

# City Council Staff Report

March 18, 2015

**Applicant:** Bruce Dickerson

**Location:** 190 N 1100 W

**Prepared by:** Sean Conroy,  
Community Development  
Director

**Public Hearing:** Yes

**Zone:** PRD-1

**Attachments:**

1. Draft Ordinance.
2. Project Information.
3. PC Minutes dated  
2/12/15.

## REQUEST

Consideration of an Ordinance amending Mapleton City Code (MCC) Chapter 18.77.060 regarding fencing standards in the Planned Residential Development (PRD-1) Zone.

## BACKGROUND AND PROJECT DESCRIPTION

The subject property is approximately 16.55 acres in size. In 2009, the City approved a development agreement for the Whisper Rock subdivision project and applied a Planned Residential Development (PRD-1) zoning to the property. The zoning regulations for the PRD-1 zone are found in Mapleton City Code (MCC) Section 18.77. The development agreement and concept plan for the project outline the following:

- A maximum density of 58 detached residential units (with the use of TDRs);
- Private ownership of each residential unit, but all open space to be commonly owned and maintain by an HOA; and
- Project to include a clubhouse, park and walking trail.

MCC Chapter 18.77.060.F(2) states the following regarding fencing:

*“Patio/Limited Common Area Fences: A patio or limited common area adjacent to the rear of a dwelling unit may be enclosed with a six foot (6') high maximum fence, provided that such fence includes an access gate from the common area. The minimum width and length of the common area leading to the gate shall be fifteen feet (15').”*

When the project was originally proposed all of the rear yards were intended to be common open space that would be maintained by the HOA. A small patio area was allowed to be fenced per MCC Chapter 18.77.060.F(2) above. However, some of the existing residents and potential buyers have expressed a desire to have their rear yards fenced. For this reason, the applicant is requesting an amendment to allow for the rear yards to be fenced if the owner desires. The development CC&R's include standards to ensure uniformity throughout the development.

## EVALUATION

**PRD-1 Zone:** The expressed purposes of the PRD-1 zone include:

1. Allowing densities higher than a typical residential development;
2. Establishing standards for landscaping, building and site design, public safety, parking, aesthetics, traffic circulation, fencing, lighting, and other similar site improvements; and
3. Requiring standards that enable the PRD-1 to fit into the surrounding neighborhoods.

Part of the original proposal included the concept of having the yards as common open space. However, as previously mentioned, the desire of the HOA is to allow for rear yard fencing. The Commission should consider whether the request is consistent with the expressed purposes of the PRD-1 zone.

Staff supports the request for the following reasons:

- The exterior street frontages of the project are fenced, which limits the view of any interior fencing.
- The CC&R's require that the fencing be located approximately 20' behind the front corner of the residence (see attachment "2"). This avoids a walled-off appearance and will maintain an open space feel.
- Many of the surrounding homes in the vicinity include rear yard fencing. Allowing rear yard fencing is consistent with the expressed purpose of the zone to allow development in the PRD-1 zone to fit into surrounding development.
- The amendment would allow each owner to determine whether fencing would be installed.
- The Planning Commission recommended approval on 2/12/15.

### **RECOMMENDATION**

Approve the attached ordinance.

# ORDINANCE NO. 2015-

## AN ORDINANCE AMENDING MAPLETON CITY CODE (MCC) CHAPTER 18.77.060 REGARDING FENCING STANDARDS IN THE PLANNED RESIDENTIAL DEVELOPMENT (PRD-1) ZONE.

**WHEREAS**, on June 17, 2009 the City Council approved a Planned Residential Development (PRD-1) zone for this project; and

**WHEREAS**, the MCC Chapter 18.77.060 only permits rear yard fencing around a small limited common area; and

**WHEREAS**, the proposed amendments would allow rear yard fencing consistent with fencing standards for other residential zones; and

**WHEREAS**, the proposed amendments do not conflict with the standards or intent of the PRD-1 zone.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of Mapleton, Utah, to amend MCC Chapter 18.77.060 as described in Exhibit "A" .

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF MAPLETON, UTAH,

This 18<sup>th</sup> Day of March, 2015.

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Brian Wall  
Mayor

ATTEST:

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Camille Brown  
City Recorder  
**Publication Date:**  
**Effective Date:**

**Exhibit “A”**  
**(Changes Shown in Strikeout & Underline)**

**18.77.060: DEVELOPMENT STANDARDS AND REQUIREMENTS:**

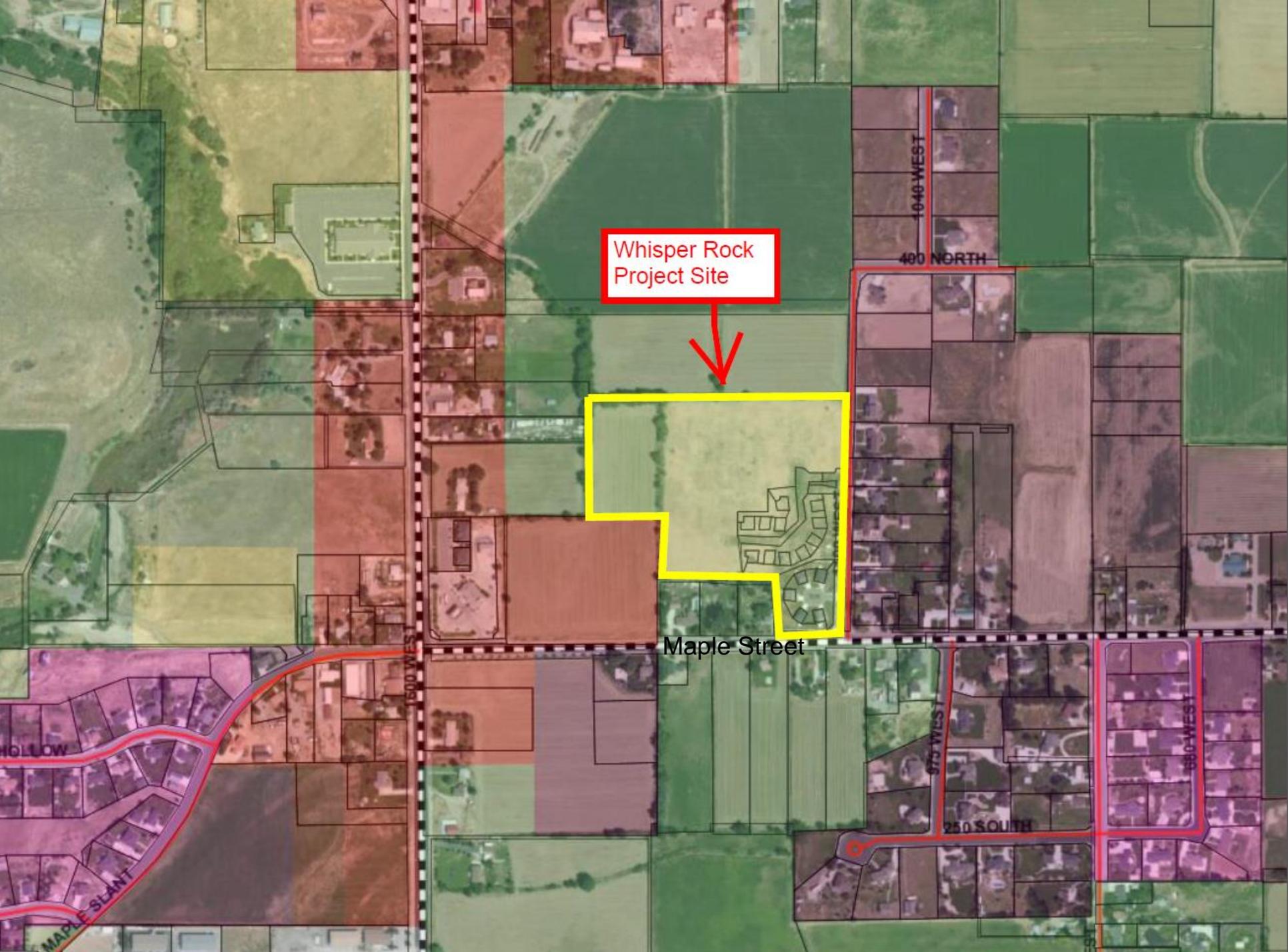
F. Fences:

2. ~~Patio/Limited Common Area~~ Interior Fences: A ~~patio or limited common area~~ adjacent to ~~the rear and side yards~~ of a dwelling unit may be enclosed with a six foot (6') high maximum fence, provided that such fence includes an access gate from the common area and provided all fencing complies with section 18.84.130 of this title. ~~The minimum width and length of the common area leading to the gate shall be fifteen feet (15').~~

Whisper Rock  
Project Site



Maple Street



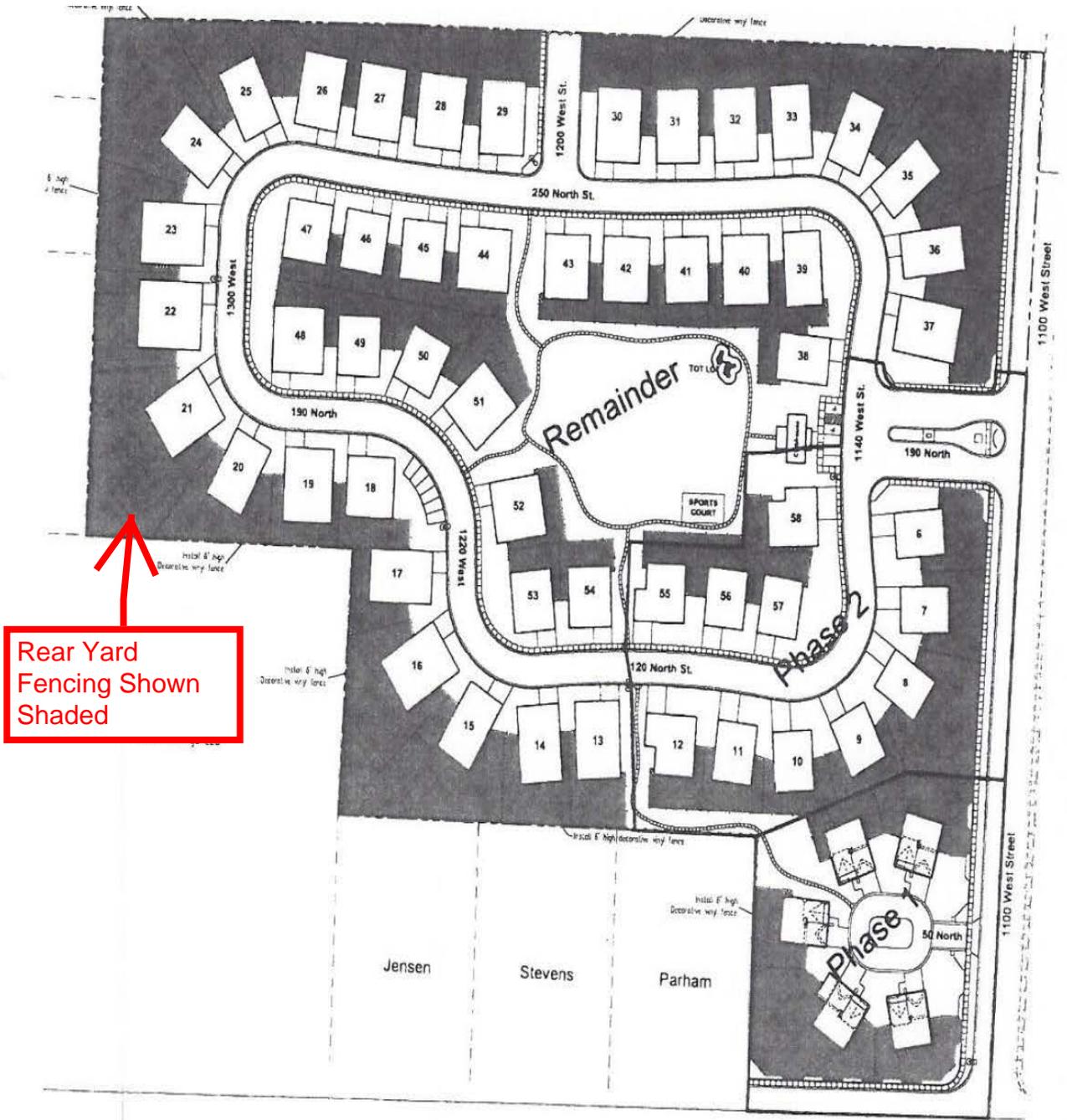
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# Site & Fencing Plan



Rear Yard  
Fencing Shown  
Shaded

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# MAPLETON CITY

## PLANNING COMMISSION MINUTES

February 12, 2015

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5 **PRESIDING AND CONDUCTING:** Vice-Chairman Golden Murray

6  
7 **Commissioners in Attendance:** Thomas Quist  
8 Justin Schellenberg  
9 Keith Stirling

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11 **Staff in Attendance:** Sean Conroy, Community Development Director

12  
13 **Minutes Taken by:** April Houser, Executive Secretary  
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15 Vice-Chairman Murray called the meeting to order at 6:30pm. Justin Schellenberg gave the invocation and Keith  
16 Stirling led the Pledge of Allegiance.

17  
18 *Items are not necessarily heard in the order listed below.*

19  
20 Alternate Commissioner Thomas Quist was seated as a voting member this evening.

21  
22 **Item 1. Planning Commission Meeting Minutes – January 8, 2015.**

23  
24 **Motion:** Commissioner Stirling moved to approve the January 8, 2015 Planning Commission Minutes as  
25 noted.

26 **Second:** Commissioner Schellenberg

27 **Vote:** Unanimous  
28

29 **Item 2. (Continued 1/8/15) Consideration of an amendment to Mapleton City Code Chapter**  
30 **18.77.060 regarding fencing standards in the Planned Residential (PRD-1) Zone.**

31  
32 **Sean Conroy**, Community Development Director, went over the Staff Report for those in attendance. Currently 2  
33 phases of this development have been constructed. This subdivision includes about 16 acres, with 58 detached units.  
34 The request is to amend the ordinance in order to allow for rear yard fencing in addition to the small area that is  
35 currently approved for fencing. These fences would be done on a case by case basis for those property owners who  
36 desire to do so. Staff recommends approval of the proposed ordinance. The CC&R's could limit the fencing  
37 materials, or where fences are allowed, if they so choose. This is just giving the option in this zone, where it  
38 currently is not allowed. We are talking about interior fencing only at this time, as street frontage fencing has to be  
39 approved with each plat recording.

40  
41 **Vice-Chairman Murray** opened the Public Hearing. No comments were made and the Public Hearing was closed.

42  
43 **Motion:** Commissioner Stirling moved to recommend approval to the City Council of an ordinance  
44 amending Mapleton City Code Chapter 18.77.060 regarding fencing standards in the Planned  
45 Residential (PRD-1) Zone.

46 **Second:** Commissioner Quist

47 **Vote:** Unanimous  
48

49 Date