



PLANNING COMMISSION STAFF EVALUATION – FIRST REVIEW

APPLICATION NO: 25-015A
APPLICANT: Hyrum City
PROPERTY OWNER: NA
PROPERTY ADDRESS: NA
PARCEL NUMBER: NA
PARCEL AREA: NA
ZONE: NA
DATE: April 7, 2025

PLANNING COMMISSION MEETING: April 10, 2025
PLANNING COMMISSION ROLE: Recommending Body to City Council
APPLICATION TYPE: Amend Hyrum City Code – Legislative

NATURE OF REQUEST: Petition to amend Hyrum City Code Title 17 Zoning, Chapter 70 Fence Regulations to establish fence and wall types and height standards.

OVERVIEW: Staff received input from a Hyrum City citizen who expressed concern with retaining walls and the unregulated fence heights in the fence ordinance, specifically in residential neighborhoods. Staff has reviewed and considered the citizens input, and staff responded by amending and including language in the fence ordinance that will better serve fencing in residential neighborhoods.

STAFF COMMENTS:

Planning and Zoning:

1. Support the amendment for fences and retaining walls may be installed or allowed as limited or exempted for fence and wall types and height standards.
2. International Residential Code R105.2, Permits shall not be required for retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
3. Corner and Interior Lot Limits

Cache County Building Department:

1. Permits shall not be required for retaining walls retaining less than 4 feet (1219mm) of unbalanced fill, unless supporting a surcharge or requiring design per Section R404.4.

Engineering:

1. No comments.

Fire Department:

1. No comments.

Parks:

1. Supports 7' height regulation.

Power Department:

1. Include an exemption for public infrastructure protection and security fences.

Water & Roads:

1. Include an exemption for public infrastructure protection and security fences.

Water Reclamation:

1. No comments.

PLANNING COMMISSION RESPONSIBILITY:

1. The Planning Commission hold the required public hearing.
2. The Planning Commission have a thorough discussion on the draft language, and recommends approval, approval with modification, disapproval, or request additional information to make a recommendation to the City Council.

STAFF RECOMMENDATIONS:

1. Support the proposed amendment.
2. If needed, the Planning Commission continue to another meeting to finalize details.

STIPULATIONS:

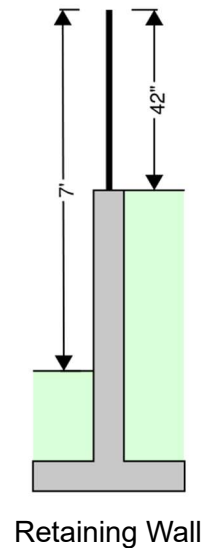
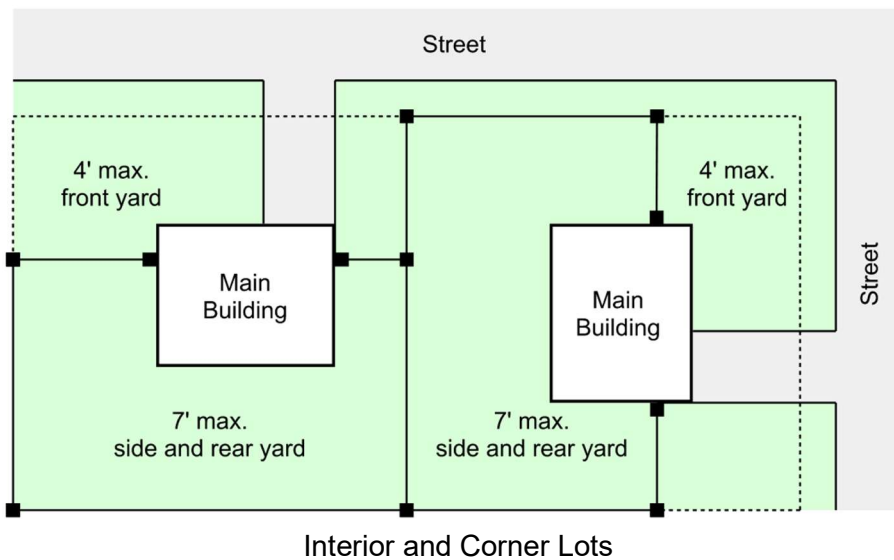
1. This amendment is initiated by a Hyrum City Citizen and submitted by Hyrum City.

FINDINGS OF FACT:

1. The Public Hearing was noticed per Utah Code and City Code.
2. A legislative body may not make any amendment authorized by this section unless the legislative body first submits the amendment to the planning commission for the planning commission's recommendation.

ATTACHMENTS:

1. Draft Amendment.
2. Informative exhibit for interior and corner lot fence heights and retaining wall:



17.70.010 Definitions

The following terms used in this title shall have the respective meanings hereinafter set forth.

Fence - A tangible barrier or obstruction, with the purpose, intent, or effect of obstructing passage or view across an area constructed of materials that includes but is not limited to; wooden posts, wire, iron, aluminum, vinyl, shrubs, bushes, hedges, walls, concrete wall without surcharge, chain-link, rails, and any other material used as a boundary, means of protection, privacy screening, enclosure, or confinement.

Opacity – The measure of which an object restricts clear vision or passage of light.

Opaque Fence - Any fence, including any gates, that obstructs light or direct vision through a significant portion of the fence including posts. Examples include vinyl, wood, slats, concrete, brick, and blocks. Multiple fences, including plantings, that in a combined effect obstruct light or vision may be considered an opaque fence.

Public Trail - A corridor of property designated by the City for the purposes of non-motorized transportation, such as hiking, walking, jogging, running, horseback riding, cycling, or other similar uses, including any future trails identified in an official document of the City.

Retaining Wall – Any manmade structure built out of rock, block, wood, or other similar material to hold back soil or earth allowing for different levels of ground to be created or maintained.

Transparent/Open Fences - A fence, including any gates, that permits direct vision through any one section/panel fence including post. Examples include chain link, hog wire, metal rod, and some post and rail fences. Transparent fences shall have a maximum opacity of twenty-five (25) percent.

HISTORY

Approved by Ord. 24-12 on 11/21/2024

17.70.020 General Requirements

Fences and Retaining Walls may be installed or allowed as limited or exempted herein:

A. Fence Permit and Building Permit Required:

1. The Zoning Administrator or designee shall have the authority to review a Fence Permit application and grant zoning clearances for all fences and retaining walls.
2. Any fence over three feet (3') in height shall require a Fence Permit, if over seven feet (7') in height shall require an accompanying Building Permit and shall be properly engineered with the plans stamped by a certified engineer.
3. Any retaining wall over four feet (4') in height as measured from the bottom of the footing to the top of the wall or supporting a surcharge shall require a Building Permit and shall be properly engineered with plans stamped by a certified engineer.
4. Any fence installed on top of a retaining wall shall require a Building Permit and shall be properly engineered with the plans stamped by a certified engineer.

5. A Fence Permit shall be valid for one (1) year from the day it is issued.
6. The applicant may appeal a denied fence permit as defined in HCC 17.16 Appeals.
7. Any new fence or the reconstruction of an existing fence is subject to the requirements of this Chapter.

B. Fences on Interior Lots:

1. In the required front yard setback, fences shall be limited to four feet (4') in height. A property owner may install a fence limited to seven feet (7') in height in the required front yard abutting a common property line that is the back yard of an adjoining property.
2. In the required side and rear yard setback, and that portion between the front plane of the main building and the front yard setback, fences shall be limited to seven feet (7') in height.

C. Fences on Corner Lots:

1. In the required front yard setback, fences shall be limited to four feet (4') in height. A property owner may install a fence limited to seven feet (7') in height in the required front yard setback abutting a common property line that is the back yard of an adjoining property.
2. In the required side and rear yard setbacks, and that portion between the front plan of the main building and the front yard setback, fences shall be limited to seven feet (7') in height. The street facing side and rear yards which back onto front yards of adjoining lots, fences shall be limited to seven feet (7') in height.

D. Public Utility and Irrigation Access and Protections:

1. All public utility meters and structures shall be accessible from the public right of way.
2. Water meters and irrigation shutoff valves require a minimum of three feet (3') by six feet (6') unobstructed maintenance area.
3. Power pedestals and transformers require a minimum of three feet (3') unobstructed maintenance zone.
4. Any fence or retaining wall along any irrigation ditch, canal, weir, headgate, or other irrigation structure shall be approved by the water master of the respective irrigation company.

E. Fences and Retaining Walls are further limited as follows:

1. Fences shall be installed one foot (1') behind the sidewalk or the anticipated location of a sidewalk when a sidewalk is not present.
2. Fences shall be contained within a property boundary.
3. Fence height shall be measured from the lowest surface of the land.
4. Fences installed adjacent to a street shall have the finished side facing the street.
5. Fences shall be constructed according to local building codes and consist of durable industry standard materials include cedar, douglas fir, redwood, or pressure-treated wood products; Vinyl (Polyvinyl chloride); natural boulder,

rock or stone; cast in place or precast concrete; wrought iron, welded wire mesh or galvanized chain link.

6. Fences that shall not be permitted include stacked refuse or discarded debris, manufactured wood pallets, chipboard, particle board, or plywood.
7. Where a fence is installed on top of a retaining wall the combined retaining wall and fence shall be limited to seven feet (7') in height, measured from the lower side of the retaining wall, but nothing herein contained shall be construed to restrict the fence on top of retaining wall to be less than forty-two inches (42") in height measured from the top of the land on the side of the retaining wall having the highest ground elevation.
8. Gates in rear or side yards shall be subject to driveway distance requirements in respect to distances from property lines and road intersections.
9. Gates that adjoin the public right of way or public utility easements shall open inwards towards the private property.
10. Gates in rear yards shall provide a minimum width of four feet (4') wide for emergency access.

F. Exemptions:

1. Fences may be approved by the Zoning Administrator or designee for the following conditions:
 - a. Protect, secure or screen site construction with an active demolition permit, building permit, special event permit or other similar type of permit.
 - b. Protect, secure or screen an attractive nuisance or unsafe property.
 - c. Protect, secure or screen a public utility or facility (i.e. electrical substations, park facilities, public works facilities, solid waste facilities, water tanks, water treatment plants, etc.).
2. The City Council may grant an exception through a conditional or permitted site plan approval surrounding commercial or manufacturing uses, schools, swimming pools, basketball and tennis courts, or where the normal use or level of protection requires a greater fence height and fence type for safety or other reasons.

A.—A zoning clearance is required to build a fence:

- 1.—The Zoning Administrator, or their designee, shall have the authority to review applications and grant permits for fences:
- 2.—A fence permit shall be valid for one (1) year from the day it is issued:
- 3.—The applicant may appeal a denied permit as defined in HCC 17.16 Appeals:
- 4.—Any new fence or the reconstruction of an existing fence is subject to the requirements of this Section:

B.—All utility meters must be readily accessible in an unfenced area of the front or side yard including the following restrictions:

- 1.—Utilities not owned by the City are subject to this requirement.
 - 2.—Water or irrigation meters not located within the park strip. Water and irrigation meters are required to have a three (3) foot wide by six (6) foot long work zone adjacent to the meter barrel that is parallel to the sidewalk.
 - 3.—Temporary meters for construction or short-term purposes.
 - 4.—Gates do not qualify for an accessible, unfenced area.
- G.—Fence heights are subject to building code requirements of the current building code accepted by State Code.
- D.—Front Yards: No fence shall be erected in any front yard setback area to a height in excess of four feet (4') and shall be of transparent construction within twenty (20) feet of a driveway;
- 1.—Lots fronting on two city streets shall meet the front yard requirements along both frontages. Fences along a street frontage that is not the front of the house may be taller than four (4) feet where it does not conflict with sight restrictions listed in the Hyrum City Code.
 - 2.—Where a lot has no vehicular access adjacent to a street as restricted by plat or deed, the City may deem this as a rear yard. Fences along a frontage that is not restricted may still be subject to the front yard requirements.
 - 3.—Where vertical utility features such as pedestals and transformers are installed, the fence is not allowed to be constructed within three (3) feet of the base of the feature.
- E.—Rear and side yards: No fence shall be erected or maintained in any side or rear yard to a height in excess of seven feet (7') without a building permit and shall be subject to the limitations identified herein for fences bordering Public Trails, corner lots, and adjacent to streets.
- F.—Under no circumstances shall a fence, structure, or landscaping element interfere with property address identification. Landscaping elements exclude varieties of trees approved by the Zoning Administrator. Any conflicts between this Chapter and other portions or provisions of the HCC shall be governed by the more restrictive or limiting provision.
- G.—The height of the fence shall be measured from the lowest adjacent ground.
Example: a fence on top of a retaining wall.
- H.—Fencing types and materials may be combined so long as they do not exceed four feet (4') in height or exceed the transparency requirements.
- I.—Fences installed adjacent to a street shall have the finished side facing the street. All gates that adjoin public property or public easements shall open inward toward the property owner's yard.

- ~~J.—Fences shall not be built within one foot (1) of a sidewalk or the anticipated location of a future sidewalk.~~
- ~~K.—All rear yards shall provide gate access for emergency purposes, which access shall be at least four feet wide.~~
- ~~L.—Gates in rear or side yards shall be subject to driveway distance requirements in respect to distances from property lines and road intersections.~~

HISTORY

Approved by Ord. [24-12](#) on 11/21/2024

17.70.030 Corner Lots And Clear View Triangles

A clear view triangle at all intersections shall be kept clear of obstructions significantly limiting the sight of drivers. This triangle shall be measured having two legs of forty feet and the area contained between them, measured from the intersection of the right-of-way lines or the projection of the right of way lines as determined by the City Engineer.

- A. Fences or other objects in excess of four feet (4') shall not be placed on any corner lot within a clear view triangle.
- B. Landscaping including berms, plantings and trees, except trees pruned appropriately to permit automobile drivers an unobstructed view are also restricted in this area. The lowest
- C. limb or foliage shall not obstruct view under eight (8) feet as measured from the adjacent ground or the roadway, whichever is higher in elevation.
- D. For driveways and fences along city trails, this triangle may be reduced to a distance of twenty (20) feet back from the intersection of driveway and sidewalk, or driveway and property line where no sidewalk exists.

HISTORY

Approved by Ord. [24-12](#) on 11/21/2024