

**ORDINANCE NO. 2021-19**

**AN ORDINANCE AMENDING SECTION 12.55.110 OF THE CENTERVILLE ZONING CODE REGARDING FENCES AND WALLS**

**WHEREAS**, the City Council desires to amend Section 12.55.110 of the Zoning Code regarding fences in the street side yard of corner lots as more particularly set forth herein; and

**WHEREAS**, the proposed amendments to the Zoning Code regarding fencing in the street side yard of corner lots have been reviewed by the Planning Commission with a recommendation to the City Council; and

**WHEREAS**, City Council has determined that the proposed amendments to the Zoning Code regarding fencing in the street side yard of corner lots are in the best interest of the City and the public and will provide additional fencing opportunities for property owners; 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.** Section 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.

(5)(6) Street Side Yard, Corner Lots. For residential zones, fencing up to 6 feet in height may be allowed within the street side yard portion of a corner lot, as measured from an interior lot line of the lot to a line intersecting at the Front Yard Setback line of the lot along the other street. Exception, fences shall not exceed 4 feet in height for a minimum distance of at least 12 feet, when a driveway on an adjacent lot is located within 12 feet of the interior lot line of the corner lot (see Figure 1.1 for a visual reference).

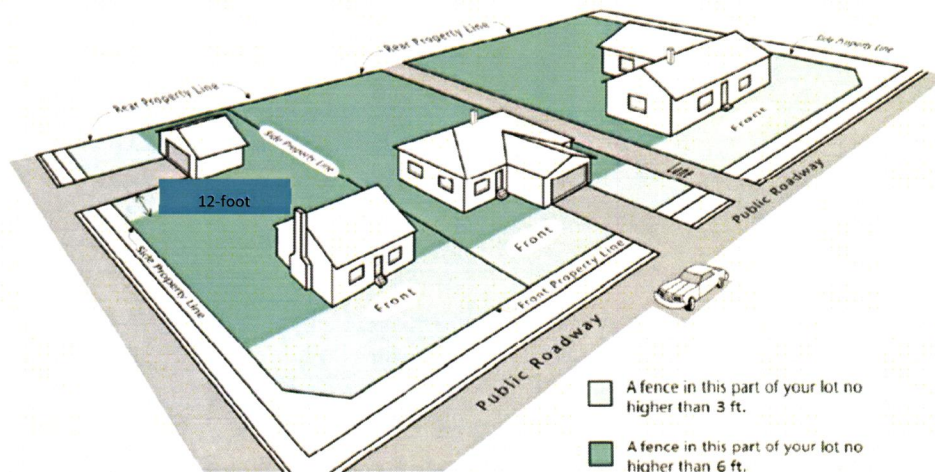


Figure 1.1

(b) Fences in Front Yard and Street Side Yard. Except as otherwise provided herein, no ~~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 text amendments are consistent with and even further the objectives and policies of the City’s General Plan.
- (b) The City Council finds that the proposed amendments can be deemed acceptable and/or consistent with review factors of Section 12.21.080(e) of the Centerville Zoning Code.

**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 7<sup>th</sup> DAY OF SEPTEMBER, 2021.**

ATTEST:

CENTERVILLE CITY

  
 Jennifer Hansen, City Recorder

By:   
 Mayor Clark A. Wilkinson

Voting by the City Council:

	“AYE”	“NAY”	“ABSENT”
Councilmember Fillmore	_____	_____ X _____	_____
Councilmember Ince	_____ X _____	_____	_____
Councilmember Ivie	_____ X _____	_____	_____
Councilmember McEwan	_____ X _____	_____	_____
Councilmember Mecham	_____ X _____	_____	_____

**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.

Jennifer Hansen  
JENNIFER HANSEN, City Recorder

DATE: 9/9/2021

RECORDED this 9<sup>th</sup> day of September, 2021.

PUBLISHED OR POSTED this 9<sup>th</sup> of September, 2021.

