

“projections”) may encroach into a required setback a total of no more than twenty-four inches (24") provided that the width of any such projection is no more than ten (10) feet. A single-family residential structure may have no more than two (2) such projections into a required setback and each such projection must be located on a separate elevation. Eaves and projections shall not encroach over a public utility easement. Porches and the roofs over them may project up to five feet (5') into a required front or rear yard setback. Nothing herein shall be construed to permit the encroachment of a projection into a required setback where such encroachment is prohibited by an applicable building code..

b. Covered decks/patios and decks/patios extending from upper floors of the main structure shall comply with the setback requirements of the zone. Uncovered decks/patios may extend to the side and rear property lines provided that the deck/patio floor level does not exceed eighteen inches (18") in height above the grade. If the uncovered deck/patio exceeds eighteen inches (18") in height above the grade, it shall be set back at least ten feet (10') from the side and rear lot lines.

a. The Director of Development Services may approve a setback that is less than that required by this Article, provided that:

i. the corresponding setback on at least seventy percent (70%) of the lots within a distance of three hundred feet (300') in all directions, excluding lots within planned residential developments, is less than that required above; and

ii. The reduced setback is no less than the average of all the corresponding yard setbacks in “(1)” above.

Ord. No. 661, Revised, 04/10/1990; Ord No. O-96-0002, Amended 01/02/1996; Ord. No. O-97-0040, Rep&ReEn 08/12/1997; Ord. No. O-99-0056, Amended 12/14/1999; Ord No. O-01-0021, Amended 6/12/2001; Ord. No. O-03-0014, Amended 06/24/2003; Ord. No. O-2016-0002, Amended & Renumbered 01/12/2016)

D. Accessory Buildings/Structures.

1. Prohibited Locations.

c. No accessory building/structure requiring a building permit shall be located closer than six feet (6') to the primary structure on the lot.

d. No accessory building/structure may be constructed in a front yard unless the

accessory building/structure is set back at least forty (40) feet from the front property line nor shall it be placed within a required side yard adjacent to a street, or within any public utility easement.

e. In no case may an accessory building/structure extend beyond property lines.

f. Concrete panel fences, (fence panels that do not require a solid footing) may be located within the public utility easement provided the property owner receives releases from the affected utility companies and agrees that any future modification of their fence required by those companies will be at the property owner’s expense.

2. **Maximum Area Limitations.** The total footprint area of all accessory buildings/structures shall not exceed eight percent (8%) of the area of the parcel upon which they are located for single-family lots and twelve percent (12%) for multifamily developments. For the purpose of this section, structures located at or below grade shall not be considered in determining the total amount of lot coverage of accessory structures.

3. **Rear Yard Requirements.** An accessory building/structure may be constructed in a rear yard, or in a side setback that is not between the primary structure and the side property line, provided the accessory building/structure:

a. does not exceed eighteen feet (18') in height above grade if located in the required setback; and

b. does not exceed eighteen feet (18') in height, or the height of the primary structure(whichever is greater), if not located in the required setback.

4. **Side Yard Requirements.** Accessory buildings/structures may be constructed between the primary structure and the side property line which is not adjacent to a street if the accessory buildings/structures do not cover more than fifteen percent (15%) of the required side yard setback area; and

a. do not exceed eight feet (8') in height above grade if adjacent to a vacant or residential use and if located within the required side yard setback; or

b. do not exceed eighteen feet (18') in height or the height of the primary structure (whichever is greater), if adjacent to a nonresidential use or if not located in the required side yard setback.

5. **Architectural Controls.** If the total footprint area of an accessory building/structure exceeds 500 square feet or 50% of the footprint area of the primary structure (whichever is less), the accessory structure must:

- a. be designed with residential styling, including:
 - i. a roof pitch which matches that of the primary structure, but not to be less than four feet of rise to twelve feet of run for single-family lots whereas multifamily developments may have flat roofs for carports; and
 - ii. exterior finishing materials similar to the exterior finishing materials used on the primary structure or primary structures on any surrounding residential property within a 300 foot radius; and
- b. have design characteristics that are in harmony with existing residential buildings in the neighborhood; and
- c. create no substantial adverse aesthetic or economic impacts on the neighborhood.

6. **Building Codes.** An accessory building/structure shall be constructed in accordance with the requirements of the International Building Codes.

7. **Use Limitations.** An accessory building/structure located in a residential zone shall not be designed or used as a guest house or a separate apartment unit.

8. **Restriction of Drainage.** Accessory buildings/structures shall be constructed in such a manner that water runoff from the accessory building/structure does not flow onto adjoining property.

9. **Prohibited Structures.** Shipping containers, semi-trailers, boxcars, PODS[®], or similar structures may not be installed or maintained on a residential lot.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-97-0040, Redp&ReEn 08/12/1997; Ord. No. O-99-0056, Amended 12/14/1999; Ord. No. O-01-0021, Amended 6/12/2001; Ord. No. O-03-0014, Amended 06/24/2003; Ord. No. O-05-0005, Amended 02/08/2005; Ord. No. O-05-0013, Amended 05/10/2005; Ord. No. O-07-0023, Amended 03/27/2007; Ord. No. O-09-0015, Amended 06/23/2009; Ord. No. O-2011-0021, Amended 11/15/2011; Ord. No. O-2012-0007, Enacted 03/13/2012)

E. Repealed.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-96-0002, Revised 01/02/1996; Ord. No. O-97-0024, Amended 04/22/1997; Ord. No. O-97-0040, Rep&ReEn 08/12/1997; Ord. No. O-99-0056, Amended 12/14/1999; Ord. No. O-01-0021, Amended 6/12/2001; Ord. No. O-02-0016, Deleted 05/07/2002; Ord. No. O-03-0014, Amended 06/24/2003; O-2016-0002, Deleted 01/12/2016)

F. **Single Family.** Only one (1) single family dwelling may be constructed per lot in a residential zone. A single family dwelling shall only be occupied by one single family or by a group home conforming to the requirements listed in Section 22-6-9(A), (B), (C), (D) or (E). Only one (1) single family shall occupy an accessory apartment.

1. A person aged sixty-five or older who owns and occupies a single family dwelling may allow two additional persons over eighteen years old and their minor children to occupy the dwelling and may receive rent from such persons provided the following requirements are met:

a. The person meets the definition of owner as set forth in Orem City Code Section 22-6-9(I)(2);

b. The owner continuously occupies the single family dwelling;

c. Interior access is maintained to all portions of the dwelling and no additional dwelling units are created;

d. No additional utility meters for the dwelling are installed and no exterior structural elements of the dwelling are altered to accommodate the additional renters. However, this subsection shall not prohibit the construction of an additional outside entrance to the dwelling;

e. All City provided utilities and services including water, sewer, and solid waste removal are maintained in the name of the property owner;

f. The property address is not changed and no new address is created;

g. At least three off-street parking spaces are maintained on the property. The number of vehicles maintained by all of the occupants of the dwelling may not exceed the number of off-street parking spaces;

h. No other person lives with the elderly person other than the elderly person's (1) spouse, (2) minor children, (3) disabled adult children, and (4) other minor children for whom the elderly person or the elderly person's spouse has legal custody.

i. The owner of the dwelling registers with the City Department of Development Services and signs an agreement that the owner is and will remain in compliance with the requirements of this subsection (F)(1) and certifies every year thereafter that the owner is and will remain in compliance with the requirements of this subsection (F)(1); and

The surviving spouse of an owner who qualified for and exercised the benefits of this