**RESOLUTION 2023 - 02**

**A RESOLUTION AMENDING ORDINANCE 618, AND ODESSA MUNICIPAL CODE SECTION 17.58.030 (MAXIMUM FENCE HEIGHTS), TO ADJUST ALLOWABLE BUILDING HEIGHTS TO ALIGN WITH THE AVERAGE PRE-MEASURED PURCHASABLE BUILDING MATERIALS.**

**WHEREAS,** the City Council of the Town of Odessa, Washington has determined that in order to respond to the changes in the building needs of the community; and

**WHEREAS**, citizen comments have been made requesting amendments on fence height within the Town limits; and

**WHEREAS,** the Odessa Town Council, upon consideration of the Planning Commission’s recommendation and public comments;

**WHEREAS,** Ordinance No 618 allows for amendments by resolution;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF ODESSA, LINCOLN COUNTY, WASHINGTON, AS FOLLOWS, TO WIT:

**SECTION 1. Amendment of Odessa Municipal Code Section 17.58.** Odessa Municipal Code Section 17.58.030, Section 3 of Ordinance 618 is hereby amended as follows with deletions shown in strikeout, and additions shown in underline:

(A) Fences located within a yard in a residential zoning district shall not exceed the following height limits:

(1) ~~Front yard equal forty-two inches (42”)~~

Front yard equals four feet (48”)

(2) ~~Side yard equals six feet (72”)~~

Side yard, from the front corner of the home to the front of the lot (48”)

(3) Back yard equals six feet (72”)

(4) ~~Abutting the intersection of an alley with a street shall not exceed a height of forty-~~

~~two inches (42”) within the applicable street setback.~~

Abutting the intersection of an alley with a street shall not exceed a height of four

feet (48”) within the applicable street setback.

(5) At intersections, corners, and driveways, Clear Vision Areas, OMC 17.80,

17.80.010, Ord. 519 (part), 1998, shall govern.

(B) Fences located within a commercial or industrial zoning district shall not exceed eight feet. Only that portion over six feet in height may be of a barbed wire strand. All residential uses that exist in zones other than residential shall be required to conform to the specification set forth in this ordinance for residential zones.

(C) Fence pillars or posts may project a maximum of one-foot (12”) above maximum fence height.

(D) Fence height is measured from the ground level where placed or from a retaining wall to the top of the fence, excluding posts. On sloping properties where a fence is constructed of sections, which are terraced to match the terrain, fence height shall be the average of the high and low points of each fence section. In such instances, portions of the fence may exceed the maximum allowable height; provided that the average height of the fence section does not exceed the maximum height.

**SECTION 2. Effective Date.** This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED AND ADOPTED BY THE ODESSA TOWN COUNCIL, THIS 9th DAY OF JANUARY, 2023.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

William F. Crossley, Mayor

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Meri Jane Bohn, Clerk-Treasurer