

ORDINANCE 2026-21

AN ORDINANCE AMENDING TITLE 11-9M-15: RESIDENTIAL FENCE REGULATIONS TO PERMIT INCREASED FENCE HEIGHT FROM SIX FEET (6') TO EIGHT FEET (8') ALONG PROPERTY LINES LOCATED AT THE BOTTOM OF ADJACENT RETAINING WALLS.

WHEREAS: North Ogden City recognizes the value of protecting private property rights, and the ability to secure an individual's property; and

WHEREAS: Property lines may fall at the bottom, center, or top of a retaining wall causing maintenance, ownership, and potential visual impact; and

WHEREAS: Property owners may wish to construct a taller fence to shield their view from adjacent uphill retaining walls; and

WHEREAS: The Planning Commission has reviewed the proposed amendment, accepted public input, determined that the amendment is consistent with the North Ogden General Plan, and recommends approval to the North Ogden City Council; and

WHEREAS: The City Council finds that adopting the proposed zoning text amendment serves the public interest by adding flexibility to property owners to secure their property and screen adjacent uphill retaining walls.

NOW THEREFORE, BE IT ORDAINED the Mayor and Council of North Ogden City hereby adopt the following North Ogden City Code amendments:

SECTION 1: North Ogden City Code Title 11-9M-15: Residential Fence Regulations, shall be amended to read:

11- 9M-15: Residential Fence Regulations

F. Fence Height and Fence Transparency on Retaining Walls.

1. All retaining walls and grading for the area surrounding the location of those retaining walls must comply with CCNO 11-22.
2. Fence Height. a. Fences constructed on the high side of a retaining wall, within three feet (3') (measured horizontally) of the top back of the retaining wall, shall have a maximum height of six feet (6'), measured from the vertical elevation of the top back of the retaining wall, and a required minimum height of three and one-half feet (3.5') measured from the finished grade on which the fence is constructed, when the retaining wall is two and one-half feet (2.5') tall or taller. Fences constructed on the low side of a retaining wall along property lines shall have a maximum height of eight feet (8') measured from the finished grade of the retaining wall where the adjacent retaining wall has an average height of four feet (4') tall or

taller. The fence height is measured to the top of the picket, baluster, mesh, or top rail, or the highest typical fence element (not including posts or post caps). Fence posts, including the post cap, may extend up to eight inches (8") above the maximum fence height. When a public right-of-way or trail is on the high side of a retaining wall which is two and one-half feet (2.5') or taller, and the public right of way or trail is within five feet (5') of that retaining wall, and a fence is installed between the retaining wall and the public right-of-way or trail, a minimum fence height of three and one-half feet (3.5') is required.

3. Fence Transparency. Fences constructed on the high side of a retaining wall, within three feet (3') (measured horizontally) of the top back of the retaining wall, shall comply with the following standards for fence transparency.
 1. Retaining Wall Height shall be determined using the same standard used in CCNO 11-22 I.
 2. The height of the retaining wall shall determine the minimum fence transparency, according to the following table.

Existing or Proposed Retaining Wall Height	Minimum Fence Transparency
0' - 5'	0%
Greater than 5', up to 8'	50%
Greater than 8'	80%

3. The above listed transparency requirements shall not apply if the applicant is the owner of the property on the low side of the retaining wall, and both the fence and the exposed surface of the retaining wall are on the same parcel as the low side of the retaining wall.
4. The above listed transparency requirements shall not apply where a fence is built on the high side of a retaining wall, and a public right-of-way or trail is directly adjacent to the property where the fence is built.
5. Obstruction to view and sight triangle requirements shall apply to retaining walls and all fences built upon retaining walls.

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay
Council Member Carney:	<u> X </u>	<u> </u>
Council Member Dalpiaz:	<u> X </u>	<u> </u>
Council Member Nabor:	<u> X </u>	<u> </u>
Council Member Pulver:	<u> X </u>	<u> </u>
Council Member Watson:	<u> X </u>	<u> </u>

(In event of a tie vote of the Council):

Mayor Barker	<u> </u>	<u> </u>
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Ryan Barker
Mayor

ATTEST:


Rian Santoro
City Recorder



