



## Legislation Details (With Text)

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**Type:** Study Session Item      **Status:** Agenda Ready  
**File created:** 3/2/2018      **In control:** Town Council  
**On agenda:** 3/8/2018      **Final action:** 3/8/2018  
**Title:** Discussion Regarding Amending §11-2-30 of the Town Code - prohibiting parking on visible areas of residential property  
15 Minutes

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 030818 Prohibited Parking on Visible Areas of Residential Property.pdf, 2. Parking Ordinance Amendment 2018-03.pdf

| Date     | Ver. | Action By    | Action             | Result |
|----------|------|--------------|--------------------|--------|
| 3/8/2018 | 1    | Town Council | Received and Filed |        |

**TO:** Mayor Collins and Town Council Members

**FROM:** Kevin Burke, Town Manager  
Andrew M. Miller, Town Attorney

**DATE:** March 8, 2018

**DEPARTMENT:** Town Attorney

**AGENDA TITLE:**

Discussion Regarding Amending §11-2-30 of the Town Code - prohibiting parking on visible areas of residential property

**Town Value(s):**

- Primarily one-acre, residential community
- Limited government
- Creating a sense of community
- Partnerships with existing schools and resorts to enhance recreational opportunities
- Improving aesthetics/creating a brand
- Preserving natural open space

The Town of Paradise Valley makes every effort to enhance the community's unique character for its residents and people from around the world.

**Council Goals or Statutory Requirements:**

**RECOMMENDATION:**

Receive information on amending §11-2-30 of the Town Code regarding an additional prohibited parking provision.

**SUMMARY STATEMENT:**

Recent complaints have been made to the Town Code Enforcement Officer regarding individuals parking vehicles on residential property in side or visible rear yard areas that are not part of the existing driveway on the property and which are both unsightly and cause the disturbance of dust. One particular complaint was that a short term rental property had parked six or more vehicles in a dirt side yard area on a regular basis. No existing Town Code provision within the Town's "Parking Restrictions" (Town Code §11-2-30) addressed or prevented this type of activity.

Town staff looked to what other municipalities do to prevent unsightly parking which also produces fugitive dust. One provision from Fountain Hills addressed this issue, and was worded as follows:

*"No person shall park or cause to be parked a vehicle on any portion of a residential property that is visible from a street or adjacent property unless such vehicle is parked upon a driveway designated as such on the approved site plan for the property and which is surfaced with asphaltic concrete, pavement bricks, cement concrete or other approved material designated in Section 7.03 of the Fountain Hills Zoning Ordinance. For the purposes of this subsection, a vehicle shall not be deemed visible if it is completely enclosed within a six foot high solid wall with view-obscuring gates." (Underlining added)*

Adoption of a similar provision for Paradise Valley would require some modification as the Town does not require "approved site plans" that designate the location of driveways on residential property nor are copies of building plans saved on file or exist for most of the properties in the Town. To adopt a similar provision would also require that the "approved material designated in...the Fountain Hills Zoning Ordinance" be revised to be consistent with the current Paradise Valley Town Code provisions relating to appropriate parking surfaces, thus reference should be made to current Town Code §5-10-5(E) regarding "Parking Sites" within the Grading and Dust Control regulations. That section provides:

*"All unpaved areas used to park vehicles or construction equipment must be paved, vegetated, or chemically stabilized to prevent fugitive particulate matter."*

Staff would recommend that a new subsection 16 be added to the existing Parking Restrictions contained within Town Code §11-2-30 that is similar to the Fountain Hills provision. That new section would read as follows:

*"No person shall park or cause to be parked a vehicle on any portion of a residential property that is visible from a street or adjacent property unless such vehicle is parked upon a driveway on the property which is surfaced with asphaltic concrete, pavement bricks, cement concrete, or other material that is consistent with the dust control restrictions for parking surfaces under Town Code §5-10-5(D). For the purposes of this subsection, a vehicle shall not be deemed visible if it is completely enclosed within a six foot high solid wall with view-obscuring gates."*

This change is incorporated into the provisions of the draft of Ordinance #2018-03 (see attached). Staff requests Council feedback on this recommended change in the Town Code.

**BUDGETARY IMPACT:**

None.

**ATTACHMENT(S):**

A - Draft Ordinance No. 2018-03