

**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232**

PLANNING STAFF REPORT

**APPLICANT: CENTERVILLE CITY COUNCIL
 c/o MAYOR CLARK WILKINSON
 250 NORTH MAIN STREET
 CENTERVILLE CITY, UT 84014**

APPLICATION: ZONING ORDINANCE TEXT AMENDMENT

**APPLICANT REQUEST: AMEND THE ZONING CODE TO ALLOW ADDITIONAL
 FENCING HEIGHTS – CZC 12.55 SUPPLEMENTARY
 DEVELOPMENT STANDARDS**

**STAFF RECOMMENDATION: CONSIDER A RECOMMENDATION FOR THE
 CITY COUNCIL**

BACKGROUND

As part of an “Open Session” during a recent Council Meeting, the Council heard comments from an owner living next to another property owner with a horse. The owner shared concerns about having the pens and corrals too close to the property line and that the horse can lean over the fence, which not only can damage the fence, but seemingly is an invasion of the privacy of the adjoining neighbor’s backyard. Consequently, the Council then directed staff and the Planning Commission to discuss this scenario and consider amending the fencing heights for mitigating or buffering these situations. The Council expressed not only concerns regarding property in the Agricultural Districts, but also for R-L Districts that abut property zoned for agricultural uses.

ZONE TEXT AMENDMENT REVIEW PROCESS

Zone Text/Map Amendments - Pursuant to the City’s Zoning Ordinance, the “decision to amend the...zoning ordinance is a matter of within the legislative discretion of the City Council as described in CZC 12.21.060.a.1.B. Additionally, CZC 12.21.80.e. lists one (1) criterion for considering a text amendment petition.

- 1. Is the proposed text or map amendment consistent with the goals, objectives and policies of the City’s General Plan?**

CGP 12-435-1. LOCATION OF BUFFERS.

1. Incompatible Use Areas Buffers should be used between incompatible land uses including, but not limited to, industrial, commercial, residential, and high density

or low density uses. It is not desired that these uses occur in close proximity, but if they do, the adverse impacts of one use on the other shall be mitigated with distance, visual screening, access control, sound control, and other mitigation and buffering techniques.

CGP 12-435-2. KINDS OF BUFFERS

1. *Visual Barriers* Visual barriers such as fences, dense landscape, earthforms (berms or mounds), or some combination of these may be used as a means of controlling views that may be undesirable and incompatible with adjacent uses.

2. *Sound Barriers* Sound barriers such as block or concrete walls or dense landscaping may be used as a means of controlling the impact of sound on adjacent uses. Generally, barriers such as block and concrete walls are the most effective and can be used in the smallest amount of space. Such barriers should be constructed of graffiti resistant materials or surfaces. Dense landscaping and berms can also be used as sound barriers, but they must be of considerable depth and height in order to be effective.

CGP 12-435-3. MATERIALS

2. *Fences and Walls* Visually obstructing materials such as fences constructed of wood, composite materials, concrete or masonry are typically used. In determining the appropriate choice, maintainability and vulnerability to the elements, graffiti and other forms of vandalism, should be considered. Wood and composite materials are more vulnerable to vandalism and destruction and are more difficult to clean. Concrete and masonry construction is much more vandal resistant and may be constructed of graffiti-resistant surfaces which make removal of graffiti or resurfacing easier. Smooth, clean, lightly colored surfaces are more attractive to vandals and should be avoided. Textured surfaces, combined with landscape materials and plants which restrict access to the barrier, have a deterrent effect on vandalism and graffiti and should be used appropriate. In any event, walls and fences should be compatible with the design of the structures.

CGP 12-435-5. **MAINTENANCE.** Buffered areas should be maintained by the developer or property owner, unless otherwise agreed to by the City.

POTENTIAL ZONE TEXT AMENDMENT PROPOSALS

Alternative #1 (Keep existing regulations): Leave the existing ordinance in place, which limits fencing to 6 feet in height (*expect within the front yard and site tri-angles fences are limited to 4 feet and 2 feet respectively*).

Alternative #2 (add A-L and R-L to the 10 foot allowance for other Zones):

[Amendments in Red] 12.55.110 Fences and Walls

- (a) Height of Fences and Walls. No fence, wall or other similar structure exceeding six feet in height shall be erected in any rear or side yard except for accessory buildings and structures permitted by this Title, except as provided below.
1. When a difference in grade exists on either side of a fence or wall, the height of the fence or wall shall be measured from:
 - (A) The average elevation of the finished grade of adjoining properties at the fence line; or
 - (B) If excavated or filled, the native elevation.
 2. No fence need be less than 48 inches in height.
 3. The Planning Commission may approve a fence, wall or similar structure not to exceed 10 feet in a rear area or side yard in the A-M, *(A-L, R-L)* R-M, R-H, C-M, C-H, C-VH, I-H, I-VH, PF-L, PF-M, PF-H, or PF-VH zones as part of a site plan review, or amended site plan, with the findings by the Planning Commission that is to be a benefit to the surrounding properties and/or help to buffer the use, and is in the City's best interest.
 4. South side of Porter Lane, from 400 West to Main Street. For all legally approved rear yard fronting lots along the creek channel, the fence height shall not exceed eight feet in height along the rear yard lot line.
- (b) Fences in Front Yard and Street Side Yard. No fence or wall or other similar structure exceeding 48 inches in height shall be erected within a front yard or a street side yard.

Alternative #3 (add new section just for A-L and R-L and limit height to 8-feet):

[Amendments in Red] 12.55.110 Fences and Walls

- (c) Height of Fences and Walls. No fence, wall or other similar structure exceeding six feet in height shall be erected in any rear or side yard except for accessory buildings and structures permitted by this Title, except as provided below.
1. When a difference in grade exists on either side of a fence or wall, the height of the fence or wall shall be measured from:
 - (C) The average elevation of the finished grade of adjoining properties at the fence line; or
 - (D) If excavated or filled, the native elevation.
 2. No fence need be less than 48 inches in height.
 3. The Planning Commission may approve a fence, wall or similar structure not to exceed 10 feet in a rear area or side yard in the A-M, R-M, R-H, C-M, C-H, C-

VH, I-H, I-VH, PF-L, PF-M, PF-H, or PF-VH zones as part of a site plan review, or amended site plan, with the findings by the Planning Commission that is to be a benefit to the surrounding properties and/or help to buffer the use, and is in the City's best interest.

4. The Zoning Administrator may approve a fence, wall or similar structure not to exceed a height of 8-feet encompassing the rear yard area of lot, parcel, or tract for any A-L or R-L zone, defined as follows:
 - (A) A "permitted use" application shall be submitted to the City for any fence higher than 6 feet.
 - (B) The increased height may be placed along the Rear Lot Line, and/or
 - (C) The increased height may be placed along an interior side lot line from the Rear Lot Line to the Rear Building Line, or
 - (D) The increased fence height maybe placed along an interior side lot line to a point where it meets a parallel line drawn along the rear side of the Main Building (i.e. primary use), extending from interior side lot line to interior side lot line.
 - (E) In no case shall the increased height be located along the side lot line running alongside the Main Building or extend into any front or street side yard setback requirement.
 - (F) All fencing above 6-feet in height shall comply with any or all applicable building code regulations and/or shall meet the adopted applicable wind loading regulations.
 5. South side of Porter Lane, from 400 West to Main Street. For all legally approved rear yard fronting lots along the creek channel, the fence height shall not exceed eight feet in height along the rear yard lot line.
- (d) Fences in Front Yard and Street Side Yard. No fence or wall or other similar structure exceeding 48 inches in height shall be erected within a front yard or a street side yard.

STAFF ANALYSIS AND SUMMARY

The Planning Commission and the City Council will need to consider the need and value of allowing increased fencing heights. The norm for residential style fencing is typically 6 feet, it is not only a social norm, it is a material manufacturing norm and also an exempt construction permit norm (*no building permit is required until a 7-foot fence is installed*). However, there are times when higher fencing may be desired or needed for additional privacy or buffering. Here are some pros and cons from a staff perspective:

Pro's:

- Increases privacy for rear yard areas
- Improved buffering from adjacent intrusive uses (e.g. large farm animals, noise, visual esthetics, etc.)
- A boundary/buffer between types of zoning districts or uses
- A visual and noise buffer from adjacent busy roadways
- Improved screening capacity to replace vegetation and plantings that can be more intrusive (e.g. *tree limbs hanging over property lines*).

Con's:

- Will require a fencing permit from the city and public education (property owners & fencing companies) will be required and ongoing. Generally, it is common knowledge that fencing 6 feet or less do not require a City permit.
- Additional heights may require structural engineering to withstand the load weights on the soil or high winds.
- High winds are a particular problem for Centerville.
- Can block/screen adjacent property owners gardens and plantings from needed sunlight and air circulation
- Taller fencing has a visual fortress type of appearance, which may have a negative visual/social quality.
- Future damage repair may be costly (e.g. *block/pre-cast*) and may impact an adjoining neighbor, if a failure occurs and threatens adjacent owners' property or possessions. Who requires or enforces repairs, when the expense is problematic for an owner or future owner?

PLANNING COMMISSION ACTION

The Planning Staff takes no position in this matter but encourages a bit of caution for making a policy change. It's a general welfare and esthetics value that does not have a definitive demarcation line, other than the typical industry standard of 6 feet. Staff is providing findings for both a negative and positive recommendation. Here are the suggested finding sets that the Commission may choose:

DENIAL - Suggested findings to DENY the Request for Consideration:

- Generally, it is common knowledge that fencing 6 feet or less do not require a City permit, adding a requirement for a higher fencing will lead to confusion with the general public.
- Additional heights may require structural engineering to withstand the load weights on the soil or high winds.
- High winds are a particular problem for Centerville.
- Higher fencing can potentially and will block/screen adjacent property owners gardens and plantings from needed sunlight and air circulation
- Taller fencing has a visual fortress type of appearance, which may have a negative visual/social quality to single-family style development.

RECOMMENDATION FOR APPROVAL - Suggested findings to recommend APPROVAL the Request for Consideration:

- Increases privacy for rear yard areas
- Improved buffering from adjacent intrusive uses (e.g. large farm animals, noise, visual esthetics, etc.)
- A boundary/buffer between types of zoning districts or uses
- A visual and noise buffer from adjacent busy roadways
- Improved screening capacity to replace vegetation and plantings that can be more intrusive (e.g. *tree limbs hanging over property lines*).