

HERRIMAN, UTAH
ORDINANCE NO. 2025-20

**AMENDING TITLE 10 OF HERRIMAN CITY CODE TO MODIFY DEFINITIONS
AND LAND USE REGULATIONS AFFILIATED WITH RETAINING WALLS**

WHEREAS, the City of Herriman, pursuant to Utah State Code, may adopt an ordinance to establish land development regulations (“Zoning”), which includes the adoption or amendment of the regulatory text or official map; and

WHEREAS, pursuant to Utah State Code, the Planning Commission (the “Commission”) shall prepare and recommend any Zoning amendments to the City Council (the “Council”); and

WHEREAS, pursuant to the City of Herriman Land Development Code, the Commission shall hold a public hearing and provide reasonable notice at least ten (10) days prior to the said public hearing to recommend any Zoning text amendments to the Council; and

WHEREAS, a notice of a Planning Commission public hearing on a Zoning text amendment was posted in three (3) public locations and mailed to affected entities on July 3, 2025, for a meeting to be held on July 16, 2025, at 7:00 p.m.; and

WHEREAS, the Commission voted 4-2 to recommend approval of the Zoning text amendment in a public meeting held on July 16, 2025, at 7:00 p.m. in the City Council Chamber; and

WHEREAS, pursuant to Herriman City Code, it is the responsibility of the Council to consider the Zoning text amendment and the Commission’s recommendation in a public meeting; and

WHEREAS, a City Council public meeting was held on September 10, 2025, at 7:00 p.m. to discuss the Zoning text amendment; and

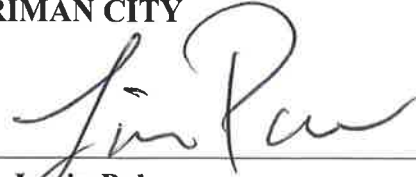
WHEREAS, the Council finds that it is in the best interest of the citizens of Herriman City to adopt the Zoning text amendment, which was recommended by the Planning Commission and documented in City File number Z2025-087;

NOW, THEREFORE, be it ordained by the Herriman City Council for approval to amend the Herriman City Land Development Code, Title 10, as described in Exhibit “A”.

This Ordinance assigned Ordinance No. 2025-20, 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 Recorder.

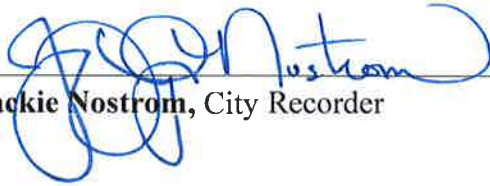
PASSED AND APPROVED this 10th day of September 2025.

HERRIMAN CITY



Mayor Lorin Palmer

ATTEST:



Jackie Nostrom, City Recorder



Herriman City

ORDINANCE NUMBER: **2025-20**

SHORT TITLE: ORDINANCE AMENDING TITLE 10 OF THE HERRIMAN CITY CODE
TO MODIFY DEFINITIONS AND LAND USE REGULATIONS AFFILIATED WITH
RETAINING WALLS

PASSAGE BY THE CITY COUNCIL OF HERRIMAN CITY ROLL CALL

NAME	MOTION	SECOND	FOR	AGAINST	OTHER
Lorin Palmer			X		
Terrah Anderson		X	X		
Jared Henderson	X		X		
Teddy Hodges					Absent
Sherrie Ohrn			X		
	TOTALS		4		1

This ordinance was passed by the City Council of Herriman City, Utah on the 10th day of September 2025, on a roll call vote as described above.

Exhibit "A"

The following text comprises excerpts from various sections of the Herriman City Code, providing context for the Ordinance. Only the text marked by an underline or strike-through shall be amended by the codifier.

Herriman City Code Title 10 Land Development Code

10-3-5: Definitions, Generally

Finished grade means (i) the ground surface elevation of the undisturbed natural topography, (ii) the elevation established through grading in accordance with a subdivision approval, or (iii) a grading permit approved by the City in a non-residential zone.

~~*Grade* means the lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between a building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building. ground surface elevation immediately adjoining the exterior wall of a building. Unless otherwise specified, "grade" shall mean the finished grade.~~

Grade plane means a reference plane representing the average of the lowest and highest points of elevation of the finished grade within the area between the building and (a) the lot line, where the lot line is located six (6) feet or less from the building, or (b) a point six (6) feet from the building, where the lot line is located more than six (6) feet from the building. The measurement shall exclude depressions caused by window wells, basement stairwells, or similar below-grade features, except for garages.

Height measurement means the established method for measuring building height, as described in See HCC 10-29-25.

~~*Height, building*, means the overall vertical distance above the lowest approved finish grade at any point on the perimeter of a building to the highest point of the coping of a flat roof, or to the highest point of the ridgeline of a pitched, hipped, or mansard roof. Finished grade shall be the ground elevation determined during final grading of the subdivision or natural (unmodified) grade of a property not in a subdivision, assuming that all grading, cuts, fills, or other man-made alterations are in compliance with City requirements. When uncertainty exists, the community development director, in consultation with the city engineer and planning director as necessary, will determine the finish grade such based upon best available information.~~

Height, fence, means the vertical distance from the ground to the top of a fence panel (portion of fence between the fence poles or supports). Fence height excludes minimal fence poles or supports that extend no higher than six inches above the fence panel.

Height, hub, when referring to a wind turbine, means the distance measured from ground level to the center of the turbine hub.

Height, total, when referring to a wind turbine, means the distance measured from ground level to the blade extended at its highest point.

Height, tower, when referring to a wind turbine, means the distance measured from ground level to the top of the tower, not including the blades.

Retaining wall means any structure designed to resist the lateral displacement of soil or other materials. Examples include block walls, rock walls (i.e., rockeries), concrete walls, and segmented walls. Retaining walls that have an unbalanced load of less than four (4) feet in height are generally considered landscaping elements. A retaining wall is not considered a fence.

Subdivision wall means a retaining wall or rockery installed during the initial grading of a subdivision. Subdivision walls shall be constructed as shown on grading plans approved by the City Engineer during final subdivision plat review and approval. Subdivision walls may cross lot lines and be installed along boundary lines in areas where the soil would not naturally retain itself, such as steep slopes with a horizontal-to-vertical ratio exceeding two-to-one (2:1), or near-vertical or vertical slopes.

Surcharge means an additional load or weight applied to the soil behind a retaining structure or excavation, beyond the weight of the retained soil itself. Examples of surcharges, or additional loads beyond the self-weight of soil, include stockpiled materials, traffic on roadways, nearby structures, and construction equipment, all of which can increase lateral earth pressure and necessitate reinforced engineering solutions.

10-29-25 Height Measurement, Exceptions, and Limitations

A. Height measurement.

- ~~1. Except as provided in subsection (A)(2) of this section, allowable height shall be the vertical distance from finished grade to the highest point of the building or structure.~~
- ~~2. For sloped lots or buildings with varied floor elevations, the height of a building shall be the vertical distance from the average elevation of the ground under the building to the allowed number of feet above and parallel to the finished grade. The average level of ground shall be determined by adding the elevation of the highest and lowest foundation points of the building and dividing by two (the midpoint of foundation).~~
1. Building height shall be measured vertically from the established grade plane to the highest point of the building or structure.
 - a. Where a rooftop is utilized as usable floor space, such as an uncovered rooftop deck or patio, the highest point shall be measured to the top of a parapet wall, guardrail, or the highest point of the building elevation.
 - b. The following structures shall not be included in determining building height: penthouses and roof structures for elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain a building; fire or parapet walls; skylights; towers; steeples; flagpoles; chimneys; smokestacks; water tanks; wireless or television masts; theater lofts; silos; and similar structures.

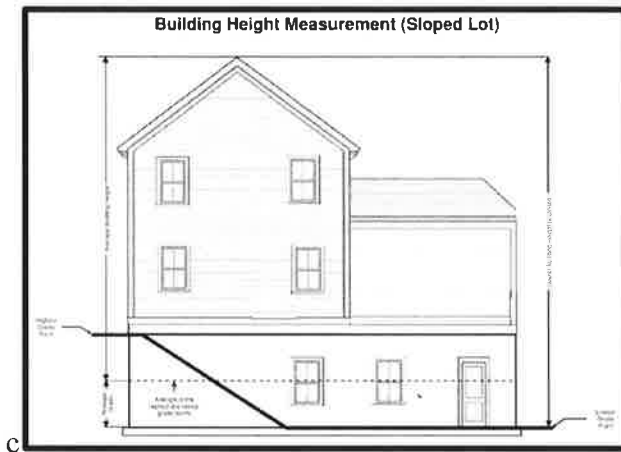
B. Height exceptions. The following may be erected above the height limits prescribed in this title:

- ~~1. Penthouse and roof structures for elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain a building; and~~
- ~~2. Fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos, and similar structures.~~

C. Height limitations.

- ~~1. No space above the height limits prescribed in this title shall be allowed for the purpose of providing additional floor space.~~

2. ~~The height limits prescribed in this title shall not be exceeded in any area governed by airport height provisions.~~
2. On sloped lots or buildings with varied floor elevations:
 - a. On sloped lots, the height of each building façade shall be measured as the average of the vertical distance between finished grade and the highest point of the building along that façade. For the purpose of calculating the overall building height, the average height shall be determined by averaging the heights of all sides of the building. Example: If the highest grade point along the front façade results in a height of 25 feet and the lowest grade point results in a height of 35 feet, the average height of that façade shall be 30 feet. The overall building height shall then be calculated as the average of the façade heights on all sides of the building.

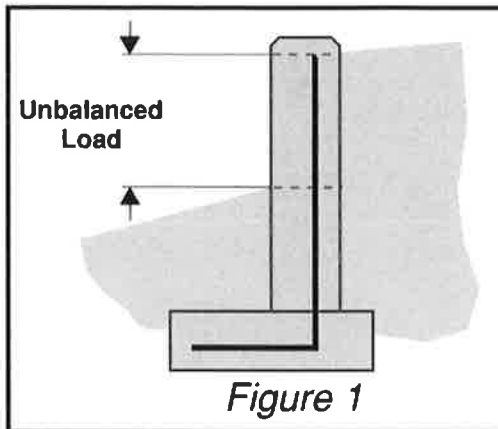


- b. No single façade shall exceed 125% of the maximum height permitted in the zone, even if the average height complies with the overall limit.
- B. Unless an administrative interpretation permits or requires additional building elevation measurements due to unusual or atypical architectural design, an applicant shall provide four (4) building elevation measurements, one (1) for each building elevation.
- C. Where uncertainty exists regarding finished grade or grade plane, the Community Development Director shall establish the proper measurement based on the best available information.
- D. Agricultural structures. Agricultural structures may have less than one story.

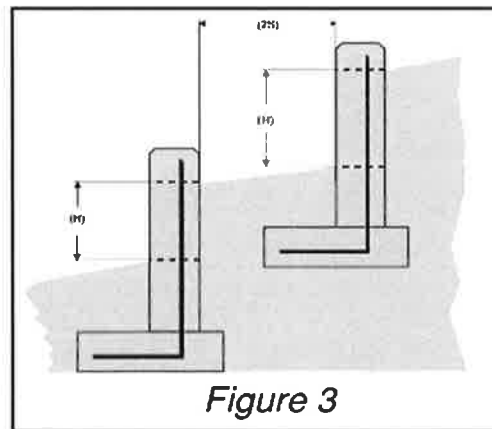
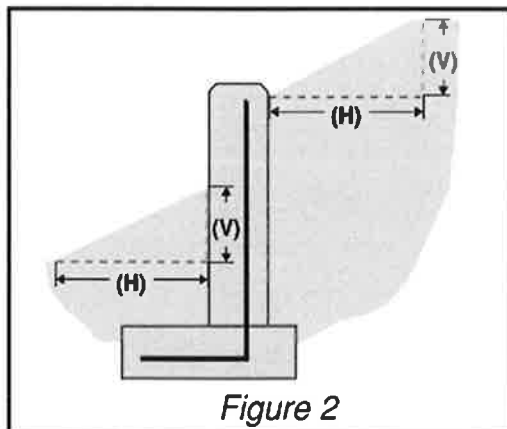
10-29-53 RETAINING WALLS

- A. Purpose: It is the purpose of this section to establish regulations that control the use, permitting, and construction of retaining walls in a manner that provides erosion control, slope stability, site drainage, and mitigates secondary impacts to adjacent properties.
- B. Applicability: This section applies to all "retaining walls" and "subdivision walls," as defined in section 10-3-5 of this title.
- C. Permits: Applications shall be processed and issued in accordance with building permit procedures and applicable provisions of this section. Building permit review fees will be assessed and collected upon the submittal of the building permit application.
 1. Building Permit Required: Except as otherwise provided in subsection E, all retaining walls with an unbalanced load of four (4) feet or greater require a building permit prior to construction or alteration (see Figure 1). Retaining walls with an unbalanced load of less than

four (4) feet that are subject to a surcharge require a building permit. Any retaining wall, or portion thereof, located within a public utility easement shall satisfy all requirements outlined in §10-29-19 of this title.



2. Building Permit Exemptions: Retaining walls that retain less than four (4) feet of unbalanced fill (see Figure 1) and meet the criteria outlined below do not require a building permit. However, any retaining wall that supports a surcharge or requires engineering design, as specified in Section R404.4 (Retaining Walls) of the International Residential Code (IRC), requires a building permit.
 - a. The front and back slopes of a retaining wall shall not be steeper than a horizontal-to-vertical ratio exceeding two-to-one (2H:1V). See Figure 2.
 - b. Tiered retaining walls with an unbalanced load of less than four feet (4') per wall, and have front and back slopes from each wall no steeper than or equal to a horizontal-to-vertical ratio exceeding two-to-one (2H:1V), and have a horizontal separation that is twice the height of the unbalanced load (2S:1H). See Figure 3.

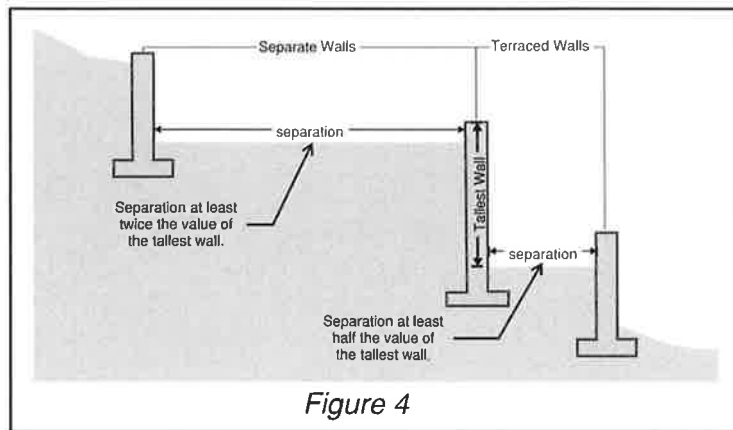


- c. A building permit shall be required if the horizontal spacing of the retaining wall is less than 2S:1H or in any instance where a surcharge cannot be mitigated through the horizontal spacing of a retaining wall.
- d. A retaining wall with an unbalanced load of less than four (4) feet located within a public utility easement shall satisfy all requirements outlined in §10-29-19 of this title.

- D. Location: Retaining walls with an unbalanced load of four (4) feet or greater shall not be placed in the following areas:
1. Within a public utility easement (PUE) located along the front boundary line, or a rear or exterior side boundary line adjacent to a street.
 2. Within a PUE located along the rear or an interior lot line without satisfying all requirements outlined in §10-29-19 of this title, and approved by the city engineer.
 3. Within five (5) feet of a rear or interior lot line unless approved as part of a subdivision wall.
 4. No portion of a retaining wall, including the footings and anchors, shall encroach into an adjacent property without the written consent of the adjacent property owner.
- E. Height: For the purposes of this subsection, the height of a retaining wall, excluding rockeries, is measured as the exposed height (H) of the wall. The height of a rockery is measured from the bottom of the footing, or base stone, to the top of the wall. If a retaining wall has a varying height along its length, the height is the largest value of the measured height along the length of the wall.
1. Residential, Forestry Recreation, and Agricultural Zones
 - a. A single retaining wall shall not exceed ten (10) feet in height.
 - b. Within the front or corner yard setback areas facing a street, each retaining wall shall not exceed four (4) feet in height.
 - c. Terracing of retaining walls is permitted, but the combined height of all walls shall not exceed eighteen (18) feet. Walls with a separation distance of at least twice the height of the tallest wall, measured from face of wall to face of wall, shall be considered as separate walls. Within a terraced retaining wall group, a minimum horizontal separation of at least half the height of the tallest wall within the group is required. The horizontal separation is measured from the back of the lower wall to the face of the higher wall. See figure 4.
 - d. When a grade change of four (4) feet or greater is created by a proposed retaining wall along the boundary of the subject property, fencing with a minimum height of three (3) feet shall be installed along the boundary of the property where a grade change of four (4) feet or more occurs.
 - e. Tiered wall terraces shall incorporate a minimum of five (5) shrubs per twenty (20) linear feet or live plant material that provides 50 percent ground cover at maturity. Drip irrigation shall be used, where applicable, to minimize erosion and maintain landscaping.
 2. All other zones
 - a. A single retaining wall shall not exceed ten (10) feet in height, unless specifically modified within an approved planned unit development or master development agreement.
 - b. Terracing of retaining walls is permitted, but the combined height of all walls shall not exceed eighteen (18) feet. Walls with a separation distance of at least two times the height

of the tallest wall, measured from face of wall to face of wall, shall be considered as separate walls. Within a terrace retaining wall group, a minimum horizontal separation of at least half the height of the tallest wall in the group is required. Horizontal separation is measured from the back of the lower wall to the face of the higher wall. See figure 4.

- c. When a grade change of four (4) feet or greater is created by a proposed retaining wall along the boundary of the subject property, fencing with a minimum height of three (3) feet shall be installed along the boundary of the property where a grade change of four (4) feet or more occurs.
- d. Tiered wall terraces shall incorporate a minimum of five (5) shrubs per twenty (20) linear feet or live plant material which provides 50 percent ground cover at maturity. Drip irrigation shall be used when applicable to minimize erosion and maintain landscaping.



- F. Height and Location Exceptions: An exception may be granted by the City Engineer to place a retaining wall within five (5) feet of a property line, or in a front or side yard public utility easement, if the following conditions are met:
1. The proposed retaining wall will restrain existing slopes along the boundaries of the site, excluding front and side boundary lines adjacent to a street, that exceed a 3:1 slope and cannot be naturally stabilized.
 2. To secure a cut or retain soil to accommodate vehicular access or for the construction of a home or detached structure.
 3. The unbalanced load of the retaining wall placed within five (5) feet of the property line does not exceed four (4) feet. However, the city engineer may grant an exception to the unbalanced load maximum when:
 - a. The slope along the boundary line cannot be retained in a single lift or cut of four (4) feet or less;
 - b. Tiering would eliminate the side or rear yard and leave the property owner with a strip of unusable yard space that is less than five (5) feet; or
 - c. The site is constrained in a manner that is not conducive to tiering due to topography or an adjoining use.

4. Placement of retaining wall shall not negatively impact any adjacent properties by limiting the construction or placement of structures, parking areas, site work, landscaping, etc., or create an unsafe environment that cannot be mitigated through requirements outlined in this chapter.
 5. Retaining walls constructed in a Hillside Overlay Zone shall comply with all regulations of this section and the requirements outlined in §10-15(B) of this Title.
 6. Rock walls, or rockeries, are not eligible for height exceptions.
- G. Subdivision Walls: A retaining wall or rockery installed during the initial grading and development of a subdivision. Submittals for subdivision walls shall occur at the time the pre-liminary plat is submitted for the subdivision. Subdivision walls shall be reviewed and approved by city staff prior to the recordation of the final plat.
1. Subdivision walls are exempt from subsections F and I of this chapter but are subject to the following requirements:
 - a. Rockeries shall not exceed an unbalanced load greater than nine (9) feet. Rockeries used to restrain lifts or cuts greater than nine (9) feet in height shall be tiered with a minimum horizontal separation of 2H:1V.
 - b. Block, concrete, or segmented retaining walls shall not exceed a height of 20 feet in a single lift. Retaining walls exceeding the height of 20 feet shall be tiered. However, the city engineer may grant additional height when necessary to minimize the width of a dedicated public or private right-of-way.
 - c. Block, concrete, or segmented retaining walls greater than nine (9) feet in height shall incorporate design features such as color bands, curves, and decorative top caps.
- H. Engineering Design Required:
1. All retaining walls that retain an unbalanced load of four (4) feet or greater are required to obtain a building permit.
 2. All retaining walls with an unbalanced load of four (4) feet or less, which hold a surcharge such as parking areas and footings, are required to obtain a building permit.
 3. Plans shall be designed by a geotechnical engineer licensed by the state of Utah.
 4. Plans submitted must be stamped by the design engineer.
- I. Submittals: The following documents and calculations prepared by a licensed engineer of the state of Utah shall be submitted with each retaining wall building permit application:
1. Profile drawings if the retaining wall is longer than fifty (50) linear feet, with the base elevation, exposed base elevation, and top of wall labeled at the ends of the wall and every fifty (50) linear feet or change in grade;
 2. Cross-sectional drawings, including surface grades and structures located in front of and behind the retaining wall, for a distance equivalent to three (3) times the height of the wall, and if the wall is supporting a slope, then the cross section shall include the entire slope plus surface

grades and structures within a horizontal distance equivalent to one times the height of the slope;

3. A site plan showing the location of the retaining walls with the base elevation, exposed base elevation, and top of wall labeled at the ends of the wall and every fifty (50) linear feet or change in grade;
4. Material strength parameters used in the design of the retaining wall, substantiated with laboratory testing of the materials as follows:
 - a. For soils, this may include, but is not limited to, unit weights, direct shear tests, triaxial shear tests, and unconfined compression tests;
 - b. If laboratory testing was conducted using off-site soils in the area, the results of the testing with similar soil classification testing must be submitted;
 - c. For segmented block walls, the manufacturer's test data for the wall facing, soil reinforcement, and connection parameters shall be submitted in an appendix;
 - d. Minimum laboratory submittal requirements are the unit weight of retained soils, gradation for cohesionless soils, Atterberg limits for cohesive soils, and shear test data;
 - e. Soil classification testing shall be submitted for all direct shear or triaxial shear tests;
 - f. If a Proctor is completed, classification testing shall be submitted with the Proctor result; and
 - g. Laboratory testing shall be completed in accordance with applicable American Society for Testing and Materials (ASTM) standards.
- J. Inspections and Final Report: The design engineer shall conduct all necessary inspections for final approval and acceptance of the retaining wall upon completion of construction. A final report from the engineer shall confirm that the retaining wall was constructed in accordance with the submitted design. The report shall include details of each required wall inspection. All pertinent compaction testing results shall be included in the final report.
- K. Maintenance: It shall be the property owner's responsibility to maintain all retaining walls on their property in a manner that preserves the structural integrity, safety, drainage, and appearance of the retaining walls.