

**CITY COUNCIL**

James Paschall Sr., Mayor  
Bruce T. Roundy, Vice Mayor  
Salina J. Edwards  
Dennis Hoffman  
William "Billy" Irvin

# CITY OF ORLAND

INCORPORATED 1909



**CITY OFFICIALS**

Janet Wackerman  
City Clerk

Leticia Espinosa  
City Treasurer

815 Fourth Street  
ORLAND, CALIFORNIA 95963  
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**CITY MANAGER**

Peter R. Carr

Meeting Place: Carnegie Center  
912 Third Street  
Orland, CA 95963

**AGENDA**

**REGULAR MEETING, ORLAND PLANNING COMMISSION**

**Thursday, October 15, 2020**

**5:30 P.M.**

This meeting will be conducted pursuant to the provisions of the Governor's Executive Orders N-25-20 and N-29-20 which suspends certain requirements of the Ralph M. Brown Act.

In an effort to protect public health and prevent the spread of COVID-19, the meeting will be teleconferenced using Zoom technology, and in compliance with current Executive Orders. City Commissioners and staff may participate remotely or in Carnegie Center. The meeting place will be opened to the public by practicing social distancing.

**The public is encouraged to participate in the meeting by telephone or access the video via Zoom.**  
**Please call: 1 (669) 900-9128 Webinar ID#: 815 2836 9905**

Public comments are welcomed and encouraged in advance by emailing the City Clerk at [jwackerman@cityoforland.com](mailto:jwackerman@cityoforland.com) or by phone at (530) 865-1601 by 5:00 p.m. on the day of the meeting.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. ORAL AND WRITTEN COMMUNICATIONS

**Citizen Comments:**

Members of the public wishing to address the Commission on any item(s) not on the agenda may do so at this time when recognized by the Chairperson; however, no formal action or discussion will be taken unless placed on a future agenda. Public is advised to limit discussion to one presentation per individual. While not required, please state your name and address for the record. **(Oral communications will be limited to three minutes).**

5. **APPROVAL OF THE MINUTES FROM September 17, 2020.**
6. **PUBLIC HEARING - None**
7. **ITEMS FOR DISCUSSION OR ACTION**
  - A. **Request for Recommendation Regarding Amendments to Title 17-Zoning of the Municipal Code to alter fence height, setback, and design regulations. *(Continued from September 17, 2020 meeting)***
8. **STAFF REPORT**
  - A. Department Activity Report. (verbal)
9. **COMMISSIONER REPORTS**
10. **ADJOURN**

CERTIFICATION: Pursuant to Government Code Section 54954.2(a), the agenda for this meeting was properly posted on October 12, 2020.

A complete agenda packet is available for public inspection during normal business hours at City Hall, 815 Fourth Street, Orland, CA.

In compliance with the Americans with Disabilities Act, the City of Orland will make available to members of the public any special assistance necessary to participate in this meeting. The public should contact the City Clerk's Office at (530) 865-1601 to make such a request. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

## PLANNING COMMISSION MINUTES

September 17, 2020

1. Call to Order – The meeting was called to order by Chairperson Lazorko at 5:30 PM
2. Pledge of Allegiance – led by Commissioner Shoop
3. Roll Call: Commissioners present via teleconference – Doris Vickers, Steven Shoop, Wade Elliott, Mike Yalow and Sharon Lazorko  
Commissioners absent - None  
Also present via teleconference- Dennis Hoffman, Ed Vonasek, Scott Friend and Janet Wackerman

### 4. ORAL AND WRITTEN COMMUNICATIONS

Citizen Comments – None

### 5. APPROVAL OF THE MINUTES FROM August 20, 2020

Upon motion made by Commissioner Vickers and seconded by Commissioner Shoop, the minutes of August 20, 2020 were approved as presented. The motion carried unanimously by voice vote, 5-0.

### 6. PUBLIC HEARINGS – None

### 7. ITEMS FOR DISCUSSION OR ACTION -

**Action Item: Extension of Tentative Subdivision Map 2017-01 (Penbrook):** Schellinger Brothers, LP (owner)/Steven Butler (representative). A request for a one-year extension for Tentative Subdivision Map #2017-01 a previously approved 22-lot subdivision on 5.7 ± acres and further described as Glenn County APN 041-262-028. The project is located at the southwest corner of Papst Avenue and South Street. The parcel is designated with the Low Density Residential (LDR) land use designation and the existing zoning is “R-1” (Residential One-family).

Chairperson Lazorko asked City Planner Friend for the Staff report. City Planner Friend stated the proposed action is a request to grant a one-year extension for Tentative Subdivision Map #2017-01. This is the second one-year extension that would be granted for this map. A total of three (3) such extensions may be approved. The representative of the owner, Steven Butler, was present via teleconference and stated he had no additional comments. Staff recommended the extension be approved, making the new map expiration date September 18, 2021.

Upon motion made by Commissioner Elliott and seconded by Commissioner Shoop, the Planning Commission approved a one-year extension of Tentative Subdivision Map 2017-01 subject to all prior Conditions of Approval, Mitigation Measures and Findings and setting a new map expiration date of September 18, 2021. The motion carried unanimously by voice vote, 5-0.

**Discussion Item: Request for recommendations regarding potential amendments to fence height and setback regulations, with a focus on the street side yard.**

City Planner Friend stated staff is open to discussion regarding amendments to fence height and setback regulations regarding front- and street side- yard fences. A PowerPoint presentation was to be shared with Commissioners but because of technical problems, City Planner Friend will be sending a copy of it to them for their review and the item will be re-presented at the October meeting. Mr. Friend asked Commissioners to look at fences already installed and their relationship to utility poles and fire hydrants and where they are positioned on the property in the coming weeks.

Commissioner Elliott asked if a property owner had requested the side yard fencing changes. City Planner Friend stated yes but that he has also heard comments on this subject for many years. Commissioner Elliott asked if there were any intentions of applying new provisions retroactively. City Planner Friend stated that from the perspective of staff, there were not.

Commissioners were in favor of an in-person meeting to review this matter in more detail.

**8. STAFF REPORT**

City Planner Friend reported:

- Glenn Co. LAFCO voted to continue the Sunny Truck Wash annexation request to a future meeting; It is likely that it will go before the body again at their November 2020 meeting;
- The lot line adjustment for Modern Building has been recorded.

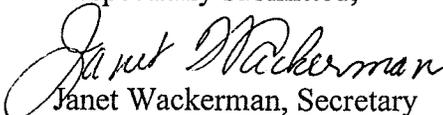
Commissioner Vickers thanked Commissioner Elliot for asking about the retro-active implementation and possible enforcement of the fencing requirements if modified.

**9. COMMISSIONER REPORTS -**

Chairperson Lazorko commented that she loves what has been done to the former Aileen Porter Realty business/home at East and Walker Streets.

**10. ADJOURNMENT – 6:08 PM**

Respectfully submitted,

  
Janet Wackerman, Secretary

Sharon Lazorko, Chairperson



**CITY OF ORLAND**  
**Staff Report**  
Item # 7.A

TO: **City of Orland Planning Commission**  
FROM: Scott Friend, AICP – City Planner  
MEETING DATE: October 15, 2020; 5:30 p.m., Carnegie Center, 912 Third Street, Orland, CA 95963

SUBJECT: **Request for Recommendations Regarding Amendments to Title 17 – Zoning of the Municipal Code to alter fence height, setback, and design regulations:**

- Request for recommendations to amend Title 17 - *Zoning* to include a “Fence Standards” section to consolidate the fence standards for all zones. Move existing fence standards to this section as feasible.
- Request for recommendations to amend the street side yard setback (also called the required yard) to be ten feet, rather than twenty.
- Request for recommendations to add a visibility triangle requirement for corner lots with two streets and /or alleys which meet at a corner apex.
- Request for recommendations to add a clause to allow for approval of backyard or side yard fences over six feet tall, subject to approval standards.
- Request for recommendations to address combined fences and retaining walls which together exceed six feet in height.

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**Summary:**

The purpose of this staff report is to consider proposed text amendments to the current fence height, setback, and design standards in the City of Orland. This discussion has five focuses which will require amendments to Title 17- *Zoning*: (1) establishing a “Fence Standards” section, (2) reducing the street side yard setback (also called the required yard) to be ten feet rather than twenty feet, (3) adding a visibility triangle requirement for corner lots with two streets and /or alleys which meet at a corner apex, (4) adding a clause to allow for administrative approval of backyard or side yard fences six to seven feet tall, and approval via a building permit for fences seven to eight feet tall, and (5) handling retaining wall and fence combinations which together may reach six to eight feet tall; depending on perspective.

Consideration of amendments to fence regulations is in response to requests from citizens who wish to have greater fenced side yard space with increased fence height, and requests to have a fence up to eight feet tall if certain conditions are met. Staff requests that the Planning Commission recommend to staff how to amend the current zoning regulations.

Recommendations are likely to build on recommendations made to staff on the September 17<sup>th</sup> Planning Commission meeting. The draft text amendments to Title 17 – *Zoning* (**Attachment B**) are based on recommendations made by the Planning Commission to staff at the prior meeting.

**Discussion:**

**Definitions:**

- 1) Street Side Yard - The street side yard is shown in **Figure 1** below. As shown, the street side yard extends all the way from the front to the rear of the lot. This differs from a typical side yard located between two residences.

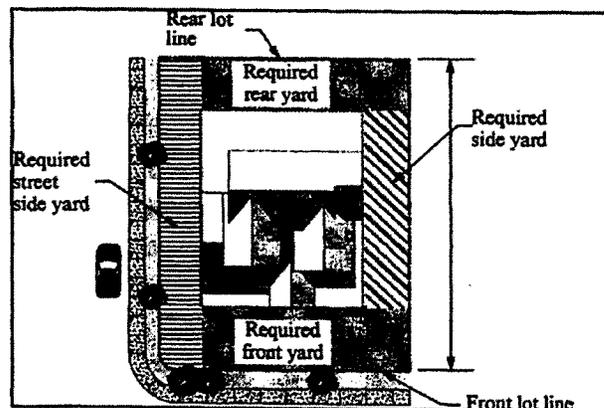
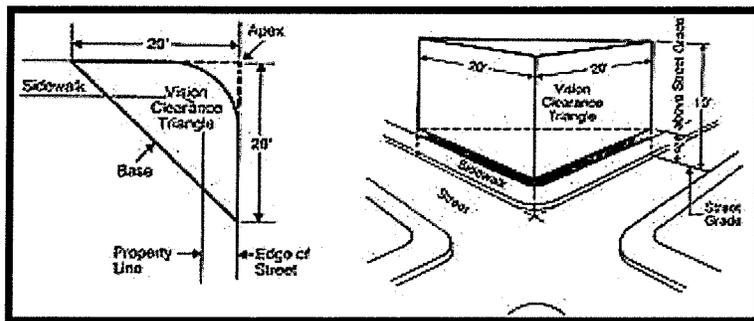


Figure 1. Street Side Yard Area

- 2) Visibility Triangle – A triangle cutout in the corner of a fence where two roads or an alley and a road meet. The cutout is intended to ensure visibility for vehicles. See **Figure 2** below.



**Current Municipal Code Regulations:**

**Fence Height and Setback Limitations:**

Currently, all fences *not located within* a required front yard or street side yard setback are limited to six feet in height, maximum. All fences *located within* the front yard or side yard setback are limited to three feet in height, maximum. The setback is also known as the “required yard” or “minimum yard”. Currently, there are no options for approval of fences over six feet in height. The current regulations for the R-1, R-2, and R-3 zones read essentially the same. The

current R-1 requirements from Section 17.20.070 – *Setbacks* are outlined below. The underlined code language is likely to be amended.

*17.20.070 - Setbacks.*

*A. Minimum yards in the R-1 zone are as follows:*

*Main building:*

*Front: twenty (20) feet;*

*Rear: twenty (20) feet;*

*Side: five feet. Side setback on a corner lot facing the street shall not be less than twenty (20) feet.*

*B. Exceptions to the minimum yards established above are as follows:*

*6. Hedges and shrubs shall not be permitted more than three feet in height within twenty (20) feet of the front street corner of corner lots.*

*7. All fences within a front yard setback area, or side yard setback area of a corner lot, shall not exceed three feet in height. All fences not within such setback areas shall not exceed six feet in height.*

**The Street Side Yard:**

Staff notes that residential corner lots are required to be ten feet wider and 1,000 square feet larger than a standard lot. This is the case for all developments in the R-2 or R-3 zones and for lots of minimum size in the R-1 zone. **Table 1** below summarizes the lot size requirements.

**Table 1.** Summary of Standard Versus Corner Lot Sizes.

	Residential Zone		
	R-1	R-2	R-3
Standard Lot- Minimum Area	6,000 ft <sup>2</sup>	6,000 ft <sup>2</sup>	6,000 ft <sup>2</sup>
Corner Lot- Minimum Area	7,000 ft <sup>2</sup>	7,000 Ft <sup>2</sup>	7,000 Ft <sup>2</sup>
Standard Lot- Minimum Width	60 ft	60 ft	60 ft
Corner Lot- Minimum Width	70 ft	70 ft	70 ft

Although the corner lots are specifically required to be ten feet wider than a standard interior lot, current setback standards require a twenty-foot setback on corner lots. As shown in **Attachment A**, several surrounding cities utilize a ten-foot setback requirement for street side yards.

Recommendations for Amendments:

Staff requested recommendations for fence- related code amendments from the Planning Commission at the September 17<sup>th</sup> meeting. The Planning Commission recommended that staff proceed with the following code amendments:

- a) Reduce the street side fence setback from twenty feet to ten feet;
- b) Require visibility cutouts for corner lots with two streets and /or alleys which meet at a corner apex;
- c) Add a clause to allow for approval of backyard or side yard fences over six feet but no taller than eight feet; and
- d) Wait to amend the aesthetic requirements for fences until the matter can be further considered.

Due to technical difficulties experienced during the presentation of fences at the September 17<sup>th</sup> meeting, staff will show the complete fence presentation today. The presentation will show several examples of fences both in compliance and not in compliance with the existing Municipal Code regulations, and how the amendments could change the types of fencing allowed. Additional input is welcome.

Staff then requests that additional recommendations be made. The requested recommendations pertain to the following four topics:

- a) Where should the new *Fence Standards* section be placed in the code? To increase the chances of citizens finding the fence standards, the fence standards may be placed directly under Title 17 - *Zoning* (as shown in the draft code amendment). Alternatively, the fence standards may be nested under Chapter 17.04 – *General Provisions*, which is under Title 17 – *Zoning*.
- b) Per the California Building Code, a fence over seven feet tall requires a building permit. Staff suggests that fences up to six feet in height continue to be permitted outside of required setbacks. Staff suggests fences between six and seven feet tall will require an administrative use permit, issued by the City Planner. Fences between seven and eight feet tall will require a building permit and consideration at a City Council meeting with a public hearing.
- c) Per the California building code, retaining walls up to four feet tall are permitted. However, for example, if a regularly permissible 6-foot fence is built on top of a one or two-foot retaining wall, the fence could be seen as over six feet. Should the combined retaining wall height and fence height be measured from the perspective of looking uphill? Should the combined retaining wall and fence be required to meet the approval requirements as underlined under item a above?
- d) Per the California Building Code, stand-alone retaining walls up to four feet are permitted without requiring a building permit (unless supporting certain materials). This is currently not stated in the Municipal Code. Should this information be included in the *Fence Standards* section? *Note: this is not currently included in the draft code amendment.*

Staff has outlined draft proposed amendments regarding the points outlined above. The proposed amendments to Title 17 – Zoning are outlined in **Attachment B**.

**Recommendation:**

Staff requests that the Planning Commission consider the proposed revisions to the Municipal Code and make recommendations regarding how these revisions may be improved or otherwise changed. Further, staff is open to discussion regarding amendments to fence height and setback regulations regarding front yard fences. Please consider amendments which would balance aesthetics, usable yard space, and public safety. At the next regular meeting of the Planning Commission, staff will present final proposed amendments to the Municipal Code.

**ATTACHMENTS**

- **Attachment A** – Summary of Street-Side Fence Heights and Setbacks in Surrounding Cities
- **Attachment B** – Draft Proposed Amendments to Title 17 – *Zoning* of the Municipal Code

**Attachment A. Comparison of Orland Street-Side Fence Regulations  
to those for Nearby Cities**

City Name	Street- Side Fence Height Standard	Setback Standard	Difference
Orland	-R-1, R-2, R-3: "All fences within a front yard setback area, or side yard setback area of a corner lot, shall not exceed three feet in height. All fences not within such setback areas shall not exceed six feet in height."	-20-foot setback	
Corning	-Fences and screen plantings shall not exceed four feet in front yards nor six feet in height in any required rear and side yard.	-Minimum corner lot side yard: 10 feet	- Reduced fence setback/ side yard by 10 feet
Willows	-6 feet within required side yard	-Minimum side yard setback: 6 feet except the side yard on the street side of each corner lot shall not be less than 10 feet.	- Reduced fence setback/ side yard by 20 feet - No max. fence height specified outside of required side yard
Redding	-3 feet within setback	-10 feet	-Reduced setback by 10 feet
Red Bluff	-3.5 feet within setback	-RE: 15 feet -R-1: 10 feet -R-2: 10 feet -R-3: 10 feet -R-4: 10 feet -HR: 8 feet	- Reduced setback by 10 feet in most districts - 0.5-foot taller max. fence height within setback
Chico	- Street side yard fences: up to a maximum height of 6 feet, may be located on corner parcels, 7 feet if one foot of lattice or other 50% view permeable material is incorporated into the top one foot of the fence design; and if there are no sight distance area problems as determined by the Director - Corner Parcels: No fence, wall, or other visual obstruction over 3 feet in height above the top of the	-10 feet	- Setback reduced by 10 feet - 6-foot fence is allowed unless in a sight distance area on a corner parcel

	existing or planned curb elevation shall be located within a sight distance area.		
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## **Draft Proposed Amendments to Title 17 – Zoning of the Municipal Code**

### Chapter 17.08 - DEFINITIONS

#### 17.08.690 - Fence, wall.

"Fence" or "wall" means a structure constructed of posts, supports, and cross members that serves as an obstruction to mark property lines or delineate or restrict access to a portion of property. Fences for the purpose of this chapter includes walls, hedges, and screen plantings.

### Chapter 17.20 - R-1 RESIDENTIAL ONE-FAMILY ZONE

#### 17.20.070 - Setbacks.

A. Minimum yards in the R-1 zone are as follows:

Main building:

Front: twenty (20) feet;

Rear: twenty (20) feet;

Side: five feet. ~~Side setback on a corner lot facing the street~~ A street side setback shall not be less than ~~twenty (20)~~ ten (10) feet.

~~6. Hedges and shrubs shall not be permitted more than three feet in height within twenty (20) feet of the front street corner of corner lots.~~

~~7. All fences within a front yard setback area, or side yard setback area of a corner lot, shall not exceed three feet in height. All fences not within such setback areas shall not exceed six feet in height.~~

~~8. Outdoor swimming pools and spas located within ten (10) feet of any side yard, rear yard or structure, shall be set back from said side yard, rear yard of structure a distance equal to the depth of the pool within said ten (10) foot area, but in no instance shall the setback be less than five feet. Pools and spas shall not be located in a required front yard.~~

~~9. Setbacks for all other garages or accessory structures not otherwise described herein shall be as detailed in Table: R-1 Structure Setbacks of this section.~~

~~10. See Section 17.76.190 – Fence Standards for fence height regulations.~~

### Chapter 17.24 - R-2 RESIDENTIAL TWO-FAMILY ZONE

#### 17.24.070 - Setbacks.

A. Minimum yards in the R-2 zone are as follows:

Main buildings:

Front: twenty (20) feet;

Rear: twenty (20) feet;

Side: five feet. ~~Side setback on a corner lot facing the street~~ A street side setback shall not be less than ~~twenty (20)~~ ten (10) feet.

~~7. Hedges and shrubs shall not be permitted more than three feet in height within twenty (20) feet of the front street corner of corner lots.~~

~~8. All fences within a front yard setback area, or side yard setback area of a corner lot, shall not exceed three feet in height. All fences not within such setback areas shall not exceed six feet in height.~~

~~9. Outdoor swimming pools and spas located within ten (10) feet of any side yard, rear yard or structure, shall be set back from said side yard, rear yard or structure a distance equal to the depth of the pool within said ten (10) foot area, but in no instance shall the setback be less than five feet. Pools and spas shall not be located in a required front yard.~~

~~8. See Section 17.76.190 – Fence Standards for fence height regulations.~~

#### Chapter 17.28 - R-3 RESIDENTIAL MULTIPLE FAMILY-PROFESSIONAL ZONE

##### 17.28.070 - Setbacks.

A. Minimum yard requirements in the R-3 zone are as follows:

Main building:

1. Front: twenty (20) feet;

2. Rear: fifteen (15) feet, twenty-five (25) feet if adjacent to an R-1 zone district;

3. Side: five feet, fifteen (15) feet if adjacent to an R-1 zone district. ~~Side setback on a corner lot facing the street~~ A street side setback shall not be less than ~~twenty (20)~~ ten (10) feet.

~~7. Hedges and shrubs shall not be permitted more than three feet in height within twenty (20) feet of the front street corner of corner lots.~~

~~8. All fences within a front yard setback area, or side yard setback area of a corner lot, shall not exceed three feet in height. All fences not within such setback areas shall not exceed six feet in height.~~

~~9. Outdoor swimming pools and spas located within ten (10) feet of any side yard, rear yard or structure, shall be set back from said side yard, rear yard or structure a distance equal to the depth of the pool within said ten (10) foot area, but in no instance shall the setback be less than five feet. Pools and spas shall not be located in a required front yard.~~

~~8. See Section 17.76.190 – Fence Standards for fence height regulations.~~

## Chapter 17.36 - C-1 NEIGHBORHOOD COMMERCIAL ZONE

### 17.36.145 - Fences and walls.

- A. All fences and fencing materials require a fencing permit approved by the city of Orland planning department prior to installation. Ty vek or like materials, corrugated materials, tin, aluminum, bamboo, hay, and other materials deemed by the city to be unacceptable are prohibited. All fencing material and fence construction shall be approved by the city in accordance with the Orland Municipal Code and the California Building Code, prior to construction of the fence.
- B. Any masonry and stucco walls require a building permit if greater than three feet in height.
- C. Fences and walls shall be compatible in style and material with the main structures on a site.
- D. To avoid the monotony of long, solid walls and fences around the perimeter of projects, variation in height, texture and color is recommended with approval by the city.
- E. Signs, lights, and other street furniture incorporated into the design of fences and walls are encouraged.
- F. Barbed wire fencing is prohibited. All chain link fencing requires slats.
- G. Screening devices shall be made of opaque (solid) materials such as wood or masonry blocks.
- H. Fences and walls used for noise control shall be made of materials most suited for noise reduction, and which minimize reflective sound.
- I. Security fencing and gates shall be of an open type to allow for maximum visibility of the secured area. Wrought iron and cast iron fences are recommended for security fences and gates for all uses.
- J. Fencing shall be a maximum of six feet in height. Fencing over six feet in height, excepting subsection B above, shall require a building permit. All corner lots, including corners on alleys, shall be a maximum of three feet in height within the front and exterior side yard setback areas.
- K. All fences shall be made of durable and weather resistant materials as approved by the city

See Section 17.76.190 – Fence Standards for fence regulations.

## Chapter 17.40 - C-2 COMMUNITY COMMERCIAL ZONE

### 17.40.130 - Fences and walls.

- A. All fences and fencing materials require a fencing permit approved by the city of Orland planning department prior to installation. Ty vek or like materials, corrugated materials, tin, aluminum, bamboo, hay, and other like materials deemed by the city to be unacceptable are prohibited. All fencing material and fence construction shall be approved by the city in

accordance with the Orland Municipal Code and the California Building Code, prior to construction of the fence.

B. Any masonry and stucco walls require a building permit if greater than three feet in height.

C. Fences and walls shall be compatible in style and material with the main structures on a site.

D. To avoid the monotony of long, solid walls and fences around the perimeter of projects, variation in height, texture and color is recommended with approval by the city.

E. Signs, lights, and other street furniture incorporated into the design of fences and walls are encouraged.

F. Barbed wire fencing is prohibited. All chain link fencing requires slats.

G. Screening devices shall be made of opaque (solid) materials such as wood or masonry blocks.

H. Fences and walls used for noise control shall be made of materials most suited for noise reduction, and which minimize reflective sound.

I. Security fencing and gates shall be of an open type to allow for maximum visibility of the secured area. Wrought iron and cast iron fences are recommended for security fences and gates for all uses.

J. Fencing shall be a maximum of six feet in height. Fencing over six feet in height, excepting subsection B above, shall require a building permit. All corner lots, including corners on alleys, shall be a maximum of three feet in height within the front and exterior side yard setback areas.

K. All fences shall be made of durable and weather-resistant materials as approved by the city.

See Section 17.76.190 – Fence Standards for fence regulations.

## Chapter 17.42 - DT-MU DOWNTOWN MIXED USE ZONE

### 17.42.220 - Fences and walls.

A. All fences and fencing materials require a fencing permit approved by the city of Orland planning department prior to installation. Ty-vek or like materials, corrugated materials, tin, aluminum, bamboo, hay, and other like materials deemed by the city to be unacceptable are prohibited. All fencing material and fence construction shall be approved by the city in accordance with the Orland Municipal Code and the building codes, prior to construction of the fence.

B. Any masonry and stucco walls require a building permit if greater than three feet in height.

C. Fences and walls shall be compatible in style and material with the main structures on a site.

D. To avoid the monotony of long, solid walls and fences around the perimeter of projects, variation in height, texture and color is recommended with approval by the city.

~~E. Signs, lights, and other street furniture incorporated into the design of fences and walls are encouraged.~~

~~F. Barbed wire fencing is prohibited. All chain link fencing requires slats.~~

~~G. Screening devices shall be made of opaque (solid) materials such as wood or masonry blocks.~~

~~H. Fences and walls used for noise control shall be made of materials most suited for noise reduction, and which minimize reflective sound.~~

~~I. Security fencing and gates shall be of an open type to allow for maximum visibility of the secured area. Wrought iron and cast iron fences are recommended for security fences and gates for all uses.~~

~~J. Fencing shall be a maximum of six feet in height. Fencing over six feet in height, excepting subsection (B) above, shall require a building permit. All corner lots, including corners on alleys, shall be a maximum of three feet in height within the front and exterior side yard setback areas.~~

~~K. All fences shall be made of durable and weather resistant materials as approved by the city.~~

See Section 17.76.190 – Fence Standards for fence regulations.

#### Chapter 17.44 - C-H HIGHWAY SERVICE COMMERCIAL ZONE

##### 17.44.125 - Fences and walls.

~~A. All fences and fencing materials require a fencing permit approved by the city of Orland planning department prior to installation. Ty-vek or like materials, corrugated materials, tin, aluminum, bamboo, hay, and other like materials deemed by the city to be unacceptable are prohibited. All fencing material and fence construction shall be approved by the city in accordance with the Orland Municipal Code and the California Building Code, prior to construction of the fence.~~

~~B. Any masonry and stucco walls require a building permit if greater than three feet in height.~~

~~C. Fences and walls shall be compatible in style and material with the main structures on a site.~~

~~D. To avoid the monotony of long, solid walls and fences around the perimeter of projects, variation in height, texture and color is recommended with approval by the city.~~

~~E. Signs, lights, and other street furniture incorporated into the design of fences and walls are encouraged.~~

~~F. Barbed wire fencing may be used for security purposes only. All chain link fencing requires slats.~~

~~G. Screening devices shall be made of opaque (solid) materials such as wood or masonry blocks.~~

~~H. Fences and walls used for noise control shall be made of materials most suited for noise reduction, and which minimize reflective sound.~~

I. Security fencing and gates shall be of an open type to allow for maximum visibility of the secured area. Wrought iron and cast iron fences are recommended for security fences and gates for all uses.

J. Fencing shall be a maximum of six feet in height. Fencing over six feet in height, excepting subsection B above, shall require a building permit. All corner lots, including corners on alleys, shall be a maximum of three feet in height within the front and exterior side yard setback areas.

K. All fences shall be made of durable and weather-resistant materials as approved by the city.

See Section 17.76.190 – Fence Standards for fence regulations.

## Chapter 17.48 - M-L LIMITED INDUSTRIAL ZONE

### 17.48.130 - Fences and walls.

A. All fences and fencing materials require a fencing permit approved by the city of Orland planning department prior to installation. Ty-vek or like materials, corrugated materials, tin, aluminum, bamboo, hay, and other like materials deemed by the city to be unacceptable are prohibited. All fencing material and fence construction shall be approved by the city in accordance with the Orland Municipal Code and the California Building Code, prior to construction of the fence.

B. Any masonry and stucco walls require a building permit if greater than three feet in height.

C. Fences and walls shall be compatible in style and material with the main structures on a site.

D. To avoid the monotony of long, solid walls and fences around the perimeter of projects, variation in height, texture and color is recommended with approval by the city.

E. Signs, lights, and other street furniture incorporated into the design of fences and walls are encouraged.

F. Barbed wire fencing may be used for security purposes only. All chain link fencing requires slats.

G. Screening devices shall be made of opaque (solid) materials such as wood or masonry blocks.

H. Fences and walls used for noise control shall be made of materials most suited for noise reduction, and which minimize reflective sound.

I. Security fencing and gates shall be of an open type to allow for maximum visibility of the secured area. Wrought iron and cast iron fences are recommended for security fences and gates for all uses.

J. Fencing shall be a maximum of six feet in height. Fencing over six feet in height, excepting subsection B above, shall require a building permit. All corner lots, including corners on alleys, shall be a maximum of three feet in height within the front and exterior side yard setback areas.

K. All fences shall be made of durable and weather-resistant materials as approved by the city.

See Section 17.76.190 – Fence Standards for fence regulations.

## Chapter 17.52 - M-H HEAVY INDUSTRIAL ZONE

### 17.52.130 - Fences and walls.

- A. All fences and fencing materials require a fencing permit approved by the city of Orland planning department prior to installation. Ty-vek or like materials, corrugated materials, tin, aluminum, bamboo, hay, and other like materials deemed by the city to be unacceptable are prohibited. All fencing material and fence construction shall be approved by the city in accordance with the Orland Municipal Code and the California Building Code, prior to construction of the fence.
- B. Any masonry and stucco walls require a building permit if greater than three feet in height.
- C. Fences and walls shall be compatible in style and material with the main structures on a site.
- D. To avoid the monotony of long, solid walls and fences around the perimeter of projects, variation in height, texture and color is recommended with approval by the city.
- E. Signs, lights, and other street furniture incorporated into the design of fences and walls are encouraged.
- F. Barbed wire fencing may be used for security purposes only. All chain link fencing requires slats.
- G. Screening devices shall be made of opaque (solid) materials such as wood or masonry blocks.
- H. Fences and walls used for noise control shall be made of materials most suited for noise reduction, and which minimize reflective sound.
- I. Security fencing and gates shall be of an open type to allow for maximum visibility of the secured area. Wrought iron and cast iron fences are recommended for security fences and gates for all uses.
- J. Fencing shall be a maximum of six feet in height. Fencing over six feet in height, excepting subsection B above, shall require a building permit. All corner lots, including corners on alleys, shall be a maximum of three feet in height within the front and exterior side yard setback areas.
- K. All fences shall be made of durable and weather-resistant materials as approved by the city.

See Section 17.76.190 – Fence Standards for fence regulations.

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## **New Code Language**

Title 17 – ZONING

Chapter 17.13 – Fence Standards

A. Fence Setback Standards in the R-1, R-2, and R-3 Residential Zones are as follows:

1. Fence setback standards correspond to the minimum yard requirements for front yards and side yards (including street side yards) only. The minimum yard/ fence setback standards are outlined here and also outlined in sections 17.20.070 – Setbacks, 17.24.070 – Setbacks, and 17.28.070 - Setbacks for the R-1, R-2, and R-3 zones respectively.

The location of a fence with respect to the minimum yard/ fence setback determines the permitted fence height, as outlined under (B) below.

A. Minimum yards/ fence setbacks in the R-1, R-2, and R-3 zones are as follows:

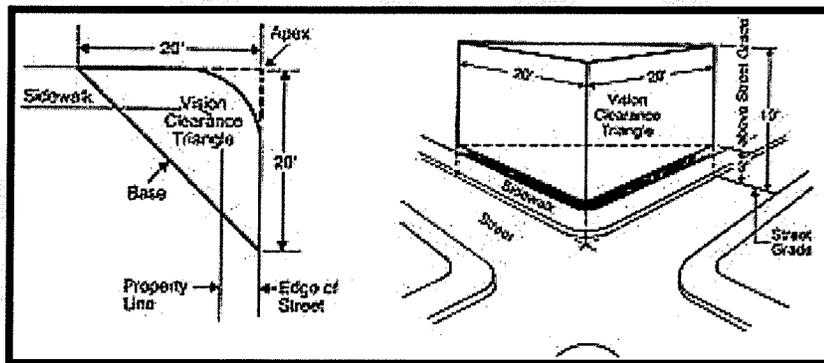
Main building:

Front: twenty (20) feet;

Side: five feet. A street side minimum yard shall not be less than ten (10) feet.

2. There is no fence setback requirement for fences in rear yards.

3. Corner lots with two streets and /or alleys which meet at a corner apex shall include a visibility cutout if located within 10 feet of a street or alley and over three feet in height. The visibility triangle shall extend 20 feet in both directions from the apex of the corner of the property, as shown in the figure below. The visibility cutout is for protecting pedestrian and traffic safety.



4. Hedges, walls, and shrubs shall comply with the same setback requirements as fences.

B. Fence height standards in the R-1, R-2, and R-3 residential zones are as Follows:

1. All fences within a front yard setback area or side yard setback area shall not exceed three feet in height. All fences not within such setback areas shall not exceed six feet in height. Such fences are permitted by right.

2. In a location where six-foot fences are permitted by right, a fence between six and seven feet tall may be constructed with approval of an administrative use permit by the City Planner. The administrative use permit application must be approved, and all fees must be paid in full prior to fence construction.

3. In a location where six-foot fences are permitted by right, a fence between seven and eight feet tall may be constructed with approval of a building permit and approval from the City Council at a duly noticed City Council meeting with a public hearing. The building permit application must be approved, and all fees must be paid in full prior to fence construction.

4. In the event that a fence is constructed on a retaining wall, the fence and retaining wall as a unit shall be measured from the base of the wall (from the uphill perspective) to the top of the fence. The total height of the fence and wall shall be subject to the same permitting requirements as fences, as outlined under items 1 through 4 above.

5. Hedges, walls, and shrubs shall comply with the same height requirements as fences.

C. Fence standards for the C-1, C-2, DT-MU, C-H, M-L, and the M-H zones are as follows:

1. All fences and fencing materials require a fencing permit approved by the city of Orland planning department prior to installation. Ty-vek or like materials, corrugated materials, tin, aluminum, bamboo, hay, and other materials deemed by the city to be unacceptable are prohibited. All fencing material and fence construction shall be approved by the city in accordance with the Orland Municipal Code and the California Building Code, prior to construction of the fence.

2. Any masonry and stucco walls require a building permit if greater than three feet in height.

3. Fences and walls shall be compatible in style and material with the main structures on a site.

4. To avoid the monotony of long, solid walls and fences around the perimeter of projects, variation in height, texture and color is recommended with approval by the city.

5. Signs, lights, and other street furniture incorporated into the design of fences and walls are encouraged.

6. Barbed wire fencing is prohibited. All chain link fencing requires slats.

7. Screening devices shall be made of opaque (solid) materials such as wood or masonry blocks.

8. Fences and walls used for noise control shall be made of materials most suited for noise reduction, and which minimize reflective sound.

9. Security fencing and gates shall be of an open type to allow for maximum visibility of the secured area. Wrought iron and cast iron fences are recommended for security fences and gates for all uses.

10. All fences shall be made of durable and weather-resistant materials as approved by the city

11. Fencing by-right shall be a maximum of six feet in height, excepting subsection 2 above.

12. In a location where six-foot fences are permitted by right, a fence between six and seven feet tall may be constructed with approval of an administrative use permit by the City Planner.

The administrative use permit application must be approved, and all fees must be paid in full prior to fence construction.

13. In a location where six-foot fences are permitted by right, a fence between seven and eight feet tall may be constructed with approval of a building permit and approval from the City Council at a duly noticed City Council meeting with a public hearing. The building permit application must be approved, and all fees must be paid in full prior to fence construction.

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