

TO THE PUBLIC AND RESIDENTS OF VERNAL CITY:

Notice is hereby given that the **VERNAL CITY PLANNING COMMISSION** will hold a regular meeting on **Tuesday, January 12, 2016 at 7:00 p.m.** in the Vernal City Council Chambers at 374 East Main Street, Vernal, Utah.

AGENDA

A. STANDING BUSINESS

1. Welcome and Designation of Chair and Members
2. Election of Chair and Vice-Chair for 2016
3. Approval of Minutes of December 8, 2015 Regular Meeting (*TAB 1*)
4. Recognition of Past Chair, Mike Drechsel – Allen Parker

B. PUBLIC HEARING – 7:05 PM

1. Request for Recommendation of a Minor Subdivision for Toni Graham for the property located at 258 North 100 East, Vernal, Utah – Application #2015-023-SUB – Allen Parker – (*TAB 2*)

C. DISCUSSION ITEMS

1. Vernal City Municipal Planning & Zoning Code to Discuss Amending Fencing Regulations – Sections 9.32.020, 16.04.204, 16.24.055, 16.24.080 and Adding Section 16.20.350 – Allen Parker (*TAB 3*)

D. ADJOURN

1 **MINUTES of the Vernal City PLANNING COMMISSION**

2 Vernal City Council Chambers - 374 East Main Street, Vernal, Utah

3 December 8, 2015

4 7:00 pm

5
6 **Members Present:** Scott Gessell, Kimball Glazier, Kathleen Gray

7
8 **Members Excused:** Samantha Scott, Rory Taylor, Ken Latham

9
10 **Alternates Present:** Adam Ray

11
12 **Alternates Excused:** Kam Pope

13
14 **Staff Present:** Allen Parker, Assistant City Manager; Corey Coleman, Building
15 Official; and Gay Lee Jeffs, Administrative Clerk.

16
17 **WELCOME AND DESIGNATION OF CHAIR AND MEMBERS:** Chair Mike Drechsel and
18 Vice Chair Samantha Scott were excused from the meeting. A temporary chair needed to be elected.
19 *Scott Gessell moved to nominate Kimball Glazier to be the temporary chair for the December 08,*
20 *2015 Planning Commission meeting. Kathleen Gray seconded the motion. The motion passed*
21 *with Kathleen Gray, Scott Gessell and Adam Ray voting in favor.* Temporary Chair, Kimball
22 Glazier, welcomed everyone to the meeting.

23
24 **APPROVAL OF MINUTES FROM NOVEMBER 10, 2015:** Kimball Glazier asked if there
25 were any changes to the minutes from November 10, 2015. There being no corrections or a full
26 quorum the minutes stand approved without a vote.

27
28 **REQUEST FOR APPROVAL OF PRELIMINARY PLAT FOR THE NICK RICHENS**
29 **SUBDIVISION LOCATED AT 509 SOUTH 500 WEST AND 589 SOUTH 500 WEST,**
30 **VERNAL, UTAH – APPLICATION #2015-020-SUB – ALLEN PARKER:** Allen Parker
31 stated that the applicant, Nick Richens, is requesting the approval of a preliminary plat of a
32 subdivision for the property located at 509 South 500 West and 589 South 500 West from two
33 existing un-plated parcels to five residential lots with one remnant parcel on the north. The parcel
34 is 5.2 acres and the property being sub-divided is zoned RA-1. The remnant portion has been
35 zoned CP-2. Four of the five lots created will be located on 400 West with the remaining lot
36 along 500 West. An engineering review has been conducted of the application by Timberline
37 Engineering and Land Surveying, and aside from some minor corrections, the submittal is in
38 substantial compliance with applicable engineering standards. Mr. Parker stated that staff has
39 reviewed the request and found it approvable pending a discussion with Mike Davis from the
40 Public Works Department as Mr. Davis had been on medical leave. Mr. Davis had worked with
41 Mr. Richens and CRS prior to his leave.

42
43 Kimball Glazier opened the Public Hearing to receive comment on the preliminary plat
44 subdivision. There were no comments. Mr. Glazier closed the public hearing.

45
46 Scott Gessell asked for clarification of an entry way on 400 West. Mr. Gessell's understanding

93 the property. The cost of paving the entire area is a big concern. Mr. Glazier reminded Mr.
94 Cochran that up to four people can live in a studio apartment. If they are unrelated, there is the
95 potential of bringing in four vehicles, which could create a nuisance in the neighborhood. Mr.
96 Glazier asked if Mr. Cochran could be permitted to have the parking area graveled or put down
97 road base instead of being paved. The City's concern is parking on the street. Mr. Parker
98 explained that the City Code does not require any parking in that particular location. There is no
99 new construction that will take place on the property. Therefore, the Code does not require
100 parking. Mr. Glazier asked Mr. Cochran if he was in a time sensitive situation. Mr. Cochran
101 stated that he would like to have the inside of the property completely remodeled within a month,
102 but the parking can wait. Mr. Glazier asked Mr. Cochran if he would be willing the pave four
103 parking spaces and gravel at least another four parking spaces. Mr. Cochran stated he would be
104 willing to pave four parking spaces and that he would gravel the remaining rear yard which
105 would create more than four parking spaces. Adam Ray asked if the property needed to be
106 Americans With Disabilities Act (ADA) accessible. Mr. Parker explained that ADA compliance
107 for parking spaces with a four-plex is not required. Mr. Cochran explained that the engineer had
108 made allowance for ADA compliance on the floor plans. Mr. Coleman stated that there would
109 need to be an ADA compliant access route to the building. Adam Ray moved to forward a
110 positive recommendation to the City Council for amendment of a Conditional Use Permit from
111 Steve Cochran for a multi-family dwelling located at 116 South Vernal Avenue, Vernal, Utah –
112 Application #2015-019-CUP with the condition of four paved parking spaces and at least another
113 four more gravel parking spaces to mitigate the impact of the parking on the adjoining uses.
114 Scott Gessell seconded the motion. *The motion passed with Kimball Glazier, Kathleen Gray,*
115 *Scott Gessell and Adam Ray voting in favor.*

116
117 **VERNAL CITY MUNICIPAL PLANNING & ZONING CODE TO DISCUSS**
118 **AMENDING FENCING REGULATIONS – CHAPTERS 16.24, 16.48, 16.50, 16.20 –**
119 **ALLEN PARKER:** Allen Parker gave a brief overview of the changes and corrections made to
120 the Fencing Code. In Section 16.20.350, Item A - 3, the word "sight" at the end of the sentence
121 will be replaced with "clear vision triangle, herein". Section 16.20.350, Item B – 1- d, is
122 redundant and will be removed. Mr. Parker asked for clarification on 16.20 350, Section B, Item
123 2, Letter a, he had an "X" over the word "fence" with the letter "R" next to it. He had no other
124 notes from the previous meeting discussing fences and asked the Commission if they had any
125 recollection of what that note might have meant. No one on the Commission remembered
126 having a discussion about that item. Mr. Parker did not think there needed to be a change to that
127 item. In 16.20.350 Section C, Item 2, Letters a and b, changes were made from the original
128 presentation. They are items that need to be considered when permitting conditional uses.
129 Section 16.20.350, Item D – 1 and 2 were added. Section 16.20.350, Item E was rewritten and
130 clarified.

131
132 **ANNUAL PLANNING COMMISSION MEETING SCHEDULE FOR 2016 – ALLEN**
133 **PARKER:** Allen Parker stated that the City Council is required to approve a resolution setting
134 the meeting schedule for the Planning Commission for the upcoming year. The current schedule
135 is for a monthly meeting on the second Tuesday of every month at 7:00 p.m. Mr. Parker asked if
136 the Commission would like to keep the current schedule for the upcoming year or modify it.
137 *Kathleen Gray moved to forward a recommendation to the City Council to keep the existing*
138 *Planning and Commission meeting schedule for the second Tuesday of every month at 7:00*
139 *p.m. Adam Ray seconded the motion. The motion passed with Kimball Glazier, Kathleen*

140 *Gray, Scott Gessell and Adam Ray voting in favor.*

141

142 **RECOGNITION OF PAST CHAIR, MIKE DRECHSEL – ALLEN PARKER:** Mike
143 Drechsel was not able to attend and will be on next month's agenda.

144

145 **ADJOURN:** There being no further business, *Scott Gessell moved to adjourn. Adam Ray seconded*
146 *the motion. The motion passed with a unanimous vote, and the meeting was adjourned.*

147

148

149

Kimball Glazier, Temporary Planning Commission Chair

150

151

Awaiting Formal Approval



VERNAL PLANNING COMMISSION STAFF REPORT

DATE: 8 January 2016

ITEM: B1

I. APPLICATION: 2015-023-SUB (100 East LLC Subivision)

APPLICANT: Toni Graham
REQUEST: Subdivision (minor) **FOR RECOMMENDATION**
LOCATION: 258 North 100 East
ZONING: R-2
ACREAGE: .72 Acres

II. ANALYSIS:

The applicant is requesting approval of a minor subdivision of one parcel into three parcels, yielding one parcel at .18 acres, one at .22 acres and one parcel at .32 acres. Each of the new parcels meet dimensional and area standards set forth in Vernal City Code. Staff has conducted a full review and found that the submittal is in substantial compliance with Vernal City requirements with one correction to a lot line length. An engineering review has been conducted of the application by CRS Engineering and the submittal is in substantial compliance with applicable engineering standards.

III. STAFF RECOMMENDATIONS:

This application is in substantial compliance with Vernal City Code and the requirements contained therein. Staff finds that this is an approvable application with the following conditions:

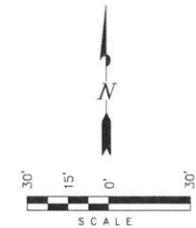
1. Any and all corrections required by staff and/or engineering are made.

A handwritten signature in black ink, appearing to read "Allen Parker".

Allen Parker
Assistant City Manager/Planning Director

100 EAST LLC SUBDIVISION

Located in the NE 1/4 of
Section 23, T4S, R21E, S.L.B.&M.
VERNAL CITY, UINTAH COUNTY, UTAH



SURVEYORS CERTIFICATE

I, JOHN R SLAUGH, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE No. 6028691 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND THE SAME HAVE BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT AND THAT SAID TRACT OF LAND IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER LOT 3, FRACTIONAL BLOCK 4, PLAT "A" OF THE OFFICIAL MAP OF VERNAL CITY, UTAH, BEING LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, SECTION 23, TOWNSHIP 4 SOUTH, RANGE 21 EAST, SALT LAKE BASE AND MERIDIAN, UINTAH COUNTY, UTAH; THENCE N02°12'59"W ALONG THE WEST LINE OF SAID LOT 3 OF BLOCK 4, 153.00 FEET; THENCE N87°48'08"E PARALLEL WITH THE SOUTH LINE OF SAID LOT 3 OF BLOCK 4, 214.50 FEET TO THE EAST LINE OF SAID LOT 3, BLOCK 4; THENCE S02°12'59"E ALONG SAID EAST LINE OF LOT 3, BLOCK 4, 73.99 FEET TO AN EXISTING FENCE LINE; THENCE S87°48'08"W ALONG SAID FENCE LINE 14.88 FEET TO A FENCE CORNER; THENCE S01°39'08"E ALONG SAID FENCE 79.01 FEET TO THE SOUTH LINE OF SAID LOT 3, BLOCK 4; THENCE S87°48'08"W ALONG SAID SOUTH LINE OF LOT 3, BLOCK 4, 198.84 FEET TO THE POINT OF BEGINNING. BASIS OF BEARINGS IS THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION WHICH IS TAKEN FROM THE OFFICIAL MAP OF VERNAL CITY, UTAH TO BEAR N87°52'25"E. CONTAINS 0.73 ACRES MORE OR LESS.



OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS: THAT WE THE UNDERSIGNED OWNERS, OF THAT TRACT OF LAND DESCRIBED HEREON, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AS INDICATED HERON.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS _____ DAY OF _____, A.D. 2015

ACKNOWLEDGMENT

ON THE _____ DAY OF _____, A.D. 2015, PERSONALLY APPEARED BEFORE ME THE SIGNERS OF THE FOREGOING DEDICATION WHO ACKNOWLEDGED TO ME THAT THEY DID EXECUTE THE SAME.

NOTARY PUBLIC

VERNAL CITY WATER AND SEWER APPROVAL

APPROVED BY THE WATER AND SEWER DEPARTMENT OF VERNAL CITY, THIS _____ DAY OF _____, A.D. 2015.

SUPERINTENDENT

VERNAL CITY COUNCIL APPROVAL

APPROVED BY THE VERNAL CITY COUNCIL, THIS _____ DAY OF _____, A.D. 2015.

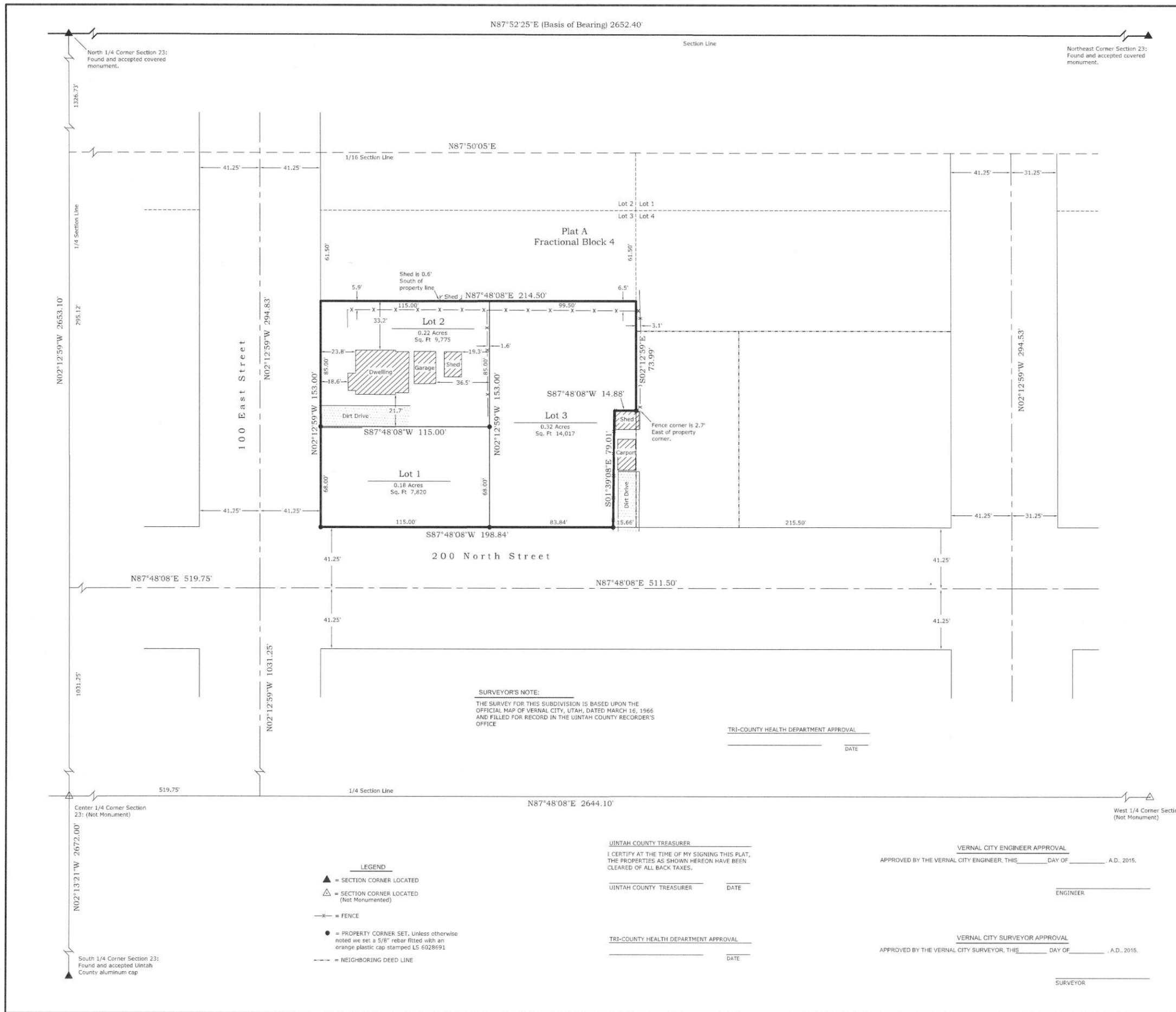
MAYOR

ATTESTED BY: _____
RECORDER

PLANNING COMMISSION APPROVAL

APPROVED BY THE PLANNING COMMISSION OF VERNAL CITY, THIS _____ DAY OF _____, A.D. 2015.

CHAIRMAN



SURVEYOR'S NOTE:
THE SURVEY FOR THIS SUBDIVISION IS BASED UPON THE OFFICIAL MAP OF VERNAL CITY, UTAH, DATED MARCH 16, 1966 AND FILLED FOR RECORD IN THE UINTAH COUNTY RECORDER'S OFFICE

TRI-COUNTY HEALTH DEPARTMENT APPROVAL
DATE

UINAH COUNTY TREASURER
DATE

TRI-COUNTY HEALTH DEPARTMENT APPROVAL
DATE

VERNAL CITY ENGINEER APPROVAL
APPROVED BY THE VERNAL CITY ENGINEER, THIS _____ DAY OF _____, A.D. 2015.

VERNAL CITY SURVEYOR APPROVAL
APPROVED BY THE VERNAL CITY SURVEYOR, THIS _____ DAY OF _____, A.D. 2015.

- LEGEND**
- ▲ = SECTION CORNER LOCATED
 - △ = SECTION CORNER LOCATED (Not Monumented)
 - x- = FENCE
 - = PROPERTY CORNER SET. Unless otherwise noted we set a 5/8" rebar fitted with an orange plastic cap stamped LS 6028691
 - - - = NEIGHBORING DEED LINE

SURVEYED BY: J.W.A.
DRAWN BY: J.W.A.
DATE: 11-18-2015
SCALE: 1"=30'
FILE:



ORDINANCE NO. 2016-01

AN ORDINANCE AMENDING THE VERNAL CITY MUNICIPAL CODE, REPEALING SECTIONS 9.32.020, 16.24.055, 16.24.080, AMENDING SECTION 16.04.240 AND ADDING SECTION 16.20.350.

WHEREAS, the City Council finds that the regulation of fencing requirements within new the City is necessary for orderly growth and conduct of business within the City, and;

WHEREAS, the City Council deems it to be in the best interest of the health, safety and welfare of the citizens to incorporate the following changes to the provisions of the Vernal City Code, and;

WHEREAS, the City Council has received input from the public at large in duly noticed open meetings, and has considered and discussed the advantages and disadvantages of such regulation.

BE IT ORDAINED BY THE CITY COUNCIL OF VERNAL CITY, UTAH AS FOLLOWS:

Section 1. Section 9.32.020 is hereby repealed in its entirety

9.32.020 Barbed wire and similar fences prohibited.

~~A. It is unlawful to erect or maintain a barbed wire fence, or to cause the same to be erected or maintained; provided, however:~~

~~1. Barbed wire may be used at the top of a fence not otherwise constructed with barbed wire if the barbed wire is not closer than six (6) feet to the ground. This subdivision shall not apply to a fence which is located on a common boundary between residential lots.~~

~~2. Barbed wire may be used as part of a fence which is closer than six (6) feet to the ground if the fence encloses a lot or pasture which is used at least six (6) months in each calendar year to lawfully maintain one or more horses, cows, sheep or other domestic animals of similar size. (Added during 1993 recodification)~~

Section 2. A new Section 16.04.204 is hereby added to read as follows

16.04.204

Section 3. Section 16.24.055 is hereby repealed in its entirety

16.24.055 Fencing for multi-family developments.

~~A. This section shall apply to multifamily developments having five (5) or more dwelling units.~~

~~B. A fence shall be erected around the perimeter of multifamily developments in accordance with the following:~~

- ~~1. The fence shall be sight obscuring;~~
- ~~2. The fence shall be six (6) feet in height;~~
- ~~3. The fence shall not be required along any road frontage;~~
- ~~4. The fence shall not impede the view of vehicular traffic in a way that would create a hazard to the public.~~

~~C. The Planning Commission may waive the fencing requirement in accordance with the following:~~

- ~~1. The required fence is immediately adjacent to another multi-family development, and~~
- ~~2. The owner of the adjacent multi-family development consents in writing to the waiver of the fencing requirement.~~

~~D. The fence shall be built in accordance with all other City ordinances.~~

Section 4. Section 16.24.080 is hereby repealed in its entirety

16.24.080 Fence height requirements.

~~A. No fence or other similar structure shall be erected in any required front yard of a dwelling to a height in excess of four (4) feet; nor shall any fence or other similar structure be erected in any side yard or rear yard to a height in excess of seven (7) feet except when authorized by a conditional use permit. Rear yards abutting against a front yard may not have a fence, hedge, or blockwall erected higher than four (4) feet except as allowed by a conditional use permit.~~

~~B. For dwellings on corner lots, fences other than see thru fences erected in the side yard and rear yard bordering on a street shall be limited to a height of four (4) feet, unless a clear vision triangle, as defined herein, is maintained at all street intersections and automobile street accesses.~~

~~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 halfway 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 four (4) feet in height measured from the surface of the land on the side having the highest elevation. (PZSC § 03-11-008)~~

~~D. Temporary fences up to eight (8) feet in height of a see through type may be erected in any zone for construction and/or demolition purposes. Application for a temporary use permit shall be required as outlined in Section 16.24.150 of this Title.~~

~~E. Building permits shall be required and obtained from the Building Official for the construction of all fences prior to any fence being constructed.~~

~~F. In addition, all fences must meet the specific requirements of the zone in which it is constructed as defined herein.~~

~~(Ord. No. 94-15, Amended, 07/14/94; Ord. No. 96-07, Amended, 03/20/96; Ord. No. 97-01, Amended, 07/02/97)~~

Section 5. A new Section 16.20.350 is hereby added to read as follows

16.20.350 Fences.

A. Parcels with up to four (4) dwelling units

1. Fences in front yards or abutting a front yard on an adjoining parcel shall be limited to four (4) feet in height.

2. Except as provided in section C, fences in rear and side yards shall be limited to seven (7) feet in height.

3. Fences along parcel frontages in side or rear yards shall be limited to four (4) feet in height unless they are made of chain link or another material that allows similar visibility through the material.

B. Parcels with more than four (4) dwelling units

1. A fence shall be erected around the perimeter of multifamily developments in accordance with the following:

a. The fence shall be sight obscuring, and;

b. Except as provided in section C, the fence shall be a minimum of six (6) feet and a maximum of seven (7) feet in height, except any fence in a front yard or abutting a front yard on an adjoining parcel shall be limited to four (4) feet in height, and;

c. The fence shall not be required along any road frontage;

2. The Planning Commission may waive the fencing requirement in accordance with the following:

a. The required fence is immediately adjacent to another multi-family development, and ;

b. The owner of the adjacent multi-family development consents in writing to the waiver of the fencing requirement.

3. The fence shall be built in accordance with all other City ordinances.

C. Parcels with a residential use – fences exceeding seven (7) feet

1. On parcels with a residential use, fences in excess of seven (7) feet may be allowed as a conditional use in accordance with the following:

a. The fence must be in a side or rear yard.

b. The fence must not abut a front yard on any other adjoining parcel.

2. In considering a fence as a conditional use, the following items shall be evaluated:

a. The proximity of other occupied structures impact on said structures; and

b. The impact of odors on adjacent uses.

D. Parcels with a non-residential use

E. Barbed Wire Fences

1. It is unlawful to erect or maintain a barbed wire fence, or to cause the same to be erected or maintained; provided, however:

a. Barbed wire may be used at the top of a fence not otherwise constructed with barbed wire if the barbed wire is not closer than six (6) feet to the ground. This subdivision shall not apply to a fence which is located on a common boundary between residential lots.

b. Barbed wire may be used as part of a fence which is closer than six (6) feet to the ground if the fence encloses a lot or pasture which is used at least six (6) months in each calendar year to lawfully maintain one or more horses, cows, sheep or other domestic animals of similar size.

F. Temporary fences

1. Temporary fences up to eight (8) feet in height of a see through type may be erected in

any zone for construction and/or demolition purposes. Application for a temporary use permit shall be required as outlined in Section 16.24.150 of this Title.

G. All fences shall not obstruct the clear vision triangle as defined in Vernal City Code.

H. Building permits required

1. With the exception of temporary fences, a building permit shall be required for the construction of a fence.

SECTION A. REPEALER. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the code are hereby repealed.

SECTION B. SEVERABILITY. The provisions of this ordinance shall be severable and if any provision thereof or the application of such provision under any circumstances is held invalid and it shall not affect the validity of any other provision of this ordinance or the application in a different circumstance.

SECTION C. EFFECTIVE DATE. This ordinance shall take effect the day after publication the __ day of _____ 2016.

Mayor Sonja Norton

ATTEST:

Kenneth L. Bassett, City Recorder

(S E A L)

Date of Publication: _____

THESE SECTIONS ARE THE ONES IN OUR CURRENT CODE THAT REFERENCE FENCES:

Section 9.32.020 Barbed wire and similar fences prohibited.

A. It is unlawful to erect or maintain a barbed wire fence, or to cause the same to be erected or maintained; provided, however:

1. Barbed wire may be used at the top of a fence not otherwise constructed with barbed wire if the barbed wire is not closer than six (6) feet to the ground. This subdivision shall not apply to a fence which is located on a common boundary between residential lots.

2. Barbed wire may be used as part of a fence which is closer than six (6) feet to the ground if the fence encloses a lot or pasture which is used at least six (6) months in each calendar year to lawfully maintain one or more horses, cows, sheep or other domestic animals of similar size.
(Added during 1993 recodification)

Section 16.04.240 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 and walls. (PZSC § 03-15-048)

Section 16.24.055 Fencing for multi-family developments.

A. This section shall apply to multifamily developments having five (5) or more dwelling units.

B. A fence shall be erected around the perimeter of multifamily developments in accordance with the following:

1. The fence shall be sight obscuring;
2. The fence shall be six (6) feet in height;
3. The fence shall not be required along any road frontage;
4. The fence shall not impede the view of vehicular traffic in a way that would create a hazard to the public.

C. The Planning Commission may waive the fencing requirement in accordance with the following:

1. The required fence is immediately adjacent to another multi-family development, and ;
2. The owner of the adjacent multi-family development consents in writing to the waiver of the fencing requirement.

D. The fence shall be built in accordance with all other City ordinances.

Section 16.24.080 Fence height requirements.

A. No fence or other similar structure shall be erected in any required front yard of a dwelling to a height in excess of four (4) feet; nor shall any fence or other similar structure be erected in any side yard or rear yard to a height in excess of seven (7) feet except when authorized by a conditional use permit. Rear yards abutting against a front yard may not have a

fence, hedge, or block wall erected higher than four (4) feet except as allowed by a conditional use permit.

B. For dwellings on corner lots, fences other than see-thru fences erected in the side yard and rear yard bordering on a street shall be limited to a height of four (4) feet, unless a clear vision triangle, as defined herein, is maintained at all street intersections and automobile street accesses.

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 halfway 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 four (4) feet in height measured from the surface of the land on the side having the highest elevation. (PZSC § 03-11-008)

D. Temporary fences up to eight (8) feet in height of a see through type may be erected in any zone for construction and/or demolition purposes. Application for a temporary use permit shall be required as outlined in Section 16.24.150 of this Title.

E. Building permits shall be required and obtained from the Building Official for the construction of all fences prior to any fence being constructed.

F. In addition, all fences must meet the specific requirements of the zone in which it is constructed as defined herein.

THE FOLLOWING SECTION WOULD REPLACE ALL OF THE ABOVE SECTIONS, EXCEPT 16.04.240 WHICH DEFINES FENCES. ALL USE TABLES WOULD BE AMENDED TO INCLUDE FENCES AS A PERMITTED USE.

16.20.350 Fences

A. Parcels with up to four (4) dwelling units

1. Fences in front yards or abutting a front yard on an adjoining parcel shall be limited to four (4) feet in height.

2. Except as provided in section C, fences in rear and side yards shall be limited to seven (7) feet in height.

3. Fences along parcel frontages in side or rear yards shall be limited to four (4) feet in height unless they are made of chain link or another material that allows similar visibility through the material.

B. Parcels with more than four (4) dwelling units

1. A fence shall be erected around the perimeter of multifamily developments in accordance with the following:

a. The fence shall be sight obscuring, and;

b. Except as provided in section C, the fence shall be a minimum of six (6) feet and a maximum of seven (7) feet in height, except any fence in a front yard or abutting a front yard on an adjoining parcel shall be limited to four (4) feet in height, and;

c. The fence shall not be required along any road frontage;

2. The Planning Commission may waive the fencing requirement in accordance with the following:

a. The required fence is immediately adjacent to another multi-family development, and ;

b. The owner of the adjacent multi-family development consents in writing to the waiver of the fencing requirement.

3. The fence shall be built in accordance with all other City ordinances.

C. Parcels with a residential use – fences exceeding seven (7) feet

1. On parcels with a residential use, fences in excess of seven (7) feet may be allowed as a conditional use in accordance with the following:

a. The fence must be in a side or rear yard.

b. The fence must not abut a front yard on any other adjoining parcel.

2. In considering a fence as a conditional use, the following items shall be evaluated:

a. The proximity of other occupied structures impact on said structures; and

b. The impact of odors on adjacent uses.

D. Parcels with a non-residential use

E. Barbed Wire Fences

1. It is unlawful to erect or maintain a barbed wire fence, or to cause the same to be erected or maintained; provided, however:

a. Barbed wire may be used at the top of a fence not otherwise constructed with barbed wire if the barbed wire is not closer than six (6) feet to the ground. This subdivision shall not apply to a fence which is located on a common boundary between residential lots.

b. Barbed wire may be used as part of a fence which is closer than six (6) feet to the ground if the fence encloses a lot or pasture which is used at least six (6) months in each calendar year to lawfully maintain one or more horses, cows, sheep or other domestic animals of similar size.

F. Temporary fences

1. Temporary fences up to eight (8) feet in height of a see through type may be erected in any zone for construction and/or demolition purposes. Application for a temporary use permit shall be required as outlined in Section 16.24.150 of this Title.

G. All fences shall not obstruct the clear vision triangle as defined in Vernal City Code.

H. Building permits required

1. With the exception of temporary fences, a building permit shall be required for the construction of a fence.