

6. Fence Height – Amend Title 15A, Chapter 28, Fencing, Land Development Code, Revised Ordinances of Sandy City, 2008 CODE-03-17-5242

The Community Development Department is requesting to amend Title 15A, Chapter 28, Fencing, Land Use Development Code, Revised Ordinances of Sandy City, 2008. The purpose of the Code Amendment is to consider modifying a provision in which the Community Development Department can approve a fence up to 8 feet in height, in the side and rear yard of a residential lot.

STAFF RECOMMENDATION

The Community Development Department requests that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed ordinance amendment as shown in exhibit "A", attached, for the following reasons:

1. Compliance with the Purpose of the Land Development Code by creating consistency and equitable standards and procedures for residential fencing within Sandy City.
2. Compliance with the Goals and Policies of the General Plan by establishing appropriate development standards for all uses and zoning categories within Sandy City.

Brian McCuistion presented this item to the Planning Commission. He stated last summer, we added a provision where citizens could request a taller fence above the six-foot maximum up to a maximum of 8-feet. This Code Amendment would take the Community Development Director out of the equation. Homeowners can request for a taller fence as long as they are in communication with their neighbors and submit for a building permit.

Commissioner Doug Haymore asked for the purpose of 15A-28-10B (1), where the changes were made from number three to number one that reads: 13. At least two weeks prior to construction of the fence, the affected abutting property owner(s) shall be notified of the intent to build an 8' fence. Proof of this notification shall be provided to the Planning Division as part of the building permit application ~~with any response from the abutting property owner(s)~~. He stated nothing happens with this.

Brian McCuistion stated it is a notification to the neighbors.

Commissioner Doug Haymore asked why this is needed.

Brian McCuistion stated if the neighbors have an issue, they can talk with the property owner and try to work the issue out.

Commissioner Doug Haymore stated he could not support a requirement of notification without and triggering event based upon notification.

Commissioner Joe Baker stated the neighbor and the homeowner do not have to work anything out.

Brian McCuiston stated it is just notification to let the neighbors know what is happening.

Commissioner Doug Haymore stated it is great that people can build eight-foot fences. What he is not in favor of is requiring homeowners to tell their neighbors what they are proposing to do and nothing happens from the notification.

Commissioner Nancy Day stated she agrees with Doug. What we are doing is firing things up when it does not need to be.

Commissioner Doug Haymore stated he also agree that a homeowner should be able to build an eight-foot fence.

Commissioner Joe Baker stated we should just add the correct wording. He read: Proof of this notification and **evidence of mitigated concerns** shall be provided to the Planning Division as part of the building permit application ~~with any response from the abutting property owner(s)~~ or Proof of this notification and **effort to mitigated concerns**. He also stated there it does not make sense to notify the neighbors. If the neighbors have concerns, those concerns need to be listened to and an attempt to mitigate.

Brian McCuiston stated he forgot to make mention that on page six, under Measurements of Fence Height, the word trex should be replaced with composite wood. Also on page nine, Under Walls Along Arterial Highways, under (D), should read: A barrier wall, 6 8 feet in height is required, unless otherwise dictated through a sound study.

Commissioner Doug Haymore asked should we continue this discussion or wait until the exhibit has been re-drafted.

Brian McCuiston stated we could continue this discussion and the changes would be made. The changes could be made as a motion.

Commissioner Cyndi Sharkey asked would this proposal allow an eight-foot fence instead of a six-foot fence in every condition.

Brian McCuiston stated it would allow homeowners to request it. Six-foot is the standard at no cost, anything higher would be an additional cost.

Commissioner Cyndi Sharkey stated in reading the changes to the code, she thought this would be allowed in every condition. She also stated it looks like the changes were only made where there is a slope.

Brian McCuiston stated staff did modify the graphic for the slope because the other graphic only mentioned a maximum of a seven-foot fence.

Commissioner Doug Haymore stated he thought the same thing except he noticed the changes made in section 15A-28-10, which are exceptions to the whole area of fencing.

Commissioner Joe Baker asked why Director was changed to Community Development Department in section 15A-28-10. He also asked if everyone in the Community Development Department approve a request for a fence over six feet.

Brian McCuiston stated the Director or his designee is typically the person to approve fencing over six feet.

Commissioner Joe Baker stated the proposal is for anyone within the Department can approve fencing. He asked if the wording was correct.

James Sorenson stated as of right now, an eight-foot fence would need the approval of the Community Development Director. This proposal would make it a permitted right for anyone to have an eight-foot fence.

Commissioner Joe Baker asked why is authorization necessary if this does not need to be authorized or approved.

James Sorenson stated it is authorized by the code. It can be removed from the code if someone feels like it is not needed.

Commissioner Doug Haymore stated maybe all the language regarding six- foot fencing needs to be changed to eight- foot.

James Sorenson stated people can have a six-foot fence but this code would allow up to eight – foot as well.

Commissioner Cyndi Sharkey asked if the code is six-feet but the homeowner can do up to eight –feet if they like.

James Sorenson stated no, the six-foot fence would not need a permit nor would it need his approval. An eight-foot fence would need approval and a permit.

Commissioner Doug Haymore stated now he understands. A homeowner can put in a six-foot fence without permission, but anyone wanting an eight-foot fence would need to apply for a building permit.

James Sorenson stated building code requires a building permit.

Commissioner Joe Baker stated so, paragraph B under 15A-28-10-Exceptions is not needed.

Commissioner Ron Mortimer stated the bottom item on paragraph B under 15A-28-10-Exceptions is needed.

Commissioner Doug Haymore stated red two becomes red one because red one goes away.

Commissioner Joe Baker stated there should not be a number one without number two.

Commissioner Ron Mortimer stated all of B under 15A-28-10-Exceptions could be replaced to read: The building permit is applied for and approved.

Commissioner Ron Mortimer moved the Planning Commission forward a positive recommendation to the City Council to adopt the proposed ordinance amendment as shown in exhibit "A", for the two reasons in the staff report with a modification to section 15A-28-10 Exceptions, item B will read: The building permit is applied for and approved. Also on page six item G, trex is replaced with composite wood and page nine item D, change A barrier wall, 6 feet in height to A barrier wall, 8 feet in height and to say is required unless otherwise dictated by sound study.

Nancy Day seconded the motion. The vote was as follows: Ron Mortimer, yes; Nancy Day, yes; Doug Haymore, yes; Cyndi Sharkey, yes; Lisa Hartman, yes; Joe Baker, yes; Jared Clayton, yes. The vote was unanimous in favor.