



CITY COUNCIL AGENDA STAFF REPORT

DATE: July 5, 2017

TO: Mayor and City Council

APPROVED BY: Armando G Villa, City Manager

PREPARED BY: Ralph Morales, Building/Planning Manager
Mark Vasquez, Associate/City Planner

SUBJECT: **UA2017 – 02**, Zoning Ordinance Text Amendment No. 2017 -
02 related to Municipal Code Section 15.32.050, Construction on
Owner's Property - fences (city-wide R-1 zones)



Recommendation:

Conduct Second reading and adopt Ordinance No. 1176 by title only Amending Section 15.32.050 (Construction on Owner's Property-fences) of the Calexico Municipal Code.

Background and Discussion:

On June 21, 2017, the City Council of the City of Calexico conducted a public hearing, conducted first reading and introduced Ordinance No. 1176. The proposed Ordinance was initiated by the City in order to address issues related to the construction and placement of fences in the city's R-1, Residential neighborhoods. The proposed Ordinance makes minor modifications to Code Section 15.32.050, Construction on Owner's Property - fences.

No negative comments concerning the proposed text amendments were received from the public when the public hearing was opened on June 21, 2017.

Currently, fences are allowed to be built entirely on property line which is normally 5'-0' from back of the sidewalk. The code also states that under special circumstances, a portion of the fence may encroach inside the public right-of-way with review and approval of an encroachment permit issued by the Engineering Division. Encroachment permits previously issued by the engineering division has made it possible for the placement of fences within

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city right-of-way over the years. This practice is not recommended to be continued due to extreme liability to the city. The premise behind an encroachment permit is that it is not a permanent solution, but a special consideration to absolve the city from liability. Allowing fences or permanent structures to be constructed in the city right-of-way is inconsistent with the basic principles of temporary encroachment. Continuing to allow fences in the public right-of-way gives the illusion that the adjacent property owner has now gained additional land. In some instances, many residents may not be aware of the fact that they do not own this portion of city right-of-way after the block wall is allowed.

Analysis and Discussion

This item was considered and voted on by the City Council on June 21, 2017 to no longer allow fences on property line, with no exceptions. (see draft Ordinance 1176, **Attachment 1**)

Fiscal Impact: None

ATTACHMENT

- 1. CITY COUNCIL ORDINANCE NO. 1176 - An Ordinance of the City Council of the City of Calexico, California, Amending Section 15.32.050 (Construction on owners property – fences)**

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALEXICO AMENDING
CHAPTER 15 AND CODE SECTION 15.32.050 - CONSTRUCTION ON OWNER'S
PROPERTY (FENCES) OF THE CALEXICO MUNICIPAL CODE**

WHEREAS, the Council ("Council") of the City of Calexico adopted an update to Chapter 17 of the Calexico Municipal Code {"Code"} in 1992; and

WHEREAS, the Council wishes to amend Section 15.32.052 Construction on owner's property (fences) of the Calexico Municipal Code; and

WHEREAS, the proposed amendment would address issues related to existing regulations and development standards for the location and placement of fences in the city's R-1 residential zones city-wide.

**NOW THEREFORE, THE COUNCIL OF THE CITY OF CALEXICO HEREBY
ORDAINS AS FOLLOWS:**

SECTION 1: Section 15.32.050 is hereby amended to read as follows:

Any fences or portion thereof, including projections and overhangs must be built entirely within the property line of the person(s) constructing the fence and outside of any public right-of-way, with no exceptions. ~~Unless the portion built inside the public right-of-way has been the subject of an application for an encroachment removal agreement, the fee for such an application has been paid, the application approved by the city engineer and an agreement has been properly executed.~~

SECTION 2. This ordinance shall take effect thirty (30) days after the date of its passage and adoption.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of the Ordinance. The Council hereby declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase or portion hereof, irrespective of that fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4. The City Clerk shall certify to the adoption of this Ordinance and shall cause this ordinance, or a summary thereof, to be published as required

PASSED, APPROVED AND ADOPTED this 21st day of June, 2017.

Armando Real, Mayor

ATTEST:

Gabriela Garcia
City Clerk

APPROVED AS TO FORM:

Carlos Campos, City Attorney

I, Gabriela Garcia, City Clerk of the City of Calexico and ex-officio Clerk of the Council, do hereby certify under penalty of perjury that the foregoing is a true and correct copy of Ordinance No. _____ that was duly and regularly introduced at a regular meeting of said City Council held on _____, 2017 and was adopted by said City Council at a regular meeting held on _____, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gabriela Garcia, City Clerk