

## ORDINANCE 2021-31

### AN ORDINANCE OF NORTH OGDEN CITY AMENDING THE ZONING ORDINANCE OF NORTH OGDEN CITY TITLE 11, CHAPTER 10, SECTION 11 (B)(1), AND (C): FENCE HEIGHT REGULATIONS, ADDING CLARIFYING LANGUAGE REGARDING FENCES WITHIN CORNER TRIANGLES

**WHEREAS;** The current City ordinance relating to fences within the clear view corner triangle limits a property owner's property rights; and

**WHEREAS;** This amendment updates in a reasonable manner the standards relating to fencing within clear view corner triangles; and

**WHEREAS;** Updating these standards will provide clarity for Staff and property owners in fencing areas of private property while maintaining reasonable safety standards;

**NOW THEREFORE, BE IT ORDAINED** by the North Ogden City Council that the North Ogden City Code 11-10-11 (A) and (B) be amended as follows:

#### **11-10-11: FENCE HEIGHT REGULATIONS**

- B. Corner Lots: No fence, hedge or other similar structure shall be erected to a height in excess of six feet (6') in the rear or side yard of a corner lot. Hedge provisions in this Code Section apply only to hedges used in place of a fence as defined in 11-2-1.

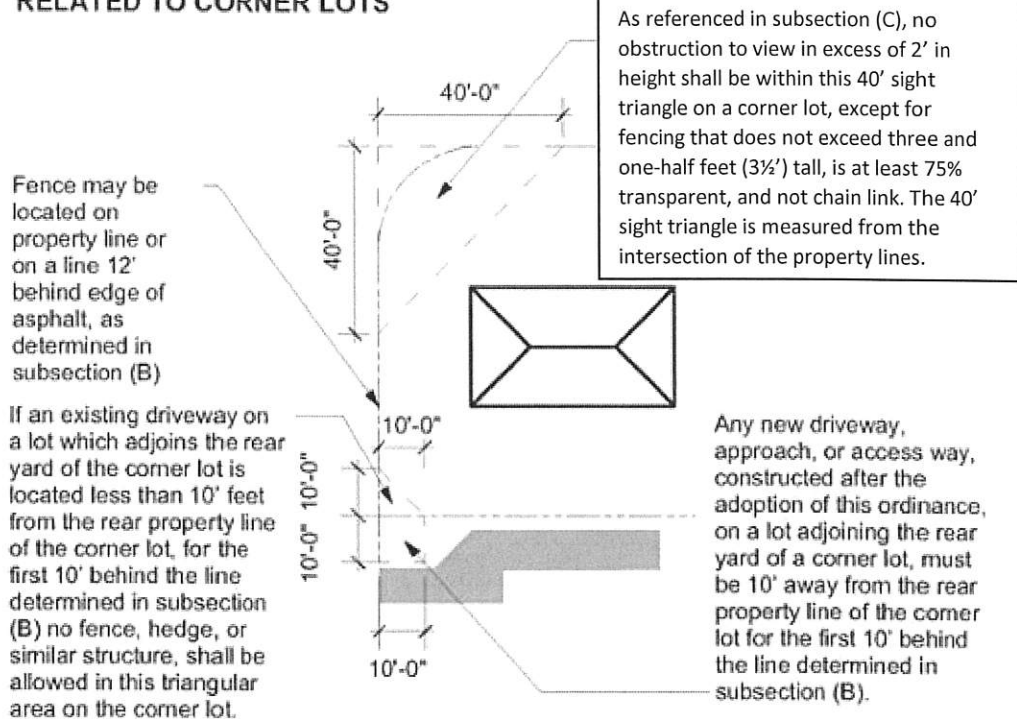
Fences located in a side yard or portion of a rear yard of a corner lot which adjoins a street or public right-of-way, may be solid in appearance, or may preserve a degree of visibility between slats or similar elements, and may be located either on the property line or on a line located twelve feet (12') behind the edge of the asphalt in the street; whichever of these locations is farther away from the edge of the asphalt. The fence may also be located at a distance farther behind the edge of the asphalt than the distance determined from among the two listed above to be the farthest from the edge of the asphalt. (While not required, a three foot (3') distance behind the sidewalk is recommended, if a sidewalk is present, in order to provide an increase in space for snow storage, safety, practical usability of the entire width of the sidewalk by pedestrians, and aesthetic value.) Along the rear boundary of the corner lot, the fence may be located on the rear property line. A fence located in a side yard or portion of a rear yard of a corner lot which adjoins a street a public right-of-way, shall have the following additional limitations and requirements:

1. Any fence erected in a side yard of a corner lot, that encroaches into the forty foot (40') triangular area required for a corner lot, as specified in subsection (C) of this

section, shall not exceed three and one-half feet (3½ ' ) tall, shall be at least 75% transparent, and shall not be chain link.

2. On any corner lot where a driveway on an adjoining lot is located less than ten feet (10') from the rear property line of the corner lot, any fence constructed in a side yard or portion of a rear yard of that corner lot, which adjoins a street or public right of way, after the date of adoption of this ordinance, shall preserve a clear view through a triangular area on a portion of the rear yard of the corner lot (in addition to and separate from the 40' triangular area specified in subsection C of this section), wherein no fence, hedge, similar structure, or other obstruction to view shall be allowed. This triangular area shall be determined by measuring a line ten feet (10') in length, starting at the point where the rear property line of the corner lot intersects the public right-of-way or the line twelve feet (12') behind the edge of the asphalt (whichever has been determined to be farther behind the edge of asphalt), along the rear property line of the corner lot, and then measuring another line ten feet (10') in length, also starting at the same point as the first line mentioned immediately above, along the public right-of-way, or the line twelve feet (12') behind the edge of the asphalt (whichever has been determined to be farther behind the edge of asphalt), towards the front of the corner lot, and then connecting the farthest points of the two ten foot (10') lines with a straight line.
3. Any lot which is adjacent to the rear yard of a corner lot and which does not have a driveway, approach, or access way within ten feet (10') of the rear property line of the corner lot, shall not (upon the construction of a home, a new or expanded garage, or at any other time) after the date of adoption of this ordinance, be allowed to have a new driveway, approach, or access way constructed on it which is less than ten feet (10') from the rear property line of a corner lot which adjoins the two lots, for the first ten feet (10') behind the line mentioned above whereon a fence on a corner lot, in a side yard or portion of a rear yard which adjoins a street or public right-of-way, may be located, as described earlier in this subsection. Further, a clear view shall be maintained through this same ten foot (10') by ten foot (10') area, as well as the area directly between this ten foot (10') by ten foot (10') area and the edge of the asphalt, wherein no fence, hedge, similar structure, or other obstruction to view shall be allowed.

**RESTRICTIONS ON FENCE & DRIVEWAY LOCATION  
RELATED TO CORNER LOTS**



**NOTE: THE TEXT IN THIS DIAGRAM IS FOR EXPLANATORY PURPOSES ONLY. THE TEXT CONTAINED IN THE PROVISIONS OF THIS ORDINANCE (11-10-11 FENCE HEIGHT REGULATIONS) IS THE OFFICIAL AND LEGALLY BINDING LANGUAGE, AND NOT THE TEXT CONTAINED IN THIS DIAGRAM.**

- C. Obstruction To View: In all zones, no obstruction to view in excess of two feet (2') in height as measured from the top of the curb or edge of the hard street surface, shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points forty feet (40') from the intersection of the street lines, or at any other location which would obstruct the vision of street and regulatory signs or oncoming vehicles by automobile drivers, except a reasonable number of trees pruned high enough to permit an unobstructed view of street and regulatory signs or oncoming vehicles by automobile drivers, or fencing that does not exceed three and one-half feet (3½ ') tall, is at least 75% transparent, and not chain link.

**PASSED and ADOPTED this 12<sup>th</sup> day of October 2021.**

North Ogden City:

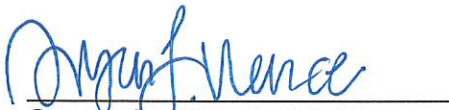


S. Neal Berube  
North Ogden City, Mayor

**CITY COUNCIL VOTE AS RECORDED:**

|  | <b>Aye</b>   | <b>Nay</b> |
|--|--------------|------------|
| Council Member Barker:                   | <u>  X  </u> | ___        |
| Council Member Cevering:                 | <u>  X  </u> | ___        |
| Council Member Stoker:                   | <u>  X  </u> | ___        |
| Council Member Swanson:                  | <u>  X  </u> | ___        |
| Council Member Ekstrom:                  | <u>  X  </u> | ___        |
| (In event of a tie vote of the Council): |              |            |
| Mayor Berube                             | ___          | ___        |

**ATTEST:**



Susan L. Nance, CMC  
City Recorder