



## Action Report

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**File #:** 16-258

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**TO:** Chair and Planning Commission

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

**DATE:** September 6, 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 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.

#### 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.

#### Planning Commission Discussion

The Planning Commission discussed this topic at the August 18<sup>th</sup> work study session. The Commission was generally agreeable with the modified language for the fence wall finish; however, there was no consensus regarding the combination view fence.

There discussion regarding the need to adjust the standards for fences adjoining minor arterial streets, how other cities regulate landscaping, and CPTED standards.

Chairman Strom felt there should be no limitation on vegetation. Commissioners Wincel and Mahrle stated they could not support the proposed provision without a vegetation restriction, with Commissioner Mahrle emphasizing a preference that walls should be placed behind the house. Commissioners Wastchak, Campbell, and Moore stated they may support this provision depending on the restriction on plantings. Commissioner Wainwright stated this is a complicated issue, and that homeowners should be able to make use of their front yard, and the provision as drafted may be hard to enforce.

Staff researched several city codes and website regarding fence and landscape regulations. The Town of Fountain Hills limits any wall or hedge located within the 40’ front yard setback to a maximum height of 3’6” tall. The City of Scottsdale allows a 3’ tall wall, fence or hedge on the front property line. The City of Phoenix allows 40” tall fencing anywhere on the property. 6’ tall fencing is limited to the side and rear yards and landscape plans are required for new development projects (identifying a native plant inventory

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and general landscape plan). The Town Cave Creek limits 6' tall fencing to be located on the property and requires landscaping that is located in the front yard or visible from a public street use a pallet outlined in their landscape technical design guidelines.

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
- Applicant Proposed Language Regarding Landscaping
- Proposed Staff Amendments

C: - Taylor Earl (Applicant)  
- Case File: MI-16-2