

2024 Amendments to the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-6 Supplemental Regulations, § 1-6-3 Fences and Walls; and Article 1-8: Landscape Regulations, § 1-8-6 Landscape Standards.

The articles noted below are amended as follow:

A) Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-6: Supplemental Regulations, § 1-6-3 Fences and Walls, is repealed and amended in its entirety as follows:

1-6-3 **FENCES AND WALLS**

A. General Requirements and Maintenance in All Zoning Districts.

1. Every fence and/or wall shall be constructed in a substantial, workmanlike manner and of substantial material reasonably suited for the purpose for which the fence is proposed to be used. All fences, walls, hedges or shrubbery shall be maintained in a good, structurally sound, and in a neat, clean and attractive condition at all times.
2. Every fence and/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. **This includes, but is not limited to, fences or walls that are leaning, missing slats or blocks, rotting, contain mismatched materials, or are damaged.** Any such fence and/or wall which is, or has become, dangerous to public safety, health or welfare, or has become unsightly through improper maintenance or neglect is a public nuisance and the zoning administrator shall commence proper proceedings for the abatement thereof.

Unpermitted Wood Fence



Permitted Wood Fence



Unpermitted Multi-Material Fence



Permitted Multi-Material Fence



Unpermitted Unframed, Untreated Corrugated Metal Fence



Permitted Framed, Painted/Treated Corrugated Metal Fence



3. No fence, wall, hedge or shrubbery shall be erected or cause to be erected that will interrupt, impede or otherwise alter the natural flow of water. Retaining walls require a permit and shall be reviewed by Development Services Engineering Staff.
4. Properties with No Existing Fences/Walls. Fences and/or walls on properties with no existing fencing shall be constructed of similar and consistent materials on all four sides of the properties.

5. Properties with Existing Fences/Walls.

- a. Fences and/or walls constructed on properties with existing fencing on at least one side shall construct a fence and/or wall of complementary materials based on the proposed use of the property.
- b. Fences and/or walls constructed on corner lots shall construct a fence and/or wall of similar and consistent materials on all street fronting sides of the property.

6. Measuring Fence and Wall Height. Fence or wall height is measured as the vertical distance from the grade immediately under the structure to the top of the structure. When measuring fence and wall heights on properties which are characterized by notable topographical features, such as properties with slopes, elevation deviations, washes, swales, rock outcrops and other like features, building and code officers and/or inspectors shall look for reasonable compliance with fence/wall height standards. On these properties, some variations in fence/wall heights are expected and allowed.

7. Easements.

- a. Fences and/or walls on both residential and non-residential properties cannot be placed within, or in a manner that restricts access to, Dedicated Right-of-Way ("ROW"), active Federally Patented Easements ("FPE"), or any other private or public utility easement or alleyway.
- b. Any fence and/or wall placed within, or that restricts access to, ROW, an existing FPE, extinguished FPE, or any other private or public utility easement is being placed at risk by the property owner(s) and could be subject to removal.

8. Buildings used as part of a fence and/or wall shall be allowed in all zoning districts, as long as the building meets all setback requirements for the applicable zoning district. Fences and walls that are constructed in conjunction with the structure shall be designed in a way that complements the main structure ~~and is painted to match the primary color of the main structure.~~
9. Any fence and/or wall above six (6) feet in height shall require a permit and be designed by an Arizona registered structural engineer.
10. Visibility at Intersections. The location and height of fences and/or walls shall comply with § 1-6-13 (i.e., Visibility at Intersections).
11. Vacant/Undeveloped Properties.
- a. Property owners shall be permitted to install a temporary, chain-link fence around a vacant/undeveloped property regardless of zoning designation. Vinyl slats, tarps, mesh screens, or any other type of secondary material installed with the intent to screen the property are prohibited.
 - b. Property owners of non-residential properties shall be permitted to install a ~~more~~ permanent fence and/or wall around a vacant/undeveloped property after review and approval from the Development Services ~~Department.~~ Director or Designee
12. Any request to deviate from the provisions in this Chapter must receive approval from the Development Services Director or Designee. Alternative fence material may be approved by the Development Services Director or Designee upon a finding that the proposed material complies with the intent of the provisions of this code and that the fence material is at least the equivalent of that prescribed in this section in quality, strength, effectiveness, fire resistance, durability and safety.

B. Prohibited Fencing in all Zoning Districts.

1. Prohibited Materials. Unless otherwise specified, prohibited fence/wall materials include, but are not limited to: rope; string; wire products including but not limited to chicken wire, wire fabric, and similar welded or woven wire fabrics; chain; netting; tarp/fabric including but not limited to mesh canvas, tarpaulin or similar non-rigid materials; dangerous cut or broken glass; razor wire or concertina wire; paper; unframed, naturally occurring reflective galvanized sheet or corrugated metal panels; plywood; or fiberglass panels in any fence or any other materials that are not manufactured or designed specifically as fencing materials. The Development Services Director or Designee may require the applicant to provide the manufacturer's standards to establish the intended use of a proposed fencing material.
2. Dangerous Fences. It is unlawful for any person to erect or maintain within the City any fence which, by determination of the Director or designee, is, or may be, dangerous to persons, children or animals due to design, construction, materials, maintenance or placement.
3. Electric Fences. Electrically charged fences shall not be erected or allowed to remain except as follows:
 - a. Electrically charged fences shall be permitted only in the RS-GR, RS-54 and RS-54M zoning districts and shall be erected and maintained only for the keeping of livestock.
 - b. Electrically charged fences can be attached to existing fencing but shall be located on the inside of the existing fence away from neighboring properties, public rights-of-way, or public easements and shall not exceed the height of the primary fence.

c. Fences shall not be erected or maintained within 10 feet of any public place or public right-of-way, public easements, or reservation for roadway purposes, or they must be clearly marked with safety/warning signage.

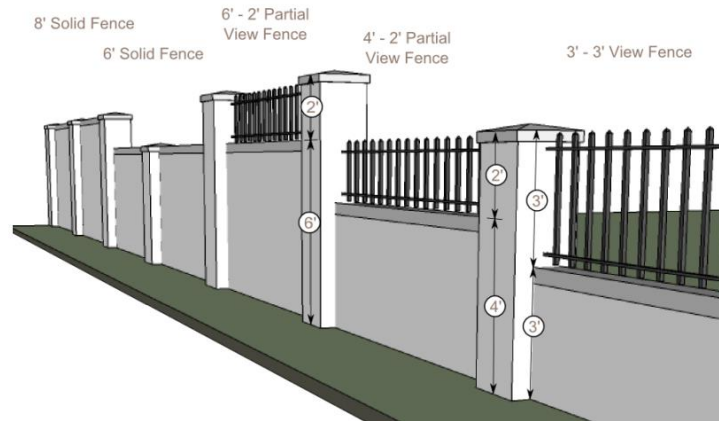


4. Barbed and Razor Wire Fences. Fences with strands of barbed and razor wire shall not be permitted, except as follows:

a. Residential Districts. Barbed wire fencing shall be allowed for the keeping of large livestock, including equine, in those residential zoning districts that allow large livestock ~~and shall not be erected or maintained within 10 feet of any public place or public right-of-way, public easement or reservation for roadway purposes.~~ All barbed wire fencing shall not exceed 6 feet in height and shall be secured to posts or other supporting structures not more than ~~8 feet~~ 10-feet from each other.

C. Single-Family Residential Zoning Districts.

1. Height and Setback Requirements.



- a. Walls and Fences 0 feet to 4 feet in height. No minimum front, side, or rear setback is required.
- b. Walls and Fences greater than 4 feet - 6 feet in height.
 1. Solid Fences. Solid fences greater than 4 feet in height, but not exceeding 6 feet in height, must meet the main structure front setback for its designated zoning district. No side or rear setback is required.
 2. Partial View Fences. No front, side, or rear setbacks are required for partial view fences that achieve at least thirty-three percent (33%) openness, overall, four feet solid, two feet (4'-2') view.
- c. Walls and Fences greater than 6 feet - 8 feet in height. Walls and fences greater than 6 feet in height, but not exceeding 8 feet in height, must meet main structure setback requirements for its designated zoning district regardless of design.

- d. Walls and Fences greater than 8 feet in height. Walls and fences greater than 8 feet in height are prohibited in single-family residential zoning districts.
- e. Site Visibility Triangle. No walls or fences more than 3 feet in height shall be placed on any corner lot within a 33' by 33' triangular yard spaced formed by the intersection of the lot lines adjoining the intersecting streets for a distance of 33 feet from such intersection and a line connecting the ends of such lot lines.

2. Design Requirements for All Single-Family Residential Zoning Districts.

- a. Fences/Walls must be constructed of materials normally manufactured for, used as, and recognized as, exterior fencing or wall materials such as: wrought iron or other decorative metals; framed and painted/treated galvanized sheet or corrugated metal fence panels (excluding cargo container walls) that are painted and/or treated (i.e., patina) in a way to eliminate the naturally occurring reflective surface; ornamental aluminum and PVC; fired masonry; concrete; stone; chain link; wood planks; split rail; vinyl slats; or composite plastic manufactured specifically as wall or fencing materials. Fence materials must be manufactured for exterior use and shall be weather and decay-resistant.
- b. Mesh screening shall only be allowed as a secondary material type for the screening of sport courts (e.g., volleyball, basketball, pickleball, tennis court, etc.).
- c. Chicken wire, wire fabric, no climb fencing, and similar welded or woven wire fabrics intended for the keeping of animals shall be allowed only as a secondary material type and cannot exceed the height of the primary fencing material.

3. Rural Properties Zoned RS-GR, RS-54, and RS-54M.

a. Entry Gateway. One entry gateway, trellis, or other entry structure is permitted in the front setback area of lots within the RS-GR, RS-54 and RS-54M districts, provided the maximum height or width of the structure does not exceed 16 feet.

b. Corral/Pen Fences. Corral/Pen fences shall only be allowed for the keeping of livestock and similar large animals, such as equine. Corral fences shall be permitted on RS-GR, RS-54 and RS-54M zoned properties, as well as any residential property that is legally permitted to keep equine.

1. Corral/Pen fences shall be constructed of wood, masonry, wrought iron, pipe-rail or similar material, but shall not be of solid construction or made of metal wire, such as chain-link or barbed wire. Mesh stall panel screens shall be allowed as a secondary material type.

2. Corral/Pen fences shall not exceed six (6) feet in height.

3. Corral/Pen fences are allowed within the front setback area but must be kept out of any existing easements or right-of-way.

c. Ocotillo/Wooden Stick Fences are only allowed in the RS-GR, RS-54 and RS-54M zoning districts.

D. New Residential Developments (i.e., platted subdivisions)
Non-Residential, Multi-Family Zoning Districts.

1. Decorative ~~Fences and~~ Walls. Wall designs shall require the use of a minimum of three (3) materials including, but not limited to, decorative wrought iron view fencing, stone, stucco, brick, block, or textured block including treated, split-face, single-score or patterned integrally colored block of similar enhancement and may include changes in color or texture.

2. All ~~fences~~/walls along an arterial, collector or local streets shall provide decorative columns, offsets or undulations with a minimum of two (2) feet change to create additional variety. The columns/offsets/undulations shall be provided every one-hundred and fifty (150) feet.
3. Chain-Link Fencing. Chain-link fencing on **new residential developments**, non-residential, and multi-family zoned properties shall only be allowed during a temporary period of active construction or as security fencing on an undeveloped property.
 - a. **Temporary chain-link security fencing, which typically consist of standalone panels supported by weighted bases, are allowed to remain on a property for a period of no more than six (6) months after installation unless accompanied by an active building permit.**



b. A permanent chain link fence, sometimes referred to as a post-driven chain link fence, shall be installed after six (6) months of installation of the temporary chain link fencing, but must be removed upon completion of construction.



c. A secondary screening type, such as a mesh privacy fence, shall not be allowed unless permitted by the Development Services Director or Designee.

4. Patio Enclosures.

a. Restaurant and bar patio enclosures shall be allowed.

b. Height.

1. Front Yard: 4 foot maximum

2. Side and Rear Yard: 8 foot maximum

c. Setback Requirements.

1. Front Setback. 10 feet in B-1 and B-4 districts; no minimum setback in B-2 and B-3 districts.

2. Side or Rear Setback. No minimum required.

5. Screen Walls.

a. Front Yard Screen Walls. Front yard screen walls shall be a minimum of 4.1 feet to 8 foot maximum and are subject to the minimum main structure front setback requirement.

b. Side and Rear Yard Screen Walls.

1. No minimum setback is required for side and rear yard screen walls between 6 feet and 8 feet in height.

c. Screen walls for side and rear property lines. Where industrial or commercial development is proposed to be located adjacent to an existing or future residential property, decorative screen walls shall be required.

d. Side and rear yard screen walls exceeding 8 feet in height shall be subject to the main structure's minimum setback requirement.

6. Parking Screen Walls.

a. Height. Parking screen walls shall be between 3 feet - 4 feet in height.

b. Front Setback. Parking screen walls shall meet a minimum 10 feet setback.

c. If parking is located between the building and the front road right-of-way, a decorative wall or fence between 3 and 4 feet in height shall be installed at the interior edge of the planting strip to serve as a visual transition between the roadside planting strip and the parking area.

7. Screening of outdoor storage. Outdoor storage on business zoned properties shall be screened.

8. Screening of dumpsters. Dumpsters on non-residential and multi-family residential properties shall be screened with a minimum 6-foot-high decorative masonry wall and a decorative gate which complements the design of the development. Dumpster gates shall be closed except while loading and unloading.

9. Alternative wall designs and material types that meet the intent of this section may be considered by the Development Services Director or Designee.

E. Nonconforming Fences. Any fence which does not meet the standards of this section, but which was established prior to the effective date of this Ordinance, may be eligible to be recognized as legal nonconforming, provided the owner proves legal nonconforming status pursuant to the procedures established in § 1-2-5 (i.e., Nonconforming Uses, Structures and Lots) of this Ordinance, and provided the fence is not expanded or its nonconformance with these standards otherwise increased. Any fence which is in disrepair, destroyed or damaged to the extent of more than 50% of its total replacement value shall not be repaired, rebuilt or reconstructed except in conformance with the standards of this section. Any future fence constructed subsequent to the effective date of this Ordinance, that does not comply with this section shall be considered illegal and nonconforming.

B) Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-8 Landscape Regulations, § 1-8-6 Landscape Standards (B), is repealed and amended as follows:

B. *Screening*. See Vol. II, § 1-6-3(D) (5).