



## DEVELOPMENT SERVICES CODE INTERPRETATION NUMBER 001-21

Date: January 12, 2021

Subject: Measuring Fence Height Under Section 2.150.100(A)(3)

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### Background/Issues:

Upon review, the Pinal County Development Services Code (the “Code”) does not clearly specify which side of a fence should be measured when determining the height of a fence under Code Section 2.150.100(A)(3), which provides: “[t]he setback requirements of this title shall not apply to fences or wall type fences of six feet or less in height that are being used as fences in side and rear setbacks.” Determining which side a fence is measured from is significant when a fence would not otherwise satisfy setback requirements, and the grade on the two sides of the fence differs to the extent that one side of the fence is above the Section 2.150.100(A)(3) height threshold and the other side is below the threshold.

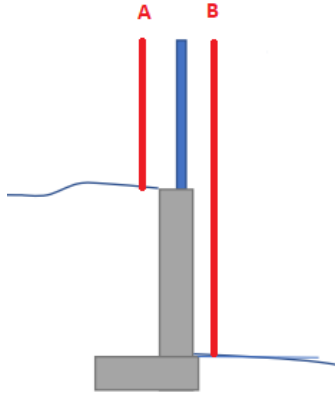
The Code does not define “fence height”, but it does define “building height” as meaning “the vertical distance from the average finished grade at the front of the building to the highest point of the building, exclusive of chimneys and screening of mechanical equipment.” See Code Section 2.10.010. However, in the context of a fence, this definition is unhelpful because it is unclear which side of a fence is the “front.” While Pinal County’s Code is perhaps unclear, other governmental entities have directly addressed this issue. For example, in the City of San Mateo, California “[f]or fences between two lots which are terraced, the fence height is measured from the ground level of the upper lot.”

### Community Development Director Interpretation:

For measurement purposes under Code Section 2.150.100(A)(3), the “front” of the fence is hereby interpreted to mean the side of the fence with the more elevated finished grade. In other words, ***fence height will be measured from the finished grade immediately adjacent to the fence to the highest point of the fence. For fences between two lots that are at different elevations, the fence height will be measured from the immediately adjacent finished grade of the more elevated lot to the top of the fence.***

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Applying this interpretation to a hypothetical fence between two adjacent lots, the fence height should be measured from side A, which is considered the “front” of the fence structure since it is the finished grade of the more elevated lot.



This interpretation applies to height measurements under Section 2.150.100(A)(3) only, and should not be construed in a manner that changes prior interpretations or conflicts with the Code.

*Lester A Chow*

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