

ORDINANCE NO. 11-14-2017

AN ORDINANCE AMENDING CHAPTER 5 OF THE EUREKA CITY ZONING ORDINANCE.

WHEREAS, Title 10 Chapter 3 and § 10-8-84 of the Utah Code authorizes the City Council to pass ordinances which are reasonably and appropriately related to the providing for the public health, safety, morals, convenience, order, prosperity, and general welfare of the City and its residents; and

WHEREAS, the City Council finds it is in the public's interest to amend certain zoning restrictions that were adopted in 1996 and most recently amended in 2001;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF EUREKA CITY, THAT CHAPTER 5 OF THE ZONING ORDINANCE BE AMENDED AS FOLLOWS:

I. CHAPTER 5

(e) Yard Requirements. Each residential dwelling on a lot or parcel in the R1 zone shall have front and rear yards of not less than twenty (20) feet, and side yards of not less than ten (10) feet, except corner lots shall have a side yard of not less than twenty (20) feet, but under no circumstances shall a structure, including a dwelling, shed, or barn, be less than twenty (20) feet from a road.

(f) Accessory Building. Accessory buildings shall not be closer than eight (8) feet to any dwelling. Any accessory building housing animals or poultry shall have a rear and side yards of not less than eight (8) feet. Accessory buildings not housing animals shall have a rear and side setback of two (2) feet or greater.

(g) Fences and Retaining Walls. Fences, walls and hedges must be placed within the owner's property boundaries. The maximum fence height permitted in residential areas is six (6) feet. Front yard fences along the street frontage shall not exceed three (3) feet in height and must be placed at least ten (10) from the front property line. Fences for side yards along the street frontage shall be at least six (6) feet from the property line. The sight triangle for corner lots shall not be obstructed, which means thirty-five (35) feet from the corner point of the property traced along the property line in each direction facing the street. A resident may file an application for an agricultural fence to exceed six (6) feet which must be approved by the zoning administrator. Retaining walls in the front yard shall not exceed four (4) feet and shall have a setback minimum of 10 feet from the front property line. A retaining wall may exceed four (4) feet only if it has been designed and engineered by a licensed engineer, but in no case shall any wall exceed eight (8) feet.

II. SEVERABILITY

If any provisions or clause of this chapter or its application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses, or applications

which can be implemented without the invalid provision, clause, or application. To this end, the provisions of this chapter are declared to be severable.

III. PRIOR OR CONFLICTION PROVISIONS REPEALED

This Ordinance repeals and replaces any prior or conflicting provisions that were previously adopted by the City.

IV. EFFECTIVE DATE

This amendment to the ordinance shall become effective on the date passed by the City Council of Eureka.


PASSED AND ADOPTED THIS 14th DAY OF NOVEMBER 2017.

MAYOR OF EUREKA:


NICK CASTLETON



ATTEST:


CITY RECORDER