



CITY OF OREM
CITY COUNCIL MEETING
56 North State Street, Orem, Utah
October 22, 2013

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

3:30 P.M. FIELD TRIP

1. **TOUR – Public Safety**

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

2. **DISCUSSION – City Council Code of Conduct**

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. The minutes from the October 8, 2013, City Council meeting are not yet available for approval.

**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

MAYOR’S REPORT/ITEMS REFERRED BY COUNCIL

6. **UPCOMING EVENTS**
7. **UPCOMING AGENDA ITEMS**
8. **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 vacancy
 - Library Advisory Commission 2 vacancies
 - Recreation Advisory Commission 4 vacancies
 - Summerfest Advisory Committee 2 vacancies
9. **RECOGNITION OF NEW NEIGHBORHOODS IN ACTION OFFICERS**
10. **PROCLAMATION – Extra Mile Day – November 1, 2013**
11. **REPORT – Historical Preservation Advisory Commission**

CITY MANAGER’S APPOINTMENTS

12. **APPOINTMENTS TO BOARDS AND COMMISSIONS**

PERSONAL APPEARANCES – 15 MINUTES

13. **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

14. There are no consent items.

SCHEDULED ITEMS

6:20 P.M. PUBLIC HEARING

15. **ORDINANCE – Amending Standard Land Use Code 5512 (Motor Vehicles (Used)) of the Orem City Code from a nonpermitted use to a permitted use in the HS zone.**

REQUEST: The Department of Development Services requests the City amend Standard Land Use Code (SLU) 5512 (Motor Vehicles (Used)) of the Orem City Code from a nonpermitted use to a permitted use in the HS zone.

PRESENTER: Jason Bench

POTENTIALLY AFFECTED AREA: Citywide

BACKGROUND: The HS (Highway Services) zone is located along the frontage of I-15. This area is highly visible to motorists traveling the corridor and is a very desirable area in regards to selling cars, whether new, or used. The HS zone already allows the sale of new cars, marine craft (boats new & used), and aircraft. Changing the ordinance to also allow for the sale of used cars is in harmony with current uses within the zone.

GENERAL PLAN: The HS zone is classified by the Orem General Plan as a Regional Commercial land use. The Orem General Plan states, “The Regional Commercial classification is established to provide locations in which the primary use of the land is for commercial and service uses to serve the needs of people living in an entire region.” Allowing used cars along the I-15 corridor serves the traveling community that comes through the City on a daily basis and is in harmony with the Orem General Plan.

RECOMMENDATION: The Planning Commission recommends the approval of this request and has determined that this request is in accordance to the Orem General Plan and is necessary to provide additional sites for used car sales in the City.

6:20 P.M. PUBLIC HEARING

- 16. ORDINANCE – Enacting Section 22-11-51 (PD-38 zone) and Appendix FF (concept plan); and amending Section 22-5-3 (A) and the zoning map of the City of Orem by changing the zone on 9.38 acres at 1697 South 400 East from R6.5 to PD-38.**

REQUEST: The applicant requests the City Council enact Section 22-11-51 (PD-38 zone) and Appendix FF (concept plan); and amend Section 22-5-3(A) and the zoning map of the City of Orem by changing the zone on 9.38 acres located at approximately 1697 South 400 East from the R6.5 zone to the PD-38 zone.

PRESENTER: Jason Bench

POTENTIALLY AFFECTED AREA: Citywide

BACKGROUND: The applicant recently acquired the Village Condominiums and renamed the development Summit Ridge Apartments. Approved in 1971, Summit Ridge contains 96 units on 9.38 acres which is a density of 10.2 units per acre. The overall site is underutilized and contains a large parking lot on the southeast corner of the property. The applicant is seeking approval to construct a 74-unit building at this location. The density with the additional units would be 18.1 units/acre. As a comparison, other apartment projects in the City have the following densities (total units):

- Village Park Apartments, 1080 North Sate Street – 21.5 units/acre (192)
- Cortland Ridge Apartments, 800 West 800 North – 15.4 units/acre (144)
- Pinnacle Canyon View Apartments, 1430 South Sandhill – 24.4 units/acre (288)
- Country Springs Apartments, 625 South Orem Blvd. – 25.6 units/acre (164)

Since the current zone on the property (R6.5) does not permit the construction of high density housing, the applicant is proposing the creation of a new planned development (PD) zone. The text of the proposed PD zone is included with this report.

The applicant held a neighborhood meeting on April 4, 2013, and August 6, 2013, with several neighbors in attendance. The neighbors appear generally in favor of the request. Their main concern was “upgrading” the existing tenants, which zoning cannot address. One phone call prior to the Planning Commission was received by a neighbor inquiring about the height of the building. The caller is a property owner to the east who felt that the proposed 25-foot setback was too close to the property line.

The City Code indicates that planned development zones are appropriate for residential developments that are significantly different in design, layout or characteristics from the type of residential development allowed under existing zoning classifications. The new apartment building being proposed by the applicant is significantly different from the type of development that would be allowed under any of the City’s standard zones and so would appear to meet this requirement.

The proposed PD-38 zone contains the following development requirements:

1. **Density.** The maximum density proposed under the PD-38 zone is 18.5 units per acre. The proposed building as shown on the elevations contains 72 units with the potential to add two additional units depending on what the developer does with “dead” space on two of the floors. These two locations can potentially be converted to additional units. The text reflects this possibility.
2. **Height.** The maximum height for structures is 50 feet and four stories.
3. **Setbacks.** Buildings must be set back at least 25 feet from neighboring properties not part of the PD-38 zone. Parking spaces, accessory structures, including covered parking, must be set back at least five feet from any property line and 25 feet from any public right-of-way.
4. **Architectural Style.** New buildings are required to conform to the elevations contained in the concept plan. Exterior finishing materials will be at least 60% brick, stone, or stucco.
5. **Parking.** At least 1.25 parking stalls will be required for units with one bedroom and at least two parking stalls will be required for units with two or more bedrooms. A total of 289 stalls will be required and the concept plan indicates that 399 stalls will be provided.
6. **Fencing.** A fence at least six feet in height is required along the entire perimeter of the project except where adjacent to public streets. The entire fence must be of the same design and materials.
7. **Landscaping.** The existing landscaping, which is extensive, will generally remain the same. There will be additional landscaping around the new building.

RECOMMENDATION: Based on compliance with the General Plan, the Planning Commission recommends the City Council approve this request.

6:30 P.M. PUBLIC HEARING

17. CONTINUED PUBLIC HEARING - ORDINANCE – Amending Chapter 14 of the Orem Code (Signs)

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

PRESENTER: Jason Bench

POTENTIALLY AFFECTED AREA: Citywide

BACKGROUND: This is a continued discussion from the City Council meeting of October 9, 2013. City staff 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.

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 City Code have been included with this agenda summary.

The Planning Commission considered the proposed amendments to the sign ordinance at its meeting on October 2, 2013 and again on October 16, 2013. The Planning Commission recommended approval with the following changes:

1. Add the CM zone to the sign zone table in Section 14-3-4.
2. Allow readerboard signs only in connection with temporary sites (no permanent site could use a readerboard sign) and extend the period of use from 30 days to 45 days.
3. Allow a decorative border on monument and pole signs up to 18 inches in width that would not count against the maximum sign area.

6:30 P.M. PUBLIC HEARING

18. ORDINANCE - Amending the Current Fiscal Year 2013-2014 Budget

RECOMMENDATION: The City Manager recommends the City Council hold a public hearing to discuss amending the current Fiscal Year 2013-2014 Budget and, by ordinance, amend Fiscal Year 2013-2014 Budget

PRESENTER: Richard Manning

POTENTIALLY AFFECTED AREA: Citywide

BACKGROUND: The Fiscal Year 2013-2014 City of Orem budget has many adjustments that occur throughout the fiscal year. These adjustments include grants received from Federal, State, and other governmental or private entities/organizations; appropriating CARE Tax reserve funds to fund certain arts and recreation projects and/or organizations; funding of several Community & Neighborhood Services capital improvement projects through the use of Federal Housing & Urban Development (HUD) grant funds; and various other smaller technical corrections or minor budget adjustments that need to be made.

19. ORDINANCE - Amending Chapter 8 of the Orem City Code

RECOMMENDATION: The Public Works Director recommends that the City Council, by ordinance, amend Chapter 8 of the Orem City Code.

PRESENTER: Chris Tschirki

POTENTIALLY AFFECTED AREA:

BACKGROUND: The City of Orem is responsible for maintaining and operating city cemeteries. Currently, Chapter 8 contains a number of inconsistencies and outdated policies and practices. The proposed changes to Chapter 8 will accomplish the following:

1. Create additional specificity and uniformity throughout the ordinance;
2. Clarify the duties and responsibilities of cemetery employees and patrons;
3. Grant the City Sexton limited but necessary discretion to deal with problems that arise during the daily operation of the cemetery;
4. Establish separate policies and procedures for the benefit of the public;
5. Remove superfluous or extraneous provisions that are no longer applicable to the operation of the cemetery; and
6. Explain and implement the City Resident Veteran Program

1. Additional Specificity and Uniformity

The amendment removes extraneous words from the ordinance and incorporates defined terms to promote clarity and consistency throughout the ordinance.

2. Clarification of Duties

The changes to the ordinance establish when a duty has been specifically delegated to the City Sexton or to another cemetery employee. The amendment also clarifies the specific requirements that cemetery patrons must fulfill in order to utilize cemetery services.

3. Grant of Limited Discretion to the City Sexton

The City Sexton and other cemetery employees have the responsibility of serving cemetery patrons during emotionally charged events. It is necessary for the City Sexton to have some limited discretion to address issues and concerns that arise. The amendment provides the City Sexton with some discretion to make judgment calls based on circumstances that may not have been contemplated by the ordinance or the cemetery policies and procedures.

4. Creation of Separate Policies and Procedures

The City Sexton will have the responsibility of drafting cemetery policies and procedures. These policies and procedures will not impact the substantive rights of burial right owners or the rights and obligations of the City. The creation of separate policies and procedures will simply allow the City Sexton to clarify for cemetery patrons and the public applicable rules and regulations that must be met in order to maintain a beautiful, peaceful, safe, and efficient cemetery. The policies and procedures will contain, *inter alia*, specifications and rules for vault size and use, the size and make of grave markers, the use and maintenance of grave marker and lot decorations, the acceptable number of burials per lot, and provisions outlining the maintenance of cemetery records.

5. Removal of Extraneous Provisions

The amendment will remove certain sections of the ordinance that have not been or are no longer used including: the burial of indigents; the burial of infants or youths; the practice of double-depth burials (however double-depth burials will be allowed in limited circumstances as explained in the policies and procedures); all requirements and specifications dealing with grave marker composition and size; and all sections of the ordinance dealing with grave marker and lot decorations (these requirements will now be included in the cemetery policies and procedures).

6. Explain and Implement the City Resident Veteran Program

The amendment also allows the City to continue to provide a benefit to veterans who are residents of the City and who choose to be interred at the cemetery. To further this end, the City will implement the City Resident Veteran Program under which the City will donate a lot in the veteran’s section of the cemetery to any qualified veteran for his/her burial at the time of his/her death subject to proof of veteran status and residency and the payment of opening and closing charges. If the donated lot is not used for the burial of the qualified veteran, then the lot will revert back to the City. Surviving spouses of the veteran will have the option of purchasing burial rights in a lot adjacent to the lot where the veteran is interred. This program will remain in place until all lots in the veteran’s section of the cemetery have been filled.

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 September 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

City of Orem, Utah – City Council Code of Conduct

(DRAFT, October 17, 2013)



The residents and businesses of the City of Orem are entitled to have fair, ethical and accountable local government. Such a government requires that public officials:

- Comply with the laws and policies affecting operations of the government.
- Be independent, impartial and fair in their judgment and actions.
- Use their public office for the public good, not for personal or political gain.
- Conduct public deliberations and processes openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Orem City Council has adopted this Code of Conduct to encourage public confidence in the integrity of local government and its fair and effective operation.

City Council Members shall sign this personal code of conduct at the first council meeting in January each year as a symbol of each Council Member's continuing commitment to abide by the principles of this code.

1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, Council Members shall work for the common good of the people of Orem and not for any private or personal interest, and they will endeavor to treat all persons, claims and transactions in a fair and equitable manner.

2. Comply with the Law

Council Members shall comply with the laws of the nation, the State of Utah and the City of Orem in the performance of their public duties. These laws include, but are not limited to: the United States and Utah constitutions; the laws and ordinances of the City of Orem; laws pertaining to conflicts of interest, employer responsibilities and open processes of government; and City policies.

3. Conduct of Members

Council Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the City Council, boards, commissions, committees, staff or the public.

4. Respect for Process

Council Member duties shall be performed in accordance with the processes and rules of order established by the Orem City Council.

5. Conduct of Public Meetings

Council Members shall inform themselves of public issues, listen attentively to public discussions before the body and focus on the business at hand.

6. Decisions Based on Merit

Council decisions shall be based upon the merits and substance of the matter at hand.

7. Communication

It is the responsibility of Council Members to publicly share substantive information that is relevant to a matter under consideration that they have prepared or received from sources outside of the public decision-making process with all other Council Members.

8. Coordination with City Staff

Appropriate City staff should be involved when Council Members meet with officials from other agencies and jurisdictions to ensure proper staff support as needed and to keep staff informed.

9. Disclosure of Corruption

All City officials shall take an oath upon assuming office, pledging to uphold the Constitution and laws of the City, the State and the Federal government. As part of this oath, officials commit to disclosing to the appropriate authorities and/or to the City Council any behavior or activity that may qualify as corruption, abuse, fraud, bribery or other violation of the law.

10. Conflict of Interest

In order to assure their independence and impartiality on behalf of the public good, Council Members shall not use their official positions to influence government decisions in which they have a financial interest or where they have an organizational responsibility or a personal relationship that would present a conflict of interest under applicable State law.

In accordance with the law, Council Members shall file written disclosures of their economic interest and if they have a conflict of interest regarding a particular decision, refrain from participating in that decision unless otherwise permitted by law.

11. Gifts and Favors

Council Members shall not take advantage of services or opportunities for personal gain by virtue of their public office that are not available to the public in general. They shall refrain from accepting gifts, favors or promises of future benefits that might compromise their independence of judgment or action or give the appearance of being compromised.

12. Confidential Information

Council Members shall respect and preserve the confidentiality of information provided to them concerning the confidential matters of the City. They shall neither disclose confidential information without proper legal authorization nor use such information to advance their personal, financial or private interests.

13. Use of Public Resources

Public resources not available to the general public (e.g., City staff time, information, equipment, supplies or facilities) shall not be used by Council Members for private gain or personal purposes.

14. Representation of Private Interests

In keeping with their role as stewards of the public trust, Council Members shall not appear on behalf of the private interests of a third-party before the City Council or any board, commission or committee or proceeding of the City.

15. Advocacy

To the best of their ability, Council Members shall represent the official policies and positions of the City Council. When presenting their personal opinions or positions, members shall explicitly state that they do not represent the Council or the City.

16. Improper Influence

Council Members shall refrain from using their position to improperly influence the deliberations or decisions of City staff, boards, commissions or committees.

17. Policy Role of Members

Council Members shall respect and adhere to the Council-Manager structure of the City of Orem, as provided in State law and laws and ordinances of the City.

18. Positive Work Environment

Council Members shall support the maintenance of a positive and constructive environment for residents, businesses and City employees.

19. Implementation

Ethics standards shall be included in the regular orientations for City Council candidates. Council Members entering office shall sign a statement affirming they read and understood the City of Orem's City Council Code of Conduct.

20. Compliance and Enforcement

Council Members themselves have the primary responsibility to assure that ethical standards are understood and met and that the public can continue to have full confidence in the integrity of City government.

I affirm that I have read and understand the City of Orem City Council Code of Conduct.

Signature

Date

UPCOMING EVENTS

DATE	BUSINESS AND LOCATION	TYPE
OCT 30	RECREATION DEPT. 5:00 PM Please park at Mtn. View HS	FITNESS CENTER – NEW POOL GROUNDBREAKING
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

PROCLAMATION

WHEREAS Orem, Utah, is a community that acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism, and service; and

WHEREAS Orem, Utah, is a community that encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

WHEREAS Orem, Utah, is a community that chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” in order to make a difference and lift up fellow members of their community; and

WHEREAS Orem, Utah, acknowledges the mission of the Extra Mile America Foundation to create 400 Extra Mile cities and states in America and is proud to support “Extra Mile Day” on November 1, 2013.

NOW THEREFORE, I, James Evans, Mayor of the City of Orem, Utah, do hereby proclaim November 1, 2013, to be

Extra Mile Day

I urge each individual in our community to take time on this day to not only “go the extra mile” in his or her own life, but to also acknowledge all those around who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

Dated this 22nd day of October 2013

James T. Evans, Mayor

ATTEST:

Donna R. Weaver, City Recorder



CITY OF OREM
CITY COUNCIL MEETING
 OCTOBER 22, 2013



REQUEST:	ORDINANCE - ZONING ORDINANCE AMENDMENT - Amending Standard Land Use Code 5512 (Motor Vehicles (Used)) of the Orem City Code from a nonpermitted use to a permitted use in the HS zone.
APPLICANT:	Development Services
FISCAL IMPACT:	None

NOTICES:

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

SITE INFORMATION:

- General Plan
N/A
- Current Zone
HS zone - Citywide impact
- Acreage
N/A
- Neighborhood
N/A
- Neighborhood Chair
N/A

PREPARED BY:
 Clinton A. Spencer
 Planner

APPROVED BY:

PLANNING COMMISSION RECOMMENDATION:
 6-0 for approval

REQUEST:

The Department of Development Services requests the City amend Standard Land Use Code (SLU) 5512 (*Motor Vehicles (Used)*) of the Orem City Code from a nonpermitted use to a permitted use in the HS zone.

BACKGROUND: The HS (Highway Services) zone is located along the frontage of I-15. This area is highly visible to motorists traveling the corridor and is a very desirable area for selling both new and used cars. The HS zone already allows the sale of new cars, marine craft (boats new & used), and aircraft. Changing the ordinance to also allow for the sale of used cars is in harmony with current uses within the zone.

GENERAL PLAN: The HS zone is classified by the Orem General Plan as a Regional Commercial land use. The Orem General Plan states, "The Regional Commercial classification is established to provide locations in which the primary use of the land is for commercial and service uses to serve the needs of people living in an entire region." Allowing used cars along the I-15 corridor serves the traveling community that comes through the City on a daily basis and is in harmony with the Orem General Plan.

RECOMMENDATION:

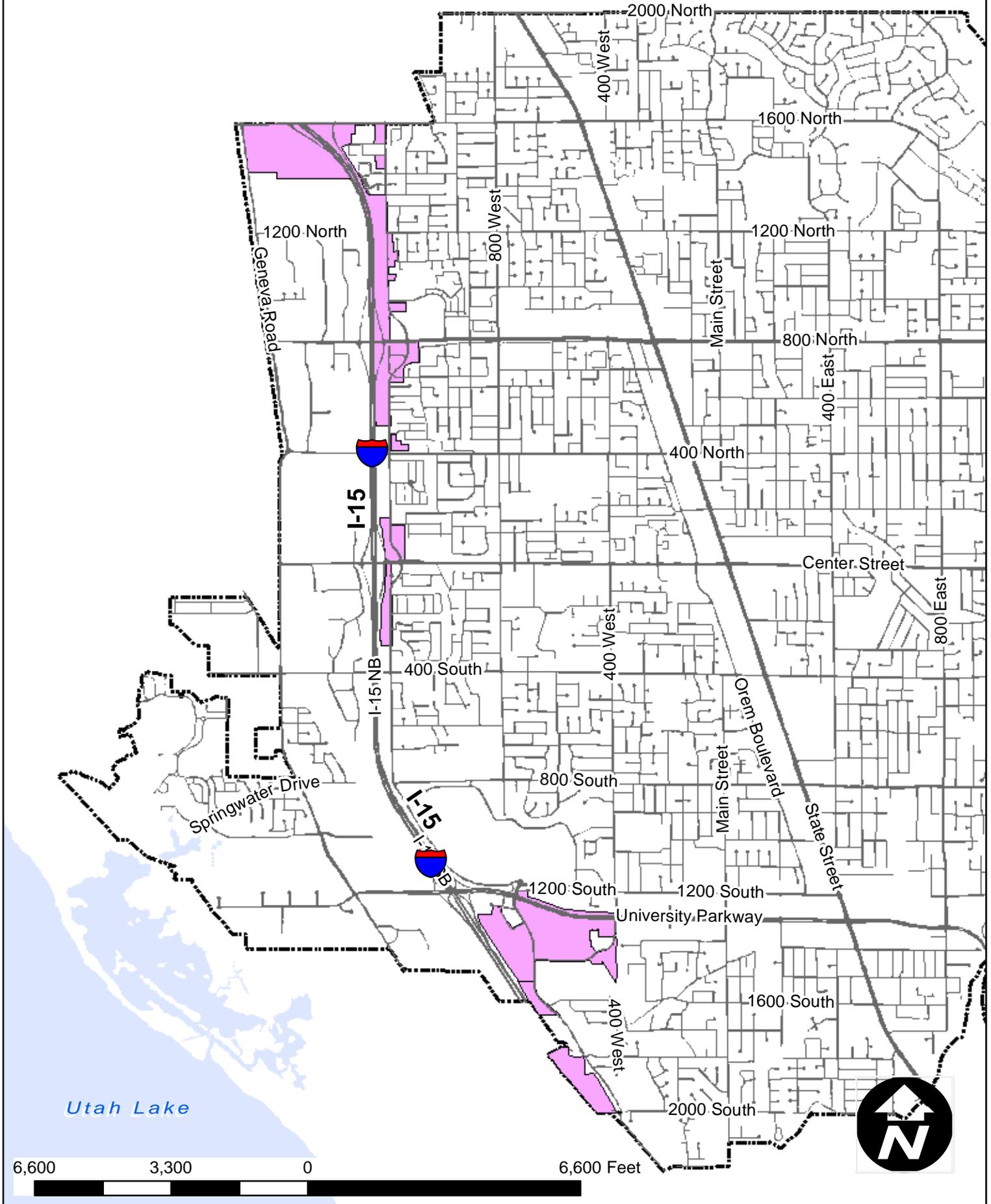
The Planning Commission recommends the approval of this request and has determined that this request is in accordance to the Orem General Plan and is necessary to provide additional sites for used car sales in the City.

The proposed amendment is outlined below:

SLU		R5	R6	R6.5	R7.5	R8	R12	R20	OS5/ROS	PO	C1	C2	C3	HS	M1	M2	CM	BP
5512	Motor Vehicles (Used)	N	N	N	N	N	N	N	N	N	N	P	N	P	P	P	N	N

City of Orem

HS ZONE



DRAFT

ORDINANCE NO. _____

AN ORDINANCE BY THE OREM CITY COUNCIL AMENDING SECTION 22-19-1(A) AND APPENDIX “A” OF THE CITY CODE BY AMENDING STANDARD LAND USE CODE 5512 (*MOTOR VEHICLES (USED)*) FROM A NON-PERMITTED USE TO A PERMITTED USE IN THE HS ZONE.

WHEREAS on August 1, 2013, the Department of Development Services filed an application requesting that the City amend Section 22-19-1(A) and Appendix “A” of the City Code to change Standard Land Use Code 5512 (*Motor Vehicles (Used)*) from a non-permitted to a permitted use in the HS zone; and

WHEREAS public hearings considering the subject application were held by the Planning Commission on September 4, 2013, and the Planning Commission recommended approval; and

WHEREAS on October 22, 2013, the City Council held a public hearing to consider the subject 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 the surrounding neighborhood; the compliance of the request with all applicable City ordinances and the Orem General Plan; 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. Is reasonably necessary because it allows the sale of used cars in an area that already allows the sale of new cars, boats and aircraft;
 - B. Is in the interest of the public because it will promote the improvement of the City’s tax base;
 - C. Is in harmony with the Orem General Plan; and
 - D. Will more fully promote the objectives and purposes of the City’s zoning ordinance in that it will not decrease the quality of life for the City’s citizens.

2. The City Council hereby amends Section 22-19-1(A) and Appendix A of the Orem City Code pertaining to SLU Code 5512 (*Motor Vehicles (Used)*) to read as follows:

DRAFT

SLU		R5	R6	R6.5	R7.5	R8	R12	R20	OS5/ROS	PO	C1	C2	C3	HS	M1	M2	CM	BP
5512	Motor Vehicles (Used)	N	N	N	N	N	N	N	N	N	N	P	N	P	P	P	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 22nd day of October 2013.

James T. Evans, Mayor

ATTEST:

Donna R. Weaver, City Recorder

COUNCIL MEMBERS VOTING "AYE"

COUNCIL MEMBERS VOTING "NAY"

DRAFT

Exhibit "A"

Section 22-11-51. PD-38 Zone (Summit Ridge Apartments 1697 South 400 East)

A. Purpose. The purpose of the PD-38 zone is to allow development of a high-density residential apartment complex.

B. Location. The PD-38 zone shall apply only to a parcel of property located generally at 1697 South 400 East as shown in the concept plan.

C. Concept Plan. Property in the PD-38 zone shall be developed in substantial conformance with the concept plan included as Appendix "II" of the Orem City Code which is incorporated herein by reference.

D. Permitted Uses. The uses listed below shall be permitted uses within the PD-38 zone:

Standard Land

<u>Use Code</u>	<u>Category</u>
1112	Condominiums
1120	Apartments

E. Prohibited Uses. Any use not specially listed in subparagraph (D) above shall be prohibited.

F. Final Plat. A final plat that conforms to all development standards and requirements of Chapter 17 shall be approved and recorded by the City prior to any development in the PD-38 zone.

G. Site Plan. All development standards and site plan requirements of Section 22-14-20 shall apply to any development in the PD-38 zone.

1. **Additional Site Plan Requirements.** In addition to the requirements of Section 22-14-20, the site plan shall include the following additional items:

a. Details of amenities and their locations within the project; and

b. A detailed preliminary grading and drainage plan including all irrigation ditches, laterals, and structures, and detention areas with calculations for volume and proposed locations.

2. **Phasing.** Development phases are permitted provided that all phases include, in accordance with City policies and procedures: 1) sufficient traffic circulation for the development phase to existing dedicated streets; 2) sufficient infrastructure, such as sewer and culinary water; 3) surface water detention, if applicable; and 4) appropriate amenities for that phase as specified on the concept plan.

3. **Completion of Improvements.** All public improvements shown on an approved site plan or amended site plan shall be completed within two (2) years of the date of approval of the site plan or recording of the final plat, whichever is later. If the improvements are not completed within the time specified, the City shall have the option of taking action on the bond to complete the improvements or of voiding the approval. An applicant may request an extension of up to two (2) years for the completion of improvements from the Director of Development Services. An extension of two (2) years may be granted only if the applicant demonstrates good cause for not completing the improvements and demonstrates the present ability to complete the improvements.

H. Development Standards and Requirements. The following development standards and requirements shall apply to all development in the PD-38 zone:

1. **Density.** The maximum density allowed shall be eighteen and one-half (18.5) units per acre.

2. **Height.** The maximum height for all structures in the PD-38 zone shall be fifty feet (50'). All development shall be a maximum of four (4) stories.

3. **Setbacks.** All buildings shall be set back a minimum of twenty-five (25) feet from all public streets and all property not a part of the PD-38 zone. All parking spaces (covered or uncovered), and accessory structures shall be set back a minimum of twenty-five feet (25') from all public streets and a minimum of five feet (5') from all other property not a part of the PD-38 zone.

4. **Architectural Style.** Buildings in the PD-38 zone shall substantially conform to the architectural design and quality illustrated in the concept plan. At least fifty percent of all residential units shall have a balcony.

5. **Exterior Finishing Materials.** At least sixty percent (60%) of the exterior walls of all structures shall be finished with brick, stone, stucco or a combination thereof. Wood, metal, or vinyl sidings may be used, but shall not comprise more than forty percent (40%) of the exterior wall area. Metal or vinyl soffits and trims are permitted and do not count in the percentages required above. No wall on an unbroken plane shall be longer than 65 feet.

6. **Parking.** At least one and one-quarter (1.25) parking stalls shall be provided for each one bedroom unit and at least two (2) parking stalls shall be provided for each unit containing more than one bedroom. All parking spaces shall comply with Article 22-15 of the Orem City Code. All parking spaces, parking areas and driveways shall be paved with asphalt and/or concrete and shall be designed to allow for proper drainage. Drainage shall not be channeled or caused to flow across pedestrian walk ways. All covered parking structures shall be designed with the same architecture as the main structures within the PD-38 zone.

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7. **Fences.** A fence with a minimum height of six feet (6') and a maximum height of eight feet (8') shall be erected and maintained along the entire perimeter of the PD-38 zone except that no fence shall be required along public street frontages. The height of the fence shall also be reduced to three feet in clear vision areas as defined in Chapter 22. The entire length of the perimeter fence shall be constructed using the same design and materials. If the perimeter fence is constructed of sight-obscuring materials, the fence shall be painted with a high grade oil base paint/sealant that resists graffiti. However, vinyl fences and chain link fences with slats do not need to be painted.

8. **Landscaping.** Landscaping shall be provided and maintained as generally shown in the concept plan. A landscaping plan shall be submitted to the City for approval as a part of the site plan.

a. All land within the PD-38 development not covered by buildings, driveways, sidewalk, and parking areas, shall be permanently landscaped with trees, shrubs, lawn, or ground cover and maintained in accordance with good landscaping practice. All required setback areas adjacent to public or private streets shall be landscaped. A permanent underground sprinkling system shall be installed for all landscaped areas.

b. At least thirty percent (30%) of the net acreage of the entire development shall remain in permanently landscaped areas.

c. For every five (5) dwelling units the following trees and shrubs shall be required on the site: at least one (1) deciduous tree at least two (2) inch caliper measured six inches (6") above the ground, one (1) evergreen tree at least seven (7) feet in height, and ten (10) evergreen type shrubs at least five (5) gallons in size.

9. **Lighting Plan.** Any development in the PD-38 zone shall include a lighting plan. There shall be no direct glare from lighting in the PD-38 zone onto adjacent properties. The lighting plan shall be designed to :

a. discourage crime;

b. enhance the safety of the residents and guests of the PD-38 development;

c. prevent glare onto adjacent properties; and

d. enhance the appearance and design of the project.

All outside lighting shown on the lighting plan except for front and back door lighting shall be controlled and metered either by the owner(s) of the apartments or by a unit owners' association. The lighting plan shall designate which lighting shall be commonly metered to the apartment owner(s) or unit owners' association.

10. **Soils Report.** A soils report prepared by a soils engineer shall be submitted to provide engineering information to determine special engineering needs of the site.

11. **Recreational vehicle (RV) Storage.** No recreational vehicle shall be parked or stored within the PD-38 zone.

12. **Off-Site Improvements.** Off-site curb, gutter, sidewalk, and/or other improvements may be required by the City if development on the site contributes to a need for such off-site facilities and the improvements required are roughly proportional to the amount of the off-site impact caused by the development in the PD-38 zone.

13. **Irrigation Ditches.** Irrigation ditches within the development or along street right-of-way adjacent to the development shall be piped.

14. **Storage Areas and Solid Waste Receptacles.** All outside storage areas and solid waste receptacles which are not located within a building shall be enclosed on three sides with the same materials as used on the exterior of the main structures within the development and shall have sight-obscuring gates.

15. **Unit Owners' Association.** If all of the residential units are owned by the same person or entity, no Unit Owners' Association shall be required. However, if all of the residential units are not owned by the same person or entity, a Unit Owners' Association shall be formed and maintained to maintain all common areas and required improvements, to ensure compliance with the approved site plan and to provide adequate on-site security in all public and common areas of the development.

16. **Storm Water Runoff Plan.** A storm water runoff plan designed to accommodate a 25-year storm and detention system with a maximum allowable discharge rate of sixty gallons per minute, per acre (60 gpm./ac.) shall be provided for any development in the PD-38 zone.

17. **Utilities.** All dwellings shall be served by the public sewer system and public water supply. All utilities shall be placed underground. No water or sewer lines shall be placed under covered parking areas. The provisions of Chapter 21 of the Orem City Code for water meter connections shall apply to development in the PD-38 zone.

18. **Site Maintenance.** The site shall be maintained free from trash, weeds, garbage, paper and other refuse.

19. **Default Standards.** Except as otherwise provided herein, the provisions and standards of the PRD zone shall apply in the PD-38 zone.

I. Signs. Signage in the PD-38 zone shall comply with Chapter 14 of the Orem City Code.

J. Bonds.

1. **Purpose.** Prior to the recording of any final plat in the PD-38 zone and prior to the issuance of any building permit on land included within the PD-38 zone, the applicant shall post a bond with the City in an amount sufficient to cover the cost of all required improvements required for that phase by the approved site plan, preliminary plat, final plat, concept plan, the PD-38 ordinance and other applicable City ordinances, including but not limited to landscaping and sprinkling

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systems, asphalt, curb, gutter, sidewalk, fencing, recreational facilities, piping of irrigation ditches, and any other item required as part of the approved site plan. The bond shall be a guarantee that the proper installation of all required improvements shall be completed within two (2) years of the date of approval of the site plan or recording of the final plat, whichever is later or at such time as the approving body may designate, and that the improvements shall remain free from defects for a period of one year after the City's final acceptance of the improvements. The bonds required by this Section are for the sole benefit of the City. The bonds are not for the individual benefit of any citizen or identifiable class of citizens, including the owners or purchasers of lots or units within the PD-38 development. The bonds are not for the purpose of ensuring payment of contractors, subcontractors or suppliers of labor or materials, and no contractors, subcontractors or suppliers of labor or material shall have a cause of action against the City or the bond for providing labor or materials. Bond releases may be applied for as each bonded item is completed and authorized by Orem City officials, with the exception that ten percent (10%) of the bonded amount shall be held by the City for one year to warrant the satisfactory completion of the improvements.

2. **Type.** The bond shall be an irrevocable letter of credit, escrow bond, cash bond or combination bond in favor of the City. The requirements relating to each of these types of bonds are found in section 17-6-6 of the Orem City Code. The City reserves the right to reject any of the bond types if it has a rational basis for doing so. The bond shall be delivered to the Department of Development Services.

3. **Amount.** The Development Services Director or his designee shall determine the amount of the required bond by estimating the cost of completing the required improvements. The amount of the bond shall be at least one hundred ten percent (110%) of the estimated costs of the required improvements.

4. **Nonwaiver.** This section does not waive the bonding, licensing, or permit requirements set forth in other City ordinances except that this section replaces the subdivision bond required in section 17-6-6 Orem City Code.

5. **Plat Recording.** The City shall not record any final plat until the developer of the PD-38 development has tendered the bond and entered into an agreement with the City in which the developer agrees to install the improvements as required by this Section and agrees to indemnify and hold the City harmless from any claims, suits or judgments arising from the condition of property dedicated to the City, from the time that the property is dedicated to the City to the time when the improvements on the dedicated property are finally accepted by the City (including the passage of the warranty period).

6. **Completion of Improvements Extension.** An applicant may request an extension of up to two (2) years from the Development Services Director for the completion of improvements. The Development Services Director may grant an extension of up to two years if the applicant demonstrates good cause for not completing the improvements and demonstrates the present ability to complete the improvements.

7. **Liability for Improvements.** If for any reason the bonds providing for the guarantee of improvements are insufficient to properly complete the improvements, the developer shall be liable to complete the improvements required by this section.

Redline/Strikeout

Section 22-11-51. PD-38 Zone (Summit Ridge Apartments 1697 South 400 East)

A. Purpose. The purpose of the PD-38 zone is to allow development of a high-density residential apartment complex.

B. Location. The PD-38 zone shall apply only to a parcel of property located generally at 1697 South 400 East as shown in the concept plan.

C. Concept Plan. Property in the PD-38 zone shall be developed in substantial conformance with the concept plan included as Appendix “II” of the Orem City Code which is incorporated herein by reference.

D. Permitted Uses. The uses listed below shall be permitted uses within the PD-38 zone:

Standard Land

Use Code	Category
1112	Condominiums
1120	Apartments

E. Prohibited Uses. Any use not specially listed in subparagraph (D) above shall be prohibited.

F. Final Plat. A final plat that conforms to all development standards and requirements of Chapter 17 shall be approved and recorded by the City prior to any development in the PD-38 zone.

G. Site Plan. All development standards and site plan requirements of Section 22-14-20 shall apply to any development in the PD-38 zone.

1. **Additional Site Plan Requirements.** In addition to the requirements of Section 22-14-20, the site plan shall include the following additional items:

- a. Details of amenities and their locations within the project; and
- b. A detailed preliminary grading and drainage plan including all irrigation ditches, laterals, and structures, and detention areas with calculations for volume and proposed locations.

2. **Phasing.** Development phases are permitted provided that all phases include, in accordance with City policies and procedures: 1) sufficient traffic circulation for the development phase to existing dedicated streets; 2) sufficient infrastructure, such as sewer and culinary water; 3) surface water detention, if applicable; and 4) appropriate amenities for that phase as specified on the concept plan.

3. **Completion of Improvements.** All public improvements shown on an approved site plan or amended site plan shall be completed within two (2) years of the date of approval of the site plan or recording of the final plat, whichever is later. If the improvements are not completed within the time specified, the City shall have the option of taking action on the bond to complete the improvements or of voiding the approval. An applicant may request an extension of up to two (2) years for the completion of improvements from the Director of Development Services. An extension of two (2) years may be granted only if the applicant demonstrates good cause for not completing the improvements and demonstrates the present ability to complete the improvements.

H. Development Standards and Requirements. The following development standards and requirements shall apply to all development in the PD-38 zone:

1. **Density.** The maximum density allowed shall be eighteen and one-half (18.5) units per acre.

2. **Height.** The maximum height for all structures in the PD-38 zone shall be fifty feet (50'). All development shall be a maximum of four (4) stories.
3. **Setbacks.** All buildings shall be set back a minimum of twenty-five (25) feet from all public streets and all property not a part of the PD-38 zone. All parking spaces (covered or uncovered), and accessory structures shall be set back a minimum of twenty-five feet (25') from all public streets and a minimum of five feet (5') from all other property not a part of the PD-38 zone.
4. **Architectural Style.** Buildings in the PD-38 zone shall substantially conform to the architectural design and quality illustrated in the concept plan. At least fifty percent of all residential units shall have a balcony.
5. **Exterior Finishing Materials.** At least sixty percent (60%) of the exterior walls of all structures shall be finished with brick, stone, stucco or a combination thereof. Wood, metal, or vinyl sidings may be used, but shall not comprise more than forty percent (40%) of the exterior wall area. Metal or vinyl soffits and trims are permitted and do not count in the percentages required above. No wall on an unbroken plane shall be longer than 65 feet.
6. **Parking.** At least one and one-quarter (1.25) parking stalls shall be provided for each one bedroom unit and at least two (2) parking stalls shall be provided for each unit containing more than one bedroom. All parking spaces shall comply with Article 22-15 of the Orem City Code. All parking spaces, parking areas and driveways shall be paved with asphalt and/or concrete and shall be designed to allow for proper drainage. Drainage shall not be channeled or caused to flow across pedestrian walk ways. All covered parking structures shall be designed with the same architecture as the main structures within the PD-38 zone.
7. **Fences.** A fence with a minimum height of six feet (6') and a maximum height of eight feet (8') shall be erected and ~~maintained~~ along the entire perimeter of the PD-38 zone except that no fence shall be ~~required~~ along public street frontages. The height of the fence shall also be reduced to ~~three~~ feet in clear vision areas as defined in Chapter 22. The entire length of the perimeter ~~fence~~ shall be constructed using the same design and materials. If the perimeter fence is ~~constructed~~ of sight-obscuring materials, the fence shall be painted with a high grade oil ~~base~~ paint/sealant that resists graffiti. However, vinyl fences and chain link fences with ~~slats~~ do not need to be painted.
8. **Landscaping.** Landscaping shall be provided and maintained as generally shown in the concept plan. A landscaping plan shall be submitted to the City for approval as a part of the site plan.
 - a. All land within the PD-38 development not covered by buildings, driveways, sidewalk, and parking areas, shall be permanently landscaped with trees, shrubs, lawn, or ground cover and maintained in accordance with good landscaping practice. All required setback areas adjacent to public or private streets shall be landscaped. A permanent underground sprinkling system shall be installed for all landscaped areas.
 - b. At least thirty percent (30%) of the net acreage of the entire development shall remain in permanently landscaped areas.
 - c. For every five (5) dwelling units the following trees and shrubs shall be required on the site: at least one (1) deciduous tree at least two (2) inch caliper

measured six inches (6") above the ground, one (1) evergreen tree at least seven (7) feet in height, and ten (10) evergreen type shrubs at least five (5) gallons in size.

9. **Lighting Plan.** Any development in the PD-38 zone shall include a lighting plan. There shall be no direct glare from lighting in the PD-38 zone onto adjacent properties. The lighting plan shall be designed to :

- a. discourage crime;
- b. enhance the safety of the residents and guests of the PD-38 development;
- c. prevent glare onto adjacent properties; and
- d. enhance the appearance and design of the project.

All outside lighting shown on the lighting plan except for front and back door lighting shall be controlled and metered either by the owner(s) of the apartments or by a unit owners' association. The lighting plan shall designate which lighting shall be commonly metered to the apartment owner(s) or unit owners' association.

10. **Soils Report.** A soils report prepared by a soils engineer shall be submitted to provide engineering information to determine special engineering needs of the site.

11. **Recreational vehicle (RV) Storage.** No recreational vehicle shall be parked or stored within the PD-38 zone.

12. **Off-Site Improvements.** Off-site curb, gutter, sidewalk, and/or other improvements may be required by the City if development on the site contributes to a need for such off-site facilities and the improvements required are roughly proportional to the amount of the off-site impact caused by the development in the PD-38 zone.

13. **Irrigation Ditches.** Irrigation ditches within the development or along street right-of-way adjacent to the development shall be piped.

14. **Storage Areas and Solid Waste Receptacles.** All outside storage areas and solid waste receptacles which are not located within a building shall be enclosed on three sides with the same materials as used on the exterior of the main structures within the development and shall have sight-obscuring gates.

15. **Unit Owners' Association.** If all of the residential units are owned by the same person or entity, no Unit Owners' Association shall be required. However, if all of the residential units are not owned by the same person or entity, a Unit Owners' Association shall be formed and maintained to maintain all common areas and required improvements, to ensure compliance with the approved site plan and to provide adequate on-site security in all public and common areas of the development.

16. **Storm Water Runoff Plan.** A storm water runoff plan designed to accommodate a 25-year storm and detention system with a maximum allowable discharge rate of sixty gallons per minute, per acre (60 p.m./ac.) shall be provided for any development in the PD-38 zone.

17. **Utilities.** All dwellings shall be served by the public sewer system and public water supply. All utilities shall be placed underground. No water or sewer lines shall be placed under covered parking areas. The provisions of Chapter 21 of the Orem City Code for water meter connections shall apply to development in the PD-38 zone.

18. **Site Maintenance.** The site shall be maintained free from trash, weeds, garbage, paper and other refuse.

19. **Default Standards.** Except as otherwise provided herein, the provisions and standards of the PRD zone shall apply in the PD-38 zone.

I. Signs. Signage in the PD-38 zone shall comply with Chapter 14 of the Orem City Code.

J. Bonds.

1. **Purpose.** Prior to the recording of any final plat in the PD-38 zone and prior to the issuance of any building permit on land included within the PD-38 zone, the applicant shall post a bond with the City in an amount sufficient to cover the cost of all required improvements required for that phase by the approved site plan, preliminary plat, final plat, concept plan, the PD-38 ordinance and other applicable City ordinances, including but not limited to landscaping and sprinkling systems, asphalt, curb, gutter, sidewalk, fencing, recreational facilities, piping of irrigation ditches, and any other item required as part of the approved site plan. The bond shall be a guarantee that the proper installation of all required improvements shall be completed within two (2) years of the date of approval of the site plan or recording of the final plat, whichever is later or at such time as the approving body may designate, and that the improvements shall remain free from defects for a period of one year after the City's final acceptance of the improvements. The bonds required by this Section are for the sole benefit of the City. The bonds are not for the individual benefit of any citizen or identifiable class of citizens, including the owners or purchasers of lots or units within the PD-38 development. The bonds are not for the purpose of ensuring payment of contractors, subcontractors or suppliers of labor or materials, and no contractors, subcontractors or suppliers of labor or material shall have a cause of action against the City or the bond for providing labor or materials. Bond releases may be applied for as each bonded item is completed and authorized by Orem City officials, with the exception that ten percent (10%) of the bonded amount shall be held by the City for one year to warrant the satisfactory completion of the improvements.

2. **Type.** The bond shall be an irrevocable letter of credit, escrow bond, cash bond or combination bond in favor of the City. The requirements relating to each of these types of bonds are found in section 17-6-6 of the Orem City Code. The City reserves the right to reject any of the bond types if it has a rational basis for doing so. The bond shall be delivered to the Department of Development Services

3. **Amount.** The Development Services Director or his designee shall determine the amount of the required bond by estimating the cost of completing the required improvements. The amount of the bond shall be at least one hundred ten percent (110%) of the estimated costs of the required improvements.

4. **Nonwaiver.** This section does not waive the bonding, licensing, or permit requirements set forth in other City ordinances except that this section replaces the subdivision bond required in section 17-6-6 Orem City Code.

5. **Plat Recording.** The City shall not record any final plat until the developer of the PD-38 development has tendered the bond and entered into an agreement with the City in which the developer agrees to install the improvements as required by this Section and agrees to indemnify and hold the City harmless from any claims, suits or judgments arising from the condition of property dedicated to the City, from the time that the property is dedicated to the City to the time when the improvements on the dedicated property are finally accepted by the City (including the passage of the warranty period).

6. Completion of Improvements Extension. An applicant may request an extension of up to two (2) years from the Development Services Director for the completion of improvements. The Development Services Director may grant an extension of up to two years if the applicant demonstrates good cause for not completing the improvements and demonstrates the present ability to complete the improvements.

7. Liability for Improvements. If for any reason the bonds providing for the guarantee of improvements are insufficient to properly complete the improvements, the developer shall be liable to complete the improvements required by this section.

CITY OF OREM
CITY COUNCIL MEETING
 OCTOBER 22, 2013



REQUEST:	6:20 PUBLIC HEARING Ordinance - Enacting Section 22-11-51 (PD-38 zone) and Appendix FF (concept plan); and amending Section 22-5-3 (A) and the zoning map of the City of Orem by changing the zone on 9.38 acres at 1697 South 400 East from R6.5 to PD-38.
APPLICANT:	Jeff Hawkes[DRS1]
FISCAL IMPACT:	None

NOTICES:

- Posted in 2 public places
- Posted on City webpage
- Posted on State Noticing Website
- Faxed to newspapers
- Emailed to newspaper
- Posted property on 9/13/13
- Mailed 35 notices on 9/6/13

SITE INFORMATION:

- General Plan
Medium Density Residential
- Current Zone
R6.5
- Acreage
9.38
- Neighborhood
Cherry Hill
- Neighborhood Chair
Dale Smith

PLANNING COMMISSION RECOMMENDATION
Vote: 5-0 Approve

PREPARED BY: David Stroud, AICP Planner
APPROVED BY:

REQUEST: The applicant requests the City Council enact Section 22-11-51 (PD-38 zone) and Appendix FF (concept plan); and amend Section 22-5-3(A) and the zoning map of the City of Orem by changing the zone on 9.38 acres located at approximately 1697 South 400 East from the R6.5 zone to the PD-38 zone.

BACKGROUND: The applicant recently acquired the Village Condominiums and renamed the development Summit Ridge Apartments. Approved in 1971, Summit Ridge contains 96 units on 9.38 acres which is a density of 10.2 units per acre. The overall site is underutilized and contains a large parking lot on the southeast corner of the property. The applicant is seeking approval to construct a 74-unit building at this location. The density with the additional units would be 18.1 units/acre. As a comparison, other apartment projects in the City have the following densities (total units):

- Village Park Apartments, 1080 North Sate Street – 21.5 units/acre (192)
- Cortland Ridge Apartments, 800 West 800 North – 15.4 units/acre (144)
- Pinnacle Canyon View Apartments, 1430 South Sandhill – 24.4 units/acre (288)
- Country Springs Apartments, 625 South Orem Blvd. – 25.6 units/acre (164)

Since the current zone on the property (R6.5) does not permit the construction of high density housing, the applicant is proposing the creation of a new planned development (PD) zone. The text of the proposed PD zone is included with this report.

The applicant held a neighborhood meeting on April 4, 2013, and August 6, 2013, with several neighbors in attendance. The neighbors appear generally in favor of the request. Their main concern was “upgrading” the existing tenants, which zoning cannot address. One phone call prior to the Planning Commission was received by a neighbor inquiring about the height of the building. The caller is a property owner to the east who felt that the proposed 25-foot setback was too close to the property line.

The City Code indicates that planned development zones are appropriate for residential developments that are significantly different in design, layout or characteristics from the type of residential development allowed under existing zoning classifications. The new apartment building being proposed by the

applicant is significantly different from the type of development that would be allowed under any of the City's standard zones and so would appear to meet this requirement.

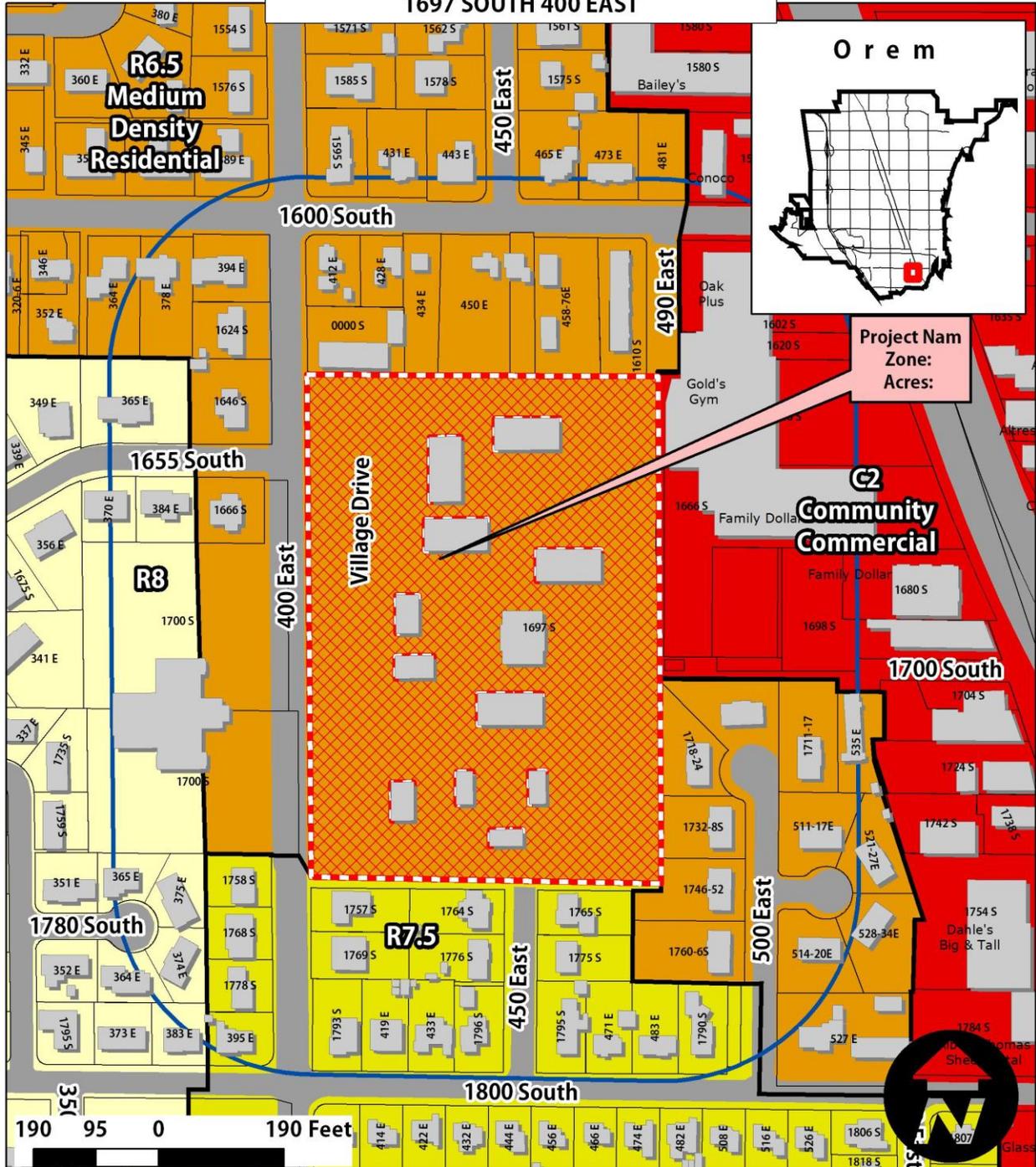
The proposed PD-38 zone contains the following development requirements:

1. **Density.** The maximum density proposed under the PD-38 zone is 18.5 units per acre. The proposed building as shown on the elevations contains 72 units with the potential to add two additional units depending on what the developer does with "dead" space on two of the floors. These two locations can potentially be converted to additional units. The text reflects this possibility.
2. **Height.** The maximum height for structures is 50 feet and four stories.
3. **Setbacks.** Buildings must be set back at least 25 feet from neighboring properties not part of the PD-38 zone. Parking spaces, accessory structures, including covered parking, must be set back at least five feet from any property line and 25 feet from any public right-of-way.
4. **Architectural Style.** New buildings are required to conform to the elevations contained in the concept plan. Exterior finishing materials will be at least 60% brick, stone, or stucco.
5. **Parking.** At least 1.25 parking stalls will be required for units with one bedroom and at least two parking stalls will be required for units with two or more bedrooms. A total of 289 stalls will be required and the concept plan indicates that 399 stalls will be provided.
6. **Fencing.** A fence at least six feet in height is required along the entire perimeter of the project except where adjacent to public streets. The entire fence must be of the same design and materials.
7. **Landscaping.** The existing landscaping, which is extensive, will generally remain the same. There will be additional landscaping around the new building.

RECOMMENDATION: Based on compliance with the General Plan, the Planning Commission recommends the City Council approve this request.

Summit Ridge Rezone

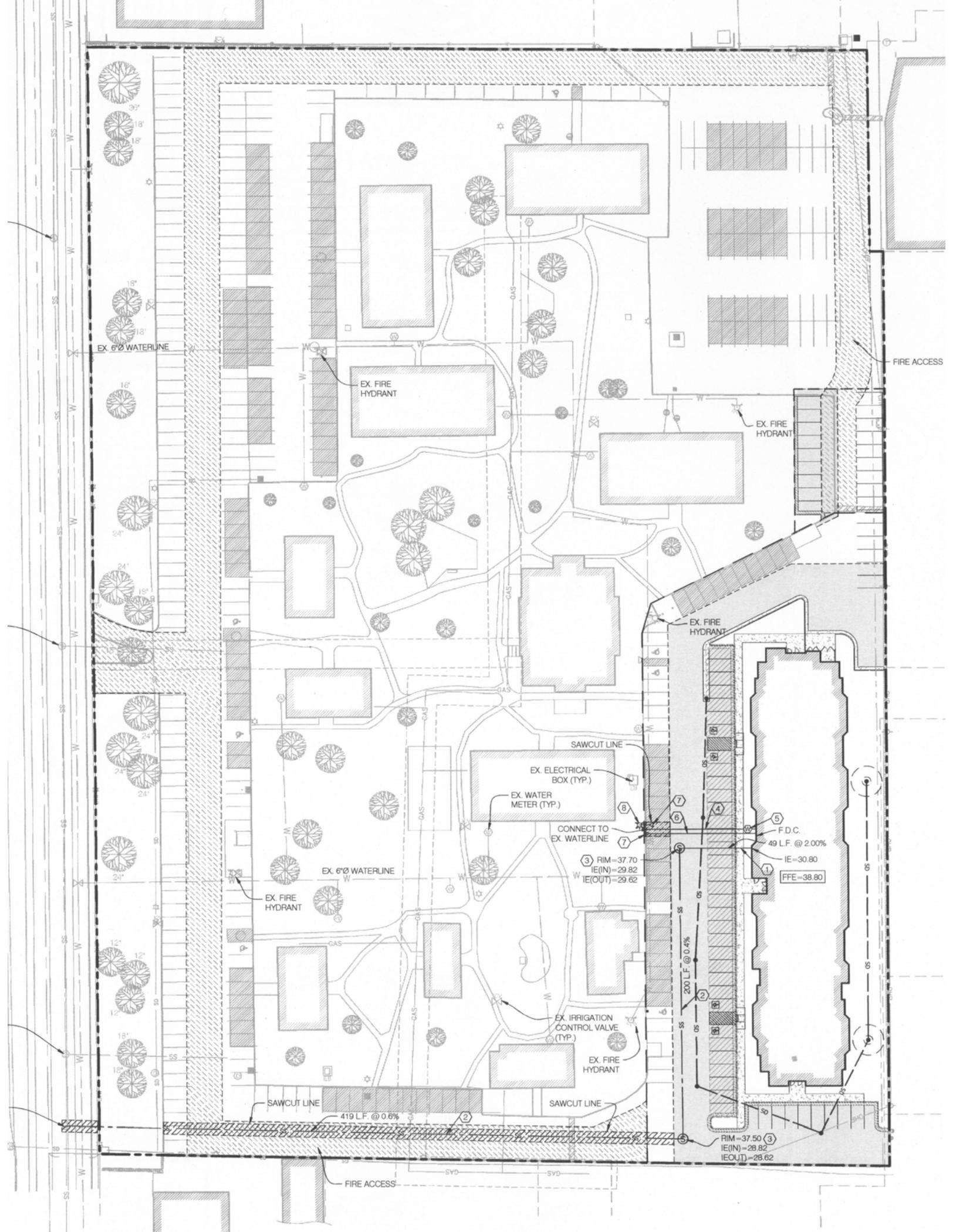
1697 SOUTH 400 EAST



◆ Summit Ridge Rezone:
Zone R6.5 to PD; 8.61 Acres.

NIA CONTACT:
Cherry Hill
Dale Smith

- Legend**
- Buildings
 - Summit Ridge Rezone
 - Notification Boundary
 - Parcels



EX. 6" WATERLINE

EX. FIRE HYDRANT

EX. FIRE HYDRANT

FIRE ACCESS

EX. FIRE HYDRANT

SAWCUT LINE

EX. ELECTRICAL BOX (TYP.)

EX. WATER METER (TYP.)

CONNECT TO EX. WATERLINE

EX. 6" WATERLINE

EX. FIRE HYDRANT

EX. IRRIGATION CONTROL VALVE (TYP.)

EX. FIRE HYDRANT

SAWCUT LINE

419 LF @ 0.6%

SAWCUT LINE

F.D.C.
49 LF @ 2.00%
IE=30.80
FFE=38.80

200 LF @ 0.4%

RIM=37.50
IE(IN)=28.82
IE(OUT)=28.62

FIRE ACCESS

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ORDINANCE NO. _____

AN ORDINANCE BY THE OREM CITY COUNCIL ENACTING SECTION 22-11-51 (PD-38 ZONE) AND APPENDIX FF; AND AMENDING SECTION 22-5-3(A) AND THE ZONING MAP OF OREM CITY BY REZONING PROPERTY AT APPROXIMATELY 1697 SOUTH 400 EAST FROM R6.5 TO PD-38

WHEREAS on July 30, 2013, Jeff Hawkes filed an application with the City of Orem requesting the City enact Section 22-11-51 (PD-38 zone) and Appendix FF; and amend Section 22-5-3(A) and the zoning map of Orem City by rezoning property at approximately 1697 South 400 East from R6.5 to PD-38; and

WHEREAS on September 18, 2013, the Planning Commission held a public hearing to consider the subject application and forwarded a positive recommendation to the City Council; and

WHEREAS on October 22, 2013, the City Council held a public hearing to consider the subject application; and

WHEREAS notices of the public hearing were mailed to all adjacent property owners within 300 feet of the subject property and the property was posted; 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 the surrounding neighborhood; the compliance of the request with all applicable City ordinances and the Orem General Plan; 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 is in the interest of the public because it will allow the development of property that is currently underutilized and will increase housing options for residents of the City.

2. The City Council hereby finds this request is in harmony with the Orem General Plan.

3. The City Council hereby enacts Section 22-11-51 and Appendix FF and amends Article 22-5-3(A) of the Code and the zoning map of Orem City by changing the zone at 1697 South 400 East from R6.5 to PD-38 as shown on Exhibit "A" which is attached hereto and incorporated herein by reference.

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4. If any part of this ordinance shall be declared invalid, such decision shall not affect the validity of the remainder of this ordinance.

5. All other ordinances in conflict herewith are hereby repealed.

6. 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 **22nd** day of **October** 2013.

James T. Evans, Mayor

ATTEST:

Donna R. Weaver, City Recorder

COUNCIL MEMBERS VOTING "AYE"

COUNCIL MEMBERS VOTING "NAY"

DRAFT

EXHIBIT "A"

Section 22-11-51. PD-38 Zone (Summit Ridge Apartments 1697 South 400 East)

- A. Purpose.** The purpose of the PD-38 zone is to allow development of a high-density residential apartment complex.
- B. Location.** The PD-38 zone shall apply only to a parcel of property located generally at 1697 South 400 East as shown in the concept plan.
- C. Concept Plan.** Property in the PD-38 zone shall be developed in substantial conformance with the concept plan included as Appendix "II" of the Orem City Code which is incorporated herein by reference.
- D. Permitted Uses.** The uses listed below shall be permitted uses within the PD-38 zone:

Standard Land

<u>Use Code</u>	<u>Category</u>
1112	Condominiums
1120	Apartments

- E. Prohibited Uses.** Any use not specially listed in subparagraph (D) above shall be prohibited.
- F. Final Plat.** A final plat that conforms to all development standards and requirements of Chapter 17 shall be approved and recorded by the City prior to any development in the PD-38 zone.
- G. Site Plan.** All development standards and site plan requirements of Section 22-14-20 shall apply to any development in the PD-38 zone.
 - 1. **Additional Site Plan Requirements.** In addition to the requirements of Section 22-14-20, the site plan shall include the following additional items:
 - a. Details of amenities and their locations within the project; and
 - b. A detailed preliminary grading and drainage plan including all irrigation ditches, laterals, and structures, and detention areas with calculations for volume and proposed locations.
 - 2. **Phasing.** Development phases are permitted provided that all phases include, in accordance with City policies and procedures: 1) sufficient traffic circulation for the development phase to existing dedicated streets; 2) sufficient infrastructure, such as sewer and culinary water; 3) surface water detention, if applicable; and 4) appropriate amenities for that phase as specified on the concept plan.
 - 3. **Completion of Improvements.** All public improvements shown on an approved site plan or amended site plan shall be completed within two (2) years of the date of approval of the site plan or recording of the final plat, whichever is later. If the improvements are not completed within the time specified, the City shall have the option of taking action on the bond to complete the improvements or of voiding the approval. An applicant may request an extension of up to two (2) years for the completion of improvements from the Director of Development Services. An extension of two (2) years may be granted only if the applicant demonstrates good cause for not completing the improvements and demonstrates the present ability to complete the improvements.
- H. Development Standards and Requirements.** The following development standards and requirements shall apply to all development in the PD-38 zone:
 - 1. **Density.** The maximum density allowed shall be eighteen and one-half (18.5) units per acre.
 - 2. **Height.** The maximum height for all structures in the PD-38 zone shall be fifty feet (50'). All development shall be a maximum of four (4) stories.
 - 3. **Setbacks.** All buildings shall be set back a minimum of twenty-five (25) feet from all public streets and all property not a part of the PD-38 zone. All parking spaces (covered or uncovered), and accessory structures shall be set back a minimum of twenty-five feet (25') from all public streets and a minimum of five feet (5') from all other property not a part of the PD-38 zone.
 - 4. **Architectural Style.** Buildings in the PD-38 zone shall substantially conform to the architectural design and quality illustrated in the concept plan. At least fifty percent of all residential units shall have a balcony.
 - 5. **Exterior Finishing Materials.** At least sixty percent (60%) of the exterior walls of all structures shall be finished with brick, stone, stucco or a combination thereof. Wood, metal, or vinyl sidings may be used, but shall not comprise more than forty percent (40%) of the exterior wall area. Metal or vinyl soffits and trims are permitted and do not count in the percentages required above. No wall on an unbroken plane shall be longer than 65 feet.
 - 6. **Parking.** At least one and one-quarter (1.25) parking stalls shall be provided for each one bedroom unit and at least two (2) parking stalls shall be provided for each unit containing more than one bedroom. All parking spaces shall comply with Article 22-15 of the Orem City Code. All parking spaces, parking areas and driveways shall be paved with asphalt and/or concrete and shall be designed to allow for proper drainage. Drainage shall not be channeled or

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caused to flow across pedestrian walk ways. All covered parking structures shall be designed with the same architecture as the main structures within the PD-38 zone.

7. **Fences.** A fence with a minimum height of six feet (6') and a maximum height of eight feet (8') shall be erected and maintained along the entire perimeter of the PD-38 zone except that no fence shall be required along public street frontages. The height of the fence shall also be reduced to three feet in clear vision areas as defined in Chapter 22. The entire length of the perimeter fence shall be constructed using the same design and materials. If the perimeter fence is constructed of sight-obscuring materials, the fence shall be painted with a high grade oil base paint/sealant that resists graffiti. However, vinyl fences and chain link fences with slats do not need to be painted.

8. **Landscaping.** Landscaping shall be provided and maintained as generally shown in the concept plan. A landscaping plan shall be submitted to the City for approval as a part of the site plan.

a. All land within the PD-38 development not covered by buildings, driveways, sidewalk, and parking areas, shall be permanently landscaped with trees, shrubs, lawn, or ground cover and maintained in accordance with good landscaping practice. All required setback areas adjacent to public or private streets shall be landscaped. A permanent underground sprinkling system shall be installed for all landscaped areas.

b. At least thirty percent (30%) of the net acreage of the entire development shall remain in permanently landscaped areas.

c. For every five (5) dwelling units the following trees and shrubs shall be required on the site: at least one (1) deciduous tree at least two (2) inch caliper measured six inches (6") above the ground, one (1) evergreen tree at least seven (7) feet in height, and ten (10) evergreen type shrubs at least five (5) gallons in size.

9. **Lighting Plan.** Any development in the PD-38 zone shall include a lighting plan. There shall be no direct glare from lighting in the PD-38 zone onto adjacent properties. The lighting plan shall be designed to :

- a. discourage crime;
- b. enhance the safety of the residents and guests of the PD-38 development;
- c. prevent glare onto adjacent properties; and
- d. enhance the appearance and design of the project.

All outside lighting shown on the lighting plan except for front and back door lighting shall be controlled and metered either by the owner(s) of the apartments or by a unit owners' association. The lighting plan shall designate which lighting shall be commonly metered to the apartment owner(s) or unit owners' association.

10. **Soils Report.** A soils report prepared by a soils engineer shall be submitted to provide engineering information to determine special engineering needs of the site.

11. **Recreational vehicle (RV) Storage.** No recreational vehicle shall be parked or stored within the PD-38 zone.

12. **Off-Site Improvements.** Off-site curb, gutter, sidewalk, and/or other improvements may be required by the City if development on the site contributes to a need for such off-site facilities and the improvements required are roughly proportional to the amount of the off-site impact caused by the development in the PD-38 zone.

13. **Irrigation Ditches.** Irrigation ditches within the development or along street right-of-way adjacent to the development shall be piped.

14. **Storage Areas and Solid Waste Receptacles.** All outside storage areas and solid waste receptacles which are not located within a building shall be enclosed on three sides with the same materials as used on the exterior of the main structures within the development and shall have sight-obscuring gates.

15. **Unit Owners' Association.** If all of the residential units are owned by the same person or entity, no Unit Owners' Association shall be required. However, if all of the residential units are not owned by the same person or entity, a Unit Owners' Association shall be formed and maintained to maintain all common areas and required improvements, to ensure compliance with the approved site plan and to provide adequate on-site security in all public and common areas of the development.

16. **Storm Water Runoff Plan.** A storm water runoff plan designed to accommodate a 25-year storm and detention system with a maximum allowable discharge rate of sixty gallons per minute, per acre (60 gpm./ac.) shall be provided for any development in the PD-38 zone.

17. **Utilities.** All dwellings shall be served by the public sewer system and public water supply. All utilities shall be placed underground. No water or sewer lines shall be placed under covered parking areas. The provisions of Chapter 21 of the Orem City Code for water meter connections shall apply to development in the PD-38 zone.

18. **Site Maintenance.** The site shall be maintained free from trash, weeds, garbage, paper and other refuse.

19. **Default Standards.** Except as otherwise provided herein, the provisions and standards of the PRD zone shall apply in the PD-38 zone.

I. Signs. Signage in the PD-38 zone shall comply with Chapter 14 of the Orem City Code.

J. Bonds.

1. **Purpose.** Prior to the recording of any final plat in the PD-38 zone and prior to the issuance of any building permit on land included within the PD-38 zone, the applicant shall post a bond with the City in an amount sufficient to

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cover the cost of all required improvements required for that phase by the approved site plan, preliminary plat, final plat, concept plan, the PD-38 ordinance and other applicable City ordinances, including but not limited to landscaping and sprinkling systems, asphalt, curb, gutter, sidewalk, fencing, recreational facilities, piping of irrigation ditches, and any other item required as part of the approved site plan. The bond shall be a guarantee that the proper installation of all required improvements shall be completed within two (2) years of the date of approval of the site plan or recording of the final plat, whichever is later or at such time as the approving body may designate, and that the improvements shall remain free from defects for a period of one year after the City's final acceptance of the improvements. The bonds required by this Section are for the sole benefit of the City. The bonds are not for the individual benefit of any citizen or identifiable class of citizens, including the owners or purchasers of lots or units within the PD-38 development. The bonds are not for the purpose of ensuring payment of contractors, subcontractors or suppliers of labor or materials, and no contractors, subcontractors or suppliers of labor or material shall have a cause of action against the City or the bond for providing labor or materials. Bond releases may be applied for as each bonded item is completed and authorized by Orem City officials, with the exception that ten percent (10%) of the bonded amount shall be held by the City for one year to warrant the satisfactory completion of the improvements.

2. **Type.** The bond shall be an irrevocable letter of credit, escrow bond, cash bond or combination bond in favor of the City. The requirements relating to each of these types of bonds are found in section 17-6-6 of the Orem City Code. The City reserves the right to reject any of the bond types if it has a rational basis for doing so. The bond shall be delivered to the Department of Development Services

3. **Amount.** The Development Services Director or his designee shall determine the amount of the required bond by estimating the cost of completing the required improvements. The amount of the bond shall be at least one hundred ten percent (110%) of the estimated costs of the required improvements.

4. **Nonwaiver.** This section does not waive the bonding, licensing, or permit requirements set forth in other City ordinances except that this section replaces the subdivision bond required in section 17-6-6 Orem City Code.

5. **Plat Recording.** The City shall not record any final plat until the developer of the PD-38 development has tendered the bond and entered into an agreement with the City in which the developer agrees to install the improvements as required by this Section and agrees to indemnify and hold the City harmless from any claims, suits or judgments arising from the condition of property dedicated to the City, from the time that the property is dedicated to the City to the time when the improvements on the dedicated property are finally accepted by the City (including the passage of the warranty period).

6. **Completion of Improvements Extension.** An applicant may request an extension of up to two (2) years from the Development Services Director for the completion of improvements. The Development Services Director may grant an extension of up to two years if the applicant demonstrates good cause for not completing the improvements and demonstrates the present ability to complete the improvements.

7. **Liability for Improvements.** If for any reason the bonds providing for the guarantee of improvements are insufficient to properly complete the improvements, the developer shall be liable to complete the improvements required by this section.

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APPENDIX FF





September 6, 2013

Public Hearing Notice

Jeff Hawkes requests the City amend Section 22-5-3(A) and the zoning map of Orem City by changing the zone at 1757 South 400 East, known as Summit Ridge Apartments, from the R6.5 zone to the PD38 zone for the purpose of constructing a 72-unit apartment building. This request also requires the adoption of the PD38 zone text. The location of the new building is the southeast area of the property which is the current location of a large parking lot. A copy of the proposed site plan is on the reverse of this notice.

The Planning Commission will hold a public hearing on **Wednesday, September 18, 2013, at 5:00 PM** in the City Council chambers at 56 North State Street. This meeting is open to the public and you are invited to attend.

The City Council will hold a public hearing on **Tuesday, October 22, 2013, at 6:20 PM** in the City Council chambers at 56 North State Street. This meeting is open to the public and you are invited to attend.

Questions can be directed to David Stroud at 229-7095 or Jason Bench at 229-7238.

This notice has been mailed to all property owners and residents within 300 feet of the subject properties. If you are aware of other persons who would be interested in this matter, it would be appreciated if you make them aware of this public meeting. If you are not the owner of the residence, please notify the owner regarding this notice.

**The public is invited to participate in all public meetings.
If you need special accommodations to participate, please contact the City at
Phone: 229-7058 or TDD: 229-7146.**



MAILED
9/6/13

BINGHAM PROPERTY LLC
PO BOX 1008
SPRINGVILLE, UT 84663

THOMAS, DAN W
PO BOX 143
AMERICAN FORK, UT 84003

OLSEN, KIM D & HARLAN D AN
PO BOX 1780
OREM, UT 84059

CORP OF PRES BISHOP CHURCH OF
JESUS CHRIST OF LDS
50 E N TEMPLE
SALT LAKE CITY, UT 84150

JC CAPITAL LP
%PETROLEUM WHOL, LP
PO BOX 4456
HOUSTON, TX 77210

DTS/AGRC MANAGER
STATE OFFICE BLDG, RM 5130
SALT LAKE CITY, UT 84114

CENTURY LINK
75 EAST 100 NORTH
PROVO, UT 84606

SHURTLIFF, DONALD C & JOAN
220 E RIDGE RD
OREM, UT 84057

ROCKY MOUNTAIN POWER
70 NORTH 200 EAST
AMERICAN FORK, UT 84003

GBR OREM ONE LIMITED LIABILITY
COMPANY
150 WHITE PLAINS RD
TARRYTOWN, NY 10591

RSC INVESTMENTS LC
265 E 3450 N
PROVO, UT 84604

BURNING TREE AC HOME
--OR CURRENT RESIDENT--
310 E 1730 SOUTH
OREM, UT 84058

ROWLAND, ROY DEAN & MAXINE
241 W 1650 S
PAYSON, UT 84651

CLUB FITNESS INCORPORATED
%WEBER, JOHN
321 S CANYON VIEW DR
ELK RIDGE, UT 84651

DALE SMITH
CHERRY HILL NEIGHBORHOOD
CHAIR
335 E 1830 SOUTH
OREM, UT 84058

MARTIN, DENISE
312 S 700 E
OREM, UT 84097

WILSON, KELLY & HEIDI
364 E 1600 S
OREM, UT 84058

LANT, JOHN G JR & CHERYL C
364 E 1780 S
OREM, UT 84058

A&S INVESTMENTS LLC
350 N 1200 E
MAPLETON, UT 84664

FUCHSEL, JOSEPH & AUDREY JEAN
365 E 1780 S
OREM, UT 84058

WRIGHT, DOYLE M & BRENDA L
370 E 1655 S
OREM, UT 84058

CLARK, BRUCE BUDGE & OUIDA
RAPHIEL
365 E 1655 S
OREM, UT 84058

ROBINSON, JEFFREY L & LAURIE S
375 E 1780 S
OREM, UT 84058

HIGBEE, LEAH M
378 E 1600 S
OREM, UT 84058

GARDNER, DEAN L & RONDA H
374 E 1780 S
OREM, UT 84058

CRAIG, PAUL E & MERLE Y
384 E 1655 S
OREM, UT 84058

KEELER STREET PROPERTIES LLC
--OR CURRENT RESIDENT--
389 E 1600 SOUTH
OREM, UT 84058

HARRIS, PHILLIP D & GARDA RENEE
383 E 1800 S
OREM, UT 84058

CHRISTENSEN, MYRON D & ARLENE
395 E 1800 S
OREM, UT 84058

VILLAGE APARTMENTS SALT LAKE
--OR CURRENT RESIDENT--
400 E 1700 SOUTH
OREM, UT 84058

PRZYBYLA, LEON H JR & JANICE L
--OR CURRENT RESIDENT--
394 E 1600 SOUTH
OREM, UT 84058

PRZYBYLA, LEON H JR & JANICE L
411 W 300 S
OREM, UT 84058

PAWLOWSKI, TERRY L & TAMMY K
412 E 1600 S
OREM, UT 84058

BOTAC IX LEASING
400 N 700 W
NORTH SALT LAKE, UT 84054

WARNER, RICHARD STANLEY &
JOETTA ASAY
419 E 1800 S
OREM, UT 84058

JORMAR LLC
421 S WATERWAY RD
LEHI, UT 84043

RLS PROPERTIES 1708 SOUTH LLC
418 COTTONWOOD DR
FRIENDSWOOD, TX 77546

MARTIN, DENISE
--OR CURRENT RESIDENT--
433 E 1600 SOUTH
OREM, UT 84058

ROLAND, PEGGY LEE
--OR CURRENT RESIDENT--
433 E 1800 SOUTH
OREM, UT 84058

ROWLAND, ROY DEAN & MAXINE
--OR CURRENT RESIDENT--
428 E 1600 SOUTH
OREM, UT 84058

BINGHAM PROPERTY LLC
--OR CURRENT RESIDENT--
443 E 1600 SOUTH UNIT# 1-4
OREM, UT 84058

SORENSEN, DON D & DIXIE
--OR CURRENT RESIDENT--
450 E 1600 SOUTH
OREM, UT 84058

SORENSEN, CORINE & DON D
434 E 1600 S
OREM, UT 84058

OBERHANSLEY, PEGGY A
--OR CURRENT RESIDENT--
458 E 1600 SOUTH
OREM, UT 84058

GREENWOOD, DAVID EARL &
TIFFANY GROTEGUT
465 E 1600 S
OREM, UT 84058

ELMER, DANIEL A & ANGELA
--OR CURRENT RESIDENT--
454 E 1600 SOUTH
OREM, UT 84058

DE GRUSSA, BRIAN (ET AL)
473 E 1600 S
OREM, UT 84058

BOTAC IX LEASING
--OR CURRENT RESIDENT--
479 E 1600 SOUTH
OREM, UT 84058

TILLACK, MELISSA A
471 E 1800 S
OREM, UT 84058

RSC INVESTMENTS LC
--OR CURRENT RESIDENT--
514 E 1750 SOUTH
OREM, UT 84058

RSC INVESTMENTS LC
--OR CURRENT RESIDENT--
521 E 1750 SOUTH
OREM, UT 84058

HANEY, DONALD L & DENISE R
483 E 1800 S
OREM, UT 84058

A&S INVESTMENTS LLC
--OR CURRENT RESIDENT--
535 E 1700 SOUTH
OREM, UT 84058

ALPINE SCHOOL DISTRICT
ATTN: SUPERINTENDENT
575 NORTH 100 EAST
AMERICAN FORK, UT 84003

RSC INVESTMENTS LC
--OR CURRENT RESIDENT--
528 E 1750 SOUTH
OREM, UT 84058

OBERHANSLEY, PEGGY A
719 E 150 N
OREM, UT 84097

PITTMAN, LARAE S
824 W 970 N
OREM, UT 84057

MAG
586 EAST 800 NORTH
OREM, UT 84097

VILLAGE APARTMENTS SALT LAKE
1301 DOVE ST STE 1080
NEWPORT BEACH, CA 92660

TSANG, PETER OSCAR
1437 W 1150 N
PROVO, UT 84604

BRAMMER 1631 LC
1038 COVENTRY CIR
OREM, UT 84097

JC CAPITAL LP
--OR CURRENT RESIDENT--
1594 S STATE
OREM, UT 84058

ALARCO, LIZARDO & MARCELA C
1595 S 400 E
OREM, UT 84058

KEELER STREET PROPERTIES LLC
1545 N 1520 W
PLEASANT GROVE, UT 84062

HUANG, BAIYU (ET AL)
%HUANG, BAIYU AND RUI YANG
1610 S 490 E
OREM, UT 84058

CHEN, LI-HSUEH
%LI-HSUEH CHEN
1616 S 490 E
OREM, UT 84058

GBR OREM ONE LIMITED LIABILITY
COMPANY
--OR CURRENT RESIDENT--
1602 S STATE ST
OREM, UT 84058

WEEKES, NATHAN DANIEL
%WEEKES, NATHAN DANIEL
1626 S 490 E
OREM, UT 84058

CHIAM INC
--OR CURRENT RESIDENT--
1620 S STATE ST
OREM, UT 84058

MA, XUCHU (ET AL)
--OR CURRENT RESIDENT--
1620 S 490 EAST
OREM, UT 84058

BRAMMER 1631 LC
--OR CURRENT RESIDENT--
1635 S 400 EAST
OREM, UT 84058

BRAMMER 1631 LC
--OR CURRENT RESIDENT--
1631 S 400 EAST
OREM, UT 84058

SHURTLIFF, DONALD C & JOAN
--OR CURRENT RESIDENT--
1624 S 400 EAST
OREM, UT 84058

QUESTAR GAS COMPANY
1640 NORTH MTN. SPRINGS PKWY.
SPRINGVILLE, UT 84663

BRAMMER 1631 LC
--OR CURRENT RESIDENT--
1637 S 400 EAST
OREM, UT 84058

BRAMMER 1631 LC
--OR CURRENT RESIDENT--
1633 S 400 EAST
OREM, UT 84058

ROLAND, PEGGY LEE
1649 S 270 W
OREM, UT 84058

CLUB FITNESS INCORPORATED
--OR CURRENT RESIDENT--
1640 S STATE
OREM, UT 84058

BRAMMER 1631 LC
--OR CURRENT RESIDENT--
1639 S 400 EAST
OREM, UT 84058

OREM STATE STREET PLAZA LLC
--OR CURRENT RESIDENT--
1680 S STATE ST
OREM, UT 84058

SCHULTHESS, DAVID A & FRAN W
1666 S 400 E
OREM, UT 84058

DRAPER, MICHAEL D & TINA M
1646 S 400 E
OREM, UT 84058

CORP OF PRES BISHOP CHURCH OF
JESUS CHRIST OF LDS
--OR CURRENT RESIDENT--
1700 S 400 EAST
OREM, UT 84058

ASHBY, DANIELLE
--OR CURRENT RESIDENT--
1698 S STATE
OREM, UT 84058

OREM STATE STREET PLAZA LLC
--OR CURRENT RESIDENT--
1666 S STATE ST
OREM, UT 84058

OLSEN, KIM D & HARLAN D AN (ET
AL)
--OR CURRENT RESIDENT--
1718 S 500 EAST
OREM, UT 84058

RLS PROPERTIES 1708 SOUTH LLC
--OR CURRENT RESIDENT--
1708 S 500 EAST
OREM, UT 84058

OLSEN, KIM D
--OR CURRENT RESIDENT--
1711 S 500 EAST
OREM, UT 84058

RHODES, RONALD L & KAREN N
1736 COBBLESTONE DR
PROVO, UT 84604

PITTMAN, LARAE S
--OR CURRENT RESIDENT--
1732 S 500 EAST
OREM, UT 84058

RSC INVESTMENTS LC
--OR CURRENT RESIDENT--
1733 S 500 EAST
OREM, UT 84058

VILLAGE VENTURES
%VILLAGE APARTMENTS
ASSOCIATES
1757 VILLAGE LA
OREM, UT 84058

CHIAM INC
1737 S 40 W
OREM, UT 84058

PITTMAN, LARAE S
--OR CURRENT RESIDENT--
1746 S 500 EAST
OREM, UT 84058

FAIRBANKS HOLDING LLC
--OR CURRENT RESIDENT--
1760 S 500 EAST
OREM, UT 84058

HAWKINS, GARTH J & LARRY L
1757 S 400 E
OREM, UT 84058

KNIGHTON, ADAM S & CIRIA J
1758 S 400 E
OREM, UT 84058

CHRISWELL, RYAN & SUZANNE
1768 S 400 E
OREM, UT 84058

BARBAKOS, CHRIS JUNIOR & MARY
COLLEEN
1764 S 450 E
OREM, UT 84058

BARBAKOS, KACEY & BRENT
1765 S 450 E
OREM, UT 84058

TILLACK, C BRUCE & MARY E
1775 S 450 E
OREM, UT 84058

MOWER, KARENE
1769 S 400 E
OREM, UT 84058

BURNING TREE AC HOME
%MARVEL, MANDY
1771 S 290 E
OREM, UT 84058

RHODES, RONALD L & KAREN N
--OR CURRENT RESIDENT--
1790 S 500 EAST
OREM, UT 84058

DIXON, WILLIAM F & KAREN M
1776 S 450 E
OREM, UT 84058

GADD, KATHY T & GALEN N
1778 S 400 E
OREM, UT 84058

LARSON, TRACY H
1796 S 450 E
OREM, UT 84058

JORMAR LLC
--OR CURRENT RESIDENT--
1793 S 400 EAST
OREM, UT 84058

MONTERO, EDUARDO
1795 S 450 E
OREM, UT 84058

UTOPIA
2175 S REDWOOD ROAD
WEST VALLEY CITY, UT 84119

JASON BENCH
1911 N MAIN STREET
OREM, UT 84057

UTAH CNTY SOLID WASTE DISTRICT
C/O RODGER HARPER
2000 WEST 200 SOUTH
LINDON, UT 84042

SORENSEN, DON D & DIXIE
6760 FAIRFAX DR
PROVO, UT 84604

ELMER, DANIEL A & ANGELA
2407 W 2150 N
LEHI, UT 84043

OREM STATE STREET PLAZA LLC
2871 DUSTY STONE CT
SANTA ROSA, CA 95405

JEFF HAWKES
4309 FOOTHILL DRIVE
BOUNTIFUL, UT 84010

FAIRBANKS HOLDING LLC
9588 CANYON HEIGHTS DR
CEDAR HILLS, UT 84062

COMCAST
9602 SOUTH 300 WEST
SANDY, UT 84070



JEFF HAWKES
President, CEO
Jeff@hawksdevelopment.net
Cell 858.775.0169

Summit Ridge Neighborhood Meeting, April 4, 2013

Hawks Development held a neighborhood meeting on April 4, 2013 regarding their rehabilitation plan and development plan of Summit Ridge Condominiums, 1757 South Village Lane, Orem, UT 84058. The meeting was held at 7:00 p.m. at the property.

Mailing: A list was purchase from Plotted Easements, Matt Thompson, Principal, a GIS engineer. See Exhibit A, the list. The list represents all contiguous property owners within 300' of the outside property boundary of Summit Ridge. See Exhibit B, the aerial radius map. A letter was sent to this list on March 29, 2013 for the April 4, 2013 neighborhood meeting. See Exhibit C, notification letter.

There were 15 neighbors in attendance representing 12 households. Hawks Development showed a brief PowerPoint presentation and provided the attendees with a handout that was a representation of each slide that was briefly covered. This is attached as Exhibit D.

The goal of the meeting was to briefly present to the neighbors the developer's intention to purchase Summit Ridge and its intention and plan to rehab the existing units and clubhouse and to build new units based on the lower density nature of the property for multi-family housing—currently only 10 units per acre. It is believed this is consistent with the City of Orem's general plan and Vision 2030. After this brief overview, the developer's meeting plan was to listen to the neighbor feedback and document any concerns and and feedback offered and answer any questions they might have.

A response card was given to each attendee is attached as Exhibit E. We believe that we have a card completed by each attendee representing each household that was in attendance. Of those in attendance, 9 said they would support the propose development project and 3 said maybe. No one was in opposition to the proposed development project. See attached neighbor response cards as Exhibit F.

The biggest concern of the neighbors is the quality of the tenant. We did not note and neighbors resistant to the new proposed units. They would like to see a management plan specific to upgrading the quality of the tenants. Most of the neighbors have lived in the Cherry Hill area and have seen the best of times and the worst of times with this project—previously known as The Village Apartments. All comments on the response cards addressed this concern.



JEFF HAWKES
President, CEO
Jeff@hawksdevelopment.net
Cell 858.775.0169

After the meeting, the neighbors assembled and wrote a letter to the City Council of Orem as a follow up to this meeting. The plea of this letter is to upgrade the management practices to attract a higher-quality clientele and that will keep a higher quality clientele. See attached letter from neighbors as Exhibit G. Twelve neighbors signed this letter that were in attendance at the neighborhood meeting. In addition six other neighbors not in attendance signed the letter. A total of 18 neighbors signed this letter. Neighbors instrumental in writing and seeking signatures were N. Gregory Soter and Cheryl Lant.

Conclusion

The feedback from this meeting is invaluable to understanding the sentiments of our neighbors regarding the current perception of management issues and their perspective on rehabilitating existing units and then adding newly constructed units.

It is clear our neighbors understand development and multi-family housing. They understand the need for new housing along State Street consistent with the city's general plan, vision 2030. They are not opposed to new units and new quality housing to meet the increasing demand for housing in the area. They are adamant about management being responsible in whom they rent to and doing all possible through prudent management policies, procedures, policing and enforcement to ensure the tenant profile is high-quality, responsible and not the profile of some tenants they have had negative experiences with since the early 1970's.

Summit Ridge was under new management 2008 and they did admit that they have seen improvement in the management, maintenance and profile of the tenants. But, they would still like to see a higher quality tenant, and more vigilant management despite the improvements that have been made in recent years. It appears the community would support the addition of new units if management is attentive to improving tenant quality and improving the older buildings and keeping a well-maintained property. And the developer and management can demonstrate to them that they have a specific plan to accomplish this.

It is the neighborhood feedback that the developer listened to and documented and has addressed in its new management plan, rehabilitation plan and the development of new housing units. A neighborhood meeting is planned for August 6, 2013 to report back to the neighbors on these plans that were delineated from their feedback on April 4, 2013.



HAWKS
DEVELOPMENT

JEFF HAWKES
President, CEO
Jeff@hawksdevelopment.net
Cell 858.775.0169

In turn, the developer will again listen to and document their feedback from this discussion on August 6, 2013. The neighborhood meeting on August 6, 2013 is also being held to fulfill the requirement of a neighborhood meeting for a rezone application that the developer has submitted the City of Orem to rezone the property from R-6.5 to a new PD zone.

Sincerely,

Jeff Hawkes
President, CEO
Hawks Development



**Public Notice
Summit Ridge**

July 26, 2013

Dear Neighbor:

You are cordially invited to attend a neighborhood meeting for an update on our proposed development plans for Summit Ridge (formerly The Village). You may recall we held a meeting on April 4, 2013 to inform you of our preliminary development plans. We have worked hard to incorporate your feedback into our current development plans. We are happy to answer any questions you may have and look forward to your continued input.

Here are the details regarding the meeting:

- What:** *Neighborhood meeting to discuss the proposed development plans for Summit Ridge*
- Where:** *Summit Ridge Clubhouse , 1757 South Village Lane, Orem, Utah 84058 (located on the East, middle area of the property)*
- Date:** *August 6, 2013*
- Time:** *7:00 to 8:00 p.m.*

Light refreshments will be served.

“Pursuant to Orem City Code Section 22 1 5(F), this meeting is being held to discuss the project with you. This is an opportunity for you to review the plans and provide input and recommendations regarding the project. This application has not yet been reviewed by the City and is subject to change during the review process.”

We look forward to seeing you soon.

Warm Regards,
Hawks Development



Jeff Hawkes

4309 Foothill Drive
Bountiful, Utah 84010
858-775-0169 cell
Jeff@HawksDevelopment.net



Meeting Sign In

Name: Richard Jodie Werner Address 419 E. 1800 S 4058 Email Artem127

Name: Chris & Colleen Barbopoulos Address 1764 S. 450 East Tremlett Email _____

Name: Larry & Janet Jackson Address 422 East 1800 South Orem Email Larryjr40@msn.com

Name: Dorothy Johnson Address 1810 S 400 E Orem Email oldphatone@gmail.com

Name: Dale Smith Address 335 E. 1830 S, Orem Email Dale@fsoa.com

Name: _____ Address _____ Email _____

Summit Ridge
Proposed Rezone

- Yes I can support the proposed rezone to Summit Ridge
- No, I can't support the proposed rezone

Your comments are appreciated:

What safe guards will the community have traffic wise that the impact on 1600 S will be addressed if the left turn creates a greater impact than anticipated.

If you would like us to contact you for further discussion or clarification we would be happy to do so:

Name: Dorothy Johnson
Phone: 415-225-8378
Email: oldphoton@gmail.com

More comments

On 1800 S 400 E on South ~~West~~ corner, is where I live my sewer is a Clay lateral



Summit Ridge
Proposed Rezone

- Yes I can support the proposed rezone to Summit Ridge
- No, I can't support the proposed rezone

Your comments are appreciated:

The Truck

If you would like us to contact you for further discussion or clarification we would be happy to do so:
Name: RICHARD J. RIVER
Phone: 801-225-8378

Summit Ridge
Proposed Rezone

- Yes I can support the proposed rezone to Summit Ridge
- No, I can't support the proposed rezone

Your comments are appreciated:

If you would like us to contact you for further discussion or clarification we would be happy to do so:

Summit Ridge
Proposed Rezone

- Yes I can support the proposed rezone to Summit Ridge
- No, I can't support the proposed rezone

Your comments are appreciated:

If you would like us to contact you for further discussion or clarification we would be happy to do so:

Name:
Phone:
Email:

Summit Ridge
Proposed Rezone

- Yes I can support the proposed rezone to Summit Ridge
- No, I can't support the proposed rezone

Your comments are appreciated:

If you would like us to contact you for further discussion or clarification we would be happy to do so:

Name:
Phone:
Email:

Summit Ridge
Proposed Rezone

- Yes I can support the proposed rezone to Summit Ridge
- No, I can't support the proposed rezone

Your comments are appreciated:

If you would like us to contact you for further discussion or clarification we would be happy to do so:

Name:
Phone:
Email:

Summit Ridge
Proposed Rezone

- Yes I can support the proposed rezone to Summit Ridge
- No, I can't support the proposed rezone

Your comments are appreciated:

If you would like us to contact you for further discussion or clarification we would be happy to do so:

Name: Dale Smith
Phone: 801-475-5310
Email:

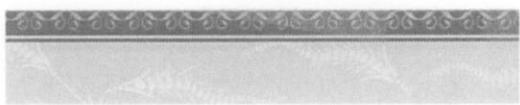
**Summit Ridge
Proposed Rezone**

- Yes I can support the proposed rezone to Summit Ridge
- No, I can't support the proposed rezone

Your comments are appreciated:

If you would like us to contact you for further discussion or clarification we would be happy to do so:

Name:
Phone:
Email:





JEFF HAWKES
President, CEO
Jeff@hawksdevelopment.net
Cell 858.775.0169

**Summit Ridge Neighborhood Meeting
August 6, 2013
Report and Minutes**

Hawks Development held a neighborhood meeting on August 6, 2013 regarding their rehabilitation plan and development plan of Summit Ridge Condominiums, 1757 South Village Lane, Orem, UT 84058. The meeting was held at 7:00 p.m. at the property.

Mailing: David Stroud from the City of Orem provided Jeff Hawkes the mailing list of 117 property owners for notification of contiguous neighbors. See Exhibit A, the list. The list represents all contiguous property owners within 300' radius of Summit Ridge. A letter was sent to this list on Friday, July 26, 2013 for the August 6, 2013 neighborhood meeting. See Exhibit B, notification letter. Jeff Hawkes received a call from one of the recipients on Saturday, July 27, 2013 which confirmed the letter was efficiently delivered to the recipients. Only eight letters of the 117 mailed were returned.

Mr. Stroud requested that the neighborhood meeting notification and the meeting proceedings must comply with Orem City Code Section 22-1-5(G) and 22-1-5(F). These City Code Sections were strictly adhered to as follows:

A neighborhood meeting must be held prior to the submission of an application to rezone any property, for new commercial development adjacent to residentially zoned property, conditional use permit, or as required by specific PD zone text. The applicant shall send a written notice of the neighborhood meeting to the neighborhood community chair and vice-chair of the neighborhood community in which the property is located; the Neighborhood Organization Specialist of the City of Orem; and the owners of all property, as listed in the records of the Utah County Recorder, located within three hundred feet (300') of the site, and the closest fifteen residential parcels. The notice shall be written on letterhead which includes the contact information of the applicant, including but not limited to a name, address, phone number, and an e-mail address. The notice must include the place, date and time of the neighborhood meeting, the existing zoning classification of the subject property and the zoning classification that the applicant is requesting for the property. The notice must also include the following language:

4309 South Foothill Drive | Bountiful, UT 84010 | P: 858.775.0169 /F: 801.292.0142
www.hawksdevelopment.net



JEFF HAWKES
President, CEO
Jeff@hawksdevelopment.net
Cell 858.775.0169

“Pursuant to Orem City Code Section 22.1.5(F), this meeting is being held to discuss the project with you. This is an opportunity for you to review the plans and provide input and recommendations regarding the project. This application has not yet been reviewed by the City and is subject to change during the review process.”

All required notices shall be provided at least one week prior to the date of the meeting. The neighborhood meeting must be conducted at a location within the City boundaries. The neighborhood meeting shall be held on any weeknight after 6:00 PM or Saturday after 9:00 AM to provide the best opportunity for the neighbors to attend. The meeting shall not be held on a holiday or the day before or after a holiday. Phone calls or informal door-to-door contacts are not considered neighborhood meetings. The applicant shall keep detailed minutes of the content of the neighborhood meeting. The application for rezone shall include a list of all individuals who were notified of the meeting, a roster of attendees at the meeting, and a copy of the minutes from the meeting.

All requirements for the neighborhood meeting per the Orem City Code were strictly followed by the developer.

Attendees: There were 11 neighbors in attendance representing 8 households. Hans Andersen of the Orem City Council and candidate for mayor was also in attendance. The Developer was represented by Jeff Hawkes, Owner and President and Bruce Chesnut, consultant. Jory Jones and Bobbie Holt were in attendance from the Summit Management team, AMC. Jory is the regional manager and Bobbie is the onsite manager. Hawks Development showed a PowerPoint presentation and provided the attendees with a handout that was a representation of each slide that was briefly covered. The handout also included the AMC tenant approval criteria and a memo from Western Reporting, the company that performs the criminal and credit background check for Summit potential tenants. This is attached as Exhibit C -Presentation

Neighbor Discussion: Many neighbors asked for clarification on the proposed development plan and offered feedback.

Traffic was discussed. The neighbors were interested in what discussions had taken place. It was explained that the developer has retained Randy Whalen to perform a traffic study. Randy has had discussions with Paul Goodrich at the city. Paul gave Randy instruction that he needs to see traffic counts on 1600S and 400E. Some preliminary

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discussion was conveyed regarding thoughts that a center turn lane may be needed off 1600S and that the 400E entry might need to be redesigned. The developer stated that the results of the traffic study would reveal the impacts and traffic solutions to the additional unit density requested in the PD rezone.

The neighbor on the NW corner of 450E is concerned about line of sight of the residents in the proposed new building into his and his home and his granddaughter's home directly across the street from him. The developer explained that the south end of the building was about 50' from the property line and the first balcony was about 85'. Additional screening was brainstormed to minimize his concern. Also it was discussed that the developer would be willing to plant trees that would provide additional screening on his and his granddaughter's property. Bruce Chesnut walked the property with him to explore this option further. It should be feasible considering we clear the drainage ditch that runs along our shared property line.

Sewer was discussed by one resident who currently has a clay lateral from her home to the city connection. She was concerned that the additional capacity from the proposed new units would back up her sewer in that it currently backs up. We indicated that the city can look at this as they review the proposed utility plan if the rezone application is successful. She lives at 1800S 400E on the SW corner. It was discussed with her that her sewer problems were probably due to the old, decaying clay lateral and that the public sewer would not back up into her house today or with additional capacity added if the lateral were functioning properly. The lateral more than likely is backing up and not flowing to the street.

The residents are hopeful that the owner and management team will be prudent in managing the property to minimize some of the poor experiences they have had in years past due to poor management. The developer gave them assurances that they will and outlined management steps that have already taken place and a rehabilitation plan the developer has set forth and funded for the existing units and the clubhouse. As previously reported, the biggest concern of the neighbors is the quality of the tenant.

There was concern about a truck that is continually parked on 400E. We said we could look into it with the city in that the truck is continually parked in the city's ROW.

One neighbor asked if the management company would meet with them three times per year to listen to and address concerns they might have. The owner and

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management team expressed a willingness to accommodate this forum with Dale Smith, Neighborhood Chair and a designated committee.

Meeting Sign In and Response Cards: A meeting sign was passed around. Although they were encouraged to sign in, only five of the eight households signed in. A response card was also given to each attendee and each attendee was encouraged to complete the response card. We did receive a completed card from each of the eight households. The sign in sheet and response cards are attached as Exhibit D.

The response card asked for an indication of the neighbor's support for the proposed zone change. Of the eight response cards completed, representing all households in attendance, none objected. 100% checked the box that said "Yes I can support the proposed rezone."

In both neighborhood meetings the developer has held and in the letter the neighbors sent to the city, we have not heard any specific objections regarding the rezone and the proposed new density at 18 units per acre. In fact, one resident wanted to know how they can be assured that the developer will build the new units as represented. We assured him that once the PD zone is approved and the addition is permitted, that we cannot stray from the plan and it will be built as represented and that we have no intention to deviate.



JEFF HAWKES
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Conclusion:

The developer listened to and documented the neighborhood feedback and has addressed their feedback in its new management plan, rehabilitation plan and the development of the new housing units which has triggered the PD rezone application by the developer. The neighbors sense a sincere interest from the developer to listen to and attend to their concerns, which we have and we have acted upon it. The neighbors seem accepting of the developer's efforts to communicate and listen sincerely and intently. They seem to accept the change of management from Alliance to AMC, the new policies and procedures implemented by management and the policing and enforcement thereof. In addition, they like the proposed rehabilitation plan and understand it will assist in making Summit Ridge a great place to live. Lastly, in our neighborhood meeting held April 4 and this meeting held August 6, 2013, we have not had any neighbors object to the proposed rezone. In fact, the support of the rezone generally appears to be unanimous.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Hawkes', written in a cursive style.

Jeff Hawkes
President, CEO
Hawks Development

Neighbors Who Live Near Summit Ridge Apartments
c/o N. Gregory Soter
1728 South 290 East Orem, Utah 84058
801/225-4837 801/375-6200

April 5, 2013

Orem City Council (individual letters to each Council member)
City of Orem
56 North State Street
Orem, Utah 84057

Re: Jeff Hawkes/Summit Ridge Apartments

Dear Council members:

Last night, we met with Mr. Jeff Hawkes who hosted a neighborhood meeting in connection with his intended purchase of Summit Ridge Apartments (still often known to us and our neighbors as The Village), a 96-unit complex located at 1675 South 400 East in Orem.

We appreciated Mr. Hawkes' willingness to discuss his plans to purchase and expand the complex, and found him to be very pleasant and forthright.

While we understand that it is not city government's place to determine who purchases what property, we feel it may serve everyone's best interests (Mr. Hawkes', Orem City's, and certainly the interests of our neighborhood) if we share the following with Orem City, and ask that you do whatever is in your power to influence the Summit Ridge situation at a time when it may come under new ownership. This may be a prime opportunity to stimulate desirable change.

Let us first say that over past years, and presently, we have enjoyed associations with wonderful people who have occupied The Village/Summit Ridge. Many of its tenants have been quality people of high moral values, ethics, appropriate behavior--all the things we could desire in our neighbors.

That said, one of the unfortunate realities of The Village/Summit Ridge is that it has been a blight on our neighborhood in many ways, for decades. A high level of crime, drug use, unsavory behaviors by tenants who don't seem to understand desirable societal values, the property often in run down physical condition (in past years--less so presently), and other negative factors have contributed to that complex having a long-standing reputation as an undesirable place. On multiple occasions, the situation has been so bad that our area religious leaders have had to insist that representatives of our women's organization not visit members there without having a mature male accompany them, and surely not after dark.

Those factors have often created a "self-perpetuating, downward spiral" as quality people move in, but leave the complex after discovering the realities of where they live.

Granted, the situation seems to have improved somewhat during the past year or two. But not nearly enough to make Summit Ridge a desirable part of our neighborhood.

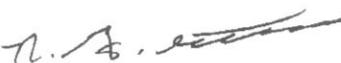
We assume that Mr. Hawkes wants exactly what we want--an apartment complex that boasts a level of tenants whose general behaviors meet a high standard, at least the standard of quality one would expect to find in most Orem neighborhoods or apartment complexes. We believe upgrading Summit Ridge's tenancy to that standard will yield greatest profitability for the owner, will be a great improvement for Orem City, and is surely what we neighbors desire. It is not an unreasonable goal. We have multiple apartment complexes in our neighborhood that are high-quality, highly-desirable components of our Cherry Hill community.

We believe the needed changes will not be accomplished simply by adding new apartments to the property, and upgrading the existing apartments. A concerted effort needs to be made to upgrade the management practices of Summit Ridge to attract a higher-quality clientele, and incorporate management practices that will keep them. Spending money is easy. Improving management practices is a considerably greater challenge.

Orem City isn't in the business of dictating the details of how owners manage their properties; we know that. On the other hand, we strongly urge Orem City to do whatever it can to ensure that Mr. Hawkes--or any other prospective owner of Summit Ridge--understand the need to radically improve what has been a sore spot in our neighborhood for far too long, and take specific, proactive steps to do so. We encourage and welcome Mr. Hawkes' success in doing more than just buying/expanding Summit Ridge.

We appreciate Orem's attention to this matter, and stand ready to do whatever we can to assist.

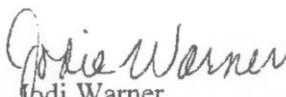
Sincerely,

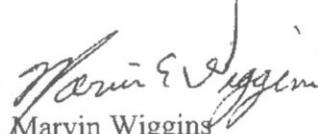

N. Gregory Soter
1728 South 290 East


John Lant
364 East 1780 South


Cheryl Lant
364 East 1780 South


Richard Warner
374 East 1780 South


Jodi Warner
374 East 1780 South


Marvin Wiggins
324 East 1730 South

Orem City Council

April 5, 2013

Page 3

Dean Gardner

Dean Gardner
374 1780 South

Ronda Gardner *Taitha Vanborn*

Ronda Gardner
374 1780 South

Garth Hawkins
1757 South 400 east

Michael Bersie

Michael Bersie
429 East 1910 South

Skip Riffle

Skip Riffle
1760 South 340 East

Tana Riffle

Tana Riffle
1760 South 340 East

Although we were not in attendance at the above-referenced meeting, we live near Summit Ridge apartments, are well-aware of its history and impact on our neighborhood, and agree with the content of this letter:

Nannette Wiggins
324 E. 1730 S Orem

Maureen Hunt
1746 So 290 East Orem

John Peter
1728 So 290 E Orem

Laurie Robinson
375 E. 1780 S., Orem

Joseph Truchael
365 E. 1780 South, Orem

Andrew Leuhsef
365 East 1780 South, Orem
84098

Orem City Council
April 5, 2013
Page 4

Stacie Beavie
429 E. 1910 S. Orem

George W. Keady
337 E. 1730 S., Orem

Lindy Lynn Chubb
333 E. 1730 S. Orem

Jeffrey Haberman
375 E. 1780 S., Orem

cc: Jeff Hawkes
Mayor Jim Evans
Heidi Wilson
Bruce Chesnut



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: 06-30-2014

Name: Stay Summit Ridge I, LLC

Phone:

Address: 4309 Foothill Drive

FAX: 801-292-1010

City:

State: Utah

Zip: 84010

e-mail: jhawkes@hawkes-holdi

PROJECT INFORMATION

Project Name: Cherry Hill Multi-Family Housing

Project Address: 1757 South Village Lane Orem, UT 84058

^{HOU EAST} 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 checked="" type="checkbox"/> Preliminary/PRD \$700 + \$20/lot or unit	<input type="checkbox"/> Sign \$600	<input type="checkbox"/> Land Use Map Change \$1000 + \$25 sign fee	<input type="checkbox"/> Site Plan Admin. Approval \$400	<input type="checkbox"/> To City Council \$400
<input type="checkbox"/> Preliminary deep lot sign fee \$25	<input type="checkbox"/> Subdivision \$600	<input checked="" type="checkbox"/> Text Change \$1000	<input type="checkbox"/> Site Plan \$1,500 + \$25 sign fee for following PD Zones: 1,4,5,15,16,21	<input type="checkbox"/> To Planning Commission \$400
<input type="checkbox"/> Final \$400 + \$20/lot or unit + recording fees	<input type="checkbox"/> Zoning, Text \$600 +25 sign fee for PD zone		<input type="checkbox"/> Concrete/Masonry Fence \$50	<input type="checkbox"/> Street Vacation \$800
<input type="checkbox"/> Vacation/Amendment \$600 + \$25 sign fee + recording fees	<input checked="" type="checkbox"/> Rezone \$800 + \$25 sign fee		<input type="checkbox"/> Daycare/Preschool Fence \$100	<input type="checkbox"/> Annexation \$1000 + \$25 sign fee
<input type="checkbox"/> Final PRD \$400 + \$30/lot or unit + recording fees			<input type="checkbox"/> Temporary Site Plan Approval \$100	<input checked="" type="checkbox"/> Driveway Entrance Modification \$175
<input type="checkbox"/> Lot Line Adjustment \$400 + \$25 sign fee, not including recording fees			<input type="checkbox"/> Conditional Use Permit \$600.00 + \$25 sign fee	<input checked="" type="checkbox"/> Resubmittal Fee \$100/review After three reviews
			<input type="checkbox"/> Fence Modification/Waiver \$100	<input type="checkbox"/> Other \$200
			<input type="checkbox"/> Condominium Conversion \$300.00 + \$55/Unit (\$25 sign fee; + \$30 building inspection fee/Unit)	

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", 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. Provide a complete set of PDF drawings with application – email PDF drawings to lperritt@orem.org.

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: **Jeff Hawkes**

Contact Person Name: **Jeff Hawkes**

Phone: **858-775-0169**

OFFICE USE ONLY

Date Filed: **7-30-13**

Fees Paid: **825-**

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.

“Planning Commission minutes for September 18, 2013”

- Temporary business permitted one temporary sign for the duration of the 120 day approval.
- Sports field signs located on interior of the sports field for the purpose of advertising to those in attendance and not to the traveling public.
- Amended sign zone map to correspond with commercial areas of General Plan

Chair Moulton introduced **AGENDA ITEM 4.1** as follows:

AGENDA ITEM 4.1 is a request by Jeff Hawkes to recommend the City Council enact **SUMMIT RIDGE, SECTION 22-11-51, PD-38 ZONE, APPENDIX FF AND AMEND SECTION 22-5-3(A) AND ZONING MAP OF OREM CITY BY CHANGING THE ZONE ON PROPERTY AT 1697 SOUTH 400 EAST FROM R6.5 TO PD-38.**

Staff Presentation: David Stroud said the applicant recently acquired the Village Condominiums and renamed the development Summit Ridge Apartments. Approved in 1971, Summit Ridge contains 96 units on 9.38 acres which is a density of 10.2 units per acre. The overall site is underutilized and contains a large parking lot on the southeast corner of the property. The applicant is seeking approval to construct a 74-unit building at this location. The density with the additional units is 18.1 units/acre. As a comparison (total units):

- Village Park Apartments, 1080 North State Street – 21.5 units/acre (192)
- Cortland Ridge Apartments, 800 West 800 North – 15.4 units/acre (144)
- Pinnacle Canyon View Apartments, 1430 South Sandhill – 24.4 units/acre (288)
- Country Springs Apartments, 625 South Orem Blvd. – 25.6 units/acre (164)



The current zone R6.5 does not permit the construction of high density housing. To increase the density of Summit Ridge, the zone must be changed to a PD zone. The applicant has included the proposed PD text which has been included with this report.

The applicant held a neighborhood meeting on April 4, 2013, and August 6, 2013, with several neighbors in attendance. The neighbors appear generally in favor of the request. Their main concern was “upgrading” the existing tenants, which zoning cannot address. One phone call was received by a neighbor enquiring about the height of the building. The caller is a property owner to the east stating that a 25-foot setback was too close to the property line.

The General Plan that states Planned Development is intended to be located in the commercial and industrial land use locations. However, the City Council has approved PD developments when no other zone designation was deemed appropriate. Most recently was the PD35 zone at 1360 North 325 West, which contains 26 twin-home units. The General Plan also states that a PD zone can also be flexible, allowing the City and developer to create standards for a development that provide solutions to a variety of land use issues. The situation with Summit Ridge is the development exists on an underdeveloped parcel and the owner is asking to better utilize his property.

Density

The maximum density shall be 18.5 units per acre. Up to 74 new units are proposed. The building as shown on the elevations contains 72 units with the potential to add two additional units depending on what the developer does with “dead” space on two of the floors. These two locations can potentially be converted additional units. The text reflects this possibility.

“Planning Commission minutes for September 18, 2013”

Height

A maximum of 50 feet and four stories high.

Setbacks

25 feet from neighboring properties not part of the PD38 zone. Parking spaces, accessory structures, including covered parking, shall be at least five feet from any property line and 25 feet from any public right-of-way.

Architectural Style

As shown on the attached drawings. Exterior finishing materials will be at least 60% brick, stone, or stucco.

Parking

Units with one bedroom shall provide at least 1.25 stalls. Units with two bedrooms or more shall provide two parking stalls. A total of 289 stalls will be required and 399 stalls will be provided.

Fencing

The perimeter of the development, with exception to public street frontage, shall have a fence that is uniform in design.

Landscaping

Existing landscaping which is extensive will generally remain the same. There will be new landscaping around the new building.

Recommendation: Based on compliance with the General Plan, staff recommends the Planning Commission forward a positive recommendation to the City Council.

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

Mr. Colledge asked how the 25-foot setback was calculated. Mr. Stroud said 25 feet is the standard; if the building abuts residential then the setback will be the height of the building. Mr. Earl said he had looked at comparable zones in the City. The PD-29 zone, which is Sienna Villas on Columbia Lane, 25-foot setbacks and a height limitation of 50 feet. Centennial Plaza is on the corner of Center Street and Orem Boulevard has residential units to the north and the setback was 16-feet from all public right of way lines and all other setbacks were the same as the C2 zone which is zero feet from commercial and the height of the building from residential. The PD zone is designed to be flexible to the properties unique design.

Mr. Whetten said the site feels tight on parking. He asked how this compares other multi-family developments in the city. Mr. Stroud said some projects have more, but there are some that have the same size of parking. Mr. Whetten asked if this is approved, could they come back and increase the number of units. Mr. Stroud said no they could not because this application maxes out the site.

Mr. Whetten also asked what the process would be if they wanted more density. Mr. Stroud said the ordinance would have to be amended.

Chair Moulton invited the applicant to come forward. Jeff Hawkes introduced himself.

Mr. Hawkes said this project started in early in 2013 and up till now they have been studying the General Plan, etc. In the process they have met with the neighbors, first on April 4, 2013 there were 15 residents in attendance. On August 6, 2013 they held a formal neighborhood meeting prior to submitting this application. The overriding concern of the neighbors has been the management issues that this property has had over the last 42 years. It has had a not so good past. Their focus is on improving the management. Prior to their purchase it was owned by a group out of California, who rebranded the property to Summit Ridge from The Village. They did a good job of upgrading the property and aggressively managing it. When they purchased the property they brought in Apartment Management Corp. (AMC) manages over 100,000 units in the northwest. They sat down with AMC and went over the procedures and policies that included extensive screening such as: criminal background checks, credit checks, rental history. The policy

“Planning Commission minutes for September 18, 2013”

is not to rent to anyone who does not come through the screening process clear. The onsite property managers are not allowed to be discretionary in the decision. If the score does not come back at the acceptable level, they are not allowed to rent to that individual.

Mr. Hawkes also pointed out that the neighbors were concerned about traffic. A full traffic plan has been submitted. Their traffic engineer worked with Paul Goodrich, Orem City Traffic Engineer. Based on other PD zones that have been approved, this density is on the low end. This property is over nine acres and there is a lot of green space. The southeast parking lot, where the new units are proposed, is an eyesore and an area for horseplay. They have had to repair the block wall twice this last winter, because of people doing “cookies” in their vehicles. They have found a lot of paraphernalia, drug, alcoholic, etc. This building will mitigate these issues. From a parking standpoint even with the new units based on the new PD-38 zone, there are 110 parking stalls strong. The development has 18.8 units per acre and it cannot be changed without going through a formal rezone process. The parking ratio is consistent with several PD zones that have been approved. Currently there are 469 stalls with 96 units, making them five stalls per one unit.

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

Marvin Wiggins, Orem, said the primary concern of all the neighbors surrounding this development is to maintain a quality neighborhood by caring for the property. The apartments have a history of crime, drug use and unsavory behaviors. It has been a dangerous place for years. The proposed high level apartment has the potential of being a success. He requested conditions for approval should be at the minimum:

1. Security - Requiring a security official be available at all times for the protection of the residents and visitors from church and community.
2. Noise control for comfort of new and existing residents.
3. Lighting – The entire property is dark. A lighting standard eliminates gathering places for illegal and unsavory behavior.
4. Animals – It would be wise to establish rules for animals for noise, wear and tear.
5. Background checks, both legal and previous landlords for behavior and care of property.
6. Repair of drainage of the 18 units that flooded in last month’s rainstorm.
7. Parking – sufficient for residents and designed visitors parking stalls.
8. Additional items the Planning Commission can include to make this property a contribution to the single residency zones that surround it.

Mr. Wiggins then said he would support this if the suggested conditions were accepted.

Greg Souter, Orem, said he supports Mr. Hawkes upgrades. He understands that good plans do not always materialize and so he would appreciate the City attaching conditions that the owners would upgrade the existing apartments before allowing a new building.

Norm Sergeant, Orem, said he owns property to the north and would like his property to be multifamily and included in this development.

Russell Pittman, Orem, said his family owns two four-plexes which are adjacent to the southeast property line. He opposes the City adopting this change, based upon the fact it will overlook his property. There will be residents who will park behind his four-plex and then jump the fence. The quality of tenants is questionable and the parking may be a problem with this increase. They say they are improving the quality of tenants, but it looks like they are just increasing the quantity of the tenants. It is wrong to pick a chunk of land and make it high density.

David Jacobs, Bountiful, said he was raised in South west Orem and his parents still live here. This is a well-planned development and will be great for this part of the City.

“Planning Commission minutes for September 18, 2013”

Steve Davies said he has been a builder in Orem for many years. He has lived in this area for years and laid the survey for this development in 1971. It has been problems for years. Anything that can improve the property should be supported.

Peggy Usher said she is a sister to Russell Pittman and part owner of the fourplexes to the southwest. She indicated she agrees with her brother. She wondered why the builder cannot just build the existing building and make the area look more uniform and not so hodge podge.

Ed Axley, Orem, said he has lived in this area and is in support of this.

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

Ms. Jeffreys asked if the conditions that Mr. Wiggins were plausible.

Mr. Stroud said the ordinance requires a lighting plan at site plan approval. A lighting plan is designed to discourage criminal activity. Mr. Earl addressed the concerns

1. A lighting plan is required with the site plan. But if the City deems it a major concern it could be submitted early.
2. The background checks are not something the City can require. That would be telling a private property owner who they could have as tenants. It is a basic fundamental right for a property owner to decide what tenants they want on the property.
3. Theoretically the City could require a security office, but it has never been done before. There would have to be some basis for the request.
4. There is a noise ordinance that would be in effect. If there is noise that constitutes and unreasonable disturbance then that can be considered a noise violation. People can call either Neighborhood Preservation or the Police department.
5. The city cannot govern animals. Property owners have the right to have pets if they want to. Management can prohibit animals if they want to.
6. The applicant will need to have a drainage plan to handle a 25 year storm. As far as repairing damage to existing units, that is up to the management.

Mr. Hawkes said he had met with Russell Pittman & Peggy Usher. One of the four-plex buildings is 115 feet from the proposed building, the other is 90 feet. The proposed building is 48 feet high. The east side of the building is all green space and meant to act as a buffer for the contiguous neighbors. The Pittman property and the neighbors to the south are the most impacted. He has visited with the Barbakos's to the south and have come up with a plan to pay for and plant some screening in the irrigation corridor and in their yard. He offered the same thing to the Pittman family. He intends on keeping that as a green space/buffer that will create some dense screening. He even suggested planting conifers so there will not be leaves blowing on their lot. The property has improved immensely. In addition to the management policies and improvements, policing and enforcement, he believes that the quality of the product has something to do with the person purchasing the product. He stated they have reserved \$750,000 for upgrading the existing units. This building backs up to 2/3 commercial property; the properties to the east side are rental units. This is not high, high density, but is on the lower end of the PD zones. This area certainly needs rehabilitation. It is currently an eyesore, and having new construction will improve the area.

Mr. Colledge asked if there was anything that could be done for Mr. Sergeant. Mr. Stroud said there is an ordinance in place called Special Exception for Multifamily dwellings. There are three criteria that are listed and the property would have to meet at least one of the criteria. He invited Mr. Sergeant to stay after the meeting and he will meet with him to determine if his property would qualify.

Ms. Jeffreys asked if the current owners could just sell it. Mr. Earl said the City cannot restrict that, it is a fundamental property right to sell the property. Ms. Jeffreys asked if they could sell a portion of the

“Planning Commission minutes for September 18, 2013”

property. Mr. Earl said in order to sell a portion, the property will need to condominiumize and would come before the Planning Commission.

Mr. Pittman said it is true he owns two four-plexes and on the east side of his building there is a landscape area. He contends this design will leave a lot of real estate that people will do bad things.

Mr. Whetten asked if Summit Ridge are condominiums. Mr. Stroud said the existing units are condominiums. The applicant is requesting either apartments or condominiums that could be decided at the site plan stage. He could keep them apartments, but construct to a condominium standard and later come in and have little or no building code changes to a condominium conversion.

Ms. Buxton said the property owners on 500 East are concerned about residents in Summit Ridge will access from his four-plexes. She asked what type of fence is there, currently. Mr. Pittman said there is a block wall. On his side it is about six feet, however in the southeast corner it is graded high and so it is not quite five feet tall. Mr. Stroud said the text will require six foot wall fence. Mr. Pittman said there is not enough parking and so they will park on his property and jump the fence. Mr. Colledge noted that of all the projects the Planning Commission has seen, this one has the most excess parking.

Mr. Whetten said his experience has been that as a property owner invests money into a project it usually reverses a downward cycle of poor quality tenants. When rents are lowered and less money is put into the development it creates downward cycle. Investing money into the project reverses the downward cycle and becomes a positive thing for the surrounding neighborhoods. He did express concerns about the parking requirement of 1¼ stalls and two stalls feels too skinny. He would rather come in with adequate parking to accommodate what is there now, but not too generous. He understands that if the applicant wants to grow the project, it will have to come back in for approvals. He hoped the City would be open to allowing the number of parking stalls to be reduced in the future, if it can be shown that there is an excess, thus giving them the opportunity to lower the required parking stalls in the future. He suggested 1½ stall for one bedroom units and 2½ stalls for two bedroom units. That is based on limited experience with other multifamily projects in residential areas. He also expressed concern that the building was four stories tall on a 25 foot setback to a residential area feels tall. Though this area has four-plexes, which are considered commercial, it still feels like residential.

Ms. Jeffreys said it the overall number of stalls is fine, but having the majority of the parking grouped in the northwest corner could be a concern. She does not think people will jump a fence to access their home.

Mr. Moulton asked if the fence is not five feet currently, will it have to be increased. Mr. Stroud said it would be measured from the developer's side of the fence. Ms. Buxton asked if the current fence will be heightened or will a new fence be constructed. Mr. Hawkes indicated the fence will be heightened and make sure it is in compliance on their side.

Ms. Buxton said she had drove around the complex and looked to see the level of maintenance and she understands the chequered past, but it currently looks like the exterior is pretty good. The paint looked new and that shows the property owners cares about the maintenance. Building some living space in the large area is a great solution. It will revitalize the project. She also cannot imagine anyone jumping a six foot fence, just for the parking lot. The conifer trees will be a good idea and be a great barrier.

Chair Moulton 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 enact Section 22-11-53 PD—38 (Summit Ridge Apartments) zone and Appendix “FF” and amend Section 22-5-3(A) and the zoning map of the City of Orem by rezoning property located 1697 South 400 East from the R6.5 to the PD-38 zone. Mr. Colledge seconded the motion. Those voting aye: Becky Buxton, Mike Colledge, Karen Jeffreys, David Moulton, and Derek Whetten. The motion passed unanimously.

Orem City Planning Commission

Re: Public Hearing Summit Ridge Apartments Sep 18, 2013

Zone change for additional 4 story 48 apartment units

Re: Cherry Hill Neighbor response

Sept 18, 2013

Dear Commissioners:

I am Marvin Wiggins living in the LDS Church ward serving the proposed development. These apartments were formerly known as the Village Apartments and the address is South Village Lane, Orem, Utah 84058.

I served for 5 years as the chair of the Orem Cherry Hill Neighborhood. I can certify that the primary concern of residents in this neighborhood is maintaining a quality neighborhood in density and care of property in harmony with what a single family residency zone would expect. The property under consideration has an impact on two LDS wards that surround it as its members serve the residents in Summit Ridge.

The Village Apartments has been high density development surrounded by single family residences. Initially the occupants of the Village Apartments were students and a strong support to the LDS ward they lived in. The condition changed over the years to a condition of "high level of crime, drug use, and unsavory behaviors by tenants who don't seem to understand desirable societal values, and a run down condition of property. We had Bishops that advised sister leaders to never visit the Village without a male escort." (See letter and petition written by Greg Soter and signed by neighbors dated April 5, 2013) This was not true of everyone that lived in the Village but it became evident that the best tenants would leave as soon as they could find a better environment. There have been some improvement this past year, thanks to new management and Summit Ridge.

Summit Ridge is now proposing an addition of a "high level" four story ⁷⁴~~48~~ unit building at the south west rear corner of the property. This addition has the potential of being a success if the Development Team takes on improvement of the entire property so future "high level" occupancy feels they are really in a "high level" development.

Jeff Hawkes of Summit Ridge Development has met with neighbors and taken steps to make some of these changes including

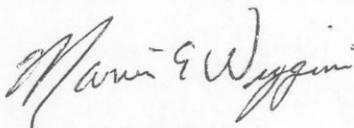
- Two neighborhood meetings
- Visiting with specific neighbors
- Promising to invest \$750,000 into the existing property with washers, dryers, and club house remodel
- Doing background checks on all new tenants

To accomplish this new development, a Zone change is necessary. This zone change would be a PD zone. PD Zoning allows for conditions set by the Planning Commission and City Council. It is possible for a developer to build a 48 unit housing structure and "flip it" or build it and sell it to another owner. It is important to protect the city, the development and the neighborhood by attaching CONDITIONS to the development that will apply not only to Aspen Ridge but to all future owners. Many of the problems of this complex have been severe neglect by previous owners. We don't control who the owner will be but hope that this PD zone will include specific conditions that are enforceable. We invite Aspen Ridge and Orem City to agree to conditions enforceable by Orem City.

Requested conditions at a minimum are:

1. Security – Requiring a security official be available at all times for the protection of the residents and visitors from church and community
2. Noise control for comfort of new and existing residents
3. Lighting – The entire property is dark. A lighting standard would eliminate gathering places for illegal and unsavory behavior. Sufficient and attractive lighting contributes to security
4. Animals – It would be wise to establish rules for animals for noise, wear and tear.
5. Background checks, both legal and previous landlords for behavior and care of property
6. Repair of drainage of the 18 units that flooded in last month's rain storm
7. Parking – sufficient for residents and designed visitor parking stalls
8. Additional items the Planning Commission can include to make this property a contribution to the single residency zones that surround it.

As a neighbor, I request that the Orem City Planning Commission and Orem City Council join together in adding appropriate and enforceable conditions to improve and preserve this development for Aspen Ridge, for the city, for the Orem City, and for the neighborhood. As for me, such conditions would help me be comfortable to offer my support to this development and proposed zone change.



Marvin E. Wiggins
324 East 1730 South
Orem, Utah 84058
marvin.wiggins@gmail.com

**CITY OF OREM
CITY COUNCIL MEETING
OCTOBER 22, 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

REQUEST:

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

BACKGROUND:

This is a continued discussion from the City Council meeting of October 9, 2013. City staff 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.

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 City Code have been included with this agenda summary.

The Planning Commission considered the proposed amendments to the sign ordinance at its meeting on October 2, 2013 and again on October 16, 2013. The Planning Commission recommended approval with the following changes:

1. Add the CM zone to the sign zone table in Section 14-3-4.
2. Allow readerboard signs only in connection with temporary sites (no permanent site could use a readerboard sign) and extend the period of use from 30 days to 45 days.
3. Allow a decorative border on monument and pole signs up to 18 inches in width that would not count against the maximum sign area.

**PLANNING
COMMISSION
RECOMMENDATION**

Public hearings
scheduled for
**October 2, 2013 and
October 16, 2013**

PREPARED BY:
David Stroud, AICP
Planner

APPROVED BY:

DRAFT

ORDINANCE NO. _____

AN ORDINANCE BY THE OREM CITY COUNCIL
AMENDING CHAPTER 14 OF THE OREM CITY CODE AS IT
RELATES TO SIGNS

WHEREAS on July 16, 2013, Development Services filed an application with the City of Orem requesting the City Council approve a comprehensive amendment to Chapter 14 of the Orem City Code as it relates to signs; and

WHEREAS on October 16, 2013, the Planning Commission held a public hearing to consider the subject application and forwarded a positive recommendation to the City Council; and

WHEREAS on October 22, 2013, the City Council held a public hearing to consider the subject 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 the surrounding neighborhood; the compliance of the request with all applicable City ordinances and the Orem General Plan; 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 is in the interest of the public in that it provides commercial businesses with additional sign options which may increase revenue for the businesses and may increase sales tax revenue for the City.
2. The City Council hereby finds this request is in harmony with the Orem General Plan.
3. The City Council hereby amends Chapter 14 of the Orem Code as shown on Exhibit A which is attached and incorporated by reference.
4. If any part of this ordinance shall be declared invalid, such decision shall not affect the validity of the remainder of this ordinance.
5. All other ordinances in conflict herewith are hereby repealed.
6. 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 **22nd** day of **October** 2013.

DRAFT

James T. Evans, Mayor

ATTEST:

Donna R. Weaver, City Recorder

COUNCIL MEMBERS VOTING "AYE"

COUNCIL MEMBERS VOTING "NAY"

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 Public Safety Director 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 Public Safety, 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). An accessory nonresidential sign also does not include any attention-getting device such as balloons, pennants, streamers, etc. 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.

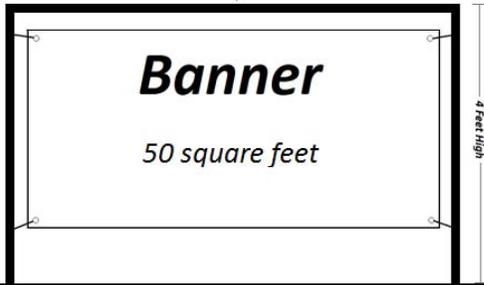
Athletic Facility Sign: A sign attached to a fence surrounding and immediately adjacent to an athletic facility and facing only the interior of an athletic facility or a sign included as part of a scoreboard that is an integral part of an athletic facility. For purposes of this Chapter, an athletic facility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

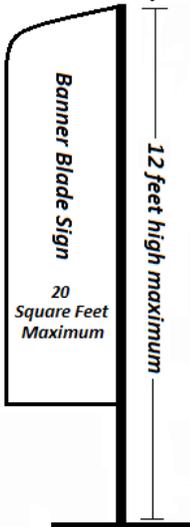


Banner Sign: Any sign made of fabric or any non-rigid material.

Horizontal Support Required



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

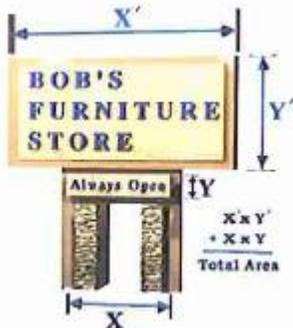
Entry/Exit Sign: A sign located within five (5) feet of a City-approved drive access and within twenty (20) feet of the intersection of a City-approved drive access with a public right-of-way.

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.

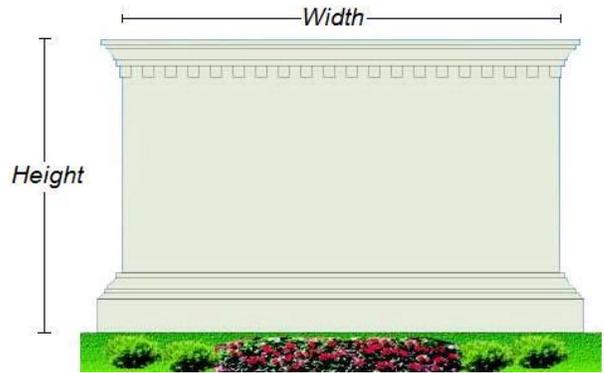
Flag Pole Sign (temporary): A sign made of fabric or other similar non-rigid material supported or anchored along only one edge and attached to a pole that is not permanently or solidly anchored into the ground.

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 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, draw attention to, 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) Signs:

- 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 only allowed as part of a monument sign, pole sign, wall sign or legal billboard.
- 6. 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;
- 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
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	
15	75	
20	100	
25	125	Equal to distance from street r-o-w
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.

(Development Acreage) X (12.8) + (32) = 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 (other than hand-held 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 must be professionally manufactured. No hand-drawn signs are allowed. 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 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. Faces of a banner sign shall be parallel to each other or separated by no greater than a forty-five (45) degree angle.
- 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 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;
 - iv. Not be left unattended; and
 - v. Not interfere with pedestrian access on a public sidewalk;
- g. **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 & BP	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
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

* Except as may be allowable as an accessory residential sign.

** 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, Renumber, 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, Renumber, 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, Renumber, 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, Renumber, 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, Renumber, 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 22, 2013



REQUEST:	6:30 P.M. PUBLIC HEARING ORDINANCE - Amending the Current Fiscal Year 2013-2014 Budget
APPLICANT:	City Manager
FISCAL IMPACT:	\$1,447,512.51.

NOTICES:

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

SITE INFORMATION:

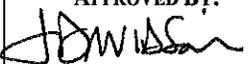
- General Plan Designation:
N/A
- Current Zone:
N/A
- Acreage:
N/A
- Neighborhood:
N/A
- Neighborhood Chair:
N/A

RECOMMENDATION:

The City Manager recommends the City Council hold a public hearing to discuss amending the current Fiscal Year 2013-2014 Budget and, by ordinance, amend Fiscal Year 2013-2014 Budget

BACKGROUND:

The Fiscal Year 2013-2014 City of Orem budget has many adjustments that occur throughout the fiscal year. These adjustments include grants received from Federal, State, and other governmental or private entities/organizations; appropriating CARE Tax reserve funds to fund certain arts and recreation projects and/or organizations; funding of several Community & Neighborhood Services capital improvement projects through the use of Federal Housing & Urban Development (HUD) grant funds; and various other smaller technical corrections or minor budget adjustments that need to be made.

PREPARED BY: Richard Manning Admin. Services Dir.
APPROVED BY: 

DRAFT

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH, AMENDING THE FISCAL YEAR 2013-2014 BUDGET.

WHEREAS On June 11, 2013, the City Council adopted a final budget following State law; and

WHEREAS the City Council held a public hearing on October 22, 2013, to receive input from the public regarding proposed amendments to the Fiscal Year 2013-2014 budget; and

WHEREAS the budget has been revised as deemed appropriate to accommodate unexpected revenues and expenses.

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

- 1. The Council hereby amends the Fiscal Year 2013-2014 Budget as shown in Exhibit "A" which is attached hereto and incorporated herein by reference.
- 2. The City Manager is directed to implement these budget amendments in accordance with State laws and appropriate City procedures.
- 3. This ordinance shall take effect immediately upon publication.

PASSED AND APPROVED this 22nd day of **October** 2013.

 CITY OF OREM, by
 James T. Evans, Mayor

ATTEST:

 Donna R. Weaver, City Recorder

COUNCIL MEMBERS VOTING "AYE"

COUNCIL MEMBERS VOTING "NAY"

**BUDGET AMENDMENTS
FISCAL YEAR 2013-2014**

Exhibit "A"

REVENUES

<u>Account Number</u>	<u>Note</u>	<u>Description</u>	<u>Previous Budget</u>	<u>Current Budget</u>
GENERAL FUND				
10-3316-002	1	Library - Western Arts Federation Grant	\$ -	\$ 2,500.00
10-3316-004	1	Library - Utah Arts Council - Local Arts Agency Grant	-	4,500.00
10-3316-006	1	Library - Book Festival Partner Grant - UHC	-	5,000.00
10-3316-009	1	Library - LSTA Grant	-	14,810.00
10-3318-001	1	LEPC Grant	-	22,500.00
10-3318-005-001	1	JAG Grant - FY 2014	209,313.00	310,622.00
10-3318-017	1	Public Safety Annual JAG Grant	-	10,252.00
10-3318-023	1	SAFG Grant - FY 2014	-	8,895.00
10-3319	1	VOCA Grant	-	47,591.84
10-3341-002	1	Municipal Recreation Grant	-	63,916.66
10-3424-004-001	1	MCTF - Forfeitures Revenues - Federal	-	36,500.00
10-3424-005	1	MCTF - Restitution Revenues	-	19,966.00
10-3424-009		MCTF - Evidence Revenues	-	44,000.00
10-3690		Miscellaneous Revenues	20,020.00	21,287.60
10-3698	1	Library - Donations	-	4,171.01
10-3995-012	2	Cont. From - Fund 21 - Admin	14,000.00	19,750.00
10-3995-013	1	Cont. From - Fund 73 - Orem Foundation Trust	2,000.00	9,500.00
Total			<u>\$ 245,333.00</u>	<u>\$ 645,762.11</u>
Net Fund Increase				<u>\$ 400,429.11</u>
CARE TAX SPECIAL REVENUE FUND				
21-3997-001	2	App. Surp - CARE Tax Grants	\$ -	\$ 133,035.00
Net Fund Increase				<u>\$ 133,035.00</u>
DEBT SERVICE FUND				
30-3997-001	3	App. Surp - Northgate SID Bond Call	\$ -	\$ 530,000.00
30-3997-003	5	App. Surp - Midtown Village SID Bond Call	-	44,999.41
Total			<u>\$ -</u>	<u>\$ 574,999.41</u>
Net Fund Increase				<u>\$ 574,999.41</u>
WATER FUND				
51-3690	4	Miscellaneous Revenues	\$ 145,000.00	\$ 445,000.00
Net Fund Increase				<u>\$ 300,000.00</u>
OREM FOUNDATION TRUST FUND				
73-3997-002	1	App. Surp - Orem Library	\$ -	\$ 7,500.00
Net Fund Increase				<u>\$ 7,500.00</u>
COMMUNITY & NEIGHBORHOOD SERVICE FUND				
74-3921	1	Grant - Community Development	\$ 555,000.00	\$ 711,782.00
Net Fund Increase				<u>\$ 156,782.00</u>
Total City Funds			<u>\$ 945,333.00</u>	<u>\$ 2,518,078.52</u>
Net City Funds Increase				<u>\$ 1,572,745.52</u>

**BUDGET AMENDMENTS
FISCAL YEAR 2013-2014**

EXPENDITURES

<u>Account Number</u>	<u>Note</u>	<u>Description</u>	<u>Previous Budget</u>	<u>Current Budget</u>
GENERAL FUND				
Public Safety Administration				
10-6510-230-001		Employee Development - CIT Training	\$ 3,841.34	\$ 5,108.94
Patrol Services				
10-6520-250-005	1	Equipment - Annual JAG Grant	2,380.65	12,632.65
Investigation Services				
10-6530-250-006	1	Equipment - FY 2014 SAFG Grant	-	8,895.00
Major Crimes Task Force				
10-6531-140-001	1	Overtime - JAG Grant	33,757.00	100,604.00
10-6531-230		Employee Development	5,000.00	45,000.00
10-6531-230-001	1	Employee Development - JAG Grant	25,000.00	40,000.00
10-6531-600-001	1	C.I. Funds - JAG Grant	60,000.00	79,462.00
10-6531-623-004	1	Vehicle Lease - Federal Forfeitures	-	1,000.00
10-6531-742-005	1	New Vehicle - Restitution	-	19,966.00
10-6531-743		Equipment	-	4,000.00
10-6531-743-004	1	Equipment - Forfeitures	2,837.55	38,337.55
Victims Advocates				
10-6532-450	1	Special Dept. Supplies - VOCA Grant	500.00	48,091.84
Fire & Medical Services				
10-6540-250-004	1	Equipment - Hazmat - LEPC Grant	-	22,500.00
Recreation / Outdoor Programs				
10-8010-730-001	1	Improvements - Municipal Recreation Grant	-	34,425.14
10-8010-741-001	1	Equipment - Municipal Recreation Grant	-	29,491.52
Library Administration				
10-8510-220	1	Ordinances, Public Notices, & Printing - Ctr for Story	-	1,621.01
10-8510-250-003	1	Equipment - UAC - Local Arts Agency Grant	-	2,750.00
10-8510-310-003	1	Prof. & Technical Services - UAC - Local Arts Grant	-	1,750.00
10-8510-600-002	1	Misc. - Book Festival Partner Grant - UHC	-	5,000.00
Access Services				
10-8520-220-009	1	Printing & Advertising - LSTA Grant	-	1,560.00
10-8520-250-009	1	Equipment - Supp. & Maint. - LSTA Grant	-	2,550.00
10-8520-310-001	1	Prof. & Technical Services - Utah Discovery	-	10,000.00
10-8520-462-009	1	Adult Collection - LSTA Grant	-	5,000.00
10-8520-464-009	1	Media Collection - LSTA Grant	-	5,700.00
Reference & Collections Services				
10-8530-310	1	Professional & Technical Services	-	2,500.00
10-8530-220	1	Ordinances, Public Notices, & Printing	-	50.00
Non-Departmental Expenditures				
10-9910-999-003	2	Contingency - Budget Shortfall	105,997.00	111,747.00
Total			<u>\$ 239,313.54</u>	<u>\$ 639,742.65</u>
Net Fund Increase				<u>\$ 400,429.11</u>
CARE TAX SPECIAL REVENUE FUND				
21-8514-600-101	2	Care Grant - Major - Scera	\$ 376,965.00	\$ 510,000.00
Net Fund Increase				<u>\$ 133,035.00</u>
DEBT SERVICE FUND				
30-4521-810-023	5	Principal - Midtown Village SID Bonds	\$ 149,000.00	\$ 193,000.00
30-4521-810-027	3	Principal - Northgate SID Bonds	85,000.00	615,000.00
30-4521-820-023	5	Interest - Midtown Village SID Bonds	126,034.00	127,033.41
Total			<u>\$ 360,034.00</u>	<u>\$ 935,033.41</u>
Net Fund Increase				<u>\$ 574,999.41</u>
WATER FUND				
51-7573-733-228	4	Alta Ditch Pipeline Replacement Project	\$ 2,004,292.00	\$ 2,304,292.00
Net Fund Increase				<u>\$ 300,000.00</u>
OREM FOUNDATION TRUST FUND				
73-8591-920-002	1	Cont. To - Fund 10 - Orem Library	\$ 1,000.00	\$ 8,500.00
Net Fund Increase				<u>\$ 7,500.00</u>
COMMUNITY & NEIGHBORHOOD SERVICE FUND				
74-4133-720-257	1	TURN Community Services - Facility Project	\$ -	\$ 35,000.00
74-4133-731-258	1	Habitat for Humanity - Washburn-Reams Project	5,000.00	45,000.00
74-4133-731-790	1	ADA Curb Cut Project	103,411.00	185,193.00
Net Fund Increase			<u>\$ 108,411.00</u>	<u>\$ 265,193.00</u>
				<u>\$ 156,782.00</u>
Total City Funds			<u>\$ 3,090,015.54</u>	<u>\$ 4,662,761.06</u>
Net City Funds Increase				<u>\$ 1,572,745.52</u>

**BUDGET AMENDMENTS
FISCAL YEAR 2013-2014**

NOTES

These notes are attached to the budget amendments summary to describe the more unusual or extraordinary amendments to the Fiscal Year 2013-2014 City of Orem Budget that have been necessitated to this point in the fiscal year. Many of the amendments listed in the summary are immaterial and/or are technical corrections that any organization of this size would expect to encounter during an operating year and therefore, no specific note has been given for these items. Please contact Brandon Nelson, Accounting Division Manager, at 801-229-7010, if you have any questions or concerns.

- 1) The City receives grant or donation funds during the year to aid many different operations such as Public Safety (Major Crimes Task Force Grants) and Library Services (Utah Arts Council). The funds are received from Federal, State, and other governmental (or private) entities. These entries represent the adjustments necessary to adjust the appropriate budgets.
- 2) During the year, CARE Tax reserve funds were primarily appropriated to account for funds earmarked for special purposes, e.g. purchases of recreational and other properties and construction of a civic auditorium.
- 3) Near the end of the prior fiscal year, special assessment funds were received by the City from the sale of property located within the Northgate Village SID project. These "excess" funds are to be used to "call" outstanding bond debt on November 1, 2013. This amendment appropriates Debt Service Fund reserves created by the receipt of these "excess" funds from the prior year and authorizes their use to make this additional bond principal payment.
- 4) The Water Fund received funds from the Metropolitan Water District of Orem (MWDO) for use on the Alta Ditch Pipeline Project. Thus, this amendment adds funds to this project by the amount received from MWDO.
- 5) Near the end of the prior fiscal year, special assessment funds were received by the City through the collection of the regularly scheduled annual assessment. A portion of this annual assessment is "excess" funds and will be used to "call" outstanding bond debt in Fiscal Year 2014. This amendment appropriates Debt Service Fund reserves created by the receipt of these "excess" funds from the prior year and authorizes their use to make this additional bond payment.

CITY OF OREM
CITY COUNCIL MEETING
OCTOBER 22, 2013



REQUEST:	ORDINANCE AMENDMENT – Amending Chapter 8 of the Orem City Code
APPLICANT:	Public Works Director - City of Orem
FISCAL IMPACT:	None

NOTICES:

- Posted in 2 public places
- Posted on City webpage
- Posted on the State website
- Faxed to newspapers
- E-mailed to newspapers
- Neighborhood Chairs

SITE INFORMATION:

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

PREPARED BY:

Chris Tschirki, Public
Works Director

APPROVED BY:

RECOMMENDATION: The Public Works Director recommends that the City Council, by ordinance, amend Chapter 8 of the Orem City Code.

BACKGROUND: The City of Orem is responsible for maintaining and operating city cemeteries. Currently, Chapter 8 contains a number of inconsistencies and outdated policies and practices. The proposed changes to Chapter 8 will accomplish the following:

1. Create additional specificity and uniformity throughout the ordinance;
2. Clarify the duties and responsibilities of cemetery employees and patrons;
3. Grant the City Sexton limited but necessary discretion to deal with problems that arise during the daily operation of the cemetery;
4. Establish separate policies and procedures for the benefit of the public;
5. Remove superfluous or extraneous provisions that are no longer applicable to the operation of the cemetery; and
6. Explain and implement the City Resident Veteran Program

1. Additional Specificity and Uniformity

The amendment removes extraneous words from the ordinance and incorporates defined terms to promote clarity and consistency throughout the ordinance.

2. Clarification of Duties

The changes to the ordinance establish when a duty has been specifically delegated to the City Sexton or to another cemetery employee. The amendment also clarifies the specific requirements that cemetery patrons must fulfill in order to utilize cemetery services.

3. Grant of Limited Discretion to the City Sexton

The City Sexton and other cemetery employees have the responsibility of serving cemetery patrons during emotionally charged events. It is necessary for the City Sexton to have some limited discretion to address issues and concerns that arise. The amendment provides the City Sexton with some discretion to make judgment calls based on circumstances that may not have been contemplated by the ordinance or the cemetery policies and procedures.

4. Creation of Separate Policies and Procedures

The City Sexton will have the responsibility of drafting cemetery policies and procedures. These policies and procedures will not impact the substantive rights of burial right owners or the rights and obligations of the City. The

creation of separate policies and procedures will simply allow the City Sexton to clarify for cemetery patrons and the public applicable rules and regulations that must be met in order to maintain a beautiful, peaceful, safe, and efficient cemetery. The policies and procedures will contain, *inter alia*, specifications and rules for vault size and use, the size and make of grave markers, the use and maintenance of grave marker and lot decorations, the acceptable number of burials per lot, and provisions outlining the maintenance of cemetery records.

5. Removal of Extraneous Provisions

The amendment will remove certain sections of the ordinance that have not been or are no longer used including: the burial of indigents; the burial of infants or youths; the practice of double-depth burials (however double-depth burials will be allowed in limited circumstances as explained in the policies and procedures); all requirements and specifications dealing with grave marker composition and size; and all sections of the ordinance dealing with grave marker and lot decorations (these requirements will now be included in the cemetery policies and procedures).

6. Explain and Implement the City Resident Veteran Program

The amendment also allows the City to continue to provide a benefit to veterans who are residents of the City and who choose to be interred at the cemetery. To further this end, the City will implement the City Resident Veteran Program under which the City will donate a lot in the veteran's section of the cemetery to any qualified veteran for his/her burial at the time of his/her death subject to proof of veteran status and residency and the payment of opening and closing charges. If the donated lot is not used for the burial of the qualified veteran, then the lot will revert back to the City. Surviving spouses of the veteran will have the option of purchasing burial rights in a lot adjacent to the lot where the veteran is interred. This program will remain in place until all lots in the veteran's section of the cemetery have been filled.

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE OREM CITY COUNCIL AMENDING CHAPTER 8 OF THE OREM CITY CODE

WHEREAS the City of Orem has the duty of caring for, operating, and maintaining city cemeteries; and

WHEREAS the City of Orem is responsible for maintaining and promoting safety at the city cemeteries; and

WHEREAS the City is responsible for overseeing and managing the day-to-day operations of the city cemeteries; and

WHEREAS the City Council finds it necessary to amend Chapter 8 of the Orem City Code to resolve inconsistencies in the ordinance, to clarify the duties of the cemetery employees and patrons, and to grant the City Sexton some discretion in making decisions regarding the day-to-day operation of city cemeteries; and

WHEREAS the City Council finds the proposed amendments to be in the best interest of the City and necessary to protect and preserve the welfare and safety of citizens in general; 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,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH, AS FOLLOWS:

1. The City Council hereby amends and renumbers Chapter 8 of the Orem City Code as follows (the portions of Chapter that are not specifically amended by this ordinance shall remain in full force and effect as currently written):

8-1-1. Definitions.

As used in this Chapter, the following words and phrases shall be defined as set out in this section unless the context clearly requires otherwise:

Burial shall mean the opening and closing of a grave for the interment of human remains.

Burial Right Owner shall mean the purchaser of burial rights or privileges evidenced by a Burial Rights Certificate

Cemetery shall mean any cemetery owned or maintained by the City for the purpose of receiving human remains.

City shall mean the City of Orem.

Disinterment shall mean the removal from an interment space of human remains.

Human Remains shall mean either the body of a deceased human or the cremated body of a human.

Lot shall mean a gravesite in the cemetery owned by the City.

Veteran shall mean:

A. Any member of the Armed Forces of the United States who dies on active duty.

B. Any individual who has served on active duty in any branch of the United States Armed Forces for at least 180 consecutive days or was a member of a reserve component, and who has been separated or retired under honorable conditions; or

C. Any individual incurring an actual service-related injury or disability in the line of duty while a member of the United States Armed Forces, whether or not that person completed 180 days of active duty.

8-1-2. Name Established.

The cemetery of the City shall be known and designated as the City of Orem Cemetery.

8-1-3. Cemeteries Covered.

All cemeteries owned or maintained by the City, or which may hereafter be acquired by the City, wherever situated, are hereby declared subject to the provisions of this Chapter.

8-1-4. Penalty.

Any person who violates any part of this Chapter is guilty of a Class B Misdemeanor.

8-1-5. Hours.

It shall be unlawful for any person other than City employees performing their duties to be in the cemetery between the hours of 11:00 p.m. and 6:00 a.m.

8-1-6. Burial of Human Remains.

Typically, only human remains may be buried in the cemetery. However, the City may permit cremated animal remains to be buried if the animal remains will fit in the casket with the human remains and the animal remains are buried concurrently with the interment. The City shall not disinter human remains in order to facilitate the placement of animal remains in a casket.

8-1-7. Vaults Required.

It shall be unlawful for any person to be buried in the cemetery unless the casket is placed in a City approved vault made of concrete or another material that has similar structural properties as concrete. No wood shall be used in the construction of any part of any vault. Exceptions to the provisions of this section may be granted in limited circumstances at the discretion of the City Sexton. In such instances, the design and construction of the burial vault shall be approved by the City Sexton.

8-1-8. Burial Rights and Ownership.

All property within the cemetery is owned by the City. A burial right is simply a right to be buried in the cemetery.

A. **Taxes.** All burial rights conveyed shall be exempt from taxation.

B. **Descent and Inheritance of Rights.** Burial rights in the cemetery are conveyed to a person or persons named therein and their heirs forever. All legal heirs are presumed to have legal right to the rights of burial, unless heirship to the contrary has been determined by a court of probate after named parties in the original Burial Rights Certificate are deceased.

C. **Use of Lot.** No person, except the owner of the burial rights in a lot, shall be buried in that lot, unless a form provided by the City has been signed by the owner or legal heirs to those rights, giving permission for someone else to be buried in that lot.

D. **Burials per Lot.** Only one burial shall be allowed per lot. Any exceptions must be approved by the City Sexton as outlined in the Cemetery Policy and Procedures Manual.

E. **City Resident Veteran Program.** The City will donate to any Qualified City Resident Veteran, a burial lot exclusively for his/her burial subject to payment of opening and closing costs. The donated lot may not be transferred and must be used for the burial of the Qualified City Resident Veteran. Donated lots that are not used for this purpose will revert back to the City. Only lots in the Veteran's section of the cemetery may be used for this purpose.

1. For purposes of this subsection, "Qualified City Resident Veteran" means a Veteran as defined in Section 8-1-1 who is a current resident of the City or was a resident of the City at the time of his/her death. Proof of veteran status and residency must be submitted to the City Sexton prior to the City's donation.

2. The surviving spouse of a Veteran interred in the Veteran's section of the cemetery will have the option of purchasing a burial right in a lot adjacent to that of the Veteran for the sole purpose of that spouse's burial.

F. **Abandonment of Rights.** The City shall have the discretion to reclaim, redeem, or recover any abandoned, unused, or unkempt cemetery lots or parcels conveyed by deed or certificate, with or without restrictions, by following the procedures set forth in Utah Code Ann. § 8-5-1 et seq. (1953, as amended) and any subsequent amendment thereto, or any other applicable law.

8-1-9. Applicability of Traffic Regulations.

The provisions of the City traffic ordinances relative to the operation of vehicles and conduct of pedestrians shall apply in the cemetery.

8-1-10. Funeral Processions.

Within the cemetery, City employees may direct traffic for the purposes of maintaining traffic flow and for the proper parking of vehicles. All vehicles in the cemetery shall be driven in a careful and orderly manner.

8-1-11. Right to Maintain.

The City is responsible for the maintenance of the cemetery. The City reserves the right to enter upon any lot to perform all work necessary for the maintenance of the cemetery. The City shall not be responsible for the repair or replacement of grave markers or other memorial structures of any nature, unless the City caused the damage or destruction to the grave marker or other memorial structure.

8-1-12. Prohibitions.

A. **Private Improvements to Lots Prohibited.** It shall be unlawful for any person to erect or maintain any structure, fence, bench, corner post, coping, hedge, decorative stone, or permanent marker of any kind upon any lot, street, or driveway in the cemetery, or to grade the ground or land thereof. The City shall, upon request, furnish the boundary lines of lots. The City shall prohibit landmarks and any grading that might destroy or interfere with the general slope of the land.

B. **Plantings.** It shall be unlawful for any person to plant shrubs, trees, lawns, flowers, or any other type of permanent vegetation upon any lot in the cemetery without approval and direction from the City.

C. **Decorations.** The decoration of grave markers and lots must be in compliance with the Cemetery Policy and Procedures Manual.

D. **Other Objects.** For safety reasons, objects such as wires, sticks, pegs, pinwheels, or iron rods are not permitted and will be removed and disposed of by cemetery personnel.

E. **Damage/Theft.** The City shall not be responsible or liable for damage to or theft of grave markers, vases, flowers, grave decorations, or other personal property left on the grave marker, on the lot, or anywhere in the cemetery.

8-1-13. Grave Markers.

A. **All grave markers in the cemetery shall be restricted as to size and general make-up.** These restrictions are outlined in the Cemetery Policy and Procedures Manual. All grave markers shall be installed under the direction of the City. Within 30 days of the interment the owner of any burial rights or relatives of deceased persons buried in any lot shall place or cause to be placed upon the grave a suitable grave marker with the name of the deceased plainly inscribed thereon. If any person does not comply with this requirement, the City may install a grave marker to identify the deceased.

B. **Other Markers.** There shall be no markers, monuments, or structures placed upon any lot other than those provided for in this Chapter.

C. **Removal and Resetting of Grave Markers.** Once a grave marker has been installed, the City shall not be responsible for the removal and resetting of that grave marker. It shall be the responsibility of the burial right owner or purchaser to arrange for the removal of the grave marker by a monument company forty-eight (48) hours prior to the opening of a grave. Grave markers that have been removed from a lot must be immediately removed from the cemetery premises. Any grave marker that has been removed must be reset within thirty (30) days after a burial is completed. Extensions of this 30-day period must be coordinated and approved by the City Sexton. The City shall not be liable for any damage to the grave markers or vases that may occur during the removal or resetting process.

8-1-14. Burials.

A. **Duties of the City.** The City Manager shall designate a Registrar of burials for the City who will be responsible for maintaining all burial records. The City shall provide supervision for every interment.

B. **Duties of Persons Requesting Burial.** Before burying any human remains in the cemetery, the relatives or other persons having charge of the human remains shall be required to furnish in writing to the Registrar a statement of death, which shall be recorded in a record kept for that purpose by the Registrar. The statement shall include the name of the decedent, the place of death, the date of death, the name and address of the funeral director or other person requesting the interment, and any other information the Registrar deems necessary. These records shall be open to public inspection.

C. **Restrictions.** Burials shall not begin any sooner than twenty-four (24) hours after the information listed in subsection B. has been received and the City has approved the burial. Weekends and City observed holidays shall not be considered in determining the 24-hour period. Under no circumstances will the City assume responsibility for errors in opening graves when orders are given by telephone.

8-1-15. Disinterment.

The City must balance its responsibilities for the health, welfare, and safety of its employees with the requests of a burial right owner when asked to disinter human remains. Any request to disinter human remains shall comply with all applicable federal, state and local laws.

A. **Permitted.** Subject to applicable federal, state, and local laws, the City shall honor a request to disinter human remains upon written court order or a written request on a form provided by the City from the owner of the burial rights provided the disinterment may be accomplished without endangering the health, safety, or welfare of the City's employees or the public. The City may, on its own initiative, disinter human remains in instances where a natural or manmade disaster has exposed a grave and disinterment is necessary to protect the public health, safety, or welfare.

B. **Prohibited.** The City shall not disinter the remains of a person who died from a contagious disease within two years after the date of burial, unless the body was buried in a hermetically sealed casket or vault and is found to be so incased at the time of disinterment.

C. **City's Duties.** The City Sexton shall determine whether a disinterment poses a danger to the health, safety, or welfare of City employees or the public. The City Sexton may refuse to perform a disinterment if he determines there is a danger to the health, safety, or welfare to City employees or the public. The City Sexton may also refuse to authorize a disinterment if he determines that the disinterment would disturb or damage an adjacent lot. The City Sexton may make his determination at any time during the disinterment process. The City shall provide supervision for every disinterment.

Upon a determination that a disinterment poses no danger to the health, safety, or welfare of City employees or the public and that the disinterment would not disturb or damage an adjacent burial lot, the City shall excavate and refill the burial lot.

Notwithstanding these provisions, the City shall comply with any court order.

D. **Requestor's Duties.** Absent a court order and at least seven (7) working days prior to a disinterment, the requesting party shall submit a disinterment permit from the County Board of Health, the City's Request for Disinterment form and pay all applicable fees prior to the City commencing any disinterment.

The requestor shall arrange for and pay any associated costs for a funeral director to be present at a disinterment.

The requestor shall arrange for and pay any associated costs for a licensed vault company to remove the vault and its contents from the lot. If the lot does not contain a vault or the City Sexton determines the existing vault has deteriorated to the point that it will not retain its structural integrity during the disinterment, the requesting party shall replace the deteriorated vault with a structurally sound vault at the requestor's expense. The requestor shall arrange to dispose of any old vault in a manner meeting federal, state, and local laws.

8-1-16. Disputes.

The City shall endeavor to carry out the wishes of the person or persons charged with the right and duty to control the disposition of a deceased person relating to the burial or disinterment of a deceased person or any other act relating to the disposition of human remains including the selection, design, and placement of a grave marker. The City shall look to the provisions of Title 58, Chapter 9, Part 6 of the Utah Code Annotated (1953, as amended) to resolve any disputes unless directed otherwise by a court of competent jurisdiction.

8-1-17. Liability.

The City assumes no liability for any property damage, including damage to a casket, vault, memorial, grave marker or any other object, or for bodily injury sustained during an interment or disinterment from causes beyond its reasonable control. The City is not liable for acts or omissions of any third party for any reason. The City is not liable for damage to the contents of any caskets or adjacent lots from causes beyond its reasonable control. The City is not liable for mental anguish, shock, or intentional or negligent infliction of emotional distress arising out of any interment or disinterment. The City shall not be liable for any personal property left at the cemetery.

8-1-18. Burials Outside Cemeteries.

It shall be unlawful to bury human remains within the City, except at sites designated and approved by the City.

8-1-19. American Veteran Burial Lot

A section of the cemetery may be reserved for the burial of Veterans and their spouses who are residents of the City at the time of their death. The City may require proof of residency.

8-1-20. Animals Prohibited.

No animals shall be allowed in the cemetery except in the confines of a vehicle.

8-1-21. Holiday Funerals.

Interments or disinterments in the cemetery shall not be allowed on New Year's Day, Civil Rights Day, Presidents' Day, Memorial Day weekend beginning Saturday morning through Memorial Day, Independence Day (July 4), Pioneer Day (July 24), Labor Day, Thanksgiving Day and the following Friday, Christmas Eve, Christmas Day, or any other City-observed holiday. In the event that a holiday falls on a Saturday, the preceding Friday shall be treated as the holiday. In the event that a holiday falls on a Sunday, the following Monday shall be treated as the holiday. No interments or disinterments shall be allowed in the cemetery on any Sunday.

8-1-22. Fees.

All prices, fees and charges pertaining to the cemetery shall be established by resolution of the City Council. No burial, opening, closing, interment, or disinterment shall take place until all appropriate fees have been timely paid to the City.

8-1-23. Resale Restricted.

No person who owns any burial rights shall sell such burial rights to any buyer except the City. The City hereby agrees to repurchase any unused burial right. The repurchase amount shall be the amount the burial right owner originally paid the City for the burial right.

8-1-24. Damaging Property.

It shall be unlawful for any person to damage, injure, or deface any monument, landscaping, building, structure, or facility on the grounds of the cemetery.

8-1-25. Additional Regulations and Authority of the City Sexton.

The City may prepare additional rules and regulations for the operation of the cemeteries that are not contained in this Chapter. These additional rules and regulations include those found in the Cemetery Policy and Procedures Manual. The City Sexton shall have the discretion to make decisions that will protect the health, safety, and welfare of the City and benefit the day-to-day operation of the cemetery.

2. If any part of this ordinance shall be declared invalid, such decision shall not affect the validity of the remainder of this ordinance.

DRAFT

3. All other ordinances, policies, and resolutions in conflict herewith are hereby repealed. 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 22nd day of 2013.

James T. Evans, Mayor

ATTEST:

Donna R. Weaver, City Recorder

COUNCIL MEMBERS VOTING "AYE"

COUNCIL MEMBERS VOTING "NAY"

Redline/Strikeout

CHAPTER 8. CEMETERIES

Article 8-1. General Provisions

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 8-1-30. ~~Repealed.~~
 8-1-31. ~~Repealed.~~
 8-1-32. ~~Repealed.~~
 8-1-33. ~~Repealed.~~
 8-1-25. Additional Regulations and Authority of the City Sexton.

8-1-1. Definitions.

As used in this Chapter, the following words and phrases shall be defined as set out in this section unless the context clearly requires otherwise:

Burial shall mean the opening and closing of a grave for the interment of human remains.

Cemetery shall mean any cemetery owned or maintained by the City for the purpose of receiving human remains.

City shall mean the City of Orem.

Disinterment shall mean the removal from an interment space of human remains.

Human Remains shall mean either the body of a deceased human or the cremated body of a human.

Lot shall mean a ~~grave site~~gravesite in the cemetery owned by the City.

~~**Lot Burial Right Owner or Purchaser** shall mean the purchaser of burial rights or privileges evidenced by a Burial Rights Certificate. As used in this Chapter, the following words and phrases shall be defined as set out in this section unless the context clearly requires otherwise:~~

Veteran shall mean:

A.- Any member of the Armed Forces of the United States who dies on active duty.

B. Any individual who has served on active duty in any branch of the United States Armed Forces for at least 180 consecutive days or was a member of a reserve component, and who has been separated or retired under honorable conditions; or

C.- Any individual incurring an actual service-related injury or disability in the line of duty while a member of the United States Armed Forces, whether or not that person completed 180 days of active duty.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No.-O-93-0011, Amended, 04/06/93; Ord. No.-O-08-0011, Amended 05/13/2008; Ord. No. O-2011-0008, Amended 03/22/2011)

8-1-2. Name Established.

The cemetery of the City shall be known and designated as the City of Orem Cemetery.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90)

8-1-3. Cemeteries Covered.

All cemeteries owned or maintained by the City, or which may hereafter be acquired by the City, wherever situated, are hereby declared subject to the provisions of this Chapter.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90)

8-1-4. Penalty.

Any person who violates any part of this ~~chapter~~Chapter is guilty of a Class B Misdemeanor.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90)

8-1-5. Hours.

It shall be unlawful for any person other than City employees performing their duties to be in the cemetery between the hours of 11:00 p.m. and 6:00 a.m.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended May 13, 2008)

8-1-6. Only Humans to be Buried.

8-1-6. —Only Burial of Human Remains.

Typically, only human remains may be buried in the cemetery. ~~The~~ However, the City may permit cremated animal remains to be buried if the animal remains will fit in the casket with the human remains and the animal remains are buried concurrently with the interment. The City shall not disinter human remains in order to facilitate the placement of animal remains in ~~the~~ a casket.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/2008)

8-1-7. Vaults Required.

It shall be unlawful for any person to be buried in the cemetery unless the casket is placed in a City— approved vault made of concrete or another material that has similar structural properties as concrete. No wood shall be used in the construction of any part of any vault. Exceptions to the provisions of this section may be granted ~~for infant or cremation burials only in limited circumstances at the discretion of the City Sexton.~~ In such instances, the design and construction of the burial vault shall be approved by the City Sexton. (Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No.-O-08-0011, Amended 5/13/2008)

8-1-8. —Burial Rights and Ownership.

All property ~~including lots, plots and grave sites within the cemetery~~ is owned by the City. A burial right is simply a right to be buried in the cemetery.

~~A. Permit. Burial shall not take place unless a proper burial permit has been issued by the City. Burial shall not begin any sooner than twenty four (24) hours after the issuance of a burial permit. Weekends and City observed holidays shall not be considered in determining the 24 hour period. Under no circumstances will the City assume responsibility for errors in opening graves when orders are given by telephone.~~

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No.-O-93-0011, Amended, 04/06/93; Ord. No.-O-06-0003, Amended 2/14/2006; Ord. No. O-08-0011, Amended 5/13/2008)

BA. Taxes. All burial rights conveyed shall be exempt from taxation.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No.-O-93-0011, Amended, 04/06/93; Ord. No.-O-06-0003, Amended 2/14/2006; Ord. No. O-08-0011, Amended 5/13/2008)

CB. Descent and Inheritance of Rights. Burial rights in the cemetery are conveyed to a person or persons named therein and their heirs forever. All legal

heirs are presumed to have legal right to the rights of burial, unless heirship to the contrary has been determined by a court of probate after named parties in the original Burial Rights Certificate are deceased.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No.-O-93-0011, Amended, 04/06/93; Ord. No.-O-06-0003, Amended 2/14/2006; Ord. No. O-08-0011, Amended 5/13/2008)

DC. Use of Lot. No person, except the owner of the burial rights in a lot, shall be buried in that lot, unless a form provided by the City has been signed by the owner or legal heirs to those rights, giving permission for someone else to be buried in that lot.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No.-O-93-0011, Amended, 04/06/93; Ord. No.-O-06-0003, Amended 2/14/2006; Ord. No. O-08-0011, Amended 5/13/2008)

~~E. Double Depth Burials. Double depth burials shall only be allowed in the section of the cemetery reserved for Veterans except as provided in 8-1-8(F). Double depth burials require separate vaults.~~

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-93-0011, Amended, 04/06/93; Ord. No. O-06-0003, Amended 2/14/2006; Ord. No. O-08-0011, Amended 5/13/2008; Ord. No. O-2011-0008, Amended 03/22/2011)

~~F.~~

D. Burials per Lot. Only one burial shall be allowed per lot. ~~Exceptions include:~~ Any exceptions must be approved by the City Sexton as outlined in the Cemetery Policy and Procedures Manual.

~~1. Double depth burials permitted in the section of the cemetery reserved for Veterans;~~

~~2. The burial of two infants or two cremated remains as space in the lot may permit; or~~

~~3. Placement of an infant or cremation buried on top of an existing grave of a family member with the approval from the lot owner as outlined in Section 8-1-8(C) and (D).~~

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-93-0011, Amended, 04/06/93; Ord. No. O-06-0003, Amended 2/14/2006; Ord. No. O-08-0011, Amended 5/13/2008; Ord. No. O-2011-0008, Amended 03/22/2011)

F. City Resident Veteran Program. The City will donate to any Qualified City Resident Veteran, a burial lot exclusively for his/her burial subject to payment of opening and closing costs. The donated lot may not be transferred and must be used for the burial of the Qualified City Resident Veteran. Donated lots that are not used for this purpose will revert back to the City. Only lots in the Veteran’s section of the cemetery may be used for this purpose.

1. For purposes of this subsection, “Qualified City Resident Veteran” means a Veteran as defined in Section 8-1-1 who is a current resident of the City or was a resident of the City at the time of his/her death.

Proof of veteran status and residency must be submitted to the City Sexton prior to the City's donation.

2. The surviving spouse of a Veteran interred in the Veteran's section of the cemetery will have the option of purchasing a burial right in a lot adjacent to that of the Veteran for the sole purpose of that spouse's burial.

G. Abandonment of Rights. The City shall have the discretion to reclaim, redeem, or recover any abandoned, unused, or unkempt cemetery lots or parcels conveyed by deed or certificate, with or without restrictions, by following the procedures set forth in Utah Code Ann. § 8-5-1 et seq. and any subsequent amendment thereto, or any other applicable law.

8-1-9. Applicability of Traffic Regulations.

The provisions of the City traffic ordinances relative to the operation of vehicles and conduct of pedestrians shall apply in the cemetery.
(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90)

8-1-10. Funeral Processions.

~~Funerals processions shall proceed to the cemetery under the direction of the funeral director.~~ Within the cemetery, City employees shall may direct traffic for the purposes of maintaining traffic flow and for the proper parking of vehicles. All vehicles in the cemetery shall be driven in a careful and orderly manner.
(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90)

8-1-11. Right to Maintain.

The City is responsible for the maintenance of the cemetery. The City reserves the right to enter upon any lot to perform all work necessary for the maintenance of the cemetery. The City shall not be responsible for the repair or replacement of grave markers or other memorial structures of any nature, unless the City caused the damage or destruction to the grave marker or other memorial structure.
(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-00-0041, Amended, 09/05/2000; Ord. No. O-06-0003; Ord. No. O-08-0011, Amended 5/13/2008)

~~8-1-12. Private Improvements Prohibited; Survey and Marking of Lots.~~

8-1-12. Prohibitions.

A. **Private Improvements to Lots Prohibited.** It shall be unlawful for any person to erect or maintain any structure, fence, bench, corner post, coping, ~~or~~ hedge, decorative stone, or permanent marker of any kind upon any lot, street, or driveway in the cemetery, or to grade the ground or land thereof. The City shall,

upon request, furnish the boundary lines of lots. The City shall prohibit landmarks and any grading that might destroy or interfere with the general slope of the land.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/08)

B. **Plantings.** It shall be unlawful for any person to plant shrubs, trees, lawns, flowers, ~~etc., place decorative stones, place monuments or markers, or any~~ other type of permanent items or structures vegetation, upon any lot in the cemetery without approval and direction from the City.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/2008)

C. **Decorations.** ~~All grave decorations or arrangements, real or artificial, shall be allowed until such time as they become faded, worn, weathered, or otherwise unsightly after which they will be removed and disposed of by cemetery personnel.~~ The decoration of grave markers and lots must be in compliance with the Cemetery Policy and Procedures Manual.

~~1. Glass, porcelain, or other breakable containers are not allowed.~~

~~2. Any object(s) not kept on the headstone will be removed and disposed of by cemetery personnel. If a grave decoration is blown off a headstone, cemetery personnel will make every effort to place that decoration on the proper headstone, but if the decoration's location cannot be determined, it will be disposed of.~~

~~3. Exceptions:~~

~~(a) Beginning 12:00 a.m. the Friday before Memorial Day until 11:59 p.m. the Sunday following Memorial Day, grave decorations will be allowed anywhere on the burial lot. The first Monday following Memorial Day, all grave decorations will be removed and disposed of by cemetery personnel. Anyone wanting to keep their decoration(s) shall remove them before 11:00 p.m. the Sunday following Memorial Day.~~

~~(b) All grave decorations or arrangements, real or artificial, associated with any other specific holiday (themed decorations) shall be removed and disposed of by cemetery personnel no earlier than seven days following such holiday.~~

~~4. Once removed from the burial lot, grave decorations are disposed of and will not be saved or kept at the cemetery.~~

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/2008)

~~D. **Funeral Decorations.** Funeral decorations will be allowed anywhere on the burial lot for a seven (7) calendar day period immediately following a burial.~~

~~Anyone wanting to keep any decorations shall remove them before the seven (7) day period expires. (Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/2008)~~

~~E.~~

D. Other Objects. For safety reasons, objects such as wires, sticks, pegs, pinwheels, or iron rods are not permitted and will be removed and disposed of by cemetery personnel. ~~The only exception(s) to this are for funeral decorations and Memorial Day decorations.~~ (Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/2008)

FE. Damage/Theft. The City shall not be responsible or liable for ~~headstones~~damage to or theft of grave markers, vases, flowers, grave decorations, or other personal property left on the ~~headstone~~grave marker, on the ~~burial~~ lot, or anywhere in the cemetery. (Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/2008; Ord. No. O-2011-0008, Amended 03/22/2011)

8-1-13. Grave Markers.

A. All ~~headstones or~~ grave markers in the ~~Cemetery~~cemetery shall be restricted as to ~~the~~ size and general make-up. These restrictions are outlined in the Cemetery Policy and Procedures Manual. All grave markers shall be installed under the direction of the City. Within 30 days ~~after~~of the interment, the owner of any burial rights or relatives of deceased persons buried in any lot shall place or cause to be placed upon the grave a suitable grave marker with the name of the deceased plainly inscribed thereon. If any person does not comply with this requirement, the City may install a grave marker to identify the deceased.

~~A. Number. Only one grave marker per lot shall be permitted regardless of the number of human remains buried in the lot.~~

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/2008)

~~B. Size. All grave markers shall be placed on a concrete foundation at least six (6) inches thick, in one continuous pour, and shall be a maximum length of forty (40) inches for single burials and eighty (80) inches for double burials and shall be a maximum width of forty (40) inches for single burials, double burials and double depth burials. The grave marker for the double depth burials shall be a maximum length of twenty (20) inches for each individual marker and shall be a maximum length of forty (40) inches for each double marker. The City Sexton shall not permit a grave marker to be installed that does not meet the specifications listed in this subsection.~~

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/2008; Ord. No. O-2011-0008, Amended 03/22/2011)

~~C. Type and Placement. All grave markers shall be placed flush with the lawn. No upright headstones shall be allowed in the cemetery. All grave markers shall be placed at the head of the lot. The setting of headstones shall take place only during normal business hours, usually Monday thru Friday, 8:00 a.m. to 4:00 p.m., except as outlined in section 8-1-22.~~

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/2008; Ord. No. O-2011-0008, Amended 03/22/2011)

~~DB. Other Markers.~~ There shall be no markers, monuments, or structures placed upon any lot other than those provided for in this Chapter.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/2008)

EC. Removal and Resetting of Grave Markers.

Once a grave marker has been installed, the City shall not be responsible for the removal and resetting of that grave marker. ~~It shall be the responsibility of the lot~~burial right owner or purchaser to arrange for the removal of the grave marker by a monument company ~~twenty-four (24)~~forty-eight (48) hours prior to the opening of a grave. Grave markers that have been removed from a lot, ~~plot, or grave site~~ must be immediately removed from the cemetery premises. Any grave marker that has been removed must be reset within thirty (30) days after a burial is completed. Extensions of this 30-day period must be coordinated and approved by the ~~City's cemetery employees~~City Sexton. The City shall not be liable for any damage to the grave markers or vases that may occur during the removal or resetting process.

(Ord. No. O-2011-0022, Enacted 12/13/11)

8-1-14. Duties of the City.

~~A. Burials. The City shall prepare a lot for burial upon request and after a burial permit has been issued by the City. The City shall provide supervision for every interment and disinterment.~~

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/2008)

~~8-1-14. B. Disputes. The City shall endeavor to carry out the wishes of the person or persons charged with the right and duty to control the disposition of a deceased person relating to the burial or disinterment of a deceased person or any other act~~

~~relating to the disposition of human remains including the selection, design and placement of a grave marker.~~
Burials.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/2008)

~~8-1-15. Registration of Burials and Disinterments.~~

~~The City~~ Manager shall designate a Registrar of burials for the City; who will be responsible for maintaining all burial records. The City shall provide supervision for every interment.

B. Duties of Persons Requesting Burial. Before burying any ~~dead human remains~~ in the cemetery, ~~or before disinterring the body or cremated remains of any person who has been buried therein,~~ the relatives or other persons having charge of the ~~body~~ human remains shall be required to furnish in writing to the Registrar a statement of death, which shall be recorded in a record kept for that purpose by the Registrar. The statement shall include the name of the decedent, the place of death, the date of death ~~and,~~ the name and address of the funeral director or other person requesting the interment, and any other information the Registrar deems necessary. These records shall be open to public inspection.

C. Restrictions. Burials shall not begin any sooner than twenty-four (24) hours after the information listed in subsection B. has been received and the City has approved the burial. Weekends and City-observed holidays shall not be considered in determining the 24-hour period. Under no circumstances will the City assume responsibility for errors in opening graves when orders are given by telephone.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/2008)

~~8-1-16.8-1-15.~~ **Disinterments.**

The City must balance its responsibilities for the health, welfare, and safety of its employees with the requests of a burial ~~lot~~ right owner when asked to disinter human remains. Any request to disinter human remains shall comply with all applicable federal, state, and local laws.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/2008)

A. Permitted. Subject to applicable federal, state, and local laws, the City shall honor a request to disinter human remains upon written court order or a written request on a form provided by the City from the owner of the burial ~~rights~~ right provided the

disinterment may be accomplished without endangering the health, safety, or welfare of the City's employees or the public. The City may, on its own initiative, disinter human remains in instances where a natural or manmade disaster has exposed a grave and disinterment is necessary to protect the public health, safety, or welfare.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/2008)

B. Prohibited. The City shall not disinter the remains of a person who died from a contagious disease within two years after the date of burial, unless the body was buried in a hermetically-sealed casket or vault and is found to be so incased at the time of disinterment.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/2008)

C. City's Duties. The City Sexton shall determine whether a disinterment poses a danger to the health, safety, or welfare of City employees or the public. The City Sexton may refuse to perform a disinterment if he determines there is a danger to the health, safety, or welfare to City employees or the public. The City Sexton may also refuse to authorize a disinterment ~~if~~ is if he determines that the disinterment would disturb or damage an adjacent ~~burial~~ lot. The City Sexton may make his determination at any time during the disinterment process. The City shall provide supervision for every disinterment.

Upon a determination that a disinterment poses no danger to the health, safety, or welfare of City employees or the public and that the disinterment would not disturb or damage an adjacent burial lot, the City shall excavate and refill the burial lot.

~~The Notwithstanding these provisions,~~ the City shall comply with any court order.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/2008)

D. Requestor's Duties. Absent a court order and at least seven (7) working days prior to a disinterment, the requesting party shall submit a disinterment permit from the County Board of Health, the City's Request for Disinterment form and pay all applicable fees prior to the City commencing any disinterment.

The requestor shall arrange for and pay any associated costs for a funeral director to be present at a disinterment.

The requestor shall arrange for and pay any associated costs for a licensed vault company to remove the vault and its contents from the ~~burial~~ lot. If the ~~burial~~ lot does not contain a vault or the City Sexton determines the existing vault has deteriorated to the

point that it will not retain its structural integrity during the disinterment, the requesting party shall replace the deteriorated vault with a structurally sound vault at the requestor's expense. The requestor shall arrange to dispose of any old vault in a manner meeting federal, state, and local laws.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/2008)

8-1-16. Disputes.

8-1-17. — E. — Liability.

The City assumes no liability for any property damage, including damage to a casket, vault, memorial, ~~ete-grave marker or any other object~~, or for bodily injury sustained during ~~aan internment or~~ disinterment from causes beyond its reasonable control. The City is not liable for acts or omissions of any third party for any reason. The City is not liable for damage to the contents of any caskets or adjacent lots from causes beyond its reasonable control. The City is not liable for mental anguish, shock, or intentional or negligent infliction of emotional distress arising out of any ~~disinterment~~internment or disinterment. The City shall not be liable for any personal property left at the cemetery.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Renamed and Amended 5/13/2008)

8-1-17.8-1-18. Burials Outside Cemeteries.

It shall be unlawful to bury human remains within the City, except at sites designated and approved by the City.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/2008)

8-1-18. Burial of Indigents.

~~— A portion of the cemetery may be designated for the burial of indigents. Whenever it is determined by the City Manager that any resident of Orem who has died, who does not have funds or an estate sufficient to pay the cost of a burial right in the cemetery, and whose nearest relative or representative desires to have the body of such deceased interred in the cemetery, the City Manager may grant a burial right for such deceased person at no cost. All strangers without known relatives or funds who die in the City may be accorded the same privilege.~~

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90)

8-1-19. Infant or Youth Burial Plot.

~~— A portion of the cemetery may be reserved for the burial of infants or youth. Vaults used in this area shall be a maximum of seventy (70) inches in length.~~

~~(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/2008)~~

8-1-20.8-1-19. American Veteran Burial Plot.

A section of the cemetery may be reserved for the burial of Veterans and their spouses who are residents of the City at the time of their death. The City may require proof of residency.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/2008; Ord. No. O-2011-0008, Amended 03/22/2011)

8-1-21.8-1-20. Animals Prohibited.

No ~~animal~~animals shall be allowed in the cemetery except in the confines of a vehicle.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90)

8-1-22.8-1-21. Holiday Funerals.

Interments or disinterments in the cemetery shall not be allowed on New Year's Day, Civil Rights Day, Presidents' Day, Memorial Day weekend beginning Saturday morning through Memorial Day, Independence Day (July 4), Pioneer Day (July 24), Labor Day, Thanksgiving Day and the following Friday, Christmas Eve, Christmas Day, or any other City-observed holiday. In the event that a holiday falls on a Saturday, the preceding Friday shall be treated as the holiday. In the event that a holiday falls on a Sunday, the following Monday shall be treated as the holiday. No interments or disinterments shall be allowed in the cemetery on any Sunday. (Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-99-0017, Amended, 4/13/99; Ord. No. O-06-0003, Amended 2/14/2006; Ord. No. O-08-0011, Amended 5/13/2008)

8-1-23.8-1-22. Fees.

All prices, fees, and charges pertaining to the cemetery shall be established by resolution of the City Council. No burial, opening, closing, interment, or disinterment shall take place until all appropriate fees have been timely paid to the City.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-93-0011, Amended, 04/06/93; Ord. No. O-08-0011, Amended 5/13/202008)

8-1-24.8-1-23. Resale Restricted.

No person who owns any burial rights ~~or lots~~ shall sell such burial rights ~~or lots~~ to any buyer except the City. The City hereby agrees to repurchase any unused burial right ~~or cemetery lot~~. The City repurchase amount shall paybe the amount ~~that the burial right or lot was owner~~ originally purchased paid the City for the burial right.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-93-0011, Amended, 04/06/93)

~~8-1-25.~~8-1-24. Damaging Property.

It shall be unlawful for any person to damage, injure, or deface any monument, ~~tree, shrub, lawn~~landscaping, building, structure, or facility; on the grounds of the cemetery. ~~The City shall not be responsible or liable for flowers or other personal property left at the cemetery.~~

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90)

~~8-1-26. Repealed.~~

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Repealed, 04/24/90)

~~8-1-27. Repealed.~~

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Repealed, 04/24/90)

~~8-1-28. Repealed.~~

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Repealed, 04/24/90)

~~8-1-29. Repealed.~~

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Repealed, 04/24/90)

~~8-1-30. Repealed.~~

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Repealed, 04/24/90)

~~8-1-31. Repealed.~~

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Repealed, 04/24/90)

~~8-1-32. Repealed.~~

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Repealed, 04/24/90)

~~8-1-33. Repealed.~~

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Repealed, 04/24/90)

~~8-1-34. Repealed.~~**~~8-1-25. (Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Repealed, 04/24/90) Authority of the City Sexton~~**

The City may prepare additional rules and regulations for the operation of the cemeteries that are not contained in this Chapter. These additional rules and regulations include those found in the Cemetery Policy and Procedures Manual. The City Sexton shall have the discretion to make decisions that will protect the health, safety, and welfare of the City and benefit the day-to-day operation of the cemetery.



**CITY OF OREM
CEMETERY POLICY AND PROCEDURES MANUAL**

Introduction

The City of Orem has one active cemetery located at 1520 North 800 East, Orem, Utah. It is the desire of the City of Orem to operate and maintain a cemetery that is beautiful, dignified, and an appropriate final resting place for departed loved ones.

In formulating these policies and procedures, the City has attempted to accommodate the needs of its patrons while still preserving those regulations and rules necessary to maintain a high standard of beauty and efficiency at the cemetery.

Orem City Code

Chapter 8 of the Orem City Code authorizes the City to promulgate these policies and procedures. It is the City Sexton's duty to update and maintain these policies and procedures so that they are consistent with the requirements of Chapter 8 of the Orem City Code. The Orem City Code is incorporated into these policies and procedures by reference and supersedes the provisions of this manual. A complete copy of the Orem City Code can be found at <http://exe.orem.org/citycode.aspx>.

Cemetery Fees

Interments

Adult Burial	\$550.00
Junior Burial (Vault size less than 70")	\$400.00
Infant Burial (1 year old and under and Vault size less than 50")	\$400.00

Cremation	\$300.00
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Disinterment	\$1500.00
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Saturday Interments (In addition to regular fees)	\$300.00
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Cemetery Lots

Burial Lot	\$1000.00
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1/2 Space on Edge of Road	\$500.00
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Burial Right Transfer and Other Transactions	\$50.00
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Burials

Vaults

Orem City Code Section 8-1-7 requires a vault to be used in the burial of any human remains. However, on a case-by-case basis, the City Sexton may permit the burial of cremated remains or the burial of a casket-vault combination that does not exceed 36 inches in length, 14 inches in height, or 17 inches width to be buried in the cemetery without a vault if the City

Sexton determines there is no risk to the health, safety, or welfare of cemetery employees or patrons.

Burials per Lot

Orem City Code Section 8-1-8.D. limits the number of burials per lot. The following exceptions are permitted with the approval of the City Sexton:

1. **Burials in a Standard Size Lot.**

(a) the burial of two non-cremated human remains in separate vault-casket combinations that do not exceed 37 inches in length, 14 inches in height, and 17 inches width;

(b) the burial of four cremated human remains each in a separate standard size cremation box which dimensions may not exceed 9 inches in length, 7 inches in width, and 5 inches in height;

(c) the burial of one vault-casket combination containing non-cremated human remains that is no larger than 37 inches in length, 14 inches in height, and 17 inches in width, or one cremation in a standard size cremation box which dimensions may not exceed 9 inches in length, 7 inches in width, and 5 inches in height on the top of an existing grave with the approval of the burial right owner as outlined in Orem City Code Section 8-1-8.C and D.

2. **Burials in Half-size Lots.** For the purpose of this subsection, “half size lots” shall mean lots that do not exceed fifty (50) inches in length. The following may be buried in one half-size lot:

(a) one vault-casket combination containing non-cremated human remains that is no larger than 37 inches in length, 14 inches in height, and 17 inches in width; or

(b) two cremated remains each in a separate standard size cremation box which dimensions may not exceed 9 inches in length 7 in inches width, and 5 inches in height.

3. All burials must meet the grave marker requirements outlined in Orem City Code Section 8-1-13.A and are permitted only if the City Sexton determines there is sufficient space in the lot to accommodate the additional burials.

Records

The Registrar (appointed pursuant to Orem City Code Section 8-1-14.A.) will keep records of all burial rights and transfers. Records can be accessed at the City Sexton’s Office located at on the cemetery grounds.

Transfer of Burial Rights

Owners of burial rights may transfer their burial rights to other parties by:

1. Completing the Transfer of Burial Right Agreement (found in the Appendix of this manual);
2. Providing all required documentation to the Registrar; and
3. Paying any applicable transfer fee.

Grave Markers

All grave markers installed in the cemetery must meet the following requirements.

1. **Number.** Only one grave marker per lot shall be permitted regardless of the number of human remains buried in the lot.
2. **Size.** All grave markers shall be placed on a concrete foundation at least six (6) inches thick in one continuous pour or one solid piece of granite (6) inches thick, and shall be a maximum length of forty (40) inches for single burials and eighty (80) inches for double burials and shall be a maximum width of forty (40) inches for single burials, double burials and double-depth burials. All grave markers must be surrounded by a six (6) inch border of concrete or granite that will act as a mowing stip. The City Sexton shall not permit a grave marker to be installed that does not meet the specifications listed in this subsection.
3. **Type and Placement.** All grave markers shall be placed flush with the lawn. No upright headstones shall be allowed in the cemetery. All grave markers shall be placed at the head of the lot. The setting of grave markers shall take place only during normal business hours, usually Monday through Friday, 8:00 a.m. to 4:00 p.m. except as outlined in Section 8-1-21 of the Orem City Code.

Decorations

All grave marker decorations or arrangements, real or artificial, shall be allowed until such time as they become faded, worn, weathered, or otherwise unsightly after which time, they will be removed by cemetery personnel.

1. Glass, porcelain, or other breakable containers are not allowed.
2. Any object(s) not kept on the grave marker will be removed by cemetery personnel. If a grave decoration is blown off a grave marker, cemetery personnel will make every effort to place that decoration on the proper grave marker, but if the decoration's location cannot be determined, it will be removed.

(a) Exceptions:

(1) Beginning 12:00 a.m. on the Friday before Memorial Day until 11:59 p.m. on the Sunday following Memorial Day, grave decorations will be allowed anywhere on the burial lot. The first Monday following Memorial Day, all grave decorations will be removed by cemetery personnel. Anyone wanting to keep their decoration(s) shall remove them before 11:00 p.m. on the Sunday following Memorial Day.

(2) All grave decorations or arrangements, real or artificial, associated with any other specific holiday (themed decorations) shall be removed by cemetery personnel no earlier than seven (7) days following such holiday.

3. Once removed from the lot, grave decorations will be disposed of and will not be saved or kept at the cemetery.

4. **Funeral Decorations.** Funeral decorations will be allowed anywhere on the burial lot for a seven (7) calendar day period immediately following a burial. Anyone wanting to keep any decorations shall remove them before the seven (7) day period expires.

Limitation on the Sale of Burial Rights

Burial rights for half-size lots or for lots in the Veteran's Section of the cemetery cannot be purchased in advance but may be reserved at the time of death. The only exception is the purchase of burial rights by a surviving spouse in a lot adjacent to an interred veteran in the Veteran's Section of the cemetery.

Contact Information

Any questions regarding these policies and procedures or regarding the internment process should be directed to:

Dan Barrett
City Sexton
801-229-7124

APPENDIX

CERTIFICATE OF BURIAL RIGHT

For and in consideration of the sum of _____, receipt of which is hereby acknowledged, the City of Orem hereby grants to _____ of _____ (Grantee) the right to a burial in Lot Number __, Block Number __, Section __, of the City of Orem Cemetery, as shown by the plat on file subject to the following terms and conditions:

1. During the lifetime of the Grantee, this right may be used for the internment of any deceased person of Grantee's choosing upon proper application and notice to the City.
2. Grantee may assign or transfer this right during his/her lifetime upon proper application, execution, and approval of a Transfer of Burial Right Agreement, however, the Grantee may not sell this right to another party for pecuniary gain except as provided for in paragraph 4 of this Certificate.
3. This burial right is conveyed to the Grantee and his/her heirs forever. All legal heirs are presumed to have legal right to the rights of burial, unless heirship to the contrary has been determined by a court of probate after the Grantee is deceased.
4. At any time, the right to burial may be sold back to the City of Orem. The resale price will be the amount the Grantee originally paid for the burial right - that amount is included in this Certificate.
5. This Certificate is not a deed, and the right granted here is only the right to a burial in the location described above. Grantee shall not have any other interest in nor ownership of the property covered by this Certificate.

Dan Barrett, Cemetery Sexton

(STATE OF UTAH)

ss:

(COUNTY OF UTAH)

On this ____ day of _____, personally appeared before me Dan Barrett, who being first duly sworn, did say that he is the Cemetery Sexton of the City of Orem, Utah, and that money has been received by the City from the above-named Grantee for the purchase of a burial right in the City Cemetery, and that he is authorized by law to sell such right and execute this Certificate.

Notary Public

Residing at Orem, UT

My commission expires: _____



TRANSFER OF BURIAL RIGHT AGREEMENT

IMPORTANT: CAREFULLY READ ALL INFORMATION AND INSTRUCTIONS INCLUDING THOSE ON THE BACK OF THIS FORM

I hereby assign and transfer any and all interest in the property described in Section B of this Agreement to the party or parties listed in Section A. I hereby direct the Orem City Cemetery to issue to the party or parties listed in Section A a new Certificate of Burial Right for the property described in Section B.

SECTION A – New holder’s name and information; include any holders that will remain on the Certificate of Burial Right (Section A must be completed with new certificate holder information before the signature(s) of the current certificate holder are notarized; otherwise the document will be voided).

Name		Name	
Social Security #	M/F:	Social Security #	M/F:
Street Address		Street Address	
City/State/Zip		City/State/Zip	
Phone #	Birth Date:	Phone #	Birth Date:
Name		Name	
Social Security #	M/F:	Social Security #	M/F:
Street Address		Street Address	
City/State/Zip		City/State/Zip	
Phone #	Birth Date:	Phone #	Birth Date:

SECTION B – All rights and interests in the following property:

Lot # _____ Block # _____ Section _____

Lot # _____ Block # _____ Section _____

Original Certificate of Burial Right is: attached lost

Relationship to new holder: _____

*Double Depth: Yes No

SECTION C – All current holder(s) and their spouse(s) must sign and complete the information below. By signing this Agreement, you have acknowledged that intent of this change to the person(s) named in Section A. (Each signature in Section C must be notarized).

Current holder’s name, information and notarized signature.

Name:	Name
-------	------

Social Security #:	Social Security #
Street Address:	Street Address
City/State/Zip:	City/State/Zip
Phone #:	Phone #
Status: <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Widowed	Status: <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Widowed
Signature:	Signature:
Name of Spouse:	Name of Spouse
Signature: _____	Signature: _____
Office Use Only: DL # _____ Exp: _____	Office Use Only: DL # _____ Exp: _____

*Double depth burials are limited to the burial of infants or cremated remains as set forth in the Cemetery Policy and Procedures Manual.

**TRANSFER OF CERTIFICATE OF BURIAL RIGHT AGREEMENT
IMPORTANT INFORMATION AND INSTRUCTIONS**

1. Required fees: There is a \$50 for every transaction involving the transfer of a lot(s). The transfer fee must be paid before a new Certificate of Burial Right will be issued to the new holder.
2. All information must be clear and legible before the Transfer Agreement will be processed.
3. All current Certificate of Burial Right holders and their spouses must sign the Transfer Agreement even if he/she is not listed on the current Certificate of Burial Right.
4. The Transfer Agreement will not be processed unless all required documents, information, signatures, and fees are provided.

Other required documents may include the following:

- *Death Certificate* for deceased holders not interred at the City Cemetery. If a deceased holder is interred at the City Cemetery, indicate the internment location (lot #, block #, and section) in Section C on the reverse of this form.
 - *Power of Attorney, Legal Guardian, or Conservatorship* documentation if applicable.
 - *Birth Certificate* and legal guardian's signature for any holders under age 18
 - *Original Certificate of Burial Right* (if lost, please indicate so in Section B on the reverse side of this form).
 - *Final Divorce Decree* if divorced.
5. The following documents will be accepted as proof of a name change:
 - Naturalization document
 - Final Divorce Decree if divorced
 - Marriage Certificate
 - Court documents
 6. Completed Transfer Agreements and all supporting documentation should be submitted to:

Orem City Cemetery
Attn: City Sexton
1540 N. 800 E.
Orem, UT 84057

INSTRUCTIONS FOR NOTARY: Sections A, B, and C on the reverse side of this form must be completed before signature(s) can be notarized.

State of Utah

County of _____

On this ____ day of _____, 20__, before me _____, a notary public, personally appeared _____, proved on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to this instrument, and acknowledged he/she/they executed the same.
Witness my hand and official seal.

NOTARY PUBLIC

My commission expires: _____

CITY OF OREM
BUDGET REPORT FOR THE MONTH ENDED SEPTEMBER 2013

Percent of Year Expired: 25%

Fund	Current Appropriation	Monthly Total	Year-To-Date Total	Encumbrances	Balance	% To Date FY 2014	% To Date FY 2013	Notes
10 GENERAL FUND								
Revenues	41,807,468	2,967,884	5,758,217			14%		
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	47,750,484	2,967,884	11,701,233		36,049,251	25%	24%	
Expenditures	47,750,484	3,103,815	12,416,570	1,969,132	33,364,782	30%	29%	
20 ROAD FUND								
Revenues	2,260,000	243,371	244,226			11%		
Appr. Surplus - Prior Year	1,554,240		1,554,240			100%		
Total Resources	3,814,240	243,371	1,798,466		2,015,774	47%	36%	
Expenditures	3,814,240	812,997	1,756,362	470,038	1,587,840	58%	37%	1
21 CARE TAX FUND								
Revenues	1,700,000	146,776	150,898			9%		
Appr. Surplus - Current	133,035		133,035			100%		
Appr. Surplus - Prior Year	8,354,408		8,354,408			100%		
Total Resources	10,187,443	146,776	8,638,341		1,549,102	85%	85%	
Expenditures	10,187,443	5,717	1,001,360	271,934	8,914,149	12%	11%	
30 DEBT SERVICE FUND								
Revenues	7,331,861	66,959	1,626,283			22%		
Appr. Surplus - Current	574,999		574,999					
Appr. Surplus - Prior Year	4,820		4,820			100%		
Total Resources	7,911,680	66,959	2,206,102		5,705,578	28%	25%	
Expenditures	7,911,680	69,411	123,320		7,788,360	2%	2%	
45 CIP FUND								
Revenues	240,000	81,690	120,678			50%		
Appr. Surplus - Prior Year	869,126		869,126			100%		
Total Resources	1,109,126	81,690	989,804		119,322	89%	67%	2
Expenditures	1,109,126	20,625	177,391	54,394	877,341	21%	22%	
51 WATER FUND								
Revenues	11,204,031	1,305,497	4,337,632			39%		
Appr. Surplus - Prior Year	2,913,995		2,913,995			100%		
Total Resources	14,118,026	1,305,497	7,251,627		6,866,399	51%	47%	
Expenditures	14,118,026	854,370	3,860,837	432,688	9,824,501	30%	36%	
52 WATER RECLAMATION FUND								
Revenues	6,954,851	536,034	1,642,414			24%		
Appr. Surplus - Prior Year	1,496,982		1,496,982			100%		
Total Resources	8,451,833	536,034	3,139,396		5,312,437	37%	34%	
Expenditures	8,451,833	282,168	2,318,129	825,352	5,308,352	37%	35%	
55 STORM SEWER FUND								
Revenues	2,880,300	251,381	755,622			26%		
Appr. Surplus - Prior Year	977,969		977,969			100%		
Total Resources	3,858,269	251,381	1,733,591		2,124,678	45%	55%	
Expenditures	3,858,269	218,150	1,289,903	270,796	2,297,570	40%	38%	
56 RECREATION FUND								
Revenues	1,694,500	101,205	347,133			20%		
Appr. Surplus - Prior Year	18,255		18,255			100%		
Total Resources	1,712,755	101,205	365,388		1,347,367	21%	28%	
Expenditures	1,712,755	147,074	465,724	176,960	1,070,071	38%	38%	
57 SOLID WASTE FUND								
Revenues	3,379,600	286,962	861,641			25%		
Appr. Surplus - Prior Year	10,094		10,094			100%		
Total Resources	3,389,694	286,962	871,735		2,517,959	26%	26%	
Expenditures	3,389,694	244,637	978,246	241,145	2,170,303	36%	29%	

CITY OF OREM
BUDGET REPORT FOR THE MONTH ENDED SEPTEMBER 2013

Percent of Year Expired: 25%

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	31,908	205,775	14,812	365,008	38%	39%	
62 PURCHASING/WAREHOUSING FUND								
Revenues		15	45			100%		
Std. Interfund Transactions	340,000		340,000			100%		
Total Resources	340,000	15	340,045		-45	100%	100%	
Expenditures	340,000	20,168	108,792	1,642	229,566	32%	29%	
63 SELF INSURANCE FUND								
Revenues	490,000	38,369	116,024			24%		
Std. Interfund Transactions	1,175,000		1,175,000			100%		
Total Resources	1,665,000	38,369	1,291,024		373,976	78%	82%	
Expenditures	1,665,000	83,367	1,014,192	272	650,536	61%	67%	
74 CDBG FUND								
Revenues	875,083	17,204	38,269			4%		
Appr. Surplus - Prior Year	241,343		241,343			100%		
Total Resources	1,116,426	17,204	279,612			25%	19%	
Expenditures	1,116,426	42,635	166,691	1,501	948,234	15%	32%	
CITY TOTAL RESOURCES	106,010,571	6,043,347	41,191,959		63,981,798	39%	36%	
CITY TOTAL EXPENDITURES	106,010,571	5,937,042	25,883,292	4,730,666	75,396,613	29%	28%	

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

- 1) The current year expenditures are higher in comparison to budgeted amounts when compared to the prior year's ratio due primarily to approximately double the amount of carryovers in the current year compared to the prior year.
- 2) Current year revenues are higher in comparison to the prior year due to receiving a cell tower lease payment when due instead of four months late due to a contract mixup in the prior year.

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).