CHAPTER 22.  ZONING

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Article 22-1.  Administration

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22-1-1.  Title.

The ordinance contained in this Chapter shall be known as the “Zoning Ordinance of the City of Orem, Utah.”

(Ord. No. 661, Revised, 04/10/1990; Ord No. O-01-0021, Amended 06/12/2001)

22-1-2.  Purpose and Intent.

The purposes of the Zoning Ordinance of the City of Orem, Utah, are to promote the health, safety, morals and general welfare of the community, and to implement the adopted master plan for the orderly and controlled growth of the City. To accomplish these purposes the zoning ordinance is designed:

A.  To regulate and restrict the height, number of stories and size of buildings and other structures;

(Ord. No. 661, Revised, 04/10/1990; Ord No. O-01-0021, Amended 06/12/2001)

B.  To regulate the height and location of trees and other vegetation;

(Ord. No. 661, Revised, 04/10/1990; Ord No. O-01-0021, Amended 06/12/2001)

C.  To regulate lot sizes and the percentage of the lot that may be occupied;

(Ord. No. 661, Revised, 04/10/1990; Ord No. O-01-0021, Amended 06/12/2001)

D.  To regulate the size of yards, courts and other open spaces;

(Ord. No. 661, Revised, 04/10/1990; Ord No. O-01-0021, Amended 06/12/2001)

E.  To regulate the density of population;

(Ord. No. 661, Revised, 04/10/1990; Ord No. O-01-0021, Amended 06/12/2001)

F.  To regulate the location and use of buildings, structures and land for trade, industry, residence or other purposes;

(Ord. No. 661, Revised, 04/10/1990; Ord No. O-01-0021, Amended 06/12/2001)

G.  To include other regulations designed to promote the health, safety, morals and general welfare of the public that are not contrary to law.

(Ord. No. 661, Revised, 04/10/1990; Ord No. O-01-0021, Amended 06/12/2001)

22-1-3.  Enforcement.

A.  The City Manager is charged with the administration and enforcement of this Chapter. Failure to enforce shall not, however, legalize any violation of the provisions herein.

(Ord. No. 661, Revised, 04/10/1990; Ord No. O-01-0021, Amended 06/12/2001)

B.  In addition to the criminal sanctions imposed in Section 22-1-6 below, in any case where any building or structure is erected, reconstructed, altered, repaired, or maintained or where any building, structure or land is used in violation of this Chapter, the City or any owner of real estate within the City may institute an action for mandamus, abatement, an injunction, or any other appropriate action or proceedings to prevent, enjoin, abate or remove the unlawful building, use or act.
§22-1-4  Building Permits Required.

A. It shall be unlawful to erect, construct, reconstruct, or alter any building, structure, fence or any part thereof, without first obtaining a written permit therefore from the City.

B. An application for a building permit shall be accompanied by a plat drawn to scale showing the location of the lot with respect to land survey monuments, the size of the lot, and the size and locations of the existing and proposed structures.

C. No permit shall be granted for the erection or alteration of any building or structure if such erection or alteration would be in violation of the provisions of this Chapter. Any permit issued in conflict with the provisions of this chapter shall be null and void.

D. No building permit shall be issued for a remodel or addition to any structure if it can be shown that previous construction has taken place on the parcel or lot without the issuance of a building permit from the City in violation of City ordinances and the violation has not been brought into compliance.

22-1-5. Amendments.

A. This Chapter, including the zone map, may be amended by first submitting any proposed amendment to the Planning Commission for its recommendation, which recommendation shall be forwarded to the City Council to determine whether or not a public hearing should be set.

B. Any person seeking to amend this Chapter or the zoning map shall submit a written petition to the Planning Commission designating the amendment desired, the reasons for the amendment, and the manner in which the proposed amendment would further promote the objectives and purposes of this Chapter. The petitioner shall also pay a fee established by resolution of the City Council. Upon the receipt of the petition and the appropriate fee, the Planning Commission shall consider the request. Before any amendment shall be considered to this Chapter, the petitioner must show that such amendment is reasonably necessary, is in the interest of the public, is in harmony with the Master Plan, and will more fully promote the objectives and purposes of this Chapter.

C. An amendment to this Chapter shall be adopted only after a public hearing in relation thereto before the City Council, in which parties in interest and citizens shall have an opportunity to be heard.

D. A request to change the zoning designation of property must be made by the City, the owner(s) of the property or the owner’s authorized representative. However, the City may consider a request to change the zoning designation of property that is not made by the City, the owner(s) of the property or the owner’s authorized representative under the following conditions:

1. The request is made in conjunction with a request to change the zoning designation of adjacent property and is necessary to avoid the creation of an island or peninsula; or
2. The applicant provides proof that the owner has consented to the application to change the zoning designation of the property; or

E. All proposed amendments to this Chapter shall be reviewed by the Planning Commission for its consideration and recommendations. Upon receiving the recommendation of the Planning Commission, or upon the Planning Commission’s failure to act within thirty (30) days of receiving a request from the City Council to consider a proposed amendment to this Chapter, the City Council shall hold a public hearing on the proposed amendments. After closing the public hearing, the City Council may vote to approve, modify, or disapprove the proposed amendments, or may take any other action allowed by applicable laws.
Proceedings to amend any provision of Chapter 22 shall be deemed to have been formally initiated by the City for purposes of Utah Code Section 10-9a-509(1)(a)(ii) upon the consideration of such proposal by the Planning Commission at a regularly scheduled meeting. The Planning Commission shall not be required to take any definitive action with respect to the proposal or to spend any given amount of time on the application in order for the proposed amendment to be deemed formally initiated. Any subsequent modification of the proposed ordinance amendment by City staff, the Planning Commission, or the City Council shall not alter the status of the application as having been formally initiated.

(Ord. No. O-07-0039, Enacted, 08/14/2007)

F. An application by a party other than the City to amend the zoning designation of property which has been denied by the City Council may not be resubmitted for a period of 12 months from the date of denial unless:

1. The application requests a zoning classification different from the previous request; or
2. The applicant demonstrates that there has been a substantial change in circumstances pertaining to the property, the project, or the surrounding area which materially supports the application for a change to the zoning designation of the property; or
3. Less than four (4) members of the City Council voted to deny the application; or
4. Four (4) or more members of the City Council voted to deny the application but at least three (3) of the City Council members who voted to deny the application request that the application be reconsidered. The request for reconsideration shall be made within fifteen (15) working days of the date of denial. The reconsideration shall then be handled according to the procedure outlined in the City Council Procedure Policies.

The Planning Commission shall be the final approving authority to determine whether one of the four exceptions enumerated above has been met. The decision of the Planning Commission may be appealed to the Board of Adjustment by filing a written appeal with the Department of Development Services within 30 days of the decision of the Planning Commission.


G. 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, 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:

“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 weekend after 6:00 p.m. or Saturday after 9:00 a.m. 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.


22-1-6. Penalties.

It shall be unlawful for any person or entity to violate any of the provisions of this Chapter. Any person, firm or corporation, whether acting as principal, agent, property owner, lessee, employee, or otherwise, violating or causing or permitting the violation of any of the provisions of this Chapter shall be guilty of a Class C misdemeanor. Each and every day during which a violation occurs shall constitute a separate offense. Conviction for an offense hereunder shall be
punishable by a fine of not more than five hundred dollars ($500.00) in the case of individuals and one thousand dollars ($1000.00) in the case of corporations, associations or partnerships, or by imprisonment for a term not exceeding three (3) months, or by both such fine and imprisonment.

(Ord. No. 661, Revised, 04/10/1990; Ord No. O-01-0021, Amended 06/12/2001)


The provisions of this Chapter shall apply to the building of any structure and the use or development of any land within the City, unless otherwise exempted by State or Federal law.

(Ord. No. 661, Revised, 04/10/1990; Ord No. O-01-0021, Amended 06/12/2001)

22-1-8. Appeals.

A. Any person may appeal a decision applying a land use ordinance as follows:

1. An interpretation or application of a land use ordinance made by members of City staff may be appealed to the Board of Adjustment. A decision of the Board of Adjustment regarding the interpretation or application of a land use ordinance may be appealed to the City Council. However, an appeal to the City Council shall not be required for an adversely affected party to exhaust the party’s administrative remedies.

2. A final decision of the Planning Commission may be appealed to the City Council.

3. A decision of the City Council may only be appealed to the District Court.


B. An application for appeal to the City Council must be filed in the office of Development Services within thirty (30) days after the date of the decision being appealed. Appeals to the Board of Adjustment shall be made pursuant to the procedure outlined in Chapter 2 of the City Code. An adversely affected party shall present to the appeal authority every theory of relief that it can raise in District Court.


C. The owner of private property whose property is subject to a physical taking or exaction by the City as part of a land use application may appeal the City’s decision within 30 days after the decision is made. A decision regarding a proposed taking or exaction shall be deemed final and ripe for appeal when approved by the Development Review Committee (DRC). The Planning Commission shall hear and approve or reject the appeal within 14 days after it is submitted. If the Planning Commission fails to hear and decide the appeal within 14 days, the decision of the DRC is presumed to be approved. A property owner’s failure to appeal the action of the City does not constitute a failure to exhaust available administrative remedies. The Planning Commission shall approve the decision of the DRC if it finds that:

1. An essential link exists between a legitimate governmental interest and the exaction; and

2. The exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.


A. The Development Review Committee (DRC) for the City of Orem is hereby established.

(Ord. No. 661, Revised, 04/10/1990; Ord No. O-01-0021, Amended 06/12/2001)

B. The DRC shall consist of seven (7) members, two (2) each from the Departments of Development Services, Public Works and Public Safety, and one (1) from Legal Services.

(Ord. No. 661, Revised, 04/10/1990; Ord No. O-01-0021, Amended 06/12/2001)

C. The representatives from each Department shall be recommended by the respective Department Director and approved by the City Manager.

(Ord. No. 661, Revised, 04/10/1990; Ord No. O-01-0021, Amended 06/12/2001)

D. The City Manager shall designate one of the representatives as Chairperson of the DRC.

(Ord. No. 661, Revised, 04/10/1990; Ord No. O-01-0021, Amended 06/12/2001)

E. The purpose of the DRC is to assure that all proposed development within the City complies with the City Master Plan and with current City ordinances and resolutions. No proposed development shall be reviewed by the Planning Commission or the City Council until the DRC has found that the development complies with the Master Plan and all applicable ordinances and resolutions.

(Ord. No. 661, Revised, 04/10/1990; Ord No. O-01-0021, Amended 06/12/2001)

F. The DRC shall act under the direction of the City Manager and shall have the following duties and responsibilities:
1. The DRC shall review the following items to determine if they comply with the City Master Plan and with current City ordinances and resolutions:
   a. Preliminary and final subdivision plats.
   b. Site plans.
   c. PRDs, condominiums and condominium conversions.
   d. Any other proposed development of real property requiring Planning Commission review.
2. The DRC may make recommendations regarding the following items:
   a. Rezones.
   b. Annexations.
   c. Conditional Use Permits.
   d. Any development matter that is governed by a law that gives discretionary authority to determine compliance.

G. The DRC may establish procedures for the preparation of agendas, the scheduling of meetings, and the conduct of meetings and field trips.

22-1-10. General Plan.

The General Plan adopted by the City shall be an advisory guide for land use decisions. Failure to strictly comply with the General Plan shall not invalidate any amendment to the Zoning Ordinance or Zoning Map.

(Ord. No. O-07-0019, Enacted 03/13/2007)
Article 22-2. Definitions

22-2-1. Definitions.

For the purpose of this Chapter, certain words and terms are defined as follows:

Accessory Apartment shall mean a subordinate dwelling, which has its own eating, sleeping, and sanitation facilities, within a main residential building.

Accessory building/structure shall mean a detached subordinate building or structure, the appropriate use of which is subordinate and customarily incidental to that of the main building or to the main use of the land and which is located on the same lot or parcel of land with the main building or use. An accessory building/structure does not include a guest house or separate apartment unit if located in a residential zone.

Accessory use shall mean a use conducted on the same lot as the principal use or structure with which it is associated; and is a use which is clearly incidental to and customarily found in connection with such principal use; and is either in the same ownership as such principal use or is maintained and operated on the same lot substantially for the benefit or convenience of the owners, occupants, employees, customers or visitors of the principal use. An accessory use does not include multiple family uses when in a residential zone.

Adult Day Care shall mean nonmedical services providing for the continuous care and supervision of functionally impaired adults for more than (4) but less than twenty-four (24) continuous hours, for compensation.

Agriculture shall mean the tilling of soil, the raising of crops, horticulture and gardening, but does not include the keeping or raising of domestic animals, fowl, or household pets, nor any agricultural industry or business, such as fruit packing plants, fur farms, animal hospitals or similar uses.

Animal Hospital shall mean structure or building used to provide medical attention for animals and may include temporary boarding of animals for care and treatment.

Assisted Living Facility shall mean a facility licensed by the State of Utah that provides a combination of housing and personalized health care to its residents and is designed to respond to the individual needs of those who require help with the activities of daily living such as meal preparation, personal grooming, housekeeping, medication, etc. Care is provided in a professionally managed group living environment in a way that promotes maximum independence for each resident.

Assisted Living Facility for Elderly Persons shall mean an assisted living facility occupied exclusively by persons 60 years of age or older and paid professional staff members.

Boarding House shall mean a dwelling other than a hotel where lodging or lodging and meals for three or more persons is provided for compensation.

Buffered Sidewalk shall mean a sidewalk separated from a street by a landscaped strip, as shown in Appendix "K" of the Orem City Code.

Building shall mean any structure having a roof supported by columns or walls, built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

Building Elevation shall mean a flat scale drawing of the front, rear, and side exteriors of a building.

Building, Main shall mean a building in which is conducted the principal use of the lot on which it is located.

Caretaker Facility shall mean a place where a caretaker is permitted to reside in close proximity to or at the place of business for which he is charged to look after. The caretaker facility may include cooking, sleeping, and sanitary facilities.

Child Day Care/Preschool shall mean nonmedical services providing for the continuous care and supervision of children for compensation.

City Manager shall mean the city manager appointed by the City Council pursuant to Section 10-3-1224 of the Utah Code, or his designee.

Commercial Adult Day Care Facility shall mean a structure where adult day care is provided for more than six (6) functionally impaired adults, including the provider's own dependent adults, at any one time.

Commercial Child Day Care/Preschool Facility shall mean a structure where child day care is provided for more than twelve (12) children, including the provider's own preschool aged children, at any one time.

Common Driveway shall mean a vehicular access from a dedicated street to and within a Planned Residential Development (PRD) or a Condominium Conversion (CC), which is held in common ownership for the use and enjoyment of the residents of the PRD or condominium conversion.

Common Open Space shall mean the land area in a Planned Residential Development (PRD) or Condominium Development reserved and set aside for recreational uses, landscaping, open green areas or parking and driveway areas for the common ownership, use, and enjoyment of the residents of the PRD.

Common Wall shall mean a wall shared by two or more buildings or by two or more units within a building.

Conditional Use shall mean a use which, because of its nature and character, requires review by the Planning Commission and approval by the City Council.
Condominium shall mean the ownership of a single unit in a multiunit project together with an undivided interest in common in the common areas and facilities of the property. The definition of condominium does not include detached units within a planned residential development.

Condominium project shall mean a real estate condominium project; a plan or project whereby four or more apartments, rooms, office spaces, or other units in existing or proposed apartment, commercial or industrial buildings or structures are separately offered or proposed to be offered for sale.

Corral shall mean a fenced space, other than a building, less than 10,000 square feet in area, and less than one hundred (100) feet in width, used for the confinement of animals.

Day Care Center shall mean a building or structure where seven (7) or more children, including the operator’s own children under the age of twelve (12), receive care for compensation.

Dedication shall mean the act of conveying title to property to the City of Orem for public use.

Disability shall mean, with respect to a person, a physical or mental impairment which substantially limits one or more of a person’s major life activities; a record of having such an impairment; or being regarded as having such an impairment. Such term does not include an impairment caused by addiction to a controlled substance or alcohol and the current use of such controlled substance or alcohol. Disability also does not include kleptomania, pyromania, or any sexually related addiction or disorder including but not limited to sex and pornography addictions, transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments or other sexual behavior disorders.

Disabled Person shall mean a person with a disability.

Dwelling shall mean any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as a residence by one or more families, but not including hotels, motels or bed and breakfast establishments.

Dwelling, Multifamily shall mean a building or structure, or portion thereof, which is designed for and contains more than one dwelling unit.

Dwelling, Single-family shall mean a building or structure, or portion thereof, which is designed for a single dwelling unit and occupied by, or intended to be occupied by, a single family. Single-family dwellings may include accessory apartments.

Dwelling Unit shall mean one (1) or more rooms in a residential building or residential portion of a building that are arranged, designed, used, or intended for use as a complete, independent living facility for a single family and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation.

Family shall mean one of the following groups of individuals, but not more than one at the same time: (1) an individual living alone; or (2) two or more people all of whom are related to one designated occupant of the dwelling by blood, marriage, adoption, or legal guardianship and their foster children and up to two other unrelated persons who do not pay rent and are not the primary occupant(s) of the dwelling; or (3) up to three related or unrelated individuals who live and cook together as a single housekeeping unit; or (4) two unrelated individuals and any children of either of them living as a single-housekeeping unit; (5) up to six unrelated individuals living in the Student Housing Overlay zone or PD-21 zone; or (6) a number of unrelated individuals as may be specifically indicated in a particular PD zone.

For purposes of this section, primary occupant(s) is defined as the owner of the dwelling (owner is as defined in Section 22-6-9(I)(2)) and all persons related to the owner, or, if the owner does not live in the dwelling, the primary occupant(s) shall mean the person(s) to whom the owner has leased the dwelling and all persons related to the lessee. The definition of family includes up to two guests if the guests live and cook together with the family in a single dwelling unit and do not pay rent or give other consideration for the privilege of staying with the family. A guest under this section is defined as a person who stays with a family for a period of less than thirty days within any rolling one year period and does not utilize the dwelling as a legal address for any purpose. For purposes of the definition of family, the term “related” shall mean a spouse, parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, great-grandparent, and great-grandchild. The term “related” does not include other, more distant relationships such as cousins.

Family Group Day Care/Preschool Center shall mean a Child Day Care/Preschool provider who cares for more than six (6) and up to twelve (12) children, including the provider’s own preschool aged children, at any one time. The care is provided in the residence of the care provider. This requires a conditional use permit if all requirements of Section 22-14-15 (other than hours of operation) cannot be met.

Fraternity or Sorority House shall mean a building occupied by and maintained exclusively for Fraternity or Sorority students affiliated with an academic or professional college or university or other recognized institution of higher learning, and acknowledged by such institution.
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**Frontage** shall mean the width of the lot or parcel of land which faces or has one side adjacent to a dedicated street.

**Grade (ground level)** shall mean the average elevation of the finished ground level at the center of all walls of a building excluding landscape features adjacent to the structure such as planter boxes, berms, mounds, etc., which shall not be considered when determining grade.

**Gross Acreage** shall mean the total acreage within a project.

**Guest House** shall mean a separate dwelling structure located on a lot with one or more main dwelling structures and used for housing of guests or servants and not rented, leased or sold separate from the rental, lease or sale of the main dwelling.

**Height of Building** shall mean the vertical distance from the grade to the highest point of the structure.

**Home Adult Day Care Facility** shall mean Adult Day Care provided in the residence of the care provider for no more than six (6) functionally impaired adults at any one time, including the provider's own dependent adults.

**Home Child Day Care, Large** shall mean a Child Day Care/Preschool provider who cares for more than six (6) and up to twelve (12) children, including the provider's own preschool aged children, at any one time in the residence of the care provider.

**Home Child Day Care, Medium** shall mean a Child Day Care/Preschool provider who cares for more than three but no more than six (6) children, including the provider's own preschool aged children, at any one time in the residence of the care provider.

**Home Child Day Care, Small** shall mean a Child Day Care/Preschool provider who cares for no more than three children, including the provider's own preschool aged children, at any one time in the residence of the care provider.

**Home Day Care Services** shall mean Adult Day Care; Home Child Day Care, Small; Home Child Day Care Medium; and Home Child Day Care, Large.

**Home Occupation** shall mean a business or occupation carried out in a residential dwelling.

**Illegal structure** shall mean a building or structure that was not in compliance with zoning, building, or planning regulations in effect at the time it was constructed or erected.

**Illegal use** shall mean the use of a building, structure or land in a manner for which a conditional use permit was required but was not obtained; which has not complied with the use regulations of the zone in which it is located; or was not established in conformance with applicable governmental regulation at the time the use was established.

**Junk Yard** see Wrecking Yard.

**Kennel** shall mean the land and/or buildings used in the business of keeping or boarding three (3) or more dogs and cats at least four months old or older, but shall not include grooming parlors or pet shops.

**Kitchen** shall mean any room used for or intended to be used for cooking and preparing food.

**Landscaping** shall mean the application or use of some combination of grass, shrubs, trees, flowers, vines, or other living plants. Bark chips, mulches, peat moss, rocks, boulders, gravel, fountains, pools, statues, retaining walls, and benches may also be used in limited amounts as set forth in Chapter 22.

**Limited Common Area** shall mean the area in a condominium or townhouse project reserved and set aside to be owned in common but dedicated and reserved for use by a specific individual owner within the condominium or townhouse project.

**Lot** shall mean: 1) A parcel of land platted and placed on record in accordance with the laws and ordinances of the city; or 2) A parcel of land described by metes and bounds as shown on the records of the county recorder. The word "lot" includes the words "plot," "tract," or "parcel of land" as the sense may require it.

**Lot, Corner** shall mean a lot located at the junction of and fronting on two (2) or more intersecting streets.

**Lot Line, Front** for an interior lot shall mean the public right-of-way line, which forms a boundary of the lot. For a corner lot, the front lot line shall be the public right-of-way line which forms a boundary of the lot and which is most closely parallel with the front facade of the primary structure on the lot. See Appendix B, which is incorporated herein by this reference.

**Lot Line, Side** shall mean a lot line which is neither a front lot line nor a rear lot line. See Appendix B.

**Lot Line, Rear** shall mean that lot line that is most distant from, and is most nearly parallel with, the front lot line. If a rear lot line is less than ten feet (10') in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a ten foot (10') line parallel to the front line, lying wholly within the lot for the purpose of establishing the required minimum rear yard. See Appendix B.

**Lot Width** shall mean the horizontal distance between the side lot lines measured at a point thirty (30) feet through a distance of at least sixty (60) feet from the front lot line.

**Manufactured Housing** shall mean a dwelling, building or structure constructed at a manufacturing plant by a person licensed by the State of Utah and the Department of Housing and Urban Development to construct a building with the intent of moving the building to another site. Said building is constructed to comply with the applicable State codes and...
requirements and the Department of Housing and Urban Development regulations for manufactured housing and mobile homes.

Mall shall mean a public plaza or walkway of concentrated stores, markets, and service establishments with parking facilities.

Masonry Wall shall mean a wall constructed of concrete block, structural tile, concrete tilt-ups, pre-cast concrete, concrete with a finish surface, brick, stone, or any combination thereof.

Mobile home shall mean a transportable structure in one or more sections with the plumbing, heating, and electrical systems contained within the unit, which when erected on a site, may be used with or without a permanent foundation as a family dwelling.

Mobile home park shall mean any tract of land on which two or more mobile home spaces are leased, or offered for lease or rent, to accommodate mobile homes for residential purposes.

Noncomplying structure shall mean a building or structure that: 1) legally existed before its current land use 2) because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations, which govern the use of land.

Nonconforming shall mean a building, structure, sign, site plan, land configuration, or use of a building or land lawfully existing at the time of the passage of this Chapter, which does not conform to the zoning regulations set forth in this Chapter.

Nonconforming structure shall mean a building or structure, the size, dimensions, or location of which was lawful and conformed to regulations prior to the adoption, revision or amendment of this Article, and by reason of the adoption, revision, or amendment does not comply with the regulations of the zone in which it is located.

Nonconforming use shall mean a use of land that: 1) legally existed before its current land use designation; 2) has been maintained continuously since the time the land use ordinance governing the land changed; and 3) because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

Official Map shall mean a map of existing and proposed streets which has been adopted by the City Council as the official map of the City.

Planned Residential Development (PRD) shall mean a development in which the regulations of the zone in which the development is situated may be modified to allow flexibility and initiative in site and building design and location in accordance with an approved plan and imposed general requirements.

Planning Commission shall mean the Planning Commission of the City of Orem, Utah.

Residential Facility for Disabled Persons shall mean a dwelling that houses only disabled persons and staff members serving disabled persons, which is licensed or certified as such by the Utah Department of Human Services. A Sober Living Home shall not be considered a Residential Facility for Disabled Persons.

Residential Facility for Elderly Persons shall mean a single-family or multiple-family dwelling unit housing elderly persons (age 60 or older) who desire or need to live with other elderly persons in a group setting, but who are capable of living independently.

Satellite Earth Station shall mean a device incorporating a reflective surface that is solid, open mesh, or bar-configured and is in the shape of a shallow dish, cone, horn, or cornucopia. The device is used to transmit and/or receive radio or electro-magnetic waves between terrestrially and/or orbitally based uses.

Security Lighting shall mean a planned system of lights designed to provide adequate illumination to discourage crime within a development and enhance the safety of patrons of the development.

Setback shall mean that line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed.

Sidewalk shall mean a paved, surfaced or leveled area, paralleling a street, used as a perpetual, pedestrian right-of-way.

Sidewalk Easement shall mean an easement for the installation of a public sidewalk.

Sober Living Home shall mean a residential dwelling that is operated pursuant to a program designed to provide a stable environment of clean and sober living conditions for individuals who are recovering from alcohol and/or drug addiction who do not require twenty-four hour supervision or therapeutic services on the premises. A sober living home shall include facilities licensed as a residential support program by the State of Utah as well as facilities for which no State license is required. However, a sober living home shall not include a facility licensed as a residential treatment program by the State of Utah.

Standard Land Use Code (SLU) shall mean the system adopted by the City of Orem for identifying and coding land use activities.

Story shall mean a floor of a structure of which three-fourths of the usable area or more is above the mean ground level surrounding the building.

Street shall mean public or private land used as a public thoroughfare primarily for vehicular traffic which provides access to property including all land which has been dedicated, condemned, or abandoned to the public for such use. For the purposes of this chapter Interstate 15 is specifically excluded from this definition.
**Structure** shall mean anything constructed or erected which requires location on the ground, but not including a tent or vehicle.

**Structure-Subgrade** means a structure that: (a) is located primarily below natural grade or the elevation of the nearest public street curb, whichever is higher; (b) does not extend more than one (1) foot, at any point, above natural grade or the elevation of the nearest public street curb, whichever is higher; and (c) is designed, constructed, and maintained in such a way that the existence of the structure is not readily noticeable when viewed from outside of the property on which it is located.

**Temporary Site** shall mean any site used for a specified period of time which is not greater than one hundred eighty (180) consecutive days.

**Townhouse** shall mean a dwelling which is attached by a common wall to at least one other dwelling and where ownership includes airspace, walls, and the ground upon which the dwelling sits, and where the ownership includes an undivided interest in the common areas and limited common areas of the development, and where no dwelling is built above or below another dwelling.

**Transitional Treatment Home** shall mean a residential facility licensed by the State of Utah that provides twenty-four hour staff supervision and a peer support structure to help applicants acquire and strengthen the social and behavioral skills necessary to live independently in the community. Such facilities provide supervision, counseling, and therapy through a temporary living arrangement and provide specialized treatment, habilitation or rehabilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions or impairments. A transitional treatment home shall not include any persons referred by the Utah State Department of Corrections or any adult or juvenile court. A transitional treatment home shall not provide outpatient treatment.

**Travel trailer or camper** shall mean any trailer, camper, recreational vehicle, or motor home used or maintained primarily as a temporary dwelling for travel, vacation or recreation purposes.

**Twin Home** shall mean a two-unit dwelling where two units are attached by a common wall centered over a property line.

**Use** shall mean the specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

**Wrecking yard** shall mean the use of any lot, portion of a lot, or tract of land for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition, or abandonment of automobiles, or other vehicles, or machinery or parts thereof; provided that this definition shall not be deemed to include such uses which are clearly accessory and incidental to any agricultural use permitted in the district.

**Yard, Front** shall mean a yard extending across the full width of the lot, the depth of which is the shortest distance between the main building and the front lot line. See Appendix B.

**Yard, Rear** shall mean a yard extending across the full width of the lot and more or less opposite to the front lot line. The depth of the rear yard is the shortest distance between the rear of the main building and the rear lot line. See Appendix B.

**Yard, Side** shall mean a yard between a building and the adjacent side lot line, extending from the front yard setback to the rear yard setback. On corner lots, the side yard adjacent to a street shall extend from the front yard setback to the rear lot line. The width of the required side setback shall be the shortest distance between the side of the main building and the side lot line. See Appendix B.

**Youth Rehabilitation Home** shall mean a facility licensed by the State of Utah for youth offenders that provides care, treatment, and associated rehabilitative services in a residential setting under twenty-four hour staff supervision.

**Youth Transitional Home** shall mean a residential facility licensed by the State of Utah that provides twenty-four hour staff supervision and a peer support structure to help individuals under the age of 18 acquire and strengthen the social and behavioral skills necessary to live independently in the community. Such facilities provide supervision, counseling, and therapy through a temporary living arrangement and provide specialized treatment, habilitation or rehabilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions or impairments.

**Zone** shall mean the geographical area of the City within which the zoning regulations are uniform.

Article 22-3. Noncomplying Structures and Nonconforming Uses

22-3-1. Purpose. The purpose of this Article is to enumerate the conditions under which noncomplying structures and nonconforming uses may continue in existence and to control and gradually eliminate those uses of land or structures which, although legal at the time of their establishment, do not now conform to one or more standards of the Orem City Code or any other applicable building or regulatory ordinance.


22-3-2. General Provisions. Except as provided in this Article, a nonconforming use or noncomplying structure may be continued by the present or a future property owner.


22-3-3. Enlargement of Noncomplying Structures. A noncomplying use may not be expanded, extended or relocated into any portion of land or structure that it did not occupy at the time it became a noncomplying use. However, notwithstanding the above, a noncomforming use may be expanded or extended under the following circumstances:

A. A noncomforming use may be extended through the same building, provided no structural alteration of the building is proposed or made for the purpose of the extension. The addition of a solar energy device to a building is not a structural alteration for purposes of this subsection.


B. A noncomforming residential use in a residential zone may be expanded provided that no additional dwelling units are created and provided that the expansion otherwise complies with all applicable regulations.

Notwithstanding Section 22-3-5 (C) and (D) below, a nonconforming residential use that is voluntarily or involuntarily demolished may be rebuilt within five (5) years of demolition under the following conditions: a. the residential units may not be stacked; b. the underlying zone must be a residential zone; c. the rebuilt residential unit(s) must meet current residential setbacks and all applicable regulations; d. there shall be at least two (2) onsite parking stalls per unit; e. the maximum number of dwelling units shall be four(4); f. the units shall have a minimum roof pitch of five (5) percent of their exterior finishing materials of either brick, stone, cultured stone, cement plank siding, stucco, or a combination of these materials.


22-3-4. Enlargement of Noncomplying Structures. A noncomplying structure may be extended or enlarged provided that the portion so extended or enlarged conforms to the applicable regulations in place at the time work is commenced on the extension or enlargement.


22-3-5. Repairs, Reconstruction, and Termination. A. Except as provided in subparagraph (C) below, repairs and normal maintenance required to keep a noncomplying structure in a safe condition are permitted.


B. A noncomplying structure or a structure that is used for a noncomforming use which has been involuntarily destroyed in whole or in part by fire or other calamity, act of nature, or public enemy may be restored or rebuilt and the occupancy or use of such structure may continue or resume unless the structure or use has been abandoned. A noncomplying structure or a structure that is used for a noncomforming use shall be considered to be abandoned and the noncomplying use terminated unless such restoration is commenced within one year and is diligently pursued to completion. A noncomplying structure that is reconstructed under this subsection shall comply with all applicable City ordinances to the greatest extent possible. A structure used for a noncomforming use that is reconstructed under this subsection shall not be increased in size and
must be located on the same footprint as the former structure.

C. A noncomplying structure may not be reconstructed or restored and the nonconforming use of a structure shall be terminated if:
1. the structure has deteriorated to a condition that the structure is rendered uninhabitable and is not repaired or restored within six months after written notice to the property owner that the structure is uninhabitable and that the noncomplying structure or nonconforming use will be lost if the structure is not repaired or restored within six months; or
2. the property owner has voluntarily demolished a majority of the noncomplying structure or the building that houses the nonconforming use.

D. A nonconforming use shall also be terminated if the nonconforming use has been abandoned.

22.3-6. Establishment, Abandonment and Miscellaneous Requirements.

A. A property owner shall have the burden of establishing the legal existence of a noncomplying structure or nonconforming use.

B. The City or any party claiming a nonconforming use has been abandoned shall have the burden of establishing the abandonment. An abandonment shall be presumed to have occurred if
1. A majority of the primary structure associated with the nonconforming use has been voluntarily demolished without prior written agreement with the City regarding an extension of the nonconforming use;
2. The nonconforming use has been discontinued for a minimum of one year;
3. The primary structure associated with the nonconforming use remains vacant for a period of one year; or
4. The nonconforming use has been replaced by a conforming use.


C. The property owner may rebut the presumption of abandonment under Subsection (B) and shall have the burden of establishing that any claimed abandonment under Subsection (B) has not in fact occurred.

D. A nonconforming use shall not be transferred or moved from another location unless the use will be in conformance with the zoning regulations of the zone into which it is moved.

E. No accessory use to a primary nonconforming use may continue after the primary nonconforming use has been abandoned.

F. No use may be considered a legally existing nonconforming use under the provisions of this Article if the use was never lawfully established.

G. No nonconforming use shall be changed to another nonconforming use.
Article 22-4. Conditional Use Permits

22-4-1. Purpose.

Uses designated as conditional uses require special consideration from the City Council. These uses may or may not be appropriate for a specific piece of property. The purpose of this Article is to allow the City Council to evaluate the appropriateness of designated conditional uses on a case by case basis. The conditional use permit procedure allows the City Council to approve, deny or conditionally approve any request for a conditional use permit.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended 06/12/2001)

22-4-2. Permit Required.

No person or entity shall operate or conduct a use designated as a conditional use within the applicable zone without first obtaining a conditional use permit from the City.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended 06/12/2001)

22-4-3. Procedure for Approval.

A. Application. The applicant shall submit a completed application form and a site plan complying with the requirements of Section 22-14-20 to the Department of Development Services. In addition to the site plan, the applicant shall submit a written narrative which shall include, but not be restricted to, the following: the type of business proposed, hours and days of operation, square footage of buildings on the site, square footage used by the conditional use permit, and if the conditional use is for educational services, then the narrative shall include the number of teaching stations, number of employees, the number of students for each teaching station, and the hours for each teaching station. Additional information the Development Review Committee finds pertinent to a project can also be required for submission. The applicant shall also pay a fee in an amount established by resolution of the City Council with the application.


B. Development Review Committee. The Department of Development Services shall forward the proposed site plan to the Development Review Committee. The Development Review Committee shall review the proposed site plan to determine if it complies with the City Master Plan and with all City ordinances, resolutions and policies. If the proposed site plan is found to comply, it shall be forwarded to the Planning Commission for review. No proposed site plan for a conditional use permit shall be forwarded to the Planning Commission unless and until it complies with the City Master Plan and with all current City ordinances, resolutions and policies.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended 06/12/2001)

C. Planning Commission. The Planning Commission shall review the proposed site plan while considering the factors set forth in Section 22-4-4. The Planning Commission shall act as a recommending body to the City Council on conditional use permit applications, and shall recommend approval, denial, or approval with specified conditions.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended 06/12/2001)

D. City Council. The City Council shall be the final approving authority for all applications for conditional use permits. The City Council shall review the proposed site plan while considering the items set forth in Section 22-4-4. The application for a conditional use permit shall either be approved, denied or approved with conditions. The validity of the permit shall be conditioned upon strict compliance with applicable City ordinances, the approved site plan and any additional conditions or requirements imposed by the City Council.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended 06/12/2001)

22-4-4. Factors to be Considered.

The following factors shall be weighed and considered when determining whether a conditional use permit application should be approved, denied, or approved with conditions:

A. Harmony of the request with the general objectives of the Master Plan, the Zoning Ordinance, and the particular zone in which the request is located.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended 06/12/2001)

B. Harmony of the request with existing uses in the neighborhood.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended 06/12/2001)
C. Development or lack of development adjacent to the site.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended 06/12/2001)

D. Whether or not the request may be injurious to potential development in the vicinity.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended 06/12/2001)

E. Present and future requirements for transportation, traffic, water, sewer and other utilities.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended 06/12/2001)

F. Suitability of the specific property for the proposed use.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended 06/12/2001)

G. Number of other similar conditional uses in the area and the public need for the conditional use.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended 06/12/2001)

H. Economic impact on the neighborhood.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended 06/12/2001)

I. Aesthetic impact on the neighborhood.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended 06/12/2001)

J. Safeguards afforded to prevent noxious or offensive omissions such as noise, glare, dust, pollutants and odor.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended 06/12/2001)

K. Attempts by the applicant to minimize other adverse effects on people and property in the area.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended 06/12/2001)

L. Impact of the proposed use on the health, safety and welfare of the City, the area, and persons owning or leasing property in the area.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended 06/12/2001)

22-4-5. Duration.

Unless otherwise specified by the City Council, and subject to the provisions in this Article relating to the amendment or revocation of a conditional use permit, a conditional use permit shall be of indefinite duration and shall run with the land. The City Council may grant a conditional use permit for a limited period of time, or grant a conditional use permit that will be subject to review at a later date(s), if it finds that a limited permit is necessary to protect the health, safety or welfare of the community.
(Ord. No. 661, Revised, 04/10/1990; Ord No. O-01-0021, Amended 06/12/2001)

22-4-6. Other Requirements.

An applicant or user of a conditional use permit shall be held to all of the requirements relating to site plan approval, improvement, bonding, maintenance and completion set forth in Section 22-14-20. The conditional use permit shall not be valid until the required bond has been posted. Nothing in this Article shall be interpreted to waive the bonding, licensing or permit requirements set forth in other City ordinances.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended 06/12/2001)

22-4-7. Implementation.

A conditional use permit shall expire and become null and void if the permit has not been implemented by the recipient within one year of the date of approval. The permit shall be considered implemented if the recipient either engages or participates in the conditional use or completes substantial construction on the project for which the permit was granted.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended 06/12/2001)

22-4-8. Amendment or Revocation.

A. Interested party. Any interested party may apply to the City for the amendment or revocation of a conditional use permit. For purposes of this section, "interested party" shall include the following persons or entities:

1. The owner or lessee of the property for which the conditional use permit was granted.
2. The City.
3. Any owner or lessee of property that lies within two hundred feet (200') of the property for which the conditional use permit was granted.
4. Any person that can show that the conditional use has a direct impact on his or her health, safety or welfare.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended 06/12/2001)

B. Fee. Any person or entity, other than the City, seeking to amend or revoke a conditional use permit, shall pay a fee in an amount established by resolution of the City Council.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended 06/12/2001)
C. **Procedure.** The procedure for amending or revoking a conditional use permit shall be the same as the original application procedure set forth in Section 22-4-3.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended 06/12/2001)

D. **Justification.** A conditional use permit may be amended at the request of the holder of the permit upon a showing of good cause. A conditional use permit may be amended or revoked at the request of any other interested party if the City Council finds one or more of the following:

1. That the conditional use permit was obtained by misrepresentation or fraud.
2. That the use for which the permit was granted has ceased or has been suspended for six months.
3. That the holder or user of the conditional use permit has failed to comply with any of the conditions placed on the issuance of the permit.
4. That the holder or user of the conditional use permit has failed to comply with any City, State or Federal law governing the conduct of the use.
5. That the holder or user of the conditional use permit has failed to construct or maintain the site as shown on the approved site plan.
6. That the operation of the use or the character of the site has been found to be a nuisance or a public nuisance by a Court of competent jurisdiction in any civil or criminal proceeding.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended 06/12/2001)

E. **Hearing.** No conditional use permit shall be amended or revoked against the wishes of the holder or user of the permit without first giving him or her an opportunity to appear before the City Council and show cause as to why the permit should not be amended or revoked. Amendment or revocation of the permit shall not limit the City's ability to initiate or complete other legal proceedings against the holder or user of the permit.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended 06/12/2001)

22-4-9. **Violation.**

A violation of any of the terms of this Article or of any conditions imposed as part of a conditional use permit shall be unlawful, and may be remedied and/or punished as set forth in Sections 22-1-3 and 22-1-6.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended 06/12/2001)
Article 22-5. Establishment of Zones

22-5.1. Establishment.

22-5.2. Overlay Districts.

22-5.3. Boundaries.

22-5.4. Zoning of Annexed Territory.

22-5.1. Establishment.

The City of Orem is hereby divided into zones and districts as follows:

RESIDENTIAL ZONES
R20 Residential Zone
R12 Residential Zone
R8 Residential Zone
R7.5 Residential Zone
R6.5 Residential Zone
R6 Residential Zone
R5 Residential Zone

COMMERCIAL AND PROFESSIONAL OFFICE ZONES
PO Professional Office
C1 Commercial Zone
C2 Commercial Zone
C3 Commercial Zone
HS Highway Services

MANUFACTURING AND RESEARCH & DEVELOPMENT ZONES
M1 Manufacturing Zone
M2 Manufacturing Zone
CM Controlled Manufacturing Zone
BP Business Park Zone

OPEN SPACE ZONE
OS5 Open Space Zone
ROS Residential Open Space Zone

PD ZONES
PD-1 Foxmoor Subdivision.
PD-2 800 North between 200 East and 400 East.
PD-3 800 North between 100 West and 200 East - Repealed.
PD-4 Southeast Corner of 800 North 800 East.
PD-5 1300 South between 200 East and Main Street.
PD-6 Timpanogos Research & Technology Park.
PD-7 The Retreat, 100 South 400 West.
PD-8 Palisades Drive between 600 North and 800 North.
PD-9 Palisades Drive between 500 North and 600 North.
PD-10 Northwest Corner of 800 North and 800 East.
PD-11 Cascade Technology Park.
PD-12 Southwest Corner of 1300 South and Main Street.
PD-13 Southwest Corner of 400 North and Orem Boulevard.
PD-14 Residential Estate Zone.
PD-15 2000 West Springwater Park Drive.
PD-16 400 South 1800 West.
PD-17 1200 South Between 50 East and 150 East.
PD-18 Residential Estate Zone, The Berkshires, 1300 South Carterville Road.
PD-19 South Rim PRD, 1755 South 750 East.
PD-20 Jameson Point PRD, 1559 South 850 East.
PD-21 Student Housing Village Zone, 1200 South Geneva Road.
PD-22 Urban Village

City of Orem

PD-23 Midtown Village, 320 South State
PD-24 Carrara Estates, 1300 North 400 East and 1600 North 400 East
PD-25 Verona, 600 South 800 East
PD-26 Tanglewood, 1600 North 1200 West
PD-27 Blackhorse Run II, 700 South Geneva Road
PD-28 North Pointe Plaza, 1600 North 1030 West.
PD-29 Siena Villas at Columbia Lane.
PD-30 Centennial Plaza.
PD-31 Intermodal Center - 1350 West 1000 South.
PD-32 MBARQ Senior Independent Living Facility – 256 East Center.
PD-33 Transit Oriented Development - 800 South Geneva Road.
PD-34 University Place - 1300 South State Street.
PD-35 Windsor Court, 320 West 1360 North.
PD-36 Orem Falls Business Park, 1200 North Geneva Road.
PD-37 Legacy at Orem - 1450 South State Street.
PD-38 Summit Ridge Apartments - 1697 South 400 East.
PD-39 Cascade Village, 920 North and State Street.
PD-40 460 South State Street.
PD-41 1200 West Center Street
PD-42 (Pending)
PD-43 Auburn Meadows – 2000 South Geneva
PD-44 Residential Estates – 1450 East 1060 North
PD-45 Jive – 1200 North 1200 West
PD-46 Irving – 200 East 1200 South


22-5.2. Overlay Districts.

A. Purpose. Overlay districts are created for the purpose of allowing additional uses, with accompanying regulations, to those uses which are either permitted or conditional in the underlying zone. Overlay districts overlap one or more existing zones, and any property located in an overlay district is in both the underlying zone and the overlay district, and is subject to the regulations of both.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

B. Establishment. Overlay districts and amendments thereto shall be established in the same manner and by the same procedures set forth in Section 22-1-5 of this Chapter for other zoning districts provided for by this Chapter, unless such procedures are specified by the provisions of a particular overlay district as set forth herein.
City of Orem

ZONING

OVERLAY DISTRICTS
HO
Hospital Overlay
HR
High Rise District
SH
Student Housing District
IO
Infill Overlay
UX
Urban Mixed-Use Overlay
AG
Agriculture Overlay
AS
Affordable Senior Housing
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended,
06/12/2001; Ord. No. O-00-0056, Enacted, 12/12/2000; Ord. No.
O-01-0034, Enacted, 09/04/2001; Ord. No. O-02-0028, Enacted,
08/06/2002; Ord. No. O-2012-0027, Amended 10/09/2012)

§22-5-3

94-0008, Amended, 03/22/1994; Ord. No. O-94-0009, Amended,
11/14/1995; Ord. No. O-95-0068, Amended, 12/05/1995; Ord. No. O95-0069, Amended, 12/05/1995; Ord. No. O-96-0001, Amended,
01/02/1996; Ord. No. O-96-0005, Amended, 02/27/1996; Ord. No. O96-0007, Amended, 03/26/1996; Ord. No. O-96-0016, Amended,
03/04/1997; Ord. No. O-97-0018, Amended, 03/04/1997; Ord. No. O97-0023, Amended, 04/22/1997; Ord. No. O-97-0032, Amended,
06/24/1997; Ord. No. O-97-0036, Amended, 07/08/1997; Ord. No. O97-0037, Amended, 07/08/1997; Ord. No. O-97-0042, Amended,
08/26/1997; Ord. No. O-97-0049, Amended, 10/21/1997; Ord. No. O97-0050, Amended, 10/21/1997; Ord. No. O-97-0051, Amended,
O-99-0033, Amended, 07/13/1999; Ord. No. O-99-0035, Amended,
02/22/2000; Ord. No. O-00-0009, Amended, 02/22/2000; Ord. No. O00-0010, Amended, 02/22/2000; Ord. No. O-00-0011, Amended,
02/22/2000; Ord. No. O-00-0018, Amended, 04/04/2000; Ord. No. O00-0019, Amended, 04/04/2000; Ord. No. O-00-0022, Amended,
05/09/2000; Ord. No. O-00-0023, Amended, 05/09/2000; Ord. No. O00-0024, Amended, 05/09/2000; Ord. No. O-00-0026, Amended,
06/06/2000; Ord. No. O-00-0029, Amended, 06/13/2000; Ord. No.
O-00-0032, Amended, 07/25/2000; Ord. No. O-00-0033, Amended,
O-00-0037, Amended, 08/01/2000; Ord. No. O-00-0039, Amended,

A. The location and boundaries of each of the
zones are established as shown on the map entitled
"Zoning Map of the City of Orem, Utah," and all
boundaries, notations and other data shown thereon are
as much a part of this Chapter as if fully described
herein.
B. Where uncertainty exists with respect to the
boundaries of the various zones, the Board of
Adjustments shall interpret the map and shall be guided
by the following in their interpretation:
1. Where the indicated boundaries on the
zone map are approximate street or alley lines, said
streets or alleys shall be construed to be the zone
boundaries.
2. Where the indicated boundaries are
approximate lot lines, said lot lines shall be
construed to be the zone boundaries unless
otherwise indicated.
3. Where land has not been subdivided into
lots and blocks, the zone boundaries shall be
determined by use of the scale of measurement
shown on the map.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. 674, Amended,
10/09/1990; Ord. No. 675, Amended, 10/09/1990; Ord. No. 676,
No. 683, Amended, 02/05/1991, Ord. No. 684, Amended, 03/26/1991;
Ord. No. 685, Amended, 03/26/1991; Ord. No. 687, Amended,
05/14/1991; Ord. No. 691, Amended, 08/13/1991; Ord. No. 693,
Amended, 10/15/1991; Ord. No. 696, Amended, 10/01/1991; Ord.
No. 697, Amended, 12/03/1991; Ord. No. O-92-002, Amended,
03/16/1993; Ord. No. O-93-0007, Amended, 03/16/1993; Ord. No. O93-0008, Amended, 03/23/1993; Ord. No. O-93-0009, Amended,
07/27/1993; Ord. No. O-93-0031, Amended, 12/07/1993; Ord. No. O93-0032, Amended, 12\07\1993; Ord. No. O-93-0033, Amended,
12\07\1993; Ord. No. O-94-0001, Amended, 01/04/1994; Ord. No. O94-0003, Amended, 02/08/1994; Ord. No. O-94-005, Amended,
03/08/1994; Ord. No. O-94-0006, Amended, 03/22/1994; Ord. No. O-

22.17


§22-5-4 ZONING

The City Council shall, after recommendation has been received from the Planning Commission, designate an appropriate zoning classification for land or territories annexed to the City after requisite public hearing.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended 06/12/2001)
Article 22-6. Residential Zones

22-6-1. General Provisions.

A. The objective in establishing residential zones is to provide an environment within the City which is favorable for family life.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended 06/12/2001)

B. For permitted uses and uses which will require a conditional permit, refer to Article XIX.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended 06/12/2001)

C. The following Articles refer to additional regulations for all residential zones:

1. Article IV, Conditional Use Permits.
2. Article VII, Planned Residential Developments.
3. Article XIV, Supplementary Regulations.
4. Article XV, Off-Street Parking.
5. Article VI, Section 22-6-9, and Section 22-6-10, Zone Development Standards.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended 06/12/2001)

22-6-2. Residential Zones.

A. R20 Zone. The R20 Zone is established to promote rural and low density residential estate uses with a minimum lot size of 20,000 square feet per lot, and to allow other selected uses which are compatible with the character of the zone.


B. R12 Zone. The R12 Zone is established to promote low density residential estate uses with a minimum lot size of 12,000 square feet per lot, and to allow other selected uses which are compatible with the character of the zone.


C. R8 Zone. The R8 Zone is established to promote low density residential uses with a minimum lot size of 8,000 square feet per lot, and to allow other selected uses which are compatible with the character of the zone.


D. R7.5 Zone. The R-7.5 Zone is established to promote medium density residential uses with a minimum lot size of 7,500 square feet per lot, and to allow other selected uses which are compatible with the character of the zone.


E. R6.5 Zone. The R6 Zone is established to promote medium density residential uses with a minimum lot size of 6,500 square feet per lot, and to allow other selected uses which are compatible with the character of the zone.


F. R6 Zone. The R6 Zone is established to promote medium density residential uses with a minimum lot size of 6,000 square feet per lot, and to allow other selected uses which are compatible with the character of the zone.


G. R5 Zone. The R5 Zone was formerly established to promote medium density residential uses with a minimum lot size of 5,000 square feet per lot for a standard subdivision or a planned residential development with a density not to exceed that specified in Section 22-7-12(A) of the Orem City Code. All provisions of the City Code applicable to the R5 Zone shall continue to apply to all parcels that are currently zoned R5. However, effective May 1, 2004, the R5 zoning designation shall not be applied to any additional property within the City.


H. PRD Zone. The PRD Zone is established to promote medium density residential uses in a planned residential development pursuant to the standards set forth in Article 22-7 (Planned Residential Developments (PRD)).


22-6-3. Repealed.


22-6-4. Repealed

22-6-5. Repealed.

22-6-6. Repealed.

22-6-7. Repealed.

22-6-8. Zone Development Standards.

A. Dwelling units. The following standards shall apply to all principal buildings and dwellings in residential zones:

- **Footprint**
  - R20: 20,000
  - R12: 12,000
  - R8: 8,000
  - R7.5: 7,500
  - R6.5: 6,500
  - R6: 6,000
  - R5: 5,000

- **Minimum Lot Width**: 115' 100' 80' 75' 75' 60' 50'

- **Minimum Lot Area**
  - Minimum Footprint (excluding the area of the garage) in square feet:
    - *1,000* *1,000* *800* *800* *800* *800* *800*

- **Minimum Height**
  - For all zones above, 8 feet above ground level or one (1) story, whichever is higher.

- **Maximum Structure Height**
  - For all zones above except R12 and R20, thirty-five feet above grade level. However, in the R12 and R20 zones only, up to twenty percent of the total roof area, measured in plan view, may extend to a height of up to forty-five feet provided that all parts of the structure that exceed thirty-five feet above grade shall be located at least fifty feet from all property lines.

*The minimum footprint may be reduced to 650 square feet (excluding the area of the garage), if the dwelling has a second story above grade with at least 550 square feet of finished floor area and an attached garage.

NOTE: In all residential zones the height limitation shall not apply to cupolas, domes not used for human occupancy, chimneys, ventilators, sky lights, cornices, antennas or properly screened mechanical appurtenances. In no case shall the height of cupolas, domes not used for human occupancy, chimneys, ventilators, sky lights, cornices, antennas or properly screened mechanical appurtenances exceed a height of forty-five feet (45') measured from the average finished grade of the yard in which the structure is located. In no case shall that portion which exceeds the thirty-five foot (35') height exceed fifty percent (50%) of the gross floor area of the uppermost floor of the building.


B. Setbacks. The following setbacks shall apply to all principal buildings and dwellings in the following residential zones:

<table>
<thead>
<tr>
<th>Residential Zone</th>
<th>R20</th>
<th>R12</th>
<th>R8</th>
<th>R7.5</th>
<th>R6.5</th>
<th>R6</th>
<th>R5</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Interior Lot</strong></td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>Setbacks (minimum)</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front:</td>
<td>30'</td>
<td>30'</td>
<td>25'</td>
<td>25'</td>
<td>25'</td>
<td>25'</td>
<td>22.5'</td>
</tr>
<tr>
<td>Rear:</td>
<td>25'</td>
<td>25'</td>
<td>25'</td>
<td>25'</td>
<td>25'</td>
<td>25'</td>
<td>22.5'</td>
</tr>
<tr>
<td><strong>Side Yard with Attached Garage</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>24/10</em></td>
<td><em>20/8</em></td>
<td><em>20/8</em></td>
<td><em>20/8</em></td>
<td><em>16/6</em></td>
<td><em>16/6</em></td>
<td><em>15/5</em></td>
<td></td>
</tr>
<tr>
<td><strong>Side Yard without Attached Garage</strong></td>
<td></td>
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</tr>
<tr>
<td><em>30/14</em></td>
<td><em>24/10</em></td>
<td><em>24/10</em></td>
<td><em>24/10</em></td>
<td><em>16/6</em></td>
<td><em>16/6</em></td>
<td><em>15/5</em></td>
<td></td>
</tr>
</tbody>
</table>

*This figure indicates the minimum total of both side yard setbacks followed by the minimum amount required on each side of the structure. For example, in the R8 zone, the combination of both side yard setbacks for a structure with an attached garage must be at least 20 feet and the setback on each side must be at least 8 feet.

**Corner Lot Setbacks (minimum)**

<table>
<thead>
<tr>
<th>Residential Zone</th>
<th>R20</th>
<th>R12</th>
<th>R8</th>
<th>R7.5</th>
<th>R6.5</th>
<th>R6</th>
<th>R5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front:</td>
<td>30'</td>
<td>30'</td>
<td>25'</td>
<td>25'</td>
<td>25'</td>
<td>25'</td>
<td>22.5'</td>
</tr>
<tr>
<td>Rear:</td>
<td>15'</td>
<td>10'</td>
<td>10'</td>
<td>10'</td>
<td>10'</td>
<td>10'</td>
<td>10'</td>
</tr>
<tr>
<td><strong>Side Yard with Attached Garage</strong></td>
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<td></td>
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<tr>
<td>15'</td>
<td>10'</td>
<td>10'</td>
<td>10'</td>
<td>10'</td>
<td>10'</td>
<td>10'</td>
<td></td>
</tr>
<tr>
<td><strong>Side Yard without Attached Garage</strong></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>30'</td>
<td>30'</td>
<td>30'</td>
<td>30'</td>
<td>25'</td>
<td>25'</td>
<td>10'</td>
<td></td>
</tr>
<tr>
<td><strong>Side Yard abutting the Side Street</strong></td>
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<tr>
<td>20'</td>
<td>20'</td>
<td>20'</td>
<td>20'</td>
<td>20'</td>
<td>20'</td>
<td>20'</td>
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</tr>
</tbody>
</table>

**Lots with Buffered Sidewalks**

<table>
<thead>
<tr>
<th>Residential Zone</th>
<th>R20</th>
<th>R12</th>
<th>R8</th>
<th>R7.5</th>
<th>R6.5</th>
<th>R6</th>
<th>R5</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Front to house</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>34'</td>
<td>34'</td>
<td>29'</td>
<td>29'</td>
<td>29'</td>
<td>29'</td>
<td>26.5'</td>
<td></td>
</tr>
<tr>
<td><strong>Front to garage</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>34'</td>
<td>34'</td>
<td>32'</td>
<td>32'</td>
<td>32'</td>
<td>32'</td>
<td>32'</td>
<td></td>
</tr>
<tr>
<td><strong>Rear</strong></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Same as above for interior or corner lot.</td>
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<td></td>
<td></td>
</tr>
<tr>
<td><strong>Side Yard with Attached Garage</strong></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Same as above for interior or corner lot.</td>
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<td></td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>
(NOTE: Front yard setbacks for lots on a sub-local or other street that has a buffered sidewalk shall be measured from the backside of the curb, as shown in the cross-sections in Appendix "K" of the Orem City Code.)


C. Exceptions. Exceptions to the lot width and lot size requirements stated above may be allowed in the following circumstances:

1. Lot Width. The Planning Commission may approve a subdivision with lots that have a width less than that required above provided the following conditions are met:

   a. The proposed lot width in the R8, R12 and R20 zones is at least eighty-five percent (85%) of the minimum lot width required by these zones, and the proposed lot width in the R6, R6.5 and R7.5 zones is at least ninety-five percent (95%) of the minimum lot width required by these zones;

   b. The proposed subdivision is created only from a metes and bounds lot that is vacant or occupied only by a single-family dwelling and not from any lot platted in a recorded subdivision;

   c. No more than two (2) lots with a reduced lot area are created by the proposed subdivision or from any metes and bounds lot in existence as of January 1, 2003;

   d. Each lot contains at least the minimum square footage required by the zone in which the lot is located;

   e. The applicant demonstrates that the buildable area for each lot is at least thirty feet (30') in width and that it is feasible to construct a marketable house on each lot for which the required lot width is reduced. In order to fulfill this requirement, the applicant may be required to submit house plans that could be built on the lot with the reduced lot width;

   f. No part of the front lot line of a lot with a reduced width is located on the bulb of a cul-de-sac;

   g. The area of a private drive accessing a deep lot is not included in the reduced lot width requirement; and

   h. Each lot meets all other applicable subdivision and zoning ordinance requirements.

2. Lot Size. The Planning Commission may approve a subdivision with lots that have an area less than that required by the zoning ordinance provided the following conditions are met:

   a. The proposed area of each lot is at least ninety percent (90%) of the minimum lot area required by the zone in which the lot is located;

   b. The proposed subdivision is created only from a metes and bounds lot that is vacant or occupied only by a single-family dwelling and not from any lot platted in a recorded subdivision;

   c. No more than two (2) lots with a reduced lot area may be created by the proposed subdivision or from any metes and bounds lot in existence as of January 1, 2003;

   d. The average lot size of all lots in the subdivision is equal to or greater than the minimum square footage required by the zone in which the lots are located excluding the area of any private drive accessing a deep lot;

   e. No deep lot shall have a reduced lot area;

   f. The applicant demonstrates that it is feasible to construct a marketable house on each lot for which the required lot area is reduced. In order to fulfill this requirement, the applicant may be required to submit house plans that could be built on the lot with the reduced lot area;

   g. The area of a private drive accessing a deep lot is not included toward meeting the reduced lot area requirement of any lot; and

   h. Each lot meets all other subdivision and zoning ordinance requirements including setback and lot width requirements.

3. Setbacks. No portion of a principal building or dwelling shall violate the required setbacks except as noted herein.

   a. Cantilevered extensions of a building (extensions that are not supported by a foundation) which may include but are not limited to roof overhangs, bay windows, box windows, chimneys, covered stairwells and stairs, (collectively referred to as
“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.

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.

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.

   i. 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

22.23
section, may continue to exercise the privileges of an owner under this section in the same house and to the same extent that the owner did at the time of his or her death, provided that the surviving spouse complies with the requirements set forth in subsections (a) through (i).

G. Specific Use Exceptions. Primary dwellings shall have the following supplementary parking requirements regardless of the zone in which they are located: At least two (2) parking spaces shall be required for each primary dwelling located in the R5, R6, R6.5, R7.5, R8, R12, and R20 zones. All required parking spaces shall measure at least nine (9) feet wide by eighteen (18) feet deep. Required parking spaces shall be paved with asphalt, concrete or equivalent paving materials.

A. Residential Facility for Disabled Persons.
Upon application to the Department of Development Services, the Director of Development Services or his designee shall grant a permit for the establishment of a residential facility for disabled persons (SLU Code 1261) in a residential or Highway Services zone if the applicant meets the following requirements:

1. The facility conforms to all applicable standards and requirements of the Utah State Department of Human Services and the owner/operator has obtained all licenses required by the State to operate such a facility.
2. The facility conforms to all State and local building, safety, health, and zoning requirements applicable to similar structures.
3. The facility is operated for the primary purpose of providing a living arrangement for disabled individuals in a group home setting.
4. The facility is occupied only by individuals with a disability and paid, professional staff members. Occupancy by any staff member shall only be allowed if such occupancy is primarily for the purpose of serving the disabled individuals and not primarily a benefit of employment to the staff member. The facility shall not house more than eight disabled individuals.
5. Residency in the facility shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility. A residential facility for disabled persons shall not include any persons referred by the Utah State Department of Corrections or any adult or juvenile court.
6. No individual who has impairment due to addiction to any controlled substance or alcohol, and currently uses such controlled substance or alcohol, will be a resident.
7. At least three off-street parking stalls are provided to serve the needs of residents, visitors, and staff members.
8. A residential facility for disabled persons located in an existing residential dwelling shall be capable of use as a residential facility for disabled persons without structural or landscaping alterations that would change the structure’s residential character. Any new structure constructed for use as a residential facility for disabled persons shall be of a size, scale, and design that is in harmony with other residential uses in the vicinity.
9. No person convicted of the illegal manufacture or distribution of a controlled substance shall be an occupant in a residential facility for disabled persons.
10. The facility shall not be made available to or occupied by any individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others. The owner or operator of a residential facility for disabled persons shall conduct an individualized assessment of each person who desires to become a resident of the facility to determine if such person would constitute a direct threat prior to allowing occupancy of the facility by such person. The assessment shall consider any prior criminal or violent acts of each individual, the amount of time that has elapsed since the commission of any such acts, and the treatment or medication received by the individual that may have eliminated the direct threat. In the case of any resident or potential resident who has committed an offense requiring registration with any sex offender registry, the individualized assessment shall include a psycho-sexual evaluation of such person performed by a duly licensed psychiatrist or an individual holding a PhD in psychology. The owner or operator of the facility shall be responsible to determine whether any resident or potential resident has been convicted of an offense requiring registration with any sex offender registry. Prior to the occupancy of any facility and at least quarterly thereafter, the person or entity licensed or certified by the applicable
regulatory state agency shall certify in a sworn affidavit to the City that based on the individualized assessment performed for each resident, no person will or does reside in the facility whose tenancy would likely constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

11. The applicant for a permit provides sufficient documentation and other evidence reasonably required by the City to establish compliance with all of the above criteria.

12. Upon application by a current or prospective owner, operator or resident of a residential facility for disabled persons, the City Manager or his designee may grant a reasonable accommodation from any of the requirements of this section as may be required by the provisions of the Fair Housing Amendments Act of 1988, 42 U.S.C., Section 3601 et. seq.

Any permit issued pursuant to this Section shall be nontransferable and shall terminate if the structure is devoted to a use other than a residential facility for disabled persons or the structure fails to comply with all building, safety, health, and zoning requirements of the Orem City Code applicable to similar structures. Violation of the requirements listed above shall be grounds for terminating the permit and the owner/operator shall thereafter be required to discontinue the use of the premises as a residential facility for disabled persons.


B. Assisted Living Facility for Elderly Persons.

Upon application to the Department of Development Services, the Director of Development Services shall grant a permit for the establishment of an assisted living facility for elderly persons (SLU Code 1281) in a residential zone if the applicant meets the following requirements:

1. The facility conforms to all applicable standards and requirements of the Utah State Department of Human Services and the owner/operator has obtained all licenses required by the State to operate such a facility.

2. The facility conforms to all State and local building, safety, health, and zoning requirements applicable to similar structures.

3. The facility is operated for the primary purpose of providing a living arrangement for elderly persons in a group home setting.

4. The facility is occupied only by individuals 60 years of age or older and paid, professional staff members. Occupancy by any staff member shall only be allowed if such occupancy is primarily for the purpose of serving the elderly persons and not primarily a benefit of employment to the staff member. The facility shall not house more than eight elderly persons.

5. Residency in the facility shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility. An assisted living facility for elderly persons shall not include any persons referred by the Utah State Department of Corrections or any court.

6. The facility will not likely create a fundamental change in the character of the residential neighborhood in which it is proposed to be located.

7. No individual who has impairment due to addiction of any controlled substance or alcohol and currently uses such controlled substance or alcohol will be a resident.

8. The facility shall not be made available to or occupied by any individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

9. At least three off-street parking stalls are provided to serve the needs of residents, visitors, and staff members.

10. An assisted living facility for elderly persons located in an existing residential dwelling shall be capable of use as an assisted living facility for elderly persons without structural or landscaping alterations that would change the structure’s residential character. Any new structure constructed for use as an assisted living facility for elderly persons shall be of a size, scale, and design that is in harmony with other residential uses in the vicinity.

11. No person convicted of the illegal manufacture or distribution of a controlled substance shall be an occupant in a residential facility for disabled persons.

12. The applicant for a permit provides sufficient documentation and other evidence reasonably required by the City to establish compliance with all of the above criteria.

Any permit issued pursuant to this Section shall be nontransferable and shall terminate if the structure is devoted to a use other than an assisted living facility for elderly persons or the structure fails to comply with all
building, safety, health, and zoning requirements of the Orem City Code applicable to similar structures. Violation of the requirements listed above shall be grounds for terminating the permit and the owner/operator shall thereafter be required to discontinue the use of the premises as an assisted living facility for elderly persons.


C. Residential Facilities for Elderly Persons: Upon application to the Department of Development Services, the Director of Development Services shall grant a permit for the establishment of a Residential Facility for Elderly Persons (SLU Code 1285) in a residential zone or a C2, C3 or Highway Services zone if the applicant meets the following requirements:

1. The facility conforms to all applicable standards and requirements of the Utah State Department of Human Services.
2. The facility conforms to all building, safety, health, and zoning requirements of the Orem City Code applicable to structures in the zone in which it is located.
3. The facility is occupied on a 24-hour-per-day basis by eight or fewer elderly persons in a family-type arrangement.
4. The facility is owned by one of the residents or by an immediate family member of one of the residents.
5. The residential facility for elderly persons shall not be operated as a business.
6. Placement in a residential facility for elderly persons shall be on a strictly voluntary basis and not part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.
7. No person being treated for alcoholism or drug abuse shall be placed in a residential facility for elderly persons.
8. The facility is not located closer than 1320 feet (1/4 mile) to any other residential facility for elderly persons or residential facility for disabled persons, as measured in a straight line between the closest property lines of the lots on which they are located.
9. At least three off-street parking stalls are provided to serve the needs of residents, visitors, and staff members. Additional parking may be required based on the number of residents occupying the facility, the number of residents who are reasonably expected to maintain a vehicle at the facility, the reasonably anticipated number of visitors and the number of staff members who will be serving the residents.
10. Any facility located in an existing residential dwelling shall be capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure’s residential character. Any structure constructed for use as a residential facility for elderly persons shall be of a size, scale and design such that it is in harmony with other residential uses in the vicinity.
11. The applicant for a permit provides sufficient documentation and other evidence reasonably required by the City to establish compliance with all of the above criteria. Any permit issued pursuant to this Section shall be nontransferable and shall terminate if the structure is devoted to a use other than a residential facility for elderly persons or the structure fails to comply with all building, safety, health and zoning requirements of the Orem City Code applicable to similar structures. Violation of the requirements listed above shall be grounds for terminating the permit and the owner/operator shall thereafter be required to discontinue the use of the premises as a residential facility for elderly persons.


D. Sober Living Homes. Upon application to the Department of Administrative Services and compliance with all of the regulations contained herein, the Director of Administrative Services or his designee shall grant a permit for the establishment of a sober living home (SLU Code 1263) in a residential or Highway Services zone. The issuance of a business license to operate a sober living home shall constitute the required permit under this section. A sober living home shall comply with all of the following requirements:

1. The home shall conform to all applicable standards and requirements of the Utah State Department of Human Services and the owner/operator shall obtain all licenses required by the State to operate such a home.
2. The home shall conform to all State and local building, safety, health and zoning requirements applicable to similar structures.
3. The home shall be occupied by no more than six individuals who meet the criteria set forth below and paid, professional staff members. Occupancy by any staff member shall only be allowed if such occupancy is primarily for the purpose of serving the residents and not primarily a benefit of employment to the staff member.

4. The home shall be occupied only by individuals who meet the following criteria (and staff members):
   a. Individuals who have been diagnosed with an addiction to alcohol or a controlled substance (as defined in Utah Code Section 58-37-2, as amended);
   b. Individuals who are unable to abstain from the use of alcohol or a controlled substance without the structured supportive setting offered by a sober living home; and
   c. Individuals who have completely and voluntarily abstained from the use of alcohol and all controlled substances for a continuous period of at least thirty (30) days immediately prior to becoming a resident of the home. A person who has abstained from the use of alcohol and controlled substances due to incarceration shall not be considered to have voluntarily abstained.

5. The permit holder shall not allow any person to become a resident of a sober living home until the permit holder has verified compliance with the requirements of subsection (4) above. For purposes of verifying compliance with subsections (4)(a) and (4)(b), the permit holder shall obtain written certification from an independent medical doctor, Licensed Clinical Social Worker (LCSW), Licensed Professional Counselor (LPC), licensed psychologist or licensed psychiatrist that the proposed resident meets the criteria of those subsections. For purposes of verifying compliance with subsection (4)(c), the permit holder must obtain either (1) written certification from a licensed rehabilitation, treatment or similar facility that the proposed resident has abstained from alcohol and all controlled substances for at least the thirty days immediately preceding the proposed resident’s occupancy of the sober living home, or (2) written certification from an independent medical doctor, Licensed Clinical Social Worker (LCSW), Licensed Professional Counselor (LPC), licensed psychologist or licensed psychiatrist that the proposed resident has taken a random urinalysis test (UA) at least once every week over the thirty days immediately preceding the proposed resident’s occupancy of the sober living home and that the results of such test administered during said thirty day period were negative for the presence of alcohol and all controlled substances.

6. All residents in the home must completely abstain from using alcohol and controlled substances during the period that they are residents in the home. Any resident of a sober living home who uses alcohol or a controlled substance, whether on or off the premises, shall be immediately expelled from the home and shall not be readmitted for a period of at least 60 days following the violation. However, nothing contained herein shall be construed to prohibit a resident from taking a prescription drug for which a resident has a valid and current prescription.

7. No alcohol, controlled substances or drug paraphernalia shall be allowed on the premises of the home.

8. The permit holder (or designee) shall make at least four unannounced visits to the sober living home every week to verify compliance with the requirements of Section 22-6-9(D)(6) and (7). In addition, upon receipt of notice of a possible violation, the permit holder (or designee) shall also immediately visit the home and investigate whether a violation has occurred and take appropriate enforcement action. The permit holder shall maintain a record of the date and times of all such visits and their results and shall make such records available for inspection by the City upon request.

9. In order to verify ongoing abstinence from drugs and alcohol, each resident shall submit to at least two random urinalysis tests per week that test residents for the consumption of alcohol and controlled substances. Each test shall be separated by at least two days from the previous test. Any resident who tests positive for alcohol or drugs or who refuses to submit to a test shall be immediately expelled from the home. The permit holder shall maintain records of the ongoing urinalysis test results and shall make such records available to the City for inspection upon request.

10. Residency in the home shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility, nor a condition of probation/parole. A sober living home shall not include any persons referred by the Utah State Department of Corrections (or any other corrections department) or any adult or juvenile court.

11. The home shall not be made available to or occupied by any individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the
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property of others. An individualized written assessment of each person who desires to become a resident of the facility shall be performed to determine if such person would constitute a direct threat prior to allowing occupancy of the facility by such person. The assessment shall be performed and certified by an independent medical doctor, Licensed Clinical Social Worker (LCSW), Licensed Professional Counselor (LPC), licensed psychologist or licensed psychiatrist through a facility that is licensed and approved by the Utah Department of Human Services Division of Licensing (or other equivalent licensing board of another state) as a provider for substance abuse treatment. The person performing the assessment shall perform a criminal background check for each potential resident and shall consider any prior criminal or violent acts of each individual, the amount of time that has elapsed since the commission of any such acts, and the treatment or medication received by the individual that may have eliminated the direct threat. In the case of any resident or potential resident who has committed an offense requiring registration with any sex offender registry, the individualized assessment shall include a psycho-sexual evaluation of such person performed by an independent, duly licensed psychiatrist or an individual holding a PhD in psychology. In addition, no individual who has committed an offense requiring registration with any sex offender registry may be a resident in a sober living home unless the permit holder has received written certification from a Utah Department of Corrections approved provider that the proposed resident has been determined to be no current risk to the community and not in need of sex offender treatment. The permit holder shall certify at least quarterly in a sworn affidavit to the City that based on the individualized assessment performed for each resident, no person will or does reside in the facility whose tenancy would likely constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

12. At least four off-street parking stalls shall be provided to serve the needs of residents, visitors and staff members.

13. A sober living home located in an existing residential dwelling shall be capable of use as a sober living home without structural or landscaping alterations that would change the structure’s residential character. Any new structure constructed for use as a sober living home shall be of a size, scale and design that is in harmony with other residential uses in the vicinity.

14. No person convicted of the illegal manufacture or distribution of a controlled substance shall be an occupant in a sober living home.

15. The applicant for a permit and the holder of a permit shall maintain and provide sufficient documentation and other evidence reasonably required by the City to establish compliance with the requirements of this Section 22-6-9(D). The City shall have the right to inspect such documentation at any time to verify compliance and the permit holder shall make such records available to the City upon the City’s request. However, nothing herein shall be construed to allow the City to violate any resident’s legally recognized right of privacy.

16. No professional counseling, therapy or other treatment shall be provided in the sober living home for any person other than a resident of the sober living home.

17. Failure of the permit holder to comply with or to enforce any of the requirements of this Section 22-6-9(D) shall result in the following penalties: A first violation occurring in any eighteen month period shall result in a fine of five hundred dollars to the permit holder. A second violation occurring within any eighteen month period shall result in a fine of two thousand dollars to the permit holder. A third violation occurring within any eighteen month period shall result in the revocation of the permit to operate a sober living home and no permit shall be reissued to the permit holder, the principals of the permit holder if the permit holder is an entity, or any alter ego of the permit holder for a period of at least two years following such revocation. The City shall have the right to deny a permit to any individual or entity (or their principals or alter ego) that has had more than one revocation of a permit to operate a sober living home.

18. An applicant for a license to operate a sober living home shall at a minimum provide the following information and shall notify the City whenever any of the information provided below changes:

   a. The name, address, and telephone number of the applicant;
   b. The address of the location of the proposed sober living home;
   c. The name, address, and telephone number of each person who has an interest in the ownership or operation of the sober living
home whether personally or through a partnership, corporation, trust or other entity.

d. The name, address, and telephone number of each person who will participate in the operation of the home, none of whom may have a history of operating a similar facility in violation of state or local law.

e. The name and address of all other group homes or similar facilities currently or previously owned or operated by the applicant and all persons described in subsection (19)(d) above, in Orem or any other location.

f. Whether the applicant or any person described in subsection (19)(d) above has ever had a license to operate a group home suspended or revoked and the reasons therefore.

19. The City may deny the issuance of a permit to operate a sober living home to a person (including any entity) if the City reasonably finds that issuance of a permit to such person would likely create a direct threat to the health or safety of other individuals or would likely result in substantial physical damage to the property of others. The City may also deny the issuance of a permit if the applicant or any person described in subsection (19)(d) above has a history of operating a similar facility in violation of state or local law.

20. A permit holder who incurs a penalty for a violation of this ordinance or a person who is denied a permit to operate a sober living home shall have the right to appeal such action to the City Manager or his designee at an informal hearing to be held no later than twenty (20) business days following the City’s receipt of the permit holder’s notice of appeal. The notice of appeal shall be in writing and shall be delivered to the City Recorder either in person or by certified U.S. mail within ten (10) business days of the person’s receipt of notice of the imposition of the penalty or denial of the permit. The notice of appeal shall identify the appellant, set forth the nature of the action that is being appealed, and state the grounds for appeal. Within ten (10) business days of the hearing, the City Manager or his designee shall issue a decision either affirming or reversing the imposition of the penalty or denial of the permit. Any person who is aggrieved by the City Manager’s decision may file for relief in any court of competent jurisdiction within thirty (30) days of the City Manager’s decision.

21. The City shall prepare an administrative plan for the enforcement of the provisions of this Section 22-6-9(D).

Any permit issued pursuant to this Section shall be nontransferable and shall terminate if the structure is devoted to a use other than a sober living home or the structure fails to comply with all building, safety, health and zoning requirements of the Orem City Code applicable to similar structures. Violation of the requirements listed above shall be grounds for terminating the permit and the owner/operator shall thereafter be required to discontinue the use of the premises as a sober living home.


E. Youth Transitional Home. Upon application to the Department of Development Services, the Director of Development Services or his designee shall grant a permit for the establishment of a youth transitional home (SLU Code 1262) in a residential or Highway Services zone if the applicant meets the following requirements:

1. The facility is licensed by the State of Utah as either a “Residential Treatment Center” or a “Therapeutic School” and conforms to all applicable standards and requirements of the Utah State Department of Human Services and the owner/operator has obtained all licenses required by the State to operate such a facility

2. The facility conforms to all State and local building, safety, health, and zoning requirements applicable to similar structures.

3. The facility is operated for the primary purpose of helping individuals under the age of 18 who have emotional, psychological, developmental, or behavioral dysfunctions or impairments to acquire and strengthen the social and behavioral skills necessary to live independently in the community.

4. The facility is occupied only by individuals under the age of 18 and paid, professional staff members. Notwithstanding the foregoing, one of the residents may be 18 years of age provided that the State of Utah has provided a waiver of age as to such person. In no case, shall any resident be older than 18 years of age.

5. The facility shall not house more than eight individuals.

6. Residency in the facility shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility. A youth transitional home shall not include any persons referred by the Utah...
State Department of Corrections, any adult or juvenile court or the juvenile justice system.

7. No individual who has an impairment due to addiction of any controlled substance or alcohol and currently uses such controlled substance or alcohol will be a resident.

8. The facility shall not be made available to or occupied by any individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

9. At least three off-street parking stalls are provided to serve the needs of residents, visitors, and staff members.

10. A youth transitional home located in an existing residential dwelling shall be capable of use as a youth transitional home without structural or landscaping alterations that would change the structure’s residential character. Any new structure constructed for use as a youth transitional home shall be of a size, scale, and design that is in harmony with other residential uses in the vicinity.

11. No persons convicted of a sex-related offense, an offense involving violence, or the illegal manufacture or distribution of a controlled substance shall be an occupant in a youth transitional home.

12. A youth transitional home shall not provide outpatient treatment.

13. The facility is not located closer than 1320 feet (1/4 mile) to any other youth transitional home as measured in a straight line between the closest property lines of the lots on which they are located.

14. The applicant for a permit provides sufficient documentation and other evidence reasonably required by the City to establish compliance with all of the above criteria.

Any permit issued pursuant to this Section shall be nontransferable and shall terminate if the structure is devoted to a use other than a youth transitional home or the structure fails to comply with all building, safety, health and zoning requirements of the Orem City Code applicable to similar structures. Violation of the requirements listed above shall be grounds for terminating the permit and the owner/operator shall thereafter be required to discontinue the use of the premises as a youth transitional home.

F. Home Day Care Services-Child & Adult (SLU Code 6263). Home Day Care Services include a (1) Home Adult Day Care Facility, (2) Home Child Day Care, Small, (3) Home Child Day Care, Medium, and (4) Home Child Day Care, Large, as defined in Section 22-2-1. Home Day Care Services are permitted in residential zones subject to the following requirements:

1. Home Adult Day Care facilities and Large and Medium Home Child Day Care facilities must comply with the site plan requirements set forth in Section 22-14-20.

2. All Home Day Care Services shall be properly licensed by the State of Utah Department of Human Services, where required. All Home Day Care Services except for Home Child Day Care, Small must also obtain a business license from the City of Orem in accordance with the provisions of Chapter 12 prior to operating the business.

3. Home Adult Day Care is limited to the care of no more than six (6) functionally impaired adults, including the provider's own dependent adults. The care must be provided in the residence of the care provider.

4. All Home Day Care Services must be clearly incidental to and secondary to the residential use of the dwelling unit.

5. All residents, visitors and employees who arrive at the home in connection with the Home Day Care Service shall be legally parked on the lot occupied by the residence or on that part of the street which immediately abuts the lot.

6. No Home Day Care Service may be operated in a dwelling that has an accessory apartment.

7. There shall be no signage of any kind visible from the street or from any neighboring residence.

8. All play areas used by a Home Child Day Care facility shall be fully enclosed with a six foot (6') fence and all Home Child Day Care facilities shall have an outdoor play area. Play areas and play structures shall not be located in front yards nor in side yards adjacent to dedicated streets.

9. Out of door activities are not permitted between the hours of 9:00 p.m. and 8:00 a.m.

10. A Home Day Care Service provider may have only one (1) nonresident employee. At least one off street parking space shall be provided for such employee. The residential driveway (including garage) may be used for this purpose provided that each of the provider's own vehicles and those of family members can be parked in the driveway and not on the street.

11. All Home Day Care Services may operate on a twenty-four hour basis provided that the business does not generate more than two car trips per hour between the hours of 9:00 p.m. and 6:00 a.m.
12. A Home Day Care Services provider may care for no more than two (2) unrelated children or one (1) family on a twenty-four (24) hour basis.
13. A Home Day Care, Large shall comply with all City building and fire codes. The City may require building and fire inspections for all Home Day Care Services. A Home Child Day Care, Small provider that is required by the State to have a building/fire inspection may contract with a private building and fire inspector approved by the State of Utah Department of Human Services.


G. Private Schools and Commercial Day Care Services (SLU Codes 6261 and 6262). Private Schools and Commercial Day Care Services are Commercial Day Care Services are defined to include (1) Commercial Child Day Care Facilities, and (2) Commercial Adult Day Care Facilities. Commercial Day Care Services shall be allowed in residential zones only upon the issuance of a conditional use permit and must, at a minimum, meet the following requirements:

1. Commercial Day Care Services shall only be allowed on properties adjacent to either a collector or an arterial street.
2. A Commercial Day Care facility shall not be established within two thousand six hundred and forty feet (2640') of another Private School or Commercial Day Care facility.
3. Commercial Day Care Services shall comply with the site plan requirements set forth in Section 22-14-20.
4. The entire area of the front yard setback shall be landscaped except for permitted driveways.
5. No more than two car trips per hour shall be generated before 5:30 a.m. or after 9:00 p.m.
6. The site plan shall be configured so that no vehicle will back out on to a dedicated street. Parking and turn-around areas shall be located in the side or rear yard unless the site includes a circular driveway.
7. The rear yard shall be enclosed with a six-foot (6'), sight-obscuring fence. All gates shall be self-closing and self-locking.
8. The exterior building design shall resemble a single-family residential dwelling in harmony with any neighboring residential dwelling units.
9. A maximum of one wall sign no greater than six square feet (6ft²) in area shall be allowed unless otherwise prohibited as part of the conditional use permit. The sign shall be designed to minimize the visual impact on surrounding properties.

10. There shall be no exterior evidence of a business other than a permitted sign. No activities connected with the operation of the Commercial Day Care facility shall be conducted in the front yard or in a side yard adjacent to a street with the exception of parking in a permitted drive-way and use of the front entrance to enter and exit the building.

11. All residents, visitors and employees who arrive at the facility in connection with the Commercial Day Care facility shall be legally parked on the lot occupied by the facility or on that part of the street which immediately abuts the lot.
12. Commercial Day Care Facilities shall obtain a license from the State of Utah Department of Human Services, where required. Private Schools and Commercial Day Care Facilities must also obtain a business license from the City of Orem in accordance with the provisions of Chapter 12 prior to operating the business.
13. Applicants for site plan approval of private schools shall submit an engineered traffic flow and parking plan showing sufficient ingress and egress, drop-off areas, traffic flow, and parking spaces so that parking for school functions will be contained on the site and the school will not adversely affect surrounding properties. The Planning Commission shall review the plan and based on the City Engineer's recommendations may modify the site plan and impose additional requirements in order to meet all projected needs of the site for traffic flow and parking.


H. Private Schools and Commercial Day Care Services (SLU Code 6813) Private Schools (SLU Code 6813). Private Schools are defined as private (1) primary schools, and (2) secondary schools. Private schools are allowed in residential zones only (1) on property adjacent to a public primary or secondary school, or (2) on property located across the street from a public primary or secondary school where the street is an arterial or collector street. Private schools located in residential zones must also meet all of the following requirements:

1. Private Schools shall comply with the site plan requirements set forth in Section 22-14-20. In addition to the requirements of Section 22-14-20, the site plan must meet the following additional requirements:
a. The site plan shall be configured so that no vehicle will back out onto a dedicated street.

b. Parking and turn-around areas shall be located in the side or rear yard unless the site includes a circular driveway.

c. The site shall be designed with an on-site drop-off location with room for stacking of vehicles sufficient to accommodate the anticipated number of students.

d. The site plan shall include a traffic circulation and parking plan that provides adequate: (1) ingress and egress, (2) traffic flow, and (4) parking spaces so that parking for school functions will be contained on the site and the school will not adversely affect surrounding properties.

An applicant for a site plan for a private school shall obtain a traffic study prepared by a licensed engineer for the proposed site. The traffic study must demonstrate that the proposed site plan meets all of the requirements of this Section. The Planning Commission shall review the site plan and may impose additional requirements in order to meet all projected needs of the site for traffic flow and parking.

2. The entire area of the front yard setback shall be landscaped except for permitted driveways.

3. No more than two car trips per hour shall be generated by the private school before 5:30 a.m. or after 10:00 p.m.

4. A pickup and drop-off location must be located on site for students and be part of a continuous motion of traffic flow to prevent vehicles from backing out onto a public right-of-way.

5. A six foot (6’) foot fence shall be installed and maintained on all parts of the perimeter of the private school property that is adjacent to property that is zoned or used for residential purposes.

6. In a residential zone, a monument sign no greater than thirty-six (36) square feet and six (6) feet high shall be allowed. The sign shall be designed to minimize the visual impact on surrounding properties.

7. A private school located across the street from a public primary or secondary school must be on a lot with a minimum of one (1) acre and a maximum of two (2) acres. The lot must have been in existence on December 1, 2008, and not have been combined with any other lot or parcel subsequent to that date.

8. A private school shall not front on a cul-de-sac.

9. Lighting on a building or lighting for parking or play areas shall be shielded downward to minimize the impact and glare to neighboring residential uses. No recreational areas that are part of the private school site plan shall be lighted after 10:00 p.m. or before 7:00 a.m.

10. Private schools shall obtain a license from the State of Utah Department of Human Services, where required. Private schools must also obtain a business license from the City of Orem in accordance with the provisions of Chapter 12 prior to operating the business.

11. Parking shall be provided at the ratio of two (2) stalls for every teaching station and one (1) stall for every six (6) students age sixteen (16) or older.


I. Accessory Apartments. Accessory apartments shall be allowed only in owner-occupied single-family dwellings and in such other dwellings as may be specifically designated by ordinance, but shall not be allowed in any R5 zone or PRD.

1. A dwelling shall be considered owner-occupied only if the owner uses the dwelling as his/her primary dwelling and mailing address. For purposes of this section, the term “owner” shall mean:

   a. The person (defined for purposes of this section as a human being and not including any other legal entity except as elsewhere expressly allowed) listed as the owner of record in the records of the Utah County Recorder.

   b. In the event that more than one person is listed as an owner, the owner shall be the person(s) who owns at least a 50% equity interest in the property. Each person listed on the title shall be presumed to hold an equal equity interest in the property unless otherwise clearly specified. In the event that no single person has a 50% equity interest in the property, a single-family dwelling shall not be considered owner-occupied unless the total
equity interest in the property owned by the occupants is at least 50%.

c. In the event that title to a dwelling is held in the name of a trust, the occupant(s) of such dwelling may be considered the owner for purposes of this section only if such person(s) created the trust primarily for estate planning purposes, placed the dwelling in such trust, and retains at least a 50% primary beneficial interest in the dwelling.

d. Notwithstanding any other provision to the contrary, no person claiming ownership by virtue of his/her status as one of the following classes of individuals shall be deemed an owner for purposes of this section:

(1) A person with only an option to purchase a single-family dwelling.

(2) The children or other relatives of an owner.

(3) Any person other than a spouse or child of the owner who is listed on the title to a single-family dwelling without having paid fair market value for their interest in the property.

(4) Any beneficiary of a trust whose interest is secondary or subordinate to the interest of a primary beneficiary.

(5) A person with a contract to purchase a single-family dwelling.

(6) A person who meets the technical definition of owner by virtue of any transaction or agreement that is not bona fide or serves no legitimate purpose other than to meet the technical definition of owner under subsections (a), (b) or (c) above.

e. Nothing contained herein shall be construed to allow more than one family to occupy either a single-family dwelling or an accessory apartment.

f. For purposes of establishing that a single family dwelling is owner occupied, the purported owner shall have the burden of proving his/her status as the owner pursuant to the criteria outlined in this section and of providing documentation to the City to prove that the person qualifies as an owner under this section.

g. Owner occupancy for a dwelling with an accessory apartment shall not be required when:

(1) The owner cannot live in the dwelling because of a bona fide temporary absence of three years or less for a temporary job assignment, sabbatical, or voluntary service;

(2) The owner was living in the dwelling immediately prior to leaving for the temporary job assignment, sabbatical, or voluntary service; and

(3) The owner intends to make the dwelling his/her primary place of residence upon returning from the temporary job assignment, sabbatical or voluntary service.

Indefinite periods of absence from the home shall not qualify for this exception.

2. Number of Accessory Apartments. A maximum of one (1) accessory apartment shall be allowed in each owner occupied single-family dwelling.

3. Parking. A single family dwelling with an accessory apartment shall provide at least three (3) off-street parking stalls, each at least eight feet (8’) by sixteen feet (16’) in size. Parking stalls within a garage or carport shall not count toward the three required parking stalls. No more than two (2) parking stalls shall be within the front yard setback and no more than one (1) parking stall shall be within the side yard setback adjacent to a street. Parking areas and driveways shall be paved with concrete, masonry, or concrete pavers. Exception: If the primary residence includes a three (3) car garage or three (3) car carport, all three (3) parking stalls in front of the garages or carports may be counted toward the required number.

4. Utility Meters. A single family dwelling with an accessory apartment shall have no more than two (2) meters for each water, gas, and electricity utility service and each meter shall be in the property owner’s name.

5. Minimum Size - Maximum Size. The size of an accessory apartment shall be at least three hundred (300) square feet. An accessory apartment shall not exceed twelve hundred (1200) square feet nor shall it contain more than two (2) bedrooms. In addition, the single-family dwelling shall maintain a minimum of one thousand (1000) square feet of finished living space separate from the accessory apartment.

6. Building Code. All construction and remodeling shall comply with building codes in effect at the time of construction or remodeling.

7. Building Entrances. A new single-family structure approved with an accessory apartment shall not have a separate entrance at the front of the building or side of the building facing a street where the sole purpose of the entrance is to provide access to the accessory apartment. An accessory
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4. Noncommercial swimming pools are permitted as accessory uses in residential zones. Subsection J., dealing with swimming pools does not include hot tubs or jacuzzis.


K. Guest Houses. Guest houses are not permitted in any residential zone.


22-6-10. Miscellaneous Regulations for Residential Zones.

A. Parking and Storage of Trucks, Trailers and Recreational Vehicles.

1. No truck, motor vehicle or commercial trailer which exceeds the rated capacity of one and one-half (1 1/2) tons shall be stored or parked on any lot or parcel within any residential zone, nor shall any construction, contracting or earth moving equipment, which is not being used for construction within the immediate area, be stored or parked on any lot or parcel in a residential zone. The provisions of this subsection shall not apply, however to recreational vehicles nor accessory vehicles to permitted agricultural uses.

2. Boats, boat trailers, recreational vehicles, or travel trailers may not be placed, kept, or maintained within the front yard areas of any residential zone, except on a paved driveway. Boats, boat trailers, recreational vehicles and travel trailers shall not violate the clear vision area of a corner lot.

(Ord. No. 661, Revised 04/10/1990; Ord. No. O-01-0021, Amended 06/12/2001)

B. Temporary Office. A temporary office or a dwelling temporarily used as an office may be permitted when used in conjunction with the sale of property within a subdivision under construction, provided the temporary office is located on the same tract of land as the subdivision. No temporary office may be used without first obtaining the appropriate permit from the City Manager. A permit therefore shall be valid for not more than one (1) year, and the temporary office or office use shall be removed and discontinued upon the expiration of the permit.

(Ord. No. 661, Revised 04/10/1990; Ord. No. O-01-0021, Amended 06/12/2001)
C. Animals. Animals are allowed in residential zones only if the following conditions are met:

1. The area of the lot on which the animals are kept must be at least one (1) acre except for rabbits, pigeons, ducks, and household pets.

2. Permitted animals shall include:

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<tr>
<th>Animal</th>
<th>Maximum No./Acre</th>
<th>Minimum distance of barns, pens, or corrals from any dwelling or public street</th>
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</thead>
<tbody>
<tr>
<td>Cattle</td>
<td>5</td>
<td>100 ft.</td>
</tr>
<tr>
<td>Horses</td>
<td>5</td>
<td>100 ft.</td>
</tr>
<tr>
<td>Sheep or Goats</td>
<td>6</td>
<td>40 feet from any dwelling on the same lot and 85 feet from any neighboring dwelling.</td>
</tr>
<tr>
<td>Poultry, Fowl, and Turkeys</td>
<td>20</td>
<td>40 feet from any dwelling on the same lot and 85 feet from any neighboring dwelling.</td>
</tr>
<tr>
<td>Rabbits</td>
<td>4</td>
<td>20 ft.</td>
</tr>
<tr>
<td>Pigeons</td>
<td>Unlimited</td>
<td>20 ft.</td>
</tr>
<tr>
<td>Ducks</td>
<td>2</td>
<td>20 ft.</td>
</tr>
</tbody>
</table>

3. The maximum number of dogs or cats four months of age or older shall not exceed two (2) each per lot.

4. Animals may be kept on lots containing less than one (1) acre in a rural residential area when said animals are regulated by restrictive covenants when specifically approved by the Planning Commission as a part of the subdivision.

5. The number of animals in Subparagraph (2) above shall be reduced geometrically if the resident desires to keep and maintain more than one species of permitted animals. Example: If two species are desired, then the number of each species shall be reduced to one-half (1/2). If three species are desired, then the number of each species shall be reduced to one-third (1/3), etc.

6. No animal shall be kept in a residential zone for the purpose of commercial production.

7. The keeping of hen chickens (no roosters) shall be permitted in a residential zone on a single-family lot less than one (1) acre provided the following are met:

   a. Lot Size: Maximum number of chickens:
      5000 square feet 2
      7000 square feet 3
      8000 square feet 4
      9000 square feet 5
      10,000 square feet 6
      20,000 square feet 10
      30,000 square feet 12

   b. Chickens must be kept in a predator resistant coop or chicken tractor at night which shall be set back at least 10 feet from all property lines. The enclosure shall provide sufficient light, air, and space for the chickens.

   c. The enclosure shall not be located in a front yard.

   d. Chickens shall not be permitted to roam free unless in an enclosed rear yard.

   e. Chickens shall not be considered household pets.

   f. Slaughtering of chickens is prohibited.


D. Temporary Building. A temporary building or yard for the storage of construction materials and equipment incidental and necessary to the construction of homes or other permitted structures may be permitted, provided such temporary building or yard is located on the same tract of land on which the home or other building is to be constructed. No temporary building may be used without first obtaining the appropriate permit from the City Manager. A permit therefore shall be issued only to the contractor or builder and shall be valid for not more than one (1) year, at which time the building or yard shall be removed from the premises.

(Ord. No. 661, Revised 04/10/1990; Ord. No. O-01-0021, Amended 06/12/2001)

E. Temporary Parking of a Trailer House. Temporary parking of a trailer house on a lot on which a dwelling unit is being constructed is permitted, subject to the following conditions:

1. A permit to construct a permanent residence on such lot has been obtained from the City Manager.

2. The period of time that the trailer house is placed on the lot shall not exceed one (1) year.

3. The trailer house shall be removed from the lot before the building is occupied.

4. Water and sewerage facilities shall comply with the requirements of the City-County Health Department.

(Ord. No. 661, Revised 04/10/1990; Ord. No. O-01-0021, Amended 06/12/2001)

F. Utility substations. Utility substations or similar facilities are permitted in residential zones subject to the following standards:

1. The primary access must be from an arterial or collector street;

2. An 8-foot high decorative masonry wall shall be constructed and maintained on the property line of all adjoining parcels and along the frontage
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3. The City Council may approve a modification to the wall requirement to allow the wall to enclose only the immediate utility structure and support facility area if the parcel is at least five (5) acres in size and the Council finds that limiting the wall enclosure to the immediate utility structure and support facility area would provide an adequate buffer to neighboring properties;

4. The wall shall be set back at least 20 feet from all streets and shall not be located in a public utility easement unless approved by each utility company in accordance with Section 22-6-8(D)(1)(d);

5. At least 70% of the required setback area from any street shall be landscaped with a combination of grass, shrubs, and/or trees (both deciduous and coniferous) with a minimum of one tree for every forty lineal feet of street frontage (minimum two inch caliper size). The required trees may be clustered;

6. All structures (excluding the required masonry wall shall) be set back from all property lines a distance at least equal to the height of the structure and in no case less than 20 feet;

7. Any driveway accessing a utility enclosure shall be paved from the street right-of-way a distance of at least seventy-five (75) feet; and;

8. The Planning Commission shall be the final approving authority for a utility substation site plan unless a wall location modification is requested in which case the Planning Commission shall provide a recommendation to the City Council and the City Council shall be the final approving authority


G. Conditional Uses in Certain Historic Buildings. Notwithstanding any other provision to the contrary contained in Chapter 22, the professional services specifically enumerated below may be allowed as a conditional use in certain historic buildings in a residential zone. In order to be eligible for a conditional use permit for the enumerated professional services, the following criteria must be met:

1. The property must be designated on the City of Orem local historic site landmark register and the National Register of Historic Places.

2. The historic building property must be located adjacent to a minor arterial or principal arterial as defined in the Orem Street Classification Map, as amended.

3. The City Council finds that the building has an architecture, design or style that is historically significant, unique and aesthetically pleasing.

4. The owner commits to completing significant restoration/remodeling of the historic structure that will result in the beautification and preservation of the historical structure. As part of the conditional use application, the owner shall submit information to the City detailing the restoration, remodeling and other improvements that the owner intends to make to the property. The completion of such restoration, remodeling or other improvements may be made as an express condition of the conditional use permit and failure to complete such required improvements within the time designated by the City Council shall be grounds for revocation of the conditional use permit.

5. The proposed use will not negatively impact the historic character or the defining characteristics of the building and surroundings. The proposed use and any remodeling, renovation or construction must be consistent with the provisions of Section 22-14-25(C).

6. The lot on which the historic building is located is at least 12,000 square feet.

7. Landscaping is provided and maintained on at least seventy percent (70%) of the area contained within the front yard setback and the side yard setback areas.

8. The number of individuals that may be employed on the premises at any one time shall be limited to the number of off-street parking spaces that are provided on the site multiplied by eighty percent (80%)(rounded down to the lowest whole number). In other words, if eight off-street parking stalls are provided, no more than six individuals (8 x .80 = 6.40) may be employed on the premises at any one time. However, no more than ten (10) off-street parking stalls may be allowed on the property, and no more than eight (8) individuals may be employed on the premises at any one time.

9. The applicant shall submit a landscape plan that shows the existing landscaping on the site (including trees, shrubs, bushes and other vegetation) and also shows any landscaping that the applicant proposes to add or remove. The City Council may require alterations to the landscape plan in order to preserve existing landscaping where desirable and to enhance the buffer between
the property and adjacent residential properties. The owner shall maintain the property in conformity with the landscape plan that is approved by the City Council as part of the conditional use permit.

10. A sight-obscuring fence at least six feet (6') in height is installed and maintained along all shared boundaries with adjoining residential properties. No chain link fences shall be allowed.

11. The City Council determines that a conditional use permit is appropriate after consideration of all criteria and after compliance with all requirements of Article 22-4.

12. Permitted signage shall be restricted to one of the following:

a. A wall sign or projecting sign no greater than twelve square feet in size.

b. A monument sign that is no greater than four feet high and sixteen square feet in size and that otherwise complies with the requirements of Section 14-3-2 of the Orem City Code.

No interior lighting of any sign shall be permitted.

13. The Orem City Historical Preservation Advisory Commission (HPAC) shall review any application for a conditional use permit hereunder and shall give its recommendation to the City Council. The HPAC shall review the application for compliance with this Section 22-6-10(G) and shall also consider the standards and criteria of Section 22-14-25 (Historical Preservation) to determine the historic value of the application.

14. Conditional uses shall be limited to the following Standard Land Use Codes:

<table>
<thead>
<tr>
<th>Standard Land Use Code</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>6120</td>
<td>Security &amp; Commodity Brokers, Dealers &amp; Exchanges</td>
</tr>
<tr>
<td>6130</td>
<td>Insurance Agents, Brokers &amp; Related Services</td>
</tr>
<tr>
<td>6150</td>
<td>Real Estate Agents, Brokers &amp; Related Services</td>
</tr>
<tr>
<td>6152</td>
<td>Title Abstracting</td>
</tr>
<tr>
<td>6154</td>
<td>Combination Real Estate, Insurance Loan &amp; Law</td>
</tr>
<tr>
<td>6220</td>
<td>Photographic Services – Including Commercial</td>
</tr>
<tr>
<td>6231</td>
<td>Beauty &amp; Barber Shops</td>
</tr>
<tr>
<td>6233</td>
<td>Massage Therapy</td>
</tr>
<tr>
<td>6330</td>
<td>Travel Arranging Services</td>
</tr>
<tr>
<td>6381</td>
<td>Internet Services</td>
</tr>
<tr>
<td>6392</td>
<td>Business &amp; Management Consulting</td>
</tr>
<tr>
<td>6514</td>
<td>Chiropractic &amp; Osteopaths Services</td>
</tr>
</tbody>
</table>

H. Cemeteries. Cemeteries are permitted in the R8, R12, R20, and OS5/ROS zones subject to the following standards:

1. landscaping shall be maintained in all areas not covered by markers, structures or other improvements; and
2. no ceremonies, wakes, services, events, celebrations, or organized activities shall be conducted before 7:00 a.m. or after 9:00 p.m.

I. Water Treatment Plants (Purification) (SLU 4831) and Water Storage Tanks (SLU 4832). Water treatment plants (purification) and water storage tanks are permitted in the R12 zone subject to the following standards:

1. the site is located at least 4910 feet above mean sea level (MSL);
2. the entire site is landscaped except for areas covered by buildings, parking, driveways or other improvements; and
3. Water storage tanks shall not protrude more than five feet (5') above ground level.

J. Enclosing Existing Carports. Attached carports in existence as of March 2000 which do not meet current setbacks and are at least five (5) feet from the side property line and twenty-five (25) feet from the front property line are permitted to be enclosed provided the following requirements are met:

1. The existing footprint of the carport shall not be increased unless the portion that is increased meets current Code requirements.
2. The nonconforming setback shall not be made more nonconforming by reducing the existing setback.
3. Existing carports encroaching on easements shown on a recorded plat of the property shall not be enclosed unless the utility easement(s) is/are vacated through a plat amendment.

4. The proposed conversion from carport to garage meets all applicable building and zoning codes and a building permit is issued for the conversion.


K. Amateur Radio. This section shall apply to amateur radio (“ham radio”) antennas and support structures.

1. General Regulations. Amateur radio antennas and support structures are allowed as a permitted use in all zones up to a height of forty-five (45) feet. All amateur radio antennas and support structures shall comply with the following requirements.

   a. All facilities shall comply with any pertinent regulations of the Federal Communications Commission (FCC) and the Federal Aviation Administration (FAA).

   b. A building permit is required for any support structure over twelve (12) feet in height.

   c. No more than one amateur support structure per lot may be installed. A support structure may only be located in the rear or side yard of a home or primary structure. A roof-mounted antenna shall be allowed provided that the height of the antenna does not exceed twelve (12) feet.

   d. Setbacks for all amateur radio support structures shall be at least twenty feet (20’) from neighboring property lines and a minimum of thirty feet (30’) from any public right of way.

   e. A support structure shall be composed of nonreflective galvanized steel or aluminum and shall be a neutral color or a color to match the background against which it will be most commonly seen.

   f. Antennas are to be installed on a building or property in the least conspicuous location possible.

   g. A support structure in a residential zone may not make use of guy wires.

2. Conditional Use for Additional Height. A conditional use permit may be granted by the City Council to allow amateur radio antennas and support structures to exceed 45 feet in height if it finds that the additional height will not create any negative impact or that the adverse negative impacts of such facilities at a greater height can be substantially mitigated. It is the intent of the City to reasonably accommodate antennas and support structures to the greatest extent practicable without negatively impacting the aesthetic quality of the neighborhood in which they are located. Antennas and support structures will generally not be allowed at a greater height to the extent the greater height negatively impacts the aesthetics of the neighborhood in which they are located. In determining whether amateur radio antennas and support structures should be allowed to exceed 45 feet in height, the City Council shall consider the following factors:

   a. The potential negative impact that the structure will have on the views of properties in the neighborhood. Special consideration shall be given to the impact on the views of attractive natural features such as Mount Timpanogos, Cascade Mountain, and Utah Lake.

   b. The potential negative impact that the structure will have on the overall aesthetic quality of the neighborhood in which the structure is located.

   c. The potential impact the structure may have on property values in the neighborhood in which the structure is located.

   d. The need of the owner/operator for an antenna and support structure in excess of 45 feet.

   e. The extent to which any negative impacts of the structure can be mitigated. Factors that may reduce the negative impact that a structure will have on the aesthetic quality of a neighborhood and which may be made a condition(s) for the allowance of a height greater than 45 feet include but are not limited to the following:

      (1) Setbacks from adjoining property that significantly exceed the required setbacks listed in subsection (1)(d) above.

      (2) The current existence and use of trees or other means to screen or camouflage the structure.

      (3) The use of a retractable support structure which is retracted when not in use or which is fully extended only during limited hours.

      (4) The location of a support structure adjacent to land that is undeveloped and not likely to be
developed due to topography or other characteristics.

(5) The location of a support structure in or adjacent to commercial property, churches, schools, parks or similar property such that the support structure will not impair the views of residential property owners.

(6) Any other factor that could reasonably mitigate the negative impact of the structure.

The existence of one or more of the conditions listed above does not create a presumption that the negative impacts of an antenna or antenna support structure are adequately mitigated.

3. Abandonment. An antenna structure shall be deemed to be abandoned and must be removed if the antenna is not used for a period of two (2) years or more. However, this two year period shall not run during any time when the owner is away on a temporary leave of absence due to military service, a volunteer service assignment or ecclesiastical assignment.

(Ord. No. O-2011-0006, Enacted 03/08/2011)

L. Beekeeping.

1. Definitions.
   a. Apiary: Any place where one (1) or more colonies of bees are located.
   b. Beekeeper: A person who owns or has charge of one (1) or more colonies of bees.
   c. Beekeeping Equipment: Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards, and extractors.
   d. Colony: Bees in any hive including queens, worker, or drones.
   e. Hive: A frame hive, box hive, box, barrel, log, gum skep, or other artificial or natural receptacle which may be used to house bees.
   f. Honeybee: The common honeybee, Apis mellifera species, at any stage of development, but not including the African honeybee, Apis mellifera scutellata species, or any hybrid thereof.

2. Purpose: The purpose of this article is to authorize beekeeping subject to certain requirements intended to avoid problems that may otherwise be associated with beekeeping in populated areas.

3. Certain Conduct Unlawful: Notwithstanding compliance with the various requirements of this article, it shall be unlawful for any person to maintain an apiary or to keep any colony on any property in a manner that threatens public health or safety or creates a nuisance. Furthermore, it is a violation of this ordinance to maintain an apiary or keep any colony that constitutes a nuisance due to its impact on the neighborhood. For the purposes of this section, a colony or apiary constitutes a nuisance when:
   a. the honeybees travel to any neighboring property to such an extent that the residents of that property are unable to fully enjoy the use of their property without coming into conflict with honeybees; or
   b. there is a resident on adjacent property who has a known allergy to bee stings.

4. Hives on Residential Lots:
   a. As provided in this section, an apiary may be maintained in the rear yard of residential lots as provided below:
      (1) No more than two (2) hives in residential zones R5, R6, R6.5, R7.5 and R8.
      (2) No more than three (3) hives in residential zones R12 and R20, but if the residential lot is ½ acre or larger, then an apiary with no more than five (5) hives may be maintained.

5. Beekeeper Registration: Each beekeeper shall be registered with the Utah Department of Agriculture and Food as provided in the Utah Bee Inspection Act set forth in Title 4, Chapter 11 of the Utah Code (1953 as amended).

6. Species Allowed: Beekeepers are allowed to keep honeybees as defined in Section 22-6-10.L.1.f.

7. Hives:
   a. Honeybee colonies shall be kept in hives with removable frames which shall be kept in sound and usable condition.
   b. Hives shall be placed at least fifteen (15) feet from any property line and six (6) inches above the ground, as measured from the ground to the lowest portion of the hive.
   c. Hives shall be operated and maintained as provided in the Utah Bee Inspection Act, Title 4, Chapter 11 of the Utah Code (1953 as amended).
   d. Each hive shall be conspicuously marked with the owner’s name, address, telephone number, and state registration number.

8. Flyways:
   a. A hive shall be placed on property so that the general flight pattern of the honeybees is in a direction that will deter honeybee
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contact with humans and domesticated animals.

(1) If any portion of a hive is within twenty-five (25) feet from an adjacent property line or public access point as measured from the nearest point on the hive to the property line, a flyway barrier at least six (6) feet in height shall be established and maintained around the hive except as needed to allow access.

(2) Such flyway shall consist of a solid wall, a fence, dense vegetation, or a combination thereof, and must extend at least ten (10) feet beyond the hive in each direction so that honeybees are forced to fly to an elevation of at least six (6) feet above ground level over property lines in the vicinity of the apiary.

(3) Such flyway may not violate any other provision in Chapter 22 of the Orem City Code.

9. Water: Each beekeeper shall ensure that a convenient source of water is available to the colony continuously between March 1 and October 31 of each year. The water shall be in a location that minimizes any nuisance created by honeybees seeking water on neighboring property.

10. Beekeeping Equipment: Each beekeeper shall ensure that no bee comb or other beekeeping equipment is left upon the grounds of an apiary site. Upon removal from a hive, all such equipment shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.

11. Violation and Penalty: The keeping of honeybees in violation of this ordinance is prohibited. Any violation of this section shall be a criminal misdemeanor pursuant to Orem City Code Section 22-1-6 and subject to the provisions of Orem City Code Section 22-1-3.

(Ord. No. O-2011-0019, Enacted 10/18/2011)

M. Historical Barns and Sheds on Residential Lots. In an effort to preserve barns and sheds that are a part of Orem’s historical heritage, a barn or shed built before 1940 (hereinafter referred to as an “historical barn or shed”) that was used in conjunction with fruit farming and that becomes nonconforming due to the subdivision of property on which it is located (because it becomes the primary structure/use on a residential lot due to the subdivision) may continue as a legal nonconforming use subject to the following requirements:

1. The historical barn or shed shall continue to be used in association with fruit farming and/or personal use. The shed may be used to store equipment, supplies, machinery, packaging, crates, tools, tractors, sprayers, mowers, sprays, etc. in support of fruit farming. The barn or shed may also be used for personal use and storage. However, the barn or shed may not be used for any commercial use other than fruit farming.

2. The historical barn or shed shall be the only primary use on the lot on which it is located

3. The historical shed shall be maintained in a clean and neat manner. Weeds shall be mowed or removed. Other than currently licensed vehicles, no items of any kind including vehicles, supplies, debris, tools, packaging, equipment, containers, paper, boxes, tractors, sprayers, trash, tires, etc., shall be stored or left outside the historical shed or barn.

4. No signage shall be allowed on a lot on which an historical barn or shed is located other than the restoration of an historical wall sign that is painted on the barn or shed where the sign is more than fifty years old.

5. The historical shed or barn shall be removed before any residential dwelling may be built on the lot.

6. When a residential lot is created that contains an historical barn or shed, all other requirements for subdivided residential lots shall be required and enforced.

7. Any animals on the lot shall meet the requirements of Section 22-6-10C.

8. The minimum size of the shed or barn must be at least 150 square feet.

9. The historical shed or barn shall be maintained and preserved so as to be safe for current use. The roof shall be maintained and repaired so as to maintain a dry interior.

10. The owner of the lot shall demolish the shed or barn and remove all evidence of the shed or barn if the building is determined to be unsafe by the Chief Building Official of Orem as outlined in the “The Uniform Code for the Abatement of Dangerous Buildings.”

11. The owner shall remove any historical barn or shed that fails to comply with any of the above provisions.

(Ord. No. O-2012-0022, Enacted 08/14/2012)
Article 22-7. Planned Residential Developments (PRD)

22-7-1. Title.

The ordinance contained in Article 22-7 shall be known as the "Planned Residential Development Ordinance" or "PRD Ordinance."


22-7-2. Purpose.

A. The purpose of the PRD Ordinance is to create diverse and quality housing in the City of Orem.


B. The purpose of the PRD Ordinance is accomplished by:

1. Allowing densities higher than a typical residential development;
2. Establishing standards for landscaping, building and site design, public safety, parking, aesthetics, traffic circulation, fencing, lighting, and other similar site improvements; and
3. Requiring standards that enable PRDs to fit into the surrounding neighborhoods.


22-7-3. Legislative Findings.

The City Council makes the following findings:

A. After consultation with homeowners' groups, housing industry representatives, and municipal officials, the primary concerns with multifamily developments are related to residential density, design issues, and fitting in with existing neighborhoods. The preference is for Orem to be predominantly a single-family community and secondarily a multifamily community.


B. Requiring standards for multifamily housing will help preserve the quality of housing in the future.


C. Residents and local officials in Orem prefer to see multifamily housing dispersed throughout the City.


D. Although multifamily housing has enjoyed a strong market demand as an alternative to the traditional single-family housing, additional standards for multifamily housing are necessary to ensure adequate light, air, privacy, and open space for each dwelling unit, and to protect residents from the harmful effects of excessive noise, population density, traffic congestion, and other adverse environmental effects.


E. Planned Residential Developments can contain both single-family and multifamily housing in the PRD zone as long as strict standards require Planned Residential Developments to fit in with the surrounding neighborhoods.


F. Planned Residential Developments should be at least one and one-half (1.5) acres in size to meet the intent of the PRD Ordinance.


22-7-4. Where Allowed, Types and Uses.

A. A Planned Residential Development, hereinafter referred to as a PRD, is a permitted use in the PRD zone and is not permitted in any other zone.


B. In order to preserve property adjacent to I-15 for commercial and office uses, effective April 22, 2015, the PRD zone may not be applied to any property located in the following areas:
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A. Concept Plan. A concept plan shall be submitted with every application to apply the PRD zone to a parcel of property. The concept plan shall at a minimum include the following:

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

All development in a PRD zone shall be developed in substantial conformance with the concept plan approved as part of the PRD zone application. An approved concept plan shall be made a part of Appendix “RR” of the Orem City Code. An approved concept plan may be modified in the same manner as an amendment to the zoning ordinance.

(Ord. No. O-2016-0003, Enacted 01/12/2016)

B. Site Plan.

1. Anyone desiring to develop a PRD in the PRD zone shall first submit a Development Review Application for site plan approval. The applicant shall provide all requirements of the site plan to the City before the City considers the application submitted and before action is taken. The application for a site plan shall include all necessary fees and documentation required by this Article.

2. The Development Review Committee shall review the site plan and give its recommendations to the Planning Commission.

3. The Planning Commission is the final approving authority for all PRD site plans.


C. Final Plat.

1. The site plan must be approved by the Planning Commission before the final plat can be approved.

2. The developer shall submit a Development Review Application for final plat approval of all or part of the PRD together with all required fees. The final plat shall be prepared by the developer's surveyor and engineer.

3. The Development Review Committee shall review the final plat and give their recommendations to the Public Works Director.

4. The City Engineer is the final approving authority for final plats and shall approve the application request if it meets the requirements of the approved site plan and all applicable City ordinances.

5. Failure to submit a final plat within two (2) years of the date of approval of the site plan shall terminate all proceedings and render approval of the site plan null and void. The final plat shall expire and be void one (1) year after approval by the City, unless the Office of the Utah County Recorder has recorded the plat.

22-7-6. Form and Contents of the Site Plan and Amended Site Plan.

A. Submittal. The applicant shall submit the site plan for a PRD to the Department of Development Services. At that time the applicant shall pay a fee in an amount established by Resolution of the City Council. No development, construction, revisions, or additions shall take place on the site until the Planning Commission has approved the site plan, the City has recorded the final plat, and the developer has posted the necessary bonds and obtained the appropriate permits. Applicants for amended site plans for PRDs shall follow the same procedures, pay the same fees, and be bound by the same development standards and requirements as applicants for site plans for PRDs. The City Manager or designee has the authority to make minor amendments to the site plan where such amendments are in compliance with the ordinance and the site plan is not materially altered.

B. Contents of Site Plan. The site plan for a PRD shall be a document consisting of one or more pages of maps and drawings drawn to scale. The applicant shall submit five (5) copies of the proposed site plan to the Department of Development Services. One of the copies shall be 11” x 17”, and the other four copies shall be at least 8 ½” x 11”, but not larger than 24” x 36”. The applicant shall also submit one computer aided design (CAD) drawing on a computer disk formatted and compatible with the City's computer system of each sheet of the site plan. The developer shall submit a site plan drawn to a scale large enough to clearly show all details and in any case not smaller than sixty feet (60’) to the inch. The site plan for a PRD shall include the following items:

1. Name of Development
2. Name and address of applicant.
3. Name and address of owner of property.
4. North arrow.
5. Scale of drawing.
6. Area of lot in square feet.
7. Lot line dimensions.
8. A vicinity map containing sufficient information to accurately locate the property shown on the plan.
9. Tabulation table in the following format:

<table>
<thead>
<tr>
<th>Total Consolidated Open Space</th>
<th>Acreage</th>
<th>Percent of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Number of Parking Spaces:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Covered: _____</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Uncovered: _____</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

10. Names and locations of fronting streets and locations and dimensions of public streets, private streets, and driveways.
11. Footprints of existing and proposed buildings and structures to include a notation of each unit's height above the grade.
12. Location and size of existing and proposed sewer lines and manholes, storm drains and manholes, supply main valves, water lines, culverts, and fire hydrants within the tract and within two hundred (200) feet of the boundaries of the proposed development.
13. Location of existing and proposed fire protection devices.
14. Location, dimensions, and distance to property lines of existing and proposed drive access.
15. Location and dimensions of existing and proposed curbs, gutters, and sidewalks.
16. Location and dimensions of off-street parking spaces.
17. Location and type of surface water drainage system.
18. Detailed landscape plan showing the specific types and locations of landscaping prepared by a landscape architect licensed to practice in Utah. The underground sprinkling system shall be included as a part of the landscape plan.
19. Drawings of proposed structure elevations, including covered parking, showing the height, dimensions, appearance, materials proposed, and percentage of each material used on each building elevation.
20. Location and description (height, materials) of existing and proposed fences.
21. Location and description (dimensions, distance to property lines and type of lighting (direct or indirect)) of existing and proposed signs.
22. Location of consolidated open space.
23. Location and type of solid waste disposal facilities.
24. Traffic analysis as required by Section 22-7-12(M) of this Chapter.
25. Traffic circulation plan showing that development of the PRD will not hinder
coordinated development of adjacent undeveloped land or land to be developed as part of the PRD.

26. Dwellings and other structures, parks, playgrounds, common areas and facilities, limited common areas, private areas and facilities, and other improvements within the PRD.

27. A security lighting plan.

28. Soils study as required by Section 22-7-1(1) of this Chapter.

29. A map of existing and proposed contours drawn at two foot intervals with spot elevations showing existing and proposed finished grades.


22-7-7. Site Plan Review and Approval for PRDs.

A. The procedure for site plan approval shall be as follows:

1. Development Review Committee. The Department of Development Services shall forward the proposed site plan to the Development Review Committee for initial review. The Development Review Committee shall review the site plan while considering whether it complies with the Orem General Plan and all City ordinances, resolutions, and policies. The site plan shall comply with the Orem General Plan and all City ordinances, resolutions, and policies before the Planning Commission can review the application.

2. Planning Commission. The Planning Commission shall review the site plan and be the final approving authority for all site plans for PRDs. The Planning Commission shall consider whether the proposed site plan complies with all City ordinances, resolutions, and policies when reviewing a site plan for a PRD.


B. The applicant shall not amend or change any approved site plan without first following the procedure for approval of site plans.


C. The Planning Commission may impose conditions on the site plan to mitigate dangerous hazards where there is substantiated evidence that a real safety hazard exists.


22-7-8. Final Plat.

A. The form and contents of the final plat shall contain all of the requirements listed in Article 17-5 of the Orem City Code. The final plat shall also contain the following information:

1. A designation of common areas, limited common areas, and private ownership areas.

2. For condominiums, three dimensional drawings of buildings and building elevations. In the case where the PRD is a condominium project, the developer shall submit a written statement by an attorney who is licensed to practice in Utah. This written statement shall be the attorney's opinion that the condominium declaration, the subdivision plat and the other supporting documentation comply in all respects with the Utah Condominium Ownership Act (UCA Sec. 57-8-1, et seq.) as well as all applicable federal, state and local laws and ordinances and that when the office of the Utah County Recorder has recorded the condominium declaration and final plat, the proposed project will be a validly existing and lawful condominium project in all respects.

3. Written copies of any required agreements with property owners adjacent to the proposed PRD, or with any other person.

4. Written approval of adjoining ditch or canal companies authorizing mandatory fencing of canals or piping of ditches.

5. Plat restrictions, lot restrictions, and other information required by the Planning Commission or City Council.


B. PRD site plans may be built in phases as long as each phase of a PRD complies with all of the requirements of this ordinance, except, however, that a phase of a PRD may be less than 1.5 acres.


C. The Director of Public Works shall approve the final plat of the PRD provided he/she finds that:

1. The applicant has redrawn the site plan to incorporate all the requirements as approved by the Planning Commission and has submitted the corrected site plan with the final plat.

2. The applicant has incorporated all of the improvements and conditions of the approved site plan into the final plat.

3. The City Engineer has approved all construction drawings of the PRD.
D. The City shall record the final plat after it obtains all of the required signatures and after it receives all of the required bonds and fees.


The City shall not issue a building permit for any project until the final plat has been recorded by the City.


22-7-10. Completion of Improvements.

The developer must complete all of the improvements required by the approved site plan for the final plat within one year of the date of recording of the final plat. 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.


22-7-11. Completion and Maintenance of Site.

Every PRD shall conform to the approved site plan. The applicant or any other person or entity shall not add any structures or make any improvements or changes to a PRD that did not appear on the approved site plan. The applicant and subsequent owners and applicable associations shall maintain all improvements shown on the site plan in a neat and attractive manner. Failure to complete or maintain a PRD in accordance with this Article and with the approved site plan is a violation of the terms of this Chapter. The City may initiate criminal and/or civil legal proceeding against any person, firm, entity or corporation, whether acting as principal, agent, property owner, lessee, lessor, tenant, landlord, employee, employer or otherwise, for failure to complete or maintain a PRD in accordance with this Article and with the approved site plan.


22-7-12. Development Standards and Requirements.

The City requires the following development standards and requirements with all PRDs.

A. Density. A PRD may be developed at a maximum density of seven (7) dwelling units per gross acre. However, the maximum density may be increased in the following situations:

1. A PRD located north of Center Street and between Interstate 15 and 1200 West may be developed at a maximum density of sixteen (16) dwelling units per gross acre.

2. A PRD located between 1660 South and 1746 South between Sandhill Road and Interstate 15 may be developed at a maximum density of sixteen (16) dwelling units per gross acre.

3. In order to encourage redevelopment of dilapidated or blighted areas, the total number of allowable dwelling units in a PRD may be increased by three (3) additional dwelling units for every principal residential structure that is removed from the property on which the new PRD is located. However, the total density including any bonus for removing an existing dwelling may not in any case exceed twenty (20) units per acre for a PRD located north of Center Street and between Interstate 15 and 1200 West, may not exceed sixteen (16) units per acre for a PRD located between 1660 south and 1746 south between Sandhill Road and Interstate 15, and may not exceed eight (8) units per acre for PRDs located in all other areas of the City.


B. Height.

1. General height requirement. Except as provided in subsection (2) below, structures shall be limited to one story above grade. However, a primary structure may have a second story only if (1) the structure does not have a basement and (2) the area of the second story that has headroom of five feet or more is limited to seventy-five percent (75%) of the first story floor area. No part of a structure shall exceed a maximum height of thirty feet (30') above grade.

2. Specific height requirements. Structures in PRDs located north of Center Street and between Interstate 15 and 1200 West, and structures in PRDs located between 1660 South and 1746 South between Sandhill Road and Interstate 15 shall not exceed three (3) stories above grade and shall not exceed a height of forty (40) feet above grade.


C. Minimum Area. The minimum area required for any PRD shall be one and one-half (1.5) contiguous acres.

D. Setbacks. The following setbacks for primary structures shall apply in the PRD zone:

1. Except as provided below, setbacks from any property not part of the PRD and from all public streets shall be at least twenty-five (25) feet. The setback when adjacent to a separated sidewalk shall be thirty-two (32) feet to the garage and twenty-nine (29) feet to all other parts of the structure as measured from the back of curb. The side setback adjacent to a separated sidewalk shall be twenty-four (24) feet from back of curb.

2. Single story units in a PRD built at a gross density of six (6) units per acre or less shall be set back at least twenty feet (20') from any other property not a part of the PRD.

3. Setbacks from Interstate 15 right-of-way and commercially zoned properties shall be at least 10 feet.

4. All primary structures within the PRD zone shall be set back at least eight (8) feet from all other primary structures.

E. Utilities. The public sewer system and the public water supply shall serve all dwellings. All utilities shall be underground. The developer shall individually meter natural gas and electricity for each individual dwelling except that with apartment developments each building is required to have a minimum of one meter for natural gas and electricity. Compliance with the provisions of Chapter 21 of the Orem City Code for water meter connections is required. No water or sewer lines shall be located under covered parking areas.

F. Fences.

1. Perimeter Fences. Developers shall erect a fence with a minimum height of six feet (6') on the perimeter of all PRDs, except that no fence is required along street frontages. However, if the applicant desires a fence along a street frontage, the Planning Commission may approve the fence upon a favorable recommendation from the City Traffic Engineer that the fence does not interfere with traffic safety. The perimeter fence shall have a consistent design throughout the project and use the same construction materials for the entire fence. The purpose of the fencing requirement is to buffer the surrounding residential neighborhoods from the PRD and to buffer the PRD from surrounding commercial and manufacturing uses. The Planning Commission may waive the fencing requirement if the topography is such that the fence does not meet the purpose of the fencing requirement. If the developer uses sight-obscuring materials, he/she shall paint the sight obscuring materials with a high-grade oil base paint/sealant that resists graffiti. Vinyl fences and chain link fences with slats do not need to be painted.

2. Patio/Limited Common Area Fences. A patio or limited common area adjacent to the rear of a dwelling unit may be enclosed with a six-foot (6') high maximum fence provided, however, that such fence includes an access gate from the common area. The minimum width and length of the common area leading to the gate shall be fifteen (15) feet. Stacked residential units shall have no fences other than the perimeter fence.

G. Landscaping.

1. All land within a PRD not covered by buildings, driveways, sidewalks, structures, and patios shall be designated as common area and 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. Deciduous trees shall be planted and maintained in the landscape strips located between the curb and the sidewalk adjacent to a public street with at least one tree for every forty feet and spaced no more than forty feet apart. However, trees in a landscape strip may be clustered in situations where the City Engineer determines that such clustering is necessary to avoid interference with public utilities. All landscaping shall have a permanent underground sprinkling system.

2. At least forty percent (40%) of the net acreage (area of the development less public and private streets) of the entire development shall remain permanently landscaped.

3. At least one (1) deciduous tree at least two (2) inch caliper measured four feet (4') above the ground, one (1) evergreen tree at least five (5) gallons in size, and sixteen (16) evergreen shrubs at least five (5) gallons in size are required for every two dwellings.
H. Lighting Plan. All PRDs shall include a lighting plan. The lighting plan shall be designed to:
1. discourage crime;
2. enhance the safety of the residents and guests of the PRD;
3. prevent glare onto adjacent properties; and enhance the appearance and design of the project.

All PRD homeowners’ associations and apartment owners are required to control and meter all outside lighting shown on the lighting plan except for front and back door lighting. The lighting plan shall designate which lighting shall be commonly metered to the association or owner.

(Ord. No. O-97-0040, Enacted 08/12/1997; Ord. No. O-01-0021, Amended, 06/12/2001)

I. Soils Report. For PRDs developed in areas of sensitive soils, a soils engineer shall prepare and submit a report to provide engineering information to determine special engineering needs of the site. A map entitled “Sensitive Soils Map of the City of Orem” which is part of the Orem City Code, Appendix F, and which shall have the force and effect of law shall determine areas of sensitive soils.

(Ord. No. O-97-0040, Enacted 08/12/1997; Ord. No. O-01-0021, Amended, 06/12/2001)

J. Parking. There shall be a minimum of two (2) parking spaces provided for each dwelling, one of which shall be covered. There shall also be a minimum of one half (½) parking space for each dwelling for guest parking within the development. Guest parking shall be located within one hundred fifty feet (150’) of the dwellings served. All parking spaces shall measure at least nine feet (9’) by eighteen feet (18’). Developers shall pave with asphalt and/or concrete all parking spaces, parking areas, and driveways and provide proper drainage. Drainage shall not be channeled or caused to flow across pedestrian walk ways. The architecture of all covered parking structures shall be the same as the architecture of the main structures within the PRD.

(Ord. No. O-97-0040, Enacted 08/12/1997; Ord. No. O-01-0021, Amended, 06/12/2001)

K. Recreational Vehicle Storage. Owners shall not park or store recreational vehicles within a PRD except in an area the City Council has approved as part of the site plan for the storage of recreational vehicles. This requirement, with appropriate enforcement provisions, shall be included in all Covenants, Conditions and Restrictions, that run with the property; homeowners association bylaws; leases; rental agreements; etc. Land included in an approved RV storage area may be counted towards the 50% landscaping requirement; provided however, a maximum of 2% of the net acreage of the project may be used for this credit, so that in no event will the total amount of actual landscaping be less than 48% of the project net acreage. The developer shall enclose RV storage areas with a six foot (6’) high sight obscuring fence and pave the area with concrete or asphalt.

(Ord. No. O-97-0040, Enacted 08/12/1997; Ord. No. O-01-0021, Amended, 06/12/2001)

L. Streets.
1. For the purposes of this Article the following definitions apply:
   a. Public Street shall mean a right-of-way owned and maintained by the City.
   b. Private Street shall mean a vehicular right-of-way owned and maintained privately that has a right-of-way width of less than forty-six feet (46’) and no less than thirty-six feet (36’) in width.
   c. Private Drive shall mean a vehicular right-of-way owned and maintained privately that is less than thirty-six feet (36’) in width and is no less than twenty-four feet (24’) in width.

2. All streets in a PRD approved after January 6, 2016, shall be public. All streets that are shown on the Orem Transportation Master Plan shall be developed as public streets according to the size and general location shown on the Orem City Master Street Plan. The Planning Commission has the authority to require streets in a PRD to connect with other public streets outside the PRD where such connection is necessary for good traffic circulation in the area.

3. A public street that is projected to have average daily traffic (ADT) of 800 or less shall have a minimum right of way width of at least thirty-two feet (32’). All other public streets shall have a right of way width of at least forty-six feet (46’). All public streets in a PRD shall be paved with either concrete or asphalt and shall be constructed in conformance with City standards and specifications. All public streets shall also include curb and gutter on both sides and shall be dedicated to the City.

4. A buffered sidewalk shall be constructed and maintained on both sides of a public street. The buffered sidewalk shall be public and shall consist of a sidewalk at least five feet in width separated from the street by a landscaped planter strip at least eight feet in width. The Planning Commission may waive the buffered sidewalk requirement if it finds that compliance with the requirement would be
functionally or aesthetically inconsistent with existing development located near or adjacent to the PRD.

5. A private drive shall be allowed only if the following conditions are met:
   a. Development of a part of the PRD with a public street is not practicable.
   b. The private drive will not extend to or provide service to another property or parcel not included in the PRD unless there is no reasonable way to access existing parcels contiguous to a public street.
   c. The private drive will not provide access or travel between, or otherwise connect with two (2) or more public streets unless the street or drive is designed to discourage through traffic.
   d. The private drive is designed by a qualified civil engineer and constructed to City standards and specifications.
   e. The private drive is designated on the final plat as a perpetual right-of-way and public utility easement.
   f. All access points from public streets have "Private Drive" signs installed.
   g. The private drive has a minimum width of twenty-four feet (24') and a maximum width of thirty-six feet (36') and is paved with either concrete or asphalt.
   h. No private drive or portion of a private drive that has only one exit (a dead-end) accesses or services more than four units.
   6. A private drive may be required to be wider than the minimum width if necessary to insure traffic and pedestrian safety or to reduce traffic congestion.

M. Traffic Analysis. For PRDs developed in areas adjacent to a public street with a level of service of "C" or worse, or for any project of twenty-five (25) dwellings or more, a professional traffic engineer shall prepare a traffic study to show what traffic mitigation measures may be necessary for the PRD. The Traffic Engineer may impose traffic mitigation requirements based on this or other traffic studies.

N. Off-site Improvements. The City shall require off-site curb, gutter and sidewalk along street rights-of-way bordering the site when the proposed PRD impairs off-site safety or surface water drainage and there is a nexus between the required improvements and the governmental purpose provided the amount of the improvements are roughly proportional to the amount of the off-site impact caused by the PRD.

O. Irrigation Ditches. Developers shall pipe irrigation ditches within the PRD or along street rights-of-way adjacent to the PRD.

P. Storage Areas and Solid Waste Receptacles. All outside storage areas, except RV storage areas, and all solid waste receptacles which are not located within a building, shall be enclosed on at least three sides with the same materials as used on the exterior of the main structures within the PRD.

Q. Exterior Finishing Materials. The front elevation of PRD dwellings shall have at least sixty percent (60%) of its exterior finishing materials of either brick, stone, cultured stone, stucco, wood, or a combination of these materials. The rear and side elevations shall have at least forty percent (40%) of their exterior finishing materials of either brick, stone, cultured stone, stucco, or wood. Architectural trims do not count in the percentages required above.

R. Roof Pitch. The architecture and design of all buildings in a PRD, including roof elevations, shall substantially conform to the architectural renderings included as part of the approved concept plan.

S. Front Facades. The front of each attached dwelling shall have offsetting facades of at least two feet (2').

T. Homeowner's Association. The applicant shall establish a home owners association for every PRD containing common or limited common property, with more than one owner for the purpose of maintaining the PRD. The homeowner's association, the individual property owners, and tenants shall maintain the PRD in accordance with the approved site plan.
U. Consolidation of Open Spaces. All PRDs with a density over nine units per acre shall include at least two (2) or more open spaces in the fifty percent (50%) landscaping requirement. An open space is a single, contiguous landscaped area that may also include recreational facilities such as playground equipment, basketball or tennis court, swimming pool, etc. The consolidated open space shall be at least two hundred twenty-five (225) square feet for each dwelling unit in the PRD and shall not be located within any required setback adjacent to a public street. Developers shall landscape the open space and design it as a recreational area for both children and adults. The open space shall be designed so that a horizontal rectangle inscribed within it has no dimension less than forty feet (40'). The consolidated open space requirement shall not have more than fifty percent (50%) of the area with slopes more than thirty percent (30%).

V. Storm Water Runoff Plan. All PRDs shall have a storm water runoff plan designed to accommodate a 25-year storm and a detention system with a maximum allowable discharge rate of sixty gallons per minute per acre (60 g.p.m./ac).

W. Existing Homes. No PRD shall include an existing single-family dwelling. If a single-family dwelling exists on the property where a PRD is proposed, the applicant shall plat separately a lot containing the home. The plat shall comply with the requirements of Article 17 of the Orem City Code.


A. Purpose. Prior to the recording of any documents concerning an approved PRD and prior to the issuance of any building permit on ground covered by a PRD, the applicant shall post a bond with the City sufficient in amount to cover the cost of all public improvements required by ordinance, landscaping including sprinkling system, 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 one (1) year of recordation of the approved final plat and that the improvements shall remain free from defects for six (6) months or until April 15 of the following year, whichever is longer. The City shall not release this bond until the City accepts the improvements.

B. 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.

C. Amount. The Public Works 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.

D. 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.

E. The City shall not record the final plat until the developer of the PRD 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 Article 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).

F. An applicant may request an extension from the Public Works Director for the completion of improvements of up to two (2) years. The Public Works Director may grant an extension of one year if the applicant demonstrates good cause for not completing
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the improvements and demonstrates the present ability to complete the improvements.
(Ord. No. O-97-0040, Enacted, 08/12/1997; Ord. No. O-01-0021, Amended, 06/12/2001)

G. If, for any reason, the bonds providing for the guarantee of improvements are insufficient to properly complete the improvements, the developer shall be personally liable to complete the improvements required by this Article.
(Ord. No. O-97-0040, Enacted, 08/12/1997; Ord. No. O-01-0021, Amended, 06/12/2001)

H. 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 PRD. 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 materials shall have a cause of action against the City or the bond for providing labor or materials.
(Ord. No. O-97-0040, Enacted, 08/12/1997; Ord. No. O-01-0021, Amended, 06/12/2001)

22-7-14. Nonconforming PRDs.

The following provisions shall apply to all PRDs constructed or approved prior to August 12, 1997:
A. All PRDs constructed or approved prior to the adoption of this Article on August 12, 1997, shall be built and maintained as shown on the approved site plan, shall be known as nonconforming PRDs, and shall be exempt from the provisions of Article 3 of this chapter.

B. The City Manager, after review by the Development Review Committee, shall have authority to approve minor site plan amendments to a nonconforming PRD provided:
1. The number of units or density shall not be increased.
2. The amount of landscaping shall not be reduced.
3. The number of parking stalls per unit shall not be reduced.
4. The amenities shall not be reduced or substantially changed.
5. The original site plan shall not be materially changed in a way that detracts from the overall safety or aesthetics of the site

6. The proposed amendments to the site plan shall not have a material detrimental effect on other properties in the area.

C. All other site plan amendments and procedures shall comply with the current ordinance.

22-7-15. Expansion of an Existing, Nonconforming PRD.

A. Except as provided in subsection (B) below, an existing, nonconforming PRD may not be expanded unless the entire site is brought into conformity with current ordinance requirements.

B. A parcel of property that is located adjacent to an existing legal, nonconforming PRD may be developed according to the standards contained in this Article 22-7 provided that the following conditions are met:
1. The parcel is at least 16,000 square feet in size.
2. The existing PRD is located on a lot of at least 1.5 acres as of August 1, 2003.
3. The parcel is combined with the existing PRD property to form one lot.
4. All development on the new parcel conforms with the requirements of Article 22-7 and all other City ordinances.
5. The design of all new development including all exterior finish materials is in harmony and compatible with the exterior finish materials of the existing PRD, although use of the same materials is not necessarily required. This requirement may be waived by the Planning Commission in situations where compliance with the exterior finish requirements of 22-7-12(Q) would make compatibility impracticable. Colors of exterior materials including siding, roofing, and brick shall match those of the existing PRD. The new parcel(s) that is combined with the existing PRD may be developed at the density allowed by 22-7-12(A) regardless of the density of the existing PRD.
Article 22-8. Commercial and Professional Office Zones

22-8-1. General Provisions.
22-8-2. Professional Office (PO) Zone.
22-8-3. C1 Zone.
22-8-4. Repealed.
22-8-5. C2 Zone.
22-8-6. HS Zone.
22-8-7. C3 Zone.
22-8-8. Zone Development Standards.
22-8-10. Miscellaneous Regulations for Commercial and Professional Office Zones.
22-8-12. Additional Provisions for the PO Zone.
22-8-16. Commercial Child and Adult Day Care Facilities.
22-8-17. Additional Provisions for Specific Uses.

22-8-1. General Provisions.

A. The objective in establishing commercial and professional office zones is to provide areas within the City where commercial and service uses may be located. (Ord. No. 661, Revised, 04/10/1990; Ord. No. O-97-0047, Amended, 10/2/1997; Ord. No. O-98-0011, Amended, 02/24/1998; Ord. No. O-01-0021, Amended 06/12/2001)


C. Refer to the following Articles for additional regulations:
1. Article III, Nonconforming Uses.
2. Article IV, Conditional Use Permits.
3. Article XIV, Supplementary Regulations.
4. Article XV, Off-Street Parking.
5. Orem City Code, Sign Ordinance.

22-8-2. Professional Office (PO) Zone.

The PO zone is established to create a buffering effect between residential uses and traffic associated with arterial and collector streets; and to promote nonretail professional and service uses that are compatible with adjacent residential uses. (Ord. No. O-97-0047, Enacted, 10/21/1997; Ord. No. O-98-0011, Amended, 02/24/1998; Ord. No. O-01-0021, Amended, 06/12/2001)

22-8-3. C1 Zone.

The C1 zone is established to promote nonretail commercial uses, such as offices and financial institutions, as the primary use and to encourage development in such a manner so as to be compatible with adjacent residential uses. (Ord. No. 661, Revised, 04/10/1990; Ord. No. O-97-0047, Renumbered, 10/21/1997, 22-8-2; Ord. No. O-98-0011, Amended, 02/24/1998; Ord. No. O-01-0021, Amended, 06/12/2001)


22-8-5. C2 Zone.


22-8-6. HS Zone.

The HS zone is established to promote uses most commonly associated with the traveling public and general community shopping. (Ord. No. 661, Revised, 04/10/1990; Ord. No. O-97-0047, Renumbered, 10/21/1997, 22-8-5; Ord. No. O-98-0011, Amended, 02/24/1998; Ord. No. O-01-0021, Amended, 06/12/2001)

22-8-7. C3 Zone.

The C3 Zone is established to promote retail commercial and service uses on a regional basis. (Ord. No. 661, Revised, 04/10/1990; Ord. No. O-97-0047, Renumbered, 10/21/1997, 22-8-6; Ord. No. O-98-0011, Amended, 02/24/1998; Ord. No. O-01-0021, Amended, 06/12/2001)

22-8-8. Zone Development Standards.

<table>
<thead>
<tr>
<th>Minimum Lot area in square feet unless listed as acres.</th>
<th>PO</th>
<th>CI</th>
<th>C2</th>
<th>CI</th>
<th>HS</th>
</tr>
</thead>
<tbody>
<tr>
<td>18000* * * * * *</td>
<td>7000</td>
<td>7000</td>
<td>3 acres*</td>
<td>½ acre</td>
<td></td>
</tr>
</tbody>
</table>

Setbacks

(Minimum). From Dedicated Streets:

From an adjoining Property in a non residential zone:

From an adjoining property in residential zone: ***25' 10' 10' 40' 10'
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**Structure Heights.**

<table>
<thead>
<tr>
<th>PO</th>
<th>C1</th>
<th>C2</th>
<th>C3</th>
<th>HS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum:</td>
<td>8'</td>
<td>8'</td>
<td>8'</td>
<td>8'</td>
</tr>
<tr>
<td>Maximum:</td>
<td>35'</td>
<td>48'</td>
<td>60'</td>
<td>35'***</td>
</tr>
</tbody>
</table>

* Parcels smaller than three (3) acres shall only be allowed pursuant to Section 22-8-14(D).

** Building setbacks from 800 North in the PO and C3 zones shall be according to "Appendix I."§22 8-9 ZONING

*** Exception: The maximum height for structures located in the C3 zone which are set back no less than one hundred fifty feet (150') from a residential zone shall be sixty feet (60').

**** No portion of any building shall be located closer to a residentially zoned property than a distance equal to the height of that portion of the building (applicable to all commercial zones listed above).

***** Building setbacks and landscaping requirements for lots located adjacent to State Street shall be measured from the back of an existing or required sidewalk.

****** The PO zone may not be applied to an area of less than one acre.

**NOTE:** In all commercial zones, except the PO and C3 zones, the height limitation shall not apply to belfries, cupolas, domes not used for human occupancy, chimneys, ventilators, sky lights, cornices, antennas, or properly screened mechanical appurtenances. In no case shall the height of belfries, cupolas, domes not used for human occupancy, chimneys, ventilators, sky lights, cornices, antennas, or properly screened mechanical appurtenances exceed a height of seventy-five feet (75') measured from the average finished grade of the yard in which the structure is located. In no case shall that portion which exceeds the sixty foot (60') height exceed fifty percent (50%) of the gross floor area of the uppermost floor of the building.


**22-8-9. Landscaping.**

A. In all commercial zones, except the PO and C3 zone, a landscaped berm consisting of lawn, shrubs and/or trees shall be provided. Landscaped berms shall be at least as wide as the required setback and be maintained along the right-of-way line of dedicated streets, except as provided below:

1. Where a parcel is a corner lot, the total landscaping required shall be equal to the length of the property (in feet) on the longer side adjacent to the street multiplied by the distance of the required setback. The amount (in square feet) of landscaping required by this formula shall be distributed as follows: Landscaped berms at least ten feet (10') in width shall be located adjacent to the right-of-way lines of both streets. The balance of landscaping required by the formula may be placed anywhere else on the parcel and need not be adjacent to a street.

2. Where a parcel has frontage on at least two (2) streets but is not a corner lot, a landscaped strip in width less than the required setback may be allowed as follows:

   a. A ten foot (10') strip may be allowed on streets other than arterial streets, provided the strip is bermed and is developed in accordance with a detailed landscaping plan approved by the Planning Commission. In its review, the Planning Commission shall consider the proposed location, number, size, and type of plants, the type of irrigation system proposed, the plan's compliance with the Orem Tree Planting Plan, and other similar factors. Frontage along arterial streets shall have landscaped berms at least as wide as the required setback of the zone.

   b. A five foot (5') strip may be allowed on streets other than arterial streets provided the strip is sloped down to the public right-of-way from a concrete or concrete block retaining wall with a minimum slope of 3:1 (three feet horizontal to one foot vertical) and is developed in accordance with a detailed landscaping plan approved by the Planning Commission. In its review, the Planning Commission shall consider the proposed location, number, size, and type of plants, the type of irrigation system proposed, the plan's compliance with the Orem Tree Planting Plan, and other similar factors. Frontage along arterial streets shall have landscaped berms at least as wide as the required setback of the zone.

3. No landscaping shall be required where vehicular accesses are permitted.


B. Trees authorized in appendix "U" shall be planted in the landscaped areas adjacent to the right-of-way line in all commercial and professional office zones. The number of trees shall be one tree for every forty (40) linear feet of landscaping adjacent to any street right-of-way. The trees may be spaced evenly or
clustered within the landscaped area required along the right-of-way.


C. All required trees, unless otherwise specified in this Article, shall be at least one and one-half inches (1 1/2") in caliper, and shall be at least eight feet (8') in height, when planted.


D. Each landscape area shall be at least five feet (5') long and five feet (5') wide. The plan showing the planting areas shall show the general location, number, and type of plants along with provisions for an irrigation system.


E. Concrete curbs shall be provided between landscaped areas and off-street parking areas.


F. No Certificate of Occupancy shall be issued for any building on any portion of a development until the landscaping is in place or a bond, cash deposit, or equivalent, is deposited with the City conditioned on and guaranteeing the installation of all landscaping shown on the approved landscaped plan. All landscaped areas shall be maintained in a neat, clean, orderly and sightly condition. This shall include proper pruning, lawn mowing, weeding, removal of litter, fertilizing, replacing of dead plants and the regular watering of all plantings. Failure to maintain the landscaping as provided herein shall be a violation of this chapter and enforceable as provided by law.


G. Landscaping within the PO and C3 Zones shall be as follows:

1. A landscaped berm consisting of lawn, shrubs, and/or trees shall be installed and maintained along the right-of-way line of dedicated streets. The landscaped berms shall be at least twenty feet (20') wide in the PO Zone, and twenty-five feet (25') wide in the C3 Zone. Berms shall be varied in height to create a more natural look, and shall meander within the landscaped width.

2. In the C3 Zone, a ten (10) foot wide landscaped strip of lawn, shrubs, and trees shall be provided along the masonry fence required in subparagraph (A) of Section 22-14-19(E) of this Chapter. Trees shall be Norway Maples, Littleleaf Lindens, or some other tree approved by the Urban Forester of the City of Orem, and shall be planted a distance of three feet (3') from the masonry fence required in subparagraph (A) of Section 22-14-19(E) of this Chapter. No impervious material shall be placed closer than three feet (3') from the trunk of the tree. Trees shall be at least two inches (2') in caliper, and shall be spaced no more than thirty feet (30') on center, unless otherwise specified in this Article. An underground sprinkling system shall be provided to each tree.

3. Landscaping adjacent to 800 North Street shall be:

a. A minimum of thirty-one feet (31') in width on the south side of 800 North Street with a six foot (6') wide sidewalk, as shown on "Appendix I," or
b. A minimum of thirty-five feet (35') in width on the north side of 800 North Street with a ten foot (10') wide meandering sidewalk, set back a minimum of ten feet (10'), as shown on "Appendix I."

All landscaped areas shall include a combination of trees, shrubs, bushes, vines, flowers and lawn, and shall be maintained in accordance with good landscaping practices. All landscaping shall have an automatic underground sprinkling system. Landscaped berms shall have either deciduous trees of Norway Maples, Littleleaf Lindens, or some other tree approved by the Urban Forester of the City of Orem, or evergreen trees of a variety approved by the Urban Forester of the City of Orem with the deciduous trees at least two inches (2") in caliper or the evergreen trees eight feet (8') in height with the number of trees being at least one (1) tree for every thirty feet (30') of street frontage and residential lot line frontage.

4. Landscaped islands at the end of each row of parking shall be installed to delineate all on-site driveways. Each island shall have at least one (1) deciduous tree; when the site is in the C3 Zone and the landscaped island is within seventy-five (75) feet of a dedicated street right-of-way or within fifty (50) feet of a street front, no trees shall be required. In the C3 Zone all double rows of parking shall have either:

a. A five foot (5') wide landscaped island located between each row of double row with at least one (1) deciduous tree planted for
every fifty linear feet (50') of that landscaped island (rounded up to the nearest whole number), or

b. A landscaped island, no smaller than eight feet (8') wide and thirty-two feet (32') long, located at least every one hundred and twenty-five feet (125'), measured from the end island closest to the building. Each island shall contain at least one (1) deciduous tree.


22-8-10. Miscellaneous Regulations for Commercial and Professional Office Zones.

A. Storage of Merchandise. The storage of merchandise outside an approved building shall be in an area approved as a part of the site plan and shall be within an area enclosed with a sight obscuring fence of at least six feet (6') in height; provided, however, that promotional displays, vehicle sales lots, and plant materials may be displayed outside of an approved building or enclosed area so long as they are placed appurtenant to a building wherein the business displays the bulk of its goods for sale. This subsection shall not apply to the sale of Christmas trees. Landscaped areas shall not be used for the displaying of merchandise.


B. Maintenance of Premise. No excessive dust, offensive odor, smoke, intermittent light, or noise shall be emitted which is discernible beyond the zone boundary lines, except that which emanates from the movement of motor vehicles. Premises shall be maintained in such a manner so as to avoid unreasonable interference with adjacent uses and to avoid public nuisances.


C. Site Lighting. All lighting shall be designed to minimize direct glare to adjoining residences.


A. The requirements of this Article shall run with the land and be binding on successors, owners and tenants so long as the buildings are occupied or the use exists.


B. The owners of a commercial or professional office development which contains more than one parcel of record or which has more than one owner may be required by the approving authority to submit documents to the City Attorney for approval which assure unified control of the development.


C. Any person who desires to occupy vacant floor space, or to change the use of floor space shall be required to first obtain a certificate of occupancy from the City. Any person constructing or altering a building in the commercial or professional office zones shall first obtain a buildingpermit from the City for such construction or alteration, and then shall obtain a certificate of occupancy from the City before the building being constructed or altered is occupied.


D. A certificate of occupancy shall contain statements that the building or proposed use of a building or land complies with the various ordinances of the City regulating building construction or uses. A record of all certificates shall be kept on file in the City and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.


E. If the City Manager determines that the developer, tenant, manager, owner or any other interested person, firm or corporation has failed to maintain the premises consistent with all applicable zoning, health, safety, and building codes and ordinances, the City shall so notify said persons, firms or corporation by written notice specifying the deficiency complained of, and unless such failure is corrected to the satisfaction of the City within thirty (30) days, such failure or deficiency shall be deemed to constitute a "public nuisance" which may be abated in any lawful manner including but not limited to the
manner set forth in Chapter 8 of Title 10, Utah Code Annotated 1953, as amended.

F. No person shall store junk, partially or completely dismantled vehicles, or salvaged materials in any commercial or professional office zone outside a building or area enclosed with a sight obscuring fence.

G. All solid waste storage facilities shall be located at the rear of the main building or within an area enclosed with a sight-obscuring fence or wall. The minimum access width to a solid waste storage facility shall be fifteen feet (15').

H. A caretaker facility is a permitted use in the C2 zone. The caretaker facility shall be an accessory use only, i.e. incidental to and customarily found in conjunction with the principal use, and shall:
   1. Be attached to or located within any structure of the principal use, and be consistent with the architecture and appearance of the main building, and not have a total square footage that exceeds one-thousand (1,000) square feet or ten percent (10%) of the total area of the building square footage on the site, whichever is less.
   2. Only be a minor part of the principal use.
   3. Have a minimum of two (2) parking spaces dedicated for the caretaker facility.
(Ord. No. O-2011-0015, Enacted 07/12/2011)

22-8-12. Additional Provisions for the PO Zone.

The following additional standards and regulations shall apply to the PO Zone.

A. Architectural Styling. All structures shall have exterior elevations designed with a residential architectural styling. The minimum roof pitch shall be eight feet (8') of rise to twelve feet (12') of run. No more than thirty-five percent (35%) of the exterior of each structure shall be composed of glass, windows, and doors.

B. Floors Above Grade Level. The maximum number of floors above the natural grade shall be two (2). No portion of any structure within one hundred feet (100') of a residential zone shall be more than one (1) floor (the single-floor roofline shall not exceed twenty-four feet [24']) above the natural grade level.

C. Exterior Finishing Materials. The exterior finishing materials for walls shall not include steel, T-111, aluminum, or vinyl. Soffits, facias, and other similar architectural features may be finished with painted metal. No asphalt roofing shingles shall be allowed.

D. Square Footage. Except as provided herein, no structure which is more than one-story above grade shall have any one-floor level exceeding six thousand five hundred (6500) square feet. Structures with only story above grade shall not exceed seven thousand five hundred (7500) square feet. Site plans three (3) acres in size or larger may include single story buildings with footprints up to 10,000 square feet. Site plans five (5) acres in size or larger may include two story buildings above grade with a footprint up to seven thousand five hundred (7500) square feet.

E. Building Setbacks. The minimum building setback from the back of curb line from 800 North Street shall be thirty-six feet (36') on the south side of 800 North Street and forty feet (40') on the north side of 800 North Street as shown on "Appendix I."

F. Parking Setbacks. The minimum parking setback from any public street right of way, except 800 North, shall be ten feet (10'). For developments along 800 North Street, the minimum parking setback from the 800 North Street back of curb line shall be thirty-one feet (31') on the south side and thirty-five feet (35') on the north side as shown on "Appendix I." The minimum parking setback from any adjoining residential lot line shall be ten feet (10').

G. Sidewalk Easement. The developer of any site in a PO Zone along 800 North shall dedicate a sidewalk easement ten feet (10') from the 800 North Street back of curb line. The easement shall be six feet (6') in width on the south side of 800 North Street and ten feet (10') in width on the north side of 800 North Street as shown on "Appendix I."
H. Vehicular Access. No site shall be designed in such a way as to prevent vehicles from exiting the site in a forward direction. No parking stall shall be designed to allow backing directly on to any public street.


I. Parkway Design. The developer of any site in a PO Zone along 800 North shall install a landscaping berm and a sidewalk adjacent to the 800 North right of way as shown on "Appendix I." The developer/owner shall maintain the landscaping strip with acceptable landscaping practices. Landscaped strips shall contain berms and shall have either deciduous trees of Norway Maples, Littleleaf Lindens, or other variety as approved by the Urban Forester of the City of Orem with the trees at least two inches (2") in caliper with the number of trees being at least one tree for every thirty feet (30') of street frontage.


J. Acceleration/Deceleration Lane. The developer shall dedicate to the City a Acceleration/Deceleration lane adjacent to and parallel with the street if a shoulder lane does not exist.


K. Access to PO developments. All new site plans in the PO zone on 800 North shall be restricted to one (1) vehicular access from 800 North Street. Except, however, a new site plan in the PO zone shall be allowed two (2) vehicular accesses from 800 North Street if the development has more than four hundred (400) feet of frontage along 800 North Street and that the second access be approved by the Planning Commission in a public hearing. The Planning Commission shall consider the following when determining whether to approve a second access from 800 North for a PO development:

1. A traffic impact analysis.
2. The recommendation of the City's Traffic Engineer.
3. The overall safety of the site.
4. The proximity of residences that may be impacted by the proposed access location.
5. The developer's plan to mitigate potential negative traffic impacts.
6. The necessity of the proposed access locations.

In no case shall a new site plan in a PO zone have more than two (2) vehicular accesses to 800 North.


A. All new site plans in the C2 zone on 800 North shall be restricted to one (1) vehicular access from 800 North Street. Except, however, a new site plan in the C2 zone shall be allowed two (2) vehicular accesses from 800 North Street if the development has more than four hundred (400) feet of frontage along 800 North Street and that the second access be approved by the Planning Commission in a public hearing. The Planning Commission shall consider the following when determining whether to approve a second access from 800 North for a C2 development:

1. A traffic impact analysis.
2. The recommendation of the City's Traffic Engineer.
3. The overall safety of the site.
4. The proximity of residences that may be impacted by the proposed access location.
5. The developer's plan to mitigate potential negative traffic impacts.
6. The necessity of the proposed access locations.

In no case shall a new site plan in a C2 zone have more than two (2) vehicular accesses to 800 North.


The following provisions shall apply exclusively to the C3 zone:

A. Public Meeting. No C3 site plan or amended site plan may be approved without first holding a public meeting before the final approving body.


B. Access to C3 developments. All accesses to a C3 development must be approved by the approving body. The approving body shall consider the following when determining the appropriateness of any access to a C3 development:

1. An independent traffic impact analysis, if required by the Development Review Committee.
2. The recommendation of the City's Traffic Engineer.
3. The overall safety of the site.
4. The proximity of residences that may be impacted by the proposed access location.
5. The developer’s attempts to mitigate potential negative impacts to any residences.
6. The necessity of the proposed access locations.


C. Design. The architecture, design theme, and construction materials of the building’s front elevation shall be applied to all exterior walls of the building. The rear of a building and any portion of the building that traditionally gets less attention to aesthetics shall be enhanced by the same architecture and design theme as those portions of the building that get high visibility from the public. The following exterior finish materials are acceptable: brick, fluted block, colored textured block, stucco, and glass. Sheet metal, wood, and corrugated metal shall be prohibited except for trim, soffits, facia, mansards and similar architectural features. Other materials may be used if approved by the Planning Commission. In determining whether or not a particular finishing material is acceptable, the Planning Commission shall consider the following factors:

1. The visibility of the site from neighboring residential uses and adjacent streets.
2. The degree to which the proposed finishing materials are compatible with the appearance of neighboring residential uses.
3. The location of the proposed finishing materials on the building.
4. The degree to which a particular finishing material may be shielded by landscaping or some other feature.


D. Development Size in the C3 Zone. Each development within the C3 zone shall consist of at least three (3) acres of land. No parcel within a C3 development shall be less than three (3) acres in size, unless conditions (1) and (2), or condition (3) are met:

1. The parcel smaller than three (3) acres is an integral part of a contiguous C3 development of at least three (3) acres; and
2. The parcel smaller than three (3) acres is developed simultaneously with or subsequent to a contiguous C3 development of at least three (3) acres; or
3. The parcel smaller than three (3) acres is a legal nonconforming lot with respect to size.


E. Loading and Unloading. The hours of loading and unloading for any business that uses building entrances that face an adjacent residential zone shall be restricted to the hours between 7:00 a.m. and 9:00 p.m.


F. Solid Waste Pick-Up. Solid waste pick-up shall not be between the hours of 9:00 p.m. and 7:00 a.m.


G. Existing Sites. No expansion of any site plan shall be allowed, unless the expansion complies in all respects with the C3 Zone. All new development shall be in compliance with the C3 standards.


H. Site Lighting. A site lighting plan shall be required. All site lighting shall be designed to:

1. Harmonize with the design and architecture of the buildings,
2. Discourage criminal activity on the site, and
3. Prevent direct light from exceeding beyond the site’s perimeter.

Shielded lights shall be required if necessary to adequately reduce glare to adjacent residential developments.


I. Development of Gasoline Service Stations. No gasoline service station shall be located closer than three hundred (300) feet to any adjacent parcel in a residential zone. The distance shall be measured from any building associated with said use to the nearest residential property line.


22-8-15. Additional Provisions for HS Zone

The HS Zone is designed to promote high quality commercial developments that can take advantage of the zone’s close proximity to I-15. The zone is also designed to encourage development that is sensitive to neighboring residential uses and to encourage development that will present a favorable image of the City from I-15. To accomplish these objectives, the
The minimum lot size in the zone shall be one acre. The purposes of this requirement are:
1. To encourage the development of large, well-planned projects designed to serve the area over a long period of time, as opposed to small, hastily conceived projects that do little to add to the overall appearance or economic vitality of the area.
2. To discourage the conversion of existing houses into small, piecemeal commercial establishments.
3. To limit the number of drive accesses onto 1200 West.
4. To present a favorable image of the City from I-15.


B. All buildings shall be completed on all sides with acceptable finishing materials. The following materials are acceptable: brick, fluted block, colored textured block, glass, synthetic stucco and wood. Other finishing materials may be used if approved by the Planning Commission. However, sheet metal and corrugated metal shall be prohibited except for trim, soffits, facia, mansards and similar architectural features. In determining whether or not a particular finishing material is acceptable, the Planning Commission shall consider the following factors:
1. The visibility of the site from I-15 and neighboring residential uses.
2. The degree to which the proposed finishing materials are compatible with the appearance of neighboring residential uses.
3. The location of the proposed finishing materials on the building.
4. The degree to which a particular finishing material may be shielded by landscaping or some other feature.


C. In addition to the factors set forth in Section 22-4-4, the City Council shall weigh and consider the following factors when determining whether a conditional use permit application for the HS zone should be approved, denied, or approved with conditions:
1. Whether or not the proposed development presents a favorable image of the City from I-15.
2. Whether or not the proposed development is appropriate in a zone that is designed to encourage uses that can take advantage of the close proximity of I-15 and 1200 West.
3. Whether or not the proposed development is designed in a manner that minimizes the potential negative impact on neighboring residential uses.
4. If the proposed development involves manufacturing, whether or not the project is designed to protect neighboring uses from noise and other pollution, to be compatible with neighboring uses, to be safe, to be attractive, and to minimize negative impacts normally associated with manufacturing uses.


D. All utilities shall be placed underground in this zone.


E. Youth Rehabilitation. The following conditions and standards apply to uses under SLU Code 1271:
1. The facility shall conform to all applicable standards and requirements of the Utah State Department of Human Services.
2. The facility shall conform to all building, safety, health, and zoning requirements of the Orem City Code applicable to structures in the zone in which it is located.
3. Any facility located in an existing residential dwelling shall be capable of use as a youth rehabilitation facility without structural or landscaping alterations that would change the structure's residential character.
4. The facility must comply with the spacing/separation requirements outlined below. All required distances shall be measured in a straight line between the closest property lines of the lots on which they are located.
   a. The facility shall not be located closer than one (1) mile to any other youth rehabilitation facility.
   b. The facility shall not be located closer than 1000 feet to any school.
   c. The facility shall not be located closer than one-half mile to any other group home including a residential facility for disabled persons, an assisted living facility for elderly persons, a residential facility for elderly persons, a youth transitional home, an...
assisted living facility, or a transitional treatment home.

d. The facility shall not be located closer than 200 feet to any residential dwelling if the facility admits individuals who have committed any sex-related offense, any act of sexual aggression, any offense involving a weapon, or any offense that resulted in serious bodily injury to another person. For purposes of this section, “sexually aggressive behavior” shall mean behavior that involves sexual activity in which the individual has used aggression, force, coercion, or exploitation of another for the purpose of sexual gratification, power or control. The exploitation or coercion may be due to age, size, position, physical and/or mental capacity, etc. Sexual activity includes penetration, touching, fondling, bumping, or rubbing against another for sexual satisfaction.

5. The facility shall have a landscaped front yard.

6. The facility shall have a sight-obscuring fence at least six feet in height enclosing the combined rear yard and side yard to the greatest extent possible without conflicting with the provisions of Orem City Code Section 22-14-19. No chain link fences shall be used in satisfaction of this requirement.

7. The facility shall be of a size, scale and design such that it is in harmony with other residential uses in the vicinity.

8. There shall be a maximum of ten (10) youth assigned to the facility at any one time.

9. At least eight off-street parking stalls shall be provided to serve the needs of residents, visitors, and staff members.

10. The lot on which the facility is located shall be at least one-half (1/2) acre.

11. No person over the age of twenty (20) may be a resident in the facility.

12. No individual whose tenancy the Owner knows or should know through the exercise of reasonable diligence would constitute a direct threat to the health or safety of other individuals or whose tenancy would likely result in substantial physical damage to the property of others shall be allowed as a resident in the facility. The owner or operator of the facility shall conduct an individualized assessment of each person who desires to become a resident of the facility to determine if such person would constitute a direct threat prior to allowing occupancy of the facility by such person. The assessment shall consider any prior criminal or violent acts of each individual, the amount of time that has elapsed since the commission of any such acts, and the treatment or medication received by the individual that may have eliminated the direct threat. The individualized assessment shall be performed by a licensed psychologist, social worker or other person qualified to make such a professional assessment. However, in the case of any resident or potential resident who has committed a sex-related offense or an act of sexual aggression, the individualized assessment shall include a psycho-sexual evaluation of such person performed by a duly licensed psychiatrist or an individual holding a PhD in psychology. The owner or operator of the facility shall be responsible to determine whether any resident or potential resident has committed a sex-related offense or an act of sexual aggression.

13. Prior to the initial occupancy of a youth rehabilitation home and at least quarterly thereafter, the Owner/person or entity licensed or certified by the applicable regulatory state agency shall certify in a sworn affidavit to the City that based on the individualized assessment performed for each resident, no person will or does reside in the facility whose tenancy would likely constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

14. Upon written request of the City, the Owner shall provide to the City any records that are reasonably necessary for the City to verify compliance with the requirements of this section. The Owner shall be entitled to redact any information that would constitute an unwarranted invasion of the privacy of any resident of the facility.

15. For purposes of this Section, the term "Owner" shall include any employee, agent, representative, lessee of the Owner or any other person or entity that the Owner has authorized or allowed to operate a youth rehabilitation home or similar facility on the property.

(Ord. No. O-07-0032, Enacted 06/26/2007)

§22-8-16. Commercial Child and Adult Day Care Facilities.

A. Commercial child and commercial adult day care facilities are permitted uses in the C1, C2, and HS zones.

B. Any person requesting a commercial child or adult day care facility shall comply with the provisions of Section 22-14-20 of this Chapter.

C. In addition to the requirements of Section 22-14-20, the site plan shall show:
1. Off-street loading and unloading areas of children and adults; and
2. An area for out-of-door activities surrounded by a six foot (6') fence; the materials and type of such fences shall also be indicated.

22-8-17. Additional Provisions for Specific Uses.
Climate Controlled Storage units are defined as storage units that are offered for sale, lease, or use as a primary purpose of the building in which they are located and at least forty percent of which units are climate controlled with heating and cooling. In addition to the provisions of all other applicable ordinances, the following additional requirements shall apply to climate controlled storage units:
1. A building housing climate controlled storage units shall have a minimum of two stories with the square footage of the second level equal to at least eighty percent of the first floor.
2. No garage door or door accessing a unit shall face a public street.
3. The area of storage units accessed from the exterior of the building shall not exceed twenty percent of the gross leaseable space of the ground floor.
4. At least forty percent of the units shall be climate controlled with heating and cooling.
5. The ground floor exterior finish materials shall be split-face block, brick, or other cementations material. The second floor exterior finishing materials shall be split-face block, brick, stucco, textured block, or glass.
6. The architecture and finishing materials shall be designed, constructed, and maintained to make all storage unit access doors blend in with the adjacent walls to the greatest extent practicable. The color of all exterior storage unit doors shall match the color of the ground floor façade. No storage building façade shall be more than fifty feet in length without a visual break that creates the appearance of a change in material or depth. This shall be achieved through a change in building material, building projection, or relief measuring at least three inches in width and depth or another architectural variation that meets the intent of this sub-part. All exterior storage unit doors shall be recessed a minimum of twelve inches (12") from the building façade.
7. No more than two (2) climate-controlled storage buildings may be located in the C2 zone.
8. All building facades shall have the appearance of an office and/or retail building through the use of doors, windows, awnings, and other appropriate building elements as approved by the Planning Commission.
Article 22-9. Manufacturing, and Research and Development Zones


A. The objective in establishing manufacturing and research and development zones is to provide areas within the City where accessibility to interstate transportation and arterial streets is convenient, and where the potential for aggregation of related or interdependent industries is significant.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

B. For permitted uses, nonpermitted uses, and uses which require a conditional use permit, refer to Article XIX.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

C. Refer to the following Articles for additional regulations:
   1. Article III, Nonconforming Uses.
   2. Article IV, Conditional Use Permits.
   3. Article XIV, Supplementary Regulations.
   4. Article XV, Off-Street Parking.
   5. Orem City Code, Sign Ordinance.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

22-9.2. M1 Zone.

The M1 zone is established to provide areas where light intensity industrial activities and uses can be developed.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

22-9.3. M2 Zone.

The M2 zone is established to provide areas where heavy intensity industrial activities and uses can be developed.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

22-9.4. CM Zone.

The CM zone is established to provide areas where planned manufacturing parks may be developed. The zone is designed to provide for such uses on well-landscaped sites such that they can be located in proximity to residential uses.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

22-9.5. BP Zone.

The BP zone is established to provide areas for scientific research, development and training, offices, and manufacturing incidental and accessory to such uses. The zone is designed to provide for such uses in a low intensity manner on well-landscaped sites.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)


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<tr>
<th>M1</th>
<th>M2</th>
<th>CM</th>
<th>BP</th>
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<tr>
<td>Minimum Zone Area:</td>
<td>5 Ac</td>
<td>10 Ac</td>
<td>5 Ac</td>
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<tr>
<td>Minimum Lot Area:</td>
<td>1/4 Ac</td>
<td>1/4 Ac</td>
<td>1 Ac</td>
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<tr>
<td>Minimum Frontage:</td>
<td>No Restrictions</td>
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Lot Setbacks (Minimum)

| Front: | 20' | 20' | 30' | 40' |
| Side: | 0 | 0 | 20' | 20' |
| Side when adjacent to a street: | 20' | 20' | 30' | 40' |
| Side without one hour firewall: | 20' | 20' | 20' | 20' |
| Rear: | 0 | 0 | 20' | 20' |
| Rear when adjoining a parcel in a residential zone: | 40' | 80' | 40' | 40' |
| Maximum Structure Heights: | 48' | 60' | 48' | 48' |

NOTE: In all manufacturing and research and development zones the height limitation shall not apply to belfries cupolas, domes not used for human occupancy, chimneys, ventilators, sky lights, cornices, antennas or properly screened mechanical appurtenances. In no case shall the height of belfries, cupolas, domes not used for human occupancy, chimneys, ventilators, sky lights, cornices, antennas or properly screened mechanical appurtenances exceed a height of seventy-five feet (75') measured from the average finished grade of the yard in which the structure is located. In no case shall that portion which exceeds the maximum structure height exceed fifty
percent (50%) of the gross floor area of the uppermost floor of the building.

§22-9-7 Landscaping.

A. In the BP and CM zones a bermed landscaping strip of lawn, shrubs and/or trees in width of at least the required setback shall be provided and maintained along the right-of-way line of dedicated streets, except as provided below:

1. Where a parcel is a corner lot, the total landscaping required shall be equal to the length of the property (in feet) on the longer side adjacent to the street multiplied by the distance of the required setback. The amount (in square feet) of landscaping required by this formula shall be distributed as follows: Bermed, landscaped strips at least ten feet (10') in width shall be located on the right-of-way lines of both streets. The balance of landscaping required by the formula may be placed elsewhere on the parcel in accordance with an approved landscaping plan.

2. Where a parcel has frontage on at least two (2) street but is not a corner lot, a landscaped strip in width less than the required setback may be allowed as follows:

   a. A ten foot (10') strip may be allowed on streets other than arterial streets, provided the strip is developed in accordance with a detailed landscaping plan approved by the City. In its review, the City shall consider the proposed location, number, size, and type of plants, the type of irrigation system proposed, the plan's compliance with the Orem Tree Planting Plan, and other similar factors. Frontage along arterial streets shall have landscaped strips in width at least equal to the required setback of the zone.

   b. A five foot (5') strip may be allowed on streets other than arterial streets provided the strip is sloped down to the public right-of-way from a concrete or concrete block retaining wall with a minimum slope of 3:1 (three feet horizontal to one foot vertical) and is developed in accordance with a detailed landscaping plan approved by the City. In its review, the City shall consider the proposed location, number, size, and type of plants, the type of irrigation system proposed, the plan's compliance with the Orem Tree Planting Plan, and other similar factors. Frontage along arterial streets shall have landscaped strips in width at least equal to the required setback of the zone.

3. No landscaping shall be required where vehicular accesses are permitted.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

B. In the M1 and M2 zones there shall be provided and maintained a landscaped strip ten (10) feet in width, located on the right-of-way line of the street. The remaining setback area shall be maintained free of weeds and debris and may be used for parking or landscaping. The following exceptions to the requirement of this subsection shall apply to corner lots and other lots with double frontage:

1. Where a parcel is a corner lot, the total landscaping required shall be equal to the length of the property (in feet) on the longer side adjacent to the street multiplied by ten (10) feet. The amount (in square feet) of landscaping required by this formula shall be distributed as follows: Landscaped strips at least five feet (5') in width shall be located on the right-of-way lines of both streets. The balance of landscaping required by the formula may be placed elsewhere on the parcel in accordance with an approved landscaping plan.

2. Where a parcel has frontage on at least two (2) streets but is not a corner lot, a landscaped strip less in width than the required setback may be allowed as follows:

   a. A five foot (5') strip may be allowed on streets other than arterial streets, provided the strip is developed in accordance with a detailed landscaping plan approved by the City. In its review, the City shall consider the proposed location, number, size, and type of plants, the type of irrigation system proposed, the plan's compliance with the Orem Tree Planting Plan, and other similar factors. Frontage along arterial streets shall have landscaped strips in width at least equal to the required setback of the zone.

   b. A five foot (5') strip may be allowed on streets other than arterial streets provided the strip is sloped down to the public right-of-way from a concrete or concrete block retaining wall with a minimum slope of 3:1 (three feet horizontal to one foot vertical) and is developed in accordance with a detailed landscaping plan approved by the City. In its review, the City shall consider the proposed location, number, size, and type of plants, the type of irrigation system proposed, the plan's compliance with the Orem Tree Planting Plan, and other similar factors. Frontage along
arterial streets shall have landscape strips at least ten (10) in width.
3. No landscaping shall be required where vehicular accesses are permitted.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

C. Trees authorized in appendix “U” shall be planted in the landscaped areas adjacent to the right-of-way line in all manufacturing and research and development zones. The number of trees shall be one tree for every forty (40) linear feet of landscaping adjacent to any street right-of-way. The trees may be spaced evenly or clustered within the landscaped area required along the right-of-way.

D. All required trees shall be at least one and one-half inches (1-1/2") in caliper, measured four feet (4') above the ground, and shall be at least eight feet (8’) in height.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

E. The total number of required trees per lot shall be calculated as follows:
   1. One (1) tree per thousand (1,000) square feet of landscaped area for the first one (1) acre of lot area.
   2. One (1) tree per two thousand (2,000) square feet of landscaped area for the second through fifth acres of lot area.
   3. One (1) tree per three thousand (3,000) square feet of landscaped area for any lot area in excess of five (5) acres.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

F. Each planting bed shall be at least three feet (3’) long and three feet (3’) wide. The plan showing the planting areas shall show the general location, number, and type of plants along with provisions for an irrigation system.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

G. Curbs shall be provided between landscaped areas and off-street parking areas.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)


A. Where a manufacturing development adjoins any lot in any residential zone, there shall be provided and maintained along such property line a wooden, masonry or other decorative, sight obscuring fence.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

B. All manufacturing activities in the M1, M2, CM, and BP zones shall be conducted entirely within a building, except for loading and unloading, vehicle parking and refueling, itinerant merchants, and the sale of Christmas trees, plant materials, or other seasonal items. Manufacturing Park maintenance equipment may also be stored outside of buildings within an area enclosed with a sight obscuring fence. Any alternate location must be approved by the body approving the site plan.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

C. The storage of merchandise outside an approved building shall be within an area enclosed with a sight obscuring fence of at least six feet (6’) in height; provided, however, that promotional displays and plant materials may be displayed outside of an approved building or enclosed area so long as they are placed appurtenant to a building wherein the business displays the bulk of its goods for sale. This subsection shall not apply to the sale of Christmas trees.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

D. No excessive or offensive dust, odor, smoke, intermittent light, or noise shall be emitted which is discernible beyond the zone boundary lines, except that which emanates from the movement of automobiles. A premise shall be maintained in such a manner as to avoid unreasonable interference with adjacent uses and to avoid public nuisances.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

E. All off-street parking areas, loading areas, and vehicular traffic ways shall be paved.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

F. All outdoor lighting shall be designed to minimize direct glare to adjoining residences.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

G. A caretaker facility is a permitted use in the M1, M2, and CM Zones. The caretaker facility shall be an accessory use only, i.e. incidental to and customarily found in conjunction with the principal use, and shall:
   1. Be attached to or located within any structure of the principal use, and not have a total square footage that exceeds one-thousand (1,000) square feet or ten percent (10%) of the total area of
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the building square footage on the site, whichever is less.
2. Not be rented or leased, but may be considered part of compensation for caretaker services.
3. Only be a minor part of the principal use.
4. Be customarily associated with that particular industry or business in other cities throughout the United States.
5. Have a minimum of two (2) parking spaces dedicated for the caretaker facility.


H. The following additional requirements shall apply to development in the BP zone:
1. No more than thirty percent (30%) of the gross leaseable area (as defined in section 22-15-2) of any building may be devoted to retail uses. However, buildings that are used solely as a restaurant and have at least 3,000 square feet are excluded from this restriction.
2. No restaurant may have a drive-through.
3. For the BP zone area located at approximately 800 North and University Avenue, all development west of the Provo River shall have an architectural and design theme consistent with the existing office building. For development east of the Provo River the architectural and design theme may be different from the west side of the river, but shall be consistent throughout the east side development.


A. The requirements of this Article shall run with the land and be binding on successors, owners and tenants so long as the buildings are occupied or the use exists.

B. The owners of a controlled manufacturing development or a research and development park which contains more than one parcel of record or which has more than one owner may be required by the Planning Commission to submit documents to the City Attorney which assure unified control of the development for approval as to form.

C. The improvements as shown by any approved final site plan shall be started within a period of twelve (12) months after such plan is approved by the City and shall be completed and ready for occupancy within a period of twenty-four (24) months from the date the permit is issued. The completion date may be extended by twelve (12) additional months if the approved site plan includes five (5) acres or more.

D. All building construction shall be in compliance with the International Building Codes as adopted by the City of Orem.

E. Any person who desires to occupy vacant floor space, or to change the use of floor space shall be required to first obtain a certificate of occupancy from the City. Any person constructing or altering a building in the manufacturing and research and development zones shall first obtain a building permit from the City for such construction or alteration, and then obtain a certificate of occupancy from the City before the building being constructed or altered is occupied.

F. The certificate of occupancy shall contain statements that the building or proposed use of a building or land complies with the various ordinances of the City regulating building construction or uses. A record of all certificates shall be kept on file in the City and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected. No fee shall be charged for an original certificate.

G. Every site shall conform to the approved site plan or amended site plan. No structures or improvements may be added to a site that are not included on the approved site plan. All improvements shown on the approved site plan or amended site plan shall be maintained in a neat and attractive manner. Failure to complete or maintain a site in accordance with this Chapter and with the approved site plan shall be a violation of this section. The City may initiate criminal and/or civil legal proceedings against any person, firm or corporation, whether acting as principal, agent, property owner, lessee, employee or otherwise, for failure to complete or maintain a site in accordance with this Chapter and with the approved site plan.
H. No person shall store junk, partially or completely dismantled vehicles, or salvaged materials in any manufacturing or research and development zone, except as authorized by the City Manager, on an approved site plan. Any such authorized storage shall be done entirely within a building or an area enclosed by an eight foot (8') sight obscuring fence.


I. All solid waste storage facilities shall be located at the rear of the main building or within an area enclosed with a sight-obscuring fence or wall measuring one foot (1') higher than the height of the solid waste container. The minimum access width to a solid waste storage facility shall be fifteen feet (15').


J. All building sizes, heights and setbacks are also subject to the requirements of the building code adopted by the City Council, if more restrictive than this Chapter.


K. Any person requesting development within the BP zone that lies within an area identified as a "surface fault rupture zone" as shown on the Map entitled "Utah County Natural Hazards Overlay Zones: Surface Fault Rupture and Earthquake Locations" with all boundaries, notations, and other data shown thereon as much a part of this Chapter as if fully described herein, shall submit with the Development Review Application a geologic report by a certified engineer that includes at least:

1. Maps that show the site location and regional setting of the development property.

2. A geologic map that illustrates actual or potential landslides, fault zones, shallow water tables, expansive or collapsible soils, debris flows, flood areas, and any other pertinent natural or artificial features that might influence the stability of the development property or adjacent property. Actual or probable surface and subsurface relations shall be shown with those relations that are conjectural being clearly labeled as such. The proposed grading, filling, excavation, or structure to be erected shall be shown in relation to the geologic features described above. Any corrective or remedial action necessary to erect any structure shall be shown to be reasonably safe for human habitation.

3. Maps that use a scale of one inch (1") equaling one hundred feet (100') or larger, with contour lines at five foot (5') intervals. Existing contours shall be shown by dashed lines and proposed contours shall be shown by solid lines. Boring logs, cross-sections, test trench logs, soil sample descriptions, and test results shall be included.

4. A written description of the proposed grading, filling, excavation, or structure.

5. A written analysis of the effects of the proposed grading, filling, excavation, or erection of a structure in relation to the geologic conditions shown in the geologic maps.

6. An analysis of the manner in which the structure will be made reasonably safe for human habitation.

7. A list, including title, author and date, of all prior studies or reports that are relied upon to make this report.

8. The original signature and the registration number of the responsible engineering geologist or geotechnical engineer, and a statement of the methods of study.

9. Any other maps or information that the City Engineer may reasonably require.


L. The maximum structure height in the BP Zone may be increased by the City Council with the issuance of a conditional use permit. Any person requesting structure height greater than forty-eight feet (48') shall file with the City a Development Review Application requesting a conditional use permit and shall comply with the requirements of this Section, Article IV of this Chapter, and Section 22-14-20 or Section 22-14-21 as applicable.

Article 22-10. Open Space Zones

22-10-1. Definitions.


22-10-3. Zone Development Standards.

22-10-4. Clustered Development.


22-10-1. Definitions.

Open Space shall mean any area of land or water that (1) is not a part of a residential lot, (2) is devoted to environmental preservation, agricultural production, or outdoor recreation and (3) generally lacks buildings or other structures except for structures that are subordinate to and customarily incidental to the use of the open space.

Clustered (development) shall mean the concentration of structures in a development on a portion of a tract of land with the purpose of creating a consolidated and contiguous area of open space on the remaining land.

Recreational Facilities shall mean facilities designed for recreational uses such as parks, playgrounds, athletic fields, pathways for pedestrians/bicyclists, and other similar uses. Recreational facilities shall not include primary buildings, but may include accessory buildings that are subordinate to and customarily incidental to the primary recreational use (such as maintenance and equipment storage buildings).


A. OS5 Zone. The OS5 Zone is established to promote large lot developments at a density not to exceed one (1) dwelling unit per five (5) acres and to promote the preservation of open space by allowing clustered developments.


B. ROS Zone. The ROS Zone is established to promote large lot developments at a density not to exceed one (1) dwelling unit per one (1) acre and to promote the preservation of open space by allowing clustered developments.


C. Uses. For permitted uses and uses that require a conditional use permit, refer to Appendix “A” of the Orem City Code.


22-10-3. Zone Development Standards.

A. Single Family Dwellings. The following development standards shall apply in the OS5 and ROS zones. Standards for each zone shall vary depending on whether the applicable development is a standard or clustered development.

B. Lots on Geneva Road. Notwithstanding any other provision to the contrary, all residential structures shall be set back a minimum of 100 feet from Geneva Road. No lot in a clustered development may have a driveway access onto Geneva Road.

C. Setback from Agricultural Protection Area or Conservation Easement. All residential structures shall be set back a minimum of 100 feet from a...
D. Accessory Structures.

1. The provisions of Section 22-6-8(B) of the Orem City Code shall apply to all accessory structures in the ROS zone but shall not apply to accessory structures in the OS5 zone except as otherwise provided herein.

2. The standards and requirements set forth below shall apply to all accessory structures in the OS5 and ROS zones:
   a. No more than twenty-five percent of the area of a rear or side yard may be covered by accessory structures.
   b. Accessory structures such as barns, pens, corrals and coops for the keeping of animals and fowl shall be located at least two hundred feet (200') from an adjacent dwelling, at least one hundred feet (100') from the residence on the same lot as the animals are kept, and at least one hundred forty feet (140') from any public street.
   c. Accessory structures not having walls shall be set back a minimum distance of three feet (3') from an interior side or rear property line.
   d. All accessory structures shall be constructed in accordance with the requirements of the International Building Code.
   e. An accessory structure shall not be designed or used as a guesthouse or a separate apartment unit.
   f. Accessory structures (other than those governed by subsection (b)) may not be located any closer to a public street than the required setback for the primary structure.

E. Primary Structures other than Dwellings - OSS 5 Zone Only. The following standards shall apply to primary structures other than dwellings:

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Interior Lot Setbacks:
(Minimum)
Front: 50 feet
Rear: 50 feet
Side yard: *40/20 feet

Corner Lot Setbacks:
(Minimum)
Front: 50 feet
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* This figure indicates the total of both side yard setbacks followed by the minimum amount required on each side of the structure.

22-10-4. Clustered Development.

Except as provided in this Article, the development standards of the R20 Zone shall apply to developments within the ROS zone. The minimum lot size in the ROS zone shall be one (1) acre and the minimum lot size in the OS5 zone shall be five (5) acres. However, land in the ROS zone and the OS5 zone may be developed with smaller lot sizes (without increasing the allowed density) provided that the following standards are met:

A. Clustered Development. All residential lots and dwellings are clustered in a way that creates a consolidated and contiguous area of open space.

B. Minimum Lot Size and Width. Each lot within the clustered development has:
   1. At least 10,000 square feet;
   2. At least 100 feet of lot frontage; and
   3. Direct access to common open space.

C. Attached units. Attached units are not permitted.

D. Open Space in the ROS Zone. The required open space in the ROS zone shall meet the following requirements:
   1. The open space must be a part of a contiguous open area of at least five (5) acres, which may be located on one or more parcels. The open space shall be integrated into the residential development and must consist of large areas suitable for recreational uses. Open areas having any dimension of less than 40 feet or other open areas that are not practicaly useable for recreational purposes because of their location, size, dimensions or other characteristics shall generally not be considered as meeting the intent of the open space requirement.
   2. All open space areas shall be designated as "common area" on the preliminary and final plat with a note indicating that such area(s) must be maintained as open space. Every lot owner in the subdivision shall have an undivided and equal interest in the open space areas. The undivided interest in an open space area may not be separated or sold separately from the ownership of each

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individual lot. Each lot owner is responsible for an equal part of the taxes assessed on the open space areas. No subdivision or development, except for recreational facilities, shall be allowed in any area designated as open space.

3. Prior to the approval of any final plat for a development, the owner/developer of a project shall establish a nonprofit homeowners’ association, a trust or other similar mechanism acceptable to the City (hereinafter collectively referred to as an “HOA”), which shall be formed for the purpose of assuming responsibility for the ongoing maintenance of the open space areas. The owner/developer shall submit all documents necessary for the establishment and function of the HOA to the City for review and approval prior to receiving approval of any final plat. Such documents shall include provisions for the allocation of the costs of open space maintenance between the lot owners, an effective means of enforcement and collection of maintenance costs from the lot owners, and a provision that all property owners within the development automatically become a member and/or participant in the HOA upon obtaining an ownership interest in any lot in the development.

4. The owner/developer of a project shall be responsible for the initial development and installation of all improvements required for the open space areas. The improvements to the open space areas (including sprinkler systems and landscaping where applicable) shall be substantially completed no later than six (6) months after the sale of thirty percent (30%) of the lots in the development. The owner/developer shall also be responsible for the ongoing maintenance and upkeep of the open space areas until such time as at least eighty percent (80%) of the lots in the development have been sold and the owner/developer has transferred the responsibility for maintenance of the open space to the HOA. After the sale of eighty percent (80%) of the lots in the development, the HOA shall be responsible for the maintenance of all open space areas in conformance with the requirements of this Section 22-10-4 of the Orem City Code.

5. All open space must be maintained by the HOA as recreational uses such as parks, playgrounds, athletic fields, pathways for pedestrians/bicyclists, and other similar uses for the common use and benefit of all of the owners of the lots in the development and/or the public. The open space may be dedicated to the City for use as a public park if the City is willing to accept the dedication. Primary buildings may not be constructed in open space areas, but accessory buildings that are subordinate to and customarily incidental to the primary recreational use (such as maintenance and equipment storage buildings) shall be allowed. The open space areas must be maintained free of weeds and controlled in such a way as to prevent the open spaces from becoming a nuisance.

6. If, for any reason the HOA ceases to exist or fails to maintain the open space areas as required, the lot owners shall be equally responsible for such maintenance. If the HOA and/or the owners fail to maintain the open space areas, the City shall have the right to enter upon the open space areas through its employees or contractors to complete the maintenance. The expenses of providing the maintenance plus a surcharge of thirty percent (30%) of the maintenance costs may be assessed against the lots in the development and the City may file a lien against the lots to ensure payment of the costs and the surcharge. Failure to maintain an open space area shall also be considered a violation of this Section 22-10-4 and the City may institute criminal or civil proceedings to enforce the maintenance requirement.

7. Both the preliminary and final plat shall include the provisions of Subsections 22-10-4(D)(5) and (6) of the Orem City Code as covenants, conditions and restrictions that shall be deemed to run with the land.

8. The owner/developer of a project shall be required to record with the office of the Utah County Recorder a separate declaration of covenants, conditions and restrictions which includes all of the provisions listed in subsections 22-10-4(D)(2), (5) and (6) of the Orem City Code as covenants, conditions and restrictions. The declaration of covenants, conditions and restrictions shall be made applicable to all property included within the development.

9. The Planning Commission may deny a preliminary plat and the City Engineer may deny a final plat if the open space shown on the plat does not comply with the provisions or intent of the open space requirements described in this section.

(Ord. No. O-03-0031, Enacted, 07/01/2003)

E. Open Space in the OS5 zone. The required open space in the OS5 zone shall either comply with all of the open space requirements of the ROS zone, or in the alternative shall comply with the following requirements:
1. The open space must be a part of a contiguous area of at least ten (10) acres, which may be located on one or more parcels provided that each parcel is at least five (5) acres in size. The open space need not be designated as common area and may be separately owned and sold apart from the ownership of the separate residential lots. However, the required open space areas may not be subdivided into a parcel of less than five (5) acres.

2. The open space areas may be used only for agricultural uses permitted in the OS5 zone or for noncommercial recreational uses such as parks, playgrounds, athletic fields, pathways for pedestrians/bicyclists, and other similar uses for the use and benefit of the owners of the lots in the development and/or the public. No other use or development shall be allowed in any area designated as open space.

3. Primary buildings may not be constructed in open space areas, but accessory buildings that are subordinate to and customarily incidental to the primary agricultural or recreational use of the open space shall be allowed.

4. The open space areas must be maintained free of weeds and controlled in such a way as to prevent the open spaces from becoming a nuisance.

5. Both the preliminary and final plat(s) shall designate the areas to be kept as open space and shall include the provisions of subsections 22-10-4(E)(2),(3) and (4) as covenants and restrictions that shall be deemed to run with the land.

6. The owner/developer of a project shall be required to record with the office of the Utah County Recorder a separate notice of covenants and restrictions stating that the property is subject to the provisions of subsections 22-10-4(E)(2),(3) and (4) and that said covenants and restrictions run with the land.

(Ord. No. O-03-0031, Enacted, 07/01/2003)

F. Fencing Requirements. All required open space areas in the ROS zone and all residential lots located adjacent to agricultural uses shall include a six-foot (6') high fence along that portion of the property line in common with the adjacent agricultural use.

(Ord. No. O-03-0031, Enacted, 07/01/2003)


A. The area around structures shall be kept free from refuse and debris, and all waste containers shall be concealed from the view of adjacent property.

(Ord. No. O-03-0031, Enacted, 07/01/2003)
Article 22-11. PD Zone

22-11-1. Purpose.

22-11-2. Reserved.


22-11-5. Minimum Area Requirement.

22-11-6. Site Plan and Time for Development.

22-11-7. Repealed.


22-11-10. Repealed.


22-11-12. Repealed.

22-11-13. PD-1 Zone, Between Center Street and 165 South Street and between Orem Boulevard and 200 West Street.

22-11-14. PD-2 Zone, 800 North between 200 East and 400 East.

22-11-15. PD-3 Zone, 800 North between 100 West and 200 East - Repealed.

22-11-16. PD-4 Zone, 800 North at 800 East.

22-11-17. PD-5 Zone, 1200 South to 1400 South between 200 East and 400 West Street.

22-11-18. PD-6 Zone, Timpanogos Research & Development Park.

22-11-19. PD-7 Zone, 100 South between 400 West and 200 West.

22-11-20. PD-8 Zone, Palisades Drive between 600 North and 800 North.

22-11-21. PD-9 Zone, Palisades Drive between 500 North and 600 North.

22-11-22. PD-10 Zone, Northwest Corner of 800 North and 800 East.

22-11-23. PD-11 Zone, 1430 South Sandhill.

22-11-24. PD-12 Zone, Southwest Corner of 1300 South and Main Street.

22-11-25. PD-13 Zone, Southwest Corner of 400 North and Orem Boulevard.

22-11-26. PD-14 Residential Estate Zone.


22-11-28. PD-16 Zone, 400 South 1800 West.

22-11-29. PD-17 Zone, 1200 South Between 20 East and 150 East.

22-11-30. PD-18 Zone, Residential Estate Zone, The Berkshires, 1300 South Carterville Road.

22-11-31. PD-19 Zone, South Rim PRD, 1755 South 750 East.

22-11-32. PD-20 Zone, Jameson Pointe PRD, 1559 South 850 East.

22-11-33. PD-21 Zone, Student Housing Village, 1200 South Geneva Road.

22-11-34. Reserved.

22-11-35. PD-22 Zone, Urban Village.

22-11-36. PD-23 Zone, Midtown Village, 320 South State.

22-11-37. PD-24 Zone, Carrara Estates, 1300 North 400 East and 1600 North 400 East.

22-11-38. PD-25 Zone, Verona, 600 South 800 East.

22-11-39. PD-26 Zone, Tanglewood, 1600 North 1200 West.

22-11-40. PD-27 Zone, Blackhorse Run II, 700 South Geneva Road.

22-11-41. PD-28 Zone, North Pointe Plaza, 1600 North 1300 West.

22-11-42. PD-29 Zone, Siena Villas at Columbia Lane.

22-11-43. PD-30 Zone, Centennial Plaza.

22-11-44. PD-31 Zone, Intermodal Center – 1350 West 100 South.

22-11-45. PD-32, MBARQ Senior Independent Living Facility – 256 East Center.

22-11-46. PD-33 Zone (Transit Oriented Development) – 800 South Geneva Road.

22-11-47. PD-34 Zone (University Place – 1300 South State Street).

22-11-48. PD-35 Zone, 320 West 1360 North.

22-11-49. PD-36 Zone, 1200 North Geneva Road.

22-11-50. PD-37 Zone (Legacy at Orem – 1450 South State Street) PD-38 Zone (Summit Ridge Apartments) – 1697 South 400 East.

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

22-11-52. PD-39 Zone (Cascade Village) - 920 North and State Street.

22-11-53. PD-40 Zone (Sun Canyon Villas) – 460 South State Street.

22-11-54. PD-41 Zone (Wasatch Center Street Apartments) – 1200 West Center Street.

22-11-55. (Pending).


22-11-58. (Pending).

22-11-59. PD-46 (Irving) – 200 East 1200 South.

22-11-1. Purpose and Applicability.

1. The purpose of Planned Development (PD) zones is to provide flexibility in the City’s zoning scheme in order to allow for unique, innovative and well-planned developments that would not be possible under one of the City’s existing zoning classifications. PD zones are not
intended for use in situations where a proposed development is reasonably feasible under one of the City's existing zoning classifications.

2. PD zones are intended for use primarily where no existing zoning classification is both sufficiently permissive to allow uses that would be suitable on the property and sufficiently restrictive to protect the character and quality of neighboring properties. Examples of this type of situation may include, but are not limited to, the following:
   a. Mixed-use developments;
   b. Townhouse or other high-density residential developments;
   c. Where a few uses in an existing zone (such as the C2 zone) would be appropriate on a particular parcel of property, but the remainder of the uses in that zone would not be appropriate;
   d. Where the setbacks, building height limits or other standards of an existing zone are not necessary for the protection of neighboring properties or the general welfare of the City because of the proximity of a parcel of property to a particular landscape feature such as a cliff or a hillside where there would be no negative impact from a relaxation of such standards; and
   e. Where additional setbacks or other buffers are needed to protect neighboring properties from uses to be employed on a parcel of property.

3. The City Council finds that State Street, 800 North, Center Street and University Parkway are vital commercial corridors within the City. The City intends to conduct an intensive study and evaluation of State Street in 2014 to determine among other things, what types of uses are appropriate on State Street, ways to promote redevelopment along State Street, ways to attract new business and enhance the economic viability of the State Street corridor, the extent to which residential uses should be allowed on State Street, measures that can be taken to enhance the visual appeal of State Street, and ways to enhance transportation circulation and walkability. The City Council finds that it is in the best interest of the City to not allow any new PD zones for residential development along State Street, 800 North, Center Street and University Parkway pending the outcome of the State Street study and the City Council’s evaluation of said study. Therefore, effective February 5, 2014, and notwithstanding anything herein to the contrary, no new application will be accepted for the creation of a PD zone that allows residential units within five hundred feet (500’) of State Street, 800 North, Center Street or University Parkway. This prohibition shall remain in effect until modification of this section by the City Council. However, the current intent of the City Council is that this prohibition will be temporary and the City Council intends to reevaluate the appropriateness of residential PD zones along State Street, 800 North, Center Street and University Parkway after completion of the State Street study. Nothing herein shall prohibit the City Council from considering and approving a PD zone allowing residential dwellings along State Street, 800 North, Center Street or University Parkway where the application for the creation of such PD zone was received prior to February 5, 2014.


22-11-2. Reserved.


A concept plan shall be submitted with every application to create a new PD zone. The Planning Commission shall review the concept plan in conjunction with its review of the proposed PD zone and shall provide its recommendation to the City Council. The City Council shall be the final approving authority for the concept plan. The concept plan shall at a minimum include the following:

1. A layout of all parking areas, amenities, open spaces, landscaped areas, drive accesses, proposed building footprints, building heights and the orientation of all buildings;
2. Architectural renderings that illustrate the architectural style(s), materials, and designs to be employed in the development;
3. The number of residential units per acre, if applicable;
4. The legal description of the subject property and a preliminary title report;
5. A topographic map of the subject property and adjacent property within three hundred feet (300’) of the subject property;
6. A tabulation of the total land area and percentage thereof designated for various proposed uses;
7. A general circulation plan indicating both public and private vehicular and pedestrian ways;
8. A statement indicating the future form of ownership (e.g. sole ownership, condominiums etc.) and responsibility for maintenance of the
project areas such as streets, structures and open spaces;
9. A preliminary plan for storm drainage, sewage disposal, grading and public utilities; and
10. Any additional information that the City may deem necessary to determine whether the proposed PD zone is in the interest of the public health, safety and welfare.

The text of any particular PD zone may modify the requirements of the concept plan required for that specific PD zone. All development in a PD zone shall conform to the concept plan.


An approved concept plan may be modified in the same manner as an amendment to the zoning ordinance. However, the City Manager may (but shall not be obligated to) administratively approve minor modifications to a concept plan. A modification may be considered minor if it does not:
1. Increase the density of residential units (if applicable) or change the approved uses;
2. Detract from the overall safety or aesthetics of the original concept plan;
3. Substantially alter the architecture or design characteristics of the original concept plan;
4. Create a greater adverse impact on neighboring properties than the original concept plan; and
5. Increase the proposed square footage of buildings by more than ten percent (10%).


22-11-5. Minimum Area Requirement.

A PD zone may only be applied to a parcel or a combination of parcels totaling at least three acres.


22-11-6. Site Plan and Time for Development.

A site plan shall be required for all development in a PD zone unless the development consists of only single-family, detached residential dwellings. The site plan shall conform to the approved concept plan. All site plans shall comply with the provisions of Section 22-14-20. In the event that a site plan is not approved within two years after application of a PD zone to a parcel of property, or in the event that substantial construction in harmony with the site plan has not commenced within one (1) year from the date of the approval of the site plan, the City may take action to change the zone back to its original or a different classification. Upon a finding of good cause, the Planning Commission may grant an extension of up to one year for any of the deadlines contained in this section.


22-11-7. Repealed.


22-11-10. Repealed.


22-11-12. Repealed.


22-11-13. PD-1 Zone, Between Center Street and 165 South Street and between Orem Boulevard and 200 West Street.

A. Purpose. The purposes of the PD-1 zone are:
1. To develop a commercial zone that promotes commercial activities while protecting the character and quality of adjacent residential areas.
2. To provide aesthetic controls for the architecture of buildings and site development.
3. To provide development guidelines for controlling direct access to 165 South Street, 200 West Street, and 100 South Street.


B. Permitted Uses. The uses listed below shall be permitted uses within the PD-1:

<table>
<thead>
<tr>
<th>Standard Land Use Codes</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>53XX</td>
<td>General Merchandise-retail NEC*, except 5395, flea market</td>
</tr>
<tr>
<td>54XX</td>
<td>Food-retail-NEC*, except SLU code 5420 farmers markets</td>
</tr>
<tr>
<td>56XX</td>
<td>Clothing, apparel &amp; accessories-retail, NEC*</td>
</tr>
</tbody>
</table>
C. Any use not specifically listed in subsections (B) above shall not be permitted in the PD-1 Zone.


D. Site Development Standards.

1. Setbacks: All buildings shall be set back at least twenty feet (20’) from Center Street and Orem Boulevard. All buildings shall be set back at least forty feet (40’) from 165 South, 200 West and all residentially zoned property. No setback is required from other commercially zoned property. Notwithstanding the above, a portion of an irregular shaped building and any fence may encroach into a required forty foot (40’) setback area provided the following criteria are met:

   a. The square footage of the portion of the building or fence that encroaches into the setback area shall not exceed the total square footage of the area that is located between the forty foot setback line and those portions of the building or fence that are set back more than forty feet from the street.

   b. In no case shall any building or fence, or portion thereof be closer than thirty feet (30’) to 165 South or 200 West.

2. Building Heights: No building or structure shall be higher than forty feet (40’) including mechanical appurtenances, which shall be properly screened, above the average grade of the street sidewalks adjacent to the property within the PD-1 Zone. The minimum height of any building shall be twelve feet (12’) above the average grade of the street sidewalks adjacent to the property within the PD-1 Zone.

3. Building Design & Materials. The architecture, design theme, and construction materials of the building’s front elevation shall be applied to all exterior walls of the building. The rear of the building and any portion of the building that traditionally gets less attention to aesthetics shall be enhanced by the same architecture and design theme as those portions of the building that get high visibility from the public, except exterior building striping or similar decor shall not be installed on the rear or side exterior building walls directly adjacent to residential areas. The following construction materials are acceptable: brick, fluted block, colored textured block, concrete tilt-up that meets the specific architectural theme for the development, glass and wood. Sheet metal and corrugated metal shall be prohibited, except for trim, soffits, facia, mansards and similar architectural features. Other materials may be used if approved by the Planning Commission.

4. Building Orientation. No building shall face toward an adjacent residential zone. The only building accesses permitted with orientation toward adjacent residential zones shall be emergency accesses only as required by the Uniform Building and Fire Codes.

5. Landscaping:

   a. A landscaped strip of lawn that includes shrubs and trees shall be installed adjacent to all dedicated streets. The landscaped strip shall be at least ten feet (10’) in width along Center Street and Orem Boulevard, and at least forty feet (40’) along 200 West Street, and the entire setback area, specified in subparagraph (D)(1) above, along 165 South Street. The landscaped strip shall have berms that vary in height above the grade of the sidewalk and that meander within the landscaped width.

   b. Trees planted along Center Street and Orem Boulevard shall be in accordance with the City Tree Master Plan and shall be at least two inches (2”) in caliper measured four feet (4’) above the ground. Trees along 165 South Street and 200 West Street shall be a combination of deciduous and evergreen on a ratio of seventy-five percent (75%) deciduous and twenty-five percent (25%) evergreen. The quantity of trees along 165 South Street and 200 West Street shall be one tree for every twelve (12) linear feet of street right-of-way adjacent to the development within the PD-1 zone. Trees along 165 South Street and 200 West Street shall be clustered within the landscaped areas required by subparagraph (5)(a) above and shall screen loading areas. Deciduous trees shall be at least two inches...
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(2") in caliper measured four feet (4') above the ground and evergreens shall be at least five (5) gallons in size. Deciduous and evergreen trees planted as screening for loading areas shall be at least ten feet (10') in height.

c. Landscaped end islands shall be located at the end of each row of parking. Each island shall have one (1) deciduous tree, unless the end island is within seventy-five (75) feet of a dedicated street right-of-way or within fifty (50) feet of a store front.

d. Each landscaped area shall be at least three feet (3') long and three feet (3') wide. The plan showing the planting areas shall show the general location, number, and type of plants along with provisions for an irrigation system.

e. Concrete curbs shall be provided between landscaped areas and off-street parking areas.

6. Fences. There shall be installed and maintained a seven foot (7') high fence adjacent to (subject to setback requirements of Section 22-11-13(D)(1) above) a residential zone and along the north side of 165 South Street, the east side of 200 West Street, and along the north side of 100 South Street. The fence shall be constructed of masonry and treated on both sides with anti-graffiti sealant. When a receiving area is within one hundred fifty feet (150') of a residential zone, there shall be installed and maintained a ten foot (10') high fence which shall screen and buffer adjacent residential developments. A building wall shall satisfy the fencing requirement along 165 South Street and 200 West Street, provided the entire area between the streets and building is landscaped and no driveways or walkways exist in the landscaped area. The fence then shall be constructed from the building to all other areas where a fence is required by this Section. The fence shall be maintained by the owner of the development.

7. Vehicular Accesses: Vehicular accesses to the site shall be from Center Street, either directly or via cross-easements with adjacent property owners, and from Orem Boulevard. Deceleration lanes shall be provided at all entrances to the site from dedicated streets. No vehicular or pedestrian access is permitted from 165 South Street, 200 West Street or 100 South Street.

8. Lighting: Freestanding lighting fixtures of at least eight feet (8') in height and not to exceed twenty feet (20') in height and producing at least one (1) foot candle of illumination shall be installed and maintained along 165 South Street and 200 West Street. These lights shall be placed along the street right-of-way lines and designed to shine away from residential developments. The lighting shall be designed to discourage graffiti and enhance a crime prevention environment and shall not glare into adjacent residential areas. Lighting in parking areas shall not glare into adjacent residential areas.

9. Outside Storage and Display Areas: The storage of merchandise or other material outside an approved building is prohibited. Outside display areas shall be approved as a part of the site plan. Landscaped areas shall not be used for the display of merchandise nor storage of materials.

10. Receiving Areas (Docks): Receiving areas located within one hundred fifty feet (150') of a residential zone shall be located inside an approved building or in an area enclosed on three sides and covered with a roof. Access to receiving docks shall be from the front of the building or from a side of the building, provided the side of the building is not oriented toward an adjacent residential zone. Receiving areas shall be signed to indicate the hours the receiving area is operational and shall be signed to prohibit engine idling when the receiving area is closed. Receiving areas shall not operate between the hours of 10:00 p.m. and 6:00 a.m. Materials, such as pallets, store fixtures, and other similar items shall not be stored in the receiving area. Any and all venting of the receiving areas shall be to the interior.

11. Solid Waste Areas: Solid waste dumpster locations within one hundred fifty feet of a residential zone shall have the same enclosure requirements of receiving docks as specified in subparagraph (E)(10) above and shall consist of materials approved by the City. Solid waste dumpsters located more than one hundred fifty feet (150') from any adjacent residential zone shall be located in an enclosure, the materials of which shall be approved by the City as a part of the site plan. Pick up of solid waste shall not occur between the hours of 10:00 p.m. and 7:00 a.m.

12. Site Maintenance. Except for snow removal, all common area maintenance of the site shall be between the hours of 6:00 a.m. and 10:00 p.m. Snow removal may be conducted on the site any time as necessary.

13. Certificate of Occupancy: No Certificate of Occupancy shall be issued for any building on any portion of a development until the landscaping is in place or a bond, cash deposit, or equivalent, is deposited with the City conditioned on and guaranteeing the installation of all landscaping shown on the approved site plan. All landscaped
areas shall be maintained in a neat, clean, orderly and sightly condition. This shall include proper pruning, lawn mowing, weeding, removal of litter, fertilizing, replacing of dead plants and the regular watering of all plantings. Failure to maintain the landscaping as provided herein shall be a violation of this chapter and enforceable as provided by law.


E. Public Hearing. No site plan or site plan amendment shall be approved without first holding a public hearing with the City Council upon recommendation of the Planning Commission.


22-11-14. PD-2 Zone, 800 North between 200 East and 400 East

A. Purpose. The PD-2 zone is established to promote residential redevelopment within the City, to preserve the flow of traffic along 800 North Street and to encourage the redevelopment of blighted parcels within this zone.


B. Development Standards. The PD-2 Zone may develop with the R6 Zone development Standards, or it may develop as a Planned Residential Development (PRD). All provisions and standards of the PRD ordinance shall apply to the PD-2 Zone with the following exceptions:

1. The maximum density allowed shall be sixteen (16) dwelling units per acres.
2. The minimum lot size required for a PRD shall be fifteen thousand (15,000) square feet.
3. The property need not be rezoned to the R5 Zone.
4. Section 22-7-12(B) shall not apply except that the maximum height for all structures in a PRD shall be thirty-five feet (35').
5. Section 22-7-12(U) shall not apply for the consolidation of open space.
6. The minimum rear yard setback shall be fifteen feet (15').


C. Permitted Uses. Any land use permitted within the R6 Zone shall be a permitted use in the PD-2 Zone.


D. Conditional Uses. Any land use within the R6 zone listed as a conditional use shall be required to obtain a conditional use permit within the PD-2 Zone.


E. Prohibited Uses. Any use prohibited in the R6 Zone shall be prohibited in the PD-2 zone.


F. Subdivision. Any subdivision of land within this PD-2 Zone shall be in compliance with the Subdivision Ordinance and the Zoning Ordinance requirements of the R6 Zone.


G. Setbacks & Landscaping. Notwithstanding any other provisions, setbacks and landscaping adjacent to 800 North Street shall comply with the following cross-section:


H. Other Regulations. Except as otherwise specified in this Section, the standards and requirements of the R6 zone shall apply to the PD-2 zone.


22-11-15. PD-3 Zone, 800 North between 100 West and 200 East - Repealed.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-97-0051, Repealed, 10/21/1997)

22-11-16. PD-4 Zone, 800 North at 800 East.

A. Purpose. The PD-4 zone, 800 North at 800 East, is established to:

1. Provide a location within the northeast section of the City where a neighborhood shopping center may be developed.
2. Preserve the flow of traffic along 800 North Street.
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3. Provide a well-planned, quality development for neighborhood shopping conveniences.

4. Provide a mechanism to control the size, design and land uses of a neighborhood shopping center.


B. Permitted Uses. The following shall be permitted uses within the PD-4 zone:

<table>
<thead>
<tr>
<th>Use Code</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>5330</td>
<td>Limited Price Variety Store</td>
</tr>
<tr>
<td>5394</td>
<td>Musical Instruments</td>
</tr>
<tr>
<td>5410</td>
<td>Groceries and/or food – retail</td>
</tr>
<tr>
<td>5440</td>
<td>Candy &amp; other confectionary products</td>
</tr>
<tr>
<td>5600</td>
<td>Clothing, Apparel, &amp; Accessories</td>
</tr>
<tr>
<td>5710</td>
<td>Furniture &amp; home furnishings</td>
</tr>
<tr>
<td>5730</td>
<td>Music Supplies</td>
</tr>
<tr>
<td>5810</td>
<td>Restaurants</td>
</tr>
<tr>
<td>5931</td>
<td>Antiques</td>
</tr>
<tr>
<td>5932</td>
<td>Gold &amp; Silver</td>
</tr>
<tr>
<td>5941</td>
<td>Books</td>
</tr>
<tr>
<td>5943</td>
<td>Office Supplies</td>
</tr>
<tr>
<td>5945</td>
<td>Newspapers / Magazines</td>
</tr>
<tr>
<td>5946</td>
<td>Cameras &amp; Photographic Supplies</td>
</tr>
<tr>
<td>5949</td>
<td>Video rentals</td>
</tr>
<tr>
<td>5951</td>
<td>Sporting Goods</td>
</tr>
<tr>
<td>5952</td>
<td>Bicycles</td>
</tr>
<tr>
<td>5970</td>
<td>Computer Goods &amp; Services</td>
</tr>
<tr>
<td>5996</td>
<td>Optical Goods</td>
</tr>
<tr>
<td>6120</td>
<td>Security and commodity brokers, dealers, and exchanges</td>
</tr>
<tr>
<td>6150</td>
<td>Real estate agent, broker, and associated services</td>
</tr>
<tr>
<td>6231</td>
<td>Beauty and barber Shops</td>
</tr>
<tr>
<td>6233</td>
<td>Massage Therapy</td>
</tr>
<tr>
<td>6251</td>
<td>Apparel repair, alterations, laundry/dry cleaning services (pick up only)</td>
</tr>
<tr>
<td>6291</td>
<td>Catering Services</td>
</tr>
<tr>
<td>6320</td>
<td>Consumer and mercantile credit reporting services; adjustment and collection services</td>
</tr>
<tr>
<td>6330</td>
<td>Travel arranging service</td>
</tr>
<tr>
<td>6331</td>
<td>Private Postal Services</td>
</tr>
<tr>
<td>6332</td>
<td>Blueprinting and photocopying</td>
</tr>
<tr>
<td>6334</td>
<td>Stenographic services and other duplicating &amp; mailing, NEC*</td>
</tr>
<tr>
<td>6342</td>
<td>Locksmithing</td>
</tr>
<tr>
<td>6350</td>
<td>News syndicate</td>
</tr>
<tr>
<td>6392</td>
<td>Business and management consulting services</td>
</tr>
<tr>
<td>6510</td>
<td>All medical and other professional services</td>
</tr>
<tr>
<td>6514</td>
<td>Chiropractors &amp; Osteopaths</td>
</tr>
<tr>
<td>6591</td>
<td>Engineering and architectural</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Use Code</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>6599</td>
<td>Interior design</td>
</tr>
<tr>
<td>7425</td>
<td>Gymnasiums &amp; Athletic Clubs</td>
</tr>
<tr>
<td>7426</td>
<td>Health spas</td>
</tr>
</tbody>
</table>

* Refer to Appendix A for a complete category listing.


C. Conditional Uses. Any permitted use with a drive-through or drive-up window shall be required to obtain a conditional use permit from the City. The following uses shall be required to obtain a conditional use permit from the City:

<table>
<thead>
<tr>
<th>Use Code</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>5391</td>
<td>Dry goods &amp; general merchandise</td>
</tr>
<tr>
<td>5393</td>
<td>Arts, crafts, &amp; hobbies</td>
</tr>
<tr>
<td>5530</td>
<td>Gasoline Service Station*</td>
</tr>
<tr>
<td>5811</td>
<td>Fast Food</td>
</tr>
<tr>
<td>5910</td>
<td>Drug &amp; propriety</td>
</tr>
<tr>
<td>5942</td>
<td>Stationery</td>
</tr>
<tr>
<td>5947</td>
<td>Gifts, novelties, &amp; souvenirs</td>
</tr>
<tr>
<td>5948</td>
<td>Florists</td>
</tr>
<tr>
<td>5953</td>
<td>Toys</td>
</tr>
<tr>
<td>6110</td>
<td>Banking and credit services</td>
</tr>
<tr>
<td>6211</td>
<td>Laundering &amp; dry cleaning</td>
</tr>
<tr>
<td>6220</td>
<td>Photographic services - including commercial</td>
</tr>
<tr>
<td>6520</td>
<td>Legal services</td>
</tr>
<tr>
<td>6593</td>
<td>Accounting, auditing &amp; bookkeeping</td>
</tr>
<tr>
<td>6597</td>
<td>Family &amp; behavioral counseling</td>
</tr>
</tbody>
</table>

* Without convenience store only and must be a secondary use to the tenant of the main building.


D. Prohibited Uses. Any use not listed as either a permitted use or a conditional use shall be prohibited.


E. Site Development Standards.

1. Building Setback. The building setback from any dedicated street right-of-way or adjacent residential property line shall be forty feet (40'), except however, a portion of an irregular-shaped building may encroach into the setback area provided the following criteria are met:

   a. The square footage of the portion of the building that encroaches into the setback area shall not exceed the total square footag
of the area that is located between the forty foot setback line and those portions of the building that are set back more than forty feet from the street.

b. In no case shall any building or portion thereof be closer than thirty feet (30’) to any dedicated street right-of-way or residential.

2. Maximum Area. The maximum area of the development site shall be nine (9) acres.

3. Building Height. The maximum building height shall be thirty-five feet (35’) above the average grade of the adjacent street sidewalk excluding mechanical appurtenances, which shall be screened. The minimum height of any building shall be twelve feet (12’) above the average grade of the adjacent street sidewalks.

4. Architectural Design. The architecture, design theme, and construction materials of the building's front elevation shall be applied to all exterior walls of the building. The rear of a building and any portion of the building that traditionally gets less attention to aesthetics shall have the same architecture and design theme as those portions of the building that get high visibility from the public. The following construction materials are acceptable: brick, fluted block, colored textured block, concrete tilt-up that meets the specific architectural theme for the development, glass and wood. Sheet metal and corrugated metal shall be prohibited, except for trim, soffits, fascia, mansards and similar architectural features. Other materials may be used if approved by the Planning Commission.

5. Building Orientation. No building shall face south. The only building accesses permitted toward the north and south residential zones shall be emergency accesses only as required by the Uniform Building and Fire Codes.

6. Primary Tenant. The primary tenant or occupant of the neighborhood shopping center shall be a retail grocery store.

7. Lighting Plans. Freestanding lighting fixtures of at least eight feet (8’) in height and not to exceed twenty feet (20’) in height and producing at least one (1) foot candle of illumination shall be installed and maintained along 700 North. These lights shall be placed along the street right-of-way line and shall be designed to shine away from residential developments. Lighting shall be designed to discourage graffiti and enhance a crime prevention environment and shall not glare into adjacent residential areas. Lighting in parking areas shall not glare into adjacent residential areas.

8. Landscaping.

a. A landscaped strip of lawn that includes shrubs and trees shall be installed adjacent to all dedicated streets. The landscaped strip shall be at least ten feet (10’) in width along 800 North Street and 800 East Street, and shall encompass the entire setback area, specified in subparagraph (E)(1) above, along 700 North Street. The landscaped strip shall have berms that vary in height above the grade of the sidewalk and that meander within the landscaped strip.

b. Trees planted along 800 North Street and 800 East Street shall be in accordance with the City Tree Master Plan and shall be at least two inches (2") in caliper measured four feet (4’) above the ground. Trees required along 700 North Street shall be a combination of deciduous and evergreen on a ratio of seventy-five percent (75%) deciduous and twenty-five percent (25%) evergreen. The quantity of trees along 700 North Street shall be at least one (1) tree for every twelve (12) linear feet of street right-of-way adjacent to the development within the PD-4 zone. Trees required along 700 North Street shall be clustered within the landscaped areas required by subparagraph (5)(a) above and shall screen loading areas. Deciduous trees shall be at least two inches (2") in caliper measured four feet (4’) above the ground and evergreens shall be at least five (5) gallons in size. Deciduous and evergreen trees planted as screening for loading areas shall be at least ten feet (10’) in height.

c. Landscaped end islands shall be located at each end of each row of parking. Each island shall have one (1) deciduous tree, unless the end island is within seventy-five (75) feet of a dedicated street right-of-way or within seventy-five (75) feet of a store front.

d. Each landscaped area shall be at least three feet (3’) long and three feet (3’) wide. The plan showing the planting areas shall show the general location, number, and type of plants along with provisions for an irrigation system.

e. Concrete curbs shall be provided between landscaped areas and off-street parking areas.

9. Parking Areas. All parking areas shall be designed to retain and dispose of surface water runoff on the site.

10. Design. The elements of the site plan, e.g., buildings, circulation, open space and landscaping, etc., shall be designed and arranged to produce an efficient, functionally organized, and cohesive planned development.
11. **Bus Bays.** The site plan shall provide adequate off street areas for bus stops.

12. **Traffic Design.** The site plan shall be designed to facilitate traffic flow on 800 North Street and 800 East Street. The applicant shall submit a traffic impact study showing the impacts of development of a proposed site plan will have on traffic on 800 North Street and 800 East Street. The traffic impact study shall be used by the City to impose necessary conditions on a site plan to mitigate negative impacts on traffic circulation caused by the site plan development.

13. **Signage.** All signage shall be in accordance with the provisions of the Sign Ordinance of the City.

14. **Fences.** There shall be installed and maintained a seven foot (7') high fence along property lines in common with an adjacent residential zone and along the north side of 700 North Street. All fences next to dedicated streets shall be set back at least forty feet (40') from the dedicated street right-of-way. No fence shall be required along 800 North Street or 800 East Street. The fence shall be constructed of masonry and treated on both sides with anti-graffiti sealant. When a receiving area is within one hundred fifty feet (150') of a residential zone there shall be installed and maintained a ten foot (10') high fence which shall screen and buffer adjacent residential developments adjacent to the receiving area. A building wall shall satisfy the fencing requirement along the south and east property lines, provided the entire area between the property lines and building is landscaped and no driveways or walkways exist in the landscaped area. The fence then shall be constructed from the building to all other areas where a fence is required by this Section. The fence shall be maintained by the owner of the development. The requirement to fence receiving areas shall not apply to buildings located on pads along 800 North Street and 800 East Street.

15. **Vehicular Accesses.** Vehicular accesses to the site shall be from 800 North Street and 800 East Street. Deceleration lanes shall be provided at all entrances to the site from dedicated streets. No vehicular or pedestrian access is permitted from 700 North Street.

16. **Outside Storage and Display Areas.** The storage of merchandise or other material outside an approved building is prohibited. Outside display areas shall be approved as a part of the site plan. Landscaped areas shall not be used for the display of merchandise or storage of materials.

17. **Receiving Areas (Docks).** Receiving areas located within one hundred fifty feet (150') of a residential zone shall be located inside an approved building or in an area enclosed on three sides and covered with a roof. Access to receiving docks shall be from the front of the building or from a side of the building, provided the access is not oriented toward an adjacent residential zone. Receiving areas shall be signed to indicate the hours the receiving area is operational and shall be signed to prohibit engine idling when the receiving area is closed. Receiving areas shall not operate between the hours of 10:00 PM and 6:00 AM. Materials, such as pallets, store fixtures, and other similar items shall not be stored in the receiving area. Any and all venting of the receiving areas shall be to the interior. This requirement shall not apply to buildings located on pads along 800 North Street and 800 East Streets.

18. **Solid Waste Areas.** Solid waste dumpster locations within one hundred fifty feet of a residential zone shall have the same enclosure requirements as receiving docks as specified in subparagraph (D)(17) above and shall consist of materials approved by the City. Solid waste dumpsters located more than one hundred fifty feet (150') from any adjacent residential zone and adjacent to buildings located on pads along 800 North Street and 800 East Street, shall be located in an enclosure, the materials of which shall be approved by the City as a part of the site plan.

19. **Site Maintenance.** Except for snow removal, all common area maintenance of the site shall be between the hours of 6:00 AM and 10:00 PM. Snow removal may be conducted on the site any time as necessary.

20. **Certificate of Occupancy.** No Certificate of Occupancy shall be issued for any building on any portion of a development until the landscaping is in place or a bond, cash deposit, or equivalent, is deposited with the City conditioned on and guaranteeing the installation of all landscaping shown on the approved site plan. All landscaped areas shall be maintained in a neat, clean, orderly and sightly condition. This shall include proper pruning, lawn mowing, weeding, removal of litter, fertilizing, replacing of dead plants and the regular watering of all plantings. Failure to maintain the landscaping as provided herein shall be a violation of this chapter and enforceable as provided by law.

21. **Public Hearing.** No site plan or site plan amendment shall be approved without first holding a public hearing with the City Council after
receiving a recommendation from the Planning Commission.

22. **Time Period of Approval.** Failure to submit a final development plan within one year of the date of approval of the preliminary plan shall terminate all proceedings and render approval of the preliminary development plan null and void. Failure to obtain a building permit from the City on a final development plan within two hundred forty-five (245) days of the date of approval of the final development plan shall terminate all proceedings and render approval of the preliminary and final development plans null and void.

23. **Other Regulations.** Except as otherwise specified in this Section, the standards and requirements of the C2 zone shall apply to the PD-4 zone.


## 22-11-17. PD-5 Zone, 1200 South to 1400 South between 200 East and 400 West Street.

### A. The PD-5 zone is established to:

1. Provide locations along the 1300 South corridor for well planned developments that conform with the Master Plan.
2. Permit the development or enlargement of planned commercial, retail and service center development within the zone in close proximity to residential areas, while protecting the character and quality of adjacent residential uses.
3. Permit flexibility in the design of properties within the zone, provided conditions are met which are required by the City Council.
4. Promote an environment within the zone which reflects a high level of concern for architectural, landscaping and urban design principles.
5. Provide developmental guidelines for controlling direct commercial access along 1200 South and 1400 South in order to reduce the conflicts with these local streets without inhibiting the residential uses.


### B. Permitted Uses. The uses listed below shall be permitted within the PD-5 zone.

<table>
<thead>
<tr>
<th>Standard Land Use Code</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>5392</td>
<td>General Stores</td>
</tr>
<tr>
<td>53XX</td>
<td>All General Merchandise Retail Category, (except 5395, Flea Market) NEC*</td>
</tr>
<tr>
<td>54XX</td>
<td>All Food Retail Category (except 5420, Farmers Market)</td>
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<tr>
<td>5511</td>
<td>Motor vehicles (new and used)</td>
</tr>
<tr>
<td>56XX</td>
<td>All Apparel &amp; Accessories Category</td>
</tr>
<tr>
<td>57XX</td>
<td>All Furniture, Home Furnishings and Equipment Category</td>
</tr>
<tr>
<td>5810</td>
<td>Restaurants</td>
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<td>5910</td>
<td>Drug and proprietary</td>
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<tr>
<td>5931</td>
<td>Antiques</td>
</tr>
<tr>
<td>5932</td>
<td>Gold and Silver</td>
</tr>
<tr>
<td>594X</td>
<td>Books, Stationary, and Office Supplies Category (except 5949, Video Rental)</td>
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<tr>
<td>5951</td>
<td>Sporting goods</td>
</tr>
<tr>
<td>5952</td>
<td>Bicycles</td>
</tr>
<tr>
<td>5953</td>
<td>Toys</td>
</tr>
<tr>
<td>5970</td>
<td>Computer goods and services</td>
</tr>
<tr>
<td>5996</td>
<td>Optical goods</td>
</tr>
<tr>
<td>61XX</td>
<td>All Financial, Insurance and Real Estate, Services Category, (except 6161, Pawn Shops)</td>
</tr>
<tr>
<td>6220</td>
<td>Photographic Services Category</td>
</tr>
<tr>
<td>6230</td>
<td>Beauty and Barber Category</td>
</tr>
<tr>
<td>6331</td>
<td>Duplicating, Mailing and Stenographic, Category NEC</td>
</tr>
<tr>
<td>6350</td>
<td>News Syndicates Category</td>
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<tr>
<td>6360</td>
<td>Employment Services Category</td>
</tr>
<tr>
<td>6392</td>
<td>Business and Management Consulting Services</td>
</tr>
<tr>
<td>6396</td>
<td>Photo finishing</td>
</tr>
<tr>
<td>65XX</td>
<td>All Professional Services Category (except 6515, Veterinarian Services, Kennels &amp; Runs)</td>
</tr>
<tr>
<td>711X</td>
<td>Cultural Activities Category</td>
</tr>
<tr>
<td>7212</td>
<td>Motion Picture Theaters</td>
</tr>
<tr>
<td>7214</td>
<td>Legitimate Theater</td>
</tr>
</tbody>
</table>

* Refer to Appendix A for a complete category listing.


## C. Repealed.

D. Prohibited Uses. Any use not specifically listed in subsection (B) or (C) above shall be prohibited.

E. Application of Standards. The site development standards set forth herein shall govern development in the PD-5 zone. The requirements for C2 zone set forth in Article VIII of this Chapter shall apply to the PD-5 zone when not specifically addressed herein.

F. Access Ways. No parcel shall have more than one (1) access to adjacent dedicated streets, except, however, parcels of three (3) acres or more shall have not more than two (2) access ways to any one street. Each access way shall comply with the following requirements:

1. The width of any access way leading to a public street shall not exceed fifty (50) feet at its intersection with the property line. Curb returns shall have a minimum radius of fifteen (15) feet.

2. At its intersection with the property line, no part of any access way shall be nearer than one hundred (100) feet to the intersection on any two (2) street right-of-way lines, nor shall any such part be nearer than fifty (50) feet to any side or rear property line, except, however, parcels with frontage of less than one hundred fifty (150) feet may be less than fifty (50) feet to side or rear property lines.

3. The location and number of access ways shall be so arranged that they will reduce traffic hazards as much as possible.

G. Access to 1200 South and 1400 South. No commercial development shall have direct access on to 1200 South and 1400 South Street, except for the approved access located at approximately 1400 South and 50 East.

H. Buffering Adjacent to Residential Zones. All commercial development shall be screened from abutting residential zones and homes by the developer:

1. Constructing a seven (7) foot high masonry fence on the property line between the residential zone or home and the commercial development. If commercial development extends from 1300 South to 1200 South or 1400 South, then the fence shall be set back from 1200 South or 1400 South a minimum distance of twenty (20) feet measured from the back of sidewalk. The area between the street and the fence shall be landscaped and maintained as part of the site plan.

2. Where development within the PD-5 zone abuts a lot that has on it a residential use, the developer of the property within the PD-5 zone shall install and maintain on the development side of the fence listed in subparagraph (1) above, a landscaped strip at least six (6) feet in width with trees at least two (2) inches in caliper measured four (4) feet above the ground, planted twenty (20) feet on center.

3. Constructing a seven (7) foot high masonry fence adjacent to the eastern boundary of Victoria Park Subdivision as development takes place on the adjacent property, and an eight (8) foot masonry fence along the southern boundary of Victoria Park Subdivision at the time commercial development takes place on the north side of 1300 South between Main Street and Victoria Park Subdivision or between 400 West Street and Victoria Park Subdivision. The fence on the eastern and southern boundaries of Victoria Park Subdivision shall be paid for by the Redevelopment Agency out of tax increment funds.

I. Setbacks.

1. Front yard. All buildings shall have a front yard setback of at least forty (40) feet or equal to the height of the building, whichever is greater.

2. Side yard. The minimum side yard setback shall be zero (0) except when adjoining a residential zone or a public street, in which case it shall be forty (40) feet or equal to the height of the building, whichever is greater. Notwithstanding the
above, the minimum side yard setback shall be thirty (30) feet from that portion of 200 East Street located in the C2 zone.

3. Rear yard. The minimum rear yard setback shall be zero (0) except when adjoining a residential zone or a public street, in which case it shall be forty (40) feet or equal to the height of the building, whichever is greater.


J. Hours of Operation. In order to maintain privacy and tranquility for nearby residential areas, the City Council may determine hours of use of each business conducted outside of a building as a requirement of the site plan approval.


K. Building Standards. The following building standards shall apply:

1. Materials: All structures must be finished on all sides with acceptable finishing materials. The following materials may be acceptable: brick, fluted block, colored textured block, glass, and wood. Other finishing materials may be used upon approval of the City Council; provided, however, that corrugated sheet metal shall in no case be used except for trim, soffits, facia, mansards or other similar architectural features. In determining whether or not other materials may be used, the City Council shall consider the purpose of the zone in promoting well designed, aesthetically pleasing commercial buildings in close proximity to residential areas, the attractiveness of and the City image created by, the proposed development as seen from 1300 South Street, which is a major transportation corridor through the City, and the purpose of the Planned Development zone in promoting a higher development standard than that found in other commercial zones.


L. Height. Building height is restricted to a maximum of forty-eight (48) feet exclusive of roof mounted mechanical equipment. All roof mounted equipment shall be enclosed and screened from view.


M. Outside Storage. All storage and storage activities outside of the main buildings, except loading and unloading, shall be conducted within a building or enclosure constructed with the same exterior finish as the main building. The design of all storage buildings and enclosures shall be approved by the City Council.

Exception: Home Improvement Centers (SLU 5260) may display merchandise outside of a main building pursuant to a plan approved by the Development Services Director, provided the display is at least forty-five feet from any public right-of-way and one hundred feet from the point of intersection of any two public rights-of-way, is a maximum of fifteen feet high, and does not occupy more than twenty percent of the parking stalls shown on the approved site plan.

If the City finds at any time that the on-site parking during peak hours is insufficient, the Planning Commission may reduce the size of or completely eliminate the outside display area as needed for parking, after giving an opportunity to the business to be heard.


N. Parking Areas. Parking Areas shall be constructed and maintained as follows:

1. Parking Setbacks: All parking areas shall be set back a minimum of twenty (20) feet from all dedicated public streets. The setback area shall be landscaped.

2. Curb Requirements: Planting areas shall be separated from off-street parking areas and driveways by a concrete curb.


O. Parking near Residential zones. Parking on the south side of 1200 South and the north side of 1400 South is prohibited.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. 687, Amended, 05/14/1991; Ord. No. 695, Amended, 11/12/1991; Ord. No. O-93-
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P. Loading and Unloading Areas. Each building shall have a rear or side entrance that is accessible to a loading area and service drive. Service drives shall be a minimum of twenty-six (26) feet in width and shall be in addition to and not a part of the drives or circulation system used by the vehicles of shoppers. Loading and delivery areas shall be clearly marked. Loading and deliveries shall be conducted between the hours of 7:00 a.m. and 10:00 p.m. No delivery truck shall be allowed to park or leave running any engine or motor between the hours of 10:00 p.m. and 7:00 a.m.


Q. Landscaping and Lighting Plans. Landscaping and lighting plans shall be submitted to the City Council for approval as a part of the site plan.


R. Landscaping. All site landscaping shall meet the following requirements and be completed within ninety (90) days of completion of the building construction. In the event that the building is completed during the time of year when planting is not appropriate (October 15 through March 15) the landscaping may delayed to the next growing season.

1. Street Trees. Golden Rain, Norway Maple, Little Leaf Linden, Shademaster Thornless Honeylocusts trees, or any combination thereof, two (2) inches in caliper, measured four (4) feet above the ground, shall be planted at least 10 feet from the sidewalk along the right-of-way of Main Street, 400 West Street, 1200 South Street, 1300 South Street, and 1400 South Street, where the site abuts those streets. The number of trees shall be one tree for every forty (40) linear feet of property in common with any of the said street rights-of-way. The trees may be space evenly or clustered within the planter strip required along the right-of-way lines. Other types of trees may be used with the City of Orem Urban Forester's approval.

2. Any tree required in subparagraph 1 above that was planted as part of a previously approved site plan may not be removed or disturbed (other than pruning in accordance with good tree maintenance practices) unless the site plan is amended to show a new proposed landscaping plan.

3. Shrubs and Ground Cover. Liberal use of shrubs and ground cover plantings are encouraged throughout the corridor. In particular, deciduous and annual plants that provide colors should be used to accent entrances and street intersection nodes. However, landscaping shall not be placed next to streets in such a way as to hamper sight distance, nor shall landscaping be placed along pedestrian walkways in such a way as to jeopardize pedestrian safety. In order to achieve a "year round look" throughout the Corridor, a mix of shrubs and ground cover shall be utilized as follows: 75% evergreen or broad leaf evergreen, 25% deciduous.

4. Peripheral Berm. A berm, which shall vary in height between one (1) foot and three (3) feet above the grade of the sidewalk and shall meander within the planter strip, shall be constructed by the developer along 1200 South, 1300 South, 1400 South, 400 West, and Main Street, where commercial development abuts those streets.

5. Parking Area. All parking areas shall be landscaped according to the following criteria:

a. A minimum of three (3) percent of the parking area shall be landscaped with end islands five (5) feet wide by thirty-two (32) feet long minimum, with at least one tree planted in each island.

b. Additional planter islands shall be required one (1) for every one hundred (100) linear feet of parking to break up the parking lot.

6. Sprinkler systems with automatic clocks of commercial grade shall be installed for all landscaped areas.

7. Approved landscaping and other improvements shall be replaced or returned to their original condition by the owner following construction or other activity.

8. Maintenance: Required landscaped areas shall be maintained in a neat, clean, orderly, and sightly condition. This is meant to include proper pruning, lawn mowing, weeding, removal of litter, fertilizing, replacing of dead plants and the regular watering of all plantings.

S. **Signs.** Only Freestanding, Low Profile and Wall signs as defined in the Sign Ordinance are permitted and shall comply with the following regulations:

1. When electrical service is provided to freestanding signs or low profile signs, all such electrical service shall be underground.

2. Signs shall comply with the following requirements with respect to size, height and location:

3. No freestanding or low profile sign shall be built within fifteen (15) feet of any interior side lot line.

4. No more than one (1) freestanding or low profile sign per street frontage shall be permitted for any site. No signs are allowed on 1200 South and 1400 South streets and frontage on these streets shall not be used for calculating the number of signs for the site.

5. Freestanding signs or low profile signs, all such electrical service shall be underground.

<table>
<thead>
<tr>
<th>REQUIREMENTS FOR SIGNS</th>
<th>Distance From Street Right-of-Way Line (feet)</th>
<th>Maximum Height Above Grade (feet)</th>
<th>Maximum Area Allowed per Side (square feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>10</td>
<td>6</td>
<td>36</td>
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<td>175</td>
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<tr>
<td></td>
<td>40</td>
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<td>200</td>
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</tbody>
</table>

V. **Installation of Improvements.** The improvements as shown by any approved final site plan shall be started within a period of twelve (12) months after such plan is approved by the City, and shall be completed and ready for occupancy within a period of twenty-four (24) months from the date the permit is issued. An extension of time for up to twelve (12) additional months may be granted for a final site plan by the City Manager. Failure to begin improvements within one (1) year of the date of approval shall terminate all proceedings and render approval of the site plan null and void.

W. **Other Documents required.**

1. Agreements. Copies of any agreements with property owners adjacent to the proposed development or any other person, which may be required to effectuate the proposed development, shall be submitted with the final development plan.

2. Covenants, conditions and restrictions. Copies of any applicable covenants, conditions, and restrictions shall be submitted with the final development plan.

T. **City Council Approval.** Any development within this PD-5 zone shall receive City Council approval on a site plan after review and recommendation by the Planning Commission. The form and contents of the site plan shall be the same as that specified in Section 22-14-20, Site Plan Requirements, of this Chapter.

U. **Redevelopment Agency Approval.** Any development within the PD-5 zone shall be subject to review and approval by the Redevelopment Agency of the City of Orem to determine if the development complies with the Final Redevelopment Plan No. 85-03-A and 85-03-B.

A. **Purpose.** The purposes of this PD-6 zone are to:

1. Provide a unique work environment that will attract skilled and professional people;

2. Provide a work place that is architecturally and aesthetically pleasing and compatible with the surrounding residential areas;

3. Provide a precedent for future economic development activities throughout the City; and

4. Demonstrate the City of Orem’s commitment to the development and creation of high quality enterprises.
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(B. Covenants, Conditions and Restrictions. The entire property within the PD-6 zone shall be subject to the Timpanogos Research and Technology Park Subdivision Declaration of Covenants, Conditions and Restrictions, which are set forth in Appendix E, which is incorporated herein by this reference. (Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

C. Specific Standards and Development Guidelines. Specific standards and development guidelines are described in the Timpanogos Research and Technology Park Subdivision Declaration of Covenants, Conditions, and Restrictions. (Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

D. Other Regulations. Except as otherwise specified in this Section, the standards and requirements of the BP zone shall apply to the PD-6 zone. (Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

22-11-19 PD-7 Zone, 100 South between 400 West and 200 West

A. Purpose. The purpose of this PD-7 zone is to establish a planned residential development of single family detached homes designed for patio living. (Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

B. Definitions. Closed Wall Side shall mean the wall of a structure that is adjacent to a servient easement. Servient Easement shall mean a permanent and perpetual easement to the surface rights within the servient easement, and which is granted to the adjoining property owner. (Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

C. Setbacks. 1. Front. The front yard setbacks shall vary from lot to lot but shall in no case be less than twenty-five feet (25'). 2. Rear. The minimum rear yard setback shall be twelve feet (12'), except for lots on the preliminary plan numbered from 38 through 45 inclusive, which shall have a twenty foot (20') minimum setback for single story units above grade and a thirty foot (30') minimum setback for units that are two stories above grade. 3. Closed Wall Side. The minimum closed wall side setback shall be five feet (5'). 4. Side Opposite Closed Wall Side. The minimum setback distance on the side opposite the closed wall side shall be five feet (5') except when such side is along a street and then the minimum setback shall be fifteen feet (15'). (Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

D. Lot Size. The minimum lot size shall be four thousand (4000) square feet and the minimum lot frontage shall be forty feet (40'). The mean lot size shall be no less than five thousand four hundred seventy-five (5475) square feet. The maximum number of lots that may have less than the mean lot area shall be forty-five. (Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

E. Minimum Unit Price. The minimum unit price shall be sixty-three thousand dollars ($63,000.00). (Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

F. Landscaping. 1. Front Yards. The developer/builder shall install an underground sprinkling system, and shall install all sod, trees, shrubs and other landscaping designated on the landscaping plan submitted with each final plat. All such landscaping shall be installed prior to the issuance of a certificate of occupancy; except however a certificate of occupancy may be issued between the dates of October 1 and April 15 of the following year, provided a bond in an amount determined by the City Manager is posted with the City to insure the installation of all such landscaping. The landscaping for lots that were issued a certificate of occupancy between October 1 and April 15 shall be installed prior to the next June 1. 2. Rear Yards and Side Yard Opposite the Closed Wall Side. The developer/builder shall install all sod, trees, shrubs, or gardens to the personal satisfaction of the buyer. 3. Trees installed by the developer/builder shall be at least two inches (2") in caliper and shall be either evergreen or deciduous. (Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)
G. **Lighting.** One yard lamp of traditional design shall be installed along the back of the street sidewalk of each lot by the developer/builder.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

H. **Fencing.** A cedar fence six feet (6') in height shall be installed by the developer/builder on the rear property line and on a line which follows the closed wall side of the residence from the front setback line to the rear property line, excluding that portion of such line that contains the closed wall of the residence. Any fencing within the front yard shall be behind the front setback line, and the materials for such fencing shall be an option of the buyer upon agreement with the developer/builder.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

I. **Floor Plans, Elevations and Building Materials.**
1. A minimum of seven (7) floor plans shall be provided to prospective buyers. The minimum finished floor areas above the grade level shall be one thousand (1000) square feet. There shall be no opening of any kind in the closed wall side of the house, including dryer vents.
2. The same exterior elevation shall not be built on adjoining lots that face the same street. Windows that face a street shall be architecturally styled and may have varied geometric shapes.
3. The front and closed wall side of each unit shall be brick or rock to the ceiling line of the ground floor. Other walls may have steel or aluminum siding. Roofing material shall be either asphalt or wood shingles.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

J. **Servient Easement.** There shall be on each lot a servient easement five feet (5') in width. The lot owner upon which the servient easement is located shall have the right at all reasonable times to enter upon the easement in order to perform necessary construction, maintenance and repair of his premise. The time for such repairs shall not exceed thirty (30) days in any calendar year.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

K. **Other Regulations.** Except as otherwise specified in this Section, the standards and requirements of the R6.5 zone shall apply to the PD-7 zone.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

**22-11-20.** **PD-8 Zone, Palisades Drive between 600 North and 800 North**

A. The purposes of this zone are to:
1. Provide an area within the City for the promotion of the television and motion picture industry;
2. Promote the development of television and motion picture production, educational facilities and related support uses while protecting the character and quality of adjacent residential uses;
3. Promote an environment that reflects a high level of concern for architectural, landscaping, and urban design principles.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

B. Refer to the following Articles for additional regulations:
1. Article IV, Conditional Use Permits.
2. Article XIV, Supplementary Regulations.
3. Article XV, Off-Street Parking.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

C. **Location of Zone.** The general location of this zone is between 600 North and 800 North and between 1200 East and Palisades Drive, the boundaries of which are located on the Official Zone Map of the City of Orem, Utah.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

D. **Permitted Uses.** The uses listed below shall be permitted uses within the PD-8 zone:

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<tr>
<th>Standard Land Category Use Code</th>
<th>Category</th>
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<tr>
<td>1284</td>
<td>Transitional Treatment Home, Large</td>
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<tr>
<td>2700</td>
<td>All publishing, NEC*</td>
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<td>4741</td>
<td>Television broadcasting studio (only)</td>
</tr>
<tr>
<td>4751</td>
<td>Radio and Television broadcasting studios (combined)</td>
</tr>
<tr>
<td>5810</td>
<td>Restaurants</td>
</tr>
<tr>
<td>5811</td>
<td>Fast food (Concession stands and sales only)</td>
</tr>
<tr>
<td>5947</td>
<td>Gifts, novelties and souvenirs</td>
</tr>
<tr>
<td>5948</td>
<td>Florists</td>
</tr>
<tr>
<td>6231</td>
<td>Beauty and barber shops</td>
</tr>
<tr>
<td>6310</td>
<td>Advertising services</td>
</tr>
<tr>
<td>6330</td>
<td>Travel arranging services</td>
</tr>
<tr>
<td>6398</td>
<td>Motion picture distribution</td>
</tr>
<tr>
<td>6597</td>
<td>Family &amp; Behavioral Counseling</td>
</tr>
<tr>
<td>6823</td>
<td>Professional or Vocational schools</td>
</tr>
<tr>
<td>6834</td>
<td>Art and music schools</td>
</tr>
<tr>
<td>6835</td>
<td>Dancing schools</td>
</tr>
<tr>
<td>7112</td>
<td>Museums</td>
</tr>
<tr>
<td>7113</td>
<td>Art galleries</td>
</tr>
<tr>
<td>7212</td>
<td>Motion picture theaters</td>
</tr>
<tr>
<td>7214</td>
<td>Legitimate theaters</td>
</tr>
</tbody>
</table>

22.85
§22-11-20  ZONING  City of Orem

Standard Land

<table>
<thead>
<tr>
<th>Use Code</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>7231</td>
<td>Auditoriums &amp; exhibit halls</td>
</tr>
<tr>
<td>72XX</td>
<td>All assemblies, NEC* (except 7200 and 7215)</td>
</tr>
<tr>
<td>7610</td>
<td>Parks - general recreation</td>
</tr>
</tbody>
</table>

* Refer to Appendix A for a complete category listing.

E. Conditional Uses. The uses listed below shall be required to obtain a conditional use permit within the PD-8 zone:

<table>
<thead>
<tr>
<th>Use Code</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>1261</td>
<td>Residential facilities for disabled persons</td>
</tr>
<tr>
<td>4700</td>
<td>Communications, NEC*</td>
</tr>
<tr>
<td>4711</td>
<td>Telephone exchange station</td>
</tr>
<tr>
<td>6512</td>
<td>Medical and dental laboratory</td>
</tr>
<tr>
<td>6532</td>
<td>Authors, computer software</td>
</tr>
<tr>
<td>682X</td>
<td>Colleges, trade and specialty schools, NEC*</td>
</tr>
<tr>
<td>7200</td>
<td>All assemblies NEC*</td>
</tr>
<tr>
<td>7215</td>
<td>Public Dance</td>
</tr>
</tbody>
</table>

* Refer to Appendix A for a complete category listing.

F. Prohibited Uses. Any use not specifically listed in subparagraphs (D) and (E) above shall be prohibited.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01 0021, Amended, 06/12/2001)

G. Site Plans. Site plans for the development of any phase, except for staging area construction, within this PD-8 zone shall be submitted in accordance with Section 22-14-20 of the Orem City Code.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01 0021, Amended, 06/12/2001)

H. Amended Site Plans. Amended site plans for development within any phase, except for staging area construction, within this PD-8 zone shall be submitted in accordance with Section 22-14-20.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01 0021, Amended, 06/12/2001)

I. Application of Standards. In areas where this zone does not have specific regulations, all standards and requirements applicable to the BP zone shall apply.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01 0021, Amended, 06/12/2001)

J. Building Permits. No building/structure shall be constructed without first obtaining a building permit from the City.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01 0021, Amended, 06/12/2001)

K. Development Standards.

1. Vehicular Access. Vehicular access to property within this zone shall be restricted to Palisades Drive only and shall be in accordance with the provisions of Chapter 22 of the Orem City Code.

2. Masonry Fence. A masonry fence shall be constructed and maintained along the entire length of the southern and western boundaries of the PD-8 zone. The masonry fence shall have a minimum height of eight feet and a maximum height of ten feet. The height of the fence shall be measured from the PD-8 side of the fence. The fence shall be consistent in material, height, and design along its entire length. The entire length of the fence required by this section shall be completed no later than August 24, 2011.

3. Signage. A master sign plan shall be approved by the Planning Commission prior to the erection of any sign within this zone. Existing signs shall be included in the master sign plan.

4. Landscaping. A landscaping plan shall be submitted to the Planning Commission for approval as a part of the site plan for any phase of development. All site landscaping requirements within the limits of any phase shall be completed within ninety (90) days of completion of the building construction within that phase. In the event that the building is completed between October 15 and March 15, completion of the landscaping may be delayed until the next July 31st following said March 15th date.
   a. Sprinkler systems with automatic clocks of commercial grade shall be installed in all landscaped areas.
   b. All parking rows shall be terminated with a landscaped planter area at least five feet by sixteen feet (5’ X 16’) for single rows and five feet by thirty-two feet (5’ X 32’) for double rows. This landscaping requirement shall not apply to parking within a parking structure.

5. Parking. The amount of required off-street parking spaces shall be the sum of the parking required under this ordinance for the principal use together with a reasonable amount for all accessory uses. Said reasonable amount shall be determined in light of the uses, location and circumstances of the building or structure and in consideration of the provisions of this ordinance.
6. Rooming and Boarding Quarters. Rooming and boarding quarters within this zone shall be accessory uses to educational facilities only. It shall be unlawful to use rooming and boarding quarters for uses other than accommodations for students enrolled in or lecturers or instructors participating in a program sponsored by an educational institution located within this zone, or for guests involved in the production of electronic media.

7. Setbacks. No structure shall be located closer than forty feet (40') to any dedicated street. The setback distance from any structure and an exterior property line (a property line shared with property outside the PD-8 zone) other than a line of a dedicated street shall be the same as the height of the structure, but shall not be less than twenty-five feet (25'). No setback is required from any interior property line in the PD-8 zone.

8. Outdoor Activities. It shall be unlawful for any person to sponsor or conduct any outdoor activity in such a manner so as to be a nuisance to residents adjacent or in close proximity to this PD-8 zone. Any outdoor activity shall not be audibly discernable beyond the zone boundaries between the hours of 10:30 p.m. and 7:00 a.m.

9. Horses. Horses may be maintained in the zone only as an accessory use to a transitional treatment home and family and behavioral counseling as a therapeutic tool and subject to the following conditions:
   a. No more than six (6) horses shall be allowed in the zone at any one time. However, due to the rotation of horses between property in the PD-8 zone and other properties, up to nine horses may be allowed in the PD-8 zone approximately one day per week between the hours of 9:00 a.m. and 5:00 p.m.
   b. The horses must all be stabled inside the existing building. No horses may be left outside overnight.
   c. Horse droppings must be cleaned up from the stable, the arena and all outside pasture areas in a timely fashion so that it doesn’t become a nuisance to adjoining property owners.
   d. Horses must be rotated between pasture areas in the south, southwest, and north areas of the property on a regular basis.
   e. No horse shall be allowed within twenty-five feet (25') of the south or west boundary of the property in the PD-8 zone (adjacent to the neighboring residential uses). The owner of the property in the PD-8 zone shall be required to install a fence or other barrier sufficient to keep any horse from encroaching into this 25’ buffer zone. However, horses may use the 25' buffer area adjacent to the western boundary of the property as necessary for the limited purpose of rotating horses to a different pasture area.
   f. The City may periodically review the impact the maintenance of the horses in the zone has on adjoining properties and may impose additional requirements as may be necessary to reasonably mitigate any nuisance that might be caused to adjoining properties by the horses.


I. Provisions Applicable to Previously Approved Helipad. A conditional use permit was previously granted for a helipad in the PD-8 zone on January 10, 2006. The conditions and restrictions that were imposed in connection with that helipad use shall remain in effect. The following additional provisions shall also apply to the helipad use:

   1. An aviation fuel storage tank located immediately adjacent to the helipad shall be considered an accessory use to the previously approved helipad provided the aviation fuel storage tank complies with all other applicable requirements including all fire and safety regulations.

   2. The storage of one helicopter (of the type allowed by the conditional use permit) in the existing building shall also be considered an accessory use to the helipad.

   3. In order to verify compliance with the limitations on the number of helicopter flights included within the original conditional use permit, the owner of the property in the PD-8 zone shall provide all flight logs for the approved helicopter to the City every quarter for the first year after the enactment of this provision. If there are no violations of the terms of the conditional use permit during the first year, the owner shall thereafter provide flight logs to the City on a semi-annual basis, or more frequently if requested by the City.

(Ord. No. O-2010-0023, Enacted 08/24/2010)

M. Occupancy Limits. The number of beds for all residential uses the PD-8 zone (including transitional treatment homes, residential facilities for disabled persons, and rooming and boarding quarters as described in subsection (K)(6)), shall not exceed a total of two hundred (200) beds. In addition, the total
occupancy of the property related to all residential uses on the property plus any use related to “Family and Behavioral Counseling” shall not exceed a total of two hundred (200) clients or patients at any one time.

(Ord. No. O-2010-0023, Enacted 08/24/2010)

N. Treatment of Certain Disorders Excluded.

1. No Sex Offender Primary Treatment Track. No use in the PD-8 zone may provide or hold itself out as available to provide a sex offender treatment, sex offender rehabilitation, or sex offender education track or program or any other program for sex offenders. For purposes of this section, a sex offender is defined as any individual who is listed as such on the U.S. Department of Justice National Sex Offender Public Website (currently found at [http://www.nsopw.gov/Core/Conditions.aspx](http://www.nsopw.gov/Core/Conditions.aspx)).

Notwithstanding the foregoing, sex offender related treatment or therapy may be provided to an individual who has been admitted to a facility or program in the PD-8 zone for some other condition for which the facility regularly provides treatment provided that such treatment or therapy is accessory to and necessary for the treatment of the condition for which the individual was admitted to the facility.

2. Limitation on Individuals Who Constitute a Direct Threat. No facility or use in the PD-8 zone may provide or hold itself out as available to provide treatment for any persons who constitute a direct threat to the health and safety of other individuals.

3. Individualized Assessments. Within seventy-two (72) hours of admission as a resident in a facility in the PD-8 zone, each resident shall be evaluated by a medical doctor, licensed clinical social worker (LCSW), Licensed Professional Counselor (LPC), psychologist or psychiatrist who is licensed by the State of Utah, for the purpose of determining whether the resident would constitute a direct threat to the health or safety of other individuals or whose tenancy in the facility would result in substantial physical damage to the property of others. The evaluation shall consider any prior criminal or violent acts of the individual that are known to the person conducting the evaluation, the amount of time that has elapsed since the commission of any such acts, and the treatment or medication received by the individual that may have eliminated the direct threat. The evaluation shall also include a check of the U.S. Department of Justice National Sex Offender Public Website (currently found at [http://www.nsopw.gov/Core/Conditions.aspx](http://www.nsopw.gov/Core/Conditions.aspx)), to determine if the resident is listed as a sex offender. If the resident is a sex offender, the evaluation shall include a psycho-sexual evaluation by a duly licensed psychiatrist or an individual holding a PhD in psychology. If the evaluation determines that the client constitutes a present direct threat to the health and safety of other individuals or the presence of the person at the PD-8 facility would result in substantial physical damage to the property of others, the person will be required to leave the facility within twenty-four (24) hours.

The interpretation of “direct threat” shall be based on 42 U.S.C. Section 3604(f)(9) and the cases interpreting the same.

4. Reporting. The operator of a facility in the PD-8 zone shall certify at least semi-annually in a sworn affidavit to the City that based on the individualized assessment performed for each resident in the facility, no person will or does reside in the facility whose tenancy would likely constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others. No building/structure shall be constructed without first obtaining a building permit from the City.

(Ord. No. O-2010-0023, Enacted 08/24/2010)

22-11-21. PD-9 Zone, Palisades Drive between 500 North and 600 North

A. The purposes of this zone are to:

1. Promote agricultural or rural density residential estate uses at a base density not to exceed three and sixty-three hundredths (3.63) dwelling units per gross acre for a standard subdivision or a total density of five (5) units per gross acre for a planned residential development, and to allow other selected uses which are compatible with the open and rural character of the zone;

2. Promote the development of television and motion picture production educational facilities and related support uses while protecting the character and quality of adjacent residential uses;

3. Promote an environment that reflects a high level of concern for architectural, landscaping, and urban design principles.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

B. Refer to the following Articles for additional regulations:

1. Article IV, Conditional Use Permits.
2. Article XIV, Supplementary Regulations.
3. Article XV, Off-Street Parking.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

C. Location of Zone. The general location of this zone is between 500 North and 600 North and between 1200 East and Palisades Drive, the boundaries of which are located on the Official Zone Map of the City of Orem, Utah.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

D. Permitted Uses. The uses listed below shall be permitted uses within the PD-9 zone:

<table>
<thead>
<tr>
<th>Use Code</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>1110</td>
<td>Single family</td>
</tr>
<tr>
<td>7610</td>
<td>Parks - general recreation</td>
</tr>
</tbody>
</table>


E. Reserved.

F. Prohibited Uses. Any use not specifically listed in subparagraphs (D) and (E) above shall be prohibited.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

G. Single Family Development. A single family development that takes place within this PD-9 zone shall comply with the Zone Development Standards set forth in Sections 22-6-8, 22-6-9, and 22-6-10 of this Chapter. A single family development submitted as a planned residential development shall comply with the provisions of Article VII of this Chapter.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

H. Site Plans. Site plans for the development of any phase, except for staging area construction, within this PD-9 zone shall be submitted in accordance with Section 22-14-20 of the Orem City Code.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

I. Amended Site Plans. Amended site plans for development within any phase, except for staging area construction, within this PD-9 zone shall be submitted in accordance with Section 22-14-21.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

J. Application of Standards. In areas where this zone does not have specific regulations, all standards and requirements applicable to the R12 zone shall apply.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

K. Building Permits. No building/structure shall be constructed without first obtaining a building permit from the City.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

L. Development Standards for Uses other than Single Family or Planned Residential Development.

1. Vehicular Access. Vehicular access to property within this zone shall be restricted to Palisades Drive only and shall be in accordance with the provisions of Chapter 16 of the Orem City Code.

2. Buffers. Each phase of development that borders the periphery of the zone and is adjacent to the developed R8 and R12 zones, except along Palisades Drive, shall include a fence, of materials other than chain link or plain cedar, at least six feet in height, measured from the highest side of any grade differential along such fence, or a landscaped strip of at least forty feet (40') in width, or any combination of fencing and landscaping that, in the Planning Commission’s opinion, provides an adequate buffer of the uses within this zone and adjacent residential uses. The Planning Commission may waive the minimum height of such fences, provided the fence is used for aesthetics rather than security. The landscape strips shall contain berms at least six feet (6') in height above the grade of the back of the walk and shall include shrubs and trees with the following criteria:

   a. Deciduous trees shall be at least two inches (2") in caliper, measured four feet above the ground, and shall be at least eight feet (8') in height.

   b. Evergreen trees shall be coniferous and shall be at least five gallons in size.

   c. Shrubs may be either of deciduous or evergreen varieties and shall be at least three (3) gallons in size.

3. Signage. A master sign plan shall be approved by the Planning Commission prior to the erection of any sign within this zone. Existing signs shall be included in the master sign plan.

4. Landscaping. A landscaping plan shall be submitted to the City for approval as a part of the site plan for any phase of development. All site landscaping requirements within the limits of any phase shall be completed within ninety (90) days of completion of the building construction within that phase. In the event that the building is completed between October 15 and March 15, completion of the landscaping may be delayed until the next July 31st following said March 15th date.

   a. Sprinkler systems with automatic clocks of commercial grade shall be installed in all landscaped areas.
b. All parking rows shall be terminated with a landscaped planter area at least five feet by sixteen feet (5’ X 16’) for single rows and five feet by thirty-two feet (5’ X 32’) for double rows. This landscaping requirement shall not apply to parking within a parking structure.

5. Parking. The amount of required off-street parking spaces shall be the sum of the parking required under this ordinance for the principal use together with a reasonable amount for all accessory uses. Said reasonable amount shall be determined in light of the uses, location and circumstances of the building or structure and in consideration of the provisions of this ordinance.

6. Rooming and Boarding Quarters. Rooming and boarding quarters within this zone shall be accessory uses to educational facilities only. It shall be unlawful to use rooming and boarding quarters for uses other than accommodations for students enrolled in or lecturers or instructors participating in a program sponsored by an educational institution located within this zone, or for guests involved in the production of electronic media.

7. Setbacks. No structure shall be located closer than forty feet (40’) to any dedicated street. The setback distance from any structure and a property line other than a line of a dedicated street shall be the same as the height of the structure, but shall not be less than twenty-five feet (25’).

8. Outdoor Activities. It shall be unlawful for any person to sponsor or conduct any outdoor activity in such a manner so as to be a nuisance to residents adjacent or in close proximity to this PD-9 zone. Any outdoor activity shall not be audibly discernible beyond the zone boundaries between the hours of 10:30 p.m. and 7:00 a.m.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

22-11-22. PD-10 Zone, Northwest Corner of 800 North and 800 East.

A. Purpose. The PD-10 zone is established to:

1. Provide a well-planned, quality development for neighborhood shopping conveniences.
2. Provide a mechanism to control the size, design and land uses of a neighborhood shopping center.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

B. Permitted Uses. The following shall be permitted uses within the PD-10 zone:

<table>
<thead>
<tr>
<th>Standard Land Use Code</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>5410</td>
<td>Groceries and/or food</td>
</tr>
<tr>
<td>5942</td>
<td>Stationery</td>
</tr>
<tr>
<td>5948</td>
<td>Florists</td>
</tr>
<tr>
<td>5947</td>
<td>Gifts, novelties and souvenirs</td>
</tr>
<tr>
<td>6110</td>
<td>Banking and credit services</td>
</tr>
<tr>
<td>6231</td>
<td>Beauty and barber shops</td>
</tr>
<tr>
<td>6510</td>
<td>Medical, dental, and health services</td>
</tr>
<tr>
<td>6514</td>
<td>Chiropractors and osteopaths</td>
</tr>
<tr>
<td>6520</td>
<td>Legal services</td>
</tr>
<tr>
<td>6531</td>
<td>Authors, books</td>
</tr>
<tr>
<td>6532</td>
<td>Authors, computer software</td>
</tr>
<tr>
<td>6591</td>
<td>Engineers and architects</td>
</tr>
<tr>
<td>6593</td>
<td>Accounting, auditing and bookkeeping</td>
</tr>
</tbody>
</table>

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

C. Conditional Uses. The following uses shall be required to obtain a conditional use permit in the PD-10 zone:

<table>
<thead>
<tr>
<th>Standard Land Use Code</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>5393</td>
<td>Arts, crafts and hobbies</td>
</tr>
<tr>
<td>5949</td>
<td>Video rental</td>
</tr>
<tr>
<td>5910</td>
<td>Drug and propriety</td>
</tr>
<tr>
<td>6211</td>
<td>Laundry, dry cleaning, and dyeing services</td>
</tr>
<tr>
<td>6332</td>
<td>Blueprinting and photocopying</td>
</tr>
<tr>
<td>6597</td>
<td>Family and behavioral counseling</td>
</tr>
</tbody>
</table>

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

D. Prohibited Uses. Any use not specifically listed in subparagraphs (B) and (C) above shall be prohibited in the PD-10 zone.


E. Zone Development Standards.

1. Development within the PD-10 zone shall be strictly in accordance with the site plan and building elevation, including all construction items and building materials specified on such plan, approved by the Planning Commission and shown in Appendix C, which is incorporated herein by this reference. In addition to the standards set forth in the site plan and elevation, the following standards shall apply:

a. Glass either fixed or movable and glass doors shown on the building elevations in Appendix C shall be installed as shown on such elevations and in accordance with the International Building Codes.

b. A sodded landscape berm, at least one foot (1’) above the grade of the back of the
sidewalk and a maximum of three feet (3') in height, shall meander and vary in height within an area at least fourteen feet (14') in width along the right-of-way line of 800 North Street and ten feet (10') in width along the right-of-way of 800 East Street; and

   c. The minimum size of conifers shall be five (5) gallons; and

   d. The following signs shall be permitted within the PD-10 zone and shall be in accordance with the provisions of the Sign Ordinance or the provisions of this Section, whichever are more restrictive. The Zoning Administrator may grant the approval of permitted signs, except for freestanding and master identification signs.

   (1) Facia Signs
   (2) Freestanding Signs
   (3) Governmental Signs
   (4) Holiday Signs
   (5) Interior Signs
   (6) Low Profile Signs
   (7) Master Identification Signs
   (8) Name Plates
   (9) Real Estate Signs
   (10) Window Signs

e. The following signs shall not be permitted within the PD-10 zone:

   (1) Banner Signs
   (2) Billboards
   (3) Electronic Message Signs
   (4) Mobile Signs
   (5) Projecting Signs
   (6) Roof Signs
   (7) Rotating/Revolving Signs
   (8) Temporary Signs
   (9) Wall Signs
   (10) Youth Activity Sponsor Signs
   (11) Any Sign expressly prohibited by the Sign ordinance of the City of Orem; and

   f. The maximum number of freestanding signs in the zone shall be one, of which the maximum area of sign shall not exceed one hundred (100) square feet and the maximum height shall not exceed twenty feet (20'). Such freestanding sign shall not be located closer than twenty feet (20') to any dedicated street. Such sign shall be used primarily as shopping center identification and secondarily as a master identification sign. It shall be unlawful to erect such sign without first obtaining approval from the Planning Commission; and

g. The maximum number of low profile signs shall be two (2); and

   h. Except as otherwise specified in this Section, the standards and requirements of the C2 zone shall apply to the PD-10 zone.

2. It shall be unlawful to make or allow to be made any changes to the site plan, building elevations, construction items, or building materials without first obtaining approval from the Planning Commission. Any amendments to Appendix C shall be submitted to the City for review in accordance with the provisions of Section 22-1-5 of this Chapter.


F. It shall be unlawful to operate any business within the PD-10 zone between the hours of 11:00 p.m. and 6:00 a.m.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

G. It shall be unlawful to load, unload, or operate any delivery vehicle including its refrigeration units or motors within the PD-10 zone between the hours of 10:00 p.m. and 7:00 a.m.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

22-11-23. PD-11 Zone, 1430 South Sandhill Road.

A. Purpose. The purpose of the PD-11 zone is to provide a planned development of attached residential dwelling units and detached residential dwelling units. The PD-11 Zone may only be applied to parcel(s) designated in Appendix X of the Orem City Code.


B. Development Standards. The development standards set forth in Article 22-7 (low density PRD) of the Orem City Code shall apply to the PD-11 zone except as expressly modified as follows:

1. Density. The density for the PD-11 Zone shall not exceed fourteen (14) units per gross acre.

2. Height. Structures in the PD-11 Zone shall not exceed three (3) stories above grade and shall not exceed a height of forty (40) feet above grade. However, units located within one hundred feet (100') of the south boundary of the PD-11 zone shall not exceed two (2) stories above grade.

3. Setbacks. All buildings shall be set back at least twenty-five (25) feet from any property not part of the PD-11 zone. Setbacks from a public street shall be twenty-five feet (25') for the dwelling (excluding unenclosed porches not more than five (5) feet in depth), and twenty-nine (29)
feet for the garage where the garage door is facing the street as measured from the back of curb. All buildings shall be set back at least five feet from the parcels in the PD-11 zone on which existing residential homes are currently located.

4. Utilities. The public sewer system and the public water supply shall serve all dwellings. All utilities shall be underground. Each individual dwelling shall be individually metered for gas and electricity.

5. Fences. Fencing type, size and location, if any, shall be approved by the Planning Commission as part of the site plan approval process.

   a. There shall be a minimum of thirty-eight percent (38%) landscaped area for the development.
   b. All land not covered by buildings, driveways, sidewalks, structures and patios shall be permanently landscaped with trees, shrubs, lawn ground cover and maintained in accordance with good landscaping practice. All required setback areas adjacent to public or private streets shall be landscaped. All landscaping shall have a permanent underground sprinkler system.
   c. At least one (1) deciduous tree at least two (2) inch caliper measured four (4) feet above the rootball, one (1) evergreen tree at least six (6) feet in height above the rootball, and sixteen (16) evergreen shrubs at least five (5) gallons in size are required for every two (2) dwellings.

7. Lighting Plan. A lighting plan shall be required. The plan shall be designed to discourage crime, enhance the safety of the residents and guests, prevent glare onto adjacent properties and 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 under the control and meter of the homeowners association. The lighting plan shall designate which lighting shall be commonly metered to the association or to the owner.

8. Parking. There shall be a minimum of two (2) parking spaces provided for each dwelling unit, at least one of which shall be covered. There shall also be a minimum 0.78 parking space for each dwelling for guest parking within the development. Guest parking shall be located within two hundred fifty (250) feet of each dwelling and shall measure nine (9) feet by eighteen (18) feet, excluding ADA compliant stalls. All parking spaces, parking areas and driveways shall be paved with asphalt and/or concrete and shall provide proper drainage.

9. Recreational Vehicle Storage. Recreational vehicles shall not be parked or stored within the PD-11 Zone.

10. Streets.
   a. Public street shall mean a right-of-way owned and maintained by the City that has a width of at least thirty-eight (38) feet measured to the back of curb on each side of the road. Eight (8) foot park-strips and five (5) foot sidewalks shall be on each side of all public streets in this zone, which will be provided in sidewalk and public utility easements. 1430 South and Sandhill Road have wider right-of-way due to their higher street classifications.
   b. Private Street shall mean a vehicular right-of-way owned and maintained privately that has a right-of-way no less than twenty-eight (28) feet in width. Private streets shall be paved with concrete or asphalt and, where not fronted by a building, shall include a curb and gutter on each side which shall be a maximum of two (2) feet. Private streets, where not fronted by a building, shall have a sidewalk on at least one side. Sidewalks shall be constructed to connect the front door of each unit with parking areas.
   c. Construction and dedications for street improvements on 1430 South will be completed with the first phase of development. Utility and storm water management plans for all phases of the development will be required with phase one development plans.

11. Traffic Analysis. A traffic study prepared by a professional traffic engineer shall be provided by the developer to show what traffic mitigation measures may be necessary for the proposed development. The developer shall install and/or comply with any mitigation measures that are recommended by the traffic study. The City Engineer may impose traffic mitigation requirements based on this or other studies.

12. Irrigation Ditches. At time of development, irrigation ditches on properties within the PD-11 zone shall be piped underground with written approval from the ditch company.

13. Storage Areas and Solid Waste Receptacles. All outside storage areas and all solid waste receptacles which are not located within a building shall be enclosed on at least three sides with the same material primarily used on the exterior of the main structure.
14. Exterior Finishing Materials. The exterior elevations and finishing materials shall be a combination of brick, rock, stone, cement fiber siding, and/or stucco. Vinyl and aluminum siding is prohibited.

15. Roof Pitch. All dwelling units shall have a minimum roof pitch of five (5) rise to twelve (12) run.

16. Homeowners’ Association. A homeowners’ association shall be established for all units in the development. The homeowners’ association shall be responsible for maintaining all common areas and required improvements and for ensuring compliance with the approved site plan.

17. Storm Water Runoff Plan. A storm water runoff plan shall be provided and shall be designed to accommodate a 25-year storm and a detention system with a maximum allowable discharge rate of sixty gallons per minute per acre (60 g.p.m/ac). All storm water detention areas shall be maintained by the homeowner’s association.

18. Property Lines. All property lines shall be located at the back of the curb.

19. No Stacked Units. Stacked units are not allowed in the PD-11 zone.

20. 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 site plan.


C. Concept Plan. Development in the PD-11 zone shall substantially conform to the concept plan included herein as Appendix “X” and incorporated herein by reference. The concept plan illustrates the site layout, types of uses, and design and architectural style of buildings to be developed within the PD-11 zone. No request for development within the PD-11 zone shall be approved which significantly differs from the concept plan. The concept plan may be amended in the same manner as an amendment to the zoning ordinance. However, minor amendments to the concept plan may be administratively approved by the City Manager or the City Manager’s designee.


D. R12 Development. Residential properties in the PD-11 zone that are not included in the PD-11 development may continue operating under the standards of the R12 zone.


22-11-24. PD-12 Zone, Southwest Corner of 1300 South and Main Street.

A. Purpose. The purposes of the PD-12 zone are:

1. To develop a commercial zone that promotes commercial activities that are conducive to close proximity to residential zones, while protecting the character and quality of adjacent residential areas.

2. To promote a broad range of benefits to the community and provide a number of highly desirable activities.

3. To provide aesthetic controls for the architecture of buildings, and site development.

4. To provide development guidelines for controlling direct access to 1200 South Street and 1400 South Street.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended 06/12/2001)

B. Permitted Uses. The uses listed below shall be permitted within the PD-12 Zone:

<table>
<thead>
<tr>
<th>Use Code</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>1510</td>
<td>Hotels tourist courts and motels</td>
</tr>
<tr>
<td>53XX</td>
<td>General Merchandise - Retail (except 5395, Flea Market)</td>
</tr>
<tr>
<td>5410</td>
<td>Groceries and/or food</td>
</tr>
<tr>
<td>5511</td>
<td>Motor vehicles (new and used)</td>
</tr>
<tr>
<td>5600</td>
<td>Apparel &amp; accessories</td>
</tr>
<tr>
<td>5710</td>
<td>Furniture, home furnishings &amp; equipment</td>
</tr>
<tr>
<td>5810</td>
<td>Restaurants</td>
</tr>
<tr>
<td>5910</td>
<td>Drug and proprietary</td>
</tr>
<tr>
<td>5931</td>
<td>Antiques</td>
</tr>
<tr>
<td>5932</td>
<td>Jewelry &amp; precious metal</td>
</tr>
<tr>
<td>594X</td>
<td>Books and Stationery</td>
</tr>
<tr>
<td>595X</td>
<td>Sporting goods</td>
</tr>
<tr>
<td>5970</td>
<td>Computer goods</td>
</tr>
<tr>
<td>5996</td>
<td>Optical Goods</td>
</tr>
<tr>
<td>61XX</td>
<td>Financial, insurance &amp; real estate services (except 6112, Pawn Shops)</td>
</tr>
<tr>
<td>6220</td>
<td>Photographic services</td>
</tr>
<tr>
<td>6231</td>
<td>Beauty and barber shops</td>
</tr>
<tr>
<td>633X</td>
<td>Duplicating, mailing &amp; stenographic</td>
</tr>
<tr>
<td>6350</td>
<td>News syndicates</td>
</tr>
<tr>
<td>6360</td>
<td>Employment services</td>
</tr>
<tr>
<td>6392</td>
<td>Business &amp; management consulting services</td>
</tr>
<tr>
<td>6395</td>
<td>Automobile &amp; Truck Rental, provided, however that no truck larger than a one-ton pickup shall be parked within 100’ of University Parkway</td>
</tr>
</tbody>
</table>

6396 Photo finishing
§22-11-24 ZONING

Standard Land

<table>
<thead>
<tr>
<th>Use Code</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>65XX</td>
<td>Professional Services (except 6595, Auction Services)</td>
</tr>
<tr>
<td>711X</td>
<td>Cultural activities</td>
</tr>
<tr>
<td>7212</td>
<td>Motion picture theaters</td>
</tr>
</tbody>
</table>


C. Repealed


D. Any use not specifically listed in subsection (B) or (C) above shall not be permitted in the PD-12 zone.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended 06/12/2001)

E. Site Development Standards.

1. Compliance. In deciding whether to approve or disapprove submitted plans and specifications, the City shall insure that all improvements, construction, landscaping, and alterations within PD-12 zone conform to and harmonize with the requirements and restrictions of this section and Final Redevelopment Plans #85-03-A and #85-03-B.

2. Access to Property. The developer of property within the PD-12 zone shall be responsible for developing the frontage roads in accordance with the design and locations agreed to by the City and the Utah Department of Transportation. The City Council may waive the frontage road requirement if: 1) the developer obtains the cross-easement agreements necessary to properly access and serve the developing property and other properties that would be served by the frontage road, and if the cross-easement agreements are made part of an overall circulation plan approved by the City Council, or 2) the developer is successful in obtaining direct access to 1300 South Street from the Utah Department of Transportation and if the access is approved by the City.

   a. Each lot shall have not more than two (2) access ways to any one street. Each access way shall comply with the following requirements:

      (1) The width of any access way leading to a public street shall not exceed forty (40) feet at its intersection with the property line. Curb returns shall have a minimum radius of fifteen (15) feet.

   (2) The location and number of access ways shall be so arranged that they will reduce traffic hazards as much as possible.

3. Access to 1200 South and 1400 South. No commercial development shall be permitted to have direct accesses onto 1200 South Street or 1400 South Street, except for the approved accesses located on 1400 South at approximately 150 East Street.

4. Requirements for Parcel Development. Property subjected to the PD-12 zone shall be approved for development only when the owner and/or developer present a development plan which meets the following criteria:

   a. The minimum area standards for development of a site shall be as follows:

      (1) The parcel or parcels included in the development shall total at least three (3) acres in size. Parcels smaller than three (3) acres may be created or developed if: a) the parcel is part of a condominium development that meets the terms of this section; or b) the parcel is used in function and appearance as an integral part of a three (3) acre or greater size development. Parcels smaller than three (3) acres must be developed simultaneously with or subsequent to the development of the three (3) acre or greater size development; and

      (2) The entire development shall be substantially square or rectangular in shape; and

      (3) The development shall extend entirely from 1300 South to 1400 South or from 1200 South to 1300 South with borders on 1300 South being equal in length to borders on 1400 South or 1200 South respectively; and

      (4) The development shall not be designed in such a way as to leave any parcel or parcels of property which could not be developed under the requirements of this section.

   b. No lot larger than three (3) acres in size shall be subdivided or otherwise split in such a way as to leave a parcel less than three (3) acres in size.

   c. The purpose of subsections (a) and (b) are:

      (1) To ensure that large, regional retail, service and professional office developments will occur, as opposed to
small developments serving only the immediate neighborhood or community;

(2) To prevent the occurrence of further deterioration of the area, which would likely occur if the smaller lots were to remain in residential use next to a large commercial development;

(3) To prevent the conversion of existing homes to small, piecemeal commercial establishments; and

(4) To allow for large, integrated commercial developments, with landscaped buffer areas bordering 1200 South, 1400 South and Main Streets. The inclusion of the smaller lots bordering those streets will square off the developments, making a much more aesthetically pleasing development and preventing a jagged boundary line, which would otherwise follow the uneven back lot lines of the smaller lots.

5. Front yard Setback. All buildings shall have a front yard setback of at least forty (40) feet or equal to the height of the building, whichever is greater.

6. Side yard Setback. The minimum side yard setback shall be zero (0) except when adjoining a residential development or a public street, in which case it shall be forty (40) feet or equal to the height of the building, whichever is greater.

7. Rear yard Setback. The minimum rear yard setback shall be zero (0) except when adjoining a residential development or public street, in which case it shall be forty (40) feet or equal to the height of the building, whichever is greater.

8. Hours of Operation. The City may determine hours of use of each business conducted outside of a building as a requirement of the site plan approval.

9. Building Standards. The following building standards shall apply:

a. Materials: The following exterior finishing materials may be acceptable: brick, fluted block, colored textured block, glass, and wood. Other finishing materials may be used upon approval of the Planning Commission; provided, however, that corrugated sheet metal shall in no case be used except for trim, soffits, facia, mansards or other similar architectural features. In determining whether or not other materials may be used, the Planning Commission shall consider the purpose of the zone in promoting well designed, aesthetically pleasing commercial buildings in close proximity to residential areas, the attractiveness of, and the City image created by the proposed development as seen from 1300 South which is a major transportation corridor through the City.

b. The character and quality of the materials and design of both the landscaping and the building on the "back side" facing the residential areas shall be of materials and design approved by the City.

c. Buildings should be coordinated with adjacent commercial buildings in architectural design in order to promote a well-integrated development with attractive urban design qualities.

10. Height. Building height is restricted to a maximum of forty-eight (48) feet exclusive of roof mounted mechanical equipment. All roof mounted equipment shall be enclosed and screened from view.

11. Outside Storage. All storage and storage activities outside of the main buildings, except loading and unloading, shall be conducted within a building or an enclosure at least six feet (6') in height and constructed with the same exterior finish as the main building or other materials specifically approved by the Planning Commission. The design of all storage buildings and enclosures shall be approved by the City.

12. Parking Areas. Parking areas shall be constructed and maintained as follows:

a. Parking Setbacks: All parking areas shall be set back a minimum of twenty (20) feet from all dedicated public streets. The setback area shall be landscaped.

b. Curb Requirements: Planting areas and driveways by a concrete curb.

13. Parking near Residential Zones. Parking on the south side of 1200 South and the north side of 1400 South is prohibited.

14. Buffering Adjacent to existing Residential Zones. All parking areas shall be screened from abutting residential neighborhoods by:

a. Constructing a seven (7) foot masonry wall adjacent to the eastern boundary as development takes place on the adjacent property, and an eight (8) foot masonry wall along the southern boundary of Victoria Park Subdivision at the time any development takes place on the north side of 1300 South between 200 East and Victoria Park Subdivision using tax increment funds.
b. Installing and maintaining a landscaped strip with trees at least two (2) inch caliper in size, planted twenty (20) feet on center in a landscaped area of no less than six (6) feet in width on the development side adjacent to the wall.

These standards do not apply to lots fronting on 1200 South or 1400 South streets. The standards for these streets are found in Section (19) (a), (b).

15. Loading and Unloading Areas. Each building shall have a rear or side entrance that is accessible to a loading area and service drive. Service drives shall be a minimum of twenty-six (26) feet in width and shall be in addition to and not a part of the drives or circulation system used by the vehicles of shoppers. Loading and delivery areas shall be clearly marked.

Loading and deliveries to businesses located within 200 feet of any residential zone shall be conducted during the hours of 7:00 a.m. to 10:00 p.m.. No delivery truck shall be allowed to park or leave running any engine or motor between the hours of 10:00 p.m. to 7:00 a.m.

16. Landscaping and Lighting Plans. Landscaping and lighting plans shall be submitted to the City for approval as a part of the site plan.

17. Landscaping. All site landscaping requirements shall be completed within ninety (90) days of completion of the building construction. In the event that the building is completed during the time of year when planting is not appropriate (October 15 through March 15) the landscaping may be delayed to the next growing season.

a. Sprinkler systems with automatic clocks of commercial grade must be installed for all landscaped areas.

b. Approved landscaping and other improvements must be replaced or returned to their original condition by the owner following construction or other activity.

18. Street Trees. London Plane Trees at least two inches (2") in caliper, measured four feet above the ground, shall be planted fifty feet (50') on center in a landscape strip at least twenty feet (20') in width along the right-of-way of 1300 South Street and Main Street.

19. Landscape Strip. The landscape strip along 1300 South and Main Streets shall be developed at a grade no lower than the grade of the sidewalk.

20. Trees. The minimum number of trees shall be twenty (20) per acre of landscaped land area, exclusive of parking area planter strips, street trees required in subsection (18) above and buffering of adjacent residential areas in subsection (14) above.

21. Shrubs and Ground Cover. Liberal use of shrubs and ground cover plantings are encouraged throughout the corridor. In particular, deciduous and annual plants which provide colors should be used to accent entrances and street intersections.

However, landscaping shall not be placed next to streets in such a way as to hamper sight distance, nor shall landscaping be placed along pedestrian walkways in such a way as to jeopardize pedestrian safety. In order to achieve a "year round look" throughout the Corridor. A mix of shrubs and ground cover shall be as follows:

- 75% evergreen or broad leaf evergreen
- 25% deciduous

22. Parking Area. All parking areas shall be landscaped to reduce the visual impact of the vast amounts of asphalt in parking areas according to the following criteria:

a. A minimum of three (3) percent of customer parking areas shall be landscaped with islands in width of at least five feet (5') and sixteen feet (16') long for single parking rows and thirty-two feet (32') long for double parking rows. At least one tree planted shall be planted in each island.
b. Additional planter islands shall be required one (1) for every one hundred (100) linear feet of parking to reduce the visual impact of the vast amount of asphalt in the parking lot.

c. Parking area calculations shall include driveways to parking stalls.

23. Maintenance. No Certificate of Occupancy shall be issued for any building on any portion of a development until the landscaping is in place or a bond, cash deposit, or equivalent, is deposited with the City conditioned on and guaranteeing the installation of all landscaping shown on the approved landscaped plan. Failure to maintain the landscaping shall be a violation of this chapter and enforceable as provided by law. All landscaped areas shall be maintained in a neat, clean, orderly and sightly condition. This shall include proper pruning, lawn mowing, weeding, removal of litter, fertilizing, replacing of dead plants and the regular watering of all plantings.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended 06/12/2001)

H. Signs.

1. Signs in the PD-12 zone may be permitted as accessory uses in accordance with the provisions of Chapter 14 and the regulations contained in this subparagraph.

Where the requirements herein are more restrictive than Chapter 14, the requirements set forth herein shall govern.

2. Only Freestanding, Low Profile and Wall signs are permitted.

3. When electrical service is provided to freestanding signs or low profile signs, all such electrical service shall be underground.

4. Freestanding signs shall comply with the following requirements with respect to size, height and location:

<table>
<thead>
<tr>
<th>REQUIREMENTS FOR FREESTANDING SIGN</th>
<th>Maximum Height Above Grade (feet)</th>
<th>Maximum Area Allowed per Side (square feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Distance From Street Right-of-Way Line (feet)</td>
<td>6</td>
<td>36</td>
</tr>
<tr>
<td>10</td>
<td>13</td>
<td>75</td>
</tr>
<tr>
<td>15</td>
<td>18</td>
<td>100</td>
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<tr>
<td>20</td>
<td>22</td>
<td>125</td>
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<td>25</td>
<td>26</td>
<td>150</td>
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<tr>
<td>30</td>
<td>31</td>
<td>175</td>
</tr>
<tr>
<td>35</td>
<td>35</td>
<td>200</td>
</tr>
</tbody>
</table>

| 40 or more | 35 | 200 |

5. Low Profile signs shall not be located closer than 10 feet to any public street, driveway or area of cross-easement.

6. No freestanding or low profile sign shall be built within fifteen (15) feet of any interior side lot line.

7. Freestanding signs shall not be permitted on 1200 South and 1400 South Streets.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended 06/12/2001)

I. Site Plans.

1. Any development within this PD-12 zone shall receive Planning Commission approval on all site plans and site plan amendments.

2. Any development within the PD-12 zone shall be subject to review and approval by the Redevelopment Agency of the City of Orem. Developments located within a redevelopment project area must comply with the Final Redevelopment Plans (#85-03-A) and (#85-03-B) as adopted by the City of Orem.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended 06/12/2001)

J. Time Period for completion of improvements.

The improvements as shown on an approved site plan shall be started within a period of twelve (12) months after such plan is approved by the City, and shall be completed and ready for occupancy within a period of twenty-four (24) months from the date the permit is issued. Extensions of time may be granted for a site plan by the City up to twelve (12) additional months.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended 06/12/2001)

K. Other Documents required to be submitted with a Final Development Plan.

1. Agreements. Copies of any agreements with property owners adjacent to the proposed development or any other person, which may be required to effectuate the proposed development, shall be submitted with the final development plan.

2. Covenants, conditions and restrictions. Copies of any applicable covenants, conditions and restrictions shall be submitted with the final development plan.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended 06/12/2001)

22-11-25. PD-13 Zone, Southwest Corner of 400 North and Orem Boulevard.

A. Purpose. The PD-13 zone is established to promote retail commercial and service uses, and to provide for such uses in a low intensity manner such that they can be used as transitional land uses between higher intensity commercial uses and residential uses.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)
B. Permitted Uses. The following shall be permitted uses within the PD-13 zone:

<table>
<thead>
<tr>
<th>Use Code</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>5410</td>
<td>Groceries and/or food</td>
</tr>
<tr>
<td>5440</td>
<td>Candy, nuts and confectionery</td>
</tr>
<tr>
<td>5942</td>
<td>Stationery</td>
</tr>
<tr>
<td>5948</td>
<td>Florists</td>
</tr>
<tr>
<td>5947</td>
<td>Gifts, novelties and souvenirs</td>
</tr>
<tr>
<td>6110</td>
<td>Banking and credit services</td>
</tr>
<tr>
<td>6231</td>
<td>Beauty and barber shops</td>
</tr>
<tr>
<td>6291</td>
<td>Catering services</td>
</tr>
<tr>
<td>6292</td>
<td>Wedding reception centers</td>
</tr>
<tr>
<td>6510</td>
<td>Medical, dental, and health services</td>
</tr>
<tr>
<td>6514</td>
<td>Chiropractors and osteopaths</td>
</tr>
<tr>
<td>6520</td>
<td>Legal services</td>
</tr>
<tr>
<td>6531</td>
<td>Authors, books</td>
</tr>
<tr>
<td>6532</td>
<td>Authors, computer software</td>
</tr>
<tr>
<td>6591</td>
<td>Engineers and architects</td>
</tr>
<tr>
<td>6593</td>
<td>Accounting, auditing and</td>
</tr>
<tr>
<td></td>
<td>bookkeeping</td>
</tr>
</tbody>
</table>

7214 Legitimate theater (Ord. No. 661, Revised, 04/10/1990; Ord. No. O-0021, Amended, 09/14/1999; Ord. No. O-01-0021, Amended, 06/12/2001)

C. Conditional Uses. The following uses shall be required to obtain a conditional use permit in the PD-13 zone:

<table>
<thead>
<tr>
<th>Use Code</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>5393</td>
<td>Arts, crafts and hobbies</td>
</tr>
<tr>
<td>5910</td>
<td>Drug and propriety</td>
</tr>
<tr>
<td>5949</td>
<td>Video rental</td>
</tr>
<tr>
<td>6211</td>
<td>Laundering, dry cleaning, and dyeing services</td>
</tr>
<tr>
<td>6261</td>
<td>Commercial day Care/ preschool facility</td>
</tr>
<tr>
<td>6332</td>
<td>Blueprinting and photocopying</td>
</tr>
<tr>
<td>6597</td>
<td>Family and behavioral counseling</td>
</tr>
<tr>
<td>6812</td>
<td>Primary and Secondary schools</td>
</tr>
<tr>
<td>6834</td>
<td>Art and music schools</td>
</tr>
<tr>
<td>6835</td>
<td>Dancing schools</td>
</tr>
<tr>
<td>6911</td>
<td>Churches, synagogues and temples</td>
</tr>
</tbody>
</table>

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-0042, Amended, 09/14/1999; Ord. No. O-01-0021, Amended, 06/12/2001)

D. Prohibited Uses. Any use not specifically listed in subparagraphs (B) and (C) above shall be prohibited in the PD-13 zone.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

E. Zone Development Standards. In areas where the PD-13 zone does not have specific regulations, the requirements for C2 shall govern.

1. Setbacks. The minimum side and rear yard setback shall be twenty-five feet (25') when adjoining property zoned is residential.

2. Structure Heights. Building height is restricted to a maximum of thirty-five feet (35') exclusive of roof mounted mechanical equipment. All roof mounted equipment shall be enclosed and screened from view.

3. Hours of Operation. It shall be unlawful to operate any business within the PD-13 zone between the hours of 11:00 p.m. and 6:00 a.m. It shall be unlawful to load, unload, or operate any delivery vehicle including its refrigeration units or motors within the PD-13 zone between the hours of 10:00 p.m. and 7:00 a.m.

4. Signs. Signs within the PD-13 zone shall follow the provisions of the Sign Ordinance or the provisions of this Section, whichever are more restrictive.

a. Permitted Signs. The Zoning Administrator may grant the approval of the following permitted signs.

1. Facia Signs
2. Freestanding Signs
3. Governmental Signs
4. Holiday Signs
5. Interior Signs
6. Low Profile Signs
7. Master Identification Signs
8. Name Plates
9. Real Estate Signs
10. Window Signs
11. Wall Signs facing 400 South Street or Orem Boulevard only.

b. The following signs are prohibited in the PD-13 zone:

1. Banner Signs
2. Billboards
3. Electronic Message Signs
4. Mobile Signs
5. Projecting Signs
6. Roof Signs
7. Rotating/Revolving Signs
8. Temporary Signs
9. Wall Signs, except those permitted in Section 22-11-25(E)(4)(a)
10. Youth Activity Sponsor Signs

c. The maximum number of freestanding signs in the zone shall be one (1), of which the maximum area of the sign shall not exceed one hundred (100) square feet and the maximum height shall not exceed twenty feet (20'). The freestanding sign shall not be located closer than twenty feet (20') to any dedicated street. The sign shall be used primarily as shopping center identification and secondarily as a master identification sign. It
shall be unlawful to erect the sign without first obtaining approval from the Zoning Administrator.

d. The maximum number of low profile signs on any parcel shall be two (2).
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

22-11-26. PD-14 Residential Estate Zone.

A. Purpose. The purpose of the PD-14 Zone is to provide an area within the City where residential estate uses on lots of at least seventy-five hundredths (0.75) of an acre may be developed and that may develop with a guest house and/or enclosed recreational facilities as regulated in this section.
(Ord. No. 685, Enacted, 03/26/1991; Ord. No. O-01-0021, Amended, 06/12/2001)

B. Additional Regulations. Refer to the following Articles for additional regulations:
1. Article IV, Conditional Use Permits.
2. Article XIV, Supplementary Regulations.
3. Article XV, Off-street Parking.
(Ord. No. 685, Enacted, 03/26/1991; Ord. No. O-01-0021, Amended, 06/12/2001)

C. Zone Boundary. The boundaries of the PD-14 Zone are designed on the Zoning Map of the City of Orem, Utah.
(Ord. No. 685, Enacted, 03/26/1991; Ord. No. O-01-0021, Amended, 06/12/2001)

D. Permitted Uses. Residential dwellings and associated accessory uses and structures shall be permitted uses in the PD-14 Zone.
(Ord. No. 685, Enacted, 03/26/1991; Ord. No. O-01-0021, Amended, 06/12/2001)

E. Conditional Uses. A property owner shall obtain a conditional use permit for any accessory structure that is one thousand (1,000) square feet in area or greater and/or twenty-four feet (24') above finished grade. A property owner requesting a bubble type covering or enclosure for recreational facilities shall obtain a conditional use permit from the City Council prior to its erection.
(Ord. No. 685, Enacted, 03/26/1991; Ord. No. O-01-0021, Amended, 06/12/2001)

F. Prohibited Uses. Any use not listed in subsections (D) and (E) above are prohibited.
(Ord. No. 685, Enacted, 03/26/1991; Ord. No. O-01-0021, Amended, 06/12/2001)

G. Residential Square Footage. The minimum square footage for residential dwellings in the PD-14 Zone shall be two thousand two hundred (2,200) square feet of finished floor area above grade for a single story dwelling, and three thousand (3,000) square feet above grade for multiple story dwellings. The required square footage is exclusive of open porches and garages.
(Ord. No. 685, Enacted, 03/26/1991; Ord. No. O-01-0021, Amended, 06/12/2001)

H. Building Heights.
1. Residential dwellings shall not exceed forty-three feet (43’) in height above the average grade of earth at the foundation wall.
2. Accessory buildings/structures other than guest homes shall not exceed twenty-four feet (24’) in height.

I. Residential Setbacks. The minimum setbacks for residential dwellings shall be as follows:
1. Front and side facing a dedicated street: 42 feet from the back of the curb.
2. Rear: 30 feet.
(Ord. No. 685, Enacted, 03/26/1991; Ord. No. O-01-0021, Amended, 06/12/2001)

J. Accessory Building Setbacks. The minimum setbacks for accessory buildings shall be as follows:
1. Front facing a dedicated street: 42 feet from the back of curb.
2. Side facing a dedicated street: 25 feet from the back of curb.
3. Rear and side not adjacent to a street: 10 feet. For accessory building or structures requiring a conditional use permit the City Council may require greater setback distances for rear and side yards.

K. Guest House. A guest house is a particular type of accessory building and shall be placed on the same lot as the primary structure. One guest house per lot may be permitted, and each of the following shall apply:
1. The guest house shall be of the same architectural design and materials as the main residential dwelling.
2. The guest house shall be no smaller than one thousand (1,000) square feet.
3. The guest house shall not be sold or rented separately from the main residence.
4. A property owners shall obtain a conditional use permit for a guest house prior to its erection.
5. A guest house shall not exceed forty-three feet (43’) in height above the average grade of the earth at the foundation wall.
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L. Fences.
1. A fence with a maximum height of eight feet (8') may be placed within the front yard setback, but shall not be located closer than twenty-nine feet (29') to the back of curb in the dedicated street.
2. A fence with a maximum height of eight feet (8') may be placed within the side yard setback facing a dedicated street, but shall not be located closer than fourteen feet (14') to the back of curb in the dedicated street.
3. Fences at street intersections shall not violate Section 22-14-10, Clear Vision Area, of this Chapter.

(Ord. No. 685, Enacted, 03/26/1991; Ord. No. O-01-0021, Amended, 06/12/2001)

M. Additional Requirements.
1. The total footprint area of all accessory buildings/structures shall not exceed thirty-three percent (33%) of the area of the parcel on which they are located.
2. In areas where the PD-14 zone does not have specific requirements, the requirements of the R8 zone shall apply.


A. Purpose.
1. The purpose of the PD-15 zone is to accommodate development of a municipal golf course, city parks, and public recreational facilities, while establishing adjacent areas for medium density residential development. This particular mix of uses is not typically found in other zones of the City, so the PD-15 zone is established to provide a unique area for coexistence of these uses, and to accomplish the City's goal of developing a significant, high-quality municipal golf course and recreational facilities, and to promote the overall vitality of the neighborhood and the City.
2. The purposes described above are accomplished by:
   a. Allowing densities higher than a typical residential development;
   b. Requiring the consolidation of open spaces; and
   c. Establishing higher standards for landscaping, building and site design, public safety, parking, aesthetics, traffic circulation, fencing, lighting, and other similar site improvements.


B. Concept Plan.
1. The concept plan included herein as Appendix "G" designates in general terms the proportions, locations, and types of uses to be developed within the PD-15 zone and shall guide site layout and development within the zone. The concept plan shows generally where the golf course, open spaces, public parks, and residential developments shall be located. Prior to final approval of any development within the zone, the City shall verify that the project follows the general layout of the concept plan. No request for development within the PD-15 zone shall be approved which, in the opinion of the City, significantly differs from the concept plan. The City may amend the concept plan by following the requirements of Section 22-1-5 of this Chapter. The concept plan shall be considered the Preliminary Development Plan referred to in Section 22-11-3(B) of this Chapter. Appendix G is incorporated herein by reference and is made a part of this Section 22-11-27.

2. Before any final plat may be recorded for any property located in either Areas “A” or “B” as shown on Appendix “G,” a preliminary plat must be approved for the entire Area “A” or “B” respectively. Before a site plan may be approved in any area identified as Area “C”, an area concept plan for the entire Area “C” containing the site plan must be approved by the City Council. The area concept plan shall show the general location of roads, building footprints, areas of open space, and the general design and type of structures and residences.


C. Size. The minimum acreage of the PD-15 zone shall be one hundred fifty (150) acres. Any single development of residential uses shall be a minimum of five (5) contiguous acres.


D. Permitted Uses. The uses listed below shall be permitted uses within the PD-15 Zone (the standard land uses 6XXX listed below shall only be permitted in the clubhouse)

<table>
<thead>
<tr>
<th>Standard Land Use Code</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>1110</td>
<td>Single Family</td>
</tr>
</tbody>
</table>
plan shall reflect the findings of a traffic study prepared by an independent, professional traffic engineer, and shall show what traffic mitigation measures may be necessary for the zone. The City Council may impose traffic mitigation requirements based on this or other traffic studies. This study shall consider off-site traffic impacts within an area of at least one (1) mile from the outside boundaries of the development.

2. A site plan for the Golf Course must be approved in accordance with the requirements of this Section prior to application for any residential site plan or subdivision plat.


H. Site Plan and Subdivision Plat Submittals.

1. An approved site plan shall be required prior to the development or construction of any nonresidential use or any attached dwelling units. An approved preliminary and final plat shall be required prior to any development in the PD-15 zone. No application shall be considered submitted until all requirements for the site plan or plat are completed and accepted by the City.

2. Any application shall include all necessary fees and documentation required by this ordinance. The site plan shall be reviewed by the Development Review Committee. The final approving authority for all PD-15 site plans shall be the City Council. The Planning Commission shall be the final approving authority for any preliminary plat.

3. The application for a final plat in the PD-15 zone shall be prepared by the developer’s surveyor and engineer and shall be submitted to the City, together with the required fees. The final plat shall be considered the Final Development Plan referred to in Section 22-11-10 of this Chapter.

4. The City Engineer is the final approving authority for final plats and shall approve the application request if it meets the requirements of the site plan and/or preliminary plat and all applicable City ordinances. For developments in which a site plan is required, the final plat shall not be approved until the site plan has been approved by the City Council.

5. Failure to submit a final plat within one (1) year of the date of approval of the site plan shall terminate all proceedings and render approval of the site plan null and void. The final plat shall expire and be void one (1) year after approval by the City Engineer, unless the final plat has been recorded in the Office of the Utah County Recorder.
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6. No development, construction, revisions, or additions shall take place on a site until the site plan (if required) has been approved by the City Council, the final plat has been recorded, the necessary bonds have been posted, and the appropriate permits have been obtained.


I. Contents of Site plan. Except as otherwise specifically provided herein, the provisions of Section 22-14-20 shall apply to all site plans in the PD-15 zone. The following additional items shall also be submitted as part of or concurrent with a site plan in the PD-15 zone:

1. A detailed landscape plan prepared by a landscape architect licensed to practice in Utah showing the specific types and locations of landscaping.
2. Drawings of proposed structure elevations, including covered parking, showing the height, dimensions, appearance and materials proposed.
3. The location of consolidated open space.
4. A traffic analysis as required by Section 22-11-27(G)(1) of this Chapter.
5. A traffic circulation plan showing that development of the site will not hinder coordinated development of adjacent undeveloped land or land to be redeveloped as part of the Project.
6. Dwellings and other structures, parks, playgrounds, common areas and facilities, limited common areas, private areas and facilities, and other improvements within the development.
7. Basic floor plans for all buildings within the development.
8. A security lighting plan.
9. A soils study as required by Section 22-11-27(O)(9) of this Chapter.
10. A summary of the neighborhood meeting stating: a) who was noticed; b) how notice was given; c) who attended; d) location of the meeting; e) concerns raised by neighbors; and f) issues discussed.


J. Site Plan Review and Approval.

1. The following procedure must be followed to obtain site plan approval:
   a. Development Review Committee. The Department of Development Services shall forward the proposed site plan to the Development Review Committee for initial review. The Development Review Committee shall review the site plan while considering whether it complies with the Orem General Plan and all City ordinances, resolutions, and policies. The site plan shall not be forwarded to the Planning Commission unless it complies with the Orem General Plan and all City ordinances, resolutions, and policies.
   b. Planning Commission. The Planning Commission shall review the site plan and make recommendations to the City Council.
   c. City Council. The City Council shall be the final approving authority for all site plans in the PD-15 zone and shall have the power to approve, approve with conditions, or deny a proposed site plan.
2. The Planning Commission and the City Council shall consider the following items when reviewing a site plan in the PD-15 zone:
   a. Whether the proposed site plan complies with all City ordinances, resolutions, and policies.
   b. Whether the proposed site plan promotes the health, safety and welfare of the community. In making this determination, the Planning Commission and the City Council shall consider, among other things, the overall safety of the site, the impact that the site will have on traffic, the impact the site will have on surrounding properties, and the adequacy of police, fire and utility service that can be provided for the site.
3. A site plan may be amended according to the procedures set forth in Section 22-14-20.


K. Building Permits. No building permit shall be issued for any project for which a site plan or amended site plan is required, until the site plan or amended site plan has been approved by the appropriate authority.


L. Completion of Improvements. All public improvements shown on an approved site plan shall be completed within one year of the date of approval or recording of the final plat, whichever is later, or at such earlier time as the approving body may designate. 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 for the completion of improvements of up to one (1) year from the Planning Commission. An extension of one year may be granted only if the applicant demonstrates good cause for not completing
the improvements and demonstrates the present ability to complete the improvements.

M. Completion and Maintenance of Site. Every development shall conform to an approved site plan, an amended site plan, and a final plat. No structures or improvements may be added to a development for which a site plan is required unless such structures and improvements are included on the approved site plan.
All improvements shown on the approved site plan shall be maintained in a neat and attractive manner. Failure to complete or maintain a PD-15 development in accordance with this Chapter, an approved site plan or an approved plat shall be a violation of the terms of this Chapter. The City may initiate criminal and/or civil legal proceedings against any person, firm or corporation, whether acting as principal, agent, property owner, lessee, tenant, employee or otherwise, for failure to complete or maintain a PD-15 development in accordance with this Chapter, an approved site plan or an approved plat.

N. Final Plat.
1. Except as otherwise specifically provided herein, the provisions of Chapter 17 of the Orem City Code shall apply to all plats in the PD-15 zone. Final plats shall also contain the following information:
   a. A designation of common areas, limited common areas, and private ownership areas.
   b. For condominiums, three dimensional drawings of buildings and building elevations. In the case where the PD-15 development is a condominium project, the developer shall submit a written statement by an attorney who is licensed to practice in Utah. This written statement shall be the attorney's opinion that the condominium declaration, the subdivision plat and the other supporting documentation comply in all respects with the Utah Condominium Ownership Act (UCA Sec. 57-8-1, et seq.) as well as all applicable federal, state and local laws and ordinances and that when the condominium declaration and final plat have been recorded in the office of the Utah County Recorder that the proposed project will be a validly existing and lawful condominium project in all respects.
   c. Written copies of any required agreements with property owners adjacent to the proposed PD-15 development, or with any other person.
   d. Written approval of adjoining ditch or canal companies authorizing mandatory fencing or piping of ditches or canals.
   e. Plat restrictions, lot restrictions, and other information required by the Planning Commission or Director of Development Services.
2. The City Engineer shall approve a final plat in the PD-15 zone provided he finds:
   a. That all of the improvements and conditions of the approved site plan (if required) have been incorporated into the final plat.
   b. That all construction drawings of the PD-15 development have been approved by the City Engineer.
3. The final plat shall be recorded by the City after all signatures are obtained, all approvals are given, and all bonds and fees are posted with the Public Works Department.

O. Development Standards and Requirements. The following development standards and requirements shall apply in the PD-15 zone.
1. Development Areas.
   Residential development shall be allowed only in the areas designated in Appendix G as an Area A, B or C. The standards and requirements applicable to residential development in these areas are as follows:

   Area A: Only detached dwelling units are allowed. The minimum lot size shall be 10,000 square feet. Except as specified herein, all other standards shall be those of the R8 zone.

   Area B: The following standards shall apply in Area B:
   a. Only detached dwelling units are allowed.
   b. All lots shall be at least 6,600 square feet. The average lot size of all lots in Area B shall be 7,200 square feet.
   c. An attached garage shall be set back at least twenty (20) feet from the front lot line. All other portions of the primary structure shall be set back at least twenty-five (25) feet from the front lot line.
   d. Each side yard setback shall be at least seven (7) feet and the total of both side yard setbacks shall be at least fourteen (14) feet.
e. No part of a primary structure shall be located closer than twenty-five (25) feet from the rear lot line. Except however, when a lot abuts either designated open space, golf course property, or any other lot within the PD-15 zone, the rear yard setback may be reduced to a minimum of fourteen (14) feet from the rear lot line. For any lot abutting either designated open space, golf course property, or any other lot within the PD-15 zone, the average setback distance between the rear property line and all points of the building’s rear walls shall be at least twenty (20) feet. EXCEPTION: Covered decks and patios and decks higher than eighteen inches above grade, covered or uncovered, may encroach into the required rear yard setback no more than six (6) feet, however, this exception does not apply when the property adjacent to the rear lot line is not part of the PD-15 zone.

f. The minimum lot width shall be sixty (60) feet.

g. Except as specified herein, all other standards shall be those of the R6.5 zone.

Areas C: The following standards shall apply in Area C:

a. Attached dwelling units are permitted at a maximum density of eight (8) dwelling units per acre. Streams, fountains and twenty-five (25) percent of the area of ponds located on private property may be used in determining density and open space when included as part of the general landscape plan for the development. No property that is part of any golf course, public road, wetland, or public park, shall be considered when determining density or open space. For example, a parcel containing ten (10) acres, three (3) of which are wetlands, shall have a maximum density of fifty-six (56) ([10 x 3] x 8=56) dwellings.

b. Except as otherwise specified herein, the standards and requirements of Article 22-7 (Planned Residential Developments) shall apply to any development in an Area C that contains attached dwelling units.

c. Detached dwelling units may also be developed in any Area C under the same standards applicable to development in Area B.

d. Porches and decks and roofs covering porches and decks may project up to eight (8) feet into the required front or rear setback when such porch or deck is adjacent to a public street or any property not part of the PD-15 zone. Roofs over a stairwell accessing a basement level and located on the side of a dwelling shall be set back a minimum of fifteen (15) feet from the sidewalk on a public or private right-of-way.

*Decks shall not encroach into the front setback.

e. Height. The maximum height for all structures in a PD-15 development shall be thirty-five feet (35'). However, the maximum height of the golf course clubhouse facility shall be sixty-five (65) feet exclusive of any appurtenant equipment. All residential development shall be a maximum of two stories above grade.

2. Minimum Area. The minimum area required for any residential development within the PD-15 zone shall be five (5) contiguous acres. Any preliminary plat for residential development shall have a minimum area of at least five (5) contiguous acres.

3. Setbacks. All dwellings shall be set back a minimum of thirty feet (30') from property not part of the PD 15 zone. All dwellings shall be set back a minimum of thirty feet (30') from all public streets that have a current or estimated future average daily traffic count (ADT) of 800 or greater. All dwellings shall be set back a minimum of twenty-five feet (25') from all public streets that have an estimated ADT of less than 800. The estimated future ADT of a street must be based on the maximum future usage as calculated by a traffic engineering study approved by the City. All parking spaces (other than those located on a driveway serving an individual dwelling unit) and private drive lanes shall be set back a minimum of twenty-five (25) feet from any public street. All setbacks adjacent to a street in developments containing attached units or nonresidential uses shall be landscaped and bermed to partially screen development behind the setback areas. All buildings and structures shall be set back a minimum of twenty feet (20') from a private street or driveway that serves more than one (1) dwelling.

4. 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.

5. Fences. Fencing around a residential development within the PD-15 zone is not required. Any fence construction shall conform to the standards of Section 22-14-19 of this Chapter.

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If sight-obscuring fencing materials are used, the developer shall paint the sight obscuring materials with a high-grade oil base paint/sealant or other paint/sealant approved by the City that resists graffiti. No chain-link or sight-obscuring fence shall be permitted on any side or rear yard adjacent to the Golf Course.

6. **Landscaping.** A landscaping plan shall be submitted to the City for approval as a part of the site plan for any phase of residential development that contains attached units and/or condominiums. All landscaping requirements contained within any such phase shall be completed within ninety (90) days of completion of the building construction within that phase. In the event that the building is completed between October 15 and March 15, completion of the landscaping may be delayed until the next June 15 following said March 15 date.
   a. All land within the PD-15 zone not covered by buildings, roads, driveways, sidewalks, and parking areas, shall be permanently landscaped with trees, shrubs, lawn, or ground cover and maintained in accordance with good landscaping practice. A permanent underground sprinkling system shall be installed for all landscaped areas.
   b. At least fifty percent (50%) of the net acreage of any attached unit development shall remain in permanently landscaped areas.
   c. For every two dwellings, there shall be required on the proposed site at least one (1) deciduous tree of at least two inch (2") caliper measured four feet (4') above the ground and at least eight feet (8') in height when planted, one (1) evergreen tree at least seven feet (7') in height, and sixteen (16) evergreen type shrubs at least five (5) gallons in size.

7. **Lighting Plan.** All PD-15 site plans shall include a lighting plan. The lighting plan shall be designed to:
   a. Discourage crime;
   b. Enhance the safety of the residents and guests of the PD-15 development;
   c. Prevent glare onto adjacent properties; and
   d. Enhance the appearance and design of the project.

For PD-15 developments with a homeowners’ associations, the lighting shall be designed in such a way as to give control of the lighting operation to the homeowners’ association.

8. **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. All development shall be slab on grade unless a soils engineer determines that basements can be developed without present or future ground water problems and the City Engineer concurs in the analysis. Ground water drains shall be required if any part of a dwelling’s habitable floor level is below grade.

9. **Parking.** Attached dwelling units shall be provided with not less than two (2) parking spaces each, both of which shall be in a garage attached to the dwelling the parking is to serve. In addition, one half (½) parking space for each dwelling shall be developed for guest parking within any attached unit development. Guest parking shall be located within one hundred fifty feet (150') of the dwellings served. All parking spaces shall measure at least nine feet (9') by eighteen feet (18'). All parking spaces, parking areas, and driveways shall be paved with asphalt and/or concrete and shall be properly drained. Drainage shall not be channeled or caused to flow across pedestrian walkways. All covered parking structures shall be designed with the same architecture as the main structures within the PD-15 development.

10. **Recreational Vehicle (RV) Storage.** No recreational vehicle shall be parked or stored within a PD-15 development except in an enclosed garage or in an area approved by the City Council as part of the site plan for the storage of recreational vehicles. This requirement, with appropriate enforcement provisions, shall be included in all Covenants, Conditions and Restrictions that run with the property; homeowner association bylaws, leases, rental agreements, etc. RV storage areas shall be enclosed with a six-foot (6') high sight-obscuring fence and shall be paved with concrete or asphalt.

11. **Streets.**
   a. All through streets shall be public streets and shall meet the requirements set forth in Section 17-7-7 of the Orem City Code. The City Engineer shall determine what a through street is, based on nationally recognized standards.
   b. All streets that are shown on the Orem City Master Street Plan shall be developed according to the size and general location shown on the Street Plan.
   c. Private streets shall:
      (1) Have a minimum pavement width of twenty-eight feet (28');
      (2) Have concrete curb and gutter on both sides of the street;
      (3) Be designed and constructed to City standards and specifications;
      (4) Have a concrete sidewalk on at least one side of the street;
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(5) Include a public utility easement in favor of the City on the entire width of the street; and

(6) Have "No Parking" signs installed on both sides of the street if the street has less than thirty-four feet (34') of paving.

(7) Only private streets may be gated and the gates shall:
   (a) Remain open between the hours of 5:00 a.m. and 12:00 a.m.;
   (b) Be set back at least forty feet (40') from the right of way line of any intersecting public street to allow safe queuing at the gate;
   (c) Have a minimum width at least as wide as the private street from gutter to gutter;
   (d) One project identification sign may be placed in a roundabout within a public right-of-way. Any development located within three hundred (300) feet of a roundabout shall be eligible to apply to install a sign identifying the development within the roundabout. A permit for such a sign shall be issued to the first qualified applicant. As a condition of receiving the permit, the applicant/owner of the development that is identified on the sign shall enter into an agreement with the City of Orem regarding liability, landscaping, safety and design, and shall maintain the signage and landscaping within the public roundabout right-of-way. The sign shall be in harmony with the roundabout landscaping.
   (e) Either a swinging or sliding type, however if a swinging type gate is used it shall swing away from the dedicated street and into the development.

12. Floor Plans. For any development containing attached residential dwellings, the developer shall submit floor plans for each type of residential dwelling proposed for such development. The developer is encouraged to provide a variety of floor plans to ensure a good mix of dwelling types. Attached residential units shall not be designed in such a way as to have one unit above another unit.

13. Off-site Improvements. Off-site curb, gutter and sidewalk along street rights-of-way bordering the site may be required by the City when safety or surface water drainage is impaired as a result of development in the PD-15 zone.

14. Irrigation Ditches. Irrigation ditches within a PD-15 development or along street rights-of-way adjacent to a PD-15 development shall be piped.

15. Storage Areas and Solid Waste Receptacles. All outside storage areas, except for RV 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 PD-15 development.

16. Exterior Finishing Materials. All dwellings within the PD-15 zone shall have at least sixty-five (65) percent of each exterior wall finished with brick, stone, stucco, wood siding or a combination thereof. Vinyl siding is not allowed. Metal or vinyl soffits and trims are permitted and do not count in the percentages required above.

17. Neighborhood Meeting. The applicant for any PD-15 development shall conduct at least one (1) neighborhood meeting to explain the proposed development and to address all neighborhood concerns. Written notice shall be given by the applicant to all residents within the PD-15 zone, all residents within the Springwater Park Subdivision, the Vineyard Neighborhood Community chair and vice-chair, and the Neighborhood Organization Specialist of the City of Orem. The applicant shall deliver notice of the meeting at least one (1) week prior to the date of the meeting. Phone calls or informal door-to-door contacts are not considered neighborhood meetings. Such meeting(s) shall be accomplished prior to the site plan being submitted to the City. The application for site plan approval shall include a list of all individuals who were notified, a roster of attendees at the meeting, and a copy of the minutes from the neighborhood meeting.

18. Homeowner’s Association. Every residential condominium development or residential development that has property in common or private streets, shall establish a homeowners' association for the purpose of maintaining the development. The homeowners’ association as well as the individual property owners and tenants shall be responsible to maintain the site in accordance with the approved site plan.

19. Slopes. Any slope greater than twenty percent (20%) may be used as landscape area, but shall not be included in open space calculation requirements.
20. **Consolidation of Open Spaces.** Each residential development that contains attached units shall include at least one open space in the 50% landscaping requirement. An open space is a single, contiguous landscaped area that may also include recreational facilities such as playground equipment, basketball or tennis court, swimming pool, etc. The required open space shall include at least four hundred (400) square feet for each attached dwelling in the development. The open space shall be landscaped and designed as a recreational area for both children and adults. Without describing the exact configuration of the open space, the open space shall be conducive to recreation and relaxation and shall be designed so that a horizontal rectangle inscribed within it has no dimension less than forty feet (40'). A long narrow strip shall not qualify as an open space. The open space must be approved as part of the site plan.

21. **Storm Water Runoff Plan.** All PD-15 developments shall have a storm water runoff plan designed to accommodate a 50-year storm. No storm water runoff shall discharge directly into Clegg's Pond.

22. **Phasing.** Phasing may be used as long as each phase meets the requirements of the ordinance and all amenities such as clubhouse, tennis courts, etc. are included in the first phase. All required open space and amenities that are part of a residential development shall be bonded for in the first phase of development.

23. **Architectural Design.** The architectural design of all dwellings in the PD-15 zone shall substantially conform to the designs contained in Appendix G.


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**P. Bonds.**

1. **Purpose.** Prior to the recording of any documents concerning an approved development in the PD-15 zone and prior to the issuance of any building permit for development in the PD-15 zone, a bond sufficient in amount to cover the cost of all public improvements, landscaping including sprinkling system, asphalt, curb, gutter, sidewalk, fencing, piping of irrigation ditches, play areas, pavilions, swimming pools, tennis courts, recreational areas, picnic areas and club house shall be required. The bond shall be a guarantee that the proper installation of all required improvements shall be completed within one (1) year of recordation of the approved final plat. The bond shall also ensure that the public improvements shall remain free from defects for six (6) months or until April 15 of the following year, whichever is longer, and shall not be released until the improvements are accepted by the City. Said bond shall be in the form prescribed by Chapter 17 of the Orem City Code.

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 Director of Development Services 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.

5. **No final plat shall be recorded until the developer of the PD-15 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 Article 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. **If, for any reason, the funds or bonds set aside or provided for the guarantee of improvements are insufficient to properly complete the improvements, the developer shall be personally liable to complete the improvements required by this Section. If the developer is a corporation, the principal officers of the corporation shall be personally liable to complete the improvements.**

7. **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 within the subdivision. 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 materials shall have a cause of action against the City or the bond for providing labor or materials.


Q. Default Standards. Except as otherwise allowed or required in this Article, the provisions of the OS5 zone shall apply.


22-11-28. PD-16 Zone, 400 South 1800 West.

A. Purpose.

1. The purpose of the PD-16 Zone is to accommodate development of a medium density residential development area.

2. The purpose is accomplished by:
   a. Allowing densities higher than a typical residential development;
   b. Requiring the consolidation of open spaces; and
   c. Establishing higher standards for landscaping, building and site design, public safety, parking, aesthetics, traffic circulation, fencing, lighting, and other similar site improvements.

(Ord. No. O-97-0016, Enacted, 03/04/1997; Ord. No. O-01-0021, Amended, 06/12/2001)

B. Size, Concept Plan. The minimum acreage of the PD-16 Zone shall be forty (40) acres. Any single development shall be a minimum of five (5) contiguous acres. The concept plan included herein as Appendix "H" designates in general terms the proportions, locations, and types of uses to be developed within the PD-16 zone and shall guide site layout and development within the zone. The concept plan shall be considered the Preliminary Development Plan referred to in Section 22-11-3(B) of this Chapter. The concept plan is divided into two areas, residential area #1 and residential area #2. Before a residential site plan may be approved in residential area #1 or #2, an area concept plan for residential area #1 or #2 (whichever contains the Proposed site plan) must be approved by the City Council. The residential area concept plan shall show the general location of roads, building footprints, areas of open space, and the general design and type of structures and residences.

(Ord. No. O-97-0016, Enacted, 03/04/1997; Ord. No. O-01-0021, Amended, 06/12/2001)

C. Permitted Uses. Single family developments shall follow the standards of Chapter 17 of the Orem City Code. The uses listed below shall be permitted uses within the PD-16 Zone:

<table>
<thead>
<tr>
<th>Standard Land Use Code</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>1110</td>
<td>Single Family</td>
</tr>
</tbody>
</table>


D. Conditional Uses. Any request for Conditional use permit approval shall be subject to requirements of Article 22-4 of the Orem City Code. The uses listed below shall be required to obtain a conditional use permit within the PD-16 zone:

<table>
<thead>
<tr>
<th>Standard Land Use Code</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>7610</td>
<td>Parks-General Recreation</td>
</tr>
<tr>
<td>7413</td>
<td>Tennis Courts</td>
</tr>
<tr>
<td>7423</td>
<td>Playing Fields and Athletic Fields</td>
</tr>
</tbody>
</table>


E. Prohibited uses. Any use not specifically listed in subparagraphs (C) and (D) above shall be prohibited.

Except as provided in Section 22-6-9(C) of this Chapter, accessory apartments shall not be permitted within any attached dwelling.

(Ord. No. O-97-0016, Enacted, 03/04/1997; Ord. No. O-01-0021, Amended, 06/12/2001)

F. Site Plan and Final Plat.

1. Anyone desiring to develop within the PD-16 zone shall first submit an application for site plan approval. An application for a PD-16 zone site plan shall not be considered submitted until all requirements of the site plan are completed and accepted by the City.

2. The application for a site plan shall include all necessary fees and documentation required by this ordinance. The site plan shall be reviewed by the Development Review Committee. The final approving authority for all PD-16 site plans shall be the City Council.

3. The application for a final plat of all or part of the PD-16 shall be prepared by the developer's surveyor and engineer and be submitted to the City, together with the required fees.

4. The Director of Public Works is the final approving authority for final plats and shall approve the application request if it meets the requirements of the site plan and all applicable City ordinances. The final plat shall not be approved until the site plan has been approved by the City Council.
5. Failure to submit a final plat within one (1) year of the date of approval of the site plan shall terminate all proceedings and render approval of the site plan null and void. The final plat shall expire and be void one (1) year after approval by the Public Works Director, unless the final plat has been recorded in the Office of the Utah County Recorder. (Ord. No. O-97-0016, Enacted, 03/04/1997; Ord. No. O-01-0021, Amended, 06/12/2001)

G. Site Plan Submittal. The site plan shall be submitted to the Department of Development Services. The applicant shall pay a fee at the time the site plan is submitted, in an amount established by Resolution of the City Council. No development, construction, revisions, or additions shall take place on the site until the site plan has been approved by the City Council, the final plat has been recorded, the necessary bonds have been posted, and the appropriate permits have been obtained. Amended site plans shall follow the same procedure, pay the same fees, and contain the same development standards and requirements as a site plan. (Ord. No. O-97-0016, Enacted, 03/04/1997; Ord. No. O-01-0021, Amended, 06/12/2001)

H. Contents of Site plan. The site plan shall be a document consisting of one or more pages of maps and drawings drawn to scale. The applicant shall submit five (5) copies of the proposed site plan to the Department of Development Services. One of the copies shall be 8 ½” x 11”, and the other four copies shall be at least 8 ½” x 11”, but not larger than 24” x 36”. The applicant shall also submit one computer aided design (CAD) drawing on a computer disk formatted and compatible with the City’s computer system of each sheet of the site plan. The proposed site plan shall be drawn to a scale large enough to clearly show all details and in any case not smaller than sixty feet (60’) to the inch. The site plan shall include the following items:

1. Name of Development.
2. Name of applicant.
3. Name of owner of property.
4. North arrow.
5. Scale of drawing.
6. Area of lot in square feet.
7. Lot line dimensions.
8. A vicinity map containing sufficient information to accurately locate the property shown on the plan.
9. Tabulation table in the following format:

<table>
<thead>
<tr>
<th>Square Footage</th>
<th>Acreage</th>
<th>Percent of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Area</td>
<td></td>
<td>100</td>
</tr>
<tr>
<td>Total Building Area</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Impervious Area</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Landscaped Area</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Open Space</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Number of</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

10. Names and locations of fronting streets and locations and dimensions of public streets, private streets and driveways.
11. Footprints of existing and proposed buildings and structures to include a notation of each dwelling’s height above the grade.
12. Location and size of existing and proposed sewer lines and manholes, storm drains and manholes, water supply main valves, water lines, culverts, and fire hydrants within the development and within two hundred (200) feet of the boundaries of the development.
13. Location of existing and proposed fire protection devices.
14. Location, dimensions, and distance to property lines of existing and proposed drive access.
15. Location and dimensions of existing and proposed curbs, gutters, and sidewalks.
16. Location and dimension of off-street parking spaces.
17. Location and type of surface water drainage system.
18. Detailed landscape plan showing the specific types and locations of landscaping prepared by a landscape architect licensed to practice in Utah.
19. Drawings of proposed structure elevations, including covered parking, showing the height, dimensions, appearance and materials proposed.
20. Location and description (height, materials) of existing and proposed fences.
21. Location and description (dimensions, distance to property lines and type of lighting (direct or indirect)) of existing and proposed signs.
22. Location of consolidated open space.
23. Location of solid waste disposal facilities.
24. Traffic analysis as required by Section 22-11-28(N)(13) of this Chapter.
25. Traffic circulation plan showing that development of the site will not hinder coordinated development of adjacent undeveloped land or land to be redeveloped as part of the site.
26. Dwellings and other structures, parks, playgrounds, common areas and facilities, limited common areas, private areas and facilities, and other improvements within the development.
27. Basic floor plans for all buildings within the development.
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29. Soils study as required by Section 22-11-28(N)(9) of this Chapter.

30. Summary of the neighborhood meeting stating: a) who was noticed; b) how notice was given; c) who attended; d) location of the meeting; e) concerns raised by neighbors; and f) issues discussed.

31. A contour map drawn at two foot intervals on all development plats, unless waived in writing by the Public Works Director.

32. A residential area concept plan for the entire residential area as shown on Appendix "H" containing the proposed site plan.

(Ord. No. O-97-0016, Enacted, 03/04/1997; Ord. No. O-01-0021, Amended, 06/12/2001)

I. Site Plan Review and Approval.
1. The following procedure must be followed to obtain site plan approval:
   a. Development Review Committee. The Department of Development Services shall forward the proposed site plan to the Development Review Committee for initial review. The Development Review Committee shall review the site plan while considering whether it complies with the Orem General Plan and all City ordinances, resolutions, and policies. The site plan shall not be forwarded to the Planning Commission unless it complies with the Orem General Plan and all City ordinances, resolutions, and policies.
   b. Planning Commission. The Planning Commission shall review the site plan and make recommendations to the City Council.
   c. City Council. The City Council shall be the final approving authority for all site plans for the PD-16 zone forwarded by the Planning Commission and shall have the power to approve, approve with conditions, or deny a proposed site plan.
2. The Planning Commission and the City Council shall consider the following items when reviewing a site plan for a PD-16 zone:
   a. Whether the proposed site plan complies with the City ordinances, resolutions, and policies.
   b. Whether the proposed site plan promotes the health, safety and welfare of the community. In making this determination, the Planning Commission and the City Council shall consider, among other things, the overall safety of the site, the impact that the site will have on traffic, the impact the site will have on surrounding properties, and the adequacy of police, fire and utility service that can be provided for the site.
3. No element of any approved site plan or amended site plan shall be amended or changed without first following the procedure for approval of site plans.

(Ord. No. O-97-0016, Enacted, 03/04/1997; Ord. No. O-01-0021, Amended, 06/12/2001)

J. Building Permits. No building permit shall be issued for any project for which a site plan or amended site plan is required, until the site plan or amended site plan has been approved by the appropriate authority.

(Ord. No. O-97-0016, Enacted, 03/04/1997; Ord. No. O-01-0021, Amended, 06/12/2001)

K. Completion of Improvements. All public improvements shown on an approved site plan or amended site plan shall be completed within one year of the date of approval or recording of the final plat, whichever is later, or at such earlier time as the approving body may designate. 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 for the completion of improvements of up to one (1) year from the Planning Commission. An extension of one year may be granted only if the applicant demonstrates good cause for not completing the improvements and demonstrates the present ability to complete the improvements.

(Ord. No. O-97-0016, Enacted, 03/04/1997; Ord. No. O-01-0021, Amended, 06/12/2001)

L. Completion and Maintenance of Site. Every site developed pursuant to this Article shall conform to the approved site plan or amended site plan. No structures or improvements may be added to the site that are not included on the approved site plan. All improvements shown on the approved site plan shall be maintained in a neat and attractive manner. Failure to complete or maintain the site in accordance with this Chapter and with the approved site plan shall be a violation of the terms of this Chapter. The City may initiate criminal and/or civil legal proceedings against any person, firm or corporation, whether acting as principal, agent, property owner, lessee, tenant, employee or otherwise, for failure to complete or maintain the site in accordance with this Chapter and with the approved site plan.

(Ord. No. O-97-0016, Enacted, 03/04/1997; Ord. No. O-01-0021, Amended, 06/12/2001)

M. Final Plat.
1. The form and contents of the final plat shall be as required in Article 17-5 of the Orem
City of Orem

ZONING

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The maximum density allowed shall be fifteen (15) dwellings per acre on the fifteen (15) acre portion designated on Appendix "H" and twelve (12) dwellings per acre on the twenty-five (25) acre portion designated on Appendix "H."

2. Height. The maximum height for all structures in a PD-16 development shall be thirty-five feet (35'). All residential development shall be a maximum of two stories.

3. Minimum Area. Any site plan for residential development shall have a minimum area of at least five (5) contiguous acres.

4. Setbacks. All dwellings shall be set back a minimum of thirty (30) feet from property not part of the PD-16 zone and from all public streets. All parking spaces and drives shall be set back a minimum of twenty (20) feet from any public street. All setbacks shall be landscaped and bermed to partially screen development behind the setback areas. All buildings and structures shall be set back a minimum of twenty feet (20') from a private street or driveway that serves more than one (1) dwelling.

5. 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.

6. Fences. A fence with a minimum height of six feet (6') shall be erected on the perimeter of all PD-16 development projects, except that no fence shall be required along street frontages. However, if a fence is desired along a street frontage, the City Council may approve the fence upon a favorable recommendation from the City Traffic Engineer. The purpose of the fencing requirement is to buffer the residential neighborhoods from surrounding commercial and manufacturing uses. The City Council may waive the fencing requirement if the topography is such that the fence does not meet the intent of this ordinance. The City Council may approve a "living fence" (a fence comprised of hedges and/or bushes closely spaced to provide a barrier) as part of a residential site plan and may require additional landscaping to be placed along proposed fences to reduce negative impacts and to minimize graffiti. If sight obscuring materials are used, the developer shall paint the sight obscuring materials with a high grade oil base paint/sealant or with a paint/sealant approved by the City that resists graffiti.

7. Landscaping. A landscaping plan shall be submitted to the City for approval as a part of the site plan for any phase of residential development. All landscaping requirements within the limits of any phase shall be completed within ninety (90) days of completion of the building construction.

City Code. The final plat shall be the Final Development Plan referred to in Section 22-11-10 of this Chapter. The final plat shall also contain the following information:

a. A designation of common areas, limited common areas, and private ownership areas.

b. For condominiums, three dimensional drawings of buildings and building elevations. In the case where the PD-16 development is a condominium project, the developer shall submit a written statement by an attorney who is licensed to practice in Utah. This written statement shall be the attorney's opinion that the condominium declaration, the subdivision plat and the other supporting documentation comply in all respects with the Utah Condominium Ownership Act (UCA Sec. 57-8-1, et seq.) as well as all applicable federal, state and local laws and ordinances and that when the condominium declaration and final plat have been recorded in the office of the Utah County Recorder that the proposed project will be a validly existing and lawful condominium project in all respects.

c. Written copies of any required agreements with property owners adjacent to the proposed PD-16 development, or with any other person.

d. Written approval of adjoining ditch or canal companies authorizing mandatory fencing or piping of ditches or canals.

e. Plat restrictions, lot restrictions, and other information required by the City Council or Director of Public Works.

2. The Director of Public Works shall approve final plats within the PD-16 zone provided he finds:

a. That all of the improvements and conditions of the approved site plan have been incorporated into the final plat.

b. That all construction drawings of the PD-16 development have been approved by the City Engineer.

3. The final plat shall be recorded by the City after all signatures are obtained, all approvals are given, and all bonds and fees are posted with the Public Works Department.

(Ord. No. O-97-0016, Enacted, 03/04/1997; Ord. No. O-01-0021, Amended, 06/12/2001)

N. Development Standards and Requirements.
The following development standards and requirements shall be required with all PD-16 developments.

1. Density. The maximum density allowed shall be fifteen (15) dwellings per acre on the fifteen (15) acre portion designated on Appendix "H" and twelve (12) dwellings per acre on the twenty-five (25) acre portion designated on Appendix "H."
within that phase. In the event that the building is completed between October 15 and March 15, completion of the landscaping may be delayed until the next June 15 following said March 15 date.

a. All land within the PD-16 development not covered by buildings, driveways, sidewalks, and parking areas, shall be permanently landscaped with trees, shrubs, lawn, or ground cover and maintained in accordance with good landscaping practice. A permanent underground sprinkling system shall be installed for all landscaped areas.

b. At least fifty percent (50%) of the net acreage of the entire development shall remain in permanently landscaped areas.

c. For every two dwellings there shall be required on the site at least one (1) deciduous tree at least two (2) inch caliper measured four feet (4') above the ground, one (1) evergreen tree at least seven (7) feet in height, and sixteen (16) evergreen type shrubs at least five (5) gallons in size.

8. **Lighting Plan.** All PD-16 developments shall include a lighting plan. The lighting plan shall be designed to:

a. discourage crime;

b. enhance the safety of the residents and guests of the PD-16 development;

c. prevent glare onto adjacent properties; and

d. enhance the appearance and design of the project.

For PD-16 developments with home owners' associations, the lighting shall be designed in such a way as to give control of the lighting operation to the home owners' association.

9. **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. All development shall be slab on grade unless a soils engineer determines that basements can be developed without present or future ground water problems and the City Engineer concurs in the analysis. Ground water drains shall be required if any part of a dwelling's habitable floor level is below grade.

10. **Parking.** Each dwelling shall be provided with not less than two (2) parking spaces, one of which shall be covered. In addition, one half (½) parking space for each dwelling shall be developed for guest parking within the development. Guest parking shall be located within one hundred fifty feet (150') of the dwellings served. All parking spaces shall measure at least nine feet (9') by eighteen feet (18'). All parking spaces, parking areas, and driveways shall be paved with asphalt and/or concrete and properly drained. 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-16 development. No covered parking stall shall be adjacent to the one hundred (100) foot buffer strip along the south and west property lines. This requirement does not apply to enclosed garages.

11. **Recreational Vehicle (RV) Storage.** No recreational vehicle shall be parked or stored within a PD-16 development except in an area approved by the City Council as part of the site plan for the storage of recreational vehicles. This requirement, with appropriate enforcement provisions, shall be included in all Covenants, Conditions and Restrictions that run with the property; homeowner association bylaws, leases, rental agreements, etc. RV storage areas shall be enclosed with a six foot (6') high sight obscuring fence and shall be paved with concrete or asphalt.

12. **Streets.**

a. All through streets within a PD-16 development shall be public streets and meet the requirements set forth in Section 17-7-7 of the Orem City Code. The City Engineer shall determine what a through street is, based on nationally recognized standards.

b. All streets which are shown on the Orem City Master Street Plan shall be developed according to the size and general location shown on the Street Plan.

c. Private streets shall:

   1. have a minimum pavement width of twenty-eight feet (28');

   2. have concrete curb and gutter on both sides of the street;

   3. be designed and constructed to City standards and specifications;

   4. have a concrete sidewalk on at least one side of the street;

   5. contain a public utility easement; and

   6. for streets with less than thirty-four feet (34') of paving, have "No Parking" signs installed on both sides of the street.

13. **Traffic Analysis.** For PD-16 developments developed in areas with significant traffic issues as determined by the City Engineer, or for any project of 25 dwellings or more, a traffic study prepared by
an independent professional traffic engineer shall be submitted to show what traffic mitigation measures may be necessary for the project. The City Council may impose traffic mitigation requirements based on this or other traffic studies. This analysis shall consider off-site traffic impacts within an area of at least one (1) mile from the outside boundaries of the development.

14. **Off-site Improvements.** Off-site curb, gutter and sidewalk along street rights-of-way bordering the site may be required by the City when safety or surface water drainage is impaired as a result of the proposed PD-16 development.

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

16. **Storage Areas and Solid Waste Receptacles.** All outside storage areas, except for RV 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.

17. **Exterior Finishing Materials.** All dwellings in the PD-16 zone shall have at least sixty-five percent (65%) of the exterior wall finished with brick, stone, stucco or a combination thereof. Wood, metal, or vinyl sidings may be used, but shall not comprise more than thirty-five percent (35%) of the exterior wall area. Metal or vinyl soffits and trims are permitted and do not count in the percentages required above.

18. **Neighborhood Meeting.** The applicant for any development in the PD-16 zone shall conduct at least one (1) neighborhood meeting to explain the proposed development and to address all neighborhood concerns. Written notice shall be given by the applicant to all residents in the PD-16 zone, all residents within 200 feet in all directions of the proposed development, along Geneva Road to 1000 South Street, all residents within the Springwater Park Subdivision, the Vineyard Neighborhood Community chair and vice-chair, and the Neighborhood Organization Specialist of the City of Orem. Notice of the meeting shall be delivered by the applicant at least one (1) week prior to the date of the meeting. Phone calls or informal door-to-door contacts are not considered neighborhood meetings. Such meeting(s) shall be accomplished prior to the site plan being submitted to the City. The application for site plan approval shall include a list of all individuals who were notified, a roster of attendees at the meeting, and a copy of the minutes from the neighborhood meeting.

19. **Homeowners’ Association.** Every residential condominium development or residential development which has property in common or private streets, shall establish a homeowners’ association for the purpose of maintaining the development. The homeowners’ association as well as the individual property owners and tenants shall be responsible to maintain the site in accordance with the approved site plan.

20. **Slopes.** Any slope greater than twenty percent (20%) may be used as landscape areas, but shall not be included in open space calculation requirements.

21. **Consolidation of Open Spaces.** All developments in the PD-16 zone shall include at least one open space in the (50%) landscaping requirement. An open space is a single, contiguous landscaped area that may also include recreational facilities such as playground equipment, basketball or tennis court, swimming pool, etc. The open space shall be at least four hundred (400) square feet for each dwelling in the development. The open space shall be landscaped and designed as a recreational area for both children and adults. Without describing the exact configuration of the open space, the open space shall be such that recreation and relaxation can take place there and shall be designed so that a horizontal rectangle inscribed within it has no dimension less than forty feet (40’). A long narrow strip shall not qualify as an open space. The open space must be approved as part of the site plan.

22. **Storm Water Runoff Plan.** All developments in the PD-16 zone shall have a storm water runoff plan designed to accommodate a 50-year storm. Any on-site detention ponds may be considered in and part of required landscaped areas. All surface water runoff shall be detained on site.

23. **Phasing.** Phasing may be used as long as each phase meets the requirements of the ordinance and all amenities such as club house, tennis courts, etc. are included in the first phase. All open space and amenities that are part of a residential development shall be bonded for in the first phase of development.

24. **Building Design Elements.** No more than sixteen dwellings shall be permitted for each structure. No wall on an unbroken plain shall be longer than fifty (50) feet.

25. **Floor Plans.** The developer shall submit with any residential site plan, floor plans for each type of residential dwelling proposed for such development. The developer is encouraged to provide a variety of floor plans to ensure a good mix of dwelling types.
26. **Park Buffer Strip.** A one hundred (100) foot park buffer strip shall be located along 400 South Street and the west end of the property as shown on Appendix "H." This park buffer strip shall be permanently landscaped with trees, grass, and shrubs. The park buffer strip shall contain a minimum of one (1) tree, two (2) inches in caliper, and eight (8) shrubs, five (5) gallons in size per every fifty (50) linear feet of park buffer strip. Trees and shrubs required in the park buffer strip shall be in addition to that required by Section 22-11-28(N)(7).


**O. Bonds.**

1. **Purpose.** Prior to the recording of any documents concerning an approved development in the PD-16 zone and prior to the issuance of any building permit on ground in the PD-16 zone, a bond sufficient in amount to cover the cost of all public improvements, landscaping including sprinkling system, asphalt, curb, gutter, sidewalk, fencing, piping of irrigation ditches, play areas, pavilions, swimming pools, tennis courts, recreational areas, picnic areas and club house shall be required. The bond shall be a guarantee that the proper installation of all required improvements shall be completed within one (1) year of recordation of the approved final plat. This guarantee bond shall also ensure that the public improvements shall remain free from defects for six (6) months or until April 15 of the following year, whichever is longer, and shall not be released until the improvements are accepted by the City. Said bond shall be in the form prescribed by the Subdivision Ordinance.

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 Public Works 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.

5. **No final plat shall be recorded until the developer of the PD-16 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 Article 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. **If, for any reason, the funds or bonds set aside or provided for the guarantee of improvements are insufficient to properly complete the improvements, the developer shall be personally liable to complete the improvements required by this Article. If the developer is a corporation, the principal officers of the corporation shall be personally liable to complete the improvements.**

7. **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 within the subdivision. 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 materials shall have a cause of action against the City or the bond for providing labor or materials.**

(Ord. No. O-97-0016, Enacted, 03/04/1997; Ord. No. O-01-0021, Amended, 06/12/2001)

**P. Provisions.** Except as allowed or required in this Article, the provisions of the R8 zone apply.

(Ord. No. O-97-0016, Enacted, 03/04/1997; Ord. No. O-01-0021, Amended, 06/12/2001)

**22-11-29. PD-17 Zone, 1200 South Between 20 East and 150 East.**

**A. Purpose.**

1. The purpose of the PD-17 Zone is to accommodate and encourage the development of affordable elderly housing. "Affordable elderly housing" is defined as housing designed and used exclusively for elderly persons whose income is at or below eighty percent (80%) of the median income for the Provo-Orem Metropolitan Statistical Area as published by the United States Department of Housing and Urban Development.
(HUD). Affordable housing is further defined as housing for which the rent does not exceed the standards and limits set forth in 24 CFR 800 through 899 as those sections may be amended. "Elderly person" is defined as a person who is 60 years old or older.

2. The purpose of the PD-17 Zone is accomplished by:
   a. Allowing densities higher than typical residential developments;
   b. Establishing minimum standards for landscaping, building and site design, public safety, fencing, lighting, and other similar site improvements; and
   c. Requiring standards that enable affordable elderly housing to fit into the surrounding neighborhood.


B. Permitted Uses. Dwelling units, whether standing alone or attached to another dwelling unit or clustered in a single building, shall be permitted in the PD-17 Zone. Accessory structures associated with elderly housing shall also be permitted in the PD-17 Zone.


C. Prohibited Uses. Any use that is not affordable elderly housing or accessory thereto shall not be permitted in the PD-17 Zone.


D. Occupant Age. The minimum age of occupants within the PD-17 Zone shall be sixty (60) years.


E. Site Plan and Final Plat.

1. TheOwner/Developer of property located in the PD-17 Zone shall submit an application for site plan approval for any project within the PD-17 Zone. The site plan shall be in substantial compliance with the concept plan shown in Appendix J, which is incorporated herein by this reference. The application shall not be considered submitted until all requirements of the site plan are completed and accepted by the City.

2. The application for the site plan shall include all necessary fees and documentation required by this ordinance. The site plan shall be reviewed by the Development Review Committee. The final approving authority for all PD-17 zone site plans shall be the Planning Commission.

3. The application for a final plat of all or part of the PD-17 shall be prepared by a surveyor and engineer and be submitted to the City, together with the required fee.

4. The Director of Public Works is the final approving authority for final plats and shall approve the application request if it meets the requirements of the site plan and all applicable City ordinances. The final plat shall not be approved until the site plan has been approved by the Planning Commission.

5. Failure to submit a final plat within one (1) year of the date of approval of the site plan shall terminate all proceedings and render approval of the site plan null and void. The final plat shall expire and be void one (1) year after approval by the Public Works Director, unless the final plat has been recorded in the Office of the Utah County Recorder.


F. Site Plan Submittal. The site plan shall be submitted to the Department of Development Services. The applicant shall pay a fee at the time the site plan is submitted, in an amount established by Resolution of the City Council. No development, construction, revisions, or additions shall take place on the site until the site plan has been approved by the Planning Commission, the final plat has been recorded, the necessary bonds have been posted, and the appropriate permits have been obtained. Amended site plans shall follow the same procedure, pay the same fees, and contain the same development standards and requirements as a site plan.


G. Contents of Site Plan. The site plan shall be a document consisting of one or more pages of maps and drawings drawn to scale. The Owner/Developer shall submit five (5) copies of the proposed site plan to the Department of Development Services. One of the copies shall be 8 1/2" x 11", and the other four (4) copies shall be at least 8 1/2" x 11", but not larger than 24" x 36". The applicant shall also submit one (1) computer aided design (CAD) drawing on a computer disk formatted and compatible with the City's computer system of each sheet of the site plan. The proposed site plan shall be drawn to a scale large enough to clearly show all details and in any case not smaller than sixty feet (60') to the inch. The site plan shall include the following items:

1. Name of Development.
2. Name of applicant.
3. Name of owner of property.
4. North arrow.
5. Scale of drawing.
6. Area of lot in square feet.
7. Lot line dimensions.
8. A vicinity map containing sufficient information to accurately locate the property shown on the plan.
9. Tabulation table in the following format:

<table>
<thead>
<tr>
<th>Square</th>
<th>Acreage</th>
<th>Percent of Total</th>
</tr>
</thead>
<tbody>
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<td>Total Impervious Area</td>
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<td>Total Landscaped Area</td>
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<tr>
<td>Total Number of Parking Spaces:</td>
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</tr>
<tr>
<td>Covered:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Uncovered:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

10. Names and locations of fronting streets and locations and dimensions of public streets, private streets, and driveways.
11. Footprints of existing and proposed buildings and structures to include a notation of each dwelling's height above the grade.
12. Location and size of existing and proposed sewer lines and manholes, storm drains and manholes, water supply main valves, water lines, culverts, and fire hydrants within the development and within two hundred (200) feet of the boundaries of the development.
13. Location of existing and proposed fire protection devices.
14. Location, dimensions, and distance to property lines of existing and proposed drive access.
15. Location and dimensions of existing and proposed curbs, gutters, and sidewalks.
16. Location and dimension of off-street parking spaces.
17. Location and type of surface water drainage system.
18. Detailed landscape plan showing the specific types and locations of landscaping.
19. Drawings of proposed structure elevations, including covered parking, showing the height, dimensions, appearance and materials proposed.
20. Location and description (height, materials) of existing and proposed fences.
21. Location and description (dimensions, distance to property lines and type of lighting (direct or indirect)) of existing and proposed signs.
22. Location of solid waste disposal facilities.
23. Traffic circulation plan showing that development of the site will not hinder coordinated development of adjacent undeveloped land or land to be redeveloped as part of the site.
24. Dwellings and other structures, parks, playgrounds, common areas and facilities, and other improvements within the development.
25. Basic floor plans for all buildings within the development.
27. Summary of the neighborhood meeting stating: a) who was noticed; b) how notice was given; c) who attended; d) location of the meeting; e) concerns raised by neighbors; and f) issues discussed.


H. Site Plan Review and Approval.
1. The following procedure must be followed to obtain site plan approval:
   a. Development Review Committee. The Department of Development Services shall forward the proposed site plan to the Development Review Committee for initial review. The Development Review Committee shall review the site plan while considering whether it complies with the Orem General Plan and all City ordinances, resolutions, and policies. The site plan shall not be forwarded to the Planning Commission unless it complies with the Orem General Plan and all City ordinances, resolutions, and policies.
   b. Planning Commission. The Planning Commission shall be the final approving authority for all site plans for the PD-17 Zone.
2. The Planning Commission shall consider the following items when reviewing a site plan for a PD-17 Zone:
   a. Whether the proposed site plan complies with the City ordinances, resolutions, and policies.
   b. Whether the proposed site plan promotes the health, safety and welfare of the community. In making this determination, the Planning Commission shall consider, among other things, the overall safety of the site, the impact that the site will have on traffic, the impact the site will have on surrounding properties, and the adequacy of police, fire and utility service that can be provided for the site.
3. No element of any approved site plan or amended site plan shall be amended or changed without first following the procedure for approval of site plans.

I. Building Permits. No building permit shall be issued for any project for which a site plan or amended site plan is required, until the site plan or amended site plan has been approved by the appropriate authority. (Ord. No. O-99-0024, Enacted, 05/25/1999; Ord. No. O-01-0021, Amended, 06/12/2001)

J. Completion of Improvements. All public improvements shown on an approved site plan or amended site plan shall be completed within one year of the date of approval or recording of the final plat, whichever is later, or at such earlier time as the approving body may designate. 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 for the completion of improvements of up to one (1) year from the Planning Commission. An extension of one year may be granted only if the applicant demonstrates good cause for not completing the improvements and demonstrates the present ability to complete the improvements. (Ord. No. O-99-0024, Enacted, 05/25/1999; Ord. No. O-01-0021, Amended, 06/12/2001)

K. Completion and Maintenance of Site. Every site developed pursuant to this Article shall conform to the approved site plan or amended site plan. No structures or improvements may be added to the site that are not included on the approved site plan. All improvements shown on the approved site plan shall be maintained in a neat and attractive manner. Failure to complete or maintain the site in accordance with this Chapter and with the approved site plan shall be a violation of the terms of this Chapter. The City may initiate criminal and/or civil legal proceedings against any person, firm or corporation, whether acting as principal, agent, property owner, lessee, tenant, employee or otherwise, for failure to complete or maintain the site in accordance with this Chapter and with the approved site plan. (Ord. No. O-99-0024, Enacted, 05/25/1999; Ord. No. O-01-0021, Amended, 06/12/2001)

L. Final Plat.

1. The form and contents of the final plat shall be as required in Article 17-5 of the Orem City Code. The final plat shall be the Final Development Plan referred to in Section 22-11-10 of this Chapter.

2. The Director of Public Works shall approve final plats within the PD-17 Zone provided he finds:

   a. That all of the improvements and conditions of the approved site plan have been incorporated into the final plat.

b. That all construction drawings of the PD-17 development have been approved by the City Engineer.

3. The final plat shall be recorded by the City after all signatures are obtained, all approvals are given, and all bonds and fees are posted with the Public Works Department. (Ord. No. O-99-0024, Enacted, 05/25/1999; Ord. No. O-01-0021, Amended, 06/12/2001)

M. Development Standards and Requirements.

The following development standards and requirements shall be required with all PD-17 developments.

1. Density. The maximum density allowed shall be sixteen (16) dwelling units per acre.

2. Floors Above Grade. The maximum number of floors above grade shall be one (1).

3. Setbacks. All dwelling units shall be set back a minimum of twenty feet (20') from dedicated streets and from property not part of the PD-17 Zone, except that minimum side yard setbacks adjacent to commercial zones shall be ten feet (10'). All parking spaces, drives, and accessory structures shall be set back a minimum of twenty feet (20') from any public street. All setbacks adjacent to dedicated streets shall be landscaped with lawns, trees, and shrubs.

4. Utilities. All dwelling units 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.

5. Fences. A masonry fence with a minimum height of six feet (6') shall be erected on the East and West sides of the PD-17 development project, except that no fence shall be required along street frontage. However, if a fence is desired along a street frontage, the Planning Commission may approve the fence upon a favorable recommendation from the City Traffic Engineer. The purpose of the fencing requirement is to buffer the residential neighborhoods from surrounding commercial and manufacturing uses. The developer shall paint the masonry fence with a high grade oil base paint/sealant or with a paint/sealant approved by the City that resists graffiti.

6. Landscaping. A landscaping plan shall be submitted to the City for approval as a part of the site plan for any phase of development. All landscaping requirements within the limits of any phase shall be completed within ninety (90) days of completion of the building construction within that phase. In the event that the building is completed between October 15 and March 15, completion of the landscaping may be delayed until the next June 15 following said March 15 date.
§22-11-30  
ZONING  
City of Orem

a. All land within the PD-17 development not covered by buildings, driveways, sidewalks, and parking areas, shall be permanently landscaped with trees, shrubs, lawn, or ground cover and maintained in accordance with good landscaping practice. A permanent underground sprinkling system shall be installed for all landscaped areas.

b. For every two (2) dwelling units or every five (5) sleeping rooms there shall be required on the site at least one (1) deciduous tree at least two inches (2") in caliper measured six inches (6") above ground level, one (1) evergreen tree at least five (5) gallons in size, and sixteen (16) evergreen type shrubs at least five (5) gallons in size.

7. Lighting Plan. All PD-17 developments shall include a lighting plan. The lighting plan shall be designed to:
   a. discourage crime;
   b. enhance the safety of the residents and guests of the PD-17 development;
   c. prevent glare onto adjacent properties; and
   d. enhance the appearance and design of the project.

8. Parking. Each dwelling unit shall be provided no less than one and one-half (1.5) parking stalls. All parking spaces shall measure at least nine feet (9') by eighteen feet (18'). All parking spaces, parking areas, and driveways shall be paved with asphalt and/or concrete and properly drained. Drainage shall not be channeled or caused to flow across pedestrian walk ways.

9. Off-site Improvements. Off-site curb, gutter and sidewalk along street rights-of-way bordering the site may be required by the City when safety or surface water drainage is impaired as a result of the proposed PD-17 development.

10. Irrigation Ditches. Irrigation ditches within the development or along street rights-of-way adjacent to the development shall be piped.

11. Exterior Finishing Materials. The exterior wall facing dedicated streets of all dwelling units in the PD-17 Zone shall have at least one hundred percent (100%) of its finished material of brick, stone, stucco, or a combination thereof. Wood, metal, or vinyl sidings may be used on side and rear walls, but shall not comprise more than thirty-five percent (35%) of the exterior wall area. Metal or vinyl soffits and trims are permitted and do not count in the percentages required above.

12. Neighborhood Meeting. The Owner / Developer for any development in the PD-17 Zone shall conduct at least one (1) neighborhood meeting to explain the proposed development and to address all neighborhood concerns. Written notice shall be given by the Owner/Developer to all residents within two hundred feet (200') in all directions of the proposed development. Notice of the meeting shall be delivered by the Owner/Developer at least three (3) days prior to the date of the meeting. Phone calls or informal door-to-door contacts are not considered neighborhood meetings. Such meeting(s) shall be accomplished prior to the site plan being submitted to the City. The Owner/Developer shall write a summary of the neighborhood meeting and submit it as part of the site plan.

13. Storm Water Runoff Plan. All developments in the PD-17 Zone shall have a storm water runoff plan designed to accommodate a 50-year storm. Any on-site detention ponds may be considered in and part of required landscaped areas. All surface water runoff shall be detained on site.

14. Signage. Each project shall be allowed one monument sign of up to the maximum size of twenty-four (24) square feet, constructed in accordance with the setback and landscaping requirements of Chapter 14 of the City Code. All other signage, except that required by law, is not permitted in the PD-17 Zone.


22-11-30. PD-18 Residential Estate Zone.

A. Purpose. The purpose of the PD-18 Zone is to provide an area within the City where residential estate uses on lots of at least five tenths (.5) of an acre may be developed and that may develop with a guest house and/or enclosed recreation facilities as regulated in this section. (Ord. No. O-99-0049, Enacted, 10/26/1999; Ord. No. O-01-0021, Amended, 06/12/2001)

B. Additional Regulations. Refer to the following Articles for additional regulations:
   1. Article IV, Conditional Use Permits.
   2. Article XIV, Supplementary Regulations.
   3. Article XV, Off-street Parking.

If there are any conflicts between the aforementioned articles and this Article, this Article shall take precedence. (Ord. No. O-99-0049, Enacted, 10/26/1999; Ord. No. O-01-0021, Amended, 06/12/2001)
C. **Zone Boundary.** The boundaries of the PD-18 Zone are designated on the Zone Map of the City of Orem, Utah.


D. **Permitted Uses.** Single-family residential dwellings and associated accessory uses and structures shall be permitted uses in the PD-18 Zone.


E. **Conditional Uses.** A property owner shall obtain a conditional use permit for any accessory structure that is one thousand (1000) square feet in area or greater and/or twenty-four feet (24') above finished grade.


F. **Prohibited Uses.** Any use not listed in subsections (D) or (E) above is prohibited.


G. **Lot Size.** The minimum lot size shall be five-tenths (.5) acre. The minimum lot width shall be eighty-five feet (85').


H. **Building Heights.**

1. Residential dwellings shall not exceed fifty-five feet (55') in height above the average grade of the earth at the foundation wall on lots one (1) acre or larger in size and forty-three (43) feet on lots less than one (1) acre in size.

2. Accessory buildings/structures shall not exceed thirty-five feet (35') in height.


I. **Residential Setbacks.** The minimum setbacks of residential dwellings shall be as follows:

1. Front and side facing a dedicated or private street: Thirty feet (30') from the back of the curb.

2. Rear: Twenty-five feet (25'), or equal to the height of the building, whichever is greater.

3. Side: Ten feet (10'), or equal to one half (½) of the height of the building, whichever is greater.


J. **Accessory Building Setbacks.** The minimum setbacks for accessory buildings shall be as follows:

1. Front and side facing a dedicated or private street: Thirty feet (30') from the back of the curb.

2. Rear and Side: Five feet (5'). For accessory buildings or structures requiring a conditional use permit the City Council may require greater setback distances for rear and side yards.

3. The total footprint of all accessory buildings/structures shall not exceed ten (10%) percent of the area of the parcel on which they are located.


K. **Guest House.** A guest house is a particular type of accessory building and shall be placed on the same lot as the primary structure. One guest house per lot may be permitted, and each of the following shall apply:

1. The guest house shall be of the same architectural design and materials as the main residential dwelling.

2. The guest house shall be no larger than twenty-five percent (25%) of the above grade finished floor area of primary dwellings, nor larger than four thousand (4,000) square feet.

3. The guest house shall not be sold or rented separately from the main residence.

4. A property owner shall obtain a conditional use permit for a guest house prior to its erection.


L. **Fences.**

1. A fence with a maximum height of ten feet (10') may be placed within the front yard setback, but shall not be located closer than twenty-nine feet (29') to the back of the curb in the dedicated or private street.

2. A fence with a maximum height of ten feet (10') may be placed within the side yard setback facing a dedicated street, but shall not be located closer than fourteen feet (14') to the back of the curb in the dedicated or private street.

3. A fence with a maximum height of 10' may be placed in the rear yard setback.

4. Fences at street intersections, whether public or private streets, shall not violate Section 22-14-10 Clear Vision Area, of this Chapter.


M. **Streets.**

1. Private Streets and Gates. Subdivisions in the PD-18 Zone may be developed with private
streets. Private streets may be gated, however public streets shall not be gated. Gates shall be designed in such a way that vehicles accessing the private street do not queue into the public street. To accomplish this, gates shall be set back at least forty feet (40') from the right of way line of the intersecting public street to allow for safe queuing at the gate. Gates shall be operated in a safe manner, shall be maintained so they function properly, and shall allow for emergency access. Gates securing a fire apparatus access road shall contain the following criteria:

a. When a fire apparatus access road is provided for ingress and egress, the minimum gate width shall be twenty feet (20').

b. Gates may be of swing or sliding type.

c. Construction of gates shall be of materials that will allow for manual operation by one (1) person.

d. All gate components shall be maintained in an operative condition at all times and shall be replaced or repaired when defective.

e. Electric gates shall be equipped with a means of opening the gate by fire personnel for emergency access. Emergency opening devices shall be approved by the fire chief.

f. Manual opening gates may be locked with a padlock or chain and padlock as long as it is accessible to be opened by means of forcible entry tools.

g. Locking device specifications shall be submitted for approval by the fire chief.

2. Street Design. Private streets in the PD-18 Zone may be designed and built with a thirty-two foot (32') right of way and twenty-eight feet (28') of pavement, with rolled curb on each side.

3. Street landscaping. Landscaped islands may be approved in a private street. They shall be designed, maintained, and located to allow safe traffic flow.

4. Deep Lots on a private street. Deep lots may be created on a private street.

5. Driveways. Driveways shall be paved with concrete, asphalt or stone.

N. Homeowner Association to be Formed. An association shall be formed by the owners of lots served by the private street. The association shall maintain all common areas, including gates, landscaping and private streets. The city shall not be responsible for snow removal, street repair, street sweeping, signage, etc.
slopes equal to or greater than twenty-five percent (25%) without first obtaining a permit therefor from the City Engineer.

3. Application for Permit. Any person proposing to grade, cut, excavate, fill or to erect any structure on any land with a slope equal to or greater than 25% shall submit a geologic and geotechnical report pertaining to the relevant slope area that meets the following requirements:
   a. The report shall be prepared by a qualified, licensed engineer.
   b. The report shall include boring logs, geologic cross sections, trench and test pit logs, laboratory data (particularly shear strength test results including individual stress-deformation plots from direct shear tests), discussions pertaining to how idealized subsurface conditions and shear strength parameters used for analyses were developed, analytical results, and summaries of the slope stability analyses and conclusions regarding slope stability.
   c. Subsurface geologic and groundwater conditions must be illustrated on geologic cross sections and must be utilized by the geotechnical engineer for the slope stability analyses. If on-site sewage or storm water disposal exists or is proposed, the slope stability analyses shall include the effects of the effluent plume on slope stability.
   d. The results of any slope stability analyses must be submitted with pertinent backup documentation (i.e., calculations, computer output, etc.). Printouts of input data, output data (if requested), and graphical plots must be submitted for each computer-aided slope stability analysis. Stability shall be analyzed along cross sections depicting the most adverse conditions (e.g., highest slope, most adverse bedding planes, shallowest likely ground water table, and steepest slope). In addition to static slope stability analyses, slopes shall also be evaluated for seismic slope stability.
   e. Design ground motion parameters for seismic slope stability analyses shall be based on the peak accelerations with a 2.0 percent probability for a M>7 surface faulting earthquake in 50 years (2,500-year return period). Peak bedrock ground motions can be readily obtained via the internet from the United States Geological Survey (USGS) National Seismic Hazard Maps, Data and Documentation web page (USGS, 2002), which is based on Frankel et al., 2002. PGAs (peak ground acceleration) obtained from the USGS (2002) web page should be adjusted for effects of soil/rock (site-class) conditions in accordance with Seed et al. (2001). Site specific response analysis may also be used to develop PGA values as long as the procedures, input data, and results are thoroughly documented, and deemed acceptable by the City.

4. Conditions for Granting of Permit. The City Engineer shall grant a grading permit if the following requirements are met:
   a. A complete application containing all of the information required above is provided to the City Engineer.
   b. The geologic and geotechnical report clearly demonstrates that the following requirements are met:
      (2) The proposed grading of the slope area will not negatively affect adjacent property and will not limit the ability of adjacent property owners to develop their property.
   5. Applicability. This section (Lot Grading) shall only apply to “Area B” of the PD-18 zone as shown in Appendix “PP.”

22-11-31. PD-19 Zone, South Rim PRD, 1755 South 750 East.

A. Purpose. The purpose of the PD-19 zone is to provide a planned development of attached residential dwelling units with densities not to exceed nine (9) units per acre. The PD-19 zone may only be applied to parcel(s) shown in the Preliminary Development Plan included as Appendix M of the Orem City Code.

B. Development Standards.

1. PRD Ordinance. The development standards and requirements set forth in Article 22-7 of the Orem City Code shall apply to the PD-19 zone except as expressly modified below.
1. Preliminary Development Plan. Development in the PD-19 zone shall substantially conform to the Preliminary Development Plan included as Appendix M of the Orem City Code.

2. Setbacks. Setbacks in the PD-19 zone shall be as shown in the Preliminary Development Plan included as Appendix M of the Orem City Code.

3. Heights. The maximum height for all primary structures shall be thirty feet (30’) with no restriction as to second story square footage or basement square footage. However, basements are only allowed in areas accessible to sewer by gravity.

4. Accessory Apartments. Accessory apartments are not permitted within the PD-19 Zone.

5. Access. If development within the PD-19 zone includes more than sixteen (16) units, at least two (2) vehicular accesses shall be provided, with one of those accesses coming off of 1700 South Street.

6. Type of Units Allowed. Only townhouses or single-family detached dwellings are permitted in the PD-19 zone.

7. Exterior Finishing Materials. In addition to the materials permitted under Section 22-7-12(Q), cementitious fiber board siding may be used as a finishing material. (Ord. No. O-99-0055, Enacted, 12/14/1999; Ord. No. O-01-0021, Amended, 06/12/2001; Ord. No. O-2015-0031, Amended 08/25/2015)

22-11-32. PD-20, Jameson Pointe PRD, 1559 South 850 East.

A. Purpose. The purpose of the PD-20 Zone is to provide a planned development of attached residential dwelling units with densities not to exceed eight (8) units per acre. The PD-20 Zone may only be applied to parcel(s) shown in Appendix N, of the Orem City Code, with the Final Development Plan shown as Appendix N.

(Ord. No. O-00-0024, Enacted, 05/09/2000; Ord. No. O-01-0021, Amended, 06/12/2001)

B. Development Standards

1. PRD Ordinance. The development standards set forth in Article VII, PRD Ordinance, of Chapter 22 of the Orem City Code shall apply to the PD-20 Zone, except for building setbacks which are established by the Final Development Plan in Appendix N.

2. Accessory Apartments. Accessory apartments are not permitted within the PD-20 Zone.

(Ord. No. O-00-0024, Enacted, 05/09/2000; Ord. No. O-01-0021, Amended, 06/12/2001)

22-11-33. PD-21 Zone, Student Housing Village, 1200 South Geneva Road.

A. Purpose. The PD-21 Student Housing Village Zone is created for the purpose of providing student housing and other high-density residential housing in a mixed-use village, recognizing the present and future demand for student housing in the vicinity of Utah Valley State College. The objective of the PD-21 Zone is to create a mixed residential and commercial use village with a safe, comfortable and pleasant environment such as might be found in older European town villages. This includes the use of streetscape and landscape features, recreational amenities and social gathering areas. The village will include commercial businesses on the ground level with student housing, residential units on the floors above. One intent for businesses within the village area will be to serve the commercial needs of the village residents. The PD-21 Zone is designed to provide a pedestrian friendly environment and to encourage travel to Utah Valley State College by walking, bicycle riding, and by use of a mass transit shuttle operation.


B. Preliminary Development Plan. The preliminary development plan included herein as Appendix “O,” and incorporated herein by reference, designates in general terms the proportions, locations, and types of uses to be developed within the PD-21 Zone and shall guide site layout and development within the zone. The preliminary development plan shows generally where the commercial village area, parking, recreational amenities, open spaces and residential development shall be located. Prior to final approval of any development site plan within the zone, the City shall verify that the project follows the general layout of the preliminary development plan. No request for development within the PD-21 Zone shall be approved which significantly differs from the preliminary development plan. The preliminary development plan may be amended in the same manner as an amendment to the zoning ordinance, as set forth in Section 22-1-5 of the City Code. However, after a review by the Development Review Committee, minor amendments to the preliminary development plan may be administratively approved by the City Manager or the City Manager’s designee.


C. Phasing. The construction of a development in the PD-21 Zone shall occur in substantial conformance
with the phasing shown in the preliminary development plan, as shown in Appendix “O”. All amenities that are identified within each phase shall be bonded for prior to construction of that phase. Phase One, as identified in the preliminary development plan, shall be constructed prior to all other phases. No priority for the construction of other phases is required. After a review by the Development Review Committee the City Manager or the City Manager’s designee may administratively approve minor changes to the phasing.


D. Zone Location and Boundaries. The minimum acreage of the PD-21 Zone shall be forty (40) acres. The PD-21 Zone is located at the northeast corner of Geneva Road and 1200 South Street, the boundaries of which shall be designated on the Zoning Map of the City of Orem, Utah.


E. Permitted Uses. Student Housing (SLU 1240); Apartments (SLU 1120) and Condominiums (SLU 1112) shall be the only permitted residential uses. Permitted commercial uses shall be restricted to the following:

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<tr>
<td>5330</td>
<td>Limited Price Variety Stores</td>
<td></td>
</tr>
<tr>
<td>5391</td>
<td>Dry Goods and General Merchandise</td>
<td></td>
</tr>
<tr>
<td>5392</td>
<td>General Stores</td>
<td></td>
</tr>
<tr>
<td>5393</td>
<td>Arts, Crafts and Hobbies</td>
<td></td>
</tr>
<tr>
<td>5394</td>
<td>Musical Instruments</td>
<td></td>
</tr>
<tr>
<td>5410</td>
<td>Groceries and/or Food</td>
<td></td>
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<tr>
<td>5440</td>
<td>Candy, Nut and Confectionery</td>
<td></td>
</tr>
<tr>
<td>5530</td>
<td>Gasoline Service Stations With Without Store</td>
<td></td>
</tr>
<tr>
<td>5600</td>
<td>Clothing, Apparel, and Accessories</td>
<td></td>
</tr>
<tr>
<td>5710</td>
<td>Furniture, Home Furnishings</td>
<td></td>
</tr>
<tr>
<td>5730</td>
<td>Music Supplies</td>
<td></td>
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<tr>
<td>5810</td>
<td>Restaurants</td>
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<tr>
<td>5811</td>
<td>Fast Food</td>
<td></td>
</tr>
<tr>
<td>5830</td>
<td>Drinking Places - Nonalcoholic</td>
<td></td>
</tr>
<tr>
<td>5910</td>
<td>Drug and Propriety - Major Drug and Related Dispensing</td>
<td></td>
</tr>
<tr>
<td>5941</td>
<td>Books</td>
<td></td>
</tr>
<tr>
<td>5942</td>
<td>Stationery</td>
<td></td>
</tr>
<tr>
<td>5943</td>
<td>Office Supplies</td>
<td></td>
</tr>
<tr>
<td>5945</td>
<td>Newspapers / Magazines</td>
<td></td>
</tr>
<tr>
<td>5946</td>
<td>Cameras and Photographic Supplies</td>
<td></td>
</tr>
<tr>
<td>5947</td>
<td>Gifts, Novelties, and Souvenirs</td>
<td></td>
</tr>
</tbody>
</table>

F. Prohibited Uses. Any use not listed in subsection (E) above is prohibited. Drive-up windows are prohibited.


G. Residential Unit Rental Period. Residential units in a PD-21 development may not be rented for a period of less than 30 days.


H. Site Plan and Final Plat. The application for a site plan shall include all applicable fees and documentation required by City ordinances. The site plan shall be reviewed by the Development Review
I. Site Plan Submittal. The site plan shall be submitted to the Department of Development Services. The applicant shall pay a fee at the time the site plan is submitted in an amount established by resolution of the City Council. No development, construction, revisions, or additions shall take place on the site until the site plan has been approved by the Planning Commission, the final plat has been recorded, the necessary permits have been posted, and the appropriate permits have been obtained. A site plan may be amended by following the same procedure required for limited approval of a site plan as set forth in subsection “J” below.

J. Contents of Site Plan. The site plan for a development in the PD-21 Zone shall be a document consisting of one or more pages of maps and drawings drawn to scale. The applicant shall submit five (5) copies of the proposed site plan to the Department of Development Services. One of the copies shall be 8½" x 11", and the other four copies shall be at least 8½" x 11", but not larger than 24" x 36." The applicant shall also submit one computer-aided design (CAD) drawing on a computer disk formatted and compatible with the City's computer system of each sheet of the site plan. The proposed site plan shall be drawn to a scale large enough to clearly show all details and in any case not smaller than sixty feet (60') to the inch. The site plan shall include the following items:
1. Name of Development.
2. Name of applicant.
3. Name of owner of property.
4. North arrow.
5. Scale of drawing.
6. Area of lot in square feet.
7. Lot line dimensions.
8. A vicinity map containing sufficient information to accurately locate the property shown on the plan.
9. Tabulation table in the following format:

<table>
<thead>
<tr>
<th>Square Footage</th>
<th>Acreage</th>
<th>Percent of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Area</td>
<td></td>
<td>100</td>
</tr>
<tr>
<td>Total Building Area</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Impervious Area</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

10. Names and locations of fronting streets and locations and dimensions of public and private streets.
11. Footprints of existing and proposed buildings and structures including a notation of each structure's height above the grade.
12. Location and size of existing and proposed sewer lines and manholes, storm drains and manholes, water supply main valves, water lines, culverts, and fire hydrants within the site and within two hundred (200') feet of the boundaries of the proposed development.
13. Location of existing and proposed fire protection devices.
14. Location, dimensions, and distance to property lines of existing and proposed drive accesses.
15. Location and dimensions of existing and proposed curbs, gutters, and sidewalks.
16. Location and dimension of off-street parking spaces.
17. Location and type of surface water drainage system.
18. Detailed landscape plan showing the specific types and locations of landscaping prepared by a landscape architect licensed to practice in Utah.
19. Drawings of proposed structure elevations, including covered parking, showing the height, dimensions, appearance and materials proposed.
20. Location and description (height, materials) of existing and proposed fences.
21. Location and description (dimensions, distance to property lines and type of lighting (direct or indirect) of existing and proposed signs.
22. Location of solid waste disposal facilities.
23. Traffic analysis as required by Section 22-11-33(W).
24. Dwellings and other structures, parks, playgrounds, common areas and facilities, limited common areas, private areas and facilities, and other improvements within the development.
25. Basic floor plans for all buildings within the development.
K. Site Plan Review and Approval.

1. Development Review Committee. The Department of Development Services shall forward the proposed site plan to the Development Review Committee for initial review. The Development Review Committee shall review the site plan to determine whether it complies with the Orem General Plan, the preliminary development plan, and all City ordinances, resolutions, and policies. The site plan shall not be forwarded to the Planning Commission unless it complies with the Orem General Plan, the preliminary development plan, and all City ordinances, resolutions, and policies.

2. Planning Commission. The Planning Commission shall review the site plan and shall be the final approving authority. The Planning Commission shall approve the site plan if it finds:

   a. The proposed site plan complies with City ordinances, resolutions, and policies.
   
   b. The proposed site plan promotes the health, safety and welfare of the community. In making this determination, the Planning Commission shall consider, among other things, the overall safety of the site, the impact that the site will have on traffic, the impact the site will have on surrounding properties, and the adequacy of police, fire, and utility service that can be provided for the site.
   
   c. No element of any approved site plan shall be amended or changed without first following the procedure for approval of site plans as set forth in this subsection “J”.

   However, after a review by the Development Review Committee, minor amendments to the site plan may be administratively approved by the City Manager or the City Manager’s designee.

L. Building Permits. No building permit shall be issued for any project for which a site plan is required, until the site plan has been approved by the appropriate authority and a final plat has been approved and recorded by the City.

M. 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 or recording of the site plan or final plat, whichever is later, or at such earlier time as the approving body may designate. 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 one (1) year for the completion of improvements from the Planning Commission. An extension of one year may be granted only if the applicant demonstrates good cause for not completing the improvements and demonstrates the present ability to complete the improvements.

N. Completion and Maintenance of Site. Every PD-21 development shall conform to the approved site plan or amended site plan. No structures or improvements may be added to a PD-21 development that are not included on the approved site plan. All improvements shown on the approved site plan shall be maintained in a neat and attractive manner. Failure to complete or maintain a PD-21 development in accordance with this Chapter and with the approved site plan shall be a violation of the terms of this Chapter. The City may initiate criminal and/or civil legal proceedings against any person, firm or corporation, whether acting as principal, agent, property owners, lessee, tenant, employee or otherwise, for failure to complete or maintain a PD-21 development in accordance with this Chapter and with the approved site plan.

O. Final Plat.

1. The form and contents of the final plat shall be as required in Article 17-5 of the Orem City Code. The final plat shall also contain the following information:

   a. A designation of common areas, limited common areas, and private ownership areas.
   
   b. A designation of any cross easements.
c. For condominiums, three dimensional drawings of buildings and building elevations. In the case where the PD-21 development is a condominium project, the developer shall submit a written statement by an attorney who is licensed to practice in Utah. This written statement shall be the attorney's opinion that the condominium declaration, the subdivision plat and the other supporting documentation comply in all respects with the Utah Condominium Ownership Act (UCA Sec. 57-8-1, et seq.) as well as all applicable federal, state and local laws and ordinances and that when the condominium declaration and final plat have been recorded in the office of the Utah County Recorder that the proposed project will be a validly existing and lawful condominium project in all respects.

d. Written approval of adjoining ditch or canal companies authorizing mandatory fencing or piping of ditches or canals.

e. Plat restrictions, lot restrictions, and other information required by the Planning Commission or Director of Development Services.

2. The Director of Development Services shall approve a final plat within the PD-21 Zone provided he finds:

a. That all of the improvements and conditions of the approved site plan have been incorporated into the final plat.

b. That all construction drawings of the PD-21 development have been approved by the City Engineer.

3. The final plat shall be recorded by the City after all signatures are obtained, all approvals are given, and all bonds and fees are posted with the Development Services Department.

4. A final plat must be approved and recorded for each phase of construction.


P. Development Standards and Requirements. The following development standards and requirements shall apply to all PD-21 developments:

1. Density The minimum residential density of the completed project shall be one hundred forty (140) occupancy units per gross acre for Area 1 and ninety (90) occupancy units per gross acre for Area 2 and Area 3. Appendix O identifies Areas 1, 2 and Area 3. An occupancy unit shall be defined as a bedroom having one hundred ten (110) square feet or less of floor space area. A bedroom having more than one hundred ten (110) square feet of floor space shall count as two (2) occupancy units. The maximum number of occupants per bedroom, for bedrooms having one hundred ten (110) square feet or less of floor space area shall be one (1), and maximum number of occupants per bedroom, for bedrooms having more than one hundred ten (110) square feet of floor space area shall be two (2). The term bedroom shall include all areas suitable as a private sleeping area such as a studio, den, etc. Closets and built-in desks shall not be included in the floor space area of the bedroom. Because the parking requirement for Area 2 is lower than the parking requirement for Area 1, subsection (5) of the definition of “Family” in Section 22-2-1 shall not apply to residential units in Area 2. For purposes of Section 22-2-1, the definition of “Family” shall include up to eight (8) unrelated individuals in up to, but no more than twelve (12) residential units in Area 3.

2. Building Heights. All residential buildings and mixed residential/commercial use buildings shall have a minimum of four stories. The maximum building heights for Area 1 and Area 2 shall be:

a. 56 feet for that part of a building that is adjacent to and within one hundred fifty feet (150’) of a public street.

b. 62 feet* for that part of a building that is adjacent to but more than one hundred fifty feet (150’) from a public street.

c. 62 feet* for that part of a building within fifty feet (50’) of areas designated for required or optional commercial use.

d. 72 feet for parking structures.

e. 86 feet or seven (7) stories whichever is less for all other buildings or parts of buildings.

f. The maximum building height for Area 3 shall be one hundred twenty feet (120’) or as shown on the concept plan in Appendix “O”, whichever is the more restrictive.

* Except clock towers and special architectural roof features, which are not a part of the standard required building roofing, up to a maximum of eighty-six feet (86’).
least ten (10) feet as measured from the back of the sidewalk or property line, whichever results in a greater setback. All buildings in Area 3 shall be set back at least fifteen (15) feet from the north and east boundaries of Area 3. With respect to all other property lines in the PD-21 zone, buildings with a height greater than twenty (20) feet shall be set back at least twenty (20) feet, but no setback is required from all such other property lines for buildings with a height less than 20 feet. Buildings with commercial uses facing a private street shall be built to the back of sidewalk. Landscaping and trees shall be required in the setback areas as shown in Appendix “O.”

4. Street Design. All streets within the PD-21 Zone may be private or public. The development review process will determine whether a proposed street will be private or public. Private streets may be designed and built according to the following minimum requirements:

a. Project entrance streets and streets accessing parking structures shall have a minimum pavement width of twenty-eight feet (28').

b. Street with no on-street parking: A forty-five foot (45') right-of-way with twenty-two feet (22') of pavement for travel lanes, and thirteen feet (13') of sidewalk and/or landscaping on both sides.

c. Street with on-street parking on one side: A sixty-four foot (64') right-of-way with twenty-two feet (22') of pavement for travel lanes, thirteen feet (13') of sidewalk and/or landscaping on both sides, and sixteen feet (16') of pavement for angled parking.

d. Street with on-street parking on both sides: A seventy-two foot (72') right-of-way with twenty-two feet (22') of pavement for travel lanes, thirteen feet (13') of sidewalk and/or landscaping on both sides, and sixteen feet (16') of pavement for angled parking on one side, and (8') of pavement for parallel parking on the other side.

5. Street landscaping. Landscaped islands may be approved in a private street. They shall be designed, maintained, and located to allow safe traffic flow.

6. Sidewalks. plazas and outdoor areas. All private streets shall have a minimum sidewalk width of (4') feet on both sides of the street. The village shall include at least one open space plaza and shall allow for outdoor areas. Outdoor awnings may not extend closer than four (4') to the street curb.

7. Streetscape features. The design of the commercial village area streets shall incorporate the use of streetscape features, such as trees, planters, benches, drinking fountains, decorative garbage cans, and at least one outdoor clock and one water fountain. A minimum of 15% of the sidewalk area of the sidewalks in the commercial village area shall be landscaped with trees, bushes, flowers, ground cover, etc. A minimum of two (2) trees shall be planted in the commercial village sidewalk area every fifty feet (50').


a. Parking for Area 1 and Area 3 shall be provided at the rate of 0.65 parking spaces per occupancy unit. Parking for Area 2 shall be provided at the rate of 0.62 parking spaces per occupancy unit.

b. Parking for commercial uses shall be provided at the rate of one (1) parking space per 300 square feet of floor area. Hotels shall have one stall per room. Buildings over 30,000 square feet in size which have 50% or more of the building area used for commercial purposes must provide the required parking stalls, based on the rate listed above, next to the building.

c. Parking stalls located in front of commercial uses shall be reserved exclusively for commercial use during business hours.

d. No additional parking stalls shall be required for buildings used for student resident public assembly, fitness and recreation activities, or religious worship.

e. The above parking requirements shall be met for each phase of construction.


a. All land within the PD-21 Zone not covered by buildings, streets, driveways, sidewalks, plazas, courtyards, structures, recreation facilities and parking areas, shall be permanently landscaped with trees, shrubs, lawn, or ground cover and maintained in accordance with good landscaping practice. All landscaping shall have a permanent underground sprinkling system.

b. One (1) deciduous tree, at least two (2) inches in caliper measured at ground level, and one evergreen tree at least five (5) gallons in size is required for every three thousand (3,000) square feet or fraction thereof of landscaped area. Evergreen shrubs, at least five (5) gallons in size, are required at a ratio of one (1) each per dwelling unit. A licensed landscape architect is hereby given the discretion to substitute deciduous trees for
evergreen trees based on soil condition and water table depth.

c. The required setback adjacent to dedicated streets shall be landscaped and shall include landscaped berms, trees, and shrubs.

d. The required landscaping adjacent to 1250 West may be reduced to ten (10) feet.

10. **Lighting Plan.** The development site plan shall include a lighting plan, which is designed to discourage crime, enhance the safety of the residents and guests of the project, prevent glare onto adjacent properties; and enhance the appearance and design of the project. Streetlights in the development shall have a decorative style and shall be dark-sky sensitive. No cobra-style light standards are allowed. Light standards shall be placed every 50 feet along all private streets and all pathways in the development. Parking lots and structures shall be well lit.

11. **Building Materials.** All buildings shall be completed on all sides with acceptable finishing materials. The following materials are acceptable: brick, stone, fluted block, colored textured block, glass, stucco, wood, and cement fiber siding/panels, architectural concrete and zinc metal panels. Zinc metal panels shall not constitute more than fifteen percent (15%) of the surface area of any elevation. Other finishing materials may be used if approved by the City Council. However, sheet metal, corrugated metal, PVC and vinyl siding shall be prohibited except for trim, soffits, fascia, mansards and similar architectural features. In determining whether or not a particular finishing material is acceptable, the City Council shall consider the following factors:

   a. The visibility of the site from public streets and neighboring residential uses.

   b. The degree to which the proposed finishing materials are compatible with the appearance of neighboring residential uses.

   c. The location of the proposed finishing materials on the building.

   d. The degree to which a particular finishing material may be shielded by landscaping or some other feature.

   e. The degree to which the proposed finishing materials are durable and have low maintenance characteristics.

12. **Commercial Locations.** Commercial businesses in the development shall be located on the ground floor of buildings in Area 1, unless noted otherwise, as identified in the preliminary development plan. All floors above the ground floor shall be for residential use with the exception of amenities, facilities used for educational, office, religious, recreational, parking and meeting space purposes.

13. **Residential Entrances.** Ground floor entrances to the residential units in the commercial areas shall be permitted. Such entrances shall be designed with separate architectural features such as varied facade depth and color, canopies, stairs, etc.

14. **Amenities.** Common social gathering areas and recreation amenities shall be incorporated into the development. Amenities required, as shown on the preliminary development plan, shall include:

   a. Five (5) BBQ and common open space areas.

   b. Four (4) swimming pools.

   c. Two (2) volleyball courts.

   d. One (1) student lounge / hall with a minimum size of 8,200 square feet.

   e. One (1) fitness center, including facilities for aerobics, weight training and basketball.

   f. Meandering pathways linking the common open spaces.

15. **Loading Areas.** Areas for loading and deliveries to the commercial businesses within the village shall be provided.

16. **Storage.** The developer shall provide areas for the covered storage of bicycles and other large recreational items. Such items shall not be permitted to be stored on resident balconies, or within common interior or exterior hallways of the development.

17. **RV Storage.** The storage of Recreational Vehicles (RVs) shall not be permitted within the PD-21 zone.

18. **Solid Waste Receptacles.** Solid waste receptacles which are not located within a building, excluding small, decorative garbage cans, shall be enclosed on three sides with the same materials as used on the main structures within the PD-21 development.

19. **Fencing.** Fencing around buildings within the development is not required. Fences adjacent to a public or private street and within the building setback may have a maximum height of three feet (3') if sight-obscuring, or four feet (4') if non sight-obscuring. A sight-obscuring fence at least six feet (6') high and no more than twelve feet (12') high shall be constructed and maintained between the development and the railroad right-of-way to protect residents from the impacts associated with the adjoining railway operations.
A primary or accessory structure may take the place of a fence where the required fence connects with the structure to form a continuous barrier. Except as otherwise provided herein, a fence up to seven feet (7”) high may be constructed adjacent to other property boundaries. Fences made of chain link or chain link with slats are not permitted.

20. **Utilities.** All buildings 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.

21. **Storm Water Runoff Plan.** All PD-21 developments shall have a storm water runoff plan designed to accommodate a 25-year storm.

22. **Soils Report.** A soils report prepared by a soils engineer shall be submitted to identify any special engineering needs of the site. All development shall be slab on grade unless a soils engineer determines that below grade development can be developed without present or future ground water problems and the City Engineer concurs in the analysis. Ground water drains shall be required if any part of a building’s habitable floor level is below grade.

23. **Aesthetic Enhancement of Parking Garage.** In order to improve the aesthetic appearance of the parking structure in Area 3, all sides of the parking structure in Area 3 shall be enhanced by using one or more of the following techniques or practices: building liners, artistic facades, trees and landscaping and other methods as shown in the elevations for the parking garage included as part of Appendix “O.”


**Q. Signage.**

1. Except as otherwise provided below, signage in the PD-21 zone shall comply with the provisions of Chapter 14 of the Orem City Code. The following additions and modifications shall apply to signage in the PD-21 zone:

   a. Because Area Two does not have frontage on any arterial or collector street, fourteen (14) flag pole signs (permanent) may be located in Area Two and a total of (4) four wall signs may be located on buildings in Area Two. The fourteen (14) flag pole signs (permanent) and the four (4) wall signs shall conform to the following requirements:

      (1) The wall signs shall either be banners or consist of individual letters on a flat face in conformance with the general style and quality shown on the concept plan. The dimensions of these wall signs shall not exceed fifteen (15) feet in height and forty (40) feet in width.

      (2) The dimensions of the signs shall not exceed fifteen (15) feet in height and forty (40) feet in width.

      (3) The wall signs shall not be electronic message signs although they may be backlit.

   b. The permanent flag pole signs shall be oriented toward I-15 to the west, 1000 South to the north or University Parkway to the south.

   c. The wall signs shall be on-premise signs.

   d. The permanent flag pole signs shall not exceed twenty-two (22) feet in height and twenty-five (25) square feet.

   e. The flag portion of the flag pole signs may be constructed using rigid materials and may be backlit.

2. Signage for businesses on private and public streets is limited to wall signs, window signs, monument signs, and canopy signs, and the following shall apply:

   a. Wall signs and canopy signs shall be placed on the commercial portion of the building only.

   b. Wall signs may not exceed fifteen percent (15%) of the commercial portion of the wall to which the sign is attached.

   c. Wall signs extending more than six (6) inches from the wall and less than twenty-four (24) inches shall not be within seven (7) feet of the finished grade adjacent to the building at the base of the wall to which the sign is attached. Projecting signs, signs that project more than twenty-four (24) inches from the wall, are prohibited.

   d. Canopy signs may only be placed above primary entrances to a business.

   e. Window signs shall not exceed fifty percent (50%) of the total transparent area of any window on which they are attached.

   f. One (1) monument sign is permitted along Geneva Road, one (1) monument sign shall be permitted along University Parkway, two (2) monument signs shall be permitted along 1250 West in Area 1 or Area 2, and one (1) monument sign shall be permitted along 1000 South. Monument signs shall be limited to a maximum height of eight (8) feet as measured from the existing grade and one
hundred (100) square feet of sign area. If the existing grade is below the top back of curb, the maximum sign height shall be measured from the curb at a point perpendicular to the sign location. The signs shall be located at least five (5) feet from the back of sidewalk or from the curb when no sidewalk is present and shall be located outside the clear vision triangle. The monument signs shall be limited to identifying the project and the commercial tenants located within the PD-21 zone.

g. Monument signs permitted in subparagraph (f) shall have no exposed poles or covered poles. The width of the sign shall be uniform in size from the top of the sign to the bottom of the sign where it meets the grade.

h. The architecture of signs not attached to a building shall be consistent with the architecture of the existing buildings in the PD-21 zone.

3. A cross-street architectural feature sign no greater than thirty-five (35) feet high may be placed across a private street in Area 1 and shall only advertise the name of the development and related logo decals. The sign must have a minimum clearance height of thirteen (13) six (6) inches for fire apparatus access and must be set back at least three hundred eighty-five (385) feet from University Parkway and one hundred seventy-five (175) feet from Geneva Road. A single support pylon may be used. A single support pylon sign may be used.

4. A single interior sign shall be allowed in Area 1 at a height not to exceed twenty-seven (27) feet. The interior sign may include on-premise advertising and may also display noncommercial messages. The interior sign may have an electronic sign display on up to fifty percent (50%) of the sign square footage. The interior sign shall be set back at least three hundred eighty-five (385) feet from University Parkway and one hundred seventy-five (175) feet from Geneva Road.

R. Architectural Styling. The architectural style of the development shall substantially conform to the renderings in the preliminary development plan. The sides of all buildings shall be constructed using a variety in color, facade depth and roof line height, with changes occurring in all these areas at least every sixty-six (66’) linear feet. Balconies and canopies on building sides facing village streets or plazas shall not exceed three (3’) feet in depth. Windows or other compatible architectural features shall be required on all commercial and residential units adjacent to streets.

(S. Architectural Review. The Planning Commission shall perform architectural review of the development at site plan review. The site plan must demonstrate that the development will:

1. Meet the general purpose and spirit of the PD-21 zoning ordinance.
2. Use a good mix of building materials, colors and architectural features to create an attractive, mixed-use development.
3. Include sufficient amenities, landscaping and public open spaces that will provide a safe, comfortable and pleasant environment.
4. Substantially conform to the architectural style shown on the exhibits of the preliminary development plan.

(T. Security. The owner or manager of the development shall provide adequate on-site security in all areas of the development.

(U. Repealed.

(V. Reserved.

W. Traffic Study. The developer shall be required to submit a comprehensive traffic study with the concept plan application that evaluates both vehicular and pedestrian traffic patterns on site and off site. The traffic study shall include the impact on east-west traffic patterns on the Interstate 15 interchange at University Parkway. The site plan will reflect and incorporate the recommendations of the traffic study.

X. Bonds.

1. Purpose. Prior to the recording of any documents concerning any phase of an approved PD-21 development, and prior to the issuance of any building permit on land included within a PD-21 development, the applicant shall post a bond with the City in an amount sufficient to cover the cost of all public improvements required for that phase by the approved site plan, preliminary plat, final plat, preliminary development plan, development agreement, the PD-21 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 six (6) months or until April 15 of the following year, whichever is longer. The City shall not release this bond until the City accepts 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 Public Works 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 of the Orem City Code.

5. The City shall not record the final plat until the developer of the PD-21 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 Article 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. An applicant may request an extension of up to two (2) years for the completion of improvements from the Public Works Director. The Public Works 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. If, for any reason, the bonds providing for the guarantee of improvements are insufficient to properly complete the improvements, the developer shall be personally liable to complete the improvements required by this Article.

8. 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-21 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 materials shall have a cause of action against the City or the bond for providing labor or materials.


Y. Neighborhood Meeting. The applicant for any PD-21 development shall conduct at least one (1) neighborhood meeting, prior to the submission of the site plan application, to explain the proposed development and to address all neighborhood concerns. Written notice shall be given by the applicant to all property owners within a 200’ foot radius of the development, as well as to the owners of all residential property within 1/4 mile of the of the development. Notice shall also be given to the chair and vice-chair of the Vineyard, Cherry Hill and Westmore Neighborhood Communities. Notice of the meeting shall be delivered by the applicant at least one (1) week prior to the date of the meeting. Phone calls or informal door-to-door contacts are not considered neighborhood meetings. Such meeting(s) shall be accomplished prior to the site plan being submitted to the City. The application for site plan approval shall include a list of all individuals who were notified, a roster of attendees at the meeting.
and a copy of the minutes from the neighborhood meeting.

Z. Repealed.

22-11-34. Reserved.

22-11-35. PD-22 Zone, Urban Village.

A. Introduction and Purpose. The PD 22 zone is designed to be applied only in an area located between 800 North Street and approximately 1050 North Street and between 900 West Street and 1200 West Street (old alignment). This property is a gateway to the City of Orem and as such is uniquely suited for commercial, office, and residential uses. Its development for these uses is important to the economic vitality and tax base of the City of Orem. The PD 22 zone is designed to maximize office, commercial, and residential uses within a mixed-use setting. The PD 22 zone is also the intended to reduce vehicular trips by designing a community where people can live close to where they work and shop. A major objective of the PD-22 zone is to create aesthetically pleasing streetscapes with landscaping that buffers sidewalks from major vehicular traffic ways, landscape features that take advantage of the unique terrain within the zone, recreational amenities, and social gathering areas that promote a walkable community.

B. Concept Plan. The concept plan for the PD 22 zone is included in the Orem City Code as Appendix "Q." In addition to the requirements of Section 22-11-3, the purpose of the concept plan is to show: 1) the general locations of commercial, office, residential, and mixed-use areas; 2) a master street plan with connectivity to 800 North Street, 1200 West Street, 900 West Street, and general locations of private streets, driveways, and parking areas; 3) plans for surface water runoff detention; 4) street cross-sections that include sidewalks buffered from vehicular traffic ways by a landscape strip; 5) building renderings that illustrate design elements to be used throughout the zone that give the PD-22 zone a "sense of place"; 6) integration elements that encourage pedestrian activity and flow between residential areas and mixed-use and commercial areas; and 7) open spaces, common areas, and amenities.

C. Zone Boundary and Location. The PD 22 zone shall be applied to the area designated in Appendix "Q" of the Orem City Code.

D. Permitted Uses. The following uses shall be permitted in the PD 22 zone:

<table>
<thead>
<tr>
<th>Standard Land Use Code</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>1112</td>
<td>Residential Condominiums</td>
</tr>
<tr>
<td>1120</td>
<td>Apartments</td>
</tr>
<tr>
<td>1500</td>
<td>Transient Lodging</td>
</tr>
<tr>
<td>4211</td>
<td>Bus Passenger Terminals/Mass Transit Stations</td>
</tr>
<tr>
<td>4600</td>
<td>All Auto Parking Facilities, NEC</td>
</tr>
<tr>
<td>4741</td>
<td>Television Broadcasting Stations &amp; Relay Tower</td>
</tr>
<tr>
<td>4751</td>
<td>Radio &amp; Television Broadcasting Studios, Only (Combo Systems)</td>
</tr>
<tr>
<td>5220</td>
<td>Building Materials, Equipment Supplies, and Hardware (only located along and facing 1200 West)</td>
</tr>
<tr>
<td>5260</td>
<td>Home Improvement Centers</td>
</tr>
<tr>
<td>5310</td>
<td>Department Stores</td>
</tr>
<tr>
<td>5320</td>
<td>Mail Order Houses (not to exceed 5,000 square feet in size)</td>
</tr>
<tr>
<td>5330</td>
<td>Limited Price Variety Stores</td>
</tr>
<tr>
<td>5350</td>
<td>Direct Selling Organizations</td>
</tr>
<tr>
<td>5391</td>
<td>Dry Goods &amp; General Merchandise</td>
</tr>
<tr>
<td>5393</td>
<td>Arts, Crafts, &amp; General Merchandise</td>
</tr>
<tr>
<td>5394</td>
<td>Musical Instruments</td>
</tr>
<tr>
<td>5410</td>
<td>Groceries &amp; Food</td>
</tr>
<tr>
<td>5420</td>
<td>Farmers Market</td>
</tr>
<tr>
<td>5440</td>
<td>Candy &amp; Other Confectionery Products</td>
</tr>
<tr>
<td>5511</td>
<td>Motor Vehicles (new &amp; used, including motorcycles and ATVs, only along and facing 1200 West)</td>
</tr>
<tr>
<td>5520</td>
<td>Tires, Batteries, &amp; Accessories (only along and facing 1200 West)</td>
</tr>
<tr>
<td>5530</td>
<td>Gasoline Service Station with or without store (only along and facing 1200 West)</td>
</tr>
<tr>
<td>5591</td>
<td>Marine Craft &amp; Accessories (only along and facing 1200 West)</td>
</tr>
<tr>
<td>5600</td>
<td>Clothing, Apparel, &amp; Accessories</td>
</tr>
<tr>
<td>5710</td>
<td>Furniture &amp; Home Furnishings</td>
</tr>
<tr>
<td>5730</td>
<td>Music Supplies</td>
</tr>
<tr>
<td>5810</td>
<td>Restaurants</td>
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<tr>
<td>5811</td>
<td>Fast Food</td>
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<tr>
<td>5830</td>
<td>Drinking Places Nonalcoholic Beverages</td>
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<tr>
<td>5910</td>
<td>Drugs &amp; Related Drug Dispensing</td>
</tr>
<tr>
<td>5931</td>
<td>Antiques</td>
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<tr>
<td>5932</td>
<td>Gold &amp; Silver</td>
</tr>
<tr>
<td>5941</td>
<td>Books</td>
</tr>
<tr>
<td>5942</td>
<td>Stationery</td>
</tr>
<tr>
<td>5943</td>
<td>Office Supplies</td>
</tr>
<tr>
<td>5944</td>
<td>Cigars Cigarettes</td>
</tr>
<tr>
<td>5945</td>
<td>Newspapers/Magazines</td>
</tr>
</tbody>
</table>

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### Standard Land Use Code | Category
--- | ---
5946 | Camera & Photographic Supplies
5947 | Gifts, Novelties, & Souvenirs
5948 | Florists
5949 | Video Rentals
5951 | Sporting Goods
5952 | Bicycles
5953 | Toys
5963 | Nursery Plants (indoor only)
5970 | Computer Goods & Services
5996 | Optical Goods
6100 | Banking & Credit Services
6111 | Check Cashing & Other Credit Services
6120 | Security & Commodity Brokers, Dealers, & Exchanges
6130 | Insurance Agents, Brokers & Related Services
6150 | Real Estate Agents, Brokers & Related Services
6152 | Title Abstracting
6153 | Real Estate Operative Builders
6154 | Combination Real Estate, Insurance Loan, & Law
6200 | All Personal Services, NEC
6211 | Laundering, Dry Cleaning, & Dyeing Services (Except Rugs)
6212 | Custom Tailoring
6213 | Diaper Services
6214 | Laundromats
6220 | Photographic Services Including Commercial
6221 | Onsite Personal Services for Occupants of the PD 22 zone Only (May Include Rug Cleaners/Repair, Cleaning, and Janitorial Services)
6231 | Beauty & Barber Shops
6233 | Massage Therapy
6251 | Apparel Repair, Alterations, Laundry / Dry Cleaning Services (pick up only)
6261 | Commercial Day Care / Preschool
6262 | Commercial Adult Day Care Facility
6291 | Catering Services
6292 | Wedding Reception Centers
6310 | Advertising Services (General)
6313 | Direct Mail Advertising
6320 | Consumer & Mercantile Credit Reporting Services Adjustment & Collection Services
6330 | Travel Arranging Services
6331 | Private Postal Services
6332 | Blueprinting & Photocopying
6334 | Stenographic Services
6342 | Locksmithing
6350 | News Syndicate
6360 | Employment Services
6391 | Research, Development, & Testing
6392 | Business & Management Consulting
6393 | Detective & Protective Services
6394 | Equipment Rental & Leasing (Office Only)
6395 | Automobile Rental & Leasing (Office Only)
6396 | Photofinishing
6397 | Stamp Trading
6398 | Motion Picture Distribution & Services
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E. Prohibited Uses. Any use not listed in subsection D above is prohibited.

F. Site Plan.
1. Submittal. Anyone desiring to develop in the PD-22 zone must first receive site plan approval from the Planning Commission. The provisions of Section 22-14-20 shall apply to all site plans and development in the PD-22 zone. An application for a site plan shall not be considered submitted until all requirements of the site plan are completed and accepted by the City. No development, construction, revisions, or additions shall take place on a site in the PD-22 zone, except for demolition and preliminary site grading, until the site plan has been approved, the final plat has been recorded, the necessary bonds have been posted, all fees have been paid and the appropriate permits have been obtained.

2. Contents of Site Plan. In addition to the requirements of Section 22-14-20, all site plans for development in the PD-22 zone shall include the following additional items:
   a. Details of amenities and their locations within the project.
   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.
   c. Phasing. Development phasing is permitted. However, each phase shall include:
      a. Sufficient traffic circulation for the development phase to work with existing dedicated streets;
      b. Sufficient infrastructure, such as sewer and culinary water;
      c. Engineering details to provide for surface water detention; and
      d. Each phase that includes residential uses shall include those amenities for that phase specified on the approved site plan.

G. Public Notice of Amendment of PD-22 Zone. The City shall provide public notice to all properties located within four hundred (400) feet of property zoned PD-22 of any Planning Commission or City Council meeting in which an amendment to the PD-22 zone is to be considered. However, failure to strictly comply with this notice requirement shall not invalidate any action taken by the Planning Commission or City Council.

H. Completion of Improvements. All required 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 a final plat. If the required improvements are not started within the time specified, the City may void the approvals. If the improvements have been started but are not complete, the City may take action on the bonds to complete the improvements, or the Director of Development Services may extend the date of completing the required improvements up to two (2) years if the applicant demonstrates good cause for not completing the improvements and demonstrates the present ability to complete the improvements.

I. Preliminary and Final Plat. The form and content of any preliminary and/or final plat and all construction drawings shall comply with the provisions of Chapter 17 of the Orem City Code. The final plat shall also designate common areas, limited common areas, private ownership areas, cross-easements, plat restrictions, lot restrictions, public utility easements, and other information required by the Planning Commission or Director of Development Services.
1. A final plat for property within the PD-22 zone shall be prepared by a licensed surveyor and engineer and shall be submitted to the City together with the required fees. The final plat and the site plan together shall be considered the final development plan referred to in Section 22-11-10.
2. Three-dimensional drawings of buildings and building elevations shall be submitted for all buildings containing condominiums. The developer shall also submit a written statement by an attorney who is licensed to practice in the State of Utah. This written statement shall be the attorney’s opinion that the condominium declaration, the final plat and the other supporting documentation comply in all respects with the Utah Condominium Ownership Act (UCA Sec. 57-8-1, et seq.) and all applicable federal, state and local laws and ordinances and that when the condominium declaration and final plat

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have been recorded in the office of the Utah County Recorder that the proposed project will be a validly existing and lawful condominium project in all respects.

3. In conjunction with an application for final plat approval, the applicant shall submit to the City written approval of ditch or canal companies who have facilities crossing the property authorizing mandatory fencing or piping of ditches or canals.

4. The City Engineer shall approve the final plat and authorize its recordation provided he finds that the final plat complies with all applicable ordinances; all conditions imposed by engineering, the Planning Commission and the City Council have been met; and all fees have been paid and all bonds have been posted.

5. If the development is phased, a final plat must be approved and recorded for each phase of construction.


J. Land Uses by Floor. The following land uses shall apply to floors in areas shown in Appendix “Q” of the Orem City Code:

1. Residential Areas: each floor may have residential uses.
2. Commercial Areas: each floor may have any permitted commercial, service, or office use.
3. Mixed-use Areas: the ground floor area shall be for permitted commercial uses only. Any floor above the ground floor may consist of permitted commercial or residential uses or a combination of these uses. In mixed-use areas that include residential uses, residential entrances may be permitted on the ground floor.


K. Minimum Retail Space Requirement. Retail uses that generate sales tax shall be required in the PD-22 zone as follows (for area designations refer to Appendix “Q” page Q.10):

1. Area A. No retail required in this area.
2. Area B. At least fifty percent (50%) of the ground floor area shall be dedicated to retail uses.
3. Area C. At least seventy percent (70%) of the ground floor area shall be dedicated to retail uses.


L. Additional Development Standards and Requirements. The following development standards and requirements shall apply to all development within the PD-22 zone:

1. Allowable Density for Residential Units. A maximum of seven hundred (700) residential dwelling units shall be allowed in the PD-22 zone. These units may be located in the development as follows:

<table>
<thead>
<tr>
<th>Unit Location</th>
<th># of Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Only Area</td>
<td>Up to 430</td>
</tr>
<tr>
<td>Mixed-use Area</td>
<td>Up to 112</td>
</tr>
<tr>
<td>Mixed-use Towers Area</td>
<td>Up to 158</td>
</tr>
</tbody>
</table>

If the “Residential Only Area” is developed with less than 430 residential units, the difference between what is developed in the Residential Only Area and 430 may be moved to either the “Mixed-use Area” or the “Mixed-use Towers Area”.

2. Buildings.
   a. Heights. No building roof structure shall exceed the height limitation specified in Appendix Q. However, notwithstanding the foregoing, it is a permitted use to allow a pre-existing cellular monopole to exceed the height limitation when enclosing or camouflaging it with a design that is consistent with the architecture of the PD 22 zone. The Planning Commission determines if the architecture is consistent.
   b. Setbacks.
      (1) From Streets. All buildings shall be set back at least:
      (a) twenty (20) feet from 800 North Street measured from the right of way line.
      (b) thirty (30) feet from 1200 West Street measured from the right of way line.
      (c) thirty (30) feet for nonstacked residential structures two stories above grade or less, sixty (60) feet for stacked units and for residential structures with more than two stories above grade, and forty (40) feet for commercial/retail structures from 900 West Street measured from the right of way line.
      (d) fifteen (15) feet from private streets within the residential only area; however, garages and carports in the residential only area shall be set back at least eighteen (18) feet.
      (e) in commercial and mixed-use areas, the width of the sidewalk from streets other than 800 North
Street, 1200 West Street, and 900 West Street.

(2) From Residential Property not Part of the PD-22 zone. Buildings adjacent to residential property not part of the PD-22 zone shall be set back at least twenty-five (25) feet or the height of the building, whichever is greater.

(3) Parking. No parking area shall be closer than twenty (20) feet to any dedicated street. No parking shall be located closer than twenty (20) feet to an outside boundary of the PD-22 zone (other than a dedicated street) except in locations where the parking is located at least two (2) feet below the grade of the adjoining property, in which case the parking may extend to the property line. Covered parking may be located twenty (20) feet from an outside boundary of the PD-22 zone. However, covered parking may be located closer than 20 feet to the outside boundary of the PD-22 zone provided that the top of the structure is lower than the top of the required masonry fence.

c. Materials. All buildings and structures shall be completed on all sides with acceptable exterior finishing materials consistent with the general theme of the overall development as specified in the documents of Appendix “Q” of the Orem City Code. All sides of each building shall be constructed with exterior finishing materials that are consistent with and reflect a common architectural theme with the other sides of the building. The following materials are acceptable: brick, stone, cultured stone, glass, stucco, and EFIS. Generally, wood, sheet metal, and cementitious siding may only be used for trim, soffits, fascia, mansards, and similar architectural features. Other finishing materials may be used if approved by the City’s Development Services Director. In determining whether or not a particular finishing material is acceptable, the Director of Development Services shall consider the following factors:

(1) The visibility of the site from public streets and neighboring residential uses.

(2) The degree to which the proposed finishing materials are compatible with the appearance of neighboring residential uses.

(3) The location of the proposed finishing materials on the building.

(4) The degree to which a particular finishing material may be shielded by landscaping or some other feature.

(5) The degree to which the proposed finishing materials are durable and have low maintenance characteristics.

(6) The degree to which the proposed finishing materials add to or complement the overall design goals and allow the integration of individual users ideas and corporate themes.

d. Residential Entrances. In order to encourage a walkable community, any building that contains residential units in the mixed-use area, shall provide access to the residential units from the ground floor and shall lead from the main travelway or common area. Such entrances shall be designed with separate architectural features, such as varied facade depth and color, canopies, stairs, etc. Entrances may be combined and may use a limited amount of ground floor space.

e. Architectural Style. The architectural style and design of all buildings and structures (including parking structures and pad sites) in the PD-22 zone shall be consistent with the architectural style shown in Appendix Q.

(1) All buildings and structures shall be constructed with materials and architectural features that create an attractive development as shown in Appendix Q. The sides of all structures shall be constructed by using a variety of colors, facade depth, and roofline heights with changes occurring in these areas at least every sixty-six (66) linear feet. This requirement may be expanded to one hundred (100) linear feet if necessary to avoid unreasonable architectural difficulties.

(2) Balconies up to eight (8) feet in depth are required on at least fifty (50) percent of all residential units that face a street or plaza and on at least fifty (50) percent of all residential units shown on a site plan. Canopies and/or covered entrances up to twenty (20) feet in depth are required on at least fifty (50) percent
of all ground floor nonresidential units that face a street or plaza.

(3) Windows shall be required on the sides of all commercial and residential units adjacent to a street, sidewalk, or plaza. Windows shall not be required on the ground floor sides of buildings adjacent to alleys. However, features such as benches, landscaping, signage, etc., may be placed in alleys to enhance their visual appeal.

(4) Roof shapes shall be consistent with the overall architectural style of the development as outlined in Appendix Q. Appropriate use of both flat and pitched roofs is encouraged. Flat, three tab cut asphalt and rolled roofing shall not be permitted on any roof that has a slope of 3/12 or greater.

   a. Design. All streets within the interior of the development in the PD-22 zone shall be designated either public or private as shown on the street master plan of the concept plan. Street designs shall comply with the recommendations of any traffic study performed pursuant to subsection (M) herein and the Orem City Standards and Specifications.
   b. Width. Public streets shall be constructed with a minimum asphalt width of forty-four (44) feet. Private streets shall be constructed with a minimum width of thirty-two (32) feet between curb faces. Greater street widths shall be required if recommended by a traffic study performed pursuant to subsection (N). No curbside parking shall be allowed on any public street nor shall any parking stall have direct access to a public street unless approved by the City Engineer.
   c. Roundabouts. Roundabouts may be allowed in streets other than 800 North, 1200 West and 900 West) adjacent to commercial or mixed use areas where a building is constructed adjacent to the sidewalk.
   d. Sidewalks, Plazas, and Outdoor Café Areas.
      (1) Sidewalks shall be constructed on both sides of all streets and shall be separated from the street by planter strips at least five (5) feet in width. However, a planter strip shall not be required along the sides of interior streets (streets other than 800 North, 1200 West and 900 West) adjacent to commercial or mixed use areas where a building is constructed adjacent to the sidewalk.
      (2) Sidewalks abutting mixed-use, commercial, or office structures shall have a minimum width of twelve (12) feet and a maximum width of twenty (20) feet. Sidewalks may be larger than twenty (20) feet when designed as an integral part of outdoor activities and/or outdoor seating. Sidewalks abutting residential-only buildings shall have a minimum width of six (6) feet and a maximum width of twelve (12) feet. All other sidewalks shall be at least five (5) feet in width.
      (3) The PD-22 zone shall include at least one open space plaza of at least one-half (1/2) acre, which shall be designed to accommodate outdoor activities. Covered areas, such as gazebos, arbors, pergolas, may be used to enhance sidewalks.
   e. Streetscape Features. All development in the PD-22 zone shall incorporate streetscape features adjacent to all streets. Sidewalks adjacent to streets shall include landscaping of at least ten (10) percent of the area of the sidewalk that is adjacent to the street. The landscaping shall be placed adjacent to the sidewalk and shall include trees, bushes, flowers, ground covers, etc. At least one streetscape feature shall be installed and maintained every thirty (30) lineal feet along all sidewalk areas. Acceptable streetscape features include: trees, planters, benches, drinking fountains, decorative garbage can holders, outdoor clocks, streetlamps, kiosks, statuaries, and water features. As part of the streetscape requirement set forth above, at least one tree shall be planted and maintained every sixty (60) lineal feet of sidewalk. Streetscape features shall be designed and maintained so as not to obstruct pedestrian traffic.
   f. 900 West Street. Any access to or from 900 West Street shall be designed, constructed, and maintained in such a way as to discourage traffic flow onto 920 North Street east of 900 West.
   g. The clear vision standards of Section 22-14-19(C) shall apply to all development in the PD-22 zone.
4. **Parking.**
   a. Residential Areas. Buildings containing residential uses only shall provide two (2) parking stalls for every dwelling unit.
   b. Nonresidential Areas. Buildings containing only nonresidential uses shall provide five (5) parking spaces for every one thousand (1000) square feet of gross floor area.
   c. Mixed-use Areas. Buildings containing a mix of residential and nonresidential uses shall provide five (5) parking spaces for every one thousand (1000) square feet of gross floor area of nonresidential uses. Additional parking stalls shall be required for residential units as follows:
      (1) One (1) parking stall shall be required for each residential unit with one (1) bedroom; and
      (2) Two (2) parking stalls for each residential unit with two (2) or more bedrooms.
   d. For purposes of calculating the parking requirement, a bedroom shall include any room that is reasonably likely to be used as a bedroom whether designated as a den, office, study, game room, or other similar appellation.
   e. Parking stalls located in front of commercial uses shall be reserved exclusively for commercial use during business hours.
   f. The above outlined parking requirements shall be met for each phase of development through underground, ground level, or above ground structured parking.
   g. Parallel or angled parking may be provided on a private street if the City Engineer finds that it would not interfere with or impede the safe and efficient flow of traffic.
5. **Landscaping.**
   a. All land within the PD-22 zone not covered by buildings, streets, driveways, sidewalks, plazas, courtyards, structures, recreation facilities, and parking areas shall be permanently landscaped with trees, shrubs, lawn, or ground cover and maintained in accordance with good landscaping practices. All landscaping shall have a permanent working underground sprinkling system.
   b. Deciduous trees, at least two (2) inches in caliper measured six inches above ground level, and evergreen trees, at least five (5) feet in height, are required at a ratio of one deciduous and one evergreen for every three thousand (3,000) square feet of landscaped area. Evergreen shrubs at least five (5) gallons in size, are required at a ratio of one (1) per dwelling unit.
   c. The entire setback area adjacent to 900 West Street, 1200 West Street, and 800 North Street shall be landscaped and shall include landscaped berms, trees, and shrubs. To improve and beautify the PD-22 zone, trees shall be installed and maintained in required setback areas, adjacent to streets. These trees shall be a minimum of one (1) deciduous tree, two (2) inch caliper minimum (measured six inches above ground level) every thirty (30) lineal feet of street frontage. These trees may be clustered to enhance the visibility of commercial areas. However, no landscaping feature shall be planted or maintained in such a way as to obstruct the clear vision of traffic flows on any street or drive access.
   d. Landscaping shall be designed and maintained in all parking areas. Any surface parking area that contains more than fifty (50) parking stalls shall include landscaping in the form of landscaped end islands, planter boxes, or landscape strips between parking rows, of at least two (2) percent of the parking area containing the stalls. No parking row shall contain more than thirty (30) parking stalls without including a landscaped end island. A landscape end island shall measure at least five feet by fifteen feet (5’ X 15’).
   e. All development in the PD-22 zone shall be designed to encourage pedestrian circulation throughout the entire zone and each phase shall provide means of pedestrian circulation to both completed and future phases. The 800 North Street bike trail shall be included and constructed as part of each phase of development that includes the trail, in conformance with Appendix I of the Orem City Code.
6. **Lighting Plan.** Each site plan shall include a lighting plan that is designed to discourage crime, enhance the safety of the residents and guests of the project, prevent glare onto adjacent properties and enhance the appearance and design of the project. Streetlights shall have a decorative style and shall be dark-sky sensitive. No cobra-style light standards are allowed. Light standards shall follow the recommendation of Illumination Engineering Standards for streetlights on private streets and all
pathways in the zone. Parking lots and structures shall be well lit. The general design of the light pole and head shall follow the general theme of the development. Streetlights shall be installed adjacent to public streets in conformity with the standards of the City street lighting project.

7. **Amenities.** Common social gathering areas and recreational amenities shall be incorporated into the development. Walkways over, across, and under streets other than 800 North, 1200 West and 900 West are allowed. Required amenities include common open space areas, a village center or plaza area of at least one-half (½) acre, fountains and water features, and meandering walkways linking open spaces with residential and nonresidential areas. Other permitted amenities are listed in Appendix Q.

8. **Loading Areas.** Areas for loading and deliveries to commercial Businesses shall be provided and their use shall be restricted to the hours between 7 a.m. and 10 p.m.

9. **Outside Storage.**
   
a. The development shall provide areas for the secure and covered storage of bicycles and other small recreational items. Such items shall not be permitted to be stored on residential balconies, or within common interior or exterior hallways of the development.

b. No outside storage of equipment, materials, or products related to any nonresidential use shall be allowed except that the outside storage of products that are or will be offered for sale to the general public shall be allowed on parcels located adjacent to 1200 West. All allowed outdoor storage shall be screened by a sight obscuring fence at least six (6') in height. All fencing shall be constructed of masonry, or a steel reinforced, polyethylene, pre-panelized fence, which has the look of a pre-cast concrete fence with granite-textured panels. The height of any outdoor storage materials may not exceed the height of the fence screening such materials.

10. **RV Storage.** The storage of Recreational Vehicles (RVs) shall not be permitted within the PD-22 zone.

11. **Solid Waste Receptacles.** Solid waste receptacles which are not located within a building, excluding small decorative garbage cans, shall be enclosed on three sides with the same materials as used on the main structures with the remaining side used as a gate with appropriate sight-obscuring screening materials.

12. **Fencing.** Fencing requirements include:

    a. Residential Only Areas. Except for entrances, the outer boundary of residential only areas facing the interior of the development shall be fenced with wrought iron materials compatible with the development with appropriate openings that encourage walkability.

    b. Other Development Areas. Other fencing around buildings within the development is not required. However, if fencing is installed adjacent to a public or private street and within the building setback it may have a maximum height of three (3) feet if sight obscuring, or four (4) feet if not sight obscuring. Fences made of chain link are not permitted.

    c. In all areas where the PD-22 zone is adjacent to residential development not part of the PD-22 zone, there shall be installed a fence at least six (6) feet in height measured from the grade of the nonPD-22 zone side. The fence shall be of masonry materials consistent along the entire perimeter adjacent to the residential developments not part of the PD-22 zone.

13. **Utilities.** All buildings shall be served by the public sewer system and public water supply. All utilities shall be placed underground.

14. **Storm Water Runoff Plan.** A site plan for each phase of development shall have a storm water runoff plan designed to accommodate a twenty-five (25) year storm. The plan shall be prepared by an engineer licensed to practice in the State of Utah.

    a. An on-site surface water drainage plan designed according to accepted civil engineering standards shall also be submitted with the site plan. The surface water drainage plan shall mitigate any problem areas outlined in the Soils Report. The design shall be for a 25-year storm minimum and shall include calculations used in the design. The maximum rate of discharge into the City’s system shall not exceed 60 gallons per minute per acre.

    b. An overall storm water master plan is required with the first site plan submitted for approval. At least eighty percent (80%) of the required storm water detention areas (as measured by capacity) shall be located within landscaped areas.

    c. Linear landscaped detention areas along 800 North Street shall be constructed in accordance with UDOT’s storm water management plan.

15. **Soils Report.** A soils report, prepared by a soils engineer licensed to practice in the State of
Utah, shall be submitted concurrent with any site plan. The site plan shall be consistent with the recommendations of the soils report. The soils report shall specifically address any mitigation requirements for any structure proposed with habitable floor space below grade, otherwise habitable floor space shall be slab on grade.

16. **Signage**. Signage within the PD-22 zone shall be as follows:

   a. **Residential Only Areas.** Signage for residential only areas shall be limited to four (4) monument signs and shall comply with the provisions of Chapter 14 of the Orem City Code for such signs. The monument signs shall only be used to identify the residential development and shall not contain any off-premises advertising.

   b. **Commercial and Mixed-Use Areas.** Signage for commercial and mixed-use areas is limited to wall signs, window signs, monument signs and canopy signs, and the following shall apply:

      (1) Wall signs and canopy signs shall be placed on the commercial portions of the building only. Signs on walls of residential portions of buildings are prohibited.

      (2) Wall signs may not exceed fifteen percent (15%) of the commercial portion of the wall area to which it is attached.

      (3) Wall signs extending more than six inches (6) and less than twenty-four inches (24) from the wall shall not be within seven feet (7) of the finished grade adjacent to the building at the base of the wall to which the sign is attached. Projecting signs, i.e., signs that project more than twenty-four inches (24) from the wall are prohibited unless they are located over a walkway and are at least ten (10) feet above the grade of the walkway directly below the projecting sign.

      (4) Canopy signs may only be placed on canopies above primary entrances to businesses and on canopies over windows of the business for which the advertising is intended.

      (5) Window signs shall not exceed fifty (50) percent of the total transparent area of the window on which they are attached.

   (6) Monument signs shall not exceed six (6) feet in height above the top of back of curb nor exceed thirty-six (36) square feet. One monument sign is permitted for each freestanding building of commercial, office, or mixed-use only.

   (7) A total of three freestanding pole signs shall be allowed on that portion of the property located west of the realigned 1200 West Street. An additional four freestanding pole signs shall be permitted on the east side of 1200 West Street provided that none of these pole signs are located within fifty (50) feet of 800 North. All of the pole signs allowed under this subsection shall be at least one hundred (100) feet apart. The provisions of Sign Zone “A” shall govern the height and area limitations applicable to the pole signs allowed under this subsection. Notwithstanding the above, one of the three freestanding pole signs allowed west of the realigned 1200 West street may be up to eighty (80) feet high provided that such sign is oriented toward Interstate 15. This sign may have a total of six hundred (600) square feet of sign area provided that the total sign area is divided into two separate cabinets with each cabinet having no more than three hundred (300) square feet of sign area.

   (8) In addition to the pole signs allowed by subsection (7) above, an additional two freestanding pole signs hereinafter called “Master Identification Signs” shall be allowed. These master identification signs shall identify the development name of the PD-22 zone and may include signage for tenants within the PD-22 zone. The master identification signs shall be permitted as follows:

      (a) The master identification signs shall be placed within one hundred (100) feet of a major entrance to the development of the PD-22 zone as follows: one at the entrance from 800 North Street and one at the entrance from 1200 West Street.

      (b) These signs shall:

         (i) not exceed thirty-five (35) feet above the grade of the
back of the curb perpendicular to the base of the sign.

(ii) not exceed three hundred (300) square feet.

(iii) be set back at least twenty (20) feet from the right-of-way line of 800 North Street and 1200 West Street.

(iv) not overhang any public right-of-way line.

(v) have either fixed signage or electronic messaging.

(9) No pole signs other than those expressly authorized herein shall be allowed in the PD-22 zone.

Other signage permitted for commercial uses in the PD-22 zone includes: directional signs, flags, governmental signs, holiday signs, interior signs, nameplates, political signs, real estate signs, and special purpose signs. Specific regulations for these signs are contained in Chapter 14 of the Orem City Code.


M. Owner’s Association. An Owner’s Association shall be formed to provide maintenance and security for all common areas in the development.


N. Traffic Study. The developer shall be required to submit a Comprehensive Traffic Impact Study (CTIS) prepared by a Professional Transportation Engineer licensed to practice in the State of Utah that analyzes the impact of development of the entire property zoned PD-22 at the time of the first site plan application. The CTIS shall evaluate the vehicle, bicycle, and pedestrian traffic both on site and in the general vicinity of the project. The CTIS shall evaluate trip generations, turning movements to and from the property, street and roundabout geometrics, and traffic safety on and off the site. The CTIS shall also address relevant items including but not be limited to the following: surrounding street and intersection levels of service (LOS) before and after the project is completed, any mitigation efforts recommended to minimize project traffic impacts, proposed public and private street widths and alignments, site mobility, access management, potential traffic signal locations, street striping, signage, etc. The CTIS shall include a detailed analysis of 800 North Street from Interstate 15 to 800 West Street. The City Traffic Engineer may also require a traffic analysis that complies with the requirements of Section 22-14-20(E)(8) to be submitted with each individual site plan. Each site plan shall reflect and incorporate the recommendations of the CTIS and the individual traffic study and any other requirements that the City may deem necessary based upon the CTIS and/or the individual traffic analysis.


O. Bonds. Prior to the recording of any documents concerning any phase of an approved PD-22 development, and prior to the issuance of any building permit on land included within a PD-22 development, 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, development agreement, the PD-22 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 two (2) years or until April 15 of the following year, whichever is longer. The City shall not release this bond until the City accepts the improvements. Bonding shall be in accordance with the bonding requirements of Section 22-14-20(Q) and Section 17-6-6 (whichever is more strict) of the Orem City Code, except as provided for herein.


P. Accessory Apartments. Accessory apartments shall be allowed in the PD-22 zone only under the following circumstances:

1. Allowed only in Townhouses. An accessory apartment shall be allowed only in a “townhouse” style unit (nonstacked), and only in a unit that is attached to another unit on one side only.

2. Allowed only in Original Construction. An accessory apartment shall be allowed only when the apartment is designated in a plat/site plan that is approved prior to completion of original construction and the issuance of a certificate of occupancy for the unit in which it is located. An accessory apartment may not be added to a townhouse after the first certificate of occupancy is issued for that unit.

3. Owner Occupancy Required. An accessory apartment shall be allowed only in owner-occupied townhouses as the term “owner-occupied” is defined in section 22-6-9(I)(1).
4. **Number of Units.** No more than one (1) accessory apartment shall be allowed in a townhouse.

5. **Parking.** An accessory apartment shall be treated as an additional unit for purposes of calculating the number of parking stalls required in the development.

6. **Size.** An accessory apartment shall be at least 300 square feet in size and no larger than 900 square feet.

7. **Building entrance.** A separate entrance to the accessory apartment shall not be allowed on the front facade of the unit in which it is located. The entrance to the accessory apartment shall be located on the side of the unit in which it is located.

8. **Compliance with Building Code.** All construction shall comply with all building code requirements in effect at the time of construction.

9. **Utility Meters.** A townhouse with an accessory apartment shall have no more than two (2) meters for each water, gas, and electricity utility service and each meter shall be in the property owner’s name.

10. **Permit.** Any person constructing or causing the construction of a townhouse that has an accessory apartment must obtain an accessory apartment permit from the Development Services Department and shall comply with the requirements of section 22-6-9(I)(8)(a-c).

(Ord. No. O-2012-0034, Enacted, 12/18/2012; Amended July 8, 2014)

### 22-11-36. PD-23 Zone, Midtown Village, 320 South State.

**A. Purposes.** The purpose of the PD-23 zone is as follows:

1. To promote the redevelopment and beautification of properties in the vicinity of 320 South State Street by encouraging the conversion of blighted and unsightly areas into new developments consisting of an integrated mix of commercial and residential uses.

2. To allow residential units to be located in commercial zones complimented by and integrated with compatible commercial uses.

3. To allow for the creation of a new housing alternative that will provide individuals with the opportunity to live in proximity to places they work and shop by creating a more walkable community, which has the potential of reducing the number of vehicular trips per person.

4. To allow vertical construction above the height permitted in the C2 zone in areas in which the additional height would not have a detrimental impact on surrounding properties.


**B. Locations.** The PD-23 zone may only be applied to parcels that are at least three (3) acres in size, have at least 300 feet of frontage on State Street, and are between 250 South and 400 South and between State Street and Orem Boulevard. The PD-23 zone may be applied to parcels less than three (3) acres in size if the parcel is adjacent to an existing PD-23 zone and may be seamlessly incorporated into the existing development.


**C. Uses.**

1. **Allowable Uses.** All commercial uses allowed in the C2 zone are allowed anywhere in the PD-23 zone. Any residential use that is allowed in the R8, PRD or C2 zones is allowed anywhere in the PD-23 zone except that no more than twenty percent (20%) of the ground level floor space of the south building and the north building may be used for noncommercial uses.

2. **Residential Units.** The number of residential units allowed shall be limited by the number of parking stalls provided. The base residential density shall be equal to the number of parking stalls provided for nonresidential uses divided by three (3). For example, if 200 parking stalls were required for nonresidential floor space, the base residential density would be sixty-six (66) units. Additional residential units in excess of the base residential density shall be allowed provided that 1.65 parking stalls are provided for each residential unit in excess of the base residential density. Additional parking requirements are outlined in Section 22 11 36(F)(10).

3. **Large Residential Units.** A total of sixty “large residential units” shall be allowed in the PD-23 zone. A large residential unit may be occupied by a family as defined in Section 22-2-1 of the Orem City Code or by up to five individuals who are not all related to each other. A large residential unit must have at least 2,000 square feet.


**D. Concept Plan.** The concept plan included herein as Appendix “R,” and incorporated herein by reference, designates in general terms the proportions, locations, and types of uses to be developed within the PD-23 zone and shall guide site layout and development within the zone. Development on any parcel to which the PD-23 zone has been applied must substantially conform to the approved concept plan. The concept plan may be
amended in the same manner as an amendment to the zoning ordinance as set forth in Section 22-1-5 of the City Code. However, the City Manager or the City Manager’s designee may administratively approve minor amendments to the concept plan. The concept plan shall show all of the following:

1. A layout of all parking areas, amenities, open spaces, landscaped areas, drive accesses, proposed building footprints, all building heights and the orientation of all buildings; and
2. Architectural renderings that illustrate the architectural style of buildings and streetscapes in the development.


E. Site Plan. All development standards and site plan requirements of Section 22-14-20 shall apply to any development in the PD-23 zone. No development, construction, revisions, or additions shall take place on a site in the PD-23 zone, except for demolition and preliminary site grading, until the site plan has been approved, the final plat has been recorded, the necessary bonds have been posted, all fees have been paid and the appropriate permits have been obtained.

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) significant 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; 4) appropriate amenities for that phase as specified on the site 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 or recording of the site plan or 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.

4. Change of Use. An amended site plan complying with the requirements of Section 22-14-20 and this Section 22-11-36 shall be required whenever the owner proposes to change the use of any portion of a building from either residential to commercial or commercial to residential.


F. Development Standards.

1. Height. The following height limitations shall apply to buildings in the PD-23 zone:
   a. No building shall exceed ninety-six (96) feet in height.
   b. No more than 65% of all building rooflines in the PD-23 zone shall exceed a height of seventy (70) feet.
   c. No more than 20% of all building rooflines in the PD-23 zone shall exceed a height of eighty-four (84) feet.
   d. The heights of specific buildings in the PD-23 zone shall be as shown in Appendix “R.”
   e. The aforementioned height limitations shall not apply to mechanical systems, roof-top shade structures, or elevator, stair and/or vestibule shafts, all of which may exceed the ninety-six (96) foot height limit, but which in any event, shall not exceed a total height of one hundred eleven (111) feet.

2. Required Setbacks. The minimum setbacks for structures in the PD-23 zone shall be the same as those of the C2 zone except as listed below:
   a. No setback is required from State Street or 400 South Street.
   b. No portion of any building shall be closer to a residential zone than the overall height of the building.
   c. No building shall be closer to Orem Boulevard than twenty (20) feet as measured from the back of curb.
   d. Any portion of a building in excess of eighty (80) feet in height must be set back at least eighty (80) feet from a residential zone.
   e. No parking shall be located closer than twenty (20) feet from the back of curb adjacent to State Street.

3. Frontage and Accessibility from State Street and Orem Boulevard. All buildings shall front on a street or plaza area. In order to encourage a walkable community, all residential units shall be accessible from the ground floor of the building façade fronting on the street or plaza. Such entrances shall be designed with separate architectural features.
such as varied façade depth and color, canopies, stairs, etc. In order to encourage pedestrian traffic along State Street and Orem Boulevard, building entries and lobbies (including those for residential units) shall be oriented to and shall be accessible from State Street or Orem Boulevard where reasonably possible.

4. **Design Layout.** Because the PD-23 zone is intended to redevelop and improve the walkability of State Street and Orem Boulevard, and to enhance the commercial tax base of the City, any development in the PD-23 zone shall generally be designed to the maximum extent practical to locate commercial space immediately fronting on State Street and other arterial or collector streets. Parking areas shall be located toward the interior of the property to the maximum extent practical. Generally, buildings that are most closely situated to State Street shall not have parking areas located between the buildings and State Street.

5. **Architectural Style.** Developments within the PD-23 zone shall incorporate a unique and aesthetically pleasing architectural and design theme as shown in Appendix “R.” The design of developments within the PD-23 zone shall incorporate diversity of detail and materials among individual buildings while maintaining a unique overall design theme for the entire development. All development, including national chain stores, restaurants and parking structures shall follow the overall architectural style and/or theme of the development. The Planning Commission shall deny approval for any site plan that fails to conform to the architecture and design requirements of this Section 22-11-36 and Appendix “R” to ensure the aesthetic quality of the development and to ensure compliance with the purposes and requirements of this ordinance. The architectural style selected shall conform to the following general design guidelines outlined below:

a. The architecture and design of all buildings shall substantially conform to the architectural style and quality illustrated in the concept plan.

b. The sides of all buildings shall demonstrate a variety in color, façade depth, relief, rhythm and roof line height with changes occurring in all of these areas at least every sixty-six (66) linear feet. Façade depth shall change with a minimum two (2) foot offset at least every sixty-six (66) linear feet on all sides of the buildings. All buildings shall be constructed with an acceptable mix of building materials and architectural features.

c. Balconies up to eight (8) feet in depth are required on at least fifty percent (50%) of all elevations for the residential units in the north tower and the south tower. Balconies are required on at least twenty percent (20%) of all elevations for the residential units in the west buildings. However, balconies shall not be required on end panels of buildings. Canopies and/or covered entrances up to twenty (20) feet in depth are required on at least fifty percent (50%) of nonresidential units that face a street or plaza.

d. Windows shall be required on the sides of all commercial and residential units adjacent to a street or plaza. Window designs throughout the project shall be varied to help create a diversity of architecture. The use of bay windows, cantilevered windows, or other window treatments shall be used to increase variety in the building elevations. Awnings shall be incorporated into the development where appropriate.

e. The design and style of all development shall conform in all other respects to the general purpose and spirit of the PD-23 zone.

f. Parking garages may not have direct access to or from State Street or any arterial or collector street. Entrances and exits to parking garages shall also be designed so as not to be visible from State Street or any arterial or collector street. Buildings shall not be surrounded by parking or located in the middle of a parking lot.

g. Roof shapes shall be consistent with the overall theme of the development and shall reflect the diversity of the building’s architectural character. Appropriate use of both pitched and flat roofs is encouraged. Neither flat, three-tab cut asphalt shingles nor rolled roofing shall be allowed on any roof that has a slope of four feet of rise to twelve feet of run (4/12) or greater.

6. **Building Materials.** All buildings shall be completed on all sides with acceptable finishing materials that are consistent with the general theme of the overall development. Building materials should be durable and suitable for the design in which they are used. The following materials are acceptable: brick, stone, cultured stone, glass, stucco, synthetic stucco (EIFS only), concrete masonry unit (CMU) block, or plaster. Metal may also be used for up to but no more than 20% of the exterior finishing materials of any building. Wood,
sheet metal, and corrugated metal, may be approved for trim, soffits, fascia, mansards and similar architectural features. The Planning Commission may approve other finishing materials that are similar in appearance and durability. Vinyl siding and PVC shall not be allowed. In determining whether or not a particular finishing material is acceptable, the Planning Commission shall consider the following factors:

a. The degree to which the proposed finishing materials are durable and have low maintenance characteristics;

b. The degree to which the proposed finishing materials are consistent with the overall design goals;

c. The location of the proposed finishing materials on the building;

d. The degree to which a particular finishing material may be shielded by landscaping or some other feature; and

e. The visibility of the site from public streets and neighboring uses.

7. Streets.

a. Design. All streets within the interior of a development in the PD-23 zone shall be designated private on the concept plan. Streets shall be designed and built according to the concept plan. Elevated walkways may cross the streets.

b. Width. All streets shall be constructed with at least two travel lanes with each travel lane being a minimum of ten (10) feet in width exclusive of areas available for parking.

c. Landscaping. Landscaped islands are allowed in all interior streets. They shall be designed, maintained and located to allow safe traffic flow.

d. Sidewalks and outdoor café areas. Sidewalks shall be constructed on both sides of all streets. Sidewalks adjacent to State Street shall have a minimum width of twelve (12) feet and a maximum width of twenty (20) feet. Sidewalks may be larger than twenty (20) feet when designed for outdoor activities and/or outdoor seating. All other sidewalks shall be at least five (5) feet in width. Sidewalks along Orem Boulevard shall have a buffered sidewalk with a sidewalk at least six (6) feet in width separated from the street by a landscape strip at least eight (8) feet in width.

e. Streetscape features. Any development in the PD-23 zone shall incorporate streetscape features in the sidewalk area adjacent to all streets. At least one streetscape feature shall be installed and maintained every thirty (30) lineal feet along all sidewalk areas. Acceptable streetscape features include trees, planters, benches, drinking fountains, decorative garbage cans, outdoor clocks and water features. As part of the streetscape requirement set forth above, at least one tree shall be planted and maintained every sixty (60) lineal feet of sidewalk.

8. Public transportation. The developer of property in the PD-23 zone shall design the project to encourage the use of public transportation. The developer shall work with UDOT, the City and any other appropriate entities to facilitate the use of public transportation by the occupants of the development and shall include facilities such as a public transportation shelter in the overall design of any project in the PD-23 zone.

9. Pedestrian and bicycle circulation. All development in the PD-23 zone shall be designed to encourage pedestrian and bicycle circulation. Pedestrian and bicycle access shall be provided to trail systems where applicable.


a. Four parking stalls shall be provided for every one thousand (1000) square feet of gross leaseable floor area of commercial or office uses. No parking stalls shall be required for residential units included within the base residential density (as defined in 22-11-36). A minimum of 1.65 parking stalls shall be provided for each residential unit in excess of the base residential density. In addition to the parking requirements stated above, one (1) additional parking stall shall be required for each large residential unit (in addition to the 1.65 stall requirement).

b. Parking stalls located in front of commercial uses shall be reserved generally for commercial use during business hours.

c. The above outlined parking requirements shall be met for each phase of the development through underground, ground level and above ground structured parking.

d. Angled and parallel parking may be provided on all interior streets.


a. All land within the PD-23 zone not covered by buildings, streets, driveways, sidewalks, plazas, courtyards, structures, recreation facilities, parks and parking areas shall be permanently landscaped with plants, shrubs, trees, grass, and similar landscaping materials and shall be maintained in accordance with good landscaping practices. All
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landscaping shall have a permanent, working, underground sprinkling system.

b. Deciduous trees at least two (2) inches in caliper measured six inches above ground level, and evergreen trees at least five (5) feet in height, are required at a ratio of one deciduous and one evergreen per every three thousand (3,000) square feet of landscaped area. Evergreen shrubs at least five (5) gallons in size are required at a ratio of one (1) per dwelling unit.

c. At least ten percent (10%) of all parking areas not a part of a parking structure shall be maintained as interior landscaping. No more than twenty-five percent (25%) of the interior landscaping required by this section shall be located adjacent to a building.

12. Lighting Plan. Each site plan shall include a lighting plan that is designed to discourage crime, enhance the safety of the residents and guests of the project, prevent glare onto adjacent properties and enhance the appearance and design of the project. Light fixtures shall be provided at each building entry. Parking lots and structures shall be well lit. Light standards shall be placed at least every sixty (60) feet along all private streets and all pathways in the development. Streetlights shall have a decorative style and shall be dark-sky sensitive. No cobra-style light standards are allowed. Streetlights shall be installed on public streets in conformity with the standards of the City street lighting project. The general design of the light pole and head shall follow the general theme of the development.

13. Amenities. Common social gathering areas and recreational amenities shall be incorporated into the development. Amenities may include but are not limited to common open space areas, swimming pools, a village center or plaza area, recreational footpaths, etc.

14. Outside Storage. The development shall provide areas for the covered storage of bicycles and other large recreational items. Such items shall not be permitted to be stored on resident balconies, or within common interior or exterior hallways of the development. No trash, used materials, or wrecked or abandoned vehicles or equipment shall be stored in an open area. Except during construction, storage of commercial goods or materials outside of a building is prohibited.

15. RV Storage. The storage of Recreational Vehicles (RVs) shall not be permitted within the PD-23 zone.

16. Solid Waste Receptacles. Solid waste receptacles which are not located within a building, excluding small decorative garbage cans, shall be enclosed on three sides with the same materials as used on the main structures within the PD-23 development with the remaining side used as a gate with appropriate screening materials.

17. Storm Water Runoff Plan. All development within the PD-23 zone shall have a storm water runoff plan designed to accommodate a twenty-five (25) year storm.

18. Owners’ Association. If all of the units in the PD-23 zone are not owned by the same person or entity, an owners’ association shall be formed to provide maintenance and adequate on-site security in all public and common areas of the development.

19. Neighborhood Meeting. Prior to a Planning Commission meeting for site plan approval, the applicant shall hold a neighborhood meeting in accordance with the requirements of Section 22-14-20(1).

20. Soils Report. A soils report prepared by a soils engineer shall be submitted concurrent with the submittal of any site plan to identify any special engineering needs of the site. All development shall be slab on grade unless a soils engineer determines that below grade development can be developed without present or future ground water problems and the City Engineer concurs in the analysis. Ground water drains shall be required if the Soils Report recommends them.

21. Signage. Except as otherwise provided below, signage in the PD-23 zone shall comply with the provisions of Chapter 14 of the Orem City Code. The following additions and modifications shall apply to signage in the PD-23 zone:

a. Except as set forth below, signage for residential portions of a building shall be limited to signs allowed in a residential zone.

b. In addition to the signage allowed under Chapter 14, one monument sign may be located at the entrance to the Project on State Street and one monument sign may be located at the entrance to the Project on Orem Boulevard. Each of these monument signs may have a maximum height of eight feet (8’) and a maximum width of fifteen feet (15’).

c. Except as otherwise provided herein, wall signs shall only be placed on the commercial portion of a building.

d. One wall sign may be located on either the north or south building above the windows of the top residential level. The sign shall consist of individual letters on a flat face and shall identify the name of the project. The dimensions of the sign shall not exceed fifteen
G. Traffic Study. The developer shall be required to submit a comprehensive traffic impact study (CTIS) prepared by a Professional Transportation Engineer licensed to practice in the State of Utah that analyzes the impact of development of the entire property zoned PD-23 at the time of the first site plan application. The CTIS shall evaluate the vehicle, bicycle, and pedestrian traffic both on site and in the general vicinity of the project. The CTIS shall evaluate trip generations, turning movements to and from the property, street geometrics, and traffic safety on and off the site. The CTIS shall also address relevant items including but not be limited to the following: surrounding street and intersection levels of service (LOS) before and after the project is completed, any mitigation efforts recommended to minimize project traffic impacts, proposed public and private street widths and alignments, site mobility, access management, potential traffic signal locations, street striping, signage, etc. Each site plan shall reflect and incorporate the recommendations of the CTIS and any updated traffic study submitted to the City and any other requirements that the City may deem necessary based upon the CTIS and/or any updated traffic study.

(H. Bonds.)

1. Purpose. Prior to the recording of any documents concerning any phase of an approved PD-23 development, and prior to the issuance of any building permit on land included within a PD-23 development, the applicant shall post and/or assume a bond with the City in an amount sufficient to cover the cost of all improvements required for that phase by the approved site plan, preliminary plat, final plat, concept plan, development agreement, the PD-23 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 six (6) months or until April 15 of the following year, whichever is longer. The City shall not release this bond until the City accepts 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-23 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 materials shall have a cause of action against the City or the bond for providing labor or materials.

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-23 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 for the completion of improvements from the Development Services Director. The Development Services Director shall 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.


1. **Preliminary and Final Plat.** The form and contents of any preliminary and/or final plat and all construction drawings shall comply with the provisions of Chapter 17 of the Orem City Code. The final plat shall also designate common areas, limited common areas, private ownership areas, cross-easements, plat restrictions, lot restrictions, and other information required by the Planning Commission or Director of Development Services.

   1. An application for a final plat in the PD-23 zone shall be prepared by a licensed surveyor and engineer and shall be submitted to the City, together with the required fees.

   2. For any part of a development that contains condominiums, the developer shall submit three-dimensional drawings of buildings and building elevations for condominiums. The developer shall also submit a written statement by an attorney who is licensed to practice in the State of Utah. This written statement shall be the attorney’s opinion that the condominium declaration, the subdivision plat and the other supporting documentation comply in all respects with the Utah Condominium Ownership Act (UCA Sec. 57-8-1, et seq.) and all applicable federal, state and local laws and ordinances and that when the condominium declaration and final plat have been recorded in the office of the Utah County Recorder that the proposed project will be a validly existing and lawful condominium project in all respects. The purpose of the written statement is to ensure that all relevant documents have been reviewed for compliance with the Utah Condominium Ownership Act. However, notwithstanding anything herein to the contrary, the written statement described herein shall be construed as the attorney’s opinion only, and shall not constitute a guarantee of compliance with the Utah Condominium Ownership Act and may not be used as a basis for liability against the attorney making the written statement either by the City or any other person.

   3. In conjunction with an application for final plat approval, the applicant must submit to the City written approval of adjoining ditch or canal companies authorizing reasonable but mandatory fencing or piping of ditches or canals.

   4. The City Engineer shall approve the final plat provided he finds that the final plat complies with all applicable ordinances and all conditions imposed by the Planning Commission and the City Engineer. Following approval, the City Engineer shall authorize the recording of the final plat after all signatures are obtained, all approvals are given, all bonds are posted with the Development Services Department and all fees are paid.

5. A final plat must be approved and recorded for each phase of construction.


22-11-37. **PD-24 Zone, Carrara Estates, 1300 North 400 East and 1600 North 400 East.**

A. **Purpose:** The purpose of the PD-24 Zone is to promote low density residential uses similar to that allowed in the R8 Zone but with reduced setbacks to allow for a larger development footprint.


B. **Development Standards:** All standards applicable in the R8 Zone shall apply to development in the PD-24 Zone with the following exceptions:

1. **Setbacks.** The minimum rear yard setback shall be fifteen (15) feet except on the following
§22-11-38. PD-25 Zone, Verona, 600 South 800 East.

A. Purpose: The purpose of the PD-25 Zone is to promote low density residential uses similar to that allowed in the R8 zone but with reduced setbacks to allow for a larger development footprint.


B. Development Standards. All standards applicable in the R8 zone shall apply to development in the PD-25 zone with the following exceptions:

1. The minimum lot width as measured at the setback line shall be seventy (70) feet.

2. The minimum rear yard setback shall be twenty-five (25) feet for lots that abut residentially zoned property outside the PD-25 zone that contain dwellings or will develop with future dwellings. The minimum rear yard setback for all other lots shall be fifteen (15) feet.

3. The minimum side yard setback for primary buildings shall be eight (8) feet for the garage side and eight (8) feet for the opposite side.


C. Other Regulations. Except as otherwise specified in this Section, the standards and requirements of the R8 zone shall apply to the PD-25 zone.


22-11-39. PD-26 Zone, Tanglewood, 1600 North 1200 West.

A. Purpose. The purpose of the PD-26 Zone is to provide a planned development of attached residential dwelling units.


B. Development Standards. The development standards set forth in Article 22-7 of the Orem City Code shall apply to the PD-26 Zone, except as expressly modified as follows:

1. Height. The maximum height for all structures shall be thirty-two (32) feet. There shall be no restriction pertaining to a second story constructed within the height limitation.

2. Setbacks. All buildings shall be set back at least forty-five (45) feet from 1200 West Street and twenty-five (25) feet from 1600 North Street. The sides of all buildings shall be set back at least eight (8) feet from property not a part of the PD-26 Zone. The rear of all buildings shall be set back at least twenty (20) feet from property not a part of the PD-26 Zone. All garages shall be set back at least eighteen (18) feet from a private street. All buildings shall be set back at least eight (8) feet from other buildings. EXCEPTION: Covered decks and patios and decks higher than eighteen (18) inches above grade, covered or uncovered, may encroach into the required setback from 1600 North and 1200 West no more than six (6) feet.

3. Conformance With Preliminary Development Plan. Property in the PD-26 Zone shall be developed in conformance with the preliminary development plan located in Appendix S.

4. Fencing. A decorative concrete or masonry fence, 6 feet tall, will border the project on the east and south facing residential property but not in the clear vision zone.


A. Access. If development in the PD-26 Zone includes more than sixteen (16) units, at least two (2) vehicular accesses shall be provided, with one (1) access from 1600 North Street and one (1) access from 1200 West Street.


B. Removal of Existing Structures. All existing residential structures and out buildings shall be
22-11-40. PD-27 Zone, Blackhorse Run II, 700 South Geneva Road.

A. Purpose. The purpose of the PD-27 zone is to provide a planned development of attached residential dwelling units.

B. Development Standards. The development standards set forth in Article 22-7 of the Orem City Code shall apply to the PD-27 zone, except as expressly modified as follows:

1. Height. The maximum height for all structures shall be thirty (30) feet.
2. Setbacks. All buildings shall be set back at least twenty-five (25) feet from Geneva Road. The side and rear of all buildings shall be set back at least twenty-five (25) feet from property not a part of the PD-27 zone. However, when the side of a building is adjacent to property not part of the PD-27 zone and is adjacent to a nonresidential parking area, the side setback shall be eight (8) feet.
3. Conformance with Preliminary Development Plan. Property in the PD-27 zone shall be developed in conformance with the preliminary development plan included as Appendix “T” of the Orem City Code.
4. Fencing. A six (6) foot high fence with either decorative concrete, decorative masonry, or vinyl with masonry pillars, shall be installed on the perimeter of the PD-27 zone, except that the fence is not required along Geneva Road nor shall it violate the provisions of the “clear vision area” of Section 22-14-19 of the Orem City Code.
5. Exterior Finishing Materials. Vinyl siding is not permitted as an exterior finishing material.

22-11-41. PD-28 Zone, North Pointe Plaza, 1600 North 1300 West.

A. Purpose. The purpose of the PD-28 zone is to provide a planned development of high-rise office.

B. Development Standards. The development standards of the HS zone as set forth in the Orem City Code shall apply to the PD-28 zone, except as expressly modified as follows:

1. Height. The maximum height for all structures shall be seventy-five (75) feet. The height limitation shall not apply to architectural features not used for human occupancy such as belfries, cupolas, domes, chimneys, ventilators, sky lights, cornices, antennas, or properly screened mechanical appurtenances, provided that such architectural features do not exceed an additional height of thirty (30) feet.
2. Setbacks. All buildings shall be set back as shown in appendix “L”.
3. Conformance with Preliminary Development Plan. Property in the PD-28 zone shall be developed in conformance with the preliminary development plan included as Appendix “L” of the Orem City Code.
4. Exterior Finishing Materials. Exterior finishing materials shall be glass, stucco, stone, or brick as shown in appendix “L”.

C. Access. Access. Development in the PD-28 zone shall have two accesses from 1600 North Street as shown in Appendix “L”.

22-11-42. PD-29 zone (Siena Villas @ Columbia Lane)

A. Purpose. The purpose of the PD-29 zone is to allow development of a high-density residential apartment complex.

B. Concept Plan. Property in the PD-29 zone shall be developed in conformance with the concept plan included as Appendix “V” of the Orem City Code.

C. Permitted Uses. The uses listed below shall be permitted uses within the PD-29 zone:
Standard Land

Use Code   Category
1112       Condominiums
1120       Apartments

(Ord. No. O-08-0008, Enacted 03/11/2008)

D. **Prohibited uses.** Any use not specifically listed in subparagraph (C) above shall be prohibited.

(Ord. No. O-08-0008, Enacted 03/11/2008)

E. **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-29 zone.

(Ord. No. O-08-0008, Enacted 03/11/2008)

F. **Site Plan.** All development standards and site plan requirements of Section 22-14-20 shall apply to any development in the PD-29 zone.

(Ord. No. O-08-0008, Enacted 03/11/2008)

G. **Development Standards and Requirements.** The following development standards and requirements shall apply to all development in the PD-29 zone:

1. **Density.** The maximum density allowed shall be twenty-seven (27) dwellings per acre.

2. **Height.** The height for all structures in a PD-29 development shall be no more than fifty feet (50'). All development shall be a maximum of four stories.

3. **Setbacks.** All dwellings shall be set back a minimum of twenty-five (25) feet from property not part of the PD-29 zone and from all public streets. All parking spaces covered or uncovered, drives, and accessory structures shall be set back a minimum of five feet from State Street and twenty (20) feet from all other public and private streets. All setbacks shall be landscaped and bermed to screen development behind the setback areas.

4. **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-29 zone.

5. **Fences.** A fence with a minimum height of six feet (6') shall be erected on the perimeter of the property included within the PD-29 zone, except that no fence shall be required along street frontages. 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.

6. **Landscaping.** A landscaping plan shall be submitted to the City for approval as a part of the site plan.

a. All land within the PD-29 development not covered by buildings, driveways, sidewalks, 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 three (3) 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.

7. **Lighting Plan.** Any development in the PD-29 zone shall include a lighting plan. The lighting plan shall be designed to:

a. discourage crime;

b. enhance the safety of the residents and guests of the PD-29 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.

8. **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.

9. **Parking.**

a. **Business Hours Parking Requirement.** During all business hours (defined as 8:00 a.m. to 5:30 p.m., Monday through Friday) at least 1.75 parking spaces shall be provided for each one-bedroom dwelling unit, and at least 2.25 parking spaces shall be provided for each
dwellings unit containing more than one bedroom.

b. Nonbusiness Hours Parking Requirement. During all nonbusiness hours, at least 2.25 parking spaces shall be provided for each dwelling unit. Parking spaces located on adjacent property which are made available to the residents of the development through a recorded, perpetual parking easement may be counted toward the parking requirement.

c. Other Parking Requirements. 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 walkways. All covered parking structures shall be designed with the same architecture as the main structures within the PD-29 zone.

10. Recreational Vehicle (RV) Storage. No recreational vehicle shall be parked or stored within the PD-29 zone.

11. 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 amounts of the off-site impact caused by development in the PD-29 zone.

12. Irrigation Ditches. Irrigation ditches within the development or along street rights-of-way adjacent to the development shall be piped.

13. 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.

14. 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 plain shall be longer than 65 feet.

15. Homeowners’ Association. If any part of the development consists of condominiums, an association of unit owners shall be established and maintained. The unit owners’ association shall be responsible for ensuring compliance with the approved site plan, and for maintaining all common areas and required improvements.

16. Storm Water Runoff Plan. A storm water runoff plan designed to accommodate a 25-year storm and a detention system with a maximum allowable discharge rate of sixty gallons per minute, per acre (60 g.p.m./ac) shall be provided for any development in the PD-29 zone.

17. Except as otherwise modified, the provisions and standards of the PRD zone shall apply in the PD 29 zone.

(Ord. No. O-08-0808, Enacted 03/11/2008)

22-11-43. Section 22-11-43 PD-30 zone, Centennial Plaza

A. Purposes. The purpose of the PD-30 zone is as follows:

1. To promote the beautification of properties in the vicinity of Orem Boulevard and Center Street by integrating a mix of commercial and residential uses.

2. To allow for the creation of a new housing alternative that will provide individuals with the opportunity to live in proximity to employment opportunities, retail shopping and public transportation thereby reducing traffic generation.


B. Locations. The PD-30 zone may only be applied to an area located at the northwest corner of Center Street and Orem Boulevard as shown in Appendix “W”.


C. Uses. Condominiums and apartments are permitted in the PD-30 zone. A total of one hundred ten (110) residential units shall be allowed provided all parking requirements are met. A convenience store/gas station shall be permitted in the area indicated in Appendix W.


D. Concept Plan. The concept plan included herein as Appendix “W” and incorporated herein by reference, designates in general terms the proportions, locations, and types of uses to be developed within the PD-30 zone and shall guide site layout and development within the zone. Development on any parcel to which the PD-30 zone has been applied must substantially conform to the approved concept plan. The concept plan may be amended in the same manner.
as an amendment to the zoning ordinance as set forth in Section 22-1-5 of the City Code.

E. Site Plan. All development standards and site plan requirements of Section 22-14-20 shall apply to any development in the PD-30 zone. No development, construction, revisions, or additions shall take place on a site in the PD-30 zone, except for demolition and preliminary site grading, until the site plan has been approved, the final plat has been recorded, the necessary bonds have been posted, all fees have been paid and the appropriate permits have been obtained.

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, lateral, 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 site 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 or recording of the site plan or 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.

F. Development Standards.
1. Height. The following height limitations shall apply to buildings in the PD-30 zone:

   a. No building shall exceed 60 feet in height, not including parapets, architectural features or roof features.

   2. Required Setbacks. All buildings shall be set back at least sixteen (16) feet from all public right of way lines (including the new right of way dedication line to be dedicated prior to any construction in the PD-30 zone). All other setbacks shall be the same as those of the C2 zone.

   3. Architectural Style. The PD-30 zone shall incorporate a unique and aesthetically pleasing architectural and design theme as shown in Appendix “W.” The design of the PD-30 zone shall incorporate diversity of detail and materials among individual buildings while maintaining a unique overall design theme for the entire development. All development and parking structures shall follow the overall architectural style and/or theme of the development. The Planning Commission shall deny approval for any site plan that fails to conform to the architecture and design requirements of this Section 22-11-43 and Appendix “W” to ensure the aesthetic quality of the development and to ensure compliance with the purposes and requirements of this ordinance. The architectural style selected shall conform to the following general design guidelines outlined below:

   a. The architecture and design of all buildings shall conform to the architectural style and quality illustrated in the concept plan.

   b. The sides of all buildings shall demonstrate a variety in color, façade depth, relief, rhythm and roof line height with changes occurring in some of these areas at least every sixty six (66) linear feet. Façade depth shall change with a minimum of two (2) feet offset at least every sixty six (66) linear feet on all sides of the buildings. All buildings shall be constructed with an acceptable mix of building materials and architectural features.

   c. Balconies up to six feet (6’) in depth but not less than three (3) feet are required on at least fifty (50%) of all residential units for the entire site.

   d. Windows shall be required on the sides of all residential units adjacent to a street or plaza. Window designs throughout the project shall be varied to help create a diversity of architecture.

   e. The design and style of all development shall conform in all other respects to the general purpose and spirit of the PD-30 zone.

   f. Parking garages may not have direct access to or from Orem Boulevard or Center
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Street. Entrances and exits to parking garages shall also be designed so as not to be visible from Orem Boulevard or Center Street. Buildings shall not be surrounded by parking or be located in the middle of a parking lot.

4. Building Material. All buildings shall be completed on all sides with acceptable finishing materials that are consistent with the general theme of the overall development. Building materials should be durable and suitable for the design in which they are used. The following materials are acceptable: brick, stone, cultured stone, glass, stucco, synthetic stucco (EIFS only), or plaster. Wood, sheet metal, and corrugated metal, may be approved for trim, soffits, fascia, mansards and similar architectural features. The Planning Commission may approve other finishing materials that are similar in appearance and durability. Vinyl siding and PVC shall not be allowed. In determining whether or not a particular finishing material is acceptable, the Planning Commission shall consider the following factors:

a. The degree to which the proposed finishing materials are durable and have low maintenance characteristics;
b. The degree to which the proposed finishing materials are consistent with the overall design goals;
c. The location of the proposed finishing material on the building;
d. The degree to which a particular finishing material may be shielded by landscaping or some other feature; and

e. The visibility of the site from public streets and neighboring uses.

5. Drive Accesses.

a. Design. All drive accesses within the interior of a development in the PD-30 zone shall be designated private on the concept plan. Drive accesses shall be designed and built according to the concept plan.
b. Width. All drive accesses shall be constructed with at least two travel lanes with each travel lane being a minimum of (12) feet in width exclusive of areas available for parking.

6. Sidewalks. All sidewalks shall be at least five (5) feet in width.

7. Public Transportation. The developer of property in the PD-30 zone shall install a bus shelter. The developer shall work with the Orem City Transportation Engineer and the Utah Transit Authority to determine its location.


a. Parking shall be provided as per the concept plan.
b. 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 having two or more bedrooms.
c. The above outlined parking requirements shall be met for each phase of the development through ground level parking.
d. Angled and parallel parking may be provided on all interior drives.

9. General Landscaping requirements.

a. All land within the PD-30 zone not covered by buildings, driveways, sidewalks, plazas, courtyards, structures, recreation facilities, parks and parking areas shall be permanently landscaped with plants, shrubs, trees, grass, and similar landscaping materials and shall be maintained in accordance with good landscaping practices. All landscaping shall have a permanent, working underground sprinkling system.
b. Deciduous trees at least two (2) inches in caliper measured six inches above ground level, and evergreen trees at least five (5) feet in height, are required at a ratio of one deciduous and one evergreen per every three thousand (3,000) square feet of landscaped area. Evergreen shrubs at least five (5) gallons in size are required at a ratio of one (1) per dwelling unit.

10. Lighting Plan. Each site plan shall include a lighting plan that is designed to discourage crime, enhance the safety of the residents and guests of the project, prevent glare onto adjacent properties and enhance the appearance and design of the project. Light fixtures shall be provided at each building entry. Parking lots and structures shall be well lit. Light standards shall be placed at every sixty feet (60’) along all private streets and all pathways in the development. Streetlights shall have a decorative style and shall be dark-sky sensitive. No cobra-style light standards are allowed. Streetlights shall be installed on public streets in conformity with the standards of the City street lighting project. The general design of the light pole and head shall follow the general theme of the development.

11. Amenities. Amenities shown on the concept plan shall be incorporated into the development.
12. **Storage.** The development shall provide areas for the covered storage of bicycles. Such items shall not be permitted to be stored on resident balconies, or within common interior or exterior hallways of the development. No trash, used materials, or wrecked or abandoned vehicles or equipment shall be stored in an open area. Storage of commercial goods or materials outside of a building is prohibited.

13. **RV Storage.** The storage of Recreational Vehicles (RV’s) shall not be permitted within the PD-30 zone.

14. **Solid.** Waste Receptacles. Solid waste receptacles which are not located within a building, excluding small decorative garbage cans, shall be enclosed on three sides with the same materials as used on the main structures within the PD-30 development with the remaining side used as a gate with appropriate screening materials.

15. **Storm.** Water Runoff Plan. All development within the PD-30 zone shall have a storm water runoff plan designed to accommodate a twenty-five (25) year storm.

16. **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 provide maintenance and adequate on site security in all public and common areas of the development.

17. **Soils Report.** A soils report prepared by a soils engineer shall be submitted concurrent with the submittal of any site plan to identify any special engineering needs of the site. All development shall be slab on grade unless a soils engineer determines that below grade development can be developed without present or future ground water problems and the City Engineer concurs in the analysis. Ground water drains shall be required if the Soils Report recommends them.

18. **Signage.** Signage within the PD-30 zone shall be as follows:

   a. Signage for residential portions of a building shall be limited to flags, governmental, holiday, incidental, interior, name plate, political and real estate signs and shall comply with the provisions of Chapter 14 of the Orem City Code for such signs.

   b. Signage for businesses on private drives is limited to wall signs, window signs and canopy signs, and the following shall apply:

      1. Wall signs may not exceed fifteen percent (15%) of the wall area of the commercial unit to which the sign is attached.

      2. Wall signs extending more than six inches (6") from the wall and less than twenty-four inches (24") shall not be within eight feet (8) of the finished grade adjacent to the building at the base of the wall to which the sign is attached. Projecting signs, i.e., signs that project more than twenty-four (24") from the wall are prohibited.

      3. Canopy signs may only be placed above primary entrances to and on windows of businesses. No backlit canopy signs shall be allowed.

      4. Window signs shall not exceed fifty percent (50%) of the total transparent area of the window on which they are attached.

   c. Except as otherwise specifically provided herein, all signage shall comply with Chapter 14 of the Orem City Code.

   d. One freestanding pole sign identifying the entire project shall be allowed provided that it does not encroach into any “Clear Vision Area” as defined in this Chapter. No more than two pole signs shall be allowed in the PD-30 zone.


G. **Bonds.**

1. **Purpose.** Prior to the recording of any final plat in the PD-30 zone and prior to the issuance of any building permit on land included within a PD 30 development, 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, development agreement, the PD-30 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 improvement 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
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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-30 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.

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-30 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 for the completion of improvements from the Development Services Director. The Development Service 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. **Personal Liability.** 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.


H. **Preliminary and Final Plat.** The form and contents of any preliminary and/or final plat and all construction drawings shall comply with the provisions of Chapter 17 of the Orem City Code. The final plat shall also designate common areas, limited common areas, private ownership areas, cross-easements, plat restrictions, lot restrictions, and other information required by the Planning Commission or Director of Development Services.

1. An application for a final plat in the PD 30 zone shall be prepared by a licensed surveyor and engineer and shall be submitted to the City, together with the required fees.

2. For any part of a development that contains condominiums, the developer shall submit three-dimensional drawings of buildings and building elevations for condominiums. The developer shall also submit a written statement by an attorney who is licensed to practice in the State of Utah. This written statement shall be the attorney’s opinion that the condominium declaration, the subdivision plat and the other supporting documentation comply in all respects with the Utah Condominium Ownership Act (UCA Sec. 57-8-1, et seq.) and all applicable federal, state and local laws and ordinances and that when the condominium declaration and final plat have been recorded in the office of the Utah County Recorder that the proposed project will be a validly existing and lawful condominium project in all respects.

3. In conjunction with an application for final plat approval, the applicant must submit to the City written approval of adjoining ditch or canal companies authorizing mandatory fencing or piping of ditches or canals.

4. The City Engineer shall approve the final plat provided he finds that the final plat complies with all applicable ordinances and all conditions imposed by the Planning Commission and the City Engineer. Following approval, the City Engineer shall authorize the recording of the final plat after all signatures are obtained, all approvals are given, all bonds are posted with the Development Services Department and all fees are paid.

5. A final plat must be approved and recorded for each phase of construction.
I. **Alternate Development Standards.** All property in the PD-30 zone must be developed in conformity with the concept plan and the development standards contained in this Section 22-11-43. In the alternative, all of the property in the PD-30 zone may be developed according to the standards of the C2 zone. However, in order to ensure congruity of development in the PD-30 zone, all property in the PD-30 zone must be developed entirely according to the standards and requirements of the PD-30 zone or must be entirely developed according to the standards and requirements of the C2 zone. If a site plan for property in the PD-30 zone has been approved according to PD-30 standards, no site plan shall be approved for the development of other property in the PD-30 zone according to C2 zone standards and vice versa.


22-11-44. **PD-31 zone (Intermodal Center – 1350 West 1000 South)**

A. **Purpose.** The purpose of the PD-31 zone is to allow development of an Intermodal Center integrated with other properties in the general vicinity to encourage good access for all modes of transportation and pedestrians.


B. **Concept Plan.** Property in the PD-31 zone shall be developed in conformance with the concept plan included as Appendix “Y” of the Orem City Code.


C. **Permitted Uses.** The uses listed below shall be permitted uses within the PD-31 zone:

<table>
<thead>
<tr>
<th>Use Code</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>4110</td>
<td>Intermodal Center</td>
</tr>
<tr>
<td>4211</td>
<td>Bus passenger terminals</td>
</tr>
<tr>
<td>5810</td>
<td>Restaurants</td>
</tr>
<tr>
<td>6821</td>
<td>Universities &amp; Colleges</td>
</tr>
<tr>
<td>6823</td>
<td>Professional &amp; Vocational Schools</td>
</tr>
<tr>
<td>6530</td>
<td>Professional Office</td>
</tr>
</tbody>
</table>


D. **Prohibited Uses.** Any use not specifically listed in subparagraph (C) above shall be prohibited.


E. **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-31 zone.


F. **Site Plan.** All development standards and site plan requirements of Section 22-14-20 shall apply to any development in the PD-31 zone.


G. **Development Standards and Requirements.** The following development standards and requirements shall apply to all development in the PD-31 zone:

1. **Height.** The height for all structures in a PD-31 development shall be no more than sixty feet (60').

2. **Setbacks.** All structures shall be set back as shown in Appendix “Y”.

3. **Utilities.** All structures 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.

4. **Fences.** Where a development in the PD-31 zone abuts a residential use, the developer of the property shall construct a six foot (6') high sight-obscuring fence adjacent to the residential use. The fence may be either vinyl or wood. Wood fences shall be treated with a high grade oil base paint or sealant that resists graffiti. All fences must comply with the clear vision requirements of Section 22-14-10. A building permit is required prior to installation of a fence.

5. **Landscaping.** A landscaping plan shall be submitted to the City for approval as a part of the site plan.

   a. All land within the PD-31 development not covered by buildings, driveways, sidewalks, and parking areas, as shown in Appendix “Y” shall be permanently landscaped with trees, shrubs, lawn, or ground cover and maintained in accordance with good landscaping practice. All areas adjacent to public or private streets shall be landscaped. A permanent underground sprinkling system shall be installed for all landscaped areas.

6. **Lighting Plan.** Any development in the PD-31 zone shall include a lighting plan. There shall be no direct glare onto adjacent properties. All parking lots shall be well lit and in accordance with Appendix “Y”. The lighting plan shall be designed to:

   a. discourage crime;
   b. enhance the safety of the pedestrians and guests of the PD-31 development; and
   c. enhance the appearance and design of the project.

7. **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.

   a. All parking spaces shall comply with Article 22-15 of the Orem City Code and the parking layout shall be as shown in Appendix "Y". All parking spaces, parking areas and driveways shall be paved with asphalt and/or concrete and shall be designed to allow for proper drainage.
   b. A minimum of sixty (60) bicycle spaces shall be provided with the intermodal center development. The spaces should be in various locations within the development. Covered bicycle parking and bicycle storage is encouraged.

9. 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 development in the PD-31 zone.

10. 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.

11. Storm Water Runoff Plan. A storm water runoff plan designed to accommodate a 25-year storm and a detention system with a maximum allowable discharge rate of sixty gallons per minute, per acre (60 g.p.m./ac) shall be provided for any development in the PD-31 zone.

12. Signs. Signage shall be limited to wall signs, window signs, monuments signs, and canopy signs and shall be limited to the size requirements outlined in Orem City Code Chapter 14.

13. Security. While the busses and trains are running UTA shall provide adequate security to prevent vandalism and for the safety of the passengers.

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


22-11-45. PD-32 zone, MBARQ Senior Independent Living Facility

A. Purpose. The purpose of the PD-32 zone is to allow development of a senior independent living facility. The PD-32 zone is designed to be applied only to a parcel of property located at approximately 256 East Center Street as shown in Appendix “Z”.

(Ord. No. O-2013-0003, Enacted 1/22/2013)

B. Definition. A “senior independent living facility” is defined as a facility that contains multiple apartment units for residents who are 62 years of age or older as well as communal areas including a dining room in which at least one meal per day is served, laundry facilities, and other social and activity areas. The individual apartment units contain bathroom facilities and may contain a full kitchen, partial kitchen or no kitchen. The facility may provide a variety of social, housekeeping, transportation and food services to residents of the facility. A senior independent living facility does not offer assistance with activities of daily living such as supervision of medication, bathing, dressing, toileting, etc., although these services may be available to residents through licensed, third-party home health care providers.

(Ord. No. O-2013-0003, Enacted 1/22/2013)

C. Concept Plan. Property in the PD-32 zone shall be developed in conformance with the concept plan included as Appendix “Z” of the Orem City Code, which is incorporated herein by reference and made a part hereof.

(Ord. No. O-2013-0003, Enacted 1/22/2013)

D. Permitted Uses. A senior independent living facility is permitted in the PD-32 zone.

(Ord. No. O-2013-0003, Enacted 1/22/2013)

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

(Ord. No. O-2013-0003, Enacted 1/22/2013)

F. Final Plat. A final plat that conforms to all development standards and requirements of Chapter 17 must be approved and recorded by the City prior to any development in the PD-32 zone.

(Ord. No. O-2013-0003, Enacted 1/22/2013)

G. Site Plan. All development standards and site plan requirements of Section 22-14-20 shall apply to any development in the PD-32 zone.

(Ord. No. O-2013-0003, Enacted 1/22/2013)

H. Development Standards and Requirements. The following development standards and requirements shall apply to all development in the PD-32 zone:

1. Height. The maximum height for all structures shall be fifty-five (55) feet, not including parapets, architectural features or roof features.

2. Setbacks. The following setbacks shall apply to all structures in the PD-32 zone:
a. All structures shall be set back a minimum of twenty feet (20’) from all public streets and from all residentially zoned property.

b. All structures shall be set back a minimum of fifteen feet (15’) from all commercially zoned property.

c. No portion of any primary structure shall be located closer to a residentially zoned lot than a distance equal to the height of that portion of the building.

d. Notwithstanding anything herein to the contrary, covered parking structures that do not exceed a height of nine feet (9’) may be located within eleven feet (11’) of the south property line and within four feet (4’) of the east property line.

3. Architectural Style. Development in the PD-32 zone shall incorporate a unique and aesthetically pleasing architectural and design theme that conforms to the style and quality shown in Appendix “Z.” Exterior finish materials shall consist of stucco, stone, fiber cement panels, fiberglass or vinyl windows, and wood trim.

4. Utilities. All structures 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.

5. Landscaping. Landscaping shall be provided as generally shown in the concept plan. All land not covered by buildings, driveways, sidewalks or parking areas shall be permanently landscaped with trees, shrubs, lawn, or living ground cover.

   a. A landscaping plan shall be submitted to the City for approval as a part of the site plan.

   b. All landscaping shall be maintained in accordance with good landscaping practice.

   c. Deciduous trees at least two (2) inches in caliper measured six inches above ground level, and evergreen trees at least five (5) feet in height, are required at a ratio of one deciduous and one evergreen per every three thousand (3,000) square feet of landscaped area. Shrubs at least five (5) gallons in size are required at a ratio of one (1) per dwelling unit. Trees shall be planted and maintained in the landscaped areas as generally shown in the concept plan.

   d. Trees shall be planted in the landscaped areas along Center Street and shall be spaced no more than forty feet apart. Trees along Center Street shall be selected from the trees listed in Appendix “U” of the Orem City Code. The required trees shall be at least two inches (2") in caliper measured four feet (4’) above the ground.

6. Lighting Plan. Any development in the PD-32 zone shall include a lighting plan. There shall be no direct glare onto adjacent properties. All parking lots shall be well lit and in accordance with Appendix “Z.” The lighting plan shall be designed to:

   a. discourage crime;

   b. enhance the safety of the pedestrians and guests of the PD-32 development; and

   c. enhance the appearance and design of the project.

7. Parking. Parking shall be provided at the rate of 0.7 parking stalls per apartment unit. All parking areas 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.

8. 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 development in the PD-32 zone.

9. 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.

10. Masonry Wall. A seven foot (7’) high masonry wall is required along all property lines that adjoin a residential zone. However, the height of the masonry wall shall be reduced to three feet in clear vision areas as shown on the concept plan.

11. Accesses. Access to the PD-32 zone shall be provided as shown in the concept plan.

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

(Ord. No. O-2013-0003, Enacted 1/22/2013)

I. Unified Ownership. The entire development in the PD-32 zone shall be under the same ownership. Individual dwelling units may not be developed or converted to condominiums and may not be sold separately from the rest of the development.

(Ord. No. O-2013-0003, Enacted 1/22/2013)
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J. **Removal of Existing Structures.** All existing residential structures and out buildings shall be removed prior to obtaining building permits for new construction.
(Ord. No. O-2013-0003, Enacted 1/22/2013)

22-11-46. **PD-33 zone (Transit Oriented Development – 800 South Geneva Road)**

A. **Purpose.** The purpose of the PD-33 zone is to allow development of a transit oriented development.
(Ord. No. O-2013-0002, Enacted 1/22/2013)

B. **Concept Plan.** Property in the PD-33 zone shall be developed in conformance with the concept plan included as Appendix “AA” of the Orem City Code, which is incorporated herein by reference and made a part hereof. The owner/developer shall have flexibility as to the size and location of buildings subject to the following standards:

1. Buildings shall be located in the outer or exterior portions of Areas A and B with parking located generally in the interior of said areas. An example of building layouts that comply with this principle is shown in the concept plan. The purpose of this requirement is to have buildings located out toward the streets and/or outer portions of the zone and to minimize the number of parking areas that are adjacent to and/or visible from streets.

2. The building(s) in Area A shall be located in the southeast portion of Area A in order to locate the residential units in such building(s) as close as possible to the intermodal center.

3. Any proposed site plan that fails to comply with the above two standards shall not be entitled to approval.
(Ord. No. O-2013-0002, Enacted 1/22/2013)

C. **Permitted Uses.** The uses listed below shall be permitted uses within the PD-33 zone:

<table>
<thead>
<tr>
<th>Area A</th>
<th>Standard Land</th>
<th>Use Code</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Use Code</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1112</td>
<td>Condominiums</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1120</td>
<td>Apartments</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Area B</th>
<th>Standard Land</th>
<th>Use Code</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Use Code</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1112</td>
<td>Condominiums</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1120</td>
<td>Apartments</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1510</td>
<td>Hotels and Motels</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5810</td>
<td>Restaurants</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5811</td>
<td>Fast Food</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5530</td>
<td>Gasoline Service Station with or without Store</td>
<td></td>
</tr>
</tbody>
</table>

D. **Prohibited uses.** Any use not specifically listed in subparagraph (C) above shall be prohibited.
(Ord. No. O-2013-0002, Enacted 1/22/2013)

E. **Final Plat.** A final plat that conforms to all development standards and requirements of Chapter 17 must be approved and recorded by the City prior to any development in the PD-33 zone.
(Ord. No. O-2013-0002, Enacted 1/22/2013)

F. **Site Plan.** All development standards and site plan requirements of Section 22-14-20 shall apply to any development in the PD-33 zone. An existing lot within the PD-33 zone may be developed with the R12 zone development standards if the lot was in existence on November 1, 2012, and has not been subdivided subsequent to that date.
(Ord. No. O-2013-0002, Enacted 1/22/2013)

G. **Development Standards and Requirements.** The following development standards and requirements shall apply to all development in the PD-33 zone:

1. **Height.** The height of any structures in the PD-33 zone shall not exceed seventy-two feet (72’), not including parapets, architectural features or roof features. The minimum height of any primary structure containing residential units, hotels, motels, vocational schools, or professional office space shall be forty feet (40’). No portion of any building shall be located closer to a residentially zoned lot than a distance equal to the height of that portion of the building.

2. **Setbacks.** The following setbacks shall apply to all structures in the PD-33 zone:

   a. All structures shall be set back a minimum of twenty feet (20’) from the property line adjacent to Geneva Road and 1350 West.

   b. All structures shall be set back a minimum of twenty feet (20’) from the “future improvements” lines shown on the northern and southern areas of the concept plan, except that no setback is required from the vertical wall line shown in the northern portion of Area A in the concept plan.

   c. All structures shall be set back a minimum of twenty feet (20’) from the right of way lines of the future roadway that separates Areas A and B as shown in the concept plan.
3. **Utilities.** All structures 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.

4. **Lot Size.** The minimum lot size for any development in Area A or Area B shall be one and one-half (1.5) acres in height.

5. **Landscaping.** A landscaping plan shall be submitted to the City for approval as a part of the site plan.
   a. A landscape strip at least ten feet (10’) in width shall be provided and maintained immediately behind the property line adjacent to 800 South, Geneva Road, 1350 West, 950 South and the future roadway right of way lines separating Areas A and B. Where the concept plan shows a “future improvements” line, the required ten foot landscape strip shall be located behind the “future improvements” line.
   b. A sidewalk at least six feet (6’) in width shall be installed and maintained around the perimeter of Areas A and B and around each building as generally shown in the concept plan.
   c. All other land within the PD-33 zone not covered by buildings, driveways, sidewalks, and parking areas, shall be permanently landscaped with trees, shrubs, lawn, or living ground cover.
   d. All landscaping shall be maintained in accordance with good landscaping practice. A permanent underground sprinkling system shall be installed for all landscaped areas.
   e. Deciduous trees at least two (2) inches in caliper measured six inches above ground level, and evergreen trees at least five (5) feet in height, are required at a ratio of one deciduous and one evergreen per every three thousand (3,000) square feet of landscaped area. Shrubs at least five (5) gallons in size are required at a ratio of one (1) per dwelling unit. Trees shall be planted and maintained in the perimeter landscaped areas as well as the other landscaped areas as generally shown in the concept plan.

6. **Lighting Plan.** Any development in the PD-33 zone shall include a lighting plan. There shall be no direct glare onto adjacent properties. All parking lots shall be well lit and in accordance with Appendix “AA”. The lighting plan shall be designed to:
   a. discourage crime;
   b. enhance the safety of the pedestrians and guests of the PD-33 development; and
c. enhance the appearance and design of the project.

7. **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. All development shall comply with the recommendations of the soils report.

8. **Parking.**
   a. Parking for apartments or condominiums shall be provided at the rate of (0.65) parking spaces per bedroom. The parking requirements shall be met for each phase of construction. The term bedroom shall include all areas suitable as a private sleeping area such as a studio, den, etc. No parking shall be allowed to the east of the building(s) in Area A, and there shall be no parking between Geneva Road and the buildings on the west side of Area B.
   b. Parking for commercial uses in Area B shall be provided at the rate of one (1) parking stall per 500 square feet of gross floor area. Parking for commercial uses in Area B shall generally be located east of the office structures that are located on Geneva Road.
   c. All parking areas 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.

9. **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 development in the PD-33 zone.

10. **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.

11. **Storm Water Runoff Plan.** A storm water runoff plan designed to accommodate a 25-year storm and a detention system with a maximum allowable discharge rate of sixty gallons per minute, per acre (60 g.p.m./ac) shall be provided for any development in the PD-33 zone.
12. **Signs.** A maximum of two pole signs shall be allowed in Area B adjacent to Geneva Road. One monument sign shall also be allowed for each building in Area B. Two monument signs shall be allowed in Area A. The pole signs and monument signs shall be subject to the regulations of Chapter 14 of the Orem City Code with the pole signs being regulated under the standards of Sign Zone “C.” In addition to the pole signs and monuments signs described herein, wall signs, window signs, monuments signs, and canopy signs shall be allowed subject to the requirements of Chapter 14 of the Orem City Code. All other signs shall only be allowed as provided in Chapter 14 of the Orem City Code.

13. **Accesses.** All accesses to Area A shown in the concept plan shall be constructed concurrent with the first phase of development in Area A.

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

15. **Sidewalks.** All sidewalks shown on the concept plan shall be installed by the developer concurrent with the development of each phase. The developer of each phase in the PD-33 zone shall construct a proportionate share of the sidewalk shown in the Area in which the phase is located. For example, a developer of a building in Area B that will likely constitute 25% of the developable square footage in the Area shall install at least 25% of the sidewalk shown in the concept plan, including the sidewalk areas located adjacent to and around the building. The developer of the first phase in Area A shall be required to install all of the off-site sidewalk shown in the northern part of Area A in the concept plan. All sidewalks shall be at least six feet (6’) in width.

16. **Density.** Residential development in the PD-33 zone shall be developed at a minimum density of twenty (20) units per gross acre. Each development phase that contains residential uses shall comply with the minimum residential density requirement. Development phases that include only commercial uses shall not be included in the gross acreage for purposes of determining compliance with the minimum residential requirement. For development phases that contain both residential and commercial uses, the residential component shall meet the minimum residential density requirement relative to the percentage of that phase that is devoted to residential use. For example, if seventy percent (70%) of a mixed use development is devoted to residential uses, that phase shall have at least fourteen (14) residential units per acre.

17. **Architectural Style.** Development in the PD-33 zone shall incorporate a unique and aesthetically pleasing architectural and design theme that conforms to the style and quality shown in Appendix “AA”. The design of development in the PD-33 zone shall incorporate diversity of detail and materials among individual buildings while maintaining a unique overall design theme for the entire development. All development, including national chain stores, restaurants and parking structures shall follow the overall architectural style and/or theme of the development. The Planning Commission shall deny approval for any site plan that fails to conform to the architecture and design requirements of this Section 22-11-44 and Appendix “AA” to ensure the aesthetic quality of the development and to ensure compliance with the purposes and requirements of this ordinance. The architectural style selected shall conform to the following general design guidelines outlined below:

a. The architecture and design of all buildings shall conform to the architectural style and quality illustrated in the concept plan.

b. The sides of all buildings shall demonstrate a variety in color, façade depth, relief, rhythm and roof line height with changes occurring at least every sixty six (66) linear feet. Façade depth shall change with a minimum of two (2) foot offset at least every sixty six (66) linear feet on all sides of the buildings. All buildings shall be constructed with an acceptable mix of building materials and architectural features.

c. Balconies up to six feet (6’) in depth but not less than three feet (3’) are required on at least fifty (50%) of all residential units per building.

d. Windows shall be required on the sides of all commercial and residential units adjacent to a street or plaza. Window designs throughout the project shall be varied to help create a diversity of architecture. Awnings shall be incorporated into the development.

e. The design and style of all development shall conform in all other respects to the general purpose and spirit of the PD-33 zone.

f. Neither flat, three-tab cut asphalt shingles nor rolled roofing shall be allowed on any roof that has a slope of four feet of rise to twelve feet of run (4/12) or greater.
18. **Building Materials.** All buildings shall be completed on all sides with acceptable finishing materials. The following materials are acceptable: brick, stone, cultured stone, fluted block, colored textured block, glass, stucco and wood. Other finishing materials may be used if approved by the Planning Commission, however, sheet metal, corrugated metal, PVC and vinyl siding shall be prohibited except for trim, soffits, facia, mansards and similar architectural features. In determining whether or not a particular finishing material is acceptable, the Planning Commission shall consider the following factors:

a. The visibility of the site from public streets and neighboring residential uses.

b. The degree to which the proposed finishing materials are compatible with the appearance of neighboring residential uses.

c. The location of the proposed finishing materials on the building.

d. The degree to which a particular finishing material may be shielded by landscaping or some other feature.

e. The degree to which the proposed finishing materials are durable and have low maintenance characteristics.

f. The extent to which a proposed finishing material is compatible with the style and quality of buildings shown in the concept plan.

19. **Recreational Vehicles (RV) Storage.**

All buildings shall have flexibility as to the size and location of recreational vehicles (RV’s) shall be prohibited except for trim, soffits, facia, mansards and similar architectural features. In determining whether or not a particular finishing material is acceptable, the Planning Commission shall consider the following factors:

a. The visibility of the site from public streets and neighboring residential uses.

b. The degree to which the proposed finishing materials are compatible with the appearance of neighboring residential uses.

c. The location of the proposed finishing materials on the building.

20. **Occupancy of Residential Units.**

A residential unit in the PD-33 zone may be occupied by one single family as defined in Section 22-2-1 or by up to, but no more than four unrelated individuals. However, the number of occupants in a dwelling shall not exceed the number of bedrooms in that dwelling.

22-11-47. **PD-34 zone (University Place – 1300 South State Street)**

**A. Purpose.** The purpose of the PD-34 zone is to allow development of a regional shopping center and mixed use development. The PD-34 zone is designed to be applied only to a parcel of property located at approximately 1300 South State Street as shown in Appendix “BB.” The PD-34 zone may only be applied to areas of 100 acres or more.

**B. Concept Plan.** Property in the PD-34 zone shall be developed in conformance with Appendix “BB” of the Orem City Code which is incorporated herein by reference and made a part hereof. The owner/developer shall have flexibility as to the size and location of buildings provided that the requirements of this Section 22-11-47 are met.


**C. Permitted Uses.** The following shall be permitted uses in the PD-34 zone:

<table>
<thead>
<tr>
<th>Use Code</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>0302</td>
<td>Christmas Tree Sales</td>
</tr>
<tr>
<td>0600</td>
<td>Trailers/Containers for Recyclable Materials</td>
</tr>
<tr>
<td>1112</td>
<td>Condominiums</td>
</tr>
<tr>
<td>1113</td>
<td>Townhouses</td>
</tr>
<tr>
<td>1120</td>
<td>Apartments</td>
</tr>
<tr>
<td>1150</td>
<td>Live-Work Units (defined as a structure designed to have both work space and living space)</td>
</tr>
<tr>
<td>1231</td>
<td>Rooming &amp; Boarding Houses</td>
</tr>
<tr>
<td>1282</td>
<td>Assisted Living Facilities</td>
</tr>
<tr>
<td>1290</td>
<td>Senior Independent Living Facility</td>
</tr>
<tr>
<td>1510</td>
<td>Hotels, Tourist Courts &amp; Motels</td>
</tr>
<tr>
<td>2124</td>
<td>Ice Cream and Frozen Desserts</td>
</tr>
<tr>
<td>2160</td>
<td>Candy &amp; Other Confectionery Products</td>
</tr>
<tr>
<td>2430</td>
<td>Handmade cabinetry, furniture and fixture manufacturing</td>
</tr>
<tr>
<td>2435</td>
<td>Craftsman industrial arts</td>
</tr>
<tr>
<td>3199</td>
<td>Handmade stone, clay &amp; glass products</td>
</tr>
<tr>
<td>4110</td>
<td>Intermodal</td>
</tr>
<tr>
<td>4211</td>
<td>Bus Passenger Terminals</td>
</tr>
<tr>
<td>4291</td>
<td>Taxi cab Transportation</td>
</tr>
<tr>
<td>4600</td>
<td>All Auto Parking Facilities, NEC</td>
</tr>
<tr>
<td>4601</td>
<td>Surface Parking Lots</td>
</tr>
<tr>
<td>4602</td>
<td>Parking Structures</td>
</tr>
<tr>
<td>4741</td>
<td>Television Broadcasting Studios (Only)</td>
</tr>
<tr>
<td>4751</td>
<td>Radio &amp; Television Broadcasting Studios, Only (Combo Systems)</td>
</tr>
<tr>
<td>5132</td>
<td>Apparel &amp; Accessories</td>
</tr>
<tr>
<td>5194</td>
<td>Tobacco &amp; Tobacco Products</td>
</tr>
<tr>
<td>5197</td>
<td>Furniture &amp; Home Furnishings</td>
</tr>
<tr>
<td>5220</td>
<td>Building Materials, Equipment Supplies &amp; Hardware (Indoor Only)</td>
</tr>
<tr>
<td>5260</td>
<td>Home Improvement Centers</td>
</tr>
<tr>
<td>5310</td>
<td>Department Stores</td>
</tr>
<tr>
<td>5320</td>
<td>Mail Order Houses</td>
</tr>
<tr>
<td>5330</td>
<td>Limited Price Variety Stores</td>
</tr>
<tr>
<td>5340</td>
<td>Merchandise Vending Machine Operators</td>
</tr>
<tr>
<td>5350</td>
<td>Direct Selling Organizations</td>
</tr>
<tr>
<td>5391</td>
<td>Dry Goods &amp; General Merchandise</td>
</tr>
<tr>
<td>5393</td>
<td>Arts, Crafts &amp; Hobbies</td>
</tr>
<tr>
<td>5394</td>
<td>Musical Instruments</td>
</tr>
<tr>
<td>5410</td>
<td>Groceries &amp;/or Food</td>
</tr>
<tr>
<td>Standard Land Use Code</td>
<td>Category</td>
</tr>
<tr>
<td>------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>5420</td>
<td>Farmers Market</td>
</tr>
<tr>
<td>5440</td>
<td>Candy &amp; Other Confectionery Products</td>
</tr>
<tr>
<td>5520</td>
<td>Tires, Batteries &amp; Accessories</td>
</tr>
<tr>
<td>5530</td>
<td>Gasoline Service Station With or Without Store</td>
</tr>
<tr>
<td>5591</td>
<td>Marine Craft &amp; Accessories</td>
</tr>
<tr>
<td>5600</td>
<td>Clothing, Apparel, &amp; Accessories</td>
</tr>
<tr>
<td>5730</td>
<td>Music Supplies</td>
</tr>
<tr>
<td>5810</td>
<td>Restaurants</td>
</tr>
<tr>
<td>5811</td>
<td>Fast Food</td>
</tr>
<tr>
<td>5812</td>
<td>Mobile Food Vendors</td>
</tr>
<tr>
<td>5820</td>
<td>Drinking Places-Bars and Taverns shall be at least 500 feet from any church, school, sexually oriented business, or other alcoholic drinking place</td>
</tr>
<tr>
<td>5830</td>
<td>Drinking Places-Nonalcoholic</td>
</tr>
<tr>
<td>5850</td>
<td>Mobile Vendor (other than food)</td>
</tr>
<tr>
<td>5910</td>
<td>Drugs &amp; related drug dispensing</td>
</tr>
<tr>
<td>5932</td>
<td>Gold &amp; Silver</td>
</tr>
<tr>
<td>5933</td>
<td>Secondhand Merchants</td>
</tr>
<tr>
<td>5935</td>
<td>Jewelry</td>
</tr>
<tr>
<td>5941</td>
<td>Books</td>
</tr>
<tr>
<td>5942</td>
<td>Stationery</td>
</tr>
<tr>
<td>5943</td>
<td>Office Supplies</td>
</tr>
<tr>
<td>5945</td>
<td>Newspapers/Magazines</td>
</tr>
<tr>
<td>5946</td>
<td>Cameras &amp; Photographic Supplies</td>
</tr>
<tr>
<td>5947</td>
<td>Gifts, Novelties, &amp; Souvenirs</td>
</tr>
<tr>
<td>5948</td>
<td>Florists</td>
</tr>
<tr>
<td>5949</td>
<td>Video Rentals</td>
</tr>
<tr>
<td>5951</td>
<td>Sporting Goods</td>
</tr>
<tr>
<td>5952</td>
<td>Bicycles</td>
</tr>
<tr>
<td>5953</td>
<td>Toys</td>
</tr>
<tr>
<td>5960</td>
<td>Farm &amp; Garden Supplies</td>
</tr>
<tr>
<td>5963</td>
<td>Nursery-Plants</td>
</tr>
<tr>
<td>5970</td>
<td>Computer Goods &amp; Services</td>
</tr>
<tr>
<td>5996</td>
<td>Optical Goods</td>
</tr>
<tr>
<td>6110</td>
<td>Banking &amp; Credit Services</td>
</tr>
<tr>
<td>6111</td>
<td>Check Cashing &amp; Other Credit Services</td>
</tr>
<tr>
<td>6120</td>
<td>Security &amp; Commodity Brokers, Dealers &amp; Exchanges</td>
</tr>
<tr>
<td>6130</td>
<td>Insurance Agents, Brokers &amp; Related Services</td>
</tr>
<tr>
<td>6150</td>
<td>Real Estate Agents, Brokers and Related Services</td>
</tr>
<tr>
<td>6152</td>
<td>Title Abstracting</td>
</tr>
<tr>
<td>6154</td>
<td>Combination Real Estate, Insurance Loan, &amp; Law</td>
</tr>
<tr>
<td>6211</td>
<td>Laundering, Dry Cleaning, &amp; Dyeing Services (Except Rugs)</td>
</tr>
<tr>
<td>6212</td>
<td>Custom Tailoring</td>
</tr>
<tr>
<td>6216</td>
<td>House Cleaning</td>
</tr>
<tr>
<td>6218</td>
<td>Window Cleaning</td>
</tr>
<tr>
<td>6220</td>
<td>Photographic Services-Including Commercial</td>
</tr>
<tr>
<td>6231</td>
<td>Beauty &amp; Barber Shops</td>
</tr>
<tr>
<td>6232</td>
<td></td>
</tr>
</tbody>
</table>

22.164
D. Conditional Uses. The following shall be conditional uses in the PD-34 zone:

<table>
<thead>
<tr>
<th>Standard Land</th>
<th>Use Code</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>6835</td>
<td>Dancing Schools</td>
</tr>
<tr>
<td></td>
<td>6837</td>
<td>Correspondence Schools</td>
</tr>
<tr>
<td></td>
<td>6911</td>
<td>Churches, Synagogues &amp; Temples</td>
</tr>
<tr>
<td></td>
<td>7100</td>
<td>All Cultural Activities &amp; Nature Exhibitions, NEC</td>
</tr>
<tr>
<td></td>
<td>7111</td>
<td>Libraries</td>
</tr>
<tr>
<td></td>
<td>7112</td>
<td>Museums</td>
</tr>
<tr>
<td></td>
<td>7113</td>
<td>Art Galleries</td>
</tr>
<tr>
<td></td>
<td>7121</td>
<td>Planetaria, Aquariums, Botanical Gardens &amp; Arboretums</td>
</tr>
<tr>
<td></td>
<td>7211</td>
<td>Amphitheaters</td>
</tr>
<tr>
<td></td>
<td>7212</td>
<td>Motion Picture Theaters</td>
</tr>
<tr>
<td></td>
<td>7214</td>
<td>Legitimate Theater</td>
</tr>
<tr>
<td></td>
<td>7200</td>
<td>All Assemblies, NEC</td>
</tr>
<tr>
<td></td>
<td>7415</td>
<td>Ice Skating Rink (outdoor)</td>
</tr>
<tr>
<td></td>
<td>7417</td>
<td>Bowling</td>
</tr>
<tr>
<td></td>
<td>7231</td>
<td>Auditoriums &amp; Exhibit Halls</td>
</tr>
<tr>
<td></td>
<td>7321</td>
<td>Ropes Course/Climbing Walls (indoor only)</td>
</tr>
<tr>
<td></td>
<td>7391</td>
<td>Arcades &amp; Miniature Golf</td>
</tr>
<tr>
<td></td>
<td>7410</td>
<td>Ski, Snowboard and Snowshoe Rental</td>
</tr>
<tr>
<td></td>
<td>7421</td>
<td>Playgrounds, Play Lots, &amp; Tot Lots</td>
</tr>
<tr>
<td></td>
<td>7425</td>
<td>Gymnasium &amp; Athletic Clubs</td>
</tr>
<tr>
<td></td>
<td>7426</td>
<td>Health Spas</td>
</tr>
<tr>
<td></td>
<td>7610</td>
<td>Parks-General Recreation</td>
</tr>
<tr>
<td></td>
<td>8120</td>
<td>Community Gardens</td>
</tr>
</tbody>
</table>

E. Restriction on Uses in Limited Zone. Notwithstanding the above, the uses permitted in the area designated as “Limited Zone” in Appendix “BB” shall be limited to uses permitted in the R8 zone and the following uses:

<table>
<thead>
<tr>
<th>Standard Land</th>
<th>Use Code</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1112</td>
<td>Condominiums</td>
</tr>
<tr>
<td></td>
<td>1113</td>
<td>Townhouses</td>
</tr>
<tr>
<td></td>
<td>1120</td>
<td>Apartments</td>
</tr>
<tr>
<td></td>
<td>1282</td>
<td>Assisted Living Facilities</td>
</tr>
<tr>
<td></td>
<td>1290</td>
<td>Senior Independent Living Facility</td>
</tr>
<tr>
<td></td>
<td>4601</td>
<td>Surface Parking Lots</td>
</tr>
<tr>
<td></td>
<td>7421</td>
<td>Playgrounds, Play Lots, &amp; Tot Lots</td>
</tr>
<tr>
<td></td>
<td>7425</td>
<td>Gymnasium &amp; Athletic Clubs</td>
</tr>
<tr>
<td></td>
<td>7610</td>
<td>Parks-General Recreation</td>
</tr>
<tr>
<td></td>
<td>6261</td>
<td>Commercial Child Day Care/Preschool Facility</td>
</tr>
</tbody>
</table>

F. Prohibited uses. Any use not specifically permitted above shall be prohibited.

G. Final Plat and Site Plan.

1. Final Plat. A final plat that conforms to all development standards and requirements of Chapter 17 (except for those requirements that conflict with the provisions of this Section 22-11-47) must be approved and recorded by the City prior to any development in the PD-34 zone.
   a. Easements. A public utility easement (PUE) ten feet (10') in width shall be provided on each side of any new utility line. A public utility easement shall be provided on all private streets in the PD-34 zone. A public utility easement five feet (5') in width shall be provided on each side of any through street. A public utility easement ten feet (10') in width shall be provided along all exterior boundaries of the PD-34 zone. Except as otherwise provided herein, PUEs shall not be required along the rear or side property lines of any lot. The City Engineer may reduce the size of the required PUE if he/she finds that a smaller PUE would be adequate based on the type, size, and number of utilities that are in or anticipated to go in the PUE.

2. Site Plans. All development standards and site plan requirements of Section 22-14-20 shall apply to any new development request in the PD-34 zone except as otherwise provided in this Section 22-11-47. However, new site plans in the PD-34 zone shall not be required to comply with subsection J (Dedication of Land). In addition, an approved site plan in the PD-34 zone shall be valid for a period of five (5) years instead of the two years provided for in subsection N (Time Period of Site Plan Approval). The provisions of subsection O (Completion of Improvements) shall apply except that the public improvements shall be completed within three years of the date of issuance of a building permit. The provisions of subsection Q (Bonds) shall apply except that the bonds will guarantee completion of the required improvements within three years.
   a. Phasing. Development in the PD-34 zone may be constructed in phases. A developer of a particular phase shall only be required to bond for the required improvements contained in or necessary for the occupancy of that phase of development.
   b. Sidewalks. The requirements of 22-11-47(H)(10)(Streetscapes) shall govern the size and location of required sidewalks in the PD-34 zone.
§22-11-47 ZONING

H. Development Standards and Requirements.

The following development standards and requirements shall apply to all development in the PD-34 zone:

1. **Height.**
   a. **Limited Zone.** The maximum height of buildings in the area designated in Appendix “BB” as “Limited Zone” shall be forty-five feet (45’) where adjacent to 800 East and 800 South and thirty-five feet (35’) in all other Limited Zone areas.
   b. **Area North of 900 South.** The maximum height of buildings in the area north of 900 South (other than Limited Zone areas) shall be eighty feet (80’).
   c. **Other Areas.** The maximum height of buildings in the area south of 900 South and not in the Limited Zone shall be one hundred eighty feet (180’).
   d. **Items Not Included in Building Height.** Parapets, architectural features, roof features, screening walls and mechanical equipment shall not count toward the maximum height of a building.

2. **Setbacks.** Setbacks for all structures in the PD-34 zone shall be as shown in Exhibit “BB” and as set forth below. Except as otherwise provided, all setbacks are from the nearest back of curb adjacent to the referenced street.
   a. **All structures shall be set back at least twenty feet (20’) from State Street, University Parkway, 800 East and 800 South Street.** However, the setback from 800 East shall be forty feet (40’) between 900 South and 1000 South. Setbacks from University Parkway shall be from the proposed Bus Rapid Transit (BRT) curb alignment.
   b. **Surface parking lots shall be set back at least twelve feet (12’) from the back of curb adjacent to any public street.**

3. **Masonry Wall.** A masonry wall at least eight feet (8’) in height shall be maintained along the west boundary of the PD-34 zone where it adjoins existing residential development and where the PD-34 zone adjoins 1100 South Street. However, no masonry wall shall be required where residential development in the PD-34 zone fronts on an adjoining residential street such as 590 East or 1100 South.

4. **Landscaping.** Landscaping shall be provided and maintained as generally shown in Appendix “BB.” A landscaping plan shall be submitted to the City for approval as a part of any site plan. Landscaping in the PD-34 zone shall include the following elements:
   a. A “Major Park” consisting of at least thirty-five thousand (35,000) square feet with landscaping, trees, fountain, sculpture, benches walking paths, and other features shall
be provided and maintained. At least twenty thousand (20,000) square feet of the Major Park shall be constructed concurrently with the first residential or office building that fronts on the location of the Major Park as shown in Appendix “BB.” The developer shall have flexibility to relocate or reconfigure the Major Park as market forces may require provided that the area of the Major Park is not reduced.

b. A landscaped strip at least eight feet in width shall be maintained adjacent to the residential property west of the PD-34 zone from approximately 850 South to 1100 South and where the PD-34 zone adjoins 1100 South. The landscaped strip shall be maintained on the PD-34 side of the required masonry wall except that such landscaped strip shall be maintained on the west side of the wall for the two lots located directly to the north and south of the 900 South hammerhead. That portion of the landscaped strip located adjacent to the 900 South hammerhead is only required to be three feet (3’) in width. The landscaped strip shall be maintained with lawn, shrubs and trees with trees spaced no further than 30 feet apart. However, this landscaped strip shall not be required in locations where residential dwellings in the PD-34 zone front on 590 East or 1100 South.

c. All other land within the PD-34 zone not covered by buildings, driveways, sidewalks, parking areas, playgrounds, plazas, hardscape or other amenities shall be landscaped with trees, shrubs, lawn, or living ground cover.

d. All landscaping shall be maintained in accordance with good landscaping practices. An underground sprinkling system shall be installed and maintained for all landscaped areas.

e. Trees shall be maintained in the landscaped areas along 800 South. The trees required under this subsection shall be spaced no more than forty feet apart and shall consist of English Oak, Norway Maple, Littleleaf Linden or comparable trees approved by the City Urban Forester. The required trees shall be at least two inches (2”) in caliper measured four feet (4’) above the ground.

5. Residential Development Fronting on 590 East or 1100 South. The following standards shall apply to any residential development in the PD-34 zone that fronts on 590 East or 1100 South:

a. A sidewalk at least five feet (5’) in width and a landscaped strip at least fifteen feet (15’) in width shall be maintained behind the back of curb.

b. No individual garages or driveways shall be allowed with access from 590 East.

c. Parking for all units fronting on 590 East or 1100 South shall be provided within the PD-34 zone.

6. Architectural Style. Development in the PD-34 zone shall incorporate a unique and aesthetically pleasing architectural and design theme that conforms to the style and quality shown in Appendix “BB.” Development in the PD-34 zone shall incorporate diversity of detail and materials among individual buildings while maintaining enough uniformity to create a sense of place. Residential, retail, and office buildings as well as building liners shall all conform to the architectural design and quality illustrated in the examples of each type of building shown in Appendix “BB.”

7. Building Materials. All buildings shall be completed on all sides with acceptable finishing materials. The following materials are acceptable: brick, stone, cultured stone, fluted block, colored textured block, EIFS, glass, stucco, metal, cementitious fiberboard, wood and other materials of comparable quality. However, sheet metal, corrugated metal, PVC and vinyl siding shall be prohibited except for trim, soffits, facia, mansards and similar architectural features.

8. Streets and Traffic.

a. A traffic study shall be provided by the owner/developer to ensure that traffic circulation will function appropriately on internal streets as well as public streets and intersections located adjacent to the PD-34 zone. The initial traffic study shall be completed prior to the application for any new site plan or site plan amendment in the PD-34 zone. An updated traffic study shall also be provided with every new site plan for development in the PD-34 zone. However, the City Engineer may waive the requirement for an updated traffic study if he/she determines that the existing traffic information is adequate. The traffic study shall include recommendations for any new improvements that may be reasonably necessary to mitigate any negative impacts on public streets or intersections resulting from development in the PD-34 zone. The traffic study shall also make recommendations as to when any such improvements should be installed including, but not limited to, a new traffic signal at the intersection of 800 East 1100 South, the
relocation of the existing traffic signal at 1200 South State Street and improvements to the intersection of 900 South 800 East and 1100 South 800 East. The owner/developer of land in the PD-34 zone shall follow all recommendations of the traffic study including the installation of any recommended off-site improvements.

b. All streets within the interior of a development in the PD-34 zone shall be private. Streets shall be designed and built according to the standards and design shown in Appendix “BB.”

c. All vehicular access to the PD-34 zone shall be from State Street, University Parkway, 800 East and 800 South. No vehicular access to the PD-34 zone (including access to any parking structure) shall be allowed from any other street including streets in the residential neighborhoods located to the west and north of the PD-34 zone. Pedestrian access to the PD-34 zone from the adjoining residential zones is permitted.

9. **Lighting Plan.** Any development in the PD-34 zone shall include a lighting plan. Illumination shall generally be within the parameters recommended by the Illumination Engineering Society of North America (IESNA). There shall be no direct glare from parking lot lights in the PD-34 zone onto adjacent properties. Any spillover light shall be limited to one (1) foot-candle at the property line where adjacent to any residentially zoned property. The lighting plan shall be designed to:
   a. discourage crime;
   b. enhance the safety of the pedestrians and guests of the PD-34 development; and
   c. enhance the appearance and design of the project.

10. **Streetscapes.** Sidewalks, landscaping and planter trees shall be provided and maintained adjacent to public and private streets in accordance with Appendix “BB.” All streetscapes that are included in a development phase shall be installed by the developer concurrent with the development of that phase.

11. **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 development in the PD-34 zone.

12. **Utilities.** All structures shall be served by the public sewer system and public water supply. All utilities shall be placed underground. Utility lines 18” and smaller may be located inside an underground parking structure provided that adequate space is maintained to allow for maintenance and repairs. Utility lines larger than 18” may be located underneath parking structure provided they are encased in a sleeve.

13. **Storage Areas and Solid Waste Receptacles.** Dumpsters and compactors may be located within a building or parking structure provided that they are located within a one hour fire rated enclosure. All outside storage areas and solid waste receptacles which are not located within a building or incorporated into a parking structure 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.

14. **Storm Water Runoff Plan.** The current storm water runoff rate for the entire area within the PD-34 zone is approximately 201 cubic feet per second (cfs) (1.77 cfs/acre). A storm water runoff plan shall be provided with each new site plan for development in the PD-34 zone that is designed to ensure that any new development does not increase the total level of storm water runoff of 201 cfs currently generated by the entire property in the PD-34 zone.


I. **Limit on Number of Residential Units.** In order to ensure that the PD-34 zone remains primarily a retail development, the number of residential dwelling units allowed in the PD-34 zone shall not exceed the ratio of 1.5 residential units for every 1,000 square feet of retail development. For purposes of this section, retail development shall be defined as a use, the majority of sales or revenues of which, are subject to Utah state sales tax.


J. **Signs--Purpose and Intent.** Due to the size and nature of the PD-34 zone, the purposes and objectives pertaining to signage in the PD-34 zone are significantly different from those of any other area in the City. Therefore, the regulations applicable to signage in the PD-34 zone shall also differ significantly from the regulations applicable to signage in other areas of the City. Signage in the PD-34 zone shall be subject to more exacting/stringent requirements as to architectural style and aesthetics and shall also have more liberal treatment as to off-premise signage than other areas in the City. The more stringent requirements
(as to aesthetics) and the more liberal treatment (as to off-premise signage) are justified by the following:

1. Development in the PD-34 zone (both existing and future) is the most intensive area of commercial activity in the City both in terms of size (acreage) and commercial activity (based on retail sales) as compared to any other development in the City. The area of the PD-34 zone is effectively the commercial hub of the City. It is anticipated that with the adoption of the PD-34 zone, commercial activity will become even more intense with the addition of new retail buildings, office buildings and parking structures. Off-premise signs are consistent and compatible with a development of this size, scale and intensity of use while they are not appropriate in most other commercial areas of the City. Off-premise signage is allowed in other large commercial and mixed use developments throughout the country that are similar to development in the PD-34 zone (both existing and future) and the City has determined that off-premise signage will also be compatible in the PD-34 zone.

2. The signage allowed in the PD-34 zone, including off-premise signage, will enhance the aesthetic quality of the PD-34 zone. Unlike any other zone or area in the City, signage in the PD-34 zone will be required to conform to strict standards of architectural style and aesthetic quality. Signage in the PD-34 zone is considered a critical component of development in the zone, not just for the messages they contain, but also for the aesthetic appeal of the signs themselves. In addition to their architectural quality, different types of signs, including allowable off-premise signs, are intended to enhance the aesthetic quality of the development in several ways, including, but not limited to the following:
   a. Mitigating and improving the appearance of normally unsightly parking structures by covering unattractive structure facades with attractive and aesthetically appealing signage.
   b. Enhancing the appearance of bare walls of buildings.
   c. Improving the appearance and adding interest to streetscapes, parking areas, sidewalks.
   d. Creating an aesthetically pleasing “grand entrance” or “gateway” effect through the placement of signage at entryways into the development.

3. The overall signage scheme in the PD-34 zone, with its variety in types of signs combined with the unique architecture, style, light, color and electronic display is designed to create a visual experience and a sense of excitement, energy and vibrancy that cannot be achieved or replicated on smaller, individual parcels. This will enhance the quality of the PD-34 zone as a “destination” and gathering place for consumers in the city, county and state.

4. Signage in the PD-34 zone, including off-premise signage, will be part of a controlled and coordinated whole that is designed to enhance and be harmonious with its surroundings as opposed to an uncontrolled and uncoordinated scheme of individual sign approvals. This will dramatically reduce the risk of a proliferation of unattractive signage by numerous and disparate private parties.


K. Signs—Regulations. The provisions of Chapter 14 of the City Code shall not apply to the PD-34 zone except as provided below. For purposes of determining allowable signage, the PD-34 zone is divided into the following three sign zones: the perimeter sign zone, the internal sign zone, and the limited sign zone. The area of each of these sign zones is shown in Appendix “BB.” On-premise advertising is allowed on all signs. Off-premise advertising shall be allowed as described below. However, notwithstanding any other provision to the contrary, the total number of signs displaying off-premise advertising that is visible from a public street shall not exceed fourteen (14). The signs that are permitted in each of the sign zones are limited to the following:

1. Perimeter sign zone. Allowable signage in the perimeter zone is limited to the following:
   a. **Large entry signs.**
      (1) Definition and Requirements. Large entry signs are signs that are located at an entrance to the PD-34 zone. Large entry signs shall not exceed a height of forty feet (40’) and shall have a maximum of three hundred (300) square feet of electronic signage and two hundred square feet of static signage per sign face. A large entry sign may have up to four sign faces. Large entry signs may include an electronic screen on all or part of the sign faces.
      (2) Allowable Use. A total of seven (7) large entry signs are permitted, but are restricted to the following locations:
         (i) the entrance at 1150 South State Street
         (ii) the entrance at approximately 1200 South State Street

22.169
(iii) both entrances to the PD-34 zone from University Parkway
(iv) the entrance at 1200 South 800 East
(v) the entrance at 1100 South 800 East

(3) Architectural Standards. Large entry signs must conform to the architectural and aesthetic quality illustrated for such signs in Appendix BB. In addition, sign supports shall be veneered with materials such as brick or stone, or shall be covered with other materials that are consistent with other signs within the PD-34 zone.

(4) Off-premise Advertising. Off-premise advertising is allowed on all large entry signs.

b. Medium entry signs.

(1) Definition and Requirements. Medium entry signs are signs that are located at an entrance to the PD-34 zone. Medium entry signs shall not exceed a height of thirty feet (30’) and shall have a maximum of two hundred (200) square feet per sign face. A medium entry sign may have up to four sign faces. Medium entry signs may include an electronic screen as all or part of the sign faces.

(2) Allowable Use. A total of twelve (12) medium entry signs are permitted, but are restricted to the following locations:
   (i) both entrances from State Street
   (ii) both entrances from University Parkway
   (iii) all four entrances from 800 East
   (iv) the entrance at approximately 700 East 800 South

(3) Architectural Standards. Medium entry signs must conform to the architectural and aesthetic quality illustrated for such signs in Appendix BB.

(4) Off-premise Advertising. Off-premise advertising is allowed on medium entry signs that are located adjacent to State Street, University Parkway and at the entrances at 800 East 1100 South and 800 East 1200 South.

c. Small entry signs.

(1) Definition and Requirements. Small entry signs are signs that are located at an entrance to the PD-34 zone. Small entry signs shall not exceed a height of twenty feet (20’) and shall have a maximum of fifty (50) square feet per sign face. A small entry sign may have up to four sign faces, but the total area of all sign faces shall not exceed one hundred fifty (150) square feet. Small entry signs may include an electronic screen as all or part of the sign faces.

(2) Allowable Use. A total of four (4) small entry signs are permitted, but are restricted to the following locations:
   (i) the entrance at 1200 South 800 East
   (ii) the proposed new entrance at approximately 850 South 800 East (two signs permitted at this location)
   (iii) the entrance at approximately 650 East 800 South

(3) Architectural Standards. Small entry signs must conform to the architectural and aesthetic quality illustrated for such signs in Appendix BB.

(4) Off-premise Advertising. Off-premise advertising is allowed on small entry signs that are located adjacent to State Street, University Parkway and at the entrances at 800 East 1100 South and 800 East 1200 South.

d. State Street and University Avenue Corner Sign.

(1) Definition and Requirements. The State Street and University Avenue Corner Sign (the “Corner Sign”) is a sign that is located at the corner of State Street and University Avenue. The Corner Sign shall not exceed a height of forty feet (40’) and shall have a maximum of three hundred (300) square feet per sign face and no more than fifty (50) square feet of additional static advertising space per sign face. The Corner Sign may have up to three sign faces. The Corner Sign may include an electronic screen as all or part of the sign faces. Sign supports shall be veneered with materials such as brick or stone, or shall be covered with other materials that are consistent with other signs within the PD-34 zone.

(2) Allowable Use. Only one Corner Sign is permitted.

(3) Off-premise Advertising. Off-premise advertising is allowed on the Corner Sign.
e. **Synchronized combination signs.**
   (1) Definition and Requirements. A synchronized combination sign is a sign that consists of multiple separate structures that are closely spaced apart and generally in line with each other. The message or display portrayed on such sign is designed to move from one structure to the next to create a combined synchronized effect that displays a unified message or theme. Each structure that forms a part of the synchronized combination sign shall not exceed seventeen feet (17’) in height and shall have a maximum sign face area of sixty (60) square feet. A synchronized combination sign shall be set back at least ten feet (10’) from any public right-of-way.
   (2) Allowable Use. A total of four synchronized combination signs are permitted but may only be located adjacent to State Street, University Avenue and on that part of 800 East located south of 1000 South.
   (3) Architectural Standards. Synchronized combination signs must conform to the architectural and aesthetic quality illustrated for such signs in Appendix BB.
   (4) Off-premise Advertising. Off-premise advertising is allowed on all synchronized combination signs.

f. **Screen signs.**
   (1) Definition and Requirements. A screen sign is a sign that consists of a screen like material that is attached to a wall or parking deck and is capable of displaying electronic messages.
   (2) Allowable Use. A total of three screen signs are permitted in the perimeter sign zone, but may only be located along the frontage of University Parkway, State Street or facing inward toward the interior of the PD-34 zone.
   (3) Architectural Standards. Screen signs must conform to the architectural and aesthetic quality illustrated for such signs in Appendix BB.
   (4) Off-premise Advertising. Off-premise advertising is allowed on all permitted screen signs.

g. **Kiosk signs.**
   (1) Definition and Requirements. Kiosk signs are round, triangular or other shaped signs that have a maximum height of seventeen feet (17’).
   (2) Allowable Use. One kiosk sign shall be allowed in the perimeter sign zone for every three hundred feet (300’) of street frontage.
   (3) Architectural Standards. Kiosk signs must conform to the architectural and aesthetic quality illustrated for such signs in Appendix BB.
   (4) Off-premise Advertising. Off-premise advertising is allowed on all kiosk signs except for kiosk signs located adjacent to 800 South or on 800 East north of 1000 South.

h. **Wall signs.** Wall signs as defined and regulated in Chapter 14 shall be allowed in the perimeter sign zone. Wall signs must conform to the architectural and aesthetic quality illustrated for such signs in Appendix BB. Off-premise advertising is allowed only on wall signs that face State Street, University Parkway or 800 East south of 1000 South.

2. **Internal sign zone.** There is no limit on the type of signs in the internal sign zone except that abandoned signs and roof signs are not allowed. There is no limit on the number of signs allowed in the internal sign zone except for building entrance signs. However, no sign shall exceed a height of twenty feet (20’) except for wall signs, screen signs and building entrance signs.
   a. **Building entrance signs.**
      (1) Definition and Requirements. Building entrance signs are signs that are located at the entrance to a building and are attached to the building or other architectural feature such as a tower. Building entrance signs shall not exceed a height of seventy feet (70’).
      (2) Allowable Use. A total of eight (8) building entrance signs are allowed in the PD-34 zone.
   b. **Canopy signs and wall signs.** Canopy signs and wall signs shall comply with the standards applicable to such signs set forth in Chapter 14.
   c. **Off-Premise Advertising.** Off-premise advertising shall be allowed on screen signs in the internal zone that face State Street or University Parkway. Other than screen signs, off-premise advertising shall be permitted in the internal sign zone only on signs whose copy is not legible from a public street.
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3. **Limited sign zone**: Allowable signage in the limited sign zone is limited to the following:
   a. Wall signs as defined in Article 14 of the City Code.
   b. All signs that are permitted in residential zones as governed by Article 14 of the City Code.
   c. No off-premise advertising that is visible from a public street shall be allowed.

4. **Sign Permit**. It shall be unlawful for any person to erect, alter or relocate a sign without first obtaining a sign permit from the City. However, a sign permit is not required for interior signs, portable signs, and window signs. An applicant for a sign permit shall follow the procedures outlined in Chapter 14 for obtaining a sign permit.

5. **Compliance with Sight Triangles**. No sign shall be located in any sight triangle if such location would violate the standards established by the American Association of State Highway and Transportation Officials (AASHTO) pertaining to sight triangles.

6. **Unsafe or Dangerous Signs**. If an unsafe or dangerous sign as determined by the Chief Building Official 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.

7. **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 for sixty (60) consecutive days after written notice from the City to the owner shall be removed from the building or premises by the owner, the person having control of the premises or the person receiving benefit of such sign.

8. **Prohibited Sign Locations**. No person shall erect any sign so as to interfere with or restrict access to windows, fire escapes, or require exits. No person shall erect any sign which constitutes a safety hazard as determined by the City.

9. **Signs May Not Overhang Public Right of Way**. No sign may overhang any public right of way.

10. **Additional Regulations for Electronic Signs**. Electronic signs or Electronic Message Centers (EMCs)(as defined in Section 14-3-2) shall be subject to the following requirements:
   a. An EMC shall not be a flashing sign (as defined in Section 14-3-2);
   b. An EMC may have motion;
   c. The interval between message changes on an EMC sign shall not be more frequent than eight seconds and the actual message rotation process must be accomplished in three seconds or less; and
   d. Brightness on an EMC sign shall not exceed 0.3 lumens above ambient light.

11. **Definitions**. The definition of off-premise advertising as used in this Section 22-11-47 shall be the same as the definition of off-premise sign in Section 14-3-2. The definition of on-premise advertising shall be the same as the definition of on-premise sign in Section 14-3-2. The definitions contained in Section 14-3-2 for the following terms shall apply to such terms as used in this Section 22-11-47:
   - Abandoned sign
   - Canopy sign
   - Clear vision area
   - Flag pole sign
   - Interior sign
   - Portable sign
   - Roof sign
   - Signs
   - Sign face
   - Window sign

12. **Additional Provisions**. The provisions of Sections 14-1-5 (Interpretation), 14-1-6 (Appeals), 14-1-7 (Penalties), 14-2-1 (Permits), 14-2-2 (Maintenance), 14-2-5 (Prohibited Sign Locations), 14-2-7 (Abandoned Signs) and 14-2-8 (Unsafe or Dangerous Signs) shall apply to signs in the PD-34 zone. In addition, the regulations contained in Chapter 14 pertaining to canopy signs, flag pole signs and portable signs shall apply to the PD-34 zone.


**L. Occupancy of Residential Units.**
Notwithstanding any other provision in the Orem City Code to the contrary, a residential unit in the PD-34 zone may be occupied by one single family as defined in Section 22-2-2 or by up to, but no more than two persons per bedroom.


**M. Home Occupations.** Because of the mixed-use nature of the PD-34 zone and because none of the residential units in the PD-34 zone will be directly accessed by public streets, the provisions of Orem City Code Section 22-14-15 (as amended) pertaining to home occupations, shall not apply to the PD-34 zone.
However, any person or entity that operates a business from a residential unit in the PD-34 zone shall be required to obtain a business license in accordance with Chapter 12 of the Orem City Code. (Ord. No. O-2013-0033, Enacted 12/11/2013)

N. Parking. Parking shall be provided and maintained as required below. The provisions of Article 22-15 of the City Code shall not apply to the PD-34 zone except as otherwise provided herein. The parking standards set forth below are less than normally required because development in the PD-34 zone will consist of a mix of uses with shared parking.

1. Parking Standard. The following standards are the minimum amount of parking that is required in the PD-34 zone:
   a. Retail space. Three and six tenths (3.6) parking stalls shall be provided for every one thousand (1000) square feet of gross leasable area (as defined in Section 22-15-2) of retail space.
   b. Office and other nonretail commercial space. Two and four tenths (2.4) parking stalls shall be provided for every one thousand (1000) square feet of gross leasable floor area of office space and other nonretail commercial space.
   c. Residential. One and forty-nine hundredths (1.49) parking stalls shall be provided for each residential dwelling unit.
   d. Hotels and Houses of Worship. Notwithstanding anything herein to the contrary, one stall per room shall be required for hotels and one stall shall be required for every four fixed seats for a house of worship (churches, synagogues, mosques, etc.).
   e. Senior Independent Living Facility. One parking stall shall be provided per dwelling unit.

2. Parking for Each Phase. The parking requirements shall be met for each phase of construction.

3. Paving. All parking spaces, parking areas and driveways shall be paved with asphalt and/or concrete and shall be designed to allow for proper drainage.

4. Parking Access. No parking stall shall directly access a dedicated street, but shall access the street from a drive aisle.

5. Parking Design Standards. The parking design standards set forth in subsection 22-15-3(E) of the Orem City Code shall apply to the PD-34 zone.

6. Pedestrian Access. At least one pedestrian pathway extending from the public right-of-way across any required landscaping to the parking lot or sidewalk shall be installed for every six hundred feet of street frontage and from any mass transit stop.

7. Bicycle Parking. At least thirty (30) bicycle parking stalls shall be provided for the main (largest) building in the PD-34 zone. For all other buildings, bicycle parking stalls shall be provided with each site plan at a rate of at least two percent (2%) of the number of required automobile parking spaces required. However, the number of bicycle parking spaces required shall not be less than three (3) or more than ten (10) spaces per building (other than the main building). The Director of Development Services may reduce or waive the bicycle parking requirement for developments that, in the opinion of the Director of Development Services, are not likely to attract bicycle traffic because of the nature, location or other circumstances associated with the development. Developments that are not likely to attract bicycle traffic include, but are not limited to, a car wash and personal storage units.

8. Bicycle Parking Facilities. Bicycle facilities, including either lockers or racks, shall be provided in all areas in which required bicycle parking spaces are provided. Required bicycle facilities shall:
   a. Provide for storage and locking of bicycles, either in lockers, medium-security racks or equivalent facilities in which the user may lock both the bicycle frame and the wheels;
   b. Be located on a raised island no less than six inches (6”) in height, or within an area sufficiently protected from vehicular traffic;
   c. Be designed so as not to cause damage to the bicycle;
   d. Facilitate easy locking without interference from or to adjacent bicycles;
   e. Consist of racks or lockers anchored so that they cannot be easily removed and of solid construction, resistant to rust, corrosion, hammers, and saws;
   f. Be consistent with their environment in color and design and be incorporated whenever possible into building or street furniture design; and
   g. Be located in convenient, highly visible, active, well-lighted areas, but not interfere with pedestrian movements.

9. Aesthetic Enhancement of Parking Structures. In order to improve the aesthetic appearance of parking structures that are most visible from public streets, the side of any parking...
structure that faces a public street shall be enhanced by using one or more of the following techniques or practices: building liners, screen signs, artistic facades, trees and landscaping, and other methods illustrated in Appendix BB.


O. Occupancy of Residential Units. Because the PD-34 zone contains a mix of uses with commercial and residential uses located in proximity to each other, it is expected that individuals who choose to live in the PD-34 zone will have a higher tolerance for the noises, sights, and smells that are traditionally associated with commercial uses than individuals who live in traditional residential zones. Therefore, notwithstanding any other provision in City ordinances to the contrary, any noise, sight or smell that is clearly incidental to and customarily associated with a permitted use in the PD-34 zone (including but not limited to noise emanating from the operation of refrigerated truck units at any time of day or night) shall not be considered a violation of the City’s disturbing the peace ordinance (Section 9-2-9) or a violation of the City’s nuisance ordinances (Article 11-1) as they may affect residents who live in the PD-34 zone. However, nothing herein shall be construed to affect the applicability of the City’s disturbing the peace ordinance or nuisance ordinances as to noises, sights and smells emanating from the PD-34 zone that affect individuals who do not live within the PD-34 zone.


22-11-48. PD-35 zone (Windsor Court, 320 West 1360 North)

A. Purpose. The purpose of the PD-35 zone is to provide a planned development of twin homes. The PD-35 zone is designed to be applied only to a parcel of property located at approximately 320 West 1360 North as shown in Appendix “CC.”

(Ord. No. O-2013-0014, Enacted 05/28/2013)

B. Concept Plan. Property in the PD-35 zone shall be developed in substantial conformance with the concept plan included as Appendix “CC” of the Orem City Code which is incorporated herein by reference and made a part hereof.

(Ord. No. O-2013-0014, Enacted 05/28/2013)

C. Permitted Uses. Only single-story twin homes or single-family detached dwellings may be developed in the area designated in the concept plan as “single-story twin home development.” Only twin homes or single-family detached dwellings may be developed in the area designated in the concept plan as “two-story twin home development.” No other uses are permitted in the PD-35 zone.

(Ord. No. O-2013-0014, Enacted 05/28/2013)

D. Development Standards. The standards and requirements set forth in Article 22-7 of the Orem City Code shall apply to the PD-35 zone, except as expressly modified below:

1. Height. The maximum height for all structures shall be thirty (30) feet.

2. Basements. Basements are allowed in all residential units and the restrictions pertaining to basements contained in Article 22-7 shall not apply in the PD-35 zone.

3. Setbacks. All buildings shall be set back at least twenty-five (25) feet from 1360 North Street, 1380 North Street and 320 West Street. All buildings shall be set back at least twenty (20) feet from all other property not part of the PD-35 zone. All garages shall be set back a minimum of nineteen (19) feet from the public sidewalk.

4. Parking. A minimum of two (2) parking spaces shall be provided for each dwelling, one of which shall be covered. A minimum of one-quarter (1/4) additional parking space shall be provided for each unit for guest parking within the area designated in the concept plan as “two-story twin home development.” Driveways shall not be counted toward the guest parking requirement.

5. Density. Density shall not exceed seven (7) units per acre.

6. Fencing. A six (6) foot high fence constructed of decorative concrete, decorative masonry, or vinyl shall be installed and maintained on the perimeter of the PD-35 zone, except that a fence is not required along 1360 North Street or 320 West Street nor shall it violate the provisions of Section 22-14-19 of the Orem City Code pertaining to clear vision areas. The fence adjacent to the Amiron Village private driveway shall be concrete or masonry. The fencing along the Gold Crest Estates Subdivision may remain as is or, if replaced, shall comply with the requirements of this subsection (6).


22-11-49. PD-36 zone (Orem Falls Business Park, 1200 North Geneva Road)

A. Purpose. The purpose of the PD-36 zone is to allow the development of a light industrial business or technology park that will accommodate a variety of commercial and light industrial uses in an environment that reflects a high level of concern for architectural,
landscaping and urban design principles. The PD-36 zone is designed to be applied only to a parcel of property located north of 1200 North Street, south of 1600 North Street, west of Interstate 15 and east of Geneva Road, as shown in Appendix “DD.” The PD-36 zone may only be applied to an area of at least 75 acres. (Ord. No. O-2013-0018, Enacted 07/09/2013)

B. Concept Plan. Property in the PD-36 zone shall be developed in conformance with the concept plan included as Appendix “DD” of the Orem City Code which is incorporated herein by reference and made a part hereof. The street designated as “Williams Business Park Road” and the north-south road shown on the concept plan shall be located generally as designated in Appendix “DD” but the exact location and name of either road may be adjusted as development needs may require. (Ord. No. O-2013-0018, Enacted 07/09/2013)

C. Permitted Uses. The following shall be permitted uses within the PD-36 zone:

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<thead>
<tr>
<th>Use Code</th>
<th>Category</th>
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<tbody>
<tr>
<td>2120</td>
<td>Meat &amp; Dairy</td>
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<tr>
<td>2130</td>
<td>General Food Manufacturing</td>
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<td>2140</td>
<td>Grain Mill Products-Manufacturing</td>
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<td>2160</td>
<td>Candy &amp; Other Confectionery Products</td>
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<td>2180</td>
<td>Liquor &amp; Spirits</td>
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<td>2181</td>
<td>Other Beverage Manufacturing</td>
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<td>2200</td>
<td>All Textile Mill Products, NEC</td>
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<td>2300</td>
<td>All General Apparel, NEC</td>
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<td>2400</td>
<td>All Lumber and Wood Products, NEC</td>
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<td>2820</td>
<td>Plastics, Materials and Synthetic Resins, Synthetic Rubber, Synthetic and Other Man Made Fibers (Except Glass) – Manufacturing</td>
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<td>2830</td>
<td>Drug-Manufacturing</td>
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<td>2840</td>
<td>Soap, Detergent &amp; Cleaning Preparations, Perfumes, Cosmetics and Other Toilet Preparations-Manufacturing</td>
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<td>3200</td>
<td>All Stone, Clay, Glass &amp; Associated Products, NEC (all manufacturing activities must be indoors but outdoor storage is allowed if obscured by a fence in accordance with Orem City Code Section 22-9-8(C))</td>
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<tr>
<td>3350</td>
<td>Rolling, Drawing and Extruding of NonFerrous Metals</td>
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<td>3410</td>
<td>All Fabricated Metal Products, Indoor Only</td>
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<td>3420</td>
<td>Machinery (Except Electrical)- Manufacturing</td>
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<td>3430</td>
<td>Electrical Machinery, Equipment and Supplies-Manufacturing</td>
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<td>3440</td>
<td>Transportation Equipment-Manufacturing</td>
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<td>3500</td>
<td>All Professional, Scientific, Photographic, Optical Instruments &amp; Associated Equipment, NEC</td>
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<td>Motor Vehicle Transportation</td>
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<td>Telephone Communications</td>
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<td>Telephone Exchange Stations</td>
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<td>4741</td>
<td>Television Broadcasting Studios</td>
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<td>4742</td>
<td>Television Transmitting Stations &amp; Relay Tower</td>
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<td>4751</td>
<td>Radio &amp; Television Broadcasting Studios, Only (Combo Systems)</td>
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<td>Freight Forwarding Services</td>
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<td>Packing &amp; Crating Services</td>
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<td>51xx</td>
<td>(all uses in Appendix “A” from 5111 to 5198 inclusive are permitted)</td>
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<td>Lumber Yards</td>
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<tr>
<td>5220</td>
<td>Building Materials, Equipment Supplies &amp; Hardware (Indoor Only)</td>
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<td>5251</td>
<td>Farm Equipment</td>
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<td>5261</td>
<td>Home Improvement Centers</td>
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<td>5310</td>
<td>Department Stores</td>
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<td>Other Retail Trade-General Merchandise</td>
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<td>Dry Goods &amp; General Merchandise</td>
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<td>Motor Vehicles (used)</td>
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<td>5520</td>
<td>Tires, Batteries and Accessories</td>
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<td>Retail Trade-Automotive, Marine Crafts, Aircraft, and Accessories, NEC</td>
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<td>Marine Craft &amp; Accessories</td>
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<td>Furniture &amp; Home Furnishings</td>
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<td>Restaurants</td>
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<td>5811</td>
<td>Fast Food</td>
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<td>5820</td>
<td>Drinking Places-Bars &amp; Taverns shall be at least 500 feet from any church, school, sexually oriented business, or other alcoholic drinking place</td>
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<tr>
<td>5910</td>
<td>Drug &amp; Related Drug Dispensing</td>
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<td>5931</td>
<td>Antiques</td>
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<td>5933</td>
<td>Secondhand Merchants</td>
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<td>6120</td>
<td>Security &amp; Commodity Brokers, Dealers, Exchanges</td>
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<td>6130</td>
<td>Insurance Agents, Brokers, &amp; Related Services</td>
</tr>
<tr>
<td>6150</td>
<td>Real Estate Agents, Brokers and Related Services</td>
</tr>
</tbody>
</table>
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D. Prohibited Uses. Any use not specifically permitted above shall be prohibited.

E. Final Plat and Site Plan. A final plat that conforms to all development standards and requirements of Chapter 17 must be approved and recorded by the City prior to any development in the PD-34 zone. All development standards and site plan requirements of Section 22-14-20 shall apply to any development in the PD-34 zone.

F. Development Standards. The standards and requirements applicable to the CM zone shall apply to the PD-36 zone except as expressly modified as follows:

1. Height. The maximum height for all buildings/structures shall be one hundred twenty-five feet (125'). The height limitation shall not apply to architectural features not used for human occupancy such as belfries, cupolas, domes, chimneys, ventilators, sky lights, cornices, antennas, or properly screened mechanical appurtenances, provided that such architectural features do not exceed an additional height of thirty feet (30').

2. Setbacks. All buildings shall be set back a minimum of twenty feet (20’) from all public streets and from all other property lines.

3. Parking. The standards and requirements of Article 22-15 of the Orem City Code shall apply to all parking in the PD-36 zone except as expressly modified herein. One parking stall per 750 square feet shall be required for the first 50,000 square feet of building area or portion thereof. One parking stall per 1,000 square feet shall be required for the second 50,000 square feet of building area or portion thereof. One parking stall per 1,500 square feet of building area shall be required for building space in excess of 100,000 square feet. Notwithstanding the foregoing, the parking requirement for office and retail space is one (1) parking stall per 250 square feet regardless of the size of the building. The parking standards for the specific use exceptions described in Orem City Code section 22-15-4(G) shall also apply in the PD-36 zone.

4. Architectural Style. Development in the PD-36 zone shall incorporate a unique and aesthetically pleasing architectural and design theme that conforms to the style and quality shown in Appendix “DD.”

5. Landscaping. All landscaping shall comply with the requirements applicable to the CM zone.

6. Streetscapes. All public streets in the PD-36 zone shall be designed, constructed and maintained in conformance with the sample streetscape included in the concept plan including sidewalks and landscaped strips as shown in the concept plan.

7. Signs. The provisions of Chapters 14 and 22 shall apply to signs in the PD-36 zone except as expressly modified below.

a. A maximum of one freestanding monument or freestanding pole sign shall be allowed per parcel. A freestanding monument or freestanding pole sign shall comply with the following requirements with respect to size, height and location:
G. Miscellaneous Regulations.

1. All manufacturing activities shall be conducted entirely within a building, except for loading and unloading, vehicle parking and fueling, itinerant merchants, and the sale of Christmas trees, plant materials, or other seasonal items. Maintenance equipment may also be stored outside of buildings within an area enclosed with a sight-obscuring fence. Any alternate location must be approved by the body approving the site plan.

2. The storage of merchandise outside an approved building shall be within an area enclosed with a sight-obscuring fence of six feet (6') in height; provided, however, that promotional displays and plant materials may be displayed outside of an approved building or enclosed area so long as they are placed appurtenant to a building wherein the business displays the bulk of its goods for sale. This subsection shall not apply to the sale of Christmas trees.

3. No excessive or offensive dust, odor, smoke, intermittent light, or noise shall be emitted which is discernible beyond the zone boundary lines, except that which emanates from the movement of automobiles. All property shall be maintained in such a manner as to avoid unreasonable interference with adjacent uses and to avoid public nuisances.

4. All off-street areas, loading areas, and vehicular traffic ways shall be paved.

5. No person shall store junk, partially or completely dismantled vehicles, or salvaged materials except as authorized on an approved site plan. Any such authorized storage shall be done entirely within a building or an area enclosed by an eight foot (8') sight obscuring fence.

6. All solid waste storage facilities shall be located at the rear of the main building or within an area enclosed with a sight obscuring fence or wall measuring one foot (1') higher than the height of the solid waste container. The minimum access width to a solid waste storage facility shall be fifteen feet (15').


22-11-50. PD-37 zone (Legacy at Orem--1450 South State Street)

A. Purposes. The purpose of the PD-37 zone is as follows:

1. To promote the redevelopment and beautification of properties in the vicinity of 1450 South and State Street.

2. To allow for the creation of a new housing alternative that will provide individuals with the opportunity to live in proximity to employment opportunities, retail shopping and public transportation thereby reducing traffic generation.

(Ord. No. O-2014-0004, Enacted 01/28/2014)

B. Location. The PD-37 zone may only be applied to an area located at the northwest corner of 1500 South and State Street as shown in Appendix "EE."

(Ord. No. O-2014-0004, Enacted 01/28/2014)

C. Permitted Uses. Condominiums and apartments are permitted in the PD-37 zone. All other uses are prohibited.

(Ord. No. O-2014-0004, Enacted 01/28/2014)

D. Concept Plan. The concept plan included herein as Appendix "EE" and incorporated herein by reference, designates in general terms the proportions, locations, and types of uses to be developed within the PD-37 zone and shall guide site layout and development within the zone. Development on any parcel to which the PD-37 zone has been applied must substantially conform to the approved concept plan. The concept plan may be amended in the same manner as an amendment to the zoning ordinance as set forth in Section 22-1-5 of the City Code.

(Ord. No. O-2014-0004, Enacted 01/28/2014)

E. Site Plan. All development standards and site plan requirements of Section 22-14-20 shall apply to any development in the PD-37 zone. No development, construction, revisions, or additions shall take place on a site in the PD-37 zone, except for demolition and preliminary site grading, until the site plan has been approved, the final plat has been recorded, the necessary bonds have been posted, all fees have been paid and the appropriate permits have been obtained.

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

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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 or recording of the site plan or 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.

(Ord. No. O-2014-0004, Enacted 01/28/2014)

F. **Development Standards.** The following development standards and requirements shall apply to all development in the PD-37 zone:

1. **Density.** The maximum density allowed shall be thirty-six (36) units per acre.

2. **Height.** No building or structure shall exceed sixty feet (60') in height, not including parapets, architectural features or roof features.

3. **Required Setbacks.** All buildings shall be set back at least twenty-five (25) feet from back of curb on State Street and (20) feet from all other public right of way curb lines. All buildings shall be set back at least twenty (20) feet from any property not a part of the PD-37 zone.

4. **Architectural Style.** Buildings in the PD-37 zone shall incorporate a unique and aesthetically pleasing architectural and design theme as shown in Appendix "EE." The design of buildings in the PD-37 zone shall incorporate diversity of detail and materials among individual buildings while maintaining a unique overall design theme for the entire development. All development and parking structures shall follow the overall architectural style and/or theme of the development. The Planning Commission shall deny approval for any site plan that fails to conform to the architecture and design requirements of this Section 22-11-50 and Appendix "EE" to ensure the aesthetic quality of the development and to ensure compliance with the purposes and requirements of this ordinance. The architectural style selected shall conform to the following general design guidelines outlined below:

   a. The architecture and design of all buildings shall conform to the architectural style and quality illustrated in the concept plan.

   b. The sides of all buildings shall demonstrate a variety in color, façade depth, relief, rhythm and roof line height with changes occurring in some of the before mentioned areas at least every sixty-six (66) linear feet. Façade depth shall change with a minimum of two (2) feet offset at least every sixty-six (66) linear feet on all sides of the buildings. All buildings shall be constructed with an acceptable mix of building materials and architectural features to achieve diversity of architecture.

   c. Balconies up to six feet (6') in depth but not less than three feet (3') are required on all units located above the ground level.

   d. Windows shall be required on the sides of all residential units adjacent to a street or plaza. Window designs throughout the project shall be varied to help create a diversity of architecture.

   e. The design and style of all development shall conform in all other respects to the general purpose and spirit of the PD-37 zone.

   f. Parking garages may not have direct access to or from State Street. Entrances and exits to parking garages shall also be designed so as not to be visible from State Street.

5. **Building Material.** All buildings shall be completed on all sides with acceptable finishing materials that are consistent with the general theme of the overall development. Building materials should be durable and suitable for the design in which they are used. The following materials are acceptable: brick, stone, cement board, cultured stone, glass, stucco, synthetic stucco (EIFS only), metal paneling or plaster. Wood, sheet metal, and corrugated metal, may be approved for trim, soffits, fascia, mansards and similar architectural features. The Planning Commission may approve other finishing materials that are similar in
appearance and durability. Vinyl siding and PVC shall not be allowed. In determining whether or not a particular finishing material is acceptable, the Planning Commission shall consider the following factors:

a. The degree to which the proposed finishing materials are durable and have low maintenance characteristics;

b. The degree to which the proposed finishing materials are consistent with the overall design goals;

c. The location of the proposed finishing material on the building;

d. The degree to which a particular finishing material may be shielded by landscaping or some other feature; and

e. The visibility of the site from public streets and neighboring uses.

6. **Drive Accesses.**

a. **Design.** All drive accesses within the interior of a development in the PD-37 zone shall be designated private on the concept plan. Drive accesses shall be designed and built according to the concept plan.

b. **Width.** All drive accesses shall be constructed with at least two travel lanes with each travel lane being a minimum of twelve feet (12') in width exclusive of areas available for parking.

7. **Sidewalks.** A sidewalk separated from the street by a landscaped strip shall be required in all areas of the PD-37 zone that are adjacent to a public street. Sidewalk adjacent to State Street shall be at least eight feet (8') in width and shall be separated from the street by a landscaped strip at least eight feet (8') in width as shown in Appendix EE. Sidewalk adjacent to 1500 South and 400 East shall be at least five feet (5') in width and shall be separated from the street by a landscaped strip at least eight feet (8') in width as shown in Appendix EE.

8. **Pedestrian Circulation.** The developer of property in the PD-37 zone shall provide pedestrian circulation routes in the development with access to the public right of way.

9. **Parking.**

a. Parking shall be provided as shown in the concept plan.

b. 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 having two or more bedrooms.

c. The above outlined parking requirements shall be met for each phase of development.

d. Angled and parallel parking may be provided on all interior drives.

e. At least one covered parking stall shall be provided for each unit.

f. Parking shall be located at least fifteen feet (15') from any back of curb adjacent to a public street.

10. **General Landscaping Requirements.**

a. Landscaping shall be maintained in the area between all buildings and back of sidewalks and the area between all parking and back of sidewalk. Landscaping shall also be maintained in all required landscaped strips. All land within the PD-37 zone not covered by buildings, driveways, sidewalks, plazas, courtyards, structures, recreation facilities, parks and parking areas shall be permanently landscaped with plants, shrubs, trees, grass, and similar landscaping materials. All landscaping shall be maintained in accordance with good landscaping practices. All landscaping shall have a permanent, working underground sprinkling system.

b. Deciduous trees at least two (2) inches in caliper measured six inches above ground level, and evergreen trees at least five (5) feet in height, are required at a ratio of one deciduous and one evergreen per every three thousand (3,000) square feet of landscaped area. Evergreen shrubs at least five (5) gallons in size are required at a ratio of one (1) per dwelling unit.

c. Trees shall be maintained in the required landscaped strips described in subsection (F)(7) above. The trees required under this subsection shall be spaced no more than forty feet (40') apart and shall consist of English Oak, Norway Maple, Littleleaf Linden or comparable trees approved by the City Urban Forester. The required trees shall be at least two inches (2") in caliper measured four feet (4') above the ground.

11. **Lighting Plan.** Each site plan shall include a lighting plan that is designed to discourage crime, enhance the safety of the residents and guests of the project, prevent glare onto adjacent properties and enhance the appearance and design of the project. Light fixtures shall be provided at each building entry. Parking lots and structures shall be well lit. All pathways in the development shall be sufficiently lit to provide a safe environment. Streetlights shall have a
decorative style and shall be dark-sky sensitive. No cobra-style light standards are allowed. Streetlights shall be installed on public streets in conformity with the standards of the City street lighting project. The general design of the light pole and head shall follow the general theme of the development.

12. **Amenities.** Amenities shown on the concept plan shall be incorporated into the development. If the development is constructed in phases, the amenities shown on the concept plan shall be included with the first phase.

13. **Storage.** The development shall provide areas for storage of bicycles. Such items shall not be permitted to be stored within common interior or exterior hallways of the development. No trash, used materials, or wrecked or abandoned vehicles or equipment shall be stored in an open area. Storage of commercial goods or materials outside of a building is prohibited.

14. **RV Storage.** The storage of Recreational Vehicles (RV’s) shall not be permitted within the PD-37 zone.

15. **Solid Waste Receptacles.** Solid waste receptacles which are not located within a building, excluding small decorative garbage cans, shall be enclosed on three sides with the same materials as used on the main structures within the PD-37 development with the remaining side used as a gate with appropriate screening materials.

16. **Storm Water Runoff Plan.** All development within the PD-37 zone shall have a storm water runoff plan designed to accommodate a twenty-five (25) year storm.

17. **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 provide maintenance and adequate site security in all public and common areas of the development.

18. **Soils Report.** A soils report prepared by a soils engineer shall be submitted concurrent with the submittal of any site plan to identify any special engineering needs of the site. All development shall be slab on grade unless a soils engineer determines that below grade development can be developed without present or future ground water problems and the City Engineer concurs in the analysis. Ground water drains shall be required if the soils report recommends them.

19. **Signage.** Except as otherwise provided herein, signage in the PD-37 zone shall comply with Chapter 14 of the Orem City Code.
   a. Wall signs may not exceed fifteen percent (15%) of the wall area of the residential building to which the sign is attached. One wall sign per building is permitted.
   b. Wall signs extending more than six inches (6”) from the wall and less than twenty-four inches (24”) shall not be within eight feet (8’) of the finished grade adjacent to the building at the base of the wall to which the sign is attached. Projecting signs, i.e., signs that project more than twenty four inches (24”) from the wall are prohibited.
   c. Three “on-premise,” ground monument signs shall be allowed. The monument signs may not exceed six feet in height or thirty-six square feet in size. The monument signs may not encroach into any “Clear Vision Area” as defined in this Chapter.

20. Fencing. A fence shall be constructed and maintained around the perimeter of the development as shown in Appendix EE. Where adjacent to a public street, the fence shall be constructed of decorative rock and/or wrought iron or similar material. No wood or chain link fencing shall be allowed. The maximum height of the fence shall be seven (7) feet outside of any clear vision area and shall be located behind the sidewalk.

(Ord. No. O-2014-0004, Enacted 01/28/2014)

G. **Bonds.**

1. **Purpose.** Prior to the recording of any final plat in the PD-37 zone and prior to the issuance of any building permit on land included within a PD-37 development, 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-37 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 improvement 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-37 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 of 10% warranty held for one (1) year.

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-37 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 for the completion of improvements from the Development Services Director. 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.

(Ord. No. O-2014-0004, Enacted 01/28/2014)

**H. Preliminary and Final Plat.** The form and contents of any preliminary and/or final plat and all construction drawings shall comply with the provisions of Chapter 17 of the Orem City Code. The final plat shall also designate common areas, limited common areas, private ownership areas, cross-easements, plat restrictions, lot restrictions, and other information required by the Planning Commission or Director of Development Services.

1. An application for a final plat in the PD-37 zone shall be prepared by a licensed surveyor and engineer and shall be submitted to the City, together with the required fees.

2. For any part of a development that contains condominiums, the developer shall submit three-dimensional drawings of buildings and building elevations. The developer shall also submit a written statement by an attorney who is licensed to practice in the State of Utah. This written statement shall be the attorney's opinion that the condominium declaration, the subdivision plat and the other supporting documentation comply in all respects with the Utah Condominium Ownership Act (UCA Sec. 57-8-1, et seq.) and all applicable federal, state and local laws and ordinances and that when the condominium declaration and final plat have been recorded in the office of the Utah County Recorder that the proposed project will be a validly existing and lawful condominium project in all respects.

3. In conjunction with an application for final plat approval, the applicant must submit to the City written approval of adjoining ditch or canal companies authorizing mandatory fencing or piping of ditches or canals.

4. The City Engineer shall approve the final plat provided he finds that the final plat complies with all applicable ordinances and all conditions imposed by the Planning Commission and the City Engineer. Following approval, the City Engineer shall authorize the recording of the final plat after all signatures are obtained, all approvals are given,
§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 “FF” 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:

<table>
<thead>
<tr>
<th>Use Code</th>
<th>Category</th>
</tr>
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<tbody>
<tr>
<td>1112</td>
<td>Condominiums</td>
</tr>
<tr>
<td>1120</td>
<td>Apartments</td>
</tr>
</tbody>
</table>

(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.

all bonds are posted with the Development Services Department and all fees are paid.

5. A final plat must be approved and recorded for each phase of construction.

6. All bonds shall be tendered prior to the issuance of a building permit.

(Ord. No. O-2014-0004, Enacted 01/28/2014)

I. **Alternate Development Standards.** All property in the PD-37 zone must be developed in conformity with the concept plan and the development standards contained in this Section 22-11-43. In the alternative, all of the property in the PD-37 zone may be developed according to the standards of the C2 zone. However, in order to ensure congruity of development, all property in the PD-37 zone must be developed entirely according to the standards and requirements of the PD-37 zone or must be entirely developed according to the standards and requirements of the C2 zone. If a site plan for property in the PD-37 zone has been approved according to PD-37 standards, no site plan shall be approved for the development of other property in the PD-37 zone according to C2 zone standards and vice versa.

(Ord. No. O-2014-0004, Enacted 01/28/2014)
(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...
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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.

(Ord. No. O-2013-0026, Enacted 10/22/2013)

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

(Ord. No. O-2013-0026, Enacted 10/22/2013)

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 section17-6-6 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 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.

(Ord. No. O-2013-0026, Enacted 10/22/2013)

22-11-52. **PD-39 Zone (Cascade Village) 920 North and State Street**

A. **Purpose.** The purpose of the PD-39 zone is to allow development of a high-density residential apartment complex.

(Ord. No. O-2013-0036, Enacted 12/10/2013)

B. **Location.** The PD-39 zone shall apply only to a parcel of property located generally at 920 North State Street as shown in the concept plan.

(Ord. No. O-2013-0036, Enacted 12/10/2013)

C. **Concept Plan.** Property in the PD-39 zone shall be developed in substantial conformance with the concept plan included as Appendix “HH” of the Orem City Code which is incorporated herein by reference.

(Ord. No. O-2013-0036, Enacted 12/10/2013)

D. **Permitted Uses.** The uses listed below shall be permitted uses within the PD-39 zone:

**Standard Land**

<table>
<thead>
<tr>
<th>Use Code</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>1112</td>
<td>Condominiums</td>
</tr>
<tr>
<td>1120</td>
<td>Apartments</td>
</tr>
</tbody>
</table>

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

(Ord. No. O-2013-0036, Enacted 12/10/2013)

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-39 zone.

(Ord. No. O-2013-0036, Enacted 12/10/2013)

G. **Site Plan.** All development standards and site plan requirements of Section 22-14-20 shall apply to any development in the PD-39 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. Market conditions shall be considered as a factor in determining whether or not an extension should be granted.

(Ord. No. O-2013-0036, Enacted 12/10/2013)
H. Development Standards and Requirements.

The following development standards and requirements shall apply to all development in the PD-39 zone:

1. Density. The maximum density allowed shall be thirty-five (35) dwellings per acre.

2. Height. The height for all structures in a PD-39 development shall be no more than fifty feet (50'). All development shall be a maximum of three (3) stories.

3. Setbacks. All buildings shall be set back a minimum of twenty-five (25) feet from State Street, twenty (20) feet from 920 North Street, and eighteen (18) feet from the new 400 West Street, and ten (10) feet from the South property line. All parking spaces (covered or uncovered), and accessory structures shall be set back a minimum of twenty feet (20') from State Street and 920 North and eighteen (18) feet from all other public and private streets. However, driveways leading from 400 West into garages shall be allowed provided the driveways are at least eighteen (18) feet long and do not encroach on a public sidewalk. Setbacks shall be measured from the property line. All setbacks shall be landscaped and bermed to screen development behind the setback areas.

4. Architectural Style. Buildings in the PD-39 zone shall substantially conform to the architectural design and quality illustrated in the concept plan. At least fifty percent (50%) of all residential units shall have a balcony.

5. Buffered Sidewalks. A buffered sidewalk separated from the street by a landscaped strip shall be installed and maintained adjacent to State Street, 920 West and on the west side of 400 West. The sidewalk shall be at least five feet (5') in width adjacent to 920 North and 400 West and six feet (6) in width adjacent to State Street. The landscaped strip shall be at least eight feet (8') in width adjacent to all streets and shall be bermed to a height of at least one foot above the grade of the adjacent sidewalk. Trees shall be planted and maintained in the buffering landscaped strip and shall be spaced no more than forty feet (40') apart. Trees in the buffering landscaped strip shall be selected from Appendix U of the Orem City Code and shall be at least two inches (2") in caliper when planted. At least a proportionate share of the required sidewalk and buffering landscaped strip improvements shall be constructed with each phase of development in the PD-39 zone.

6. Exterior Finishing Materials. The exterior walls of all structures shall be finished with stone, brick veneer, Hardiboard, stucco or other materials of an equivalent quality and appearance. Board, batten or shake material accents are permitted. No wall on an unbroken plain shall be longer than 65 feet.

7. Parking. At least one and one-half (1.5) parking stalls shall be provided for each one bedroom unit and at least two (2) parking stalls shall be provided for each unit having two or more bedrooms. 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 walkways. All covered parking structures shall be designed with the same architecture as the main structures within the PD-39 zone.

8. Signs. One monument sign with a maximum area of forty-eight (48) square feet and one monument sign with a maximum area of thirty-six (36) square feet, both with a maximum height of six feet (6') shall be allowed in the PD-39 zone. Two (2) portable banner signs, each with a maximum area of fifty (50) square feet shall be allowed in the PD-39 zone and shall comply with the requirements for banner signs set forth in Chapter 14. All other signage in the PD-39 zone shall comply with Chapter 14 of the Orem City Code.

9. Fences. A fence with a minimum height of six feet (6') and a maximum height of eight feet (8') shall be erected and maintained on the south boundary of the PD-39 zone unless the parcel to the south is combined or integrated with the PD-39 zone through cross access and shared parking, in which case a fence will not be required. A masonry fence with a height of seven feet (7') shall be erected and maintained on the west boundary where the PD-39 zone abuts residentially zoned property. The entire length of the fence along the south boundary shall be constructed using the same design and materials. All fences constructed of sight-obscuring materials shall be painted with a high grade oil base paint/sealant that resists graffiti. However, vinyl fences do not need to be painted. Chain link fences with or without slats are not permitted.

10. Landscaping. Landscaping shall be provided 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-39 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 acreage of the entire development shall remain in permanently landscaped areas.

c. For every three (3) 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.

11. Lighting Plan. Any development in the PD-39 zone shall include a lighting plan. There shall be no direct glare from lighting in the PD-39 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-39 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.

12. 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.

13. Recreational vehicle (RV) Storage. No recreational vehicle shall be parked or stored within the PD-39 zone.

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

15. 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.

16. 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.

17. 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-39 zone.

18. 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-39 zone. All utility meters shall be screened so they are not visible from a public street.

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

20. Default Standards. Except as otherwise provided herein, the provisions and standards of the PRD zone shall apply in the PD-39 zone.

21. Alternate Development Standards. All property in the PD-39 zone must be developed in conformity with the concept plan and the development standards contained in this Section 22-11-52. In the alternative, all of the property in the PD-39 zone may be developed according to the standards of the C3 zone. However, to ensure congruity of development, all property in the PD-39 zone must be developed entirely according to the standards and requirements of the PD-39 zone or must be entirely developed according to the standards and requirements of the C3 zone. If a site plan for property in the PD-39 zone has been approved according to PD-39 standards, no site plan shall be approved for the development of other property in the PD-39 zone according to C3 standards and vice versa.

(Ord. No. O-2013-0036, Enacted 12/10/2013)

1. Bonds.

1. Purpose. Prior to the recording of any final plat in the PD-39 zone and prior to the issuance of any building permit on land included
within the PD-39 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-39 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-39 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 section17-6-6 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-39 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 for the completion of improvements from the Development Services Director. 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.

(Ord. No. O-2013-0036, Enacted 12/10/2013)

22-11-53. **PD-40 Zone, 460 South State Street**

A. **Purpose.** The purpose of the PD-40 zone is to allow development of a high-density residential apartment complex and mixed use development which maintains the street-level commercial character of State Street. 

(Ord. No. O-2014-0005, Enacted 02/25/2014)

B. **Location.** The PD-40 zone shall apply only to a parcel of property located generally at 464 South State Street as shown in the concept plan.

(Ord. No. O-2014-0005, Enacted 02/25/2014)

C. **Concept Plan.** Property in the PD-40 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. Area A shall consist of a high-density residential apartment complex and Area B shall consist of a mixed use development.

(Ord. No. O-2014-0005, Enacted 02/25/2014)
D. Perm[itted Uses]. The uses listed below shall be permitted uses within the PD-40 zone:

<table>
<thead>
<tr>
<th>Area A:</th>
<th>Standard Land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use Code</td>
<td>Category</td>
</tr>
<tr>
<td>1112</td>
<td>Condominiums</td>
</tr>
<tr>
<td>1120</td>
<td>Apartments</td>
</tr>
</tbody>
</table>

Area B: All uses permitted in the C2 zone plus:

<table>
<thead>
<tr>
<th>Standard Land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use Code</td>
</tr>
<tr>
<td>1112</td>
</tr>
<tr>
<td>1120</td>
</tr>
</tbody>
</table>

(Ord. No. O-2014-0005, Enacted 02/25/2014)

E. Prohibited uses. Any use not specifically listed in subparagraph (D) above shall be prohibited.
(Ord. No. O-2014-0005, Enacted 02/25/2014)

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-40 zone.
(Ord. No. O-2014-0005, Enacted 02/25/2014)

G. Site Plan. All development standards and site plan requirements of Section 22-14-20 shall apply to any development in the PD-40 zone.
(Ord. No. O-2014-0005, Enacted 02/25/2014)

H. Development Standards and Requirements. The following development standards and requirements shall apply to all development in the PD-40 zone:

1. Density. The maximum density allowed shall be twenty-four (24) dwellings per acre (measured as an average across the entire zone).

2. Height. The height for all structures in the PD-40 zone shall not exceed fifty (50) feet. All development shall be limited to a maximum of four stories.

3. Setbacks. All buildings in Area A that contain residential dwellings shall be set back a minimum of twenty (20) feet from property not part of the PD-40 zone and from all public streets. All buildings in Area B that contain residential dwellings shall be set back a minimum of ten (10) feet from property not part of the PD-40 zone and twenty (20) feet from all public streets. Carports shall be set back at least five (5) feet from adjacent property lines. All parking spaces, drives, and accessory structures shall be set back a minimum of twenty (20) feet from Orem Boulevard and State Street. Except as otherwise provided herein, no setback is required for storage units (allowed only for the use of tenants in the project) or other accessory structures from adjacent property lines.

4. Architectural Style. Buildings in the PD-40 zone shall substantially conform to the architectural design and quality illustrated in the concept plan. Buildings in the PD-40 zone shall also substantially conform to the color scheme shown in the concept plan.

5. Buffered Sidewalks. A buffered sidewalk separated from the street by a landscaped strip shall be installed and maintained adjacent to State Street and Orem Boulevard. The sidewalk shall be at least five feet (5') in width adjacent to Orem Boulevard and six feet (6) in width adjacent to State Street. The landscaped strip shall be at least eight feet (8') in width adjacent to all streets and shall be bermed to a height of at least one foot above the grade of the adjacent sidewalk. Trees shall be planted and maintained in the buffering landscaped strips and shall be spaced no more than forty feet (40') apart. Trees in the buffering landscaped strips shall be selected from Appendix U of the Orem City Code and shall be at least two inches (2") in caliber when planted. At least a proportionate share of the required sidewalk and buffering landscaped strip improvements shall be constructed with each phase of development in the PD-40 zone.

6. 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-40 zone.

7. Fences. A fence with a minimum height of six (6) feet and maximum height of seven (7) feet shall be erected on the perimeter of the property included within the PD-40 zone, except that no fence shall be required along street frontages. The entire length of the perimeter fence shall be constructed of SimTek fencing materials and shall be consistent in design for the entire length of the fence. The fence shall be painted with a high grade oil base paint/sealant that resists graffiti. The height of any fence in a clear vision area shall be limited to three feet (3').

8. Landscaping. Landscaping shall be provided 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-40 zone not covered by buildings, driveways, sidewalks, and parking areas, shall be permanently landscaped with trees, shrubs, lawn, or ground cover and shall be maintained in accordance...
with good landscaping practice. All required setback areas adjacent to public streets shall be landscaped. A permanent underground sprinkling system shall be installed for all landscaped areas.

b. At least twenty-five percent (25%) of the net acreage of the entire development shall remain in permanently landscaped areas.

c. For every three (3) 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 (6) inches 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-40 zone shall include a lighting plan. The lighting plan shall be designed to:
   a. discourage crime;
   b. enhance the safety of the residents and guests of the PD-40 development;
   c. prevent glare onto adjacent properties; and
   d. enhance the appearance and design of the project.

10. Parking. At least two and one-quarter (2.25) parking spaces shall be provided for each dwelling unit with at least one covered stall per unit. The parking requirements shall be met for each phase of construction. Parking for commercial uses in Area B shall be provided at the rate required in Article 22-15 of the Orem City Code. Parking for commercial uses in Area B shall be located between the commercial uses and State Street as shown in the concept plan. 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.

11. Recreational Vehicle (RV) Storage. No recreational vehicle shall be parked or stored within the PD-40 zone.

12. Storage Units. Storage units for the residential tenants may be provided. However, use of such storage units is limited to use by the residential tenants and any lease, rental or sale of storage units to any person or entity that is not a resident is prohibited.

13. 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.

14. Exterior Finishing Materials. At least fifty-five percent (55%) of the exterior walls of all structures shall be finished with brick, stone, fiber cement board, stucco, glass or any combination thereof. Up to, but no more than thirty percent (30%) of the exterior finish materials may consist of metal, both vertical and horizontal rib. Metal or vinyl soffits and trims are permitted and do not count in the percentages required above. No wall on an unbroken plain shall be longer than sixty-five (65) feet.

15. Storm Water Runoff Plan. A storm water runoff plan designed to accommodate a 25-year storm and a detention system with a maximum allowable discharge rate of sixty gallons per minute, per acre (60 g.p.m./ac) shall be provided for any development in the PD-40 zone.

16. 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.

17. 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.

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 Area A and the standards of the C2 zone shall apply in Area B of the PD-40 zone.

20. Alternate Development Standards. All property in the PD-40 zone must be developed in conformity with the concept plan and the development standards contained in this Section 22-11-53. In the alternative, all of the property in the PD-40 zone may be developed according to the standards of the C2 zone. However, to ensure congruity of development, all property in the PD-40 zone must be developed entirely according to the standards and requirements of the PD-40
I. Bonds.

1. Purpose. Prior to the recording of any final plat in the PD-40 zone and prior to the issuance of any building permit on land included within the PD-40 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-40 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-40 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-40 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.

§22-11-54  PD-41 Zone, 1200 West Center

A. **Purpose.** The purpose of the PD-41 zone is to allow for the development of a mixed use project including high-density residential apartments and retail pads.

B. **Location.** The PD-41 zone shall apply only to a parcel of property located generally at the northeast corner of 1200 West and Center Street as shown in the concept plan.

C. **Concept Plan.** Property in the PD-41 zone shall be developed in substantial conformance with the concept plan included as Appendix “JJ” of the Orem City Code which is incorporated herein by reference. Area A shall consist of a high-density residential apartment complex and Area B shall consist of a commercial development.

D. **Permitted Uses.** The uses listed below shall be permitted uses in the PD-41 zone:

<table>
<thead>
<tr>
<th>Standard Land Use Code</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>1112</td>
<td>Condominiums</td>
</tr>
<tr>
<td>1120</td>
<td>Apartments</td>
</tr>
</tbody>
</table>

Area B: All uses permitted in the C3 zone.

E. **Prohibited Uses.** Any use not specifically listed in subsection (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-41 zone.

G. **Site Plan.** All development standards and site plan requirements of Section 22-14-20 shall apply to any development in the PD-41 zone. No development, construction, revisions, or additions shall take place on a site in the PD-41 zone, except for demolition and preliminary site grading, until the site plan has been approved, the final plat has been recorded, the necessary bonds have been posted, all fees have been paid, and the appropriate permits have been obtained.

1. **Additional Site Plan Requirements.** In addition to the requirements of Section 22-14-20, the site plan shall include details of amenities and their locations within the project.

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 site plan.

H. **Development Standards.** The following development standards shall apply to all development in the PD-41 zone.

1. **Density.** The maximum density for residential development in Area A shall be seventeen (17) units per acre.

2. **Height.** No building in the PD-41 zone shall exceed forty-five feet (45’) in height in Area A and fifty-five (55) feet in Area B, not including parapets, architectural features or roof features, measured from finished grade.

3. **Setbacks.** All buildings and parking spaces shall be set back at least twenty (20) feet from all property lines. Porches, cantilevers, canopies and ‘pop out’ windows may encroach into the setback a maximum of two feet (2’). Landscaping shall be maintained in the required setback areas. In Area B no interior setbacks are required.

4. **Architectural Style.** All buildings in the PD-41 zone shall substantially conform to the architectural design and quality illustrated in the concept plan. The design of buildings in the PD-41 zone shall incorporate diversity of detail and materials among individual buildings while maintaining a unique overall design theme for the entire development.

   a. The following specific guidelines shall apply to residential development in Area A:

   (1) Buildings shall demonstrate architectural variety through elements such as porches, rear loaded garages, window size, materials and color.

   (2) Balconies up to six feet (6’) in depth but not less than three (3) feet are required on at least fifty (50%) of all residential units for the entire site.

   (3) Neither flat, three-tab cut asphalt shingles nor rolled roofing shall be allowed on any roof that has a slope of four feet of rise to twelve feet of run (4/12) or greater.
(4) At least two product types are required as shown by varying footprints.
(5) Three material types (stone, stucco and cement board) are required on each livable structure.
(6) The project shall include at least two color schemes.

b. The following specific guidelines shall apply to commercial development in Area B:

(1) All buildings in Area B will share a similar architectural character by utilizing the same materials, colors, features, forms, and design elements as appropriate to the scale of the various building sizes and depths. Architectural design of buildings shall incorporate a variety of parapet heights and vertical planes.

(2) Design elements shall be used to add interest and beauty on all visible sides of the buildings.

5. Exterior Finishing Materials. All buildings shall be completed on all sides with brick, stone, glass, stucco, synthetic stucco (EIFS only), cement board or plaster. Wood, sheet metal, and corrugated metal, may be approved for trim, soffits, fascia, mansards and similar architectural features.

6. Buffered Sidewalks. A buffered sidewalk separated from the street by a landscaped strip shall be installed and maintained adjacent to Center Street. The sidewalk shall be at least eight feet (8') in width. The landscaped strip shall be at least eight feet (8') in width and shall be bermed to a height of at least one foot above the grade of the adjacent sidewalk. The landscaped strip shall be maintained with grass and trees with trees being planted and maintained in the buffering landscaped strip and spaced no more than forty feet (40') apart. Trees in the buffering landscaped strip shall be selected from Appendix U of the Orem City Code and shall be at least two inches (2") in caliper when planted. At least a proportionate share of the required sidewalk and buffering landscaped strip improvements shall be constructed with each phase of development in the PD-41 zone. All interior sidewalks shall be at least five (5) feet in width.

7. Drive Accesses. Drive accesses shall be designed and built as shown in the concept plan. All drive accesses shall be constructed with at least two travel lanes with each travel lane being a minimum of (12) feet in width exclusive of areas available for parking.

8. Parking. At least two (2) parking stalls shall be provided for every residential unit with at least one covered stall per unit. Parking for Area B shall be the same as required in the PD-41 zone. All parking spaces shall comply with Article 22-15. The parking requirements shall be met for each phase of construction.

9. Landscaping. Landscaping shall be provided 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-41 zone not covered by buildings, driveways, sidewalks, plazas, courtyards, structures, recreation facilities, parks and parking areas, shall be permanently landscaped with plants, shrubs, trees, rocks, grass, and similar landscaping materials and shall be maintained in accordance with good landscaping practices. At least seventy percent (70%) of the landscaped areas must be maintained in living, vegetative materials. All landscaping shall have a permanent, underground sprinkling system.

b. Deciduous trees at least two (2) inches in caliper measured six inches above ground level, and evergreen trees at least five (5) feet in height, are required at a ratio of one deciduous and one evergreen per every three thousand (3,000) square feet of landscaped area. Evergreen shrubs at least five (5) gallons in size are required at a ratio of one (1) per dwelling unit.

10. Fences. A precast wall with a minimum height of six (6) feet and a maximum height of eight (8) feet shall be erected on the west and north property lines of the property included within the PD-41 zone, except that no fence shall be required along street frontages or on the eastern boundary of the PD-41 zone. The entire length of the perimeter fence shall be constructed using the same design, color and materials. Wood, chain link and vinyl fencing is prohibited.

11. Signs. Except as otherwise provided below, signage in the PD-41 zone shall comply with Chapter 14 of the Orem City Code. The following additions and modifications shall apply to signage in the PD-41 zone:

a. Two monument signs with a maximum height of six feet and a maximum area of forty-eight square feet shall be allowed in Area A and shall be located within fifty feet (50') of the entrance to the PD-41 zone from Center Street and 1200 West.
b. Notwithstanding any other provision in City Code to the contrary, pole signs shall be allowed in Area B as if Area B were in sign zone E.

12. Lighting Plan. Each site plan shall include a lighting plan that is designed to discourage crime, enhance the safety of the residents and guests of the project, prevent glare onto adjacent properties and enhance the appearance and design of the project. Exterior wall pack lighting shall be provided on each building. Parking lots and structures shall be well lit. Interior street pole lights shall have a decorative style and shall be dark-sky sensitive. No cobra-style light standards are allowed. The general design of the interior street pole lights shall follow the general theme of the development.

13. Amenities. Amenities shown on the concept plan shall be incorporated into the development.

14. RV Storage. The storage of Recreational Vehicles (RV’s) shall not be permitted within the PD-41 zone.

15. Solid Waste Receptacles and Storage Areas. All outside storage areas and solid waste receptacles which are not located within a building shall be enclosed on three sides with a masonry wall at least six feet (6’) in height and shall have a sight-obscuring gate.

16. Storm Water Runoff Plan. All development within the PD-41 zone shall have a storm water runoff plan designed to accommodate a twenty-five (25) year storm with a maximum allowable discharge rate of sixty gallons per minute, per acre (60 g.p.m/acre).

17. 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 provide maintenance and upkeep of the common areas of the development.

18. Soils Report. A soils report prepared by a soils engineer shall be submitted concurrent with the submittal of any site plan to identify any special engineering needs of the site. All development shall be slab on grade unless a soils engineer determines that below grade development can be developed without present or future ground water problems and the City Engineer concurs in the analysis. Ground water drains shall be required if the soils report recommends them.

19. 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-41 zone.

20. Mechanical Equipment. All mechanical equipment shall be screened from view, either by enclosure or parapet wall. Any truck dock areas shall also be similarly screened from view.

21. Outdoor Storage and Display. Outdoor storage and display of products or materials is prohibited in Area B.


1. Bonds.

1. Purpose. Prior to the recording of any final plat (if applicable) in the PD-41 zone and prior to the issuance of any building permit on land included within a PD-41 development, 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 (if applicable) of the approved site plan, preliminary plat, final plat, concept plan, the PD-41 ordinance and other applicable City ordinances, including but not limited to landscaping and sprinkling systems, asphalt, curb, gutter, sidewalk, fencing, 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 improvement 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-41 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.

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
Purpose. The purpose of the PD-43 zone is to allow for a medium density development of attached residential units consisting of townhouses and twin-homes.

(Ord. No. O-2014-0036, Enacted 08/26/2015)

B. Location. The PD-43 zone shall apply only to a parcel of property located generally at 2000 South Geneva Road as shown in the concept plan.

(Ord. No. O-2014-0036, Enacted 08/26/2015)

C. Concept Plan. Property in the PD-43 zone shall be developed in substantial conformance with the concept plan included as Appendix “LL” of the Orem City Code which is incorporated herein by reference. Area A shall consist of a medium-density residential development and Area B shall consist of a senior independent living facility or commercial development.

(Ord. No. O-2014-0036, Enacted 08/26/2015)

D. Permitted Uses. Attached or detached residential dwelling units including townhouses and twin-homes are permitted in Area A. However, no stacked units shall be allowed in Area A. Common recreation amenities that are customarily incidental to and accessory to attached unit residential developments shall also be permitted in Area A. A senior independent living facility and any use permitted in the C2 zone shall be permitted in Area B.

(Ord. No. O-2014-0036, Enacted 08/26/2015)

E. Prohibited Uses. Any use that is not listed as a permitted use in subsection (D) above is prohibited.

(Ord. No. O-2014-0036, Enacted 08/26/2015)

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-43 zone.

(Ord. No. O-2014-0036, Enacted 08/26/2015)

G. Site Plan. All development standards and site plan requirements of Section 22-14-20 shall apply to any development in the PD-43 zone. No development, construction, revisions, or additions shall take place on a site in the PD-43 zone except for demolition and preliminary site grading, until the site plan has been approved, the final plat has been recorded, the necessary bonds have been posted, all fees have been paid, and the appropriate permits have been obtained.

1. Additional Site Plan Requirements. In addition to the requirements of Section 22-14-20, the site plan shall include details of amenities and their locations within the project.

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...
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The following development standards shall apply to all development in the PD-43 zone.

1. **Density.** The maximum residential density allowed shall be twelve (12) dwelling units per acre.

2. **Height.** No structure in Area A shall exceed a height of thirty-five feet (35'). No structure in Area B shall exceed a height of forty-five feet (45').

3. **Setbacks.**
   a. **Area A.** All buildings in Area A shall be set back a minimum of twenty feet (20') from all outside boundary lines of the PD-43 zone, from all private streets and from the shared boundary line between Area A and Area B. All parking spaces shall be set back a minimum of twenty feet (20') from all outside boundary lines of the PD-43 zone and ten feet (10') from the shared boundary line between Area A and Area B. Landscaping shall be maintained in all required setback areas.
   b. **Area B.** All buildings in Area B shall be set back from all public streets and the shared boundary line between Area A and Area B a distance equal to the height of the building or twenty feet (20'), whichever is greater. All parking spaces shall be set back a minimum of twenty feet (20') from all outside boundary lines of the PD-43 zone and ten feet (10') from the shared boundary line between Area A and Area B. Landscaping shall be maintained in all required setback areas.

4. **Architectural Style.** All buildings in the PD-43 zone shall substantially conform to the architectural design and quality illustrated in the concept plan.

5. **Exterior Finish Materials.** The exterior finish materials of all exterior walls on all dwelling units in the PD-43 zone shall consist entirely of brick, stone, stucco, concrete fiber-board siding, or a combination thereof. Wood or vinyl siding shall not be used on units in the PD-43 zone. However, metal or vinyl soffits and trims are permitted.

6. **Buffered Sidewalks.** A buffered sidewalk separated from the street by a landscaped strip shall be installed and maintained adjacent to all public streets. The sidewalk shall be at least six feet (6') in width. The landscaped strip shall be at least eight feet (8') in width and shall be bermed to a height of at least one foot above the grade of the adjacent sidewalk. The landscaped strip shall be maintained with grass and trees with trees being planted and maintained in the buffering landscaped strip and spaced no more than forty feet (40') apart. Trees in the buffering landscaped strip shall be selected from Appendix U of the Orem City Code and shall be at least two inches (2") in caliper when planted. At least a proportionate share of the required sidewalk and buffering landscaped strip improvements shall be constructed with each phase of development in the PD-43 zone.

7. **Interior Streets.** All streets located within the interior of the PD-43 zone shall be private. Interior streets shall have a minimum asphalt width of twenty-eight feet (28'), Interior streets and sidewalks shall be common area and shall be maintained by the unit owners’ association that has jurisdiction of the area in which they are located.

8. **Drive Accesses.** Drive accesses shall be designed and built as shown in the concept plan. All drive accesses shall be constructed with at least two travel lanes with each travel lane being a minimum of (12) feet in width exclusive of areas available for parking.

9. **Interior Sidewalks.** A sidewalk at least five feet (5') in width shall be constructed and
maintained along at least one side of all private streets.

10. **Parking.** At least two and one-half (2.5) parking stalls, two of which must be covered, shall be provided for each dwelling unit. Driveways shall not count towards the parking requirement. All parking spaces shall measure at least nine feet (9') by eighteen feet (18'). All parking spaces, parking areas, and driveways shall be paved with asphalt and/or concrete and shall be designed to drain properly. Drainage shall not be channeled or caused to flow across pedestrian walkways.

11. **Fences.** A masonry fence with a minimum height of seven feet (7') shall be erected around the entire perimeter of the PD-43 zone and along the boundary between Area A and Area B except that no fence shall be required along street frontages. The entire perimeter fence shall be constructed of the same materials and have the same design, color and style to ensure a uniform appearance. The developer shall paint the masonry fence with a high grade oil base paint/sealant or with a paint/sealant approved by the City that resists graffiti. A fence may only be allowed along the frontage of a public street if the City Engineer determines that such a fence will not cause any traffic safety concerns, the fence is set back at least ten feet (10') behind the back of sidewalk and the fence does not exceed a height of seven feet (7').

12. **Landscaping.** Landscaping shall be provided and maintained as generally shown in the concept plan. Landscaping shall be maintained in all required setback areas. A landscaping plan shall be submitted to the City for approval as a part of the site plan for any phase of development. All required landscaping within the area of any phase shall be completed within ninety (90) days of completion of the building construction within that phase. In the event that the building is completed between October 15 and March 15, completion of the landscaping may be delayed until the next June 15 following said March 15 date.

a. All land within the PD-43 zone not covered by buildings, driveways, sidewalks, and parking areas, shall be permanently landscaped with trees, shrubs, lawn, or ground cover and maintained in accordance with good landscaping practices. At least seventy percent (70%) of the landscaped areas must be maintained in living, vegetative materials. A permanent underground sprinkling system shall be installed for all landscaped areas.

b. For every two (2) dwelling units there shall be required on the site at least one (1) deciduous tree at least two inches (2") in caliper measured six inches (6") above ground level, one (1) evergreen tree at least five (5) gallons in size, and sixteen (10) shrubs at least five (5) gallons in size.

13. **Lighting Plan.** Each site plan shall include a lighting plan that is designed to discourage crime, enhance the safety of the residents and guests of the project, prevent glare onto adjacent properties and enhance the appearance and design of the project. Exterior wall pack lighting shall be provided on each building. Parking lots and structures shall be well lit. Interior street pole lights shall have a decorative style and shall be dark-sky sensitive. No cobra-style light standards are allowed. The general design of the interior street pole lights shall follow the general theme of the development.

14. **Off-site Improvements.** Off-site curb, gutter and sidewalk along street rights-of-way bordering the site may be required by the City when safety or surface water drainage is impaired as a result of the proposed PD-43 zone.

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

16. **Storm Water Runoff Plan.** All developments in the PD-43 zone shall have a storm water runoff plan designed to accommodate a 25-year storm. Any on-site detention ponds may be considered in and part of required landscaped areas. All surface water runoff shall be detained on site.

17. **Signs.** Except as otherwise provided below, signage in the PD-43 zone shall comply with Chapter 14 of the Orem City Code. The following additions and modifications shall apply to signage in the PD-43 zone:

a. One monument sign with a maximum height of six feet and a maximum area of forty-eight square feet shall be allowed in Area B.

b. Three monument signs shall be allowed in Area A with each monument sign limited to a height of six feet and a maximum size of twenty-four (24) square feet.

c. All permitted monument signs shall be constructed in accordance with the setback and landscaping requirements of Chapter 14 of the Orem City Code.

18. **Accessory Apartments.** Accessory apartments are not permitted in the PD-43 zone.

19. **RV Storage.** Open storage of recreational vehicles (RVs), utility trailers, boats and similar items shall be prohibited in the PD-43 zone.
20. **Utilities.** All dwelling units 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.

21. **Amenities.** Amenities shown on the concept plan shall be incorporated into the development.

22. **Solid Waste Receptacles and Storage Areas.** All outside storage areas and solid waste receptacles which are not located within a building shall be enclosed on three sides with a masonry wall at least six feet (6') in height and shall have a sight-obscuring gate.

23. **Unit Owners’ Association.** A unit owners’ association shall be formed and maintained to provide maintenance and upkeep of all common areas in the PD-43 zone. Prior to receiving a building permit for any property in the PD-43 zone, the owner/developer shall provide proof to the City of Orem that a unit owners’ association has been established for the property on which the building permit is requested.

24. **Mechanical Equipment.** All mechanical equipment shall be screened from view, either by enclosure or parapet wall. Any truck dock areas shall also be similarly screened from view.

25. **Default Standards.** Except as otherwise provided herein, the provisions and standards of the PRD zone shall apply in Area A and the standards of the C2 zone shall apply in Area B of the PD-43 zone.

26. **Neighborhood Meeting.** The owner/developer of any development in the PD-43 zone shall conduct at least one (1) neighborhood meeting in accordance with Section 22-14-20(I) to explain the proposed development and to address all neighborhood concerns. Written notice shall be given by the owner/developer to all residents within five hundred feet (500') in all directions of the proposed development. Notice of the meeting shall be delivered by the owner/developer at least seven (7) days prior to the date of the meeting. Phone calls or informal door-to-door contacts are not considered neighborhood meetings. Such meeting(s) shall be accomplished prior to any site plan being submitted to the City. The owner/developer shall write a summary of the neighborhood meeting and submit it as part of the site plan.

(Ord. No. O-2014-0036, Enacted 08/26/2015)

22-11-57. **PD-44 (Residential Estate) – 1450 East 1060 North**

A. **Purpose.** The purpose of the PD-44 Zone is to provide an area within the City where residential estate uses on lots of at least forty two hundredths (0.42) of an acre may be developed and that may develop with an enclosed recreational facility as regulated in this section.


B. **Additional Regulations.** Refer to the following Articles for additional regulations:

1. Article IV, Conditional Use Permits.
2. Article XIV, Supplementary Regulations.
3. Article XV, Off-street Parking.


C. **Zone Boundary.** The boundaries of the PD-44 Zone are designed on the Zoning Map of the City of Orem, Utah.


D. **Permitted Uses.** Residential dwellings and associated accessory uses and structures shall be permitted uses in the PD-44 Zone.


E. **Conditional Uses.** A property owner shall obtain a conditional use permit for any accessory structure with a footprint that is twelve thousand (12,000) square feet or larger. A property owner requesting a bubble type covering or enclosure for recreational facilities shall obtain a conditional use permit from the City Council prior to its erection.


F. **Prohibited Uses.** Any use not listed in subsections (D) and (E) above are prohibited.


G. **Residential Square Footage.** The minimum square footage for residential dwellings in the PD-44 Zone shall be two thousand two hundred (2,200) square feet of finished floor area above grade for a single story dwelling, and three thousand (3,000) square feet above grade for multiple story dwellings. The required square footage is exclusive of open porches and garages.


H. **Building Heights.**

1. Residential dwellings shall not exceed forty-three feet (43') in height above the average grade of earth at the foundation wall.
2. Accessory buildings/structures shall not exceed thirty-five (35) in height.

I. Residential Setbacks. The minimum setbacks for residential dwellings shall be as follows:
   1. Front: 32 feet from the back of the curb.
   2. Rear: 25 feet.
   4. Corner lots: Same as R12 zone requirements.


J. Accessory Building Setbacks. The minimum setbacks for accessory buildings shall be as follows:
   1. Front facing a dedicated street: 42 feet from the back of curb.
   2. Side facing a dedicated street: 25 feet from the back of curb.
   3. Rear and side not adjacent to a street: 10 feet. For accessory building or structures requiring a conditional use permit the City Council may require greater setback distances for rear and side yards.


K. Fences.
   1. A fence with a maximum height of seven feet (7') may be placed within the front yard setback, but shall not be located closer than twenty-nine feet (29') to the back of curb in the dedicated street.
   2. A fence with a maximum height of seven feet (7') may be placed within the side yard setback facing a dedicated street, but shall not be located closer than fourteen feet (14') to the back of curb on the dedicated street.
   3. Fences at street intersections shall not violate Section 22-14-10, Clear Vision Area, of this Chapter.


L. Additional Requirements.
   1. The total footprint area of all accessory buildings/structures shall not exceed ten percent (10%) of the area of the parcel on which they are located.
   2. However, on lots within the PD44 zone that exceed one acre in size, the total footprint area of all accessory building/structures shall not exceed (twenty five) 25% of the area of the parcel on which they are located.
   3. In areas where the PD-44 zone does not have specific requirements, the requirements of the R12 zone shall apply.


22-11-58. PD-45 Zone (Jive) – 1200 North 1200 West

A. Purpose. The purpose of the PD-45 zone is to allow a planned development of high-rise office buildings on property located at approximately 1200 North 1200 West.


B. Development Standards. The standards and provisions of the HS zone as set forth in the Orem City Code shall apply to the PD-45 zone, except as expressly modified as follows:

1. Height. The maximum height for all structures shall be one hundred forty (140) feet. The height limitation shall not apply to architectural features not used for human occupancy such as belfries, cupolas, domes, chimneys, ventilators, sky lights, cornices, antennas, or properly screened mechanical appurtenances, provided that such architectural features do not exceed an additional height of fifteen (15) feet.

2. Setbacks. All building shall be setback a minimum of twenty feet (20') from public streets and at least twenty feet (20') from residentially zoned property.

3. Conformance with the Concept Plan. Property in the PD-45 zone shall be developed in substantial compliance with the concept plan included as Appendix “MM” of the Orem City Code. Buildings in the PD-45 zone shall substantially comply with the architectural quality and design shown in the concept plan.

4. Exterior Finishing Materials. All exterior finishing materials shall consist of glass, stucco, stone, glass fiber reinforced concrete, composite metal panel, architectural formed concrete, or brick as shown in Appendix “MM” of the Orem City Code. Sheet metal shall be prohibited except for trim, soffits, facia, mansards and similar architectural features.


C. Access. Development in the PD-45 zone shall have at least three accesses from 1200 West Street as shown on Appendix “MM” of the Orem City Code. All access points onto 1200 West shall either be lined up with existing access points across 1200 West or shall be off-set from all other accesses across 1200 West by at least 250 feet.


D. Final Plat. A final plat that includes all of the property in the PD-45 zone and that conforms to all development standards and requirements of Chapter 17 of the Orem City Code shall be approved and recorded by the City prior to any development in the PD-45 zone. All development in the PD-45 zone shall comply with the requirements of Chapter 17 of the Orem City Code.
Code including the installation of all improvements required by Chapter 17.

§22-11-59. PD-46 Zone (Irving) – 200 East 1200 South

A. Purpose. The purpose of the PD-46 zone is to allow a planned development of attached residential dwelling units on property located at 1200 South 200 East.

B. Development Standards. The standards and provisions set forth in Article 22-7 of the Orem City Code shall apply to the PD-46 zone, except as expressly modified as follows:

1. Density. The maximum density in the PD-46 zone shall be 12 units per acre.

2. Height. The maximum height for all primary structures shall be 30 feet with no restriction as to second story square footage or basement square footage.

3. Setbacks. All setbacks shall be as shown in the concept plan included as Appendix “NN” of the Orem City Code. All structures shall be set back at least the following distances:

   (a) twenty-five feet (25’) from 1200 South;

   (b) twenty-five feet (25’) from 200 East measured from back of curb;

   (c) eighteen feet (18’) from the back of curb or back of sidewalk, whichever applies, when adjacent to a private street or private drive;

   (d) except as otherwise provided herein, fifteen feet (15’) from the southern boundary of the PD-46 zone and twenty feet (20’) from all other boundaries of the PD-46 zone; and

   (e) six feet (6’) from another primary structure in the PD-46 zone.

   Notwithstanding the foregoing, covered patios may encroach up to seven feet into the setback required from an exterior property line.

4. Fencing. A six (6) foot high vinyl fence shall be installed on the perimeter of the PD-46 zone except that a fence is not required along a public right-of-way. Fences shall not violate the provisions of the “clear vision area” of Section 22-14-19 of the Orem City Code.

5. Exterior Finishing Materials. All exterior finishing materials shall consist of brick, stone, stucco, or cement fiber board siding. Wood and vinyl siding is prohibited except for trim or soffits.

6. Parking. At least 2.25 parking stalls shall be provided for each dwelling unit, at least one of which must be covered.

7. Streets. 200 East Street shall be extended through the PD-46 zone as part of the development of the PD-46 zone. 200 East Street shall be a public street and shall have a buffered sidewalk on the east side and dimensions as shown in the concept plan and a 6-foot combination curb, gutter, sidewalk on the west side. The minimum street width of 200 East shall be thirty-eight (38) feet from back of curb to back of curb. The developer of property in the PD-46 zone shall be required to bond for all of the 200 East Street improvements located in the PD-46 zone in accordance with Article 17-6 of the Orem City Code before any building permit is issued for development in the PD-46 zone. The interior street accessing units from 200 East shall be private and shall have a minimum asphalt width of 24 feet.

8. Conformance with Preliminary Development Plan. Property in the PD-46 zone shall be developed in substantial compliance conformance with the concept plan included as Appendix “NN” of the Orem City Code.

9. No Stacked Units. No stacked units shall be allowed in the PD-46 zone.

10. No Fronting on 1200 South Street. No units shall front on 1200 South Street.

11. Landscaping: At least 35% of the net acreage (area of the development less public and private streets) of the entire development shall remain permanently landscaped. At least two (2) deciduous tree at least two (2) inch caliper measured four feet (4’) above the ground, and sixteen (16) evergreen shrubs at least one (1) gallon in size are required for every two dwellings. Landscaping rocks on top of weed barrier may be used at driveways and against buildings in planting areas or between buildings where sunlight may be restricted.

(Ord. No. O-2015-0025, Enacted 07/28/2015; O-2016-0023, Amended 08/09/2016)
Article 22-12. Overlay Zones

22-12-1. High Rise Overlay Zone.

22-12-2. Student Housing.

22-12-3. Hospital Overlay Zone.

22-12-4. Infill Overlay Zone.

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

22-12-6. Agricultural Overlay Zone

22-12-7. Affordable Senior Housing (ASH) Overlay Zone

22-12-1. High Rise Overlay Zone.

A. Purposes. The high rise overlay zone (HR) was formerly designed to allow vertical construction above the height permitted in the underlying zone with a corresponding increase in meaningful open space. All provisions of the City Code applicable to the HR Zone shall continue to apply to all parcels that are currently zoned HR. However, effective February 1, 2003, the HR zoning designation shall not be applied to any additional property within the City.


B. Development Standards.

1. All zone development standards and site plan requirements of this Section and the underlying zone shall apply. When there is a conflict between varying standards, the more restrictive requirements shall apply, except as provided in subsection (2) below.

2. The maximum allowable height in the high rise overlay zone shall be eighty-four feet (84') or seven (7) stories, whichever is less.

3. The high rise overlay zone shall be limited to the commercially zoned property along State Street between 800 North Street and 1400 South Street; and between 1200 South Street and 1400 South Street between Interstate 15 and 800 East Street.

4. Setbacks for structures shall be as follows:
   a. Front and side facing a street: 50' minimum. This requirement may be reduced seven feet (7') for each twelve feet (12') or one (1) story below the maximum height of eighty-four feet (84'), but in no case shall the setback be reduced to less than twenty feet (20').
   b. Side and rear: the minimum distance shall be ten percent (10%) of the lot frontage or ten feet (10'), whichever is greater; the maximum setback distance need not exceed fifty feet (50').
   c. Any structure greater than forty-eight feet (48') shall be set back at least two hundred feet (200') from any residential zone.

5. Landscaping. The minimum landscaped area shall be ten percent (10%) of the total lot area plus four-tenths percent (0.4%) of the total lot area for each foot of building height above twenty-four feet (24').


22-12-2. Student Housing.

A. Purpose. The student housing overlay zone (SH) is created for the purpose of providing student housing in the immediate vicinity of Utah Valley State College on undeveloped parcels where the impact of student housing on existing single-family residential neighborhoods can be minimized. The student housing overlay zone is designed to preserve the values of family, quiet seclusion and clean air.


B. Approval by the City. No development, construction, revision, or additions shall take place to a site in the student housing overlay zone until the site plan has been approved by the City, final plats if required have been recorded, the necessary bonds have been posted, and the appropriate permits have been obtained.


C. Approving Authority. The Planning Commission shall review all site plans in the student housing overlay zone and shall provide its recommendation to the City Council. The City Council shall be the final approving authority for all site plans in the student housing overlay zone.


D. Zone Boundaries. The areas which may be considered for inclusion in the student housing overlay zone shall be as outlined on Map 1, which is attached hereto and hereby made a part of this Section.


E. Permitted and Prohibited Uses. High-density student housing shall be permitted within the Student Housing overlay zone in conformance with the standards set forth in this section. In addition, all uses
permitted and conditional in the underlying zone shall be permitted and conditional in the student housing overlay zone. Home occupations and day care operations are prohibited uses in the SH Zone.


F. Students Occupancy Requirement. At least 90% of the occupants of any student housing project in the student housing overlay zone shall be students and their spouses and dependent children. For the purposes of this Section, a student shall be defined as anyone who, within a nine-month period of occupancy, has been or will be enrolled in a post high school educational program. The owner of student housing is responsible for ensuring that the units are occupied by the required ratio of students. The owner shall give written certification to the City, upon request of the City, that the project is occupied by the required ratio of students. Prior to renting, leasing or allowing occupancy of any dwelling unit by any individual and at least once a year thereafter, the owner shall require the individual renting, leasing or occupying a dwelling unit to provide verification of the individual's current student status. Student status may be demonstrated by providing a copy of the individual's class schedule, tuition receipt, and letter from a school registrar or other similar documentation, which adequately proves the individual's student status. The owner or manager of any student housing project or dwelling unit shall retain the documents establishing student status for each dwelling unit for a period of two years and shall make such records available to the City for inspection upon the City's request.


G. Condominium Projects in the Student Housing Overlay Zone. All condominium student housing projects, including condominium conversion projects shall comply with the following requirements:

1. Each condominium project shall establish a condominium homeowners' association which shall be responsible for the enforcement of the 90% student occupancy requirement described in subsection (F) above and for obtaining the proof of student status as required by subsection (F) above.

2. Each condominium project shall include a provision in the condominium declaration of covenants, conditions, and restrictions and in the bylaws of the condominium homeowners' association requiring that at least 90% of all occupants of the condominium project be students and their spouses and dependent children. The declaration and bylaws shall also contain a provision enabling the association to effectively enforce the 90% student occupancy requirement.

3. The developer or owner of the condominium project shall submit a copy of the declaration and bylaws to the City and must receive approval from the City that the declaration and the bylaws comply with the requirements of 22-12-2(G)(2) prior to the City's approval of the final plat.

4. The developer or owner of a condominium project approved as student housing shall submit a final plat to the City in form and content as required in Article 17-5 of the Orem City Code. The final plat shall also contain the following provision:

   Occupancy Restriction. City ordinances and the condominium declaration and bylaws require at least 90% of all occupants of this condominium project to be students and their spouses and dependent children.


H. Documentation and Contents of Site Plan Drawings. Anyone requesting approval of a site plan or an amended site plan in the student housing overlay zone shall first submit to the Department of Development Services all of the documentation and site plan drawings required by Section 22-14-20 of the Orem City Code.


I. Minimum Project Size. In order to encourage the development of larger student housing developments, any site plan for a development in the student housing overlay zone shall:

1. Contain at least one and one half (1½) contiguous acres unless the development is immediately adjacent to an existing student housing project in the student housing overlay zone, in which case the minimum project size shall be one (1) contiguous acre; and

2. Have at least sixty feet (60’) of frontage on a dedicated public street.

J. Development Standards of the SH Zone.
The following standards and requirements shall apply to all student housing projects within the student housing overlay zone:

1. **Density.** The maximum density shall be one hundred sixty (160) occupancy units per gross acre. An occupancy unit shall be defined as a bedroom having one hundred (100) square feet or less of floor space area. A bedroom having more than one hundred (100) square feet of floor space area shall count as two (2) occupancy units. The maximum number of occupants per bedroom for bedrooms having one hundred (100) square feet or less of floor space area shall be one (1), and the maximum number of occupants per bedroom for bedrooms having more than one hundred (100) square feet of floor space area shall be two (2). The term bedroom shall include all areas suitable as a private sleeping area such as a studio, den, etc. Closets and built-in desks shall not be included in the floor space area of the bedroom.

2. **Parking.** All student housing projects shall have at least eight-tenths (0.8) parking spaces per occupancy unit.

3. **Bicycle Parking.** Covered bicycle parking spaces shall be required for each site. The number of bicycle parking spaces to be provided shall be ten (10) or a number equal to twenty-five percent (25%) of the required on-site automobile parking spaces, whichever is greater. Each bicycle parking space shall provide for storage and locking of bicycles, either in lockers, medium-security covered racks or equivalent facilities in which the user may lock both the bicycle frame and the wheels.

4. **Buffer.** Because of the high density which is allowed in the student housing overlay zone, developments in the student housing overlay zone must provide a substantial buffer between the development and all residentially zoned parcels located adjacent to the development (including residential parcels located directly across a public street from the development) which are not included within the student housing overlay zone. The buffer shall reduce to the greatest extent practical, the visual and noise impact of the development on adjacent residential parcels. The buffer required by this subsection may be accomplished through the use of a combination of existing features such as public streets and substantial natural topographical variances (where present), and significant landscaping such as trees, walls and berms.

5. **Landscaping.**
   a. All land within the student housing overlay zone not covered by buildings, driveways, sidewalks, structures, and parking areas, shall be permanently landscaped with trees, shrubs, lawn, or ground cover and maintained in accordance with good landscaping practices. All landscaping shall have a permanent underground sprinkling system.
   b. At least twenty percent (20%) of the net acreage (area of the development less public streets) of the entire development shall remain permanently landscaped.
   c. Deciduous trees, at least two (2) inches in caliper measured four feet (4') above the ground, and evergreen trees, at least five (5) gallons in size, are required at a ratio of one deciduous and one evergreen per every 3,000 square feet of landscaped area. Evergreen shrubs, at least five (5) gallons in size, are required at a ratio of one per every 1,000 square feet of landscaped area.
   d. The required building setback from public streets shall be landscaped and shall include landscaped berms, trees, and shrubs.

6. **Lighting Plan.** All student housing site plans shall include a lighting plan. The lighting plan shall be designed to:
   a. Discourage crime;
   b. Enhance the safety of the residents and guests of the project;
   c. Prevent direct glare of lighting onto adjacent properties; and
   d. Enhance the appearance and design of the project.

7. **Building Setbacks.**
   a. Buildings shall be set back from property in any residential zone, other than property in the Student Housing Overlay, at least twenty feet (20') or equal to the height of the structure, whichever is greater. Buildings shall be set back from adjacent property in the Student Housing Overlay at least twenty feet (20'). Buildings shall be set back from all public streets at least forty feet (40'). However, if the adjacent property is Interstate 15 right-of-way, the minimum building setback from the right-of-way line shall be ten feet (10') regardless of building height, except as provided in subsection (C) below.
   b. Roof overhangs, bay windows, box windows, chimneys, covered stairwells, and stairs, may encroach into the required setbacks no more than twenty-four inches (24”). Porches and the roofs over them may project up to five (5) feet into the required setback.
   c. No setback shall be required for parking structures adjacent to 1-15 provided
that UDOT approves a landscape plan showing trees within the 1-15 right-of-way. The trees shall be planted and maintained parallel to the parking structure, shall be no further than eight feet (8') from 1-15 right-of-way, and shall be spaced a minimum of thirty feet (30’) along the width of the parking structure. The landscape plan approved by UDOT shall be submitted with the request to reduce the setback less than ten feet (10’). Trees shall be either deciduous or evergreen. Deciduous trees shall be at least three (3”) inches in caliper measured four (4) feet above the rootball. Evergreen trees shall be at least ten feet (10’) tall after planting. All trees must be irrigated with a drip irrigation system. The Planning Commission may waive the tree requirement if it finds permission for the trees cannot be obtained from UDOT or that planting of the trees is contrary to the health, safety or welfare of the City.

8. Building Materials. At least sixty percent (60%) of the exterior finish materials of all elevations of all buildings shall consist of either brick, stone, or cultured stone. The remaining percentage of the exterior finish materials shall consist of either brick, stone, cultured stone, stucco, E.I.F.S. or wood.

9. Architectural Styling. The exterior of all buildings shall demonstrate a variety in color, relief, and rhythm. Facade depth should change with a minimum 2-foot offset at least every sixty (60’) linear feet, on all sides of the buildings.

10. Structure Height. The maximum height of any structure shall not exceed sixty feet (60’). The maximum height requirement does not include mechanical appurtenances and special architectural features. All mechanical appurtenances must be architecturally screened.

11. Consolidation of Open Space. All student housing site plans shall include one (1) or more open spaces in the landscaping requirement. For purposes of this Section 22-12-2, an open space shall be defined as a single, contiguous landscaped area that may also include recreational facilities such as playground equipment, basketball or tennis court, swimming pool, etc., and designed such that it contains a rectangle with no dimension less than thirty feet (30’). No more than fifty percent (50%) of the open space area may have slopes greater than thirty percent (30%). No above ground utility box shall be placed in the open space.

12. Drive Accesses. Student housing projects having less than three hundred feet of frontage on a public street may have no more than two drive accesses to the project. Student housing projects having three hundred or more feet of frontage on a public street may have no more than three drive accesses to the project. However, the City Council may approve an additional access after considering the following:

a. A traffic impact analysis.
b. The recommendation of the City’s Traffic Engineer.
c. The overall safety of the site.
d. The proximity of residences that may be impacted by the proposed access locations.
e. The developer’s plan to mitigate potential negative traffic impacts.
f. The necessity of the proposed access locations.

13. Storage Areas and Solid Waste Receptacles. All outside storage areas shall be constructed with the same materials used on the exterior of the main structures in the student-housing site. All solid waste receptacles, which are not located within a building, shall be enclosed on at least three (3) sides with the same materials as used on the exterior of the main structures on the student housing site.

14. RV Storage. No Recreational Vehicle storage shall be allowed on site. This shall include but not be limited to all watercraft, trailers, all-terrain vehicles, snowmobiles, etc.

15. Amenities. All developments in the student housing overlay zone shall be required to provide social and recreation amenities, at the following minimum rates: Two (2) amenities from either list A or list B, as shown below, for the first two hundred (200) occupancy units. Any development with over two hundred (200) occupancy units shall be required to provide one (1) additional amenity from both list A and list B for each additional four hundred (400) occupancy units, or portion thereof.

<table>
<thead>
<tr>
<th>List A Amenities</th>
<th>List B Amenities</th>
</tr>
</thead>
<tbody>
<tr>
<td>BBQ and common open area</td>
<td>Swimming pool</td>
</tr>
<tr>
<td>Volleyball court</td>
<td>Recreation hall / lounge</td>
</tr>
<tr>
<td>Fitness room</td>
<td>Tennis court</td>
</tr>
<tr>
<td>Basketball court</td>
<td></td>
</tr>
<tr>
<td>Jogging trail at least ¼ mile in length</td>
<td></td>
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</tbody>
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* Or an amenity of similar nature as approved by the City Council.

16. Loading Areas. Areas for loading and deliveries shall be provided.

17. Utilities. All buildings 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.

18. **Storm Water Runoff Plan.** All student housing developments shall have a storm water runoff system designed to accommodate a 25-year storm.

19. **Soils Report.** A soils report prepared by a certified engineer shall be submitted to identify any special engineering needs of the site.

20. **Existing Homes.** No student housing site plan shall include an existing building.

K. **Traffic Study.** The developer shall be required to submit a comprehensive traffic study with the site plan application, which evaluates the impact of the project upon both vehicular and pedestrian traffic on-site and off-site. The traffic study shall also provide an estimate of the number of trips between the development and UVSC, which will be generated by the development on weekdays during each hour between the hours of 6:00 a.m. and 11:00 p.m. The traffic study shall be prepared and submitted by a certified traffic engineer, and must be approved by the City. The site plan shall reflect and incorporate the recommendations of the traffic study and shall also incorporate such other measures as may be reasonably necessary to mitigate the impact of the development on traffic.

L. **Shuttle Transportation to Utah Valley State College.** The owner(s) of a development in the student housing overlay zone shall provide a no-charge shuttle service between the development and Utah Valley State College if the nearest part of the student housing development:

1. Is located more than one-half (1/2) of a mile from the Sorensen Student Center on the UVSC campus, or anywhere west of Interstate 15, and
2. Is expected to generate more than twenty (20) one-way trips between UVSC and the development during any weekday hour between the hours of 6:00 a.m. and 11:00 p.m. as determined by the traffic study.

The owner shall use its best efforts to establish and maintain a consistent and reliable schedule for the shuttle operation and shall also space the timing of the shuttle departures to maximize the number of students who can be transported between the development and UVSC. Each shuttle must be capable of transporting ten (10) or more students per trip. Trips made by shuttles which have the capacity to transport twenty or more students shall count as two trips. Trips made by shuttles having the capacity to transport thirty (30) or more students shall count as three trips. If a development’s shuttle requirement is met by sharing shuttle capacity with another development or other entity, the shuttle must have the separate capacity to transport at least ten students from the development in order to count as one shuttle trip for that development. For example, if the owners of three separate developments in the student housing overlay zone contract with an independent entity to provide shuttle service to and from UVSC for each of the three developments and the shuttle has the capacity to transport 30 students, each of the three developments may count the shuttle trip as one trip. However, if the shuttle has the capacity to transport only 25 students, only two of the developments may count the shuttle trip as one trip toward meeting their shuttle requirement.

M. **Revised Traffic Study.** The owner(s) of a development in the student housing overlay zone shall
provide to the City a revised traffic study which meets the requirements of Subsection K at any time upon the City’s request within one year from the issuance of a certificate of occupancy for the development. The owner shall also provide such a revised traffic study to the City at any time after one year upon the City’s request if the City reasonably believes that the development is generating more trips to and from UVSC than were estimated in the most recent traffic study for the development. The owner(s) shall also have the option to submit a revised traffic study to the City at the owner’s discretion at any time. The shuttle requirements for the development shall be modified in accordance with the standards set forth in Subsection L if warranted by the revised traffic study.


N. Modification of Shuttle Requirements. In order to determine the effectiveness and adequacy of the shuttle requirements set forth above, the owner(s) of each development shall provide the City with information regarding the total number of required shuttle trips, the scheduling of the shuttle trips, and the approximate percentage of student occupancy of the shuttle trips. This information shall be provided to the City six months and one year after the completion of the development and annually thereafter upon the City’s request. The City shall have the right to increase, decrease or otherwise modify the shuttle requirements set forth in Subsection L as may be determined to be appropriate based on an analysis of the adequacy of the initial requirements of Subsection L. The City may require all existing and proposed developments in the student housing overlay zone to comply with such revised shuttle requirements.


O. Bonds. The developer of any student housing project shall bond in accordance with the bond requirements specified in Section 22-14-20 of Chapter 22 of the Orem City Code.


P. Neighborhood Meeting. The applicant for any student housing development shall conduct at least one (1) neighborhood meeting prior to the submission of the site plan application to explain the proposed development and to discuss all neighborhood concerns.

Written notice of the meeting shall be given by the applicant to all property owners within a 600’ foot radius of the development. Notice shall also be given to the chair and vice-chair of the Neighborhoods in Action community for the area in which the proposed development is located. Notice of the meeting shall be delivered by the applicant at least one (1) week prior to the date of the meeting. Phone calls or informal door-to-door contacts are not considered neighborhood meetings. Neighborhood meetings shall be accomplished prior to the submission of the site plan to the City. The application for site plan approval shall include a list of all individuals who were notified, a roster of attendees at the meeting, and a copy of the minutes from the neighborhood meeting.


Q. Completion and Maintenance of Site. Every student housing development shall conform to the approved site plan or amended site plan. No structures or improvements may be added to a student housing development that are not shown on the approved site plan. All improvements shown on the approved site plan shall be maintained in a neat and attractive manner. Failure to complete or maintain a student housing development in accordance with this Chapter and with the approved site plan shall be a violation of the terms of this Section. The City may initiate criminal and/or civil legal proceedings against any person, firm or corporation, whether acting as principal, agent, property owner, lessee, tenant, employee or otherwise, for failure to complete or maintain a student housing development in accordance with this Section and with the approved site plan.


22-12-3. Hospital Overlay Zone.

A. Purpose. The purposes of the hospital overlay (HO) zone are to:

1. Provide for the development of hospital facilities to meet the community's medical needs;
2. Provide a method whereby hospitals may be developed in existing zones;
3. Promote comprehensive planning of a hospital in conjunction with supporting facilities;
4. Ensure the compatibility of the hospital with surrounding existing and future land uses;

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F. Permitted Uses. The following uses are permitted in the HO zone:

1. Hospitals

2. Uses and structures accessory to a hospital principal use, including but not limited to the following:
   a. Laboratories;
   b. Medical offices;
   c. Pharmacies;
   d. Health services such as senior citizens nutrition center, physical therapy facilities and medical clinics;
   e. Trauma facilities, including but not limited to overnight residential facilities for trauma staff and helicopter pads;
   f. Skilled nurse facilities;
   g. Restaurants/ cafeterias within a hospital

G. Repealed.

1. The City Council shall approve or deny all site plans after receiving a recommendation from the Planning Commission, except however, after construction of the hospital the Planning Commission shall approve or deny site plans for development of any accessory uses/structures if the site plan is in nonresidential zones. A hospital and its accessory uses/structures proposed as one development may be approved as a single site plan by the City Council.

2. The site plan shall include any conditions necessary to ensure compliance with the provisions of Section 22-14-20, Site Plan Requirements. Such conditions shall include, but not be limited to, any street and public facility improvements, on and off the site, that are necessitated by the development.

3. The site plan shall include a traffic study analyzing possible impacts on surrounding streets and intersections.

4. The site plan shall include an economic impact analysis describing the positive and negative fiscal impacts the development will have on City services.

5. The City Council may reduce the size of a hospital or hospital site plan if the traffic impact on the surrounding streets or neighborhoods outweighs the benefits of a hospital.
6. The proposed hospital shall comply with all the criteria for hospitals under Title 26-21 of the Utah Code Annotated, Health Care Facility Licensure and Inspections Act.

7. The developer shall hold a neighborhood meeting explaining and reviewing the project and potential impacts on the neighborhood. Notice of the meeting shall be sent by the Developer/Applicant to all property owners within 500 feet of the proposed site. The developer shall summarize the neighbors' concerns in writing and submit the concerns with the site plan application.


J. Building Height. The maximum height of structures in the HO zone shall not exceed eighty-four feet (84') if the HO zone is applied to the C3 or C2 zones or sixty feet (60') if the HO zone is applied to any other zone.


L. Setbacks - Structures Over Permitted Height of Underlying Zone. The above specified yard requirements apply only to those structures that are within the height requirement permitted by the underlying zone. For any other structure which has been approved for increased height by site plan approval, all required yards shall be increased one foot (1.0') for every one foot (1.0') of building height in excess of the permitted height of the underlying zone. Any structure greater than thirty-five feet (35') when the underlying zone is a residential zone shall be set back at least one hundred fifty feet (150') from adjacent residential zones. Any structure greater than forty-eight feet (48') shall be set back at least two hundred feet (200') from any residential zone not included in the HO zone.

M. Landscaping. A landscape and irrigation plan shall be submitted for approval with the site plan. All approved improvements shall be installed prior to occupancy of the building. Thirty percent (30%) of the site shall be in approved landscaping, which shall include the requirements of subparagraph 2 below.

1. Required yards. All setback areas shall be planted with desirable plant species which thrive in this region. Variations in ground plane by use of soil mounding is encouraged to screen parking areas and to enhance the landscaping and building architecture. Landscaping along arterial streets should comply with the City of Orem Tree Planting Plan.

2. Parking areas. A minimum of ten percent (10%) of that portion of the site devoted to uncovered parking shall be landscaped. A minimum of one (1) fifteen (15) gallon tree per five (5) parking stalls shall be required in the parking area. All exposed parking areas shall be screened with landscaping, contouring and mounding.

3. A thirty foot (30') bermed landscaped strip of grass and two inch (2") caliber trees shall be placed between parking areas and any dedicated City street. The trees shall be placed at the discretion of the developer but the minimum number of trees shall be equal to one (1) tree for every twenty-five feet (25') of the bermed landscaping strip.

N. Signs. A detailed sign plan shall be submitted to the City for approval prior to occupancy of any new building, issuance of a building permit for any signs, or installation of any signs. Permitted signs include wall signs, canopy signs, freestanding monument signs, and hospital directional signs. All signs proposed in the HO zone shall comply with the provisions of Chapter 14 and the following regulations:

1. Total Permitted Sign Area. The total maximum allowable area of all signs, including wall, canopy, freestanding monument, and hospital directional signs shall not exceed one square foot per lineal foot of building frontage.

2. Freestanding monument signs. One freestanding sign shall be allowed for each city approved drive approach. All freestanding monument signs shall comply with the provisions of Chapter 14; however, one (1) freestanding monument sign on each street frontage of an hospital or collector street may exceed the minimum square footage requirement of Chapter 14 by thirty six (36) square feet. Said sign shall be no greater than six feet (6') in height.

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3. Wall & Canopy Signs. No wall or canopy sign shall be directed toward adjacent residential zones; unless wall sign is a minimum distance of two hundred feet from adjacent residential zone boundary, and sign is no higher than fifteen feet (15’) from ground level.

4. A hospital complex shall be permitted one (1) freestanding pole sign with a maximum height of eighteen (18) feet and one hundred (100) square feet in area. The pole sign must be located outside any clear vision area. The allowance of a pole sign under this section shall only apply to a hospital complex that is not permitted a similar sign under another provision of the City Code. Such sign shall have no visible interior support structures or poles.


O. Parking

1. Hospitals shall have at least one (1) stall per two hundred fifty (250) square feet of gross floor area. The City Council may modify the parking requirement if any interested party submits a certified parking study and the Council is convinced that the modification will provide sufficient on-site parking for the development.

2. Medical or dental offices or clinics shall have at least one (1) parking stall for each two hundred fifty (250) square feet of gross floor area.

3. Other uses shall have parking as required pursuant to Section 22-15 of this Chapter.

4. Up to twenty-five percent (25%) of parking spaces strictly limited to employee use may be eight feet six inches (8’6”) wide and sixteen feet (16’) deep.


P. Walls and fences. A solid masonry wall, at least seven feet (7’) in height, shall be constructed along the common lot line with any property zoned residential. Any other walls or fences constructed in the HO zone shall comply with the provisions of Sections 22-14-10 and 22-14-19 of this Chapter. Chain link, barbed wire, razor ribbon or other similar fences are not permitted.


Q. Lighting. A lighting plan shall be submitted and approved as a part of the site plan.

1. Exterior lighting is required for all employee and visitor parking areas, walkways, and building entrances and exits.

2. Light sources shall be designed to avoid direct or indirect glare to any off-site properties or public rights-of-way.


R. Roof-Appurtenances. All roof appurtenances, including air conditioners, shall be architecturally integrated and shielded from view and the sound from such equipment shall be buffered from adjacent properties and streets.


S. Trash Enclosures. Trash receptacle areas shall be enclosed by a six foot (6’) high masonry wall with sight obscuring gates. No trash receptacle shall be located closer than twenty-five feet (25’) to any residence. Trash shall not be picked up nor allowed to be picked up between the hours of 10:00 PM and 7:00 AM.


T. Loading Areas. All nonpatient loading areas shall be oriented and/or screened so as to be unobtrusive from the adjacent streets or properties. Nonpatient loading/unloading shall not be between the hours of 10:00 PM and 7:00 AM.


U. Access. There shall be no vehicular or pedestrian access provided to any HO zone from any local street as defined by the Orem City Street Master Plan.


V. Buffering. After receiving input from adjacent residents, the City Council may require the developer of an HO zone to install an approved fence or an increased amount of approved landscaping along any local street.


W. Driveways. On-site roadways and traffic circulation shall be designed and located to reduce excessive speeds and negative impacts on adjacent residential uses.
§22-12-4 ZONING

City of Orem


X. Expiration. If construction of the site plan has not commenced within two (2) years from the approval of the hospital overlay zone and site plan, the site plan shall expire and become null and void.


22-12-4 Infill Overlay Zone.

A. Purpose. The Infill Overlay Zone was formerly designed to provide flexibility in development standards for small residential parcels that are hard to develop under standard residential requirements, allowing them to be developed with modified standards while maintaining the general character of the underlying zone. All provisions of the City Code applicable to the Infill Overlay Zone shall continue to apply to all parcels that are currently zoned Infill Overlay. However, effective May 1, 2004, the Infill Overlay zoning designation shall not be applied to any additional property within the City.


B. Area. The Infill Overlay Zone shall only be applied to parcels smaller than one and one-half (1½) acres in area.

(Ord. No. O-00-0056, Enacted, 12/12/2000; Ord. No. O-01-0021, Amended, 06/12/2001)

C. Location. The Infill Overlay Zone shall only be applied to parcels in the R5 Zone. The Infill Overlay shall not be applied to a parcel located at the intersection of two or more dedicated streets.

(Ord. No. O-00-0056, Enacted, 12/12/2000; Ord. No. O-01-0021, Amended, 06/12/2001)

D. Setbacks. The setbacks for all primary buildings in an Infill Overlay Zone are as follows:

1. Rear Yard. The required rear yard setback adjacent to a single-family residential use, or vacant residential property, shall be no less than twenty feet (20’). The required rear-yard setback not adjacent to a single-family residential use shall be no less than ten feet (10’).

2. Side Yard. The required side yard setbacks shall be no less than five feet (5’) on each side for a total of ten feet (10’). A side yard setback from an adjacent property’s rear yard shall be no less than ten feet (10’).

3. Front Yard. The required front yard setback shall be no less than fifteen feet (15’).

4. Accessory Buildings. The setbacks for all accessory buildings shall conform to the requirements of Section 22-6-8(B) of this chapter.

(Ord. No. O-00-0056, Enacted, 12/12/2000; Ord. No. O-01-0021, Amended, 06/12/2001)

E. Floor Area Ratio. In the Infill Overlay Zone, the floor area ratio shall mean the total above-grade floor area of the principal building on a lot divided by the total lot area. The maximum floor area ratio of the principal building, including any attached garage, shall not exceed 0.5.

(Ord. No. O-00-0056, Enacted, 12/12/2000; Ord. No. O-01-0021, Amended, 06/12/2001)

F. Lot Frontage. Lots in the Infill Overlay Zone shall have no minimum required frontage adjacent to a dedicated street, and instead may be developed with a private drive as specified herein. However, the minimum lot width requirements of the underlying zone shall still apply.

(Ord. No. O-00-0056, Enacted, 12/12/2000; Ord. No. O-01-0021, Amended, 06/12/2001)

G. Private Drives. Properties in the Infill Overlay Zone, which cannot be developed with standard City streets, may be developed with lots accessed from a private drive with the following standards.

1. No more than five (5) dwelling units may access a private drive.

2. A private drive must be at least twenty feet (20’) wide (measured from curb face to curb face), with a curb on both sides no less than six inches (6”) in width. Required setbacks shall be measured from the back of the curb.

3. There shall be at least a four-foot (4’) sidewalk on one side of the private drive.

4. No on-street parking shall be allowed on a private drive less than twenty-eight feet (28’) in width.

5. The private drive must provide a turn-around consistent with the City of Orem Construction Standards & Specifications, and approved by the City Engineer.

6. Each section of the private drive shall be platted and owned as a part of the infill lot to which it is adjacent.

7. The area of the private drive shall not count towards the minimum lot area required by the underlying zone.

8. A Homeowners Association shall be established to maintain the private drive.
§22-12-5

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

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

B. Development Standards.

1. Site Plan Required. All development standards and site plan requirements of Section 22-14-20 and the underlying zone shall apply. When there is a conflict between varying standards, the more restrictive requirements shall apply, except as provided in subsection (2) below.

2. Required Setbacks. The minimum setback for structures in the urban mixed-use overlay zone shall be the same as those of the underlying zone.

3. Commercial Uses. The ground floor of any building that is a part of a site plan which contains mixed residential and commercial uses, shall be restricted to retail and office uses (SLU Code 5000 and 6000 Series) which are either permitted or conditional uses in the underlying zone. Any floor above the ground floor may be used for any use that is a permitted or a conditional use in the underlying zone, or as a residential use as specified in subsection (4) below.

4. Residential Uses. Any personal residential use identified as an 1100 Series Standard Land Use Code as listed in Appendix A of the City Code, shall be permitted on the floors above the ground level in the urban mixed-use overlay zone. There is no maximum residential density within the urban mixed-use overlay zone. The number of residential dwelling units shall only be limited by the amount of parking provided on the site. One residential dwelling unit shall be permitted for every three (3) parking stalls provided.

5. Parking. The amount of parking required in an urban mixed-use development shall be based on the commercial floor space parking requirements in accordance with Section 22-15 of this Chapter. All of the required parking may be shared between the residential and commercial uses of a development.

6. Exterior Finishing Materials. All buildings shall be completed on all sides with acceptable finishing materials. The following materials are acceptable: brick, stone, fluted block, colored textured block, glass, and synthetic stucco; wood, sheet metal, and corrugated metal shall be prohibited except for trim, soffits, facia, mansards and similar architectural features. The Planning Commission may approve other finishing materials that are similar in appearance and durability. Neither flat, three-tab cut asphalt shingles nor rolled roofing shall be allowed. Only architectural shingles are permitted.

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

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

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

22-12-6. Agriculture Overlay Zone.

Introduction. A significant portion of the land within the City was formerly cultivated as fruit orchards. Due to the growth of the City, most of the orchards in the City have now been converted to commercial or residential development. The City Council believes that the existing orchards in the City make an important contribution to the quality of life within the City by preserving open space, by providing diversity in the economy and diversity in the use of land within the City, and by preserving an important part of the heritage of the City. Therefore, the City Council believes that it is important to protect and encourage the reservation of existing orchards and other agricultural uses within the City to the extent that they are compatible with residential uses. The agriculture overlay zone is designed...
to encourage the preservation of agricultural uses, especially orchards, within the City:

A. **Purpose.** The purposes of the agriculture overlay zone (AG) are as follows:
   1. To encourage the preservation of existing agricultural uses within the City in areas where residential and agricultural uses are compatible.
   2. To provide owners and prospective owners of property located near property in the agriculture overlay zone with notice of the potential positive and negative effects that may be associated with the agricultural use of the property.

(Ord. No. O-02-0028, Enacted, 08/06/2002)

B. **Minimum Zone Area.** The minimum area to which the agriculture overlay zone may be applied is two (2) acres. However, the agriculture overlay zone may be applied to a parcel of property less than two (2) acres in size if the parcel is located adjacent to another parcel to which the agriculture overlay zone has been previously applied.

(Ord. No. O-02-0028, Enacted, 08/06/2002)

C. **Permitted and Prohibited Uses.** All uses permitted in the underlying zone shall be permitted in the agriculture overlay zone. In addition, the following additional agricultural uses shall also be permitted in the agriculture overlay zone:
   - Forestry
   - Orchards
   - Gardening
   - Plant Nursery

(Ord. No. O-02-0028, Enacted, 08/06/2002)

D. **Animals.** Animals shall only be allowed in the agriculture overlay zone in accordance with the standards set forth in Section 22-6-10(C). Accessory structures for the keeping of animals and fowl such as barns, pens, and corrals shall be located at least one hundred feet (100') from the nearest dwelling and from any public street. The raising and sheltering of farm animals shall be limited to the buildable area of the lot and shall be permitted only where the use thereof and the products therefrom are primarily for the use or home consumption of the landowners or occupant of the lot. Appropriate fencing shall be provided to ensure that all animals are kept within the buildable area of the lot.


E. **Application.** The agriculture overlay zone may be applied to property in any rural or low-density residential zone and in any industrial or research and development zone.

(Ord. No. O-02-0028, Enacted, 08/06/2002)

F. **Development Standards.** Except as expressly modified in this Section 22-12-6, all development standards applicable in the underlying zone shall apply in the agriculture overlay zone.

(Ord. No. O-02-0028, Enacted, 08/06/2002)

G. **Accessory Structures.** Carports and other detached accessory buildings not having walls shall be set back a minimum distance of three feet (3') from an interior side or rear property line.

(Ord. No. O-02-0028, Enacted, 08/06/2002)

H. **Property Maintenance.** The area around all structures in the agriculture overlay zone shall be kept free from refuse and debris, and all waste containers shall be concealed from the view of adjacent properties.

(Ord. No. O-02-0028, Enacted, 08/06/2002)

I. **Eminent Domain Policy.** It shall be the policy of the City of Orem not to exercise the power of eminent domain as to property located in the agriculture overlay zone unless no other property may reasonably meet the purposes for which the power of eminent domain is exercised, or the alternatives to acquiring or using the property in the agriculture protection zone would result in substantially greater expense to the City than the acquisition of or the location of the proposed project upon property located in the agriculture protection zone.

(Ord. No. O-02-0028, Enacted, 08/06/2002)

J. **Intent to Preserve Existing Agricultural Uses.** The City of Orem hereby declares its intent to promote and preserve existing agricultural uses within the City; provided, however, that nothing herein shall be construed to prohibit an owner or agricultural property from ceasing the agricultural use of the property or applying for a zone change. The City further affirms its intent not to enact any ordinance, resolution or policy that would unreasonably restrict agricultural structures or agricultural practices unless necessary to promote the public health, safety and welfare.

(Ord. No. O-02-0028, Enacted, 08/06/2002)

K. **Nuisance Protection.** The City recognizes that the practice of the agricultural uses permitted herein may result in occasional excess light, noise, dust or smoke. Such occasional excess light, noise, dust or smoke shall not be considered a nuisance under the ordinances of the City of Orem provided that such conditions are occasional and not continuous, are the result of normal and accepted agricultural practices, and do not pose a threat to the public health, safety or welfare.

(Ord. No. O-02-0028, Enacted, 08/06/2002)
L. Notice on Plat. The owner(s) of any new subdivision located within three hundred feet (300') of an agriculture overlay zone shall provide the following notice on any plat submitted to the City:

This property is located in the vicinity of an agriculture overlay zone in which certain agricultural uses are permitted. There may be certain negative effects associated with the agricultural practices that may be conducted in the agriculture overlay zone such as excess light, noise, dust, smoke etc. The use and enjoyment of the property included within this subdivision is expressly conditioned on acceptance of any annoyance or inconvenience, which may result from such agricultural uses and activities.

(Ord. No. O-2002-0028, Enacted, 08/06/2002)

M. Sale of Products as Valid Accessory Use. The sale of produce or products harvested from land within an agriculture overlay zone may be conducted on the property from which the produce/products were harvested as a valid accessory use.

(Ord. No. O-2002-0028, Enacted, 08/06/2002)

22-12-7. Affordable Senior Housing (ASH) Overlay Zone

Property located in the Affordable Senior Housing (ASH) overlay zone may be developed in accordance with either the ASH zone or the underlying zone. However, if a property is developed in accordance with the ASH zone, the development must comply with all of the requirements of the ASH zone.

A. Purpose. The purpose of the ASH zone is to accommodate and encourage the development of affordable senior housing. The purpose of the ASH zone is accomplished by:

1. Allowing densities higher than typical residential developments;
2. Establishing minimum standards for landscaping, building and site design, public safety, lighting, and other similar site improvements; and
3. Requiring standards that enable affordable senior housing to fit into the surrounding neighborhood.

(Ord. No. O-2012-0027, Enacted, 10/09/2012)

B. Definitions. For purposes of this section, the following terms are defined as follows:

Affordable Senior Housing is defined as housing designed and used exclusively for elderly persons whose income is at or below eighty percent (80%) of the median income for the Provo-Orem Metropolitan Statistical Area as published by the United States Department of Housing and Urban Development (HUD). Affordable senior housing is further defined as housing for which the rent does not exceed the standards and limits set forth in 24 CFR 800 through 899 as those sections may be amended.

Elderly Person is defined as a person who is 60 years old or older.

(Ord. No. O-2012-0027, Enacted, 10/09/2012)

C. Location. The ASH zone shall be permitted as an overlay zone on any residentially (R-) zoned parcel identified in the zoning map of the City of Orem.

(Ord. No. O-2012-0027, Enacted, 10/09/2012)

D. Permitted Uses. Affordable senior housing dwelling units shall be permitted in the ASH zone. Accessory structures associated with affordable senior housing shall also be permitted in the ASH zone.

(Ord. No. O-2012-0027, Enacted, 10/09/2012)

E. Prohibited Uses. No use other than affordable senior housing is permitted in the ASH zone.

(Ord. No. O-2012-0027, Enacted, 10/09/2012)

F. Occupancy Requirements.

1. Age and Income Requirement. Affordable senior housing units may be occupied only by elderly persons who are sixty (60) years of age or older and whose income is at or below eighty percent (80%) of the median income for the Provo-Orem Metropolitan Statistical Area as published by the United States Department of Housing and Urban Development.

2. Maximum Rent. The rent charged for affordable senior housing units may not exceed the standards and limits set forth in the current Department of Housing and Urban Development (HUD) published Fair Market Rents (FMR) for Utah County.

(Ord. No. O-2012-0027, Enacted, 10/09/2012)

G. All Units in Same Building to Have Common Owner. All affordable senior housing units in a building must be owned by the same owner. Affordable senior housing units in a building containing more than one unit may not be developed as or converted to condominiums and may not be sold separately from the other units in the building.

(Ord. No. O-2012-0027, Enacted, 10/09/2012)

H. Lot size. The minimum lot size in the ASH zone shall be the same as the minimum lot size required in the underlying zone. An affordable senior housing development may only be developed on a parcel that is no greater than 0.50 acres in size. A parcel existing as of October 9, 2012 may not be subdivided to create more than one parcel on which an affordable senior housing development is located. The intent of this
provision is to encourage the dispersal of affordable senior housing developments throughout the ASH zone. Subdivision plat amendments may be required as part of the approval process. (Ord. No. O-2012-0027, Enacted, 10/09/2012)

I. Site Plan and Final Plat.
1. The Owner/Developer of property located in the ASH zone shall submit an application for site plan approval for any project within the ASH zone. The application shall not be considered submitted until all requirements of the site plan are completed and accepted by the City.

2. The application for the site plan shall include all necessary fees and documentation required by this ordinance. The site plan shall be reviewed by the Development Review Committee. The final approving authority for all ASH zone site plans shall be the Planning Commission.

3. Any final plat for the ASH zone shall be prepared by a surveyor and engineer and shall be submitted to the City together with the required fee.

4. The City Engineer is the final approving authority for final plats and shall approve the application request if it meets the requirements of the site plan and all applicable City ordinances. The final plat shall not be approved until the site plan has been approved by the Planning Commission.

5. Failure to submit a final plat within one (1) year of the date of approval of the site plan shall terminate all proceedings and render approval of the site plan null and void. The final plat shall expire and be void one (1) year after approval by the City Engineer, unless the final plat has been recorded in the Office of the Utah County Recorder.

6. The location of the ASH zone is designated in Appendix Z of the Orem City Code. At the time of site plan approval, the official zoning map of Orem City shall be changed to show the location of the overlay zone for that specific affordable senior housing development. (Ord. No. O-2012-0027, Enacted, 10/09/2012)

J. Site Plan Submittal. The site plan shall be submitted to the Department of Development Services. The applicant shall pay a fee at the time the site plan is submitted in an amount established by Resolution of the City Council. No development, construction, revisions, or additions shall take place on the site until the site plan has been approved by the Planning Commission, the final plat has been recorded (if needed), the necessary bonds have been posted, and the appropriate permits have been obtained. Amended site plans shall follow the same procedure, pay the same fees, and contain the same development standards and requirements as a site plan. (Ord. No. O-2012-0027, Enacted, 10/09/2012)

K. Contents of Site Plan. The site plan shall be a document consisting of one or more pages of maps and drawings drawn to scale. The Owner/Developer shall submit drawing and documents as required by Article 22:14-20 of the Code. (Ord. No. O-2012-0027, Enacted, 10/09/2012)

L. Building Permits. No building permit shall be issued for any project for which a site plan or amended site plan is required, until the site plan or amended site plan has been approved by the appropriate authority. (Ord. No. O-2012-0027, Enacted, 10/09/2012)

M. Completion of Improvements. All public improvements shown on an approved site plan or amended site plan shall be completed within one year of the date of approval or recording of the final plat, whichever is later, or at such earlier time as the approving body may designate. 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 for the completion of improvements of up to one (1) year from the Planning Commission. An extension of one year may be granted only if the applicant demonstrates good cause for not completing the improvements and demonstrates the present ability to complete the improvements. (Ord. No. O-2012-0027, Enacted, 10/09/2012)

N. Completion and Maintenance of Site. Every site developed pursuant to this Article shall conform to the approved site plan or amended site plan. No structures or improvements may be added to the site that is not included on the approved site plan. All improvements shown on the approved site plan shall be maintained in a neat and attractive manner. Failure to complete or maintain the site in accordance with this Chapter and with the approved site plan shall be a violation of the terms of this Chapter. The City may initiate criminal and/or civil legal proceedings against any person, firm or corporation, whether acting as principal, agent, property owner, lessee, tenant, employee or otherwise, for failure to complete or maintain the site in accordance with this Chapter and with the approved site plan. (Ord. No. O-2012-0027, Enacted, 10/09/2012)

O. Development Standards and Requirements. The following development standards and requirements
apply to all affordable senior housing developments in the ASH zone.

1. Density. The maximum density allowed shall be four (4) dwelling units per lot and the minimum density shall be two (2) dwelling units per lot.

2. Attached Units. All units on a parcel must be attached in a single building.

3. Square Footage. The minimum square footage per dwelling unit shall be five hundred (500) square feet.

4. Floors Above Grade. The maximum number of floors above grade shall be one (1).

5. Setbacks. All dwelling units shall be set back a minimum of twenty (20) feet from any public right-of-way and the back of sidewalk. The interior side setback shall be ten (10) feet and the rear setback shall be twenty (20) feet. All parking spaces, drives, and carports shall be set back a minimum of twenty (20) feet from any public right-of-way. All setbacks adjacent to dedicated streets shall be landscaped with lawns, trees, and shrubs.

6. New Construction. An affordable senior housing development must be new construction. An existing building or structure that was not originally approved as affordable senior housing may not be converted to affordable senior housing under this section.

7. Utilities. All dwelling units 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.

8. Landscaping. A landscaping plan shall be submitted to the City for approval as a part of the site plan. All landscaping requirements shall be completed within ninety (90) days of issuance of certificate of occupancy. In the event that the building is completed between October 15 and March 15, completion of the landscaping may be delayed until the next June 15 following said March 15 date.
   a. All land within the ASH development not covered by buildings, driveways, sidewalks, and parking areas, shall be permanently landscaped with trees, shrubs, lawn, or vegetative ground cover and maintained in accordance with good landscaping practice. A permanent underground sprinkling system shall be installed for all landscaped areas.
   b. For every dwelling unit there shall be required on the site at least one (1) deciduous tree at least two inches (2”) in caliper measured six inches (6”) above ground level, one (1) evergreen tree at least five (5) gallons in size, and sixteen (16) evergreen type shrubs at least five (5) gallons in size. Existing trees or shrubs shall not count towards the minimum required number.

9. Lighting Plan. All ASH developments shall include a lighting plan. The lighting plan shall be designed to:
   a. discourage crime;
   b. enhance the safety of the residents and guests of the ASH development;
   c. prevent glare onto adjacent properties; and
   d. enhance the appearance and design of the project.

10. Parking. Each dwelling unit shall be provided no less than one and one-half (1.5) parking stalls. One (1) covered stall shall be required for each unit. All parking spaces shall measure at least nine (9) feet by eighteen (18) feet. All parking spaces, parking areas, and driveways shall be paved with asphalt and/or concrete and shall be properly drained. Drainage shall not be channeled or caused to flow across pedestrian walkways.

11. Off-site Improvements. Off-site curb, gutter and sidewalk along street rights-of-way bordering the site may be required by the City when safety or surface water drainage is impaired as a result of a proposed ASH development.

12. Irrigation Ditches. Irrigation ditches within the development or along street rights-of-way adjacent to the development shall be piped.

13. Exterior Finishing Materials. The finish materials of all exterior walls shall consist of brick, stone, stucco, or a combination thereof. The exterior finish of each exterior wall shall be substantially similar. Metal or vinyl soffits and trims are permitted and do not count in the percentages required above.

14. Door Orientation. The front door for each unit in a building shall be located on a different elevation of the building and shall not face in the same direction as any other front door.

15. Storm Water Runoff Plan. All developments in the ASH zone shall have a storm water runoff plan designed to accommodate a 25 year storm. Any on-site detention ponds may be considered in and part of required landscaped areas. All surface water runoff shall be detained on site.

16. Accessory Apartments. Accessory apartments are not permitted within the ASH zone.

(Ord. No. O-2012-0027, Enacted, 10/09/2012)

P. Annual Report. The owner of an affordable housing development other than the Utah County Housing Authority must submit to the City a report on or before January 15 of each year that provides detailed
information verifying that the residents meet the age and income requirements of this ordinance and that the rent charged for each unit complies with the requirements of this ordinance. The owner shall certify under oath that the owner has complied with these requirements at all times during the previous year and that the owner is currently in compliance with such requirements. The City may, at the City’s discretion, require the owner to provide additional information, including but not limited to receipts, statements, rental agreements and resident tax returns that demonstrate to the City’s satisfaction that the owner has complied with these requirements.

(Ord. No. O-2012-0027, Enacted, 10/09/2012)

Q. Violations. Any person who violates the occupancy requirements contained in subsection 22-12-7(F) or any other provision of this section 22-12-7 shall be guilty of a Class B misdemeanor.

(Ord. No. O-2012-0027, Enacted, 10/09/2012)

R. Standards of Underlying Zone Apply Where Not Modified. Except as otherwise modified in this section 22-12-7, the provisions and standards of the underlying zone shall apply in the Affordable Senior Housing zone.

(Ord. No. O-2012-0027, Enacted, 10/09/2012)
Map 1
Student Housing Overlay Zones

22-13-1. Title.
This ordinance shall be known as the "Wireless Telecommunications Zoning Ordinance."

The purposes of this ordinance are:
A. To regulate personal wireless services antennas, and related electronic equipment and structures.

B. To provide for the orderly establishment of personal wireless services facilities in the City.

C. To minimize the number of antenna support structures by encouraging the use of stealth facilities, by encouraging the co-location of multiple antennas on a single structure, by encouraging the location of antennas on pre-existing support structures, and by encouraging the use of City-owned property for antenna support structures.

D. To establish siting, appearance, and safety standards that will help mitigate potential impacts related to the construction, use and maintenance of personal wireless services facilities.

E. To comply with the Telecommunications Act of 1996 by establishing regulations that (1) do not prohibit or have the effect of prohibiting the provision of personal wireless services, (2) do not unreasonably discriminate among providers of functionally equivalent services, and (3) are not based on the environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communication Commission’s regulations concerning such emissions.

The City Council makes the following findings:
A. Personal wireless services devices are an integral part of the rapidly growing and evolving telecommunications industry, and present unique zoning challenges and concerns for the City.

B. The City needs to balance the interests and desires of the telecommunications industry and its customers to provide competitive and effective telecommunications systems in the City, against the sometimes differing interests and desires of others concerning health, safety, welfare, and aesthetics, and orderly planning of the community.

C. The City has experienced an increased demand for personal wireless services facilities to be located in the City, and expects the increased demand to continue into the future.

D. It is in the best interests of the City to have quality personal wireless services available, which necessarily entails the erection of personal wireless services facilities in the City.

E. The unnecessary proliferation of personal wireless services facilities throughout the City creates a negative visual impact on the community.

F. The visual effects of personal wireless services facilities can be mitigated by fair standards regulating their siting, construction, maintenance and use.
G. The City owns numerous large parcels of property evenly spread throughout the City, where personal wireless services facilities can be located so as to be as inoffensive as possible to the residents and businesses of the City.


H. Spacing personal wireless services facilities evenly throughout the city reduces the negative impact created by the proliferation of telecommunication towers.


I. Because of the height and appearance of some personal wireless services facilities, surrounding properties bear a disproportionate share of the negative impacts of a telecommunications tower.


J. A private property owner who leases space for a personal wireless services facility is the only one who receives compensation for the facility, even though numerous other property owners in the area are adversely affected by the location of the facility.


K. Encouraging personal wireless services facilities to be located on City property, with lease payments paid to the City instead of an individual property owner, indirectly compensates all citizens of the community for the adverse impacts of the facilities, and is therefore the fairest method of distributing burden and benefit.


L. Locating antennas on existing buildings and structures, or constructing an antenna as a stealth facility, creates less of a negative visual impact on the community than the erection of towers.


M. Buildings and structures on public property are capable of being used to provide support for antenna arrays, thus reducing the proliferation of towers in all areas of the City.


N. The public policy objectives to reduce the proliferation of telecommunication towers and to mitigate their impact can best be facilitated by encouraging the use of less visually intrusive antennas and permitting the locating of wireless communication systems on telecommunication towers and antenna support structures that are located on property owned, leased, or used by the City.


O. The requirements set forth in this ordinance for the placement of personal wireless services facilities on property owned, leased or used by the City are necessary to protect the health, safety and general welfare of the community.


P. Chapter 69-3, Utah Code Annotated, grants cities the authority to create or acquire sites to accommodate the erection of telecommunication towers in order to promote the location of telecommunication towers in a manageable area and to protect the aesthetics and environment of the area. The law also allows the City to require the owner of any tower to accommodate the multiple use of the tower by other companies where feasible and to pay the City the fair market rental value for the use of any City-owned site.


The following words shall have the described meaning when used in this Article, unless a contrary meaning is apparent from the context of the word.

Antenna. A transmitting or receiving device used in telecommunications that radiates or captures radio signals.

Antenna Support Structures. Any structure that can be used for the purpose of supporting an antenna(s).

City. The City of Orem, Utah.

City-owned Property. Real property that is owned, leased or controlled by the City.

Co-location. The location of an antenna on an existing structure, tower or building that is already being used for personal wireless services facilities.

Guyed Tower. A tower that supports an antenna or antennas and requires guy wires or other stabilizers for support.

Lattice Tower. A self-supporting three or four-sided, open steel frame structure used to support telecommunications equipment.

Monopole. A single, self-supporting, cylindrical pole, constructed without guy wires or ground anchors, that acts as the support structure for antennas.
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Personal Wireless Services. “Personal wireless services” has the same meaning as provided in Section 704 of the Telecommunications Act of 1996 (47 U.S.C. § 332(c)(7)(C)), which includes what is commonly known as cellular and PCS services.

Personal Wireless Services Facilities. Facilities for the provision of personal wireless services, hereafter referred to as “wireless facilities”. Wireless facilities include transmitters, antennas, structures supporting antennas, and electronic equipment that is typically installed in close proximity to a transmitter.

Private Property. Any real property not owned by the City, even if the property is owned by another public or governmental entity.

Roof Line. On buildings without a pitched roof, the roof line shall mean the top of the exterior wall elevation. On buildings with a pitched roof, roof line shall mean the ridgeline of the roof.

Roof Mounted Antenna. An antenna or series of individual antennas mounted on a roof, mechanical room or penthouse of a building or structure.

Stealth Facilities. Wireless facilities that have been designed to be compatible with the natural setting and surrounding structures, that camouflage or conceal the presence of antennas and/or towers, and that have been certified as “Stealth Facilities” by the City Council.

Tower. A free-standing structure, such as a monopole tower, lattice tower, or guyed tower, that is used as a support structure for antenna(s).

Wall Mounted Antenna. An antenna or series of individual antennas mounted on the vertical wall of a building or structure.


22-13-5. Applicability.

This Article applies to both commercial and private low power radio services and facilities, such as “cellular” or PCS (personal communications system) communications and paging systems. Neither the term “wireless facility” nor the requirements of this Article shall apply to the following types of communications devices, although they may be regulated by other City ordinances and policies:

A. Amateur Radio. Any tower or antenna owned and operated by an amateur radio operator licensed by the Federal Communications Commission.


B. Satellite. Any device designed for over-the-air reception of television broadcast signals, multichannel multipoint distribution service or direct satellite service.


C. Cable. Any cable television headend or hub towers and antennas used solely for cable television services.


22-13-6. Application Requirements.

Any person desiring to develop, construct or establish a wireless facility in the City shall submit an application for site plan approval to the City in accordance with the requirements of Section 22-14-20 of this Chapter.


The application shall be reviewed by the City in accordance with its standard site plan approval process. If the facility requires a conditional use permit, the review shall be in accordance with the City’s standard conditional use permit approval process. The City shall process all applications within a reasonable time and shall not unreasonably discriminate among providers of functionally equivalent services. Any decision to deny a request to place, construct, or modify wireless facilities shall be in writing and supported by substantial evidence contained in a written record.


No wireless facility shall be constructed until the applicant obtains a building permit from the City. No building permit shall be issued for any project for which a site plan, amended site plan or conditional use permit is required, until the site plan, amended site plan or conditional use permit has been approved by the appropriate authority. If the design or engineering of the antenna support structure is beyond the expertise of the Building Official, the City may require third party review by an engineer selected by the City prior to the issuance of a building permit. The applicant shall pay an additional fee to cover the cost of the third party review.


22-13-9. Location and Type Priority.

A. Priority of Antenna Site Locations. Wireless facilities shall be located as unobtrusively as is reasonably possible. To accomplish this goal, the provider shall make a good faith effort to site antennas in the following order of priority:

1. **Existing Structures or Stealth Facilities.**
First priority shall be granted to antennas located on existing structures or antennas qualifying as stealth facilities, as follows:
   a. **Existing Structures.** Lawfully existing buildings, structures and antenna support structures, provided that the buildings, structures or support structures are: (1) located in a nonresidential zone, or (2) located in a residential zone on property that is being used for nonresidential uses (e.g. government, school or church), or (3) located in a residential zone on a property that is being used for a multifamily residential building having eight (8) or more dwelling units; or
   b. **Stealth Facilities.** Antennas certified as stealth facilities as set forth in this ordinance.

2. **Monopoles on City-owned Property.**
Monopoles constructed on City-owned property.

3. **Monopoles on Nonresidential Private Property.**
Monopoles constructed on private property, provided that the private property is (1) located in a nonresidential zone, or (2) located in a residential zone on property that is used for a nonresidential use (e.g. government, school or church).

4. **Other.** Any combination of antenna type and location other than those listed above.

B. **Burden of Proof.** If the applicant desires to locate antennas on a site other than the highest priority site, the applicant shall have the burden of demonstrating to the approving authority why it could not locate antennas on sites with a higher priority than the site chosen by the applicant. To do so, the applicant shall provide the following information to the approving authority:
   1. **Higher Priority Sites.** The identity and location of any higher priority sites located within the desired service area.
   2. **Reason for Rejection of Higher Priority Sites.** The reason(s) why the higher priority sites are not technologically, legally or economically feasible. The applicant must make a good faith effort to locate antennas on a higher priority site. The City may request information from outside sources to justify or rebut the applicant’s reasons for rejecting a higher priority site.
   3. **Justification for Proposed Site.** Why the proposed site is essential to meet the service demands of the geographic service area and the citywide network.

If the applicant desires to construct a monopole, the applicant shall also submit a detailed written description of why the applicant cannot obtain coverage using existing buildings or structures or stealth facilities.

22-13-10. **Permitted Uses and Locations.**
A. **Permitted Uses.** The following combinations of antenna types and locations are permitted uses, provided that the applicant complies with this Article and any other applicable laws and regulations:
   1. **Existing Structures on City-owned Property.** Existing buildings, structures and antenna support structures located on City-owned property.
   2. **Existing Structures on Private Property.** Wall and roof mounted antennas located on lawfully existing buildings and structures located on private property, provided that the private property is (1) located in a nonresidential zone, or (2) located in a residential zone on property that is used for a nonresidential use (e.g. government, school or church), or (3) located in a residential zone on property that is being used for a multifamily residential building having eight (8) or more dwelling units.
   3. **Co-location.** Co-location on a lawfully existing antenna support structure located on private property.

4. **Monopoles in Industrial Areas.**
Monopoles constructed in industrial or manufacturing zones.

B. **Not Permitted Uses.** The following antenna types and antenna locations are not permitted, except upon a showing of necessity (inability to achieve coverage or capacity in the service area) by the applicant, in which case they shall be considered as conditional uses:
   1. **Lattice Towers and Guyed Towers.** Lattice towers, guyed towers, and other nonstealth towers, with the exception of monopoles, are not permitted in any zone.
   2. **Monopoles on Private Property in a Residential Zone.** Monopoles located on residentially zoned private property, if the residentially zoned property has a residential use (as opposed to a school, church, or other nonresidential use).

C. **Conditional Uses.** The following combinations of antenna types and locations shall be considered as conditional uses, provided that the applicant complies with this Article and other applicable laws and regulations:
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1. **Stealth Facilities.** Antennas certified as stealth facilities by the City Council.

2. **Others.** Combinations of antenna types and locations other than those listed above as permitted or not permitted uses.


22-13-11. **Specific Regulations by Type.**

Wireless facilities are characterized by the type or location of the antenna structure. There are four general types of antenna structures contemplated by this ordinance: wall mounted antennas; roof mounted antennas; stealth facilities; and monopoles. If a particular type of antenna structure is allowed by this ordinance as a permitted or conditional use, the minimum standards for that type of antenna are as follows, unless otherwise provided in a conditional use permit:

A. **Wall Mounted Antennas.**

1. **Maximum Height.** Wall mounted antennas shall not extend above the roof line of the building or extend more than four (4) feet horizontally from the face of the building.

2. **Setback.** Wall mounted antennas shall not be located within twenty feet (20') feet of a residential zone.

3. **Mounting Options.** Antennas mounted directly on existing parapet walls, penthouses, or mechanical equipment rooms are considered to be wall mounted antennas if no portion of the antenna extends above the roof line of the parapet wall, penthouse, or mechanical equipment room.

4. **Color.** Wall mounted antennas, equipment and supporting structures shall be painted to match the color of the building or structure or the background against which they are most commonly seen. Antennas and supporting structures shall be architecturally compatible with the building. Whip antennas are not allowed on a wall mounted antenna structure.

5. **Maximum Area.** The total area for all wall mounted antennas and supporting structures on any one building shall not exceed five percent (5%) of any exterior wall of the building.


B. **Roof Mounted Antennas.**

1. **Maximum Height.** The maximum height of a roof mounted antenna shall be eighteen feet (18') above the roof line of the building.

2. **Setback.** Roof mounted antennas shall be setback from the exterior wall of the building or structure a distance at least equal to the height of the antenna above the roof.

C. **Stealth Facilities.**

1. **Maximum Height.** The maximum height of a stealth facility shall be eighteen feet (18") higher than the maximum permitted structure height of the zone in which the stealth facility is located. The applicant may exceed the maximum structure height if otherwise allowed in this Chapter, or pursuant to a conditional use permit.

2. **Determination.** Not every disguised or screened wireless facility qualifies as a stealth facility. Whether or not a particular facility qualifies as a stealth facility shall be decided by the City Council as part of the conditional use permit approval process. In making the decision, the City Council shall consider the definition of Stealth Facilities set forth in this Article and shall consider whether the facility is disguised, blended or screened in a manner that eliminates any negative impact of the wireless facility. Each stealth facility certification applies to one location only. Because of differing circumstances specific to each site, an antenna that qualifies as a stealth facility in one location may not qualify as a stealth facility in a different location.


D. **Monopoles.** If the applicant desires to construct a monopole, the applicant shall first submit a detailed written description of why the applicant cannot obtain coverage using existing buildings or structures or stealth facilities.

1. **Maximum Height and Width.** The maximum height of the monopole or monopole antenna shall be seventy-five feet (75'), although the approving body may, as a conditional use, allow an antenna or antenna support structure up to 110 feet (110") in height, if the applicant demonstrates to the satisfaction of the approving body that the additional height is necessary to obtain coverage or to allow
co-location, and that the applicant has taken steps to mitigate adverse effects on the surrounding neighborhood. The antenna itself shall not exceed ten feet (10') in height.

2. Setback. Monopoles shall be set back a minimum of 115% of the height of the monopole from any residential lot line, measured from the base of the monopole to the nearest residential lot line.

3. Color. Monopoles, antennas, and related support structures shall be painted a neutral color, or a color to match the background against which they are most commonly seen.

4. Distance from other Monopoles. Monopoles and towers shall be located at least one thousand feet (1000') from each other, except upon a showing of necessity by the applicant, or upon a finding by the approving authority that a closer distance would adequately protect the health, safety and welfare of the community. This distance requirement shall not apply to stealth facilities or to antennas attached to lawful structures such as transmission towers, utility poles, outdoor lighting structures, and water tanks.

5. Location on Parcel. Monopoles shall be located as unobtrusively on a parcel as possible, given the location of existing structures, nearby residential areas, and service needs of the applicant. Monopoles shall not be located in a required landscaped area, buffer area or parking area.

6. Co-Location Requirement. Unless otherwise authorized by the approving authority for good cause shown, every new monopole shall be designed and constructed to be of sufficient size and capacity to accommodate at least one additional wireless telecommunications provider on the structure in the future. Any conditional use permit for the monopole may be conditioned upon the agreement of the applicant to allow co-location of other personal wireless providers on such terms as are common in the industry.


In addition to the conditional use permit considerations listed in Article 22-4 of this chapter, the approving authority shall also consider the following factors when deciding whether to grant a conditional use permit for a wireless facility:

A. Compatibility. Compatibility of the facility with the height, mass and design of buildings, structures and uses in the vicinity of the facility.


B. Screening. Whether the facility uses existing or proposed vegetation, topography or structures in a manner that effectively screens the facility.


C. Disguise. Whether the facility is disguised in a manner that mitigates potential negative impacts on surrounding properties.


D. Parcel Size. Whether the facility is located on a parcel of sufficient size to adequately support the facility.


E. Location on Parcel. Whether the structure is situated on the parcel in a manner that can best protect the interests of surrounding property owners, but still accommodate other appropriate uses of the parcel.


F. Location in General. Whether location or co-location of the facility on other structures in the same vicinity is practicable, without significantly affecting the antenna transmission or reception capabilities.


G. Co-location. The willingness of the applicant to allow co-location on its facility by other personal wireless services providers on such terms as are common in the industry.


22-13-13. Lease Agreement.

The City has no implied obligation to lease any particular parcel of City-owned property to an applicant. The City shall enter into a standard lease agreement with the applicant for any facility built on City property. The City Manager or designee is hereby authorized to execute the standard lease agreement on behalf of the City. The Lease shall contain the condition that the site plan and/or conditional use permit must first be approved by the approving authority before the lease can take effect, and that failure to obtain such approval renders the lease null and void.

(Ord. No. O-01-0043, Enacted, 11/13/2001)


A. Regulation Compliance.

1. Compliance with FCC and FAA regulations. All operators of wireless facilities...
shall demonstrate compliance with applicable Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) regulations, including FCC radio frequency regulations, at the time of application and periodically thereafter as requested by the City. Failure to comply with the applicable regulations shall be grounds for revoking a site plan or conditional use permit approval.

2. Other licenses and permits. The operator of every personal wireless services facility shall submit copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of the facility to the City, shall maintain such licenses and permits in good standing, and shall provide evidence of renewal or extension thereof upon request by the City.

(Ord. No. O-01-0043, Enacted, 11/13/2001)

B. Monopole Safety.

1. Protection Against Climbing. Monopoles shall be protected against unauthorized climbing by removing the climbing pegs from the lower 20 feet of the monopole.

2. Fencing. Monopoles and towers shall be fully enclosed by a minimum 6-foot tall fence or wall, as directed by the City, unless the approving authority determines that a wall or fence is not needed or appropriate for a particular site due to conditions specific to the site.

3. Security Lighting Requirements. Monopoles and towers shall comply with the FAA requirements for lighting. As part of the conditional use permit consideration, the City may also require security lighting for the site. If security lighting is used, the lighting impact on surrounding residential areas shall be minimized by using indirect lighting, where appropriate.

(Ord. No. O-01-0043, Enacted, 11/13/2001)

C. Abandonment. The City may require the removal of all antennas and monopoles if the facility has been inoperative or out of service for more than twelve (12) consecutive months.

1. Notice. Notice to remove shall be given in writing by personal service, or by certified mail addressed to the operator’s last known address.

2. Violation. Failure to remove the antennas and monopoles after receiving written notice to remove is a violation of the terms of this Chapter. The City may initiate criminal and/or civil legal proceeding against any person, firm, entity or corporation, whether acting as principal, agent, property owner, lessee, lessor, tenant, landlord, employee, employer or otherwise, for failure to remove antennas and monopoles in accordance with this Chapter. The City may seek a civil injunction requiring the removal of any structures on the site in accordance with this Chapter. The City may also remove such structures itself, and may bill its costs in removing the structures to the operator. Any lease agreement with the City may also stipulate failure to remove the antennas and monopoles after receiving written notice to do so pursuant to this Chapter automatically transfers ownership of the antennas, monopoles, support buildings and all other structures on the site to the City.

(Ord. No. O-01-0043, Enacted, 11/13/2001)

D. Emergency. The City shall have authority to move or alter a wireless facility in case of emergency. Before taking any such action, the City shall first notify the owner of the facility, if feasible.

(Ord. No. O-01-0043, Enacted, 11/13/2001)


A. Storage Areas and Solid Waste Receptacles. No outside storage or solid waste receptacles shall be permitted on the site.

(Ord. No. O-01-0043, Enacted, 11/13/2001)

B. Equipment Enclosures. All electronic and other related equipment and appurtenances necessary for the operation of any wireless facility shall, whenever possible, be located within a lawfully pre-existing structure. When a new structure is required to house such equipment, the structure shall be harmonious with, and blend with, the natural features, buildings and structures surrounding such structure.

(Ord. No. O-01-0043, Enacted, 11/13/2001)

C. Accessory Buildings. Freestanding accessory buildings used with a wireless facility shall not exceed a combined total of 450 square feet and shall comply with the setback requirements for structures in the zone in which the facility is located.

(Ord. No. O-01-0043, Enacted, 11/13/2001)

D. Parking. The City may require a minimum of one (1) parking stall for sites containing a monopole, tower, and/or accessory buildings, if there is insufficient parking available on the site.

(Ord. No. O-01-0043, Enacted, 11/13/2001)

E. Maintenance Requirements. All wireless facilities shall be maintained in a safe, neat and attractive manner.

(Ord. No. O-01-0043, Enacted, 11/13/2001)
F. **Landscaping.** All sites with a wireless facility shall be landscaped in accordance with the zone requirements where the facility is located.

(Ord. No. O-01-0043, Enacted, 11/13/2001)
Article 22-14. Supplementary Regulations

22-14-1. Applicability.

22-14-2. Buildings constructed on previously subdivided land.

22-14-3. Yard space for one building only.

22-14-4. Sale or lease of required space.

22-14-5. Severing nonconforming parcels prohibited.

22-14-6. Lots to abut on streets.

22-14-7. Conservation of values.

22-14-8. Moving a House, Building or other Structure.


22-14-11. Off-street loading and unloading.


22-14-17. Ultralight Vehicle Operations.

22-14-18. Temporary Sites for Permitted Uses.

22-14-19. Fences, Walls and Hedges.

22-14-20. Site Plans.


22-14-22. Reserved.

22-14-23. Recycling Trailers/Containers.


22-14-25. Historical Preservation.


22-14-27. Accessory Uses.


22-14-1. Applicability.

The regulations in this division supplement the zone regulations applying to the zones established in this Chapter.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

22-14-2. Buildings constructed on previously subdivided land.

Notwithstanding any other provision of this Chapter, a single family dwelling may be constructed on any lot in any residential zone, provided:

1. The lot was legally on record in the county recorder’s office as a separate lot at the time of the passage of this Chapter.

2. Side setbacks are at least equal to those required in the R6.5 Residential Zone.

3. All other requirements applying to dwellings in the zone are complied with except for side setback requirements.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

22-14-3. Yard space for one building only.

No required setbacks, yard or other open space around any existing building, or hereafter provided around any building, for the purpose of complying with the provisions of this Chapter, shall be considered as providing a yard or other open space for any other building, nor shall any yard or other required open space on an adjoining lot be considered a yard or open space on a lot wherein a building is to be erected or established.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

22-14-4. Sale or lease of required space.

Space required to meet the area, width, yard, parking or other requirements of this Chapter for a lot or building shall not be sold or leased from such lot or building unless other area so complying is provided.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

22-14-5. Severing nonconforming parcels prohibited.

No parcel of land which has less than the minimum frontage and area requirements for the zone in which it is located shall be severed from another parcel of land for the purpose, whether immediate or future, of building or development as a lot.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

22-14-6. Lots to abut on streets.

At least one side of each lot used as a dwelling site shall abut upon a public dedicated street, except as provided in the Subdivision Ordinance of the City and Article 7 of this Chapter.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

22-14-7. Conservation of values.

A. The outside surface of buildings which are constructed of wood shall be coated with paint or other wood preservative within one year from the time such building is occupied or used.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

B. Any lot in any zone shall be improved and maintained as follows:
1. Wherever a front yard or side yard adjacent to a street exists, such yard shall be planted and maintained according to the definition of landscaping contained in this Chapter. The front yard of all lots on which buildings are located shall be landscaped within one (1) year from the date of the issuance of a final certificate of occupancy.

2. Driveways leading from a street to a parking lot, private garage, carport or other off-street parking space shall be a paved surface except that the paved surface need not extend more than seventy feet (70') from the street right-of-way line. The paved surface shall be completed within one year from the date of the occupancy of the building. Parking on grass or landscaped areas of the front yard or side yard adjacent to a street in residential zones is prohibited. Exception: A driveway accessing Carterville Road must be paved for a distance of 25 feet from the existing edge of road asphalt and the full width of the driveway must be paved. A paved surface for a driveway accessing Carterville Road shall be considered compliant with this section if it does not itself generate any soil, rock or mud which may be tracked onto Carterville Road or storm water drainage system. The pavement method used must be approved by the Development Services Director prior to installation.

3. No trash or rubbish shall be allowed to accumulate on any lot in any zone. The space around buildings and structures shall be kept free from refuse and debris, and all waste shall be concealed from view from adjacent property.

4. It shall be unlawful to park, store, leave or permit the parking, storing or leaving of any licensed or unlicensed motor vehicle of any kind or part thereof, which is in a wrecked, junked, partially dismantled, inoperative or abandoned condition, whether attended or not, upon any private property within the City limits for a period of time in excess of seventy-two (72) hours, except that two (2) or less such vehicles or parts thereof may be stored if within a building, or placed behind an opaque screening fence; and except that said vehicles and parts may be within a junk yard or automobile wrecking yard lawfully established pursuant to the provisions of this Chapter.


C. The storage of merchandise, materials, partially or completely dismantled automobiles or salvage materials in any zone shall be enclosed in a sight-obscuring fence of not less than six (6) feet in height, and such storage shall not be placed in a greater height than the enclosing wall or fence. Where such storage qualified as a legal nonconforming use, the property owner and/or proprietor shall have a period of six (6) months from the date of notification of violation of this provision by the Zoning Administrator to amortize such storage and bring it into conformance with this section.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

§22-14-8 Moving a House, Building or other Structure.

A. No house, building or other structure of any kind shall be brought into the City nor shall any house, building or other structure be moved from one lot in the City to another lot within or outside the City until all of the following conditions have been met:

1. If the home, building or structure is to be moved to a lot in the City, the person desiring to move the structure must apply to the Department of Development Services and pay a fifty dollar ($50.00) fee to have the structure inspected by the City before it is moved to determine all of the changes or improvements necessary to bring the structure and site into compliance with the City's current applicable codes (zoning, building, electrical, plumbing, etc.) relating to that structure and site.

2. Detailed site and building plans must be submitted to and approved by the building inspector which specify all of the modifications and improvements necessary to bring the structure and site into compliance with all applicable City codes. The requirements for the building shall be identical to the requirements for any newly constructed building. The site plan which is submitted must be drawn to scale and show all relevant dimensions. In addition, the site plan shall indicate all adjacent lots as well as all structures and improvements on those lots.

3. When moving a building to a lot requires site plan review, approval of a site plan prepared according to the requirements of Section 22-14-20 or 22-14-21 of the Orem City Code must first be obtained. If the building is to be moved to a lot in a residential zone and site plan review is not required, approval of a plot plan meeting the building permit requirements of Chapter 7 and Section 22-1-4 of the Orem City Code must first be obtained from the Zoning Administrator.

4. The appropriate fees must be paid to the City and a building permit must be obtained.

5. All necessary dedications of property must be made to the City as required by the City ordinances or resolutions.
6. The applicant shall post a cash bond with the City in an amount determined by the City to be the cost of making all of the changes and improvements necessary to bring the structure and sites (both the vacated site and the proposed site) into compliance with all of the applicable City codes. This bond is posted to ensure that all necessary changes and improvements are made within six (6) months after the date the structure is moved into or within the City.

B. If the site to be vacated is within the City, the applicant shall clean up the vacated site, remove all old brick, lumber, debris and trash, fill in or otherwise dispose of any basements and/or foundations, and restore the site to a safe and sightly condition.

C. If, after a period of six (6) months, all of the changes and improvements necessary to bring the structure into compliance with the City's codes have not been completed, the bond specified in subparagraph (A)(6) above shall automatically forfeit to the City. The City shall then use the bond monies to complete all necessary changes or improvements. Any monies remaining after the completion of the improvements shall be returned to the applicant who posted the bond.

The six (6) month period allowed to complete the structure and improvements may be extended for an additional three (3) months by approval of the Chief Building Official. The extension may be granted for weather related factors or other factors deemed to be good cause for granting the extension.

D. No person shall occupy or use nor shall any person permit any other person to occupy or use any house, building or other structure which has been brought into the City or which has been moved from one lot in the city to another unless and until the conditions of this section have been complied with and a certificate of occupancy has been obtained from the Chief Building Inspector.

E. No building shall be temporarily located on any site within the City for more than sixty (60) days. "Temporarily located" shall mean located on any site which is not intended to be the permanent location for the building and which site has not been approved pursuant to the provisions of this section. Permission to temporarily locate a building on any site for more than sixty (60) days may be granted only by the City Manager upon good cause shown.


A. Permitted business activities conducted outside of a building or accessory structure within any commercial zone shall be compatible with the neighborhood and shall not be detrimental to the same due to:

1. Noise generated from within the site. The level or amount of noise generated from the site shall not disrupt or otherwise interfere with the normal use and enjoyment of property in the area for its intended use.

2. Light or glare generated from within the site. The use of any outside lighting shall be placed and shielded so as not to be detrimental to properties in proximity to the site.

B. The Planning Commission may control the hours of operation of permitted business activities conducted outside of a building or accessory structure within any commercial zone.

C. Commercial properties, including buildings and front, side, and rear yard area shall be properly maintained. Such maintenance shall include proper upkeep and painting of buildings, and the removal of all trash, debris, weeds and inoperable vehicles or other items or materials that may create visual pollution or otherwise detract from other properties.
22-14-11. Off-street loading and unloading.
A. Every establishment receiving and/or delivering goods or materials by automobile or truck shall provide at least one off-street loading space. For each twenty thousand (20,000) square feet of floor space in any retail, wholesale, warehouse or manufacturing establishment, there shall be one additional loading space provided.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

B. Each loading space shall not be less than ten feet (10') in width, twenty-five feet (25') in length, and fourteen feet (14') in height.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

C. The required off-street loading area shall be located on the same lot with the use it is intended to serve and may occupy any side or rear yard thereon.
(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

Subgrade structures are not subject to the setback requirements of this Chapter provided that all other City ordinance requirements are met including landscaping requirements.

A. Purpose. The purpose of the landscaping requirements in this chapter is (1) to promote pleasant and attractive surroundings and thereby enhance, conserve and stabilize property values, and create a more pleasant community, and (2) to reduce heat, noise, and glare through the proper placement of green plants and trees.

B. Residential Lots. The entire front yard and side yard adjacent to a street (excluding driveways and sidewalks) of developed lots in residential zones shall be landscaped. The area of driveways on residential lots shall not exceed sixty percent (60%) of the area of the front yard or side yard in which the driveway is located. The area of all driveways on a corner lot shall not exceed fifty percent (50%) of the combined area of the front yard and side yard adjacent to a street.

C. Commercial, Industrial, Business Park, and Multiple Family Lots. In addition to the landscaping requirements set forth in other sections of the City Code, developed lots in commercial, industrial, business park, and multiple-family residential zones shall comply with the following requirements:
1. The strip of land between the back of the curb and the lot line, exclusive of sidewalks shall be landscaped.
2. All landscaped areas shall be separated from off-street parking areas and driveways by a concrete curb or other material approved by the City.

D. All Developed Lots. The following shall be applicable to developed lots in all zones.
1. All areas required to be landscaped under this chapter shall be planted and maintained with some combination of grass, shrubs, trees, flowers, vines, or other living plants. The plants used for the required landscaping must cover the ground with living plant material at a distance of no more than twenty-four inches (24") above ground level. For example, a tree canopy with foliage at a height of ten feet would not meet the landscaping requirement of this section. Notwithstanding the above, up to, but no more than thirty percent (30%) of all required landscape areas may be covered and maintained with:
   a. bark chips, mulches, and peat moss;
   b. decorative rocks, bricks, boulders, and gravel (provided that all such materials are installed with a depth of four inches (4") or more with a weed block barrier underneath); or
c. ornamental objects such as fountains, pools, statues, retaining walls, and benches. The use of rocks, boulders, and gravel is only permitted to the extent that such materials are part of a deliberate landscaping plan and not the result of the natural state of the land or neglect of the landscaping.
2. Where the buffered sidewalk design is used, the strip of land between the back of curb and the sidewalk shall be landscaped with lawn and deciduous trees in conformance with Appendix “U.” Trees shall be spaced at a maximum of thirty feet (30') on center, midway between curb and sidewalk.
3. All landscaped areas shall be maintained in a neat, clean, and orderly condition. This is meant to include proper pruning, lawn mowing, weeding, removing of litter, fertilizing, replacing of dead plants and the regular watering of all landscaped areas.
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22-14-14  Sale of agricultural products in a any zone.

A. An owner or residential lessee of a residential lot shall be permitted to sell fruit, vegetables and nuts on the property with the following restrictions:

1. All buildings or structures, whether permanent or temporary, to be used for the purpose of selling or marketing fruit or vegetables in a residential zone must comply with the setback requirements of the zone in which the structure or building is located and must be reviewed and approved by the City Manager prior to the issuance of a building permit. The City Manager may approve, deny or attach reasonable conditions to any proposed building or structure.

2. No accessory building(s) shall be constructed or used in the front yard of the property in connection with the sale of agricultural produce under this section. Any parcel which is used for the sale or marketing of fruit, vegetables or nuts pursuant to this section shall contain adequate area to accommodate parking and maneuvering space for automobiles. During hours of operation, at least two (2) off street parking stalls shall be provided on the property for patrons and the owner shall not park any vehicles on the street frontage(s) adjacent to the parcel.

3. At least seventy percent (70%) of the area contained within a required front setback or required side setback adjacent to a street shall be permanently landscaped with lawn, shrubs or trees.

4. A building used for the sale or marketing of fruit or vegetables pursuant to this section shall not contain more than one thousand three hundred (1,300) square feet and may not be used in combination with any other use permitted within the zone in which it is located.

5. One (1) nonilluminated nonprojecting wall sign containing not more than thirty-two (32) square feet and which advertises produce for sale or the name of the grower may be placed on any building or structure used for the purpose of selling or marketing fruit and/or vegetables pursuant to this section. In the event that a yard, lot, or parcel of ground is used to sell produce and no structure or building is erected on the parcel of property, one (1) mobile nonilluminated sign containing not more than thirty-two (32) square feet, not more than six (6) feet in height, which advertises produce for sale or the name of the grower may be constructed and maintained provided it meets the setback requirements for structures within the zone in which the yard, lot or parcel of ground is located.

6. A residential agricultural sales license must be obtained from the City of Orem prior to the sale of any produce under this section. The fee for such a license shall be twenty-five (25) dollars per year unless modified by resolution of the City Council. Notwithstanding the foregoing, no license shall be required for the sale of fruits, vegetables or nuts that are grown and sold on the same residential parcel if the parcel is one acre or less in size.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. 0-01-0021, Amended, 06/12/2001; Ord. No. O-2012-0003, Amended 01/10/2012)

22-14-15  Home Occupation Requirements.

A. No home occupation shall be conducted without first obtaining a home occupation permit pursuant to this Chapter and a business license pursuant to this chapter and the Orem City Code chapter regulating businesses.


B. The Development Services Director may grant a home occupation permit in the residential zones, provided the use applied for meets each and every one of the standards set forth in this Section.


C. A home occupation permit shall be obtained from the Development Services Department before such home occupation is established. The permit shall have an annual fee established by resolution of the City Council.


D. Home Occupations. As a matter of public policy, commercial and industrial activities should be conducted in zones where such activities are specifically permitted. Except as otherwise specifically provided, it shall be unlawful to conduct a business or occupation in a residential dwelling unless a home occupation permit has been issued by the City. The Director of Development Services may issue a home occupation permit to allow limited business activities to be conducted within a residential dwelling located in any zone in the City if the following requirements are met:

1. A business license has been issued for the home occupation pursuant to Chapter 12 and the permitted pays an annual business license fee in an
amount established by resolution of the City Council.

2. The home occupation is clearly incidental to and secondary to the residential use of the dwelling unit and does not occupy more than one thousand (1,000) square feet or forty percent (40%) of the total floor area of such dwelling unit, whichever is less. Enclosed garages and accessory buildings may be used in conjunction with the home occupation, the square footage of which shall count toward the maximum allowed for the home occupation.

3. The home occupation is carried on solely by one or more of the members of the immediate family who reside in the dwelling unit. However, where the home occupation business will generate little or no vehicular traffic beyond what that particular residence generates without the home occupation, and where customers will not travel to the home to receive or pay for products or services, the City shall allow a maximum of one (1) employee who does not reside at the home provided that one (1) off-street parking stall measuring at least 8’ x 18’ is located on the lot. The driveway shall not be used for the required parking stall unless the dwelling has an attached three (3) car garage.

4. The home occupation does not have any external evidence of the home occupation nor any exterior displays, displays of goods, nor advertising signs visible from outside of the dwelling unit. No activity related to the home occupation shall be conducted outside the dwelling unit and the storage of materials or products outside the dwelling unit is prohibited.

5. The home occupation or combination of all home occupations in a residential dwelling shall not generate more than two vehicular round trips related to the home occupation(s) during any single hour, nor shall they generate any traffic between the hours of 6:00 p.m. and 7:30 a.m.

6. All residents, visitors and employees who arrive at the home because of the home occupation shall be legally parked on the lot occupied by the residence or on that part of the street which immediately abuts the lot.

7. A home occupation may be allowed in a residential structure with an accessory apartment (whether in the main dwelling, accessory apartment, or both) only if the home occupation does not have (1) customers who come to the home, (2) deliveries to the home, or (3) an employee who lives outside the home. The existence of any of the above three factors after issuance of a home occupation permit shall be grounds for revocation of the permit.

8. No vehicle weighing in excess of twenty thousand (20,000) pounds, gross weight, may travel to the residence for purposes of servicing the home occupation.

9. The home occupation must not emit noise, odor, dust, fumes, vibration, smoke, electrical interference or other interference with the residential use of adjacent properties. The storage or use of flammable, explosive or other dangerous materials in connection with a home occupation is prohibited.

10. The home occupation must comply with all City building and fire codes.

11. Home Day Care Services are exempt from the requirements of this Section and are governed by Section 22-6-9.

12. Any repair business listed in Appendix "A" of the Orem City Code with a Standard Land Use Code 64XX shall not be permitted as part of a home occupation.

§22-14-16 Satellite Earth Stations.

A. A satellite earth station may be located in any residential, commercial, manufacturing or open space zone.

B. A satellite earth station shall be located behind the front setback line in all zones.

C. In the residential and open space zones, satellite earth stations shall not be used for commercial purposes, but shall be for private use only.

D. In the residential and OS5 zones, satellite earth stations mounted to the ground shall not exceed a maximum height of twenty feet (20’) above grade. In all other zones, satellite earth stations mounted to the ground shall not exceed the maximum height for structures in the zone.
22-14-17. Ultralight Vehicle Operations.

A. As used in this Chapter, "Ultralight Vehicle" shall mean any vehicle that meets all of the following requirements:

1. Is used or is intended to be used for manned operation in the air by a single occupant.
2. Is used or is intended to be used for recreation or sport purposes only.
3. Does not have any United States or foreign air-worthiness certificate.
4. If unpowered, weighs one hundred fifty-five (155) pounds or less.
5. If powered, meets the following:
   a. Weighs two hundred fifty-four (254) pounds or less, excluding floats and safety devices intended for deployment in an emergency, and
   b. Has a fuel capacity not exceeding five (5) United States gallons, and
   c. Is not capable of more than fifty-five (55) knots calibrated airspeed at full power in flight, and
   d. Has a power-off stall speed that does not exceed twenty-four (24) knots calibrated airspeed.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

B. No person shall launch or land any ultralight vehicle within the City except at facilities and sites approved by the Planning Commission.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-96-0002, Amended, 01/02/1996; Ord. No. O-01-0021, Amended, 06/12/2001)

C. The Planning Commission may approve a temporary launching and/or landing site for use by ultralight vehicles provided the following requirements are met:

1. The proposed site must be located in a zone where a facility for the landing and taking off of aircraft is a permitted use.
2. An application for a temporary location must be submitted to the Development Services Department at least thirty (30) days prior to the date the location is to be used if approved by the City Council.
3. The application shall include:
   a. The names, addresses and telephone numbers of all the pilots who will use the location.
   b. The location desired for temporary use by ultra-light vehicles.
   c. The time period during which the location will be used.
   d. How the temporary location will be delineated to alert and caution pedestrians and spectators of the possibility of low flying ultralight vehicles.
   e. A written statement from the property owner of the proposed location giving permission for the property to be used for a temporary launching and/or landing site.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-96-0002, Amended, 01/02/1996; Ord. No. O-01-0021, Amended, 06/12/2001)

D. Operators of ultralight vehicles shall observe all FAA rules and regulations which pertain to ultralight vehicles.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

E. The following shall apply to all permanent ultralight vehicle fields.

1. The landing strip shall have a minimum length of three hundred feet (300') and a minimum width of one hundred feet (100').
2. The minimum clear zone shall extend at least two hundred fifty feet (250') from the ends of the landing strip, and shall have a minimum approach slope of five feet (5') horizontally to one foot (1') vertically (5:1 slope).
3. Traffic patterns shall be determined by the ultralight vehicle field operator and shall be clearly posted.
4. Traffic pattern altitudes shall be designated by the ultralight vehicle field operator and shall be at least three hundred feet (300') above the ground level of the landing strip.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)

22-14-18. Temporary Sites for Permitted Uses.

A. No person shall construct or use a temporary site or building without first obtaining approval as set forth in this Section.


B. Temporary sites shall be restricted to the C1, C2, C3, PD-4, PD-5, PD-12, PD-22, HS, M1, and M2 zones. The use on the temporary site must be a use that is a permitted use in the zone.


C. The City Manager shall be the final approving authority for all proposed temporary site plans. The City Manager shall have authority to approve,
D. The Development Review Committee shall evaluate the impact of each temporary site. The Development Review Committee shall recommend to the City Manager that the temporary site be approved, denied, or approved with conditions and restrictions, including those specifically contained herein, as will assure that the site plan is compatible with the zone and the neighborhood in which it is to be located.

E. The City Manager shall impose a time limit upon all temporary sites. The time limit shall not exceed one hundred twenty (120) consecutive days. Paragraph (O) provides an exception to this requirement.

F. Any temporary site plan permitted by the City Manager which complies with the specific requirements of this Chapter and any conditions and restrictions which may be imposed by the City Manager shall be deemed to be a permitted temporary site on the lot on which it is thus permitted. Once a temporary site plan is permitted, however, the use shall not be enlarged, extended, changed, increased in intensity, or relocated unless an application is made for a new or revised temporary site plan.

G. All temporary site plans shall satisfy the following general standards:

1. The proposed use at the specified location shall be a permitted use within the zoning district.
2. No motor vehicle or trailer from which sales are transacted shall be part of the site plan; except, trailers used to collect recyclable materials, such as aluminum or paper, may be approved as a part of a temporary site plan.
3. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or adversely impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic generated will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.

H. All applications for temporary site plans shall be accompanied by the following items:

1. Four (4) copies of a plat drawn to designated scale containing the following information:
   a. Boundaries of the entire property.
   b. Total area of the property in square feet.
   c. Location of existing structures, with dimensions, including height.
   d. Location of proposed additions, with dimensions, including height.
   e. Public right(s)-of-way, indicating width.
   f. Proposed ingress and egress from street.
   g. Parking spaces, existing and/or proposed.
   h. Location of existing and/or proposed utilities.
   i. Where applicable, fencing, landscaping, screening and outside lighting.
2. A written statement from the applicant describing the proposed use, giving all pertinent data, including specifically:
   a. Type of operations.
   b. Hours of operation.
   c. Estimated number of patrons, clients, patients, pupils, etc.
   d. Proposed number of employees, attendants, etc.

I. An application for a temporary site plan may be made by any property owner, lessee, contract purchaser, official, department, board or bureau of any government. A contract purchaser or lessee must file, with the application, a copy of the contract or some form of written statement which indicates the endorsement of the application by the property owner.

J. The applicant shall pay a fee as established by resolution of the City Council.

K. The use on a temporary site shall not be relocated on the same site for one hundred eighty (180) consecutive days. The only exceptions to this

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0021, Amended, 06/12/2001)
11. The anticipated parking needs for the site.

12. The City Manager may grant approval of a temporary site for up to one (1) year if the following conditions are met:
   1. The applicant shall have received site plan approval to build on a new site or expand a current site within the City.
   2. The applicant shall have begun construction and shall be making progress toward completion of the new or expanded site.
   3. The temporary site shall be used to house the business moving into the new or expanded site.
   4. The City Manager may, if the applicant shows good cause, grant up to one 6 month extension for temporary site plans approved pursuant to this paragraph (O).
   5. Except as specifically excepted by this paragraph (O), all standards and requirements applicable to regular temporary site plans shall be applicable to temporary site plans approved pursuant to this paragraph.

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§22-14-19  Fences, Walls and Hedges.

A. Permit Required. No fence, wall or hedge (hereinafter collectively referred to as "fence") shall be constructed without first obtaining a permit therefor from the Department of Development Services.

B. Application. The applicant for a fence permit in a residential zone shall submit a site sketch to the Department of Development Services. The sketch shall show the lot, the location of the fence on the lot, the proposed height(s) of the fence, the elevation of the lot and surrounding properties, the location of driveways on the lot and adjacent properties, and the street alignment for one hundred eighty feet (180') to either side of the lot. The applicant for a fence permit in a nonresidential zone shall submit a site plan as required in Section 22-14-20 to the Department of Development Services.

C. Residential Zones. The following restrictions shall apply to all fences located in residential zones:
      a. Sight-obscuring Fences in Clear Vision Area. No sight-obscuring fence or any

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part thereof may be constructed or maintained in a Clear Vision Area (as defined below) unless such fence is no higher than three feet (3’) above the height of the grade of the nearest public street right of way line (normally back of sidewalk, back of curb or edge of asphalt). A retaining wall in the Clear Vision Area shall be considered a fence.

b. Other Obstructions in a Clear Vision Area. No vegetation, structure, earth berms or embankments, or other obstruction exceeding three feet (3’) in height above the height of the grade of the nearest public street right of way line (normally back of sidewalk, back of curb or edge of asphalt) shall be maintained within a Clear Vision Area. However, trees exceeding this height may be located in a Clear Vision Area provided that all branches and foliage are removed to a height of eight feet above grade.

c. The Clear Vision Area of a lot is defined as follows:

(1) Intersection of Two Streets. The Clear Vision Area for a lot located at the intersection of two streets shall be an area within a triangle contained within the following three points:

Point A: The intersection of the curb face lines located adjacent to the intersecting streets. If the curb face lines form a rounded corner, the curb face lines shall be extended in a straight line to a point of intersection.

Point B: A point on the curb face adjacent to one of the intersecting streets and either forty-five feet (45’) from Point A (if the lot line is adjacent to an arterial or collector street) or thirty-five feet (35’) from Point A (if the lot line is adjacent to a local, sub-local or nonstandard street).

Point C: A point on the curb face adjacent to the other intersecting street and either forty-five feet (45’) from Point A (if the lot line is adjacent to an arterial or collector street) or thirty-five feet (35’) from Point A (if the lot line is adjacent to a local, sub-local or nonstandard street).

(2) Intersection of a street and a driveway or curb-cut. The Clear Vision Area for an intersection of a street and a driveway (including curb-cuts for potential driveways) shall also include the area within a triangle contained within the following three points (there shall be a Clear Vision Area on each side of the driveway):

Point D: The point on the curb face where the edge of the driveway intersects the street pavement.

Point E: A point on a line perpendicular to the street and twenty-five feet (25’) from Point D measured away from the street.

Point F: A point on the curb face located adjacent to the street and twenty-five feet (25’) from Point D in the direction away from the driveway.

(3). For purposes of determining the Clear Vision Area, if there is no curb face located adjacent to any intersecting street, the Clear Vision Area shall be calculated by substituting the edge of the right of way line for the curb face. Illustrations of the Clear Vision Area for the intersection of two streets and the intersection of a street and a driveway are shown in Appendix “D” which is incorporated herein by reference.

2. Front Yard Setback. The maximum height of a sight-obscuring fence located within the required front yard setback outside of the Clear Vision Area shall be three feet (3’). The maximum height of a nonsight obscuring fence located within the required front yard setback shall be four feet (4’).

3. Other Areas. The maximum height of a fence on all other areas of the lot shall be seven feet (7’). The entire area between a fence and a street shall be maintained in landscaping.

4. Modification of Clear Vision Area. The City Engineer may increase, reduce or eliminate the required Clear Vision Areas described above for any lot if the City Engineer determines that based on the existence or absence of certain factors affecting the safety of the intersection, that there is a need to maintain a larger Clear Vision Area on the lot or in the alternative, that there is no need to maintain a Clear Vision Area in accordance with the standards set forth above. The factors that the City Engineer may consider in making a modification to the Clear Vision Area requirements include, but are not limited to, the existence of
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D. Nonresidential Zones. The following restrictions shall apply to all fences located in nonresidential zones:

1. Height. The maximum height of fences in nonresidential zones shall be eight feet (8’).

2. Location. Location. No fence higher than three feet (3’) may be located in a required landscaped area in a front yard or side yard adjacent to a street. No fence shall be closer than ten feet (10’) to a public-right-of-way. No fence may be located in the clear vision area as outlined in Section 22-14-10 of the Orem City Code.

3. Materials
   a. Fences in all nonresidential zones except for the M1 and M2 zones shall be constructed with stone, brick, block, stucco, cedar, vinyl, wrought iron or steel reinforced polyethylene panel that has the appearance of stone.
   b. Fences in the M1 and M2 zone shall be constructed with any of the materials described above or with chain link or chain link with factory installed sight-obscurring slats.

E. Commercial / Manufacturing Fence Adjoining Residential Use. A masonry fence seven (7) feet high shall be constructed and maintained along any property line between a commercial, manufacturing, or professional office development and a residential zone. A steel reinforced, polyethylene, pre-panelized fence, which has the look of a pre-cast concrete fence with granite-textured panels may be substituted for a masonry fence. The height of the fence shall be measured from the commercial manufacturing or professional office side of the fence.

The fence shall be constructed and maintained by the owner of the commercial, manufacturing or professional office development and shall be consistent in material, height, and design. The owner shall not allow any person or business to occupy or use any building located on the commercial, manufacturing or professional office parcel until all fences required by this section are completed and the City issues a Certificate of Occupancy.

F. Modification or Waiver of Fence Requirement. The City Council may modify or waive a fence requirement as described below. However, it is the intent of the ordinance to grant modifications and waivers only in unusual or exceptional circumstances.

1. Modification. In all commercial, manufacturing, or professional office zones, except the C3 zone, the City Council may modify the height of the fence, and/or approve a fence constructed of materials other than those called for in Subsection (E) above, if it makes the following findings:
   a. The proposed fence provides an adequate buffer for the adjoining residential zone.
   b. The appearance of the fence will not detract from uses in the residential zone.
   c. The proposed fence will shield the residential use from noise, storage, traffic, or any other characteristic of commercial or professional office uses that are incompatible with residential uses.

2. Waiver. In all commercial, manufacturing, or professional office zones, except
the C3 zone, the City Council may waive a fence required by Subsection (E) above, if it determines that the fence is not necessary to provide a buffer between the residential zone and the commercial zone because:

a. The fence would not create a significantly greater buffer between the residential and commercial zone than already exists due to natural topography or manmade barriers;

b. The property in the adjoining residential zone is being used for a nonresidential use; or

c. The owner of the adjoining residential property declares in writing that he/she does not desire a fence between the owner’s residential property and the adjoining commercial property.


G. Ranch or Farm Fence. Ranch or Farm Fence. The maximum height of a noninsight obscuring ranch or farm fence shall be eight feet (8’). Ranch or farm fences are only allowed on parcels for which the primary use of land is ranching or farming. Ranch or farm fences shall not be required to comply with the setback requirements set forth above. However, a fence permit for a ranch or farm fence may be denied if the Director of Development Services (or his or her designee) determines that the fence would cause a public safety problem. Barbed wire shall not be permitted below seven feet (7’) above grade.


H. Electric Fences. Electric fences are allowed in all zones under the following conditions:

1. The parcel on which the fence is installed is larger than one (1) acre;
2. The primary use of that parcel is the keeping of livestock;
3. The fence is no more than one (1) wire carrying a pulsed current;
4. The fence is placed a minimum of forty (40) inches above the ground;
5. The fence is not in the front setback area nor within forty (40) feet of a public sidewalk and
6. The fence is clearly posted with the words, Caution - Electrified Wire, a minimum of every 50 linear feet.


I. Concertina wire and outriggers. Concertina wire, barbed wire, and outriggers shall be prohibited in all zones except the M1 and M2 zones. Notwithstanding the foregoing, concertina wire, barbed wire, and outriggers may be used in connection with fencing around power substations, public culinary water treatment facilities, police firearms ranges, water reclamation facilities, public utilities facilities, and public water wells in any zone provided that the concertina wire, barbed wire, and outriggers are located at least seven feet above ground level. Where allowed by this section, concertina wire, barbed wire, and outriggers shall not count toward the maximum height of the fence.


J. Fences adjacent to Carterville Road. Fences may be located in the front yard setback of dwellings along Carterville Road. However, the fences shall be no closer than four (4) feet from the edge of asphalt and shall not encroach into the clear vision triangle of driveways or streets. The maximum height of a fence regulated under this section shall be six (6) feet.


§22-14-20. Site Plans.

A. Site Plan. A site plan is a binding document that consists of documentation and drawings required by this Chapter for the development of one or more lots. Development standards, required documentation, and required drawing contents are contained in this Section and other sections of the Orem City Code depending on the zone in which the site plan is to be developed. Site plans may be amended at the request of property owners/developers, provided such amendments are in accordance with the provisions of this Chapter. Unless otherwise stated, the term "site plan" shall include an amended site plan.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0004, Amended, 05/12/1998; Ord. No. O-01-0021; Amended, 06/12/2001)

B. Approval by the City. Anyone proposing to develop, construct upon, revise, add to or otherwise improve a site in a nonresidential zone, or establish a nonresidential use in a residential zone, or obtain a conditional use permit in any zone shall be required to obtain an approved site plan from the City. No development, construction, revision, or additions shall take place on the site until the site plan has been
affected by the City, final plats if required have been recorded, the necessary bonds have been posted, and the appropriate permits have been obtained. All applicable development, construction, revision, or additions shall take place in compliance with an approved site plan for that specific property.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0024, Amended, 05/12/1998; Ord. No. O-01-0021; Amended, 06/12/2001)

C. Approval Process.
1. Development Review Committee. The Department of Development Services shall forward a complete site plan request to the Development Review Committee (DRC) members for review. The members of the DRC shall review the site plan request for compliance with the Orem General Plan and all City ordinances, resolutions, and policies. The DRC shall forward a site plan to the final approving authority only if it complies with the Orem General Plan and all City ordinances, resolutions, and policies. The DRC may make and forward to the final approving authority a recommendation in those instances permitted by City ordinances, resolutions, and policies.

2. Planning Commission. Unless otherwise specified in this Chapter, the Planning Commission shall be the final approving authority for all site plans forwarded by the Development Review Committee and shall have the power to approve, approve with conditions if granted the authority by City ordinance, or deny a proposed site plan.

3. City Manager. The City Manager or designee, after review by the DRC, may exercise administrative approval for amendments to an existing site plan under the following conditions:
   a. The proposed amendment complies with current ordinance requirements for the zone in which the site is located; and
   b. The proposed amendments to the site are minor in nature and enhance the overall site. Minor amendments include, but are not limited to, the following:
      (1). Increasing the amount of parking.
      (2). Restripping the parking areas.
      (3). Reducing the building size.
      (4). Building additions, including new structures, where the proposed additions do not exceed ten percent (10%) of the existing square footage of the existing on-site building(s), whichever is less.
      (5). Relocating the on-site utility services.
      (6). Altering the exterior site lighting.

(7). Increasing the amount of landscaping.

(8). Relocating covered parking stalls or changing the number of covered parking stalls on a site. Parking stalls required by this Chapter to be covered shall not be reduced beyond the minimum number required by this Chapter.

(9). Changing the exterior finishing materials from one acceptable material to another acceptable material as listed in the development standards for the zone in which the amended site plan is proposed.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0024, Amended, 05/12/1998; Ord. No. O-01-0021; Amended, 06/12/2001)

D. Factors to Consider. The recommending authority and the final approving authority for the site plan shall consider all of the following items when reviewing a site plan:

1. Whether the proposed site plan complies with the Orem General Plan and complies with all City ordinances, resolutions, and policies.

2. Whether the proposed site plan promotes the health, safety and welfare of the community. In making this determination, the recommending authority and the final approving authority for the site plan, shall consider, among other things, the overall safety of the site, the impact the site will have on traffic and on surrounding properties, and the adequacy of police, fire, and utility services that can be provided to the site.

3. If the proposed site plan is submitted in conjunction with a request for a conditional use permit, the final approving authority shall also weigh and consider the factors set forth in Section 22-4-4 of this Chapter.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0024, Amended, 05/12/1998; Ord. No. O-01-0021; Amended, 06/12/2001)

E. Documentation. Anyone requesting approval of a site plan shall first submit to the Department of Development Services all of the following:


2. Fees in the amount established by resolution of the City Council.

3. A site plan drawing.

4. Complete construction drawings for any proposed improvement of any public street and/or City utility on or adjacent to the site.

5. A completed Industrial Waste Questionnaire on forms provided by the City of Orem and available in the offices of Public Works and Development Services.
6. A preliminary title report prepared by a title company licensed to practice in the State of Utah. A preliminary title report shall be required except for applicants requesting a use that will locate in an existing building.

7. A Storm Water Pollution Prevention Plan and a Long Term Storm Water Management Plan required by Chapter 23 of the Orem City Code. The Storm Water Pollution Prevention Plan shall be drawn on a separate sheet and to the same scale as the site plan.

8. A traffic study prepared by an independent, professional traffic engineer if a site plan proposes any of the following: (i) seventy-five (75) or more parking stalls, (ii) a drive-up window, (iii) more than two drive approaches from dedicated streets, or (iv) a corner lot where one or more of the streets is a collector or arterial street.

   a. The traffic study shall include all of the following:

      (1). An analysis of the off-site traffic impacts resulting from the development of the site and a description of the mitigation measures necessary to reduce the identified impacts

      (2). An analysis of internal traffic circulation patterns and their effect on ingress and egress from the site for emergency vehicles and the public.

   b. The final approving authority may impose traffic mitigation requirements based on the impacts identified by a traffic study prepared by the applicant, the City or any qualified independent traffic consultant. Nothing in this Section shall preclude the City from performing its own traffic study.

   c. The Development Services Director or his designee may waive the requirements of a traffic study if a new traffic study would be unnecessarily cumulative or otherwise not add to the information already available to the Development Services Director.

9. For a site located within or adjacent to a residential zone, the applicant shall provide evidence of having complied with the neighborhood meeting provisions located at subparagraph "I" of this Section.

10. For conditional use permits only a written narrative required by Section 22-4-3 of this Chapter of the Orem City Code.

F. Contents of Site Plan Drawings. The site plan drawings shall consist of one or more pages of maps or drawings drawn accurately to scale on paper no larger than 24 inches by 36 inches. The applicant shall submit five (5) copies of the proposed site plan drawings with the Development Review Application. An applicant whose site plan drawing is on paper larger than 11" X 17" shall submit one of the five copies reduced to a paper size of 11" by 17". If the site plan drawings were computer generated, the applicant shall also submit on a computer disk one computer aided design (CAD) drawing in a format acceptable to the City. The proposed site plan shall be drawn to a scale of one inch (1") or more to forty feet (40'). All drawings shall indicate the scale to which the drawings are done. All plan drawings shall indicate parcel boundaries with dimensions and shall have a North Arrow indicating north.

   1. The following notes shall be placed on the first sheet of any preliminary plat or site plan drawing:

      a. The fire protection items (fire hydrants, water mains, access roads, etc.) shown on this site plan are preliminary only. Detailed fire protection plans shall be submitted with the building plans. Plan reviews by the City of Orem Fire Prevention Bureau shall be completed prior to the issuance of a building permit. The plan reviews by the City of Orem Fire Prevention Bureau may identify additional fire protection requirements mandated by the International Fire Code. Fire hydrant foot valves shall be installed at the connection point with the main water lines.

      b. All landscaped areas shall have an automatic, underground sprinkling system which includes a back-flow device to the building. Back-flow devices shall be installed and tested in accordance with Section 21-1-14 of the Orem City Code. Water meter sizes shall be determined by the City of Orem Building Division at the time of building permit approval or when there is a request to change the water meter size. Water meters shall be located at the back of sidewalk or curb in an area that is accessible for reading and servicing. Water meters shall not be located within areas enclosed with fences or within ten feet (10') of any existing or proposed structure.

      c. If required by Chapter 20 of the Orem City Code or by the applicant's Permit for Industrial Wastewater Discharge, a sampling manhole and fat and oil separator/grease trap
shall be installed in accordance with the City of Orem Standards and Specifications.

d. All signage shall comply with the requirements of the Orem City Code.

e. All utilities, including water and sewer laterals, water and sewer mains, storm water drains, storm water sumps, sewer manholes, water valves, etc., Water laterals or mains shall not be located under covered parking areas and shall be installed according to Chapter 21 of the Orem City Code.

f. All roof drainage shall be routed through on-site storm water management facilities or to landscaped areas.

g. At the time of construction, the City of Orem may determine based on professional experience and judgment and at its sole discretion, the need for the Owner/Developer to pay for, remove, and replace any existing substandard improvements such as curbs, gutters, sidewalks, drive approaches, driveways, decorative concrete, wheelchair ramps, etc., or any unused drive approaches.

h. All construction shall conform to the City of Orem construction standards and specifications unless the improvement is within the UDOT right-of-way, in which case the construction shall conform to UDOT construction standards and specifications.

2. Except as otherwise provided in subparagraphs "3" and "4" below, the site plan drawing for all site plans shall include all of the following items:

a. Name of development.

b. Name of applicant.

c. Name of owner of property.

d. Area of lot in square feet.

e. Lot line dimensions.

f. A vicinity map containing sufficient information to accurately locate the property shown on the plan.

Tabulation table in the following format:

<table>
<thead>
<tr>
<th></th>
<th>Square Footage</th>
<th>Acreage</th>
<th>Percent of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Area</td>
<td></td>
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<td>100</td>
</tr>
<tr>
<td>Total Building Area</td>
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<td></td>
</tr>
<tr>
<td>Total Impervious Area</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Landscaped Area</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Number of Parking Spaces</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

h. Names and locations of fronting streets and locations and dimensions of public streets, private streets, and driveways.

i. Footprints of existing and proposed buildings and structures to include a notation of each building’s main finish floor height above grade, and the location of mechanical equipment and mitigation measures proposed to reduce noise impacts for such mechanical equipment.

j. Location and size of existing and proposed sewer lines and manholes, storm drains and manholes, water supply main valves, water lines, culverts.

k. Location of existing and proposed fire protection devices within the tract and within two hundred feet (200') of the boundaries of the proposed development. This shall include identifying required fire department apparatus access roads and proposed fire hydrant locations, as well as the International Building Codes specified construction type.

l. Location, dimensions, and distance to property lines of existing and proposed drive accesses.

m. Location and dimensions of existing and proposed curb, gutter and sidewalk.

n. Location and dimensions of off-street parking spaces.

o. Location, type, and design of surface water drainage system.

p. Detailed landscape plan showing the location of landscaped areas with specific types of plants and their general locations.

q. Drawings of proposed structure elevations, showing the height, dimensions, and appearance of proposed buildings and structures. If a project is in a zone that restricts exterior finishing materials, the site plan shall show and indicate the type of exterior finishing materials for all proposed structures.

r. Location and description (height, materials) of existing and proposed fences.

s. Location and description (dimensions, distance to property lines and type of lighting (direct or indirect)) of existing and proposed signs.

t. Location of loading areas.

u. Location of solid waste disposal facilities.

v. Traffic circulation plan.

w. Exterior display areas.

x. Exterior storage areas.

y. A contour map drawn at two foot intervals. This requirement may be waived in writing by the City Engineer if the average slope of the site is less than two percent (2%) and spot elevations are provided.
z. Location and type of exterior lighting.
3. The site plan drawing for an amended site plan that may be approved by the City Manager under authority of subparagraph "C" of this Section shall only be required to show the following:
   a. All existing features such as buildings, parking stalls, drive areas, landscaped areas, and exterior lights; and
   b. All proposed features with dimensions, distances from property lines, and proposed building elevations and materials.
4. The site plan drawing for a conditional use permit that is to be located inside an existing building or structure and no exterior modifications are proposed shall only be required to show all existing features such as buildings, parking stalls, drive areas, landscaped areas, and exterior lights.


G. Required Improvements.
1. New Sites. In addition to the requirements of other sections of the Orem City Code, all of the following improvements must be made to the site whenever a site plan is required pursuant to this Section:
   a. On-site surface water drainage system designed according to accepted civil engineering standards and approved by the City Engineer. The design shall be for a 25-year storm minimum and shall include either with the site plan or on the site plan the calculations used in the design. The maximum rate of discharge into the City's system shall not exceed 60 gallons per minute per acre.
   b. Permanent, underground, automatic sprinkling system for all landscaped areas.
   c. Curb, gutter, and sidewalk along street rights-of-way bordering the site.
   d. Piping of irrigation ditches bordering or within the site. This requirement may be waived by the approving body if the irrigation ditches do not detract from the overall safety or aesthetics of the site.
   e. Fences bordering residential zones.
   f. Parking, in accordance with the requirements of Article 22-15 of this Chapter.
   g. Landscaping in accordance with the requirements of this Chapter.
   h. Dumpsters and solid waste disposal containers. A dumpster or solid waste disposal container with a capacity of one and one half (1½) cubic yards or more shall not be located inside any building or within five feet (5') of any combustible wall, combustible roof eave line, or any opening in such walls except as permitted by the Uniform Fire Code. Dumpster and solid waste disposal containers shall not be located in the front yard setback or side yard setback facing a street.
   i. Fire protection in accordance with both local and state adopted fire codes.
2. Amended Sites. Any amendments to an existing site must comply with the current ordinance requirements for the zone in which the site is located. Except for the provisions in Section 22-14-20(C)(3) relating to minor amendments and Section 22-14-20(H) relating to modification of the landscaping requirement, an applicant proposing amendments to an existing site plan must bring the site into compliance with the improvements required by subparagraph (G)(1) above.


H. Landscaping Modification. The provisions of subparagraphs H(1), (2), and (3) shall apply only to amended site plans for existing developed sites. No other site plan, including but not limited to new site plans, previously approved site plans that have not been developed, and site plans for a developed site that is being cleared of structures in order to redevelop the site, shall be eligible for the described waiver.
1. The Planning Commission may modify or adjust the requirements of subparagraph G(1)(g) of this Section for a proposed amended site plan only if all of the following conditions are met:
   a. Strict compliance with the requirements of subparagraph G(1)(g) would cause an unusual and unnecessary hardship to the person submitting the proposed amended site plan; and
   b. The amended site plan provides for additions, deletions or improvements to the subject property that are beneficial to the public, that improve the appearance of the site, or that increase the safety or convenience of the site to the public.
2. The requirements of subparagraph G(1)(g) may be modified or adjusted to allow up to a forty percent (40%) reduction in the amount of required landscaping. The location of the required landscaping may also be modified or adjusted. In no case shall the amount of existing landscaping be reduced. The maximum allowable modification or adjustment shall be the exception rather than the rule, and shall include all other variances previously granted on the site.
3. The Planning Commission may impose additional standards or requirements that will substantially serve the objectives of the standards or requirements that are waived, adjusted or modified. Any authorized changes or additional requirements shall be entered in the minutes of the Planning Commission with the circumstances justifying the changes or requirements.

4. Any portion of the landscaping required by this chapter for a site plan may be located within a public street right-of-way if all of the following conditions are met:
   a. A letter granting the use of said portion of right-of-way, signed by a representative of the body controlling that right-of-way, is submitted in conjunction with the site plan.
   b. A final plat is recorded showing an easement for future landscaping on the parcel which reflects the full width of the landscaping required.
   c. The site plan shows an easement for future landscaping on the parcel which reflects the full width of the landscaping required. No parking stall required by ordinance, building, or drive lane necessary for internal traffic movements shall encroach into the landscaping easement.
   d. It is demonstrated by the applicant that the site plan is internally viable and can conform to all applicable City ordinances without landscaping being located in the right-of-way.
   e. The entire area located between the site and the finished street improvements (including curb, gutter, sidewalk, and the asphalt roadway) is landscaped and maintained by the property owner.
   f. The combination of landscaping located on-site and in the right-of-way shall be no less than the landscaping required by this chapter.
   g. The final plat and site include the following note:

   The owner of this property is required to landscape and maintain the entire right-of-way located between the finished street improvements and any portion of the property which does not meet City ordinance landscaping requirements. At no time shall the combination of landscaping located on-site and in the right-of-way equal less than the landscaping required by City ordinance.

h. The site is not part of a Planned Residential Development.

The applicant shall be required to submit an amended site plan in compliance with the requirements of Section 22-14-20, within sixty (60) days of any relocation of finished street improvements within the aforementioned right-of-way.


I. Neighborhood Meeting. The applicant for a site plan within or adjacent to a residential zone shall hold a neighborhood meeting. The neighborhood meeting shall be held on any weekday after 6:00 p.m. or Saturday after 9:00 a.m. 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. The applicant shall send written notice of the place, date, and time of the neighborhood meeting to all residential property owners, in the Utah County Recorder records, whose property is within three hundred feet (300') of the site, or the closest fifteen residential parcels, whichever is greater. An applicant shall send written notice of the neighborhood meeting to the neighborhood community chair and vice-chair of the neighborhood community in which the project is proposed and to the Neighborhood Organization Specialist of the City of Orem. The notice must also include the following language:

“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.”

The neighbor meeting must be conducted at a location within the City boundaries. The applicant shall notify these owners, the Neighborhood Organization Specialist of the City of Orem, and the neighborhood community chair and vice-chair of the neighborhood community in which the project is proposed at least one (1) week prior to that meeting. Phone calls or informal door-to-door contacts are not considered neighborhood meetings. Such meeting(s) shall be accomplished prior to the site plan being submitted to the City. The application for site plan approval 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 neighborhood meeting. This requirement shall not apply to minor amendments to
existing sites as provided under Section 22-14-20 (C)(3) of this chapter.


J. **Dedication of Land.** In order to mitigate the negative impact a proposed development will have on the surrounding area, the City may require the applicant to dedicate land to the City if the following findings are made:

1. The exaction bears an essential nexus to a legitimate governmental interest; and
2. The exaction is roughly proportionate and reasonably related, both in nature and extent, to the impact of the proposed development on the legitimate governmental interest.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0024, Amended, 05/12/1998; Ord. No. O-01-0021; Amended, 06/12/2001)

K. **Request for Waivers.** Any person requesting a waiver by the Development Services Director or his designee for the requirement of submitting a traffic study or a contour map required by this Section shall meet with the City Engineer, or the City's Private Development Engineer and shall provide the City at the time of this meeting two (2) copies of the site plan for which the waiver is sought. This meeting shall take place prior to submitting the site plan request to the Department of Development Services.


L. **Building Permits and Business Licenses.** No building permit shall be issued for any project for which a site plan is required, until the site plan has been approved by the appropriate authority. No business license shall be granted to any business located in a nonresidential zone until a site plan has been approved for the site on which the business is located. No business license shall be granted to any business requiring a conditional use permit until a conditional use permit has been granted. Failure to comply with the terms of this Chapter shall be grounds for suspending or revoking an existing business license.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0024, Amended, 05/12/1998; Ord. No. O-01-0021; Amended, 06/12/2001)

M. **Preconstruction Conference.** Unless waived in writing by the Development Services Director or his designee, the applicant or site developer shall schedule and meet with representatives of the City of Orem in a preconstruction conference prior to the issuance of a building permit.


N. **Time Period of Site Plan Approval.** Failure to obtain a building permit for an approved site plan within two (2) years of the date of approval of the site plan shall terminate all proceedings and render approval of the site plan null and void.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0024, Amended, 05/12/1998; Ord. No. O-01-0021; Amended, 06/12/2001)

O. **Completion of Improvements.** All public improvements shown on an approved site plan shall be completed within one year of the date of issuance of the building permit or at such earlier time as the approving body may designate. 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 voiding the approval. Upon request, the Planning Commission may grant an extension for the completion of improvements for up to one (1) year. An extension of one year may be granted only if the applicant demonstrates good cause for not completing the improvements and demonstrates the ability to complete the improvements within the extended time period.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0024, Amended, 05/12/1998; Ord. No. O-01-0021; Amended, 06/12/2001)

P. **Completion and Maintenance of Site.** Every site shall conform to the approved site plan. Except as provided for in this Section, no structure or improvement that is not included on an approved site plan may be added to a site. Neither may any structure or improvement that is included on an approved site plan be removed from the site. All improvements shown on the approved site plan shall be maintained in a neat and attractive manner. Failure to complete or maintain a site in accordance with this Chapter and with the approved site plan shall be a violation of the terms of this Chapter. The City may initiate criminal and/or civil legal proceedings against any person, firm or corporation, whether acting as principal, agent, property owner, lessee, employee or otherwise, for failure to complete or maintain a site in accordance with this Chapter and with the approved site plan.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-98-0024, Amended, 05/12/1998; Ord. No. O-01-0021; Amended, 06/12/2001)

Q. **Bonds.**

1. **Purpose.** A bond, sufficient in amount to cover the cost of all improvements and necessary street cleaning during the construction phase, shall be required prior to the issuance of any building permit on any 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 issuance of building permit. This guarantee bond shall also ensure that public improvements associated with the site plan development shall remain free from defects for one (1) year from the completion of such improvements or one (1) year from the date the final occupancy permit is issued, whichever is longer, and shall not be released until the improvements are accepted by the City.

2. **Type.** The bond shall be an irrevocable letter of credit, escrow bond, cash bond or combination bond in favor of the City and in a form approved by the City. 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.

5. **Development Agreement.** No building permit shall be issued until the developer of the site plan 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 Article and approved site plan, and approved Storm Water Pollution Prevention Plan, 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. **Developer Liability.** If, for any reason, the funds or bonds set aside or provided for the guarantee of improvements are insufficient to properly complete the improvements, the developer shall be liable to complete the improvements required by this Article.

7. **Sole Beneficiary.** 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 within the subdivision. 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 materials shall have a cause of action against the City or the bond for providing labor or materials.

8. **Temporary Certificate of Occupancy.** A temporary certificate of occupancy shall not be issued before the completion of the required site improvements unless the owner/developer submits a cash bond equal to at least one hundred ten percent (110%) of the estimated cost to complete the required improvements.

R. **Building Design.** The architecture, design theme, and construction materials of a commercial building’s front elevation shall be applied to the exterior walls of all elevations of the building that are within 200 feet of and face a collector or arterial street. All elevations of a commercial building that are within 200 feet of and face a public street shall include windows, awnings, varying façade depth, high-quality exterior finishing materials, lighting, and other similar features that are used in the front elevation of a building.

(Ord. No. O-06-0042, Enacted 12/12/2006)

**22-14-21. Regulations Governing Particular Uses.**

A. **Check Cashing & Other Credit Services (SLU Code 6111)**

1. **Definition.** Check cashing is defined as engaging in the business of a check cashier as defined in the Utah Check Cashing Registration Act, Utah Code Section 7-23-101 et.seq. (as amended). Check cashing is also defined as providing loans, cash advances, or other forms of credit upon presentation of a personal check or title to a vehicle to be held by the person or entity making the loan, cash advance, or providing the credit. Check cashing includes uses commonly known as payday advances/loans, deferred deposit loans, title loans, and other businesses of a similar nature. However, the definition of check cashing does not include the providing of credit to finance the initial purchase of personal property or the sale of such debt obligations to a factor or financial institution that purchases debt instruments connected with such transactions in the normal course of its business. Banks, credit unions, and pawnshops are not included in the definition of check cashing.
2. Separation Requirement. No check cashing business shall be located within one-half (1/2) mile of any other check cashing business as measured in a straight line between the closest property lines of the lots on which they are located.

3. No more than one check cashing business shall be allowed for every 10,000 citizens living in the City of Orem.

4. For purposes of this subsection 22-14-21(A), each separate physical location shall count as a Check Cashing Business.


B. Tensioned-membrane Structures.

1. Definition. Tensioned-membrane Construction is the construction method wherein a metal or other frame is covered by an architectural membrane that is placed under high tension or carries loads primarily through tensile stresses. Tension membrane structures are those structures which utilize tensioned-membrane construction as a construction method including structures known or commonly referred to as architectural-membrane structures, tensioned-membrane structures, stressed-membrane structures, frame-supported tension structures, tensioned-fabric structures, and all other similar structures. Tensioned-membrane structures do not include open-air canopies such as free-standing awnings, shade structures, shade gazebos, and walkway covers, nor air tents such as are commonly used to cover swimming pools and tennis courts on a temporary basis.

2. Tensioned-membrane structures are prohibited except in the M1 and M2 zones.


22-14-22. Reserved.


22-14-23. Recycling Trailers/Containers.

A. Any person locating a trailer/container in any zone for the purpose of collecting recyclable materials shall first obtain approval from the Development Review Committee of the City of Orem.

(Ord. No. 692, Enacted, 08/13/1991; Ord. No. O-01-0021, Amended, 06/12/2001)

B. In approving locations for recycling trailers/containers, the Development Review Committee (DRC) shall not permit required parking stalls or required landscaped areas to be occupied by any trailer/container for recycling purposes. The DRC shall also consider safety hazards to motorists and pedestrians when determining whether or not a particular location is appropriate.

(Ord. No. 692, Enacted, 08/13/1991; Ord. No. O-01-0021, Amended, 06/12/2001)

C. Trailers/containers for recyclable materials shall only be established and used for the collection of those recyclable materials approved by the Recycling Advisory Commission of the City of Orem.

(Ord. No. 680, Enacted, 02/05/1991; Ord. No. O-01-0021, Amended, 06/12/2001)

22-14-24. Reserved.


22-14-25. Historical Preservation.

A. Orem Historic Site List. The Historic Preservation Advisory Commission may designate historic properties to the Historic Sites List as a means of providing recognition to and encouraging the preservation of historic properties in the community.

1. Criteria for Designating Properties to the Orem Historic Site List. Any district, building, structure, object or site may be designated to the Historic Site List if it meets all the criteria outlined below:

   a. It is located within the official boundaries of the city.

   b. It is at least fifty (50) years old.

   c. It retains its historic integrity, in that there are no major alteration or additions that have obscured or destroyed the significant historic features. Major alterations that would destroy the historic integrity include, but are not limited to, changes in pitch of the main roof, enlargement or enclosure of windows on the principal facades, addition of upper stories or the removal of original upper stories, covering the exterior walls with nonhistoric materials, moving the resource from its original location to one that is dissimilar to the original, additions which significantly detract from or obscure the original form and appearance of the house when viewed from the public way.

   d. It has been documented according to the Utah State Historic Preservation Office standards for intensive level surveys (January 1990 version or subsequent revisions) and copies of that documentation have been placed in the local and state historic preservation files.

2. Designation Procedures. Any person group, or government agency may nominate a property for listing in the Orem Historic Sites List.
The nomination and listing procedures are as follows:

a. Completed Intensive Level Survey documentation for each nominated property must be submitted in duplicate to the Commission.

b. The commission will review and consider properly submitted nominations at its next scheduled meeting. The commission will notify the nominating party, either orally or in writing, one week prior to the meeting that the nomination will be considered and will place that item on the agenda posted for the meeting. The one-week notification may be waived at the nominating party's option in order to accommodate "last minute" submittals, though no nomination will be reviewed if it is submitted to the commission less than forty-eight (48) hours prior to the meeting.

c. The Commission will review the documentation for completeness, accuracy and compliance with the "Criteria for Designating Properties to the Orem Historic Site List" and will make its decision accordingly.

3. Results of Designation to the Historic Sites List.

a. Owners of officially designated historic sites may obtain a historic site certificate from the Historic Preservation Advisory Commission. The certificate contains the historic name of the property, the date of designation, and signatures of the mayor and the Historic Preservation Advisory Commission chairperson.

b. If a historic site is to be demolished or extensively altered, efforts will be made to document its physical appearance before that action takes place.

(1) In cases where the City is aware that the property is on the Orem Historic Sites list at the time an applicant for demolition is made, the City will delay issuing a demolition permit for a maximum of thirty (30) calendar days and will notify a member of the Historic Preservation Advisory Commission, which will take responsibility for the documentation.

(2) Documentation will include, at minimum, exterior photographs (both black-and-white and color slides) of all elevations of the historic building. When possible, both exterior and interior measurements of the building will be made in order to provide an accurate floor-plan drawing of the building.

(3) The demolition permit will be issued after thirty (30) calendar days of the initial application whether or not the Commission has documented the building. The permit may be issued earlier if the Commission completes its documentation before the thirty (30) calendar day deadline.

(4) The documentation will be kept in the Commission's historic sites files, which are open to the public.

4. Removal of Properties from the Historic Sites List. Properties which, in the opinion of the Historic Preservation Advisory Commission, no longer meet the criteria for eligibility may be removed from the Historic Sites List after review and consideration by the commission.

(Ord. No. O-92-004, Enacted, 03/17/1992; Ord. No. O-01-0021; Amended, 06/12/2001)

B. Orem Historic Landmark Register. Significant historic properties may be designated to the Historic Landmark Register for the purposes of recognizing their significance and providing incentives and guidelines for their preservation.

1. Criteria for Designating Properties to the Orem Historic Site Landmark Register. Any district, building, structure, object or site may be designated to the Historic Landmark Register if it meets all the criteria outlined below:

a. It is located within the official boundaries of the City.

b. It is currently listed in the National Register of Historic Places, or it has been officially determined eligible for listing in the National Register of Historic Places under the provisions of 36 CFR 60.4(s). Properties listed on or determined eligible for the National Register must, in addition to retaining their integrity, meet at least one of the following National Register criteria:

(1) associated with events that have made a significant contribution to the broad patterns of our history; or

(2) associated with the lives of persons significant in our past; or;

(3) embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity
whose components may lack individual distinction; or

(4) have yielded, or may be likely to yield, information important in prehistory or history (archaeological sites, for example.)

2. Designation Procedures.

a. Official designation proceedings must begin with the submittal of a written request for designation by the property owner to the Commission chairperson. The letter must identify the property by its address and historic name, give the date the property was listed on the National Register or officially determined eligible, and include a statement verifying that the property owner is indeed the owner of legal record of the property proposed for designation. This official request may be preceded by informal contacts with the property owner by the Commission members, private citizens, local officials, or others regarding designation of the property.

b. Upon receipt of the written request for designation, the Commission chairperson shall arrange for the nomination to be considered at the next Commission meeting, which shall be held at a time not to exceed thirty (30) days from the date of request was received.

c. The decision by the Commission shall be based on the eligibility of the property in terms of meeting the "Criteria for Designating Properties to the Orem Historic Site Landmark Register." The Commission shall forward its recommendation in writing to the City Council within fourteen (14) days.

d. The City Council may, by approval and passage of an appropriate resolution, designate properties to the Historic Landmark Register. Following designation, a notice of such shall be mailed to the owners of record together with a copy of this ordinance.

e. After a property has been formally designated to the Historic Landmark Register, the designation may be amended or rescinded in the same manner as the original designation was made.

f. Upon official designation, the Commission shall record the designation with the County Recorder's Office to indicate such designation on the official title thereof.

3. Results of Designation to the Historic Landmark Register.

a. Properties designated to the Historic Landmark Register may receive special consideration in the granting of zoning variances or conditional use permits consistent with the Orem City Zoning Ordinance and City Code in order to encourage their preservation.

b. In the event of rehabilitation of the property, local building official may consider waiving certain code requirements in accordance with the International Building Code.

c. Owners of Historic Landmarks may seek assistance from the Historic Preservation Advisory Commission in applying for grants or tax credits for rehabilitating their properties.

d. If the owners of an Historic Landmark desire the subject property to remain an Historic Landmark, proposed repairs, alterations or additions to Historic Landmarks are subject to the review of the Historic Preservation Advisory Commission and the subsequent review and approval of the City Council. The purpose of this review is to ensure the preservation of historic materials and features to the greatest degree possible.

(1) Application for permits pertaining to Historic Landmark properties shall be forward by the Building Official to the Historic Preservation Advisory Commission prior to their issuance.

(2) At its next scheduled meeting, the Commission shall review the applications and proposed work for compliance with the Secretary of Interior's "Standards for Rehabilitation," hereafter referred to as the "Standards".

(3) The Commission's recommendations shall be forwarded to the City Council for their consideration in reviewing the applications. The recommendation must indicate which of the "Standards" the Commission's decision was based on and, where appropriate, a brief explanation. Copies of the recommendation shall be sent to the Building Official and the property owner at the same time.

(4) The City Council shall schedule the matter for its meeting and, upon review of the Historic Preservation Advisory Commission's recommendation and other comments given at the meeting, make a decision regarding the appropriateness of the proposed action. Approved projects will be issued a
"Certificate of Historical Appropriateness" which authorizes the building permit to be issued.

4. Enforcement. The provisions of this section are subject to the enforcement provisions established in International Building Codes and the Orem City Code.


C. Standards for Rehabilitation. The following "Standards for Rehabilitation" shall be used by the Historic Preservation Advisory Commission and City Council when determining the historic appropriateness of any application pertaining to Historic Landmark properties:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials, replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7. Chemical or physical treatments, such as sandblasting, that causes damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(Ord. No. O-92-004, Enacted, 03/17/1992; Ord. No. O-01-0021; Amended, 06/12/2001)


A. The minimum lot size requirements of Chapter 22 shall not apply to a lot that is used solely for a public utility facility that cannot be located in a public utility easement or private easement, or to a lot that is used solely for a private water well facility.


B. The minimum setback requirements of Chapter 22 shall not apply to structures that are located on a lot that qualifies for the lot size exemption above and which meet the following additional requirements:

1. The height of any structure does not exceed twelve feet (12') in height; and

2. The combined size of all structures on the lot does not exceed six hundred (600) square feet.


C. Fencing on a lot that qualifies for the minimum lot size exemption under subsection (A) above, shall not be subject to the restrictions contained in Section 22-14-19(C)(2) pertaining to height restrictions on fences in a front yard setback provided that the City Engineer determines that the fencing does not pose a safety hazard.


D. A lot that is exempted from the minimum lot size pursuant to this section shall not be used for any purpose other than for a public utility facility or private water well unless the lot is combined with another parcel to meet the minimum lot size requirements.

22-14-27. Accessory Uses.

An accessory use is a use that is conducted on the same lot as the principal use or structure with which it is associated and which is clearly incidental to and customarily found in connection with such principal use. Accessory uses are permitted only on lots upon which the principal use is a permitted use, an approved conditional use, or a legal nonconforming use. The accessory use must terminate at such time as the accessory use ceases to be accessory to a permitted use, an approved use or a legal nonconforming use unless the accessory use would be permitted as a principal use.

(Ord. No. O-01-0025, Enacted, 06/26/2001)


A sale of personal property commonly referred to as a “garage sale” may be conducted on the premises of a residential dwelling as an accessory use thereto provided that:

A. The garage sale is conducted by bona fide residents of the premises (other families may combine with the residents of the premises to hold a “multifamily” garage sale);

(Ord. No. O-02-0043, Enacted, 11/12/2002)

B. The garage sale is confined to the garage, patio, and/or yard of the premises;

(Ord. No. O-02-0043, Enacted, 11/12/2002)

C. The goods for sale consist of personal belongings of the residents and do not include any merchandise acquired for the purpose of resale;

(Ord. No. O-02-0043, Enacted, 11/12/2002)

D. The goods offered for sale are not placed in a public sidewalk or right-of-way;

(Ord. No. O-02-0043, Enacted, 11/12/2002)

E. The duration of the sale does not exceed three (3) consecutive calendar days;

(Ord. No. O-02-0043, Enacted, 11/12/2002)

F. All signs advertising the garage sale comply with the requirements of Section 14-3-3 Garage Sale Signs; and

(Ord. No. O-02-0043, Enacted, 11/12/2002)

G. No more than two garage sales are conducted on the premises in any calendar year.

(Ord. No. O-02-0043, Enacted, 11/12/2002)

H. Garage sales that do not comply with the above requirements are not permitted, and any person conducting a sale in violation of the above requirements shall be subject to the penalties set forth in Section 22-1-6 of the Orem City Code.

(Ord. No. O-02-0043, Enacted, 11/12/2002)

22-14-29. Electronic Message Signs.

Notwithstanding any other provision in the City Code to the contrary, Electronic Message Signs (as defined in Orem City Code Section 14-3-2), shall not be allowed on any billboard located on the east side of I-15 and within 500 feet of I-15. This section shall control over any other section of City Code including, but not limited to, Section 14-3-3.

(Ord. No. O-2015-0001, Enacted, 01/13/2015)
Article 22-15. Off-Street Parking

22-15-1. Purpose and Intent.

The purpose of this Article is to provide standards for parking facilities in developments for which a site plan is required by this Chapter. It is the intent of this Article to minimize the required number of on-site parking and loading spaces necessary to meet the need for parking, and to mitigate the negative aesthetic impacts and dehumanizing scale of parking lots by encouraging parking areas to be interrupted by buildings and landscaped areas.


Gross Floor Area (GFA) shall mean the sum of the areas of each floor level, including cellars, basements, mezzanines, corridors, and lobbies, enclosed within the principal outside faces of exterior walls. However, GFA shall not include areas which have a potential ceiling height of less than seven feet six inches. Potential ceiling height is defined as the area between the permanent floor structure (excluding any raised platforms or decks) and the bottom of the permanent ceiling structure (defined as the bottom of the ceiling joists, suspended slab or equivalent permanent ceiling structure excluding any dropped ceilings).

Interior Landscaping shall mean landscaping which is not adjacent to a dedicated right-of-way or a property line.

Landscaping shall mean the application or use of some combination of planted trees, shrubs, vines, organic ground cover, flowers or lawns. Bark chips and inorganic materials such as rocks, boulders, gravel, or other materials specifically approved as a part of the landscape plan submitted with a site plan or site plan amendment may be approved in limited amounts (10% of total landscaped area maximum). In addition, ornamental objects such as fountains, pools, statues, retaining walls, or benches, arranged to produce an aesthetically pleasing effect may be used.

Parking Zone shall mean the largest area exclusive of buildings and required setbacks, which can be enclosed with a rectangle.


A. General. Off-street parking space with provisions for ingress and egress by standard sized vehicles shall be provided and maintained as hereinafter set forth, at the time of construction, enlargement, addition to or change in use of any building, structure, or lot for which a site plan is required by City ordinance. The parking, landscaping, and loading requirements and standards of this Article shall be complied with for the entire area of all site plans, however,

1. The requirements of this Article shall only apply to the newly constructed portion of sites...
approved under Section 22-14-20(C)(3), and amended site plans that are not approved under Section 22-14-20(C)(3), shall only have to comply with the landscaping requirements of this Article in rough proportionality to any addition made to the existing site plan.

2. The Planning Commission shall determine if the landscaping provided on amended site plans is in rough proportionality to the addition to the site plan and complies with the intent of this Article as stated in Section 22-15-1.

(Ord. No. O-01-0005; Enacted, 2/13/2001; Ord. No. O-01-0021; Amended, 06/12/2001)

B. Off-Street Requirement. Except as otherwise provided in this Chapter, all required parking stalls, loading spaces and maneuvering areas shall be located on the lot upon which the building or use served is located. However, off-site parking may be located on a lot that is within three hundred feet (300') of the lot upon which the building or use served is located. Access to the off-site parking may cross rights-of-way that do not consist of more than two (2) travel lanes. Any parking area that is not located on the same lot as the building it serves, shall be recorded as a parking easement on a final plat of that lot, and shall be shown as a part of the site plan.

(Ord. No. O-01-0005, Enacted, 2/13/2001; Ord. No. O-01-0021; Amended, 06/12/2001)

C. Maximum Number of Stalls Allowed. The maximum number of parking stalls to be installed on nonresidential sites may not exceed one hundred twenty-five percent (125%) of the minimum stalls required by this Article. However, the approving authority of a site plan may approve installation of more than 125% of the minimum spaces required by this Article if the applicant demonstrates that such additional parking is necessary to meet the parking demand for a specific use, or that shared use of parking is not available or adequate to meet the demand.


D. Parking Access. No parking stall shall directly access a dedicated street, but shall access the street from a drive aisle.

(Ord. No. O-01-0005, Enacted, 2/13/2001; Ord. No. O-01-0021; Amended, 06/12/2001)

E. Parking Design Standards.

1. Size. Required parking stalls shall be rectangular with a minimum width of nine feet (9') and a minimum length of eighteen feet (18'), in accordance with Table 1. If the stall is perpendicular to a curb, the length shall be measured from the curb face. Each parking stall shall have independent access from a driving aisle. A parking stall may contain less than eighteen feet (18') of pavement in length if all of the following conditions are met:

   a. The stall has a standard six-inch (6") curb face that will allow vehicles to extend over a landscaped area of no less than six feet (6') in total width;
   b. Each stall contains no less than sixteen feet (16') of pavement in length measured from curb face;
   c. No pedestrian pathway or landscaping that prevents a standard vehicle from overhanging the curb is within two feet (2') of any curb face; and
   d. All other requirements of the City Code are met.

2. Location. Required parking stalls shall not be located in delivery areas, service driveways, driving aisles, drive-in stacking lanes, shopping cart storage areas, or areas in front of overhead service doors. Designated loading spaces shall not encroach into any fire lane or pedestrian pathway.

3. Separation from rights-of-way. Except as provided above, wheel or bumper guards shall be placed in parking stalls where necessary to prevent any part of a standard sized vehicle from extending beyond a parking stall boundary line, intruding on a pedestrian way, or contacting any wall, fence, or planting. A physical separation or barrier, such as vertical curbs, may be required in order to separate parking stalls from access to a second travel lane.

4. Layout. All off-street parking stalls shall be designed in accordance with the dimensions and specifications set forth in Table 1 and Table 2 herein.

<table>
<thead>
<tr>
<th>TABLE 1</th>
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<tbody>
<tr>
<td><strong>A</strong> (Angle)</td>
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<tr>
<td>0°</td>
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<tr>
<td>30°</td>
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<tr>
<td>45°</td>
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<td>60°</td>
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<tr>
<td>90°</td>
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</tbody>
</table>

*One way traffic only*

<table>
<thead>
<tr>
<th>TABLE 2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>D</strong> One Way Traffic</td>
</tr>
</tbody>
</table>

22.251
5. **Accessibility Requirements.** All parking facilities shall comply with accessibility requirements of the International Building Code (IBC). The number of accessible spaces required is duplicated from the IBC and shown in Table 3.

<table>
<thead>
<tr>
<th>Total Parking Stalls Provided on Property</th>
<th>Required Minimum Number of Accessible Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 25</td>
<td>1</td>
</tr>
<tr>
<td>26 to 50</td>
<td>2</td>
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<tr>
<td>51 to 75</td>
<td>3</td>
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<tr>
<td>76 to 100</td>
<td>4</td>
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<td>101 to 150</td>
<td>5</td>
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<td>151 to 200</td>
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<tr>
<td>201 to 300</td>
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<td>301 to 400</td>
<td>8</td>
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<tr>
<td>401 to 500</td>
<td>9</td>
</tr>
<tr>
<td>501 to 1000</td>
<td>2% of total</td>
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<tr>
<td>1001 and over</td>
<td>$20 + 1 / 100 stalls over 1000</td>
</tr>
</tbody>
</table>

6. **Markings.** All required parking stalls shall be marked and maintained to be permanently visible.

F. **Surface.** Required parking stalls, loading spaces, maneuvering areas, and driving aisles shall be paved with asphalt, concrete, paving stone or masonry to a sufficient thickness to withstand repeated vehicular traffic, and shall be constructed according to City street standards and specifications.

(Ord. No. O-01-0005, Enacted, 2/13/2001; Ord. No. O-01-0021; Amended, 06/12/2001)

22-15-4. **Specific Requirements by Zone.**

The number of off-street parking stalls required for individual buildings shall be calculated based on the Gross Floor Area (GFA) or the Gross Leasable Area (GLA) of each building and the zone in which the building is located, except as otherwise provided herein. No building may have less than five parking stalls. The number of stalls required for each building shall be as follows:

A. **PO, C1, and BP Zones:** One stall shall be required for every 250 square feet of gross leasable floor area.

(Ord. No. O-01-0005, Enacted, 2/13/2001; O-01-0021, Amended, 06/12/2001; Ord. No. O-02-0008, Amended, 01/22/2002)

B. **C2, C3, and HS Zones:**
   1. Buildings with less than 10,000 square feet gross floor area: One stall shall be required for every 250 square feet of gross floor area.
   2. Buildings with 10,000 square feet gross floor area or greater: One stall shall be required for every 250 square feet of gross leaseable area. If the gross leaseable area is not known, one stall shall be required for every 250 square feet of gross floor area.


C. **CM and M1 Zones:** One parking stall per 500 square feet shall be required for the first 50,000 square feet of building area or portion thereof. One parking stall per 750 square feet shall be required for the second 50,000 square feet of building area or portion thereof. One parking stall per 1,000 square feet shall be required for the third 50,000 square feet or portion thereof. Building(s) larger than 150,000 square feet shall require 217 parking stalls plus one parking stall per 2,250 square feet of building area in excess of 150,000 square feet. The parking requirement for office spaces is one (1) parking stall per 250 square feet regardless of the size of the building.


D. **M2 Zone:** One parking stall per 750 square feet shall be required for the first 100,000 square feet of building area or portion thereof. One parking stall per 1,000 square feet shall be required for the next 50,000 square feet of building area or portion thereof. Building(s) larger than 150,000 square feet shall require 184 parking stalls plus one parking stall per 2,250 square feet of building area excess of 150,000 square feet. The parking requirement for office spaces is one (1) parking stall per 250 square feet regardless of the size of the building.


E. **PD Zones:** All commercial PD zones shall have the same parking requirements as Section 22-15-4(B) above, unless otherwise specified in Section 22-11.


F. **Nonresidential Uses in Residential Zones:**
   1. Public Primary & Secondary Schools, (SLU Code 6812): Two stalls per teaching station and one stall for every six students over the age of 16.
   3. All other nonresidential primary uses in residential zones that are not listed in Section
22-15-4(G) shall have the same parking requirements as Section 22-15-4(A).
(Ord. No. O-01-0005, Enacted, 2/13/2001; O-01-0021, Amended, 06/12/2001; Ord. No. O-02-0008, Amended, 01/22/2002)

G. Specific Use Exceptions. The following uses shall have the following supplementary parking requirements regardless of the zone in which they are located:

1. Residential Dwellings (for which a site plan is required): All residential uses for which a parking standard is not otherwise specified shall comply with Section 22-7-12(J). All required parking spaces shall measure at least nine (9) feet wide by eighteen (18) feet deep. Required parking spaces shall be paved with asphalt, concrete or equivalent paving materials.

2. Group Quarters (SLU Codes 1200s): One stall for every 2.5 beds in the facility.

3. Hotel/Motel (SLU Code 1510): One stall per room.

4. Restaurant (SLU Codes 5811, 5812, 5820, 5830): One stall for every three seats, or if no fixed seating then one stall for every three persons based on maximum occupancy.

5. Auto Related Uses (SLU Codes 6400s): Four stalls per auto bay, plus one stall per employee. (In no circumstance shall the number of parking stalls required by this Section be less than that required by the zone in which the use is located.) Automobile wash uses (SLU 6411) shall have the following parking requirements:
   a. Full service and automatic automobile wash uses shall have at least one (1) parking stall per 600 square feet of gross floor area (excluding bay areas). Each bay shall have at least two (2) stacking spaces in front of the bay in addition to the bay.
   b. Self-service automobile wash uses shall have at least two (2) parking stalls. Each bay shall have at least two (2) stacking space in front of the bay in addition to the bay.

6. Church (SLU Code 6911): One stall for every four fixed seats.

7. Occupancy Based Uses (SLU Codes 7000s): The maximum occupancy of these uses shall be limited to three and one-half (3 1/2) persons per parking stall provided. All sites used for these purposes must provide the minimum parking stalls required by this Article based on the Gross Floor Area (GFA) of all buildings associated with that site.

8. Movie Theater (SLU Code 7212): One stall for every four seats.

9. Personal Storage Units: Parking for personal storage units shall be provided on the driving lanes adjacent to the personal storage units. Driving lanes shall be at least twenty (20) feet in width. Additional and separate parking stalls shall be located adjacent to the manager’s office in the minimum amount of one parking space for every two hundred (200) storage units or fraction thereof with a minimum of two (2) parking spaces to be provided. Driving lanes and required parking spaces may not be rented as, or used for vehicular storage.

10. Barber and Beauty Schools (SLU 6833): A minimum of 1.5 parking stalls shall be required per operator/teaching station or 4 stalls per 1,000 square feet; whichever is greater.

11. Veterinary Hospital/ Clinic: A minimum of one (1) parking space per 325 square feet.


A. Criteria for Parking Deferral. The approving authority of a site plan may defer the construction of up to seventy-five percent (75%) of the off-street parking stalls required by this Article if an applicant demonstrates that the full amount of required parking is not needed for the site because:

1. The character of the use lowers the anticipated need for off-street parking as determined from data from similar uses and/or standards of the Institute of Traffic Engineers applicable to the proposed use; or

2. The use is immediately accessible to public transportation that serves a significant proportion of residents, employees, or customers who would otherwise use parking spaces at the site; or

3. A significant number of residents, employees, customers and/or other individuals who would normally use parking spaces at the site regularly walk or use bicycle or other nonmotorized vehicular forms of transportation.
(Ord. No. O-01-0005, Enacted, 2/13/2001; O-01-0021, Amended, 06/12/2001)

B. Site Plan. Applicants for a parking deferral shall submit a site plan demonstrating that the total required parking can be accommodated on-site, and shall record a plat with the Utah County Recorder’s Office designating the land to be reserved for future parking. The entire area included in the parking deferral shall be developed and maintained in landscaping; this landscaping may not be counted toward the landscaping requirement elsewhere in this Chapter.
(Ord. No. O-01-0005, Enacted, 2/13/2001; O-01-0021, Amended, 06/12/2001)
All sites in commercial zones which either have more than six hundred feet (600') of street frontage or are located adjacent to a mass transit stop shall include a pedestrian pathway extending from the public right-of-way across any required landscaping to the parking lot or sidewalk.


A. Required Parking Spaces: Bicycle parking spaces shall be required in all zones for each site to which this Article applies. The number of bicycle parking spaces to be provided shall be three or a number equal to ten percent (10%) of the required on-site automobile parking spaces, whichever is greater. The total number of bicycle parking spaces required by this Article shall not exceed thirty (30) spaces per building. Exception: The Director of Development Services may reduce or waive the bicycle parking requirements for developments that, in the opinion of the Director of Development Services, are not likely to attract bicycle traffic because of the nature, location or other circumstances associated with the development. Developments that are not likely to attract bicycle traffic include, but are not limited to, a car wash and personal storage units.

B. Parking Facilities: Bicycle parking facilities, including either lockers or racks, shall be provided in all areas in which bicycle parking spaces are required. All bicycle-parking facilities shall:
1. Provide for storage and locking of bicycles, either in lockers, medium-security racks or equivalent facilities in which the user may lock both the bicycle frame and the wheels;
2. Be located on a raised island no less than six inches (6") in height, or within an area sufficiently protected from vehicular traffic;
3. Be designed so as not to cause damage to the bicycle;
4. Facilitate easy locking without interference from or to adjacent bicycles; and
5. Consist of racks or lockers anchored so that they cannot be easily removed and of solid construction, resistant to rust, corrosion, hammers, and saws.
6. Be consistent with their environment in color and design and be incorporated whenever possible into building or street furniture design.

C. Notice of Change of Condition. Any person having an interest in property subject to a parking deferral shall notify the Director of Development Services of any change in the circumstances that the approving authority considered in granting the deferral.

D. Revocation of Parking Deferral. The entity which granted a parking deferral may revoke the deferral in whole or in part upon a finding that all or a part of the required parking for the site which was deferred is needed for the site. The approving authority shall not revoke a deferral until the approving authority has provided the recipient with ten days written notice, by mail or personal service, of the approving authority’s intent to consider a revocation of the deferral and has provided the recipient an opportunity to be heard regarding the grounds for revocation. Upon revocation of the deferral, the recipient of the deferral or the recipient’s successor or assign shall construct that portion of the deferred parking to which the revocation applies within 120 days of the revocation.

E. Reduction of Required Parking. The approving authority of a site plan may grant a reduction of up to fifty percent (50%) in the required number of parking stalls for commercial, industrial, and mixed use developments, if the applicant presents a parking-traffic study prepared by a traffic engineer, and demonstrates by clear and convincing evidence that the expected vehicle use and parking space demand for the development will be less than that predicted by the Institute of Transportation Engineers vehicle trip generation rates or less than minimum City parking requirements because:
1. The site incorporates a mix of office or retail uses with assembly and occupancy type uses identified in Section 22-15-4(F) which reduces the need for parking spaces because of shared parking; or
2. The site is adjacent to a mass transit route and the applicant provides a transit stop and related amenities, including a public plaza, pedestrian sitting areas, and additional landscaping (not to exceed 25% of the total area dedicated as a transit stop); and
3. It is demonstrated that the use of alternative modes of transportation, including mass transit, bicycles, and walking by customers, clients, or employees of the development will reduce the need for parking space.
7. Be located in convenient, highly visible, active, well-lighted areas but not interfere with pedestrian movements.

(Ord. No. O-01-0005, Enacted, 2/13/2001; O-01-0021, Amended, 06/12/2001)


A. Required Landscaping. All off-street parking areas that contain ten (10) or more parking stalls, shall include interior landscaping as required by this Section. The requirements of this Section shall also apply to expansions of existing parking lots, including both the expanded parking area and the pre-existing parking area. Paving of a gravel, nonconforming parking area that does not increase the land area utilized for parking is not considered an expansion.

(Ord. No. O-01-0005, Enacted, 2/13/2001; O-01-0021, Amended, 06/12/2001)

B. Landscaped End-Islands. All parking areas subject to the requirements of this Section shall include landscaped islands, no smaller than eight feet (8') wide, at both ends of at least every other row of parking that is within seventy-five feet (75') of a dedicated street right-of-way, to delineate all on-site driving aisles. Each island shall contain at least one (1) deciduous tree. However, when the landscaped island is within fifty feet (50') of a dedicated street right-of-way or storefront, no trees shall be required in that island.

(Ord. No. O-01-0005, Enacted, 2/13/2001; O-01-0021, Amended, 06/12/2001)

C. Trees. Interior landscaping shall include deciduous trees at a minimum rate of one (1) tree for every three thousand (3,000) square feet of paved area on the site.

(Ord. No. O-01-0005, Enacted, 2/13/2001; O-01-0021, Amended, 06/12/2001)

D. Large Parking Zone Landscaping Requirement. Parking zones containing more than fifty (50) stalls but less than seventy-five (75) stalls shall include a minimum of five percent (5%) of the parking zone area as interior landscaping. Parking zones containing at least seventy-five (75) stalls but less than one-hundred (100) stalls shall include a minimum of seven and one-half percent (7.5%) of the parking zone area as interior landscaping. Parking zones containing 100 or more stalls shall include a minimum of ten percent (10%) of the parking zone area as interior landscaping. Areas landscaped pursuant to the requirements of other sections of this Article may be counted toward fulfilling the requirements of this Section. No more than twenty-five percent (25%) of the interior landscaping required by this Section shall be located adjacent to a building.

(Ord. No. O-01-0005, Enacted, 2/13/2001; O-01-0021, Amended, 06/12/2001)
Article 22-16. Conversions to Condominiums or Townhouses

22-16-1. Purpose.

22-16-2. Submission of Application.

22-16-3. Preliminary Approval.


22-16-6. Minimum Requirements for a Condominium or Townhouse Conversion.


22-16-8. Tenant Notification.


22-16-1. Purpose.

Any person who desires to convert existing multiple-family housing, commercial or manufacturing buildings to a condominium project or to convert existing multiple-family housing to a townhouse project shall comply with the requirements of this Article.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-00-0044, Amended, 10/03/2000; O-01-0021, Amended, 06/12/2001; Ord. No. O-2012-0032, Amended 11/13/2012)

22-16-2. Submission of Application.

A. The owner or developer of a proposed condominium conversion project or a proposed townhouse conversion project desiring approval shall file a Development Review Application with the Development Services Department, which shall forward it to the Development Review Committee for preliminary review.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-00-0044, Amended, 10/03/2000; O-01-0021, Amended, 06/12/2001; Ord. No. O-2012-0032, Amended 11/13/2012)

B. The following shall be submitted with the Development Review Application:

1. Four (4) copies of the record of survey map accurately drawn to scale in conformance with the provisions of Section 57-8-13, Utah Code Annotated (1953, as amended), which shall be prepared by an engineer or land surveyor registered in the State of Utah. The scale of the map shall be no smaller than one inch (1") equals forty feet (40').

2. Five (5) copies of a site plan, one (1) of which shall be reduced to eight and one-half inches by eleven inches (8 1/2” X 11”), prepared to the same scale as the record of survey map designating the location of buildings, the intended use of common areas, and the location and extent of storage, recreational facilities, parking, driveways, pedestrian ways, curbs, walls, fences, landscaping, sprinkling systems, and information showing floor plans.

3. Two (2) copies signed in the original of the proposed condominium or townhouse declarations and bylaws.

4. For a conversion to condominiums, a written statement by an attorney who is licensed to practice in Utah. The written statement shall state that the condominium declaration, the record of survey map and the other supporting documentation comply in all respects with the Utah Condominium Ownership Act (U.C.A. Sec. 57-8-1, et seq.) as well as all applicable federal, state and local laws and ordinances and that when the condominium declaration and survey map have been recorded in the office of the Utah County Recorder that the proposed project will be a validly existing and lawful condominium project in all respects.

5. A property report containing the information specified in Section 22-16-4 below shall be submitted as part of the application, together with a plan for all proposed improvements and repairs prepared by a civil or structural engineer or a general engineering contractor licensed by the State of Utah.

6. The Proof of Notice to Tenants required by 22-16-8 below shall be submitted prior to final condominium or townhouse approval.

7. A filing fee in an amount determined by City Council Resolution establishing fees and charges.

8. An application will not be scheduled for Planning Commission review until the information required herein has been submitted, excepting item (5) above, which must be submitted prior to final approval.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-00-0044, Amended, 10/03/2000; O-01-0021, Amended, 06/12/2001; Ord. No. O-2012-0032, Amended 11/13/2012)

22-16-3. Preliminary Approval.

A. If the Development Review Committee (DRC) finds that the project as proposed is in compliance, or plans have been presented which will bring the structures into compliance with applicable codes and policies, and that there will be no increased hazard or detriment to the community, the neighborhood, or prospective owners of the condominium or townhouse units, the DRC may forward, with recommendations, the request to the Planning Commission for preliminary approval. Conditions of preliminary approval may
include (1) correction of violations of the current life-safety standards of the International Building Codes, the original site plan approved by the City, health or similar codes, (2) appropriate amendments to declarations, or (3) amendments to the Record of Survey Map and the Site Plan which may enhance or protect the environment of the condominium or townhouse development and the neighborhood in which it is located. If the Development Review Committee finds circumstances or conditions which would constitute an increased hazard to the health, safety, welfare, or convenience of the general public or of prospective buyers or guests in the condominium or townhouse project, they may recommend denial of the project to the Planning Commission.


B. The Planning Commission shall consider preliminary approval of the condominium or townhouse project.

1. If the Planning Commission finds that the project is in compliance with, or the applicant has presented plans that will bring the structure(s) into compliance with applicable building codes and plans that will bring the site into conformance with the approved site plan approval, and other appropriate ordinances and policies, and the project will not create an increased detriment to residents of the City, the neighborhood, or prospective condominium or townhouse owners, it may grant preliminary approval and may impose conditions deemed appropriate to insure an attractive and safe environment.

2. If the Planning Commission finds circumstances or conditions, which would constitute a hazard to the health, safety, welfare, or convenience of the general public or of prospective buyers or guests in the condominium or townhouse project, they may deny preliminary approval with an appropriate finding of fact.

3. The effect of preliminary approval by the Planning Commission shall be to entitle the owner or developer to proceed with obtaining building permits, giving notification to tenants, preparing documents for final approval, and otherwise proceeding with the project in all aspects which are in conformance with the conditions of preliminary approval and subject to final approval. The sale of condominium or townhouse units, the recording of records of survey, and the recording of declarations, however, shall not be accomplished prior to granting a final approval in accordance with the provisions contained herein.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-00-0044, Amended, 10/03/2000; O-01-0021, Amended, 06/12/2001; Ord. No. O-2012-0032, Amended 11/13/2012)

C. Final approval by City Manager. Upon representation by the Development Services Director, the Chief Building Official or other appropriate city official that all conditions of the Planning Commission preliminary approval have been completed, all final documentation is signed and submitted, including any bonds or agreements required to be filed, then the condominium or townhouse development, with all documentation, shall, with appropriate notification, be reviewed by the City Manager for consideration of final approval.

1. If the City Manager determines that the project conforms with the current life-safety standards of the International Building Codes, that any and all violations of the original site plan have been corrected, and that all of the conditions and requirements of preliminary approval have been met, he/she shall grant final approval of the project and release the record of survey map and the covenants of the condominium or townhouse project for recording.

2. No record of survey map shall have any force or effect until it has received final approval of the City Manager.


D. Amended submission. Within thirty (30) days after the City Manager has disapproved any project, the developer may file with the Development Services Department appropriate materials altered to meet the requirements of the City Manager. Upon said filing, the matter shall be placed upon the agenda of the City Manager for reconsideration of the denied proposal without an additional fee.


22-16-4. Property Report

A. As an element of any application for a condominium or townhouse which includes the conversion of existing structures, the owner or developer shall submit a Report of Property Condition which is intended to insure that the standards of the declaration appropriately address existing and future conditions relating to maintenance, upkeep, and operation as referenced by Section 57 8 13, Utah Code Annotated (1953, as amended).

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-00-0044, Amended, 10/03/2000; O-01-0021, Amended, 06/12/2001; Ord. No. O-2012-0032, Amended 11/13/2012)
B. The property report shall contain the following information:
1. Age of the building or buildings.
2. Condition of the structural elements, including the roof, foundation, mechanical system, electrical system, plumbing system, and boiler or furnace.
3. Size of the water service line from the meter to the individual unit.
4. Size of the sewer lateral and sewer line(s) from each unit.
5. Capacity of the electrical service for each unit (amps).
6. Condition of the paving material on private streets (if any).
7. Condition of the paving or surfacing material on driveways, parking areas, sidewalks, curbs, etc.
8. Condition of the paint and/or exterior surfaces of all buildings and structures.
9. All known conditions constituting deficiencies.
10. All known conditions which may require repair or replacement within the next succeeding five (5) year period.
11. A statement of disclosure containing all information pertinent to any failure of the building to meet the requirements of the current building code and current zoning ordinance.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-00-0044, Amended, 10/03/2000; O-01-0021, Amended, 06/12/2001; Ord. No. O-2012-0032, Amended 11/13/2012)


The Chief Building Official or his designee shall make an inspection of the proposed condominium or townhouse conversion project to determine compliance with the life-safety standards of the International Building Codes as adopted by the City of Orem. Prior to Planning Commission consideration of a condominium or townhouse project involving conversion of existing buildings, the Chief Building Official shall submit a report to the Development Services Director specifying where the building(s) is/are deficient with respect to the life-safety standards of the International Building Codes. The report of the Chief Building Official shall be submitted to the Planning Commission as an element of the "Report of Property Condition."


22-16-6. Minimum Requirements for a Condominium.

A. Each condominium or townhouse conversion project shall comply with the approved site plan. If the site plan is altered in any way, it shall conform to the requirements of Section 22-14-20 of this Chapter.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-00-0044, Amended, 10/03/2000; O-01-0021, Amended, 06/12/2001; Ord. No. O-2012-0032, Amended 11/13/2012)

B. Each condominium or townhouse conversion project shall meet the following for minimum utility requirements:

1. All condominium or townhouse units within a development shall be separately metered for gas and electricity, and water meter shall be installed in accordance with the requirements of Chapter 21 of the Orem City Code.
2. Each unit shall be provided with readily accessible individual shutoff valves or switches for water, gas, and electrical services.
3. Each condominium or townhouse unit shall be equipped with its own heating system.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-00-0044, Amended, 10/03/2000; O-01-0021, Amended, 06/12/2001; Ord. No. O-2012-0032, Amended 11/13/2012)

C. Prior to granting final approval for the conversion of an existing building to a condominium project or a townhouse project, the building must conform to those development standards and requirements of the building code, duly enacted, which were in force at the time of construction of the structure to be converted.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-00-0044, Amended, 10/03/2000; O-01-0021, Amended, 06/12/2001; Ord. No. O-2012-0032, Amended 11/13/2012)

D. Prior to final approval, the City Manager shall cause final inspections of all buildings and structures and work therein to be made upon request of the developer to determine conformance with the building code, which was in force at the time of construction of the structure to be converted.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-00-0044, Amended, 10/03/2000; O-01-0021, Amended, 06/12/2001; Ord. No. O-2012-0032, Amended 11/13/2012)

E. In the event the City Manager, upon preliminary examination, finds violations of building codes, which were in force at the time of construction, these violations must be corrected prior to final approval with all repairs or renovations proposed by the developer.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-00-0044, Amended, 10/03/2000; O-01-0021, Amended, 06/12/2001; Ord. No. O-2012-0032, Amended 11/13/2012)

The owner of a proposed condominium or townhouse conversion project shall record a Declaration of Covenants, Conditions, and Restrictions for the project which contains, in addition to the contents required by the Utah Code, the following:

1. The establishment of an association of unit owners that provides for the maintenance of common areas.

2. Maintenance of Common Areas and Facilities - General. In order to protect the public health, safety and welfare, provisions shall be made for periodic assessments to the owners for the costs of maintenance, common utility bills, and special assessments for capital improvements. The developer shall retain responsibility for maintenance of the common areas of the facilities until all of the units have been sold and the City has determined that the unit owner’s Association has been established.

3. The enforcement techniques to be used in securing compliance with the duties and provisions of the covenants, conditions and restrictions.

4. If the condominium or townhouse project contains private streets, paths or roadways, provision shall be made for public utility easements over the entire private street, path or roadway system. The City may also require public utility easements adjacent to public streets or over other portions of the project to accommodate fire hydrants, water meters, street, storm drainage, sanitary sewers, water and gas mains, electrical lines and similar public improvements and utilities. The City may also require access routes necessary to assure that fire-fighting equipment can reach and operate efficiently in all areas of the project.

5. Each owner and the Association shall have an easement for entry upon any privately-owned unit, where necessary, in connection with construction, maintenance or repair for the benefit of the common area.

22-16-8. Tenant Notification.

A. Written notices shall be mailed by certified mail to all tenants in the proposed condominium or townhouse conversion project not less than ten (10) days prior to the Planning Commission meeting on the proposed conversion. Such notice shall provide, at least, the following:

1. The date, time, place, and purpose of the meeting.

2. A statement that should the condominium or townhouse conversion project be approved, tenants may be required to vacate premises.

B. Unless otherwise provided by contract or law, all tenants of the proposed condominium or townhouse conversion project shall be given one hundred and twenty (120) days advance written notice by certified mail of the termination of their tenancy and shall further be given the first right to purchase their respective unit upon at least as favorable terms and conditions as the units are offered to the general public. Certification of compliance shall be provided to the Development Services Director prior to the recording of the final tract map.

1. During the conversion process, the tenant in a condominium or townhouse conversion shall not unreasonably withhold consent to the owner to enter the unit in order to inspect the premises. The landlord shall not abuse the right to access or use it to show the property to prospective buyers or repairmen or harass the tenant. Except in case of an emergency, or unless it is impracticable to do so, the landlord shall give the tenant at least two (2) days’ notice of his intent to inspect and may enter only at reasonable times.

2. The owner shall not undertake remodeling for the conversion of a unit while it is occupied by a tenant, nor create any unreasonable disruption of the common areas, including but not limited to the restriction of access thereto, nor interfere with the quiet use and enjoyment of the premises, nor abuse the right of access, nor use it to harass the tenant.


The following additional provisions shall apply to the conversion of any building to townhouses.

A. Separate parcels containing individual townhouses are permitted notwithstanding the minimum lot size that may apply in the zone in which the units are located.

B. Units in a building may be converted to townhouse units only if the units are side by side and there are no stacked units.

C. No additional dwelling units may be created. At least two (2) parking spaces must be provided on
each townhouse parcel or at least two parking spaces must be designated as limited common area for the sole use of each townhouse.
(Ord. No. O-2012-0032, Enacted 11/13/12)

D. At least two (2) parking spaces must be provided on each townhouse parcel or at least two parking spaces must be designated as limited common area for the sole use of each townhouse.
(Ord. No. O-2012-0032, Enacted 11/13/12)
Article 22-17. High Density Apartment Developments

22-17-1. Purpose.
The purpose of this section is to provide areas within the City that encourage high density apartment developments that incorporate creative architectural designs, innovative and attractive landscaped areas, and amenities that meet the needs of prospective tenants while contributing to the development project. Because this Article allows a higher density development than a planned residential development, more stringent standards are required. The negative effects of a higher density development are reduced and mitigated by requiring a quality development that is beautifully designed, creatively landscaped, and aesthetically pleasing.


22-17-2. Steps to Follow.
Any person requesting an apartment development with more than twenty (20) units per acre shall:

A. Meet with the Development Services Director or designee(s) for the purpose of exchanging ideas, reviewing zoning regulations, discussing possible issues, and obtaining a list of property owners who should be contacted about the proposed development prior to submitting an application for development.


B. Hold a meeting for surrounding property owners where the concept plan shall be shown and discussed. The developer shall mail or hand deliver a notice of the meeting to all property owners within two hundred feet (200') in all directions of the boundaries of the proposed development.


C. File, with the City, a written narrative identifying the concerns raised by area property owners, and explaining the applicant's position with regards to those concerns.


D. File a Development Review Application and a concept plan with the City requesting concept plan review. The concept plan shall be reviewed by the Development Review Committee, Planning Commission, and City Council for their opinions and comments. No concept plan approval is required nor shall any vote be taken. The purpose of the concept plan is for the developer to receive input from the City before investing large sums of money in preparing and submitting a preliminary development plan.


E. File, by February 20, 1996, a Development Review Application and a preliminary development plan with the City requesting preliminary plan approval. No preliminary or final development plan applications shall be accepted by the City after February 20, 1996.


F. File a Development Review Application and a final development plan with the City requesting a conditional use permit and final development plan approval.


G. No temporary certificate of occupancy shall be issued until the Developer schedules and attends a meeting with the Director of Development Services, and provides a written notice to neighbors within two hundred feet (200') of the project inviting them to attend the meeting. The purpose of this meeting is to ensure that the project is being developed in accordance with the final development plan and the conditional use permit before any certificate of occupancy is issued. Phasing is not permitted. However, the Director of Development Services may allow temporary certificates of occupancy to be issued for individual buildings where:

1. the building is in full compliance with the final development plan,
2. there is substantial progress being made on the whole project with all other buildings completed or under construction,
3. the clubhouse and swimming pool are completed and available for use by the tenants,
4. the areas where the temporary certificates are issued are completely developed and finished so that construction is not taking place where the tenants are living,
5. there is sufficient parking as required by the ordinance available for the tenants, and
6. there is a temporary fence installed between the completed portions of the project
where the tenants are living and the remaining construction.

In the event that the project is completed, except for landscaping, between October 15 and March 5, the City may issue a temporary or final certificate of occupancy if the applicant has posted a cash bond with the City pursuant to subsection 22-17-8(M) of this Chapter. No final certificate of occupancy shall be issued until the entire project has been developed and completed in accordance with the final development plan and the conditional use permit.


22-17-3. Area Requirement.

Developments under this Article shall contain a minimum of five (5) contiguous acres. There shall be no development phasing.


22-17-4. Density.

The maximum density for developments under this Article shall be twenty-six (26) units per net acre. Net acreage does not include any property dedicated to the City for public right of way, or areas described in Section 22-7-3.B.(1) through (4) of the Orem City Code.


22-17-5. Concept Plan.

The concept plan shall include: property boundaries; proposed locations of buildings, parking areas, landscaped areas, and amenities; a color rendering showing enough of the site to give the reviewer a feel and understanding of the proposed development; any written narrative summarizing concerns raised by property owners; and written statements describing intangible concepts that may be helpful in clarifying the development picture. Fees required by the City shall be submitted with the concept plan.


22-17-6. Preliminary Development Plan.

A. The preliminary development plan shall contain the following:

1. A detailed landscape plan showing the types, sizes and varieties of all bushes, shrubs, flowers, plants and trees. The plan shall also detail any footbridges, streams, ponds, waterfalls, decorative fences, trellises, paths, fountains, trails, boulders, benches, decorative lamp posts, statues, etc. that are part of the landscape plan.

2. Details of building elevations and floor plans that show the creative aspects of the architectural designs.

3. Details of amenities and their locations within the project with written statements explaining why each amenity meets the needs of prospective tenants, how the amenities mitigate negative impacts of the high density apartment development, and how they contribute to the project.

4. All of the information required for a preliminary development plan in Section 22-7-5 of the Orem City Code.

5. Pallets containing color and building material samples of the proposed exterior of the buildings for examination by the Development Review Committee, Planning Commission, and City Council.

6. All documents listed in Section 22-7-5(E) of the Orem City Code.

7. A traffic impact analysis by a traffic engineer that projects trip generations and shows street geometrics, turning movements to and from the site, establishes service level of impacted streets, and addresses traffic safety on and off the site.

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

9. A legal description of the site.

(Ord. No. O-92-024, Enacted, 11/24/1992; O-01-0021, Amended, 06/12/2001)

B. The Development Review Committee shall review the preliminary development plan and then forward it to the Planning Commission.

(Ord. No. O-92-024, Enacted, 11/24/1992; O-01-0021, Amended, 06/12/2001)

C. The Planning Commission may, after reviewing the preliminary plan, recommend to the City Council that they approve the preliminary development plan, approve with conditions the preliminary development plan, or deny the preliminary development plan if it does not meet the intent and requirements of the provisions of this Article.

(Ord. No. O-92-024, Enacted, 11/24/1992; O-01-0021, Amended, 06/12/2001)

D. The City Council may, after considering the recommendation of the Planning Commission, approve the preliminary development plan, approve with
additional conditions the preliminary development plan, or deny the preliminary development plan if it does not meet the intent and requirements of the provisions of this Article.
(Ord. No. O-92-024, Enacted, 11/24/1992; O-01-0021, Amended, 06/12/2001)

E. Failure to submit a final development plan within one (1) year of the date of approval of the preliminary development plan shall terminate all proceedings and render approval of the preliminary development plan null and void.
(Ord. No. O-92-024, Enacted, 11/24/1992; O-01-0021, Amended, 06/12/2001)


A. An applicant shall submit a Development Review Application requesting a conditional use permit and approval of the final development plan along with required fees. The final development plan shall contain the following:
1. The preliminary plan approved by the City Council.
2. A final plat of the development prepared by the developer's surveyor meeting all the requirements of Section 22-7-6(C) of the Orem City Code.
3. Construction drawings for the development prepared by the developer's engineer.
4. A final landscape plan prepared by a licensed landscape architect showing, in detail, the types, sizes and varieties of all bushes, shrubs, flowers, plants and trees. The plan shall detail any footbridges, streams, ponds, waterfalls, decorative fences, trellises, paths, fountains, trails, boulders, benches, decorative lamp posts, statues, etc. that are part of the landscape plan. The plan shall also include an itemized budget for all landscaping and landscaping features.
5. A maintenance agreement between the developer, owner, and the City of Orem. The maintenance agreement shall require the developer and/or owner of the project to provide for the permanent care and maintenance of open spaces, landscaping, recreational areas, and communally owned facilities, parking areas and private streets. Enforcement of the maintenance agreement by the City is in addition to any other enforcement remedies the City may have under City ordinances and State law.
(Ord. No. O-92-024, Enacted, 11/24/1992; O-01-0021, Amended, 06/12/2001)

B. The Development Review Committee shall review the conditional use permit request and the final development plan and then forward them to the Planning Commission.
(Ord. No. O-92-024, Enacted, 11/24/1992; O-01-0021, Amended, 06/12/2001)

C. The Planning Commission may, after reviewing the conditional use permit request and the final development plan, recommend to the City Council that they approve the conditional use permit and final development plan, approve with conditions the conditional use permit and final development plan, or deny the conditional use permit and final development plan if it does not meet the intent and requirements of the provisions of this Article.
(Ord. No. O-92-024, Enacted, 11/24/1992; O-01-0021, Amended, 06/12/2001)

D. The City Council may, after considering the recommendation of the Planning Commission, approve the conditional use permit and final development plan, approve with conditions the conditional use permit and final development plan, or deny the conditional use permit and final development plan if it does not meet the intent and requirements of the provisions of this Article.
(Ord. No. O-92-024, Enacted, 11/24/1992; O-01-0021, Amended, 06/12/2001)

E. Failure to obtain a building permit for any phase of the project within two (2) years of the date of approval of the conditional use permit and final development plan shall terminate all proceedings and render all approvals null and void. An applicant may apply for a one time extension of up to one (1) year, and the Planning Commission may grant the extension, provided the applicant requests the extension at least thirty (30) days prior to the expiration.
(Ord. No. O-92-024, Enacted, 11/24/1992; O-01-0021, Amended, 06/12/2001)

F. No development of high density apartments shall take place until the conditional use permit and final development plan are approved by the City Council and a building permit is issued by the City. All construction and perpetual maintenance shall be in strict compliance with the final development plan. Failure to do so is a violation of this ordinance.
(Ord. No. O-92-024, Enacted, 11/24/1992; O-01-0021, Amended, 06/12/2001)


A. Neighborhood Meeting. The applicant for the development shall conduct at least one (1) neighborhood meeting for the residents in the area of the proposed development to explain the proposed development and to address all neighborhood concerns. This meeting shall be
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held prior to the concept plan being scheduled for review by the Planning Commission.
(Ord. No. O-92-024, Enacted, 11/24/1992; O-01-0021, Amended, 06/12/2001)

B. Architectural design. The developer shall design and build apartments that are architecturally and aesthetically pleasing. Such design may include multi-level varied roof designs and contours, gables, decorative windows and doors, bay windows, offset entries, decorative stairs, etc. Buildings shall be clustered, leaving large open areas for innovative landscaping.
(Ord. No. O-92-024, Enacted, 11/24/1992; O-01-0021, Amended, 06/12/2001)

C. Landscaping. Not less than forty percent (40%) of the net acreage of the entire development shall remain in permanently landscaped areas. The landscaping shall be innovative and creative. Landscaping that qualifies as creative and innovative shall include such things as fountains, ponds, statues, waterfalls, trellises, cobblestone, paths, walkways, footbridges, decorative fences, hedges, streams, water wheels, flower gardens, gazebos, berms, decorative lamp posts, retaining walls, rocks, boulders, benches, etc.
(Ord. No. O-92-024, Enacted, 11/24/1992; O-01-0021, Amended, 06/12/2001)

D. Amenities. The preliminary and final development plans shall include quality amenities for the tenants, other than landscaping techniques and architectural designs, that the mitigate negative impacts of the development. Amenities shall increase the attractiveness and value of the apartment development. Amenities shall increase the desirability of the site as a place to live, provide physical comfort and relaxation, and provide recreational opportunities.
(Ord. No. O-92-024, Enacted, 11/24/1992; O-01-0021, Amended, 06/12/2001)

E. Storage Areas and Solid Waste Receptacles. All storage and solid waste receptacles that are not located within a building shall be enclosed within a sight obscuring structure or fence compatible with the design of the development. Impervious areas directly under or susceptible to spillage from solid waste receptacles that are exposed to storm water must direct the storm water flows into landscaped areas and away from onsite drainage facilities.

F. Parking. There shall be at least two and twenty-five hundredths (2.25) off-street parking spaces for each dwelling unit. All parking spaces, parking areas, and driveways shall be paved with either asphalt or concrete and properly drained. Drainage shall not be channeled or caused to flow across pedestrian walk ways.
(Ord. No. O-92-024, Enacted, 11/24/1992; O-01-0021, Amended, 06/12/2001)

G. Landscape Berm. A twenty foot (20’) bermed landscaped strip of grass and two inch caliper trees shall be placed between parking spaces and any dedicated City street. The trees shall be placed at the discretion of the landscape architect but the minimum number of trees shall be equal to one tree for every twenty-five (25’) feet of the bermed landscaping strip.
(Ord. No. O-92-024, Enacted, 11/24/1992; O-01-0021, Amended, 06/12/2001)

H. Mitigation. The developer shall take steps, which the Planning Commission or City Council may require, to mitigate negative economic and aesthetic impacts the proposed development may have on the surrounding neighborhood.
(Ord. No. O-92-024, Enacted, 11/24/1992; O-01-0021, Amended, 06/12/2001)

I. Recreational Vehicle Storage. An apartment development with more than twelve (12) units shall provide a paved parking surface, enclosed with a sight obscuring fence at least six feet (6’) in height, for the storage of operable and licensed recreational vehicles. This area shall be developed at the ratio of fifty (50) square feet per unit. The City Council may waive this requirement by requiring, as a condition of the final development plan, that no recreational vehicle be parked or stored within the apartment development.
(Ord. No. O-92-024, Enacted, 11/24/1992; O-01-0021, Amended, 06/12/2001)

J. Final Plat Recordation. A final plat showing the area of the apartment development and bearing the name of the apartment development that has been approved by the City Council shall be recorded by the City in the Office of the Utah County Recorder.
(Ord. No. O-92-024, Enacted, 11/24/1992; O-01-0021, Amended, 06/12/2001)

K. Fences. A six foot (6’) high fence of masonry, wood, wrought iron, precast concrete, or other material that is approved by the City Council shall be constructed and maintained by the owner of the development along any property line, other than along dedicated streets.
(Ord. No. O-92-024, Enacted, 11/24/1992; O-01-0021, Amended, 06/12/2001)

L. Setbacks. Front, side, and rear yard setbacks shall be a minimum of thirty feet (30’). The side and rear yard setback adjacent to a residential zone shall be proportionately increased based on the height of the
structure and calculated according to the following formula:

\[(\text{Structure Height}) \times (1.25) = \text{Minimum Building Setback}\] (in no instance shall the setback be less than 30 feet)

For example, a building thirty seven feet (37') high requires a setback of at least forty-six and twenty-five hundredths feet (46.25').

(Ord. No. O-92-024, Enacted, 11/24/1992; O-01-0021, Amended, 06/12/2001)

M. Landscaping Bond. The installation of all landscaping is required prior to the issuance of a temporary or final certificate of occupancy. If the project is completed, except for landscaping, between October 15 and March 15 the developer may post with the City a cash bond in an amount determined by the City to guarantee the proper installation of all required landscaping and landscaping features.

(Ord. No. O-92-024, Enacted, 11/24/1992; O-01-0021, Amended, 06/12/2001)

N. Restricted Locations.

1. It is the intent of the City Council that prime commercial property be preserved for commercial development. Properties in the vicinity of intersections listed in paragraph N.2. below are considered prime commercial properties. Therefore, no conditional use permit for a high density residential development shall be granted within four hundred feet (400') of these intersections, as measured from the intersection of the street center lines.

2. List of intersections:

- 2000 North State Street.
- 1600 North State Street.
- 1200 North State Street.
- 800 North State Street.
- 400 North State Street.
- Center and State Street.
- 400 South State Street.
- 800 South State Street.
- 1300 South State Street.
- 1600 South State Street.

(Ord. No. O-92-024, Enacted, 11/24/1992; O-01-0021, Amended, 06/12/2001)
Article 22-18. Mobile Home Parks and Travel Trailer Courts

22-18-1. Purpose.

Mobile home parks or travel trailer courts were previously allowed on parcels of at least two (2) acres. All provisions of Article 22-18, Mobile Home Parks and Travel Trailer Courts shall continue to apply to all parcels that are currently developed for mobile homes or travel trailers. However, effective May 1, 2006, the City shall not issue a conditional use permit for any new mobile home park or travel trailer court.

(Ord. No. 661, Revised, 04/10/1990; O-01-0021, Amended, 06/12/2001; Ord No. O-06-0014, Revised 7/25/2006)


A. Before a permit shall be issued for a mobile home park or a travel trailer court, the overall plan of the development must be submitted to the Planning Commission for its review.

(Ord. No. 661, Revised, 04/10/1990; O-01-0021, Amended, 06/12/2001)

B. The overall plan must show:
1. The topography represented by contours shown at no greater intervals than two feet (2').
2. The proposed street and mobile home space layout or the travel trailer space layout.
3. Proposed reservations for parks, playgrounds and open spaces.
4. Size and character of recreation buildings, pergolas, arbors and other structures associated with land and facilities to be used by the mobile home park occupants.
5. Layout of typical mobile home spaces or travel trailer spaces.
6. Tabulations showing:
   a. Area of land within the development.
   b. Number of mobile homes or travel trailers permitted.
   c. Number of mobile homes or travel trailers provided for in the development.


C. Applications for a mobile home park or travel trailer court shall be submitted to the Planning Commission at its regular meeting and shall be granted or denied only after a public hearing preceded by a two (2) week notice officially published by the Planning Commission.

(Ord. No. 661, Revised, 04/10/1990; O-01-0021, Amended, 06/12/2001)

22-18-4. Standards and Requirements - Travel Trailer Court.

B. Final Plan Preparation. The final plan must be prepared by an engineer, architect or landscape architect licensed to practice in the State of Utah.

(Ord. No. 661, Revised, 04/10/1990; O-01-0021, Amended, 06/12/2001)

C. Density. The number of mobile homes shall be limited to eight (8) units per acre. The mobile homes may be clustered and the individual lot sizes may be reduced below the requirements for single-family dwellings in the zone in which the development is located, provided that the total number of mobile home units does not exceed the number of mobile home units permitted on one (1) acre, multiplied by the number of acres in the development. The remaining land not contained in individual lots, roads or parking, shall be set aside and developed as parks and playgrounds, for the common use and enjoyment of the occupants of the development and visitors thereto.

(Ord. No. 661, Revised, 04/10/1990; O-01-0021, Amended, 06/12/2001)
D. Common Area.
1. No less than ten percent (10%) of the gross area of the mobile home park shall be set aside for common use. The land covered by vehicular roadways, sidewalks, off-street parking and landscaped areas surrounding trailer spaces which are pertinent to each trailer space and area devoted to service facilities shall not be construed as being part of the area required for parks and playgrounds.

2. A strip of land at least eight (8) feet wide surrounding the mobile home park shall be left unoccupied by mobile homes and shall be planted and maintained in lawn, shrubs and trees designed to afford privacy to the development.

(Ord. No. 661, Revised, 04/10/1990; O-01-0021, Amended, 06/12/2001)

E. Set Backs.
1. No mobile home or add-on, including carports, covered porches, etc., shall be located closer than eight feet (8') from the nearest portion of any other mobile home or add-on, nor shall any mobile home or add-on be located closer than four feet (4') to the side or rear lot line of the lot upon which the mobile home is located.

2. All mobile homes and add-ons shall be set back at least five feet (5') from all roadways.

3. All mobile homes shall be located at least thirty (30) feet back from any public street, and the resulting yards must be landscaped except for driveways.

(Ord. No. 661, Revised, 04/10/1990; O-01-0021, Amended, 06/12/2001)

F. Landscaping. All area not covered by mobile homes, buildings, parking space or driveways shall be planted in lawn, trees and shrubs or otherwise landscaped within one (1) year from the date of approval of the park.

(Ord. No. 661, Revised, 04/10/1990; O-01-0021, Amended, 06/12/2001)

G. Off Street Parking.
1. All off street parking spaces and driveways shall be paved surfaces before the adjacent mobile home spaces may be occupied.

2. Off street parking shall be provided at the rate of two (2) parking spaces per mobile home space. In no case shall the parking space be located greater than one hundred feet (100') away from the mobile home space it is designed to serve, except that one-fourth (1/4) of the required total parking spaces may be located not more than three hundred feet (300') away from the mobile home spaces they are designed to serve.

(Ord. No. 661, Revised, 04/10/1990; O-01-0021, Amended, 06/12/2001)

H. Solid Waste Storage. All storage and solid waste receptacles outside of the confines of a mobile home must be housed in a closed structure compatible in design and construction to the mobile homes and to any service buildings within the mobile home park. All patios, garages, carports and other add-ons must also be compatible in design and construction with the mobile home and with the service buildings as approved by the Planning Commission.

(Ord. No. 661, Revised, 04/10/1990; O-01-0021, Amended, 06/12/2001)

I. Mobile Home Occupancy. No mobile home space shall be rented for a period of less than thirty (30) days and occupancy shall be by written lease, which lease shall be made available to the officials of the City upon demand.

(Ord. No. 661, Revised, 04/10/1990; O-01-0021, Amended, 06/12/2001)

J. Street Widths. Roadways shall be of adequate width to accommodate anticipated traffic as follows:

1. For one-way traffic with no parking: Twelve feet (12') in width, plus extra width as necessary for maneuvering mobile homes.

2. For two-way traffic with no parking: Twenty-four feet (24') in width.

3. For entrance streets: Minimum of thirty-six feet (36') in width. All streets shall be bordered by curb and shall be paved surfacing.

(Ord. No. 661, Revised, 04/10/1990; O-01-0021, Amended, 06/12/2001)

K. Entrances. There shall be no more than two (2) entrances from the mobile home park into any one (1) street, which entrances shall be no closer than twenty-five feet (25') from each other.

(Ord. No. 661, Revised, 04/10/1990; O-01-0021, Amended, 06/12/2001)

L. Access for Maneuvering. Access shall be provided to each mobile home stand by means of an access way reserved for maneuvering mobile homes into position and shall be kept free from trees and other immovable obstructions. Paving the access way shall not be required. Use of planks, steel mats or other means during placement of a mobile home shall be allowed so long as the same are removed immediately after placement of the mobile home.

(Ord. No. 661, Revised, 04/10/1990; O-01-0021, Amended, 06/12/2001)

M. Utah State Board of Health. In addition to meeting the above requirements and conforming to the other laws of the City, all mobile home parks shall also
§22-18-4 Standards and Requirements - Travel Trailer Court.

A. All travel trailer courts shall abut upon a collector or arterial street designated in the major street plan of the City.
(Ord. No. 661, Revised, 04/10/1990; O-01-0021, Amended, 06/12/2001)

B. All entrances and exits from the travel trailer court shall be by forward motion only.
(Ord. No. 661, Revised, 04/10/1990; O-01-0021, Amended, 06/12/2001)

C. No exit or entrance from a travel trailer court shall be through a residential zone.
(Ord. No. 661, Revised, 04/10/1990; O-01-0021, Amended, 06/12/2001)

D. All travel trailers shall be set back at least twenty feet (20') from any public street.
(Ord. No. 661, Revised, 04/10/1990; O-01-0021, Amended, 06/12/2001)

E. All one-way roadways shall be at least twelve feet (12') in width and all two-way roads at least twenty feet (20') in width. All roadways shall be hard-surfaced.
(Ord. No. 661, Revised, 04/10/1990; O-01-0021, Amended, 06/12/2001)

F. All areas within the court, including the twenty foot (20') setback space, shall be landscaped and maintained with lawns, trees and shrubs designed to provide privacy and noise containment, and shall be equipped with adequate sprinkling devices.
(Ord. No. 661, Revised, 04/10/1990; O-01-0021, Amended, 06/12/2001)

G. Each travel trailer space shall be at least twenty feet (20') in width and at least forty feet (40') in length.
(Ord. No. 661, Revised, 04/10/1990; O-01-0021, Amended, 06/12/2001)

H. In addition to meeting the above requirements, all travel trailer courts shall conform to the requirements set forth in the Code of Camp, Trailer Court, Hotel, Motel, and Resort Sanitation requirements. They shall also conform to the Fire Code of the City.
(Ord. No. 661, Revised, 04/10/1990; O-01-0021, Amended, 06/12/2001)


A. The Planning Commission shall review the plan to determine its compliance with all portions of the City Master Plan.
(Ord. No. 661, Revised, 04/10/1990; O-01-0021, Amended, 06/12/2001)

B. The Planning Commission, among other things, shall make sure that such developments shall constitute a residential environment of sustained desirability and stability and that they will not adversely affect amenities in the surrounding area.
(Ord. No. 661, Revised, 04/10/1990; O-01-0021, Amended, 06/12/2001)

C. The Planning Commission may require additional yards or buffers or other improvements to be installed along with greater amounts of landscaping or parking spaces that may be imposed as conditions of approval to mix harmoniously with adjoining or nearby uses.
(Ord. No. 661, Revised, 04/10/1990; O-01-0021, Amended, 06/12/2001)
22-18-6. Phase Construction.

A. Development may be carried out in progressive phases.
   (Ord. No. 661, Revised, 04/10/1990; O-01-0021, Amended, 06/12/2001)

B. Each development phase shall be planned to meet the intent and requirements in Section 22-18-3 or in Section 22-18-4.
   (Ord. No. 661, Revised, 04/10/1990; O-01-0021, Amended, 06/12/2001)

C. No final plan for the initial phase shall cover less than two (2) acres.
   (Ord. No. 661, Revised, 04/10/1990; O-01-0021, Amended, 06/12/2001)


A. Within one (1) year after approval of the preliminary plan, the developer shall submit to the Planning Commission a final site plan of either the entire mobile home park or travel trailer court or the first phase of such development that is to be constructed.
   (Ord. No. 661, Revised, 04/10/1990; O-01-0021, Amended, 06/12/2001)

B. The plan shall show:
   1. Proposed road layout and trailer space.
   2. Proposed reservation for parks, playground and other open space.
   3. Proposed location for service facilities.
   5. Any other data that the Planning Commission may require.
   (Ord. No. 661, Revised, 04/10/1990; O-01-0021, Amended, 06/12/2001)


A. It shall be unlawful to place any trailer house, mobile home or travel trailer on any lot in the City and use the same for human habitation, except in compliance with one or more of the following conditions:

1. When the trailer house is placed in an approved mobile home park or travel trailer court.
2. When a trailer house is located on a lot for a period of time not to exceed thirty (30) days in any one (1) calendar year, and is not connected to water and sewer service.
3. When a trailer house is located on a lot on which a building is being constructed, subject to the following conditions:
   a. A permit to construct a building on such lot has been obtained from the inspector.
   b. The period of time that the trailer house is placed on the lot shall not exceed one (1) year.
   c. The trailer house shall be removed from the lot before the building is occupied.
   d. Water and sewer facilities shall comply with the requirements of the City-County Health Department.
   (Ord. No. 661, Revised, 04/10/1990; O-01-0021, Amended, 06/12/2001)

B. No permit shall be required for an unoccupied trailer house, except as may be required by other ordinances or laws, and the removal of wheels from the trailer house or the placing of the same upon a permanent foundation shall not exempt such trailer house from the requirements of this section.
   (Ord. No. 661, Revised, 04/10/1990; O-01-0021, Amended, 06/12/2001)


Any mobile home park in the C2 Zone which was approved prior to 1985, may expand both in area and number of units. The expansion area may not exceed fifteen percent (15%) of the site plan as documented on the City’s aerial photograph of September 23, 1987. The gross density of the mobile home park shall not exceed eight (8) units per acre.
Article 22-19. Land Uses by Zone

22-19-1. Land Uses by Zone.

A. Uses which are permitted, not permitted, and uses which require a conditional use permit are listed in Appendix A, which is incorporated herein by this reference. In Appendix A, permitted uses are identified with a "P" in the zone in which they are permitted. If a use requires a conditional use permit in a zone, it is identified with a "C" and the provisions of Article IV shall apply. If a use is identified with an "N" in a zone, then the use is not permitted in the zone.

B. Any use not listed in Appendix A is not permitted.
Article 22-20. Sexually Oriented Businesses

22-20-1. Purpose.

The purpose and object of this article is to establish uniform and reasonable regulations to prevent the concentration of sexually oriented businesses or their locations in areas deleterious to the community, to regulate the signs of such businesses, to control the adverse effects of such signs, and to prevent inappropriate exposure to the community. This ordinance by its terms is designed to prevent crime, protect the city's retail trade, maintain property values, and generally protect and preserve the quality of the city's neighborhoods, commercial districts, and the quality of urban life. This ordinance is not designed to suppress the expression of unpopular views. This article is to be construed as a regulation of time, place and manner of the operation of these businesses consistent with the limitations provided by the United States and Utah Constitutions.


22-20-2. Definitions.

For purposes of this article, the following terms shall have the meanings defined in this section:

A. Gateway means:
   1. 1300 South;
   2. Center Street, east of I-15;
   3. 800 North, east of I-15;
   4. 1600 North, east of I-15;
   5. State Street, in its entirety within the limits of the City;
   6. Geneva Road between 800 South and 1500 South;


B. Historic buildings or sites means those buildings or sites found on either the national or state historic registers, or the City register of cultural and historic resources.


C. Public park means a park, playground, swimming pool, golf course or athletic field within the City which is under the control, operation or management of the City's Public Works or Recreation Department.


Sexually oriented businesses shall only be permitted in areas zoned M2 under Section 22-9-1 of the Orem City Code. Sexually oriented businesses are subject to the following additional restrictions:

A. No sexually oriented business shall be located within a one-thousand-foot (1000') radius of any church, park, school, or residential zone, as measured by a straight line without regard to intervening structures. The distance is measured from the property line of the church, park, school, or residential zone nearest the sexually oriented business and the property line of the sexually oriented business nearest the church, park, school, or residential zone.


B. No sexually oriented business shall be permitted within one hundred sixty-five feet (165') of any gateway.


C. No sexually oriented business shall be permitted within three hundred feet (300') of any historic building or site. The distance shall be measured
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from the property line of the historic building or site nearest the sexually oriented business and the property line of the sexually oriented business nearest the historic building or site.

22-20-4. Distance from other similar businesses.

No sexually oriented business shall be allowed within one thousand feet (1000') of any other sexually oriented business, measuring a straight distance from the nearest property line of the one business to the nearest property line of the other business.

22-20-5. Sign Restrictions.

Notwithstanding any contrary provision contained in Chapters 14 and 22 of this Code, sexually oriented business signs shall be limited as follows:

A. No more than one sign promoting or identifying the sexually oriented business shall be allowed on any sexually oriented business premises;

B. Off premise signs are prohibited.

C. No sign on the sexually oriented business premises promoting or identifying the sexually oriented business shall be allowed to exceed eighteen (18) square feet;

D. No animation shall be permitted on or around any sexually oriented business sign or on the exterior walls or roof of the premises;

E. No descriptive art or designs depicting any activity related to or inferring the nature of the business shall be allowed on any sexually oriented business sign. The sign shall contain alpha-numeric copy only;

F. Signage is limited to one flat wall sign and shall not project more than twelve inches (12") from the wall to which it is attached.

G. Painted wall advertising shall not be allowed;

H. Other than the flat wall sign specifically allowed by this article, sexually oriented businesses shall not construct or allow to be constructed any other type of sign including those types of signs listed in Chapter 14 of the Orem City Code, or use any light or other device designed to draw attention to the business location.


If any provision or clause of this chapter or the application to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses or applications herein which can be implemented without the invalid provision, clause or application, and to this end the provisions and clauses of this chapter are declared to be severable.
Article 22-21. Special Exception for Multifamily Dwellings.

22-21-1. Purpose.


22-21-1. Purpose.

The purpose of this Article is to allow the development of Multifamily Dwellings on vacant lots adjacent to existing Multifamily Dwellings, subject to the standards and provisions contained herein.


The Board of Adjustment may grant a special exception for a Multifamily Dwelling for a parcel in the R6, R6.5, or R7.5 zones only, under the following circumstances:

A. The lot meets all of the following criteria:
   1. At least fifty percent (50%) of the front and side property lines of the lot are located directly across the street from or adjacent to a multifamily dwelling, a PRD in single ownership, or a commercial development;
   2. The front of the lot is oriented in the same direction as at least one adjacent lot containing an existing multifamily dwelling or PRD in single ownership;
   3. The lot is at least eight thousand (8,000) square feet and not more than twenty thousand (20,000) square feet;
   4. The lot width is equal to or greater than the minimum lot width required for the zone in which the lot is located;
   5. The lot has not been previously developed;
   6. The lot is a legal lot of record, does not contain any structures, and is not within a recorded subdivision plat; and
   7. The lot was in existence on November 1, 1999, and has not been subdivided subsequent to that date.


B. The lot is surrounded on all property lines (including across the street) by multifamily dwellings, a developed nonresidential use (this does not include any agricultural use), or a commercial development and complies with Section 22-21-2(A)(3) and (7); or

C. The lot is located on a city block where all other lots are occupied by multifamily dwellings and complies with Section 22-21-2(A)(3) and (7). For purposes of this section, a city block is defined as an area that is completely surrounded by public streets.

No multifamily dwelling shall be constructed under this exception until all other primary structures on the lot have been removed.;


Any Multifamily Dwelling constructed pursuant to a special exception authorized by this Article shall comply with the following standards:

A. Density. The maximum number of dwelling units shall be as follows:
   1. Two (2) on lots of 8,000 square feet up to but not including 10,000 square feet.
   2. Three (3) on lots of 10,000 square feet up to but not including 12,000 square feet.
   3. Four (4) on lots of 12,000 square feet up to and including 20,000 square feet.


B. Height. The maximum height for any Multifamily Dwelling shall be thirty-five feet (35’).


C. Setbacks. The setbacks shall be the same as required by the zone in which the Multifamily dwelling is located.


D. Utilities. The public sewer system and the public water supply shall serve all dwellings. All utilities shall be underground. Each Multifamily Dwelling is required to have a minimum of one meter for natural gas and electricity. Compliance with the provisions of Chapter 21 of the Orem City Code for water meter connections is required. No water or sewer lines shall be located under covered parking areas.
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E. Parking. A minimum of two and one-half (2½) off-street parking spaces per dwelling unit shall be provided for each Multifamily Dwelling. Parking spaces may not be constructed in the front or rear setback. However, if a driveway leads to a two-car garage, one (1) guest parking stall per driveway may be located in the front yard setback on the driveway. Parking may be located in the side-yard in accordance with the standards of Section 22-15-3(E)(4) of this Chapter. A driveway may be constructed in the front setback but may not be constructed in the rear setback unless it is also located in the side-yard setback. All parking spaces shall measure at least nine feet (9') by eighteen feet (18'). Parking spaces shall be paved with asphalt and/or concrete and shall be designed to provide for adequate drainage.

F. Off-site Improvements. The City shall require off-site curb, gutter and sidewalk along street rights-of-way bordering the lot when the proposed Multifamily Dwelling impairs off-site safety or surface water drainage and there is a nexus between the required improvements and the governmental purpose provided the amount of the improvements are roughly proportional to the amount of the off-site impact caused by the Multifamily Dwelling.

G. Storage Areas and Solid Waste Receptacles(Dumpsters). All outside storage areas, except RV storage areas, and all solid waste receptacles which are not located within the Multifamily Dwelling, shall be enclosed on at least three sides with the same materials as used on the exterior of the main building. Detached storage units may not exceed 100 square feet per dwelling unit.

H. Exterior Finishing Materials. The front elevation of the Multifamily Dwelling shall have at least 60 percent (60%) of its exterior finishing materials of either brick, stone, cultured stone, stucco, or wood. Architectural trims do not count in the percentages required above.

I. Roof Pitch. All Multifamily Dwellings shall have a minimum roof pitch of five rise to twelve run.

J. Front Facades. The front of each Multifamily Dwelling shall have offsetting facades of at least two feet (2'). Units shall be located side-by-side and shall not be stacked.

K. Entrances. All entrances in the front elevation of any Multifamily Dwelling constructed pursuant to a special exception granted under this Article shall be located on the same level.

L. Orientation of Multifamily Dwelling. The Board of Adjustment may specify the orientation of the front of the proposed Multifamily Dwelling to ensure that the Multifamily Dwelling fits in and is compatible with the surrounding neighborhood and to reduce any negative impacts on adjacent single-family dwelling units.

M. Landscaping. At least thirty (30) percent of the lot containing a multifamily dwelling shall be landscaped. All areas within the lot not covered by buildings, driveways, sidewalks, structures, and parking areas shall be permanently landscaped with trees, shrubs, lawn or ground cover and maintained in accordance with good landscaping practices. All landscaping shall have a permanent underground sprinkling system. At least one (1) deciduous tree a minimum of one and one-half (1 and 1/2) inch caliper measured six (6) inches above the rootball, one (1) evergreen tree at least six (6) feet in height measured above the rootball, and eight (8) shrubs at least two and one-half (2 and 1/2) gallons in size are required for every dwelling unit.
N. Drive Entrances. No more than two drive entrances shall be allowed per lot. However, if the number of driveways desired is three (3) or four (4), each unit may have its own driveway if a transportation study by a qualified engineer and approved by the Orem City transportation engineer, proves there is little or no negative effect on increasing the number of driveways up to four (4) maximum. The maximum width of a combined-unit driveway is thirty-six (36) feet and the maximum width of a single-unit driveway is twenty (20) feet.

Article 22-22. Reimbursement Districts.

22-22-1. Eligibility.

Any person (including the City or any other legal entity) who constructs an eligible public improvement may file an application with the City for the creation of a reimbursement district. An eligible public improvement is one that:

A. Has a cost of at least ten thousand dollars ($10,000.00);

(Ord. No. O-02-0035, Enacted, 10/08/2002)

B. Provides or is capable of providing a service or benefit to a specific area of land that is significantly greater than the benefit to the general public;

(Ord. No. O-02-0035, Enacted, 10/08/2002)

C. Provides or is capable of providing a service or benefit that is essential to the future development of property owned by persons who did not participate in the cost of the improvement in an amount equal to the proportionate benefit that the improvement will have on that property;

(Ord. No. O-02-0035, Enacted, 10/08/2002)

D. By its nature or location, lends itself to a fair and equitable allocation of the cost of the improvement; and

(Ord. No. O-02-0035, Enacted, 10/08/2002)

E. Includes but is not necessarily limited to sewer lift stations, storm water detention basins, bridges, and similar public improvements. A reimbursement district is not available for street improvements or utility lines (including water, sewer and storm sewer), although persons wishing to connect to such lines may still be required to pay the City’s nonparticipating connection fee. More than one public improvement may be considered for inclusion in a reimbursement district.

(Ord. No. O-02-0035, Enacted, 10/08/2002)


An application for a reimbursement district shall be submitted to the City no later than sixty (60) days after completion of the public improvement and acceptance thereof by the City. However, the City Council may waive this requirement provided that the City Council finds good cause for the delay. An application to create a reimbursement district shall include the following:

A. A description of the location, type, and size of the public improvement for which reimbursement is requested.

(Ord. No. O-02-0035, Enacted, 10/08/2002)

B. An estimate of the cost of the improvement as evidenced by bids, projections or other similar information as may be requested by the City. The estimate of the cost shall be based on the lowest of at least three responsible bids although the applicant shall not be required to hire the lowest responsible bidder. Less than three bids may be accepted if the applicant demonstrates that it is not reasonably feasible to obtain three bids. The actual cost of the public improvement must be proved to the satisfaction of the City by receipts, invoices or other similar documents after completion of construction.

(Ord. No. O-02-0035, Enacted, 10/08/2002)

C. A description of the properties sought to be included within the reimbursement district including the following information:

1. A map showing the location of all property sought to be included in the reimbursement district.
2. The names and mailing addresses (as shown on the records of the Utah County Recorder) of the owners of each parcel to be included in the reimbursement district.
3. The size in square feet of each parcel to be included in the reimbursement district.
4. A legal description of each parcel and the entire area to be included within the reimbursement district.
5. Any other information that the City may reasonably request in order to determine the suitability of establishing a reimbursement district.
or the proper apportionment of the costs of the public improvement among the properties included within the reimbursement district.

(Ord. No. O-02-0035, Enacted, 10/08/2002)

D. Information showing how the public improvement will benefit or provide service to all of the parcels to be included in the reimbursement district.

(Ord. No. O-02-0035, Enacted, 10/08/2002)

E. The estimated date of completion of the public improvement.

(Ord. No. O-02-0035, Enacted, 10/08/2002)

F. An application fee in an amount established by resolution of the City Council.

(Ord. No. O-02-0035, Enacted, 10/08/2002)

G. A proposed methodology for allocating a share of the cost of the public improvement among the parcels within the proposed reimbursement district.

(Ord. No. O-02-0035, Enacted, 10/08/2002)


The Planning Commission shall consider the request for a reimbursement district and shall provide its recommendation to the City Council. The City Council shall consider the application to create a reimbursement district in a public hearing. Notice of the hearing before the City Council shall be given to the applicant and to the owners of all property located within the proposed district at least ten (10) days prior to the date of the public hearing. Notice shall be deemed sufficient if made by personal service or regular mail to the addresses of the property owners listed in the records of the Utah County Recorders. Notice by mail is deemed effective on the date the notice is mailed. Failure to receive actual notice shall not invalidate any action of the City Council relative to the creation of a reimbursement district. The applicant shall provide the City with proof of service of all required notices.

(Ord. No. O-02-0035, Enacted, 10/08/2002)


After the public hearing, the City Council may, but shall not be obligated to, approve the creation of a reimbursement district if it finds the following:

A. That the applicant proposes to construct an eligible public improvement as defined in Section 22-22-1;

(Ord. No. O-02-0035, Enacted, 10/08/2002)

B. That the nature, type and size of the improvement is reasonable considering the need of all of the properties that the improvement is intended to serve;

(Ord. No. O-02-0035, Enacted, 10/08/2002)

C. That the estimated cost of the improvement is reasonable; and

(Ord. No. O-02-0035, Enacted, 10/08/2002)

D. That considering all of the circumstances, the creation of a reimbursement district is fair and equitable and promotes the public health, safety and welfare.

(Ord. No. O-02-0035, Enacted, 10/08/2002)

22-22-5. Resolution.

If the City Council approves the reimbursement district, the City Council shall by resolution establish the properties to be included within the district, the duration of the district and the reimbursable amount. The resolution shall also establish a methodology for calculating the reimbursement fees that shall apply to property in the district. The method of assessment may include but is not limited to frontage, zone, area, lot, impervious area, or any other criteria that the City Council deems equitable.

(Ord. No. O-02-0035, Enacted, 10/08/2002)

22-22-6. Effective Date of Reimbursement District.

The reimbursement district shall be deemed created as of the date that the City adopts the resolution. However, the creation of the reimbursement district shall be conditioned upon the timely and proper completion of the improvement and acceptance of the improvement by the City. The public improvement must be properly completed and approved by the City within two (2) years after the resolution creating the reimbursement district. If the public improvement has not been completed and accepted by the City within this time, the reimbursement district shall be deemed automatically dissolved and the applicant shall have no further rights under the reimbursement district.

(Ord. No. O-02-0035, Enacted, 10/08/2002)


The amount of the reimbursement fee applicable to property in the reimbursement district shall be set in the sole discretion of the City Council and may be less than that requested by the applicant. In determining the appropriate reimbursement fee, the City Council shall consider the reasonable cost of the improvement including construction and land costs and other expenses directly related to the completion of the improvement. The City may also consider the expected useful life of the improvement, the necessity of the improvement for development of the parcels in the district, prior contributions by property owners, the proportionate benefit received by each parcel in the

In determining the duration of the district, the City Council shall consider the expected useful life of the improvement, the cost of the improvement, the expected cost of maintenance of the improvement by the City, the level of benefit provided to the properties in the district from the improvement, and other factors that the City Council may deem appropriate. However, the right to reimbursement shall not extend beyond ten (10) years from the date the district is created.

(Ord. No. O-02-0035, Enacted, 10/08/2002)

22-22-9. Reimbursement Agreement.

The City Council shall authorize the City Manager to enter into a reimbursement agreement with the applicant that is consistent with the provisions of the resolution. The reimbursement agreement shall at a minimum, contain the following provisions:

A. That the public improvement will meet all applicable City standards;
(Ord. No. O-02-0035, Enacted, 10/08/2002)

B. That the applicant will guarantee the quality of the improvement for a period of not less than twelve (12) months after written acceptance by the City;
(Ord. No. O-02-0035, Enacted, 10/08/2002)

C. That the amount of reimbursement shall not exceed the amount established by the City Council resolution;
(Ord. No. O-02-0035, Enacted, 10/08/2002)

D. That the City shall be entitled to retain an administrative fee equal to eleven percent (11%) of all reimbursement fees collected by the City, or at least one hundred dollars ($100) out of each separate fee collected, whichever is greater;
(Ord. No. O-02-0035, Enacted, 10/08/2002)

E. That the applicant will defend, indemnify and hold the City harmless from any and all losses, claims, damage, judgments or other costs (including attorney fees) arising as a result of or related to the establishment of the reimbursement district;
(Ord. No. O-02-0035, Enacted, 10/08/2002)

F. That the applicant acknowledges and agrees that the City cannot guarantee the collection of the reimbursement fee or the enforceability of the reimbursement district and that the applicant agrees to hold harmless the City for noncollection of the reimbursement fees for any reason.
(Ord. No. O-02-0035, Enacted, 10/08/2002)

G. That the applicant has no vested rights to reimbursement and that the applicant agrees and acknowledges that the City Council may dissolve or modify the provisions of the reimbursement district at any time for the reasons set forth in Section 22-22-16.
(Ord. No. O-02-0035, Enacted, 10/08/2002)

H. That the provisions of this Article govern the establishment and administration of the reimbursement district and are by reference made a part of the agreement.
(Ord. No. O-02-0035, Enacted, 10/08/2002)

I. That in the event that any reimbursement fee becomes due and remains uncollected, the City may assign the City’s right to collect the fee to the applicant and thereby be relieved of any obligation to collect the fee.
(Ord. No. O-02-0035, Enacted, 10/08/2002)

22-22-10. Notice of Creation of Reimbursement District.

The City shall mail notice of the creation of the reimbursement district to all property owners within the district. The notice shall include a copy of the resolution and a brief explanation of when the property owner is obligated to pay the reimbursement fee and the amount thereof.
(Ord. No. O-02-0035, Enacted, 10/08/2002)

22-22-11. Recording the Resolution.

The City Recorder shall cause notice of the formation of the reimbursement district to be filed in the office of the Utah County Recorder in order to provide notice to potential purchasers of property within the district. However, failure to make such

The City shall be entitled to retain an administrative fee equal to eleven percent (11%) of all reimbursement fees collected by the City, or at least one hundred dollars ($100) per parcel, whichever is greater. The applicant for a reimbursement district shall also be required to reimburse the City for all costs of providing the notices required under this Article including staff time. The City may require payment of the estimated cost of providing the notices prior to forwarding an application to the City Council for consideration.

(Ord. No. O-02-0035, Enacted, 10/08/2002)

22-22-13. Completion of the Public Improvement.

Public improvements that are a part of a reimbursement district shall be dedicated to the City and shall remain the sole property of the City, or other appropriate public entity as determined by the City.

(Ord. No. O-02-0035, Enacted, 10/08/2002)

22-22-14. Payment of Reimbursement Fee.

A person applying for a permit related to property within a reimbursement district shall pay to the City, in addition to all other applicable fees and charges, the amount of the reimbursement fee established by the City Council, if within the time specified in the resolution establishing the district, the person applies for:

A. A building permit for a new building the use of which will cause either the utilization of or an increase in the use of the public improvement;

(Ord. No. O-02-0035, Enacted, 10/08/2002)

B. Connection to the public improvement which results in the utilization of or an increase in the use of the public improvement;

(Ord. No. O-02-0035, Enacted, 10/08/2002)

C. Any other City approval or action that will result in utilization of or an increase in the use of the public improvement.

(Ord. No. O-02-0035, Enacted, 10/08/2002)


The City shall deliver all reimbursement fees collected by the City, less the City’s administrative fee, to the applicant who constructed and paid for the public improvement. Such payments shall be made by the City within ninety (90) days of the City’s receipt of the reimbursement fees. No reimbursement fees shall be collected or delivered to the applicant after the termination or dissolution of the reimbursement district. It shall be the responsibility of the applicant to keep the City apprised of the applicant’s current address. In the event of the applicant’s death or dissolution, it shall be the responsibility of the applicant’s heirs, successors or assigns to notify the City of the name and address of the person entitled to receive future reimbursements. The City shall not be responsible for locating any beneficiary, survivor, assign, or other successor in interest entitled to reimbursement. Any collected reimbursement fees that remain unclaimed after one (1) year from the expiration of the agreement shall be returned to the parties that made the payment, minus the eleven percent (11%) administrative fee. Any undeliverable funds shall become the property of the City.

(Ord. No. O-02-0035, Enacted, 10/08/2002)


The City may deny and/or revoke any permit and may also disconnect service or use of a public improvement for failure of a property owner within a reimbursement district to pay an applicable reimbursement fee or to comply with the requirements of the reimbursement district and this Article.

(Ord. No. O-02-0035, Enacted, 10/08/2002)

22-22-17. Other Fees Remain Valid.

All reimbursement fees are in addition to and are not meant to replace or limit any other existing fees or charges imposed by the City.

(Ord. No. O-02-0035, Enacted, 10/08/2002)


Any subdivision plat that includes property subject to a reimbursement district shall contain a note identifying all parcels that are subject to the reimbursement district.

(Ord. No. O-02-0035, Enacted, 10/08/2002)

22-22-19. Amendment or Dissolution of Reimbursement District.

The creation of a reimbursement district shall not create any vested rights in the applicant or any other person. The City Council, in its sole discretion, may dissolve or amend, in whole or in part, the provisions of a reimbursement district at any time after a public hearing and thereby modify or terminate the applicant’s right to any further reimbursement for any of the following reasons:

A. The service provided by the improvement that is the subject of the district is no longer necessary for development of one or more of the parcels located in the reimbursement district;
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(Ord. No. O-02-0035, Enacted, 10/08/2002)

B. The improvement becomes obsolete or requires repairs equal to more than fifty percent (50%) of the original actual cost of the improvement or the City Engineer determines that the improvement has a useful life of less than ten years;
(Ord. No. O-02-0035, Enacted, 10/08/2002)

C. The failure of the applicant to comply with any of the provisions of the reimbursement agreement, the resolution, or this Article; or
(Ord. No. O-02-0035, Enacted, 10/08/2002)

D. The City Council determines that there is good cause to amend or dissolve the reimbursement district for any reason.
(Ord. No. O-02-0035, Enacted, 10/08/2002)

E. The City may refund any reimbursement fees received by the City after the dissolution of the reimbursement district.
(Ord. No. O-02-0035, Enacted, 10/08/2002)
Article 22-23. Railroad Corridor.
22-23-1. Zoning Regulations for Proposed Light Rail Corridor.

22-23-1. Zoning Regulations for Proposed Light Rail Corridor.

A. The use of the property described in Subsection B and designated as Railroad Corridor in Subsection C (the "Corridor") shall be governed by the provisions of that Interlocal Agreement (the "Interlocal Agreement") executed on or about February 10, 2004 by and between the Utah Transit Authority (UTA), the City of Orem, and other Utah cities and counties, insofar as the Corridor is used by UTA for a surface public transportation facility including by way of example, light rail, commuter rail, trolleys, guided busways, or similar technology for surface transportation purposes. The terms of the Interlocal Agreement are incorporated herein by reference as if fully set forth herein. The use of the Corridor shall be subject to all applicable City ordinances otherwise applicable to the Corridor to the extent that the Corridor is not used for a surface public transportation facility by UTA.

(Ord. No. O-04-0014, Enacted, 02/10/2004)

B. The Corridor referred to in Subsection A is more particularly described as follows:

1. The main line corridor right of way of the Sharp Subdivision of Union Pacific Railroad Company (formerly Utah Southern Railroad Company) as said line extends in a northerly direction from University Avenue of Provo, Utah, M.P. P-752.41 of said subdivision, to Lakota Junction, M.P. P-757.25 of said subdivision;

2. The approximate westerly 20.00 feet of the main line corridor right of way of the Provo Subdivision of Union Pacific Railroad Company (formerly The Denver and Rio Grande Western Railroad Company) as said line extends in a northerly direction from Lakota Junction, M.P. 705.71 of said subdivision, to M.P. 729.29 of said subdivision;

(Ord. No. O-04-0014, Enacted, 02/10/2004)

C. The location of the Corridor is outlined on the map entitled “Corridor Alignment in Utah County,” which is attached hereto and hereby made part of this article.

(Ord. No. O-04-0014, Enacted, 02/10/2004)