

ORDINANCE 06-04

AN ORDINANCE AMENDING NIBLEY CITY LAND USE CODE BY REPEALING CERTAIN REGULATIONS FOR FENCES AND ENACTING NEW REGULATIONS FOR FENCES IN NIBLEY CITY

BE IT ORDAINED BY THE NIBLEY CITY COUNCIL OF NIBLEY, UTAH THAT:

Section 1. All of section 10-12-9 of the Nibley City code is hereby repealed.

Section 2. The following is enacted as replacement for the above repealed portion of the Nibley City code.

10-12-9: FENCE REGULATIONS:

A. Fence:

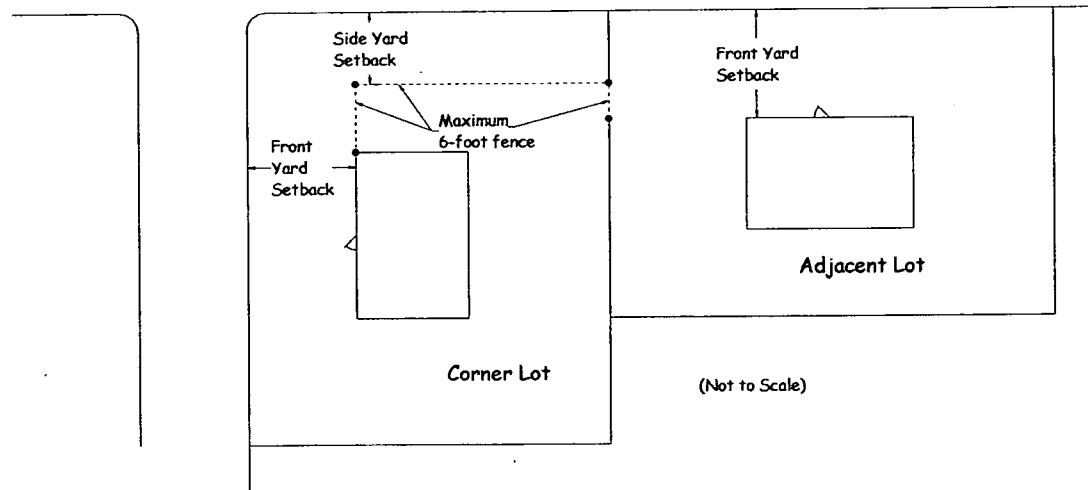
No fence, wall, or other similar structure shall be erected in any front-yard setback area to a height in excess of four feet (4'); nor shall any fence, wall or other similar structure be erected in any side- or rear-yard to a height in excess of seven feet (7') for an opaque fence, e.g., solid wood, and eight feet (8') for a non-opaque fence, e.g., chain link. Under all circumstances, no structure or landscaping element may interfere with property address identification.

B. Corner Lots:

1. Corner-lot fences shall comply with one of the following.

a. No opaque fence, wall, or other similar structure shall be erected in any yard bordering a street or front yard of an adjoining lot to a height in excess of four feet (4'). These four-foot fences may be built on the property line.

b. Six-foot (6') tall opaque fences adjacent to a street are allowed at the side-yard setback line, starting at the corner lot's front-yard setback line and running to the corner lot's rear property line. When the rear yard of a corner lot is adjacent to the front yard of a neighboring lot, the maximum fence height is six feet (6') in the part of corner lot's rear yard that is adjacent to the neighboring lot's front-yard setback area. The following figure shows where six-foot fences are allowed on corner lots. Although this figure shows the front of each house placed at the front-yard setback line, houses may also be placed behind the front-yard setback lines. In this case, the six-foot fence placement is still defined by the setback lines, not by the houses.



Setback lines defining the placement of corner-lot fences adjacent to private streets are referenced from the edge of the private-street easement or from the property line, whichever is further from the center of the private street.

c. Transparent fences shall conform to the guidelines of section 10-11-1 of this chapter.

2. All fences on corner lots shall comply with the clear view of intersecting streets as defined in 10-12-11 of this chapter.

C. Elevation Changes:

Where there is a difference in the elevation on either side of a fence or a wall, the height of the fence shall be determined by the difference between the top of the fence and the average of two points that are perpendicularly ten feet (10') on either side of the fence.

D. Opaque fences in rear yards that are adjacent to a street shall not exceed six feet (6') in height. Wherever possible and feasible, Nibley City will negotiate a minimum ten-foot (10') public easement between the placement of these six-foot fences and the rear property line.

E. Fences installed adjacent to a street shall have the finished side facing the street. All gates that adjoin public property or public easements shall open inward (toward the property owner's yard).

F. Fences shall not be built within twelve inches (12") of a sidewalk.

G. Access to a rear yard is required for emergency purposes and shall be at least four feet wide.

H. A permit is required to build a fence. Nibley City staff shall have the authority to review and grant applications for fences. Citizens disagreeing with City staff decisions may appeal those decisions to the Nibley City Planning and Zoning Commission.

Section 3. All of paragraph E - Fences and wall maximum height of Section 10-11-1 of the Nibley City code is hereby repealed.

Section 4. The following is enacted as replacement for the above repealed portion of the Nibley City code, Space Requirements Chart.

E. Fences and walls maximum height

	A	R-E	R-1	R-1A	R-2	R-2A	C	I
Front yard, property line to setback line	4	4	4	4	4	4	4	4
Rear yard	7 (8) ⁷	7 (8) ⁷	7 (8) ⁷	7 (8) ⁷	7 (8) ⁷	7 (8) ⁷	7 (8) ⁷	7 (8) ⁷
Side yard	7 (8) ⁷	7 (8) ⁷	7 (8) ⁷	7 (8) ⁷	7 (8) ⁷	7 (8) ⁷	7 (8) ⁷	7 (8) ⁷

Corner lots - See subsection 10-12-9B of this title

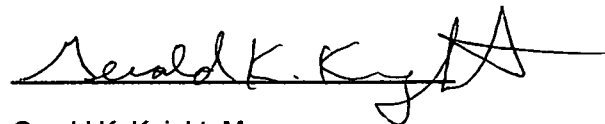
Notes:

7. Eight-foot (8') height allowed for a transparent fence, e.g., chain link.

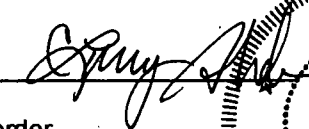
Section 5. All of section 10-12-11 CLEAR VIEW OF INTERSECTING STREETS shall be amended to read as follows.

In all zones, no obstruction to public or private street views in excess of two feet in height above road grade shall be placed on any corner lot within a triangular area formed by the streets at property line and a line connecting them at points 25 feet from the intersection of the street right-of-way lines, except a reasonable number of trees pruned appropriately to permit automobile drivers an unobstructed view.

PASSED BY THE NIBLEY CITY COUNCIL, NIBLEY, UTAH, THIS 15 DAY OF JUNE, 2006



Gerald K. Knight, Mayor

ATTEST: 

City Recorder

