



City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report Zoning Ordinance Text Amendment Z-TA-2-14

Application No Z-TA-2-14: A request to amend Section 703.C (Landscaping, Fences and Walls, Temporary Fencing) of the Zoning Ordinance regarding the time limitation and requirements of temporary fencing. Use Permit approval and improved standards will be required for temporary fencing along the perimeter of golf courses that are adjacent to residential districts.

Staff Recommendation: Staff recommends approval of Z-TA-2-14 as shown in the recommended text in Attachment A.

Purpose and Summary

The intent of this text amendment is to clarify the time limits, improve the standards and establish use permit requirements for temporary fencing on the perimeter of golf courses that are adjacent to residential districts. This amendment is necessary because the temporary fence regulations are out dated and recently the city has experienced a lack of golf course maintenance and the placement of temporary fencing around golf courses that cause unnecessary visual blight in neighborhoods. The exact language proposed to be modified is contained in Attachment A. This text amendment will make the following changes:

- One-year time limit established for all temporary fencing unless extended by the Planning and Development Department Director or his designee.
- Use Permit approval required for temporary fencing located along the perimeter of a golf course that is adjacent to a residential district.
- Temporary fencing must be setback a minimum of 50-feet from perimeter property lines for golf courses located adjacent to a residential district.
- Landscaping within the minimum 50-foot setback must be maintained per the Neighborhood Preservation Ordinance (Chapter 39 of the City Code).
- A landscape plan must be submitted with a Use Permit application that shows the existing landscaping within 60-feet of the perimeter property line.
- Use permit applicants must identify hazardous conditions to justify the temporary fence along the perimeter.

- Temporary fencing to mitigate a safety hazard is allowed within golf courses by right if located within five-feet of an existing building, structure, bridge, water feature or sand trap.
- Limits the placement of eight-foot high temporary fences.
- Prohibits barbed wire, razor wire, or other equivalent fence topping to be placed on temporary fences that are visible from rights-of-way or residential districts.

Background

The temporary fence regulations need to be clarified and improved. Specifically, the time limit provisions and the allowance of barbed wire, razor wire, or equivalent fence toppings that are visible from residential districts and the rights-of-way need to be addressed. In addition, City Council members have recently received complaints regarding the maintenance of some golf courses. Since the economic downturn, some golf courses have struggled to stay open and others have discontinued operations altogether. When courses close, some have elected to install temporary fences around the property to deter liability, vandalism and access to unmaintained areas. In addition, blighted conditions such as over-height grass, dead vegetation, trash, and other conditions may be present. Neighbors and business owners who reside in adjacent communities have expressed concern with the negative impacts of these conditions.

Conclusion

This text amendment will amend Section 703.C (Landscaping, Fences and Walls, Temporary Fencing) of the Zoning Ordinance regarding the time limitation and requirements of temporary fencing. This text amendment establishes a one-year time limit for temporary fencing not associated with a construction project; establishes an opportunity for public input during a Use Permit process for temporary fencing located along the perimeter of golf courses; defines a minimum spacing requirement from the perimeter of a golf course, ensures the maintenance of landscaping; and limits the use of barbed wire, razor wire, or other equivalent fence topping. Staff recommends approval of the changes to the Zoning Ordinance as presented in Attachment A.

Changes are not proposed to the current regulations and procedures for temporary fencing being used to limit access to an active construction site with a valid construction permit.

Writer

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Attachments

A. Proposed Language

ATTACHMENT A

Text Amendment Z-TA-2-14 – Temporary Fencing and Temporary Golf Course Fencing

Proposed Language:

Amend Chapter 7, Section 703.C to read as follows:

C. Temporary Fencing.

1. Temporary fencing as defined in Section 202, shall be permitted only with the issuance of a temporary fence permit, except for those sites for which an approved building permit, civil permit, or temporary event permit is active, from the Planning and Development Department. Such permit shall be prominently displayed and maintained on the fence at all times. ~~The permit shall expire, unless extended as provided below, at one year of issuance. No temporary fence permit, or time extension, shall have the effect of allowing a temporary fence on a site for a period to exceed two consecutive or three cumulative years within any consecutive five-year period.~~
 - a. ALL TEMPORARY FENCING MUST BE REMOVED OR REPLACED WITH PERMANENT FENCING WITHIN A MAXIMUM OF ONE YEAR OF INSTALLATION UNLESS EXTENDED PURSUANT TO SECTION 703.C.2.
 - b. TEMPORARY FENCING WITHIN OR ALONG THE PERIMETER OF A GOLF COURSE MUST MEET THE FOLLOWING CONDITIONS:
 - (1) USE PERMIT APPROVAL PER SECTION 307 REQUIRED WHEN ADJACENT TO A RESIDENTIAL DISTRICT SUBJECT TO THE FOLLOWING STANDARDS:
 - (a) MINIMUM 50-FOOT SETBACK FROM THE PERIMETER PROPERTY LINE UNLESS THE CONDITIONS DEFINED IN SECTION 703.C.1.b.(2) ARE APPLICABLE.
 - (b) LANDSCAPING WITHIN THE MINIMUM 50-FOOT SETBACK MUST BE MAINTAINED PER THE NEIGHBORHOOD PRESERVATION ORDINANCE (CHAPTER 39 OF PHOENIX CITY CODE).
 - (c) A LANDSCAPE PLAN MUST BE INCLUDED WITH THE USE PERMIT APPLICATION THAT IDENTIFIES THE EXISTING VEGETATION WITHIN 60-FEET OF THE PERIMETER PROPERTY LINE.

- (d) THE ZONING ADMINISTRATOR MAY GRANT A USE PERMIT FOR UP TO ONE-YEAR. THE USE PERMIT MAY BE RENEWED A MAXIMUM OF THREE TIMES FOR A TOTAL OF 36-MONTHS.

THE ONE-YEAR TIME LIMIT MAY BE REDUCED AS PART OF THE USE PERMIT PROCESS.

- (e) ADDITIONAL CONDITIONS MAY BE STIPULATED AS PART OF THE USE PERMIT PROCESS.

APPLICANT MUST IDENTIFY CONDITIONS TO JUSTIFY THE ADDITIONAL TEMPORARY FENCE ALONG THE PERIMETER, INCLUDING:

- i. HAZARDOUS CONDITION OF THE LAND
- ii. HAZARDOUS CONDITION OF THE BUILDINGS
- iii. HAZARDOUS CONDITION OF THE GOLF COURSE FEATURES

- c. TEMPORARY FENCING TO MITIGATE A SAFETY HAZARD IS ALLOWED WITHIN FIVE-FEET OF AN EXISTING BUILDING, STRUCTURE, BRIDGE, WATER FEATURE OR SAND TRAP.

- 3. Temporary fencing to a height of eight feet is permitted ~~to be erected anywhere on the property.~~ Unobstructed sight triangles as defined by Phoenix City Code Section 31-13 must be adhered to on corner lots and at driveways.

- 5. In no event shall any barbed wire, razor wire, or other equivalent fence topping be placed ~~closer than six feet two inches from the ground~~ ON TEMPORARY FENCING THAT IS VISIBLE FROM RIGHTS-OF-WAY OR A RESIDENTIAL DISTRICT. IF ALLOWED, THE TOPPING MUST BE PLACED A MINIMUM OF SIX FEET TWO INCHES FROM THE FINISHED GRADE.
