



Action Report

File #: 16-240

TO: Chair and Planning Commission

FROM: Eva Cutro, Community Development Director
Paul Michaud, Senior Planner
George Burton, Planner

DATE: August 16, 2016

CONTACT:

George Burton, 480-348-3525

AGENDA TITLE:

Discussion of Article XXIV, Walls and Fences, Zoning Code Text Amendment (MI-16-2)

BACKGROUND

Request

The applicant requests an amendment to Article XXIV of the Town Zoning Ordinance to allow a partial view fence or "combination view fence" at a 20' front yard setback and to modify the definition of a view fence to accommodate decorative elements such as knuckles, scrolls, and spears.

History

The proposed text amendment is in response to a burglary at the Garner residence. The Garners purchased the property on April 2, 2013 and hired a metal works company to install wrought iron fencing on top of the existing fence wall in order to secure the house. A neighbor inquired about installing a similar fence, which brought the modified fence to the Town's attention. The Town checked and confirmed that the fence was modified without a permit and was in violation of the Zoning Ordinance. The applicant applied for a variance to keep the fence; however, the request was denied by the Board of Adjustment. The applicant is seeking a text amendment to allow for a 6' tall "combination view fence" located at a 20' front yard setback.

Since Walls and Fences Code Updates are also a Quality of Life initiative, staff would like to discuss any other potential changes to the fence ordinance. The proposed amendments contained within are meant as a starting point for discussion and are outlined below.

DISCUSSION/FACTS

Combination View Fence

Currently, the code allows all 3' tall fences at a minimum setback of 10' from the front property line and all 6' tall fences at a setback of 40' from the front property line. The applicant requests a text amendment that will allow for a combination view fence. The combination view fence will be limited to a maximum height of 6' tall and a minimum setback of 20' from the front property line. The combination view fence will also be limited to at least 50% of the wall being a view fence and the view portion of the fence located

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on the top or upper half of the wall.

The definition of “view fence” will also be modified. Currently, the code states that 80% of the fence must be open to qualify as a view fence. The applicant is proposing to add language to this definition that would allow for a minimum openness of 70% in order to accommodate decorative features such as knuckles, scrolls and ball caps.

The proposed amendments affect Sections 2402, 2404 and 2404-A. The amendments are highlighted in blue in the applicants “Proposed Text Amendment Article XXIV” attachment.

Staff is supportive of the minimum openness of 70% to accommodate decorative features on view fences. However, staff has differing views regarding the combination view fence. The Chief of Police is supportive of a combination view fence provided no landscaping is placed in front of or behind the fencing that would block visibility. However, planning staff is not supportive of this change since vegetation is often placed behind a view fence, which effectively creates an opaque wall at a setback closer to the street.

Wall Finishes

Staff is looking to make a minor change to Section 2403.b of the Zoning Ordinance. The code currently states that a wall adjacent to an adjoining property must be finished on the exterior side that is compatible with the architectural character of the neighboring house or a minimum finish of stucco and paint. Staff would like to update the language to limit the finish to a minimum of stucco and paint or with colors and materials agreed upon by the property owners. The amendments are highlighted in red in the “Proposed Staff Amendments.”

Quality of Life Initiative

Since this is a Quality of Life Initiative, staff would like to receive input from the Planning Commission regarding any other concerns or potential amendments to the fence ordinance.

Public Comment

Public notification is not required for the work study session; however, public notification will be performed in accordance with the citizen review and public hearing process.

Next Step

Based upon the scope of proposed changes to the code, additional work study sessions may be needed, along with a citizen review meeting, and public hearing meeting.

ATTACHMENT(S)

Applicant Text Amendment Narrative and Proposed Text Amendment to Article XXIV Proposed Staff Amendments

C: - Taylor Earl (Applicant)
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