



**EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
NOVEMBER 28, 2023**

TITLE:	ACTION - Fencing - Ordinance
ITEM TYPE:	Ordinance
APPLICANT:	City - initiated

ACTION ITEM:

Yes

PUBLIC HEARING:

Yes

PREPARED BY:

Robert Hobbs, Planning

BACKGROUND:

Three matters triggered the attached code changes. First, a desire to reformat the code's fencing language to better organize the same into one location thematically arranged; second, a desire to add wording respecting site screens, suitable fencing materials and their care and keeping, the equivalency of berms and hedges to fences, and, electric fencing; and, third, as an aid to help more specifically direct along which rights-of-way screen walls [decorative masonry or concrete etc.] will be required given requests advanced to the City Council for exceptions to the stone type walls that have been made and granted or denied to date. The amendments hereto attached were started some months ago prior to Council introducing a priority list of City code changes in which they were given the status of secondary importance. It should be remembered that some changes are sparked by interactions with the public whereby needed improvements to our ordinances are realized and others by forethought from Staff.

ITEMS FOR CONSIDERATION:

Redline changes to the currently adopted fencing codes suggested it would be easier to show them stricken as a whole and re-stated in a new format with those few changes to their content suggested by Staff. New language largely pertains to:

1. Defining allowable fence materials; and,
2. Maintenance of fences; and,
3. The use of residential privacy screens for instances where such is desired and a fence is too short but will not be allowed higher than 6' in a given yard location, trees are considered too slow growing to create a view barrier, and, an accessory building (e.g., a shed) is not desired -- or would not be practical to use; and,
4. Electric fencing (standards introduction); and,
5. Notes that berms and hedges are considered functionally

equivalent to fences; and,

6. Reiteration that certain uses, because of their perceived, possible impacts, require fencing and that the City does not enforce private CCRs' fencing standards; and,

7. Provisions to handle the abatement of unlawful fences. This section is useful for dealing with situations where use of materials like OSB or patches of cardboard, rugs, signs and other materials are patched onto a chain link fence (with no top rail) to serve as a site-obscuring device. Yes, those are actual types of screening that some have used and called it proper fencing to the chagrin of neighbors.

REQUIRED FINDINGS:

Ordinances pertaining to development Code amendments, and processing of the same, may be found in EMMC 17.05.120 & USC 10-9a-501.

RECOMMENDATION:

Staff recommends that the Planning Commission advance a positive recommendation to the City Council regarding the proposed code amendments, contingent upon any changes preferred by the Commission being made to the same prior to Council review.

ATTACHMENTS:

[EMMC Fence Code Revisions.Nov 2023](#)