

ORDINANCE NO. #2008-11

AN ORDINANCE AMENDING SECTION **18.68.120(A) (1)** OF THE HEBER CITY MUNICIPAL CODE, by adding a definition for a double Frontage lot. **Heights of Fences and Walls.**

BE IT ORDAINED by the City Council of Heber City, Utah, that Section **18.68.120(A)(1)** of the Heber City Code 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 (4) feet in any required front yard, side yard, or rear yard, within thirty (30) 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 (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, 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. A double frontage lot is a lot that has a public right-of way at the front of the lot as well as in the rear of the lot, parallel to the front. A double frontage lot is not a corner lot.

b. Said six (6) 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");

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 four (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 (8) 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, (c) a short summary of it has been published in the Wasatch Wave, and 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 5 day of June, 2008.

ADOPTED and PASSED by the City Council of Heber City, Utah this 5 day of June, 2008, by the following vote:

	AYE	NAY
Councilmember Jeffery M. Bradshaw	<u>X</u>	_____
Councilmember Elizabeth Hokanson	<u>X</u>	_____
Councilmember Eric Straddeck	<u>X</u>	_____
Councilmember Nile D. Horner	_____	_____ <u>Absent</u>
Councilmember Robert L. Patterson	<u>X</u>	_____

APPROVED:

David R. Phillips
Mayor David R. Phillips

ATTEST:

Paulette Shuler

RECORDER

(Seal)

Date of First Publishing:

June 11, 2008