

CHAPTER 19.48: FENCES

Section

- 19.48.010 Purpose.
- 19.48.020 Fence location and height for zones requiring design review.
- 19.48.030 Fence location and height for zones not requiring design review.
- 19.48.040 Roadway and driveway gates.
- 19.48.050 Proximity of plants and fences to public streets.
- 19.48.060 Exceptions-Findings.
- 19.48.070 Temporary fences for construction.
- 19.48.080 Violation-Penalty.
- 19.48.090 Prohibited fences.

2. Fences and walls shall be designed in a manner to provide for sight visibility at private and public street intersections. (Ord. 2085, § 2 (part), 2011; Ord. 1979, (part), 2006; Ord. 1844, § 1 (part), 2000; Ord. 1788, § 1 (part), 1998)

19.48.030 Fence Location and Height for Zones Not Requiring Design Review.

Table 19.48.030 sets forth the rules and regulations pertaining to fences in zones where design review is not required.

* For statutory provisions making fences taller than ten feet a nuisance, see Civil Code § 841.4. Prior ordinance history: Ords. 112, 686, 852, 1179, 1630, 1637 and 1777.

[Table 19.48.030 begins on next page.]

19.48.010 Purpose.

The purpose of this chapter is to regulate the location and height of fences and vegetation in yards of all zoning districts in order to protect the safety, privacy, and property values of residents and owners of properties within any zoning district of the City, including but not limited to residential, commercial, offices, institutional, industrial and/or agricultural properties. (Ord. 2085, § 2 (part), 2011; Ord. 1979, (part), 2006; Ord. 1788, § 1 (part), 1998)

19.48.020 Fence Location and Height for Zones Requiring Design Review.

A. The Approval Body for a proposed project shall have the authority to require, approve, or disapprove wall and fencing plans including location, height and materials in all zones requiring design review.

B. The basic design review guidelines for the review of fences and walls are as follows:

1. Fences and walls separating commercial, industrial, offices, and institutional zones from residential zones shall be constructed at a height and with materials designed to:

a. Acoustically isolate part of or all noise emitted by future uses within the commercial, industrial, offices, or institutional zones. The degree of acoustical isolation shall be determined during the design review process.

b. Ensure visual privacy for adjoining residential dwelling units.

	6 foot high fence	3 foot high fence
A. Front Yard	Not within required setback area	Along any property line, in any required setback area or in corner triangle
B. Rear Yard	Along property line or in required setback area	
C. Side Yard		
1. Interior residential lots	Along property line or in required setback area	
2. Corner residential lots		
a. Interior side	Along property line or in required setback area	
b. Street side	i. If rear property line adjoins a rear property line: Setback from side property line: 5 feet ii. If Rear property line adjoins side property line of a key lot: In addition to i. above, setback from street side property line, within 10 feet of adjacent property line: 12 feet	
D. In areas where a six (6) foot fence is allowed, an up to eight (8) foot high fence can be constructed, subject to building permit approval and upon receipt of written approval from adjacent property owners.		
E. If the Director of Community Development determines that a proposed fence is widely visible to public view and has the potential to create impacts on the visual character of an area (for example blocks public views from the valley floor to the hills or an open space reserve), then the proposed fence shall comply with the requirements in Sections 19.48.030F(1)(b) & 19.48.030F(2) regardless of lot size.		
F. Additional regulations for Residential Hillside or Open Space Zoning Districts:		
1. Solid Board Fencing		
a. Net lot area < 30,000 square feet	Shall not be limited but shall be subject to the regulations in 19.48.030(A) – (D).	
b. Net lot area ≥ 30,000 square feet	5,000 square feet (excluding the principal building) of net lot area may be enclosed with solid board fencing subject to 19.48.030(A) – (D).	

19.48.040 Roadway and Driveway Gates.

Roadway and Driveway gates are allowed if they comply with the Fire Department Standard Details and Specifications for Security Gates for access roadways and driveways and the criteria in Table 19.48.040 or the gates were in existence prior to September 20, 1999, with necessary permits, if needed.

Table 19.48.040: Roadway and Driveway Gates	
A. R-1, R2 and R3 Zoning District	A driveway gate may be installed after a Fence Exception is obtained and shall meet the following: <ol style="list-style-type: none"> 1. Driveway gate shall be setback a minimum of 30 feet from the front and/or street side property lines; 2. Applicant must provide evidence that the gates are needed for demonstrated security and/or demonstrated safety reasons; and 3. The Fire Department approves the locking mechanism and location of the gate.
B. RHS Zoning District	Gates may be used to control access to private roads and driveways provided that the design of the gate, including location, dimension and the locking mechanism, are approved by the Director of Community Development after consultation with the Fire Department.
C. Other Properties	Roadway and driveway gates may be approved through a fence exception if the development meets any one of the following conditions: <ol style="list-style-type: none"> 1. Is a mixed-use development, where the parking for different uses needs to be separated to assure availability of parking for each use 2. If a development include below-grade parking structure, where the gates are required to secure the below-grade parking; 3. If the gates are required for a development to obtain federal or State funding; 4. If the development is secluded; 5. If the gates are needed for demonstrated security and/or demonstrated safety reasons.
D. Property located in other residentially zoned areas	In addition to the requirements of Section 19.48.040C, the application shall also be subject to the requirements of 19.48.040A.

(Ord. 2085, § 2 (part), 2011)

19.48.050 Proximity of Plants and Fences to Public Streets.

The proximity of plants and fences to public streets shall be controlled by the provisions of Chapter 14.08 of the Municipal Code.
(Ord. 2085, § 2 (part), 2011; Ord. 1979, (part), 2006; Ord. 1788, § 1 (part), 1998)

19.48.060 Exceptions-Findings.

Where practical difficulties, unnecessary hardships, or results inconsistent with the purpose and intent of this chapter result from the strict application of the provisions hereof, exceptions may be granted as provided in Chapter 19.12, and this section for all zoning districts except the RHS Zoning District, in which case a Hillside Exception must be obtained in accord with the requirements of Section 19.40.040 and Section 19.40.070.

The Approval Body may grant the exception based upon the following findings:

1. The literal enforcement of the provisions of this chapter will result in restrictions inconsistent with the spirit and intent of this chapter.
2. The granting of the exception will not result in a condition which is materially detrimental to the public health, safety or welfare.
3. The exception to be granted is one that will require the least modification of the prescribed regulation and the minimum variance that will accomplish the purpose.
4. The proposed exception will not result in a hazardous condition for pedestrian and vehicular traffic.
5. The proposed development is otherwise consistent with the City's General Plan and with the purpose of this chapter as described in Section 19.48.010.
6. The proposed development meets the requirements of the Santa Clara Fire Department and Sheriff's Department, and if security gates are proposed, that attempts are made to standardize access.
7. The fence height for the proposed residential fence is needed to ensure adequate screening and/or privacy.
(Ord. 2085, § 2 (part), 2011)

19.48.070 Temporary Fences for Construction.

The Chief Building Official may require persons constructing structures in the City to erect and maintain temporary fences around all or a portion of the construction site in order to secure the site from entry by the general public.
(Ord. 2085, § 2 (part), 2011; Ord. 1979, (part), 2006; Ord. 1777, (part), 1998)

19.48.080 Violation-Penalty.

Any person who violates the provisions of this chapter shall be guilty of an infraction and upon conviction thereof shall be punished as provided in Chapter 1.12.
(Ord. 2085, § 2 (part), 2011; Ord. 1979, (part), 2006; Ord. 1788, § 1 (part), 1998)

19.48.090 Prohibited Fences.

Barbed wire, razor wire, and/or electrified fencing are prohibited unless required by law or regulation of the City, State or Federal Government.
(Ord. 2085, § 2 (part), 2011; Ord. 1979, (part), 2006)