



# COUNTY OF SANTA CRUZ 0457

## PLANNING DEPARTMENT

701 OCEAN STREET, 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123  
KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

May 4, 2011

**Agenda Date: May 17, 2011**

Board of Supervisors  
701 Ocean Street  
Santa Cruz CA 95060

**SUBJECT: Public hearing to consider proposed amendments to County Code Chapter 13.10 regarding regulations for fences. County Code Chapter 13.10 is a coastal implementing ordinance.**

Members of the Board:

Your Board considered the proposed amendments to the fence ordinance on April 5<sup>th</sup> and made a number of proposed modifications to the ordinance. As required by State law and County Code, Planning staff took those proposed modifications back to the Planning Commission for consideration on April 27, 2011. The Planning Commission's recommendations on the proposed modifications are reviewed in this report.

Attachment 3 is the proposed fence ordinance that is now recommended for adoption by staff and the Planning Commission. Attachment 4 is a strike-out and underline version of the ordinance that shows the originally proposed amendments in normal text, additions underlined, and deletions ~~struck through~~.

The proposed modifications by your Board with the Planning Commission's recommendation on each are discussed below.

### 1. Corner Sight Clearance Triangles

As Board members may recall, on April 5<sup>th</sup> staff informed your Board that it had come to our attention that there were additional industry standards for corner sight clearance triangles that may apply to certain front and side yard setbacks, which would further restrict fence heights over three feet within the triangle. Based on your Board's direction the proposed ordinance has been modified to make it clear that the illustrations showing the 30 foot and 10 foot distances for Corner Sight Clearance Triangles apply to properties on local neighborhood residential streets, and that greater distances may apply when streets allow vehicular speeds greater than 25 miles per hour, as determined by County Public Works Department guidelines. Subsection (iii) has been added to the "Maximum fence and retaining wall heights" section of the proposed ordinance that addresses corner sight clearance triangles, and other minor modifications made to that subsection, as follows:

2. Maximum fence and retaining wall heights
  - (a) Except as provided in Section 13.10.323(d)5(A), maximum heights for fences and retaining walls not located in a Corner Sight Clearance Triangle (~~depicted in the Corner Sight Clearance Triangles diagram below~~) are shown on the Fence Location and Height Table given in 13.10.525(c)3, below. Examples of Corner Sight Clearance Triangles are shown in the diagrams below.
  - (b) Except as provided in Section 13.10.323(d)5(A), within Corner Sight Clearance Triangles (~~depicted in the Corner Sight Clearance Triangles diagram below~~), no fence or retaining wall shall exceed three feet in height, if the fence or retaining wall is:
    - (i) located in a corner sight clearance triangle on a parcel located at the intersection of two local neighborhood streets for a distance of 30 feet along each street right-of-way; or
    - (ii) located in a residential driveway or alley corner sight clearance triangle for a distance of 10 feet along the street right-of-way on each side of the driveway or alley; or
    - (iii) located in a corner sight clearance triangle determined to be applicable by the County based on professional standards established by the American Association of State Highway and Transportation Officials (AASHTO) or other applicable technical publications. Greater sight clearance triangles may be required for front and side yards adjacent to roads that allow vehicular travel speeds of more than 25 miles per hour.

*The Planning Commission unanimously recommended that your Board adopt the proposed modifications to the Maximum fence and retaining wall heights subsection of the ordinance.*

## **2. Fence Heights By Right and with Over-Height Fence Certification**

At the April 5<sup>th</sup> hearing, your Board generally agreed with the Planning Commission's earlier expressed concern about allowing fence heights up to six feet by right in front yard setbacks and street side yard setbacks for sites located outside of the Urban Service and Rural Service areas. Your Board specifically indicated an intention to limit fence heights in front yards to 3 feet and requested information about why up to eight-foot heights should be considered for fences along the sides and rear of sites when those yards do not abut a street.

As directed by the Board, the proposal has been modified from the original proposal to provide that all fences adjacent to streets throughout the unincorporated area may not exceed 3 feet in height (front, sides and rear) unless an Over-Height Fence Certification is obtained.

The proposal continues to reflect the staff recommendation to allow for fences to be up to 8 feet in height along the rear yard and side yards that are not adjacent to streets. This 8-foot height reflects the reality that many rear and side yard fences are constructed as "6 foot boards with 2 feet of lattice", or "6 foot boards placed on 1 to 2 feet of runner boards", and similar configurations. Property owners throughout the county often desire the additional backyard privacy afforded by a fence that is taller than 6 feet. In rural and large lot areas, property owners often desire a taller fence to discourage deer from backyard gardens and

landscape areas. Staff does not believe it is necessary or a good use of public resources to regulate or require permits for these side and rear yard fences up to 8 feet that are not adjacent to a street or in the front yard, and believes that having the County brought into disputes over fences that may exceed 6 feet in these locations is not a priority use of resources.

The current proposal would allow a property owner to apply for an Over-Height Fence Certification to exceed 3 feet in front yards; to up to 6 feet at sites located within the Urban and Rural Services Lines, or up to 8 feet outside of these areas. The Certification process will provide a simplified process for an applicant whose property is not typical, for instance when a "front yard" is actually not adjacent to a street or public view, or where the property line is substantially set back from the actual traveled way and deer fencing is desired, or where a proposed 6- or 8-foot height is not right on the property line but further set back. Also, site conditions are variable, particularly in the rural areas, where traffic volumes are generally less, topography is often more rugged with greater vertical relief, and parcels are generally larger resulting in fewer driveways than within urban areas. Deer or privacy fencing with heights greater than 6 feet is common in the rural areas and can fit in well with the rest of the built environment and the natural environment. The Over-Height Fence Certification will be a discretionary permit, and conditions can be imposed or the request denied if inappropriate for safety or neighborhood character reasons.

In response to Board discussion, staff is proposing an additional modification to limit the Over-Height Certification process allow proposals for only up to 6 feet along side- or rear-yard property lines adjacent to streets, or up to 8 feet if the fence is set back an additional 5 feet from the property line adjacent to a street.

The modifications shown in the following table reflect the proposed revisions. The originally proposed regulations are shown in regular type with your Board's proposed modifications shown as underlined text and proposed deletions shown as ~~struck through~~ text.

**Proposed Fence Height Regulations**

<u>Property and Fence Location</u>	Maximum Height without Permit <u>outside of Corner Sight Distance Triangles*</u>	Maximum Height with Over-height Fence Certification <u>outside of Corner Sight Distance Triangles*</u>	Maximum Height with a Level IV Permit
Front Yard inside Urban Services Line (USL) and Rural Services Line (RSL)	3 feet	6 feet	As determined through permit process
Front Yard outside USL and RSL	<del>6</del> <u>3</u> feet	8 feet	As determined through permit process

Side/Rear Yard Abutting on a Street	6 <u>3</u> feet	<u>8 6 feet if on property line; 8 feet if fence at least 5 feet back from property line</u>	As determined through permit process
Side/Rear Yard Not Abutting on a Street	8 feet	N/A: already at 8 feet; would need Level IV to go higher	As determined through permit process
The following would be allowed without any discretionary approval in all locations, except for Corner Sight Clearance Triangles: <ol style="list-style-type: none"> <li>1. Archways/trellises/ pergolas up to 8 feet tall associated with a walkway through a fence and not making up more than 25% of the length of the fence along the applicable property line.</li> <li>2. Open decorative features such as lattice that does not exceed the given maximum fence heights by more than 6 inches.</li> </ol>			
<u>*County Public Works Department guidelines establish applicable Corner Sight Clearance Triangle requirements</u>			

*The Planning Commission unanimously endorsed the proposed modifications and recommended that your Board approve them.*

**Fire Issues**

Your Board directed that staff check with the fire agencies to determine whether there are comments or issues regarding fences up to eight feet high. The County Fire Marshal, the Central Fire Protection District Fire Marshal, and the Aptos-La Selva Fire Protection District Fire Marshal all indicated that the proposed fence heights are not generally an issue and that none of them would have any concerns about an additional couple of feet in fence height. Their main concern is that gates and driveway fence openings be wide enough to allow fire equipment to enter.

**CEQA Analysis of Modifications to the Proposed Ordinance**

The proposed changes to the fence/retaining wall regulations are exempt from environmental review according to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines because CEQA applies only to projects which have the potential to cause a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment, the activity is not subject to CEQA. Further, County Code Chapter 13.10 is part of the County's certified Local Coastal Program and CEQA Guidelines Section 15265 states that CEQA does not apply to activities and approvals, pursuant to the California Coastal Act, by a local government necessary for the preparation and adoption of a local coastal program (this essentially shifts the burden of environmental review to the Coastal Commission). The proposed modifications result in a limitation to "by right" fence heights of 3 feet adjacent to streets (whether in front, side or rear yards), and also further limit the heights that can be allowed through an Over-

Height Fence Certification, and therefore these modifications continue to meet the criteria for a CEQA Exemption and are not subject to further environmental review by the County.

**RECOMMENDATION**

Therefore, it is RECOMMENDED that your Board take the following actions:

1. Re-open the public hearing on the proposed amendments to County Code Chapter 13.10 regarding fences;
2. Adopt the resolution (Attachment 1) making findings and certifying the Notice of Exemption (Attachment 2) for the proposed amendments to County Code Sections 13.10.323, 13.10.325, and 13.10.700 regarding fences;
3. Adopt the ordinance amending County Code Sections 13.10.323, 13.10.325, and 13.10.700 regarding fences (Attachment 3); and
4. Direct Planning staff to submit the proposed changes to the California Coastal Commission for certification as part of a 2011 coastal round.

Sincerely,



Kathleen M. Previsich, Planning Director

RECOMMENDED:



Susan Mauriello, CAO

Attachments

1. Board Resolution
2. CEQA Notice of Exemption
3. Clean ordinance
4. Underline, ~~struck through~~ ordinance

cc: Coastal Commission

RESOLUTION NO. \_\_\_\_\_

0462

On the motion of Supervisor  
duly seconded by Supervisor  
the following is adopted:

**BOARD OF SUPERVISORS RESOLUTION RELATING TO AMENDMENTS TO  
CHAPTER 13.10 OF THE SANTA CRUZ COUNTY CODE REGARDING FENCE  
STANDARDS AND THE REQUIRED REVIEW FOR OVER-HEIGHT FENCES AND  
RETAINING WALLS AND REFERRING THE AMENDMENTS TO THE CALIFORNIA  
COASTAL COMMISSION**

WHEREAS, the County of Santa Cruz regulates the heights of fences and retaining walls in the front, side, and rear yard setbacks for the following purposes: 1) to maintain public safety by ensuring adequate visibility of vehicles entering the street from driveways, and adequate sight distance from such vehicles, and adequate sight distance at street corners; 2) to ensure adequate light and air for the street area; 3) to provide for privacy screening of these yard areas; and 4) to ensure that light and air of abutting properties are protected from excessively high fences and retaining walls; and

WHEREAS, the County Planning Department administers fence and retaining wall regulations through County Code Sections 13.10.323 and 13.10.525; and

WHEREAS, the County of Santa Cruz is conducting on-going regulatory reform efforts to make changes to the County's land use regulations where appropriate to simplify the regulations, establish reasonable reality-based standards, and make the regulations easier for the public to understand and for staff to administer; without compromising environmental protection and the quality of the built environment; and

WHEREAS, the proposed amendments to the fence and retaining wall height regulations will generally increase allowable fence and retaining wall heights and reduce permit requirements, resulting in overall reductions in the cost of obtaining permits for fences and retaining walls because the level of review for certain fence and retaining wall permits will be lowered and there will be no permits required for certain fences and retaining walls; and

WHEREAS, the Planning Commission held a duly noticed public hearing on March 23, 2011, and has considered the proposed amendments, and all testimony and evidence received at the public hearing; and

WHEREAS, the Planning Commission found that the proposed amendments to the Santa Cruz County Code will be consistent with the policies of the General Plan and Local Coastal Program and other provisions of the County Code; and

WHEREAS, the Board of Supervisors considered the recommendation of the Planning Commission on April 5, 2011, proposed modifications to the ordinance that was recommended by the Planning Commission, and referred the proposed modifications to the Planning Commission for report and recommendation; and

WHEREAS, on April 27, 2011, the Planning Commission held a public hearing and made

recommendations on the proposed modifications by the Board of Supervisors; and

WHEREAS, the Planning Commission found that the proposed amendments are exempt from further review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c) in that the proposed amendments will not result in a direct or reasonably foreseeable indirect physical change in the environment; and

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WHEREAS, Chapter 13.10 is an implementing ordinance of the Local Coastal Program (LCP) and the proposed amendments to these chapters constitute amendments to the LCP; and

WHEREAS, insofar as the proposed code changes are amendments to the Local Coastal Program, the application of the proposed amendments in the Coastal Zone is statutorily exempt from CEQA review pursuant to CEQA Guidelines Section 15265 and the California Public Resources Code Section 21089.9; and

WHEREAS, the proposed amendments to Chapter 13.10 have been determined to be consistent with the Coastal Act.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the Board of Supervisors hereby finds that the project is exempt from further review under CEQA and directs staff to post a Notice of Exemption.

BE IT FURTHER RESOLVED AND ORDERED that the Board of Supervisors hereby directs these amendments be submitted to the State of California Coastal Commission.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this \_\_\_\_\_ day of \_\_\_\_\_, 2011 by the following vote:


- AYES: SUPERVISORS
- NOES: SUPERVISORS
- ABSENT: SUPERVISORS
- ABSTAIN: SUPERVISORS

\_\_\_\_\_  
Chairperson of the Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk of the Board

APPROVED AS TO FORM:

  
\_\_\_\_\_  
County Counsel

DISTRIBUTION: County Counsel  
Planning Department

0464

**CALIFORNIA ENVIRONMENTAL QUALITY ACT  
NOTICE OF EXEMPTION**

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: N/A  
Assessor Parcel Number: Countywide  
Project Location: Countywide

Project Description: Proposal to amend Sections 13.10.323, 13.10.525, 13.10.700-C, 13.10.700-F, and 13.10.700-H of the Santa Cruz County Code to modify the maximum height allowed for fences and retaining walls and the required level of review for over-height fences and retaining walls.

**Person or Agency Proposing Project: County of Santa Cruz**

**Contact Phone Number: (831) 454-3182**

- A.        The proposed activity is not a project under CEQA Guidelines Section 15378.  
B. XX The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).  
C.        **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.  
D. XX **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type: Section 15265: Local government activities for preparation and adoption of a local coastal program.

- E.        **Categorical Exemption**

Specify type:

- F. **Reasons why the project is exempt:**

The project is an amendment of the County's fence regulations and there are no foreseeable adverse environmental impacts and CEQA does not apply to activities and approvals, pursuant to the California Coastal Act, by a local government necessary for the preparation and adoption of a local coastal program

In addition, none of the conditions described in Section 15300.2 apply to this project.

Steven Guiney  
Steven Guiney, AICP, Project Planner

Date: 04-28-11



**ORDINANCE AMENDING SECTIONS 13.10.323, 13.10.525, AND 13.10.700 OF THE SANTA CRUZ COUNTY CODE TO MODIFY THE MAXIMUM HEIGHT ALLOWED FOR FENCES AND RETAINING WALLS IN REQUIRED YARDS AND THE REQUIRED LEVEL OF REVIEW FOR OVER-HEIGHT FENCES AND RETAINING WALLS.**

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The Board of Supervisors of the County of Santa Cruz ordains as follows:

**SECTION I**

Subdivision (d)5(A) of Section 13.10.323 of the Santa Cruz County Code is hereby amended to read as follows:

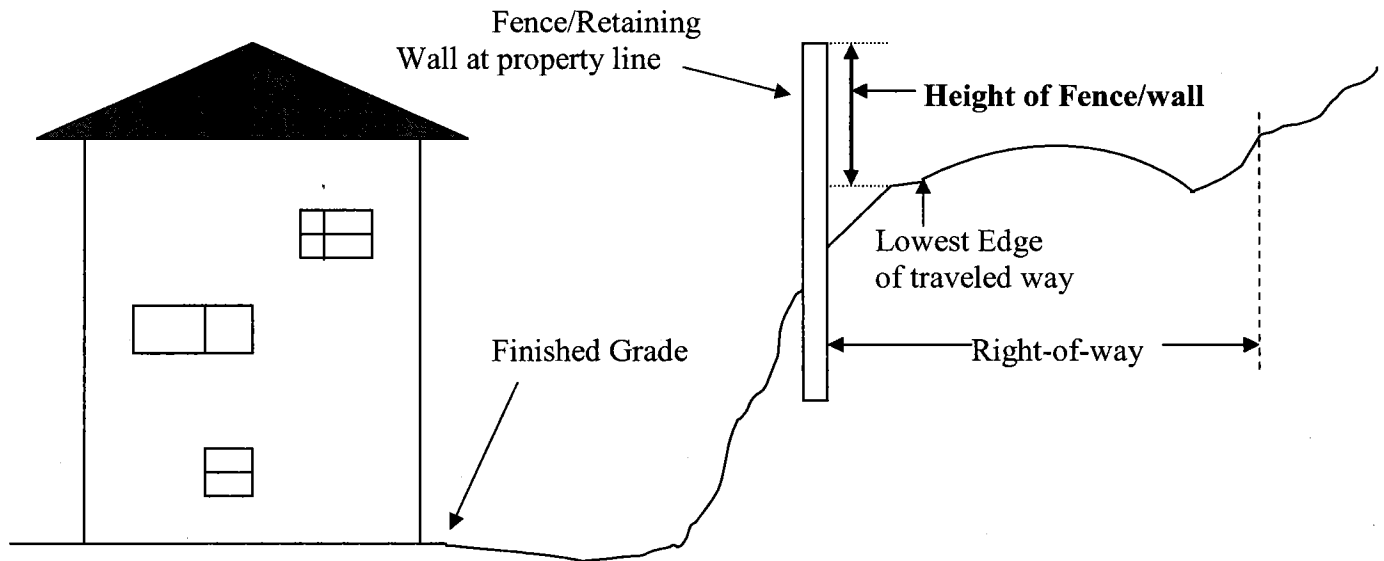
- (d) Site and Structural Dimensions Exeptions Relating to Parcels.
  - 5. Parcels with Steep Slopes.
    - (A) In all residential zone districts, if the elevation of the lot at a point 50 feet from the center line of the traveled roadway is 7 feet or more above or below the elevation of said center line, an attached or detached carport which (in the interest of public safety) is unenclosed on all sides may be built to within 5 feet of the front property line or edge of right-of-way of the lot. Open safety railings no more than forty-two (42) inches in height may be constructed to the property line without a development permit.

**SECTION II**

Section 13.10.525 of the Santa Cruz County Code is hereby amended to read as follows:

- 13.10.525 Regulations for fences and retaining walls within required yards
- (a) The purposes of fence and/or retaining wall regulations for yards abutting on streets are:
    - 1. To ensure adequate visibility of vehicles entering the street from driveways, adequate sight distance from such vehicles, and adequate sight distance at street corners.
    - 2. To ensure adequate light and air for the street area.
    - 3. To preserve a harmonious and compatible street front appearance.
  - (b) The purposes of fence and/or retaining wall regulations for side and rear yards which do not abut on streets are:
    - 1. To provide for privacy screening of these yard areas.
    - 2. To ensure that light and air of abutting properties are protected from excessively high man-made structures.
  - (c) The height regulations for fences and/or retaining walls are:
    - 1. The height of fences and/or retaining walls is determined as follows:
      - (i) By measuring the exposed face of the fence and/or wall at its tallest point, from finished grade at the base, to the top of the fence and/or wall, except as provided in (c) 4 and (c) 5 below.

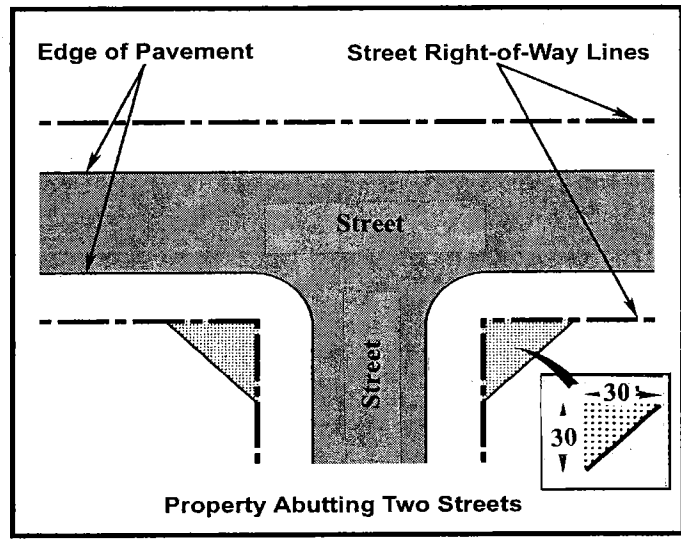
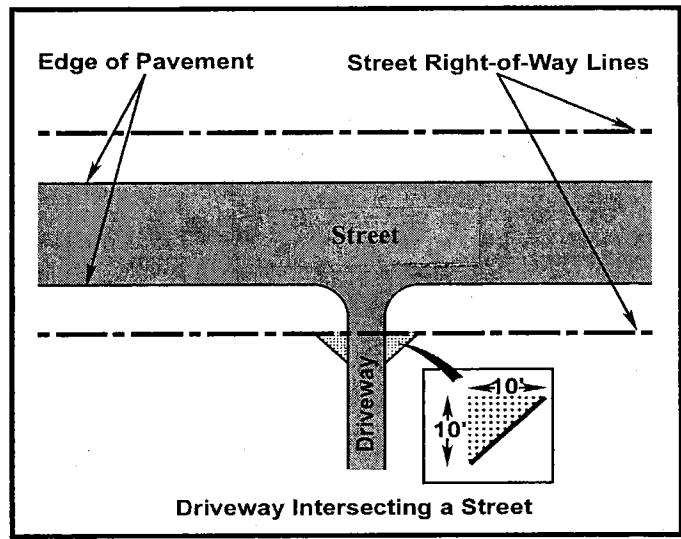
- (ii) Where a parcel slopes down from a public or private right-of-way, the height of a fence or retaining wall shall be measured from the lowest elevation of the traveled portion of the right-of-way nearest the fence or retaining wall to the top of the fence and/or wall as shown in the diagram below, except as provided in (c) 4 and (c) 5.



Height of fence or wall on parcel sloping down from right-of-way

2. Maximum fence and retaining wall heights
  - (a) Except as provided in Section 13.10.323(d)5(A), maximum heights for fences and retaining walls not located in a Corner Sight Clearance Triangle are shown on the Fence Location and Height Table given in 13.10.525(c)3, below. Examples of Corner Sight Clearance Triangles are shown in the diagrams below.
  - (b) Except as provided in Section 13.10.323(d)5(A), within Corner Sight Clearance Triangles no fence or retaining wall shall exceed three feet in height, if the fence or retaining wall is:
    - (i) located in a corner sight clearance triangle on a parcel located at the intersection of two local neighborhood streets for a distance of 30 feet along each street right-of-way; or
    - (ii) located in a residential driveway or alley corner sight clearance triangle for a distance of 10 feet along the street right-of-way on each side of the driveway or alley; or
    - (iii) located in a corner sight clearance triangle determined to be applicable by the County based on professional standards established by the American Association of State Highway and Transportation Officials (AASHTO) or other applicable technical publications. Greater sight clearance triangles may be required for front and side yards adjacent to roads that allow vehicular travel speeds of more than 25 miles per hour.

0467



Corner Sight Clearance Triangles for local residential neighborhood streets

3. Fence Location and Height Table

0468

Property and Fence Location	Maximum Height without Permit outside of Corner Sight Distance Triangles**	Maximum Height with Over-height Fence Certification outside of Corner Sight Distance Triangles**	Maximum Height with a Level IV Permit
Front Yard inside Urban Services Line (USL) and Rural Services Line (RSL)	3 feet*	6 feet	As determined through permit process
Front Yard outside USL and RSL	3 feet*	8 feet	As determined through permit process
Side/Rear Yard Abutting on a Street	3 feet*	6 feet if on property line; 8 feet if fence at least 5 feet back from property line	As determined through permit process
Side/Rear Yard Not Abutting on a Street	8 feet	N/A: already at 8 feet; would need Level IV to go higher	As determined through permit process
<p>The following would be allowed without any discretionary approval in all locations, except for Corner Sight Clearance Triangles:</p> <ol style="list-style-type: none"> <li>1. Archways/trellises/ pergolas up to 8 feet tall associated with a walkway through a fence and not making up more than 25% of the length of the fence along the applicable property line.</li> <li>2. Open decorative features such as lattice that does not exceed the given maximum fence heights by more than 6 inches.</li> </ol>			
<p>*Except as allowed by Section 13.10.323(d)5(A)                  **County Public Works Department guidelines establish applicable Corner Sight Clearance Triangle requirements</p>			

4. Walkway fence openings, with or without gates, may have associated archways/trellises/pergolas up to a maximum height of 8 feet without a discretionary approval, except in corner sight clearance triangles, where no fence or retaining wall shall exceed three feet in height. Archways/trellises/pergolas may not make up more than 25 percent of the length of the fence along a given property line without a Level IV development permit.
5. Open architectural, decorative, and ornamental features such as lattice may exceed the given maximum fence heights by no more than six (6) inches without a discretionary approval, except in corner sight clearance triangles, where no fence or retaining wall shall exceed three feet in height. Open means that no more than 50 percent of the feature may be opaque.

**SECTION III**

0469

Section 13.10.700-C "C" definitions of the Santa Cruz County Code is hereby amended to add the definition "Corner sight clearance triangle" to read as follows:

Corner sight clearance triangle. A triangular area formed by two lot lines abutting upon a street, alley, or driveway and a line connecting them at points equally distant from their intersection within which, for vehicular and pedestrian visibility and safety purposes, no fence, hedge, landscaping, wall, structure, or material that exceeds 3 feet in height may be placed.

**SECTION IV**

Section 13.10.700-F "F" definitions – definition of "Fence" - of the Santa Cruz County Code is hereby amended to read as follows:

Fence. Any construction of wood, metal, plastic, earth or other materials obstructing the clear view, but not including a structure as defined herein or a hedge.

**SECTION V**

Section 13.10.700-H "H" definitions – definition of "Hedge" - of the Santa Cruz County Code is hereby deleted.

**SECTION VI**

This ordinance shall take effect on the 31<sup>st</sup> day after the date of Final Passage, or upon certification by the California Coastal Commission, whichever date is later.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by the following vote:

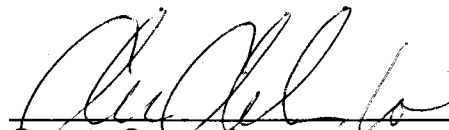
- AYES: SUPERVISORS
- NOES: SUPERVISORS
- ABSENT: SUPERVISORS
- ABSTAIN: SUPERVISORS

\_\_\_\_\_  
CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: \_\_\_\_\_  
Clerk of the Board

0470

APPROVED AS TO FORM:

  
County Counsel

Copies to: Planning  
Public Works  
County Counsel

0471

**ORDINANCE AMENDING SECTIONS 13.10.323, 13.10.525, AND 13.10.700 OF THE SANTA CRUZ COUNTY CODE TO MODIFY THE MAXIMUM HEIGHT ALLOWED FOR FENCES AND RETAINING WALLS IN REQUIRED YARDS AND THE REQUIRED LEVEL OF REVIEW FOR OVER-HEIGHT FENCES AND RETAINING WALLS.**

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The Board of Supervisors of the County of Santa Cruz ordains as follows:

**SECTION I**

Subdivision (d)5(A) of Section 13.10.323 of the Santa Cruz County Code is hereby amended to read as follows:

- (d) Site and Structural Dimensions Exeptions Relating to Parcels.
5. Parcels with Steep Slopes.
- (A) In all residential zone districts, if the elevation of the lot at a point 50 feet from the center line of the traveled roadway is 7 feet or more above or below the elevation of said center line, an attached or detached carport which (in the interest of public safety) is unenclosed on all sides may be built to within 5 feet of the front property line or edge of right-of-way of the lot. Open safety railings no more than forty-two (42) inches in height may be constructed to the property line without a development permit.

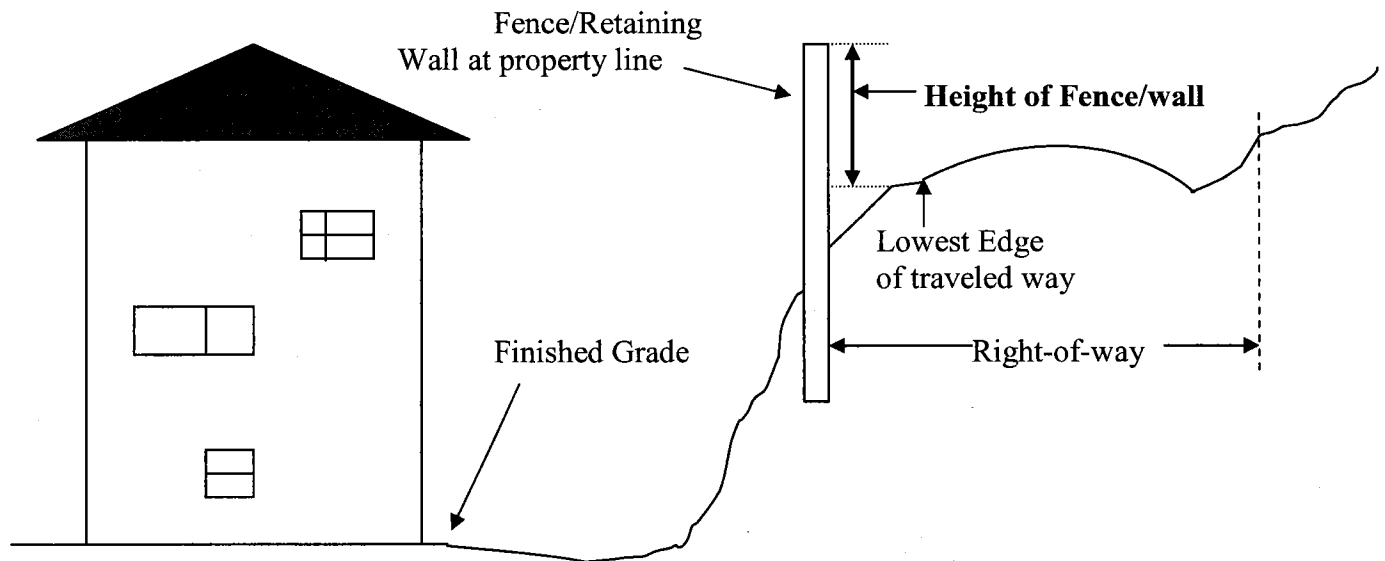
**SECTION II**

Section 13.10.525 of the Santa Cruz County Code is hereby amended to read as follows:

- 13.10.525 Regulations for fences and retaining walls within required yards
- (a) The purposes of fence and/or retaining wall regulations for yards abutting on streets are:
1. To ensure adequate visibility of vehicles entering the street from driveways, adequate sight distance from such vehicles, and adequate sight distance at street corners.
  2. To ensure adequate light and air for the street area.
  3. To preserve a harmonious and compatible street front appearance.
- (b) The purposes of fence and/or retaining wall regulations for side and rear yards which do not abut on streets are:
1. To provide for privacy screening of these yard areas.
  2. To ensure that light and air of abutting properties are protected from excessively high man-made structures.
- (c) The height regulations for fences and/or retaining walls are:
1. The height of fences and/or retaining walls is determined as follows:
    - (i) By measuring the exposed face of the fence and/or wall at its tallest point, from finished grade at the base, to the top of the fence and/or wall, except as provided in (c) 4 and (c) 5 below.

(ii) Where a parcel slopes down from a public or private right-of-way, the height of a fence or retaining wall shall be measured from the lowest elevation of the traveled portion of the right-of-way nearest the fence or retaining wall to the top of the fence and/or wall as shown in the diagram below, except as provided in (c) 4 and (c) 5.

0472



Height of fence or wall on parcel sloping down from right-of-way

## 2. Maximum fence and retaining wall heights

- (a) Except as provided in Section 13.10.323(d)5(A), maximum heights for fences and retaining walls not located in a Corner Sight Clearance Triangle (~~depicted in the Corner Sight Clearance Triangles diagram below~~) are shown on the Fence Location and Height Table given in 13.10.525(c)3, below. Examples of Corner Sight Clearance Triangles are shown in the diagrams below.
- (b) Except as provided in Section 13.10.323(d)5(A), within Corner Sight Clearance Triangles (~~depicted in the Corner Sight Clearance Triangles diagram below~~), no fence or retaining wall shall exceed three feet in height, if the fence or retaining wall is:
- (i) located in a corner sight clearance triangle on a parcel located at the intersection of two local neighborhood streets for a distance of 30 feet along each street right-of-way; or
  - (ii) located in a residential driveway or alley corner sight clearance triangle for a distance of 10 feet along the street right-of-way on each side of the driveway or alley; or
  - (iii) located in a corner sight clearance triangle determined to be applicable by the County based on professional standards established by the American Association of State Highway and Transportation Officials (AASHTO) or other applicable technical publications. Greater sight



