PLANNING COMMISSION
JUNE 6, 2017 AGENDA
DEVELOPMENT SERVICES STAFF REPORT
PREPARED BY: PIERRE RIVAS, DEVELOPMENT SERVICES DIRECTOR

SUBJECT: Zoning Ordinance Text Amendments – Modifications to Section 10-4-3: *Yards* to Chapter 4 *General Regulations* of Title 10 (Zone Change 10-02)

RECOMMENDATION:

1. Conduct a Public Hearing to receive comment regarding the request.

2. Recommend to City Council to approve the text amendments to Title 10 *Placerville Zoning Ordinance*, Chapter 4 *General Regulations* modifying Section 10-4-3; adding the definition of recreational vehicle to Section 10-1-4 *Definitions* of the Zoning Ordinance.

   The Draft Ordinance is provided as **Exhibit A** of this report.

Background:

Complaints by residents and City Council members have raised the issue of parking on front lawns and the use of the "front yard" for storage of equipment in residential districts. By consensus, the Council requested staff to review this issue. Staff therefore has resurrected the front yard regulations and use issue for discussion by the Planning Commission.

On November 16, 2010 the Planning Commission held a public hearing to consider proposed changes to the City Zoning Code initiated by staff regarding the storage of equipment and vehicles, accessory structures, and height of solid fences or walls and hedges in front yards. Staff proposed text amendments to Section 10-4-3(C) of the Zoning Ordinance at the meeting. These amendments were to prohibit:

- The storage of vehicles, boats, RVs, equipment, etc. in required yards except in designated driveways (via permitted encroachments), and

- The construction and placement of tall solid fences, walls, and hedges in front yards which contribute to a streetscape of "forbidding fortresses."

The Commission tabled the item for discussion at a community workshop.

On March 15, 2011 the Planning Commission conducted a workshop on this subject (as well as other topics). Following the workshop a consensus opinion by the Commission was not reached as to how to proceed and an additional discussion was therefore suggested.

On August 20, 2013, the Planning Commission held another workshop on this subject.

Commission and public comments received from those in attendance during this workshop were not supportive of the amendments concerning restrictions to storage of vehicles, equipment, etc., placed within in the front yards. General consensus by the Commission was reached regarding fence and/or wall height located within the front yard as recommended by staff.

Discussion:

Over the past few years, staff has received an increasing number of complaints regarding the height and location of fences and hedges in front yards, as well as an increase in the number of complaints in regard to the storage of vehicles, boats, RVs, trailers, and equipment in front yards.

The complainants most commonly report the storage of materials, vehicles, trailers, etcetera, located in front yards are unaesthetic, degrade neighborhoods, and may contribute to a decrease property value as a blighting effect. Most jurisdictions throughout California have specific restrictions regarding the storage of vehicles and equipment, and fence placement and height. The current City is vague with respect to dealing with community aesthetic concerns outlined above.

A visual examples that represents the storage of equipment, accessory structures and tall, solid fences in front yards is attached hereto as Exhibit B. Unfortunately, what is depicted in Exhibit B is permitted under the existing Zoning Ordinance. In order to prevent similar occurrences, staff proposes an amendment to section to 10-4-3(C) that includes the prohibition of storage of vehicles in required yards except in designated driveways accessible from a permitted encroachment and prohibits the erection of tall solid fences in front yards which contribute to a streetscape of "forbidding fortresses."

Section 10-4-3 of the Zoning Ordinance relates to the description, use and regulations of yards. For example, the section regulates the placement of unenclosed patios, terraces and swimming pools as well as yards, fences, vision clearance for corner parcels, and the placement of detached accessory structures. The dimensions of yards vary by zoning category; for example, the front and rear yards in the R-1 6,000 zone are defined as a depth of 20 feet parallel to the front and rear property lines.

The City of Albany's adopted *Design Review Guidelines for Residential Additions and New Homes*, 2009, addresses the front yard as number one in its listing of "The Essentials" to design as follows:

"The Front Yard is the house's "Contribution" to the Street"

This statement exemplifies the importance of the maintenance and aesthetic condition of the front yard to the entire neighborhood.

To address these issues, staff proposes the following amendment to City Code Section 10-4-3(C) as shown in Exhibit A. The modifications to the existing code are shown as <u>underline</u> and ~~strickout~~. A second amendment involves the addition of a definition for "recreational vehicle" to Code Section 10-1-4 *Definitions*.

The above amendments to City Code will clearly address the issue of accessory structures, vehicles, fences, and the like, in front yards and provide a tool for Staff to use in addressing complaints. Any existing fencing or walls legally constructed prior to the enactment of the new regulations which

would render the fencing or walls non-conforming would be able to remain as a legal non-conforming use in accordance with Zoning Ordinance Section 10-2-5.

The draft ordinance would be available for public review and consideration by the Planning Commission at a noticed public hearing. The Commission is being asked to review and make recommendations for consideration by the City Council.

Environmental Review - CEQA: These draft ordinance amendments are categorically exempt from environmental review pursuant to CEQA Guidelines Section 15061(b)(3) under the general rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment. A project that would otherwise fall within a categorical exemption is not exempt if "there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances" (CEQA Guidelines Section 15300.2(c)). No evidence has been presented of unusual circumstances that would create a reasonable possibility that the ordinance would have a significant effect on the environment.

Staff Recommended Planning Commission Action:

1. Conduct a Public Hearing to receive comment regarding the request.

2. Recommend to City Council to approve the text amendments to Title 10 *Placerville Zoning Ordinance*, Chapter 4 *General Regulations* adding Section 10-4-18 of the Zoning Ordinance (City Code Title 10), under ZC 2010-02.

Exhibit A: Draft Ordinance
Exhibit B: Draft Findings
Exhibit C: Picture Exhibits

EXHIBIT A

Draft Modifications to Section 10-4-3 *Yards*

Recommended Action: Modify Section 10-4-3 entitled *Yards*, Subsection (C) of Chapter 4 *General Regulations* of Title 10 *Placerville Zoning Ordinance;* and the additions of recreational vehicle to the Zoning Ordinance Section 10-1-4 *Definitions* as follows:

10-4-3: **YARDS**:

I. Amend the language of City Code Section 10-4-3(C) to read [additions underlined, deletions are shown as ~~strickout~~]:

(C) Fences, walls and hedges in yards:

1. A fence, wall or hedge not higher than six feet (6') above natural ground level, may be located on the required yards; provided that in all residential zones such fence, wall or hedge is not higher than three feet (3') above the natural ground level on corner parcels fronting on two (2) or more intersecting streets within a triangle formed by the intersecting rights-of-way and a line drawn between points on such rights-of-way thirty feel (30') distant from their point of intersection.

2. Front yards may have the following encroachments:

(a) Solid fences, walls, or hedges not exceeding three feet (3') in height;

(b) Fences which are 50 percent open or more, not exceeding six feet (6') in height;

(c) Other structures not exceeding thirty inches (30") in height;

(d) Parking or storage of vehicles, except within a paved or graveled driveway accessible via a permitted encroachment; recreational vehicles, boats, utility trailers, equipment and similar items shall not be permitted within the front yard.

3. Fences, walls, or hedges which exceed the requirements of this subsection shall be subject to the Variance procedure set forth in Sections 10-3-5 and 10-3-6 of this Title.

II. Add the definition of *recreational vehicle* to City Code Section 10-1-4 to read:

10-1-4: RECREATIONAL VEHICLE: A vehicular-type unit primarily designed as temporary living quarters for recreational or travel use and which either has its own motive power or is mounted on or drawn by another vehicle. Examples of recreation vehicles are: travel trailer, camping trailer, truck camper and motor home. "Recreation vehicle" does not include mobile homes.

EXHIBIT B

DRAFT FINDINGS

Staff recommends that the Commission make the following findings:

1. Make the finding that this request, with regard to yards, is consistent with the following General Plan Community Design Element Goals and Policies:

   A. Goal C, which states: "*To protect and enhance to the visual quality and neighborhood integrity of residential areas*."

   B. Goal C, Policy 1, which states: "*The City shall promote and protect residential neighborhoods from incompatible uses*."

   C. Goal C, Policy 6, which states: "*The City shall encourage proper maintenance of homes, buildings, and yards to provide the best possible visual quality in each neighborhood*."

   D. Goal D, which states: "*To upgrade the visual qualities and functional efficiency of Placerville's local streets*."

   E. Goal D, Policy 1, which states: "*Future road development shall be planned to conform to the topography and to take advantage of views and vistas. The City shall ensure that new street projects are designed to minimize impact on terrain and natural vegetation*."

2. The modifications to the Placerville City Code with respect to the regulation of fence, wall, and hedge location and height within the front yard; and restriction of the parking and storage of vehicles, RVs, boats, trailers and equipment, etc., within the front yard is necessary for the safety, health and welfare of the community.

Exhibit C

Picture Examples – Front Yard Encroachments

Image 1

Image 2

Image 3

Image 4

Image 5

Image 6