



Community Development Department

Tom Dolan
Mayor

Scott J. Bond
Chief Administrative Officer

James L. Sorensen
Director

MEMORANDUM

April 20, 2017

To: City Council via Planning Commission
From: Community Development Department
Subject: Fence Height – Amend Title 15A, Chapter 28, Fencing, Land Development Code, Revised Ordinances of Sandy City, 2008 CODE-3-17-5242

HEARING NOTICE: *This Code Amendment was noticed in the paper at least 10 days prior to the first Planning Commission meeting.*

PROPERTY CASE HISTORY	
CASE NUMBER	CASE SUMMARY
CODE-6-16-5097	August 20, 2016 - Adopted Ordinance #16-30 which allowed the Community Development Director to approve fences over six feet in height.

BACKGROUND

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.

ANALYSIS

Last summer the Land Development Code was modified to allow an exception to the traditional six-foot fence height. Currently, the Community Development Director may approve a fence in residential zoning districts above six feet after considering the justification for a taller fence as well as making sure other requirements are completed.

The current proposal would be to eliminate the Community Development Director from getting involved and allow residents to install a fence up to eight feet as long as a building permit is obtained and the affected neighbors are notified. Another minor change is to identify trex as an allowed fencing material.

NON-CONFORMING USES

This Code Amendment would not create any non-conforming situations.

LAND DEVELOPMENT CODE PURPOSE COMPLIANCE

The Sandy City Land Development Code in §15A-01-03 lists the criteria explaining the intent and purpose of the Ordinance. The purpose is:

15A-01-03 Purpose

This Code is adopted to implement Sandy City's General Plan and to promote: public health, safety, convenience, aesthetics, welfare; efficient use of land; sustainable land use and building practices; transportation options and accessibility; crime prevention; timely citizen involvement in land use decision making; and efficiency in development review and land use administration. Specifically, this Code is established to promote the following purposes:

1. General

- a. To facilitate the orderly growth and development of Sandy City.
- b. To facilitate adequate provision for transportation, water, sewage, schools, parks, and other public requirements.
- c. To stabilize property values.
- d. To enhance the economic well being of Sandy City and its inhabitants.

2. Implementation of General Plan

To coordinate and ensure the implementation of the City's General Plan through effective execution of development review requirements, adequate facility and services review and other goals, policies, or programs contained in the General Plan.

3. Comprehensive, Consistent and Equitable Regulations

To establish a system of fair, comprehensive, consistent and equitable regulations, standards and procedures for review and approval of all proposed land development within the City.

4. Efficiently and Effectively Managed Procedures

- a. To promote fair procedures that are efficient and effective in terms of time and expense.
- b. To be effective and responsive in terms of the allocation of authority and delegation of powers and duties among ministerial, appointed, and elected officials.
- c. To foster a positive customer service attitude and to respect the rights of all applicants and affected citizens.

The proposed code amendment will stabilize property values by establishing a system of fair, comprehensive, consistent and equitable regulations, and standards for residential fencing within Sandy City.

GENERAL PLAN COMPLIANCE

The General Plan encourages appropriate development standards for all uses and zoning categories within Sandy City.

OTHER

Besides the purposes set out in the ordinances cited above, one of the stated purposes of the City's land use ordinances is to facilitate the orderly growth and development of Sandy City (Rev. Ord. of Sandy City 2008, Section 15A-01-03(A)(1)). Some of the general purposes of the City's Development Code are to implement Sandy City's General Plan, and to promote the following public policies: public health, safety, convenience, aesthetics, welfare; efficient use of land; sustainable land use and building practices; transportation

options and accessibility; crime prevention; timely citizen involvement in land use decision making; and efficiency in development review and land use administration (R.O.S.C. Sec. 15A-01-03(A)).

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.

Planner:

Reviewed by:

Brian McCuiston
Planning Director

Exhibit "A"

Chapter 15A-28 - FENCING

15A-28-01 Purpose

This section has been provided to create minimum and maximum fencing standards for residential and commercial areas within Sandy City.

15A-28-02 Effect of Section on Covenants, Agreements, etc.

This Section shall not nullify the more restrictive provisions of covenants, agreements, ordinances, or laws but shall prevail notwithstanding such provisions which are less restrictive.

15A-28-03 Fences - Residential Standards

- A. **Side Yards and Rear Yards.** In any required side or rear yard on lots, the height of fences shall not exceed 6 feet, unless otherwise allowed herein.
- B. **Front Yards.** Fences in required front yards shall be allowed provided that solid type fences shall not exceed 3 feet, and open type fences, e.g., wrought iron, shall not exceed 4 feet.
- C. **Corner Lots.** In addition to the other provisions contained in this Section, fences located on corner lots shall be subject to the following provisions:
 1. Any fence, wall, and/or hedge on the front yard setback shall not exceed 3 feet if opaque construction or 4 feet if open construction.
 2. In the side yard setback that fronts on a street, height up to 6 feet shall be allowed beyond 60 feet from the intersection measured from the intersecting extended curb lines. Height within the 60 foot area shall conform to the requirements of a front yard setback.

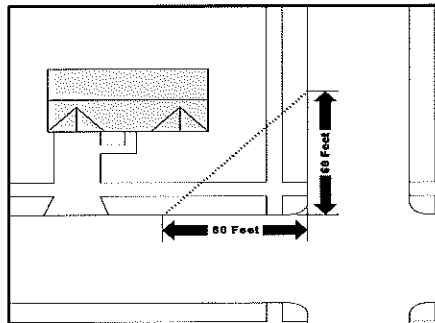
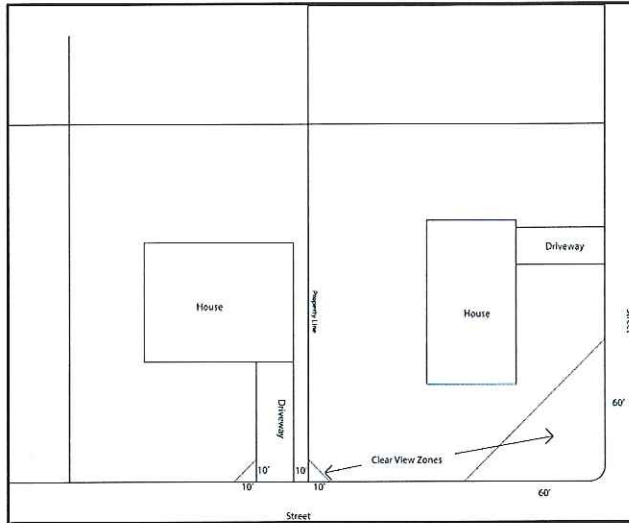
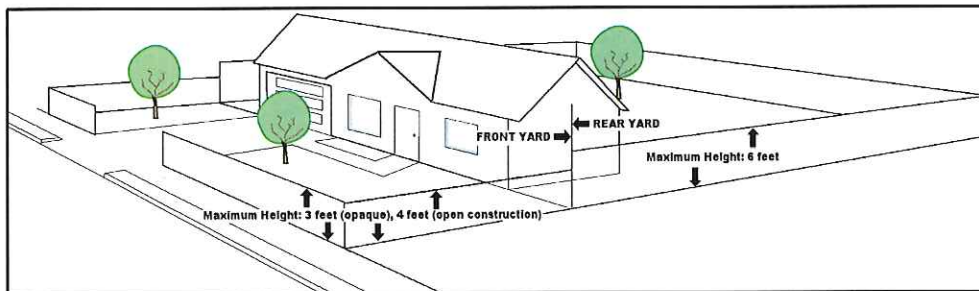


Illustration of a common 60 foot
Sight Visibility Triangle

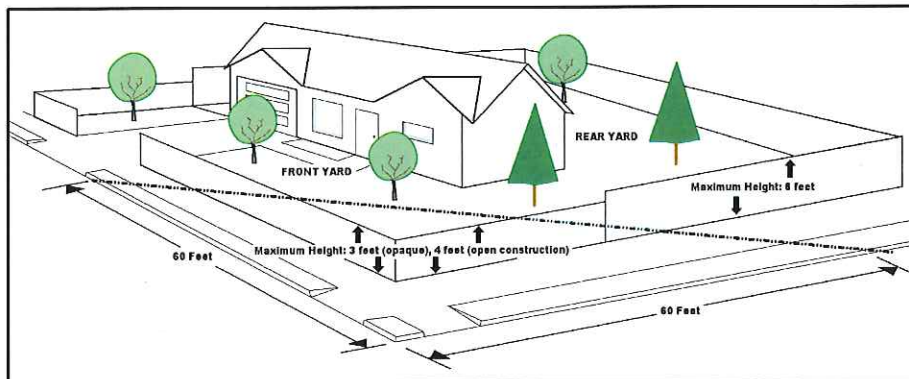
3. A clear view zone shall be maintained free of fencing, except a see through fence or a view obscuring fence no higher than 3 feet in height when a driveway exists on the adjacent lot within 10 feet of the shared property line. The clear view zone refers to the portion of the corner lot lying within a triangular area formed by measuring back 10 feet from the point where the interior property line shared with the adjacent lot meets the property line along the public right-of-way.



4. Heights on the rear yard setback and interior side yard setback shall not exceed 6 feet, unless otherwise allowed herein.



Fence Figure #1 - Interior Lot Fence Height Restrictions



Fence Figure #2 - Corner Lot Fence Height Restrictions

- D. **Fences on Slopes.** If an 8' fence is approved as allowed herein, and depending on the type of application used, a fence may be a maximum of 7 8 feet if the average height of such fence is no greater than 7 feet 6 inches (see application 1), or a continuous height of 8' (see application 2) if the fence is not stepped. unless otherwise allowed herein (see Figure #3).

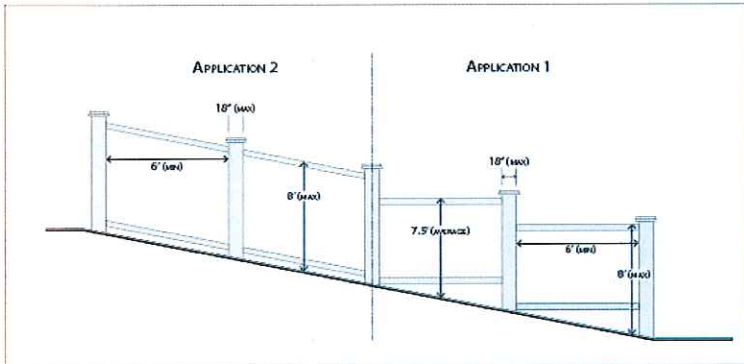


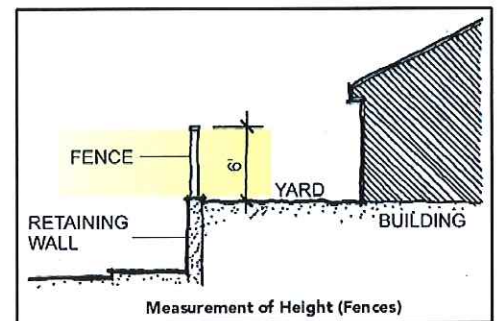
Figure #3

- E. **Fence Posts, Gate Posts, Pillars, and Support Columns.** Such structures may extend 12 inches above the maximum fence height when separated by at least 6 linear feet of fencing (see Figure #3). Gate posts may be as close as 3 feet of each other with no more than one gate per fence frontage. Structures may not exceed 18 inches in diameter or width.

F. **Measurement of Fence Height.**

1. The height of a fence shall be measured from the highest grade.
2. The combined height of a fence and retaining wall shall not exceed 11 feet, unless otherwise allowed herein (See Figure #4).

- G. **Approved Fencing Materials.** Acceptable construction materials for fences shall be lumber, vinyl, chain-link, wrought iron, precast concrete panels, concrete block, composite wood, or other solid durable materials as the Director may approve.



15A-28-04 Lots Within A Sensitive Area Overlay Zone

A fence may be built upon a slope greater than 30 percent provided the following conditions are met:

Figure #4

- A. Fences shall be located only upon areas constituting usable land unless otherwise designed to comply with the Environmental Hazards Element as contained in Section VIII of the General Plan and as approved by the Community Development Department.
- B. Only dark brown, dark green, or black vinyl coated chain link fencing shall be allowed in order to blend into the native landscaping.
- C. The fence shall be built in accordance to this Chapter and comply with all restrictions imposed by setbacks, etc, as defined in this Code as well as the Environmental Hazards Element as contained in Section VIII of the General Plan.
- D. Fencing on hillside lots shall only be approved in conjunction with an approved landscape plan in accordance with the Environmental Hazards Element as contained in Section VIII of the General Plan.

15A-28-05 Fencing - Commercial and Industrial Standards

A. Front Yard Fencing.

- 1. If a fence is desired between a building and the front property line, decorative iron fences or a combination of decorative iron and brick pillar fences are required. The fence may be a maximum of 6 feet in height and located immediately behind the front landscape area required by the zoning ordinance for the particular project.
 - 2. **Corner Lots.** All developments located on corner lots shall be considered to have two frontages. The above fencing restriction shall apply to both frontages with the exception that fences may not encroach into the required sight visibility triangle at the intersection of two streets. Sight visibility triangles are determined by engineering standards as contained in the AASHTO publications. In many cases, a 60 foot sight visibility triangle is sufficient. Sight visibility triangles will increase significantly if the location is on or near the inside of a horizontal curve. Fences in the sight visibility triangle shall be no more than 3 feet in height above the top of curb. In most cases, said sight visibility triangle shall be measured from the intersection of the extended curb lines back 60 feet in both directions.
- B. **Side and Rear Property Lines.** Fences along side or rear property lines shall not exceed 6 feet in height measured from the highest elevation on either side of the fence unless otherwise approved by the Director during site plan review up to a maximum of 8 feet measured from the highest elevation on either side of the fence.
 - C. **Barbed Wire Fences.** Barbed wire and other security wire is allowed on fences on commercial, industrial, business, or civic property for the purpose of maintaining security and preventing property loss and vandalism.
 - D. **Temporary Fencing.** Fencing may be allowed on a temporary basis for the purpose of securing property prior to and during development and for special events.

15A-28-06 Vacant Lots

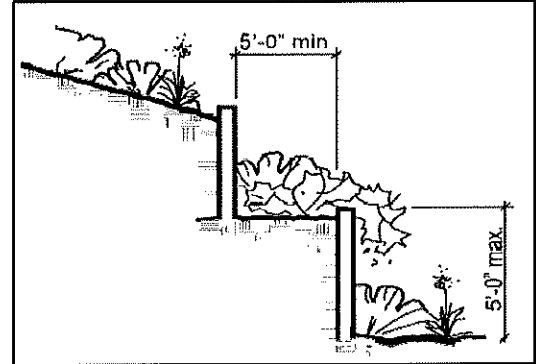
For the purpose of this Chapter, it shall be presumed that a vacant lot shall contain a minimum front, side, and rear yard that are otherwise required by ordinance. In any required side and rear yard on vacant lots, the maximum height of fences or other similar structures shall be 6 feet.

15A-28-07 Barbed Wire

Fences containing strands of barbed wire or other similar fencing designed to prevent intrusions are prohibited unless specifically approved by the Director for public safety, health, or welfare. Such fences may include fencing for farm animals and public utility stations.

15A-28-08 Retaining Walls

Where a retaining wall protects a cut below or a fill above the natural grade and is located on the line separating lots or properties, such retaining wall shall not exceed 5 feet. For cuts/fills to be retained that exceed 5 feet, retaining walls shall be stepped and separated horizontally by a minimum of 5 feet. The uppermost retaining wall may be topped by a fence, wall, or hedge of the height that would otherwise be permitted at the location if no retaining wall existed. The Planning Commission may grant a special exception to this criteria where it can be shown that this provision would cause an unreasonable hardship to the property, e.g. where the stepping would eliminate the side or rear yard leaving the property owner with a strip of unusable yard space (less than five (5) feet), or where it may not be practical due to adjoining uses).



Proper Retaining Wall Installation

15A-28-09 Walls Along Arterial Highways

Whenever any person, firm, or corporation as a subdivider develops or builds upon any property in Sandy City that is part of a recorded subdivision approved by the Planning Commission after the effective date of this Code or in any previously approved subdivision, and which abuts any arterial street as defined and provided herein, the said person, firm, or corporation shall construct and install at their own expense, a fence or wall as provided hereafter along the back property line of lots abutting said arterial.

A. An arterial highway is any public road having a right-of-way, developed or undeveloped, of 84 feet or more, including but not limited to the following roads:

State Street	700 East
1300 East	10600 South
2000 East	9000 South
9400 South	11400 South

B. The said fence or wall shall be approved by the Planning Commission after review by the Community Development Department, only upon satisfaction of the following criteria:

1. Durable or useful life of at least 20 years duration;
2. Wind load of at least 80 miles per hour; and
3. Maintenance free for at least 5 years duration.

C. In addition to the above requirements, the following shall be satisfied:

1. The fence shall be interrupted approximately every 20 to 30 feet by pilasters, columns, jogs in the fence, or other variation in the construction so as to provide a visual breaking point in construction.

2. Acceptable construction materials shall not include chain link, chain link with slats, picket, or wood fencing.
 3. Anti-graffiti coating shall be required as approved by the Parks and Recreation Department.
 4. Specific structural design shall be reviewed and approved by the City Engineer.
- D. A barrier wall, ~~6~~ **8** feet in height **is required, unless otherwise dictated through a sound study.** ~~(measured from the highest elevation on either side of the wall) except where soil retention is required, may be up to 8 feet in height (retaining wall and barrier wall combined).~~ All such walls shall meet design specifications adopted by the Planning Commission.
- E. An additional landscaped buffer, including sprinkling and water connections, may be required by the Planning Commission between the sidewalk and barrier wall where it is impractical for the barrier wall to abut the sidewalk. The specific width of the buffer and landscaping specifications shall be determined by the Planning Commission, upon recommendation by the Parks Director, at the time of final subdivision review.

15A-28-10 Exceptions

- A. Sports Court Fencing. The provisions of this Section shall not apply to certain other fences such as sports court fences, tennis court backstops, or patio enclosures in the front, side, or rear yards if the Director finds that it meets the following conditions:
1. The proposed fence does not create a hazard for the subject property or adjacent properties.
 2. The proposed fence does not create a violation of other ordinances.
- B. Additional Height Request. The Director ~~Community Development Department~~ **Community Development Department** is authorized to approve the installation of a fence up to eight (8) feet in height in the side and/or rear yard of any lot or parcel provided **a building permit is applied for and approved.** ~~the following conditions are met:~~
1. ~~The Director finds the additional height is justified by the particular circumstances of the property such as, safety, lot configuration, building placement on the lot, topography, and/or negative impacts to the property from adjacent uses.~~
 2. ~~The proposed fencing is outside of the 60 foot sight visibility triangle and other clear view zones for corner lots.~~
 3. ~~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).~~
 4. ~~A building permit is applied for and approved.~~

If the Director so desires, this type of request may be forwarded to the Planning Commission for approval as a special exception. (Ord 16-30, Amended 8-20-2016)

15A-28-11 Fencing Along Canals

- A. Any parcel being subdivided or developed that is adjacent to or has within its boundaries a canal right-of-way may be required to provide along such right-of-way a fence as determined by the reviewing land use authority.

As an alternative to fencing the canal and with the review and approval of the Public Utilities Department, the developer may pipe the canal. If the canal is piped, the developer must obtain written permission from the canal company and construct the pipe according to the canal company's requirements and specifications.

- B. All fences bordering canals shall be installed as part of the improvements for the subdivision or other development. No occupancy permit, whether temporary or final, shall be granted until all required fencing is installed in the subdivision or development.
- C. Where practical, the fence material and type should be alternated to create an open appearance and avoid a walled-in alley look.