

**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.

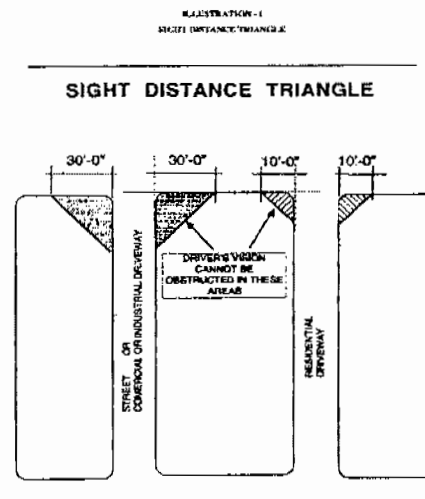
- o Standards to better distinguish and identify the right of way line and the edge of a driveway, alley, sidewalk, pedestrian walkway, roadway and curb.

**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.

- o 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').*



- o 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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## 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.

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:

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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]

[Signature] OK  
[Signature] 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.sl.c.ut.us](mailto:joel.paterson@ci.sl.c.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

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

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

Updated July 2, 2004  
KDC

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

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 indicted 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**

**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 wavers 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.

---

**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)

6/23/2004

**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.

*Pass this to  
Joel for response*

**Laura Howat - Zoning ordinance action item****Page 1**

**From:** Laura Howat  
**To:** [planning@slc.gov.com](mailto:planning@slc.gov)  
**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@slc.gov.com](mailto:dave.buhler@slc.gov)

**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.

**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 Buhler  
SECONDED: Councilmember Saxton

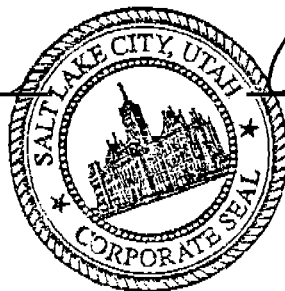
**STAFF RECOMMENDATION:** Adopt the Legislative Action

2. **VOTE**

Aye:	Nay:	Absent:
Unanimous <u>X</u>	Unanimous _____	
C. Christensen _____	C. Christensen _____	C. Christensen _____
Turner _____	Turner _____	Turner _____
Jergensen _____	Jergensen _____	Jergensen _____
Saxton _____	Saxton _____	Saxton _____
Love _____	Love _____	Love _____
Buhler _____	Buhler _____	Buhler _____
Lambert _____	Lambert _____	Lambert _____

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. [Signature]  
Council Chair

## Johnson, Pam

---

**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**

---

**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

 **COPY**

ROCKY J. FLUHART  
CHIEF ADMINISTRATIVE OFFICER

**SALT LAKE CITY CORPORATION**  
DEPARTMENT OF MANAGEMENT SERVICES  
CITY RECORDER

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

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.  
(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

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

  
\_\_\_\_\_  
Chief Deputy City Recorder

pj



## 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.

