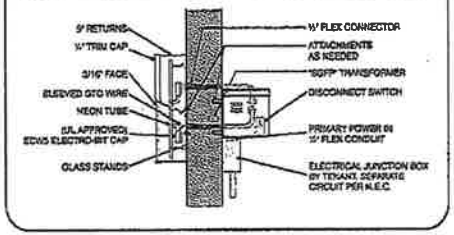
CONSTRUCTION
.063" ALUMINUM BACKS.
.040" ALUMINUM RETURNS, 5" DEEP COLOR TO BE DETERMINED BY TENANT.
3/4" TRIM CAP COLOR TO BE DETERMINED BY TENANT.

VINYL
COLOR TO BE DETERMINED BY TENANT. PER TENANTS CORPORATE COLORS.

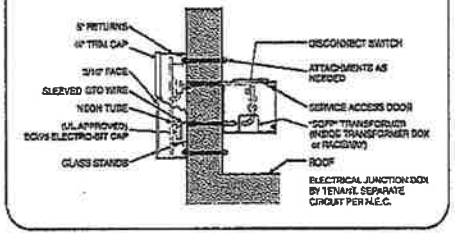
FACE
COLOR TO BE DETERMINED BY TENANT. PER TENANTS CORPORATE COLORS.

ILLUMINATION
SINGLE TUBE, DOUBLE TUBE AND OR GRID - 4" MAX STROKE BETWEEN TUBES.
DOUBLE BACKS W/ELECTRO-BIT RUBBER BOOTS.
30MA REMOTE TRANSFORMERS.
OR L.E.D's W/ REMOTE POWER PACKS.

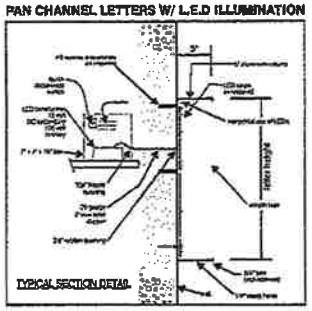
PAN CHANNEL LETTERS WITH TRANSFORMER BEHIND WALL



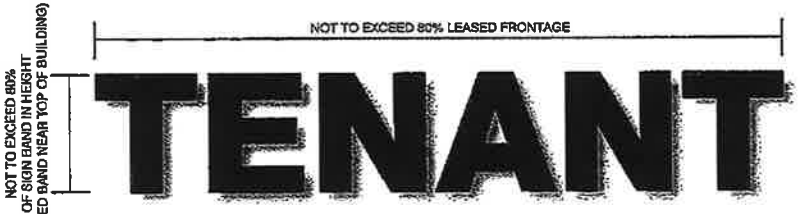
PAN CHANNEL LETTERS WITH REMOTE RACEWAY (ABOVE ROOF)



PAN CHANNEL LETTERS W/ L.E.D ILLUMINATION



NOTE: ALL SIGNS MUST HAVE U.L. LABEL.



TYPICAL SET OF REVERSE PAN CHANNEL LETTERS.

FABRICATE & INSTALL
TYPICAL SET OF HALO-ILLUMINATED REVERSE CHANNEL LETTERS

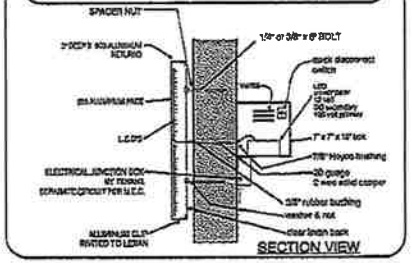
CONSTRUCTION
.090" ALUMINUM FACES,
.063" ALUMINUM 3" DEEP RETURNS, COLOR AS PER TENANT.

3/16" CLEAR LEXAN BACKS

MOUNTING
1" SPACE MOUNTED FROM WALL.

ILLUMINATION
SLOAN OR GEL-COR L.E.D.'S OR NEON TUBING,
SINGLE OR DOUBLE STROKE.
1 STROKE PER 4"
WITH REMOTE TRANSFORMER.

L.E.D. HALO-ILLUMINATED REVERSE PAN CHANNEL LETTERS



NEON HALO-ILLUMINATED REVERSE PAN CHANNEL LETTERS

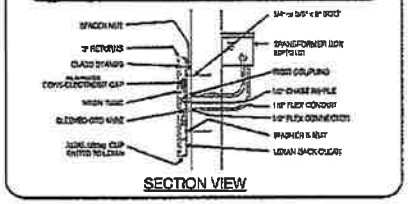
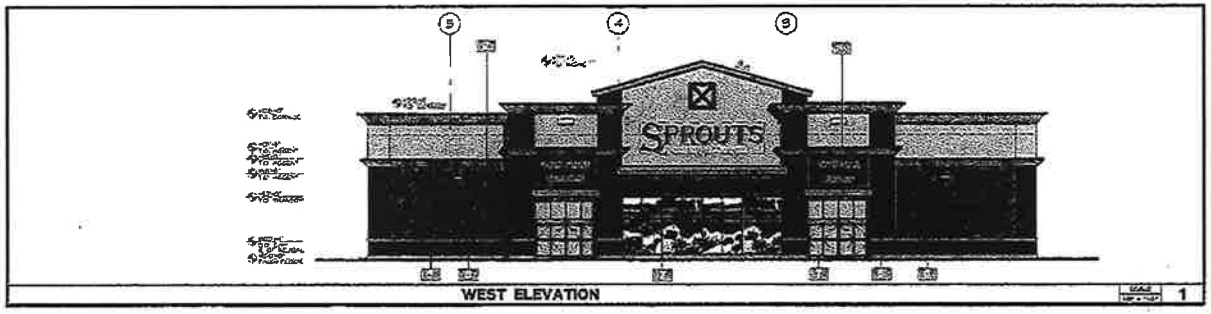
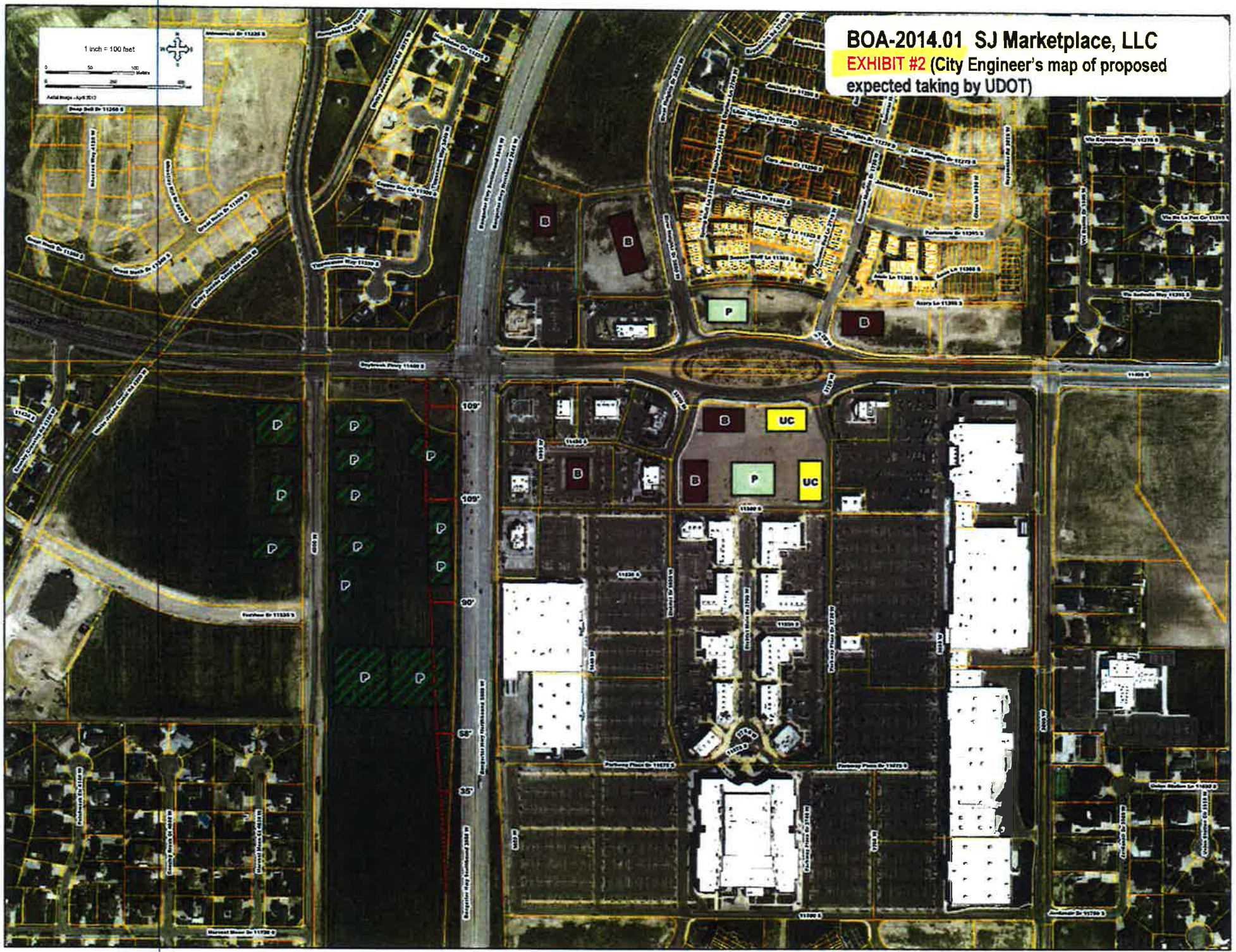


EXHIBIT D

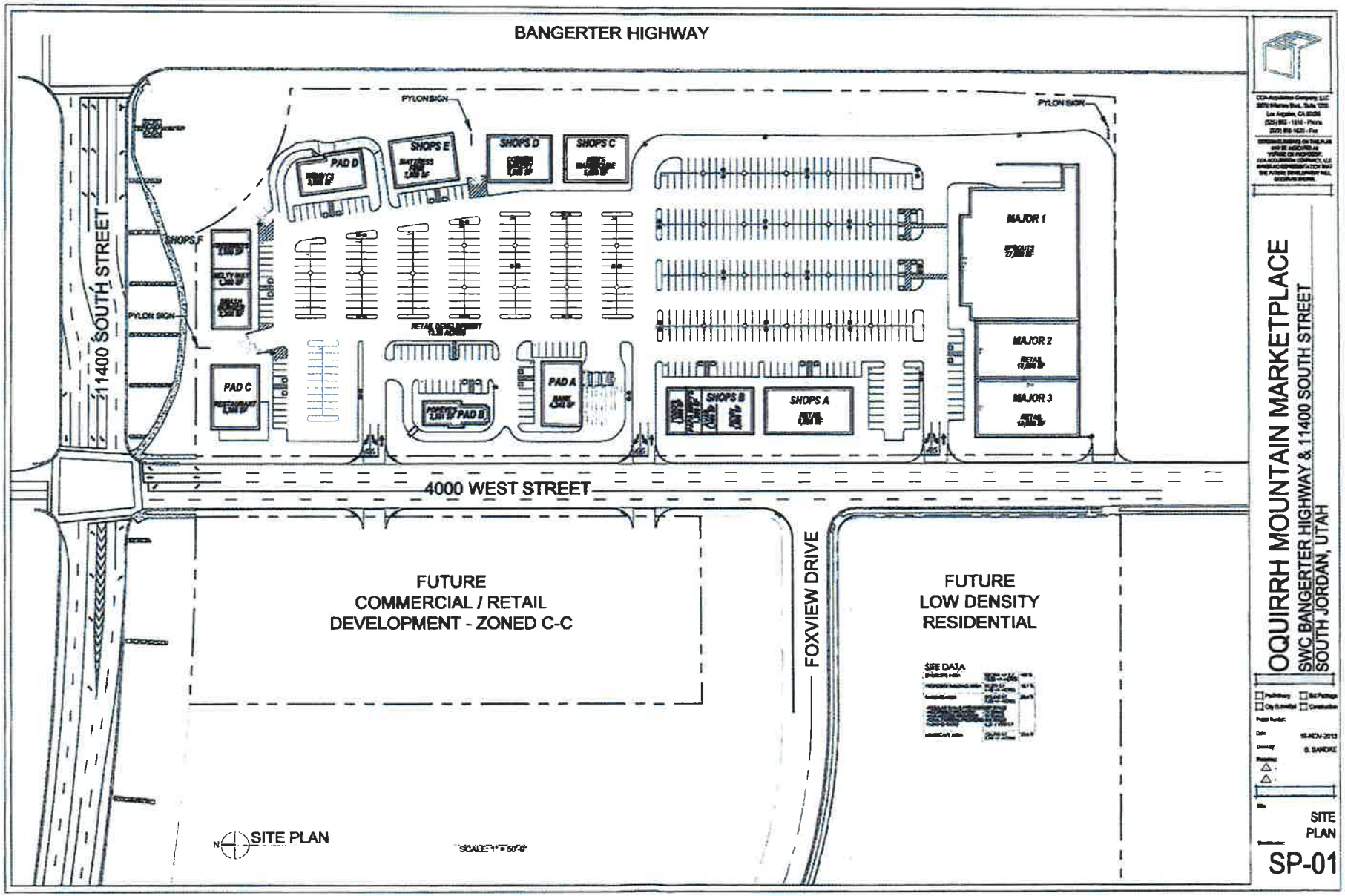
SPROUT'S COLORED BUILDING ELEVATIONS



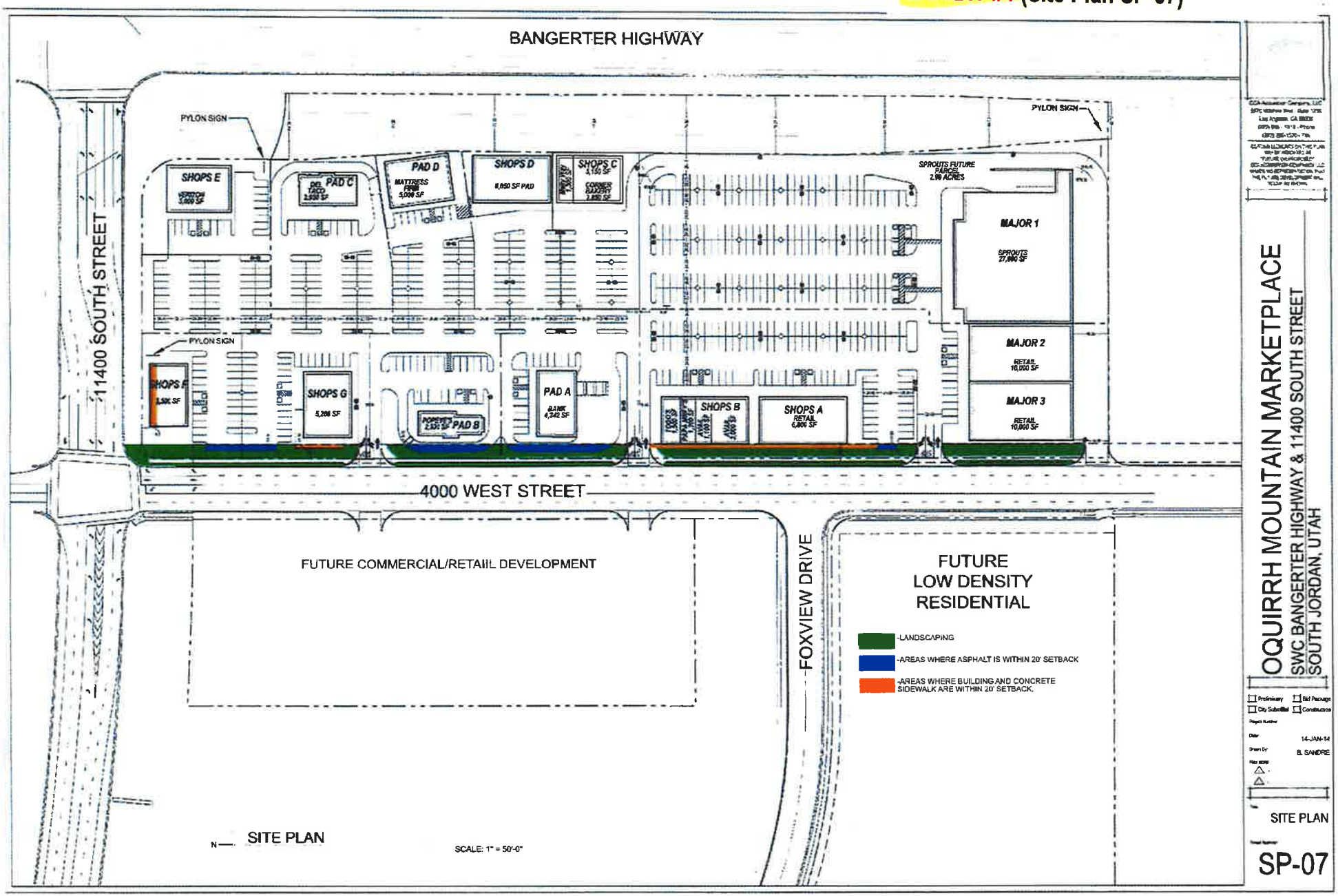

BOA-2014.01 SJ Marketplace, LLC
EXHIBIT #2 (City Engineer's map of proposed expected taking by UDOT)
1 inch = 100 feet
B
P
UC
109'
90'
35'

BOA-2014.01 SJ Marketplace, LLC
EXHIBIT #3 (Approved Site Plan SP-01)

APPROVED SITE PLAN



BOA-2014.01 SJ Marketplace, LLC
EXHIBIT #4 (Site Plan SP-07)



OQUIRRH MOUNTAIN MARKETPLACE
SWC BANGERTER HIGHWAY & 11400 SOUTH STREET
SOUTH JORDAN, UTAH

Preliminary
City Submittal
Bid Package
Construction

Date 14-JAN-14
Drawn By: B. SANDRE

SITE PLAN

SP-07

BOA-2014.01 SJ Marketplace, LLC
EXHIBIT #5 (Staff Report)

SOUTH JORDAN CITY REQUEST FOR BOARD OF ADJUSTMENT ACTION

Meeting Date: 01/15/2014

Issue: **VARIANCE REQUEST TO MODIFY LANDSCAPE BUFFER REQUIREMENTS ALONG PUBLIC STREET FRONTAGE**
Address: Southwest corner of Bangerter Highway and 11400 South
File No: File# BOA-2014.01
Applicant: SJ Marketplace, LLC

Submitted by: Damir Drozdek, Planner II

ACREAGE:	Approximately 12 Acres
CURRENT ZONE:	C-C (Commercial-Community) Zone
CURRENT USE:	Vacant Land
FUTURE LAND USE PLAN:	Commercial
NEIGHBORING ZONES/USES:	North – A-5 / 11400 South South – A-5 / Vacant Land West – C-C, R-2.5 and R-3 / 4000 West East – BH-MU / Bangerter Highway

BACKGROUND:

The Applicant intends to commercially develop property located south of 11400 South and between 4000 West and Bangerter Highway. The project is intended to consist of major/anchor retail and a multitude of retail stores/pads around the site. The project is governed by a development agreement that was approved on November 26th of 2013 by the City at the same time rezone and land use amendment was approved.

Municipal Code requires a min. 20' of landscaping along the street frontage of 4000 West and 11400 South.. The site plan that was approved by the Planning Commission (SP-01) on November 26th of 2013 shows a 20' landscape buffer along 4000 West and 11400 South and a 10' landscape buffer along Bangerter Highway. The 10' buffer was approved by the Planning Commission as the Code requires 20' landscape buffer only for corner lots (front and street side only). Bangerter Highway side was found to be a rear lot side while the south side was found to be an interior lot side. And as such no landscape buffer was required along the Bangerter Highway.

As a matter of reference regarding UDOT the following are some key timelines:

1. The Developer received approval of the Zoning application with a concept development plan and a Development Agreement on October 15, 2013.
2. On November 7, 2013, UDOT through their hired consultant (Horrocks Engineering) met with City Staff and the developer to inform the City and Developer of the right of way required from this property in order to install a grade separated interchange at 11400 South and Bangerter Highway. This came to light as a high priority intersection with UDOT after the October 15, 2013, City Council meeting.
3. On November 8, 2013, Horrocks Engineering submitted to the Developer an AutoCad drawing of the proposed right of way needed so that the Developer could see if he could adjust is site plan to make the right of way take work.

4. On November 11, 2013, the Developer submitted to the City and Horroks Engineering a revised site plan that was able to accommodate the right of way (about 65 feet) needed for the 11400 South Bangerter Highway future interchange.
5. On November 13, 2013, Horrocks Engineering confirmed that the right of way for the interchange on the site plan submitted by the developer on November 11, 2013 would provide what was required to construct the future interchange.
6. On November 26, 2013, the Site Plan was approved by the City of South Jordan Planning Commission, meeting all City Codes as outlined in this report.
7. On December 18, 2013, Horrocks Engineering submitted to the Developer a revised right of way requirement that requested approximately an additional 20 feet making the take approximately 85 feet instead of the 65 feet. This requirement was made because the UDOT staff determined that the original request of 65 feet was insufficient and that 85 feet was what was required.
8. On December 23, 2013, the developer revised the approved site plan the best he could and that is where we are at with this Board of Adjustment Request.

Since the Planning Commission approval (see time-line number 7), UDOT has approached the Applicant and informed them that UDOT would be acquiring additional property, approximately 20 additional feet, for the proposed intersection improvements at 11400 South and Bangerter Highway. According to the Applicant the amount of land required for the UDOT project imposes certain hardships that can be alleviated with the landscape buffer adjustment. The Applicant proposes to be allowed to make the following change:

- 10' encroachment into the landscape buffer with the Shops F building along 11400 South (see attached proposed Site Plan SP-07).

STAFF FINDINGS:

Findings:

- Section 17.52.090 "C" states the following: "Side Yard, Corner Lots: The minimum landscaped street side yard for corner lots shall be twenty feet (20')."
- The Applicant is requesting a reduced landscaping buffer along 4000 West and 11400 South.
- The Applicant believes that the hardship is caused by UDOT's actions, specifically land acquiring for the improvements to be made at the intersection of 11400 South and Bangerter Highway.

FISCAL IMPACT:

- No analysis performed.

ALTERNATIVES:

- Approve an amended variance request.
- Deny the variance request.
- Schedule the application for a decision at some future date.

SUPPORT MATERIALS:

- Aerial Map
- Zoning Map
- PC approved Site Plan SP-01
- Proposed Site Plan SP-07
- City approved Development Agreement (DA Part1, DA Part2 and DA Part3)
- Current Zoning Ordinance (17.52.090: Yard Requirements)
- Applicant's Application

_____

Damir Drozdek
Planner II
Community Development Department

Legend

STREETS

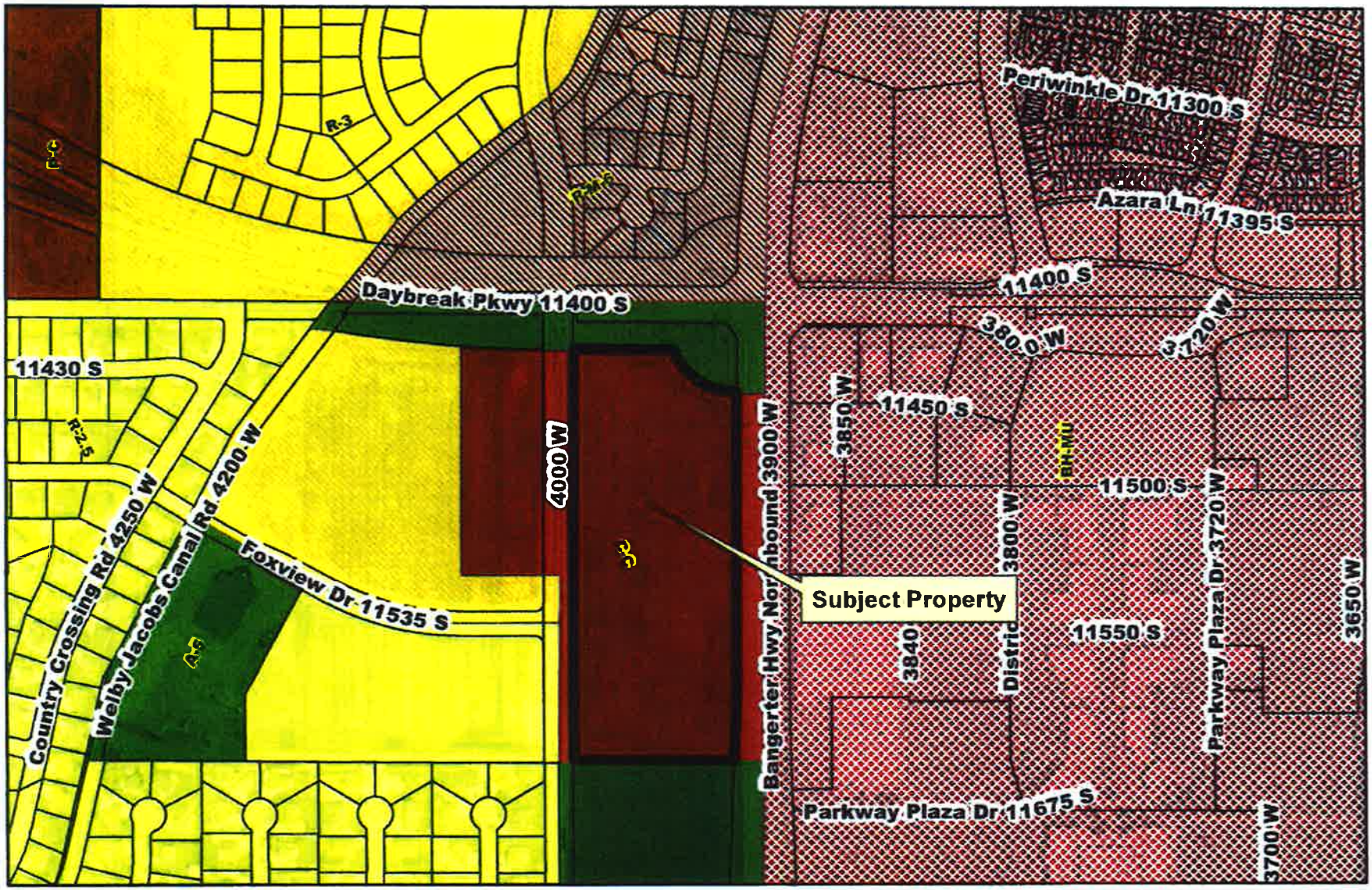
PARCELS

Aerial Map

City of South Jordan

0 130 260 520 780 1,040 Feet

Aerial Imagery
April 2012



Legend

STREETS

PARCELS

Zoning Map

City of South Jordan

0 130 260 520 780 1,040 Feet

Aerial Imagery
April 2012

CITY OF SOUTH JORDAN ■ PLANNING & ZONING
1600 W. TOWNE CENTER DRIVE ■ SOUTH JORDAN UT 84095
TEL. (801) 254-3742 ■ FAX. (801) 253-5235

SOUTH JORDAN

BOARD OF ADJUSTMENT APPLICATION

Owner Name: S.J Marketplace, LLC
Address: 5670 Wilshire Boulevard, Suite 1250 Los Angeles, CA 90036
Home Phone: (313) 965-1510 Cell Phone (optional) (602) 501-8107 Fax: (323) 965-1520

Subject Property Information:
Address/Location: SWC Bangerter HWY & 11400 S. Zone District: C-C
Property I.D. # (Sidwell) _____ Property Size (acres): 12.3 Acres
Proposed Use of Property: Commercial / Retail

Brief Description of Variance Request: The request is for relief of a City Ordinance requireing a 20 foot setback from a property line along Bangerter Hwy. 11400 S and 4000 West Street.

The applicant is required to prove that all conditions justifying a variance have been met. After reading each section below describing the justifications for a variance, provide a brief explanation of how your request complies. Attach additional sheets if necessary. This application sheet along with other required materials will be submitted to the Hearing Officer to aid in his/her review and decision.

Before any variance may be authorized, it must be shown that:

1) Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;
   a) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (1) above, the Board may not find an unreasonable hardship unless the alleged hardship:
      i) Is located on or associated with the property for which the variance is sought; and
      ii) Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

   b) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (1) above, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.

SEE ATTACHED

2) There are special circumstances attached to the property that do not generally apply to other properties in the same zone;
   a) In determining whether or not there are special circumstances attached to the property under Subsection (2) above, the appeal authority may find that special circumstances exist only if the special circumstances:
      i) Relate to the hardship complained of; and
      ii) Deprive the property of privileges granted to other properties in the same zone.

SEE ATTACHED

3) Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;

SEE ATTACHED

4) The variance will not substantially affect the general plan and will not be contrary to the public interest; and

SEE ATTACHED

5) The spirit of the land use ordinance is observed and substantial justice done.

SEE ATTACHED

Fee: _____
Date Paid: _____
Received By: _____

F/COMMON/APPLICATIONS/BOARD OF ADJUSTMENT APP.DOC