

Planning Commission Staff Report

Legislative Item

FINE TUNING ZONING AMENDMENTS

Fences, Park Strips, and TSA and R-MU Setbacks

PLNPCM2013-00291

Hearing date: February 26, 2013



Planning and Zoning Division
Department of Community &
Economic Development

Applicant

SLC Corp., Mayor Ralph Becker

Staff

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Current zone

N/A

Current master plan designation

City-wide

Council District

City-wide

Community Council

City-wide

Affected Ordinance Sections

- 21A.50 Amendments
- 21A.40.120 Regulations of Fences, Walls, and Hedges
- 21A.48.060 Park Strip Landscaping
- 21A.24.170 R-MU district
- 21A.26.078.G TSA district development standards

Attachments

- A. Proposed Amendments
- B. Department Comments

Request

Mayor Ralph Becker requests changes to the zoning ordinance to resolve conflicts in language related to yard setbacks in TSA and R-MU districts; to clarify and specify fence height regulations; and facilitate bus stops in public park strips. These are being processed together as a package of “fine tuning” amendments. The planning commission is required to transmit a recommendation to the city council for zoning amendment requests.

Recommendation

Based on the findings listed in the staff report, it is the planning staff’s opinion that the amendments generally meet the applicable standards and therefore recommends the planning commission transmit a favorable recommendation to the city council relating to this request.

Recommended Motion

Based on the findings listed in the staff report and the testimony presented, I move that the planning commission recommend to the city council approval of the requested zoning text amendments of petition PLNPCM2013-00291.

Background

Project Description

Each of the three topics is discussed individually below (fences, setbacks, concrete in park strips):

1. Fence height in non-residential zoning districts

For a recent period of time the ordinance for fences was not clear on allowable fence height in the front yard area of *non-residential* zoning districts; allowed front-yard height was only specified for residential districts. The proposed changes seek to clearly establish a limit for fence height in the front yard areas of non-residential districts. Consequential to that, the Transportation Division proposed updating the definition of a “sight triangle” as it pertains to fence locations near street and driveway intersections. They also sought to clarify locations for driveway gates to accommodate vehicle stacking.

The proposal would limit the **fence height** to four feet (4’) between the front property line and a building’s front line or the required front yard setback, whichever is closer to the front property line. In instances where a building is located in the rear of the lot or the lot is vacant, this would still allow taller security fencing for a business but the taller fencing would start beyond the required front yard setback.

The definition for “**sight triangle**” would be modified so it is based on the curb or edge of roadway rather than the property line, which is most often located back from the curb and roadway. The Transportation division would prefer to administer it this way because the location of property lines often causes additional, unneeded area in the sight triangle and can be bothersome to locate. An updated sample diagram is also proposed.

The proposal would add a paragraph specific to “**gates**” in the regulations for fences and walls. Gates, when proposed to cross a driveway (both residential and non-residential) would have to be set back from the sidewalk a specified distance to allow sufficient depth for particular vehicles (17.5 feet for passenger vehicles; 100 feet for semi-trailers).

2. Setbacks in TSA and R-MU districts

The **R-MU** (Residential-Mixed Use) zoning district requires a **rear yard** of *twenty five percent (25%) of the lot depth, but need not be more than twenty feet (20’)*. However, in the same district there is language as part of the “minimum lot area exemptions” paragraph (21A.24.170.E.6) that says *no* yards are required for certain uses. The intent was to always require a *rear* yard but exempt the specified uses from front, corner-side, and interior side yard requirements. The proposal would clarify this by requiring a rear yard in all instances.

The **TSA** (Transit Station Area) district also has some confusing/conflicting wording related to **side and rear yard** setback requirements.

The **side yard** setback requirement wording was found to be confusing as to when it applies to certain situations. The current wording could be mistakenly read to mean the side yard setback is required in all instance. The proposal clarifies the language to better specify when a side yard setback is required and when it is not.

Similar to the side yard requirement, the **rear yard** setback requirement was only intended to apply when a TSA district is adjacent to particular zoning districts. The current wording could be mistakenly read to mean the rear yard setback is required in all instances, and language was omitted that would have created exceptions to the required setback. The proposal clarifies the language to better specify when a rear yard setback is required and when it is not.

3. Concrete pads for bus stops in park strips

The landscaping regulations for park strips don't allow **poured concrete** that is wider than four feet (4'). This restriction on the amount of poured concrete in the park strip presents significant problems for locating bus stops shelters in park strips. The city and UTA would like to improve existing bus stops for ADA accessibility and the general quality for bus riders. The push to improve mass transit has raised this problem with the limited concrete in park strips. Mayor Becker and UTA seek to exempt bus stops from the concrete limits in order for the upgrades and improvements to occur.

The proposed amendments related to bus stops would modify the park strip standards to exempt bus stops from the restriction on poured concrete, but would require review by the city's Zoning Administrator for compatibility with the immediate area.

Public Notice, Meetings, Comments

The following is a list of public meetings that have been held related to the proposed project:

- Planning staff conducted an open house for these amendments on December 19, 2013. No citizens attended the open house to offer comments. However, after the open house, planning staff received a call from Western Fence Company of Murray, UT who offered concerns about the initial height limit in the front yard area as it pertained to vacant properties or properties where the building is located in the middle for rear portion of a large property. This scenario is common in industrial areas and general commercial areas of the city. This same comment was offered by the city's Building Services division which issues permits for fences.

Staff from the Building Services, Planning, and Transportation Divisions revised the proposed language to better accommodate this situation while still honoring the intent to limit fence height in front yard areas. The proposal would only restrict fence height in the required front yard area for non-residential zoning districts, or between the front lot line and the principal building for residential zoning districts.

Notice of the public hearing for the proposal included:

- Public hearing notice mailed on or before February 13, 2014
- Public hearing notice published in a newspaper on February 15, 2014
- Public notice posted on city and state websites February 13, 2014
- Public hearing notice emailed to the Planning Division listserv on February 13, 2014

City Department Comments

Comments were received from the city's Building Services and Transportation Divisions. The comments related to fence height in front yard areas of vacant lots or large industrial/commercial lots; the city's sight triangle definition; and to gate locations across driveways. Their comments were in the form of proposed revisions to the amendments and are attached to this staff report in *Attachment D*.

Analysis and Findings

Standards for General Amendments; Section 21A.50.050

A decision to amend the text of this title 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. In making a decision to amend the zoning map, 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;

Analysis: The proposed amendments including fence height in non-residential districts, R-MU rear yard setback, and TSA side and rear yard setbacks, seek to clarify existing ordinances that currently support the purposes, goals, objectives, and policies of the city. The proposed amendments maintain consistency with those same goals and objectives. The proposed amendment for bus stop concrete pads also is consistent with the goals, objectives, and policies related to improved transportation, mass transit specifically. The number of bus stops is not significant enough to detract from the goals of the park strip landscaping ordinance for beautification. The proposed amendments will allow improved bus stops while still providing beautified, landscaped park strips.

Finding: The proposed amendment meets this standard and does not conflict with any adopted purposes, goals, objectives, or policies of adopted planning documents.

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

Analysis: Chapter *21A.02.030* of the Zoning Ordinance states:

“PURPOSE AND INTENT:

The purpose of this title is to promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Salt Lake City, to implement the adopted plans of the city, and to carry out the purposes of the municipal land use development and management act, title 10, chapter 9, of the Utah Code Annotated or its successor, and other relevant statutes. This title is, in addition, intended to:

- a. Lessen congestion in the streets or roads;*
- b. Secure safety from fire and other dangers;*
- c. Provide adequate light and air;*
- d. Classify land uses and distribute land development and utilization;*
- e. Protect the tax base;*
- f. Secure economy in governmental expenditures;*
- g. Foster the city's industrial, business and residential development; and*
- h. Protect the environment. (Ord. 26-95 § 2(1-3), 1995)”*

The proposed amendments, as a group, are considered factors in reducing congestion on city streets (bus stops); providing adequate light and air (building setbacks in R-MU and TSA); fostering the city’s business and residential development (building setbacks in R-MU and TSA); and protecting the environment by improving mass transit in the city (bus stops).

Finding: The proposed amendments meet four of the purposes and intents of the zoning ordinance, and do not conflict with any of those stated purposes.

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

Analysis: The proposed text amendments would be city-wide and by their nature are not tied directly to any property or specific geographic location within the city. Therefore, the amendment would not be subject to any overlay zoning district standards.

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.

Analysis: The proposed amendments including fence height in non-residential districts, R-MU rear yard setback, and TSA side and rear yard setbacks, seek to clarify existing ordinances that currently support the purposes, goals, objectives, and policies of the city. These same proposed amendments seek to implement best practices of urban design by requiring adequate light and space between buildings (setbacks) when appropriate and keeping the front yard areas unobstructed as much as feasible (fence height). The proposed amendment for bus stop concrete pads also is consistent with the goals, objectives, and policies related to improved transportation, mass transit specifically. The number of bus stops is not significant enough to detract from the goals of the park strip landscaping ordinance for beautification, and can be accommodated adequately. The proposed amendments will allow improved bus stops while still providing beautified, landscaped park strips.

Finding: The proposed text amendment meets this standard by attempting to implement best practices for building location, fence location and height, and efficient mass transit systems.

Alternatives

Alternatives to the proposed amendments would be to (1) propose different wording that the commission thought was clearer or more effective, or (2) recommend leaving the sections unchanged.

Commission Options

The commission may decide to recommend the amendments to the city council as proposed or suggest wording modifications in the commission’s recommendations. The commission may also elect to simply forward a recommendation to deny, which would leave the subject ordinances unchanged.

Potential Motions

Not Consistent with Staff Recommendation (modifications): Based on the testimony and the following findings, I move that the planning commission transmit a recommendation to the city council to approve the amendments as proposed by planning staff in petition PLNPCM2013-00291 but with the following modifications:

The planning commission shall clearly indicate the modifications proposed.

Not Consistent with Staff Recommendation: Based on the testimony and the following findings, I move that the planning commission transmit a recommendation to the city council to deny the amendments as proposed by planning staff in petition PLNPCM2013-00291.

The planning commission shall make findings on the zoning text amendment standards as listed below:

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;
2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;
3. Whether a proposed map amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and
4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.

PART I. – FENCE HEIGHT IN NON-RESIDENTIAL DISTRICTS

SECTION 1. Amending text of Salt Lake City Code Section 21.40.120.E. That Section

21A.40.120.E of the *Salt Lake City Code* (Zoning: Accessory Uses, Buildings and Structures:

Regulations of Fences, Walls and Hedges), shall be, and hereby is, amended to read as follows:

E. Height Restrictions and Gates:

~~1. Standard for residential zoning districts: No fence, wall or hedge shall be erected to a height in excess of four feet (4') between the front property line and the front facade of the principal structure.~~

21. Standards for all zoning districts: General Height:

a. Residential Zoning Districts: except for the Special Foothills Regulations as outlined in chapter 21A.24.010.P districts, no fence, wall or hedge shall be erected to a height in excess of four feet (4') between the front property line and front building line of the front facade of the principal structure that contains the primary entrance.

b. Non-residential Zoning Districts: no fence, wall or hedge shall be erected to a height in excess of four feet (4') when within any required front yard area. Fencing for outdoor storage shall be located behind any required front yard area.

~~a 2. Corner Lots; Sight Distance Triangle: No solid fence, wall or hedge shall be erected to a height in excess of three feet (3') if the fence, wall or hedge is located within the sight distance triangle extending thirty feet (30') either side of the intersection of the respective street curb lines, or edge lines of roadway where curbing if not provided of the intersection of the right of way lines on any corner lot as noted in section 21A.62.050, illustration I of this title.~~

~~b 3. Corner Side, Side, Rear Yards; Sight Distance Triangle: Fences, walls or hedges may be erected in any required corner side yard (extending to a point in line with the front facade of the principal structure for residential zoning districts and up to any required front yard setback line for all other zoning districts), required side yard or required rear yard to a height not to exceed six feet (6'). The zoning administrator may require either increased fence setback or lower fence height along corner side yards to provide adequate line of sight for driveways and alleys.~~

~~e 4. Intersection Of Driveway Or Alley Within Public Way; Sight Distance Triangle: Solid fences, walls and hedges located near the intersection of a driveway or an alley within the public way shall not exceed thirty inches (30") in height within a ten foot (10') wide by ten foot (10') deep the sight distance triangle as defined in section 21A.62.050, illustration I of this title.~~

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- d 5. Sight Distance Triangle And See Through Fences: Within the area defined as a sight distance triangle, see through fences that are at least fifty percent (50%) open shall be allowed to a height of four feet (4').
- e 6. Alternative Design Solutions: To provide adequate line of sight for driveways and alleys, the zoning administrator, in consulting with the development review team, may require alternative design solutions, including, but not restricted to, requiring increased fence setback and/or lower fence height, to mitigate safety concerns created by the location of buildings, grade change or other preexisting conditions.
- f 6. Measuring: Measuring the height of a fence shall be from the "finished grade" of the site as defined in section 21A.62.040 of this title.
- g 7. Special Exception Approval Standards: The planning commission or historic landmark commission may approve taller fencing if it is found that the extra height is necessary for the security of the property in question as defined in chapter 21A.52 of this title.
8. Gates: no gate, whether crossing a driveway, walkway, or part of a fence, shall be erected to a height in excess of the standards outlined in this paragraph E Height Restrictions And Gates. To regulate the location of gates and their impact on vehicular staging within the public ROW, passenger vehicles shall require a minimum seventeen foot six inch (17' - 6") setback from back edge of sidewalk, or property line when a sidewalk is not provided, and large truck driveways shall require a one hundred foot (100') setback from back edge of sidewalk, or property line when a sidewalk is not provided. All gates are to swing inward to the property or be a roll gate that does not impact the staging area.

SECTION 2. Amending text of Salt Lake City Code Section 21A.24.100.D.2.a. That Section 21A.24.100.D.2.a of the *Salt Lake City Code* (Zoning: Landscaping and Buffers: Special Landscape Regulations: D-1 Central Business District And D-4 Downtown Secondary Central Business District: Landscaping For Vacant Lots: Landscape Yard Requirement), shall be, and hereby is amended to read as follows:

- a. Landscape Yard Requirement: A landscape yard of fifteen feet (15') shall be required as measured from any point along all property lines. Fencing, pursuant to section 21A.40.120 of this title, can be used as an element of the overall landscaping plan, however, shall not be used in lieu of the landscaping requirements of this section. The purpose of any fencing on downtown lots is for aesthetic value only, and shall consist of wrought iron or other similar material (no chainlink). Fencing shall be open so as not to create a visual barrier, and shall be limited to a maximum of four feet (4') in height, with the exception of a fence located ~~within thirty feet (30') of the intersection of front property lines~~ on any corner lot as noted in subsection 21A.40.120E of this title. The

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approval of a final landscape plan, that includes a fencing element, shall be delegated to the building official with the input of the planning director, to determine if the fencing materials, location, and height are compatible with adjacent properties in a given setting.

SECTION 3. Amending text of Salt Lake City Code Section 21A.52.030.A.3.b. That Section 21A.52.030.A.3.b of the *Salt Lake City Code* (Zoning: Special Exceptions: Special Exceptions Authorized: Additional height for fences, walls, or similar structures ...: Exceeding the allowable height limits ...), shall be, and hereby is amended to read as follows:

- b. Exceeding the allowable height limits ~~within thirty feet (30') of the intersection of front property lines~~ on any corner lot; unless the city's traffic engineer determines that permitting the additional height would cause an unsafe traffic condition;

SECTION 4. Amending text of Salt Lake City Code Section 21A.62.040. That Section 21A.62.040 of the *Salt Lake City Code* (Zoning: Definitions: Definitions of Terms: Sight Distance Triangle) shall be, and hereby is amended to read as follows:

SIGHT DISTANCE TRIANGLE: A triangular area formed by a diagonal line connecting two (2) points ~~located on intersecting right of way lines (or a right of way line and the edge of a driveway).~~ when measured as follows:

- a) For Corner Lots: extending thirty feet (30') from the intersecting line of each street face of curb, or edge of roadway where curbing is not provided. Proposals in commercial and industrial districts which have a minimum front or corner side yard setback requirement, that seem to allow encroachment into the sight distance triangle, shall be reviewed through the site plan review process by the city's Development Review Team.
- b) For Street Or Large Truck Driveways: extending thirty feet (30') from each intersecting edge of the driveway and street face of curb, or edge of roadway where curbing is not provided.
- c) For Passenger Vehicle And Light Truck Driveways Crossing A Sidewalk: extending ten feet (10') from each intersecting edge of the driveway and back edge of the sidewalk.

~~For both residential driveways and nonresidential driveways, the points shall be determined through the site plan review process by the development review team.~~ The purpose of the sight distance triangle is to define an area in which vision obstructions are prohibited. (See illustration in section 21A.62.050 of this chapter.)

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SECTION 4. Amending text of Salt Lake City Code Section 21A.62.050.I. That Section 21A.62.050.I of the *Salt Lake City Code* (Zoning: Definitions: Illustrations of Selected Definitions: Sight Distance Triangle) shall be, and hereby is amended as follows:

See attached "Illustration I"

PART II. – R-MU DISTRICT MINIMUM YARD REQUIREMENTS

SECTION 5. Amending text of Salt Lake City Code Section 21A.24.170.E.6. That Section 21A.24.170.E.6 of the *Salt Lake City Code* (Zoning: Residential Districts: R-MU Residential/Mixed use District: Minimum Yard Requirements: Minimum Lot Area Exemptions), shall be, and hereby is amended to read as follows:

6. Minimum Lot Area Exemptions: For multiple-unit residential uses, nonresidential and mixed uses, no minimum lot area is required. In addition, no front, corner side or interior side yards or landscaped setbacks are required; except where interior side yards are provided, they shall not be less than four feet (4').

PART III. – TSA DISTRICT SIDE AND REAR YARD SETBACK

SECTION 6. Amending text of Salt Lake City Code Section 21A.26.078.G.2.b.(3). That Section 21A.26.078.G.2.b.(2)(B) of the *Salt Lake City Code* (Zoning: Commercial Districts: Transit Station Area District: Development Standards: Application: Setbacks: Side Yard Setback: Side yard setback when adjacent to certain zoning districts), shall be, and hereby is amended to read as follows:

(B) Side yard setback when adjacent to certain zoning districts:

- (i) Core area: A minimum of twenty five feet (25') ~~When~~ when adjacent to an OS, R-1, R-2, SR, RMF-30, RMF-35 or RMF-45 zoning district, ~~the~~ The minimum side yard setback shall be increased one foot (1') for every one foot (1') increase in height above twenty five feet (25'). When a property in an OS, R-1, R-2, SR, RMF-30, RMF-35 or RMF-45 zoning district is separated from a TSA zoned property by an alley, the additional setback for height above twenty five feet (25') applies and shall be measured from the property line of the TSA zoned property. Buildings may be stepped so taller portions of a building are farther away from the rear property line. The horizontal measurement of the step shall be equal to the vertical measurement of the taller portion of the building.

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(ii) Transition area: A minimum of twenty five feet (25'). ~~When~~ when adjacent to an OS, R-1, R-2, SR, RMF-30, RMF-35 or RMF-45 zoning district, ~~the~~ The minimum rear yard setback shall be increased one foot (1') for every one foot (1') increase in height above twenty five feet (25'). When a property in an OS, R-1, R-2, SR, RMF-30 or RMF-35 zoning district is separated from a TSA zoned property by an alley, the additional setback for height above twenty five feet (25') applies and shall be measured from the property line of the TSA zoned property. Buildings may be stepped so taller portions of a building are farther away from the rear property line. The horizontal measurement of the step shall be equal to the vertical measurement of the taller portion of the building.

(iii) Side Yard Setback When Adjacent To All Other Uses ~~Of~~ Districts: No minimum side yard required.

SECTION 7. Amending text of Salt Lake City Code Section 21A.26.078.G.2.b.(3). That

Section 21A.26.078.G.2.b.(3) of the *Salt Lake City Code* (Zoning: Commercial Districts: Transit Station Area District: Development Standards: Application: Setbacks: Rear Yard Setback), shall be, and hereby is amended to read as follows:

(3) Rear Yard Setback:

(A) Rear yard setback when adjacent to certain zoning districts:

~~(A)(i)~~ (i) Core area: A minimum of twenty five feet (25'). ~~When~~ when adjacent to an OS, R-1, R-2, SR, RMF-30, RMF-35 or RMF-45 zoning district, ~~the~~ The minimum rear yard setback shall be increased one foot (1') for every one foot (1') increase in height above twenty five feet (25'). When a property in an OS, R-1, R-2, SR, RMF-30, RMF-35 or RMF-45 zoning district is separated from a TSA zoned property by an alley, the additional setback for height above twenty five feet (25') applies and shall be measured from the property line of the TSA zoned property. Buildings may be stepped so taller portions of a building are farther away from the rear property line. The horizontal measurement of the step shall be equal to the vertical measurement of the taller portion of the building.

~~(B)(ii)~~ (ii) Transition area: A minimum of twenty five feet (25'). ~~When~~ when adjacent to an OS, R-1, R-2, SR, RMF-30, RMF-35 or RMF-45 zoning district, ~~the~~ The minimum rear yard setback shall be increased one foot (1') for every one foot (1') increase in height above twenty five feet (25'). When a property in an OS, R-1, R-2, SR, RMF-30 or RMF-35 zoning district is separated from a TSA zoned property by an alley, the additional setback for height above twenty five feet (25') applies and shall be measured from the property line of the TSA zoned property. Buildings may be stepped so taller portions of a building are farther away from the rear property line. The horizontal measurement of the step shall be equal to the vertical measurement of the taller portion of the building.

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(iii) Rear Yard Setback When Adjacent To All Other Districts: No minimum rear yard required.

PART IV. – PARK STRIP LANDSCAPING AND BUS BENCHES / SHELTERS

SECTION 8. Amending text of Salt Lake City Code Section 21A.48.060.E That Section

21A.48.060.E of the *Salt Lake City Code* (Zoning: Landscaping and Buffers: Park Strip Landscaping:

Park Strip Ground Surface Treatment), shall be, and hereby is amended to read as follows:

8. Exceptions To Park Strip Standards: Exceptions to the park strip policies established herein shall be limited to the following:

a. Beautification District: Salt Lake City currently has two (2) approved beautification districts, one located downtown and one in the Sugar House business district area. In both beautification districts, materials other than vegetation have been approved. Additional beautification districts could be approved by the planning commission. Areas where alternative park strip materials could be considered include identifiable nonresidential areas. The beautification district concept is not intended to respond to one or two (2) properties but an identifiable district. The beautification district concept is not generally applicable to residential areas where a predominant design theme consisting of vegetation has been established.

b. Nonconforming Provision: All vegetation located in park strips prior to November 5, 1992, may be maintained subject to city transportation division approval for sight distance and public way safety requirements.

c. Poured Concrete: Due to maintenance and irrigation difficulties associated with narrow park strips, poured concrete may be used in park strips that are twenty four inches (24") or less in width but shall be finished with a stamped pattern resembling brick or natural stone or scored with another decorative pattern to distinguish it from the adjacent sidewalk. Poured concrete may also be used for carriageways that are four feet (4') or less in width, and for pads for mass transit benches or shelters with zoning administrator approval. Poured concrete shall not be used in park strips which contain existing street trees.

d. Bus Stop Benches and Shelters, and Bike Share Stations: concrete pads for bus stop benches and/or shelters and bike share stations are permitted with zoning administrator approval and subject to all permitting requirements. Concrete is not prohibited for these structures and shall not be included in calculating the percentage of inorganic material in the park strip.

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TABLE 21A.48.060
 PARK STRIP DESIGN STANDARDS

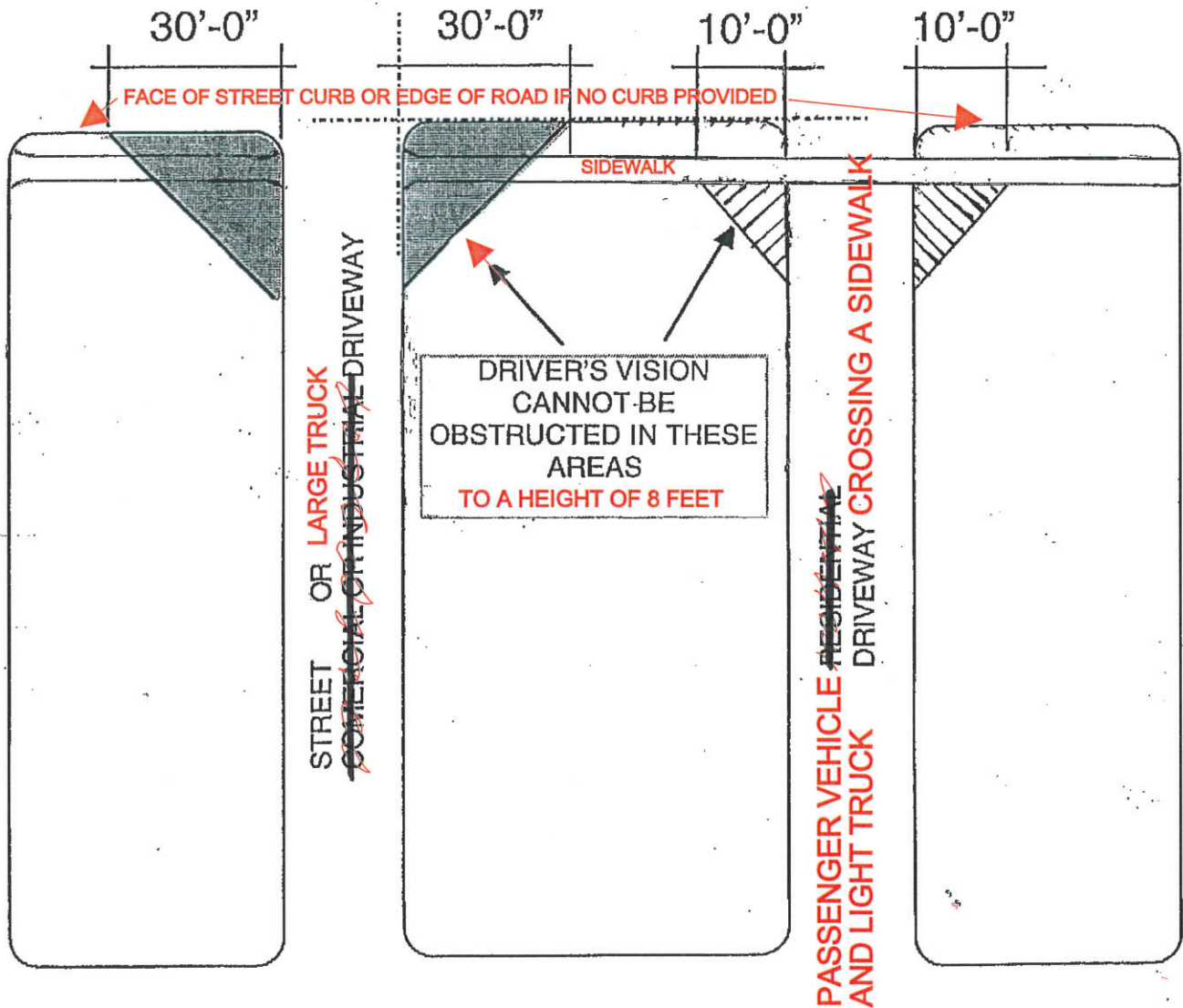
Park Strip Materials	Standards
Annual and perennial flowering plants	Permitted _ not to exceed 18 inches in height at maturity when located within sight distance areas at street intersections, alleys, or driveways. Annuals and perennials, up to 36 inches in height, may be used as individual specimens or accent plants when not located within sight distance areas. These plants shall not be planted at a spacing that would result in a visual barrier between the street and sidewalk.
Carriageways providing access to street, <u>and pads for bus stop benches and shelters, and bike share stations</u>	Permitted _ carriageways not to exceed 4 feet wide if they are poured concrete. <u>Concrete pads for bus stop benches and/or shelters, and bike share stations are not limited in width but require review and approval by the zoning administrator.</u>
Evergreen ground cover	Permitted _ less than 18 inches in height at maturity.
Inorganic materials including pervious materials (gravel, stone, and boulders) or paving materials (limited to brick, concrete, or natural stone pavers)	<p>Park strips 36 inches or less: Permitted in 100 percent of the park strip surface area. The use of plants in combination with these materials is encouraged.</p> <p>Park strips over 36 inches in width: Permitted either as water conserving mulch for plants or may also be used alone on portions of a park strip.</p> <p>Paving materials shall be kept a minimum of 18 inches away from existing street trees.</p>
Organic mulch such as bark, shredded plant material, or compost	Permitted and encouraged to conserve water around plants. May also be used as the only material on portions of the park strip.
Shrubs	Not permitted as a continuous hedge or when located within sight distance areas at street intersections, alleys, or driveways. Permitted, up to 36 inches in height, as individual specimens or accent plants when not located within sight distance areas. Shrubs shall not be planted at a spacing that would result in a visual barrier between the street and sidewalk. (See subsection F of this section.)
Trees	Permitted _ see subsection D of this section.
Turf	Permitted on slopes less than 3:1 (3 feet horizontal to 1 foot vertical).

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Water	Sufficient water shall be provided to keep all plants in a healthy condition.	
Prohibited materials	*	Asphalt.
	*	Poured concrete, except in park strips under 24 inches in width or for carriageways less than 4 feet in width or <u>for bus stop benches and/or shelters, and bike share stations upon approval by the zoning administrator.</u> If used in park strips that are 24 inches or less in width, concrete shall be finished with a stamped pattern resembling brick or natural stone or scored with another decorative pattern to distinguish it from the adjacent sidewalk.
	*	Thorn bearing plants.
	*	Structural encroachments.
	*	Plants (except trees), boulders, and other objects over 18 inches in height in sight distance areas.
	*	The total coverage of all organic mulch and inorganic material used without plants shall not exceed 67 percent of the park strip surface area.

ILLUSTRATION - I
SIGHT DISTANCE TRIANGLE

SIGHT DISTANCE TRIANGLE



Attachment B
Department Comments

E. Height Restrictions And Gates:

~~1. Standard for residential zoning districts: No fence, wall or hedge shall be erected to a height in excess of four feet (4') between the front property line and the front facade of the principal structure.~~

~~21. Standards for all zoning districts: General Height:~~

a. Residential Zoning Districts: Except for the Special Foothill districts as outlined in chapter 21A.24 and Foothills Protection districts as outlined in chapter 21A.32 of this title, no fence, wall or hedge shall be erected to a height in excess of four feet (4') between the front property line and front façade line of the principal structure.

b. Nonresidential Zoning Districts: No fence, wall or hedge shall be erected to a height in excess of four feet (4') when within any required front yard setback area, Fencing required for outdoor storage shall be located behind any required front yard setback area.

~~a-2. Corner Lots; Sight Distance Triangle: No solid fence, wall or hedge shall be erected to a height in excess of three feet (3') if the fence, wall or hedge is located within the sight distance triangle extending thirty feet (30') of from the intersection of the right of way lines on any corner lot~~ intersecting line of each face of street curb, or edge of roadway where curbing is not provided, as noted in section 21A.62.050, illustration I of this title.

~~b-3. Corner Side, Side, Rear Yards; Sight Distance Triangle: Fences, walls or hedges may be erected in any required corner side yard (extending to a point in line with the front facade of the principal structure for residential zoning districts and up to any required front yard setback line for all other zoning districts), required side yard or required rear yard to a height not to exceed six feet (6'). The zoning administrator may require either increased fence setback or lower fence height along corner side yards to provide adequate line of sight for driveways and alleys.~~

~~c-4. Intersection Of Driveway Or Alley Within Public Way; Sight Distance Triangle: Solid fences, walls and hedges located near the intersection of a driveway or an alley within the public way shall not exceed thirty inches (30") in height within a ten foot (10') wide by ten foot (10') deep the sight distance triangle as defined in section 21A.62.050, illustration I of this title.~~

~~d-5. Sight Distance Triangle And See Through Fences: Within the area defined as a sight distance triangle, see through fences that are at least fifty percent (50%) open shall be allowed to a height of four feet (4').~~

~~e-6. Alternative Design Solutions: To provide adequate line of sight for driveways and alleys, the zoning administrator, in consulting with the development review team, may require alternative design solutions, including, but not restricted to, requiring increased fence setback and/or lower fence height, to mitigate safety concerns created by the location of buildings, grade change or other preexisting conditions.~~

~~f-7. Measuring: Measuring the height of a fence shall be from the "finished grade" of the site as defined in section 21A.62.040 of this title.~~

8. Gates: No gate shall be erected to a height in excess of the standards outlined in this paragraph E Height Restrictions. To regulate the location of gates and their impact on vehicular staging within the public ROW, passenger vehicles shall require a seventeen foot six inch (17'- 6") setback from back edge of sidewalk, or property line when a sidewalk is not provided, and large truck driveways shall require a one hundred foot (100') setback from back edge of sidewalk, or property line when a sidewalk is not provided. All gates are to swing inward or be a roll gate that does not impact the staging area.

g-9. Special Exception Approval Standards: The planning commission or historic landmark commission may approve taller fencing if it is found that the extra height is necessary for the security of the property in question as defined in chapter 21A.52 of this title.

21A.48.100.D.2.a

D. D-1 Central Business District And D-4 Downtown Secondary Central Business District:

2. Landscaping For Vacant Lots: Special landscaping shall be required on those lots becoming vacant, where no replacement use is proposed, in conformance with the following:

a. Landscape Yard Requirement: A landscape yard of fifteen feet (15') shall be required as measured from any point along all property lines. Fencing, pursuant to section [21A.40.120](#) of this title, can be used as an element of the overall landscaping plan, however, shall not be used in lieu of the landscaping requirements of this section. The purpose of any fencing on downtown lots is for aesthetic value only, and shall consist of wrought iron or other similar material (no chainlink). Fencing shall be open so as not to create a visual barrier, and shall be limited to a maximum of four feet (4') in height, with the exception of a fence located ~~within thirty feet (30') of the intersection of front property lines~~ on any corner lot as noted in subsection [21A.40.120E](#) of this title. The approval of a final landscape plan, that includes a fencing element, shall be delegated to the building official with the input of the planning director, to determine if the fencing materials, location, and height are compatible with adjacent properties in a given setting.

The remainder of this section remains unchanged.

21A.52.030.A.3

A. 3. Additional height for fences, walls or similar structures may be granted to exceed the height limits established for fences and walls in [chapter 21A.40](#) of this title if it is determined that there will be no negative impacts upon the established character of the affected neighborhood and streetscape, maintenance of public and private views, and matters of public safety. Approval of fences, walls and other similar structures may be granted under the following circumstances subject to compliance with other applicable requirements:

a. Exceeding the allowable height limits; provided, that the fence, wall or structure is constructed of wrought iron, tubular steel or other similar material, and that the open, spatial and nonstructural area of the fence, wall or other similar structure constitutes at least eighty percent (80%) of its total area;

b. Exceeding the allowable height limits ~~within thirty feet (30') of the intersection of front property lines~~ on any corner lot; unless the city's traffic engineer determines that permitting the additional height would cause an unsafe traffic condition;

The remainder of this section remains unchanged.

21A.62 Definitions

~~SIGHT DISTANCE TRIANGLE: A triangular area formed by a diagonal line connecting two (2) points located on intersecting right of way lines (or a right of way line and the edge of a driveway).~~ **when measured as follows;**

- a) **For Corner Lots: Extending thirty feet (30') from the intersecting line of each street face of curb, or edge of roadway where curbing is not provided. Proposals in commercial and industrial districts which have a minimum front or corner side yard setback requirement, that seem to allow encroachment into the sight distance triangle, shall be reviewed through the site plan review process by the development review team.**
- b) **For Street Or Large Truck Driveways; Extending thirty feet (30') from each intersecting edge of the driveway and street face of curb, or edge of roadway where curbing is not provided,**
- c) **For Passenger Vehicle And Light Truck Driveways Crossing A Sidewalk: Extending ten feet (10') from each intersecting edge of the driveway and back edge of the sidewalk.**

~~For both residential driveways and nonresidential driveways, the points shall be determined through the site plan review process by the development review team.~~ The purpose of the sight distance triangle is to define an area in which vision obstructions are prohibited. (See illustration in section [21A.62.050](#) of this chapter.)

ILLUSTRATION - I
SIGHT DISTANCE TRIANGLE

SIGHT DISTANCE TRIANGLE

