



STAFF REPORT

MEETING DATE: July 24, 2024

PRESENTER: Manuel Campos, Assistant Planner

SUBJECT: Consideration of a Code Text Amendment application to amend Section 17.24.030 of Chapter 17.24 of Title 17 of the Kerman Municipal Code relating to fence materials and add Section 17.40.080 to Chapter 17.40 of Title 17 of the Kerman Municipal Code relating to electrified security fences (MC).

RECOMMENDATION: City Council (Council) by motion (1) approve a finding that the project is not subject to the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15061(b)(3) and (2) waive the second reading of the ordinance and adopt a Code Text Amendment amending Section 17.24.030 of Chapter 17.24 of Title 17 of the Kerman Municipal Code relating to fence materials and add Section 17.40.080 to Chapter 17.40 of Title 17 of the Kerman Municipal Code relating to electrified security fences.

EXECUTIVE SUMMARY:

This is the second reading for the adoption of an ordinance that was introduced after a public hearing on July 10, 2024, to allow electrified security fences subject to a conditional use permit.

BACKGROUND:

The recently adopted Zoning Code prohibits the installation of electrified fences. The recently repealed Zoning Code did not have provisions allowing or prohibiting electrified security fences. As a result, Amarak, LLC (applicant) filed an application requesting a code text amendment (OTA 2024-03) to allow for the installation of electrified security fences within the City. Adoption of OTA 2024-03 will provide for a process in which electrified security fences may be considered in various zone districts, subject to the approval of a conditional use permit. Subsequently, the OTA 2024-03 application proponent may file a conditional use permit application to install an electrified security fence at 15287 W. Commerce Way which is zoned service commercial.

At the July 10, 2024 meeting, the Council held a public hearing to consider the proposed code text amendment regarding amending Section 17.24.030 of Chapter 17.24 of Title 17 of the Kerman Municipal Code relating to fence materials and adding Section 17.40.080 to Chapter 17.40 of Title 17 of the Kerman Municipal Code relating to electrified security fences. After closing the public hearing and conducting deliberations, the Council introduced the Code Text Amendment as presented. Adoption of the ordinance does not approve Amarak's proposed fence. It allows any property owner who wishes to install an electrified security fence to follow the conditional use process.

Under the proposed ordinance, Title 17 of the Kerman Municipal Code has been amended to remove section 17.24.030 related to fence materials and the addition of a new section, Section 17.40.080 relating to Electrified Security Fences. The removal of section 17.24.030 will no longer prohibit the installation of electrified security fences within city limits. The introduction of Section 17.40.080 will establish a permit process and development standards for electrified security fences. Said section includes subsections as follows:

- A (Applicability); Determines the applicability of electrified security fences and under what circumstance they may be used for security purposes.
- B (Definitions); Defines the terms used for the purpose of the section.
- C (Permitted Locations); Lists the permitted zone districts where electrified security fences may be allowed and special distance requirements
- D (Conditional Use Permit Applicability); Establishes the conditional use permit process for electrified security fences.
- E (Compliance with State and Federal Regulations); Establishes requirements to comply with applicable State and Federal regulations.
- F (Electrification); Establishes power and voltage requirements for electrified security fences.
- G (Development Standards); Establishes development standards such as setback, height, signage, materials, and emergency access requirements, etc.

FISCAL IMPACT:

None.

ENVIRONMENTAL REVIEW:

A preliminary environmental assessment has been performed for this project pursuant to the California Environmental and Quality Act (CEQA). The City Council finds and determines with certainty that, pursuant to CEQA Guidelines Section 15061(b)(3), there is no possibility that this project may have a significant, adverse, impact on the environment. This is because this project involves purely procedural policies with no impact on the environment. Therefore, this project is not subject to CEQA.

ATTACHMENTS:

A. Ordinance