Hyde Park City

Ordinance 2019-15

An Ordinance Amending 12.30.080 – Fence Height Regulations

[**12.30.080 Fence Height Regulations**](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.30.080_Fence_Height_Regulations)

~~(Also see Chapters 2-38 and 8-7-1.)~~

1. No fence or other similar structure shall be erected closer than twelve (12) feet from the front property line to a height in excess of three and one-half feet; nor shall any fence or other similar structure be erected in any side or rear yard to a height in excess of seven feet.
2. On corner lots, no fence or other similar structure shall be erected in any yard bordering a street or front yard of an adjoining lot to a height in excess of three and one-half feet except in accordance with the traffic code. No fence or obstruction of any kind is allowed in the ~~forty (40’)~~ thirty (30’)feet clear view of intersecting streets.  The clear view is calculated as a triangular area, ~~forty (40’)~~ thirty (30’)feet from the street intersection right of way lines. Along the rear lot lines, if the adjoining property has a drive approach or curb-cut within ten (10’) feet of the property line, no obstruction, that would obstruct the view of drivers, shall be placed within a triangular area formed by said property line and street right-of-way and connecting them at points ten (10’) feet from the intersection of these lines.
3. Where a fence is erected upon a retaining wall or where for other reasons there is a difference in the elevation of the surface of the land on either side of a fence, height of the fence shall be measured from a point half-way between the top of the retaining wall and the land on either side of the fence, but nothing herein contained shall be construed to restrict a fence to less than three and one-half feet in height measured from the surface of the land on the side having the highest elevation.
4. Exceptions: Fences may exceed the seven foot restriction if it required to contain animals as regulated in 7.10.080 B. For such fences a building permit shall be required, see 7.10.080 B.
5. **Ninety-nine (99) foot right-of-ways**Any owner of a lot within the original grid of town on a ninety-nine (99’) foot right-of-way, with the exception of Center Street, may build a side yard fence to a height of seven (7’) foot within one (1’) foot of the front property line.  If there is an existing sidewalk and the adjoining property has a drive approach within ten (10’) feet of the property line, no obstruction, that would obstruct the view of drivers, shall be placed within a triangular area formed by said property line and street right-of-way and connecting them at points ten (10’) feet from the intersection of these lines.

HISTORY  
*Adopted by Ord.* [*2015-03*](https://s3-us-west-2.amazonaws.com/municipalcodeonline.com-new/hydepark/ordinances/documents/HPMC-adoptingord.pdf) *on 5/13/2015  
Amended by Ord.* [*2019-03*](https://s3-us-west-2.amazonaws.com/municipalcodeonline.com-new/hydepark/ordinances/documents/Ordinance%202019-03%20Fence%20Ordinance.docx) *on 1/23/2019*

[**12.80.070 Building Permit**](https://hydepark.municipalcodeonline.com/book?type=ordinances#name=12.80.070_Building_Permit) **Reserved**

~~Upon receipt of a Conditional Use Permit, the developer shall take such permit to the Building Official who will review the permit and conditions attached. Based on this review and compliance with any other items that might develop in the pursuance of his duties, the Building Official may approve an application for a building permit and shall insure that development is undertaken and completed in compliance with said permit and conditions pertaining thereto.~~

1. **~~Corner lot fences.~~**~~See 12.30.080 Any owner of a corner lot desiring to fence the same must designate at the time of obtaining a building permit for construction of a dwelling the front yard and side yard of said lot.  Any fence constructed on said owner’s lot cannot exceed seven (7’) feet in height, and may be constructed one (1) foot from the side yard property line of said lot or one (1) foot from the sidewalk, if the sidewalk is placed within the property.  This space must be improved and maintained by the homeowner; so long as a forty (40’) feet clear view of intersecting streets is maintained.  The clear view is calculated as a triangular area, forty (40’) feet from the street intersection right of way lines. Along the rear lot lines, if the adjoining property has a drive approach or curb-cut within ten (10’) feet of the property line, no obstruction, that would obstruct the view of drivers, shall be placed within a triangular area formed by said property line and street right-of-way and connecting them at points ten (10’) feet from the intersection of these lines.~~
2. **~~Ninety-nine (99) foot right-of-ways~~**~~Any owner of a lot within the original grid of town on a ninety-nine (99’) foot right-of-way, with the exception of Center Street, may build a side yard fence to a height of seven (7’) foot within one (1’) foot of the front property line.  If there is an existing sidewalk and the adjoining property has a drive approach within ten (10’) feet of the property line, no obstruction, that would obstruct the view of drivers, shall be placed within a triangular area formed by said property line and street right-of-way and connecting them at points ten (10’) feet from the intersection of these lines.~~

HISTORY  
*Adopted by Ord.* [*2015-03*](https://s3-us-west-2.amazonaws.com/municipalcodeonline.com-new/hydepark/ordinances/documents/HPMC-adoptingord.pdf) *on 5/13/2015  
Amended by Ord.* [*2016-07*](https://s3-us-west-2.amazonaws.com/municipalcodeonline.com-new/hydepark/ordinances/documents/2016-07%20Conditional%20Use%20Permit%20Language%20change.docx) *on 11/9/2016*