

**MILLVILLE CITY CODE
TITLE 17 - ZONING
CHAPTER 17.40 - LANDSCAPING AND FENCING**

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17.40.010: PURPOSE

The purpose of the landscaping requirements shall be to enhance, conserve, and stabilize property values by encouraging pleasant and attractive surroundings and thus create the necessary atmosphere for the development of a pleasant community. Landscaping also contributes to the relief of heat, noise, and glare through the proper placement of plants and trees. (Ord. 2009-1, 2009: Ord. 99-02-18-01 § 2)

17.40.020: COMMERCIAL ZONES

The following landscaping provisions shall apply to commercial, manufacturing, and industrial zones:

- A. Yard Areas: Required yard areas except those portions devoted to driveways and/or parking shall be reasonably landscaped with plants, shrubs, trees, grass, and similar landscaping materials. A minimum fifteen foot (15') wide landscaped area is required along the side and rear property line. Landscaping shall include a minimum of one tree per one thousand (1,000) square feet of landscaped areas. Deciduous trees shall be a minimum two inch (2") caliper; conifer trees shall have a minimum height of six feet (6').

- B. Landscape Materials: The use of landscape materials with strong visual impact shall be emphasized, including the use of bedding areas with perennials or annual flowers where appropriate, clustering of trees, and large size plants.
- C. Required Landscape Areas To Be Maintained: All required landscape areas shall be permanently maintained with suitable landscaping materials of plants, shrubs, trees, grass, and similar materials.
- D. Landscape Installation: Landscape installation must be completed and approved prior to occupancy of the building unless postponed by the city council.
- E. Buffers: Plant with evergreen trees or tall shrubs to screen service areas, buildings, and parking from street(s) or adjacent residential zones.
- F. Parking Lots: Plant with shade trees, one tree per every ten (10) cars minimum. Parking areas shall be landscaped around the periphery and at the ends of parking rows in accordance with the landscaping plan as approved as part of the project plan approval procedure. (Ord. 2009-1, 2009: Ord. 99-02-18-01 § 2)

17.40.030: R-1, R-2, R-3 RESIDENTIAL

- A. Required yard areas except those portions devoted to driveways and/or parking shall be reasonably landscaped with plants, trees, grass or similar landscaping materials.
- B. All required landscape areas shall be permanently maintained with suitable landscaping materials of plants, shrubs, trees, grass or similar materials.
- C. Landscape installation must be completed within two (2) years of occupancy of building. (Ord. 2009-1, 2009: Ord. 99-02-18-01 § 2)

17.40.040: CITY RIGHT OF WAY LANDSCAPING

The following landscaping provisions shall apply to all zones within the city, excluding any undeveloped plot:

- A. Purpose: In order to provide for public safety and protect investments in infrastructure, this chapter sets forth minimum standards for landscaping and tree planting in public rights of way. It considers line of sight at intersections as well as utility clearance and protection of sidewalks, curbs, and power lines, both aboveground and belowground,

and other utilities in the public rights of way. This chapter applies to both commercial and residential zones.

- B. Definitions: For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

LANDSCAPING STRIP: That area between the sidewalk and the curb and gutter, sidewalk and pavement, or pavement and property line generally meant for the purpose of creating a landscaped buffer.

LOT OR PROPERTY: That lot or property that abuts the landscaping strip.

STREET TREE: Those trees that the city has explicitly designated, through this chapter, as appropriate for planting along and within public rights of way (see "Millville City Landscaping And Planting Guide").

- C. Minimum Maintenance: Public rights of way adjoining property shall include mowing or cutting of weeds and other vegetation to maintain integrity of the curbs, sidewalks and other public utilities.
- D. Irrigation: All portions of the landscaping strip shall be irrigated, in an amount appropriate for the landscaping.
- E. Planting Of Trees Encouraged: The city promotes tree planting in the public rights of way when it is done in conjunction with proper planning to help avoid negative impacts to public safety and city improvements.
- F. Tree Placement Distances:
1. Curb: Half distance from sidewalk.
 2. Sidewalk: Half distance from curb or five feet (5"), whichever is greater.
 3. Overhead Power Lines: Ten feet (10') minimum distance or dwarf trees that do not reach power line.
 4. Light Poles: All trees shall be planted a minimum of one-half ($\frac{1}{2}$) or the mature spread from light poles.
- G. Spacing Between Curb And Sidewalk; Pavement And Sidewalk; Pavement And Property Line: Midway between the two (2).

- H. Shrubs And Bushes: Shrubs and bushes recommended for Cache Valley.

- I. Grasses: Recommended types (see "Millville City Landscaping And Planting Guide").
- J. Rock: All rock must be no larger than two inches (2") minus.
- K. Clear Vision Area/Sight Triangle: In all zones requiring a front yard setback, no obstruction to view in excess of thirty six inches (36") in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points thirty feet (30') from the intersection of the property line.
 - 1. Restrictions: Fencing and planting is restricted within this area as follows:
 - a. No sight obstructing fence shall be higher than thirty six inches (36").
 - b. Shrubs shall be pruned to a height not to exceed thirty six inches (36").
 - c. Trees shall be pruned to maintain a clear area below eight feet (8').
 - 2. Functions: This clear vision area of the public right of way serves many different functions simultaneously, such as, public access for both people and utilities overhead and underground, transition zone from street to adjoining properties, beautification area, storage of rainwater and snow and play area for children. Our effort is to facilitate all of these uses as much as possible in a balanced manner.
 - 3. Landscaping Permanent And Public: All landscaping installed in landscaping planter strips shall be considered open to the public and owned by the public. No removal of landscaping or any modification shall be made to the landscaping within the landscaping strips without written authorization from the city.
- L. City Repair Of Damages: If any violations of the provisions of this chapter create damage to any landscaping within the public right of way, including the landscaping strip, the city shall have the authority to repair or replace damaged landscaping and the responsible party shall be liable for immediate payment for said replacement or repair.
- M. Tree Planting Plan: The proposed city right of way tree planting plan must be submitted to the Millville City planner/development coordinator for review and then presented to the city planning and zoning commission for final approval. (Ord. 2009-1, 2009)

17.40.050: FENCING

- A. Fence Defined: A tangible barrier with the purpose or intent or having the effect of preventing passage or view across the fence line as defined in the "Millville City Landscaping And Planting Guide".
- B. Front Setback Area Defined: The term "front setback area" shall refer to the setback area (as required by this section) along any street frontage whatsoever, whether it is the side or front yard of a property.

C. Interior Lot Requirements:

- 1. Side And Rear Property Lines: On all interior lots, a fence, not to exceed six feet (6') in height, may be erected along all side and rear property lines including the front yard setback area.
- 2. Front Setback Area: On all interior lots, a fence, not to exceed six feet (6') in height, may be erected along all front setback sides and front setback property lines. No fence or wall shall be placed on any city easement area. All fences shall display home address so it can be read from city streets.
- 3. Average Grade: Where there is a difference in the grade of the properties on either side of a fence or wall, the height of the fence or wall shall be measured from the average grade of the higher property. Average grade shall be established based on elevations of finish grade within five feet (5') of the proposed fence line. When a retaining wall exists at the property line, fence height may be measured from the higher side of the wall.

D. Corner Lot Requirements:

- 1. On all corner lots, a fence, not to exceed six feet (6') in height, may be erected along the rear and interior side lot line, but not in the front yard setback area.
- 2. In all zones requiring a front yard setback, no obstruction to view in excess of thirty six inches (36") in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points thirty feet (30') from the intersection of the property line.
- 3. Notwithstanding any other provisions herein, a fence may be erected to a height of six feet (6') in any yard abutting a street within the setback area.

- E. Fences On The Public Right Of Way: No fence approved under this chapter shall be erected beyond the property line, on the public right of way, without the issuance of a permit by the planning and zoning commission. Approval of a fence on the public right of way shall be subject to the following conditions:
1. No fence shall be erected within one foot (1') of an existing or future sidewalk or within a three foot (3') radius of a fire hydrant. Also no fire hydrant shall be enclosed by a fence.
 2. The city shall retain the right to remove any fence on the public right of way for any purpose it deems necessary. Removal shall be at the sole expense of the property owner.
 3. Maintenance of the area between the sidewalk and the property line shall be the responsibility of the property owner.
- F. Fences On Controlled Access Streets: On streets designated by the city engineer as controlled access streets, walls, fences or hedges may be erected to a height of six feet (6') in the front setback area.
- G. Fences For Recreation Use: On rear property lines, a chainlink fence may be erected to a height of twelve feet (12') for the purpose of enclosing a tennis court, swimming pool, or other court game area. Said fence may not be located within the setback area of yards abutting a front, side, or street side yard. The fence shall in no way be closed in with adjacent plant materials or strips of material inserted into the fence higher than six feet (6') so as to obstruct vision.
- H. Fences To Be Required In Certain Areas: Sight obscuring fences shall be required along the boundary line in the following cases:
1. All commercial and industrial developments having a common lot line with property used for residential purposes shall require the construction of a seven foot (7') high sight obscuring masonry or tight board fence; or
 2. Said fence shall be reduced to thirty six inches (36") in height inside the front yard setback area (on all corner lots) forty eight inches (48") (on all interior lots) of the residential property. It shall be the responsibility of the developer/builder or owner of the denser development to erect the fence.
- I. Fences Not Otherwise Identified: The planning commission shall review all requests for any type of fence not specifically identified in this chapter and may approve said fence if, in the opinion of the commission, the fence does not impair the intent and purpose of this

section. (Ord. 2015-1, 2015: Ord. 2009-1, 2009: Ord. 2007-7, 2007: Ord. 2004-1, 2004:
Ord. 2003-2, 2003)