



Memorandum

To: Mayor and City Council

From: Tony Ekins, City Planner

Date: August 1, 2025

Subject: Ordinance 25-06 – An ordinance amending Sections 17.70.010, and 17.70.020 of Title 17 (the Zoning Ordinance) of Hyrum City Municipal Code to define retaining walls, establish retaining wall requirements, establish maximum fence height and location requirements, and restructure general requirements. Application 25-015A

Application Summary:

Staff received input from a citizen who expressed concern with retaining walls and unregulated fence heights. Staff responded to the citizens input by providing additional language to define retaining walls, establish retaining wall requirements, establish maximum fence height and location requirements, and restructure general requirements.

Planning Commission Recommendation:

- On April 10, 2025, the Planning Commission held a public hearing to consider the amendment request. The Planning Commission returned the proposed draft ordinance to staff and requested the ordinance identify accessory fences within the interior of property, and address retaining walls placed upon public utility easements.
- On May 8, 2025, the Hyrum City Planning Commission recommended approval of the amendment to the City Council (5-0 Vote) provided staff identify incompatible uses and form an exemption for Planned Unit Developments and mixed-uses.

City Council Recommendation:

- On June 16, 2025, the Hyrum City Council reviewed the proposed ordinance and recommended not to approve the ordinance amendment while staff clarifies and makes certain clarifications to the proposed ordinance and return to Council July 17, 2025.
- On July 17, 2025, the Hyrum City Council reviewed the ordinance and recommend staff clarify grammar in the text and return to the Council on August 7, 2025.

City Council Meeting Details:

- Meeting Date: August 7, 2025
- Council Role: Legislative

Attachments:

1. Prepared Ordinance

ORDINANCE 25-06

WHEREAS, on January 6, 1994, the Hyrum City Council passed and posted an ordinance adopting the "Hyrum City Municipal Code", a recodification of municipal ordinances encompassing the "Revised Ordinances of Hyrum City" and ordinances adopted through July 15, 1993; and

WHEREAS, Title 17 of the Hyrum City Municipal Code is known as the Zoning Ordinance of Hyrum City and sets forth regulations governing land use within the municipal limits; and

WHEREAS, Section 17.04.040 allows Title 17 of the Hyrum City Municipal Code, the Zoning Ordinance, to be amended by the City Council following fourteen days' notice and a public hearing; and

WHEREAS, the City Council has determined there is a need to amend Title 17 to further clarify those regulations governing zoning and other regulations controlling land use and development within Hyrum City.

NOW THEREFORE, upon recommendation of the Planning Commission and following a public hearing as required by Section 17.04.040, the Hyrum City Council hereby adopts, passes, and publishes the following:

AN ORDINANCE AMENDING SECTIONS 17.70.010, AND 17.70.020 OF TITLE 17 (THE ZONING ORDINANCE) OF THE HYRUM CITY MUNICIPAL CODE TO DEFINE RETAINING WALLS, ESTABLISH RETAINING WALL REQUIREMENTS, ESTABLISH MAXIMUM FENCE HEIGHT AND LOCATION REQUIREMENTS, AND RESTRUCTURE GENERAL REQUIREMENTS.

1. Section 17.70.010 Definitions of the Hyrum City Municipal Code is hereby added to read as follows:

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, 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.

2. Section 17.70.020 General Requirements of the Hyrum City Municipal Code is hereby added to read as follows:

17.70.020 General Requirements

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

A. Fence and Retaining Wall Permit and Building Permit Required:

1. The Zoning Administrator or designee shall have the authority to review a fence and retaining wall permit application and grant zoning clearances for all fences and retaining walls.
2. Any fence over three feet (3') in height from the top of the land shall require a fence and retaining wall permit. An accompanying building permit and engineering plans prepared by a certified engineer if required by current state building code.
3. Any retaining wall shall require a fence and retaining wall permit, building permit, and engineering plans prepared by a certified engineer if required by current state building code.

4. Any fence installed on top of a retaining wall shall require a fence and retaining wall permit. An accompanying building permit and engineering plans prepared by a certified engineer if required by current state building code.
5. A fence and retaining wall 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.
8. Any fence that is an accessory to the interior of the lot, including but not limited to raising and keeping of animals or garden fences that do not exceed the maximum fence heights in this section for interior and corner lots are exempt from obtaining a fence permit.

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 plane 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 non-combustible material and shall be approved by the president of the respective irrigation company. Fences or retaining walls shall not obstruct passage or access for cleaning for maintenance purposes.
5. Retaining walls shall not be placed upon a public utility easement unless the City Engineer determines the retaining wall will not unreasonably interfere with the public utility easement and approves the retaining wall in writing.

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

1. Fences shall be installed at the property line but shall not be installed closer than one foot (1') from a sidewalk, where present.
2. Fences and retaining walls, including footings, 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, plywood, or razor wire.
7. Where a fence is installed on or at the top of a retaining wall:
 - a. The code calculated height of the fence shall be measured from a point half way between the top of the retaining wall and the land on the lower side of the retaining wall.
 - b. The height of the fence component shall not be less than three feet six inches (3'-6") from the grade on the retained side of the wall if the retained height is greater than 30 inches. Fence height limits as noted in this code apply and may impact the total height of the wall. (i.e. 4' retaining wall + 4' fence = fence height of 6' - Allowed; 4' retaining wall + 6' fence = fence height of 8' - Not allowed, exceeds 7'.).

- c. The Planning Commission may consider an exemption where the normal use or level of protection requires a greater fence in height for safety purposes.
- 8. Gates accessing 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. Exceptions:

- 1. Fences may be approved by the Zoning Administrator or designee for the following conditions:
 - a. Protect, secure or screen temporary site construction with an active demolition permit, building permit, special event permit or other similar type of permit.
 - b. Protect, secure or screen a nuisance, hazard, or unsafe property on a temporary basis until the nuisance or hazard has been mitigated.
 - 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 or sports courts, or where the normal use or level of protection requires a greater fence height and fence type.

~~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.~~
- ~~C. 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.~~

EFFECTIVE DATE. This ordinance shall become effective upon posting three (3) copies in three (3) public places within Hyrum City.

ADOPTION. This ordinance is hereby adopted and passed by the Hyrum City Council this 7th day of August, 2025.

HYRUM CITY

BY: _____
Stephanie Miller
Mayor

ATTEST:

Stephanie Fricke
City Recorder