

# TOWN OF PARADISE VALLEY

## **Walls & Fences (Article XXIV) Text Amendment**

**Town Council Work Session  
November 17, 2016**



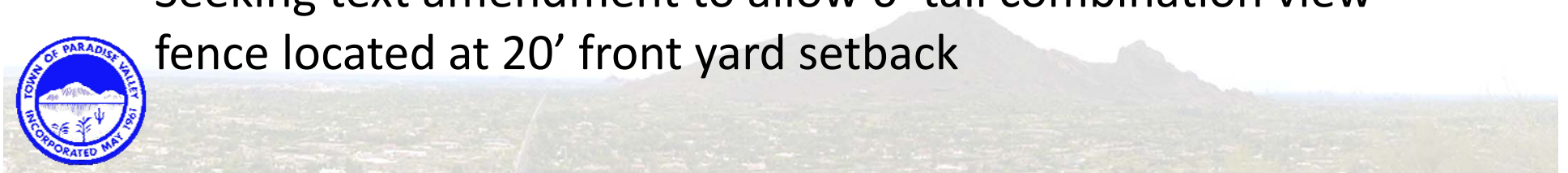
# REQUEST

- Proposed amendments to Article XXIV of Zoning Ordinance:
  - Combination view fence (at 20' front yard setback)
  - Modify definition of view fence (to accommodate decorative elements such as knuckles, scrolls, and spears )
  - Modify definition of wall finish



# BACKGROUND

- Proposed text amendment in response to a burglary at previous home
- Current home - applicant hired metal works company to install wrought iron fencing on top of existing fence in order to secure house
- Applied for variance to keep metal fence; however, request was denied by B of A
- Seeking text amendment to allow 6' tall combination view fence located at 20' front yard setback



# BACKGROUND (CONT.)

- PC Discussion:
  - 4 Work Sessions
  - 2 Public hearing – November 1<sup>st</sup> and November 15th



# SCOPE OF APPLICANT REQUEST



- Current Code:
  - 3' tall fence at 10' front setback
  - 6' tall fence at 40' front setback
- Combination View Fence
  - 6' tall fence at 20' front setback
  - At least 50% of wall being view fence and view portion of fence located on top or upper half of wall





## DEFINITIONS – ORD 2016-07 (CONT.)

- **Combination View Fence - A combination view fence (including gates) is a free-standing, upright structure that meets this Section's definition for "view fence" for at least 50% of the height of the structure and meets this Section's definition for "wall" for the remaining portion. The portion of the Combination View Fence meeting the definition of "view fence" must be positioned above the portion meeting the definition of "wall."**



# DEFINITIONS – ORD 2016-07 (CONT.)



- **Hedge – Dense planting of shrubs, bushes, or any kind of plant designed, installed, maintained, and planted in line or in groups that form a compact, dense, living barrier that protects, shields, separates, or demarcates an area from view**





# DEFINITIONS – ORD 2016-07 (CONT.)



- **Yard, Front - A front yard is the area between the right-of-way line and the front building setback line**
- **Since Front Yard is defined in Article 2 of Zoning Ordinance, staff recommends removing definition of Yard, Front**
- **Hedge and Landscape Area :**
  - **The area between the back of curb or edge of asphalt and the front building setback line of the primary residence**





**TABLE 2404A – ALL RESIDENTIAL DISTRICTS SETBACK AND HEIGHT REGULATIONS FOR WALLS /VIEW FENCES/COMBINATION VIEW FENCES**

<i>FRONT YARD ALONG RIGHTS-OF-WAY</i>			
			***Refer to Section 2404.d for landscape restrictions
<b>STREET TYPE</b>	<b>TYPE OF WALL OR FENCE</b>	<b>SETBACK FROM PROPERTY LINE, FEET</b>	<b>MAXIMUM HEIGHT, FEET</b>
Major	View Fence	10, Minimum	**8, including berm
	Meandering Wall	15, Average	**8, including berm
	All Others	20, Minimum	**8, including berm
	Any	10, Minimum	3
Local, Collector,	Any	10, Minimum	3
Minor	<u>View Fence/Combination</u>	<u>***20, Minimum</u>	<u>6</u>
	<u>View Fence</u>	<u>(Maintenance Requirement)</u>	
	<u>AnyAll Others</u>	*40, Minimum	6



# DISCUSSION – ORD 2016-07 (CONT.)

- **Section 2404.d. Additional Criteria for View Fences and Combination View Fences:**
  - **Properties that contain view fencing or combination view fencing over 3’ in height and between 20’ and 40’ of the front yard setback may not also contain hedges over 3’ in height in the front yard or in any unpaved sections of right-of-way and requires hedge maintenance agreement. The maintenance of the hedge shall remain the responsibility of the property owner.**



# DISCUSSION – SECTION 2404.D (CONT.)

- **Said agreements shall:**
  - a. **Be in a form acceptable to the Town Manager or Designee,**
  - b. **Grant easement rights and a right of entry in, over, and across the Hedge and Landscape Area,**
  - c. **Specify that the maintenance responsibility for the Hedge and Landscape Area remains private, and**
  - d. **Be recorded in the Maricopa County Recorder's office,**
  - e. **Specify that the property owner shall maintain the hedge within the Hedge and Landscape Area in compliance with all applicable town codes.**



# DISCUSSION

- Combination view fence - Staff has differing views:
  - Chief of Police supportive of view fencing or any means to be able to see front of house from the street
  - Planning staff not supportive:
    - Landscape regulations often difficult to enforce
- Update definition of view fence to accommodate decorative features – Staff supports



# SCOPE OF REQUEST (CONT.)



- View Fence
  - Currently code - 80% minimum openness
  - Proposed change - 70% minimum openness (to accommodate decorative features such as knuckles, scrolls and ball caps)



# DECORATIVE FENCE ELEMENTS



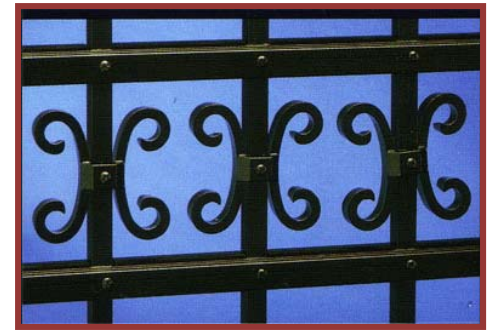
**Ball Cap**



**Knuckles**



**Spears**



**Scrolls**



Decorative Elements Included in Height Measurement of Fence



# DEFINITIONS – ORD 2016-07

- View Fence – A view fence (including gates) is a free-standing, upright structure, constructed with openings between the materials used for construction of the fence, where the openings represent at least ~~80~~ **70** percent of the total fence surface area





# STAFF AMENDMENT

- Wall Finish – Staff Recommended Update



# WALL FINISH

- Current Code
  - Wall adjacent to adjoining property finished to match architectural character of neighboring house
  - Minimum finish of stucco and paint
  - Or a finish that is agreed upon by the neighbors
- Staff Recommendation:
  - Limit finish to minimum of stucco and paint
  - Limit finish with colors and materials agreed upon by property owners
- Commission Recommendation:
  - Identify number of attempts to contact neighbor of type of fence finish



## Section 2403.b - Walls Adjacent to Adjoining Properties

When such wall is adjacent to an adjoining property, the wall shall be finished on the exterior side, ~~compatible with the architectural character of the neighboring house~~. The minimum standard for a wall finish shall be stucco and paint.

### EXCEPTIONS:

1. The side of the wall facing the adjoining property may be finished with such materials and colors as agreed upon by the property owner and adjoining property owner.
2. If the owner of adjoining property grants no reasonable access to the applicant to finish the side of the wall facing the adjoining property, the applicant will be relieved of any obligation to improve that side of the property wall. **At least two (2) attempts shall be made to try to contact the adjoining property owner. The minimum standard of notification shall be a written letter sent via certified mailed to the owner at his last known address by certified mail, or the address to which the tax bill for the property was last mailed.**



# NEXT STEPS

- Changes or edits made during November 15<sup>th</sup> PC meeting will be identified during November 17<sup>th</sup> staff presentation to TC
- Ordinance scheduled for public hearing review on December 1, 2016
- Council may take action on ordinance or continue for further review and discussion





**Questions?**

