

ORDINANCE NO. 2004- 28

AN ORDINANCE AMENDING SECTIONS 18.68.120 AND 18.68.210, AND ADOPTING SECTION 18.68.155 OF THE HEBER CITY MUNICIPAL CODE, **HEIGHTS OF FENCES AND WALLS, MOTOR VEHICLE ACCESS, AND DRIVEWAY VISIBILITY TRIANGLE**, RESPECTIVELY.

BE IT ORDAINED by the City Council of Heber City, Utah that Sections 18.68.120 and 18.68.210 are amended, and Section 18.68.155 of the Heber City Municipal Code is adopted as follows:

18.68.120 Heights of Fences and Walls.

A. Fences and Walls in Residential Zones. No fence or wall shall be constructed to a height greater than four feet in any required front yard, side yard, or rear yard, within thirty feet of any existing or proposed street right-of-way line and no fence or wall in areas not mentioned above shall be constructed to a height greater than six 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, and in the case of corner lots, the side wall line, for legally non-conforming homes which are closer than thirty feet to the street right-of-way line.

1. A six (6) foot fence may be permitted closer to the street than the "thirty foot" setback upon a corner or double frontage lot which fronts upon a street designated as a Collector or Arterial within the Heber City Master Plan, or when a lot adjoins or is located directly across the street from a commercial or industrial zone, commercial or industrial use, school, or church. The six foot fence shall meet the following requirements:
 - a. The 6 foot fence shall be located along the collector or arterial street and not along a local street, or shall be located along the same street or property line as the commercial or industrial zone, commercial or industrial use, school, or church;
 - b. The fence shall only be located within the "rear yard" and/or "side yard" defined in Section 18.08.630 (6 foot fences are prohibited within the area defined as the "front yard");
 - c. Gates in fences on double frontage lots are encouraged for ease of maintenance of the planter strip and fence setback area, however, the maximum gate width shall be 4 feet (driveway access from

the Arterial or Collector street is prohibited pursuant to Section 18.68.210); and

- d. New subdivisions which contain double frontage lots 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 feet in any non-residential zone;

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.

18.68.155 Driveway Visibility Triangle.

In all zones which require a front yard, no fence, wall, hedge, landscaping, or other material or structure that will obstruct vision between a height of three (3) feet and eight (8) feet shall be erected, placed or maintained within a triangular area formed within a lot by the intersection of a driveway line and a street property line and a line connecting them at a point 15 feet from their point of intersection.

18.68.210 Motor Vehicle Access.

Access to all lots and parcels of land having frontage on a public street shall be controlled as follows:

A. Access shall be by not more than two driveways from any one street, except as may be permitted by the Board of Adjustment, when it can be shown that additional driveways will promote traffic safety;

B. Driveways shall be not closer to each other than twenty feet;

C. Each driveway shall be not more than thirty feet in width

in any commercial or industrial zone measured at right angle to the centerline of the driveway. In residential zones, driveways shall be not more than twenty feet in width except when approved for large-scale developments;

D. On corner lots, no driveway shall be closer than fifty feet to the point of intersection of the front property line with the side property line which abuts upon a street;

E. When there is no existing curb and gutter or sidewalk, a curb or fence may be required by the city;

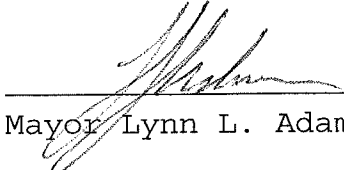
F. Lots which contain frontage upon both a local street and a street designated as a Collector or Arterial Street within the Master Plan must establish the driveway access only from the local street.

This Ordinance shall take effect and be in force from and after (a) its adoption, (b) a copy has been deposited in the office of the City Recorder, and (c) a short summary of it has been published in the Wasatch Wave or a complete copy has been published in the Wasatch Wave or a complete copy has been posted in three public places within Heber City but not prior to the 2 day of December, 2004.

ADOPTED AND PASSED by the City Council of Heber City, Utah this 2nd day of December, 2004, by the following vote:

	AYE	NAY
Councilman Terry Wm. Lange	<u>X</u>	_____
Councilman Vaun Shelton	<u>X</u>	_____
Councilman David R. Phillips	<u>X</u>	_____
Councilman John Burns	<u>X</u>	_____
Councilwoman Shari K. Lazenby	<u>X</u>	_____

APPROVED:



Mayor Lynn L. Adams

ATTEST:

Paulette Shenley

RECORDER

(Seal)

Date of First Publishing:

2-16-05