



CITY COUNCIL AGENDA REPORT

MEETING DATE: NOVEMBER 15, 2005

ITEM NUMBER:

SUBJECT: ORDINANCE 05-15 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING TITLE 20 OF THE COSTA MESA MUNICIPAL CODE REGARDING THE USE OF TEMPORARY FENCING ON VACANT PROPERTIES.

DATE: NOVEMBER 2, 2005

FROM: DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

PRESENTATION BY: KIMBERLY BRANDT, AICP, PRINCIPAL PLANNER

FOR FURTHER INFORMATION CONTACT: KIMBERLY BRANDT (714) 754-5604

RECOMMENDATION:

Give second reading to Ordinance 05-15, which amends the regulations for temporary fencing on vacant property.

BACKGROUND/ANALYSIS:

On November 1, 2005, City Council gave first reading to the attached ordinance (4-1, Mansoor voting no). Staff has no additional information on this item.


KIMBERLY BRANDT, AICP
Principal Planner


DONALD D. LAMM, AICP
Deputy City Mgr. – Dev. Svs. Director

DISTRIBUTION: City Manager
City Attorney
Deputy City Manager – Dev. Svs. Director.
Police Chief
Public Services Director
Building Official
Chief of Code Enforcement
City Clerk (2)
Staff (4)
File (2)

ATTACHMENTS: 1 Ordinance 05-15

ATTACHMENT 1
ORDINANCE 05-15

ORDINANCE NO. 05-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING TITLE 20 OF THE COSTA MESA MUNICIPAL CODE REGARDING THE USE OF TEMPORARY FENCING ON VACANT PROPERTIES.

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Title 20 of the Costa Mesa Municipal Code is hereby amended to read as follows:

a. Amend Section 20-9 to include subsection (a)(3) as follows:

“(3) Temporary fencing. Unless required in subsection (b)(2), the installation of temporary fencing is not mandated. A building permit is required for any temporary fencing installed by a responsible party. The Planning Division shall review the fence location and material(s), and chain link fencing shall only be used in conjunction with an opaque screening material. The responsible party shall maintain the fence in good repair and condition. If the fence is not maintained properly, the Building Official or Fire Chief may order its removal and replacement.

The fence may be properly posted with no trespassing signs, and the fence shall be kept clear of all other signs, except lawfully installed signs.”

b. Amend Section 20-9(b)(2) as follows:

(2) “Temporary fencing. The property shall be fenced on all sides along the property line with a chain link fence or other type of secure fencing at a minimum height of 6 feet from grade. The Fire Chief or Building Official may determine a greater fence height is necessary. The temporary fence shall require a building permit and shall be subject to the standards in subsection (a)(3).”

Section 2. Environmental Determination. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City’s environmental procedures, and has been found to be exempt.

Section 3. Inconsistencies. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to affect the provisions of this Ordinance.

Section 4. Severability. If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any

person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance or its application to other persons. The City Council hereby declares that it would have adopted this Ordinance and each chapter, article, section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional. No portion of this Ordinance shall supersede any local, State, or Federal law, regulation, or codes dealing with life safety factors.

Section 5: This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

PASSED AND ADOPTED this ____ day of _____, 2005

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk of the
City of Costa Mesa

City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, Julie Folcik, Deputy City Clerk and ex-officio clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Ordinance No. 05-__ was introduced and considered section by section at a regular meeting of said City Council held on the ____ day of _____, 2005, and thereafter passed and adopted as a whole at a regular meeting of said City Council held on the ____ day of _____, 2005, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Costa Mesa this ____ day of _____, 2005.

Deputy City Clerk and ex-officio
Clerk of the City Council of the
City of Costa Mesa