

ORDINANCE 2019-04

AN ORDINANCE OF NORTH OGDEN CITY AMENDING THE ZONING ORDINANCE OF NORTH OGDEN CITY TO ADJUST THE REQUIREMENTS FOR FENCES ON RETAINING WALLS

WHEREAS; The City Council and Planning Commission have determined that the standards regarding fences on retaining walls are in need of modification; and

WHEREAS; There is a desire to allow residents with retaining walls the ability to install a six foot fence; and

WHEREAS; This ordinance amendment has been determined to balance the interests and concerns of those installing the fence, and the interests and concerns of neighbors and the general public; and

WHEREAS; This proposed amendment has been determined to achieve a better balance between safety, privacy, and visual impact to neighbors;

NOW THEREFORE, BE IT ORDAINED by the North Ogden City Council that the North Ogden City zoning ordinance 11-10-11 be amended to change the requirements for fences on retaining walls.

SECTION 1: Text to be amended in 11-10-11(D) and (E)

11-10-11: FENCE HEIGHT REGULATIONS

D. Fence Height & Fence Transparency On Retaining Walls:

1. All retaining walls and grading for the area surrounding the location of those retaining walls must comply with 11-24 Grading and Drainage Standards.
2. Fence Height:
 - a. Fences constructed on the high side of a retaining wall, within three feet (3') (measured horizontally) of the top back of the retaining wall, shall have a maximum height of six feet (6'), measured from the finished grade of the ground that intersects with the retaining wall, and a required minimum height of three and one-half feet (3.5') measured from the finished grade on which the fence is constructed, when the retaining wall is two and one-half feet (2.5') tall or taller. The fence height is measured to the top of the picket, baluster, mesh, or top rail, or the highest typical fence element (not including posts or post caps). Fence posts, including the post cap, may extend up to eight inches (8") above the maximum fence height.

- b. When a public right-of-way or trail is on the high side of a retaining wall which is two and one-half feet (2.5') or taller, and the public right of way or trail is within five feet (5') of that retaining wall, and a fence is installed between the retaining wall and the public right-of-way or trail, a minimum fence height of three and one-half feet (3.5') is required.
3. Fence Transparency: Fences constructed on the high side of a retaining wall, within three feet (3') (measured horizontally) of the top back of the retaining wall, shall comply with the following standards for fence transparency:
- a. Retaining Wall Height shall be determined using the same standard used in 11-24.
 - b. The height of the retaining wall shall determine the minimum fence transparency, according to the following table:

Existing or Proposed Retaining Wall Height	Minimum Fence Transparency
0'-5'	0%
Greater than 5', up to 8'	50%
Greater than 8'	80%

- c. The above listed transparency requirements shall not apply if the applicant is the owner of the property on the low side of the retaining wall, and both the fence and the exposed surface of the retaining wall are on the same parcel as the low side of the retaining wall
 - d. The above listed transparency requirements shall not apply where a fence is built on the high side of a retaining wall and a public right-of-way or trail is directly adjacent to the property where the fence is built.
 - e. Obstruction to view and sight triangle requirements shall apply to retaining walls and all fences built upon retaining walls.
- E. Fence Support Structure (other than retaining wall):
- 1. The fence support structure average height measurement shall not exceed 12 inches in height and shall not exceed 20 inches in any single location.
 - 2. Fence, hedge or similar structure on top of retaining walls shall meet 11-10-11.D requirements.

SECTION 2: This ordinance shall take effect upon adoption.

PASSED and ADOPTED this 26th day of February, 2019.

North Ogden City:


M. Brent Chugg
North Ogden City Mayor

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay	
Council Member Barker:	___	___	(excused)
Council Member Cevering:	<u>X</u>	___	
Council Member Stoker:	<u>X</u>	___	
Council Member Swanson:	<u>X</u>	___	
Council Member Turner:	<u>X</u>	___	
(In event of a tie vote of the Council):			
Mayor Chugg	___	___	

ATTEST:


S. Annette Spendlove, MMC
City Recorder

