

ORDINANCE NO. 2018-17

AN ORDINANCE AMENDING SECTION 12.55.110 OF THE CENTERVILLE ZONING CODE REGARDING FENCES AND WALLS IN VARIOUS ZONES

WHEREAS, the City Council desires to amend Section 12.55.110 of the Zoning Code to allow additional fencing heights in various zones for buffering purposes as more particularly set forth herein; and

WHEREAS, the proposed amendments to the Zoning Code regarding additional fencing heights in various zones have been reviewed by the Planning Commission with a recommendation of denial to the City Council; and

WHEREAS, City Council has determined that the proposed amendments to the Zoning Code to allow additional fencing heights in various zones are in the best interest of the City and the public and will provide additional buffering opportunities between properties of varying zones and intensities; and

WHEREAS, the proposed amendments to the Zoning Code as set forth herein have been reviewed by the Planning Commission and the City Council and all appropriate public notices have been provided and appropriate public hearings have been held in accordance with Utah law to obtain public input regarding the proposed revisions to the Zoning Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Amendment. Subsection 12.55.110 of the Centerville Zoning Code regarding Fences and Walls is hereby amended to read in its entirety as follows:

12.55.110 Fences and Walls

- (a) Height of Fences and Walls. No fence, wall or other similar structure exceeding six feet in height shall be erected in any rear or side yard except for accessory buildings and structures permitted by this Title, except as provided below.
 - (1) When a difference in grade exists on either side of a fence or wall, the height of the fence or wall shall be measured from:
 - (A) The average elevation of the finished grade of adjoining properties at the fence line; or
 - (B) If excavated or filled, the native elevation.
 - (2) No fence need be less than 48 inches in height.
 - (3) The Planning Commission may approve a fence, wall or similar structure not to exceed 10 feet in a rear area or side yard in the A-M, R-M, R-H, C-M, C-H, C-VH, I-H, I-VH, PF-L, PF-M, PF-H, or PF-VH zones as part of

a site plan review, or amended site plan, with the findings by the Planning Commission that is to be a benefit to the surrounding properties and/or help to buffer the use, and is in the City's best interest.

- (4) The Zoning Administrator may approve a fence, wall or similar structure not to exceed a height of eight feet, as a buffering element, where a differing zone district boundary is present. Such fence shall be subject to the following:
- (A) A "permitted use" application shall be submitted to the City for any fence higher than six feet.
 - (B) The increased height placement shall be limited to placement or location along a zone district boundary between two differing zones, when and where there is a difference in zone intensity and the higher intensity zone is missing the buffering element of CZC 12.51.070 or between any A-L and R-L Zone boundary.
 - (C) In no case shall the increased height be placed, located, or extended into any front yard or street side yard setback requirement of any zone.
 - (D) Where utility easements are present, the "permitted use" request shall comply with CZC 12.55.100 Easements.
 - (E) All fencing above six feet in height shall comply with any or all applicable building code regulations and/or shall meet the adopted applicable wind loading regulations.
- (5) South side of Porter Lane, from 400 West to Main Street. For all legally approved rear yard fronting lots along the creek channel, the fence height shall not exceed eight feet in height along the rear yard lot line.
- (b) Fences in Front Yard and Street Side Yard. No fence or wall or other similar structure exceeding 48 inches in height shall be erected within a front yard or a street side yard.

Section 2. Findings. The City Council makes the following findings regarding the Zoning Code Amendments adopted herein:

- (a) The City Council finds that the proposed amendments do not conflict with the policies of the City's General Plan.
- (b) The City Council finds that the fence height buffering increases privacy for lower intensity zones, where the standard required buffer of the higher intensity is missing.
- (c) The City Council finds that fence buffer between the A-L and R-L Zoning Districts improves buffering from adjacent potential intrusive A-L uses (*e.g. large farm animals, noise, visual esthetics, etc.*)

- (d) The City Council finds that a higher fence is an optional screening element to the use of vegetation and plantings, which can be more intrusive (*e.g. tree limbs hanging over property lines*) in smaller side yard/rear yard setback areas of residential style development.
- (e) The City Council finds that the proposed amendments meet the approval standards set forth in CZC 12.21.080(e).

Section 3. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

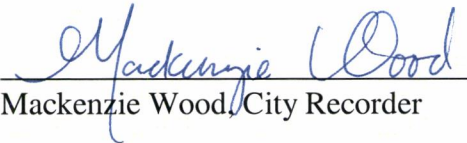
Section 4. Omission Not a Waiver. The omission to specify or enumerate in this ordinance those provisions of general law applicable to all cities shall not be construed as a waiver of the benefits of any such provisions.

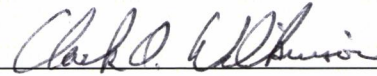
Section 5. Effective Date. This Ordinance shall become effective immediately upon publication or posting, or thirty (30) days after passage, whichever occurs first.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, ON THIS 17th DAY OF JULY 2018.

ATTEST:

CENTERVILLE CITY


 Mackenzie Wood, City Recorder

By: 
 Mayor Clark A. Wilkinson

Voting by the City Council:

	“AYE”	“NAY”
Councilmember Fillmore	<u>X</u>	_____
Councilmember Ince	<u>X</u>	_____
Councilmember Ivie	<u>X</u>	_____
Councilmember McEwan	<u>X</u>	_____
Councilmember Mecham	<u>X</u>	_____

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published, or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB's Gas Station, on the foregoing referenced dates.

Mackenzie Wood
MACKENZIE WOOD, City Recorder

DATE: 7/18/2018

RECORDED this 18 day of July, 2018.

PUBLISHED OR POSTED this 18 of July, 2018.

