

ORDINANCE NO. 13-776

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF CHINO VALLEY, ARIZONA, CHAPTER 4: GENERAL REGULATIONS, BY AMENDING SECTION 4.8 WALLS AND FENCES RELATED TO REVISING HEIGHT REQUIREMENTS FOR WALLS AND FENCES AND REQUIRING SWIMMING POOL FENCES TO COMPLY WITH STATE LAW; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1. In General.

The Town Chino Valley, Arizona, Unified Development Ordinance, Chapter 4 General Regulations, Section 4.8 Walls and Fences, is hereby amended to read as follows (additions shown in ALL CAPS; deletions shown in ~~strikeout~~):

4.8 Walls and Fences

A. Height.

1. IN A RESIDENTIAL OR AGRICULTURAL ZONING DISTRICT no wall or fence shall ~~be more than~~ EXCEED six (6) feet in height, EXCEPT THAT FENCES IN REQUIRED FRONT YARDS SHALL NOT EXCEED FIVE (5) FEET IN HEIGHT. ~~provided that fences exceeding the above heights may be allowed when a Conditional Use Permit has been secured for such purposes. When deciding on a Conditional Use Permit request, the Commission shall ensure that fences shall not cause a visibility hazard or nuisance.~~

2. IN A COMMERCIAL OR INDUSTRIAL ZONING DISTRICT NO WALL OR FENCE SHALL EXCEED EIGHT (8) FEET IN HEIGHT. WHEN A FENCE IN A COMMERCIAL OR INDUSTRIAL ZONING DISTRICT ABUTS A RESIDENTIAL ZONING DISTRICT, THE WALL OR FENCE IN THE COMMERCIAL OR INDUSTRIAL ZONING DISTRICT SHALL BE SET BACK TEN (10) FEET FROM THE PROPERTY BOUNDARY AND LANDSCAPED IN ACCORDANCE WITH THE REQUIREMENTS SET FORTH IN § 4.26 LANDSCAPE REQUIREMENTS. THE FINISHED SIDE OF THE FENCE AND THE REQUIRED LANDSCAPING SHALL FACE THE RESIDENTIALLY ZONED PROPERTY.

B. VISIBILITY. IN NO CASE SHALL A FENCE OR WALL BE DESIGNED OR CONSTRUCTED SO AS TO INTERFERE WITH VISIBILITY FOR TRAFFIC SAFETY.

BC. Materials and design. Fences and walls in all Zoning districts shall be constructed of wood, woven wire, masonry, iron, ~~or~~ steel, or OTHER MATERIALS OF conventional design. ~~Fences or walls of other than specified material, or other than conventional design shall be allowed only by Conditional Use Permit.~~

CD. Electrical fences. Electrical fences shall be allowed only in those zoning districts where the keeping of livestock is allowed and shall be clearly posted on all property corners and no more than 200 feet apart on all lot lines where such fences are erected.

DE. Swimming pools. ~~ANY~~ swimming pools THAT IS EIGHTEEN (18) INCHES OR MORE IN DEPTH AND EIGHT (8) FEET OR MORE IN WIDTH OR DIAMETER AT ANY POINT AND IS INTENDED FOR SWIMMING shall be FENCED OR ENCLOSED AS REQUIRED BY AND IN COMPLIANCE WITH A.R.S. § 36-1681 AND THE MOST RECENTLY ADOPTED INTERNATIONAL RESIDENTIAL CODE (IRC) THAT REGULATES FENCING FOR POOLS, SPAS, AND SIMILAR FACILITIES OR STRUCTURES. ~~enclosed by a solid wall, wood, or chain link fence not less than five (5) feet and no more than six (6) feet in height so as to prevent uninvited access.~~

EF. NON-CONFORMING FENCES AND WALLS. ~~Fees. No fee shall be charged for Conditional Use Permits concerning fences.~~ ANY FENCE BUILT AND APPROVED BY THE TOWN PRIOR TO DECEMBER 12, 2013 AND NOT IN CONFORMANCE WITH THIS SECTION SHALL BE CONSIDERED A LEGAL NON-CONFORMING FENCE AND SHALL BE SUBJECT TO THE REGULATIONS SET FORTH IN SECTION 4.2 NON-CONFORMING USES AND STRUCTURES.

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section 3. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, 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 thereof.

Section 4. Providing for Penalties

Any person found responsible for violating any provision of this Ordinance section shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 1.10 and 1.11 of the Unified Development Ordinance of the Town of Chino Valley, Arizona.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 12th day of November, 2013 by the following vote:

AYES: 7

NAYES: 0

EXCUSED: 0

ABSENT: 0

ABSTAINED: 0

Chris Marley, Mayor

ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

Curtis, Goodwin, Sullivan, Udall &
Schwab, PLC, Town Attorneys
By: Phyllis Smiley

I, JAMI C. LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 13-776 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE 12TH DAY OF NOVEMBER, 2013, WAS POSTED IN THREE PLACES ON THE 13TH DAY OF NOVEMBER, 2013.

Jami C. Lewis, Town Clerk