

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 WALLS AND FENCES 121 133 135 171 306 325 Repealed and Replaced by 534 559 654 2016-07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

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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~~

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~~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.**

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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.

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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

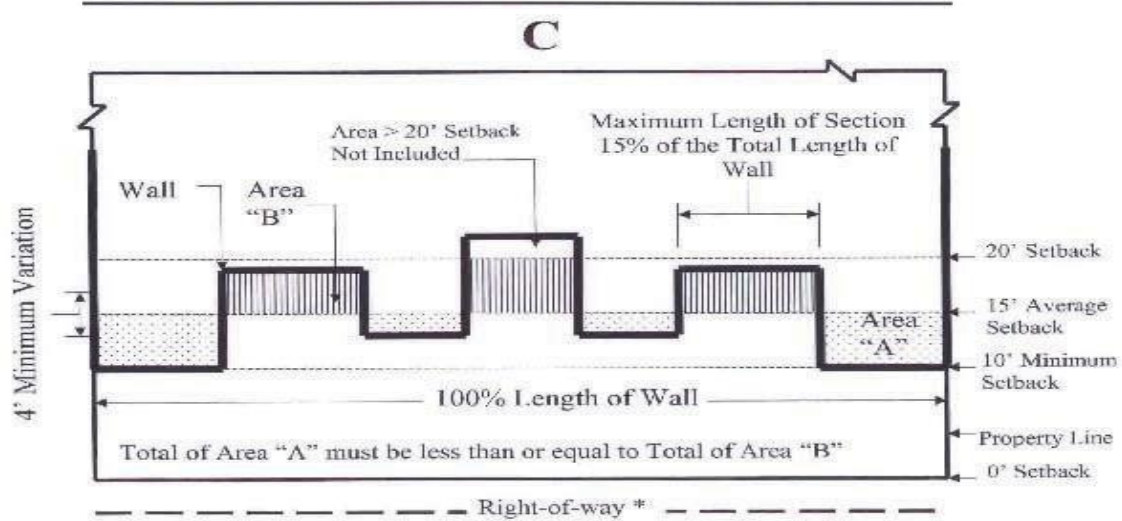
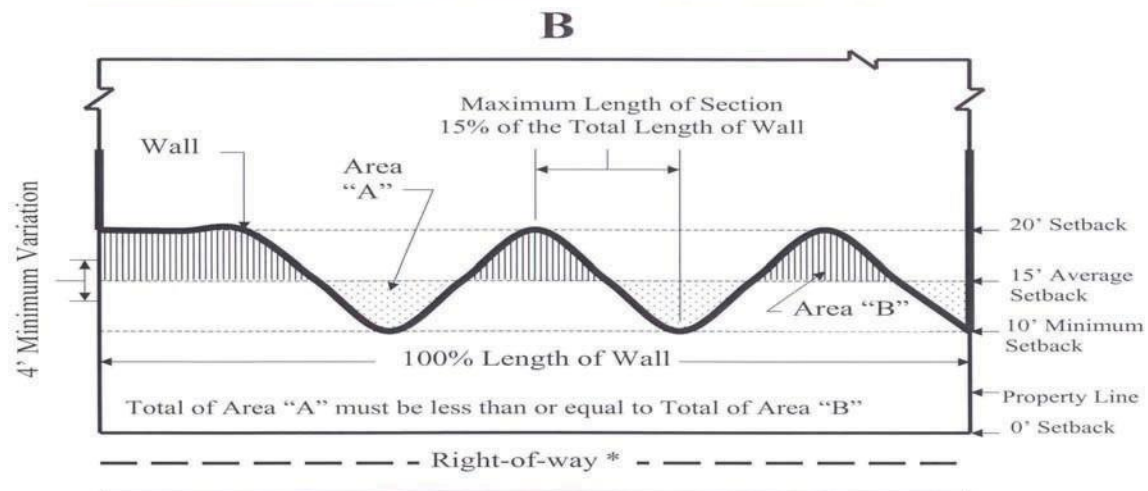
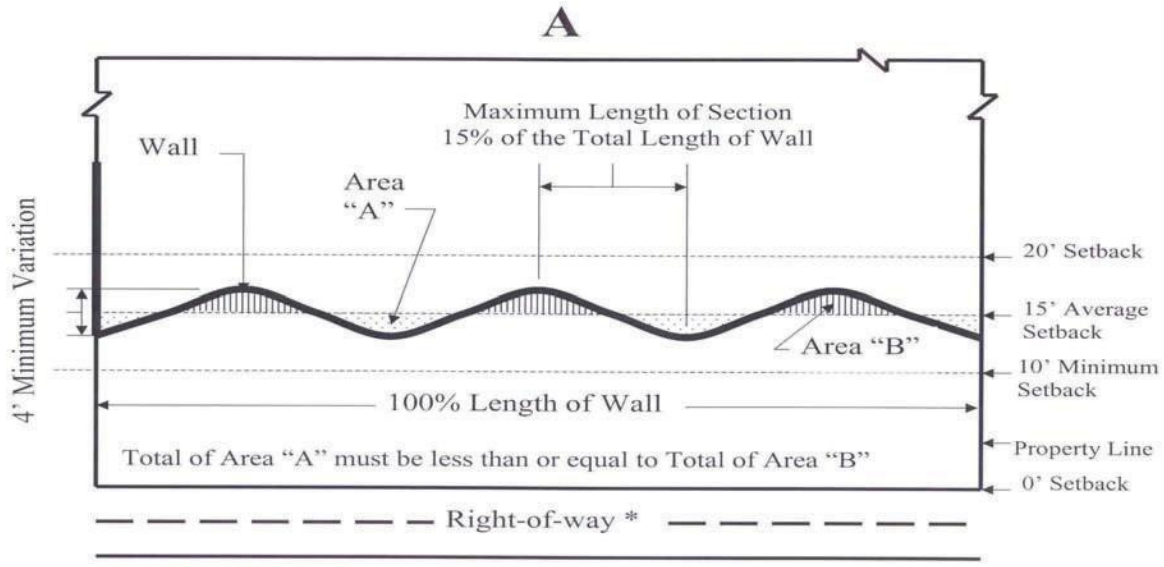
*** Refer to Section 2404.d for landscape restrictions.

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



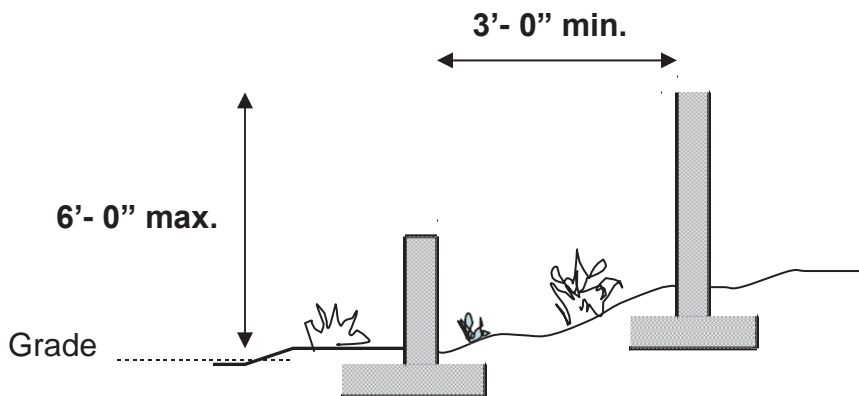
* Major Arterial Roadway along the Front or Side or Rear Yard. Or, Local, Collector, or Minor Arterial Roadway along the Side or Rear Yard

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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.

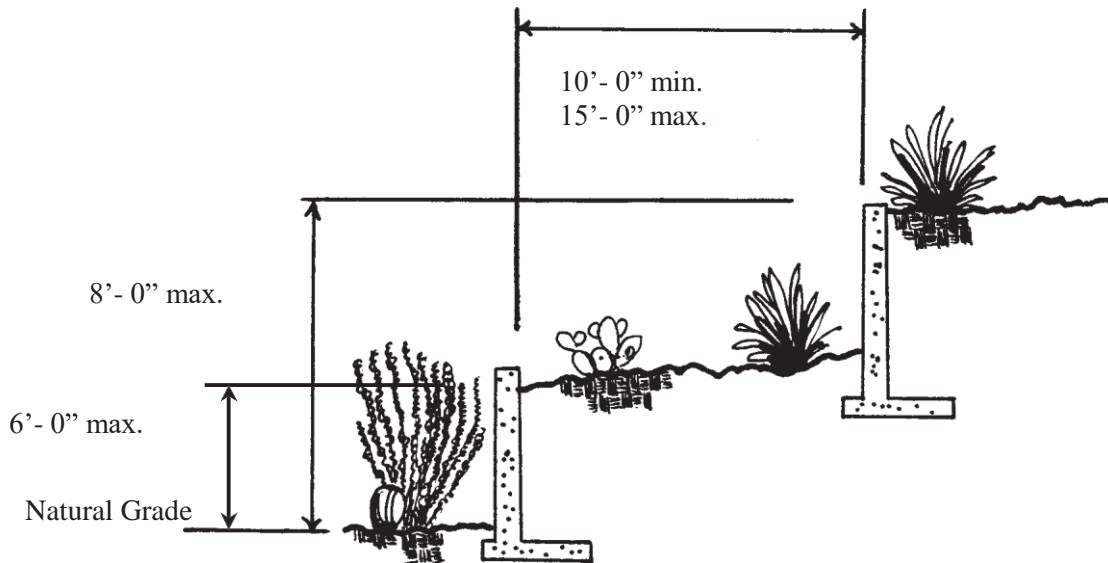
Section 2407. Retaining Walls: ^{171 654}

- 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