

**CITY OF YACHATS
ORDINANCE NO. ____**

**AN ORDINANCE AMENDING YACHATS MUNICIPAL CODE TITLES 5 AND 9 FOR
FENCES, WALLS, AND HEDGES**

WHEREAS, the Planning Commission drafted amendments to the Yachats Municipal Code, Title 5, Health and Safety, and Title 9, Zoning and Land Use, specifically with regard to the regulation of fences, walls, and hedges within the City, and, upon favorable vote, recommended the amendments for consideration and adoption by City Council; and

WHEREAS, the City Council held a public hearing on the Planning Commission’s proposed Yachats Municipal Code amendments regulating fences, walls, and hedges, on November 3rd, 2021, and as a result of public and Council comments, referred the amendments back to the Planning Commission for further work; and

WHEREAS, at its December 2021 and January 2022 meetings, the Planning Commission revised its draft amendments in light of Council direction and, upon favorable vote, recommended the revised amendments for reconsideration and adoption by City Council; and

WHEREAS, City Council held a second public hearing on the proposed Yachats Municipal Code amendments, as revised, on July 19th, 2023 and again on August __, 2023, and received both oral and written testimony from the public;

NOW THEREFORE, the City of Yachats ordains that the Municipal Code Titles 5 and 9, be amended with respect to regulating the use and maintenance of fences, walls, and hedges, in part to read as follows:

Section 5.08.060 Maintenance of property – Nuisances.

C. To allow a construction site where there has been no noticeable progress toward completion for a period of six (6) months or more to become unsightly with construction debris, mud, standing water, overgrown vegetation, open ditches, or uneven bare ground;

To keep or maintain a structure in such condition that it would be considered a “dangerous building” under the following definitions:

1. A structure which, for the want of proper repairs or by reason of age and dilapidated condition or by reason of poorly installed electrical wiring or equipment, defective chimney, defective gas connection, defective heating apparatus, or for any other cause or reason, is especially susceptible to fire and which is so situated or occupied as to endanger any other building or property or human life. Every fence shall be maintained in a condition of reasonable repair, and not be allowed to become or remain in a condition of disrepair including

noticeable leaning or missing sections, broken supports, non-uniform height, and growing or noxious vegetation.

Section 5.08.090 Fences.

- A. Every fence shall be maintained in a condition of reasonable repair, and not be allowed to become or remain in a condition of disrepair including noticeable leaning or missing sections, broken supports, non-uniform height, and growing or noxious vegetation. Residential fences shall be constructed of material specifically designed and manufactured for fencing purposes. Use of any material which will do bodily harm, such as electric or barbed wire, upturned barbed selvage, broken glass, spikes, or any other hazardous or dangerous materials shall be prohibited. (refer to Section 9.04.030 of YMC for definition of “selvage”.)

Section 9.04.030 Definitions.

As used in this chapter:

“Clear-Vision Area”: Means a triangle defined on two (2) sides by a minimum distance along vehicle pathways from the intersection of the curb line or, where no curb exists, the edge of the street, alley, or driveway surface edge, and on the third side by the line across the corner of the non-intersecting ends of the two (2) other sides. See the regulations of Section 9.64.010.A of this Title.

“Hedge”: Means typically vegetation planted for the purpose of serving as a boundary, buffer, or divider between areas, for landscaping or privacy.

“Required Yard”: Means the area of a lot within the building setbacks. The required yard varies with the zoning of the property.

“Screening Buffer”: Means a fence, hedge, or wall that blocks at least seventy (70) percent of the view between uses. The buffer shall not be less than five (5) feet in height, nor more than eight (8) feet in height, except in a clear-vision area.

“Selvage”: Means the finished top edge of a chain-link fence, consisting of either knuckle or twist (barb). Knuckle selvage is rounded and safer because it has no sharp points to catch on clothing or people, and is appropriate for residential chain link systems. Twisted or barbed selvage has sharp ends for high security purposes and is appropriate for commercial or high-security fence systems.

“Sight-Obscuring Fence” (or, “Sight-Obscuring Screen”): Means a continuous fence, wall, hedge, or combination thereof, constructed and/or planted so as to effectively screen the particular use from view.

Section 9.12.040 Standards.

B.7. A fence, wall, or sight-obscuring fence may be established and maintained immediately adjacent to an abutting property line provided it is no more than six (6) feet in height (except where the clear-vision area would be impaired as defined in YMC Section 9.64.010), or no more than eight (8) feet in height when permitted by conditional use in accordance with Chapter 9.80 of the YMC. When such a fence, wall, or sight-obscuring fence is placed on top of a retaining wall, the combined height of the wall and fence shall not exceed eight (8) feet.

Section 9.16.040 Standards.

B7. A fence, wall, or sight-obscuring fence may be established and maintained immediately adjacent to an abutting property line provided it is no more than six (6) feet in height (except where the clear-vision area would be impaired as defined in YMC Section 9.64.010), or no more than eight (8) feet in height when permitted by conditional use in accordance with Chapter 9.80 of the YMC. When such a fence, wall, or sight-obscuring fence is placed on top of a retaining wall, the combined height of the wall and fence shall not exceed eight (8) feet.

Section 9.20.040 Standards.

B7. A fence, wall, or sight-obscuring fence may be established and maintained immediately adjacent to an abutting property line provided it is no more than six (6) feet in height (except where the clear-vision area would be impaired as defined in YMC Section 9.64.010), or no more than eight (8) feet in height when permitted by conditional use in accordance with Chapter 9.80 of the YMC. When such a fence, wall, or sight-obscuring fence is placed on top of a retaining wall, the combined height of the wall and fence shall not exceed eight (8) feet.

Section 9.24.040 Standards.

B7. A fence, wall, or sight-obscuring fence may be established and maintained immediately adjacent to an abutting property line provided it is no more than six (6) feet in height (except where the clear-vision area would be impaired as defined in YMC Section 9.64.010), or no more than eight (8) feet in height when permitted by conditional use in accordance with Chapter 9.80 of the YMC. When such a fence, wall, or sight-obscuring fence is placed on top of a retaining wall, the combined height of the wall and fence shall not exceed eight (8) feet.

Section 9.48.010 General Requirements.

G. Except for parking to serve dwellings, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents by the erection between the uses of a sight-obscuring fence of not less than five (5) feet in height and not to exceed eight (8) feet except in clear-vision areas as defined in YMC Section 9.64.010.

Section 9.64.010 Design Standards.

9.64.010(A)(2): No temporary or permanent obstruction (e.g., structure, fence, or shrub vegetation) greater than three (3) feet in height shall be placed in clear-vision areas on streets, driveways, or alleys, as shown in the clear-vision area diagram shown in Section 9.64.010(B). Trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of eight (8) feet above grade.

9.64.010(B): Fences, Hedges and Walls. Fences, hedges, and walls may be located within required yards as permitted by zoning, but shall not exceed three (3) feet in height within the clear-vision area as illustrated in the diagram shown below. Hedges that front Highway 101 are exempt from this height requirement as long as the height does not interfere with clear-vision area requirements of Section 9.64.010(A)(3).

Chapter 9.68 – Manufactured Dwellings, Manufactured Dwelling Parks and Recreational Vehicles.

9.68.030 (C)(15) Buffering or screening, if required by the Planning Commission, shall be screened with a screening buffer (see definition in YMC Section 9.04.030).

Section 9.72.050 Standards and Procedures Governing Conditional Uses.

9.72.050 (G)(3) Outdoor storage shall be on the side or rear of the building, and shall be screened with a screening buffer (see definition in YMC Section 9.04.030).

PASSED AND ADOPTED by the City Council of the City of Yachats on this _____ day of _____.

Ayes:_____ Nays:_____ Abstentions:_____ Absent:_____

APPROVED by the Mayor this ____ day of _____.

Attest:

Craig Berdie, Mayor

Rick Sant, Interim City Manager