

TOWN *Of* **PARADISE VALLEY**



STAFF REPORT

TO: Mayor Bien-Willner and Town Council Members

FROM: Jill Keimach, Town Manager
Lisa Collins, Community Development Director

DATE: November 4, 2021

AGENDA TITLE:

Discussion of Regulations for Walls / View Fences / Combination View Fences

RECOMMENDATION:

Staff is recommending the Council review the proposed ordinance and provide staff with direction.

SUMMARY STATEMENT:

At a Town Council Study Session on January 28, 2021, staff presented current code requirements for walls and fences on single-family properties. The discussion was prompted by a situation where a corner lot was tied to an adjacent lot and the existing house on the corner lot was redeveloped resulting in confusion over the front and side yard designations.

This resulted in a discussion to analyze the code and provide a possible amendment that would result in consistent setbacks for front and side yards.

The Council directed staff to proceed with a process to draft a text amendment to review with the Planning Commission.

The Planning Commission reviewed the proposed amendment and provided input and comments on June 1, July 20, August 3, and August 17. The Planning Commission recommended that no changes be made to the code at their October 5, 2021, hearing.

DISCUSSION:

Walls and fences are currently allowed based on height and adjacency to street classifications. Residential lots along Major Arterials are allowed higher fences close to the street. While residential lots on all other streets are required a greater setback and a lower wall or fence.

This proposal would differentiate between Local Streets and all others, allowing fencing that provides more privacy and security on not only Major Arterials, but also Minor Arterials and Collectors. The regulations for Local Streets would not change.

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In 2016, the code regulating walls and fences was amended to allow a new fence type called a "Combination View Fence". The Combination View Fence is part solid Wall and part View Fence. A Combination View Fence was allowed closer to the street than a traditional solid wall, but setback more than a View Fence. This new fence/wall type was put in place to provide greater use of the front yard and to provide security.

Where walls and fences provide security, landscape hedges are commonly used in front and side yards to provide privacy. Landscape hedges are allowed in front and side yard areas between the right-of-way/property lines and building setbacks. Except that when a View Fence or Combination View Fence is in a front yard, the landscape hedge may not exceed 3 feet in height. Those View Fences and Combination View Fences must be setback 20 feet. The proposed amendment would allow a View Fence and Combination View Fence at a 10-foot setback.

At previous Planning Commission Study Sessions, staff was asked to provide additional information on the Town Code regulations for landscaping.

The Town Code does not require landscaping for individual residential properties. However, if landscaping is provided, it must meet safety related requirements if located in the right-of-way. This area MAY be landscaped but is not required to be landscaped.

A hedge maintenance agreement is currently required when a View Fence or Combination View Fence is permitted. This agreement is a recorded document that requires hedge type landscape materials to meet code requirements.

The Town Code does mandate landscaping requirements for non-residential uses such as resort development, retail, and office developments. These developments must also adhere to the landscaping in rights-of-way regulations.

NEXT STEPS:

Based on direction by Council, this item may be presented at a future Council meeting for further discussion or formal action. STGPV1234!

BUDGETARY IMPACT:

No budgetary impacts will result from the proposed ordinance amendment

ATTACHMENT(S):

- A. Staff Report
- B. Presentation
- C. Draft Ordinance – Staff Recommendation