

**CITY OF OJAI**  
**ORDINANCE NO. 910**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OJAI, CALIFORNIA, AMENDING OJAI MUNICIPAL CODE SECTION 10-2.803 “HEIGHT MEASUREMENT AND EXCEPTIONS,” SECTION 10-2.805 “FENCES WALLS HEDGES AND SCREENING,” SECTION 10-2.1903 “ZONING CLEARANCE,” SECTION 10-2.24 “CONDITIONAL USE PERMIT” AND SECTIONS 10-2.3602 (F, H, S, AND W) REGARDING THE PERMITTING AND REGULATING OF FENCES, WALLS, HEDGES AND SCREENING AND ESTABLISHING RELATED DEFINITIONS AND FINDING THAT THE ADOPTION OF THIS OJAI MUNICIPAL CODE AMENDMENT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**WHEREAS**, Section 10-2.803 titled “Height Measurement and Exceptions” of the Ojai Municipal Code provides regulations for measuring the height of structures and exemptions to the height limitations in compliance with the Zoning Regulations; and

**WHEREAS**, Section 10-2.805 titled “Fences, Walls Hedges and Screening” of the Ojai Municipal Code regulates the development standards for walls and fencing; and

**WHEREAS**, Section 10-2.19 “Zoning Clearance” of the Ojai Municipal Code regulates the application and processing of zoning clearances; and

**WHEREAS**, Section 10-2.24 “Conditional Use Permit” of the Ojai Municipal Code regulates the application, processing, and procedures for conditional use permits and minor conditional use permits; and

**WHEREAS**, Section 10-2.3602 “Definitions of Special Terms and Phrases” which includes terms and phrases used in the Zoning Regulations; and

**WHEREAS**, the Ojai Planning Commission recommended approval of modifications to the existing standards at their June 5, 2019 Planning Commission meeting; and

**WHEREAS**, the Ojai City Council intends to amend Ojai Municipal Code Sections 10-2.803, “Height Measurement and Exemptions” 10-2.805 “Fences, Walls, Hedges and Screening,” 10-2.19 “Zoning Clearance,” and 10-2.24 “Conditional Use Permit” to provide new standards, regulations and process for the construction of fences, walls, hedges, and screening; and

**WHEREAS**, the Ojai City Council has considered all of the evidence before it regarding this text amendment including, the Planning Commission’s recommendation, staff reports and attachments, and public testimony at its meetings and the December 5, 2018, February 6, 2019, and June 5, 2019 Planning Commission meetings; and

**WHEREAS**, the City Council of the City of Ojai held duly-noticed public hearings on September 24, 2019, September 22, 2020, October 13, 2020, and October 27, 2020 at which time all persons wishing to testify in connection with this ordinance were heard; and

**WHEREAS**, the City Council fully studied the matter addressed in this ordinance and considered all relevant public comments, and desired to approve this ordinance; and

**WHEREAS**, the City Council finds the proposed text amendment is consistent with and necessary to carry out the policies of the City’s adopted General Plan because the proposed amendments provide standards and process for the construction of new walls and fences; and

**WHEREAS**, the proposed text amendment will not authorize land uses that adversely affect the public health, safety, or welfare, and the amendment maintains existing protections in the Ojai Municipal Code against the maintenance of any land use that constitutes a public nuisance.

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

**SECTION 1. Recitals.** The above set forth recitals and findings are true and correct and incorporated herein by reference, as if set forth herein in full.

**SECTION 2. Text Amendment.** Ojai Municipal Code section 10-2.803 is hereby amended to read as follows, with additions marked by underlined text and deletions marked by ~~struck through~~ text:

**Sec. 10-2.803. Height measurement and exceptions.**

- (a) This section describes the required methods for measuring the height of structures in compliance with the height limits established by these Zoning Regulations and exceptions to the height limits.
- (b) The height of structures shall not exceed the standard for the applicable zoning district, except as otherwise provided by this article.
- (c) The maximum allowable height shall be measured as the vertical distance from the existing grade of the site to the allowed number of feet above grade. See Figure 3-1.

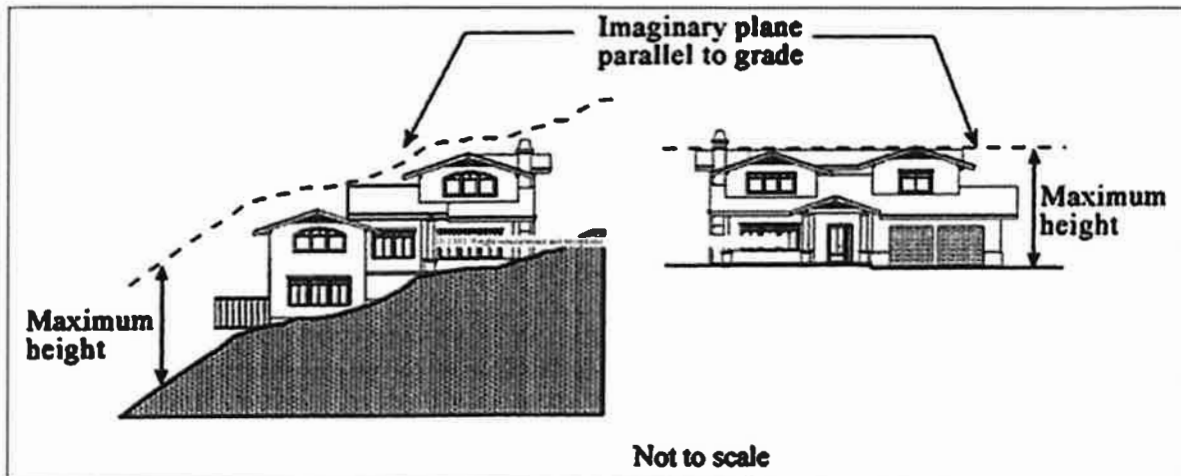


Figure 3-1  
**HEIGHT MEASUREMENT**

(d) The review authority may approve exceptions to the height limits of these Zoning Regulations as follows:

(1) Architectural features, including antenna supports (not over three (3") inches in diameter), chimneys, clock towers, cupolas, masts, poles, steeples, and similar structures, but not including freestanding lights, poles, masts, or antennas, may exceed the height limit by up to ten (10') feet.

(2) These features shall not exceed a width of twenty-five (25') feet or one-third (1/3) of the length of the structure's facade, whichever is less. Signs shall not be included within the additional height allowed. Height exceptions may not be granted for structural features designed or intended to provide floor space.

(e) Development proposed adjacent to any public or private street or alley intersection shall be designed to provide a corner visibility area for pedestrian and traffic safety. See Figure 3-2.

(f) A corner cutoff-intersection visibility area is a triangle measured as follows, and may include private property and/or public right-of-way:

(1) At corner parcels, the visibility area shall be defined by measuring twenty-five (25') feet from the intersection of the extension of the front and street side property lines and connecting the lines across the property.

(2) At alleys, the visibility area shall be defined by measuring ten (10') feet from the intersection of the extension of the front and side property lines and connecting the lines across the property.

(g) Structures, fences, walls, or screening or landscape elements shall not exceed thirty-six (36") inches in height within the intersection visibility area, unless approved by the Community Development Director by a zoning clearance issued under Title 10, Chapter 2, Article 19 (Zoning Clearance), except for trees with their canopy trimmed to a minimum of

eight (8') feet above grade. Hedges within the intersection visibility area must meet the standards set in section 10-2.805(e) (Hedges).

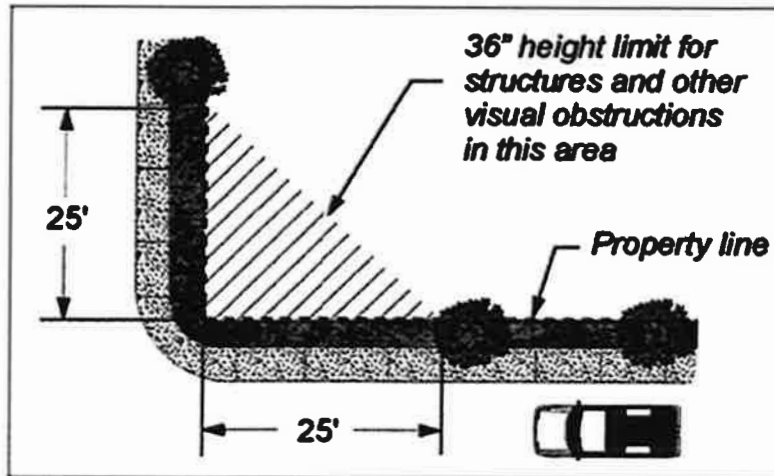


Figure 3-2

### INTERSECTION VISIBILITY AREA

**SECTION 3. Text Amendment.** Ojai Municipal Code section 10-2.805 is hereby amended to read as follows, with additions marked by underlined text and deletions marked by ~~struck-through~~ text:

**Sec. 10-2.805. Fences, walls, hedges, and screening.**

(a) The requirements for fences, walls, hedges, and screening are to ensure that they:

- (1) Meet public safety standards considering all forms of multi-modal transportation, including but not limited to automobiles, bicycles, and pedestrians, as defined herein and by City Council Resolution Maximize scenic views and sunlight;
- (2) Provide adequate buffering between different land uses;
- (3) Screen outdoor uses and equipment; and
- (4) Are attractively designed.

(b) The provisions of this section apply to all fences, walls, hedges, and screening, except as provided by this section.

(c) The following fences, ~~and walls,~~ and screening are exempt from the requirements of this section:

- (1) Fences, ~~or walls,~~ or screening required by the City for reasons of public safety, or by the regulations of a State or Federal agency; or
- (2) Retaining walls that are regulated by Section 10-2.804 (Setback measurement and exceptions).

(d) The requirements of this section may be ~~waived or modified~~ by the Community Development Director through a minor variance (~~Article 25 of this chapter~~) pursuant to Title 10, Chapter 2, Article 25 (Minor Variance).

(e) Hedges. As living plants providing environmental benefits and separation, screening, and buffering purposes, hedges shall be regulated under the standards set forth in this subsection.

distinct from the requirements applicable to fixed, artificially constructed fences, walls, and screening. Hedges cannot be planted, maintained, or subjected to failed maintenance in a manner that creates any of the following situations:

- 1) a public safety hazard,
- 2) a nuisance,
- 3) is injurious to the public’s health or safety,
- 4) encroaches upon the public right of way, or
- 5) significantly negatively impacts the intersection visibility area required for public safety standards compliance in the judgment of the Community Development Director, as set in Section 10-2.803 (Height measurement and exceptions) and by City Council Resolution.

(fe) Fences, walls, and screening hedges shall comply with the following requirements:

- (1) Fences, walls, and screening hedges shall not exceed the maximum heights shown in Table 3-3 and in Section 10-2.803(d).

**Table 3-3**  
**MAXIMUM HEIGHT OF FENCES, WALLS, AND SCREENING HEDGES**

<b>Location</b>	<b>Maximum Height</b>
Front setbacks	<u>4 3 ft.</u>
Rear and side setbacks	6 ft.
At intersections of alleys, streets, and driveways within traffic safety sight areas	3 ft.
<u>At any other location</u>	<u>6 ft.</u>

(2) Fence, wall, or screening height shall be measured from finish grade at the base of the fence, wall, or screen to the uppermost part of the fence, wall, or screen; except when there is a difference in the ground level between two (2) adjoining parcels of two (2) feet or more, in which case fence, wall, or screen height shall be measured from the finished grade on the higher side of the fence, wall, or screen, provided no fence, wall, or screen shall exceed a total height of seven (7) feet measured from the higher side of the fence, wall, or screen. For example, an interior side property line with a difference in grade of 1’-0” would be allowed to construct a six (6) foot fence on the low side, and a six (6) foot fence with a retaining wall of one (1) foot for a total height of seven (7) feet on the high side. In order to build a fence, wall, or screen higher than this allotted height, a minor variance (~~Article 25 of this chapter~~ Title 10, Chapter 2, Article 25 of the Ojai Municipal Code) or variance (~~Article 26 of this chapter~~ Title 10, Chapter 2 Article 26 of the Ojai Municipal Code) would first be required.

(3) A fence, wall, or screen including more than one design material shall not exceed the maximum height pursuant to this section. For example, within the front yard area a stone

wall two feet in height may include a two-foot high wrought iron fence on top of the wall. The combination of design materials shall not exceed the maximum height limit established by this section.

(4) The maximum height of a fence, wall, or screen may vary by an amount not to exceed six inches to accommodate grade changes, provided that in no event shall the average height of such fence, wall, or screen exceed the maximum height established by this section.

(g) Fence, and wall, and screening design standards.

(1) To ensure the most direct and safe access routes for pedestrians walking between a neighborhood-serving commercial development and the neighboring dwelling units, an appropriate number of openings in the fences, or walls, or screening dividing those land uses shall be provided, subject to the approval of the Director.

(2) Fences, and walls, and screening shall be constructed of attractive, long-lasting materials (e.g., masonry, wood, or stone). Masonry walls should shall not consist exclusively of smooth-surfaced concrete masonry units (CMUs); the use of textured or split-face CMUs is strongly encouraged. Walls shall be of a solid masonry construction and be of a decorative design when visible from public rights-of-way. The use of chain link is discouraged.

(3) The use of chain-link fencing is not permitted, unless a Minor Conditional Use Permit is approved pursuant to Title 10, Chapter 2, Article 24 (Conditional Use Permit) of the Ojai Municipal Code.

(3) Fences and walls shall be setback a minimum of five (5) feet from public rights-of-way, and shall be suitably landscaped, subject to the approval of the Director.

(4) The use of barbed-wire or razor-wire fencing is not permitted, unless a conditional use permit is issued pursuant to Title 10, Chapter 2, Article 24 of the Ojai Municipal Code.

(5) The height of fences, walls, and screening in intersection visibility areas located on corner lots in all districts shall be limited to the standards in Figure 3-2 of Section 10-2.803 (Height measurement exceptions) and Table 3-3 of Section 10-2.805 (Fences, walls, hedges, and screening) of the Ojai Municipal Code. The maximum height of a wall, fence, or screening may be increased for rear and side areas pursuant to the height limitations of this section, if the Community Development Director determines in writing with justification that no visibility and traffic safety concern is present. The determination shall be provided as part of the Zoning Clearance permitting process for new fences, walls, and screening provided in Section's 10-2.803 (Height measurement exceptions), 10-2.804 (Setback measurement and exceptions), and this section of the Ojai Municipal Code.

(6) Through the Zoning Clearance permitting process for new or replacement fences, walls, or screening, the Community Development Director may approve additional height for a proposed new or replacement fence, wall, or screening in the front setback, if the Community Development Director determines, in writing with justification, that additional height in the front setback, up to six (6') feet is necessary, on a defined, term-limited temporary basis, to protect public health and safety, to buffer adjacent conflicting

City of Ojai  
Ordinance No. 910

land uses, or to ensure safety and preservation of the public's peace and welfare by ensuring safe confinement of dogs and other animals present on the property.

(hg) Walls required between different zoning districts. Walls shall be provided and maintained between different zoning districts in the following manner:

(1) Nonresidential or multi-family.

(A) Where a nonresidential or multi-family zoning district adjoins property in a residential zoning district (other than a public right-of-way or the village mixed-use district), a six (6') foot high solid masonry wall shall be constructed on the zone boundary line, subject to ~~the approval of the Director~~ a zoning clearance pursuant to Title 10, Chapter 2, Article 19 (Zoning Clearances) of the Ojai Municipal Code.

(B) The Commission may waive or modify the requirement for a zone boundary line wall in compliance with subsection (i) below and the height requirement that would allow the wall(s) to be constructed higher than six (6') feet if the viewshed would not be impacted.

(2) Where property in an industrial zoning district adjoins property in a non-industrial zoning district, a solid masonry wall, a minimum of six (6') to seven (7') feet in height, shall be constructed on the zone boundary line, ~~subject to the approval of the Director~~ subject to a zoning clearance pursuant to Section 10-2.19 (Zoning Clearance) of the Ojai Municipal Code.

(ih) Swimming pools/spas and other similar water features shall be surrounded by a fence, wall, or solid screen fence in compliance with the City's adopted Uniform Building Code, and such fencing shall comply with the applicable standards of Section's 10-2.803 (Height measurement and exceptions), 10-2.804 (Setback measurement and exceptions), and 10-2.805 (Fences, walls, hedges, and screening) of the Ojai Municipal Code.

(ji) This subsection establishes standards for the screening, separating, and buffering of adjoining residential and non-residential land uses, equipment and outdoor storage areas, and surface parking areas by walls, fences, and screening.

(1) General design guidelines.

(A) Project design should ensure the highest level of compatibility between adjoining land uses and zoning districts, to minimize the need for screening and buffering.

(B) The use of appropriately enhanced setbacks, fencing, landscape plantings, and other design techniques can assist in softening building forms and minimizing the need for screening and buffering as required by this subsection.

(2) Mechanical equipment, loading docks, and refuse areas.

(A) Roof or ground-mounted mechanical equipment (e.g., air conditioning, heating, ventilation, and exhaust ducts, transformers), loading docks, refuse storage areas, and utility services shall be adequately screened from the view from adjoining public streets and rights-of-way, and surrounding areas zoned for residential or open space uses, by fences, landscaping, walls, screening, or other methods approved by the Director pursuant to Sections 10-2.803 (Height measurement and

exceptions), 10-2.804 (Setback measurement and exceptions), and 10-2.805 (Fences, walls, hedges, and screening) of the Ojai Municipal Code.

(B) The method of screening shall be architecturally compatible with other on-site development in terms of colors, materials, and architectural style.

(C) Landscaping shall be installed adjacent to the fence, walls or screening, at the discretion of the Director, in compliance with Article 12 of this chapter Title 10, Chapter 2, Article 12 (Landscaping Standards).

(kj) Outdoor building and garden supply areas shall be screened with fencing, landscaping, meshing, walls, screening or similar material to minimize visibility of the storage area from the public rights-of-way.

(lk) Zoning clearance required for new or replacement fences, walls, or screening. Prior to the installation of any new or replacement fence, wall, or screening, the property owner or representative must apply to the City for a Zoning Clearance under Title 10, Chapter 2, Article 19 (Zoning Clearance). A Zoning Clearance for a fence, wall, or screening shall be a ministerial permit issued by the Community Development Director upon a finding that a proposed fence, wall, or screen complies with all applicable provisions of Sections 10-2.803 (Height measurement and exceptions), 10-2.804 (Setback measurement and exceptions), this section, and the Ojai Municipal Code. Existing legal nonconforming fences, walls, and screening may be repaired, but not replaced, in compliance with the requirements of Section 10-2.1315.

(ml) The Community Development Director shall promulgate an application form for this permit, which shall include a requirement that each applicant for a fence, wall, or screening demonstrate having provided written notice to all adjoining property owners of the proposed fence, wall, or screening.

(nm) The City Council establishes a \$50 fee for this permit, subject to change by City Council Resolution.

**SECTION 4 Text Amendment.** Ojai Municipal Code Subsection 10-2.1903 of Section 10-2.19 (Zoning Clearances) is hereby amended to read as follows, with additions marked by underlined text and deletions marked by ~~struck through~~ text

#### **Article 19. Zoning Clearances**

##### **Sec. 10-2.1903. Applicability.**

A zoning clearance shall be required for:

- (a) A clearance for a structure which is to be erected or remodeled shall be filed in conjunction with the companion building permit application.
- (b) A clearance for the use of vacant non-residential land or structure(s) shall be filed at least fourteen (14) days before the intended use inauguration.
- (c) In order to provide for an expeditious development permit review/reconstruction process, which may only be available following the occurrence of a bona fide emergency (e.g., natural disaster), as determined by the Council, an Emergency Building Permit and Temporary Zoning Clearance may be issued by the appropriate City departments with adequate deposits/security required by subsection (d) of this section.



(d) A temporary zoning clearance may be issued by the Director allowing almost “immediate” construction or use of the structures, subject to the conditions imposed on the use, provided that a deposit/security is filed with the Department before the issuance of the temporary clearance. The deposit/security shall guarantee the faithful performance and completion of all terms, conditions, and performance standards imposed on the proposed structure or use. The form of the deposit/security shall be subject to the approval of the Director. The deposit/security shall be processed for return to the depositor following a determination by the Director that all of the terms, conditions and performance standards have been met and permanent occupancy has been granted.

(e) A zoning clearance for a new fence, wall, or screening or replacement of a fence, wall, or screening pursuant to the standards within Sections 10-2.803 (Height measurement and exceptions), 10-2.804 (Setback measurement and exceptions), and 10-2.805 (Fences, walls, hedges, and screening).

**SECTION 5 Text Amendment.** Ojai Municipal Code Section 10-2.2403 (Conditional Use Permit) of the Ojai Municipal Code is hereby amended to read as follows, with additions marked by underlined text and deletions marked by ~~struck-through~~ text.

#### **Article 24. Conditional Use Permit**

##### **Sec. 10-2.2403. Applicability.**

(a) The land use activities listed in Articles 2 through 7 of this chapter may be allowable subject to the approval of a conditional use permit.

(b) The following land use activities may be allowable with the approval of a minor conditional use permit:

(1) A temporary real estate office may be established within the area of an approved development project solely for the first sale of homes. An application for a temporary real estate office may be approved for a maximum time period of two (2) years from the date of approval;

(2) A temporary on- and off-site contractors’ construction yard (e.g., containers, trailers, offices) only in conjunction with an approved development project (good only for the length of construction of the project);

(3) A temporary office (manufactured/mobile units) may be approved for a maximum time period of twelve (12) months from the date of approval, as an accessory use or as the first phase of a development project;

(4) Open-air produce stands, only in conjunction with an on-site/on-going agricultural operation;

(5) Outdoor dining facilities; ~~and~~

(6) Reverse vending machines for recycling purposes; and

(7) Chain-link fencing (new or replacement).

(c) Barbed-wire or razor-wire fencing (new or replacement).

**SECTION 6 Text Amendment.** The Ojai Municipal Code Section 10-2.3602, subsection (f) is hereby amended to read as follows, with additions marked by underlined text and deletions marked by ~~struck-through~~ text.

#### **Article 36. Definitions/Glossary**

(f) *Definitions, "F."*

(1) *FAA*. The Federal Aviation Administration.

(2) *FCC*. The Federal Communications Commission.

(3) *Feasible*. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

(4) *Fence*. An artificially constructed barrier consisting of wood, wrought iron, wire, metal, or other manufactured material or combination of materials erected in a linear fashion to enclose, screen, or separate areas within a property or adjoining properties. Similar structures primarily of concrete or masonry are included under the definition of "Wall."

(5) *Fence, barbed-wire*. One or more strands of wire or other material having intermittent sharp points of wire or metal.

(6) *Fence, chain-link*. An open mesh fence made entirely of wire woven in squares of approximately 1.5 inches with vertical supports not less than 1.5 inches in diameter.

(7) *Fence, razor-wire*. A metal wire or ribbon with sharp edges or studded with small sharp blades, used as a barrier.

(4)(8) *Floor area ratio (FAR)*. The floor area ratio (FAR) is the ratio of floor area to total lot area. FAR restrictions are used to limit the maximum floor area allowed on a site (including all structures on the site). The maximum floor area of all structures (measured from exterior wall to exterior wall) allowed on a site (including carports) shall be determined by multiplying the floor area ratio (FAR) by the total net area of the site (FAR ' net site area = maximum allowable floor area). See Figure 5-1.

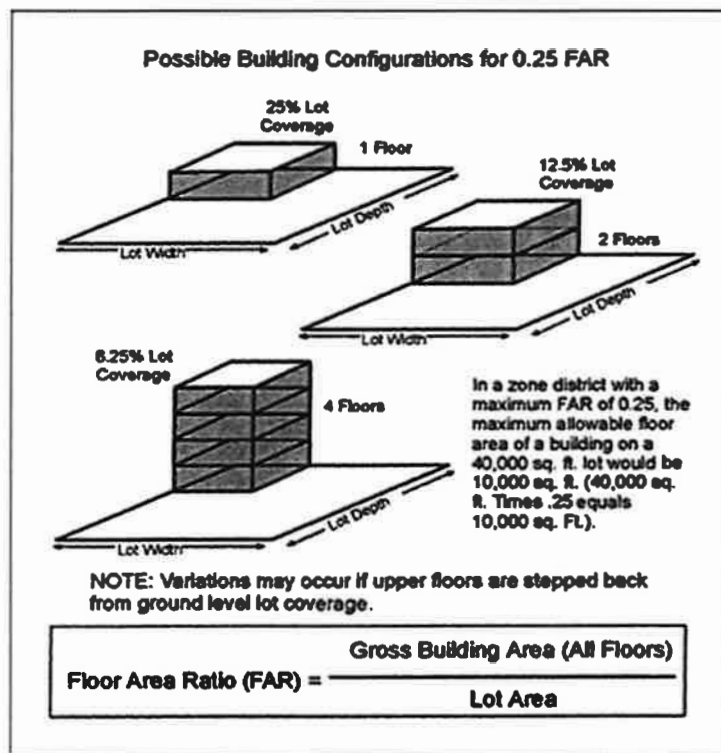


Figure 5-1

## FLOOR AREA RATIO

~~(5)~~(9) *Food and beverage manufacturing.* Manufacturing establishments producing or processing foods and beverages for human consumption, and certain related products. Includes:

- (A) Bakeries (wholesale);
- (B) Bottling plants;
- (C) Breweries;
- (D) Candy, sugar and confectionery products;
- (E) Manufacturing;
- (F) Catering services separate from stores or restaurants;
- (G) Coffee roasting;
- (H) Dairy products manufacturing;
- (I) Fats and oil product manufacturing;
- (J) Fruit and vegetable canning, preserving, related processing;
- (K) Grain mill products and by-products;
- (L) Meat, poultry, and seafood canning, curing, by-product processing;
- (M) Soft drink production;
- (N) Miscellaneous food item preparation from raw products.

Does not include: bakeries which sell all products on-site, which are included in the definition of “General retail”; or beer brewing as part of a brew pub, bar or restaurant (see “Alcoholic beverage sales—on-site”).

~~(6)~~(10) *Forests.* Oak woodland and riparian woodland as defined and described pursuant to the City’s most current master environmental assessment.

~~(7)~~(11) *Furniture and fixtures manufacturing, cabinet shops.* Manufacturers producing wood and metal household furniture and appliances; bedsprings and mattresses; all types of office furniture and partitions, shelving, lockers and store furniture; and miscellaneous drapery hardware, window blinds and shades. Includes wood and cabinet shops, but not sawmills or planing mills. Does not include the manufacture of household appliances (“Electronics, equipment, and appliance manufacturing”).

~~(8)~~(12) *Furniture, furnishings and equipment stores.* Stores engaged primarily in selling the following products and related services, including incidental repair services:

- (A) Draperies;
- (B) Floor coverings;
- (C) Furniture;
- (D) Glass and chinaware;
- (E) Home appliances;
- (F) Home furnishings;
- (G) Home sound systems;
- (H) Interior decorating materials and services;
- (I) Large musical instruments;
- (J) Lawn furniture;
- (K) Movable spas and hot tubs;
- (L) Office furniture;
- (M) Other household electrical and gas appliances;
- (N) Outdoor furniture;

- (O) Refrigerators;
- (P) Stoves;
- (Q) Televisions.

**SECTION 7 Text Amendment.** The Ojai Municipal Code Section 10-2.3602, subsection (h) is hereby amended to read as follows, with additions marked by underlined text and deletions marked by ~~struck-through~~ text.

**Article 36. Definitions/Glossary**

(h) *Definitions, "H."*

- (1) *Handcraft industries, small-scale manufacturing.* Establishments manufacturing and/or assembling small products primarily by hand, including jewelry, pottery and other ceramics, as well as small glass and metal art and craft products.
- (2) *Health/fitness facilities.* Fitness centers, gymnasiums, health and athletic club, including any of the following indoor sauna, spa or hot tub facilities; indoor tennis, handball, racquetball, archery and shooting ranges and other indoor sports activities.
- (3) *Hedge.* A living plant or number of plants with a compact growth habit and branches coming from the base of the plant cultivated and maintained in a linear fashion to form a ground-up solid barrier similar to a fence, wall or screen. A hedge must be living and freestanding to qualify within this definition.
- (43) *Height.* (When referring to a tower or other supporting structure.) The distance measured from ground level to the highest point on the tower or other structure, even if the highest point is an antenna. See Section 10-2.803 for height measurement requirements for other structures.
- (54) *Home occupations.* The conduct of a business within a dwelling unit or residential site, employing occupants of the dwelling, with the business activity being subordinate to the residential use of the property.
- (65) *Home split.* The division of an existing single-family home into two (2) dwelling units, each containing a minimum of 650 square feet of living space and meet the following criteria: (i) the existing single-family home contains a minimum of 2,000 square feet of living space, is located on a legal lot comprising at least one-half (½) acre of land and has a current Zoning District designation of R-0-1/2, R-0-1, R-0-2 or R-0-4; (ii) entails no expansion in floor area of the existing single-family home other than to accommodate a separate kitchen and/or bathroom for the second unit not exceeding ten (10%) percent of the existing floor area; (iii) results in no change in the physical appearance of the existing single-family home or otherwise complies with the provisions of Section 10-2.2003(c); and (iv) adheres with all applicable building code requirements and development standards of the underlying Zoning District.
- (76) *Hotel or motel.* Facilities with guest rooms or suites, provided with or without kitchen facilities, rented to the general public for transient lodging (less than thirty (30) days). Hotels provide access to most guest rooms from an interior walkway, and typically include a variety of services in addition to lodging; for example, restaurants, meeting facilities, personal services. Motels provide access to most guest rooms from

an exterior walkway. Also includes accessory guest facilities (e.g., swimming pools, tennis courts, indoor athletic facilities, accessory retail uses).

(87) *Household pets*. The keeping/raising of birds, cats, dogs, or other common household pets, as determined by the Director, accessory to a residential use.

(98) *Housing cost*. The sum of actual or projected monthly payments for all of the following costs associated with for-sale bonus units: principal and interest on a mortgage loan, including any loan insurance fees; property taxes and assessments; fire and casualty insurance; property maintenance and repairs; homeowner association fees; and a reasonable allowance for utilities.

(109) *Housing development*. Residential projects consisting of five (5) or more residential units, including single-family and multi-family dwellings for sale or rent.

(110) *Hydrozone*. A portion of the landscaped area having plants with similar water needs that are served by a valve or set of valves with the same schedule. A hydrozone may be irrigated or non-irrigated. For example, a naturalized area planted with native vegetation that will not need supplemental irrigation once established is a non-irrigated hydrozone.

**SECTION 8 Text Amendment.** The Ojai Municipal Code Section 10-2.3602, subsection (s) is hereby amended to read as follows, with additions marked by underlined text and deletions marked by ~~struck-through~~ text.

**Article 36. Definitions/Glossary**

(s) *Definitions*, "S."

- (1) *Schools*. Public and private educational institutions, including:
  - (A) Boarding schools;
  - (B) Business, secretarial, and vocational schools;
  - (C) Community colleges, colleges and universities;
  - (D) Elementary, middle, and junior high schools;
  - (E) Establishments providing courses by mail;
  - (F) High schools;
  - (G) Military academies;
  - (H) Professional schools (law, medicine);
  - (I) Seminaries/religious ministry training facilities.

Also includes specialized schools offering instruction in the following:

- (J) Art;
- (K) Ballet and other dance;
- (L) Computers and electronics;
- (M) Drama;
- (N) Driver education;

City of Ojai  
Ordinance No. 910

(O) Language;

(P) Music.

Also includes facilities, institutions and conference centers that offer specialized programs in personal growth and development (e.g., fitness, environmental awareness, arts, communications, and management.) Does not include pre-schools and child day care facilities (see “Child day care facilities”). See also the definition of “Studios—Art, dance, music, photography” for smaller-scale facilities offering specialized instruction.

(2) Screening. As a noun, screening means a fence or wall that serves to divide disparate land uses, or to divide and block the view of a structure or facility from the public right of way or adjoining properties.

(32) Second residential units, also known as Accessory Dwelling Units. A second permanent dwelling that is accessory to a primary dwelling on the same site. A second residential unit provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, sanitation and parking, and if attached to the primary dwelling, is without interior access to the primary dwelling.

(43) Senior citizen. Persons at least sixty-two (62) years of age; or persons at least fifty-five (55) years of age in a senior citizen housing development, in compliance with State and Federal law.

(54) Senior citizen housing. A housing development consistent with the California Fair Employment and Housing Act (Government Code Sections 12900, et seq., including 12955.9 in particular), which has been “designed to meet the physical and social needs of senior citizens,” and which otherwise qualifies as “housing for older persons” as that phrase is used in the Federal Fair Housing Amendments Act of 1988 (P.L.100-430) and implementing regulations and as that phrase is used in California Civil Code Section 51.3.

(65) Setback. The distance by which a structure, parking area, or other development feature shall be separated from a lot line, other structure or development feature, or street centerline. Setbacks from private streets are measured from the edge of the easement. See also “Yard.” Figure 5-3 shows the location of front, side, street side, rear, and interior setbacks.

(76) Sign. A structure, device, figure, display, message placard, or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended, or used to advertise, or to provide information in the nature of advertising, to direct or attract attention to an object, person, institution, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Does not include murals, paintings and other works of art that are not intended to advertise or identify any object, person, institution, business, product, service, or event. Types of signs include the following:

(A) *Abandoned sign.* A sign that no longer advertises a business, lessor, owner, individual, product, service or activity on the premises where the sign is displayed.

- (B) *Animated or moving sign.* A sign which uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.
- (C) *Awning sign.* A sign, logo, or text attached or affixed to, or painted or printed on, an awning which is attached to a building.
- (D) *Banner, flag or pennant.* Cloth, bunting, plastic, paper or similar non-rigid material used for advertising purposes attached to a structure, staff, pole, line, framing or vehicle, not including official flags of the United States, the State of California and other States of the nation, counties, municipalities, official flags of foreign nations and nationally or internationally recognized organizations.
- (E) *Bench sign.* Copy painted on a portion of a bench.
- (F) *Billboard.* A sign which has a flat-surface space upon which sign copy may be posted, painted, or affixed, and which is designed for the rental or lease of such sign space for purposes not relating to the use of the property upon which the sign exists.
- (G) *Changeable copy sign.* A sign designed to allow the changing of copy through manual, mechanical, or electrical means.
- (H) *City sign.* A sign that displays information regarding or identifying a City-operated structure, park, public area, street, avenue, road, place, court, the City limits, or other City information.
- (I) *Civic event sign.* A temporary sign other than a commercial sign posted to advertise a civic event sponsored by a public agency, school, church, civic-fraternal organization or similar noncommercial organization.
- (J) *Commercial or manufacturing property zone sign.* An on-site business-related sign located on property zoned commercial, industrial, or village mixed used.
- (K) *Contractor or construction sign.* A sign which states the name of the developer and contractor(s) working on the site and related engineering, architectural or financial firms involved with the project.
- (L) *Directory sign.* A sign for listing the tenants and their suite numbers of a multiple tenant structure or center.
- (M) *Double-faced sign.* A sign constructed to display its message on the outer surfaces of two (2) identical and/or opposite parallel planes.
- (N) *Electronic reader board sign.* A sign with a fixed or changing display composed of a series of lights, but not including time and temperature displays.
- (O) *Flashing sign.* A sign that contains an intermittent or a sequential flashing light source.
- (P) *Future tenant identification sign.* A temporary sign that identifies the names of future businesses that will occupy a site or structure.
- (Q) *Garage sale sign.* A sign with a message advertising the resale of personal property that has been used by the resident.
- (R) *Grand opening.* A promotional activity not exceeding thirty (30) calendar days used by newly-established businesses, within two (2) months after initial

occupancy, to inform the public of their location and services available to the community. "Grand opening" does not mean an annual or occasional promotion of retail sales by a business.

(S) *Ground mounted sign.* A sign fixed in an upright position on the ground not attached to a structure other than a framework, pole or device, erected primarily to support the sign. Includes monument signs and pole signs.

(T) *Halo-lit or back-lit sign.* An illuminated sign with opaque, reverse pan channel, halo-lit letters and elements with concealed light sources in which the light projects away from the viewer.

(U) *Holiday decoration sign.* Temporary seasonal signs, in the nature of decorations, clearly incidental to and customarily associated with nationally-recognized holidays and which contain no advertising message.

(V) *Identification sign.* A sign which serves to identify only the name, address, and lawful use of the premises upon which it is located and provides no other advertisements or product identification.

(W) *Indirectly illuminated sign.* A sign whose light source is external to the sign and which casts its light onto the sign from some distance.

(X) *Internally illuminated sign.* A sign whose light source is located in the interior of the sign so that the rays go through the face of the sign, or light source which is attached to the face of the sign and is perceived as a design element of the sign.

(Y) *Marquee (canopy) sign.* A sign which is attached to or otherwise made a part of a permanent roof-like structure which projects beyond the building wall in the form of a large canopy to provide protection from the weather.

(Z) *Monument sign.* An independent, freestanding sign which is not supported by a building, but by one or more braces, uprights, or other similar structural components, and may incorporate the design and building materials accenting the architectural theme of the structures on the same property.

(AA) *Multi-tenant or multiple tenant sign.* An identification sign for a commercial site with multiple tenants, at least three (3) or more, displaying the names of each tenant on a single parcel or on contiguous parcels under the same ownership and which utilize common off-street parking and access facilities.

(BB) *Neon sign.* A sign composed of one or more discharge lamps in which the gas contains a large proportion of neon or other similar inert gas.

(CC) *Nonconforming sign.* An advertising structure or sign that was lawfully erected and maintained prior to the adoption of these Zoning Regulations, but does not now completely comply with current regulations.

(DD) *Off-site directional sign.* A sign identifying a publicly-owned facility, emergency facility, or a temporary subdivision sign, but excluding real estate signs.

(EE) *Off-site sign.* A sign identifying a use, facility, service, or product which is not located, sold, or manufactured on the same premises as the sign or which identifies a use, service, or product which, although sold or manufactured on the



premises, does not constitute the principal item for sale or manufactured on the premises.

(FF) *On-building directory sign.* A sign or a set of similarly designed individual signs placed or displayed in sequence on a structure to list all or part of the businesses within the structure or business center.

(GG) *On-site sign.* A sign identifying a use, facility, service, or product which is located, sold, or manufactured on the same premises as the sign or which identifies a use, service, or product by a brand name which constitutes the principal item for sale or manufactured on the premises.

(HH) *Painted wall sign.* A painting or mural on the wall of a building or structure.

(II) *Parking lot sign.* A sign, other than those described in Section 10-2.1606(u), located in a parking lot to supply information to individuals using the lot.

(JJ) *Permanent sign.* A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.

(KK) *Political sign.* A sign designed for the purpose of advertising support of or opposition to a candidate or proposition for a public election, or otherwise containing a politically-oriented message.

(LL) *Pole sign.* An elevated freestanding sign, typically supported by one or two (2) poles or columns.

(MM) *Portable sign.* A sign that is not permanently affixed to a structure or the ground.

(NN) *Projecting sign.* A sign other than a wall sign suspending from, or supported by, a structure and projecting outward from the structure, rather than being mounted flat on the surface of a structure.

(OO) *Roof sign.* A sign constructed upon or over a roof, or placed so as to extend above the edge of the roof.

(PP) *Special event sign/banner.* A temporary sign or banner that is intended to inform the public of a community or public event, action, purpose, or occasion (i.e., grand opening or civic event).

(QQ) *Temporary sign.* A sign intended to be displayed for a limited period of time and capable of being viewed from a public right-of-way, parking area or neighboring property.

(RR) *Under canopy sign.* A sign attached to or suspended from the underside of a projecting canopy, arcade, marquee, deck, or second floor porch protruding over public or private sidewalks or rights-of-way.

(SS) *Vehicle sign.* A sign which is attached to or painted on a vehicle which is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or business located on the property.

(TT) *Wall sign.* A sign which is attached to or painted on the exterior wall of a structure with the display surface of the sign parallel to and mounted flat on the building wall.

(UU) *Window sign*. A sign posted, painted, placed, or affixed in or on a window exposed to public view or an interior sign which faces a window exposed to public view and is located within three (3') feet of the window.

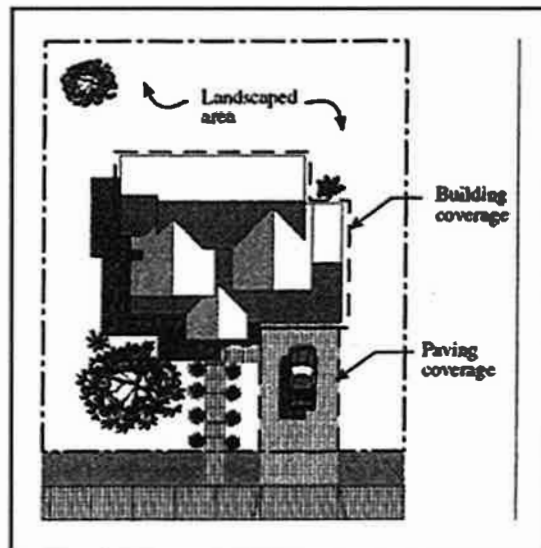
(87) *Sign area*. The entire area within a perimeter defined by a continuous line composed of right angles using no more than four (4) lines which enclose the extreme limits of lettering, logo, trademark, or other graphic representation.

(98) *Sign height*. The vertical distance from the uppermost point used in measuring the area of a sign to the average grade immediately below the sign, including its base or the top of the nearest curb of the street on which the sign fronts, whichever measurement is the greatest.

(109) *Single-family dwellings*. A building designed for and/or occupied exclusively by one family. Also includes factory-built, modular housing units, constructed in compliance with the Uniform Building Code (UBC), and mobile homes/manufactured housing on permanent foundations. May include the rental of rooms within a dwelling also occupied by the property owner or a primary tenant.

(110) *Site*. A parcel or adjoining parcels under single ownership or single control, considered a unit for the purposes of development or other use.

(124) *Site coverage*. The percentage of total site area occupied by structures. Structure or building coverage includes the primary structure, all accessory structures (e.g., carports, garages, patio covers, storage sheds, trash dumpster enclosures) and architectural features (e.g., chimneys, balconies, decks above the first floor, porches, stairs). Structure/building coverage is measured from exterior wall to exterior wall.



**Figure 5-4**  
**SITE COVERAGE**

(132) *Small family day care homes.* See “Child day care facilities.”

(143) *Social service centers.* Public or quasi-public establishments providing social services and rehabilitation services, counseling centers, welfare offices, job counseling and training centers or vocational rehabilitation agencies, serving persons with social or personal problems requiring special services and the handicapped and the disadvantaged. Includes organizations soliciting funds to be used directly for these and related services. Also includes establishments engaged in community improvement and neighborhood development. (Does not include child day-care services [e.g., pre-schools] which are classified under “Schools—Preschool to secondary,” or “Residential care,” which are separately defined).

(154) *Steep slopes.* Slopes with a grade of more than twenty-five (25%) percent.

(165) *Stone and cut stone product manufacturing.* Manufacturing establishments engaged primarily in cutting, shaping, and finishing marble, granite, slate, and other stone for building and miscellaneous uses. Also includes establishments engaged primarily in buying or selling partly finished monuments and tombstones.

(176) *Storage—Outdoor.* The storage of various materials outside of a structure other than fencing, either as an accessory or principal use.

(187) *Storage—Personal self-service (mini-storage).* A structure or group of structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand.

(198) *Structural clay and pottery product manufacturing.* Manufacturing establishments engaged primarily in producing brick and structural clay products, including pipe, china plumbing fixtures and vitreous china articles, fine earthenware and porcelain products. Artist/craftsman uses are included in “Handcraft industries and small scale manufacturing,” and “Home occupations.”

(2049) *Studios for art, dance, music, photography.* Small-scale facilities, typically accommodating one (1) group of students at a time, in no more than one (1) instructional space. Larger facilities are included under the definition of “Schools—Specialized education and training.” These include facilities for individual and group instruction and training in the arts; production rehearsal; photography and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics instruction, and aerobics and gymnastics studios with no other fitness facilities or equipment.

(210) *Subdivision.* The division, by any subdivider, of any unit or portion of land shown on the latest equalized County assessment roll as a unit or contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. Subdivision includes the following, as defined in Civil Code Section 1351, a condominium project; a community apartment project; a planned development; or the conversion of five (5) or more existing dwelling units to a stock cooperative.

(221) *Subdivision Map Act, or Map Act.* Division 2, Title 7 of the California Government Code, commencing with Section 66410 as presently constituted, and any amendments to those provisions.

(232) *Supermarket.* A full-service, self-service retail store with gross annual sales of Two Million and no/100ths (\$2,000,000.00) Dollars or more, and which sells a line of dry grocery, canned goods, or non-food items and some perishable items.

**SECTION 9 Text Amendment.** The Ojai Municipal Code Section 10-2.3602, subsection (w) is hereby amended to read as follows, with additions marked by underlined text and deletions marked by ~~struck-through~~ text.

### **Article 36. Definitions/Glossary**

(w) *Definitions, "W."*

(1) *Wall.* An artificially constructed, continuous, upright structure barrier consisting of concrete, masonry, stone, or similar manufactured material or combination of materials erected to enclose, screen, or separate an area of land. Similar structures primarily of wood, or materials other than concrete or masonry, are included under the definition of "Fence."

(21) *Warehousing, wholesaling and distribution.* These facilities include:

(A) *Warehousing.* Facilities for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include: warehouse, storage or mini-storage facilities offered for rent or lease to the general public (see "Storage, personal storage facilities"); warehouse facilities in which the primary purpose of storage is for wholesaling and distribution (see "Wholesaling and distribution"); or terminal facilities for handling freight (see "Truck and freight terminals").

(B) *Wholesaling and distribution.* Establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to persons or companies. Includes establishments as:

- (i) Agents, merchandise or commodity brokers, and commission merchants;
- (ii) Assemblers, buyers and associations engaged in the cooperative marketing of farm products;
- (iii) Merchant wholesalers;
- (iv) Stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment.

**SECTION 10. Environmental Determination.** The City Council determines that the following findings and conclusions reflect the independent judgment of the City Council. The City Council finds that the adoption of the foregoing proposed text amendment is exempt from review under the California Environmental Quality Act (CEQA) under California Code of Regulations, and is categorically exempt from review because it does not meet the definition of a project under

City of Ojai  
Ordinance No. 910

CEQA Guidelines per Sections 15002(i)(1), 15061 subdivision (b)(3), 15378 subdivision (b)(5). The proposed changes to the Ordinance have no potential for resulting in physical changes in the environment because it provides development standard for fences, walls, hedges and screening and does not directly or indirectly approve any applications for particular projects. Any particular proposed project will be required to obtain a City development permit and undergo appropriate review under CEQA. Therefore, no further environmental review is necessary.

**SECTION 11. Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases or portions might be declared invalid or unconstitutional.

**SECTION 12. Certification.** The City Clerk shall cause this Ordinance to be published once, within fifteen (15) calendar days after its passage, in the *Ojai Valley News*, a newspaper of general circulation, printed, published and circulated in the City, and shall cause a copy of this Ordinance and its certification, together with proof of publication, to be entered in the Book of Ordinances of the City.


**SECTION 13. Effective Date.** This Ordinance shall take effect 30 days after its passage and adoption pursuant to California Government Code Section 36937, shall supersede any conflicting provision of any City of Ojai ordinance, and shall continue in effect until terminated by further action of the City Council in accord with applicable law.

CITY OF OJAI, CALIFORNIA

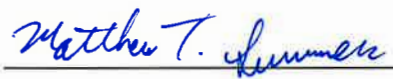
By   
John F. Johnston, Mayor

11-19-2020  
Date signed

ATTEST:

  
Gail Davis, Deputy City Clerk

APPROVED AS TO FORM:

  
Matthew T. Summers, City Attorney

City of Ojai  
Ordinance No. 910

STATE OF CALIFORNIA )  
COUNTY OF VENTURA )  
CITY OF OJAI )

I, Gail Davis, Deputy City Clerk of the City of Ojai do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Ojai held on October 27, 2020 and adopted at a regular meeting held on November 10, 2020 by the following vote:

AYES: Blatz, Francina, Haney, Johnston, Weirick  
NOES: None  
ABSTAIN: None  
ABSENT: None



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Gail Davis  
Deputy City Clerk for the City of Ojai