

Fence Regulations

INTENT

The intent of the Town’s fence regulations is to preserve the natural beauty of the Town of Los Gatos, the natural movement of wildlife, and to protect traffic view areas while acknowledging that residents have the right to fence their properties to protect children, contain their animals, protect garden or agricultural areas, and maintain privacy. Specifically, within the hillside area, the intent of these regulations is to allow for the movement of wildlife. Unless specified otherwise, these fence regulations are applicable Town-wide. These regulations incorporate portions of the Hillside Development Standards and Guidelines related to fencing.

These regulations acknowledge that residential properties are spread amongst diverse areas of the Town: the hillside area, non-hillside area, and Historic Districts. The character of each area is unique and these regulations are tailored accordingly while recognizing the unique needs of both property owners and wildlife. These regulations also recognize that there may be special circumstances that require case-by-case consideration of exceptions to allow flexibility in addressing unique challenges.

While these regulations offer objective criteria and rules, other Town documents offer additional policies and recommendations to further guide fence design and siting. The Residentials Design Guidelines offers guidance on how to relate a fence to a residence and appropriate fences in Historic Districts. Additionally, the 2020 Community Design Element of the General Plan and the Site Elements section of the Hillside Development Standards and Guidelines provides additional guidance relative to the hillside area.

Height.

- (1) Fences, walls, gates, or hedges may not exceed six feet in height, with one foot of lattice on top (seven feet high in total); except as provided in subsections (2), (3), and (4) below.
- (2) In the hillside area:
 - a. Fences, walls, gates, or hedges may not exceed six feet.
 - b. On properties one acre or greater, *perimeter fencing* shall be a *wildlife-friendly fence*.
- (3) Fences, walls, gates, and hedges may not exceed three feet in height when located within a required front or side yard abutting a street (as required by the zone), *driveway view area*, *traffic view area*, or *corner sight triangle* unless an exception is granted by the Town Engineer and Community Development Director. Trees, hedges, and vegetation within a *corner sight triangle* shall meet the requirements of section 26.10.065.
- (4) Pedestrian gateways or entryway arbors may be up to eight feet high. No more than one gateway or entryway arbor per street frontage is allowed.

Materials and design.

- (1) The following fence types and materials are prohibited:
 - a. Any fence with bare lengths of wire stretched between posts.
 - b. Electric fences, including any fence designed to produce an electric shock.
 - c. Barbed or razor wire fences, including any fence with attached barbs, sharp points, or razors.
 - d. Transparent fences such as barriers of glass or clear plastic.
- (2) In the hillside area:
 - a. Fences located within 20 feet of a property line adjacent to a street shall be *open view fencing*.
 - b. On properties one acre or greater, perimeter fencing shall be a *wildlife-friendly fence*.

- c. Chainlink, welded wire, wire mesh, or similar material shall be coated with green, brown, or black vinyl or finish and shall be supported by a wood frame.
- d. *Buck and rail*, *double fencing*, and *solid fences* are prohibited.
- (3) In the Landmark and Historic Preservation Overlay:
 - a. Plastic fencing is prohibited.
 - b. Fences located in a required front yard shall be *open view*.
- (4) Pedestrian gateways or entryway arbors shall be *open view*. A gateway or entryway arbor shall have a maximum width of six feet and a maximum depth of four feet.

Location.

- (1) No fence, wall, or gate shall be located within emergency egress easements.
- (2) No fence, wall, or gate shall be located within 20 feet of a *riparian corridor*.
- (3) Vehicular gates shall be set back from the edge of the adjacent street a minimum of 18 feet as measured along the centerline of the driveway. A greater setback may be required when a gated entrance serves more than one house.

Exceptions.

An exception to any of these fence regulations may be granted by the Community Development Director. A fence exception application and fee shall be filed with the Community Development Department and shall provide written justification that demonstrates one of the following conditions exist:

- (a) Adjacent to commercial property, perimeter fences or walls may be eight feet if requested or agreed upon by a majority of the adjacent residential property owners.
- (b) On interior lots, side yard and rear yard fences, walls, gates, gateways, entry arbors, or hedges, behind the front yard setback, may be a maximum of eight feet high provided the property owner can provide written justification that either:

- (1) A special privacy concern exists that cannot be practically addressed by additional landscaping or tree screening; or
- (2) A special wildlife/animal problem affects the property that cannot be practically addressed through alternatives. Documented instances of wildlife grazing on gardens or ornamental landscaping may be an example of such a problem.
- (c) At public utility facilities, critical infrastructure, and emergency access locations, exceptions may be granted where strict enforcement of these regulations will result in a security or safety concern.
- (d) A special security concern exists that cannot be practically addressed through alternatives.
- (e) A special circumstance exists, including lot size or configuration, where strict enforcement of these regulations would result in undue hardship.

Exemptions.

All fences, hedges, gates, and walls existing on the effective date of the ordinance, September 6, 2019, that do not meet the regulations contained herein are nonconforming and are exempt from these regulations. Existing nonconforming fences may be maintained and/or replaced in kind, including historic stone or river rock walls.

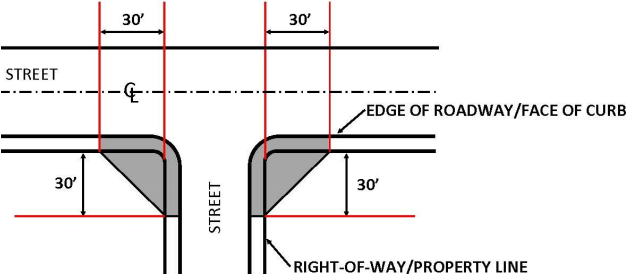
Penalties.

A property owner who has unlawfully constructed any fence, wall, gate, gateway, entry arbor, or hedge is subject to applicable enforcement and penalties as described in sections 29.20.930 through 29.20.965 of the Town Code.

Definitions

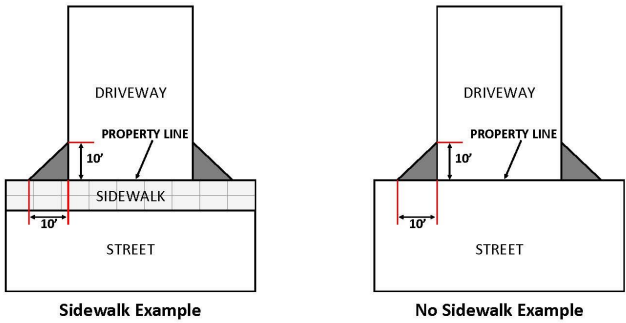
Buck and rail fence means a fence constructed with wood rails where the posts are arranged to form a triangle to provide the vertical structure of the fence. The horizontal rails are then attached to the triangle support posts.

Corner sight triangle means a triangular area at street intersections having sides 30 feet in length, as measured from intersecting property lines.



Double fence means two fences spaced a few feet apart regardless of height and material.

Driveway view area means a triangular area at the intersection of driveways and sidewalks and street intersections having sides 10 feet in length, as measured along the driveway's path of travel from the back of the sidewalk or street.



Fence means a structure constructed of posts, rails, wire, and/or barrier panels, used to define a boundary or as a means of protection, confinement, or visual obstruction.

Fence regulations means sections 29.40.030 through 29.40.0330 of the Town Code.

Hillside area means all properties located within the area defined by the Hillside Area Map as contained in the Town of Los Gatos Hillside Development Standards and Guidelines.

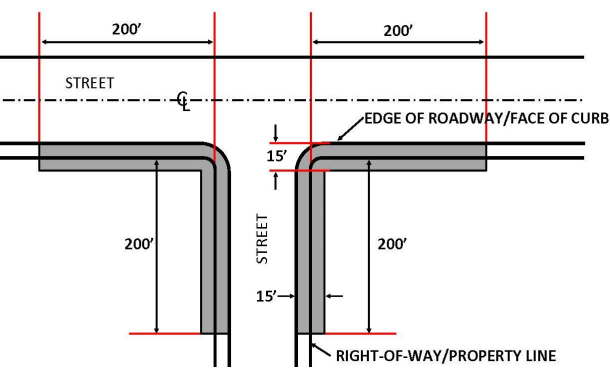
Open view fence means a fence constructed in such a way so that no more than 20 percent of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence.

Perimeter fence means a fence located on the property line of a lot.

Riparian corridor means an area comprised of habitat strongly influenced and delineated by the presence of perennial or intermittent streams.

Solid fence means a fence constructed in such a way so that more than 20 percent of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence.

Traffic view area means the area which is within 15 feet of a street and within 200 feet of the right-of-way line of an intersection.



Wildlife-friendly fence means a fence that allows any animal, regardless of size, to climb under, pass through, or jump over, with a maximum height of 42 inches and a minimum distance between the bottom rail and the ground of 18 inches.

ADDITIONAL INFORMATION

Questions?

If you have questions about fence regulations, please contact the Planning Division at (408) 354-6874 or Planning@LosGatosCA.gov.

For questions regarding Building Code requirements or the Building Permit process, please contact the Building Division at (408) 354-6876 or Building@LosGatosCA.gov.

Zoning Ordinance

The complete Zoning Ordinance is available online at the following link. See Sections 29.40.030 through 29.40.0330: www.losgatosca.gov/25/Town-Code



Town of Los Gatos Community Development Department

Regulations for Fences, Walls, and Gates, Summary Handout

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