

ORDINANCE NO. _____,

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CATHEDRAL CITY AMENDING SECTION 9.80.120 OF THE
CATHEDRAL CITY MUNICIPAL CODE RELATING TO
PERMITTED ENCLOSURES**

WHEREAS, the City Council of the City of Cathedral City wishes to amend the type of fencing materials permitted in the City; and

WHEREAS, the City Council finds the amendment regarding allowing alternative fencing materials is in the best interest of the City's general welfare.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY DOES
HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1 AMENDMENT TO CATHEDRAL CITY MUNICIPAL CODE SECTION
9.80.120**

Section 9.80.120 of the Cathedral City Municipal Code is hereby amended to read as stated in Exhibit "A".

SECTION 2 CEQA

Pursuant to Title 14, Chapter 3, Section 15303(c) of the California Code of Regulations, the proposed ordinance amendments are exempt from review under CEQA as under CEQA Guideline Section 15061(b)(3) as it can be seen with certainty that the proposed amendments will not result in significant environmental impacts.

SECTION 3 SEVERABILITY

The City Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance as hereby adopted shall remain in full force and effect.

SECTION 4 EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after its second reading and adoption by the City Council.

SECTION 5 POSTING

The City Clerk shall, within fifteen (15) days after passage of this Ordinance, cause it to be posted in at least three (3) designated public places; shall certify to the adoption and posting of this Ordinance; and shall cause this Ordinance and its certification, together with proof of posting, to be entered in the Book of Ordinances of this City.

SECTION 6 CERTIFICATION

The foregoing Ordinance was approved and adopted at a meeting of the City Council held on the 13th day of June, 2018, by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Stan Henry, Mayor

ATTEST:

Gary F. Howell, City Clerk

APPROVED AS TO FORM:

Eric S. Vail, City Attorney

EXHIBIT A

Cathedral City Municipal Code section 9.96.140 is amended to read as follows. The text of any added language is shown by **underlining, italicizing and bolding** the added text. The text of any deleted matter is shown by ~~strike-through~~ of the deleted text.

9.80.12 Permitted enclosures

A. Except for fences required per the zone district regulations, fencing is not required. However, if constructed, fencing within rear and side yards shall not exceed six feet in height. The fence may be constructed of any solid or open material except ~~sheet metal,~~ barbed wire, or used materials of any kind. **Alternative construction material and various metals and composites for walls and fences may be approved by the Planning Manager, which decision may be appealed to the Architectural Review Committee by the applicant.** Solid fencing within front yards shall not exceed a height of forty-two inches and shall be constructed with finished appearance consistent with the architecture of the main building and the rear and side yard fence. Open fences not exceeding six feet in height are permitted in front yards, but chain link and other wire fences shall not be permitted. Measurement of all fencing height shall be made from the ground or from the top of a retaining wall, if fence is placed on such a wall.

B. In the case of corner lots where driveways extend into the side yard, fences, hedges or walls shall inset at a forty-five degree angle fifteen feet on each side of such driveway; provided, however, that this subsection shall not apply to any security fence or wall as set forth in subsection C of this section, nor to the erection of fences, walls or hedges around any building or structure used for providing public utility services.

C. Fences and walls in industrial and agricultural zones may have an additional two feet of security fencing added onto the enclosure permitted by subsection A of this section.

D. Fences, walls and hedges not exceeding twelve feet in height shall be permitted to enclose tennis courts located within the rear half of the lot; provided, however, such enclosure shall be located not less than three feet from any side or rear property line; and provided, further, however, that any portion of said enclosure which is higher than six feet shall be composed of wire mesh or other material whose vertical surface shall not be closed more than ten percent.

E. Notwithstanding anything to the contrary in this title, fences enclosing public utility stations, substations, or other similar facility may be erected at any height as required by the California Public Utilities Commission.