



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Meeting Notice and Agenda Town Council

Mayor Jerry Bien-Willner
Vice Mayor Mark Stanton
Council Member Ellen Andeen
Council Member Paul Dembow
Council Member Scott Moore
Council Member Julie Pace
Council Member Anna Thomasson

Thursday, November 4, 2021

3:00 PM

Council Chambers

1. CALL TO ORDER / ROLL CALL

*THIS MEETING WILL BE HELD BY REMOTE PARTICIPATION ONLY
PUBLIC PARTICIPATION IN THE MEETING*

Members of the public are encouraged to participate in the meeting via the following options:

1. View the live stream at <https://paradisevalleyaz.legistar.com/Calendar.aspx>
 - (a) Click on Calendar Tab
 - (b) Look for Town Council meeting (you may have to select it from the dropdown list) and find the meeting date
 - (c) Click the "In Progress" link in the column titled Video
2. Zoom Conference
 - (a) Computer: <https://zoom.us/j/6678902153>
 - (b) Telephone: 1 669 900 6833 Meeting ID 667 890 2153

For submitting comments and questions, and speaking at meetings, please note that there are designated opportunities for public speaking during the meetings, which will be specifically identified by the meeting's presiding official (for Town Council Meetings, the Mayor).

3. Submitting questions and comments:
 - (a) Visit <https://paradisevalleyaz.legistar.com/Calendar.aspx>, search for the meeting date, and click "eComment". Locate the agenda item you are interested in and click "Comment" (Please submit comments at least 1 hr prior to meeting)
 - (b) Email dmiller@paradisevalleyaz.gov (Please submit comments at least 1 hr prior to meeting)

4. Speaking during Call to the Public / Public Hearings
 - (a) Visit <https://paradisevalleyaz.legistar.com/Calendar.aspx>, search for the meeting date, and click "eComment". Locate the agenda item and click "Register to Speak". Join the meeting by dialing 1 669 900 6833 Meeting ID 667 890 2153

(b) If attending by Zoom Video Conference, click the chat button and enter your name and the agenda item you would like to address

(These meeting participation guidelines are pursuant to Town Council Resolution 2020-08 adopted March 17, 2020.)

Notice is hereby given pursuant to A.R.S. §38-431.02. that members of the Town Council will attend by audio/video conference call.

2. EXECUTIVE SESSION

- [21-340](#) Discussion or consultation for legal advice with the Town Attorney regarding Town Code amendments related to code enforcement (special events, nuisance noise, unruly gatherings, and rental registration) as authorized by A.R.S. §38-431.03(A)(3).
- [21-344](#) Discussion or consultation with the Town Attorney to consider the Town's position regarding contract negotiations with the Super Bowl Host Committee as authorized by A.R.S. §38 431.03(A)(4) and legal advice as authorized by A.R.S. §38 431.03(A)(3).
- [21-343](#) Discussion of Assistant Town Attorney responsibilities following retirement as authorized by A.R.S. §38-431.03(A)(1).
- [21-341](#) The Town Council may go into executive session at one or more times during the meeting as needed to confer with the Town Attorney for legal advice regarding any of the items listed on the agenda as authorized by A.R.S. §38-431.03(A)(3).

3. STUDY SESSION ITEMS

The Study Session is open to the public for viewing, and the following items are scheduled for discussion among the Council, Staff, and their designees. The Town Council will be briefed by staff and other Town representatives. There will be no votes and no final action taken on discussion items. The Council may give direction to staff and request that items be scheduled for consideration and final action at a later date. The order of discussion items and the estimated time scheduled to hear each item are subject to change.

- [21-347](#) Discussion of Proposed Zoning Ordinance regarding Regulations for Walls, View Fences and Combination View Fences
30 Minutes

Staff Contact: Lisa Collins, 480-348-3522

- [21-351](#) Discussion of Proposed Ordinance No. 2021-05, the Paradise Valley Community Tree City Ordinance
15 Minutes

Staff Contact: Jill Keimach, 480-348-3690

- [21-349](#) Paradise Valley, 2022 General Plan - Update
5 Minutes

Staff Contact: Loras Rauch, (480) 348-3595

4. BREAK

5. RECONVENE FOR REGULAR MEETING 6:00 PM**6. ROLL CALL****7. PLEDGE OF ALLEGIANCE*****8. PRESENTATIONS*****21-348****Proclaim November 2021 as Baller Dream Foundation Month****Recommendation:** Proclaim November 2021 as Baller Dream Foundation Month**Staff Contact:** Jill Keimach, 480-348-3690**9. CALL TO THE PUBLIC**

Citizens may address the Council on any matter not on the agenda. In conformance with Open Meeting Laws, Council may not discuss or take action on this matter at this Council meeting, but may respond to criticism, ask that staff review a matter raised, or ask that it be placed on a future agenda. Those making comments shall limit their remarks to three (3) minutes. Please fill out a Speaker Request form prior to addressing the Council.

10. CONSENT AGENDA

All items on the Consent Agenda are considered by the Town Council to be routine and will be enacted by a single motion. There will be no separate discussion of these items. If a member of the Council or public desires discussion on any item it will be removed from the Consent Agenda and considered separately. Please fill out a Speaker Request form prior to the start of the meeting and indicate which item you would like to address.

11. PUBLIC HEARINGS

The Town Council may hear public comments and take action on any of these items. Citizens may address the Council regarding any or all of these items. Those making comments are limited to three (3) minutes. Speakers may not yield their time to others. Please fill out a Speaker Request form prior to the start of the meeting and indicate which item you would like to address.

12. ACTION ITEMS

The Town Council May Take Action on This Item. Citizens may address the Council regarding any or all of these items. Those making comments are limited to three (3) minutes. Speakers may not yield their time to others. Please fill out a Speaker Request form prior to the start of the meeting and indicate which item you would like to address.

13. FUTURE AGENDA ITEMS

The Town Council May Take Action on This Item. The Mayor or Town Manager will present the long range meeting agenda schedule and announce major topics for the following meeting. Any member of the Council may move to have the Town Manager add a new agenda item to a future agenda. Upon concurrence of three more Members, which may include the Mayor, the item shall be added to the list of future agenda items and scheduled by the Town Manager as a future agenda item within 60 days.

21-342

Consideration of Requests for Future Agenda Items

Recommendation: Review the current list of pending agenda topics.

Staff Contact: Jill B. Keimach, Town Manager, 480-348-3690

14. MAYOR / COUNCIL / MANAGER COMMENTS

The Mayor, Council or Town Manager may provide a summary of current events. In conformance with Open Meeting Laws, Council may not have discussion or take action at this Council meeting on any matter discussed during the summary.

15. ADJOURN

AGENDA IS SUBJECT TO CHANGE

**Notice is hereby given that pursuant to A.R.S. §1-602.A.9, subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the Town Council are audio and/or video recorded, and, as a result, proceedings in which children are present may be subject to such recording. Parents in order to exercise their rights may either file written consent with the Town Clerk to such recording, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the Town will assume that the rights afforded parents pursuant to A.R.S. §1-602.A.9 have been waived.*

The Town of Paradise Valley endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for disabled persons at public meetings. Please call 480-948-7411 (voice) or 480-483-1811 (TDD) to request accommodation to participate in the Town Council meeting.



Town of Paradise Valley

6401 E Lincoln Dr
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Action Report

File #: 21-340



Action Report

File #: 21-344

Discussion or consultation with the Town Attorney to consider the Town's position regarding contract negotiations with the Super Bowl Host Committee as authorized by A.R.S. §38 431.03(A)(4) and legal advice as authorized by A.R.S. §38 431.03(A)(3).



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Action Report

File #: 21-343



Action Report

File #: 21-341

The Town Council may go into executive session at one or more times during the meeting as needed to confer with the Town Attorney for legal advice regarding any of the items listed on the agenda as authorized by A.R.S. §38-431.03(A)(3).



Action Report

File #: 21-347

AGENDA TITLE:

Discussion of Proposed Zoning Ordinance regarding Regulations for Walls, View Fences and Combination View Fences

STAFF CONTACT:

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.

TOWN *Of* **PARADISE VALLEY**



STAFF REPORT

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

TOWN OF PARADISE VALLEY



Walls and Fences Ordinance
November 4, 2021



GOALS FOR TODAY

Review an amendment to the wall & fences section of the zoning ordinance

- Clarity
 - Front & side yard designations on corner lots
- Simplicity in code language
 - Simplified code language to avoid misunderstandings
- Privacy & Security
 - Enhanced level of security and privacy

COUNCIL CONSIDERATION

Code Amendment:

- View Fence and Combination View Fence regulations
 - Same for Major Arterial, Minor Arterial and Collector level street
- Fence Hedge maintenance agreement
 - Assessment of the agreement

CLARITY & SIMPLIFIED CODE LANGUAGE

View Fences

- Minor Arterial Streets Front yard setback:
 - 20-foot setback – currently
 - 10- foot setback- proposed
- Collector Streets Front yard setback:
 - 20-foot setback – currently
 - 10- foot setback- proposed

Combination View Fences

- Major Arterial Streets Front yard setback:
 - 20- foot setback – currently
 - 10- foot setback- proposed
- Minor Arterial Streets Front yard setback :
 - 20-foot setback – currently
 - 10- foot setback- proposed
- Collector Streets Front yard setback :
 - 20-foot setback – currently
 - 10- foot setback- proposed

STREET TYPE	WALL/FENCE TYPE – SETBACK & HEIGHT			
	***VIEW FENCE	**MEANDERING WALL	***COMBINATION VIEW FENCE	**ANY OTHER WALL OR FENCE
MAJOR ARTERIAL				
Front/Side/Rear	10 ft min. setback; 8 ft height	15 ft avg setback; 8 ft height	20 10 ft min. setback; 8 ft height	10 ft min. setback; 3 ft height 20 ft min. setback; 8 ft height
MINOR ARTERIAL				
Front	20 10 ft min. setback; 6 ft height	NA	20 10 ft min. setback; 6 ft height	10 ft min. setback; 3 ft height *40 ft min. setback; 6 ft height
Side or Rear	10 ft min. setback; 6 feet height	15 ft avg. setback; 6 ft height	10 ft min. setback; 3 ft height 20 ft min. setback; 6 ft height	10 ft min. setback; 3 ft height 20 ft min. setback; 6 ft height
COLLECTOR				
Front	20 10 ft min. setback; 6 ft height	NA	20 10 ft min. setback 6 ft height	10 ft min. setback; 3 ft height 40 ft min. setback; 6 ft height
Side or Rear	10 ft min. setback; 6 ft height	15 ft avg setback; 6 ft height	10 ft min. setback; 3 ft height 20 ft min. setback; 6 ft height	10 ft min. setback; 3 ft height 20 ft min. setback; 6 ft height
LOCAL				
Front	20 ft min. setback; 6 ft height	NA	20 ft min. setback 6 ft height	10 ft min. setback; 3 ft height 40 ft min. setback; 6 ft height
Side or Rear	10 ft min. setback; 6 ft height	15 ft avg setback; 6 ft height	10 ft min. setback; 3 ft height 20 ft min. setback; 6 ft height	10 ft min. setback; 3 ft height 20 ft min. setback; 6 ft height
Note: All wall/fence types may be constructed on interior side and rear yards with no setbacks and 6 ft maximum height when adjoining residential property and 8 ft maximum height when adjoining non-residential property				

CURRENT CODE CHART

ZONING ORDINANCE

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

FRONT YARD ALONG RIGHTS-OF-WAY			
STREET TYPE	TYPE OF WALL OR FENCE	SETBACK FROM PROPERTY LINE, FEET	MAXIMUM HEIGHT, FEET
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, Minor	Any	10, Minimum	3
	View Fence/Combination View Fence	***20, Minimum (Landscape Restrictions with Maintenance Requirements)	6
	All Others	*40, Minimum	6
SIDE OR REAR YARD ALONG RIGHTS-OF-WAY			
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, Minor	View Fence	10, Minimum	6
	Meandering Wall	15, Average	6
	All Others	20, Minimum	6
	Any	10, Minimum	3
SIDE OR REAR YARD INTERIOR (not along any right-of-way)			
Not applicable	Any	None Required	6
SIDE OR REAR YARD INTERIOR (adjoining non-residential property other than a right-of-way)			
Not applicable	Any	None Required	**8, including berm

* In R-18A Zoning Districts, the front yard setback along local, collector, or minor streets is minimum 35 feet.

In R-10 Zoning Districts, the front yard setback along local, collector, or minor streets is minimum 20 feet, or as shown on the recorded plat, or as existing at the

Fence Hedge Maintenance Agreements Current Code Requirements

- 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 must have a hedge maintenance agreement executed and recorded prior to the issuance of a building permit for the combination view fencing.

Fence Hedge Maintenance Agreements

Current Code Requirements

The maintenance of the hedge is the responsibility of the property owner. The hedge maintenance agreement shall:

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

FENCE HEDGE CURRENT ISSUES TO CONSIDER

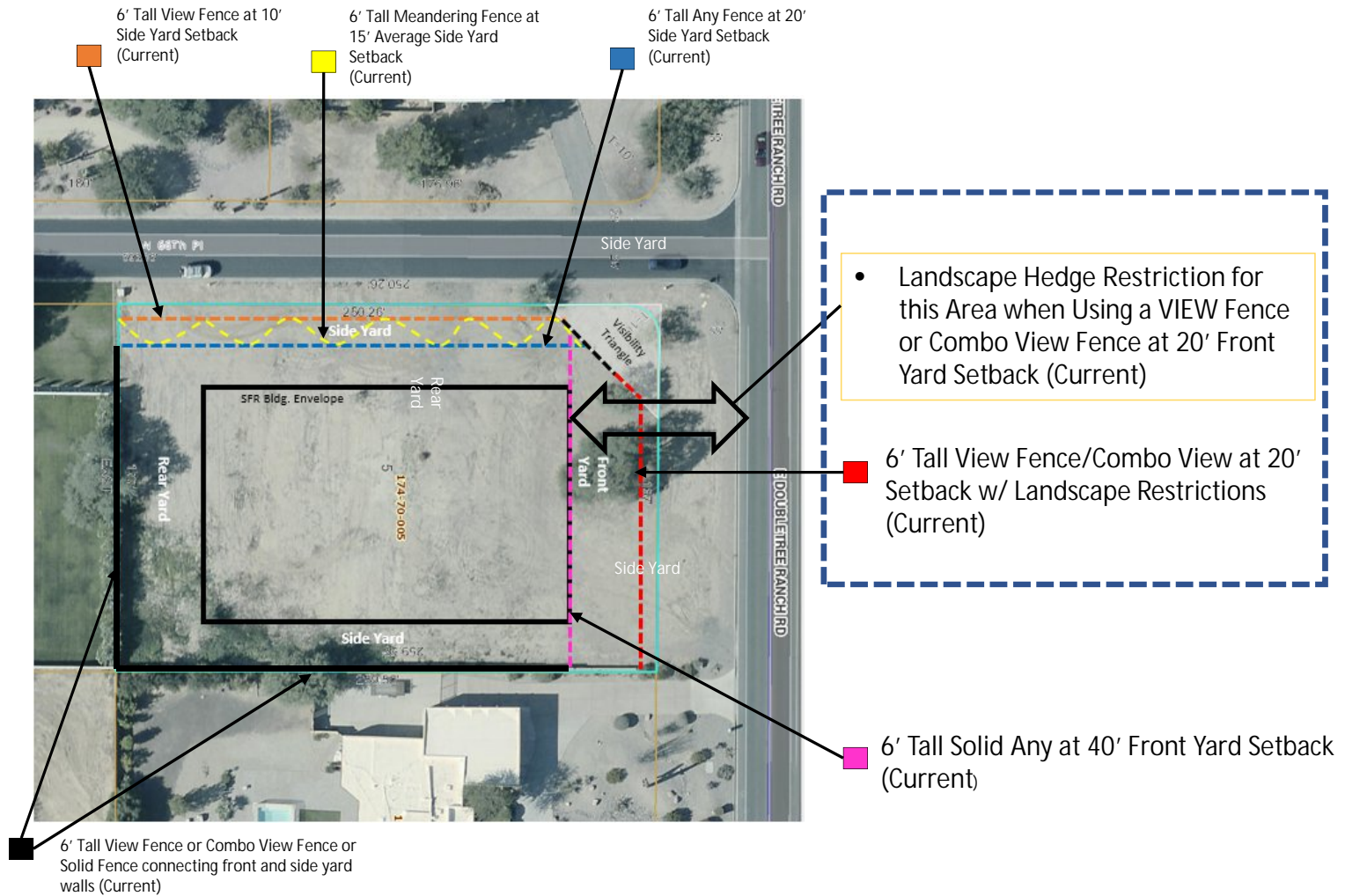
Landscape regulations relating to wall and fences

- Residential landscape requirements & plan submittals not required
- Landscape heights & density are regulated only in the front yards of properties with view fences and combination view fences

CURRENTLY ALLOWED IN FRONT & SIDE YARDS ADJACENT TO ROADWAYS

- View Fence
- Meandering Wall
- Combination view Fence
- Walls
- Landscape Hedges

CURRENT CODE FOR WALLS AND FENCES



WALL AND FENCE TYPES



VIEW FENCE



MEANDERING WALL



COMBINATION VIEW FENCE



WALL

VIEW FENCE OR COMBINATION VIEW FENCE AND HEDGE TOGETHER – NOT ALLOWED



View Fence at 20-foot setback



Hedge over 3 feet tall on the property line

PLANNING COMMISSION RECOMMENDATION

NO substantive change to ordinance regulating walls and fences section of the zoning ordinance

Recommend only formatting changes for clarity

NEXT STEPS:

Council Direction on Code Amendment:

- View Fence and Combination View Fence regulations
 - Same for Major Arterial, Minor Arterial and Collector level street
- Fence Hedge maintenance agreement
 - Assessment of the agreement

ZONING ORDINANCE

Article XXIV. WALLS AND FENCES 121 133 135 171 306 325 Repealed and Replaced by 534 559 654 2016-07

Section 2401. Intent:

The Town of Paradise Valley encourages visual openness and the preservation of the natural environment. Walls and fences are inconsistent with this intent, but may be desired by residents for safety, noise abatement, and/or security. When walls and fences are necessary, the Town requires that such walls and fences meet the criteria set forth in this Article.

Section 2402. Definitions:

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."

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.

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.

Wall - A wall or fence (including gates) is a freestanding, upright structure, other than plant material, constructed of barriers to enclose, divide, delineate, screen, retain water or earth, or protect an area. The term wall shall include all fences, except a view fence and combination view fence as defined **IN THIS SECTION.** ~~above.~~

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 70 percent of the total fence surface area.

Meandering Wall – A meandering wall is a wall providing significant variations in setback. Meandering walls may consist of curvilinear, square, rectangular, triangular, or freeform design patterns and shall meet the criteria set forth in Tables 2404 A and B in addition to other criteria specified in this article.

Yard, Front - A front yard is the area between the right-of-way line and the front building setback line.

ZONING ORDINANCE

Section 2403. Wall Finishes: ^{654 2016-07}

Any wall visible from adjoining properties, adjacent rights-of-way, and/or open space areas shall consist of finished materials such as stucco, brick, stone, metal, rails, wood, or tile.

a. Walls Adjacent to Rights-of-Way and Open Spaces.

When such wall is adjacent to or visible from a right-of-way and/or open space area, it shall complement the architectural character of the main house, and shall have a finish texture, color, and material on the exterior side that is compatible with the primary building on-site, or as determined by the Town. The minimum standard for a wall finish shall be stucco and paint.

b. Walls Adjacent to Adjoining Properties.

When such wall is adjacent to an adjoining property, the wall shall be finished on the exterior side. 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. If the property owners cannot agree on the type of finish, the minimum standard for the wall finish shall be stucco and paint.
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 mail 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.

Section 2404. Height and Setback Regulations: ^{135 171 559 654 2016-07}

a. Height Regulations

1. In General.

~~The height of walls, view fences, and combination view fences shall be measured vertically from the finished grade on the exterior side of the wall or view fence. Raising the finished grade by placing fill solely for the purpose of adding additional height to a wall, view fence or combination view fence is prohibited. If a wall, view fence or~~

ZONING ORDINANCE

~~combination view fence is placed on a berm, the height shall be measured vertically from the base of the berm.~~

2. ~~Adjoining Local, Collector, and Minor Arterial Streets.~~

~~The maximum height of a wall, view fence or combination view fence, including the berm, adjoining a local, collector, and minor street shall not exceed six (6) feet, further provided that no portion of a wall or fence located between the ten (10) foot and forty (40) foot front yard setback shall exceed three (3) feet, except for view fencing and combination view fencing, which may extend up to six (6) feet at a front yard setback of twenty (20) feet or greater, and except for entry gates and columns as permitted under Section 2413. See Table 2404A for additional criteria.~~

3. ~~Adjoining Major Arterial Streets.~~

~~The maximum height of a wall, view fence and combination view fence, including the berm, adjoining a major arterial street shall not exceed eight (8) feet. The maximum exposed vertical wall or view fence element from the exterior side of the property shall be no more than six (6) feet, except for a single entry gate and columns as permitted under Section 2413. See Table 2404A for additional criteria.~~

4. ~~Adjoining Non Residential Properties Other Than Along A Right Of Way~~

~~The maximum height of a wall, view fence and combination view fence, including the berm, between a residential property and an adjoining non residential property, other than a right of way, shall not exceed eight (8) feet. When such a wall is adjoining or visible from a right of way and/or open space area, it shall complement the architectural character of the main house, and shall have a finish texture, color, and material on both sides compatible with the primary building on site, or as determined by the town. See Table 2404A for additional criteria.~~

b. Setbacks Regulations

1. IN GENERAL.

I. HEIGHT REGULATIONS.

- A. THE HEIGHT OF WALLS, VIEW FENCES, AND COMBINATION VIEW FENCES SHALL BE MEASURED VERTICALLY FROM THE FINISHED GRADE ON THE EXTERIOR SIDE OF THE WALL OR VIEW FENCE. RAISING THE FINISHED GRADE BY PLACING FILL SOLELY FOR THE PURPOSE OF ADDING ADDITIONAL HEIGHT TO A WALL, VIEW FENCE OR COMBINATION VIEW FENCE IS PROHIBITED. IF A WALL, VIEW FENCE OR COMBINATION VIEW FENCE IS PLACED ON A BERM, THE HEIGHT SHALL BE MEASURED VERTICALLY FROM THE BASE OF THE BERM.**

ZONING ORDINANCE

II. SETBACK REGULATIONS.

- A. SETBACKS FOR A WALL, VIEW FENCE OR COMBINATION VIEW FENCE WILL VARY DEPENDING ON WHETHER IT IS A) ADJOINING A RIGHT-OF-WAY OR OTHER PROPERTY; B) ADJOINING A MAJOR ARTERIAL OR OTHER STREET CLASSIFICATION; C) LOCATED IN THE FRONT YARD OR OTHER SIDES OF THE LOT; D) CONSIDERED A WALL OR A VIEW FENCE; E) MEANDERING AND BASED ON THE AMOUNT OF MEANDER UTILIZED IN THE WALL'S CONSTRUCTION OR F) MEETS THE CRITERIA FOR COMBINATION VIEW FENCING SET FORTH IN SECTION 2402. WALLS, VIEW FENCES OR COMBINATION VIEW FENCING NOT ADJOINING A PUBLIC OR PRIVATE RIGHT-OF-WAY MAY BE BUILT AT OR ON THE PROPERTY LINES WITH NO SETBACK REQUIREMENT. SEE TABLE 2404A AND B FOR ADDITIONAL CRITERIA.

2. *ADJOINING LOCAL STREETS.

- A. WALLS LOCATED IN THE FRONT YARD OF A LOT ADJOINING LOCAL, COLLECTOR, OR MINOR ARTERIAL STREETS THAT ARE THREE (3) FEET IN HEIGHT OR LESS SHALL BE SETBACK AT LEAST TEN (10) FEET FROM THE RIGHT-OF-WAY PROPERTY LINE, EXCEPT FOR THE AREA ALLOTTED TO AN ENTRY GATE, AS PERMITTED UNDER SECTION 2413, MAY BE GREATER THAN THE THREE-FOOT HEIGHT LIMITATION.
- B. WALLS LOCATED IN THE FRONT YARD OF A LOT ADJOINING LOCAL STREETS THAT EXCEED THREE (3) FEET IN HEIGHT SHALL BE SETBACK AT LEAST FORTY (40) FEET FROM THE RIGHT-OF-WAY PROPERTY LINE.
- C. VIEW FENCES OR COMBINATION VIEW- FENCES LOCATED IN THE FRONT YARD OF A LOT ADJOINING LOCAL STREETS THAT ARE SIX (6) FEET IN HEIGHT OR LESS SHALL BE SETBACK AT LEAST TWENTY (20) FEET FROM THE RIGHT-OF-WAY PROPERTY LINE.
- D. WALLS LOCATED IN THE SIDE OR REAR YARD OF A LOT ADJOINING LOCAL-STREETS, THREE (3) FEET IN HEIGHT OR LESS, SHALL BE SETBACK AT LEAST TEN (10) FEET FROM THE RIGHT-OF-WAY PROPERTY LINE.
- E. WALLS LOCATED IN THE REAR OR SIDE YARD OF A LOT ADJOINING LOCAL STREETS THAT EXCEED (3) THREE FEET IN HEIGHT, SHALL BE SETBACK AT LEAST TWENTY (20) FEET FROM THE RIGHT-OF-WAY PROPERTY LINE; HOWEVER, A VIEW FENCE MAY BE CONSTRUCTED AT A TEN (10) FOOT SETBACK, OR A MEANDERING WALL MAY BE CONSTRUCTED AT AN AVERAGE FIFTEEN (15) FOOT SETBACK, PROVIDED THEY MEET THE CRITERIA SET FORTH IN THIS ARTICLE AND TABLE 2404A.
- NOTE: *SEE TABLE 2404A FOR ADDITIONAL CRITERIA.

ZONING ORDINANCE

3. *ADJOINING COLLECTOR, AND MINOR ARTERIAL STREETS.

- A. WALLS LOCATED IN THE FRONT YARD OF A LOT ADJOINING COLLECTOR, OR MINOR ARTERIAL STREETS THAT ARE THREE (3) FEET IN HEIGHT OR LESS SHALL BE SETBACK AT LEAST TEN (10) FEET FROM THE RIGHT-OF-WAY PROPERTY LINE, EXCEPT FOR THE AREA ALLOTTED TO AN ENTRY GATE, AS PERMITTED UNDER SECTION 2413, MAY BE GREATER THAN THE THREE-FOOT HEIGHT LIMITATION.
- B. WALLS LOCATED IN THE FRONT YARD OF A LOT ADJOINING COLLECTOR, OR MINOR ARTERIAL STREETS THAT EXCEED THREE (3) FEET IN HEIGHT SHALL BE SETBACK AT LEAST FORTY (40) FEET FROM THE RIGHT-OF-WAY PROPERTY LINE.
- C. VIEW FENCES OR COMBINATION VIEW- FENCES LOCATED IN THE FRONT YARD OF A LOT ADJOINING COLLECTOR, OR MINOR ARTERIAL STREETS THAT ARE SIX (6) FEET IN HEIGHT OR LESS SHALL BE SETBACK AT LEAST ~~TWENTY (20)~~ TEN (10) FEET FROM THE RIGHT-OF-WAY PROPERTY LINE.
- D. WALLS LOCATED IN THE SIDE OR REAR YARD OF A LOT ADJOINING COLLECTOR, OR MINOR ARTERIAL-STREETS, THREE (3) FEET IN HEIGHT OR LESS, SHALL BE SETBACK AT LEAST TEN (10) FEET FROM THE RIGHT-OF-WAY PROPERTY LINE.
- E. WALLS LOCATED IN THE REAR OR SIDE YARD OF A LOT ADJOINING COLLECTOR, OR MINOR ARTERIAL STREETS THAT EXCEED (3) THREE FEET IN HEIGHT, SHALL BE SETBACK AT LEAST TWENTY (20) FEET FROM THE RIGHT-OF-WAY PROPERTY LINE; HOWEVER, A VIEW FENCE ~~OR COMBINATION VIEW FENCE~~ MAY BE CONSTRUCTED AT A TEN (10) FOOT SETBACK, OR A MEANDERING WALL MAY BE CONSTRUCTED AT AN AVERAGE FIFTEEN (15) FOOT SETBACK, PROVIDED THEY MEET THE CRITERIA SET FORTH IN THIS ARTICLE AND TABLE 2404A.
NOTE: *SEE TABLE 2404A FOR ADDITIONAL CRITERIA.

4. ADJOINING MAJOR ARTERIAL STREETS.

WALLS EXCEEDING THREE (3) FEET IN HEIGHT THAT ADJOIN MAJOR ARTERIAL STREETS SHALL BE SETBACK AT LEAST TWENTY (20) FEET FROM THE RIGHT-OF-WAY PROPERTY LINE; HOWEVER, A VIEW FENCE OR COMBINATION VIEW FENCE MAY BE CONSTRUCTED AT A TEN (10) FOOT SETBACK OR A MEANDERING WALL MAY BE CONSTRUCTED AT AN AVERAGE FIFTEEN (15) FOOT SETBACK PROVIDED THEY MEET THE CRITERIA SET FORTH IN THIS ARTICLE AND TABLE 2404 A. WALLS THREE (3) FEET IN HEIGHT OR LESS MAY BE CONSTRUCTED AT THE TEN (10) FOOT SETBACK. SEE TABLE 2404A FOR ADDITIONAL CRITERIA.

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5. Additional Criteria for Meandering Walls.

Meandering walls shall maintain an average setback of not less than fifteen (15) feet, said average to be determined by comparing the area between the ten (10) and the fifteen (15) foot setback area (noted as Area “A” on Figures 2404-A through -C) with the area encroaching between the fifteen (15) and the twenty (20) foot setback area (noted as Area “B” on Figures 2404-A through -C) such that the area located between the ten (10) and the fifteen (15) foot setback area shall be equal to or less than the area located between the fifteen (15) and twenty (20) foot setback area. Walls that have no significant meander and that are configured to meet the criteria set forth herein solely for the purpose of moving to a fifteen (15) foot setback are impermissible. See Tables 2404A and 2404B for additional criteria.

Table 2404A summarizes many of the regulations relating to height and setback regulations for walls, meandering walls, view fences, and combination view fences; and sets forth additional criteria related to these structures. Table 2404B sets forth additional criteria for meandering walls.

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 must have a hedge maintenance agreement executed and recorded prior to the issuance of a building permit for the combination view fencing. The maintenance of the hedge is the responsibility of the property owner. The hedge maintenance agreement shall:

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

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

<u>STREET TYPE</u>	<u>WALL/FENCE TYPE – SETBACK & HEIGHT</u>			
	<u>***VIEW FENCE</u>	<u>**MEANDERING WALL</u>	<u>***COMBINATION VIEW FENCE</u>	<u>**ANY OTHER WALL OR FENCE</u>
<u>MAJOR ARTERIAL</u>				
<u>FRONT/SIDE/REAR</u>	<u>10 FT MIN. SETBACK; 8 FT HEIGHT</u>	<u>15 FT AVG SETBACK; 8 FT HEIGHT</u>	<u>20 10 FT MIN. SETBACK; 8 FT HEIGHT</u>	<u>10 FT MIN. SETBACK; 3 FT HEIGHT 20 FT MIN. SETBACK; 8 FT HEIGHT</u>
<u>MINOR ARTERIAL</u>				
<u>FRONT</u>	<u>20 10 FT MIN. SETBACK; 6 FT HEIGHT</u>	<u>NA</u>	<u>20 10 FT MIN. SETBACK; 6 FT HEIGHT</u>	<u>10 FT MIN. SETBACK; 3 FT HEIGHT *40 FT MIN. SETBACK; 6 FT HEIGHT</u>
<u>SIDE OR REAR</u>	<u>10 FT MIN. SETBACK; 6 FEET HEIGHT</u>	<u>15 FT AVG. SETBACK; 6 FT HEIGHT</u>	<u>10 FT MIN. SETBACK; 3 FT HEIGHT 20 FT MIN. SETBACK; 6 FT HEIGHT</u>	<u>10 FT MIN. SETBACK; 3 FT HEIGHT 20 FT MIN. SETBACK; 6 FT HEIGHT</u>
<u>COLLECTOR</u>				
<u>FRONT</u>	<u>20 10 FT MIN. SETBACK; 6 FT HEIGHT</u>	<u>NA</u>	<u>20 10 FT MIN. SETBACK 6 FT HEIGHT</u>	<u>10 FT MIN. SETBACK; 3 FT HEIGHT 40 FT MIN. SETBACK; 6 FT HEIGHT</u>
<u>SIDE OR REAR</u>	<u>10 FT MIN. SETBACK; 6 FT HEIGHT</u>	<u>15 FT AVG SETBACK; 6 FT HEIGHT</u>	<u>10 FT MIN. SETBACK; 3 FT HEIGHT 20 FT MIN. SETBACK; 6 FT HEIGHT</u>	<u>10 FT MIN. SETBACK; 3 FT HEIGHT 20 FT MIN. SETBACK; 6 FT HEIGHT</u>
<u>LOCAL</u>				
<u>FRONT</u>	<u>20 FT MIN. SETBACK; 6 FT HEIGHT</u>	<u>NA</u>	<u>20 FT MIN. SETBACK 6 FT HEIGHT</u>	<u>10 FT MIN. SETBACK; 3 FT HEIGHT 40 FT MIN. SETBACK; 6 FT HEIGHT</u>
<u>SIDE OR REAR</u>	<u>10 FT MIN. SETBACK; 6 FT HEIGHT</u>	<u>15 FT AVG SETBACK; 6 FT HEIGHT</u>	<u>10 FT MIN. SETBACK; 3 FT HEIGHT 20 FT MIN. SETBACK; 6 FT HEIGHT</u>	<u>10 FT MIN. SETBACK; 3 FT HEIGHT 20 FT MIN. SETBACK; 6 FT HEIGHT</u>
<u>NOTE: ALL WALL/FENCE TYPES MAY BE CONSTRUCTED ON INTERIOR SIDE AND REAR YARDS WITH NO SETBACKS AND 6 FT MAXIMUM HEIGHT WHEN ADJOINING RESIDENTIAL PROPERTY AND 8 FT MAXIMUM HEIGHT WHEN ADJOINING NON-RESIDENTIAL PROPERTY</u>				

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FRONT YARD ALONG RIGHTS-OF-WAY			
STREET TYPE	TYPE OF WALL OR FENCE	SETBACK FROM PROPERTY LINE, FEET	MAXIMUM HEIGHT, FEET
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, Minor	Any	10, Minimum	3
	View Fence/Combination View Fence	***20, Minimum (Landscape Restrictions with Maintenance Requirements)	6
	All Others	*40, Minimum	6
SIDE OR REAR YARD ALONG RIGHTS-OF-WAY			
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, Minor	View Fence	10, Minimum	6
	Meandering Wall	15, Average	6
	All Others	20, Minimum	6
	Any	10, Minimum	3
SIDE OR REAR YARD INTERIOR (not along any right of way)			
Not applicable	Any	None Required	6
SIDE OR REAR YARD INTERIOR (adjoining non-residential property other than a right of way)			
Not applicable	Any	None Required	**8, including berm

* In R-18A Zoning Districts, the front yard setback along local, collector, or minor streets is minimum 35 feet.

In R-10 Zoning Districts, the front yard setback along local, collector, or minor streets is minimum 20 feet, or as shown on the recorded plat, or as existing at the

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time of annexation. The setbacks shown on the recorded plat take precedence. If there are no setbacks shown on the recorded plat, the applicant shall choose a setback of 20 feet or a setback as existing at time of annexation. Reference Table 2404A for R-10 Zoning District side and rear yard setbacks.

** Refer to Section 2404(a) for details

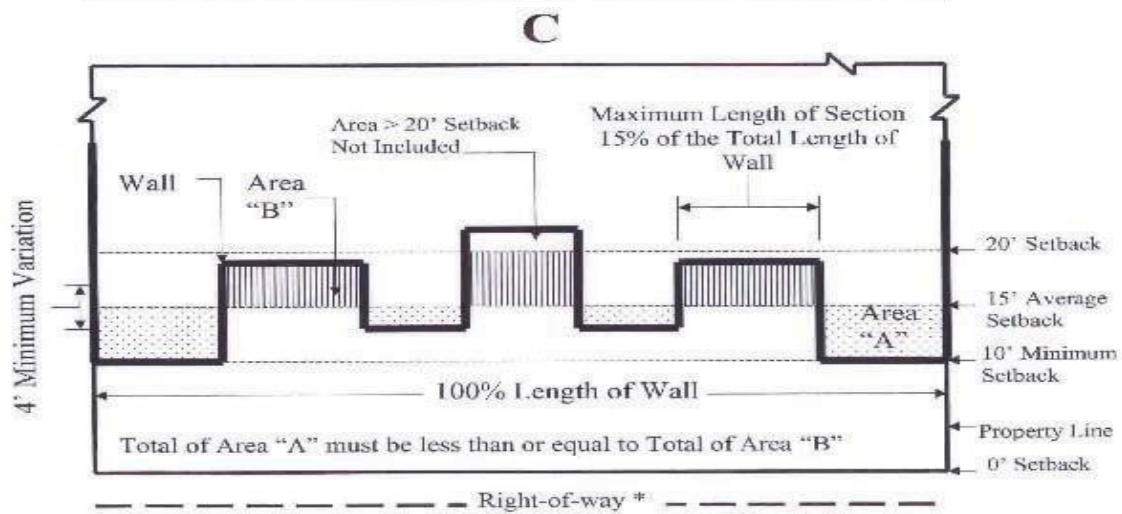
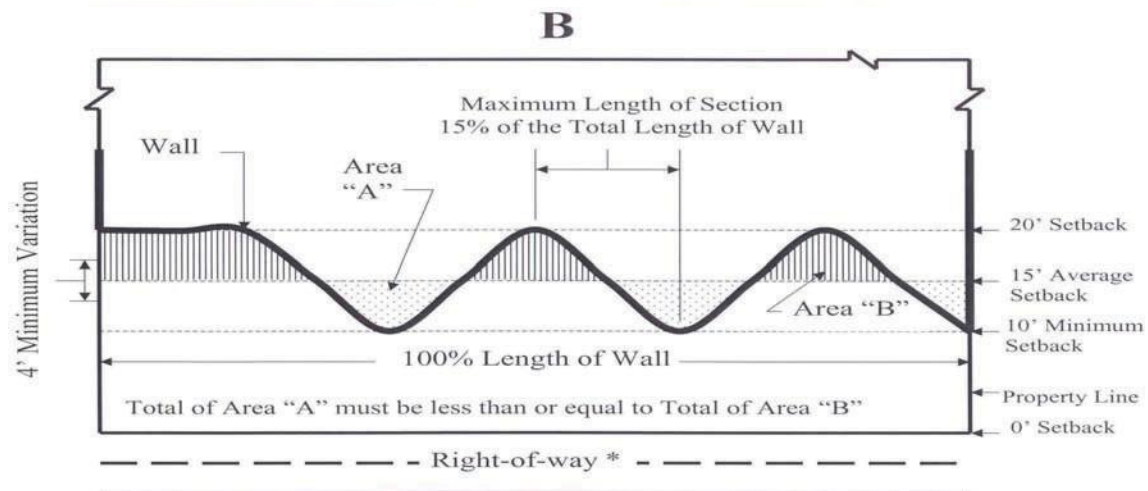
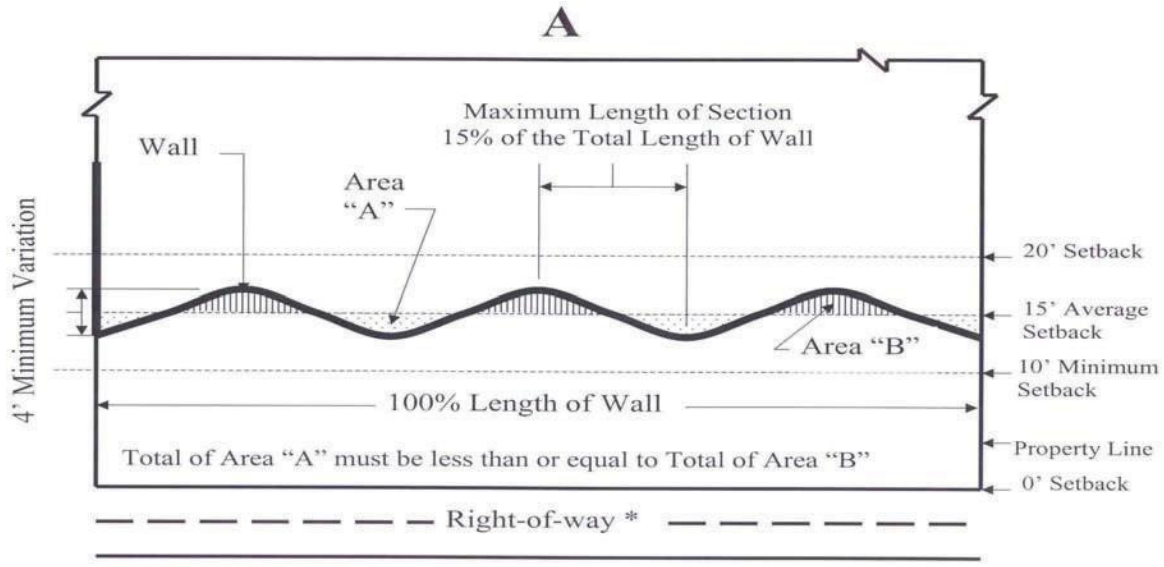
*** Refer to Section 2404.d for landscape restrictions.

TABLE 2404B – ADDITIONAL MEANDERING WALLS CRITERIA

Minimum setback from property line	10 feet
Minimum variation offset from average setback	4 feet
Maximum length of any single section meandering between the 10' and 20' setback	15% of total wall length
Maximum setback area allowed in determining meandering setback	20 feet

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FIGURE 2404 – MEANDERING WALLS



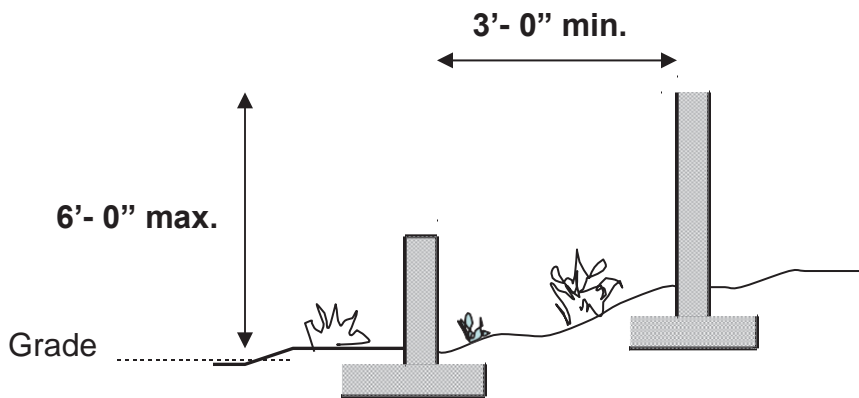
* Major Arterial Roadway along the Front or Side or Rear Yard. Or, Local, Collector, or Minor Arterial Roadway along the Side or Rear Yard

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Section 2405 Stacking: ⁶⁵⁴

Stacking of no more than two (2) walls on any single lot may be permitted, provided there shall be a minimum of 3 foot separation between the walls, and the space between the walls shall include appropriate and adequate vegetation to substantially minimize the visual impact of the combined walls. The landscaped area shall be maintained at all times in conformance with the Town's Landscape Guidelines. (see Figure 2405). The combined fence wall height shall not exceed six (6) feet. This stacking requirement applies only to walls adjoining rights-of-way and/or stacked walls that are visible from off the property.

FIGURE 2405 –STACKING OF WALLS



Section 2406. Landscaping:

Each property owner shall be responsible for landscaping the land located between the edge of road pavement, including any unpaved right-of-way, and the wall or fence. The landscaped area shall be maintained at all times in conformance with the Town's Landscape Guidelines.

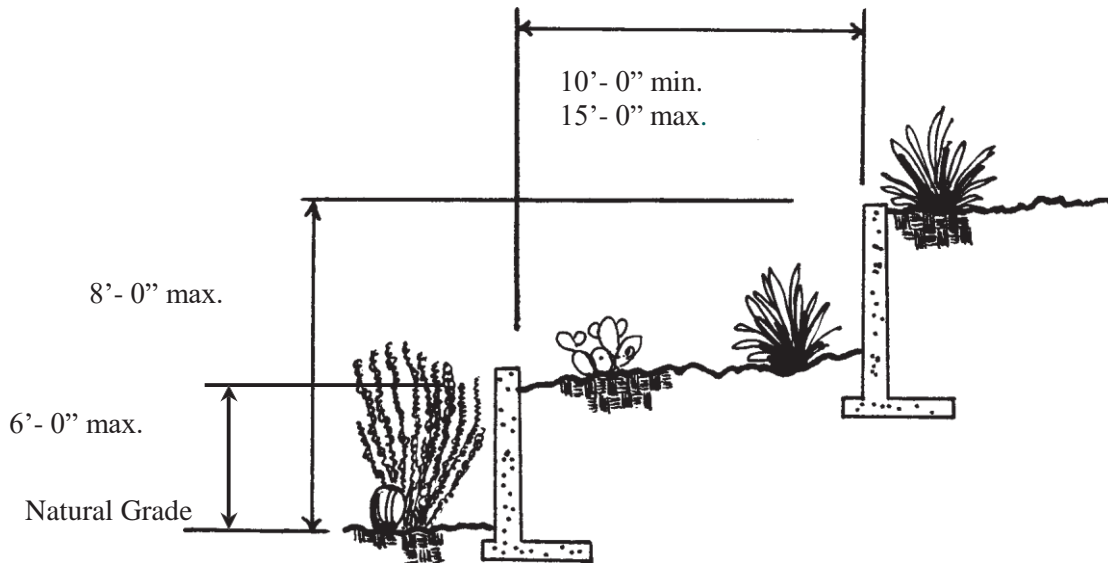
Section 2407. Retaining Walls: ^{171 654}

- a. Retaining walls shall only be used for the purpose of containing fill material or for minimizing cut or fill slopes.
- b. The maximum height of any retaining wall shall not be more than six (6) feet. The height of a retaining wall is measured from the low side of natural grade to the top of the wall whether the top is retaining earth or not.

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- c. A terraced combination of retaining walls may be allowed and shall be measured as a single retaining wall; however, the combined walls shall be: 1) no more than eight (8) feet total vertical height; 2) terraced with a minimum distance of ten (10) feet and a maximum separation of fifteen (15) feet; and 3) contain appropriate vegetation between the walls so as to soften the visual impact of the combined walls (see Figure 2407).
- d. When a safety fence, on top of a retaining wall, is required by code, it shall be a view fence (80% open), shall be finished to blend with surrounding natural colors, and shall be the minimum height required by the Town Code. The building code requires a safety fence only when there is a walking surface at the upper level.
- e. Where retaining walls are provided, they shall meet all of the requirements of Section 2403 – Material and Texture of this Article.
- f. Where retaining walls are provided, they shall meet the setback requirements of Section 2404, Height and Setback Regulations, unless deemed necessary by the Town Engineer and the Community Development Director to prevent erosion. Placing fill solely for the purpose of obtaining a decreased wall setback shall be prohibited.
- g. Fence walls may be located on top of the retaining material provided:
 - 1. View fences placed on top of the retaining wall fill shall maintain a minimum separation of five (5) feet from the top of the retaining wall; and
 - 2. All other fence walls placed on top of the retaining wall fill shall maintain a minimum separation of ten (10) feet from the top of the retaining wall; and
 - 3. The combined walls shall be measured as one single wall and shall be not exceed a total vertical height of eight (8) feet, measured from the low side of natural grade to the top of the wall. Exceptions may apply to pool barriers (the pool barrier must be a view fence when the combined height exceeds 8 feet);
 - 4. These separation requirements apply to any single lot and do not apply to adjoining walls on neighboring properties; and
 - 5. Placing fill solely for the purpose of obtaining an increased wall height shall be prohibited.

FIGURE 2407 –TERRACED VERTICAL RETAINING WALLS



Section 2408. Subdivision Walls and View Fences. ⁵⁵⁹

- a. New subdivision walls and view fences that are not pre-existing (as defined below) and are constructed after January 2004, shall conform to the provisions of this article.
- b. Pre-existing subdivision walls or view fences are subdivision perimeter walls or view fences located within forty (40) feet of the exterior property line of a platted subdivision or lot split that may, and typically do, run in general alignment with the property line along a public or private road and that are constructed before January 2004. A pre-existing subdivision perimeter wall or view fence need not extend the entire length of the perimeter to be considered a perimeter wall or view fence.
- c. The terms of Section 6-3-12 of the Paradise Valley Town Code shall apply in all areas.
- d. Location, height, setback, and design of subdivision perimeter walls or view fences shall be part of the approved final plat.

Section 2409. Corner Vision:

Refer to Section 8-1-13 of Chapter 8 – Safety, Health, Sanitation and Nuisance – of the Town Code for the corner vision criteria.

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Section 2410. Mechanical Equipment Screening: 559

Mechanical equipment shall be fully screened from view. Walls may be used to screen mechanical equipment. Such walls shall:

- a. Be of a minimum height and length needed to screen the mechanical equipment;
- b. Have a maximum height of no more than six (6) feet. Screen walls over 6 feet in height may be allowed to properly screen the mechanical equipment, provided:
 - i. Such walls meet the allowable setbacks and height of an accessory structure, and
 - ii. Screening area surrounded by screen walls is calculated as part of the allowable floor area;
- c. Have an architectural texture, color, and material compatible with the primary building on-site;
- d. Meet setback requirements as shown in Table 2404A.

Section 2411. Courtyard: ⁶⁵⁴

A courtyard is a private landscaped outdoor living space adjoining the main house and enclosed by walls and / or portions of the main house. A courtyard may be constructed to enclose an outdoor living space, provided:

- a. The courtyard walls shall meet all setback and height requirements for the building to which they are attached.
- b. If any portion of the courtyard wall exceeds six (6) feet in height, the area enclosed by the courtyard walls shall be included in the calculation of the maximum 25% Floor Area Ratio (FAR) set forth in the Zoning Ordinance for residential properties. Accessory structures such as a fireplace, fountain, or doorway into the courtyard may exceed six (6) feet in height without causing the courtyard area to be included in the 25% FAR, as long as there are no more than two accessory structures located in the courtyard wall and the horizontal length of the accessory structures equal no more than 25% of the lineal feet of the total courtyard wall.
- c. The courtyard walls shall be an integral part of the design of and have an architectural texture, color, and material compatible with the main building or house on-site.

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- d. If a main house is designed in such a way that a courtyard is formed by the house itself on more than three sides, the courtyard area shall be included in the calculation of the maximum 25% FAR.
- e. When a courtyard is not included in the 25% FAR calculation, all accessory structures located in the courtyard must comply with the accessory structure setback and height requirements outlined in Article X, Table 1001B of the zoning ordinance.

Section 2412. Wing Wall:

A wing wall is an architectural feature attached to the main house that extends beyond the exterior facades of the main house. The wing wall shall:

- a. Meet all setback and height requirements for the main house;
- b. Have an architectural texture, color, and material compatible with the main house on-site;
- c. Not enclose any area.

Section 2413. Driveway Columns and Entry Gates: ⁶⁵⁴

An increase in the height of the entry gates and associated columns at the driveway and pedestrian entrances may be permitted, provided:

- a. Columns and entry gates located between the ten- (10) foot and the forty- (40) foot front yard setback may be allowed to exceed the three-foot maximum height, but in no event shall the height of the gate and its associated columns exceed six (6) feet. A transition may be made from the top of the column to the three (3)-foot high wall, but the length of the horizontal transition shall not exceed the difference in the vertical height between the wall and the column or gate, whichever is greater.
- b. Columns and entry gates at and beyond the forty- (40) foot front yard setback may be allowed to exceed the six-foot maximum height, but in no event shall the height of the gate and its associated columns exceed eight (8) feet. A transition may be made from the top of the column to the six (6)-foot high wall, but the length of the horizontal transition shall not exceed the difference in the vertical height between the wall and the column or gate, whichever is greater.
- c. Reference Table 2404A for R-18A Zoning District and R-10 Zoning District front yard setback requirements.

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Section 2414. Tennis Courts^{564a}

Refer to Section 502(9), Tennis Courts, of Article V, (R-43), and Section 402(8), Tennis Courts, of Article IV, (R-175) Single-Family Residential District of the Zoning Ordinance for regulations relating to tennis courts. If the use of a tennis court is discontinued, the tennis court wall or fence shall be removed or brought into conformity with the provisions of this Article.

Section 2415. Nonconformity:⁵⁵⁹

a. Wall and View Fence Height and Location.

With the exception of pre-existing subdivision walls and view fences, as defined in Section 2408 (b), any wall or view fence that is non-conforming due to its height or location within a required setback area shall be made to conform to the requirements of this Article when:

1. Approvals are granted for lot splits and subdivisions;
2. Permits are issued for a new house; or
3. Permits are issued for structural additions, or remodels, alterations, or repairs of an existing house, covered by a single or multiple building permits within a thirty six (36) month period that together involves structural addition of or demolition of more than fifty (50) percent of the original square footage of the main house.
4. Permits are issued for alterations, repair, or additions to such wall or view fence, covered by a single or multiple building permits within a thirty six (36) month period that together involves structural addition of or demolition of more than fifty (50) percent of the lineal feet of the wall or view fence.

b. Wall Finish.

With the exception of pre-existing subdivision walls, as defined in Section 2408 (b), any non-conforming wall that is not finished on the side of the wall visible from any right-of-way or open space area shall be made to conform to the requirements of this Article when:

1. Approvals are granted for lot splits and subdivisions;
2. Permits are issued for a new house;

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3. Permits are issued for structural additions, or remodels, alterations, or repairs of an existing house:
 - i. covered by a single or multiple building permits within a thirty six (36) month period that together involves structural addition of or demolition of more than fifty (50) percent of the original square footage of the main house; or
 - ii. the cost of which, computed on the basis of accumulated costs over any consecutive twenty four (24) month period, exceeds \$150,000; or
4. Permits are issued for alterations or additions to such wall.

c. Side or Rear Wall Connections.

Side or rear wall or view fence connections to existing non-conforming walls and view fences and pre-existing subdivision walls and view fences may be placed within the twenty (20) foot setback area.

Section 2416 Prohibited Walls and Fences⁶⁵⁴

The following materials shall be prohibited in the construction or use with fences and walls as defined herein:

1. Razor wire;
2. Barbed wire;
3. Post and chain fences that are visible from off the property and/or are adjoining rights-of-way shall be prohibited, with the exception of a chain and associated posts which may only be used across a driveway.

FOOTNOTE:

121 Ordinance # 231 – 7/25/85

133 Ordinance # 249 – 9/25/86

135 Ordinance # 251 – 9/25/86

171 Ordinance # 296 – 3/9/89

306 Ordinance # 306 – 12/21/89

325 Ordinance #325 - 10/29/91

508 Ordinance # 508 – 10/26/00

534 Ordinance# 534 – 01/22/04

559 Ordinance # 559 – 06/09/05

564a Corrected for Scrivener's Error in Ordinance #564 (Reorganization of Zoning Code)

654 Ordinance #654 – 03/13/2014

Ordinance 2016-07 – 12/1/2016



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Action Report

File #: 21-351

AGENDA TITLE:

Discussion of Proposed Ordinance No. 2021-05, the Paradise Valley Community Tree City Ordinance

STAFF CONTACT:

TOWN *Of* **PARADISE VALLEY**



STAFF REPORT

TO: Mayor Bien-Willner and Town Council Members

FROM: Jill B. Keimach, Town Manager
Lisa Collins, Community Development Director
Brent Skoglund, Public Works Director
Andrew J. McGuire, Town Attorney

DATE: November 4, 2021

DEPARTMENT: Town Manager's Office
Jill B. Keimach, 480-348-3690

AGENDA TITLE:

Study Session regarding proposed Ordinance No. 2021-05, the Paradise Valley Community Tree Ordinance.

RECOMMENDATION:

Adopt Ordinance No. 2021-05, the Paradise Valley Community Tree Ordinance.

SUMMARY STATEMENT:

Staff has worked with the Arbor Day Foundation to pursue recognition of the Town as a "Tree City USA Community." The Tree City USA program recognizes cities and towns that have demonstrated a strong commitment to urban forestry and its benefits. According to the Arbor Day Foundation, trees absorb traffic noise, bring down neighborhood temperatures, reduce energy costs, increase property values, improve health outcomes, and absorb carbon dioxide. For these reasons, recognition as a "Tree City USA Community" could serve as a point of pride for Paradise Valley and further strengthen the comfortable residential character of the Town.

Previous Town actions to pursue Tree City USA recognition have included the adoption of Resolution Number 924 in 1997, which established a Landscaping and Beautification Special Revenue Fund. Resolution 924 does not satisfy the current qualification criteria for Tree City USA recognition, which include four standards:

1. Establish a Tree Board or designate a responsible Department;
2. Adopt a Tree Care Ordinance;
3. Document at least \$2 per capita on annual tree care expenditures; and
4. Observe Arbor Day.

The proposed Paradise Valley Community Tree Ordinance is adapted from a Model Ordinance provided by the Arbor Day Foundation, and would satisfy standards 1 and 2. Standard 1 is satisfied by the designation of the Public Works Director as the Town official responsible for public trees.

Standards 2 and 3 are not addressed by the Ordinance, but are being addressed by Town Staff separately. Staff has calculated 2020 Tree Care expenditures, and has determined that the Town already spends more than \$2 per capita. The 2020 calculation is attached to this report.

Staff has also developed a plan to observe Arbor Day without significant expenditure, by developing an Arbor Day observance that can coincide with another Town event.

BUDGETARY IMPACT:

1. The Community Tree Ordinance does not require additional spending.
2. The Community Tree Ordinance is not the only requirement for Tree City USA recognition. In addition to adoption of the Ordinance, the Town will have to show that it spends a minimum of \$2 per capita on “the planting, care, and removal of city trees – and the planning efforts to make those things happen.” Existing Town practices satisfy this requirement.

ATTACHMENTS:

- A. Staff Report
- B. Proposed Ordinance 2021-05
- C. 2020 Tree Care Expenditures

ORDINANCE NUMBER 2021-05

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA, AMENDING THE TOWN CODE TO ESTABLISH TREE PLANTING AND MAINTENANCE STANDARDS, AND TO EMPOWER THE PUBLIC WORKS DIRECTOR TO MANAGE TREE PLANTING AND MAINTENANCE ON PUBLIC PROPERTY, BY ADOPTING BY REFERENCE THE “PARADISE VALLEY COMMUNITY TREE ORDINANCE;” PROVIDING FOR PENALTIES FOR VIOLATIONS THEREOF; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the proper planting and care of trees on public property is known to enhance the quality of life, as well as the present and future health, safety, and welfare of all citizens; and

WHEREAS, trees on public property require the attention of a knowledgeable Town official, who should also be empowered to respond when trees on private property create a risk to health, safety, or other trees; and

WHEREAS, it is appropriate for the Town to adopt official standards for tree planting and care to govern all public or community trees within the Town.

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Paradise Valley, Arizona, as follows:

Section 1. The recitals above are hereby incorporated as if fully set forth herein.

Section 2. That certain document known as the “Town of Paradise Valley Community Tree Ordinance,” of which one paper copy and one electronic copy are maintained, in compliance with A.R.S. § 44-7041, on file in the office of the Town Clerk as required by A.R.S. § 9-802, and available for public use and inspection during normal business hours, is hereby declared to be a public record, which is hereby referred to, adopted, and made a part hereof as if fully set forth herein, and said copies thereof are hereby ordered to remain on file with the Town Clerk.

Section 3. A violation of this ordinance shall be punishable as a misdemeanor, and shall also constitute a civil offense, pursuant to Sections 1-9-1 and 1-9-2 of the Town Code.

Section 4. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this ordinance.

Section 5. If any section, subsection, sentence, clause, phrase, or portion of this ordinance or any part of the amendments to the Town Code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Town Council of the Town of Paradise Valley this _____ day of _____ 2021.

Jerry Bien-Willner, Mayor

ATTEST:

Duncan Miller, Town Clerk

APPROVED AS TO FORM:

Andrew McGuire, Town Attorney

Town of Paradise Valley Community Tree Ordinance

Section 1. Chapter 8, Safety, Health, Sanitation and Nuisance is hereby amended to include a new Article 8-12, Community Trees, to read as follows:

Article 8-12 Community Trees

8-12-1	Purpose
8-12-1	Definitions
8-12-3	Responsibility and Authority for Public Trees
8-12-4	Tree Planting and Care Standards
8-12-5	Prohibition Against Harming Public Trees
8-12-6	Adjacent Owner Responsibility
8-12-7	Certain Trees Declared a Nuisance
8-12-8	Violations and Penalty

Section 8-12-1 Purpose

The purposes of this Article are to enhance the quality of life and the present and future health, safety, and welfare of all citizens, to enhance property values, and to ensure proper planting and care of trees on public property, by delegating the authority and responsibility for managing trees on public property, establishing practices governing the planting and care of trees on public property, and making provision for the emergency removal of trees on private property under certain conditions.

Section 8-12-2 Definitions

The following definitions shall apply to this Article:

“Damage” means any injury to or destruction of a tree, including but not limited to: uprooting; severance of all or part of the root system or main trunk; storage of material on or compaction of surrounding soil; a substantial change in the natural grade above a root system or around a trunk; surrounding the tree with impervious paving materials; or any trauma caused by accident or collision.

“Director” means the Public Works Director and/or his/her designee.

“Nuisance Tree” means any tree, or limb thereof, that has an infectious disease or insect; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; or threatens public health, safety or welfare.

“Public Property” means all grounds and rights-of-way owned or maintained by the Town.

“Public Tree” means any tree or woody vegetation on Town-owned or Town-maintained property or rights-of-way.

“Top” or “Topping” means the non-standard practice of cutting back limbs to stubs within a tree’s crown to such a degree as to remove the normal canopy and disfigure the tree.

Section 8-12-3 Authority and Responsibility for Public Trees

- A. The Director shall have full authority and responsibility to cause the planting, pruning, maintaining and removing of trees and woody plants growing in or upon all municipal streets, rights-of-way, Town parks, and other public property. This shall include the removal of trees that may threaten electrical, telephone, gas, or any municipal water or sewer line, or any tree that is affected by fungus, insect, or other pest disease. The Director shall develop and implement an appropriate procedure to document annual tree care activities by the Town.
- B. All Town departments will coordinate as necessary with the Director and will provide services as required to ensure compliance with this Article as it relates to streets, alleys, rights-of-way, drainage, easements and any public properties not under direct jurisdiction of the Director.
- C. No person shall hinder, prevent, delay, or interfere with the Director or his/her agents while engaged in carrying out the execution or enforcement of this Article.

Section 8-12-4 Tree Planting and Care Standards

- A. All planting and maintenance of public trees shall conform to the American National Standards Institute (ANSI) A-300 “Standards for Tree Care Operations” and shall follow all tree care Best Management Practices (BMPs) published by the International Society of Arboriculture.
- B. The Director shall develop and maintain an official list of desirable tree species for planting on public property in two size classes: Ornamental (20 feet or less in height at maturity) and Shade (greater than 20 feet at maturity). Only trees from this list may be planted on public property without written approval from the Director.
- C. The maintenance of public trees for utility clearance shall conform to all applicable utility industry standards. Only trees listed as Ornamental trees on the official Town tree species list may be planted under or within fifteen (15) lateral feet of any overhead utility wire.
- D. The Director shall develop and maintain an official set of spacing requirements for the planting of trees on public property. No tree may be planted within the visibility triangle of a street intersection or within ten (10) feet of a fire hydrant.
- E. Any person, firm, corporation, or Town department performing construction near any

public tree must employ appropriate measures to protect the tree, including, but not limited to, placing barriers around the tree to prevent damage.

Section 8-12-5 Prohibition against harming public trees

- A. It shall be unlawful for any person, firm or corporation to damage, remove, or cause the damage or removal of a tree on public property without written permission from the Director.
- B. It shall be unlawful for any person, firm or corporation to attach any cable, wire or signs or any other object to any public tree.
- C. It shall be unlawful for any person, firm or corporation to “top” any public tree. Trees severely damaged by storms or other causes, where best pruning practices are impractical, may be exempted from this provision at the determination of the Director.

Section 8-12-6 Adjacent Owner Responsibility

- A. The owner of land adjacent to any Town street or highway, when acting within the provisions of this Article and subject to the prior approval of the Director, may plant and maintain trees in the area between the property line and the curb, and to the pavement where no curb exists, in compliance with standards and restrictions established pursuant to Section 8-12-4 of the Town Code. Property owners are responsible for the reasonable and routine maintenance of trees and other landscaping in the area between the property line and the curb, and to the pavement where no curb exists.
- B. Pursuant to Section 8-1-13 of the Town Code no property owner shall allow a tree, or other plant growing on his or her property or in the area between the property line and the curb, and to the pavement where no curb exists, to obstruct or interfere with pedestrians or the view of drivers, thereby creating a hazard. If an obstruction persists, the Director shall notify the property owner to prune or remove the tree or plant. If the owner fails to comply with the notice, the Town may undertake the necessary work and charge the cost to the property owner, pursuant to the provisions of Sections 8-5-2 or 8-6-12 of the Town Code, at the discretion of the Town.

Section 8-12-7 Certain Trees Declared a Nuisance

- A. Any tree, or limb thereof, on public or private property, which is determined by the Director to have contracted a lethal, communicable disease or insect; to be dead or dying; to obstruct the view of traffic signs or the free passage of pedestrians or vehicles; or to threaten public health, safety, or welfare is declared a nuisance and the Town may require its treatment or removal pursuant to the provisions of Section 8-5-2 of the Town Code.
- B. Private property owners have the duty, at their own expense, to remove or treat nuisance trees on their property. The Town may remove such trees at the owner’s expense if the

owner does not comply with treatment and/or removal, pursuant to the provisions of Section 8-5-2 of the Town Code.

Section 8-12-8 Violations and Penalty

A violation of any provision of this Article shall be punishable as a misdemeanor, and shall also constitute a civil offense, Pursuant to Sections 1-9-1 and 1-9-2 of the Town Code.

Tree City USA Application Expenditures 2020

Activity	Amount Spent
Tree Planting	
50 ea. trees were planted on Lincoln medians due to re-construction of medians.	\$ 31,122.00
Equipment installed on Lincoln medians improvements to provide irrigation.	\$ 122,993.00
13 ea. trees were planted on medians and R.O.W.s to replace failed trees.	\$ 1,885.00
Tree removals account for 6 at the Lincoln medians due to re-construction of medians.	\$ 2,475.00
Also 16 other trees removed from medians or R.O.W. due to storm or pest damage.	\$ 1,600.00
Biomass recycling	\$ 1,000.00
Tree Maintenance (Labor Hours)	\$ 100,000.00
Pruning Equipment purchases/repairs	\$ 1,000.00
Irrigation Repairs	\$ 6,741.00
Irrigation costs	\$ 22,000.00
Tree fertilization, materials	\$ 300.00
Education	\$ 55.00

Total

\$ 291,171.00



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Action Report

File #: 21-349

AGENDA TITLE:

Paradise Valley, 2022 General Plan - Update

STAFF CONTACT:

TOWN *Of* **PARADISE VALLEY**



STAFF REPORT

TO: Mayor Bien-Willner and Town Council Members

FROM: Jill Keimach, Town Manager
Lisa Collins, Community Development Director
Paul Michaud, Planning Manager
Loras Rauch, Special Projects Planner

DATE: November 4, 2021

AGENDA TITLE:
Paradise Valley 2022 General Plan - Update

UPDATE:

The Town released the 60-Day Public Review Draft of the 2022 General Plan on November 1, 2021 and will be taking additional public comments and holding a public workshop both in-person and virtually.

On November 17th an in-person open house style meeting, following CDC guidelines, will be held outside at Town Hall. That evening, an alternative virtual workshop will be held. Both meeting options will provide a review of the 60-Day Public Review Draft of the General Plan and allow residents to have further input on the final General Plan document. The 60-Day Public Review Draft Plan will be available for viewing and/or download from the project website (www.pvtogether2022.com) from November 1st through December 31st.

NEXT STEPS:

The 60-Day Review Plan was also:

- Uploaded to the project website on November 1st for residents to review
- Summarized in the *Town Reporter* and mailed to all residents

TIMELINE/PROJECT SCHEDULE:

Opportunities for the public to comment will continue throughout, up to and including, at the public hearings during February and March 2022. Below is a more comprehensive timeline of future dates.

November/December:

- November 1, 2021 – December 31, 2021: 60-Day Review Period
- November 17, 2021: Community Workshop #2

January:

- January 4, 2022: Planning Commission Work Session
- January 13, 2022: Town Council Work Session

February:

- February 2022: Planning Commission Public Hearing (Recommendation)

March:

- March 2022: Town Council Public Hearing (Adoption)

August:

- August 2022: Primary Election (Voter Ratification)

ATTACHMENT(S):

- A. Staff Report
- B. Project Team Presentation



Paradise Valley, Together

2022 GENERAL PLAN

Town Council Work Session – November 4, 2021

GOALS FOR TODAY

**Update on Paradise Valley
2022 General Plan**

Upcoming schedule of events

GENERAL PLAN SCHEDULE

2021

November 4

Town Council – Work Session

- Update on timeline

November/December

60- Day Review Period

- November 1, 2021 - Begin
- December 31, 2021 - End

November 17

2nd Community Workshop

GENERAL PLAN SCHEDULE

2022

January

Complete 60-Day Review - Edits

- January 1, 2022 – January 31, 2022

Planning Commission - Work Session

- January 4, 2022

Town Council - Work Session

- January 13, 2022

February

Planning Commission

Recommendation

- February 1, 2022

March

Council Adoption

- March 10, 2022

April

Election Notification Period:

Begin 120-Day notification period

- April 4, 2022

August

Primary Election

(Voter Ratification)



Action Report

File #: 21-348

AGENDA TITLE:

Proclaim November 2021 as Baller Dream Foundation Month

RECOMMENDATION:

Proclaim November 2021 as Baller Dream Foundation Month

STAFF CONTACT:

TOWN *Of* **PARADISE VALLEY**



STAFF REPORT

TO: Mayor Bien-Willner and Town Council Members

FROM: Jill B. Keimach, Town Manager

DATE: November 4, 2021

DEPARTMENT: Town Manager
Jill Keimach, 480-348-3690

AGENDA TITLE:
Proclaim November 2021 as Baller Dream Foundation Month

RECOMMENDATION:
Proclaim November 2021 as Baller Dream Foundation Month

SUMMARY STATEMENT:

The Baller Dream Foundation is a non-profit organization that provides emotional and daily living support for children and young adults fighting all types of cancer. They work with local hospitals to provide patients with positive activities and experiences and build life-long relationships.

In recognition of the valuable services they provide, Mayor Bien-Willner will proclaim November 2021 as Baller Dream Foundation Month in Paradise Valley.

ATTACHMENT(S):

- A. Staff Report
- B. Proclamation

Proclamation

WHEREAS, the Baller Dream Foundation is a nonprofit organization that lifts the spirits of brave young warriors, and their families, battling cancer; and

WHEREAS, those they serve they call "Ballers" which suggests one is doing and feeling well, in control, resilient, courageous, and deserving of recognition; and

WHEREAS, they work closely with children's hospitals, locally with Banner Children's Hospital, Phoenix Children's Hospital, and Banner Thunderbird Medical Center providing gifts, experiences and activities and improving the lives of many Ballers, and their families, while building life-long relationships; and

WHEREAS, Frank DeBlasi was diagnosed with testicular cancer at the age of 29 and created a great network of support to help the fight against cancer; and

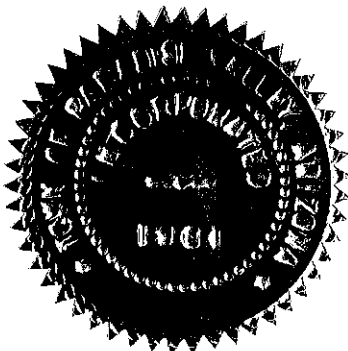
WHEREAS, his dream was to inspire other cancer fighters to maintain a hopeful and determined mindset, even in the worst of times.

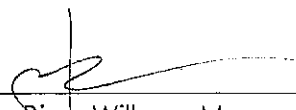
NOW, THEREFORE, I, Jerry Bien-Willner, Mayor of the Town of Paradise Valley, do hereby proclaim the month of November 2021 as

BALLER DREAM FOUNDATION MONTH


and we encourage parents, children, young adults educators, community leaders, like-minded foundations, nonprofits, community organizations and the citizens at large to join us in celebrating this momentous occasion designed to lift the spirits of young cancer warriors, and their families, in their fight for remission and a cancer-free future.

IN WITNESS WHEREOF, I have set my hand and caused to be affixed the seal of the Town of Paradise Valley this 4th day of November, 2021.




Jerry Bien-Willner, Mayor

Attest:


Duncan Miller, Town Clerk



Action Report

File #: 21-342

TO: Mayor Bien-Willner and Town Council Members

FROM: Jill B. Keimach, Town Manager
Duncan Miller, Town Clerk

DEPARTMENT: Town Manager

AGENDA TITLE:
Consideration of Requests for Future Agenda Items

Council Goals or Other Policies / Statutory Requirements:
Resolution 2018-09: Town Council Rules of Procedure

RECOMMENDATION:
Review the current list of pending agenda topics.

SUMMARY STATEMENT:
Attached is the most recent Town Council Study Session Topic Schedule. Pursuant to the Council's Rules and Procedures, as adopted by Resolution Number 2018-09, any member of the Council may move to have the Town Manager add an item to a future agenda. Upon concurrence of two or more Council Members, which may include the Mayor, the item will be added to the pre-business meeting study session agenda within the next two regularly scheduled Town Council meetings.

Discussion on the motion to add an item to a future agenda shall be limited to the propriety of placing the item on an agenda and shall not include discussion on the merits of the topic itself.

BUDGETARY IMPACT:
None

ATTACHMENT(S):
Future agenda topics schedule

TOWN COUNCIL STUDY SESSION TOPIC SCHEDULE

October 29, 2021

11/18	12/2	12/16 TBD	01/13
3 PM EXECUTIVE SESSION <ul style="list-style-type: none"> 7101 E Lincoln Dr Litigation Update EPCOR Water Rate Case Code Enforcement Amendments 4 PM STUDY SESSION <ul style="list-style-type: none"> Statement of Direction for Private Roadway gate SUP 5000 E Cottontail Run Rd Ordinance Amending Town Code related to Code Enforcement Water Conservation (Colorado River) General Plan Update PRESENTATION <ul style="list-style-type: none"> Experience Scottsdale Annual Update CONSENT <ul style="list-style-type: none"> Purchase of Motorola Police Vehicle Radios Legal Services Contract regarding EPCOR Rate Case PUBLIC HEARING ACTION ITEMS <ul style="list-style-type: none"> Photo enforcement contract IT Support Services Contract STUDY SESSION CONTINUED	3 PM EXECUTIVE SESSION 4 PM STUDY SESSION <ul style="list-style-type: none"> Committee Reappointment Process Mockingbird Ln and 56th St Storm Drainage Improvement ROI Study Mockingbird Ln from Lincoln Dr to McDonald Dr Improvement Project General Plan Update PRESENTATION CONSENT <ul style="list-style-type: none"> Cancel December 16 Council Meeting Statement of Direction for Private Roadway gate SUP 5000 E Cottontail Run Rd PUBLIC HEARING ACTION ITEMS STUDY SESSION CONTINUED	3 PM EXECUTIVE SESSION 4 PM STUDY SESSION PRESENTATION CONSENT PUBLIC HEARING ACTION ITEMS <ul style="list-style-type: none"> Street Maintenance Contract STUDY SESSION CONTINUED	3 PM EXECUTIVE SESSION 4 PM STUDY SESSION <ul style="list-style-type: none"> Committee Volunteer Interviews PRESENTATION CONSENT PUBLIC HEARING ACTION ITEMS <ul style="list-style-type: none"> Street Maintenance Contract STUDY SESSION CONTINUED

01/27	02/10	02/24	03/24
3 PM EXECUTIVE SESSION 4 PM STUDY SESSION <ul style="list-style-type: none"> Committee Volunteer Interviews PRESENTATION CONSENT PUBLIC HEARING ACTION ITEMS STUDY SESSION CONTINUED	3 PM EXECUTIVE SESSION <ul style="list-style-type: none"> Committee Volunteers 4 PM STUDY SESSION PRESENTATION CONSENT PUBLIC HEARING ACTION ITEMS STUDY SESSION CONTINUED	3 PM EXECUTIVE SESSION 4 PM STUDY SESSION PRESENTATION CONSENT PUBLIC HEARING ACTION ITEMS <ul style="list-style-type: none"> Appointment of Committee Volunteers STUDY SESSION CONTINUED	3 PM EXECUTIVE SESSION 4 PM STUDY SESSION PRESENTATION CONSENT PUBLIC HEARING ACTION ITEMS STUDY SESSION CONTINUED

<u>Items to be scheduled*</u> <ol style="list-style-type: none"> SUP Guidelines (Community Development) Cell Service Task Force Update (Mayor / Manager) Cell Infrastructure on SUP Ordinance – Amending Chapter 12 Municipal Court (Court fees after close of fiscal year) Investment Policy (Finance) Crown Castle Agreement (Attorney) 	<ol style="list-style-type: none"> Alarm Ordinance (Police Department) Sanitary Sewer – Executive Session (Attorney) Council Minutes Policy (Town Clerk) Mockingbird Lane Realignment 56th St to Invergordon Cell Tower Lease on Public Works Building
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*Numbering does not reflect priority or order in which items will be scheduled