

ORDINANCE NO. 2021-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, AMENDING SECTION 17.30.020.H (FENCING, SCREENING AND CLEAR VISION) AND 17.40.020.H (FENCING, SCREENING AND CLEAR VISION) OF THE SOUTH JORDAN CITY MUNICIPAL CODE, TO ELIMINATE RESIDENTIAL FENCE PERMIT REQUIREMENTS.

WHEREAS, Utah Code Section 10-9a-102 grants the City Council of the City of South Jordan (the “City Council”) authority to enact ordinances that it considers necessary or appropriate for the use and development of land in the City of South Jordan (the “City”), including the City’s aesthetics; and

WHEREAS, the City Council has adopted Title 17 (Planning and Zoning Code) of the City of South Jordan Municipal Code (“City Code”); and

WHEREAS, the City Council desires to amend City Code Sections 17.30.020.H (Fencing, Screening and Clear Vision) and 17.40.020.H (Fencing, Screening and Clear Vision) of Title 17, to eliminate residential fence permit requirements; and

WHEREAS, the South Jordan Planning Commission held a public hearing, and reviewed and made a recommendation concerning the subject text amendments; and

WHEREAS, the City Council held a public hearing and reviewed the subject text amendments; and

WHEREAS, the City Council finds that the subject text amendments will enhance the public health, safety and welfare, and will promote the goals of the General Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH:

SECTION 1. Amendment. City Code Sections 17.30.020.H ((Fencing, Screening and Clear Vision) and 17.40.020.H (Fencing, Screening and Clear Vision) are amended as shown in Exhibit A to this Ordinance.

SECTION 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.

SECTION 3. Effective Date. This Ordinance shall become effective immediately upon publication and posting as required by law.

[SIGNATURE PAGE FOLLOWS]

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS 16 DAY OF February, 2021 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Patrick Harris	<u>X</u>	___	___	___
Bradley Marlor	<u>X</u>	___	___	___
Donald Shelton	<u>X</u>	___	___	___
Tamara Zander	<u>X</u>	___	___	___
Jason McGuire	<u>X</u>	___	___	___

Mayor: *Dawn R. Ramsey*
 Dawn R. Ramsey

Attest: *Anna Crookston*
 City Recorder

Approved as to form:

Gregory Simonsen
Gregory Simonsen (Feb 11, 2021 09:38 MST)
 Office of the City Attorney



Exhibit “A”

(Deletions in ~~strikethrough~~, new language in **bold underline**)

CHAPTER 17.30 AGRICULTURAL ZONES

17.30.020: DEVELOPMENT AND DESIGN STANDARDS:

H. Fencing, Screening And Clear Vision: The fencing, screening and clear vision requirements of this section shall apply in Agricultural Zones. ~~A permit shall be obtained from the Planning Department prior to construction of any fence in an Agricultural Zone. A completed fence application form that includes a diagram showing the location, and height of the proposed fence, and description of the proposed fence shall be submitted for review by the Planning Department.~~

CHAPTER 17.40 RESIDENTIAL ZONES

17.40.020: DEVELOPMENT AND DESIGN STANDARDS:

H. Fencing, Screening And Clear Vision: The fencing, screening and clear vision requirements of this section shall apply in Residential Zones. ~~A permit shall be obtained from the Planning Department prior to construction of any fence in a Residential Zone. A completed fence application form that includes a diagram showing the location and height of the proposed fence, and a description of the proposed fence shall be submitted for review by the Planning Department.~~

SOUTH JORDAN CITY CITY COUNCIL REPORT

Meeting Date: 02/16/2021

Application: TEXT AMENDMENT OF CITY CODE §§ 17.30.020.H, 17.40.020.H
(ELIMINATING RESIDENTIAL FENCE PERMIT
REQUIREMENTS)

Ordinance No.: 2021-06
Applicant: South Jordan City

Submitted By: Damir Drozdek, Planner III

Staff Recommendation (Motion Ready):

I move that the City Council **approve** Ordinance No. 2021-06 amending Sections 17.30.020.H and 17.40.020.H of the South Jordan City Municipal Code eliminating residential fence permit requirements.

BACKGROUND:

Currently City Code requires all proposed residential fences to be reviewed and approved by City staff prior to installation, but the City does not charge a fee for the permit. Although the City continues to grow dramatically, between 2018 and 2020, the City reviewed only an average of 41 per year. Therefore, because the majority of residential fences are installed without a permit, most residents do not think to get a permit from the City, and the City is not recouping its cost to review the permits, City staff believes the better approach is an educational one.

Educational resources are already posted on the City's website. The Planning Department also plans other efforts to educate residents about fence regulations including by putting a summary of regulations in City newsletters, and providing a summary to new residents when they sign up for City services. Planning Department staff will also continue to be available to answer questions when a resident contacts the City with questions about residential fence requirements.

In addition, the proposed text amendment will bring the City more in line with adjoining communities. Based on City staff's research and communication with other cities, no adjacent municipality requires planning permits for installation of fences on residential or agricultural properties.

Complaints to the City about fencing are handled by the City's Code Compliance Officers, which this amendment will not change. This proposed text amendment also does not change the City's residential fence standards, and will not affect individual HOA regulations or permitting processes for residential fences (e.g. Daybreak HOA).

STAFF FINDINGS, CONCLUSIONS & RECOMMENDATION:

Findings:

- Utah Code § 10-9a-102 grants the City Council a general land use authority to enact regulations that it considers necessary or appropriate for the use and development of land in

the City, including maintaining the aesthetics of the City and protecting the tax base, and the City Council has the power to amend its land use regulations. (*See Utah Code § 10-9a-501 et seq.*)

- The fence permit applications take Staff time to process and review, but the City does not collect any fees to compensate for this time.
- Riverton, Draper, Sandy, West Jordan and Herriman do not require permits for residential or agricultural fences.
- Although most new homeowners install fencing, only a very small portion of new construction results in fence permits. Over the last three years, approximately 2-8% of new single-family home construction resulted in fence permit applications.
- There was an average of 14 code cases per year between 2018-2020, most of which would have been initiated by complaints. Considering the City's growth and the number of residential fences installed each year, this suggests that new fences do not usually result in issues or problems between property owners.
- City staff presented the proposed text amendment to the Planning Commission at a public hearing on February 9, 2021. The Planning Commission unanimously recommended that the City Council adopt Ordinance 2021-06.

Conclusions:

- The changes proposed in this text amendment will reduce unnecessary and ineffective regulation and allow City staff more time to focus on other projects in the City.

Recommendation:

- Staff recommends that the City Council **approve** Ordinance No. 2021-06 amending Sections 17.30.020.H & 17.40.020.H of the South Jordan City Municipal Code eliminating residential fence permit requirements.

ALTERNATIVES:

- Approve Ordinance No. 2021-06 with changes.
- Deny Ordinance No. 2021-06.
- Schedule the application for a decision at some future date.

SUPPORT MATERIALS:

- Ordinance No. 2021-06
 - Exhibit "A" – Proposed Text Amendment

City Council Action Requested:

Steven Schaefermeyer
Steven Schaefermeyer (Feb 11, 2021 08:42 MST)
Director of Planning

2/11/2021
Date