



# Agenda Item

## Planning Commission

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Item #: 7.2.

10/4/2021

File #: 21-0506

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**TO:** Chair and Members of the Planning Commission

**THRU:** Anna Pehoushek, Assistant Community Development Director

**FROM:** Tiffany Chhan, Planning Aide

### 1. SUBJECT

**Public Hearing:** An ordinance amending Title 17 of the Orange Municipal Code (Zoning) to update and establish new development standards for fences and walls throughout all zoning districts.

### 2. SUMMARY

An ordinance updating City standards of fence and wall height, placement, and materials throughout the City.

### 3. RECOMMENDED ACTION

Adopt Planning Commission Resolution No. 25-21 entitled:

A Resolution of the Planning Commission of the City of Orange recommending that the City Council adopt an ordinance amending Title 17 of the Orange Municipal Code (Zoning) to update and establish new development standards for fences and walls.

### 4. AUTHORIZING GUIDELINES

Orange Municipal Code (OMC) Section 17.08.020 authorizes the Planning Commission to review and make a recommendation to the City Council on Zoning Ordinance amendments. OMC Section 17.10.020 establishes the procedures by which the Planning Commission reviews ordinance amendments and makes recommendations to the City Council.

### 5. PROJECT BACKGROUND

Presently, the OMC limits most property line residential and commercial fences and walls to a height of six feet. Current trends in popular land uses and development changes over time have shown that residents and businesses would like greater options for taller walls and fences. The current height limitation has led to instances where adjacent land uses, roadways, topography, and the established neighborhood could not be taken into consideration in order to administratively consider taller fences and walls.

Staff regularly receives requests for increased fence or wall heights where residential uses abut commercial or industrial properties and major arterial streets, and for industrial uses seeking greater site security. OMC content about fence material is also unclear in certain instances and is in need of improvement.

Staff has reviewed height limits across all City zoning districts, researched fence and wall ordinances of nearby cities to determine how Orange's regulations compare, and analyzed interface areas which are the most impacted by noise and land use. The following table summarizes the allowed height maximum for fences and walls in the residential zones of adjacent cities outside of the front yard setback without an entitlement.

**Comparison Table**

Jurisdiction	Wall Height Max	Sound Wall Height Max	Retaining Wall	
			Low Grade	High Grade
<b>City of Orange</b>	6 feet	N/A	10 feet	6 feet
City of Anaheim	8 feet	20 feet	12 feet	6 feet
City of Garden Grove	7 feet	8 feet	No max	10 feet
City of Santa Ana	8 feet	N/A	10 feet	8 feet
City of Tustin	6 feet and 8 inches	N/A	N/A	N/A
City of Villa Park	6 feet	8 feet	No max	6 feet
County of Orange	6 feet	8 feet	8 feet	6 feet

The above is a generalized comparison table and does not take into account what each jurisdiction may make allowances for, such as division or border walls, or for any special circumstances with land use. Comparatively, the City of Orange allows lower wall height than most other adjacent cities. Half of the adjacent cities do not account for sound walls. Retaining wall heights vary the most.

For many residents, a taller wall or fence provides for additional safety, privacy, and noise reduction from busy streets and businesses. The fence and wall OMC update will provide residents and businesses with a greater choice of height limits, allowing for fuller enjoyment and use of properties.

## 6. PROJECT DESCRIPTION

The proposed Ordinance will amend Title 17 (Zoning) of the OMC to (1) allow a taller height maximum of fences and walls; (2) clarify allowed materials; and (3) allow methods to review taller fence and wall heights based on land use, topography, and locally generated noise levels.

## 7. ANALYSIS AND STATEMENT OF THE ISSUES

### Current OMC Compared with Proposed OMC

The current regulations for fences and walls are spread across different sections of the OMC. The proposed Ordinance will concentrate and relocate fence and wall requirements into a singular section of the OMC. The following items highlight the major changes proposed to the current OMC.

### Materials

Current regulations contain limited guidance on materials throughout the zoning districts. The proposed regulations will clearly list which materials are allowed in which zones in a table format. In general, materials requirements will limit the use of chain link, barbed wire, and concertina wire in certain zones. Additionally, the materials section will clarify where and when electrified fences may be used. Most decorative materials, such as wrought iron, wood, and masonry, are permitted throughout

the City, and subject to historic design standards where applicable. See Attachment 3 for the recommended Materials Table 17.12.070.A.3.

### **Noise Contours and Freeway Walls**

Staff researched noise, sound and sound walls to formulate recommended changes enabling residents the ability to build noise-buffering walls. Ambient noise sources throughout the City include major traffic corridors such as freeways, highways, toll roads, and arterial streets. Periodic noise sources include passenger and freight rail lines, industrial facilities, and commercial centers. Living in an area with excessive ambient noise levels decreases the ability of residents to enjoy private property, and may be detrimental to health. Table N-2 in Attachment 4 can be found in the Noise Element of the City's General Plan. Table N-2 gives context to noise levels. As established by the General Plan Noise Element, the ideal exterior ambient noise level is 65 decibels or less. As shown by Table N-2, 65 decibels is as loud as normal speech at three feet. Many residential properties within the noise contours of major arterials, freeways, and railroad corridors, shown in the General Plan Noise Element Figure N-2 2030 Noise Contour Map (see Attachment 5), can experience average noise levels that are higher than 65 decibels, depending on proximity to the noise source.

A 300-foot buffer from noise sources is recommended because, as Table N-2 shows, heavy traffic at 300 feet reaches 60 decibels. Since sound travels as a wave from the source of origin, it will travel over, around and deflect off of other objects. At any point within the 300-foot buffer, it can be assumed that there will be a constant ambient noise level that is higher than 60 decibels. On average, a five-foot wall may decrease sound by 5 decibels depending on placement and wall material. An additional three feet may decrease sound by another 1.5 decibels. Hence a sound wall with a height of eight feet, may decrease sound by a total of 6.5 decibels. Several adjacent cities already allow eight-foot sound walls.

The OMC does not currently consider the proximity of residences to major arterial streets, railroads, and freeways when determining fence and wall heights. Noise may be reduced by the construction of a taller sound wall. To help dissipate the noise, the proposed fence and wall ordinance update will permit a sound wall that is up to ten feet high, in the rear and side yards, as measured from the lowest elevation for any residential property within 300 feet of any major transit corridor.

### **Residential Diagrams**

Two new diagrams have been created to clarify and combine information to concisely show the corner cut off provision, setbacks, and height requirements for fences and walls on single-family residential properties. See pages 6 and 7 of Attachment 1.

### **Division Walls**

The current regulations require a division wall of at least six feet between residential and non-residential zones. Recent entitlement projects and current trends show that residents prefer a wall that is taller than six feet to secure their yards from nearby businesses, shield themselves from noise during business hours, and to limit trash and debris from accumulating into their private property. As such, the proposed Ordinance will require a division and border wall of at least eight feet for non-residential properties that are adjacent to residential districts. Existing commercial and industrial properties will be required to comply with this standard whenever a substantial improvement is made on the site.

### **Additional Height**

For most residential and commercial properties, the current OMC only allows a maximum of six feet for any fence or wall. To gain any additional height, a variance is required for a waiver from the current height requirements. The proposed changes to the OMC will allow a request for two additional feet for any commercial or residential property through an administrative adjustment; any request greater than two additional feet would need to be made with a variance. Introducing an intermediary step between the permitted height and a variance will provide greater flexibility to allow additional height based on existing land uses.

### **Mobile Home Zone and Sand and Gravel Zone**

The current OMC requires Mobile Home zones and the Sand and Gravel zones to have a perimeter screen which could be provided in different ways. However, many of the screening methods are obsolete or do not fully screen the land use. As such, the proposed Ordinance will consolidate the required perimeter screening into one required eight-foot high masonry wall. Within the Sand and Gravel zone, the Community Development Director also will have the ability to allow for fences and walls that differ from the required perimeter screening.

### **Industrial Zone**

In an effort to help industrial business secure private property and to clarify requirements within the core of the industrial zone, the standards in the industrial zones have been expanded. Industrial properties along non-arterial streets may have open fencing up to a maximum of six feet tall within the front yard setback. Additionally, corner properties with a street side yard may have fences and walls taller than 42 inches and may increase up to eight feet, with respect to the corner cut off standards. The proposed Ordinance would allow for fences and walls outside of the front yard setback to be up to eight feet in height and exceed eight feet in height with a site assessment that would be reviewed and approved by the Community Development Director.

### **Public Institution Zone**

Currently the Public Institution zone follows the same requirements as the commercial districts for fences and walls. The proposed Ordinance specifies requirements for the Public Institution zone for unique land uses allowed in that zone. Within the front yard setback, the maximum height will be limited to 42 inches but outside of the front yard setback, fence heights may exceed six feet, as reviewed and approved by the Community Development Director. This will provide greater flexibility for consideration of fencing around athletic facilities or other institutional uses where taller fence or wall height is needed as a practical matter.

## **8. PUBLIC NOTICE**

On September 16, 2021, the City published a Public Hearing Notice in the Anaheim Bulletin newspaper, posted on the City website, at City Hall, and at the Orange Public Library and Local History Center.

## **9. ENVIRONMENTAL REVIEW**

The subject Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15305 (Class 5, Minor Alterations in Land Use Limitations) because it involves a modification to citywide development standards related to fences and walls. It does not involve a specific site, development project or focused geographic area, does not change permitted land use or density, and does not otherwise result in a physical change that could cause an impact to the environment. As such, no further analysis is warranted or required.

## **10. ADVISORY BOARD ACTION**

None.

## **11. ATTACHMENTS**

- Attachment 1 Planning Commission Resolution No. 25-21 including Draft Ordinance (clean)
- Attachment 2 Draft Ordinance (redline)
- Attachment 3 Materials Table 17.12.070.A.3
- Attachment 4 General Plan, Noise Element Table N-2
- Attachment 5 General Plan, Noise Element Figure N-2 2030 Noise Contours
- Attachment 6 Current OMC Compared with Proposed OMC Table