



DRAPER CITY HALL

Community Development | 1020 E. Pioneer Rd. Draper, UT 84020

August 13, 2026

***Draper City Planning Division
Administrative Interpretation***

RE: Bonham Residence Gate, 2026-0159-ZVL

This letter evaluates the status of a gate and whether a gate located in the front yard has to be located 20-feet from the front property line. The property under consideration is located at 12540 S 1700 E., parcel number 28-28-380-034. The property is zoned RA2 (Residential Agricultural). This zone allows single-family homes on lots of at least 20,000 sq ft. The property is Lot 3 of the Duke Subdivision Amended, and is 1.36 acres in size.

Draper City Municipal Code (DCMC) Section 9-27-080 requires fences, walls, or other visual obstructions located in the required front yard area to be 4-feet in height or less. It does allow additional height with a Conditional Use Permit (CUP).

DCMC Section 9-27-080: Fences and Visual Obstructions:

All fences, walls, and similar structures or landscaping that obstruct visibility must meet the following requirements:

A. Height: A fence, wall, or other visual obstruction, excluding trees, shall comply with the following:

- 1. When located within the required front yard a fence, wall, or other visual obstruction, not including trees shall not exceed four feet (4') in height unless a greater height is allowed by a conditional use permit or as otherwise permitted in this title.*

The required front yard area in the RA2 zone is 30-feet per DCMC Section 9-10-090 Table 9-10-3. Under the fencing standards in DCMC Section 9-27-080, fencing within 30-feet of the front property line is required to be 4-feet or less in height unless a CUP is obtained.

<i>DCMC Table 9-10-3 Development Standard</i>	<i>Zones</i>
	<i>RA2</i>
	<i>30'</i>

DCMC Section 9-3-040 defines various terms in the code, including front yard, and fence. There is not a definition for wall or visual obstruction in the DCMC.

DCMC Section 9-3-040: Definitions:

CLEAR VIEW AREA: Areas at intersecting streets and driveways where unobstructed vision is maintained as required by this title.

FENCE: A structure serving as an enclosure, barrier, or boundary, which defines an outdoor space. A sight obscuring fence is one which permits vision through not more than ten percent (10%) of each square foot more than four inches (4") above the ground.

SETBACK: The distance on a lot between a building and a property line or, where adjacent to a public street, a designated right-of-way line as shown on the master traffic and transportation plan. For a lot on a private right of way or encompassing an access easement for another lot or parcel, the setback shall be the distance on a lot between a building and the private right of way line or access easement boundary closest to the building.

YARD, FRONT: A space extending across the full width of a lot or parcel between the front building line and the front lot line. The depth of the front yard is the minimum distance required by this title between the front lot line and the front building line.

The Zoning Administrator reviewed the definitions for wall and visual obstructions from the Merriam-Webster dictionary to understand a general understanding of the term definitions. Visual Obstruction in itself is not defined, but each term is individually defined. They are as follows:

Wall:

- a: a high thick masonry structure forming a long rampart or an enclosure chiefly for defense*
- b: a masonry fence around a garden, park, or estate*
- c: a structure that serves to hold back pressure (as of water or sliding earth)*

Visual:

a: of, relating to, or used in vision (visual organs)
b: attained or maintained by sight (visual impressions)
c: producing mental images

Obstruct:

a: to block or close up by an obstacle
b: to hinder from passage, action, or operation : IMPEDE
c: to cut off from sight

Looking at the design of the gate and fencing, it fits the definition of fence, wall, and visual obstruction. Portions of it is a wall that is made from masonry materials and creates visual obstructions and some of it is a fence which also creates a visual obstruction. The gate ranges from 3-feet 8-inches to 5-feet 8-inches in height. The definition of fence does not include any reference to if the fence is moveable, such as a gate, or if it has to be stationary. It simply states that it is an *"enclosure, barrier, or boundary, which defines an outdoor space"*. The gate is considered a fence, it creates a barrier and boundary for outdoor space. As it is located within the required front yard setback, and it is over 4-feet in height, a CUP is required for the gate. The only stated fence setbacks in Title 9 addressing fence setbacks from the front property line deal with clear view areas around driveways and street intersections, wherein fencing needs to be reduced to 3-feet in height or a clear view area needs to be maintained to ensure visibility of oncoming traffic and pedestrians.

The Planning Commission approved a CUP for fencing in the front yard in excess of 4-feet in height on May 28, 2026. That CUP included a condition of approval as follows:

5. That the gate be installed on the subject property, twenty-feet (20') from the front property line with the automatic gates opening toward the interior of the property.

When reviewing a CUP, the Planning Commission reviews if there are any anticipated detrimental effects and if those effects can be mitigated. The Planning Commission is tasked with placing conditions on CUPs in order to mitigate detrimental effects.

9-5-080: CONDITIONAL USE PERMITS:

E. Approval Standards: The standards of this subsection shall apply to the issuance of a conditional use permit:

- 1. A conditional use permit may be issued for a use to be located within a zone where the particular conditional use is allowed by the use regulations of the zone.*
- 2. Reasonable conditions may be imposed as necessary to substantially mitigate reasonably anticipated detrimental effects of the proposed use. These conditions may include conditions concerning use, construction, character, location, landscaping, screening, parking, hours of operation, and other matters*

relating to the purposes and objectives of this section. Such conditions shall be expressly set forth in the motion authorizing the conditional use permit.

3. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

In the case of your CUP application for additional fence height, the Planning Commission found that a 20-foot setback of the gate would mitigate potential conflicts of vehicles stopping in the public right-of-way while waiting for the gate to open. While the right-of-way currently does not have any sidewalk and the gate would physically be 23-feet from the end of the asphalt improvements if installed on the property line, the unimproved area can be improved with sidewalk and parkstrip by the city and is part of the public right-of-way.

The Zoning Administrator does not have the authority to modify or eliminate a condition of approval placed by the Planning Commission. The process for modifying a condition of approval is to apply to modify the CUP and go back before the Planning Commission in a public hearing to request a modification or elimination of the condition of approval.

There are a few options available to you if you wish to pursue this matter further. You may apply to amend the condition of approval on the CUP, reduce the height of all fencing and gates to 4-feet or less, seek a text amendment in order to change the code, or appeal this determination. Please note that a text amendment would still require the amendment to the condition of approval on the CUP and that an appeal is subject to DCMC Section 9-5-180 and shall be made within 10 days of the decision which is appealed. Applications for all options can be found on the city's website.

If you have further questions, please contact me at jennifer.jastremsky@draperutah.gov or at 801-576-6328.

Respectfully,

A handwritten signature in black ink, appearing to read 'Jennifer Jastremsky', written over a horizontal line.

Jennifer Jastremsky, AICP
Community Development Director / Zoning Administrator
Community Development Department