

City of Sherwood, Oregon
Ordinance No. 96-1014

AN ORDINANCE APPROVING AMENDMENTS TO THE COMMUNITY DEVELOPMENT PLAN, PART 3, REGARDING REGULATION OF FENCES IN RESIDENTIAL AREAS, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Sherwood City Council has determined that the residential fence regulations in Comprehensive Plan Part 3 Zoning and Community Development Code are inadequate; and

WHEREAS, a Citizens Committee was formed to review and develop appropriate residential fence regulations; and,

WHEREAS, the City Planning Commission recommended adoption of new residential fence requirements (City File No. PA 96-3) on August 7, 1996.

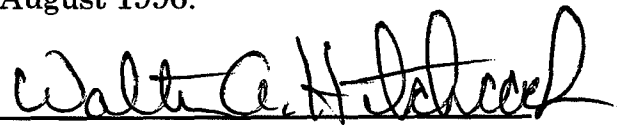
NOW THEREFORE, THE CITY ORDAINS AS FOLLOWS:

Section 1. Amendments. Various sections in Chapter 2 of the Comprehensive Plan Part 3 Zoning and Community Development Code are hereby amended per Attachment A.

Section 2. Effective Date. This ordinance shall become effective thirty (30) days after passage and approval.

Duly passed by the City Council this 27th day of August 1996.

Approved by the Mayor this 27th day of August 1996.



Walter A. Hitchcock, Mayor

ATTEST:



Jon Boromet, City Manager-Recorder

	<u>AYE</u>	<u>NAY</u>
Aamold	<u>Absent</u>	_____
Boyle	<u>X</u>	_____
Cottle	<u>X</u>	_____
Hitchcock	<u>X</u>	_____
Kennedy	<u>Absent</u>	_____

**Amendments to the Sherwood Zoning and Community Development Code
Establishing Regulations for Fences.**

Amend Code Section 2.301.01 to read as follows:

A clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets, intersection of a street with a railroad, or intersection of a street with an alley or private driveway.

Section 2.303.01 - Generally. Delete the current verbiage and insert the following:

- A. **Purpose:** The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. The negative effect of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder emergency access, lessen solar access, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones.
- B. **Definition:** For purposes of this ordinance, a corner lot adjoining two (2) City streets shall have both yards adjoining the streets considered as front yards.
- C. **Types of Fences:** The standards apply to walls, fences, hedges, mounds, and screens of all types (or a combination thereof) whether open, solid, wood, metal, wire, masonry, plant vegetation or other materials.
- D. **Location:**
1. Fences up to forty-two inches (42") high are allowed in required front building setbacks.
 2. Fences up to six feet (6') high are allowed in required side or rear building setbacks.
 3. Additionally, all fences shall be subject to the clear vision provisions of Section 2.301.

E. Provisional Locations:

1. On corner lots in residential areas, where a home is characterized as back-to-back. (See Diagram adopted herein as shown in the illustration of these text provisions):
 - a) A six-foot (6') fence may extend into the required second front yard in an amount not to exceed fifty percent (50%) of the distance measured between the house and sidewalk.
 - b) Said fence may not extend beyond eight feet (8') from the rear of the house toward the front.
2. On corner lots in residential areas where a home is characterized as back-to-front. (See Diagram adopted herein as shown in the illustration of these text provisions):
 - a) A six-foot (6') fence may extend into the second required front yard in an amount no greater than five feet (5') from the house.
 - b) Said fence may not extend beyond eight feet (8') from the rear of the house to the front.
3. Fences in yards affecting cul-de-sacs are exempt from Section E of this Ordinance.

F. Provisional Conditions: The following conditions are applied to those fences constructed pursuant to Section E of this Ordinance:

1. The clear visions standards of Section 2.301 apply, and take precedence over these provisions in the event of conflict between this Section and Section 2.303.
2. Wire/chain link fencing is not allowed along any residential street frontage.

G. General Conditions:

1. In all cases, the following standards are applied:
 - a) Chain link fencing is not allowed in any required residential front yard setback.
 - b) The finished side of the fence must face the street.

- c) A fence permit from the City is required for all fences.

H. Administrative Variance:

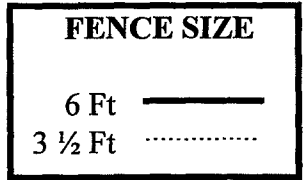
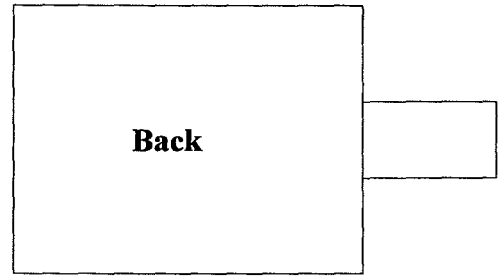
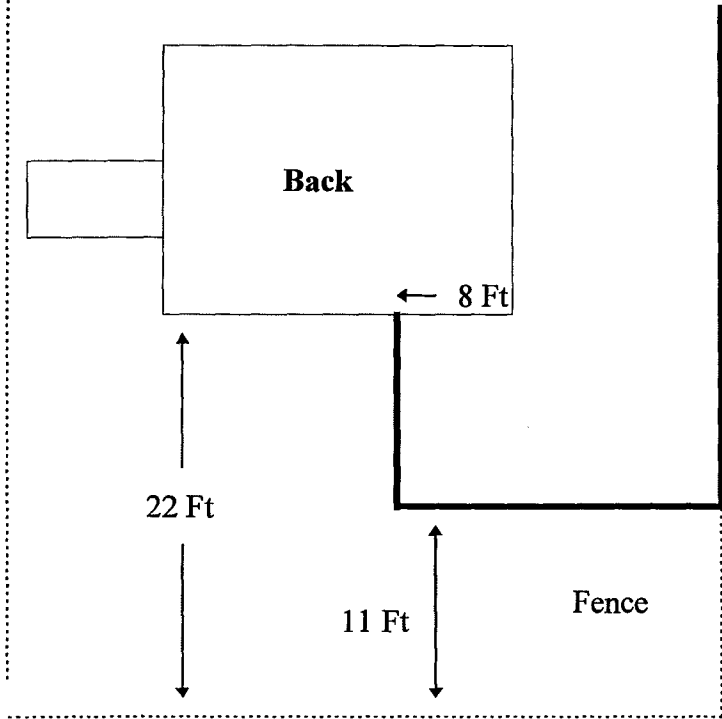
The City Manager or his/her designee may grant an administrative variance to this Ordinance.

I. Abatement of Fences in Non-Compliance:

1. Fences that do not conform to Section E of this Code must come into compliance when the house is sold, when other permits are issued, or by September 1, 2003, whichever is earlier. Fences constructed affecting cul-de-sacs or fences creating inadequate site distances pursuant to Section 2.301 must come into compliance immediately.
2. Chain link fences forty-two inches (42") or under in front yard setbacks, erected prior to adoption of this ordinance, or other fences which, when installed, were legal under the Sherwood Code of Ordinances effective at that time, are exempt from Section I.

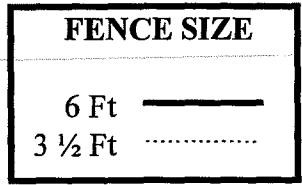
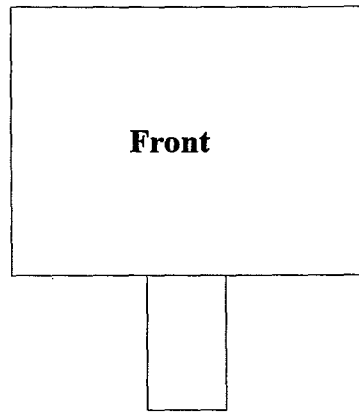
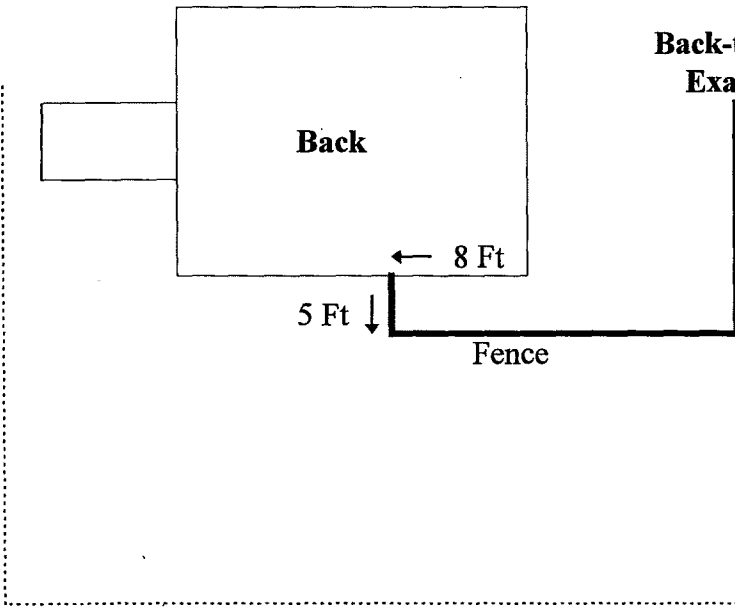
- I. Penalties:** Violations of Section 2.303.01 shall be subject to the penalties defined by Section 1.101.04.

Back-to-Back Example



Sidewalk (If no sidewalk exists, measure 6 Ft from roadside)

Back-to-Front Example



Sidewalk (If no sidewalk exists, measure 6 Ft from roadside)