

## Fences, Walls, and Hedges

Q: How high can my fence be?

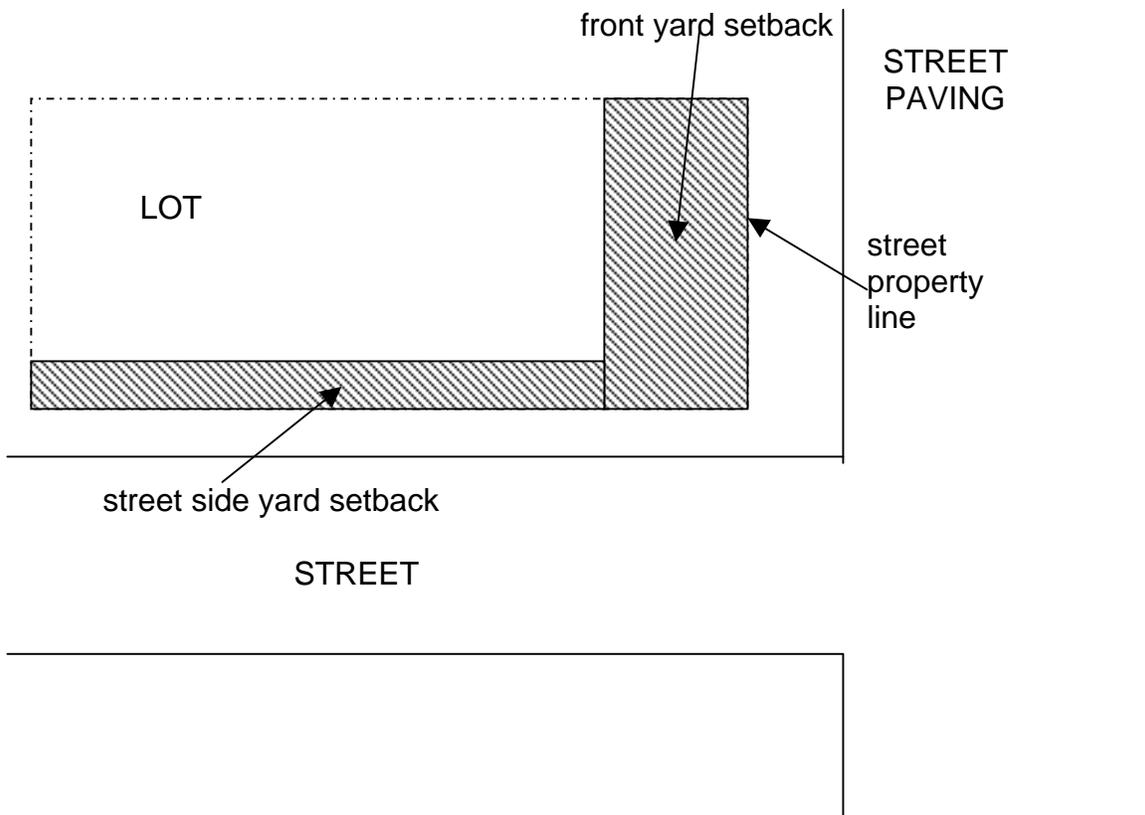
A: In the yard near the street (either a “front yard setback” or a “street side yard setback”), it can be no higher than 42”. On the rest of the lot, it can be up to six feet high. The height in other yards may have to be lower if yours is a blufftop lot (see below).

Q: What is a “front yard setback”?

A: Usually, the front yard is the first 20 feet of your lot. This means the area between the street property line and a line twenty feet back. Yards are different in different zones and sometimes two lots, side by side, will have different required “front yards”. Check with the Planning Division to be sure.

Q: What is a “street side yard setback”?

A: On a corner lot, the “front yard setback” is the yard on the short side, and the “street side yard setback” is the yard on the longest side of the lot. Usually the street side yard is ten feet, but the size depends on the zone and the size of the lot.



Q: Where do I measure the fence height from?

A: The height of the fence is measured from the ground level that exists before the fence is installed. In other words, you can't get a higher fence by building up the dirt under it.

Q: Can I put a fence on top of the bluff?

A: Yes, but it can be no higher than 42", it must be "90% see-through", it must be set back at least five feet from the bluff top, and it must be removable. You must obtain a special planning permit to build a fence on the blufftop. You will normally be required to have a geologic study done that confirms that installing the fence will not endanger the bluff in any way.

Q: Can I have a taller hedge?

A: No. Hedges have the same rules as fences.

Q: How high can my retaining wall be?

A: Retaining walls follow the same rules as fences. That is, the height is measured from the ground level *before* the wall is built. This means that the wall height could be higher on your side of the wall than it is on your neighbor's, for example.

Q: Do I need a building permit to build a fence?

A: No, not if the fence is six feet or shorter. Fences must be built safely, however. Check with the building division for requirements for retaining walls.

Q: Do I need a planning permit to build a fence?

A: No, unless you want to build one on a bluff top. Fences on blufftops require Coastal Development Permits and must meet certain standards (see code section, below). You must build fences in accordance with the zoning standards whether or not it requires a permit.

**Codes:**

Inside Coastal Zone (1983 code):

17.102.050 (blufftop fencing)

17.102.120 (general fence requirements)

Outside Coastal Zone (1998 code):

17.24.050

**17.102.050 Exceptions to Minimum Side or Rear Yard Setback Requirements for Coastal Blufftop Developments**

All uses in any zone with side or rear yards abutting coastal bluffs and beaches are subject to the standards adopted in the Local Coastal Program Land Use Plan Policies and Programs. Development permitted in the areas reserved for public beach access or recreation shall be limited to structures and facilities designed to accommodate passive recreational use of the area, including but not limited to stairways, benches, tables, refuse containers, bicycle racks, and public parking facilities. In no case shall any development except public access paths and public stairways be permitted within the bluff retreat setbacks identified in site specific geologic studies, *except as follows for R-1 zones:* (emphasis added)

1. Ninety percent (90%) see-through, non-permanent, 42 inch maximum height fences may be permitted with a Coastal Permit, per Section 17.102.120.
2. Fences described above shall be designed and sited in such a manner as to permit the easy removal or relocation of the structure in order to continually maintain a five (5) foot minimum setback from the top edge of the bluff. A document to this effect shall be recorded with the title of the property in a manner and format approved by the City Attorney.
3. A site specific geologic study by a registered geologist shall be prepared for structures permitted by section #1 above. This report shall assess the impact of the development in the retreat area on the stability and erosion of the bluff and shall make a finding that the proposed location would not contribute to the erosion or failure of the bluff, or propose alternative locations to achieve this result.
4. It shall be the duty of the Building Official to periodically review such fences, in bluff retreat areas to ensure that minimum bluff top setbacks are maintained. Owners of properties receiving permits for these improvements shall permit continuous, announced entry by the Building Official to permit these periodic inspections.

**17.102.120 Fences, Hedges and Walls:**

Fences, hedges and walls may be permitted in any district subject to the following conditions:

1. Fences, hedges and walls up to six (6) feet in height from existing grade on the lot may be permitted within all required rear yards and interior side yards.
2. No solid fences, hedges or walls over forty-two (42) inches in height shall be permitted in any front yard, or in the side yard or the street side of a corner lot.
3. Open fences exceeding six (6) feet in height to enclose tennis courts or similar uses, when such fences enclose the rear half of a lot, maybe erected with the approval of the Planning Commission with an Architectural Review Permit.
4. Fences located in required bluff setback areas shall not exceed 42 inches in heights and shall secure a Coastal Development Permit. These fences shall be non-permanent, removable and see-through. (See Section 17.102.050 for requirements.)

## 1998 Code:

### 17.24.060 - Fences, Walls, and Hedges

The following standards shall apply to the installation of all fences, walls and hedges.

**A. Permit requirement.** Fences and walls require Site Plan and Architectural Review (Section 17.42.030), except where exempted from land use permit requirements by Subsection B., below.

**B. Exemptions from permit requirements.** The following fences and walls do not require land use permit approval when constructed, unless they are blufftop fences subject to the provisions of Subsection E. below, but shall otherwise comply with all applicable provisions of this Zoning Code.

**1. Fences.** Fences (wood, wrought iron, chain link, and similar materials) and walls (concrete, concrete block, brick, other masonry) are exempt from land use permit requirements when the height of the fence or wall measured from existing grade does not exceed:

- a. 42 inches when located within a front setback or street side setback; or
- b. Six feet when located outside of a front or street side setback.

See Figure 2-31 for illustration of the locations of setbacks on property.

**2. Retaining walls.** Retaining walls (retaining earth only) are exempt from land use permit requirements when less than 24 inches in height with no surcharge, and are not required by Title 18 of the Municipal Code (Grading and Erosion Control Ordinance) to have a Grading Permit.

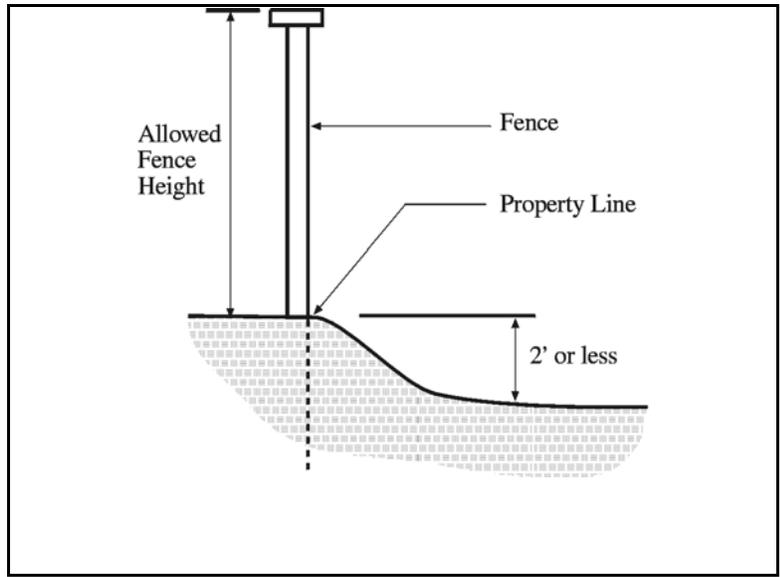
**3. Required fences.** The provisions of this Section shall not apply to a fence or wall required by any law or regulation of the City, State, or any State agency.

**C. Height limitations.** Fences and walls are subject to the height limitations in Subsection B. above except as follows, and except as provided by Subsection D. below, for coastal blufftop fences. Hedges within a front yard setback shall be limited to a height of 42 inches.

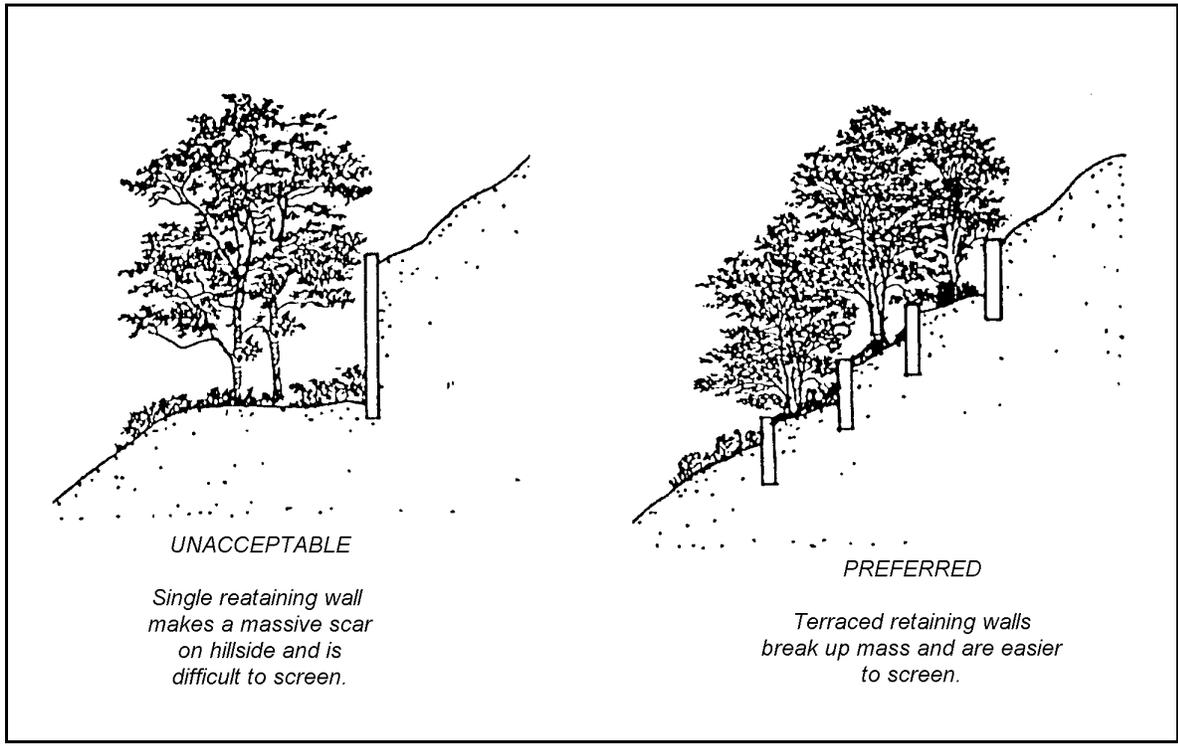
**1. Public signs and facilities, and vegetation.** The height limitations of this Section shall not apply to: trees trimmed (to the trunk) to a line at least six feet above the elevation of the intersection; saplings or plant species of open growth habits and not planted in the form of a hedge, which are planted and trimmed to leave a clear and unobstructed crossview during all seasons; supporting members of appurtenances to permanent structures existing on the date that this Zoning Code becomes effective; and official warning signs or signals.

**2. Parcels with grade differential.** Where there is a difference in the ground level between two adjoining parcels of less than two feet, the height of any fence/wall constructed along the common property line shall be determined by using the finished grade of the highest contiguous parcel. See Figure 3-3. Where there is a difference in the ground level between two adjoining parcels of two feet or more, the height of any fence/wall on the property line shall be determined by the Director.

3. **Retaining walls.** Individual retaining walls shall not exceed a height of six feet unless otherwise approved by the Director. All retained slopes should be terraced and landscaped/screened as shown in Figure 3-4.
- D. **Fence design.** Perimeter fences/walls adjacent to public rights-of-way shall be articulated by providing a minimum of one, two-foot deep by five-foot long landscaped recession for every 100 feet of continuous wall. The design may include an appropriate mix of materials and finish subject to the approval of the Director.
- E. **Coastal blufftop fences.** Fences are not allowed in bluff retreat setbacks except within the RSL district. Fences proposed in the RSL zoning district within bluff retreat setbacks (Section 17.32.050.C.1) shall comply with the following requirements.
1. **Height limit, opacity.** Fences shall not exceed 42 inches in height, and shall be constructed so that 90 percent of the fence surface area is transparent.
  2. **Readily removable fences required.** Fences shall be designed and sited to allow their easy removal or relocation in order to continually maintain a 25-foot minimum setback from the top edge of the bluff. A document to this effect, in a form approved by the City Attorney, shall be recorded with the title of the property.
  3. **Geologic study required.** The application for Site Plan and Architectural Review of a proposed blufftop fence shall include a site-specific geologic study. The study shall be prepared for the proposed fence by a qualified, registered geologist approved by the Director. The report shall assess the impact of those portions of the proposed structure which are located within the retreat area on the stability and erosion of the bluff, and shall propose alternative locations for the structure if the placement originally proposed would have impacts on bluff stability or erosion.
  4. **Criteria for approval.** A fence proposed within a bluff retreat setback shall only be approved when the fence complies with all applicable requirements of this Section and Zoning Code, and when the geologic study report finds that the proposed fence (or alternate location, where appropriate) will not contribute to the erosion or failure of the bluff.
  5. **Periodic review.** The Building Official is authorized to periodically review all fences approved within bluff retreat setbacks to ensure that minimum blufftop setbacks are maintained. Property owners with approved blufftop fences shall permit periodic, pre-arranged entry by the Building Official to permit these inspections.
- F. **Prohibited materials.** The use of barbed wire, electrified fence, or razor wire fence in conjunction with any fence, wall, or hedge, or by itself within any zoning district, is prohibited unless approved by the Director or required by any law or regulation of the City, State, or any agency thereof.
- G. **Fences between different land uses.** Fences or walls may be required between different land uses (e.g., commercial and residential, multi-family residential and single-family residential, etc.) in compliance with Section 17.24.120 (Screening).



**Figure 3-3**  
**PROPERTY LINE FENCE HEIGHT**



**Figure 3-4**  
**RETAINING WALL HEIGHT**