

ORDINANCE NO. 2006- 10

AN ORDINANCE AMENDING SECTION 18.68.120(1) OF THE HEBER CITY MUNICIPAL CODE, **HEIGHTS OF FENCES AND WALLS.**

BE IT ORDAINED by the City Council of Heber City, Utah that Section 18.68.120(1) is amended 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 double frontage Lot.

a. Said six foot 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");

b. 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

c. 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.

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 <sup>or X-NET</sup> prior to the 18 day of May, 2006.

ADOPTED AND PASSED by the City Council of Heber City, Utah this 18 day of May, 2006, by the following vote:

	AYE	NAY
Councilman Terry Wm. Lange	_____	<u>X</u>
Councilman Vaun Shelton	<u>X</u>	_____
Councilwoman Shari K. Lazenby	_____	<u>Absent</u>
Councilman Jeffrey R. Bradshaw	<u>X</u>	_____
Councilwoman Elizabeth Hokanson	<u>X</u>	_____

APPROVED:

David R. Phillips  
Mayor David R. Phillips

ATTEST:

Carrie Shelton  
RECORDER

(Seal)

Date of First Publishing:

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