

ZONING CODE AMENDMENTS – FENCES

DRAFT FOR PLANNING BOARD DISCUSSION

30-5.14 - ~~Barriers and Fences.~~

~~Barriers~~Fences, as defined herein, may be constructed in all land use districts ~~within the property boundaries of the individual lots according to the definitions, standards, and provisions of this subsection.~~

- a. *Purpose.* The purpose of this section ~~shall be~~ is:
 1. To provide adequate light and air into and between buildings ~~and yards and streets.~~
 2. To ~~protect~~ preserve the character of Alameda's neighborhoods and promote the objectives of the "Design Review Manual."
 3. To ~~develop streets which~~ encourage pedestrian use through the maintenance of visually pleasant streetscapes.
 4. To protect public health and safety by prohibiting potentially dangerous fencing materials and by limiting fence heights in visibility zones.
- b. *Definitions.* The definitions included in this subsection are ~~a partial list of definitions which are specific to the interpretation of this subsection. Additional definitions are listed in section 30-2.~~
 1. *Arbor* is ~~defined as a decorative latticework structure or trellis made of see-through style materials which is used as an entrance focal point along a barrier.~~
 2. ~~*Barrier* is defined as anything which is used as a boundary or means of protection or confinement including but not limited to, fences, walls, and hedges and the elements of such barriers including, but not limited to, posts and other supporting framework.~~
 - 3.2. *Building Envelope* is the area of land on a parcel suited within ~~the required yards for a main building as regulated by this chapter.~~
 - 4.3. *Chain-Link Fencing* is ~~defined as any fencing composed of or appearing to be composed of diagonal grid woven wire fencing material including, but not limited to, cyclone fencing, chain-link fencing, or diamond shaped plastic-link fencing.~~
 4. *Edge of Vehicular Travel Way* is the curb-line of a public or private roadway or the edge of payment or driveway where no curb-line exists.
 5. *Fence* is anything used as a boundary or means of protection or confinement including but not limited to open or solid fences,

walls, and support elements including posts, foundations and other framework.

6. Grade is defined as the lowest point of elevation of the finished surface of the ground, paving or sidewalk.
- 6.7. Height is the distance between the maximum vertical extent of the barrier and the grade at any point within eighteen (18") inches horizontally of that point, except that the height of barrier over the Bay shall be measured starting at four (4') feet above City of Alameda datum, which is the same as sixteen and one half (16.5) feet above mean lower low tide.
8. Public or Quasi-Public Land Uses are those uses including, but not limited to, public streets, public open space and waterways, commonly owned, private open spaces and waterways, schools and their grounds, churches and their surrounding open areas, and other non-residential and institutional uses.
- 7.9. See-Through Style is a barrier or fence in which the amount of opaque material, excluding supporting posts, is less than fifty (50%) percent of any given square foot in the vertical plane.
8. ~~See-Through Style refers to any fencing material in which the amount of opaque fence material, excluding its supporting posts, is less than fifty (50%) percent of any square foot of said fencing material and may include, but is not limited to, pickets, lattice, or decorative wrought iron.~~
- 9.10. Street Side Yard is the area of a corner lot that consists of the side yard adjacent to the street, and that portion of the rear yard that would be included in the rearward extension of the side yard adjacent to the street.
11. Visibility Zones ~~is determined by the City Engineer are:~~
- a. ~~and is g~~Generally the area on a corner of two (2) intersecting vehicular travel ways encompassed by a triangle, two (2) of the sides of which are no less than twenty (20') feet in length and are coincident with the edge of a vehicular travel way.
 - b. A triangle, two (2) of the sides of which are no less than ten (10') feet in length at the intersection of a private driveway serving five (5) or more parking spaces and a public sidewalk.
 - c. In except in specific cases where the City Engineer determines that safety considerations require a modified visibility zone.
- c. Barrier-Height Limits. ~~Barrier-Fence heights shall be~~ subject to the following limitations, except as otherwise specifically provided in this title:
- 1. ~~The height of a barrier at any given point shall generally be the distance between the maximum vertical extent of the barrier~~

~~at that point and the level of the grade within eighteen (18") inches horizontally of a point directly below a given point.~~

~~2. The height of barrier over the Bay shall be measured starting at four (4') feet above City of Alameda datum, which is the same as sixteen and one half (16.5) feet above mean lower low tide.~~

~~3.1. In front yards on residentially zoned or residentially developed properties barriers-fences shall not exceed three (3') feet in height except as permitted elsewhere in this subsection.~~

~~4.2. In side and rear yards on residentially zoned or residentially developed properties barriers-fences shall not exceed six (6') feet in height, except as permitted elsewhere in this subsection.~~

~~5.3. In required setback areas on parcels in commercial and industrial districts barriers-fences shall not exceed eight (8') feet in height, except in visibility zones or on residentially developed lots which are regulated, as permitted elsewhere in this subsection.~~

~~6.4. In visibility zones no barrierfences shall not exceed three (3') feet in height.~~

d. *Exceptions to Height Limitations on Barrier Height:*

~~1. Barriers-Fences otherwise limited to three (3') feet in height may be vertically extended up to four (4') feet in height with see-through style fencing material in the upper one (1') foot of height.~~

~~2. Barriers-Fences otherwise limited to three (3') feet in height may be vertically extended up to five (5') feet in height with see-through style fencing material in the upper two (2') feet of height, subject to approval by the Planning Director, who shall consider the compatibility of the fence design with its site and surrounding uses.~~

~~3. Barriers-Fences otherwise limited to six (6') feet in height may be extended up to eight (8') feet in height with see-through style fencing material in the upper two (2') feet of height.~~

~~4. Barriers located within a permitted building envelope may be extended up to the allowed building height in that zone as permitted by this chapter.~~

~~5.4. Arbors may exceed the height limits of this subsection by four (4') feet for a distance of no more than six (6') feet parallel to a property line, and decorative fence posts, subject to approval by the Planning Director, who shall consider the compatibility of the arbor or fence post with the barrier, its site and surrounding uses.~~

e. *Prohibited Fencing Materials*;

1. Barbed wire, razor wire and other similar materials ~~shall not be~~are not permitted except as provided below as any part of any barrier, as defined and regulated by this section.
2. ~~The use of~~Chain-link fence material ing shall not beis not permitted as a part of any barrier on a residentially zoned or residentially developed property except as specifically permitted by this subsection.

f. *Exceptions to Prohibited Fencing Material*;

1. Chain-link fences up to six (6') feet in height ~~may be~~are permitted in rear yards and side yards on residentially developed properties, where such yard is not a street side yard nor a rear yard of a corner or double-frontage lot, and where any such yard is not adjacent to public and or quasi-public land uses.
2. If not otherwise permitted, and where no feasible fencing material alternative exists, chain-link fences, not located in the front yard of residentially developed parcels, may be permitted when required for recreation or safety reasons, subject to approval of an Administrative Use Permit pursuant to section 30-21.4 Approval, which shall be conditioned to mitigate negative visual impacts. Such conditions may include, but are not limited to any or all of the following:
 - (a) ~~Inclusion of~~Decorative elements, such as varied mesh sizes, vinyl or other colored coating, and alternative post materials.
 - (b) ~~Inclusion of~~Landscaping or other screening. a
 - (b)(c) Alternative fence locations.
 - (d) Maintenance of fencing materials and landscaping.

3. Prohibited fencing materials may be approved with a use permit upon making the following findings in addition to the Use Permit findings in Section 30-21.3:

- (a) The fencing material is necessary to protect the health, welfare and safety of the public, or
- (b) The fencing material is essential to furthering another governmental purpose or regulation.

g. *Non-Conforming Fences.* ~~Non~~Maintenance and repair of non-conforming fences may be permitted as regulated by subsection 30-20.3.

h. Non-Residential Fences.

1. On non-residentially developed or zoned properties, any permanent or temporary barrier fence which is visible from a

public right-of-way or public access easement, shall require is subject to approval of an Administrative Use Permit pursuant to section 30-21.4 unless such barrier is included as part of a use permit governing the greater use of the property, a development plan approved pursuant to a planned development zoning, or a design review approval or unless the fence ~~it~~ is required to address health or safety concerns ~~caused by fire or other natural disaster~~ for not more than thirty (30) days. Barriers of ~~e~~

2. Chain link or similar material shall be combined with decorative elements listed in subsection f.2 above. screened, and all barriers shall provide
3. Adequate access for safety and emergency personnel shall be provided.
4. Administrative use permits for tTemporary fences shall be conditioned to require removal of the fence in six (6) months. Requests for eExtensions to the six-month term shall require an administrative use permit approved by the PPlanning Directorboard.
 - i. Fences adjacent to existing building(s) shall be constructed using wood, steel, finished concrete, stucco or other material to match the exterior of the adjacent building(s).
 - h.j. Fences erected for the purpose of delineating temporary outdoor dining, display areas or other outdoor business activity occurring on City sidewalks shall be removed no later than one (1) hour past the conclusion of said outdoor business activity.
 - i.k. Screening. All exterior storage on ~~the a~~ property shall be screened from public view by a wall or other approved screening material, rising extending two (2') feet above the stored goods ; provided, that no such screen or wall shall exceed up to ten (10') feet in total height. All storage areas shall be surfaced to provide a durable and dust-free surface and properly graded so as to dispose of all surface water. When feasible, outdoor storage areas should be located at the rear of the property. For ~~walls or fences~~ located next to street right-of-way, landscaping shall be located in front of the fence ~~or wall~~. All off-street parking and truck loading areas must be screened from view of any public right-of-way by a low wall or landscaping screen.

ARTICLE IX. - FENCES AND PARTITION WALLS

13-28 - FENCES.

13-28.1 - Barbed Wire Fences.

Barbed wire fence material is not allowed. ~~No person shall, upon any property owned or leased by him, and contiguous to or along any street, court, lane, public~~

~~thoroughfare or sidewalk, in the City, construct, set up or maintain any barbed wire fence or enclosure unless the same be secured, constructed, set up or maintained at least six (6') feet above the ground.~~