

ORDINANCE NO. 336

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHINO HILLS, CALIFORNIA, AMENDING TITLE 16 (DEVELOPMENT CODE) OF THE CHINO HILLS MUNICIPAL CODE SECTION 16.06.070 TO UPDATE THE PROVISIONS REGULATING THE FEATURES ALLOWED TO PROJECT INTO THE REQUIRED PROPERTY SETBACKS AND CHAPTER 16.02 TO UPDATE THE DEFINITIONS OF TERMS REFERENCED IN SECTION 16.06.070 AND DETERMINING THAT THE MUNICIPAL CODE AMENDMENT IS EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHINO HILLS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council does hereby make the following findings of fact:

- a. In 1995, the City Council adopted Ordinance No. 68 to amend the Chino Hills Municipal Code to adopt Title 9 Development Code (subsequently renumbered to Title 16), which superseded the previously adopted Title 8 of the San Bernardino County Code. Included in the newly adopted Development Code, was a section that established the type of features allowed to be constructed within the required setback areas and established the maximum permissible projection for these features into the setback. This section has been amended in the intervening years to add additional permissible feature types and update the permissible projections. Some of these amendments established provisions allowing an unspecified projection into the setback provided that a minimum distance was maintained from the property line. These existing provisions are organized into Table 10-1 Maximum Permitted Projections Into Required Yard Areas and its accompanying notes within Chino Hills Municipal Code Section 16.06.070.
- b. The inclusion of both approaches to regulating features in the required setbacks (specifying a projection into the setback for some features and a minimum distance from the property line for other features) within Table 10-1 has generated confusion in the application of its standards by the public, contractors, and architects. Furthering this potential for confusion, the Development Code does not provide definitions for all of the features permitted to project into the required setbacks, which causes difficulty in drawing distinctions between the improvements and features permitted within the setback areas and those that are required to maintain the required building setback.
- c. To provide greater clarity for the public, the City proposes to update Table 10-1 by separating the table into three sections: permitted projections into

the required setbacks for residentially zoned properties, features permitted within the setback subject to a minimum distance from the property line of residentially zoned properties, and permitted projections into the required setbacks of non-residentially zoned properties. Additionally, the proposed amendment would modify or establish definitions for those terms referenced within the Chino Hills Municipal Code Section 16.06.070.

- d. The Municipal Code Amendment would also modify some of the provisions regulating the features permitted within the required setbacks to address concerns identified by the public and staff and to provide more uniform standards throughout the City.
- e. On November 6, 2018, the Planning Commission held a duly noticed public hearing to receive oral and documentary evidence from staff and the public regarding the proposed amendments. The Commission adopted a resolution recommending to the City Council the adoption of the proposed Municipal Code Amendment.
- f. Notice of the public hearing was published in the Chino Hills Champion newspaper on December 29, 2018.
- g. A duly noticed public hearing before the City Council was conducted on January 8, 2019, at which time all interested persons were given an opportunity to testify in support of, or in opposition to the project.

SECTION 2. The City Council finds that this Ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA regulations (Title 14 California Code of Regulations §§ 15000, et seq.) for the following reasons: (1) it will not result in a direct or reasonably foreseeable indirect physical change in the environment (14 Cal. Code Regs. § 15060(c)(2)), (2) there is no possibility that the ordinance may have a significant effect on the environment (14 Cal. Code Regs. § 15061(b)(3)), and (3) the Ordinance does not constitute a "project" as defined in the CEQA Guidelines (14 Cal. Code Regs. § 15378).

SECTION 3. As required under Government Code § 65860, the City Council finds that Chino Hills Municipal Code amendments proposed in Municipal Code Amendment 18MCA05 are consistent with the Chino Hills General Plan as follows:

- a. The proposed amendment to the Chino Hills Municipal Code conforms to General Plan Goals LU-3, LU-4, and H-2, which require the maintenance and promotion of the character, integrity, and excellence of design of the City's neighborhoods. The proposed amendment would update the provisions regulating the type of features allowed to be constructed within the required setback areas to provide increased clarity and more uniform standards throughout the City. By providing clear and uniform regulations for the features permitted within the required setbacks, the Municipal Code

Amendment contributes to the maintenance and promotion of the character, integrity, and excellence of design of the City's neighborhoods.

SECTION 4. In accordance with Chino Hills Municipal Code § 16.62.040, the City Council makes the following findings of fact:

- a. **FINDING:** That the proposed Municipal Code Amendment is consistent with the goals, policies and objectives of the General Plan.

FACT: The proposed amendment to the Chino Hills Municipal Code conforms to General Plan Goals LU-3, LU-4, and H-2, which require the maintenance and promotion of the character, integrity, and excellence of design of the City's neighborhoods. The proposed amendment would update the provisions regulating the type of features allowed to be constructed within the required setback areas to provide increased clarity and more uniform standards throughout the City. By providing clear and uniform regulations for the features permitted within the required setbacks, the Municipal Code Amendment contributes to the maintenance and promotion of the character, integrity, and excellence of design of the City's neighborhoods.

- b. **FINDING:** That the proposed Municipal Code Amendment will not adversely affect surrounding properties.

FACT: The proposed Municipal Code Amendment would update the provisions regulating the type of features allowed to be constructed within the required setback areas to provide increased clarity and more uniform standards throughout the City. Thus, the proposed Municipal Code Amendment intends to allow property owners greater use of their property, while minimizing the potential impact on adjacent properties and thereby reducing the potential for adverse impacts to existing communities.

SECTION 5. Upon the effective date of this ordinance, Chino Hills Municipal Code § 16.06.070 shall be amended in its entirety to read as follows:

16.06.070 – Features Permitted within Required Setbacks

All required setback areas shall be open and unobstructed from finished grade to the sky, except that the following features are permitted within the setback areas subject to permissible projections into the setback and/or minimum distance to property lines as indicated in Tables 10-1(A), 10-1(B), and 10-1(C).

Table 10-1(A) Maximum Permitted Projections into Required Setbacks for Residentially Zoned Properties

Feature	Front	Rear	Interior Side	Street Side	Maximum Height
	Maximum Projection into Setback				
Antenna/Satellite Dish larger than one (1) meter ¹	Not permitted ²	Allowed – See Chapter 16.44	Not Permitted	Not Permitted	See Chapter 16.44
Arbor – Freestanding	3'0"	3'0"	3'0"	3'0"	8'0"
Arbor as part of a fence	No Setback Required.				8'0"
Architectural Projection: Cornice, Eave, Porte Cochere, Covered Porch, and Roof Overhang ³	4'0"	4'0"	2'0"	4'0"	N/A
Awning	4'0"	4'0"	2'0"	4'0"	N/A
Balcony, Second Story Deck, or Stairway and Stairway Landing ⁴	2'6"	2'6"	2'0"	2'6"	N/A
Bay Window ⁵	4'0"	4'0"	2'0"	4'0"	N/A
Deck ⁶	Not Permitted	4'0"	Not Permitted	Not Permitted	N/A
Chimney attached to habitable structure	4'0"	4'0"	2'0"	4'0"	Per minimum height above roof established by the CBC/CRC
Gate ⁷ and Pilaster as part of a fence/wall ⁸	No Setback Required.				2'0" above the maximum height of the fence/wall

Table 10-1(B) Minimum Distance to the Property Line for Residentially Zoned Properties

Feature	Front	Rear	Interior Side	Street Side	Maximum Height
	Maximum Projection into Front Setback	Minimum Distance to Property Lines			
Accessory Building or Structure (not exceeding 120 square feet)	Not Permitted ²	5'0"	5'0"	10'0"	10'0"
Barbecue Structure (Built-In), Bar, Countertop, and Pizza Oven	Not Permitted	5'0"	5'0"	5'0"	N/A
Fireplace or Fire Pit (non-wood burning; outdoor; free-standing)	Not Permitted	5'0"	5'0"	5'0"	6'0"
Patio (Open) ⁹ and Shade Structure	Not Permitted	5'0"	5'0"	10'0"	12'0"
Playground Equipment	Not Permitted	5'0"	5'0"	10'0"	10'0"
Pool Equipment, HVAC, Mechanical Equipment, and Air Conditioner	Not Permitted	3'0"	3'0"	3'0"	N/A
Swimming Pool and Spa, including any grotto, associated appurtenance, slide, water fall, etc. ¹⁰	Not Permitted	5'0"	5'0"	5'0"	10'0"
Water Feature (not associated with a swimming pool)	Not Permitted	5'0"	5'0"	5'0"	10'0"

Table 10-1(C) Maximum Permitted Projections into Required Setbacks for Non-Residentially Zoned Properties

Feature	Front	Rear	Interior Side	Street Side	Maximum Height
	Maximum Projection into Setback				
Antenna/Satellite Dish larger than one (1) meter ¹	Not Permitted ²	Allowed – See Chapter 16.44	Not Permitted	Not Permitted	See Chapter 16.44
Architectural Projection: Cornice, Eave, Porte Cochere, Covered Porch, and Roof Overhang ³	4'0"	4'0"	2'0"	4'0"	N/A
Awning	4'0"	4'0"	2'0"	4'0"	N/A

Balcony or Stairway and Stairway Landing	2'6"	2'6"	2'0"	2'6"	N/A
Gate ⁷ and Pilaster as part of a fence/wall ⁸	No setback required.				2'0" above the maximum height of the fence/wall
Patio, Commercial Outdoor ¹¹	15'0" ¹²	N/A	N/A	15'0" ¹²	N/A

Table Notes:

1. Exemptions. See Chapter 16.44.
2. When the matrix indicates that a feature is not permitted, that feature shall not be located within the specified building setback for the property.
3. Eave projections included in this section do not apply to patio covers. Please see note (10) for eave overhangs for patio covers.
4. Steps at grade are permitted in all setback areas.
5. Bay windows shall have no livable area, except a bench seat, and shall not exceed fifty (50) percent of the length of the wall containing the window. Bay windows must be cantilevered and cannot extend to the foundation.
6. When located within a required setback, a deck shall be at a height of 30 inches above adjacent grade.
7. Within a required setback, a pedestrian gate shall not exceed four (4) feet in width for a single gate or eight (8) feet in width for a double gate and a vehicular gate shall not exceed the width of the driveway up to a maximum of 24 feet.
8. Fence posts may be a maximum of four (4) inches above the height of the fence.
9. Patio cover setback is measured from the posts to the property line. Eaves are allowed to extend a maximum of one foot past the posts (supports).
10. Setbacks for above-ground swimming pools, spas, or appurtenances shall be measured from the edge of the structure to the property lines. Setbacks for an in-ground swimming pool and/or spa shall be measured from the water's edge to the property lines.
11. See Chapter 16.09.100 for requirements and standards. Commercial patios may include shade structures, lighting, fire pits, water features, and similar features. Patio cover setback is measured from the posts to the property line. Eaves are allowed to extend a maximum of one foot past the posts (supports).
12. A minimum of 10'-0" of landscaped area measured from the property line to the patio shall be provided.

SECTION 6. Upon the effective date of this ordinance, Chino Hills Municipal Code § 16.02.130 shall be amended to revise the definition "arbor" and to add a definition of "awning" to read as follows, while all other items in this section shall remain unchanged:

"Arbor" means a decorative, raised structure that is intended to walk under and that may be part of a fence and may be plantable.

"Awning" means a secondary covering attached to the exterior wall without support from the ground; awnings are typically used to shield a window, door, or storefront from the sun or rain.

SECTION 7. Upon the effective date of this ordinance, Chino Hills Municipal Code § 16.02.140 shall be amended to add definitions of "bar" and "barbecue structure" to read as follows, while all other items in this section shall remain unchanged:

"Bar" means an elevated horizontal working surface, especially one intended to be used in the preparation or consumption of food and beverages.

"Barbecue Structure" means a permanently affixed appliance or structure used to roast or broil food over or before a source of heat. The appliance or structure may include additional features (e.g. stovetop burners, small refrigerators, etc.).

SECTION 8. Upon the effective date of this ordinance, Chino Hills Municipal Code § 16.02.150 shall be amended to add the definitions of "countertop" to read as follows, while all other items in this section shall remain unchanged:

"Countertop" means an elevated horizontal working surface, especially one intended to be used in the preparation or consumption of food and beverages.

SECTION 9. Upon the effective date of this ordinance, Chino Hills Municipal Code § 16.02.160 shall be amended to revise the definition of "deck" to read as follows, while all other items in this section shall remain unchanged:

"Deck" means a structure at least thirty (30) inches above adjacent grade which is supported from the ground. Where permitted within a required setback, a deck shall not exceed a maximum height of 30 inches above adjacent grade. See also "Second Story Deck", "Balcony", and "Platform."

SECTION 10. Upon the effective date of this ordinance, Chino Hills Municipal Code § 16.02.180 shall be amended to add the definition of "fence post", "fire pit", and "fireplace" to read as follows, while all other items in this section shall remain unchanged:

"Fence Post" means a vertical post that supports and is incorporated into a fence. Fence posts may be a maximum of four (4) inches above the height of the fence and shall be no wider than six (6) inches. Fence posts shall be spaced at least six (6) feet on center.

"Fire Pit" means any permanent or portable structure or appliance intended to contain fire, excluding a barbecue or pizza oven. Fire pits shall be non-wood burning.

"Fireplace" means any permanent or portable structure or appliance intended to contain fire, excluding a barbecue or pizza oven. Fireplaces shall be non-wood burning.

SECTION 11. Upon the effective date of this ordinance, Chino Hills Municipal Code § 16.02.190 shall be amended to add the definition of "gate" to read as follows, while all other items in this section shall remain unchanged:

"Gate" means a moveable barrier that provides access through a fence or wall.

SECTION 12. Upon the effective date of this ordinance, Chino Hills Municipal Code § 16.02.250 shall be amended to revise the definition of "mechanical equipment" to read as follows, while all other items in this section shall remain unchanged:

"Mechanical Equipment" means a machine that is created to perform one or more specific functions consisting of one or more components. Components typically found in mechanical equipment may include compressors, condensers, evaporators, motors, and pumps.

SECTION 13. Upon the effective date of this ordinance, Chino Hills Municipal Code § 16.02.280 shall be amended to revise the definitions of "enclosed patio" and "open patio" and to add the definitions of "pilaster", "pizza oven", "playground equipment", and "pool equipment" to read as follows, while all other items in this section shall remain unchanged:

Patio, Enclosed. "Enclosed patio" means any one-story structure not exceeding twelve (12) feet in height that is partially open to the surrounding environment. Enclosure walls may have any configuration. Openings may be enclosed with insect screening or translucent plastic that is readily removable or transparent plastic not more than 0.125-inch in thickness. Patio covers may be detached or attached to other buildings provided they are consistent with applicable sections of the Development Code or Building Code.

Patio, Open. "Open patio" means any one-story structure not exceeding twelve (12) feet in height that is fully open without any screening to the surrounding environment. An open patio shall not be enclosed on any side, except that it may share a maximum of one common wall with the primary structure. Open patios may have four posts with widths no wider than one (1) foot in diameter. Patio covers may be detached or attached to other buildings provided they are consistent with applicable sections of the Development Code and Building Code.

"Pilaster" means a vertical column incorporated into a wall or fence. Pilasters shall be a maximum of sixteen (16) inches in width and shall be spaced at least eight (8) feet on center.

"Pizza Oven" means an enclosed chamber or compartment used to heat, bake, roast, or otherwise cook food.

"Playground Equipment" means a structure, feature, or collection of structures and/or features primarily intended for recreational use by children (e.g. slides, swing sets, climbing apparatus, etc.).

"Pool Equipment" means a collection of machines that operate together to recirculate water in a pool and/or spa to perform several functions. The primary function of pool equipment is the filtration of pool water. Secondary functions may include the heating of pool water, chemically sanitizing pool water, or injecting air into spa water.

SECTION 14. Upon the effective date of this ordinance, Chino Hills Municipal Code § 16.02.300 shall be amended to add the definition of "roof-mounted equipment" to read as follows, while all other items in this section shall remain unchanged:

"Roof-Mounted Equipment" means any mechanical equipment, appliance, device, ducting, or similar features located on the roof of a structure.

SECTION 15. Upon the effective date of this ordinance, Chino Hills Municipal Code § 16.02.310 shall be amended to revise the definitions of "stairway" and "stairway landing" and add the definitions of "second story deck" and "spa" to read as follows, while all other items in this section shall remain unchanged:

"Second Story Deck" means a structure projecting from a building (typically a home) more than thirty (30) inches above adjacent grade, not to exceed second story floor level, which is supported from the ground.

"Spa" means a water-filled enclosure, permanently constructed or portable, having a depth of more than twenty-four (24) inches below the level of the surrounding land, or an above-surface enclosure, having a depth of more than twenty-four (24) inches, designed, used, and maintained as an accessory use for swimming and/or bathing.

"Stairway" means one or more flights of stairs, either interior or exterior, with the necessary landings and platforms connecting them, to form a continuous and uninterrupted passage from one level to another.

"Stairway Landing" means a flat area at the top and bottom of a stairway and/or the intermediate platform on a flight of stairs.

SECTION 16. Upon the effective date of this ordinance, Chino Hills Municipal Code § 16.02.350 shall be amended to add the definition of "water feature" to read as follows, while all other items in this section shall remain unchanged:

"Water Feature" means one or more items consisting of fountains, pools, ponds, cascades, waterfalls, and streams.

SECTION 17. Upon the effective date of this Ordinance, the provisions hereof shall supersede any inconsistent or conflicting provisions of the San Bernardino County Code as the same were adopted by reference by City Ordinances Nos. 91-01 and 92-02.

SECTION 18. If any part of this ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 19. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 20. Repeal of any provision of the Chino Hills Municipal Code does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this ordinance.

SECTION 21. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the Chino Hills Municipal Code or other city ordinance by this Ordinance will be rendered void and cause such previous Chino Hills Municipal Code provisions or other city ordinances to remain in full force and effect for all purposes.

SECTION 22. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Chino Hills' book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 23. This Ordinance will take effect on the 30th day following its final passage and adoption.

PASSED, APPROVED AND ADOPTED this 22nd day of January, 2019.



CYNTHIA MORAN, MAYOR

ATTEST:



CHERYL BALZ, CITY CLERK

APPROVED AS TO FORM:



MARK D. HENSLEY, CITY ATTORNEY


STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF CHINO HILLS)

I, CHERYL BALZ, City Clerk of the City of Chino Hills, DO HEREBY CERTIFY that Ordinance No. 336 was duly introduced at a regular meeting held January 8, 2019; and adopted at a regular meeting of the City Council held on the 22nd day of January, 2019 by the following vote, to wit:

AYES: COUNCIL MEMBERS: MORAN, BENNETT, JOHSZ, MARQUEZ,
ROGERS

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE



CHERYL BALZ, CITY CLERK

I hereby certify that the foregoing is the original of Ordinance No. 336 duly passed and adopted by the Chino Hills City Council at their regular meeting held on January 22, 2019, and that summaries of the Ordinance were published on January 12, 2019 and January 26, 2019 in the Chino Hills Champion newspaper.



CHERYL BALZ, CITY CLERK