

Notice of Public Hearing: Ordinance Amending The Zoning Code Title 18.84. Section 070 entitled Yards and Fences of the Marysville Municipal Code Regulating Barbed Wire, Razor Wire, Concertina Wire, Serpentine Wire and Similar Security Fencing.

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Planning and Historic Preservation Commission of the City of Marysville at a special meeting on Wednesday, November 10, 2021, at 6:00 PM in the City Hall Council Chambers at 526 C St, Marysville, CA 95901 for the consideration of an ordinance amending Chapter 18.84.070 of the Zoning Ordinance entitled Yards and Fences of the Marysville Municipal Code to Regulate Barbed Wire, Razor Wire, Concertina Wire, Serpentine Wire and Similar Security Fencing in Residential, Commercial and Manufacturing Districts. Interested parties are invited to appear and testify before the City Council. Due to COVID restrictions the meeting can be viewed and participated in virtually by going to: <https://us02web.zoom.us/j/89776481751> or calling in at 1-669-900-9128 and entering webinar ID 897 7648 1751.

Copies of the proposed amendment are available for inspection at the office of the City Clerk, at the City of Marysville, 526 C St during normal City business hours, 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding City holidays. Copies may also be viewed on the City's website at <https://www.marysville.ca.us/>

Written comments concerning the proposed amendments may be submitted to the Planning Commission Secretary by first class mail or by email to [eculver@marysville.ca.us](mailto:eculver@marysville.ca.us), or in person up to the meeting time.

# ORDINANCE NO. XX

## AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARYSVILLE, CALIFORNIA AMENDING PORTIONS OF CHAPTER 8 ANIMAL CONTROL AND CHAPTER 18 ZONING OF THE MARYSVILLE MUNICIPAL CODE ENTITLED, "BARBED WIRE AND SECURITY FENCE REGULATIONS"

WHEREAS, Ordinance 1216 was adopted by the Marysville City Council in 1996 that amended Chapter 18.94 of the Zoning Code entitled Historic Preservation, and

WHEREAS, within the historic preservation overlay zone district, design review is required for painting and repainting of exterior surfaces, roofing, fencing, landscaping, glazing and installation of lighting fixtures, and

WHEREAS, several fences have been constructed within the Historic District without benefit of design review approval including barbed wire, razor wire, serpentine wire and concertina wire, and

WHEREAS, controlling barbed wire is consistent with the city goals to enhance public safety and improve economic development by enhancing commercial and retail districts, and

WHEREAS, In the central business district, where the City is trying to evoke an image of commerce and pedestrian retail activity, barbed wire fences announce an image of security and safety concerns, and

WHEREAS, barbed wire and similar fencing repeated throughout the historic district and central business district will create a detrimental image contrary to the purpose of design review, historic preservation, and the goals of the central business district.

NOW THEREFORE BE IT HERE RESOLVED that the City Council of the City of Marysville does hereby amend the following Municipal Code Sections for the purposes of regulating barbed wire and other security fencing:

### SECTION 1.

The following tables in Chapter 18 shall be amended to read as follows: "Other criteria and exceptions are provided in Sec. 18.84.070. Yards and Fences"

<b>Minimum yards</b>	Other criteria and exceptions are provided in Sec. 18.84.070. <u>Yards and Fences</u>
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### CHAPTER 18.16 RESIDENTIAL ZONE DISTRICTS

- Table 18.16.030: R-1 Zone District Development Standards
- Table 18.16.040: R-2 Zone District Development Standards
- Table 18.16.050: R-3 Zone District Development Standards
- Table 18.16.060: R-4 Zone District Development Standards

### CHAPTER 18.24 COMMERCIAL ZONE DISTRICTS

**Table 18.24.030: Development Standards Applicable to the C-1 Zone District**

**Table 18.24.040: Development Standards Applicable to the C-2 Zone District**

**Table 18.24.050: Development Standards Applicable to the C-3 Zone District**

**Table 18.24.060: Development Standards Applicable to the C-H Zone District**

## **CHAPTER 18.34**

### **INDUSTRIAL ZONE DISTRICTS**

**Table 18.34.030: Development Standards Applicable to the M-L Zone District**

**Table 18.34.040: Development Standards Applicable to the M-1 and M-2 Zone Districts**

## **SECTION 2.**

Section 18.87 of the Marysville Municipal Code is amended to read as follows:

### **CHAPTER 18.87**

#### **ARCHITECTURAL REVIEW**

##### **18.87.010 Purpose.**

Within the Historic Preservation Overlay District described in Chapter 18.59 including the Marysville Plaza project area plan, as described in Chapter 19.08 and hereby referenced, there is concern for reasonable compatibility and architectural acceptability. Moreover, the Marysville plaza urban design and development plan (adopted by Resolution No. 79A02) there is concern for reasonable compatibility and architectural acceptability. established certain architectural themes or motifs for particular sections of the project area. Architectural review shall be required for all new building and project construction as defined in Sec 18.59.030 Exterior construction—Requirement for review and approval, including exterior modification or rehabilitation of existing buildings and the addition or modification of advertising signs (including signs painted on windows), within the project area. Architectural review must be complete prior to the insurance issuance of any permit by the building official and prior to the commencement of any work covered under this chapter. Therefore, the review should occur in the early planning stages of a project so that any recommendations that are made during the architectural review process can be incorporated into such plans. (Ord. 1161 § 2 (part), 1993).

## **SECTION 3.**

Section 8.12 of the Marysville Municipal Code is amended to read as follows:

### **CHAPTER 8.12**

#### **ANIMAL CONTROL**

##### **8.12.390 Fencing.**

(a). "All domestic animals, including but not limited to livestock, shall be kept behind a fence that is good, strong, substantial and sufficient to prevent their ingress and egress. ~~A wire fence shall meet the standards of this section if it has a minimum of four equally spaced, tightly stretched barbed wires."~~

## **SECTION 4.**

Section 18.84.070 currently entitled "Yards" of the Marysville Municipal Code is amended to read as follows:

**18.84.070 Yards and Fences.**

(a) No yard or other open space provided about any building for the purpose of complying with the regulations of this title shall be considered as providing a yard or open space for any other building or structure.

(b) In any case where a setback line, building line or official plan line has been established, the required yards on the street frontages of lots shall be measured in accordance with such lines and in no case shall the provisions of this title be construed as permitting any structure to extend beyond such line.

(c) Garages, carports and other accessory buildings may be attached to and have a common wall with the main building, or, when located as required by this title, may be connected thereto by a breezeway.

(d) In any R district where fifty percent or more of the building sites in any one block or portion thereof in the same district have been improved with buildings, the required front yard shall be of a depth equal to the average of the front yards of the improved building sites, to a maximum requirement of that specified for the district but in no case less than fifteen feet. Where adjoining lots are improved with buildings, the front yard required for a vacant building site shall be the average of the yards within sixty feet of the site of each side thereof.

(e) Fences in all residential (R) districts shall not exceed six feet in height in the rear yard of any lot or seven feet in height in any interior rear yard or interior side yard up to the front yard for the property. Fences in all residential (R) districts shall not exceed three and one-half feet in height within the front yard and within the street side yard of corner lots.

(f) Barbed wire, razor wire, concertina wire, serpentine wire and similar security fencing is incompatible with community design standards and are prohibited unless individually approved based on substantial evidence by issuance of a Planning Commission Use Permit; or unless required by any law or regulation of the City, the State of California, Federal Government, or agency thereof. When considering an application for such fencing, for any property in the Central Business District, Medical Arts District and any Commercially zoned property, the Commission shall consider:

- 1) Substantial evidence that such fencing is needed
- 2) The visibility of such fencing from Public Rights of way, public trails, open space, and public parks.
- 3) The feasibility of other, more attractive, fencing options such as wrought iron or steel tubing.
- 4) The feasibility of other security options.

Such barbed wired, razor wire, concertina wire, serpentine wire and similar security fencing is prohibited in any Residential Districts or on Commercial and Manufacturing zoned properties that abut a residentially zoned property.

In Manufacturing Districts outside the Central Business District or Medical Arts District, such security fencing may be allowed, through a *Minor Use Permit*, provided the fencing is not located on a primary street frontage.

Existing barbed wire or similar security fencing in existence at the time of this Ordinance adoption and located in the Historic District boundaries must show evidence of Architectural Review or other City approval or it shall be conclusively presumed such fencing does not comply with and has not received required Design Review approvals. Upon notice by the City that such fencing is in violation of the City Design Review and Historic District Ordinance, the property owner of such fence may apply for a Use Permit to keep the barbed wire or similar security fencing or remove said fencing material. In reviewing the Use Permit the Commission must consider:

- 1) Substantial evidence that such fencing is needed
- 2) The visibility of such fencing *from major thoroughfares as determined by the Planning Commission.*
- 3) The feasibility of other, more attractive, fencing options such as wrought iron or steel tubing *in areas highly visible to the general public.*
- 4) The feasibility of other security options.
- 5) *In considering the Use Permit, the Commission, in its discretion, may allow existing unobtrusive barbed wire or similar security fencing to remain until such time as it must be repaired, replaced or altered due to maintenance or reconstruction.*

(gf) Swimming pools may be installed in rear yards provided:

- (1) There is a three-foot setback from the property line as measured from the water line;
- (2) A six-foot fence separates the pool from a public right-of-way; and
- (3) If a gate is installed it must be automatically closing and lockable.

(hg) Structures in the residential districts may extend into yards only in the following cases:

- (1) Fireplaces or chimneys may project into the side or rear yard twenty-four inches for a length of ten feet measured parallel to the side or rear line of the building.

- (2) Uncovered steps or landings not over thirty-six inches high may project into the side or rear yard three feet for a length of ten feet measured parallel to the side or rear line of the building.
- (3) Eaves and other roof projections may project into a side yard for a distance not to exceed thirty inches; provided, however, the eaves may project not closer than thirty inches to a side property line.
- (4) Eaves, porches and other roof projections may project into a rear yard, but no closer than ten feet to the rear property line.
- (5) Balconies may project five feet into required yards, provided, however, no balcony shall project into a side or rear yard which is less than ten feet in width.
- (6) Porches may project into the front yard, but no closer than ten feet to the front property line.
- (7) Accessory buildings as provided in Section [18.96.010](#).
- (8) Parking spaces and driveways as provided under Section [18.60.040](#).

(i) For any legally created lot within a residential zone district that has an area less than six thousand square feet and a width of less than sixty feet, the required yards may be reduced as follows:

- (1) Front Yard. There shall be a front yard depth of not less than twenty feet.
- (2) Side Yard. There shall be a side yard on each side of the building of not less than three feet.
- (3) Rear Yard. There shall be a rear yard depth of not less than ten feet.

(j) Patios with open roofs (less than fifty percent coverage), sun shades, trellises, arbors and similar structures which are not enclosed on the sides except for required roof supports may project into the required yards as follows:

- (1) To within thirty inches of the side property line;
- (2) To within ten feet of the side street property line (not applicable to compact lots);
- (3) To within five feet of the rear property line. (Ord. 1314 § 1, 2007; Ord. 1304 § 6(A), 2006; Ord. 1299 §§ 32 and 33, 2005; Ord. 1261 § 1 (part), 2000; Ord. 1151, 1993; Ord. 1104 § 1, 1991; Ord. 974 § 19, 1982; Ord. 946 § 2 (part), 1981).

## SECTION 5: EFFECTIVE DATE

This Ordinance shall become effective thirty days from and after its passage. The City Clerk is hereby authorized and directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Marysville within fifteen (15) days after the adoption of the ordinance.

NOW THEREFORE BE IT ORDAINED, this Ordinance was introduced before the City Council of the City of Marysville, County of Yuba, at a duly noticed meeting of the City Council held on the > day of December, 2021 and passed and adopted at the regular meeting of said Council on the \_\_\_\_ day of \_\_\_\_\_, 2021 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF MARYSVILLE, CALIFORNIA  
BY ITS COUNCIL

By: \_\_\_\_\_  
Nicole Moe, City Clerk

By: \_\_\_\_\_  
Chris Branscum, Mayor

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By: \_\_\_\_\_  
Brant J. Bordsen, City Attorney