ORDINANCE NO. O-2023-0022

AN ORDINANCE BY THE OREM CITY COUNCIL AMENDING ARTICLE 22-12-5 *URBAN MIXED-USE OVERLAY ZONE (UX)* FOR PROPERTIES WITH A BOUNDARY ADJACENT TO UNIVERSITY PARKWAY AND EAST OF 800 EAST WITH AN AREA OF MORE THAN ONE (1) ACRE IN SIZE AND NO GREATER THAN TWO (2) ACRES IN SIZE AND AMENDING ARTICLE 22-5-3(A) AND THE ZONING MAP OF THE CITY OF OREM BY REZONING THE PROPERTY LOCATED GENERALLY AT 925 EAST 1400 SOUTH IN THE PRD ZONE TO INCLUDE THE URBAN MIXED-USE OVERLAY ZONE (UX). ALSO, ENACTING APPENDIX GG BY ADDING THE CONCEPT AND ELEVATIONS FOR THE HILLCREST RIDGE DEVELOPMENT.

WHEREAS on February 23, 2023, Kimble Smith filed an application with the City of Orem to request amending Article 22-12-5 *Urban Mixed-Use Overlay zone (UX)* for properties with a boundary adjacent to University parkway and east of 800 East with an area of more than one (1) acre in size and no greater than two (2) acres in size and amending Article 22-5-3(A) and the zoning map of the City of Orem by rezoning the property located generally at 925 East 1400 South in the PRD zone to include the Urban Mixed-Use Overlay Zone (UX). Also, enacting Appendix GG by adding the concept and elevations for the Hillcrest Ridge development; and

WHEREAS public hearings considering the subject application were held by the Planning Commission on September 20, 2023 and the recommendation to the City Council was denial; and

WHEREAS a public hearing considering the subject application was held by the City Council on October 10, 2023; and

WHEREAS two hundred thirty-nine notices (239) were mailed to property owners within one thousand (1,000) feet of the property; and

WHEREAS the matter having been submitted and the City Council having fully considered the request as it relates to the health, safety and general welfare of the City; the orderly development of land in the City; the effect upon surrounding neighborhoods; the compliance of the request with all applicable City ordinances; and the special conditions applicable to the request.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH, as follows:

1. The City Council finds this request will be in the best interest and general welfare of the City.
2. The City Council hereby amends Article 22-12-5 *Urban Mixed-Use Overlay zone (UX)* for properties with a boundary adjacent to University parkway and east of 800 East with an area of more than one (1) acre in size and no greater than two (2) acres in size and

amending Article 22-5-3(A) and the zoning map of the City of Orem by rezoning the property located generally at 925 East 1400 South in the PRD zone to include the Urban Mixed-Use Overlay Zone (UX). Also, enacting Appendix GG by adding the concept and elevations for the Hillcrest Ridge development, as shown in Exhibit "A" which is attached hereto and incorporated herein by reference.

3. If any part of this ordinance shall be declared invalid, such decision shall not affect the validity of the remainder of this ordinance.
4. This ordinance shall take effect immediately upon passage and publication in a newspaper of general circulation in the City of Orem.
5. All other ordinances and policies in conflict herewith, either in whole or part, are hereby repealed.

PASSED, APPROVED and ORDERED PUBLISHED this 10th day of **October 2023.**

David A. Young, Mayor

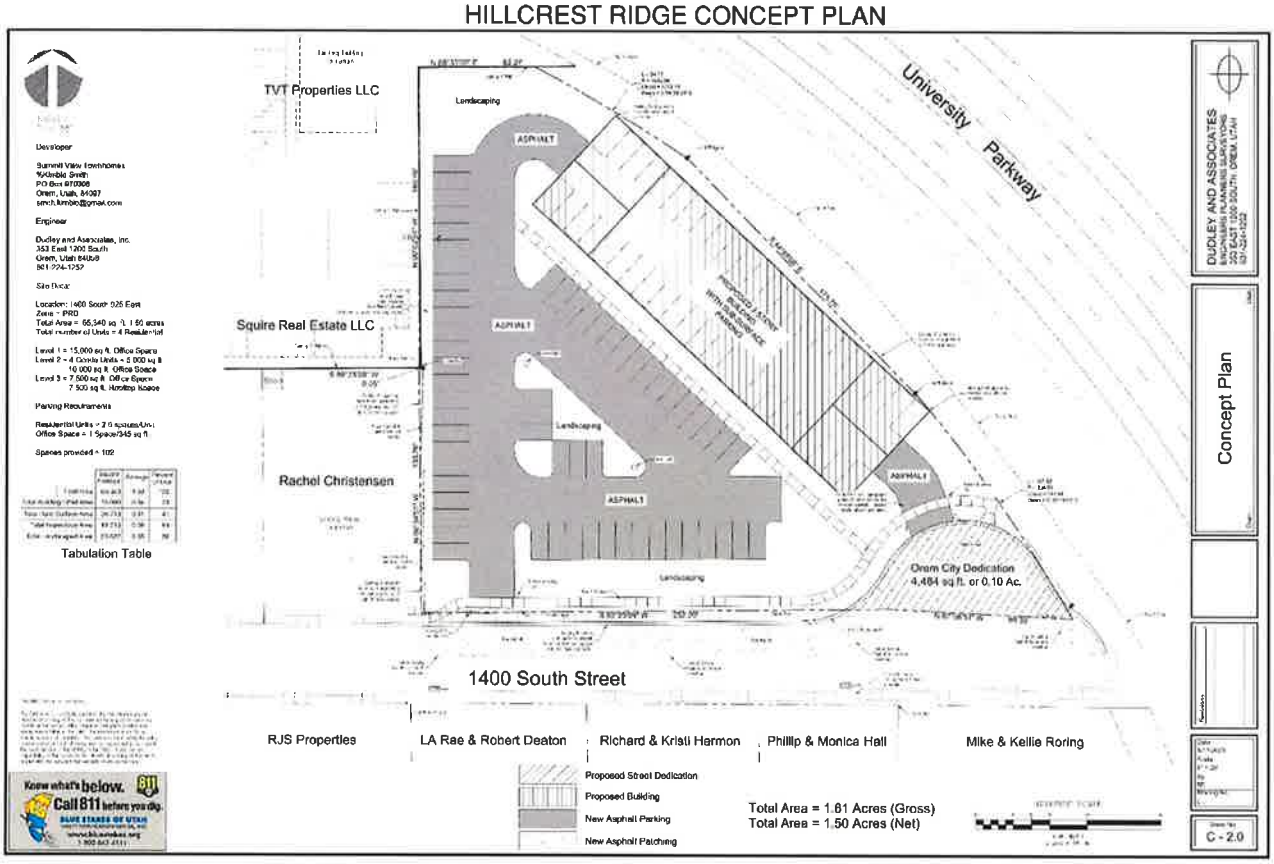
ATTEST:

Teresa McKitrick, City Recorder

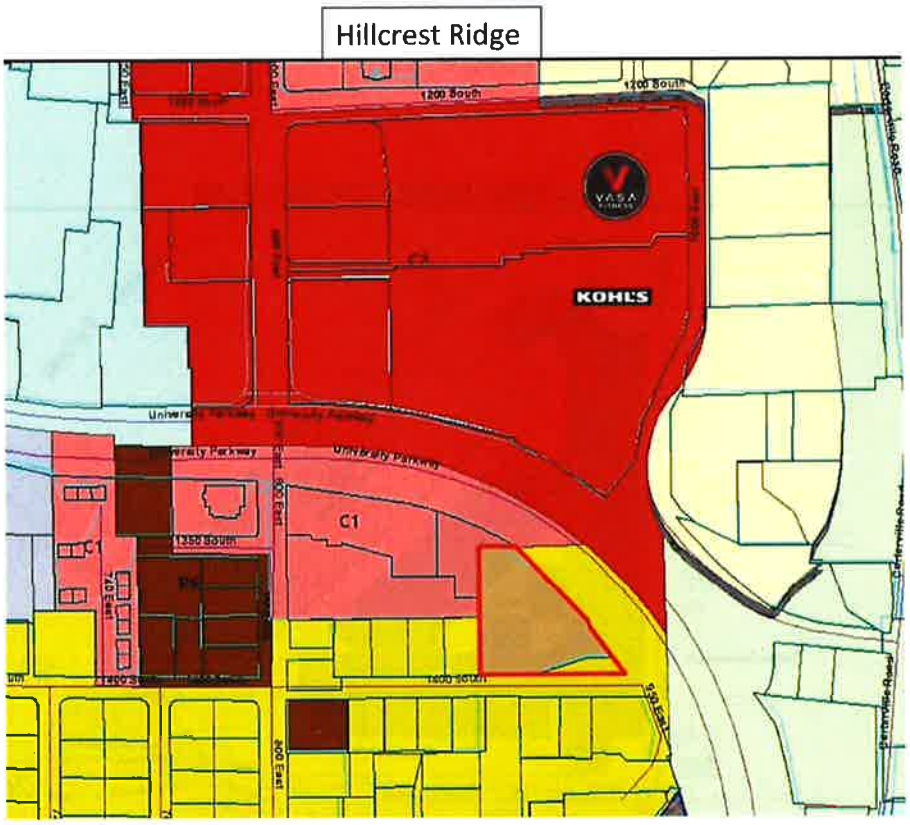
COUNCILMEMBER	AYE	NAY	ABSTAIN
Mayor David A. Young	☑	☐	☐
Jeff Lambson	☐	☐	☐
Debby Lauret	☐	☐	☐
Tom Macdonald	☑	☐	☐
LaNae Millett	☑	☐	☐
Terry Peterson	☑	☐	☐
David Spencer	☑	☐	☐

EXHIBIT A
Concept Plan

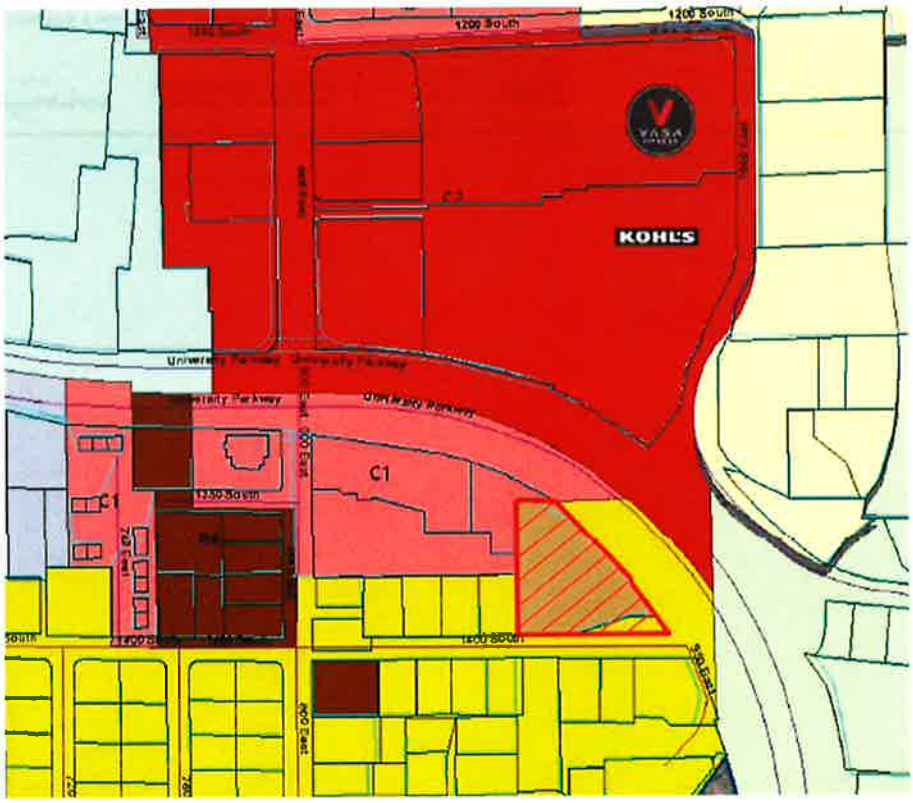
HILLCREST RIDGE CONCEPT PLAN



Existing Zoning



Proposed Zoning



Text

CHAPTER 22. ZONING

Article 22-12. Overlay Zones

22-12-5. Urban Mixed-Use Overlay Zone.

A. **Purposes.** The urban mixed-use overlay (UX) zone ~~(UX)~~ is ~~was formerly~~ intended to ~~promote traditional urban development by~~ allow~~ing~~ a limited number of residential units to be located in small-scale commercial developments in certain commercial zones while maintaining the street-level commercial character of the underlying zone. ~~All provisions of the City Code applicable to the UX Zone shall continue to apply to all parcels that are currently zoned UX. However, effective February 1, 2003, the UX zoning designation shall not be applied to any additional property within the City.~~

B. **Development Standards.**

1. **Site Plan Required**. All development standards and site plan requirements of Section 22-14-20 and the underlying zone shall apply. When there is a conflict between varying standards, the more restrictive requirements shall apply, except as provided in subsection (3) ~~(2)~~ below.
2. **Location.** The Urban Mixed-Use Overlay Zone may only be applied to properties with a boundary adjacent to University Parkway and east of 800 East. The Urban Mixed-Use Overlay shall not be applied to any area less than one (1) acre in size or any area greater than two (2) acres in size.
3. **Required Setbacks**. The ~~minimum~~ setbacks for structures in the urban mixed-use overlay shall be the same as those of the underlying zone.
4. **Commercial Uses**. The ground floor of all ~~any~~ buildings in the UX zone ~~that is a part of a site plan which contains mixed residential and commercial uses,~~ shall be restricted to retail and office uses (SLU Code 5000 and 6000 Series) which are either permitted or conditional uses in the underlying zone. Any floor above the ground floor may be used for any use that is a permitted or a conditional use in the underlying zone, or as a residential use subject to the limitations and requirements of this Section 22-12-5. ~~as specified in subsection (4) below.~~
5. **Residential Uses**. Any personal residential use identified as an 1100 Series Standard Land Use Code as listed in Appendix A of the City Code, shall be permitted on the floors above the ground level in the urban mixed-use overlay zone. The number of residential units allowed in a given building is limited to one (1) residential unit per 10,000 square feet of office space and/or retail space in the building. A residential unit may consist of multiple stories in the building. ~~There is no maximum residential density within the urban mixed-use overlay zone. The number of residential dwelling units shall only be limited by the amount of parking provided on the site. One residential dwelling unit shall be permitted for every three (3) parking stalls provided.~~
6. **Parking**. The amount of commercial parking required in an urban mixed-use development shall be based on the commercial floor space parking requirements in accordance with Section 22-15 of this Chapter. In addition, at least two parking stalls shall be provided for each residential unit. At least two parking stalls shall be assigned to and reserved for the exclusive use of each residential unit and shall be designated with paint or signage. ~~All of the required parking may be shared between the residential and commercial uses of a development.~~
7. **Exterior Finishing Materials**. All buildings shall be completed on all sides with acceptable finishing materials. The following materials are acceptable: brick, stone, fluted block, colored textured block,

glass, and ~~synthetic stucco~~ aluminum composite (ACM) wall panel systems; wood, sheet metal, and corrugated metal shall be prohibited except for trim, soffits, fascia, mansards and similar architectural features. The Planning Commission may approve other finishing materials that are similar in appearance and durability~~. Neither flat, three-tab cut asphalt shingles nor rolled roofing shall be allowed. Only architectural shingles are permitted.~~

8. **Adding a Residential Use to an Existing Site**. The addition of any residential use, or residential units, to an existing site shall require an amended site plan in conformance with the requirements of Section 22-14-20 of this Chapter, and a building permit.

   ~~**Minimum Zone Size.** The Urban Mixed Use Overlay shall not be applied to any area less than three (3) acres in size. The minimum parcel size shall be that of the underlying zone.~~

9. **Change of Use.** Any change in the use of any portion of a building from either residential to commercial or commercial to residential, shall require an amended site plan, and must comply with the requirements of Section 22-14-20 of this Chapter.

10. **Concept Plan.** A Concept Plan shall be submitted with every application to apply the UX zone to a parcel of property. The Concept Plan shall at a minimum include the following:

    a. A layout of all parking areas, residential units, amenities, open spaces, landscaped areas, drive accesses, proposed building footprints, building heights and the orientation of all buildings;
    b. Architectural renderings that illustrate the architectural style(s), materials, and designs to be employed in the development;
    c. The total number of residential units and the number of residential units per acre;
    d. A topographic map of the subject property and adjacent property within three hundred feet (300') of the subject property;
    e. A tabulation of the total land area and percentage thereof designated for various proposed uses;
    f. A general circulation plan indicating public vehicular and pedestrian ways;
    g. Any additional information that the City may deem necessary to determine whether the proposed UX zone is in the interest of the public health, safety and welfare.

    All development in a UX zone shall be developed in substantial conformance with the Concept Plan approved as part of the UX zone application. An approved Concept Plan shall be made a part of Appendix GG of the Orem City Code. The total number of residential units allowed in a UX zone shall not exceed the number of residential units shown in the approved Concept Plan. An approved Concept Plan may be modified in the same manner as an amendment to the zoning ordinance. However, the City Council shall not be obligated to approve an amended Concept Plan even if a proposed amended Concept Plan otherwise complies with all requirements of the UX zone.