

ORDINANCE 556-AC

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEEDLES
TO AMEND THE NEEDLES MUNICIPAL CODE (NMC)
SECTION 99.02 "BUILDING MATERIALS" AND SECTION 99.08.01
"GENERAL REQUIREMENTS" TO REQUIRE PERMITS
FOR FENCING AND DEVICES CONSTRUCTED OF GALVANIZED,
CORRUGATED OR INTERLOCKING METAL SHEETS (EXCEPT CHAIN LINK)**

WHEREAS, the City of Needles Municipal Code Section 99.02 requires processing a Special Use Permit for residential projects and a Conditional Use Permit for commercial projects, when utilizing metallic surfaces as an exterior; and;

WHEREAS, the use of these types of materials is also desirable for fencing and devices; and

WHEREAS, the use of these types of materials for fencing and devices should be given the same oversight as buildings utilizing these materials, through the use of a permit and permit process; and

WHEREAS, a public hearing notice for the Needles Planning Commission meeting was published in the Needles Desert Star on July 24, 2013, 10 days prior to said meeting; and

WHEREAS, on August 7, 2013, the Needles Planning Commission held a duly noticed and advertised public hearing to receive oral and written testimony relative to the amendment of the Needles Municipal Code (NMC), and following the conclusion thereof, adopted its Resolution No. 08-07-2013-2 PC, recommending that the City Council of the City of Needles make such amendment to the Table of Permissible Uses; and

WHEREAS, a public hearing notice for the needles City Council meeting was published in the needles Desert Star on July 24, 2013; and

WHEREAS, on August 13, 2013, the Needles City Council held a duly noticed and advertised public hearing to receive oral and written testimony relative to the amendment to the Needles Municipal Code (NMC); and

WHEREAS, the Needles City Council has sufficiently considered all testimony and any documentary evidence presented to them in order to make the following determination:

SECTION 1. The City Council HEREBY FINDS AND DETERMINES that this activity is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Section §§ 15060 (c)(2), the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment

SECTION 2. The City Council HEREBY FINDS AND DETERMINES that facts do exist to approve an amendment to the Needles Municipal Code (NMC).

SECTION 3. The City Council HEREBY APPROVES Ordinance 556-AC for an amendment to the Needles Municipal Code (NMC) as follows:

Amend Section 99.02 "Building materials. "

Section 99.02 Building materials. (a) No building, **fence, or device** shall have a metallic exterior surface such as, but not limited to, galvanized, corrugated or interlocking metal sheets (**excluding chain link**), unless the use of such metallic surface material is approved under the site plan review procedure for the purpose of enhancing the architectural quality of the building while preserving architectural harmony and compatibility with surrounding area, **except as follows:**

(1) Fencing:

a) Special Use Permit

(2) Construction Projects

a) Special Use Permit for residential zones (R1, R2, R3)

b) Conditional Use Permit for all other zones (CRR, C1, C2, C3, M1, M2, P).

(b) The following structures shall be exempt from the provisions of this section

(1) Storage sheds not requiring building permits,

(2) Screening fences or devices, **not utilizing galvanized, corrugated or interlocking metal sheets, except chain link, and** which meet all applicable standards established by or pursuant to this part;

Sec. 99.08.01. General requirements.

Approved fence material shall consist of chain link, wood, decorative rock, wrought iron, masonry walls in residential zones.

Fences or devices utilizing galvanized, corrugated or interlocking metal sheets shall require a Special Use Permit

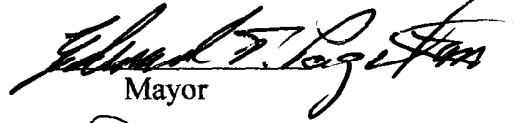
SECTION 4. This action shall become final and effective thirty (30) days after this decision by the City Council as provided by the Needles City Code.

SECTION 5. The City Clerk shall certify to the adoption of this Ordinance and shall transmit copies of the same to the applicant.

NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of Needles, California, approve an amendment to the City Code.

INTRODUCED AND READ for the first time and ordered posted at a regular meeting of the City Council of the City of Needles, California, held on the 13th day of August, 2013, by the following roll call vote:

AYES:	COUNCIL MEMBERS LOPEZ, KIDD, FRAZIER, CAMPBELL DARCY AND GUDMUNDSON
NOES	NONE
ABSENT	NONE
ABSTAIN	NONE

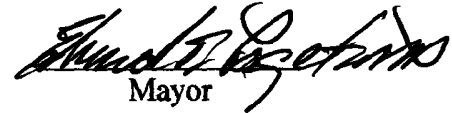

Mayor

Attest:


City Clerk

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Needles, California, held on the 27th day of August, 2013.

AYES: COUNCIL MEMBERS LOPEZ, KIDD, FRAZIER, CAMPBELL, DARCY AND GUDMUNDSON
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE


Mayor

(Seal)

Attest:


City Clerk

Approved as to form:


City Attorney