

## **FENCES – WALLS - HEDGES**

For PC MEETING DATE: June 15, 2021

By: Loren Dickinson 5-23-2021

Based on discussion in the Planning Commission Meeting of May 18, 2021, the following are observations and potential options in lieu of creating a new ordinance for Fences, Walls & Hedges:

### **DEFINITIONS, 9.04.030**

The existing definitions for Fence, and for Sight-Obscuring Fence appear to be appropriate and concise. No changes recommended.

A definition is needed for Sight-Obscuring Screen, as this term is used a number of places within the YMC. The definition would be essentially the same as Sight-Obscuring Fence – so either creating a separate definition using the same language, or simply adding the term to the existing definition (i.e. “Sight-Obscuring Fence / Screen”) would be appropriate. (Used in 9.28.030.E)

The term “barbed wire” might need a definition (as used in 5.08.090A YMC).

The term “buffer” is used in a few locations but is not defined and perhaps should be. (Used in 9.28.030H, 9.68.030.C.15, 9.68.040.8, and perhaps elsewhere). It is, however, partially defined by stated requirements within the code sections, but might benefit from a general definition.

The term “Clear Vision Area” might benefit from a definition, as used in 9.64.010 YMC.

The term “hedge” is used in several locations within YMC, but has no formal definition.

### **CHANGES TO EXISTING ORDINANCES:**

During my research and analysis, I found a few ordinances that would benefit from changes and / or additions. These would obviously entail more effort and difficulty beyond simply adding or changing the Definitions.

9.28.030 Standards – C1 Retail Commercial Zone, Paragraph E: Currently, this paragraph does not prescribe minimum and maximum heights of screening, which I believe are necessary. Perhaps also modify to read “...screen or fence.”.

Page Two

Fences, Walls & Hedges – Comments

By Loren Dickinson

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9.64.010 Standards – Street Construction and Design. This ordinance section, as it is currently named is very problematic. By its name, it would appear that the section is intended to regulate design and construction of (public) streets. However, the ordinance by virtue of its wording is clearly meant for inclusion of requirements for development on private property. This should be clarified, particularly to reinforce its requirements for private driveways entering a public street (clear vision requirement). The biggest offender of this ordinance is Paragraph B., which covers fences, hedges & walls on private property .... not in public streets and rights-of-way. It clearly does not belong in this section as this section is currently titled. Could the solution be to modify the title of this section to somehow include development on private property, or can Paragraph B be put into other ordinance section(s)?

9.68.040.8 – Manufactured dwelling subdivisions. Paragraph 8, should be modified to state the requirements as being in the “street side yard” not the (interior) “side yard”, as it is a vision safety guideline.

9.48.010.G Standards – Off-Street Parking and Loading. This paragraph may be incorrectly worded. For sure it is confusing and should be looked at. It reads “...*sight obscuring fence of not less than five (5) feet in height where vision clearance is required.*”. This appears to conflict with the three foot height limitations (clear vision standards) of Ordinance 9.64.010.

**ADDITIONAL CONSIDERATIONS:**

In a related, but more complex issue, during my research I found some confusion with definitions of “Yard” in YMC. Specifically with respect to height of landscaping in a “side yard” in 9.68.040.8, I believe the relevance is to a “street-side yard”, not an (interior) side yard. I found that “street side yard” is not defined in YMC Definitions 9.04.030. Whereas these may not appreciably affect Fences, Walls & Hedges directly, they nonetheless may pose confusion with interpretation on this and other issues.

The following is the definition of Front Yard in YMC:

*“Yard, Front. “Front yard” means a yard extending across the full width of a lot , the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto at the nearest point of the foundation of the main building.”*

In that definition, it does not describe which is the front yard when a lot faces two streets (a corner lot). The difference is partially covered by YMC Definition of “Lot Line, Front” in 9.4.030, but is not reflected in descriptions of yards. The following is the definition of Front Yard in the Lincoln County Ordinance definitions 1.1115, page 43:

*“A **“front yard”** is a yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building. Any yard meeting this definition and abutting on a street other than any alley, shall be considered a front yard.”*

The differentiation of which is considered a “front yard” or a “street side yard” could be solved by adding the County’s definition for “street side yard” (Lincoln County Ordinance definitions 1.1115, page 43). The actual wording may need to be revised a bit to fit within Yachats’ formats of other yard definitions:

*“A **“street side yard”** is a yard on a corner lot that is adjacent to a street between the front yard and the rear and the rear lot line measured horizontally and at right angles from the side lot line to the nearest point of a building.”*