



CITY OF OREM
PLANNING COMMISSION MEETING
56 North State Street, Orem, Utah
July 15, 2026

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

4:30 PM WORK SESSION – AGENDA REVIEW, CITY COUNCIL CONFERENCE ROOM, 56
NORTH STATE STREET, OREM, UT

1 Agenda Items Discussion

2 Commissioner Training

5:30 PM REGULAR SESSION – CITY COUNCIL CHAMBERS

1. CALL TO ORDER
2. INVOCATION/INSPIRATIONAL THOUGHT: BY INVITATION
3. CONSENT AGENDA ITEMS
 - 3.1 Approval of the July 1st, 2026 Minutes**
4. ACTION ITEMS
 - 4.1 None**
5. PUBLIC HEARINGS
 - 5.1 Text Amendment — Updates to Chapter 22 of the Orem City Code Relating to Code Enforcement**
 - 5.2 Text Amendment — Updates to Article 22-6 of the Orem City Code to establish regulations for detached accessory dwelling units**
6. ADJOURN

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL PLANNING COMMISSION MEETINGS.
If you need a special accommodation to participate in the Planning Commission Meetings and Study Sessions,
please call the Development Services Office at least 3 working days prior to the meeting.
(Voice 801-229-7183)

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

DRAFT MINUTES FOR JULY 1, 2026

CITY OF OREM PLANNING COMMISSION MEETING MINUTES July 1, 2026

The following items are discussed in these minutes:

CONSENT AGENDA ITEMS:

- **3.1** - Approval of the June 17th, 2026 Minutes
- **3.2** - Plat Amendment — Old Orchard Plat L — Located at approximately 457 East 1500 North

ACTION ITEMS:

- None

PUBLIC HEARINGS:

- **5.1 Text Amendment** - Request to amend Appendix OO by altering the existing concept plan for the PD-53 zone, located generally at 1890 North State Street

A recording of the meeting can be viewed online at

<https://www.youtube.com/live/NjFIFTkIlk4?si=i6CPgkqns9EEeLsj>.

PLANNING COMMISSION WORK SESSION

Place: Orem City Council Conference Room, 56 North State Street

Chair Komen called the Planning Commission meeting to order at 4:31 PM.

Those present: Madeline Komen, Micah Ladle, Susan Madsen, Karl Radmall, Jeff Reeves, Planning Commissioners; Gary McGinn, Director of Community Development; Jared Hall, Matthew Taylor, Rebecca Gourley, Grace Bjarnson, Emma Tenney, Planning and Zoning Staff.

Those excused: Darren Hawkins, Planning Commission Member; Quinn Mecham, City Council Liaison.

1. Agenda Items Discussion

Commissioner Radmall noted that the notes for the HomeBuilt neighborhood meeting were not included with the agenda packet.

At the end of the work session, Staff pulled up the notes from the neighborhood meeting for HomeBuilt for Commissioners to review.

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2. Detached Accessory Dwelling Unit Discussion

Staff will be bringing forward a text amendment regarding Detached Accessory Dwelling Units (DADUs). Staff intends to provide a draft to the Planning Commission at the next meeting for review. Jared Hall reviewed the presentation on DADUs that was given at the previous Planning Commission work meeting on what the city can and can't do, per the state requirements.

A recording of the meeting can be viewed online at
<https://www.youtube.com/live/NjFIFTkIlk4?si=i6CPgkqns9EEeLsj>.

The meeting was adjourned at 5:20 PM.

PLANNING COMMISSION MEETING

Place: Orem City Council Chambers, 56 North State Street

At **5:30 PM**, Chair Komen called the Planning Commission meeting to order.
An invocation was offered by Commissioner Jeff Reeves.

Those present: Madeline Komen, Micah Ladle, Susan Madsen, Karl Radmall, Jeff Reeves, Planning Commissioners; Gary McGinn, Director of Community Development; Jared Hall, Matthew Taylor, Rebecca Gourley, Grace Bjarnson, Emma Tenney, Planning and Zoning Staff.

Those excused: Darren Hawkins, Planning Commission Member; Quinn Mecham, City Council Liaison.

Agenda Item 3, Consent Agenda Items

- **3.1** - Approval of the June 17th, 2026 Minutes
- **3.2** - Plat Amendment - Old Orchard Plat L - Located at approximately 457 East 1500 North

Planning Commission Action: Commissioner Karl Radmall motioned to approve the Consent Agenda. Commissioner Jeff Reeves seconded the motion.

YES: Madeline Komen, Micah Ladle, Susan Madsen, Karl Radmall, Jeff Reeves

NO: None

ABSTAIN: None

Agenda Item 4, Action Items

None

Agenda Item 5, Public Hearings

5.1 TEXT AMENDMENT - Request to amend Appendix OO by altering the existing concept plan for the PD-53 zone, located generally at 1890 North State Street

Grace Bjarnson presented this item, beginning by explaining that the PD-53 zone operates under specific requirements established in the Orem City Code, which includes a concept plan in Appendix OO. The current concept plan depicts two buildings where the applicant proposes constructing one building. Consequently, the applicant is requesting a text amendment to update the images in the concept plan in Appendix OO to match their proposed plan. Grace Bjarnson emphasized that the regulatory code itself governing building height, parking, and other standards remains unchanged. She provided information on the current vs. proposed concept plans, and pointed out that the applicant has been conscious of the effect a new building will have on the neighboring residential properties, and has designed the height of the building to accommodate that.

Chair Komen invited the applicant forward to share the concept for the new home improvement structure and address commissioner questions. When asked by Commissioner Karl why this specific location was chosen, Mr. Prince cited favorable traffic patterns, proximity to other home improvement retail, and the surrounding residential area. Regarding public comments from the neighborhood meeting, Mr. Prince noted concerns about lighting and noise. To mitigate these impacts, they are planning a sunken loading dock, a concrete wall for noise suppression, and keeping garage doors on the rear of the building closed when not in use.

Chair Komen opened the meeting to public comment.

Phil Greenland: Inquired regarding the maximum height of the buildings and the specific distance/setbacks between the new structures and the adjacent residential properties.

Keith Walker: Expressed concerns regarding the garage doors at the rear of the building, parking sufficiency, and the status of the UDOT permit. He requested that a gate be installed where the project borders his property as a condition of approval.

Laurel Barney: Raised questions regarding site access on 2000 North, parking, and traffic impacts related to the new temple. She suggested "no parking" red curbing on 2000 North and asked for clarification on the type of fencing to be used.

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As no one else was present to speak, Chair Komen closed the public comment.

Commissioners expressed support for the redevelopment of the vacant building and noted the applicant's thoughtfulness in addressing residential concerns, specifically regarding the drive-through lumber loading.

Planning Commission Action: Commissioner Ladle moved that the Planning Commission forward a recommendation of approval to the City Council for the request to amend Appendix OO by altering the existing concept plan for the PD-53 zone, conditioned upon approval from the Utah Department of Transportation (UDOT). Commissioner Madsen seconded the motion.

YES: Madeline Komen, Micah Ladle, Susan Madsen, Karl Radmall, Jeff Reeves

NO: None

ABSTAIN: None

The motion passed.

Final Meeting Comments:

Chair Komen reminded the public that the Appendix OO Text Amendment will go before the City Council for final approval, and that the public is welcome to speak at that meeting as well.

Gary McGinn gave a note on the proposed Vesper Amphitheater. A rezone for this project went to Provo City Planning Commission, and a negative recommendation was forwarded to Provo City Council. Mr. McGinn clarified that this is not a project where Orem City has any direct decision-making responsibility, but it will affect Orem and some of the City's property.

Adjournment:

Chair Komen asked for a motion to adjourn. Commissioner Madsen motioned to adjourn, Commissioner Radmall seconded. All present Commissioners voted yes.

The Planning Commission Meeting adjourned at **6:07 PM**.

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A recording of the meeting can be viewed online at
<https://www.youtube.com/live/NjFIFTkIlk4?si=i6CPgkqns9EEeLsj>.

Reviewed and Approved: DRAFT

 OREM Legislative	Planning Commission July 25th, 2026	Item 5.1 Text Amendment: Code Enforcement Prepared By: Aaron McKnight Applicant: Legal Department
	PUBLIC HEARING – TEXT AMENDMENT <i>Ordinance amending Chapter 22 of the Orem City Code relating to Neighborhood Improvement Zoning Code Enforcement.</i>	

Notices

Posted in 2 public places
Posted on City Webpage and City hotline
Posted at Utah.gov/pmn

Action

The Commission may:

Recommend APPROVAL of the proposed text amendment to the City Council.

Recommend DENIAL of the proposed text amendment to the City Council.

Continue the hearing to a future date to allow for further review, additional information, or public comment as may be needed.

REQUEST: Staff requests that the Planning Commission forward a positive recommendation of the proposed amendments to Chapter 22 of Orem City Code relating to Neighborhood Improvement Zoning Code Enforcement.

BACKGROUND: For the last year or so, City staff from multiple departments have worked to standardize and improve code and parking enforcement in the City. Recommendations for code changes have been made because of this project. Input has been provided from the code enforcement team, the parking enforcement team, the planning department, management services, legal, and the City Council.

The following code changes are being presented for the Planning Commission's recommendation to the City Council:

22-6-8. Zone Development Standards: The change to this section is that moving containers may be used, but only for a specific, temporary time, 15 days.

22-6-10. Miscellaneous Regulations for Residential Zones: The change to this section clarifies that vehicles may not be parked in front of a house except on a driveway.

22-14-7. Conservation of Values: The change to this section allows one unregistered vehicle and one inoperable vehicle to be parked on the driveway in front of a home.

22-18-8. Trailer House: The change to this section clarifies that recreational vehicles and camper trailers cannot be used as residences in the City.

ALTERNATIVE ACTIONS: After review and consideration of the application the Planning Commission may:

- **Recommend Approval or Denial** for the requested amendments to the City Council; or
- **Continue the Request** to a future date for further review, additional information, or public comment.

ALTERNATIVE MOTIONS:

Motion to Approve or Deny

"I move that the Planning Commission forward a recommendation of **[choose APPROVAL or DENIAL]** to the Orem City Council for the proposed amendments to Sections 22-6-8, 22-6-10, 22-14-7, and 22-18-8 of the Orem City Code relating to Zoning Code enforcement."

Motion to Continue the Request

"I move that the Planning Commission continue this request for further consideration to (choose another date as appropriate)."

Text in red are additions to the code

Highlighted text with strikethrough are eliminations from the code

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. All required landscaping shall be completed within one (1) year of 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 surface paved with asphalt, concrete or pavers 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 to 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; **and except that one (1) unregistered vehicle may be parked in the driveway or gravel parking strip of a residential lot; and except that one (1) inoperative vehicle may be parked in the driveway or gravel parking strip of a residential lot only if the vehicle does not have flat tires, is not suspended on blocks or jacks, has no body damage, and is not accumulating dust, dirt, or debris, and only if there are no visible junk, parts, or tools accumulated nearby.**

(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; Ord. No. O-06-0033, Amended 11/14/2006; Ord. No. O-2013-0022, Amended 08/27/2013; Ord. No. O-2019-0013, Amended 5/13/2019; Ord. No. O-2023-0004, Amended 3/15/2023)

- 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)

22-6-10. 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. **Motor vehicles, boats** **Boats**, boat trailers, recreational vehicles, or travel trailers may not be placed, kept, or maintained within the [front yard](#) areas **or within the side yard area adjacent to a street** of any residential zone, except on a paved driveway or gravel parking strip that complies with the requirements of Subsection N below. 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; Ord. No. O-2023-0004, Amended 3/15/2023)

22-18-8. Trailer House.

- A. It shall be unlawful to place any trailer house, [mobile home](#), **recreational vehicle, camper trailer**, or travel trailer **or camper** 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)

22-6-8. Zone Development Standards.

D. Accessory Buildings/Structures.

1. Prohibited Locations.

- a. No accessory building/structure requiring a building permit shall be located closer than six feet (6') to the primary structure on the lot.
- b. 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.
- c. In no case may an accessory building/structure extend beyond property lines.
- d. 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:
 - . does not exceed eighteen feet (18') in height above grade if located in the required setback; and
 - a. 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®, **moving containers**, or similar structures may not be installed or maintained on a residential lot **except that moving containers may be placed on the driveway, not blocking the sidewalk, for up to 15 days for the purpose of moving in or out of a residential dwelling.**

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

	Planning Commission July 15th , 2026	Item 5.2: Text Amendment, Detached ADUs Prepared By: Jared Hall Applicant: Planning Division
	PUBLIC HEARING – TEXT AMENDMENT <i>Request to amend the text of Article 22-6 of the Orem City Code establishing regulations for detached accessory dwelling units on some single-family properties.</i>	

Notices

Posted in 2 public places
Posted on City Webpage and City hotline
Posted at Utah.gov/pmn

Action

The Commission may:

Recommend APPROVAL or DENIAL of the proposed amendment to the City Council or may CONTINUE the hearing to a future date to allow for further review or changes.

REQUEST: The Planning Division requests that the Planning Commission forward a recommendation to the City Council to amend the text of Article 22-6 of the Orem City Code in order to establish regulations related to detached accessory dwelling units on some single-family properties.

BACKGROUND: Earlier this year, the Utah State Legislature passed a bill that included a requirement that cities such as Orem must allow detached accessory dwelling units as permitted uses on single-family residential properties that are at least 11,000 ft² or larger. The statute gives the City until October 1st, 2026, to comply. Orem currently allows internal or attached accessory dwelling units, alternatively referred to as “Accessory Apartments,” and has allowed them for several decades; However, current code does not allow the accessory unit to be detached from the primary dwelling. In order to comply, an amendment to the text will be necessary.

REVIEW & ANALYSIS: Current regulations for accessory apartments can be found in the Orem City Code at 22-6-9(I). 22-6-9 as “Regulations Governing Particular Uses”. The code specifically for Accessory Apartments is located in subsection “I”. Staff’s current proposal is to repeal subsection I, and create a new section, 22-6-11, where the regulations for both types of accessory dwellings can be enumerated. The purpose of the proposed amendment is:

1. To meet the minimum State Code requirements, creating regulations for detached accessory dwelling units as permitted uses; and
2. To keep the substance of the existing regulations for attached accessory dwelling units intact;
3. To combine the existing attached ADU regulations with the proposed detached ADU regulations in a single section with as little disruption to the existing language as possible.

Because the proposal is to strike 22-6-9(I) and move that language into the new section 22-6-11, redline and strikeout versions – while necessary for an ordinance to be adopted if approved by the Council – will not be helpful or instructive for review and understanding. Instead, A full copy of the draft of proposed 22-6-11 is included with this report in the agenda packet, and a summary of the contents of the new section is presented in the report below.

PROPOSED 22-6-11: The proposed section is arranged in three parts:

Part 1 – Common Requirements / Definitions:

22-6-11(A) is a statement of purpose and statement of some of the restrictions that are common for both types of accessory dwelling units (ADUs), attached and detached:

- Attached ADUs and detached ADUs are *permitted uses* where they are allowed, but subject to the specific regulations of this article.
- Intended for use as single-family dwellings.
- Only one ADU of either kind can be allowed associated with only one primary dwelling on a property that qualifies.

22-6-11(B) contains definitions that are necessary to apply the regulations, specific to this section on ADUs:

- Accessory Dwelling Units. Makes clear that ADUs are subordinate and accessory to a primary dwelling.
- Primary Dwelling. The primary dwelling is defined because some regulations have to do with the accessory dwelling relative to the other (primary) dwelling on the lot.
- Attached ADUs. These are accessory units that are contained within the primary dwelling or attached directly to it.
- Detached ADUs. These are units that are separated physically from the primary dwelling.
- Owner-Occupied. What constitutes owner-occupation was already defined in the original accessory apartments code and has been repeated here.
- Owner. The definition of owner contains the requirements for establishing what constitutes an owner of property for the purpose of the code. This is a definition and series of requirements that was written for the original accessory apartments code and has been brought over in this proposed draft intact.

Part 2 – Regulations for Attached ADUs.

The regulations for attached ADUs (called accessory apartments in Orem's current code) remain the same; no modifications of substance have been proposed at this time. These are found under proposed **22-6-11(C)**. A brief summary of them follows below.

- Not allowed in the R5 Zone or PRD Zones (but allowed in all other single-family residential zones.)

- Owner occupancy of the primary dwelling or the ADU is required.
- Must be located inside the footprint of the existing home or attached directly to it.
- Parking is required for the ADU in addition to parking for the primary dwelling. The allowable locations are defined.
- Utility meters must be in the property owner's name.
- Entrances to the ADU cannot be on the same façade as the entrance to the primary dwelling or facing a street.
- Permits are required for the work to remodel or construct the ADU.
- A rental dwelling license is required.

Part 3 – Regulations for Detached ADUs.

The final sections of the proposed code are for detached ADUs, intended to meet the State's minimum requirements. These are found in **22-6-11(D)**. The proposed regulations for detached ADUs are summarized in the following:

Permitted Use – The new State requirement is that detached ADUs must be permitted uses on properties where zoning allows single-family residential uses, and which are at least 11,000 ft². For reference, there are approximately 5,800 residentially zoned parcels in the city which are 11,000 ft² or larger, as compared to 14,510 residentially zoned parcels that are smaller than 11,000 ft², meaning that approximately 28.5% of the single-family residential properties in the city would be eligible for detached ADUs looking strictly at the lot size mandated by the State Code. All single-family zoning in the city with the exception of PRD Zones and R5 Zones allow for attached ADUs.

Size Restriction – Part of the purpose of ADUs as opposed to other housing options is preserving and maintaining the single-family character of a property and neighborhood while allowing the additional unit. In keeping, these proposed regulations impose limitations on the size and number of bedrooms based on the size of the property on which they will be located. 200 ft² as a minimum (minimum size requiring permits) and requiring that no detached ADU can be larger than 50% of the primary dwelling on the property, the following would apply:

lot size	max detached ADU	Bedrooms allowed
11,000 – 12,999 ft ²	850 ft ²	2
13,000 – 14,999 ft ²	1,000 ft ²	2
15,000 ft ² +	1,200 ft ²	3

Height Restriction – Height of a detached ADU is proposed to be limited to a single-story, with 20' maximum for pitched roof structures and 14' maximum for flat roof structures. Like the size requirement, height of the detached ADU would not be allowed greater than the height of the primary structure on the property, regardless.

The proposed amendment includes an allowance for interior loft space (because second stories are not permitted) which cannot exceed 20% of the total floor area. Loft spaces are a common feature in smaller detached ADU plans. The intent of the allowance is to encourage smaller units generally, while making those spaces livable and pleasant.

Setbacks – The State’s requirement does not impose absolute minimums or maximums but admonishes that cities may not impose setbacks that would make locating a detached ADU “unreasonably difficult”. The proposed amendment includes setbacks from the primary dwelling, interior property lines, dwellings on other adjacent property lines, and from streets. It also requires that the detached accessory dwelling not be located in the front yard setback or closer to the street than the primary dwelling.

Setback type	Minimum Setback
from the primary dwelling on the lot	10’
from any dwelling on an adjacent lot	20’
from any interior property line (side, rear)	10’
from a public or private street	25’
Note: Detached ADUs may not be located between the primary dwelling and a street. Existing accessory structures (e.g. detached garages) may be converted or remodeled but are subject to these setbacks and all other regulations of this section.	

Parking Required – State Code will only allow the requirement of additional parking of one space for detached ADUs of 650 ft² or less, and two spaces for anything larger. The proposed amendment includes exactly those requirements. Staff also proposes including the existing parking details (size of parking space, not to be counted if they are in driveway spaces in the front setback area, etc.) that have been brought to this new section for attached ADUs. The same location requirements make sense for detached ADUs.

Utility Service – Applications for detached ADUs under this section will have to show that the proposed accessory dwelling can be adequately served by utilities, and that there is capacity for the additional unit. Additional utility meters must be in the property owner’s name.

Permits and Licenses Required – Detached ADUs will have to go through the same permitting and licensing processes that are currently required for attached ADUs (accessory apartments). The City requires site plans with building permits, and rental dwelling licenses for all ADUs.

STATE REQUIRED PROCESS FOR LAND USE AMENDMENTS:

For land use amendments like the requested text amendments in this application, Utah State Code states that the “planning commission shall... review and recommend to the [Orem City Council (“Council”)] a proposed land use regulation that represents the planning commission’s recommendation for regulating the use and development of land within all or any part of the area of the municipality. See Utah Code 10-9a-502(1)(d)(i).

The Council “may not make any amendment [to the land use ordinance or zoning map] unless the Council... first submits the amendment to the planning commission for the planning commission's recommendation.” See Utah Code 10-9a-503(2).

ALTERNATIVE ACTIONS:

After review and consideration of the application the Planning Commission may:

Recommend Approval or Denial for the requested amendments to the City Council;
or

Continue the Request to a future date for further review, additional information, or public comment.

ALTERNATIVE MOTIONS:

Motion to Approve or Deny

“I move that the Planning Commission forward a recommendation of **[choose APPROVAL or DENIAL]** to the Orem City Council for the proposed amendments to Article 22-6 of the Orem City Code establishing regulations for detached accessory dwelling units on some single-family properties.”

Motion to Continue the Request

“I move that the Planning Commission continue this request for further consideration to (choose another date as appropriate).”

Proposed Article 22-6-11, Accessory Dwelling Units

A. Purpose. Allowing accessory dwelling units in single-family residential areas with careful regulation can create opportunities to develop additional housing while preserving single-family residential character. Accessory dwelling units shall be permitted uses on properties where zoning allows single-family detached residential dwellings, subject to the regulations of this article and except as otherwise prohibited herein. A maximum of one (1) accessory dwelling unit of any kind shall be allowed in addition to one (1) primary, single-family dwelling on a property or lot qualifying under the regulations of this section. Nothing herein shall be construed to allow more than one family to occupy either a single-family dwelling or an accessory dwelling unit.

B. Definitions. The following definitions apply to the regulation of accessory dwelling units in this article:

1. Accessory Dwelling Unit shall mean a single-family dwelling which is subordinate to the primary dwelling on the same lot or parcel.
2. Primary Dwelling shall mean a single-family detached home permitted by the zoning of the lot or parcel where it is located.
3. Attached Accessory Dwelling Unit shall mean an accessory dwelling unit that is contained within the footprint of the primary dwelling or attached directly to it.
4. Detached Accessory Dwelling Unit shall mean an accessory dwelling which is separate from and subordinate to the primary dwelling on the same lot or parcel. Such a dwelling must be placed on a permanent foundation and connected to all utilities.
5. Owner-Occupied shall mean a dwelling that the owner uses as his/her residence and mailing address.
6. 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 the owner, the owner shall be the person(s) who has 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 occupants(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. In the event that title to a dwelling is held in the name of a corporation or limited liability company, the dwelling shall not be considered to be owner-occupied unless the occupants have bona fide ownership of at least 50% of the corporation or limited liability company that owns the dwelling.

e. Notwithstanding any other provision to the contrary, no person claiming ownership by virtue of his or 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.

C. Regulations for Attached Accessory Dwelling Units. Attached accessory dwelling units shall be allowed only in owner-occupied detached 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 zone.

1. Owner Occupancy Required. The owner of the property must reside in either the primary or the accessory dwelling. For purposes of establishing owner occupancy as required by this section, 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.

a. Owner occupancy for a dwelling with an attached accessory dwelling unit is not 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. Location. An attached accessory dwelling must be located within the footprint of the primary dwelling. A building area that is connected to a primary dwelling only by means of a breezeway or similar structure shall not be considered to be within the footprint of the primary dwelling for purposes of this section.

3. Parking. A single-family dwelling with an attached accessory dwelling unit shall provide at least one (1) additional on-site parking stall for the accessory dwelling unit, which shall be at least eight feet (8') by sixteen feet (16') in size. Parking stalls within a garage or carport shall not count toward the additional required parking stall unless the garage or carport contains more than two parking spaces (without double stacking) in which case the third parking space may be counted toward the additional parking stall requirement. A driveway leading to a garage or carport shall also not count toward the additional parking requirement. However, an area of a driveway that is widened or extended beyond what would customarily be installed to access the garage/carport may be counted toward the parking requirement if it meets the parking dimension requirements and if parking in the designated area would not block or impede access to the garage or carport. However, the required additional stall may not be located in the front yard setback. Parking areas and driveways shall be paved with concrete, masonry, or concrete pavers.

4. Utility Meters. A single-family dwelling with an accessory dwelling unit 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. Building Code. All construction and remodeling shall comply with building codes in effect at the time of construction or remodeling.

6. Building Entrances. A new single-family structure approved with an accessory dwelling unit 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 dwelling unit. An accessory dwelling unit approved in an existing structure shall use existing entrances on any side of the structure that faces a street. The purpose of this requirement is to preserve the single-family residential look of the building.

7. Permit Required. Any person constructing or causing the construction of a residence that has an accessory dwelling unit or any person remodeling or causing the remodeling of a residence for an accessory dwelling unit, or any person desiring an accessory dwelling unit shall obtain an accessory dwelling unit permit from the Community Development Department. Before the permit is issued the applicant shall:

a. Submit a site plan drawn accurately to scale that shows property lines and dimensions, the location of existing building and building entrances, proposed buildings or additions, dimensions from buildings or additions to property lines, the location of parking stalls, and utility meters.

b. Include detailed floor plans drawn to scale with labels on rooms indicating uses or proposed uses.

c. Pay fees in accordance with the City of Orem Resolution establishing fees and charges.

8. Rental Dwelling License. Accessory dwelling units are subject to the rental dwelling license requirements set forth in Article 12-9 of the Orem City Code.

D. Regulations for Detached Accessory Dwelling Units. Detached accessory dwelling units shall be allowed only on properties where a single-family dwelling is permitted by zoning, and which are a minimum of eleven thousand (11,000) square feet in area. Detached accessory dwelling units shall not be allowed in Planned Residential Development (PRD) Zones.

1. Owner Occupancy Required. The property owner of record is required to occupy either the primary dwelling or the detached accessory dwelling unit as a residence. Owner occupancy shall be established subject to the regulations contained in 22-6-11(C)(1) herein.

2. Size. The minimum size of any detached accessory dwelling unit shall be two hundred (200) square feet in area. For properties with an area of between 11,000 and 12,999 square feet the maximum size allowed for a detached accessory dwelling unit is 850 square feet, with no more than two (2) bedrooms allowed. For properties with an area of between 13,000 and 14,999 square feet the maximum size allowed for a detached accessory dwelling unit is 1,000 square feet, with no more than two (2) bedrooms allowed. For properties with an area of 15,000 square feet or greater the maximum size allowed for a detached accessory dwelling unit is 1,200 square feet, with no more than three (3) bedrooms allowed. In no case shall the detached accessory dwelling have an area greater than 50% of the primary dwelling on the property.

3. Detached accessory dwelling units shall not be subject to the lot coverage requirements for residential accessory structures.

4. Height. The height of detached accessory dwelling units is limited to a single story. Maximum height for structures with a pitched roof is twenty feet (20') to the highest point. Maximum height for structures with a flat roof is fourteen feet (14') to the highest point. In no case shall the detached accessory dwelling unit have a height greater than the height of the primary dwelling on the property. Interior loft spaces are allowed but may not exceed twenty percent (20%) of the total floor area. Exterior balconies are prohibited.

5. Location and Required Setbacks. Detached accessory dwelling units shall maintain a minimum setback of ten feet (10') from any interior property line, and a minimum of twenty-five feet (25') from a public or private street. A detached accessory dwelling unit may not be located closer than ten feet (10') to the primary dwelling on the same lot, and not closer than twenty feet (20') to a dwelling on an adjacent lot. In no case shall the detached accessory dwelling unit be located between the primary dwelling and a street.

a. Existing accessory structures such as detached garages may be converted or remodeled for use as a detached accessory dwelling unit if the restrictions for location, setback, size, and height under this section are met.

6. Parking. Dedicated off-street parking shall be provided for a detached accessory dwelling unit in addition to the parking required for the primary dwelling in accordance with the following:

a. At least two (2) dedicated parking spaces must be verified for use by the primary dwelling.

- b. One (1) additional parking space shall be provided for a detached accessory dwelling unit between 200 and 650 square feet in area.
 - c. Two (2) additional parking spaces shall be provided for a detached accessory dwelling unit 651 square feet or larger.
 - d. Parking spaces shall be at least eight feet (8') by sixteen feet (16') in size.
 - e. Parking spaces within a garage or carport serving the primary dwelling shall not count toward the additional required parking stall unless the garage or carport contains more than two parking spaces. Driveways leading to a garage or carport serving the primary dwelling shall not count toward the additional parking requirement. However, an area of a driveway that is widened or extended beyond what would customarily be installed to access the garage/carport may be counted toward the parking requirement if it meets the parking dimension requirements herein, and if parking in the designated area would not block or impede access to the garage or carport.
 - f. Parking spaces required for a detached accessory dwelling unit may not be located in the required front building setback.
 - g. Parking areas and driveways shall be paved with concrete, masonry, or concrete pavers.
7. Utility Service. An application for a detached accessory dwelling unit must demonstrate that adequate access to utilities can be provided, and that utility capacity is adequate for service of the additional unit. A property with a primary dwelling and a detached accessory dwelling unit shall have no more than two (2) meters for each utility service and each meter shall be in the property owner's name.
8. Building Code. All construction and remodeling shall comply with building codes in effect at the time of construction or remodeling.
9. Permit Required. Any person constructing or causing the construction of a detached accessory dwelling unit or any person remodeling or causing the remodeling of an existing structure for conversion to a detached accessory dwelling unit shall obtain a detached accessory dwelling unit permit from the Community Development Department. Before the permit is issued the applicant shall:
- a. Submit a site plan drawn accurately to scale that shows property lines and dimensions, the location of existing building and building entrances,

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proposed buildings or additions, dimensions from buildings or additions to property lines, the location of parking stalls, and utility meters.

b. Include detailed floor plans drawn to scale with labels on rooms indicating uses or proposed uses.

c. Pay fees in accordance with the City of Orem Resolution establishing fees and charges.

10. Rental Dwelling License. Detached accessory dwelling units are subject to the rental dwelling license requirements set forth in Article 12-9 of the Orem City Code.

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