

**ORDINANCE NO: O-2021-11**

**AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING HIGHLAND CITY DEVELOPMENT CODE SECTION 3-612 FENCES, WALLS, AND HEDGES AS SHOWN IN FILENAME TA-21-03.**

WHEREAS, all due and proper notices of public hearings and public meetings on this Ordinance held before the Highland City Planning Commission (the "Commission") and the Highland City Council (the "City Council") were given in the time, form, substance and manner provided by Utah Code Section 10-9a-205; and

WHEREAS, the Commission held a public hearing on this Ordinance on April 27, 2021 and

WHEREAS, the City Council held a public hearing on this Ordinance on May 18, 2021.

NOW, THEREFORE, BE IT ORDAINED BY THE Highland City Council as follows:

**SECTION 1: ADOPTION** Section 3-612 Fences, Walls, and Hedges of the Highland City Development Code is hereby amended as shown on "Exhibit A" attached hereto and incorporated herein.

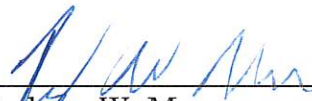
**SECTION 2: REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

**SECTION 3: SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

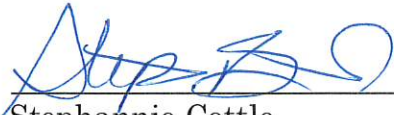
**SECTION 4: EFFECTIVE DATE** This Ordinance shall be in full force and effect from May 18, 2021 and after the required approval and publication according to law.

PASSED AND ADOPTED by the Highland City Council, May 18, 2021

HIGHLAND CITY, UTAH

  
\_\_\_\_\_  
Rodney W. Mann  
Highland City Mayor

ATTEST:

  
\_\_\_\_\_  
Stephanie Cottle  
Highland City Recorder



COUNCILMEMBER	YES	NO
Timothy A. Ball	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Brittney P. Bills	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kurt Ostler	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kim Rodela	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott L. Smith	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## EXHIBIT A

### 3-612 Fences, Retaining Walls, Theme and Screen Walls

1. All fences, screen walls, and theme walls shall be subject to review and approval by the Zoning Administrator. All fences, screen walls, and theme walls shall comply with the conditions set forth herein, unless a more specific standard applies. An application shall contain an application form, any information specifically required by this ordinance, such additional information specified by the Zoning administrator, and when required, a fee. See Section 3-4112(4) for fencing around athletic courts.

#### 2. Fences

For the purposes of this section, fences shall include walls and hedges, and any other combination of plants, shrubs, trees, barriers, structures, or objects that act as a visual or physical screen or barrier. In no event shall a fence be installed within the front setback parallel to a street.

##### a. General

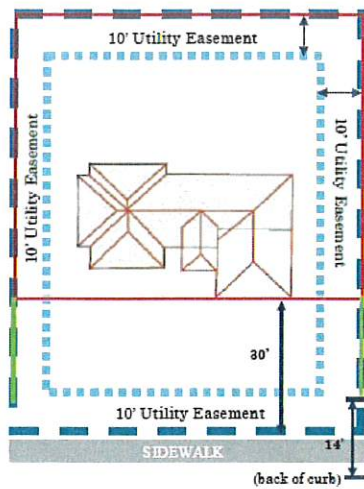
- i. Fences shall be set back not less than the front setback approved for the subdivision.
- ii. Fences may be installed on the side and rear lot lines behind the front setback. The fence shall not exceed six (6) feet in height. A fence along the side lot lines may extend into the front set back up to fourteen (14) feet from the back of curb with a maximum height of three (3) feet.
- iii. Fence height shall be measured from the finished grade to the highest point of the fence. "Finished grade" means the average finished grade of the property nearest the fence.
- iv. Berms, or other means to raise the elevation of the ground upon which a fence is proposed to be located, shall be included in the measurement of fence height.
- v. Retaining walls are considered as part of the fence height.
- vi. When a difference in grade exists on either side of a fence or wall, the height of the fence or wall shall be measured from the height of the higher property grade within five (5) feet of the property line but shall not exceed eight (8) feet in total height as measured from the lower property grade.
- vii. A fence shall be set back a minimum of fourteen (14) feet from the back of curb on all sides that abut a street. This setback may be reduced to be on the property line if the fence is 66% open and is at least six (6) feet from the back of the curb.
- viii. All fences shall not exceed three (3) feet in height in the clear vision area and shall comply with the clear view area requirements as defined in Section 3-610 Clear View of Intersecting Streets.
- ix. In no event shall a fence be installed within the front setback parallel to a street.

##### b. Materials

- i. Permitted: Vinyl, wood, wrought iron, precast concrete
- ii. Prohibited: Chain link

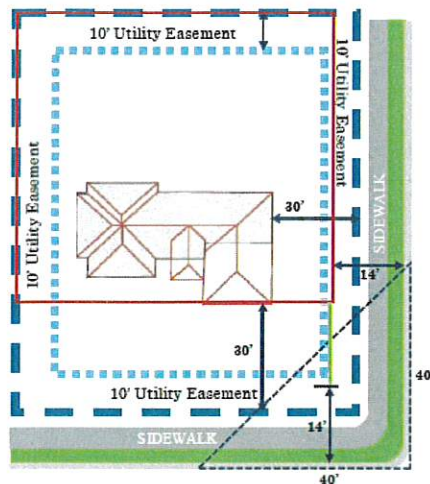
##### c. Specific lot considerations

i. Typical Lot



- KEY**
- 6-foot fence
  - 3-foot fence

ii. Corner Lot



- KEY**
- 6-foot fence
  - 3-foot fence
  - Sight Triangle (nothing taller than 3' can be in this triangle, including landscaping.)

1. The side setback along the street may be reduced to be on the property line if the fence is 66% open and is at least six (6) feet from the back of the curb.

iii. Lots adjacent to trails or open space

1. The fence along the side or rear lot line that is adjacent to a trail or open space must be four (4) feet solid with the two (2) remaining feet at least 55% open in either of the following circumstances:
  - a. The trail or open space area is less than forty (40) feet in width and is not immediately adjacent to a public street.
  - b. The trail or open space corridor is wider than forty (40) feet but cannot be seen from two public areas such as a street or park.
2. The Zoning Administrator may approve an alternative fence design for either circumstance described above based on the following factors:
  - a. The proposed alternative meets the intent of this section; and,

- b. There are special circumstances attached to the property that do not generally apply to other properties in the same subdivision; and,
- c. The natural visibility or observation of the trail or open space is not diminished if the proposed alternative is constructed on all the lots adjacent to the trail or open space.

iv. Highways/arterial lots

- 1. On all state highways or arterial streets, fences shall be set back a minimum of thirty (30) feet from the back of curb or as required by the parkway detail. This 30-foot restriction is applicable to fences along the front, side, and rear property lines that abut the highway or arterial street, no matter the height.

3. Retaining Walls

- a. A retaining wall within the front setback shall be a minimum of ten (10) feet from the front property line and shall not exceed four (4) feet in height. The maximum height of retaining wall in any other location is six (6) feet.
- b. Retaining walls shall not be placed any closer to another retaining wall than at a ratio of one foot horizontal to one foot vertical height of the wall.
- c. Under no condition shall a fence and retaining wall exceed eight (8) feet in height on the same vertical plane. If a privacy fence that is on top of a retaining wall would exceed eight (8) feet, it shall be set back at least four (4) feet from the back side of the retaining wall. Open style fences are permitted to be on the same plane as a retaining wall.
- d. Retaining walls shall not be permitted within public utility easements without city approval, and no approval will be granted where a storm drain, culinary water line, pressurized irrigation line, or sewer line is installed.
- e. Retaining walls require a building permit if it exceeds four (4) in height. The submittal for the building permit must include:
  - i. a stamped engineered plan from the licensed engineer,
  - ii. a drainage plan which provides for containment of run-off water on site or discharged to a City approved location,
  - iii. plans for a conduit as required by the City Engineer if the retaining wall is to be constructed within the public utility easement where utilities do not exist. The property owner shall be financially responsible for the removal or reconstruction of a retaining wall in a public utility easement if the easement is needed per Utah Law (UCA 54-3-27).

4. Theme Walls

A *theme wall* is a wall that is installed along state highways, arterial, and collector streets, and open space areas as determined during the development review process.

- a. Any developer of a residential subdivision shall provide a six (6) foot theme wall adjacent to all arterial and collector streets, open space areas, and trails except as provided herein. Gates connecting to open space areas may be allowed in theme walls if approved as part of the development review process.
- b. Materials and Design

- i. Permitted Materials: Precast concrete, concrete, masonry block, brick, stone, or a similar solid, durable material of equal or better quality. Accent landscaping and design elements such as stone veneer, brick, planters, marble, rock, decorative pilasters, decorative caps, stone or tile insets, or other significant design features are also permitted.
- ii. Prohibited: Vinyl, wood, chain link.
- iii. All theme walls between different uses shall provide columns every fifty (50) feet to provide variety and visual interest. Said columns shall extend a minimum of six (6) inches from the face of the theme wall and be architecturally enhanced as required above.

## 5. Screen Walls

A *screen wall* is a wall that is installed between different land uses as required in this section or used to screen trash enclosures, loading docks, outdoor storage areas, etc., or as determined during the development review process.

- a. The developer of any residential development with a density greater than six (6) units per acre which abut any R-1-40, R-1-30, R-1-20, or A-1 district must provide a screen wall with a minimum height of six (6) feet along the abutting property line.
- b. The developer of any nonresidential use that abuts any residential district must provide a screen wall with a minimum height of six (6) feet along the abutting property line. Any loading docks within one hundred (100) feet of a residential district must have a separate eight (8) foot high screen wall of similar materials compatible with the building design to screen the dock areas.
- c. All outdoor storage areas shall have a six (6) foot screen wall as required in this section.
- d. Materials and Design
  - i. Permitted: Precast concrete, concrete, masonry block, brick, stone, or a similar solid, durable material of equal or better-quality. Accent landscaping and design elements such as stone veneer, brick, planters, marble, rock, decorative pilasters, decorative caps, stone or tile insets, or other significant design features.
  - ii. Prohibited: Vinyl, wood, chain link.
  - iii. If a screen wall is erected as an enclosure, a gate of equal height shall be required in order to secure the enclosure. The gate shall be opaque and shall be compatible with the design of the building(s).