



Legislation Details (With Text)

File #: 20-0788 **Name:** Urban Residential Fence Direction

In control: Public Works & Planning

On agenda: 8/4/2020 **Final action:** 8/4/2020

Enactment date: **Enactment #:**

Title: Receive report and provide direction to staff regarding recommended amendments to the Fresno County Zoning Ordinance relating to urban residential fence standards; and if no action taken provide direction to staff regarding the continued suspension of code enforcement activities related to fence violations in the County's urban residential zoning districts

Sponsors:

Indexes:

Code sections:

Attachments: 1. Agenda Item, 2. Attachment A, 3. Attachment B, 4. Additional Information

Date	Ver.	Action By	Action	Result
8/4/2020	1	Board of Supervisors	Approved as Recommended	Pass

DATE: August 4, 2020

TO: Board of Supervisors

FROM: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Request for Direction Regarding Urban Residential Fence Standards

RECOMMENDED ACTION(S):

- 1. Receive report and provide direction to staff regarding recommended amendments to the Fresno County Zoning Ordinance relating to urban residential fence standards, and**
- 2. If no action taken provide direction to staff regarding the continued suspension of code enforcement activities related to fence violations in the County's urban residential zoning districts.**

This item comes to your Board in light of the number of existing over height fence complaints continuing to be received by Department of Public Works and Planning in the County's urban residential zoning districts. Department staff is seeking your Board's direction regarding recommended amendments to the Zoning Ordinance's residential fence standards that would allow greater property owner flexibility. This item is countywide.

ALTERNATIVE ACTION(s):

This item is intended to provide information and receive direction. Your Board can choose to take no action.

FISCAL IMPACT:

Staff time associated with this Agenda Item represents a Net County Cost which is absorbed in the

Department's FY 2020-21 Budget in ORG 43600200.

DISCUSSION:

Background

The Department continues to receive complaints relating to over height fencing in urban residential zoning districts. Typically, these complaints involve property owners who have constructed fences (some completely solid) along their front property line six feet in height or higher. Based on discussions with property owners, the primary reason for the excess height fences is home and personal security and safety.

The County has several urban residential zoning districts in the Fresno/Clovis metropolitan area and unincorporated communities, including the R-1-E, R-1-A, R-1-B, R-1-C, R-1, R-2 Districts. In general, fences within these districts are limited to three feet in height in the required front yard setback. Beyond the front yard setback, fences can be constructed up to seven feet in height. For corner lots (corner cutoff area at road intersection) and at driveways, adequate site distance is required to be maintained (see Attachment A for current fence standards). In general, fence setback and height standards are intended to provide for visibility for pedestrians walking in the public right-of-way, for motorists backing/entering onto the public right-of-way, and to maintain a sense of open space for light, ventilation, safety, and aesthetics for neighborhoods.

In 2013 and 2014, the Board considered the current fence standards and discussed possible amendments. At that time the Board also received comments from Fig Garden Neighborhood representatives who wanted to draft fencing standards unique to their neighborhood. Due to the lack of consensus, the Board took no action on the fence standards but did direct staff to suspend enforcement of fence/wall/hedge violations received prior to the Board hearing on April 23, 2013, except for situations determined to be detrimental to public health and safety.

Recommended Amendments

Staff has considered a number of options and has developed the following recommendations in an attempt to balance neighborhood aesthetics and considerations with security concerns.

- A. Apply the County's Rural Residential (RR) fence standards to the County's urban residential zoning districts.

The RR District fencing standards allow fences up to six feet in height in the front and street side-yard areas when not located in a corner cut-off area, and when the fence has not less than 70 % of the vertical surface open to permit the transmission of light, air, and vision. Attachment B depicts examples of fences that achieve 70% open vertical surface. Staff notes that the current State Building Code was recently amended to allow fences up to seven feet in height without structural permits (previously any fences over six feet required structural permits). Therefore, staff recommends that if directed to amend the fence standards, any amendment include a provision that fences be permitted up to seven feet tall in all residential districts.

- B. Require that fences along the front property boundary greater than three feet in height be equipped with an access device for public safety personnel.

In order to ensure adequate access for public safety services, staff recommends any proposed amendment should address the need to provide adequate access at gates for public safety personnel including a requirement that each driveway gate be provided with an approved fire/police bypass lock, and the need to maintain adequate openings to accommodate emergency vehicle access.

- C. Identify acceptable fencing materials.

As part of the Zoning Ordinance Amendment process, staff will develop a list of acceptable material types that can be used for fencing. Please see Attachment B for examples of the type of fences envisioned to be accommodated under this provision.

After reviewing various options related to potential modifications to the current fence standards and the various zone district requirements, staff recommends that the current RR District fence standards be used in the County's urban residential districts. Staff believes that the current RR District standards provide adequate flexibility for site security while still providing substantial visibility for public safety (pedestrian, vehicle, residence) and aesthetic purposes. If direction to proceed is received from your Board, staff would initiate the formal application process to amend the text of the Zoning Ordinance. If approved, the provisions would be applicable to urban residential zone districts County-wide. The Zoning Ordinance amendment process will consist of amending the current fence standards, making the proposed standards available for public review, addressing the California Environmental Quality Act and public hearings before the Planning Commission and your Board. Staff anticipates completion of the amendment process before the end of the current calendar year.

Suspension of Code Enforcement Activities Related to Fence Violations

Pursuant to previous Board direction, staff continues to suspend enforcement activity of the existing fence violations except for those cases which are determined to result in public health and safety impacts. If your Board directs staff to proceed with the recommended amendments, staff recommends continuing with the current suspension of code enforcement because the amendments would likely address the most current violations. However, if your Board is not inclined to direct staff to proceed with the recommended amendments, staff requests your Board provide direction on this matter.

REFERENCE MATERIAL:

BAI #14, January 28, 2014
BAI #20, April 23, 2013

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachment A
Attachment B

CAO ANALYST:

Debbie Paolinelli