

FENCE PERMIT

Fee: \$25.00

Name: _____

Date: _____

Address: _____

Phone: _____

Email: _____ (approved permits will be sent to this email)

This permit allows a property owner to request that City Staff evaluate the possibility of locating a fence in the side setback of a corner lot - or to increase the height of fences in front yard setbacks. This permit can be approved if City Staff find no conflicts with pedestrian safety, traffic circulation, and clear vision of neighborhood streets and driveways (See Lindon City Code Section 17.04.290 - 17.04.310). After an application for a permit is submitted, City Staff will visit the property and make a decision if any conflict exists. Review time is typically 3-5 business days. Any appeals of City Staff findings can be made to the Planning Commission.

Please use the box provided below to sketch a description of the proposed location and height of your fence in relation to your property lines and building location. Site plans can also be submitted on a separate paper if desired. Please indicated the type of fence (i.e., solid vinyl, rod-iron, chain link, etc.)

STAFF FINDING:

APPROVED

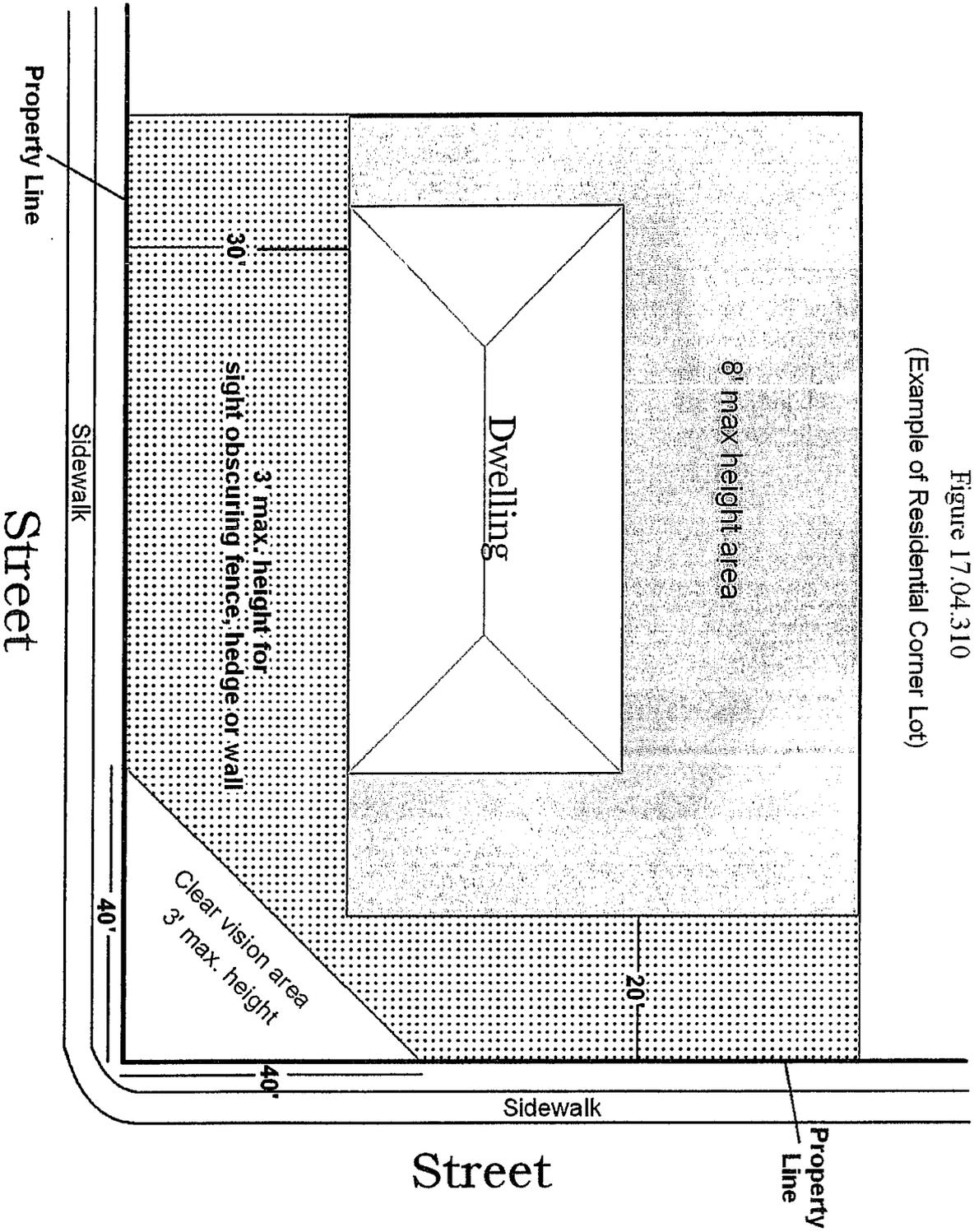
DENIED

Planning Director: _____

City Engineer: _____

Fence Height Requirements

Figure 17.04.310
(Example of Residential Corner Lot)



ORDINANCE NO. 2009- _____

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING CHAPTER 17.04 OF THE LINDON CITY CODE, MODIFYING, AMENDING AND REVISING THE PROVISIONS OF SECTIONS SPECIFIED BELOW AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Municipal Council of Lindon City finds it is necessary to modify LLC Chapter 17.04.290, 17.04.300, and 17.04.310, all dealing with clear-vision and fencing requirements, to correct code language and insert currently implemented practices into the code, finding that approval of such would benefit the city; and

WHEREAS, the Planning Commission recommended adoption of revised provisions, and the revision of such provisions will assist in maintaining and enhancing the zones within the City; and

WHEREAS, the current ordinance should be amended to provide such provisions and be added to the Municipal Code of Lindon City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Lindon City, Utah County, State of Utah, Chapter 17.04.290, 17.04.300, and 17.04.310 of the Lindon City Code is hereby amended and will read as follows:

SECTION I:

Section 17.04.290 Clear view of intersecting streets required.

In all districts no obstruction to view in excess of three feet in height shall be placed on any corner lot within a triangular area formed by creating a starting point at the intersection of two streets, then moving out from the starting point 40 feet in both directions along the right-of-way lines, then connecting the end points to form the triangular clear vision area. See Figure 17.04.310. Exceptions can be made for a reasonable number of trees and/or other vegetation pruned so as to permit unobstructed vision to automobile drivers, as determined by City code enforcement staff. (Ord. no. 111 §1(part), 1985; prior code §12-101-31.)

Section 17.04.300 Fences--When required.

The Planning Commission may require the erection of fences as a prerequisite to approval of any project or to the granting of any building permit where, in the opinion of said commission, this is necessary to protect life and property. Such fences may be of a type and size necessary, in the opinion of the Planning Commission, to accomplish the above-stated purpose, including sight-obscuring and security-type fences. (Ord. no. 2003-3, Amended, 03/04/2003; Ord. no. 111 §1(part), 1985; prior code §12-101-32.)

Section 17.04.310 Fences, walls hedges, and other vegetation--Location and maximum height. The maximum height and location of fences, walls and hedges shall be as follows:

1 1. Fences, walls, and hedges may be erected to the permitted building height in the district when
2 located within the buildable area, as established by building setbacks for a primary building
3 footprint.

4 2. Fences, walls, and hedges may not exceed eight (8) feet in height within any required rear yard
5 or interior side yard. No fence, wall or hedge exceeding three (3) feet in height shall be erected or
6 allowed closer to any street right of way line than the required building set back line, provided
7 however that on street side yards (as typically found on corner lots), no view-obscuring fence,
8 wall or hedge exceeding three (3) feet in height shall be erected or allowed closer than twenty
9 (20) feet from the street right-of-way line. See Figure 17.04.310

10 5. Where a fence, wall, or hedge is located along a property line separating two lots and there is a
11 difference in the grade of the properties on the two sides of the property line, the fence, wall, or
12 hedge may be erected or allowed to the maximum height permitted on either side of the property
13 line.

14 6. The Planning Director and City Engineer can approve the following types of modifications and
15 exceptions to the standards listed above upon review of a Fence Permit application:

16 a. Exemptions:

- 17 i. Height modifications of fences, walls, and hedges that exceed eight (8) feet;
- 18 ii. Setbacks and heights on odd or irregular shaped parcels or parcels with unusual
19 development requirements due to easements, topography, etc.;
- 20 iii. Fences that encroach into the street side yard setback on corner lots;
- 21 iv. Fences exceeding 3' in height within front setback areas.

22 b. Criteria for evaluating exemptions:

23 The Planning Director and City Engineer, when modifying height and/or setback
24 requirements as provided herein, shall use the following review standards:

- 25 i. The proposed height and/or setback modification is necessary to provide privacy and
26 protection of private property interests;
- 27 ii. The appearance of the fence, wall, or hedge will not detract or cause aesthetic damage to
28 neighboring property owners;
- 29 iii. The proposed height and/or setback modification will not cause a public safety hazard.

30 All appeals of decisions of the Planning Director and City Engineer will be made to the Planning
31 Commission.

32 (Ord. no. 2003-3, Amended, 03/04/2003; Ord. no. 97-3, Ord. no. 177 §5, 1990.)
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34

35 **SECTION II:** Provisions of other ordinances in conflict with this ordinance and the provisions
36 adopted or incorporated by reference are hereby repealed or amended as provided herein.

37
38 **SECTION III:** The provisions of this ordinance and the provisions adopted or incorporated by
39 reference are severable. If any provision of this ordinance is found to be invalid, unlawful, or
40 unconstitutional by a court of competent jurisdiction, the balance of the ordinance shall
41 nevertheless be unaffected and continue in full force and effect.

42
43 **SECTION IV:** This ordinance shall take effect immediately upon its passage and posting as
44 provide by law.