

RESOLUTION NO. PC-2026-0031

A RESOLUTION BY THE OREM CITY PLANNING COMMISSION
RECOMMENDING THE CITY COUNCIL AMEND THE TEXT OF
ARTICLE 22-6 OF THE OREM CITY CODE ESTABLISHING
REGULATIONS FOR DETACHED ACCESSORY DWELLING
UNITS ON SOME SINGLE-FAMILY PROPERTIES

WHEREAS the Planning Department of Orem City requested the City amend Article 22-6 of the city code allowing detached accessory dwelling units on some single-family properties; and

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

WHEREAS a notice of the Planning Commission public hearing for this Text Amendment application was 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 Planning Commission 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 the surrounding neighborhood; the compliance of the request with all applicable City ordinances and the Orem General Plan, and the special conditions applicable to the request.

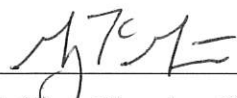
BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF OREM, UTAH, as follows:

1. The Planning Commission finds this request will not negatively affect the health, safety, and general welfare of the City.
2. The Planning Commission hereby **recommends** the City Council amend Article 22-6 of Orem City Code allowing detached accessory dwelling units on some single-family properties, as shown on Exhibit "A" which is attached hereto and incorporated herein by reference.
3. This resolution shall take effect immediately upon passage.
4. If any part of this resolution shall be declared invalid, such decision shall not affect the validity of the remainder of this resolution.
5. All other resolutions or policies in conflict herewith, either in whole or part, are hereby repealed.

PASSED and APPROVED this 15th day of July 2026.


CITY OF OREM, by
Madeline Komen, Chairman

ATTEST:


Gary McGinn, Planning Commission Secretary

PLANNING COMMISSION MEMBER	AYE	NAY	ABSTAIN	ABSENT
Jeff Reeves	☒	☐	☐	☐
Susan Madsen	☒	☐	☐	☐
Darren Hawkins	☒	☐	☐	☐
Karl Radmall	☒	☐	☐	☐
Madeline Komen	☒	☐	☐	☐
Micah Ladle	☒	☐	☐	☐

Exhibit “A” – Text Amendment

The text amendment will start on the next page. The rest of this page is intentionally left blank.

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

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

1. Accessory Dwelling Unit shall mean a single-family dwelling which is subordinate to the primary dwelling on the same lot or parcel.
2. Primary Dwelling shall mean a single-family detached home permitted by the zoning of the lot or parcel where it is located.
3. Attached Accessory Dwelling Unit shall mean an accessory dwelling unit that is contained within the footprint of the primary dwelling or attached directly to it.
4. Detached Accessory Dwelling Unit shall mean an accessory dwelling which is separate from and subordinate to the primary dwelling on the same lot or parcel. Such a dwelling must be placed on a permanent foundation and connected to all utilities.
5. Owner-Occupied shall mean a dwelling that the owner uses as his/her primary dwelling and mailing address.
6. Owner shall mean:
 - a. The person (defined for purposes of this section as a human being and not including any other legal entity except as elsewhere expressly allowed) listed as the owner of record in the records of the Utah County Recorder.
 - b. In the event that more than one person is listed as the owner, the owner shall be the person(s) who 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 occupants(s) of such dwelling may be considered the owner for purposes of this section only if such person(s) created the trust primarily for estate planning purposes, placed the dwelling in such trust, and retains at least a 50% primary beneficial interest in the dwelling.

d. In the event that title to a dwelling is held in the name of a corporation or limited liability company, the dwelling shall not be considered to be owner-occupied unless the occupants have bona fide ownership of at least 50% of the corporation or limited liability company that owns the dwelling.

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

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

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

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

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

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

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

C. Regulations for Attached Accessory Dwelling Units. Attached accessory dwelling units shall be allowed only in owner-occupied detached single-family dwellings and in such other dwellings as may be specifically designated by ordinance but shall not be allowed in any R5 zone or PRD zone.

1. Owner Occupancy Required. The owner of the property must reside in either the primary or the accessory dwelling. For purposes of establishing owner occupancy as required by this section, the purported owner shall have the burden of proving his/her status as the owner pursuant to the criteria outlined in this section and of

providing documentation to the City to prove that the person qualifies as an owner under this section.

a. Owner occupancy for a dwelling with an attached accessory dwelling unit is not required when:

- (1) The owner cannot live in the dwelling because of a bona fide temporary absence of three years or less for a temporary job assignment, sabbatical, or voluntary service;
- (2) The owner was living in the dwelling immediately prior to leaving for the temporary job assignment, sabbatical, or voluntary service; and
- (3) The owner intends to make the dwelling his/her primary place of residence upon returning from the temporary job assignment, sabbatical or voluntary service. Indefinite periods of absence from the home shall not qualify for this exception.

2. Number Allowed. Only one attached accessory dwelling or detached accessory dwelling unit may be permitted in addition to a single primary dwelling on a lot or property qualifying under the regulations of this section.

3. 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.

4. 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.

5. 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.

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

7. Building Entrances. A new single-family structure approved with an accessory 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.

8. 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.

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

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

1. Owner Occupancy Required. The property owner of record is required to occupy either the primary dwelling or the detached accessory dwelling unit as a residence. Owner occupancy shall be established subject to the regulations contained in 22-6-11(C)(1) herein.
2. Number Allowed. Only one attached accessory dwelling or detached accessory dwelling unit may be permitted in addition to a single primary dwelling on a lot or property qualifying under the regulations of this section.
3. Size. The minimum size of any detached accessory dwelling unit shall be two hundred (200) square feet in area. For properties with an area of between 11,000 and 12,999 square feet the maximum size allowed for a detached accessory dwelling unit is 850 square feet, with no more than two (2) bedrooms allowed. For properties with an area of between 13,000 and 14,999 square feet the maximum size allowed for a detached accessory dwelling unit is 1,000 square feet, with no more than two (2) bedrooms allowed. For properties with an area of 15,000 square feet or greater the maximum size allowed for a detached accessory dwelling unit is 1,200 square feet, with no more than three (3) bedrooms allowed. In no case shall the detached accessory dwelling have an area greater than 50% of the primary dwelling on the property.
4. Detached accessory dwelling units shall not be subject to the lot coverage requirements for residential accessory structures.
5. Height. The height of detached accessory dwelling units is limited to a single story. Maximum height for structures with a pitched roof is twenty feet (20') to the highest point. Maximum height for structures with a flat roof is fourteen feet (14') to the highest point. In no case shall the detached accessory dwelling unit have a height greater than the height of the primary dwelling on the property. Interior loft spaces are allowed but may not exceed twenty percent (20%) of the total floor area. Exterior balconies are prohibited.
6. Location and Required Setbacks. Detached accessory dwelling units shall maintain a minimum setback of ten feet (10') from any interior property line, and a minimum of twenty-five feet (25') from a public or private street. A detached accessory dwelling unit may not be located closer than twenty feet (20') to a dwelling on an adjacent lot. In no case shall the detached accessory dwelling unit be located between the primary dwelling and a street.

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

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

- a. At least two (2) dedicated parking spaces must be verified for use by the primary dwelling.
- b. One (1) additional parking space shall be provided for a detached accessory dwelling unit between 200 and 650 square feet in area.
- c. Two (2) additional parking spaces shall be provided for a detached accessory dwelling unit 651 square feet or larger.
- d. Parking spaces shall be at least eight feet (8') by sixteen feet (16') in size.
- e. Parking spaces within a garage or carport serving the primary dwelling shall not count toward the additional required parking stall unless the garage or carport contains more than two parking spaces. Driveways leading to a garage or carport serving the primary dwelling shall not count toward the additional parking requirement. However, an area of a driveway that is widened or extended beyond what would customarily be installed to access the garage/carport may be counted toward the parking requirement if it meets the parking dimension requirements herein, and if parking in the designated area would not block or impede access to the garage or carport.
- f. Parking spaces required for a detached accessory dwelling unit may not be located in the required front building setback.
- g. Parking areas and driveways shall be paved with concrete, masonry, or concrete pavers.

8. 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.

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

10. 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.

11. 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.