

## ORDINANCE 2018- 26

### AN ORDINANCE OF NORTH OGDEN CITY AMENDING THE SUBDIVISION ORDINANCE OF NORTH OGDEN CITY TO ADJUST THE REQUIREMENTS FOR FENCING THAT IS REQUIRED BY DEVELOPERS AS PART OF THE SUBDIVISION OF PROPERTY

**WHEREAS;** The City Council and Planning Commission have determined that the Planning Commission should be responsible to determine the situations in which fencing should be required along canals, drainage channels, open reservoirs, schools, churches, and other areas; and

**WHEREAS;** It has been determined that the Planning Commission should have the flexibility to waive the requirement for fencing, when determined to be appropriate; and

**WHEREAS;** These proposed changes have been determined to achieve a better balance between safety and preventing the imposition of overly burdensome requirements;

**NOW THEREFORE, BE IT ORDAINED** by the North Ogden City Council that North Ogden City subdivision ordinances 12-6-2 and 12-6-12 be amended to change the fencing requirements, and to provide discretion to the Planning Commission to waive the requirement for fencing as appropriate.

**SECTION 1:** Text to be amended in 12-6-2(F):

#### 12-6-2: LOT IMPROVEMENTS

- F. Fencing: The developer of a subdivision shall be required to furnish and install a solid board, chainlink, wrought iron, or other solid material fence not less than 6' in height, as part of the approval of a subdivision, according to the following requirements:
1. Open Canals and Irrigation Ditches: Fencing meeting the requirements of this ordinance shall be installed along lots and other property in a subdivision in areas where a subdivision borders an existing open canal or irrigation ditch.
  2. Open Reservoirs and Drainage Channels: Fencing meeting the requirements of this ordinance shall be constructed along lots and other property in a subdivision, in areas where the subdivision borders upon open reservoirs, and drainage channels.

3. Schools, Churches, Park Sites and Double-Fronted Lots: In areas where a subdivision borders schools, churches, and park sites, fencing meeting the requirements of this ordinance shall be constructed along lots and other property in the subdivision. Fencing meeting the requirements of this ordinance shall also be constructed in the rear yards of double-fronted lots.
4. Screening Value, Maintenance, Plat Notes, and Certificates of Occupancy: A 90% screening value shall be considered a 'solid material' for the purposes of this ordinance. All such fences shall be maintained and kept in good repair by the owner of the property contiguous to or upon which the fence is erected. A note shall be required to be included on the subdivision plat, indicating where the fence was required by the Planning Commission, and the basic characteristics of the required fence. No certificate of occupancy shall be issued for buildings upon lots where fencing has been required until that fencing has been installed as required.
5. Interpretation, Waiver of Required Fencing in Specific Locations, and Modification of Fencing Materials and Characteristics: The areas where fences are required by this ordinance may be interpreted broadly by the Planning Commission, if such interpretation furthers the purpose of creating a more effective barrier between a subdivision and a safety hazard or an incompatible land use. The requirement for fencing may be waived in specific locations, if the applicant requests such, upon the approval of the Planning Commission. Factors to be considered in this determination may include topography, slope, total elevation change, traffic, or additional safety-related factors. Similarly, the Planning Commission may approve a fence made of other materials which are determined by the Commission to serve as an effective barrier fence, if the applicant requests such. The Commission may also, upon request of the applicant, approve other variations in fence characteristics.

**SECTION 2:** Text to be deleted in 12-6-12(B):

12-6-12: IRRIGATION WATER

**SECTION 3:** This ordinance shall take effect upon adoption.

PASSED and ADOPTED this 13<sup>th</sup> day of November, 2018

North Ogden City:

  
M. Brent Chugg  
North Ogden City Mayor

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay
Council Member Barker:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Cevering:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Stoker:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Swanson:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Turner:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(In event of a tie vote of the Council):		
Mayor Chugg	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST:

  
S. Annette Spendlove, MMC  
City Recorder

