

RESOLUTION NO. 2372

**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SECTION 15-03-006 AND AMENDING SECTION 15-11-002 OF CHAPTER 154 (THE UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE TOWN OF PAYSON, AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD. (REGULATING FENCES)**

**WHEREAS**, the Code of the Town of Payson was declared to be a public record by Resolution Number 1536 of the Town of Payson; and

**WHEREAS**, the Code of the Town of Payson was adopted as a public record by Ordinance Number 588 of the Town of Payson; and

**WHEREAS**, it is the intention of the Town of Payson to add Section 15-03-006 and amend Section 15-11-002 of Chapter 154 (the Unified Development Code) of the Code of the Town of Payson related to Fences; and

**WHEREAS**, such amendment may be enacted by reference, pursuant to A.R.S. § 9-802,

**NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY RESOLVE AS FOLLOWS:**

- Section 1. Section 15-03-006 of Chapter 154 of the Code of the Town of Payson is hereby added, is declared to be a public record, and as added shall read as set forth in Exhibit A attached hereto.
- Section 2. Section 15-11-002 of Chapter 154 of the Code of the Town of Payson is hereby amended, is declared to be a public record, and the definitions set forth in Exhibit B attached hereto are hereby added.
- Section 3. If any section, subsection, sentence, clause, phrase or portion of Resolution Number 2372 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 of Resolution Number 2372. The Town Council of Payson declares that it would have adopted Resolution Number 2372 and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses, phrases, or portions may be declared invalid or unconstitutional.

MAY 15 2008 62

**PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF  
THE TOWN OF PAYSON** this \_\_\_\_\_ day of \_\_\_\_\_, 2008, by the following  
vote:

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSTENTIONS \_\_\_\_\_ ABSENT \_\_\_\_\_

\_\_\_\_\_  
F. Robert Edwards, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Silvia Smith, Town Clerk

\_\_\_\_\_  
Samuel I. Streichman, Town Attorney

# EXHIBIT A TO RESOLUTION 2372

15-03-006 Fences

REVISED 5-9-08

A. Applicability

The provisions of this section shall apply to all zoning districts.

B. Permit Required

1. A fence permit shall be required before a property line fence may be constructed, reconstructed or altered within the Town of Payson. A permit is not required for maintenance or repairs that do not alter or change the original fence. The Building Official may waive the permit requirement if the fence is part of a project where plans will include fencing.
2. A fence permit application shall be submitted including a scale drawing site plan showing all fence dimensions, gates, lot lines, setbacks, colors, and any information that may be required by the building and construction codes adopted by the Town.
3. The property owner shall locate affected property corners prior to constructing a fence.
4. Fence permit fees shall be listed on the Town of Payson *Schedule* ~~List~~ of Fees.

C. Fence Materials

1. Only the following fence materials may be used.
  - a. In all zoning districts - vinyl, plastic, chain link, wood board, wood picket, wood rail, masonry, stone, block, concrete or other materials simulating any allowable material.
  - b. In commercial and industrial zoning districts – ~~the top~~ 12 to 24 inches *of barbed wired may be placed atop a six foot fence* ~~may be barbed wire~~, if such barbed wire is not adjacent to a residential use.
  - c. In all zoning districts – pipe fences may be allowed for the maintaining of livestock.
2. No fence in any zoning district, unless otherwise provided for in this section, shall:
  - a. contain or be constructed of razor, concertina or similar wire, or
  - b. have an electrical current or an electrical charge.

D. Height and Setbacks

1. Residential Uses
  - a. Six-foot high fences are allowed on the side and rear yard property lines up to the required front yard setback.
  - b. Fences shall not exceed four (4) feet in height on the front property line or within the required front yard setback.
  - c. Street side yard fences shall not exceed a height of four (4) feet above finished grade at the property line. A maximum height of six feet above finished grade is allowed when placed at the street side setback line.

2. Commercial/Industrial Uses
  - a. Fences up to six (6) feet in height are permitted
3. Height of fences shall be measured at finished grade from the property owner's side of the fence.
4. Fences encroaching into any sight triangle shall not exceed three (3) feet in height above street grade.
5. Fences may not be constructed within three feet of the edge of the paved portion of the roadway.
6. For visual depiction, see Exhibits 1, 2, *and 3* to this Section.

E. Fence Design

1. Colors shall conform to the color requirements of the Town of Payson Design Review Overlay District.
2. The finished or decorative side of any front yard or street side yard fence shall face the public right of way.

F. Exceptions

1. Fences of other than approved material, conventional design or color, including historical fences may be allowed by the Design Review Board so long as such fences compliments the color and architecture of the surrounding neighborhood and any buildings.
2. Fences over six feet in height may be evaluated on a case by case basis and may be allowed subject to written approval of the Town Engineer, **Community Development Director** ~~Zoning Administrator~~, and Building Official.
3. Interior fences not over the allowed height and of approved materials shall not require a fence permit.
4. Height regulations shall not apply when fences of greater height are required by the Planning & Zoning Commission or Design Review Board in order to provide adequate screening.
5. Construction Fences in compliance with Subsection (E)(1) shall be exempt from all other provisions of this Section.
6. Razor, concertina, barbed, or similar wire may be approved by the Community Development Director for certain applications where heightened security requires such materials.
7. *Entry marquees and monuments shall be exempt from subsections (D)(1)(b) and (D)(4) above provided that such marquees and/or monuments do not create a traffic or safety hazard and/or defeat the purposes of this section.*

## EXHIBIT B TO RESOLUTION 2372

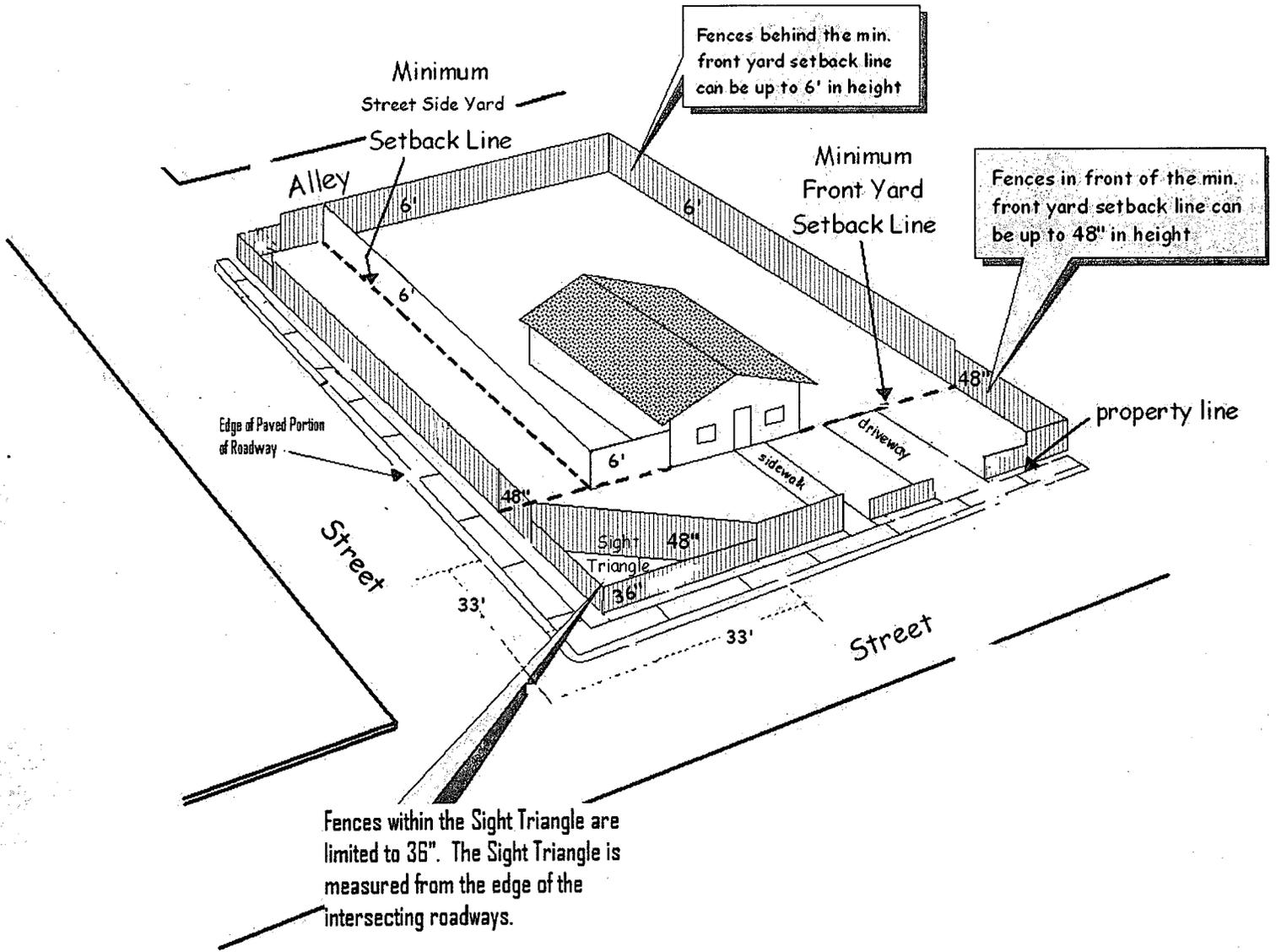
### 15-11-002 Definitions

- Fence(s): Any artificial barrier, not including plants, erected, constructed or placed on a lot, including masonry wall and ornamental construction.  
Types of fences include:
- A. Property line fence: A fence constructed parallel to and within 10 feet of a property line.
  - B. Interior fence: All fences that are not Property Line Fences.
  - C. Construction Fence: Any temporary fence placed on a construction site that has a current building permit and is actively being constructed. Construction Fences shall be of the type, kind, and size typically used during construction for the type project on which the Construction Fence is used.
- Sight Triangle: The triangle bounded by the edge of the intersecting roadways and the diagonal connecting the two farthest points creating an isosceles triangle. The equal legs of the triangle shall be a minimum length of 33 feet. The equal legs of the triangle formed by a driveway shall be a minimum length of 15 feet.
- Yard, street side: A side yard abutting a public roadway.



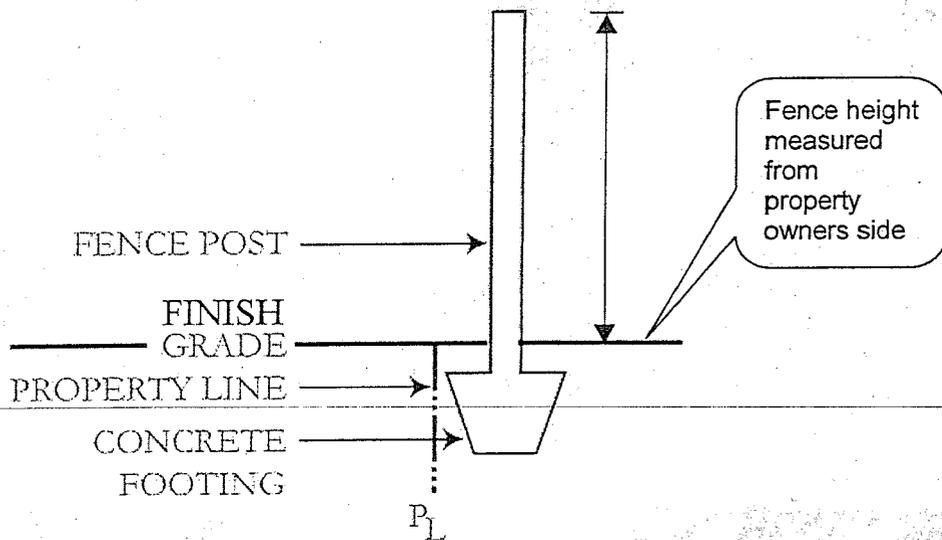
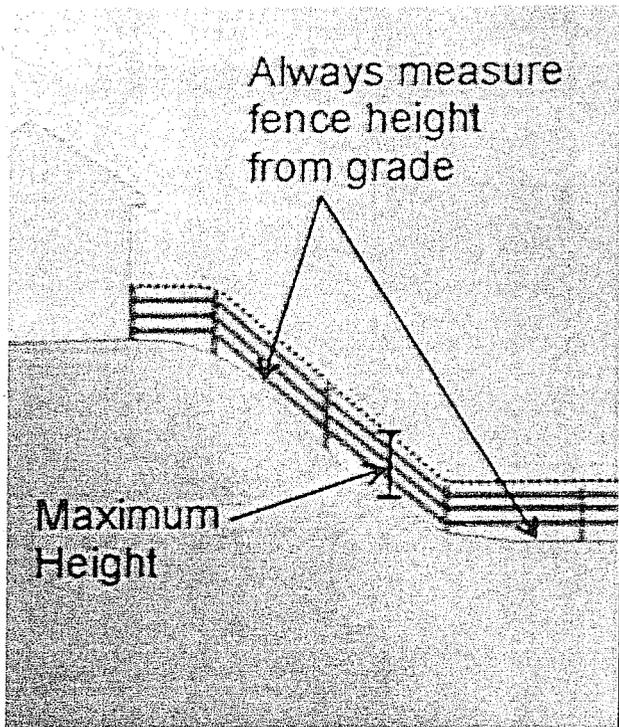
# Fence Height Standards

Exhibit I



\*Not Drawn to Scale

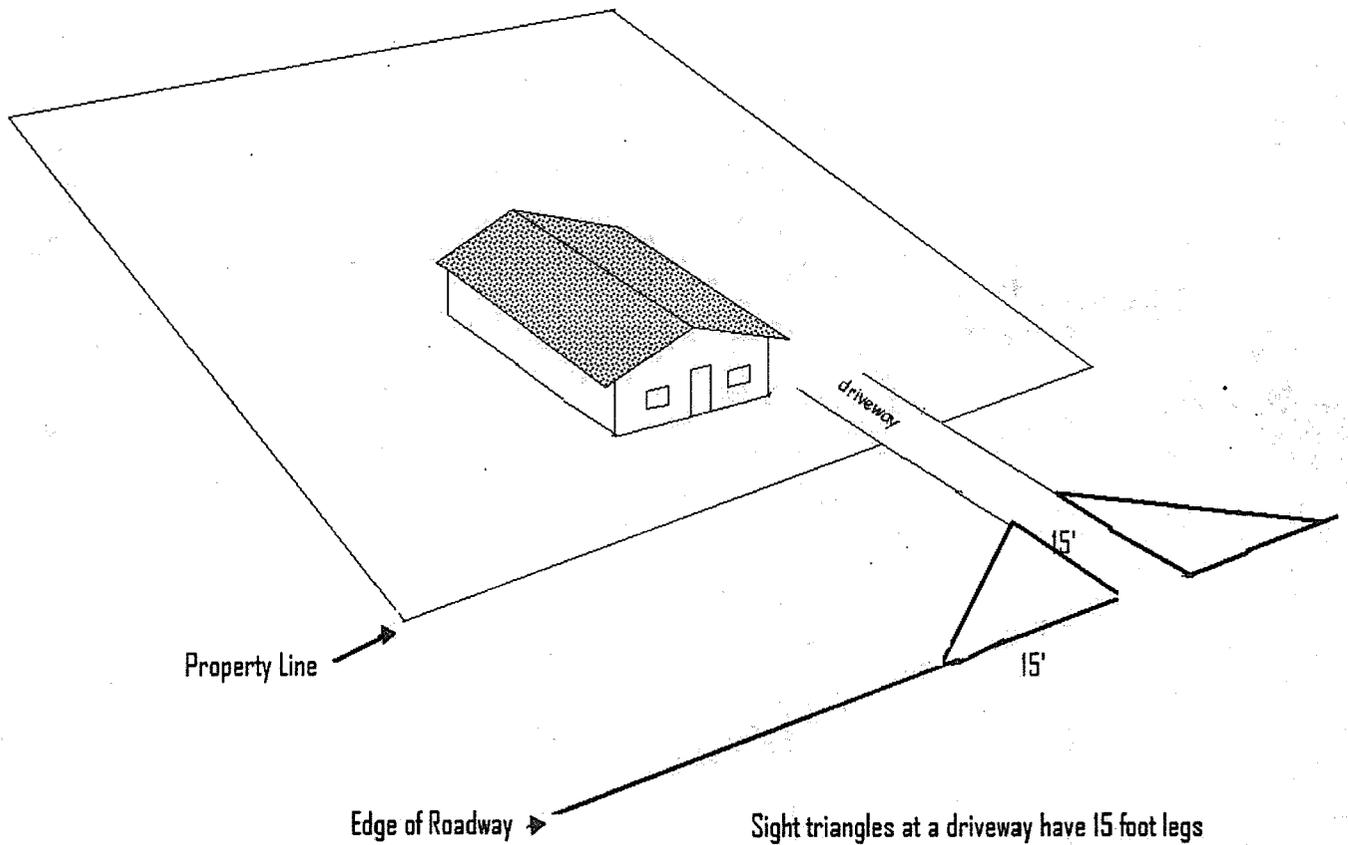
Exhibit 2 of Section 15-03-006





# Fence Height Standards

Exhibit 3



Property Line →

Edge of Roadway →

Sight triangles at a driveway have 15 foot legs along the edge of the drive and the intersecting roadway.

\*Not Drawn to Scale