



*Home of the Tualatin River National Wildlife Refuge*

## ORDINANCE 2020-001

### AMENDING SECTIONS OF THE SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE AS IT RELATES TO THE REGULATION OF FENCES

**WHEREAS**, the fence standards in Chapter 16.58 of the Sherwood Zoning and Community Development Code are intended to promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety; and

**WHEREAS**, 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; and

**WHEREAS**, the negative effect of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance; and

**WHEREAS**, the city in 2019 took a pause on enforcement of fence complaints to review the standards to determine if changes to Chapter 16.58, Vision Clearance and Fence Standards, were necessary; and

**WHEREAS**, the Planning Commission held a series of work sessions to discuss proposed changes and considered public input as changes were being developed on April 9, 2019, May 28, 2019, and June 11, 2019; and

**WHEREAS**, at its meeting on November 12, 2019, the Planning Commission conducted a public hearing, considered the proposed amendments, and recommended that the City Council adopt the proposed amendments; and

**WHEREAS**, the City Council held a public hearing on the proposed amendments on January 7, 2020, and January 21, 2020.

### **NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:**

**Section 1.** After full and due consideration of the application, the Planning Commission recommendation, the record, and evidence presented at the public hearings, the City Council adopts the findings of fact contained in the Planning Commission recommendation, which is included as Attachment 1 to the staff report for this Ordinance, finding that the text of SZCDC shall be amended to read as documented in Exhibit 1, attached to this Ordinance.

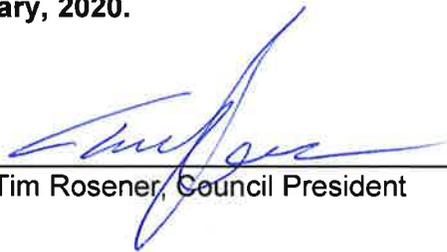
**Section 2.** The proposed amendments to Chapter 16.58 (Vision Clearance and Fence Standards) in Exhibit 1, attached to this Ordinance are hereby **APPROVED**.

**Section 3. Planning Department Authorized** The Planning Department is hereby directed to take such action as may be necessary to document the amendments, including notice of adoption to the Department of Land Conservation and Development (DLCD).

**Section 4. Applicability** The amendments to the City of Sherwood Zoning and Community Development Code adopted by this Ordinance apply to all fences constructed on or after the effective date of this Ordinance.

**Section 5. Effective Date** This Ordinance shall become effective the 30<sup>th</sup> day after its enactment by the City Council and approval by the Mayor.

**Duly passed by the City Council this 21<sup>st</sup> of January, 2020.**

  
\_\_\_\_\_  
Tim Rosener, Council President

1-21-2020  
Date

Attest:

  
\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Scott	<input checked="" type="checkbox"/>	___
Griffin	<input checked="" type="checkbox"/>	___
Brouse	<input checked="" type="checkbox"/>	___
Young	<input checked="" type="checkbox"/>	___
Garland	<input checked="" type="checkbox"/>	___
Rosener	<input checked="" type="checkbox"/>	___
Mays	<u>Present</u>	___

**Exhibit 1**

**Chapter 16.58 Vision Clearance and Fence Standards**

**16.58.020 - Fences, Walls, and Hedges.**

**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 the 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 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. Applicability:** The following standards apply to walls, fences, hedges, lattice, mounds, and decorative toppers. These standards do not apply to sound walls and landscape features that are not hedges.

**C. Fences, walls, and hedges in residential zones**

<b>Table 16.58.020</b>				
<b>Standards for fences, walls, and hedges in residential zones by location</b>				
<b>Fence Location</b>		<b>Maximum Fence Height</b>	<b>Hedge Location</b>	<b>Hedge Height</b>
Front Yard Setback	Anywhere, up to the property line	Forty-two inches (42")	Anywhere, up to the property line	4 feet
Corner Lot Street-Side Side Yard Setback	At least 5 ft. back from the property line	6 feet	Anywhere, up to the property line	8 feet
	Anywhere, up to the property line	Forty-two inches (42")		
Side Yard Setback	Anywhere, up to the side yard property line	6 feet.	Anywhere, up to the property line	8 feet

Rear Yard Setback	Anywhere, up to the rear yard property line	6 feet	Anywhere, up to the property line	8 feet
Public Access Ways / Alleys	At least 3 ft. back from the property line	6 feet	Anywhere, up to the property line	8 feet
	Anywhere, up to the property line	Forty-two inches (42")		

1. All fences shall be subject to the clear vision provisions of Section 16.58.010.
2. A sound wall is permitted when required as a part of a development review or concurrent with a road improvement project. A sound wall may not be taller than twenty (20) feet.
3. Toppers, lattice, decorative top fencing are counted toward the height of the fence.
4. In cases where a sidewalk is located partially or entirely on private property, rather than entirely in the public right-of-way, a line drawn one (1) foot further back from the edge of the sidewalk that is furthest from the right of way shall be treated as the property line for purposes of the above table.
5. In cases where no sidewalk exists immediately adjacent to a street, a line drawn twenty-six (26) feet from the centerline of the street shall be treated as the property line for purposes of the above table.

D. Location—Non-Residential Zone:

1. Fences up to eight (8) feet high are allowed along front, rear and side property lines, subject to Section 16.58.010. (Clear Vision) and building department requirements.
2. A sound wall is permitted when required as a part of a development review or concurrent with a road improvement project. A sound wall may not be taller than twenty (20) feet.
3. Hedges up to twelve (12) feet tall are allowed.

E. General Conditions — All Fences:

1. Retaining, masonry, concrete, and modular retaining walls may not be constructed within the 8 ft. public utility easement (PUE) located on the front and corner street side yards, without approval from the City Engineer.
2. Fences must be structurally sound and maintained in good repair. A fence may not be propped up in any way from the exterior side.
3. Chain link fencing is not allowed in any required residential front yard setback.

4. The finished side of the fence must face the street or the neighboring property. This does not preclude finished sides on both sides.
5. Buffering: If a proposed development is adjacent to a dissimilar use such as a commercial use adjacent to a residential use, or development adjacent to an existing farming operation, a buffer plan that includes, but is not limited to, setbacks, fencing, landscaping, and maintenance via a homeowner's association or managing company must be submitted and approved as part of the preliminary plat or site plan review process per Section 16.90.020 and Chapter 16.122.
6. In the event of a conflict between this Section and the clear vision standards of Section 16.58.010, the standards in Section 16.58.010 prevail.
7. The height of a fence or wall is measured from the actual adjoining level of finished grade measured six (6) inches from the fence. In the event the ground is sloped, the lowest grade within six (6) inches of the fence is used to measure the height.
8. Call before you dig (811) if placing a fence within the Public Utility Easement (PUE) to have your utility lines located. This easement area is usually located eight (8) feet across the front yard and the side yard setback on a corner lot. Utility lines can be buried just beneath the surface.