

ORDINANCE 24-12

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 ADDING CHAPTER 17.70 FENCE REGULATIONS TO TITLE 17 THE ZONING ORDINANCE OF THE HYRUM CITY MUNICIPAL CODE.

BE IT ORDAINED by the City Council of Hyrum City, Cache County, State of Utah, as follows:

1. Chapter 17.70 of Title 17 of the Hyrum City Municipal Code, is hereby added to read as follows:

17.70 Fence Regulations

17.70.010 Definitions

17.70.020 General Requirements

17.70.030 Corner Lots and clear view triangles

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.

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.

17.70.020 General Requirements

- 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 with ~~Appeal Authority within (10) calendar days after approval or denial of a 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.

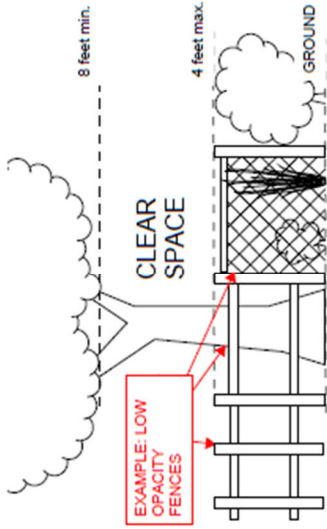
- H. Fencing types and materials may be combined so long as ~~non-permitted elements~~ they do not exceed four feet (4') in height or exceed the transparency requirements.
- I. Fences installed adjacent to a street shall have the finished side facing the street. All gates that adjoin public property 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.

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 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.
- C. 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.

See Diagram



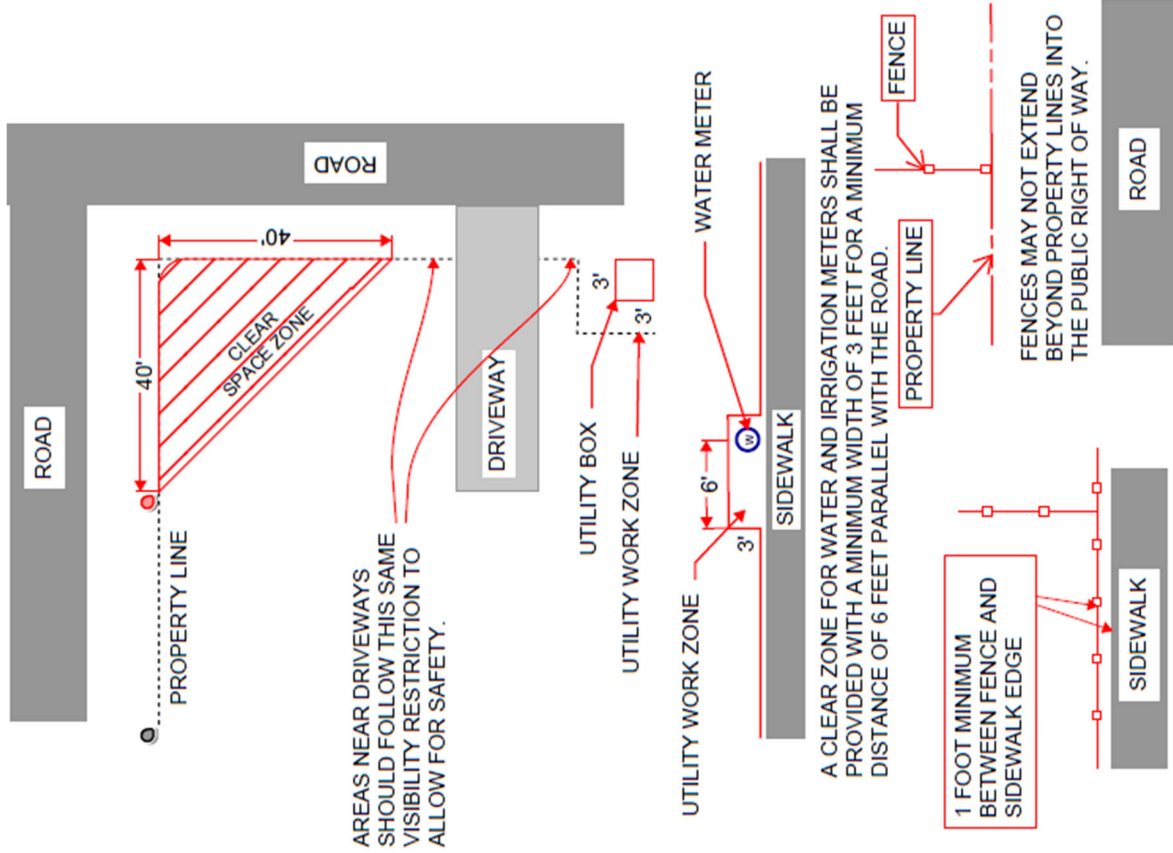
CORNER LOTS MUST FOLLOW THE CLEAR SPACE ZONE REQUIREMENTS. WITHIN THE CLEAR SPACE ZONE, NO OBSTRUCTIONS MAY BE TALLER THAN 4 FEET IN HEIGHT. MATURE TREES SHOULD BE TRIMMED SO NO LARGE BRANCHES OR FOLIAGE WILL OBSTRUCT VIEWS UNDER 8 FEET.

CONSIDERATION SHOULD BE GIVEN TO THE DESIGN OF FENCES TO ALLOW VISIBILITY ALONG STREETS AND SIDEWALKS. IT IS RECOMMENDED THAT A FENCE WITH A MAXIMUM OPACITY OF 25 PERCENT BE USED. OPACITY IS THE PROPORTION OF SOLID MATERIAL TO OPENINGS IN THE FENCE.

FENCES ARE NOT ALLOWED TO ENCLOSE METERS. METERS MUST BE IN AN UNENCLOSED PORTION OF THE YARD. A GATE DOES NOT QUALIFY FOR AN UNENCLOSED AREA.

A MINIMUM 3-FOOT UTILITY WORK ZONE AROUND UTILITY BOXES, TRANSFORMERS, ETC. MUST BE MAINTAINED. NO FENCES OR OTHER OBJECTS ARE ALLOWED TO BE LOCATED WITHIN THIS UTILITY WORK ZONE. GRASS, DECORATIVE ROCK AND OTHER FLAT LANDSCAPING IS ALLOWED.

FENCES ALONG REAR AND SIDE PROPERTY LINES MAY BE UP TO 7 FEET WITHOUT A BUILDING PERMIT.



2. REPEALER. All ordinances, resolutions, and zoning maps of the city, or parts thereof inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.

3. DECLARATION OF SEVERABILITY. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Hyrum City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.

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

5. ADOPTION. This ordinance is hereby adopted and passed by the Hyrum City Council this 19th day of September, 2024.

HYRUM CITY

BY: _____
Stephanie Miller
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Posted: