

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 Section 9.32.020 is hereby repealed in its entirety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. Section 16.24.055 is hereby repealed in its entirety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 3. 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 4. 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.

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. Fences exceeding seven (7) feet on residential parcels.

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 extent to which the fence obstructs visibility from adjacent parcels and structures, and;

b. Any potential safety risks caused by the additional height of the fence.

D. Parcels with a non-residential use.

1. Fences in residential zones but on a parcel with a non-residential use.

a. Unless otherwise provided elsewhere in Vernal City code, all such fences shall be limited to seven (7) feet in height and shall be made from chain link or another similar material that does not obstruct visibility when located in any required front yard.

2. Fences in non-residential zones on a parcel with a non-residential use.

a. Such fences shall be regulated in accordance with the requirements of the specific zone or use with which they are associated.

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 provision shall not apply and no barbed wire shall be used in the construction of a fence that is located on a common boundary between residential lots.

b. Barbed wire may be used to construct any part of a fence that encloses a lot or pasture which is used at least six (6) months in each calendar year to lawfully maintain any number of 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: _____