



7505 South Holden Street  
Midvale, UT 84047  
Phone (801) 567-7200  
[www.midvalecity.org](http://www.midvalecity.org)

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## **MIDVALE PLANNING AND ZONING COMMISSION MEETING AGENDA SEPTEMBER 28, 2016**

**WORKSHOP MEETING  
ALEXANDER DAHL CONFERENCE ROOM  
6:30 PM**

- STAFF BRIEFING OF AGENDA ITEMS AND UPDATES

**GENERAL SESSION  
COUNCIL CHAMBERS  
7:00 PM**

### **PLEDGE OF ALLEGIANCE**

### **ROLL CALL**

### **PUBLIC HEARING(S)**

1. CUP-22-30-107-036; DLUNA SOLUTIONS CAR RENTAL; 105 EAST FORT UNION BOULEVARD; CONDITIONAL USE PERMIT FOR VEHICLE RENTAL USE; REGIONAL COMMERCIAL ZONE WITH 7200 SOUTH OVERLAY; JENNIFER DE LUNA (APPLICANT)
2. TXT-16-04; TEXT AMENDMENT TO MODIFY FENCE HEIGHT LIMITATIONS CITY-WIDE; CITY STAFF (APPLICANT)

### **DISCUSSION**

3. ANNUAL REVIEW OF PLANNING COMMISSION BYLAWS AND RULES OF PROCEDURE

### **MINUTES**

4. REVIEW AND APPROVE MINUTES OF JUNE 22, 2016; JULY 13, 2016; AUGUST 24, 2016; AND SEPTEMBER 14, 2016

### **ADJOURN**

The workshop meeting is open to the public; however, there is no public participation. This meeting includes City Staff briefing Commission Members on the technical aspects of the agenda items. Members of the public will be given an opportunity to address the Commission during public hearing items in the general session. The Commission reserves the right to amend the order of the agenda if deemed appropriate. No item will be heard after 10:30pm without unanimous consent of the Commission. Items not heard will be scheduled on the next agenda. In accordance with the Americans with Disabilities Act, Midvale City will make reasonable accommodations for participation in the meeting. Request assistance by contacting the CED Administrative Assistant at (801) 567-7211, providing at least three working days advance notice of the meeting.

A copy of the foregoing agenda was provided to the news media by email and/or fax; the agenda was posted in the City Hall Lobby, the 2<sup>nd</sup> Floor City Hall Lobby, on the City's website at [www.midvalecity.org](http://www.midvalecity.org) and the State Public Notice website at <http://pnn.utah.gov>. Commission Members may participate in the meeting via electronic communication. Commission Members' participation via electronic communication will be broadcast and amplified so all Commission Members and persons present in the Council Chambers will be able to hear or see the communication.

*Lesley Burns, City Planner*

*Dated this 22nd Day of September, 2016*

**Midvale City**  
Department of Community Development  
Planning and Zoning Department

**Planning and Zoning Commission Staff Report**

<b>APPLICATION:</b>	<b>D Luna Solutions Inc.</b>
<b>LOCATION:</b>	105 East Fort Union Boulevard
<b>APPLICANT:</b>	Jennifer De Luna
<b>FILE #:</b>	CUP-22-30-107-036
<b>REQUEST:</b>	<b>CUP FOR VEHICLE RELATED USE – RENTAL</b>
<b>MEETING DATE:</b>	Wednesday, September 28, 2016
<b>ZONING DESIGNATION:</b>	Regional Commercial/7200 South Overlay (RC/7200 SO)
<b>AUTHOR:</b>	Matt Hilderman, Associate Planner
<b>APPLICABLE ORDINANCE (S):</b>	MMC Chapter 17-3-4, Chapter 17-7-12, Chapter 17-7-12.2, Chapter 17-7-6
<b>AGENDA #:</b>	1

**SUMMARY:**

Jennifer De Luna, authorized agent representing the property owner, SDNLC @ the Garden East Office Complex, submitted a complete application proposing to operate and manage a vehicle rental business in an existing commercial structure. The total acreage of this site is estimated at 1.89 acres and consists of two commercial structures and eight (8) outdoor storage units, located to the rear of the property. These structures currently consist of twelve (12) suites and twelve (12) existing businesses have been identified.

The applicant currently occupies one office space, identified as Suite 7, for an existing title loan & financial company identified as D Luna Solutions, Inc. approved on August 3, 2016. The applicant is requesting approval of a private car rental agency which is proposed to also be located within this identified office space. The applicant is proposing to provide a vehicle rental service to persons in need for an estimated amount of time ranging from a few hours to a few weeks.

The total size of the identified space is approximately 1300 square feet, with a waiting room area and 4 office spaces. The commercial operating hours are proposed to be between 10:00 a.m. thru 7:00 p.m., Monday – Saturday and four employees are proposed to operate this business. Nine (9) total parking stalls have been designated for this particular use and the applicant has stated no vehicle cleaning or detailing and no mechanical work will be conducted at this location.

The recommended amount of parking spaces for this proposed use is calculated to be one space per vehicle for rent plus one space per 400 square feet of net leasable floor area. Based upon review of the submitted site plan, the minimum amount of required off-street parking spaces would be seven (7). Based upon the applicant's submitted site plan, the required amount of off-street parking is sufficient for this use and the existing financial loan business which will continue to operate with one employee.

The applicant has indicated that no further improvements are proposed and since this proposed use is located on an existing developed parcel and the overall site or building mass size is not proposed to be altered, no further development standards or improvements are required.

This proposal is located within the Regional Commercial/7200 South Overlay zones, which requires a Conditional Use Permit for a vehicle related rental use. In order to approve a Conditional Use Permit, the following applicable criteria must be satisfied:

1. The application complies with all applicable provisions of the zoning ordinance, state and federal law;
2. The structures associated with the use are compatible with surrounding structures in terms of use, scale, mass and circulation;
3. The use is not detrimental to the public health, safety and welfare;
4. The use is consistent with the Midvale City General Plan, as amended;
5. Traffic conditions are not adversely effected by the proposed use including the existence of or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets;
6. Sufficient utility capacity;
7. Sufficient emergency vehicle access;
8. Location and design of off-street parking as well as compliance with off-street parking standards provided for in §17-7-12.7;
9. Fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses; and
10. Exterior lighting that complies with the lighting standards of the zone and is designed to minimize conflict and light trespass with surrounding uses.

In reviewing this application and the above criteria, it appears this proposal will not be detrimental to the health, safety and welfare of people and businesses in the area. All improvements exist, with sufficient utility capacity and emergency vehicle access. Staff does not anticipate any adverse impacts being created by this proposed use, provided the business is operated in accordance with this proposal. Through the Business License process, all Building and Fire Code requirements shall be taken care of.

**STAFF RECOMMENDATION:**

Based on the proposal’s compliance with the Conditional Use Permit criteria and the above analysis, Staff would recommend that the Planning Commission approve the Conditional Use Permit for **D Luna Solutions Inc.**, a vehicle related rental use, to be located at **105 East Fort Union Boulevard** with the following conditions:

1. A maximum of five (5) rental vehicles may be displayed outside at this premise. These vehicles shall be fully operational.
2. All vehicles related to the business shall be parked in the stalls associated with the tenant space. The associated parking stalls for customers and employees shall be striped to ensure vehicles are appropriately parked at all times.
3. With the exception of the displayed rental vehicles, no additional outdoor storage shall be permitted.
4. Any vehicle repair and maintenance is prohibited at this location.
5. The applicant shall comply with all requirements of the Building Official and Fire Marshal.
6. The applicant shall obtain and maintain a Midvale City Business License in order to operate at this location.
7. All signage shall comply with the sign requirements for the RC/7200 S Overlay zones and sign permits obtained before such signage is installed.

**RECOMMENDED MOTION:**

*“Based on the proposal’s compliance with the Conditional Use Permit criteria and the above analysis, I move to approve the Conditional Use Permit for D Luna Solutions, Inc., a vehicle related rental use, to be located at 105 East Fort Union Boulevard, with the following conditions:*

1. *A maximum of five (5) rental vehicles may be displayed outside at this premise. These vehicles shall be fully operational.*

2. *All vehicles related to the business shall be parked in the stalls associated with the tenant space. The associated parking stalls for customers and employees shall be striped to ensure vehicles are appropriately parked at all times.*
3. *With the exception of the displayed rental vehicles, no additional outdoor storage shall be permitted.*
4. *Any vehicle repair and maintenance is prohibited at this location.*
5. *The applicant shall comply with all requirements of the Building Official and Fire Marshal.*
6. *The applicant shall obtain and maintain a Midvale City Business License in order to operate at this location.*
7. *All signage shall comply with the sign requirements for the RC/7200 S Overlay zones and sign permits obtained before such signage is installed.”*

**ADJACENT LAND USES:**

**North:** SF1-DO (Single Family Residential/Duplex Overlay)

**South:** RC (Regional Commercial)

**East:** RC (Regional Commercial)

**West:** SSC (State Street Commercial)

**ATTACHMENTS:**

- Vicinity Map
- Site Plan
- Submittal Documents

**PUBLIC NOTICE:**  No  Yes

# Vicinity Map



Proposed Location



State St

Fort Union Blvd

7100 S

150 E

Owls Ln

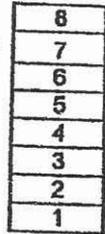
Nicoletti Dr  
145 E

**GARDEN EAST OFFICE COMPLEX**  
 100 East 7200 South, Midvale, Utah

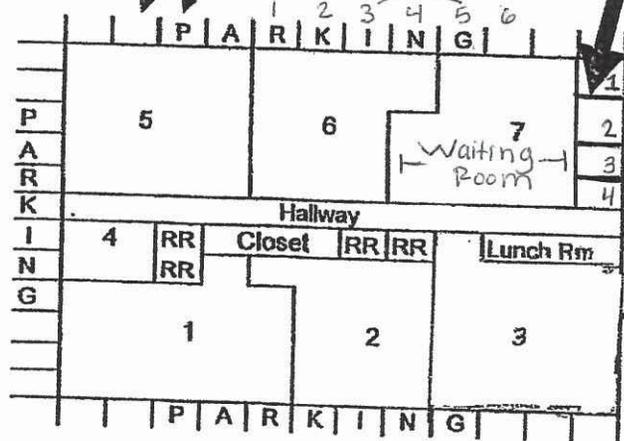
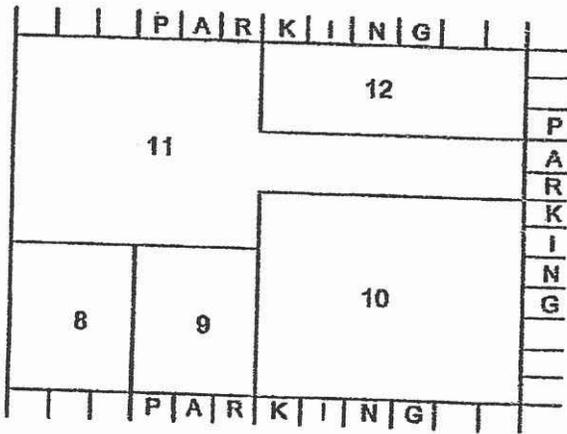


SHARED PARKING

Storage Sheds



DLuna Solutions  
Parking



OFFICES  
FLOOR PLAN

EXHIBIT "A"

Grass Area



Grass Area

7200 South

17

Garden East: Prime Pay Global

JTD

(ADDENDUM A)

# Re: Car Rental Affidavit

stuart nelson

Tue 9/6/2016 8:09 PM

To: Jennifer Deluna <jayydeluna.97@hotmail.com>; Jake nelson <jake2nelson@gmail.com>; greg mcdonald Crc <greg.mcdonald@crcnationwide.com>;

Jennifer

To whom it may concern :

DLuna Solutions Inc has requested an approval to add a small car rental business to the office and property that they currently lease from SDNLC @ The Garden East Office Complex. The business will have a maximum of up to 5 rental cars at any one time to operate this business.

Those cars may be housed at the complex and will have approval to do so once they have all licenses and approvals from the city and the state that are necessary to legally operate the said business.

This approval is contingent upon the following,

Cars will not be worked on or serviced on the property.

All insurances and permits will be obtained by DLuna Solutions INC at it's sole effort and expense.

If there are any issues or problems that come up regarding the said rental business , The owners and managers of DLuna Solutions Inc will at there sole effort and expense correct those issues in a timely manor.

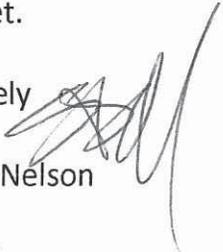
Should any problems arise with the existing other tenants at the complex DLuna Solutions INC will do what ever is needed to correct any and all issues.

As part of this agreement the landlord will allow DLuna to use an additional 5 parking spaces to house the said vehicles and also up to 4 extra spots for the customers accessing the rental business. If DLuna Solutions Inc decides to expand the said business to more than 5 rental cars , DLuna agrees that they will then move the rental business to a different location.

The property has an excess of parking spaces over and above what is needed for all the existing tenants and the landlord doesn't foresee any issues.

The city may consider this an approval from the management Of the SDNLC @ The Garden East Office Complex for DLuna Solutions INC to access the additional spaces once all licenses and Insurance requirements are met.

Sincerely



Stuart Nelson  
MGR  
SDNLC

## DLuna Solutions Inc.

We are planning to have an agency that rents automobiles for short periods of time, generally ranging from a few hours to a few weeks. Our Branch is going to be located at 105 East Fort Union Blvd Midvale, UT 84047.

*(private)*

As a Car rental agency, we are going to serve people who require a temporary vehicle, for example those who do not own their own car, travelers who are out of town, or owners of damaged or destroyed vehicles who are awaiting on a repair or insurance compensation.

We are going to offer products such as insurance, global positioning system (GPS) navigation, entertainment systems, and child safety seats.

- Our Hours of operation are going to be; Monday-Saturday from 10am-7pm
- We are going to have 4 Employees, they will each have their own position:
  - Employee 1: General Manager
  - Employee 2: Accountant
  - Employee 3: Customer Service Rep
  - Employee 4: Rental Clerk
  
- Car cleaning and Detailing: We will be working with a professional Car cleaning company Two Bros a Hundred Solutions, LLC. Contact Information listed below
  - Jaime De Luna
  - (801) 702-6457 *West Jordan City*
  
- Mechanical and towing: We will be working with a Car Shop company Christian Auto Inc. Company information listed below.
  - Luis Millian *Murray City*
  - (801) 673-1188

The vehicles will be parked at DLuna Solutions Inc's location mentioned above. Corresponding parking lot number one through six (Exhibit "A" Floor Plan parking details)

Our Total Office Square feet are 1,300, from which our waiting room measurements are: 17 feet x 39 Feet.

We also have four offices at our location. Office 1 through 3 measures: 10 Feet x 12 Feet,

Office number 4 measure: 12 Feet x 8 Feet.

We are attaching a copy of our Floor Plan with more details, As well as Addendum A from property owner of Garden East Complex.

The Mission Statement of our Company is to help our community with an Easy and Affordable Car Rental Process.

We look forward for your approval; please feel free to contact us if you have any questions at (801) 875 6263.

Sincerely,

 09/07/16

Jennifer De Luna  
DLUNA SOLUTIONS Inc.







**Midvale City**  
Department of Community Development  
Planning and Zoning Department

**Planning and Zoning Commission Staff Report**

<b>APPLICATION:</b>	<b>Zoning Ordinance Text Amendment – Height Limitations - Citywide</b>
<b>APPLICANT:</b>	City Staff
<b>FILE #:</b>	TXT 16-004
<b>REQUEST:</b>	Text Amendment
<b>MEETING DATE:</b>	Wednesday, September 28, 2016
<b>ZONING DESIGNATION:</b>	Single Family Residential and Multifamily Residential
<b>AUTHOR:</b>	Matt Hilderman, Associate Planner
<b>APPLICABLE ORDINANCE (S):</b>	17-3-1; 17-7-1.6; 17-7-2.6; 17-7-3.5; 17-7-4.5
<b>AGENDA #:</b>	2

**SUMMARY:**

The City Council has made a request to review our existing fence ordinance for Single-Family and Multifamily Residential Zones and suggested to increase the height from the existing six-foot (6') maximum limitation to an eight-foot (8') maximum limitation or higher.

The Municipal Code development standard for fences, hedges, and walls states the following within the Single-Family and Multifamily Residential Zones:

*“No fence or wall may exceed six feet in height, four feet in height in the front yard setback, nor three feet in the clear view triangle.”*

Discussion with the Building Official determined there is language within the current and adopted 2015 IBC and IRC development codes that states fences not exceeding seven-feet (7') in height does not require a building permit for the construction of this feature.

During our initial discussion on April 27, 2016, the Commission requested that Staff provide some revised language proposing the increased fencing height and also language concerning standards that should be met to allow an increase. Another discussion and review ensued on June 8, 2016 where the Commission recommended some additional changes relating to; height uniformity, issues of safety and security, and adjacent fences being reasonably comparable concerning fencing materials.

Staff has provided two proposed examples for review and discussion. In summary, these attachments address the following:

**Attachment A – Existing 6 ft. fence height to remain but allow an increase to 8 ft. upon conditions being met and reviewed administratively thru the building permit application**

**Attachment B – Existing 6 ft. fence height to remain but allow an increase to 8 ft. upon submittal of a building permit application**

In making this decision, Staff would recommend the Planning Commission consider the aesthetics, neighborhood and city character, reviewing agencies, etc. If the Planning Commission is comfortable with the applicant’s proposal, Staff would recommend approval of the ordinance, as presented.

**STAFF RECOMMENDATION:**

Staff recommends the Planning Commission conducts a public hearing, considers all public comments received, discusses and considers the issues stated, and forward an appropriate recommendation to the City Council.

**RECOMMENDED MOTIONS:**

Option 1 – Recommend as presented

*“In order to accommodate uses not originally contemplated when the Zoning Ordinance was originally adopted and to further provide safety and security of individual properties and their uses, I move that we forward a positive recommendation to the City Council to add language in Single Family and Multifamily Residential Zones under the fencing provision to increase the fencing heights as included in:*

- a) Attachment A.”*
- b) Attachment B.”*

Option 2 – Recommend with changes

*“In order to accommodate uses not originally contemplated when the Zoning Ordinance was originally adopted and to further provide safety and security of individual properties and their uses, I move that we forward a positive recommendation to the City Council to add language in Single Family and Multifamily Residential Zones under the fencing provision to increase the fencing heights as included in Attachment A [B], but with the following changes:*

- 1. . . .*
- 2. . . .”*

Option 3 – Not recommend

*“I find that the proposed text amendment to change the language to increase the fencing heights in the Single Family and Multifamily Residential Zones under the fencing provision is not appropriate for the City of Midvale for the following reasons:*

- 1. . . .*
- 2. . . .”*

*and, therefore, move to forward a negative recommendation to the City Council on this proposed text amendment.”*

**ATTACHMENTS:**

- Attachment A – Revised Ordinance Proposal
- Attachment B
- Residential Zone Districts – Zoning Map

**PUBLIC NOTICE:**  No  Yes

## ATTACHMENT A

Text Additions  
Text Deletions

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### Chapter 17-7-1 SINGLE FAMILY RESIDENTIAL ZONE (SF-1)

#### Sections:

- 17-7-1.1 Purpose.
- 17-7-1.2 Use table.
- 17-7-1.3 Lot standards.
- 17-7-1.4 Development standards.
- 17-7-1.5 Neighborhood compatibility.
- 17-7-1.6 Fences, hedges and walls.
- 17-7-1.7 Landscaping.
- 17-7-1.8 Parking.
- 17-7-1.9 Accessory structures (unoccupied).
- 17-7-1.10 Master planned development.
- 17-7-1.11 Conditional use standards of review.
- 17-7-1.12 Home occupation standards.
- 17-7-1.13 Signs.
- 17-7-1.14 Duplex (two-family) overlay (OD) zone.
- 17-7-1.15 Agricultural overlay zone.
- 17-7-1.16 Related provisions.
- 17-7-1.17 Camping.

#### **17-7-1.6 Fences, hedges and walls.**

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The following standards apply to new development of fences, hedges and walls:

- A. Required Setbacks. A fence, hedge, wall, column, pier, post, or any similar structure or any combination of such structures is permitted in the required setback if it meets the following conditions:
  - 1. All property lines are located in order to determine that no fence, hedge, or wall extends beyond or across a property line. A fence, hedge, or wall may cross a property line if an agreement with the abutting property owner is obtained;

2. No fence, hedge, or wall is placed nearer than six inches to any public sidewalk;
3. Any fence, hedge or wall placed within ten feet of a driveway may not exceed three feet in height if a sight obscuring solid material is used, such as wood, vinyl, etc.; and four feet if nonobscuring open materials are used, such as wrought iron, picket with gaps no less than width of slat, etc., for the first ten feet behind the sidewalk; and
4. No barbed wire or other sharp, pointed, or electrically charged fence may be erected or maintained, except a temporary fence on a construction site to protect the property during the period of construction may be topped with barbed wire where the barbed wire is not less than eight feet above the ground and does not extend more than two feet above the temporary fence.
5. All fences shall be constructed of quality materials that are specifically manufactured for fencing and shall not be constructed with any material that was originally made for other intentions. Unless specifically being used for a bona fide agricultural use, perimeter fencing within a residential area shall not be constructed from any material that was manufactured for an agricultural use such as chicken wire, deer fencing, hog wire, wire strands, t-stakes, or grape stakes.
6. All fences shall be maintained in a good condition by the property owner including compliance with the following standards:
  - a. The fence must be free of damage, breaks or missing components or parts.
  - b. Areas of the fence that are leaning more than twenty degrees from vertical, buckling, sagging or deteriorating must be repaired or replaced with materials and color similar to its original construction.
  - c. All metal style fences shall be treated in a manner to prevent rust.
  - d. Plant materials growing on fences within clear view areas, i.e., within ten feet of a driveway near a sidewalk (see required setbacks above) or within the clear view triangle area, shall be maintained at a maximum height of three feet.

B. Height. No fence or wall may exceed six feet in height, four feet in height in the front yard setback, nor three feet in the clear view triangle, measured as follows:

1. In a required yard abutting a street, the total effective height above the finished grade measured on the side nearest the street;
2. In any other required yard, the total effective height above the finished grade measured on the side nearest the abutting property;
3. On a property line, measured from the finished grade of either side when the abutting property owners are in agreement; and
4. A temporary fence on a construction site may be as high as required to protect the property during the period of construction.
5. Fencing up to eight feet in height may be allowed in the side(s) or rear yard provided the following conditions are met:

- (a) The side(s) or rear property is adjacent to a freeway system or arterial or collector roadway.
- (b) Buffering between commercial / industrial uses and residential uses.
- (c) Demonstration of safety and/or security matters.
- (d) The proposed fence shall be reasonably compatible with respect to height from adjacent fences and shall transition consistently from one segment of fence to another.
- (e) The proposed fence shall be reasonably compatible with respect to materials from adjacent fences and shall propose materials and colors that are consistent and similar.
- (f) A building permit shall be obtained from the City and construction of fences and retaining walls must meet applicable requirements of the building codes.

C. Athletic Facilities. Fencing around athletic facilities, including, without limitation, tennis courts, may be fourteen feet in height so long as all portions above six feet in height are constructed with at least fifty percent non-opaque materials.

D. Nonconforming Fences/Conformance with This Section. No person shall construct a new or alter an existing fence, hedge, wall, column, pier, post, or any similar structure or any combination of such structures except in conformance with all of the requirements of this section. For purposes of this subsection, an altered

fence is defined as replacing or changing more than sixty percent of the linear feet of an existing fence located in the front yard, replacing or changing more than sixty percent of the linear feet of an existing fence located in the back yard, or increasing the height of an existing fence. (Ord. 2011-03 § 1 (Att. A) (part); Ord. 11-13-2001 § 2 (part), 2001)

## ATTACHMENT B

Text Additions  
Text Deletions

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### Chapter 17-7-1 SINGLE FAMILY RESIDENTIAL ZONE (SF-1)

#### Sections:

- 17-7-1.1 Purpose.
- 17-7-1.2 Use table.
- 17-7-1.3 Lot standards.
- 17-7-1.4 Development standards.
- 17-7-1.5 Neighborhood compatibility.
- 17-7-1.6 Fences, hedges and walls.
- 17-7-1.7 Landscaping.
- 17-7-1.8 Parking.
- 17-7-1.9 Accessory structures (unoccupied).
- 17-7-1.10 Master planned development.
- 17-7-1.11 Conditional use standards of review.
- 17-7-1.12 Home occupation standards.
- 17-7-1.13 Signs.
- 17-7-1.14 Duplex (two-family) overlay (OD) zone.
- 17-7-1.15 Agricultural overlay zone.
- 17-7-1.16 Related provisions.
- 17-7-1.17 Camping.

#### **17-7-1.6 Fences, hedges and walls.**

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The following standards apply to new development of fences, hedges and walls:

- A. Required Setbacks. A fence, hedge, wall, column, pier, post, or any similar structure or any combination of such structures is permitted in the required setback if it meets the following conditions:
  - 1. All property lines are located in order to determine that no fence, hedge, or wall extends beyond or across a property line. A fence, hedge, or wall may cross a property line if an agreement with the abutting property owner is obtained;

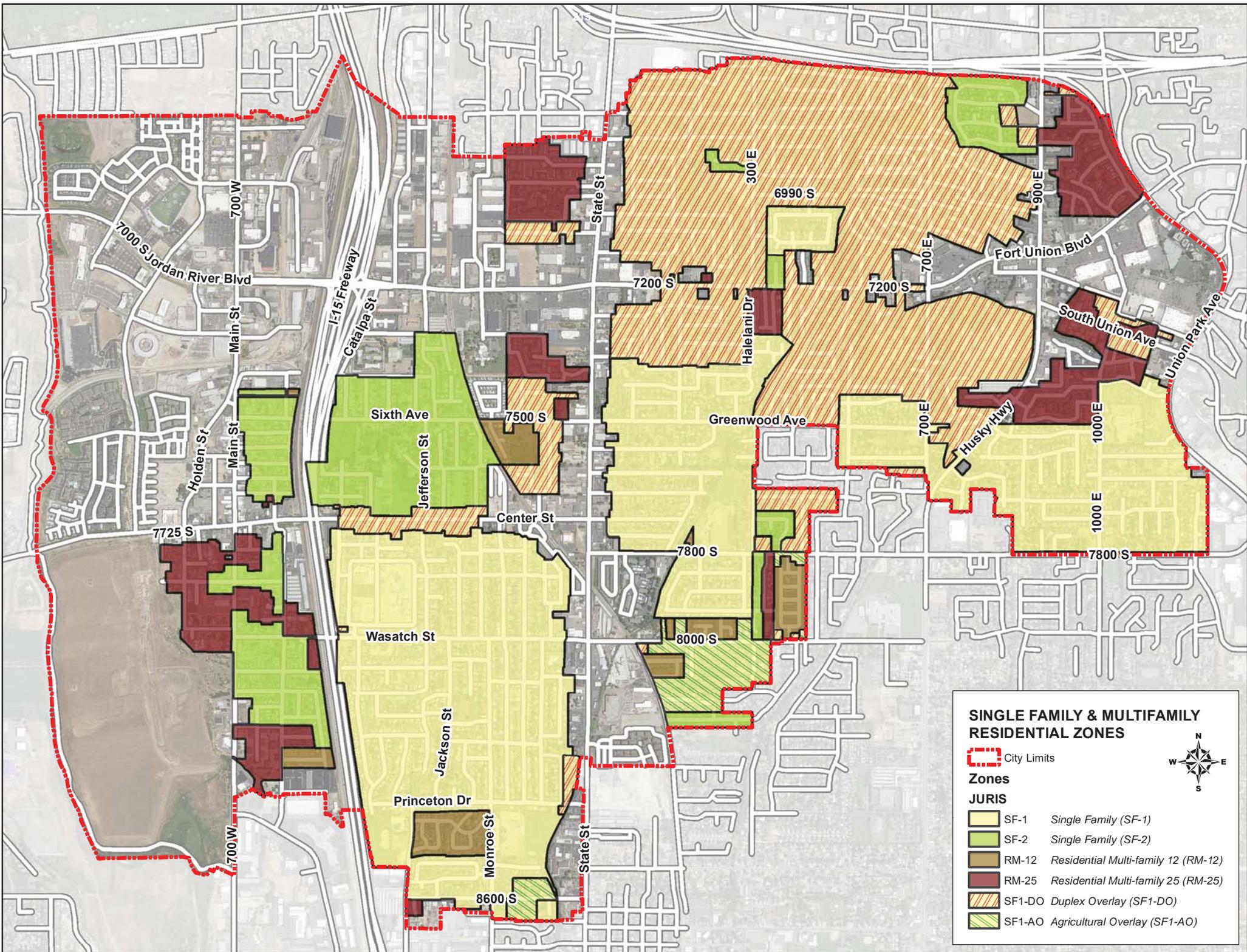
2. No fence, hedge, or wall is placed nearer than six inches to any public sidewalk;
3. Any fence, hedge or wall placed within ten feet of a driveway may not exceed three feet in height if a sight obscuring solid material is used, such as wood, vinyl, etc.; and four feet if nonobscuring open materials are used, such as wrought iron, picket with gaps no less than width of slat, etc., for the first ten feet behind the sidewalk; and
4. No barbed wire or other sharp, pointed, or electrically charged fence may be erected or maintained, except a temporary fence on a construction site to protect the property during the period of construction may be topped with barbed wire where the barbed wire is not less than eight feet above the ground and does not extend more than two feet above the temporary fence.
5. All fences shall be constructed of quality materials that are specifically manufactured for fencing and shall not be constructed with any material that was originally made for other intentions. Unless specifically being used for a bona fide agricultural use, perimeter fencing within a residential area shall not be constructed from any material that was manufactured for an agricultural use such as chicken wire, deer fencing, hog wire, wire strands, t-stakes, or grape stakes.
6. All fences shall be maintained in a good condition by the property owner including compliance with the following standards:
  - a. The fence must be free of damage, breaks or missing components or parts.
  - b. Areas of the fence that are leaning more than twenty degrees from vertical, buckling, sagging or deteriorating must be repaired or replaced with materials and color similar to its original construction.
  - c. All metal style fences shall be treated in a manner to prevent rust.
  - d. Plant materials growing on fences within clear view areas, i.e., within ten feet of a driveway near a sidewalk (see required setbacks above) or within the clear view triangle area, shall be maintained at a maximum height of three feet.

B. Height. No fence or wall may exceed ~~six~~ eight feet in height, four feet in height in the front yard setback, nor three feet in the clear view triangle, measured as follows:

1. In a required yard abutting a street, the total effective height above the finished grade measured on the side nearest the street;
2. In any other required yard, the total effective height above the finished grade measured on the side nearest the abutting property;
3. On a property line, measured from the finished grade of either side when the abutting property owners are in agreement; and
4. A temporary fence on a construction site may be as high as required to protect the property during the period of construction.
5. Fences up to eight feet in height may be allowed provided a building permit is obtained from the city.

C. Athletic Facilities. Fencing around athletic facilities, including, without limitation, tennis courts, may be fourteen feet in height so long as all portions above six feet in height are constructed with at least fifty percent non-opaque materials.

D. Nonconforming Fences/Conformance with This Section. No person shall construct a new or alter an existing fence, hedge, wall, column, pier, post, or any similar structure or any combination of such structures except in conformance with all of the requirements of this section. For purposes of this subsection, an altered fence is defined as replacing or changing more than sixty percent of the linear feet of an existing fence located in the front yard, replacing or changing more than sixty percent of the linear feet of an existing fence located in the back yard, or increasing the height of an existing fence. (Ord. 2011-03 § 1 (Att. A) (part); Ord. 11-13-2001 § 2 (part), 2001)



**SINGLE FAMILY & MULTIFAMILY RESIDENTIAL ZONES**

City Limits

**Zones**

**JURIS**

	SF-1	Single Family (SF-1)
	SF-2	Single Family (SF-2)
	RM-12	Residential Multi-family 12 (RM-12)
	RM-25	Residential Multi-family 25 (RM-25)
	SF1-DO	Duplex Overlay (SF1-DO)
	SF1-AO	Agricultural Overlay (SF1-AO)