

City Council Staff Report

April 1, 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. The idea was that while the City was allowing higher density, the open feel without fenced yards would help mitigate the higher density layout. However, as previously mentioned, the desire of the HOA is to allow for rear yard fencing. The Council should consider whether the request is consistent with the expressed purposes of the PRD-1 zone and the original project concept plan.

Staff's preference would be to maintain the open space feel without fencing. However, it is also staff's position that adding fencing would not significantly detract from the character of the neighborhood for the following reasons:

- The exterior street frontages of the project are fenced, which limits the view of any interior fencing except from the interior subdivision streets.
- The CC&R's require that the fencing be located approximately 10'-20' behind the front corner of the residence (see attachment "2"). This limits a walled-off appearance and will help 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.

One concern that staff does have with the fencing is the potential impact on the proposed park located at the center of the development. If all the homes installed solid rear yard fencing along the park boundaries, the park could feel uninviting and walled off. Staff recommends that if the Council supports allowing fencing, that only open wrought iron fencing be used for those portions abutting the park.

Council Discretion: The review of a proposed zoning text amendment is considered a legislative decision. Legislative decisions are offered great deference by the courts and city councils have broad discretion to approve or deny zoning text amendments. As long as it is "reasonably debatable" that the Council's decision advances the general welfare, it will typically be upheld by the courts if challenged.

RECOMMENDATION

Determine whether fencing would be appropriate as proposed.

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 1st Day of April, 2015.

Brian Wall
Mayor

ATTEST:

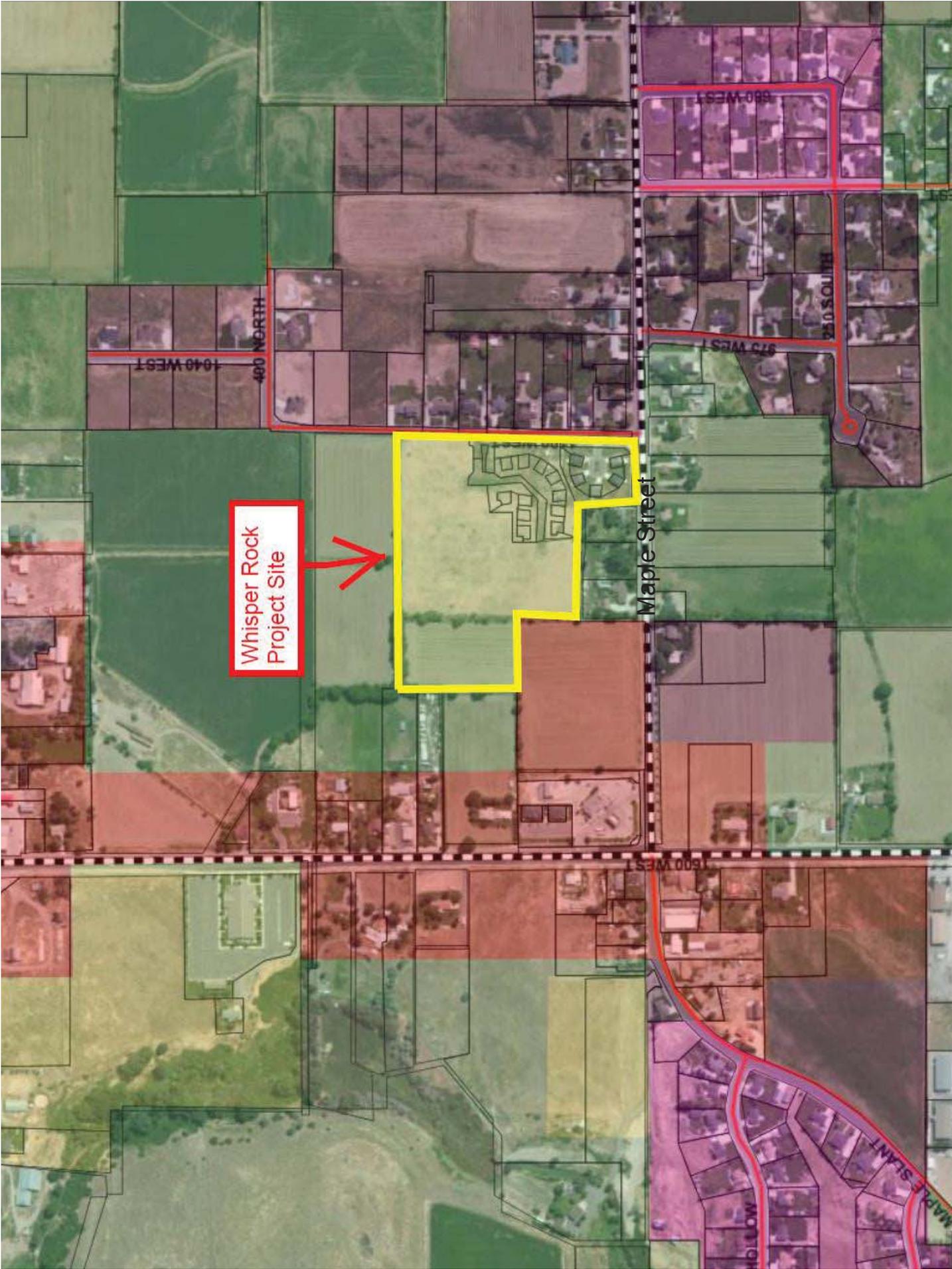
Camille Brown
City Recorder
Publication Date:
Effective Date:

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. Rear yard fencing that abuts the neighborhood park shall be open wrought iron fencing only. ~~The minimum width and length of the common area leading to the gate shall be fifteen feet (15').~~



Whisper Rock
Project Site

Maple Street

1800 WEST

1040 WEST

400 NORTH

880 WEST

975 WEST

250 SOUTH

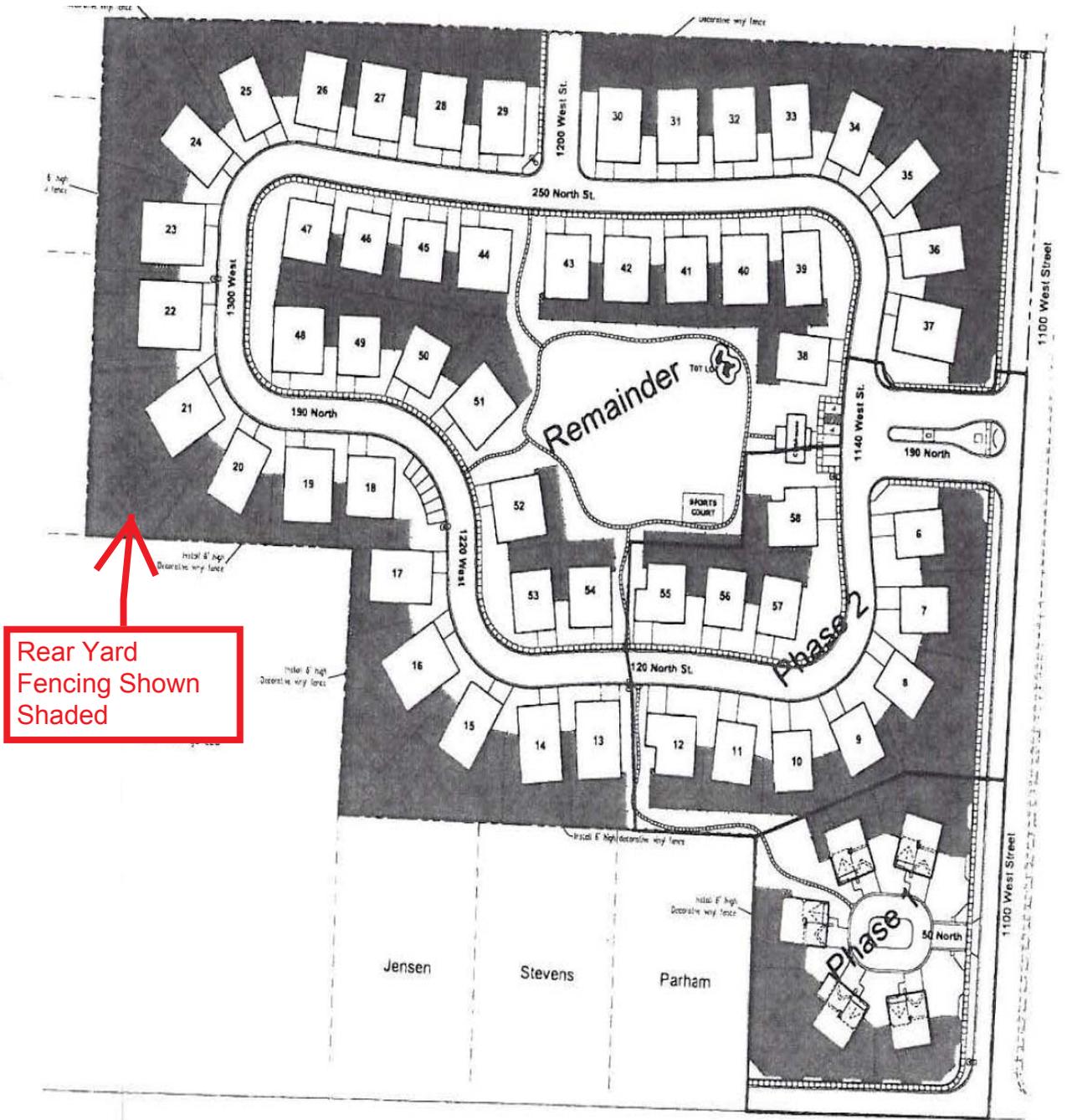
MAPLE SLANT





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Site & Fencing Plan



Rear Yard
Fencing Shown
Shaded

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MAPLETON CITY

PLANNING COMMISSION MINUTES

February 12, 2015

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

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

10
11 **Staff in Attendance:** Sean Conroy, Community Development Director

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13 **Minutes Taken by:** April Houser, Executive Secretary

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15
16 Vice-Chairman Murray called the meeting to order at 6:30pm. Justin Schellenberg gave the invocation and Keith Stirling led the Pledge of Allegiance.

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

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

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

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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