

## Hyde Park City Fence Ordinance

**12.20.AO Fence.** A tangible barrier or obstruction of any material, with the purpose or intent, or having the effect of preventing passage or view across the fence line. It includes hedges, shrubs and walls.

### **12.30.80 Fence Height Regulations.**

- A. No side yard fence or other similar screening 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 be erected on any side or rear property line to a height in excess of seven feet.
- B. 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.
- C. 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.

**12.80.70 A. Corner lot fences.** 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.

### **B. 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.

**12.80.80 Expiration.** Unless there is substantial action under a Special Use Permit within a period of one year of its issuance, as determined by the Planning Commission, the Special Use Permit shall expire. The Planning Commission may grant a maximum extension of six months under exceptional circumstances.