

Instructions to reader: This is a new chapter in the Unified Development Code. For a summary of the effect of this chapter from current standards, please visit the Rethink Zoning Library at <https://everettwa.gov/2453/Rethink-Zoning-Library>.

Chapter 19.40 Fences

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19.40.010 Fences height and location.

- A. Residential zones - fence height and setbacks. Fences shall not exceed a height of:
1. Forty-two inches within the front setback or the abutting right-of-way.
 2. Six feet within the street side setback or the abutting right-of-way.
 3. Seven feet within the interior side or rear setbacks.
 4. Exceptions:
 - a. Fences within the front setback or the abutting right-of-way may be up to six feet in height if the fence is at least ten feet from the sidewalk, is at least seventy percent transparent from three feet to six feet, and is not chain link or other type of similar material. If no sidewalk exists, the minimum distance required is determined by the city engineer.
 - b. For corner lots or double fronting lots, the front and street side or rear fence heights can be switched if the front of the house faces the street side or rear.
 - c. Arbors. Arbors may exceed the maximum fence height within the front setback for a distance of up to twenty percent of the lot frontage on the street, provided the height of the arbor does not exceed eight feet.
 - d. Where a structure has a nonconforming front setback, a fence along the street-facing façade line is not required to comply with the fence height limitation for the front setback.
 - e. Conditional uses. For development subject to the conditional use process, fences may deviate from the standards in this section as approved by the review authority.
- B. MU and NB zones.
1. Height and location. Fences may be up to six feet in height if the fence is at least ten feet from the back of the sidewalk and is at least seventy percent transparent. The transparency requirement shall not apply to any fence 36 inches or less in height. If no sidewalk exists, the fence must be set back a minimum of ten feet from where the sidewalk will be placed in the future as determined by the city engineer.
 2. Materials. Chain link, wire, corrugated, sheet metal or other similar types of fences are prohibited.
- C. Freeways (I-5 and SR-526). Fences abutting freeways shall have no height limit.
- D. Commercial and industrial zones. Fences in commercial and industrial zones shall not exceed ten feet in height, including barbed wire located on top of the fence except:
1. Any fence taller than forty-two inches must be set back a minimum of ten feet or the required landscape width, whichever is greater, from any lot line along a street and;
 2. Any fence within ten feet of a residentially zoned property shall not exceed seven feet in height.

3. See Subsection 40.010.B for fence height restrictions in the MU and NB zones.

- E. Retaining Walls and Berms. Fences placed on top of berms shall be constructed so as not to exceed the maximum height allowed if the berm were not there. Fences placed upon rockeries or retaining walls shall be permitted to be constructed to the maximum allowable fence height above the rockery or retaining wall, provided the rockery or retaining wall does not exceed a height of six feet. Fences constructed on top of retaining walls which are greater than six feet in height shall not exceed a maximum fence height of forty-two inches.

19.40.020 Barbed Wire, Razor Wire, Chain Link, Electric and Other Similar Fence Materials.

- A. Barbed wire, razor wire and other such materials are not permitted in any residential zone except for security facilities around utility or communications facilities, or government facilities. In commercial and industrial zones, these fencing materials are permitted only atop a fence or wall at least six feet in height. For property located within a commercial or industrial zone, these materials are not permitted on any fence located within 10 feet of a residentially zoned property.
- B. Wire – excluding chain link, corrugated, non-decorative sheet metal, or other similar type fencing are prohibited along a street fronting lot line in all zones.
- C. Chain link fences are prohibited in the MU and UR4 zones, and in the Historic Overlays.
- D. Electric Fences. Electric fences may be installed and maintained in the AG zone for the purpose of controlling permitted livestock; provided, that no such fence shall border any public right-of-way or constitute a lot line fence. Electric fences are permitted in commercial and industrial zones using the review process described in EMC Title 15.02, provided such fence shall be installed interior to a nonelectric perimeter barrier not less than six feet in height.

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, if located 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.

19.40.040 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.

19.40.050 Temporary fencing.

Temporary fencing that is necessary for construction activity, including chain link and barricade type fencing, may be allowed in any zone for up to twelve months, or as necessary for site security needs during ongoing construction activity.

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.