



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: November 26, 2013
 SUBJECT: Zone Text Amendment No. 15-13
 APPLICANT: City of Carson
 REQUEST: Consider an ordinance amendment to prohibit chain-link and barbed wire in commercial and industrial zones
 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			

Item No. 11A

I. Introduction

On August 13, September 10, September 24, and October 8, 2013, the Planning Commission held workshops to discuss the City's requirements on fences. A number of issues were discussed including the appropriateness of chain-link fences and barbed wire in commercial and industrial zones, and fence requirements for residential front yards. For the sake of efficiency, this item focuses only on issues involving commercial and industrial properties. Issues involving residential fences will be brought to the Planning Commission on December 10, 2013.

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 and for screening for certain uses. 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.

During the course of the workshops, the use of barbed wire or similar materials was also discussed. Although businesses use barbed wire for security purposes, it tends to be an eye-sore that reduces the aesthetic quality of the community.

Table 1 summarizes the proposed ordinance amendment.

Table 1: Summary of Ordinance No. 15-13

Commercial Zones	Chain-link fencing or metal slats prohibited Exceptions: Construction activities State or federal law preempts CMC
	Barbed, razor or similar wire prohibited
	Fences or walls made of debris, junk, rolled plastic, sheet metal, plywood, or waste materials prohibited unless designed with proper recycled material
	Maintain in good condition; prevent sagging and weathering Fence or wall leaning more than 20 degrees from vertical shall be repaired
Industrial Zones	Chain-link fencing or metal slats prohibited within 25 feet of a public right of way or visible from residential zone Exceptions: Construction activities State or federal law preempts CMC If more than 25 feet from a public right-of-way and not significantly visible to the public right of way as determined by the Planning Division.
	Barbed, razor or similar wire prohibited if visible from a public right-of-way, unless preempted by state or federal law
	Fences or walls made of debris, junk, rolled plastic, sheet metal, plywood, or waste materials prohibited unless designed with proper recycled material
	Maintain in good condition; prevent sagging and weathering Fence or wall leaning more than 20 degrees from vertical shall be repaired
Abatement Period	3 years to comply



II. Background

The workshops on fences have been initiated at the request of Mayor Dear to study the use of chain-link fencing on private property. On December 18, 2012, the City Council considered the issue because 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 requested consideration of eliminating the use of chain link fence materials.

Building Permit Requirement

The City of Carson derived its fence requirements from the County of Los Angeles. 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 chain-link fences have generally not been issued by either the City of Carson or County of Los Angeles unless a retaining wall was needed or the fence exceeded 12 feet in height. Building permits for other wall material such as a block wall was required if over six feet in height. As such, it is difficult to determine the actual construction date for chain-link fences.

In 2002, the County of Los Angeles amended the building code to require a building permit for any wall or fence over six feet in height, including chain-link fences. However, since much of the City was already developed most chain-link fences were erected without a building permit.

Fences in Commercial Zones

All properties in a commercial zone are subject to Site Plan and Design Review. This ensures discretionary review prior to construction of a fence or wall. It is staff's policy to only allow chain-link fences for commercial properties that are currently under construction or are vacant. The proposed ordinance amendment would specifically prohibit the use of chain-link fences in commercial zones except for properties under construction and vacant properties. Upon staff's field survey, only a handful of commercial properties have chain-link fences. The City should grant an amortization period for removal or replacement.

Industrial Front Yard Fences

Section 9146.3 of the Carson Municipal Code (CMC) allows a front yard fence in an industrial area to be 8 feet in height. The portion of a front yard fence above 42 inches 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 legal, 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 subject to approval

of a Development Plan by the Planning Commission pursuant to CMC 9172.23 (Site Plan and Design Review).

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 except in the CA (Commercial, Automotive) zone. In practice, staff has allowed chain-link fencing for discretionary projects during construction or when not visible from the public right-of-way. This policy prohibiting the use of chain-link currently does not affect many industrial properties because the CMC allows for ministerial – not discretionary – review. As such, there are industrial properties that have chain-link along the entire perimeter of the property. In some industrial areas, front yard fences have become common and are part of the character of the area. However, since chain-link fencing tends to be less durable, older chain-link fences that have not been maintained tend to rust, sag, and become unsightly.

Barbed Wire and Similar Material

Over the course of the workshops the use of barbed wire and similar materials has been discussed because of unsightliness and proliferation, particularly in industrial areas. The Planning Commission should consider prohibiting or regulating the use of barbed wire and similar material that is visible from a major arterial or residential area.

III. Analysis

Survey of Other Cities

Staff has researched the codes of seven (7) jurisdictions for standards on height, material, and usage of chain-link and barbed wire in the front yard of an industrial zone. The jurisdictions include the cities of Torrance, Long Beach, Los Angeles, Downey, South Gate and Commerce, and the County of Los Angeles. The full results are included in Exhibit 4 and summarized below in Table 2.

TABLE 2 – INDUSTRIAL FRONT YARD FENCES

Total Number of Cities (including LA County)	7	
Cities that prohibit barbed wire in front yard	3	Long Beach (certain areas), Downey, Commerce
Cities that restrict chain link in certain areas or for certain uses	5	Torrance, Long Beach, City of LA County of LA, Commerce

Currently, it is staff's policy to only allow chain-link in an industrial zone if not visible from a public right-of-way. This means chain-link is permitted along interior lot lines and rear yards, but not in a front yard. However, staff is limited to only applying this



policy to properties within a Design (D) Overlay district. Properties outside of a D Overlay district can have chain-link in the front yard up to eight (8) feet in height.

Enforcement

The greatest challenge with an ordinance amendment prohibiting chain-link fences and barbed wire is the impact on existing fences. As discussed in the workshops, the Code Enforcement Division has limited resources to prosecute every single property owner that chooses not to comply. This in turn may lead to the perception of selective enforcement if Code Enforcement's actions are delayed or focused on a certain neighborhood. Rather than immediate abatement, it is the City's practice to allow an amortization period for owners to come into compliance. During that amortization period, the City can send courtesy notices to affected property owners for instructions on how to comply.

Even with a three-year amortization period, the process of replacing nonconforming fences will be daunting. Because of this, the ordinance amendment is focused on the front yards of industrial properties located along a major arterial or visible from a major arterial or residential area. Properties in industrial areas that are not along a major arterial may continue with the use of chain-link.

Barbed Wire and Other Material

Apart from the use of chain-link fences, staff also observed the unsightliness of barbed wire or similar material, and fences or walls made of debris, junk, rolled plastic, sheet metal, plywood or waste materials. It appears property owners have used these materials to save on costs without the consideration of long-term appearance and aesthetic quality. The proposed ordinance amendment prohibits the use of these materials and allows the same amount of time for amortization.

The ordinance amendment includes a clause that requires the maintenance of fences and walls. Property owners will be required to prevent sagging and weathering. If a fence or wall is leaning more than 20 degrees from vertical, the owner will be required to make repairs. Noncompliance will require further code enforcement action.

Abatement Period

Based on staff's research, chain-link fence is the least expensive type of fencing. If the use of chain-link and barbed wire is prohibited, the Planning Commission must determine an adequate abatement period that allows for the amortization of the costs associated with the installation and materials. Staff believes locations with existing chain link fencing within the commercial and industrial zones have been in place for many years and the establishment of a three year abatement period would be adequate to allow businesses and property owners to achieve appropriate amortization. If there are any properties determined to have new chain link, it is possible that a request can be made to consider an extension of non-conforming privilege to allow the Planning Commission to authorize a modest additional period to amortize the fixed investment.

Staff anticipates certain property owners and businesses to oppose any restriction on the use of chain link and barbed wire. The Planning Commission can consider an

alternative abatement period if determined necessary to achieve a balance between the need of the city to enhance community standards compared to the costs associated with the removal and replacement of fencing materials. The Planning Commission may also consider if there are unusual circumstances that may warrant a different standard due to location or existing use.

IV. Conclusion

The Planning Commission is advised that any change to the ordinance may receive opposition from businesses and property owners claiming financial difficulties or a restriction on personal preference. If the City decides to proceed with this ordinance amendment, the City must be willing to do comprehensive enforcement to ensure fairness and avoid the perception of selective enforcement. The Planning Commission should not consider "grandfathering" existing chain-link fences since this approach would not be practical and would allow existing chain-link fencing to become an increasingly blight as time progresses. Furthermore, this would defeat the purpose of requiring the removal of older dilapidated chain-link fences as a means of improving the quality of develop within the community.

Recommendation

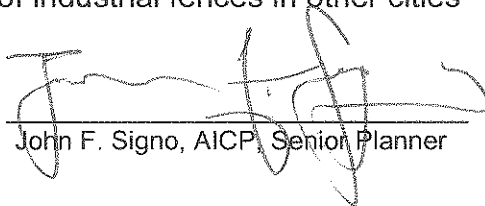
That the Planning Commission:

- OPEN the public hearing and TAKE public testimony;
- RECOMMEND to the City Council approval of Zone Text Amendment No. 15-13; and
- ADOPT Resolution No. ____ entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON RECOMMENDING APPROVAL TO THE CITY COUNCIL OF ZONE TEXT AMENDMENT NO. 15-13 REGARDING AN ORDINANCE AMENDMENT TO PROHIBIT THE USE OF CHAIN-LINK FENCING, BARBED WIRE, AND OTHER MATERIALS UNDER CERTAIN CIRCUMSTANCES IN COMMERCIAL AND INDUSTRIAL ZONES."

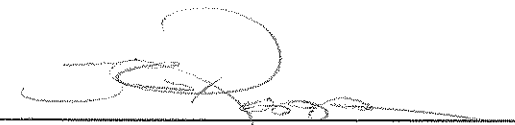
V. Exhibits

1. Proposed resolution
2. Proposed ordinance amendment
3. City Council staff report dated December 18, 2012
4. Survey of industrial fences in other cities

Prepared by:


John F. Signo, AICP, Senior Planner

Reviewed and Approved by:


Sheri Repp Loadsman, Planning Officer

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 13-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON RECOMMENDING APPROVAL TO THE CITY COUNCIL OF ZONE TEXT AMENDMENT NO. 15-13 REGARDING AN ORDINANCE AMENDMENT TO PROHIBIT THE USE OF CHAIN-LINK FENCING, BARBED WIRE, AND OTHER MATERIALS UNDER CERTAIN CIRCUMSTANCES IN COMMERCIAL AND INDUSTRIAL ZONES

THE PLANNING COMMISSION OF THE CITY OF CARSON, CALIFORNIA, HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOW:

Section 1. On August 13, September 10, September 24, and October 8, 2013, the Planning Commission held workshops to discuss the City's requirements on fences. On November 26, 2013, the Planning Commission held a duly noticed public hearing to discuss the issue of fences in commercial and industrial zones. A notice of the time, place and purpose of the aforesaid hearing was duly given.

Section 2. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid meeting.

Section 3. The Planning Commission finds that:

- a) Over the course of time, chain-link fences that are not maintained become dilapidated and unsightly and lessen the aesthetic quality of the community;
- b) It is necessary to periodically update the Zoning Ordinance to improve the welfare of the community with the changing times;
- c) It is necessary to update requirements for fences and walls to make sure properties are properly regulated and nuisance issues are avoided; and
- d) Updating the Zoning Ordinance would better protect the health, safety, and welfare of the community by keeping regulations current and reducing the possibility of misinterpretation.

Section 4. Based on the aforementioned findings, the Planning Commission hereby recommends approval to the City Council of an amendment to the CMC, Article IX (Planning and Zoning). The ordinance amendment affects Section 9136.29(F), Section 9136.3, Section 9146.29(F), Section 9146.3, and Section 9182.22 of the CMC, as described in Exhibit 1.

Section 5. Pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA), the Planning Commission finds that the proposed ordinance amendment is an update and improvement to the existing standards and guidelines in the CMC and is exempt under the general rule. The ordinance amendment will generate no direct significant environmental impacts.

Section 6. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the City Council.

PASSED, APPROVED AND ADOPTED THIS 26th DAY OF NOVEMBER, 2013.

CHAIRMAN

ATTEST:

SECRETARY

ORDINANCE NO. 13-_____

AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, ADOPTING AN AMENDMENT TO THE ZONING ORDINANCE OF THE CARSON MUNICIPAL CODE REGARDING FRONT YARD FENCES IN COMMERCIAL AND INDUSTRIAL ZONES, INCLUDING AMENDMENTS TO SECTION 9136.29(F) (ENCROACHMENTS) AND SECTION 9136.3 (FENCES, WALLS AND HEDGES) OF DIVISION 6 (SITE DEVELOPMENT STANDARDS) OF PART 3 (COMMERCIAL ZONES); SECTION 9146.29(F) (ENCROACHMENTS) AND SECTION 9146.3 (FENCES, WALLS AND HEDGES) OF DIVISION 6 (SITE DEVELOPMENT STANDARDS) OF PART 4 (INDUSTRIAL ZONES); AND SECTION 9182.22 (TERMINATION OF EXISTING NONCONFORMING USE) OF DIVISION 2 (NONCONFORMITIES) OF PART 8 (IMPLEMENTING PROVISIONS)

WHEREAS, existing chain-link fencing and barbed wire in the front yard or areas visible from a public right-of-way on any commercial or industrial property detract from the aesthetics of the community; and

WHEREAS, fences or walls made of more desirable material such as brick, stone, and decorative concrete set a higher standard for the community and are more compatible with the surrounding area; and

WHEREAS, existing chain-link fences that have not been maintained become deteriorated and rusted and contribute to a blighting condition within the community; and

WHEREAS, the limited investment associated with chain-link fencing and barbed wire or similar material justify a three-year abatement period to comply; and

WHEREAS, the proposed ordinance amendment is consistent with the Carson Municipal Code (CMC) and General Plan

WHEREAS, on August 13, September 10, September 24, and October 8, 2013, the Planning Commission held workshops to discuss fencing, including prohibiting chain-link in the front yard and barbed wire throughout a property; and

WHEREAS, on November 26, 2013, the Planning Commission held a public hearing to discuss an ordinance amendment to the CMC regarding fencing, which at the conclusion of said public hearing, the Planning Commission recommended to the City Council approval of said ordinance amendment; and

WHEREAS, on _____, 2013, the City Council held a public hearing to discuss the ordinance amendment to the CMC regarding fencing in residential zones.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

[MORE]

EXHIBIT NO. 02



Section 1. Section 9136.29 (Encroachments) of Division 6 (Site Development Standards) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended by adding the following underlined text under subsection F with all other text in the section remaining unchanged 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. Chain-link fencing is prohibited, unless in conjunction with construction activities for which a building permit was issued or to prohibit trespassing onto a vacant lot, or unless preempted by state or federal law. Use of barbed, razor or similar wire is prohibited.”

Section 2. Section 9136.3 of Division 6 (Site Development Standards) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended by adding the following underlined text with all other text remaining unchanged, as follows:

“§ 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.

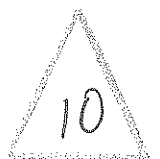
Except as required by other laws and regulations or as a condition of a tract or parcel map approval, no fence, wall or hedge in a commercial zone shall exceed a height of eight (8) feet.

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.

Chain-link fencing or metal slats is prohibited, unless in conjunction with construction activities for which a building permit was issued or to prohibit trespassing onto a vacant lot, or unless preempted by state or federal law. Use of barbed, razor or similar wire is prohibited.

Fences or walls made of debris, junk, rolled plastic, sheet metal, plywood, or waste materials are prohibited, unless such materials have been recycled and reprocessed into building materials marketed to the general public and designed for use as fencing materials.

[MORE]



All fences, walls and hedges shall be maintained in good repair and in a safe and attractive condition, including but not limited to replacement of missing, decayed, or broken structural and decorative elements. All fences and walls shall receive regular structural maintenance to prevent and address sagging and weathering of surfaces visible from the public right-of-way. Any deteriorated, damaged or decayed fence materials shall be promptly repaired, and any fence or wall post or section that leans more than twenty (20) degrees from vertical shall be promptly repaired to correct that condition.

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)”

Section 3. Section 9146.29 (Encroachments) of Division 6 (Site Development Standards) of Part 4 (Industrial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended by adding the following underlined text under subsection F with all other text in the section remaining unchanged 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. Chain-link fencing or metal slats is prohibited if visible from a major arterial or residential zone, unless preempted by state or federal law. Exceptions to the use of chain-link fencing can be made in conjunction with construction activities for which a building permit was issued or development plan approved to prohibit trespassing onto a vacant lot or if more than 25 feet from a public right-of-way and not significantly visible to the public right-of-way as determined by the Planning Division. The use of barbed, razor or similar wire is prohibited if visible from a public right-of-way, unless preempted by state or federal law.

Fences or walls made of debris, junk, rolled plastic, sheet metal, plywood, or waste materials are prohibited, unless such materials have been recycled and reprocessed into building materials marketed to the general public and designed for use as fencing materials.

All fences, walls and hedges shall be maintained in good repair and in a safe and attractive condition, including but not limited to replacement of missing, decayed, or broken structural and decorative elements. All fences and walls shall receive regular structural maintenance to prevent and address sagging and weathering of surfaces visible from the public right-of-way. Any deteriorated, damaged or decayed fence materials shall be promptly repaired, and any fence or wall post or section that leans more than twenty (20) degrees from vertical shall be promptly repaired to correct that condition.”

Section 4. Section 9146.3 of Division 6 (Site Development Standards) of Part 4 (Industrial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson

[MORE]



Municipal Code is hereby amended by adding the following underlined text with all other text remaining unchanged, as follows:

“§ 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.

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)

4. Chain-link fencing or metal slats is prohibited if visible from a major arterial or residential zone, unless preempted by state or federal law. Exceptions to the use of chain-link fencing can be made in conjunction with construction activities for which a building permit was issued, to prohibit trespassing onto a vacant lot, or if further than 25 feet from a public right-of-way and not significantly visible to the public right-of-way as determined by the Planning Division. The use of barbed, razor or similar wire is prohibited if visible from a public right-of-way, unless preempted by state or federal law.

5. Fences or walls made of debris, junk, rolled plastic, sheet metal, plywood, or waste materials are prohibited, unless such materials have been recycled and reprocessed into building materials marketed to the general public and designed for use as fencing materials.

6. All fences, walls and hedges shall be maintained in good repair and in a safe and attractive condition, including but not limited to replacement of missing, decayed, or broken structural and decorative elements. All fences and walls shall receive regular structural maintenance to prevent and address sagging and weathering of surfaces visible from the public right-of-way. Any deteriorated, damaged or decayed fence materials shall be promptly repaired, and any fence or wall post or section that leans more than twenty (20) degrees from vertical shall be promptly repaired to correct that condition.

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

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Section 5. Section 9182.22, Termination of Existing Nonconforming Use, of Division 2 (Nonconformities) of Part 8 (Implementing Provisions) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended by adding the following underlined and italicized text with all other text remaining unchanged, as follows:

“Section 9182.22 Termination of Existing Nonconforming Use.

A lawfully established use which becomes a nonconforming use, including any buildings, structures or facilities designed or intended only for uses which are nonconforming, shall be terminated and such buildings, structures or facilities shall be removed or made conforming in all respects within the time period specified in subsection A or B of this Section, whichever is applicable and results in the later termination date.

A. The time period indicated in the following table measured from the date of becoming a nonconforming use:

Use	Allowable Life
Use of land without buildings or structures.	1 year
Use involving only buildings or structures which would not require a building permit to replace such buildings or structures (but not including a mobile home park).	3 years
Mobile home park; mobile homes on individual lots.	35 years
Use involving buildings or structures which would require a building permit to replace such buildings or structures.	20 years
Outdoor advertising use.	5 years
Trailer parks.	20 years
Producing oil wells, oils storage tanks.	20 years
Sale of convenience goods at automobile service stations within 300 feet of any school.	20 years
Arcades.	5 years
Existing indoor mini-marts, auction house.	10 months
Truck-related uses defined in CMC 9148.8 which require a conditional use permit.	1 year
Cargo Container Storage; provided, however, that effective February 5, 1988: (1) No cargo container storage shall be permitted within fifty (50) feet of any residentially zoned property which involves any stacking more than one (1) container high; (2) No cargo container storage shall be permitted within one hundred (100) feet of any residentially zoned property which involves any stacking more than two (2) containers high; and (3) In no event shall any cargo container storage be permitted on any site which involves any stacking more than three (3) containers high.	6 months
Existing food/grocery stores in residential zones.	Expires December 31, 2003
Multiple-family residential uses located within a Mixed-Use (MU) District with ten (10) or more units (except existing mobile home parks), subject to CMC 9182.24.	2 years
Residential uses located within a Mixed-Use (MU) District with nine (9) units or less, subject to CMC 9182.24.	5 years
Adult Business.	5 years

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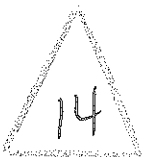
Use	Allowable Life
Massage service.	1 year
Tattoo service.	1 year
Wireless telecommunications facility, transmitter, receiver or repeater station – radio, television, microwave.	5 years
Second dwelling unit.	5 years
Vehicle repair and service located within the Commercial, Regional (CR) Zone, the Mixed-Use Residential (MUR) Overlay District and properties in all zones within one hundred (100) feet of residential zones, subject to CMC 9182.26.	5 years
Truck yard.	1 year
Alcoholic and Beverage Control (ABC) License, on-sale and off-sale only (subject to the requirements of 9138.5).	3 years
Alcoholic and Beverage Control (ABC) License, on-sale and off-sale only with a conditional use permit shall be subject to the requirements of 9138.5.	1 year
Transient Hotels, motels with a conditional use permit shall be subject to the requirements of 9138.19.	1 year
Payday loans.	3 years
<i>Fences.</i>	<i>3 years</i>

B. The time period indicated in the following table measured from the date of construction of the most recently constructed main building or other major facilities which are designed or intended for the nonconforming use:

Structure Type According to Building Code*				
Type of Structure*	Old Classification	New Classification	Use	Allowable Life
Light metal or wood frame	IV, V	II (1 -Hour) II-N, V	Nonresidential	25 years
Light metal or wood frame	IV, V	II (1-Hour) II-N, V	Residential except single-family dwellings	30 years
Light metal or wood frame	IV, V	II (1-Hour) II-N, V	Single-family dwellings	35 years
Heavy timber, masonry, concrete	II, III	II (Fire Resistive) III, IV	All	40 years
Fire resistive heavy steel and/or concrete	I	I	All	50 years

*Building Code classification shall take precedence over type of material in case of conflict.”

[MORE]



Section 6. If any provision(s) of this Ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end the provisions of this ordinance are declared to be severable. The City Council hereby declares that they would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

Section 7. The City Clerk shall certify to the adoption of this Ordinance, and shall cause the same to be posted and codified in the manner required by law.

Section 8. This ordinance shall be effective thirty (30) days following its adoption.

PASSED, APPROVED, and ADOPTED this ___th day of December, 2013.

Mayor Jim Dear

ATTEST:

City Clerk Donesia L. Gause, CMC

APPROVED AS TO FORM:

City Attorney

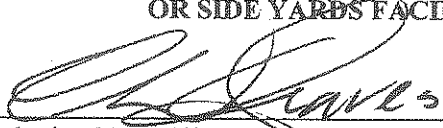





City of Carson Report to Mayor and City Council

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.

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.



FRONT YARD FENCE REQUIREMENTS IN AN INDUSTRIAL ZONE

	Max Height	Material/Design Restrictions	Chain-link Restrictions
Torrance	8 feet	No metal fence or wall shall be permitted except chain link, open smooth wire, ornamental wrought iron, decorative metal beams or decorative panels	Allowed for certain uses/zones
Long Beach	3-12 feet	Barbed wire or similar fencing is prohibited, except in IM, IG, and IP zones when located atop a fence more than 6' in height	Allowed for certain uses/zones
City of LA	Height specified for certain uses	Fences constructed of wood, metal, Masonite, or similar materials shall be uniformly painted or stained or otherwise treated or sealed to prevent weathering or deterioration	Allowed for certain uses/zones
County of LA	30 in. to 8 feet (depending on district)	Variable (depending on district)	Chain-link prohibited in certain districts
Downey	3 feet	No barbed wire, razor or electrified fencing, or similar fencing is permitted, except that barbed wire may be used on a limited basis for security or safety purposes in the M-1 and M-2 zones if not visible from any public right-of-way, subject to the approval of Site Plan Review; approved materials include wood, metal, vinyl, stone, masonry, stucco, and concrete; Any materials not listed may be approved by the City Planner	None
South Gate	5 feet	concrete, plaster, cinder block, brick, masonry or other similar materials	None
Commerce	6-8 feet	A solid masonry wall with a minimum height of 8' shall be required along any property line adjoining a residential zone school, church, or park; such wall may be reduced to 4' along the front yard setback area; barbed wire is a permitted fencing materials, however, shall not be used on any front yard fence, nor on any fence visible from a public right-of-way; razor wire is not permitted under any circumstance	Allowed for certain uses only if vine-covered

