

2. **Side and Rear Setbacks.** Fences, walls, and hedges shall be limited to the maximum heights stated below within side and rear setbacks.
 - a. Fences and walls: 8 feet.
 - b. Hedge: 12 feet, except that there is no height limit for hedges adjacent to and located within 10 feet of an alley, measured perpendicularly from the side or rear property line that is adjacent to the alley.
 - c. A guardrail may exceed the maximum height limit for a fence, but only to the minimum extent required for safety by the Building Code. Safety guardrails must be at least 50 percent visually transparent above fence height limit.
 3. **Height Modifications.** A parcel owner may request a modification to the height limit of a proposed side or rear fence, wall, or hedge, pursuant to the provisions of Chapter 9.43, Modifications and Waivers.
 4. **Downtown Community Plan Area. Within the Downtown Community Plan Area, fences, walls, and hedges shall be limited to the maximum heights stated below:**
 - a. On street-fronting parcel line: prohibited except as legally required
 - b. Area between building frontage line and parcel line: prohibited except as legally required
 - c. At or behind the building frontage: 5 feet in height. Walls and fences above 42 inches in height shall be a minimum of 50 percent visually transparent.
- B. **Registered Existing Nonconforming Fences, Walls, and Hedges.** All existing nonconforming hedges, fences and walls that were properly registered with the City by November 15, 2007, in accordance with Interim Ordinance Number 2236 (CCS) and the Administrative Guidelines to Register Existing Nonconforming Fences, Walls, and Hedges, may maintain their height as of August 26, 2005, unless an objection was granted in accordance with the procedures established in Interim Ordinance Number 2169 (CCS) or Interim Ordinance Number 2268 (CCS). The owner of any properly registered fences, walls, and hedges, shall ensure that such fence, wall, or hedge do not exceed their registered height, unless the owner obtains a height modification pursuant to this Section. The Nonconforming Fence, Wall, or Hedge Registration Form, on file with the City, shall constitute conclusive and exclusive evidence of the grandparented height. No other evidence may be introduced or accepted in any administrative or judicial proceeding which would contradict the grandparented height established by the Nonconforming Fence, Wall, or Hedge Registration Form.
- C. **Repairs and Replacements of Registered Nonconforming Fences, Walls and Hedges.** Properly registered nonconforming fences, walls, and hedges may be repaired or replaced and still retain their right to their August 26, 2005 height, if the repair or replacement is undertaken with in-kind vegetation or building material, as appropriate, and if it is installed or planted within 5 years after the registered fence, wall or hedge has been removed. Additionally, properly registered hedges may be trimmed to any height and still retain their right to their August 26, 2005 height.
- D. **Maintenance.** All fences, walls, and hedges shall be maintained in a safe, neat and orderly condition at all times.

1. **Encroaching Hedges.** The owner of a hedge shall maintain the hedge so that it does not encroach onto the parcel of an adjoining parcel and the public right of way. If any portion of a hedge, including its roots, encroaches onto the parcel of an adjoining parcel, the owner of the adjoining parcel shall, after giving 30 days’ notice and opportunity to cure, have the right to remove those portions of the hedge that encroach on their parcel back to the parcel line so long as they act reasonably and the removal does not cause unnecessary injury. The adjoining parcel owner shall have the right to file a civil action to recover all costs reasonably incurred in removing the encroaching portions of the hedge.

9.21.060 Height Exceptions

No structure shall project above the height limits established in this Ordinance except as specified in this Section.

- A. **Building-Mounted and Attached Structures.** Table 9.21.060 establishes the maximum permitted projection(s) above the height limit of a building for structures that are typically mounted or attached to a building. These projections are by right, with no discretionary permit required. Table 9.21.060 also establishes limitations in the horizontal coverage of permitted projections. Some allowances apply in all Zoning Districts while others are limited to specified Zoning Districts. None of these projections shall permit occupiable space above the height limit. The total aggregate coverage of projections shall not exceed 30 percent of a roof’s area. This limitation shall not apply to solar energy systems (see Section 9.21.150).

TABLE 9.21.060: ALLOWED PROJECTIONS ABOVE HEIGHT LIMITS		
<i>Structure</i>	<i>Maximum Aggregate Coverage of Building’s Roof Area (%); Other Locational Restrictions</i>	<i>Maximum Vertical Projection (ft.) Above the Height Limit*</i>
Projections Allowed in All Zoning Districts:		
Skylights	No limit	1 ft.
Chimneys, vent stacks	5%	5 ft.
Windscoops	5%	5 ft.
Solar energy systems located on a rooftop	See Section 9.21.150	See Section 9.21.150
Antennas		
<i>One standard television receive-only nonparabolic antenna and one vertical whip antenna</i>	10%; May not be located between the building and any street-facing parcel line.	25 ft.
Other Antennas	See Chapter 9.32, Telecommunications Facilities	
Parapets, fire escapes, catwalks, and open guard rails required by law	As required by law	As required by law