

Molalla Municipal Code

[Up](#)[Previous](#)[Next](#)[Main](#)[Search](#)[Print](#)[No Frames](#)[Title 17 DEVELOPMENT CODE](#)[Division III. Community Design Standards](#)[Chapter 17-3.4 LANDSCAPING, FENCES AND WALLS, OUTDOOR LIGHTING](#)**17-3.4.040 Fences and Walls**

- A. **Purpose.** This section provides general development standards for fences, and walls that are not part of a building, such as screening walls and retaining walls.
- B. **Applicability.** Section 17-3.4.040 applies to all fences, and to walls that are not part of a building, including modifications to existing fences and walls.
- C. **Height.**
1. **Residential Zones.** Fences and freestanding walls (i.e., exclusive of building walls) for residential uses shall not exceed the following heights above grade, where grade is measured from the base of the subject fence or wall.
 - a. **Within Front or Street-Facing Side Yard Setback.** Four feet; except the following additional height is allowed:
 - (1) A fence may be constructed to a maximum height of six feet where it is located on a street-facing side yard.
 - (2) A fence may be constructed to a maximum height of six feet where the fence is of open chain link or other “see-through” composition that allows 90 percent light transmission.
 - (3) One incidental garden structure (e.g., arbor or gate) not exceeding eight feet in height and six feet in width is allowed within a front or street-facing yard provided it does not encroach into a required vision clearance area.
 - b. **Within an Interior Side or Rear Yard Setback.** Six feet; except the fence or wall height, as applicable, shall not exceed the distance from the fence or wall line to the nearest primary structure on an adjacent property.
 2. **Non-Residential Zones.** Fences and freestanding walls (i.e., exclusive of building walls) for non-residential uses shall not exceed the following height above grade, where grade is measured from the base of the subject fence or wall.
 - a. **Within Front or Street-Facing Side Yard Setback.** Four feet, except the following additional height is allowed for properties located within an industrial, public, or institutional zone:
 - (1) Where approved by the City Planning Official, a fence constructed of open chain link or other “see-through” composition that allows 90 percent light transmission may reach a height of up to eight feet.
 - b. **Within an Interior Side or Rear Yard Setback.** Eight feet; except the fence or wall height, as applicable, shall not exceed the distance from the fence or wall line to the nearest primary structure on an adjacent property.
 3. **All Zones.** Fences and walls shall comply with the vision clearance standards of Section 17-3.3.030.G. Other provisions of this Code, or the requirements of the roadway authority, may limit allowable height of a fence or wall below the height limits of this section.
- D. **Materials.** Prohibited fence and wall materials include straw bales, tarps, barbed or razor wire (except in the M-2 Heavy Industrial zone); scrap lumber, untreated wood (except cedar or redwood), corrugated metal, sheet metal, scrap materials; dead, diseased, or dying plants; and materials similar to those listed herein.

E. **Permitting.** A Type I approval is required to install a fence of six feet or less in height, or a wall that is four feet or less in height. All other walls and fences require review and approval by the Planning Official through a Type II procedure. The Planning Official may require installation of walls or fences as a condition of approval for development, as provided by other Code sections. A building permit may be required for some fences and walls, pursuant to applicable building codes. Walls greater than four feet in height shall be designed by a Professional Engineer licensed in the State of Oregon.

F. **Maintenance.** Fences and walls shall be maintained in good condition, or otherwise replaced by the property owner. (Ord. 2017-08 §1)

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