

ORDINANCE 2012-44

SHORT TITLE:

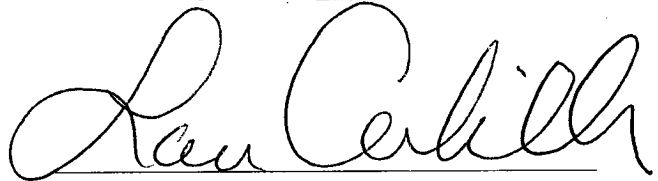
An ordinance amending Sections 14.10.150 (Other Requirements), 14.32.140 (Other Requirements), and enacting 14.34.500 (Fencing Standards for Multi Family Zones) of the Provo City Code to consolidate and update fencing standards for residential zones.

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

| DISTRICT | NAME | MOTION | SECOND | FOR | AGAINST | OTHER | |
|----------|--------------------|--------|--------|--------|---------|-------|---|
| CW 1 | LAURA H. CABANILLA | | | ✓ | | | |
| CW 2 | GARY GARRETT | | | ✓ | | | |
| CD 1 | GARY WINTERTON | | | ✓ | | | |
| CD 2 | RICHARD D. HEALEY | | | ✓ | | | |
| CD 3 | HAL MILLER | | ✓ | ✓ | | | |
| CD 4 | KAY VAN BUREN | | | ✓ | | | |
| CD 5 | STERLING BECK | ✓ | | ✓ | | | |
| | | | | TOTALS | 7 | 0 | 0 |

This ordinance was passed by the Municipal Council of Provo City, on the 13th day of November, 2012 on a roll call vote as described above. Signed this 13th day of November, 2012.

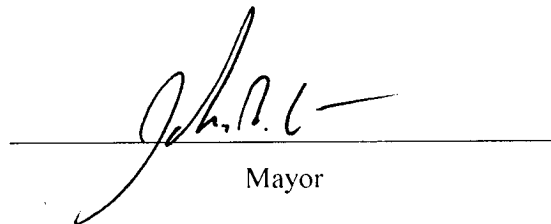


Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this 26 day of November 2012.



Mayor

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

ORDINANCE 2012-44.

AN ORDINANCE AMENDING SECTIONS 14.10.140 (OTHER REQUIREMENTS), 14.32.150 (OTHER REQUIREMENTS), AND 14.34.500 (FENCING STANDARDS FOR MULTI FAMILY ZONES) OF THE PROVO CITY CODE TO CONSOLIDATE AND UPDATE FENCING STANDARDS FOR RESIDENTIAL ZONES. (12-0014OA)

WHEREAS, it is proposed that Sections 14.10.40, 14.32.150, and 14.34.500 of the Provo City Code be amended to consolidate and update fencing standards for residential zones; and

WHEREAS, on October 10, 2012, the Planning Commission held a duly noticed public hearing to consider the proposal and after such hearing the Planning Commission recommended to the Municipal Council the ordinance be amended as proposed; and

WHEREAS, on November 13, 2012, the Municipal Council held a duly noticed public hearing to receive public comments and ascertain the facts regarding this matter, which facts and comments are found in the hearing record; and

WHEREAS, all persons for and against the proposed ordinance amendment were given an opportunity to be heard; and

WHEREAS, after considering the Planning Commission's recommendation, and facts and comments presented to the Municipal Council, the Council finds (i) the Planning and Zoning Title of Provo City should be amended on the basis recommended by the Planning Commission and (ii) the ordinance amendment, as set forth below, reasonably furthers the health, safety and general welfare of the citizens of Provo City.

NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as follows:

PART I:

Section 14.10.140 of the Provo City Code is hereby amended as follows:

14.10.150. Other Requirements.

(1) Signs. Unless otherwise prohibited by law, signs of the type and description listed below, but no others, may be placed and maintained in the R1 zone.

(a) Signs or name plates not exceeding two (2) square feet in area and displaying only the name and address of the occupant.

(b) Two (2) temporary signs with a maximum area of six (6) square feet each, pertaining to the sale, lease, or rent of the particular building, property, or premises upon which displayed, and no other.

(c) Signs or monuments identifying points of interest or sites of historic significance. The site of said signs or monuments shall be specifically approved by the Planning Commission.

47 (2) Landscaping. See Chapter 15.20, Provo City Code.

48 (3) Trash Storage. See Section 14.34.080, Provo City Code.

49 (4) Fencing Standards. See Section 14.34.500, Provo City Code. ~~Structural fences six (6)~~
50 ~~feet or less in height shall not require a building permit. Structural fences over six feet in height~~
51 ~~shall require a building permit from the Building Inspection Division. A structural or~~
52 ~~vegetative fence shall not create a sight distance hazard to vehicular or pedestrian traffic as~~
53 ~~determined by the Provo City traffic engineer.~~

54 (a) Front Yard. ~~Solid walls, fences, hedges or screening materials which are sight~~
55 ~~obscuring may be built to a maximum of three (3) feet in height in any required front~~
56 ~~yard perimeter. Such walls, fences, hedges or screening materials may slope upward to~~
57 ~~connect with a higher side yard fence. The length of a sloped fence section shall not~~
58 ~~exceed one (1) section or a maximum of ten (10) feet. Walls, fences, hedges or screening~~
59 ~~materials which are not sight obscuring (at least fifty percent (50%) open) may be built to~~
60 ~~a maximum of six (6) feet in height in a front yard.~~

61 (b) Side Yard. ~~Solid, sight obscuring fences or walls and non-sight~~
62 ~~obscuring fences (at least fifty percent (50%) open) may be built to a maximum height of~~
63 ~~six (6) feet.~~

64 (c) Rear Yard. ~~Walls and fences in a rear yard may exceed six (6) feet provided~~
65 ~~that a building permit is first obtained from the Building Inspection Division prior to~~
66 ~~construction.~~

67 (d) Corner Lots. ~~A fence not more than six (6) feet high may be constructed in~~
68 ~~a side yard adjacent to a public street on a corner lot, provided it does not extend into the~~
69 ~~clear vision area of a corner lot as defined by Section 14.34.100, Provo City Code.~~

70 (e) Entryways. ~~Entry treatments to private driveways or subdivision development~~
71 ~~entrances may not exceed six (6) feet at the highest point, except lamps on pillars, and~~
72 ~~must comply with the provisions of Section 14.34.100, Provo City Code. Pillars shall be~~
73 ~~allowed to extend up to eighteen (18) inches above the allowable height of~~
74 ~~a fence provided that the pillars shall have a minimum spacing of no less than six (6) feet,~~
75 ~~measured face to face.~~

76 (f) Grade differences. ~~Where there is a difference in the grade of the properties on~~
77 ~~either side of a fence, wall or other similar structure, the height of the fence shall be~~
78 ~~measured from the natural grade of the property upon which it is located.~~

79 (g) Retaining Walls. ~~Where a retaining wall protects a cut below or a fill above~~
80 ~~the natural grade and is located on the line separating lots or properties, such retaining~~
81 ~~wall may be topped by a fence, wall or hedge of the same height that would otherwise be~~
82 ~~permitted at the location if no retaining wall existed.~~

83 (h) Privacy Walls. ~~Privacy walls which project into a required front yard will be~~
84 ~~subject to staff review.~~

85 (i) Double Frontage Lots. ~~A fence or wall may be erected in the rear yard of~~
86 ~~a double frontage lot subject to staff review.~~

87 (j) Exceptions. ~~The provisions of this Section shall not apply to certain~~
88 ~~other fences such as tennis court backstops or patio enclosures as approved by the Zoning~~
89 ~~Administrator, if it is determined that such do not create a hazard or violation of other~~
90 ~~sections of the Provo City Code or other City ordinances. All other exceptions must~~
91 ~~obtain Planning Commission approval. Standards for barbed wire and similar types~~
92 ~~of fences are listed in Section 9.14.020, Provo City Code.~~

93 (k) Screening. All developments consisting of three (3) or more units shall be
94 required to have perimeter screening along all interior lines. Perimeter screening may
95 include a landscape hedge of six (6) feet at a two (2) year maturity, masonry or wood
96 fence or a combination of landscaping with chain link, with or without slats.
97

98 PART II:
99

100 Section 14.32.150 of the Provo City Code is hereby amended as follows:
101

102 **14.32.140. Other Requirements.**

103 (1) Signs. Unless otherwise prohibited by law, signs of the type and description listed
104 below, and no others, may be placed and maintained in the RC zone:

105 (a) One (1) unlighted sign or name plate not exceeding twenty (20) square feet
106 placed upon a building or an ornamental masonry wall which identifies the name and/or
107 address of an apartment structure or complex, of a professional office complex, or of a
108 mixed apartment/office complex.

109 (b) One (1) sign or name plate not exceeding two (2) square feet which identifies
110 the name and/or address of the occupant of each one-family dwelling, and/or the
111 occupant of each individual office.

112 (c) Two (2) temporary signs with a maximum of six (6) square feet which
113 identifies the name and/or address of the occupant of each one-family dwelling, and/or
114 the occupant of each individual office.

115 (d) Two (2) temporary signs with a maximum of six (6) square feet each,
116 pertaining to the sale, lease or rent of the particular building, property, or premises upon
117 which displayed, and no other.

118 (e) Signs or monuments identifying points of interest or sites of historic
119 significance. The size and location of said signs or monuments shall be specifically
120 approved by the Planning Commission.

121 (2) Landscaping. See Chapter 15.20, Provo City Code.

122 (3) Trash Storage. See Section 14.34.080, Provo City Code.

123 (4) Fencing Standards. See Section 14.34.500, Provo City Code. ~~Structural fences six (6)~~
124 ~~feet or less in height shall not require a building permit. Structural fences over six feet in height~~
125 ~~shall require a building permit from the Building Inspection Division. A structural or~~
126 ~~vegetative fence shall not create a sight distance hazard to vehicular or pedestrian traffic as~~
127 ~~determined by the Provo City traffic engineer.~~

128 (a) ~~Front Yard. Solid walls, fences, hedges or screening materials which are sight~~
129 ~~obscuring may be built to a maximum of three (3) feet in height in any required front~~
130 ~~yard perimeter. Such walls, fences, hedges or screening materials may slope upward to~~
131 ~~connect with a higher side yard fence. The length of a sloped fence section shall not~~
132 ~~exceed one (1) section or a maximum of ten (10) feet. Walls, fences, hedges or screening~~
133 ~~materials which are not sight obscuring (at least fifty percent (50%) open) may be built to~~
134 ~~a maximum of six (6) feet in height in a front yard.~~

135 (b) ~~Side Yard. Solid, sight obscuring fences or walls and non sight~~
136 ~~obscuring fences (at least fifty percent (50%) open) may be built to a maximum height of~~
137 ~~six (6) feet.~~

138 (c) Rear Yard. Walls and fences in a rear yard may exceed six (6) feet provided
139 that a building permit is first obtained from the Building Inspection Division prior to
140 construction.

141 (d) Corner Lots. A fence not more than six (6) feet high may be constructed in
142 a side yard adjacent to a public street on a corner lot, provided it does not extend into the
143 clear vision area of a corner lot as defined by Section 14.34.100, Provo City Code.

144 (e) Entryways. Entry treatments to private driveways or subdivision development
145 entrances may not exceed six (6) feet at the highest point, except lamps on pillars, and
146 must comply with the provisions of Section 14.34.100, Provo City Code. Pillars shall be
147 allowed to extend up to eighteen (18) inches above the allowable height of
148 a fence provided that the pillars shall have a minimum spacing of no less than six (6) feet,
149 measured face to face.

150 (f) Grade differences. Where there is a difference in the grade of the properties on
151 either side of a fence, wall or other similar structure, the height of the fence shall be
152 measured from the natural grade of the property upon which it is located.

153 (g) Retaining Walls. Where a retaining wall protects a cut below or a fill above
154 the natural grade and is located on the line separating lots or properties, such retaining
155 wall may be topped by a fence, wall or hedge of the same height that would otherwise be
156 permitted at the location if no retaining wall existed.

157 (h) Privacy Walls. Privacy walls which project into a required front yard will be
158 subject to staff review.

159 (i) Double Frontage Lots. A fence or wall may be erected in the rear yard of
160 a double frontage lot subject to staff review.

161 (j) Exceptions. The provisions of this Section shall not apply to certain
162 other fences such as tennis court backstops or patio enclosures as approved by the Zoning
163 Administrator, if it is determined that such do not create a hazard or violation of other
164 sections of the Provo City Code or other City ordinances. All other exceptions must
165 obtain Planning Commission approval. Standards for barbed wire and similar types
166 of fences are listed in Section 9.14.020, Provo City Code.

167 (k) Screening. All developments consisting of three (3) or more units shall be
168 required to have perimeter screening along all interior lines. Perimeter screening may
169 include a landscape hedge of six (6) feet at a two (2) year maturity, masonry or wood
170 fence or a combination of landscaping with chain link, with or without slats.

171
172 **PART III:**

173
174 Section 14.34.500 of the Provo City Code is hereby amended as follows:

175
176 **14.34.500 Fencing Standards for Multi-family Residential Zones**

177 Fencing in the One Family Residential (R1), Residential Conservation (RC), Low
178 Density Residential (LDR), Medium Density Residential (MDR), High Density Residential
179 (HDR), Campus High Density Residential (CHDR) and Campus Mixed-Use (CMU) Zones shall
180 comply with the following standards:

181 (1) Structural fences six (6) feet or less in height shall not require a building permit.
182 Structural fences over six (6) feet in height shall require a building permit from the Building
183 Inspection Division. A structural fence or vegetative fence shall not create a sight-distance

184 hazard to vehicular or pedestrian traffic as defined in Section 14.34.100 and as determined by the
185 Provo City traffic engineer. Fencing materials are limited to lumber, vinyl, chain-link, masonry,
186 wrought iron and decorative metal, vegetation or other similar fencing materials. Pallets, scrap
187 metal, tarps or other non-fencing materials are not permitted. Any fence, wall, gate, hedge or
188 structure maintained in such condition of deterioration or disrepair as to constitute a nuisance or
189 a hazard to persons or property shall be repaired or replaced. Standards for barbed wire and
190 similar types of fences are listed in Section 9.14.020, Provo City Code.

191 a. Front Yard. Solid walls, fences, or hedges ~~or screening materials~~ which
192 are sight obscuring may be built to a maximum of three (3) feet in height in any
193 required front yard perimeter. Such walls, fences, or hedges ~~or screening materials~~
194 may slope upward to connect to a higher side yard fence. The length of a sloped
195 fences section shall not exceed one (1) section or a maximum of ten (10) feet. Walls,
196 fences, or hedges ~~or screening materials~~ which are not sight obscuring (at least fifty
197 percent (50%) open) may be built to a maximum of six (6) feet in height in a front
198 yard.

199 b. Side Yard. Solids sight-obscuring fences or walls and non-sight obscuring
200 fences (at least fifty percent (50%) open) may be built to a maximum of six (6) feet.

201 c. Rear Yard. Walls and fences in a rear yard may exceed six (6) feet
202 provided that a building permit is first obtained from the Building Inspection Division
203 prior to construction.

204 d. Corner Lots. A fence not more than six (6) feet in height may be
205 constructed in a side yard adjacent to a public street on a corner lot, provided it does
206 not extend into the clear vision area of a corner lot as defined by Section 14.34.100,
207 Provo City Code.

208 e. Entryways. Entry treatments to private driveways or subdivision
209 development entrances may not exceed six (6) feet at the highest point, except lamps
210 on pillars, and must comply with the provisions of Section 14.34.100, Provo City
211 Code. Pillars shall be allowed to extend up to eighteen (18) inches above the
212 allowable height of a fence provided that the pillars shall have a minimum spacing of
213 no less than six (6) feet, measured face to face.

214 f. Grade differences. Where there is a difference in the grade of the
215 properties on either side of a fence, wall or other similar structure, the height of the
216 fence shall be measured from the natural grade of the property upon which it is
217 located.

218 g. Retaining Walls. Where a retaining wall protects a cut below or a fill
219 above the natural grade and is located on the line separating lots or properties, such
220 retaining wall may be topped by a fence, wall or hedge of the same height that would
221 otherwise be permitted at the location if no retaining wall existed.

222 h. Privacy Walls. Privacy walls which project into a required front yard ~~will~~
223 ~~be subject to staff review~~ may be built to a maximum of three (3) feet.

224 i. Double Frontage Lots. A fence or wall may be erected in the rear yard of a
225 double frontage lot to a maximum of six (6) feet if the rear yard fencing is common to
226 the street, subject to staff review.

227 j. ~~Exceptions. The provisions of this Section shall not apply to certain other~~
228 ~~fences such as tennis court backstops or patio enclosures as approved by the Zoning~~
229 ~~Administrator, if it is determined that such do not create a hazard or violation of other~~

230 sections of the Provo City Code or other City ordinances. All other exceptions must
231 obtain Planning Commission approval. Standards for barbed wire or similar types of
232 fences are listed in Section 9.14.020, Provo City Code.

233 k. All developments consisting of three (3) or more units shall be required to
234 have perimeter screening along all interior lines. Perimeter screening may include a
235 landscape hedge of six (6) feet at a two (2) year maturity, masonry or wood fence or a
236 combination of landscaping with chain link without slats.

237
238 PART IV:

239
240 A. If a provision of this Ordinance 2012-__ conflicts with a provision of a previously
241 adopted ordinance concerning the same title, chapter, and/or section number amended herein, the
242 provision in this ordinance shall prevail.

243
244 B. This ordinance and its various sections, clauses and paragraphs are hereby declared to
245 be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid,
246 the remainder of the ordinance shall not be affected thereby.

247
248 C. The Municipal Council hereby directs that the official copy of the Provo City Code be
249 updated to reflect the provisions enacted by this ordinance.

250
251 D. This ordinance shall take effect immediately after being posted or published as
252 required by law.

253
254 END OF ORDINANCE.

ORDINANCE 2011-44

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was recorded in the office of the Provo City Recorder on the 29th day of November 2012, with a short summary being published on the 17th day of November 2012, in The Daily Herald, a newspaper circulated in Provo, Utah. I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to Ordinance Number 2012-44.



Signed this 29th day of November 2012.

Janeen Deiss
City Recorder

PROOF OF PUBLICATION

from

The Daily Herald

STATE OF UTAH } SS.
Utah County }

LEGAL NOTICES

PROVO CITY CORPORATION OFFICE OF THE RECORDER ORDINANCE 2012-44

Notice is hereby given that in the regular Municipal Council Meeting of November 13, 2012, the Provo Municipal Council passed Ordinance 2012-44. This is an ordinance amending Sections 14.10.150 (Other Requirements), 14.32.140 (Other Requirements), and enacting 14.34.500 (Fencing Standards for Multi Family Zones) of the Provo City Code to consolidate and update fencing standards for residential zones.

/s/Janene M. Weiss
City Recorder

Legal Notice 392597 Published in The Daily Herald November 17, 2012.

I, Lisa Llewelyn, being first duly sworn depose and say that I am the Legal Billing Clerk of the Daily Herald, a newspaper of general circulation, published seven times each week at Provo, Utah, County of Utah; that the notice attached hereto, 392597- ORDINANCE 2012-44, and which is a copy, was published in said newspaper, the first publication having been made on the 17th day of November, 2012, and the last on the 17th day of November, 2012; that said notice was published in the regular and entire issue of every number of the paper during the period and times of publication, and the same was published in the newspaper proper and not in the supplement.

Same was also published online at utahlegals.com, according to Section 45-1-101, Utah Code Annotated beginning on the first date of publication and for 30 days thereafter.

Lisa Llewelyn

Subscribed and sworn before me this 17th day of November, 2012.

Debbie L Chandler

Notary Public

Residence: Spanish Fork, Utah
My commission expires 06/05/2013

