

1. Planning Commission Special Meeting
Planning Commission Special Work Meeting Agenda

Public Notice is hereby given that the Planning Commission of Millcreek will assemble in a SPECIAL public work meeting on Thursday, 30 January 2020 at City Hall, 3330 S. 1300 E., Millcreek, Utah 84106, commencing at 5:00 p.m.

5:00 p.m. - SPECIAL WORK MEETING:

1. Open and Public Meetings Act Training
2. Discussion on Fences and Retaining Walls
3. Discussion on an Institutional Facility Zone

7:00 p.m. - Adjourn

In accordance with the Americans with Disabilities Act, Millcreek will make reasonable accommodation for participation in the meeting. Individuals may request assistance by contacting the ADA Coordinator, khansen@millcreek.us or 801-214-2751, at least 48 hours in advance of the meeting.

THE UNDERSIGNED DULY APPOINTED CITY RECORDER FOR THE MUNICIPALITY OF MILLCREEK HEREBY CERTIFIES THAT A COPY OF THE FOREGOING NOTICE WAS EMAILED OR POSTED TO:

City Offices City Website Utah Public Notice Website
<http://millcreek.us>
<http://pmn.utah.gov>

DATE: January 28, 2020

CITY RECORDER: Elyse Sullivan

Documents:

[ITEM 2 _ FENCING ORDINANCE DRAFT.PDF](#)

Chapter 19.95 FENCING, WALLS, AND RETAINING WALLS

19.95.010. Purpose

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19.95.050. Fencing for Single-Family and Two-Family Dwellings and Agricultural Properties

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19.95.090 Wildlife Protection

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19.95.010. Purpose

The purpose of this chapter is to promote the use of high-quality materials in fences, screens, walls, and retaining walls, while providing for privacy and safety for individual properties, vehicles, and pedestrians through fence and wall design, height, and placement. For this Chapter the term, “fences”, includes walls and retaining walls, and are defined as man-made, non-vegetative barriers.

19.95.020. Applicability

The standards of this chapter apply to all new construction of fencing, and reconstruction of existing fencing. Existing non-conforming fences are only subject to the provisions of this chapter if their location or height impacts the safety or clear view for pedestrians, bicyclists, and/or vehicles. Such fences shall always be properly maintained in terms of structural integrity and finish surfaces.

The provisions of this ordinance may be superseded by specific regulations found in other chapters.

19.95.030. Definitions

- A. Fence. A fence is a structure that encloses or screens an area, typically outdoors, and is usually constructed from posts that are connected by boards, wire, rails, or netting. A fence differs from a wall in not having a solid foundation along its entire length.
- B. Retaining wall. A retaining wall is a relatively rigid wall used for laterally supporting the soil mass so that the soil can be retained at different levels on each of the two sides. A retaining wall is a structure designed to restrain soil to a slope that would not naturally be sustained (typically a steep, near vertical, or vertical slope).
- C. Hedge. A hedge is a living fence made of closely planted bushes, which, as they grow and get trimmed and shaped, form a wall of vegetation.

19.95.040. General Requirements

- A. **Permit Requirements**. A building permit is required for any fence or wall over seven (7) feet in height, or as required by the current version of the International Building Code or International Residential Code. A building permit is required for all retaining walls four (4) feet in height or

greater (measured from the bottom of the foundation to the top of the wall) and must be designed by a licensed professional engineer in the State of Utah.

B. Visual Obstructions.

1. **Corner Lot Visual Obstructions.** No view-obstructing fence, a fence that does not allow for clear visual access through its construction materials, that exceeds thirty-six (36) inches in height shall be placed in the clear view area as set forth in sections 14.12.040 and 19.76.160. An open-style fence shall be a maximum of four (4) feet in height, the bottom three (3) feet may be solid fencing, constructed with horizontal rails at least four (4) inches apart supported by vertical posts at least six (6) feet apart. At least fifty (50) percent of the fence, or at least the upper twelve (12) inches, shall be open.
2. **Driveway or Lane Visual Obstructions.** No view-obstructing fence in excess of thirty-six (36) inches in height shall be placed at any driveway or automobile accessway within a specified triangular area. The clear-view area for the intersection of a driveway and a street shall be determined by first establishing the point of intersection of the driveway edge and the street right-of-way line, then measuring twelve (12) feet along the property line away from the driveway, and twelve (12) feet along the edge of the driveway in toward the property. A line is then drawn from the termini of the two lines, forming a triangle. This is accomplished on both sides of the driveway. Within the triangles and the area between them, the following shall apply:
 - a. An open-style fence shall be a maximum of four (4) feet in height, the bottom three (3) feet may be solid fencing, constructed with horizontal rails at least four (4) inches apart supported by vertical posts at least six (6) feet apart. At least fifty (50) percent of the fence, or at least the upper twelve (12) inches, shall be open.
 - b. Any wall or other type of solid fence or sight obscuring growth shall be a maximum of three (3) feet in height.
 - c. Tree trunks may be located within this clear view triangle; however, tree canopies may extend into the clear view area if they are trimmed at least eight (8) feet above the sidewalk and fourteen and one half (14.5) feet above the street.
 - d. Tree canopies or other growth shall not block signs or signals.
 - e. Sight obscuring growth shall be a maximum of three (3) feet in height in the parkstrip.
 - f. The driveway clearview fencing provisions may not be required on corner and double frontage lots for a secondary drive access that is gated, locked, and that accesses the rear yard, if it is determined by the Planning Director that the drive access is not a primary access.

C. Fence Maintenance. All fencing shall be continually maintained in structurally sound, plumb, and safe condition, including appropriate and regular maintenance of the fence surfaces, by the property owners abutting the fence. Repairs and patching shall consist of similar fencing materials and shall blend with the fence. Graffiti shall be removed within 48 hours.

D. Fence Height Measurement.

1. Fence height shall be measured from the finished grade to the highest point of the fence. "Finished grade" means the average finished grade of the property nearest the fence.
2. Berms, or other means to raise the elevation of the ground upon which a fence is proposed to be located, shall be included in the measurement of fence height.
3. 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 the height of the higher property grade within five (5) feet of the property line but shall not exceed 12 feet in total height as measured from the lower property grade.

Retaining walls are considered a part of the fence height. Wall systems/retaining walls that include terraces at least three feet wide for each vertical section no higher than eight (8) feet, can increase the required maximum height by fifty (50) percent. In front yards, retaining walls shall be no more than four (4) feet in height and shall include terraces of at least four (4) feet in width. No fences shall be installed on the top of front yard retaining walls.

- E. Double fences.** Parallel fences erected adjacent and closer than twelve (12) inches from each other are prohibited except in instances of retaining walls where terracing is utilized.

19.95.050. Fencing for Single-Family and Two-Family Dwellings and Agricultural Properties

- A. Applicability.** This section shall apply to any fence serving a single-family or two-family dwelling or a property containing an agricultural use, with the exception of lots or parcels in the Foothills and Canyons Overlay Zone (FCOZ), or perimeter fencing as required by the City's Planned Unit Development Standards. Fencing in the FCOZ is regulated under MKC 19.72.100 and perimeter fencing for PUD's is regulated under MKC 19.78.030.H.

B. Height.

1. **Front and Corner Side Yards.** Chain link fencing or fencing at least fifty (50) percent open within twelve (12) feet of the front yard property line (property line which is parallel to the street which is not considered a corner side yard) shall be no more than four (4) feet in height. Any wall or other type of fence or sight obscuring vegetation shall be a maximum of three (3) feet in height. All other fencing installed in the front or corner side yard may not exceed six (6) feet in height. Also, refer to section 19.95.040 (B).
2. **Interior Side and Rear Yards.** Fencing in interior side or rear yards may not exceed eight (8) feet in height, subject to the visual obstruction requirements established below.

- C. Allowed Materials.** Fences shall be made of high-quality, durable materials that require minimal maintenance. The following fencing materials shall be allowed for properties containing single-family and two-family dwellings, except as otherwise provided below or by a more restrictive provision in this chapter:

1. Architecturally designed brick, stone, or block, or pre-cast concrete.
2. Decorative precast concrete or integrally colored and textured block, brick, stone, or other masonry materials, solid or private heavy gauge beige and/or white vinyl, polyethylene, or similar materials composite materials, cement, stucco, corrugated metal with wood or contrasting posts, wood.
3. Visually permeable fencing materials that do not obstruct views, including metal, vinyl, wood or composite picket fences; or split-rail fences;
4. Chain link fencing in interior side or rear yards. Such chain link fencing may contain slats.
5. Hedges or vines on fences and walls.

- D. Prohibited Materials.** The following fencing materials shall be prohibited on properties containing single-family or two family-dwellings or on properties containing an agricultural use:
1. Materials not typically used or designated/manufactured for fencing such as used metal roofing panels, pallets, tarps, chip board, or plywood;
 2. Scrap materials, such as scrap lumber or scrap metal; and
 3. Security wire, such as barbed wire, concertina wire, or razor wire; and
 4. Electrified fencing, except for agricultural uses.

19.95.060 Fencing for Multifamily, Commercial, Industrial, and Institutional Development

- A. Applicability.** This section shall apply to any fence serving multifamily, commercial, industrial, or institutional development, with the exception of specific requirements found in the MD, M, or C zones, or in lots or parcels in the Foothills and Canyons Overlay Zone (FCOZ), or perimeter fencing as required by the City's Planned Unit Development Standards. Fencing in the FCOZ is regulated under MKC 19.72.100 and perimeter fencing for PUD's is regulated under MKC 19.78.030.H.
- B. Prohibited Locations.** Fencing for multifamily, commercial, industrial, and institutional development is not allowed in any required front yard area, except as provided for in the Manufacturing Zone.
- C. Height.** Fencing may not exceed eight feet in height, except when the section includes terracing as per 19.95.030 (D).
- D. Allowed Materials as per section 19.95.050 (C)**
- E. Prohibited Materials as per section 19.95.050 (D).**

19.95.070 Fencing for Private Recreational Uses.

Open-type fences for uses such as tennis court enclosures, sport courts, hot tubs, swimming pools (includes a locking gate), and ball diamond backstops, may be erected to a height greater than eight feet, but shall not exceed a height of 18 feet and shall be located at least 10 feet from any property line.

19.95.080 Fencing Between Incompatible Uses and Zones

- A. Applicability.** Whenever a lot is developed with a use that is different than a use located on an abutting lot or parcel, the new development shall include installation of a fence or wall along the property line between the different uses as provided in this section, or as provided in the PUD standards, or the RM, MD, M, or C zones.
- B. Fencing between Residential and Commercial Uses.** A minimum six-foot-high decorative precast or integrally colored and textured block, brick, stone, or other masonry fence and/or wall shall be installed between residential uses and commercial uses, where potential detrimental effects are anticipated, as determined by the Zoning Administrator or designee.
- C. Fencing Between Commercial or Office, and Agricultural or Residential Zones.** A minimum six-foot-high decorative precast or integrally colored and textured block, brick, stone, or other masonry fence and/or wall is required between commercial or office zones and agricultural or residential zones, as determined by the Zoning Administrator or designee.
- D. Landscape Buffering for Waterways, Trails, Parks, and Open Space may be substituted from fencing.** Intensive landscaping techniques may be used to buffer waterways, trails, parks, open spaces or other uses. Persons wishing to substitute landscape buffering for fencing requirements shall provide plans to the Director of Planning for approval.
- E. Noise Walls for Properties Abutting the I-15 and I-215 Corridors.** Any development abutting the I-215 Corridor shall include construction of a noise wall along the corridor right-of-way line if the Utah Department of Transportation determines such wall is necessary pursuant to an environmental study. Noise walls may be erected in conformance with the height and location requirements of this Chapter.

19.95.090 Wildlife Protection

Applicability and Requirement. For all properties East of I-215 and any property in the FCOZ zone, any fence exceeding four feet in height shall not have any picket or sharp points that could impale wildlife.

19.95.100 Retaining Walls

1. Retaining walls include any wall or other similar system, including stacked rocks/boulders, intended to resist the lateral displacement of earth or other materials. A building permit will be required for all retaining wall with a height greater than four (4) feet, measured from the bottom of the footing to the top of the wall. The submittals for a building permit shall include a certified engineering design and a site plan with slope/grades defined. In addition to the certified engineering design, the design engineer shall inspect the construction of the wall and certify that the wall was built per the approved design and shall submit that certification to the City within fourteen (14) days of the completion of the retaining wall.

2. Height and terracing shall conform to the requirements of section 19.95.40 (D) and retaining walls are not considered double fences.
3. Retaining walls are subject to all requirements of this chapter and any other applicable requirements including setbacks.

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