

Document Control Changes: Created 13 August 2020

LANDSCAPING AND FENCING (for Commercial and Light Industrial Zones)

1. What this ordinance does.

This ordinance promotes the health, safety, and general welfare of the public through the appropriate use of landscaping, buffering and fencing.

2. Purpose.

Properly placed landscaping can lessen the impact of dust, heat, erosion, and wind. Landscaping and fencing are also encouraged when used as buffers and screens against undesirable views.

3. Improvements required.

All landscaping, buffering, and fencing requirements of this ordinance shall apply to all newly constructed buildings within the Commercial and Light Industrial Zones and any structure that is being expanded or altered.

4. General landscape provisions.

The following landscape provisions shall be adhered to by all land uses unless otherwise noted:

A. Park Strips. Park strips, if applicable, adjacent to residential dwellings shall be landscaped and maintained by the property owner whose property abuts the park strip.

B. Landscape Maintenance. All landscaped areas shall be maintained by watering of landscaping, removal of weeds, the cutting of lawn or any other activities required to maintain healthy and aesthetically pleasing landscaping. Topping of trees as a pruning technique is prohibited.

C. Tree Clearance. Trees which project over any sidewalk shall be pruned clear of all branches between the ground and a height of eight feet for that portion of the foliage located over the sidewalk.

D. Clear Vision Triangles. No landscaping over three feet in height shall be allowed within a clear vision triangle as shown in this ordinance except trees with single trunks that are pruned such that all branches and foliage are removed to a height of at least eight feet. See Diagrams 15.1, 15.2 and 15.3 for details.

5. Landscape plan.

Applicants required by this title to make landscaping improvements shall submit a landscaping plan prepared by a licensed landscape architect to meet the minimum landscape requirements outlined in this ordinance. All single-family dwellings shall be exempt from preparing and submitting a landscape plan. Town staff will review the submitted landscaping plan for compliance with this ordinance and forward the plan to the Planning Commission and Town Council for review and action concurrent with development applications, which require landscaping plans to be submitted. The landscaping plan shall include, at a minimum, the following information:

A. The location and dimension of all existing and proposed structures, property lines, easements, parking lots, power lines, rights-of-way, ground signs, refuse areas, and lighting.

B. The plant names (both botanical and common name), location, quantity, and size of all existing and proposed plants. The proposed plan should indicate the size of the plant material at the time of planting and at maturation. All existing vegetation that is to be removed or remain on the site should be clearly identified.

C. Existing and proposed grading of the site indicating contours at two-foot intervals for grades that are five percent or greater. For areas where grades are less than five percent, contours may be shown at one-foot intervals.

D. Plans showing the irrigation system shall also be included in the landscaping plan submittal.

E. Existing and proposed fences and identification of the fencing materials.

F. A summary of the total percentage of landscaped areas, domestic turf grasses, deciduous and evergreen species, and xeriscaping, along with the estimated cost of all the improvements.

6. Completion of landscape improvements.

All required landscaping improvements shall be completed in accordance with the approved site plan, landscaping planting plan, and irrigation plan and occur prior to the issuance of a certificate of occupancy for the associated structure/building. Exceptions may be permitted, and certificates of occupancy issued where weather conditions prohibit the completion of approved and required landscaping improvements. In such cases an extension period of no longer than six months is permitted and a bond for no less than 110 percent of the total estimated value of the landscaping shall be held until the project is in full compliance with this ordinance and any approved site or landscaping plans.

7. Planting standards.

The planting standards are the minimum size of landscaping that the town will accept towards meeting the landscaping required in this ordinance. The Planning Commission and Town Council shall use the planting standards in evaluation of any landscaping plan. The following are planting standards for required landscaping that shall be followed for all new commercial and light industrial development:

A. Trees. Deciduous trees shall have a minimum trunk size of one and one-half inches in caliper measured eight inches above the soil line. Evergreen trees shall have a minimum size of six feet in height. The applicant may elect to use either deciduous or evergreen trees to meet this requirement.

B. Ornamental Trees. All ornamental trees shall have a minimum trunk size of one and one-half inches in caliper measured eight inches above the soil line.

C. Shrubs. All shrubs shall be a minimum of one-gallon containerized stock planted that will attain a height of at least two feet.

D. Turf. No landscaping shall be composed of more than 70 percent in turf.

E. Drought-Tolerant Plants. Fifty percent of all tree and shrub species shall be required to be drought-tolerant.

F. Weed Barrier. Planting beds are required to have a weed barrier with mulched wood chips, rocks, or other similar treatment.

8. Design applications.

The Planning Commission and Town Council shall use the following design applications in evaluation of any landscaping plan:

A. Selection of Plants. Plants shall be selected for texture, form, color, pattern of growth and adaptability to local conditions.

B. Water Conservation. All planter beds shall be irrigated through the use of drip lines instead of spray heads to minimize water loss through evaporation.

C. Berming. Landscaped berming is required as a headlight screen or buffer surrounding all parking areas and between different land uses; particularly between nonresidential and residential uses.

9. Required landscaping.

A. Portions of property that are not developed with structures, rights-of-way, driveways, and parking areas shall be required to be landscaped. Commercial and Light Industrial Zones shall adhere to the minimum landscaping standards contained herein. The Planning Commission shall have authority to waive these standards as circumstances dictate.

B. Water-Wise Landscaping Standards. The following are the minimum standards for water-wise landscaping for any park strip, median, or landscaped area located within a public right-of-way, a commercial, or Light Industrial development:

1. At least 50 percent of the required landscape area shall be live vegetation.
2. Live vegetation shall be distributed throughout the landscape area, and shall not be segregated.
3. Bark, chipped wood, and similar loose materials are permitted.
4. Decorative rock material shall be a minimum of one-inch aggregate, and shall be at least three inches deep and be placed completely on top of a weed fabric barrier that allows the permeation of water. Rock materials shall not exceed the height of the sidewalk/trail or the top back of curb, when placed along a public right-of-way.
5. White quartz rock, lava rock, and gravel, or any other material that approximates the color of concrete, are permitted.
6. All water-wise landscaped areas shall be improved with a drip irrigation system.
7. Any individual, corporation, or other entity that uses water-wise landscaping in an area within a public right-of-way shall be responsible for any damage caused by rocks or other materials that migrate onto a sidewalk, trail, street, storm drain, or other public facility, regardless of how such migration occurs.

10. Required buffer widths and improvements.

Required Buffer Widths and Improvements - defines the presumptive standards for minimum required buffer widths and improvements for adjacent land uses. Where the combination of land uses is not found in Table 14.1, the Planning Commission shall make a recommendation and then determine an appropriate buffering requirement. The Planning Commission may also approve alternative buffering requirements that may be more or less restrictive than the standards contained in the table when the Planning Commission determines that the alternative standard eliminates nuisance concerns. Required buffers may be crossed by driveways, utility lines, sidewalks, and trails.

Permitted freestanding signs may be based in required buffers. Outdoor sales, displays, or storage shall not be permitted within a required buffer. The required buffer areas are required to be landscaped with turf grasses, live ground cover, or an approved xeriscaping that meets the following requirements:

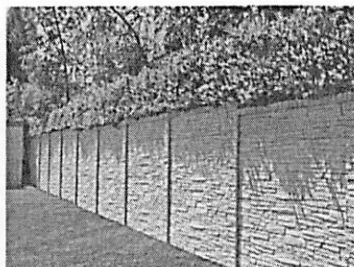
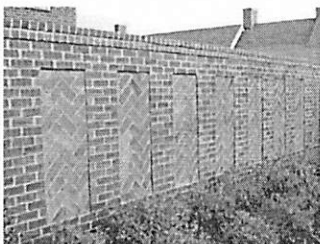
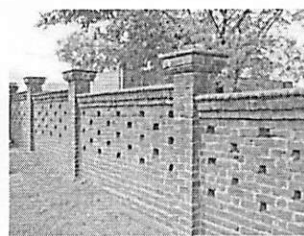
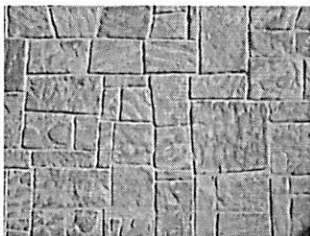
A. Trees. Deciduous trees shall have a minimum trunk size of one and one-half inches in caliper measured eight inches above the soil line. Evergreen trees shall have a minimum size of six feet in height. The applicant may elect to use either deciduous or evergreen trees to meet this requirement. Trees may not be spaced more than 40 feet apart.

B. Walls or Fences. Where required, screening walls or fences shall not be less than six feet in height, unless approved by the Town Council after recommendation of the Planning Commission as part of site plan review. Masonry or decorative concrete is the suggested type of wall/fence, and is required where a commercial development borders a residential or agricultural zone or development. Such wall, fence and landscaping shall be maintained in good condition with no advertising thereon. Decorative concrete and masonry walls shall be subject to approval of the Planning Commission.

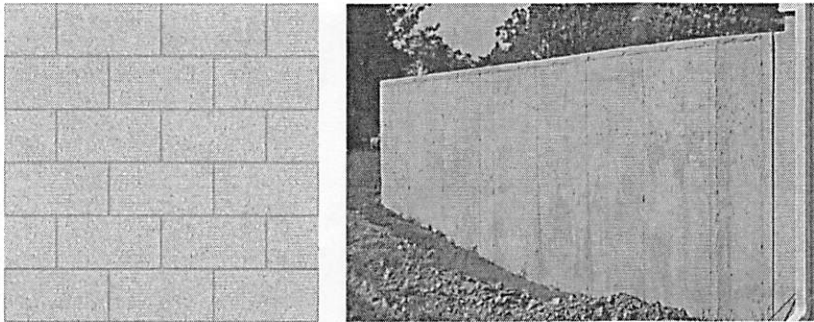
C. Berming. Berms shall be at least three and one-half feet in height and shall not exceed a slope of 2.5:1, except where a retaining wall is used to support one side of the berm.

D. Headlight Screen. A headlight screen shall consist of a berm, fence, wall, or landscaping consisting of at least three and one-half feet in height and capable of blocking headlights. Headlight screening may also be provided by buildings.

Examples of appropriate decorative concrete and masonry walls are provided below:



Examples of inappropriate concrete and masonry walls are provided below:



11. General fencing provisions.

The following fencing provisions shall be adhered to:

A. Property Lines. Property owners should only install fencing on their property. If the property lines are not clearly marked, the property owner shall have a surveyor determine and mark the property lines.

B. Commercial Fence Height. Fencing in Commercial areas shall not exceed six feet in height.

C. Light Industrial Fence Height. Fencing in Light Industrial areas shall not exceed eight feet in height.

D. Miscellaneous Properties/Uses. Fencing height and setbacks for other uses shall be determined by the Planning Commission based on compatibility with the neighborhood and adjacent uses. Security fencing for public facilities, such as power substations, may exceed height and material restrictions, based on compatibility and safety.

E. Public View. Finished side slats shall be on the street side or public view side of the fence railing.

F. Fire Hydrants and Utility Boxes. Fire hydrants and utility boxes shall not be fenced into a yard. A three-foot clear space shall be maintained around the circumference of all fire hydrants and utility boxes. Some utility boxes are not visible above ground. Blue Stakes should always be contacted and appropriate staking/markings should occur prior to installing a fence.

G. Retaining Walls. Retaining walls that are over four feet in height shall obtain a building permit in accordance with the International Building Code. All retaining walls shall comply with hillside site development standards.

H. Sport Courts. Fencing for sport courts (tennis, basketball, etc.) may be chain link, and is exempt from the height restrictions of this ordinance. Sport court fencing may not be used as exterior property-line fencing.

I. Public Utility Easement. Fencing may be installed over a public utility easement, but retaining walls shall not.

J. Meters. Fencing shall not obstruct access to gas and electric meters. If meters are in a fenced area, there must be an unlocked entrance to access these meters.

K. Clear Vision Triangles. All clear vision triangles, Diagram 15.1, as described in this ordinance shall be preserved. Diagram 15.2, Alleyway Fencing, also gives additional information for maintaining the clear vision triangles with fencing. All property owners shall maintain a clear vision triangle for neighboring driveways as depicted in Diagram 15.3

L. Barbed Wire. Barbed wire or wire fences shall be allowed only in conjunction with approved animal uses, unless otherwise approved by the Planning Commission. Razor fences shall be prohibited.

M. Additional Restrictions. Many of the conditions and restrictions with property contain restrictions on fencing. Property owners shall refer to these standards and discuss the proposed fencing with the Town, as applicable, prior to installation.

N. Refuse Areas. All refuse areas shall be screened by approved solid fencing materials. Chain link fences and fencing with vinyl slats are prohibited.

O. Collector and Arterial Fencing. All fencing adjacent to a collector or arterial road shall comply with standards.

P. Collector and Arterial Fencing Standards. It shall be the responsibility of the property owner and/or developer to build and the responsibility of the property owner to maintain at their own expense a wall or fence consistent with the standards found in this ordinance for side and rear property lines along collector and arterial roadways.

1. Commercial or Light Industrial developments with rear or side lot lines abutting an arterial or collector road right-of-way shall install privacy fencing or a privacy wall of consistent height (no less than six feet), material, color, and durable quality as defined by this ordinance. Developer applicants are required to install privacy fencing prior to a final inspection for the project. The Town Council shall be authorized to require a specific material and color for the fencing/wall in a site plan approval. After fencing is installed it shall be maintained in good repair and a consistent manner by the property owner.

12. Chain link fencing.

Chain link fencing is permitted when the recorded covenants, conditions, and restrictions of the property do not prohibit its use. Chain link fencing shall comply with the following standards noted below and depicted in Diagram 15.2, Chain Link Fencing.

A. Commercial. Chain link fencing is approved in all Commercial developments.

B. Light Industrial. Chain link fencing in Light Industrial areas shall not exceed eight feet in height, and shall be permissible no closer than the front wall of the building (or in the case of a corner lot, the side wall of the building). Where chain link fencing is visible from the street or parking, additional landscaping shall be established. All chain link fencing in Light Industrial areas shall be vinyl-coated. The Planning Commission or Town Council can require a solid screen fence other than chain link to screen outdoor storage or similar uses.

C. A top rail bar is required on all chain link fencing.

D. Slats are not allowed.

E. Fencing may not obstruct traffic visibility on corner lots.

F. Fences must meet all other standards for fence construction in the development code.

G. Fencing must be constructed with the open cut of fence mesh down to the ground.

13. Clear vision triangle.

Clear lines of sight shall be provided at intersections by delineating triangular areas adjacent to all intersections (see Diagram 15.1), within which no parking, building, structure, berming, or landscaping over three feet in height above the street shall be permitted. No trees are allowed within clear vision triangles. Driveways are prohibited within the clear vision triangle of local streets unless there is no other feasible placement of a driveway on a lot. Clear vision triangles may not be required if an approved chain link or other non-sight-obscuring fence is used. The size of the clear vision triangles shall be as follows:

A. Local Streets. At intersections of local streets, the triangle shall be defined by drawing a line between two points that are 30 feet from the intersection. See Diagram 15.1, Clear Vision Triangle.

B. Alleys or Driveways and Local Streets. At intersections of alleys or driveways (this includes private driveways) and local streets, the triangle shall be defined by drawing a line between two points that are 15 feet from the intersection along the lot lines (along alleys) or driveways and 30 feet on the street side. See Diagram 15.3, Alleyway Fencing.

C. Other Streets. Larger clear vision triangles may be required by the town engineer where local streets enter arterial streets, major collector streets, or parkways.

14. Buffer Widths.

New developments that are being proposed adjacent to existing or approved subdivisions and master development plans, building lots in an agriculture zone, or BLM properties shall have lots that transition in accordance to the following standards:

A. Commercial Transitioning. Commercial developments adjacent to existing residential developments shall follow the buffering standards in Table 15.1 and provide walls.

Table 14.1 Required Buffer Widths and Improvements		
Land Use*	Required Buffer **	Required Improvements
Permitted use in a zone	15 feet	Trees, ground cover, wall or fence
Commercial, Light Industrial, and institutional	20 feet	Trees, ground cover, wall or fence, berming
Religious and cultural meeting halls	10 feet	Trees, ground cover, walls or fences
Property line	10 feet	Trees, wall or fence, headlight screen
Public streets	10 feet	Trees, berming, headlight screen

* No turf required in Commercial or Light Industrial developments.

* In such cases where a specific combination of land uses is not found in the table, the Planning Commission shall make a recommendation and shall then determine an appropriate buffering requirement.

**Buffer widths are spaces of improved landscaped areas along property lines. Each zoning district establishes setbacks, which are the distance or amount of space between buildings and property lines. The Planning Commission may also approve alternative buffering requirements that may be more or less restrictive than the standards contained in this table when the Planning Commission determines that the alternative standard eliminates nuisance concerns.

15. Diagrams.

Diagram 15.1 – Clear Vision Triangle

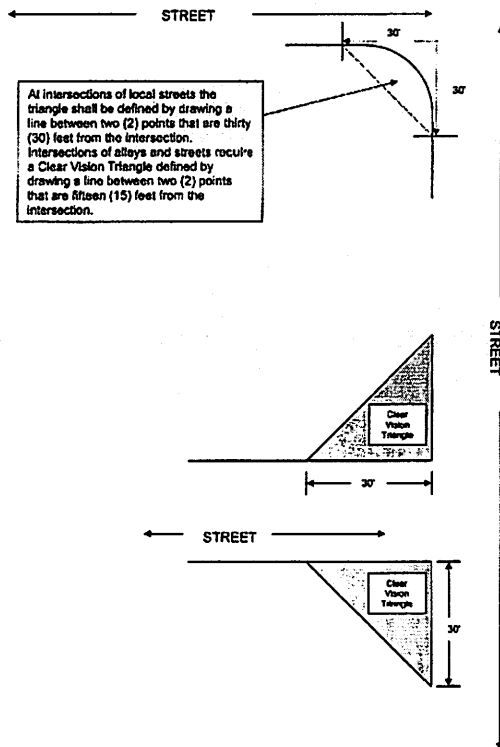


Diagram 15.2 – Chain Link Fencing

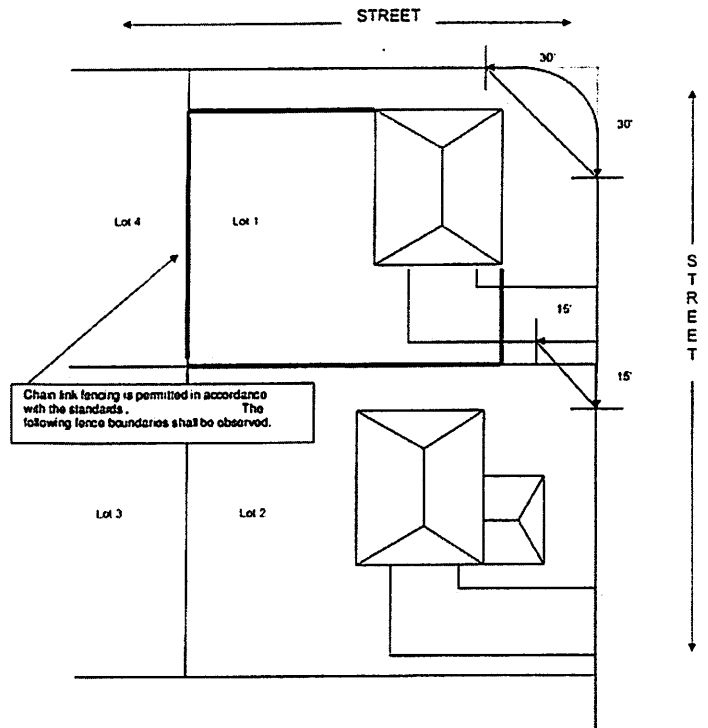
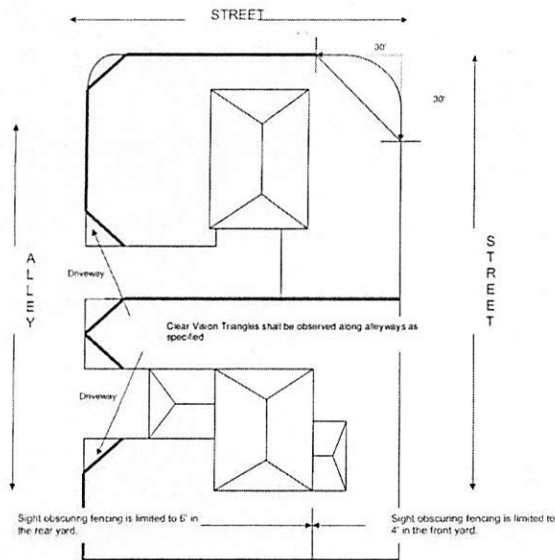


Diagram 15.3 – Alleyway Fencing



16. Effective Date

This ordinance shall become effective upon approval and posting.

Passed by the majority vote of the Town Council of the Town of Cedar Fort this 13th day of August 2020.

David T. Gustin

Mayor

Attest:

Julia Casper
Town Recorder/Clerk

Mayor David Gustin

Councilmember Ellen Cibula

Councilmember Wyatt Cook

Councilmember Laura Ault

Councilmember Rett Messersmith

Voted Yay DG

Voted _____

Voted Yay WC

Voted _____

Voted Yay RM

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, JULIA COSPER, Town Recorder of Cedar Fort Town, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed by the Town Council of Cedar Fort Town, Utah, on the 13 day of August 2020 entitled

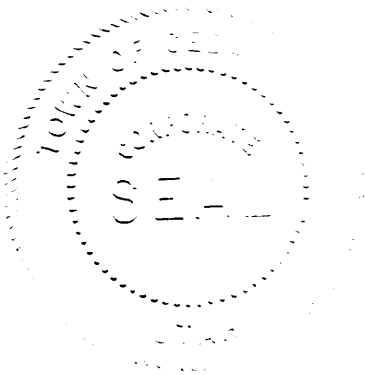
**“LANDSCAPE AND FENCING FOR COMMERCIAL AND LIGHT INDUSTRIAL”
ORDINANCE**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Cedar Fort Town Utah this 13 day of August 2020.


JULIA COSPER

Cedar Fort Town Recorder

(SEAL)



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STATE OF UTAH

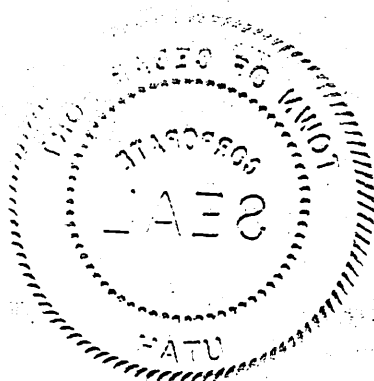
COUNTY OF UTAH

I, JAMES C. BROWN, Town Clerk of the Town of Cedar, do hereby certify that the above and foregoing is a true and correct copy of the original of the same as the same is on file in the office of the Town Clerk of Cedar, Utah, and that the same is a true and correct copy of the original of the same as the same is on file in the office of the Town Clerk of Cedar, Utah.

WITNESSED AND REMOVED FOR RECORD AND RETURNED TO THE TOWN CLERK OF CEDAR, UTAH, THIS 10th DAY OF 1900.

I, JAMES C. BROWN, Town Clerk of the Town of Cedar, do hereby certify that the above and foregoing is a true and correct copy of the original of the same as the same is on file in the office of the Town Clerk of Cedar, Utah, and that the same is a true and correct copy of the original of the same as the same is on file in the office of the Town Clerk of Cedar, Utah.

[Handwritten signature]



AFFIDAVIT OF POSTING

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

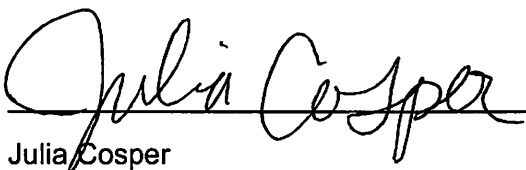
I, Julia Cospers, Town Recorder of Cedar Fort Town, Utah, do hereby certify and declare that I posted in three (3) public places the following summary of the ordinance which was passed by the Cedar Fort Town Council on the 13 day of August 2020 and herein referred to as:

**"LANDSCAPE AND FENCING FOR COMMERCIAL AND LIGHT INDUSTRIAL"
ORDINANCE****SUMMARY:**

The above named ordinance was enacted to define and describe the requirements, limitations and restrictions on landscape and fencing of properties within the Commercial and Light Industrial Zones within the Town of Cedar Fort. Definitions and categories are presented. Prohibited and restricted uses are detailed.

The three places are as follows:

1. Post Office
2. Town Hall
3. Cedar Valley Store


Julia Cospers

Cedar Fort Town Recorder

Date of Posting 8/25/2020