



Staff Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Planning Commission
From: Krissy Gilmore, kristina.gilmore@slcgov.com, 801-535-7780
Date: January 13, 2020
Re: PLNPCM202020-00511 Fence Height Zoning Amendment

Zoning Text Amendment

PROPERTY ADDRESS: Citywide
PARCEL ID: N/A
MASTER PLAN: N/A
ZONING DISTRICT: All Zoning Districts

REQUEST:

This is a request by the City Council to amend the zoning ordinance regulations to remove the Special Exception process that allows for over-height fences (Chapter 21A.52.030) and to define instances where a taller fence may be appropriate and approved by right (Chapter 21A.40.120). The proposed amendments would limit fence, wall, and hedge height to four feet (4') in front yards and six feet (6') in the side or rear yards for all zoning districts, except for a few specific instances. Those instances include when a residential district abuts a nonresidential district, manufacturing and extractive industries zoning districts, public facilities and recreation facilities where a greater height is necessary to protect public safety, private game courts, and construction fencing. Additionally, the Planning Commission and the Historic Landmark Commission would have the authority to grant additional fence, wall, or hedge height as part of a land use application. The amendments proposed to Chapter 21A.40 will affect all zoning districts throughout Salt Lake City.

RECOMMENDATION:

Based on the information in this staff report and the standards to consider for zoning text amendments, Planning Staff recommends that the Planning Commission forward a positive recommendation to the City Council regarding this proposal.

ATTACHMENTS:

- A. [Proposed Code Text](#)
- B. [Existing Code Text](#)
- C. [Analysis of Standards – Zoning Text Amendment](#)
- D. [Public Process and Comments](#)

E. [Department Review Comments](#)

PROJECT DESCRIPTION AND BACKGROUND:

The proposed amendments to the Special Exception and Fence Height zoning code are primarily intended to provide uniformity and clear expectations to the public for when an over height fence, wall, or hedge is appropriate, as well as to remove the complicated and costly special exception process.

Currently, fences, walls, and hedges are limited to four feet in height in front yards (up to the front façade of the building) and six feet in the side and rear yards in all zoning districts. Though an over height fence can be approved through the Special Exception process, excess fence height is generally only approved in limited circumstances due to compatibility issues with the development pattern and character of Salt Lake City neighborhoods.

The proposed amendment defines specific instances when an over height fence is appropriate and can be approved by-right and removes the special exception process. For reference, special exceptions are minor changes to an incidental use of the property or a dimensional requirement in the zoning ordinance, such as additional fence height. The process includes a mailed notice to next door neighbors for input before a decision. The decisions are usually made by planning staff, but controversial requests or requests that cannot be approved by staff are referred to the Planning Commission or Historic Landmark Commission.

Key Points

- Removes the Special Exception process to request additional fence height.
- Defines instances where additional fence height could be appropriate.
- Generally, limits fence height to 4' in the front yard.
- Developments could still request excess fence height through land use applications that already require review by the Planning Commission and Historic Landmark Commission.

Defined Terms

21A.62: Fence: A structure erected to provide privacy or security which defines a private space and may enhance the design of individual sites. A wall or similar barrier shall be deemed a fence.

The Salt Lake City Zoning Ordinance does not specifically define wall or hedge. Any word not defined in the Zoning Ordinance shall be defined in Webster's Collegiate Dictionary (see 21A.62.010). The Webster's Collegiate Dictionary includes the following definitions:

Wall: (a) a high thick masonry structure forming a long rampart or an enclosure chiefly for defense —often used in plural; (b) a masonry fence around a garden, park, or estate; (c) a structure that serves to hold back pressure (as of water or sliding earth)

Hedge: a fence or boundary formed by a dense row of shrubs or low trees

The above is a list of helpful definitions to review as the proposed amendment is considered. The full proposed regulations can be read in the full code proposal in Attachment A. New regulations and changed regulations are underlined in that attachment. Some of the proposed changes are discussed further in the Key Considerations section due to public input.

Applicable Review Processes and Standards

Review Processes: Zoning Text Amendment

Zoning text amendments are reviewed against four standards, pertaining to whether proposed code is consistent with adopted City planning documents, furthers the purposes of the zoning ordinance, are consistent with other overlay zoning codes, and the extent they implement best professional practices. Those standards are addressed in [Attachment C](#).

City Code amendments are ultimately up to the discretion of the City Council and are not controlled by any one standard.

KEY CONSIDERATIONS:

The key considerations and concerns below have been identified through the analysis of the project, community input, Planning Commission input, and department reviews:

1. Consistency & Clarity
2. Staff & City Resources
3. Community Character
4. Appropriate instances for over height fences

Consideration 1. Consistency & Clarity

An increasing number of requests for over height fences have been received for special exception review. A review of all special exception applications shows that fence height has been the top requested special exception for the last three years (104 applications). The application tracking system does not easily show how many have been approved or denied, but staff believes that it is rare for an over height fence to be approved in the front yard due to compatibility issues. Majority of the approved over height fences were likely in the side or rear yards. Planning Commission has also heard at least two requests for over height fences in the last year. Both were denied by the Commission.

The over height fence special exception results in an unpredictable development pattern, as well as unpredictable expectations for applicants. Often, applicants assume that the act of applying equals approval and are confused when it is denied. If applications are routinely denied or discouraged, such as fence height, then the ordinance should not provide an exception.

Consideration 2: Staff & City Resources

The Fence Height Text Amendment is being reviewed separately from a larger application to remove all special exceptions. The following briefly summarizes the issue of staff and city resources, and the removal of Special Exceptions:

Special exceptions require staff resources to be allocated to processing applications that only benefit individual property owners instead of addressing citywide growth issues and implementing master plans through other code updates. This creates equity issues because the city resources are required by code to be directed to those neighborhoods where most applications come from. More than 85% of all land use applications received come from property owners east of I-15.

The special exception fee is subsidized by the general fund. The application fee in 2019 was \$259. The average staff processing time is about 20 hours. The fee covers between 37% and 48% of the cost to process. That percentage decreases to 14-18% of the cost for applications that must be reviewed by the Planning Commission or Historic Landmark

Commission. Special exception application fees generate about \$38,000 in revenue for the city but cost at least \$80,000 to process. The number of special exception applications has increased by 400% since 2011 forcing an inequitable subsidy of city resources to the benefit of individual property owners without any benefit to the general public.

Source: Special Exception Code Changes Staff Report, Published September 25, 2020 (<http://www.slcdocs.com/Planning/Planning%20Commission/2020/00606StaffReport.pdf>)

Consideration 2: Neighborhood Character

The purpose of the fence regulations as stated in ordinance section 21A.40.120.A is *“to achieve a balance between the private concerns for privacy and site design and the public concerns for enhancement of the community appearance, and to ensure the provision of adequate light, air and public safety.”* As to the compliance with the above purposes, building a fence that exceeds the height limits in the front of the property would create a walled-in effect and establish a greater level of privacy than is generally expected in Salt Lake City. Furthermore, generally, excess fence height is not compatible with the development pattern and character of the Salt Lake City, which is one of low or no fences in the front yard area.



Example of open front yards

The current review standards for Special Exceptions (21A.52.030.A.3) discuss that an over height fence, wall, or hedge may be granted if it is *“determined that there will be no negative impacts upon the established character of the affected neighborhood and streetscape, maintenance of public and private views, and matters of public safety.”* Staff is of the opinion that it is generally very difficult to meet the above provision. The character of Salt Lake City neighborhoods is generally one of low or no fences in the front yard areas. Additionally, the excessive side and rear yard heights, though more flexible in height allowance, are also generally not excessive and should not be to protect private and public views.

Finally, fence height requirements of 4 feet in the front yard and 6 feet in the side and rear yards are common nationwide and are found in most city zoning ordinances. Lower fence heights in the front yard are generally required because of the safety aspect (view of the driver), as well as in the interest of preserving an unobstructed view of open yards.

Consideration 3: Appropriate instances for over height fences

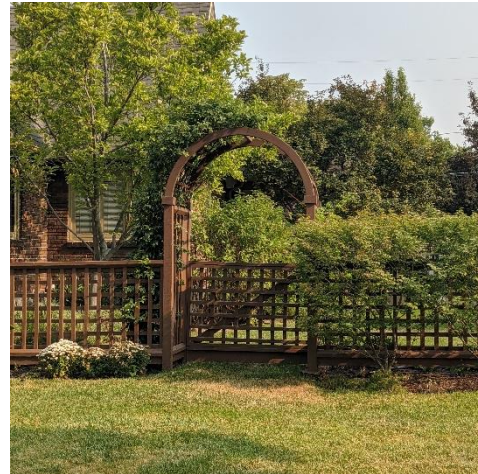
Through best practice research, discussions with various city divisions, and an analysis of when over height fences have been approved in Salt Lake City, the following were determined to be situations or uses where over height fences are appropriate and could be allowed by-right:

- Public Facilities, such as municipal structures, schools, or utility buildings
- Recreation Facilities, such as around parks, open space, or similar recreation areas
- Athletic fields or courts, such as driving ranges, baseball fields, athletic fields; or similar facilities
- Temporary construction fencing

- Decorative pillars attached to fences that meet the height requirements

Following public review of the draft ordinance, the following over height allowances were added to address concerns raised:

- The Planning Commission and Historic Landmark Commission will retain the ability to approve taller fences to mitigate a negative impact associated with a land use application.
- Side or rear yard fences in single family zones which are next to nonresidential zones
- Gates, arches or trellises attached to fences that meet the height requirements.
- In the M-2 Heavy Manufacturing and EI Extractive Industries zoning districts fences, walls, or hedges may be up to a maximum of 6 feet in height up to the front yard setback line.
- If there is no minimum front yard setback in the underlying zoning district, a fence, wall, or hedge at a maximum of 6 feet in height can be placed 10 feet from the front property line.



Example of a gate and trellis

Staff believes these additions address concerns expressed during the public input phase, while also meeting community character objectives described above, such as avoiding a walled in effect.

DISCUSSION:

The proposed code updates have been reviewed against the Zoning Amendment standards in [Attachment C](#). Excess fence height is generally not compatible with the development pattern and character of Salt Lake City neighborhoods and should be discouraged in the interest of proving uniformity and clear expectations to the public. Removing the special exception process and defining instances where taller fences could be approved by-right provides predictability for property owners, as well as frees up staff resources to focus on citywide projects. Due to these considerations, staff is recommending that the Commission forward a favorable recommendation on this request to the City Council.

NEXT STEPS:

The Planning Commission can provide a positive or negative recommendation for the proposal and can request that changes be made to the proposal. The recommendation and any requested changes will be sent to the City Council, who will hold a briefing and additional public hearing on the proposed changes. The City Council may make modifications to the proposal and approve or decline to approve the proposed changes.

If ultimately approved by the City Council, the changes would be incorporated into the City Zoning code and new development would be required to follow the new regulations.

ATTACHMENT A: **Proposed Code**

This attachment includes a “clean” version of the code without strikethroughs and underlines that show deleted and new text, and a “draft” version that identifies such deletions and new text with strikethroughs and underlines.

MODIFICATIONS TO FENCE HEIGHT REGULATIONS

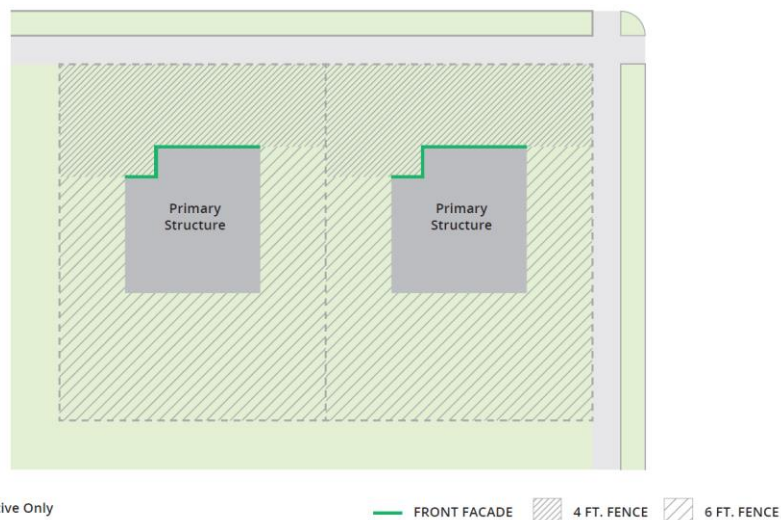
21A.40.120.E: REGULATION OF FENCES, WALLS AND HEDGES:

E. Height Restrictions And Gates:

Fences, walls, and hedges shall comply with the following unless otherwise permitted by this Title:

1. Residential Zoning Districts:

- a. Except for the special foothills regulations as outlined in subsection 21A.24.010P, and subsection 21A.120.E.3 of this title, no fence, wall or hedge shall be erected to a height in excess of 4 feet between the front property line and the primary façade of the principal structure that contains the primary entrance.
- b. Fences, walls or hedges located at or behind the primary façade of the principal structure shall not exceed 6 feet. 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. When there is no existing principal structure, fence, wall, or hedge height shall not exceed 4 feet in a front yard area or when adjacent to a public street or 6 feet in the rear or interior side yard areas.

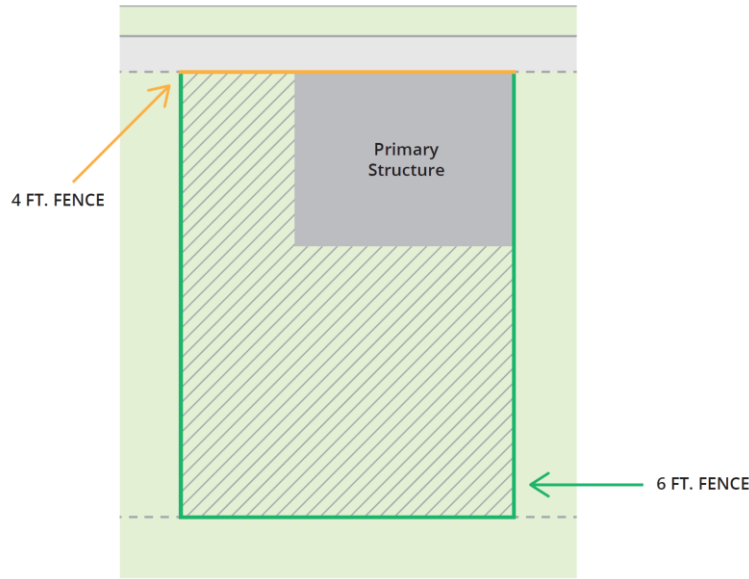


* Primary Façade is the side of a building that faces a public street and includes the main customer or resident entrance.

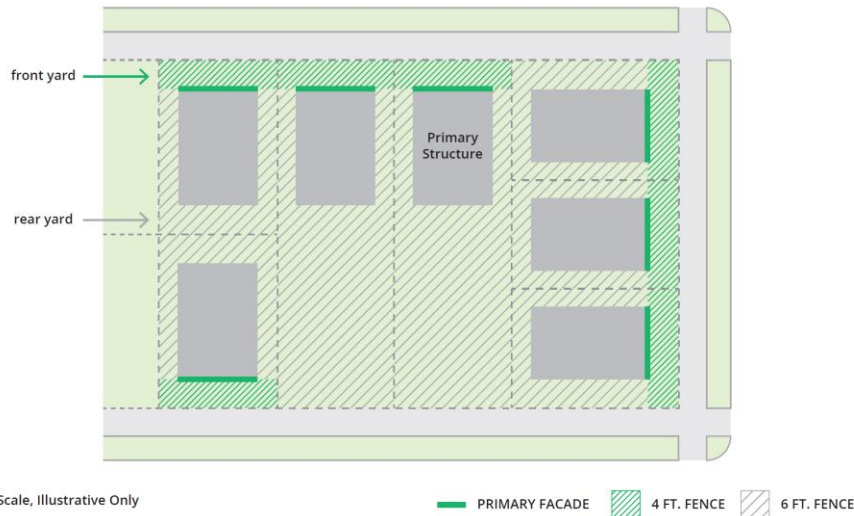
2. Nonresidential Zoning Districts:

- a. The maximum height for fences, walls, or hedges when between the front property line and primary façade of the principal structure shall be 4 feet and when located at or behind the primary façade of the principal structure shall be 6

feet. In the M-2 and EI zoning districts fences, walls, or hedges may be up to a maximum of 6 feet in height up to the front yard setback line. If there is no minimum front yard setback in the underlying zoning district, a fence, wall, or hedge at a maximum of 6 feet in height can be placed 10 feet from the front property line.



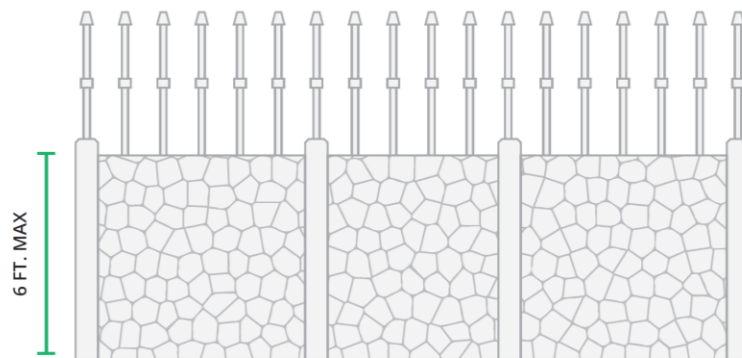
- b. Outdoor storage, when allowed in the Zoning District, shall be located behind the primary façade of the principal structure and shall be screened with a solid wall or fence.
- c. Double Frontage Lots. A fence, wall, or hedge located on a property where both the front and rear yards have frontage on a street may be a maximum of six feet in height in a front yard provided the fence, wall, or hedge:
 - a. Is located in a provided yard that is directly opposite the front yard where the primary entrance to the principal building is located;
 - b. Is in a location that is consistent with other six foot tall fence locations on the block;
 - c. Complies with any clear view triangle requirements of this Title; and
 - d. Complies with all other fence, wall, and hedge requirements of this Title.



3. Allowances for additional height for fences, walls, or hedges unless otherwise permitted by this Title:

a. Adjacent to Nonresidential Zoning Districts. Fences, walls, or hedges in the FR, SR, and R-1 zoning districts shall not exceed 6 feet in height in the side or rear yard except where they abut a Commercial, Downtown, Manufacturing, or Special Purpose Zoning District. This exception does not apply to fences, walls, or hedges in the corner side yard or front yard, and only applies where the lot abuts the nonresidential district.

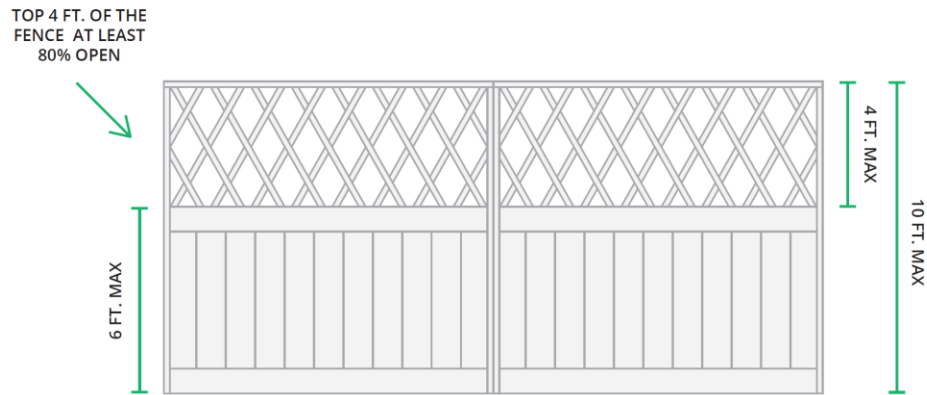
b. Public Facilities. Fences or walls for which a greater height is necessary because of an association with uses that require high fences to protect public safety or fences that are required by federal or state law, such as, but not limited to, institutional uses, utility buildings or structures for municipal service uses, public schools, or similar facilities may be allowed up to a maximum height of 12 feet provided the fence or wall is no less than 80% transparent above a height of six feet.



c. Recreation Facilities. For fences or walls constructed around parks, open space, or other outdoor recreation areas, the maximum height fence shall be up to 10 feet in height and may be located in any required yard, provided that the fence or wall is no less than 80 percent transparent above a height of six feet. Fences or walls for which a greater height is necessary to protect public safety, such as, driving ranges, baseball fields,

athletic fields; or similar facilities may be allowed within the subject property to a height necessary to contain the recreation equipment.

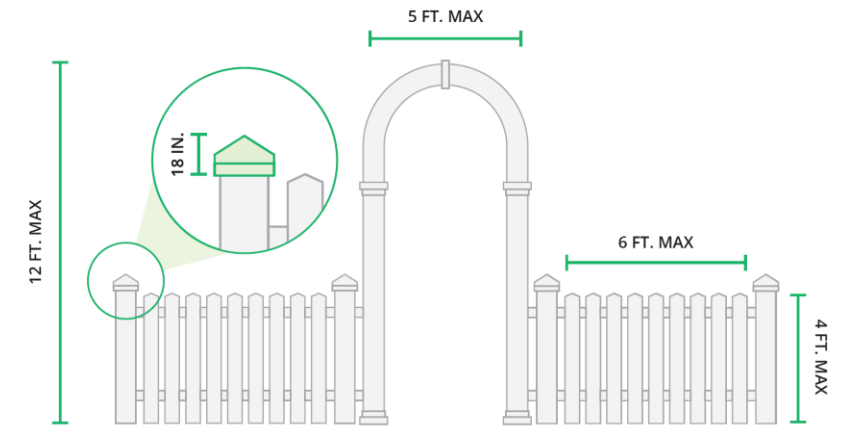
d. Private Game Courts, Swimming Pools, and Other Similar Recreation Equipment. For fences or walls constructed around private game courts, swimming pools, or other similar recreation equipment, the maximum height shall be up to 10 feet provided that the fence or wall is no less than 80 percent transparent above a height of six feet.



e. Construction Fencing. Temporary fencing to secure construction sites during the planning, demolition, or construction process is permitted to a maximum of 10 feet in height in any required yard provided the fence complies with site distance triangle requirements of this Title.

f. Pillars. Pillars shall be allowed to extend up to 18 inches above the allowable height of a fence or wall; provided, that the pillars shall have a maximum diameter or width of no more than 18 inches; and provided, that the pillars shall have a minimum spacing of no less than 6 feet, measured face to face.

g. Gates and Arches. The height of gates shall conform to the applicable maximum fence height where the gate is located except that decorative elements on gates such as scrolls, finials, and similar features may extend up to one foot above the maximum fence height. In addition, arches or trellises up to 12 feet in height and five feet in width may be constructed over a gate if integrated into the fence/gate design. A maximum of two such arches shall be permitted per parcel.



g. Barbed or Razer Wire Fences: Where permitted, barbed wire and razor wire fences may be up to 12 feet in height.

h. Commission Authority. The Planning Commission or Historic Landmark Commission can modify fence, wall, or hedge height as part of their approval of a land use application in order to mitigate impacts according to the approval standards for the applicable land use application.

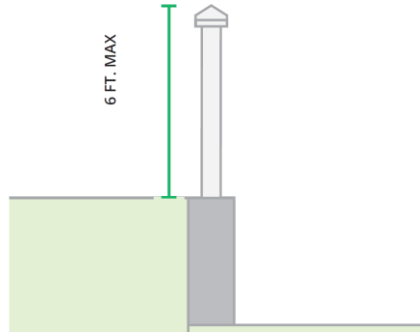
4. Vision Clearance and Safety:

a. Corner Lots; Sight Distance Triangle: No solid fence, wall or hedge shall be erected to a height in excess of three feet if the fence, wall or hedge is located within the sight distance triangle extending thirty feet either side of the intersection of the respective street curb lines, or edge lines of roadway where curbing is not provided as noted in section 21A.62.050, illustration I of this title. Intersection Of Driveway; Sight Distance Triangle: Solid fences, walls and hedges shall not exceed thirty inches in height within the sight distance triangle as defined in section 21A.62.050, illustration I of this title.

c. Sight Distance Triangle And See Through Fences: Within the area defined as a sight distance triangle, see through fences that are at least 50 percent open shall be allowed to a height of four feet.

d. Alternative Design Solutions: 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 preexisting conditions.

5. Height Measurement: The height of a fence, wall, or hedge shall be measured from the "finished grade" of the site as defined in section 21A.62.040 of this title. In instances of an abrupt grade change at the property line, the height for fences that are located on top of a retaining wall shall be measured from the top of the retaining wall.



6. Gates: No gate, whether crossing a driveway, walkway, or part of a fence, shall be erected to a height in excess of the standards outlined in this subsection E. To regulate the location of gates and their impact on vehicular staging within the public right of way, passenger vehicles shall require a minimum seventeen foot six inch setback from back edge of sidewalk, or property line when a sidewalk is not provided, and large truck driveways shall require a one hundred foot setback from back edge of sidewalk, or property line when a sidewalk is not provided. All gates are to swing inward to the property or be a roll gate that does not impact the staging area.

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.

21A.52.030: SPECIAL EXCEPTIONS AUTHORIZED:

(removed Special Exception authorization for over-height fences, walls, or hedges)

MODIFICATIONS TO FENCE HEIGHT REGULATIONS

21A.40.120.E: REGULATION OF FENCES, WALLS AND HEDGES:

E. Height Restrictions And Gates:

Fences, walls, and hedges shall comply with the following unless otherwise permitted by this Title:

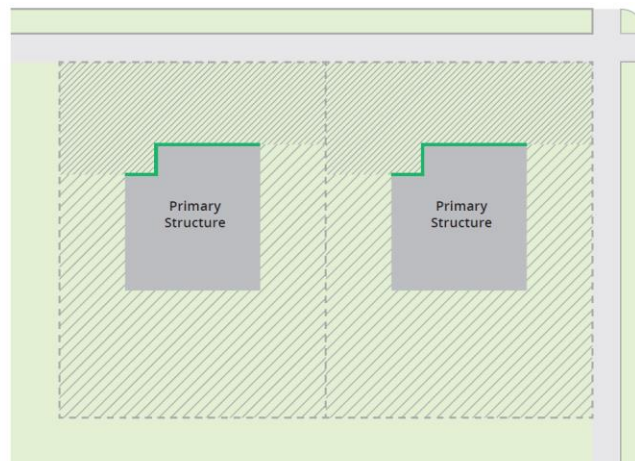
1. General Height:

1. a. Residential ~~zoning districts:~~ Zoning Districts:

a. Except for the special foothills regulations as outlined in subsection 21A.24.010P, and subsection 21A.120.E.3 of this title, no fence, wall or hedge shall be erected to a height in excess of ~~four~~4 feet (4') between the front property line and ~~front building line of~~ the primary façade of the principal structure that contains the primary entrance.

b. Fences, walls or hedges located at or behind the primary façade of the principal structure shall not exceed 6 feet. 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.

~~b.~~
c. When there is no existing principal structure, fence, wall, or hedge height shall not exceed 4 feet in a front yard area or when adjacent to a public street or 6 feet in the rear or interior side yard areas.



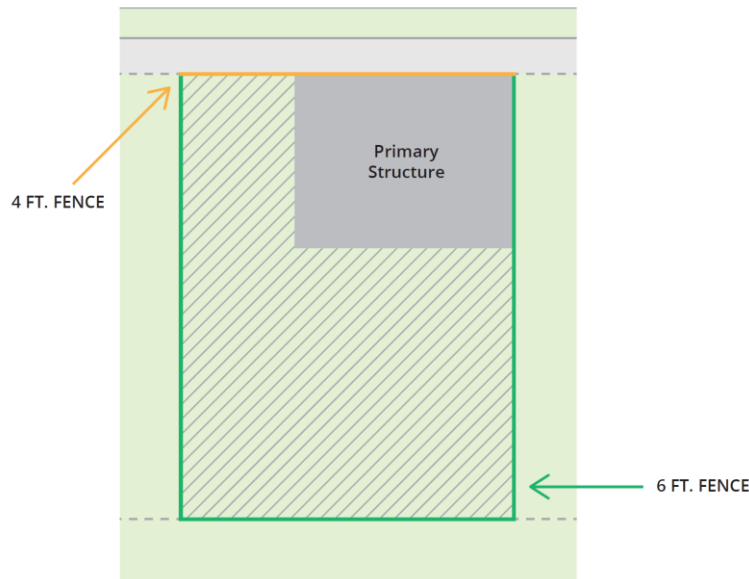
Not to Scale, Illustrative Only

— FRONT FACADE ▨ 4 FT. FENCE ▩ 6 FT. FENCE

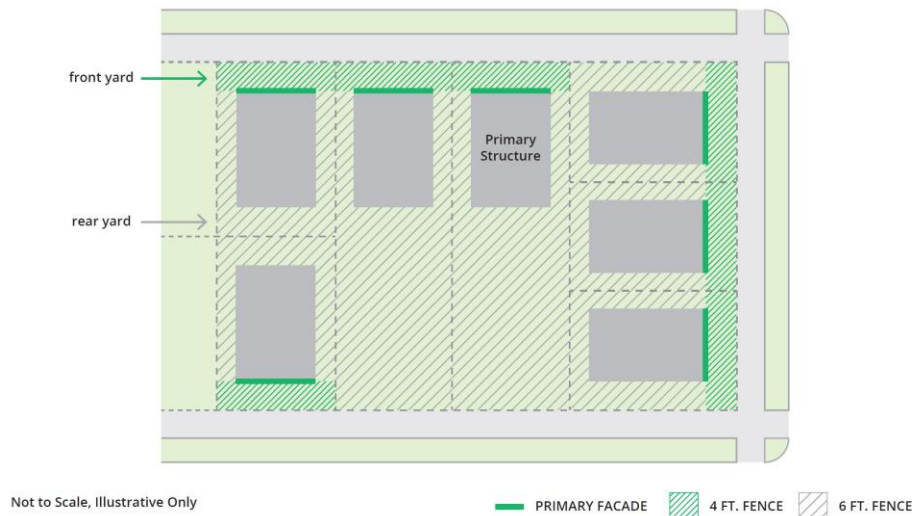
* Primary Façade is the side of a building that faces a public street and includes the main customer or resident entrance.

2. Nonresidential Zoning Districts:

- a. No fence, wall or hedge shall be erected to a height in excess of four feet (4') when within any required front yard area. Fencing for outdoor storage shall be located behind any required front yard area. The maximum height for fences, walls, or hedges when between the front property line and primary façade of the principal structure shall be 4 feet and when located at or behind the primary façade of the principal structure shall be 6 feet. In the M-2 and EI zoning districts fences, walls, or hedges may be up to a maximum of 6 feet in height up to the front yard setback line. If there is no minimum front yard setback in the underlying zoning district, a fence, wall, or hedge at a maximum of 6 feet in height can be placed 10 feet from the front property line.



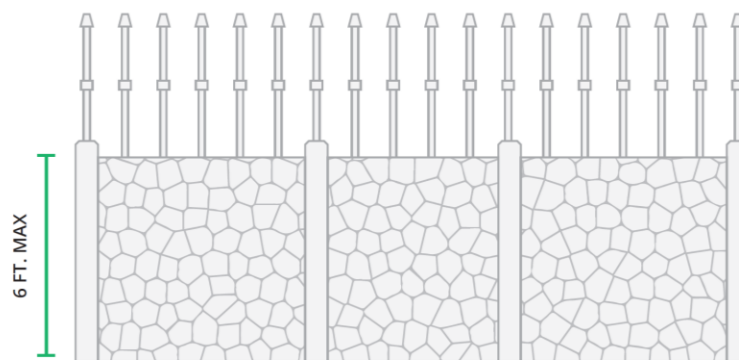
- b. Outdoor storage, when allowed in the Zoning District, shall be located behind the primary façade of the principal structure and shall be screened with a solid wall or fence.
- c. Double Frontage Lots. A fence, wall, or hedge located on a property where both the front and rear yards have frontage on a street may be a maximum of six feet in height in a front yard provided the fence, wall, or hedge:
- a. Is located in a provided yard that is directly opposite the front yard where the primary entrance to the principal building is located;
 - b. Is in a location that is consistent with other six foot tall fence locations on the block;
 - c. Complies with any clear view triangle requirements of this Title; and
 - d. Complies with all other fence, wall, and hedge requirements of this Title.



3. Allowances for additional height for fences, walls, or hedges unless otherwise permitted by this Title:

a. Adjacent to Nonresidential Zoning Districts. Fences, walls, or hedges in the FR, SR, and R-1 zoning districts shall not exceed 6 feet in height in the side or rear yard except where they abut a Commercial, Downtown, Manufacturing, or Special Purpose Zoning District. This exception does not apply to fences, walls, or hedges in the corner side yard or front yard, and only applies where the lot abuts the nonresidential district.

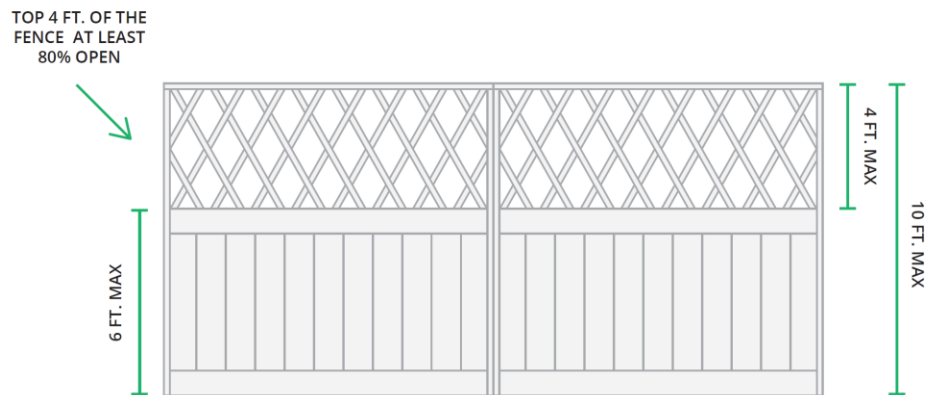
b. Public Facilities. Fences or walls for which a greater height is necessary because of an association with uses that require high fences to protect public safety or fences that are required by federal or state law, such as, but not limited to, institutional uses, utility buildings or structures for municipal service uses, public schools, or similar facilities may be allowed up to a maximum height of 12 feet provided the fence or wall is no less than 80% transparent above a height of six feet.



c. Recreation Facilities. For fences or walls constructed around parks, open space, or other outdoor recreation areas, the maximum height fence shall be up to 10 feet in height and may be located in any required yard, provided that the fence or wall is no less than 80 percent transparent above a height of six feet. Fences or walls for which a greater height is necessary to protect public safety, such as, driving ranges, baseball fields,

athletic fields; or similar facilities may be allowed within the subject property to a height necessary to contain the recreation equipment.

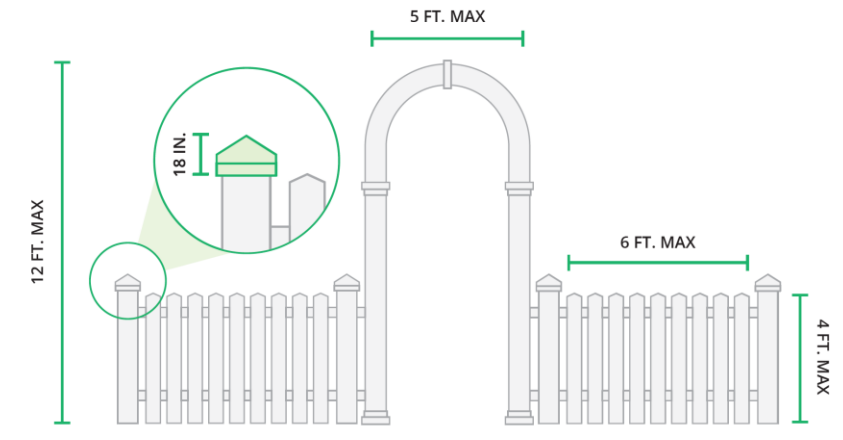
d. Private Game Courts, Swimming Pools, and Other Similar Recreation Equipment. For fences or walls constructed around private game courts, swimming pools, or other similar recreation equipment, the maximum height shall be up to 10 feet provided that the fence or wall is no less than 80 percent transparent above a height of six feet.



e. Construction Fencing. Temporary fencing to secure construction sites during the planning, demolition, or construction process is permitted to a maximum of 10 feet in height in any required front yard area provided the fence complies with site distance triangle requirements of this Title.

f. Pillars. Pillars shall be allowed to extend up to ~~18~~ 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 ~~18~~ eighteen inches (18"); and provided, that the pillars shall have a minimum spacing of no less than ~~6~~ six feet (6'), measured face to face.

~~2.~~ g. Gates and Arches. The height of gates shall conform to the applicable maximum fence height where the gate is located except that decorative elements on gates such as scrolls, finials, and similar features may extend up to one foot above the maximum fence height. In addition, arches or trellises up to 12 feet in height and five feet in width may be constructed over a gate if integrated into the fence/gate design. A maximum of two such arches shall be permitted per parcel.



g. Barbed or Razer Wire Fences: Where permitted, barbed wire and razor wire fences may be up to 12 feet in height.

h. Commission Authority. The Planning Commission or Historic Landmark Commission can modify fence, wall, or hedge height as part of their approval of a land use application in order to mitigate impacts according to the approval standards for the applicable land use application.

4. Vision Clearance and Safety:

a. Corner Lots; Sight Distance Triangle: 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')~~ either side of the intersection of the respective street curb lines, or edge lines of roadway where curbing is not provided as noted in section 21A.62.050, illustration I of this title.

~~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.~~

~~4.~~ Intersection Of Driveway; Sight Distance Triangle: Solid fences, walls and hedges shall not exceed thirty inches ~~(30")~~ in height within the sight distance triangle as defined in section 21A.62.050, illustration I of this title.

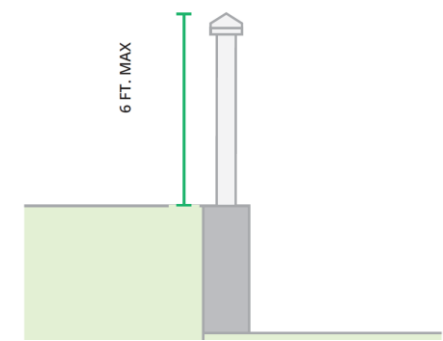
~~5.~~ c. Sight Distance Triangle And See Through Fences: Within the area defined as a sight distance triangle, see through fences that are at least 50 ~~fifty percent~~ ~~percent~~ ~~(50%)~~ open shall be allowed to a height of four feet ~~(4')~~.

~~6.~~ d. Alternative Design Solutions: 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 preexisting conditions.

~~7. Measuring: Measuring the~~ **5. Height Measurement:** The height of a fence, wall, or hedge shall be measured from the "finished grade" of the site as defined in section ~~21A.62.040~~ **21A.62.040** of this title.

~~8. Special Exception Approval Standards: The planning commission or historic landmark commission may approve taller fencing if it is found that In instances of an abrupt grade change at the property line, the extra height is necessary for fences that are located on top of a retaining wall shall be measured from the security top of the property in question as defined in chapter 21A.52 of this title: retaining wall.~~

~~9~~



6. Gates: No gate, whether crossing a driveway, walkway, or part of a fence, shall be erected to a height in excess of the standards outlined in this subsection E. To regulate the location of gates and their impact on vehicular staging within the public right of way, passenger vehicles shall require a minimum seventeen foot six inch ~~(17'6")~~ setback from back edge of sidewalk, or property line when a sidewalk is not provided, and large truck driveways shall require a one hundred foot ~~(100')~~ setback from back edge of sidewalk, or property line when a sidewalk is not provided. All gates are to swing inward to the property or be a roll gate that does not impact the staging area.

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 "sight distance triangle" for driveways as defined and illustrated in chapter 21A.62 of this title, may be approved by the zoning administrator. This regulation shall also apply to sight distance triangles for alleys.~~

~~-~~

21A.52.030: SPECIAL EXCEPTIONS AUTHORIZED:

~~3. Additional height for fences, walls or similar structures may be granted to exceed the height limits established for fences and walls in chapter 21A.40 of this title if it is determined that there will be no negative impacts upon the established character of the affected neighborhood and streetscape, maintenance of public and private views, and matters of public safety. Approval of fences, walls and other similar structures may be granted under the following circumstances subject to compliance with other applicable requirements:~~

~~a. Exceeding the allowable height limits; provided, that the fence, wall or structure is constructed of wrought iron, tubular steel or other similar material, and that the open, spatial and nonstructural area of the fence, wall or other similar structure constitutes at least eighty percent (80%) of its total area;~~

~~b. Exceeding the allowable height limits on any corner lot; unless the city's traffic engineer determines that permitting the additional height would cause an unsafe traffic condition;~~

~~c. Incorporation of ornamental features or architectural embellishments which extend above the allowable height limits;~~

~~d. Exceeding the allowable height limits, when erected around schools and approved recreational uses which require special height considerations;~~

~~e. Exceeding the allowable height limits, in cases where it is determined that a negative impact occurs because of levels of noise, pollution, light or other encroachments on the rights to privacy, safety, security and aesthetics;~~

~~f. Keeping within the character of the neighborhood and urban design of the city;~~

~~g. Avoiding a walled-in effect in the front yard of any property in a residential district where the clear character of the neighborhood in front yard areas is one of open spaces from property to property; or~~

~~h. Posing a safety hazard when there is a driveway on the petitioner's property or neighbor's property adjacent to the proposed fence, wall or similar structure.~~

~~(removed Special Exception authorization for over-height fences, walls, or hedges)~~

ATTACHMENT B: Existing Code Text

MODIFICATIONS TO FENCE HEIGHT REGULATIONS

21A.40.120.E: REGULATION OF FENCES, WALLS AND HEDGES:

E. Height Restrictions And Gates:

1. General Height:

a. Residential zoning districts: Except for the special foothills regulations as outlined in subsection 21A.24.010P of this title, no fence, wall or hedge shall be erected to a height in excess of four feet (4') between the front property line and front building line of the facade of the principal structure that contains the primary entrance.

b. Nonresidential zoning districts: No fence, wall or hedge shall be erected to a height in excess of four feet (4') when within any required front yard area. Fencing for outdoor storage shall be located behind any required front yard area.

2. Corner Lots; Sight Distance Triangle: 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') either side of the intersection of the respective street curb lines, or edge lines of roadway where curbing is not provided as noted in section [21A.62.050](#), illustration I of this title.

3. Corner Side, Side, Rear Yards; Sight Distance Triangle: 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 for residential zoning districts and up to any required front yard setback line for all other zoning districts), required side yard or required 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.

4. Intersection Of Driveway; Sight Distance Triangle: Solid fences, walls and hedges shall not exceed thirty inches (30") in height within the sight distance triangle as defined in section [21A.62.050](#), illustration I of this title.

5. Sight Distance Triangle And See Through Fences: 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. Alternative Design Solutions: 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 preexisting conditions.

7. Measuring: Measuring the height of a fence shall be from the "finished grade" of the site as defined in section [21A.62.040](#) of this title.

8. Special Exception Approval Standards: The planning commission or historic landmark commission may approve taller fencing if it is found that the extra height is necessary for the security of the property in question as defined in [chapter 21A.52](#) of this title.

9. Gates: No gate, whether crossing a driveway, walkway, or part of a fence, shall be erected to a height in excess of the standards outlined in this subsection E. To regulate the location of gates and their impact on vehicular staging within the public right of way, passenger vehicles shall require a minimum seventeen foot six inch (17'6") setback from back edge of sidewalk, or property line when a sidewalk is not provided, and large truck driveways shall require a one hundred foot (100') setback from back edge of sidewalk, or property line when a sidewalk is not provided. All gates are to swing inward to the property or be a roll gate that does not impact the staging area.

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 "sight distance triangle" for driveways as defined and illustrated in [chapter 21A.62](#) of this title, may be approved by the zoning administrator. This regulation shall also apply to sight distance triangles for alleys.

21A.52.030: SPECIAL EXCEPTIONS AUTHORIZED:

3. Additional height for fences, walls or similar structures may be granted to exceed the height limits established for fences and walls in chapter 21A.40 of this title if it is determined that there will be no negative impacts upon the established character of the affected neighborhood and streetscape, maintenance of public and private views, and matters of public safety. Approval of fences, walls and other similar structures may be granted under the following circumstances subject to compliance with other applicable requirements:

- a. Exceeding the allowable height limits; provided, that the fence, wall or structure is constructed of wrought iron, tubular steel or other similar material, and that the open, spatial and nonstructural area of the fence, wall or other similar structure constitutes at least eighty percent (80%) of its total area;

- b. Exceeding the allowable height limits on any corner lot; unless the city's traffic engineer determines that permitting the additional height would cause an unsafe traffic condition;
- c. Incorporation of ornamental features or architectural embellishments which extend above the allowable height limits;
- d. Exceeding the allowable height limits, when erected around schools and approved recreational uses which require special height considerations;
- e. Exceeding the allowable height limits, in cases where it is determined that a negative impact occurs because of levels of noise, pollution, light or other encroachments on the rights to privacy, safety, security and aesthetics;
- f. Keeping within the character of the neighborhood and urban design of the city;
- g. Avoiding a walled-in effect in the front yard of any property in a residential district where the clear character of the neighborhood in front yard areas is one of open spaces from property to property; or
- h. Posing a safety hazard when there is a driveway on the petitioner's property or neighbor's property adjacent to the proposed fence, wall or similar structure.

ATTACHMENT C: Analysis Of Zoning Text Amendment Standards

ZONING TEXT AMENDMENT

21A.50.050: A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the city council and is not controlled by any one standard. In making a decision to amend the zoning map, the City Council should consider the following:

CONSIDERATION	FINDING	RATIONALE
1. Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the City as stated through its various adopted planning documents;	The proposed amendments are generally consistent with the goals and policies the City's plans.	Though no citywide plans specifically discuss fence height, Plan Salt Lake includes <i>Guiding Principle 8: Beautiful City</i> , which is focused on providing an attractive built form that protects views of natural spaces, and reflects our commitment to high quality neighborhoods and protecting neighborhood character. The proposed amendments are in line with the adopted and utilized Master Plans and additional adopted planning documents, and is considered a vital segment of the stability of neighborhoods.
2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;	The proposal generally furthers the specific purpose statements of the zoning ordinance by ensuring their enforcement and administration.	The purpose of the zoning ordinance is to “promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Salt Lake City, to implement the adopted plans of the City, and carry out the purposes of the Municipal Land Use Development and Management Act (State Code).” The proposed amendments provide consistency and predictability to reduce land use conflicts, better allowing enforcement and administration of the City's zoning ordinance. The proposed changes maintain conformity with the general purpose statements of the zoning ordinance and ensure that the code can be legally administered and enforced to further those ordinance purposes. Additionally, according to Crime Prevention Through Environmental Design Guidebook, tall fences, over grown shrubbery and other barriers blocking sight lines adjacent to pedestrian paths could shield an attacker. Alternatively, low hedges or fences, allow for “eyes on the street” and usually discourage crime and vandalism, meeting safety goals of the purpose statement.
3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay	The proposal is consistent with and does not impact the enforceability of	The proposed text amendment is citywide and is not tied directly to any property or specific geographic location within the City. Therefore, the amendment would not be subject to any overlay zoning district standards.

zoning districts which may impose additional standards; and	any existing appeal process references in any zoning overlays.	The proposed amendments do allow for the Planning Commission and Historic Landmark Commission to approve additional fence height as part of a land use application review.
4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.	The proposed changes eliminate legal conflicts, improve enforceability and administration of City Code, and so implement best professional practices.	As discussed, the proposed changes clearly outline when over height fences are appropriate, removing the somewhat unpredictable process and outcome of special exceptions. The proposed amendments allow for better administration and streamlining of city code. The regulations do not relate to any specifics relating to professional practices of design. Additionally, urban design practices discourage the use of excessively tall fences, specifically in front yards, due to visual appearance and safety.

ATTACHMENT D: Public Process And Comments

The following attachment lists the public meetings that have been held, and other public input opportunities related to the proposed project. All written comments that were received throughout this process are included within this attachment.

The following is a list of public meetings that have been held, and other public input opportunities related to the proposal:

- Early notification/online Open House notices e-mailed out July 22, 2020
 - Notices were e-mailed to all recognized community organizations (community councils) per City Code 2.60 with a link to the online open house webpage
 - Two community councils (East Bench Community Council and Sugar House Community Council) submitted formal comments. No community councils requested that staff attend a meeting to review the proposal. Both community councils expressed concerns with the proposed amendment.
 - Numerous public comments were received, which are included on the following pages. The majority of the comments focused on two specific projects and concerns associated with not allowing a taller fence in those instances. Other comments requested more consideration to what situations could grant additional fence height, such as for properties next to public lands.

Notice of the public hearing for the proposal included:

- Public hearing notice mailed on December 30, 2020
- Public hearing notice published to newspaper January 2, 2021
- Public notice posted on City and State websites and Planning Division listserv on December 30, 2020

From: [Aimee Burrows](#)
To: [Gilmore, Kristina](#)
Subject: (EXTERNAL) PLNPCM2020-00511 Fence Height
Date: Thursday, September 10, 2020 11:49:30 AM
Attachments: [EBCC Minutes 8.19.20.pdf](#)

Hello Krissy,

I just realized that this email will get to you after the close of the Public Comment Period for the Fence Height Zoning Amendment, but I'm still going to send it. The membership of East Bench Community Council voted **against this amendment** at our meeting on August 19, 2020. There were 15 council members in attendance and the vote was unanimous. Please see the attached meeting minutes.

Thank you,
Aimee Burrows, Chair
East Bench Community Council
ebcc.chair@gmail.com



EAST BENCH COMMUNITY COUNCIL

General Meeting Agenda

Zoom Meeting, 7 pm, Wednesday, August 19, 2020

25 Participants in All, including Jamie Stokes Community Liaison from Mayor's Office, Detective Meinzer, Jonathon Bates, Andrew King, Shawn Wood, and Julianne Sabula for Research Park presentation, and Dan Dugan as our city council representative

1. **Welcome, Introduce Board Members in Attendance:** Karrington, Burrows, Moore, Wright, Overdevest, Eyre

2. **Business Items**

Remaining general meetings for this year: Sept 16, October 21, November 18

Please sign up for updates from Dan Dugan <https://www.slc.gov/district6/> and SLC Council <https://www.slc.gov/council/> U of U alerts <https://alert.utah.edu/> updates, and Mayor's update <https://www.slc.gov/mayor/>

Lots of local government partners post on NextDoor. The EBCC includes the St Mary's and Arcadia Heights neighborhoods.

3. **SLC Fire Department Newsletter – no fire representative** SLC Fire Station 13, Parleys Way
801-799-3473 | fire@slcgov.com

4. **SLC Police Department Report** Det. Nathan Meinzer, SLCPD CIU
801-799-3625 | ciudistrict6@slcgov.com

- a. Traffic issues - they are aware of a growing presence of street racing, bigger on the west side, making sure it doesn't come up to Foothill
- b. Allowing police to be more proactive now that Covid is ramping down a little, more citations being issued
- c. Car prowls – 14 last month, our district is unique in that we have the most long term residents in our area, so monitor any suspicious behavior, anyone we don't recognize from our neighborhood, please call if you see someone walking around at night with a hoodie or looking out of place; several stolen cars recovered from our area, 4 burglaries in our area – no forced entry;
 - i. Burglaries have risen significantly in recent months, it is a national trend that they have been tracking and they suspect it is due to covid – people unemployed and looking for quick income
- d. Question from Dennis Eyre: has there been an unusual amount of people resigning or retiring from the force? Yes, about 20+ down from resignations, losing bodies fairly quickly. As they lose people out of patrol, they will move detectives back to patrol – number 1 priority is taking care of the citizens; Dan Dugan says they're monitoring it and making sure there is enough staff to keep everyone safe.

5. **SLC Mayor's Report** Jamie Stokes, Community Liaison
801-535-7110 | jamie.stokes@slcgov.com

- a. Covid: still in orange phase, but looking positive. They are reassessing once a week from health dept, they're encouraged by the negative trend (positive) since masks have been enforced. Economic development is working with business on how to operate safely: <https://www.slc.gov/ed/covid19/>. The Wellness Bus is offering free COVID-19 tests to those with and without symptoms. Check <https://healthcare.utah.edu/wellness/driving-out-diabetes/mobile-health-program.php> for more information.

Community comment urging the city to be careful about going to yellow too soon given that the university is about to open up, governor might be hard to move back to orange once we're in yellow

- b. Street typologies survey, encouraging us to look at it and give feedback, it's a vision for what the city could look like. Comments due Aug 31: <https://www.slc.gov/transportation/2019/08/30/typologies/>
- c. Census is almost over – end of September, please fill it out if you haven't already – phone, mail, online.
- d. Equity front – black lives matter mural completed recently – 8 artists painted 2 letters each. Listen to the artists behind the City's Black Lives Matter Mural describe their inspiration: <https://www.facebook.com/361929204013526/videos/339445270578049> There are proposals from the mayor's office on how to recover economically from Covid using equitable means:

6. Salt Lake City Council Report

Dan Dugan, District 6

801-535-7784 | dan.dugan@slcgov.com

- a. Street Typogology – take the survey, if there's not enough room for your comments then email Dan Dugan directly to get your comments into the survey, have until 8/31/20.
- b. Census voting – encouraged to register to vote
- c. Parley's Point and Benchmark street – some concern over the development, he's in contact with the mayor to make sure the development isn't hurting the neighborhood.
- d. School starts after Labor Day; we have a low rate of Covid 19 test positives about 10% on the east side, but be sure to keep our guard up and stay safe, get flu shots when the time comes.
- e. Indian Hills cell towers – there are concerned community members, Dan Dugan is in tune with it, though it is in the hands of the school board and the State, currently fighting other 5g cell towers in the city but it's a state and federal law that give the providers the right of way – might be up against a brick wall, but aren't going to give up for that reason.

7. Research Park Master Plan

Jonathon Bates, Exec Dir RE Admin

- a. Jonathon gave a 15 minute presentation on the vision plan for Resarch Park, what the next 50 years could look like: <https://realestate.utah.edu/research-park-vision-plan/>
- b. There was concern over projected height of buildings. Planning committee has taken this into account, they want to protect the views from the foothills. All projected specifics are on the powerpoint.
- c. Planning committee wants to keep an open dialogue, community welcome to leave comments on website

8. Other Business

- a. <https://www.slc.gov/planning/2020/07/22/fence-height-zoning-amendment/>
Anthony Wright presented specifics on the fencing variance: our neighborhood has a unique typography with sloping yards and lots compared to neighborhoods like sugarhouse and 9th and 9th that are built on flat square lots. The variance was good intentioned, but doesn't allow for unique typography. The proposed amendment eliminates allowing things to be taken into a case by case basis.
 - i. Brooke Karrington made a motion to vote on the variange, Anthony Wright gave the 2nd. EBCC is not in favor of this new ordinance: Majority voted against the amendment. 0 community members voted in favor of the amendment. Due to the conditions that zoom presents, it was hard to identify if anyone abstained from voting.
 - ii. The EBCC position has been decided, but community members are still encouraged to go online to make comments, or email Dan Dugan (dan.duagn@slcgov.com) your comments and he will read them and pass them along to the planning committee.
- b. Mark Overdevest: discussed 37 acre property between Devonshire with Lakeline going up for sale. Seller put it through to get 3 buildable lots passed, listed about 10 days ago, \$8.75 million is listing price. Son is listing agent, zoned FR2 (foothill residential 2) and OS (Open Space), each lot must be a minimum of .5 acre; Seller would prefer to sell it to the city and not disturb the Bonneville shoreline trail; Owner has 3 of the lots zoned but don't know if there is permission to build
- c. If you're interested in filling a vacancy on EBCC Board, please email ebcc.chair@gmail.com by the end of this month. The board will appoint a member to the board before the September 16th meeting.
- d. Surveys for our community listed below
 - i. New SLC Flag, due Aug 21: <https://www.slc.gov/flag/>
 - ii. Billboard Ordinance: <https://www.slc.gov/planning/2020/07/20/billboard-ordinance-amendments/>
 - iii. Fencing, Walls and Hedges: <https://www.slc.gov/planning/2020/07/22/fence-height-zoning-amendment/>
 - iv. Restaurants in Public Land Zones: <https://www.slc.gov/planning/2020/08/04/permitting-restaurants-in-the-public-lands-zoning-district/>

EBCC Board Members

Aimee Burrows	ebcc.chair@gmail.com	Anthony Wright	anthonywright13@gmail.com
David Wirthlin	dbwirthlin@gmail.com	Mark Overdevest	mark.overdevest@gmail.com
Brooke Karrington	b.karrington04@gmail.com	Dennis Eyre	denniseyre@prodigy.net
Katie Moore	domandkatie@gmail.com	Emily Lucht	emily.lucht@gmail.com



October 13, 2020

TO: Salt Lake City Planning Commission

FROM: Judi Short, Vice Chair and Land Use Chair
Sugar House Community Council

RE: PLNPCN 2020-00511 Fence Height Zoning Text Amendment

This is a special exception that needs to be allowed in specific circumstances. We discussed this issue several times in our LUZ meetings, when two projects were being proposed. It also was in our newsletter, and on our website.

We think there should be some common sense applied. For example, if an apartment building is right up against a row of houses, and that building is going to be more than ten feet taller than the allowed height for the adjacent property (say 28' in a residential zone), then perhaps a fence that exceeds 6' in height makes sense in that situation. (See #3 on Page 16 of the "Special Exception Code Change Document"). If something could potentially create noise, such as a home day care with more than five children in a neighborhood with small lots and small homes, or an accessory building to be used for band practice, the neighbors should be notified, and maybe an extra sound muffling product should be applied to muffle the noise of the music.

In Sugar House, we have two proposals before us, where two large and tall apartment buildings are going in next to a long-standing residential neighborhood, with single story houses. We anticipate there will be more of these down the road. And with the fact that the parking requirement is minimal, and most units have two vehicles even though we pretend they don't, and each unit is allowed one parking space, the neighborhoods will become less desirable for the long-term residents because of extra cars on the streets and no parking place near their house. Not to mention extra noise. The new apartment building west of Gilgal Garden seems to have nonstop loud garbage trucks going in and out with big bangs, like they drop the dumpsters from 3 feet off the ground. It is continuous and can be heard nearly every time I am at the garden. Imagine if I was in a house instead of the garden, the continual noise that would produce.

The least we can do is provide some mitigation, in the form of higher walls to save some of their privacy, and block the additional noise that is generated by these large buildings. I believe that in most cases these can be put between the houses and the building in such a way that they would not extend to the sidewalk on either end. There should be a process for custom design, or else redesign the building in such a way that both groups can be accommodated. In most cases, the home dwellers have been in the neighborhood quite a while and should be respected. The developer should also be required to plant skinny upright trees that will help with privacy for the homeowner, and buffer the noise and pollutants from the parking garages.

I am sure Sugar House is not the only neighborhood where this is happening. You need to be considerate of the entire city. Vinyl fences should not be allowed. They are flimsy, get VERY hot, release pollutants as their surface degrades from exposure to sunlight, and don't block the sound. You need to rewrite this ordinance to accommodate higher fences.

Enclosure: COMMENTS from Sugar House Residents

COMMENTS - FENCE HEIGHT SPECIAL EXCEPTION ZONING AMENDMENT

Ms. Gilmore:

I cannot understand the reasoning behind SLC's idea to eliminate any mechanism for granting exceptions regarding fence height. This means that SLC can see the future and has determined that at no time, never, ever, in perpetuity, will there be a circumstance that necessitates a fence that cannot fit into your regulations. This is truly incomprehensible considering SLC's efforts to plop high density housing in single family neighborhoods. Even now, with IZZY South and Richmond Flats smack dab in the middle of single family neighborhoods, SLC cannot fathom the necessity of a higher fence to protect the surrounding neighbor's privacy. The neighbor's concerns are brushed away as inconsequential as SLC leaves NO recourse for unusual conditions. This makes no sense and must be reconsidered. LYNNE SCHWARZ

thea

11:32 AM (5
hours ago)

to Kristina.Gilmore@slcgov.com, me

Dear Ms. Gilmore:

Have just read through the proposed changes, and am wondering what prompted the complete omission of the Special Exception Authorization section. Is it because of too many requests to build higher fences? Are some so frivolous that they are taking up time much better spent on other issues? If so, I would encourage you to reword the exception section rather than eliminate it.

The plethora of apartment buildings going up in city neighborhoods, while great for increasing housing capacity, is creating issues for established residents whose back yards are adjacent to them. These problems are specifically addressed in the current fence ordinance, i.e. in Section (e) allowing height exceptions in "cases where it is determined that a negative impact occurs because of levels of noise pollution, light or other encroachments on the right to privacy, safety, security and aesthetics." Section (f) refers to "keeping within the character of the neighborhood and urban design of the city."

I urge you to retain these considerations for the neighbors of these new complexes, and in fact, change the ordinance to require that the complexes themselves pay for higher fences. In the case of the Izzy South project, with a ground floor parking garage for about 60 cars, the fence definitely needs to be higher and made of a solid material to block pollution from the cars. Any developer also ought to be required to plant at least 10 foot tall trees for each rear-facing unit overlooking established neighborhood back yards. These requirements would help neighbors without creating undue extra expense for projects.

The Izzy project design aims to limit harmful impact on our environment, so I would think this would be acceptable to its developer.

Thank you for your consideration of these comments and best wishes,

Thea Brannon
1768 E Wilson Ave.
SLC

Thea Brannon wordpress@www.sugarhousecouncil.org via sendgrid.net (6 hours ago)

to me

From: Thea Brannon <[REDACTED]><1768 E. Wilson Ave>
Subject: Fence Height Special Exception Zoning Amendment

Message Body:

The proposed fence height modification ordinance needs to address the issue of the commercial apartment/mixed use buildings being built all over town. Even though they may only be 3 stories, as in the Izzy South project, if these buildings back up to established residential neighborhood back yards, they create threats to the privacy of the resident citizens. In cases such as this, exceeding the allowable fence height should be required. In addition, if there is a parking garage immediately adjacent, a solid fence should be required to help mitigate the resulting increase in air, noise, and light pollution. I wonder what prompted this proposal, and I believe it needs to be rethought.

Ben Hd

11:08 AM (6 hours ago)

to me

Hi Judi,

Thanks for keeping me in the loop as I was unable to attend the zoom meeting due to childcare. I'll take a look at the fence proposal. As someone who supports the development, I'd say it seems very reasonable to request Buffer trees/hedges as well. I get that homeowner built fences can be pretty sketchy above 6', but If permitted and inspected on a commercial development... I'm pretty sure the fencing between homes and the S-line is well over 6'.

Best

From: Peggy Clark <[REDACTED]><2123 so 600 e>
Subject: Fence Height Special Exception Zoning Amendment

Message Body:

If an apartment building was built next to my house, I would definitely fight for a high

fence... or a very tall wall. When multi housing units are constructed adjacent to homes, the homeowners gain a pile of new neighbors and lose their privacy. A taller fence helps to maintain a bit of privacy as well as reducing noise. The designers and architects need to consider the project impact on the existing residents and stop obsessing on cutting building costs.

Carol Harris wordpress@www.sugarhousecouncil.org via sendgrid.net
The sender is not
PM (2 days ago)

to me

From: Carol Harris <[REDACTED]><1175 E Elgin Ave>
Subject: Fence Height Special Exception Zoning Amendment

Message Body:

I am very concerned about a short fence - only 6 feet in height for the new apartments planned at 2960 Richmond Ave. A four story building looming over our previously private backyards is unacceptable to all neighbors in the area. The commission has obviously determined that our input is not being considered, PLEASE approve a taller fence - 8-10 feet - to provide some level of privacy and security. My property is on the southwest corner of the development which on the current plans may have a swimming pool. A crowded, noisy pool with only a six foot fence is totally unacceptable to me. I purchased my property for the privacy and serenity which is horribly threatened. Please LISTEN to the neighbors. Thank you.

Dean Mellott

Fri, Jul 31, 11:49
PM (16 hours ago)

to Dayna, me

The zoning for single family residential areas in the Nibley area of Sugarhouse, Salt Lake City is best left in the current zoning status for safety and as a desirable aesthetic part of the city. Zoning changes along the S-Line has taken place in the recent past years, including along 700 East & 2100 South to accommodate hundreds upon hundreds affordable housing units of various sizes. The streets are already unsafe with the influx of cars speeding on every street surrounding the new massive apartment & townhouse units with drivers circumventing the arterial roads. There does not need to be additional rezoning of the single-family residential areas in the southern area of Salt Lake City close to the S-line for the hope or dreams of single parent families with one or more children believing they'll be able to afford living in the area. Affordable housing seems best in areas where the high density apartment complexes have been built and continue to be built.

Dean Mellott
574 E Elm Ave
SLC, UT 84106
801-879-3855

onna Bradshaw wordpress@www.sugarhousecouncil.org via sendgrid.net
Sat Aug 01 03:11 PM (2 days ago)

to me

From: Donna Bradshaw <[REDACTED]><1065 S 300 E>
Subject: Fence Height Special Exception Zoning Amendment

Message Body:

Please do NOT change the provisions for fencing height as it currently appears in the code .I can't see the value or necessity for removing any possibility of a review for special permission for altered fence heights. It is essential to be able to petition for a higher fence in situations where neighborhood privacy, safety and aesthetics demands! It especially crucial as Salt Lake City downtown and businesses grow and spread, and with the ever-growing number of apartment buildings that can tower over neighborhoods. The folks who live in houses deserve peace and privacy and must be able to have enjoyment of their property. We need to have at least an avenue to provide for building fences to ensure the safety of our children and the preservation of our property values!!!

m: David Fernandez <[REDACTED]><2685 S Hartford>
Subject: Fence Height Special Exception Zoning Amendment

Message Body:

Something there is that doesn't love a wall,

One of the stated reasons for this revision is that when an apartment building is put up next door to you, you would appreciate a taller fence to maintain your privacy in your backyard. Where is this addressed in this revision?

Also, Section F General Requirements Paragraph 1. Needs to address Vinyl Fencing. Vinyl fencing, siding shutters, windows are sold as "maintenance free" requiring no treatment or chemicals to retard deterioration. However, oil based plastics deteriorate at an undefined rate base on exposure to sunlight (UV), pollution and heat. This manifests itself as fading in color, loss of ductility and eventually lack of structural integrity. As a side, the chemicals released if these items catch on fire should not be inhaled.

From: thea <[REDACTED]>
Sent: Thursday, July 30, 2020 11:32 AM
To: Gilmore, Kristina <Kristina.Gilmore@slcgov.com>
Cc: Judi Short <[REDACTED]>
Subject: (EXTERNAL) Proposed fence height modification ordinance

Dear Ms. Gilmore:

Have just read through the proposed changes, and am wondering what prompted the complete omission of requests to build higher fences? Are some so frivolous that they are taking up time much better spent rather than eliminate it.

The plethora of apartment buildings going up in city neighborhoods, while great for increasing housing adjacent to them. These problems are specifically addressed in the current fence ordinance, i.e. in situations where a negative impact occurs because of levels of noise pollution, light or other encroachments on the right-of-way. The character of the neighborhood and urban design of the city."

I urge you to retain these considerations for the neighbors of these new complexes, and in fact, character of the fences. In the case of the Izzy South project, with a ground floor parking garage for about 60 cars, there is noise and light pollution from the cars. Any developer also ought to be required to plant at least 10 foot tall trees for screening. These requirements would help neighbors without creating undue extra expense for projects. The Izzy project design aims to limit harmful impact on our environment, so I would think this would be a good idea.

Thank you for your consideration of these comments and best wishes,

Thea Brannon
1768 E Wilson Ave.
SLC

Sent from [Mail](#) for Windows 10



[Thank you for your response.](#)

[Thank you for the update.](#)

[Thank you.](#)

[Reply](#)[Reply all](#)[Forward](#)

From: wanda brown <[REDACTED]> <543 E Commonwealth Ave>
Subject: Fence Height Special Exception Zoning Amendment

Message Body:

I believe we should be able to make exceptions to fence height. Especially when you have a large apartment building going in next to residential homes. it will help reduce the noise pollution.

From: [Anthony Wright](#)
To: [Gilmore, Kristina](#)
Subject: (EXTERNAL) Proposed Fence changes
Date: Monday, July 27, 2020 11:43:48 AM

To whom it may concern,

I was just made aware of the proposed change to fence zoning. I am in opposition to the change. I believe the way the language reads now allows for more flexibility for unique circumstance where a 6ft front fence may be acceptable.

While I dislike the idea of properties having a solid fence right next to the sidewalk, an iron or semi transparent fence in the front of some properties is acceptable and is seen all over the world in many beautiful neighborhoods.

The way the amendment reads is that no matter the circumstance or situation, 4 ft is the max for a residential front yard. Having a special exemption allows the city to grant the exception for specific circumstances. An iron fence may be appropriate for a historic district where other structures have the same, or for a property set far back from the street where a taller transparent fence would not provide a boxed feel.

I hope you consider the potential impact to those with unique circumstances that may benefit from a taller fence. Not every home or lot is the same and not allowing reasonable exceptions with neighbors approval hurts development.

Sent from my iPhone

From: [Anthony Wright](#)
To: [Gilmore, Kristina](#)
Subject: (EXTERNAL) Fwd: Proposed Fence changes
Date: Monday, July 27, 2020 11:59:54 AM

Furthermore saying a person cannot have a hedge over 4 ft tall? What constitutes a hedge? Are you trying to say no trees can be in the front yard? Define the spacing for trees to be considered a hedge. This will be an enforcement logistical nightmare. If the city decides to limit a property owners right to privacy and security that will not sit well with the public.

Sent from my iPhone

Begin forwarded message:

From: Anthony Wright [REDACTED] >
Date: July 27, 2020 at 11:43:44 AM MDT
To: kristina.gilmore@slcgov.com
Subject: Proposed Fence changes

Fencing

I am all for the standardization of the city code. If we can save the city time and resources that are being spent on variances for things that are likely to be approved, I'm all for that.

My concern is that amendments will be made to the code, the variances will be eliminated, and that the exceptions that are reasonable and have no adverse impact on the surrounding area, will be left out. No one can predict every situation that may arise that does not fit into the box of code. If every home was on a flat, square lot, with the same buffers from commercial properties, major roads, and no topographic challenges it would be easy to create a code that everyone can follow. For example, the avenues, foothill, and along the Wasatch fault line, sometimes have extreme topographic and slope challenges that cannot reasonably meet code standards. Another example is in historic districts or even neighborhoods with older homes. Often, homes that are not on the registry but want to bring their home more in line with the surrounding homes that were built before code implementation, need a variance to keep in line with the character of the neighborhood.

In regard to the proposed changes to fencing regulation, I feel that the existing variance section was erased with no addition to the code to address potential reasonable exceptions.

The current permissible variances allowed for additional height if they met very specific criteria. With this being eliminated, it effectively makes it impossible under any circumstance to build anything over 4 ft in the front or 6ft for side or rear.

No one wants a majority of houses with solid fencing going to the sidewalk, which even under the current variances is not allowed. If you refer to the current variances section, you will see the list of reasonable exceptions such as being constructed with a wrought iron or transparent options, or it is determined that a negative impact occurs because of levels of noise, pollution, light or other encroachments on the rights to privacy, safety, security and aesthetics.

There are times where a taller fence is justified for either privacy, safety, or an attempt to limit noise, light pollution, or sound of a busy road. Does anyone find it reasonable that we would not allow someone who lives on foothill drive to not construct a 6 foot fence with a hedge to help obstruct the noise and pollution?

I believe people should be able to express themselves with their yard and landscaping options. The current verbiage says no hedge in front of the home shall exceed 4ft. The use of hedge is extremely vague. Many people plant a row of trees along their driveways, in front of their main windows, or even have a mature tree trimmed to be a hedge in the front yard. The literal interpretation would basically make any vegetation in the front yard in violation if over 4 ft tall.

Limiting everyone to the same restrictive standards could hurt the esthetics of our city, limit creativity and expression, and deny some the right to privacy and security. I challenge the

council to drive the city for just 15 minuets and look for fencing that would now be a violation. You will see the grand wrought iron gates of the lower avenues, 6 foot fencing in front of homes that sit on major roads, unique and beautiful landscaped hedges and trees over 4 ft, and corner lots with transparent side fencing. The way the amendment reads now is that a 4 foot chain link fence can wrap your front yard and driveway while a 6 Ft decorative, mostly transparent wrought iron fence and gate would be prohibited.

* I ask that you consider including wrought iron, tubular steel, or other transparent fencing as an option for going up to 6ft in the front of a property. If that still does not seem reasonable, consider having an increase in height up to 6ft for every foot you step back from the front property line. I also ask that you consider allowing excess height for ornamental features for a gate. I would much rather see a beautiful, intricately designed arched gate over a flat 4ft chain link gate. It would be sad to never again see a new wrought iron gate in our city.

Below are some examples I have found around the city that would be non-conforming under the amendments but are very reasonable, have no adverse impact on the area, and provide the privacy and security we citizens are entitled to.



Non permissible 6 ft fence on foothill drive



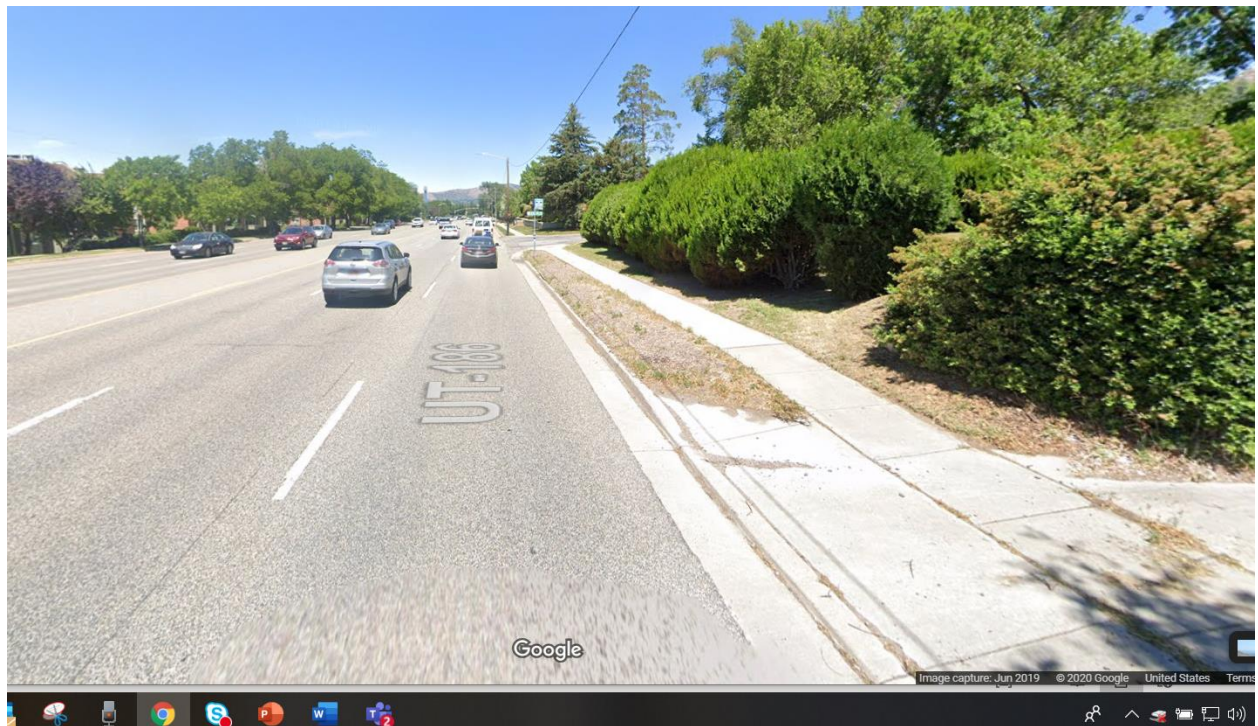
Anthony Wright Letter

Fencing over 4 ft to alleviate intrusion of noise, and pollution from foothill drive.



Transparent fencing over 4 ft that is stepped back from sidewalks. **Not allowed** (note, homes are far from the road and additional height provides security for the property with the home situated in the middle of the lot).

Anthony Wright Letter



Non permissible hedge on major roads

Anthony Wright Letter



Non permissible hedge in front yard over 4 ft. This hedge is cut from native scrub oak



Non permissible ornamental gate exceeding 4 Ft in height

Anthony Wright Letter



Wrought iron fence exceeding 4 ft in height



3 ft chain link fencing with no landscaping or privacy hedge. **Allowed...**

From: [REDACTED]
To: [Gilmore, Kristina](#)
Subject: (EXTERNAL) Fencing ordinance modification
Date: Wednesday, July 29, 2020 3:32:31 PM

Ms. Gilmore, thank you for the opportunity to comment on the proposed changes to the fencing. While I appreciate it is easier to be totally uniform throughout the city, it is not always reasonable for the homeowner. In my case, my property backs up to “wild lands” on the east – there are no roads, no habitation in the area – but there are cougar. In fact, I have a fence that is 6’ tall on the back, and I maintain a “down to mineral dirt” firebreak for 10’ wide along the entire east stretch of my property at the east fence line, with fencing continuing to the west along the entire back yard reaching down to the house. (I have no fence whatsoever extending from the house to the street.) Yesterday there was a distinct paw print in the dust in that area – INSIDE the 6’ high fence – which paw print was of a size to exclude domestic cats and bobcats. Cougar can easily leap 10’ from a standing position. I had intended to raise the fence to provide protection for me and my family. The proposed ordinance would prevent me from creating that protection.

I strongly urge the consideration of special circumstances such as property like mine.

Thank you for the opportunity to comment.

Joan Ogden
1423 S Devonshire Drive
Salt Lake City UT 84108
[REDACTED]

From: [Lynn Schwarz](#)
To: [Gilmore, Kristina](#)
Subject: (EXTERNAL) Fence Height
Date: Wednesday, July 29, 2020 7:46:25 PM

Ms. Gilmore:

I cannot understand the reasoning behind SLC's idea to eliminate any mechanism for granting exceptions regarding fence height. This means that SLC can see the future and has determined that at no time, never, ever, in perpetuity, will there be a circumstance that necessitates a fence that cannot fit into your regulations. This is truly incomprehensible considering SLC's efforts to plop high density housing in single family neighborhoods. Even now, with IZZY South and Richmond Flats smack dab in the middle of single family neighborhoods, SLC cannot fathom the necessity of a higher fence to protect the surrounding neighbor's privacy. The neighbor's concerns are brushed away as inconsequential as SLC leaves NO recourse for unusual conditions. This makes no sense and must be reconsidered.

Lynn Schwarz
2023 East Crystal Ave
Salt Lake City, UT 84109
Sugar House Community Council Trustee

From: [thea](#)
To: [Gilmore, Kristina](#)
Cc: [Judi Short](#)
Subject: (EXTERNAL) Proposed fence height modification ordinance
Date: Thursday, July 30, 2020 11:32:03 AM

Dear Ms. Gilmore:

Have just read through the proposed changes, and am wondering what prompted the complete omission of the Special Exception Authorization section. Is it because of too many requests to build higher fences? Are some so frivolous that they are taking up time much better spent on other issues? If so, I would encourage you to reword the exception section rather than eliminate it.

The plethora of apartment buildings going up in city neighborhoods, while great for increasing housing capacity, is creating issues for established residents whose back yards are adjacent to them. These problems are specifically addressed in the current fence ordinance, i.e. in Section (e) allowing height exceptions in "cases where it is determined that a negative impact occurs because of levels of noise pollution, light or other encroachments on the right to privacy, safety, security and aesthetics." Section (f) refers to "keeping within the character of the neighborhood and urban design of the city."

I urge you to retain these considerations for the neighbors of these new complexes, and in fact, change the ordinance to require that the complexes themselves pay for higher fences. In the case of the Izzy South project, with a ground floor parking garage for about 60 cars, the fence definitely needs to be higher and made of a solid material to block pollution from the cars. Any developer also ought to be required to plant at least 10 foot tall trees for each rear-facing unit overlooking established neighborhood back yards. These requirements would help neighbors without creating undue extra expense for projects.

The Izzy project design aims to limit harmful impact on our environment, so I would think this would be acceptable to its developer.

Thank you for your consideration of these comments and best wishes,

Thea Brannon
1768 E Wilson Ave.
SLC

Sent from [Mail](#) for Windows 10

Gilmore, Kristina

From: Mary R. Cosgrove <[REDACTED]>
Sent: Monday, August 17, 2020 7:16 AM
To: Gilmore, Kristina
Subject: (EXTERNAL) Fence height

Our property butts up against the cemetery and I noticed a neighbor east of us has put up very high fences. They appear to me to be over 6 ft.

I can see why she did this. It's interesting having a cemetery behind your house. A taller fence would be great so the visitors in the cemetery cannot look into our backyard and we wouldn't have to see the graves and funerals.

I realize we are probably the only houses in SLC that actually have a cemetery behind them. SL county does however. It's a consideration.

Thanks,

Mary Cosgrove
2357 Sheridan Rd
84108

From: [Judith Boulden](#)
To: [Gilmore, Kristina](#); [D. Gordon Wilson](#); [Rhonda Devereaux](#)
Subject: (EXTERNAL) Fence heigh amendment
Date: Wednesday, August 26, 2020 10:17:05 AM

Hello,

Our neighborhood has a nuisance vacant lot where, over an extended period of time and at significant neighborhood involvement, we have been able to erect a fence higher than 4'. The lot is located at 134 Edgecombe Drive and overlooks the City. In the past there has been drug use, litter, gang violence, shooting, and traffic obstruction at the lot that required calling the police as well as traffic enforcement. The fence we were finally able to erect, at cost borne by neighbors and the absent property owner, has reduced this negative activity to a degree, though not entirely. Replacing this fence with one only 4' tall would totally defeat all that we have accomplished over several years. Anyone can get over a 4' wall. Please reconsider exceptions to this proposed ordinance to deal with security situation such as we have.

Judith Boulden
79 Edgecombe Drive
Salt Lake City

Sent from my iPad Pro

From: [REDACTED]
To: [Gilmore, Kristina](#)
Subject: (EXTERNAL) RE: Fence Height Zoning Amendment
Date: Thursday, August 27, 2020 11:20:11 AM

Krissy, I corrected a small typo in this amended version. Thank you! Jim

Regarding Salt Lake City Fence Height Zoning Amendment
Petition Number: PLNPCM2020-0511

Yesterday I was made aware of a proposed amendment to the City's zoning code which removes the Special Exception language from the City's Fence Height Zoning and adds additional restrictive language. I appreciate that the City has a variety of physical environments to navigate and conformity to uniform standards is an important tool to ensure equal treatment. However, complete removal of the Special Exception process eliminates another important tool for the City to use in circumstances that it had not anticipated.

By way of example, this tool was used very effectively at 134 Edgecombe, a private lot zoned for single family residential use in our neighborhood. At that location there is a vacant lot in an otherwise fully developed residential neighborhood. Unfortunately, this lot had become a frequent high volume view point for many people and was exacerbated by its proximity to the City's urban core. Short periods of low volume viewing alone is of course not a contentious issue. Sadly though this location had become a perpetual extended stay party zone. Residents of the neighborhood have engaged in a daily trash pickup that commonly includes food packaging waste, beverage packaging waste, used condoms and hypodermic needles. Frequent visits from SLPD can confirm these circumstances.

We engaged the neighborhood and solicited input from a broad and diverse set of neighbors, conducted neighborhood meetings to which all were invited by posting notices on everyone's door, conducted formal surveys all of which occurred over a several year period. One result of this effort was approximately 40 residents providing funding along with the property owner to construct a fence. In this case a 4-foot fence allowed by right would not have been sufficient to curtail the problem as it would have been easily bypassed allowing the problem to continue. As such, the property owner applied for and received a Special Exception allowing for a 6-foot fence which was installed according to the approved permit.

Although this fence has not provided a complete solution, it has significantly reduced the volume of traffic. We do continue to pick up trash daily and have explored other options to reduce the appeal of extended stays. The City has many special publicly designated locations for the enjoyment of our City's residents. Private neighborhood locations simply don't have the necessary resources such as trash cans, bathrooms, maintenance, enforcement tools among many other issues that are available at areas designated for public use.

By removing the Special Exception process you are removing an important tool for the City and its residents to ensure that residential zones are used accordingly in circumstances intended for the existing Special Exception process. Perhaps you could include language such as, "Special Exceptions

will be granted in circumstances where there are negative environments or conditions that could be at least partially mitigated by the presence of higher fencing that provides either a physical and/or visual barrier. Examples of such circumstances include excessive public use, disregard for parking or other limitations, or the presence or accumulation of waste resulting from such visitation.”

Thank you for your consideration,
James Schulte
Capitol Hill resident

From: [Terry Becker](#)
To: [Gilmore, Kristina](#)
Subject: (EXTERNAL) Fwd: 20+ foot walls
Date: Thursday, August 27, 2020 12:07:03 PM

Kristina,

Thank you for giving me background on the proposed amendent. Planning rules and regulations are in place to protect our communities from inappropriate development, and should assure all citizens that planning polcies will be fair and predictable. Three years ago we had first-hand experience of bad planning process and general standards and considerations for special exceptions (21A.52.060) were ignored. "Special exception" went from 4 feet to two **20 foot** walls, and additional 3 foot cement walls and high fencing on top of those. We hope the department and commission will think carefully about making changes to the zoning ordinance.

From: [Stokes, Jamie](#)
To: [Lynn Schwarz](#)
Cc: [Mayor](#); [Gilmore, Kristina](#)
Subject: Re: Elimination of Special Exceptions for Over-Height Fences
Date: Friday, August 28, 2020 2:56:59 PM

Hi Lynn,

Thanks for sharing your feedback about the fence height zoning amendment with our office.

I'm copying Krissy Gilmore on this message so she is aware of your comments -- she is the staff planner in charge of answering questions and compiling feedback about this particular issue. It is my understanding that no decision has been reached on the petition in question and there has yet to be a date set for a public hearing.

I'm happy to answer additional questions you may have, although Krissy is undoubtedly much more knowledgeable than I am. Thanks again for reaching out!

Jamie Stokes
she/her
Community Liaison

385-707-7062
OFFICE *of the* MAYOR
SALT LAKE CITY CORPORATION

www.slc mayor.com
www.slc gov.com

From: Lynn Schwarz [REDACTED] >
Sent: Sunday, August 2, 2020 4:09 PM
To: Mayor <Mayor@slcgov.com>; Fowler, Amy <Amy.Fowler@slcgov.com>; Fullmer, Brian <Brian.Fullmer@slcgov.com>
Subject: (EXTERNAL) Elimination of Special Exceptions for Over-Height Fences

I cannot understand the reasoning behind SLC's idea that eliminating any mechanism for granting exceptions regarding fence heights is a good idea. This means that SLC can see the future and at no time ever, never, in perpetuity, will there be a circumstance that necessitates a fence that does not fit your regulations. This is truly incomprehensible considering SLC's efforts to plop high density housing into single family neighborhoods. Even now, with IZZY South and Richmond Flats smack dab in the middle of single family neighborhoods, they will only be allowed to have 6 foot fences separating them from adjoining single family houses. Neighbors are begging for higher fences to reasonably preserve their privacy, but those requests will be brushed away as inconsequential as SLC leaves NO recourse for unusual conditions. This makes no sense and must be reconsidered.

Lynn Schwarz
2023 East Crystal Ave
Salt Lake City, UT 84109
Sugar House Community Council Trustee

From: [Dan Moulding](#)
To: [Gilmore, Kristina](#)
Subject: (EXTERNAL) Public Comment Re: Fence Height Zoning Amendment (Petition Number: PLNPCM2020-00511)
Date: Tuesday, September 8, 2020 10:45:23 PM

Hi Krissy,

It was recently brought to my attention that the Planning Commission is taking under consideration a proposal to amend city fence height zoning ordinances which would have the effect of removing the "special exception" provision of the existing ordinance, and that public comment on the proposed amendment has been requested. I would like to submit the following comment for consideration by the Planning Commission and the City Council.

Among the reasons given in favor of the proposed amendment, I am to understand, it has been asserted that, "according to the American Planning Association, special exceptions for fence height should be discouraged". I would first like to dispel this absurd misconception. The APA discourages freely granting *variances* to fence height ordinances[1]. This is not the same thing as discouraging *special exceptions* within ordinances, which are utterly distinct from variances, as I'm sure the Planning Division and Planning Commission will heartily agree.

The special exception provision in the existing Salt Lake City ordinance serves at least two important purposes:

- 1) It discourages the practice of freely granting variances at will, in accordance with APA recommendations, because it prescribes -- by ordinance -- specific situations in which the standard fence height limits may not be appropriate.
- 2) It provides the means by which specific types of situations may best be addressed by the City in a uniform manner, rather than attempting to impose a one-size-fits-all solution to every situation city-wide.

If the special exception provision were to be removed, as proposed, it would predictably have the effect of requiring the City to approve more variances than are currently necessary, in order to address the varying needs of spaces throughout the city -- directly in contravention to the APA's clearly stated recommendations.

Particularly worrisome, would be the elimination of the following section of the existing special exception provision:

- e. Exceeding the allowable height limits, in cases where it is determined that a negative impact occurs because of levels of noise, pollution, light or other encroachments on the rights to privacy, safety, security and aesthetics;

Elimination of the special exception provision will mean the elimination of an important tool the City currently has to allow for higher fences where such height is *necessary* in order to ensure the safety and security of our neighborhoods. Even if somehow removing the provision would result in better uniformity -- it won't, it will simply mean more variances will be needed, resulting in *less* uniformity -- trading our neighborhoods' safety for uniformity would be both unwise and, frankly, irresponsible.

Respectfully,

Daniel Moulding
99 E Edgecombe Dr
Salt Lake City, UT 84103



[1] American Planning Association, <https://www.planning.org/pas/reports/report113.htm>,
retrieved 9/8/2020 - *"In the interests of uniformity, variation in maximum fence heights should
not be allowed freely within a zoning district."*

From: [Personal](#)
To: [Gilmore, Kristina](#)
Subject: (EXTERNAL) Zoning Ordinance amendment
Date: Tuesday, September 8, 2020 1:40:53 PM

Please do what you can to defeat this amendment or change it or grandfather existing permits. My concern is the fence we as neighbors in concert with the owner of 134 Edgcombe Drive paid for and had installed to reduce the problem of noise, trash and illicit and illegal activity taking place nightly.

The fence, while not stopping such activity completely, it has greatly curtailed it. If the zoning ordinance amendment passes the problem returns full force.

NOT A GOOD OUTCOME

Feel free to contact me.

Phone is [REDACTED]

Sent from my iPhone

From: [Judith Boulden](#)
To: [Gilmore, Kristina](#)
Subject: (EXTERNAL) Proposed Fence Height Amendment
Date: Wednesday, September 9, 2020 10:50:03 AM

Dear Ms. Gilmore,

I write in opposition to the proposed change to the regulation of fences that proposes to eliminate the Special Exception process. The stated reason is to provide uniformity and promote clear expectations for fence height.

Initially, why is uniformity considered a goal? The City has wonderful diverse neighborhoods from the charm of the Avenues to the urban structure of the Granary District. Why should such diverse neighborhoods be uniform and who would expect them to be? I believe the premise of this proposed change is flawed and counter to producing vibrant, unique neighborhoods.

More importantly, one of the few exceptions is for **public facilities** where a greater height is necessary to protect public safety. There is a pressing example of when **private facilities** absolutely require taller fences to promote public safety - 134 Edgecombe Drive. I live on Edgecombe Drive and have endured the impact of this vacant lot that is a magnet for illegal drug use, gang conflict, extensive litter and violation of various noise and parking ordinances on the neighborhood. I routinely picked up "morning after" litter consisting of used needles, human waste, food and drink remains, bottles and cans, furniture and clothing - and even offensive weapons. After years of this, a coalition of neighbors over an extended period of time was able to obtain permission to erect a metal fence higher than 4ft. to keep this offensive and unsafe conduct out of our neighborhood - now it's confined to the City street at least. Why should the City eliminate this increased fence height recourse for private facilities and allow it only for public facilities. To change the ordinance and maintain the necessity of taller fences for public facilities for public safety purposes is to acknowledge such exceptions are essential - why should such exceptions not be available to private facilities for the same reasons? In circumstances such as 134 Edgecombe Drive, safety surely outweighs uniformity and some perceived expectation.

Please help us to keep our neighborhood safe and reject this ill thought out amendment.

Respectfully,

Judith Boulden

79 Edgecombe Drive

[Sent from Yahoo Mail for iPad](#)

From: [David Scheer](#)
To: [Gilmore, Kristina](#)
Cc: ["Jim Schulte"](#)
Subject: (EXTERNAL) Fence zoning height amendment
Date: Wednesday, September 9, 2020 10:28:16 AM

Hello Kristina-

I'm writing to ask about a particular case of special importance to our neighborhood that may be affected by the proposed fence zoning height amendment.

There is currently a 6' wrought iron fence at 134 Edgcombe Dr. on the front property line. This fence was erected two years ago through a concerted effort by a group of neighbors, with the cooperation of the property owners and properly permitted by the city. It was erected because the property attracted crowds on weekends and especially holidays like July 4 and July 24 because the property is vacant and has a view of the city. These crowds were an extreme hazard and nuisance to neighbors, starting brush fires that threatened homes, leaving huge amounts of trash, playing loud music and blocking the street. Since the fence was erected, these problems have been largely eliminated. The neighborhood believes that keeping this fence is essential to our safety and well-being.

My question has to do with whether the new amendment will cause this fence to have to be taken down. Is the proposed amendment going to be retroactive? Will this fence's permit be revoked or not renewed under the amendment?

Given that the vote on this amendment is imminent, I would greatly appreciate a response at your earliest convenience.

Sincerely,

David Scheer, Chair
Capitol Hill Neighborhood Council
www.chnc-slc.org
council@chnc-slc.org
(801) 910-0920

From: [Vanja Watkins](#)
To: [Gilmore, Kristina](#)
Subject: (EXTERNAL) Fence Height Zoning Amendment
Date: Wednesday, September 9, 2020 1:28:21 PM

Dear Ms. Gilmore,

As a 55 year resident on Edgecombe Drive, I would like to comment about the Fence Height Zoning Amendment. My home is directly across the street from 134 E. Edgecombe Drive which is and always has been a vacant lot. Over the years, I have seen changes in the way this property is regarded. Until a few years ago people who stopped and parked to admire the view have been respectful and have caused no problems in the neighborhood.

Sadly there has been a marked change in the behavior of viewers at this site within the last several years. At first neighbors were willing to pick up trash and litter left behind by people admiring the view, but gradually the problem has expanded far beyond litter. Our quiet neighborhood has been subjected to excess garbage, noise, parties, street games at odd hours, lewd behavior, increased traffic that often causes snarls on our narrow street, and of course illegal parking and trespassing onto private property in spite of signs posted by our city. People ignore signs!

What a great relief we experienced when the attractive and necessary 6 ft. metal fence was installed to help prevent some, but not all, of these problems. Some neighbors would have preferred a solid fence, regular police patrols, a regular route by city parking officers with power to issue tickets, a gate to prohibit non-resident traffic after 10 p m., or other similar measures to prevent the perplexing problems on this street that also impacted the entire neighborhood. But we were pleased to begin to solve our problems with the installation of a fence for which many neighbors willingly and generously contributed— and with the property owner's agreement.

Now to have this single, simple step for improvement possibly denied to our neighborhood is a huge disappointment. Please do not let this happen because of a solitary viewpoint not representative of the many who live here.

Thank you for your serious consideration of a respectful, law-abiding and usually friendly neighborhood.

Sincerely,

Vanja Watkins
123 Edgecombe Drive
Salt Lake City, Utah



From: [Lynne Cartwright](#)
To: [Gilmore, Kristina](#)
Subject: (EXTERNAL) Fence and screen at 134 Edgecombe Drive
Date: Wednesday, September 9, 2020 3:46:29 PM

“The City Council has initiated a petition to amend the zoning ordinance regulations to remove the Special Exception process that allows for over-height fences and to define instances where a taller fence may be appropriate and approved by right.”

Instituting a fence height restriction primarily to target a security fence and its screen on 134 Edgecombe Drive doesn't make sense.

1. Ensign Downs has its own CCRs to address issues regarding privacy, house height, etc. For a quasi-governmental body to step in and restrict that fence is overreach.
2. The charm of the development is its eclectic nature. Mandating uniform fence height would destroy that. We've all moved beyond the "little boxes on the hillside" aesthetic.
3. The large majority of the homeowners have "voted" by contributing to the fence construction and periodic maintenance. The group went through the city's process to secure permission for the fence. They want this fence as a security measure. One person has requested this change against the wishes of virtually all the rest of the neighbors. The neighbors on Edgecombe Drive are *fully* in favor of the fence and its screening.
4. Before the fence, that open space was an "attractive nuisance" that collected not just trash but hazardous waste (dirty diapers, used needles, used condoms, for some examples), creating a neighborhood problem. It also attracted random non-compliant traffic through Ensign Downs, especially at night, making it unsafe for residents to walk their own neighborhood. The less barrier that fence provides, the more it attracts these problems.

I have lived at 202 E. South Sandrun Road since May 1955. I hope to live here until I die. But disallowing the security fence at 134 Edgecombe decreases my security as well as introduces hazards into the area.

--Deon Freed via my daughter's email since I don't use email.

From: [Maggie Probst](#)
To: [Gilmore, Kristina](#)
Subject: (EXTERNAL) Fence Height Zoning Amendment
Date: Friday, September 11, 2020 7:46:30 AM

Dear Ms. Gilmore,

As a resident of the Capitol Hill neighborhood, I am writing you express my concern over this amendment as it relates to the fence on 134 Edgecombe Drive. I have driven Edgecombe almost daily for 13 years and witnessed the traffic on the street increase dramatically over the course of time. Along with the traffic came all the nuisances of noise and trash, etc. that plagued our neighborhood. Since the fence has been erected on the property, the traffic has significantly decreased, and the result has been a safer, quieter residential neighborhood. This instance seems precisely why the fence height variance exists, and it works! I strongly urge that the special exception process for over height fences not be changed.

Maggie Probst
907 Dartmoor Way
Salt Lake City, UT 84103

From: [Ingo and Kathy Titze](#)
To: [Gilmore, Kristina](#)
Subject: (EXTERNAL) Fence on 134 Edgecombe
Date: Saturday, September 12, 2020 3:21:12 PM

I would like to add my concern for the removal of the fence and screens that have been, in my opinion, a necessity for the safety of the street due to unprecedented accumulation of cars and trash at late hours and daytime hours. There is no limit to the worry from the residents and traffic congestion in this area. Putting up the fence and screens are the only things that deter onlookers since the police can not be there every minute. However, I believe that if some tickets were issued, the word would get around and also act as a deterrent.

Thank you for your time and help in this matter.

Kathy Titze
56 E. Dorchester Drive
.SLC, UT 84103

From: [Jim Schulte](#)
To: [Gilmore, Kristina](#)
Subject: (EXTERNAL) Salt Lake City Fence Height Zoning Amendment
Date: Friday, September 11, 2020 11:39:20 AM

Regarding Salt Lake City Fence Height Zoning Amendment
Petition Number: PLNPCM2020-0511

Kristina,

I wanted to provide some additional context for some of the comments you are receiving from residents of our neighborhood regarding the vacant lot at 134 Edgecombe. Some of them are under the impression that the zone change itself could cause the removal of the fence. I understand from your comments in response that the fence could remain as an existing non-conforming use/improvement. While I appreciate that perspective, the existence of our fence is certainly more “fragile” with the proposed zone change as it does not recognize and provide an avenue of approval for the unique circumstances of a location like 134 Edgecombe that can benefit from a special exception to the fence height ordinance. We are continuing to work as a neighborhood to improve the still very destructive behavior that comes with excessive all night visitation and one recommendation that has been highly vetted and approved by the neighborhood is a 4’ screen. It’s not clear whether that would be allowed under our current special exception. If this zone change occurs we would lose the ability to apply for an amendment to our prior approval.

Please add language to the proposed zoning amendment that will provide a path for the City to evaluate further existing permit amendments and new special exceptions for lots that that can demonstrate adverse conditions that warrant such an exception such as 134 Edgecombe.

Thank you.

James Schulte
Capitol Hill Resident

From: [Rhonda Devereaux](#)
To: [Gilmore, Kristina](#)
Subject: (EXTERNAL) Zoning ordinance change on fence height
Date: Monday, September 21, 2020 1:16:45 PM

Kristina,

I am hopeful that you are able to take my comment into consideration regarding the proposed removal of 'Special Exceptions' for fence heights. I have a personal beef with the removal of the exceptions clause, being I live on Edgcombe Dr, just a couple of houses away from the empty nuisance lot at 134E Edgcombe Dr. I am sure you have already heard from others the saga of the criminal and nuisance activity on that lot and our community working together to try to minimize the disruption to our neighborhood. The fence has helped a ton. The trial of additional placement of a fabric to reduce the view while seated in a car in the no parking zone seemed promising. Seems crazy to reverse the progress we have made.

But just as important as this issue is with us, I think the MESSAGE you are sending with the proposed removal of 'special exceptions' is very alarming. We have a serious problem with this lot. And as special as I'd like to think we are, I bet there are other communities facing similar issues. As a community, we tried the usual avenues to address it. Yet, it only became worse. We have been told repeatedly that there aren't enough personnel (police officers, ticketing officers, etc) to respond quick enough to make a difference. So as a community, we formulated a plan to try to fix this problem WITHIN the confines of the law AND at our own expense. This has resulted in a reduction of crime, nuisance garbage, fires and calls to the police department, parking enforcement and the property owner. Win/win situation, don't you think?

Now there is a push to reduce abandon the special permits due to aesthetic concerns (evidently one complaint) and the laborious process the permits require? This would be simply volleying the problem back to the police and parking enforcement, who we already know have too much on their plate, not to mention a slap in the face to our community for trying to rectify a very frustrating and dangerous problem.

Until the City can adequately address and rectify the mess of this open lot, I believe that reversing/eliminating special permits is in no-one's interest. This could crush the future legal efforts of communities banding together to resolve an issue when their leaders can't.

I thank you for the consideration of my comments.

Rhonda Devereaux
88E Edgcombe Dr
SLC, UT 84103

Merrick

[REDACTED]

Voicemail-- Does not support removing the special exception to allow over-height fences. They do not feel that 4' is enough to secure kids and a dog in the front yard.

ATTACHMENT E: City Department Review Comments

Planning Staff Note: In general, the proposed changes do not directly impact most other City departments. When routing the proposal, staff also sent the request to review to the Parks and Public Lands Division. The request could impact their future park and recreation planning effort but did any comments or concerns.

Transportation: No concerns.

Engineering: No concerns.

Public Utilities: No comments provided.

Building Services (Zoning): No concerns.

Building Services (Fire): No concerns.