

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATIONS**

CC: _____
Amend No. _____

Date prepared: December 6, 2010

Council Meeting Date: January 4, 2011

TO: Carl Swenson, City Manager

THROUGH: Susan J. Daluddung, AICP, Deputy City Manager 

FROM: Glen Van Nimwegen, AICP, Planning and Community Development Director 

SUBJECT: TA 10-0132, Amendments to Zoning Ordinance: Amend Section 14-3-4, Screening and Section 14-3-5, Walls and Fences of the Peoria Zoning Ordinance with respect to screening and wall standards.

RECOMMENDATION:

The Mayor and City Council concur with the Planning and Zoning Commission's recommendation to adopt the attached Ordinance amending Section 14-3-4, *Screening* and Section 14-3-5, *Walls and Fences* of the Peoria Zoning Ordinance with respect to screening and wall standards.

During the time between the Planning & Zoning Commission action and the present, staff has discovered a clarification to be made for the method of measuring wall height. The exhibit in the proposed language could be interpreted in two ways, so it and the associated language were modified to allow only one interpretation. Nothing herein diverts from the original intent of the text amendment.

PLANNING & ZONING COMMISSION ACTION (December 2, 2010):

On December 2, 2010, the Planning and Zoning Commission voted unanimously in favor of recommending approval of the request to amend Article 14-3-4 and Article 14-3-5 of the Zoning Ordinance. No one spoke in support or opposition to the request.

A memo was provided to the Planning and Zoning Commission prior to the December 2, 2010 hearing requesting a modification to the request. This modification was to eliminate sub-section 14-3-4.B.1.f which requires screen walls to be placed between

CITY CLERK USE ONLY:

- Consent Agenda
- Carry Over to Date: _____
- Approved
- Unfinished Business (Date heard previous: _____)
- New Business
- Public Hearing: No Action Taken

ORD. # _____ RES. # _____
LCON# _____ LIC. # _____
Action Date: _____

commercial RV and boat storage areas adjacent to all rights-of-way and landscape tracts. This item is unnecessary as it is already addressed in Article 14-9 ("Non-Residential Districts").

SUMMARY OF AMENDMENTS:

Article 14-3 of the Zoning Ordinance ("General Provisions") contains two sections pertaining to screening and wall standards.

This amendment is intended to be largely 'housekeeping' in nature. Although this Section remains relevant and effective in concept, staff has identified a number of specific instances where enhancements or clarification is warranted. Some of the highlights include:

- **Screening:** Clarify the land use edges (e.g. commercial adjacent to residential) where walls are required to be constructed to provide separation between uses of differing intensity and character; and
- **Measuring Wall Height:** Depending on the scenario and zoning district (e.g. residential property wall adjacent to arterial roadway), the Zoning Ordinances prescribes limitations on height and establishes the methodology for measurement. Staff has introduced enhancements to the methodology for measuring wall height accounting for the width and grade of the adjacent terrain and other applicable elements; and
- **Wall Height / Terracing for Retaining and Hillside Conditions:** Staff has retooled the requirements for retaining walls and walls in hillside areas (e.g. slopes above 10% rise/run). The changes are intended to result in the more efficient use of land by reducing the overall area utilized for retaining walls while maintaining the necessary 'softening' to avoid inordinately tall walls.

The supporting analysis and details of the proposed amendments are fully described on the attached staff report to the Planning and Zoning Commission.

ATTACHMENTS:

- December 2, 2010 Memo to the Planning & Zoning Commission
- December 2, 2010 Planning & Zoning Commission Staff Report with Exhibits
- Revised Text Amendment language reflecting modification described above
- Draft Ordinance

CONTACT: Adam D. Pruet, AICP, Senior Planner, 623-773-5168



Community Development Department

MEMORANDUM Planning Division

DATE: December 2, 2010
TO: Planning & Zoning Commission
FROM: Adam Pruett, Senior Planner
SUBJECT: **TA10-0132, Text Amendment
Screening & Walls**

After closer review, it has become evident that the provision listed under Section 14-3-4.B.1.f is unnecessary due to current screening standards provided in Article 14-9 Non-Residential Uses and created specifically for recreational vehicle and boat storage facilities.

Section 14-3-4.B.1.f is presented in Exhibit A of the staff report as follows:

Recreational vehicle or boat storage adjacent to public rights-of-way or landscape tracts ~~areas and areas with public rights-of-way, residential, or non-residential uses~~

It is staff's recommendation that the Planning & Zoning Commission recommend approval of TA10-0132 as provided with the removal of Section 14-3-4.B.1.f.



ZONING ORDINANCE TEXT AMENDMENT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: TA 10-0132
DATE: December 2, 2010
AGENDA ITEM: 4R

Applicant: City of Peoria Planning Division
Request: Amend Section 14-3-4, *Screening* and Section 14-3-5, *Walls and Fences* of the Peoria Zoning Ordinance with respect to required wall standards.
Support / Opposition: As of the date of this printing, Staff has not received any comment in support or opposition to this amendment.
Recommendation: **Approve** as requested.

BACKGROUND

1. The proposed amendments are intended to be housekeeping items and code enhancements. The City's wall ordinance was last amended in 2003 when the development in the northern portion of the City was on the rise and instances of hillside lots and / or retaining wall permits was also rising. In an effort to minimize the effects of large flat walls, the concept of terraced walls with intervening landscaping was introduced. The ordinance was intended to offer design flexibility and ease of understanding for the user.
2. This ordinance has proven itself useful in concept, but over time, staff has encountered a number of specific instances where the ordinance was not as effective as it could be. Staff has examined the *Screening* and *Walls and Fences* sections of the zoning ordinance to find areas that should be clarified or altogether changed to enhance the City's wall standards while maintaining the core concepts of the ordinance and its usability.

ANALYSIS AND DISCUSSION

Section 14-3-4 Screening

3. This section has the fewest revisions since the intent of *Screening* is to identify when the use of walls or fences is required. Most of the revisions in this section are intended to be for clarification purposes. For example, in subsection B.1

language has been added to have walls placed along 'landscape tracts' instead of the current requirement that requires wall "...adjacent to public rights-of-way." This requirement was expanded since due to the required eight or ten-foot landscape tract requirement, it is rare that a wall would actually be located adjacent to a right-of-way, yet screening in these areas may still be required.

Section 14-3-5 Walls and Fences

4. The revisions within this section comprise the bulk of this amendment. Though there are numerous revisions, the concepts remain the same and the focus is still on clarity of the regulations and overall usability of the code. The changes to this section are outlined (by concept) below:

Measuring Fence and Wall Height

5. This ordinance identifies two main approaches to measuring wall heights depending on the type and location of the wall. First, in flat areas, wall heights are currently measured from finished grade and/or from top-of-curb. Finished grade is defined in Article 14-2 as a point twenty feet from the property line, which although is intended to provide an estimated average of on-site elevations, it is impossible to enforce in areas where homes or other buildings are permitted to be much closer to the property line than twenty feet. Similarly, measurements from the top-of-curb are used when a wall is located along a street. This has been the City's method of measurement for many years, however at times, the effectiveness of the wall is compromised when sidewalks, paths or trails are at a higher elevation than the curb.
6. To alleviate this issue, staff has drafted language to allow wall heights to be measured from any point within a required 2-foot "shelf" located at the base of the wall on the lot side and from the top-of-curb or from the top of the sidewalk, path or trail, whichever results in the smaller dimension. The allowable wall heights must still fall within the existing permitted range, that is, only the method of measurement has changed. This accomplishes the goal of simplified measurements on one side of the wall and enhanced effectiveness / privacy from the street side of the wall.
7. The second means of measuring wall height comes from a later subsection that addresses walls that are adjacent to drainage or retention areas. In 2003, this ordinance was updated to reflect the City's requirement of a 'shelf' to be placed at the base of any wall adjacent to a retention area. At that time, the amendment proposed wall heights to be measured (on the retention side of the wall) from the 'toe of slope' (i.e. the bottom) of the retention area. The problem that arose with this method was that, at times, the toe of slope for larger retention basins could be hundreds of feet from the wall. Not only is this difficult to measure, but the as the distance between the wall and the toe of slope increase, the impact of wall's height being 'over-height' becomes increasingly inconsequential, however to

satisfy the height requirement, walls either had to be substantially reduced in height or the retention area had to be made more shallow, but larger in area. The result being either an ineffective wall height or an inefficient use of land.

8. The solution to this matter is a relatively simple one. Wall heights will be measured as they are currently on the lot side, but on the retention side, measurements will be taken from the required 'shelf' at the base of the wall. Additionally, in the event that space is limited and increased retention capacity is required, small retaining walls may be placed in the retention area to gain volume. These walls are not to exceed two feet in height and shall be spaced no closer than four feet from each other. The area between the walls will also be in compliance with the Engineering Department's maximum slope of 4:1.

Retaining Walls

9. Retaining walls have traditionally been complicated to regulate due to the inevitable conflict between form and function. In 2003, this ordinance was amended to limit individual wall heights through the use of landscaped terraces between intermittent four-foot (maximum) tall retaining walls. The intent of this requirement was to soften the appearance of retaining walls by stepping them back and providing moderate amounts of landscaping to break up large wall surfaces.
10. Although successful in many instances, the effect of this requirement does not always align with the intent. The four-foot wall requirement often resulted in more walls, not less; and the offset created some difficult situations in residential areas where side lot lines might be located adjacent to streets or in some instances, between individual side lot lines where terracing is virtually impossible. In cases where the terracing requirements could not be fully achieved, staff would typically process a wall waiver.
11. Though the wall waiver is still available as a last resort solution, such waivers are often viewed as an indicator as to when a particular standard may be ripe for revision. Using the outcomes of these waivers, staff was able to get a general feel for what the revised ordinance should allow.
12. The terracing concept is still a requirement as is the four-foot separation between terraces. The change, however, is that the 'first' retaining wall is permitted to be 6'8" tall – the same height as a standard residential wall. The 'second' retaining wall shall be limited to four feet of retaining area height (wall may be higher) and must be set back at least four feet from the first wall behind a landscaped terrace. Then, as another deviation from the current requirement, the 'final' privacy wall or view fence is permitted to be placed on the last retaining wall.
13. This change to the ordinance accomplishes three key goals. First, it encourages more efficient use of land by reducing the overall area required for retaining walls while still maintaining the required 'softening' that comes with street-level and

terrace landscaping. Second, by allowing a taller 'first' wall, no more accessible to pedestrians than a standard residential wall, thereby eliminating the question about whether or not guardrails should be required. Lastly, by allowing the privacy or screen wall to be located on the 'final' retaining wall, the often-referred-to 'wasted' four-foot space that was once required between the 'final' retaining wall and the privacy wall / view fence is eliminated.

14. Staff has reviewed this amendment against past wall waivers, known projects with complex walls and with City Engineering standards in an effort to resolve any disconnects that may exist. It is with confidence that this amendment will be successful in maintaining appropriate levels of privacy, functionality, and appearance in manners dealing with walls. It should be noted that in the event that this ordinance cannot be applied with precision to a given circumstance, a wall waiver is still an available option.

FINDINGS AND RECOMMENDATION

15. Based on the following findings:
 - The proposed amendment is consistent with the goals, objectives and policies of the Land Use element of the General Plan which promote compatibility between differing uses and promote high-quality architectural and site development;
 - The proposed amendment is intended to resolve known issues relating to wall placement and methods of measurement.
 - Upon review of the application, the Planning Manager has determined that a Proposition 207 waiver is not required for this application.

It is recommended that the Planning and Zoning Commission take the following action:
Recommend approval to the City Council Case TA 10-0132.

ATTACHMENTS:

Exhibit A Proposed Amendments, legislative format

Prepared by: Adam Pruett, AICP, LEED Green Associate
Senior Planner

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 ~~of the Peoria Zoning Ordinance~~ 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. ~~Different multi-family developments~~
 - c. Residential (single- or multi-family) and non-residential uses
 - d. Different non-residential uses
 - e. Rear and/or side lot areas ~~and adjacent to public rights-of-way~~ or landscape tracts
 - f. Recreational vehicle or boat storage adjacent to public rights-of-way or landscape tracts ~~areas and areas with public rights-of-way, residential, or non-residential uses~~
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 for in single-family applications uses~~, shall be fully screened from public view unless otherwise specified elsewhere this Ordinance.
- ~~6.7.~~ *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, ~~except an agriculture activity~~ shall hereafter construct, or cause to be constructed or erected within the City of Peoria any fence or wall ~~ever exceeding~~ six (6) feet, eight (8) inches in height without first making an application for and securing a permit from the City Community Development Department. 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, ~~or 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. ~~This shall not apply to the initial wall construction by the homebuilder.~~
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 ~~the height~~ measured from the top of curb or from the top of sidewalk or trail (when no curb exists), whichever is the smaller dimension (Figure A), finished grade on the street side of the fence or wall.
- b. On non-street property lines, the height may be measured from the highest finished grade on either side of the fence or wall. However, in no case shall the height of the fence or wall on either side exceed eight (8) feet in height within or abutting a residential district, or twelve (12) feet in the case of a non-residential district.

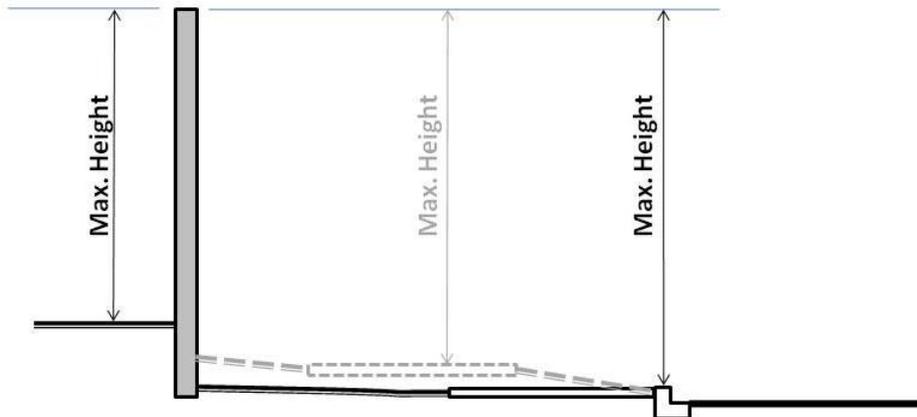
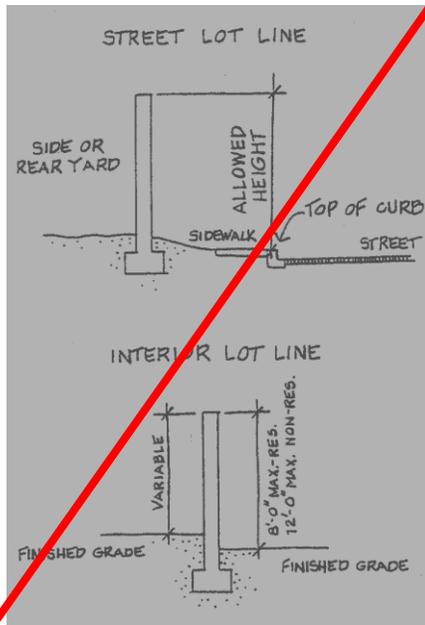


Figure A – Measuring Wall Height

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, ~~is less~~ 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) ~~Alternate~~ Alternative options patterns to the above requirements may be approved during the Preliminary Plat or Site Plan Review Process. (Ord. No. 04-186)

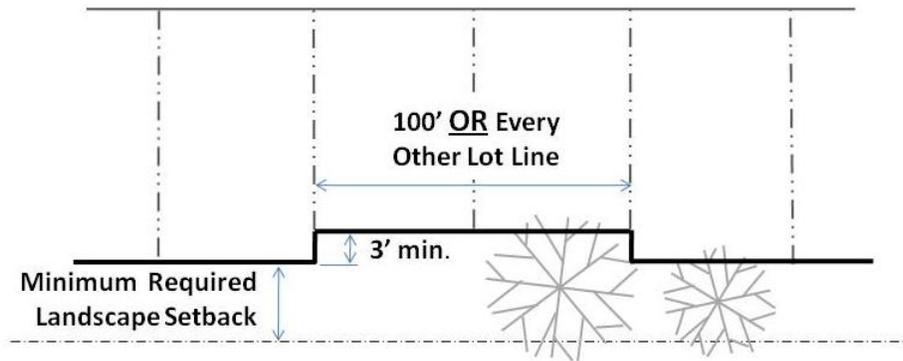


Figure B – Perimeter Wall Undulation

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 ~~property or street~~ public / semi-public area.
7. Exemptions. ~~The following uses are Exempt~~ from the height restriction ~~to of~~ three (3) feet within or bounding the front yard, as set forth in Section 14-3-5 B.1 of this Ordinance; ~~“Wall and Fences,” section (B)(1), “Residential Requirements,”~~ are the following:
 - a. An agriculture activity
 - b. ~~Uses~~ 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.

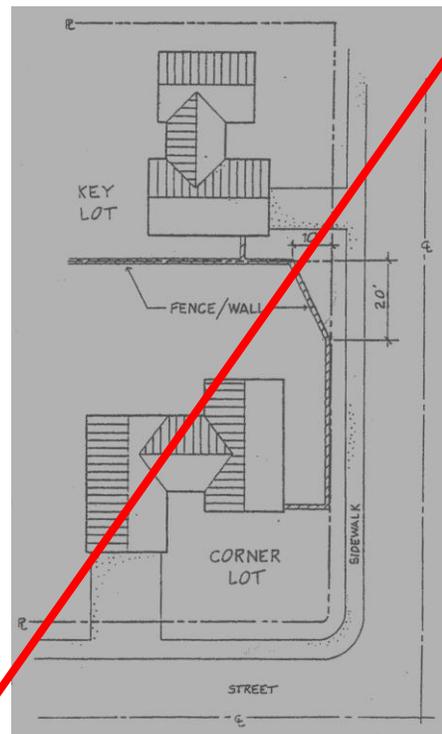
- b. Barbed wire shall be permitted for temporary construction sites or yards in all zoning districts provided that the barbed wire is located six (6) feet or more above grade.
- c. Barbed wire shall be permitted for security purposes for commercial and industrial uses provided that the barbed wire is located six (6) feet or more above grade.

B. Residential Requirements

1. 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 ~~may be~~ specified elsewhere within this Ordinance.

2. 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.



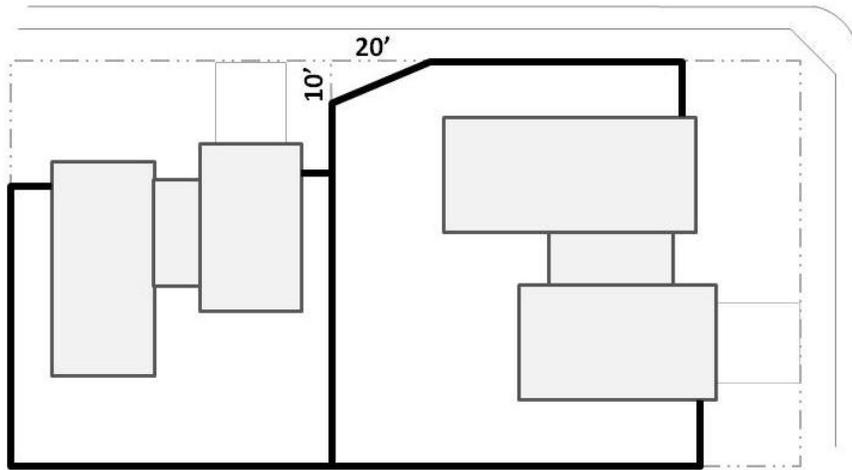


Figure C – Key Lots

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)

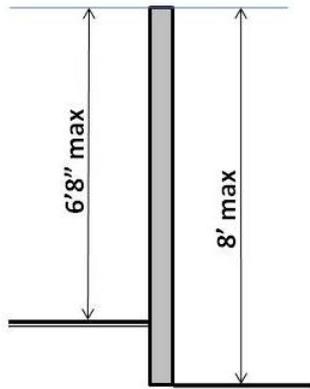


Figure D – Residential to Residential

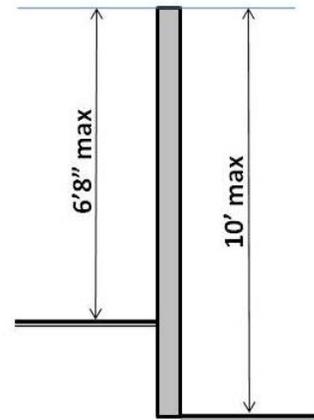


Figure E – Residential to Street

4. ~~3.~~ Street Side Lots/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 permittedrequired. 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. Terrace walls shall not exceed four (4) feet in height, measured from finished grade and shall be separated by no less than four (4) feet except as specifically provided elsewhere in this Ordinance. Terraces are to be landscaped. All terracing requirements shall be subject to review by the City Engineer and /or the Building Safety Division. Wall height requests above ten (10) feet shall be reviewed for approval by the City Engineer. Nothing herein is intended to relax the building code or other applicable city standards.

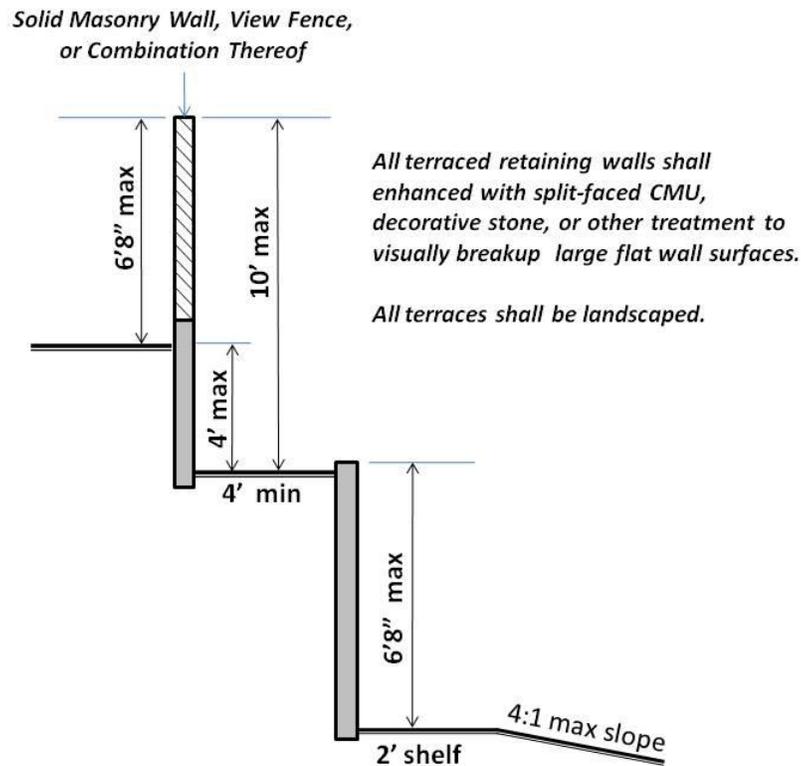
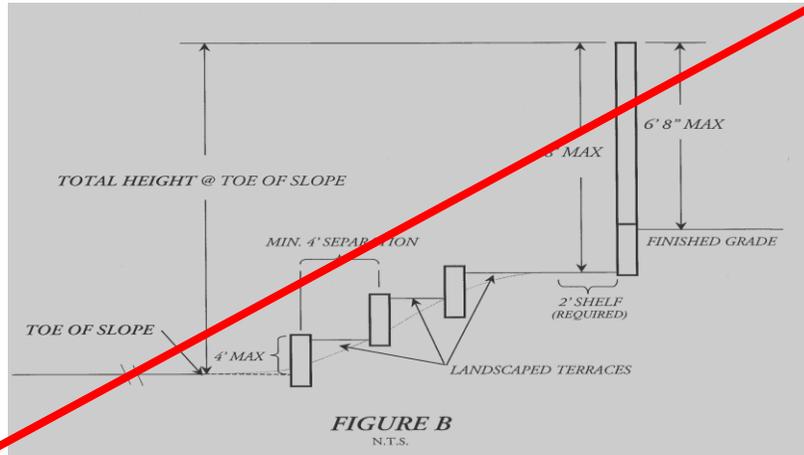


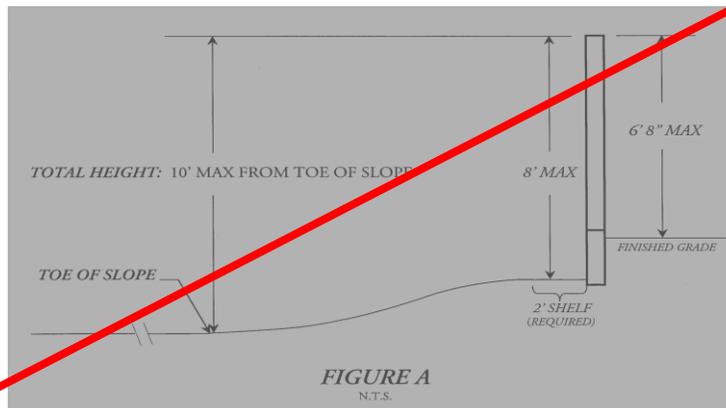
Figure F – Retaining Walls

6. 4. Retention Lot/Lots Adjacent to Retention Areas. Walls adjacent to planned or natural retention areas, waterways, or natural trails/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). ~~be constructed~~

according to Figure A. The non-lot side of the wall will be referred to as the retention side of the wall. This illustration shows the top of wall measuring a maximum of six (6) feet eight (8) inches from finished grade on the lot side of the wall and a maximum of eight (8) feet from the required bench on the retention side of the wall. Note the Total Height is a maximum of ten (10) feet from the toe of the slope. A contiguous grade shall extend a minimum horizontal distance of six (6) feet from the toe of the slope in order to use the toe as a point of measurement.



If the Total Height exceeds ten (10) feet, all affected walls shall be constructed according to Figure B. Terrace walls shall not exceed four (4) feet in height, measured from finished grade and shall be separated by no less than four (4) feet. Terraces are to be landscaped. Wall standards for these walls will be applied to terrace walls. All terraced walls Terracing requirements shall be subject to review by the City Engineer and the Building Safety Division. All retaining walls are subject to review by the City Engineer or designee. Nothing herein is intended to relax the building code or other applicable city City standards.



front lot line between the side lot line and the principal structure. Gates located between parcel lines must first be approved of in writing by both property owners. For pedestrian gates located between private and City properties, written permission must first be obtained from the appropriate City department.

9. 7.—*Noise Attenuation Walls Required.* Where adjacent to a transportation corridor a masonry noise attenuation wall with a minimum effective height of eight (8) feet in height constructed of a minimum of six (6) inch (thick) concrete block, or as otherwise approved by the City Engineer, shall be placed adjacent to the transportation corridor for any residential subdivision recorded after the effective date of this Ordinance. A transportation corridor shall be defined as all arterial streets, truck routes north of Union Hills Drive, Lake Pleasant Parkway, Loop 101, Loop 303, State Route 74, and the Burlington Northern Santa Fe Railroad. (Ord. No. 03-11)

C. Commercial and Industrial Requirements.

1. 4.—Fences and walls in all Commercial and Industrial Districts shall not exceed ten (10) feet in height except that boundary line fences abutting Residential Districts shall not be greater than six (6) feet eight (8) inches in height, or except as specifically required as a condition of an approved Site Plan or Preliminary Plat or as otherwise specified in this Ordinance (Figure H).

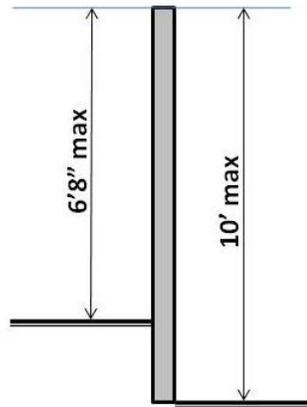


Figure H – Residential to Non-Residential

2. In ~~industrial~~ Industrial zoning districts, walls and fences on local streets except when adjacent to a Residential District, may exceed three (3) feet in height in the front and corner side yard building setback when located no closer than ten (10) feet to the street line except as may be specified elsewhere in this Ordinance.

D. Hillside Development

1. Additional wall requirements for hillside areas are provided in Article 14-22A of the Zoning Ordinance.

Revised Text Amendment Language
(as described in CC memo dated December 6, 2010)

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 ~~the height~~ 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). ~~finished grade on the street side of the fence or wall.~~
 - b. ~~On non-street property lines, the height may be measured from the highest finished grade on either side of the fence or wall. However, in no case shall the height of the fence or wall on either side exceed eight (8) feet in height within or abutting a residential district, or twelve (12) feet in the case of a non-residential district.~~

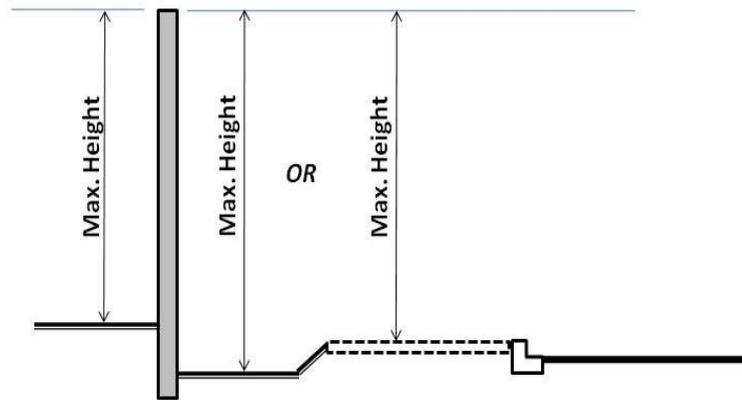


Figure A – Measuring Wall Height

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:

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 of the Peoria Zoning Ordinance 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. Different multi-family developments
 - c. Residential and non-residential uses
 - d. Different non-residential uses
 - e. Rear and/or side lot areas and adjacent to public rights-of-way
 - f. ~~Recreational vehicle or boat storage to areas and areas with public rights-of-way, residential, or non-residential uses~~
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, 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 mounted mechanical equipment, except for single-family uses, shall be fully screened from public view unless otherwise specified elsewhere this Ordinance.

14-3-5 WALLS AND FENCES

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

1. *Permit Required.* No persons, firm or corporation, except an agriculture activity shall hereafter construct, or cause to be constructed or erected within the City of Peoria any fence or wall over six (6) feet, eight (8) inches in height without first making an application for and securing a permit from the Community Development Department. In addition, no fence or walls shall be constructed within the street right-of-way without obtaining a permit from the Engineering Department.
2. *Locations.* All fences or walls 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.
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, the height of the fence shall be the height measured from the required two (2) foot shelf at the base of the wall or from the curb or path, such element is at a higher elevation than the shelf. finished grade on the street side of the fence or wall.
- b. On non-street property lines, the height may be measured from the highest finished grade on either side of the fence or wall. However, in no case shall the height of the fence or wall on either side exceed eight (8) feet in height within or abutting a residential district, or twelve (12) feet in the case of a non-residential district.

5.

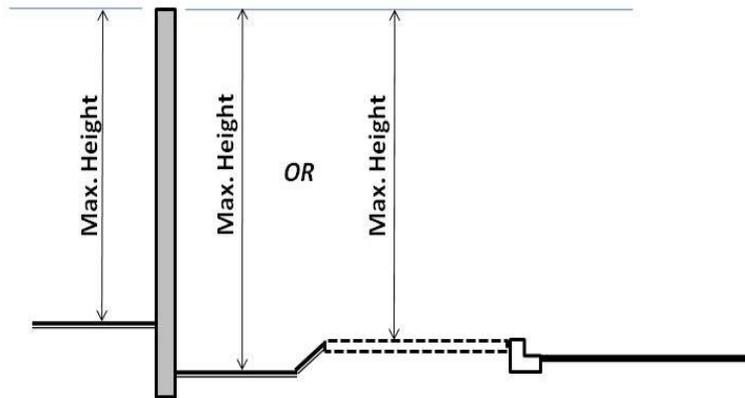


Figure A – Measuring Wall Height

Undulating Wall Required. All fences and walls along arterial 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 less in distance, to provide variety and visual interest. The undulation depth from the street line shall be a minimum of three (3) feet. Alternate patterns to the above requirements may be approved during the Preliminary Plat or Site Plan Review Process. (Ord. No. 04-186)

6. *Finish 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 property or street.
7. *Exemptions.* Exempt from the height restriction to three (3) feet within or bounding the front yard, as set forth in Section 14-3-5, “Wall and Fences,” section (B)(1), “Residential Requirements,” are the following:
 - a. An agriculture activity
 - b. 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 may be specified elsewhere within this Ordinance.
2. *Corner Lots and Key Lots*.
 - 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.
 - 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.

3. *Street Side Lots.* 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. Terracing shall be permitted. Terrace walls shall not exceed four (4) feet in height, measured from finished grade and shall be separated by no less than four (4) feet except as specifically provided elsewhere in this Ordinance. Terraces are to be landscaped. All terracing requirements shall be subject to review by the City Engineer and the Building Safety Division. Wall height requests above ten (10) feet shall be reviewed for approval by the City Engineer. Nothing herein is intended to relax the building code or other applicable city standards.
4. *Retention Lot.* Walls adjacent to planned or natural retention areas, waterways, or natural trails shall be constructed