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ORDINANCE NO. 3491

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING CHAPTERS 21.30, 17.30 AND 20.12 OF THE EDMONDS COMMUNITY DEVELOPMENT CODE; REPEALING THE CITY'S CURRENT HEDGE REGULATIONS; AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the City currently regulates hedges through the Edmonds Community Development Code (ECDC); and

WHEREAS, the City Council finds the City's current hedge regulations as contained in the ECDC to be legally unenforceable; and

WHEREAS, The City Council finds the regulation of hedges cannot be effectively implemented by zoning and development codes; and

WHEREAS, in the future the City Council may investigate alternative processes and methods to better assist the City's citizens to resolve hedge and similar private conflicts that can affect the enjoyment of their homes; and

WHEREAS, the City Council desires to repeal the City's current hedge regulations, NOW THEREFORE,

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

Section 1. ECDC 21.30.020 is hereby amended to provide in its entirety as follows:

21.30.020 Fence.

Fence means any construction of wood, metal, masonry or other non-living material which provides a visual and/or physical obstruction to an observer at ground level. This definition shall exclude any portion of a retaining wall which is below finished grade and which is contiguous with the fence. Any portion of a base or foundation for the fence which does not serve a necessary and bona fide purpose of retaining earth shall not be considered a retaining wall but rather a part of the fence.

Section 2. The title of Chapter 17.30 ECDC Fences and Hedges is hereby amended to provide in its entirety as follows:

**Chapter 17.30
FENCES**

Section 3. ECDC 17.30.000(C) is hereby amended to provide in its entirety as follows:

17.30.00 General.

. . .

C. Unless a variance is first obtained, no fence shall be more than six feet in height as measured from the top of the fence to the lowest original grade.

. . .

Section 4. ECDC 17.30.010 is hereby amended to provide in its entirety as follows:

17.30.010 Special height restrictions.

A. Streets and Corners. Height shall normally be limited to three feet within 10 feet of any street right-of-way or access easement or 30 feet of any corner, unless an exception is approved.

B. Exception. If the city engineer finds that no hazard to users of the street or to nearby property will be created, the city engineer may approve a fence of up to six feet in height.

C. Hazard. No fence or other obstruction may be constructed or maintained if it creates a hazard to users of the street or nearby property (ECDC 18.85.060).

Section 5. ECDC 20.12.025(A)(5) is hereby amended to provide in its entirety as follows:

20.12.025 Screening.

A. Parking lot Perimeters.

...

5. The minimum plant density shall be a minimum of one row of evergreens or two rows of deciduous shrubs. Visibility for motorists must be taken into account when vegetation adjoins driveways or vehicle-access points.

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Section 6. ECDC 21.40.020 defining the term “Hedge” is repealed in its entirety.

Section 7. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

MAYOR GARY HAAKENSEN

ATTEST/AUTHENTICATED:

CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____
W. SCOTT SNYDER

FILED WITH THE CITY CLERK:	02/27/2004
PASSED BY THE CITY COUNCIL:	03/02/2004
PUBLISHED:	03/07/2004
EFFECTIVE DATE:	03/12/2004
ORDINANCE NO. <u>3491</u>	

SUMMARY OF ORDINANCE NO. 3491

of the City of Edmonds, Washington

On the 2nd day of March, 2004, the City Council of the City of Edmonds, passed Ordinance No. 3491. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING CHAPTERS 21.30, 17.30 AND 20.12 OF THE EDMONDS COMMUNITY DEVELOPMENT CODE; REPEALING THE CITY'S CURRENT HEDGE REGULATIONS; AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

DATED this 3rd day of March, 2004.

CITY CLERK, SANDRA S. CHASE