

Chapter 16.64

FENCES, WALLS, TREES AND HEDGES

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16.64.10 Permits for fences, walls, hedges or similar structures in non-residential districts.

Except in a residential district, no person shall erect, construct, or maintain a fence, wall, hedge or similar structure on that portion of the parcel which is bounded by the front lot line, the side lot lines and an imaginary line drawn parallel to and through the wall of the building which is closest to the front lot line without the prior written approval of the Director of Community Development or his or her designee. Such approval shall not be required if such fence, wall, hedge or similar structure is included within a use permit, architectural control or other approval. The director shall grant or deny approval based on consideration of the following factors: 1) structural stability; 2) aesthetics; 3) general health, safety and welfare of the community; 4) clear lines of sight for vehicular and pedestrian traffic or other safety factor. The decision of the director shall be final unless appealed to the Planning Commission within 15 days after mailing the notice of the decision. Each appeal shall be accompanied by a fee set by the City Council. The appeal shall be set for public hearing before the Planning Commission.

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16.64.020 Height of fences, walls, hedges or similar structures in residential districts.

- (A) The maximum height of fences, walls, hedges, or similar structures shall not exceed 4 feet in the required front setback. Otherwise the fence, wall, hedge or similar structure shall not exceed 7 feet in height. Height shall be measured from the finished grade at the location of the fence, wall, hedge or similar structure. If the finished grade varies on the two sides of the fence, the height shall be measured from the lower of the two finished grades.
- (B) The maximum height of fences, walls, hedges, or similar structures on corner lots shall not exceed 3 feet within the triangular area bounded on two sides by the right-of-way lines of the intersecting streets and the third side by a line joining points on the right-of-way lines at a distance of 35 feet from their point of intersection. Height shall be measured from the lowest edges of the constructed roadways or shoulders.

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- (C) With the exception of residential properties fronting Santa Cruz Avenue, the height of fences, walls, hedges or similar structures in excess of the limitations stated in Subsections 16.64.020(A) and (B) may be allowed upon obtaining a use permit in accordance with the procedures and standards of Chapter 16.82. Heights in excess of these limitations for residential properties fronting Santa Cruz Avenue may be allowed in accordance with the provisions and standards of Section 16.64.030.

16.64.030 Procedures for exceeding height limits for fences, walls, hedges or similar structures on residential properties fronting Santa Cruz Avenue. Heights for fences, walls, hedges or similar structures as stated in Subsections 16.64.020 (A) and (B) may be exceeded for residential properties fronting on Santa Cruz Avenue in accordance with the following procedures:

- (A) Requests for exceeding height limitations shall be made in writing by the owner of the property, lessee, purchaser in escrow, or optionee with the consent of the owners, on a form prescribed by the City. The application shall be accompanied by a fee, set by the City Council, and plans showing the details of the proposed fence, wall, hedge or similar structure.
- (B) Upon receipt of an application, a notice shall be mailed 10 days prior to action being taken on the application to all property owners and residents within 300 feet of the exterior boundary of the property involved, using for this purpose the last known name and address of such owners as shown upon the current assessment roll of the City. The notice shall include a copy of the proposed plans, the pending date of action, and the appeal procedure.
- (C) The Chief Planner or designee shall review all applications for compliance with design criteria as specified in Section 16.64.035 for safety considerations and with consideration of all comments received from the public. If the proposed fence, wall, hedge or similar structure is in compliance with the design criteria, does not create a safety hazard, and there are no substantial objections from the public, the application may be deemed approved. If the fence does not conform with the design criteria, creates a safety hazard, or there are substantial public objections, the application may be conditionally approved, denied or forwarded to the Planning Commission through the use permit process in accordance with the procedures and standards of Chapter 16.82.
- (D) All administrative decisions of the Chief Planner or designee shall be reported in writing to the Planning Commission and City Council and made available to the general public.
- (E) Any person may appeal a decision of the Chief Planner or designee to the Planning Commission. The appeal shall be made in writing and filed with the Chief Planner within 15 days following the final decision of the Chief Planner or designee. The appeal shall be accompanied by a fee, as set by the City Council, and shall clearly state the reason for the appeal. Upon receipt of an appeal, the Chief Planner shall set a time, which insofar as practicable shall be within 45 days after receipt of such appeal, for a public hearing on such appeal. Any person may appeal any order, requirement, decision or determination of the Planning Commission to the City Council in accordance with the provisions of Chapter 16.86.

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16.64.035 Design criteria for residential properties fronting Santa Cruz Avenue. All requests for fences exceeding the height limitations as stated in Sections 16.64.020(A) and (B) for residential properties fronting on Santa Cruz Avenue shall adhere to the following design criteria:

- (A) **Materials.** Fence and wall materials and colors shall be compatible with the streetscape and surrounding environment. Use of chain link and barbed wire fencing shall be prohibited.
- (B) **Height and Setbacks.** The maximum height of the fence, wall, hedge or similar structure shall be determined by the setback distance between the front property line and the location of the fence, wall, hedge or similar structure. The maximum height of a fence, wall, hedge, or similar structure with a front setback of less than 2 feet shall be 4 feet. The maximum height of a fence, wall, hedge or similar structure with a front setback of 2 feet, but less than 6 feet, shall be 5 feet. Beginning with a 6 foot front setback, the maximum height of the fence, wall, hedge or similar structure shall increase on an even gradient from a maximum of 6 feet in height at a 6-foot front setback to 7 feet in height at a 20-foot front setback. Decorative columns or posts may be allowed to exceed the height of the primary portion of the fence.
- (C) **Landscaped Area.** All areas located between the front property line and fence, wall, hedge or similar structure shall be required to be irrigated and landscaped. If drought tolerant landscape material is used, irrigation will not be required.
- (D) **Design Variation.** All proposals for fences, walls, hedges and similar structures in excess of 4 feet in height shall incorporate design variation for a minimum of 20 % of the length of the fence, wall, hedge or similar structure. Design variations may include changes in height and/or the depth of setbacks for a portion of the length of the fence. The intent of the requirement for variation is to create visual interest.
- (E) **Entryway Identification.** All entryways onto the property, including, but not limited to front doors and driveways, shall be identified by gateways, openings in the fence, wall, hedge or similar structure, or by other architectural features.

16.64.040 Required trimming of trees, shrubs and hedges adjacent to street corners. All trees, shrubs and hedges located within the triangular area described in Section 16.64.020(B) and within the public right-of-way, shall be so trimmed that they will not materially restrict the line of sight of drivers approaching the intersection.

16.64.050 Violation deemed private nuisance. Any violation of the provisions of this chapter or of this title as such relates to hedges, shrubs or trees (except as it may relate to “street corners”) shall be presumed to be a private nuisance unless the City Council determines that such violation is one which affects at the same time an entire community or neighborhood or any considerable number of persons, in which case the City Council may declare it to be a public nuisance and cause the same to be abated by the persons and in the manner authorized by this code or other ordinances of the City.

16.64.060 Trimming growth to avoid interference with use of sidewalks and roadways. Any owner or occupant of a building, lot or premises shall keep trees, hedges and other growth on said premises properly trimmed in such a manner that the same shall not interfere with the free use of sidewalks, sidewalk areas and roadways.

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16.64.070 Unlawful growth – Notice to owner. Whenever the owner or occupant of a building, lot or premises in the city fails to remove or to trim the trees, growth or hedges as herein before provided, the City Manager may give written notice of such failure to comply with the provisions of this chapter to the owner, if known, or to the occupant if there be any or, if the owner is not known and there is no occupant, to post such notice conspicuously on the property. The notice shall briefly describe the work to be done, shall refer to this chapter and shall contain a notification that unless the work shall be done within 10 days after the service or posting of the notice, the City Manager will cause such work to be done and that the costs and expenses thereof will be charged and made a lien against the property.

16.64.080 Removal of growth by City. If the work provided for by Section 16.64.070 is not done within 10 days after the services or posting of the notice the City Manager shall be authorized to do work and put the property in the condition required by this chapter.

16.64.090 Cost of removal to be lien against property. As soon as the work provided for by Sections 16.64.070 and 16.64.080 is completed, the City Manager shall render a statement showing the cost thereof and the property charged and thereafter deliver the same to the tax collector and thereafter the amount shall be a lien against the property, and shall be collected at the same time and in the same manner as other City taxes.

16.64.100 Dangerous trees. Any owner or occupant of a building, lot or premises shall remove any dead, diseased, infested or dying tree located on any private property so near to any street as to constitute a danger to street trees, streets, or portions thereof, or persons using said streets.

16.64.110 Solar Access. Trees, shrubs or bushes shall not be permitted to grow outside of the solar envelope of the parcel on which they are planted. Such trees, shrubs or bushes growing beyond the solar envelop as of the effective date of this section shall be excluded from the operation of this section.