



Sheila Lind <office@riverheights.org>

FW: Fence Ordinance

1 message

Noel Cooley <nhcooley@comcast.net>
To: Sheila Lind <office@riverheights.org>

Thu, Dec 8, 2022 at 12:09 PM

Here is copy of Tyson's email

Noel

From: Tyson Glover <tysonglover@riverheights.org>
Sent: Friday, November 18, 2022 1:30 PM
To: Blake Wright <blakewright@riverheights.org>; nhcooley@comcast.net
Cc: Jason Thompson <jasonthompson@riverheights.org>; Janet Mathews <janetmathews@riverheights.org>; Sharlie Gallup <sharliegallup@riverheights.org>; Chris Milbank <chrismilbank@riverheights.org>
Subject: Fence Ordinance

All,

Just following up with some of the fence ordinance recommendations that I'd like P&Z to review. This is not meant to be an email discussion, just letting you all know a few points I'd like Blake and Noel to consider moving forward. Valerie Merrell has been reaching out about her situation with the fence ordinance, which brings up a few concerns I originally had when it was most recently changed. Valerie would like to further discuss the ordinance at a future P&Z meeting. Blake or Noel, please let her know what date would work best for P&Z, or let me know and I can forward that to her. Here is her contact information:

p: 801-678-2761

e: valeriedafne@gmail.com

My main concerns with the current fence ordinance are:

1. Sight triangles near driveways on corner lots.
2. The 14.5' setback from the edge of asphalt pavement for 6' privacy fences.

#1

A good example of #1 is a fence installed in Saddlerock at 947 E 480 S. I'm friends with the landowner and have been told that it was approved by Blake and the previous Mayor prior to installation. I recommend we discuss including driveway approaches into 10-13-15, "Clear View of Intersecting Streets". Figure 10-12-3 shows the 70% transparency fencing allowed on the property line, but does not mention anything for the solid 6' fencing that is offset 14.5' from the pavement as shown:

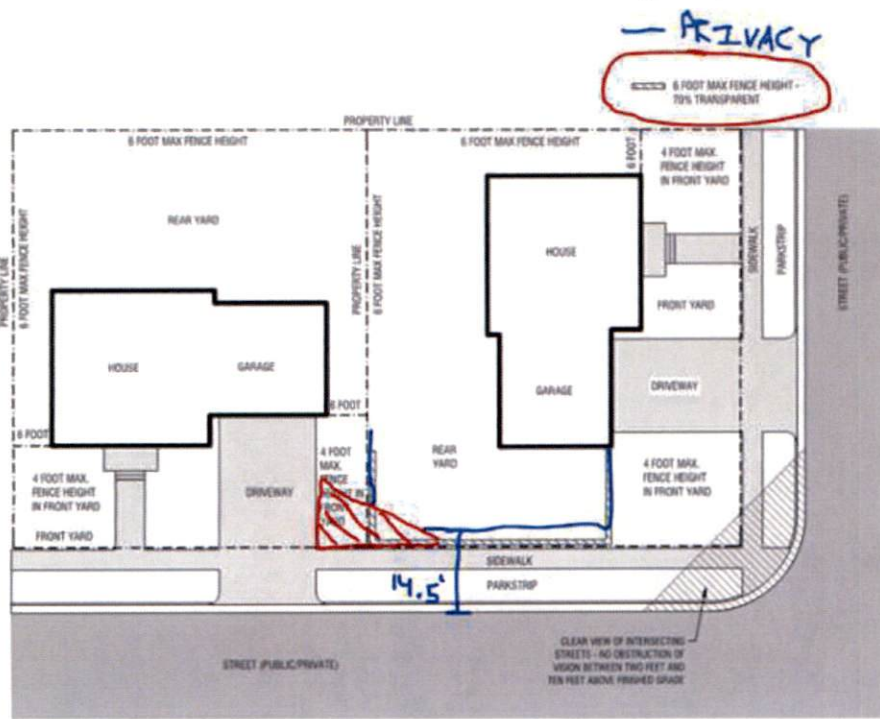
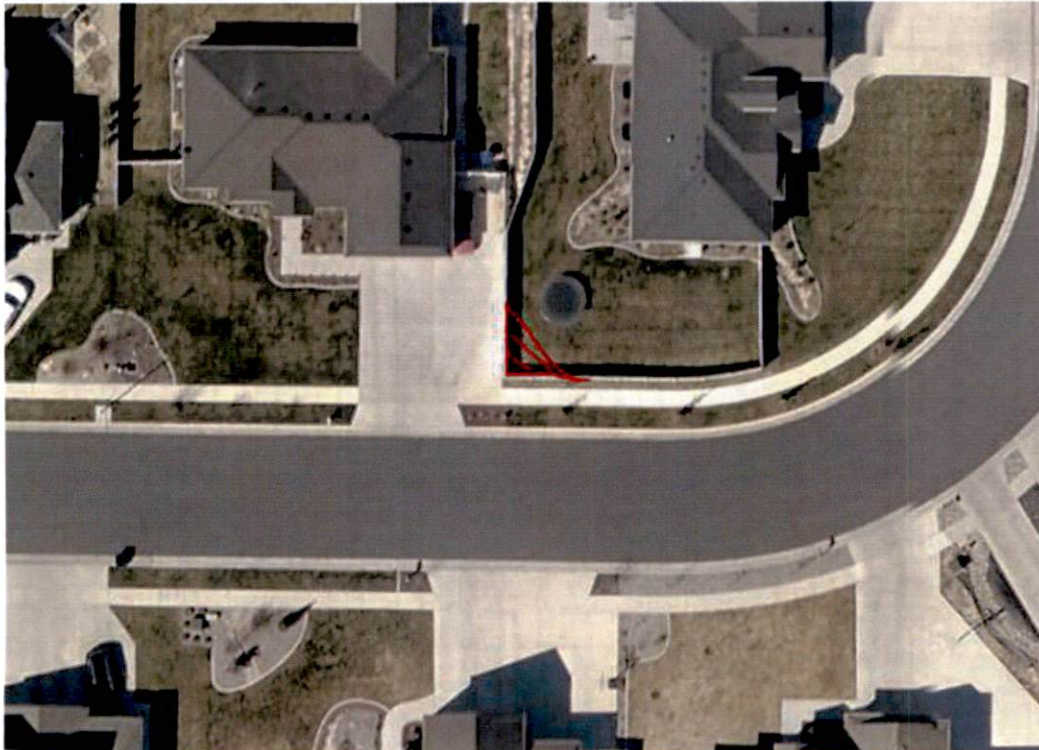


Figure 10-12-3 Corner Lot Fencing Requirements

(1-2019, 4-11-2019) (4-2019, 8-13-19)

I expect that our intent is to not allow any solid fencing within site triangles by drive approaches (Red hatch area), and that we might want to update our figure to reflect that. Here is an as-built fence that is in compliance with the current code, and has a solid 6' fence installed adjacent to a driveway:



Proposed language could read, "Obstruction of vision within ten feet of intersection of a private drive with a city right-of-way will not be permitted. Trunks of trees, open-work fences at least 70 percent transparent, light or telephone poles or

other small vertical protrusions not more than ## inches in diameter shall be permitted within the clear-view area." We need to preserve the sight triangle to allow drivers time to react to children or other pedestrians leaving the driveway.

#2

This one has a direct impact on Valerie Merrell (02-024-0037) and others who have a rear/side yard on a street where we don't have a full right of way cross section installed (curb, parkstrip & sidewalk). The issue is that the 14.5' setback distance required in 10-12-3 A(4)-b rewards landowners who's fences will be installed along streets that are fully developed, and requires greater offsets beyond the property line for those who do not. For example, I was able to meet the ordinance by constructing my 6' privacy fence roughly 2' behind my side yard property line. The Merrell's and others in their situation who want to build a similar fence are required to install their fence more or less 10' past their property line (Circle #1). Others appear to be able to install the fence within our right of way, outside of their property (Circle #2:



I'd be curious if a better reference could be used that provides greater consistency. We might consider using, "Where there is no existing curb & gutter or park-strip on a rear or side yard on a street, a 6' solid fence may be installed #' behind the existing back of sidewalk, but not within the right of way in the event the property line is setback further than the sidewalk offset. In general, it makes little sense to me how a homeowner can build a 6', 70% transparent fence on their property line in this situation, but are required to install it 10' farther back if they want it to be a privacy fence.

General Revisions

Lastly, there are a couple edits and additions that I think should be brought up.

I would recommend a discussion to add the following:

1. Property markers shall be identifiable and located prior to the construction of a fence.
2. Fire hydrants shall not have access blocked. No fence shall be constructed closer than three feet on any side or to the rear of a fire hydrant. Front access shall be totally open and unrestricted.
3. On a drainage or irrigation easement, an owner may fence the owner's property, but the water flow cannot be interrupted and must allow full access to the holder of the easement for the purpose of the easement. This may require gates to access the property with both foot traffic and equipment required to maintain the ditch or pipe. It is the responsibility of the property owner to contact those who own the easements and get approval of the fence, gate, etc.
4. Any fence that fully encloses a yard may require access to read the utility meters and for utility access.
5. No person shall build or maintain a fence that, by its construction, presents a hazard to any person or domestic animal.

6. A fence may be constructed on the property line between the adjacent property owners as long as they agree in writing to a common fence. Otherwise, all elements of the fence shall be on the proposed fence builder's property.
7. All fences and walls shall be constructed with the finished (smooth) side facing outward from the property and facing the public right-of-way, common open space, or other public places. The posts and support beams shall be on the inside (or shall be designed as a part of finished surface).
8. Chain-link fences must have barbed ends pointing down.
9. Nothing in this chapter shall prevent the continued use and maintenance of a fence if such fence was lawfully erected in conformity with the provisions of previous ordinances and used on the date of enactment of the ordinance from which this chapter is derived.
10. A retaining wall is considered part of a fence and is subject to height restrictions. Retaining walls which include footings over 48 inches (four feet) in height, require a building permit and engineering.

I would recommend removing the following:

1. 10-12-3 E. This is the most economical type of fence. Consider allowing it if used as a privacy fence with vertical slats or if it has a colored vinyl coating that prevents rust.



Hope that gets the discussion rolling,

Tyson Glover

City Council



CELL 435.237.2030