

CITY OF OJAI

RESOLUTION NO. 15-43

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OJAI SUSPENDING ENFORCEMENT OF STANDARDS GOVERNING HEIGHT OF HEDGES, FENCES, AND WALLS IN TITLE 10, CHAPTER 2, ARTICLE 8, SECTION 10-2.805 OF THE OJAI MUNICIPAL CODE FOR EXISTING HEDGES, FENCES, AND WALLS PENDING REVIEW OF THOSE REGULATIONS

WHEREAS, Title 10, Chapter 2, Article 8, Section 10-2.805 of the Ojai Municipal Code sets forth maximum height standards for hedges, fences, and walls in the front setbacks, rear and side setbacks, and at the intersections of alleys, streets, and driveways within traffic safety sight areas.

WHEREAS, on March 24, 2015, the City Council adopted Ordinance No. 853, an urgency ordinance imposing a temporary moratorium prohibiting for forty-five days the installation of fences, walls, hedges and screening over three feet in height in the rear and side setbacks when adjacent to a public or private street or driveway on residentially zoned property in the City of Ojai.

WHEREAS, Ordinance No. 853 expired by its own terms on May 8, 2015.

WHEREAS, the expiration of Ordinance No. 853 meant that, as of May 8, 2015, applicants could again secure permits for new fences, walls, hedges, and screening up to six feet in height in the rear and side setbacks when adjacent to a public or private street or driveway on residentially zoned property in the City of Ojai, but left open the broader issue of enforcement of the height standards in Ojai Municipal Code section 10-2.805 for all existing hedges, fences, and walls in the front setbacks, rear and side setbacks, and at the intersections of alleys, streets, and driveways within traffic safety sight areas.

WHEREAS, after the expiration of the moratorium on installation of fences, walls, hedges and screening over three feet in height in the rear and side setbacks when adjacent to a public or private street or driveway on residentially zoned property, the City began to enforce the height standards in Ojai Municipal Code section 10-2.805 for existing hedges, fences, and walls in the front setbacks, rear and side setbacks, and at the intersections of alleys, streets, and driveways within traffic safety sight areas.

WHEREAS, the City's recent efforts to enforce the height standards in Ojai Municipal Code section 10-2.805 for existing hedges, fences, and walls have revealed that there are significant community concerns regarding the appropriateness of the existing height standards, which were last updated in 2004, related to whether the existing height standards appropriately reflect the community's character, aesthetic qualities, and set suitable standards for hedge height to protect public safety while also promoting public welfare and the preservation and improvement of the community's aesthetic character.

WHEREAS, in recognition of these concerns and of the public benefit inherent in reviewing the standards in Ojai Municipal Code section 10-2.805 for the maximum height of existing hedges, fences, and walls in the front setbacks, rear and side setbacks, and at the intersections of alleys, streets, and driveways within traffic safety sight areas, before continuing to enforce those standards against existing hedges, fences, and walls, as the City Council may decide to modify those standards in a way that would allow certain existing hedges, fences, and walls to become legal, the City Council desires to confirm and impose the existing suspension of enforcement of the standards in Ojai Municipal Code section 10-2.805 for the maximum height of existing hedges, fences, and walls in the front setbacks, rear and side setbacks, and at the intersections of alleys, streets, and driveways within traffic safety sight areas, imposed as an emergency item at the City Council meeting on October 27, 2015.

WHEREAS, the City Council intends that this suspension of enforcement of the standards in Ojai Municipal Code section 10-2.805 for the maximum height of existing hedges, fences, and walls in the front setbacks, rear and side setbacks, and at the intersections of alleys, streets, and driveways within traffic safety sight areas will remain in place until such time as the City Council may consider the matter at its meeting on November 17, 2015 or a subsequent meeting if the item is continued.

WHEREAS, the City Council's action to suspend enforcement of the standards in Ojai Municipal Code section 10-2.805 for the maximum height of existing hedges, fences, and walls in the front setbacks, rear and side setbacks, and at the intersections of alleys, streets, and driveways within traffic safety sight areas applies only to hedges, fences, and walls extant as of October 27, 2015, and that any person seeking approval for a new hedge, fence, or wall must secure any permit required by the Ojai Municipal Code and must comply with the height standards of Ojai Municipal Code section 10-2.805 for any new hedge, fence, or wall.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF OJAI DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. That the above set forth recitals are true and correct.

SECTION 2. The City Council hereby confirms and imposes a suspension of enforcement of the standards in Ojai Municipal Code section 10-2.805 for the maximum height of existing hedges, fences, and walls in the front setbacks, rear and side setbacks, and at the intersections of alleys, streets, and driveways within traffic safety sight areas. This suspension of enforcement of the height standards for existing hedges, fences, and walls shall be effective until such time as the City Council considers the matter at its meeting on November 17, 2015 or a subsequent meeting if the item is continued.

SECTION 3. CEQA Finding. The City Council hereby finds that it can be seen with certainty that there is no possibility the adoption of this resolution may have a significant effect on the environment because the suspension of enforcement will maintain the current environmental conditions arising from the current land use regulatory structure by prohibiting anyone from being forced to trim existing hedges or remove or lower the height of existing fences and walls pending review of the City's height standards for hedges, fences, and walls. The

adoption of this resolution is therefore exempt from California Environmental Quality Act review pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations.

PASSED, APPROVED and ADOPTED this 10th day of November, 2015 by the following vote:

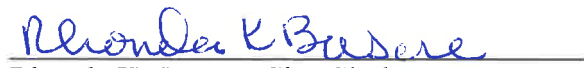
AYES: Blatz, Clapp, Haney, Lara, Weirick
NOES: None
ABSENT: None
ABSTAIN: None

CITY OF OJAJ, CALIFORNIA



Severo Lara, Mayor

ATTEST:



Rhonda K. Basore, City Clerk

APPROVED AS TO FORM:



Matthew Summers, City Attorney