

## **ORDINANCE NO. 4118**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA ADOPTING CODE AMENDMENT (CA 08-002) AMENDING THE ZONING ORDINANCE TO ESTABLISH ADDITIONAL REGULATIONS PERTAINING TO FENCES AND WALLS**

**WHEREAS**, the City of Pomona has duly initiated Code Amendment (CA 08-002) pertaining fences and walls;

**WHEREAS**, there exists throughout the City conditions relating to walls and fences that detract from the physical appearance of the City;

**WHEREAS**, on January 9, 2008, the Planning Commission conducted a workshop to discuss issues and concerns relating to fences and walls;

**WHEREAS**, on January 16, 2008 and February 20, 2008, the Historic Preservation Commission conducted workshop discussions on fence and wall to discuss issues and concerns;

**WHEREAS**, based on the foregoing, the City seeks to amend the Zoning Ordinance to establish additional regulations pertaining to the regulation of fences and walls within the City; and

**WHEREAS**, the Planning Commission of the City of Pomona, after giving notice thereof as required by law, held a public hearing on October 8, 2008 concerning Code Amendment (CA 08-002) and carefully considered all pertinent testimony and the staff report offered in the case as presented;

**WHEREAS**, the City Council of the City of Pomona, after giving notice thereof as required by law, held a public hearing on March 16, 2009, concerning Code Amendment (CA 08-002) and carefully considered all pertinent testimony and the staff report offered in the case as presented; and

**WHEREAS**, the City Council has duly considered the proposed changes to the Zoning Ordinance as well as the impact of the changes on the general welfare of the City and the consistency of the changes with the General Plan.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Pomona as follows:

**SECTION 1.** Pursuant to the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), the City Council has determined that the project is exempt per Section 15061(b)(3). Section 15061(b)(3) exempts projects where it can be seen with certainty that the activity does not have the potential to cause a significant direct effect on the environment. The adoption of Code Amendment (CA 08-002) to establish additional requirements for fences and walls does not have the potential to cause a significant direct effect on the environment.

**SECTION 2.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this ordinance adopting Code Amendment (CA 08-001), or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

**SECTION 3.** That section .503-I of the Zoning Ordinance is hereby amended as follows:

**.503-I FENCES, HEDGES AND WALLS.**

**Intent and purpose.**

This section is intended to regulate the location, height, materials, and appearance of fences, hedges and walls so as to permit the maximum of the property, and the maximum safety for persons using the sidewalks and streets related thereto, and to enhancement city aesthetics.

**1. Definitions.**

*Arbor.* A structure that is freestanding or connected to a fence or wall that has a roof and walls that are substantially open.

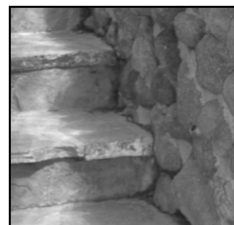
*Decorative masonry wall.* A wall constructed of masonry material other than plain concrete block that has a decorative surface treatment such as split-faced block or stucco covering or that is constructed using patterned blocks, or constructed of river rock or similar rock material fitted together with mortar, or that has other similar surface treatment or construction technique that provides an overall decorative appearance to the satisfaction of the Planning Manager.



Split-faced block wall



Patterned block wall



River rock wall

*Fence, open.* Any structural device forming a physical barrier which is so constructed that not less than fifty percent of the vertical surface is open to permit the transmission of light, air and vision through said surface in a horizontal plane. This shall include wire mesh, steel mesh, chain link, louvered, stake and other similar materials. Planting shall be regulated to maintain the required open areas in said fence structure.

*Fence, solid.* Any structural device forming a physical barrier that is constructed so that more than fifty percent of the vertical surface is closed to prevent the passage of light, air and vision through the fence and that is constructed of solid materials, such as wood, chain-link with screening inserts, vinyl, or composite material, that form a barrier.

*Hedge.* A plant or series of plants, shrubs or other landscape material, so arranged as to form a physical barrier or enclosure.

*Historic district.* Any historic district listed on a local, state or national historic register.

*Historic fences and walls.* Any fence or wall that was constructed during the period of significance of the historic district in which it is located, or that was constructed during the period of significance of the historic landmark property on which it is located or that is more than 50 years old.

*Historic landmark.* Any improvement or natural feature listed on a local, state or national register.

*Junk material.* Any worn-out, cast-off, or discarded articles or materials including, but not limited to, garage doors, windows, corrugated metal, inoperable motor vehicles and parts, construction material, household wastes including discarded appliances, and yard debris.

*Nonconforming fences and walls.* Any fence or wall legally existing as of the effective date of the ordinance enacting this section and as a result of said ordinance that does not meet height, location, material or other applicable restrictions of this section.

*Retaining wall.* A properly engineered, where required, wall built or designed to hold the soil on the up-hillside from slumping, sliding or falling.

*Security Fencing:*

*Barbed Wire* is a strand of twisted wire armed with barbs or sharp points.

*Coiled Barbed Wire* is a strand of barbed wire that is used in a coiled looping form.

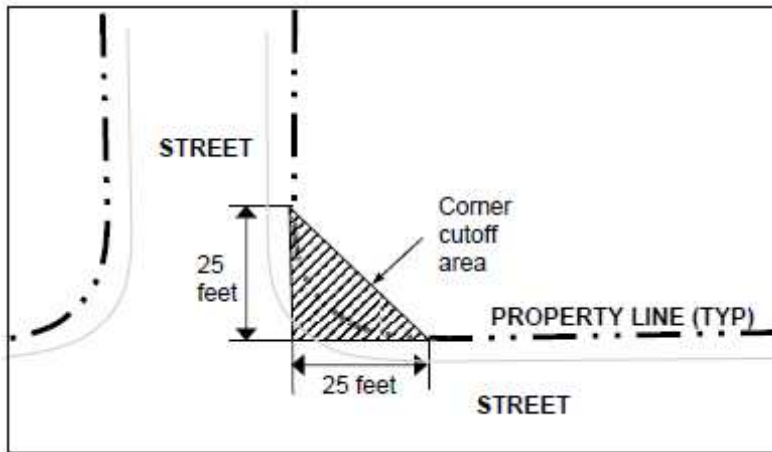
*Razor Wire* is a continuous coil of stainless steel ribbon with razor type barbs.

*Concertina fencing* is a type of razor wire or barbed wire in which pairs of loops are clipped together in a coil configuration.

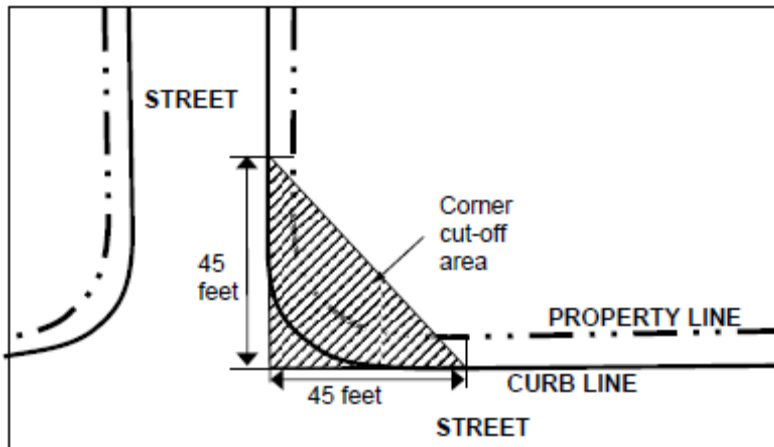
## **2. Protection of intersection visibility.**

- (a) The following regulations shall apply to the intersection of streets: There shall be a corner cut-off on all lots formed by intersecting streets. The corner cut-off and visibility provisions shall be determined as set forth by Pomona City Code Section 46-12 and shall be as follows:

### Corner cutoff for intersecting streets without curbs

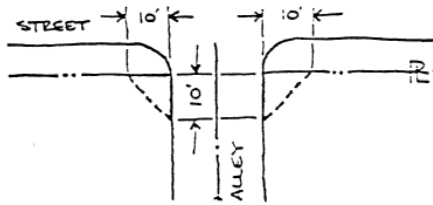


### Corner cutoff for intersecting streets with curbs



The height limit of any objects, be they signs, plants, walls, fences, etc., in the corner cutoff area shall be three feet measured from the flow line of the adjacent gutter. (With an eight-inch curb, there would be a height limit of two feet four inches above sidewalk or parking level.) This limit does not apply to utility poles, trees trimmed at the drip line to eight feet above the intersection, traffic safety devices and other devices as described in Pomona City Code Section 46-12.

- (b) The following regulations shall apply to the intersection of a street with an alley in all “R,” “A-P,” “C,” “C-IND” and “M” zones:
- There shall be a corner cut-off on all lots which abut an alley where the alley intersects a street. This corner cut-off shall be determined by points located on and measured ten feet from the intersection of the property line along the street and the property line along the alley.
- No obstruction of any nature shall be permitted in this corner cut-off area which limits the visibility of persons.



### 3. Permitted fences, hedges and walls:

The following regulations shall apply to “R,” “A-P,” and all “C,” and “M” zones, except as set forth for corner cut-off areas in Section 2 of this ordinance. (The following provisions shall also apply to all Specific Plan areas where the Specific Plan is silent regarding these regulations.)

- (a) Fences, hedges and walls; not to exceed six feet in height shall be permitted on or within all rear and side property lines, and to the rear of all front yard setback lines.
- (b) No open fence over four feet in height, or retaining wall over four feet in height as measured from the outside of the wall, nor any wall, solid fence or hedge over three feet in height shall be permitted in any required front yard. It is not the intent of this subsection to regulate the placing of plant material parallel to and immediately abutting the exterior walls of buildings that are adjacent to the front yard setback line. If two or more retaining walls are constructed in a front yard with a separation of three feet or less between the faces of the structures, the height of the respective structures shall be combined to determine the total retaining wall height as measured from the outside portion of the wall. If the retaining walls are separated by a horizontal distance greater than three feet, the heights of the retaining walls shall be calculated separately.
- (c) Fences around tennis, badminton, basketball or volleyball courts and similar play areas may be up to 12 feet in height provided that they are located within the rear half of the lot and that all parts of the fence which exceed six feet above the finished surface of the court shall be open, mesh, chain-link type fencing. Such fences shall be permitted on a property line, or within 10 feet of a property line, subject to the obtaining of a conditional use permit, which may be granted on the finding that such an enclosure will not constitute a nuisance to an abutting property.
- (d) A fence so constructed that no less than 75 percent of the surface is open to permit the transmission of light, air and vision and not exceeding six feet in height shall be permitted in the required front yard within all zones except Single-Family Residential and Open Space zones and Single-Family Districts and Mixed Use Districts within the Downtown Pomona Specific Plan area consistent with all other requirements of this section.
- (e) Fences and walls in any “M” Manufacturing zone, or within an Industrial Mixed Use district (MU-LI) within the Downtown Pomona Specific Plan area, shall not exceed eight feet in height in rear and side yards to the rear of the front yard setback.

#### **4. Required fences and walls:**

The following standards shall apply to property at the time of the erection of any main building or where an existing main building is enlarged more than 50 percent of the original floor area, or rebuilt involving more than 50 percent of the original floor area, or moved onto said property:

- (a) In the “R” zones (The following provisions shall also apply to all residential land use districts within Specific Plan areas).

In all areas, a six foot high fence or wall shall be constructed at the tops of slopes when all of the following conditions apply:

- (1) Where the top of the slope is a property line between adjoining lots held under separate ownerships;
- (2) Where the difference in vertical elevation between the top and the toe of the slope is six feet or more; and
- (3) Where the grade of the slope between the property line and the toe of said slope is two to one (2:1) or greater.

- (b) In the “C-1,” “C-2,” “C-3,” “C-4,” “C-C,” “A-P,” “C-ND,” “M,” “M-1,” and “M-2” zones (The following provisions shall also apply to all commercial, industrial and commercial and industrial mixed use districts within Specific Plan areas).

A six foot high solid decorative masonry wall shall be erected along the side and rear property lines where such property lines are boundaries separating commercial and industrial zones and/or uses from abutting residential zones as follows:

- (1) Where the zone boundary is at a rear lot line, which is not on a street, the wall shall be on that line;
- (2) Where the zone boundary is a side lot line, the required wall shall be on and parallel to the lot line. The wall shall be reduced in height to three feet within the area defined by a line which is the prolongation of the front yard required in the abutting residential zone;
- (3) Where the zone boundary is a street, the wall constructed along the street shall be set back from the property line a distance of five feet; the space between the wall and the property line is to be landscaped and maintained;
- (4) Where the zone boundary is an alley, the wall shall be on the property line along the alley.

A three foot high solid decorative masonry wall shall be erected on the commercial or industrial property parallel to and five feet from the front property line where a street is a boundary separating commercial and industrial zones and/or uses from abutting residential zones. The area between the wall and City right-of-way shall be landscaped and maintained.

Nothing in this section shall be deemed to set aside or reduce the requirements established for security fencing by local, state or federal law, or by safety requirements of the Board of Education.

- (c) Outdoor Storage Areas/Yards.

A six foot high solid decorative masonry wall shall be erected along the street frontage and along the district boundaries between an outdoor storage area, where permitted by the zone in

which is located, and any residential zone. However, providing if yard setback areas are required, the wall shall be along the setback line. In addition to the above walls, there shall be a six foot high fence or wall enclosing the storage yard on all of its other property lines.

(d) **Public Assembly Uses**

A six foot high solid decorative masonry wall shall be constructed on the property line of any site containing a public assembly use, pursuant to Section .062, that abuts a residential district or use. Said wall need not be constructed within the required front yard or any side yard facing a public street unless necessary to screen an off-street parking area visible from a public street; in such case, a maximum three foot high wall shall be provided. If abutting a required landscape area, said wall shall be placed on the interior line of such landscaping.

- (e) Chain link and other wire mesh fencing as required under Sections .600 A.9 and .600 C.3, and as permitted under Section .503-I (8) (a) of the Zoning Ordinance shall be constructed of not less than nine gauge wire and not greater than two-inch mesh. Posts shall be installed supporting such fences that shall be set 36 inches in a concrete base and shall be spaced a maximum of 10 feet apart. Tension wires of at least No. 9 gauge coil spring wire or equivalent shall be stretched at the top and bottom of the fence fabric and fastened to the fabric at 24-inch intervals. Gates shall be constructed substantially the same as the required fence and shall be kept locked when not attended by an adult. The maximum clear spacing allowed at the bottom of the fence is 2 inches.

**5. Required fence and wall setbacks.**

The following setbacks standards shall apply to fences and walls constructed or erected in all zones:

- (a) Fences and walls shall be setback at least 2 feet as measured from the centerline of water utility boxes or 3 feet as measured from the outside circumference of public fire hydrants.
- (b) Fences and walls shall be setback at least 7' 6" as measured from the centerline of sewer manhole covers.
- (c) A clearance of at least 3 feet shall be maintained around any City utility, such as a meter box or manhole cover, regardless of whether the meter box or manhole cover is within the public right-of-way or on private property.

**6. Security Fencing.**

The following standards shall apply to security fencing for properties in the "R," "C," "A-P," "C-IND," and "M" zones and within all residential, commercial, industrial and mixed use districts within Specific Plan areas except where there is a conflict, in which case the Specific Plan provision shall prevail. Security Fencing refers to barbed wire, razor wire, coiled barbed wire, concertina, and/or similar products. Sections .503-I. 3 and 4 pertaining to maximum allowed fence or wall heights shall not apply to security fencing.

(a) **General Provisions.**

- (1) A warning sign shall be posted visible to the public when security fencing such as barbed wire, razor wire, coiled barbed wire, concertina wire, or other similar products are used;

- (2) Security fencing shall be maintained at all times by the property owner to ensure the public health, safety and welfare. The property owner shall repair any security fencing within twenty-four hours from the time that the City issues the property owner a notice of correction;
  - (3) Barbed wire, razor wire, coiled barbed wire, concertina wire, or similar types of fencing materials existing on Arterial or Major Collector Streets which are not in compliance with the provisions of this section have one year from the date of adoption of this ordinance to be brought into compliance.
- (b) All security fencing shall be prohibited in the “R” districts and all residential, and residential mixed use districts within Specific Plan areas and the MU-CDB district of the Downtown Pomona Specific Plan area.
- (c) Security fencing in “C,” “A-P,” “C-IND,” and “M” zones. Barbed wire, razor wire, coiled barbed wire, concertina wire, and/or similar products may be used in all “C,” “A-P,” “C-IND” and “M” zones and within the commercial (MU-AR) and industrial mixed use (MU-LI) districts within the Downtown Pomona Specific Plan area,” zones in the following situations:
- (1) Security fencing shall be prohibited within all front yards and any street facing side and rear yards. For properties where there is no front or side yard required by the zone in which it is located, security fencing shall be prohibited between any main building and the front property line and street facing side and street facing rear property lines on the same property.
  - (2) Fences or walls shall be a minimum of six feet in height prior to the use of barbed wire or coiled barbed wire and shall not exceed eight feet in height, including the barbed wire or coiled barbed wire;
  - (3) Razor wire, concertina wire or similar products shall be permitted when the fence or wall has a minimum height of eight feet and shall not exceed ten feet in height with the concertina wire or razor wire;
  - (4) All barbed wire, razor wire, coiled barbed wire, concertina wire, and/or similar products shall be screened from public view;
  - (5) Razor wire, concertina wire and/or similar products shall be prohibited in the C-1, C-2, C-3, C-C, C-4 and A-P zones and the entire Downtown Pomona Specific Plan area;
  - (6) Plans for the use of barbed wire, razor wire, coiled barbed wire, concertina wire or similar products shall be approved by the Planning Division, and a building permit shall be obtained prior to installation of the security fencing;
  - (7) The installation of the barbed wire, razor wire, or coiled barbed wire, concertina wire and/or similar products shall be installed and maintained at a ninety degree angle to forty-five degree angle into the property measured from the vertical axis representing the fence. Such fencing shall not protrude or extend over adjacent private or public property.

## **7. Height Measurement**

The height of a fence, wall, or hedge shall be measured upward from the lowest finished ground level beneath it. Where a fence or wall is built upon a retaining wall, the height shall be measured from the highest adjacent finished ground level.



## **8. Prohibited Materials.**

- (a) Except for temporary fencing associated with construction activity that has an active building permit on file with the Building and Safety Division, vacant lots, and temporary fencing in accordance with Sec. .600 A.9 and C.3, the use of chain link, metal slat and wire fencing shall be prohibited within front yards or street-facing side or rear yards in all zones and for all retail/commercial and residential development within the Downtown Pomona Specific Plan area.
- (b) The use of fences or walls made of debris, junk, tarps or other types of fabric, except for mesh fabric specifically designed as windscreens to be used for tennis courts, rolled plastic, sheet metal, plywood, or waste materials shall be prohibited in all zones, unless such materials have been recycled and reprocessed into building materials marketed to the general public as fencing and/or wall materials and resembling new building materials such as wood.
- (c) The use of glass shards, spikes (other than decorative spikes that are part of an ornamental metal fence), nails or other sharp material installed on the top of any fence or wall is prohibited in all zones.
- (d) Wood fencing is prohibited in all commercial and industrial zones, and all industrial and commercial, and mixed use districts within any Specific Plan area, and for use for perimeter walls for residential subdivisions.

## **9. Fencing and Walls Design Standards.**

**Intent.** It is the intent of the fencing and walls design standards to provide clear and concise design criteria for the purpose of enhancing the visual appearance of fences and walls visible from the public right-of-way, improving the aesthetic compatibility between fences and walls and buildings located on the same and surrounding properties, and ensuring that fences and walls along highly visible traffic corridors meet high standards of design quality.

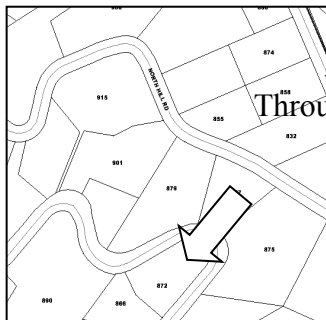
**Applicability.** The design standards provisions of this section are mandatory for all development within any residential, commercial and industrial zones, and Specific Plan areas. (Where the following provisions conflict or are inconsistent with Specific Plan regulations and guidelines, the Specific Plan regulations and guidelines shall prevail.) Exceptions to these design standards may be allowed by the Planning Commission, or other applicable review body, if the Commission or other review body, views the exceptions to be beneficial to the overall appropriateness of the fence or wall.

- (a) The following shall apply to all residentially zoned property and residential districts within Specific Plan areas:
  - (1) Any walls constructed within front yard setbacks and along street facing side and rear yard setbacks shall be *decorative* masonry and have a decorative cap.



Split-faced decorative block wall with decorative cap along a street facing side property line

- (2) Wood fencing within front yards and street facing side and rear setbacks shall be painted, stained or water sealed and have the front side facing out from the property on which it is located.
- (3) Materials and finish shall be continuous and uniform within a given fence or wall along the same property line.
- (4) For through lots (as defined in Sec. .062 *Lot, through*), fencing or walls located on a rear property line shall be decorative masonry or painted, stained or water sealed wood with the front side facing out from the property on which it is located. For every one foot in height, the fence or wall shall be setback one foot from the property line. The area between the wall and rear property line shall be maintained with landscaping.



- (b) The following shall apply to all commercial and industrial zones, perimeter walls for new residential subdivisions, and industrial (MU-LI) and commercial (MU-AR) mixed use land use districts within the Downtown Pomona Specific Plan area:

- (1) Block walls 100 feet or more in length located in any front, street-facing side or rear yard shall be decorative masonry with landscaped recesses measuring a minimum of 2 feet by 6 feet every 50 feet of continuous wall or decorative pilasters having caps every 25 feet of continuous wall.
- (2) All walls adjacent to or visible from any public street shall have a decorative cap.

- (3) All fencing in commercial and industrial zones shall be constructed of wrought iron, tubular steel or decorative masonry within front yards and street facing side and rear yards.
- (4) Where fences and walls are located along street facing side and rear yards, except for through lots, they shall be setback from the property line at least 5 feet and planted with low shrubbery in combination with vines and other accent plants on the street side for screening and be maintained with an automated irrigation system as required in Sec. .503-J J.2. of the Zoning Ordinance.
- (5) All fences and walls shall be constructed so that the finished side faces outward from the property on which it is located.
- (6) Materials and finish shall be continuous and uniform within a given fence or wall along the same property line.
- (7) For through lots (as defined in Sec. .062), fencing or a wall located on the rear property line shall be setback from the rear property line one foot for every one foot in fence or wall height. The area between the wall and rear property line shall be landscaped to screen the wall or fence and be maintained with an automated irrigation system as required in Sec. .503-J. J.2 of the Zoning Ordinance.

#### **10. Fencing and Wall Design Guidelines.**

**Intent.** It is the intent of the fencing and wall design guidelines to provide general direction to the property owner and developer in the design of fences and walls.

**Applicability.** The design guideline provisions of this section shall apply to all development within residential, commercial and industrial zones. Any project requiring a Conditional Use Permit pursuant to Sec. .580 and/or design review approval shall adhere to these guidelines where applicable. Exceptions to these design guidelines may be allowed by the Planning Commission, or other applicable review body, if the Commission or other review body views the exceptions to be beneficial to the overall appropriateness of the fence or wall.

- (a) The following guidelines apply to residentially zoned property and residential districts in the Downtown Pomona Specific Plan area:
  - (1) Avoid fences and walls in front yard setbacks and street facing side and rear yards in neighborhoods where open yards predominate unless needed for specific screening or safety purposes. Where a fence or wall is needed for screening or safety purposes, the fence or wall in the front yard setback or street facing side yard should be kept open as much as possible.
  - (2) Design fences and walls in front yards and street facing side and rear yards to be consistent with or complement the architectural style of the main building(s) on the

same site in terms of color, material and appearance.

- (3) Walls and fences to be installed along street facing side and rear yards, except for through lots, should be set back at least 3 feet from the property line (if there is a landscaped parkway at least 3 feet in width between the sidewalk and the edge of the public right-of-way, the parkway shall serve as the setback), planted with low shrubbery in combination with vines and other accent plants on the street side for screening, and provided with automatic sprinklers.
- (b) The following guidelines apply to commercial and industrial zones, ~~and~~ perimeter walls for new residential subdivisions, and industrial (MU-LI) and commercial (MU-AR) mixed use land use districts within the Downtown Pomona Specific Plan area
  - (1) Avoid fences and walls adjacent to public sidewalks.
  - (2) Design fences and walls in front yards and street facing side and rear yards to be consistent with or complement the architectural style of the main building(s) on the same site in terms of color, materials and style.
  - (3) Keep front yard fencing as low and open as possible.

#### **11. Fencing and Wall Design Standards for Properties Located in Designated Historic Districts or on Designated Historic Landmark Properties.**

Applicability. In addition to all other provisions contained in this Section, the following provisions apply to all properties located in designated historic districts and properties containing designated historic landmarks. All new fences and walls constructed where there are no existing fences or walls and those fences and walls where an existing fence or wall is rebuilt or replaced more than 50 percent of the length of the original fence or wall that are to be located in a front yard, street facing side or rear yard where visible from a public street require approval of a Minor Certificate of Appropriateness (COA) pursuant to Sec. .5809-13 of the Zoning Ordinance and shall adhere to these design standards where applicable. Exceptions to the Design Standards for fences and walls in historic districts and on historic landmark properties may be allowed by the Historic Preservation Commission with the approval of a Major COA if the Commission determines the exceptions to be beneficial to the overall appropriateness of the fence or wall.

##### **Design Standards:**

- (a) Existing historic fences and walls shall be preserved and maintained in place.
- (b) Only deteriorated portions of a historic fence or wall shall be replaced rather than the entire fence or wall. Repaired areas shall match the original in location, design, style, dimension, detail, texture, pattern, material and color.
- (c) If a historic fence or wall must be removed, it shall be replaced in kind.
- (d) If fencing or retaining walls did not exist historically in the front yard setbacks, new fencing and walls in these locations shall not be installed except in matters of public safety.
- (e) New features such as arbors or entrance gates located in front yards shall be designed to

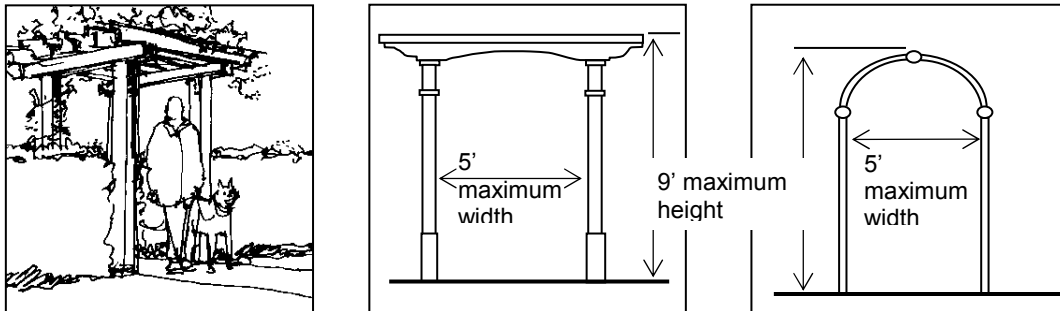
minimize impacts to the historic building on the site by keeping them open, installed where they will not obstruct view from the street of prominent historic features of the building, such as front entries and front porches, and compatible in material, color, and design with the main building on the site.

- (f) Fences and walls in front yard setback areas shall be designed to be consistent with the historic architectural style and period of the main building(s) on the site as follows:
1. Simple or elaborate wrought iron fencing is appropriate for Spanish Revival, Queen Anne Victorian and Folk Victorian buildings.
  2. Plain wood picket fencing is appropriate for Colonial Revival, Craftsman, Prairie Style and Period Revival styles such as English and French Tudors.
  3. Low wood railing fencing is appropriate for Minimal Traditional, Contemporary, and Ranch Style architecture.
  4. Simple stucco and masonry walls with stucco cladding are appropriate for Mediterranean, Spanish or Mission Revival architecture.
  5. Other historically appropriate styles not listed above that were found historically with the style of architecture of the main building on the site.
- (g) Combination block and wrought iron/tubular steel style fences shall not be installed in front yards in historic districts or on historic landmark properties.
- (h) Fencing in front yards and side yards, outside of the rear yard area, adjacent to a public right-of-way shall be open style such as wrought iron, louvered, lattice, stake and other similar materials with the exception of chain-link fencing, which is prohibited.



- (i) When replacing an existing historic fence or wall of appropriate design in the front yard setback that is deteriorated beyond repair, the new fence or wall shall match the existing in layout, materials, height, and design.
- (j) Retaining walls in front yards and street-facing side and rear yards shall be constructed of natural rock or stone or other material compatible with the historic architectural style of the main building on the same site.
- (k) New retaining walls in front yards shall be the same height as other historic retaining walls located in the same vicinity. If there are no other retaining walls in the vicinity, any new retaining walls shall not be greater than 4 feet in height.
- (l) New vinyl fencing and vinyl arbors shall not be installed in any front yard setback or street facing side or rear yard for properties located in historic districts or on properties containing historic landmarks. New vinyl fencing and vinyl arbors in front yards and street facing side and rear yards are subject to review and approval by the Historic Preservation Commission.

## 12. Arbors



Arbors are permitted in the front yard setbacks and street facing side and rear yard setbacks subject to the following requirements:

- (a) Maximum width of 5 feet as measured from the inside edge of the posts;
- (b) Maximum roof area of 25 square feet as measured from the outside edge of the arbor roof or outside edge of posts, whichever is greater.
- (b) Maximum height to the top of the structure of 9 feet;
- (c) Sides and roof substantially open (no solid roof or walls).
- (d) An increase of 2 feet in the maximum permitted width between the inside edge of the posts shall be permitted with a Minor Deviation Variance subject to the requirements contained in Sec. .560.J. "Minor Deviation Variances"; However, such an increase in post placement shall not increase the roof square footage by more than 10 square feet of the maximum permitted square footage of the roof area.

## 13. Fence and Wall Permits

All new fences and walls constructed where there are no existing fences or walls and those fences and walls constructed to replace more than 50 percent of the length an existing fence or wall, or where an existing fence or wall is rebuilt more than 50 percent of the length of the original fence or wall, require the approval of a fence and wall permit from the Planning Division before start of construction and before building permits are issued when required. The permit shall be reviewed for compliance with all height, location, and material requirements and applicable design standards contained in Sec. .503-I. When a Certificate of Appropriateness is required for fences and walls located in designated historic districts and on properties containing designated historic landmarks, a fence and wall permit shall not be required.

## 14. Maintenance

All fences and walls, including legally nonconforming fences and walls, shall be maintained in good repair and in a safe condition including, but not limited to, replacement of deteriorated, missing,

decayed, or broken structural, and decorative elements, missing fasteners, bent elements, damaged pieces, split wood, rusted metal, loose fasteners, insecure posts, warped materials or pieces that are out-of-plumb, out-of-level, etc. All fences and walls shall receive regular structural maintenance to prevent and address sagging and weathering of surfaces visible from the public right-of-way or from an adjoining property. Any deteriorated, damaged or decayed fence materials shall be promptly repaired, and any fence or wall post or section that leans more than 20 degrees from vertical (plumb) shall be promptly repaired to correct that condition. Notwithstanding the foregoing, in the event of a notice of correction for lack of maintenance, the condition shall be repaired within 30 days. In the event that a notice of correction for deteriorated materials is issued, “promptly repaired” shall mean no later than seven days from time of notice of correction issuance. For posts or sections leaning 20 degrees or more from vertical (plumb), “promptly repaired” shall mean within 48 hours of notice if adjacent to a public right-of-way, or within seven days if in such other location.

### **15. Nonconforming Fences and Walls**

All fences and walls not in conformance with this Section shall be consistent with the following:

- (a) All fences and walls existing as of the effective date of the ordinance enacting this Section shall be nonconforming and may continue to exist except as otherwise limited by this section;
- (b) A nonconforming fence or wall that is destroyed or damaged less than 50 percent of the original by fire, earthquake or other natural disaster (except for natural aging) or manmade casualty through no fault of the property owner may be replaced or repaired in a manner substantially identical to the material, height, design and location of the original fence or wall. If 50 percent or more of the fence or wall is destroyed or damaged, any replacement fence or wall shall be constructed or installed in compliance with the requirements of this Section.
- (b) All fences and walls constructed or installed after the effective date of the ordinance enacting this Section shall conform to the requirements of this Section.
- (c) The expansion of a nonconforming fence or wall shall be prohibited.
- (d) Fences and walls constructed of junk material, debris, etc. as described under Sec. .503-I 8.b. are considered nuisances per Sec. 600 *Exterior Property Maintenance* of the Zoning Ordinance and subject to the regulations under that section.

**SECTION 3.** That Section .280 of the Zoning Ordinance, pertaining to the “R-2” Low density multiple-family zone, subsection “P”, is hereby amended as follows:

### **Sec. .280. “R-2” Low density multiple-family zone.**

#### **P. Walls, Fences and Landscape Screens.**

- 1. Corner Cutoff— Intersection Visibility. See Sec. .503-I.2.(a) & (b).

Front Court Yard Walls. The use of a fence, wall or hedge to enclose an entrance court yard may be constructed in a portion of the front yard providing the following conditions are met:

- a. Maximum height shall be five feet for those portions of such wall in the front yard area; and
- b. A courtyard wall must be related to the entrance to a unit and shall not project across driveways or into other areas of the front yard not in the proximity of the

- unit's entry; and
  - c. A courtyard wall may encroach into the front yard by one-third the distance required by the "R-2" zone; and
  - d. Materials used for courtyard walls shall be consistent with those on the dwelling unit; and
  - e. Any overhead structures in this area are to be limited to open post and beam structures or lattice work.
3. Required Fences or Walls.
- a. Zero lot line development will be required to construct a six-foot-high decorative masonry wall along all property lines with the exception of the front yard area:
  - b. All residential development on lots that back onto arterial streets shall have a six-foot-high decorative masonry wall along the street right-of-way:
  - c. All lots next to freeways and railroads shall have a six-foot-high masonry wall along the common property/right-of-way line.

For definition of "decorative masonry wall" and additional regulations pertaining to walls and fences in the R-2 zone, see Sec. .503-I of the Zoning Ordinance.

**SECTION 4.** That Section .290 of the Zoning Ordinance, pertaining to the R-3 Medium density multiple-family zone, subsection "N", is hereby amended as follows:

Sec. .290. "R-3" Medium density multiple-family zone.

N. Walls, Fences, and Landscape Screens.

1. Corner Cutoff—Intersection Visibility. See Sec. .503-I.2.(a) & (b).

2. Required Fences or Walls.

a. All residential development on lots that back onto arterial streets shall have a six-foot-high decorative masonry wall along the street right-of-way.

b. All lots next to freeways and railroads shall have a six-foot-high masonry wall along the common property/right-of-way line.

For definition of "decorative masonry wall" and additional regulations pertaining to walls and fences in the R-3 zone, see Sec. .503-I of the Zoning Ordinance.

**SECTION 5.** That Section .300 of the Zoning Ordinance, pertaining to the R-4 High density multiple-family zone, subsection "K", is hereby amended as follows:

Sec. .300. "*R-4" High density multiple-family residential zone.*

**K. Walls, Fences and Landscape Screens.**

1. Corner Cutoff—intersection visibility. See Sec. .503-I.2.(a) & (b).

a. All residential developments may be required to construct a six-foot-high decorative



masonry wall on the perimeter of such developments.

For definition of “decorative masonry wall” and additional regulations pertaining to walls and fences in the R-4 zone, see Sec. .503-I of the Zoning Ordinance.

**SECTION 6.** That Section .320 of the Zoning Ordinance, pertaining to the “A-P” administrative and professional office district, subsections “H” and “I”, are hereby amended as follows:

**Sec. .320. “A-P” administrative and professional office district intent and purpose.**

**H. OFF-STREET PARKING**

Refer to Section .503-H for parking requirements in this district.

2. When used for A-P purposes, there shall be at least one off- street parking space for every two hundred square feet of gross floor area or fraction thereof in any building or structure erected or converted within the district.

3. A six-foot-high solid decorative masonry wall shall be erected along side and/or rear property lines where parking facilities on a lot in the “A-P” district are provided and where said lot abuts a residential district or use; provided, however, that said wall shall be reduced to not more than three feet in height in any required front yard. This requirement of masonry walls shall be waived when written consent is obtained from an adjoining property owner or adjoining property owners, provided such adjoining property is located within the “A-P” district.

For definition of “decorative masonry wall” and additional regulations pertaining to walls and fences in the A-P zone, see Sec. .503-I of the Zoning Ordinance.

**I. FENCES AND WALLS**

For definition of “decorative masonry wall” and additional regulations pertaining to walls and fences in the A-P zone, see Sec. .503-I of the Zoning Ordinance.

**SECTION 7.** That Section .343 of the Zoning Ordinance, pertaining to the property development standards of the “C-1” Neighborhood stores and services commercial district, subsection “I”, is hereby amended as follows:

**Sec. .343. Property development standards.**

**I. WALLS**

A six foot high decorative masonry wall shall be erected along the property line or district boundary line to separate the “C-1” district and/or uses from abutting residential districts.

For details, definition of “decorative masonry wall” and additional requirements pertaining to walls and fences in the C-1 zone, see Section .503-~~H~~.

**SECTION 8.** That Section .353 of the Zoning Ordinance, pertaining to the property development standards of the “C-2” neighborhood shopping center commercial district, subsection “I”, is hereby amended as follows:

**Sec. .353. Property development standards.**

**I. WALLS**

A six-foot-high decorative masonry wall shall be erected along the property line or district boundary line to separate the “C-2” district and/or uses from abutting residential districts. For details, definition of “decorative masonry wall” and additional requirements pertaining to walls and fences in the C-2 zone, see Section .503-I.

**SECTION 9.** That Section .363 of the Zoning Ordinance, pertaining to the property development standards of the “C-3” general commercial district, subsection “I”, is hereby amended as follows:

**Sec. .363. Property development standards.**

**I. WALLS**

A six foot high decorative masonry wall shall be erected along the property line or district boundary line to separate the “C-3” district and/or uses from abutting residential districts. For details, definition of “decorative masonry wall,” and additional requirements pertaining to walls and fences in the C-3 zone, see Section .503-~~I~~.

**SECTION 10.** That Section .368 of the Zoning Ordinance, pertaining to the property development standards of the “C-C” Community shopping center commercial district, subsection “I”, is hereby amended as follows:

**Sec. .368. Property development standards.**

**I. WALLS**

A six foot high decorative masonry wall shall be erected along the property line or district boundary line to separate the “C-C” district and/or uses from abutting residential districts. For details, definition of “decorative masonry wall,” and additional requirements pertaining to walls and fences in the C-C zone, see Section .503-~~I~~.

**SECTION 11.** That Section .373 of the Zoning Ordinance, pertaining to the property development standards of the “C-4” Highway commercial district, subsection “I”, is hereby amended as follows:

**Sec. .373. Property development standards.**

**I. WALLS**

A six foot high decorative masonry wall shall be erected along the property line or district boundary line to separate the “C-4” district and/or uses from abutting residential districts. For details, definition of “decorative masonry wall” and additional requirements pertaining to walls and fences in the C-4 zone, see Section .503-I.

**SECTION 12.** That Section .393 of the Zoning Ordinance, pertaining to the property development standards of the “C-IND” commercial and industrial district, subsection “I”, is hereby

amended as follows:

**Sec. .393. Property development standards.**

**I. WALLS**

A six foot high decorative masonry wall shall be erected along the property line or district boundary line to separate the “C-IND” district and/or uses from abutting residential districts. For details, definition of “decorative masonry wall” and additional requirements pertaining to walls and fences in the C-IND zone, see Section .503-I.

**SECTION 13.** That Section .413 of the Zoning Ordinance, pertaining to the property development standards of the “M-1” Light industrial district, subsection “I”, is hereby amended as follows:

**Sec. .413. Property development standards.**

**I. WALLS**

A six-foot high decorative masonry wall shall be erected along the property line or district boundary line to separate the “M-1” district and/or uses from abutting residential districts, except as required in Section .413-D-4 above. For details, definition of “decorative masonry wall” and additional requirements pertaining to walls and fences in the M-1 zone, see Section .503-~~I~~.

**SECTION 14.** That Section .423 of the Zoning Ordinance, pertaining to the property development standards of the “M-2” general industrial district, subsection “I”, is hereby amended as follows:

**Sec. .423. Property development standards.**

**I. WALLS**

A six-foot-high decorative masonry wall shall be erected along the property line or district boundary line to separate the “M-2” district and/or uses from abutting residential districts, except as required in Section .423-D. For details, definition of “decorative masonry wall” and additional requirements pertaining to walls and fences in the M-2 zone, see Section .503-~~I~~.

**SECTION 15.** That Section .399 of the Zoning Ordinance, pertaining to the property development standards of the “M” Special industrial zone, subsection “(I)”, is hereby amended as follows:

**Sec. .399. Property development standards.**

**(I) WALLS**

(1) When a lot or parcel of land in an “R” zone backs to, or sides to an “M” zone, or backs to a street that separates such districts from an “M” zone, or is separated from an “M” zone by an alley, a six-foot-high decorative masonry wall shall be constructed along the property line separating the “R” from the “M” zone or along the street or alley right-of-way line.

For details, definition of “decorative masonry wall” and additional requirements pertaining to walls and fences in the M zone, see Section .503 I.

**SECTION 16.** That Section .503-H of the Zoning Ordinance, pertaining to Off-Street Parking, subsection “B”, is hereby amended as follows:

**.503-H. OFF-STREET PARKING**

**B. Development Standards.**

8. Screening. Open off-street parking area shall be screened from view from public streets and adjacent more restrictive land use. Screening may consist of one or any combination of the following methods:

- a. Walls. Low profile walls, not exceeding three feet in height, shall consist of concrete, stone, or decorative masonry materials,
- b. Fences, Open. A tubular steel or wrought iron fence not to exceed three feet in height shall be combined with plant materials to form an opaque screen.
- c. Planting. Plant materials, when used as a screen, shall consist of compact evergreen plants. They shall be of a kind, or used in such a manner, so as to provide screening. They shall have a minimum height of two feet within eighteen months after initial installation.
- d. Berms. Berms, including grass or plant materials;

**SECTION 17.** That Section .5804 of the Zoning Ordinance pertaining to Standards of development, conditions, and restrictions upon automobile service stations and super service stations, subsection “D”, is hereby amended as follows:

**Sec. .5804. Standards of development, conditions, and restrictions upon automobile service stations and super service stations.**

**D. DEVELOPMENT STANDARDS:**

15. *Walls.* A decorative masonry wall shall be required separating any service station\* use from a residential use and/or a residential district. It shall be constructed at the time the service station main building is constructed. The height of the wall shall be six feet, except immediately adjacent to the front yard setback of any residential use next to the service station, and in such event the height shall be thirty-six inches. No wall shall be required separating a service station use from another commercial use; however, in the case of a service station being located adjacent to a shopping center area or an alley, a planter shall be required separating the service station from such shopping center area or alley. The planter as herein specified shall comply with Subdivision 19 hereof. Openings in such planter may be made to allow access to and from said adjacent shopping center area. However, such openings may only be permitted upon approval by the city engineer to insure that no traffic hazard may be created thereby.

\*For automatic service stations, a six-foot-high decorative masonry wall on all interior property lines is required, except where an existing building is situated on a property line of the site.

**SECTION 18.** That Section .580 of the Zoning Ordinance, pertaining to Conditional Use Ordinance No. 4118  
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Permits, subsection “J”, is hereby amended as follows:

Use	Zones in which allowed
Fences up to 12 feet in height around tennis, badminton, basketball or volleyball courts and similar play areas when located on a property line or within 10 feet of a property line within the rear half of the lot. (See Sec. .503-I for additional requirements.)	All R, A-P, C and M zones

**SECTION 19.** That the specific definitions contained in Section .062 of the Zoning Ordinance, “Definitions,” are hereby amended as follows:

*Arbor.* A structure that is freestanding or connected to a fence or wall that has a roof and walls that are substantially open.

*Fence, open.* Any structural device forming a physical barrier which is so constructed that not less than fifty percent of the vertical surface is open to permit the transmission of light, air and vision through said surface in a horizontal plane. This shall include wire mesh, steel mesh, chain link, louvered, stake and other similar materials. Planting shall be regulated to maintain the required open areas in said fence structure. For additional definitions pertaining to fences, see Sec. .503-I.

*Junk material.* Any worn-out, cast-off, or discarded articles or materials including, but not limited to, garage doors, windows, corrugated metal, inoperable motor vehicles and parts, construction material, household wastes including discarded appliances, and yard debris.

*Lot, through.* A lot having frontage on two parallel or approximately parallel dedicated streets. The lot frontage in instances such as this shall be determined by the Planning Manager.

*Wall.* Any structure or device forming a physical barrier, which is so constructed that fifty percent or more of the vertical surface is closed to prevent the passage of light, air and vision through said surface in a horizontal plane. This shall include concrete, concrete block, wood or other materials that are solids and are so assembled as to form a solid barrier. For additional definitions pertaining to walls, see Sec. .503-I.

**SECTION 20.** That Section .600 of the Zoning Ordinance pertaining to Exterior property maintenance, is hereby amended as follows:

**Sec. .600 Exterior Property Maintenance.**

All buildings and the land upon which said buildings are located and all vacant land in the city which is maintained in a condition which is detrimental to the property of others, or which is maintained so as to result in an unsightly, hazardous or inappropriate condition, or which reduces the

value of neighboring properties, are public nuisances and a violation of the comprehensive zoning ordinance. No person who owns, maintains or possesses a building or land shall permit or allow such nuisance condition to exist on his building or land. A violation of any provisions of Section .600 shall be an infraction or misdemeanor pursuant to Section .670.

Such conditions include but are not limited to keeping or depositing on, scattering over, or allowing to exist on the premises, any of the following:

A. Residential Buildings and Premises.

6. Other conditions related to buildings, structures, or landscaping which are in need of correction, repair or adequate and proper maintenance, including but not limited to the existence of broken windows, surfaces in need of repainting, physical damage or general dilapidation, and graffiti;

9. Residential premises which are abandoned and unoccupied for thirty days or more must be secured from vandalism and dumping by fencing the perimeter of the lot, where it is not already fenced, with a six-foot-high fence of chain link *or similar wire mesh fencing material*, or wrought iron or tubular steel fencing. For regulations pertaining to the design and construction of chain link and wire mesh fences around abandoned and unoccupied residential premises, see Sec. .503-I 4(e).

10. Fences and walls partially or wholly constructed of, or assembled from, junk material, debris, tarps or other types of fabric (except for mesh fabric specifically designed as windscreens to be used for tennis courts), rolled plaster, sheet metal, plywood, or other waste materials (unless such waste materials have been reprocessed into building materials marketed to the general public as fencing and/or wall materials and resembling new building materials). For additional regulations pertaining to walls and fences, see Sec. .503-I of the Zoning Ordinance.

C. Vacant Nonresidential Buildings or Premises.

3. Nonresidential premises which are abandoned and unoccupied for thirty days or more must be secured from vandalism and dumping by fencing the perimeter of the lot, where it is not already fenced, with a six-foot-high fence of chain link or similar wire mesh fencing material, or wrought iron or tubular steel. For regulations pertaining to the design and construction of chain link and wire mesh fences around abandoned and unoccupied nonresidential premises, see Sec. .503-I 4(e).

**SECTION 21.** That Section .560.J., “Minor Deviation Variances,” of the Zoning Ordinance is hereby amended to add the following under Subsection .560.J.1 (Purpose):

k. For arbors located in the front yard setback area and in street facing side and rear yards setback areas, an increase of not more than two feet in the maximum width between the inside edges of the posts provided that shall not increase the roof square footage by more than ten square feet of the maximum square footage of the roof area.

**SECTION 22.** The City Clerk shall attest to the passage and adoption of this Ordinance, and shall cause same to be posted as required by law, and this Ordinance shall take effect thirty (30) days after its final adoption.

**PASSED AND ADOPTED THIS 20<sup>TH</sup> DAY OF APRIL, 2009.**

**ATTEST:**

**CITY OF POMONA:**

\_\_\_\_\_  
Marie Michel Macias, City Clerk

\_\_\_\_\_  
Elliott Rothman, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Arnold Alvarez-Glasman, City Attorney

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  
CITY OF POMONA

I, MARIE MICHEL MACIAS, CITY CLERK of the City of Pomona do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pomona held on the 16th day of March, 2009 and adopted on the 20<sup>th</sup> day of April, 2009 by the following vote:

AYES: COUNCILMEMBERS: Rodriguez, Carrizosa, Lantz, Saunders, Atchley, Rothman  
NOES: COUNCILMEMBERS: None  
ABSENT: COUNCILMEMBERS: Soto  
ABSTAIN: COUNCILMEMBERS: None

\_\_\_\_\_  
Marie Michel Macias, City Clerk