



# City of Larkspur

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## **SUBMITTAL REQUIREMENTS FOR FENCE HEIGHT EXCEPTION PERMIT (FHE)**

### **Project Site**

**Address:** \_\_\_\_\_

### **Applicant/**

**Owner:** \_\_\_\_\_

Apply online at [eTRAKIT](http://eTRAKIT). Follow the prompts to apply for Planning Application. The following items must be uploaded with the project application unless specifically waived by the Planning staff. Fees may be paid online through eTRAKIT or by paying in-person at the Community Development Department Office at City Hall. Applications are not filed until the fee is received.

- Master Planning Application Form**- completed & signed by applicant & property owner (Available for download on City website [here](#)).
- Application Deposit** – [Fee schedule](#) established by resolution of the Council is available on City website.
- Statement of required findings under Height limits**- (Section 18.16.090(d), Larkspur Municipal Code [LMC]) describing how the application satisfies these findings. (See back of form, "*Public Hearing*")
- This Completed Checklist.**
- One (1) set of plans. Plans shall include the following:**
- Location map** – showing the general location of the parcel.
- Site Plan** –Based on a survey unless otherwise waived by the Planning Department. Site plan shall:
  - (a) be drawn to scale and dimension.
  - (b) have a graphic bar scale, a statement of scale, a north arrow, title block and date.
  - (c) show the main structure, accessory structures, landscaping, parking and driveways on the site, and neighbor driveways if immediately adjacent to proposed fence.
  - (d) show the location of the proposed fence(s), adjacent streets & driveways. (The sight line for drivers is a key consideration)
  - (e) Identify the proposed fence height.
- Elevations of the fence** - shall be drawn to scale, provide dimensions, character & materials; must be at 1/4" = 1' scale.

## **CITY OF LARKSPUR** ***Fence Height Exception***

### ➤ **What is a Fence Height Exception (FHE)?**

A Fence Height Exception (FHE) allows a property owner to erect a fence that exceeds the maximum fence height specified by code under LMC Section 18.16.090. During a public hearing, the Zoning Administrator (ZA) may grant a Fence Height Exception, only if the applicable findings can be made (see item #6 below). Applications that are controversial, or found to not meet the required findings, may be referred to the Planning Commission for decision.

### ➤ **What are the steps to apply for a Fence Height Exception?**

- 1.) **Consult with the Planning Department Staff** regarding the location and height of the fence you wish to propose. This will provide some guidance to insure your proposal may be authorized.
- 2.) **Consult with Department of Public Works Staff** if a proposed fence would be located within an unimproved portion of the street right-of-way fronting the property. The City must agree to the encroachment on City land or the application could not be processed. All applications that propose a fence encroach into the public right-of-way will be forwarded to the Department of Public Works for review and authorization to proceed.
- 3.) **File an application**, including the required forms and plan, both digitally and in hard copy, at the Planning and Building Department. See direction at top of this form.
- 4.) **Staff Review:** Within 30 days of submittal of an application, the City will evaluate all materials for **completeness**. If it is found to be **complete for processing**, the Zoning Administrator will schedule a public hearing date. If it is **incomplete**, you will be notified in writing and provided with a list of the items needed to render it complete. During processing, the property will be **visited** at least twice by City staff.
- 5.) **Public Noticing:** Local law requires that public notice be given of Fence Height Exception hearings at least 10 days before the hearing, a notice will be posted on the property and mailed to all property owners within 300 feet. **DO NOT REMOVE** the legal notice at the site until after the hearing.
- 6.) **Public Hearing:** The Zoning Administrator (ZA) hearing begins with a staff presentation, then the applicant's presentation and subsequent public comment (if any). The decision of the ZA is based on the required findings from Section 18.16.090(d), which are listed below:
  1. The fence height will not create hazards by impairing the view of pedestrians or traffic as seen by motorist exiting and entering the subject property, neighboring properties, and adjacent streets.
  2. The fence height will not impair the access to light and air of structures on the subject property and adjacent properties.
  3. The fence height will not block significant views from structures and outdoor areas situated on neighboring properties.
  4. The height and design of the fence will be compatible with the scale, mass and architectural character of the structures in the neighborhood.
  5. The fence height will not significantly visually obstruct or reduce the openness of the street scene comprised of front yards and street side yards in the neighborhood.

### ➤ **Can the public or applicant appeal the decision of the Zoning Administrator?**

Yes, anyone disagreeing with the ZA decision may file an appeal and the required fee with the City Clerk within 10 calendar days of the ZA hearing date. Appeals are heard by the City Council.

### ➤ **When does the Fence Height Exception expire?**

The Fence Height Exception permit must be acted upon (fence constructed) **within one year** of the approval. Applicants unable to meet this schedule should apply for an extension before the one-year period expires.

**NOTE: The City strongly encourages the applicant/property owner to consult with the neighboring property owners regarding the proposed project before submittal.**