

CORRECTED COPY

ORDINANCE NO. 935

AN ORDINANCE OF THE CITY OF BENTON CITY, WASHINGTON, AMENDING BENTON CITY MUNICIPAL CODE SECTION 20.51.050 "FENCES, HEDGES, WALLS - - HEIGHT REQUIREMENTS"; AMENDING SECTION 20.51.060 ENTITLED "FRONTAGE SETBACK -- VIEW OBSTRUCTION PROHIBITED"; AND CREATING SECTION 20.51.065 ENTITLED "FENCE LOCATION DIAGRAM"

WHEREAS, the City of Benton City has established regulations for fencing of properties pursuant to Chapter 20.51 BCMC for the purposes of safety, beautification, and consistency with the goals of Washington State law and regulation, including, but not limited to Chapters 46.61 and 47.32 RCW and 468-95 WAC; and

WHEREAS, the Planning Commission has met and considered the zoning code and textual amendments as provided below, and recommending to the City Council its approval; and

WHEREAS, the City Council of the City Benton City having deliberated upon the matter, and receiving public comment on the same, has determined that the amendments below are in the best interests of the citizens of Benton City for the preservation of their safety and property. NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF BENTON CITY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. That Section 20.51.050 entitled "Fences, Hedges, Walls - - Height Requirements" of the Benton City Municipal Code shall be and hereby is amended and shall read as follows:

20.51.050 Fences, Hedges, Walls – Design Standards Height Requirements.

A. Height Requirements.

- 1.** Fences, hedges, walls or other dividing instrumentalities higher than forty-eight inches above curb shall not be permitted in any street frontage yard area unless said fence is set back from the right-of-way ten or more feet, and then, a six foot fence is permitted; and there shall not be permitted any fence to exceed eight feet in height on any other parts of the site; provided, however, a maximum eight-foot high fence may be constructed on the non-address street side property line from the rear yard property line to the rear wall of the main structure. Where required, fences in excess of eight feet in height around recreation ball courts and similar play areas are permitted; provided all setback requirements are followed, and said fence shall be constructed of chain link fencing.
- 2.** In the AS (Agricultural, Suburban Density) district which is not required to have sidewalks, the following additional fencing is permitted within the street frontage yard areas:

- a. Fence not to exceed five feet in height; provided that the fence is of post-and-rail construction with the rail width not to exceed eight inches and the vertical distance between rails shall not be less than twelve inches. The horizontal distance between posts shall not be less than eight feet;
- b. Field fences and the like to a height not to exceed ~~five~~ six feet. (Ord. 888, August 2011; Ord. 765, September 2003.)

B. Fence Location.

1. Fences constructed in any residential zoning district may be permitted at the back of the existing sidewalks within public right-of-way, upon approval by the City Engineer
2. On those lots where topographical irregularities occur, or other circumstances exist which the setback requirements above are impractical, the City Engineer ~~building official~~ may grant a variance not to exceed twenty-five percent necessitate to protect the public safety.

C. Fence Materials.

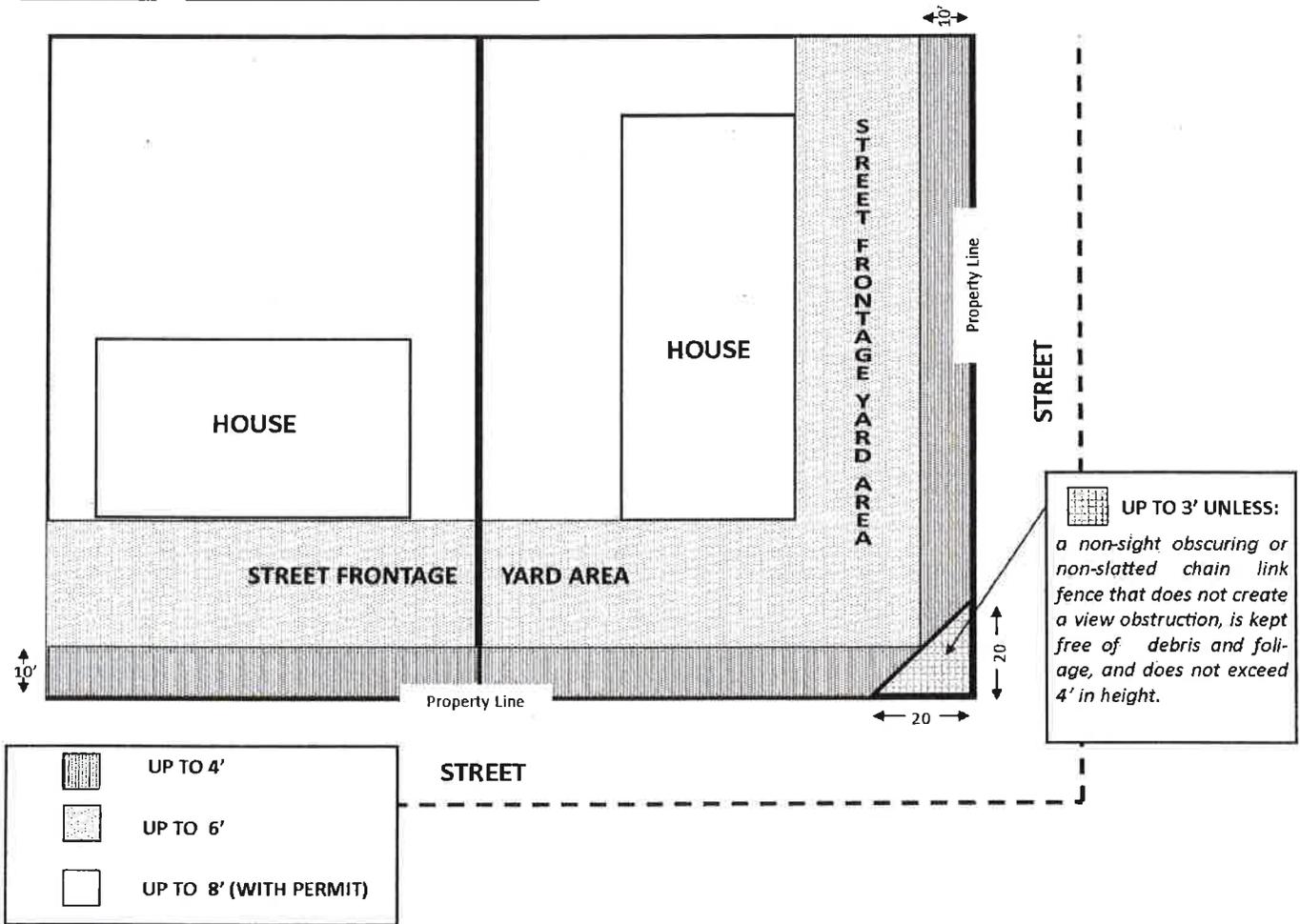
1. Fence, walls and hedges shall be constructed in such a matter as not to encroach upon the City right-of-way or adjacent sidewalks, unless permitted pursuant to Section 20.51.050(B), and shall be constructed of durable fencing materials, which may include wood, vinyl, masonry, rod iron, or similarly generally accepted fencing materials. Fences constructed of pallets plastic sheets, corrugated sheet metal, or other like materials not traditionally manufactured to use for fencing purposes shall be prohibited.
2. Barbed wire and razor wire fencing are prohibited in all Residential districts. Barbed wire is allowed in Commercial and Light Industrial districts up to three strands on top of a six-foot maximum height fence. Barbed wire may be permitted in the Agricultural Suburban zoning district on properties used for permitted animals.
3. Electrified fences are not permitted in Residential districts except as secondary means of securing property where the electrified fence is located behind an existing fence or in Agricultural Suburban district to contain permitted farm animals. (Ord. 888, August 2011; Ord. 765, September 2003.)

Section 2. That Section 20.51.060 entitled "Frontage Setback -- View Obstruction Prohibited" of the Benton City Municipal Code shall be and hereby is amended and shall read as follows:

20.51.060 Frontage Setback -- View Obstruction Prohibited. In any district where street frontage setbacks are required, there shall be no wall, fence, sign, face, foliage, rock, mound, or similar view obstruction higher than thirty-six inches above curb grade, and no foliage, sign face or similar view obstruction lower than seventy-two inches above curb grade within any triangle, the two equal legs of which are formed by lines measured twenty feet from the intersection of two property lines at a street intersection; except, a non-sight obscuring or non-slatted chain link fence that does not create a view obstruction, is kept free of debris and foliage, and does not exceed forty-eight inches in height. (Ord. 765, September 2003.)

Section 3. That Section 20.51.065 entitled "Fence Location Diagram" of the Benton City Municipal Code shall be and hereby is amended and shall read as follows:

20.51.065 Fence Location Diagram



Section 4. This Ordinance shall take full force and effect five (5) days after its approval, passage and publication as required by law.

PASSED by the City Council of the City of Benton City, Washington, and approved as provided by law this 15 day of July, 2014.

Lloyd R. Carnahan
 Lloyd R. Carnahan
 Mayor

Attest:
Stephanie Haug
 Stephanie Haug
 City Clerk-Treasurer

Approved as to Form:
[Signature]
 Kerr Law Group
 City Attorney

