

ROLL CALL VOTING:		
	YES	NO
Mayor Steve Lauritzen (tie only)	[]	[]
Council member Larry Henry	[x]	[]
Council member Doral Kynaston	[x]	[]
Council member Kari Malkovich	[x]	[]
Council member Paul MacArthur	[x]	[]
Council member Wendy Pray	[x]	[]

I move that this Ordinance be adopted.

Council Member

I second the foregoing motion.

Council Member

Ordinance. 2017-01

An Ordinance amending Section 105.09 Driveways, Fences, Walls and Hedges of the City’s Zoning Ordinance

Section 105.09. Driveways, Fences, Walls and Hedges is hereby amended to read as follows:

A. Driveways. All driveways shall

1. be located not closer to any lot line than the minimum distance specified in Table 109.05.
2. be designed and constructed to maintain proper drainage, and
3. have a minimum width of ten (10) feet.

B. Fences and Hedges.

Fences and hedges shall comply with the following:

1. Location and Height

(a) Fences such as corrals, pens or kennels, for confinement of animals, shall be located not less than eighty (80) feet from any public road or existing or potential neighboring dwelling and not less than fifteen (15) feet from any property line not abutting a road.

(b) No fence or hedge shall be located within four (4) feet of any fire hydrant or electric transformer.

(c) No fence or hedge shall be placed across any public trail.

(d) No part or feature of a fence or hedge shall exceed six (6) feet in height above the natural grade.

(e) Fences or hedges taller than forty-two (42) inches shall not be located less than thirty (30) feet from a property line abutting a street and not less than five (5) feet from any other property line.

(f) Fences taller than forty-two (42) inches shall be 75% open if they are less than sixty (60) feet from a property line abutting a street. For purposes of this section, 75% openness means that any ten (10) foot section of the fence as viewed from the side shall not obscure more than 25% of the view through the fence.

(g) Fences sixty (60) feet or more from a property line abutting a street do not have an openness requirement.

(h) Fences or hedges forty-two (42) inches or less in height may be placed anywhere on a building lot except as restricted in B.1.(b) and (c).

(i) Notwithstanding other provisions of this section, a forty-two (42) inch fence or hedge is allowed above retaining walls for safety.

(j) Fencing around a small group of trees or a landscape feature not exceeding two hundred (200) square feet is not required to comply with the height or material limitations of this section; however, barbed wire or any similar material is prohibited.

2. Type of Fence

(a) Acceptable fence materials include natural stone, wood, vinyl, vinyl-coated chain link wire, and wrought iron. Masonry and concrete may be used for fence posts or pillars only. Plain (not vinyl coated) chain link fencing, wire mesh and vinyl mesh may be used for Sport Courts, gardens and animal enclosures. No part of a fence will be constructed of any form of barbed wire, chain link privacy slats or chain link privacy screen with the exception that City property or facilities deemed by the City to require fencing for security may use plain (not vinyl coated) chain link fencing and barbed wire or an equivalent.

(b) Fences shall be black or white or any shade of green, gray or brown.

(c) A fence which crosses any public utility easement or any other easement held by the City shall include a gate across the easement for the purpose of allowing access to the easement for constructing or maintaining any utility line or other facility located in the easement.

3. Swimming Pools.

A private swimming pool fence shall be a minimum height of forty-eight (48) inches measured on the outside of the fence. Access gates shall have a self-closing and self-latching device. The release mechanism of the self-latching device must be located not less than forty-eight (48) inches from the grade below the gate. If the release mechanism of the self-latching device is less than fifty-four (54) inches from the bottom of the gate, the release mechanism for the gate shall be at least three (3) inches below the top of the gate on the side facing the pool. The maximum vertical clearance between the ground and the bottom of the fence shall be not more than four (4) inches. All openings in the fence or barrier shall be small enough that a four (4) inch diameter sphere will not pass through. The enclosure shall otherwise be constructed as described in U.S. Consumer Product Safety Commission Publication No. 362.

4. Maintenance.

(a) All fences shall be maintained in a good state of repair. Graffiti shall be removed and repairs made within thirty (30) days.

(b) A hedge, fence or any post, brace or part thereof located upon or extending over any land or easement owned or under control of the City shall be subject to removal at the owner's expense upon demand of the City.

5. Sport Courts.

For purposes of this ordinance, a sport court is an area for recreational activities that requires a fence to keep balls, etc., from leaving the area. All parts of a sport court, including fences, shall be located within the area of a lot where a building may be constructed as specified in Table 109.05. Fences which are part of a sport court shall comply with this ordinance except that fences may not be more than 10 feet in height above natural grade. The total enclosed area of a sport court shall not exceed 7,200 square feet. Any portion of a sport court fence higher than six (6) feet must be 75% open.

6. Permit Requirements.

(a) Except as exempted by subparagraph B.6(c), no fence shall be constructed without a permit from the Planning and Zoning Department

(i) Application to the Planning and Zoning Department for a fence permit shall be made to the City Recorder.

(ii) Each applicant for a fence permit shall pay an application fee to the City in the amount specified by the City fee schedule.

(iii) The application for a fence permit shall include: applicant's name, address and telephone number, name of owner of the land where the fence will be constructed; address of the land where the fence will be constructed; a scale drawing showing the location and height of the fence, all applicable dimensions, location of property lines, location of buildings within eighty (80) feet of the fence, and location of streets; and a description of the material, color and percent of openness of the fence.

(b) The Planning and Zoning Department shall issue the permit if the fence conforms to the requirements of this ordinance. The Planning and Zoning Department may require, as a condition of issuing the permit, that property lines adjacent to the fence location be located and marked by a licensed land surveyor.

(c) A permit is not required for construction of a fence

(i) around a small group of trees or landscape feature if the total enclosed area does not exceed two hundred (200) square feet.

(ii) around a garden or animal enclosure if the total enclosed area does not exceed six hundred (600) square feet; however, a garden or animal enclosure must comply with all other requirements of this section.

(d) A hedge does not require a permit but the hedge must comply with the height restrictions in this section.

7. Construction.

(a) Construction of a fence shall be completed within six (6) months after a permit is issued. All construction debris, extra materials and excess earth shall be removed within fifteen (15) days after construction is completed.

(b) Before constructing a fence, the person holding the permit shall contact Blue Stakes of Utah and all applicable utility companies regarding location of utility lines and meter access requirements.

8. Non-conforming Fences.

Non-conforming fences constructed prior to the effective date of this ordinance shall be brought into compliance with this ordinance if

(a) the location or height of the fence is changed, or

(b) the color or material of the fence is changed, or

(c) more than 50% of the length of the fence is repaired or replaced.

Section 2: This ordinance was adopted by the City Council after a public hearing on the matter on February 21, 2017 at which all interested parties were given an opportunity to be heard.

ADOPTED by the City Council of the City of Woodland Hills this 21st day of February 2017

Steve Lauritzen
Mayor

ATTEST:

Jody Stones, City Recorder