

ORDINANCE NO. 2011-02

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 14 OF THE PEORIA CITY CODE (1977 EDITION), BY AMENDING ARTICLES 14-3-4 "SCREENING"; AND 14-3-5 "WALLS AND FENCES"; OF THE PEORIA ZONING ORDINANCE; PROVIDING FOR SEPARABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Maricopa County, Arizona, held a public hearing on December 2, 2010 to consider a proposed amendment to the Peoria City Code, after notice in the manner provided by law; and

WHEREAS, due and proper notice of such Public Hearing was given in the time, form, substance, and manner provided by law including publication of such in the Peoria Times on November 12, 2010; and

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Arizona at its regularly convened meeting of December 2, 2010, voted to recommend to the Mayor and Council of the City of Peoria, Arizona, that amendments be made to the Peoria City Code (1977 edition) and Chapter 24 of the Peoria City Code; and

WHEREAS, the Mayor and Council of the City of Peoria, Arizona, have considered the recommendation of the Planning and Zoning Commission of the City of Peoria, Arizona, and deem it to be in the best interest of the public health, safety and welfare of the residents of the City of Peoria, Arizona to amend Articles 14-3-4 "Screening"; and 14-3-5 "Walls and Fences" of Chapter 14 of the Peoria City Code (1977 edition):

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Peoria, Arizona as follows:

SECTION 1. of Chapter 14 of the Peoria City Code (1977 edition) shall be amended to read as indicated on Exhibit A.

SECTION 2. Effective Date. This Ordinance shall become effective on the date provided by law.

SECTION 3. SEPARABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Maricopa County, Arizona this 4th day of January, 2011.



Bob Barrett, Mayor





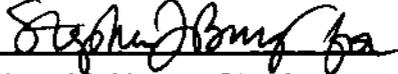
Date Signed

ATTEST:



City Clerk

APPROVED AS TO FORM:



Stephen M. Kemp, City Attorney

Published in: Peoria Times

Pub. Dates: January 7, 2010 and January 14, 2010

Effective Date: February 9, 2011

EXHIBIT A
ARTICLE 14-3
GENERAL PROVISIONS
(Ord. No. 02-85)

CONTENTS

- 14-3-4 SCREENING
- 14-3-5 WALLS AND FENCES

14-3-4 SCREENING

A. Intent

The intent of this Section is to establish general development standards for screening between uses of differing character, density, or intensity and for screening certain uses and activities on a site from public view. The screening standards are intended to assure compatibility of uses, minimize deterioration of properties and property values, and to enhance the health and safety of the residents of Peoria.

B. Use of Screening

1. *Wall or Fence.* A masonry wall or fence a minimum of six (6) feet in height above grade, or as otherwise approved, shall be constructed and maintained between the following uses of differing intensity or character:
 - a. Single-family and multi-family developments
 - b.
 - c. Residential (single- or multi-family) and non-residential uses
 - d. Different non-residential uses
 - e. Rear and/or side lot areas adjacent to public rights-of-way or landscape tracts
 - ~~f. Recreational vehicle or boat storage to~~
2. *Educational and Municipal Facilities.* Public elementary and secondary and similar private educational facilities, as well as municipal facilities, are exempt from the screening provisions of this section.
3. *Loading and Delivery Bays.* All loading and delivery bays shall be screened from street view in accordance with provisions of Section 14-23-4.

4. *Outdoor Storage.* All outdoor storage for Commercial and Industrial uses, and for materials, racking, equipment, vehicles, or other similar items, shall be screened from public view, public uses, and areas such as rivers, washes, equestrian and bike paths, parks, golf courses, and other public open spaces. Such screening shall consist of a wall or fence with a minimum height of six (6) feet, or a height that will adequately screen the stored items as determined by the Planning Manager during the Site Plan review process. Agriculturally related activities are exempt from this provision.
5. *Utilities.* All utility substations, wells, storage facilities, or other utilities shall be screened from public view. Such screening shall consist of a wall, fence, or landscape screen of a height adequate to screen the facility, as determined by the Planning Manager during the Site Plan review process.
6. *Mechanical Equipment.* All roof and ground-mounted mechanical equipment, except in single-family applications, shall be fully screened from public view unless otherwise specified elsewhere this Ordinance.
7. *Parking.* Parking screening requirements are provided in Article 14-35 Landscape Requirements.

14-3-5 WALLS AND FENCES

A. General Provisions (Ord. No. 95-15)

1. *Permit Required.* No persons, firm or corporation shall hereafter construct, or cause to be constructed or erected within the City of Peoria any fence or wall exceeding six (6) feet, eight (8) inches in height without first making an application for and securing a permit from the City. In addition, no fence or walls shall be constructed within the street right-of-way without obtaining a permit from the Engineering Department. Wall height requests above eight (8) feet shall be reviewed for approval by the City Engineer
2. *Locations.* All fences, walls, and gates shall be located entirely upon the private property of the persons, firms, or corporation constructing, or causing the construction of such fence unless the owner of the property adjoining agrees, in writing, that such fence or wall may be erected on the division line of the respective properties. This shall not apply to the initial wall construction by the homebuilder. Pedestrian gates may be installed by a private property owner to provide access to public open space with written approval from the Community Services Department.
3. *Maintenance.* Every fence or wall shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair, damage, or unsightliness, or constitute a nuisance, public or private. Any such fence or wall which is, or has become, dangerous to the public safety, health or welfare, or has become unsightly through improper maintenance or neglect is a public nuisance and the Code Compliance Officer shall commence proper proceedings for the abatement thereof. Any wall, or a portion of any wall, which is removed for any purpose or by any means whatsoever, shall be restored

to its original or upgraded condition relative to construction, material and finish whenever exposed to any street or any adjoining property.

4. *Measuring Fence and Wall Height.* The height of any fence or wall shall be calculated to the uppermost points as follows:

a. In required yards abutting a street, sidewalk, or trail, the height of the fence shall be measured from the required two (2) foot shelf at the base of the wall or from the top of curb or the top of sidewalk, path, or trail when such element is at a higher elevation than the shelf. (Figure A).

b.

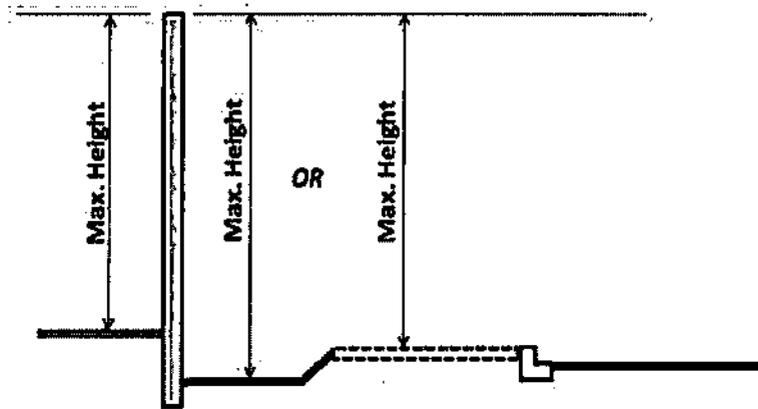


Figure A - Measuring Wall Height

5. *Undulating Wall Required.* All fences and walls along arterial and collector streets with a continuous length greater than two hundred (200) feet shall use an undulating pattern at minimum intervals of one hundred (100) feet or at every other side lot line, whichever results in the shorter distance, to provide variety and visual interest. The undulation depth from the street line shall be a minimum of three (3) feet. (Figure B) Alternative options may be approved during the Preliminary Plat or Site Plan Review Process. (Ord. No. 04-186)

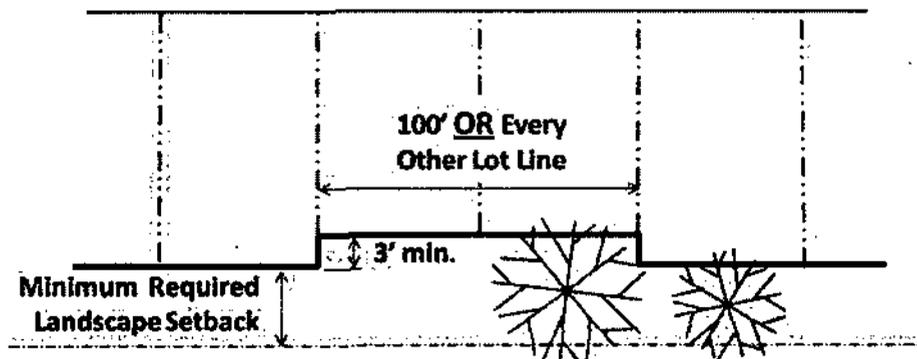


Figure B - Perimeter Wall Undulation

6. ***Finished Elevations.*** Any fence or wall that is constructed to have only one elevation "finished", which shall be defined as not having its supporting members significantly visible, shall be erected such that the finished elevation of the fence is exposed to the adjacent street or public / semi-public area.
7. ***Exemptions.*** The following uses are exempt from the height restriction of three (3) feet within or bounding the front yard, as set forth in Section 14-3-5.B.1 of this Ordinance:
 - a. An agriculture activity
 - b. Residential and ranch uses in the Suburban Ranch Districts
 - c. Schools and other public or quasi-public institutions when necessary for the safety or restraint of the occupants.
 - d. Temporary construction sites which are enclosed for security purposes.
 - e. Temporary construction yards for off-site construction.
 - f. Arched, masonry entry features in accordance with Section 14-3-2 c(6)(g) of this Article.
8. ***Barbed Wire Fences:*** Barbed wire shall be prohibited in the City of Peoria except for the following:
 - a. Barbed wire shall be permitted in the General Agriculture and Suburban Ranch zoning districts.
 - b. Barbed wire shall be permitted for temporary construction sites or yards in all zoning districts provided that the barbed wire is located six (6) feet or more above grade.
 - c. Barbed wire shall be permitted for security purposes for commercial and industrial uses provided that the barbed wire is located six (6) feet or more above grade.

B. Residential Requirements

1. ***Height of Fences and Walls.*** In all Residential Districts, no fence or wall within or bounding the front yard shall exceed a height of three (3) feet, and no fence or wall within or bounding a side or rear yard shall exceed a height of six (6) feet eight (8) inches, except as specified elsewhere within this Ordinance.
2. ***Corner Lots and Key Lots.*** (Figure C)
 - a. On a corner lot contiguous to a key lot a fence or wall over three (3) feet in height may be placed on the property line except within a triangle measured ten (10) feet from the street line along the common lot line, and twenty (20) feet along the property line extending from the common lot line towards the

front of the corner lot. The location of this clear zone may shift in areas where landscape tracts exist.

- b. On a key lot contiguous to a corner lot, a fence or wall not exceeding six (6) feet eight (8) inches may be erected along that portion of a key lot contiguous with the rear yard of the corner lot, but such fence or wall shall not come closer to the front line of the key lot than ten (10) feet.

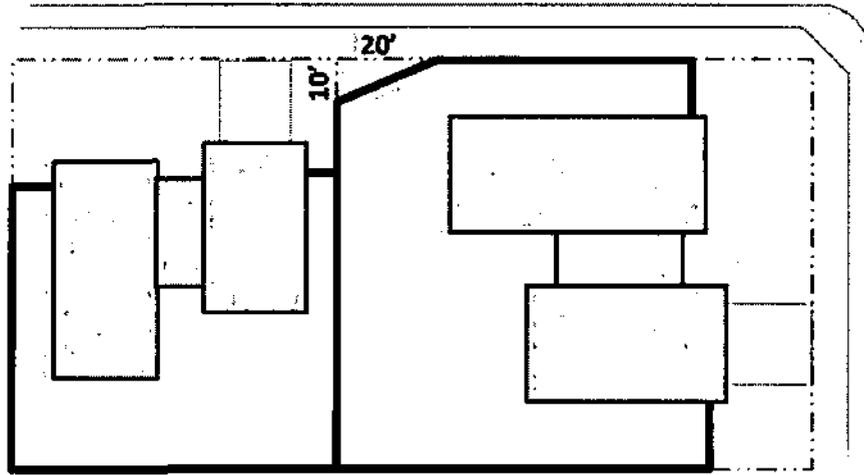


Figure C – Key Lots

- 3. *Adjacent Residential Lots.* Where two residential lots abut one another, but have differing finished grades, the wall heights shall be limited to six (6) feet eight (8) inches in height on the high side and eight (8) feet in height on the low side. (Figure D)

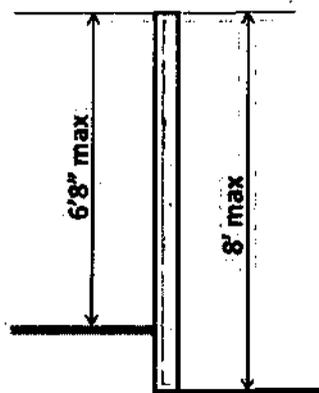


Figure D – Residential to Residential

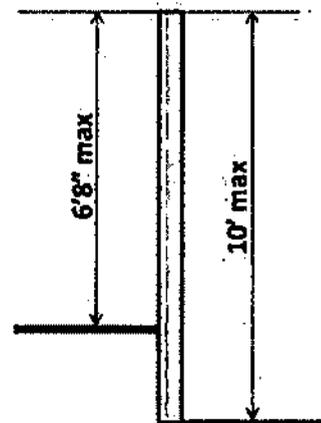


Figure E – Residential to Street

4. *Lots Adjacent to Streets.* The lot side of a wall shall not exceed six (6) feet eight (8) inches in height, measured from finished grade. The Street side shall not exceed ten (10) feet in height, measured from top of curb (Figure E).
5. *Retaining Walls.* For the purpose of this ordinance, any wall retaining a minimum of twelve (12) inches of earth shall be considered a retaining wall. If retaining requirements exceed ten (10) feet in height, then terracing shall be required. When terracing walls, the first wall at grade level shall not exceed six (6) feet eight (8) inches or be less than five (5) feet in height and each retaining wall above the first shall not retain more than four (4) feet of earth (Figure F). Terraced walls shall be offset a minimum of four (4) feet and each terrace shall be landscaped. Terraces and terraced walls shall be designed to include weep holes for drainage and sleeves for landscape irrigation. All terracing shall be subject to review by the City Engineer and / or the Building Safety Division. . Nothing herein is intended to relax the building code or other applicable city standards.

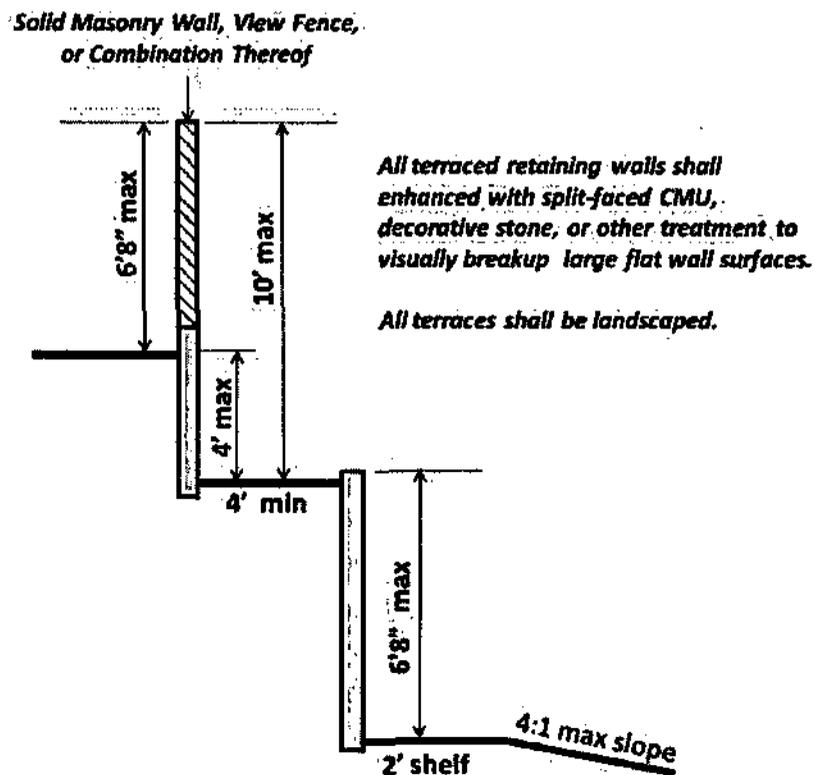


Figure F – Retaining Walls

Lots Adjacent to Retention Areas. Walls adjacent to planned or natural retention areas, waterways, or similar features shall not exceed six (6) feet eight (8) inches in height on the lot side and shall not exceed eight (8) feet on the retention side as measured to the required two (2) foot shelf at the base of the wall. Maximum slope of the retention shall be no greater than 4:1. If additional retention depth is required, retaining walls may be added in the sloped banks of the retention area. Such walls shall not exceed two (2) feet in height and shall be offset by no less than four (4) feet. The maximum slope between walls shall not exceed 4:1 (see Figure G).