

Ordinance 1-2023

AN ORDINANCE TO ADOPT CHANGES TO THE  
CITY CODE OF RIVER HEIGHTS, UTAH

Whereas it was determined that changes needed to be made to the River Heights City Code and,

Whereas the River Heights City Planning Commission held a duly noticed public hearing on Tuesday, March 14, 2023.

Be it ordained by the River Heights City Council that the following changes are made to the River Heights City Code:

**5-2-1: DEFINITIONS**

KENNEL: Land or buildings used in the keeping of three (3) but no more than four (4) dogs over four (4) months old. Yard or space for the confinement and control of animals to be completely fenced in.

**5-2-12: VIOLATION (Animal Control)**

Any person violating the provisions of this Chapter shall be guilty of a ~~Class "C" Misdemeanor~~, an infraction, unless the specific violation has another classification. Each day such violation is committed, or permitted to continue, shall constitute a separate offense and shall be punishable as such.

**10-2-1: DEFINITIONS**

AFFECTED ENTITY: Cache County, Logan City, Providence City, Cache County School District, Cache County Sheriff, ProLog Irrigation, public utility companies (gas, electricity, water and sewer), property owners, property owners associations, and any other special district defined in state code.

**10-2-1: DEFINITIONS**

KENNEL: Land or buildings used in the keeping of three (3) ~~or~~ but no more than four (4) dogs over four (4) months old. Yard or space for the confinement and control of animals to be completely fenced in.

COMMERCIAL VEHICLE: A motor vehicle constructed for the conveyance of goods or merchandise, or for the conveyance of materials used in any trade, business, industry or work whatsoever, other than a motor vehicle for the conveyance of passengers, and includes any motor vehicle that is designed primarily for the carriage of person, but which has been fitted or adopted for the conveyance of goods, merchandise or materials referred to, and is in fact used for that purpose. A vehicle that has a gross vehicle weight rating (GVWR) or gross combination weight rating of 10,000 lbs. or more, whichever is greater. It must be registered by the Department of Transportation.

**10-12-3:A. FENCE AND WALL REGULATIONS WITHIN SETBACKS/Residential Maximum Height**

4. Side Yard and Rear Yard on a Street

- a. If a fence is installed on the property line, a four (4) foot solid fence is permitted. If a greater than four (4) foot fence is desired, the entire fence must be 70% transparent and may not be taller than six (6) feet.
- b. In areas where the conditions listed below are present if the fence setback distance from the paved asphalt road surface is fourteen and a half (14.5) feet or greater, an up to six (6) foot solid fence is allowed. Measure the actual condition(s) present and use the following formulas to determine the fence set back from the edge of the asphalt road pavement if pavement exists, and if pavement does not exist, then from the edge of the unpaved roadway. Use a value of zero (0.0) if a condition does exist.

Required Fence Setback (RSB)
Sidewalk (S)
Curb (C)
Curb/Gutter (CG)
Park Strip (P)
Present Required Set Back (SB)

Standard River Heights Widths	Feet
Sidewalk	4.0
Curb	.5
Rolled Curb	2.0
Curb/Gutter	2.5
Park Strip	4.0
Present Required Set Back	14.5
Property line from sidewalk	1.0

If there is a curb/gutter present:  $RSB = SB - S - CG - P$

If there is curb only use:  $RSB = SB - S - C - P$

Examples:

- (1) If only sidewalk is present:  $RSB = 14.5 - 0.0 - 2.5 - 4.0 = 8.0$  ft from edge of paved asphalt. (using standard widths)
- (2) If only curb/gutter and sidewalk:  $RSB = 14.5 - 0.0 - 0.0 - 4.0 = 10.5$  ft from edge of paved asphalt. (using standard widths)
- c. Minimum distance allowed: A six foot (6) solid fence is allowed if it is eight feet (8) from the edge of the paved asphalt road or four feet (4) from the existing sidewalk or property line whichever is greater.

**10-12-3 FENCE AND WALL REGULATIONS WITHIN SETBACKS**

D. Fire hydrants shall not have access blocked by fences or walls for a radius of four (4) feet. Front access shall be totally open and unrestricted.

E. On a drainage or irrigation easement, an owner may fence their property, but the water flow cannot be interrupted and must allow full access to the holder of the easement for the purpose of the easement. This may require gates to access the property with both foot traffic and

equipment required to maintain the ditch or pipe. It is the responsibility of the property owner to contact those who own the easements to get approval of the fence, gate, etc.

Move current D & E down to F & G.

**10-13-15: CLEAR VIEW OF INTERSECTING STREETS AND DRIVEWAYS**

**A.** Intersecting Streets

1. Obstruction of vision on corner lots within forty feet (40') of edge of pavement of intersection shall not be permitted from three feet (3') to ten feet (10') above finished grade. Trunks of trees, light or telephone poles or other small vertical protrusions not more than twelve inches (12") in diameter shall be permitted. (Ord., 1-22-2002) (6-2016, 9-27-16)
2. If tree trunks become more than twelve inches (12") inches in diameter at a mature size and are located within the forty feet (40') triangle, they must be spaced more than eight feet (8') apart.

**B.** Intersecting Street and Driveway

1. When the rear yard of a corner lot is adjacent to the front yard of a neighboring lot obstruction of vision within twenty-five feet (25') of edge of driveway and asphalt pavement of intersection of the rear yard fence with the street shall not be permitted from three feet (3') to ten feet (10') above finished grade. Trunks of trees, light or telephone poles or other small vertical protrusions not more than twelve inches (12") in diameter shall be permitted.
2. If tree trunks become more than twelve inches (12") inches in diameter at a mature size and are located within the twenty-five feet (25') triangle, they must be spaced more than eight feet (8') apart.

**C.** Shrubbery

Ornamental grasses, flowers, and shrubs are permitted if they are spaced six feet (6') apart and are not higher than three feet (3') above street or sidewalk grade. Above ground transformers are allowed if they are less than forty inches (40") above street or sidewalk grade. All plantings and obstructions shall maintain an overall clear visibility of 70% or greater. (3-2020, 5-19-20) 10-13-16:

**10-15-7 LANDSCAPING**

E. Maintenance of Trees Near Sidewalks and Streets: Pruning trees is required so that any overhang is at least seven (7) feet above the elevation of the adjoining sidewalk or and 10' fourteen feet (14') above street to keep a clear view and not interfere with service vehicles. (2-2019, 5-28-19)

**10-16-1 SIGNS REGULATED**

C. Screening Requirements: All signs shall display thereon only information pertaining to products to services sold on the premises. Community events or public information may be displayed on a temporary basis. ~~No more than thirty percent (30%) of the sign area or message shall be used for this purpose.~~

**10-20-2:           CONDITIONAL USE PERMITS**

D.       Issuance of Approved Conditional Use Permit: Upon approval of the application for a conditional use permit, the zoning administrator shall prepare the permit, a written decision with findings supporting the issuance of the permit, and the conditions of the permit, if any. The permit shall be signed by the applicant and notarized ~~and must be recorded against the property and tax identification number with the county recorder.~~

Adopted this 21<sup>st</sup> day of March 2023 and effective upon publication.

A handwritten signature in black ink, appearing to read "Jason Thompson", written in a cursive style.

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Jason Thompson, Mayor

ATTEST

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Sheila Lind, Recorder