

ARTICLE 24

FENCE REGULATIONS

2400 PURPOSE

The purpose of these fencing and hedge regulations is to create standards governing location and materials, and review procedures which will clarify the regulations and achieve consistency within the context of the neighborhood and the entire City. The objective is to protect and reconcile the often conflicting goals of aesthetics, privacy, security, view sight lines and drainage.

24.01 APPLICABILITY

These regulations apply to all fencing installed in the City after the effective date of this Ordinance and all existing fencing which is replaced, whether voluntarily or due to lack of maintenance or poor construction. Regulations regarding hedges apply retroactively to all lots in the City.

For the purposes of this ordinance, a fence shall be defined as a structure more than 18" in height, the purpose of which is to either partially or totally define property boundaries or create or define portions of yards, or secure or private areas.

24.02 REVIEW PROCEDURE

A building permit shall be required for all fencing allowed under these regulations. Prior to the issuance of a building permit, it shall be the responsibility of the Community Development Department to review fencing plans for compliance with their regulations.

24.03 DEVELOPMENT STANDARDS

A. SINGLE FAMILY AND DUPLEX RESIDENTIAL USES

This section shall pertain to lots that contain not more than two (2) dwelling units, which are not covered under Section I and J.

1. PERMITTED LOCATION OF FENCING

Except as prohibited by subsection 3, fencing shall be allowed along the front setback line, the side lot line, the rear lot line, and any area within the yard created by the lot lines and setback line described in this subsection. Fencing shall also be allowed within the front yard, but shall be limited to a maximum height of 42 inches. See Section 4.d for allowable materials.

2. REQUIRED LOCATION OF FENCING

- a. Except as prohibited by subsection 3 below, fencing shall be required along street side property lines, rear property lines abutting a street, and around rear yards. For the purposes of this subsection, the word "street" shall include public and private streets, publicly maintained alleys, and driveways serving flag lots, provided said driveway serves at least two lots and is at least 20 feet wide.
- b. Fencing shall also be required between the uses listed in section A and other uses listed in the subsection beginning with B.
- c. If a property owner feels extenuating circumstances related to a view or a hillside lot exist, which make this required fencing undesirable, the property owner may appeal in accordance with the procedures set in Section 3.
- d. Slopes are generally discouraged. Where possible, a retaining wall of up to 6' in height shall be constructed to eliminate a slope. Where a property line corresponds to the top of a slope, fencing shall be installed at the top of the slope. City staff is authorized and directed to allow higher than 6' of retaining where extenuating circumstances exist.

3. Prohibited Location of Fencing

- a. Except as herein provided in this subsection, fencing is prohibited between the front lot line and the street, between the street side lot line and the street, and between the rear lot line and an adjacent street. However, should the distance between the street side lot line or the rear line and their respective adjacent sidewalk is less than four feet, the fence may be placed against the rear of the sidewalk if an encroachment permit is first obtained.
- b. Where fencing is installed between the street side lot line and the street side setback line, said fence shall not extend any closer than 30 feet to the front property line, said fence shall not extend any closer than 30 feet to the front property line.

- c. Fencing that creates a safety problem because it substantially blocks visibility of vehicles or pedestrians is prohibited.

4. MATERIALS

- a. Where fencing is required by subsection 2, and is facing a street, fencing materials shall be wrought iron type, masonry, concrete, brick, or an acceptable equivalent or a combination thereof, excepting that between differing land uses fencing materials shall be masonry. Gates in this required fencing shall be wrought iron type, chain link, or a material acceptable to the Community Development Department.

- 1. On individual lots where fencing is to be facing a street and is to be located between the house and the side property line, wood shall be an acceptable material pursuant to the following material, construction and location specifications:

- a. Material shall be equivalent to the following:

All wood shall be pressure treated Douglas Fir or equivalent. Minimum size vertical fence board shall be 1" X 6". All exposed wood surfaces shall be painted with two coats of exterior grade paint or oil base stain, color to be neutral to match that of stucco or house exterior.

- b. Construction shall be equivalent to the following:

Support Post - Fencing to be supported by a 2 1/2" diameter tubular steel post (adjacent to gate post shall be 3") set 8' on center in an 18" X 10" concrete post footing. Steel post shall not be visible from any public street.

Support Rails - Top and bottom rails shall be provided on both sides of the fence to attach the 1" X 6" vertical fence boards.

Support Base - A 2" X 6" base bolted to the support post shall be provided.

Fence Cap - A 2" X 6" cap extending the length of the fence shall be provided, nailed to the top support rails. Hinges, brackets and bolts (3/8" min.) shall be galvanized and where exposed shall be painted to match fence.

- c. The side yard fence shall be setback a minimum of five (5) feet from the front of the building. Where the 5 foot setback conflicts with a door or window the Community Development Department Staff shall determine the appropriate setback.
- b. Fencing proposed in the area between the front lot line and front setback line shall be block, wrought iron, combination block and wrought iron, "picket," and/or "split rail." Any "picket" and/or "split rail" shall be continuously maintained so as to appear in a "new" condition. Chain link fencing shall be permitted when more than 50% of the homes with fenced front yards, on both sides of a street on the same block, have chain link.
- c. All other permitted fencing may be of any other durable material but shall not include barbed wire, razor wire or any other similar fencing or fencing that contains an electrical charge that can be touched from outside the fence.
- d. Where a constant fencing type or theme exists in a housing development, fencing that is replaced shall be consistent with the existing fencing.
- e. Where wood fencing is proposed, the support posts shall be galvanized steel, set in concrete.
- f. Fencing which is authorized in the area normally prohibited from containing a fence shall be of a material specified in the first paragraph of this subsection. However, where fencing on more than 50% of the lots on the same side of the street in a block contain non conforming materials, the Community Development

Director shall also allow fencing of a type existing in that block except types listed in the second paragraph.

5. HEIGHT OF FENCING

- a. Required fencing shall be no less than five (5) feet in height and no more than (6) feet, as measured from the highest adjacent grade. All other permitted fencing shall be no more than six (6) feet in height. If a special need exists for a fence higher than six (6) feet (i.e.; a tennis court), then a variance may be applied for from the Planning Commission.
- b. When a reverse corner lot situation exists, walls up to six feet shall be allowed on the street side property line when the sight distance from the driveway is 136 feet in both directions, measured 15' from the curb line in the driveway of the key lot, on local streets only.
 1. If sight distance is less than 136 feet, staff recommends that the wall be located ten feet from property line. Wall may be closer if a 136' view distance is maintained when measured 15' from the curb line in the driveway of the key lot.
 2. Planting and parking shall be restricted in above mentioned view distance.
 3. If a reverse corner lot property is located on other than a local street, the wall shall be located 10 feet from the property line.

6. HEDGES

- a. Hedges are permitted on all portions of a lot. Where fences are prohibited, hedges shall be no higher than 42" above the top of the adjacent curb. The maximum height of a hedge anywhere else on a lot is eight (8) feet.

B. MULTIPLE FAMILY

This section shall pertain to lots that contain more than two (2) dwelling units.

1. PERMITTED LOCATION OF FENCING

Except as prohibited by subsection 3, fencing shall be allowed along the front setback line, any side lot line, the rear lot line, and any area within the yard created by the lot lines and setback line described in this subsection.

2. REQUIRED LOCATION OF FENCING

- a. Except as prohibited by subsection 3 below, fencing is required on newly developed lots at all front setback lines, street side property lines, rear property lines abutting a street, and around rear yards. For the purposes of this subsection, the work "street" shall include public and private streets, publicly maintained alleys, and driveways serving flag lots, provided said driveway serves at least two lots and is at least 20 feet wide. Fencing is not required at the front setback line as it intersects a driveway to a parking lot.
- b. Fencing shall also be required between the uses listed in section A and other uses listed below beginning with subsection C and the uses to which this section pertains.
- c. Slopes are generally discouraged. Where possible, a retaining wall of up to 6' in height shall be constructed to eliminate a slope. Where a property line corresponds to the top of a slope, fencing shall be installed at the top of the slope. City staff is authorized and directed to allow higher than 6' of retaining where extenuating circumstances exist.

3. PROHIBITED LOCATION OF FENCING

- a. Except as herein provided in this subsection, fencing is prohibited between the front setback line and the street, between the street side lot line and the street, and between the rear lot line and an adjacent street. However, should the distance between the street side lot line or the rear lot line and their respective adjacent sidewalk is less than four feet, the fence may be placed against the rear of the sidewalk if an encroachment permit is first obtained.

- b. Where fencing is installed between the street side property line and the street side setback line, said fence shall not extend any closer than 30 feet to the front property line.
- c. Fencing that creates a safety problem because it substantially blocks visibility of vehicles or pedestrians is prohibited.

4. MATERIALS

- a. Where fencing is required by subsection 2, and is facing a street, fencing materials shall be wrought iron type, masonry, concrete, brick, or an acceptable equivalent or a combination thereof, excepting that between differing land uses fencing materials shall be masonry. Gates in this required fencing shall be wrought iron type, chain link, or a material acceptable to the Community Development Department.

- 1. Where fencing is to be facing a street, for areas less than 15 lineal feet, wood shall be an acceptable material pursuant to the following material, construction and location specifications:

- a. Material shall be equivalent to the following:

All wood shall be pressure treated Douglas Fir or equivalent. Minimum size vertical fence board shall be 1" X 6". All exposed wood surfaces shall be painted with two coats of exterior grade paint or oil base stain, color to be neutral to match that of stucco or house exterior.

- b. Construction shall be equivalent to the following:

Support Post - Fencing to be supported by a 2 1/2" diameter tubular steel post (adjacent to gate post shall be 3") set 8' on center in an 18" X 10" concrete post footing. Steel post shall not be visible from any public street.

Support Rails - Top and bottom rails shall be provided on both sides of the fence to attach the 1" X 6" vertical fence boards.

Support Base - A 2" X 6" base bolted to the support post shall be provided.

Fence Cap - A 2" X 6" cap extending the length of the fence shall be provided, nailed to the top support rails.

Hinges, brackets and bolts (3/8" min.) shall be galvanized and where exposed shall be painted to match fence.

- c. The side yard fence shall be setback a minimum of five (5) feet from the front of the building. Where the 5 foot setback conflicts with a door or window the Community Development Department Staff shall determine the appropriate setback.
2. All other permitted fencing may be of any other durable material but shall not include barged wire, razor wire or any other similar fencing or fencing that contains an electrical charge that can be touched from outside the fence.
3. Where wood fencing is proposed, the support posts shall be galvanized steel, set in concrete.
- b. Fencing approved by the Director of Community Development or the City Council in the area normally prohibited from containing a fence shall be or a material specified in the first paragraph of this subsection.

5. HEIGHT OF FENCING

- a. Required fencing shall be not less than five (5) feet in height and no more than (6) feet. All other permitted fencing shall be no more than six (6) feet in height. All fence heights shall be measured from the highest adjacent grade.

- b. Where fencing has been authorized in an area where it is normally prohibited by these regulations, said fencing shall not exceed 42" in height measured from the adjacent top of curb.
- c. When a reverse corner lot situation exists, walls up to six feet shall be allowed on the street side property line when the sight distance from the driveway is 136 feet in both directions, measured 15' from the curb line in the driveway of the key lot, on local streets only.
 - 1. If sight distance is less than 136 feet, staff recommends that the wall be located ten feet from property line. Wall may be closer if a 136' view distance is maintained when measured 15' from the curb line in the driveway of the key lot.
 - 2. Planting and parking shall be restricted in above mentioned view distance.
 - 3. If a reverse corner lot property is located on other than a local street, the wall shall be located 10 feet from the property line.

6. HEDGES

Hedges are permitted on all portions of a lot. Where fences are prohibited, hedges shall be no higher than 42" above the top of the adjacent curb. The maximum height of a hedge anywhere else on a lot is eight (8) feet.

C. COMMERCIAL USE

This section shall pertain to lots that contain uses allowed in the C-1 and C-2 zones.

1. PERMITTED LOCATION OF FENCING

Except as prohibited below, fencing shall only be allowed along an interior side lot line and a rear lot line. Other fencing may be permitted behind the front setback line upon a petition in accordance with Section B.3b.

2. REQUIRED LOCATION

- a. Except when prohibited by 19.03 subsection C, para 3, fencing is required on all newly developed lots along interior side lot lines and the rear lot line.
- b. Slopes are generally discouraged. Where possible, a retaining wall of up to 6' in height shall be constructed to eliminate a slope. Where a property line corresponds to the top of a slope, fencing shall be installed at the top of the slope. City staff is authorized and directed to allow higher than 6' of retaining where extenuating circumstances exist.

3. PROHIBITED

Fencing is prohibited in all areas where it is not permitted by Section C.1.

4. MATERIALS

- a. When constructed, the first six feet of perimeter fencing which faces a street or residential area shall be solid masonry, concrete, or similar material. All other fencing may be constructed of masonry, wrought iron type, chain link, or an acceptable equivalent.
- b. Alternative fencing material may be approved by the Planning Department, with appeal to the Planning Commission, if it finds a need for the alternative fencing due to special security or inventory display considerations.

5. HEIGHT

- a. The height of fencing between commercial uses and residential uses shall be six feet except the 20' closest to and perpendicular to a street shall be no more than 42" high.
- b. All other fencing for a commercial use shall not exceed 8' in height, unless the Planning Department, with appeal to the Planning Commission for Conditional Use Permit, has approved a higher fence for security reasons.

6. HEDGES

- a. Hedges associated with commercial uses shall not exceed 42' in height.

D. INDUSTRIAL USE

1. PERMITTED LOCATION

- a. Except as otherwise prohibited, fencing may be allowed behind front or street side setback lines.

2. REQUIRED LOCATION OF FENCING

- a. Fencing is not required unless there is outside storage of materials or an attractive nuisance on a lot.
- b. Slopes are generally discouraged. Where possible, a retaining wall of up to 6' in height shall be constructed to eliminate a slope. Where a property line corresponds to the top of a slope, fencing shall be installed at the top of the slope. City staff is authorized and directed to allow higher than 6' of retaining where extenuating circumstances exist.

3. PROHIBITED LOCATION

- a. Fencing is prohibited within any setback area.

4. MATERIALS

- a. When fencing is installed, it shall be constructed of masonry, wrought iron type, chain link, or an acceptable equivalent.
- b. The Community Development Director shall determine, by the nature of the business, whether screening is necessary. Such determination may be appealed to the Planning Commission.

5. HEIGHT OF FENCING

- a. Fencing facing a street, shall be no more than six (6) feet in height. Other fencing shall not exceed eight (8) feet in height.
- b. If a special need exists for a fence higher than that specified above, then a variance may be applied for from the Planning Commission.
- c. Generally, outside storage shall not exceed the height of the fence.

6. HEDGES

- a. Hedges shall be considered as fences for the purposes of this subsection.

E. MOBILEHOMES

F. MOBILEHOME PARKS

1. Mobile-home parks shall be separated from differing land uses by a six (6) foot masonry wall.
2. Street frontages shall have a six foot combination decorative wall and wrought iron type fencing, which shall be approved by the Planning Commission when it considers the Conditional Use Permit application.

G. MOBILEHOME SUBDIVISIONS

1. Mobile-home subdivisions or mobile-homes on a single family lot shall meet the requirements of Section A above.
2. Slopes are generally discouraged. Where possible, a retaining wall of up to 6' in height shall be constructed to eliminate a slope. Where a property line corresponds to the top of a slope, fencing shall be installed at the top of the slope. City staff is authorized and directed to allow higher than 6' of retaining where extenuating circumstances exist.

H. AGRICULTURAL

1. DEFINITIONS

- a. Agricultural Use--Any use listed in the Zoning Ordinance which permits the keeping of animals.
- b. Small agricultural use - a use on less than one net acre.
- c. Large agricultural use - a use on one or more net acres

I. SMALL AGRICULTURAL USES

- 1. Land which has a small agricultural use and one or more dwelling units shall comply with Section A above.
- 2. Slopes are generally discouraged. Where possible, a retaining wall of up to 6' in height shall be constructed to eliminate a slope. Where a property line corresponds to the top of a slope, fencing shall be installed at the top of the slope. City staff is authorized and directed to allow higher than 6' of retaining where extenuating circumstances exist.

J. LARGE AGRICULTURAL USES

- 1. All other agricultural uses not covered by subsection I have no specific fencing requirements except that fencing shall not create a traffic hazard.

19.04 FENCE VARIANCE

Where, owing to special circumstances, a strict literal interpretation of this Article would result in practical difficulty or unnecessary hardship inconsistent with the objectives of this Ordinance, the Planning Commission is empowered to grant a minor fence variance.

A. APPLICATION

- 1. An application for a fence variance shall be filed with the Planning Division of the Community Development Department on the appropriate form provided by said department. The Application shall include any data and exhibits required by the Community Development Department and deemed necessary to process the request.

B. FEE

1. The application shall be accompanied by a \$200.00 fee or such other fee determined from time to time by Resolution of the City Council. The fee shall be used to defray the costs incidental to the processing of the application.

C. PUBLIC HEARING

1. The Planning Commission shall hold at least one public hearing on each application for a fence variance. The hearing shall be set and notice provided in the manner prescribed by Government Code Section 6061 and Section 65091.
2. At the public hearing, the Commission shall review the application and the accompanying material and shall receive pertinent evidence concerning the fence variance, particularly with respect to the circumstances prescribed in Section 19.04 D.2.

D. PLANNING COMMISSION ACTION

1. The Planning Commission may grant the fence variance as applied for or in modified form subject to such conditions as the Commission may prescribe, or the fence variance may be denied.
2. Should the Commission determine to grant the fence variance, the Commission shall make findings of fact that all of the circumstances prescribed below apply:
 - a. That the fence has not been illegally erected and the special circumstances are not the result of the actions of the applicant.
 - b. That the fence will not create a safety problem or hazardous condition.
 - c. That the strict or literal interpretation of this Article will deprive the applicant of rights commonly enjoyed by other properties in the immediate area of the site and in the same zone.
 - d. That the granting of a fence variance will not confer on the applicant any special privilege that is denied by other properties in the immediate area and in the same zone.

E. EFFECTIVE DATE OF FENCE VARIANCE

A decision of the Planning Commission shall be effective ten (10) days after date of the action unless an appeal has been filed.

F. APPEAL TO THE CITY COUNCIL

1. The applicant or any other person aggrieved by the Planning Commission decision, may appeal to the City Council. The appeal must be submitted in writing together with payment of an appeal filing fee, equal to the amount noted in Section 19.04B. within ten (10) days of the Planning Commission action. Any action of the City Council on an appeal shall be effective immediately thereafter.