



## **Town of Tiburon**

1505 Tiburon Boulevard

Tiburon, California 94920

(415) 435-7373 | [www.townoftiburon.org](http://www.townoftiburon.org)

# **FENCE AND WALL FACT SHEET**

## **DEFINITION**

The Tiburon Zoning Ordinance defines "fence" as:

"A man-made barrier that provides privacy and/or limits passage. Fences may be continuous or open at intervals. Fences that exceed three and one-half feet in height shall be considered "structures" as defined in this Zoning Ordinance."

## **LOCATION AND HEIGHT**

Fences and walls may be built up to the property lines of most, but not all, properties in the Town of Tiburon. In certain residential areas (e.g. RPO and RMP zones), fences and walls may only be allowed within the building envelope and may not be constructed on property lines. The Tiburon Zoning Ordinance restricts the height of all fences, walls and retaining walls within the required property line setbacks to a maximum height of six (6) feet. Please confirm fencing requirements for your specific property with the Tiburon Planning Division before proceeding.

## **DESIGN REVIEW AND BUILDING PERMITS**

You are required to obtain a building permit before constructing or erecting any fence or wall. In addition, all fences and/or walls over 42 inches (3½ feet) in height require Design Review approval. In most cases, you may file a Design Review application that will be acted upon by Planning Division Staff. After you receive Design Review approval, then you must obtain a building permit before you begin construction.

In cases where your property has unusual topography or other physical site characteristics, and you desire to build a fence or wall taller than six (6) feet in a required yard (setback) area, you must obtain a Variance from the Design Review Board in addition to Design Review approval.

## **HEIGHT AND MEASUREMENT**

The height of a fence or wall is measured using the plumb vertical distance between the natural or finished grade (whichever is lower) at the base of the fence or wall to the uppermost part of the fence or wall. The "footing" portion of a retaining wall that extends below grade shall not be included in the height measurement. The height of a fence or wall is measured on both sides of the structure, with the taller of the two measurements defined as the actual height of the fence or wall. Please refer to the attached drawing.

In certain instances where a fence or wall is located along a private residential property line shared with another private residential property, and where there is a difference in surface elevation between the two adjoining properties along that property line, the fence or wall may have a height of six (6) feet on the upper side of the structure and a maximum height of nine (9) feet on the lower side of the structure. Such fences or walls must be carefully reviewed through the Design Review process and will only be permitted if the fence or wall would not result in significant view obstruction or visual impacts on properties in the vicinity.

### **FENCE AND WALL COMBINATIONS**

Questions are often raised regarding the maximum permitted height of a fence on top of a wall or a retaining wall, or whether a series of two or more walls or retaining walls are considered as one wall when calculating the height. The height of all structures (including a fence or railing on top of a retaining wall) is measured from the grade at the base of the wall to the top of the fence or railing. The grade at the base of the wall shall be either the existing or finished grade, whichever is lower.

If two or more fences or walls are constructed with a separation of three (3) feet or less between the faces of the structures, the height of the respective structures shall be combined to determine the total height. However, if the fence and/or wall faces are separated by a horizontal distance greater than three (3) feet, the heights of the structures shall be calculated separately.

### **STREET RIGHTS-OF-WAY AND EASEMENTS**

Applicants are required to demonstrate that a fence or wall would be located on their property and not in a public right-of-way. An encroachment permit is required for any fence or wall in a public right-of-way or other Town-owned property. Please be advised that there may be easements across your property that could affect the ability to build a fence or wall. Reference to a title report for your property should provide an indication of the presence of easements.

In all cases, it is best to check with the Planning Division before designing any wall or fence for your property. If you have any questions regarding fences or walls in Tiburon, please contact the Tiburon Planning Division at (415) 435-7390.

### **MEASURING WALL AND FENCE HEIGHTS**

