



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

NEW BUSINESS DISCUSSION: August 13, 2013
SUBJECT: Workshop on fences
APPLICANT: City of Carson
REQUEST: Discuss and consider issues dealing with chain-link fencing, nonconforming front yard fence height, and requirement of a fence permit
PROPERTIES INVOLVED: Citywide

COMMISSION ACTION

- Concurred with staff
 Did not concur with staff
 Other

COMMISSIONERS' VOTE

<u>AYE</u>	<u>NO</u>		<u>AYE</u>	<u>NO</u>	
		Chairman Faletogo			Gordon
		Vice-Chair Verrett			Piñon
		Brimmer			Saenz
		Diaz			Schaefer
		Goolsby			

I. Introduction

The purpose of this workshop is to discuss the usage of chain-link fencing on private property, the issue of nonconforming front yard fence heights in residential areas, and the need to require a fence permit. It has been raised by Mayor Dear, and referred by the City Council in December 2012, to consider prohibiting the use of chain-link fencing and provide for a mechanism in reviewing fencing material prior to construction.

Currently, the Carson Municipal Code (CMC) does not include provisions that restrict the type of material used for fencing except for the requirement of a block wall to separate residential from commercial or industrial properties. Fence material is usually reviewed during the Design Overlay Review (DOR) process, however, most residential properties and many industrial properties are not subject to the DOR process.

Regarding fence height in residential zones, the Code Enforcement Division has identified a lack of compliance as many property owners have disregarded the height requirement and have built front yard fences and walls taller than the maximum 42 inches allowed. Since permits are not issued, it is difficult to determine when a fence was built and if the fence meets development standards.

In order to regulate fence height, staff is proposing that the Planning Commission consider requiring a fence permit. Property owners would be required to submit a site plan and elevation showing the location of the proposed fence and the height, design, color, and material.

II. Background

Upon incorporation in 1968, the City utilized the County of Los Angeles Zoning Ordinance. On October 3, 1977, the City adopted the current Zoning Ordinance based mostly on the County's standards. Permits for front yard fences have never been issued by either the City of Carson or County of Los Angeles unless a retaining wall was needed. As such, it is difficult to determine the actual construction date of a front yard fence or wall.

Chain-link Fencing

Fence material is primarily regulated during the DOR or specific plan process. Since most residences and many industrial properties are not subject to a DOR or specific plan, most fences go unregulated. The CMC does not restrict the use of chain-link fencing, however, staff has recommended to only allow chain-link fencing for discretionary projects during construction or when not visible from the public right-of-way. This policy does not affect many single-family properties because the CMC allows for ministerial – not discretionary – review and approval for legally created single-family properties. As such, there are single-family homes that have chain-link front yard fences. In some neighborhoods, front yard fences have become common and fencing material range from chain-link to decorative block walls. Since chain-link fencing tends to be less durable, older chain-link fences that have not been maintained tend to be rusted and in bad condition.



It is uncommon for chain-link to be used in commercial developments. Chain-link is fairly common in industrial areas. Within all zones, chain-link that is visible from the public right-of-way contributes to a poor aesthetic quality and can appear blighted if not maintained.

Fence Height in a Residential Zone

Section 9126.23 of the Carson Municipal Code (CMC) requires fences, walls, and hedges in the front yard of a residential lot be no taller than 42 inches above finished grade as measured from the side with the higher grade. The Building and Safety Division does not require a building permit for these fences, walls or hedges. As such, property owners are only advised by staff of the height requirement, but no inspection is required for compliance with the CMC. Code Enforcement has observed that there are many single-family homes that have front yard fences in excess of 42 inches in height. A review of various neighborhoods indicates that the vast majority of front yard fences are 48 inches in height or less. There are locations that exceed 48 inches due to decorative elements, design features or excessive height. Code Enforcement has a difficult time enforcing compliance with the CMC and generally focus their attention on walls or fences exceeding 48 inches.

Fence Height in a Commercial or Industrial Zone

Sections 9136.3 and 9146.3 of the CMC allow a front yard fence in a commercial or industrial area to be 6 and 8 feet in height, respectively. The portion of a front yard fence above 42 inches in height must be open and may not obscure more than ten (10) percent of the area in the vertical plane.

Recently, the City Council passed an ordinance amendment allowing flexibility for nonconforming block walls in an industrial area to encroach into the front or side yards provided certain improvements are made. The amendment allows portions of an existing solid block wall within a required setback to remain.

III. Analysis

Front yard fences in excess of 42 inches in height have never been permitted by either the City or County, thus no walls or fences of excess height could have ever been legally constructed. Enforcement actions will not be well received by residents if Code Enforcement serves a notice of violation to all property owners with fences of excess height.

Instead, staff suggests conducting a field survey to determine neighborhoods where fences of excess height are a typical standard. These neighborhoods could be placed into districts in which increased fence height could be permitted (e.g., up to 48 inches in height). In neighborhoods with no front yard fences, the Planning Commission may determine to uphold the current 42-inch height requirement or restrict front yard fences altogether if appropriate. The Planning Commission should consider an administrative review process to allow increased fence height at the staff level. Also, the Planning Commission should consider if chain-link fences should be removed and if over-height decorative block walls or wrought iron that have been maintained be allowed to continue. It is not advised, however, that any fence or wall

in excess of 48 inches remain. The creation of districts to restrict fence height would require a zoning map and text amendment.

In order to address front yard fences, staff recommends that the city require property owners to obtain a fence permit prior to erecting a front yard fence or wall. Although a building permit would not be required, property owners would be required to file a site plan and elevation with the Planning Division prior to erecting a fence or wall. Properties with existing front yard fences or walls should be given a one-year amortization period to receive a fence permit. A site plan and elevation would be kept on file at the Planning Division as proof of approval, and the property owner would receive a copy as assurance of receiving approval by the City. This would help Code Enforcement identify which fences and walls have been permitted and which were constructed without permits.

IV. Conclusion

The Planning Commission should consider if chain-link fences are appropriate in residential areas. If chain-link is not desired, an ordinance amendment should be adopted to restrict chain-link in the required front yard. It is staff's recommendation that chain-link be allowed to continue in industrial areas that are not visible from a public right-of-way. The Planning Commission should consider if chain-link should be prohibited on major arterials or all public streets. The Planning Commission should also consider if it is appropriate to require a fence permit for front yard fences. If so, this should be considered as part of the ordinance amendment.

V. Recommendation

That the Planning Commission:

- CONSIDER and DISCUSS the information provided for in this workshop;
- DIRECT staff to prepare an ordinance amendment that requires:
 - Standards for the use of chain-link fencing throughout the City;
 - Administrative review of existing and proposed over-height front yard fences in a residential area; and
 - A fence permit for erection of any fence or wall.

VI. Exhibits

- December 18, 2012, City Council staff report

Prepared by:


John F. Signo, AICP, Senior Planner

Reviewed and Approved by:


Sheri Repp Loadsman, Planning Officer







City of Carson Report to Mayor and City Council

December 18, 2012
New Business Consent

SUBJECT: CONSIDER RESTRICTING THE USE OF CHAIN LINK FENCES IN THE FRONT OR SIDE YARDS FACING PUBLIC STREETS


Submitted by Clifford W. Graves
Director of Community Development


Approved by David C. Biggs
City Manager

I. SUMMARY

This item is on the agenda at the request of Mayor Dear.

The Carson Municipal Code (CMC) does not contain specific regulations related to the use of chain link fence material except in the CA (Commercial, Automotive) zone district. The Mayor has requested consideration of eliminating the use of chain link fence materials.

II. RECOMMENDATION

TAKE the following actions:

1. REFER this item to the Planning Commission with direction to evaluate existing development standards related to fencing materials.
2. INITIATE an ordinance amendment, as deemed necessary, to provide appropriate regulations.

III. ALTERNATIVES

TAKE another action the City Council deems appropriate.

IV. BACKGROUND

Chain link fencing is an economical, permanent fencing that is often used in industrial areas. In some circumstances, chain link has also been used in residential and commercial areas. Some communities have specifically prohibited the use of chain link in areas that are visible from public streets.

The CMC provides various development standards for the location, height and design of fences, walls and hedges (Exhibit No. 1). The CA zone district expressly prohibits the use of chain link. Other zones do not generally specify the fence material unless the property is commercial or industrial and located adjacent to a residential zone. In such cases, a six-foot block wall is required. New development subject to CMC Section 9172.23 (Site Plan and Design Review) is often prohibited from using chain link fence material in the front or side yards facing public streets.

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Establishing quality standards for all types of fences is important to maintain the architectural integrity of the community. The City Council should consider if existing standards provide an adequate level of review and regulation for current and future installation of fences. If there are perceived deficiencies, the City Council should provide direction to initiate additional study and the identification of potential regulations. Amending existing ordinances or establishing a fence permit requirement would require review and recommendation from the Planning Commission prior to consideration by the City Council.

V. FISCAL IMPACT

None.

VI. EXHIBITS

- 1. Excerpt from Carson Municipal Code Related to Fences, Wall and Hedges. (pgs. 3-6)

Prepared by: Sheri Repp Loadsman, Planning Officer

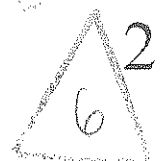
TO: Rev09-04-2012

Reviewed by:

City Clerk	City Treasurer
Administrative Services	Public Works
Community Development	Community Services

Action taken by City Council

Date _____ Action _____



EXCERPT FROM CMC RELATED TO FENCE DEVELOPMENT STANDARDS

Residential

9126.3 Fences, Walls and Hedges.

A fence, wall or hedge shall not exceed a height of six (6) feet above the finished grade at each point along the fence, wall or hedge. Where there is a difference between the grades on the two (2) sides of the fence, wall or hedge, the higher grade shall be used.

The height limitation of this Section shall not apply in any case where it is in conflict with any other City ordinance or State law or regulation.

9126.29 Encroachments Permitted in Required Yards and Open Spaces.

Front Yard: Height above finished grade not more than 3-1/2', or as provided as condition of tract or parcel map approval, or as required by other laws.

Side or Rear Yard: Height above finished grade not more than 6', or as provided as condition of tract or parcel map approval, or as required by other laws.

Passageway: Any fence, wall or hedge across passageway to have at least 2-1/2' wide opening or gate.

Commercial

9136.3 Fences, Walls and Hedges.

A solid masonry wall shall be placed along any lot line abutting or separated only by an alley from property in a residential zone. Except in a required front yard area and any abutting future right-of-way area, such wall shall be six (6) feet in height. In a required front yard area and any abutting future right-of-way area, such wall shall be three and one-half (3-1/2) feet in height, except fencing material of any type may extend above the three and one-half (3-1/2) foot solid masonry portion to a height not exceeding six (6) feet, provided such extended portion does not impair vision by obscuring more than ten (10) percent of the area in the vertical plane.

Except as required by other laws and regulations or as a condition of a tract or parcel map approval, no fence, wall or hedge in a commercial zone shall exceed a height of eight (8) feet.

The height of fences, walls and hedges shall be measured from the finished grade at each point along the fence, wall or hedge. Where there is a difference between the grade on the two (2) sides of the fence, wall or hedge, the higher grade shall be used.

The height and design of fences and walls within the CA Zone district shall be subject to CMC 9138.15(D). (Ord. 03-1279, § 13)

9136.29(F) Encroachments.

Every part of a required yard or open space shall be open and unobstructed from finished grade to the sky except for facilities and activities as follows:



F. Fences, walls and hedges are permitted as required by other laws or regulations or as a condition of a tract or parcel map approval, or shall not be higher than six (6) feet above finished grade in a future right-of-way area, front yard, side yard abutting a street, or yard abutting a residential zone. In a required front yard and any abutting future right-of-way area, any portion of a fence, wall or hedge above three and one-half (3-1/2) feet in height shall not impair vision by obscuring more than ten (10) percent of the area in the vertical plane.

9138.15(D) Commercial, Automotive (CA) Development Standards.

Walls/Fencing. Walls constructed on an interior lot line or at the rear of a required landscape setback of the CAD shall be in keeping with the regulations contained herein.

- a. Interior lot line walls shall not exceed eight (8) feet in height and rear walls shall not exceed twelve (12) feet in height. Use of barbed, razor or similar wire is prohibited.
- b. All service, storage and trash areas shall be screened from view from any public street by a wall. Trash enclosures shall be constructed to the City of Carson enclosure standards on file in the Planning Division.
- c. All walls shall be decorative, consisting of splitface masonry, slumpstone, stuccoed block, stone, wrought iron, or a combination thereof.
- d. Chainlink fencing is prohibited.

9148.3(F) Retail Petroleum Outlets.

F. Fencing.

1. A solid masonry wall, six (6) feet in height, shall be erected and maintained along any common boundary line with property in a residential zone, except that said wall shall not be less than two and one-half (2-1/2) feet or more than three and one-half (3-1/2) feet in height within the front yard required by CMC 9136.23.

9138.10(C) Oil Wells.

C. Fences, Walls and Hedges.

1. All oil well pumps and related facilities shall be enclosed with a fence not less than five (5) feet high mounted on steel posts with three (3) strands of barbed wire mounted at a forty-five (45) degree angle from the top of the fence. Such fence shall incorporate green vinyl coating of the fence mesh and wood or metal strips. The fence shall not be greater than two (2) inch mesh and not less than eleven (11) gauge wire. There shall be no aperture below the fence large enough to permit any child to crawl under.



2. The fence enclosure around the pump and related facilities shall include a twenty-five (25) foot buffer. The fence shall be locked at all times and constructed in a manner to prevent the public from coming closer than twenty-five (25) feet to the pumping facilities. Pursuant to the approval of the Conditional Use Permit, the location of the fence may be modified subject to compliance with applicable State and Fire Codes.

9146.3 Fences, Walls and Hedges.

A. Except as provided in Division 8 of this Part*:

1. A solid masonry wall shall be constructed along the inside of any lot line (or upon the lot line with the consent of the adjoining property owner) if the lot line abuts a residential zone or if the lot line abuts an alley that borders a residential zone. In areas other than the required front yard area and any abutting future right-of-way area, such wall shall be a minimum of six (6) feet and a maximum of eight (8) feet in height. In a required front yard area and any abutting future right-of-way area, such wall may not exceed three and one-half (3-1/2) feet in height, except fencing material of any type may extend above the three and one-half (3-1/2) foot solid masonry portion to a height not exceeding eight (8) feet, provided such extended portion does not impair vision by obscuring more than ten (10) percent of the area in the vertical plane.

2. No fence, wall or hedge in an industrial zone shall exceed a height of fifty (50) feet.

9148.1 Vehicle Dismantling Yards, Junk and Salvage Yards, Vehicle Impounding Yards.

No vehicle dismantling yard, or junk and salvage yard, or vehicle impounding yard shall be established, maintained or extended in any zone unless it complies with the following requirements:

A. All operations and storage, including all equipment used in conducting such business, other than parking, shall be conducted within an enclosed building, or within an area enclosed by a solid fence. When two (2) or more vehicle dismantling yards, junk and salvage yards, and/or vehicle impounding yards have a common boundary line, a solid wall or solid fence shall not be required on such common boundary line; provided, however, that a solid wall or solid fence shall enclose the entire combined area devoted to such uses. (Ord. 80-532, § 6)

B. Where such fences or walls are provided, other than a decorative wall required pursuant to CMC 9162.52, they shall be developed as provided herein:

1. The fences and walls shall be of a uniform height in relation to the ground upon which they stand and shall be a minimum of eight (8) feet and shall not exceed fifteen (15) feet in height. Except in the yard areas where off-street parking is required or provided, said fences or walls shall be set back five (5) feet from the lot line along all frontages abutting a public street or walkway, or abutting a more restrictive zone. This five (5) foot setback area shall be landscaped in a neat, attractive manner and shall be equipped with an irrigation system, permanently and completely installed, which delivers water directly to all landscaped areas. Where off-street



parking is required or provided, said wall or fence shall be constructed at the rear of the parking area.

Tall-growing trees shall be planted and maintained alongside and rear fences or walls which abut an elevated freeway or residential area, in accordance with a planting plan approved by the Director.

2. All fences and walls open to view from any public street or walkway or any area in other than an industrial zone shall be constructed of solid masonry, except required fences may be constructed of other material comparable to the foregoing if approved by the Director and in accordance with standards established by resolution of the Council after recommendation by the Commission.

3. The fences and walls shall be constructed in workmanlike manner, shall be uniform in appearance and shall consist solely of new materials unless the Director approves the substitution of used materials, where, in his opinion, such used materials will provide the equivalent in service, appearance and useful life.

4. All gates in the fences or walls shall be of solid metal material and shall be no less than eight (8) feet in height and shall not exceed fifteen (15) feet in height. Such gates shall be kept closed when not in use and shall provide a pedestrian access opening unless other pedestrian access is provided.

3. The height of fences, walls and hedges shall be measured from the finished grade at each point along the fence, wall or hedge. Where there is a difference between the grade on the two (2) sides of the fence, wall or hedge, the higher grade shall be used. (Ord. 90-905, § 2)

*Division 8 applies only to vehicle dismantling yards, junk and salvage yards, vehicle impounding yards, oil wells and retail petroleum outlets.

