

ORDINANCE NO. 2007-11

ORDINANCE AMENDING SECTION 3-612: FENCES, WALLS AND HEDGES; (4) PERMITS (B) APPEAL IN THE HIGHLAND CITY DEVELOPMENT CODE

Be it ordained by the governing body of the municipality of Highland, Utah:

WHEREAS, the Highland City Council addressed the amendments to the Development Code pertaining to revisions to Chapter 3, Article 6, Section 3-612: Fences, Walls and Hedges; (4) Permits, (B) Appeal; referring appeals to the fence ordinance to the Appeal Authority.

NOW, THEREFORE, be it hereby ordained by the governing body of Highland City that the following amendments be made to the Highland City Development Code:

3-612: Fences, Walls, and Hedges. (Amended: 9/15/98, 11/2/99, 12/7/99, 6/5/01, 10/2/01, 6/17/03, 5/3/05, 4/4/06, 10/3/06)

- (4) Permit - Before commencing construction, plans for all fences and walls shall first be submitted to and approved by the City Zoning Administrator.
- (a) Application - The applicant for a fence permit shall submit a site sketch to the City Zoning Administrator. The sketch shall show the lot, the location of the fence on the lot, the proposed height(s) of the fence, the location of driveways on the lot and adjacent properties.
- (b) **Appeal - If an applicant disagrees with staff's interpretation of the fence ordinance, the applicant may file an appeal to the Appeal Authority in accordance with Chapter 2, Article 3 in this code. If an applicant owns property with special circumstances that do not generally apply to properties in the same zone, an applicant may submit an application for a variance to the Appeal Authority in accordance with Chapter 2, Article 3 in this code.** ~~Exception -- An applicant may file a petition with the City Zoning Administrator requesting a change in the setback distance or an increase in the maximum fence height for a particular piece of property. No application for an exception or variance shall be received by the City Zoning Administrator or reviewed by The City Planning Commission for any fence which is under construction without a permit or has been already built in violation of these ordinances. After considering a recommendation from the City Engineer regarding potential safety problems, and considering input from the owners of surrounding properties, the Planning Commission may allow a variation on a particular piece of property, if they make the following findings:~~
- ~~(i) The fence does not create a public safety problem; and~~
- ~~(ii) The fence does not adversely affect the rights of surrounding property owners.~~
- ~~(iii) Fences shall not exceed maximum height allowed in front yard setback.~~

EFFECTIVE DATE: This ordinance shall take effect immediately upon passage.

DATED this 15th day of May, 2007

Mayor, Highland City

ATTEST:

Highland City Recorder