

ORDINANCE NO. 2018-15

FENCE HEIGHT AND HIGHWAY SETBACKS

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

SECTION I. SUMMARY. This ordinance amends County Zoning Code sections regarding fence heights to make these sections consistent with the County Building Code which exempts fences with a maximum height of seven feet from the requirement to obtain a building permit. This ordinance amends Section 82-4.270 of the County Ordinance Code to exempt fences with a maximum height of seven feet from the definition of “structure.” This ordinance also amends Section 82-38.814 of the County Ordinance Code to provide that a soundwall imposed as a condition of approval for a land use permit to conduct commercial alcoholic beverage sales will not exceed seven feet in height. This ordinance also amends Section 82-12.404 of the County Ordinance Code to require a variance permit rather than a land use permit to modify highway setback requirements.

SECTION II. Section 82-4.270 of the County Ordinance Code is amended to read:

82-4.270 Structure. "Structure" means anything constructed or erected on and permanently attached to land, except: (1) buildings defined in Section 82-4.210; (2) fences with a maximum height of seven feet, or retaining walls with a maximum height of three feet, or any combination thereof not over seven feet high; (3) sidewalks, gateways, pipes, meters, meter boxes, manholes, and mailboxes; and (4) poles, wires, pipes and other devices, and their appurtenant parts, for the transmission or transportation of electricity and gas for light, heat or power, or of telephone and telegraphic messages, or of water. (Ords. 2018-15 § 2, 74-22: prior code § 8102(t); Ord. 382 § 2(18)).

SECTION III. Subsection (1) of subsection (d) of Section 82-38.814 of the County Ordinance Code is amended to read:

- (1) Soundwalls. If the alcoholic beverage sales commercial activity abuts residential uses and is allowed in the involved zoning district, a soundwall not to exceed seven feet in height may be required between the activity and the abutting residential uses. The soundwall must not obstruct the view of the building and parking areas from the street. Vegetation may be required to be planted along the soundwall and be of a type that will cover the soundwall surface within two years.

(Ords. 2018-15 § 3, 2002-33 § 2).

SECTION IV. Section 82-12.404 of the County Ordinance Code is amended to read:

82-12.404 Modification of provisions. Variance permits to modify the provisions of Section 82-12.402 may be granted in accordance with Chapter 26-2. (Ord. 2018-15 § 4, prior code § 8111(b); Ord. 382).

SECTION V. EFFECTIVE DATE. This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the Contra Costa Times, a newspaper published in this County.

PASSED on ____ June 26, 2108_____, by the following vote:

AYES: Gioia, Andersen, Burgis, Mitchoff, Glover

NOES: None

ABSENT: None

ABSTAIN: None

ATTEST: DAVID J. TWA,
 Clerk of the Board of Supervisors
 and County Administrator

Karen Mitchoff
Board Chair

By: _____
 June McHuen
 Deputy

[SEAL]

KCK: