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# SALT LAKE CITY COUNCIL STAFF REPORT

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DATE: August 4, 2006

SUBJECT: Petition Nos. 400-04-20 and 400-04-26  
Modify and add language to Zoning ordinance  
21A.62 "definitions" and 21A.40.120 regulations  
of fences, walls and hedges

AFFECTED COUNCIL DISTRICTS: City-wide

STAFF REPORT BY: Jan Aramaki

ADMINISTRATIVE DEPT. Planning Division  
AND CONTACT PERSON: Joel Paterson

NOTICE REQUIREMENTS: Newspaper advertisement and written notification  
14 days prior to the Public Hearing.

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## KEY ELEMENTS: (Ordinances)

- A) On October 12, 2004, the City Council held a public hearing to consider adopting Petition No. 400-04-26 a Legislative Action initiated by Council Member Buhler for proposed changes pertaining to regulations for fences in front yard areas in residential zoning districts. (Section 21A.40.120.D) The Council voted to defer the issue to a future Council meeting and referred the petition back to the Planning Division to analyze the option to limit fence height to 4 feet between the front property line and the front façade of the principal structure.
- B) Two issues of concern were identified at the Council's public hearing:
1. The current zoning regulation allowing a 6-foot fence in the front yard setback:
    - a. Is inconsistent with the City's goal supporting preservation of neighborhood character and urban design concepts that contribute to a livable community environment,
    - b. Impacts visual view of the streetscape,
    - c. Creates a barrier for positive, friendly interaction between neighbors,
    - d. Hinders light-flow into homes, and
    - e. Does not fit well with the overall character of a neighborhood when comprised of an unfinished appearance.
  2. A 6-foot fence provides safety and security for residents. A 4-foot fence can easily be maneuvered or jumped, creates a lack of security for residents.
- B) On April 14, 2004, Petition No. 400-04-20 was initiated by the Planning Commission "to create definitions of an 'open fence' and 'solid/opaque' fence and to establish regulations for construction and materials for fences." The transmittal notes:

1. Problems have been reported associated with the level of screening that fences provide and the lack of fence maintenance, specifically in industrial areas; where solid/opaque fences are required for screening such as for outdoor storage, parking lots that abut residential zones, etc.
  2. The intent is to ensure fences installed for screening purposes are comprised of quality materials and are adequately maintained and constructed.
  3. Current zoning regulations do not specify the types of materials and construction standards for fences that provide screening, as a result, inadequate fencing commonly occurs.
  4. Current sections of the Zoning ordinance refer to “the requirement of solid, opaque, sight-proof, sight-obscuring, light-proof, tight board, and privacy fences,” but lacks definitions for these types of fences.
- C) The Administration’s transmittal note that Planning staff determined it was appropriate to combine Petition Nos. 400-04-26 and 400-04-20 into one item of discussion to provide a more comprehensive approach to addressing the issues.
- D) On October 26, 2005, the Planning Commission voted to forward a positive recommendation to the City Council to adopt the proposed amendments with a modification that would allow a 6-foot fence to extend between the front of the house and the required minimum front yard setback rather than limiting fence height to 4 feet between the front property line and the front façade of the principal structure as requested by the City Council. The Administration’s transmittal notes:
1. The Planning Commission did not agree with restricting fence height to 4-feet due to the fact that a property owner could build an addition onto the front of the house or construct a court yard in the “buildable area” that would be taller than 4 feet; and
  2. the proposed Compatible Residential Infill Development standards contain a provision that calculates front yard setbacks by averaging the setbacks of existing residents on a block face. The Commission concluded that by replacing the existing 20 foot front yard setback standard with the averaging provision will mitigate negative impacts of fences in excess of 4 feet in front of a house.
- E) Two ordinances have been prepared for Council consideration. 1) the Planning Commission recommendation that allows a 6-foot side yard fence to extend forward to the required front yard setback, and 2) the Council’s preference to allow a 6-foot fence only to the front façade of the principal building. (Please refer to Exhibits 2a and 2b in the Administration’s transmittal for both ordinances.) The proposed amendments are summarized below.

a. **DEFINITIONS:**

A solid or opaque fence is defined as an “artificially constructed solid or opaque barrier that blocks the transmission of a maximum of 95percent of light and visibility through the fence, and is erected to separate private property from public rights of way and abutting properties.”

Open fence is defined as an “artificially constructed barrier that blocks the transmission of at least 50 percent of light and visibility through the fence, and is erected to separate private property from public rights of way and abutting properties. “

b. **BUILDING PERMITS:**

**No fee building permit:** will be required prior to construction for any fence less than six feet in height or any fence that does not require structural review under the International Building Code regulations excluding concrete or masonry.

**Building permit fee:** will be required for fences and walls exceeding six feet in height and for all fences and walls of any height constructed according to International Building Code. Permit must identify plans pertaining to location and height. If materials consist of masonry or concrete for a fence to exceed six feet, construction details relating to horizontal and vertical reinforcement and foundation details must be provided in the plans.

Building permit fee will be based on construction costs or valuation of the work.

Fence construction regulations must also comply with additional fencing regulations found in the Foothills Protection FP district (21A.32.040.I); Historic Preservation Overlay H district (21A.34.020.E); and Foothill Residential FR-1, FR-2 and FR-3 districts (21A.24.010.O).

**c. DESIGN REQUIREMENTS:**

**Residential Districts:**

Allowable materials: must be made of high quality, durable materials that require minimum maintenance. Acceptable materials: chain link, wood, brick, masonry block, stone, tubular steel, wrought iron, vinyl, composite/recycled materials or other manufactured material or combination of materials commonly used for fencing.

Prohibited materials: scrap materials such as scrap lumber and scrap metal; and materials not typically used or designated/manufactured for fencing such as metal roofing panels, corrugated or sheet metal, tarps, or plywood.

**Non-Residential Districts: Commercial Districts, Manufacturing Districts, Downtown Districts, Gateway Districts, Special Purpose Districts, and Overlay Districts:**

Allowable materials: must be made of high quality, durable materials that require minimum maintenance. Acceptable materials: include but not limited to chain link, pre-woven chain link with slats, wood, brick, tilt-up concrete, masonry block, stone, metal, composite/recycled materials or other manufactured materials or combination of materials commonly used for fencing.

Prohibited materials: Scrap materials such as scrap lumber and scrap metal; or material not typically used or designated/manufactured for fencing such as metal roofing panels, corrugated or sheet metal, tarps, or plywood.

**d. HEIGHT RESTRICTIONS:**

**Residential Zoning Districts:** Fence, wall or hedge erected in any front yard may not exceed 4 feet.

**Standards for all Zoning Districts:**

- A solid fence, wall, or hedge shall not exceed 3 feet in height when located within the sight distance triangle extending 30 feet of the intersection of the right of way line on any corner;
- Fences, walls or hedges may be erected in any required corner side yard extending to a point in line with the front façade of the principal structure, side yard or rear yard to a height not to exceed 6 feet;
- Solid fences, walls or hedges located near the intersection of a driveway or an alley within the public way shall not exceed 30 inches in height within a 10 foot wide by ten foot deep sight distance triangle;
- See-through fences within the defined area of sight distance triangle that are at least 50 percent open can be built to a height of 4 feet;
- In consultation with the Development Review Team, the Zoning Administrator may require alternative design solutions to provide adequate line of sight for driveways and alleys, including but not restricted to increased fence setback and/or lower fence height to mitigate safety concerns;
- Fence height shall be measured from the established grade of the site;
- Under a Special Exception Standard, the Board of Adjustment may approve additional fence height if the Board finds that extra height is necessary for the security of the property in question.

**e. GENERAL REQUIREMENTS:**

- All fences or walls shall periodically be treated with paint or chemicals unless materials have been designed or manufactured to remain untreated;
- Fences or walls shall be constructed with good workmanship and shall be adequately secured to the ground or supporting area and constructed to withstand wind loads;
- All fences or walls (Including entrance and exit gates) shall be maintained in good repair, free of graffiti, structurally sound so as to not pose a threat to public health, safety and welfare.

**f. EXCEPTION:**

Since the Federal Aviation Administration (FAA) regulates security fencing around the Airport's property, the Airport District is exempt from these regulations.

- C) The public process included two open houses held on March 15, 2005 and July 7, 2005. The Administration notes comments, concerns, or questions were made relating to:
1. The cost of installing a required solid fence around large industrial lots of one acre or more;
  2. An inquiry as to whether fences should allow enough setback to allow for planting on the public side;
  3. A question asking if existing fences have to meet the new standards; and a concern that property owners may raise property grade outside the buildable area two feet and install a six foot fence.
- E) The City's Engineering, Fire, Police Property Management, Public Utilities, Transportation, Permits, and Zoning Enforcement divisions have reviewed the proposed amendments and expressed support or no objections to the proposal.
1. The Department of Airports expressed concern about the proposed fence regulations because the Airport is required to follow the Federal Aviation Administration (FAA) requirements for

security fencing around the Airport. As part of the proposed amendment, an exception is made for the Airport "A" District.

2. Permits Division: In the past, permits staff has been faced with challenges regarding the definition for solid gates. Applicants have argued that solid gates are difficult to construct and maintain. The proposed amendment defines "solid" as: *"blocks the transmission of at least 95 percent of light and visibility through the fence, and is erected to screen areas from public streets and abutting properties."* The proposed amendment also identifies acceptable and prohibited materials.

## **MATTERS AT ISSUE/POTENTIAL QUESTIONS FOR ADMINISTRATION:**

- A) The City Council may wish to discuss the Planning Commission's recommendation that the 4 foot height restriction for fences in the front yard is applied in the area of a residential front yard 20 foot setback rather than the area between the front property line and the principal structure as requested in Council Member Buhler's initial legislative action. The Planning Commission's recommendation was based upon:
1. The Planning Commission did not agree with restricting fence height to 4-feet due to the fact that a property owner could build an addition onto the front of the house or construct a court yard in the "buildable area" that would be taller than 4 feet; and
  2. the proposed Compatible Residential Infill Development standards contain a provision that calculates front yard setbacks by averaging the setbacks of existing residents on a block face. The Commission concluded that by replacing the existing 20 foot front yard setback standard with the averaging provision will mitigate negative impacts of fences in excess of 4 feet in front of a house.
- B) For the Council's discussion and consideration, the Administration has provided two ordinances that apply to fence height regulations. Which version of the ordinance does the Council wish to consider?
1. Ordinance as approved by Planning Commission (as explained above). Language states:  
  
"Standard for residential zoning districts: No fence, wall or hedge shall be erected to a height in excess of four feet (4')."
  2. Version B -- Ordinance that includes language meeting the request as noted in Council Member Buhler's legislative action. Language states:  
  
"Standard for residential zoning districts: No fence, wall or hedge shall be erected to a height in excess of four feet (4') **between the front property line and the front façade of the principal structure.**"
- C) The Planning staff report notes the "proposed standards would require a building permit for fences to assure fences are structurally sound and constructed in such a manner as to not pose a threat to public health or safety." The proposed standards shall support zoning enforcement efforts when a property is out of compliance regarding a fence condition or fence height restriction." A building permit requirement pertains to fence height in the sight distance triangle or for fences and walls exceeding six feet in height and for all fences and walls of any height

constructed according to International Building Code. The Council may wish to inquire with the Administration if other cities require a building permit for fences and how effective have other cities been in property owners meeting compliance.

D) The Council may wish to inquire with the Administration regarding their plans on education efforts to notify community members about the “no fee building permit” requirement which pertains to construction of any fence less than six feet in height, or material does not consist of concrete or masonry, or does not require structural review under the International Building Code regulations. The Council may wish to ask the Administration to explain more specifically how the permit process will ensure compliance with adopted regulations.

E) **Budget Related Facts:** The Administration states that a building permit fee will be based on construction costs or valuation of the work. The Council may wish to request information from the Administration regarding revenues and costs associated with issuing building permits for fences and walls, projected costs associated with enforcement, and the net fiscal impact to the City’s budget. (The Council could request that the Administration provide the information prior to when the Council schedules a public hearing.)

1. What steps are proposed to implement the program?
2. Can the program be implemented with existing resources and funding levels?
3. If not, what is the estimated cost in additional resources and funding?

F) **Previous Matters at Issue noted in 2004:**

As part of Council Member Buhler’s legislative action, he asked that the Administration propose “standards to better distinguish and identify the right of way line and the edge of a driveway, alley, sidewalk, pedestrian walkway, roadway and curb.” The Administration’s response is that it is the property owner’s responsibility to determine private property lines. The Council may wish to discuss this issue in further detail with the Administration. For example, if the City receives a constituent complaint about a neighbor’s fence height, the City would make an evaluation to determine if it is properly installed within the sight distance requirements. If findings show that the fence is out of compliance, the property owner is asked to comply. However, there is the potential for instances to occur when there is uncertainty as to the location of the right of way line.

1. Under a circumstance of this nature, is it the City’s intent to place the burden on a property owner to bear financial costs to identify the right of way line, specifically when the Administration’s evaluation finds that a fence is in compliance within a sight distance triangle?
2. Should the property owner be required to bear the financial costs when findings indicate the fence is in compliance?
3. If the City were to accept the responsibility for situations of this nature, what would the potential administrative cost be and what other areas might the City be asked to survey once the City steps in to the arena of resolving property line questions?

Lastly, one other Matters at Issue raised by a District Six constituent in 2004 is that the proposed ordinance lacks language addressing obstructions from any potential visual obstruction. For example, a large evergreen tree with branches hanging down to the ground may provide a complete visual impairment within the sight distance triangle but since it is not a “fence, wall or

hedge” it is not addressed anywhere in the zoning regulations.

## MASTER PLAN & POLICY CONSIDERATIONS:

According to the Administration, general policies relating to buffers and fences are identified in the Salt Lake City Urban Design Element and the Futures Commission Report and proposed amendments to the fence regulations of the Zoning ordinance are consistent with the purposes, goals, objectives, and policies. Refer to Item C under “Key Elements” above for more specific policy sections.

The Administration’s transmittal and Planning staff states that the proposed amendments are consistent with Master Plan policies relating to buffers and fences as noted in the Salt Lake City Urban Design Element and the Futures Commission Report.

Key references in the plans are noted below:

1. Salt Lake City Urban Design Element: The City’s 1990 Urban Design Element includes statements that emphasize preserving the City’s image, neighborhood character and maintaining livability while being sensitive to social and economic realities.

Page 20: “View Corridors and Vistas: A view is a visual image having aesthetic beauty worth preserving. A ‘view corridor’ frames a view of a building or natural feature from either a short or a long distance. View corridors are often associated with streets or pedestrian walkways.”

Page 80: “Use street spaces, patterns, and rhythms to unify the image of the district.”

Page 81: “Continue to use landscaped parking strips and front yards as the major landscaped, open space element of the street in residential and commercial fringe areas.”

Page 83: “Neighborhood continuity . . . created by a continuous front yard and landscaped parking strip.”

2. Futures Commission Report:

Page viii Urban Design: “coordinate the design and implementation of public improvements to minimize the disruption to neighborhood residents.”

Page vi: Neighborhoods: “maintain and improve infrastructure in all City neighborhoods.”

Page 38: “Vision Statement: . . . where property is well maintained; where landlords, tenants, homeowners, and businesses take responsibility for their properties.”

Page 40: Neighborhood Subcommittee: “Civic Responsibility – property owners should keep their property free of debris and their lawns, walks, and structures well maintained.”

Page 44: Neighborhood Subcommittee/Goal D The ideal neighborhood will be maintained – “Code enforcement: continue to support code enforcement as a means of maintaining and upgrading properties.”

In addition, Council staff would like to reiterate the following master plan and policy considerations were noted back in 2004 relating to Petition No. 400-04-26 (Council Member Buhler’s Legislative Action):

3. The proposed amendment is consistent with the purposes, goals, objectives and policies of the adopted general plan of Salt Lake City, addresses safety and urban design issues, supports City policies relating to compatibility and preservation of neighborhood character, is consistent with the adopted overlay zoning districts, and will not affect the delivery of public services or impact public facilities.
4. The City’s Comprehensive Housing Plan policy statements address a variety of housing issues including limiting impacts and protecting neighborhood character, quality design, public and neighborhood participation and interaction, transit-oriented development, encouraging mixed-use developments, housing preservation, rehabilitation and replacement, zoning policies and programs that preserve housing opportunities as well as business opportunities.
5. The Council’s growth policy notes that growth in Salt Lake City will be deemed the most desirable if it meets the following criteria:
  - a. Is aesthetically pleasing;
  - b. Contributes to a livable community environment;
  - c. Yields no negative net fiscal impact unless an overriding public purpose is served; and
  - d. Forestalls negative impacts associated with inactivity.
6. The City’s Strategic Plan and the Futures Commission Report express concepts such as maintaining a prominent sustainable city, ensuring the City is designed to the highest aesthetic standards and is pedestrian friendly, convenient, and inviting, but not at the expense of minimizing environmental stewardship or neighborhood vitality. The Plans emphasize placing a high priority on maintaining and developing new affordable residential housing in attractive, friendly, safe environments and creating attractive conditions for business expansion including retention and attraction of large and small businesses.

## **LEGISLATIVE ACTION ITEMS:**

The proposed changes to amend Section 21A.40.120.D of Salt Lake City Code pertaining to regulations for fences in front yard areas in residential zoning district were in response to Council Member Dave Buhler’s Legislative Action.



## CHRONOLOGY:

The Administration's transmittal provides a chronology of events relating to the proposed amendments. Key dates are listed below. Please refer to the Administration's chronology for details.

- July 31, 2002: Zoning ordinance fine-tuning open house (included revisions to the fence regulations).
- October 12, 2002: Planning Commission Public Hearing for Zoning Ordinance fine-tuning revisions.
- June 3, 2003 : Legislative Action initiated by Council Member Dave Buhler adopted by the City Council and forwarded to the Administration for re-evaluation.
- June 23, 2004: Planning Commission discussion of proposed amendments to the fence regulations related to Petition No. 400-04-26 (response to Council Member Buhler's Legislative Action). Planning Commission recommended that the issue be referred to the City Council without an additional hearing.
- April 14, 2004: Planning Commission initiated Petition No. 400-04-20 to create definitions of "open" and "solid/opaque" fences and to establish regulations for construction and materials of fences.
- October 12, 2004: City Council public hearing regarding Petition 400-04-26 in response to Council Member Buhler's Legislative Action. Council made a motion to defer this petition to a future Council meeting to allow further consideration by the City Council.
- May 2005: Both petitions were combined as one item for the purpose of a comprehensive approach.
- March 15, 2005 and July 7, 2005: public open houses were held on both petitions as one item.
  
- On October 26, 2005, a Planning Commission hearing held on Petition Nos. 400-04-20 and 400-04-26.

Cc: Sam Guevara, Rocky Fluhart, DJ Baxter, Ed Rutan, Lynn Pace, Louis Zunguze; Roy Williams; Chief Chuck Querry; Brent Wilde; JR Smith; Brad Stewart; Melanie Reif; Craig Smith; Alex Ikefuna; Orion Goff; Craig Spangenberg, Allen McCandless; Steve Domino; Tim Harpst, Kevin Young; Alan Michelsen; Larry Butcher; Alan Hardman; Ken Brown; Larry Bradley; Barry Walsh; Kevin LoPiccolo; Jackie Gasparik; Joel Paterson; Janice Jardine; Sylvia Jones; Marge Harvey; Lehua Weaver, Diana Karrenberg; Annette Daley; Gwen Springmeyer; and Barry Esham

# ATTACHMENT 1

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**The following information was provided to the Council for the October 12, 2004 Public Hearing relating to Petition No. 400-04-26 only. It is being provided again for reference.**

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On September 14, 2004, the City Council received a briefing from the Administration and held a discussion regarding proposed changes to amend Section 21A.40.120.D of Salt Lake City Code pertaining to regulations for fences in front yard areas in residential zoning districts. The proposed changes were in response to Council Member Dave Buhler's Legislative Action following the receipt of a constituent's letter expressing concern regarding the fence regulations.

Planning staff briefed the City Council on the proposed changes. Key points from the Work Session briefing are summarized below (shown in italicized **BOLD**). Council Members may wish to request that the City Attorney's office prepare a revised ordinance.

1. Allowing a six foot fence to extend along the entire length of the interior side yard to the front yard setback line will inhibit abutting property owner's view of the streetscape and adequate light and sight of the neighborhood. The Zoning Ordinance currently allows additional fence height through the Board of Adjustment Special Exception process. (Consideration must be given to the established character of the affected neighborhood and streetscape, maintenance of public and private views and matters of public safety.)

*At the Work Session briefing, Planning staff reiterated that the location of residential structures on properties throughout the City vary from the front property setback line. Therefore, they perceive it is an equity issue to allow residents to have their six foot fencing in place from the front setback line rather than the front façade of the residential structure.*

2. The proposed ordinance lacks language relating to fence materials and finishing; therefore a fence can be left unfinished and seam side out. (Some communities require that property owners put the finished side toward the public or their neighbors. The Salt Lake City code is silent on this. Some property owners argue that if they are paying for the fence they should have the option of having the "finished" side of the fence face their property rather than that of their neighbors.)

*At the Work Session briefing, Council Member Nancy Saxton stated at one time when she conducted research on fences, she recalls there was a section of State Code that addresses the unfinished side of fences and the property owner who is responsible for maintenance. Council staff conducted a research of State Code, and found Title 4, Chapter 26, Section 5 that is part of Utah Agricultural Code. This section of Utah Code pertains to fences in agricultural areas and addresses property owner's responsibilities consistent with those noted by Council Member Saxton. (See the attached copy of the code for details.) Council staff also inquired via telephone with the State Legislature, and was informed that this is the only section of Utah State Code that pertains to fences that addresses the unfinished side and maintenance responsibility.*

3. The proposed ordinance lacks language addressing obstructions from any potential visual obstruction. For example, a large evergreen tree with branches down to the ground may provide a complete visual impairment within the sight distance triangle but since it is not a "fence, wall or hedge" it is not addressed anywhere in the zoning regulations.

*At the Work Session briefing, Planning staff pointed out that the current sight distance triangle definition in the Zoning Ordinance precludes any visual impairment within the triangle area. "Sight distance triangle" is defined as a triangular area formed by a diagonal line connecting two (2) points located on intersecting right of way lines (or a right of way line and the edge of a driveway). For both residential driveways and nonresidential driveways, the points shall be determined through the site plan review process by the development review team. The purpose of the sight distance triangle is to define an area in which vision obstructions are prohibited. (See attached illustration.)*

4. Council Member Buhler requested that Community Council Chairs receive a copy of the proposed ordinance and be adequately notified of the City Council's public hearing scheduled for October 12, 2004. Planning staff indicated they would take the necessary steps to ensure adequate notification is provided to the Community Councils.

## **KEY ELEMENTS:** (Ordinance)

- B) The proposed ordinance has been prepared for the Council's consideration to amend the Zoning Ordinance regulating residential fences in response to Council Member Buhler's Legislative Action approved by the City Council on June 2003.
- C) Council Member Buhler's Legislative Action requested that the Administration re-evaluate sections of the zoning ordinance relating to fences in front yard areas in residential zoning districts. A District Six constituent expressed concern that there are loopholes and inconsistencies in sections of the City's zoning ordinance that apply to fences particularly in residential zoning districts. The constituent noted that a neighbor was allowed to install fences that appear to inhibit adequate sight, light, views and create safety hazards in the neighborhood.
- D) In a related matter, a revision to fence height regulations in residential zoning districts was initially included in the Zoning Ordinance fine-tuning (Petition 400-02-20) adopted by the City Council this spring. The Administration indicated that six sections of the fine-tuning need further discussion and development including the proposed fence height revision. The Council agreed to remove these items from the proposal. The Legislative Action initiated by Council Member Buhler resulted in a separate and more expansive proposed text amendment.
- E) Council Member Buhler's Legislative Action raised three issues for the Administration's reevaluation (highlighted in **BOLD**):
  1. **"The Zoning Ordinance does not address whether or not a fence higher than 4-feet can be constructed in the front yard behind the required setback. The Administration reported that they interpret the area that exists between the designated setback line and the face of a residential structure as "buildable area" and has allowed six-foot fences in the past."**

The Administration proposes the following language to be added to the text of the Zoning Ordinance:

*"No new fence, wall or hedge shall be erected to a height in excess of four feet (4') between the front property line and the front façade of the principal structure, except that a six foot (6') fence, wall or hedge on the property line may extend along the entire length of the interior side yard to the front yard setback line."*

Section 21A.62.040 of the Zoning Ordinance defines a front yard as "a yard extending between side lot lines and between the front lot line and the required front yard setback line." Prior to Council Member Buhler initiating his Legislative Action, Building Services staff provided feedback to Council staff noting that if the required front yard setback for the district is 20 feet, such as in the R-1/7000 zoning district, the Zoning Ordinance does not address whether a fence in excess of four feet in height can be erected between the 20 foot setback and the front façade of the residential structure. The area between the 20 foot setback and the front of the structure is considered a "buildable area" which previously resulted in certain instances when interpretation allowed six foot fences to be erected. By eliminating "front yard" from the proposed amendment, the proposed language is intended to clarify that a fence constructed between the front property line and the front façade of a residential structure cannot be in excess of four feet (4')--the potential to allow a six foot fence in the "buildable area" will be eliminated. Thus, a property owner could have a six (6') foot fence along the side property line up to the required front yard setback but could not put a six foot fence across the property, for example, in front of the house.

2. **"The fence regulations note that where there is a difference in grade of the properties on either side of a fence, wall or hedge, the height of the fence shall be measured from the average grade of the adjoining properties. The Administration has noted that, in the case of fences, staff measures grade change at the mid-point thus allowing a property owner to increase the fence height by 1-foot. The Building Code requires grade be measured 6-feet away from any wall or fence.**

According to Planning Staff's findings, current ordinance language has been difficult for community members to understand and for City staff to implement and enforce. The Administration proposes to delete the following language from the Zoning Ordinance:

*"Where there is difference in the grade of the properties on either side of a fence, wall or hedge, the height of the fence, wall or hedge shall be measured from the average grade of the adjoining properties; provided that in such instance a minimum of four foot (4') high fence, wall or hedge shall be allowed."*

3. **"The Zoning Ordinance currently includes regulations intended to ensure adequate line of sight for corner lots, driveways and alleys for traffic and pedestrian safety. The Administration noted the need to amend the zoning regulations to provide consistency with current transportation engineering standards. Such revisions would include:**
  - **Standards to better distinguish and identify the right of way line and the edge of a driveway, alley, sidewalk, pedestrian walkway, roadway and curb.**

Planning staff's transmittal points out that it is a property owner's responsibility to determine private property lines (at owner's expense). The Administration does not deem it feasible to propose any standards to better distinguish and identify the right of

way line.

- **Define height clearance areas between 2.5-feet and 7-feet for passenger vehicles and 2.5-feet and 8- feet for commercial trucks.**

According to Planning Staff's transmittal, Section 21A.40.120.D.2, 3 and 5 of the Zoning Ordinance includes an illustration for sight distance triangle (see page 3 of the Administration's transmittal). The proposed ordinance amendment includes language that defines the clearance area setting a maximum fence height within defined sight triangles:

- a) 3-feet for solid fences when located within the sight distance triangle extending 30 feet from the intersection of the right of way lines on any corner lot;
- b) Thirty (30") inches for solid fences located near the intersection of a driveway or an alley with the public way;
- c) 4-feet for see-through fences that are at least 50% open.

- **Provide City Traffic Engineers discretion to evaluate projects on a case-by-case basis including defined parameters and criteria for analysis.**

Proposed amendment language states: "To provide adequate line of sight for driveways and alleys, the Zoning Administrator, in consultation with the Development Review Team, may require alternative design solutions including but not restricted to requiring increased fence setback and/or lower fence height, to mitigate safety concerns created by the location of buildings, grade changes or other pre-existing conditions."

- E) As part of the Zoning Ordinance Fine-tuning Petition 400-02-20, the public process included a Public Open House held on July 31, 2002. At that time, all community council chairs received a copy of the fine-tuning proposed amendment which included proposed changes to section of City Code 21A.40.120D Height Restrictions for Fences, Wall and Hedges.
- F) The City's Planning, Permits, and Transportation Divisions have reviewed and provided input to the proposed amendment.
- G) On October 17, 2002, the Planning Commission held a public hearing on the Zoning Ordinance Fine-tuning Petition 400-02-20 which included proposed changes to section of City Code 21A.40.120D Height Restrictions for Fences, Wall and Hedges. According to Planning staff, the Planning Commission voted unanimously recommending that the City Council make numerous amendments to the text of the zoning ordinance.

On June 23, 2004, under the "Report of the Director" section of the Planning Commission's agenda, Mr. Zunguze referred to the Zoning Ordinance Fine-tuning petition earlier approved by the Planning Commission as noted above. Issues discussed on June 23<sup>rd</sup> by the Planning Commission hearing included:

1. Fence heights should be limited to four (4') feet in height in the front of a residential structural façade.

2. Add language to clarify that along the property line one could build a six foot high fence up to the front setback line.
3. Eliminate the average grade provision.
4. The need to provide a public education process by the City regarding fence regulations such as including information in residents' public utilities bills and mail information to fence contractors.
5. Another public hearing before the Planning Commission is not necessary, but publishing material and distributing it accordingly would suffice.
6. The Planning Commission adopted a motion to approve the proposed fence height regulations as presented in response to Council Member Buhler's Legislative Action.

## **MATTERS AT ISSUE /POTENTIAL QUESTIONS FOR ADMINISTRATION:**

- A) As part of Council Member Buhler's legislative action, he asked that the Administration propose "standards to better distinguish and identify the right of way line and the edge of a driveway, alley, sidewalk, pedestrian walkway, roadway and curb." The Administration's response is that it is the property owner's responsibility to determine private property lines. The Council may wish to discuss this issue in further detail with the Administration. For example, if the City receives a constituent complaint about a neighbor's fence height, the City would make an evaluation to determine if it is properly installed within the sight distance requirements. If findings show that the fence is out of compliance, the property owner is asked to comply. However, there is the potential for instances to occur when there is uncertainty as to the location of the right of way line.
1. Under a circumstance of this nature, is it the City's intent to place the burden on a property owner to bear financial costs to identify the right of way line, specifically when the Administration's evaluation finds that a fence is in compliance within a sight distance triangle?
  2. Should the property owner be required to bear the financial costs when findings indicate the fence is in compliance?
  3. If the City were to accept the responsibility for situations of this nature, what would the potential administrative cost be and what other areas might the City be asked to survey once the City steps in to the arena of resolving property line questions?
- B) The Planning staff noted that although the International Building Code (IBC) does not require a permit to erect a fence, Salt Lake City requires a building permit be obtained prior to erecting fences and walls in the Foothill and Historic Preservation Overlay zoning districts. The Planning Commission is recommending that an educational outreach program be implemented to provide the information to residents and fencing contractors if the proposed amendment is adopted. They foresee that there could be potential enforcement issues that may arise since certain areas of the City are not required to obtain a building permit to erect a fence. Council Members may wish to discuss this issue in further detail with the Administration including:
1. What steps are proposed to implement the program?
  2. Can the program be implemented with existing resources and funding levels?

3. If not, what is the estimated cost in additional resources and funding?

C) Council Members may wish to discuss with the Administration whether there has been adequate public notification. As noted earlier in this report, the proposed amendments were not listed/advertised as an agenda item on the Planning Commission's agenda on June 23, 2004. According to the Planning Commission minutes, the proposed amendments were discussed as part of the "Report of the Director" section of the Commission's agenda. In addition, the Administration's transmittal notes:

1. Amendments to the fencing provisions were distributed to all Community Council Chairs as part of the Zoning Ordinance fine-tuning petition in June 2002.
2. In response to the Legislative Action request, the Planning staff revised the amendments reviewed by the Planning Commission as part of the Zoning Ordinance fine-tuning petition.
3. Planning staff presented the proposed amendments to the Planning Commission on June 23, 2004.
4. The Planning Commission recommended that the proposed amendments to the fence provision be transmitted directly to the Council without an additional public hearing before the Commission. The proposed amendment includes additional information since the amendment was presented to the public in 2002 -- issues 1 and 3 raised in Council Member Buhler's Legislative Action were not included in the amendment at that time.

D) Council staff contacted the District Six constituent who expressed concern regarding the fence regulations to provide an opportunity to submit in writing to the City Council Office any concerns or questions relating to the proposed Zoning ordinance changes. Key points are summarized below. (Please refer to the attached letter for details.) Council Members may wish to discuss the issues with the Administration and determine whether it would be appropriate to request that the City Attorney's office prepare a revised ordinance.

1. Allowing a six foot fence to extend along the entire length of the interior side yard to the front yard setback line will inhibit abutting property owner's view of the streetscape and adequate light and sight of the neighborhood. The Zoning Ordinance currently allows additional fence height through the Board of Adjustment Special Exception process. (Consideration must be given to the established character of the affected neighborhood and streetscape, maintenance of public and private views and matters of public safety.)
  - a) According to Planning staff, the location of residential structures on properties throughout the City vary from the front property setback line. Therefore, they perceive it is an equity issue to allow residents to have their six foot fencing in place from the front setback line rather than based upon the front façade of the residential structure.
2. The proposed ordinance lacks language relating to fence materials and finishing; therefore a fence can be left unfinished and seam side out. (Some communities require that property owners put the finished side toward the public or their neighbors. The Salt Lake City code is silent on this. Some property owners argue that if they are paying for the fence they should have the option of having the "finished" side of the fence face their property rather than that of their neighbors.)

3. The proposed ordinance lacks language addressing obstructions from any potential visual obstruction. For example, a large evergreen tree with branches down to the ground may provide a complete visual impairment within the sight distance triangle but since it is not a “fence, wall or hedge” it is not addressed anywhere in the zoning regulations.

## **MASTER PLAN & POLICY CONSIDERATIONS**

- A) According to Planning staff’s transmittal, the proposed amendment is consistent with the purposes, goals, objectives and policies of the adopted general plan of Salt lake City, addresses safety and urban design issues, supports City policies relating to compatibility and preservation of neighborhood character, is consistent with the adopted overlay zoning districts, and will not affect the delivery of public services or impact public facilities.
- B) The City’s Comprehensive Housing Plan policy statements address a variety of housing issues including limiting impacts and protecting neighborhood character, quality design, public and neighborhood participation and interaction, transit-oriented development, encouraging mixed-use developments, housing preservation, rehabilitation and replacement, zoning policies and programs that preserve housing opportunities as well as business opportunities.
- C) The City’s Strategic Plan and the Futures Commission Report express concepts such as maintaining a prominent sustainable city, ensuring the City is designed to the highest aesthetic standards and is pedestrian friendly, convenient, and inviting, but not at the expense of minimizing environmental stewardship or neighborhood vitality. The Plans emphasize placing a high priority on maintaining and developing new affordable residential housing in attractive, friendly, safe environments and creating attractive conditions for business expansion including retention and attraction of large and small businesses.
- D) The Council’s growth policy notes that growth in Salt Lake City will be deemed the most desirable if it meets the following criteria:
  1. Is aesthetically pleasing;
  2. Contributes to a livable community environment;
  3. Yields no negative net fiscal impact unless an overriding public purpose is served; and
  4. Forestalls negative impacts associated with inactivity.
- E. The City’s 1990 Urban Design Element includes statements that emphasize preserving the City’s image, neighborhood character and maintaining livability while being sensitive to social and economic realities.

## **KEY DATES:**

- July 31, 2002 – Zoning ordinance fine-tuning open house (included revisions to the fence regulations)
- October 17, 2002 – Planning Commission Public Hearing for Zoning Ordinance fine-tuning revisions.
- June 3, 2003 – City Council approves Council Member Buhler’s legislative action.



- June 16, 2003 – Administration determined six sections need further discussion and development. This included a revision to the fence regulations.
- June 23, 2004 –Planning Commission discussion of proposed amendments to the fence regulations. Planning Commission recommended that the issue be referred to the City Council without an additional hearing.

cc: Sam Guevara, Rocky Fluhart, DJ Baxter, Ed Rutan, Lynn Pace, Lee Martinez, David Dobbins, Louis Zunguze, Brent Wilde, Doug Wheelwright, Cheri Coffey, Joel Paterson, Orion Goff, Larry Butcher, Alan Hardman, Tim Harpst, Kevin Young, Barry Walsh, Laura Howat, Barry Esham, Diana Karrenberg, Janice Jardine, Annette Daley, Gwen Springmeyer, Sylvia Jones, Marge Harvey, and Lehua Weaver

File location: CD/Planning Division/Zoning Ordinance Text change/Fence Height Regulations

A. LOUIS ZUNGUZE

DIRECTOR

BRENT B. WILDE

DEPUTY DIRECTOR

# SALT LAKE CITY CORPORATION

DEPT. OF COMMUNITY DEVELOPMENT

OFFICE OF THE DIRECTOR

ROSS C. "ROCKY" ANDERSON

MAYOR

## CITY COUNCIL TRANSMITTAL

**TO:** Rocky Fluhart, Chief Administrative Officer **DATE:** March 9, 2006

**FROM:** Louis Zunguze, Community Development Director

**RE:** Petitions #400-04-20 & 400-04-26: A Request to Modify and Add Language to the Zoning Ordinance 21A.62 Definitions and 21A.40.120 Regulations of Fences, Walls and Hedges

**STAFF CONTACT:** Jackie O. Gasparik, Principal Planner, at 535-6354 or jackie.gasparik@slcgov.com

**RECOMMENDATION:** That the City Council schedule a briefing and hold a Public Hearing

**DOCUMENT TYPE:** Ordinance

**BUDGET IMPACT:** None

### DISCUSSION:

**Issue Origin:** This transmittal deals with two petitions related to the regulation of fences in the City. On June 3, 2003, Councilman Buhler initiated a Legislative Action to better define fence standards such as fence height. Consequently, Petition #400-04-26 was originated and was initially reviewed by the City Council on October 12, 2004. The City Council voted to defer the issue to a future meeting after Councilmember Buhler stated that the proposal needed additional consideration by the Council. The petition was sent back to the Planning Division to analyze a proposed provision limiting the height of a fence to four feet (4') between the front property line and the front façade of the principal structure as suggested during the City Council Public Hearing. The City Council was of the opinion that the language in the existing ordinance that allows a six foot (6') tall fence located in front of a house be reviewed because of the potential that such fences would detract from the residential character of a neighborhood. The original transmittal for Petition 400-04-26 is attached as Exhibit 6.

On April 14, 2004, the Planning Commission initiated Petition #400-04-20 to create definitions of an "open fence" and "solid/opaque" fence and to establish regulations for construction and materials of fences. The impetus of this petition by the Planning Commission was the ongoing problem of screening and fence maintenance, particularly in industrial areas. Solid/opaque fences are required for screening outdoor storage, parking lots that abut residential zones, and in

various other circumstances. The main issue is to ensure that fencing for screening, especially in industrial areas, is of good quality and adequately maintained.

Due to the amendments requested by the City Council regarding Petition #400-04-26, the Planning Staff determined it was appropriate to combine that petition with Petition #400-04-20 for the purposes of providing a more comprehensive approach to addressing these fencing issues.

**Analysis:** Petition #400-04-26 was established to restrict the height of fences in the front yard. The proposed language limited fence height to four feet (4') in the front yard (the area between the front property line and the principal structure).

Following the Public Hearing on October 12, 2004, the Council requested that the ordinance language be amended to exclude the exception that would allow a six foot (6') tall fence to be constructed on the interior property line up to the required front yard setback. The result of this requested amendment would be that any fence constructed between the front façade of a house and the front property line would be limited to four feet (4') in height. The City Council was concerned that a six foot (6') tall fence located anywhere between the front of a house and the front property line may detract from the residential character of the neighborhood.

Petition 400-04-20 was established to clarify references in the City's Zoning Ordinance to solid fencing. The existing fence regulations lack specificity with regard to materials and construction types for screening fences. This leads to inadequate screening, especially in industrial areas. There are several provisions in the Zoning Ordinance that refer to the requirement of solid, opaque, sight proof, sight obscuring, light proof, tight board, and privacy fence, but there are no definitions of these types of fences.

The proposed changes resulting from the merger of these two petitions include defining an open fence and a solid fence, requirements for a building permit, design requirements, new height regulations, and an exemption for the Airport District. The Airport is required to follow the Federal Aviation Administration (FAA) regulations for security fencing around their property. The fencing that the Department of Airports requires of its clients is subject to review and approval by the Airport.

**Master Plan Considerations:** The Salt Lake City Urban Design Element and the Futures Commission Report both identify general policies relating to buffers and fences. The proposed amendments are consistent with these policies.

## **PUBLIC PROCESS**

Two public Open Houses regarding these petitions were held on March 15, 2005, and on July 7, 2005. Six citizens in total attended the Open Houses. Two concerns were raised during the citizen input process, namely:

1. Petition 400-04-26 – That the City allows property owners to make grade changes of up to two feet (2') along a property line. Therefore, a six foot (6') fence on top of a grade change could result in an overall height of up to 8 feet (8').

2. Petition 400-04-20 – That the cost of installing the required solid fence around large industrial lots of one acre or larger would be prohibitive.

A Planning Commission Public Hearing was held on October 26, 2005. The only issue the Planning Commission raised was regarding the height of fences in the front yard. The Planning Commission did not agree with the proposed restriction which allows a maximum four foot (4') high fence in the front yard (between the front property line and the house) as requested by Councilmember Buhler due to the fact that a property owner could build an addition onto the front of their house that could extend to the required minimum setback line. The Planning Commission also noted that the proposed Compatible Residential Infill Development standards include a provision to calculate front yard setbacks by averaging the setbacks of existing residences on a block face. The Commission was of the opinion that replacing the existing twenty foot (20') front yard setback standard with the averaging provision will help mitigate negative impacts of constructing fences taller than four feet (4') in front of a house.

The Planning Commission voted to transmit a favorable recommendation to the City Council to adopt the proposed Zoning Ordinance amendments with a modification that would allow a six foot (6') fence to extend between the front of the house and the required minimum front yard setback, which could be several feet in front of the house.

Exhibit 2a is the ordinance recommended by the Planning Commission, which allows the six foot (6') side yard fence to extend forward to the required front yard setback, and Exhibit 2b is an alternative ordinance that reflects the City Council's preference to have the six foot (6') side yard fence extend forward only to the front façade of the principal building.

**RELEVANT ORDINANCES:** Salt Lake City Code Chapter 21A.50.050 Standards for General Amendments.

A decision to amend the text of the Zoning Ordinance or the zoning map is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making its decision concerning a proposed amendment, the Planning Commission and the City Council must consider the following factors:

21A.50.050 Standards for General Amendments

- A. Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.
- B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property.
- C. The extent to which the proposed amendment will adversely affect adjacent properties.
- D. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.

- E. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

These standards were evaluated in the Planning Commission staff report and considered by the Planning Commission. Discussion and findings for these standards are found on pages 3-5 of the Staff report in Exhibit 5B: Staff Report (attached).

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5. Planning Commission Hearing, October 26, 2005
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7. Original Petition Packet

## **1. CHRONOLOGY**

## **CHRONOLOGY**

### **Petition 400-0426**

- July 31, 2002: Zoning Ordinance Fine-tuning Open House.
- October 17, 2002: Planning Commission Public Hearing. PC voted to forward a positive recommendation to the City Council.
- June 3, 2003: Transmittal sent to David Dobbins for CED approval. City Council adopts Legislative Action request to fencing provisions.
- June 16, 2003: Meeting with Alison Weyher, Louis Zunguze, Rodger Evans, Brent Wild, Ken Brown, Craig Spangenberg regarding the transmittal of this petition. Alison Weyher asked for several proposed amendments (including those relating to fencing provisions) to be removed from the ordinance.
- June 4, 2004: Petition 400-04-26 assigned to Joel Paterson, Senior Planner.
- June 23, 2004: Staff briefed the Planning Commission on the proposed fencing provision amendments. Planning Commission recommended that the proposed amendments be transmitted to the City Council without further Planning Commission public hearings.
- July 9, 2004: Ordinance prepared by the City Attorney's Office.
- September 14, 2004: Council Briefing.
- October 12, 2004: Council Hearing.

### **Petition 400-04-20**

- May 26, 2004: Petition 400-04-20 assigned to Jackie Gasparik, Principal Planner.
- June, 2004: Researched current zoning regulations and Building Code regulations.



- July, 2004: Researched other local municipality's fence regulations.
- August 2, 2004: Received research from Planning Advisory Services fence regulations from around the Country.
- September, 2004: Drafted proposed language and requested responses from other City Departments and Divisions.
- November, 2004: Redrafted language with City Department/Division input.
- January, 2005: Rerouted proposed language for Department/Division review.
- March 15, 2005: Public Open House was held to gather input.

**Petitions 400-04-20 & 400-04-26 (combined)**

- April 2005: Petition 400 04-20 & 400-04-26 assigned to Jackie Gasparik.
- May 2005: Incorporated second petition into proposed language.
- June 2005: Routed proposed language for Department/Division review.
- July 7, 2005: A second Public Open House was held to gather input on both petitions.
- August 2005: Redrafted language, routed for Department/Division review.
- September 2005: Prepared Planning Commission Staff report.
- October 11, 2005: Notices sent.
- October 26, 2005: Planning Commission Public Hearing.
- October 27, 2005: Requested Ordinance from Attorneys Office.

## **2. ORDINANCE(S)**

**2a. ORDINANCE AS APPROVED BY PLANNING COMMISSION**

SALT LAKE CITY ORDINANCE

No. \_\_\_\_\_ of 2006

(Amending Section 21A.62.040 Definitions and Section 21A.40.120 Fencing Regulations)

AN ORDINANCE AMENDING SECTION 21A.62.040, *SALT LAKE CITY CODE*,  
RELATING TO DEFINITIONS, AND SECTION 21A.40.120, *SALT LAKE CITY CODE*,  
RELATING TO REGULATIONS OF FENCES, WALLS AND HEDGES, PURSUANT TO  
PETITION NOS. 400-04-20 AND 400-04-26.

WHEREAS, the City Council finds that the proposed amendments are in the best interest  
of the City.

Be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. That Section 21A.62.040, *Salt Lake City Code*, pertaining to definitions be,  
and the same hereby is, amended to include the following definitions:

**“Fence/opaque or solid” means an artificially constructed solid  
or opaque barrier that blocks the transmission of at least  
ninety-five percent (95%) of light and visibility through the  
fence, and is erected to screen areas from public streets and  
abutting properties.**

**“Fence/open” means an artificially constructed barrier that  
blocks the transmission of a maximum of fifty percent (50%) of  
light and visibility through the fence, and is erected to separate  
private property from public rights of way and abutting  
properties.**

SECTION 2. That Section 21A.40.120, *Salt Lake City Code*, pertaining to regulations of fences, walls and hedges be, and the same hereby is, amended to read as follows:

**21A.40.120 Regulation Of Fences, Walls And Hedges:**

A. **Purpose:** Fences, walls and hedges serve properties by providing privacy and security, defining private space and enhancing the design of individual sites. Fences also affect the public by impacting the visual image of the streetscape and the overall character of neighborhoods. The purpose of these regulations is to achieve a balance between the private concerns for privacy, site design, and the public concern for enhancement of the community appearance, and to ensure the provision of adequate light, air and public safety.

B. **Location:** All fences, walls or hedges shall be erected entirely within the property lines of the property they are intended to serve.

C. **Building Permit Required:** ~~A building permit shall be obtained prior to construction of any fence or wall in the FP foothills protection district, H historic preservation overlay district or in the foothill residential FR-1, FR-2, and FR-3 districts.~~

1. A no fee building permit shall be obtained prior to construction of any fence that does not exceed six feet (6') in height and is not made of concrete or masonry or does not require structural review under the International Building Code regulations. The permit is to ensure compliance with adopted regulations.

2. A building permit and fee are required for fences and walls which exceed six feet (6') in height and all fences or walls of any height that are constructed under the International Building Code. The permit is to ensure compliance with all Zoning Ordinance

standards and requirements (location, height, types of materials) as well as to ensure that the structural integrity of the pilasters and foundation system which will be verified by plan review and site inspection.

3. The application for a permit must include plans identifying the location and height of the proposed fence or wall. If the fence or wall is constructed of masonry or concrete of any height or exceeds six feet (6') in height, construction details showing horizontal and vertical reinforcement and foundation details shall be shown on the plans.

4. The building permit fee for a fence will be a general permit fee based on construction costs or valuation of the work.

5. Construction of any fence in the following districts shall also comply with the additional fencing regulations found in the following sections of this title.

a. FP foothills protection district (21A.32.040.I).

b. H historic preservation overlay district (21A.34.020.E), and

c. Foothill residential FR-1, FR-2 and FR-3 districts (21A.24.010.O).

#### **D. Design Requirements:**

##### 1. Residential Districts (21A.24 Residential Districts):

a. Allowed Materials. Fences and walls shall be made of high quality, durable materials that require low maintenance. Acceptable materials for a fence include: chain link, wood, brick, masonry block, stone, tubular steel, wrought iron, vinyl, composite/recycled materials (hardy board) or other manufactured material or combination of materials commonly used for fencing.

b. Prohibited Materials. Fences and walls shall not be made of or contain:

i. Scrap materials such as scrap lumber and scrap metal.

ii. Materials not typically used or designated/manufactured for fencing such as metal roofing panels, corrugated or sheet metal, tarps or plywood.

2. Non-residential districts (21A.26.34 Commercial Districts, Manufacturing Districts, Downtown Districts, Gateway Districts, Special Purpose Districts and Overlay Districts:

a. Allowed Materials. Fences and walls shall be made of high quality, durable materials that require minimal maintenance. Acceptable materials for fencing in non-residential districts include, but are not limited to chain link, pre-woven chain link with slats, wood, brick, tilt-up concrete, masonry block, stone, metal, composite/recycled materials or other manufactured materials or combination of materials commonly used for fencing.

b. Prohibited Materials. Fences or walls in non-residential districts shall not be constructed of or contain:

i. Scrap materials such as scrap lumber and scrap metal.

ii. Materials not typically used or designated/manufactured for fencing such as metal roofing panels, corrugated or sheet metal, tarps or plywood.

**DE. Height Restrictions:**

1. Standard for residential zoning districts: No fence, wall or hedge shall be erected in any front yard to a height in excess of four feet (4').

2. Standards for all zoning districts: However, n

a. No suchsolid fence, wall or hedge shall be erected to a height in excess of three feet (3') if the fence, wall or hedge is located within the sight distance triangle extending

thirty feet (30') of the intersection of the right-of-way front property lines on any corner lot as noted in figure 21A.62.050.I of this title.

b. Fences, walls or hedges may be erected in any required corner side yard (extending to a point in line with the front façade of the principal structure), side yard or rear yard to a height not to exceed six feet (6'). The zoning administrator may require either increased fence setback or lower fence height along corner side yards to provide adequate line of sight for driveways and alleys.

c. Solid fences, walls and hedges located near the intersection of a driveway or an alley within the public way shall not exceed thirty inches (30") in height within a ten foot (10') wide by ten foot (10') deep sight distance triangle as defined in figure 21A.62.050.I of this title.

d. Within the area defined as a sight distance triangle, see-through fences that are at least fifty percent (50%) open shall be allowed to a height of four feet (4').

e. To provide adequate line of sight for driveways and alleys, the Zoning Administrator, in consulting with the Development Review Team, may require alternative design solutions, including but not restricted to requiring increased fence setback and/or lower fence height, to mitigate safety concerns created by the location of buildings, grade change or other pre-existing conditions.

f. Measuring the height of a fence shall be from the established grade of the site as defined in part VI chapter 21A.62.040 of this title.

g. Special Exception Approval Standards: The Board of Adjustment may approve taller fencing if the board finds that the extra height is necessary for the security of the



property in question as defined in part VI, chapter 21A.52.100 of this title. ~~Where there is a~~  
difference in the grade of the properties on either side of a fence, wall or hedge, the height of the  
fence, wall or hedge shall be measured from the average grade of the adjoining properties;  
provided, that in such instance a minimum four foot (4') high fence, wall or hedge shall be  
allowed.

**F. General Requirements:**

1. Except when constructed of materials that have been designed or manufactured  
to remain untreated, all fences or walls shall periodically be treated with paint or chemicals so as  
to retard deterioration.

2. Fences or walls shall be constructed with good workmanship and shall be  
secured to the ground or supporting area in a substantial manner and engineered so that the  
structure of columns or posts and the material used for the intervening panels are adequately  
constructed to support the materials and withstand wind loads.

3. All fences or walls (including entrance and exit gates) shall be maintained in  
good repair, free of graffiti, structurally sound, so as to not pose a threat to public health, safety,  
and welfare.

**EG. Exceptions:** Pillars shall be allowed to extend up to eighteen inches (18") above the  
allowable height of a fence or wall; provided, that the pillars shall have a maximum diameter or  
width of no more than eighteen inches (18"); and provided, that the pillars shall have a minimum  
spacing of no less than six feet (6'), measured face to face.

**FH. Encroachments:** Encroachments into the site distance triangle for driveways as defined and illustrated in part VI, chapter 21A.62 of this title, may be approved by the zoning administrator. This regulation shall also apply to site distance triangles for alleys.

**GI. Barbed Wire Fences:**

\_\_\_\_\_ 1. Permitted Use: Barbed wire fencing is allowed as a permitted use in the AG, AG-2, AG-5, AG-20, A, CG, M-1, M-2 and D-2 districts.

\_\_\_\_\_ 2. Special Exception: Barbed wire fencing may be approved for nonresidential uses as a special exception pursuant to part V, chapter 21A.52 of this title, in all zoning districts except for those listed above as permitted uses. The board of adjustment may approve as special exceptions, the placement of barbed wire fences, for security reasons, or for the keeping of animals around nonresidential properties, transformer stations, microwave stations, construction sites or other similar publicly necessary or dangerous sites, provided the requested fence is not in any residential district and is not on or near the property line of a lot which is occupied as a place of residence.

\_\_\_\_\_ 3. Location Requirements: Barbed wire fencing shall not be allowed in required front yard setbacks nor along frontages on streets defined as gateway streets in Salt Lake City's adopted urban design element master plan.

\_\_\_\_\_ 4. Special Design Regulations: No strand of barbed wire shall be permitted less than six feet (6') high. No more than three (3) strands of barbed wire are permitted. The barbed wire strands shall not slant outward from the fence more than sixty degrees (60°) from a vertical line. No barbed wire strand shall project over public property. If the barbed wire proposed slants

outward over adjoining private property the applicant must submit written consent from adjoining property owner agreeing to such a projection over the property line.

\_\_\_\_\_ 5. Special Exception Approval Standards: The board of adjustment may approve, as a special exception, the building permit for a barbed wire fence if the zoning administrator finds that the applicant has shown that the fence is reasonably necessary for security in that it protects people from dangerous sites and conditions such as transformer stations, microwave station or construction sites.

#### **HJ. Razor Wire Fences:**

\_\_\_\_\_ 1. Special Exception: Razor wire fencing may be approved for nonresidential uses as a special exception pursuant to part V, chapter 21A.52 of this title, in the A, CG, D-2, M-1 and M-2 zoning districts. The board of adjustment may approve as a special exception the placement of razor wire fences, for security reasons, around commercial or industrial uses, transformer stations, microwave stations, or other similar public necessity or dangerous sites; provided, that the requested fence is not on the property line of a lot which is occupied as a place of residence.

\_\_\_\_\_ 2. Location Requirements: Razor wire fencing shall not be allowed in required front or corner side yard setback.

\_\_\_\_\_ 3. Special Design Regulations: No strand of razor wire shall be permitted on a fence that is less than seven feet (7') high. Razor wire coils shall not exceed eighteen inches (18") in diameter and must slant inward from the fence to which the razor wire is being attached.

\_\_\_\_\_ 4. Special Exception Approved Standards: The board of adjustment may approve razor wire fencing if the board finds that the applicant has shown that razor wire is necessary for the security of the property in question.

K. Exemption: The Airport District "A" is exempt from all Zoning Ordinance fence regulations. The Department of Airports has administrative authority to regulate and approve fencing within the "A" Airport District. All fencing that the Department of Airports requires of its clients within the "A" District is subject to review and approval by the Airport.

SECTION 3. This ordinance shall take effect immediately upon the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. \_\_\_\_\_ of 2006.

Published: \_\_\_\_\_.

I:\Ordinance 06\Amending 21A.62.040 Definitions and 21A.40.120 Fencing Regulations - 07-20-06 draft.doc

SALT LAKE CITY ORDINANCE  
No. \_\_\_\_\_ of 2006  
(Amending Section 21A.62.040 Definitions and Section 21A.40.120 Fencing Regulations)

AN ORDINANCE AMENDING SECTION 21A.62.040, *SALT LAKE CITY CODE*,  
RELATING TO DEFINITIONS, AND SECTION 21A.40.120, *SALT LAKE CITY CODE*,  
RELATING TO REGULATIONS OF FENCES, WALLS AND HEDGES, PURSUANT TO  
PETITION NOS. 400-04-20 AND 400-04-26.

WHEREAS, the City Council finds that the proposed amendments are in the best interest of the City.

Be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. That Section 21A.62.040, *Salt Lake City Code*, pertaining to definitions be, and the same hereby is, amended to include the following definitions:

**“Fence/opaque or solid” means an artificially constructed solid or opaque barrier that blocks the transmission of at least ninety-five percent (95%) of light and visibility through the fence, and is erected to screen areas from public streets and abutting properties.**

**“Fence/open” means an artificially constructed barrier that blocks the transmission of a maximum of fifty percent (50%) of light and visibility through the fence, and is erected to separate private property from public rights of way and abutting properties.**

SECTION 2. That Section 21A.40.120, *Salt Lake City Code*, pertaining to regulations of fences, walls and hedges be, and the same hereby is, amended to read as follows:

**21A.40.120 Regulation Of Fences, Walls And Hedges:**

A. **Purpose:** Fences, walls and hedges serve properties by providing privacy and security, defining private space and enhancing the design of individual sites. Fences also affect the public by impacting the visual image of the streetscape and the overall character of neighborhoods. The purpose of these regulations is to achieve a balance between the private concerns for privacy, site design, and the public concern for enhancement of the community appearance, and to ensure the provision of adequate light, air and public safety.

B. **Location:** All fences, walls or hedges shall be erected entirely within the property lines of the property they are intended to serve.

C. **Building Permit Required:**

1. A no fee building permit shall be obtained prior to construction of any fence that does not exceed six feet (6') in height and is not made of concrete or masonry or does not require structural review under the International Building Code regulations. The permit is to ensure compliance with adopted regulations.

2. A building permit and fee are required for fences and walls which exceed six feet (6') in height and all fences or walls of any height that are constructed under the International Building Code. The permit is to ensure compliance with all Zoning Ordinance standards and requirements (location, height, types of materials) as well as to ensure that the

structural integrity of the pilasters and foundation system which will be verified by plan review and site inspection.

3. The application for a permit must include plans identifying the location and height of the proposed fence or wall. If the fence or wall is constructed of masonry or concrete of any height or exceeds six feet (6') in height, construction details showing horizontal and vertical reinforcement and foundation details shall be shown on the plans.

4. The building permit fee for a fence will be a general permit fee based on construction costs or valuation of the work.

5. Construction of any fence in the following districts shall also comply with the additional fencing regulations found in the following sections of this title.

- a. FP foothills protection district (21A.32.040.I).
- b. H historic preservation overlay district (21A.34.020.E), and
- c. Foothill residential FR-1, FR-2 and FR-3 districts (21A.24.010.O).

**D. Design Requirements:**

1. Residential Districts (21A.24 Residential Districts):

a. Allowed Materials. Fences and walls shall be made of high quality, durable materials that require low maintenance. Acceptable materials for a fence include: chain link, wood, brick, masonry block, stone, tubular steel, wrought iron, vinyl, composite/recycled materials (hardy board) or other manufactured material or combination of materials commonly used for fencing.

b. Prohibited Materials. Fences and walls shall not be made of or contain:

- i. Scrap materials such as scrap lumber and scrap metal.



ii. Materials not typically used or designated/manufactured for fencing such as metal roofing panels, corrugated or sheet metal, tarps or plywood.

2. Non-residential districts (21A.26.34 Commercial Districts, Manufacturing Districts, Downtown Districts, Gateway Districts, Special Purpose Districts and Overlay Districts:

a. Allowed Materials. Fences and walls shall be made of high quality, durable materials that require minimal maintenance. Acceptable materials for fencing in non-residential districts include, but are not limited to chain link, pre-woven chain link with slats, wood, brick, tilt-up concrete, masonry block, stone, metal, composite/recycled materials or other manufactured materials or combination of materials commonly used for fencing.

b. Prohibited Materials. Fences or walls in non-residential districts shall not be constructed of or contain:

i. Scrap materials such as scrap lumber and scrap metal.

ii. Materials not typically used or designated/manufactured for fencing such as metal roofing panels, corrugated or sheet metal, tarps or plywood.

**E. Height Restrictions:**

1. Standard for residential zoning districts: No fence, wall or hedge shall be erected in any front yard to a height in excess of four feet (4').

2. Standards for all zoning districts:

a. No solid fence, wall or hedge shall be erected to a height in excess of three feet (3') if the fence, wall or hedge is located within the sight distance triangle extending

thirty feet (30') of the intersection of the right-of-way lines on any corner lot as noted in figure 21A.62.050.I of this title.

b. Fences, walls or hedges may be erected in any required corner side yard (extending to a point in line with the front façade of the principal structure), side yard or rear yard to a height not to exceed six feet (6'). The zoning administrator may require either increased fence setback or lower fence height along corner side yards to provide adequate line of sight for driveways and alleys.

c. Solid fences, walls and hedges located near the intersection of a driveway or an alley within the public way shall not exceed thirty inches (30") in height within a ten foot (10') wide by ten foot (10') deep sight distance triangle as defined in figure 21A.62.050.I of this title.

d. Within the area defined as a sight distance triangle, see-through fences that are at least fifty percent (50%) open shall be allowed to a height of four feet (4').

e. To provide adequate line of sight for driveways and alleys, the Zoning Administrator, in consulting with the Development Review Team, may require alternative design solutions, including but not restricted to requiring increased fence setback and/or lower fence height, to mitigate safety concerns created by the location of buildings, grade change or other pre-existing conditions.

f. Measuring the height of a fence shall be from the established grade of the site as defined in part VI chapter 21A.62.040 of this title.

g. Special Exception Approval Standards: The Board of Adjustment may approve taller fencing if the board finds that the extra height is necessary for the security of the property in question as defined in part VI, chapter 21A.52.100 of this title.

**F. General Requirements:**

1. Except when constructed of materials that have been designed or manufactured to remain untreated, all fences or walls shall periodically be treated with paint or chemicals so as to retard deterioration.

2. Fences or walls shall be constructed with good workmanship and shall be secured to the ground or supporting area in a substantial manner and engineered so that the structure of columns or posts and the material used for the intervening panels are adequately constructed to support the materials and withstand wind loads.

3. All fences or walls (including entrance and exit gates) shall be maintained in good repair, free of graffiti, structurally sound, so as to not pose a threat to public health, safety, and welfare.

G. **Exceptions:** Pillars shall be allowed to extend up to eighteen inches (18") above the allowable height of a fence or wall; provided, that the pillars shall have a maximum diameter or width of no more than eighteen inches (18"); and provided, that the pillars shall have a minimum spacing of no less than six feet (6'), measured face to face.

H. **Encroachments:** Encroachments into the site distance triangle for driveways as defined and illustrated in part VI, chapter 21A.62 of this title, may be approved by the zoning administrator. This regulation shall also apply to site distance triangles for alleys.

**I. Barbed Wire Fences:**

1. Permitted Use: Barbed wire fencing is allowed as a permitted use in the AG, AG-2, AG-5, AG-20, A, CG, M-1, M-2 and D-2 districts.

2. Special Exception: Barbed wire fencing may be approved for nonresidential uses as a special exception pursuant to part V, chapter 21A.52 of this title, in all zoning districts except for those listed above as permitted uses. The board of adjustment may approve as special exceptions, the placement of barbed wire fences, for security reasons, or for the keeping of animals around nonresidential properties, transformer stations, microwave stations, construction sites or other similar publicly necessary or dangerous sites, provided the requested fence is not in any residential district and is not on or near the property line of a lot which is occupied as a place of residence.

3. Location Requirements: Barbed wire fencing shall not be allowed in required front yard setbacks nor along frontages on streets defined as gateway streets in Salt Lake City's adopted urban design element master plan.

4. Special Design Regulations: No strand of barbed wire shall be permitted less than six feet (6') high. No more than three (3) strands of barbed wire are permitted. The barbed wire strands shall not slant outward from the fence more than sixty degrees (60°) from a vertical line. No barbed wire strand shall project over public property. If the barbed wire proposed slants outward over adjoining private property the applicant must submit written consent from adjoining property owner agreeing to such a projection over the property line.

5. Special Exception Approval Standards: The board of adjustment may approve, as a special exception, the building permit for a barbed wire fence if the zoning administrator finds that the applicant has shown that the fence is reasonably necessary for security in that it

protects people from dangerous sites and conditions such as transformer stations, microwave station or construction sites.

**J. Razor Wire Fences:**

1. Special Exception: Razor wire fencing may be approved for nonresidential uses as a special exception pursuant to part V, chapter 21A.52 of this title, in the A, CG, D-2, M-1 and M-2 zoning districts. The board of adjustment may approve as a special exception the placement of razor wire fences, for security reasons, around commercial or industrial uses, transformer stations, microwave stations, or other similar public necessity or dangerous sites; provided, that the requested fence is not on the property line of a lot which is occupied as a place of residence.

2. Location Requirements: Razor wire fencing shall not be allowed in required front or corner side yard setback.

3. Special Design Regulations: No strand of razor wire shall be permitted on a fence that is less than seven feet (7') high. Razor wire coils shall not exceed eighteen inches (18") in diameter and must slant inward from the fence to which the razor wire is being attached.

4. Special Exception Approved Standards: The board of adjustment may approve razor wire fencing if the board finds that the applicant has shown that razor wire is necessary for the security of the property in question.

**K. Exemption:** The Airport District "A" is exempt from all Zoning Ordinance fence regulations. The Department of Airports has administrative authority to regulate and approve fencing within the "A" Airport District. All fencing that the Department of Airports requires of its clients within the "A" District is subject to review and approval by the Airport.

SECTION 3. This ordinance shall take effect immediately upon the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. \_\_\_\_\_ of 2006.  
Published: \_\_\_\_\_.

APPROVED AS TO FORM  
Salt Lake City Attorney's Office  
Date January 20, 2006  
By M. [Signature]  
1-26-06

**2b. ORDINANCE WITH ADDED LANGUAGE  
FROM THE CITY COUNCIL**

SALT LAKE CITY ORDINANCE

No. \_\_\_\_\_ of 2006

(Amending Section 21A.62.040 Definitions and Section 21A.40.120 Fencing Regulations)

AN ORDINANCE AMENDING SECTION 21A.62.040, *SALT LAKE CITY CODE*,  
RELATING TO DEFINITIONS, AND SECTION 21A.40.120, *SALT LAKE CITY CODE*,  
RELATING TO REGULATIONS OF FENCES, WALLS AND HEDGES, PURSUANT TO  
PETITION NOS. 400-04-20 AND 400-04-26.

WHEREAS, the City Council finds that the proposed amendments are in the best interest  
of the City.

Be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. That Section 21A.62.040, *Salt Lake City Code*, pertaining to definitions be,  
and the same hereby is, amended to include the following definitions:

**“Fence/opaque or solid” means an artificially constructed solid  
or opaque barrier that blocks the transmission of at least  
ninety-five percent (95%) of light and visibility through the  
fence, and is erected to screen areas from public streets and  
abutting properties.**

**“Fence/open” means an artificially constructed barrier that  
blocks the transmission of a maximum of fifty percent (50%) of  
light and visibility through the fence, and is erected to separate  
private property from public rights of way and abutting  
properties.**



SECTION 2. That Section 21A.40.120, *Salt Lake City Code*, pertaining to regulations of fences, walls and hedges be, and the same hereby is, amended to read as follows:

**21A.40.120 Regulation Of Fences, Walls And Hedges:**

A. **Purpose:** Fences, walls and hedges serve properties by providing privacy and security, defining private space and enhancing the design of individual sites. Fences also affect the public by impacting the visual image of the streetscape and the overall character of neighborhoods. The purpose of these regulations is to achieve a balance between the private concerns for privacy, site design, and the public concern for enhancement of the community appearance, and to ensure the provision of adequate light, air and public safety.

B. **Location:** All fences, walls or hedges shall be erected entirely within the property lines of the property they are intended to serve.

C. **Building Permit Required:** ~~A building permit shall be obtained prior to construction of any fence or wall in the FP foothills protection district, H historic preservation overlay district or in the foothill residential FR-1, FR-2, and FR-3 districts.~~

1. A no fee building permit shall be obtained prior to construction of any fence that does not exceed six feet (6') in height and is not made of concrete or masonry or does not require structural review under the International Building Code regulations. The permit is to ensure compliance with adopted regulations.

2. A building permit and fee are required for fences and walls which exceed six feet (6') in height and all fences or walls of any height that are constructed under the International Building Code. The permit is to ensure compliance with all Zoning Ordinance

standards and requirements (location, height, types of materials) as well as to ensure that the structural integrity of the pilasters and foundation system which will be verified by plan review and site inspection.

3. The application for a permit must include plans identifying the location and height of the proposed fence or wall. If the fence or wall is constructed of masonry or concrete of any height or exceeds six feet (6') in height, construction details showing horizontal and vertical reinforcement and foundation details shall be shown on the plans.

4. The building permit fee for a fence will be a general permit fee based on construction costs or valuation of the work.

5. Construction of any fence in the following districts shall also comply with the additional fencing regulations found in the following sections of this title.

a. FP foothills protection district (21A.32.040.I).

b. H historic preservation overlay district (21A.34.020.E), and

c. Foothill residential FR-1, FR-2 and FR-3 districts (21A.24.010.O).

#### **D. Design Requirements:**

##### 1. Residential Districts (21A.24 Residential Districts):

a. Allowed Materials. Fences and walls shall be made of high quality, durable materials that require low maintenance. Acceptable materials for a fence include: chain link, wood, brick, masonry block, stone, tubular steel, wrought iron, vinyl, composite/recycled materials (hardy board) or other manufactured material or combination of materials commonly used for fencing.

b. Prohibited Materials. Fences and walls shall not be made of or contain:

i. Scrap materials such as scrap lumber and scrap metal.

ii. Materials not typically used or designated/manufactured for fencing such as metal roofing panels, corrugated or sheet metal, tarps or plywood.

2. Non-residential districts (21A.26.34 Commercial Districts, Manufacturing Districts, Downtown Districts, Gateway Districts, Special Purpose Districts and Overlay Districts:

a. Allowed Materials. Fences and walls shall be made of high quality, durable materials that require minimal maintenance. Acceptable materials for fencing in non-residential districts include, but are not limited to chain link, pre-woven chain link with slats, wood, brick, tilt-up concrete, masonry block, stone, metal, composite/recycled materials or other manufactured materials or combination of materials commonly used for fencing.

b. Prohibited Materials. Fences or walls in non-residential districts shall not be constructed of or contain:

i. Scrap materials such as scrap lumber and scrap metal.

ii. Materials not typically used or designated/manufactured for fencing such as metal roofing panels, corrugated or sheet metal, tarps or plywood.

**DE. Height Restrictions:**

1. Standard for residential zoning districts: No fence, wall or hedge shall be erected in any front yard to a height in excess of four feet (4') between the front property line and the front façade of the principal structure.

2. Standards for all zoning districts: However, n

a. No ~~sueh~~solid fence, wall or hedge shall be erected to a height in excess of three feet (3') if the fence, wall or hedge is located within the sight distance triangle extending thirty feet (30') of the intersection of the right-of-way front property lines on any corner lot as noted in figure 21A.62.050.I of this title.

b. Fences, walls or hedges may be erected in any required corner side yard (extending to a point in line with the front façade of the principal structure), side yard or rear yard to a height not to exceed six feet (6'). The zoning administrator may require either increased fence setback or lower fence height along corner side yards to provide adequate line of sight for driveways and alleys.

c. Solid fences, walls and hedges located near the intersection of a driveway or an alley within the public way shall not exceed thirty inches (30") in height within a ten foot (10') wide by ten foot (10') deep sight distance triangle as defined in figure 21A.62.050.I of this title.

d. Within the area defined as a sight distance triangle, see-through fences that are at least fifty percent (50%) open shall be allowed to a height of four feet (4').

e. To provide adequate line of sight for driveways and alleys, the Zoning Administrator, in consulting with the Development Review Team, may require alternative design solutions, including but not restricted to requiring increased fence setback and/or lower fence height, to mitigate safety concerns created by the location of buildings, grade change or other pre-existing conditions.

f. Measuring the height of a fence shall be from the established grade of the site as defined in part VI chapter 21A.62.040 of this title.

g. Special Exception Approval Standards: The Board of Adjustment may approve taller fencing if the board finds that the extra height is necessary for the security of the property in question as defined in part VI, chapter 21A.52.100 of this title. ~~Where there is a difference in the grade of the properties on either side of a fence, wall or hedge, the height of the fence, wall or hedge shall be measured from the average grade of the adjoining properties; provided, that in such instance a minimum four foot (4') high fence, wall or hedge shall be allowed.~~

**F. General Requirements:**

1. Except when constructed of materials that have been designed or manufactured to remain untreated, all fences or walls shall periodically be treated with paint or chemicals so as to retard deterioration.

2. Fences or walls shall be constructed with good workmanship and shall be secured to the ground or supporting area in a substantial manner and engineered so that the structure of columns or posts and the material used for the intervening panels are adequately constructed to support the materials and withstand wind loads.

3. All fences or walls (including entrance and exit gates) shall be maintained in good repair, free of graffiti, structurally sound, so as to not pose a threat to public health, safety, and welfare.

EG. Exceptions: Pillars shall be allowed to extend up to eighteen inches (18") above the allowable height of a fence or wall; provided, that the pillars shall have a maximum diameter or width of no more than eighteen inches (18"); and provided, that the pillars shall have a minimum spacing of no less than six feet (6'), measured face to face.

**FH. Encroachments:** Encroachments into the site distance triangle for driveways as defined and illustrated in part VI, chapter 21A.62 of this title, may be approved by the zoning administrator. This regulation shall also apply to site distance triangles for alleys.

**GI. Barbed Wire Fences:**

\_\_\_\_\_ 1. Permitted Use: Barbed wire fencing is allowed as a permitted use in the AG, AG-2, AG-5, AG-20, A, CG, M-1, M-2 and D-2 districts.

\_\_\_\_\_ 2. Special Exception: Barbed wire fencing may be approved for nonresidential uses as a special exception pursuant to part V, chapter 21A.52 of this title, in all zoning districts except for those listed above as permitted uses. The board of adjustment may approve as special exceptions, the placement of barbed wire fences, for security reasons, or for the keeping of animals around nonresidential properties, transformer stations, microwave stations, construction sites or other similar publicly necessary or dangerous sites, provided the requested fence is not in any residential district and is not on or near the property line of a lot which is occupied as a place of residence.

\_\_\_\_\_ 3. Location Requirements: Barbed wire fencing shall not be allowed in required front yard setbacks nor along frontages on streets defined as gateway streets in Salt Lake City's adopted urban design element master plan.

\_\_\_\_\_ 4. Special Design Regulations: No strand of barbed wire shall be permitted less than six feet (6') high. No more than three (3) strands of barbed wire are permitted. The barbed wire strands shall not slant outward from the fence more than sixty degrees (60°) from a vertical line. No barbed wire strand shall project over public property. If the barbed wire proposed slants

outward over adjoining private property the applicant must submit written consent from adjoining property owner agreeing to such a projection over the property line.

\_\_\_\_\_ 5. Special Exception Approval Standards: The board of adjustment may approve, as a special exception, the building permit for a barbed wire fence if the zoning administrator finds that the applicant has shown that the fence is reasonably necessary for security in that it protects people from dangerous sites and conditions such as transformer stations, microwave station or construction sites.

#### **HJ. Razor Wire Fences:**

\_\_\_\_\_ 1. Special Exception: Razor wire fencing may be approved for nonresidential uses as a special exception pursuant to part V, chapter 21A.52 of this title, in the A, CG, D-2, M-1 and M-2 zoning districts. The board of adjustment may approve as a special exception the placement of razor wire fences, for security reasons, around commercial or industrial uses, transformer stations, microwave stations, or other similar public necessity or dangerous sites; provided, that the requested fence is not on the property line of a lot which is occupied as a place of residence.

\_\_\_\_\_ 2. Location Requirements: Razor wire fencing shall not be allowed in required front or corner side yard setback.

\_\_\_\_\_ 3. Special Design Regulations: No strand of razor wire shall be permitted on a fence that is less than seven feet (7') high. Razor wire coils shall not exceed eighteen inches (18") in diameter and must slant inward from the fence to which the razor wire is being attached.

\_\_\_\_\_ 4. Special Exception Approved Standards: The board of adjustment may approve razor wire fencing if the board finds that the applicant has shown that razor wire is necessary for the security of the property in question.

K. **Exemption:** The Airport District "A" is exempt from all Zoning Ordinance fence regulations. The Department of Airports has administrative authority to regulate and approve fencing within the "A" Airport District. All fencing that the Department of Airports requires of its clients within the "A" District is subject to review and approval by the Airport.

SECTION 3. This ordinance shall take effect immediately upon the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER



(SEAL)

Bill No. \_\_\_\_\_ of 2006.

Published: \_\_\_\_\_.

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SALT LAKE CITY ORDINANCE

No. \_\_\_\_\_ of 2006

(Amending Section 21A.62.040 Definitions and Section 21A.40.120 Fencing Regulations)

AN ORDINANCE AMENDING SECTION 21A.62.040, *SALT LAKE CITY CODE*,  
RELATING TO DEFINITIONS, AND SECTION 21A.40.120, *SALT LAKE CITY CODE*,  
RELATING TO REGULATIONS OF FENCES, WALLS AND HEDGES, PURSUANT TO  
PETITION NOS. 400-04-20 AND 400-04-26.

WHEREAS, the City Council finds that the proposed amendments are in the best interest  
of the City.

Be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. That Section 21A.62.040, *Salt Lake City Code*, pertaining to definitions be,  
and the same hereby is, amended to include the following definitions:

**“Fence/opaque or solid” means an artificially constructed solid  
or opaque barrier that blocks the transmission of at least  
ninety-five percent (95%) of light and visibility through the  
fence, and is erected to screen areas from public streets and  
abutting properties.**

**“Fence/open” means an artificially constructed barrier that  
blocks the transmission of a maximum of fifty percent (50%) of  
light and visibility through the fence, and is erected to separate  
private property from public rights of way and abutting  
properties.**

SECTION 2. That Section 21A.40.120, *Salt Lake City Code*, pertaining to regulations of fences, walls and hedges be, and the same hereby is, amended to read as follows:

**21A.40.120 Regulation Of Fences, Walls And Hedges:**

A. **Purpose:** Fences, walls and hedges serve properties by providing privacy and security, defining private space and enhancing the design of individual sites. Fences also affect the public by impacting the visual image of the streetscape and the overall character of neighborhoods. The purpose of these regulations is to achieve a balance between the private concerns for privacy, site design, and the public concern for enhancement of the community appearance, and to ensure the provision of adequate light, air and public safety.

B. **Location:** All fences, walls or hedges shall be erected entirely within the property lines of the property they are intended to serve.

C. **Building Permit Required:**

1. A no fee building permit shall be obtained prior to construction of any fence that does not exceed six feet (6') in height and is not made of concrete or masonry or does not require structural review under the International Building Code regulations. The permit is to ensure compliance with adopted regulations.

2. A building permit and fee are required for fences and walls which exceed six feet (6') in height and all fences or walls of any height that are constructed under the International Building Code. The permit is to ensure compliance with all Zoning Ordinance standards and requirements (location, height, types of materials) as well as to ensure that the

structural integrity of the pilasters and foundation system which will be verified by plan review and site inspection.

3. The application for a permit must include plans identifying the location and height of the proposed fence or wall. If the fence or wall is constructed of masonry or concrete of any height or exceeds six feet (6') in height, construction details showing horizontal and vertical reinforcement and foundation details shall be shown on the plans.

4. The building permit fee for a fence will be a general permit fee based on construction costs or valuation of the work.

5. Construction of any fence in the following districts shall also comply with the additional fencing regulations found in the following sections of this title.

- a. FP foothills protection district (21A.32.040.I).
- b. H historic preservation overlay district (21A.34.020.E), and
- c. Foothill residential FR-1, FR-2 and FR-3 districts (21A.24.010.O).

**D. Design Requirements:**

1. Residential Districts (21A.24 Residential Districts):

a. Allowed Materials. Fences and walls shall be made of high quality, durable materials that require low maintenance. Acceptable materials for a fence include: chain link, wood, brick, masonry block, stone, tubular steel, wrought iron, vinyl, composite/recycled materials (hardy board) or other manufactured material or combination of materials commonly used for fencing.

- b. Prohibited Materials. Fences and walls shall not be made of or contain:
- i. Scrap materials such as scrap lumber and scrap metal.

ii. Materials not typically used or designated/manufactured for fencing such as metal roofing panels, corrugated or sheet metal, tarps or plywood.

2. Non-residential districts (21A.26.34 Commercial Districts, Manufacturing Districts, Downtown Districts, Gateway Districts, Special Purpose Districts and Overlay Districts:

a. Allowed Materials. Fences and walls shall be made of high quality, durable materials that require minimal maintenance. Acceptable materials for fencing in non-residential districts include, but are not limited to chain link, pre-woven chain link with slats, wood, brick, tilt-up concrete, masonry block, stone, metal, composite/recycled materials or other manufactured materials or combination of materials commonly used for fencing.

b. Prohibited Materials. Fences or walls in non-residential districts shall not be constructed of or contain:

i. Scrap materials such as scrap lumber and scrap metal.

ii. Materials not typically used or designated/manufactured for fencing such as metal roofing panels, corrugated or sheet metal, tarps or plywood.

**E. Height Restrictions:**

1. Standard for residential zoning districts: No fence, wall or hedge shall be erected to a height in excess of four feet (4') between the front property line and the front façade of the principal structure.

2. Standards for all zoning districts:

a. No solid fence, wall or hedge shall be erected to a height in excess of three feet (3') if the fence, wall or hedge is located within the sight distance triangle extending

thirty feet (30') of the intersection of the right-of-way lines on any corner lot as noted in figure 21A.62.050.I of this title.

b. Fences, walls or hedges may be erected in any required corner side yard (extending to a point in line with the front façade of the principal structure), side yard or rear yard to a height not to exceed six feet (6'). The zoning administrator may require either increased fence setback or lower fence height along corner side yards to provide adequate line of sight for driveways and alleys.

c. Solid fences, walls and hedges located near the intersection of a driveway or an alley within the public way shall not exceed thirty inches (30") in height within a ten foot (10') wide by ten foot (10') deep sight distance triangle as defined in figure 21A.62.050.I of this title.

d. Within the area defined as a sight distance triangle, see-through fences that are at least fifty percent (50%) open shall be allowed to a height of four feet (4').

e. To provide adequate line of sight for driveways and alleys, the Zoning Administrator, in consulting with the Development Review Team, may require alternative design solutions, including but not restricted to requiring increased fence setback and/or lower fence height, to mitigate safety concerns created by the location of buildings, grade change or other pre-existing conditions.

f. Measuring the height of a fence shall be from the established grade of the site as defined in part VI chapter 21A.62.040 of this title.

g. **Special Exception Approval Standards:** The Board of Adjustment may approve taller fencing if the board finds that the extra height is necessary for the security of the property in question as defined in part VI, chapter 21A.52.100 of this title.

**F. General Requirements:**

1. Except when constructed of materials that have been designed or manufactured to remain untreated, all fences or walls shall periodically be treated with paint or chemicals so as to retard deterioration.

2. Fences or walls shall be constructed with good workmanship and shall be secured to the ground or supporting area in a substantial manner and engineered so that the structure of columns or posts and the material used for the intervening panels are adequately constructed to support the materials and withstand wind loads.

3. All fences or walls (including entrance and exit gates) shall be maintained in good repair, free of graffiti, structurally sound, so as to not pose a threat to public health, safety, and welfare.

**G. Exceptions:** Pillars shall be allowed to extend up to eighteen inches (18") above the allowable height of a fence or wall; provided, that the pillars shall have a maximum diameter or width of no more than eighteen inches (18"); and provided, that the pillars shall have a minimum spacing of no less than six feet (6'), measured face to face.

**H. Encroachments:** Encroachments into the site distance triangle for driveways as defined and illustrated in part VI, chapter 21A.62 of this title, may be approved by the zoning administrator. This regulation shall also apply to site distance triangles for alleys.

**I. Barbed Wire Fences:**

1. Permitted Use: Barbed wire fencing is allowed as a permitted use in the AG, AG-2, AG-5, AG-20, A, CG, M-1, M-2 and D-2 districts.

2. Special Exception: Barbed wire fencing may be approved for nonresidential uses as a special exception pursuant to part V, chapter 21A.52 of this title, in all zoning districts except for those listed above as permitted uses. The board of adjustment may approve as special exceptions, the placement of barbed wire fences, for security reasons, or for the keeping of animals around nonresidential properties, transformer stations, microwave stations, construction sites or other similar publicly necessary or dangerous sites, provided the requested fence is not in any residential district and is not on or near the property line of a lot which is occupied as a place of residence.

3. Location Requirements: Barbed wire fencing shall not be allowed in required front yard setbacks nor along frontages on streets defined as gateway streets in Salt Lake City's adopted urban design element master plan.

4. Special Design Regulations: No strand of barbed wire shall be permitted less than six feet (6') high. No more than three (3) strands of barbed wire are permitted. The barbed wire strands shall not slant outward from the fence more than sixty degrees (60°) from a vertical line. No barbed wire strand shall project over public property. If the barbed wire proposed slants outward over adjoining private property the applicant must submit written consent from adjoining property owner agreeing to such a projection over the property line.

5. Special Exception Approval Standards: The board of adjustment may approve, as a special exception, the building permit for a barbed wire fence if the zoning administrator finds that the applicant has shown that the fence is reasonably necessary for security in that it



protects people from dangerous sites and conditions such as transformer stations, microwave station or construction sites.

**J. Razor Wire Fences:**

1. Special Exception: Razor wire fencing may be approved for nonresidential uses as a special exception pursuant to part V, chapter 21A.52 of this title, in the A, CG, D-2, M-1 and M-2 zoning districts. The board of adjustment may approve as a special exception the placement of razor wire fences, for security reasons, around commercial or industrial uses, transformer stations, microwave stations, or other similar public necessity or dangerous sites; provided, that the requested fence is not on the property line of a lot which is occupied as a place of residence.

2. Location Requirements: Razor wire fencing shall not be allowed in required front or corner side yard setback.

3. Special Design Regulations: No strand of razor wire shall be permitted on a fence that is less than seven feet (7') high. Razor wire coils shall not exceed eighteen inches (18") in diameter and must slant inward from the fence to which the razor wire is being attached.

4. Special Exception Approved Standards: The board of adjustment may approve razor wire fencing if the board finds that the applicant has shown that razor wire is necessary for the security of the property in question.

**K. Exemption:** The Airport District "A" is exempt from all Zoning Ordinance fence regulations. The Department of Airports has administrative authority to regulate and approve fencing within the "A" Airport District. All fencing that the Department of Airports requires of its clients within the "A" District is subject to review and approval by the Airport.

SECTION 3. This ordinance shall take effect immediately upon the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

APPROVED AS TO FORM  
Salt Lake City Attorney's Office  
Date January 20, 2006  
By Melanie Keif  
[Signature]  
1-26-06

(SEAL)

Bill No. \_\_\_\_\_ of 2006.  
Published: \_\_\_\_\_.

### **3. NOTICE OF CITY COUNCIL PUBLIC HEARING**

## **NOTICE OF PUBLIC HEARING**

The Salt Lake City Council is currently reviewing Petitions # 400-04-20 & 400-04-26 requesting to modify and add language to Zoning Ordinance Sections 21A.62 Definitions and 21A.40.120 Regulations of Fences, Walls and Hedges.

The City Council is holding a public hearing to receive comments regarding the petition request. During this hearing, the Planning staff may present information on the petitions and anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

**DATE:**  
**TIME:** 7:00 p.m.  
**PLACE:** ROOM 315  
City and County Building  
451 South State Street  
Salt Lake City

If you have any questions relating to this proposal, please attend the meeting or contact Jackie Gasparik at 535-6354, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday or via e-mail at e-mail [Jackie.gasparik@ci.slc.ut.us](mailto:Jackie.gasparik@ci.slc.ut.us)

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ROB ROWAN  
234 EAST 100 SOUTH, #A7  
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136 S MAIN ST #721  
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UTAH BUSINESS PROSPECTOR  
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2126 Yuma Street  
SLC, UT 84109

Shirley Jensen  
ANDREA CURTIS  
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▲ Dave Robinson  
4750 West 2100 South  
SLC UT 84120



Downtown Alliance  
Bob Farrington, Director  
175 East 400 South #600  
Salt Lake City, UT 84111

Salt Lake Chamber of Commerce  
175 East 400 South, Suite #600  
Salt Lake City, UT 84111

Attn: Carol Dibble  
Downtown Merchants Association  
10 West Broadway, Suite 420  
Salt Lake City, UT 84101

Hispanic Chamber of Commerce  
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Salt Lake City, UT 84110

Vest Pocket Business Coalition  
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Salt Lake City, UT 84152-1357

Sugar House Merchants Association  
C/o Barbara Green  
Smith-Crown  
2000 South 1100 East  
Salt Lake City, UT 84106

Westside Alliance  
C/o Neighborhood Housing Services  
Maria Garcia  
622 West 500 North  
Salt Lake City, UT 84116

Jackie Gasparik  
SLC Planning  
451 S. State Street. Rm 406  
SLC, UT 84111

Gary Griffins  
212 East 600 South  
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BFI  
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~~1217 N. Brigadier Circle~~  
~~Salt Lake City, UT 84116~~

~~Regina Monser, Chair~~  
~~Rose Park Community Council~~  
~~1071 N. Topaz Drive~~  
~~Salt Lake City, UT 84116~~

## **5. Planning Commission Hearing, October 26, 2005**

**5a. AGENDA, COPY OF POSTMARK**

**AGENDA FOR THE  
SALT LAKE CITY PLANNING COMMISSION MEETING  
In Room 326 of the City & County Building at 451 South State Street  
Wednesday, October 26, 2005, at 5:45 p.m.**

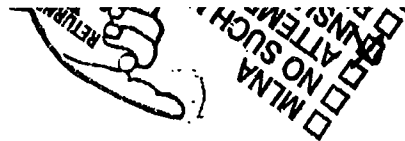
The Planning Commission will be having dinner at 5:00 p.m., in Room 126. During the dinner, Staff may share general planning information with the Planning Commission. This portion of the meeting will be open to the public.

- 1. APPROVAL OF MINUTES from Wednesday, October 12, 2005.**
- 2. REPORT OF THE CHAIR AND VICE CHAIR**
- 3. REPORT OF THE DIRECTOR**
- 4. PUBLIC NOTICE AGENDA Salt Lake City Property Conveyance Matters**
  - a) South Valley Sewer Improvement District and Salt Lake City Public Utilities Department - South Valley Sewer District are requesting that two standard utility crossing permits be granted by Public Utilities at two locations along the City owned Jordan and Salt Lake City Canal. One utility crossing permit is for a renewal of a prior crossing permit, located at approximately **50 East, 10000 South Street**. The second utility crossing permit is a new request, located at approximately **10100 South State Street**. Both utility crossing permits are for buried sewer lines and both locations are within Sandy City. Public Utilities Department staff intends to approve the requested permits. (Staff: Karryn Greenleaf at 801-483-6769 or [karryn.greenleaf@slcgov.com](mailto:karryn.greenleaf@slcgov.com) or Doug Wheelwright at 801-535-7757 or [doug.wheelwright@slcgov.com](mailto:doug.wheelwright@slcgov.com)).
  - b) Pacificorp and Salt Lake City Property Management Division - Pacificorp, doing business as Utah Power and Light Company, is requesting the relocation of a buried power line easement, which is necessary due to the reconstruction of the Concession Building, located on City property within Liberty Park. The Concession Building is located near the center of the park at approximately **600 East and 1100 South**, within the Open Space (OS) zoning district. The new Concession Building is being constructed over a portion of the existing power line easement, and the easement is proposed to be relocated slightly to the south to avoid the new structure. The new easement will be granted in exchange for canceling the conflicting portion of the existing easement, without additional compensation due by either party. Property Management Division staff intends to approve the requested easement relocation request. (Staff: Matt Williams at 801-535-6447 or [matt.williams@slcgov.com](mailto:matt.williams@slcgov.com) or Doug Wheelwright at 801-535-6178 or [doug.wheelwright@slcgov.com](mailto:doug.wheelwright@slcgov.com)).
- 5. PUBLIC HEARINGS**
  - a) **Petition 400-03-08**, by the Salt Lake City Planning Commission, requesting approval to amend Chapter 21A.46 of the Salt Lake City Zoning Ordinance that will add standards to regulate the use and placement of street banners throughout the City. The purpose of this proposal is to designate the use of certain utility poles for the display of street banners to benefit local neighborhoods and the City as a whole by allowing street banners for the limited purpose of encouraging and promoting community identity, community organizations, community activities and events. (Staff: Lex Traughber at 801-535-6184 or [lex.traughber@slcgov.com](mailto:lex.traughber@slcgov.com)).
  - b) **Petitions No. 400-01-32 and Petition No. 400-02-08**, by the Salt Lake City Planning Commission to amend Chapter 21A.26.060 relating to the text of the C-SHBD (Sugar House Business District) zoning district and the corresponding Sugar House Community Zoning Map, as well as the text of the Sugar House Community Master Plan (2001) and corresponding Sugar House Future Land Use Map. In addition, several rezones are proposed for specific properties located adjacent to the area currently zoned C-SHBD (Sugar House Business District). The areas affected by these amendments are located between approximately **2100 South from 900 to 1300 East, and along 1100 East/Highland Drive from Hollywood Avenue to I-80, including the Granite Furniture block, the Sugar House Commons, and the Sugar House Center**. (Staff: Lex Traughber at 801-535-6184 or [lex.traughber@slcgov.com](mailto:lex.traughber@slcgov.com)).

- c) **Petition No. 450-05-01** - Salt Lake City Corporation is making a formal application to the Utah State Department of Community and Economic Development for the establishment of a recycling and market program, to be known in the City as the Designated Recycling Market Program (DRMP). The DRMP is an economic development tool only and does not have any proposed changes to the City's existing land use policies, zoning ordinance, or zoning map. As part of Salt Lake City's application, the City must demonstrate approval of and commitment by the Planning Commission, City Council and the Mayor for the overall program. Only businesses west of I-215 could be considered for inclusion in the program. (Staff: Vicki Bennett at 801-535-654, Management Services, or [Vicki.bennett@slcgov.com](mailto:Vicki.bennett@slcgov.com)).
- \* d) **Petition No. 400-04-20** - by the Salt Lake City Planning Commission, requesting approval to amend the text of the Salt Lake City Zoning Ordinance as it relates to regulations of fences, walls and hedges. Specifically, the request is to amend Sections 21A.40.120 Regulation of Fences, Walls and Hedges and Section 21A.62 Definitions. (Staff: Jackie Gasparik at 801-535-6354 or [jackie.gasparik@slc.gov.com](mailto:jackie.gasparik@slc.gov.com)).
- e) 1. **Petition 410-773**, a request by Chabad Lubavitch of Utah, for conditional use approval for a place of worship in an existing commercial building at approximately **1760 South 1100 East**. (Staff: Joel Paterson at 801-535-6141 or [joel.paterson@slc.gov.com](mailto:joel.paterson@slc.gov.com)).
2. **Petition 400-05-36**, a request by Chabad Lubavitch of Utah to amend the Salt Lake City Zoning Map for a property located at approximately **1435 South 1100 East** from Single Family Residential R-1-5000 to Residential Business RB. (Staff: Joel Paterson at 801-535-6141 or [joel.paterson@slc.gov.com](mailto:joel.paterson@slc.gov.com)).
3. **Petition 490-05-53**, a request by Chabad Lubavitch to subdivide property at approximately **1435 South 1100 East** by re-establishing a prior lot line for the purpose of reducing an existing non-complying element of a lot that has two principal buildings on a single parcel. (Staff: Joel Paterson at 801-535-6141 or [joel.paterson@slc.gov.com](mailto:joel.paterson@slc.gov.com)).

## 6. UNFINISHED BUSINESS

DAVE ROBINSON  
4750 West 2100 South  
SLC UT 84120



## NOTICE OF A HEARING

56

Salt Lake City Planning Division  
Planning Commission Secretary  
451 South State Street, Rm. 406  
Salt Lake City, UT 84111

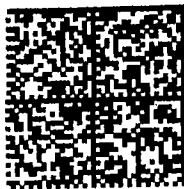
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10/11/2005

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1. Fill out registration card and indicate if you wish to speak and which agenda item you will address.
2. After the staff and petitioner presentations, hearings will be opened for public comment. Community Councils will present their comments at the beginning of the hearing.
3. In order to be considerate of everyone attending the meeting, public comments are limited to 3 minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Written comments are welcome and will be provided to the Planning Commission in advance of the meeting if they are submitted to the Planning Division prior to noon the day before the meeting. Written comments should be sent to:

Salt Lake City Planning Director  
451 South State Street, Room 406  
Salt Lake City, UT 84111

4. Speakers will be called by the Chair.
5. Please state your name and your affiliation to the petition or whom you represent at the beginning of your comments.
6. Speakers should address their comments to the Chair. Planning Commission members may have questions for the speaker. Speakers may not debate with other meeting attendees.
7. Speakers should focus their comments on the agenda item. Extraneous and repetitive comments should be avoided.
8. After those registered have spoken, the Chair will invite other comments. Prior speakers may be allowed to supplement their previous comments at this time.
9. After the hearing is closed, the discussion will be limited among Planning Commissioners and Staff. Under unique circumstances, the Planning Commission may choose to reopen the hearing to obtain additional information.

you are planning to attend the public meeting  
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REFUSED - NOT KNOWN  
ADDRESS  
NUMBER  
ENDER



**5b. STAFF REPORT AND ATTACHMENTS**

**DATE:** October 18, 2005  
**TO:** Salt Lake City Planning Commission  
**FROM:** Jackie O. Gasparik, Principal Planner  
**RE:** Staff Report for October 26, 2005 Planning Commission Hearing

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**CASE#:** 400-04-20 & 400-04-26  
**APPLICANT:** Planning Commission  
**STATUS OF APPLICANT:** Zoning Ordinance 21A.50.030 authorizes the Planning Commission to initiate petitions.  
**PROJECT LOCATION:** City wide  
**COUNCIL DISTRICT:** City wide  
**REQUESTED ACTION:** A request to modify and add language to the zoning ordinance 21A.62 Definitions and 21A.40.120 Regulations of Fences, Walls and Hedges.

**PROPOSED TEXT AMENDMENT:**

The purpose of this petition is to create a definition of an open fence and a solid/opaque fence and to establish regulations on construction and materials of the fence. Solid/opaque fences are required for screening outdoor storage, parking lots that abut residential zones and various other circumstances. The existing regulations do not adequately specify materials or construction type of fences for screening which led to inadequate fencing in mainly the industrial areas. There are several provisions in the Zoning Ordinance that refer to the requirement of solid, opaque, sight proof, sight obscuring, light proof, tight board and privacy fence, but there are no definitions of these types of fences. The proposed petition was created to establish a definition for all these references of solid fencing.

The petition also was created to define standards including height in general and in the sight distance triangle for all fences. These proposed standards would require a building permit for fences to assure fences are structurally sound and constructed in such a manner as to not pose a threat to public health or safety. The proposed standards would also help the Zoning Enforcement Division to require a property owner to remove, replace or repair fences found to be out of compliance with materials, location, height requirements or not in good repair. The creation of the proposed definitions, standards for fencing and requirement of a permit will improve the implementation of these regulations.

### **RATIONALE FOR PROPOSED AMENDMENT:**

The proposed standards are proposed to help the Zoning Enforcement Division to require a property owner to remove, replace or repair fences found to be out of compliance with materials, location, height requirements or not in good repair. The creation of the proposed definitions, standards for fencing and requirement of a permit will improve the implementation of these regulations.

### **APPLICABLE LAND USE REGULATIONS:**

- Salt Lake City Zoning Ordinance, Chapter 21A.62  
Definitions
- Salt Lake City Zoning Ordinance, Chapter 21A.40.120  
Regulations of Fences, Walls and Hedges

**MASTER PLAN SPECIFICATIONS:** The Salt Lake City Urban Design Element and The Futures Commission Report both identify general policies relating to buffers and fences.

### **COMMENTS:**

Comments from City departments and divisions (Exhibit 2) and citizens are as follows:

1. **Department of Airports:** The Department of Airports is concerned about the new fence regulations. The Airport is required to follow the Federal Aviation Administration (FAA) requirements for security fencing around their property.
  - Planning Staff response: The proposed new fence regulations do not apply to the Department of Airports "A" zone. The FAA regulations require an 8' high fence topped with three strands of barbed wire (see attached letter). All airport property is located within the Airport zoning district "A". This "A" district allows installation of the required three strands of razor/barbed wire fencing as a permitted use. The "A" district does not require minimum yard areas. Therefore, the proposed height limitations do not apply. The fencing that the Department of Airports requires of its clients is subject to review and approval by the Airport.
2. **Engineering:** No comment.
3. **Fire:** No comment.
4. **Police:** Crime Prevention through Environmental Design (CPTED) principals generally encourage open type fencing where possible. As long as this draft is for clarification of the definition of a solid fence, the Police Department does not perceive any objections or concerns.
5. **Property Management:** No comment.
6. **Public Utilities:** Salt Lake City Public Utilities has no issues with the proposed changes and definitions.
7. **Transportation:** The Transportation Division has no problem defining solid/opaque fence but also suggests that all types of fences be defined. Consider requiring a permit for all fences to ensure proper placement.
  - Planning staff response: The proposed text requires a permit for all fences and defines both a solid and an open fence.

8. **Permits:** Defining what solid gates are has been a source of controversy. Applicants argue that solid gates are difficult to construct and maintain. Perhaps some language that will allow a chain link gate that is fully screened would give the applicant a viable choice. These standards should also be applied to section 21A.48.120 screening of refuse disposal dumpsters. In the ordinance you may want to make it clear that a chain link fence with slats is not accepted as a solid/opaque fence.
  - Staff response: Chain link fencing with slats, depending on the slat material may be considered a solid/opaque fence or gate. The proposed standards create definitions that can then be used to interpret other section of the ordinance such as 21A.48.120 screening of refuse disposable dumpsters.
9. **Zoning Enforcement:** Recommends approval.
10. **Community Councils and Citizens:** Two public open houses regarding these petitions were held on March 15, 2005 and on July 7, 2005. Comments included;
  - Cost of installing the required solid fence around large industrial lots of 1 acre or larger.
  - That fences should be setback far enough to allow planting (on the public side).
  - Whether existing fences would have to meet the new standards.
  - How the proposed ordinance address how to measure the fence height. Concern that the City allows property owners to change the grade of their property to gain a taller fence. Often times property owners are doing landscaping and other site work at the time they install the new fence, thus a property owner may raise the grade of their property outside the buildable area two feet and then install a six foot fence. Staff Comment: The proposed ordinance includes language that fences will be measured from established grade of the site as defined in part VI chapter 21A.62.040. The definition of established grade means the natural topographic grade of undisturbed area on a site or grade that exists after approved subdivision site development activity has been completed prior to approval for building permit construction activity.

## **ANALYSIS AND FINDINGS**

Since this petition is a modification of the Zoning Ordinance, the Planning Commission must review the proposal and forward a recommendation to the City Council. In undertaking the task, the Planning Commission must establish findings of fact based on the following standards contained in Section 21A.50.050 of the City's Zoning Ordinance.

### **21A.50.050 Standards for general amendments.**

- A. Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.**

**Discussion:** The Salt Lake City Urban Design Element discusses the need for land use buffers. These buffers are used to separate one use from the negative affects of another use or activity. They may be created through landscaping, distance, berms, fences and building orientation. Buffers improve the environment and create a transition between dissimilar land uses and their nuisances, such as dirt, litter, noise, light glare, signs and unsightly buildings. This is accomplished through the following policy concepts:

1. Establish performance criteria for landscape yards or buffer rather than prescriptive regulations, particularly where an industrial or retail/commercial district abuts a residential use.
2. Require a buffer when a commercial or industrial use is adjacent to a residential use.

The Futures Commission Report in general discusses urban design, design standards, and safety. This report states: "All neighborhoods are unique and important, supporting those who live and work in them." The proposed language helps implement buffers that will make neighborhoods better places to live and work by providing necessary buffers between different land uses.

**Findings:** *Amending the fence regulations of the Zoning Ordinance is consistent with the purposes, goals, objectives, and policies of the City's plans in clarifying regulations which relate to creating buffers to protect different land uses especially when commercial or industrial districts abut residential districts.*

**B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property.**

**Discussion:** The proposed amendment is not site specific. However, the general purpose of the proposed text is to define adequate fences and walls to be installed to visually screen uses and activities from the public right of way and adjacent properties.

**Findings:** *The proposed amendment will enhance the overall character of the City by requiring standards for fencing to visually screen outdoor uses and activities where required.*

**C. The extent to which the proposed amendment will adversely affect adjacent properties.**

**Discussion:** The proposed amendment is not site specific. The purpose of the proposed text is to make sure that no property will be adversely affected and will better protect adjacent properties from visual impacts of outdoor uses and activities.

**Findings:** *The proposed amendment is intended to protect adjacent properties.*

**D. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.**

**Discussion:** The provisions are not site specific. The proposed fence regulations do not affect any additional fencing provisions which may be required by an overlay district.

**Findings:** *The proposed amendment is not site specific. Any future development or erection of a fence must comply with applicable overlay regulations.*

- E. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.**

**Discussion:** The proposal is not site specific. Applicable departments have reviewed the proposed amendments and are in support of them. As per the Transportation Divisions comments, the proposed amendment would require a no fee building permit for the fence to assure structural integrity of the fence. All requests for fencing will be required to get a building permit to ensure compliance with City codes and policies.

***Findings:*** All pertinent City departments and divisions will review requests for fencing through the permit process to ensure adequacy of public facilities and services.

**RECOMMENDATION:**

Based on the comments, analysis and findings, staff recommends that the Planning Commission forward a positive recommendation to the City Council, to adopt the proposed amendments.

Jackie O. Gasparik  
Principal Planner

Attachments: Exhibit 1 – Proposed language  
Exhibit 2 – Comments from City Departments/Citizens  
Exhibit 3 – Citizen Comments

**Exhibit 1**  
**Proposed Ordinance Language**

## 21A.62 Definitions

*Fence solid/opaque – An artificially constructed solid/opaque barrier that blocks the transmission of at least ninety-five percent (95%) of light and visibility through the fence, and erected to screen areas from public streets and abutting properties.*

*Fence open – An artificially constructed barrier that blocks the transmission of at least fifty percent (50%) of light and visibility through the fence, and erected to separate private property from public rights of way and abutting properties.*

## 21A.40.120 Regulation of Fences, Walls and Hedges:

- A. **Purpose:** Fences, walls and hedges serve properties by providing privacy and security, defining private space and enhancing the design of individual sites. Fences also affect the public by impacting the visual image of the streetscape and the overall character of neighborhoods. The purpose of these regulations is to achieve a balance between the private concerns for privacy, site design, and the public concern for enhancement of the community appearance, and to ensure the provision of adequate light, air and public safety.
- B. **Location:** All fences, walls or hedges shall be erected entirely within the property lines of the property they are intended to serve.
- C. **Building Permit Required:** ~~A building permit shall be obtained prior to construction of any fence or wall in the FP foothills protection district or in the foothill residential FR-1, FR-2, and Fr-3 districts.~~
  - 1. *A no fee building permit shall be obtained prior to construction of any fence. To ensure compliance with zoning standards (location, height, type of materials and structural integrity).*
  - 2. *A building permit and fee is required for fences and walls which exceed 6' in height or a fence/wall constructed of masonry or concrete of any height because they are considered structures under the International Building Code. The permit is to ensure compliance with all zoning ordinance standards and requirements (location, height, types of materials) as well as to ensure the structural integrity of the pilasters and foundation system can be verified by plan review and site inspection.*
  - 3. *The application for a permit must include a site plan indicating the location and height of the proposed fence. If the fence/wall is constructed of masonry or concrete of any height or exceeds six feet (6') in height construction details showing horizontal and vertical reinforcement, and foundation details needs to be shown on the plan submitted.*
  - 4. *After completing the permit application, the information provided will be checked for compliance with all zoning ordinance regulations and the International Uniform Building Code. A permit will be issued at the time of application if it complies with City requirements.*



tilt-up concrete, masonry block, stone, metal, composite/recycled materials or other manufactured material or combination of materials commonly used for fencing.

b. Prohibited Materials. Fences or walls in non-residential districts shall not be made of or contain:

- i. Scrap materials; such as scrap lumber, scrap metal.
- ii. Materials, not typically used or designed/manufactured for fencing such as metal roofing panels, corrugated or sheet metal, or plywood.

E. D. Height Restrictions:

1. Standard for residential zoning districts

- a. No fence wall or hedge shall be erected in any front yard to a height in excess of four feet (4') between the front property line and the front facade of the principal structure.

2. Standards for all zoning districts

3. ~~However,~~ No such solid fence, wall or hedge shall be erected to a height in excess of three feet (3') if the fence, wall or hedge is located within the sight distance triangle extending thirty feet (30') of the intersection of the right-of-way front property lines on any corner lot as noted in figure 21A.62.050.I of this title.

4. Fences, walls or hedges may be erected in any required corner side yard (extending to a point in line with the front facade of the principal structure), side yard or rear yard to a height not to exceed six feet (6'). The zoning administrator may require either increased fence setback or lower fence height along corner side yards to provide adequate line of sight for driveways and alleys.

5. Solid fences, walls and hedges located near the intersection of a driveway or an alley with the public way shall not exceed (30") in height within a ten foot (10') wide by ten foot (10') deep sight distance triangle as defined in figure 21A.62.050.I of this title.

6. Within the area defined as a sight distance triangle, see-through fences that are at least fifty percent (50%) open shall be allowed to a height of four feet (4').

7. To provide adequate line of sight for driveways and alleys, the Zoning Administrator, in consultation with the Development Review Team, may require alternative design solutions, including but not restricted to requiring increased fence setback and/or lower fence height, to mitigate safety concerns created by the location of buildings, grade changes or other pre-existing conditions.

8. Measuring the height of a fence will be from the established grade of the site as defined in part VI chapter 21A.62.040 of this title.

**I. G. Barbed Wire Fences:**

- 1. Permitted Use:** Barbed wire fencing is allowed as a permitted use in the AG, AG-2, AG-5, AG-20, A, CG, M-1, M-2 and D-2 districts.
- 2. Special Exception:** Barbed wire fencing may be approved for nonresidential uses as a special exception pursuant to part V, chapter 21A.52 of this title, in all zoning districts except for those listed above as permitted uses. The Board of Adjustment may approve as special exception, the placement of barbed wire fences for security reasons, or for the keeping of animals around nonresidential properties, transformer stations, microwave stations, construction sites, or other similar public necessary or dangerous sites, provided the requested fence is not in any residential district and is not on or near the property line of a lot which is occupied as a place of residence.
- 3. Location Requirements:** Barbed wire fencing shall not be allowed in required front yard setbacks or along frontages on street defined as gateway streets in Salt Lake City's adopted Urban Design Master Plan.
- 4. Special Design Regulations:** No strand of barbed wire shall be permitted less than six feet (6') high. No more than three (3) strands of barbed wire are permitted. The barbed wire strands shall not slant outward from the fence more than sixty degrees (60°) from a vertical line. No barbed wire strand shall project over public property. If the barbed wire proposed slants outward over adjoining private property, the applicant must submit written consent from adjoining property owner agreeing to such projection over the property line.
- 5. Special Exception Approval Standards:** The Board of Adjustment may approve, as a special exception, the building permit for a barbed wire fence if the Zoning Administrator finds that the applicant has shown that the fence is reasonable necessary for security in that it protects people from dangerous sites and conditions such as, transformer stations, microwave station or construction sites.

**J. H. Razor Wire Fences:**

**Exhibit 2**  
**Comments for City Departments**



August 23, 2005

Jackie Gasparik  
Salt Lake City Planning, Room 406  
451 South State Street  
Salt Lake City, Utah  
84111

Dear Jackie,

I am responding to petition 400-04-20 by the Salt Lake City Planning Commission regarding proposed zoning code 21A.40.120 titled, "Regulation of Fences, Walls, and Hedges." I attended the open house held in the City and County building and forwarded comments from various airport divisions to you previously. I have attached these comments for your reference.

As a matter of information, the airport is required to follow Federal Aviation Administration (FAA) requirements for security fencing. These requirements are referenced in AC 107-1, Aviation Security – Airports, May, 1972, Paragraph 7 d (1). Federal requirements may change at any time in order to meet security issues. The airport is required to fence, maintain, and daily inspect the airport's fencing around the airport's secure areas. The federal guidelines require that the airport fencing be 8-feet high and topped with three strands of barbed wire. The airport security fencing is installed around the perimeter and around the secure areas.

In contrast, the city's fencing regulations are intended for typical residential, commercial, and industrial areas and should not apply to the special circumstances at the airport. The fencing requirements established by the FAA are inconsistent with the city's proposed fence ordinance, specifically as they relate to the height restrictions section, and the barbed wire fences section.

Since the airport's fencing requirements are established by federal guidelines, the airport currently does not comply with the existing ordinance, nor could we comply with the proposed ordinance.

It is therefore requested that the Airport (including all properties in the A-Airport zoned district) be exempt from the city's regulation of fences, walls, and hedges. Furthermore, we request that the city's ordinance acknowledge the existing federal fencing guidelines that the airport must comply with.

Sincerely,

Allen McCandless, Planning Manager

c.c. Tim Campbell  
Steve Domino

- I have a problem with the requirement to obstruct the view, as we conduct visual inspections of our areas, and being able to see thru is part of our safety.
- We need an exemption for the Airport as the initial installation costs could be extremely high, as well as on going maintenance.
- We will potentially create huge areas where graffiti will become a problem.
- How far are coverage and required minimum distances? For example: if I am driving on North Temple and I can see the south electrical vault and the south chemical storage building, and I consider them to be unsightly, will we need to put "slats" in the fence?
- We may have to deal with radar shadow issues, jet blast problems, etc.

**Butcher, Larry**

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**From:** Michelsen, Alan  
**Sent:** Thursday, March 03, 2005 9:27 AM  
**To:** Butcher, Larry; Brown, Ken; Hardman, Alan  
**Cc:** Goff, Orion  
**Subject:** RE: Ordinance text change to the fence requirements  
**Categories:** Program/Policy

Should we should include a reference to 21A.48.120 "Screening of Refuse Disposal Dumpsters" in the definition or in H.1 or H.2?

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**From:** Butcher, Larry  
**Sent:** Thursday, March 03, 2005 7:53 AM  
**To:** Brown, Ken; Hardman, Alan; Michelsen, Alan  
**Cc:** Goff, Orion  
**Subject:** FW: Ordinance text change to the fence requirements

Gentlemen:

Please look this amendment over and give me your comments by March 11.

Thanks,

LB

---

**From:** Gasparik, Jackie  
**Sent:** Wednesday, March 02, 2005 10:00 AM  
**To:** Boskoff, Nancy; Campbell, Tim; Clark, Luann; Dinse, Rick; Fluhart, Rocky; Graham, Rick; Harpst, Tim; Hooton, Leroy; Martinez, Lee; McFarlane, Alison; Oka, Dave; Querry, Chuck; Rutan, Ed  
**Cc:** Smith, Craig; Reif, Melanie; Larson, Bradley; Stewart, Brad; Spangenberg, Craig; Isbell, Randy; Butcher, Larry  
**Subject:** Ordinance text change to the fence requirements

MEMORANDUM

TO:

Melanie Reif, City Attorney  
Craig Smith, Engineering  
Brad Larson, Fire  
Larry Wiley, Permits  
Brad Stewart, Public Utilities  
Barry Walsh, Transportation  
Craig Spangenberg, Zoning Enforcement  
Larry Butcher, Zoning Administrator

3/3/2005

FROM: Jackie Gasparik, Planning Division  
DATE: February 25, 2005  
RE: Petition 400-04-20, 21A.62.040 Definition: "Solid Visual Barrier Fence".

The Salt Lake City Planning Commission has initiated the above referenced petition to provide clarification for the definition of a "Solid Visual Barrier Fence". The proposed text amendment will relate to Section 21.A40.120H Definitions. A solid visual barrier fence is required when outdoor storage and operations are conducted as a permitted or conditional use in the A, CG, CC, BP, EI, GMU, M-1, M-2 and D-2 zoning districts. A draft of the definition is attached.

**Solid Visual Barrier Fence** – An artificially constructed opaque barrier made of materials that are new and of high quality, durable and require low maintenance erected to screen open storage areas, materials storage areas and operations from view from public streets and adjoining properties.

The Planning Staff must make a finding relating to the adequacy of this definition. Please let me know whether you believe the proposed text will be a positive step, regarding your specific expertise, in ensuring adequate services are provided or there will be no new negative impacts.

I would appreciate receiving your written comments by March 15, 2005.  
If you have any questions, please call me (x6354) or send e-mail. Thank you.

Jackie,  
In addition to the other comments, I need to tell you that gates have been a source of controversy for us. Applicants argue that solid gates are difficult to construct & maintain, right or wrong. Perhaps some language that allows a chain link gate that is fully screened would give the applicants a viable choice.

JB

**Gasparik, Jackie**

---

**From:** Spangenberg, Craig  
**Sent:** Wednesday, March 23, 2005 3:40 PM  
**To:** Gasparik, Jackie  
**Subject:** RE: Ordinance text change to the fence requirements  
**Categories:** Program/Policy

Jackie:

The fencing definition looks fine to me.

Thanks,

Craig

---

**From:** Gasparik, Jackie  
**Sent:** Wednesday, March 23, 2005 2:42 PM  
**To:** Reif, Melanie; Smith, Craig; Larson, Bradley; Butcher, Larry; Stewart, Brad; Walsh, Barry; Spangenberg, Craig; LoPiccolo, Kevin; Smith, JR; McCandless, Allen  
**Cc:** Gasparik, Jackie  
**Subject:** FW: Ordinance text change to the fence requirements  
**Importance:** High

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**From:** Gasparik, Jackie  
**Sent:** Wednesday, March 02, 2005 10:00 AM  
**To:** Boskoff, Nancy; Campbell, Tim; Clark, Luann; Dinse, Rick; Fluhart, Rocky; Graham, Rick; Harpst, Tim; Hooton, Leroy; Martinez, Lee; McFarlane, Alison; Oka, Dave; Querry, Chuck; Rutan, Ed  
**Cc:** Smith, Craig; Reif, Melanie; Larson, Bradley; Stewart, Brad; Spangenberg, Craig; Isbell, Randy; Butcher, Larry  
**Subject:** Ordinance text change to the fence requirements

Everyone  
Lets try this again, please respond if you haven't already.

Thank you

MEMORANDUM

---

TO:

Melanie Reif, City Attorney  
Craig Smith, Engineering  
Brad Larson, Fire  
Larry Butcher , Permits

3/23/2005



**Gasparik, Jackie**

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**From:** Smith, JR  
**Sent:** Wednesday, March 23, 2005 4:06 PM  
**To:** Gasparik, Jackie  
**Subject:** RE: Ordinance text change to the fence requirements  
**Categories:** Program/Policy

Jackie,

Our CPTED position is to generally encourage open type of fencing where possible. As long as this draft is for the clarification of the definition of a solid fence I do not see any objections or concerns.

Thanks,

J.R.

-----Original Message-----

**From:** Gasparik, Jackie  
**Sent:** Wednesday, March 23, 2005 3:40 PM  
**To:** Smith, JR  
**Subject:** RE: Ordinance text change to the fence requirements

J.R.  
This is only proposed draft language.

Jackie

---

**From:** Smith, JR  
**Sent:** Wednesday, March 23, 2005 3:17 PM  
**To:** Gasparik, Jackie  
**Subject:** RE: Ordinance text change to the fence requirements

Jackie,

Is this proposed or a final ordinance version?

Thanks,

J.R.

-----Original Message-----

**From:** Gasparik, Jackie  
**Sent:** Wednesday, March 23, 2005 2:42 PM  
**To:** Reif, Melanie; Smith, Craig; Larson, Bradley; Butcher, Larry; Stewart, Brad; Walsh, Barry; Spangenberg, Craig; LoPiccolo, Kevin; Smith, JR; McCandless, Allen  
**Cc:** Gasparik, Jackie  
**Subject:** FW: Ordinance text change to the fence requirements  
**Importance:** High

3/23/2005

## Gasparik, Jackie

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**From:** Stewart, Brad  
**Sent:** Friday, March 25, 2005 10:40 AM  
**To:** Gasparik, Jackie  
**Cc:** Garcia, Peggy  
**Subject:** RE: Ordinance text change to the fence requirements  
**Categories:** Program/Policy

Jackie,

Salt Lake City Public Utilities has no objection to the proposed ordinance.

There are several water transmission pipes in the foothill areas. Public Utilities should be included in the review/approval to determine if our access is effected. We will also want to review post locations or heavy footings to protect our systems against damage.

"Blue staking" is required prior to digging.

This isn't an official PU statement but it seems that foothill aesthetics is part of the purpose of this proposed language. You may want to include color as a reviewable item. As seen in the SLCo. East bench areas, white vinyl is very jarring when ribbons of it run up and down hillsides.

Brad

---

**From:** Gasparik, Jackie  
**Sent:** Wednesday, March 23, 2005 2:42 PM  
**To:** Reif, Melanie; Smith, Craig; Larson, Bradley; Butcher, Larry; Stewart, Brad; Walsh, Barry; Spangenberg, Craig; LoPiccolo, Kevin; Smith, JR; McCandless, Allen  
**Cc:** Gasparik, Jackie  
**Subject:** FW: Ordinance text change to the fence requirements  
**Importance:** High

---

**From:** Gasparik, Jackie  
**Sent:** Wednesday, March 02, 2005 10:00 AM  
**To:** Boskoff, Nancy; Campbell, Tim; Clark, Luann; Dinse, Rick; Fluhart, Rocky; Graham, Rick; Harpst, Tim; Hooton, Leroy; Martinez, Lee; McFarlane, Alison; Oka, Dave; Querry, Chuck; Rutan, Ed  
**Cc:** Smith, Craig; Reif, Melanie; Larson, Bradley; Stewart, Brad; Spangenberg, Craig; Isbell, Randy; Butcher, Larry  
**Subject:** Ordinance text change to the fence requirements

Everyone  
Lets try this again, please respond if you haven't already.

Thank you

3/31/2005

**Exhibit 3**  
**Citizen Comments**

## Gasparik, Jackie

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**From:** Knight, Ella  
**Sent:** Wednesday, March 02, 2005 4:44 PM  
**To:** Gasparik, Jackie  
**Subject:** RE:

Thanks for the info. I'll try to get to the open house on the 15th. I always like it when good ordinances pass. I'll put in my 10cents worth.

Have a good evening.

---

**From:** Gasparik, Jackie  
**Sent:** Wednesday, March 02, 2005 4:29 PM  
**To:** Knight, Ella  
**Subject:** RE:

Ella,  
I think the new definition will help enforcement get better looking fences that are structurally sound installed when new business are doing outdoor operations or storage, if the ordinance passes.

Jackie

---

**From:** Knight, Ella  
**Sent:** Wednesday, March 02, 2005 4:14 PM  
**To:** Gasparik, Jackie  
**Subject:** RE:

I'll just take some and if Tom Mudder doesn't have them to distribute, I'll put them out. Since we live in or around those districts people might be interested. Do you like this new material?

---

**From:** Gasparik, Jackie  
**Sent:** Wednesday, March 02, 2005 4:02 PM  
**To:** Knight, Ella  
**Subject:** RE:

Ella,  
Sure, I sent them a copy too.

Thanks Jackie

---

**From:** Knight, Ella  
**Sent:** Wednesday, March 02, 2005 3:57 PM  
**To:** Gasparik, Jackie  
**Subject:**

I have a copy of the Notice of Open House that you sent out today. Tonight is my neighborhood community council meeting. Would you like me to take a few copies of this to that meeting?

Thanks

3/23/2005

**OPEN HOUSE**  
**Petition # 400-04-20**  
**Fence solid/opaque Definition & Standards**  
**March 15, 2005**

PLEASE PRINT CLEARLY

PRINT NAME <u>DAVE ROBINSON</u>	PRINT NAME _____
ADDRESS <u>4750 W. 2100 S.</u>	ADDRESS _____
ZIP CODE <u>84120</u>	ZIP CODE _____
<u>DAVE@DAVEROBINSONARCHITECTS.COM</u>	
PRINT NAME _____	PRINT NAME _____
ADDRESS _____	ADDRESS _____
ZIP CODE _____	ZIP CODE _____
PRINT NAME _____	PRINT NAME _____
ADDRESS _____	ADDRESS _____
ZIP CODE _____	ZIP CODE _____
PRINT NAME _____	PRINT NAME _____
ADDRESS _____	ADDRESS _____
ZIP CODE _____	ZIP CODE _____
PRINT NAME _____	PRINT NAME _____
ADDRESS _____	ADDRESS _____
ZIP CODE _____	ZIP CODE _____
PRINT NAME _____	PRINT NAME _____
ADDRESS _____	ADDRESS _____
ZIP CODE _____	ZIP CODE _____

Ms. Jackie Gasparik  
March 21, 2005  
Page 2

appropriate applications where bordering residential and some commercial / educational environments, such fencing represents a huge waste of materials in an industrial setting. I believe solid visual barriers should be permitted within Manufacturing Districts when Owners elect to install this type of fencing, but it should not be required when it negatively impacts the development of properties and places an undue burden on the occupant.

The above summarizes my rationale for opposing the application of solid visual barrier fencing in Manufacturing environments. Please feel free to call with any questions.

Thanks again for your time and interest in this subject.

Sincerely,

**Dave Robinson   -   Architect   -   AIA**

Cc:    Ninigret Technology Park, L.C.

# OPEN HOUSE

Petition # 400-04-20

Amend zoning text chapter 21A.40.120

Regulation of Fences, Walls and Hedges

PLEASE PRINT CLEARLY

PRINT NAME <u>L.S. "Lu" Prickett</u>	PRINT NAME _____
ADDRESS <u>806 Princeton Ave</u>	ADDRESS _____
ZIP CODE <u>84105</u>	ZIP CODE _____
PRINT NAME <u>Dixie Carter</u> 972-2597	PRINT NAME _____
ADDRESS <u>14506 Emory St</u>	ADDRESS _____
ZIP CODE <u>84104</u>	ZIP CODE _____
PRINT NAME <u>Jimmie Hartley</u>	PRINT NAME _____
ADDRESS <u>956 S. 1500 West</u>	ADDRESS _____
ZIP CODE <u>SLC 84104</u>	ZIP CODE _____
PRINT NAME <u>Jay Tripleby</u>	PRINT NAME _____
ADDRESS <u>1148 Redwood DR.</u>	ADDRESS _____
ZIP CODE <u>84104</u>	ZIP CODE _____
PRINT NAME <u>Calvinne Dunn</u>	PRINT NAME _____
ADDRESS <u>1405 E 600 S</u>	ADDRESS _____
ZIP CODE <u>84102</u>	ZIP CODE _____
PRINT NAME _____	PRINT NAME _____
ADDRESS _____	ADDRESS _____
ZIP CODE _____	ZIP CODE _____

2005

## OPEN HOUSE COMMENTS

Petition 400-04-20

Petition to amend Chapter 21A.40.120

Regulation of Fences, Walls and Hedges

Please provide us with the following information, so that we may contact you for further comment. Please print clearly, as this information will be used in the analysis of and attached to the subsequent staff report. Thank you.

Name Jay Ingoby

Address 1148 Redwood Drive

Phone 581-6626

email \_\_\_\_\_

### Your Comments:

I feel that a 4-6' fence in a front yard if it is a see thru material should be sufficient. Some people do not want to see problems next to them which makes this a cosmetic problem as well as a health problem as some people will not clean their yards like others. All fences, hedges, & walls that are up should be grandfathered in and have the new law take effect in JAN 2007. Not all parts of the city are the same



change the grade 2 feet and then place a six foot high fence upon such new grade. Such an action is clearly against the intent of the changes and would not be consistent with allowing adequate sight, light and views to abutting neighbors. Please incorporate a reference that fence height should be measured from "established grade" so that the situation I described can be avoided.

Thank you for your efforts in enhancing Salt Lake City's neighborhoods.

Sincerely,

Laura Howat  
Cc: Jackie Gasparik

>>> "Gasparik, Jackie" <jackie.gasparik@slcgov.com> 7/7/2005 4:00:05 PM  
>>>

An amended notice was sent out the open house is today, Please comment on the attached ordinance.

-----Original Message-----

From: Laura Howat [mailto:Laura.Howat@admin.utah.edu]  
Sent: Thursday, July 07, 2005 3:00 PM  
To: Gasparik, Jackie  
Subject: Fence Walls and Hedges  
•

Ms. Gasparik:


I am interested in proposals to the regulation of fences, walls and hedges. Unfortunately I was out of town and not able to attend the open house on July 5th. Can you please email me the text of Petition 400-04-20? Thank you.

Laura Howat

**5c. MINUTES**

~~zoning map. As part of Salt Lake City's application, the City must demonstrate approval of and commitment by the Planning Commission, City Council and the Mayor for the overall program. Only businesses west of I-215 could be considered for inclusion in the program.~~

At 8:28 p.m., Chairperson Noda announced that Petition No. 450-05-01 had been cancelled and would not be heard.

 **Petition No. 400-04-20 and Petition No. 400-04-26 - by the Salt Lake City Planning Commission, requesting approval to amend the text of the Salt Lake City Zoning Ordinance as it relates to regulations of fences, walls and hedges. Specifically, the request is to amend Sections 21A.40.120 Regulation of Fences, Walls and Hedges and Section 21A.62 Definitions.**

At 8:30 p.m., Chairperson Noda introduced Petition No. 400-04-20, Petition No. 400-04-26 and Jackie Gasparik, Principal Planner. Ms. Gasparik stated that the purpose of this petition was to create a definition of an open fence and a solid/opaque fence and to establish regulations on construction and materials of the fence. Solid/opaque fences are required for screening outdoor storage, parking lots that abut residential zones and various other circumstances. The existing regulations do not adequately specify materials or construction type of fences for screening which led to inadequate fencing in mainly the industrial areas. There are several provisions in the Zoning Ordinance that refer to the requirement of solid, opaque, sight proof, sight obscuring, light proof, tight board and privacy fence, but there are no definitions of these types of fences. The proposed petition was created to establish a definition for all these references of solid fencing.

The petition also was created to define standards including height in general and in the sight distance triangle for all fences. These proposed standards would require a building permit for fences to assure fences are structurally sound and constructed in such a manner as to not pose a threat to public health or safety. The proposed standards would also help the Zoning Enforcement Division to require a property owner to remove, replace or repair fences found to be out of compliance with materials, location, height requirements or not in good repair. The creation of the proposed definitions, standards for fencing and requirement of a permit will improve the implementation of these regulations.

Ms. Gasparik stated that Exhibit 1, Proposed Ordinance Language, 21A.62 Definitions states "Fence open – An artificially constructed barrier that blocks the transmission of at least fifty percent (50%) of light and visibility through the fence, and erected to separate private property from public rights of way and abutting properties." Ms. Gasparik requested that it be modified to read "Fence open – An artificially constructed barrier that blocks the transmission of a maximum of fifty percent (50%) of light and visibility through the fence, and erected to separate private property from public rights of way and abutting properties."

Chairperson Noda asked for questions for Staff. Planning Commissioners requested clarification on front yard setback requirements and the type of fence that had been installed as discussed earlier. Mr. Paterson stated that some proposals had been before the Planning Commission for changes to height requirements and the sight distance triangle issues. Those proposals went to the City Council. At the City Council level the

City Council asked for some of those changes and it was decided at that time to combine two different petitions. He clarified that the provision to change where that would start going to a six foot fence was decided in the public hearing process with the City. It was a specific request by the City Council. He stated that currently the front yard setback in a residential zone was twenty (20) feet, so a property owner could put an addition onto their house out to that twenty (20) foot line. Mr. Paterson further stated that the fence questioned by the Commissioners had been a solid six foot cedar fence across the front of the house.

Mr. Ikefuna stated that he had received a letter from Steve Domino, Director of Airport Planning and Capital Programming and would like to have it entered into the record that the Salt Lake City Airport Authority had requested that they be exempted from requirements regarding this proposed change of language to the zoning ordinance. He stated that the Airport follows regulations issued by the Federal Government.

Chairperson Noda also noted that a letter from Garr Campbell, a landscape architect, had been received and he was opposed to any regulation of planting on a private residence.

Chairperson Noda opened the public hearing and asked if there was anyone present from the Community Council or the public that wished to speak. No response was heard. Chairperson Noda noted that no one was present to speak to the issue and closed the hearing to public comment. She asked for discussion and/or a motion.

Commissioner Scott moved that the Planning Commission forward a favorable recommendation to the City Council based on Staff's recommendations, comments, analysis and findings of fact listed in the Staff Report. Commissioner Chambless seconded the motion.

The Planning Commissioners again discussed the height restrictions as stated in the proposed zoning ordinance and it was decided to retain the language and height of fences as stated. Mr. Paterson added that part of the City Council's concern with adding six foot tall fences across the front of houses was an urban design issue in the neighborhoods and the impact that it could have on the streetscape.

At this time Commissioner Scott withdrew her motion on petitions 400-04-20 and 400-04-26, stating she needed further clarification. Commissioner Chambless withdrew his second. Planning Commissioners and Staff again discussed various scenarios, including courtyards, heights, and setbacks.

Motion for Petition No. 400-04-20 and 400-04-26:

**Commissioner Muir moved that the Planning Commission approve Petition No. 400-04-20 and 400-04-25 based on Staff's recommendations, comments, analysis, and findings of fact and forward a positive recommendation to the City Council to adopt the proposed amendment with one modification to section E1A, Height Restrictions. The original language of the ordinance would be retained. The proposed new language would be struck. Any original ordinance language referencing "front yard" would be retained. Commissioner McDonough seconded the motion. Commissioner Chambless, Commissioner Diamond, Commissioner McDonough,**

Commissioner Muir, and Commissioner Seelig voted "Aye". Commissioner Scott abstained. Commissioner De Lay and Commissioner Galli were not present. There were none opposed. The motion passed.

Petition 410-773, a request by Chabad Lubavitch of Utah, for conditional use approval for a place of worship in an existing commercial building at approximately 1760 South 1100 East

At 8:53 p.m., Chairperson Noda introduced Petition No. 410-773 and Joel Paterson, Planning Programs Supervisor. Mr. Paterson stated that the adopted land use policy document that guides new development in the area surrounding the proposed place of worship at 1760 South 1100 East is the Sugar House Master Plan adopted in 2001. The Sugar House Master Plan Future Land Use Map recommends low intensity mixed use for the properties in the vicinity of Vintage Square fronting on 1100 East. Properties to the east and west of the low intensity mixed use strip are identified as low density residential.

The Vintage Square retail building is an existing two-story retail and office structure built in 1983. Retail and office use tenants occupy both floors of the structure. The Chabad Lubavitch Synagogue will occupy approximately 11,500 square feet of the building. The worship hall will seat 25 people. The use includes office and administrative functions, class rooms and meeting/gathering space. He stated that the petitioner would be willing to make any needed changes and corrections.

This proposal was reviewed by both the Sugar House Community Council and the East Central Community Council. Both indicated their support for the proposed project. Staff recommended approval subject to the screening of the dumpster and correction of the draining issues.

Chairperson Noda asked the applicant to speak. Rabbi Zippel, the Executive Director of Chabad Lubavitch of Utah stated he has been in Salt Lake City since 1992. In 1994 he purchased the building at 1443 South 1100 East and 1435 South 1100 East. Originally his plan was to demolish those properties and build a new structure and permits were obtained from the Planning Commission. He said he ran into very high building costs; approximately \$200.00 per square foot. Since 1997 he has been trying to purchase the Vintage Square Building. He stated that the building was now available and he was purchasing the property and renaming the building Chabad Square. Rabbi Zippel stated he had made a presentation to the Sugar House Community Council and East Central Community Council. He said there were 62 parking stalls and no problem with parking.

Chairperson Noda asked for questions for Rabbi Zippel or Mr. Paterson. No response was heard. Chairperson Noda opened the public hearing and asked if there was anyone from the community that wished to speak.

Helen Peters of the Sugar House Community Council stated they are delighted to have Rabbi Zippel and Chabad Lubavitch of Utah in the neighborhood.

**SALT LAKE CITY PLANNING COMMISSION MEETING**  
**In Room 326 of the City & County Building**  
**451 South State Street, Salt Lake City, Utah**  
**Wednesday, April 14, 2004, 5:45 pm**

Present from the Planning Commission were Chair, Prescott Muir, Vice-Chair, Tim Chambless, Bip Daniels, Babs De Lay, Peggy McDonough, Laurie Noda, Kathy Scott and Jennifer Seelig. John Diamond and Craig Galli were excused.

Present from the City Staff were Deputy Planning Director Doug Wheelwright; Zoning Administrator Larry Butcher; Planning Programs Supervisor Cheri Coffey; Principal Planner Doug Dansie; Principal Planner Wayne Mills and Planning Commission Secretary Kathy Castro.

A roll is being kept of all who attended the Planning Commission Meeting. Chair Muir called the meeting to order at 5:45 p.m. Minutes are presented in agenda order and not necessarily as cases were heard by the Planning Commission. Tapes of the meeting will be retained in the Planning Office for a period of one year, after which they will be erased.

**Initiated Petitions**

Mr. Wheelwright requested that the Planning Commission initiate a petition dealing with a more definitive definition of what a solid fence is. He said that some of the zoning ordinance requirements include a sight proof or visual screening fence. He said that there have been many variations of that theme applied over the years and most are problematic. Staff is suggesting defining what constitutes meeting that visual barrier requirement. Mr. Wheelwright said that Staff would like to study the various ways that one could accomplish that requirement in the ordinance and present that information to the Planning Commission.

Chair Muir so initiated the petition.

**6. TRANSMITTAL OF PETITION 400-04-26, JULY 28, 2004**

Brent  
8/5/04

ALISON WEYHER  
DIRECTOR

**SALT LAKE CITY CORPORATION**  
COMMUNITY AND ECONOMIC DEVELOPMENT

ROSS C. "ROCKY" ANDERSON  
MAYOR

AUG - 5 2004

**COUNCIL TRANSMITTAL**

**TO:** Rocky Fluhart, Chief Administrative Officer *RF* **Date:** July 28, 2004  
**FROM:** Lee Martinez, Community Development Director *LM*  
**RE:** **Petition 400-04-26:** A petition by the City Council requesting that the Administration re-evaluate sections of the Zoning Ordinance pertaining to regulations for fences in front yard areas in residential zoning districts.

**STAFF CONTACTS:** Joel Paterson, Senior Planner (535-6141)  
e-mail: joel.paterson@slcgov.com

**DOCUMENT TYPE:** Ordinance

**BUDGET IMPACT:** None

**DISCUSSION:** Petition 400-04-26 is a request by the City Council for the Administration re-evaluate sections of the Zoning Ordinance pertaining to regulations for fences in front yard areas in residential zoning districts. This petition proposes amendments to section 21A.40.120.D which regulates the allowable heights and location of fences.

**ISSUE ORIGIN:** The proposed text amendment was originally addressed as part of the Zoning Ordinance fine-tuning petition (Petition 400-02-20). The Planning Commission recommended amendments to the fencing provisions but the fencing amendments were pulled from the transmittal to the City Council on the recommendation of the Community Development Director in anticipation of a pending legislative action request to review certain aspects of the fencing regulations. Subsequently, on June 3, 2003, the City Council voted to approve a legislative action request proposed by Councilmember Buhler to review certain provisions of the Zoning Ordinance pertaining to fencing. The ordinance attached as Exhibit 2 was prepared in response to the legislative action request.

**PUBLIC PROCESS:** The proposed amendments to the fencing provisions were distributed to all community council chairs as part of the Zoning Ordinance Fine-tuning petition in June 2002. A public open house was held on July 31, 2002. The Planning Commission held a public hearing on October 17, 2002 and the Planning Commission voted unanimously to forward a positive recommendation to the City Council to make numerous amendments to the text of the zoning ordinance.

In response to the legislative action request, the Planning Staff revised the amendments that were reviewed by the Planning Commission as part of the Zoning Ordinance fine-tuning petition.



Staff presented the proposed amendments to the Planning Commission on June 23, 2004. The Planning Commission recommended that the proposed amendments to the fence provisions be transmitted directly to the Council without an additional public hearing before the Commission.

**CITY COUNCIL POLICY AND MASTER PLAN CONSIDERATIONS:** The proposed amendments will not conflict with Salt Lake City master plan policies.

**CITY COUNCIL LEGISLATIVE ACTION:** The City Council adopted a legislative action request proposed by Council member Buhler on June 3, 2003. The legislative action request included the following issues:

1. The Zoning Ordinance does not address whether or not a fence higher than 4-feet can be constructed in the front yard behind the required setback. The Administration reported that they interpret the area that exists between the designated setback line and the face of a residential structure as “buildable area” and has allowed six-foot fences in the past.

**Comment:** The proposed amendments address this issue by clearly stating that a fence constructed between the front property line and the front façade of the principal structure, is limited to four feet in height. However, a six foot fence will be allowed along the property line to the front setback line. The proposed language clarifies the regulation and addresses a significant urban design issue. The proposed ordinance includes the following language in section 21A.40.120.D.1:

- 1. No new fence, wall or hedge shall be erected to a height in excess of four feet (4') between the front property line and the front façade of the principal structure, except that a six foot (6') fence, wall or hedge on the property line may extend along the entire length of the interior side yard to the front yard setback line.*
2. The fence regulations note that where there is a difference in grade of the properties on either side of a fence, wall or hedge, the height of the fence shall be measured from the average grade of the adjoining properties. The administration has noted that, in the case of fences, staff measures grade change at the mid-point thus allowing a property owner to increase the fence height by 1-foot. The building Code requires grade be measured 6-feet away from any wall or fence.

**Comment:** The proposed amendment eliminates this provision from the ordinance. The public found this provision very confusing and it was a difficult provision for the Permits Office to implement and enforce. The International Building Code (IBC), as adopted by Salt Lake City, does not require building permits for fences up to six feet in height. Staff from the Building Services and Licensing Division has informed the Planning staff that the IBC does not require the grade to be measured six feet from any wall or fence when calculating fence height. The proposed amendments do not conflict with IBC regulations.

Although the IBC does not require permits to erect a fence, Salt Lake City requires a building permit for fences and walls erected in the Foothill and Historic Preservation Overlay zoning districts. No permits are required to erect a fence in other areas of the City. The Planning Commission recognized that not requiring building permits to erect a fence in most areas in

the City could create problems with zoning enforcement. The Planning Commission recommends that if the proposed fencing amendments are adopted that the City begin an educational promotion to inform residents and fencing contractors about the new fencing regulations.

3. The Zoning Ordinance currently includes regulations intended to ensure adequate line of sight for corner lots, driveways and alleys for traffic and pedestrian safety. The Administration noted the need to amend the zoning regulations to provide consistency with current transportation engineering standards.

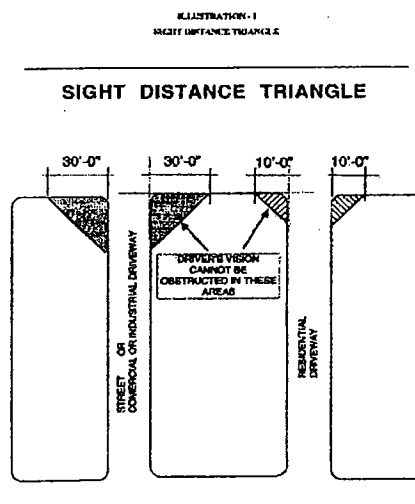
- Standards to better distinguish and identify the right of way line and the edge of a driveway, alley, sidewalk, pedestrian walkway, roadway and curb.

**Comment:** The existing fencing regulations require that all fences be erected entirely within the property lines of the property they are intended to serve (21A.40.120.B). It is the responsibility of the property owner to locate property lines.

- Define height clearance areas between 2.5-feet and 7-feet for passenger vehicles and 2.5-feet and 8-feet for commercial trucks.

**Comment:** The proposed ordinance defines the clearance area setting a maximum fence height within defined sight triangles; 3-feet for solid fences and 4-feet for see-through fences that are at least 50% open. The proposed ordinance includes the following language in sections 21A.40.120.D.2, 3 and 5. The Zoning Ordinance already includes an illustration in 21A.62.050.I to define "sight distance triangle":

2. *No solid fence, wall or hedge shall be erected to a height in excess of three feet (3') if the fence, wall or hedge is located within the sight distance triangle extending thirty feet (30') from the intersection of the right of way lines on any corner lot as noted in figure 21A.62.050.I of this title.*
4. *Solid fences, walls and hedges located near the intersection of a driveway or an alley with the public way shall not exceed thirty inches (30") in height within a ten foot (10') wide by ten foot (10') deep sight distance triangle as defined in figure 21A.62.050.I of this title.*
5. *Within the area defined as a sight-distance triangle, see-through fences that are at least fifty percent (50%) open shall be allowed to a height of four feet (4').*



- Provide City Traffic Engineers discretion to evaluate projects on a case-by case basis including defined parameters and criteria for analysis.

**Comment:** The proposed amendments clarify the ability of the Zoning Administrator, in consultation with the Development Review Team (DRT), to require alternative design solutions to mitigate safety concerns. The DRT includes members representing the Transportation and Engineering divisions.

21A.40.120.D.6

*To provide adequate line of sight for driveways and alleys, the Zoning Administrator, in consultation with the Development Review Team, may require alternative design solutions, including but not restricted to requiring increased fence setback and/or lower fence height, to mitigate safety concerns created by the location of buildings, grade changes or other pre-existing conditions.*

**RELEVANT ORDINANCES:** Salt Lake City Code section 21A.50.050 Standards for General Amendments

A decision to amend the text of the zoning ordinance or the zoning map is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making its decision concerning a proposed amendment, the Planning Commission and the City Council must consider the following factors:

21A.50.050 Standards for General Amendments.

**A. Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.**

**Comment:** In Salt Lake City, the Zoning Ordinance has been the main tool used to implement the goals and objectives of the adopted land use planning documents. The proposed text amendment is intended to clarify and eliminate inconsistencies in the application of fencing regulations. The proposed amendments will not conflict with City policy or adopted master plans.

**Finding:** The proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.

**B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property.**

**Comment:** This text amendment affects the City's fencing regulations and is not specific to any one site. The proposed amendments address safety and urban design issues and will promote fencing that is harmonious with the overall character of the City.

**Finding:** The proposed amendments are not site specific. Therefore, they will not interfere with the character of specific properties. However, the proposed amendments will support policies regarding compatibility and preservation of neighborhood character.

**C. The extent to which the proposed amendment will adversely affect adjacent properties.**

**Finding:** This standard is site specific and does not relate to the general amendments proposed for the text of the zoning ordinance.

- D. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.**

**Finding:** The proposed amendments are consistent with the adopted overlay zoning districts.

- E. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.**

**Finding:** This standard is site specific and does not relate to the amendments proposed for the text of the zoning ordinance. The proposed text amendments will not affect the delivery of public services or impact public facilities.

**Please Note:** The Planning Commission originally transmitted the Zoning Ordinance Fine-tuning recommendation, which included a proposal to amend the fencing regulations, to the City Council on October 7, 2003. That transmittal included the original Planning Commission staff report, minutes, agenda, hearing notice and postmark. If you would like to review any of the information included in the October 7, 2003 transmittal, it will be delivered upon request.

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- 6. RELEVANT DOCUMENTATION**
- 7. PUBLIC COMMENT**
- 8. ORIGINAL PETITION**

# **Exhibit 1**

## **CHRONOLOGY**

## **CHRONOLOGY**

### **PETITION 400-04-26 By the Salt Lake City Council**

<b>July 31, 2002</b>	Zoning Ordinance Fine-tuning Open House.
<b>October 17, 2002</b>	Planning Commission public hearing. PC voted to forward a positive recommendation to the City Council.
<b>June 3, 2003</b>	Transmittal sent to David Dobbins for CED approval. City Council adopts Legislative Action request related to fencing provisions.
<b>June 16, 2003</b>	Meeting with Alison Weyher, Louis Zunguze, Roger Evans, Brent Wilde, Ken Brown, Craig Spangenberg regarding the transmittal of this petition. Alison Weyher asked for several proposed amendments (including those relating to fencing provisions) to be removed from the ordinance.
<b>June 4, 2004</b>	Petition assigned to Joel Paterson, Senior Planner.
<b>June 23, 2004</b>	Staff briefed the Planning Commission on the proposed fencing provision amendments. Planning Commission recommended that the proposed amendments be transmitted to the City Council without further Planning Commission public hearings.
<b>July 9, 2004</b>	Ordinance prepared by the City Attorney's Office.

**Exhibit 2**

**PROPOSED ORDINANCE**



SALT LAKE CITY ORDINANCE

No. \_\_\_\_\_ of 2004

(Amending City Regulations Regarding Fences)

AN ORDINANCE AMENDING THE SALT LAKE CITY CODE REGARDING  
FENCES, PURSUANT TO PETITION NO. 400-04-26.

WHEREAS, the Salt Lake City Zoning Code contains regulations concerning the  
height of fences; and

WHEREAS, the City Council has determined that the proposed modification of  
those regulations would be in the best interest of the City;

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Section 21A.40.120.D of the Salt Lake City Code shall be and  
hereby is amended to read as follows:

**D. Height Restrictions:**

- 1. No ~~new~~ fence, wall or hedge shall be erected ~~in any front yard~~ to a height in excess of four feet (4') ~~between the front property line and the front façade of the principal structure, except that a six foot (6') fence, wall or hedge on the property line may extend along the entire length of the interior side yard to the front yard setback line.~~**
- 2. No ~~such solid~~ fence, wall or hedge shall be erected to a height in excess of three feet (3') if the fence, wall or hedge is ~~located~~ within ~~the sight distance triangle extending~~ thirty feet (30') from the intersection of ~~the right of way front property lines~~ on any corner lot ~~as noted in figure 21A.62.050.I of this title.~~**
- 3. Fences, walls or hedges may be erected in any required corner side yard ~~(extending to a point in line with the front façade of the principal structure),~~ side yard or rear yard to a height not to exceed six feet (6').**
- 4. Solid fences, walls and hedges located near the intersection of a driveway or an alley with the public way shall not exceed thirty inches (30") in height within a ten foot (10') wide by ten foot (10') deep sight distance triangle as defined in figure 21A.62.050.I of this title.**
- 5. Within the area defined as a sight-distance triangle, see-through fences that are at least fifty percent (50%) open shall be allowed to a height of four feet (4').**
- 6. To provide adequate line of sight for driveways and alleys, the Zoning Administrator, in consultation with the Development Review Team, may**

**require alternative design solutions, including but not restricted to requiring increased fence setback and/or lower fence height, to mitigate safety concerns created by the location of buildings, grade changes or other pre-existing conditions.**

**~~Where there is a difference in the grade of the properties on either side of a fence, wall or hedge, the height of the fence, wall or hedge shall be measured from the average grade of the adjoining properties; provided, that in such instance a minimum four foot (4') high fence, wall or hedge shall be allowed.~~**

SECTION 2. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
CHAIRPERSON

ATTEST AND COUNTERSIGN:

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
ROSS C. ANDERSON  
MAYOR

ATTEST AND COUNTERSIGN:

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. \_\_\_\_\_ of 2004.  
Published: \_\_\_\_\_.

SALT LAKE CITY ORDINANCE

No. \_\_\_\_\_ of 2004

(Amending City Regulations Regarding Fences)

AN ORDINANCE AMENDING THE SALT LAKE CITY CODE REGARDING  
FENCES, PURSUANT TO PETITION NO. 400-04-26.

WHEREAS, the Salt Lake City Zoning Code contains regulations concerning the  
height of fences; and

WHEREAS, the City Council has determined that the proposed modification of  
those regulations would be in the best interest of the City;

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Section 21A.40.120.D of the Salt Lake City Code shall be and  
hereby is amended to read as follows:

D. Height Restrictions:

1. No new fence, wall or hedge shall be erected to a height in excess of four feet (4') between the front property line and the front façade of the principal structure, except that a six foot (6') fence, wall or hedge on the property line may extend along the entire length of the interior side yard to the front yard setback line.
2. No solid fence, wall or hedge shall be erected to a height in excess of three feet (3') if the fence, wall or hedge is located within the sight distance triangle extending thirty feet (30') from the intersection of the right of way lines on any corner lot as noted in figure 21A.62.050.I of this title.
3. Fences, walls or hedges may be erected in any required corner side yard (extending to a point in line with the front facade of the principal structure), side yard or rear yard to a height not to exceed six feet (6').
4. Solid fences, walls and hedges located near the intersection of a driveway or an alley with the public way shall not exceed thirty inches (30") in height within a ten foot (10') wide by ten foot (10') deep sight distance triangle as defined in figure 21A.62.050.I of this title.
5. Within the area defined as a sight-distance triangle, see-through fences that are at least fifty percent (50%) open shall be allowed to a height of four feet (4').
6. To provide adequate line of sight for driveways and alleys, the Zoning Administrator, in consultation with the Development Review Team, may require alternative design solutions, including but not restricted to requiring

increased fence setback and/or lower fence height, to mitigate safety concerns created by the location of buildings, grade changes or other pre-existing conditions.

SECTION 2. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
CHAIRPERSON

ATTEST AND COUNTERSIGN:

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
ROSS C. ANDERSON  
MAYOR

APPROVED AS TO FORM  
Salt Lake City Attorney's Office  
Date 7-9-04  
By [Signature]

*Planning OK*  
*AMT 7/9/04*

ATTEST AND COUNTERSIGN:

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. \_\_\_\_\_ of 2004.

Published: \_\_\_\_\_.

**Exhibit 3**

**CITY COUNCIL**  
**HEARING NOTICE**

## NOTICE OF PUBLIC HEARING

The Salt Lake City Council is currently reviewing Petition 400-04-26, initiated by the Salt Lake City Council, requesting to amend Section 21A.40.12 regarding the regulation of fences, walls and hedges.

As part of their review, the City Council is holding a public hearing to receive comments regarding the petition. During the hearing, anyone desiring to address the City Council concerning this issue will be given an opportunity to speak.

The City Council will hold a public hearing:

**Date:**

**Time:** 7:00 p.m.

**Place:** Room 315 (City Council Chambers)

Salt Lake City and County Building

451 S. State Street

Salt Lake City, UT

**\*Please enter the building from the east side\***

You are invited to attend this hearing, ask questions or provide input concerning the topic listed above. If you have any questions, contact Joel Paterson at 535-6141 between the hours of 8:00 a.m. and 5:00 p.m., or send e-mail to [joel.paterson@ci.slc.ut.us](mailto:joel.paterson@ci.slc.ut.us)

We comply with all ADA guidelines. Assitive listening devices and interpretive services provided upon 24 hour advanced request.



**Exhibit 4**  
**MAILING LABELS**

Peter Corroon  
GREATER AVENUES  
445 East 200 South, Suite 306  
Salt Lake City, Utah 84111

Brian Watkins  
LIBERTY WELLS  
744 So. 600 East  
Salt Lake City, UT 84105

Dave Mortensen  
ARCADIA HEIGHTS/BENCHMARK  
2278 Signal Point Circle  
Salt Lake City, Utah 84109

Shawn McMillen  
H ROCK  
1855 South 2600 East  
Salt Lake City, Utah 84108

Doug Foxley  
ST. MARY'S  
1449 Devonshire Dr.  
Salt Lake City, Utah 84108

Beth Bowman  
WASATCH HOLLOW  
1445 E. Harrison Ave.  
Salt Lake City, Utah 84105

Penny Archibald-Stone  
EAST CENTRAL  
1169 Sunnyside Avenue  
Salt Lake City, Utah 84102

Mike Harman  
POPLAR GROVE  
1044 W. 300 S  
Salt Lake City, Utah 84104

Helen Peters  
SUGAR HOUSE  
2803 Beverly Street  
Salt Lake City, Utah 84106

Updated July 2, 2004  
KDC

Peter Von Sivers  
CAPITOL HILL  
223 West 400 North  
Salt Lake City, Utah 84103

Jeff Davis  
PEOPLES FREEWAY  
1407 South Richards Street  
Salt Lake City, Utah 84115

Ellen Reddick  
BONNEVILLE HILLS  
2177 Roosevelt Ave  
Salt Lake City, Utah 84108

Mike Zuhl  
INDIAN HILLS  
2676 Comanche Dr.  
Salt Lake City, Utah 84108

Larry Spendlove  
SUNNYSIDE EAST ASSOC.  
2114 E. Hubbard Avenue  
Salt Lake City, UT 84108

Kenneth L. Neal  
ROSE PARK  
1071 North Topaz Dr.  
Salt Lake City, Utah 84116

Boris Kurz  
EAST LIBERTY PARK  
1203 South 900 East.  
Salt Lake City, Utah 84105

Jilene Whitby  
STATE FAIRPARK  
846 W 400 N.  
Salt Lake City, Utah 84116

Randy Sorenson  
GLENDALE  
1184 S Redwood Drive  
Salt Lake City, Utah 84104

Joel Paterson  
451 S. State St. Rm 406  
SLC, UT 84111

Thomas Mutter  
CENTRAL CITY  
P.O. Box 2073  
Salt Lake City, Utah 84101

Bill Davis  
RIO GRAND  
329 Harrison Avenue  
Salt Lake City, UT 84115

FOOTHILL/SUNNYSIDE  
Vacant

Paul Tayler  
OAK HILLS  
1165 Oakhills Way  
Salt Lake City, Utah 84108

Tim Dee  
SUNSET OAKS  
1575 Devonshire Dr.  
Salt Lake City, Utah 84108

Tom Bonacci  
YALECREST  
1024 South 1500 East  
Salt Lake City, Utah 84105

Angie Vorher  
JORDAN MEADOWS  
1988 Sir James Dr.  
Salt Lake City, Utah 84116

Kadee Nielson  
WESTPOINTE  
1410 N. Baroness Place.  
Salt Lake City, Utah 84116

Joel Paterson  
2450 E. Lambourne Ave  
SLC, UT 84109

Laura Howat  
1850 E Logan Ave.  
SLC, UT 84108

**Exhibit 5**

**PLANNING COMMISSION**

**Exhibit 5a**  
**AGENDAS/MINUTES**  
**JUNE 23, 2004**

**AMENDED AGENDA FOR THE  
SALT LAKE CITY PLANNING COMMISSION MEETING  
In Room 326 of the City & County Building at 451 South State Street  
Wednesday, June 23, 2004, at 5:45 p.m.**

The Planning Commission will be having dinner at 5:00 p.m., in Room 126. During the dinner, Staff may share general planning information with the Planning Commission. This portion of the meeting will be open to the public.

1. **APPROVAL OF MINUTES** from Wednesday, June 9, 2004

2. **REPORT OF THE CHAIR AND VICE CHAIR**

3. **REPORT OF THE DIRECTOR**

4. **CONSENT AGENDA** – Salt Lake City Property Conveyance Matters:

- a. Home Depot USA and Salt Lake City Public Utilities Department – Home Depot USA is requesting that Public Utilities grant a standard utility permit to allow excess storm water to enter the Jordan and Salt Lake City Canal on an emergency over flow basis. This request is being considered as part of the proposed site development plans for the new Home Depot retail store which is being constructed at 3304 South Highland Drive, in Un-incorporated Salt Lake County. (Staff – Karryn Greenleaf at 483-6769 or Doug Wheelwright at 535-6178)

5. **PUBLIC HEARINGS** (Public Hearings will generally begin at 5:45)

**THIS ITEM HAS BEEN POSTPONED**

- a. **PUBLIC HEARING** – Petition No. 400-04-12, by Jack Plumb, requesting to rezone the property located at 518 East Third Avenue from Multi-Family Residential “RMF-35” to Neighborhood Commercial “CN” as part of a two parcel commercial enterprise at 502 and 518 East Third Avenue. (Staff – Everett Joyce at 535-7930)

6. **UNFINISHED BUSINESS**

- a. Discussion Item: Euclid Small Area Plan. The Planning Commission will identify and discuss issues to be addressed through the planning process. The Euclid Neighborhood is located between North Temple to I-80 from I-15 and the Jordan River.  
(Staff – Cheri Coffey at 535-6188)

Salt Lake City Corporation complies with all ADA guidelines. If you are planning to attend the public meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify the City 48 hours in advance of the meeting and we will try to provide whatever assistance may be required. Please call 535-7757 for assistance.

**PLEASE TURN OFF CELL PHONES AND PAGERS BEFORE THE MEETING BEGINS. AT YOUR  
REQUEST A SECURITY ESCORT WILL BE PROVIDED TO ACCOMPANY YOU TO YOUR CAR AFTER  
THE MEETING. THANK YOU.**

**SALT LAKE CITY PLANNING COMMISSION MEETING**  
**In Room 326 of the City & County Building**  
**451 South State Street, Salt Lake City, Utah**  
**Wednesday, June 23, 2004, 5:45 p.m.**

Present from the Planning Commission were Chair, Prescott Muir, Tim Chambless, Bip Daniels, Peggy McDonough, Laurie Noda, Kathy Scott, and Jennifer Seelig. Babs De Lay, John Diamond, and Craig Galli were excused.

Present from the City Staff were Planning Director Louis Zunguze; Deputy Planning Director Brent Wilde; Planning Programs Supervisor Cheri Coffey; Principal Planner Joel Paterson; and Planning Commission Secretary Kathy Castro.

A roll is being kept of all who attended the Planning Commission Meeting. Chair Muir called the meeting to order at 5:45 p.m. Minutes are presented in agenda order and not necessarily as cases were heard by the Planning Commission. Tapes of the meeting will be retained in the Planning Office for a period of one year, after which they will be erased.

**Approval of minutes from Wednesday, June 9, 2004**

The Planning Commission made revisions to the minutes. Those revisions as noted are reflected in the June 9, 2004 ratified minutes.

Commissioner Daniels made a motion to approve the minutes as amended.

Commissioner Noda seconded the motion.

Commissioner Chambless, Commissioner Daniels, Commissioner Noda, and Commissioner Scott voted "Aye". Commissioner McDonough and Commissioner Seelig abstained. Prescott Muir as Chair did not vote. Four Commissioners voted in favor, and two Commissioners abstained, and therefore the motion passed.

**REPORT OF THE CHAIR AND VICE CHAIR**

This item was heard at 5:45 p.m.

Chair Muir noted that the Planning Commission Chair and Vice Chair have not recently met with the City Council Chair and Vice Chair. He stated that it is frustrating that the City Council has rescheduled the meeting several times.

Commissioner Chambless noted that the next meeting is scheduled for Tuesday, June 29<sup>th</sup>.

Commissioner Daniels suggested that the City Council Chair and Vice Chair assign alternates to attend those meetings if they are not able.

Chair Muir stated that the current challenge for the City Council has been the budget, which is now behind them. Chair Muir said that he expects that the City Council will be more available in the near future.

**REPORT OF THE DIRECTOR**

This item was heard at 5:46 p.m.

Mr. Zunguze referred to the information that was included in the Planning Commission packets regarding the North Salt Lake Boundary Adjustment Request. He indicated that the North Salt Lake City Mayor and his Staff have been cooperative and available to explain their proposal with the City and various Community Councils. Mr. Zunguze noted that the Salt Lake City Mayor and Deputy Mayor are leading fairly intensive discussions with respect to this matter. The hope is that the two municipalities will find a middle ground and reduce the potential impacts of the proposal. Mr. Zunguze stated that the discussions involve monetary issues and there are a number of organizations that are included. Mr. Zunguze stated he anticipates at some point that the matter will return to the Planning Commission for some action. He stated that he will provide them with updates on the issue as they arise. He indicated that the Planning Commission will be given fair notice and enough time to deal with the issue.

Commissioner Scott indicated a great interest in the proposed 80 acres. She also noted that when the Planning Commission reviewed the issue they imposed a timeline. Commissioner Scott asked if it would be appropriate for the Commission to respectfully request an update from the Mayor's Office as well as a time frame as to when the Commission may see the issue again.

Mr. Zunguze inquired in what form the Commission would like that response.

Chair Muir said that he feels that the current assumption among the Commission is that a deal is being negotiated, and that both Administrations would come to the Commission in support of the resolution, in which case the issue would be easy for the Commission to deal with. If the Administrations end up at odds with each other, Chair Muir felt that the Planning Commission's commitment was to proceed proactively in a more deliberative process with the Mayor of North Salt Lake City.

Mr. Zunguze felt that that is correct and he restated that the matter is being negotiated. He said that he did not have a sense of a timeline to give the Commission.

Commissioner Scott stated that her concern is if negotiations break down at some point then the Commission will need time to react. She noted that some of the Commissioners have not taken a field trip up to the proposed site. She thought that it would take a few weeks to orchestrate a fieldtrip up there. Commissioner Scott suggested that the Commission ask the Mayor to keep them abreast of what is happening to allow time to respond if the proposal comes back before the Commission and when the Planning Commission might expect that to happen.

Mr. Zunguze replied that with respect to visiting the site, Staff will organize a fieldtrip any time the Commission requests. It does not have to wait for directive from the Mayor. Mr. Zunguze asked the Commission to be mindful that the Mayor may not have a timeline to give the Commission. He stated that he is not aware of a timeline on either side of the negotiations. Mr. Zunguze stated that he has indicated that the Planning Commission has a fervent interest in the matter and the Mayor is aware of that.

Commissioner Chambless stated that the proposed area is a sight that the Commission should see before making any decisions.

Commissioner Daniels said that he is pleased that Mr. Zunguze has brought back updates from time to time and he did not want to push the matter or rush a situation that may already be under control.

Chair Muir asked Mr. Zunguze to verbally convey the opinions expressed this evening to the Mayor.

Commissioner Seelig stated that she would prefer that a site visit be arranged sooner rather than later. She wanted to avoid getting into a position where that site visit may not occur.

Mr. Zunguze stated that Staff will organize a site visit.

Mr. Zunguze referred to a petition which proposed modifications to the fence height regulations in the zoning ordinance and was reviewed by the Planning Commission in October 2002. The petition has since been forwarded to the City Council for review. City Council has brought up several questions regarding the proposed amendments to the fence regulations. Planning Staff, in responding to the questions has deviated from the direction that the Planning Commission had provided in forwarding the petition to City Council. Mr. Zunguze stated that rather than reopening the entire matter for discussion, Staff would like to present the modifications to the Commission to find if they are comfortable with those changes.

Joel Paterson addressed the Commission regarding additional clarifications of the proposed amendments to the fence height regulations. He stated that this is in response to a legislative action taken by City Council Member Buhler. Mr. Paterson presented the modifications as noted below.

#### **21A.40.120 Regulation of Fences, Walls and Hedges:**

- D. Height Restrictions:** No fence, wall or hedge shall be erected in any front yard to a height in excess of four feet (4') between the front property line and the front façade of the principal structure, except that a six foot (6') fence, wall or hedge on the property line may extend along the entire length of the interior side yard to the front yard setback line. However, no such solid fence, wall or hedge shall be erected to a height in excess of three feet (3') if the fence, wall or hedge is within thirty feet (30') of the intersection of front property lines on any corner lot. Within this sight triangle, see-through fences that are at least 80% open shall be allowed to a height of four feet (4'). The Zoning Administrator, in consultation with the Development Review Team, may require either increased fence setback or lower fence height along corner side yards to provide adequate line of sight for driveways and alleys. Fences, walls or hedges may be erected in any required corner side yard (extending to a point in line with the front façade of the principal structure), side yard or rear yard to a height not to exceed six feet (6'). ~~The Zoning Administrator may require either increased fence setback or lower fence height along corner side yards to provide adequate line of sight for driveways and alleys. Where there is a difference in the grade of the properties on either side of a fence, wall or hedge, the height of the fence, wall or hedge shall be measured from the average grade of the adjoining properties; provided, that in~~



~~such instance a minimum four foot (4') high fence, wall or hedge shall be allowed.~~

**Amendments recommended by the Planning Commission during the Zoning Ordinance Fine-tuning process (10/17/02)**

**Amendments proposed in response to Council member Dave Buhler's requested legislative action (Petition 400-04-26)**

Mr. Paterson referred to the issue of possibly requiring a no-fee permit for all fences within the City or Staff could provide an extensive public education process regarding the fence regulations. He stated that currently one is not required to obtain a building permit for a fence unless it is located within the Historic District. Mr. Paterson said that the fence standards are difficult to enforce if the public is not required to obtain a building permit and if they are not aware of the standards that are required. Mr. Paterson clarified that Staff plans to ask the City Council if they would prefer that a no-fee permit be required for all fences within the City or if they would prefer that Staff provide an extensive public education process regarding the fence regulations.

Commissioner Scott asked for clarification regarding where a six foot fence may be constructed. She asked if a six foot fence would not be allowed forward of the front facade of a house.

Mr. Paterson replied that currently the ordinance is unclear about the maximum height of fences located within the buildable area in front of the primary structures. Currently fences that are located behind the front setback but in front of a house may be up to six feet high. The proposed language would limit such a fence to four feet in height.

Commissioner Chambless asked how a porch is interpreted with the current proposal with regard to the setback line.

Mr. Paterson replied that if the porch is covered then the front posts which hold up the roof would be considered the front wall. If the porch is on grade and uncovered, then the front wall would be the house.

Commissioner McDonough referred to the diagram noting that the side yard fence zone overlaps the front yard setback area.

Mr. Paterson stated that he will add a sentence to clarify that along the property line one could build a six foot high fence up to the front setback line.

Chair Muir noted the difficulty in measuring the grade change in a fence and asked how the grade changes will be interpreted without specific language to that effect.

Mr. Paterson replied that the zoning ordinance currently requires measuring the height of a fence from the average elevation of the established grade on either side of the fence. The proposed amendment eliminates the average grade provision. As a result fence height would be measured from the actual grade where the fence is located.

Commissioner McDonough felt that a public education effort would be the better alternative as opposed to the no-fee permit. She added that with that education effort, neighborhood self policing should be encouraged.

Chair Muir asked Commissioner McDonough if she is suggesting that the public education effort proceed and then the issue would come back to the Planning Commission for a public hearing.

Commissioner McDonough said that she did not feel that a public hearing is necessary, that publishing material and distributing it accordingly would suffice.

Mr. Zunguze stated that education materials could be included in the water bills sent to the public. Staff would also mail the information to fence contractors. Mr. Zunguze noted that the current item before the Commission is part of a number of items that are pending at City Council. Staff wanted to come before the Commission with the clarifications and then proceed with the City Council to conclude the business before them.

### Motion

Commissioner McDonough made a motion regarding the proposed amendments to the fence height regulations 21A.40.120 be approved as proposed in response to Councilmember Dave Buhler's request with the addition of language which clarifies fence height in side yards, and a recommendation that this be publicized through a public education effort and not require a no-fee permit to construct a fence.

Commissioner Noda seconded the motion.

Commissioner Chambless, Commissioner Daniels, Commissioner De Lay, Commissioner Diamond, Commissioner Galli, Commissioner McDonough, Commissioner Noda, Commissioner Scott, and Commissioner Seelig voted "Aye". Prescott Muir as Chair did not vote. All voted in favor, and therefore the motion passed.

Mr. Zunguze noted that the Planning Commission retreat is scheduled for Wednesday, June 30, 2004.

Chair Muir stated that he received a letter from Mr. Peter Hoodes in reference to the Planning Commission's decision on May 26, 2004 on the Westminster lot consolidation issue. Mr. Hoodes indicated in the letter that he felt that the Staff findings on page 7 of the staff report were in error. The finding 7 indicated that "the Creek Corridor has shifted to the north rather significantly. In effect, this shift has made Westminster College's property physically smaller." Mr. Hoodes argues that this is false and the creek has in fact shifted south. Chair Muir stated that he felt that it was made clear to Mr. Hoodes and Westminster that the location and the determination of the location of that property line was not germane to the Planning Commission's decision on May 26, 2004. Chair Muir directed Staff to respond to Mr. Hoodes' letter in confirmation of the Planning Commission's original decision.

Mr. Zunguze stated that he did share the same information with Mr. Hoodes that the disputed property area was not part of the Planning Commission's decision. Mr. Zunguze stated that Staff will write a letter on behalf of the Planning Commission indicating that.

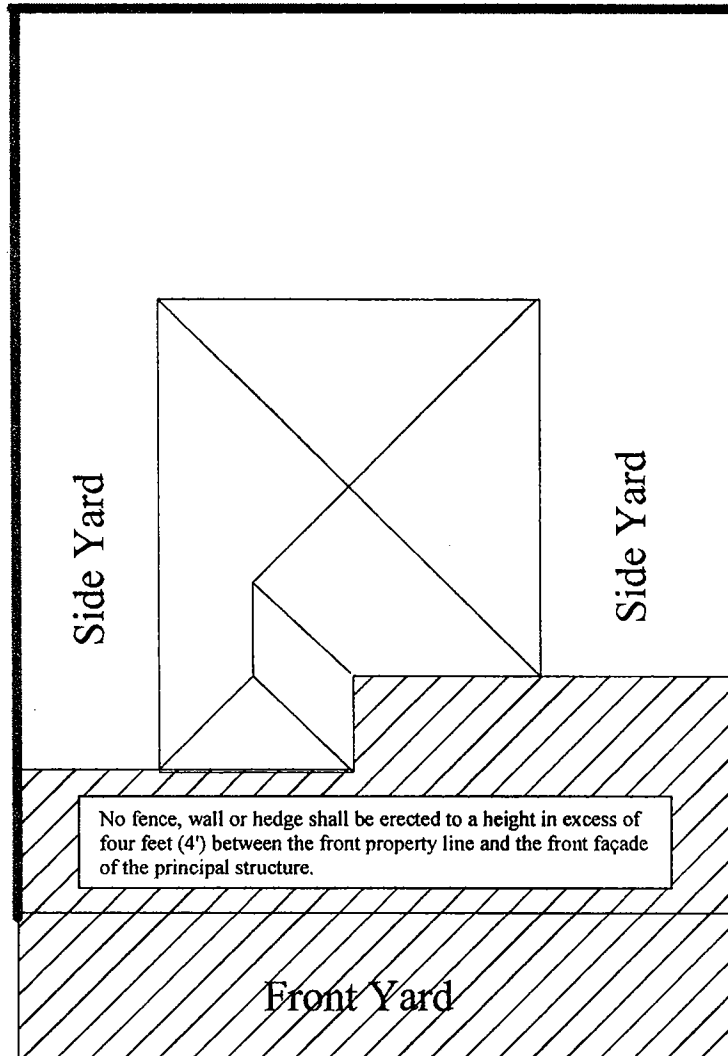
**Exhibit 5b**

**PLANNING COMMISSION**  
**PRESENTATION MATERIALS**  
**JUNE 23, 2004**

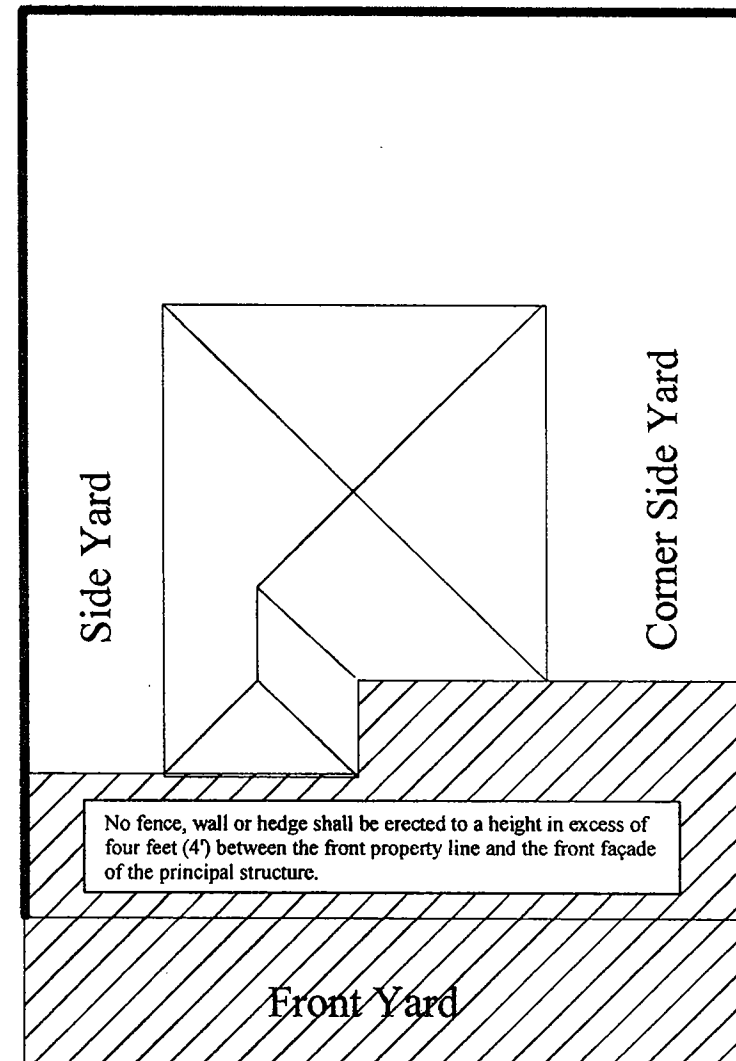
**PROPOSED AMENDMENTS TO FENCE HEIGHT REGULATIONS  
SALT LAKE CITY ZONING ORDINANCE  
21A.40.120**

**21A.40.120 Regulation of Fences, Walls and Hedges:**

- D. Height Restrictions:** No fence, wall or hedge shall be erected ~~in any front yard~~ to a height in excess of four feet (4') between the front property line and the front façade of the principal structure. However, no such solid fence, wall or hedge shall be erected to a height in excess of three feet (3') if the fence, wall or hedge is within thirty feet (30') of the intersection of front property lines on any corner lot. Within this sight triangle, see-through fences that are at least 80% open shall be allowed to a height of four feet (4'). Fences, walls or hedges may be erected in any required corner side yard (extending to a point in line with the front façade of the principal structure), side yard or rear yard to a height not to exceed six feet (6'). The Zoning Administrator, in consultation with the Development Review Team, may require either increased fence setback or lower fence height along corner side yards to provide adequate line of sight for driveways and alleys. ~~Where there is a difference in the grade of the properties on either side of a fence, wall or hedge, the height of the fence, wall or hedge shall be measured from the average grade of the adjoining properties; provided, that in such instance a minimum four foot (4') high fence, wall or hedge shall be allowed.~~



Six Foot Fence



Six Foot Fence



**Exhibit 6**

**RELEVANT  
DOCUMENTATION**

**Paterson, Joel**

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**From:** Walsh, Barry  
**Sent:** Thursday, July 01, 2004 2:25 PM  
**To:** Paterson, Joel  
**Subject:** RE: Fence height amendments  
**Categories:** Program/Policy

July 1, 2004

Joel

Re: 21A.40.120

Alleys are the same as driveways in that the pedestrian has a continuous sidewalk and there fore the primary right of way. A vehicle must yield to pedestrians before crossing a sidewalk and entering the roadway. At driveways and alleys we want the 10x10 CSZ where available. In areas where there are zero setbacks, grade transitions, and pre-existing elements we would like some Administrative review and mitigation. (mirrors, accident or intensity waivers etc.)

At the intersections there are many variables, speed of both roadways, type of traffic, traffic regulatory devices ( stop, yield, signal, open,) grades, etc. that are not addressed with a 30 foot corner triangle. There fore we are not to concerned with that issue.

I have proposed some changes to your attachment, added two words and relocated a sentence so the 10x10 is included in the side yard.

The overall change is great!!

Let me know how it turns out.

Barry.

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**From:** Paterson, Joel  
**Sent:** Tuesday, June 29, 2004 3:59 PM  
**To:** Walsh, Barry  
**Subject:** Fence height amendments

Barry,

Please review and comment on the attached fence height standards. As you will note, we have added language concerning fence height within the sight distance triangle adjacent to driveways and on corner lots. On the telephone you mentioned that you were considering allowing a 4 foot fence within the sight triangle if the fence was 50% open (as opposed to 80 percent). I added this to the proposed language – are you ok with that? When referring to sight distance triangles, the zoning ordinance does not mention alleys. Should alleys be treated like driveways, as I am proposing in the attached draft? I appreciate you help and look forward to your comments. If you have any questions, give me a call.

Joel G. Paterson, AICP  
Senior Planner  
Salt Lake City Planning Division

7/9/2004

**Exhibit 7**

**PUBLIC COMMENTS**



## Paterson, Joel

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**From:** Paterson, Joel  
**Sent:** Wednesday, July 21, 2004 2:07 PM  
**To:** 'laura.howat@admin.utah.edu'  
**Subject:** FW: Salt Lake City Fencing Provisions

**Categories:** Program/Policy



Fencing  
regulations Final draft

Ms. Howat:

The proposed fencing regulation amendments are in the process of being forwarded to the City Council. The proposed language is attached. Please send me your mailing address so that you will be notified when the City Council schedules a public hearing on this issue.

Joel G. Paterson, AICP  
Senior Planner  
Salt Lake City Planning Division  
Tel.: (801) 535-6141  
Fax: (801) 535-6174  
E-mail: joel.paterson@slcgov.com

-----Original Message-----

**From:** Paterson, Joel  
**Sent:** Monday, June 28, 2004 2:58 PM  
**To:** 'Laura Howat'  
**Subject:** RE: Salt Lake City Fencing Provisions

Ms. Howat:

Thank you for the e-mail regarding proposed amendments to the Salt Lake City fencing provisions. I am working with the Transportation Division, Permits office and the Zoning Enforcement division to rectify the issue you mention regarding the sight triangle for driveways. When available, I will forward revised language to you.

Thanks for your input on this subject. If you have any questions, please contact me by replying to this e-mail or by telephoning 535-6141.

Joel G. Paterson, AICP  
Senior Planner  
Salt Lake City Planning Division  
Tel. (801) 535-6141  
Fax (801) 535-6174  
E-mail: joel.paterson@slcgov.com

-----Original Message-----

**From:** Laura Howat [mailto:Laura.Howat@admin.utah.edu]  
**Sent:** Thursday, June 24, 2004 9:38 AM

To: joel.paterson@slcgov.com  
Cc: brent.wilde@slcgov.com  
Subject: Re: Salt Lake City Fencing Provisions

Mr. Paterson:

Thank you for sending me a copy of the proposed amendments to the fence height standards from the Salt Lake City Zoning Ordinance. Unless there is another proposed amendment to fence height standards, the proposal is missing a primary point I brought to Councilman Buhler's attention last year regarding fencing along a driveway.

A four foot high fence along a driveway provides unsafe conditions for children passing along the sidewalk as drivers backing out of the driveway cannot adequately see small children. A driveway sight distance triangle is illustrated in SLC zoning regulations showing requirements of unobstructed sight. In addition, SLC Transportation Engineer guidelines also show an illustration of requirements of a sight distance triangle. Both illustrations show that measurements should be taken along the edge of the driveway and the edge of the sidewalk and sight should not be obstructed within a ten foot triangle and that no obstruction should exist beyond a height of 30 inches measured from the ground.

However, the zoning definition of "sight distance triangle" says that "the points shall be determined through the site plan review process by the development review team." The reference to the sight distance triangle in the Foothills district zoning regulations state that fence height should generally not exceed 30 inches for a ten foot by ten foot wide triangle along driveways. Why is the safety of the children in our older neighbors not adequately protected as in the Foothills district? An amendment incorporating the language of the Foothills district zoning with respect to fencing along driveways will provide safe passage for our small children as well as take away the ambiguity of involving the development review team on any driveway fencing.

I appreciate the opportunity to comment on the proposed amendments to front yard fencing. If there is anything I can do as a citizen to help with this process, I would be happy to do so. If you have any questions regarding the above, I can be reached at 581-6699 during the day.

Laura Howat

>>> "Paterson, Joel" <joel.paterson@slcgov.com> 6/23/2004 12:26:26 PM

>>> >>>

Ms. Howat:

Brent Wilde, Deputy Planning Director, asked that I send you a copy of the proposed amendments to the fence height standards from the Salt Lake City Zoning Ordinance. Please see the attached document.

In October 2002, the Planning Commission recommended some amendments to the fence height provisions. The Community Development Director requested that these amendments not be transmitted to the City Council in anticipation of a request by the Council to further review the fence height provisions. Subsequently, the City Council did adopt a legislative action requesting the Planning Commission to make further amendments to the fencing provisions.

In response to this request, the Planning Staff is recommending some refinement of the Planning Commission's proposal from 2002. The proposed amendments will be reviewed by the Planning Commission tonight (6/23/04) during the Planning Directors Report (see attached Planning Commission Agenda). This discussion is intended as a briefing and the Planning Commission will not accept public comment. I will ask the Planning Commission if they would like to forward the proposal to the City Council at this time or schedule a public hearing.

If you have any questions, please call me at 535-6141 or send e-mail to [joel.paterson@slcgov.com](mailto:joel.paterson@slcgov.com).

Joel G. Paterson, AICP  
Senior Planner  
Salt Lake City Planning Division  
Tel. (801) 535-6141  
Fax (801) 535-6174  
E-mail: [joel.paterson@slcgov.com](mailto:joel.paterson@slcgov.com)

## 21A.40.120 Regulation of Fences, Walls and Hedges:

### D. Height Restrictions:

1. No new fence, wall or hedge shall be erected ~~in any front yard~~ to a height in excess of four feet (4') between the front property line and the front façade of the principal structure, except that a six foot (6') fence, wall or hedge on the property line may extend along the entire length of the interior side yard to the front yard setback line.
2. No ~~such~~ solid fence, wall or hedge shall be erected to a height in excess of three feet (3') if the fence, wall or hedge is located within the sight distance triangle extending thirty feet (30') from the intersection of the right of way front property lines on any corner lot as noted in figure 21A.62.050.I of this title.
3. Fences, walls or hedges may be erected in any required corner side yard (extending to a point in line with the front façade of the principal structure), side yard or rear yard to a height not to exceed six feet (6').
4. Solid fences, walls and hedges located near the intersection of a driveway or an alley with the public way shall not exceed thirty inches (30") in height within a ten foot (10') wide by ten foot (10') deep sight distance triangle as defined in figure 21A.62.050.I of this title.
5. Within the area defined as a sight-distance triangle, see-through fences that are at least fifty percent (50%) open shall be allowed to a height of four feet (4').
6. To provide adequate line of sight for driveways and alleys, the Zoning Administrator, in consultation with the Development Review Team, may require alternative design solutions, including but not restricted to requiring increased fence setback and/or lower fence height, to mitigate safety concerns created by the location of buildings, grade changes or other pre-existing conditions.

~~Where there is a difference in the grade of the properties on either side of a fence, wall or hedge, the height of the fence, wall or hedge shall be measured from the average grade of the adjoining properties; provided, that in such instance a minimum four foot (4') high fence, wall or hedge shall be allowed.~~

**Paterson, Joel**

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**From:** Paterson, Joel  
**Sent:** Wednesday, June 23, 2004 12:26 PM  
**To:** 'laura.howat@admin.utah.edu'  
**Subject:** Salt Lake City Fencing Provisions  
**Categories:** Program/Policy

Ms. Howat:

Brent Wilde, Deputy Planning Director, asked that I send you a copy of the proposed amendments to the fence height standards from the Salt Lake City Zoning Ordinance. Please see the attached document.

In October 2002, the Planning Commission recommended some amendments to the fence height provisions. The Community Development Director requested that these amendments not be transmitted to the City Council in anticipation of a request by the Council to further review the fence height provisions. Subsequently, the City Council did adopt a legislative action requesting the Planning Commission to make further amendments to the fencing provisions.

In response to this request, the Planning Staff is recommending some refinement of the Planning Commission's proposal from 2002. The proposed amendments will be reviewed by the Planning Commission tonight (6/23/04) during the Planning Directors Report (see attached Planning Commission Agenda). This discussion is intended as a briefing and the Planning Commission will not accept public comment. I will ask the Planning Commission if they would like to forward the proposal to the City Council at this time or schedule a public hearing.

If you have any questions, please call me at 535-6141 or send e-mail to [joel.paterson@slcgov.com](mailto:joel.paterson@slcgov.com).

Joel G. Paterson, AICP  
Senior Planner  
Salt Lake City Planning Division  
Tel. (801) 535-6141  
Fax (801) 535-6174  
E-mail: [joel.paterson@slcgov.com](mailto:joel.paterson@slcgov.com)

**FACSIMILE COVER SHEET**

Laura Howat

Phone: (801) 581-6699

FAX: (801) 587-9855

DATE: June 22, 2004

TO: Louis Zunguze  
Salt Lake City Planning Director

FAX NO: 535-6174

FROM: Laura Howat

Number of pages including cover sheet: 2

RE: Zoning Ordinance Action Item

Mr. Zunguze, attached is a copy of an email I sent to SLC Planning requesting the status of a reevaluation of zoning ordinance relating to front yard fences. I have not received a reply. Please respond.

**Confidentiality Notice**

The document(s) accompanying this FAX may contain confidential information which is legally privileged. The information is intended only for the use of the recipient named above.

*Can this be  
sent for response*

**From:** Laura Howat  
**To:** planning@slogov.com  
**Date:** Wed, Jun 2, 2004 4:42 PM  
**Subject:** Zoning ordinance action item

SLC Planning:

On June 3, 2003, the SLC Council adopted an action item requesting administration to re-evaluate sections of the zoning ordinance relating to fences in front yard areas in residential zoning districts. Please let me know the status of the re-evaluation. The SLC Council pertinent minutes are below.

Thank you. Laura Howat  
(G 03-13)

#2. RE: Adopting a legislative action item requesting the Administration to re-evaluate sections of the zoning ordinance relating to fences in front yard areas in residential zoning districts.

**ACTION:** Councilmember Buhler moved and Councilmember Saxton seconded to adopt the Legislative Action, which motion carried, all members voted aye.

**DISCUSSION:** Councilmember Buhler said this issue was brought to his attention by a constituent in his district. He said the regulations were confusing. He said planning staff agreed and wanted to work on clarification. He said this action made his request official. Councilmember Turner said the constituents in his district felt the same and he supported the request.

**CC:** dave.buhler@slogov.com

**Exhibit 8**  
**ORIGINAL PETITION**



# Memorandum

**Date:** May 12, 2003

**To:** Council Members

**From:** Council Member Dave Buhler

**RE:** Legislative Action -- request that the Administration re-evaluate sections of the zoning ordinance relating to fences in front yard areas in residential zoning districts

**CC:** Rocky Fluhart, Dave Nimkin, Alison Weyher, David Dobbins, Louis Zunguze, Roger Evans, Tim Harpst, Kevin Young, Brent Wilde, Larry Butcher, Barry Walsh, Enzo Calfa, Alan Hardman, Janice Jardine, Diana Karrenberg, Barry Esham, Gwen Springmeyer, Annette Daley

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I would appreciate the Council's consideration of a Legislative Action item requesting that the Administration re-evaluate sections of the Zoning Ordinance pertaining to regulations for fences in front yard areas in residential zoning districts.

Recently, a District Six resident contacted me who expressed concern that there are loopholes and inconsistencies in sections of the City's zoning ordinance that apply to fences particularly in residential zoning districts. The resident noted that a neighbor was allowed to install fences that appear to inhibit adequate sight, light, views and create safety hazards in the neighborhood. It is my understanding that in recent years individual Council Members have also heard similar concerns from constituents in other areas of the City.

In following up on this matter with the Administration, staff from Building Services, Transportation and Planning Divisions indicated that it would be appropriate to re-evaluate and update the current fence regulations. They identified several examples in the existing zoning regulations that would benefit from revisions to provide clarification and consistency with other City regulations such as the building code and transportation engineering standards. Regulations that appear to cause the most confusion relate to fence height, location, grade change and site distance measurement criteria to provide adequate line of sight for corner properties, driveways and alleys to ensure traffic and pedestrian safety.

For example:

- The Zoning Ordinance currently states that “no fence, wall or hedge shall be erected in any front yard to a height in excess of 4-feet” (Sec. 21A.40.120.D – Regulation of Fences, Walls and Hedges). A front yard is defined as the “yard area between the side lot lines and between the front lot line and the required front yard setback line” (Sec. 21A.62.040 - Definitions). The Zoning Ordinance does not address whether or not a fence higher than 4-feet can be constructed in the front yard behind the required setback. The Administration reported that they interpret the area that exists between the designated setback line and the face of a residential structure as “buildable area” and has allowed six-foot fences in the past.
- The Zoning Ordinance currently allows a grade change of 2-feet or less in yard areas. (Sec. 21A.36.020B – Obstructions in Yards) The fence regulations note that where there is a difference in grade of the properties on either side of a fence, wall or hedge, the height of the fence shall be measured from the average grade of the adjoining properties. (Sec. 21A.40.120D – Height Restrictions) The Administration has noted that, in the case of fences, staff measures grade change at the mid-point thus allowing a property owner to increase the fence height by 1-foot. The Building Code requires grade be measured 6-feet away from any wall or fence.
- The Zoning Ordinance currently includes regulations intended to ensure adequate line of sight for corner lots, driveways and alleys for traffic and pedestrian safety. The Administration noted the need to amend the zoning regulations to provide consistency with current transportation engineering standards. Such revisions would include:
  - Standards to better distinguish and identify the right of way line and the edge of a driveway, alley, sidewalk, pedestrian walkway, roadway and curb.
  - Define height clearance areas between 2.5-feet and 7-feet for passenger vehicles and 2.5-feet and 8- feet for commercial trucks.
  - Provide City Traffic Engineers discretion to evaluate projects on a case-by-case basis including defined parameters and criteria for analysis.

I would appreciate the support of Council Members in asking the Administration to reevaluate the Zoning Ordinance and provide the Council with options to address these issues. The result I would like to see is Zoning Ordinance language that would provide clarification and consistency with other City regulations such as the building code and transportation engineering standards as they relate to fences and grade in residential zoning districts.

File #: G 03-14

## CITY COUNCIL MOTION FORM

Date: June 3, 2003

**SUBJECT:** Adopting a legislative action item requesting the Administration to re-evaluate sections of the zoning ordinance relating to fences ion front yard areas in residential zoning districts.

1. MOTION

MOVED: Councilmember  
SECONDED: Councilmember

*Buhler*  
*Saxton*

STAFF RECOMMENDATION: Adopt the Legislative Action

2. VOTE

Aye:

Nay:

Absent:

Unanimous

X

Unanimous

\_\_\_\_\_

C. Christensen

Turner

Jergensen

Saxton

Love

Buhler

Lambert

✓  
✓  
✓  
✓  
✓  
✓  
✓

C. Christensen

Turner

Jergensen

Saxton

Love

Buhler

Lambert

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The above action, as indicated by paragraphs 1 and 2, constitutes the official action taken by the Salt Lake City Council on the above date.

Attest:

*Pam Johnson*  
Deputy City Recorder



*Carlton J. Anderson*  
Council Chair

## Johnson, Pam

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**From:** Jardine, Janice  
**Sent:** Wednesday, June 04, 2003 2:47 PM  
**To:** Johnson, Pam  
**Cc:** Meeker, Chris  
**Subject:** RE: City Council LA

**Categories:** Program/Policy

Wonderful! Thanks so much, JJ

-----Original Message-----

**From:** Johnson, Pam  
**Sent:** Wednesday, June 04, 2003 2:43 PM  
**To:** Jardine, Janice  
**Cc:** Meeker, Chris  
**Subject:** City Council LA

Janice,  
I was the '*lucky person*' attending last night's City Council meeting.

Chris forwarded your e-mail to me regarding the LA. I will update the PWP file with this item, and send it to my distribution list as I have always done. In addition I will send Mr. Zunguze a letter with Council Member Buhler's memorandum attached. I'm going to cc you, Rocky Fluhart and Enzo Calfa so you each will have a copy for your records.

Thanx

**Meeker, Chris**

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**From:** Jardine, Janice  
**Sent:** Wednesday, June 04, 2003 11:01 AM  
**To:** Meeker, Chris  
**Subject:** FW: Dave's legislative action item...

Hi,

It seems that things have changed a little in how we do things and Louis (the Planning Director) wants an "official" notice from the Recorder when Legislative Actions are initiated. Will you or the person who has the Council meeting that night be following-up and sending an email to Planning or would you like some kind of request from us?

This LA was adopted by the Council last night.

Just trying to keep up with the times,  
JJ

-----Original Message-----

**From:** Aramaki, Jan  
**Sent:** Wednesday, June 04, 2003 10:52 AM  
**To:** Jardine, Janice  
**Subject:** Dave's legislative action item...

6/4/2003

## Gasparik, Jackie

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**From:** Taylor, Lucille  
**Sent:** Thursday, June 03, 2004 11:21 AM  
**To:** Gasparik, Jackie  
**Subject:** FW: Zoning ordinance action item

**Categories:** Program/Policy

-----Original Message-----

**From:** Laura Howat [mailto:Laura.Howat@admin.utah.edu]  
**Sent:** Thursday, June 03, 2004 8:43 AM  
**To:** Lucille.Taylor@slcgov.com  
**Subject:** Zoning ordinance action item

SLC Planning:

On June 3, 2003, the SLC Council adopted an action item requesting administration to re-evaluate sections of the zoning ordinance relating to fences in front yard areas in residential zoning districts. Please let me know the status of the re-evaluation. The SLC Council pertinent minutes are below.

Thank you. Laura Howat  
(G 03-13)

603-14

#2. RE: Adopting a legislative action item requesting the Administration to re-evaluate sections of the zoning ordinance relating to fences in front yard areas in residential zoning districts.

**ACTION:** Councilmember Buhler moved and Councilmember Saxton seconded to adopt the Legislative Action, which motion carried, all members voted aye.

**DISCUSSION:** Councilmember Buhler said this issue was brought to his attention by a constituent in his district. He said the regulations were confusing. He said planning staff agreed and wanted to work on clarification. He said this action made his request official. Councilmember Turner said the constituents in his district felt the same and he supported the request.

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, JUNE 3, 2003

supported the request.  
(G 03-14)

**#3. RE:** Adopting an ordinance amending Section 12.56.2140, Salt Lake City Code, relating to parking meters special use conditions and fees; amending Section 12.56.325, relating to loading zones and restricted parking-special use conditions and fees; and Section 14.12.130 relating to removal of parking meters.

**ACTION:** Councilmember Lambert moved and Councilmember Jergensen seconded to **adopt Ordinance 29 of 2003**, which motion carried, all members voted aye.  
(O 02-23 & O 02-25)

**CONSENT AGENDA**

**ACTION:** Councilmember Christensen moved and Councilmember Jergensen seconded to **approve the consent agenda**, which motion carried, all members voted aye.

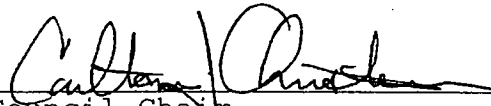
**#1. RE:** Adopting an ordinance approving the assessment list; **levying an annual assessment upon property in Salt Lake City, Utah Lighting District No. 1, known as L01; establishing the effective date of the 2003 assessment ordinance; and related matters.**  
(Q 03-13)

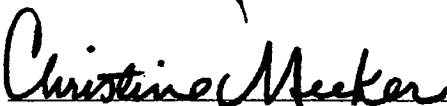
**#2. RE:** Adopting a resolution authorizing the approval of an **interlocal cooperation agreement between Salt Lake City Corporation and Utah**

Department of Transportation for **street sweeping services** for the period from July 1, 2003 to June 30, 2007.  
(C 03-303)

**#3. RE:** Setting the date of June 10, 2003 at 7:00 p.m. to accept public comment and consider adopting an ordinance amending Salt Lake City Ordinance 32 of 2001, which approved, ratified and finalized the biennial budget of Salt Lake City, Utah, including the employment staffing document for the fiscal years beginning July, 1 2001, and ending June 30, 2002 and beginning July 1, 2002 and ending June 30, 2003. **Budget Amendment No. 13.)**  
(B 03-7)

The meeting adjourned at 8:40 p.m.

  
Council Chair

  
Christine Meeker  
Chief Deputy City Recorder

pj



PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, JUNE 3, 2003

Killebrew, Brent Hardy, Travis Bird, Lonnie Pursifull, Jan Bartlett, Joe Kolloch, Mike Mitchell, Christian Fonnensbeck, Christian Cameron, McKay Edwards, James Snow, Stan Thomas, and Lawrence Rey Topham.

The following citizens spoke or submitted comment cards in favor of allowing the Tenth Circuit Court of the United States Supreme Court to decide: Lydia Wright, Jim Cooper, Craig Axford, and Jim Espeland.

The following citizens spoke or submitted comment cards suggesting City residents be allowed to vote on this issue: Robert B. Benzon and Tamara B. Wharton.

(P 03-13)

COMMENTS FROM THE PUBLIC TO THE CITY COUNCIL

George H. Zinn, Salt Lake City, spoke regarding stricter restrictions on reselling event tickets downtown.

Stan Thomas, Jodi Pursifull, Lonnie Pursifull, Travis Bird, Chris Gonthier and Douglas Contant addressed the Council in reference to the Gay Pride Parade scheduled in downtown Salt Lake.

UNFINISHED BUSINESS

#1. RE: Adopting a motion expressing the Council's approval of the proposed Neighborhood Olympic Legacy project for City Council District One.

ACTION: Councilmember Christensen moved and Councilmember Turner seconded to adopt a motion for the Neighborhood Olympic Legacy project, which motion carried, all members voted aye.

DISCUSSION: Councilmember Christensen said concerns had been raised by environmental groups. He said he was hopeful collaborative efforts would make the Olympic Legacy project one of Citywide pride.

Councilmember Jergensen suggested contacting Jeff Salt of the Audubon Society for input.  
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#2. RE: Adopting a legislative action item requesting the Administration to re-evaluate sections of the zoning ordinance relating to fences in front yard areas in residential zoning districts.

ACTION: Councilmember Buhler moved and Councilmember Saxton seconded to adopt the Legislative Action, which motion carried, all members voted aye.

DISCUSSION: Councilmember Buhler said this issue was brought to his attention by a constituent in his district. He said the regulations were confusing. He said planning staff agreed and wanted to work on clarification. He said this action made his request official. Councilmember Turner said the constituents in his district felt the same and he



ROCKY J. FLUHART  
CHIEF ADMINISTRATIVE OFFICER

**SALT LAKE CITY CORPORATION**  
DEPARTMENT OF MANAGEMENT SERVICES  
CITY RECORDER

 **COPY**

ROSS C. "ROCKY" ANDERSON  
MAYOR

June 4, 2001

TO: Louis Zunguze  
Planning Director

FROM: Pam Johnson  
Deputy Recorder



**RE: Legislative Action**

A Legislative Action requesting the Administration re-evaluate sections of the Zoning Ordinance pertaining to fences in front yard areas in residential districts, was adopted at Tuesday June 3, 2003, City Council meeting. I have attached the memorandum from Council Member Buhler outlining his concerns.

Should you have any questions, please call me at 6224.

Thank you.

cc: Rocky Fluhart  
Janice Jardine  
Enzo Calfa  
File

**Petition No.** 400-04-26

*By* City Council

Is requesting that the Administration  
re-evaluate sections of the Zoning  
Ordinance pertaining to regulations  
for fences in front yard areas in  
residential zoning districts.

*Date Filed* \_\_\_\_\_

*Address* \_\_\_\_\_

**7. ORIGINAL PETITION(S)**

**Petition No.** 400-04-20

**By** Planning Commission

Is requesting a petition dealing with a more definitive definition of what a solid fence is and defining what constitutes meeting the visual barrier requirement.

**Date Filed** \_\_\_\_\_

**Address** \_\_\_\_\_

**SALT LAKE CITY PLANNING COMMISSION MEETING**  
**In Room 326 of the City & County Building**  
**451 South State Street, Salt Lake City, Utah**  
**Wednesday, April 14, 2004, 5:45 pm**

Present from the Planning Commission were Chair, Prescott Muir, Vice-Chair, Tim Chambless, Bip Daniels, Babs De Lay, Peggy McDonough, Laurie Noda, Kathy Scott and Jennifer Seelig. John Diamond and Craig Galli were excused.

Present from the City Staff were Deputy Planning Director Doug Wheelwright; Zoning Administrator Larry Butcher; Planning Programs Supervisor Cheri Coffey; Principal Planner Doug Dansie; Principal Planner Wayne Mills and Planning Commission Secretary Kathy Castro.

A roll is being kept of all who attended the Planning Commission Meeting. Chair Muir called the meeting to order at 5:45 p.m. Minutes are presented in agenda order and not necessarily as cases were heard by the Planning Commission. Tapes of the meeting will be retained in the Planning Office for a period of one year, after which they will be erased.

**Initiated Petitions**

Mr. Wheelwright requested that the Planning Commission initiate a petition dealing with a more definitive definition of what a solid fence is. He said that some of the zoning ordinance requirements include a sight proof or visual screening fence. He said that there have been many variations of that theme applied over the years and most are problematic. Staff is suggesting defining what constitutes meeting that visual barrier requirement. Mr. Wheelwright said that Staff would like to study the various ways that one could accomplish that requirement in the ordinance and present that information to the Planning Commission.

Chair Muir so initiated the petition.

REMARKS

**Petition No.** 400-04-26

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ROCKY J. FLUHART  
CHIEF ADMINISTRATIVE OFFICER

**SALT LAKE CITY CORPORATION**

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PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, JUNE 3, 2003

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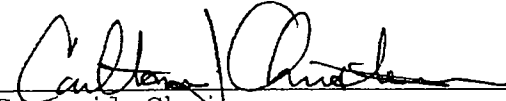
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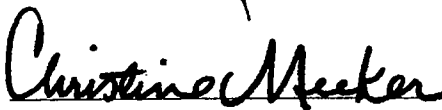
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Council Chair

  
Christine Meeker

Chief Deputy City Recorder

pj



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**Sent:** Thursday, June 03, 2004 11:21 AM  
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