

ORDINANCE NO. 2026-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA HEIGHTS, CALIFORNIA, AMENDING CHAPTER 7.5 OF THE LA HABRA HEIGHTS MUNICIPAL CODE REGARDING NONCONFORMING LOTS RELATED TO THE STANDARDS MODIFICATIONS FOR LOTS CREATED FOR WATER TANK SITES OR OTHER NONRESIDENTIAL PURPOSES, AND CHAPTER 7.11, CHAPTER 7.18, AND CHAPTER 7.19 RELATED TO DEVELOPMENT STANDARDS FOR FENCING

WHEREAS, the Planning Commission requested certain amendments to Chapter 7.5 of the La Habra Heights Municipal Code are necessary to correct a conflict in the nonconforming lots section related to Standards Modifications for former water tank lots, and requested to modify the development standards for fencing to allow solid walls within the front yard setback area; and

WHEREAS, On April 13, 2026 the City Council considered the Planning Commission's request and authorized the Planning Commission to initiate a code amendment; and

WHEREAS, the City of La Habra Heights Planning Commission considered this Ordinance amending Chapter 7.5 intending to correct a conflict in the nonconforming lots section, and amending Chapter 7.11, Chapter 7.18, and Chapter 7.19 to provide additional fencing options for residents during a duly noticed public hearing on May 26, 2026, and recommended that the City Council adopt this Ordinance; and

WHEREAS, on July 13, 2026, the City Council conducted a legally noticed public hearing on the proposed Code Amendments, and considered public testimony and materials in the staff report and accompanying plans, documents, and exhibits; and

WHEREAS, the City Council finds that this Ordinance will not result in any significant changes to the character or use of properties in the City and is not a project with the potential for causing a significant effect on the environment requiring California Environmental Quality Act (CEQA) analysis, and is exempt from CEQA; and

WHEREAS, the Ordinance does not have impacts that are cumulatively considerable.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LA HABRA HEIGHTS DOES ORDAIN AS FOLLOWS:

Section 1. Recitals. The above recitals are hereby adopted by the City Council and incorporated as set forth in this section.

Section 2. Findings. Pursuant to Section 7.19.50, subdivision (H), of the La Habra Heights Municipal Code, the City Council makes the following additional findings in support of the amendment contained in this Ordinance:

A. The amendments contained in this Ordinance are necessary to correct a conflict in the nonconforming lots section related to Standards Modifications for former water tank lots, and modify the development standards for fencing to allow solid walls in the front yard area. This Ordinance is in the public interest and confers a community benefit by conforming City policy and practice related to former water tank lots and provide additional fencing options for residents.

B. The Planning Commission, after a duly noticed public hearing on May 26, 2026, determined that the proposed amendments in this Ordinance conform to the General Plan of the City and recommended adoption of this Ordinance. General Plan Goal No. 7 requires future residential development continues the present variety and diversity of structural design and appearance, and maintain residents' privacy with large distances between houses. The proposed amendments to correct a conflict in the nonconforming lots section, and the proposed fencing options will help to maintain residents' privacy by allowing the variable fencing options. As such, the City Council finds that this Ordinance is consistent with the goals and policies of the City's General Plan.

C. This Ordinance will not adversely affect surrounding properties, as it is intended only to correct a conflict in the nonconforming lots section and provide fencing options for residents.

Section 3. Amendment. Subsection A of Section 7.5.50 of the La Habra Heights Municipal Code is hereby repealed and replaced to read in full as follows:

A. Pre-Existing Lots. Nonconforming lots that were legal at the time of the City's incorporation shall be considered legal nonconforming lots or building sites. Pre-existing legal parcels of less than an acre that were created as water tank sites or for other nonresidential purposes may be developed as residential lots only if such development requires no standards modifications or variances beyond those for structure heights, size and setback as described in Chapter 7.18. Applications for setback standards modifications shall be reviewed and approved by the Planning Commission.

Section 4. Amendment. Subsection B of Section 7.11.50 of the La Habra Heights Municipal Code is hereby repealed and replaced to read in full as follows:

B. Exemptions to the Requirements of this Section. Fences or walls not used for earth retention, on the subject property, six (6) feet or less in height above the finished grade of the fence or wall, may be used in all required yards. The fence or wall must also be setback a minimum of six (6) feet from the edge of any pavement of a roadway, public or private or shared multiple lot driveway. Any wall or fence located within the right-of-way, or within six (6) feet of the edge of any

pavement, must conform to the terms of an Encroachment Permit. Permit application procedures are identified in Article 8. Barbed wire, razor ribbon and other security fencing materials are prohibited.

Solid walls and fences are allowed within the front yard setback area with an approved Minor Exception, shall be located on the subject property, and shall have a minimum setback of nine (9) feet from the edge of any pavement.

See Article 7.18.40L for additional requirements.

Section 5. Amendment. Subsection L of Section 7.18.40 of the La Habra Heights Municipal Code is hereby repealed and replaced to read in full as follows:

L. Fences and Walls. Fences and garden walls must be less than six (6) feet or less in height, must be located on the subject property, made of non-combustible materials, and must be architecturally compatible with the primary structure design where adjacent to right-of-way or developed areas of adjacent parcels. Barbed wire, razor ribbon and other security fencing materials are prohibited. Except as otherwise noted, Vinyl, Fiberglass, and Wood fences are prohibited. Chain-link fencing in front yard areas is prohibited, and when used in side and rear yard areas must be green, black, or brown in color. No tarps, privacy slats or similar materials shall be used.

Unless approved by a Minor Exception for properties with street noise, safety and security, and/or other reasonable concerns, at least ninety (90) percent of the portion of any wall over forty-two (42) inches in height shall be constructed of non-view-obscuring open material, such as wrought iron, when located in the front yard setback area. Masonry walls shall be finished in earth tone materials, compatible with the surroundings. Primary colors and plain unfinished concrete blocks (CMU) are prohibited. Properties with multiple front yard setbacks, which results in the rear or side yard areas adjacent to a street, may be permitted solid fencing if the fencing is setback a minimum of ten (10) feet from the edge of pavement and is architecturally compatible with the primary structure design. Fences and walls shall not substantially impair either distant views from public streets and rights-of-way or primary views.

With the approval of a Minor Exception, walls and fences adjacent to roadways within the front yard setback area must be less than six (6) feet or less in height and are allowed to be solid with the following requirements. Walls and fences shall be finished in an earth tone stucco, or covered with stone veneer and have a decorative cap. Walls and fences within the front yard area shall include landscaping that provides a minimum 50% screening within three years and shall be set back an additional three (3) feet from the required setback of six (6) feet from the edge of any pavement to provide room for the required landscaping. Driveway gates shall be allowed to be solid up to five (5) feet and top one (1) foot shall be made of non-view-obscuring, open materials, such as wrought iron.

Split-rail fencing up to four (4) feet in height constructed of materials with at least a Class A Fire Rating are allowed.

All fences and walls adjacent to roadways and adjacent parcels shall be maintained in good repair.

See Article 7.11.50 B for additional requirements

Section 6. Amendment. Subsection A of Section 7.19.110 of the La Habra Heights Municipal Code is hereby added to the La Habra Heights Municipal Code and shall read as follows (additions shown in underline):

A. Applicability. This section provides for the consideration of minor exception process for deviations from the established development standards for additions or modifications to existing single-family residences by the Community Development Director for the following development standards:

1. Reduction of front yard setbacks, other yard setbacks, parking setbacks, and setbacks from a road easement by fifteen (15) percent of the applicable requirements.
2. Reduction of accessory structure separation requirements by twenty (20) percent of the applicable requirement.
3. Increase the allowable graded area and hardscape area by ten (10) percent of the applicable requirement.
4. Increase the basic sixteen (16) foot height limit by ten (10) percent of the applicable requirement.
5. Increase the structural articulation by ten (10) percent of the applicable requirement.
6. Increase the allowable solid wall or fence to six (6) feet in height and driveway gates to five (5) feet solid and top one (1) foot shall be made of non-view-obscuring, open materials, such as wrought iron, within the front yard setback area for properties with street noise, safety and security, and/or other reasonable concerns.

Section 7. Amendment. Subsection F of Section 7.19.110 of the La Habra Heights Municipal Code is hereby added to the La Habra Heights Municipal Code and shall read as follows (additions shown in underline):

F. Findings of Approval. A minor exception shall be approved or conditionally approved only if the following findings are made:

1. The requested minor exception will not significantly impair the neighbors' privacy or enjoyment of their properties.

2. The requested minor exception will not significantly impair: (a) primary view, or (b) a distant view from a public street or right-of-way.

3. The granting of a minor exception will not constitute the granting of special privilege inconsistent with the limitations on other similar properties in the vicinity classified in the same zone.

4. The granting of a minor exception will not be materially detrimental to the public health, safety, or general welfare or injurious to property or improvements in the zone or neighborhood in which the property is located.

5. The granting of a minor exception for a solid wall or fence within the front yard setback area the applicant shall provide plans showing a design compatible with the existing house, maintaining neighborhood character and a landscape design plan providing for minimum 50% screening within three (3) years.

Section 8. Severability. If any provision or clause of this Ordinance or any application of it to any person, firm, organization, partnership or corporation is held invalid, such invalidity shall not affect other provisions of this Ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this Ordinance are declared to be severable.

Section 9. CEQA. The City Council hereby finds that this Ordinance is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines (14 Cal. Code Regs. 15061(b)(3)) because this Ordinance is not a project and does not have the potential for causing a significant effect on the environment. This Ordinance is intended only to correct a conflict in the nonconforming lots section and provide additional fencing options for residents.

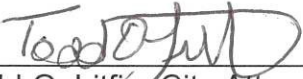
Section 10. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption and, within fifteen (15) days after its passage, shall be published at least once in a newspaper of general circulation published and circulated within the City.

PASSED, APPROVED, AND ADOPTED this 10th day of August 2026, by the City Council of the City of La Habra Heights, California, by the following vote:

AYES:	COUNCIL MEMBERS: Bergman, Engelhardt, Stefflre, Pespisa & Zezula
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:


Brian Bergman, Mayor

APPROVED AS TO FORM:



Todd O. Litfin, City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Rafferty Wooldridge, City Clerk of the City of La Habra Heights, California, do hereby attest to and certify that the foregoing Ordinance is a true and correct copy of Ordinance No. 2026-02 introduced at a regular meeting of the City Council of the City of La Habra Heights held on the 13th day of July, 2026, and approved and adopted at a regular meeting of the City Council of the City of La Habra Heights held on the 10th day of August, 2026.



Rafferty Wooldridge, City Clerk



Date