

	CITY OF BELVEDERE – ADMINISTRATIVE POLICY MANUAL		
	POLICY 15.4 FENCE REPAIR & REPLACEMENT		
Adoption Date:	6/14/2010	Adopted by:	City Council Motion
Revised Date:	9/10/2018 ¹ 3/11/2019	Revised by:	City Council Resolution No. 2018-29 City Council Resolution No. 2019-04
Authority:	City Council		

15.4.1 BACKGROUND

Belvedere's zoning ordinance requires design review approval for fences and trellises (Belvedere Municipal Code Section 19.48.190). Fences typically indicate property boundaries, although not all fences are built on a boundary line. The Design Review process allows the City to evaluate new structures and to reevaluate the replacement of existing structures and their relationship to real property boundaries.

15.4.2 COMMENTS

Repair and replacement of existing fences are not specifically mentioned in the Belvedere Municipal Code. Therefore, the Planning Department has developed this policy to establish a benchmark by which a replacement or a repair of a fence is distinguished from a new fence requiring Design Review approval.

For the purpose of distinguishing repair and replacement fences from a new fence requiring Design Review, Planning Staff refers to the definition in Section 19.08.355 which states, in part:

"New structure" for purposes of this Title and Title 20 means an entirely new building from grade up, or new construction following the removal of more than fifty percent of the total exterior wall and roof area from the grade up, including all exterior openings."

Planning Department Staff further relies on the definition of structure as "anything constructed or erected, including any building, fence or wall, the use of which requires permanent location on the ground or attachment to something having permanent location on the ground" (BMC Section 19.08.520).

In order to provide expedient service to the Belvedere community, Planning Department Staff has developed a procedure for Exemptions from Design Review (see Policy 15.7 of this Manual). Repair or replacement of less than 50 percent of an existing fence may be reviewed for Exemption from Design Review. Temporary deer fencing, whether installed with or without a

¹ Recommended by Planning Commission 6/18/2018

permit in the past, is not deemed an existing fence. Repair or replacement of temporary deer fencing is to be treated as a new fence for purposes of Design Review.

15.4.3 POLICY

In order for a replacement fence to be considered exempt from Design Review, the applicant must show that not more than 50 percent of the existing fence is to be removed and reconstructed. Also, the replacement fence must be of the same design and location as the previously existing fence. A site plan showing the location of the fence in relation to property lines will be required. Adjacent neighbor signatures may be recommended. Photographs of the previously existing fence are usually helpful.

If it is shown that more than 50 percent of the linear measurement of a fence is to be repaired or replaced, Design Review for the fence is required.

15.4.4 DOCK FENCES

Fences on docks are discouraged and should be granted only when necessary to provide a boundary for the dock, such as in the case of abutting docks. In the R1-L and R-2 zoning districts fences may be considered based on the following factors:

- The fence should not substantially impact views from neighboring properties or the public view.
- The fence should be three (3) feet or less in height as measured from the top of the dock.
- The extent to which container landscaping could provide the same effect as a dock fence.
- Whether the dock abuts another dock.