

WEST BOUNTIFUL CITY

ORDINANCE #446-21

AN ORDINANCE CREATING WBMC 17.50 CLEAR VIEW AREA/FENCE REQUIREMENTS AND DELETING RELATED SECTIONS 17.14.100, 17.16.100, 17.20.100, 17.24.100

WHEREAS, Utah Code Annotated §10-9a-101 et seq., also known as the “Municipal Land Use, Development, and Management Act,” grants authority to the West Bountiful City Council to make changes to its Zoning Ordinances; and

WHEREAS, the West Bountiful Planning Commission identified issues related to front yard fencing and clear view areas needing clarification; and

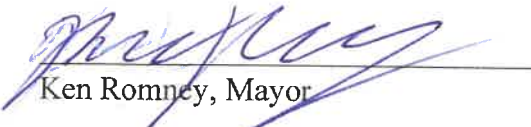
WHEREAS, following a properly noticed public hearing on August 10, 2021, the Planning Commission recommended open fencing be permitted in front yards, clear view areas be extended to driveways as well as street intersections, and these regulations be moved to a separate section of the Zoning Code.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF WEST BOUNTIFUL THAT WBMC 17.50 IS CREATED AND SECTIONS 17.14.100, 17.16.100, 17.20.100, and 17.24.100 BE DELETED AS SHOWN IN ATTACHED EXHIBIT A.

This ordinance will become effective upon signing and posting.

Adopted this 21st day of September 2021.

By:


Ken Romney, Mayor

<u>Voting by the City Council:</u>	<u>Aye</u>	<u>Nay</u>
Councilmember Ahlstrom	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Bruhn	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Enquist	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Preece	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Wood	<input checked="" type="checkbox"/>	<input type="checkbox"/>



Attest:


Cathy Brightwell, City Recorder

NEW SECTION

17.50 Clear View Area and Fence Requirements

17.50.010 Purpose

The following standards will govern the height and location of fences, walls, plant growth, or other obstructions to provide adequate open vision of vehicular and pedestrian traffic.

17.50.020 Clear View Area

A clear view area shall be maintained at the intersection of every street, whether public or private, and at the intersection of every driveway with a public or private street. The clear view provisions are considered life safety standards and shall supersede any conflicting provisions of this title.

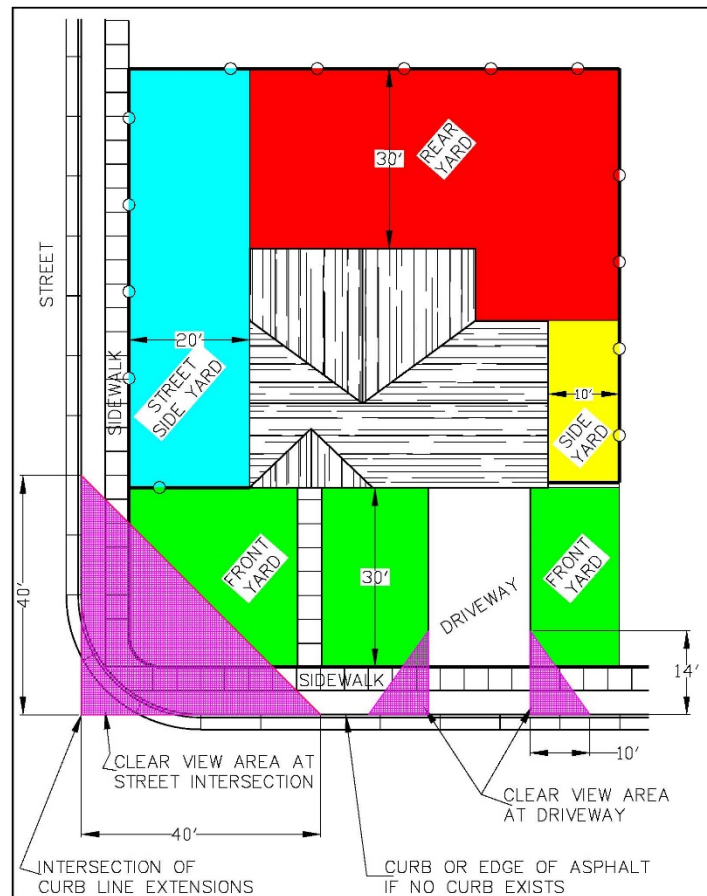
No provision of this section shall be construed to allow the continuance of any nonconforming tree, shrub, plant or plant growth, fence, wall, or other screening material, or other obstruction which interferes with the safety of pedestrians or vehicle traffic.

- A. The clear view area for a **street intersection** is a triangle with a forty-foot side along each intersecting street, beginning at the point of intersection of the back of curb lines or, if there is no curb, the edge of asphalt lines, and encompassing a portion of the street right-of-way and the adjoining lot (see diagram). Within the clear view area, the following shall apply:
1. Solid fences, walls, sight obscuring vegetation or other sight obscuring devices shall not exceed two (2) feet in height above the back of curb lines or, if there is no curb, the edge of asphalt lines.
 2. Chain link fences or fences which are seventy percent (70%) or more open shall not exceed four (4) feet in height above the back of curb lines or, if there is no curb, the edge of asphalt lines.
 3. Trees in excess of these heights may be located or maintained, provided they are pruned clear of all foliage between the ground and a height of ten (10) feet on the yard side and fourteen (14) feet on the street side and are planted at least ten (10) feet apart. Tree canopies or other growth shall not block signs or signals.
 4. No sign shall be allowed unless it is specifically permitted by this title, and the City Engineer determines that it is not a safety hazard.
 5. No obstruction of any sort shall be allowed which interferes with the safety of pedestrians or traffic unless it is specifically permitted by this title, and the City Engineer determines that it is not a safety hazard.
 6. No vehicle parking is allowed.

B. The clear view area for the **intersection of a driveway and a street** is an area on each side of the driveway, beginning at the point of intersection of the driveway edge and the back of curb line or, if there is no curb, the edge of asphalt line, with one side extending along the back of curb or edge of asphalt line ten (10) feet away from the driveway, and the other side extending fourteen (14) feet along the edge of the driveway from the front or street side lot line toward the interior of the lot (see diagram). The City Engineer may reduce the required length of the side along the back of curb or edge of asphalt line to six (6) feet or more where existing conditions will not permit a length of ten (10) feet. Within the clear view area, the following shall apply:

1. Solid fences, walls, sight obscuring vegetation and/or other sight obscuring devices shall not exceed two (2) feet in height above the back of curb lines or, if there is no curb, the edge of asphalt lines.
2. Chain link fences or fences which are seventy percent (70%) or more open shall not exceed four (4) feet in height above the back of curb lines or, if there is no curb, the edge of asphalt lines.
3. Trees in excess of these heights may be located or maintained, provided they are pruned clear of all foliage between the ground and a height of ten (10) feet on the yard side and fourteen (14) feet on the street side and are planted at least ten (10) feet apart. Tree canopies or other growth shall not block signs or signals.

CLEAR VIEW AREA DIAGRAM



17.50.030 Front Yard Fences

Subject to the clear view area regulations in this chapter, fences installed in a front yard shall comply with the following requirements:

- A. A fence that is seventy percent (70%) or more open is allowed up to four (4) feet in height.
- B. A fence, wall, or hedge that is not seventy percent (70%) or more open is allowed up to four (4) feet in height if located three (3) feet or more from the front street right of way or sidewalk, whichever is closer to the primary building on the lot. In addition, such a fence, or hedge is allowed up to six (6) feet in height if located fifteen (15) feet or more from the front street right of way or sidewalk.

17.50.040 Rear, Side Yard, and Street Side Yard Fences

- A. Rear yard. Fences, walls, and hedges shall not exceed six (6) feet in height within any rear yard.
- B. Side yard. Fences and walls shall not exceed six (6) feet in height within any side yard.
- C. Street side yard. Subject to the clear view area regulations in this chapter, fences and walls shall not exceed six (6) feet in height within any street side yard.

17.50.050 Additional Height/Exceptions

- A. The planning commission may approve the erection of a fence to a height greater than six (6) feet within any required rear yard or side yard upon a showing that the increased height is reasonably necessary to protect the property from an adjacent incompatible land use.
- B. When a fence, wall, or hedge is located along a property line separating two lots and there is a difference in the grade of the properties on the two sides of the property line, the fence, wall or hedge may be erected or allowed to the maximum height permitted as measured from the higher grade.
- C. A fence enclosing a recreational facility (whether private or public), such as a tennis court, swimming pool, or ball diamond, may be allowed up to fourteen (14) feet in height, as long as it is "open style" and not site obscuring, is located at least five (5) feet away from the property line, and is not within the clear view area or minimum front yard setback area.

17.50.060 Building Permit Required

Construction of fences and retaining walls must meet applicable requirements of Title 15 of this Code. A building permit must be secured for construction of all front yard fences, fences over six feet high, and retaining walls over four feet high.

Title 15 Building & Construction

15.08.020 Building Permit

- H. The City may require the erection of fences as a prerequisite to approval of any project or to the granting of any building permit when it is necessary to protect life or property. Such fences may be of a type and size necessary to accomplish the above stated purpose, as determined by the city consistent with Chapter 17.50.

**CERTIFICATE OF PASSAGE
AND POSTING ORDINANCE**

*I, the duly appointed and acting recorder for the City of West Bountiful,
do hereby certify that the foregoing Ordinance No. 446-21 was duly
passed and published, or posted at three public places within the municipality
on September 23, 2021 which public places are:*

- 1) West Bountiful City Hall,*
- 2) West Bountiful City Park Bowery, and*
- 3) Lakeside Golf Course.*

Cathy Brightwell

Cathy Brightwell, City Recorder

DATE: 9/23/21