



CITY OF OREM
CITY COUNCIL MEETING
56 North State Street, Orem, Utah
October 8, 2013

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

3:30 P.M. FIELD TRIP

1. **TOUR – Development Services**

5:00 P.M. STUDY SESSION – PUBLIC SAFETY TRAINING ROOM

2. **Update – Fitness Center Remodel – Karl Hirst**

AGENDA REVIEW

3. **The City Council will review the items on the agenda.**

CITY COUNCIL - NEW BUSINESS

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

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

CALL TO ORDER

INVOCATION/INSPIRATIONAL THOUGHT: By Invitation

PLEDGE OF ALLEGIANCE: By Invitation

APPROVAL OF MINUTES

5. **MINUTES of City Council Meeting – September 10, 2013**
6. **MINUTES of Joint City Council/Alpine School District Meeting – September 16, 2013**

MAYOR’S REPORT/ITEMS REFERRED BY COUNCIL

7. **UPCOMING EVENTS**

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 229-7074) (TDD # 229-7037)

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

8. UPCOMING AGENDA ITEMS

9. APPOINTMENTS TO BOARDS AND COMMISSIONS

- Beautification Advisory Commission..... 2 vacancies
- CDBG Advisory Commission 6 vacancies
- Heritage Advisory Commission 1 vacancy
- Historic Preservation Adv. Commission 1 reappointment
..... 1 vacancy
- Library Advisory Commission 2 vacancies
- Recreation Advisory Commission 4 vacancies
- Summerfest Advisory Committee 2 vacancies

10. RECOGNITION OF NEW NEIGHBORHOODS IN ACTION OFFICERS

11. REPORT – Recreation Advisory Commission

12. REPORT – Orem Arts Council

CITY MANAGER’S APPOINTMENTS

13. APPOINTMENT – Development Services Director – Bill Bell

- Motion - Advice and Consent
- Oath of Office

14. APPOINTMENTS TO BOARDS AND COMMISSIONS

- Planning Commission – 1 appointment
- Board of Building & Fire Code Appeals – 3 reappointments

PERSONAL APPEARANCES – 15 MINUTES

15. Time has been set aside for the public to express their ideas, concerns, and comments on items not on the Agenda. Those wishing to speak should have signed in before the beginning of the meeting. (Please limit your comments to 2 minutes or less.)

CONSENT ITEMS

16. There are no consent items.

SCHEDULED ITEMS

6:20 P.M. PUBLIC HEARING

17. ORDINANCE – Amending Chapter 14 of the Orem Code (Signs)

REQUEST: Development Services requests the City amend Chapter 14 of the Orem City Code pertaining to signs.

PRESENTER: Jason Bench

POTENTIALLY AFFECTED AREA: Citywide

BACKGROUND: On October 9, 2012, the City Council approved an amendment to Chapter 14 of the City Code to allow a limited number of portable signs on University Parkway. Since that time, there have been requests from other property owners to allow portable signs along other commercial streets such as State Street and 800 North. Pursuant to these requests, City staff have taken a second look at the ordinance governing portable signs and have proposed modifying the sign ordinance to allow portable signs on all properties located in a commercial zone. Under the current staff proposal, one portable sign would be allowed on any commercial property and two portable signs would be allowed on any commercial property that has 150 feet or more of frontage on a public street.

Concurrent with the changes to the portable sign provisions, staff have also undertaken a major overhaul of the entire sign ordinance with the intent of eliminating any potential content-based provisions that could be deemed contrary to the requirements of the First Amendment to the United States Constitution. Pursuant to this goal, City staff have eliminated from the ordinance several types of signs whose definitions were content based, added several new sign definitions and modified the definition of others.

The proposed changes to Chapter 14 of the Orem Code have been included with this agenda summary. Because the Planning Commission has not yet provided a formal recommendation on the proposed amendments, the Council cannot approve any amendment to Chapter 14 on October 8, but can discuss it, take public comment and suggest changes. It is recommended that the Council then continue the item to the October 22, 2013, meeting by which time the Planning Commission should have made a formal recommendation and the Council will then be able to take any action it desires regarding the proposed amendments.

6:30 P.M. PUBLIC HEARING

- 18. ORDINANCE – ORDINANCE AMENDMENT – Amending Section 12-2-4(D), Section 12-3-1(B), Section 12-3-3(G), Section 12-5-8(E)(8), Section 12-5-11, and Section 12-5-12 of the Code pertaining to licensing and business requirements.**

RECOMMENDATION: The Development Services Department recommends that the City Council, by ordinance, amend Section 12-2-4(D), Section 12-3-1(B), Section 12-3-3(G), Section 12-5-8(E)(8), Section 12-5-11, and Section 12-5-12 of the Orem City Code pertaining to business licensing requirements.

PRESENTER: Jason Bench

POTENTIALLY AFFECTED AREA: Citywide

BACKGROUND: After reviewing Section 12, Licenses and Business Regulations, the proposed changes have been drafted for updating the Orem City Code. The reason for the updates is to reflect the policies and procedures currently being followed.

12-2-4. License transfers.

D. Change of ownership. A business license may not be transferred from one owner to a subsequent owner. A subsequent owner must obtain a new business license.

Advantages of the proposal include:

When ownership changes, the new owners usually remodel. This has been an effective way to have the remodeling inspected to ensure building safety.

Disadvantage of the proposal include:

None determined.

12-3-1. Application.

B. The application form shall be provided by the City and shall contain, but not be limited to the following information: business name, address, mailing address, and phone; owner's name, address, home phone number, and date of birth. A copy of a photo identification such as a driver's license or passport must also be included in the application. If the applicant is a corporation or a partnership, the information required herein shall be provided with respect to at least one each officer of a corporation or ~~and~~ member of a partnership. The application shall also include the name, address, and phone number of the registered agent for any corporation or licensee.

Advantages of the proposal include:

Photo identification helps verify owner's identity during the initial application process and future interactions.

Disadvantage of the proposal include:

None determined.

12-3-3. Issuance of license.

G. The applicant has registered the name of the business with the Utah Division of Corporations and Commercial Code.

Advantages of the proposal include:

The Utah Division of Corporations and Commercial Code requires businesses to register with them within 30 days of starting a business. By verifying that the business applicant has done so, it helps ensure compliance with State requirements.

Disadvantage of the proposal include:

None determined.

12-5-8. Solicitors.

E. Application for Certificate of Registration, review, issuance, denial.

~~8. **Renewal. Duration.** A Certificate of Registration shall be valid for a period of one (1) year from the date of issuance. Any registered Solicitor in good standing may have his or her Certificate of Registration renewed for an additional period of not to exceed one (1) year upon request within thirty (30) days prior to the expiration of the Certificate of Registration and payment of a renewal fee as set by the City from time to time; provided, however, that the total of any such fee shall not exceed reasonable administrative costs incurred by the City to process the Certificate of Registration renewal and maintain the related records. A Registered Solicitor is not in good standing if he satisfies one or more grounds for denial or revocation within the meaning of this Section. An applicant desiring to obtain a Certificate of Registration after the expiration of any renewal period shall make a new application in accordance with the provisions of this Section.~~

Advantages of the proposal include:

Previously the code gave the option of renewing for one time only. However, this option requires additional effort for staff to monitor while the requirements for renewing or applying for the first time are nearly the same for the applicant.

Disadvantage of the proposal include:

None determined.

12-5-11. Temporary Businesses.

In addition to the business license application required by this Chapter, an applicant who desires to use a temporary site or building shall comply with the provisions of Section 22-14-18. for a temporary business shall submit a Planning Commission Application and shall receive Planning Commission approval prior to commencing business.

Advantages of the proposal include:

Wording reflects current process of temporary site plan approval.

Disadvantage of the proposal include:

None determined.

12-5-12. ~~Mobile Vendors. Business Requiring a Conditional Use Permit~~

~~A mobile vendor may only be a food vendor, and must have all required licensing from the Utah County Health Department. The food portion of the vehicle must be a self-contained unit and no equipment related to food preparation shall be moved outside the vehicle. A mobile vendor may not interfere with vehicular or pedestrian circulation. A mobile vendor may not be parked longer than four (4) hours at any one location (or within 500 feet of said location) per day. Property owner approval is required. A business listed in the Zoning Ordinance as requiring a conditional use permit shall, in addition to the business license application required by this Chapter, submit an application for and receive a conditional use permit prior to the issuance of a business license.~~

Advantages of the proposal include:

- Currently there is nothing in the code regarding mobile vendors. This section will help establish the proper guidelines for mobile vendors to follow.
- Deleting ordinance that is not applicable.

Disadvantage of the proposal include:

None determined.

RECOMMENDATION: Planning Commission forwarded a positive recommendation to the City Council. Staff concurs with the Planning Commission recommendation.

19. CONTINUED DISCUSSION - ZONING ORDINANCE AMENDMENT - Amending Section 22-19-1 and Appendix A of the Orem City Code as it pertains to various uses in the M1, M2, and CM zones.

RECOMMENDATION: The Department of Development Services recommends the City Council, by ordinance, amend Section 22-19-1 and Appendix A of the Orem City Code as it pertains to various uses in the M1, M2 and CM zones.

PRESENTER: Jason Bench

POTENTIALLY AFFECTED AREA: M1, M2, and CM zones.

BACKGROUND: This item was initially discussed by the Council in its meeting on August 27, 2013. At that meeting, Mike Dunn appeared with his attorney and expressed his concern about the effect the proposed amendments would have on the recycling business he operates on his property at approximately 520 North Geneva Road. Subsequent to the meeting, staff met with Mike Dunn and his attorney and have agreed upon the principal terms of a potential development agreement that would allow Mr. Dunn to continue his recycling business in the M2 zone in the event the City Council makes recycling a nonpermitted use in the M2 zone.

A development agreement has not yet been executed because it will only be necessary if the City Council decides to adopt the proposed amendment and because there are still a few details pertaining to the timing of the construction of a new building on Mr. Dunn's property that haven't yet been finalized. However, if the Council decides to make recycling a nonpermitted use in the M2 zone, staff anticipate working with Mr. Dunn to finalize a development agreement shortly thereafter.

The M1, M2, and CM zones are generally located west of the I-15 corridor in Orem. The uses currently allowed in these zones are industrial uses such as manufacturing, shipping, storage, warehousing, and other similar types of uses.

As part of an ongoing long range plan review for the Geneva Road corridor, the Development Services Department requests that certain uses in the M1, M2, and CM zones be changed from "Permitted" to "Not Permitted" to facilitate future changes along the corridor as a result of the improvements to Geneva Road, the continued development of Vineyard and the potential redevelopment of many areas in Orem along the corridor.

The Orem General Plan states, "Heavy industrial uses should be reduced in the future by developing more light and controlled manufacturing areas to encourage high-tech jobs." This proposal is consistent with the General Plan.

Other uses more consistent with business parks and light industrial types of development, as well as retail uses, are perceived to become more fitting to this area. Without these and other changes, the area along the Geneva Road corridor will continue to be a heavy industrial area for many years to come.

Any business that exists prior to the change will be considered a legal nonconforming use and would be allowed to operate their business, but would not be able to expand their use in the future. Once the revised General Plan (Geneva Road Corridor Plan) is approved, certain SLU Codes could be reconsidered as options within the area.

In addition to changing several of the SLU codes from permitted to not permitted, SLU code 4851 Green Waste Composting and Recycling is proposed and listed as not permitted in any zone in the city. Currently, there is one green waste facility in the city. They currently are classified under the SLU code 5193 Scrap and Recycling Materials.

This SLU code clarifies green waste composting and will not be permitted in any zone in the city.

In regard to SLU code 4850 Solid Waste Disposal and Incineration, there is currently only one such facility in the city. This facility would be classified as a legal nonconforming use and would be allowed to continue to operate but would not be able to expand the use to additional property. The City contracts with the North Pointe Transfer Station, located in Lindon, to handle its solid waste needs.

SLU code 4850 Solid Waste Incineration and Disposal was discussed in the Planning Commission held on June 19, 2013. The Planning Commission considered the other SLU code changes on August 7, 2013.

RECOMMENDATION: The Planning Commission unanimously recommends the City Council approve this request. Staff concurs with the Planning Commission based on the fact that this request is in accordance to the Orem General Plan, is necessary to encourage light industrial and controlled manufacturing developments and associated high-tech jobs, and it improves the aesthetic quality of the Geneva Road corridor.

SLU		R5	R6	R6.5	R7.5	R8	R12	R20	OS5/ROS	PO	C1	C2	C3	HS	M1	M2	CM	BP
2110	Slaughterhouse	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
4841	Sewage Treatment Plants	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N
4850	Solid Waste Incineration and Disposal	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
4851	Green Waste Composting and Recycling	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
5193	Scrap & Recycling Materials	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
5395	Flea Market	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N	N
6370	General Warehousing & Storage	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N	N
6420	Wrecking Yards	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
7223	Race Tracks	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

PERSONAL APPEARANCES – CONTINUED (IF NECESSARY)

- 20. Continuation of time has been set aside for the public to express their ideas, concerns, and comments on items not on the Agenda. Those wishing to speak should have signed in before the meeting. (Please limit your comments to 2 minutes.)**

COMMUNICATION ITEMS

- 21. Budget Report – Month Ended August 2013**

CITY MANAGER INFORMATION ITEMS

- 22. 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.**

ADJOURNMENT

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CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
September 10, 2013

3:30 P.M. PUBLIC SAFETY TOUR

CONDUCTING Mayor James Evans

ELECTED OFFICIALS Councilmembers Hans Andersen, Margaret Black, Mark E. Seastrand, Mary Street, and Brent Sumner

APPOINTED STAFF Jamie Davidson, City Manager; Jon Amundson, Assistant City Manager; Bill Bell, Interim Development Services Director; Scott Gurney, Interim Public Safety Director; Karl Hirst, Recreation Director; and Rachelle Conner, Deputy City Recorder

EXCUSED Councilmember Karen McCandless

PUBLIC SAFETY TOUR – Fire Station #2

Scott Gurney, Interim Public Safety Director, took those present on a tour of Fire Station #2. The tour included a look at the ambulance, fire trucks, fire station, and community learning center.

4:50 P.M. STUDY SESSION

CONDUCTING Mayor James Evans

ELECTED OFFICIALS Councilmembers Hans Andersen, Margaret Black, Mark E. Seastrand, Mary Street, and Brent Sumner

APPOINTED STAFF Jamie Davidson, City Manager; Jon Amundson, Assistant City Manager; Greg Stephens, City Attorney; Bill Bell, Interim Development Services Director; Scott Gurney, Interim Public Safety Director; Karl Hirst, Recreation Director; Charlene Crozier, Interim Library Director; and Rachelle Conner, Deputy City Recorder

EXCUSED Councilmember Karen McCandless

PRESENTATION – Provo Orem Multimodal Project (Bus Rapid Transit)

Paul Goodrich, Transportation Engineer, indicated the City Council passed a resolution stating their support of the Bus Rapid Transit System (BRT) five years ago. He reviewed the proposed bus route.

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1 Janelle Erickson, Utah Transit Authority, stated they are hoping to start the BRT project in 2016.
2 She then reviewed the design schedule that should wrap up in May of 2014. There will be a lot of
3 public involvement during the design process.
4

5 Chad Eccles, Mountainland Association of Government (MAG), said this has been an important
6 project that fills a regional need. MAG has used the third quarter cent to help fund this, and part of
7 the first quarter cent will be used to fund this as well. This seems to be working out, and they are
8 hoping to build the project within the next two years.
9

10 Mr. Seastrand asked how the cost compares to the light rail system. Mr. Eccles explained this is
11 much cheaper. This project is approximately \$150 million compared to \$650 million for the light
12 rail. They are hoping to convert this to light rail in the future. The operational cost is what makes the
13 light rail appealing.
14

15 Mr. Davidson expressed his appreciation to the Utah County Commissioners for their support of this
16 project. There are some cities that are not happy that the funds are going to Orem and Provo when
17 there are needs in their cities as well. He asked those present to express their thanks to the
18 commission for their support.
19

20 Storm Damage

21 Steve Weber, Public Works Division Manager, briefed those present on the damage caused by the
22 storm last Saturday. He provided the following statistics:

- 23 • Rainfall Amounts Measured
 - 24 ○ Hillcrest – 2.54 inches
 - 25 ○ Cemetery – 1.56 inches
 - 26 ○ Scera Pool – 1.54 inches
 - 27 ○ Central Utah Water District – 1.26 inches
 - 28 ○ Water Reclamation Plan - .42 inches
- 29 • Constant winds in the 30-35 miles per hour range
- 30 • Measured gusts as high as 58 miles per hour
- 31 • The Intensity-Duration Frequency Data of the Storm was that of a 100-year storm.
32

33 Mr. Weber then showed pictures of various parts of the city. The infrastructure is designed for a
34 10-year storm and not a 100-year storm. With so much water coming down so fast, it was hard for
35 the pipes to push the water through. There were approximately 100 homes flooded as a result of the
36 heavy rain. He indicated the detention basins held up extremely well during this event.
37

38 Mr. Davidson indicated the City is not liable for any flooding that occurred from this incident. The
39 residents in a flood zone who were required to purchase flood insurance should be fine. It is the
40 residents who do not have flood insurance who might have a problem.
41

42 **REVIEW OF AGENDA ITEMS**

43
44 The Council and staff reviewed the agenda items.
45

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1 CITY COUNCIL NEW BUSINESS

2
3 The Council adjourned at 5:55 p.m. to the City Council Chambers for the regular meeting.

4 5 6:00 P.M. REGULAR SESSION

6
7 CONDUCTING Mayor James Evans

8
9 ELECTED OFFICIALS Councilmembers Hans Andersen, Margaret Black, Karen A.
10 McCandless (joined the meeting via telephone at 6:06 p.m.),
11 Mark E. Seastrand, Mary Street, and Brent Sumner

12
13 APPOINTED STAFF Jamie Davidson, City Manager; Jon Amundson, Assistant
14 City Manager; Greg Stephens, City Attorney; Richard
15 Manning, Administrative Services Director; Bill Bell, Interim
16 Development Services Director; Scott Gurney, Interim Public
17 Safety Director; Karl Hirst, Recreation Director; Charlene
18 Crozier, Interim Library Director; Donna Weaver, City
19 Recorder; and Rachelle Conner, Deputy City Recorder

20 21 INVOCATION /

22 INSPIRATIONAL THOUGHT Jonah Jonas, Scout Troop #1331

23
24 PLEDGE OF ALLEGIANCE Jonathon Costa, Scout Troop #1331

25 26 APPROVAL OF MINUTES

27 28 City Council Meeting of, 2013

29 Mr. Seastrand **moved** to approve the minutes of the August 20, 2013, special meeting of the Orem
30 City Council and the City Council meeting of August 27, 2013. Mrs. Black **seconded** the motion.
31 Those voting aye: Councilmembers Hans Andersen, Margaret Black, Jim Evans, Karen A.
32 McCandless, Mark E. Seastrand, Mary Street, and Brent Sumner. The motion **passed** unanimously.

33 34 MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

35 36 Upcoming Events

37 The Mayor referred the Council to the upcoming events listed in the agenda packet.

38 39 Upcoming Agenda Items

40 The Mayor referred the Council to the upcoming agenda items listed in the agenda packet.

41 42 Appointments to Boards and Commissions

43 Mr. Seastrand recommended Jim Lauret be reappointed to serve on the Summerfest Advisory
44 Committee.

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1 Mr. Seastrand **moved** to reappoint Jim Lauret to serve as a member of the Summerfest Advisory
2 Committee. Mrs. Street **seconded** the motion. Those voting aye: Councilmembers Hans Andersen,
3 Margaret Black, Jim Evans, Karen A. McCandless, Mark E. Seastrand, Mary Street, and Brent
4 Sumner. The motion **passed** unanimously

6 Recognition of New Neighborhoods in Action Officers

7 No new Neighborhood in Action officers were recognized.

9 **CITY MANAGER APPOINTMENTS – Assistant City Manager – Jon Amundson**

10
11 Mr. Davidson asked for the City Council’s advice and consent on his appointment of Jon Amundson
12 as the Assistant City Manager.

13
14 Mrs. Black **moved** to provide the Council’s advice and consent on the appointment of Jon
15 Amundson as the Assistant City Manager. Mr. Sumner **seconded** the motion. Those voting aye:
16 Councilmembers Hans Andersen, Margaret Black, Jim Evans, Karen A. McCandless, Mark E.
17 Seastrand, Mary Street, and Brent Sumner. The motion **passed** unanimously

18
19 Donna Weaver, City Recorder, gave the oath of office to Mr. Amundson.

21 **CONSENT ITEMS**

22
23 Mr. Andersen **moved** to approve the following consent item. Mr. Sumner **seconded** the motion.
24 Those voting aye: Councilmembers Hans Andersen, Margaret Black, Jim Evans, Karen A.
25 McCandless, Mark E. Seastrand, Mary Street, and Brent Sumner. The motion **passed** unanimously

27 MOTION – Cancel the September 24, 2013, City Council Meeting

29 **CITY MANAGER INFORMATION ITEMS**

30
31 Mr. Davidson indicated the City went through a recruitment process, and Bill Bell has been chosen
32 to serve as the Development Services Director. Mr. Davidson expressed appreciation to Mr. Bell for
33 his efforts for the past nine months as he has served as the Interim Director. Mr. Bell has a vast
34 amount of experience in development and building/safety. He has been with the City for many years,
35 has a solid reputation, and has earned Mr. Davidson’s trust and respect.

37 REPORT – Library Advisory Commission

38 Charlene Crozier, Interim Library Director, noted this commission is an active and dedicated group.
39 They are interested in all things related to the library and its success. They are regular users,
40 volunteers, and advocates for the library.

41
42 Gama Cancino-Macario, chair, introduced other commission members--Ben Beeson, Gloria Cronin,
43 Terri Potts Smith, and Darla Baker.

44
45 Ben Beeson, commission member, indicated his father served as library director for over twenty
46 years. Mr. Beeson expressed appreciation for the Library and noted every community benefits from

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1 having a solid library. This beautiful Library is one of the high points in Orem. Mr. Beeson reviewed
2 the statistics for the last fiscal year as follows:

- 3 • Materials in Collection
 - 4 ○ Print Items--244,179
 - 5 ○ Audio materials--44,507
 - 6 ○ Video Materials--34,928
 - 7 ○ Other Items--2,639
- 8 • Estimated Value of Donated Materials--\$49,629
- 9 • Volunteer Hours--6,777
- 10 • Visitors to the Library--452,995
- 11 • Average Daily Visitors--1,618
- 12 • Items Checked Out--1,069,412
- 13 • Library Program Attendance--62,926
- 14 • Increase in E-Material--82 percent
- 15 • E-Items checked Out--24,181

16
17 The Commission showed a video of patrons telling what they appreciate most about the library.

18
19 Mr. Cancino-Macario thanked the City Council for the opportunity to share this information with
20 them and for their support of the library.

21
22 Mayor Evans expressed appreciation to the commission members for all of the work for the City
23 Council.

24
25 Mr. Seastrand added his thanks to the commission for their efforts.

26 27 **PERSONAL APPEARANCES**

28
29 Time was allotted for the public to express their ideas, concerns, and comments on items not on the
30 agenda. Those wishing to speak should have signed in prior to the meeting, and comments were
31 limited to 2 minutes or less.

32
33 Sharon Anderson, resident, requested clarification as to whether the public can comment on
34 something that is on the agenda but is not listed as a public hearing. She said she is interested in
35 speaking about the ballot arguments. Mayor Evans said he would allow her to speak at that time.

36
37 Mr. Davidson explained there are certain items that are scheduled for public hearing per State law.
38 There are other items that do not require it. It is at the Mayor's discretion whether or not he allows
39 public comment on those items. Many times, the items that are on the agenda have been deliberated
40 in previous meetings and may not require additional comment or input.

41
42 James Fawcett, resident, said the University Mall leases a section of turn table and then allows
43 different businesses that are not located at the mall to advertised on its sign. Mr. Fawcett said the
44 City needs to clarify on-premise versus off-premise advertising. Right now it appears that the Mall
45 sign is a billboard.

1 **SCHEDULED ITEMS**

2
3 6:00 P.M. PUBLIC HEARING

4 ORDINANCE – Amending a Portion of Section 14-3-3 of the Orem City Code as it Pertains to
5 Billboards

6
7 Jason Bench, Interim Planning Division Manager, presented an applicant request that the City
8 Council, by ordinance, amend Section 14-3-3 of the Orem City Code pertaining to billboard
9 regulations.

10
11 This item was first heard at the July 30, 2013, City Council meeting but was continued to
12 September 10, 2013, at the request of Reagan Outdoor Advertising and Top Ad Media. Top Ad
13 Media has since submitted a document that discusses the economic impact of billboard advertising.

14
15 Staff recently completed a visual survey of all billboards from Spanish Fork Main Street (Exit 258)
16 to Lehi 2100 North (Exit 282) and identified 220 billboard faces along the I-15 corridor with some
17 billboards containing more than 1 advertising face such as LED or a split-face. Within the corporate
18 boundaries of Orem City along I-15, there are 52 billboard faces. Of these faces, 20 (38 percent) are
19 used to advertise a business located in Orem. The majority of these businesses are not exclusive to
20 Orem such as Maverick, Central Bank, and Famous Footwear.

21
22 Staff contacted Lehi, American Fork, Pleasant Grove, Lindon, Provo, Springville, and Spanish Fork
23 concerning permitting new billboards within each jurisdiction. Only Spanish Fork currently allows
24 new billboards to be constructed.

25
26 The City recently considered a request to create the PD-36 zone on the former Williams Farm
27 property. Included in that preliminary request was language that would allow two additional
28 billboards adjacent to I-15. The City’s current sign ordinance does not allow any new billboards in
29 the city. The City’s legal staff felt it would be difficult to allow new billboards on the Williams Farm
30 property without opening the door to new billboards on other potential locations along the I-
31 15 corridor. Therefore, legal staff suggested that if allowing any new billboards along I-15 were to
32 be considered, it ought to be done in the context of a change to the general sign ordinance that would
33 open up the entire I-15 corridor to new billboards rather than in the context of allowing new
34 billboards on just the Williams Farm property.

35
36 In order to facilitate this broader discussion, the City filed an application to allow new billboards all
37 along the I-15 corridor subject to the spacing and other requirements of State law. However, the
38 filing of the application does not necessarily imply support of the request.

39
40 State law requires a separation of at least 500 feet between billboards. If the City Code were
41 amended to allow new billboards along I-15, there is the potential for five new billboards in the city
42 based on an analysis of existing billboards and the City Surveyor providing detailed information
43 pertaining to “Points of Gore” at the existing interchanges. These additional locations have been
44 identified on a map, which is included for the City Council’s review.

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Advantages:

- May promote the development of some properties along the I-15 corridor (The owners of the Williams Farm property claim that having billboards on the property will encourage businesses to locate on their property and promote economic development in Orem).
- Would allow additional opportunities for property owners and billboard companies.

Disadvantages:

- Additional billboards would increase visual blight along the I-15 corridor
- Based on the visual survey completed by staff, the majority of billboards located in the city limits do not advertise businesses located in Orem

The Planning Commission recommends the City Council deny this request.

Mr. Andersen asked how the property owners find out that their property can have a billboard. Mr. Bench explained that, right now, the City does not allow any new billboards, so the billboard companies are not seeking these property owners. If the City Council approves this application, the billboard companies will go to those specific property owners and make them offers.

Mr. Sumner asked whether the billboards are owned by the company or the landowner.

Dell Loy Hansen, applicant, noted he purchased the Williams Farm property with Paul Willey, and they are proposing to build a high-end technology park with approximately one million square feet. They are currently speaking with a few tenants. Vineyard just announced their three million square foot development just kitty-corner to this one. Mr. Hansen noted his vision is to own the billboards and to have the technology operated by people who have higher technology. It costs \$600 to pull a vinyl sign down and put another one up. Modern technology would allow the message to be entered into a computer. Mr. Hansen said they have looked at this as a way to differentiate themselves from the Vineyard project. They want to work in partnership with the City of Orem to build a state of the art tech park at that location. If a tenant is not allowed to have their signage on a billboard, they want their building shoved up against the freeway so their sign can go on the building. Mr. Hansen indicated he wants something with a lot more open spaces. It would be similar to Vivint with a more campus feel. They are proposing two elegant boards. He expressed his hope that Brigham Young University would want to advertise their games. The signs would be for local businesses and events. The name they are proposing for the park is Orem Technology Park. He gave the example of Ameritech Business College, which is located at 123000 South in Draper. They were considering going to Lehi because the landlord would build a parapet on the building with a three-foot sign. The tenant figured this would be a no cost sign. Mr. Hansen went to Draper City to see if they would allow a non-premise sign where Ameritech could tell their story. Draper agreed, so Mr. Hansen was able to sign a 10-year lease with Ameritech which keeps them in Draper rather than Lehi. Mr. Hansen indicated the development in Vineyard will have less expensive land, and they are going to have the opportunity to build a larger park than he can, so there is a business side as well as a practical side to allowing more billboards. Mr. Hansen expressed his commitment that these would be owner-owned signs that advertise local businesses.

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1 Mrs. McCandless asked what signage is currently allowed in the zone without a billboard. Mr.
2 Bench noted the park itself could have a three hundred square foot sign that is thirty-five feet above
3 the deck of the freeway.

4
5 Mrs. Black noted that, as the ordinance is currently written, the applicant can have an on-premise
6 sign. She questioned whether the applicant is asking for an off-premise sign.

7
8 Mr. Hansen replied that the signs would have dual use, and they would not primarily do off-premise
9 advertising. He would rather not have signage on the buildings. They felt the billboards were a more
10 efficient way to deliver the message, and there would be a broader interest in the community.

11
12 Mr. Sumner said he truly believes in the power of advertising. Some of the information that was
13 provided in the agenda packet from Top Media is outdated. He said he would like accurate
14 projections on sales tax revenue in Orem and how it will help the city.

15
16 Brent Skinner, applicant, explained that the information was provided by Top Media. If they want
17 something more current, he has given a report to staff that was done by Bonneville Research. It
18 shows how this would benefit Orem specifically. It addresses building fees, property tax, sales tax,
19 and total annual revenues. They have eighty acres of property, and they are trying to keep businesses
20 in Orem. They want to be a long-term presence in the City of Orem. The signs help achieve this, and
21 the proposed annual revenue to Orem would be \$700,000. Mr. Skinner indicated they can stay here
22 and be a vital presence in the City if they have the additional signage.

23
24 Mr. Hansen indicated they are going to own six radio stations as well. They have ulterior motives
25 with this. They want the people in Utah Valley to know when the REAL Salt Lake games are, and
26 they want them to listen to the radio stations. They want to tie this to the businesses they are
27 involved with and make some noise in Orem. The difference between them and Reagan is that
28 Reagan sells national advertising, and Mr. Hansen will not.

29
30 Mr. Seastrand asked how many on-premise advertising signs they could have on this parcel.

31
32 Mr. Bench indicated they just rezoned to a PD zone, so they could have a 35-foot high, 225 square
33 foot sign per parcel.

34
35 Mr. Seastrand noted the other option is to have two of the larger billboards.

36
37 Mr. Bench clarified that they would still be allowed to have the regular signs even if the billboards
38 were allowed.

39
40 Mrs. Street asked how many square feet a billboard has. Mr. Bench said it is 670 square feet.

41
42 Mrs. McCandless questioned if the applicants are planning on owning the buildings and leasing them
43 or if they will be selling the ground and the building. Mr. Hansen said there would be a combination.
44 They will lease to anyone, but some large tenants want a buy option. It will be a one-million-square-
45 foot park, but there will be common areas. They plan to have a variety of ownership.

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1 Mrs. McCandless expressed appreciation to Mr. Hansen for his candor. She likes that he is being
2 forthright, and she has enjoyed hearing about what they have planned.

3
4 Mrs. McCandless then asked if the businesses they plan to advertise on the billboards are businesses
5 the applicants have ownership in.

6
7 Mr. Hansen said that is true to a large degree. He and Paul Willey own the property fifty/fifty right
8 now. They are going to invite other Wasatch partners to come in when they develop. They have
9 businesses throughout the state and would like to advertise their businesses at all of their locations.

10
11 Mayor Evans opened the public hearing.

12
13 James Fawcett, resident, indicated the University Mall sign has incidental advertising because the
14 businesses are leasing space on a turn table inside the mall. He said he loves the mall sign, but State
15 law applies in that corridor because SR89 is an inner highway corridor, and it is regulated. If the
16 City gets too far on allowing signs to act like billboards, they are in trouble. If they allow a billboard,
17 the City cannot tell them what to do. They can advertise whatever they want, and the business right
18 on the property will not get a chance to advertise on the sign at all. Billboards on State Street,
19 800 North, and Geneva can be moved over to I-15. If this goes through, there will not be anywhere
20 for those signs to relocate to.

21
22 Richard Brunst, resident, said he is excited about Wasatch coming in and what they are doing with
23 Williams Farm. It is in their economic interest as well as the City of Orem. Orem has had three
24 companies in the last three years leave Orem and move up north. That has been a loss of hundreds of
25 jobs in Orem. This project will benefit the community, and the owners have a right to advertise. Two
26 billboard signs is not too much to ask for this development. He asked the City Council move forward
27 with this. The City needs to partner with Wasatch to help them develop this property to its full
28 potential.

29
30 Leslie Nelson, business owner, noted that she has a potential benefit with this application. However,
31 with the painted gore, hers is in question. She said she has tried to get a billboard for ten years, and it
32 would be a benefit to her as well as other Orem businesses. She read from a study by Arbitron done
33 in 2009. The study showed the benefits of outdoor advertising in terms of sales. She said some
34 people do not like billboards, but twenty-five percent of people make immediate buying decisions
35 when they see a billboard advertisement. Orem needs local businesses to thrive and the sales tax
36 base to increase. With the advent of the electronic billboards, even more businesses can be served at
37 a much lower cost. Mrs. Nelson said she would like to have a two-sided electronic billboard. Her
38 flips would be fifteen per day. That would increase the number of local businesses that benefit from
39 the billboard.

40
41 Nate Sechrest, Reagan Advertising, said he has some concerns with this application. The notes given
42 to the City Council were prepared by Top Ad Media. He said Reagan has not had the opportunity to
43 compete for these five new locations. If Top Ad Media has been involved with this from the very
44 beginning, there is a good chance that they have contacted every single property owner. That causes
45 Reagan Advertising a lot of heart burn. He said on-premise signage is restricted by State Code to
46 every 300 feet along I-15. The applicants could have about 5 signs on their parcel. Mr. Sechrest

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1 indicated he does not understand why the City would redo an entire ordinance for 10 percent of the
2 signage to be used as billboards. They should just do the on-premise sign that works very well. He
3 noted Reagan would be more than happy to sell advertising space to Mr. Hansen. In terms of local
4 advertising, he has asked staff numerous times to allow them to relocate signs to State Street, where
5 the local businesses are. The signs on I-15 are usually taken up by national advertisers. He would
6 prefer sign spacing on State Street. Mr. Sechrest noted he also has concerns with the University Mall
7 sign. If they are calling that an on-premise sign, it puts the State's highway funding at risk. The State
8 could lose \$40 million because that is a violation of the Federal Highway Act.

9
10 Jamie Evans, Evans Billboards, asked whether the City is planning to eliminate paragraph three in
11 the current ordinance in reference to moving billboards. Mr. Bench stated they are.

12
13 Jamie Evans then asked that the language remain in the ordinance. To compete in the billboard
14 world, that is one of the only tools available. There are still some signs left in the city that can be
15 moved out onto I-15. He said the difference between an on-premise and an off-premise billboard is
16 that all of the businesses that work in the location can be advertised on the billboard. There is going
17 to be a huge sign built in Lehi by Adobe. Jamie Evans stated that whatever the City does for one,
18 they need to do for all. He is in a lawsuit right now over a sign. He owns the corporation that owns
19 the property, has a sign on it, and it might have to be removed. He would like to have the
20 opportunity to rebuild it. The difference here is the billboard. An on-premise sign is worth about
21 \$100,000 to \$150,000. A billboard will be worth \$500,000 and an LED is worth even more.

22
23 Mayor Evans closed the public hearing.

24
25 Mr. Davidson indicated they have heard from several sign companies today. At the previous meeting
26 where this was discussed, the Council asked staff to meet with both sign companies that spoke
27 during the last public hearing. The Development Services staff did meet with Reagan Advertising as
28 well as Top Ad Media.

29
30 Mr. Seastrand asked about leaving the sign exchange language in the ordinance. Mr. Earl said it does
31 not make sense to leave that language in the ordinance because there are only five locations for the
32 signs if this passes, and no one needs to do an exchange to get a billboard on I-15. That language
33 then becomes superfluous. No one will give up two billboards on State Street to locate a billboard in
34 one of those five locations when they can go in one of those locations without giving up the
35 billboards.

36
37 Jamie Evans clarified that the property owner has the right to remove a billboard when the lease
38 comes up. He has a billboard on his property. When the lease is up and that billboard is removed, he
39 wants to be able to rebuild that sign. The only way to rebuild them is to buy them inside of the city,
40 take them down, and rebuild them on I-15.

41
42 Mr. Earl said they are talking about opening up the whole corridor, but it is only in the M2 zone.
43 That is only on the west side of I-15.

44
45 Mrs. McCandless stated that she does not have a problem with having two billboards on this
46 property that advertise the business interests of the property owner. She is concerned with the

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1 citywide applicability of this ordinance. She wondered if there was a way to craft an ordinance that
2 would allow billboard owners to advertise things they have a financial interest in.

3
4 Mr. Earl indicated that he has never seen anything crafted that way. He does not think something
5 like that would pass constitutional muster.

6
7 Mr. Seastrand said he is still trying to think of options for what can be done. The appearance and
8 blight of on-premise advertising is a factor. They could add a significant increase in signage with the
9 on-premise advertising that can be available. He asked if they would have the ability to request a
10 different kind of signage for that zone if this only related to the PD-36 zone.

11
12 Mr. Earl said it sounds like the same question Mrs. McCandless asked, and he does not think they
13 could do that. They would need to stay with the traditional way of looking at off-premise advertising
14 versus on-premise advertising.

15
16 Mrs. Street said the quandary she has is with expanding and adding to the stock of billboards along
17 the corridor while not necessarily having an objection to off-premise advertising if it is tied to some
18 regulatory control imposed by the Council. She is thinking of Wolverine Crossing, which is another
19 approved PD zone in the city. They have a different type of signage. It is LED. When they came in
20 for approval, the Council added the LED component to the language and there were special
21 approvals given. She asked whether they were able to make those concessions because it is in a PD
22 zone.

23
24 Mr. Earl noted there are some differences with that situation. That sign is located on the interior of
25 the property. It was designed not to be viewed by the traveling public. Typically, the two rationales
26 that are given for off-premise advertising are aesthetics and traffic safety. At least one of those
27 rationales goes away when the sign is on the interior of the property where it is not being viewed by
28 the traveling public. The other is probably significantly diminished because they are usually talking
29 about maintaining the aesthetics of the traveling corridor. That is a different situation because of the
30 location of the sign.

31
32 Mrs. Street thanked Mr. Earl for his explanation. She said she recalls they wanted to advertise Utah
33 Valley University events on the sign as well as other events in the community. She remembered the
34 discussion and how she did not object to that. Part of her concern with this application is making a
35 change that has larger implications. She does not want to stifle business or the ability to advertise or
36 to be successful, but she has to think about what the applicant is asking for in a broader context. That
37 is still a challenge for her.

38
39 Mr. Andersen said he is concerned about the Federal Fund issue raised by the Reagan attorney in
40 reference to the mall sign. None of the businesses being advertised are located in the mall. The City
41 Code says it has to be on-premise. State law says that it has to be on-premise as well. He suggested
42 the City Council can discuss this request for two signs when nothing has been done with the mall
43 sign for two years. He does not have a problem with the sign; he just has a problem with not
44 enforcing the ordinance.

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1 Mr. Davidson stated that staff has had conversations with the University Mall as it relates to the
2 sign. He expressed appreciation to Reagan Advertising for having a representative here to note its
3 concern. Mr. Davidson said the matter at hand tonight relates to billboards in the M2 zone. If they
4 would like staff to do additional research as it relates to some of the other concerns mentioned, they
5 are happy to do that. In addition, staff is prepared to bring forward revisions to the sign ordinance.
6 Staff is planning to review the changes to the ordinance with the Council at the end of this meeting.

7
8 Mrs. Street said she is surprised there are not more residents here this evening to weigh in on the
9 signage issue. She has had no real input from anyone in reference to this application.

10
11 Mrs. Black indicated she is thrilled that Wasatch is bringing this business to Orem. She said she does
12 not think that not allowing off-premise advertising means she is against their business.

13
14 Mr. Hansen expressed his concern with only having on-premise advertising. There seems to be
15 issues with the various billboard companies, and if someone does something wrong they will report
16 it. Mr. Hansen said even if their intention is to only advertise the companies that they are associated
17 with, there could be something in that gray area that causes them to be in trouble. He would really
18 like to be the front door and advertise east Orem businesses such as the University Mall and Savings
19 and Loan companies. Their billboards would be for local businesses. The reason there are national
20 billboards is because Reagan has a national clientele.

21
22 Mrs. Black said she has concerns about this being a citywide ordinance change. There is a reason
23 why the majority of cities no longer allow billboards. Billboards can be a Pandora's box. They have
24 to be very cautious in allowing new ones. She is a member of the Legislative Policy Committee with
25 the Utah League of Cities and Towns, so she hears billboard concerns all of the time.

26
27 Mr. Sumner said he is an advocate of advertising. However, he would like proof that this is going to
28 bring sales tax into Orem. The newspapers track their readership and the radio stations can track
29 their listeners, but he has not heard statics on how this will benefit Orem.

30
31 Mr. Hansen read from the information provided by Top Ad Media. It said there would be
32 \$466,000 in sales tax to the point of sale portion only. The City will also get property tax from their
33 one million square foot development. The schools will get revenue as well. They are not asking for a
34 handout from the city to do their development. He has always been a strong believer that
35 development should stand on its own if it is viable. They have three deals in the hopper that they are
36 looking at right now. The reason they bought this property is because it is on the freeway, and that is
37 natural advertising. There are thousands of people driving by every day. The biggest question is how
38 they advertise the most efficiently, the most fair, and in the broadest interest of the residents and
39 businesses in Orem. It will be the local businesses that want to advertise there. The beauty of this
40 request is that there will only be two signs on this parcel and a potential of only five new signs.

41
42 Mr. Seastrand noted he has appreciated the discussion. He could go either way on this, but he will
43 make a motion to go ahead and amend the ordinance because he does think billboards can be
44 beneficial to this development. He is concerned about additional blight but realizes that on-premise
45 advertising can be just as bad.

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1 Mr. Seastrand **moved**, by ordinance, to amend Section 14-3-3 of the Orem City Code pertaining to
2 billboard regulations. Mayor Evans **seconded** the motion.

3
4 Mrs. Street commented that she is inclined to support this motion. In previous meetings they have
5 discussed the nature and character of the Geneva Road corridor, and she has clarified with staff that
6 the ability to have more signs, even though it is within the M2 zone, it has to be within a certain
7 distance of the I-15 corridor. Therefore, it will not impact the Geneva Road side as much. She was
8 also persuaded by Mrs. Nelson's comment about the I-15 commute experience and the visual
9 aesthetic. Mrs. Street said she understands the character and importance of advertising to support
10 businesses in the community. She is able to overcome her concerns with this application because of
11 the limited expansion possibilities.

12
13 Mr. Andersen said he is supportive of this as well, and if the City gets serious about straightening up
14 the difference between on-premise and off-premise signage, they will need more signs. There are
15 some advertisers that will not have any place to advertise.

16
17 Mr. Sumner wanted to make sure this request in no way opens up the door to more signage on State
18 Street. He was told it would not. This is the M2 zone only.

19
20 Mayor Evans called for a vote. Those voting aye: Councilmembers Hans Andersen, Jim Evans,
21 Mark E. Seastrand, and Mary Street. Those voting nay: Mrs. Black, Mrs. McCandless, and Mr.
22 Sumner. The motion **carried** with a majority vote of 4 to 3.

23 24 6:20 P.M. PUBLIC HEARING

25 ORDINANCE - Amending Section 22-5-3(A) of the Orem City Code and the Zoning Map of 26 Orem, Utah, by Rezoning Property Located Generally at 775 East 1600 North From R12 to R8

27
28 Mr. Bench presented an applicant request that the City Council, by ordinance, amend Section 22-5-
29 3(A) of the Orem City Code and the Zoning Map of Orem, Utah, by rezoning property located
30 generally at 775 East 1600 North from R12 to R8.

31
32 The applicant owns a vacant lot in the R12 zone, which requires at least 12,000 square feet per lot.
33 The applicant's lot is 17,149 square feet. As the property and zoning exist, the lot is legal for a single
34 dwelling. The applicant requests the zoning of the property be changed to R8, which requires a
35 minimum of 8,000 square feet per lot. In the R12 and R8 zones, a dwelling must have at least a
36 finished footprint area (exclusive of a garage) of 1,000 square feet for a single-story home or
37 650 square feet on the main level and 550 on the second level if the home is two stories.

38
39 The General Plan identifies future land uses and states the location of the subject property is suitable
40 for Low Density Residential (LDR). The LDR classification is implemented by the PRD, R8, R12,
41 and R20 zones. The property surrounding the subject property is zoned R12 and PD-6, which is the
42 former WordPerfect office campus. The General Plan goes on to state:

43
44 *The Low Density Residential (LDR) classification is established to provide the majority of the housing stock within*
45 *Orem. Typical suburban neighborhoods with single-family homes on individual building lots should comprise the*
46 *majority of development within the LDR classification. Low Density Planned Residential Developments should be*
47

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1 scattered evenly through the City subordinate to the single family home. Except for PRDs, the appropriate housing
2 density shall be up to 4 units per gross acre.
3

4 At the Planning Commission meeting on July 10, 2013, there was some discussion as to whether this
5 request constitutes a “spot zone.” Utah Code Section 10-9a-505.5(3)(a) states that “There is no
6 minimum area or diversity of ownership requirement for a zone designation.” Based on the State
7 Code and the Orem General Plan, the City can rezone properties within the LDR designation to an
8 R8, R12, R20, or PRD zone or a combination of the zones in the LDR designation as indicated
9 above and still conform to the Orem General Plan.
10

11 A neighborhood meeting was held on April 26, 2013, with nine people in attendance. A majority of
12 those at the meeting were not supportive of the request.
13

14 Advantages:

- 15 • The proposed lots meet the requirements of the R8 zone
- 16 • The plot plans provided for both lots show how homes can fit on the proposed lots exceeding
17 the minimum finished floor area requirement of 1,000 square feet
18

19 Disadvantage:

- 20 • The proposed lots are odd shaped and are not the typical lot size or shape found in the area
21

22 The Planning Commission made a recommendation that the City Council deny this request based on
23 the size of the lots not fitting into the R12 neighborhood. However, based on compliance with the
24 General Plan, and the fact that the proposed subdivision meets the minimum requirements of the
25 R8 zone, staff recommends the City Council consider approving the rezone as requested.
26

27 Mr. Seastrand asked what fencing is allowed on the back lot property line along 1600 North. Mr.
28 Bench noted they would have to work with the Transportation Engineer to determine the site
29 visibility and other issues. There may be some issues that would limit the fence options in that area.
30

31 Mrs. Street asked the distance requirement for the south lot driveway. Mr. Bench said it would have
32 to be fifty feet from the intersection.
33

34 Mrs. Street questioned if there is a distance requirement to separate the driveway for the two lots.
35 Mr. Bench said it would be based on traffic engineering. The City would prohibit access from
36 1600 North.
37

38 Jack Potter, applicant, said he purchased the property from his wife’s aunt with the intention of
39 building him a home. Soon after his purchase, the economy fell, and he put the property up for sale
40 at fair market price. He did not receive any offers. Mr. Potter then gave an inventory of the homes in
41 his neighborhood, He noted the majority of the homes range from \$185,000 to \$280,000. The homes
42 and landscaping on his two lots would be an improvement to the neighborhood.
43

44 Mayor Evans opened the public hearing.
45
46

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1 Ron Wilkinson, neighbor, stated that when he purchased his home he was told he had to build an
2 upper class home with a lot of landscaping. He read a statement listing the building requirements for
3 the Mountain Oaks subdivision. Tor the Council to approve this would be a disservice to others who
4 have made the same request. The closest R8 zone to this subdivision is on 1600 North, and the lots
5 were designed for smaller homes. The Potters knew when they purchased the property that this was
6 an R12 zone. This area is treacherous in the winter because it is hard for people to make it up the
7 hill.

8
9 Teresa Horn, neighbor, advised that many of the neighbors did not know about this rezone request.
10 She displayed a map showing the homes that she hand delivered a notice to because they had not
11 received anything. She said the congestion of adding two more homes on Mountain Oaks Drive
12 would cause a greater safety challenge.

13
14 Arthur Boyadjian, resident, said this area pays higher taxes because they have large homes. The
15 proposed homes will have lower taxes because they are smaller homes, and that is unfair. The
16 Planning Commission made a recommendation that the City Council deny this request. He
17 recommended the City Council vote no on this request because the people in this area are against it.

18
19 Skip Anderson, neighbor, noted that he was a State Highway Engineer and worked with the Utah
20 Department of Transportation (UDOT). He was involved with many interchanges within the City of
21 Orem. Right now, 1600 North is operating as a two-lane road, and people try to avoid it as much as
22 possible. It would be a good time for the City to adopt a master plan for that area that would protect
23 future right-of-way for any future improvements. It might also be good to buy a portion of the
24 property in question and not to allow encroachment on it so it can be used for possible future
25 expansion.

26
27 Steve DeVore, neighbor, noted his property overlooks the property in question. He said he did not
28 receive anything in the mail in reference to this zone change. He learned about this because of Ms.
29 Horn going through the neighborhood. Mr. Potter has explained that his rationale of wanting to
30 rezone this property is because of financial difficulty. Mr. DeVore said the City Council does not
31 have to make special accommodations because of financial needs. Mr. Potter can build a home there,
32 but he should not be allowed to subdivide the lot.

33
34 Bill Colorado, neighbor, expressed concern with the devaluation of his property and the traffic
35 safety. He would like to have the Potters build a home there, but he does not want two homes on that
36 lot. Getting up that hill in the winter is difficult and having two additional driveways there would
37 make it worse.

38
39 Tawny Merrill, neighbor, said there are four roads that converge onto 800 East. Due to the
40 convergence of these roads, it is a safety hazard for those that frequent this area. She displayed
41 pictures of various traffic problems they have had in that area and explained this will be worse in the
42 winter due to the steepness of the hill. She proposed the City Council postpone this decision to allow
43 a traffic engineer come in and review the situation to determine whether it is safe to have two
44 additional driveways on that street. She encouraged the City Council to determine if they are going
45 to agree to the request of one person who is trying to maximize his personal profits or if they will
46 respect the wishes of the constituents who reside in the neighborhood that will be affected by the
47 rezone. The neighbors have overwhelmingly rejected the idea of rezoning this lot. She noted there is

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1 not a single lot north of 1600 North between 800 East and 400 East that is zoned R8. To allow one
2 lot to be R8 would be an injustice to the hundreds of Orem residents that reside in that area.

3
4 Keith Hunt, neighbor, noted the Planning Commission recommended the City Council deny this
5 request based on the size of the lots not fitting into the R12 neighborhood. He asked staff how they
6 got from an R12 neighborhood down to being in compliance with an R8 zone.

7
8 Mr. Bench explained that the R8 zone is one of the options in the Low Density Residential (LDR)
9 designation in the General Plan. This area has a General Plan designation of LDR. If someone wants
10 to propose a rezone, they have a right to come before the City Council to ask for any of the zones
11 listed in that designation.

12
13 Mr. Bench then displayed the R12 area on the overhead. He pointed out the R8 area on 1600 North
14 in relation to the subject property.

15
16 Ron Wilkinson, neighbor, said this decision will affect all of the neighbors above Bowl Drive. There
17 is a traffic congestion problem in that area and having two homes on this lot with one of the
18 driveways on the curve of the merge will cause a greater problem. He implored the City Council to
19 deny this request.

20
21 Diane Decker, neighbor, stated that she has lived in this neighborhood for 27 years. When they built
22 their home, they had to go through a very strict process. She had to enlarge a portion of her house
23 plan in order to meet the requirements. She indicated that 3 of her neighbors had to do the same
24 thing. There is a home in this neighborhood that is 8,000 square feet. She said she would love to
25 have the Potters build on their property, but she does not want to homes on that lot. It is very
26 dangerous right now, and having 2 homes does not make safety sense.

27
28 Richard Brunst, neighbor, expressed concerns with regards to safety. He asked Mr. Bench to display
29 the map of the area. Mr. Brunst gave a traffic scenario which showed the dangerous nature of the
30 street, noting it would be a hazard to have a driveway in the proposed area. He then said he would
31 like to have a line of site investigation coming off of Bowl Drive as to whether or not they can see a
32 car pulling out of the proposed driveway. He asked that the stopping distances be looked at for the
33 cars coming in and the speeds coming in from all three sections. He voiced his belief that this is a
34 hazard and will cause harm to the people in the area.

35
36 Jan Peterson, neighbor, said Mr. Potter commented that many of the homes in the area do not look
37 good. She said she moved into her home ten years ago, and her home was built in 1999. She is not
38 sure what homes do not have value that Mr. Potter referenced. When Mr. Potter talks about his
39 property taking a hit with the economy, it was not just his lot. Everyone took a hit. The values of
40 their homes are not what they were when Mr. Potter bought his lot. Ms. Peterson expressed her
41 opinion that dividing the property into two lots would not help any property values in the area. She
42 recommended they leave the property as is.

43
44 Larry Park indicated he is the son of the previous property owner and the executor of her estate. He
45 gave a history of some of the homes in the neighborhood. Many of the homes in that area belong to
46

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1 his family members. He expressed concern with the traffic safety of the area and asked the City
2 Council to consider the things that have been said this evening and deny the rezone request.

3
4 Mayor Evans closed the public hearing.

5
6 Mr. Potter showed where the driveways would be located on the overhead map. He noted there
7 would be a driveway on the curve whether there was one or two houses. Mr. Potter noted these
8 houses will each be approximately 3,600 to 3,800 square feet, which is not small. Mr. Wilkinson's
9 home is 3,422 square feet, and the landscaping is not very nice. The Park's home was built in 1955,
10 and it is 3,200 square feet. The Shurtleff's house was built in 1972 and it is 2,800 square feet. He
11 commented on the size of various homes in the neighborhood, noting that many are smaller than he
12 intends to build. Mr. Potter said his property is a lot larger than it looks, and when the landscaping is
13 in, it will look like a larger lot. Most of the lots in the neighborhood have a large area that is
14 unusable due to the slope.

15
16 Mayor Evans asked if the City Engineer would have to look at the location of the driveway to make
17 sure it was safe. Mr. Bench agreed that staff would have to approve it. He would probably move it
18 farther away from 1600 North.

19
20 Mrs. Black noted that she visited the site to see what the concerns would be. Her independent
21 analysis was that there would be a safety concern with two small lots on that odd shaped property.
22 She also feels that there needs to be a compelling reason to change a zone, and she has not heard a
23 compelling reason tonight. This request is out of character with the neighborhood because of the
24 smaller lots. The Planning Commission has recommended denial.

25
26 Mayor Evans said he does not like to go up that drive to get to his house because of the traffic. He
27 has driven by that area for the past twenty-eight years, and he has seen a lot of crazy traffic things
28 happen. Mayor Evans stated if this is approved, he would like the driveway moved away from the
29 intersection to make it safer.

30
31 Mr. Seastrand thanked everyone for their comments. He said for him it comes down to whether or
32 not there is a compelling reason why it could not remain a single lot. As he has looked at the various
33 homes in the neighborhood, they all seem to be consistent and compatible. He is not inclined to
34 make the change from an R12 to an R8 for that lot. He cannot see a reason that the lot cannot be
35 developed as R12.

36
37 Mr. Seastrand then **moved** to deny the request to amend Section 22-5-3(A) of the Orem City Code
38 and the Zoning Map of Orem, Utah, by rezoning property located generally at 775 East 1600 North
39 from R12 to R8. Mrs. Black **seconded** the motion.

40
41 Mr. Sumner indicated that he fully supports individual property rights and their ability to do what
42 they want on their property; however, the safety issues in this area do not work with allowing two
43 homes.

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1 Mayor Evans called for a vote. Those voting aye: Councilmembers Hans Andersen, Margaret Black,
2 Jim Evans, Karen A. McCandless, Mark E. Seastrand, Mary Street, and Brent Sumner. The motion
3 **passed** unanimously.
4

5 Keith Hunt noted that Russ Park was the founder of Parks Sportsman. He was also the guiding force
6 on the Planning Commission for years and years. He was the one who got all of that land designated
7 as R12. It was interesting to see the next generation try to downgrade it at this time.
8

9 MOTION – Designation of Argument Drafters for Voter Information Pamphlet

10
11 Greg Stephens, City Attorney, presented a staff recommendation that the City Council, by motion,
12 designate the drafters of the “for” arguments and the “against” arguments for the CARE Tax opinion
13 question and the property tax referendum.
14

15 Orem voters will consider two ballot propositions at the November 5, 2013, election – the CARE
16 Tax opinion question and the property tax referendum.
17

18 State law (U.C.A. §20A-7-402) requires the City to distribute a voter information pamphlet that
19 includes one “for” argument and one “against” argument for each ballot proposition.
20

21 Several people and organizations have requested the opportunity to prepare the arguments for the
22 voter information pamphlet. Because only one “for” and one “against” argument for each ballot
23 proposition can be included in the voter information pamphlet, the City Council must designate one
24 person, group or entity to submit each argument.
25

26 State law requires the City Council to make the designation according to the following criteria:

- 27 1. Sponsors have priority in preparing an argument regarding a ballot proposition; and
- 28 2. Members of the local legislative body have priority over others.
29

30 Mr. Davidson reviewed the names of those who have submitted an interest in drafting the language
31 for the arguments.
32

33 Mrs. Black asked if the Mayor has spoken with the others interested in drafting the “for” argument
34 for the property tax question. Mayor Evans said he has, and they all want to work together to share
35 ideas for the argument.
36

37 Mr. Davidson said it would be helpful to identify a “process owner” in this.
38

39 Mayor Evans replied that he is fine having Carl Hernandez listed as the process owner.
40

41 Mr. Andersen said he has spoken about working with others in this process, so he would like to add
42 their names to his list as well.
43

44 Mayor Evans opened the meeting for public comment.
45
46

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1 Sharon Anderson said she received the information she was interested in, so she does not have any
2 additional comments.

3
4 Mayor Evans closed the meeting to public comment.
5

6 Mr. Seastrand **moved** to designate Carl Hernandez as the drafter of the “for” argument for the
7 property tax question and Richard Davis, Citizens for CARE, as the drafter of the “for” argument for
8 the CARE Tax and Hans Andersen as the drafter of the “against” argument for the CARE Tax
9 opinion question and the property tax question. Mr. Seastrand asked that the City Recorder let these
10 individuals know they were chosen and make them aware of the deadline for the argument submittal.
11 Mayor Evans **seconded** the motion. Those voting aye: Councilmembers Hans Andersen, Margaret
12 Black, Jim Evans, Karen A. McCandless, Mark E. Seastrand, Mary Street, and Brent Sumner. The
13 motion **passed** unanimously.
14

15 **COMMUNICATION ITEMS**

16

17 There were no comments on the communication items.
18

19 **CITY MANAGER INFORMATION ITEMS – Continued**

20

21 Sign Ordinance

22 Mr. Davidson asked Mr. Bench and Bill Bell to speak with the City Council about the proposed
23 changes to the sign ordinance. Mr. Bell noted staff has tried to involve the community in this
24 process. They met with Val Hale and various businesses, and they have looked at other cities sign
25 ordinances. Staff is planning to bring the sign ordinance to the Planning Commission on October 2nd
26 and will bring it to the City Council on October 8th. He complimented the legal staff for the work
27 they have put into this ordinance change.
28

29 Mr. Bench reviewed some of the proposed changes of the sign ordinance, which included:

- 30 • Two noncommercial flags and one commercial flag allowed with a permit in the
31 Commercial or Industrial zones (On State or Federal recognized holidays the number of flags
32 shall not be limited)
 - 33 • Monument signs
 - 34 ○ All freestanding monument signs shall be mounted on a base with no visible interior
35 support
 - 36 ○ Increased to eight feet in height and fifty square feet for developments with two or
37 more tenants
 - 38 ○ All new two tenant or greater developments shall be required to have a monument sign
 - 39 • Kiosk signs (In UDOT or Orem right-of-way and City parks)
 - 40 ○ Wayfinding sign (one of three faces)
 - 41 ○ Wifi
 - 42 ○ Book exchange
 - 43 ○ Up to twelve feet in height
 - 44 ○ Approved by development agreement
 - 45 ○ Revenue source for the City
 - 46 ○ Unique identity for the City
- 47

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- 1 • Light Pole Signs
 - 2 ○ Permitted on private property (two feet wide by six feet tall)
 - 3 ○ No permit required
 - 4 ○ Private signs may not overhang the right-of-way
 - 5 ○ Public light poles for community events
- 6 • Specifying temporary reader boards
 - 7 ○ Not to exceed thirty-two square feet and five feet in height
 - 8 ○ Located ten feet from the public right-of-way
 - 9 ○ Maximum of thirty days in any calendar year
- 10 • Temporary signs
 - 11 ○ Portable signs changed to temporary signs and do not require a permit
 - 12 ○ A business shall be permitted to have one temporary sign banner, temporary blade
 - 13 sign, or an A-frame sign on any commercial parcel
 - 14 ○ A commercial complex shall be permitted one temporary sign per parcel
 - 15 ○ Up to two temporary signs if a parcel has 150 feet of frontage (current standard on
 - 16 University Parkway to be allowed in other areas)
 - 17 ○ The two signs may include a combination of flags, banners, blade sign or A-frame
 - 18 signs if permitted
 - 19 ○ Temporary signs include:
 - 20 ▪ Banner signs (fifty square feet at five feet high)
 - 21 ▪ Banner blade sign (twenty square feet and twelve feet high)
 - 22 ▪ A-frame sign (sixteen square feet and four feet high)
 - 23 ▪ Temporary business permitted one temporary sign for the duration of the 120-
 - 24 day approval
 - 25 ▪ Sports field signs located on the interior of the sports field of the purpose of
 - 26 advertising to those in attendance and not to the traveling public

27
28 Mrs. Street recommended the City Council approve the idea of a State Street Plan and creating a
29 Community Development Area (CDA) or an Economic Development Area (EDA). This would
30 provide a way for the current taxing entities to make some funding available for a revolving loan
31 program for façade or signage upgrades. She would like the City Council to move forward in
32 designating State Street as an area of interest for economic development with a variety of tools
33 available, such as a CDA or EDA. Neither of those require the participation of the Alpine School
34 District in order for the City to create them. It just requires the City to have a plan and some
35 cooperation from the taxing entities.

36
37 Mr. Andersen said he would like to address the University Mall sign. The mall has 180 businesses
38 inside and none of them can afford to advertise on the mall sign. The businesses on the sign have a
39 leaflet lease, which is not really on-premise advertising. Mr. Andersen suggested staff add another
40 point to the sign ordinance discussion to address this issue.

41
42 Mr. Bell stated that they are addressing this in the proposed ordinance change.

43
44 Mr. Bench asked the Councilmembers to email him any comments or suggestions prior to the
45 Planning Commission meeting.

46
47

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Employee Resignation

1 Mr. Davidson noted Rachelle Conner, Deputy City Recorder, has made a decision to leave the City
2 of Orem. This is not a decision she necessarily wanted to focus on; however, he wanted to publicly
3 thank her for her contributions. He said they are excited for her and her new opportunity, but the
4 City will miss her as she moves on to the City of Draper.
5

UTOPIA Information

6
7 Lester Moody, resident, noted he and a group of others would like to get accurate information on
8 UTOPIA. He would like the following questions answered:
9

- 10 • How many homes have the service available
- 11 • How many homes have purchased the service
- 12 • How many homes do not yet have the service available
- 13 • How many businesses have the service available
- 14 • How many businesses have purchased the service
- 15 • How many businesses do not yet have the service available
- 16 • How much revenue was generated during the first six months of 2013 both for business and
17 homes
- 18 • What is the current obligation of Orem to UTOPIA
- 19 • What is the additional bond obligation the City is obligated to pay
- 20 • What are the hookup fees
- 21 • What are the programs being defined

22
23 Mr. Davidson noted he would be happy to meet with Mr. Moody to answer his questions.
24

ADJOURNMENT

25
26
27 Mr. Andersen **moved** to adjourn the meeting. Mr. Seastrand **seconded** the motion. Those voting aye:
28 Councilmembers Hans Andersen, Margaret Black, Jim Evans, Karen A. McCandless, Mark E.
29 Seastrand, Mary Street, and Brent Sumner. The motion **passed** unanimously.
30

31 The meeting adjourned at 9:54 p.m.

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OREM CITY COUNCIL/ALPINE SCHOOL DISTRICT
SPECIAL JOINT MEETING
56 North State, Orem, Utah
September 16, 2013

This meeting was for discussion purposes only. No official action was taken.

CONDUCTING	Mayor Jim Evans
OREM ELECTED OFFICIALS	Mayor Jim Evans; Councilmembers Margaret Black, Karen McCandless, Mark Seastrand, and Mary Street
OREM STAFF	Jamie Davidson, City Manager; Jon Amundson, Assistant City Manager; and Rachelle Conner, Deputy City Recorder
ALPINE BOARD OF EDUCATION	John Burton, Paula Hill, and Debbie Taylor
ALPINE SCHOOL DISTRICT ADMIN.	Vern Henshaw, Superintendent
EXCUSED	Councilmember Brent Sumner
ABSENT	Councilmember Hans Andersen
INVOCATION	Jamie Davidson

Mayor Evans called the meeting to order at 12:25 p.m.

Items of Common Interest

Enrollment Numbers

Mr. Henshaw said they have had a successful start to the school year. They have opened up Westmore Elementary and are pleased with the progress at Cherryhill Elementary. When looking at projection numbers, Orem has 63 more elementary students this year than last year. This may seem flat, but there have been some years where there was a decline of approximately 250 students. Oak Canyon Junior High had a slight increase this year due to a boundary line change. The high schools had an increase of approximately 80 students.

“What Counts” Process

The Board of Education has worked very hard in reviewing the information from the “What Counts” process. One of the areas they looked at is class sizes. They have given schools more money to bring additional teachers into those schools. This has helped reduce the class size from approximately thirty-five to thirty students. This information will be mailed out to those who were involved in the process.

49 Joint Meeting Agenda

50 Debbie Taylor indicated there has been some negative feedback in reference to the vagueness of the
51 joint meeting agenda. It was recommended that a blurb explaining the items of common interests be
52 added to the next agenda.

53

54 Utah Valley University Community Relations Committee

55 Mrs. Black explained that she and Mrs. Street sit on the Utah Valley University Community
56 Relations Committee. The Provo Superintendent attends the meetings, but there is no one from the
57 Alpine School District. She invited members of the Alpine School District to attend as her guests.
58 The next meeting will be held in January. The committee only meets about three times a year. It was
59 determined that Mr. Henshaw and Mrs. Taylor would attend in January.

60

61 Orem Assistant City Manager

62 Mr. Davidson introduced Jon Amundson as the new Assistant City Manager. Mr. Amundson comes
63 from Richland, Washington, and the City is very excited to have him on staff.

64

65 800 East Road Construction

66 Mr. Davidson gave a brief update on the progress of 800 East. Orchard Elementary and Canyon
67 View Junior High will be affected by the road construction project. Due to the nature of the rebuild,
68 the City has held off on the construction until after school ends next year. It will take a few months
69 to complete the project. They have notified the neighbors in the area about the situation.

70

71 HAWK System – 800 East

72 Mayor Evans noted they had previously talked about working together to put in a HAWK system on
73 800 East to make the road safer for students. Orem would like to do this while the road is torn up
74 during construction.

75

76 Mr. Davidson indicated the cost for the system is \$150,000, and they had talked to the District about
77 sharing the cost of the system.

78

79 Mr. Henshaw said Orem should work with Rob Smith, Assistant Superintendent, to coordinate.

80

81 Recent Storm Damage

82 Mr. Davidson advised that the City had a pretty significant water problem after the storm a little over
83 a week ago. That situation made him aware of the need to coordinate the various emergency plans
84 and communication plans. It is important that they work together to have the phone numbers
85 available for key individuals.

86

87 Fitness Center Remodel

88 Mr. Davidson said the City is planning to expand the Orem Fitness Center. They will be adding an
89 aquatics pool to the facility. This will have an impact on Mountain View High School, so the City
90 will need to coordinate with the high school. It might impact parking on certain days.

91

92 Lissy Sarvala, Fitness Center Manager, indicated they have talked to the high school so they are
93 aware of the construction schedule. The pool will remain open during the swim competition season.

94

95 Orem Youth Council

96 Mr. Davidson said Orem has a great history of having many students apply for the Orem Youth City
97 Council Program. However, this year they have only had three students apply. They have extended

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98 the deadline in the hopes more students will apply. They will have to look at the program to see if
99 this is something they want to continue with.

100

101 Growth

102 Mr. Davidson noted that Orem has had approximately 1,500 housing units go through the
103 development process. They have not gone to the permit process yet, but the numbers are increasing
104 and could impact Orem schools.

105

106 Emergency Plan

107 Mr. Seastrand asked whether any of the schools sustained damage during the recent storm and
108 questioned what would happen if this occurred during the school day. Mr. Henshaw said they would
109 just keep everyone in the school until the storm passed.

110

111 UTOPIA

112 Mrs. Street said it became public today that the UTOPIA service providers are now offering 1-gig
113 speed up and down for as low as \$64.95 per month. This is an exciting announcement for all of the
114 UTOPIA cities. They are all working together to help the service be successful.

115

116 Set Date and Time for Next

117 The next meeting was scheduled for November 14, 2013, at noon in Orem.

118

119 The meeting adjourned at 1:02 p.m.

UPCOMING EVENTS

DATE	BUSINESS AND LOCATION	TYPE
OCT 9	FIRE PREVENTION 10:00 AM – 8:00 PM Station #3, 255 N. 1200 W.	OPEN HOUSE
NOV 5	GENERAL ELECTION	
NOV 25	CITY OF OREM 6:00 PM City Center Front Lawn	LIGHTS ON!
DEC 3	CITY COUNCIL / EXEC. STAFF 6:00 PM Council Chambers	CHRISTMAS PARTY
JAN 6	CITY OF OREM 12:00 NOON Council Chambers	SWEARING-IN CEREMONY

CITY OF OREM
CITY COUNCIL MEETING
 OCTOBER 8, 2013



REQUEST:	6:20 P.M. ORDINANCE – Amending Chapter 14 of the Orem Code (Signs)
APPLICANT:	Development Services
FISCAL IMPACT:	None

NOTICES:

- Posted in 2 public places
- Posted on City webpage
- Posted on the State Noticing Website
- Faxed to newspapers
- Emailed to newspapers
- Posted on State website

SITE INFORMATION:

- General Plan
N/A
- Current Zones
N/A
- Acreage
N/A
- Neighborhood
N/A
- Neighborhood Chair
N/A

PLANNING COMMISSION RECOMMENDATION
Public hearings scheduled for October 2, 2013 and October 16, 2013

PREPARED BY: David Stroud, AICP Planner
APPROVED BY:

REQUEST:

The Department of Development Services requests the City Council, by ordinance, amend Chapter 14 of the Orem City Code pertaining to signs.

BACKGROUND:

On October 9, 2012, the City Council approved an amendment to Chapter 14 of the City Code to allow a limited number of portable signs on University Parkway. Since that time, there have been requests from other property owners to allow portable signs along other commercial streets such as State Street and 800 North. Pursuant to these requests, City staff have taken a second look at the ordinance governing portable signs and have proposed modifying the sign ordinance to allow portable signs on all properties located in a commercial zone. Under the current staff proposal, one portable sign would be allowed on any commercial property and two portable signs would be allowed on any commercial property that has 150 feet or more of frontage on a public street.

Concurrent with the changes to the portable sign provisions, staff have also undertaken a major overhaul of the entire sign ordinance with the intent of eliminating any potential content-based provisions that could be deemed contrary to the requirements of the First Amendment to the United States Constitution. Pursuant to this goal, City staff have eliminated from the ordinance several types of signs whose definitions were content based, added several new sign definitions and modified the definition of others.

The proposed changes to Chapter 14 of the Orem Code have been included with this agenda summary. Because the Planning Commission has not yet provided a formal recommendation on the proposed amendments, the Council cannot approve any amendment to Chapter 14 on October 8, but can discuss it, take public comment and suggest changes. It is recommended that the Council then continue the item to the October 22, 2013 meeting by which time the Planning Commission should have made a formal recommendation and the Council will then be able to take any action it desires regarding the proposed amendments.

CHAPTER 14. SIGNS

- Article 14-1. Administration**
- Article 14-2. General Requirements**
- Article 14-3. Definitions and Regulations**
- Article 14-4. Nonconforming Signs**

Article 14-1. Administration

- 14-1-1. Title.**
- 14-1-2. Findings.**
- 14-1-3. Purpose.**
- 14-1-4. Sign Zones.**
- 14-1-5. Interpretation.**
- 14-1-6. Appeals.**
- 14-1-7. Penalties.**
- 14-1-8. Non-waiver**
- 14-1-9. Validity.**
- 14-1-10. Amendments.**
- 14-1-11. Illegal Signs Not Grandfathered.**
- 14-1-12. Exemptions.**

14-1-1. Title.

The ordinance contained in this Chapter shall be known as the "Sign Ordinance of the City of Orem." (Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0032, Amended, 11/08/94)

14-1-2. Findings.

The City Council of the City of Orem finds that an excess of unregulated signage causes visual blight in the City, may distract the attention of motorists and pedestrians, may obstruct views, may negatively impact local property values, may displace alternative land uses, and may pose other problems that legitimately call for regulation.

14-1-3. Purpose.

The purpose of this sign ordinance is to protect and promote the health, safety and general welfare of City residents and businesses by regulating the design, materials, size, construction, installation, location and maintenance of signs and sign structures in a manner consistent with the First Amendment of the United States Constitution and the Constitution of the State of Utah in order to achieve the following goals and objectives:

- A. To minimize distractions and obstructions that may be caused by signs and thereby reduce potential hazards to motorists and pedestrians;
- B. To preserve and improve the natural beauty and aesthetic quality of the City by reducing the visual clutter caused by an excess of signs and to thereby increase the desirability of the City as a place to live and work and as an attraction for nonresidents to visit;

- C. To encourage signs that are harmonious with the property on which they are located;
 - D. To safeguard and enhance property values;
 - E. To provide for ample and adequate means of communication of both commercial and noncommercial messages to the public;
 - F. To preserve the residential character of residential neighborhoods and residential zones; and
 - G. To reduce the incompatibility between signs and their surroundings.
- (Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0032, Amended, 11/08/94; Ord. No. O-09-0014, Amended 06/23/2009)

14-1-4. Sign Zones.

The location and boundaries of the zones wherein the various types of signs allowed by this Chapter may be placed are shown on the map entitled "Sign Zone Map of the City of Orem" which is part of this Chapter and which shall have the force and effect of law. (Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0032, Rep&ReEn, 11/08/94; Ord. No. O-97-0002, Amended, 01/14/97; Ord. No. O-97-0022, Amended, 04/22/97; Ord. No. O-97-0025, Amended, 04/22/97; Ord. No. O-97-0046, Amended, 10/21/97; Ord. No. O-98-0034, Amended, 07/28/98; Ord. No. O-98-0036, Amended, 07/28/98; Ord. No. O-08-0032, Amended 11/11/2008; Ord. No. O-09-0006, Amended 02/10/2009; Ord. No. O-09-0007, Amended 02/10/2009; Ord. No. O-2010-0017, Amended 06/22/2010; Ord. No. O-2012-0011, Amended 05/08/2012.)

14-1-5. Interpretation.

A. The provisions of this Chapter shall be final. Signs not specifically allowed herein shall be prohibited. (Ord. No. 661, Revised, 04/10/90; Ord. No. O-09-0014, Amended 06/23/2009)

B. A noncommercial message of any type is allowed on any permitted sign and may be substituted for any duly permitted or allowed commercial message or any duly permitted or allowed noncommercial message, provided that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this sign code. The purpose of this provision is to prevent inadvertently favoring commercial speech over noncommercial speech. This provision does not create a right to increase the total amount of signage on a parcel, lot, building or structure, nor does it affect the requirement that a sign structure or mounting device be properly permitted or otherwise excuse compliance with other applicable regulations contained within this sign code with respect to the physical characteristics and location of signs. (Ord. No. 661, Revised, 04/10/90)

C. The Orem City Council intends that this sign ordinance be interpreted in a manner that is consistent with the free speech protections and provisions of the United States Constitution and the Constitution of the State of Utah.

D. Where a sign fits under more than one sign definition, the regulations for all applicable sign categories shall apply with the most restrictive taking precedence over any less restrictive provisions, unless a contrary intent is clearly indicated.

14-1-6. Appeals.

Any person who has been ordered by the City to alter or remove any sign, or any person whose application for a sign permit has been refused, may appeal to the Board of Adjustment by filing a written appeal with Development Services within ten (10) calendar days of the receipt of the order or refusal of the City. The applicant shall also pay a fee for such appeal as set forth by resolution of the City Council. Any appeal shall be solely for the purpose of reviewing the interpretation given the terms of the Chapter by the City, and not to vary the terms in any way. Upon filing of the appeal, the City shall take no further action with regard to the removal of the sign involved until the Board of Adjustment makes a final decision on the appeal. However, if the City finds that the sign presents an immediate or serious danger to the public, the City shall proceed immediately to have the sign altered or removed.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0032, Ren&Amd, 11/08/94, 14-1-7)

14-1-7. Penalties.

It shall be unlawful for any person to violate any of the provisions of this Chapter. Any person, firm or corporation, whether as principal, agent, employee, or otherwise, violating or causing the violation of the provisions of this Chapter shall be guilty of an infraction and upon conviction thereof shall be punished by a fine of not more than seven hundred fifty dollars (\$750.00). Each and every day a violation occurs shall constitute a separate offense.

14-1-8. Non-waiver.

The City's failure to take appropriate action against violations of this Chapter shall not be a waiver of any of the rights of the City as set forth in this Chapter.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0032, Ren&Amd, 11/08/94, 14-1-8)

14-1-9. Validity.

If any provision of this Chapter shall be held invalid, the same shall not affect the validity of this

Chapter as a whole or any provision thereof, other than the part held to be invalid.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0032, Ren&Amd, 11/08/94, 14-1-10)

14-1-10. Amendments.

All proposed amendments to this Chapter shall be submitted first to the Planning Commission for its recommendation and then to the City Council.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0032, Ren&Amd, 11/08/94, 14-1-11)

14-1-11. Illegal Signs Not Grandfathered.

Previous illegal signs shall not be grandfathered in under this ordinance.

14-1-12. Exemptions. The following signs shall not be subject to the provisions of this Chapter:

- A. Signs erected by the City or the State of Utah that regulate or control traffic.
- B. Any sign whose copy is not visible from a public right of way.

Article 14-2. General Requirements

- 14-2-1. Permits.
- 14-2-2. Maintenance.
- 14-2-3. Signs Used with an Approved Site Plan.
- 14-2-4. Prohibited Sign Locations.
- 14-2-5. Prohibited Signs.
- 14-2-6. Confiscation of Signs.
- 14-2-7. Abandoned Signs.
- 14-2-8. Unsafe or Dangerous Signs.

14-2-1. Permits.

A. Permits Required. Except as provided in this Chapter it shall be unlawful for any person to erect, alter or relocate a sign within the City of Orem without first obtaining a sign permit from the City.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0032, Ren&Amd, 11/08/94, 14-3-1)

B. Application. Application for a permit shall be made to the City upon a form provided by the City and shall contain such information as may be required to assure compliance with all appropriate laws and ordinances of the City, including but not limited to the following information:

1. A site plan drawn to scale indicating the location of the proposed signage, existing signage, existing and future buildings, property lines, streets, sidewalks, landscaped areas, parking areas, and driveways.

2. A drawing to scale indicating the proposed sign dimensions, construction specifications, electrical components and wiring, method of attachment, and character of structural members to which attachment will be made.

3. An elevation drawing of existing or future buildings that will display the attached signage.

4. Any other reasonably related information deemed necessary by the City.

5. Where required by the Chief Building Official, all sign permit applications shall be accompanied by a drawing stamped by an appropriate engineer, licensed by the State of Utah, attesting to the adequacy of the proposed construction of the sign and its supports demonstrating conformance with the applicable provisions of the International Building Code.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0032, Ren&Amd, 11/08/94, 14-3-1)

C. Permit Issuance.

1. The City shall issue a permit for the erection, alteration, or relocation of a sign within the City when an application has been properly made, the appropriate fees have been paid, and the

proposed sign complies with all applicable laws of the City.

2. Every permit issued by the City under the provisions of this Chapter shall expire and become null and void if the work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit, or if the work authorized by such permit is suspended or abandoned prior to completing the sign for a period of one hundred eighty (180) days or more at any time after the work is commenced. Before such work can be commenced or resumed a new permit shall be obtained and the new fee paid. The new fee shall be one-half (1/2) the amount required for the original permit provided no changes have been made in the original plans and specifications and that such suspension or abandonment has not exceeded one year.

3. The City may in writing suspend or revoke a permit issued under provisions of this Chapter whenever the permit is issued on the basis of a material omission or misstatement of fact or in violation of any ordinance.

4. No permit for a sign issued by the City shall be deemed to constitute permission or authorization to maintain a public or private nuisance nor shall any permit issued hereunder constitute a defense in an action to abate a nuisance.

5. Sign permits for new or additional signs shall not be issued for a specific occupancy if such occupancy displays unlawful signs. A sign permit may be issued for a specific occupancy provided the terms of the permit specify modification or removal of nonconforming signs resulting in conformity with this Chapter.

6. Signs for which a permit has been issued shall not be erected, installed, maintained, or displayed except in complete conformance with all terms, requirements, and stipulations specified by the permit.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0032, Ren&Amd, 11/08/94, 14-3-1)

D. Construction Standards.

1. All signs erected in the City shall comply with the provisions of the National Electric Code and International Building Code as adopted by the City.

2. All permanent signs must be built of durable and permanent materials. Permanent signs must have a durable, sign builder's identification tag which is visible from the ground.

3. Permanent power sources for signs must be concealed underground away from public view or within the structure of the sign or building to which the

sign is attached and shall comply with all provisions of the National Electric Code.

4. All permanent ground signs must be mounted on foundations and footings which conform to the International Building Code.

5. All signs shall comply with the horizontal and vertical separation requirements from power lines and communication lines as specified in Utah State law, Utah administrative regulations or other applicable law.

6. No permanent sign requiring a sign permit shall be erected, installed, or modified in the City of Orem except by a licensed and bonded sign contractor. Electrical wiring or connections for such sign, fixture, or device must be installed or connected by a licensed and bonded electrical contractor.

E. **Sign Inspections.** All permanent signs requiring a sign permit shall have the following inspections unless waived by the Chief Building Official:

1. Footing inspections on all freestanding signs.
2. Electrical inspections on all illuminated or electrical signs.
3. Expansion inspections where evidence shall be provided to show that an existing sign can structurally support an increase in size and weight to the sign.
4. Final inspections which shall cover the sign location and structural members.

G. **Fees.** Fees required by this Chapter shall be paid in an amount set by the City Council. (Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0032, Ren&Amd, 11/08/94, 14-3-1)

14-2-2. Maintenance.

All signs shall be kept in good repair, maintained in a safe and attractive condition by the owner, and displayed so as to conform to any conditions required by a sign permit. Signs in disrepair which have not been repaired within sixty (60) consecutive days (in the case of permanent signs) or fifteen (15) days (in the case of portable signs) after mailing of notice by the City to the occupant of the property on which the sign is located shall be removed from the building or premises by the occupant or owner of the property on which the sign is located.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0032, Ren&Amd, 11/08/94, 14-3-2; Ord. No. O-09-0014, Amended 06/23/2009)

14-2-3. Signs Used with an Approved Site Plan.

Any person desiring to erect any sign in conjunction with an approved site plan shall submit a sign permit application to the City's Development Services Director or designee. Signage indicated on an

approved site plan shall not be considered part of the approved site plan. Signage requiring a permit may only be approved if accompanied by a sign permit application and if all provisions of this Chapter are met. (Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0032, Ren&Amd, 11/08/94, 14-3-4; Ord. No. O-09-0014, Amended 06/23/2009)

14-2-4. Prohibited Signs.

The following signs are prohibited:

- A. Any sign which is not specifically permitted in this Chapter.
- B. Signs bearing words, phrases, symbols, colors or characteristics which may mislead, interfere with or confuse traffic.
- C. Signs which bear or contain statements, words, symbols, images or depictions that are obscene or indecent as to minors as those terms are defined in Utah State law.

14-2-5. Prohibited Sign Locations.

No person or entity shall erect or maintain a sign at any of the following locations:

- A. On or overhanging public property or a public right-of-way. However, a governmental entity may erect signs on property owned by that entity in accordance with this Chapter;
- B. Over an adjoining property line;
- C. On any property where permission to erect and maintain the sign has not been given by the owner or lessee having authority to grant such permission;
- D. On trees, utility poles, light poles, traffic poles, traffic signs, sidewalks, streets, curb and gutter, fire hydrants, or barricades, except as otherwise specifically provided herein;
- E. In any location that would interfere with or restrict access to windows, fire escapes, or required exits;
- F. In any clear vision area, any location that would obstruct a traffic control device, or other location that would constitute a safety hazard as determined by the City;

G. Nothing herein shall be construed to prohibit a person from carrying or displaying a noncommercial sign on public property that is a public forum provided that such sign is not left unattended and does not interfere with pedestrian circulation or traffic safety.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0032, Ren&Amd, 11/08/94, 14-3-3)

14-2-6. Confiscation of Signs.

The City shall immediately confiscate any sign located on public property in violation of City ordinances. Confiscated signs shall be stored at a location determined by the Director of Development Services for a period of seven days, during which time the owner or person having charge, control or benefit of

the confiscated sign may redeem the sign after payment of enforcement costs to the City in an amount determined by the City Council. Payment of costs to the City shall be made to the Department of Development Services, which shall issue a release notice for redemption of the sign upon payment of costs. The City of Orem shall be held harmless for any damages incurred to signs as a result of their confiscation. In addition to enforcement costs, sign owners and persons having charge, control, and/or benefit of any sign erected in violation of this Chapter shall be liable for any damages caused to public property, public facilities, or public utilities by reason of the placement, attachment, and/or removal of such unlawful signs. Signs not redeemed within seven days shall be destroyed.

(Ord. No. O-94-0032, Enacted, 11/08/94; Ord. No. O-09-0021, Amended 10/27/2009)

14-2-7. Abandoned Signs.

Abandoned signs shall be removed from any building or premise by the owner or person having control of the premises or the abandoned sign.

(Ord. No. O-94-0032, Enacted, 11/08/94)

14-2-8. Unsafe or Dangerous Signs

If a sign is determined to be unsafe by the Chief Building Official according to the provisions of the Building Code or other applicable law, and the sign is not repaired or made safe within five working days after the City has given written notice by registered mail to repair or make the sign safe, the Chief Building Official shall at once abate the sign according to the procedures in the Uniform Code for the Abatement of Dangerous Buildings.

(Ord. No. O-94-0032, Enacted, 11/08/94)

Article 14-3. Definitions and Regulations

- 14-3-1. Construction of terms.**
- 14-3-2. Definitions.**
- 14-3-3. Specific Regulations by Sign Type.**
- 14-3-4. Signs Permitted in Designated Land Use Zones.**

14-3-1. Construction of terms.

Words in the present tense include the future and the future includes the present; the singular number includes the plural and the plural the singular. The words "lot," "plot," "tract" and "parcel" shall be considered synonymous when the context so requires. The term "erect" means "construct," "alter," "move," "repair," "reconstruct," "convert," or "maintain." The words "shall" and "must" are always mandatory. The term "City" shall mean the City of Orem. Words not included herein but which are defined in Chapter 1 of the Orem City Code shall be construed as defined therein.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0032, Ren&Amd, 11/08/94, 14-2-1)

14-3-2. Definitions.

A-frame Sign: Any sign composed of two (2) sign faces mounted or attached back to back and built in such a manner as to form a basically triangular vertical cross section through the faces or structure. For purposes of this Chapter, T-frame signs shall be regulated as if they were A-frame signs.



Abandoned Sign: Any sign or structure which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity and has not done so for one-hundred and twenty (120) consecutive days.

Accessory Nonresidential Sign: Any sign that is clearly incidental to and customarily found in connection with a specific nonresidential use. An accessory nonresidential sign does not include a sign that advertises a commercial message other than a message advertising that the property is for sale or for lease (because allowable signage for such purposes is covered elsewhere). Accessory nonresidential signs may include signs related to the sale or lease of the property, no trespassing, no soliciting, entrance and

exit, directional, and other signs that are customarily incidental to and ordinarily associated with a particular type of nonresidential property. The type of signs that may be considered an accessory nonresidential sign may vary from use to use depending on the type of signs that are clearly incidental to and customarily found in connection with a particular use.

Accessory Residential Sign: Any sign that is clearly incidental to and customarily found in connection with a specific residential use. Accessory residential signs may include signs related to the sale or lease of a residential dwelling, garage and yard sale signs, beware of dog, no trespassing, no soliciting and other signs that are customarily and ordinarily associated with residential dwellings. However, an accessory residential sign shall not include a sign advertising a home occupation, a home business or any other commercial message except as may otherwise be allowed by City Code.

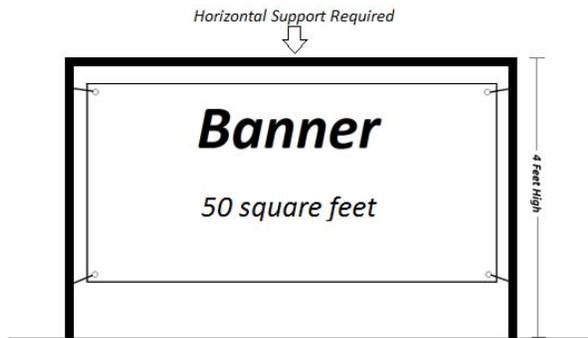
Area of Sign: The entire display area of a sign to which or upon which the sign's copy is attached or displayed and including any framing, trim or molding and any other space which forms an integral part of the display including background area. Where a sign has more than two (2) faces, the area of the third face and all additional faces shall be included in determining the area of the sign. The area of a sign does not include the support structure, braces or bases provided they do not contain copy.

Athletic Facility Sign: A sign attached to a fence surrounding and immediately adjacent to an athletic facility and facing only the interior of an athletic facility or a sign included as part of a scoreboard that is an integral part of an athletic facility. For purposes of this Chapter, an athletic facility is defined as a regulation size soccer, football, baseball, or softball field.

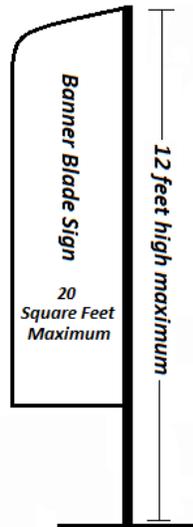
Balloon Sign: One or more balloons attached by means of a rope, tether, or other means to a definite or fixed location for the purpose of attracting attention to a location.



Banner Sign: Any sign made of fabric or any non-rigid material.



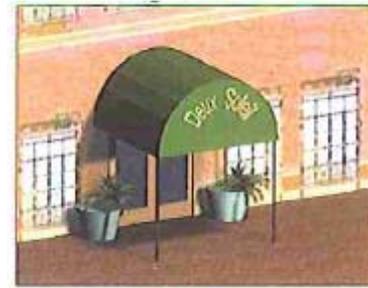
Banner Blade Sign: A type of portable sign generally made of fabric or other light-weight material that is generally supported or anchored along only one edge to a staff or cord or which is supported or anchored at only two corners.



Billboard: Any sign erected for the purpose of advertising or promoting a product, event, person, or subject that may or may not be located on the premises on which the sign is located.

Building Face or Wall: All window, door, and wall areas of a building in one plane or elevation. The building face or wall shall be considered the same plane if the change in the plane or elevation of the building wall or face does not exceed twelve (12) inches. If two walls intersect at a 150 degree angle or less, the walls shall be considered separate walls.

Canopy Sign: Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.



Changeable Copy Sign: Any sign whose informational content or copy can be changed or altered by manual, mechanical, or electronic means.



Clear Vision Area: A triangular area established at the intersection of two (2) streets or at the intersection of a street and a driveway. Such a triangle shall have legs of twenty-five feet (25') along the right-of-way and/or the driveway.

Commercial Complex: A group of two (2) or more businesses in one (1) or more freestanding building(s) and which is contained on one (1) parcel of record or which is approved as a part of an overall site plan, or a commercial subdivision which provides shared accesses and/or parking. For the purposes of this Chapter, planned commercial developments and commercial condominium projects are considered commercial complexes.

Commercial Sign: A sign with wording, logo or other representation that directly or indirectly names, advertises or calls attention to a business, product, service, profession, commodity, event or other commercial activity, or otherwise contains commercial speech.

Commercial Speech: Any message proposing a commercial transaction or related to the economic interests of the speaker or its audience.

Copy: The words, letters, figures, designs, symbols, images, color or graphics on a sign used to advertise, display, announce, identify, promote, or communicate information of any kind to the public.

Electronic Message Center Sign. A sign or portion of a sign that displays an electronic image and/or video and which may or may not include text.

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These signs include displays using incandescent lamps, LEDs, or LCDs as all or part of the sign.

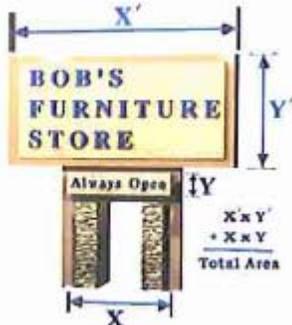
Entry/Exit Sign: A sign located within five (5) feet of a City-approved drive access and within twenty (20) feet of the intersection of a City-approved drive access with a public right-of-way.

Flag Pole Sign (permanent): A sign made of fabric or other similar non-rigid material supported or anchored along only one edge and attached to a pole that is solidly anchored into the ground.

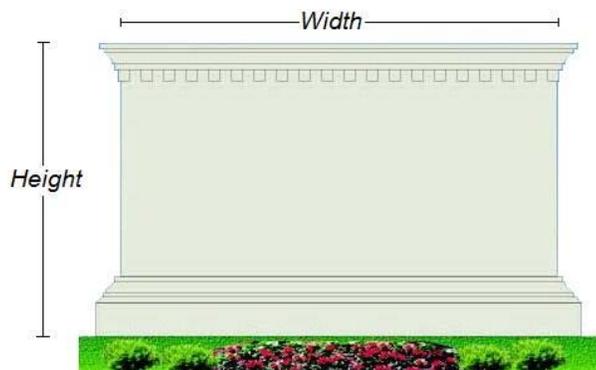
Flag Pole Sign (temporary): A sign made of fabric or other similar non-rigid material supported or anchored along only one edge and attached to a pole that is not permanently or solidly anchored into the ground.

Flashing Sign: Any sign displaying blinking or flashing lights that turn on and off more than once every second.

Freestanding Pole Sign: A detached sign greater than six feet (6') in height that is wholly supported by one or more poles, posts, uprights, braces or similar uprights permanently fastened to or embedded in the ground or a foundation in the ground and not attached to any building.



Freestanding Monument Sign: A detached sign that is permanently mounted on a base, foundation or other supports permanently affixed to or embedded in the ground and that has permanently integrated the sign face into or on top of the sign base and not attached to any building or other separate structure.



Frontage: The width of the parcel of land which faces upon a dedicated street.

Grade (ground level): The average elevation of the ground level at the point that a sign emerges from the ground. For signs located on a bermed surface, grade shall mean the average elevation of the ground level at the base of the berm.

Hand-held Sign: A sign that is held by a person.

Height of Sign: The vertical distance measured from the grade to the highest point of the sign or sign structure. The base of a monument sign shall be included in the overall height of the sign.

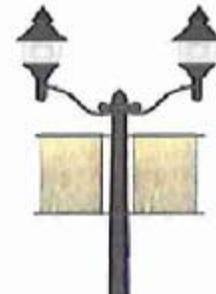
Hillside Letter Sign: An alphabetical letter located on a designated parcel of City-owned property.

Inflatable Sign: An inflated object larger than eighteen inches (18") in any dimension that is tethered or otherwise attached to the ground, structure or other object. Inflatable signs are typically representations of objects or figures such as products, cartoon characters, animals, or human shapes in either a life-like or abstract form. Inflatable signs do not include individual latex balloons under 18" in diameter.



Interior Sign: Any sign placed within the interior of a building and which is not intended to be visible from a public street.

Light Pole Sign (City-owned): A banner sign attached to a crossbar extending from a City-owned light pole.



Light Pole Sign (private): A banner sign attached to a crossbar extending from a private light pole.

Marquee: Any permanent roof-like structure projecting beyond a building or wall of the building generally designed and constructed to provide protection from the weather.

Marquee Sign: Any sign attached to or in any manner made part of a marquee.



New Development Temporary Sign: A temporary, on-premise sign erected on a new development consisting of at least one and one-half (1.5) acres.

Noncommercial Sign: Any sign which is not a commercial sign as defined herein.

Noncommercial Speech: Any message that is not commercial speech.

Nonconforming Sign: Any sign which was lawfully erected but which currently fails to conform to all of the requirements of this Chapter.

Off-premise Sign: Any sign which advertises a product, merchandise, service, event, or entertainment which is not available on the premises of the sign's location or a sign that advertises a business that is not conducted on the premises of the sign's location. The existence of a product, merchandise, service, event or entertainment that forms only minor or incidental activity on the premises shall not be considered sufficient to make such product, merchandise, service, event or entertainment "available" on the premises and shall not be sufficient to constitute business that is conducted on the premises. The offering or providing of information about a product, merchandise, service, event, entertainment or business without more, is considered minor and incidental activity. For purposes of this definition, the term "business" includes the operations of any government or nonprofit institution.

On-premise sign: Any sign which advertises a product, merchandise, service, event, or entertainment that is available on the premises of the sign's location or a business or activity that is conducted on the premises of the sign's location and which is more than minor or incidental activity as defined in the definition of "off-premise sign." For purposes of this definition, the term

"business" includes the operations of any government or nonprofit institution.

Pennant Sign: Any sign made of lightweight plastic, fabric, or other material whether or not containing a message of any kind, suspended from rope, wire, or string, usually in series, designed to move in the wind.

Permanent Sign: A sign that is solidly affixed to the ground or a building and is intended to be and is so constructed as to remain in a lasting and enduring position and condition (beyond normal wear).

Portable Sign: Any sign that is not permanently attached to the ground or other permanent structure. Portable signs include A-frame signs, T-frame signs, banner signs not attached to a building wall, banner blade signs, flag pole signs (temporary), reader board signs, placard signs and hand-held signs, but do not include balloon signs, pennant signs, vehicle signs, or vehicle-transported signs.

Projecting Sign: Any sign attached to a building structure and extending in whole or in part more than twenty-four inches (24") beyond the wall to which it is attached.



Reader Board Sign: Any portable sign with changeable copy.



Roof Sign: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

Roof Sign (integral): Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion

of the roof and that no part of the sign is separated from the rest of the roof. Roof signs (integral) do not include painted signs on roofs.

Rotating Sign: Any sign or portion of a sign which moves in a revolving or similar manner.

Sign: Any device, fixture, placard, or structure that uses words, letters, figures, designs, symbols, images, color, graphics, or illumination, to advertise, display, announce, identify, promote, or communicate information of any kind to the public. The term "sign" shall also include the sign structure, supports, lighting system and any attachments, ornaments or other features.

Sign Face: The surface area of a sign where the copy is displayed or illustrated.

Sign Zone: A geographical area of the City used to regulate the type and size of signs allowed.

Temporary Sign: Any sign erected or maintained for short-term use.

Vehicle Sign: A sign attached to or painted on a vehicle including but not limited to automobiles, trucks, trailers or boats, where the vehicle is visible from a public right-of-way.

Wall Sign: A sign attached to a vertical wall of a building.

Zone: Any land use regulatory zone as found in Chapter 22 of the Orem City Code. (Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0032, Ren&Amd, 11/08/94, 14-2-2; Ord. No. O-95-0024, Amended, 05/02/95; Ord. No. O-97-0054, Amended, 12/09/97; Ord. No. O-98-0010, Amended, 02/24/98; Ord. No. O-98-0034, Amended, 07/28/98; Ord. No. O-07-0041, Amended 08/28/2007; Ord. No. O-09-0014, Amended 06/23/2009; Ord. No. O-09-0017, Amended 07/14/2009; Ord. No. O-2012-0026, Amended 10/09/2012)

14-3-3. Specific Regulations by Sign Type.

All signs shall comply with the following listed requirements.

A-frame Signs. A-frame signs are regulated under the section for portable signs.

Abandoned Signs: Abandoned signs are prohibited in all zones.

Accessory Nonresidential Signs:

1. No permit is required for an accessory nonresidential sign.

2. An accessory nonresidential sign may not advertise a principal activity, product, service or use on the property or any other commercial message (because allowable signage for such purposes is covered elsewhere) except for a message advertising that the property is for sale or for lease.

3. The size of an accessory nonresidential sign shall not exceed thirty-two (32) square feet in area or the size that is customarily associated with that type of sign, whichever is less.

4. The height of an accessory nonresidential sign shall not exceed eight feet (8') unless the sign is attached to the wall of a structure (and an accessory nonresidential sign may only be attached to a wall of a structure if the sign is customarily found in such a location)

5. No more than two accessory nonresidential signs that bear a permissible commercial message (e.g., for sale or for lease signs) shall be allowed per parcel.

Accessory Residential Sign:

1. No permit is required for an accessory residential sign.

2. The height of an accessory residential sign shall not exceed six feet (6') unless the sign is attached to a fence or the wall of a structure (and an accessory residential sign may only be attached to a fence or the wall of a structure if the sign is customarily found in such locations). The area of an accessory residential sign shall not exceed six (6) square feet.

3. No more than two accessory residential signs that bear a permissible commercial message (e.g., for sale signs, garage sale signs) shall be allowed per parcel.

4. An accessory residential sign may not advertise a home occupation, a home business or any other commercial message (other than those expressly allowed herein) except as may otherwise be allowed by City Code.

Athletic Facility Sign:

1. Athletic facility signs do not require a permit.

2. Athletic facility signs are permitted in all zones.

3. Athletic facility signs may not face outward from the athletic facility but may only face inward toward the interior of the athletic facility toward the participants and spectators at the athletic facility. No athletic facility sign may be located in such a way or be of such a size or design that it is clearly and readily readable to motorists traveling on a public right of way.

4. Athletic facility signs may be off-premise signs.

Balloon Signs:

1. Balloon signs do not require a sign permit from the City of Orem

2. Balloon signs shall:

- a. Only be placed on items legally displayed for sale such as cars, tires, etc. and shall be located no closer than ten (10') feet from the public right-of-way;
- b. Not exceed a height of ten (10) feet above grade.

3. Balloon signs may only be displayed for a maximum of thirty (30) days in any one (1)

calendar year per site. The 30 day time period shall begin to run on the day the first balloon signs are displayed and shall continue to run without interruption from that date whether or not the balloon signs are continuously displayed during that time period.

4. Balloon signs are permitted in the C2, C3, M1, M2, HS, and commercial PD zones.

Banner Signs:

Banner signs must either be placed in accordance with the requirements for portable signs or be placed in accordance with the requirements for wall signs.

Banner Blade Signs: Banner blade signs are regulated under the section for portable signs.

Billboard Signs:

1. Billboard signs are only permitted in the M2 zone and PD-36 zone within three hundred feet (300') of the I-15 corridor in accordance with applicable state law. All other lawfully existing billboards shall be nonconforming uses. No new billboards or outdoor advertising signs shall be permitted outside the M2 zone or PD-36 zone in the areas described above. However, off-premise public information signs and logo signs located in the State owned right-of-way shall be allowed as described in Utah Code Section 72-7-504.

2. A lawfully existing billboard sign on or adjacent to State Street, Interstate 15 or 800 North may be reconstructed or relocated by the owner of the billboard (but no other person or entity) on the same lot or adjacent property under the same ownership.

3. If any billboard sign may not be continued because of the widening, construction, or reconstruction along an interstate, federal aid primary highway existing as of June 1, 1991, national highway systems highway, or state highway, such billboard sign may be remodeled or relocated under the circumstances and conditions allowed by Utah Code Sections 72-7-510 and 72-7-513, as amended.

4. A billboard sign that is not reconstructed within one year of its removal or destruction shall be considered abandoned and may not be reconstructed or relocated.

5. A billboard sign that is erected, relocated or reconstructed under this section 14-3-3 shall:

a. Comply with the outdoor advertising regulations of the Utah State Department of Transportation;

b. Not exceed a maximum height of thirty-five (35') from the base of the sign, or twenty-five feet (25') above I-15 grade level at a point perpendicular to the sign, whichever is greater;

c. Not have an area exceeding six hundred seventy-five (675) square feet per sign face in the M2 zone or three hundred (300) square feet in any other zone;

d. Be allowed two faces or back-to-back sign faces, provided there is no more than five feet (5') separating the sign faces;

e. Not be located any closer than five hundred feet (500') from any other billboard or off-premise sign. Notwithstanding the foregoing, if an existing billboard is currently within five hundred feet of another billboard, it may be reconstructed or relocated within five hundred feet of such other billboard provided that it is not moved any closer to such billboard.

f. Not be located any closer than fifty feet (50') from any other freestanding pole sign;

g. Not be erected in a clear vision area of a corner lot unless the sign face is at least ten feet (10') above the adjacent street grade;

h. Not unreasonably obstruct any traffic control device;

i. Not overhang public property or public right-of-way;

j. Not be within two hundred feet (200') of any residential zone;

k. Not be enlarged or expanded beyond the size of the original billboard sign. However, the size of a new billboard sign that is allowed adjacent to I-15 pursuant to an exchange under subsection 3 above, may have up to six hundred seventy-five square feet of sign face provided that at least an equal amount of signage has been removed as part of the exchange;

l. Not be increased in height if relocated pursuant to subsection 2 above; and

m. Be constructed and maintained with neutral color.

6. Billboard signs may be changed manually or electronically in any zone.

Canopy Signs:

1. Canopy signs require a sign permit from the City.

2. Canopy signs shall:

a. Only be placed on a canopy which has been approved by the Chief Building Official or his designee;

b. Not have copy which exceeds fifty percent (50%) of the area of the canopy; and

c. Not extend beyond the outside limits of the canopy.

3. Canopy signs are permitted in the C1, C2, C3, M1, M2, HS, CM, BP and commercial PD zones.

Changeable Copy Signs:

1. Changeable Copy signs require a sign permit from the City.

2. Changeable Copy signs shall:

- a. Only be used in connection with freestanding pole signs, monument signs, billboards, or wall signs; and
- b. Not have dimensions which exceed the requirements of the ordinance for freestanding pole, monument, or wall signs.

3. Changeable Copy signs are permitted in the C1, C2, C3, M1, M2, HS, CM, BP, and any commercial PD zones, and any billboard in a residential zone.

Electronic Message Center (EMC) Sign:

- 1. A sign permit is required for an EMC sign.
- 2. EMC signs shall not be flashing signs.
- 3. EMC signs may have motion.
- 4. Brightness on EMC signs shall not exceed 0.3 lumens above ambient light.
- 5. EMC signs are permitted in the PO, C1, C2, C3, HS, CM, M1, M2, commercial PD zones and on any billboard.

Entry/Exit Signs.

- 1. Entry/exit signs require a permit from the City.
- 2. A maximum of one entry/exit sign is allowed at each City-approved drive access.
- 3. Entry/exit signs shall be located within five feet of a City-approved drive access and twenty (20) feet of the intersection of a City-approved drive access with a public right-of-way.
- 4. Entry/exit signs shall not exceed three (3) feet in height.
- 5. Entry/exit signs shall not exceed four (4) square feet in area.
- 6. Entry/exit signs must be permanent signs.
- 7. Entry/exit signs are permitted in the C1, C2, C3, M1, M2, HS, CM, BP and all commercial PD zones.

Flag Pole Signs (permanent):

- 1. Flag pole signs (permanent) that exceed twenty (20) feet in height require a permit from the City.
- 2. The fabric or non-rigid part of the sign shall be supported or anchored along only one edge and shall be attached to a pole that is solidly anchored into the ground.
- 3. Two noncommercial flag pole signs (permanent) are permitted per parcel in all zones.
- 4. One commercial flag pole sign (permanent) is permitted per parcel in nonresidential zones. However, a commercial flag pole sign (permanent) shall count as one portable sign for purposes of calculating the number of allowable portable signs on a parcel. Commercial flag pole signs (permanent) are not permitted in any residential zone.
- 5. Noncommercial flag pole signs (permanent) shall have a maximum height of sixty (60) feet or the maximum height for structures in the zone in which they are located, whichever is less. Commercial flag pole signs (permanent) shall have a maximum height

equal to the allowable height of a pole sign for the property on which they are located.

6. Flag pole signs (permanent) shall be located in a place that will not impede traffic or cause a hazard for pedestrians or vehicles.

7. Flag pole signs (permanent) may only be lit using directional up-lighting from ground level. No lighting is permitted on the flag pole sign itself.

Flag Pole Signs (temporary):

Flag pole signs (temporary) are regulated under the section for portable signs.

Flashing Signs:

Flashing signs are prohibited in all zones.

Freestanding Signs: (Pole & Monument)

- 1. Freestanding signs require a sign permit from the City.
- 2. The number of freestanding pole signs allowed on a parcel or commercial complex shall be determined as set forth below:
 - a. A parcel that does not meet any of the criteria of subsections (b) through (d) may have one (1) freestanding pole sign. Except as provided below, where a parcel is part of a commercial complex, only one freestanding pole sign shall be allowed for the entire commercial complex
 - b. A parcel or commercial complex that has more than three hundred feet (300') of frontage on a dedicated street(s) (excluding Interstate 15) may have a total of two (2) freestanding pole signs.
 - c. A parcel or commercial complex that has a total of more than one thousand two hundred and fifty linear feet (1,250') of frontage on State Street and/or University Parkway, or more than six hundred and sixty feet adjacent to University Parkway and Interstate 15, including no less than three hundred feet (300') of frontage adjacent to Interstate 15, may have a total of three (3) freestanding pole signs.
 - d. A parcel or commercial complex that has a total of more than two thousand feet of combined frontage on University Parkway and State Street may have a total of five (5) freestanding pole signs.
 - e. In addition to the above, the owner(s) of a parcel that is a part of a commercial complex may have one freestanding pole sign on the parcel for the purposes of advertising the business(es) on the parcel provided that:
 - i. the parcel has at least two hundred feet of frontage on State Street;
 - ii. the primary building on the parcel is a standalone building;

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- iii. the applicant for the freestanding pole or monument sign owns or represents the entire ownership interest of the parcel; and
 - iv. the business(es) on the parcel has no other sign or signage on any pole or monument sign in the commercial complex.
3. One (1) freestanding monument sign shall be allowed for each separate building or building pad of a commercial complex.
4. Freestanding signs shall have a maximum allowable area expressed in square feet, and a maximum height, expressed in feet as determined by the "Sign Zone" in which the freestanding sign is located. For corner lots or lots that face upon two or more dedicated streets, the street frontage is the linear measurement of the lot along the street right-of-way line from which the sign will be viewed.
5. Freestanding Pole signs shall:
- a. Not overhang public property or public right-of-way;
 - b. Be located as near to the midpoint of the lot frontage as feasibly possible;
 - c. Be set back a minimum of five feet (5') from side and rear property lines;
 - d. Not be located any closer than one hundred feet (100') from any other freestanding pole signs on the same parcel or commercial complex;
 - e. Be erected on a landscaped area of at least twenty-five (25) square feet with a minimum length and width of three feet (3'); and
 - f. Not be erected in the clear vision area except for signs which maintain a free space area between grade and ten feet (10') above the adjacent street grade. Poles or base structures that exceed fifteen (15) inches in width must remain outside the clear vision area.
 - g. Faces of a freestanding pole sign shall be separated by no more than a forty-five (45) degree angle.
6. Freestanding Monument signs shall:
- a. Be mounted directly to the ground;
 - b. Not exceed six feet (6') in height above the grade of the sign including the base or shall not exceed six feet (6') in height based on the average of the high side and low side if located on a slope;
 - c. Not exceed thirty-six (36) square feet in area excluding the base;
 - d. Be set back from the public right-of-way a minimum of two feet (2');

- e. Be erected on a landscaped area of at least twenty-five (25) square feet with a minimum length and width of three feet (3');
 - f. Not be erected in the clear vision area, except for signs which do not exceed three feet (3') in height from the adjacent street grade; and
 - g. Faces of a monument sign shall be parallel to each other or separated by no greater than a forty-five 45 degree angle.
 - h. All freestanding monument signs shall be mounted on pedestal or base.
 - i. Mounting poles or interior support structures shall not be visible.
 - j. A monument sign that serves a building with two (2) or more tenants may increase the height to eight (8) feet with fifty (50) square feet of sign area.
 - k. An increased size monument sign shall not cause the prohibition of a pole sign should the parcel qualify for a pole sign.
 - l. A monument sign shall be required for any new commercial complex or any new commercial building that is designed for more than one tenant.
7. Sign Zone Table. All areas not denoted with a specific "Sign Zone", and that are in a residential zone as shown on the official Zoning Map of the City of Orem, shall be considered to be in Sign Zone "D" for the purposes of calculating area and height. When regulations within this part conflict with regulations provided in the Zoning Ordinance of the City of Orem, the more restrictive regulation shall apply. The following regulations apply to freestanding pole signs:

Sign Zone "A"

Street Frontage (in feet)	Max. Sign Area (in sq. ft.)	Max. Height (in feet)
50 or less	Frontage X (.4) + 80	15
51 to 100	Frontage X (.4) + 80	20
101 to 125	Frontage X 1.2	22
126 to 150	Frontage X 1.2	24
151 to 175	Frontage X 1.2	26
176 to 200	Frontage X 1.2	28
201 to 225	Frontage X 1.2	30
226 to 250	Frontage X 1.2	32
251 or more	Frontage X 1.2	35

No sign in Zone "A" shall exceed 300 square feet in area.

Sign Zone "B"

Street Frontage (in feet)	Max. Sign Area (in sq. ft.)	Max. Height (in feet)
50 or less	Frontage X (.4) + 60	10
51 to 100	Frontage X (.4) + 60	15
101 to 125	Frontage X 1.0	20
126 to 150	Frontage X 1.0	21
151 to 175	Frontage X 1.0	22

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Street Frontage (in feet)	Max. Sign Area (in sq. ft.)	Max. Height (in feet)
176 to 200	Frontage X 1.0	23
201 to more	Frontage X 1.0	24

No sign in Zone "B" shall exceed 225 square feet in area.

Sign Zone "C"

Distance From Street R.O.W. Line (feet)	Max. Sign Area (in sq. ft.)	Max Height (in feet)
10	36	Equal to distance from street r-o-w
15	75	
20	100	
25	125	
30	150	
35	175	
40	200	

No sign in Zone "C" shall exceed 200 square feet in area.

Sign Zone "D"

Freestanding pole signs are not permitted in the "D" zone. Freestanding monument signs are allowed.

Sign Zone "E"

1. Freestanding pole signs may not be oriented toward 1200 West or Sandhill Road except for businesses which cater to the traveling public* and which are located within 660 feet of a freeway interchange. Freestanding pole signs shall be set back from 1200 West or Sandhill Road street right-of-way line a distance equal to the height of the sign structure.

2. A business or business complex located along 1200 West or Sandhill Road, which has a portion of its property adjacent to Interstate 15 may have a freestanding pole sign oriented toward the freeway. Such freestanding pole sign shall be placed no further from the freeway right-of-way than a distance equal to the height of the sign.

3. The area and height of freestanding signs shall be in accordance with Sign Zone "A" provided however that in no case shall the height of the sign exceed thirty-five feet (35') above the natural grade of the property at the location of the sign, or twenty-five feet (25') above the grade of the interstate perpendicular to the sign's location, whichever is greater.

NOTE Businesses which cater to the traveling public are defined as follows: hotel/motels, restaurant/fast food establishments, service stations/convenience stores, truck stops, and regional commercial centers.

Hand-held Signs: Hand-held signs are regulated under the section for portable signs.

Hillside Letter Signs:

1. A hillside letter sign requires a permit from the City.

2. Hillside letter signs are only allowed on a parcel of property owned by the City and shown in Exhibit "A," which is attached hereto and incorporated herein by reference. The property described in Exhibit "A" is intended to remain a private forum for expression of City speech or City-adopted speech only. Nothing in this Chapter

shall be construed to convert the property described in Exhibit "A" into a public forum.

3. A hillside letter sign may be displayed for a continuous period of no more than seven days and must be completely removed before the expiration of the seven day period. A given letter may be displayed on the designated City property no more than eight times per year. An application may be submitted no more than thirty (30) days before the first day of each desired display period. If more than one application is received for the same time period, the first complete application (including the required proof of insurance and indemnification agreement) shall be given priority. However, in the event that more than one applicant desires to use the designated property, the City Manager shall have the right to limit each applicant's use of the City property to one time per month. Following the removal of the sign, the applicant shall ensure that all trash and debris are removed from the City property and that the property is restored to at least as good a condition as before the applicant put up the sign.

4. A hillside letter sign shall be limited to one alphabetical letter. The size of a hillside letter sign shall not exceed 100 feet in length and 100 feet in width.

5. A hillside letter sign shall only be made of temporary, easily removable/portable materials that will leave no trace following their removal. More permanent materials such as rocks and paints shall not be allowed.

6. No highly flammable or hazardous materials shall be used in connection with the sign. The City shall have the right to review the proposed materials and design of the sign and use its discretion to prohibit any materials or sign characteristics it considers hazardous.

7. A hillside letter sign must be maintained parallel with the ground surface and may not be propped up.

8. An application for a hillside letter sign must be signed by the person having authority to represent the entity submitting the application. The installation and removal of the sign must be supervised by an authorized representative of the entity that submitted the application.

9. Access to and from the location of a hillside letter sign shall only be from a trail approved by the City Manager or his designee.

10. As a condition of approval, the City may require insurance and an indemnification agreement from the entity submitting an application for a hillside letter sign permit protecting the City against any claim resulting

from use of the City property for the hillside letter sign.

11. The City Manager may suspend the right of any person or entity to install or maintain a hillside letter sign for any previous failure to comply with any of the requirements listed herein.

12. The City Manager shall have the right to deny any application for a hillside letter sign if he/she determines that granting such application would be contrary to the public health, safety, or welfare.

Interior Signs:

1. No permit is required for interior signs. However, an electrical permit may be required for an illuminated interior sign

2. Interior signs are permitted in all zones.

Inflatable Signs:

1. Inflatable signs require a sign permit from the City of Orem.

2. No more than two (2) inflatable signs shall be allowed on a site at any one time.

3. Inflatable signs shall:

a. Be placed no closer than ten (10) feet from the public right-of-way;

b. Not exceed a height of fifteen (15) feet above grade.

4. Inflatable signs may only be displayed for a maximum of thirty (30) days in any one (1) calendar year per site. The 30 day time period shall begin to run on the day the first inflatable sign is displayed and shall continue to run without interruption from that date whether or not the inflatable sign is continuously displayed during that time period.

5. Inflatable signs are permitted in the C2, C3, M1, M2, HS and commercial PD zones.

Light Pole Signs (private): Light pole signs (private):

1. May only be located on privately-owned light poles that are permanently and solidly affixed to the ground.

2. Shall be attached to a crossbar extending from the light pole at both the top and bottom of the sign.

3. Shall not exceed two feet in width and six feet in length and shall not exceed twelve (12) square feet in area.

4. Light pole signs (private) do not require a permit.

5. No more than two signs may be located on any one light pole.

6. Light pole signs (private) are permitted in the C2, C3, M1, M2, HS and commercial PD zones.

Light Pole Signs (City-owned). Light pole signs (City-owned):

1. May only be located on a City-owned light pole.

2. Shall be attached to a crossbar extending from the light pole at the top of the sign.

3. Shall not exceed two feet in width and six feet in length and shall not exceed twelve (12) square feet in area.

4. Are intended to remain a private forum for the expression of City speech only. Nothing in this Chapter shall be construed to convert City-owned light poles into a public forum.

5. Do not require a permit.

6. No more than two signs may be located on any one light pole.

Marquee Signs:

1. Marquee signs require a sign permit from the City.

2. Marquee signs shall:

a. Only be placed on a marquee which has been approved by the Chief Building Official or his designee;

b. Not have copy which exceeds fifty percent (50%) of the area of the marquee; and

c. Not extend beyond the outside limits of the marquee.

3. Marquee signs are permitted in the C1, C2, C3, M1, M2, HS, CM, BP and commercial PD zones.

New Development Temporary Signs:

One temporary, on-premise sign shall be allowed on any new development consisting of one and one-half (1.5) acres or more, subject to the following requirements:

1. The maximum area of the sign shall be calculated by multiplying the acreage contained within the new development by twelve and eight tenths (12.8) and adding the product to thirty-two (32); provided however, that the sign shall not exceed ninety-six (96) square feet.

$$(\text{Development Acreage}) \times (12.8) + (32) = \text{Maximum Area}$$

2. The area of the new development shall be determined by reference to an approved site plan or preliminary plat.

3. The sign shall be removed from the premises upon which it is erected within one (1) year. No other new development temporary sign under this section shall be permitted for that development.

Noncommercial Signs: A noncommercial message is allowed on any sign permitted by this Chapter. In addition to any other signs permitted by this Chapter, additional noncommercial signs are permitted in all zones as follows (Note: the following restrictions do not apply to any lawfully existing permanent or portable sign for which a noncommercial message has been substituted):

1. The height of a noncommercial sign shall not exceed six feet unless attached to the wall of a lawfully

existing structure in which case the sign shall not extend higher than the roofline of the structure and shall not exceed twenty percent (20%) of the area of the wall to which it is attached.

2. No individual noncommercial sign shall exceed thirty-two (32) square feet in area.

3. The total area of all noncommercial signs (not counting the area of any other specifically permitted signs for which a commercial message has been substituted) shall not exceed ninety-six (96) square feet per parcel.

4. Nothing in this Chapter shall be construed to prohibit an off-premises, noncommercial sign.

5. Noncommercial signs do not require a permit.

Off-Premise Signs:

Off-Premise signs are prohibited unless expressly allowed by this Chapter.

Pennant Signs:

1. Pennant signs do not require a sign permit from the City.

2. Pennant signs may only be displayed for a maximum of thirty (30) days in any one (1) calendar year per site. The 30 day time period shall begin to run on the day the first pennant sign is displayed and shall continue to run without interruption from that date whether or not the pennant sign is continuously displayed during that time period.

3. Pennant signs are permitted in the C2, C3, M1, M2, HS and commercial PD zones.

Portable Signs: Portable signs are prohibited except as specifically allowed herein. Portable signs are permitted in all commercial zones subject to the following requirements:

1. Portable signs do not require a sign permit.

2. One portable sign shall be allowed per parcel in a commercial zone. However, two portable signs shall be allowed on a parcel having one hundred fifty (150) feet or more of frontage on a public street.

3. Portable signs must be sufficiently secured to a building or the ground so they won't readily fall or blow over or otherwise create a hazard to persons or property.

4. Portable signs may not flash, blink, be illuminated, spin, rotate, block traffic visibility, constitute a vehicular or pedestrian traffic hazard, or cause a public nuisance of any kind.

5. Portable signs shall be maintained in a neat and attractive condition. Torn or frayed portable signs are not allowed.

6. Portable signs shall not cover or obscure a permanent sign belonging to the owner of a business or entity other than the owner of the portable sign.

7. Portable signs may only be attached to an existing permanent sign if the ownership or tenancy of the parcel on which the permanent sign is located has

changed in which case a portable sign may be attached to an existing permanent sign only for a period of sixty (60) days.

8. Portable signs may not be located in a clear vision area as defined in this Chapter and may not be placed in such a way as to obstruct the vision of any motorist from seeing any traffic or traffic control devices.

9. Portable signs shall not be placed on the roof of any building or be erected in a manner that would constitute a roof sign.

10. Portable signs shall not be permanently affixed to the ground or any structure.

11. Businesses that have received approval of a temporary site plan may use one (1) portable sign for the duration of the one-hundred twenty (120) day approval.

12. Portable signs shall fit into one of the following categories and shall comply with the additional regulations applicable to each type of portable sign described below:

a. **A-frame Signs.**

i. A-frame signs may not exceed six (6) square feet in area.

ii. A-frame signs may only be placed in the front of a business. A-frame signs shall be located in a landscaped area whenever possible. A-frame signs may not be placed on any public sidewalk or right-of-way. An A-frame sign shall not be placed in a location that constitutes a safety hazard.

iii. A-frame signs may only be displayed during business hours.

iv. A-frame signs must be constructed of white or black plastic and shall substantially conform to the design shown in 14-3-2.

b. **Banner Signs.** Banner signs that are not attached to a wall shall:

i. Not exceed six (6) feet in height when attached to a lawfully existing fence or four (4) feet in height when not attached to a lawfully existing fence;

ii. Not exceed fifty (50) square feet in area when located in a landscape strip that is at least twenty (20) feet in width and at least 400 square feet in area;

iii. Not exceed twenty-five (25) square feet in area when located in a landscape strip that is at least ten (10) feet in width and 200 square feet in area;

iv. Not be allowed in any landscaped strip that is less than ten (10) feet in width and 200 square feet in area;

v. Not exceed twenty-five square feet in area when attached to a fence;

vi. Be enclosed in a rigid framework on the top and both sides; and

vii. If a banner sign has more than one side or face, then all sides and faces must be parallel to each other and in the same plane and no sign face shall be set at an angle from another sign face.

c. **Banner Blade Signs.** Banner blade signs shall not exceed twelve (12) feet in height or twenty (20) square feet in area and shall be placed in a landscaped area or in a holder located within six inches (6") of a building. However, banner blade signs shall not be placed in or overhang a public right-of-way.

d. **Flag Pole Signs (temporary):**

i. Commercial flag pole signs (temporary) may be used as one or both (in the case of a parcel with 150 feet of qualifying frontage) of the allowable portable signs on a parcel.

ii. Flag pole signs (temporary) shall not exceed ten (10) feet in height.

iii. Flag pole signs (temporary) shall not exceed fifteen (15) square feet in area.

iv. Two noncommercial flag pole signs (temporary) are permitted on any parcel in addition to any allowable temporary flag pole signs (temporary) that are used as a permitted portable sign. However, the number of noncommercial flag pole signs (temporary) allowed on a parcel shall be reduced by the number of flag pole signs (permanent) that exist on that parcel.

e. **Hand-held Signs:** Hand-held signs shall:

i. Not exceed six (6) feet in height;

ii. Not exceed twenty-four (24) square feet in area;

iii. Not be displayed in a public street right-of-way;

iv. Not be left unattended; and

v. Not interfere with pedestrian access on a public sidewalk;

f. **Reader Board Signs.**

i. Reader board signs require a sign permit from the City.

ii. Reader board signs shall not exceed thirty-two (32) square feet in area or five (5) feet in height.

iii. Reader board signs must be placed a minimum of ten feet (10') from a public right-of-way.

iv. Reader board signs may only be displayed for a maximum of thirty (30) days in any one (1) calendar year per site. The 30 day time period shall begin to run on the day the first readerboard sign is displayed and shall continue to run without interruption from that date whether or not the reader board sign is continuously displayed during that time period.

v. Reader board signs are permitted in the C2, C3, M1, M2, and HS zones.

vi. If a reader board sign has more than one side or face, then all sides and faces must be parallel to

each other and in the same plane and no sign face shall be set at an angle from another sign face.

Projecting Signs:

1. Projecting signs require a sign permit from the City.

2. Multiple projecting signs shall be permitted on buildings having multiple occupants in commercial complexes provided that no more than one projecting sign per occupant will be permitted on any single elevation.

3. Projecting signs shall:

a. Not overhang any public property or public right-of-way.

b. Be rigidly attached to the side of a building fascia with a decorative support bracket engineered and designed to withstand anticipated wind-loads.

c. Be located at a height such that no element extends above the top of the building parapet or fascia element to which it is attached or hangs down lower than ten feet from a sidewalk or pedestrian-accessible area below.

d. Extend from the side of the building no more than eleven feet.

e. Be separated a minimum of twenty feet from any adjacent projecting sign on the same elevation of a single structure.

f. Not be wider than two feet.

g. Be part of the wall sign calculations which cumulative totals include both projecting signs and wall signs and shall not exceed the twenty percent of the wall area to which the sign(s) are attached.

4. Projecting signs are permitted in the C2, C3 and commercial PD zones.

Reader Board Signs: Reader board signs are regulated under the section for portable signs.

Roof Signs:

Roof signs are prohibited in all zones.

Roof Signs (Integral):

1. Integral Roof signs require a sign permit from the City.

2. Integral Roof signs shall:

a. Not be allowed on buildings having a wall sign; and

b. Not have copy which exceeds twenty percent (20%) of the roof plane to which it is attached.

3. Integral Roof signs are permitted in the C2, C3, M1, M2, HS and commercial PD zones.

Rotating Signs:

1. Rotating signs require a sign permit from the City.

2. Rotating signs shall not exceed six (6) revolutions per minute.

3. Rotating signs are permitted in the C2 and C3 zones.

Vehicle Signs:

Vehicle signs are permitted except when the vehicle on which they are located is driven or parked for the principal purpose of displaying the sign, in which case they are not permitted.

Wall Signs:

1. Wall signs require a sign permit from the City.

2. Wall signs shall:
 - a. Be attached to any wall of a building;
 - b. Not exceed twenty percent (20%) of the area of any wall;
 - c. Not extend above the roof line;
 - d. Not be used on the same building which has an Integral Roof sign.

3. Wall signs are permitted in the C1, C2, C3, M1, M2, HS, BP and commercial PD zones.

Window Signs:

1. No permit is required for a Window sign.
2. Window signs shall not exceed eighty percent (80%) of the total transparent area of any window on which they are located.

3. Window signs are permitted in the C1, C2, C3, M1, M2, HS, BP and commercial PD zones.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 692, Amended, 08/13/91; Ord. No. O-94-0032, Ren&Amd, 11/08/94, 14-3-5; Ord. No. O-95-0024, Amended, 05/02/95; Ord. No. O-95-0031, Amended, 05/23/95; Ord. No. O-97-0003, Amended, 01/14/97; Ord. No. O-97-0054, Amended, 12/09/97; Ord. No. O-98-0010, Amended, 02/24/98; Ord. No. O-98-0034, Amended, 07/28/98; Ord. No. O-99-0037, Amended, 08/24/99; Ord. No. O-01-0021, Amended, 6/12/2001; Ord. No. O-04-0045, Amended, 9/28/2004; Ord. No. O-05-0008, Amended, 3/22/2005; Ord. No. O-06-0024, Amended 10/24/2006; Ord. No. O-07-0012, Amended 02/13/2007; Ord. No. O-07-0041, Amended 08/28/07; Ord. No. O-08-0016, Amended 07/22/2008; Ord. No. O-08-0021, Amended 09/09/2008; Ord. No. O-09-0014, Amended 06/23/2009; Ord. No. O-2012-0026, Amended 10/09/2012)

14-3-4. Signs Permitted in Designated Land Use Zones.

Signs which are permitted in the designated zone are indicated with a "P", and signs which are not permitted are indicated with an "N." Any sign indicated with a "C" shall meet the requirements of Section 14-2-3 of this Chapter.

	R & OS	PO, C1	C2, C3	M & HS
Abandoned	N	N	N	N
Accessory Nonresidential	See Section 14-3-3			
Accessory Residential	See Section 14-3-3			
Athletic Facility	P	P	P	P
Balloon	N	N	P	P
Billboard	N	N	N	P*
Canopy	N	P	P	P

	R & OS	PO, C1	C2, C3	M & HS
Changeable Copy	N	P	P	P
Electronic Message	N	P	P	P
Flag Pole Sign (permanent)	See Section 14-3-3			
Flashing	N	N	N	N
Freestanding Pole	N	See sign zone map		
Freestanding Monument	C	See sign zone map		
Hillside Letter	P (City Prop.)	N	N	N
Interior	P	P	P	P
Inflatable	N	N	P	P
Light Pole – Private	N	N	P	P
Light Pole – Public	P	P	P	P
Marquee	N	P	P	P
New Development	See Section 14-3-3			
Noncommercial	See Section 14-3-3			
Pennant	N	N	P	P
Portable	See Section 14-3-3			
Projecting	N	N	P	N
Roof	N	N	N	N
Roof – Integral	N	N	P	P
Rotating	N	N	P	N
Vehicle	See Section 14-3-3			
Wall	N	P	P	P
Window	N	P	P	P

*Allowed only in the M2 Zone adjacent to I-15.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0032, Ren&Amd, 11/08/94, 14-4-1; Ord. No. O-95-0024, Amended, 05/02/95; Ord. No. O-01-0021, Amended, 6/12/2001; Ord. No. O-04-0045, Amended, 9/28/2004; Ord. No. O-05-0008, Amended, 3/22/2005; Ord. No. O-08-0016, Amended 07/22/2008)

Article 14-4. Nonconforming Signs

14-4-1. Continuation of Legal Nonconforming Signs.

14-4-2. Alterations.

14-4-3. Abandoned Signs.

14-4-4. Modification of Requirements.

14-4-1. Continuation of Legal Nonconforming Signs.

Legal nonconforming signs may continue to be used provided they meet the requirements of this Article.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0032, Renumbr, 11/08/94, 14-5-1)

14-4-2. Alterations.

A. A legal nonconforming sign shall not be materially altered. Materially altered shall include, but not be limited to the installation of a new cabinet, increase in square footage, or increase in height. The removal and installation of a new faceplate for a new tenant or business change shall not be considered a material alteration. No sign shall be reconstructed, raised, moved, placed, extended, or enlarged unless the sign is modified to conform with all of the provisions of this Chapter.

(Ord. No. 661, Revised, 06/10/90; Ord. No. O-94-0032, Renumbr, 11/08/94, 14-5-2; Ord. No. O-09-0014, Amended 06/23/2009)

B. Alterations shall not be interpreted to include changing the text or copy of off-premise advertising signs, signs for theaters, or other similar signs which are designed to accommodate changeable copy.

(Ord. No. 661, Revised, 06/10/90; Ord. No. O-94-0032, Renumbr, 11/08/94, 14-5-2)

C. Minor repairs and maintenance may be made to a nonconforming sign; however, in the event such sign has deteriorated or is hereafter damaged by whatever means, including an act of God, and such damage exceeds fifty percent (50%) of the reproduction value of the sign, according to appraisal thereof by competent appraisers, the sign may be restored, reconstructed, altered or repaired only to conform with this Chapter.

(Ord. No. 661, Revised, 06/10/90; Ord. No. O-94-0032, Renumbr, 11/08/94, 14-5-2)

14-4-3. Abandoned Signs.

Any legal nonconforming sign applicable to a use which has been discontinued for a period of one (1) year shall be deemed to have lost its legal nonconforming status, and shall be removed within ten (10) days following receipt of written notice from the City requiring such removal.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0032, Renumbr, 11/08/94, 14-5-3,)

14-4-4. Modification of Requirements.

A. Whenever strict compliance with the provisions of this Article would cause an unusual and unnecessary hardship on the applicant, the Board of Adjustment may waive, modify, or adjust the requirements of this Chapter. In granting such change, the Board of Adjustment may impose such additional conditions as will, in its judgment, substantially secure the objectives of the standards or requirements that are waived, adjusted or modified. Any recommendations or authorized changes shall be entered into the minutes of the Board of Adjustment, together with the circumstances that justified the changes granted.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0032, Ren&Amd, 11/08/94, 14-5-4)

B. Fees. The fee for an appeal to the Board of Adjustment shall be according to the fee schedule approved by the City Council.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0032, Ren&Amd, 11/08/94, 14-5-4)

CITY OF OREM
CITY COUNCIL MEETING
 OCTOBER 8, 2013



REQUEST:	6:30 P.M. PUBLIC HEARING ORDINANCE AMENDMENT – Amending Section 12-2-4(D), Section 12-3-1(B), Section 12-3-3(G), Section 12-5-8(E)(8), Section 12-5-11, and Section 12-5-12 of the Code pertaining to licensing and business requirements.
APPLICANT:	Development Services
FISCAL IMPACT:	None

NOTICES:

- Posted in 2 public places
- Posted on City webpage
- Posted on the State Noticing Website
- Faxed to newspapers
- Emailed to newspapers
- Neighborhood Chair

SITE INFORMATION:

- General Plan Designation: N/A
- Current Zone: N/A
- Acreage: N/A
- Neighborhood: N/A
- Neighborhood Chair: N/A

**PLANNING
 COMMISSION
 RECOMMENDATION**

**Vote: 5-0 for
 Approval**

PREPARED BY:
 LaDonna Petersen,
 Business License
 Specialist

APPROVED BY:

RECOMMENDATION:

The Development Services Department recommends that the City Council, by ordinance, amend Section 12-2-4(D), Section 12-3-1(B), Section 12-3-3(G), Section 12-5-8(E)(8), Section 12-5-11, and Section 12-5-12 of the Orem City Code pertaining to business licensing requirements.

BACKGROUND: After reviewing Section 12, Licenses and Business Regulations, the proposed changes have been drafted for updating the Orem City Code. The reason for the updates is to reflect the policies and procedures currently being followed.

12-2-4. License transfers.

D. Change of ownership. A business license may not be transferred from one owner to a subsequent owner. A subsequent owner must obtain a new business license.

Advantages of the proposal include:

When ownership changes, the new owners usually remodel. This has been an effective way to have the remodeling inspected to ensure building safety.

Disadvantage of the proposal include:

None determined.

12-3-1. Application.

B. The application form shall be provided by the City and shall contain, but not be limited to the following information: business name, address, mailing address, and phone; owner's name, address, home phone number, and date of birth. A copy of a photo identification such as a driver's license or passport must also be included in the application. If the applicant is a corporation or a partnership, the information required herein shall be provided with respect to at least one each officer of a corporation or and member of a partnership. The application shall also include the name, address, and phone number of the registered agent for any corporation or licensee.

Advantages of the proposal include:

Photo identification helps verify owner's identity during the initial application process and future interactions.

Disadvantage of the proposal include:

None determined.

G. The applicant has registered the name of the business with the Utah Division of Corporations and Commercial Code.

Advantages of the proposal include:

The Utah Division of Corporations and Commercial Code requires businesses to register with them within 30 days of starting a business. By verifying that the business applicant has done so, it helps ensure compliance with State requirements.

Disadvantage of the proposal include:

None determined.

12-5-8. Solicitors.

E. Application for Certificate of Registration, review, issuance, denial.

~~8. **Renewal.** **Duration.** A Certificate of Registration shall be valid for a period of one (1) year from the date of issuance. Any registered Solicitor in good standing may have his or her Certificate of Registration renewed for an additional period of not to exceed one (1) year upon request within thirty (30) days prior to the expiration of the Certificate of Registration and payment of a renewal fee as set by the City from time to time; provided, however, that the total of any such fee shall not exceed reasonable administrative costs incurred by the City to process the Certificate of Registration renewal and maintain the related records. A Registered Solicitor is not in good standing if he satisfies one or more grounds for denial or revocation within the meaning of this Section. An applicant desiring to obtain a Certificate of Registration after the expiration of any renewal period shall make a new application in accordance with the provisions of this Section.~~

Advantages of the proposal include:

Previously the code gave the option of renewing for one time only. However, this option requires additional effort for staff to monitor while the requirements for renewing or applying for the first time are nearly the same for the applicant.

Disadvantage of the proposal include:

None determined.

12-5-11. Temporary Businesses.

~~In addition to the business license application required by this Chapter, an applicant who desires to use a temporary site or building shall comply with the provisions of Section 22-14-18. for a temporary business shall submit a Planning Commission Application and shall receive Planning Commission approval prior to commencing business.~~

Advantages of the proposal include:

Wording reflects current process of temporary site plan approval.

Disadvantage of the proposal include:

None determined.

12-5-12. Mobile Vendors. ~~Business Requiring a Conditional Use Permit~~

~~A mobile vendor may only be a food vendor, and must have all required licensing from the Utah County Health Department. The food portion of the vehicle must be a self-contained unit and no equipment related to food preparation shall be moved outside the vehicle. A mobile vendor may not interfere with vehicular or pedestrian circulation. A mobile vendor may not be parked longer than four (4) hours at any one location (or within 500 feet of said location) per day. Property owner approval is required. A business listed~~

~~in the Zoning Ordinance as requiring a conditional use permit shall, in addition to the business license application required by this Chapter, submit an application for and receive a conditional use permit prior to the issuance of a business license.~~

Advantages of the proposal include:

Currently there is nothing in the code regarding mobile vendors. This section will help establish the proper guidelines for mobile vendors to follow. The proposed amendment also deletes that is not applicable.

Disadvantage of the proposal include:

None determined.

RECOMMENDATION: Planning Commission forwarded a positive recommendation to the City Council. Staff concurs with the Planning Commission recommendation.

DRAFT

ORDINANCE NO. _____

AN ORDINANCE BY THE OREM CITY COUNCIL AMENDING SECTION 12-2-4, SECTION 12-3-1(B), SECTION 12-3-3(G), SECTION 12-5-8(E)(8), SECTION 12-5-11, AND SECTION 12-5-12 OF THE OREM CITY CODE PERTAINING TO LICENSING AND BUSINESS REQUIREMENTS.

WHEREAS on May 13, 2013, the Development Services Department filed an application to amend Section 12-2-4, Section 12-3-1(B), Section 12-3-3(G), Section 12-5-8(E)(8), Section 12-5-11, and Section 12-5-12 of the Orem City Code pertaining to licensing and business requirements; and

WHEREAS the proposed amendments would update City ordinances to conform to current policies and procedures; and

WHEREAS a public meeting considering the subject application was held by the Planning Commission on August 7, 2013; and

WHEREAS the Planning Commission recommended that the City Council approve the proposed amendments; and

WHEREAS on October 8, 2013, the City Council held a public hearing to consider the subject application; and

WHEREAS notice of the proposed amendments was included in the City Council agenda which was posted in the Orem Public Library, the Orem City webpage, and the City Offices at 56 North State Street; 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 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 that this request:
 - A. Is in the best interest of the City because it will improve the procedures for issuing and renewing business licenses in the City; and
 - B. Will promote the general welfare of the community.
2. The City Council hereby amends Section 12-2-4(D), Section 12-3-1(B), Section 12-3-3(G), Section 12-5-8(E)(8), Section 12-5-11, and Section 12-5-12 of the Orem City Code pertaining to licensing and business requirements as shown in Exhibit A attached hereto and incorporated herein by reference.

DRAFT

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. All other ordinances, policies and resolutions in conflict herewith are hereby repealed.

5. This ordinance shall take effect immediately upon passage and publication in a newspaper of general circulation in the City of Orem.

PASSED, APPROVED and ORDERED PUBLISHED this **8th** day of **October** 2013.

COUNCIL MEMBERS VOTING "AYE"

COUNCIL MEMBERS VOTING "NAY"

DRAFT

EXHIBIT A

12-2-4. License transfers.

- C. Change of ownership. A business license may not be transferred from one owner to a subsequent owner. A subsequent owner must obtain a new business license.

12-3-1. Application.

B. The application form shall be provided by the City and shall contain, but not be limited to the following information: business name, address, mailing address, and phone; owner's name, address, home phone number, and date of birth. A copy of a photo identification such as a driver's license or passport must also be included in the application. If the applicant is a corporation or a partnership, the information required herein shall be provided with respect to at least one officer of a corporation or member of a partnership. The application shall also include the name, address, and phone number of the registered agent for any corporation or licensee.

12-3-3. Issuance of license.

G. The applicant has registered the name of the business with the Utah Division of Corporations and Commercial Code.

12-5-8. Solicitors.

E. Application for Certificate of Registration, review, issuance, denial.

8. Duration. A Certificate of Registration shall be valid for a period of one (1) year from the date of issuance.

12-5-11. Temporary Businesses.

In addition to the business license application required by this Chapter, an applicant who desires to use a temporary site or building shall comply with the provisions of Section 22-14-18.

12-5-12. Mobile Vendors.

A mobile vendor may only be a food vendor, and must have all required licensing from the Utah County Health Department. The food portion of the vehicle must be a self-contained unit and no equipment related to food preparation shall be moved outside the vehicle. A mobile vendor may not interfere with vehicular or pedestrian circulation. A mobile vendor may not be parked longer than four (4) hours at any one location (or within 500 feet of said location) per day. Property owner approval is required.

PLANNING COMMISSION MINUTES – AUGUST 7, 2013

AGENDA ITEM 3.3 is a request by Development Services to **AMEND SECTIONS 12-2-4, 12-3-1(B), 12-3-3(G), 12-5-8(8)(8), 12-5-11, AND 12-5-12 PERTAINING TO BUSINESS AND LICENSING REQUIREMENTS** of the Orem City Code.

Staff Presentation: LaDonna Petersen said that after reviewing Section 12, Licenses and Business Regulations, the proposed changes have been drafted for updating the Orem City Code. The reason for the update is that the Staff would like the code to reflect the policies and procedures currently being followed.

12-2-4. License transfers.

D. Change of ownership. A business license may not be transferred from one owner to a subsequent owner. A subsequent owner must obtain a new business license.

Advantages of the proposal include:

- When ownership changes, the new owners usually remodel. This has been an effective way to have the remodeling inspected to ensure building safety.

Disadvantage of the proposal include:

- None determined.

12-3-1. Application.

B. The application form shall be provided by the City and shall contain, but not be limited to the following information: business name, address, mailing address, and phone; owner's name, address, home phone number, and date of birth. A copy of a photo identification such as a driver's license or passport must also be included in the application. If the applicant is a corporation or a partnership, the information required herein shall be provided with respect to at least one each officer of a corporation or and member of a partnership. The application shall also include the name, address, and phone number of the registered agent for any corporation or licensee.

Advantages of the proposal include:

- Photo identification helps verify owner's identity.

Disadvantage of the proposal include:

- None determined.

12-3-3. Issuance of license.

G. The applicant has registered the name of the business with the Utah Division of Corporations and Commercial Code.

Advantages of the proposal include:

- The Utah Division of Corporations and Commercial Code requires businesses to register with them within 30 days of starting a business. By verifying that the business applicant has done so, it helps ensure compliance with State requirements.

Disadvantage of the proposal include:

- None determined.

12-5-8. Solicitors.

E. Application for Certificate of Registration, review, issuance, denial.

~~8. **Renewal. Duration.** A Certificate of Registration shall be valid for a period of one (1) year from the date of issuance. Any registered Solicitor in good standing may have his or her Certificate of Registration renewed for an additional period of not to exceed one (1) year upon request within thirty (30) days prior to the expiration of the Certificate of Registration and payment of a renewal fee as set by the City from time to time; provided, however, that the total of any such fee shall not exceed reasonable administrative costs incurred by the City to process the Certificate of Registration renewal and maintain the related records. A Registered Solicitor is not in good standing if he satisfies one or more grounds for denial or revocation within the meaning of this Section. An applicant desiring to obtain a Certificate of Registration after the expiration of any renewal period shall make a new application in accordance with the provisions of this Section.~~

Advantages of the proposal include:

- Previously the code gave the option of renewing for one time only. However, this option requires additional effort for staff to monitor while the requirements for renewing or applying for the first time are nearly the same for the applicant.

Disadvantage of the proposal include:

- None determined.

12-5-11. Temporary Businesses.

In addition to the business license application required by this Chapter, an applicant who desires to use a temporary site or building shall comply with the provisions of Section 22-14-18. for a temporary business shall submit a Planning Commission Application and shall receive Planning Commission approval prior to commencing business.

Advantages of the proposal include:

- Wording reflects current process of temporary site plan approval.

Disadvantage of the proposal include:

- None determined.

12-5-12. Mobile Vendors.

A mobile vendor may only be a food vendor, and must have all required licensing from the Utah County Health Department. The food portion of the vehicle must be a self-contained unit and no equipment related to food preparation shall be moved outside the vehicle. A mobile vendor may not interfere with vehicular or pedestrian circulation. A mobile vendor may not be parked longer than four (4) hours at any one location (or within 500 feet of said location) per day. Property owner approval is required.

Advantages of the proposal include:

- Currently, there is nothing in the code regarding mobile vendors. This section will help establish the proper guidelines for mobile vendors to follow.

Disadvantage of the proposal include:

- None determined.

~~12-5-12. Business Requiring a Conditional Use Permit.~~

~~A business listed in the Zoning Ordinance as requiring a conditional use permit shall, in addition to the business license application required by this Chapter, submit an application for and receive a conditional use permit prior to the issuance of a business license.~~

Advantages of the proposal include:

- Wording reflects current process.
- Deleting ordinance that is not applicable.

Disadvantage of the proposal include:

- None determined.

RECOMMENDATION: Staff recommends the Planning Commission forward a positive recommendation to the City Council.

Vice Chair Colledge asked if the Planning Commission had any questions for Ms. Petersen.

Vice Chair Colledge asked if the fee for solicitors changes with this ordinance. Ms. Petersen said the change to the solicitors concerns the renewal process. The basic fees and requirements have not changed.

Ms. Jeffreys asked if a new business needs to show proof it is registered with the State of Utah Department of Commerce. Ms. Petersen said the staff can look on the Commerce's website to see who the registered owner is.

Vice Chair Colledge opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

When no one came forward, Vice Chair Colledge closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item.

Planning Commission Action: Ms. Jeffreys said she is satisfied that the Planning Commission has found this request complies with all applicable City codes. She then moved to recommend the City Council amend Sections 12-2-4, 12-3-1(B), 12-3-3(G), 12-5-8(8)(8), 12-5-11, and 12-5-12 pertaining to business and licensing requirements of the Orem City Code. Vice Chair Colledge seconded the motion. Those voting aye: Mike Colledge, Karen Jeffreys, Lynnette Larsen, David Moulton, and Derek Whetten. The motion passed unanimously.



DRC APPLICATION

Development Services Department • 56 North State Street, Orem, Utah 84057 • (801) 229-7183 • FAX (801) 229-7191

www.orem.org

APPLICANT INFORMATION

FORM EXPIRES: 06-30-2013

Name: L. Donna Petersen Phone: (801) 229-7052
 Address: 56 N State St FAX: _____
 City: Orem State: UT Zip: 84057 e-mail: _____

PROJECT INFORMATION

Project Name: Chapter 12 ^{Business} License Regulations - Various sections
 Project Address: 56 N. State Street

Nature of Request (Check all that apply) and Filing Fee Amount

SUBDIVISION PLATS/LOT LINE ADJUSTMENT	ORDINANCE AMENDMENTS	OREM GENERAL PLAN AMENDMENTS	MISCELLANEOUS	APPEALS/OTHER
<input type="checkbox"/> Preliminary/PRD \$500 + \$20/lot or unit <input type="checkbox"/> Preliminary deep lot sign fee \$25 <input type="checkbox"/> Final \$200 + \$20/lot or unit + recording fees <input type="checkbox"/> Vacation/Amendment \$400 + \$25 sign fee + recording fees <input type="checkbox"/> Final PRD \$200 + \$30/lot or unit + recording fees	<input type="checkbox"/> Sign \$200 <input type="checkbox"/> Subdivision \$200 <input checked="" type="checkbox"/> Zoning, Text \$400 +25 sign fee for PD zone <input type="checkbox"/> Rezone \$400 + \$25 sign fee	<input type="checkbox"/> Land Use Map Change \$525 + \$25 sign fee <input type="checkbox"/> Text Change \$525	<input type="checkbox"/> Site Plan Admin. Approval \$300 <input type="checkbox"/> Site Plan \$1,000 + \$25 sign fee for following PD Zones: 1,4,5,15,16,21 <input type="checkbox"/> Concrete/Masonry Fence \$50 <input type="checkbox"/> Temporary Site Plan Approval \$100 <input type="checkbox"/> Conditional Use Permit \$400.00 + \$25 sign fee <input type="checkbox"/> Fence Modification/Waiver \$100 <input type="checkbox"/> Condominium Conversion \$300.00 + \$25/Unit + \$25 sign fee; + \$30 building inspection fee/Unit	<input type="checkbox"/> To City Council \$100 <input type="checkbox"/> To Planning Commission \$100 <input type="checkbox"/> Street Vacation \$400 <input type="checkbox"/> Annexation \$750 + \$25 sign fee <input type="checkbox"/> Driveway Entrance Modification \$175 <input type="checkbox"/> Resubmittal Fee \$100/review After three reviews <input type="checkbox"/> Other \$200

FILING FEES AND REQUIRED COPIES

FILING FEES: The filing fee for each "Nature of Request" checked above is required at the time the application is filed with the City. The fee amount is listed above. One DRC Application may be used for more than one Nature of Request.

REQUIRED COPIES: Two (2) full size copies 24" by 36", one (1) copy reduced to an 11" by 17", and one (1) copy reduced to an 8½" by 11" shall be submitted with each application for Subdivision Plats, Conditional Use Permits, Site Plans, and Condominium Conversions.

APPLICANT NOTES, SIGNATURE, AND CONTACT PERSON

PLANNING COMMISSION/CITY COUNCIL MEETINGS: Once the Development Review Committee determines your application is complete the Staff will forward it to the Planning Commission and City Council. **The applicant's attendance at the Planning Commission and City Council meetings is required.** The City Council is the final approving authority on the following items: Conditional Use Permits; Appeals; City Code amendments; General Plan Amendments; Fence Modifications; and site plans in the following zones: PD-1, PD-4, PD-5, PD-15, PD-16, and PD-21.

NEIGHBORHOOD MEETING: The applicant shall hold a neighborhood meeting in accordance with the City Code for the following requests: **General Plan Amendments; Zoning Ordinance Amendment, Map; Commercial developments adjacent to residential zones; all non-residential uses in a residential zone.**

DRC APPLICATION: This DRC Application must be complete at the time it is submitted to the City or it may not be accepted.

FILING FEE NOTICE: Applications filed after July 1 are subject to fee changes.

Applicant's Signature: L. Donna Petersen Contact Person Name: _____ Phone: _____

OFFICE USE ONLY

Date Filed: 6/8/13 Fees Paid: 0 Received By: [Signature]

Please Note: The deadline for filing this application to be considered at the next DRC Meeting is Monday at noon. If Monday is a Holiday the deadline is extended to the following Tuesday at noon. Once filed with the City, you may contact any of the following individuals to learn of the status of this application: Jason Bench, 229-7238; David Stroud, 229-7095; or Clinton Spencer, 229-7267.

CITY OF OREM
CITY COUNCIL MEETING
 OCTOBER 8, 2013



REQUEST:	CONTINUED DISCUSSION - ZONING ORDINANCE AMENDMENT - Amending Section 22-19-1 and Appendix A of the Orem City Code as it pertains to various uses in the M1, M2 and CM zones.
APPLICANT:	Development Services
FISCAL IMPACT:	None

NOTICES:

- Posted in 2 public places
- Posted on City webpage
- Posted on the State Noticing Website
- Faxed to newspapers
- Emailed to newspapers
- Mailed invitation letters to neighborhood chairs

SITE INFORMATION:

- General Plan
N/A
- Current Zone
CM, M1 and M2 zones –
- Citywide impact**
- Acreage
N/A
- Neighborhood
N/A
- Neighborhood Chair
N/A

PREPARED BY:
 Clinton A. Spencer
 Planner

APPROVED BY:

PLANNING COMMISSION RECOMMENDATION:
 5-0 for approval

RECOMMENDATION:

The Department of Development Services recommends the City Council, by ordinance, amend Section 22-19-1 and Appendix A of the Orem City Code as it pertains to various uses in the M1, M2 and CM zones.

BACKGROUND: This item was initially discussed by the Council in its meeting on August 27, 2013. At that meeting, Mike Dunn appeared with his attorney and expressed his concern about the effect the proposed amendments would have on the recycling business he operates on his property at approximately 520 North Geneva Road. Subsequent to the meeting, staff met with Mike Dunn and his attorney and have agreed upon the principal terms of a potential development agreement that would allow Mr. Dunn to continue his recycling business in the M2 zone in the event the City Council makes recycling a nonpermitted use in the M2 zone.

A development agreement has not yet been executed because it will only be necessary if the City Council decides to adopt the proposed amendment and because there are still a few details pertaining to the timing of the construction of a new building on Mr. Dunn's property that haven't yet been finalized. However, if the Council decides to make recycling a nonpermitted use in the M2 zone, staff anticipate working with Mr. Dunn to finalize a development agreement shortly thereafter.

The M1, M2, and CM zones are generally located west of the I-15 corridor in Orem. The uses currently allowed in these zones are industrial uses such as manufacturing, shipping, storage, warehousing, and other similar types of uses.

As part of an ongoing long range plan review for the Geneva Road corridor, the Development Services Department requests that certain uses in the M1, M2, and CM zones be changed from "Permitted" to "Not Permitted" to facilitate future changes along the corridor as a result of the improvements to Geneva Road, the continued development of Vineyard and the potential redevelopment of many areas in Orem along the corridor.

The Orem General Plan states, "Heavy industrial uses should be reduced in the future by developing more light and controlled manufacturing areas to encourage high-tech jobs." This proposal is consistent with the General Plan. Other uses more consistent with business parks and light industrial types of development, as well as retail uses, are perceived to become more fitting to this

DRAFT

ORDINANCE NO. _____

AN ORDINANCE BY THE OREM CITY COUNCIL AMENDING SECTION 22-19-1(A) AND APPENDIX A OF THE OREM CITY CODE BY AMENDING THE PERMITTED STATUS OF STANDARD LAND USE CODES 2110, 4841, 4850, 4851, 5193, 5395, 6370, 6420 AND 7223 IN THE CM, M1 AND M2 ZONES.

WHEREAS on May 20, and June 19, 2013, the Department of Development Services filed an application to amend section 22-19-1(A) of the Orem City Code to amend the permitted status of Standard Land Use codes 2110, 4841, 4850, 4851, 5193, 5395, 6370, 6420 and 7223 in the CM, M1, and M2 zones; and

WHEREAS the proposed amendments to Section 22-19-1(A) and Appendix A will make SLU codes 2110, 4850, 4851, 5193, 6420 and 7223 nonpermitted uses in the CM, M1 and M2 zones; and

WHEREAS the proposed amendments to Section 22-19-1(A) and Appendix A will allow SLU codes 5395 and 6370 as permitted uses in the M2 zone only, and allow SLU code 4841 as a permitted use in the CM zone only; and

WHEREAS public hearings considering the subject application were held by the Planning Commission on June 19 and August 7, 2013, with a recommendation of approval; and

WHEREAS on August 27, 2013, the City Council held a public hearing to consider the subject application and continued the application to a public meeting on October 8, 2013; and

WHEREAS on October 8, 2013 held a public meeting to further consider the application; 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; 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 hereby finds this request:
 - A. Will promote the general welfare of the City by encouraging the development of commercial and light industrial uses along the Geneva Road corridor.
 - B. Is in harmony with the Orem General Plan; and
2. The City Council hereby amends Section 22-19-1(A) and Appendix A to read as follows:

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SLU		R5	R6	R6.5	R7.5	R8	R12	R20	OS5/ROS	PO	C1	C2	C3	HS	M1	M2	CM	BP
2110	Slaughterhouse	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
4841	Sewage Treatment Plants	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N
4850	Solid Waste Disposal and Incineration	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
4851	Green Waste Composting and Recycling	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
5193	Scrap & Recycling Materials	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
5395	Flea Market	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N	N
6370	General Warehousing & Storage	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N	N
6420	Wrecking Yards	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
7223	Race Tracks	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

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. All other policies, resolutions, or ordinances in conflict herewith are hereby repealed.
5. This ordinance shall take effect immediately upon passage and publication in a newspaper of general circulation in the City of Orem.

PASSED, APPROVED, and ORDERED PUBLISHED this 8th day of **October** 2013.

James T. Evans, Mayor

ATTEST:

Donna R. Weaver, City Recorder

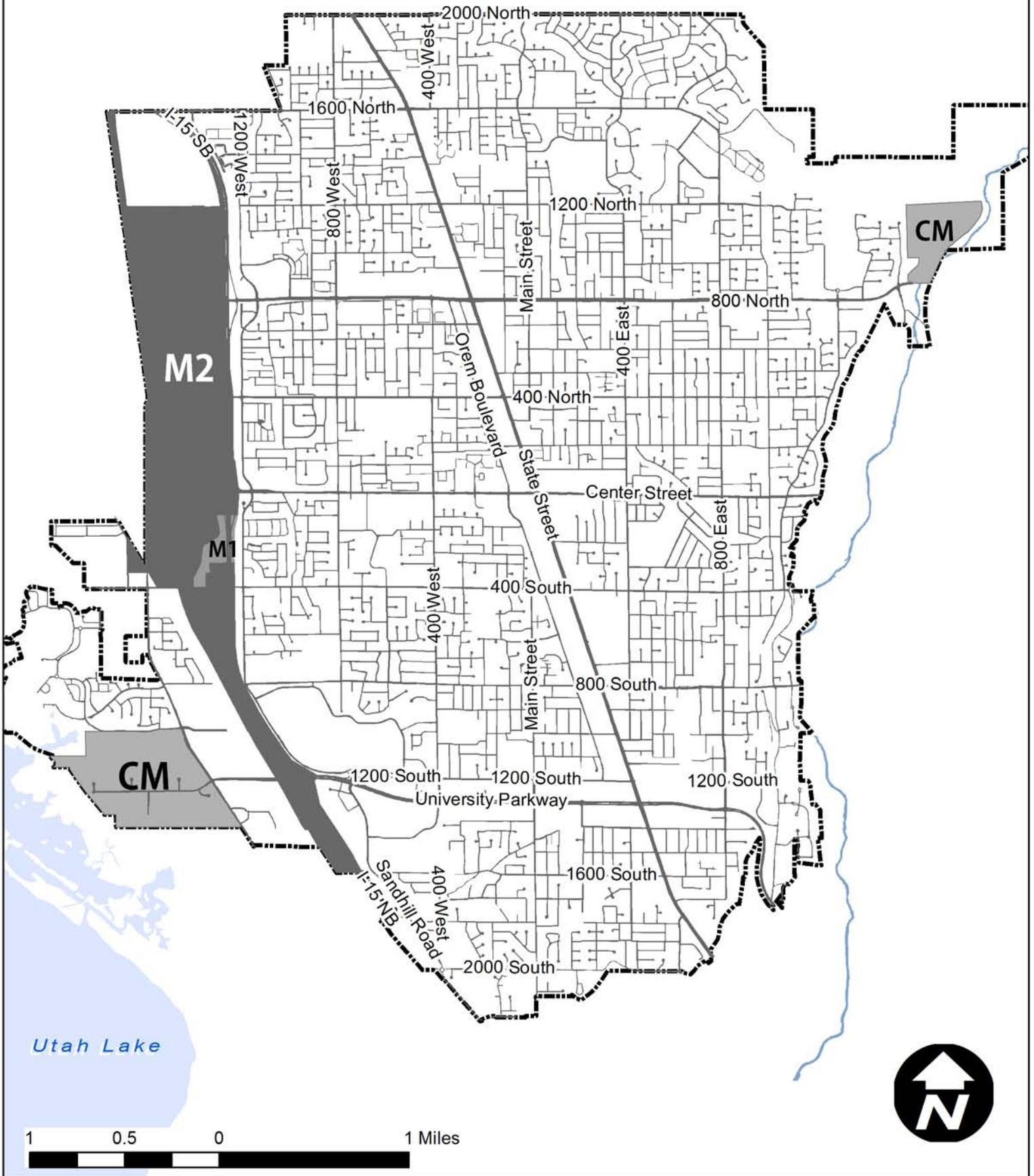
DRAFT

COUNCIL MEMBERS VOTING "AYE"

COUNCIL MEMBERS VOTING "NAY"

City of Orem

CM, M1 AND M2 ZONES



DRAFT PLANNING COMMISSION MINUTES AUGUST 7, 2013

AGENDA ITEM 3.2 is a request by Development Services to amend **SECTION 22-19-1 AND APPENDIX A PERTAINING TO VARIOUS USES IN THE M1, M2 AND CM ZONES** of the Orem City Code.

Staff Presentation: David Stroud said the M1, M2 and CM zones are generally located west of the I-15 corridor in Orem. The uses currently allowed in these zones are industrial uses such as manufacturing, shipping, storage, warehousing, and recycling among other similar types of uses. In July the Planning Commission forwarded a positive recommendation to the City Council that changed SLU 4850 *Solid Waste Incineration and Disposal* from a permitted use to a non-permitted use. This request is similar in nature in terms of the types of heavy industrial uses that may be appropriate along the Geneva Road Corridor, and in other areas of the City.

With the expansion and rebuild of Geneva Road and the growth anticipated in Orem, heavy industrial uses are not the best use of the properties located within the M1, M2 and CM zones, which are located generally along the Geneva Road corridor. The Geneva Road corridor in Orem will undergo major changes in the future with the development of Vineyard and the potential redevelopment of areas in Orem. Other uses more consistent with business parks and light industrial types of development as well as retail uses are perceived to become more fitting to this area.

General Plan: The Orem General Plan states, “Heavy industrial uses should be reduced in the future by developing more light and controlled manufacturing areas to encourage high-tech jobs.” This proposal is consistent with the General Plan.

Recommendation: City staff recommends the approval of this request and has determined that this request is in accordance to the Orem General Plan and is necessary to encourage a more light industrial and controlled manufacturing environment to develop in the future along Geneva Road.

The proposed amendment is outlined below:

SLU		R 5	R 6	R 6.5	R 7.5	R 8	R 12	R 20	OS5/ROS	P O	C 1	C 2	C 3	H S	M1	M2	CM	B P
2110	Slaughterhouse	N	N	N	N	N	N	N	N	N	N	N	N	N	NP	NP	N	N
5193	Scrap & Recycling Materials	N	N	N	N	N	N	N	N	N	N	N	N	N	NP	NP	NP	N
4841	Sewage Treatment Plants	N	N	N	N	N	N	N	N	N	N	N	N	N	NP	NP	P	N
5395	Flea Market	N	N	N	N	N	N	N	N	N	N	N	N	N	NP	P	N	N
<u>4851</u>	<u>Green Waste Composting and Recycling</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>													
6370	General Warehousing & Storage	N	N	N	N	N	N	N	N	N	N	N	N	N	NP	P	NP	N
6420	Wrecking Yards	N	N	N	N	N	N	N	N	N	N	N	N	N	N	NP	N	N
7223	Race Tracks	N	N	N	N	N	N	N	N	N	N	N	N	N	NP	NP	NP	N

Vice Chair Colledge asked if the Planning Commission had any questions for Mr. Stroud.

Vice Chair Colledge opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

When no one came forward, Vice Chair Colledge closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item.

Planning Commission Action: Ms. Jeffreys said she is satisfied that the Planning Commission has found this request complies with all applicable City codes. She then moved to recommend the City Council amend Section 22-19-1 and Appendix A as it pertains to various uses in the M1, M2, and CM zones. Mr. Whetten seconded the motion. Those voting aye: Mike Colledge, Karen Jeffreys, David Moulton, and Derek Whetten. The motion passed unanimously.

DRAFT

PLANNING COMMISSION MINUTES – JUNE 19, 2013

AGENDA ITEM 4.1 is a request by Development Services to amend **STANDARD LAND USE CODE (SLU) 4850 SOLID WASTE DISPOSAL & INCINERATION** CHANGING FROM A PERMITTED USE TO NOT PERMITTED IN THE **M1 AND M2 ZONES** of the Orem City code.

Staff Presentation: Clinton Spencer said the M1 and M2 zones are located west of the I-15 corridor in Orem. The uses allowed in these zones are industrial uses such as manufacturing, shipping, storage, warehousing, and recycling among other similar types of uses. SLU code 4850 allows for solid waste to be shipped in to the City and is either recycled, or otherwise processed, but not permanently stored. During transport to the site and the processing of material, loose trash spreads to other adjacent sites. There have also been complaints regarding the odor the waste creates.

The City contracts with the North Pointe Transfer Station, located in Lindon, to handle its solid waste needs and see no further necessity to allow the expansion of solid waste facilities within City limits. There is currently only one site that operates this type of facility, and it will continue to be allowed to operate under a legal non-conforming status. Eliminating SLU code 4850 from the City will prohibit any expansion of the current site, and not allow any other solid waste disposal site to be located in the City.

With the expansion and rebuild of Geneva Road and the growth anticipated in Vineyard, solid waste is not the best use of the properties located within the M1 and M2 zones, which are located generally along Geneva Road adjacent to Vineyard. The Geneva Road corridor in Orem will undergo major changes in the future with the development of Vineyard and the potential redevelopment of areas in Orem. Other uses more consistent with Business Park and light industrial types of development as well as retail uses are perceived to become more appropriate to this area.

GENERAL PLAN: The Orem General Plan states that, “Heavy industrial uses should be reduced in the future by developing more light and controlled manufacturing areas to encourage high-tech jobs.” This proposal is consistent with the General Plan.

RECOMMENDATION:

City staff recommends the approval of this request and has determined that this request is in accordance to the Orem General Plan and is necessary to encourage a more light industrial and controlled manufacturing environment to develop in the future along Geneva Road.

The proposed amendment is outlined below:

SLU		R5	R6	R6.5	R7.5	R8	R12	R20	OSS/ROS	PO	C1	C2	C3	HS	M1	M2	CM	BF
4850	Solid Waste Disposal and Incineration	N	N	N	N	N	N	N	N	N	N	N	N	N	PN	PN	N	N

Chair Brewer asked if the Planning Commission had any questions for Mr. Spencer.

Chair Brewer opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

Paul Washburn, Orem, said he represents the target of this action, Mike Dunn. Mr. Dunn has a recycling center located at 500 North Geneva Road. This proposal will have a dramatic impact on his business. He received his initial site plan in 2002, and expanded in 2004. In 2013 he received an administrative approval for an update. The transfer station is a recycling center and takes construction waste. He separates out the different materials and then ships to the appropriate landfill. He has a very large investment in the property, with over three-million dollars in machinery on site. He made that investment with the full expectation that this was a permitted use. The statement that “a legal nonconforming use will not impact his business,” is absolutely wrong. One problem they have is that the first notification was last Thursday. He has had a difficult time getting together with staff to find out what initiated this action. There is a long term move to redevelop that area and turn it into something else. In the past

when this has happened in the City, it has been done after extensive public hearings. Extensive public hearings would be held. Also a neighborhood meeting would need to be held. Those that are being impacted would be contacted and given the opportunity to give a response and time to understand the impact this change would have on their business. They have not had any time. This will put Mr. Dunn out of business. Prior to the meeting with staff on Monday, they were not aware that Mr. Dunn is regulated heavily by the Department of Environmental Quality of the State of Utah. The State is constantly adding new requirements that require an update to the site. While the City says they can continue under a legal nonconforming status to function, if the State gives a mandate to change the site for any reason that would be considered an expansion and Mr. Dunn will be out of business. That is a three-million dollar hit to someone who cannot seem to get anyone to understand his concerns. The Planning Commission is being asked to make a decision that will dramatically impact the lives of many people in that zone. The staff cannot assess the impacts these changes will have in only a few days. There is no reason to rush at this speed. If this was any other developer, the Planning Commission would tell them to go back and take the necessary time to have neighborhood meetings, have the correct input, in order to make a proper decision. At this time, the Planning Commission does not know the impact of what this will be, staff does not either.

Julie Smith, Orem, said her office is near Mr. Dunn's site. She has never had any complaints about Mr. Dunn. When there is a bad wind storm there may be bags that stick on the fence, but he is prompt to clean up all the trash that very day. Chair Brewer noted that there has been trash dispersal, but it has been picked up promptly.

Chair Brewer closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff.

Mr. Walker asked if the landowner currently meets regulations. Mr. Spencer said the site has been approved for a recycling facility. It has not been approved as a solid waste transfer station. The submitted administrative approval addressed that, but it has not been completed. The staff has been working with Mr. Dunn over the last four-five months, trying to get a site plan in place and working towards covering what is on site to reduce the wind-blown trash from spreading to adjacent properties. Staff decided this is the route to promote the high tech job environment in the future. Mr. Walker noted there had been discussions with the landowner.

Mr. Spencer said this was properly noticed for two weeks in the papers and other venues. It was sent out 2-3 weeks ago. They sent a notification to Mr. Dunn, as a courtesy to make him aware of the change.

Mr. Spencer posted a current view of the property, using the internet. Mr. Walker asked what is east of the property. Mr. Spencer said to the east is UPS and the City Public Works Department is also close.



Ms. Jeffreys asked if they should have had a neighborhood meeting. Mr. Spencer said a neighborhood meeting is required for site plans that are adjacent to neighborhoods. When it impacts the entire City it is noticed through the State notification process. It was published in newspapers and on the website, etc. As mentioned, this was sent to Mr. Dunn as a courtesy.

Mr. Earl said the current use is consistent with current ordinance, it is supposed to be done within an enclosed framework. Mr. Bell said when this site plan was initially approved; it was for construction waste only. The City received word that he was processing solid waste. At that time Mr. Spencer went down and contacted Mr. Dunn.

Mr. Dunn then applied for the site plan change. That change has not been approved yet; Mr. Spencer has been working with Mr. Dunn to enclose the area, in order to keep the trash on site. It has been over four months in the process. Chair Brewer asked if enclosing meant containing it inside a structure. Mr. Bell said that is what they have been telling Mr. Dunn. They would approve the site plan for the solid waste, if he enclosed it.

Mr. Moulton asked if this is changed to a legal nonconforming and then forced through a regulatory change would he not be allowed to make the necessary changes. Mr. Spencer said if there is a substantial amount of building that needs to take place on the site then no. If it was a matter of replacing equipment, that would not be a problem. Mr. Earl said a nonconforming use cannot be expanded. There is some question as to what an expansion means, if the equipment is being upgraded that would not be considered an expansion. The courts interpreting that will look at how much of the site is being used for the use in question and ask if the change will enlarge the use. Mr. Walker said the Planning Commission sends a recommendation to the City Council. If this goes through as positive to change the zoning, would Mr. Dunn be allowed to build a facility on site? Mr. Earl said he would need to research into that. A site does not become a legal nonconforming use unless the use is legal to begin with. Solid waste cannot be done legally unless it is fully enclosed, then arguably the current solid waste is not legal and therefore, would not have legal nonconforming status.

Mr. Washburn said this is an intellectual exercise for Mr. Dunn and his business is everything he has. One of the problems with recycling is thinking that people will bring in a clean box of cans or pipes, etc. Most recycling materials come in from construction dumpsters. Unfortunately, hidden inside the dumpster there is garbage included. It is impossible to deal with recycling operations and not have some solid waste. He noted he has been in the business for 20 years, and wondered how many Planning Commissioners have read a notice in the newspaper and would have the faintest idea what it meant. The only way one can know what is going on is when a notice is handed out directly to the person. There is time between now and City Council to look at what is needed. It would be beneficial to have the item to be continued and have a couple of weeks to look over the item and then the Planning Commission can make an informed recommendation.

Chair Brewer asked if time is of the essence. Mr. Spencer said it needs to be done as soon as possible.

Ms. Jeffreys asked if the solid waste is just coming from construction dumpsters. Mr. Spencer said he has been told this site is receiving solid waste from Alpine City on the weekends. From speaking with Mr. Dunn, it has come from commercial dumpsters as well. Vice Chair Colledge said it is acting like a transfer station instead of a recycling center. Mr. Spencer said when material is delivered, they go through and pull out what they can use and the rest is then shipped off to a solid waste facility.

Vice Chair Colledge asked where the line is drawn between recycling and solid waste. Mr. Bell noted that at your house if a milk carton is in the dumpster with all the food waste, it will go to this facility and Mr. Dunn will take out the milk carton and the pop bottle, but all the solid waste is still there. Chair Brewer said the solid waste is then shipped off site to another location. He also noted that this facility is accepting waste from another community. Mr. Walker added that this would make it non-conforming to the approved use.

Mr. Moulton said that in order to make it conforming there would need to be a building or covered area. If this is passed, would it still be able to be approved. Mr. Earl said no, if solid waste becomes a not-permitted use, then Mr. Dunn would not be able to build the building to make it conforming.

Mr. Walker said the landowner and the City need to get together and work it out. A lot of money has been expended on Geneva Road and it has turned into a nice road. The City of Vineyard will develop across the street and there will be housing/retail/light industrial. Mr. Spencer said the General Plan does address that change.

Mr. Washburn said he has a disagreement on whether they are nonconforming or conforming. Application and fees were turned into the City three months ago and they thought it was for an immediate administrative approval. This is the first time they have heard that staff is waiting for more information. This has been stalled out with the idea of killing this business. He then asked what would be hurt to give this a couple of weeks, so everyone can make an informed choice. There are number of things they would like to bring forward, like the requirements the Department of Environmental Quality places on Mr. Dunn.

Mr. Bell said as he earlier stated before, Mr. Spencer has worked with the owner of the property. Mr. Dunn was telling Mr. Spencer that he was trying to acquire more property before he built the building. He has been aware of this for months. This is not news today.

Mr. Walker asked if the site is conforming or nonconforming from a legal opinion. Mr. Earl said the solid waste is not legal unless it is conducted in an enclosed structure, based on that it is nonconforming.

Chair Brewer called for a motion on this item.

Planning Commission Action: Mr. Walker said he is satisfied that the Planning Commission has found this request complies with all applicable City codes. He then moved to recommend the City Council amend Standard Land Use Code 4850 Solid Waste Disposal & Incineration from a permitted use to a not permitted use in the M1 and M2 zones of the Orem City Code. Vice Chair Colledge seconded the motion. Those voting aye: John Brewer, Mike Colledge, Karen Jeffreys, David Moulton, and Michael Walker. The motion passed unanimously.

Project Timeline

Project: ZOA - SLU Code changes CM, M1 & M2 zones.

1. Neighborhood Meeting held by applicant on: N/A
2. DRC Application Date: 5/20/13 & 6/19/13
3. Obtained Development Review Committee Clearance on: 5/28 & 7/1 by: RA
4. Publication notice for PC sent to Recorders office on: 5/20 & 7/11 by: RA
5. Neighborhood notice (300') for Planning Commission mailed on: N/A by: _____
6. Planning Division Manager received neighborhood notice on: N/A
7. Property posted for PC on: N/A by: _____ Removed on: _____
8. Planning Commission recommended approval / denial on: 6/19/13 & 8/7/13
9. Publication notice for CC sent to Recorders office on: 8/5/13 by: RA
10. Neighborhood notice (300') for City Council mailed on: N/A by: _____
11. Planning Division Manager received neighborhood notice on: N/A
12. Property Posted for City Council on: N/A by: _____ Removed: _____
13. City Council Approved / Denied on: _____



DRC APPLICATION

Development Services Department • 56 North State Street, Orem, Utah 84057 • (801) 229-7183 • FAX (801) 229-7191

www.orem.org

APPLICANT INFORMATION			FORM EXPIRES: 06-30-2013
Name:	City of Orem	Phone:	
Address:	56 N State St.	FAX:	
City:	Orem	State:	UT
		Zip:	84057
		e-mail:	

PROJECT INFORMATION	
Project Name:	SLU 4850 - Not permitted in M1 - M2 zones.
Project Address:	

Nature of Request (Check all that apply) and Filing Fee Amount				
SUBDIVISION PLATS/LOT LINE ADJUSTMENT	ORDINANCE AMENDMENTS	OREM GENERAL PLAN AMENDMENTS	MISCELLANEOUS	APPEALS/OTHER
<input type="checkbox"/> Preliminary/PRD \$500 + \$20/lot or unit	<input type="checkbox"/> Sign \$200	<input type="checkbox"/> Land Use Map Change \$525 + \$25 sign fee	<input type="checkbox"/> Site Plan Admin. Approval \$300	<input type="checkbox"/> To City Council \$100
<input type="checkbox"/> Preliminary deep lot sign fee \$25	<input type="checkbox"/> Subdivision \$200	<input type="checkbox"/> Text Change \$525	<input type="checkbox"/> Site Plan \$1,000 + \$25 sign fee for following PD Zones: 1,4,5,15,16,21	<input type="checkbox"/> To Planning Commission \$100
<input type="checkbox"/> Final \$200 + \$20/lot or unit + recording fees	<input checked="" type="checkbox"/> Zoning, Text \$400 +25 sign fee for PD zone		<input type="checkbox"/> Concrete/Masonry Fence \$50	<input type="checkbox"/> Street Vacation \$400
<input type="checkbox"/> Vacation/Amendment \$400 + \$25 sign fee + recording fees	<input type="checkbox"/> Rezone \$400 + \$25 sign fee		<input type="checkbox"/> Temporary Site Plan Approval \$100	<input type="checkbox"/> Annexation \$750 + \$25 sign fee
<input type="checkbox"/> Final PRD \$200 + \$30/lot or unit + recording fees			<input type="checkbox"/> Conditional Use Permit \$400.00 + \$25 sign fee	<input type="checkbox"/> Driveway Entrance Modification \$175
			<input type="checkbox"/> Fence Modification/Waiver \$100	<input type="checkbox"/> Resubmittal Fee \$100/review After three reviews
			<input type="checkbox"/> Condominium Conversion \$300.00 + \$25/Unit + \$25 sign fee; + \$30 building inspection fee/Unit	<input type="checkbox"/> Other \$200

FILING FEES AND REQUIRED COPIES

FILING FEES: The filing fee for each "Nature of Request" checked above is required at the time the application is filed with the City. The fee amount is listed above. One DRC Application may be used for more than one Nature of Request.

REQUIRED COPIES: Two (2) full size copies 24" by 36", one (1) copy reduced to an 11" by 17", and one (1) copy reduced to an 8½" by 11" shall be submitted with each application for Subdivision Plats, Conditional Use Permits, Site Plans, and Condominium Conversions.

APPLICANT NOTES, SIGNATURE, AND CONTACT PERSON

PLANNING COMMISSION/CITY COUNCIL MEETINGS: Once the Development Review Committee determines your application is complete the Staff will forward it to the Planning Commission and City Council. **The applicant's attendance at the Planning Commission and City Council meetings is required.** The City Council is the final approving authority on the following items: Conditional Use Permits; Appeals; City Code amendments; General Plan Amendments; Fence Modifications; and site plans in the following zones: PD-1, PD-4, PD-5, PD-15, PD-16, and PD-21.

NEIGHBORHOOD MEETING: The applicant shall hold a neighborhood meeting in accordance with the City Code for the following requests: **General Plan Amendments; Zoning Ordinance Amendment, Map; Commercial developments adjacent to residential zones; all non-residential uses in a residential zone.**

DRC APPLICATION: This DRC Application must be **complete** at the time it is submitted to the City or it may not be accepted.

FILING FEE NOTICE: Applications filed after July 1 are subject to fee changes.

Applicant's Signature:	Contact Person Name:	Phone:
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OFFICE USE ONLY		
Date Filed: 5/20/13	Fees Paid:	Received By:

Please Note: The deadline for filing this application to be considered at the next DRC Meeting is Monday at noon. If Monday is a Holiday the deadline is extended to the following Tuesday at noon. Once filed with the City, you may contact any of the following individuals to learn of the status of this application: Jason Bench, 229-7238; David Stroud, 229-7095; or Clinton Spencer, 229-7267.



OREM DRC APPLICATION

Development Services Department • 56 North State Street, Orem, Utah 84057 • (801) 229-7183 • FAX (801) 229-7191

www.orem.org

APPLICANT INFORMATION

FORM EXPIRES: 06-30-2013

Name: Dept. Development Services Phone: _____
 Address: _____ FAX: _____
 City: OREM State: UT Zip: _____ e-mail: _____

PROJECT INFORMATION

Project Name: Amending SLU codes in M1, M2 and CM zones.
 Project Address: _____

Nature of Request (Check all that apply) and Filing Fee Amount

SUBDIVISION PLATS/LOT LINE ADJUSTMENT	ORDINANCE AMENDMENTS	OREM GENERAL PLAN AMENDMENTS	MISCELLANEOUS	APPEALS/OTHER
<input type="checkbox"/> Preliminary/PRD \$500 + \$20/lot or unit <input type="checkbox"/> Preliminary deep lot sign fee \$25 <input type="checkbox"/> Final \$200 + \$20/lot or unit, not including recording fees <input type="checkbox"/> Vacation/Amendment \$400 + \$20/lot or unit + \$25 sign fee, not including recording fees <input type="checkbox"/> Final PRD \$200 + \$30/lot or unit + recording fees <input type="checkbox"/> Lot Line Adjustment \$400 + \$25 sign fee, not including recording fees	<input type="checkbox"/> Sign \$400 <input type="checkbox"/> Subdivision \$400 <input checked="" type="checkbox"/> Zoning, Text \$400 +25 sign fee for PD zone <input type="checkbox"/> Rezone \$400 + \$25 sign fee	<input type="checkbox"/> Land Use Map Change \$525 + \$25 sign fee <input type="checkbox"/> Text Change \$525	<input type="checkbox"/> Site Plan Admin. Approval \$300 <input type="checkbox"/> Site Plan \$1,000 + \$25 sign fee for following PD Zones: 1,4,5,15,16,21 <input type="checkbox"/> Concrete/Masonry Fence \$50 <input type="checkbox"/> Temporary Site Plan Approval \$100 <input type="checkbox"/> Conditional Use Permit \$400.00 + \$25 sign fee <input type="checkbox"/> Fence Modification/Waiver \$100 <input type="checkbox"/> Condominium Conversion \$300.00 + \$55/Unit + \$25 sign fee; + \$30 building inspection fee/Unit	<input type="checkbox"/> To City Council \$400 <input type="checkbox"/> To Planning Commission \$400 <input type="checkbox"/> Street Vacation \$400 <input type="checkbox"/> Annexation \$750 + \$25 sign fee & cost of legal noticing <input type="checkbox"/> Driveway Entrance Modification \$175 <input type="checkbox"/> Resubmittal Fee \$100/review After three reviews <input type="checkbox"/> Other \$200

FILING FEES AND REQUIRED COPIES

FILING FEES: The filing fee for each "Nature of Request" checked above is required at the time the application is filed with the City. The fee amount is listed above. One DRC Application may be used for more than one Nature of Request.

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PLANNING COMMISSION/CITY COUNCIL MEETINGS: Once the Development Review Committee determines your application is complete the Staff will forward it to the Planning Commission and City Council. **The applicant's attendance at the Planning Commission and City Council meetings is required.** The City Council is the final approving authority on the following items: Conditional Use Permits; Appeals; City Code amendments; General Plan Amendments; Fence Modifications; and site plans in the following zones: PD-1, PD-4, PD-5, PD-15, PD-16, and PD-21.

NEIGHBORHOOD MEETING: The applicant shall hold a neighborhood meeting in accordance with the City Code for the following requests: **General Plan Amendments; Zoning Ordinance Amendment, Map; Commercial developments adjacent to residential zones; all non-residential uses in a residential zone.**

DRC APPLICATION: This DRC Application must be **complete** at the time it is submitted to the City or it may not be accepted.

FILING FEE NOTICE: Applications filed after July 1 are subject to fee changes.

Applicant's Signature:  Contact Person Name: _____ Phone: _____

OFFICE USE ONLY

Date Filed: 6/19/13 Fees Paid:  Received By: 

Please Note: The deadline for filing this application to be considered at the next DRC Meeting is Monday at noon. If Monday is a Holiday the deadline is extended to the following Tuesday at noon. Once filed with the City, you may contact any of the following individuals to learn of the status of this application: Jason Bench, 229-7238; David Stroud, 229-7095; or Clinton Spencer, 229-7267.

CITY OF OREM
BUDGET REPORT FOR THE MONTH ENDED AUGUST 2013

Percent of Year Expired: 17%

Fund	Current Appropriation	Monthly Total	Year-To-Date Total	Encumbrances	Balance	% To Date FY 2014	% To Date FY 2013	Notes
10 GENERAL FUND								
Revenues	41,407,039	1,720,472	2,790,334			7%		
Appr. Surplus - Current	282,000		282,000			100%		
Appr. Surplus - Prior Year	1,037,610		1,037,610			100%		
Std. Interfund Transactions	4,623,406		4,623,406			100%		
Total Resources	47,350,055	1,720,472	8,733,350		38,616,705	18%	18%	
Expenditures	47,350,055	4,436,431	9,312,754	2,296,834	35,740,467	25%	23%	
20 ROAD FUND								
Revenues	2,260,000	855	855			0%		
Appr. Surplus - Prior Year	1,554,240		1,554,240			100%		
Total Resources	3,814,240	855	1,555,095		2,259,145	41%	26%	
Expenditures	3,814,240	641,869	943,365	1,348,947	1,521,928	60%	50%	1
21 CARE TAX FUND								
Revenues	1,700,000	2,031	4,123			0%		
Appr. Surplus - Current	133,035		133,035			100%		
Appr. Surplus - Prior Year	8,354,408		8,354,408			100%		
Total Resources	10,187,443	2,031	8,491,566		1,695,877	83%	84%	
Expenditures	10,187,443	64,644	995,643		9,191,800	10%	11%	
30 DEBT SERVICE FUND								
Revenues	7,331,861	1,500,281	1,559,324			21%		
Appr. Surplus - Prior Year	4,820		4,820			100%		
Total Resources	7,336,681	1,500,281	1,564,144		5,772,537	21%	4%	
Expenditures	7,336,681	6,109	53,910		7,282,771	1%	1%	
45 CIP FUND								
Revenues	240,000	6,571	38,988			16%		
Appr. Surplus - Prior Year	869,126		869,126			100%		
Total Resources	1,109,126	6,571	908,114		201,012	82%	55%	2
Expenditures	1,109,126	98,596	156,765	70,450	881,911	20%	17%	
51 WATER FUND								
Revenues	10,904,031	1,370,144	3,032,135			28%		
Appr. Surplus - Prior Year	2,913,995		2,913,995			100%		
Total Resources	13,818,026	1,370,144	5,946,130		7,871,896	43%	37%	
Expenditures	13,818,026	104,311	3,006,467	516,155	10,295,404	25%	30%	
52 WATER RECLAMATION FUND								
Revenues	6,954,851	597,411	1,106,379			16%		
Appr. Surplus - Prior Year	1,496,982		1,496,982			100%		
Total Resources	8,451,833	597,411	2,603,361		5,848,472	31%	27%	
Expenditures	8,451,833	265,431	2,035,961	883,651	5,532,221	35%	31%	
55 STORM SEWER FUND								
Revenues	2,880,300	252,782	504,241			18%		
Appr. Surplus - Prior Year	977,969		977,969			100%		
Total Resources	3,858,269	252,782	1,482,210		2,376,059	38%	50%	
Expenditures	3,858,269	75,626	1,071,753	659,284	2,127,232	45%	22%	3
56 RECREATION FUND								
Revenues	1,694,500	89,278	245,928			15%		
Appr. Surplus - Prior Year	18,255		18,255			100%		
Total Resources	1,712,755	89,278	264,183		1,448,572	15%	22%	
Expenditures	1,712,755	166,655	318,650	241,087	1,153,018	33%	32%	
57 SOLID WASTE FUND								
Revenues	3,379,600	287,163	574,678			17%		
Appr. Surplus - Prior Year	10,094		10,094			100%		
Total Resources	3,389,694	287,163	584,772		2,804,922	17%	17%	
Expenditures	3,389,694	243,897	733,610		2,656,084	22%	22%	

CITY OF OREM
BUDGET REPORT FOR THE MONTH ENDED AUGUST 2013

Percent of Year Expired: 17%

Fund	Current Appropriation	Monthly Total	Year-To-Date Total	Encumbrances	Balance	% To Date FY 2014	% To Date FY 2013	Notes
61 FLEET MAINTENANCE FUND								
Appr. Surplus - Prior Year	595		595			100%		
Std. Interfund Transactions	585,000		585,000			100%		
Total Resources	585,595		585,595			100%	100%	
Expenditures	585,595	29,716	173,868	17,378	394,349	33%	34%	
62 PURCHASING/WAREHOUSING FUND								
Revenues		15	30			100%		
Std. Interfund Transactions	340,000		340,000			100%		
Total Resources	340,000	15	340,030		-30	100%	100%	
Expenditures	340,000	20,003	88,624	1,170	250,206	26%	26%	
63 SELF INSURANCE FUND								
Revenues	490,000	38,457	77,655			16%		
Std. Interfund Transactions	1,175,000		1,175,000			100%		
Total Resources	1,665,000	38,457	1,252,655		412,345	75%	79%	
Expenditures	1,665,000	489,675	930,826	15,608	718,566	57%	64%	
74 CDBG FUND								
Revenues	875,083	7,183	21,065			2%		
Appr. Surplus - Prior Year	241,343		241,343			100%		
Total Resources	1,116,426	7,183	262,408			24%	18%	
Expenditures	1,116,426	16,582	124,056	4,673	987,697	12%	19%	
CITY TOTAL RESOURCES	104,735,143	5,872,643	34,573,613		69,307,512	33%	30%	
CITY TOTAL EXPENDITURES	104,735,143	6,659,545	19,946,252	6,055,237	78,733,654	25%	23%	

NOTES TO THE BUDGET REPORT FOR THE MONTH ENDED AUGUST 2013:

- 1) The current year expenditures are higher in comparison to the prior year due to the current year encumbrances (\$1,348,947) being significantly more than in the prior fiscal year (\$811,208) at this date in time.
- 2) Current year revenues are higher in comparison to the prior year due to receiving a cell tower lease payment that is normally not received until September.
- 3) The current year expenditures are higher in comparison to the prior year due to the current year encumbrances (\$659,284) being significantly more than in the prior fiscal year (\$53,085) at this date in time. Primarily due to Williams Farm capital project.

<p>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 Richard Manning (229-7037) or Brandon Nelson (229-7010).</p>
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