

5.03.02 Fences and Walls

A. All districts.

1. Whenever a property owner elects to construct a chain link fence, pursuant to the provisions herein, adjacent to an **arterial** or **collector road** in the urban coastal area, shall not be located closer than three (3) feet to the **right-of-way** or property line, and said fence shall be screened from view by planting a hedge of living plant material at a minimum of thirty (30) inches in height and spaced a distance apart that will achieve an opacity of eighty (80) percent sight-obscuring screen within one (1) year of planting. An irrigation system shall be installed to ensure the continued viability of the hedge as a visual screen of the chain link fence. This regulation shall not apply to single-family homes.
 - a. Structures subject to section 5.05.08 Architectural & Site Design Standards must comply with the following additional fencing standards:
 - i. Chain link and wood fences are prohibited forward of the primary facade and must be a minimum of 100 feet from a public right-of-way. Chain link and wood fencing facing a public or private street must be screened with an irrigated hedge planted directly in front of the fence on the street side. Plant material must be a minimum of three gallon in size and planted no more than three feet on center at time of installation. This plant material must be maintained at no less than three-quarters of the height of the adjacent fence (See Illustration 5.03.02 A.1.a. - 1).
 - ii. Fences forward of the primary facade, excluding chain link and wood are permitted under the following conditions:
 - (a) Fences must not exceed four feet in height.
 - (b) The fence provides either an open view at a minimum of 25 percent of its length or provides variation in its height for a minimum of 15 percent of its length with a deviation of at least 12 inches.
 - (c) The fence style must complement **building** style through material, color and design.
2. All fences and walls shall be of sound construction and shall not detract from the public health, safety, and welfare of the general public.
3. All fences and walls shall be maintained in a manner that will not detract from the neighborhood or community.
4. Barbed wire is authorized within agricultural, commercial, industrial districts and on fences surrounding **raw water wells** in all districts. Razor or concertina wire is not permitted except in the case of an institution whose purpose is to incarcerate individuals, i.e., a jail or penitentiary, or by appeal to the BZA.

5. No fence or wall within any district shall block the view of passing motorists or pedestrians so as to constitute a hazard.
 6. Fences and walls shall be constructed of conventional **building** materials such as, but not limited to, concrete block, brick, wood, decorative iron or steel, and chain link.
 7. Fences and walls shall be constructed to present the finished side of the fence or wall to the adjoining **lot** or any **abutting right-of-way**. If a fence, wall, or continuous landscape hedge exists on the adjoining **parcel**, this provision may be administratively waived where said request has been requested in writing.
 8. When determined to be beneficial to the health, safety, and welfare of the public, the County Manager or designee may approve an administrative variance from height limitations of fences and walls in all districts provided that at least one (1) health, safety, or welfare standard peculiar to the property is identified, and that such approval does not set an unwanted precedent by addressing a generic problem more properly corrected by an amendment to this Code.
 9. Existing ground levels shall not be **altered** for the purpose of increasing the height of a proposed wall or fence except as provided for within section 5.03.02 A.8. and 4.06.00.
- B. Fence height measurement for all districts. The height of a fence or wall located outside of the **building** line shall be measured from the ground level at the fence location. However, if the County Manager or designee determines that ground levels have been **altered** so as to provide for a higher fence, the County Manager or designee shall determine the ground level for the purposes of measuring the fence height. In determining whether the ground level has been altered for the purposes of increasing the height of the fence, the County Manager or designee may consider, but is not limited to, the following facts:
1. General ground elevation of the entire **lot**.
 2. In the case of a **lot** with varying ground elevations, the average elevation over the length of the fence, and at points in the vicinity of the fence.
 3. The ground elevation on both sides of the fence. In measuring the fence height, the ground elevation on the side of the fence location that is at the lowest elevation shall be used as a point from which the fence height is to be measured.
 4. Fences or walls shall be permitted **principal uses**; however, a fence or wall shall not, in any way, constitute a use or **structure**, which permits, requires, and/or provides for any **accessory uses** and/or **structures**.
- C. Residential zoning districts. For the purposes of this section, residential districts shall include: RSF, RMF-6, RMF-12, RMF-16, - RT, VR, MH, and TTRVC zoning districts, and the residential increments of PUD zoning districts. Fences and walls placed within required yards shall be subject to the following:

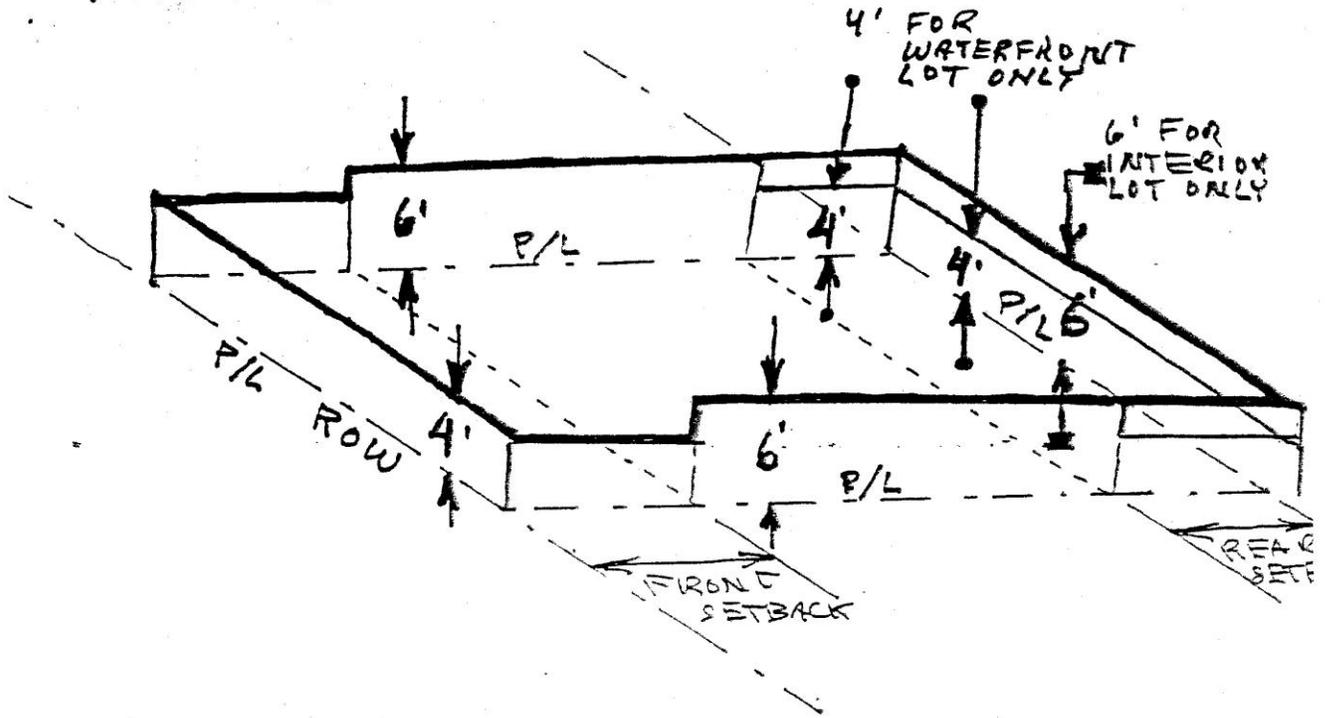
1. Fences or walls on lots greater than one (1) acre in area may reach a maximum height of six (6) feet; except for **raw water wells**, for which the allowable height is eight (8) feet.
 2. For non-waterfront interior **lots** one (1) acre or less in area, fences or walls may reach a maximum height of six (6) feet for side and rear yards, but are limited to four (4) feet within the required front yard.
 3. For waterfront **lots** one (1) acre or less in area, height limits are as for non-waterfront lots, but with the additional restriction that fences or walls within the required rear yard are limited to four (4) feet.
 4. For corner **lots** one (1) acre or less in area, which by definition have only front yards and side **yards**, fences within required front **yards** are limited to four (4) feet in height, with the exception that any portion of a front **yard** fence within the safe sight triangle described in section 6.06.05 of this Code is restricted to three (3) feet in height. (Two (2) sides of this triangle extend thirty (30) feet along the property lines from the point where the **right-of-way** lines meet, and the third side is a line connecting the other two (2).) Fences within required side yards may reach six (6) feet in height.
 5. Barbed wire, razor wire, spire tips, sharp objects, or electrically charged fences shall be prohibited, except that the Board of Zoning Appeals may allow the use of barbed wire in conjunction with chain link fencing for facilities where a security hazard may exist, such as a utility substation, sewage treatment plant, or similar use.
- D. Agricultural districts. For the purposes of this section, agricultural districts shall include: A, E, and CON zoning districts. Fences and walls within agricultural districts shall be exempt from height and type of construction requirements.
- E. Commercial and industrial districts.
1. Industrial Districts [Non-residential **development**]. Fences or walls in industrial districts not subject to section 5.05.08 shall be limited to eight (8) feet in height.
 2. Whenever a nonresidential **development** lies contiguous to or opposite a residentially zoned district, said nonresidential **development** shall provide a masonry wall or prefabricated concrete wall and/or fence.
 3. If located on a contiguous property, the wall and/or fence shall be a minimum of six (6) feet and a maximum of eight (8) feet in height and shall be located a minimum of six (6) feet from the residentially zoned district.
 4. If located on a property opposite a residentially zoned district but fronting on a local street, or the properties are separated by a platted **alley** , the wall and/or fence shall be located a minimum of three (3) feet from the rear of the right-of-way **landscape buffer** line and shall be four (4) feet in height.
 5. On properties which front on more than one (1) street, a six (6) foot high wall and/or

fence shall be required along the **street** which is opposite the primary ingress and egress point of the project along the street frontage which is adjacent to the rear of the project.

- F. At the **applicant's** request, the County Manager or designee may determine that a masonry wall and/or fence is not warranted, particularly where the local street lies contiguous to the rear of a residence or some other physical separation exists between the residential **development** and the nonresidential **development**, or for other good cause including the existence of a wall on an **adjacent** residential **development**. The **applicant** shall demonstrate that the intent of this section can be effectively accomplished, without constructing a wall, by submitting for approval an alternative design and a descriptive narrative through the administrative variance process set forth in subsection 5.03.02(A)(8) of this Code. The County Manager or designee shall review the submitted documents for consistency with the intent of this section and, if the administrative variance is approved, the approval and its basis shall be stated in the site **development plan** approval letter.
- G. Vegetative plantings shall be located external to the wall and/or fence such that fifty (50) percent of the wall and/or fence are screened within one (1) year of the installation of said vegetative material. An irrigation system shall be installed to ensure the continued viability of the vegetative screen.
- H. These regulations shall not be construed to require a masonry wall and/or fence for commercial **development** fronting on an **arterial** or collector **roadway** where the opposite side of such roadway is zoned residential or to be otherwise inconsistent with the provisions of section 5.05.08(B) of this Code.
- I. A wall and/or fence shall be constructed following site plan approval but prior to any vertical construction or any other type of improvement resulting from the issuance of a **building** permit. Special circumstances may warrant constructing the wall and/or fence in phases depending upon the location of affected residential areas and after vertical construction commences.

(Ordinance. No. 05-27, § 3.EE)

INTERIOR LOT



CORNER (+ SHOULDER) LOT

