



# City of Palm Springs

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## **Regulation of Temporary Perimeter Fencing**

*Effective June 2008*

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The following standards and procedures will be followed when a landowner proposes to install Temporary Perimeter Fencing around vacant, abandoned or undeveloped property.

### **Dust Control Fencing**

One of the most common reasons for using temporary fencing with screening is to reduce the generation of “fugitive dust”. Dust control fencing can be effective as part of an overall strategy to comply with the City’s Fugitive Dust Control Ordinance (Section 8.50, Palm Springs Municipal Code). This ordinance helps the City fulfill its obligations to the South Coast Air Quality Management District to minimize air pollution.

According to the Ordinance, any grading or major construction must provide ways to minimize the creation of man-made dust (PM 10 or “Particulate Matter of 10 Microns in Diameter or Smaller”). In addition to providing dust control fencing, property owners may be required to regularly spray water on the site, place a sealant over exposed dirt, plant vegetation and / or monitor wind conditions so that grading only occurs during calm weather.

The Engineering Department has developed three conditions of approval for Planned Developments and other project approvals addressing PM 10 fencing requirements:

- In accordance with an approved PM-10 Dust Control Plan, perimeter fencing shall be installed. Fencing shall have screening that is tan in color; green screening will not be allowed. Perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.
- Perimeter fence screening shall be appropriately maintained, as required by the City Engineer. Cuts (vents) made into the perimeter fence screening shall not be allowed. Perimeter fencing shall be adequately anchored into the ground to resist wind loading.
- Within 10 days of ceasing all construction activity and when construction activities are not scheduled to occur for at least 30 days, the disturbed areas on-site shall be permanently stabilized, in accordance with Palm Springs Municipal Code Section 8.50.022. Following stabilization of all disturbed areas, perimeter fencing shall be removed, as required by the City Engineer.

Building and engineering staff will approve a dust control fence permit only when issuing a grading permit and when these conditions are incorporated into the permit.

**Planning Approval of other Temporary Fencing**

Temporary perimeter fencing not used for PM 10 purposes may be allowed under the following Section of the Palm Springs Zoning Code:

*93.01.00 Walls, fences, and landscaping.*

- A. *Hazardous Areas. A fence or wall may be required along the perimeter of any area which, by reason of the conditions on the property or physical hazards, such as frequent inundation, noise, erosion, excavation or grade differential, are considered by the director of planning and building to be dangerous. Such fence or wall may exceed six (6) feet in height.*
- B. *Security Fencing. Security fencing as required by any governmental agency of jurisdiction shall be permitted, notwithstanding any other provision of this Zoning Code.*
- C. *Prohibited Materials. No barbed wire, razor wire or similar material shall be permitted, except for use by government or quasi-governmental agencies, or unless otherwise approved by the planning commission. Except as elsewhere permitted or for use by governmental or quasi-governmental agencies, chain-link fences may not be used in front or side front yards. (emphasis added)*

Under these provisions, the Director of Planning Services will review any proposal for Temporary Perimeter Fencing of property, other than for PM 10 dust control. Conditions may be imposed in the granting of a permit for Temporary Perimeter Fencing. This authority may supplement other City regulations. Property owners must also conform to property maintenance (weed or debris removal) regulations.

**Procedure**

A building permit application, including a site plan and a description of the proposed fence will be required prior to the installation of any Temporary Perimeter Fence. Prior to issuance of the permit, the project will be evaluated by the Planning Director to determine if one of the following conditions exists:

- Any existing structures at the site that may become an attractive nuisance or potential hazard.
- Any site conditions such as slopes, excavation pits, mounds or other features that may be a potential hazard.
- The likelihood of imminent development on the site, including the issuance of building permits or the status of plans submitted for building permit plan check.

Based on the authority cited above, the Planning Director may issue a zoning clearance for Temporary Perimeter Fencing if it is determined that:

- There are existing buildings or site conditions which warrant the need for perimeter fencing to secure the site against attractive nuisances or potential hazardous conditions, and
- There is an active building permit for construction at the site, or
- There is a high likelihood that permits for construction will be issued in the immediate future.
- Absence of these conditions may result in denial of the permit such that Temporary Perimeter Fencing is not allowed.

### Standards

The issuance of a building permit for a Temporary Perimeter Fence may be subject to the following:

1. **Term** – The term of a building permit for a Temporary Perimeter Fence shall be limited to one year, or other such time as determined by the Director of Planning Services. An extension on the permit may be sought, and would be subject to full review including payment of application fees and the imposition of additional conditions or possible denial of the extension.
2. **Installation** – All fencing will be required to be installed on posts which are sunk into the ground to a sufficient depth to minimize toppling due to winds or vandalism. Surface plates secured by sandbags will not be permitted.
3. **Design** – The design of the fence is subject to staff review and conditions. Chain link fencing may be allowed for sites which are deemed to be active building sites. If netting is allowed, it shall be tan in color and subject to maintenance to avoid degradation by wind or the passage of time. Holes may not be cut in the netting. The following examples are offered to show the intent of the design review:
  - a. A smaller, in-fill site has existing buildings that are slated to be remodeled and permits are expected to be issued within one month. Chain link fencing may be allowed for up to one year to provide security and minimize hazards. The site's low visibility and the benefits of seeing into the site to enhance security will avoid the need for netting on the fence. The fence would be required to be removed upon final sign-off of the project.
  - b. A larger, vacant site has development entitlements and several excavation pits. No construction is expected in the immediate future, and no plans have been submitted for plan check. Temporary perimeter fencing is not allowed. (Permanent iron fencing may be proposed subject to Architectural Review or the site may be left unfenced and the pits filled to eliminate any potential hazard.
  - c. A larger site is presently undergoing construction, including grading. Chain link fencing with tan-colored netting may be allowed for up to one year to provide security in accordance with the approved PM10 dust control plan, and the Engineering conditions of approval.

### **Inspection and Fees**

In order to provide inspection services for all Temporary Perimeter Fencing, an inspection fee shall be collected at the time of issuance of the permit. The fee is in addition to the fee for issuance of the building permit and will defray the cost of a quarterly inspection of the fence (each inspection is anticipated to cost \$25, as of 2008). Each permit shall be assessed a fee for four inspections for each year granted by the permit. Property owners will be notified of the results of each inspection.

### **Other Provisions**

The installation of a permitted Temporary Perimeter Fence does not relieve a property owner from other maintenance responsibilities, including additional dust control (PM 10) measures, the trimming of weeds and other vegetation, the removal of debris, or the elimination of attractive nuisances or potential hazards. The City may impose other fines or penalties, as appropriate, to address violations of the Palm Springs Municipal and Zoning Codes.