

## Chapter 25

### FENCES and WALLS

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#### **10-25-010: PURPOSE**

The purpose of the regulations for Fences and Walls is to ensure safe sight lines and minimize the potential negative visual impact or hazards of high or unsightly fences and walls.

- A. Property owners are strongly encouraged to hire a licensed surveyor to locate property lines prior to the construction of a fence or wall. Property line disputes are a civil matter and cannot be resolved by the City.
- B. The City may require fencing consistent with the provisions described herein for security, buffering or screening purposes as determined necessary with the review of development applications.

#### **10-25-020: FRONT YARD SETBACK**

- A. No fence, wall, or similar structure extending into or enclosing all or part of the front yard setback area adjacent to a street shall be constructed or maintained at a height greater than four (4) feet (except fifty percent (50%) see-through fencing, decorative arbors, gates and similar entry features).
- B. All fences, walls, or similar structures shall be setback at least one (1) foot from the property line along a sidewalk or public street right-of-way.

**10-25-030: SIDE YARD AND CORNER LOT SETBACK**

- A. No fence, wall, or similar structure shall be constructed in the side yard setback of a corner lot exceeding four (4) feet in height adjacent to a street unless both of the following conditions are met:
1. No portion of the fence, wall, or similar structure is located closer than twenty (20) feet to the property line adjacent to the street, and does not extend into the front setback area or the clear vision area of the lot, and;
  2. The fence is decorative wrought iron or other fencing material that is similar in appearance and is at least fifty percent (50%) see-through not exceeding six feet (6') in height.

**10-25-040: SIDEWALK and RIGHT-OF-WAY-SETBACK**

All fences, walls, or similar structures shall be setback at least one (1) foot from the property line along a sidewalk or public street right-of-way.

**10-25-050: OTHER RESTRICTIONS**

- A. All fences shall be constructed with the finished surface facing the neighboring property with support posts placed to the inside, except in cases where the posts are an integral part of the fence design, in-line with the fence.
- B. Fencing within a Public Utility Easement (PUE) is permitted only upon approval by the City Engineer.
- C. If a fence is located within a recorded public utility easement, there is a possibility of the fence being removed should the easement become active and the use of the easement is required by the City or other utility company.
- D. All fences shall be maintained in a condition of reasonable repair and shall not become or remain in a condition of disrepair including noticeable leaning or missing sections, broken supports, non-uniform height, flaking paint or stain and growing of noxious weeds along the fence.
- E. A minimum of three feet (3') of clearance is required around all fire hydrant and electrical or communications transformers.
- F. Gates for driveways leading to a public street shall be located a minimum twenty feet (20') behind the property line. The gate shall open into the property.

**10-25-060: MAXIMUM HEIGHT**

- A. Fences and walls are not allowed over six (6) feet in height, unless first obtaining a Conditional Use Permit.

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- B. Retaining walls over four (4) feet in height shall be engineered and are allowed only after obtaining a Building Permit.

### **10-25-070: MATERIALS**

- A. All fences, walls, and similar structures should be constructed of natural or natural appearing materials, if possible. Standard fence wood, vinyl, or metal such as wrought iron or pipe and black vinyl coated chain link are acceptable materials. Non-coated chain-link or other wire fencing shall only be allowed if the fence is not readily visible from the public street, except as exempted in Section 10-25-080 herein.
- B. It shall be unlawful to erect or maintain any barbed wire, concertina, razor wire or electric fencing along or adjacent to Main Street within the Historic District of the City.
- C. It shall be unlawful to erect or maintain any concertina or razor wire fencing along or adjacent to Main Street north and south, 100 South, 100 North/Chalk Creek Road and Border Station Road to the City Limits.

### **10-25-080: EXCEPTIONS**

The following shall be exempt from the requirements and review standards of this Chapter:

- A. Fences or walls placed around utility buildings for security reasons as approved by the City Council to adequately protect the facility;
- B. Fences and walls constructed in areas not expressly prohibited may be erected provided that no fence shall be higher than six (6') feet, unless a Conditional Use Permit is obtained;
- C. Approval of fence or wall height greater than six feet (6') high by the City Council, to provide screening of adjacent uses as a part of a development plan review;
- D. Temporary construction fences installed to protect the public from injury during construction or to maintain security for development activity (must be removed at completion of construction);
- E. Agricultural fencing which does not adjoin residential neighborhoods or commercial areas and the repair or replacement of existing agricultural fencing;
- F. Fences required by State law to surround or enclose public utility installations, public schools, or other public buildings;

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- G. Fences for uses such as tennis or sports courts, which may be a maximum of fifteen feet (15') high if the fence meets all of the required yard setbacks in the zone district in which it is located, and;
  - H. Decorative wrought iron or fencing that is similar in appearance and is at least fifty percent (50%) see-through may be installed in front yard setback areas up to six feet (6') in height.

**10-25-90: PENALTY**

Any person found guilty of violating any of the provisions, rules and regulations of this Chapter, is guilty of a Class "C" misdemeanor, pursuant to Utah Code Annotated, as amended. Each violation shall be subject to a \$100 fine for each day the violation continues beyond the correction notice date issued by the City for such violation.

**10-25-0100: APPEALS**

Any person, applicant or entity aggrieved by an administrative action by the Staff or Planning Commission may appeal the decision to the City Council who shall have authority to reverse, affirm or modify the decision of the Staff or Planning Commission.