

Chapter 18.72

FENCES, HEDGES AND WALLS

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18.72.010

Purpose.

It is the purpose of this chapter to establish the standards and provisions wherein fences, hedges and walls may be constructed within the city of Philomath. Emphasis has been placed on preserving the health, safety and general welfare of citizens; to provide for preservation of land values through the development of an aesthetic community environment; and to balance these goals without undue hardship to private property owners' rights. [Ord. 779 § 1, 2012.]

18.72.020

Definitions.

For purposes of this chapter, all definitions found in PMC 18.15.010 are hereby incorporated and deemed effective. Additional definitions are as follows:

“Arbors” shall refer to a separate attached or freestanding structure with open or lattice style roof and walls typically found surrounding gates or entrances.

“Back” refers to that area of property falling predominantly behind the structure and typically opposite to the face or front side. “Yard, front” and “Yard, rear” are defined in PMC 18.15.010.

“Fence” shall be any barrier, naturally grown or constructed, for the purposes of confinement, as a means of protection or use as a boundary.

“Front” of a structure shall be defined as that side which faces in the direction of the physical address of the property as recognized by the U.S. Postal Service and/or contains the primary driveway by which vehicular access is obtained. On corner lots the primary front is determined by vehicle access and the secondary front is the adjacent side. “Yard, front” and “Yard, rear” are defined in PMC 18.15.010.

“Gateways” and/or “gates” are those openings found in any wall or fence positioned for use as a passage through the wall or fence whether open or controlled.

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

“Lattice” or “latticework” is defined as a framework of cross wood or metal strips, predominantly open sighted, and designed for decorative or landscaping purposes.

“Open sighted” shall refer to fences or materials providing for 50 percent or less vision obstruction.

“Privacy screens” are a section of solid fencing that blocks direct vision into or out of a door or window, or that surrounds a deck or patio.

“Sight obscuring” shall be any material of a nature such that visibility is blocked by greater than 50 percent of the area covered or appearing opaque when viewed from any angle at a point 25 feet away.

“Trellis” is a structure of open lattice design intended for use to support the growth of vegetation or for decorative purposes. [Ord. 779 § 1, 2012.]

18.72.030

General provisions.

A. Permits.

1. No permit shall be required for placement of fences or hedges that comply with the provisions of this chapter.

2. Retaining walls shall be subject to permitting requirements when greater than four feet in height.
3. Owners intending to place fences, walls or hedges within any public utility easement or right-of-way shall be required to secure an encroachment permit from the city council prior to the commencement of the project.

B. Locations.

1. Fences, hedges and walls may be located within required yard setbacks; provided, that they comply with the provisions contained herein.
2. Corner lots may have side yard fencing out to the sidewalk, within six feet of the curb, or property line where neither a curb nor sidewalk exists.
3. Fences, hedges and walls may be placed within vision clearance areas up to a height of four feet where such features comply with the open sighted provision defined in this chapter. For purposes of this chapter vision clearance areas shall be as defined in PMC 18.15.010 with the two side dimensions being not less than seven and one-half feet for drives and where the back yard of any property abuts the front yard of an adjacent property.
4. Privacy screens may be situated anywhere within the back or side yard areas of any property where a setback of at least 10 feet from the property line is observed. When situated in any residential front yard the setback shall be not less than 15 feet from the street property line, but in no event shall the privacy screen be greater than 10 feet from the front of the residence. Front privacy screens may not extend more than two feet beyond either side of the obscured doorway or window.
5. Fences, hedges and walls shall be located not less than five feet in radius from any fire hydrant or street sign.
6. Sight obscuring fences, walls or hedges may be required to screen activities such as garbage collection, recycling or for mechanical fixtures as part of the city's review and approval process.
7. For any industrial or public zone fences, walls or hedges may be located or maintained in any yard except for the front and/or where vision clearance areas must be observed.

C. Heights.

1. Back and Side Yards.

- a. Heights, including privacy screens, shall be limited to six feet where placement is across a back, interior or side of the lot up to the front face of the dwelling.
- b. Lattice and/or trellis may be placed up to 18 inches over the top of the wall, fence or privacy screen across a back, interior or side provided it meets the definition of open sighted construction, and does not exceed seven and one-half feet in total height.
- c. When facing any public right-of-way, pedestrian gates and trellises used as entry features shall not exceed eight feet in height or five feet in width. No entry feature may extend more than three feet in depth.
- d. Where back or side yards are adjacent to nonresidential property or railways, hedges may be allowed to grow to a height of 10 feet from grade for privacy or noise abatement purposes.

2. Front Yards.

- a. When placed in front areas or front yards, heights shall be limited to four feet except for front privacy screens which shall not exceed six feet in total height.
 - b. When facing any public right-of-way, pedestrian gates and trellises used as entry features shall not exceed eight feet in height or five feet in width. No entry feature may extend more than three feet in depth.
3. Corner Lots. Where a rear yard is abutting the adjacent property's front yard, the fence, wall or hedge shall be placed and sized to provide for a vision clearance area. The rear yard fence, hedge or wall may be no higher than four feet above the sidewalk or grade.
 4. Fences on Retaining Walls. Fences located atop retaining walls may follow the height requirements above where the top of the retaining wall is at grade on at least one side. Where the grade on either side of the wall is below the top of the wall, the overall height of the fence/wall combination shall be measured from the higher of the grades on either side.

5. Berms.

a. Fences, walls, or hedges to be placed atop berms shall have their overall height determined based on the grade in effect prior to construction of the berm.

b. In front yards, vision obscuring fences and berms shall not exceed a total overall height of four feet from the lower of the original grade or the center of the adjacent street.

c. Berms may not be greater than 18 inches in height over the preconstruction or natural grade.

6. Fences, walls or hedges located in any industrial or public zones shall not exceed eight feet in height except for designated sports fields where additional heights may be required to provide for public safety.

D. Materials and Styles.

1. Fences and walls in front yards and/or vision clearance areas may be of a chain-link or picket style and must meet the definition of open sighted for purposes of this chapter. This open sighted provision applies to hedges and landscaping as well.

2. Walls or fences shall not be constructed of, or contain any, materials that could do bodily harm including, but not limited to, broken glass, spikes, razor wire or any other hazardous or dangerous materials.

3. Hedges adjacent to any street or sidewalk, alley or other pedestrian right-of-way shall not be of a type consisting of sharp thorns, leaves or needles that could prove harmful when contacted. Examples include holly, blackberry, or cactus.

4. Fences shall be constructed from materials customarily used for such purposes, typically chain link, decorative wrought iron, synthetics, pressure treated lumber, cedar, redwood or similar. Fences and walls shall not be constructed from materials not originally intended for that purpose. Prohibited materials include, but are not limited to, pallets, tarps, tires, wheel rims, drywall, plywood, firewood stacks, plastic sheeting, and corrugated sheet stock.

5. Walls may be constructed of stone, rock, masonry, concrete, boulders, brick or other similar material.

6. Berms shall be of earthen type capable of supporting vegetation and shall be constructed such that no erosion of the materials shall transfer onto adjacent streets or sidewalks.

7. A hedge or other dense landscaping may be used to satisfy a requirement for a sight obscuring fence where required, subject to height restrictions specified for the location.

E. Restricted Fences.

1. Barbed or razor wire fences are allowed only in agricultural areas where little chance of inadvertent contact by humans could occur or in nonresidential areas where barbs or razor wire shall be not less than six and one-half feet above grade and situated on top of otherwise approved fencing.

2. Electrified fences are allowed only where said fence is completely enclosed inside a property boundary by a barrier type fence that satisfies the provisions of this chapter, or on the outer boundary of the city limits bordering county zoning districts; or in approved agricultural areas where no chance of inadvertent contact by humans could occur. All electrified fencing shall be conspicuously marked as being such.

3. All wire, twine, rope, plastic or other flexible mesh style fencing is prohibited in residential areas within four feet of any sidewalk or public right-of-way. However, fencing of a temporary nature for use around construction sites and such may consist of appropriate forms of these materials.

F. Maintenance. Fences and walls shall be structurally maintained in a safe condition of repair and shall not be allowed to become and/or remain in a condition of disrepair including, but not limited to, noticeable leaning, broken supports or framing and growth of noxious vegetation.

G. Other Provisions.

1. In no event shall any gate, door or portion of said fencing be allowed to open outward across any sidewalk, curb, street or other public right-of-way.

2. Fences, walls or hedges on the back of through lots, except corner lots, that would otherwise be considered back yard features shall be treated in accordance with front yard provisions for portions of the lot 10 feet or closer to any sidewalk, curb, street or other public right-of-way.

3. Where fencing is adjacent to any street or sidewalk, the exposed framing side of the fence shall face inward toward the lot.

4. Where fencing or wall designs use pickets or points as ornamental or architectural features, said features shall be rounded or otherwise blunted to provide for public safety.

H. Variances. Variances to any requirements of this code shall be processed in accordance with Chapter 18.155 PMC, Variances. [Ord. 779 § 1, 2012.]

WHERE FRONT YARD ABUTS NEIGHBOR'S BACK YARD, A VISION CLEARANCE TRIANGLE MUST BE PROVIDED. SEE NOTE 1.

CORNER LOT IS ILLUSTRATED

WHERE BACK YARD ABUTS NEIGHBOR'S BACK YARD, A 6-FT FENCE IS ALLOWED

WHERE THERE IS NO CURB, FENCE MUST BE ON PRIVATE PROPERTY.

WHERE THERE IS CURB BUT NO SIDEWALK, FENCE MUST BE 6-FEET BEHIND BACK OF CURB.

6-FT TALL FENCE
6-FT FENCE NOT TO EXTEND BEYOND FRONT OF DWELLING ALONG STREET.

4-FT HIGH FENCE AT BACK OF SIDEWALK, OTHER THAN AT VISION CLEARANCE TRIANGLE HEIGHT OF 3.5-FT. SEE NOTE 2.

NOTES:

1. WHERE FRONT YARD ABUTS NEIGHBOR'S BACK YARD, FENCE HEIGHT IS LIMITED TO 4-FEET FOR A DISTANCE OF 20-FEET FROM THE FRONT PROPERTY BOUNDARY. FENCE HEIGHT MAY BE 6-FEET BEYOND THAT POINT.
2. AT STREET CORNERS, FENCE HEIGHT IS LIMITED TO 3.5-FEET (3'-6") IN VISION CLEARANCE TRIANGLE AT PROPERTY CORNER.

