

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 INCOMPATIBLE USE AND RETAINING WALLS, ESTABLISH FENCE REQUIREMENTS BETWEEN INCOMPATIBLE USES, 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, concrete wall without surcharge, chain-link, rails, and any

other material used as a boundary, means of protection, privacy screening, enclosure, or confinement.

Incompatible Use - Land uses that, when located in close proximity, can negatively impact each other or the surrounding properties. Incompatible uses include but are not limited to uses that disrupt the intended function or character of a specific area or zone.

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, if over seven feet (7') in height shall require an accompanying building permit and shall be properly engineered with the design plans and a site plan with slope/grades defined and stamped by a certified engineer.

3. Any retaining wall over three feet (3') in height from the top of the land shall require a fence and retaining wall permit, if 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 an accompanying building permit and shall be properly engineered with the design plans and a site plan with slope/grades defined and stamped by a certified engineer.
4. Any fence installed on top of a retaining wall shall require a fence and retaining wall permit and shall require an accompanying building permit and shall be properly engineered with the plans stamped by a certified engineer.
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 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.
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 approve the retaining wall in writing.

E. Fencing Between Incompatible Uses and Zones:

1. Whenever a lot is developed or change of use is applied that is abutting a use or zone that is different than a use located on an abutting lot or parcel, the development shall include the installation of a fence along the property lines between the different uses at permitted fencing locations as follows:
  - a. Fencing between single-family and multi-family uses, a minimum of a six-foot-high (6') opaque fence shall be installed along the property lines at permitted fencing locations.
  - b. Fencing between residential and commercial or manufacturing uses, a minimum of a six-foot-high (6') opaque fence shall be installed along the property lines at permitted fencing locations.
2. Exemptions:
  - a. Any new single-family lot that is not part of a subdivision or planned unit development that is to be located against an existing incompatible use, the existing incompatible use is exempt of the requirements to install a fence along the property lines between the different uses.
  - b. Interior fencing between incompatible uses of a Planned Unit Development and mixed-uses as determined by the City Council with or without recommendation from the Planning Commission.

F. 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:
  - a. The maximum 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 maximum height of the fence shall not be lower than four feet (4') from the grade on the retained side of the wall.
  - 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 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.

G. 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 purposes.

~~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 19th day of June, 2025.

HYRUM CITY

BY: \_\_\_\_\_  
Stephanie Miller Mayor

ATTEST:

\_\_\_\_\_  
Stephanie Fricke  
City Recorder