

ORDINANCE #16-30

AN ORDINANCE AMENDING TITLE 15A OF THE REVISED ORDINANCES OF SANDY CITY (THE LAND DEVELOPMENT CODE), 2008, BY AMENDING CHAPTER 28, "FENCING" TO ADD A PROVISION IN WHICH THE COMMUNITY DEVELOPMENT DIRECTOR CAN APPROVE A FENCE UP TO 8 FEET IN HEIGHT; ALSO PROVIDING A SAVING CLAUSE AND EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, a request has been made to amend Title 15A of the Revised Ordinances of Sandy City (the Land Development Code), 2008, by amending Chapter 28, "Fencing", to add a provision in which the Community Development Director can approve a fence up to 8 feet in height, in the side and rear yard of a residential lot, after considering a number of factors; and

WHEREAS, the Planning Commission held a public hearing on July 7, 2016 which meeting was preceded by notice by publication in the Salt Lake Tribune on June 23, 2016, and by posting in Sandy City Hall, the Sandy City Parks & Recreation Building, on the Sandy City Website - <http://www.sandy.utah.gov>, and the Utah Public Notice Website - <http://pmn.utah.gov> on June 17, 2016; and

WHEREAS, following the public hearing before the Planning Commission, the Commission recommended the amendment to the City Council; and

WHEREAS, a public meeting was held by the Sandy City Council on August 9, 2016 to consider adoption of the proposed amendment, which meeting was preceded by publication in the Salt Lake Tribune, on July 26, 2016, and by posting in Sandy City Hall, the Sandy City Parks & Recreation Building, on the Sandy City Website - <http://www.sandy.utah.gov>, and the Utah Public Notice Website - <http://pmn.utah.gov>, on July 20, 2016; and

WHEREAS, the City Council has been given specific authority in Title 10, Chapter 9a, Utah Code Ann. (2012) to adopt a zoning plan, including an ordinance and map which divide the municipality into districts or zones, and within such districts to regulate the erection, construction, reconstruction, alteration, repair and uses of buildings and structures, and the uses of land; and

WHEREAS, the State legislature has granted general welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the City to pass ordinances which are reasonably and appropriately related to the objectives of that power, i.e., providing for the public safety, health, morals, and welfare; and

WHEREAS, the foregoing legitimate governmental objectives are achieved by reasonable means, in that any adverse impact on private property value or use has been carefully balanced against the corresponding gain to the public; and the regulations have been calculated, on recommendation of City planning staff to permit property owners to beneficially use their properties for the practical purposes to which the property is reasonably adaptable; and procedures have been established by the Land Development Code and Utah Code Ann. where by appeals can be heard and decided if it is alleged that there is legislative or administrative error, or where a special exception or variance to the ordinance is required.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Sandy City, State of Utah, as follows:

Section 1. Amendment. Title 15A is amended as shown on **Exhibit "A"**, which is attached hereto and by this reference made a part hereof.

Section 2. Severable. If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined in its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section 3. Effective. This ordinance shall become effective upon publication of a summary thereof.

PASSED AND APPROVED this _____ day of _____, 2016.

Stephen P. Smith, Chairman
Sandy City Council

ATTEST:

City Recorder

PRESENTED to the Mayor of Sandy City for his approval this _____ day of _____, 2016.

APPROVED this _____ day of _____, 2016.

Thomas M. Dolan, Mayor

ATTEST:

City Recorder

PUBLISHED this _____ day of _____, 2016.

Exhibit "A"

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.

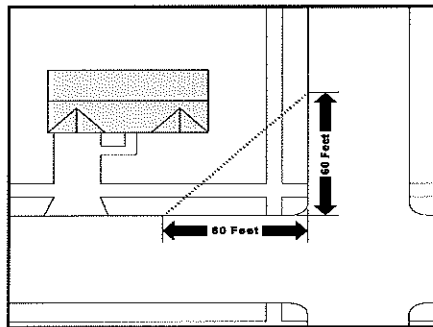
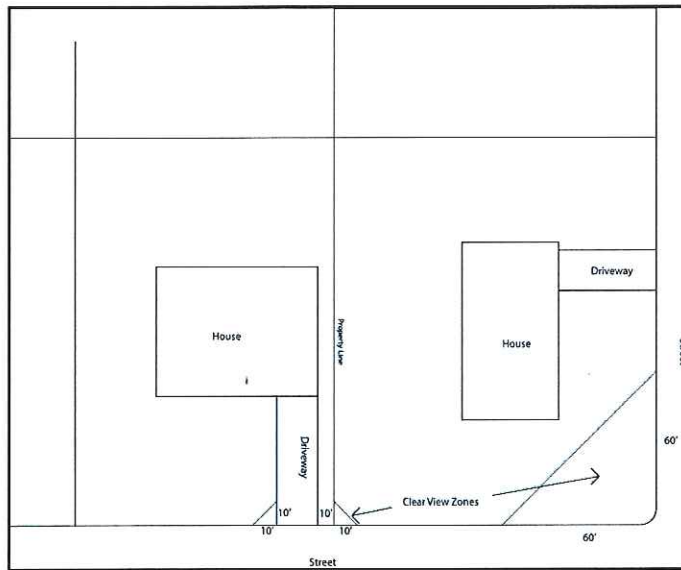
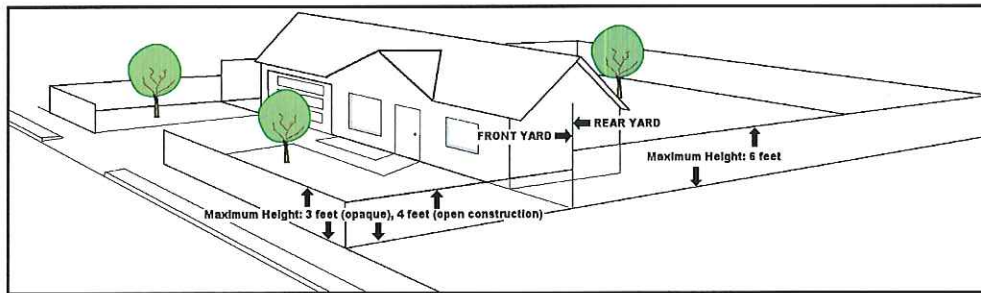


Illustration of a common 60 foot
Sight Visibility Triangle

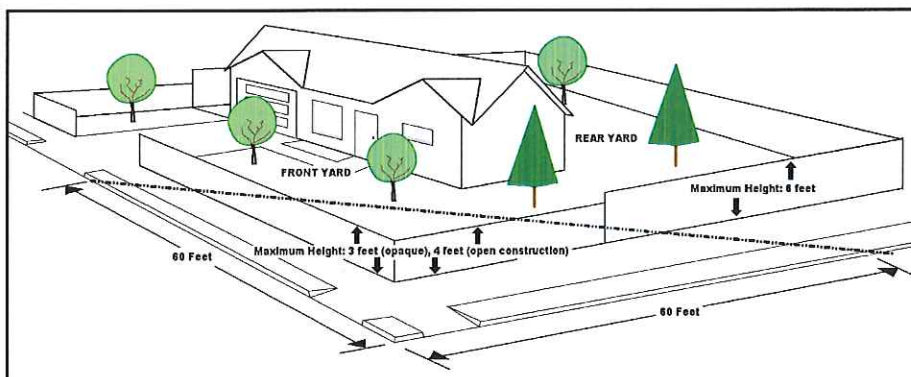
3. A clear view zone shall be maintained free of fencing, except a see through fence or a view obscuring fence no higher than 3 feet in height when a driveway exists on the adjacent lot within 10 feet of the shared property line. The clear view zone refers to the portion of the corner lot lying within 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.** May be a maximum of 7 feet if the average height of such fence is no greater than 6'6" feet, unless otherwise allowed herein (see Figure #3).

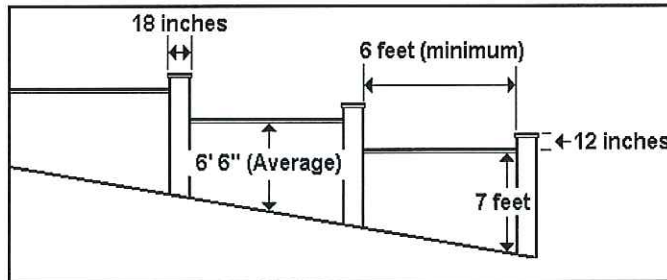


Figure #3

- 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 panel, concrete block, or other solid durable materials as the Director may approve.

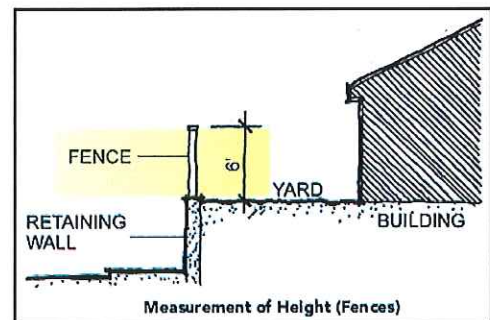


Figure #4

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: approved by

Figure #4

~~the Director. During the review of such requests, the Director need only determine if in his opinion:~~

~~A1.~~ The proposed fence does not create a hazard for the subject property or adjacent properties.

~~B2.~~ The proposed fence does not create a violation of other ordinances.

B. Additional Height Request. The Director 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 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 abutting property owners shall be notified of the intent to build an 8' fence. Proof of this notification and any responses from the neighbors shall be provided to the Planning Division.

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.