

PLANNING COMMISSION STAFF REPORT

AMENDMENTS TO CHAPTER 21A.40.120: Regulation of Fences Walls and Hedges Case #PLNPCM2010-00300 December 8, 2010



Planning and Zoning
Division
Department of Community
and Economic Development

Applicant

Sentry Security Systems

Staff

Ray Milliner

ray.milliner@slcgov.com

(801)535-7645

Current Zone

N/A

Master Plan Designation

N/A

Council District

City Wide

Lot Size

N/A

Current Use

Not allowed

**Applicable Land Use
Regulations**

21.40.120 – Regulation of fences,
walls and Hedges

Notice

- Notice mailed on November 25, 2010
- Published in Deseret News November 25, 2010
- Posted on City & State Websites November 25, 2010

Attachments

- A. Public Comment
- B. Department Comments
- C. Photos of Electric Fences

REQUEST

The applicant, Sentry Security Systems, represented by Michael Pate is requesting an amendment to Chapter 21A.40.120 of the Zoning Ordinance that would create language to allow electric security fences within Salt Lake City. Currently this type of fence is not allowed.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review the proposed modifications to Chapter 21A.40.120 to allow electric security fences in certain zones conduct a public hearing and forward a positive recommendation to the City Council.

Background

The applicant, Sentry Security Systems, represented by Michael Pate, is requesting a zoning ordinance text amendment to allow electric security fences in the zoning ordinance. In 2009, the applicant applied for a permit to install one of these fences at 1135 Pioneer Road. The application was reviewed by the staff, which determined that The Salt Lake City Zoning Ordinance does not specifically address electric security fences in Chapter 21A.40.120 Regulation of Fences, Walls and Hedges, and as such, the Zoning Administrator found that the proposed electric fence is not an allowed use under the current regulations of the Ordinance. These findings and his decision were forwarded on to the applicant, who appealed to the Board of Adjustment. On January 25, 2010, the Board of Adjustment heard the case, and upheld the Zoning Administrator's decision. Following the Board of Adjustment action, the applicant filed the amendment petition now before the Planning Commission.

The Planning Commission reviewed this petition and conducted a public hearing on August 11, 2010 as an issue only item. At the meeting, the Commission directed staff to revise the document and return at a later meeting for further review and a possible recommendation. Staff has incorporated the changes directed by the Commission into the proposed language featured below. Suggested changes included:

- Make Electric Security Fences an allowed use in the M-1 and M-2 zones.
- Prohibit Electric Security Fences in the M-1 or M-2 that are abutting a residential zone.
- Make Electric Security Fences in the M-1 and M-2 that abut a commercial zone a special exception.

In addition to modifications suggested by the Commission, staff has modified the language proposed by the applicant to conform to the style and format of the Salt Lake City Zoning Ordinance. Changes include:

- Elimination of references to the "International Electrotechnical Commission." This language was generalized because there are a number of different codes and requirements used by the Building division to determine compliance with these regulations.
- Creation of a definition for "Electric Security Fences".
- Elimination of language to allow fences in all commercial zones.

Public Participation

This application was reviewed at a public open house on July 15, 2010. One individual provided comment. Comment attached as exhibit A. To date, no other written or verbal comment has been received.

Issue Analysis

If adopted, the proposed changes would allow electric security fences in the M-1 and M-2 zones. A definition for the use is being proposed, along with qualifying provisions and an amendment to the table of permitted and conditional uses in the manufacturing chapter of the Ordinance. Below is a summary of the changes proposed along with analysis and rationale for the amendment.

Definition:

Chapter 21A.62.010 Definitions:

Fence, Electric Security

"Electric Security Fence" means a fence designed to protect a property or properties from intrusion by means of conducting an electric current along one or more wires thereof so that a person or animal touching any such wire or wires will receive an electric shock.

Affected Code Sections

Section 21A.40.120.L Regulation of Fences, Walls and Hedges; Section 21A.62.010 Definitions; and

Qualifying Provisions

Regulation of Fences, Walls and Hedges Chapter 21A.40.120.L

L. Electric Security Fences

1. **Permitted Use:** Electric Security Fences are allowed as a permitted use in the M-1 and M-2 zones. Electric Security Fences on parcels or lots that abut a residential zone are prohibited.
2. **Special Exception:** Electric Security Fences on parcels or lots adjacent to a commercial zone may be approved as a special exception pursuant to the requirements in Chapter 21A.52 of this title.
3. **Location Requirements:** Electric Security Fences shall not be allowed in required front yard setbacks or on frontages adjacent to residentially zoned properties.
4. **Compliance with Adopted Building Codes:** Electric fences shall be constructed or installed in conformance with all applicable construction Codes.
5. **Perimeter Fence or Wall:** no Electric Security Fence shall be installed or used unless it is fully enclosed by a non-electrical fence or wall that is not less than six feet in height. There shall be at least one foot of spacing between the electric fence and the perimeter fence or wall.
6. **Staging Area:** All entries to a site shall have a buffer area that allows on site staging prior to passing the perimeter barrier. The site shall be large enough to accommodate a vehicle completely outside of the public right-of-way.
7. **Height:** Electric Security Fences shall have a maximum height of 10 feet.
8. **Warning Signs:** Electric Security Fences shall be clearly identified with warning signs that read: "Warning-Electric Fence" at intervals of not greater than sixty feet.

Analysis: This language would enable electric security fences in the M-1 and M-2 zones (with certain exceptions). The Planning Commission at its August 11, 2010 meeting stated that these fences serve a useful purpose by providing additional security around large storage areas or properties. The applicant argues that the use of electric fences is a safe and effective way for property owners to protect their assets and employees, that the fences are technologically advanced and that the proposed language would protect individuals from physical harm.

Currently, many warehouses and storage areas in the City are protected by tall fences with barbed wire, or razor wire (razor wire is allowed only as a special exception). Visually, the proposed electric security fences are akin to the fences currently allowed in the ordinance and would be built from similar materials. The proposed language requires that the electric fence be surrounded by a non-electric fence that would act as a deterrent and protection from innocent people touching the electrified section. The electric fence would be up to 10 feet tall, while the perimeter fence would be at least 6 feet tall.

Comments from the City Police Department state that they are in favor of electric security fences, as they provide additional security and protection for expensive equipment. It is stated that the non-electric perimeter fence would provide sufficient safety to citizens, while providing an additional deterrent.

STANDARDS FOR GENERAL AMENDMENTS

A decision to amend the text of the Zoning Ordinance or the Zoning Map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making its decision concerning a proposed amendment, the City Council should consider the following factors:

1. Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the City as stated through its various adopted planning documents;

Discussion: None of the existing Salt Lake City master plans specifically address electric fencing, nonetheless, the West Salt Lake City Master Plan (where a majority of the M-1 and M-2 areas are located) states “Require mitigation actions on the part of manufacturing uses, such as landscaped setbacks, buffering, street medians and buffering where appropriate.” The proposed regulations mitigate the visual impacts of the fences on adjacent property owners in the following ways

- Electric security fences are prohibited in required front yard setbacks.
- Electric Security Fences are prohibited when adjacent to residential zones.
- Electric Security Fences are a special exception when abutting a commercial zone.

These regulations are designed to mitigate negative visual and physical impacts of the fences from individuals in the street or adjacent to the property.

Finding: The proposed text change is consistent with adopted master plans.

2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance.

Analysis: Sections 21A.28.020 and 21A.28.030: of the Zoning Ordinance state:

“Purpose Statement: The purpose of the M-1 light manufacturing district is to provide an environment for light industrial uses that produce no appreciable impact on adjacent properties and desire a clean attractive industrial setting.”

“Purpose Statement: The purpose of the M-2 heavy manufacturing district is to provide an environment for larger and more intensive industrial uses that do not require, and may not be appropriate for, a nuisance free environment.”

The proposed changes to the ordinance will further the purpose statement of the M-1 and M-2 zones by enhancing the light and heavy manufacturing environments by enhancing a property owner’s ability to protect private property. The Planning Commission stated on August 11, 2010 that although the fences are not appropriate for residential or commercial areas, they are appropriate for the uses allowed in the M-1 and M-2 zones. In areas where residential or commercial uses may be impacted, the qualifying provisions protect citizens from harmful impacts by prohibiting electric fences adjacent to residential zones and making them a conditional use when adjacent to a commercial zone.

Finding: Staff finds that the proposed changes to the Zoning Ordinance are consistent with the overall purpose of the Zoning Ordinance as stated in Chapter 21A.02.030.

3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards.

Discussion: The proposed text amendment is not site specific, and is not associated with any overlay zoning districts. Where a particular installation is within an overlay zoning district, any applicable regulations must be met.

Finding: The proposed text amendment meets this standard.

4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.

Discussion: At the August 11, 2010 Planning Commission meeting, commissioners stated that although these fences are not the height of aesthetic design, they are an appropriate use for the M-1 and M-2 zone as the uses allowed in these areas generally are large lot storage and warehouse uses. Allowing electric fences in these areas will provide owners with another option to secure their properties. The insertion of requirements that the fences not be allowed abutting residential areas and are conditional uses abutting commercial areas will mitigate negative impacts of the fences in or near population areas.

Finding: The proposed text amendment implements the best current practices in urban planning and design.

Attachment A
Public Comments

**OPEN HOUSE
PUBLIC COMMENT FORM
Zoning Ordinance Amendment
July 15, 2010**



Planning and Zoning Division
Department of Community and
Economic Development

**Proposal to allow create language allowing electric security fences in
Chapter 21A.40.120 of the Salt Lake City Zoning Ordinance.**

Name: Cindy Cromer

Address: 816 E 100 S

SLC Zip Code 84102-4109

Phone: 801 209-9225 E-mail 3cinslc@live.com

Comments: ① Need photographs of fence and
relationship to surrounding fence

② Need documentation of risk w/o
electric fence (In other words, prove
that ^{the} existing ordinance does not allow
fencing adequate to protect the property.)

③ How would fencing be deactivated
if police responded?

Please provide your contact information so we can notify you of other meetings or hearings on this issue. You may submit this sheet before the end of the Open House, or you can provide your comments via e-mail at ray.milliner@slcgov.com or via mail at the following address: Ray Milliner, Salt Lake City Planning Division, and PO Box 145480, Salt Lake City, UT 84114-5480. Please provide your comments by August 1, 2010.

Attachment B
Department Comments



Work Flow History Report

PLNPCM2010-00300

Date	Task/Inspection	Status/Result	Action By	Comments
5/18/2010	Staff Assignment	In Progress	Irvin, Thomas	
5/20/2010	Staff Assignment	Assigned	Coffey, Cheri	
5/21/2010	Staff Assignment	Assigned	Milliner, Ray	
5/21/2010	Staff Assignment	Routed	Milliner, Ray	
5/26/2010	Engineering Review	Complete	Drummond, Randy	We have no concerns regarding this zoning text amendment.
5/26/2010	Public Utility Review	Complete	Stoker, Justin	We have reviewed the proposed application and have no comments on the matter.
6/3/2010	Transporation Review	Complete	Walsh, Barry	require that the Elec fence be fully enclosed with a wall or fence that allows on site staging prior to entry of premiter barrier. we recommend that a minimum buffer be noted between the barrier and elec fence / BDW
6/8/2010	Zoning Review	Complete	Butcher, Larry	Electric security fence would exceed maximum height allowance in any required yard areas. Two fences are shown in the installation details.
7/9/2010	Community Open House	In Progress	Milliner, Ray	Scheduled for open house on July 15, 2010
7/9/2010	Planning Dept Review	Complete	Milliner, Ray	

Ray,

Regarding the electric fence mentioned in the above case, I recognize the security benefit realized by its usage. It sounds like there is another boundary fence that must first be defeated before one would be exposed to the electric fence. This outer perimeter fence is an extra measure of security and would go a long way to prevent accidental exposure to the inner electric fence. I see the benefits of this feature as it will assist in impeding or denying access to an area containing expensive equipment.

Thanks,

Lt Rich Brede
SLCPD Fusion Division
801-799-3180
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Attachment C
Example Photos of Electric Fences



