

## ORDINANCE NO. 951

### AN ORDINANCE AMENDING THE FENCE AND HEDGE REGULATIONS IN STAYTON MUNICIPAL CODE TITLE 17

WHEREAS, Stayton Municipal Code (SMC) Title 17 Section 17.04.100 defines the term Front Lot Line in such a manner that a corner lot has two front lot lines;

WHEREAS, SMC, Title 17, Section 17.20.050.1 contains the regulations for fences in the front yards of parcels in residential zones and prohibits fences taller than four feet in height within 10 feet of a front lot line;

WHEREAS, SMC Section 17.20.050.1 creates difficulty for homeowners on corner lots in creating privacy in their rear yards;

WHEREAS, the City of Stayton has experienced difficulties with homeowners planting hedges too close to the front property line, subsequently growing in such a manner to infringe on the public right of way;

WHEREAS, the Stayton Planning Commission held a public hearing on November 26, 2012 and recommended amendments to the SMC;

WHEREAS, the Stayton City Council held a public hearing on January 22, 2013;

NOW, THEREFORE, the Stayton City Council does ordain as follows:

**Section 1. Section 17.20.050.1 amended.** Stayton Municipal Code, Title 17, Section 17.20.050.1 is hereby amended as follows:

Additions are underlined, Deletions are ~~crossed-out~~

#### **17.20.050 FENCES**

##### 1. RESIDENTIAL ZONES.

###### a. Front Yards.

- 1) Fences, walls and hedges must be placed on private property and not extend into or over the street right of way.
- 2) Fences, walls, and hedges that are within 10 feet of a front lot line shall be no more than 48 inches tall and that portion above 24 inches shall be 50% open. A hedge shall not be planted within three feet of the front lot line.
- 3) On a corner lot, a wall or fence of up to 6 feet in height may be placed within 10 feet of the property line on the front lot line that does not have a driveway entering a street, provided the wall or fence is not located within the sight distance triangle adjacent to a street intersection or driveway entrance to a street. On a corner lot, a hedge of up to 6 feet in height may be placed within 10 feet, but no less than 3 feet, of the property line on the front lot line that does not have a driveway entering a street, provided the hedge is not located within the sight distance triangle adjacent to a street intersection or driveway entrance to a street.
- 4) Fences, walls or hedges in a front yard more than 10 feet from the property line may be up to 6 feet in height.
- 5) Notwithstanding the above, a masonry wall up to 7 feet in height may be placed on or within 10 feet of the property line abutting a street when the wall is approved as a part of a site plan approval or a subdivision approval.

b. Side and Rear Yards.

1) Fences and walls located within a side or rear yard area may be up to 7 feet in height. Hedges on side and rear yards shall have no height restriction.

2) For lots with double frontage, the yard opposite the front of the house shall be considered a rear yard for the purposes of Section 17.20.050.

**Section 2. Effective Date.** This ordinance shall become effective 30 days after adoption by the Stayton City Council and the Mayor's signing.


**Section 3. Notification to State.** A copy of this Ordinance shall be furnished to the State of Oregon, Department of Land Conservation and Development forthwith.

ADOPTED BY THE STAYTON CITY COUNCIL this 22nd day of January, 2013.

CITY OF STAYTON


Signed: 1-22, 2013

BY:

  
A. Scott Vigil, Mayor

Signed: 1-23, 2013

ATTEST:

  
Don Eubank, City Administrator

APPROVED AS TO FORM:

  
David A. Rhoten, City Attorney