

SECTION 26 - FENCE, HEDGE AND SHRUB STANDARDS

1. Purpose. The purpose of this section is to protect visual clearance for traffic and pedestrian safety, to provide visual access to private property for crime prevention, to protect visual and aesthetic values for property owners and adjacent property owners, to prevent physical harm to the citizens of Tillamook City, to promote harmony between adjacent property owners and to protect each property's right of access to sunlight, air and open spaces.
2. Vision Clearance Area. Vision Clearance Areas shall be provided within the required yard area for the following distances from the intersecting points of the right-of-way lines: (See Section 30).
 - A. In a residential district (R-7.5, R-5.0 and R-O) the minimum distance shall be 30 feet, or at intersections including an alley, 10 feet.
 - B. In all other districts where yard setbacks are required, the minimum distance shall be 15 feet, or at intersections including an alley, 10 feet, except when the angle of intersection between streets other than an alley is less than 30 degrees, the distance shall be 25 feet.
 - C. Vision Clearance Area shall contain no plantings, fences, walls, structures, or temporary or permanent obstructions exceeding three (3) feet in height as measured from the top of the curb, or if no curb, then from the center line elevation of the adjacent street. Street trees exceeding this height may be located in this area provided all branches and foliage are removed to a height above eight (8) feet above the grade.
3. Front Yard Area. No plantings, fences, walls, structures, or temporary or permanent obstructions exceeding three (3) feet in height measured from the top of the curb, or if no curb, then from the center line elevation of the adjacent street, shall be placed in any required front yard area.
4. Interference and Hazard to the Public.
 - A. No owner or person in charge of property that abuts upon a street or public sidewalk shall permit trees, bushes, hedges or shrubs on the property to interfere with street or sidewalk traffic. It shall be the duty of an owner or person in charge of the property that abuts upon a street or public sidewalk to keep all trees, bushes, hedges and shrubs on the premises, including the adjoining parking strip, trimmed at a height of not less than eight (8) feet above the sidewalk and not less than fourteen (14) feet above the roadway.
 - B. No owner or person in charge of property shall allow to stand a dead or decaying tree that is a hazard to the public or to persons or property on or near the property.
 - C. No owner or person in charge of property shall construct or maintain a barbed-wire fence thereon, or permit barbed wire to remain as part of a fence along a sidewalk or public way; except such wire may be placed above the top of other fencing not less than six feet , 6 inches high.

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- D. No owner or person in charge of property shall construct, maintain or operate an electric fence along a sidewalk or public way or along the adjoining property line of another person unless placed at least three (3) feet behind an initial fence.
5. Relation to Adjoining Property.
- A. Fences, hedges and shrubs shall not be installed or planted on or across a property line unless jointly owned by adjoining property owners, in which case they may be on the property line. Hedges and shrubs shall not extend beyond the property line unless jointly agreed to by adjoining landowners.
 - B. All fences, hedges or portions thereof shall be located in such a way as to not be detrimental to abutting property. No fences or hedges shall obstruct or threaten to obstruct the access of neighboring property to adequate and sufficient sunlight.
 - C. Determination of where property line is located shall not be the responsibility of Tillamook City or its officials.
6. General Height Limitation for Hedges and Enforcement Thereof. Hedges shall not be permitted to grow higher than ten (10) feet unless a lower height is specified on the permit as issued under (10a) later in this section. Existing hedges which exceed this height may be reviewed by the Design Review Committee if contested by any citizen. Tillamook City shall be empowered to perform any necessary work in order to bring such hedges into conformance and, after so doing, may assess to the property the cost of any such work, plus an additional fee for administration as specified in the Tillamook City fees Schedule.
7. Building Permit and Setback Requirements for Fences. Any fence greater than six (6) feet in height shall require a building permit, and hence, shall be required to abide by the front yard setback and height requirements of the applicable zoning district.

For rules on planting in the City rights-of-way refer to Ordinance #557.

8. Fences in industrial Zones. A fence six (6) feet in height or higher shall be required to separate any new or substantially improved industrial operation from abutting property which is located in any residential or commercial zoning district. Such fence shall be subject to the requirements of Section 9(a) and Section 5(b) of this Ordinance.
9. Basis for Review.
- A. Fences greater than six (6) feet in height shall be, and hedges greater than six (6) feet in height may be, referred to the Design Review Committee for determination that the fence or hedge is in compliance with Section 6 and is generally attractive in appearance. The Design Review Committee will, upon completion of their determination, recommend that a permit be issued by the planning Department at no cost to the permittee. Said permit to state the Committee's findings and conditions for issuance of the permit.

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- B. Fences and hedges less than six (6) feet in height may be referred to the Design Review Committee by the Building Inspector, City Recorder, City Manager, Planning Director, or member of the Planning and Zoning Commission, if there is a need for interpretation of Section 5 of this section.

10. Design Review Committee.

- A. A Design Review Committee is hereby established as a sub-committee of the Planning and Zoning Commission.
- B. The Committee shall consist of three (3) members of the Planning and Zoning Commission.
- C. All members shall serve terms consistent with current tenure, at which time they shall be reappointed or replaced by the Chairman of the Planning and Zoning Commission.

11. Appeals. An applicant or any interested person may appeal a decision of the Design Review Committee to the Planning and Zoning Commission, as per Section 32 of this Ordinance.

12. Compliance with Provisions of Section 26.

All existing trees, hedges and shrubs not in conformance at the time of the adoption of this Ordinance shall be brought into compliance by June 30, 1982. Those properties not in compliance by July 1, 1982, shall be referred to the Design Review Committee for appropriate review and action.

All existing fences not in conformance at the time of adoption of this Ordinance shall be brought into compliance by January 1, 1985. Those properties not in compliance by this date shall be referred to the Design Review Committee for appropriate review and action.