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Use Permit Application for Fences

As Provided in the Clayton Municipal Code Title 17, Chapter 17.36

Below: Office Use Only

File No: _____ Deposit: _____

Received By: _____

Date: _____ Receipt No: _____

Please clarify any questions with the Planning Staff prior to completing this form. Please print or type legibly. Attach additional sheets if necessary. Incomplete applications will not be accepted.

1. Applicant/Property Owner Contact Information: Phone Number: _____

Applicant Name: _____ Applicant Email: _____

Property Owner Name: _____ Property Owner Email: _____

2. Project Information: ☐ Mark box if response to question is attached

Explain why an increased fence height is needed:

3. Fence Impact Analysis: [Mark "yes" or "no" to the following questions]

YES NO

- ☐ ☐ Is the Issuance of an Administrative Use Permit for a seven-foot fence necessary due to unusual or special circumstances or conditions relating to the property, for the preservation of valuable property rights, or for the full use and enjoyment of the property?
- ☐ ☐ Will the fence create a safety hazard to pedestrians or vehicular traffic?
- ☐ ☐ Will the fence reasonably interfere with access by police, fire, and emergency service personnel?
- ☐ ☐ Will the appearance of the fence be compatible with the scale, mass, design, and appearance of other existing buildings and structure in the neighborhood?
- ☐ ☐ Will the orientation and location of the fence be properly related to the physical characteristics of the property and the neighborhood?
- ☐ ☐ Has written consent been obtained from the adjacent property owner(s)?
- ☐ ☐ Will the fence be of sound construction?

4. Submittal Requirements:

The number of copies of each of the items below, which constitutes a complete Application Submittal Packet, will be determined by the Community Development Director. If not specified, assume only one copy is needed. If applicable, all plans and analyses shall be at scale 1"=20' for site planning and 1/8"=1' or greater for elevations and floor plans. Please submit the following information in the order in which it is outlined below. Additional items may be required by the Community Development Director.

☐ Community Development General Application

☐ Use Permit Application for Fences

☐ Processing Deposit \$ _____ (Make check payable to the City of Clayton)

☐ Signature(s) of all adjacent property owners sharing the property line(s) where the seven-foot fence(s) is (are) proposed. (Please use the provided signature sheet found on Page 3 of this application)

☐ Site Plan (of subject property) -Maximum size 11"x17" -Use provided sheet found in this application

1. Scale or dimensions of all fences, property lines, etc.
2. North arrow with north at the top of the plan
3. Property lines, adjacent properties, and adjacent streets

4. Location, height and materials of existing fencing
5. Location, height and materials of proposed fencing
6. Typical dimensions throughout

5. Important Implementing Information from the City of Clayton Municipal Code:

17.36.075 Fencing Standards. Fencing shall conform to the following standards:

- A. **Front Setbacks.** Fences shall not exceed a maximum height of thirty (30) inches within ten (10) feet of the front property line and a maximum height of six (6) feet in the remaining portion of the front setback.
- B. **Interior Side Setbacks and Rear Setbacks.** Fences shall not exceed a maximum height of six (6) feet on the interior side and rear property lines or anywhere within the interior side and rear setbacks.
- C. **Exterior Side Setbacks.** Fences shall not exceed a maximum height of thirty (30) inches within five (5) feet of the exterior side property line and a maximum height of six (6) feet in the remaining portion of the exterior side setback.
- D. **Corner Lots.** Fences on corner lots shall conform with the restrictions on sight obstructions at intersections provided in Chapter 12.08.
- E. **Driveways.** Fences shall not exceed a maximum height of thirty (30) inches on either side of a driveway within the triangular areas formed by the edge of the driveway, the property line, and a line joining points on each of these twelve feet from their intersection.
- F. **Main Building Area.** Fences shall not exceed a maximum height of eight (8) feet within an area in which a main building is permitted.
- G. **Measurement.** The height of fences shall be the average height of an eight-foot length of fence, measured from the lower of either the lowest adjacent ground level or the top of the footing of any retaining walls located within three (3) feet.
- H. **Safety Fences.** Safety fences and railings required by the Uniform Building Code are excluded from the height standards of this Section.
- I. **Barbed Wire.** Barbed wire or other sharp materials shall not be used as a fencing material except on lands where agricultural grazing is actively conducted or where a use permit has been approved by the Planning Commission.
- J. **Hazardous Locations.** In no case shall any fence be located so as to cause a hazard to the movement of vehicles or pedestrians.
- K. **Height Exceptions.** The Director may issue an administrative use permit to allow a fence up to seven (7) feet in height in a rear setback or side setback of a lot in residential district. The Director may impose such conditions as the Director deems appropriate to mitigate any visual or other adverse impacts of the fence, including, but not limited to, requirements with respect to the height, design, and materials of the fence and landscape screening. Applications for an administrative use permit under this subsection shall be filed with the Director on such form as the Director prescribes, and shall be accompanied by a processing fee in such amount as established from time to time by resolution of the City Council. Prior to granting the administrative use permit, the applicant shall demonstrate and the Director shall find that:
 1. The issuance of such a permit is reasonably necessary by reason of unusual or special circumstances or conditions relating to the property, for the preservation of valuable property rights or the full use and enjoyment of the property;
 2. The fence will not create a safety hazard to pedestrians or vehicular traffic;
 3. The fence will not unreasonably interfere with access by police, fire, and emergency service personnel;
 4. The appearance of the fence is compatible with the scale, mass, design, and appearance of other existing buildings and structures in the neighborhood;
 5. The orientation and location of the fence is in proper relation to the physical characteristics of the property and neighborhood;
 6. The applicant has obtained the written consent of the adjacent property owner, unless the fence is adjacent to public right-of-way, in which case written consent is not necessary; and
 7. The fence will be of sound construction.

(Ord. 178, 1978; Ord. 197, 1979; Ord 375, 2004)

6. Certification:

General Certification:

I (We):

- consent to the submission of this application.
- understand that an incomplete application may be denied.
- hereby declare under penalty of perjury under the laws of the State of California that the information in this application and its attachments is true, complete and correct.
- certify that I (We) have read and understand Title 17, Chapter 17.36 found in Part 5 of this application and in the City of Clayton's Municipal Code.

Form Specific Certification:

I (We):

- understand that the Community Development Director may issue an Administrative Use Permit to allow a fence up to seven (7) feet in height in a rear or side setback of a lot in a residential district.
- understand that the Director may impose such conditions as deemed appropriate to mitigate any visual or other adverse impact of the fence, including, but not limited to, requirements with respect to the height, design, and materials of the fence and any associated landscape screening.

Applicant's Signature: _____

Date: _____

Property Owner's Signature: _____

Date: _____

Signatures of all Adjacent Property Owners

Review the site plan on the back side of this page before signing.

Property Owner Name	Property Owner Signature & Date	Property Owner Address
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		

Site Plan and Fence Information

Material(s) of Existing Fence:

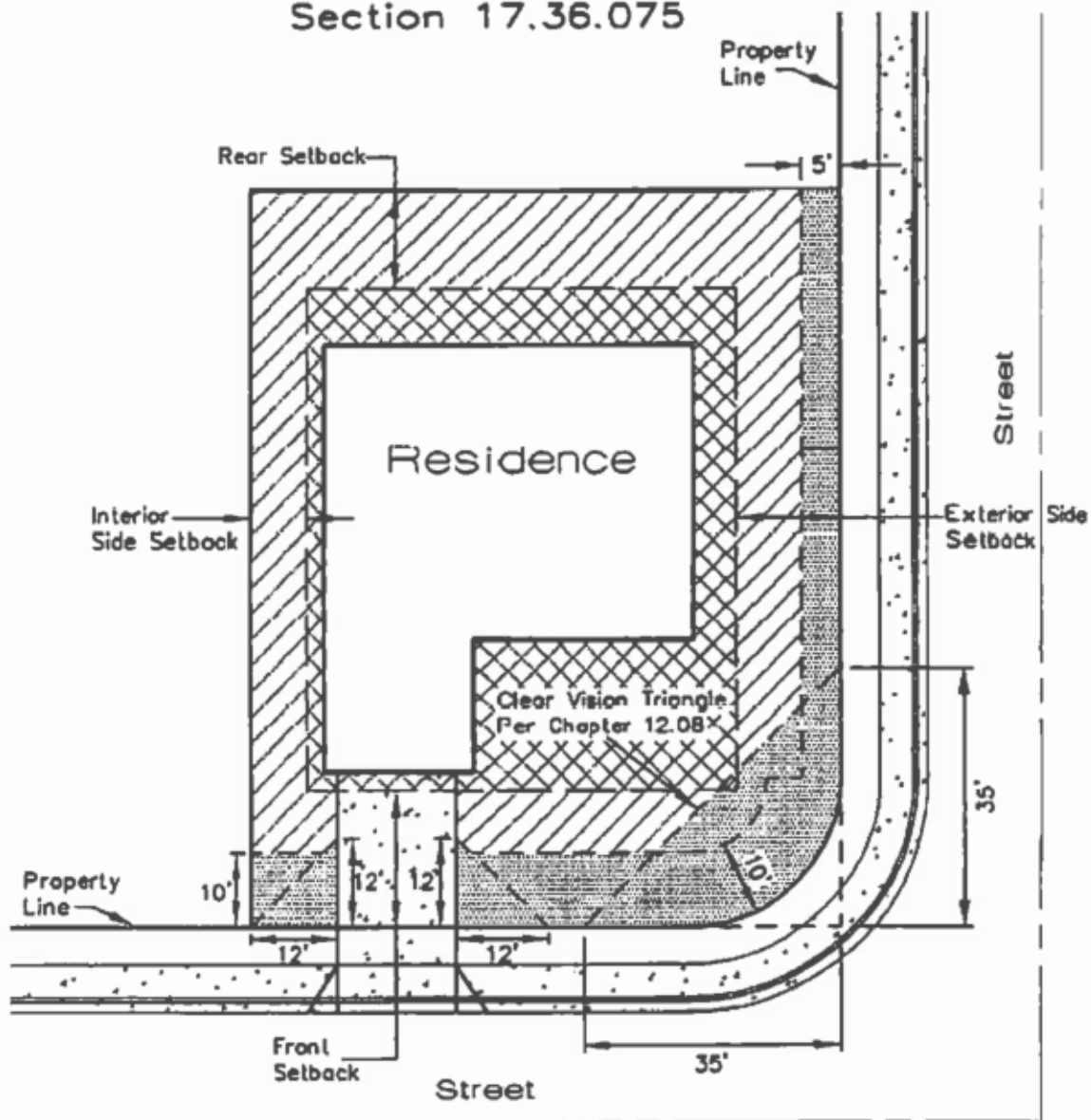
Material(s) of Proposed Fence:

The Site Plan must include the following: (1) property lines of subject property; (2) property lines of all adjacent properties; (3) location of existing fence; (4) height of existing fence; (5) location of proposed fence; (6) height of proposed fence; (7) north arrow; (8) typical dimensions throughout.

Scale: _____ Existing Fence Height: _____ Proposed Fence Height: _____

Example Site Plan

FENCE HEIGHTS Section 17.36.075



30" Maximum Fence Height



6'-0" Maximum Fence Height



8'-0" Maximum Fence Height

This diagram is for illustration purposes only and has not been adopted as part of the Zoning Ordinance.