

Chapter 5
FENCES IN COMMERCIAL ZONES

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5-5-1: **OBJECTIVE:** This chapter has been created to provide guidelines for using fencing to enhance commercial property without compromising public safety and the safety of the community.

5-5-2: **DEFINITIONS:** The following terms used in this chapter shall have the respective meaning hereinafter set forth:

ADJACENT PROPERTY:	A separate parcel or lot sharing a common border.
BUILDING:	Any structure used or intended for supporting or sheltering any use or occupancy.
CITY:	Providence City.
CITY PROPERTY:	Any and all property owned by Providence City.
CODE COMPLIANCE DEPARTMENT:	A City department and/or outside agency that enforces code compliance.
CODE COMPLIANCE OFFICIAL/OFFICER:	The person(s) assigned by the City to enforce code compliance.
COMMERCIAL PROPERTIES:	Parcels or lots within a commercial or industrial zoned district.
CORNER LOT OBSTRUCTION:	Any obstruction of vision on corner lots within thirty feet (30 ft) of said corner right-of-way. Obstructions shall not be permitted from two (2) feet high to eight (8) feet high above finished grade of road. Trunks of trees, open-work fences at least seventy percent

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(70%) transparent, light or telephone poles or other small vertical protrusions not more than twelve (12) inches in diameter shall be permitted within the clear view area. Spacing of these protrusions shall not be closer than fifteen (15) feet.

EXISTING FENCES: Fences that were constructed before the adoption of this ordinance.

FENCE: A structure serving as an enclosure, a barrier, or a boundary, usually made of posts or stakes joined together by boards, wire, or rails. Fences are divided into two (2) types: Those which interrupt vision (solid) and those which permit vision (open).

GARBAGE DUMPSTER, BINS Mobile trash bins, trash receptacle, trash bins.

POOL: A privately owned outdoor pool or water for swimming, bathing, wading or reflecting and all hot tubs and spas which are capable of retaining a water depth equal to or greater than twenty four (24) inches at any point, but shall not include facilities for the purposes of providing water to livestock or for irrigation of crops which are associated with or located on and devoted to the practice of farming.

SHALL: Construed as imperative.

MAY: Construed as permissive.

HEIGHT: The vertical distance measured between the finished grade base of the fence and the highest point of the fence.

LIVING FENCE: Plants or shrubs planted and fashioned into a fence.

MATERIAL: Approved items used to construct a fence.

OBSTRUCTION OF VISION AT DRIVEWAYS: Clear view of vision within ten (10) feet of the intersection of a private driveway with a city right-of-way (both sides of driveway, and ten (10) feet into the private driveway). Trunks of trees, open-work fences at least fifty percent (50%) transparent, light or telephone poles or other small vertical protrusions not

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more than twelve (12) inches in diameter shall be permitted within the clear view-area. However, vertical protrusions of up to twenty four (24) inches in width may be allowed in driveway clear-view area.

PROPERTY MARKERS: The iron stake installed by a licensed surveyor, and usually capped with a surveyors' identification cap, or others as may be listed on a deed.

TEMPORARY FENCING: Silt fences and temporary safety fences, mainly installed for construction and building projects.

LOT: A parcel of land to which title is capable of being legally conveyed and includes any of its parts which are subject to a right.

OWNER: The owner of real property located in Providence City.

SPECIAL CASES: Special requirements for fence installation on hillsides or extreme slopes.

5-5-3 **PERMITS:** Fences constructed on commercial property will be reviewed as part of the design review process. Additional permits may apply.

- A. A conditional use permit is required for front yard and street side yard fences.
- B. A building permit is required for any fence over six feet (6') in height. The fence shall be engineered, with drawings stamped and signed by a licensed Engineer. The fence shall be built to the manufacturer's specifications.
- C. In addition to a building permit, fences over eight feet (8') shall require a conditional use permit.
- D. A building permit is required for retaining walls over four feet (4') in height, including the foundation.
- E. A building permit is required for rock retaining walls over four feet (4') in height.

5-5-4 **DUMPSTERS, TRASH COLLECTION ENCLOSURES AND AREAS:** Dumpsters or trash collection areas may be fenced on three sides. Gates, if required/utilized, will compose the fourth side.

- A. Fences and gates shall be six feet (6') in height and constructed of approved fencing material.
- B. If the dumpster enclosure faces away from a City street, gates will not be required.

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- C. For trash removal, gates shall have a latch to hold them in a total open position.
- D. Fences shall be constructed with a non-transparent material.
- E. Gates shall be constructed as opaque screen design.
- F. Enclosures shall not be located between the front line of the primary building and the front lot line.
- G. No other storage or garbage or waste containers are allowed inside of or in front of the enclosures.
- H. Enclosures shall have a minimum of sixty feet (60') of straight unobstructed approach to the compound.
- I. Enclosures shall meet Logan City Solid Waste Department specifications.

5-5-5 **PAINTING, COLOR:** All fences shall be a neutral color of white, tan, light gray, light brown, black or some variation thereof. Fences which are painted shall be painted in only one (1) color, harmonious with the building. Multicolored fences are prohibited.

5-5-6 **FENCES, REAR, SIDE:**

- A. In a Commercial Neighborhood District (CND), side yard fences shall not exceed six feet (6') in height.
- B. In a Commercial Neighborhood District (CND), rear yard fences shall not exceed six feet (6') in height.
- C. Barbed wire shall only be used on fences eight feet (8') in height or higher and shall not exceed twelve inches (12") in height and should point upwards or into the private property.
- D. No concertina or razor wire is allowed.

5-5-7 **FINISHED SIDE OF FENCE:**

- A. All fences shall be constructed with the face, or finished side, away from the property and the structural side toward the interior.

5-5-8 **CORNER AND DRIVEWAY CLEAR-VIEW AREAS:** Corner and driveway clear-view areas shall be maintained with all fences.

- A. Driveway clear-view areas may require a fence to be angled from ten feet (10') on each side of the driveway to ten feet (10') inside property. On inner block fences, a fence corner that abuts adjacent driveways shall require a ten foot (10') clear-view area and the fence built accordingly.
- B. If the property is a corner lot, then the clear-view area shall be thirty feet (30') along the front and street side of the property.

5-5-9 **EXISTING FENCES:** Any fence which was erected in compliance with the requirements of the then existing Providence City Code,

but which does not conform with the provisions of this section, shall not be altered, enlarged or replaced without making the entire fence conform with the provisions of this section and all other applicable Providence City ordinances.