

HERRIMAN, UTAH
ORDINANCE NO. 2026-11

**AMENDING HERRIMAN CITY LAND DEVELOPMENT CODE
REGARDING ACCESSORY DWELLING UNITS**

WHEREAS, the Herriman City Council (“Council”) met in regular session on May 27, 2026, to consider, among other things, an ordinance to amend Title 10 Land Development Code (“Zoning Code”); and

WHEREAS, Utah Code Ann. § 10-9a-503 provides in part that the Council may make amendments to the adopted Zoning Code; and

WHEREAS, Utah Code Ann. § 10-9a-503 also provides that the Council may not make any amendment to its Zoning Code unless it is first submitted to the Planning Commission (“Commission”) for its recommendation; and

WHEREAS, Utah Code Ann. § 10-9a-503 provides that the Commission shall provide notice as required by Subsection 10-9a-205(1)(a) and hold a public hearing on a proposed Zoning Code amendment; and

WHEREAS, on January 9, 2026, the required public hearing notice was mailed to all affected property owners and entities; and

WHEREAS, on January 9, 2026, the required public hearing notice was posted in three public places within the City; and

WHEREAS, on January 21, 2026, at 7:00 PM in the Council Chambers, the Commission held a required public hearing with respect to the proposed Zoning Code amendment; and

WHEREAS, on February 4, 2026, the Commission voted 6-0 to recommend approval of the proposed Zoning Code amendment; and

WHEREAS, on February 25, 2026, the Council considered the proposed Zoning Code amendment during a public meeting and voted unanimously to continue it; and

WHEREAS, the 2026 Utah State Legislature passed Senate Bill 284, which mandates that municipalities with populations greater than 5,000 permit detached accessory dwelling units; and

WHEREAS, on May 27, 2026, the Council reconsidered a revised Zoning Code amendment during a public meeting; and

WHEREAS, the Council finds that it is in the best interest of the residents of Herriman to adopt the proposed revised Zoning Code amendment;

NOW, THEREFORE, be it ordained by the Herriman City Council for approval to amend the Herriman City Land Development Code regarding detached accessory dwelling unit development standards affecting all Herriman City zoning districts where single-family dwellings are permitted as described in **Exhibit “A”**.

This Ordinance No. 2026-11 shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's recorder.

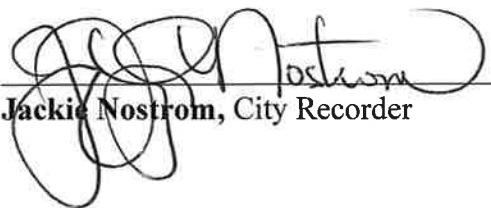
PASSED AND APPROVED this 27th day of May 2026.

HERRIMAN

ATTEST:



Mayor Lorin Palmer



Jackie Nostrom, City Recorder



Herriman City

ORDINANCE NUMBER: **2026-11**

SHORT TITLE: ORDINANCE AMENDING HERRIMAN CITY LAND DEVELOPMENT
CODE REGARDING ACCESSORY DWELLING UNITS

PASSAGE BY THE CITY COUNCIL OF HERRIMAN CITY ROLL CALL

NAME	MOTION	SECOND	FOR	AGAINST	OTHER
Lorin Palmer			X		
Terrah Anderson			X		
Matt Basham			X		
Jared Henderson		X	X		
Teddy Hodges	X		X		
	TOTALS		5		

This ordinance was passed by the City Council of Herriman City, Utah on the 27th day of
May 2026, on a roll call vote as described above.

Exhibit "A"
ACCESSORY DWELLING UNIT ORDINANCE AMENDMENT

Title 10 of the Herriman City Code is hereby amended by adding Chapter 10-36 Accessory Dwelling Units, and amending additional sections as warranted for consistency, as follows:

CHAPTER 10-36 ACCESSORY DWELLING UNITS

10-36-1 Purpose

10-36-2 Intent and Authority

10-36-3 Definitions

10-36-4 Applicability

10-36-5 General Standards Applicable to All ADUs

10-36-6 Development Standards for Internal ADUs

10-36-7 Development Standards for Detached ADUs

10-36-8 Development Standards Summary Tables for ADUs

10-36-9 Conversion of Existing Accessory Structures to Detached ADUs

10-36-10 Permitting

10-36-11 Demand Tracking

10-36-12 Severability

10-36-13 Effective Date

10-36-1 Purpose

The purpose of this chapter is to regulate the proper development and use of accessory dwelling units (ADUs) — including internal and detached types — within Herriman City. This chapter implements the City's Moderate Income Housing Plan, advances the goals of the General Plan, and ensures that ADUs are developed in a manner compatible with existing neighborhoods, protect public health and safety, and optimize land use.

10-36-2 Intent and Authority

The legislative intent of the City Council is based on the following findings:

- A. *Policy.* Herriman City's General Plan and Utah Code § 10-9a-403 require strategies to promote moderate-income housing.
- B. *Community.* Accessory dwelling units provide affordable housing options, support aging in place, and optimize land use without altering neighborhood character.
- C. *Regulatory.* Industry best practices and policy guidance recommend streamlined permitting, owner occupancy, and design compatibility for ADUs.
- D. *Authority.* This chapter is adopted pursuant to Utah Code Annotated § 10-9a-101 et seq., is consistent with Herriman City Code Title 10, and advances public health, safety, and welfare.

10-36-3 Definitions

The following definitions apply to this chapter:

A. *Accessory Dwelling Unit (ADU)*. A self-contained residential unit located on the same lot as a single-family dwelling, containing its own kitchen, bathroom, and sleeping facilities, and subordinate in size and use to the principal dwelling. ADUs are classified as either internal or detached, as defined below:

1. *Internal Accessory Dwelling Unit (IADU)*. An ADU that is contained entirely within, or attached to, the principal single-family dwelling, including units created within a basement, garage conversion, or addition to the principal structure.
2. *Detached Accessory Dwelling Unit (DADU)*. An ADU that is physically separated from the principal single-family dwelling and located on the same lot or parcel. This definition does not include ADUs that are internal or attached to the principal dwelling. (Cross-reference: HCC 10-3-5 "Accessory Building or Structure")

B. *Owner Occupant*. For purposes of this chapter, the property owner is defined as the titleholder of the lot or parcel, or an immediate family member such as a parent, child, spouse, sibling, or grandchild, who occupies either the principal dwelling or the ADU as a primary residence.

C. *Short-Term Rental*. A rental of a dwelling unit for a period of fewer than 30 consecutive days, as defined in HCC 10-3-6.

10-36-4 Applicability

A. *Internal ADUs*. Internal ADUs shall be permitted in all zoning districts that allow a single-family residential dwelling as a permitted or conditional use per HCC 10-16 Table of Uses, subject to compliance with the regulations of this chapter. No minimum lot size is required for an internal ADU beyond what is required for the principal dwelling in the applicable zoning district.

B. *Detached ADUs*. Detached ADUs shall be permitted in all zoning districts that allow a single-family residential dwelling as a permitted or conditional use per HCC 10-16 Table of Uses, on lots or parcels with a minimum area of 10,000 square feet, subject to compliance with the regulations of this chapter.

C. *One ADU Per Lot*. Only one ADU — whether internal or detached — shall be permitted on any single lot or parcel. A property may not have both an internal ADU and a detached ADU simultaneously.

D. *Subordinate Use*. All ADUs are accessory uses and shall remain subordinate to the principal single-family dwelling in size and function. (Cross-reference: HCC 10-16 Table of Uses; HCC 10-34 Accessory Buildings and Structures)

10-36-5 General Standards Applicable to All ADUs

The following standards apply to both internal and detached ADUs unless otherwise specified in Sections 10-36-6 or 10-36-7.

A. *Owner Occupancy*.

1. The property owner shall occupy either the principal dwelling or the ADU as a primary residence.

2. The property owner shall submit a legal affidavit for recording with the Salt Lake County Recorder, certifying that the property is the owner's primary residence and that the owner lives on the property. A Notice of Owner Occupancy Requirement shall be recorded against the property title.
3. Upon receipt of a complaint regarding compliance with the requirements of this section, the property owner shall provide evidence to the City in the form of a driver's license, voter registration, or tax documents that list the address of the subject property as the primary residence.
4. Exceptions for owner occupancy may be granted for up to two (2) years for temporary military or religious service, provided an on-site property manager is provided during the period of absence.

B. *Short-Term Rental Prohibited.* ADUs shall not be used as short-term rentals as defined in HCC 10-3-6. Rentals of fewer than 30 consecutive days are prohibited.

C. *No Separate Sale.* ADUs shall not be sold separately from the principal dwelling.

D. *Business License.* A business license shall be required if the ADU is rented for long-term occupancy. (Cross-reference: HCC 10-5-9 Permitted Uses; HCC 10-5-22 Zoning Compliance Review)

E. *Utilities.* ADUs shall connect to municipal water and sewer. Connections shall be made through the existing meters and service connections of the principal dwelling. Separate meters are optional and shall not require new road cuts or new lateral connections where existing connections are adequate.

F. *Emergency Access.* To ensure emergency access and delivery of public services to an ADU, the City shall:

1. Assign and record a unique street address;
2. Verify the street address is properly installed and plainly visible from one or more adjacent public or private rights-of-way;
3. Require an improved pedestrian path from the adjacent public or private right-of-way to the ADU;
4. If a fence encloses the property, ensure that pedestrian access from the adjacent public or private right-of-way is self-evident and unobstructed, except by a functional gate; and
5. If deemed necessary by emergency personnel, require installation and maintenance of directional signage and appropriate illumination of the pedestrian path.

G. *Impact Fees.* Impact fees shall be assessed in accordance with the adopted City Fee Schedule. Staff shall develop and bring to the City Council recommendations for impact fees applicable to ADUs, including fees for police, fire, and roads.

H. *Compliance with Title 10.* Unless otherwise specified within this chapter, all ADUs shall comply

with all applicable provisions of Title 10, including Chapters 10-34 (Accessory Buildings and Structures) and 10-29 (Supplementary and Qualifying Regulations).

10-36-6 Development Standards for Internal ADUs

- A. *Location.* Internal ADUs shall be located entirely within or attached to the principal single-family dwelling, including within a basement, attached garage conversion, or addition to the principal structure. Internal ADUs shall not be located in a detached accessory structure.
- B. *Maximum Floor Area.* The maximum floor area of an internal ADU shall not exceed fifty percent (50%) of the gross floor area of the principal dwelling, or 1,000 square feet, whichever is less.
- C. *Entrance.* Internal ADUs shall have a separate entrance from the principal dwelling, which may be located on the side or rear of the structure. A shared interior entrance between the principal dwelling and the internal ADU is permitted.
- D. *Design Standards.* Any addition to the principal dwelling to accommodate an internal ADU shall be constructed of materials and colors that complement the principal dwelling and shall comply with the architectural standards in HCC 10-29-45 and HCC 10-34-4.
- E. *Parking.* One (1) additional off-street parking space shall be provided for the internal ADU. Tandem parking is permitted. *(Cross-reference: HCC 10-24 Off-Street Parking)*
- F. *Height and Setbacks.* Internal ADUs shall comply with the height and setback requirements applicable to the principal dwelling in the applicable zoning district, as no separate structure is created.

10-36-7 Development Standards for Detached ADUs

- A. *Maximum Floor Area.* The maximum floor area of a detached ADU shall not exceed 1,000 square feet, excluding covered or enclosed square footage reserved for off-street parking. A detached ADU shall not be larger in floor area than the principal single-family dwelling on the same lot.
- B. *Height.* Detached ADUs shall not exceed twenty-five (25) feet in height.
- C. *Setbacks.*
 - 1. *Rear yard:* Ten (10) feet minimum.
 - 2. *Side yard:* Eight (8) feet minimum.
 - 3. *Corner lots:* Maintain a clear sight triangle per HCC 10-29-51.
 - 4. *Detached ADUs shall not be located within a public utility easement or other recorded easement.*
 - 5. *Detached ADUs shall not be located in the front-yard area of a lot or parcel.*
- D. *Design Standards.*

1. Detached ADUs shall be constructed of materials and colors that complement the principal dwelling.
2. Roof pitch shall be similar to that of the principal dwelling.
3. Window placement adjacent to adjoining properties may be permitted to provide light and air, but shall be designed to protect privacy in compliance with the following requirements:
 - a. Window placement within the first floor of a detached ADU may be permitted upon compliance with applicable building codes.
 - b. Window placement within the second floor, attic, or loft space of a detached ADU that has an exterior unobstructed view into an adjacent private residence or yard requires a minimum windowsill height of 6 feet, measured from the elevation of the corresponding floor plate.
4. Developmental or architectural deviations: The Planning Commission may approve deviations from one or more of the developmental or architectural standards provided in this chapter based on a finding that the proposed development provides compensating design features that mitigate any reasonably anticipated detrimental effects, as per the approval standards in HCC 10-5-10(E). (Cross-reference: HCC 10-5-10(E) Approval Standards; HCC 10-29-45 Single-Family Attached or Detached Dwelling Standards; HCC 10-34-4 Architectural Standards)

E. Parking.

1. Two (2) additional off-street parking spaces shall be provided for a detached ADU that is 650 square feet or larger.
2. One (1) additional off-street parking space shall be provided for a detached ADU that is smaller than 650 square feet.
3. Tandem parking is permitted.
4. When a detached garage is converted to a detached ADU, any parking spaces required for the principal dwelling that were located within the detached garage shall be replaced on-site. (Cross-reference: HCC 10-24 Off-Street Parking)

10-36-8 Dimensional Standards Summary Table for ADUs

The following table summarizes the key dimensional standards for each ADU type for quick reference. In the event of a conflict between this table and the text of this chapter, the text shall control.

<u>Standard</u>	<u>Internal ADU</u>	<u>Detached ADU</u>
<u>Minimum Lot Size</u>	<u>None (beyond principal dwelling requirement)</u>	<u>10,000 sq ft</u>
<u>Maximum Floor Area</u>	<u>Lesser of 50% of principal dwelling or 1,000 sq ft</u>	<u>1,000 sq ft (not to exceed principal dwelling size, excluding the garage)</u>

<u>Maximum Height</u>	<u>Per principal dwelling zoning standards</u>	<u>25 ft, or not taller than the primary structure.</u>
<u>Rear Yard Setback</u>	<u>Per principal dwelling zoning standards</u>	<u>10 ft</u>
<u>Side Yard Setback</u>	<u>Per principal dwelling zoning standards</u>	<u>8 ft</u>
<u>Parking (≥ 650 sq ft)</u>	<u>1 additional off-street space</u>	<u>2 additional off-street spaces</u>
<u>Parking (< 650 sq ft)</u>	<u>1 additional off-street space</u>	<u>1 additional off-street space</u>
<u>Short-Term Rental</u>	<u>Prohibited (< 30 days)</u>	<u>Prohibited (< 30 days)</u>
<u>Owner Occupancy</u>	<u>Required</u>	<u>Required</u>
<u>Separate Sale</u>	<u>Prohibited</u>	<u>Prohibited</u>

10-36-9 Conversion of Existing Accessory Structures to Detached ADUs

Existing accessory structures that do not meet current building or zoning standards for new detached ADUs may be converted only upon satisfaction of the following criteria:

A. Criteria for Approval.

1. Lawful Establishment. The structure was legally built in accordance with prior codes or approved permits before the adoption of this chapter.
2. Life-Safety Correction. All deficiencies necessary for safe habitation — including structural stability, egress, and fire safety — can be corrected without expanding the footprint or height beyond permitted limits.
3. No Increase in Nonconformity. Conversion does not worsen existing noncompliance with setbacks, lot coverage, or height.
4. Neighborhood Compatibility. The structure's location and design do not create unreasonable impacts on privacy, noise, or access.
5. Utility Feasibility. Adequate water, sewer, and power connections can be provided without adverse impacts.

B. Criteria for Denial.

1. The structure cannot be brought into compliance with minimum life-safety standards without substantial expansion.
2. Conversion would result in significant detrimental impacts, including but not limited to blocking emergency access or severe privacy intrusions.
3. Utilities or infrastructure cannot be reasonably provided.

C. Special Exception. If compliance cannot be achieved without minor expansion or modification,

the applicant may request a special exception from the Planning Commission, which may impose conditions to mitigate impacts.

D. *Nonconforming Structures — Grandfathering.* A pre-existing permitted building that exceeds the dimensional standards for an ADU (including an existing barn or pole barns) may be converted into an ADU under the nonconforming provisions of this chapter, provided that:

1. The structure was lawfully established before the adoption of this chapter;
2. The conversion does not increase the degree of nonconformity; and
3. The converted ADU meets all parking, owner-occupancy, utility, and operational standards of this chapter. (Cross-reference: HCC 10-34 Accessory Buildings and Structures)

10-36-10 Permitting

A. *Pre-Application Meeting.* Upon request, a property owner or authorized agent may schedule an optional pre-application meeting with the Planning Department to discuss the ADU permit process and applicable requirements.

B. *Permitted Use.* All ADUs shall be processed as a permitted use upon compliance with this chapter. No conditional use permit shall be required for an ADU located in a primarily residential zone.

C. *Building Permit.* A building permit shall be required for all ADUs. Proposed building plans shall comply with applicable building, fire, and health codes.

D. *Streamlined New-Construction Permitting.* An applicant may obtain a building permit for a single-family dwelling that includes an ADU as part of the same application, subject to:

1. Recording a Property Notice requiring owner occupancy with the Salt Lake County Recorder; and
2. Business license registration for all operable ADUs that are rented for long-term occupancy.

E. *Business License.* A business license shall be required if the ADU is rented for long-term occupancy. (Cross-reference: HCC 10-5-9 Permitted Uses; HCC 10-5-22 Zoning Compliance Review)

10-36-11 Demand Tracking

Under the direction of the Planning Director, city staff shall track and report to the City Council inquiries and applications from residents who:

- A. Request an ADU on a lot smaller than 10,000 square feet; and
- B. Request both an internal and a detached ADU on the same lot.

This data shall be used to inform future policy adjustments and amendments to this chapter as needed.

10-36-12 Severability

If any provision of this chapter is declared invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions, which shall continue in full force and effect.

10-36-13 Effective Date

This ordinance shall take effect upon publication as required by law.

In addition to the preceding ordinance, the following sections of Title 10 shall be amended under the direction of the City Recorder as follows:

- Section 10-3 Definitions shall be amended for consistency with the terms used and defined within Chapter 10-36:

Section 10-3-5 Definitions Generally

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Owner Occupant. For purposes of this chapter, the property owner is defined as the titleholder of the lot or parcel, or an immediate family member such as a parent, child, spouse, sibling, or grandchild, who occupies either the principal dwelling or the ADU as a primary residence.

Section 10-3-6 Land Use Categories Definitions

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory Dwelling Unit (ADU). A self-contained residential unit located on the same lot as a single-family dwelling, containing its own kitchen, bathroom, and sleeping facilities, and subordinate in size and use to the principal dwelling. ADUs are classified as either internal or detached, as defined below.

1. *Internal Accessory Dwelling Unit (IADU).* An ADU that is contained entirely within, or attached to, the principal single-family dwelling, including units created within a basement, garage conversion, or addition to the principal structure.
2. *Detached Accessory Dwelling Unit (DADU).* An ADU that is physically separated from the principal single-family dwelling and located on the same lot or parcel. This definition does not include ADUs that are internal or attached to the principal dwelling. (Cross-reference: HCC 10-3-5 "Accessory Building or Structure")

~~*Internal accessory dwelling unit* means a habitable living area located within a detached single-family dwelling which:~~

- ~~1. Is smaller than the main dwelling unit;~~
- ~~2. Has its own kitchen, living and sleeping areas, and sanitation facilities; and~~
- ~~3. Conforms to the requirements of this title.~~

- Chapter 10-16 Land Uses shall be amended for consistency with the permitted land uses identified within Chapter 10-36 (i.e., "Dwelling, single-family with detached or internal (not detached) accessory dwelling unit"):

Uses ¹	Zones																
	A-1-10	A-1-21	A-1-43	R-1-10	R-1-15	R-1-21	R-1-43	R-2-10	R-2-15	R-M	FR2	R C	O P	C-1	C-2	M-1	T-M
Residential																	C
Dwelling, single-family with internal or detached (not detached) accessory dwelling unit	P	P	P	P	P	P	P	P		P							

- Section 10-29-3 Internal Accessory Dwelling Units shall be deleted in its entirety;

10-29-26 Internal Dwelling Unit Regulation

~~In all residential and agricultural zones, unless a more restrictive standard has been adopted within this title, internal accessory dwelling units shall meet the following requirements:~~

- ~~A. Purpose. It is the purpose of this section to establish regulations that control the use and construction of internal accessory dwelling units; to encourage individuals to become and remain homeowners by allowing limited opportunities for rental income; to allow the provision of security or services to owner-occupants of the dwelling; to provide options for structures designed as single-family dwellings to meet the needs of owner-occupants at a variety of stages in their life cycle; and to protect the stability of neighborhoods.~~
- ~~B. Number of internal accessory dwelling units per parcel. An internal accessory dwelling unit (ADU) shall be allowed only on parcels containing a single-family dwelling with a lot size of 6,000 square feet or larger. No more than one internal ADU shall be allowed for a lot or parcel which also contains the single-family dwelling. An internal ADU shall not be allowed on a lot or within a dwelling unit that is part of an apartment building, dwelling group, or condominium project.~~
- ~~C. Occupancy. The property owner, which includes titleholders, must occupy either the primary or accessory dwelling unit as their permanent and principal residence in order to qualify for an ADU.~~
 - ~~1. As long as the owner occupies the main dwelling or the ADU, then the other unit is allowed to be rented under this ADU provision.~~
 - ~~2. The owner is permitted to have a separate seasonal residence, but during the time away from the permanent residence, the owner is not allowed to rent out their vacant permanent residential unit. For the purposes of this subsection (C), the term "seasonal residence" shall mean living in another location for up to four months in one calendar year.~~
 - ~~3. The property owner shall conform to the definition of the term "family occupancy" as described in HCC chapter 10-3.~~

4. ~~Neither the single-family dwelling nor the internal ADU may be used or licensed as a residential-vacation rental.~~
- D. ~~*Appearance.* The appearance of the dwelling shall remain that of a single-family residence and not be altered with the exception of required egress windows from bedrooms or installation of an outside entrance.~~
- E. ~~*Outside entrances.* The entrances to the internal ADU and main dwelling shall use existing entrances to the dwelling if possible. If a separate entrance is required to be installed to one of the units, it shall be by means of a door located on the side or rear of the building.~~
- F. ~~*Location.*~~
1. ~~An internal ADU shall be directly adjacent to the livable space of the main dwelling or above an existing attached garage, although garages are not classified as livable space.~~
2. ~~The term "directly adjacent" means the internal ADU and the livable space of the home shall only be separated by a shared wall or floor, except when above attached garages.~~
- G. ~~*Parking.*~~
1. ~~A single-family dwelling with an internal ADU shall have a minimum of four off-street parking spaces that meet the legal location and requirements for off-street parking for a single-family dwelling, and one additional off-street parking space in the front or side yard for the internal ADU, such as a side yard parking slab or widened driveway. When parking for an internal ADU is provided in the front yard, it shall not extend further in front of the home than the existing garage but shall be placed to the side of the home. Tandem parking (or parking a vehicle behind another) in the driveway that leads to legal parking for the main unit may also be the means of providing parking if the tandem parking does not extend over the property line and the public sidewalk.~~
2. ~~If an internal ADU reduces the required number of parking spaces for the residential use, such as the conversion of an attached garage into an internal ADU, additional parking spaces must be accommodated to meet the parking requirements of this title.~~
- H. ~~*Compliance with building codes.* The internal ADU shall comply with all applicable building, health, and fire codes with special attention for existing buildings given to providing the required emergency access from bedrooms.~~
- I. ~~*Business license required.* To ensure compliance with this Code, promote regular property maintenance, and report on moderate-income housing as required by Utah Code, the property owner must obtain an annual business license from the city before renting an internal ADU.~~

- Update all internal cross-references throughout Title 10 that cite "HCC 10-29-26" to cite instead "HCC 10-36."

No cross-references to HCC 10-29-26 exist outside of the section being deleted.