

ORDINANCE NO: O-2022-17

AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING SECTION 3-612 FENCES, RETAINING WALLS, THEME AND SCREEN WALLS OF THE HIGHLAND CITY DEVELOPMENT CODE RELATING TO INCREASING ALLOWABLE FENCE HEIGHT ON PROPERTIES NEAR GOLF COURSES AS SHOWN IN FILENAME TA-22-12.

WHEREAS, all due and proper notices of public hearings and public meetings on this Ordinance held before the Highland City Planning Commission (the "Commission") and the Highland City Council (the "City Council") were given in the time, form, substance and manner provided by Utah Code Section 10-9a-205; and

WHEREAS, the Planning Commission held a public hearing on this Ordinance on September 27, 2022 and

WHEREAS, the City Council held a public hearing on this Ordinance on October 4, 2022.

NOW, THEREFORE, BE IT ORDAINED BY THE Highland City Council as follows:

SECTION 1: **ADOPTION** Several sections of the Development Code are hereby amended as shown on "Exhibit A" attached hereto and incorporated herein.

SECTION 2: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from October 4, 2022 and after the required approval and publication according to law.

PASSED AND ADOPTED by the Highland City Council, October 4, 2022

HIGHLAND CITY, UTAH



Kurt Ostler  
Highland City Mayor

ATTEST:



Stephannie Cottle, CMC  
Highland City Recorder



COUNCIL MEMBER	YES	NO
Timothy A. Ball	<input type="checkbox"/>	<input type="checkbox"/>
Brittney P. Bills	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sarah D. Petersen	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kim Rodela	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott L. Smith	<input checked="" type="checkbox"/>	<input type="checkbox"/>

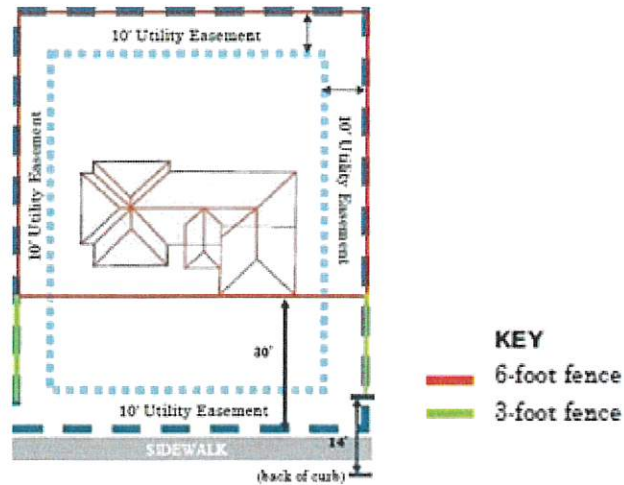
absent

## EXHIBIT A

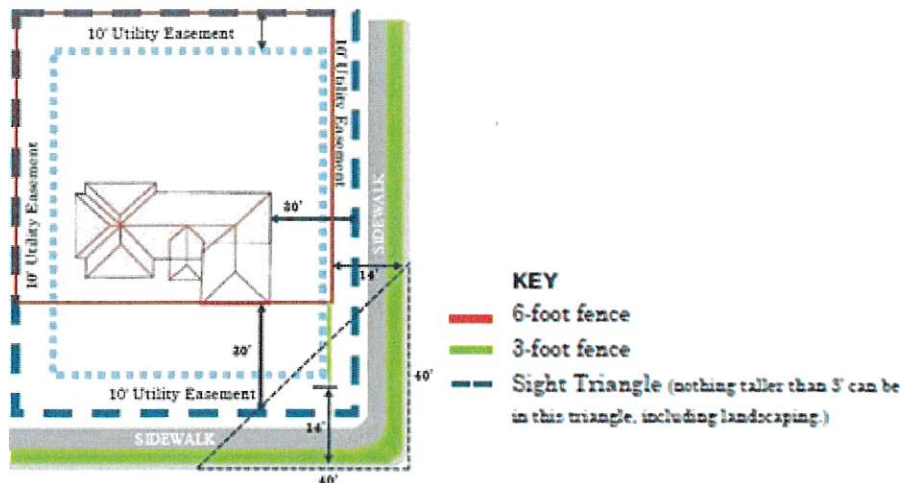
### 3-612 Fences, Retaining Walls, Theme And Screen Walls

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#### c. Specific lot considerations



#### i. Typical Lot



#### ii. Corner Lot

- (1) The side setback along the street may be reduced to be on the property line if the fence is 66% open and is at least six (6) feet from the back of the curb.

#### iii. Lots adjacent to trails or open space

- (1) The fence along the side or rear lot line that is adjacent to a trail or open space must be four (4) feet solid with the two (2) remaining feet at least 55% open in either of the following circumstances:
  - (A) The trail or open space area is less than forty (40) feet in width and is not immediately adjacent to a public street.
  - (B) The trail or open space corridor is wider than forty (40) feet but cannot be seen from two public areas such as a street or park.
- (2) The Zoning Administrator may approve an alternative fence design for either circumstance described above based on the following factors:

- (A) The proposed alternative meets the intent of this section; and,
- (B) There are special circumstances attached to the property that do not generally apply to other properties in the same subdivision; and,
- (C) The natural visibility or observation of the trail or open space is not diminished if the proposed alternative is constructed on all the lots adjacent to the trail or open space.

iv. Highways/arterial lots

- (1) On all state highways or arterial streets, fences shall be set back a minimum of thirty (30) feet from the back of curb or as required by the parkway detail. This 30-foot restriction is applicable to fences along the front, side, and rear property lines that abut the highway or arterial street, no matter the height.

v. Lots with side or rear property lines adjacent to a golf course facility

- (1) The fence may be a maximum of fifteen (15) feet in height. The materials of this fence are limited to open style netting with black support posts or beams no closer than five (5) feet apart.