



Community Development Department

TOM DOLAN
Mayor

BYRON JORGENSEN
Chief Administrative Officer

MICHAEL G. COULAM
Department Director

MEMO

To: City Council Members
Michael Applegarth, Council Office Director
Mike Coulam, Community Development Director

From: Brian McCuiston, Zoning Administrator

Date: March 1, 2017

RE: 8' Fences in Residential Neighborhoods

I was asked to provide the recent history of allowing an eight foot fence in residential zones. Last summer there were two residents that applied to change the Land Development Code to allow an eight foot fence in residential zoning districts. Ordinance 16-30, which became effective on August 20, 2016, modified the code to allow an eight foot fence in residential zones.

The following is the current language that allows someone to request an exception to the six foot standard:

15A-28-10 Exceptions

- 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 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)

We have had one resident who has applied for the exception and was granted the approval. This resident was one of the original applicants of the code amendment and he wanted the taller fence for additional privacy because he lived adjacent to a sober living facility.

Please contact me if you have any questions. You can reach me at 801-568-7268.