

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, AMENDING THE CITY'S LAND USE AND DEVELOPMENT CODE, TITLE 16, CHAPTER 16.40, SECTION 16.40.100 OF THE HIGHLAND MUNICIPAL CODE, FENCES AND WALLS (MUNICIPAL CODE AMENDMENT MCA-19-004)

THE CITY COUNCIL OF THE CITY OF HIGHLAND ORDAINS AS FOLLOWS:

Findings and Intent.

WHEREAS, the Highland City Council adopted the 2019/2020 Work Program that included a Goal to evaluate the City's Fencing Policies and Ordinances;

WHEREAS, the existing fencing ordinance appears to be a primary concern to property owners within the Industrial and Business Park Districts;

WHEREAS, a re-evaluation of the existing Fencing Ordinance and modification of the height regulations for perimeter fences and walls within Industrial and Business Park Districts will be helpful for future developments as well as increased safety and security in these zones;

WHEREAS, a modification to the existing Fencing Ordinance for perimeter fences within Residential Zoning Districts will remove the strict width limits on solid pilasters if they are intended to support the fence, because every fence that is 90% light-admitting is going to require pilasters of varying widths for structural integrity;

WHEREAS, the City of Highland Planning Commission held a public hearing at the Highland City Hall Council Chambers in Highland, California, on May 21, June 18, and August 20, 2019 at 6:00 P.M., and, notice of said public hearings having been duly given as required by law and in accordance with the provisions of the Highland Municipal Code, heard and considered evidence for and against said Municipal Code Amendment, and investigated and made findings and recommendations in connection herewith. At the conclusion of the public hearing on August 20, 2019, the City of Highland Planning Commission adopted Resolution No. 2019-007 recommending that the City Council adopt this Ordinance; and

WHEREAS, the City of Highland City Council did hold a public hearing at the Highland City Hall Council Chambers in Highland, California, on September 10, 2019, at 6:00 P.M. with a second reading held on September 24, 2019, and notice of said public hearing(s) having been duly given, as required by law and in accordance with the provisions of the Highland Municipal Code, to hear and consider evidence for and

against said Land Use and Development Code Amendment, and investigate and make findings and recommendations in connection herewith; and

WHEREAS, the City Council has found and determined as follows:

1. That the proposed changes to the Development Code, as set forth herein, are consistent with the goals, objectives, policies, and programs of the City of Highland General Plan, and are necessary and desirable to implement the provisions of the General Plan.

The slightly increased height regulations for fences and walls within the Industrial and Business Park Zoning Districts will provide better security and/or screening for the existing properties while avoiding negative aesthetic impacts to the surrounding vicinity. **These fences and walls must still comply with the existing standards for street dedication, cannot be constructed in the public right-of-way, and have adequate required landscaping for their respective locations. Assuring that fences and walls are not constructed in the public right-of-way will allow for future street expansion or improvement without any concern regarding the placement of the fences and walls.**

2. That the proposed changes to the Land Use and Development Code, as forth herein, will not adversely affect the public health, safety, and general welfare or result in an illogical land use pattern.

The increase in the height limit for fences and walls within the Industrial and Business Park Zoning Districts will avoid negative aesthetic impacts to the surrounding vicinity by maintaining that fences that surpass six (6) feet in height are required to consist of 90-percent light-admitting material. **From a security aspect, this will allow property owners to ensure the safety of their valuable equipment, inventory, facilities, as well as the personal safety of the business personnel and clients. From a traffic aspect, this will allow drivers approaching an intersection, regardless of speed, to see upcoming cross-traffic through the perimeter fence from a distance. As for solid walls up to six (6) feet and fences up to ten (10) feet with required landscaping, the existing development standards regarding the 'line-of-sight' for fences and walls at intersections will remain applicable.**

For perimeter fences around properties within the Residential Zoning Districts only, the sentence *"Solid pilasters no greater than 16 inches in width on any one side may be permitted if they are intended to support the fence"* will be simplified to *"Solid pilasters shall be permitted if they are intended to support the fence"*, because every fence that is 90% light-admitting is going to require pilasters of varying widths for structural integrity.

3. That the proposed changes to the Land Use and Development Code, as set forth herein, are consistent with the purpose and intent of the remainder of said Land Use and Development Code not under consideration.

The proposed changes will avoid negative impacts to the surrounding environment by providing a taller noise barrier and dust enclosure for industrial activities taking place

inside the properties and will clarify the standards for pilasters in residential zones. **Furthermore, this ordinance is not proposing to build any new structure that would directly impact the environment, but rather modify the development standards for future fences and walls.**

4. The potential environmental impacts of the proposed change of zone or revision are insignificant or there are overriding considerations which outweigh the potential impacts.

The increase in height regulations and added landscaping requirements for fences and walls within the Industrial and Business Park Zoning Districts addresses the necessity for safety and security in the mentioned zones. Increased height for street facing solid walls does not pose any sort of environmental concern due to the fact that the closest the wall can be the property line is six (6) feet, with notable landscaping in front. Likewise, increased height for street facing 90% light-admitting fences does not pose any sort of environmental impact since there is a combined six (6) total feet of landscaping required in front of and behind the placement of the fence. As for perimeter fences around properties within the Residential Zoning Districts, the modification of the sentence *“Solid pilasters no greater than 16 inches in width on any one side may be permitted if they are intended to support the fence”* to *“Solid pilasters shall be permitted if they are intended to support the fence”*, poses no environmental concern because pilasters of varying widths are required for the structural rigidity of every fence that is 90% light-admitting.

The City Council finds that the adoption of this Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to the General Rule (14 C.C.R. Section 15016(B)(3)) of the CEQA Guidelines, which is the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and CEQA does not apply where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment. This Ordinance involves necessary updates and revisions to existing fencing regulations for the heights and appearances of new and existing perimeter fences and walls. There is no possibility that the Ordinance may have a significant effect on the environment since it comprehensively considers the safety, aesthetics and financial implications related to such requirements. It can be seen with certainty that the Ordinance will have no significant negative effect on the environment.

Section 2. Code Amendment. Section 16.40.100 (Fences and walls) of Chapter 16.40 (General Development Standards) of Title 16 (Land Use and Development) of the Highland Municipal Code is hereby amended in its entirety to read as follows:

“16.40.100 Fences and Walls.

A. Residential Districts.

1. In any required front yard, except as provided for in HMC 16.16.040(D)(4)(f) and 16.22.040(B)(5)(m), a wall or fence shall not exceed four feet in height. However, walls or fences may be permitted up to a maximum height of five feet; provided, that the portion of the fence or wall above three feet in height is

wrought iron or other 90-percent light-permitting material. Solid pilasters shall be permitted if they are intended to support the fence. Said pilasters with caps or optional lighting fixtures may also extend up to a maximum of twenty-four total inches above the adjacent fences or walls they reinforce, for a maximum height of seven feet.

2. A fence or wall not more than six feet in height, as measured from the highest adjacent grade, may be maintained along any interior side yard, rear yard or street side yard; provided, that such wall or fence does not extend into the required front yard (see Figure 16.40.100.A). Fencing proposed for all new housing developments and not considered view-type fencing shall be constructed of solid block material or alternative material unless otherwise determined by the design review process. Any retaining portion visible from public right-of-way shall be mitigated by incorporating a raised planter(s) (see **Figure 16.40.100.B**) or 2:1 landscape slope as required and approved through a staff review permit or design review application (see **Figure 16.40.100.C**).

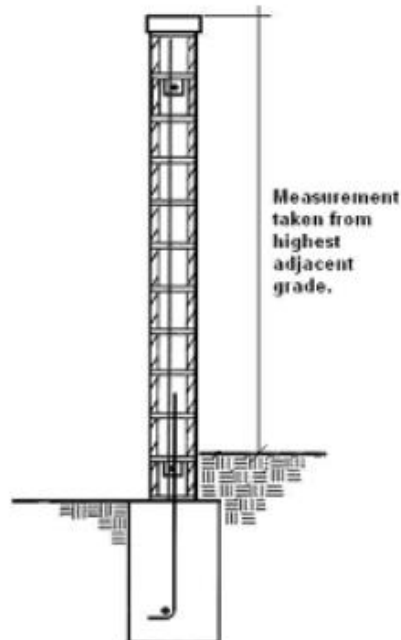


Figure 16.40.100.A

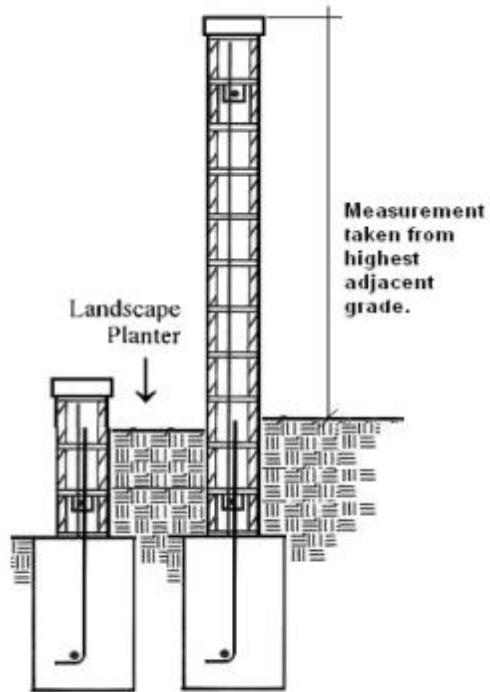


Figure 16.40.100.B

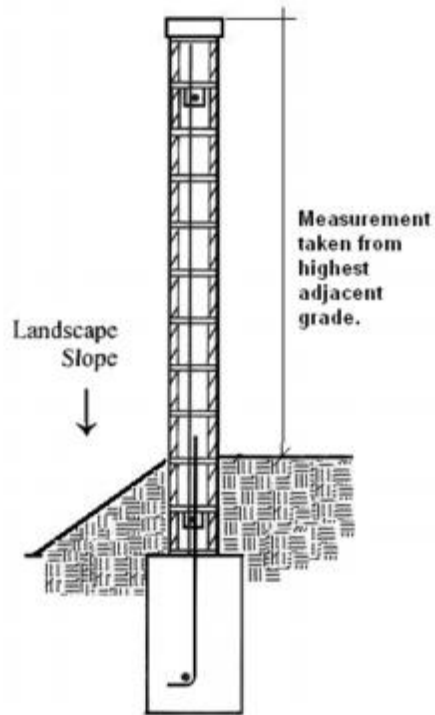


Figure 16.40.100.C

3. In the case of reversed corner lots and street side yards, fences and walls, as permitted by subsection (A)(2) of this section, shall ensure the safety of pedestrian and vehicular traffic by providing for adequate sight lines.

B. Village Residential District.

1. All new fencing shall comply with the guidelines adopted by the historic and cultural preservation board.

C. Commercial & Office Professional Districts.

1. Within any required front or street side building setback area, walls or fences shall not exceed four feet in height.

2. In any required rear or interior side building setback area, walls and fences shall not exceed six feet in height.

3. Solid walls for the purpose of screening commercial activities from more sensitive land uses and for sound attenuation may be required as a condition of approval for commercial development. The height, placement and design of such solid walls may be determined based on the required sound attenuation and/or the need for visual screening to ensure consistency with general plan policies and performance standards.

D. Industrial Districts & Business Park.

1. Within any front or street side building setback area, walls shall not exceed six feet in height. However, fences may be permitted up to a maximum height of ten feet; provided that the entire height of the fence is of 90 percent light-admitting wrought iron or similar material.

2. For fences over six feet in height and within the setback area, a minimum of six feet of landscaping shall be required from the property line, either outside or inside the fence.

3. For solid walls over four feet in height and within the setback area, a minimum of six feet of landscaping shall be required between the solid wall and the property line.

4. On corridors that do not have established sidewalks or curbs and gutters, an additional distance, supplementing the six feet of required landscaping, must be allotted depending on the roadway classification, from the edge of the street for future development of a sidewalk by the City.

5. Within any required rear or interior side building setback area, walls and fences must be at least six feet in height and may be permitted up to a maximum height of ten feet.

6. Solid walls for the purpose of screening commercial activities from more sensitive land uses and for sound attenuation may be required as a condition of approval for commercial development. The height, placement and design of such solid walls may be determined based on the required sound attenuation and/or the need for visual screening to ensure consistency with general plan policies and performance standards.”

Section 3. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Ordinance shall nonetheless remain in full force and effect. The City Council of the City of Highland hereby declares that they would have adopted each section, subsection, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable.

Section 4. Execution. The Mayor is hereby directed to attest to the adoption of this Ordinance by signing where indicated below and the City Clerk shall publish and/or post this ordinance according to applicable law.

PASSED, APPROVED and ADOPTED September 24, 2019.

Penny Lilburn, Mayor

ATTEST:

Betty Hughes, City Clerk