

ORDINANCE NO. 2023-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLUFFDALE, UTAH, AMENDING BLUFFDALE CITY CODE 11.160.140 (SUPPLEMENTARY PROVISIONS) REGARDING FRONT YARD FENCING REQUIREMENTS ALONG ARTERIAL ROADS

WHEREAS, Utah Code § 10-9a-102 grants Bluffdale City (the "City") authority to enact ordinances that the Bluffdale City Council (the "City Council") considered necessary or appropriate for the use and development of land within the City; and

WHEREAS, the subject text amendment modifies the regulations for allowed front yard fencing height in residential zones along arterial roads for increased safety and privacy; and

WHEREAS, the Planning Commission held a public hearing and gave the City Council its recommendation; and

WHEREAS, after holding a public hearing and reviewing the subject text amendment, the City Council finds that the subject text amendment will enhance public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLUFFDALE, UTAH:

SECTION 1. Amendment. Section 11.160.140 of the Bluffdale City Code is hereby *amended* as follows:

11.160.140 Fences And Walls

A. Residential Zones:

1. No fence, wall, living fence or similar device extending into or enclosing all or part of the front setback shall be constructed or maintained at a height greater than forty two inches (42"), unless the fence is chainlink or another open mesh fence. The fence must remain nonsight obscuring (defined as at least 70 percent open space when viewed from either side of the fence) and shall not exceed sixty inches (60") in height. The permitted height of any fence, wall, living fence or similar sight obscuring device situated within any other portion of a lot shall be eight feet (8'), except where the vision of an adjacent driveway may be affected.
 1. Notwithstanding the foregoing, a fence enclosing all or part of a front setback on a parcel or lot which fronts directly on an existing arterial road as shown on the most current adopted City of Bluffdale Transportation Plan, is allowed to construct a sight obscuring or solid fence up to six (6') in height, except where the vision of an adjacent driveway may be affected.
2. Any fence that may affect the vision of an adjacent driveway shall satisfy the following conditions:
 1. The fence shall not be sight obscuring and shall be constructed of chainlink or other similar material and be no less than seventy percent (70%) open space; or

2. The fence shall be terminated no less than twenty feet (20') in each direction from the front corner of the lot adjacent to the affected driveway, thus forming a line of sight triangle; or
 3. The fence shall be no more than forty two inches (42") in height at a point no less than twenty feet (20') in each direction from the front corner of the lot adjacent to the affected driveway, thus forming a line of sight triangle; or
 4. The owner of the affected driveway may, in writing, waive the fencing restrictions for the adjacent lot; provided, that it can be shown that the backing of vehicles can be accomplished in a safe manner.
3. Applicants for a fence greater than eight feet (8') in height must receive a conditional use permit in accordance with chapter 20 of this title. Minimum fence height for multi-family units is six feet (6').

SECTION 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.

SECTION 3. Effective Date. This Ordinance shall become effective immediately upon publication or posting as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BLUFFDALE, UTAH, ON THIS 8th DAY OF NOVEMBER, 2023, BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Councilmember Aston	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Crockett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Gaston	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Hales	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Kallas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Mayor: *Natalie C. Hall*
Natalie C. Hall

Attest: *Juni Junnity*
City Recorder



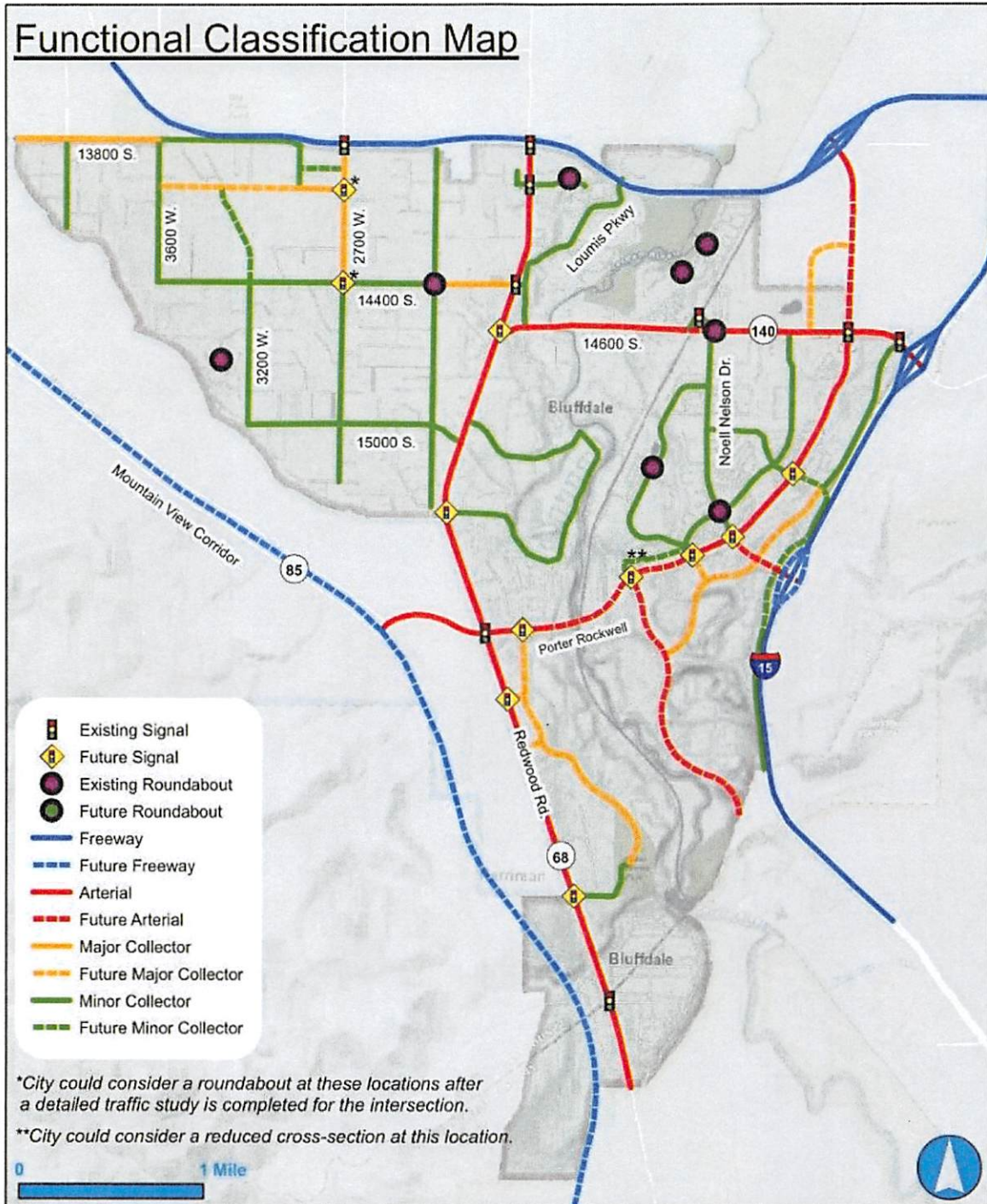


Figure 22. Existing and proposed roadway functional class within Bluffdale.

Existing arterial roads are Redwood Road, 14600 South, and Porter Rockwell Boulevard. Of all these, 14600 South probably retains its residential character the most, but is also experiencing increasing traffic and speeds annually, with widening planned in the future.

The proposed amendment language limits the opaque front yard fence to 6' (72"), rather than the 8' allowed in the rest of the yard and is shown here:

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POSSIBLE FINDINGS FOR TEXT AMENDMENT APPLICATION:

The Planning Commission is encouraged to provide findings for a decision to recommend approval or deny the text amendment application. Text amendments are discretionary legislative actions by the City Council following a recommendation from the Planning Commission.

If the Planning Commission determines to recommend approval of the text amendment application, the following may be possible findings:

1. That the proposed amendment acknowledges the increased traffic and speeds along arterial roads and provides additional options for safety and privacy in these unique locations.
2. That the amendment is limited geographically in the community.

MODEL MOTIONS – FOR TEXT AMENDMENT APPLICATION:

Motion for Recommendation – “I move we recommend approval to the City Council for the text amendment application as proposed, Application 2023-36, subject to the conditions and based on the findings presented in the staff report dated September 27, 2023, (or as modified by the conditions below):”

1. List any additional findings and/or conditions...