CITY OF OREM
CITY COUNCIL MEETING
56 North State Street, Orem, Utah
September 22, 2026

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

3:00 P.M. WORK SESSION - CITY COUNCIL CONFERENCE ROOM

1. WORK SESSION ITEMS

While this is a public meeting, we kindly ask that only presenters and individuals specifically invited by the Mayor or City Council speak or ask questions. This helps us conduct the City's business in an efficient and orderly manner. If you would like to make a comment on an issue, please do so during the Public Appearances portion of the regular meeting. This ensures that your comment is properly addressed and documented for the official record. Please keep side conversations to a minimum as it interferes with the audio recording.

1.1 PRESENTATION - Tiger Traffic Team and Speed Limits (30 min: 20 min presentation 10 min Q&A)
Presenter: Chris Tschirki, Public Works Executive Director

1.2 PRESENTATION - Amending Section 21-1-3 Water Connection Requirements (5 min)
Presenter: Brandon C. Nelson, Chief Financial Officer

1.3 PRESENTATION - Partner Cities (30 min)
Presenter: Jennica Jones, Strategy and Innovation Director

1.4 DISCUSSION - Short Term Rental Continued (90 min)
Presenter: D. Jacob Summers, Deputy City Attorney

2. CITY COUNCIL REPORTS (BOARDS & COMMISSIONS, NEW BUSINESS, ETC.)

This is an opportunity for members of the City Council to raise issues of information or concern.

3. AGENDA REVIEW & PREVIEW OF UPCOMING AGENDA ITEMS

The City Council will review the items on the agenda.

3.1 Council Report
Quinn Mecham

6:00 P.M. REGULAR SESSION - COUNCIL CHAMBERS

4. CALL TO ORDER

5. INVOCATION/INSPIRATIONAL THOUGHT: BY INVITATION

6. PLEDGE OF ALLEGIANCE: BY INVITATION

7. MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

7.1 PRESENTATION - Youth Council Introduction and Swearing In
Presenter: Jennica Jones, Strategy and Innovation Director and Sydney Wong, Events Coordinator

7.2 PRESENTATION - Day of Service Report
Presenter: Pete Wolfley, Civic Engagement Executive Director and Bradley Day, Community & Sustainability Officer

7.3 PRESENTATION - Companies Championing Women Award
Presenter: Heather Cox, Management Analyst

8. PERSONAL APPEARANCES – 15 MINUTES

Time has been set aside for the public to express their ideas, concerns, and comments on items not scheduled as public hearings on the Agenda. Those wishing to speak are encouraged to show respect for those who serve the city. Comments should focus on issues concerning the city. Those wishing to speak should have signed in before the beginning of the meeting. (Please limit your comments to 3 minutes or less.)

9. CONSENT ITEMS

9.1 APPROVAL OF MEETING MINUTES
September 8, 2026

9.2 APPOINTMENT - Cultural Arts Advisory Commission
Brandon Jeppson

9.3 APPOINTMENT - Library Advisory Commission
Diane Wanamaker

9.4 RESOLUTION - Authorizing the Mayor to sign a membership fee agreement and an interlocal agreement between central Utah 911 and the City of Orem to provide public safety dispatch services

9.5 ORDINANCE - Amending section 21-1-3 of the Orem City Code regarding water connection requirements

10. SCHEDULED ITEMS

10.1 PUBLIC HEARING – ORDINANCE – Amending Article 22-6 of the Orem City Code establishing regulations for permitting detached accessory dwelling units on single-family properties.
Presenter: Jared Hall, Planning Director

11. FINANCIAL ITEMS

This item is for information purposes only. Find the financial statement in the City Council meeting packet.

12. CITY MANAGER INFORMATION ITEMS

This is an opportunity for the City Manager to provide information to the City Council. These items are for information and do not require action by the City Council.

13. ADJOURN

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS.
If you need a special accommodation to participate in the City Council Meetings and Study Sessions, please call the City Recorder's Office at least 3 working days prior to the meeting.
(Voice 801-229-7000)

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

CITY OF OREM CITY COUNCIL MEETING SEPTEMBER 22, 2026	
REQUEST:	RESOLUTION – A Resolution of the Orem City Council Authorizing the Mayor to Sign a Membership Fee Agreement and an Interlocal Agreement Between Central Utah 911 and the City of Orem to Provide Public Safety Dispatch Services.
APPLICANT:	City of Orem – Legal Department
NOTICES:	None
SITE INFORMATION:	N/A
PREPARED BY:	D. Jacob Summers, Deputy City Attorney

REQUEST:

Resolution requests City Council authorization for the Mayor to sign agreements with Central Utah 911, joining Central Utah 911 as a member of the Interlocal entity to provide dispatch services for the public safety response.

BACKGROUND:

In 2022, the City of Orem consolidated its dispatch services with Provo City. The intent of the consolidation was to create an Interlocal Entity (Metro Dispatch) to provide dispatch services for both Orem and Provo communities. Increasing costs, limited governance of PSAP (Public Safety Answering Point), and limited budgetary oversight caused the City to reevaluate the feasibility of the current arrangement. In reviewing the City's options, City staff met with Central Utah 911 to conduct a feasibility review. Where Central Utah 911 provides dispatch services to multiple neighboring cities and Utah County and would allow for meaningful City oversight in operations and budget, City staff began negotiations to become a member of Central Utah 911. At this time, City staff believe that joining Central Utah 911 would be in the best interest of the community health, safety, and welfare.

RECOMMENDATION:

City staff recommend that the City Council vote in favor of the Resolution, authorizing the Mayor to sign the Membership Fee Agreement and the Interlocal Agreement.

CITY OF OREM

CITY COUNCIL MEETING

SEPTEMBER 22, 2026

REQUEST:	ORDINANCE - Amending section 21-1-3 of the Orem City Code regarding water connection requirements
APPLICANT:	
NOTICES:	
SITE INFORMATION:	
PREPARED BY:	Brandon Nelson, Finance Director

REQUEST:

Amending section 21-1-3 of the Orem City Code regarding water connection requirements as noted in Exhibit A

BACKGROUND:

RECOMMENDATION:

ORDINANCE NO. _____

AN ORDINANCE BY THE OREM CITY COUNCIL, AMENDING SECTION 21-1-3 OF THE OREM CITY CODE REGARDING WATER CONNECTION REQUIREMENTS

WHEREAS, the City of Orem regulates connections to the City's water distribution system; and

WHEREAS, in all cases but one, the City requires Owners of property to be the account owner for City utilities; and

WHEREAS, Orem City Code 21-1-3(4)(a)(1) is the exception to the above requirement and the City Council desires consistency across all utility accounts; and

WHEREAS, the City Council believes the proposed amendment is in the best interest of the City because it facilitates the City's administration of its water utilities; and

WHEREAS, the agenda of the City Council meeting at which this ordinance was discussed and voted upon was posted on Utah State noticing webpage, the Orem City webpage, and at the City offices at 56 North State Street; and

WHEREAS, the matter having been submitted and the City Council having fully considered the request as it relates to the health, safety, and general welfare of the city.

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

1. The City Council finds the request to amend Section 21-1-3 of the Orem City Code to read as proposed is in the best interests of the City by conforming with state law and clarifying the City's administration of its rental dwelling license ordinance.
2. The City Council hereby amends Section 21-1-3 of the Orem City Code as shown in redlines in Exhibit "A" which is attached hereto and incorporated herein by reference.
3. This ordinance shall take effect immediately upon passage and after a summary of this ordinance has been published or posted as required by law.
4. If any part of this ordinance shall be declared invalid, such decision shall not affect the validity of the remainder of this ordinance.
5. All other ordinances or policies in conflict herewith, either in whole or part, are hereby repealed.

PASSED and APPROVED this 22nd day of September, 2026.

_____
Karen McCandless, Mayor

ATTEST:

_____
Teresa McKitrick, City Recorder

COUNCILMEMBER	AYE	NAY	ABSTAIN
Mayor Karen McCandless	□	□	□
Jeff Lambson	□	□	□
Jenn Gale	□	□	□
Quinn Mecham	□	□	□
LaNae Millett	□	□	□
Chris Killpack	□	□	□
Crystal Muhlestein	□	□	□

EXHIBIT "A"

AMENDMENT TO OREM CITY CODE § 21-1-3

21-1-3. Connection required.

A. **When connection required**. The owner(s) of all houses, buildings or properties used for human occupancy, employment or recreation which abut any street, alley or other right-of-way in which there is now located or may in the future be located a main line of the City water system, is hereby required, at the owner's expense, to connect onto the City water system, provided the main line is reasonably available and is within three hundred feet (300') of the property line.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-06-0013, Amended July 11, 2006)

B. **Meters**. Water meters shall be installed as follows:

1. **Residential buildings with four or fewer living units or buildings with no stacked units.** Residential buildings with four or fewer living units or buildings with no stacked units shall be metered in one of the following ways, at the discretion of the City. In making the determination as to the appropriate type and location of water meter(s) for a specific property, the City shall consider the layout of the property, the accessibility of the meter(s), the lateral length, and the ease of servicing or replacing the meter(s):

    a. **Separate meters.** Each living unit in the building is served by a separate water meter. The water meters shall be located in front of the building.

        1. **Water bill.** The bill for the water service shall be in the name of the owner.

        2. **Landscaping meter.** Water for common landscaping and other uses benefiting more than one living unit shall be metered separately from the individual living units and shall be in the name of a homeowner's association or other group or organization responsible for paying bills for the residential development.

    b. **Common meter.** All living units in the building are served by a common water meter.

1. **Water bill.** The bill for the water service shall be in the building owner's name (in the case of a multiple family residence, such as an apartment) or in the name of a unit owner's association (in the case of a single family residence, such as a condominium.) The building owner or unit owner's association shall pay the full fee for water service, regardless of the occupancy of the building.

2. **Landscaping meter not required.** Landscaping and other uses may be included on the common meter.

3. **Restrictions on use of common meter.** A common meter may be used only if all occupants of the building strictly comply with all backflow and cross-connection requirements. If the City determines that there are problems caused by a common water meter that potentially jeopardizes the safety of the City water system, the City may require that some or all of the living units in the building be metered separately.

4. **One building only.** A common water meter shall serve only one building. Additional buildings shall be metered separately.

5. **Individual meters for buildings served by a common meter.** Individual living units in the building served by a common meter may still be metered separately, provided that (1) the individual meters are owned and maintained by the building owner or unit owner's association, (2) the individual meters are located inside the building, and (3) the building owner or unit owner's association pays the water bill based on the reading from the common meter (although the building owner or unit owner's association may use the individual meters for internal billing purposes.)

2. **Residential buildings with five or more living units or buildings containing any stacked units.** Residential buildings with five or more living units or buildings containing any stacked units shall be served by a common water meter, according to the following terms:

    1. **Water bill.** The bill for the water service shall be in the building owner's name (in the case of a multiple family residence, such as an apartment) or in the name of a unit owner's association (in the case of

a single-family residence, such as a condominium.) The building owner or unit owner's association shall pay the full fee for water service, regardless of the occupancy of the building.

2. **Landscaping meter not required.** Landscaping and other uses may be included on the common meter.

3. **Restrictions on use of common meter.** A common meter may be used only if all occupants of the building strictly comply with all backflow and cross-connection requirements. If the City determines that there are problems caused by a common water meter that potentially jeopardizes the safety of the City water system, the City may require that some or all of the units in the building be metered separately.

4. **One building only.** A common water meter shall serve only one building. Additional buildings shall be metered separately.

5. **Individual meters for buildings served by a common meter.** Individual living units in the building served by a common meter may still be metered separately, provided that (1) the individual meters are owned and maintained by the building owner or unit owner's association, (2) the individual meters are located inside the building, and (3) the building owner or unit owner's association pays the water bill based on the reading from the common meter (although the building owner or unit owner's association may use the individual meters for internal billing purposes.)

3. Accessory apartments**.** Accessory apartments shall be metered in one of the following ways:

   a. **Common meter.** The accessory apartment and the main dwelling are served by a common water meter. The bill for the water service shall be in the name of the owner of the main dwelling.

   b. **Separate meters.** The accessory apartment and the main dwelling are metered separately. The bill for each water service shall be in the name of the owner of the main dwelling.

4. **Non-residential buildings.** Non-residential buildings shall be metered in one of the following ways, at the discretion of the City. In making the determination as to the appropriate type and location of water meter(s) for a specific property, the City shall consider the layout of the property, the

accessibility of the meter(s), the lateral length, and the ease of servicing or replacing the meter(s):

a. **Separate meters.** Each unit in the building is metered separately.

    1. **Water bill.** The bill for the water service shall be in the unit owner's ~~or occupant's~~ name.

    2. **Landscaping meter.** Water for common landscaping and other uses benefiting more than one unit owner or occupant shall be metered separately from the individual units and shall be in the name of a unit owner's association or in the name of the owner or developer of the project.

b. **Multiple meters.** Each building is served by multiple meters (more than one meter per building, but less than one meter per unit).

    1. **Water bill.** The bill for the water service shall be in the name of a unit owner's association or in the name of the owner or developer of the commercial project.

    2. **Landscaping meter.** Water for common landscaping and other uses benefiting more than one unit owner or occupant shall be metered separately and shall be in the name of a unit owner's association or in the name of the owner or developer of the project.

    3. **Restrictions on use of multiple meters.** Multiple meters shall not be installed unless the City approves the number and type of meters used pursuant to a policy established by the City.

    4. **Shut-off valves.** A shut-off valve shall be installed for each unit. The shut-off valves shall be installed in an accessible location approved by the City. If the owner or developer adds more units to the building, a shut-off valve shall be installed for each new unit.

c. **Common meter.** All units in the building are served by a common water meter.

    1. **Water bill.** The bill for the water service shall be in the name of the owner of the building.

2. **Landscaping meter.** A separate landscaping meter shall be installed for each development. The bill for the landscaping meter shall be in the name of a unit owner's association or in the name of the owner or developer of the non-residential project.

3. **Restrictions on use of common meter.** A common meter may be used only if all occupants of the building strictly comply with all backflow and cross-connection requirements. If the City determines that there are problems caused by a common water meter that potentially jeopardizes the safety of the City water system, the City may require that some or all of the units in the building be metered separately.

4. **Shut-off valves.** A shut-off valve shall be installed for each unit. The shut-off valves shall be installed in an accessible location approved by the City. If the owner or developer adds more units to the building, a shut-off valve shall be installed for each new unit.

5. **Additional meters.** This section sets forth minimum water meter requirements. Nothing herein shall be interpreted to prohibit a property owner from paying for and utilizing additional water meters, provided that the additional water connections and water meters comply with City policies and ordinances.

6. **PRDs and Mixed-use Developments.** Master meters shall be used for planned residential developments (PRDs), mixed-use developments, and other developments where access and maintenance could be impeded or obstructed as determined by the Water Section Manager.

    1. **Water bill.** The bill for the water service shall be in the name of a unit owner's association or other group or organization responsible for paying bills for the development.

    2. **Maintenance.** All preventative maintenance and repairs on water main lines, valves and fire hydrants on the owner’s side of the meter, shall be the responsibility of the owner.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-94-0004, Ren&Amd, 03/01/94, 21-1-2; Ord. No. O-98-0039, Amended, 09/08/98; Ord. No. O-06-0013, Amended July 11, 2006; Ord. No. 2019-0036, Amended 12/10/2019; Ord. No. O-2021-0011, Amended 5/25/2021)

CITY COUNCIL

September 22 , 2026

PUBLIC HEARING – TEXT AMENDMENT

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.

Text Amendment, Detached ADUs

Prepared By:
Jared Hall

Applicant:
Planning Division

Notices

Posted in 2 public places

Posted on City Webpage and City hotline

Posted at Utah.gov/pmn

Action

The Council may approve or deny the proposed text amendment or may vote to continue the hearing to a future date.

REQUEST: The Planning Division requests that the City Council approve proposed amendments to the text of Article 22-6 of the Orem City Code in order to establish regulations related to detached accessory dwelling units on single-family properties that are 11,000 square feet or larger.

BACKGROUND: Earlier this year, the Utah State Legislature passed a bill that included a requirement that cities such as Orem allow detached accessory dwelling units as permitted uses on single-family residential properties that are at least 11,000 ft^2 or larger. The statute gives the City till October 1st, 2026, to comply. Orem currently allows accessory dwelling units that are included inside of or attached to the primary dwelling (city code currently calls them "Accessory Apartments" and has allowed them for many years) but does not allow the accessory unit to be detached from the primary dwelling. In order to comply with State Code, an amendment to the text will be necessary.

PLANNING COMMISSION ACTION: The Planning Commission reviewed the proposed amendments at a public hearing on July 15, 2026. The Commission voted 6-0 to forward a recommendation of APPROVAL to the City Council.

REVIEW & ANALYSIS: Current regulations for accessory apartments can be found in the Orem City Code at 22-6-9(I). 22-6-9 is "Regulations Governing Particular Uses". Accessory Apartments have been found under subsection "I". Staff's 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 to:

1. Meet the minimum State Code requirements by creating regulations for detached accessory dwelling units as permitted uses; and

2. Keep the substance of the existing regulations for internal accessory dwelling units (accessory apartments) intact; and

3. Combine the existing internal 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 (most of it copied directly) into the new section 22-6-11, a redline and strikeout version 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. A redline and strikeout version will be attached to an adopting ordinance if proposed amendments are approved.

PROPOSED 22-6-11: The proposed new 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.

- Internal 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 Internal ADUs.
The regulations for internal 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 ft^2. For reference, there are approximately 5,800 residentially zoned parcels in the city which are 11,000 ft^2 or larger, as compared to 14,510 residentially zoned parcels that are smaller than 11,000 ft^2, 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 already allow for internal ADUs and would continue to do so.

DADU 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 ft^2 as a minimum (minimum size requiring permits) and requiring that no detached ADU can be larger than 50% of the footprint of the primary dwelling on the property, the following would apply:

Lot Area	DADU Minimum	DADU Maximum	Max Bedrooms
11,000 – 12,999 ft^2	200 ft^2	650 ft^2	2
13,000 – 15,999 ft^2	200 ft^2	850 ft^2	2
16,000 – 19,999 ft^2	200 ft^2	1,200 ft^2	3
20,000 ft^2 +	200 ft^2	1,500 ft^2	3

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 a six-foot (6') setback from the primary dwelling, ten-foot (10') setbacks from interior property lines, twenty-five-foot (25') setbacks from streets, and rear setbacks that meet those required by the zoning of the property (in most cases 20 or 25 feet.) Where adjacent properties are zoned for commercial, public, or open space uses the setback can be reduced to five feet (5'). 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 required setback
From the primary dwelling on the lot	6'
Rear property line	*As required for dwellings in the zone
Interior Side	10'
From a public or private street (corner or double frontage lots)	25'
From Commercial or Open Space, etc.	5'

*Most residential properties with 11,000 square feet or more are located in the R8 Zone, and will require a 25' rear setback. Many others will be located in the R6 and R7.5 Zones and require 20' setbacks.

Note: detached ADUs may not be located between the primary dwelling and a street. Existing accessory structures may be converted or remodeled but are subject to these setbacks on 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 ft^2 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.

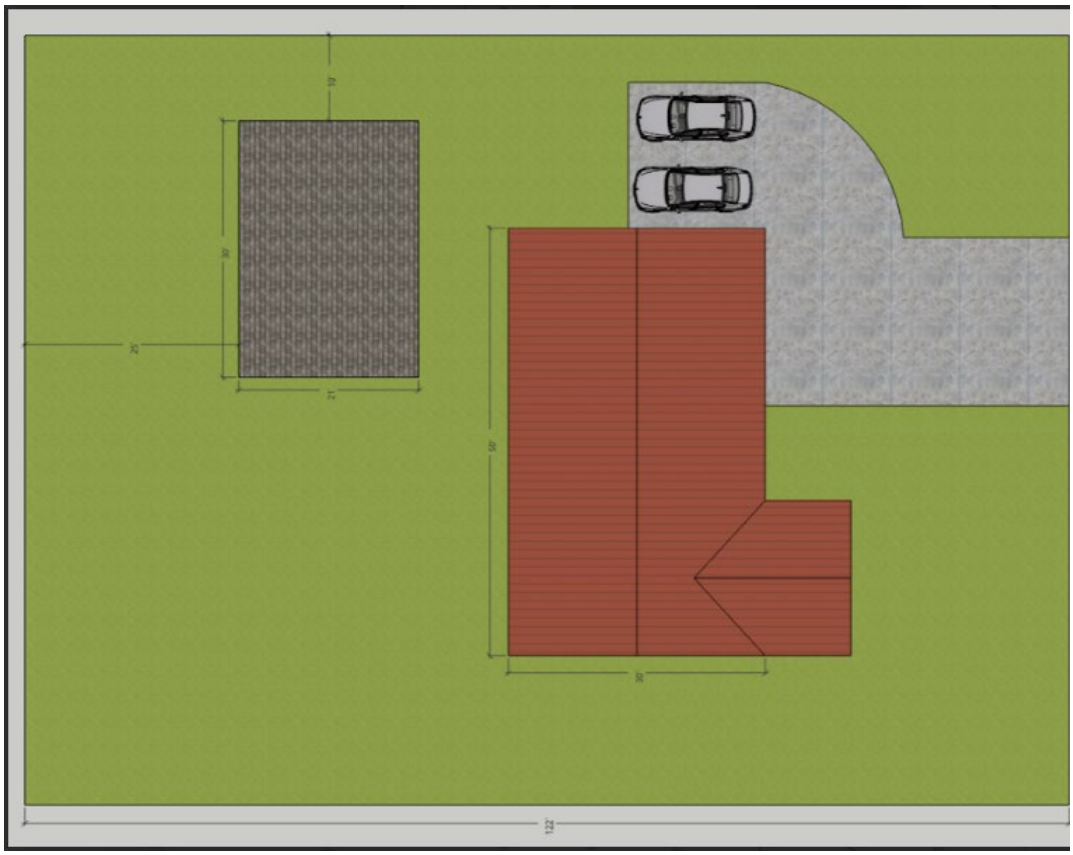


Figure 1: Diagram shows a typical 11,000 square foot lot in the R8 Zone. The DADU (gray) is depicted as 650 square feet which , located 10' from the side property line and 25' from the rear, and to the rear of the home as required. Parking has been added to service the DADU to the side of the home's garage.

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 City Council may:

APPROVE or DENY the requested amendments; 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 Orem City Council (APPROVE by ORDINANCE – or DENY) 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)."

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 a permitted use 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. Interior 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. A property is not considered to be owner-occupied unless the owner lists the property as his/her primary residence on his/her property taxes, state and federal tax returns, and driver's license or its equivalent

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. The following regulations apply to all attached accessory dwelling units:

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. The following regulations apply to all detached accessory dwelling units:

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 650 square feet, with no more than two (2) bedrooms allowed. For properties with an area of between 13,000 and 15,999 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 between 16,000 and 19,999 square feet the maximum size allowed for a detached accessory dwelling unit is 1,200 square feet, with no more than three (3) bedrooms allowed. For properties with an area of 20,000 square feet or greater the maximum size allowed for detached accessory dwelling unit is 1,500 square feet with no more than three (3) bedrooms. In no case shall the detached accessory dwelling have an area greater than 50% of the footprint of the primary dwelling on the property.

3. Detached accessory dwelling units shall not be included when calculating the total footprint area of residential accessory structures as outlined in Section 22-8-6(D)(2).

4. Height. The height of detached accessory dwelling units is limited to a single story and in no case may exceed the height of the primary dwelling on the property. Maximum allowed height shall be determined based upon the following:

a. Pitched Roofs. Maximum height for structures located at a minimum setback requirement with a pitched roof is fourteen feet (14') to the highest point. One (1) additional foot of building height may be added for each additional foot of setback from the minimum requirement up to a maximum of eighteen feet (18').

b. Flt Roofs. Maximum height for structures located at a minimum setback requirement with a flat roof is twelve feet (12') to the highest point. One (1) additional foot of building height may be added for each additional foot of setback from the minimum requirement up to a maximum of fourteen feet (14'). 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. Detached accessory dwelling units shall meet the rear setback required for the zone in which the unit is located. In no case shall the detached accessory dwelling unit be located closer to a street than the primary dwelling on the same lot.

a. Exception. Where a proposed detached accessory dwelling unit will be adjacent to a property which is zoned commercial, industrial, or is zoned or used for public facilities, parks, or open space, the required setback for the accessory dwelling unit may be reduced to five feet (5').

b. Conversion of Existing Structures. 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, parking, 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 larger than 650 square feet.

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 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, 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.

DRAFT

ORDINANCE NO. _____

AN ORDINANCE BY THE OREM CITY COUNCIL AMENDING ARTICLE 22-6 OF THE OREM CITY CODE, REPEALING SECTION 22-6-9(I) "ACCESSORY APARTMENTS" AND ADDING SECTION 22-6-11 "ACCESSORY DWELLING UNITS" ESTABLISHING REGULATIONS FOR INTERNAL AND DETACHED ACCESSORY DWELLING UNITS ON SINGLE-FAMILY PROPERTIES.

WHEREAS on June 10th, 2026, Jared Hall acting on behalf of the Orem City Planning Department, filed an application with the City of Orem requesting the City amend Article 22-6 of the Orem City Code by repealing Section 22-6-9(I) "Accessory Apartments" and adding Section 22-6-11 "Accessory Dwelling Units" to establish and consolidate regulations for both internal and detached accessory dwelling units as required by the Utah State Code; and

WHEREAS a public hearing considering the subject application was held by the Planning Commission on July 15th, 2026; and

WHEREAS the Planning Commission forwarded a recommendation of approval to the City Council with six (6) votes in favor and none opposed; and

WHEREAS a public meeting to consider the subject application was held by the City Council on September 22nd, 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 residential 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 in that it will more fully promote the objectives and purposes of the City's Zoning Ordinances and General Plan, creating opportunities for residents of Orem to more fully utilize their properties and by furthering and creating additional opportunities for more housing without disruption of neighborhood character.
2. The City Council hereby amends Article 22-6 Orem City Code, repealing Section 22-6-9(I) and adding Section 22-6-11, establishing regulations for internal and detached

accessory dwelling units on residential properties as shown by Exhibit "A" which is attached hereto and incorporated herein by this reference.

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 after a summary of this ordinance has been published or posted as required by law.
5. All other ordinances and policies in conflict herewith, either in whole or part, are hereby repealed.

PASSED, APPROVED and ORDERED PUBLISHED this **22nd day** of **September 2026**.

_____
Karen McCandless, Mayor

ATTEST:

_____
Teresa McKitrick, City Recorder

COUNCILMEMBER	AYE	NAY	ABSTAIN
Mayor Karen McCandless	□	□	□
Jeff Lambson	□	□	□
Jenn Gale	□	□	□
Quinn Mecham	□	□	□
LaNae Millett	□	□	□
Chris Killpack	□	□	□
Crystal Muhlestein	□	□	□

22-6-9(I). **Accessory Apartments**. Accessory apartments 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. 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. 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.

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

g. 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.

h. 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 detached single-family dwelling.

3. Parking. A single family dwelling with an accessory apartment shall provide at least one (1) additional on-site parking stall for the accessory apartment, 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 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. 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 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 apartment 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. Location Within Footprint of Single-Family Dwelling. An accessory apartment must be located within the footprint of a single-family dwelling. A building area that is connected to a single family dwelling only by means of a breezeway or similar structure shall not be considered to be within the footprint of the single-family dwelling for purposes of this Section 22-6-9(I).~~

~~8. Accessory Apartment Permit. Any person constructing or causing the construction of a residence that has an accessory apartment or any person remodeling or causing the remodeling of a residence for an accessory apartment, or any person desiring an accessory apartment shall obtain an accessory apartment permit from the Development Services 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 buildings 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.~~

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

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 a permitted use 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. Interior 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. A property is not considered to be owner-occupied unless the owner lists the property as his/her primary residence on his/her property taxes, state and federal tax returns, and driver's license or its equivalent

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. The following regulations apply to all attached accessory dwelling units:

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. The following regulations apply to all detached accessory dwelling units:

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 650 square feet, with no more than two (2) bedrooms allowed. For properties with an area of between 13,000 and 15,999 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 between 16,000 and 19,999 square feet the maximum size allowed for a detached accessory dwelling unit is 1,200 square feet, with no more than three (3) bedrooms allowed. For properties with an area of 20,000

square feet or greater the maximum size allowed for detached accessory dwelling unit is 1,500 square feet with no more than three (3) bedrooms. In no case shall the detached accessory dwelling have an area greater than 50% of the footprint of the primary dwelling on the property.

3. Detached accessory dwelling units shall not be included when calculating the total footprint area of residential accessory structures as outlined in Section 22-8-6(D)(2).

4. Height. The height of detached accessory dwelling units is limited to a single story and in no case may exceed the height of the primary dwelling on the property. Maximum allowed height shall be determined based upon the following:

a. Pitched Roofs. Maximum height for structures located at a minimum setback requirement with a pitched roof is fourteen feet (14') to the highest point. One (1) additional foot of building height may be added for each additional foot of setback from the minimum requirement up to a maximum of eighteen feet (18').

b. Flat Roofs. Maximum height for structures located at a minimum setback requirement with a flat roof is twelve feet (12') to the highest point. One (1) additional foot of building height may be added for each additional foot of setback from the minimum requirement up to a maximum of fourteen feet (14'). 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. Detached accessory dwelling units shall meet the rear setback required for the zone in which the unit is located. In no case shall the detached accessory dwelling unit be located closer to a street than the primary dwelling on the same lot.

a. Exception. Where a proposed detached accessory dwelling unit will be adjacent to a property which is zoned commercial, industrial, or is zoned or used for public facilities, parks, or open space, the required setback for the accessory dwelling unit may be reduced to five feet (5').

b. Conversion of Existing Structures. 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, parking, 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 larger than 650 square feet.

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 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, 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.