

**TOWN OF YARROW POINT
ORDINANCE NO. 722**

AN ORDINANCE OF THE TOWN OF YARROW POINT, WASHINGTON, AMENDING YARROW POINT MUNICIPAL CODE SECTION 15.04.030 RELATING TO CONDITIONS AND EXEMPTIONS FROM BUILDING PERMIT REQUIREMENTS; AMENDING YARROW POINT MUNICIPAL CODE CHAPTER 17.08 TO ADD TWO NEW DEFINITIONS AND AMENDING THE DEFINITION OF "FENCE"; AMENDING YARROW POINT MUNICIPAL CODE SECTION 17.12.030 RELATED TO AUTHORIZED STRUCTURES IN SETBACKS; AMENDING YARROW POINT MUNICIPAL CODE SECTION 17.30.080 TO ENSURE CONSISTENCY OF FENCE HEIGHTS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Section 15.04.030 of the Yarrow Point Municipal Code ("YPMC") sets forth exemptions from the requirement to obtain a building permit; and

WHEREAS, YPMC 15.04.030 exempts certain fences that have a height of six feet or less from the requirement to obtain a building permit; and

WHEREAS, YPMC 17.12.030 restricts the height of certain structures located within setbacks; and

WHEREAS, it has come to the Town's attention that many prefabricated panels used to construct fences come with a trellis or other finishing top rail that exceeds the current height limitation of six feet; and

WHEREAS, increasing the permitted fence height to six feet, six inches (6'-6") would ensure that many existing fences using prefabricated panels are code compliant, and would provide for a larger array of building materials to be used for future fence construction; and

WHEREAS, the Town Council finds the amendments as set forth herein to be in the public's interest, safety and welfare.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF YARROW POINT, WASHINGTON AS FOLLOWS:

SECTION 1. Findings. The foregoing recitals are hereby adopted as findings of fact in support of the adoption of this Ordinance.

SECTION 2. Amendment to YPMC Section 15.04.030. Yarrow Point Municipal Code Section 15.04.030 is hereby amended to read as follows:

Subsection 105.2, Building, of the IBC and subsection R105.2, Building, of the IRC, which list work of a building nature that is exempt from building permit requirements, are hereby amended to read as follows:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet.
2. Single-family residential decks not exceeding 200 square feet in area, that are not more than 30 inches above finish grade at any point, are not attached to a dwelling and do not serve the exit door required by R311.2.
3. Boat moorage covers over open water not exceeding 120 square feet in horizontally projected roof area and which fully comply with all state and local regulations.
4. ~~Fences not over six feet six inches (6'-6") in height as measured from the lowest adjacent finished grade to the top of the fence. A building permit is required for fences to be built within the setback area as defined in the Yarrow Point Zoning Code, and for any fence six feet in height or over wherever it is located on the property. This exemption shall not apply to any structure designed or used for sound attenuation purposes.~~
5. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
6. Sidewalks and driveways not more than 30 inches above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. A. Temporary motion picture, television and theater stage sets and scenery limited to thirty (30) days.
8. Temporary, prefabricated or mobile structures to be used on-site during construction and removed upon completion of the project.
9. Swings and other playground equipment accessory to detached one and two family dwellings and not affecting the structural coverage allowance of the lot.
10. Interior and exterior trim, painting, papering, tiling, cabinets, counter tops, carpeting, finished flooring and other similar finish work for which inspection to verify code compliance is not required.
11. Ornamental or decorative ponds or pools that contain water not over twenty-four (24) inches in depth.
12. Non-fixed and moveable fixtures, cases, racks, counters and partitions not over five (5) feet nine (9) inches in height.
13. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches deep, are not greater than 5,000 gallons and are installed entirely above ground.

14. Residential re-roofing involving:

- a. Removal and replacement of existing roofing materials using same or similar type of materials where the work does not activate other building code or energy code requirements, and does not reduce existing ventilation or storm water drainage connections and dispersal; or
- b. A re-roof overlay of one layer of asphalt composition onto an existing layer of asphalt composition.

15. Any work not regulated by provisions of this code or any elements of the State Building Code.

SECTION 3. Amendment to chapter 17.08 YPMC. Yarrow Point Municipal Code Chapter 17.08 is hereby amended to include two new definitions as follows:

“Lowest adjacent finished grade” means the lowest point of the ground level immediately next to or abutting a building or structure.

“Open-work fence” means a fence in which the solid portions are evenly distributed and constitute no more than fifty (50) percent of the total surface area.

SECTION 4. Amendment to chapter 17.08 YPMC. Yarrow Point Municipal Code Chapter 17.08 is hereby amended to revise the definition of “fence” as follows:

“Fence” means a barrier commonly composed of posts or piers connected by boards, rails, panels or wire, or a masonry wall.

SECTION 5. Amendment to YPMC Section 17.12.030(B). Yarrow Point Municipal Code Section 17.12.030(B) is hereby amended to read as follows:

B. Fences, Walls, Hedges.

1. No fence, wall, hedge or vegetation shall be permitted which will impair the visibility for vehicular traffic as determined by the town engineer or his designee.

2. No fence, freestanding wall, retaining wall, rockery, or hedge in the setback area shall exceed six feet, six inches (6’6”) in height above the lowest adjacent finished grade, except as noted below ~~or in subsection (N)(3) of this section.~~

3. Where a retaining wall protects a cut, such a wall may be topped by a fence or wall of the same height that would otherwise be permitted at the location if no retaining wall existed.

4. Where a retaining wall protects a fill, the height of the fill shall be considered as subtracting from the normally permitted height of a fence constructed in the setback area.

5. Whenever a fence is required as a protective guard rail for a retaining wall that protects a fill, the combined height of the wall and fence shall be permitted to exceed six feet, six inches (6’6”) in height; provided, that the fence shall not exceed 36 inches in height and any portion of such fence more than ~~72 inches~~ six feet, six inches (6’6”) above the foot of the wall shall be an open-work fence.

SECTION 6. Amendment to YPMC Section 17.12.030(N)(3). Yarrow Point Municipal Code Section 17.12.030(N)(3) is hereby amended to read as follows:

3. Fencing surrounding tennis courts, paddle tennis courts, and similar recreational facilities shall be constructed of non-sight-obscuring material and shall not exceed 12 feet in height. ~~Within the setback area a fence shall not exceed six feet in height above finished grade.~~

SECTION 7. Amendment to YPMC Section 17.30.080(J). Yarrow Point Municipal Code Section 17.30.080(J) is hereby amended to read as follows:

J. A wooden fence not more than six feet, six inches (6'6") in height from the finished grade shall be provided around each macro facility. Access to the facility shall be through a locked gate.

SECTION 8. Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this Ordinance.

SECTION 9. Corrections. The Town Clerk-Treasurer and codifiers of the ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

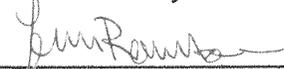
SECTION 10. Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the Town. This Ordinance shall take full force and effect five (5) days after the date of publication.

APPROVED BY THE TOWN COUNCIL OF THE TOWN OF YARROW POINT ON THIS 14th DAY OF FEBRUARY, 2023.



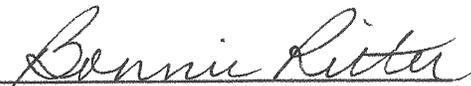
Katy Kinney Harris, Mayor

Approved as to form:
Town Attorney



Ogden Murphy Wallace, PLLC

Attest/Authenticated:



Bonnie Ritter, Clerk-Treasurer

PUBLISHED BY THE TOWN COUNCIL: February 14, 2023
PUBLISHED: February 17, 2023
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ORDINANCE NO.: 722

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Town Of Yarrow Point
4030 95th Ave NE
Yarrow Point WA 98004

SUMMARY OF ORDINANCE NO. 722 TOWN OF YARROW POINT, WASHINGTON

On the 14th day of February 2023, the Town Council of the Town of Yarrow Point, Washington passed Ordinance No. 722. A summary of the content of said ordinance consisting of the title provides as follows:

AN ORDINANCE OF THE TOWN OF YARROW POINT, WASHINGTON, AMENDING YARROW POINT MUNICIPAL CODE SECTION 15.04.030 RELATING TO CONDITIONS AND EXEMPTIONS FROM BUILDING PERMIT REQUIREMENTS; AMENDING YARROW POINT MUNICIPAL CODE CHAPTER 17.08 TO ADD TWO NEW DEFINITIONS AND AMENDING THE DEFINITION OF "FENCE"; AMENDING YARROW POINT MUNICIPAL CODE SECTION 17.12.030 RELATED TO AUTHORIZED STRUCTURES IN SET-BACKS; AMENDING YARROW POINT MUNICIPAL CODE SECTION 17.30.080 TO ENSURE CONSISTENCY OF FENCE HEIGHTS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

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

Dated this 15th day of February, 2023
Published this 17th day of February, 2023
Austen Wilcox, Deputy Clerk

STATE OF WASHINGTON, COUNTIES OF KING AND SNOHOMISH

The undersigned, on oath states that he/she is an authorized representative of The Seattle Times Company, publisher of The Seattle Times of general circulation published daily in King and Snohomish Counties, State of Washington. The Seattle Times has been approved as a legal newspaper by orders of the Superior Court of King and Snohomish Counties.

The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

02/17/2023

Agent MAUREEN DUGGAN Signature Maureen Duggan

Subscribed and sworn to before me on 02/17/23

Frankie Flight

(Notary Signature) Notary Public in and for the State of Washington, residing at Seattle

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