



CITY OF OREM
CITY COUNCIL MEETING
56 North State Street, Orem, Utah
August 24, 2021

*This meeting may be held electronically
to allow a Councilmember to participate.*

3:00 P.M. WORK SESSION - CITY COUNCIL CHAMBERS

PRESENTATION - Neighborhood Improvement Team Update (15 min)

Presentation

Presenter: Kena Jo Mathews, Community Services Manager

PRESENTATION - Metropolitan Water District of Orem - Central Utah Water Conservancy District Agreement (15 min)

Presentation

Presenter: Chris Tschirki, Public Works Director

UPDATE - Request for an Advisory Opinion from the State Property Rights Ombudsman (20 min)

Information

Presenter: Heather Schriever, City Attorney

DISCUSSION - State Street Districts

- 1. Discuss the pending amendments to portions of the State Street District zones to establish a maximum height limit, add additional setback requirements and increase the parking requirement pertaining to commercial and residential development standards. (30 min)**
- 2. Discuss the potential modifications to other areas of the State Street District zones. (30 min)**

Discussion

Presenter: Jason Bench, Planning Division Manager

1. AGENDA REVIEW & PREVIEW OF UPCOMING AGENDA ITEMS

The City Council will review the items on the agenda.

2. CITY COUNCIL REPORTS (BOARDS & COMMISSIONS, NEW BUSINESS, ETC.)

This is an opportunity for members of the City Council to raise issues of information or concern.

Presenter: David Spencer

6:00 P.M. REGULAR SESSION - COUNCIL CHAMBERS

3. CALL TO ORDER

4. INVOCATION/INSPIRATIONAL THOUGHT: Jeff Lambson
5. PLEDGE OF ALLEGIANCE: Jeff Lambson
6. MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

- 6.1 Public Safety Advisory Commission Introductions**
Appointed by Fire Chief Marc Sanderson
 - Scott Ash
 - Donna Cotterell**Appointed by Police Chief Josh Adams**
 - Abril Lopez
 - Fui Taotua

- 6.2 Employee Recognition**
Presenter: Marc Sanderson, Fire Chief

7. PERSONAL APPEARANCES – 15 MINUTES

Time has been set aside for the public to express their ideas, concerns, and comments on items not scheduled as public hearings on the Agenda. Those wishing to speak are encouraged to show respect for those who serve the city. Comments should focus on issues concerning the city. Those wishing to speak should have signed in before the beginning of the meeting. (Please limit your comments to 3 minutes or less.)

8. CONSENT ITEMS

- 8.1 APPROVAL OF MEETING MINUTES**
Minutes of City Council Meetings
 - July 13, 2021
 - July 27, 2021

- 8.2 A Resolution Approving an Amendment to 3/10/2008 Amended and Restated Agreement between the City of Orem, The Links at Sleepy Ridge, L.C., The Suites at Sleepy Ridge, L.C. and Plant Specialities, Inc. and Authorizing the Mayor to Sign the Amendment**

- 8.3 Acceptance and Certification of the 2021 City of Orem Primary Elections**

- 8.4 CITY COUNCIL APPOINTMENT - Public Safety Advisory Commission**
City Councils advise and consent on the appointment of the following:
 - Rick Clark
 - Spencer Rand
 - William Faulk

9. SCHEDULED ITEMS

- 9.1 ORDINANCE – Amending the temporary land use regulation (moratorium) previously adopted by the City Council on August 9, 2021, with respect to the City Center District zones, the Hub District zones, the Canyon Crossing District zones, the Arts District zones and the North Village District zones pursuant to Utah Code Section 10-9a-504, to exclude from the moratorium the following types of construction: interior remodels; exterior remodels-exterior finish materials, roofing, windows, doors, awnings, canopies, decks, patios, and architectural features designed solely to enhance the aesthetic appeal of a building; signs; fences and retaining walls; roof structures for parking and drive-thrus; utility improvement infrastructure (electric, natural gas, telephone, fiber, water, sewer, storm water); parking lot and driveway improvements; curb, gutter and sidewalk; lighting improvements; landscaping improvements; cellular infrastructure; and other structures and improvements that do not create or increase habitable building space (but in no case to exceed a height of 60 feet); and also to exempt from the moratorium all construction that is purely commercial (no residential uses) in nature that does not exceed a height of 60 feet and provides parking of at least one stall per 250 square feet of gross floor area.**

Presenter: Steve Earl, Deputy City Attorney

10. COMMUNICATION ITEMS

10.1 MONTHLY FINANCIAL SUMMARY - JULY 2021

For Review Only

11. CITY MANAGER INFORMATION ITEMS

This is an opportunity for the City Manager to provide information to the City Council. These items are for information and do not require action by the City Council.

12. ADJOURN

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS.
If you need a special accommodation to participate in the City Council Meetings and Study Sessions, please call
the City Recorder's Office at least 3 working days prior to the meeting.
(Voice 801-229-7000)

This agenda is also available on the City's webpage at orem.org

Discussion Item	City Council Work Session August 24, 2021	
Prepared By: Jason Bench, AICP		
Applicant: Development Services	DISCUSSION – Amending portions of the State Street District zones pertaining to overall height standards, setbacks from residential zones, and parking standards. Additional discussion may include other ordinances within the State Street District zones.	

NOTICES:

- Noticed 1,809 property owners within all five districts for the Planning Commission public hearing.

SITE INFORMATION:

ACTION:

REQUEST: A proposed discussion of the State Street District zones located generally at 1600 North, 800 North, Center Street, 800 South and University Parkway on State Street.

BACKGROUND: At the request of the City Council, staff proposes several amendments to portions of the State Street District zones to establish a maximum height limit, add additional setback requirements and increase the parking requirement pertaining to commercial and residential development standards. Changes are proposed in all the State Street Districts including the North Village District (NVD), The Canyon Crossing District (CXD), the City Center District (CCD), the Arts District (AD), and the HUB District (HD) as follows:

1. **Maximum height.** A height limit of sixty feet (60') is proposed in the Canyon Crossing District, City Center District, Art District, and the HUB District. The proposed amendments include the allowance for elements not used for human occupancy to extend up to 70 feet as outlined in the proposed text.

The North Village District height requirements were recently modified and are not included in this height modification.

2. **Setbacks.** An additional setback requirement is proposed for the Canyon Crossing District, City Center District, and the HUB district. The proposed amendment provides that any building located within 75 feet of a residential zone (including Res(B) zone) shall not exceed a height of 35 feet.

The North Village District and the Arts District were already amended to include this requirement.

3. **Parking requirement.** The parking standard for commercial developments is proposed to be modified from three stalls per 1,000 square feet (3/1000) to four stalls per 1,000 square feet (4/1000). In addition, the minimum parking stalls for a residential unit over and above the base residential density will be amended from 1.75 stall per unit to 2 parking stalls per unit.

ADDITIONAL DISCUSSION:

1. **Limitation on Residential Uses.** A commercial development within a commercial zone in any of the five districts can contain 100% commercial. There is no maximum for a commercial building. The commercial zones within any of the five State Street districts **do not** require residential uses as part of the development.

Current ordinances have a minimum commercial requirement and a maximum residential requirement if a property owner chooses to develop a mixed-use development containing both commercial uses (retail/office) and residential uses. For example, the City Center District requires in the core zone a minimum of 20% commercial in any building and shall not have more than 80% residential (20/80) when a mixed-use building is proposed. Each district has similar requirements.

- NVD – Core zone: 20% min. com. / 80% max res.; Edge zone: 10/90
- CXD – Core zone: 20% / 80%
- CCD – Core zone: 20% / 80%; Edge: 10% / 90%
- AD – Core zone: 10% / 90%
- HD – Core zone: 20% / 80%; Edge: 20% / 80%

Should these requirements be modified?

2. **Minimum Height.** Each district has a minimum number of stories required based on the zone within a district. For example, in the HUB district core zone a new structure shall have a minimum of three (3) stories.

- NVD – Core zone: 2 stories minimum; Edge no minimum
- CXD – Core zone: 2 stories minimum
- CCD – Core zone: 3 stories minimum
Edge, Civic, and Res-A zones: 2 stories minimum
- AD – Core and Civic zone: 2 stories minimum
- HD – Core zone: 3 stories minimum; Edge no minimum

Should these requirements be modified?

3. **Base Residential Density.** Each district allows a certain number of commercial parking stalls to be shared with a portion of the residential units, if residential units are proposed. The base residential density is calculated by dividing the total commercial parking requirement by three. For example, if a development contained 10,000 square feet of commercial space a total of 30 parking stalls would be required based on a parking standard of 3 stalls per 1000 square feet. The base residential density would be 10 units. Meaning a development can have up to 10 residential units without providing additional parking. (The intent of this provision is to share this parking with the idea that daytime uses and nighttime uses will overlap) A parking ratio of 4/1000 would require 40 parking stalls with a base residential density of 13 units. Any proposed residential units over the base residential density would require the 2.25 parking stalls per unit standard in the NVD zone, and 2.0 or 2.25 stalls per unit depending on the final ordinance amendment pertaining to residential parking.

Should these requirements be modified?

4. **Rezone.** It has been suggested that the property in the Canyon Crossing District from 100 West to 120 East on Canyon Parkway (which includes the former VASA fitness facility) be removed from the district and be rezoned back to the C2 and R8 zones. A rezone process would be required to make that change. Should these properties be removed? Are there any other portions of the districts that should

be reconsidered and rezoned back to the C2 zone or the zone prior to becoming part of the districts?

5. **Public Process.** Additional discussion is needed on how the Council would like staff to move forward with the public process over and above what would normally be required with a rezone or ordinance amendment. Should we hold neighborhood meetings, open houses, mailers, online forums, etc.?



CODE OF ORDINANCES

CHAPTER 22. ZONING

Article 22-24. State Street District Zones.

Contents:

- 22-24-1. City Center District (CCD) Zone.
- 22-24-2. The Hub District (HD) Zones.
- 22-24-3. Canyon Crossing District (CXD) Zones.
- 22-24-4. The Arts District (AD) Zones.
- 22-24-5. North Village District (NVD) Zones.

22-24-1. City Center District (CCD) Zone.

A. Purpose.

The City Center District (CCD) zones are intended to be the heart of civic and employment activity in Orem, while providing opportunity for the development of a traditional downtown center with a mix of office, retail, and residential uses.

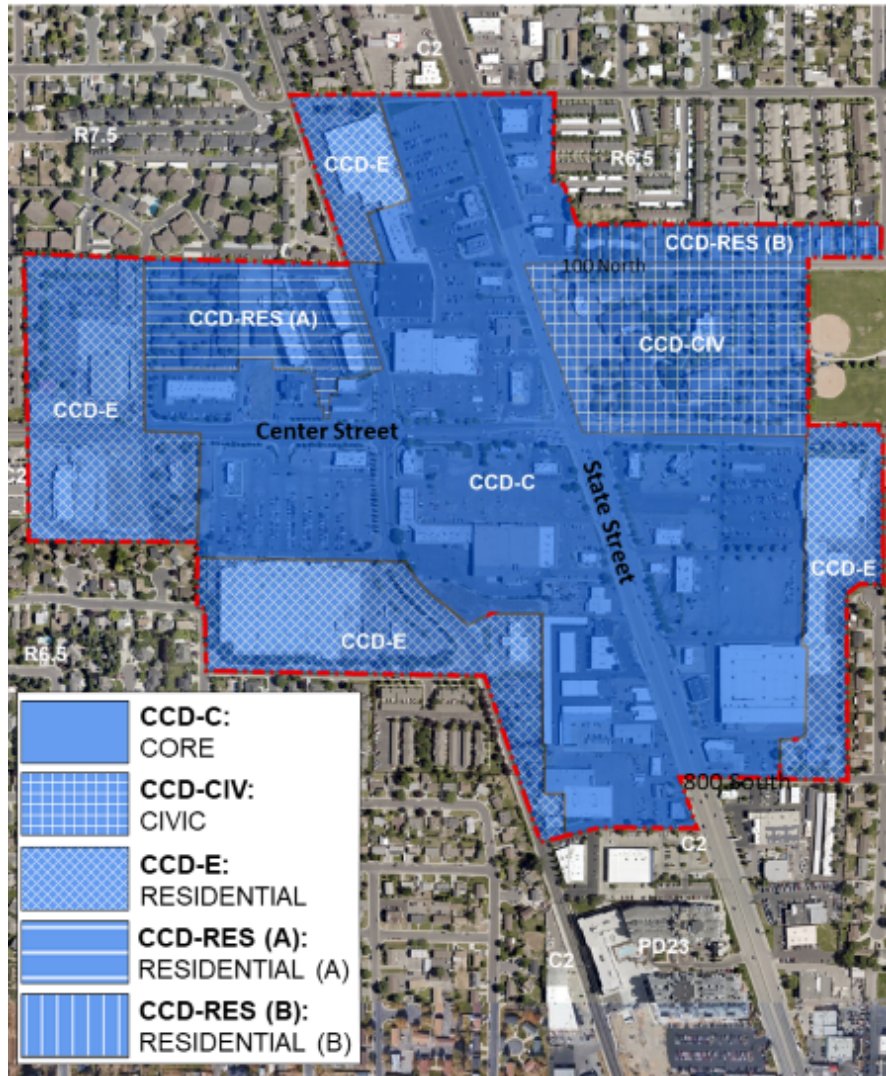
(Ord. No. O-2018-0022, Enacted, 06/19/2018)

Effective on: 6/19/2018

B. Boundaries of City Center District Zones.

There is hereby established five City Center District zones which consist of the following zones: (1) CCD-C (Core), (2) CCD-E (Edge), (3) CCD-Civ (Civic), (4) CCD-Res-A (Residential) and CCD-Res-B (Residential). Where used in this Section 22-24-1, the term "CCD zones" refers to all five of the above-referenced zones. Although the CCD zones have many of the same standards in common, each CCD zone is a fully independent and separate zone. The boundaries of each of the five City Center zones are as shown in the map below:

City Center District (CCD) Zone



(Ord. No. O-2018-0022, Enacted, 06/19/2018)

Effective on: 6/19/2018

C. Use of Certain Terms.

Use of Certain Terms. As used in this Section 22-24-1, the terms listed below shall have the following meanings:

1. "Required Sidewalk" or "Sidewalk Adjacent to a Street" means the buffered sidewalk required by Orem City Code Section 22-8-8(B)(4) or sidewalks required by other applicable sections of the Orem City Code.
2. A "street-facing façade" is any building elevation that faces a public street and is located within one hundred feet of a required sidewalk. For purposes of this definition, a building elevation faces a public street if any part of the elevation is visible from the street at a point on a line between the building and the street that is perpendicular to the street.



(Ord. No. O-2018-0022, Enacted, 06/19/2018; Ord. No. O-2018-0032, Amended, 12/11/2018)

Effective on: 6/19/2018

D. **Default Standards.**

Default Standards. With respect to the CCD-C, CCD-E and CCD-Civ zones, the standards of the C2 zone (including the “Zone Development Standards for the State Street Corridor Area” where applicable) shall apply to any regulation not specifically addressed in this Section 22-24-1. With respect to the CCD-Res (A & B) zones, the standards of the PRD zone shall apply to any regulation not specifically addressed in this Section 22-24-1. To the extent there is any conflict between the standards contained in this Section 22-24-1 and other provisions of the City Code, the provisions of this Section 22-24-1 shall control.

(Ord. No. O-2018-0022, Enacted, 06/19/2018; Ord. No. O-2018-0032, Amended, 12/11/2018; Ord. No. O-2019-0007, Amended 3/26/2019)

Effective on: 6/19/2018

E. **Uses.**

1. **Permitted Uses.** All uses permitted in the C2 zone as well as SLU Code 1112 (Condominiums) and 1120 (Apartments) are permitted in the CCD-C, CCD-E and CCD-Civ zones (subject to the limitation on residential uses outlined below). All uses permitted in the PRD zone as well as SLU Code 1112 (Condominiums) and 1120 (Apartments) are permitted in the CCD-Res-(A&B) zones. However, no stacked units are allowed in the CCD-Res-B zone.
2. **Prohibited Uses.** Any use that is not included as a permitted use in subsection (1) above is prohibited in all of the CCD zones.
3. **Limitation on Residential Use.** In order to encourage the development of commercial uses in the CCD-C and CCD-E zones, residential uses in any building shall not occupy more than 80% of the Gross Leasable Floor Area (GLFA) of such building in the CCD-C zone, or 90% of the GLFA in the CCD-E Zone.
 - a. In the CCD-C and CCD-E zones, if at least 50% of a parcel’s street frontage is occupied by buildings that meet the maximum setback requirement of subsection (F)(2) below and have pedestrian access to the street at ground level, a building on the interior of the parcel may exceed the maximum residential GLFA limit by an amount equal to the amount (in square feet) by which the residential GLFA of buildings meeting the maximum setback requirement on the same parcel is below the maximum residential GLFA allowed in such buildings. This transfer of allowable residential occupancy may only be made to interior buildings and buildings with street frontage may in no case exceed the maximum residential GLFA requirement. Any such transfer shall be recorded upon a plat and recorded at the office of the Utah County Recorder. Upon, the execution of such a transfer of allowable residential occupancy, residential uses in the building that transferred a portion of its allowable residential use percentage shall not exceed the maximum percentage of GLFA allowed by the applicable zone less the amount of residential GLFA that was transferred to another building. For example, if a parcel in the CCD-C zone has two buildings that each contain 50,000 square feet of GLFA and at least 50% of the street frontage of said parcel is occupied by a building that meets the maximum setback requirements, the interior building could be 100% occupied by residential uses provided that no more than 30,000 square feet of GLFA of the building fronting the street was occupied by residential uses and the transfer of 10,000 square feet of residential occupancy from the building with street frontage to the building on the interior of the lot was shown on a plat recorded with the Utah County Recorder. Following the transfer, residential uses in the building with street frontage could not exceed 30,000 square feet of GLFA ((80% x 50,000)-10,000 (transferred) = 30,000).



- b. A transfer of residential occupancy as described above is permanent unless modified by the owners of both buildings by an amended plat. If a parcel on which a transfer described above has taken place is subdivided, all buildings on the new parcels shall continue to meet the requirements with respect to maximum percentage of GFLA that may be occupied by residential uses to which they were subject prior to the subdivision.

(Ord. No. O-2018-0022, Enacted, 06/19/2018; Ord. No. O-2018-0032, Amended, 12/11/2018)

Effective on: 6/19/2018

F. **Design Standards.**

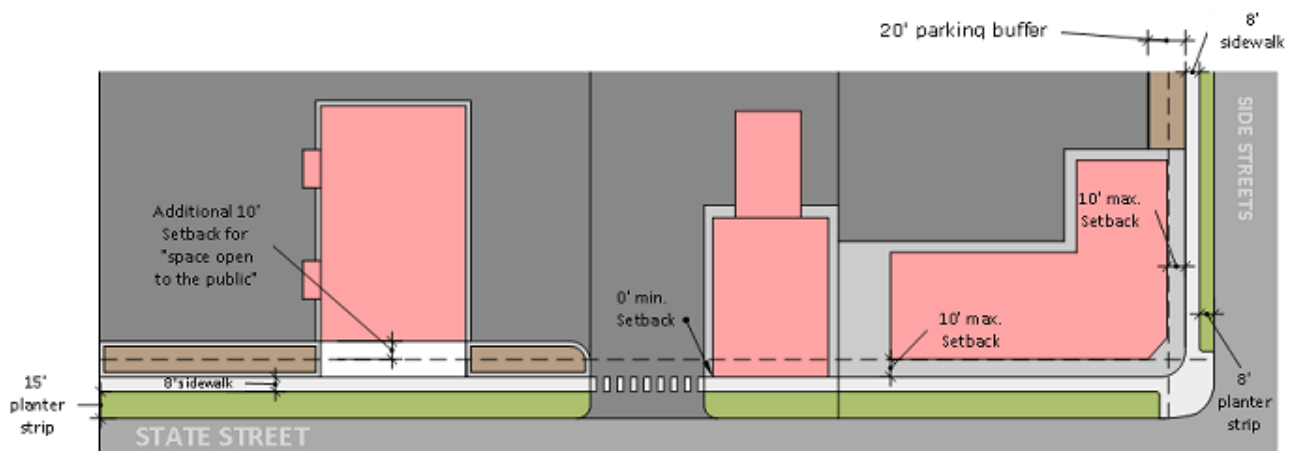
1. **Building Height.** All buildings in the CCD-C zone shall be at least three (3) stories in height. All buildings in the CCD-E, CCD-Civ, and CCD-Res-A zones shall be at least two (2) stories in height. Each building story above the ground story shall be designed and constructed to have at least 60% of the Gross Leasable Floor Area of the story directly below. Buildings in the CCD-Res-B zone shall have a maximum height of 35 feet. There is no maximum height requirement for the CCD-C, CCD-E, CCD-Res-A, and CCD-Civ zones. The ground story of every building, except for buildings in the CCD-Res-(A&B) zones, shall have a floor to ceiling height of at least 14 feet.

A ground floor story in the CCD-CIV zone that has an average floor to ceiling height of 18 feet or more shall count as two (2) stories toward the minimum story requirement.

2. **Setbacks.**

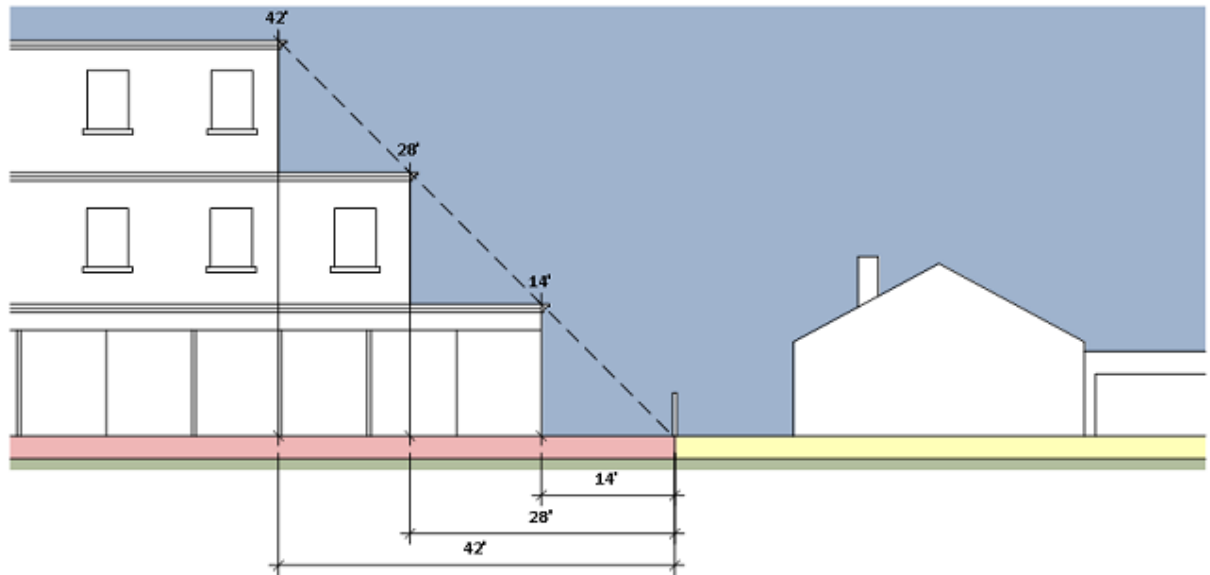
Except as otherwise provided below, there are no minimum setbacks in the CCD zones.

- a. **Maximum Setbacks.** Except as otherwise provided herein, the ground level story of all buildings shall be set back no more than ten feet from the back of a required sidewalk. However, buildings may be set back an additional ten feet (for a total of twenty feet) from the back of a required sidewalk if the entire additional setback area is utilized as a “space open to the public” such as a plaza or outdoor dining area that is designed to be utilized by the public on a regular basis. A “space open to the public” as described herein must meet the definition provided in Section 22-2-1. An illustration of the maximum setback as well as the additional ten foot setback for a space open to the public is provided below.

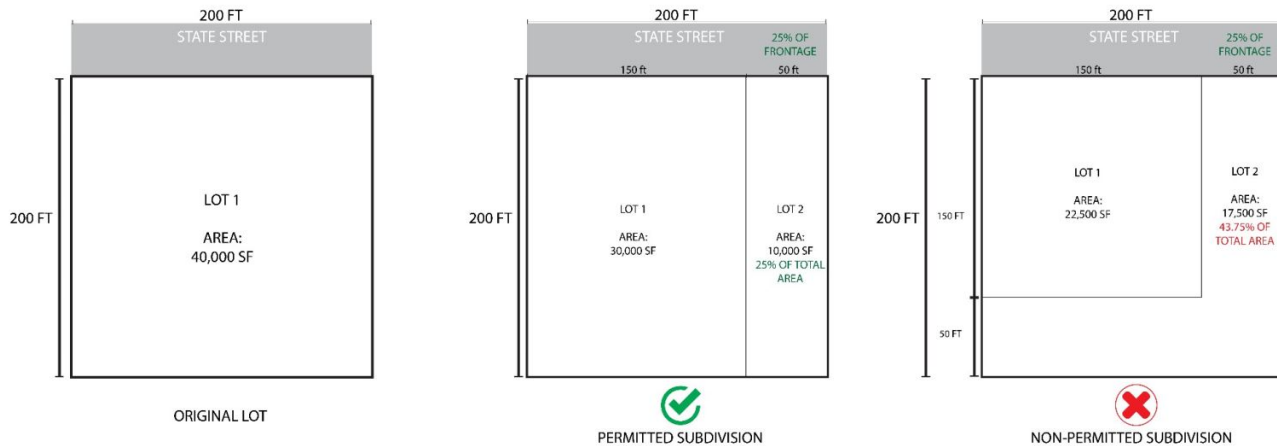




- b. **Prohibited Uses of Setback Area.** The area of any setback from a required sidewalk may not be used for parking, parking lot driveways, drive-thrus, or drive-thru stacking.
- c. **Setback From Residentially Zoned Property.** No portion of any building (including roofs and parapets) in the CCD zones may be located closer to a residentially zoned property not a part of the CCD zones than the height of that portion of the building. Note: The width of adjacent public right-of-way may be included when measuring setbacks to calculate maximum permitted building heights.



- d. **Exception to Maximum Setback Requirement.** Except as otherwise provided herein, no building may be constructed on a lot that has frontage on a public street unless the building complies with the maximum setback requirements set forth above.
 - i. Notwithstanding the above, a building that does not meet the maximum setback requirements may be constructed on a parcel if at least 50% of that parcel's street frontage is occupied by a building(s) facade that is located within twenty feet (20') of the back of required sidewalk.
 - ii. A lot where less than fifty percent (50%) of the street frontage is occupied by a building(s) facade located within twenty feet (20') of the back of required sidewalk may not be subdivided in such way that creates a new lot. (1) that has no street frontage, or (2) where the percentage of the street frontage of the original lot included in the new lot is less than the percentage of the area of the original lot included in the new lot. For example, if a lot has 200 feet of street frontage and 40,000 square feet of area, a lot that is subdivided off the original lot that has 50 feet of street frontage (25% of the total frontage of the original parcel) may not have a total lot area greater than 10,000 square feet (25% x 40,000). The intent of this requirement is to prevent circumvention of the maximum setback requirement. This example is demonstrated in the following graphics:



- iii. The width of one required street access (up to a maximum of thirty feet (30') may be subtracted from the total parcel width when calculating the 50% frontage occupancy requirement.
- iv. A building that does not meet the maximum setback requirements may be constructed before the 50% frontage occupancy requirement is met provided that buildings that will bring the lot into compliance with the 50% frontage occupancy requirement are constructed concurrently with the building that does not meet the maximum setback requirement.
- v. The maximum setback requirements do not apply to detached, single-family dwellings.
- vi. Where at least twenty-five percent (25%) of the perimeter of a building addition is connected to an existing building in the CCD-Civ zone, the following exceptions apply:
 - (i) only forty-five percent (45%) of an applicable building façade is required to comply with the maximum setback requirement; and
 - (ii) where the building addition is on a lot that has frontage on both State Street and a State Street Connector Street, the building addition is only required to comply with the maximum setback (with respect to 45% of the applicable façade) from either State Street or a State Street Connector Street.

- 3. **Lot Size.** All lots within the CCD zones shall be a minimum of 7,500 square feet in area.
- 4. **Architectural Features.** All buildings in the CCD-C, CCD-E, CCD-Civ and CCD-Res-A zones shall comply with the following architectural requirements.
 - a. **Vertical Façade Articulation.** All street-facing facades shall have a vertical break at least every fifty feet with a minimum depth of one foot. The required vertical breaks shall extend over at least 75% of the height of the building. An illustration of this requirement is provided below:



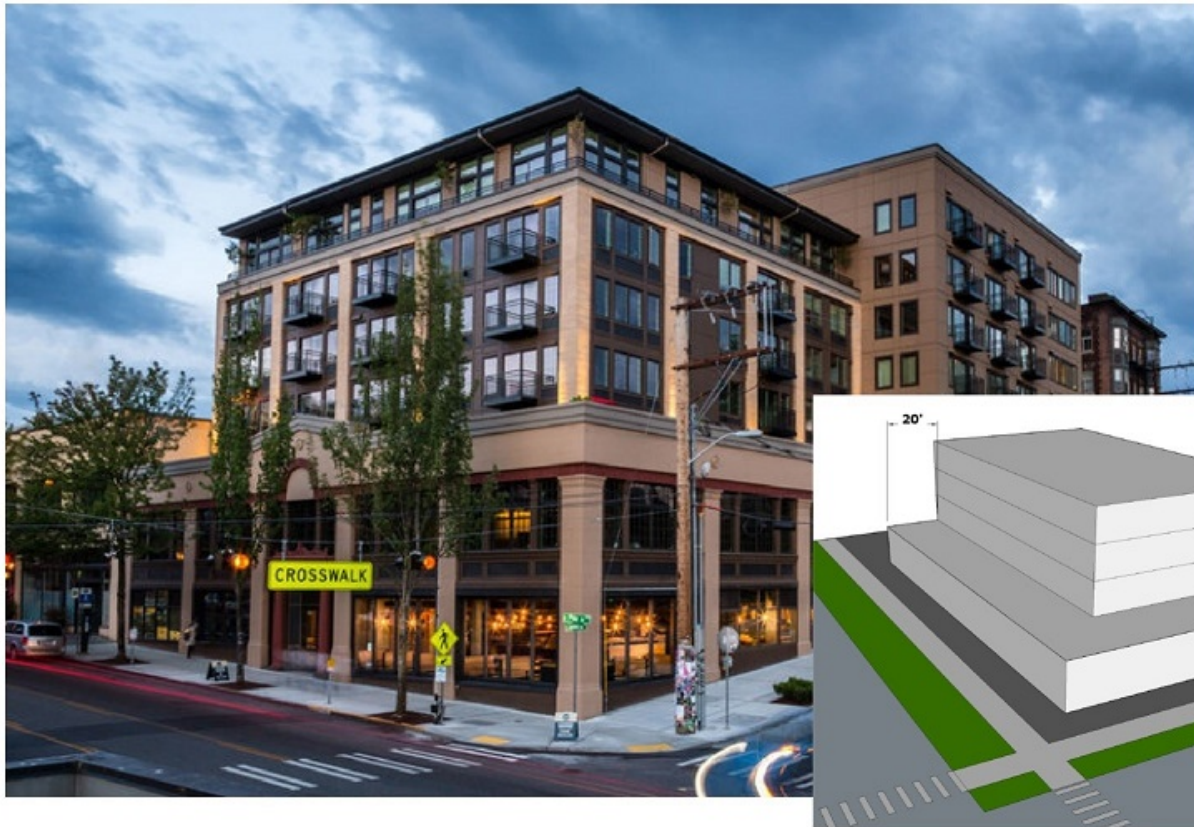
- b. Horizontal Expression Lines. Except for structures in the CCD-RES (B) zone, all street-facing facades shall incorporate horizontal expression lines in their architecture to delineate the ground story from any upper stories. Such expression lines shall include a cornice and/or a protrusion in materials with a minimum depth of six inches. An illustration of this requirement is provided below:



c. Stepbacks. The street-facing façade(s) of the lowest story that contains residential uses and all stories above shall be stepped back at least 20 feet behind the façade of the story immediately below if all of the following apply:

- i. The building is four stories or more in height.
- ii. The building is designed for residential uses in one or more stories.
- iii. The street-facing façade of the ground floor is within 35 feet of a required sidewalk.

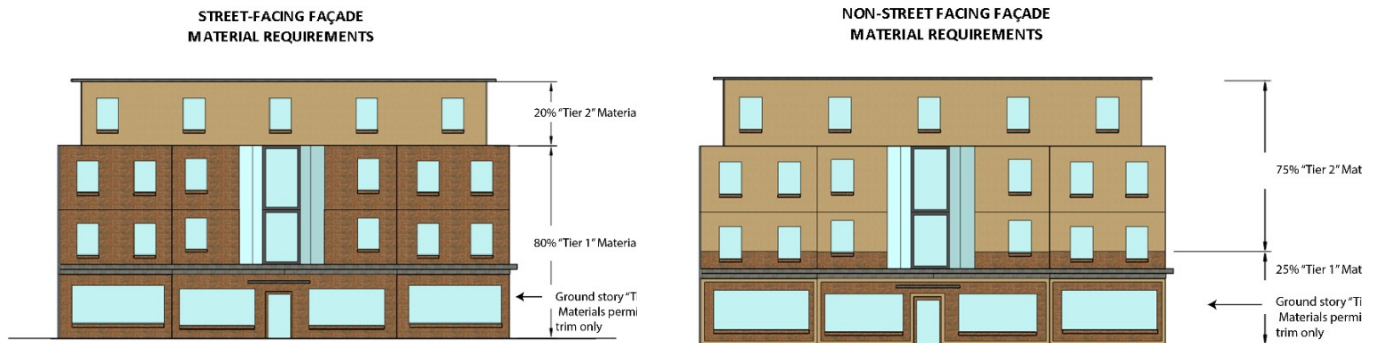
Where the lowest story containing residential uses is set back at least twenty feet behind the façade of the story below as required by this subsection, at least seventy-five percent of the open roof area of such story shall be designed for and employed as an amenity for the residential occupants of the building. An illustration of this requirement is provided below:



(Ord. No. O-2020-0006, Amended 2/23/2021)

5. Materials.

- a. Except as otherwise provided, all buildings shall be completed on all sides with brick, split-face block, glass, stone, and wood (hereinafter referred to as “Tier 1 Materials”). Aluminum composite material panel systems, stucco, and Exterior Insulation and Finishing Systems (EIFS) (hereinafter referred to as “Tier 2 Materials”) shall only be permitted as trim on ground-level façades and shall only be allowed on up to a maximum of 20% of a street-facing façade and up to a maximum of 75% of a non-street facing façade.
- b. Standing seam metal (but no other metals) may be used for awnings. Sheet metal and corrugated metal and other metal finishes are only permitted for soffits, fascia, and similar minor architectural features (less than or equal to 5% coverage on any given elevation).



6. Entrances.

- All primary buildings in the CCD-C, CCD-E and CCD-Civ zones shall have at least one entrance intended for public, daily customer, and/or resident use oriented toward a public street, public open space, or a privately-owned "space open to the public", with first priority assigned to State Street, and second priority assigned to all other public streets.
- Lots within the CCD-C zone with frontage on both State Street and Center Street shall have an entrance on the corner where the two streets meet. However, this requirement shall not apply for building additions that meet the elements of subsection 22-24-1(F)(2)(d)(vi).
- Corner entrances at street intersections are encouraged throughout the CCD zones. An example of a desirable corner entrance is shown in the following image

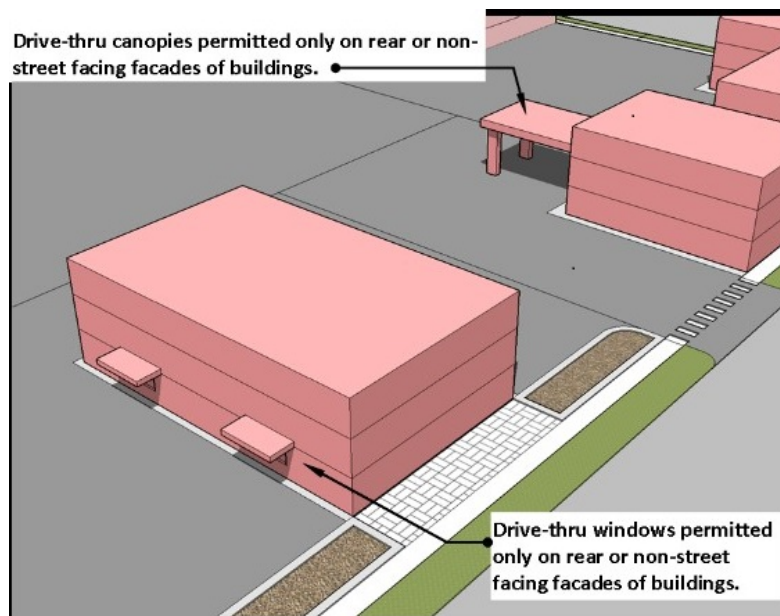


- Windows and Awnings.** Each street-facing, ground story façade shall have a minimum percentage of transparent window coverage that is readily visible to a depth of at least five feet into the building. These percentage requirements vary within the CCD zones as shown in the table below. All awnings shall be durable canvas or standing seam metal. Plastic awnings are not permitted.

City Center District Zones	Zone	Minimum % of Transparency
	CCD-C	70%
	CCD-E	60%
	CCD-CIV	50%

	CCD-RES (A&B)	0%
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8. **Balconies.** If a building is two stories or greater in height, balconies consisting of a minimum area of fifty (50) square feet shall be provided for at least fifty (50) percent of all residential units per building in the CCD-C, CCD-E, CCD-Civ and CCD-Res-A zones. Balconies may be inset into the building or may project over City sidewalk right-of-way a maximum of five (5) feet so long as fourteen (14) feet of vertical clearance is provided between the sidewalk and the balcony. Balconies that don't face a public street shall be set back at least eight feet from any adjacent property line.
9. **Drive-thru Structures.**
 - a. Drive-thru canopy structures (such as a Drive-Thru ATM canopy) shall be located only on the rear or a non-street facing façade(s) of a building.



Drive-thru windows, aisles, and vehicle stacking for drive-thrus are not permitted on any street-facing façade and/or within any street-facing setback areas.

10. **Screening.**
 - a. Trash storage containers (but not including trash cans associated with individual units in the CCD-Res-(B) zone) and dumpsters shall be completely screened from public view with a masonry wall at least seven feet in height with sight-obscuring gates which must be located either behind, on a non-street facing side, or interior to a building.
 - b. All electrical, utility, and mechanical equipment (including equipment on roofs) shall be fully screened from public view with sight-obscuring materials. Such equipment must be buried (vaulted) if located within any front or side street-facing setback areas, or if located within any required planter strip areas.
11. **Lighting.**
 - a. Each site (except for development in the CCD-Res-(B) shall include a Lighting Plan that is designed to discourage crime, enhance safety, and prevent direct glare onto adjacent properties.
12. **Open Space.**



- a. All lots with a residential use component shall have a minimum twenty percent (20%) of the lot area dedicated to open space (excluding required public sidewalks and planter strips). This requirement may be fulfilled with standard “open space” or with a “space open to the public” or a combination of both. However, a minimum of 10% of the lot’s area shall be maintained as a “space open to the public” (see Section 22-2-1 for definitions of “open space” and “spaces open to the public”). This requirement shall not apply to the CCD-Res-(B) zone.
- b. Commercial lots without a residential use component are not required to provide any type of “open space” (apart from the required sidewalks, planter strips and other required landscaping). However, if a “space open to the public” is provided on a commercial lot without a residential use, the following bonuses shall be awarded to that parcel:

Percentage of Provided “Spaces Open to the Public” out of Total Parcel Area			
	10% or more	20% or more	30% or more
Bonuses Awarded	- Up to 10% of required parking may be “compact” stalls (measuring 7.5 ft. wide x 16 ft. deep). -5% overall parking reduction	- Up to 20% of required parking may be “compact” stalls (measuring 7.5 ft. wide x 16 ft. deep). -5% overall parking reduction -Up to 5% of parking requirement may be met from on-street parking located in a CCD zone (if not previously allocated to another parcel) located within 300 feet of the parcel (but excluding State Street)	- Up to 30% of required parking may be “compact” stalls (measuring 7.5 ft. wide x 16 ft. deep). - Excluding the ground floor, up to an additional 15% of street-facing façades only may be constructed with “Tier 2” materials. - 8% overall parking reduction -Up to 5% of parking requirement may be met from on-street parking located in a CCD zone (if not previously allocated to another parcel) located within 300 feet of the parcel (but excluding State Street)

Note: Percentage calculations are rounded down to the nearest 1 decimal point.

13. **Fencing.** A fence meeting the requirements of Section 22-14-19(E) shall be maintained along any property line between a development in the CCD-C and CCD-E zones and a residential zone (that is not a part of the CCD zone). The fence shall be constructed and maintained by the owner of the development in the applicable CCD zone.

(Ord. No. O-2018-0022, Enacted, 06/19/2018; Ord. No. O-2018-0032, Amended 12/11/2018; Ord. No. O-2019-0007, Amended 3/26/2019)

Effective on: 6/19/2018

G. Transportation.

1. **Streets.**

Private streets are not permitted in the CCD zones. However private pedestrian promenades, driveways, vehicular accesses, and alleyways are permitted provided proper fire access is maintained throughout the site.

3. **Driveways and Accesses.**

- a. Vehicular accesses shall be no more than thirty feet wide unless the Planning Commission finds, based on a traffic study performed by a licensed traffic engineer and/or an analysis provided by the City Transportation Engineer, that a wider access is necessary for the site. In no event shall an access exceed forty (40) feet in width.
- b. No more than one access shall be allowed per lot unless the Planning Commission find, based on a traffic study performed by a licensed traffic engineer and/or an analysis provided by the City Transportation Engineer, that more than one access is needed for development on the lot.
- c. Where a driveway crosses a public sidewalk, the driveway shall be a different stained color, texture, or paving material than the sidewalk to warn drivers of the possibility of pedestrians in the area (see Figure 9 below). This requirement shall not apply in the CCD-Res-B zone.
- d. All adjoining properties are required to share vehicular and pedestrian accesses to public streets and sidewalks and to provide any necessary cross-access easements to effectuate this sharing. This requirement shall not apply in the CCD-Res-B zone.



Fig. 9 Stamped and colored asphalt.



3. **Traffic Study.**

A Traffic Impact Study (TIS) shall be required in connection with any site plan in the CCD zones that is not a minor amendment as defined in Section 22-14-20(C)(3)(b). The provisions of Section 22-14-20(E)(8)(a-c) shall apply to any required TIS. The TIS shall evaluate the vehicle, bicycle, and pedestrian traffic both on site and in the general vicinity of the project. The TIS shall evaluate trip generations, turning movements to and from the property, street and roundabout geometrics, and traffic safety on and off the site. The TIS shall also address relevant items including but not limited to the following: surrounding street and intersection levels of service (LOS) before and after the project is completed, any mitigation efforts recommended to minimize project traffic impacts, proposed public and private street widths and alignments, site mobility, access management, potential traffic signal locations, street striping, signage, etc. The traffic engineer that performs the required TIS shall meet with the City Traffic Engineer prior to beginning the TIS to discuss specific areas of focus for the TIS. Each site plan shall reflect and incorporate the recommendations of the traffic study and any other requirements that the City may deem necessary based upon the TIS. Any new development or redevelopment shall comply with all recommendations of the TIS.

(Ord. No. O-2018-0022, Enacted, 06/19/2018; Ord. No. O-2018-0032, Amended 12/11/2018)

Effective on: 6/19/2018

H. **Parking.**

1. **Parking Requirements**

- a. Required parking in the CCD zones may be met within a parking lot, parking structure, or a shared parking agreement approved by the City.
- b. For the “Core”, “Civic”, and “Edge” zones, three parking stalls shall be provided for every one-thousand (1000) square feet of gross leasable floor area of nonresidential uses. Since any residential use in these zones is required to be part of a mixed-use development, no parking stalls shall be required for residential units included within the base residential density. The base residential density is calculated by dividing the total commercial parking requirement by three (3). For each residential unit in excess of the base residential density, a minimum of 1.75 parking stalls shall be provided (of which .1 stalls per unit shall be dedicated to visitor parking).
- c. For the CCD-Res (A&B) zones, 2.5 stalls shall be provided for each standard residential unit (less than three bedrooms and less than 1200 square feet) and 3.5 stalls shall be provided for each large residential unit (three or more bedrooms or 1200 or more square feet). Where parking areas are shared between multiple units, parking stalls shall be dedicated to each unit or to visitor parking by signage or painted numbering and at least 0.5 stalls of the per unit required parking standard shall be reserved for visitor parking.
- d. **No Charge for Use of Required Parking.** In order to ensure that tenants (including residents and employees) of a development do not have an incentive to park off-site, no fee charge, deposit or other form of compensation (other than rent) may be required of a tenant for the right to use required parking stalls (including, for purposes of this subsection, the right to exclusive use of a particular parking stall). Neither the rent, the deposit or other fees charged to tenants may differ based on whether the tenant is given the right to use required parking. No form of compensation (including but not limited to a reduction in rent or other fees or charges) may be given to a tenant in exchange for a



waiver or relinquishment of the right to use required parking. No penalty of any kind may be imposed upon a tenant for parking in a required parking stall.

(Ord. No. 2019-0032, Enacted 10/8/2019)

- e. Site plans within the CCD District are not eligible for any parking modifications outlined in Section 22-15-5 and must meet the parking requirements outlined in this section.

(Ord. No. 2019-0032, Enacted 10/8/2019)

2. **Parking Lot Standards.** Except as otherwise provided herein, the provisions of Article 22-15 (Off-Street Parking) shall apply to all development in the CCD zones.

- a. Buildings shall be sited to face the street with parking lots on the side or rear. The owner of property in a CCD zone shall provide cross-access easements to adjoining properties that have parking lots in any final or amended plat for the property. Any parking lots on the side of a building shall be set back at least 20 feet from a required sidewalk. The 20 foot parking setback area shall be maintained as “open space” or a “space open to the public” and shall be maintained with shrubs or other sight-obscuring features at a minimum height of three feet to screen the parking area from the street.
- b. Parking Lot Lighting: Parking lot light poles on properties adjacent to the CCD-Res-B zone and residential zones outside of the CCD zones shall be no closer than 50 feet to the adjacent residential property line. Additionally, globes must be shielded and the lighting directed down to minimize light encroachment onto adjacent properties or into upper level residential units in multi-story buildings. Lightproof fencing is also required when adjacent to residential properties that are not in a CCD zone.
- c. Concrete curbs shall be provided between landscaped areas and off-street parking areas. Low-profile curbs are permitted to accommodate low-impact developments (LIDs) in all landscaped areas except for within required planter strips along State Street (see also landscaping requirements in Section 22-14-13 (C)).

3. **Parking Structures.**

- a. The entire street-facing façade(s) of a parking structure must be “wrapped” with a habitable building designed and constructed for residential or commercial uses. All other facades of a parking structure shall be wrapped with buildings and/or have an external skin (or screen) designed to improve its visual appeal. Examples include heavy gauge metal screening, precast concrete panels, laminated or safety glass, decorative solar panels, or decorative façades. The intent is for parking structures to blend into surrounding buildings and not look like a parking structure. The Planning Commission may approve other decorative materials not listed herein if the proposed materials would have an equal or better aesthetic effect than the approved materials listed herein. All readily visible areas not wrapped with buildings shall be screened. To the greatest extent possible, uneven levels in parking structures shall be screened from public view. The following images demonstrate parking structure wrapping:



- b. Elevators and stairs shall be highlighted architecturally so visitors, internally and externally, can easily access these entry points.
 - c. Any signage attached to the parking structure shall be integrated with the architecture of the parking structure and be architecturally compatible with the design. Public parking structures entrances shall be clearly signed from public streets.
 - d. At a minimum, all street-facing façades of all parking structures shall be wrapped with structures designed and constructed for a commercial or residential use.
 - e. Parking structures shall be designed to minimize vehicle noise and odors that emanate on to sidewalks and “spaces open to the public”. Venting and fan locations shall not be located next to “spaces open to the public” and are encouraged to be located on top of the parking structure where feasible.
4. Specific use parking exceptions as established in Section [22-15-4](#) (G) apply in the CCD zones.



5. Parking modifications as established in Section 22-15-5 apply in the CCD zones.
6. Bicycle parking requirements as established in Section 22-15-7 apply in the CCD zones.

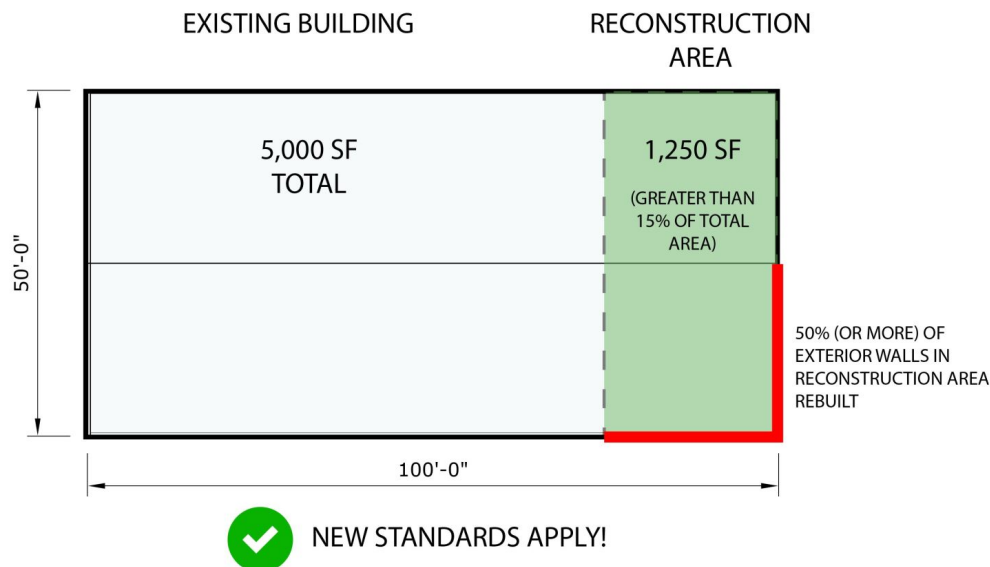
(Ord. No. O-2018-0022, Enacted, 06/19/2018; Ord. No. O-2018-0032, Amended 12/11/2018)

Effective on: 6/19/2018

I. **Signs.**

1. Except as otherwise provided herein, all signs in the City Center District zones shall meet the standards provided in Article 14-3. All areas within the CCD-C, CCD-E, CCD-Civ and CCD-Res-A zones shall be designated as Sign Zone "H" (14-3-3).
2. Removal of Pole Signs. One of the purposes of the CCD zones is to provide a more attractive environment for commercial and residential uses. The City has determined that pole signs are less aesthetically appealing than other types of signs such as monument signs. Therefore, pole signs are not permitted in the City Center District zones. Any existing pole signs shall be removed in the event that reconstruction is performed on fifteen percent (15%) or more of the footprint of an existing building on the lot upon which the pole sign(s) is located, upon the addition or expansion of a building that constitutes fifteen percent (15%) or more of the existing building footprint on the lot, or upon the construction of a new building on a lot. Reconstruction occurs where at least 50% of the area of the exterior walls of a portion of the building footprint consisting of 15% or more of the building footprint is demolished and rebuilt (see figure below). The removal of existing pole signs required by this section shall occur before the issuance of a certificate of occupancy for the new building or building expansion.

SCENARIO: RECONSTRUCTION WITHIN AN EXISTING BUILDING FOOTPRINT



(Ord. No. O-2018-0022, Enacted, 06/19/2018; Ord. No. O-2018-0032, Amended 12/11/2018)



Effective on: 6/19/2018



CODE OF ORDINANCES

CHAPTER 22. ZONING

Article 22-24. State Street District Zones.

Contents:

- 22-24-1. City Center District (CCD) Zone.
- 22-24-2. The Hub District (HD) Zones.
- 22-24-3. Canyon Crossing District (CXD) Zones.
- 22-24-4. The Arts District (AD) Zones.
- 22-24-5. North Village District (NVD) Zones.

22-24-5. North Village District (NVD) Zone.

A. Purpose.

The North Village District (NVD) zones are located at the City's northern gateway. The NVD zones are intended to be more residential in nature, with neighborhood retail and smaller-scale development compared to the other four State Street Districts.

(Ord. No. O-2018-0029, Enacted 10/9/2018)

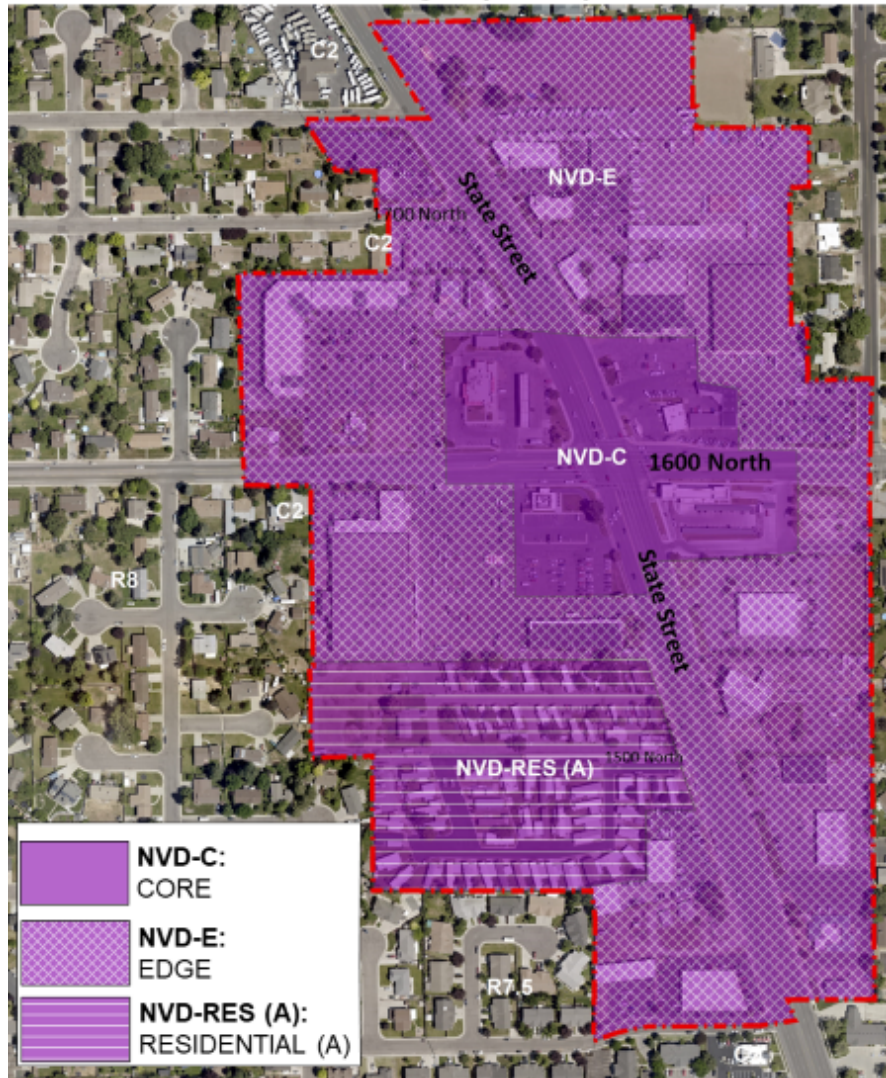
Effective on: 10/9/2018

Boundaries of North Village District Zones.

B. Boundaries of North Village District Zones.

There is hereby established four North Village District zones which consist of the following zones: (1) NVD-C (Core), (2) NVD-E (Edge), (3) NVD-Res-A (Residential) and (4) NVD-Res-B (Residential). Where used in this Section 22-24-5, the term "NVD zones" refers to all four of the above-referenced zones. Although the NVD zones have many of the same standards in common, each NVD zone is a fully independent and separate zone. The boundaries of each of the four North Village zones are as shown in the map below:

North Village (NVD) Zone



(Ord. No. O-2018-0029, Enacted 10/9/2018; Ord. No. O-2021-0009, Amended 4/27/2021)

Effective on: 10/9/2018

C. Use of Certain Terms.

As used in this Section 22-24-5, the terms listed below shall have the following meanings:

1. "Required Sidewalk" or "Sidewalk Adjacent to a Street" means the buffered sidewalk required by Orem City Code Section 22-8-8(B)(4) or sidewalks required by other applicable sections of the Orem City Code.
2. A "street-facing façade" is any building elevation that faces a public street and is located within one hundred feet of a required sidewalk. For purposes of this definition, a building elevation faces a public street if any part of the elevation is visible from the street at a point on a line between the building and the street that is perpendicular to the street.

(Ord. No. O-2018-0029, Enacted 10/9/2018)



Effective on: 10/9/2018

D. **Default Standards.** With respect to the NVD-C and NVD-E zones, the standards of the C2 zone (including the “Zone Development Standards for the State Street Corridor Area” where applicable) shall apply to any regulation not specifically addressed in this Section 22-24-5. With respect to the NVD-Res (A & B) zones, the standards of the PRD zone shall apply to any regulation not specifically addressed in this Section 22-24-5.

(Ord. No. O-2018-0029, Enacted 10/9/2018)

Effective on: 10/9/2018

E. **Uses.**

1. **Permitted Uses.** All uses permitted in the C2 zone as well as SLU Code 1112 (Condominiums) and 1120 (Apartments) are permitted in the NVD-C and NVD-E zones (subject to the limitation on residential uses outlined below). All uses permitted in the PRD zone as well as SLU Code 1112 (Condominiums) and 1120 (Apartments) are permitted in the NVD-Res-(A&B) zones. However, no stacked units are allowed in the NVD-Res-B zone.
2. **Prohibited Uses.** Any use that is not included as a permitted use in subsection (1) above is prohibited in all of the NVD zones.
3. **Limitation on Residential Use.** In order to encourage the development of commercial uses in the NVD-C and NVD-E zones, residential uses in any building in the NVD-C and NVD-E zone shall not occupy more than the percentage of Gross Leasable Floor Area (GLFA) of such building shown in the table below:

	Zone	Maximum
		Percentage of GLFA of Any Building that May be Occupied by Residential Uses (and uses accessory thereto)
North Village District Zones	NVD-C	80%
	NVD-E	90%

- a. If at least 50% of a parcel’s street frontage is occupied by buildings that meet the maximum setback requirement of subsection (F)(2) below and have pedestrian access to the street at ground level, a building on the interior of the parcel may exceed the maximum residential GLFA limit by an amount equal to the amount (in square feet) by which the residential GLFA of buildings meeting the maximum setback requirement on the same parcel is below the maximum residential GLFA allowed in such buildings. This transfer of allowable residential occupancy may only be made to interior buildings and buildings with street frontage may in no case exceed the maximum residential GLFA requirement. Any such transfer shall be recorded upon a plat and recorded at the office of the Utah County Recorder. Upon the execution of such a transfer of allowable residential occupancy, residential uses in the building that transferred a portion of its allowable residential use percentage shall not exceed the maximum percentage of GLFA allowed by the applicable zone less the amount of residential GLFA that was transferred to another building. For example, if a parcel in the NVD-C zone has two buildings that each contain 50,000 square feet of GLFA and at least 50% of the street frontage of said parcel is occupied by a building that meets the maximum setback requirements, the interior building could be 100% occupied by residential uses provided that no more than 30,000 square feet of GLFA of the building fronting the street was occupied by residential uses and the transfer of 10,000 square feet of residential occupancy from the building with street frontage to the building on the interior of the lot was shown on a plat recorded with the Utah County Recorder. Following the transfer, residential uses in the building with street frontage could not exceed 30,000 square feet of GLFA ((80% x 50,000)-10,000 (transferred) = 30,000).



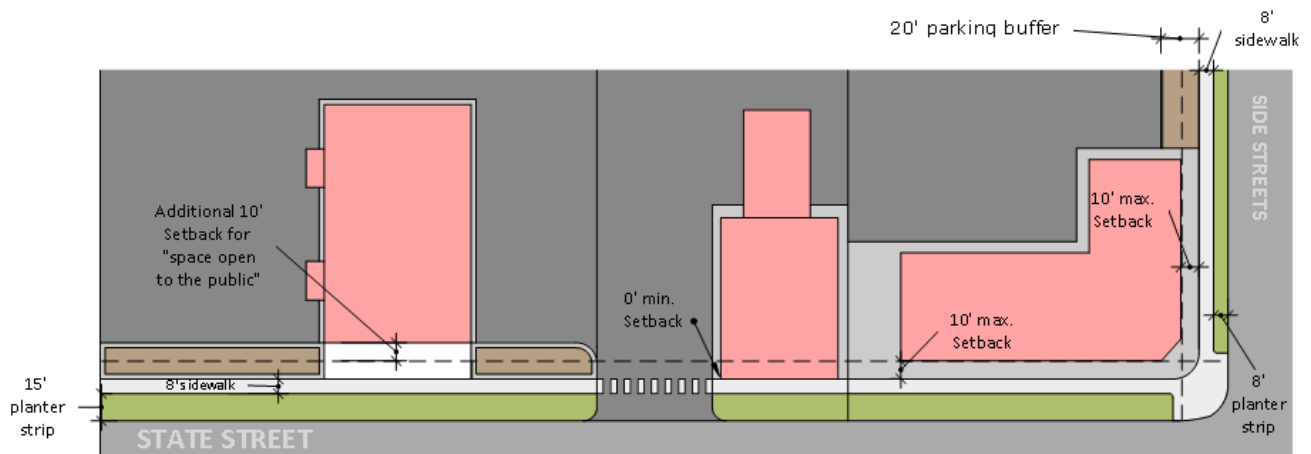
- b. A transfer of residential occupancy as described above is permanent unless modified by the owners of both buildings by an amended plat. If a parcel on which a transfer described above has taken place is subdivided, all buildings on the new parcels shall continue to meet the requirements with respect to maximum percentage of GFLA that may be occupied by residential uses to which they were subject prior to the subdivision.

(Ord. No. O-2018-0029, Enacted 10/9/2018)

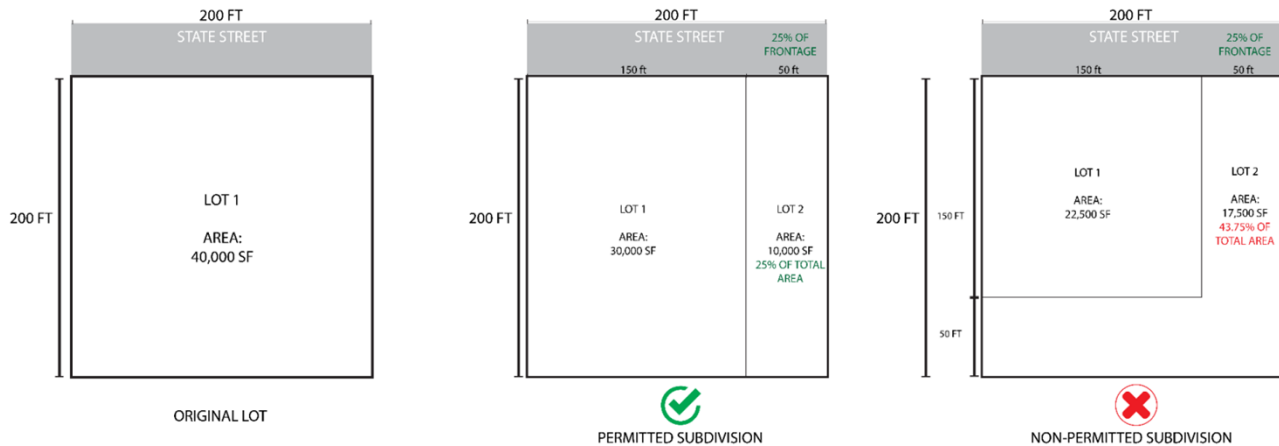
Effective on: 10/9/2018

F. Design Standards.

1. **Building Height.** All buildings in the NVD-C zone shall be at least two stories in height. Buildings in the NVD-Res-B zone shall have a maximum height of 35 feet. There is no maximum height requirement for the NVD-C and NVD-E zones. The ground story of every building, except for buildings in the NVD-Res (A&B) zones, shall have a floor to ceiling height of at least 14 feet.
2. **Setbacks.** Except as otherwise provided below, there are no minimum setbacks in the NVD zones.
 - a. **Maximum Setbacks.** Except as otherwise provided herein, the ground level story of all buildings shall be set back no more than ten feet from the back of a required sidewalk. However, buildings may be set back an additional ten feet (for a total of twenty feet) from the back of a required sidewalk if the entire additional setback area is utilized as a “space open to the public” such as a plaza or outdoor dining area that is designed to be utilized by the public on a regular basis. A “space open to the public” as described herein must meet the definition provided in Section 22-2-1. An illustration of the maximum setback as well as the additional ten-foot setback for a space open to the public is provided below.



- b. **Prohibited Uses of Setback Area.** The area of any setback from a required sidewalk may not be used for parking, parking lot driveways, drive-thrus, or drive-thru stacking.
- c. **Setbacks From Residentially Zoned Property.** No portion of any building (including roofs and parapets) in the NVD zones may be located closer to a residentially zoned property (including the Res(B) zone but not including the Res(A) zone) than the height of that portion of the building. In addition, no structure (or any part thereof) in the Edge zone which is set back less than seventy-five feet from: (1) a residential zone (including the Res(B) zone but not including the Res(A) zone), or (2) the back of curb where the property across the street from the back of curb is in a residential zone not a part of the NVD zones, shall exceed a



- iii. The width of one required street access (up to a maximum of thirty feet (30') may be subtracted from the total parcel width when calculating the 50% frontage occupancy requirement.
 - iv. A building that does not meet the maximum setback requirements may be constructed before the 50% frontage occupancy requirement is met provided that buildings that will bring the lot into compliance with the 50% frontage occupancy requirement are constructed concurrently with the building that does not meet the maximum setback requirement.
 - v. The maximum setback requirements do not apply to detached, single-family dwellings.
3. **Lot Size.** All lots within the NVD zones shall be a minimum of 7,500 square feet in area.
 4. **Architectural Features.** All buildings in the NVD-C, NVD-E, and NVD-Res-A zones shall comply with the following architectural requirements.
 - a. **Vertical Façade Articulation.** The architecture of all street-facing facades shall have a vertical break at least every fifty feet with a minimum depth of one foot. The required vertical breaks shall extend over at least 75% of the height of the building. An illustration of this requirement is provided below:



- b. **Horizontal Expression Lines.** Except for structures in the NVD-RES(B) zone, all street-facing facades shall incorporate horizontal expression lines in their architecture to delineate the ground story from any upper stories. Such expression lines shall include a cornice and/or a protrusion in materials with a minimum depth of six inches. An illustration of this requirement is provided below:





c. Stepbacks. The street-facing façade(s) of the lowest story that contains residential uses and all stories above shall be stepped back at least 20 feet behind the façade of the story immediately below if all of the following apply:

- i. The building is four stories or more in height.
- ii. The building is designed for residential uses in one or more stories.
- iii. The street-facing façade of the ground floor is within 35 feet of a sidewalk adjacent to a street.

Where the lowest story containing residential uses is set back at least twenty feet behind the façade of the story below as required by this subsection, at least seventy-five percent of the open roof area of such story shall be designed for and employed as an amenity for the residential occupants of the building. An illustration of this requirement is provided below:



(Ord. No. O-2021-0006, Amended 2/23/2021)

5. Materials.

- a. Except as otherwise provided, all buildings shall be completed on all sides with brick, split-face block, glass, stone, and wood (hereinafter referred to as “Tier 1 Materials”). Aluminum composite material panel systems, stucco, and Exterior Insulation and Finishing Systems (EIFS) (hereinafter referred to as “Tier 2 Materials”) shall only be permitted as trim on ground-level façades and shall only be allowed on up to a maximum of 20% of a street-facing façade and up to a maximum of 75% of a non-street facing façades.
- b. Standing seam metal (but no other metals) may be used for awnings. Sheet metal and corrugated metal and other metal finishes are only permitted for soffits, fascia, and similar minor architectural features (less than or equal to 5% coverage on any given elevation).



6. Entrances.

- All primary buildings in the NVD-C and NVD-E zones shall have at least one entrance intended for public, daily customer, and/or resident use oriented toward a public street, public open space, or a privately-owned “space open to the public”, with first priority assigned to State Street, and second priority assigned to all other public streets.
- Lots within the NVD-C zone with frontage on both State Street and 1600 North shall have an entrance on the corner where the two streets meet.
- Corner entrances at street intersections are encouraged throughout the NVD zones. An example of a desirable corner entrance is shown in the following image:



- 7. Windows and Awnings.** In the NVD-C and NVD-E zone, each street-facing, ground story façade shall consist of transparent window coverage that is readily visible to a depth of at least five feet into the building. These



percentage requirements vary within the NVD zones as shown in the table below. All awnings shall be durable canvas or standing seam metal. Plastic awnings are not permitted.

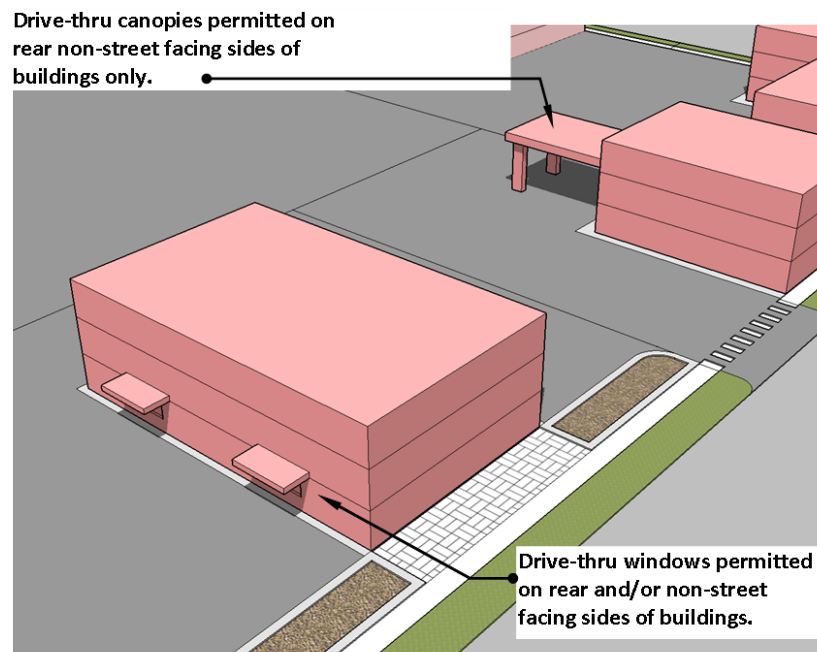
	Zone	Minimum % of Transparency
North Village District Zones	NVD-C	70%
	NVD-E	60%
	NVD-RES (A&B)	0%

8. **Balconies.** If a building is two stories or greater in height, balconies consisting of a minimum area of fifty (50) square feet shall be provided for at least fifty (50) percent of all residential units per building in the NVD-C, NVD-E, and NVD-Res-A zones. Balconies may be inset into the building or may project over City sidewalk a maximum of five feet so long as fourteen (14) feet of vertical clearance is provided between the sidewalk and the balcony. Balconies that don't face a public street shall be set back at least eight feet from any adjacent property line.

9. **Drive-thru Structures.**

- a. Drive-thru canopy structures (such as a Drive-Thru ATM canopy) shall be located only on the rear or a non-street facing façade(s) of a building.

Drive-thru windows, aisles, and vehicle stacking for drive-thrus are not permitted on any street-facing façade and/or within any street-facing setback areas.



10. **Screening.**



- a. Trash storage containers (but not including trash cans associated with individual units in the NVD-RES(B) zone) and dumpsters shall be completely screened from public view with a masonry wall at least seven feet in height with sight-obscuring gates which must be located either behind, on a non-street facing side, or interior to a building.
- b. All electrical, utility, and mechanical equipment (including equipment on roofs) shall be fully screened from public view with sight-obscuring materials. Such equipment must be buried (vaulted) if located within any front or side street-facing setback areas, or if located within any required planter strip areas.

11. Lighting.

- a. Each site (except for development in the NVD-RES(B) zone) shall include a Lighting Plan that is designed to discourage crime, enhance safety, and prevent direct glare onto adjacent properties.

12. Open Space.

- a. All lots in the NVD-C, NVD-E, NVD-RES(B) and NVD-RES(A) zones with a residential use component shall have a minimum twenty percent (20%) of the lot area dedicated to open space (excluding required public sidewalks and planter strips). This requirement may be fulfilled with standard “open space” or with a “space open to the public” or a combination of both. However, a minimum of 10% of the lot’s area shall be maintained as a “space open to the public” (see Section 22-2-1 for definitions of “open space” and “spaces open to the public”).
- b. Commercial lots without a residential use component are not required to provide any type of “open space” (apart from the required sidewalks, planter strips and other required landscaping). However, if a “space open to the public” is provided on a commercial lot without a residential use, the following bonuses shall be awarded to that parcel:

Percentage of Provided “Spaces Open to the Public” out of Total Parcel Area			
	10% or more	20% or more	30% or more
Bonuses Awarded	- Up to 10% of required parking may be “compact” stalls (measuring 7.5 ft. wide x 16 ft. deep). -5% overall parking reduction	- Up to 20% of required parking may be “compact” stalls (measuring 7.5 ft. wide x 16 ft. deep). -5% overall parking reduction -Up to 5% of parking requirement may be met from on-street parking located in a NVD zone (if not previously allocated to another parcel) located within 300 feet of the parcel (but excluding State Street)	- Up to 30% of required parking may be “compact” stalls (measuring 7.5 ft. wide x 16 ft. deep). - Excluding the ground floor, up to an additional 15% of street-facing façades only may be constructed with “Tier 2” materials. - 8% overall parking reduction -Up to 5% of parking requirement may be met from on-street parking located in a NVD zone (if not previously allocated to another parcel) located within 300 feet of the parcel (but excluding State



		Street)
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Note: Percentage calculations are rounded down to the nearest 1 decimal point.

13. **Fencing.** A fence meeting the requirements of Section 22-14-19(E) shall be maintained along any property line between a development in the NVD-C, NVD-E, or NVD-RES(A) zones and a residential zone (that is not a NVD zone). The fence shall be constructed and maintained by the owner of the development in the applicable NVD zone.

(Ord. No. O-2018-0029, Enacted 10/9/2018)

Effective on: 10/9/2018

G. Transportation.

1. **Streets.** Private streets are not permitted in the NVD zones. However private pedestrian promenades, driveways, vehicular accesses, and alleyways are permitted provided proper fire access is maintained throughout the site.
2. **Driveways and Accesses.**
 - a. Vehicular accesses shall be no more than thirty feet wide unless the Planning Commission finds, based on a traffic study performed by a licensed traffic engineer and/or an analysis provided by the City Transportation Engineer, that a wider access is necessary for the site. In no event shall an access exceed forty (40) feet in width.
 - b. No more than one access shall be allowed per lot unless the Planning Commission finds, based on a traffic study performed by a licensed traffic engineer and/or an analysis provided by the City Transportation Engineer, that more than one access is needed for development on the lot.
 - c. Where a driveway crosses a public sidewalk, the driveway shall be a different stained color, texture, or paving material than the sidewalk to warn drivers of the possibility of pedestrians in the area. (See Figure 9 below). This requirement shall not apply in the NVD-Res-B zone.
 - d. All adjoining properties are required to share vehicular and pedestrian accesses to public streets and sidewalks and to provide any necessary cross-access easements to effectuate this sharing. This requirement shall not apply in the NVD-Res-B zone.



Fig. 9 Stamped and colored asphalt.

3. **Traffic Study.** A Traffic Impact Study (TIS) shall be required in connection with any site plan in the CXD zones that is not a minor amendment as defined in Section 22-14-20(C)(3)(b). The provisions of Section 22-14-20(E)(8)(a-c) shall apply to any required TIS. The TIS shall evaluate the vehicle, bicycle, and pedestrian traffic both on site and in the general vicinity of the project. The TIS shall evaluate trip generations, turning movements to and from the property, street and roundabout geometrics, and traffic safety on and off the site. The TIS shall also address relevant items including but not limited to the following: surrounding street and intersection levels of service (LOS) before and after the project is completed, any mitigation efforts recommended to minimize project traffic impacts, proposed public and private street widths and alignments, site mobility, access management, potential traffic signal locations, street striping, signage, etc. The traffic engineer that performs the required TIS shall meet with the City Traffic Engineer prior to beginning the TIS to discuss specific areas of focus for the TIS. Each site plan shall reflect and incorporate the recommendations of the traffic study and any other requirements that the City may deem necessary based upon the TIS. Any new development or redevelopment shall comply with all recommendations of the TIS.

(Ord. No. O-2018-0029, Enacted 10/9/2018)

Effective on: 10/9/2018

3. **Parking.**

1. **Parking Requirements**

- a. Required parking in the NVD zones may be met within a parking lot, parking structure, or a shared parking agreement approved by the City.
- b. For the “Core” and “Edge” zones, three parking stalls shall be provided for every one-thousand (1000) square feet of gross leasable floor area of nonresidential uses. Since any residential use in these zones is required to be part of a mixed-use development, no parking stalls shall be required for residential units included within the base residential density. The base residential density is calculated by dividing the total commercial parking requirement by three (3). For each residential unit in excess of the base



residential density, a minimum of 1.75 parking stalls shall be provided (of which .10 stalls per unit shall be dedicated to visitor parking).

- c. For the NVD-Res (A&B) zones, 2.5 stalls shall be provided for each standard residential unit (less than three bedrooms and less than 1200 square feet) and 3.5 stalls shall be provided for each large residential unit (three or more bedrooms or 1200 or more square feet). Where parking areas are shared between multiple units, parking stalls shall be dedicated to each unit or to visitor parking by signage or painted numbering and at least 0.5 stalls of the per unit required parking standard shall be reserved for visitor parking.
- d. In order to ensure that residents of a development do not have an incentive to park off-site, no fee charge, deposit or other form of compensation (other than rent) may be required of a tenant for the right to use required parking stalls (including, for purposes of this subsection, the right to exclusive use of a particular parking stall). Neither the rent, the deposit or other fees charged to tenants may differ based on whether the tenant is given the right to use required parking. No form of compensation (including but not limited to a reduction in rent or other fees or charges) may be given to a tenant in exchange for a waiver or relinquishment of the right to use required parking. No penalty of any kind may be imposed upon a tenant for parking in a required parking stall.

(Ord. No. 2019-0032, Enacted 10/8/2019)

- e. Site plans within the AD District are not eligible for any parking modifications outlined in Section 22-15-5 and must meet the parking requirements outlined in this section.

(Ord. No. 2019-0032, Enacted 10/8/2019)

2. **Parking Lot Standards.** Except as otherwise provided herein, the provisions of Article 22-15 (Off-Street Parking) shall apply to all development in the NVD zones.

- a. Buildings shall be sited to face the street with parking lots on the side or rear. Adjoining properties that have neighboring parking lots shall be connected and have cross-access easements established upon final plat approval. Any parking lots on the side of a building shall be set back at least 20 feet from a sidewalk adjacent to a street. The 20-foot parking setback area shall be maintained as “open space” or a “space open to the public” and shall be maintained with shrubs or other sight-obscuring features at a minimum height of three feet to screen the parking area from the street.
- b. Parking Lot Lighting: Parking lot light poles on properties adjacent to residential zones (including the NVD-RES(B) zone but not the NVD-RES(A) zone) shall be no closer than 50 feet to the adjacent residential property line. Additionally, globes must be shielded and the lighting directed down to minimize light encroachment onto adjacent properties or into upper level residential units in multi-story buildings. Lightproof fencing is also required when adjacent to residentially properties that are not in a NVD zone.
- c. Concrete curbs shall be provided between landscaped areas and off-street parking areas. Low-profile curbs are permitted to accommodate low-impact developments (LIDs) in all landscaped areas except for within required planter strips along State Street (see also landscaping requirements in Section 22-14-13 (C)).

3. **Parking Structures.**

- a. The street-facing façade of a parking structure must be “wrapped” with a habitable building designed and constructed for residential or commercial uses. All other facades of a parking structure shall be wrapped with buildings and/or have an external skin (or screen) designed to improve its visual appeal.

Examples include heavy gauge metal screening, precast concrete panels, laminated or safety glass, decorative solar panels, or decorative façades. The intent is for parking structures to blend into surrounding buildings and not look like a parking structure. The Planning Commission may approve other decorative materials not listed herein if the proposed materials would have an equal or better aesthetic effect than the approved materials listed herein. All readily visible areas not wrapped with buildings shall be screened. To the greatest extent possible, uneven levels in parking structures shall be screened from public view. The following images demonstrate parking structure wrapping:



- b. Elevators and stairs shall be highlighted architecturally so visitors, internally and externally, can easily access these entry points.
 - c. Any signage attached to the parking structure and wayfinding signage shall be integrated with the architecture of the parking structure and be architecturally compatible with the design. Public parking structures entrances shall be clearly signed from public streets.
 - d. At a minimum, all street-facing façades of all parking structures shall be wrapped with structures designed and constructed for a commercial or residential use.
 - e. Parking structures shall be designed to minimize vehicle noise and odors that emanate on to sidewalks and “spaces open to the public”. Venting and fan locations shall not be located next to “spaces open to the public” and are encouraged to be located on top of the parking structure where feasible.
4. Specific use parking exceptions as established in Section [22-15-4](#) (G) apply in the NVD Zone.



5. Parking modifications as established in Section [22-15-5](#) apply in the NVD Zone.
6. Bicycle parking requirements as established in Section [22-15-7](#) apply in the NVD Zone.

(Ord. No. O-2018-0029, Enacted 10/9/2018)

Effective on: 10/9/2018

I. Signs.

1. Except as otherwise provided herein, all signs in the North Village District zones shall meet the standards provided in Article [14-3](#). All areas within the NVD-C, NVD-E, and NVD-Res-A zones shall be designated as Sign Zone "H" ([14-3-3](#)).
2. Removal of Pole Signs. One of the purposes of the NVD zones is to provide a more attractive environment for commercial and residential uses. The City has determined that pole signs are less aesthetically appealing than other types of signs such as monument signs. Therefore, pole signs are not permitted in the North Village District zones. Any existing pole signs shall be removed in the event that reconstruction is performed on fifteen percent (15%) or more of the footprint of an existing building on the lot upon which the pole sign(s) is located, upon the addition or expansion of a building that constitutes fifteen percent (15%) or more of the existing building footprint on the lot, or upon the construction of a new building on a lot. The removal of existing pole signs required by this section shall occur before the issuance of a certificate of occupancy for the new building or building expansion.

(Ord. No. O-2018-0029, Enacted 10/9/2018)

Effective on: 10/9/2018



CODE OF ORDINANCES

CHAPTER 22. ZONING

Article 22-24. State Street District Zones.

Contents:

- 22-24-1. City Center District (CCD) Zone.
- 22-24-2. The Hub District (HD) Zones.
- 22-24-3. Canyon Crossing District (CXD) Zones.
- 22-24-4. The Arts District (AD) Zones.
- 22-24-5. North Village District (NVD) Zones.

22-24-4. The Arts District (AD) Zone.

A. Purpose.

The Arts District (AD) zones are intended to provide a focal point for the arts in the City and to thereby promote the cultural heritage and artistic development of the City. The AD zones are also intended to be centered around cultural, educational, and entertainment activities in Orem, with more emphasis on residential and mixed-use developments with great access to amenities.

(Ord No. O-2018-0029, Enacted 10/9/2018)

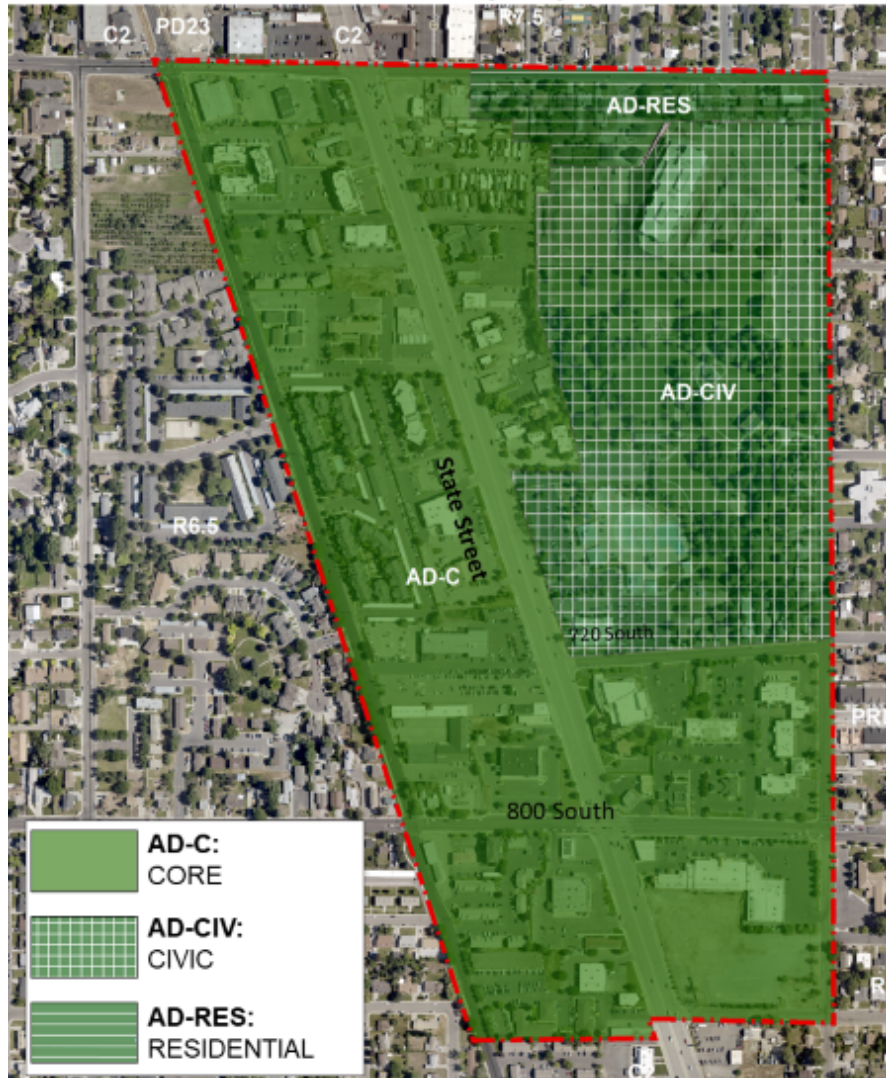
Effective on: 10/9/2018

Boundaries of Arts District Zones.

B. Boundaries of Arts District Zones.

There is hereby established three Arts District zones which consist of the following zones: (1) AD-C (Core), (2) AD-Civ (Civic), (3) AD-Res (Residential). Where used in this Section 22-24-4, the term “AD zones” refers to all three of the above-referenced zones. Although the AD zones have many of the same standards in common, each AD zone is a fully independent and separate zone. The boundaries of each of the three Arts District zones are as shown in the map below:

Arts District (AD) Zone



(Ord. No. O-2018-0029, Enacted 10/9/2018)

Effective on: 10/9/2018

C. **Use of Certain Terms.** As used in this Section 22-24-4, the terms listed below shall have the following meanings:

1. "Required Sidewalk" or "Sidewalk Adjacent to a Street" means the buffered sidewalk required by Orem City Code Section 22-8-8(B)(4) or sidewalks required by other applicable sections of the Orem City Code.
2. A "street-facing façade" is any building elevation that faces a public street and is located within one hundred feet of a required sidewalk. For purposes of this definition, a building elevation faces a public street if any part of the elevation is visible from the street at a point on a line between the building and the street that is perpendicular to the street.

(Ord No. O-2018-0029, Enacted 10/9/2018)

Effective on: 10/9/2018



- D. **Default Standards.** With respect to the AD-C and AD-Civ zones, the standards of the C2 zone (including the “Zone Development Standards for the State Street Corridor Area” where applicable) shall apply to any regulation not specifically addressed in this Section 22-24-4. With respect to the AD-Res zone, the standards of the PRD zone shall apply to any regulation not specifically addressed in this Section 22-24-4.

(Ord. No. O-2018-0029, Enacted 10/9/2018)

Effective on: 10/9/2018

E. **Uses.**

1. **Permitted Uses.** All uses permitted in the C2 zone as well as SLU Code 1112 (Condominiums) and 1120 (Apartments) are permitted in the AD-C, AD-Civ zones (subject to the limitation on residential uses outlined below). All uses permitted in the PRD zone as well as SLU Code 1112 (Condominiums) and 1120 (Apartments) are permitted in the AD-Res zone, however stacked units are not permitted in the AD-Res zone.
2. **Prohibited Uses.** Any use that is not included as a permitted use in subsection (1) above is prohibited in all of the AD zones.
3. **Limitation on Residential Use.** In order to encourage the development of commercial uses in the AD-C zone, residential uses in any building in the AD-C zone shall not occupy more than 90% of the Gross Leasable Floor Area (GLFA) of such building.
 - a. In the AD-C and AD-CIV zones, if at least 50% of a parcel’s street frontage is occupied by buildings that meet the maximum setback requirement of subsection (F)(2) below and have pedestrian access to the street at ground level, a building on the interior of the parcel may exceed the maximum residential GLFA limit by an amount equal to the amount (in square feet) by which the residential GLFA of buildings meeting the maximum setback requirement on the same parcel is below the maximum residential GLFA allowed in such buildings. This transfer of allowable residential occupancy may only be made to interior buildings and buildings with street frontage may in no case exceed the maximum residential GLFA requirement. Any such transfer shall be recorded upon a plat and recorded at the office of the Utah County Recorder. Upon, the execution of such a transfer of allowable residential occupancy, residential uses in the building that transferred a portion of its allowable residential use percentage shall not exceed the maximum percentage of GLFA allowed by the applicable zone less the amount of residential GLFA that was transferred to another building. For example, if a parcel in the AD-C zone has two buildings that each contain 50,000 square feet of GLFA and at least 50% of the street frontage of said parcel is occupied by a building that meets the maximum setback requirements, the interior building could be 100% occupied by residential uses provided that no more than 30,000 square feet of GLFA of the building fronting the street was occupied by residential uses and the transfer of 10,000 square feet of residential occupancy from the building with street frontage to the building on the interior of the lot was shown on a plat recorded with the Utah County Recorder. Following the transfer, residential uses in the building with street frontage could not exceed 30,000 square feet of GLFA ((80% x 50,000)-10,000 (transferred) = 30,000).
 - b. A transfer of residential occupancy as described above is permanent unless modified by the owners of both buildings by an amended plat. If a parcel on which a transfer described above has taken place is subdivided, all buildings on the new parcels shall continue to meet the requirements with respect to maximum percentage of GLFA that may be occupied by residential uses to which they were subject prior to the subdivision.

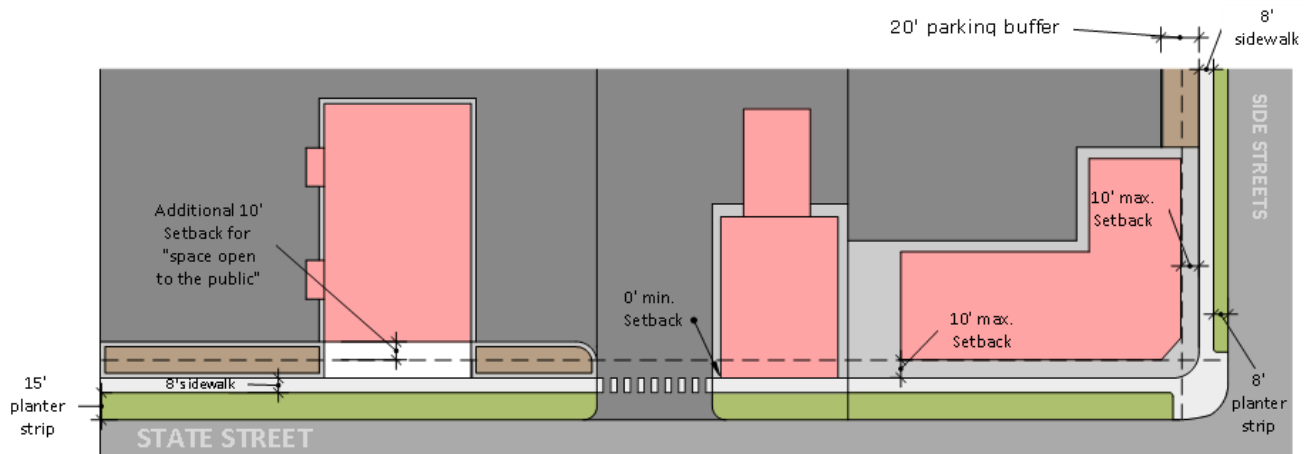
(Ord. No. O-2018-0029, Enacted 10/9/2018)

F. Design Standards.

1. **Building Height.** All buildings in the AD zones except for buildings in the AD-RES zone shall be at least two stories in height. Buildings in the AD-RES zone shall have a maximum height of 35 feet. There is no maximum height requirement for the AD-C and AD-CIV zones. Each building story above the ground story shall be designed and constructed to have at least 60% of the Gross Leasable Floor Area of the story directly below. The ground story of every building, except for buildings in the AD-Res zone, shall have a floor to ceiling height of at least 14 feet.

* A ground floor story in the AD-CIV zone that has an average floor to ceiling height of 18 feet or more shall count as two (2) stories toward the minimum story requirement.

2. **Setbacks.** Except as otherwise provided below, there are no minimum setbacks in the AD zones.
 - a. **Maximum Setbacks.** Except as otherwise provided herein, the ground level story of all buildings shall be set back no more than ten feet from the back of a required sidewalk. However, buildings may be set back an additional ten feet (for a total of twenty feet) from the back of a required sidewalk if the entire additional setback area is utilized as a "space open to the public" such as a plaza or outdoor dining area that is designed to be utilized by the public on a regular basis. A "space open to the public" as described herein must meet the definition provided in Section 22-2-1. An illustration of the maximum setback as well as the additional ten foot setback for a space open to the public is provided below.



- b. **Prohibited Uses of Setback Area.** The area of any setback from a required sidewalk may not be used for parking, parking lot driveways, drive-thrus, or drive-thru stacking.
- c. **Setbacks From Residentially Zoned Property.** No portion of any building (including roofs and parapets) in the AD zones may be located closer to a residentially zoned property not a part of the AD zones than the height of that portion of the building. In addition, no structure (or any part thereof) in the AD-Civ (Civic) or AD-C (Core) zones which is set back less than seventy-five feet from the AD-Res zone shall exceed a height of thirty-five feet. Note: The width of adjacent public right-of-way may be included when measuring setbacks to calculate maximum permitted building heights.

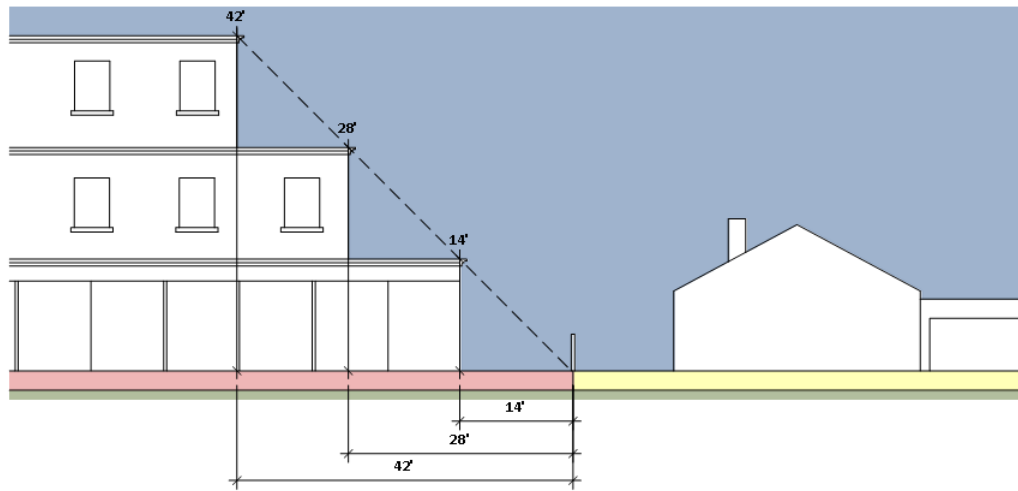
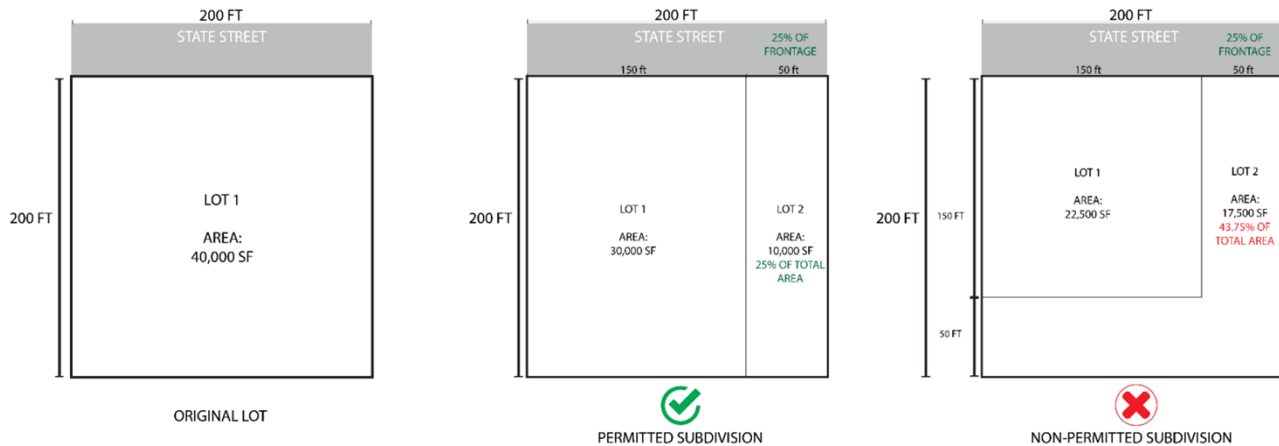


Illustration of stepping-back of building height when next to residential zones

(Ord. No. O-2021-0006, Amended 2/23/2021)

- d. **Exception to Maximum Setback Requirement.** Except as otherwise provided herein, no building may be constructed on a lot that has frontage on a public street unless the building complies with the maximum setback requirements set forth above.
- i. Notwithstanding the above, a building that does not meet the maximum setback requirements may be constructed on a parcel if at least 50% of that parcel's street frontage is occupied by a building(s) façade that is located within twenty feet (20') of the back of required sidewalk.
 - ii. A lot where less than fifty percent (50%) of the street frontage is occupied by a building(s) facade located within twenty feet (20') of the back of required sidewalk may not be subdivided in such way that creates a new lot (1) that has no street frontage, or (2) where the percentage of the street frontage of the original lot included in the new lot is less than the percentage of the area of the original lot included in the new lot. For example, if a lot has 200 feet of street frontage and 40,000 square feet of area, a lot that is subdivided off the original lot that has 50 feet of street frontage (25% of the total frontage of the original parcel) may not have a total lot area greater than 10,000 square feet (25% x 40,000). The intent of this requirement is to prevent circumvention of the maximum setback requirement. This example is demonstrated in the following graphics:



- iii. The width of one required street access (up to a maximum of thirty feet (30') may be subtracted from the total parcel width when calculating the 50% frontage occupancy requirement.
 - iv. A building that does not meet the maximum setback requirements may be constructed before the 50% frontage occupancy requirement is met provided that buildings that will bring the lot into compliance with the 50% frontage occupancy requirement are constructed concurrently with the building that does not meet the maximum setback requirement.
 - v. The maximum setback requirements do not apply to detached, single-family dwellings.
3. **Lot Size.** All lots within the AD zones shall be a minimum of 7,500 square feet in area.
 4. **Architectural Features.** All buildings in the AD-C, AD-Civ, and AD-Res zones shall comply with the following architectural requirements.
 - a. **Vertical Façade Articulation.** The architecture of all street-facing facades shall have a vertical break at least every fifty feet with a minimum depth of one foot. The required vertical breaks shall extend over at least 75% of the height of the building. An illustration of this requirement is provided below:



b. **Horizontal Expression Lines.** Except for structures in the AD-RES zone, all street-facing facades shall incorporate horizontal expression lines in their architecture to delineate the ground story from any upper stories. Such expression lines shall include a cornice and/or a protrusion in materials with a minimum depth of six inches. An illustration of this requirement is provided below:





Stepbacks. The street-facing façade(s) of the lowest story that contains residential uses and all stories above shall be stepped back at least 20 feet behind the façade of the story immediately below if all of the following apply:

- i. The building is four stories or more in height.
- ii. The building is designed for residential uses in one or more stories.
- iii. The street-facing façade of the ground floor is within 35 feet of a sidewalk adjacent to a street.

Where the lowest story containing residential uses is set back at least twenty feet behind the façade of the story below as required by this subsection, at least seventy-five percent of the open roof area of such story shall be designed for and employed as an amenity for the residential occupants of the building. An illustration of this requirement is provided below:



(Ord. No. O-2020-0006, Amended 2/23/2021)

5. Materials.

- a. Except as otherwise provided, all buildings shall be completed on all sides with brick, split-face block, glass, stone, and wood (hereinafter referred to as “Tier 1 Materials”). Aluminum composite material panel systems, stucco, and Exterior Insulation and Finishing Systems (EIFS) (hereinafter referred to as “Tier 2 Materials”) shall only be permitted as trim on ground-level façades and shall only be allowed on up to a maximum of 20% of a street-facing façade and up to a maximum of 75% of a non-street facing façade.
- b. Standing seam metal (but no other metals) may be used for awnings. Sheet metal and corrugated metal and other metal finishes are only permitted for soffits, fascia, and similar minor architectural features (less than or equal to 5% coverage on any given elevation).

**STREET-FACING FAÇADE
MATERIAL REQUIREMENTS**



**NON-STREET FACING FAÇADE
MATERIAL REQUIREMENTS**



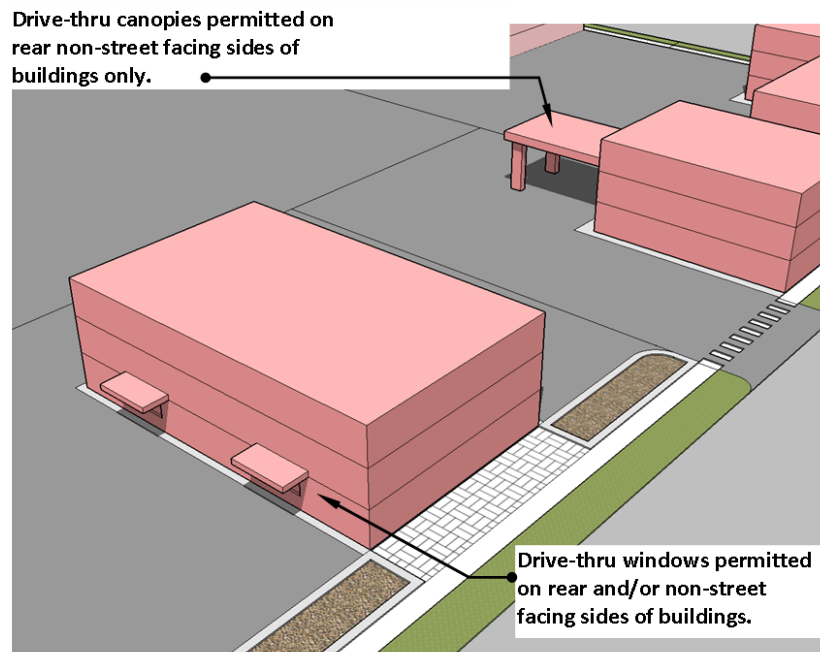
6. Entrances.

- All primary buildings in the AD-C and AD-Civ zones shall have at least one entrance intended for public, daily customer, and/or resident use oriented toward a public street, public open space, or a privately-owned "space open to the public", with first priority assigned to State Street, and second priority assigned to all other public streets.
- Lots within the AD-C zone with frontage on both State Street and 800 South shall have an entrance on the corner where the two streets meet.
- Corner entrances at street intersections are encouraged throughout the AD zones. An example of a desirable corner entrance is shown in the following image:



- Windows and Awnings.** In the AD-C zone, at least 70% of each street-facing, ground story façade shall consist of transparent window coverage that is readily visible to a depth of at least five feet into the building. All awnings shall be durable canvas or standing seam metal. Plastic awnings are not permitted.

8. **Balconies.** If a building is two stories or greater in height, balconies consisting of a minimum area of fifty (50) square feet shall be provided for at least fifty (50) percent of all residential units per building in the AD-C and AD-Civ zones. Balconies may be inset into the building or may project over City sidewalk a maximum of five feet so long as fourteen (14) feet of vertical clearance is provided between the sidewalk and the balcony. Balconies that don't face a public street shall be set back at least eight feet any adjacent property line.
9. **Drive-thru Structures.**
 - a. Drive-thru canopy structures (such as a Drive-Thru ATM canopy) shall be located only on the rear or a non-street facing façade(s) of a building.



Drive-thru windows, aisles, and vehicle stacking for drive-thrus are not permitted on any street-facing façade and/or within any street-facing setback areas.

10. **Screening.**
 - a. Trash storage containers (but not including trash cans associated with individual units in the AD-RES zone) and dumpsters shall be completely screened from public view with a masonry wall at least seven feet in height with sight-obscuring gates which must be located either behind, on a non-street facing side, or interior to a building.
 - b. All electrical, utility, and mechanical equipment (including equipment on roofs) shall be fully screened from public view with sight-obscuring materials. Such equipment must be buried (vaulted) if located within any front or side street-facing setback areas, or if located within any required planter strip areas.
11. **Lighting.**
 - a. Each site (except for development in the AD-RES zone) shall include a Lighting Plan that is designed to discourage crime, enhance safety, and prevent direct glare onto adjacent properties.
12. **Public Art.**



- a. **Purpose.** Public art is required in the Arts District zones in order to enhance the City's character and identity, contribute to economic development and tourism, add warmth, dignity, beauty and expand the experience and participation of citizens with visual arts. The City Council finds that Public Art enhances the public welfare by providing education, recreation, entertainment and culture to the citizens of the City.
- b. **Definitions.** As used in this Section 22-24-4, the terms below shall have the following meanings:
- i. Artist means any professional practitioner in the arts who has professional, academic, vocational, or apprentice training in the arts and is generally recognized by critics and peers as a professional in the field as evidenced by his/her education, experience and artwork production.
 - ii. Development Activity means any construction of new structures that creates commercial gross leaseable floor area (GLFA) or residential units on a parcel of property. Development Activity also means reconstruction of all or part of an existing building that include GLFA or residential units. A building or any part thereof is considered to be reconstructed if at least 50% of that part of the building is demolished and rebuilt.
 - iii. Public Art means original tangible works created by an artist including, but not limited to paintings, murals, inscriptions, stained glass, fiber work, statues, reliefs or other sculpture, monuments, fountains, arches, or other structures intended for ornament or commemoration, or other unusual or extraordinary architectural treatments, carvings, frescoes, mosaics, mobiles, drawings, collages, and prints.
- c. **Public Art Requirement.** A developer or owner of real property in the AD-C and AD-Civ zones shall be required to install Public Art on the property in connection with any development activity on the property in accordance with the provisions set forth below. The amount of Public Art required on a given parcel is defined in terms of credits and is based on the gross leaseable floor area (GLFA) and the number of residential units constructed or reconstructed on the parcel as shown in the following table:

Public Art Piece Requirements			
COMMERCIAL		RESIDENTIAL	
Total Commercial GLFA (square feet)	# of Art piece credits required	Total # of Residential Units	# of Art piece credits required
0 - 1,000	1	1-5	2
1,001-4,000	3	6-15	3
4,001-8,000	4	16-30	4
8,001-12,000	5	31-45	5
12,001-16,000	6	46-65	6
20,001-24,000	7	66-90	7
24,001-28,000	8	91-120	8
32,001-36,000	9	121-155	9
40,001-44,000	10	156-195	10



44,001-48,000	11	196-240	11
52,001-56,000	12	241-290	12
56,001-60,000	13	291-345	13
60,001-64,000	14	346-405	14
64,001-68,000	15	406-470	15
68,000 +	16	471 +	16

The required number of Public Art credits may be fulfilled by providing any combination of “small”, “medium”, or “large” public art pieces (as defined in subsection (j) below). Small public art pieces are worth 1 credit. Medium public art pieces are worth 3 credits. Large public art pieces are worth 5 credits.

- d. **Exemption From Public Art Requirement for One-Time Small Expansion or Reconstruction.** Notwithstanding any other provision herein to the contrary, the requirement to install Public Art shall not apply to a one-time expansion and/or reconstruction of one primary building on a parcel provided that the expansion and/or reconstruction does not exceed 15% of the GLFA of that building existing as of October 9, 2018. This one time “small building addition or reconstruction” must be constructed at the same time and may not be divided into multiple additions or reconstructions that combined add up to 15% or less.
- e. **Public Art Requirements.** All Public Art installed on property in the AD-C and AD-Civ zones pursuant to this Section 22-24-4 shall meet the following additional requirements. The intent of these requirements is to ensure that the Public Art required on property in the applicable Arts District zones is of high quality and durability and will promote the objectives stated in the purpose section above. The following requirements are intended to require that private developers invest time, effort and money into the Public Art displayed on their sites, recognizing that the art will not only become integral, lasting components of the Arts District zones, but will be of intrinsic value to their developments.
 - i. The Public Art shall be created by an artist as defined above.
 - ii. The Public Art shall be constructed of high-quality, durable and weather-resistant materials. The Public Art shall be designed to maintain its structural and artistic quality for a period of at least ten years notwithstanding the effects of the local climate and weather conditions. The Public Art shall be maintained in a neat and attractive manner and shall be kept free of dirt, rust and graffiti. In the event that the Public Art deteriorates to a point where it loses its artistic and/or aesthetic appeal and cannot be restored or repaired by the owner/developer, the owner/developer shall replace the Public Art with an equivalent piece of Public Art in accordance with the requirements of this Section 22-24-4.
 - iii. The Public Art shall reflect a high level of artistic and aesthetic quality as reflected by the artistic skill and aesthetic principles employed in its creation.
 - iv. The Public Art shall be designed to be compatible with the immediate environment of the site, particularly in regard to size, scale, materials used, location on the site, etc. The intent of this requirement is that the Public Art should enhance the aesthetic quality of the property rather than detract from it.
 - v. The Public Art shall be situated on the property in such a way that it is readily visible to the public from a required sidewalk or “space open to the public” as well as to patrons/employees of the uses on the property.
 - vi. The materials, textures, colors and design employed in the Public Art shall be appropriate to the expression of the design concept.



- vii. Neither the Public Art nor any part thereof shall contain or consist of commercial speech. Commercial speech means speech that does no more than propose a commercial transaction or expression related solely to the economic interests of the speaker and its audience.
- viii. The Public Art must not create a hazard to the health, safety, or welfare of the public or otherwise create a nuisance.
- ix. In order to ensure that the Public Art required by this section is of high quality and proportional to the scope and scale of the development, the owner/developer shall either:
 - (a) Submit a proposal to and receive approval from the Arts District Review Board regarding the Public Art to be installed on the property. The proposal shall provide a general description of the art that is proposed to be installed on the property, a preliminary design of the proposed art (where practicable), the name and credentials of the artist(s) who will be creating the art, the proposed location of the art on the property, a description of the dimensions, location, materials, colors to be employed in the creation of the art, and an estimate of the cost of creating the art. The Arts District Review Board shall review the proposal and shall approve it only if it meets all of the requirements of this Section 22-14-4 as well as the purpose set forth in Section 22-14-4(A); or
 - (b) Invest an amount of money in the design, creation and installation of the Public Art on the subject property that is equal to or greater than one percent of the projected construction costs (as reflected in the building permit documents) of the proposed development activity on the property and provide documentation to the City verifying the amount spent on such Public Art; or
 - (c) If the owner/developer of property in the AD-C or AD-Civ zones does not wish to install Public Art on its property, the owner/developer may, in lieu of such requirement, donate to the City Arts District fund an amount equal to 1% of the projected construction costs of the proposed development on the property. Any funds contributed to the City Arts District fund in accordance with this subsection shall be used exclusively for the creation and installation of Public Art on City-owned property in the Arts District zones.

An owner/developer is not required to obtain approval from the Arts District Review Board prior to installing the required Public Art. However, an owner/developer must still comply with either subsection (a), (b) or (c) above and if the owner/developer elects to install the Public Art before receiving approval from the Arts District Review Board, the owner/developer assumes the risk that additional expense might be incurred in obtaining the Board's approval or complying with subsection (b) or (c) if the Public Art installed does not comply with the requirements of this section.

- f. Required Public Art (including murals) shall not exceed a height of thirty (30) feet above ground level.
- g. The Public Art required by this section shall be fully completed and installed on the applicable property prior to the issuance of any temporary or final certificate of occupancy for the development activity on which the Public Art requirement was based.
- h. The owner/developer of property shall post a bond for any required Public Art prior to the issuance of a building permit for the applicable development activity. The bond for the required Public Art shall be in an amount equal to one percent of the projected construction costs of the development activity unless the owner/developer has received approval of the proposed Public Art from the Arts District Review Board in which case the amount of the bond shall be the estimated cost of the Public Art approved by the Arts District Review Board.
- i. Any new site plan or amended site plan in the AD-C or AD-Civ zones shall show the location of any required Public Art as well as a note describing the required Public Art. The site plan shall also contain a note indicating that the required Public Art must be fully completed and installed prior to the issuance of a

temporary or final certificate of occupancy for the development activity on which the Public Art requirement was based.

- j. Public Art Size Categories. Small, medium and large art pieces are defined as follows:
- i. "Small Public Art Piece". A Small Public Art Piece is a Public Art piece where the sum of the height, width and depth of the object is at least eight feet. A Small Public Art Piece also includes a mural where the area of the mural face is at least 100 square feet.
 - ii. "Medium Public Art Piece". A Medium Public Art Piece is a Public Art piece where the sum of the height, width and depth of the object is at least fifteen (15) feet. A Medium Public Art Piece also includes a mural where the area of the mural face is at least 225 square feet.
 - iii. "Large Public Art Piece". A Large Public Art Piece is a Public Art piece where the sum of the height, width and depth of the object is at least thirty (30) feet. A Large Public Art Piece also includes a mural where the area of the mural face is at least 625 square feet.
- k. Other Qualifying Small Public Art Pieces. The following qualify as a Small Public Art Piece" if the following are met:
- i. Blade, wall, canopy, projecting, or marquee signs (as defined in Article 14-3) if:
 - (a). The face of the sign is at least four square feet in area.
 - (b). The sign is mounted to a decorative bracket(s) a minimum 24" x 6" x 1" in dimension. Decorative brackets shall be metal with curved and/or looping metalwork. An example of a decorative bracket is shown in the following image:





ii. **Monument Signs.**

(a) The face of the sign is at least 10 square feet in area.

(b) The monument sign is mounted on top of a decorative base a minimum 48"x12"x6" in dimension AND incorporates a minimum 2'x2'x2' public art piece as defined in Subsection C above into the design of the sign. The base shall be different in color, texture, or material from the sign face and shall be incorporated with the landscape with decorative rocks and/or plants. An example of a decorative base is shown in the following image:

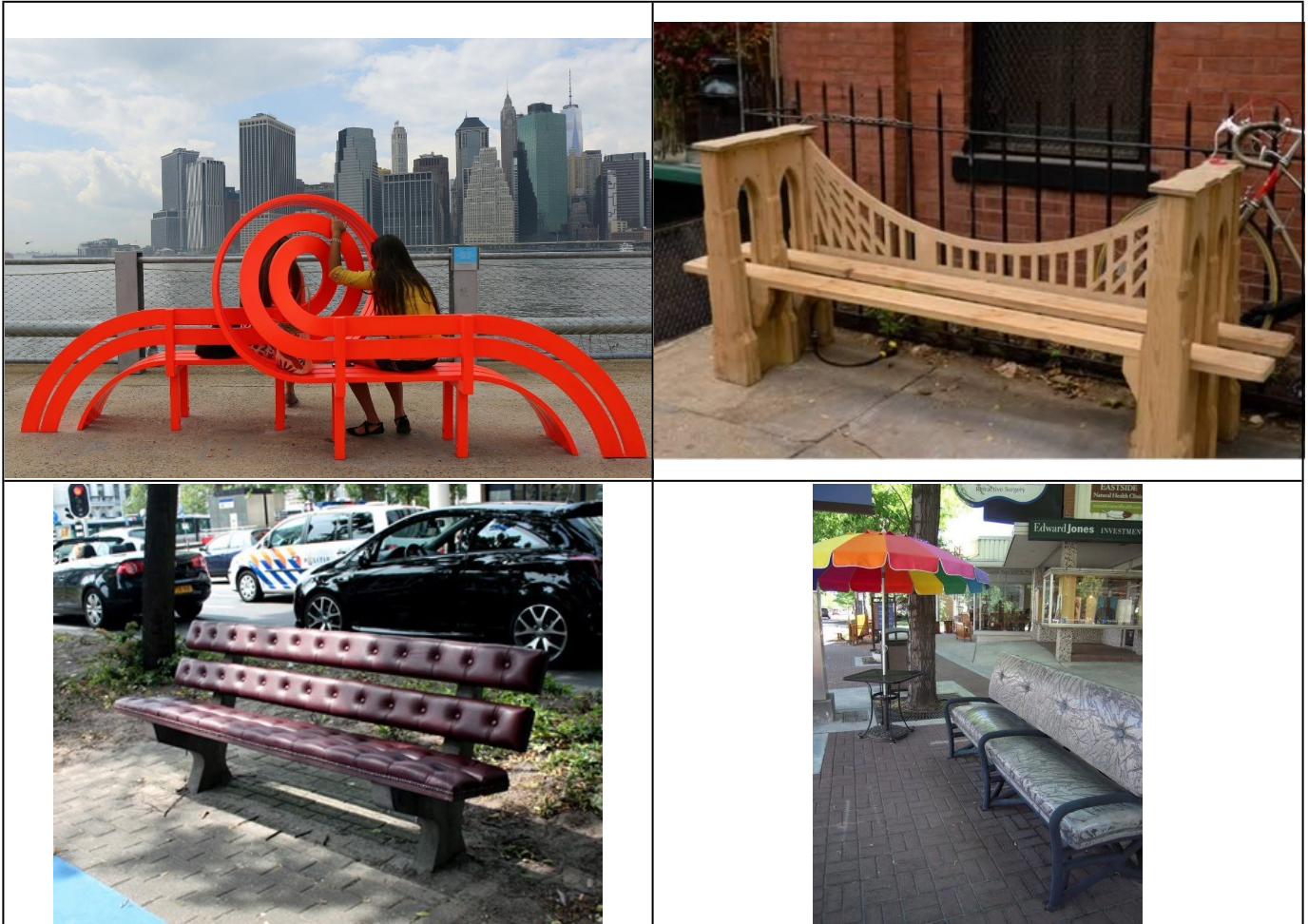


2'x2'x2' Art Piece

Base defined with
separate material

Landscaping around
base of sign

- iii. **Benches.** Benches qualify as a Small Public Art Piece if they are permanently affixed to the ground, accessible to the public during regular business hours, and incorporate two or more of the following design elements: curved or looping metalwork; lights; custom concrete or woodwork; sculpture; over-scaled design; or wording formed by the structural design of the bench. The following are visual examples of benches that would qualify as a "small public art piece":



- iv. **Bike racks.** Bike racks qualify as a “small public art piece” if they are permanently affixed to the ground, have capacity to accommodate at least five (5) bicycles, are accessible to the public during regular business hours, and incorporate two or more of the following design elements: curved or looping metalwork; lights; custom concrete or woodwork; sculpture; over-scaled design; electric charging; or wording formed by the structural design of the bike rack. The following are visual examples of bike racks that would qualify as a “small public art piece”



- v. **Street lamps.** Street lamps qualify as a Small Public Art Piece if they are permanently affixed to the ground, have a functional lighting apparatus, are accessible to the public during regular business hours, and incorporate one or more of the following design elements: curved or looping metalwork; colored lighting; decorative brackets for signage as described earlier in this section; sculpture; over-scaled design; motion-activation; or wording formed by the structural design of the street light. The following are visual examples of street lamps that would qualify as a “small public art piece”:



- vi. **Raised planter boxes.** Raised planter boxes qualify as a “small public art piece”, if they are permanently affixed to the ground, contain 50% coverage of living vegetation, are readily visible from a public right-of-way or “space open to the public”, and incorporate two or more of the following design elements: lighting; sculpture; custom concrete or woodwork; water features such as fountains or man-made streams; or wording formed by the structural design of the planter box. The following are visual examples of raised planters that would qualify as a “small public art piece”.



13. Open Space.

- a. All lots in the AD-C, AD-RES, and AD-CIV zones with a residential use component shall have a minimum twenty percent (20%) of the lot area dedicated to open space (excluding required public sidewalks and planter strips). This requirement may be fulfilled with standard “open space” or with a “space open to the public” or a combination of both. However, a minimum of 10% of the lot’s area shall be maintained as a “space open to the public” (see Section 22-2-1 for definitions of “open space” and “spaces open to the public”).
- b. Commercial lots without a residential use component are not required to provide any type of “open space” (apart from the required sidewalks, planter strips and other required landscaping). However, if a “space open to the public” and an additional qualifying “Public Art Piece” above the base requirement (see Section 22-24-4 (F)(12)) is provided on a commercial lot without a residential use, the following bonuses shall be awarded to that parcel:



Optionally-Provided “Spaces Open to the Public” & Public Art			
	10% or more + 1 small “Public Art” piece	20% or more+ 1 medium “Public Art” piece	30% or more+ 1 large “Public Art” piece
Bonuses Awarded	- Up to 10% of required parking may be “compact” stalls (measuring 7.5 ft. wide x 16 ft. deep). -5% overall parking reduction	- Up to 20% of required parking may be “compact” stalls (measuring 7.5 ft. wide x 16 ft. deep). -5% overall parking reduction -Up to 5% of parking requirement may be met from on-street parking located in an AD zone (if not previously allocated to another parcel) located within 300 feet of the parcel (but excluding State Street)	- Up to 30% of required parking may be “compact” stalls (measuring 7.5 ft. wide x 16 ft. deep). - Excluding the ground floor, up to an additional 15% of street-facing façades only may be constructed with “Tier 2” materials. - 8% overall parking reduction -Up to 5% of parking requirement may be met from on-street parking located in an AD zone (if not previously allocated to another parcel) located within 300 feet of the parcel (but excluding State Street)



Note: Percentages are calculated out of the total parcel area and are rounded down to the nearest 1 decimal point.

14. Fencing.

A fence meeting the requirements of Section 22-14-19(E) shall be maintained along any property line between a development in the AD-C or AD-CIV zone and a residential zone (that is not a part of the AD zone). The fence shall be constructed and maintained by the owner of the development in the applicable AD zone.

(Ord. No. O-2018-0029, Enacted 10/9/2018)

Effective on: 10/9/2018

G. Transportation.

1. **Streets.** Private streets are not permitted in the AD zones. However private pedestrian promenades, driveways, vehicular accesses, and alleyways are permitted provided proper fire access is maintained throughout the site.
2. **Driveways and Accesses.**
 - a. Vehicular accesses shall be no more than thirty feet wide unless the Planning Commission finds, based on a traffic study performed by a licensed traffic engineer and/or an analysis provided by the City Transportation Engineer, that a wider access is necessary for the site. In no event shall an access exceed forty (40) feet in width.
 - b. No more than one access shall be allowed per lot unless the Planning Commission find, based on a traffic study performed by a licensed traffic engineer and/or an analysis provided by the City Transportation Engineer, that more than one access is needed for development on the lot.
 - c. Where a driveway crosses a public sidewalk, the driveway shall be a different stained color, texture, or paving material than the sidewalk to warn drivers of the possibility of pedestrians in the area (See Figure 9 below). This requirement shall not apply in the AD-RES zone.
 - d. All adjoining properties are required to share vehicular and pedestrian accesses to public streets and sidewalks and to provide any necessary cross-access easements to effectuate this sharing. This requirement shall not apply in the AD-RES zone.



Fig. 9 Stamped and colored asphalt.

3. Traffic Study.

- a. A Traffic Impact Study (TIS) shall be required in connection with any site plan in the AD zone that is not a minor amendment as defined in Section 22-14-20(C)(3)(b). The provisions of Section 22-14-20(E)(8)(a-c) shall apply to any required TIS. The TIS shall evaluate the vehicle, bicycle, and pedestrian traffic both on site and in the general vicinity of the project. The TIS shall evaluate trip generations, turning movements to and from the property, street and roundabout geometrics, and traffic safety on and off the site. The TIS shall also address relevant items including but not limited to the following: surrounding street and intersection levels of service (LOS) before and after the project is completed, any mitigation efforts recommended to minimize project traffic impacts, proposed public and private street widths and alignments, site mobility, access management, potential traffic signal locations, street striping, signage, etc. The traffic engineer that performs the required TIS shall meet with the City Traffic Engineer prior to beginning the TIS to discuss specific areas of focus for the TIS. The Each site plan shall reflect and incorporate the recommendations of the traffic study and any other requirements that the City may deem necessary based upon the TIS. Any new development or redevelopment shall comply with all recommendations of the TIS.

(Ord. No. O-2018-0029, Enacted 10/9/2018)

Effective on: 10/9/2018

H. Parking.

1. Parking Requirements.

- a. Required parking in the AD zones may be met within a parking lot, parking structure, or a shared parking agreement approved by the City.
- b. For the AD-C and AD-Civ zones, three parking stalls shall be provided for every one-thousand (1000) square feet of gross leasable floor area of nonresidential uses. Since any residential use in these zones is required to be part of a mixed-use development, no parking stalls shall be required for residential



units included within the base residential density. The base residential density is calculated by dividing the total commercial parking requirement by three (3). For each residential unit in excess of the base residential density, a minimum of 1.75 parking stalls shall be provided (of which .1 stalls per unit shall be dedicated to visitor parking).

- c. For the AD-Res zone, 2.5 stalls shall be provided for each standard residential unit (less than three bedrooms and less than 1200 square feet) and 3.5 stalls shall be provided for each large residential unit (three or more bedrooms or 1200 or more square feet). Where parking areas are shared between multiple units, parking stalls shall be dedicated to each unit or to visitor parking by signage or painted numbering and at least 0.5 stalls of the per unit required parking standard shall be reserved for visitor parking.
- d. **No Charge for Use of Required Parking.** In order to ensure that residents of a development do not have an incentive to park off-site, no fee charge, deposit or other form of compensation (other than rent) may be required of a tenant for the right to use required parking stalls (including, for purposes of this subsection, the right to exclusive use of a particular parking stall). Neither the rent, the deposit or other fees charged to tenants may differ based on whether the tenant is given the right to use required parking. No form of compensation (including but not limited to a reduction in rent or other fees or charges) may be given to a tenant in exchange for a waiver or relinquishment of the right to use required parking. No penalty of any kind may be imposed upon a tenant for parking in a required parking stall.

(Ord. No. 2019-0032, Enacted 10/8/2019)

- e. Site plans within the AD District are not eligible for any parking modifications outlined in Section 22-15-5 and must meet the parking requirements outlined in this section.(Ord. No. 2019-0032, Enacted 10/8/2019)

2. **Parking Lot Standards.** Except as otherwise provided herein, the provisions of Article 22-15 (Off-Street Parking) shall apply to all development in the AD zones.

- a. Buildings shall be sited to face the street with parking lots on the side or rear. Adjoining properties that have neighboring parking lots shall be connected and have cross-access easements established upon final plat approval. Any parking lots on the side of a building shall be set back at least 20 feet from a sidewalk adjacent to a street. The 20 foot parking setback area shall be maintained as “open space” or a “space open to the public” and shall be maintained with shrubs or other sight-obscuring features at a minimum height of three feet to screen the parking area from the street.
- b. **Parking Lot Lighting:** Parking lot light poles on properties adjacent to residential zones (including the AD-RES zone) outside of the AD zones shall be no closer than 50 feet to the adjacent residential property line. Additionally, globes must be shielded and the lighting directed down to minimize light encroachment onto adjacent properties or into upper level residential units in multi-story buildings. Lightproof fencing is also required when adjacent to residentially properties that are not in an AD zone.
- c. Concrete curbs shall be provided between landscaped areas and off-street parking areas. Low-profile curbs are permitted to accommodate low-impact developments (LIDs) in all landscaped areas except

for within required planter strips along State Street (see also landscaping requirements in Section 22-14-13 (C)).

3. Parking Structures.

- a. The street-facing façade of a parking structure must be “wrapped” with a habitable building designed and constructed for residential or commercial uses. All other facades of a parking structure shall be wrapped with buildings and/or have an external skin (or screen) designed to improve its visual appeal. Examples include heavy gauge metal screening, precast concrete panels, laminated or safety glass, decorative solar panels, or decorative façades. The intent is for parking structures to blend into surrounding buildings and not look like a parking structure. The Planning Commission may approve other decorative materials not listed herein if the proposed materials would have an equal or better aesthetic effect than the approved materials listed herein. All readily visible areas not wrapped with buildings shall be screened. To the greatest extent possible, uneven levels in parking structures shall be screened from public view. The following images demonstrate parking structure wrapping:



- b. Elevators and stairs shall be highlighted architecturally so visitors, internally and externally, can easily access these entry points.
- c. Any signage attached to the parking structure and wayfinding shall be integrated with the architecture of the parking structure and be architecturally compatible with the design. Public parking structures entrances shall be clearly signed from public streets.



- d. At a minimum, all street-facing facades of all parking structures shall be wrapped with structures designed and constructed for a commercial or residential use.
 - e. Parking structures shall be designed to minimize vehicle noise and odors that emanate on to sidewalks and “spaces open to the public”. Venting and fan locations shall not be located next to “spaces open to the public” and are encouraged to be located on top of the parking structure where feasible.
4. Specific use parking exceptions as established in Section 22-15-4 (G) apply in the AD Zone.
 5. Parking modifications as established in Section 22-15-5 apply in the AD Zone.
 6. Bicycle parking requirements as established in Section 22-15-7 apply in the AD Zone.

(Ord. No. O-2018-0029, Enacted 10/9/2018)

Effective on: 10/9/2018

I. Signs.

1. Except as otherwise provided herein, all signs in the Arts District zones shall meet the standards provided in Article 14-3. All areas within the AD-C, AD-Civ and AD-Res zones shall be designated as Sign Zone “H” (14-3-3).
2. Removal of Pole Signs. One of the purposes of the AD zones is to provide a more attractive environment for commercial and residential uses. The City has determined that pole signs are less aesthetically appealing than other types of signs such as monument signs. Therefore, pole signs are not permitted in the Arts District zones. Any existing pole signs shall be removed in the event that reconstruction is performed on fifteen percent (15%) or more of the footprint of an existing building on the lot upon which the pole sign(s) is located, upon the addition or expansion of a building that constitutes fifteen percent (15%) or more of the existing building footprint on the lot, or upon the construction of a new building on a lot. The removal of existing pole signs required by this section shall occur before the issuance of a certificate of occupancy for the new building or building expansion.

(Ord. No. O-2018-0029, Enacted 10/9/2018)

Effective on: 10/9/2018



CODE OF ORDINANCES

CHAPTER 22. ZONING

Article 22-24. State Street District Zones.

Contents:

- 22-24-1. City Center District (CCD) Zone.
- 22-24-2. The Hub District (HD) Zones.
- 22-24-3. Canyon Crossing District (CXD) Zones.
- 22-24-4. The Arts District (AD) Zones.
- 22-24-5. North Village District (NVD) Zones.

22-24-2. The Hub District (HD) Zone.

A. Purpose.

The Hub District (HD) zones are intended to be the center of commercial activity in Orem, filled with vibrant shopping, restaurants, and entertainment destinations.

(Ord. No. O-2018-0029, Enacted 10/9/2018; Ord. No. O-2020-0029, Amended 11/10/2020)

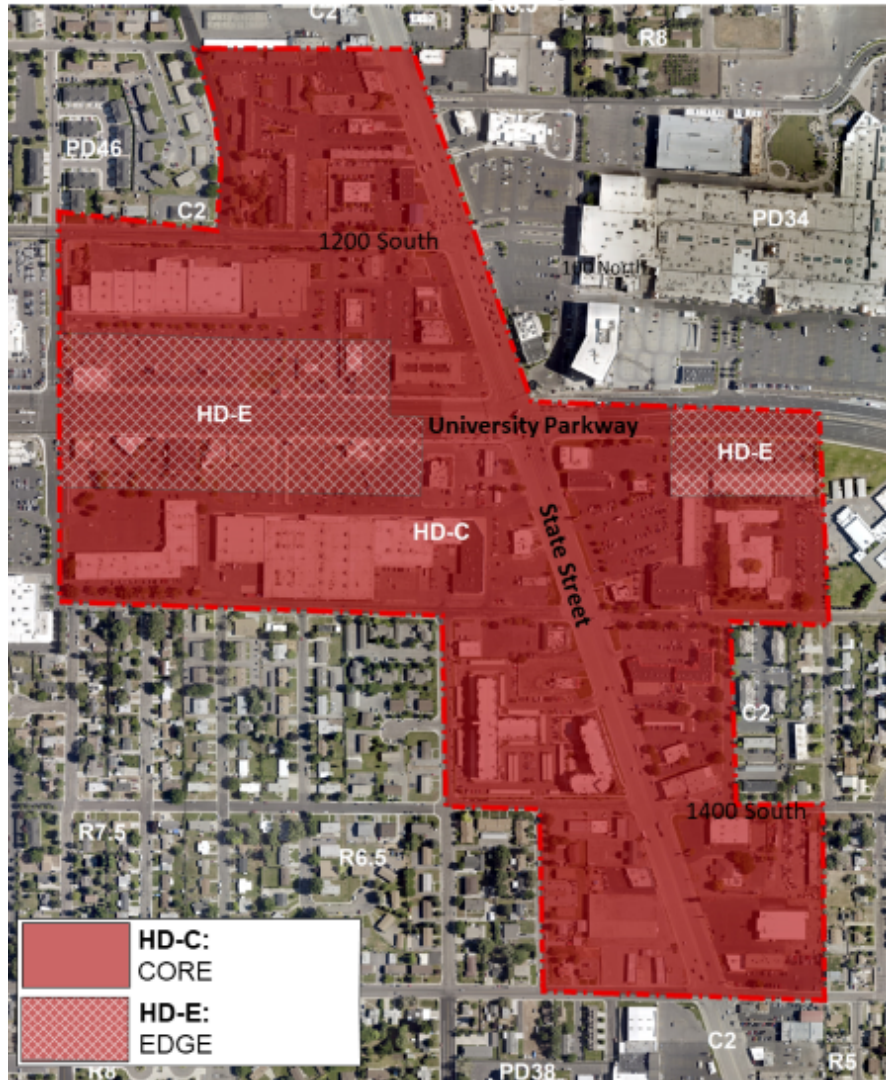
Effective on: 10/9/2018

B. Boundaries of The Hub District Zones.

There is hereby established two Hub District (HD) zones which consist of the following zones: (1) HD-C (Core), and (2) HD-E (Edge). Where used in this Section 22-24-2, the term “HD zones” refers to both of the above-referenced zones. Although the HD zones have many of the same standards in common, each HD zone is a fully independent and separate zone. Except as otherwise specified, all standards provided in this Section 22-24-2 shall apply to both the HD-C and HD-E zones. The boundaries of both of the HD zones are as shown in the map below:



Hub District (HD) Zone



(Ord. No. O-2018-0029, Enacted 10/9/2018; Ord. No. O-2020-0029, Amended 11/10/2020)

Effective on: 10/9/2018

C. Use of Certain Terms.

As used in this Section 22-24-2, the terms listed below shall have the following meanings:

1. “Required Sidewalk” or “Sidewalk Adjacent to a Street” means the buffered sidewalk required by Orem City Code Section 22-8-8(B)(4) or sidewalks required by other applicable sections of the Orem City Code.
2. A “street-facing façade” is any building elevation that faces a public street and is located within one hundred feet of a required sidewalk. For purposes of this definition, a building elevation faces a public street if any part of the elevation is visible from the street at a point on a line between the building and the street that is perpendicular to the street.

(Ord. No. O-2018-0029, Enacted 10/9/2018)



Effective on: 10/9/2018

D. Default Standards.

The standards of the C2 zone (including the “Zone Development Standards for the State Street Corridor Area” where applicable) shall apply in the HD zone with respect to any regulation not otherwise specifically addressed in this Section 22-24-2.

(Ord. No. O-2018-0029, Enacted 10/9/2018)

Effective on: 10/9/2018

E. Uses.

1. **Permitted Uses.** All uses permitted in the C2 zone as well as SLU Code 1112 (Condominiums) and 1120 (Apartments) are permitted in the HD zone (subject to the limitation on residential uses outlined below). The following shall be permitted in the HD-E zone:

Permitted Uses - HD-E zone	
Standard Land Use	Category
5310	Department Stores
5391	Dry Goods & General Merchandise
5393	Arts, Crafts & Hobbies
5394	Musical Instruments
5410	Groceries &/or Food
5440	Candy & other confectionery products
5600	Clothing, Apparel, & Accessories
5710	Furniture & home furnishings
5730	Music Supplies
5810	Restaurants
5811	Fast Food
5931	Antiques
5932	Gold & Silver
5941	Books
5942	Stationary
5943	Office Supplies
5946	Cameras & Photographic Supplies
5947	Gifts, Novelties, & Souvenirs
5948	Florists
5952	Bicycles
5953	Toys
5970	Computer Goods & Services
5996	Optical Goods
6510	Medical, Dental, & Health Services

2. **Prohibited Uses.** Any use that is not included as a permitted use in subsection (1) above is prohibited in the HD zones.



3. **Limitation on Residential Use.** In order to encourage the development of commercial uses in the HD zone, residential uses in any building shall not occupy more than the 80% of the Gross Leasable Floor Area (GLFA) of such building.
- a. If at least 50% of a parcel's street frontage is occupied by buildings that meet the maximum setback requirement of subsection (F)(2) below and have pedestrian access to the street at ground level, a building on the interior of the parcel may exceed the maximum residential GLFA limit by an amount equal to the amount (in square feet) by which the residential GLFA of buildings meeting the maximum setback requirement on the same parcel is below the maximum residential GLFA allowed in such buildings. This transfer of allowable residential occupancy may only be made to interior buildings and buildings with street frontage may in no case exceed the maximum residential GLFA requirement. Any such transfer shall be recorded upon a plat and recorded at the office of the Utah County Recorder. Upon, the execution of such a transfer of allowable residential occupancy, residential uses in the building that transferred a portion of its allowable residential use percentage shall not exceed the maximum percentage of GLFA allowed by the applicable zone less the amount of residential GLFA that was transferred to another building. For example, if a parcel in the HD zone has two buildings that each contain 50,000 square feet of GLFA and at least 50% of the street frontage of said parcel is occupied by a building that meets the maximum setback requirements, the interior building could be 100% occupied by residential uses provided that no more than 30,000 square feet of GLFA of the building fronting the street was occupied by residential uses and the transfer of 10,000 square feet of residential occupancy from the building with street frontage to the building on the interior of the lot was shown on a plat recorded with the Utah County Recorder. Following the transfer, residential uses in the building with street frontage could not exceed 30,000 square feet of GLFA $((80\% \times 50,000) - 10,000 \text{ (transferred)}) = 30,000$.
 - b. A transfer of residential occupancy as described above is permanent unless modified by the owners of both buildings by an amended plat. If a parcel on which a transfer described above has taken place is subdivided, all buildings on the new parcels shall continue to meet the requirements with respect to maximum percentage of GLFA that may be occupied by residential uses to which they were subject prior to the subdivision.

(Ord. No. O-2018-0029, Enacted 10/9/2018)

Effective on: 10/9/2018

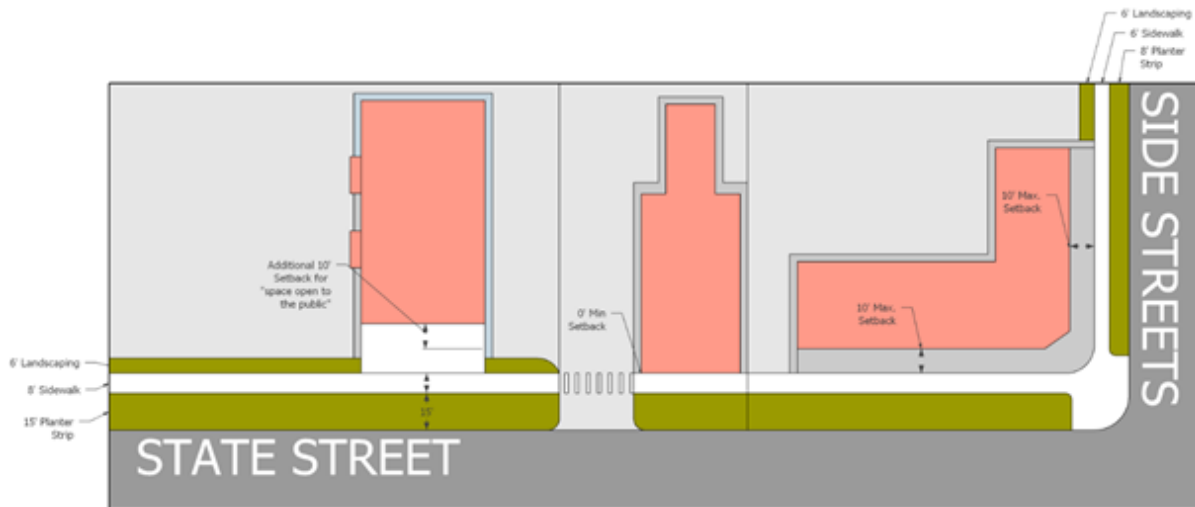
F. Design Standards.

1. **Building Height.** All buildings in the HD-C zone shall have a minimum of three (3) stories. There is no minimum height requirement for buildings in the HD-E zone. Any building that is situated in both the HD-C and HD-E zones shall comply with the standards of the HD-C zone with respect to the entire building. Each building story above the ground story shall be designed and constructed to have at least 60% of the Gross Leasable Floor Area of the story directly below. There is no maximum height requirement for the HD zone. The ground story of every building, shall have a minimum floor to ceiling height of at least 14 feet.

(Ord. No. O-2020-0029, Amended 11/10/2020)

2. **Setbacks.** Except as otherwise provided below, there are no minimum setbacks in the HD zone.
 - a. **Maximum Setbacks.** Except as otherwise provided herein, the ground level story of all buildings in the HD zones buildings shall be set back no more than ten feet from the back of a required sidewalk. However, buildings may be set back an additional ten feet (for a total of twenty feet) from the back of a required sidewalk if the entire additional setback area is utilized as a "space open to the public" such as a plaza or outdoor dining area that is designed to be utilized by the public on a regular basis. A "space open to the

public” as described herein must meet the definition provided in Section 22-2-1. An illustration of the maximum setback as well as the additional ten foot setback for a space open to the public is provided below.



- b. **Prohibited Uses of Setback Area.** The area of any setback from a required sidewalk may not be used for parking, parking lot driveways, drive-thrus, or drive-thru stacking.
- c. **Setback From Residentially Zoned Property.** No portion of any building (including roofs and parapets) in the HD zone may be located closer to a residentially zoned property not a part of the HD zones than the height of that portion of the building. Note: The width of adjacent public right-of-way may be included when measuring setbacks to calculate maximum permitted building heights.

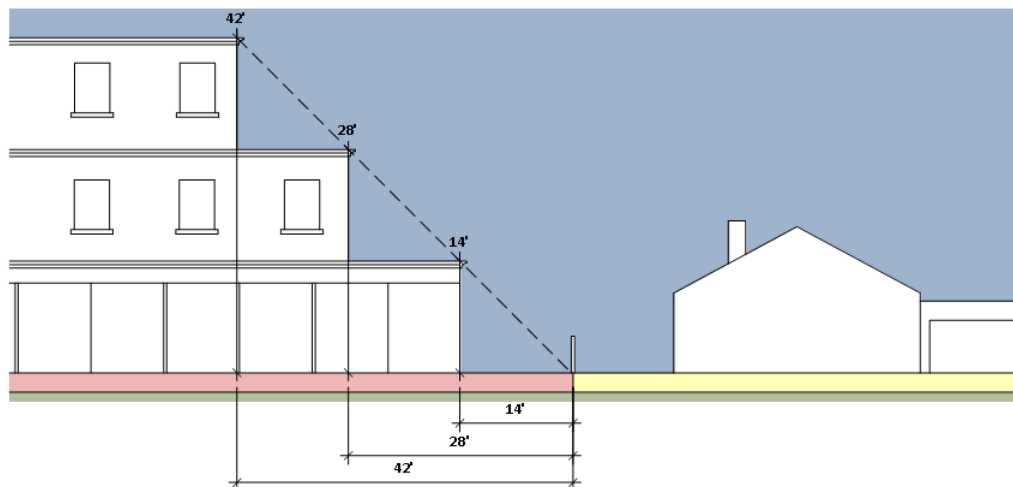
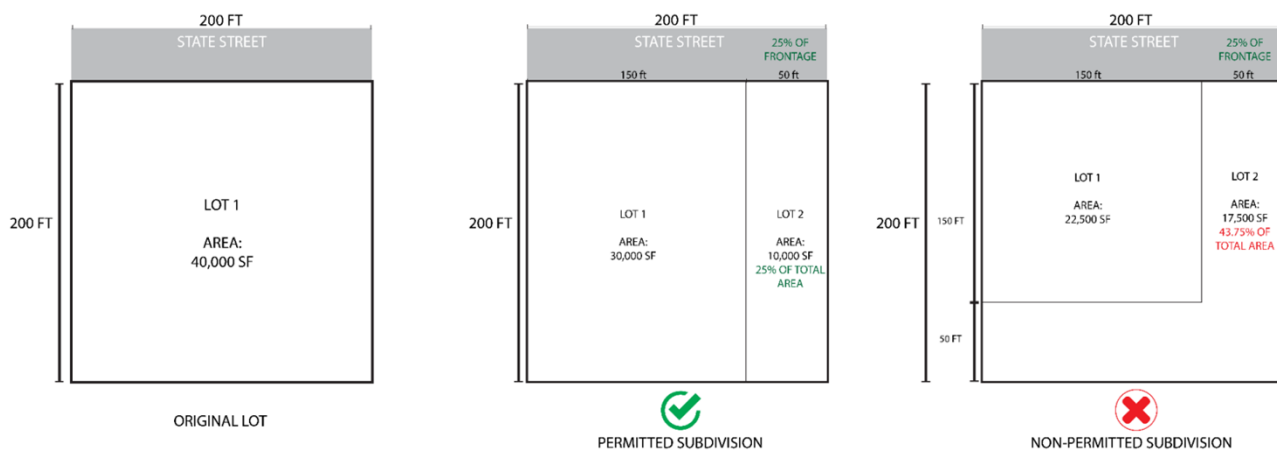


Illustration of stepping-back of building height when next to residential zones

- d. **Exception to Maximum Setback Requirement.** Except as otherwise provided herein, no building may be constructed on a lot that has frontage on a public street unless the building complies with the maximum setback requirements set forth above.



- i. Notwithstanding the above, a building that does not meet the maximum setback requirements may be constructed on a parcel if at least 50% of that parcel's street frontage is occupied by a building(s) façade that is located within twenty feet (20') of the back of required sidewalk.
- ii. A lot where less than fifty percent (50%) of the street frontage is occupied by a building(s) facade located within twenty feet (20') of the back of required sidewalk may not be subdivided in such way that creates a new lot (1) that has no street frontage, or (2) where the percentage of the street frontage of the original lot included in the new lot is less than the percentage of the area of the original lot included in the new lot. For example, if a lot has 200 feet of street frontage and 40,000 square feet of area, a lot that is subdivided off the original lot that has 50 feet of street frontage (25% of the total frontage of the original parcel) may not have a total lot area greater than 10,000 square feet (25% x 40,000). The intent of this requirement is to prevent circumvention of the maximum setback requirement. This example is demonstrated in the following graphics:



- iii. The width of one required street access (up to a maximum of thirty feet (30') may be subtracted from the total parcel width when calculating the 50% frontage occupancy requirement.
- iv. A building that does not meet the maximum setback requirements may be constructed before the 50% frontage occupancy requirement is met provided that buildings that will bring the lot into compliance with the 50% frontage occupancy requirement are constructed concurrently with the building that does not meet the maximum setback requirement.

(Ord. No. O-2020-0029, Amended 11/10/2020)

- 3. **Lot Size.** All lots within the HD zones shall be a minimum of 7,500 square feet in area.
- 4. **Architectural Features.** All buildings in the HD zones shall comply with the following architectural requirements.
 - a. **Vertical Façade Articulation.** The architecture of all street-facing facades shall have a vertical break at least every fifty feet with a minimum depth of one foot. The required vertical breaks shall extend over at least 75% of the height of the building. An illustration of this requirement is provided below:



- b. **Horizontal Expression Lines.** All street-facing facades shall incorporate horizontal expression lines in their architecture to delineate the ground story from any upper stories. Such expression lines shall include a cornice and/or a protrusion in materials with a minimum depth of six inches. An illustration of this requirement is provided below:



c. **Stepbacks.** The street-facing façade(s) of the lowest story that contains residential uses and all stories above shall be stepped back at least 20 feet behind the façade of the story immediately below if all of the following apply:

- i. The building is four stories or more in height.
- ii. The building is designed for residential uses above the first story in one or more stories.
- iii. The building street-facing façade of the ground floor is within 35 feet of a sidewalk adjacent to a street.

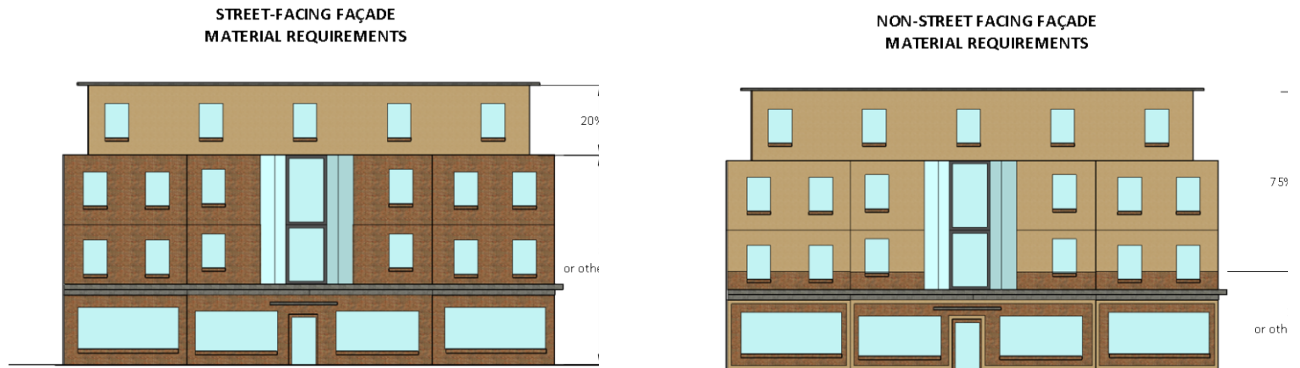
Where the lowest second story containing residential uses is set back at least twenty feet behind the façade of the first story below as required by this subsection, at least seventy-five percent of the open roof area of such the first story shall be designed for and employed as an amenity for the residential occupants of the building. An illustration of this requirement is provided below:



(Ord. No. O-2020-0006, Amended 2/23/2021; Ord. No. O-2020-0029, Amended 11/10/2020)

5. Materials.

- a. Except as otherwise provided, all buildings shall be completed on all sides with brick, split-face block, glass, stone, and wood (hereinafter referred to as “Tier 1 Materials”). Aluminum composite material panel systems, stucco, and Exterior Insulation and Finishing Systems (EIFS) (hereinafter referred to as “Tier 2 Materials”) shall only be permitted as trim on ground-level façades and shall only be allowed on up to a maximum of 20% total coverage on street-facing façades and up to a maximum of 75% of a non-street facing façade.
- b. Standing seam metal (but no other metals) may be used for awnings. Sheet metal and corrugated metal and other metal finishes are only permitted for soffits, fascia, and similar minor architectural features (less than or equal to 5% coverage on any given elevation).



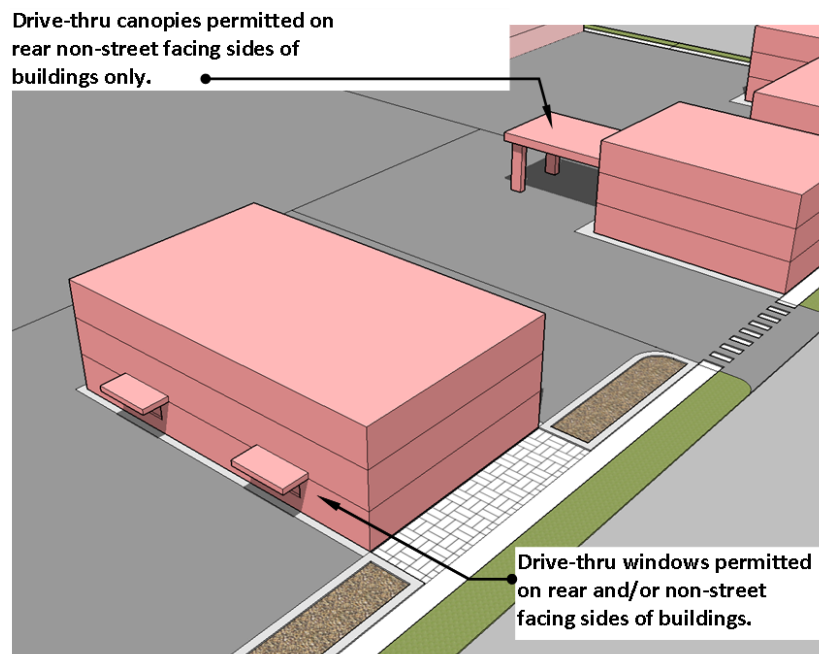
6. Entrances.

- All primary buildings in the HD zone shall have at least one entrance intended for public, daily customer, and/or resident use oriented toward a public street, public open space, or a privately-owned “space open to the public”, with first priority assigned to State Street, and second priority assigned to all other public streets.
- Lots within the HD zone with frontage on both State Street and University Parkway shall have an entrance on the corner where the two streets meet.
- Corner entrances at street intersections are encouraged throughout the HD zone. An example of a desirable corner entrance is shown in the following image:



- 7. Windows and Awnings.** At least 70% of each street-facing, ground story façade shall consist of transparent window coverage that is readily visible to a depth of at least five feet into the building. All awnings shall be durable canvas or standing seam metal. Plastic awnings are not permitted.

8. **Balconies.** Balconies consisting of a minimum area of fifty (50) square feet shall be provided for at least fifty (50) percent of all residential units per building in the HD zone. Balconies may be inset into the building or may project over City sidewalk a maximum of five feet so long as fourteen (14) feet of vertical clearance is provided between the sidewalk and the balcony. Balconies that don't face a public street shall be set back at least eight feet from any adjacent property line.
9. **Drive-thru Structures.**
 - a. Drive-thru canopy structures (such as a Drive-Thru ATM canopy) shall be located only on the rear or a non-street facing façade(s) of a building.
 - b. Drive-thru windows, aisles, and vehicle stacking for drive-thrus are not permitted on any street-facing façade and/or within any street-facing setback areas.



10. **Screening.**
 - a. Trash storage containers and dumpsters shall be completely screened from public view with a masonry wall at least seven feet in height with sight-obscuring gates which must be located either behind, on a non-street facing side, or interior to a building.
 - b. All electrical, utility, and mechanical equipment (including equipment on roofs) shall be fully screened from public view with sight-obscuring materials. Such equipment must be buried (vaulted) if located within any front or side street-facing setback areas, or if located within any required planter strip areas.
11. **Lighting.**
 - a. Each site shall include a Lighting Plan that is designed to discourage crime, enhance safety, and prevent direct glare onto adjacent properties.
12. **Open Space.**



- a. All lots with a residential use component shall have a minimum twenty percent (20%) of the lot area dedicated to open space (excluding required public sidewalks and planter strips). This requirement may be fulfilled with standard “open space” or with a “space open to the public” or a combination of both. However, a minimum of 10% of the lot’s area shall be maintained as a “space open to the public” (see Section 22-2-1 for definitions of “open space” and “spaces open to the public”).
- b. Commercial lots *without* a residential use component are not required to provide any type of “open space” (apart from the required sidewalks, planter strips and other required landscaping). However, if a “space open to the public” is provided on a commercial lot without a residential use, the following bonuses shall be awarded to that parcel:

Percentage of Provided “Spaces Open to the Public” out of Total Parcel Area			
	10% or more	20% or more	30% or more
Bonuses Awarded	- Up to 10% of required parking may be “compact” stalls (measuring 7.5 ft. wide x 16 ft. deep). -5% overall parking reduction	- Up to 20% of required parking may be “compact” stalls (measuring 7.5 ft. wide x 16 ft. deep). -5% overall parking reduction -Up to 5% of parking requirement may be met from on-street parking located in a HD zone (if not previously allocated to another parcel) located within 300 feet of the parcel (but excluding State Street)	- Up to 30% of required parking may be “compact” stalls (measuring 7.5 ft. wide x 16 ft. deep). - Excluding the ground floor, up to an additional 15% of street-facing façades only may be constructed with “Tier 2” materials. - 8% overall parking reduction -Up to 5% of parking requirement may be met from on-street parking located in a HD zone (if not previously allocated to another parcel) located within 300 feet of the parcel (but excluding State Street)

Note: Percentage calculations are rounded down to the nearest 1 decimal point.

13. Fencing.

- a. A fence meeting the requirements of Section 22-14-19(E) shall be maintained along any property line between a development in any HD zone and a residential zone (that is not a part of an HD zone). The fence shall be constructed and maintained by the owner of the development in the applicable HD zone.

(Ord. No. 2018-0029, Enacted 10/9/2018; Ord. No. O-2020-0029, Amended 11/10/2020)

Effective on: 10/9/2018

G. Transportation.

1. **Streets.** Private streets are not permitted in the HD zone. However private pedestrian promenades, driveways, vehicular accesses, and alleyways are permitted provided proper fire access is maintained throughout the site.
2. **Driveways and Accesses.**
 - a. Vehicular accesses shall be no more than thirty feet wide unless the Planning Commission finds, based on a traffic study performed by a licensed traffic engineer and/or an analysis provided by the City Transportation Engineer, that a wider access is necessary for the site. In no event shall an access exceed forty (40) feet in width.
 - b. No more than one access shall be allowed per lot unless the Planning Commission finds, based on a traffic study performed by a licensed traffic engineer and/or an analysis provided by the City Transportation Engineer, that more than one access is needed for development on the lot.
 - c. Where a driveway crosses a public sidewalk, the driveway shall be a different stained color, texture, or paving material than the sidewalk to warn drivers of the possibility of pedestrians in the area (See Figure 9 below).
 - d. All adjoining properties are required to share vehicular and pedestrian accesses to public streets and sidewalks and to provide any necessary cross-access easements to effectuate this sharing.



Fig. 9 stamped and colored asphalt.

3. **Traffic Study.**
 - a. A Traffic Impact Study (TIS) shall be required in connection with any site plan in the HD zone that is not a minor amendment as defined in Section 22-14-20(C)(3)(b). The provisions of Section 22-14-20(E)(8)(a-c) shall apply to any required TIS. The TIS shall evaluate the vehicle, bicycle, and pedestrian traffic both on site and in the general vicinity of the project. The TIS shall evaluate trip generations, turning movements to and from the property, street and roundabout geometrics, and traffic safety on and off the site. The TIS shall also address relevant items including but not limited to the following: surrounding street and intersection levels of service (LOS) before and after the project is completed, any mitigation efforts recommended to minimize project traffic impacts, proposed public and private street widths and alignments, site mobility, access management, potential traffic signal locations, street striping, signage,



etc. The traffic engineer that performs the required TIS shall meet with the City Traffic Engineer prior to beginning the TIS to discuss specific areas of focus for the TIS. Each site plan shall reflect and incorporate the recommendations of the traffic study and any other requirements that the City may deem necessary based upon the TIS. Any new development or redevelopment shall comply with all recommendations of the TIS.

(Ord. No. O-2018-0029, Enacted 10/9/2018)

Effective on: 10/9/2018

H. Parking.

1. Parking Requirements

- a. Required parking in the HD zones may be met within a parking lot, parking structure, or a shared parking agreement approved by the City.
- b. For the HD zone, three parking stalls shall be provided for every one-thousand (1000) square feet of gross leasable floor area of nonresidential uses. Since any residential use in this zone is required to be part of a mixed-use development, no parking stalls shall be required for residential units included within the base residential density. The base residential density is calculated by dividing the total commercial parking requirement by three (3). For each residential unit in excess of the base residential density, a minimum of 1.75 parking stalls shall be provided (of which .1 stalls per unit shall be dedicated to visitor parking).
- c. **No Charge for Use of Required Parking.** In order to ensure that tenants (including residents and employees) of a development do not have an incentive to park off-site, no fee charge, deposit or other form of compensation (other than rent) may be required of a tenant for the right to use required parking stalls (including, for purposes of this subsection, the right to exclusive use of a particular parking stall). Neither the rent, the deposit or other fees charged to tenants may differ based on whether the tenant is given the right to use required parking. No form of compensation (including but not limited to a reduction in rent or other fees or charges) may be given to a tenant in exchange for a waiver or relinquishment of the right to use required parking. No penalty of any kind may be imposed upon a tenant for parking in a required parking stall.
- d. Site plans within the HD District are not eligible for any parking modifications outlined in Section 22-15-5 and must meet the parking requirements outlined in this section.

(Ord. No. O-2019-0032, Enacted 10/8/2019; Ord. No. O-2020-0029, Amended 11/10/2020)

2. Parking Lot Standards. Except as otherwise provided herein, the provisions of Article 22-15 (Off-Street Parking) shall apply to all development in the HD zones.

- a. Buildings shall be sited to face the street with parking lots on the side or rear. Adjoining properties that have neighboring parking lots shall be connected and have cross-access easements established upon final plat approval. No parking stalls, drive aisles or drive thru stacking lanes shall be located within six feet (6') of the back of any required sidewalk. The 6 foot parking setback area shall be maintained as "open space" or a "space open to the public" and shall be maintained with shrubs or other sight-obscuring features at a minimum height of three feet to screen the parking area from the street.
- b. Parking Lot Lighting: Parking lot light poles on properties adjacent to residential zones outside of the HD zones shall be no closer than 50 feet to the adjacent residential property line. Additionally, globes must be shielded and the lighting directed down to minimize light encroachment onto adjacent properties or into upper level residential units in multi-story buildings. Lightproof fencing is also required when adjacent to residentially properties that are not in a HD zone.

- c. Concrete curbs shall be provided between landscaped areas and off-street parking areas. Low-profile curbs are permitted to accommodate low-impact developments (LIDs) in all landscaped areas except for within required planter strips along State Street (see also landscaping requirements in Section 22-14-13 (C)).

(Ord. No. O-2020-0029, Amended 11/10/2020)

2. Parking Structures.

- a. The street-facing façade of a parking structure must be “wrapped” with a habitable building designed and constructed for residential or commercial uses. All other facades of a parking structure shall be wrapped with buildings and/or have an external skin (or screen) designed to improve its visual appeal. Examples include heavy gauge metal screening, precast concrete panels, laminated or safety glass, decorative solar panels, or decorative façades. The intent is for parking structures to blend into surrounding buildings and not look like a parking structure. The Planning Commission may approve other decorative materials not listed herein if the proposed materials would have an equal or better aesthetic effect than the approved materials listed herein. All readily visible areas not wrapped with buildings shall be screened. To the greatest extent possible, uneven levels in parking structures shall be screened from public view. The following images demonstrate parking structure wrapping:





- b. Elevators and stairs shall be highlighted architecturally so visitors, internally and externally, can easily access these entry points.
 - c. Any signage attached to the parking structure and wayfinding signage shall be integrated with the architecture of the parking structure and be architecturally compatible with the design. Public parking structures entrances shall be clearly signed from public streets.
 - d. At a minimum, all street-facing façades of all parking structures shall be wrapped with structures designed and constructed for a commercial or residential use.
 - e. Parking structures shall be designed to minimize vehicle noise and odors that emanate on to sidewalks and “spaces open to the public”. Venting and fan locations shall not be located next to “spaces open to the public” and are encouraged to be located on top of the parking structure where feasible.
4. Specific use parking exceptions as established in Section 22-15-4 (G) apply in the HD Zones.
 5. Parking modifications as established in Section 22-15-5 apply in the HD Zone.
 6. Bicycle parking requirements as established in Section 22-15-7 apply in the HD Zone.

(Ord. No. O-2018-0029, Enacted 10/9/2018; Ord. No. O-2020-0029, Amended 11/10/2020)

Effective on: 10/9/2018

I. Signs.

1. Except as otherwise provided herein, all signs in the Hub District zones shall meet the standards provided in Article 14-3. All areas within the HD zones shall be designated as Sign Zone “H” (14-3-3).
2. Removal of Pole Signs. One of the purposes of the HD zones is to provide a more attractive environment for commercial and residential uses. The City has determined that pole signs are less aesthetically appealing than other types of signs such as monument signs. Therefore, pole signs are not permitted in the Hub District zone. Any existing pole signs shall be removed in the event that reconstruction is performed on fifteen percent (15%) or more of the footprint of an existing building on the lot upon which the pole sign(s) is located, upon the addition or expansion of a building that constitutes fifteen percent (15%) or more of the existing building footprint on the lot, or upon the construction of a new building on a lot. The removal of existing pole signs required by this section shall occur before the issuance of a certificate of occupancy for the new building or building expansion.

(Ord. No. O-2018-0029, Enacted 10/9/2018; Ord. No. O-2020-0029, Amended 11/10/2020)

Effective on: 10/9/2018

J. Sidewalks and Landscaping.

1. A buffered sidewalk shall be installed and maintained along all property adjacent to State Street and State Street Connector Streets in accordance with Section 22-8-8(B)(4). A sidewalk at least six feet (6') in width and landscaping in accordance with Appendix TT shall be installed and maintained adjacent to University Parkway. A buffered sidewalk consisting of a sidewalk at least six feet (6') in width and a landscaped planter strip at least eight feet (8') in width shall be installed and maintained adjacent to all streets other than State Street, State Street Connector Streets and University Parkway.

(Ord. No. O-2020-0029, Enacted 11/10/2020)

K. Alternate Development Standards for the HD-E Zone.



1. Each lot in the HD-E zone must be developed in conformity with the standards contained in this Section 22-24-2 pertaining to the HD-E zone. In the alternative, all of the property in a given lot in the HD-E zone may be developed according to the standards of the HD-C zone. However, in order to ensure congruity of development, all property in any given lot in the HD-E zone must be developed entirely according to the standards and requirements of the HD-E zone or must be entirely developed according to the standards and requirements of the HD-C zone.

(Ord. No. O-2020-0029, Enacted 11/10/2020)



CODE OF ORDINANCES

CHAPTER 22. ZONING

Article 22-24. State Street District Zones.

Contents:

- 22-24-1. City Center District (CCD) Zone.
- 22-24-2. The Hub District (HD) Zones.
- 22-24-3. Canyon Crossing District (CXD) Zones.
- 22-24-4. The Arts District (AD) Zones.
- 22-24-5. North Village District (NVD) Zones.

22-24-3. Canyon Crossing District (CXD) Zone.

A. Purpose.

The Canyon Crossing (CXD) zones are intended to promote a mixture of retail and residential uses in an area that is Orem's gateway to Provo Canyon and its associated outdoor recreational activities and amenities.

(Ord. No. O-2018-0029, Enacted 10/9/2018)

Effective on: 10/9/2018

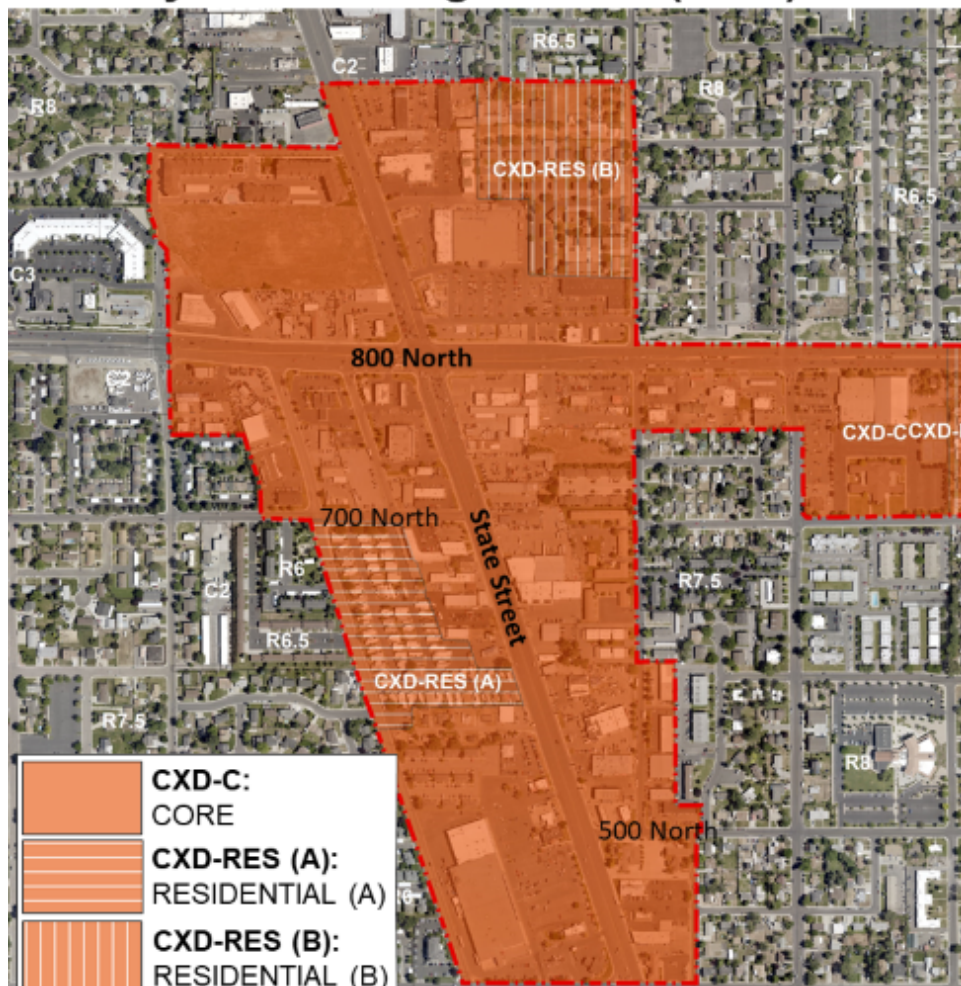
Boundaries of Canyon Crossing District Zones.

B. Boundaries of Canyon Crossing District Zones.

There is hereby established three Canyon Crossing District zones which consist of the following zones: (1) CXD-C (Core), (2) CXD-Res-A (Residential) and (3) CXD-Res-B (Residential). Where used in this Section 22-24-3, the term "CXD zones" refers to all three of the above-referenced zones. Although the CXD zones have many of the same standards in common, each CXD zone is a fully independent and separate zone. The boundaries of each of the three Canyon Crossing zones are as shown in the map below:



Canyon Crossing District (CXD) Zone



(Ord. No. O-2018-0029, Enacted 10/9/2018)

Effective on: 10/9/2018

C. Use of Certain Terms.

As used in this Section 22-24-3, the terms listed below shall have the following meanings:

1. “Required Sidewalk” or “Sidewalk Adjacent to a Street” means the buffered sidewalk required by Orem City Code Section 22-8-8(B)(4) or sidewalks required by other applicable sections of the Orem City Code.
2. A “street-facing façade” is any building elevation that faces a public street and is located within one hundred feet of a required sidewalk. For purposes of this definition, a building elevation faces a public street if any part of the elevation is visible from the street at a point on a line between the building and the street that is perpendicular to the street.

(Ord. No. O-2018-0029, Enacted 10/9/2018)

Effective on: 10/9/2018



D. Default Standards.

With respect to the CXD-C zone, the standards of the C2 zone (including the “Zone Development Standards for the State Street Corridor Area” where applicable) shall apply to any regulation not specifically addressed in this Section 22-24-3. With respect to the CXD-Res (A & B) zones, the standards of the PRD zone shall apply to any regulation not specifically addressed in this Section 22-24-3.

(Ord. No. O-2018-0029, Enacted 10/9/2018)

Effective on: 10/9/2018

E. Uses.

1. **Permitted Uses.** All uses permitted in the C2 zone as well as SLU Code 1112 (Condominiums) and 1120 (Apartments) are permitted in the CXD-C zone (subject to the limitation on residential uses outlined below). All uses permitted in the PRD zone as well as SLU Code 1112 (Condominiums) and 1120 (Apartments) are permitted in the CXD-Res-(A&B) zones. However, no stacked units are allowed in the CXD-Res-B zone.
2. **Prohibited Uses.** Any use that is not included as a permitted use in subsection (1) above is prohibited in all of the CXD zones.
3. **Limitation on Residential Use.** In order to encourage the development of commercial uses in the CXD-C zone, residential uses in any building in the CXD-C zone shall not occupy more than 80% of the Gross Leasable Floor Area (GLFA) of such building.
 - a. In the CXD-C zone, if at least 50% of a parcel’s street frontage is occupied by buildings that meet the maximum setback requirement of subsection (F)(2) below and have pedestrian access to the street at ground level, a building on the interior of the parcel may exceed the maximum residential GLFA limit by an amount equal to the amount (in square feet) by which the residential GLFA of buildings meeting the maximum setback requirement on the same parcel is below the maximum residential GLFA allowed in such buildings. This transfer of allowable residential occupancy may only be made to interior buildings and buildings with street frontage may in no case exceed the maximum residential GLFA requirement. Any such transfer shall be recorded upon a plat and recorded at the office of the Utah County Recorder. Upon, the execution of such a transfer of allowable residential occupancy, residential uses in the building that transferred a portion of its allowable residential use percentage shall not exceed the maximum percentage of GLFA allowed by the applicable zone less the amount of residential GLFA that was transferred to another building. For example, if a parcel in the CXD-C zone has two buildings that each contain 50,000 square feet of GLFA and at least 50% of the street frontage of said parcel is occupied by a building that meets the maximum setback requirements, the interior building could be 100% occupied by residential uses provided that no more than 30,000 square feet of GLFA of the building fronting the street was occupied by residential uses and the transfer of 10,000 square feet of residential occupancy from the building with street frontage to the building on the interior of the lot was shown on a plat recorded with the Utah County Recorder. Following the transfer, residential uses in the building with street frontage could not exceed 30,000 square feet of GLFA ((80% x 50,000)-10,000 (transferred) = 30,000).
 - b. A transfer of residential occupancy as described above is permanent unless modified by the owners of both buildings by an amended plat. If a parcel on which a transfer described above has taken place is subdivided, all buildings on the new parcels shall continue to meet the requirements with respect to maximum percentage of GFLA that may be occupied by residential uses to which they were subject prior to the subdivision.

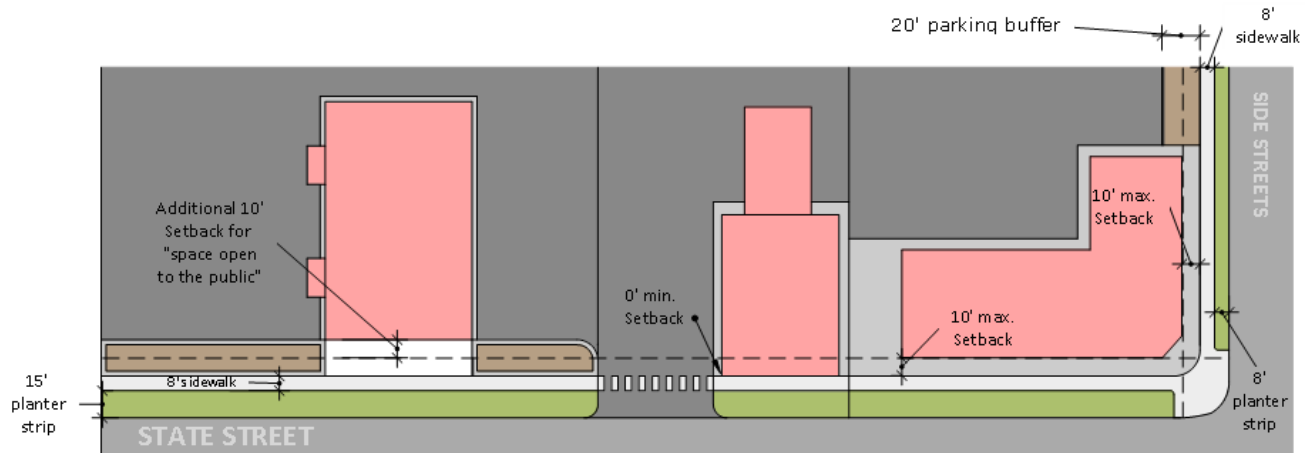
(Ord. No. O-2018-0029, Enacted 10/9/2018)



Effective on: 10/9/2018

F. Design Standards.

1. **Building Height.** All buildings in the CXD zones except for buildings in the CXD-Res-B zone shall be at least two stories in height. Buildings in the CXD-Res-B zone shall have a maximum height of 35 feet. There is no maximum height requirement for the CXD-C and CXD-RES(A) zones. Each building story above the ground story shall be designed and constructed to have at least 60% of the Gross Leasable Floor Area of the story directly below. The ground story of every building, except for buildings in the CXD-Res (A&B) zones, shall have a floor to ceiling height of at least 14 feet.
 - a. **Exception to Building Height Requirement.** One accessory building that does not comply with the minimum height requirement may be constructed on a parcel provided that the accessory building:
 - (i) is no larger than forty percent (40%) of the Gross Floor Area (GFA) of (only) one primary building on the parcel;
 - (ii) is limited to one story, thirteen (13) feet in height;
 - (iii) is designed and used exclusively for storage in connection with the primary use of the parcel;
 - (iv) is an accessory use to the principal use(s) or structure(s) on the parcel;
 - (v) is located behind the primary structure(s) on the parcel;
 - (vi) has no connection to water or sewer service;
 - (vii) is located on a parcel that has not already taken advantage of the “small building addition” exception under section 22-8-8(B)(7)(a) and is constructed in lieu of said “small building addition” exception--the “small building addition” exception under section 22-8-8(B)(7)(a) shall not be available for any parcel on which an accessory building has been constructed pursuant to this subsection (a).
2. **Setbacks.** Except as otherwise provided below, there are no minimum setbacks in the CXD zones.
 - a. **Maximum Setbacks.** Except as otherwise provided herein, the ground level story of all buildings shall be set back no more than ten feet from the back of a required sidewalk. However, buildings may be set back an additional ten feet (for a total of twenty feet) from the back of a required sidewalk if the entire additional setback area is utilized as a “space open to the public” such as a plaza or outdoor dining area that is designed to be utilized by the public on a regular basis. A “space open to the public” as described herein must meet the definition provided in Section 22-2-1. An illustration of the maximum setback as well as the additional ten foot setback for a space open to the public is provided below.



- b. **Prohibited Uses of Setback Area.** The area of any setback from a required sidewalk may not be used for parking, parking lot driveways, drive-thrus, or drive-thru stacking.
- c. **Setback From Residentially Zoned Property.** No portion of any building (including roofs and parapets) in the CXD zones may be located closer to a residentially zoned property not a part of the CXD zones than the height of that portion of the building. Note: The width of adjacent public right-of-way may be included when measuring setbacks to calculate maximum permitted building heights.

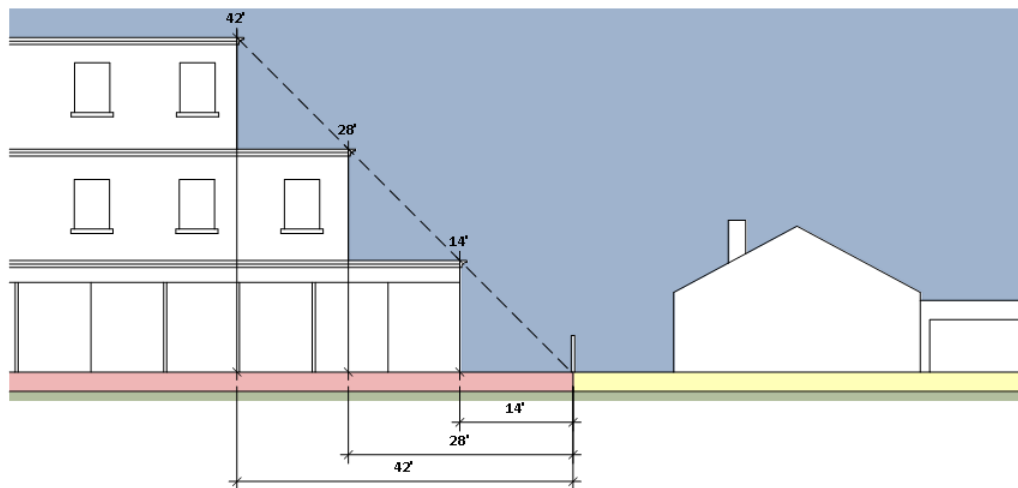


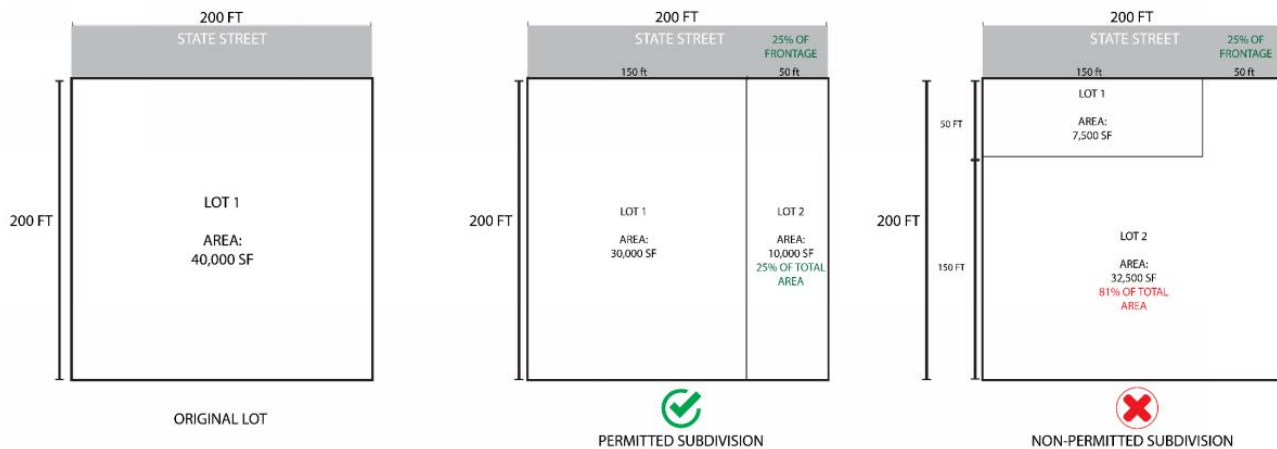
Illustration of stepping-back of building height when next to residential zones

- d. **Exceptions to Maximum Setback Requirement.** Except as otherwise provided herein, no building may be constructed on a lot that has frontage on a public street unless the building complies with the maximum setback requirements set forth above.
 - i. Notwithstanding the above, a building that does not meet the maximum setback requirements may be constructed on a parcel if at least 50% of that parcel's street frontage is occupied by a building(s) façade that is located within twenty feet (20') of the back of required sidewalk.



- ii. A lot where less than fifty percent (50%) of the street frontage is occupied by a building(s) facade located within twenty feet (20') of the back of required sidewalk may not be subdivided in such way that creates a new lot (1) that has no street frontage, or (2) where the percentage of the street frontage of the original lot included in the new lot is less than the percentage of the area of the original lot included in the new lot. For example, if a lot has 200 feet of street frontage and 40,000 square feet of area, a lot that is subdivided off the original lot that has 50 feet of street frontage (25% of the total frontage of the original parcel) may not have a total lot area greater than 10,000 square feet (25% x 40,000). The intent of this requirement is to prevent circumvention of the maximum setback requirement.

This example is demonstrated in the following graphics:



- iii. The width of one required street access (up to a maximum of thirty feet (30')) may be subtracted from the total parcel width when calculating the 50% frontage occupancy requirement.
- iv. A building that does not meet the maximum setback requirements may be constructed before the 50% frontage occupancy requirement is met provided that buildings that will bring the lot into compliance with the 50% frontage occupancy requirement are constructed concurrently with the building that does not meet the maximum setback requirement.
- v. The maximum setback requirements do not apply to detached, single-family dwellings.
- vi. One accessory building that does not comply with the maximum setback requirement may be constructed on a parcel provided that the accessory building:
 - (i) is no larger than forty percent (40%) of the GFA of (only) one primary building on the parcel;
 - (ii) is limited to one story, thirteen (13) feet in height;
 - (iii) is designed and used exclusively for storage in connection with the primary use of the parcel;
 - (iv) is an accessory use to the principal use(s) or structure(s) on the parcel;
 - (v) is located behind the primary structure(s) on the parcel;
 - (vi) has no connection to water or sewer service;

(vii) is located on a parcel that has not already taken advantage of the “small building addition” exception under section 22-8-8(B)(7)(a) and is constructed in lieu of said “small building addition” exception--the “small building addition” exception under section 22-8-8(B)(7)(a) shall not be available for any parcel on which an accessory building has been constructed pursuant to this subsection (a).

3. **Lot Size.** All lots within the CXD zones shall be a minimum of 7,500 square feet in area.
4. **Architectural Features.** All buildings in the CXD-C and CXD-Res-A zones shall comply with the following architectural requirements.
 - a. **Vertical Façade Articulation.** The architecture of all street-facing facades shall have a vertical break at least every fifty feet with a minimum depth of one foot. The required vertical breaks shall extend over at least 75% of the height of the building. An illustration of this requirement is provided below:



- b. **Horizontal Expression Lines.** Except for structures in the CXD-RES(B) zone, all street-facing facades shall incorporate horizontal expression lines in their architecture to delineate the ground story from any upper stories. Such expression lines shall include a cornice and/or a protrusion in materials with a minimum depth of six inches. An illustration of this requirement is provided below:



Stepbacks. The street-facing façade(s) of the lowest story that contains residential uses and all stories above shall be stepped back at least 20 feet behind the façade of the story immediately below if all of the following apply:

- i. The building is four stories or more in height.
- ii. The building is designed for residential uses in one or more stories.
- iii. The street-facing façade of the ground floor is within 35 feet of a sidewalk adjacent to a street.

Where the lowest story containing residential uses is set back at least twenty feet behind the façade of the story below as required by this subsection, at least seventy-five percent of the open roof area of such story shall be designed for and employed as an amenity for the residential occupants of the building. An illustration of this requirement is provided below:



(Ord. No. O-2020-0006, Amended 2/23/2021)

5. Materials.

- a. Except as otherwise provided, all buildings shall be completed on all sides with brick, split-face block, glass, stone, and wood (hereinafter referred to as "Tier 1 Materials"). Aluminum composite material panel systems, stucco, and Exterior Insulation and Finishing Systems (EIFS) (hereinafter referred to as "Tier 2 Materials") shall only be permitted as trim on ground-level façades and shall only be allowed on up to a maximum of 20% of a street-facing façade and up to a maximum of 75% of a non-street facing façade.
- b. Standing seam metal (but no other metals) may be used for awnings. Sheet metal and corrugated metal and other metal finishes are only permitted for soffits, fascia, and similar minor architectural features (less than or equal to 5% coverage on any given elevation).

**STREET-FACING FAÇADE
MATERIAL REQUIREMENTS**



**NON-STREET FACING FAÇADE
MATERIAL REQUIREMENTS**



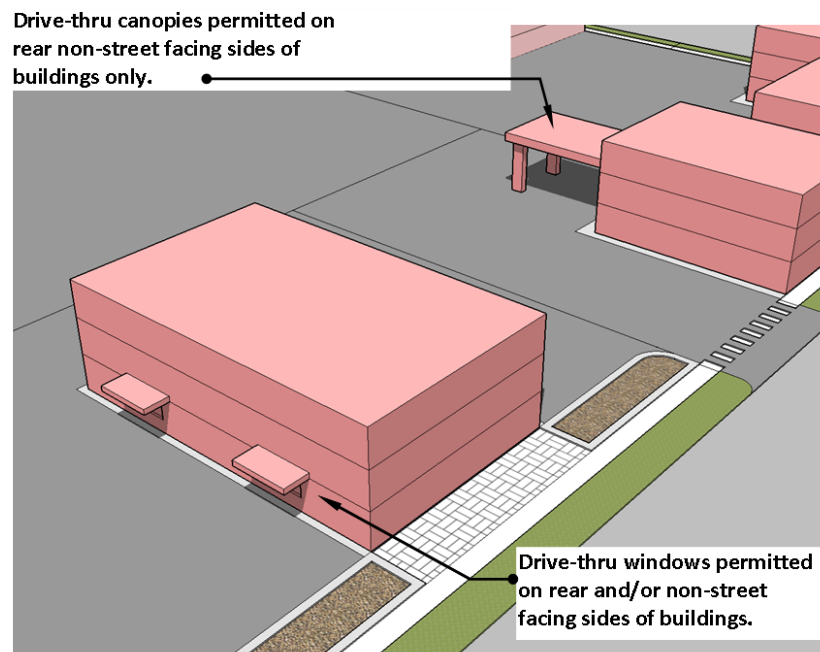
6. Entrances.

- All primary buildings in the CXD-C zone shall have at least one entrance intended for public, daily customer, and/or resident use oriented toward a public street, public open space, or a privately-owned “space open to the public”, with first priority assigned to State Street, and second priority assigned to all other public streets.
- Lots within the CXD-C zone with frontage on both State Street and Canyon Crossing (800 North) shall have an entrance on the corner where the two streets meet.
- Corner entrances at street intersections are encouraged throughout the CXD zones. An example of a desirable corner entrance is shown in the following image:



- Windows and Awnings.** In the CXD-C zone, at least 70% of each street-facing, ground story façade shall consist of transparent window coverage that is readily visible to a depth of at least five feet into the building. All awnings shall be durable canvas or standing seam metal. Plastic awnings are not permitted.

8. **Balconies.** Balconies consisting of a minimum area of fifty (50) square feet shall be provided for at least fifty (50) percent of all residential units per building in the CXD-C and CXD-Res-A zones. Balconies may be inset into the building or may project over City sidewalk a maximum of five feet so long as fourteen (14) feet of vertical clearance is provided between the sidewalk and the balcony. Balconies that don't face a public street shall be set back at least eight feet from any adjacent property line.
9. **Drive-thru Structures.**
 - a. Drive-thru canopy structures (such as a Drive-Thru ATM canopy) shall be located only on the rear or a non-street facing façade(s) of a building.
 - b. Drive-thru windows, aisles, and vehicle stacking for drive-thrus are not permitted on any street-facing façade and/or within any street-facing setback areas.



10. **Screening.**
 - a. Trash storage containers (but not including trash cans associated with individual units in the CXD-RES(B) zone) and dumpsters shall be completely screened from public view with a masonry wall at least seven feet in height with sight-obscuring gates which must be located either behind, on a non-street facing side, or interior to a building.
 - b. All electrical, utility, and mechanical equipment (including equipment on roofs) shall be fully screened from public view with sight-obscuring materials. Such equipment must be buried (vaulted) if located within any front or side street-facing setback areas, or if located within any required planter strip areas.
11. **Lighting.**
 - a. Each site (except for development in the CXD-RES(B) zone) shall include a Lighting Plan that is designed to discourage crime, enhance safety, and prevent direct glare onto adjacent properties.
12. **Open Space.**



- a. All lots in the CXD-C, CXD-Res(B), and CXD-Res(A) zones with a residential use component shall have a minimum twenty percent (20%) of the lot area dedicated to open space (excluding required public sidewalks and planter strips). This requirement may be fulfilled with standard “open space” or with a “space open to the public” or a combination of both. However, a minimum of 10% of the lot’s area shall be maintained as a “space open to the public” (see Section 22-2-1 for definitions of “open space” and “spaces open to the public”).
- b. Commercial lots without a residential use component are not required to provide any type of “open space” (apart from the required sidewalks, planter strips and other required landscaping). However, if a “space open to the public” is provided on a commercial lot without a residential use, the following bonuses shall be awarded to that parcel:

Percentage of Provided “Spaces Open to the Public” out of Total Parcel Area			
	10% or more	20% or more	30% or more
Bonuses Awarded	- Up to 10% of required parking may be “compact” stalls (measuring 7.5 ft. wide x 16 ft. deep). -5% overall parking reduction	- Up to 20% of required parking may be “compact” stalls (measuring 7.5 ft. wide x 16 ft. deep). -5% overall parking reduction -Up to 5% of parking requirement may be met from on-street parking located in a CXD zone (if not previously allocated to another parcel) located within 300 feet of the parcel (but excluding State Street)	- Up to 30% of required parking may be “compact” stalls (measuring 7.5 ft. wide x 16 ft. deep). - Excluding the ground floor, up to an additional 15% of street-facing façades only may be constructed with “Tier 2” materials. - 8% overall parking reduction -Up to 5% of parking requirement may be met from on-street parking located in a CXD zone (if not previously allocated to another parcel) located within 300 feet of the parcel (but excluding State Street)

Note: Percentage calculations are rounded down to the nearest 1 decimal point.

13. **Fencing.** A fence meeting the requirements of Section 22-14-19(E) shall be maintained along any property line between a development in the CXD-C or CXD-Res(A) zone and any residential zone (that is not a part of the CXD zone). The fence shall be constructed and maintained by the owner of the development in the applicable CXD zone.

(Ord. No. O-2018-0029, Enacted 10/9/2018; Ord. No. O-2020.0017, Amended 7/14/2020)

Effective on: 10/9/2018

G. Transportation.

1. **Streets.** Private streets are not permitted in the CXD zones. However private pedestrian promenades, driveways, vehicular accesses, and alleyways are permitted provided proper fire access is maintained throughout the site.
2. **Driveways and Accesses.**
 - a. Vehicular accesses shall be no more than thirty feet wide unless the Planning Commission finds, based on a traffic study performed by a licensed traffic engineer and/or an analysis provided by the City Transportation Engineer, that a wider access is necessary for the site. In no event shall an access exceed forty (40) feet in width.
 - b. No more than one access shall be allowed per lot unless the Planning Commission finds, based on a traffic study performed by a licensed traffic engineer and/or an analysis provided by the City Transportation Engineer, that more than one access is needed for development on the lot.
 - c. Where a driveway crosses a public sidewalk, the driveway shall be a different stained color, texture, or paving material than the sidewalk to warn drivers of the possibility of pedestrians in the area. (See Figure 9 below). This requirement shall not apply in the CXD-Res-B zone.
 - d. All adjoining properties are required to share vehicular and pedestrian accesses to public streets and sidewalks and to provide any necessary cross-access easements to effectuate this sharing. This requirement shall not apply in the CXD-Res-B zone.



Fig. 9 Stamped and colored asphalt.

A. Traffic Study.

1. A Traffic Impact Study (TIS) shall be required in connection with any site plan in the CXD zones that is not a minor amendment as defined in Section 22-14-20(C)(3)(b). The provisions of Section 22-14-20(E)(8)(a-c) shall apply to any required TIS. The TIS shall evaluate the vehicle, bicycle, and pedestrian traffic both on site and in the general vicinity of the project. The TIS shall evaluate trip generations, turning movements to and from the property, street and roundabout geometrics, and traffic safety on and off the site. The TIS shall also address relevant items including but not limited to the following: surrounding street and intersection levels of service (LOS) before and after the project is completed, any mitigation efforts recommended to minimize project traffic impacts, proposed public and private street widths and



alignments, site mobility, access management, potential traffic signal locations, street striping, signage, etc. The traffic engineer that performs the required TIS shall meet with the City Traffic Engineer prior to beginning the TIS to discuss specific areas of focus for the TIS. Each site plan shall reflect and incorporate the recommendations of the traffic study and any other requirements that the City may deem necessary based upon the TIS. Any new development or redevelopment shall comply with all recommendations of the TIS.

(Ord. No. O-2018-0029, Enacted 10/9/2018)

Effective on: 10/9/2018

H. Parking.

1. Parking Requirements.

- a. Required parking in the CXD zones may be met within a parking lot, parking structure, or a shared parking agreement approved by the City.
- b. For the CXD-C zone, three parking stalls shall be provided for every one-thousand (1000) square feet of gross leasable floor area of nonresidential uses. Since any residential use in these zones is required to be part of a mixed-use development, no parking stalls shall be required for residential units included within the base residential density. The base residential density is calculated by dividing the total commercial parking requirement by three (3). For each residential unit in excess of the base residential density, a minimum of 1.75 parking stalls shall be provided (of which .1 stalls per unit shall be dedicated to visitor parking).
- c. For the CXD-Res (A&B) zones, 2.5 stalls shall be provided for each standard residential unit (less than three bedrooms and less than 1200 square feet) and 3.5 stalls shall be provided for each large residential unit (three or more bedrooms or 1200 or more square feet). Where parking areas are shared between multiple units, parking stalls shall be dedicated to each unit or to visitor parking by signage or painted numbering and at least 0.5 stalls of the per unit required parking standard shall be reserved for visitor parking.
- d. **No Charge for Use of Required Parking.** In order to ensure that residents of a development do not have an incentive to park off-site, no fee charge, deposit or other form of compensation (other than rent) may be required of a tenant for the right to use required parking stalls (including, for purposes of this subsection, the right to exclusive use of a particular parking stall). Neither the rent, the deposit or other fees charged to tenants may differ based on whether the tenant is given the right to use required parking. No form of compensation (including but not limited to a reduction in rent or other fees or charges) may be given to a tenant in exchange for a waiver or relinquishment of the right to use required parking. No penalty of any kind may be imposed upon a tenant for parking in a required parking stall.

(Ord. No. 2019-0032, Enacted 10/8/2019)

- e. Site plans within the CXD District are not eligible for any parking modifications outlined in Section [22-15-5](#) and must meet the parking requirements outlined in this section.

(Ord. No. 2019-0032, Enacted 10/8/2019)

1. **Parking Lot Standards.** Except as otherwise provided herein, the provisions of Article [22-15](#) (Off-Street Parking) shall apply to all development in the CXD zones.

- a. Buildings shall be sited to face the street with parking lots on the side or rear. Adjoining properties that have neighboring parking lots shall be connected and have cross-access easements established upon final plat approval. Any parking lots on the side of a building shall be set back at least 20 feet from a sidewalk

adjacent to a street. The 20-foot parking setback area shall be maintained as “open space” or a “space open to the public” and shall be maintained with shrubs or other sight-obscuring features at a minimum height of three feet to screen the parking area from the street.

- b. **Parking Lot Lighting:** Parking lot light poles on properties adjacent to residential zones (including the CXD-RES(B) zone but not the CXD-RES(A) zone) shall be no closer than 50 feet to the adjacent residential property line. Additionally, globes must be shielded and the lighting directed down to minimize light encroachment onto adjacent properties or into upper level residential units in multi-story buildings. Lightproof fencing is also required when adjacent to residentially properties that are not in a CXD zone.
- c. Concrete curbs shall be provided between landscaped areas and off-street parking areas. Low-profile curbs are permitted to accommodate low-impact developments (LIDs) in all landscaped areas except for within required planter strips along State Street (see also landscaping requirements in Section 22-14-13 (C)).

2. Parking Structures.

- a. The street-facing façade of a parking structure must be “wrapped” with a habitable building designed and constructed for residential or commercial uses. All other facades of a parking structure shall be wrapped with buildings and/or have an external skin (or screen) designed to improve its visual appeal. Examples include heavy gauge metal screening, precast concrete panels, laminated or safety glass, decorative solar panels, or decorative façades. The intent is for parking structures to blend into surrounding buildings and not look like a parking structure. The Planning Commission may approve other decorative materials not listed herein if the proposed materials would have an equal or better aesthetic effect than the approved materials listed herein. All readily visible areas not wrapped with buildings shall be screened. To the greatest extent possible, uneven levels in parking structures shall be screened from public view. The following images demonstrate parking structure wrapping:





- b. Elevators and stairs shall be highlighted architecturally so visitors, internally and externally, can easily access these entry points.
 - c. Any signage attached to the parking structure and wayfinding signage shall be integrated with the architecture of the parking structure and be architecturally compatible with the design. Public parking structures entrances shall be clearly signed from public streets.
 - d. At a minimum, all street-facing façades of all parking structures shall be wrapped with structures designed and constructed for a commercial or residential use.
 - e. Parking structures shall be designed to minimize vehicle noise and odors that emanate on to sidewalks and “spaces open to the public”. Venting and fan locations shall not be located next to “spaces open to the public” and are encouraged to be located on top of the parking structure where feasible.
- 4. Specific use parking exceptions as established in Section 22-15-4 (G) apply in the CXD Zone.
 - 5. Parking modifications as established in Section 22-15-5 apply in the CXD Zone.
 - 6. Bicycle parking requirements as established in Section 22-15-7 apply in the CXD Zone.

(Ord. No. O-2018-0029, Enacted 10/9/2018)

Effective on: 10/9/2018

I. Signs.

- 1. Except as otherwise provided herein, all signs in the Canyon Crossing District zones shall meet the standards provided in Article 14-3. All areas within the CXD-C and CXD-Res-A zones shall be designated as Sign Zone “H” (14-3-3).
- 2. Removal of Pole Signs. One of the purposes of the CXD zones is to provide a more attractive environment for commercial and residential uses. The City has determined that pole signs are less aesthetically appealing than other types of signs such as monument signs. Therefore, pole signs are not permitted in the Canyon Crossing District zones. Any existing pole signs shall be removed in the event that reconstruction is performed on fifteen percent (15%) or more of the footprint of an existing building on the lot upon which the pole sign(s) is located, upon the addition or expansion of a building that constitutes fifteen percent (15%) or more of the existing building footprint on the lot, or upon the construction of a new building on a lot. The removal of existing pole signs required by this section shall occur before the issuance of a certificate of occupancy for the new building or building expansion.

(Ord. No. O-2018-0029, Enacted 10/9/2018)



Effective on: 10/9/2018



**CITY OF OREM
CITY COUNCIL
MEETING
AUGUST 24, 2021**

REQUEST:	Public Safety Advisory Commission Introductions Appointed by Fire Chief Marc Sanderson - Scott Ash - Donna Cotterell Appointed by Police Chief Josh Adams - Abril Lopez - Fui Taotua
APPLICANT:	
NOTICES:	
SITE INFORMATION:	
PREPARED BY:	JoD'Ann Bates, Recorder

REQUEST:

BACKGROUND:

RECOMMENDATION:



Board, Commission & Committee Application

City of Orem

Submitted On:
June 26, 2021 7:26pm
America/Denver

Personal Information

Full Name	Scott Ash
Full Address	OREM UT 84057 2957
Phone Number	
Email	

Boards & Commissions

What board or commission are you applying for?	Public Safety Advisory Commission
If a position on your preferred board or commission isn't available, would you like to be considered for openings on other boards or commissions?	No
Summarize why you wish to serve on a city commission and if there are areas of concern that you would like to see addressed by a city commission.	I have no area's of concern. I have served in the fire service for 18 years and have been an Orem resident for a total of 39 years. I have a passion for public safety and feel I could add value to this new commission that is being established.
Please tell us a little about yourself. Also include a summary of the special skills and qualifications you have acquired from employment, previous appointments, previous volunteer work, or through other activities.	Long term Orem resident Fire captain Pleasant Grove Fire Department Married with three daughters Good communication skills Volunteer as a task force leader for Sons of the Flag a resource for burn survivors I have a good relationship with many of the Orem firefighters and police officers
Please upload your resume.	https://seam.ly/UJY0Cz84 Scott Ash resume.docx
Signature Data	First Name: Scott Last Name: Ash Email Address:

Scott Ash

Signed at: June 26, 2021 7:26pm America/Denver



Board, Commission & Committee Application

City of Orem

Submitted On: Jul 16, 2021, 02:24PM EDT

Personal Information

Full Name	First Name: Donna Last Name: Cotterell
Full Address	Street Address: [REDACTED] City: Orem State: UT Zip: 84058
Phone Number	[REDACTED]
Email	[REDACTED]

Boards & Commissions

What board or commission are you applying for?	Public Safety Advisory Commission
If a position on your preferred board or commission isn't available, would you like to be considered for openings on other boards or commissions?	No
Summarize why you wish to serve on a city commission and if there are areas of concern that you would like to see addressed by a city commission.	I was asked by Chief Sanderson to be on this committee
Please tell us a little about yourself. Also include a summary of the special skills and qualifications you have acquired from employment, previous appointments, previous volunteer work, or through other activities.	I currently work at the fire academy at UVU and previously worked at Provo Police Department.
Signature Data	First Name: Donna Last Name: Cotterell Email Address: [REDACTED]  Signed at: July 16, 2021 12:24pm America/Denver

Abril Lopez

Education

Mountain View High School	-	Orem, UT	-	August 2017- December 2019
UVU	-	Orem, UT	-	August 2018- December 2019
University of Utah	-	Salt Lake City, UT		August 2020- Present

Work Experience

Nanny	-	Orem, Utah	-	October 2017- August 2018
Multiple Children				
Spanish/ English Speaking				
Target Guest Advocate	-	175 Center St, Orem	-	April 2018- November 2019
Handled Transactions				
Trained New Employees				
Team Work Skills				
Translating Services				
Silver Fire Media	-	1815 State St #400, Orem, UT 84097	-	May 2020- October 2020
Education Specialist				
Customer Service				
Call center				
Family First Life	-	Orem, Utah	-	February 2020- Present
Life Insurance Broker				

Extra Curricular Activities

Latinos in Action	-	Orem, Utah	-	August 2016- September 2019
Elementary Tutoring	-	Orem, Utah	-	August 2016 - December 2018
Weight Lifting	-	Orem, Utah	-	July 2017 - Present
Dog Training	-	Orem, Utah	-	October 2019 - Present

Skills

Life Insurance License	Microsoft Powerpoint	Time Management
Proficient Spanish	Adobe Spark	Great Work Ethic
Microsoft Excel	Customer Service	Tutoring Skills
Tableau Desktop	Interpersonal Skills	Active Listener



Board, Commission & Committee Application

City of Orem

Submitted On: Aug 9, 2021, 07:17PM EDT

Personal Information

Full Name	First Name: Fui Last Name: Taotua
Full Address	Street Address: [REDACTED] City: Orem State: UT Zip: 84057
Phone Number	[REDACTED]
Email	[REDACTED]

Boards & Commissions

What board or commission are you applying for?	Public Safety Advisory Commission
If a position on your preferred board or commission isn't available, would you like to be considered for openings on other boards or commissions?	Yes
Summarize why you wish to serve on a city commission and if there are areas of concern that you would like to see addressed by a city commission.	I have a good relationship with members of our Community. I feel that I can share some of the concerns and feedback from our community so we can have a good relationship with our Law Enforcement Officers and to be able to help each other.
Please tell us a little about yourself. Also include a summary of the special skills and qualifications you have acquired from employment, previous appointments, previous volunteer work, or through other activities.	I've been in Utah for nearly 19 years. We've been in the Orem Area for half of those years but mainly been here in UT county. I'm getting certified for a HAM radio certifications and will work towards any thing that will sharpen my skills in helping out the community. I've volunteered a lot with Church Organizations. Girls Camp, Scout Camps and just helping the youth in general. I am also in the IT field working with Dell Storage for over 5 years.
Please upload your resume.	Fuifui Taotua Resume.pdf
Signature Data	First Name: Fui Last Name: Taotua Email Address [REDACTED]  Signed at: August 9, 2021 5:17pm America/Denver



**CITY OF OREM
CITY COUNCIL
MEETING
AUGUST 24, 2021**

REQUEST:	APPROVAL OF MEETING MINUTES Minutes of City Council Meetings - July 13, 2021 - July 27, 2021
APPLICANT:	
NOTICES:	
SITE INFORMATION:	
PREPARED BY:	JoD' Ann Bates, Recorder

REQUEST:

BACKGROUND:

RECOMMENDATION:

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CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
July, 13 2021

COPY AND PASTE BACKGROUNDS FROM GRANICUS

3:00 P.M. WORK SESSION - CITY COUNCIL CONFERENCE ROOM

CONDUCTING	Mayor Richard F. Brunst
ELECTED OFFICIALS	Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner.
APPOINTED STAFF	Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Steven Downs, Deputy City Manager; Heather Schriever, City Attorney; Marc Sanderson, Fire Chief; Joshua Adams, Police Chief; Ryan Clark, Development Services Director; Charlene Crozier, Library Director; Jason Bench, Planning Division Manager; and JoD'Ann Bates, City Recorder
ABSENT	Brent Sumner

NOTE: The referenced report and presentation documents for each discussion may be viewed at orem.org/meetings under “City Council Presentations”

PRESENTATION - Utah Valley Drug Prevention Coalition

Ms. Brittney and Ms. Wendy introduced themselves and informed the council on what the Utah Valley Drug Prevention Coalition does. Ms. Brittney informed the council on youth drug use statistics. Ms. Wendy spoke to the council about safe drug disposal. She then informed the council on different services that the coalition provides.

Mr. Macdonald asked about a possible rise in cannabis use due to many states legalizing the substance. The presenters stated they do not have those statistics on hand, but could deliver them to the council at a later date. Mayor Brunst asked the coalition representatives to send local drug use rates and school specific statistics to the council.

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UPDATE - Hillcrest Park Update

Mr. Bybee started off his presentation by introducing the proposed master design for the Hillcrest Park property. Ms. Lisa from Landmark Design briefly ran through the different features of the proposed park plan, including a demonstration park, twelve new Pickle-Ball courts, a splash pad, and large open-lawn flexible play spaces.

General discussion ensued regarding basketball and tennis court locations, as well as shaded areas within the park.

Ms. Lisa from Landmark Design then introduced different possible phases the park could be built in, but recommended that building it all in one phase would be the most cost effective method. Mr. Davidson expressed that the City could most likely pay for the entire project in one phase, instead of having to split the project into multiple.

General discussion ensued regarding the cost of various features, other miscellaneous cost items, water conservation within the park, homeless population around the park, and how the city can make Hillcrest Park more accessible to the rest home directly to the west of the property.

The council all expressed their agreement on the direction the park design is heading.

DISCUSSION - Parking Enforcement Team

Mr. Paraskeva reviewed the following information regarding the City Parking Enforcement Team with the council:

- Program Goals
- Day to day responsibilities
- Calls for Service/Fiscal Year 2020-2021 Cases
- Parking Violations City Code 19-6
- Total Cost / Total First Year Start-Up Cost: \$65,155
- Revenue
- Implementation
- City Code

General discussion ensued regarding current parking violations listed under city law, how the city will inform the residents about these, and how the city will enforce them.

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The council expressed their support for this project and suggested the police department move forward with the plan.

ANNUAL REVIEW - Gang Loiter Free Area

Mr. Adams stated that all City parks and schools are considered gang loiter free areas. He then expressed that gang activity is not a large problem in Orem City. Mr. Adams then stated there has been no significant gang activity in Orem City throughout the past year.

DISCUSSION - Employee Compensation Study

Mrs. Rugg reviewed the results of a recent Employee Compensation Study with the council, which included the following information:

- The City Team
- External Compensation and Benefits Review - Internal Review Every Year
- Compensation and Benefits Study Process
- Participating Entities
- Benefits
- Compensation
- Compensation & Benefits Structural Changes
- Police Hybrid Step Program
- Fire Hybrid Step Program
- Public Work Hybrid Step Program

General discussion took place regarding study processes, different cities participating in the study, city employee structuring changes, employee wages, and employee retirement investments. Mr. Macdonald asked for specific information and statistics on employee turnover rates.

Agenda Review & Preview of Upcoming Agenda Items

The City Council reviewed the evening's agenda. Discussion ensued regarding the scheduled items that would be considered.

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City Council Reports (Boards and Commissions, New Businesses, ECT)

Mr. Lambson updated the council on various commissions he serves on which include the following: Utopia, The Utah Lake Commission, the Traffic Advisory Commission, the CARE commission, and the Neighborhood Improvement commission.

- The Utah Lake Commission received 9.8 million dollars from Utah State.

General discussion ensued regarding a possible multi-cultural festival in Orem City, as well as diversity inclusion in the Orem Summerfest Concert Series.

Work session adjourned at 5:56 PM

6:00 P.M. REGULAR SESSION - COUNCIL CHAMBERS

CONDUCTING

Mayor Richard F. Brunst

ELECTED OFFICIALS

Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner

APPOINTED STAFF

Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Steven Downs, Deputy City Manager; Heather Schriever, City Attorney; Marc Sanderson, Fire Chief; Joshua Adams, Police Chief; Ryan Clark, Development Services Director; Charlene Crozier, Library Director; Chris Tschirki, Public Works Director; Brandon Nelson, Finance Director; Jason Bench, Planning Division Manager; Steve Earl, Deputy City Attorney; and JoD'Ann Bates, City Recorder

ABSENT

Brent Sumner

CALL TO ORDER

INVOCATION / INSPIRATIONAL THOUGHT Murray Low

PLEDGE OF ALLEGIANCE Steven Downs

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MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

PERSONAL APPEARANCES

Time was allotted for the public to express their ideas, concerns, and comments on items not scheduled as public hearings on the agenda. Those wishing to speak should have signed in prior to the meeting, and comments were limited to three minutes or less.

Mr. Barrick expressed thanks to a few of the council members for listening to citizens in the NVD Zone. Mr. Barrick stated that in most cases, city officials usually side with citizens and hardly ever with developers in this kind of situation, questioning why some of the council do not agree with those opposing large NVD zone development.

CONSENT ITEMS

- APPROVAL OF MEETING MINUTES
 - Minutes of City Council Meeting - June 29 2021

Mayor Brunst moved to approve the Consent Agenda as listed. **Mr. Spencer seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Tom Macdonald, Terry Peterson, Debby Lauret, and David Spencer. The motion **passed**.

SCHEDULED ITEMS

PUBLIC HEARING / RESOLUTION - CDBG Projected funds

Mr. Ransom stated in response to the Coronavirus Pandemic (COVID-19), the U.S. Department of Housing and Urban Development Community Development Block Grant provided the City of Orem with a second CDBG allocation of \$287,940 to be used to prevent, prepare for, and respond to COVID-19. The CDBG Advisory Commission recommends that the Orem City Council allocates funding from the previously allocated in second round CDBG-CV funding for public service projects. Mr. Ransom showed the council a summary of CDBG funding and the amount left to be allocated. Mr. Ransom asked the council to approve \$20,000 worth of funds to be given to the Orem Senior Friendship Center to fix current plumbing issues that they have.

Mayor Brunst opened the public hearing at 6:10 PM. Hearing no comments, Mayor Brunst closed the public hearing and brought the item back to the City Council for discussion.

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Mayor Brunst moved to approve the enterprise fund transfer. **Mr. Macdonald seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Tom Macdonald, Terry Peterson, Debby Lauret, and David Spencer. The motion **passed**.

PUBLIC HEARING / ORDINANCE - Amending Orem City Code pertaining to Accessory Apartments

Mr. Bench stated the State Legislature recently changed the law pertaining to accessory apartments throughout the State. Due to these changes, the City has found a need to change some of the language in the Accessory Apartments ordinance.

The City will no longer be allowed to restrict the size of the accessory apartment, the number of allowed bedrooms or require interior connectivity. The accessory apartment will be required to be located within the footprint of the single-family dwelling. Accessory apartments will be subject to the rental dwelling license requirements set forth in the Orem City Code.

Mayor Brunst opened the public hearing at 6:15 PM. Hearing no comments, Mayor Brunst closed the public hearing and brought the item back to the City Council for discussion.

Mayor Brunst moved to approve by Ordinance the amendments as listed. **Mr. Macdonald seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Tom Macdonald, Terry Peterson, Debby Lauret, and David Spencer. The motion **passed**.

PUBLIC HEARING / ORDINANCE - Amending Appendix DD of the Orem City Code by adding the concept plan and elevations; and amending Section 22-5-3(A) and the zoning map of the City of Orem by changing the zone of approximately 14.7 acres from the Highway Services (HS) zone to the PD36 zone at approximately 1430 North Geneva Road

Mr. Bench stated the applicant requests the rezone and map amendment from the Highway Services zone to the PD36 zone to build three buildings similar to the buildings at Orem Technology Campus directly to the south of his property. Building 1 will be 95,760 square feet, building 2 will be 99,900 square feet and the third building will be 8,400 square feet. Appendix DD will also be amended by adding the concept plan and proposed elevations.

One of the biggest reasons for the rezone is the parking. The HS zone requires one parking stall for every 250 square feet of gross leasable area. That would be approximately 783 required parking stalls for the three buildings. The PD36 zone requires one parking stall per 750 square feet for the first 50,000 square feet of building area and one parking stall per 1,000 square feet for the second 50,000 square feet of building area. That would be approximately 250 required

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parking stalls for the three buildings. These buildings will have an office/warehouse use similar to the Orem Technology Campus.

The PD36 zone boundary is currently allowed per ordinance between 1200 North and 1600 North and between the I-15 freeway and Geneva Road.

Mr. Bench stated it was staff's recommendation to approve the proposed rezone.

General discussion ensued regarding building height and public road access.

Mayor Brunst opened the public hearing at 6:24 PM. Hearing no comments, Mayor Brunst closed the public hearing and brought the item back to the City Council for discussion.

Mr. Macdonald moved to approve by Ordinance the amendments as listed. **Mr. Spencer** seconded the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Tom Macdonald, Terry Peterson, Debby Lauret, and David Spencer. The motion **passed**.

PUBLIC HEARING / ORDINANCE - FY 2021-2022 Budget Amendments

Mr. Nelson stated the City contracted with a third-party firm to evaluate and analyze the City's compensation and benefits programs to determine if the City needed to make changes to better align itself with the market. This budget amendment is the culmination of the results of the study recommendations.

Mr. Nelson explained the documents received during this meeting's work session pertaining to new changes in employee pay programs and hybrid step programs are part of the budget and therefore need to be voted upon.

Mayor Brunst opened the public hearing at 6:30 PM. Hearing no comments, Mayor Brunst closed the public hearing and brought the item back to the City Council for discussion.

Mayor Brunst moved to approve by Ordinance the amendments to the City of Orem Fiscal Year 2021-2022 Budget. **Mr. Spencer seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Tom Macdonald, Terry Peterson, Debby Lauret, and David Spencer. The motion **passed**.

ADJOURNMENT

Mr. Spencer moved to adjourn. **Mr. Lambson seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Tom Macdonald, Terry Peterson, Debby Lauret, David Spencer, and Brent Sumner. The motion **passed**.

The meeting adjourned at 6:32 PM.

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CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
July 27, 2021

6:00 P.M. REGULAR SESSION - COUNCIL CHAMBERS

CONDUCTING

Mayor Richard F. Brunst

ELECTED OFFICIALS

Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner

APPOINTED STAFF

Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Steven Downs, Deputy City Manager; Heather Schriever, City Attorney; Marc Sanderson, Fire Chief; Joshua Adams, Police Chief; Ryan Clark, Development Services Director; Charlene Crozier, Library Director; Chris Tschirki, Public Works Director; Brandon Nelson, Finance Director; Jason Bench, Planning Division Manager; Steve Earl, Deputy City Attorney; and JoD'Ann Bates, City Recorder

CALL TO ORDER

INVOCATION / INSPIRATIONAL THOUGHT Jill Barrick

PLEDGE OF ALLEGIANCE John Barrick

SCHEDULED ITEMS

PUBLIC HEARING / ORDINANCE - Amending portions of Section 22-24-5(F) of the Orem City Code Pertaining to the overall height standards within the North Village District (NVD) zones and Portions of section 22-24-5(H) pertaining to parking standards in the North Village District (NVD) Zones.

Mr. Bench gave background on the status of the high limit ordinance. Mr. Bench stated that a 48 foot core 35 foot edge, with 2.25 stalls per unit will be voted on during this meeting.

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Mr. Bench stated that the planning commission voted against recommending this ordinance. Mrs. Lauret asked why the Planning Commission recommended against this ordinance. Mr. Mickey Cochran, the chairman of the Orem City Planning Commission informed the City Council on why the Planning Commission recommended against this ordinance. He stated that the city has already changed things enough and the current recommendation of 2 stalls per unit with a 60 foot height limit was up to state and city standards.

Mayor Brunst expressed he feels more restriction on the core height of the NVD zone could stunt the overall growth of State Street. Mayor Brunst then stated the city in the past has strategically placed high density housing developments throughout the city, stating this area is a zone where high density housing should be allowed. He stated he would prefer to see the core height maximum be 60 feet. Mayor Brunst concluded if the city does not allow high density in this zone, those sorts of developments may be pushed into more unfavourable areas.

Mayor Brunst opened the public hearing at 6:21 pm

Kevin Hale expressed concern with the traffic in the NVD zone. Mr. Hale stated this development would force traffic into surrounding residential areas.

John Barrick expressed thanks to the city council for hosting this special meeting. Mr. Barrick stated the NVD zone is for small scale development and this high density project is not small scale.

Alice Gold expressed concern with traffic in the area. She stated traffic on 400 west has been bad for years and a high-density housing development in the area will compound upon that. Mrs. Gold then expressed support for the 48 foot height limit and 2.25 parking stalls per unit.

Jonathan Guyman stated his concern with the traffic entering a development in this area. Mr. Guyman also expressed concern with the current 2 parking stall standards.

Genelle Hale expressed her concern regarding the traffic in the area, as well as how residents would be entering the proposed development.

Cindy Ogle stated her concern with how surrounding neighborhoods would be affected by a rise in traffic within the NVD zone.

Jill Barrick stated the effects of a high density housing project do not belong in neighborhoods.

DRAFT

Will Frieden expressed he feels the proposed development would be too far set back from state street to be 60 feet tall.

Carol Wilson expressed concern regarding traffic and parking issues that already exist in surrounding areas and could get worse with a high density development.

Steve LeFranca stated he has worked in the area for around 25 years. He stated he has adjusted his work hours just to avoid the current traffic in the area. He expressed his concern with how it could get worse.

Kathrine Chritiansen stated her family owns five acres of land in the area. She then expressed her concern with traffic in the area if a high-density development were to be built in the NVD zone.

Stephanie Visnaw stated a 60 foot tall high-density development would negatively impact the traffic in the area. Mrs. Visnaw also expressed she would rather have a 60 foot commercial building in the area instead of a 60 foot tall high-density development.

Lisa Hale stated no one in her neighborhood goes to Oak Canyon Junior High anymore because 1600 North is too dangerous. She expressed that a high-density housing development in the area would make the traffic and safety problem much worse.

LaNae Millet stated that according to the state street master plan, the NVD zone is supposed to be focused on residential housing and small scale development. Mrs. Millet expressed her support for the 45 foot height maximum in the core.

Summer Davies expressed her concern with the traffic in the area, and stated a high-density housing development in the area would make the current problem worse.

Sheran Mitchell expressed how she feels the traffic in the area is terrible and would get worse with a high-density housing development in the area.

Wayne Barney expressed support and agreement with those who spoke before him. Mr. Barney stated he feels this development is not really a state street development and falls more towards 400 west. Mr. Barney expressed his experiences and concern with bad traffic in the area.

Brett Seal expressed his support for lower height limits.

Lillian Simmons stated she lives in an area where high density housing was built, and she feels traffic would not change very much if a high-density housing development were to be built in the area.

DRAFT

Craig Jacobson stated he lives right in this area. Mr. Jacobson expressed traffic is already bad and a high-density housing development in the area would make it much worse. He then expressed his concern for parking in the area.

Nancy Jefferies expressed her concern with the traffic in the area and stated that a high density housing project would have a negative impact. Mrs. Jefferies stated her support for a 3 story height maximum.

David Young stated that though he does not live in the NVD area, he does live in another area of the city where high density housing has negatively impacted the traffic.

Robern Farn expresses his regret for not being more involved when the state street master plan was being worked on and implemented. Mr. Farn stated the voices speaking out against this development are statistically significant and no one has really voiced any strong support for the development. Mr. Farm then expressed his support for a lower height limit.

Dale Palmboy expressed his opposition to this development. Mr. Palmboy stated his concern for the traffic in the area as well as the large water usage a high-density housing project would have.

Mr. Matt invited Haysam Sakar to speak on the proposed issue.

Haysam Sakar stated his family moved out of the area because of the traffic and a high-density housing development in the area would make the issue much worse.

Emily Peterson stated 400 West is not only used by Orem city, but other more northern cities in Utah County. Mrs. Peterson said that drivers on 400 West do not pay attention to the people and children crossing the road as it is. She then expressed her concern that a high-density housing project in the area would make the roads even more dangerous than they already are.

Mrs. Jody stated there has been a lot of objection to this development and there is nearly no support. She expressed this development needs to be rethought.

Ken Howen expressed his support for lower height limits and higher parking stall counts.

Tanya Pearl stated she lives in high-density housing. She stated that parking at her complex is not sufficient for the residents that live there. Mrs. Pearl expressed her support for lower height limits and more parking for housing residents.

DRAFT

Mr. Brent stated his son had a bad accident at the 1600 N and 400 W intersection. He stated a development in the area would have a negative impact on traffic for the surrounding area.

DeAnn Jacobsen expressed her concern with the traffic and parking in the area.

Mayor Brunst closed the public hearing at 7:31 PM and brought the item back to the Council for further discussion.

Mr. Kelly informed the council on traffic accidents at the 1600 N and State as well as the 1600 N and 400 W intersections. Mr. Kelly stated there have been 500 accidents in the past 10 years at these intersections.

Mr. Lambson expressed thanks to all those who came out to voice their concerns and opinions on this project. Mr. Lambson stated he agrees with the state street master plan and the NVD zone should stay small scale. Mr. Lambson stated he plans on voting in support of smaller height limits.

Mrs. Lauret stated she will be voting in favor of shorter height limits.

Mr. Sumner expressed his understanding with both sides. He then stated that change is going to happen, but because no commercial property owner has strongly spoken out, he will be voting in favor of smaller scale developments.

Mr. Spencer expressed that he will vote in favor of lower height limits because 60 foot tall developments are not small scale.

Mr. Macdonald expressed his support for smaller scale developments and lower height limits.

Mr. Peterson stated the Lindon Temple will also add more traffic to the area. He then expressed his support for the citizens who came to voice their concerns tonight and stated he plans to vote for lower height limits.

Mayor Brunst expressed his thanks to the citizens and staff for navigating this issue. He stated the council tries their best to support the citizens by keeping high density housing out of residential areas. He then stated Orem does need apartments and high density housing at the same time safety and traffic are large concerns within the city. Mayor Brunst stated he would rather see a 60 foot height maximum, but because of the overwhelming amount of opposition to the project, he plans to vote for the proposed amendments.

DRAFT

Mr. Spencer moved to approve by Ordinance Amending portions of Section 22-24-5(F) of the Orem City Code Pertaining to the overall height standards within the North Village District (NVD) zones and Portions of section 22-24-5(H) pertaining to parking standards in the North Village District (NVD) Zones. **Mr. Peterson seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Tom Macdonald, Terry Peterson, Debby Lauret, and David Spencer. The motion **passed**.

Mr. Spencer stated he would like to look at each zone on the state street master plan and look into adjusting the height and parking standards.

ADJOURNMENT

Mr. Peterson moved to adjourn. **Mr Macdonald seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Tom Macdonald, Terry Peterson, Debby Lauret, David Spencer, and Brent Sumner. The motion **passed**.

The meeting adjourned at 7:56 PM.



**CITY OF OREM
CITY COUNCIL
MEETING
AUGUST 24, 2021**

REQUEST:	A Resolution Approving an Amendment to 3/10/2008 Amended and Restated Agreement between the City of Orem, The Links at Sleepy Ridge, L.C., The Suites at Sleepy Ridge, L.C. and Plant Specialities, Inc. and Authorizing the Mayor to Sign the Amendment
APPLICANT:	
NOTICES:	N/A
SITE INFORMATION:	N/A
PREPARED BY:	Heather Schriever, City Attorney

REQUEST:

The Legal Department requests that the Orem City Council authorize the Mayor to sign an amendment to the 3/10/2008 Amended and Restated Agreement between the City of Orem, The Links at Sleepy Ridge L.C., The Suites at Sleepy Ridge, L.C. and Plant Specialties, Inc.

BACKGROUND:

On or about March 10, 2008, the City, The Links at Sleepy Ridge L.C. ("The Links"), The Suites at Sleepy Ridge L.C. ("The Suites") and Plant Specialties, Inc. entered into an Amended and Restated Agreement defining the rights, duties and obligations of each party related to the operation of the Sleepy Ridge Golf Course and its attendant facilities (the "3/10/2008 Agreement"). The parties now seek to amend the 3/10/2008 Agreement (1) to extend the Lease Term an additional 14 years to allow The Links and The Suites to further recoup their investment in the Golf Course Property, (2) to add additional property to the Golf Course Lease Property, (3) to adjust the amount of money that must be contributed to the Reserve Fund, and (4) to expand the permitted uses of Gross Revenue to include improvements to other structures or facilities in the Golf Course Lease Property subject to Gold Course Advisory Commission approval.

RECOMMENDATION:

The Legal Department recommends that the Orem City Council approve a resolution authorizing the Mayor to sign an amendment the 3/10/2008 Agreement.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OREM APPROVING AN
AMENDMENT TO THE 3/10/2008 AMENDED AND RESTATED AGREEMENT AND
AUTHORIZING THE MAYOR TO SIGN THE AMENDMENT
(Sleepy Ridge Golf Course)**

WHEREAS, the City of Orem (City), The Links at Sleepy Ridge, L.C. (Sleepy Ridge), and The Suites at Sleepy Ridge, L.C. (The Suites), entered into an Amended and Restated Agreement dated March 10, 2008 (the “3/10/08 Agreement”); and

WHEREAS, the 3/10/08 Agreement provided that Sleepy Ridge and The Suites would construct, maintain and operate a Golf Course, Clubhouse, and Office Units on real property owned by the City; and

WHEREAS, the parties to the Agreement now find it necessary to amend the 3/10/2008 Agreement as set forth in Exhibit A attached hereto and incorporated herein by reference.

WHEREAS, Sleepy Ridge and The Suites successfully completed the Golf Course, Clubhouse, and Office Units and have been operating and maintaining these facilities as set forth in the 3/10/08 Agreement; and

WHEREAS, the parties find it necessary to amend the 3/10/08 Agreement to reflect modifications and amendments set forth in Exhibit A attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED THE CITY OF OREM, UTAH AS FOLLOWS:

1. The City Council hereby authorizes and approves the amendment to the Participation Agreement attached hereto as Exhibit A.

PASSED AND APPROVED this 24th day of August 2021.

Richard F. Brunst, Jr., Mayor

ATTEST:

JoD’Ann Bates, City Recorder

COUNCILMEMBER	AYE	NAY	ABSTAIN
Richard F. Brunst	☐	☐	☐
Jeff Lambson	☐	☐	☐
Debby Lauret	☐	☐	☐
Tom Macdonald	☐	☐	☐
Terry Peterson	☐	☐	☐
David Spencer	☐	☐	☐
Brent Sumner	☐	☐	☐

AMENDED AGREEMENT
(Sleepy Ridge Golf Course - 2021)

This Amended Agreement ("Agreement") is executed in duplicate this ____ day of _____, 2021, by and between the City of Orem, a municipal corporation and political subdivision of the State of Utah, with its principal offices located at 56 North State Street, Orem, Utah 84057, (the "City"), The Links at Sleepy Ridge, L.C., a Utah limited liability company ("Sleepy Ridge") with its offices located at 700 South Sleepy Ridge Drive, Orem, Utah 84057, and The Suites at Sleepy Ridge, L.C., a Utah limited liability company ("The Suites"), with its offices located at 700 South Sleepy Ridge Drive, Orem, Utah 84057.

RECITALS

WHEREAS, the City, Sleepy Ridge, and The Suites entered into an Amended and Restated Agreement dated March 10, 2008 (the "3/10/08 Agreement"); and

WHEREAS, the 3/10/08 Agreement provided that Sleepy Ridge and The Suites would construct, maintain and operate a Golf Course, Clubhouse, and Office Units on real property owned by the City; and

WHEREAS, the 3/10/08 Agreement gave Sleepy Ridge and The Suites until December 31, 2046 to recoup their investment in the Golf Course, Clubhouse, and Office Units; after December 31, 2046, the lease for the Golf Course and Clubhouse expired and title to the Office Units reverted back to the City, meaning that the City would have complete unencumbered ownership of the Golf Course, Clubhouse, and Office Units beginning January 1, 2047; and

WHEREAS, Sleepy Ridge and The Suites successfully completed the Golf Course, Clubhouse, and Office Units and have been operating and maintaining these facilities as set forth in the 3/10/08 Agreement; and

WHEREAS, Sleepy Ridge and The Suites asserted to the City that despite their best efforts, they would not be able to recoup their investment in the Golf Course, Clubhouse and Office Suites by December 31, 2046; and

WHEREAS, the City engaged Lewis, Young and Burningham, an independent financial consultant, to review Sleepy Ridge's and The Suites' financial records, including the financial records for the Golf Course, the Clubhouse and the Office Units; and

WHEREAS, Lewis, Young and Burningham confirmed that Sleepy Ridge and The Suites

would not be able to recoup their investment in the Golf Course, Clubhouse and Office Units by December 31, 2046, and in fact, would probably never fully recoup their investment in these facilities; and

WHEREAS, the parties desire to extend the term of the 3/10/08 Agreement to give Sleepy Ridge and the Suites additional time to recoup their investment in the Golf Course, Clubhouse and Office Units and to make other specified amendments to the 3/10/08 Agreement.

COVENANTS

NOW, THEREFORE, in consideration of the mutual covenants of the parties as hereinafter set forth, and for other good and valuable consideration, the receipt of which is hereby acknowledged, the City, Sleepy Ridge, and The Suites agree as follows:

1. **Effect of Amendments.** This Agreement amends specified provisions of the 3/10/08 Agreement. Any provision of the 3/10/08 Agreement not specifically amended by this Agreement remains in full force and effect and applies to the amendments made by this Agreement. Definitions in the 3/10/08 Agreement apply to this Agreement, unless modified by this Agreement.

2. **Golf Course Lease Property.** The parties agree that the following property currently owned or soon to be owned by the City will be added to the Golf Course Lease Property (see paragraphs 3 and 9.1 of the 3/10/08 Agreement):

2.1. **Springwater Pointe Property.** The City acquired additional real property adjacent to the golf course from the developer of the Springwater Pointe at Sleepy Ridge development (the "Springwater Pointe Property"). The Warranty Deeds for the Springwater Pointe Property is attached hereto as Exhibit "A" and a map of the Springwater Pointe Property is attached hereto as Exhibit "B". Both exhibits are incorporated herein by reference. The parties agree that the Springwater Pointe Property will become part of the Golf Course Lease Property described in paragraph 9.1 of the 3/10/08 Agreement. Sleepy Ridge agrees, at its sole expense, to incorporate the Springwater Pointe Property into the Golf Course and to use and maintain the Springwater Pointe Property as part of the Golf Course pursuant to the Lease. Although the Springwater Pointe Property is included in the Golf Course Lease Property, the parties agree that the City may construct and maintain storm water conveyance facilities on the Springwater Pointe Property as the City determines are needed to convey storm water to and through Clegg Pond.

3. **Term.** Paragraph 4.2.1.3 of the 3/10/08 Agreement provides that the Condo Term (the time given to The Suites to recoup its investment in the Clubhouse and Office Units) expires on December 31, 2046. Paragraph 9.1.1.1 of the 3/10/08 Agreement provides that the Lease Term for the Golf Course also expires on December 31, 2046. The parties agree to extend the Condo Term and the Lease Term until December 31, 2060 to give Sleepy Ridge and The Suites a more realistic opportunity to recoup their investment in the Golf Course, Clubhouse and Office Units. Any other references to the Condo Term or the Lease Term, either in the 3/10/08 Agreement or in any associated documents, are hereby amended to December 31, 2060, including the provisions of paragraph 9.2.5.2 of the 3/10/08 Agreement describing requirements for the last five years of the Lease Term. The parties agree to sign any other documents as necessary to acknowledge these

term changes. Sleepy Ridge and The Suites acknowledge that on January 1, 2061, neither will have any interest in the Golf Course Property, the Golf Course lease will have expired, and the Office Units will revert back to the City completely divesting Sleepy Ridge and The Suites from any interests in the properties. Sleepy Ridge and The Suites agree to sign any documents requested by the City to acknowledge these changes and to acknowledge the City's ownership and right to sole possession of these properties.

3.1. Exception to Term Extension. If, after December 31, 2046, the City, in its sole discretion, decides to sell the Golf Course Lease Property to a third party to be used for a purpose other than golf (or a large enough portion of the Golf Course Lease Property to make the continued operation of the Golf Course impractical, as determined in the City's sole discretion), Sleepy Ridge and The Suites agree that the Condo Term and the Lease Term will expire on the settlement date for the sale, that their interests in the Golf Course Property will terminate on the settlement date for the sale, and that the Office Units will revert back to the City on the settlement date for the sale. Sleepy Ridge and The Suites agree to sign any documents requested by the City to acknowledge these changes. The City agrees to provide Sleepy Ridge and The Suites at least ninety (90) days' written notice before the settlement date for the sale.

4. Reserve Fund. The parties agree to amend paragraph 9.2.5.3.3 (Reserve Fund) of the 3/10/08 Agreement by changing the amount Sleepy Ridge pays into the Reserve Fund from five percent (5%) of Gross Revenues to one percent (1%) of Gross Revenues. Provisions in paragraphs 9.1.1.3.1.1 and 9.2.5.33 of the 3/10/08 Agreement referencing the "Five Percent Fee" are amended to the "One Percent Fee". Regardless of the amount of Gross Revenues, the minimum payment to the Reserve Fund for any given Operating Year shall be \$25,000. All other provisions in the 3/10/08 Agreement related to the Reserve Fund shall remain in full force and effect.

5. Gross Revenue. The parties agree to remove paragraph 9.2.5.1.1.5. "Food" from the definition of "Gross Revenues".

6. Annual Golf Course Improvements. The parties agree to add the following provisions to the 3/10/08 Agreement:

5.1. Paragraph 9.2.5.6. is added to the 3/10/08 Agreement to read as follows:

9.2.5.6. Annual Golf Course and Office Units Common Expense Improvements. Sleepy Ridge shall expend at least four percent (4%) of Gross Revenues annually on improvements to the Golf Course (as defined in section 4 of the 3/10/2008 Agreement) and improvements to the Office Units if the Office Units improvement is a shared or common improvement to the structure that directly benefits the Project (Office Unit Common Expense Improvements). All improvements must be approved in advance by the Golf Course Advisory Commission. Sleepy Ridge shall keep detailed written records of annual Golf Course improvement expenditures and the Office Unit Common Office Unit Common Expense Improvements expenditures and shall provide these records to the City upon request.

5.2. Paragraph 9.1.1.3.1.1(a) is added to the 3/10/08 Agreement to read as follows:

9.1.1.3.1.1.(a). **Failure to Make Annual Golf Course Improvements or Office Units Common Expense Improvements.** Sleepy Ridge fails to make annual Golf Course improvements or Office Units Common Expense Improvements as required by paragraph 9.2.5.6 of this Agreement.

7. **Use of Golf Course Property.** Sleepy Ridge and the Suites acknowledge that the Golf Course Lease Property may not be used for any purpose that is not directly related the operation and maintenance of the Golf Course, including accessory uses supporting the Golf Course that are normally associated with the operation and maintenance of a golf course. No person or entity shall use the Golf Course Lease Property for non-Golf Course purposes.

SIGNED and ENTERED INTO this _____ day of _____, 2021.

CITY OF OREM

By: Richard F. Brunst, Jr., Mayor

ATTEST:

Jo'DAnn Bates, City Recorder

THE LINKS AT SLEEPY RIDGE, L.C.

By: Golden Holt, Manager

STATE OF UTAH)
 :ss
COUNTY OF UTAH)

The foregoing instrument was acknowledged before me this _____ day of _____, 2021,
by Golden Holt, Manager of The Links at Sleepy Ridge, L.C..

NOTARY PUBLIC

(Seal)

My commission expires:_____

Residing at:_____

THE SUITES AT SLEEPY RIDGE, L.C.

By: Keith Holdaway, Manager

STATE OF UTAH)
 :SS
COUNTY OF UTAH)

The foregoing instrument was acknowledged before me this _____ day of _____, 2021,
by Keith Holdaway, Manager of The Suites at Sleepy Ridge, L.C..

NOTARY PUBLIC

(Seal)

My commission expires:_____

Residing at:_____

EXHIBIT A
Warranty Deeds

When Recorded Mail To:
Orem City Corporation

WARRANTY DEED

Golden Pond Phase 7 at Sleepy Ridge PRD HOA
grantor,

hereby CONVEY(S) AND WARRANT(S) to

Orem City Corporation, a municipal corporation,
grantee,

for the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the following tract of land in **Utah** County, **Utah**:

SEE ATTACHED EXHIBIT "A"

Serial Number:

Subject to easements, restrictions and rights of way of record.

WITNESS, the hands of said grantors, **19th day of May 2021**

Signed in the presence of:

Marissa Roetker

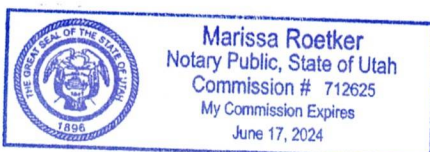
Golden Pond Phase 7 at Sleepy Ridge PRD HOA

Stephen Tripp

State of **Utah**)

County of **Salt Lake**)

On the **19th day of May 2021**, personally appeared before me **Stephen Tripp**, who is the Managing Member, of **Golden Pond Phase 7 at Sleepy Ridge PRD HOA**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged before me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.



Marissa Roetker
Notary Public:

EXHIBIT "A"

Commencing at a point located South 00°29'39" East along the Section line 1227.96 feet and West 1769.95 feet from the East quarter corner of Section 20, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence South 01°30'00" West 81.66 feet; thence North 88°30'00" West 76.92 feet; thence North 44°47'18" East 112.18 feet to the point of beginning.

Area = 3,140 sq.ft

When Recorded Mail To:
Orem City Corporation

WARRANTY DEED

Golden Pond Phase 7 at Sleepy Ridge PRD HOA
grantor,

hereby CONVEY(S) AND WARRANT(S) to

Orem City Corporation, a municipal corporation,
grantee,

for the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the following tract of land in **Utah** County, **Utah**:

SEE ATTACHED EXHIBIT "A"

Serial Number:

Subject to easements, restrictions and rights of way of record.

WITNESS, the hands of said grantors, **19th day of May 2021**

Signed in the presence of:

Golden Pond Phase 7 at Sleepy Ridge PRD HOA

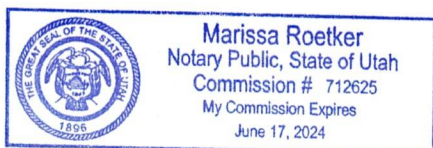
Marissa Roetker


Stephen Tripp

State of **Utah**)

County of **Salt Lake**)

On the **19th day of May 2021**, personally appeared before me **Stephen Tripp**, who is the Managing Member, of **Golden Pond Phase 7 at Sleepy Ridge PRD HOA**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged before me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.



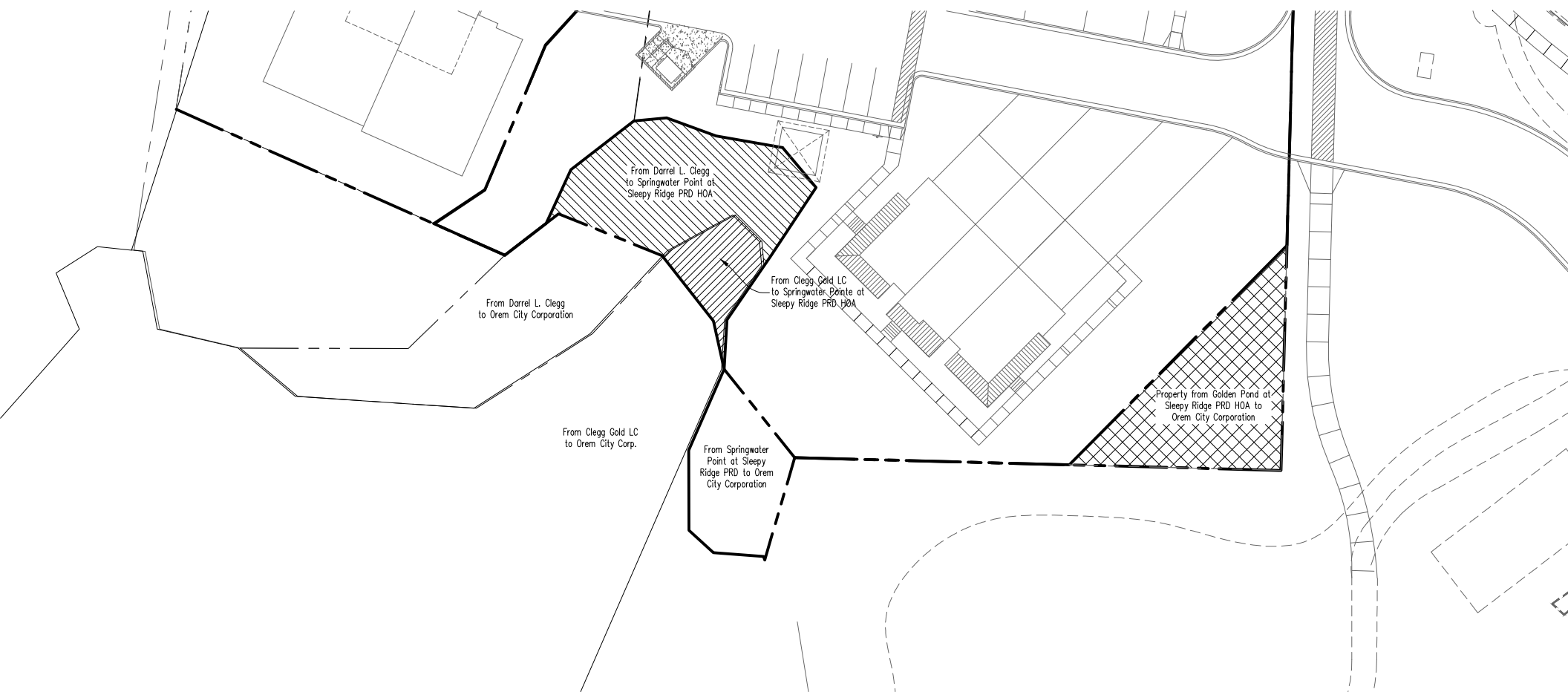
Marissa Roetker
Notary Public:

EXHIBIT "A"

Commencing at a point located South $00^{\circ}29'39''$ East along the Section line 1304.97 feet and West 1949.26 feet from the East quarter corner of Section 20, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence South $16^{\circ}20'42''$ West 38.74 feet; thence North $16^{\circ}33'46''$ West 1.40 feet; thence North $85^{\circ}39'44''$ West 18.27 feet; thence North 11.96 feet; thence North $00^{\circ}18'26''$ West 29.08 feet; thence North $23^{\circ}35'19''$ East 32.07 feet; thence South $38^{\circ}39'23''$ East 41.09 feet to the point of beginning.

Area = 1,762 sq.ft.

EXHIBIT B
Map





**CITY OF OREM
CITY COUNCIL
MEETING
AUGUST 24, 2021**

REQUEST:	Acceptance and Certification of the 2021 City of Orem Primary Elections
APPLICANT:	
NOTICES:	
SITE INFORMATION:	
PREPARED BY:	JoD' Ann Bates, Recorder

REQUEST:

BACKGROUND:

RECOMMENDATION:

The City of Orem Primary Election was held, Tuesday, August 10, 2021. The City contracted with the Utah County Elections office to conduct the election all Vote by Mail.

The County Election office worked hard the day of the election to process everything they could. They provided us with initial results at 8:34 pm and additional update at 9:32 pm.

On Wednesday, August 11, 2021 at 2:38 pm the County Election office updated the results and had in their possession for the City of Orem 2,724 outstanding ballots to be tabulated. Those outstanding consisted of signature verification issues, open & flat ballots waiting to be processed, provisional and those received from the day's mail needing to be processed.

On Monday, August 16, 2021 at 2:38 pm the County Election office updated the election results representing it contained all the ballots received to date from Election Day and drop boxes. They continue to work on ballots with signature issue, mail returns, provisional and any lingering ballots they receive through the mail system.

Again this year the County Election office provided us an interactive map and a simple pdf with the updated results.

The information provided below is the "non-official" results as of Thursday, August 16, 2021. The official results will be provided to the City Council on Tuesday, August 24, 2021, the day of the Canvass.

The City Council, acting as the Board of Canvassers, move to approve and certify the 2021 Primary Election results with following changes to the preliminary results as presented.

(Official numbers will be provided by the County Elections Office on Tuesday, August 24 prior to the City Council Meeting)

<u>Office /Candidate</u>	<u>Preliminary Numbers</u>	<u>Official Numbers</u>
--------------------------	----------------------------	-------------------------

MAYOR:

Jim Evans	5,192	
Archie A. Williams	141	
Haysam Z. Sakar	3,446	
David A. Young	4,084	

COUCIL MEMBER:

Shaunte Ruiz Zundel	3,287	
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David M. Spencer	6,462
Nichelle Jensen	3,121
Jon “Jon J” Jensen	1,115
Mickey Cochran	1,175
Mike Carpenter	1,950
Quinn Mecham	3,885
Tom Macdonald	6,155
LaNae Millett	7,307
Todd Linsley	1,182

and;

Declare the two Mayor and six City Council candidates with the highest vote eligible to be nominated to the General Municipal Election on November 2, 2021.

Mayoral Candidates:

City Council Candidates:



**CITY OF OREM
CITY COUNCIL
MEETING
AUGUST 24, 2021**

REQUEST:	CITY COUNCIL APPOINTMENT - Public Safety Advisory Commission City Councils advise and consent on the appointment of the following: - Rick Clark - Spencer Rand - William Faulk
APPLICANT:	
NOTICES:	
SITE INFORMATION:	
PREPARED BY:	

REQUEST:

BACKGROUND:

RECOMMENDATION:



Board, Commission & Committee Application

City of Orem

Submitted On:
February 17, 2021 5:03pm
America/Denver

Personal Information

Full Name	Richard Clark
Full Address	OREM UT 84097
Phone Number	
Email	

Boards & Commissions

What board or commission are you applying for?	Public Safety Advisory Commission
If a position on your preferred board or commission isn't available, would you like to be considered for openings on other boards or commissions?	No
Summarize why you wish to serve on a city commission and if there are areas of concern that you would like to see addressed by a city commission.	have the time and desire to serve on this commission past work experience, i.e.: military, law enforcement and public education administration I would like to work to improve city public safety employees morale, training and longevity
Please tell us a little about yourself. Also include a summary of the special skills and qualifications you have acquired from employment, previous appointments, previous volunteer work, or through other activities.	presently retired public school educator law enforcement experience (BYU security police) training and education active duty military, branch of Military Intelligence Multiple years working closely with school Resource Officer while public school Jr. High and High School Principal.
Signature Data	First Name: Richard Last Name: Clark Email Address:



Board, Commission & Committee Application

City of Orem

Submitted On:
March 8, 2021 7:28pm
America/Denver

Personal Information

Full Name	Spencer Rands
Full Address	 Orem UT 84058
Phone Number	
Email	

Boards & Commissions

What board or commission are you applying for?	Public Safety Advisory Commission
If a position on your preferred board or commission isn't available, would you like to be considered for openings on other boards or commissions?	No
Summarize why you wish to serve on a city commission and if there are areas of concern that you would like to see addressed by a city commission.	I have taken the Orem Police Citizens Academy. I have a great deal of respect fir what they do. I would love to help our community stay safe in any ways I can.
Please tell us a little about yourself. Also include a summary of the special skills and qualifications you have acquired from employment, previous appointments, previous volunteer work, or through other activities.	I currently sit on CARE commission, I understand if chosen for this I would no longer serve on that commission. I am a firearms instructor and spend hours each day discussing safety and how to avoid needing a gun to defend ones self. We teach students often how to interact with police and how we can make their jobs easier. I have a great respect for all our public safety workers and would love to help them as they help our community.
Signature Data	First Name: Spencer Last Name: Rands Email Address: 



Board, Commission & Committee Application

City of Orem

Submitted On:
February 10, 2021 10:01pm
America/Denver

Personal Information

Full Name	William Fowlke
Full Address	██████████ OREM UT 84057
Phone Number	██████████
Email	████████████████████

Boards & Commissions

What board or commission are you applying for?	Public Safety Advisory Commission
If a position on your preferred board or commission isn't available, would you like to be considered for openings on other boards or commissions?	No
Summarize why you wish to serve on a city commission and if there are areas of concern that you would like to see addressed by a city commission.	Serving on the commission would be a privilege. I have spent much of my adult life problem solving and providing leadership in Utah’s criminal justice system. As a lifelong resident of Orem City, I am interested in keeping our families, neighborhoods, and community safe. If asked to be a commission member, I hope to be a positive influence to help Orem navigate these challenging times of increased crime, violence, civil disturbances, and calls for reform. We can do much even with limited resources to improve our police, fire, and medical services through innovative recruitment, advanced training, sound policy development, forward thinking leadership, and competitive compensation. Building trust between public safety services and Orem citizens is critical for a healthy community. We can build trust by developing effective outreach public education programs and transparency. We can help the public understand that Orem’s public safety men and women work under extreme conditions that are “tense, uncertain, and rapidly evolving” and deserve the community’s support. Positive public participation is key to a safe Orem.
Please tell us a little about yourself. Also include a summary of the special skills and qualifications you have acquired from employment, previous appointments, previous volunteer work, or through other activities.	I am a lifelong resident of Orem and honored to be an Orem Golden Tiger. I am married to the lovely Lorie Fowlke, we have raised six children in local schools. My family is somewhat of a blue blood family. My wife was the first female patrol officers for the City of Santa Barbra. My oldest son is an FBI Special Agent in the Salt Lake City Office, and my youngest son was a Secret Service Uniformed Officer in the Washington DC Office but has recently returned to Utah. I have a Master’s degree in Public Administration from BYU and a graduate of the FBI National Academy (for law enforcement leaders). I have worked in Utah’s criminal justice system in senior leadership positions in corrections, law enforcement, and Adult Probation and Parole until I retired. I am now employed as a civilian Training Specialist for the Utah Attorney General’s

	Training Center. I have worked with Utah peace officers from over 100 different local, county, state, and federal agencies regarding the use of force, de escalation, autism awareness, tactical medical, and several other critical public safety concerns. I have developed public education programs for state legislators, mayors, city councils, congressional staff, educators, and faith based leaders. I have provided written assessments of various proposed legislation for Attorney General’s staff. I am currently serving on the Orem Scera Board of Directors. For the past 2.5 years, I have served as an area Emergency Preparedness Specialist for the Timpview neighborhoods, helping prepare them for the Orem City Drill and “expecting the unexpected.”
Please upload your resume.	https://seam.ly/byKnRYt4 AG"s Final Resume for Audit.doc
Signature Data	First Name: william Last Name: Fowlke Email Address: [REDACTED] <i>William Fowlke</i> Signed at: February 10, 2021 10:01pm America/Denver



**CITY OF OREM
CITY COUNCIL
MEETING
AUGUST 24, 2021**

REQUEST:	ORDINANCE – Amending the temporary land use regulation (moratorium) previously adopted by the City Council on August 9, 2021, with respect to the City Center District zones, the Hub District zones, the Canyon Crossing District zones, the Arts District zones and the North Village District zones pursuant to Utah Code Section 10-9a-504, to exclude from the moratorium the following types of construction: interior remodels; exterior remodels- exterior finish materials, roofing, windows, doors, awnings, canopies, decks, patios, and architectural features designed solely to enhance the aesthetic appeal of a building; signs; fences and retaining walls; roof structures for parking and drive-thrus; utility improvement infrastructure (electric, natural gas, telephone, fiber, water, sewer, storm water); parking lot and driveway improvements; curb, gutter and sidewalk; lighting improvements; landscaping improvements; cellular infrastructure; and other structures and improvements that do not create or increase habitable building space (but in no case to exceed a height of 60 feet); and also to exempt from the moratorium all construction that is purely commercial (no residential uses) in nature that does not exceed a height of 60 feet and provides parking of at least one stall per 250 square feet of gross floor area.
APPLICANT:	
NOTICES:	- Posted at the Orem City Center Building - Posted on City webpage and City hotline - Posted at the Utah Public Notice Website - Faxed to newspapers - E-mailed to newspapers - Posted at utah.gov/pmn
SITE INFORMATION:	City Center District zones, Hub District zones, Canyon Crossing District zones, Arts District zones, North Village District zones.
PREPARED BY:	Steve Earl, Deputy City Attorney

REQUEST:

Amending the temporary land use regulation (moratorium) previously adopted by the City Council on August 9, 2021, with respect to the City Center District zones, the Hub District zones, the Canyon Crossing District zones, the Arts District zones and the North Village District zones pursuant to Utah Code Section 10-9a-504, to exclude certain types of construction from the moratorium and also to exempt from the moratorium all construction that is purely commercial (no residential uses) in nature that does not exceed a height of 60 feet and provides parking of at least one stall per 250 square feet of gross floor area.

BACKGROUND:

On August 9, 2021, the City Council enacted a temporary land use regulation (moratorium) pursuant

to Utah Code Section 10-9a-504 prohibiting the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval in the City Center District zones, the Hub District zones, the Canyon Crossing District zones, the Arts District zones and the North Village District zones for a period of six months.

The City Council's primary concerns in enacting the moratorium were preventing the potential negative impacts that would result from the overconcentration of high density residential development in the State Street District zones, unlimited building heights, and inadequate parking requirements. The moratorium was intended to give the City Council time to reevaluate and study the standards and uses permitted in the State Street District zones and to make permanent amendments to those standards (especially related to maximum building height, setbacks from other residential properties, parking standards and allowable residential density) to ensure that future development in the State Street District zones does not create unacceptable negative impacts in the City.

Following adoption of the moratorium on August 9, 2021, City Councilmembers realized that the scope of the moratorium was broader than necessary to accomplish the Council's intent. The broad language of the moratorium prohibits all construction in the State Street District zones which has the effect of halting the processing of applications for building permits for things such as interior remodels, signs, roof structures, utility infrastructure and similar items.

Staff therefore proposes that the City Council amend the temporary land use regulation that was adopted on August 9, 2021, with respect to the State Street District zones to exempt from its application all of the following:

1. Interior remodels;
2. Exterior remodels- exterior finish materials, roofing, windows, doors, awnings, canopies, decks, patios, and architectural features designed solely to enhance the aesthetic appeal of a building;
3. Signs;
4. Fences and retaining walls;
5. Roof structures for parking and drive-thrus;
6. Utility improvement infrastructure (electric, natural gas, telephone, fiber, water, sewer, storm water);
7. Parking lot and driveway improvements;
8. Curb, gutter and sidewalk;
9. Lighting improvements;
10. Landscaping improvements;
11. Cellular infrastructure; and
12. Other structures and improvements that do not create or increase habitable building space (but in no case to exceed a height of 60 feet).

Staff also proposes that the City Council amend the moratorium to exclude from its application all construction related to development that is purely commercial (no residential uses) in nature and does not exceed a height of 60 feet (or other height limit acceptable to the Council) and provides parking at a rate of one stall for every 250 square feet of gross floor area (the current parking standard in the State Street District zones is three stalls per thousand square feet). This would essentially exempt from the moratorium all development that is generally allowed in the C2 zone which is the zone applicable to most of the properties along State Street that are not in one of the State Street District zones.

These proposed amendments would narrow the scope and impact of the moratorium to cover only those types of development that the Council believed had the potential to cause unacceptable negative impacts in the City and would therefore affect no more development than is necessary to accomplish the intent and purposes of the Council.

RECOMMENDATION:

CITY OF OREM
BUDGET REPORT FOR THE MONTH ENDED JULY 2021

Percent of Year Expired: 8%

Fund	Current Appropriation	Monthly Total	Year-To-Date Total	Encumbrances	Balance	% To Date FY 2022	% To Date FY 2021	Notes
10 GENERAL FUND								
Revenues	56,314,989	2,723,792	2,723,792			5%	5%	
Appr. Surplus - Current	2,000	2,000	2,000			100%		
Appr. Surplus - Prior Year	18,222,681	18,222,681	18,222,681			100%		
Std. Interfund Transactions	5,669,461	5,669,461	5,669,461			100%		
Total Resources	80,209,131	26,617,934	26,617,934		53,591,197	33%	30%	
Expenditures	80,209,131	10,803,777	10,803,777	2,227,071	67,178,283	16%	18%	
20 ROAD FUND								
Revenues	3,332,500							
Appr. Surplus - Prior Year	2,141,745	2,141,745	2,141,745			100%		
Total Resources	5,474,245	2,141,745	2,141,745		3,332,500	39%	38%	
Expenditures	5,474,245	199,489	199,489	1,782,990	3,491,766	36%	38%	
21 CARE TAX FUND								
Revenues	2,420,000	928	928			0%		
Appr. Surplus - Current	200,000	200,000	200,000			100%		
Appr. Surplus - Prior Year	1,196,780	1,196,780	1,196,780			100%		
Total Resources	3,816,780	1,397,708	1,397,708		2,419,072	37%	62%	
Expenditures	3,816,780	954,237	954,237	1,687,993	1,174,550	69%	86%	1
24 TRANSPORTATION SALES TAX FUND								
Revenues	2,307,000							
Appr. Surplus - Prior Year	2,252,922	2,252,922	2,252,922			100%		
Total Resources	4,559,922	2,252,922	2,252,922		2,307,000	49%	49%	
Expenditures	4,559,922	119,592	119,592	959,443	3,480,887	24%	21%	
30 DEBT SERVICE FUND								
Revenues	5,644,225	554,291	554,291			10%	10%	
Appr. Surplus - Current	807,917	807,917	807,917			100%		
Total Resources	6,452,142	1,362,208	1,362,208		5,089,934	21%	21%	
Expenditures	6,452,142	45,611	45,611		6,406,531	1%	1%	
45 CIP FUND								
Revenues	475,000							
Appr. Surplus - Prior Year	19,397,312	18,629,954	19,397,312			100%		
Total Resources	19,872,312	18,629,954	19,397,312		475,000	98%	98%	
Expenditures	19,872,312	211,234	211,234	594,195	19,066,883	4%	16%	2
51 WATER FUND								
Revenues	17,961,733	3,061,099	3,061,099			17%	15%	
Appr. Surplus - Current Year	150,000	150,000	150,000			100%		
Appr. Surplus - Prior Year	49,058,556	49,058,556	49,058,556			100%		
Total Resources	67,170,289	52,269,655	52,269,655		14,900,634	78%	58%	3
Expenditures	67,170,289	4,140,539	4,140,539	3,513,077	59,516,673	11%	12%	
52 WATER RECLAMATION FUND								
Revenues	13,443,194	1,043,448	1,043,448			8%	8%	
Appr. Surplus - Prior Year	22,479,169	22,479,169	22,479,169			100%		
Total Resources	35,922,363	23,522,617	23,522,617		12,399,746	65%	51%	3
Expenditures	35,922,363	2,521,453	2,521,453	6,854,880	26,546,030	26%	17%	
55 STORM WATER FUND								
Revenues	5,402,195	590,330	590,330			11%	11%	
Appr. Surplus - Prior Year	8,230,808	8,230,808	8,230,808			100%		
Total Resources	13,633,003	8,821,138	8,821,138		4,811,865	65%	59%	3
Expenditures	13,633,003	1,306,703	1,306,703	484,438	11,841,862	13%	15%	
56 RECREATION FUND								
Revenues	2,732,340	278,519	278,519			10%	6%	
Appr. Surplus - Prior Year	7,474	7,474	7,474			100%		
Total Resources	2,739,814	285,993	285,993		2,453,821	10%	6%	
Expenditures	2,739,814	719,785	719,785	280,135	1,739,894	36%	43%	

CITY OF OREM
BUDGET REPORT FOR THE MONTH ENDED JULY 2021

Percent of Year Expired: 8%

Fund	Current Appropriation	Monthly Total	Year-To-Date Total	Encumbrances	Balance	% To Date FY 2022	% To Date FY 2021	Notes
57 SOLID WASTE FUND								
Revenues	4,478,000	389,693	389,693			9%	9%	
Appr. Surplus - Prior Year	232	55,814	232			100%		
Total Resources	4,478,232	445,507	389,925		4,088,307	9%	10%	
Expenditures	4,478,232	715,379	715,379		3,762,853	16%	17%	
58 STREET LIGHTING FUND								
Revenues	965,000	86,011	86,011			9%	9%	
Appr. Surplus - Prior Year	1,619,639	1,619,639	1,619,639			100%		
Total Resources	2,584,639	1,705,650	1,705,650		878,989	66%	63%	
Expenditures	2,584,639	487,842	487,842	878,883	1,217,914	53%	27%	4
61 FLEET MAINTENANCE FUND								
Appr. Surplus - Current	50,000	50,000	50,000			100%		
Appr. Surplus - Prior Year	857	857	857			100%		
Std. Interfund Transactions	850,000	850,000	850,000			100%		
Total Resources	900,857	900,857	900,857			100%	100%	
Expenditures	900,857	279,836	279,836	2,115	618,906	31%	32%	
62 PURCHASING/WAREHOUSING FUND								
Appr. Surplus - Current	40,000	40,000	40,000			100%		
Appr. Surplus - Prior Year	177	177	177			100%		
Std. Interfund Transactions	380,000	380,000	380,000			100%		
Total Resources	420,177	420,177	420,177			100%	100%	
Expenditures	420,177	117,669	117,669	656	301,852	28%	33%	
63 SELF INSURANCE FUND								
Revenues	765,000	110,618	110,618			14%	10%	
Std. Interfund Transactions	1,390,000	1,390,000	1,390,000			100%		
Total Resources	2,155,000	1,500,618	1,500,618		654,382	70%	69%	
Expenditures	2,155,000	718,105	718,105	658	1,436,237	33%	34%	
64 INFORMATION TECH FUND								
Revenues	8,136	678	678			100%		
Appr. Surplus - Prior Year	385,420	385,420	385,420			100%		
Std. Interfund Transactions	2,442,000	2,442,000	2,442,000			100%		
Total Resources	2,835,556	2,828,098	2,828,098		7,458	100%	100%	
Expenditures	2,835,556	235,236	235,236	262,027	2,338,293	18%	22%	
65 FACILITIES MAINTENANCE FUND								
Appr. Surplus - Prior Year	337,613	337,613	337,613			100%		
Std. Interfund Transactions	1,700,000	1,700,000	1,700,000			100%		
Total Resources	2,037,613	2,037,613	2,037,613			100%	100%	
Expenditures	2,037,613	142,845	142,845	488,391	1,406,377	31%	32%	
74 CDBG FUND								
Revenues	1,185,440	3,585	3,585			0%		
Appr. Surplus - Prior Year	454,813	454,813	454,813			100%		
Total Resources	1,640,253	458,398	458,398			28%	15%	
Expenditures	1,640,253	106,582	106,582	9,992	1,523,679	7%	13%	
CITY TOTAL RESOURCES	256,902,328	147,598,792	148,310,568		107,409,905	58%	49%	
CITY TOTAL EXPENDITURES	256,902,328	23,825,914	23,825,914	20,026,944	213,049,470	17%	19%	

CITY OF OREM
BUDGET REPORT FOR THE MONTH ENDED JULY 2021

Percent of Year Expired: 8%

Fund	Current Appropriation	Monthly Total	Year-To-Date Total	Encumbrances	Balance	% To Date FY 2022	% To Date FY 2021	Notes

NOTES TO THE BUDGET REPORT FOR THE MONTH ENDED JULY 2021:

- 1) The current year expenditures are lower in comparison to the prior year due to the current year encumbrances (\$1,687,993) being significantly lower than in the prior fiscal year (\$4,006,885) at this date in time. Due to the Fitness Center construction project and associated payments nearing completion.
- 2) The current year expenditures are lower in comparison to the prior year due to the current year encumbrances (\$594,195) being significantly lower than in the prior fiscal year (\$3,058,413) at this date in time.
- 3) Current year revenues are higher than the prior year at this time due to the appropriation of surplus related to the bond funds received late in the prior fiscal year but appropriated at the beginning of the current fiscal year.
- 4) The current year expenditures are higher in comparison to the prior year due to the current year encumbrances (\$878,883) being significantly higher than in the prior fiscal year (\$156,116) at this date in time.

Note: In earlier parts of a fiscal year, expenditures may be greater than the collected revenues in a fund. The City has accumulated sufficient reserves to service all obligations during such periods and does not need to issue tax anticipation notes or obtain funds in any similar manner. If you have questions about this report, please contact Brandon Nelson (229-7010).