

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
<u>MAJOR ARTERIAL</u>				
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
<u>MINOR ARTERIAL</u>				
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
<u>COLLECTOR</u>				
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
<u>LOCAL</u>				
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

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

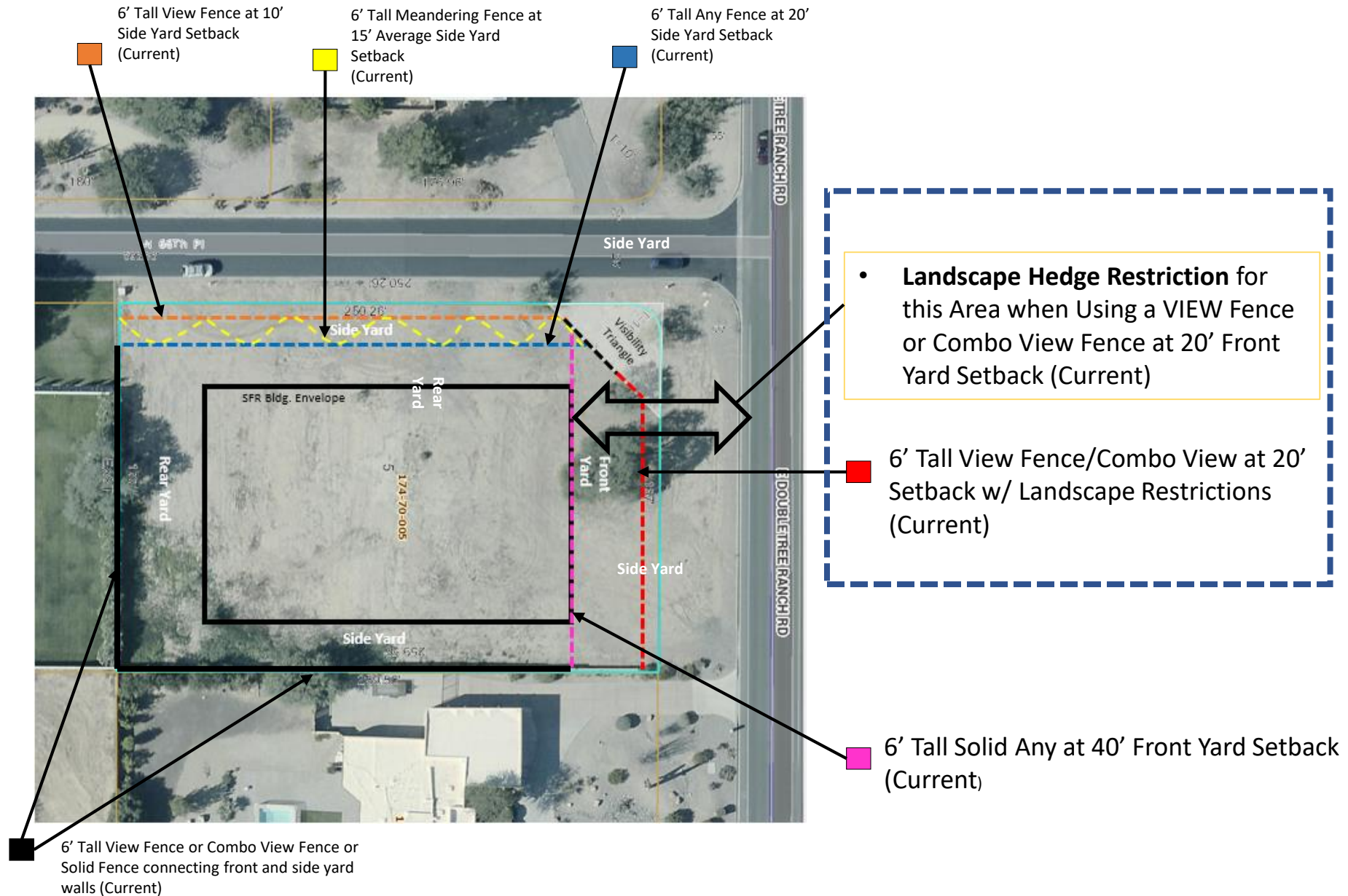
Landscape regulations relating to wall and fences

- 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
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 - Assessment of the agreement