

ORDINANCE NO. 2019-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, ADOPTING A DEVELOPMENT CODE AMENDMENT TO AMEND ARTICLE VI (VARIANCES AND MINOR EXCEPTIONS) OF CHAPTER 16.12 OF THE DEVELOPMENT CODE PERTAINING TO FENCE HEIGHTS; CHAPTER 16.20 REGARDING FENCES AND WALLS; AND TITLE 8 OF THE MUNICIPAL CODE REGARDING FENCING MATERIALS (DCA18-00003)

WHEREAS, on January 5, 1998, the City Council of the City of Hesperia adopted Ordinance No. 250, thereby adopting the Hesperia Municipal Code; and

WHEREAS, the City proposes to amend Article VI of Chapter 16.12 of the City of Hesperia Development Code regulations which pertain to variances and minor exceptions; and

WHEREAS, the City finds that it is necessary to amend the fence height regulations in order to provide a better ability to meet the purpose of the section, which is to ensure that “no property, because of special circumstances applicable to it, due to size, shape, topography, location, or surroundings, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and land use designation”; and

WHEREAS, the current code restriction of only allowing 20 percent of a length of wall makes it difficult to accomplish the purpose if more than 20 percent of the wall needs to be raised to provide privacy and screening, and to make the property the same as those in the vicinity; and

WHEREAS, the current code does not specify materials that fences may be constructed of, leading to aesthetic issues and difficulties in enforcement when a resident or homeowner uses material not typically associated with fencing such as pallets, garage doors and automotive parts; and

WHEREAS, the City finds that it is necessary to provide appropriate fencing material regulations in order to avoid negative aesthetic impacts, negative impacts to private property values and the degradation of neighborhoods; and

WHEREAS, the proposed Development Code amendment is exempt from the California Environmental Quality Act (CEQA) per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment. The proposed Development Code Amendment is also exempt from the requirements of the California Environmental Quality Act by Section 16.12.415(B)(10) of the City’s CEQA Guidelines, as Development Code Amendments are exempt if they do not propose to increase the density or intensity allowed in the General Plan; and

WHEREAS, on November 8, 2018, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Development Code Amendment and concluded said hearing on that date, and unanimously recommended forwarding a recommendation to adopt to the City Council; and

WHEREAS, on January 22, 2019, the City Council of the City of Hesperia conducted a hearing on the Application and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF HESPERIA DOES ORDAIN AS FOLLOWS:

Section 1. The City Council hereby specifically finds that all of the facts set forth in this Ordinance are true and correct.

Section 2. Based upon substantial evidence presented to the City Council, including written and oral staff reports, this Council specifically finds that the proposed Ordinance is consistent with the goals and objectives of the adopted General Plan.

Section 3. Based on the findings and conclusions set forth in this Ordinance, this Council hereby adopts Development Code Amendment DCA18-00003, amending Article VI (Variances and Minor Exceptions) of Chapter 16.12 of the Development Code pertaining to fence heights; Chapter 16.20 regarding fences and walls; and Title 8 of the Municipal Code regarding fencing materials as shown on Exhibit "A."

Section 4. This Ordinance shall take effect thirty (30) days from the date of adoption.

Section 5. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be posted in three (3) public places within the City of Hesperia pursuant to the provisions of Resolution No. 2007-101.

ADOPTED AND APPROVED on this 22nd day of January 2019.

Larry Bird, Mayor

ATTEST:

Melinda Sayre
City Clerk