

CONSIDERATION OF
Text Amendment
No. P21-05809;
AND
THE RELATED ENVIRONMENTAL FINDING FOR
ENVIRONMENTAL ASSESSMENT
No. P21-05809



PRESENTATION BY: DREW WILSON, SUPERVISING PLANNER

ID 22-989

CITY COUNCIL HEARING | JUNE 30, 2022

BACKGROUND

- Two prior text amendments for Electric Fences have been considered by the Planning Commission and City Council:
 - A Text Amendment Application was initiated by City Council on June 22, 2017 to reduce the requirements and risk for property and business owners to have a Security or electric fences installed.
 - In 2018, staff initiated a text amendment to the Development Code to clarify the locations electric fences were permitted as part of a group of minor changes to the Development Code in order to improve functionality, clarity, and internal consistency.
- Precision Civil Engineering, Inc. submitted a proposed Text Amendment on behalf of Amarok, LLC (formerly known as Electric Guard Dog) to amend Section 15-2010 of the Fresno Municipal Code to:
 - The proposed changes related to the Zone Districts where electrified fences are permitted

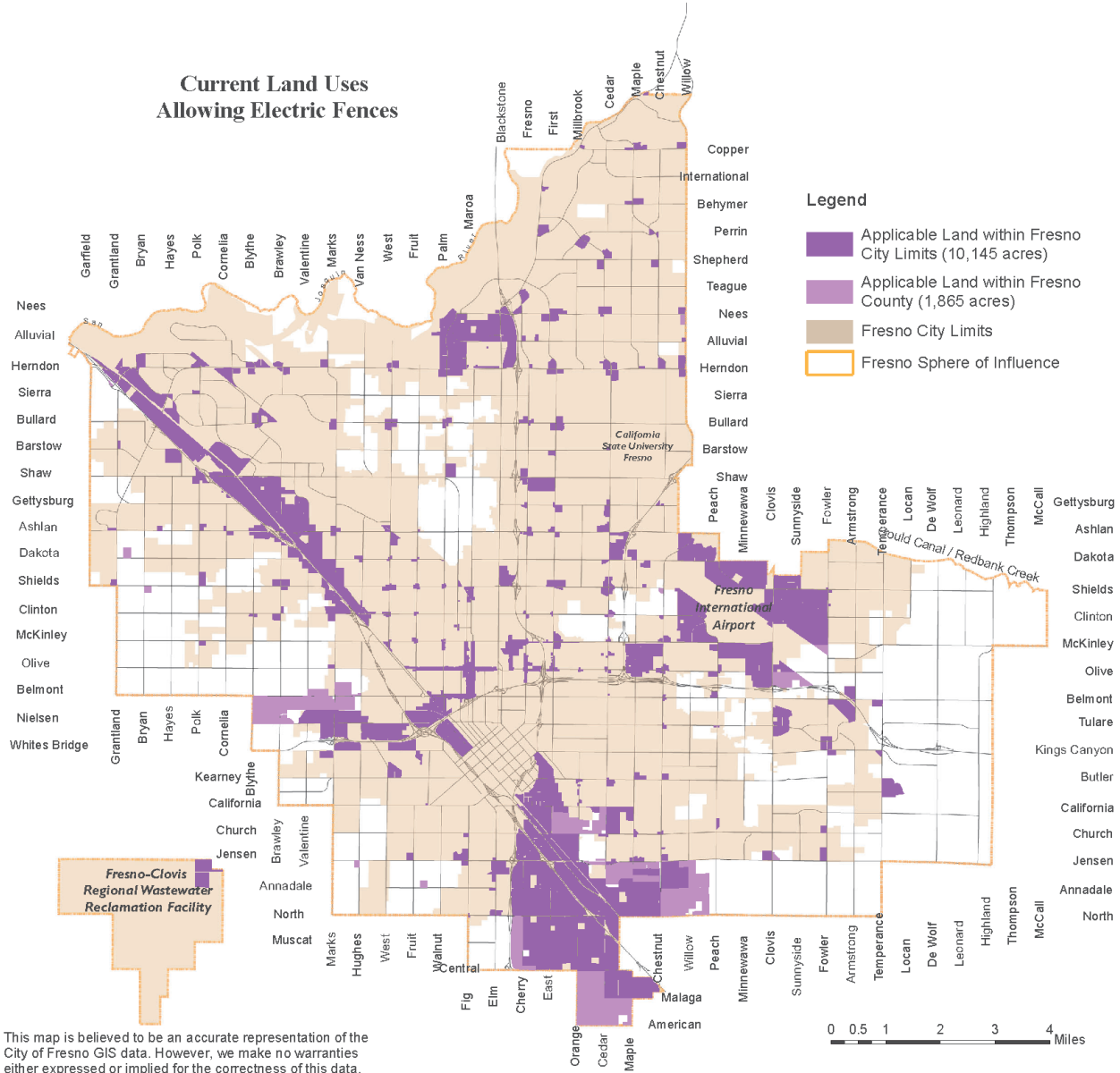
MUNICIPAL CODE FINDINGS

- A. The Code text amendment is consistent with the General Plan (GP) and any operative plans;
- The proposed project is not consistent with said plans because it would compromise the safe walkability, diminish the overall image, connectivity and design of current and future complete neighborhoods, commercial areas, and public space that could be better protected through Crime Prevention Through Environmental Design. The Fresno General Plan has several Goals, Objectives, and Policies that conflict with the proposed text amendment. Specifically, the proposed text amendment is inconsistent with two General Plan Goals, six Objectives, and thirteen Policies

MUNICIPAL CODE FINDINGS

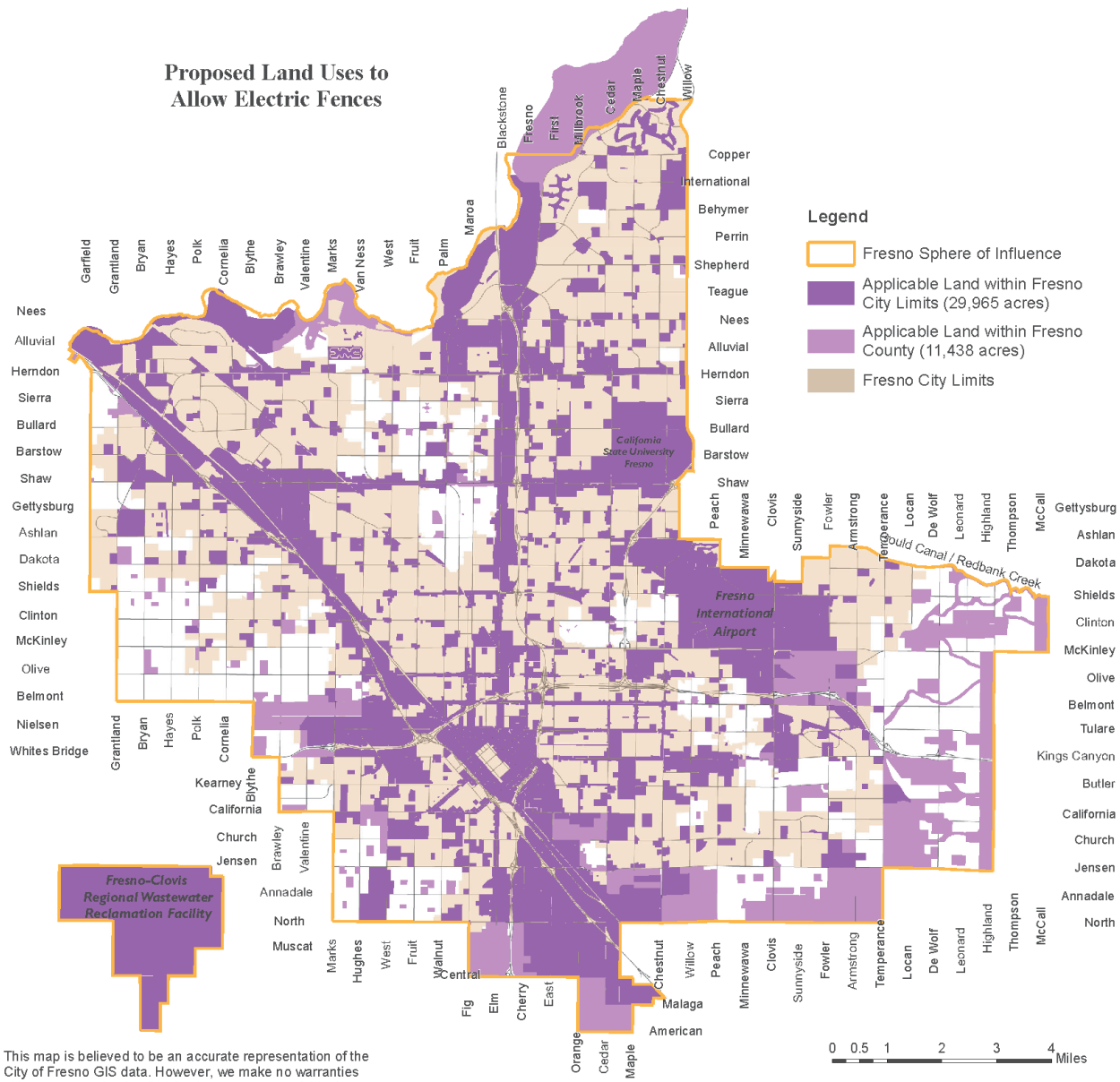
- B. The amendment is consistent with the purpose of the Development Code to promote the growth of the city in an orderly and sustainable manner and to promote and protect the public health, safety, peace, comfort, and general welfare.
- The purpose of the proposed text amendment is to expand the zone districts where electric fences are permitted. The proposed modifications are not consistent with the purpose of the Development Code to promote the growth of the city in an orderly and sustainable manner and promote and protect the public health, safety, peace comfort and general welfare. The modification to permit electric fences in additional zone districts seeks to promote and protect the safety and general welfare of private businesses at the expense of the health and safety of the general public. The allowance of electrified fencing in zone districts that allow residential use or could be located adjacent to residential zone districts is inconsistent with the promotion of orderly growth in a sustainable manner, and the protection of the public health and safety. As such, the proposed text amendment is inconsistent with the purpose of the Mixed-Use Districts, Employment Districts, the Public and Institutional District, and the Downtown Districts Development Code purpose

Current Land Uses Allowing Electric Fences



This map is believed to be an accurate representation of the City of Fresno GIS data. However, we make no warranties either expressed or implied for the correctness of this data.

Proposed Land Uses to Allow Electric Fences



PLANNING COMMISSIONS RECOMENDATIONS

The Planning Commission recommended approval with modifications:

- An 18-inch gap is required between the perimeter fence and the electrified fence.
- The removal of the Mixed-Use Districts and the Public and Institution Districts from permitted locations.
- Electric Fences are not permitted within 500 feet of sensitive use, such as Schools and Childcare Facilities.

STAFF RECOMMENDATIONS

- Planning Commissions modifications
- Additional modifications:
 - Commercial Main Street District should be removed from permitted locations (this district allows residential uses).
 - Regional Commercial District should be removed from permitted locations (this district allows residential uses).
 - Downtown Districts from should be removed from permitted locations except in locations east of State Route 41 (these districts allow residential uses).
 - Permitted in Public and Institutional District when the uses fall under the Transportation, Communication, and Utilities Use Classifications.