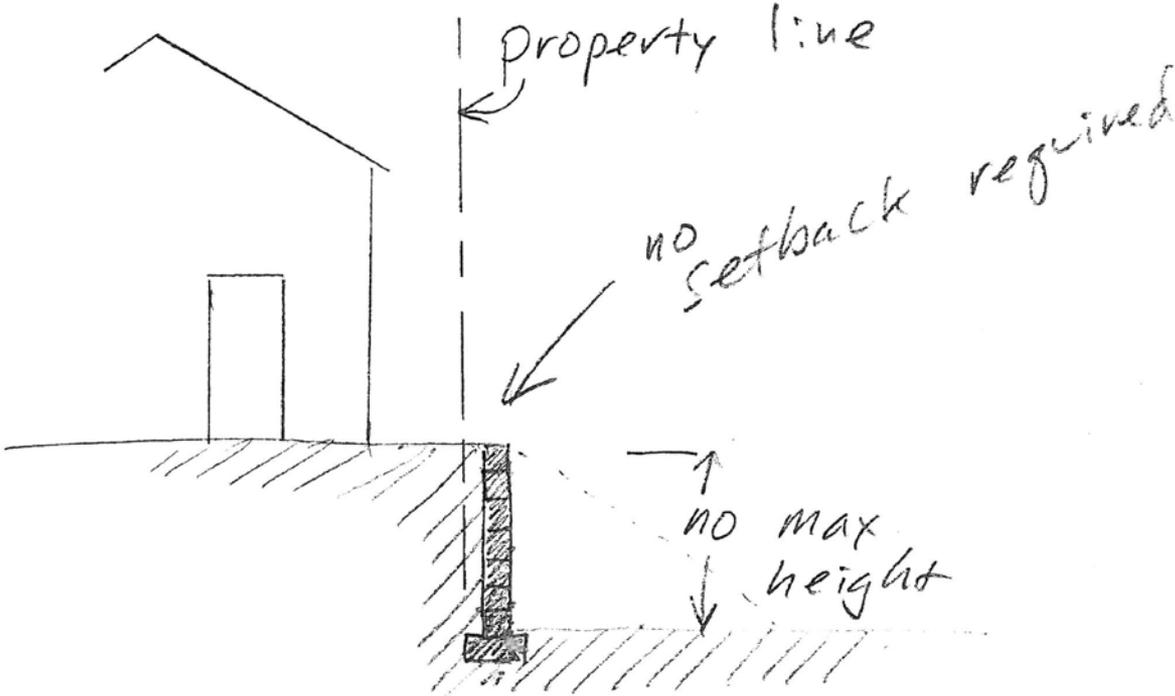


- **Retaining wall and setbacks overview-  
existing and proposed code**

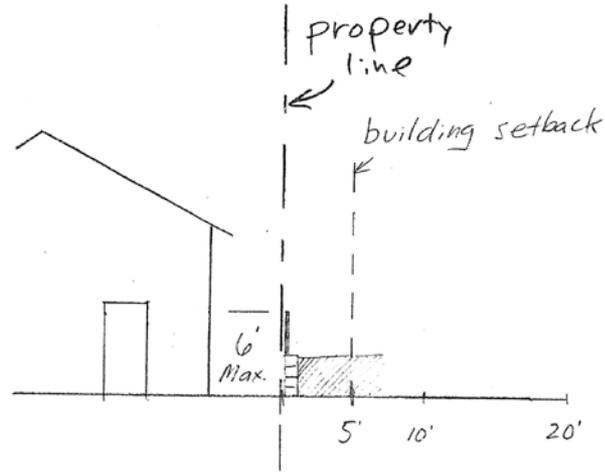


November 2, 2016

Setbacks do not apply to retaining walls that retain a cut slope

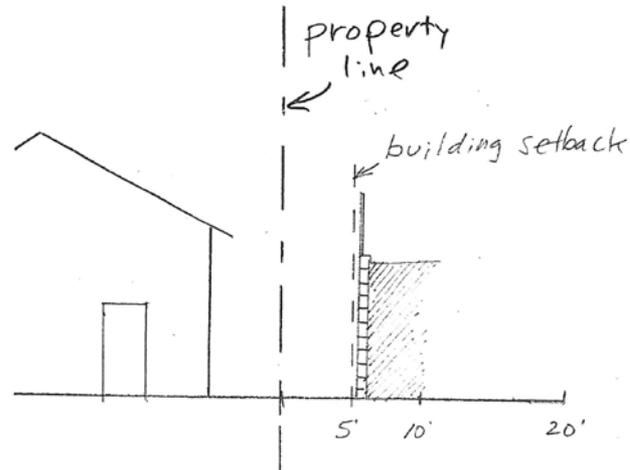


Existing code allows fences to 6' high and retaining walls up to 4' high in building setbacks. Fences on top of retaining walls are measured from top of fence to bottom of wall.

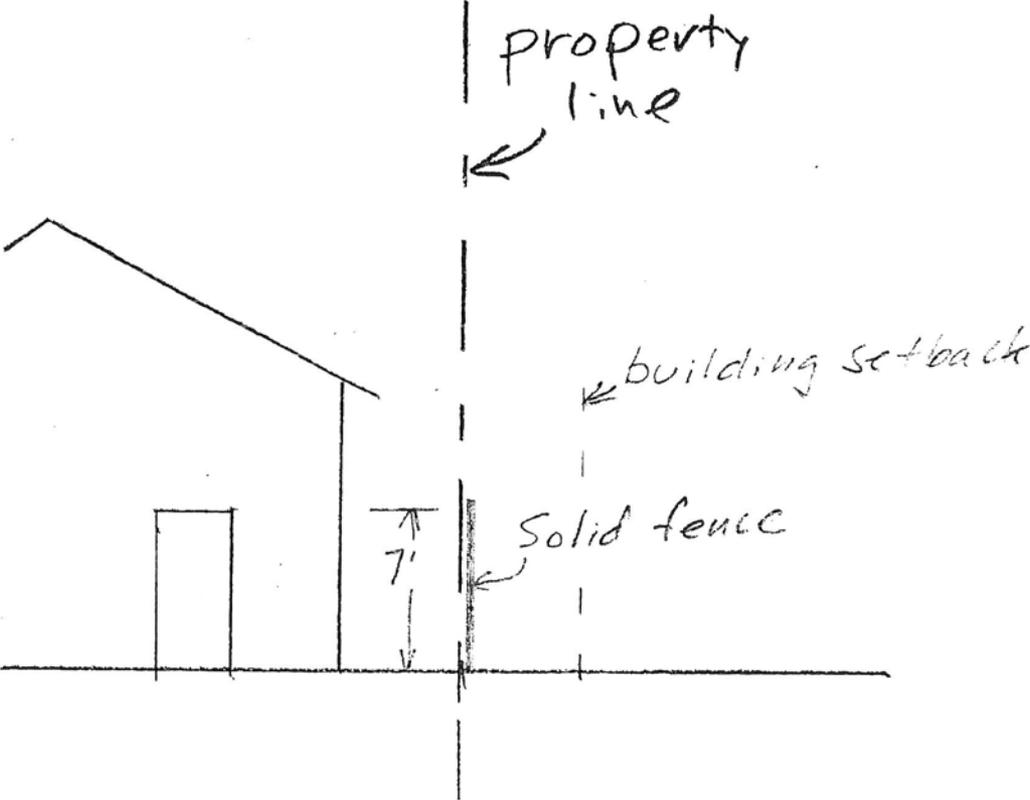


Once the building setback is met, there is no height restriction on walls or fences, or combinations thereof.

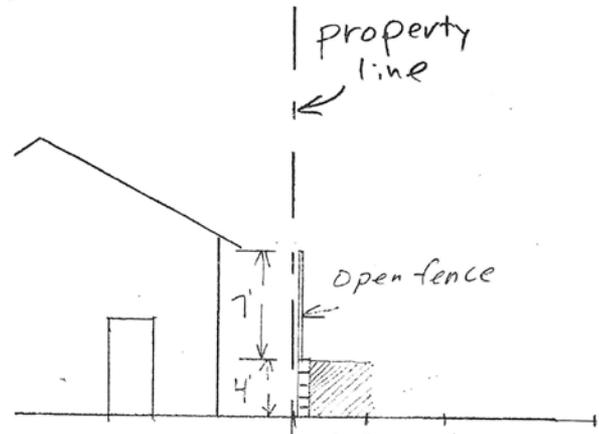
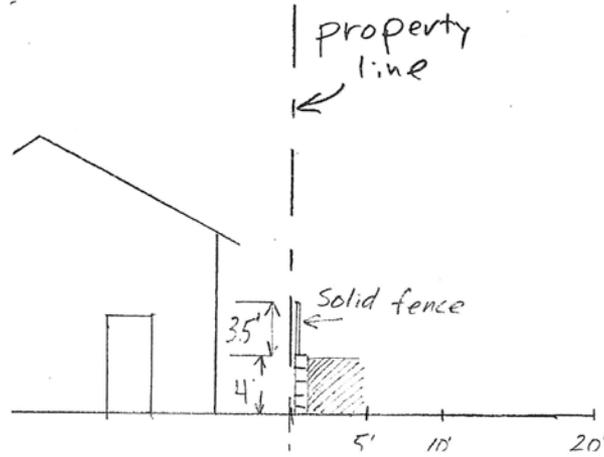
(5' setback example shown)



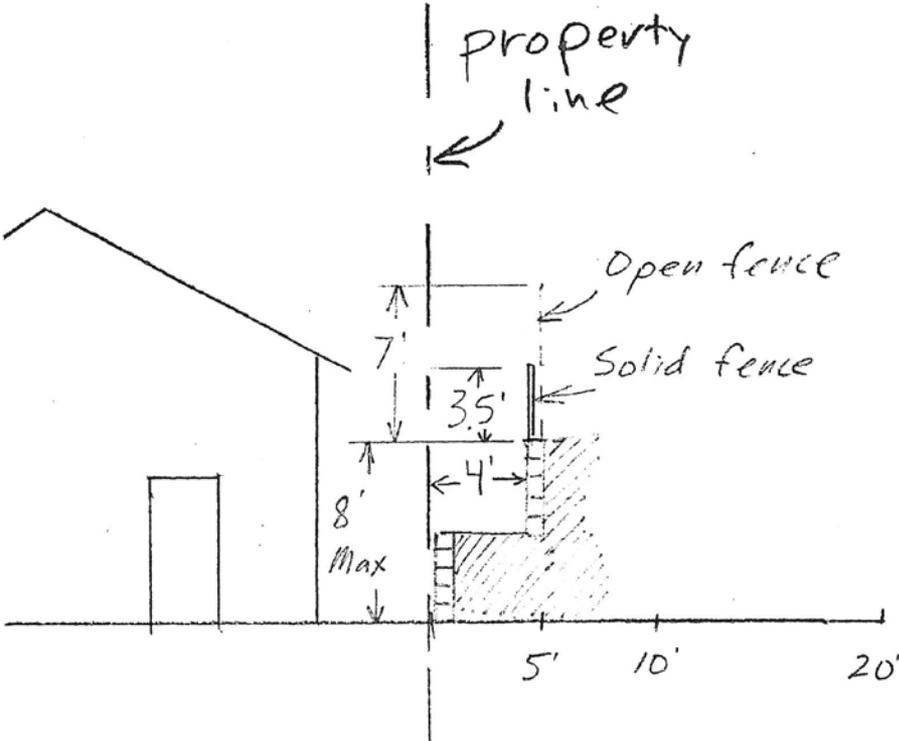
The height of a fence that needs no building permit has been increased to 7'



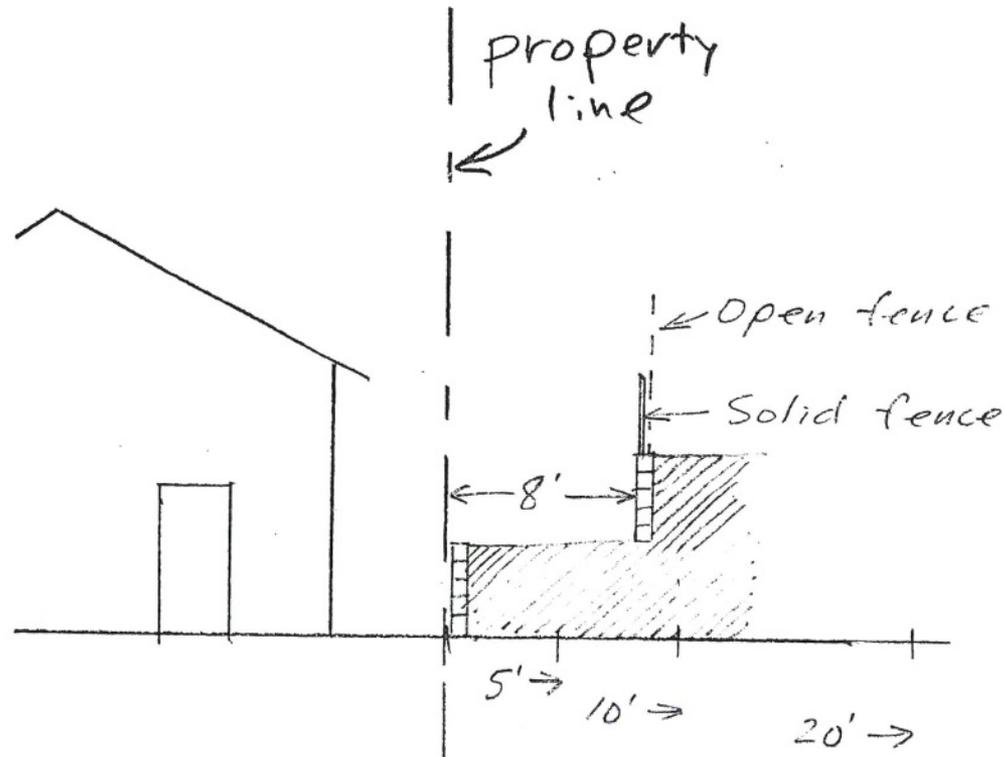
Proposed code allows a 3.5' tall solid fence on top of a 4' retaining wall or a 7' tall open fence on top of a 4' retaining wall within setbacks.



combo can be on the property line, or on a second wall, 4' higher than the first wall. The second wall can be separated from the first wall by 4'.



An option would be to require a greater distance between the retaining walls. (8' separation shown) This would help situations where the building setback is more than 10', but would be moot where the building setback is only 5', since the code allows unlimited height beyond the building setback line.



4' wall, 6' fence











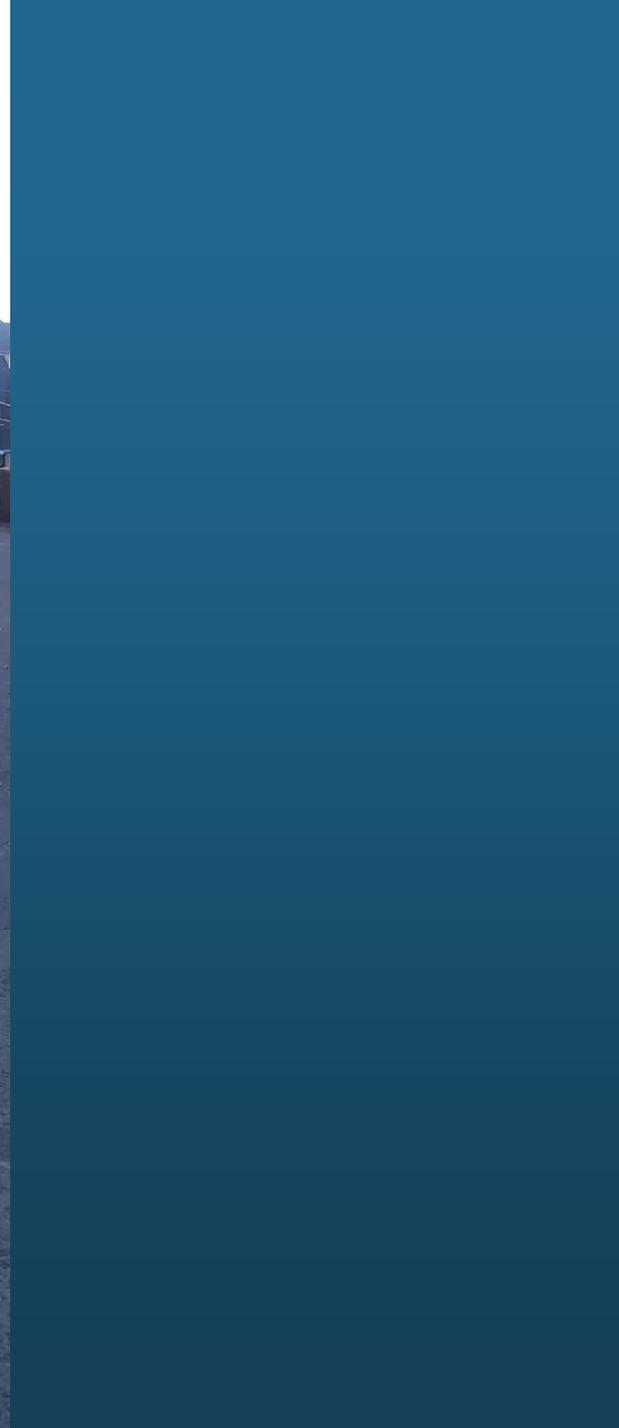












1 Proposed changes to setback standards for retaining walls and fences

2 November 2, 2016 BOCC worksession

3 40.320.010.F

4 F. Establishing Setback Standards for Retaining Walls and Fences.

- 5 1. This section regulates the height of retaining walls and fences along the  
6 perimeter of sites. Building codes specify the circumstances under which  
7 retaining walls and fences require building and grading permits. Changes to  
8 stormwater runoff resulting from construction of retaining walls are subject to  
9 Chapter 40.386.
- 10 4.2. Construction of private retaining walls or fences within public rights-of-way is  
11 prohibited. Exceptions to this prohibition shall require approval of the Public  
12 Works director.
- 13 2.3. The construction of retaining walls four (4) feet or less in height and fences six  
14 ~~(6)~~ seven (7) feet or less in height may be constructed within public  
15 easements. Exceptions to these height limits may be granted when written  
16 approval has been obtained from the easement holder.
- 17 3.4. The construction of retaining walls in excess of four (4) feet in height and  
18 fences in excess of ~~six (6)~~ seven (7) feet in height shall meet the setback  
19 requirements of the underlying zone. The height of a fence on top of retaining  
20 walls shall be measured to the grade at the bottom of the wall. Exceptions to  
21 this provision are as follows: Each of the following is an exception to the height  
22 and setback requirements of Section 40.320.010.F.4:
- 23 a. ~~When an exception under subsection (F)(1) of this section has been~~  
24 ~~granted;~~
- 25 a. Retaining walls taller than four feet may be placed within setbacks by  
26 using a series of retaining walls four feet high or less that are separated  
27 a minimum of four feet, provided the area between walls is maintained in  
28 ground cover or shrubs. The total height of a series of walls within the  
29 building setback shall not exceed eight (8) feet. Landscaping shall be  
30 maintained consistent with CCC40.320.010.G.6. Fences are allowed on  
31 top of such walls consistent with Section 40.320.010.F.4.h and Figure  
32 40.320.010-8;
- 33 b. The exposed faces of retaining walls over four (4) feet in height are  
34 directed toward the interior of the lot;
- 35 c. The retaining walls and / or fences are constructed as part of the site  
36 improvements prior to a final plat, and located between lots within the  
37 development. Retaining walls on the perimeter of the plat may not use  
38 this exception, except as allowed under subsection (F)(4)(d) of this  
39 section;
- 40 d. Retaining walls and / or fences abutting a road right-of-way or road  
41 easement; ~~provided;~~ subject to the following:  
42 (1) The wall or fence does not block required sight distance;



- 43                   (2) Walls and / or fences over 12 feet in height will be reviewed for  
44                   potential shading and visual impacts beyond the right of way or  
45                   easement. The community development director may impose  
46                   conditions on the design and setbacks of such walls if needed to  
47                   mitigate impacts;  
48           e.    The retaining wall and / or fence is constructed between lots under the  
49           same ownership;  
50           f.    Permission to exceed the height limits within the setback is granted in  
51           writing from the abutting property owner;  
52           g.    The retaining wall and / or fence is abutting commercial or industrial  
53           zoned property or legally permitted non-residential uses;  
54           h.    Non-sight-obscuring fences such as chain link or wrought iron seven (7)  
55           feet high or less, and sight-obscuring fences forty-two (42) inches high  
56           on top of retaining walls no greater than four feet tall are allowed within  
57           setbacks per Figure 40.320.010-8;  
58   4. 5. Building codes for retaining walls may require setbacks that are greater than  
59    those required by this section 40.320.010.F.4.  
60   6. These height and setback limitations do not apply to fences required by state  
61    law to enclose public utilities, or to chain link fences enclosing school grounds  
62    or public recreation areas.  
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