

**CHAPTER 33****SPORTS ENTERTAINMENT ZONE (SE)**

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**Section 33.010 Intent.**

The intent of the Sports Entertainment (SE) Zone and this Chapter is to provide a land use pattern that allows for a compatible mix of uses that creates a destination location for sports, recreation, entertainment and associated uses and a location for office and high density residential uses to support a mixed use, pedestrian friendly environment. It is the intent of this Chapter to allow for flexibility and creativity in the arrangement of uses while promoting both short and long-term financial sustainability for the City and efficiencies in the delivery of all required infrastructure and services.

An application for approval of an SE Zone is a request by the applicant for additional flexibility beyond that allowed by the traditional zones within the City. It is the sole responsibility and burden of the applicant to satisfy the Planning Commission and City Council that the proposed SE Zone is preferable to traditional zoning. Approval for use of the SE Zone lies at the discretion of the City Council.

**Section 33.020 Purpose.**

This Chapter is provided to achieve the following pur-

poses:

- A. Provide for the implementation of the General Plan, and specifically the goals as contained within the Plan.
- B. Provide a level of flexibility in the nature, intensity, and arrangement of uses.
- C. Recognize the uniqueness of significant sports and entertainment complexes and encourage the development and operations of mixed use facilities designed specifically to promote active living.
- D. Provide an opportunity to mix residential and non residential uses either vertically or horizontally in a unified and complimentary manner in order to create an active and vibrant neighborhood.
- E. Incorporate necessary amenities and connection to existing and planned public transportation systems.
- F. Reduce the need and dependence on the private automobile for movement and circulation within the area.
- G. Avoid large expanses of asphalt by locating most parking below grade.
- H. Encourage efficiencies in the provision of required infrastructure and services and the use of all available land resources.
- I. Require that all buildings and structures be designed to compliment one another and strengthen the desired character and image for the neighborhood and area.
- J. Support public service entities such as Police and Fire Departments by dedicating land or utilizing certain space within the SE Zone at no cost to the City.

**Section 33.030 Zone District Designation and Description.**

The SE Zone is a separate zoning district and is identified by this Chapter as a stand alone zoning district designation, with its accompanying and associated development standards and requirements.

An SE Zone shall include a broad mixture of complimentary land uses including retail shopping centers, office and residential uses, hospitality services, convention services, recreational uses, venues for professional sports teams and public gathering places for large events. Public and private facilities included within the

zone will focus on venues and facilities that are unique to the City and region and encourage use by visitors and local residents. An overall design should unite the various uses. The development of property in the SE Zone should promote creativity and maximize available public and private open space and recreation and entertainment venues.

#### **Section 33.040 Minimum Eligibility Requirements.**

In order for a property to be considered eligible for establishment as an SE Zone, it must meet the following requirements:

- A. The property shall include a minimum area of 75 acres.
- B. The property in an SE Zone shall be located near or adjacent to the I-15 corridor to facilitate significant traffic movements associated with large scale sports and entertainment events.
- C. Unique sports venues and recreational amenities for both visitors and residents is a main goal of the SE Zone. At least one major facility for professional sports (capacity minimum 9,000 seats) shall be included in the SE Zone. Development within the SE Zone shall also include elements including but not limited to restaurants, shops, theatres, amphitheatres, art galleries and exhibition halls.
- D. Retail and commercial uses shall include at least 750,000 square feet of retail and commercial space including both anchor store and boutique level merchants and office uses.
- E. In order to maximize the area available for open space and to avoid large expanses of asphalt, virtually all of the required off street parking in the SE Zone shall be located in underground parking structures.

#### **Section 33.050 Procedures for Establishment of a SE Zone.** *(Amended 07/28/09)*

A. General Plan Amendment. All areas proposed for development as a SE Zone shall require a General Plan Amendment in accordance with Chapter 4, Amendments, of this Code.

B. Concept Plan. Concurrent with any request to amend the Land Use Element of the General Plan to a Sports Entertainment designation, a Concept Plan shall be submitted. A Concept Plan must be approved by the City Council, following Planning Commission and Development Review Committee review, prior to prop-

erty being designated as a Sports Entertainment land use designation on the General Plan Land Use Map.

1. The Concept Plan gives the applicant, staff, Planning Commission and City Council an opportunity to discuss the Sports Entertainment development prior to the General Plan land use being established and prior to the preparation of a more detailed Area Plan. The applicant can use the Concept Plan meetings to ask questions, and receive direction on the procedure for approval and project layout including: location and type of proposed amenities, availability of existing services, layout of streets, parking, drainage, water, sewer, fire protection, mitigation of environmental impacts, and similar matters.

2. The Concept Plan shall cover the entire area proposed as a SE Zone and shall identify in general terms the following:

- (a) Proposed land uses.
- (b) Density and intensity of uses including residential units, commercial square footages and related matters.
- (c) Proposed public and private transportation and circulation elements and connections to adjacent properties.
- (d) Major infrastructure improvements that may be necessary.
- (e) Proposed site-planning standards and architectural themes.
- (f) Park areas, open space areas, trails and other community amenities.
- (g) Proposed landscaping, buffering, and transition treatments.
- (h) Location of any critical lands.
- (i) Other related issues that must be addressed to allow a thorough informed review by the Staff, Planning Commission and City Council of the proposed Concept Plan.

3. To accommodate requests for changes to the Concept Plan, the City may allow the Concept Plan to be amended. Amendments shall follow the same requirements for initial review of a Concept Plan including review by Staff, Planning Commission and City Council.

4. An approved Concept Plan shall be effective for a period of two (2) years from the date it is approved by the City Council, at the end of which time an application for a Zoning Map amendment and Area Plan shall have been submitted and under review by the City. If applications for Area Plan approval and Zoning Map Amendment have not been filed within the two (2) year period the Concept Plan shall be void. The City Council may grant an extension of the Concept Plan according to the provisions of Section 10.120.

5. Properties designated as a Sports Entertainment Land Use for which the Concept Plan has become void shall require the applicant to submit a new Concept Plan for review subject to the then existing provisions of this Code and General Plan.

C. Zoning Map Amendment and Area Plan. Following approval of a General Plan Amendment and Concept Plan by the City Council, the applicant may prepare a Zoning Map Amendment and an Area Plan pursuant to the provisions of this Code. The establishment of a SE Zone requires the review, approval and adoption by the City Council, following receipt of a DRC and Planning Commission recommendation, of an Area Plan for those properties proposed for a SE Zone. Prior to approval and adoption of an Area Plan the DRC, Planning Commission and City Council shall verify that the development follows the general layout of the Concept Plan. The Area Plan shall cover the entire area proposed as a SE Zone.

D. Effect of Area Plan Approval. If a proposed Area Plan is adopted by the City pursuant to Chapter 15 of this Code, all permits, licenses and development must comply with the adopted Area Plan. Additionally, developers and builders must comply with the Lehi City General Plan, the Lehi City Development Code, and all other codes and ordinances of the City unless modified by the adopted Area Plan.

### **Section 33.060 Allowed Uses.**

Each requested use and the intensity of that use must be authorized through an Area Plan that has been approved and adopted by the City Council pursuant to the provisions of Chapter 15, Area Plans, of this Code. In considering and approving uses through the Area Plan approval process, the City Council shall review the proposed uses for compatibility with allowed uses in adjacent zones while recognizing the uniqueness of individual projects. The uses approved through the Area Plan shall govern projects within the SE Zone.

### **Section 33.070 Allowed Density.**

Project density must be authorized through an Area Plan that has been approved and adopted by the City Council pursuant to the provisions of Chapter 15, Area Plans, of this Code. The overall residential density in an SE Zone shall not exceed 2,500 residential units. This allowed density is subject to the project meeting the minimum area requirement of 75 acres. Allowed density shall be based on the quantity and quality of the amenities and open space provided in the project. If any of the amenities or open space required by this Chapter or identified in an approved Area Plan are proposed to be reduced or eliminated from the project, the allowed residential density shall also be reduced proportionally as determined by the City Council following a recommendation by the DRC and Planning Commission.

### **Section 33.080 Open Space Design Standards.**

A. Open space is a major component of a Sports Entertainment development and therefore, not less than fifty (50) percent of the total gross acreage in an SE Zone must be preserved as a combination of active and passive open space as defined in Chapter 35, Definitions, of this Code.

B. To the extent possible, open space within the SE Zone shall be contiguous to provide for integrated open space areas. Non-contiguous parcels of open space lands may be approved by the City during the Area Plan process upon a finding that such an exception is necessary and/or desirable based upon consideration of the size of the project, the size of the open space parcels, the types of features and resources included within the open space lands, and other relevant consideration. Long thin strips of open space (less than 100 feet wide) are prohibited, unless approved by the City during Area Plan approval upon a finding that such configuration of the open space is necessary and/or desirable to connect other significant areas, to protect linear areas such as streams or trails, or to provide a buffer.

C. Open space within an SE Zone shall be designed and laid out as part of a larger continuous and integrated open space system to ensure that an interconnected network of open space will be provided throughout the City.

D. Open space land shall be located and designed within an SE Zone to add to the visual amenities of the area by maximizing the visibility of internal open space.

E. The developer of an SE Zone shall provide adequate pedestrian access to open space land which is open to public or resident use.

F. A coordinated, well planned trail system that provides pedestrian links throughout the project shall be provided.

G. The developer shall provide sufficient maintenance access to all open space land within the SE Zone.

H. All open space (except for areas covered by water) must be landscaped by the developer and may contain recreation activity areas, parks, playgrounds, gazebos, plazas, amphitheaters, water features, trails or other landscaped areas.

I. As part of the required open space, a pressurized irrigation water storage facility for the City shall be provided. The facility shall include two large reservoirs for the use of water sports including wakeboarding, water skiing, and/or other water sports or recreational purposes subject to approval by the City Council.

### **Section 33.090 Permanent Protection of Open Space.**

All open space land shall be permanently restricted from future development by an open space easement or other method of protection and preservation acceptable to the City. Under no circumstances shall any development be permitted in the open space land at any time, except as is consistent with that of providing landscaped open space for aesthetic and recreational use. All conservation easements, or other acceptable method of protection of the open space land shall be approved by the City and recorded prior to or concurrent with the recording of any final plats or approval of any site plans within or immediately adjacent to an open space area. Building or uses for noncommercial, recreational or cultural purposes within the Open Space which are compatible with the open space objectives, may be permitted only with the express approval of the City.

### **Section 33.100 Ownership of Open Space.**

A. Unless otherwise approved by the City and subject to the provisions set forth in this Chapter, the underlying fee ownership of the open space land may be owned and maintained by a homeowners' association, land trust, conservation organization, or governmental entity. Property subject to an open space easement, or other acceptable method of protection and preservation, shall not be subdivided.

B. Unless otherwise approved by the City, the grantee of an open space easement shall consist of one of the following acceptable entities which entity shall be qualified to maintain and enforce such conservation easement: Land trust, conservation organization or governmental entity. The City may, but shall not be

required to, accept, as grantee, an open space easement encumbering open space lands within an SE Zone, provided there is no cost of acquisition to the City for the easement and sufficient access to and maintenance responsibilities regarding the open space land are provided.

### **Section 33.110 Maintenance of Open Space.**

A. Unless otherwise agreed to by the City, the cost and responsibility of maintaining open space land shall be borne by the owner of the underlying fee of the open space land.

B. The developer shall submit a Maintenance Plan providing for and addressing the means for permanent maintenance of the open space land within the proposed SE Area Plan areas with any necessary preliminary plat or site plan application. The Maintenance Plan shall provide the following:

1. The plan shall define ownership.
2. The plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space.
3. The plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the open space land and operation of any common facilities on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs.
4. At the City's discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities.

C. The Maintenance Plan must be approved by the City prior to or concurrent with any final plat approval or site plan approval. The Maintenance Plan shall be recorded against the property and shall include provisions for the City's corrective action rights as set forth herein. Any changes or amendment to the Maintenance Plan shall be approved by the City.

D. In the event that the organization established to maintain the open space land and the common facilities, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the City may assume responsibility, as a right but not an obligation, for maintenance, in which case any escrow funds may be forfeited and any permits may be revoked or suspended.

E. The City may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action shall be charged to the property owner and shall include administrative costs and penalties. Such costs shall become a lien on the Maintenance Plan and all other documents creating or establishing any association or conservation organization for the property shall reference the City's corrective action authority set forth herein and shall be recorded against the property.

### **Section 33.120. Public Support Requirements.**

The large scale and public nature of an SE Zone requires the specialized support of various public services. The property owners shall therefore make certain allowances within the SE Specific Zone property for public facilities and public support operations as follows:

A. Fire/EMS Sub-station. One half (1/2) acre of property shall be dedicated to the City without cost whereon a Fire/EMS sub-station may be constructed and operated by the City or an appropriate fee in lieu to provide fire protection apparatus and emergency equipment necessary to service the SE Zone area. Location of the emergency services site and/or any fee in lieu shall be determined and established in the SE Area Plan.

B. Police Sub-station. A facility or space within a facility shall be provided to the City without cost wherein a Police sub-station may be operated or a fee in lieu to provide necessary police services for the SE Zone area. Location of the police sub-station site and/or any fee in lieu shall be determined and established in the SE Area Plan.

C. Security Services. A professional security staff shall be employed by the property owners in an effort to help promote public safety. The SE Development's security staff shall cooperate with City Police and Fire Departments, but shall in no way or at any time replace or assume the responsibilities of the City Police and Fire Departments.

D. Other. The developer shall coordinate with those other agencies who must eventually serve areas of the development coming within their jurisdiction, including but not limited to, the Alpine School District, UDOT, and the various utility service providers. A written statement from these agencies which contains their input and recommendations on the project may be required by the City Council as part of the SE Area Plan to ensure that adequate services and facilities will

be provided.

### **Section 33.130 Development Standards.**

The following development standards shall apply in addition to any other commercial development standards contained in this Code or the Design Standards and Public Improvement Specifications manual:

#### A. Parking.

1. In considering approval of an SE Area Plan, all parking areas will be considered, understanding the visual and pedestrian amenity impacts of off-street parking areas. The general relationships and placement of buildings, open spaces, vehicle and pedestrian facilities and off-street parking areas is a critical design element in an SE Zone and shall be considered by the City prior to SE Area Plan approval.

2. Total off-street parking spaces, including the number of surface and underground spaces, shall be determined by the review and approval of a Shared Parking Analysis, conducted using accepted information and analysis methods, and provided in conjunction with an Area Plan. Shared parking arrangements may be allowed in order to reduce unnecessary parking areas and to encourage pedestrian activity.

3. Large surface parking lots shall be avoided by locating most parking below grade.

B. Access and Traffic. Adequate vehicular and pedestrian traffic access must be provided. A traffic impact study shall be required as part of the Area Plan to project auto and truck traffic generated by the proposed uses. In addition, a Transit and Pedestrian Access Plan shall be provided as part of the Area Plan identifying transit and pedestrian access facilities including transit routes and access locations, sidewalks and connection to trail systems.

C. Building Materials. New buildings should blend with the materials of surrounding buildings. Building materials may be further defined as part of an approved Area Plan.

D. Crime Prevention Through Environmental Design. All projects in the SE Zone must demonstrate how CPTED principles will be used in the design and layout of buildings, streets accesses and open space areas. Design shall promote natural surveillance, access control, territorial reinforcement, sense of ownership and maintenance. CPTED landscaping guidelines shall be

used, including planting shrubs with a maximum height of three feet and trees with a proper ground clearance of six feet above walkways and sidewalks and eight feet above vehicular travel and parking lanes. To encourage public safety through natural surveillance, natural access control, and territorial reinforcement, blank walls are not permitted adjacent to streets, pedestrian areas, and open space amenities. Building elevations with extensive windows, balconies, decks or landscape terraces are encouraged.

E. Architecture. Architectural design guidelines for the entire SE Zone shall be provided as part of a SE Area Plan.

F. Signage. A signage plan shall be provided as part of a SE Area Plan. The plan shall identify the general location, type and size of all signs proposed and identify a coordinated and consistent signage system for the entire development. Signage should help unify the development and provide a positive image. The use of pole signs is prohibited.

G. Lighting. Outdoor lighting should be designed to minimize glare onto adjacent properties. The intensity of large fixtures should be reduced by utilizing a larger number of smaller fixtures. Appropriate lights should be used in smaller pedestrian spaces where quality light is especially important. All sidewalks and pedestrian ways shall include either bollard lighting, or down turned lighting, which shall not exceed twelve feet in height. Outdoor lighting, including streetlights, shall follow an overall pedestrian friendly thematic plan. All lighting shall be down directed and shielded to direct light to the entry or pedestrian way. Spotlights and floodlights are prohibited with the exception of approved landscape lighting.

H. Building Height. Minimum and maximum building heights will be addressed in the SE Area Plan.

I. Landscaping. As part of an Area Plan for the SE Zone, a landscaping plan shall be provided identifying the conceptual landscaping design plan for the entire SE development.

J. Street Trees. As part of an Area Plan for the SE Zone, a street tree planting plan shall be provided to improve and beautify the SE Zone. Street trees must follow an overall thematic planting plan in order to promote a uniform appearance, however a variety of trees should be used to avoid monotony.

K. Street Furnishings. All commercial frontages of the development shall include all weather benches and

shall incorporate trash receptacles and raised planters along the front façades of structures. All street furniture shall coordinate with one another.

#### **Section 33.140 Required Fiscal Sustainability.**

All SE Area Plans must be capable of demonstrating both short-and long-term fiscal sustainability. All SE Area Plans must demonstrate that the costs incurred to provide the required infrastructure and services can be provided and funded in an economically sustainable, responsive and responsible manner. To achieve these purposes all SE Area Plans shall provide a fiscal analysis for review. Such fiscal analysis shall identify all infrastructure and services required by the SE Area Plan by Phase thereof, identifying when such infrastructure and services will be required, the methods of financing the construction and provision of all required infrastructure and services, and whether such infrastructure and services will be privately or publicly funded. The fiscal analysis shall also identify the proposed funding mechanisms for the provision of all necessary infrastructure maintenance and continuing provision of services for the SE Area Plan area for a minimum period of twenty (20) years and identifying any financing surpluses or deficits.

#### **Section 33.150 Required Phase Relationship and Continuity.**

For an SE Area Plan proposing that full build out will not occur immediately but will occur in a number of phases, over time, an SE Area Plan Phase Plan shall be provided identifying a logical and sequential phasing scheme. The Phase Plan must clearly identify that each proposed phase is capable of standing alone and is fiscally sustainable independent of any other phase. The Phase Plan must identify strategies and techniques to provide design consistency, compatibility and connectivity to other proposed phases. The Phase Plan must also identify the timing of proposed amenities so that the amenities are constructed at a proportionate rate to the construction of residential and commercial units.

#### **Section 33.160. Development Approvals and Permits.**

Following the establishment of a SE Zone, and approval and adoption of an Area Plan by the City Council, the applicant may prepare and submit application(s) for development approval including subdivision and site plan approval pursuant to Chapter 11, Application Requirements, of this Code. The Applicant must make a complete submittal according to the requirements specified in Chapter 11 and the City's current application form(s) prior to the review of any development request by the City.

**Section 33.170. Inspection and Occupancy.**

A. All development and construction shall be subject to inspection and inspection approval by City Building Officials. The applicant must make a complete submittal according to Lehi City Building Department's building permit submittal checklist prior to review of any building permit by the City.

B. If development exceeds the capacity of the City Inspection Staff, then independent professional inspection services may be secured. The hiring of the independent professional shall be the responsibility of the City and the cost of such additional inspection services shall be borne by the Owner(s) of the Sports Entertainment development. The hiring of the independent professional shall be done in mutual agreement between the City and the owners of the Sports Entertainment development.

C. All development and construction shall be subject to occupancy approval by City Building Officials.

**Section 33.180 Variations from Development Code and Design Standards.**

A. In the process of approving an Area Plan for a SE Zone, the Planning Commission may recommend and City Council may approve variations from applicable standards of this Code or the Lehi City Design Standards and Public Improvements Specifications Manual.