



**CITY OF SALINAS  
COUNCIL STAFF REPORT**

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**DATE:** NOVEMBER 7, 2023

**DEPARTMENT:** COMMUNITY DEVELOPMENT DEPARTMENT

**FROM:** LISA BRINTON, DIRECTOR

**THROUGH:** COURTNEY GROSSMAN, PLANNING MANAGER

**BY:** THOMAS WILES, SENIOR PLANNER

**TITLE:** ZONING CODE AMENDMENT 2023-001; AMEND ZONING CODE SECTION 37-50.090 (FENCES, WALLS, AND HEDGES) OF CHAPTER 37 OF THE SALINAS MUNICIPAL CODE (ZONING CODE) TO MODIFY THE APPLICATION PROCESS FOR ELECTRICALLY-CHARGED WIRES AND FENCES IN THE INDUSTRIAL GENERAL (IG) ZONING DISTRICT AND OTHER SUBSECTIONS OF SECTION 37-50.090

RECOMMENDED MOTION:

A motion finding Zoning Code Amendment 2023-001 categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305 and adopting an Ordinance amending Chapter 37 of the Salinas Municipal Code (Zoning Code) to modify the application process for electrically-charged wires and fences in the Industrial General (IG) Zoning District and other subsections of Section 37-50.090.

EXECUTIVE SUMMARY:

Chapter 37, Article VI, Division 14 provides for a process whereby all Zoning Code Amendments are brought before the City Council for a final decision. The proposed Zoning Code Amendment (ZCA) would modify the application process from a Conditional Use Permit to a Building Permit for electrically-charged wires and fences in the Industrial General (IG) Zoning District and modify Section 37-50.090(1)(4) to change the wording of the prohibited locations of electrically-charged wires or fences from “adjacent” to “contiguous” to existing or planned residential development, thereby allowing consideration of said fences located across the street from existing or planned residential development.

## BACKGROUND:

Zoning Code Amendment 2023-001 (ZCA 2023-001) would amend Zoning Code Section 37-50.090 (Fences, Walls, and Hedges) to modify the application process for electrically-charged wires or fences in the Industrial General (IG) Zoning District and other subsections of Section 37-50.090. Currently, Zoning Code Section 37-50.090(1)(3) only permits electrically-charged wires or fences in the following Zoning Districts: Industrial General (IG), Industrial-Business Park (IBP), and the Industrial-General Commercial (IGC) Zoning Districts. Zoning Code Sections 37-50.090(k)(2) and (l)(1) require that all electrically-charged wires or fences obtain a Conditional Use Permit (CUP). Subsequently, a building permit is required.

Amarok Security Inc. is requesting that the City revise the Zoning Code concerning electrically-charged wires or fences. The proposed Zoning Code Amendment would remove the requirement to obtain a CUP for electrically-charged wires or fences in the Industrial General (IG) Zoning District and only require issuance of a building permit. A CUP would still be required for electrically-charged wires or fences in both the IBP and the IGC Zoning Districts. The Amendment would also revise Zoning Code Section 37-50.090(1)(4), to change the wording of the prohibited locations of electrically-charged wires or fences from “adjacent” to “contiguous” to existing or planned residential development. “Contiguous” would allow consideration of electrically-charged wires or fences on sites located across the street from existing or planned residential development rather than be prohibited per the current term “adjacent.”

On October 18, 2023, the Planning Commission recommended that the City Council find Zoning Code Amendment 2023-001 exempt from the California Environmental Quality Act (CEQA) and recommended that the Council approve the Amendment (see attached Planning Commission Resolution 2023-11). A public hearing notice for the scheduled City Council meeting on November 7, 2023, regarding the proposed Amendment was published in the Monterey Herald on October 26, 2023.

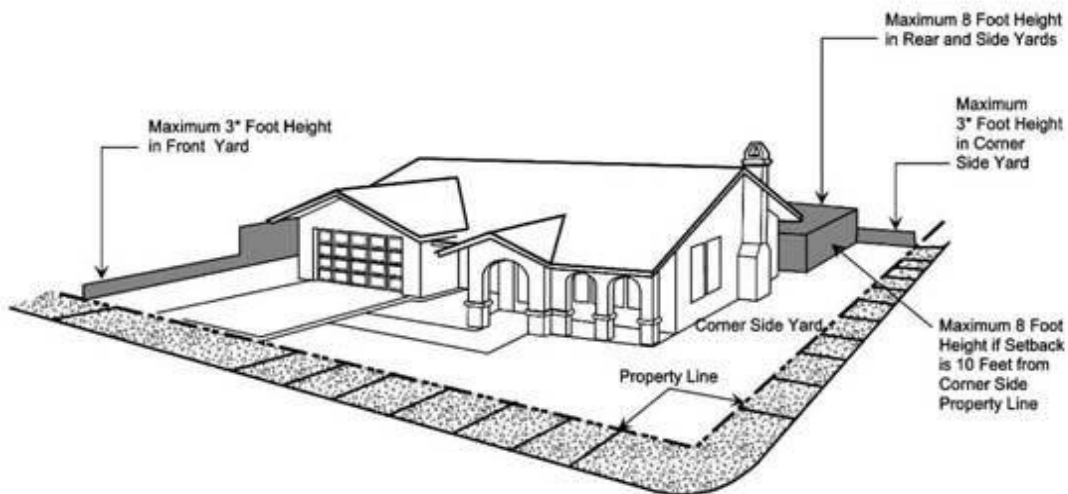
## Analysis:

The Amendment would modify Zoning Code Section 37-50.090 to change the application process from a CUP to a building permit for electrically-charged wires or fences in the Industrial General (IG) Zoning District and modify Section 37-50.090(1)(4) to change the wording of the prohibited locations of electrically-charged wires or fences from “adjacent” to “contiguous” to existing or planned residential development. “Contiguous” would allow consideration of electrically-charged wires or fences on sites located across the street from existing or planned residential development rather than be prohibited per the current term “adjacent.”

The Amendment is shown below (changes in strikethrough/underline format):

“(d) **Location and Maximum Height.** The maximum height of fences, walls, and hedges in required yards (also see *Section 37-50.090(e): Required Walls*) shall be as follows:

- (1) Residential and Agricultural Districts (See **Figure 37-50.20**).
  - (A) Front yards: three feet;
  - (B) Corner side yards:
    - (i) Within ten feet of a corner side property line: three feet, or
    - (ii) If setback a minimum of ten feet from the corner side yard property line: eight feet. Such a fence, wall, or hedge may extend along the corner side yard portion of the lot as well as the length of the house until the fence, wall, or hedge meets the required front yard setback. At no time shall such fence, wall, or hedge encroach into any area of unrestricted visibility as specified in *Section 37-50.460: Driveway and corner visibility*;
  - (C) Interior side or rear yards: eight feet.
- (2) Commercial and Mixed Use Districts.
  - (A) Front yards and corner side yards and within required landscape planters adjoining a street pursuant to *Section 37-50.690(g)(2)(A): three feet*;
  - (B) Interior side and rear yards: eight feet.



\*Except for exceptions specified in Subsection (f)

**Figure 37-50.20**  
**Max. Fence, Wall, and Hedge Height in Residential and Agricultural Districts**

- (3) Industrial Districts.

- (A) Front yards and corner side yards and within required landscape planters adjoining a street pursuant to *Section 37-50.690(g)(2)(A)*: three feet if sight-obscuring. If nonsight-obscuring and set back a minimum of ten feet from the front or corner side yard property line: eight feet, except that electrically-charged wires or fences, subject to the approval of a conditional use permit or a building permit in accordance with *Section 37-50.090(l)*, shall not exceed a maximum height of ten feet;
  - (B) Interior side and rear yards: eight feet, except that electrically-charged wires or fences, subject to the approval of a conditional use permit or a building permit in accordance with *Section 37-50.090(l)*, shall not exceed a maximum height of ten feet.
- (4) Public/Semipublic, Parks and Open Space Districts. The maximum height of fences, walls, and hedges in required yards shall be determined at the time of the approval of the site plan review or conditional use permit (as required by the applicable zoning district) for the principal use where the fence, wall or hedge is proposed to be located. If no such approval is required under the applicable zoning district or if the principal use is existing and no use, building or site modifications are proposed for the site other than the installation of a fence, wall, or hedge, the city planner shall make the determination of the maximum fence, wall, or hedge height permitted for the site based on site conditions, use of the site, and surrounding uses and zoning districts.
  - (5) New Urbanism Districts. Fences, walls, and hedges located on properties in the new urbanism (NU) districts shall be subject to the requirements of *Article III, Division 8: New Urbanism (NU) Districts.*

“(k) **Prohibited Fences.**

- (1) No barbed wire or razor wire or similar fencing is permitted in any district, except that barbed wire may be allowed for security or safety purposes in the IG (General Industrial) district (when not visible from an arterial, collector street, or U.S. Highway 101), and in the IBP (Industrial-Business Park), and in the IGC (Industrial-General Commercial) districts if not visible from any public right-of-way subject to the approval of a Site Plan Review.
- (2) No electrically-charged wires or fences are permitted in any district, except that electrically-charged wires or fences may be allowed for security purposes in the ~~IG (Industrial-General)~~ IBP (Industrial-Business Park) and IGC (Industrial-General Commercial) districts subject to the approval of a conditional use permit in accordance with *Section 37-50.090(l)*. Electrically-charged wires or fences may be

allowed for security purposes in the IG (Industrial General) subject to the approval of a building permit per Section 37-50.090(1)(2).

- (3) Chain link fencing shall be prohibited in any front or corner side yard or in any required landscape planter pursuant to *Section 37-50.690(g)(2)(A)* in an R, C or MU district.
- (1) **Electrically-Charged Wires and Fences.** It shall be unlawful for any person to install, maintain, or operate any electrically-charged wires or fences in violation of this section.
  - (1) Conditional Use Permit Required. A conditional use permit, issued in accordance with *Article VI, Division 8, Conditional Use Permits*, shall be required for all electrically-charged wires or fences, except in the IG (Industrial-General) wherein a building permit is required per Section 37-50.090(1)(2). Conditional use permit and building permit applications for electrically-charged wires or fences shall be subject to review and approval by the fire chief, the police chief, the building official, the city engineer, and the city planner, or their designees, and shall be subject to conditions as deemed reasonable and appropriate to ensure the protection of public health, safety, and welfare.
  - (2) Building Permit Required. A building permit, issued in accordance with Chapter 9 of the City Code, shall be obtained prior to installation of electrically-charged wires or fences. Applicable listing(s) along with other pertinent information and applications shall be provided to the building official prior to approval for building permit issuance.
  - (3) Allowable Zoning Districts. Installation of electrically-charged wires or fences is limited to the following zoning districts: IG (Industrial-General), IBP (Industrial-Business Park), and IGC (Industrial-General Commercial).
  - (4) Location. Electrically-charged wires or fences shall be prohibited on sites ~~adjacent~~ contiguous to existing or planned residential development.
  - (5) Public Access. Electrically-charged wires or fences shall be restricted to sites with limited public access.
  - (6) Security Purposes. Electrically-charged wires or fences may be allowed for security purposes only including, but not limited to, equipment, vehicles, and the like in outdoor storage areas.
  - (7) Energizer Requirements. The energizer for electrically-charged wires or fences shall be driven by a commercial storage battery not to exceed 12 volts direct current. The storage battery shall be charged primarily by a solar panel. However, the solar panel may be augmented by a commercial trickle charger.

- (8) **Maximum Height.** Electrically-charged wires or fences shall not exceed a maximum height of ten feet.
- (9) **Perimeter Fence or Wall.** Perimeter fencing shall be required for all electrically-charged wires or fences as follows:
  - (A) A perimeter fence or wall a minimum of six feet in height shall be installed on the exterior side (the side facing the abutting public right-of-way and/or abutting properties) of any and all electrically-charged wires or fences.
  - (B) The perimeter fence or wall shall be in conformance with requirements including, but not limited to, height and setbacks pursuant to *Section 37-50.090*.
  - (C) The perimeter fence or wall shall be in conformance with the industrial design standards pursuant to *Section 37-30.330* or public/semipublic design standards pursuant to *Section 37-30.400*, as applicable depending on the zoning district.
- (10) **Minimum Safe Distance Between Fences.** Electrically-charged wires or fences shall be installed a minimum distance of at least twelve inches from the perimeter wall or fence as a safety measure to prevent contact with the electrically-charged wires or fences from the perimeter fence or wall.
- (11) **Warning Signs.** Electrically-charged wires or fences shall be clearly identified with warning signs, on both sides of the electrically-charged wires or fences, at intervals of not greater than sixty feet. The warning signs shall contain the words "Warning—Electric Fence" in both English and Spanish and shall include the international safety symbol that signifies "Caution, Risk of Electric Shock/High Voltage."
- (12) **Knox Box.** A "Knox Box" or other similar device approved by the fire department and the police department shall be installed for emergency access purposes. The "Knox Box" shall be designed such that activation of the "Knox Box" will de-energize the electrically-charged wires or fences.
- (13) **Automatic De-energizing.** Electrically-charged wires or fences shall be designed to automatically de-activate/de-energize upon manual cutting of the wires.
- (14) **Hours of Operation.** Electrically-charged wires or fences shall not be allowed in operation when the uses are open to the public.

- (15) Prevention of Fire Hazards. All weeds, brush, trees, and other vegetation in proximity to any electrically-charged wires or fences shall be maintained such that they will not pose a fire hazard, as determined by the fire department.”

Findings in support of the Amendment are incorporated in the attached City Council Ordinance.

CEQA CONSIDERATION:

The environmental impacts of the project have been analyzed in accordance with the California Environmental Quality Act (CEQA). The proposed Zoning Code Amendment is categorically exempt (Class 5) from further environmental analysis per CEQA Guidelines Section 15305 (Minor Alterations in Land Use Limitations).

STRATEGIC PLAN INITIATIVE:

This action supports the Council’s Strategic Goal of Public Safety wherein community safety may be improved using a broad range of proactive approaches.

DEPARTMENTAL COORDINATION:

The Community Development Department and the City Attorney’s Office coordinated the preparation of the ZCA.

FISCAL AND SUSTABILITY IMPACT:

There is no direct funding impact associated with this Amendment.

ATTACHMENTS:

Draft City Council Ordinance  
Planning Commission Resolution 2023-11  
Draft October 18, 2023 Planning Commission Minutes  
October 18, 2023 Planning Commission Staff Report without attachments