

ORDINANCE NO. 0-2026-0009

AN ORDINANCE BY THE OREM CITY COUNCIL  
AMENDING THE TEXT OF ARTICLES 2-15-2, 2-15-11, 2-16-2,  
2-16-10 AND 22-21 OF THE OREM CITY CODE RELATING TO  
THE POWERS AND DUTIES OF THE PLANNING  
COMMISSION AND SPECIAL EXCEPTIONS

WHEREAS on January 7<sup>th</sup>, 2026, Jared Hall, on behalf of the Community Development Department filed an application with the City of Orem requesting the City amend the text of Articles 2-15-2, 2-15-11, 2-16-2, 2-16-10 and 22-21 of Orem City code relating to the powers and duties of the Planning Commission regarding Special Exceptions in the Orem City Code; and

WHEREAS a public hearing considering the subject application was held by the Planning Commission on March 18<sup>th</sup>, 2026; and

WHEREAS the Planning Commission forwarded a recommendation of approval to the City Council with seven (7) votes in favor and none opposed; and

WHEREAS a public meeting to consider the subject application was held by the City Council on May 26<sup>th</sup>, 2026; and

WHEREAS notices of the public hearing and meetings for this text amendment application were posted in all required locations and within the timeline mandated by the State of Utah and by Orem City Code; and

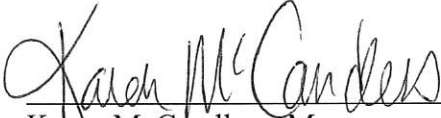
WHEREAS the matter having been submitted and the City Council having fully considered the request as it relates to the health, safety, and general welfare of the City; the orderly development of land in the City; the effect upon surrounding neighborhoods; and the special conditions applicable to the request.

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

1. The City Council finds this request to be in the best interest and general welfare of the City.
2. The City Council hereby amends Articles 2-15-2, 2-15-11, 2-16-2, 2-16-10 and 22-21 of the Orem City Code relating to the powers and duties of the Planning Commission and Special Exceptions, attached as "Exhibit A".

3. If any part of this ordinance shall be declared invalid, such decision shall not affect the validity of the remainder of this ordinance.
4. This ordinance shall take effect immediately upon passage and publication in a newspaper of general circulation in the City of Orem.
5. All other ordinances and policies in conflict herewith, either in whole or part, are hereby repealed.

PASSED, APPROVED and ORDERED PUBLISHED this 26<sup>th</sup> day of May 2026.

  
 Karen McCandless, Mayor

ATTEST:

  
 Teresa McKittrick, City Recorder



| COUNCILMEMBER          | AYE                                 | NAY                      | ABSTAIN                  |
|------------------------|-------------------------------------|--------------------------|--------------------------|
| Mayor Karen McCandless | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Jeff Lambson           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Jenn Gale              | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| Quinn Mecham           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| LaNae Millett          | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Chris Killpack         | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Crystal Muhlestein     | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

EXHIBIT A:

**2-15-2. Power and Duties.**

The Planning Commission shall have all powers granted by State statutes and City ordinances, plus those powers and duties delegated to it by the City Council. The Commission shall act in an advisory capacity to the City Council with respect to planning and zoning matters which are reviewed or acted upon by the City Council.

~~The Planning Commission shall have the power to consider and grant special exceptions to land use requirements when the Orem City Code explicitly authorizes the Planning Commission to do so.~~

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**2-15-11. Special Exception for Relocation of Certain Billboards**

A. If an outdoor advertising structure needs to be moved away from a high voltage power line so that the sign can be reposted or maintenance performed without having to comply with the distance or notification requirements of Utah Code Section 54-8c-2, or in order to comply with distance or notification requirements imposed by the National Electrical Safety Code, International Building code, a regulation, standard or directive of the Occupational Safety and Health Administration, or any other similar applicable regulation, then the Planning Commission may grant a special exception from the City's ordinances to allow the owner to relocate and remodel the structure to another location within the City:

1. on the same property;
2. on adjacent property;
3. within 2,640 feet of the previous location on either side of the same highway; or
4. mutually agreed upon by the owner and the City.

**(Ord. No. O-05-0027, Enacted 9/13/2005; Ord No. O-06-0011, Amended 6/27/2006)**

B. The relocation under Subsection A shall be in a commercial or industrial zoned area or where outdoor advertising is permitted under Utah Code Section 72-7-501 et seq. (as amended).

**(Ord. No. O-05-0027, Enacted 9/13/2005; Ord No. O-06-0011, Amended 6/27/2006)**

C. The relocated and remodeled structure may be:

1. erected to a height and angle to make it clearly visible to traffic on the main-traveled way of the highway to which it is relocated or remodeled;
2. the same size and at least the same height as the previous structure, but the relocated structure may not exceed the size and height permitted under Utah Code Section 72-7-501 et seq. (as amended); and

3. relocated to a location with a comparable traffic vehicular count.

**(Ord. No. O-05-0027, Enacted 9/13/2005; Ord No. O-06-0011, Amended 6/27/2006)**

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## **2-16-2. Powers of Board.**

The Board of Adjustment shall have the following powers:

- A. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the administrative official in the enforcement of the City's zoning ordinance or subdivision ordinance, except in the case of matters designated to be appealed to other bodies.

**(Ord. No. 661, Revised, 04/10/1990)**

- ~~B. To hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance. [REPEALED]~~

**(Ord. No. 661, Revised, 04/10/1990)**

- C. To authorize upon appeal such variance from the terms of the City's zoning ordinance or subdivision ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship; provided, that the spirit of the ordinance shall be observed and substantial justice done. Before any variance may be authorized, however, it shall be shown that:
  1. The variance will not substantially affect the comprehensive plan of zoning in the city and that adherence to the strict letter of the ordinance will cause difficulties and hardships, the imposition of which upon the petitioner is unnecessary in order to carry out the general purpose of the plan;
  2. Special circumstances attached to the property covered by the application which do not generally apply to the other property in the same district;
  3. Because of said special circumstances, property covered by application is deprived of privileges possessed by other properties in the same district; and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.

**(Ord. No. 661, Revised, 04/10/1990)**

- D. To perform any other function granted to the Board of Adjustment by State statutes or City ordinances.

**(Ord. No. 661, Revised, 04/10/1990)**

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## **2-16-10. ~~Special Exception for Relocation of Certain Billboards [REPEALED]~~**

- ~~A. If an outdoor advertising structure needs to be moved away from a high voltage power line so that the sign can be reposted or maintenance performed without having to comply with the distance or notification requirements of Utah Code Section 54-8c-2, or in order to comply with distance or notification requirements imposed by the National Electrical Safety Code, International Building code, a regulation, standard or directive of the Occupational Safety and Health Administration, or any other similar applicable regulation, then the Board of Adjustment may grant a special exception from the~~

~~City's ordinances to allow the owner to relocate and remodel the structure to another location within the City:~~

- ~~1. on the same property;~~
- ~~2. on adjacent property;~~
- ~~3. within 2,640 feet of the previous location on either side of the same highway; or~~
- ~~4. mutually agreed upon by the owner and the City.~~

~~(Ord. No. O-05-0027, Enacted 9/13/2005; Ord No. O-06-0011, Amended 6/27/2006)~~

~~B. The relocation under Subsection A shall be in a commercial or industrial zoned area or where outdoor advertising is permitted under Utah Code Section 72-7-501 et seq. (as amended).~~

~~(Ord. No. O-05-0027, Enacted 9/13/2005; Ord No. O-06-0011, Amended 6/27/2006)~~

~~C. The relocated and remodeled structure may be:~~

- ~~1. erected to a height and angle to make it clearly visible to traffic on the main-traveled way of the highway to which it is relocated or remodeled;~~
- ~~2. the same size and at least the same height as the previous structure, but the relocated structure may not exceed the size and height permitted under Utah Code Section 72-7-501 et seq. (as amended); and~~
- ~~3. relocated to a location with a comparable traffic vehicular count.~~

~~(Ord. No. O-05-0027, Enacted 9/13/2005; Ord No. O-06-0011, Amended 6/27/2006)~~

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## **22-21-2. Criteria for Special Exception.**

The ~~Board of Adjustment~~ **Planning Commission** 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.

**(Ord. No. O-00-0003, Enacted, 01/25/2000; Ord. No. O-01-0021, Amended, 06/12/2001; Ord. No. O-02-0044, Amended, 11/12/2002; Ord. No. O-04-0044, Amended, 9/28/2004; Ord. No. O-06-0022, Amended 10/24/2006)**

- 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;

**(Ord. No. O-00-0003, Enacted, 01/25/2000; Ord. No. O-01-0021, Amended, 06/12/2001; Ord. No. O-02-0044, Amended, 11/12/2002; Ord. No. O-04-0044, Amended, 9/28/2004; Ord. No. O-06-0022, Amended 10/24/2006; Ord. No. O-07-0031, Amended 06/12/2007)**

- 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.;

**(Ord. No. O-00-0003, Enacted, 01/25/2000; Ord. No. O-01-0021, Amended, 06/12/2001; Ord. No. O-02-0044, Amended, 11/12/2002; Ord. No. O-04-0044, Amended, 9/28/2004; Ord. No. O-06-0022, Amended 10/24/2006 (which deleted D, E, F, & G as well)**

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### **22-21-3. Development Requirements and Architectural Standards.**

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.

**(Ord. No. O-00-0003, Enacted, 01/25/2000; Ord. No. O-01-0021, Amended, 06/12/2001; Ord. No. O-02-0044, Amended, 11/12/2002; Ord. No. O-04-0044, Amended, 9/28/2004)**

- B. **Height.** The maximum height for any Multifamily Dwelling shall be thirty-five feet (35').

**(Ord. No. O-00-0003, Enacted, 01/25/2000; Ord. No. O-01-0021, Amended, 06/12/2001; Ord. No. O-02-0044, Amended, 11/12/2002; Ord. No. O-04-0044, Amended, 9/28/2004)**

- C. **Setbacks.** The setbacks shall be the same as required by the zone in which the Multifamily dwelling is located.

**(Ord. No. O-00-0003, Enacted, 01/25/2000; Ord. No. O-01-0021, Amended, 06/12/2001; Ord. No. O-02-0044, Amended, 11/12/2002; Ord. No. O-04-0044, Amended, 9/28/2004)**

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.

**(Ord. No. O-00-0003, Enacted, 01/25/2000; Ord. No. O-01-0021, Amended, 06/12/2001; Ord. No. O-02-0044, Amended, 11/12/2002; Ord. No. O-04-0044, Amended, 9/28/2004)**

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.

**(Ord. No. O-00-0003, Enacted, 01/25/2000; Ord. No. O-01-0021, Amended, 06/12/2001; Ord. No. O-02-0044, Amended, 11/12/2002; Ord. No. O-04-0044, Amended, 9/28/2004; Ord. No. O-07-0045, Amended 10/09/2007)**

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.

**(Ord. No. O-00-0003, Enacted, 01/25/2000; Ord. No. O-01-0021, Amended, 06/12/2001; Ord. No. O-02-0044, Amended, 11/12/2002; Ord. No. O-04-0044, Amended, 9/28/2004)**

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.

**(Ord. No. O-00-0003, Enacted, 01/25/2000; Ord. No. O-01-0021, Amended, 06/12/2001; Ord. No. O-02-0044, Amended, 11/12/2002; Ord. No. O-04-0044, Amended, 9/28/2004)**

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 a combination of these materials. The rear and side elevations shall have at least 40 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.

**(Ord. No. O-00-0003, Enacted, 01/25/2000; Ord. No. O-01-0021, Amended, 06/12/2001; Ord. No. O-02-0044, Amended, 11/12/2002; Ord. No. O-04-0044, Amended, 9/28/2004)**

I. **Roof Pitch.** All Multifamily Dwellings shall have a minimum roof pitch of five rise to twelve run.

**(Ord. No. O-00-0003, Enacted, 01/25/2000; Ord. No. O-01-0021, Amended, 06/12/2001; Ord. No. O-02-0044, Amended, 11/12/2002; Ord. No. O-04-0044, Amended, 9/28/2004)**

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.

**(Ord. No. O-00-0003, Enacted, 01/25/2000; Ord. No. O-01-0021, Amended, 06/12/2001; Ord. No. O-02-0044, Amended, 11/12/2002; Ord. No. O-04-0044, Amended, 9/28/2004)**

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.

**(Ord. No. O-00-0003, Enacted, 01/25/2000; Ord. No. O-01-0021, Amended, 06/12/2001; Ord. No. O-02-0044, Amended, 11/12/2002; Ord. No. O-04-0044, Amended, 9/28/2004)**

L. **Orientation of Multifamily Dwelling.** The ~~Board of Adjustment~~ **Planning Commission** 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.

**(Ord. No. O-00-0003, Enacted, 01/25/2000; Ord. No. O-01-0021, Amended, 06/12/2001; Ord. No. O-02-0044, Amended, 11/12/2002; Ord. No. O-04-0044, Amended, 9/28/2004)**

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.

**(Ord. No. O-00-0003, Enacted, 01/25/2000; Ord. No. O-01-0021, Amended, 06/12/2001; Ord. No. O-02-0044, Amended, 11/12/2002; Ord. No. O-04-0044, Amended, 9/28/2004)**

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.

**(Ord. No. O-00-0003, Enacted, 01/25/2000; Ord. No. O-02-0044, Amended, 11/12/2002; Ord. No. O-04-0044, Amended, 9/28/2004; Ord. No. O-07-0045, Amended 10/09/2007)**