

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING SANTA BARBARA MUNICIPAL CODE CHAPTER 28.87 OF TITLE 28, THE CITY'S ZONING ORDINANCE, IN ORDER TO TEMPORARILY SUSPEND THE APPLICATION OF CERTAIN PROVISIONS OF SECTION 28.87.170 CONCERNING THE HEIGHT OF HEDGES IN REQUIRED SETBACKS AND ALONG THE FRONT LOT LINE

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

**SECTION ONE.** Pending a review and consideration by the City Council of possible amendments to City Zoning Ordinance requirements applicable to hedges within certain zones of the City, the application of the following provisions of section 28.87.170 of the Municipal Code with respect to hedges are hereby suspended except with respect to hedges consisting of the bamboo plant:

1. Subsection A ("Required Setbacks"), and
2. Clause "1" of Subsection B ("Front Lot Line, Side of Driveway.")

**SECTION TWO:** Nothing herein shall be deemed to suspend the application or enforcement of the requirements of Santa Barbara Municipal Code section 28.87.170 with respect to fences, screens, or walls nor to the requirement for full compliance with the most recently adopted Uniform Fire Code provisions of the City for the "distance requirements" which may be applicable to hedges and buildings (i.e., Uniform Fire Code section 4702.2) or applicable to "Vegetation Road Clearance (i.e., Uniform Fire Code section 4707.8) as adopted by Title 8 of the Santa Barbara Municipal Code nor to effect the discretion of the City Engineer to condition new proposed development within the City to install and maintain private landscaping in a manner that does not potentially adversely impact public traffic and pedestrian safety.

**SECTION THREE:** Nothing herein shall be deemed to suspend the application or enforcement of the requirements of Santa Barbara Municipal Code section 28.87.170 to hedges located on real property that is the subject of an application for development where the application for development requires a discretionary approval from the Staff Hearing Officer or the Planning Commission. Compliance with section 28.87.170 shall be a condition of approval for any approval of such development application and compliance with the condition of approval shall be confirmed prior to the issuance of a certificate of occupancy or approval of a final inspection.

**SECTION FOUR:** This ordinance shall remain in effect for a period of three years subsequent to the date of its adoption or upon the enactment of an amendment to Santa Barbara Municipal Code Section 28.87.170 relating to or regulating hedges in certain zones of the City whichever occurs first.

**SECTION FIVE:** The suspension of City enforcement of portions of Municipal Code Section 28.87.170 pursuant to this ordinance does not delete or repeal the zoning standards stated in Section 28.87.170. This suspension of enforcement is not intended to affect the ability of private individuals to establish a private nuisance on the basis of a property owner violating the zoning standards announced in Section 28.87.170. Furthermore, the adoption of this ordinance has no effect on the operation or effectiveness of the City's View Dispute Resolution Ordinance, Chapter 22.76 of the Santa Barbara Municipal Code.