



Part I: Code Amendments at a Glance – Fences (Chapter 19.40):

A. What is it?

This chapter places all standards related to fences, including height, location and materials into one chapter in Title 19. The current fence standards are located in several chapters of the code, including: [19.39.070](#) (General Provisions); [19.20.800](#) (Metro Everett and Core Residential Standards); [19.31.B.070](#) (E-1/MUO); and [19.33](#) (Historic Overlay).

B. Type of revision proposed:

- Minor revision to an existing chapter
- Major rewrite of existing chapter
- New chapter

C. Key changes from existing code:

1. Fence standards will be located in one chapter of the code, rather than spread through several different chapters.
2. Fence standards for Metro Everett and core residential area have been simplified to eliminate the distinctions between corner lots and interior lots; and eliminate the standards that are applicable to lots with more than one residence.
3. In residential zones, the new standards will allow fences within an interior side or rear setback up to seven feet in height. The current height standard is six feet.
4. In residential zones, a new exception to the fence height limit within the front setback has been added for arbors. The exception would allow up to an eight-foot height for a distance of 20% of the lot frontage.
5. Within areas currently zoned MUO on Evergreen Way, existing standards do not allow fences over three feet high or chain-link fences within 100 feet of Evergreen Way unless the fence is not visible from the street. The new standards would prohibit chain link, wire, corrugated metal or sheet metal materials, but would allow other types of fences, subject to height, location and transparency requirements. These requirements would apply to the MU and NB zones.
6. New standards are proposed for fences within the public right-of-way, including setbacks from the public sidewalk and a requirement for review and approval of fences for sidewalk cafes.
7. An exception for temporary construction fencing has been added.
8. Additional fence maintenance requirements have been added.
9. Vision clearance standards. These standards have been moved to another chapter.

Part II: Analysis of Code Amendments:

19.40.010 Fence height and location.

Discussion:

- A. What it does: Places basic fence standards (height, location and materials) into one location. Includes regulations on maximum fence height within setback areas, and exceptions for arbors and nonconforming buildings. Organizes fence standards by zone category (residential, commercial, industrial, etc.).
- B. Effect of code provision:
 - 1. Code consolidation. This section consolidates fence standards from different locations of the code and will make code queries easier for the public. Code administration would be easier for staff.
 - 2. Simplification of standards. Fence standards for some parts of the city, including Metro Everett and Core Residential Area, would be simplified through elimination of some standards that have limited applicability. This includes standards currently found in [Chapter 19.20.800](#) related to corner lots and interior lots. However, some of these standards will be moved to the new chapter and applied more broadly than the existing standards. This includes height, location and transparency standards.

Code Provision: 19.40.030 Fences within public right-of-way.

- A. A permit from the public works department must be obtained prior to placement of any fence within the city right-of-way.
- B. Fencing for sidewalk cafes shall be reviewed and approved by the city engineer and planning director.
- C. Setback for fences abutting a public sidewalk. No fence within the public right-of-way shall be located closer than two feet from any public sidewalk.
- D. Fences located near fire hydrants, water mains and other infrastructure will require review and approval by the city engineer.

Discussion:

- A. What it does: A new code provision addressing fences within the right-of-way.
- B. Effect of code provision:
 - 1. This section provides additional clarification on how fences in the public right-of-way will be addressed, both in terms of review process and criteria. The existing code is silent on fences in the ROW, which can cause uncertainty and confusion. Adding this section will assist both the public and staff by providing direction on this issue.

2. The clarification of review authority for fencing required for sidewalk cafes will improve the downtown streetscape by provide the city with a mechanism to review fence materials and design.

Code Provision: 19.40.04 Fences abutting public street frontage.

When street frontage landscaping is required by this title, any fences along the public street frontage shall be located behind the landscaping.

Discussion:

- A. What it does: A new code provision addressing situations where a fence and landscaping are installed along the public street frontage.
- B. Effect of code provision: This section states that when both a fence and required landscaping are installed along a public street frontage, the fence must be inside, or behind the landscaping. This provision is intended to improve the streetscape appearance by ensuring the landscaping is visible, rather than hidden behind a fence.

Code Provision: 19.40.060 Maintenance.

All fences, whether or not required by this title, shall be maintained in a condition of repair so as not to be dangerous to human life or a danger to the property. For fences visible from the public right-of-way, damaged sections, missing boards, or leaning fences shall be repaired, replaced or removed so as to not create a visual or attractive nuisance.

Discussion:

- A. What it does: A new code provision establishing maintenance standards for fencing city-wide.
- B. Effect of code provision: The addition of maintenance requirements for fencing provide additional direction to the public that is intended to improve aesthetics and the general health, safety and welfare. The new language will provide additional clarification to Code Enforcement staff in addressing complaints received about the condition of fencing.