

**ORDINANCE NO. 003/2011**

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, ADOPTING AN ORDINANCE AMENDING CHAPTER 15.08 MMC (ZCA2010-03) TO REVISE THE FENCE CODE HEIGHT RESTRICTION FOR RESIDENTIAL LOTS ONE ACRE OR LARGER, AND REVISE VARIANCE CRITERIA FOR CONSISTENCY WITH MONROE MUNICIPAL CODE.

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WHEREAS, the existing fence code was written when Monroe was a small, centralized town; and

WHEREAS, the existing variance criteria in this chapter were inconsistent with the Monroe Municipal Code; and

WHEREAS, on November 3, 2010, the regulations were submitted to the Washington State Department of Commerce and other state agencies for review; the Department of Commerce granted expedited review on December 2, 2010; and

WHEREAS, on October 26, 2010, a State Environmental Protection Act Determination of Non-significance was issued; and

WHEREAS, on November 22, 2010 the Monroe Planning Commission held a duly advertised public hearing on the administrative regulations and made a final recommendation to the City Council; and

WHEREAS, the City Council has determined to adopt certain amendments to the Monroe Municipal Code to reflect the city's existing land use patterns and,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONROE as follows:

Section 1. MMC 15.08.020(B) (C) (D) (E) and (F) is hereby amended to provide as follows:

**15.08.020 Restrictions.**

B. Fences and walls shall have a maximum height of forty-two inches within the front-yard setback line, and a maximum height of six feet anywhere else on the lot. Residential lots one acre or larger shall have a maximum height of six feet anywhere on the lot, provided the fence complies with subsection (C) of this section.

C. Fences, walls and hedges shall not cause a sight obstruction at street intersections or driveways as determined by the city engineer.

Additionally, hedges must be trimmed back to the inner edge of the public sidewalk area.

D. The height of the fence is measured from its top surface, board, rail, or wire to the ground on which it stands. Where a fence is built on top of a retaining wall the fence height shall be measured on the up-hill side.

E. Fences may be constructed of wood, masonry, or wire. All construction is to be done in such a manner as to leave no sharp or protruding edges, barbs, or projections.

F. Fences in nonresidential zones may be allowed up to eight feet in height on rear property lines and side property lines up to a point equal to the closest part of any building on a lot to the public street, provided they do not form a sight obstruction at the street or street intersection or curbs as determined by the city engineer.

Section 2. MMC 15.08.050(A) (B) (C) and (D) is hereby amended to provide as follows:

**15.08.050 Variance.**

A. The variance shall not constitute a grant of special privilege inconsistent with the uses of other properties in the vicinity and in the zone in which the property on behalf of which the application was filed is located; and

B. The variance is necessary because of special circumstances relating to the size, shape, topography, location or surrounding of the subject property in order to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and


C. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and in which the subject property is situated; and

D. The authorization of such variance will not adversely affect the implementation of the comprehensive plan or the general intent of this chapter.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 18<sup>th</sup> day of January 2011.

1<sup>st</sup> Reading: 1/18/11  
Published: 1/25/11  
Effective: 1/30/11

CITY OF MONROE, WASHINGTON

  
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Robert G. Zimmerman, Mayor

ATTEST/AUTHENTICATED:

  
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Eadye Martinson, Deputy City Clerk

APPROVED AS TO FORM:

  
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Zach Lell, City Attorney