

ORDINANCE NO. 2022-09

AN ORDINANCE AMENDING SECTIONS 18.08.207 FENCE AND 18.68.120 HEIGHTS OF FENCES AND WALLS

WHEREAS, the Heber City Council finds it in the public interest to amend Fencing Standards in commercial zones to ensure a consistent character of the Commercial Zones.

BE IT ORDAINED by the City Council of Heber City, Utah, that Sections 18.08.207 Fence and 18.68.120 Heights of Fences and Walls is **AMENDED** as shown in Exhibit A.


This Ordinance shall take effect immediately upon passage.

ADOPTED and PASSED by the City Council of Heber City, Utah this 17th day of May, 2022, by the following vote:

	AYE	NAY	
Council Member Rachel Kahler	<u>X</u>	___	
Council Member Ryan Stack	<u>X</u>	___	
Council Member Mike Johnston	<u>X</u>	___	
Council Member Yvonne Barney	<u>X</u>	___	
Council Member Scott Phillips	___	___	EXCUSED

APPROVED:




Mayor Heidi Franco
Pro-tem Ryan Stack

ATTEST: Trina W. Cole

Date: 5/17/2022

RECORDER

Date of First Recording: N/A

18.08.207 Fence

“Fence” means a structure serving as an enclosure, barrier, or boundary, enclosing an area such as a garden, yard or field, and usually made of posts of timber, concrete, vinyl, or metal and connected by wire, netting, rails, or boards.

- A. “Field Fencing” means a metal wire mesh where the joints of the wire are tied together by additional pieces of wire or the twisting of the wire. This includes all other wire mesh products that are not defined as “Welded Wire”, such as chicken wire.
- B. “Welded Wire” mean a metal wire mesh where the joints of the wire are welded to create the square mesh, commonly known as hog wire or box wire.

18.68.120 Fence And Wall Standards

- A. Fences and Walls in Residential Zones. No fence or wall shall be constructed to a height greater than four (4) feet in any front yard. Any fence or wall along a side yard or rear yard shall be not be constructed to a height greater than six (6) feet. However, a fence along a side or a rear property line of a residential lot, which side or rear property line borders a non-residential zone, may be constructed to the height allowed in the non-residential zone. The "thirty foot" setback may be reduced to the front wall line for legally non-conforming homes which are closer than thirty feet to the street right-of-way line.
 - 1. New subdivisions must have Covenants, Conditions, and Restrictions for the subdivision approved by the City through the subdivision process and recorded with the subdivision plat, addressing standardized fence height, materials, and color for fences constructed within the subdivision.
- B. Fences and Walls in Non-Residential Zones. No fence or wall shall be constructed to a height of greater than eight (8) feet in any non-residential zone. The permitted fencing materials for non-residential zones are as follows:

Zone	Barbed or Razor Wire	Chain Link	Vinyl	Wood	Decorative Metal	Welded Wire	Cast Concrete	CMU Block	Field Fencing
C-3	N	N	N	P	P	C	P	C	N
C-2	N	N	N	P	P	C	P	C	N
C-4	N	N	N	P	P	C	P	C	N
MURC	N	N	C	P	P	C	P	C	N
NVOZ	N	N	C	P	P	C	P	C	N
MBP	P	P	P	P	P	C	P	C	C
I-1	P	P	P	P	P	C	P	C	C
I-2	P	P	P	P	P	C	P	C	C
CMP	N	N	P	P	P	C	P	C	C

(P) Permitted (N) Not Permitted (C) Conditional
Conditions:
 Welded Wire is only permitted when used with another permitted material in the applicable zone.
 Field Fence is only permitted for properties with an agricultural use or in keeping of grazing animals.
 CMU Block must be split face, honed, or covered with a decorative veneer.
 Vinyl, where conditional, is only permitted for residential uses.

* Where these provisions conflict with individual zones, the stricter shall apply.

- C. The provisions of 18.68.150 shall apply to all fences on all corner lots.
- D. Outdoor swimming pools shall be completely enclosed by a six (6) foot tall fence.
- E. All private fences, regardless of fence height or property zoning classification, shall be constructed upon private property and not within the street right-of-way.
- F. No fence shall be constructed near any driveway which would interfere with the visibility triangle required in Section 18.68.155.
- G. Fences and walls may be extended to eight (8) feet in height with the top two (2) feet constructed of barb-wire in the following institutional use areas: around culinary wells and springs, pump houses, airport, sewer facilities and electrical transmission and telecommunication facilities. When institutional fences are adjacent to residential zones, residential fences immediately adjacent to an institutional fence may be extended to eight (8) feet in height. However, no part of an institutional fence may hang over a residential lot
- H. Any fence constructed on top of or along a retaining wall, which is legitimately retaining, shall have their regulated height measured from the highest point of the top of the retaining wall. However, any fence constructed within a driveway visibility triangle or street visibility triangle as regulated by Section 18.68.155 and 18.68.150 shall not exceed the height limits for those respective code sections, with such height measured along street grade for street visibility triangles and driveway grade for driveway visibility triangles.
- I. All fences constructed prior to May 19, 2011, which conform to Sections 18.68.155 and 18.68.150, shall be considered legal.