

CITY OF LIVE OAK

TITLE 17

ZONING REGULATIONS

**Amended December 21, 2011
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CITY OF LIVE OAK
TITLE 14: ZONING REGULATIONS

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Part 1

Enactment and Applicability

Chapter 17.01: Administration

17.01.010 Title

Title 17 of the City of Live Oak Municipal Code shall be known as the City of Live Oak Zoning Regulations.

17.01.020 Purpose

- A.** To implement the goals and policies of the Live Oak General Plan through the designation of compatible land uses, residential densities and intensity of uses.
- B.** To promote and protect the public's health, safety, peace, comfort, convenience and general welfare.
- C.** To provide open space, light and air, privacy, convenience of access, aesthetic values and protection of public and private improvements.
- D.** To protect the social and economic stability of residential, commercial and industrial uses and activities through orderly and planned use of land.
- E.** To minimize the process necessary to obtain rights to develop property while fulfilling the objectives provided above.

17.01.030 Comprised of Text and Maps

There are two portions of the Zoning Regulations: the text and the official zoning map(s). The zoning map delineates the zone district for each parcel of land in the City. The text of this Title describes the permitted uses and development standards within each of those zone districts. With the exception of limited occasions, all use of land and improvements to the land within each zone district must conform to the provisions of that zone district, as described in this Title.

17.01.040 Establishment of Zone Districts

The City is hereby divided into the following zone districts:

Residential Zone Districts:

- Low Density Residential (R-1) Zone District
- Small Lot Residential (R-2) Zone District
- Medium Density Residential (R-3) Zone District
- Multiple Family Residential (R-4) Zone District

Commercial Zone Districts:

- General Commercial (C-G) Zone District
- Commercial-Mixed Use (C-MU) Zone District

Employment Zone Districts:

- Employment (E) Zone District
- Industrial (M) Zone District

Miscellaneous Zone Districts:

- Civic (C) Zone District
- Urban Reserve (UR) Zone District
- Planned Development (PD) Zone District

Combining Zone Districts:

- Special Design (SD) Combining Zone District
- Specific Plan (SP) Combining Zone District
- Downtown (D) Combining Zone District
- Neighborhood Center (NC) Combining Zone District
- Civic Center (CC) Combining Zone District

17.01.050 Minimum Requirements

The Zoning Regulations shall be deemed the minimum requirements to promote and preserve the public's health, safety, and general welfare, unless otherwise noted.

17.01.060 Uncertainty of Uses

The list of uses within each zone district is representative of the expected uses that may occur within that zone district. The list is not intended to be a complete representation of every possible use. Where a proposed use is not specifically listed by a zone district as a permitted use or permitted with an approved zoning clearance or use permit, the Community Development Director may determine the use is a permitted use, or the use is permitted if a zoning clearance or use permit is first secured, provided the following findings can be made:

- A.** The proposed use is similar in character and impact to a listed use; and
- B.** The proposed use will be treated in the same manner as the listed use, including requiring the same permits and application of the same development standards.

17.01.070 Uncertainty of Boundaries

When an uncertainty exists as to the boundaries of any zone district is shown on the zoning map, the following rules shall apply:

- A.** Where a zone district boundary is indicated as approximately following a highway, street, or alley, the centerlines of such roadway shall be construed as the boundary.

- B.** Where a zone district boundary is indicated as approximately following lot lines, such lot lines shall be construed as the zone district boundary.
- C.** In the case of a zone district boundary dividing a lot, the location of such boundary, unless indicated by dimensions, shall be determined by the use of the scale of the zoning map.
- D.** Where a public street or alley or parcel of land is officially vacated, the zone district regulations of abutting properties shall apply to such vacated street, or alley.
- E.** In case of further uncertainty, the Planning Commission shall determine the location of the zone district boundary.

17.01.080 Application of Pre-annexation Zoning

The City may apply pre-annexation zoning to unincorporated property located within the area defined by the General Plan. The pre-annexation zoning process shall comply with the provisions of Chap. 17.36. Territory annexed into the City shall automatically be added to the zoning map and shall be classified the same as the pre-annexation zoning, effective on the date of the annexation into the City.

17.01.090 Fees

The City Council may establish by resolution, and may amend or revise from time to time, fees for processing the various applications authorized or required by this Title. All fees shall be paid at the time the application is filed and no processing shall commence until such fee is paid in full.

17.01.100 Conflicts with Other Laws and Agreements

When conflicts occur between regulations of this Title and any other codes, ordinances or regulations, the more restrictive provision shall apply, unless otherwise provided.

It is not intended by the provisions of this Title to interfere with or annul any easements, covenants, or other agreements between parties; provided, however, when the provisions of this Title impose a greater restriction upon use of buildings, premises, or spaces than are imposed or required by such easements, covenants, or agreements, the provisions of this Title shall apply.

Part 2
Zone Districts

17.02 Residential Zone Districts

17.02.010 Purpose of the Residential Zone Districts

The purposes of the residential zone districts are as follows:

Low Density Residential (R-1) Zone District: Applied to traditional suburban neighborhoods, primarily consisting of detached single family residences and uses compatible with single family uses. This zone district can be applied throughout the City where low density residential uses are deemed appropriate. The R-1 Zone District is consistent with the Low Density Residential General Plan designation.

Small Lot Residential (R-2) Zone District: Provides areas similar to the R-1 Zone District but also allows for smaller single family lots and duplexes. It also allows uses compatible with these residential uses. This zone district is primarily utilized around and within areas designated by the General Plan as a Neighborhood Center or Civic Centers. The R-2 Zone District is also consistent with the Small Lot Residential General Plan designation.

Medium Density Residential (R-3) Zone District: Allows higher density single family residential development, duplexes, attached townhouses and garden apartments. This zone district is primarily located within areas designated by the General Plan as a Neighborhood Center or Civic Center. The R-3 Zone District is also consistent with the Medium Density Residential General Plan designation.

Multiple Family Residential (R-4) Zone District: Provides for the highest density residential uses with a level of standards conducive to providing a suitable living environment to those living in multiple family residences, as well as uses compatible with multiple family neighborhoods. This zone district is primarily located within areas designated by the General Plan as a Neighborhood Center or Civic Center. The R-4 Zone District is also consistent with the High Density Residential General Plan designation.

17.02.020 Allowed Uses and Permit Requirements

Table 17.02.020 identifies the uses of land allowed by each of the residential zone districts. The last column of the table identifies a section of this Title that references additional land use regulations or development standards that are applicable to that use. The applicable permit requirements for each use are established by the letter designations as follows:

- “P” Designates a permitted use. New development requires a development plan review which is a ministerial staff review process that ensures compliance with all City development standards, pursuant to Sec. 17.35.010.
- “ZC” Designates that a zoning clearance is needed, which is a ministerial staff review, pursuant to Sec. 17.35.020.
- “U” Designates that a use permit is required, pursuant to Sec. 17.35.030.
- Blank Not an allowable use in that zone district.

Table 17.02.020: Allowed Uses and Permit Requirements for Residential Zone Districts

Land Use	Zone District				Specific Use Criteria
	R-1	R-2	R-3	R-4	

Residential Uses

Single family residence	P	P	P		
Two family residence, halfplex		P	P		
Multiple-family residence			P	P	
Group residence			P	P	
Condominium	U	U	P	P	
Manufactured home	ZC	ZC	ZC		Sec. 17.15.060
Manufactured home park			U		Sec. 17.15.090
Second residence	ZC	P	P		Sec. 17.15.050
Residential care home (small)	P	P	P	P	
Residential care home (large)	P	P	P	P	
Apartment hotel			U	P	
Stock cooperative residence			P	P	
Boarding house			P	P	
Emergency shelter			P	P	
Transitional housing			P	P	
Farmworker housing			P	P	

Residential Accessory Uses

Home occupation	ZC	ZC	ZC	ZC	Sec. 17.15.070
Day care home (small & large)	P	P	P	P	
Residential accessory structures	P	P	P	P	Sec. 17.15.030
Keeping of animals	P	P	P	P	Sec. 17.15.010
Swimming pool/spa	P	P	P	P	Subsec. 17.22.030.B
Garage/yard sales	P	P	P	P	Sec. 5.60.020
Guest house	P	P	P		Sec. 17.15.030
Attached patio cover	P	P	P	P	Sec. 17.15.040
Medical marijuana cultivation					Chapter 17.17

Non-residential uses

Agricultural uses (over 2 acres) ¹	P	P	P	P	
Bed and breakfast inn	U	U	U	U	
Place of religious worship	U	U	U	U	Sec. 17.15.100
Day care center	U	U	U	U	
Golf course/country club	U	U	U	U	
Parking for an off-site use	U	U	U	U	Sec. 17.15.110
Professional offices			U	U	
Hospital			U	U	
Neighborhood retail store		U	U	U	
Parks	P	P	P	P	
Public buildings and facilities	U	U	U	U	
Cemetery	U	U	U	U	
Senior congregate care facility		U	P	P	
Skilled nursing/intermediate care facility			U	U	
Model home	ZC	ZC	ZC	ZC	Sec.17.15.080
Clubs and lodges			U	U	
Parking for an off-site use	U	U	U	U	

¹Large farm animals shall not exceed 2 per acre. Buildings housing farm animals must be a minimum of 50 feet from neighboring residence.

17.02.030 R-1 Zone District Development Standards

Table 17.02.030: R-1 Zone District Development Standards

Minimum and maximum density	New residential development must be within the gross density range of 2 to 6 residences per acre.
Minimum lot size	6,000 square feet; 6,500 square feet for corner lots. If approved by the Planning Commission, the minimum lot size can be reduced to 5,000 square feet, 5,500 square feet for corner lots. Other criteria and exceptions are provided in Chap. 17.20
Minimum lot width	50 feet; 55 feet for corner lots. Cul-de-sac lots may be 40 feet if the width is at least 50 feet at the rear of the front yard. Exceptions for flag lots are provided in Sec. 17.20.020.
Maximum percentage lot coverage (includes residence(s) and garage)	45 % for single story and 40 % for two stories.
Minimum yards	Front yard: 15 feet from back of sidewalk, except that garage entrances must be 20 feet.

	<p>Interior side yard: 5 feet. Except that for any public building, church or other non-residential building, the yard shall be 15 feet when adjoining any lot for which a residence is permitted.</p> <p>Street side yard: 15 feet from back of sidewalk, except that garage entrances must be 20 feet.</p> <p>Rear yard: 20 feet or 20 % of the lot depth, whichever is less.</p> <p>Other criteria and exceptions are provided in Chap. 17.22.</p>
Maximum building height	2 stories, not to exceed 30 feet. Other criteria and exceptions are provided in Chap. 17.23.
Public improvements	See Chap. 17.21.
Fences, walls, hedges, intersection visibility	See Chap. 17.24.
Off-street parking and loading	See Chap. 17.25.
Exterior lighting	See Chap. 17.26.
Required landscaping	See Chap. 17.27.
Signs	See Chap. 17.28.
Trash enclosures	See Chap. 17.29.
Screened mechanical equip.	See Chap. 17.30.

17.02.040 R-2 Zone District Development Standards

Table 17.02.040: R-2 Zone District Development Standards

Minimum and maximum density	New development must be within the gross density range of 4 to 10 residences per acre.
Minimum lot size	<p>Single family residence: 3,500 square feet; 4,000 square feet for corner lots.</p> <p>Two family residences: 7,000 square feet; 7,500 square feet for corner lots (halfplex lots may be half the minimum).</p> <p>Other criteria and exceptions are provided in Chap 17.20.</p>
Minimum lot width	<p>Single family residence: 35 feet; 40 feet for corner lots.</p> <p>Two family residence: 70 feet; 85 feet for corner lots; halfplex lots may be half the minimum.</p> <p>Exceptions for flag lots are provided in Sec. 17.20.020.</p>
Maximum percentage lot coverage (includes residence(s) and garage(s))	50% for single story; 45% for two stories. Includes residence(s) and garage.
Minimum yards	Front yard: 15 feet, from back of sidewalk, except

	<p>that garage entrances must be 20 feet.</p> <p>Interior side yard: 5 feet, except that for any public building, church or other non residential building the yard shall be 15 feet when adjoining any lot for which a residence is permitted.</p> <p>Street side yard: 15 feet from back of sidewalk, except that garage entrances must be 20 feet.</p> <p>Rear yard: 20 feet or 20 % of the lot depth, whichever is less.</p> <p>Other criteria and exceptions are provided in Chap. 17.22.</p>
Maximum building height	<p>2 stories, not to exceed 30 feet.</p> <p>Other criteria and exceptions are provided in Chap. 17.23.</p>
Public improvements	See Chap. 17.21.
Fences, walls, hedges and intersection visibility	See Chap. 17.24.
Off-street parking and loading	See Chap. 17.25.
Exterior lighting	See Chap. 17.26.
Required landscaping	See Chap. 17.27.
Signs	See Chap. 17.28.
Trash enclosures	See Chap. 17.29.
Screened mechanical equip.	See Chap. 17.30.

17.02.050 R-3 Zone District Development Standards

Table 17.02.050: R-3 Zone District Development Standards

Minimum and maximum density	New development must be within the gross density range of 8 to 15 residences per acre.
Minimum lot size	<p>Single family residence: 2,500 square feet; 3,000 square feet for corner lots.</p> <p>Two family residences: 5,000 square feet; 5,500 square feet for corner lots (halfplex lots may be half the minimum).</p> <p>Multiple family residence and other uses: 10,000 square feet.</p> <p>Other criteria and exceptions are provided in Chap.17.20.</p>
Minimum lot width	<p>Single family residence: 30 feet.</p> <p>Two family residence: 60 feet; 70 feet for corner lots; halfplex lots may be half the minimum.</p> <p>Multiple family residence and other uses: 100 feet.</p> <p>Exceptions for flag lots are provided in Sec. 17.20.020.</p>
Maximum percentage lot coverage (includes residences)	60%.

Minimum yards	<p>Front yard: 15 feet from back of sidewalk, except that garage entrances must be 20 feet.</p> <p>Interior side yard: 5 feet, except when abutting an R-1 District it shall be 15 feet.</p> <p>Street side yard: 15 feet from back of sidewalk except that garage entrances must be 20 feet.</p> <p>Rear yard: 10 feet, except when abutting an R-1 Zone District it shall be 20 feet.</p> <p>Other criteria and exceptions are provided in Chap 17.22.</p>
Maximum building height	<p>Within 25 feet of an R-1 District: 2 stories not to exceed 30 feet.</p> <p>Within 25 to 35 feet of an R-1 District: 3 stories, not to exceed 40 feet.</p> <p>Otherwise: 4 stories, not to exceed 50 feet.</p> <p>Other criteria and exceptions are provided in Chap. 17.23.</p>
Minimum distance between buildings	<p>Building front to any building side or rear: 20 feet.</p> <p>All others: 10 feet.</p>
Open space/recreation areas (applicable to multiple family development only) ¹	<p>100 square feet per residential unit, unless equivalent open space is provided as part of the design within a Civic Zone District.</p>
Walkways	<p>Internal walkways shall link residential units with recreational and other internal facilities as well as other residential units.</p>
Storage facilities, accessory buildings	<p>Cannot be located within required yard areas.</p>
Public improvements	<p>See Chap. 17.21.</p>
Fences, walls hedges and intersection visibility	<p>See Chap. 17.24.</p>
Off-street parking and loading	<p>See Chap. 17.25.</p>
Exterior lighting	<p>See Chap. 17.26.</p>
Required landscaping	<p>See Chap. 17.27.</p>
Signs	<p>See Chap. 17.28.</p>
Trash enclosures	<p>See Chap. 17.29.</p>
Screened mechanical equip.	<p>See Chap. 17.30.</p>

¹ Open space/recreation criteria:

Areas that may be included are private or common patios, decks, balconies, recreation rooms, roof areas designed to accommodate a leisure activity, swimming pool/spa areas and other types of landscaped recreation or leisure areas. To qualify as open space/recreation area the space must be a minimum of 6 feet by 10 feet.

Areas that do not qualify are front and street side yards, driveways, parking areas and associated landscaping, clothes drying areas, walkways between buildings and entryways.

17.02.060 R-4 Zone District Development Standards

Table 17.02.060: R-4 Zone District Development Standards

Minimum and maximum density	New development must be within the gross density range of 15 to 25 residences per acre.
Minimum lot size	10,000 square feet. Other criteria and exceptions are provided in Chap.17.20.
Minimum lot width	100 feet. Exceptions for flag lots are provided in Sec. 17.20.020.
Maximum percentage lot coverage (includes residences)	75%.
Minimum yards	Front yard: 15 feet from back of sidewalk, except that garage entrances must be 20 feet. Interior side yard: 5 feet, except when abutting an R-1 District it shall be 15 feet. Street side yard: 10 feet from back of sidewalk, except that garage entrances must be 20 feet. Rear yard: 10 feet, except when abutting an R-1 Zone District it shall be 20 feet. Other criteria and exceptions are provided in Chap 17.22.
Maximum building height	Within 25 feet of an R-1 District: 2 stories not to exceed 30 feet. Within 25 to 35 feet of an R-1 District: 3 stories, not to exceed 40 feet. Otherwise: 4 stories, not to exceed 50 feet. Other criteria and exceptions are provided in Chap. 17.23.
Minimum distance between buildings	Building front to any building side or rear: 20 feet. All others: 10 feet.
Open space/recreation areas ¹	100 square feet per residential unit, unless equivalent open space is provided as part of the design within a Civic Zone District.
Walkways	Internal walkways shall link residential units with recreational and other internal facilities as well as other residential units.
Storage facilities, accessory buildings	Cannot be located within required yard areas.
Public improvements	See Chap. 17.21.
Fences, walls hedges and intersection visibility	See Chap. 17.24.
Off-street parking and loading	See Chap. 17.25.
Exterior lighting	See Chap. 17.26.

Required landscaping	See Chap. 17.27.
Signs	See Chap. 17.28.
Trash enclosures	See Chap. 17.29.
Screened mechanical equip.	See Chap. 17.30.

¹ Open space/recreation criteria:

Areas that may be included are private or common patios, decks, balconies, recreation rooms, roof areas designed to accommodate a leisure activity, swimming pool/spa areas and other types of landscaped recreation or leisure areas. To qualify as open space/recreation area the space must be a minimum of 6 feet by 10 feet.

Areas that do not qualify are front and street side yards, driveways, parking areas and associated landscaping, clothes drying areas, walkways between buildings and entryways.

17.03 Commercial Zone Districts

17.03.010 Purpose of the Commercial Zone Districts

The purposes of the individual commercial zone districts are as follows:

General Commercial (C-G) Zone District: Provides for a full range of retail and service commercial uses and associated services and uses. The C-G Zone District is consistent with the Community Commercial General Plan designation.

Commercial-Mixed Use (C-MU) Zone District: Provides for a full range of retail and service commercial uses and higher density residential uses. The mix of uses can occur in either a vertical configuration in which non-residential uses occur on the first floor with multiple family residential uses above or in a horizontal configuration where non-residential uses and residential uses are on the same level, but typically in different buildings. The C-MU Zone District is consistent with the Commercial Mixed Use General Plan Designation and with the Downtown Mixed Use designation when combined with the D Combining Zone District.

17.03.020 Allowed Uses and Permit Requirements

Table 17.03.020 identifies the uses of land allowed by each of the commercial zone districts. The last column of the table identifies a section of this Title that references additional land use regulations or development standards that are applicable to that use. The applicable permit requirements for each use are established by the letter designations as follows:

- “P” Designates a permitted use. New development requires a development plan review which is a ministerial staff review process that ensures compliance with all City development standards, pursuant to Sec. 17.35.010
- “ZC” Designates that a zoning clearance is needed, which is a ministerial staff review, pursuant to Sec. 17.35.020.
- “U” Designates that a use permit is required, pursuant to Sec. 17.35.030.
- Blank Not an allowable use in that zone district.

Table 17.03.020: Allowed Uses and Permit Requirements for Commercial Zone Districts

Land Use	Zone District		Specific Use Criteria
	C-G	C-MU	
Commercial Uses			
Retail sales and services conducted indoors (unless otherwise addressed in this table)	P	P	
Animal grooming	P	P	
Animal boarding (indoors)	P	P	
(outdoors)	U	U	
Veterinarian	P	P	
Auto, boat, motorcycle, RV, mobile home, trailer and agricultural equipment sales (outdoors) (repair as secondary use)	P	P	
Auto, boat, motorcycle, RV repair (body shops and radiator repair w/u. p.)	P	P	
Bank, financial institution, insurance	P	P	
Day care center, including outdoor play area	P	P	
Health/fitness facility (outdoor pool)	P	P	
Offices (administrative, business, medical and professional)	P	P	
Funeral establishment	P	P	
Schools & studios conducted indoors	P	P	
Bar, night club, lounge, tavern	P	P	
Laundry, Laundromat	P	P	
Repair shop (i.e. shoes, radios, appliances, electronic equipment)	P	P	
Hotel, motel	P	P	
Indoor entertainment (theater, video arcade, skating rink, bowling, billiards)	P	P	
Outdoor commercial recreation (theme, amusement park, miniature golf)	U	U	
Restaurant	P	P	
Auto, boat, motorcycle, RV repair (excluding body & radiator shops)	P	P	
Retail plant nursery (includes outdoor sales)	P	P	
Car rental	P	P	
Car wash	P	P	Sec. 17.16.040
Home improvement, bldg. material sales (includes outdoor sales)	P	P	
Drive through facilities	U	U	

Gasoline sales	U	U	
Medical, dental, optical lab	P	P	
Retail tire sales	P	P	
Recycling collection facility	ZC	ZC	Sec. 17.16.010
Commercial coach (temporary)	U	U	Sec. 17.16.020
Outdoor product display	P	P	Sec. 17.16.030
Outdoor holiday sales	ZC	ZC	Sec. 17.16.050
Adult oriented business	U	U	Sec. 17.16.070
Medical marijuana dispensary			Chapter 17.17
Agricultural uses (over 1 acre) ¹	P	P	

¹ Large farm animal shall not exceed 2 per acre. Buildings housing farm animals must be a minimum of 50 feet from any neighboring residence.

Public and Quasi-public Uses

Public buildings and facilities	P	P	
Library/museum	P	P	
Place of religious worship	P	P	
Hospital	P	P	
Park	P	P	
Clubs and lodges	P	P	
Public parking	P	P	
Community center	P	P	
Cultural institution	P	P	
Wireless telecommunications facility	U	U	
Heliport	U	U	

Residential Uses

Multiple family residential		U	
Caretaker quarters	P	P	
Live/work lofts		U	
Emergency shelter		U	
Home occupation		ZC	Sec. 17.15.070
Transitional housing		U	

17.03.030 C-G Zone District Development Standards

Table 17.03.050: C-G Zone District Development Standards

Minimum lot size	5,000 square feet. Other criteria and exceptions are provided in Chap. 17.20.
Minimum lot width	50 feet.
Minimum yards	Front yard: 10 feet. Street side yard: 10 feet. Interior side yard: none, except when abutting a residential zone district it is 15 feet. Rear yard: none, except when abutting a residential zone district it is 15 feet. Other criteria and exceptions are provided in Chap. 17.22.
Maximum building height	4 stories, not to exceed 65 feet. Other criteria and exceptions are provided in Chap. 17.23.
Public improvements	See Chap. 17.21.
Fences, walls, hedges and intersection visibility	See Chap. 17.24.
Off-street parking and loading	See Chap. 17.25.
Exterior lighting	See Chap. 17.26.
Landscaping	See Chap. 17.27.
Signs	See Chap. 17.28.
Trash enclosures	See Chap. 17.29.
Screening mechanical equip.	See Chap. 17.30.

17.03.040 C-MU Zone District Development Standards

Table 17.03.040: C-MU Zone District Development Standards

Minimum lot size	5,000 square feet. Other criteria and exceptions are provided in Chap. 17.20.
Minimum lot width	50 feet.
Minimum yards	Front yard: 10 feet. Street side yard: 10 feet. Interior side yard: none, except when abutting a residential zone district it is 15 feet. Rear yard: none, except when abutting a residential zone district it is 15 feet. Other criteria and exceptions are provided in Chap. 17.22.

Maximum building height	4 stories, not to exceed 65 feet. Other criteria and exceptions are provided in Chap. 17.23.
Public improvements	See Chap. 17.21.
Fences, walls, hedges and intersection visibility	See Chap. 17.24.
Off-street parking and loading	See Chap. 17.25.
Exterior lighting	See Chap. 17.26.
Landscaping	See Chap. 17.27.
Signs	See Chap. 17.28.
Trash enclosures	See Chap. 17.29.
Screening mechanical equip.	See Chap. 17.30.
Residential Intensity	Multiple family residential uses, where permitted, may comprise up to 50 percent of the total building square footage. There is no residential density standard.

17.04 Employment Zone Districts

17.04.010 Purpose of the Employment Zone Districts

The purposes of the individual industrial zone districts are as follows:

Employment (E) Zone District: Provides areas appropriate for businesses that are primarily non-retail, including offices light assembly, processing, manufacturing, wholesaling and distribution of products that do not cause noise, dust, odor smoke, bright lights or vibration beyond the property lines. This zone district also provides for selected sales and services that are often considered inappropriate in primary retail areas due to size or operating characteristics. The E Zone District is consistent with the Employment General Plan designation.

Industrial (M) Zone District: Provides areas appropriate for a full range of manufacturing, industrial and agricultural product processing uses as well as related compatible uses. The M Zone District is consistent with the Employment General Plan designation.

17.04.020 Allowed Uses and Permit Requirements

Table 17.04.020 identifies the uses of land allowed by each of the employment zone districts. The last column of the table identifies a section of this Title that references additional land use regulations or development standards that are applicable to that use. The applicable permit requirements for each use are established by the letter designations as follows:

- “P” Designates a permitted use. New development requires a development plan review which is a ministerial staff review process that ensures compliance with all City development standards, pursuant to Sec. 17.35.010.
- “ZC” Designates that a zoning clearance is needed, which is a ministerial staff review, pursuant to Sec. 17.35.020.
- “U” Designates that a use permit is required, pursuant to Sec. 17.35.030.
- Blank Not an allowable use in that zone district.

Table 17.04.020: Allowed Uses and Permit Requirements for the Employment Zone Districts

Land Use	Zone District		Specific Use Regulation
	E	M	
Primary Uses			
Auto, auto body, radiator, upholstery repair	U	P	
Cabinet, plumber, sheet metal, welding shop, machine shop	P	P	
Contractor's yard, outdoor material storage	U	P	
Distribution center	P	P	
Dry cleaning, dyeing plant		P	
Indoor assembly, processing, fabricating, treatment, manufacturing, repairing or packaging of goods that do not create noise dust odor, smoke or bright light; involve the handling of explosives or inflammable materials as a primary use, or otherwise creates offensive conditions at the property line.	P	P	
Uses described above that may create an offensive condition(s)		U	
Commercial laundry		P	
Offices (administrative, business, medical and professional)	P		
Bulk petroleum and pressurized gas product storage and wholesale sales		U	
Self storage warehouses	P	P	
Wholesale printing, engraving, lithography and publishing	P	P	
Recycling collection and materials processing facility		U	
Research and development laboratory	P	P	
Sales and indoor repair of commercial trucks and trailers and other heavy equipment	P	P	
Tire sales	P	P	
Tire recapping plant		P	
RV, camper sales and repair	P	P	
Wholesale businesses, warehousing	P	P	
Cement and asphalt plant		U	
Cold storage	P	P	
Equipment rental	P	P	
Wrecking, dismantling yard		U	

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Food product processing, manufacturing		P	
Truck, freight terminal		P	
Flea market		U	
Lumber processing (sawing, planing, plywood, veneer, laminating)		U	
Place of religious worship	U		
Wireless telecommunications facility	U	U	
Wholesale vehicle sales, auction		P	
Vehicle storage		P	
Veterinary clinic, animal boarding, animal grooming	P		
Fire wood yard		P	
Farm equipment and supply sales	P	P	
Employment centers (includes office uses that generally do not cater to the public such as call centers)	P	P	
Building material sales, lumber yard	P	P	
Outdoor holiday sales	ZC	ZC	Sec. 17.16.050
Adult oriented business	U	U	Sec. 17.16.070
Medical marijuana dispensary			Sec. 17.16.060
Agricultural uses (over 1 acre) ¹			

¹ Large farm animals shall not exceed 2 per acre. Buildings housing farm animals must be a minimum of 50 feet from any neighboring residence.

Supporting Uses

Retail sales in connection with products manufactured on-site. ¹	P	P	
Office and other ancillary uses that are part of and subordinate to the principle use and located on the same site.	P	P	
Caretaker, night watchman residence	P	P	
Commercial coach (temporary)	U	U	Sec. 17.16.020
Heliport	U	U	
Support businesses for permitted uses including restaurant, delicatessen, coping, etc.	P	P	

¹Maximum of 15 percent of the floor area may be used for retail sales.

17.04.030 E and M Zone District Development Standards

Table 17.04.030: E and M Zone District Development Standards

Minimum lot size	10,000 square feet. Other criteria and exceptions are provided in Chap. 17.20.
Minimum lot width	75 feet
Minimum yards	Front yard: 10 feet. Street side yard: 10 feet. Interior side: none, except when abutting a residential zone district it is 15 feet. Rear yard: none, except when abutting a residential zone district it is 15 feet. Other criteria and exceptions are provided in Chap. 17.22.
Maximum building height	3 stories, not to exceed 50 feet. Other criteria and exceptions are provided in Chap. 17.23.
Public improvements	See Chap. 17.21
Fences, walls, hedges and intersection visibility	See Chap. 17.24.
Off-street parking and loading	See Chap. 17.25.
Exterior lighting	See Chap. 17.26.
Landscaping	See Chap. 17.27.
Signs	See Chap. 17.28
Trash enclosures	See Chap. 17.29
Screening mechanical equip.	See Chap. 17.30

17.05 Civic (C) Zone District

17.05.010 Purpose of the Civic Zone District

The purpose of the C Zone District is to provide areas for public and quasi-public facilities. This includes general government, education, utilities and other public service uses needed to serve a growing population. The C Zone District is consistent with all General Plan designations.

17.05.020 Allowed Uses and Permit Requirements

Table 17.05.020 identifies the uses of land allowed by the C Zone District. The last column of the table identifies a section in this Title that references additional land use regulations or development standards that are applicable to that use. The applicable permit requirements for each use are established by the letter designations as follows:

- “P” Designates a permitted use. New development requires a development plan review which is a ministerial staff review process that ensures compliance with all City development standards, pursuant to Sec. 17.35.010.
- “ZC” Designates that a zoning clearance is needed, which is a ministerial staff review, pursuant to Sec. 17.35.020.
- “U” Designates that a use permit is required, pursuant to Sec. 17.35.030.
- Blank Not an allowable use in the C Zone District.

Table 17.05.020: Allowed Uses and Permit Requirements for the Civic Zone District

Land Use	Permit Required	Specific Use Regulation
Offices	P	
Cemetery	U	
Public parking lot	P	
Community center, cultural institution, pavilion	U	
Fire, police station	P	
Golf course	P	
Library	P	
Maintenance, equipment yard	U	
Museum	U	
Park	P	
School	P	
Place of religious worship	U	
Swimming pool	P	
Water and wastewater treatment facilities	U	
Airport, Heliport	U	

Theater	U	
Sports facility	P	
Health facility, hospital	U	
Place of religious worship	U	
Landfill	U	
Transit facility	P	
Telecommunications facility	U	
Emergency shelter	U	

17.05.030 Civic Zone District Development Standards

All development standards shall be as provided in the C-3 Zone District or as determined by use permit.

17.06 Urban Reserve (UR) Zone District

17.06.010 Purpose of the Urban Reserve Zone District

The UR Zone District is applied as an interim holding zone to rural or agricultural areas located within the City’s sphere of influence that are not planned for development by the General Plan. In the longer term, after existing developable areas are built out, the areas within the UR Zone District are expected to be planned to accommodate more intensive, fully serviced development as part of future General Plan updates. The UR Zone District is consistent with all General Plan designations.

17.06.020 Allowed Uses and Permit Requirements

Table 17.06.02 identifies the uses of land allowed by the UR Zone District. The last column of the table identifies a section of this Title that references additional land use regulations or development standards that are applicable to that use. The applicable permit requirements for each use are established by the letter designations as follows:

- “P” Designates a permitted use. New development requires a development plan review which is a ministerial staff review process that ensures compliance with all City development standards, pursuant to Sec. 17.35.010.
- “ZC” Designates that a zoning clearance is needed, which is a ministerial staff review, pursuant to Sec. 17.35.020.
- “U” Designates that a use permit is required, pursuant to Sec. 17.35.030.
- Blank Not an allowable use in the UR Zone District.

Table 17.06.020: Allowed Uses and Permit Requirements for the UR Zone District

Land Use	Permit Required	Specific Use Regulation
Agricultural uses	P	
All “P” uses in the R-1 Zone District	P	Same as R-1 Zone District
All “ZC” uses in the R-1 Zone District	ZC	Same as R-1 Zone District
All “U” uses in the R-1 Zone District	U	Same as R-1 Zone District
Seasonal fruit/vegetable stands for sale of products produced on-site	U	
Telecommunication facilities	U	
Kennel	U	

17.06.030 Urban Reserve Zone District Development Standards

Table 17.06.030: UR Zone District Development Standards

Minimum lot size	10 acres. Other criteria and exceptions provided in Chap. 17.20.
Minimum lot width	300 feet.
Minimum yards	Front and street side yard: 60 feet from the centerline of any street that does not have an adopted future plan line. For streets that have adopted plan lines, the front yard shall be 15 feet from the plan line, except that garage entrances shall be 20 feet. Interior side yard: 10 feet, except for any public building, church or other non-residential building it shall be 15 feet when adjoining any lot that may contain a residence. Rear yard: 20 feet or 20 % of the lot depth, whichever is less. Other criteria and exceptions are provided in Chap. 17.22.
Maximum building height	2 stories, not to exceed 30 feet. Other criteria and exceptions are provided in Chap. 17.23.
Public Improvements	See Chap.17.21.
Fences walls hedges, intersection visibility	See Chap. 17.24.
Off-street parking	See Chap. 17.25.
Exterior lighting	See Chap. 17.26.
Landscaping	See Chap. 17.27.
Signs	See Chap. 17.28.
Trash enclosures	See Chap. 17.29.
Screening mechanical equip.	See Chap. 17.30.

17.07 Planned Development (PD) Zone District

17.07.010 Purpose of the Planned Development Zone District

The PD Zone District is intended to provide for flexibility in site planning and design for residential, commercial, industrial and mixed use projects that encourage and facilitate creative design and use of land in the City which may otherwise be stifled by the standardized zone districts. The resulting projects should be of equal or greater quality than would result from utilizing a standard zone district. The PD Zone District is consistent with all General Plan designations provided that, upon adoption of this zone district, a finding is made that the permitted use or combination of uses and their permitted density and intensity of development are within the range anticipated by the appropriate General Plan designation(s).

17.07.020 Allowed Uses

Any use or combination of uses which are arranged and designed in such a manner as to result in a development which is internally compatible, compatible with neighboring uses and consistent with the General Plan. The density and intensity of the uses shall be limited to that allowed by the General Plan.

17.07.030 Development Standards

Development standards shall be determined for each PD Zone District based on the merits of the project, provided that the resulting project is equal to or exceeds the quality that would result from utilizing standard zone districts.

17.07.040 Establishment of a PD Zone District

Applications for the PD Zone District shall be considered amendments to these Zoning Regulations and shall be processed pursuant to the provisions of Chap. 17.36.

17.07.050 Applications

Applications for a PD Zone District shall contain a full description of all types of uses, the proposed development standards and a site plan for the project. The description, standards and all plans shall include detailed information needed to evaluate the project, including building elevations and site design standards for roads, parking landscaping, signage, etc., phasing plans, if any, and any other information deemed necessary by the Community Development Director.

17.07.060 Findings

Approval of a PD Zone District can be made only upon making all of the following findings:

- A. The project is consistent with the General Plan and any applicable specific plan.

- B. All of the development standards applied to the PD Zone District will result in a project that meets or exceeds the quality expected of a project allowed by a standard zone district(s).
- C. There are adequate public services, facilities and utilities available to properly serve the project.
- D. All impacted streets will be within acceptable levels of service.
- E. The proposed uses, location, size, design features and operational characteristics will be compatible with the surrounding neighborhood.
- F. The establishment, operation and maintenance of the use(s) and facilities will not be detrimental to the public's health, safety and general welfare.

17.07.070 Detailed Plans Required

Prior to issuance of any building permits, detailed development plans shall be submitted to the Community Development Director for review and approval for substantial compliance with the approved planned development.

17.07.080 Ongoing Review

If construction has not commenced within two years of the effective date of the PD Zone District and every two years thereafter, until the project is completed, the Planning Commission shall review the project to determine if a zone change to amend the PD or otherwise change the zoning to a more appropriate zone district may be warranted. If it is determined that a revision should be considered, the Planning Commission shall authorize a rezoning process to proceed, as provided in Chap. 17.36. For purposes of this section, commencement of construction means installation of a building foundation.

17.08 Special Design (SD) Combining Zone District

17.08.010 Purpose of the Special Design Combining Zone District

Intended to be applied to areas where individual development criteria is warranted that is not relevant in other parts of the City, or it may be applied to a development project to accommodate an innovative standard that would not otherwise be allowed by the primary zone district. This zone district differs from the PD Zone District in two ways. This zone district is intended to (1) provide an avenue to modify or apply a development standard(s) to a situation that citywide adopted development standard(s) would not otherwise address, and (2) that this zone district is not intended to modify the permitted uses of the primary zone district. Any project that utilizes this zone district must meet or exceed the quality expected of a project that meets the typical development standards. This zone district is consistent with all General Plan designations, provided that, upon adoption of the SD Zone District, a finding is made that the permitted density and intensity of development is within the range anticipated by the appropriate General Plan designation(s).

17.08.020 Allowed Uses

Any use normally allowed in the primary zone district is allowed within the SD Combining Zone District, unless otherwise provided in the SD Combining Zone District.

17.08.030 Development Standards

Except as expressly provided in this zone district, the applicable development standards provided in the primary zone district shall apply.

17.08.040 Establishment of a SD Combining Zone District

Applications for the SD Combining Zone District shall be considered amendments to these Zoning Regulations and shall be processed pursuant to the provisions of Chap. 17.36.

17.08.050 Applications

Applications for an SD Combining Zone District shall contain adequate information to properly evaluate the merits of the proposal, as determined by the Community Development Director.

17.08.060 Findings

Approval of a SD Combining Zone District can be made only upon making all of the following findings:

- A. The revised or additional development standard(s) is consistent with the General Plan and any relevant specific plan.

- B.** The revision to the development standard(s) will not provide for a development that will be incompatible with existing or planned neighboring land uses.
- C.** The quality of any resulting development will be equal or better than would otherwise be expected from the traditional development standard(s).
- D.** The use of a special or unique development standard(s) will not be detrimental to the public's health, safety and general welfare.

17.09 Specific Plan Combining (SP) Zone District

17.09.010 Purpose of the Specific Plan Combining Zone District

To ensure that development within the boundary of an adopted specific plan is consistent with the goals, policies, standards and guidelines of that specific plan. This combining zone district provides a link between the Zoning Regulations and the standards of the specific plan. This zone district is consistent with all general plan designations.

17.09.020 Applicability

This combining zone district shall be applied to all primary zone districts that are within an adopted specific plan.

17.09.030 Allowed Uses

Any use normally allowed in the primary zone district is allowed within the SP Combining Zone District as well as any additional uses that may be provided for in the specific plan, unless the specific plan provides a more restrictive or less restrictive list of uses than the primary zone district. If a conflict between the primary zone district and the specific plan occurs, the specific plan shall prevail.

17.09.040 Development Standards

All development standards contained in the primary zone district as well as the standards contained in the specific plan shall apply, unless otherwise noted in the specific plan. If a conflict occurs between the primary zone district and the specific plan, the specific plan shall prevail.

17.09.050 Development Applications

The type of permit necessary for a development proposal shall be as required by the primary zone district, unless otherwise provided in the specific plan.

17.10 Downtown (D) Combining Zone District

17.10.010 Purpose of the Downtown Combining Zone District

To provide for development in the downtown area of the City of Live Oak that enhances the downtown and encourages a broad mix of uses, including commercial, residential and civic uses. This combining zone district should be combined with the C-G or C-MU Zone Districts in locations designated in the General Plan as Downtown Mixed Use.

17.10.020 Applicability

This zone district is intended to be combined with the C-MU Zone District to the areas described in the General Plan as Downtown Mixed Use.

17.10.030 Allowed Uses

Any use permitted in the CM-U Zone District is permitted in this combining district. If the CM-U Zone District requires a use permit for a use then that use shall also be required to obtain a use permit in this combining zone district.

17.10.040 Development Standards

The development standards provided in the C-MU Zone District are applicable to this combining zone district, except as follows:

Minimum lot size: None

Yards: No required front or street side yard shall be required. If a front or street side yard is provided, it shall be landscaped to a depth of 10 feet or the distance to the building, whichever is less.

Parking and loading: No on-site parking or loading is required.

17.11 Neighborhood Center (NC) Combining Zone District

17.11.010 Purpose of the Neighborhood Center Combining Zone District

To provide a neighborhood focal point that accommodates the higher activity land uses including retail and service commercial uses, offices, civic uses and medium and higher density residential land uses. This combining zone district is intended to implement the Neighborhood Center Overlay Designation of the General Plan and is intended to be combined with the Small Lot Residential (R-2) Zone District

17.11.020 Applicability

This NC Combining Zone District is intended to be applied on a temporary basis until such a time as a more detailed land use plan is developed, and such plan is converted to permanent zoning that meets the criteria provided below.

17.11.030 Locational Criteria

The General Plan provides the general locations for these activity centers. The intent of the General Plan is to give flexibility as to their exact location and land use layout. This combining district is intended to indicate the general location of each activity center based on the location provided in the General Plan. The detailed land use plan and implementing zoning shall be located within 1/8 mile of the center of the combining district.

17.11.040 Allowed Uses and Size

The intended permitted uses are to be implemented through application of permanent zoning in the acreages provided below. This can be accomplished by applying specific zoning as provided in Table 17.11.040 below or by application of a Planned Development (PD) Zone District that describes the allowed uses at the same ratios. When implemented the neighborhood center should consist of approximately 31 acres.

Table 17.11.040: Neighborhood Center Land Uses

Zone District	Allowable Acreage
Medium Density Residential (R-3)	10-15 acres
Multiple Family Residential (R-4)	2 separate areas of between 5 and 7 acres each
Commercial-Mixed Use (C-MU)	3-7 acres
Public Facilities (PF)	Civic use of 1 to 3 acres and park that is 2-3 acres.

17.11.050 Development Applications

Applications for specific development projects shall not be approved until permanent zoning, as provided above, is approved by the City.

17.12 Civic Center (CC) Combining Zone District

17.12.010 Purpose of the Civic Center Combining Zone District

To provide a neighborhood center that is focused on civic uses, including a school, park and other public services such as a fire station, library or post office, as well as medium and higher density residential land uses. This combining zone district is intended to implement the Civic Center Overlay Designation of the General Plan and is intended to be combined with the Small Lot Residential (R-2) Zone District.

17.12.020 Applicability

This CC Combining Zone District is intended to be applied on a temporary basis until such a time as a more detailed plan is developed, and such plan is converted to permanent zoning that meets the criteria provided below.

17.12.030 Locational Criteria

The General Plan provides the general locations for these activity centers. The intent of the General Plan is to give flexibility as to their exact location and land use layout. This combining district is intended to indicate the general location of each activity center based on the location provided in the General Plan. The detailed land use plan and implementing zoning shall be located within 1/8 mile of the center of the combining district.

17.12.040 Allowed Uses and Size

The intended permitted uses are to be implemented through application of permanent zoning in the acreages provided below. This can be accomplished by applying specific zoning as provided in Table 17.12.040 below or by application of a Planned Development (PD) Zone District that describes the allowed uses at the same ratios. When implemented the neighborhood center should consist of approximately 31 acres.

Table 17.12.040: Civic Center Land Uses

Zone District	Allowable Acreage
Medium Density Residential (R-3)	10-15 acres
Multiple Family Residential (R-4)	5 and 7 acres
Public Facilities (PF)	Joint use park/school ¹ at 10-12 acres and a civic use of 1 to 2 acres

¹ If a school site is not located in this area, a park is still required with the remaining acreage zoned R-2.

17.12.050 Development Applications

Applications for specific development projects shall not be approved until permanent zoning, as provided above, is approved by the City.

Part 3

Standards for Special Uses

17.15 Standards for Specific Uses in Residential Zone Districts

17.15.010 Keeping of Animals – deleted – See Title 6 instead.

17.15.020 Garage/Yard Sales

See Sec. 5.60.020 (Business license)

17.15.030 Residential Accessory Structures

In any residential zone district residential accessory structures are permitted, subject to all of the following:

- A. Residential accessory structures include:** Any buildings that are customarily incidental to a residence and garage including guest house, greenhouse, storage shed, studio, pool-house, workshop, detached deck and patio and similar structures that are over 18 inches in height. Buildings under 120 square feet of roof area and under 8 feet in height, are not subject to this section.
- B. Number of structures:** The number of residential accessory structures on a lot shall be limited to three.
- C. Size:** The combined floor area of accessory structures shall not exceed 1,000 square feet of floor area.
- D. Height:** The maximum height of any accessory structure is 15 feet.
- E. Yards:** Any residential accessory structure shall meet the same front, interior side and street side yards required by the applicable zone district, and one-half the required rear yard.
- F. Exceptions to the standards:** Residential accessory structures that differ from the standards provided above may be approved with a use permit, provided the Planning Commission makes a finding that there will not be an adverse impact on any neighboring uses.

17.15.040 Attached Patio Covers

An attached patio cover may encroach a maximum of 10 feet into the rear yard of a single family residence or two family residence, subject to the following:

- A. Open on the sides:** The patio cover is open on all non-residence sides, except for a maximum 3 foot high wall and open screening.
- B. Side yards:** All side yard standards are met.

17.15.050 Second Residences

- A. Purpose:** The purpose of this section is to comply with the California Government Code pertaining to second residences as a means to increase the supply of affordable housing. Second residences are not required to meet the density requirements of the General Plan. A zoning clearance must first be secured that meets the standards provided below.
- B. Development standards:** A second residence must meet all of the following development standards:
- 1. Size:** An attached or detached second residence shall not exceed 50 percent of the living area of the primary residence, up to a maximum size of 1,200 square feet.
 - 2. District standards met:** All of the development standards required of the primary residence shall be met.
 - 3. Parking:** The parking standard, as provided in Sec. 17.25.030, shall be met. The parking area may not be located within any front or street-side yard.
 - 4. Architectural compatibility:** The design of the second residence shall incorporate the same or similar architectural features, building materials and colors as the primary residence.

17.15.060 Manufactured Homes

A manufactured home may be placed upon any lot within any residential zone district in lieu of a permitted one family residence, if a zoning clearance is first secured and the manufactured home meets the following standards:

- A. Certification:** The manufactured home must be certified under the National Manufactured Home Construction and Safety Act of 1974.
- B. Foundation:** It shall be placed upon a permanent foundation that is approved by the Building Official.
- C. Width:** It shall be a minimum of 20 feet in width.
- D. Siding:** The manufactured home shall be covered with an exterior material compatible with neighboring residences. The façades that front a street shall have sufficient design detail to ensure visual compatibility with neighboring residences. If a masonry or concrete foundation is utilized, the exterior covering need not extend more than three inches below the top of the foundation.
- E. Entrance:** The primary entrance to the residence shall face a public right-of-way.
- F. Roof:** The roof pitch shall be not less than 2.5 inches of vertical rise over 12 inches of horizontal run. The roof eaves shall be a minimum of 12 inches from the vertical side of the manufactured home or what is customarily found in the neighborhood, whichever is less. The roof material shall be comprised of a material customarily used in the neighborhood.

- G. Garage:** The manufactured home shall have an enclosed garage if they are customarily found in the neighborhood. The exterior covering material of the garage shall be the same as the manufactured home.
- H. Floor height:** The finished floor shall be a maximum of 25 inches above the finish grade of the lot.
- I. Other Standards:** All of the development standards of the zone district in which the lot is located are met.

17.15.070 Home Occupations

- A. Purpose:** Intended to provide reasonable opportunities for employment within the home, while avoiding changes to the residential character of the residence or the surrounding neighborhood. A zoning clearance must first be secured.
- B. Operating standards:** Each home occupation shall meet all of the following standards:
 - 1. Relationship to the primary use:** Each home occupation shall be clearly an accessory use to the primary residential use. The home occupation conducted in the primary residence or an accessory structure shall not utilize an area of over 20 percent of the residence or 400 square feet, whichever is greater.
 - 2. Employees:** There shall be no on-site employees other than full time residents of the residence.
 - 3. Off-site effects:** The home occupation shall not produce any exterior evidence of its existence beyond the premises, including but not limited to, outdoor storage, noise, smoke, odor or vibration. There shall be no outdoor storage of building materials, machinery, equipment or other materials.
 - 4. On-site sales:** There shall be no sale of merchandise other than that produced on the premises or merchandise directly related to the service offered.
 - 5. Client/customer visits:** The home occupation is limited to one customer on the premises at a time. There shall be no customers on-site between the hours of 10:00 PM and 7:00 AM.
 - 6. Signage:** A home occupation is limited to one wall mounted non-illuminated sign, not to exceed one square foot.
 - 7. Prohibited Uses:** The repair of autos, trucks, motorcycles, boats, trailers or similar equipment is not permitted.
- C. Ownership:** If the residence is not owner occupied, property owner authorization for the home occupation is required.
- D. Exempt home occupations:** Home occupations that meet all of the standards provided in this Section, and the business activity is limited to the use of a desk, personal computer and telephone, are permitted uses and not subject to a zoning clearance.
- E. Home occupations not meeting the operating standards:** A home occupation that does not meet the operational or residency standards provided in this Section may be allowed with an approved use permit if the Planning Commission makes a finding that there will

be no additional impact on the neighborhood from traffic or other activities associated with the home occupation.

17.15.080 Model Homes

Model homes with sales offices and temporary trailers utilized for information/sales are permitted in new subdivisions if a zoning clearance is first secured and the following criteria are met:

- A. Duration:** A temporary trailer may be used for a period not exceeding six months during construction of the model homes. The model home period of usage shall not exceed three years or completion of all the residences, whichever comes first. One year extensions may be granted until the sale of all residences is completed.
- B. Site plan:** A site plan shall be submitted showing the location of the model homes, trailer, temporary parking, signage, and identification flags.
- C. Sales area:** Sales are limited to properties within the subdivision.
- D. Conversion to a residence:** The model home shall be converted to a residence upon completion of its use as a model home.

17.15.090 Manufactured Home Parks

Each manufactured home park shall comply with the following standards in addition to other conditions required by the use permit:

- A. Yards:** Minimum yards for manufactured homes within individual spaces are:
 - Front: 10 feet.
 - Side : 5 feet
 - Rear: 10 feetAwnings, carports and storage sheds shall be a minimum of three feet from side and rear lot lines.
- B. Interior circulation:**
 - 1. All manufactured home spaces shall access private internal streets with a minimum width of 20 feet. There shall be no direct access to a public street.
 - 2. Walkways shall be provided that link manufactured homes to recreational facilities, other internal facilities and other manufactured homes.
- C. Common Open Space/Recreation Areas:** Open space/recreation areas shall be provided in common areas not located within an individual manufactured home space as follows:
 - 1. **Family Park:** 250 square feet of space per home for the first 100 spaces and 200 square feet per home in excess of the 100th space.
 - 2. **Adult park:** 200 square feet of recreational area per space.

- 3. Areas not included:** The open space/recreation area does not include private yards within a manufactured home space, rights-of-way, front and street side yards on public streets as provided in Subsec. E below, driveways and parking areas and associated landscaping, clothes drying areas, walkways between buildings and entryways.
- D. Certification:** All manufactured homes shall be certified under the National Mobile Home Construction Act of 1974.
- E. Exterior walls/screening:** All exterior boundaries that abut a public right-of-way shall be screened with a six foot high decorative masonry wall. The walls shall be setback 10 feet from the edge of the right-of-way, with the yard area landscaped as required in Sec. 17.27.060.
- F. Parking:** As provided in Chap. 17.25.
- G. Landscaping:** As provided in Chap. 17.27.

17.15.100 Places of Religious Worship in Residential Zone Districts

In order to ensure compatibility between places of religious worship and neighboring single family residences, places of religious worship locating in R-1 and R-2 Zone Districts shall meet the following criteria, in addition to any conditions that may be imposed by the use permit.

- A. Location:** Places of religious worship shall locate on either a site with frontage on a General Plan designated collector or arterial street or adjoining a multiple family, commercial or industrial zone district.
- B. Yard width:** The yard between the place of religious worship and any R-1 or R-2 zoned lots shall be 15 feet. At least 10 feet of that area shall be landscaped with the intent of screening buildings and parking from the residences.
- C. Lot coverage:** The lot coverage standards for the R-1 or R-2 Zone District shall apply to the place of religious worship.
- D. Expansion of pre-existing places of religious worship:** Expansion of places of religious worship in existence before the adoption of this ordinance are subject only to the lot coverage and yard standards provided above, as well as any use permit conditions.

17.15.110 Parking for Off-site Uses

Off-street parking that is for a non-residential use may be permitted in residential zone districts on properties that abut a commercial, industrial or public zone district, provided a use permit is first secured.

17.15.120 Affordable Housing Bonus Incentives

When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the City, the City shall provide the applicant with incentives or concessions for the production of housing units and child care facilities as prescribed in Government Code Sections 65915 through 65918. Such incentives and concessions provided by the City shall be for the provision of housing for the following populations:

- A. Lower income households, as defined in Section 50079.5 of the Health and Safety Code.
- B. Very low income households, as defined in Section 50105 of the Health and Safety Code.
- C. A senior citizen housing development as defined in Sections 51.3 and 51.12 of the Civil Code, or mobile home park that limits residency on age requirements for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.
- D. Common interest development as defined in Section 1351 of the Civil Code for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.

17.15.130 Allowing kitchens in garages

A residence may have a second kitchen in the enclosed garage provided:

- A. There remain two required parking spaces on the property that meet the requirements of Chapter 17.25 (Off-Street Parking and Loading Facilities).
- B. A building permit is first obtained ensuring that all building and venting standards are met.

17.16 Standards for Specific Uses in Commercial and Industrial Zone Districts

17.16.010 Recycling Collection Facility

In the commercial zone districts that permit them, recycling collection facilities must meet the following standards:

- A. Materials to be accepted:** The facility shall accept only recyclable and reusable materials.
- B. Maximum size:** The facility shall not occupy an area larger than 600 square feet.
- C. No power equipment:** The facility shall not use power-driven processing equipment except for reverse vending machines.
- D. Minimum yard width:** The facility shall have at least a 10 foot yard from any street right-of-way and shall not obstruct any parking lot vehicular circulation.
- E. Storage in containers:** All recyclable materials shall be kept in fully enclosed containers or a mobile unit vehicle.
- F. Bathrooms:** Each facility shall have access to a bathroom for its employees.
- G. Site kept clean:** The site shall be kept free of litter and other undesirable materials.
- H. Maximum noise level:** The facility shall not exceed a noise level of 60 decibels at the property line of residentially zoned or occupied property.
- I. Distance from a residence:** The facility shall not be located within 100 feet of residentially zoned or occupied property.
- J. Landscaping:** The facility shall not impair the required landscaping.
- K. Identification signs:** Identification signs not exceeding a total of 16 square feet are allowed. The facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation.

17.16.020 Temporary Commercial Coach

A commercial coach may be used as a temporary office in a commercial or industrial zone district, provided the following standards are met, in addition to any standards imposed by a use permit.

- A. Type of coach:** The coach shall bear the tag or seal of the State, as required by the State Health and Safety Code.
- B. License:** The coach shall carry a current State license.
- C. Mobility:** The coach shall be kept mobile, but skirting shall be provided on all sides.

D. Exterior surface: The exterior surface shall consist of materials normally used for permanent office facilities.

E. Duration: The maximum term for the use permit is two years.

17.16.030 Outdoor Display of Merchandise Typically Sold Indoors

Outdoor promotional display of products for which the display and sales are normally conducted indoors is permitted, subject to the following:

A. Location: The display occurs either:

1. Within 10 feet of the building (provided it is not within a required parking area); or
2. Within an area shown on an approved site plan.

B. Type of displays: Displays are limited to merchandise normally displayed and sold within the structure.

C. Private property: The display is conducted solely on private property and not on public right-of-way.

D. Traffic safety: The display does not disrupt automobile or pedestrian movements, and all traffic and fire safety standards are met.

17.16.040 Car Wash (Self Serve and Full Service)

Distance from a residence: No car wash shall be located within 100 feet of a residential zone district. If a car wash is proposed beyond the 100 foot limit, but within 200 feet of a residential zone district, a noise study shall first be prepared by a qualified noise consultant that concludes that noise from the car wash will not exceed residential noise standards, as provided in the General Plan Noise Element.

17.16.050 Outdoor Holiday Sales

Operational period: Temporary outdoor sales of Christmas trees during the Christmas season, pumpkins during the Thanksgiving season and 4th of July fireworks sales are permitted for a 45 day period prior to the holiday and one week afterwards, subject to an approved zoning clearance, pursuant to Sec. 17.35.020. Due to the temporary nature of these uses, the development standards provided in this Title are not otherwise applicable, except for any health and safety issues that may arise.

17.16.060 - Deleted

17.16.070 Adult-Oriented Businesses

- A. Purpose:** To provide standards for the location, development and operation of adult-oriented businesses that, because of their nature, are recognized as having serious objectionable characteristics, particularly when several of them are located in close proximity, thereby having a deleterious effect upon adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to blighting or downgrading of the surrounding neighborhood. It is, therefore, the purpose of this regulation to prevent the improper location or over concentration of these uses in any area in order to preserve the health, safety and welfare of the citizenry.
- B. Definitions:** Definitions of the technical terms and phrases used in this Section are provided under “Adult-Oriented Business” in Sec. 17.50.020 (Definitions).
- C. Allowed zone districts:** Adult-oriented businesses are allowed in the Commercial - General (C-G), Commercial – Mixed Use (C-MU), Employment (E) and Industrial (M) Zone Districts, subject to an approved use permit in compliance with Sec. 17.35.030, and provided that the criteria provided below can be satisfied.
- D. Distance requirements:**
- 1. Required separation from sensitive uses:** An adult-oriented business shall be located at least 500 feet from the following:
 - a.** A church, synagogue, mosque, temple or building, or portion of a building, which is used for religious worship or related religious activities.
 - b.** The boundary of residentially zoned land, whether in the City or within an unincorporated area.
 - c.** A public or private educational facility or library. This does not include vocational or professional schools.
 - d.** Any public park or recreational facility.
 - e.** Any youth oriented establishment such as a boys club, girls club or similar youth organization.
 - 2. Distance to another adult-oriented business:** An adult-oriented business shall be located a minimum of 500 feet away from another adult oriented business.
 - 3. Measurement to other identified uses:** The distance between an adult-oriented business and a sensitive use as described in Subsec. 17.16.080.D.1. shall be measured in a straight line, without regard to intervening structures, from the closest property line of the adult oriented business to the closest property line of the property designated for a sensitive use. The distance between two adult-oriented businesses shall be measured in a straight line, without regard for intervening structures, from the closest exterior wall of each business.
 - 4. Political boundaries:** The existence of a city, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Subsection.

5. Failure to meet distance requirements: If any portion of the building in which an adult-oriented business is located fails to meet the distance criteria set forth in this Subsection, the entire building shall be ineligible for an adult-oriented business.

E. Development and performance standards and regulations: Any adult-oriented business authorized and/or operating within the City shall be established, located and operated consistent with all of the following:

1. Prohibition against minors: It shall be unlawful for any licensee, operator, or other person in charge of any adult-oriented business to permit to enter, or remain within the adult-oriented business, any person who is not 18 years of age, or to provide any such service subject to this Section, to any person who is not at least 18 years of age.

The building entrance to an adult-oriented business shall be clearly and legibly posted with a notice indicating that persons under 18 years of age cannot enter the premises.

2. Hours of operation: An adult-oriented business shall not operate or be open for business between the hours of 2:00 a.m. and 7:00 a.m.

3. Lighting: The entire exterior grounds, including the parking lot, shall be provided with lighting that is energy-efficient, stationary and directed away from adjacent properties and public rights-of-way, consistent with Chap.17.26.

4. Concealing adult activities from public view: No adult-oriented business shall be operated in any manner that permits the observation of any material or activities depicting, describing or relating to specified sexual activities or specified anatomical areas from any public right-of-way or from any location outside the building or area of such establishment. This provision shall apply to displays, decorations, signs, windows or any other openings. No exterior door shall be propped or kept open at any time while business is open, and any exterior windows shall be covered with opaque covering at all times.

5. Indoor areas open to view by management: All indoor areas of an adult oriented business where patrons or members of the public are permitted, excluding restrooms, shall be open to view by management at all times.

F. Additional regulations for adult arcades

1. Viewing areas to be visible: It is unlawful to maintain, operate or manage or allow to be maintained, operated or managed, any adult arcade in which viewing areas are not visible from a continuous main aisle or are obscured by a curtain, door wall or other enclosure. For purposes of this section “viewing area” means the area where a patron or customer would ordinarily be positioned while watching the film, performances, picture or show.

2. One occupant per booth: It is unlawful for more than one person at a time to occupy any individually partitioned viewing area or booth.

3. Limit access: It is unlawful to create, maintain or allow to be created or maintained any holes, openings between any two booths or individual viewing areas for the purpose of providing viewing or physical access between the booths or individual viewing areas.

G. Additional regulations relating to live entertainment: The following additional requirements shall pertain to adult-oriented businesses providing live entertainment showing or simulating specified anatomical areas or specified sexual activities, except for businesses regulated by the California Department of Alcoholic Beverage Control.

- 1. Performances on a stage:** No person shall perform live entertainment for patrons of an adult-oriented business except upon a stage at least 24 inches above the level of the floor which is separated by at least 10 feet from the nearest area occupied by patrons. Fixed rail(s) at least 30 inches in height shall be maintained establishing the separation between performers and patrons required by this Section. Performer shall mean any person who is an employee or independent contractor of the adult-oriented business, or any person who, with or without compensation or any other form of compensation, performs live entertainment for patrons of an adult-oriented business.
- 2. Separate dressing facilities:** The adult-oriented business shall provide separate dressing room facilities for performers which are exclusively dedicated to the performers' use.
- 3. Separate performer entrance:** The adult-oriented business shall provide an entrance/exit for performers, which is separate from the entrance/exit used by patrons.
- 4. Separate stage access:** The adult-oriented business shall provide access for performers between the stage and dressing rooms which is completely separated from the patrons. If such separate access is not physically feasible, the adult-oriented business shall provide a minimum three-foot wide walk aisle for performers between the dressing room area and the stage, with a railing, fence or other barriers separating the patrons and the performers which is capable of preventing any physical contact between patrons and performers.
- 5. No physical contact:** No performers, either before, during or after performances, shall have physical contact with any patron and no patron shall have physical contact with any performer. This paragraph shall apply to physical contact anywhere on or within the premises of the adult-oriented business, including off-street parking areas.
- 6. No individual gratuity:** No patron shall directly pay or give any gratuity to any performer and no performer shall solicit pay or accept gratuity from a patron.
- 7. Security guards:** The adult-oriented business shall employ security guards in order to maintain the public's peace and safety based upon the following standards:
 - a.** The adult-oriented business shall provide at least one security guard at all times while the business is open. If the occupancy of the adult-oriented business is greater than 35 persons, an additional security guard shall be on duty.
 - b.** Security guards shall be charged with preventing violations of law and enforcing compliance by patrons with the requirements of these regulations. Security guards shall be uniformed in such a manner as to be readily identifiable as a security guard by the public and shall be duly licensed as a security guard as required by applicable provisions of State law. No security guard pursuant to this Section shall act as a door person, ticket seller, ticket taker, admittance person, performer, or sole occupant of the manager's station while acting as a security guard.

17.17 Standards for Medical Marijuana

17.17.010 Findings and Purpose

- A. The City Council hereby finds that the cultivation of medical marijuana significantly impacts, or has the potential to significantly impact, the City's jurisdiction. These impacts include damage to buildings in which cultivation occurs, including improper and dangerous electrical alterations and use, inadequate ventilation, increased occurrences of home-invasion robberies and similar crimes and nuisance impacts to neighboring properties from the strong and potentially noxious odors from the plants and increased crime.
- B. It is acknowledged that the voters of the State of California have provided a criminal defense to the cultivation, possession and use of marijuana for medical purposes through the adoption of the Compassionate Use Act in 1996 pursuant to Proposition 215 and codified as Health and safety Code section 11362.5. The Compassionate Use Act (CUA) does not address the land use or other impacts that are caused by the cultivation of medical marijuana.
- C. The purpose of this Section is to adopt rules consistent with the CUA and the Medical Marijuana Program Act (MMPA) commencing with Health and Safety Code section 11362.7 to regulate medical marijuana in a manner that protects the public health, safety and welfare of the community and prevents adverse impacts which such activities may have on nearby properties and residents, without interfering with the rights of qualified patients and their primary caregivers to possess or cultivate medical marijuana pursuant to state law.
- D. The CUA is limited in scope, in that it only provides a defense from criminal prosecution for possession and cultivation of marijuana to qualified patients and their primary caregivers. The scope of the MMPA is also limited in that it establishes a statewide identification program and affords qualified patients, persons with identification cards and their primary caregivers, an affirmative defense to certain enumerated criminal sanctions that would otherwise apply to transporting, processing, administering or distributing marijuana.
- E. The CUA and MMPA do not appear to have facilitated the stated goals of providing access to marijuana for patients in medical need of marijuana, but instead the predominant use of marijuana has been for recreational and not medicinal purposes. As the report issued by the California Chiefs Association on September 2009, entitled "California Chiefs Association Position Paper on Decriminalizing Marijuana" states, "[i]t has become clear, despite the claims of use by critically ill people that only about 2% of those using crude marijuana for medicine are critically ill. The vast majority of those using crude marijuana as medicine are young and are using the substance to be under the influence of THC [tetrahydrocannabinol] and have no critical medical condition." (California Chiefs Association's Position Paper on Decriminalizing Marijuana, available at the Planning Department.)
- F. Facilities purportedly dispensing marijuana for medicinal purposes are commonly referred to as medical marijuana dispensaries, medical marijuana cooperatives or medical

marijuana collectives; however, these terms are not defined anywhere in the CUA or MMPA. Significantly, nothing in the CUA or MMPA specifically authorizes the operation and the establishment of medical marijuana dispensing facilities.

- G.** Further, neither the CUA nor MMPA require or impose an affirmative duty or mandate upon local governments, such as the City of Live Oak, to allow, authorize or sanction the establishment and the operation and establishment of facilities dispensing medical marijuana within its jurisdiction. Moreover, the CUA did not create a constitutional right to obtain medical marijuana.
- H.** It is critical to note that neither Act abrogates the City’s powers to regulate for public health, safety and welfare. Health and Safety Code 11362.5(b)(2) provides that the Act does not supersede any legislation intended to prohibit conduct that endangers others. In addition, Health and Safety Code 11352.83 authorizes cities and counties to adopt and enforce rules and regulations consistent with the MMPA.
- I.** On August 25, 2008, Edmond G. Brown, the California Attorney General, issued “Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use” (“the Attorney General Guidelines”), which sets regulations intended to ensure the security and non-diversion of marijuana grown for medical use by qualified patients. Health and Safety Code 11362.81(d) authorizes the Attorney General to “develop and adopt appropriate guidelines to ensure the security and non-diversion of marijuana grown for medical use by patients qualified under” the CUA. Nothing in the Guidelines imposes an affirmative mandate or duty upon local governments, such as the City of Live Oak, to allow, sanction or permit the establishment or the operation of facilities dispensing medical marijuana within their jurisdictional limits.
- J.** Marijuana remains an illegal substance under the Federal Controlled Substances Act, 21 U.S.C. 801, *et seq.* and is classified as a “Schedule I Drug” which is defined as a drug or other substance that has a high potential for abuse, that is no currently accepted medical use in treatment in the United States, and that has not been accepted as safe for its use under medical supervision. Furthermore, the Federal Controlled Substances Act makes it unlawful for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense marijuana. The Controlled Substances Act contains no statutory exemption for the possession of marijuana for medical purposes. The City does not wish to be in violation of federal law.
- K.** Pursuant to the City of Live Oak’s police powers authorized in Article XI, Section 7 of the California Constitution, as well as under the City of Live Oak Municipal Code, the City has the power to regulate permissible land uses throughout the City and to enact regulations for the preservation of public health, safety and welfare of its residents and community. And, pursuant to Government Code 38771 the City also has the power through the City Council to declare actions and activities that constitute a public nuisance.
- L.** The City Council finds that neither the CUA nor the MMPA preempts the City’s exercise of its traditional police powers in enacting land use and zoning regulations, as well as legislation for preservation of public health, safety and welfare, such as this zoning ordinance prohibiting the establishment and operation of medical marijuana cooperatives and collectives within the City.

- M.** The City Council finds that the public health, safety and general welfare of the City and its residents necessitates and requires the adoption of this zoning ordinance, prohibiting the establishment and operation of medical marijuana cooperatives and collectives, in order to: (a) protect and safeguard against the detrimental secondary negative effects and adverse impacts of facilities dispensing medical marijuana; (b) preserve and safeguard the minors, children and students in the community from the deleterious impacts of medical marijuana facilities; and (c) preserve the City's law enforcement services, in that monitoring and addressing the negative secondary effects and adverse impacts will likely burden the City's law enforcement resources. The City Council further finds that due to negative secondary effects and adverse impacts of facilities dispensing medical marijuana, the establishment and operation of these facilities will negatively impact the City.
- N.** The Zoning Regulations are consistent with the Live Oak 2030 General Plan in that the General Plan, its goals, objectives and policies do not permit or contemplate the establishment or operation of medical marijuana cooperatives, collectives or similar facilities that engage in dispensing of marijuana for medicinal purposes.

17.17.020 Applicability

- A.** Nothing in this Chapter is intended, nor shall it be construed, to burden any defense to criminal prosecution under the CUA.
- B.** Nothing in this Chapter is intended, nor shall it be construed, to make legal any cultivation, sale or other use of medical marijuana that is otherwise prohibited under California law.
- C.** Nothing in this Chapter is intended, nor shall it be construed, to preclude any landlord from limiting or prohibiting medical marijuana cultivation by tenants.
- D.** Nothing in this Chapter is intended, nor shall it be construed, to exempt any activity related to the cultivation of medical marijuana from any applicable electrical, plumbing, land use or other building or land use standards or permitting requirements.
- E.** All cultivation and sale of medical marijuana within the City shall be subject to the provisions of this Chapter.
- F.** Any medical marijuana cultivation that legally occurred prior to the effective date of this ordinance does not have nonconforming rights provided in Chapter 17.38.

17.17.030 Definitions

The following definitions apply to this chapter:

- A. Fully enclosed and secure structure:** A space within a building that complies with the California Building Code, as adopted in the City of Live Oak, or, if exempt from permit requirements, that has a complete roof enclosure supported by connecting walls extended from the ground to the roof, a foundation, slab or equivalent base to which the floor is

secured by bolts or similar attachments, is secure against unauthorized entry, and is accessible only through one or more lockable doors and accessible only to a primary caregiver or a qualified patient. Walls and roofs must be constructed of solid materials that cannot be easily broken through such as two inch by four inch or thicker studs overlaid with 3/8s inch or thicker plywood or the equivalent. Plastic sheeting regardless of gauge, or similar products do not satisfy this requirement. If indoor grow lights or air filtration systems are used, they must comply with the California Building, Electrical and Fire Codes as adopted in the City of Live Oak.

- B. Medical marijuana:** Marijuana used for medical purposes in accordance with California Health and Safety Code section 11362.5.
- C. Medical marijuana collective, cooperative or dispensary:** A collective, cooperative, dispensary, operator, establishment, provider, association or similar entity that cultivates, distributes, delivers or processes marijuana for medical purposes relating to a qualified patient or primary caregiver, pursuant to the compassionate Use Act and Medical Marijuana Program Act.
- D. Medical marijuana cultivation:** The planting, growing, harvesting drying or processing of marijuana plants or any part thereof.
- E. Primary Caregiver:** A primary caregiver as defined in Health and Safety Code section 11362.7.
- F. Qualified patient:** A qualified patient as defined in Health and Safety Code section 11362.7

17.17.040 Prohibition of Marijuana Cultivation

Marijuana cultivation by any person, including primary caregivers and qualified patients, collectives, cooperatives or dispensaries is prohibited in all zone districts within the City of Live Oak.

17.17.050 Separation of Section 17.17.040

If Section 17.17.040, or any subsection, sentence, clause, phrase or portion of Section 17.17.040 is held by a court of competent jurisdiction to be invalid or unconstitutional, that portion shall be deemed a separate, distinct and independent provision and the following Section 17.17.060 shall apply in lieu of Section 17.17.040.

17.17.060 Cultivation in Residential Zone Districts for Personal Use

It is unlawful to cultivate medical marijuana in any residential zone district and in the UR Zone District by reference, unless a zoning clearance as provided in Section 17.35.02 is first secured and all of the following criteria are met:

- A. Indoor cultivation:** Medical marijuana may be cultivated only in a fully enclosed and secure structure by a qualified patient or primary caregiver in a residential zone district if a zoning clearance is first secured and all of the following criteria are met:

1. The applicant must reside on the property and be either a qualified patient or primary caregiver.
 2. The owner of the property, if other than the applicant, has consented in writing to the cultivation of marijuana on the property.
 3. If the marijuana cultivation occurs within a residential accessory building or a garage, the location of the marijuana plants shall be at least 30 feet from any habitable structure on any adjacent property.
 4. The location of the plants shall be at least 600 feet from any school property. The distance shall be measured in a straight line, without regard to intervening structures, from the closest property line of the property on which the marijuana is grown and the school property. The existence of city, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this paragraph.
 5. The area where marijuana is grown shall not exceed 50 square feet of floor area, regardless of how many qualified patients or primary caregivers live on the property.
 6. The marijuana cultivation shall not be visible from any public or other private property.
 7. The cultivation of marijuana shall not take place in the kitchen, bathrooms or occupied bedrooms of the residence.
 8. The lighting used for cultivation shall not exceed 1,200 watts.
 9. The use of flammable or combustible products, including but not limited to, propane and butane, for cultivation and processing is prohibited.
- C. All medical marijuana cultivated pursuant to this Section shall be for the personal use only of a qualified patient residing on the property and may not be distributed to any other person, collective, cooperative or dispensary.
- D. The cultivation of medical marijuana shall not be an allowed home occupation.
- E. Cultivation of marijuana in any other zone district other than those listed in this Section is prohibited.

17.17.070 Medical Marijuana Collectives, Cooperatives and Dispensaries

Medical marijuana collectives, cooperatives and dispensaries are not permitted in any zone district within the City of Live Oak.

17.17.080 Separation of Section 17.17.070

If Section 17.17.070, or any subsection, sentence, clause, phrase or portion of Section 17.17.070 is held by a court of competent jurisdiction to be invalid or unconstitutional, that portion shall be deemed a separate, distinct and independent provision and the following Section 17.17.090 shall apply in lieu of Section 17.17.070.

17.17.090 Medical Marijuana Dispensary

- A. Purpose:** To establish a comprehensive set of regulations applicable to the operation of medical marijuana dispensaries within the City to insure such operation in a manner consistent with the overall health, welfare and safety of the City and its populace and in compliance with the California Compassionate Use Act.
- B. Allowed zone districts:** Medical marijuana dispensaries are allowed in the Commercial-General (C-G), Commercial–Mixed Use (C-MU), Employment (E) and Industrial (M) Zone Districts, subject to an approved use permit in compliance with Sec. 17.35.030, and provided that all of the criteria provided below can be satisfied.
1. The site is not within 1,000 feet of any public or private school for grades kindergarten through 12th, any preschool or licensed child care facility.
 2. The site is not within 500 feet of any residential use, residential area or residential zone.
 3. The site is not within 1,000 feet of any park, library or recreational area commonly used by minor children.
 4. The site is not within 250 feet of any adult business which sells or provides in any manner drug paraphernalia.
- C. Needed information:** In addition to the information required by the City for any potential use permit application or any potential business license application, persons or entities making such application(s) for the establishment of a medical marijuana dispensary shall also provide the following information with the application(s).
1. The application must be signed by the owner, lessee or agent who is applying for the use permit or business license and the owner, lessee or agent shall specifically identify the individuals who will be conducting the business of the medical marijuana dispensary for the premises for which the permit or license is sought. In the case of a lessee of a property applying for a permit pursuant to this chapter, the property owner shall acknowledge on the application consent to the application for a use permit for a medical marijuana dispensary.
 2. The application shall list the legal form of the applicant, e.g., individual, partnership, corporation.
 - a. If the applicant is an individual, the application shall list his or her legal name, any aliases and date of birth;
 - b. If the applicant is a partnership, the application shall list the full and complete name of the partnership, the legal names and addresses of all partners, dates of birth, all aliases used by all of the general partners and whether the partnership is general or limited; and
 - c. If the applicant is a corporation, the applicant shall list the full and complete corporate name, the date and status of its incorporation, evidence that the corporation is in good standing, the legal names and dates of birth and aliases used and the capacity of all officers, directors and principal stockholders (i.e., all

stockholders with 10 percent or more of all outstanding shares, and the name and addresses of the registered officers for service of process.

3. The application must list whether, preceding the date of the application, the applicant or any individuals listed pursuant to subsection C.2. of this section has:
 - a. Other licenses and/or permits issued to and/or revoked from the applicant, in the three years prior to the year of the permit application, such other license and/or permit relating to similar business activities as in the permit application. If the application lists such other licenses and/or permits, the list shall include the type, current status and issuing agency for each permit;
 - b. Been a partner in a partnership or an officer, director or principal stockholder of a corporation which has had any other licenses and/or permits, relating to similar business activities as in the permit application, issued to and/or revoked in the three years prior to the year of the permit application. The type, current status, and issuing agency for each previously issued or revoked licenses and/or permits shall be listed on the application;
 - c. Been found guilty of or pleaded nolo contendere within the last four years to a misdemeanor or a felony classified by the state as a drug or drug related offense.

D. Restrictions on use: The following restrictions/regulations/conditions shall apply to the operation of all medical marijuana dispensaries:

1. **Hours of operation:** Medical marijuana dispensaries shall be restricted to hours of operation between 6 a.m. and 10 p.m.
2. **Conviction of Crimes:** No operator and/or employee of a medical marijuana dispensary shall have been convicted of any felony under state or federal law, convicted of a crime in any other jurisdiction the commission of which would be a felony under California law, nor convicted of any crime of moral turpitude. All operators and/or employees of a medical marijuana dispensary shall be subject to verification by the Sutter County Sheriff's Department of the absence of any disqualifying conviction under this subsection prior to commencement of any such operation and/or employment and annually thereafter, pursuant to reasonable regulations pertaining thereto as established and promulgated by the Sheriff.
3. **Security system:** medical marijuana dispensaries shall be equipped with, and the operators of such dispensaries shall maintain in working order at all times burglary/robbery alarms in a manner compliant with the provisions of this code.
4. **Security Guard:** During all hours of operation there shall be, for each 1,000 square feet of occupied building space, or portion thereof, at least one licensed, uniformed security guard present and visible on the premises, i.e., one guard for zero to and including 1,000 square feet, two guards for 1,001 to and including 2,000 square feet, etc.
 - a. Such guards(s) shall be duly licensed by the State of California, Department of Consumer Affairs in a manor compliant with all applicable state and local laws. In particular, all security officers shall comply with the provisions of California Business and Professions Code Section 7582, et seq.

- b. The presence and licensing of such guards shall be subject to proof thereof by operator(s), employee(s) or security guard(s) of such dispensary at all required times, upon reasonable demand by any state or federal police officer.
5. **Use on premises:** Use or consumption in any manner of marijuana is not permitted on premises of any medical marijuana dispensary at any time.
6. **Drug paraphernalia:** No medical marijuana dispensary may sell or display any drug paraphernalia on the premises at any time, including but not limited to cocaine and sniffing kits, glass mirrors for cutting cocaine, snorting spoons and tubes, strainers to sift cocaine, water pipes (bongs), everyday items with special removable tops that have been converted to conceal narcotics and drugs, including but not limited to beer cans, oil cans and plastic photograph film vials, roach clips (for holding marijuana cigarettes), cigarette paper or filters.
7. **Minors:** Persons under the age of 18 years of age are not permitted to be on the premises of any medical marijuana dispensary at any time.
8. **Alcohol:** No alcoholic beverage shall be sold, conveyed or consumed on the premises of any medical marijuana dispensary at any time.
9. **Under the influence:** No person shall be present on the premises of a medical marijuana dispensary while intoxicated and/or under the influence of alcohol or any controlled substance at any time, as defined in California Health and Safety Code Section 11007.
10. **Unobstructed view:** The interior of the dispensary shall be configured such that there is an unobstructed view, by use of the naked eye, and unaided by video, closed circuit cameras or any other means, of every public area of the premises by a manager. No public area shall be obscured by any door, curtain wall, two-way mirror or other device. A manager shall be in the public portion of the dispensary at all times it is in operation or open to the public in order to enforce all rules and regulations.
11. **Exterior painting:** Buildings and structures shall not be painted or surfaced with any design that would simulate a sign or advertising message and cannot be established or maintained such that the exterior appearance of the structure is substantially inconsistent with the external appearance of abutting properties.
12. **Displays:** Advertisements, displays of merchandise, signs or any other exhibit depicting activities of the dispensary placed within the interior of buildings of premises shall be arranged or screened to prevent public viewing from outside such building or premises.
13. **Loudspeakers:** Outdoor loudspeakers or other outdoor sound equipment advertising or directing attention to a dispensary, including but not limited to prerecorded or live music or sounds, are prohibited.
14. **Graffiti:** Upon order of the Sheriff's Department, graffiti appearing on any exterior surface of a building or premises of a dispensary, which graffiti is in public view, shall be removed and that surface shall be restored within 48 hours of notification to the owner or person in charge of the premises or as may be specified in other ordinances of the City regulating graffiti removal.

15. Security cameras: The operator of the medical marijuana dispensary shall be responsible for insuring that a video surveillance system on the premises complies with the following standards:

- a. Visually records and monitors all parking lot areas, rear alley areas immediately adjacent to the dispensary, the main building entrance(s) and exit(s), and any and all transaction areas for the dispensing of medical marijuana. The operator of the dispensary or his/her designated representative shall instruct the company or individual(s) installing the surveillance equipment at the dispensary to position cameras to maximize the quality of facial and body images and avoid backlighting and physical obstructions. The company or individual(s) installing the surveillance equipment for any medical marijuana dispensary shall be responsible for reasonable compliance with those instructions in installing such equipment at the dispensary.
- b. Cameras shall have a minimum resolution of 500 lines per inch and a minimum light factor requirement of 0.7 LUX. Light sensitive lenses or the installation of additional lighting may be required to increase picture clarity and brightness. Cameras shall be calibrated and focused to maximize the quality of the recorded image.
- c. The recorded device shall be defined as a “high density recorder” by manufacturer specifications. The device shall be a time-lapse recorder that displays a current date and time stamp on the videotape. Systems required to have more than one camera shall include a “quad” or “multiplexer” video display splitter. The recording equipment and all recorded video tapes kept in compliance with this section shall be secured in a locked area in which access is limited to the dispensary operator, the permit holder, and/or his/her designated representative(s).
- d. A display monitor with a minimum screen size of 12 inches shall be connected to the video surveillance system at all times. If a “quad” video display splitter is utilized, the display monitor shall have a minimum screen size of 15 inches.
- e. Video surveillance systems shall be maintained in good working order at all times. The owner of the dispensary shall instruct each employee, volunteer, agent, servant or other individual overseeing the functioning of the video system, to immediately report any malfunctioning of or technical problems whatsoever with surveillance equipment. Every three months, the operator of the dispensary or his/her designated representative shall inspect all cameras and video recorders to ensure proper operation and shall perform the following functions: the camera lenses shall be cleaned and the date and time stamp shall be calibrated to reflect true information; all wires connected to the camera and video recording device shall be inspected for wear and tear; and, a test recording shall be done to verify image quality and the date and time stamp. The operator of the dispensary or his/her designated representative shall keep a video surveillance maintenance log documenting all inspections and repairs to the system. Any technical problems or inoperable equipment shall be repaired as soon as possible, not to exceed 15 days from the discovery of the problem. The video surveillance system and

maintenance log are subject to periodic inspection by the Sheriff's Department, in order to ensure compliance with this section.

- f. The video surveillance system and recording device shall be in continuous operation from one full hour before to one full hour after the dispensary is open to the public, or any portion thereof. Videotapes of daily operations shall be kept a minimum of 30 days prior to reuse or destruction of such videotapes, and shall be provided to the Sheriff's Department as may be authorized by state and federal law. Such videotapes shall be clearly marked with the date the videotape was most recently recorded, and, in the event there are multiple tapes of the same date, each videotape shall be clearly marked in the sequential numerical order that it was so recorded.

16. Lighting

- a. **Interior:** The premises within which the dispensary is operated shall be equipped with and, at all times during which the dispensary is open to the public or any portion thereof, shall remain illuminated with overhead lighting fixtures of sufficient intensity to illuminate every place to which members of the public or portions thereof are permitted access with an illumination of not less than two foot-candles as measured at the floor level.
 - b. **Exterior:** The exterior of the premise upon which the dispensary is operated shall be equipped with and, at all times between sunset and sunrise, shall remain illuminated with fixtures of sufficient intensity and number to illuminate every portion of the property with an illumination level of not less than one-foot candle as measured at the ground level, including, but not limited to, landscape areas, parking lots, driveways, walkways, entry areas and refuse storage areas.
- 17. Change of ownership:** If a dispensary operating with a permit pursuant to this chapter changes ownership, the current owner or operator shall notify the Sheriff's Department of the new owner's name and address within 10 days of the effective date of such change of ownership.
- 18. Manager on premises:** All dispensaries shall have a responsible person who shall be at least 21 years of age and shall be on the premises to act as manager at all times during which the dispensary is open to the public or any portion thereof. The individual designated as the on-site manager shall be registered with the Sheriff's Department by the owner to receive all complaints and be responsible for all violations taking place on the premises.
- 19. Records and inspection:** All dispensaries shall maintain sufficiently detailed written records regarding their verification that medical marijuana is dispensed only to qualified patients and primary caregivers under the California Compassionate Use Act, Health and Safety Code Section 11362.5 et. seq. These written records are subject to periodic inspection by the Sheriff's Department, in order to ensure compliance with this section, as authorized by state and federal law.
- 20. Other conditions:** The Planning Commission or City Council may add any conditions to the granting of a permit pursuant to this chapter, should the particular facts and/or circumstances of a propose use so justify.

- E. Operator Responsible:** The operator(s) of any medical marijuana dispensary is responsible for insuring at all times that employees, volunteers, agents or any other individuals having any charge over the functioning of the dispensary are acting in compliance with the provisions of this section.
- F. Other regulations:** The provisions of this section do not waive or modify any other provisions of this code with which medical marijuana dispensaries are required to comply. Nothing in this section is intended to authorize, legalize or permit the establishment, operation or maintenance of any facility, building or use which violates any City of Live Oak ordinance or California statute regarding public nuisances, medical marijuana or any federal regulations or statutes relating to the use of controlled substances.
- G. Measure of Distance:** All required minimum distances set forth in Subsec. 17.17.090.B shall be measured from the nearest property line of one designated location to the nearest property line of the other designated location along a straight line extended between the two points without regard to intervening structures.
- H. Prohibited in other zone districts:** Medical marijuana dispensaries are prohibited in any other zone district other than those listed in this Section.

17.17.100 Nuisance and Civil Penalties

Any cultivation, processing or distribution of medical marijuana which takes place in violation of any provision of this Section is unlawful, and is hereby declared a public nuisance and is subject to all enforcement actions pursuant to Chapter 14.08 of the Live Oak Municipal Code.

Part 4
Development Standards

17.20 Building Sites

17.20.010 Pre-existing Substandard Sized Lots

A legally created lot that contains less area than the required minimum lot size or minimum lot width of the applicable zone district is considered a building site for any permitted use or conditionally permitted use provided one of the following criteria is met:

- A.** All other development standards of the applicable zone district are met; or
- B.** A variance, as provided for in Sec. 17.35.040, is approved by the Planning Commission that modifies other minimum development standards.

17.20.020 Flag Lots

Flag lots may be permitted as part of a subdivision where conditions reasonably preclude direct street frontage. In such case the access strip shall be a minimum of 20 feet wide and shall not exceed one lot in depth. In calculating the lot size, the square footage in the access strip shall not be counted. The lot width shall be measured at the front setback line which is measured from the interior end of the access strip. In all cases the residence shall be sprinklered for fire safety.

17.20.030 Development on Lots Divided by Zone District Boundaries

The regulations applicable to each zone district shall be applied to the portion of the area within that zone district, and no use, other than the required parking serving a principal use on the site, as provided in Chap 17.25, shall be located in a zone district in which it is not a permitted use or a use that first requires a use permit.

17.20.040 Condominiums

In every zone district the minimum lot size, lot width and yard standards for condominium developments shall be determined by the subdivision map.

17.21 Required Public Improvements

17.21.010 Street Right-of-Way Dedications and Improvements

No building permit shall be issued to construct, erect, alter or move onto any lot or alter any building or structure, unless provisions have been made for the dedication of necessary rights-of-way for street and highway purposes, at no cost to the City. Provisions shall be made for the improvement of that portion of a street(s) upon which the lot abuts such rights-of-way as required by Chapter 12.01 of the Municipal Code.

17.21.020 Undergrounding of Utilities

No building permit shall be issued to construct, erect or move onto any lot any building, except single family residences and two family residences, unless provisions have been made for placement underground by the developer all existing and new electric and telephone facilities, fire alarm conduits, street lighting wiring, cable television and other wiring conduits, and similar facilities. The Public Works Director may grant a modification, including a complete waiver of the undergrounding requirement of existing facilities, upon determination that undergrounding is unfeasible after considering voltage, project size, or location of the proposed development.

17.22 Yard Regulations and Exceptions

17.22.010 Purpose

To provide for open areas around structures for: visibility and traffic safety; access to and around structures; access to natural light and ventilation; separation of incompatible land uses; and space for privacy, landscaping, and recreation.

17.22.020 Determining Yards

Yards shall be measured from the lot line except when abutting and existing or proposed street for which the existing right-of-way is less than that ultimately planned for. In those cases the yard shall be established from the future right-of-way boundary, as provided in Chap. 17.41.

17.22.030 Yard Exceptions

- A. Residence in a rear yard:** Within a residential zone district the residence may project into a required rear yard provided an area equal to the projection is provided as a yard within the buildable area of the lot. In no event shall the rear yard be less than 10 feet for a one story residence and 15 feet for a two story residence.
- B. Architectural features allowed in yards:**
 - 1. Cornices, eaves, sills, canopies or similar architectural features:** May project into a yard by a maximum of two feet.
 - 2. Chimneys, bay windows, media niches, stairwells or similar architectural features:** May project into an interior side or rear yard by a maximum of two feet, provided the combined exception does not exceed 10 feet in length.
 - 3. Porches:** May extend into a front yard by five feet.
 - 4. Residential accessory structures that have less than 120 square feet of roof area and are less than eight feet in height:** Are not subject to the interior side or rear yard standards of the zone district they are within.
 - 5. Uncovered decks, and similar features that are less than 18 inches in height:** Are not subject to rear yard and interior side yard requirements of the zone district they are within, provided that they are not within three feet of the property lines. Decks and similar features over 18 inches in height, including upper floor decks and patios, must meet all of the yard requirements of the zone district within which it is located.
 - 6. Pools and spas:** are not subject to rear yard and interior side yard requirements provided that they are not within three feet of the property lines. This does not apply to decks attached to pools and spas that are over 18 inches in height, which must meet all required yard requirements of the zone district in which they are located.
 - 7. Fences and walls:** May be placed within required yards, provided that the provisions of Chap. 17.24 are met.

- 8. Attached patio covers:** As provided in Section 17.15.040.
 - 9. Ground level air conditioning units and pool equipment:** May extend into an interior side or rear yard by two feet.
 - 10. Side entrance garage:** The minimum yard may be reduced to 15 feet for front yards and 10 feet for street side yards provided the driveway to the garage entrance is a minimum of 20 feet in length.
- C. Main entrance facing an interior side yard:** In residential zone districts if the primary entrance to a residence faces an interior side yard, that side yard shall be a minimum of 10 feet.
- D. Yards adjacent to alleys**
- 1.** If the only right-of-way abutting a lot is an alley, it shall be considered the front yard.
 - 2.** No part of an alley shall be considered a portion of a yard.
 - 3.** If a side yard abuts an alley it shall be considered an interior side yard.
 - 4.** A garage that faces a rear lot line and utilizes an alley for access shall be required to provide a five foot yard between the building and any lot line.
- E. Front yard averaging:** When four or more residential lots in a block have been improved with residences that are less than the required front yard, the required minimum front yard shall be the average of the lots on that block.

17.23 Height Limits and Exceptions

17.23.010 Height Measurement

Height shall be measured as the vertical distance from the average level of the highest and lowest points of that portion of the lot covered by the structure.

17.23.020 Exceptions to Height Limits

- A. Chimneys, spires, towers, belfries, cupolas, domes, flag poles, smokestacks, vents, water tanks, scenery lofts, mechanical equipment, screening and similar structures:** May exceed the maximum allowable height by 15 feet.
- B. Parapet walls:** May exceed the maximum allowable height by four feet.
- C. Telecommunications facilities:** May exceed the maximum allowable height limit, as provided in Sec.17.16.040.
- D. Other structures:** May exceed the height limit within the zone district it is located and as provided in this Chapter, if a use permit is first secured, as provided in Sec. 17.35.030.

17.24 Standards for Fences and Walls, and Intersection Visibility

17.24.010 Standards Applicable to Walls and Fences in All Zone Districts

- A. Located within yard areas:** Fences and walls may be located within yard areas if all of the standards provided in this Chapter are met.
- B. Height measurement:** Fence and wall height shall be measured from the top of the fence or wall to the finished grade level on the uphill side of the fence or wall.
- C. Prohibited materials:** In all zone districts, fences and walls along public street frontages are prohibited from using coiled barbed wire, coiled razor wire or similar material, except if required by any law or regulation of the City, State of California, or federal government.
- D. Maintenance:** All walls and fences shall be maintained in a safe and neat condition at all times.

17.24.020 Standards for Residential Zone Districts

- A. Height:** The maximum height of a fence or wall is three feet within any front yard or street-side yard, and six feet in any interior side yard and rear yard.
- B. Material:** Where an R-3 Zone District abuts an R-1 or R-2 Zone District a six foot high masonry wall shall be constructed along all common property lines.

17.24.030 Standards for Commercial and Industrial Zone Districts

- A. Outdoor storage:** All outdoor storage and equipment rental facilities fronting on a public right-of-way shall be screened from view by a six foot high masonry wall or masonry pilasters and wood or similar decorative materials, as approved by the Planning Director.
- B. Outdoor sales areas:** If a permitted outdoor sales display area is proposed to be fenced, such as with auto, boat, RV sales or plant nursery, all fencing fronting on the public right-of-way shall consist of a decorative material such as masonry pilasters and wood fencing, wrought iron, or similar decorative materials, as approved by the Planning Director.
- C. Wall and fence location along streets:** Walls and fences within front and street side landscape areas, as provided in Subsec.s 17.24.030.A. and B. above, shall be placed in the rear of the required landscape area, with required landscaping placed in front of the fence or wall.
- D. Walls and fences in interior side and rear landscaping:** Where a commercial or industrial zone district is adjacent to residentially zoned property a six foot high masonry wall shall be provided along all common property lines and shall be provided with five foot wide interior landscaping as provided in Subsections 17.27.050.B.2 and 17.27.070.B.

17.24.040 Clear Vision Triangle

In order to provide for safe visibility for traffic and pedestrians, visibility at street and alley intersections and at driveway connections to streets shall not be blocked by vegetation, structures, and mounds of dirt above a height of 30 inches. This restriction applies to all land within a triangular area that is measured 30 feet from the corner along the front and street side lot line and connecting the lines across the property.

Exceptions are utility poles, traffic warning signs on a pole, and trees trimmed to minimum of eight feet above grade.

17.24.050 Exceptions to the Standards

The standards provided in this Chapter may be adjusted if approved by the Planning Commission as part of a subdivision map, use permit, or if approved as part of a Planned Development Zone District.

17.25 Standards for Off-Street Parking and Loading Facilities

17.25.010 Purpose

The following requirements are intended to ensure that sufficient but not excessive off-street parking facilities are provided for all uses, and that parking facilities are designed to be attractive and unobtrusive.

17.25.020 Applicability

At the time of the installation, erection, enlargement or increase in capacity of any building, or at the time there is a change in the nature of occupancy or expansion of use of property, any of which would require increased parking, the following minimum off-street parking and loading spaces shall be provided, as well as adequate ingress and egress, in accordance with this Chapter.

17.25.030 Required Parking

- A. Number of required spaces:** The following number of spaces are required for each listed use, unless provided for elsewhere in this Chapter. The spaces shall be located on the same building site as the building or use, unless otherwise provided in this Chapter.

Table 17.25.030: Required Parking by Land Use

Residential Land Uses	Number of Required Parking Spaces
Single family residence	2 spaces.
Two family residence or half-plex	2 spaces per residence.
Multiple family residence	1 space per studio apartment or one-bedroom unit. 1.5 spaces per two-bedroom unit. 2 spaces per three-bedrooms or more. - Plus 1 guest space per 10 residences.
Second residence	1 space in addition to the 2 spaces for the primary residence.
Manufactured home park	2 spaces per residence (may be tandem) plus 1 guest space per 5 residences.
Bed and breakfast, boarding house	2 spaces plus 1 space per room for rent.
Residential care home, senior housing	.6 space per unit, or prepare a parking study based on type of residents, proximity to services (shopping, medical, etc.) and transit.

Commercial Land Uses	Number of Required Parking Spaces
Shopping centers; retail stores, unless otherwise provided below	1 space per 250 square feet of gross floor area plus 1 space per 1,000 square feet of related outdoor sales.
Large appliance, furniture sales	1 space per 1,000 square feet of floor display area.
Personal services (beauty parlor, barber, dog grooming, nail care, tanning, massage)	1 space per 150 square feet.
Outdoor sales (auto, boats, etc.)	1 space per 500 square feet of showroom, office, parts and vehicle repair plus 1 space per 10,000 square feet of outdoor display area.
Restaurants: Sit down Fast food, drive through	. 1 space per 3 seats. Up to 30 percent of seats provided indoors may be provided outdoors without additional required parking. 1 space per 75 square feet of floor area. Drive through reservoir parking shall be counted towards required parking
Bar, nightclub, tavern	1 space per 3 seats plus 1 space per 50 square feet of dance floor or assembly area.
Office, business	1 space per 300 square feet.
Office, medical and dental	1 space per 200 square feet.
Banks	1 space per 175 square feet.
Auto repair	1 space per 400 square feet.
Amusement/ recreational facilities: Billiards Bowling alley Movie theater Miniature golf Video arcade	2 spaces per table. 2 spaces per lane plus as required for accessory uses. 1 space per 4 seats. 1 space per hole plus as required for accessory uses. 1 space per 200 square feet.
Health Club	1 space per 150 square feet.
Motels, hotels	1 space per unit plus 1 space per 2 employees plus associated facilities.
Retail plant nursery	1 space per 400 square feet of indoor retail, office, etc. plus 1 space per 5,000 square feet of outdoor plant display area.
Studios (art, dance, music, martial arts, etc)	1 space per 200 square feet of floor area.
Trade and business schools	1 space per 1.5 students.

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Day care center	1 space per employee plus 1 space per 10 students.
Clinic, urgent care	1 space per 200 square feet.
Veterinarian clinic	1 space per 250 square feet.

Industrial/Employment Land Uses	Number of Required Parking Spaces
Manufacturing	1 space per 1,000 square feet of floor space plus 1 space per 300 square feet of office area.
Warehouse, wholesale	1 space per 2,000 square feet of floor area plus 1 space per 300 square feet of office area.
Self storage	2 employee spaces plus 2 guest spaces.
Machinery, equipment sales	1 space per 500 square feet of floor area plus one space per 10,000 square feet of outdoor sales area.
Research and development	1 space per 250 square feet of floor area.
Auto dismantling, junk yards, recycling facilities	1 space per 500 square feet of floor area plus 1 space per .5 acre of outdoor use area.
Call center	1 space per employee on the largest shift.
Caretakers quarters	2 spaces.

Institutional Uses	Number of Required Parking Spaces
Hospitals	1 space per bed plus 1 space for each 300 square feet of area used for offices, clinics, testing, research, administration and similar activities associated with the hospital.
Churches, stadiums, arenas, assembly halls, clubs, and auditoriums, community center	1 space per each 4 fixed seats. Where fixed seats consist of pews or benches, seating capacity shall be computed at 20 inches of lineal length per seat. For uses without fixed seats 1 space per 40 square feet of assembly seating area.
Libraries, museums, art galleries	1 space per 300 square feet.

- B. Uses not mentioned:** In the case of a use for which off-street parking requirements are not specified, the requirements for the most similar specified use shall apply, as determined by the Community Development Director.
- C. Mixed uses:** When two or more uses are located on the same property or within the same building, the number of on-site parking spaces required shall be the sum total of the requirements of the various individual uses.
- D. Joint parking:** Where non-residential parties wish to cooperatively establish and operate parking facilities where one use generates parking demands primarily during hours when

the remaining use(s) is not in operation or is otherwise underutilized, or where adjacent uses generate joint/redundant trips, a reduction of up to 50 percent of the required parking may be approved with a use permit, if the following is met:

1. **Agreed to by all parties:** Submission of satisfactory statements by the parties providing such facilities and the parties such facilities are to serve, describing the nature of the uses and times when such uses operate so as to indicate the lack of conflict between such uses.
 2. **Maintenance:** Such documents or commitments as may be deemed necessary in each particular case to ensure the ongoing provision and maintenance of the required onsite parking.
 3. **Distance between uses:** The uses are within 500 feet at their nearest point, by walking distance from the parking facility.
- E. **On-street parking:** On-street parking adjacent to a non-residential use may be counted towards the amount of required on-site parking.
- F. **Waiver of on-site parking:** An existing building that lacks adequate required parking and has lost its nonconforming status may regain its nonconforming status if a use permit is first secured.

In those cases where a building is to be erected, enlarged or increased in intensity of use to a level similar to neighboring properties, parking standards may be reduced or waived to a level typically found in the vicinity, if a use permit is first secured. In approving the use permit a finding must be made that adequate mitigations are provided, or that conditions exist, such that on-site parking for neighboring properties are not adversely impacted.

- G. **Parking required by other entitlements:** Because a use or uses of a building site may have unique needs or circumstances, parking requirements established by a specific plan, planned development zone district or use permit may supersede the provisions of this Chapter.

17.25.040 Over-parking

If provided parking for a non-residential use exceeds required parking by 10 percent or more, parking lot trees shall be planted orchard style, rather than as otherwise required to meet the shade requirements provided in Subsec. 17.27.070.A. Orchard style tree planting shall consist of one tree per five parking spaces provided in planters that are a minimum of four feet wide and paralleling the length of the parking space. The trees shall be planted on the outside portion of the planter.

17.25.050 Off-site Parking

A non-residential use may utilize an off-site location for required parking if a use permit is first secured, and if the following is met:

- A. Distance:** At their closest point the parking site is within 500 feet walking distance of the building/use.
- B. Possession:** The parking site is owned, long-term leased or otherwise controlled by the owners of the building/use.
- C. Surfacing:** The area for the required parking is surfaced pursuant to Subsec. 17.25.060.G.
- D. Landscaping:** The area for the required parking is landscaped pursuant to Chap. 17.27.

17.25.060 Parking Lot Design and Dimensional Standards

- A. Size of spaces:**
 - 1. Standard spaces:** Shall be a minimum of nine feet by 18 feet, exclusive of aisles.
 - 2. Parallel spaces:** Shall be a minimum of nine feet by 24 feet, exclusive of aisles.
 - 3. Compact spaces (where permitted):** Shall be a minimum of eight feet by 16 feet, exclusive of aisles.
- B. Use of compact spaces:** Non-residential parking lots containing 10 or more spaces may have 25 percent of the required spaces be compact. Compact spaces shall be dispersed throughout the parking area. Each compact space shall be clearly marked as “compact.”
- C. Parking lot aisles:** Each parking lot aisle shall comply with the minimum dimension requirements in Table 17.25.060.

Table 17.25.060 Minimum Parking Lot Aisle Dimensions

Parking Angle	Aisle Width
45 degree	20 feet for a 2-way aisle 14 feet for a 1-way aisle
60 degree	20 feet for a 2-way aisle 18 feet for a 1-way aisle
90 degree	24 feet for a 2-way aisle 23 feet for a 1-way aisle
Parallel parking	24 feet for a 2-way aisle 12 feet for a 1-way aisle

- D. Backing-out onto a public right-of-way:** No parking space except allowed on-street parking and single family and two family residences, shall directly exit onto a public right-of-way.
- E. Entrances and exits:** The location and design of all street and alley entrances and exits for on-site parking lots shall be approved by the Public Works Director.

- F. Overhang areas:** Standard parking space lengths may be reduced by 2.5 feet, and compact spaces may be reduced by 1.5 feet, when the space abuts a minimum five foot wide landscaped area bordered by a six inch high and six inch wide continuous concrete curb, a or sidewalk that is a minimum of 2.5 feet wider than the minimum width required by the Americans with Disabilities Act Accessibility Guidelines.
- G. Surfacing:** All parking areas and accesses shall be surfaced with asphalt, cement, or other material approved by the Public Works Director, except landscape areas. Adequate drainage shall be provided, as determined by the Public Works Director.
- H. Striping:** Parking stalls shall be delineated by white painted lines or other contrasting color or other easily distinguished material.

17.25.070 Handicapped Parking

Handicapped parking and accessibility shall be provided in accordance with the standards established by the Americas with Disabilities Act Accessibility Guidelines.

17.25.080 Residential parking in required yards:

- A. Vehicle parking in yards:** Required parking for single family and two family residences are prohibited in any portion of a required front yard except on a driveway leading to required parking or to an improved parking space.
- B. Recreational vehicle, boat, and trailer parking in residential zone districts:** Recreational vehicles not used for daily transportation, boats and trailers may be parked on residentially zoned property, provided the following standards are met:
 - 1. They shall not be parked within any front or street-side yard.
 - 2. Recreational vehicles shall not be used for human habitation, except to accommodate occupants or visitors of the premises for periods of not more than seven days in any one year period.
- C. Surfacing:** Driveways shall be surfaced pursuant to Subsection 17.25.060.G

17.25.090 Bicycle Parking

- A. Spaces required:**
 - 1. **Commercial, industrial:** 3 percent of required auto parking
 - 2. **Cultural, library, trade schools, business colleges and other commercial schools:** 10 percent of required auto parking
- B. Location:** Bicycle facilities shall be located to be at least as convenient as the majority of vehicular parking areas.
- C. Bicycle facility standards:** Bicycle parking facilities shall include a stationary parking device to adequately support and safely secure the bicycle. This includes equipment to which the bicycle frame and wheels may be locked.

17.25.100 On-site Loading Space Standards

- A. Minimum size:** Each on-site loading space shall be not less than 12 feet wide, 30 feet long and with a minimum of 14 feet vertical clearance.
- B. Location:**
- 1. Rear of lot:** Loading spaces shall be limited to the rear two-thirds of the lot, if feasible.
 - 2. Screened from public view:** Loading spaces shall be situated, to the extent feasible, to be screened from view from any public rights-of-way, other than from streets that are primarily intended to serve industrial uses.
 - 3. Truck maneuvering:** All loading spaces shall be situated to ensure that all vehicular maneuvers occur on-site, and in no case within adjacent rights-of-way.
 - 4. Minimize impacts on residences:** All loading spaces shall be situated to avoid adverse impacts upon neighboring residential properties.
- C. Screening:** When a loading space(s) is adjacent to or across the street from residentially zoned property the following shall apply:
- 1. Across the street from a residential zone district:** When a loading space is across the street from a residential zone district, a 10 foot wide street perimeter landscape strip shall be provided with sufficient tree and shrub vegetation to produce a 75 percent opaque screen within five years of installation, and a six foot high masonry wall shall be provided on the inside edge of the landscape strip.
 - 2. Adjacent to a residential zone district:** When the loading space is directly adjacent to residential zoned property, a minimum six foot high masonry wall shall be provided at the property line.

17.25.110 Landscaping and Lighting

All parking areas shall meet the lighting standards provided in Chap. 17.26 and be landscaped as provided in Chap. 17.27.

17.25.130 Maintenance

All required parking facilities, including surfacing, striping, handicapped parking, bicycle parking facilities as well as all lighting and landscaping, shall be well maintained and kept free of litter and debris.

17.26 Exterior Lighting

17.26.010 Purpose

To provide a safe and pleasant nighttime environment for the public while preventing nuisances from unnecessary light intensity, direct glare and light trespass.

17.26.020 Applicability

All new or expanded parking areas and all new or expanded multiple family residential, office, commercial and industrial uses shall have lighting capable of providing adequate illumination for security and safety. Parking lot lighting shall be adequate to light the parking surfaced areas for security purposes from dusk until the termination of the business day. Building lighting shall be provided during the hours of darkness for all exterior doors, aisles, passageways and recesses.

17.26.030 Shielding Unwanted Light

Exterior lighting shall be shielded or recessed so that direct glare is confined, to the maximum extent feasible, within the boundaries of the site. Exterior lighting shall be directed downward and away from adjacent properties and public rights-of-way. Shielding means that the light source, whether bulb or tube, is not visible from an adjacent property or right-of-way.

17.26.040 Height Limit

Pole mounted lights shall not exceed 18 feet in height. Additional height may be allowed with an approved use permit.

17.26.050 Plans Required

All new construction for which parking lot lighting is required shall provide a lighting plan that details location, size, height, orientation, type of fixture and level of wattage of the outdoor lighting.

17.26.060 Coordination with Landscape Plans

Lighting shall be coordinated with landscape plans to assure that tree growth will not interfere with the intended illumination.

17.26.070 Maintenance of Lighting Systems and Fixtures

All lighting systems and fixtures shall be maintained in good working order and in a manner that serves the original design intent of the system.

17.27 Standards for Landscaping

17.27.010 Purpose

This Chapter establishes requirements for landscaping to enhance the appearance of development, provide shade, reduce heat and glare, control soil erosion, screen potentially incompatible uses, enhance the quality of neighborhoods and improve air quality.

17.27.020 Applicability

The requirements of this Chapter shall be applied to all new development and, to the extent reasonably feasible, enlargement or increase in capacity of any building or change of type of use. Single family residences, two family residences are exempt from this Chapter except as provided in Sec. 17.27.100.

17.27.030 California Water Efficient Landscape Ordinance

The California Model Water Efficient Ordinance, Title 23, Division 2, Chapter 2.7 of the California Code of Regulations, as amended, is hereby adopted by reference into this landscaping ordinance. Whenever a conflict arises between the state code and the standards provided in this Chapter, the more restrictive shall apply.

17.27.040 Landscape Plans

- A. Preliminary landscape plan:** A preliminary landscape plan is a conceptual plan that is to be submitted as part of the application for all projects that receive Planning Commission review.
- B. Final landscape plan:** A detailed landscaping plan shall be submitted to and approved by the Planning Director prior to issuance of a building permit.
- C. Content:** Preliminary and final landscape plans shall contain all the information required by the Community Development Director. All landscape plans shall be coordinated with the parking provisions in Chap. 17.25 and with the lighting provisions in Chap. 17.26.

17.27.050 Areas to be Landscaped

- A. Parking lots:** Parking lots of five or more spaces shall provide landscape areas in the interior of the parking lot based on the number of spaces, as follows:

Number of Parking Spaces	Percent of Total Parking Area to be Landscaped
5-24	5.0 %
24-49	7.5 %
50+	10 %

B. Property Perimeters:

1. **Street frontages:** All areas adjacent to a public street shall be landscaped with a planter averaging at least 10 feet in width. Additionally, any excess right-of-way shall be landscaped in conjunction with the street frontage landscaping, subject to an encroachment permit from the appropriate public agency.
2. **Interior property lines:** When a commercial or industrial zone district adjoins a residential zone district, or if an R-3 Zone District adjoins and R-1 or R-2 Zone District, a five foot wide landscape planter shall be provided along the common property line, but inside of any masonry wall, as provided in Subsec. 17.24.030.D.

C. Building perimeters: Any portion of a building that faces customer parking or a public street shall have 20 percent of the building frontage landscaped.

D. Trash enclosures: The area around trash enclosures shall be landscaped, as provided in Sec. 17.29.030.

17.27.060 Clear Vision Triangle

Any landscaping within the clear vision triangle shall meet the height standards provided in Sec. 17.24.040.

17.27.070 Landscaping Materials

A. Tree and shading standards

1. **Existing trees:** Existing trees shall be maintained whenever possible and may be used in lieu of planting new trees.
2. **Street trees:** Street frontage landscaping areas must be planted with trees at 30 foot intervals with trees types approved by the City.
3. **Parking lot shading:** All parking lots shall include shade tree planting designed so that a minimum of 50 percent of the parking area (includes spaces and back-out areas) is shaded within 15 years of planting.
4. **Minimum tree size:** All newly planted trees shall be a minimum of 15 gallons in size with a minimum one inch diameter at breast height.

B. Amount/types of vegetation:

1. **Coverage:** Vegetation within required landscape areas shall consist of shrubbery, ground cover, and lawns in a quantity such that within five years of planting, at least 50 percent of the required landscape area shall be covered with living vegetation.
2. **Buffer landscaping:** Required interior side yard perimeter landscaping intended to buffer differing uses, as required in Subsec. 17.24.030.D, shall be heavily landscaped to the extent that it will provide a visual buffer between the uses.
3. **Variation of trees:** Varied tree and other plant species shall be used throughout the parking lot. A single tree species shall not exceed 60 percent of the on-site trees.

- 4. Turf and drought tolerant plants:** Lawn shall not exceed 25 percent of the landscaped area. The use of drought tolerant species and native species is encouraged.

17.27.080 Protection of Vegetation

- A. Vehicle overhang areas:** Where a vehicle overhang of 2.5 feet or less is utilized, the underlying vegetation shall be low growing.
- B. Curbs:** All required parking lot landscaping shall be within planters bounded by a concrete curb at least 6 inches high and 6 inches wide.

17.27.090 Irrigation Standards and Procedures for Water Efficiency

All landscape areas shall be served by an irrigation system consisting of underground piped water lines with low flow sprinklers and/or drip or bubbler systems. Due to varying irrigation requirements, separate control valves and sprinkler and emitter heads shall be utilized when shrubs and lawn are utilized in the same area. The irrigation system shall be designed to minimize over-spray and runoff to non-irrigated areas. Irrigation plans shall include the following to provide better water efficiency for all landscape areas:

- A. Narrow areas:** Sprinklers should not be used in areas less than 5 feet wide. Drip and bubbler systems shall be used in areas where watering needs do not exceed 1.5 gallons per minute per device.
- B. Automatic controller:** All irrigation systems shall be equipped with an automatic controller capable of multiple system programming. The controller shall have multiple cycle start capacity and a flexible calendar system.
- C. Pop-up sprinklers:** Pop-up sprinklers in lawn areas shall have at least a 4 inch pop-up height.
- D. Rain shut-off valves:** All required irrigation systems shall be equipped with automatic rain shut-off devices.

17.27.100 Completion of Landscaping Installation

- A. Timing:** All required landscaping shall be installed in conformance with the standards of this Chapter, prior to issuance of a certificate of occupancy; or
- B. Surety to delay completion:** A surety in the amount of 150 percent of the estimated cost of the landscaping, including materials and labor, is on file with the City. The surety must guarantee that the required landscaping is installed within 120 days of issuance of the certificate of occupancy and an agreement is filed with the City to assure completion of the landscaping within such time. The surety may take the form of cash deposit, irrevocable letter of credit or bond; and together with the agreement, will provide for payment to the City of any costs incurred contracting for completion of the required landscaping.

17.27.110 Landscaping for One Family and Two Family Residences

Prior to occupancy of any new one family or two family residence or prior to the completion of a remodel of a one family or two family residence, where the cost of the remodel exceeds 50 percent of the building value, as determined by the Building Official, the following minimum landscaping is required.

- A. There shall be at least one tree planted in all yards facing a street.
- B. Trees shall be a minimum of 15 gallons in size and planted in accordance with City standards. All trees shall be watered by an automatic irrigation system.
- C. All trees shall be planted adequate distance from public sidewalks, as specified by the City.
- D. Existing healthy trees on the site should be maintained whenever possible, in lieu of planting a new tree.
- E. Not more than 50 percent of the landscaped area of front and street-side yards shall consist of non-living materials including gravel, landscape rock, artificial turf, concrete or other non-living material.
- F. All maintenance shall be in conformance with Sec. 17.27.110, below.

17.27.120 Maintenance

All plantings shall be maintained in a healthy growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, fertilizing, and regular water. Whenever necessary, plantings shall be replaced with other plant materials to ensure continued compliance with all applicable landscaping requirements. Landscaping and irrigation systems shall be located, designed and maintained as specified on the approved landscaping plans. Trees shall be maintained by property owners to be free from physical damage arising from lack of water, chemical damage, accidents, vandalism, insects and disease. Trees showing such damage shall be replaced with another tree.

17.28 Standards for Signs

17.28.010 Purpose

The purpose of this Chapter is to establish sign standards that allow signs to promote commerce and further the economic development of the City, while ensuring the protection of the public's safety, welfare and property by ensuring that signs will be safe, well designed, and visually attractive by providing standards for the type, size, number, height, location, lighting and maintenance of signs. Nothing in this Chapter shall be construed as regulating the message content of any sign.

17.28.020 Applicability

A sign may be erected, placed, established, painted, created or maintained in the City only if in conformance with the standards, procedures, exemptions and other requirements of this Chapter.

17.28.030 Definitions

The definitions for all the sign types used in this Chapter are provided under "Signs" in Chap. 17.50 (Definitions).

17.28.040 Sign Permit Required

Any new, altered or changed sign, with the exception of exempt signs listed in Sec.17.28.070 or unless otherwise provided in this Chapter, shall obtain a zoning clearance prior to conducting any work. Any required building permit shall also first be obtained.

17.28.050 Exempt Signs

The following signs shall be exempt from the provisions of this Chapter. Exempt signs are not required to obtain a zoning clearance and shall not be included in the determination of allowable number or size of signs. Any required building permit shall first be obtained.

A. Non-structural modifications and maintenance to existing signs:

1. Modifications to a sign's copy.
2. Non-structural maintenance of signs in conformance with Sec. 17.28.110.

B. Address sign: Provided in reference to a structure or use to a street.

C. Civic signs: Memorial signs and plaques installed by a civic organization.

D. Civic event signs.

E. Vehicle signs: Signs on vehicles, including trailers, provided such vehicles and/or trailers are not used as parked or stationary outdoor display signs, pursuant to Subsec. 17.28.060.L.

- F. Flags:** Official flags of a state, nation, or political subdivision and nationally or internationally recognized organizations, provided they are within the height limits provided in the zone district within which the lot is located.
- G. Off-site garage/yard sale signs:** Limited to two such signs, having a maximum of five square feet and not exceeding six feet in height, located on private property with the property owners permission. All signs are to be removed within 24 hours of the conclusion of the sale.
- H. Gas station signs:** Limited to price signs that are required by state law.
- I. Signs not visible from a public right-of-way or property perimeter:** Signs within retail centers that are not visible from any point along the boundary of the premises or from any public right-of-way.
- J. Notices:** Official and legal notices issued by a court or government agency.
- K. Political signs:** Political signs, pursuant to State law.
- L. Real estate signs:**
 - 1. All zone districts:** One on-site sign per street frontage, not to exceed six square feet in size and six feet in height. In addition, “open house” signs are allowed when a sales agent or owner is on-site.
 - 2. Commercial and industrial zone districts:** One per street frontage not to exceed 32 square feet in size and eight feet in height.
 - 3. Up to four off-site directional signs:** Not exceeding four square feet each and three feet in height, directing traffic to open houses and subdivision home sales, provided such signs are on private property.
- M. Developer/contractor signs:** One construction sign per street frontage that provides the names of the architect, engineer, and contractors working on the site. Each sign shall not exceed 32 square feet in size and eight feet in height. Signs shall be removed upon occupancy.
- N. Traffic signs:** Traffic, directional, warning, or informational signs required or authorized by a government agency.
- O. Window signs:** Signs displayed on windows in non-residentially zoned property not exceeding 10 percent of the window area, or four square feet, whichever is greater.
- P. Government signs:** Any sign erected in compliance with and in discharge of any governmental function or as required by law, ordinance or governmental regulation. This includes any signs erected by a public utility.
- Q. Bench and other signs:** Signs located at a designated public transit location and authorized by the transit agency.
- R. Temporary business identification signs:** A maximum of two temporary signs for the identification of a new business are allowed for a period not to exceed 90 days, until permanent signs can be erected. Maximum area for each sign is 50 square feet.

17.28.060 Prohibited Signs

The following signs are prohibited in all zone districts:

- A. Abandoned or dilapidated signs and sign structures:** Such signs shall be removed within 90 days of abandonment.
- B. Animated, moving, revolving, or other similar signs:** Except time, temperature and date devices and barber poles.
- C. Flashing signs:** No sign (including window and other exterior lighting) shall be permitted which blinks, flashes, scintillates, has moving letters or pictures or other means of not providing constant illumination except Christmas lights for a duration not to exceed 60 days during the holiday season.
- D. Changeable copy signs or electronic message signs:** Except as provided in Table 17.28.070.
- E. Fence signs:** Unless approved as part of an overall sign plan for a permitted use and the area of the fence sign is included in the overall size allowed for the building sign.
- F. Inflated signs, balloons and figures:** except as provided in Subsec. 17.28.070.B.
- G. Obscene signs.**
- H. Offsite signs:** Includes billboards and outdoor advertising signs, except as otherwise provided in Table 17.28.070.
- I. Noise smoke, or odor:** Signs or devices which emit audible sound, odor, or visible matter.
- J. Roof signs.**
- K. Vehicle signs:** Whether attached or painted on motor vehicles that are parked on or adjacent to property for more than 72 consecutive hours, for which the principle purpose of the vehicle at this location is to attract attention to a product sold or business located on the property.
- L. Signs on City property:** No sign shall be located on City property or right-of-way without the express permission of the City.
- M. Posters:** The tacking, pasting or otherwise affixing of signs or posters of a miscellaneous character, visible from a public right-of-way, located on walls of a building, shed, fence, pole, post or other structure or anywhere on public property.
- N. Pole signs**

17.28.070 Permitted Signs Subject to Sign Standards and Permits

All signs described in this Section must first obtain a zoning clearance, as provided in Sec. 17.35.020, to ensure compliance with these standards.

- A. Every sign described in Table 17.28.070, unless otherwise provided.**

- B. Special event signs:** Special event signs, banners, flags, pennants, balloons, and similar signs may be displayed on a temporary basis, not to exceed 60 days annually.
- C. Outdoor decoration:** Within commercial zone districts permanent or semi-permanent displays such as bunting may be suspended from parking lot light standards provided the following is met:
 - 1. Decorative only:** The display is decorative only and does not advertise a company, product, or a special event associated with a business; and
 - 2. Traffic safety:** The display does not obstruct traffic, sight distance, or parking lot lighting.
- D. Subdivision signs and flags:**
 - 1.** As part of subdivision home sales, up to eight flags each not exceeding 20 square feet in size and within the height limits of the zone district in which they are located.
 - 2.** Two on-site subdivision identification or directional signs that are not internally lit and that do not exceed 32 square feet each and a height of 10 feet.
 - 3.** All of the flags and signs shall be removed upon completion of sales.

17.28.080 Measuring Sign Area

- A. Smallest area:** The area of a sign shall be computed by means of the smallest square, circle, rectangle or triangle or combination thereof that encompasses the limits of writing, representation, emblem or other display.
- B. Double faced:** When a sign is double faced back to back and the two sides are within five degrees of parallel, and located on the same structure, the sign area shall be computed by measurement of only one face.
- C. Three-dimensional objects:** When a sign, or portion of a sign, consists of one or more three-dimensional objects (e.g., balls, cubes, clusters of objects or sculptures) the sign area shall be measured as their maximum projection upon a vertical plane.

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Table 17.28.070: Permitted Signs and Development Standards by Zone District

Residential Zone Districts (R-1, R-2, R-3, R-4)¹

Sign Type	Maximum Number	Maximum Area per Sign	Maximum Height	Locational Requirement	Permitted Lighting	Other Criteria
Monument sign	1 per building site	32 square feet	6 feet	Minimum of 5 feet from property lines	External; internal w/ use permit	Changeable copy allowed for up to 50 percent of the sign area for schools, churches, and public buildings.
Wall sign	1 per street frontage	32 square feet	Not to exceed the eave height of the building to which it is affixed.		External; internal w/ use permit	Changeable copy allowed for up to 50 percent of the sign area for schools, churches, and public buildings.
Directional sign	1 per way per driveway	4 square feet	3 feet	Outside of the right-of-way	External	30 percent of the sign area may be used to identify user.
Directory sign	1 per building complex	8 square feet	6 feet		External	Only applies if visible from right-of-way or boundary. Otherwise see Subsec. 17.28.050.I.
Changeable copy sign or electronic message board	Part or all of a permitted wall or monument sign	Not to exceed the combined total square footage of the wall or monument signs			Internal or external	Applicable only to churches, schools theaters, conference centers and public buildings.

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Commercial Zone Districts (C-G and C-MU)

Sign Type	Maximum Number	Maximum Area per Sign	Maximum Height	Location	Permitted Lighting	Other Criteria
Monument sign (under 25,000 sq. ft. of floor area)	1 sign per 300 feet of lineal street frontage	100 sq. ft.	10 feet	Minimum of 5 feet from property lines	Internal or external	
Monument sign (over 25,000 sq. ft. of floor area)	1 sign per 300 feet of lineal street frontage	130 sq. ft.	15 feet	Minimum of 5 feet from property lines	Internal or external	
Wall sign		1.5 sq. ft. per lineal foot of bldg. frontage ²	Not to exceed the eave height of the building to which it is affixed		Internal or external	
Projecting wall sign		Not to exceed the combined total square footage of wall signs	Not to exceed the eave height of the building to which it is affixed		Internal or external	Lowest portion must be 8 feet above the average grade. Cannot project more than 4 feet from the wall it is attached too.
Awning, canopy sign		Not to exceed the combined total square footage of wall signs			External	
Directional sign	1 per way per driveway	4 square feet	3 feet	Outside of the right-of-way	External or internal	50 percent of the sign area may be used to identify user

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Directory sign	1 per building frontage	8 square feet	6 feet		External or internal	Only applies if visible from right-of-way or boundary. Otherwise see Subsec.17.28.050.I.
Suspended sign	1 double faced sign per business entrance	6 square feet	Must be located under and perpendicular to a covered walkway.		External	Lowest portion of the sign must be 8 feet above the average grade.
Changeable copy sign or electronic message board	Part or all of a wall or monument sign	Not to exceed the combined total square footage of the wall or monument signs			Internal or external	Applicable only to churches, schools theaters, conference centers and public buildings.
A-frame sign	1 per customer entrance	8 square feet	4 feet	Must be within 20 feet of a customer entrance and be ADA compliant	Not permitted	Maximum width is 2 feet. Must be removed during non-business hours.
Off-site advertising sign						Allowed only with an approved use permit.

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Employment Zone Districts (E and M)

Sign Type	Maximum Number	Maximum Area per Sign	Maximum Height	Location	Permitted Lighting	Other Criteria
Monument sign	1 sign per 300 lineal feet of street frontage	50 square feet	10 feet	Minimum of 5 feet from property lines	Internal or external	
Wall sign		1 square foot per lineal foot of building frontage ²	Not to exceed the eave height of the building to which it is affixed		Internal or external	
Projecting wall sign		Not to exceed the combined total square footage of wall signs	Not to exceed the eave height of the building to which it is affixed		Internal or external	Lowest portion must be 8 feet above the average grade. Cannot project more than 4 feet from the wall it is attached too.
Awning, canopy sign		Not to exceed the combined total square footage of wall signs			External	
Directional sign	1 per way per driveway	4 square feet	3 feet	Outside of right-of-way	Internal or external	50 percent of sign area may be used to identify user
Directory sign	1 per building frontage	8 square feet	6 feet		Internal or external	Only applies if visible from right-of-way or boundary. Otherwise see Subsec.17.28.050.I.
Suspended sign	1 double faced sign per	6 square feet	Must be located under and		External	Lowest portion of the sign must be 8 feet

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	business entrance		perpendicular to a covered walkway.			above the average grade.
Changeable copy sign or electronic message board	Part or all of a wall or monument sign	Not to exceed the combined total square footage of the wall or monument signs			Internal or external	Applicable only to churches, schools theaters, conference centers and public buildings.
Off-site advertising sign						Allowed only with an approved use permit.

¹In the R-1 and R-2 Zone Districts signs are allowed only for uses that require a use permit, unless otherwise provided in this Title.

² Up to two contiguous sides may be used to calculate area, provided each side has a street or customer parking lot frontage.

17.28.090 Clear Vision Triangle

All signs located within the clear vision triangle shall meet the visibility standard provided in Sec. 17.24.040.

17.28.100 Sign Standards by Other Entitlements:

Because a use or uses or a specific building site may have unique needs or circumstances, sign requirements established by a specific plan, Planned Development Zone District, use permit, or development agreement may supersede the provisions of this Chapter.

17.28.110 Non-conforming Signs

See Sec. 17.38.050.

17.28.120 Sign Maintenance

Every sign displayed within the City, whether a zoning clearance is required or not, shall be maintained in good physical condition. All signs, together with supports, braces, anchors, and electrical components, shall be kept in a safe presentable condition. All defective or broken parts shall be replaced. Exposed surfaces shall be kept clean, in good repair and painted where paint is required.

17.28.130 Sign Construction

- A. Permanent Construction:** Except for permitted banners, flags or temporary signs and window signs conforming with the requirements of this Chapter, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame or structure.
- B. Must be professionally prepared:** All permanent signs shall be designed and constructed by professionals (e.g. those whose principal business is the design, manufacture or sale of signs, architects, building designers, etc.) or others who are capable of producing professional results. The intent is to achieve signs of neat and readable copy, and durability so as to reduce maintenance costs and prevent dilapidation. Materials for permanent signs shall be durable and capable of withstanding weathering over the life of the sign with reasonable maintenance.

17.29 Trash Container Enclosures

17.29.010 Purpose

To establish design and locational criteria for trash container enclosures for multiple family residences and all non-residential uses.

17.29.020 Applicability

These requirements apply to all new multiple family residential uses of three units or more, all non-residential development, existing multiple family uses that increase the number of units by 25 percent or more and non-residential uses that increase floor area by 25 percent or more.

17.29.030 Enclosure Requirements

- A. Trash bins or dumpsters:** They shall be screened on three sides by a six foot high masonry structure and the remaining side shall be a solid self locking gate. The walls and gate shall be architecturally compatible with the main building. All sides that are visible from a public area, except the gate side, shall be located in a landscaped area, subject to the standards provided in Subsec. 17.27.070.B.
- B. Garbage cans or toters:** They shall be located either indoors or shall be screened from public view with material that is architecturally compatible with the main building and is a minimum of five feet in height.

17.29.030 Maintenance

All trash enclosure areas shall be kept in a clean, well maintained condition. Gates shall be maintained in good working order and shall be kept closed when not in use.

17.30 Screening of Mechanical Equipment

17.30.010 Applicability

These standards are applicable to heating and air conditioning equipment, refrigeration equipment and utility equipment including transformers and similar equipment. This Chapter does not apply to solar collection systems.

17.30.020 Single family and Two Family Residential Uses

All equipment, including roof-mounted equipment, shall be screened from view from all public rights-of-way.

17.30.030 Multiple Family, Office, Commercial and Public Uses

- A. Ground mounted HVAC units and utility equipment such as electric and gas meters, panels, junction boxes and similar equipment:** Shall be screened from view from public rights-of-way, parks, plazas, etc. either by placing them out of view or screening them using architecturally compatible walls.
- B. Utility transformers, cross-connection control devices and similar equipment:** Shall be carefully located to minimize, to the extent possible, their view from public rights-of-way, parks, plazas, etc. Wherever feasible they should be placed in locations not immediately adjacent to streets, driveways, parking lots or public gathering areas. When located in publicly visible areas, the equipment shall be oriented so that it is screened with berms, landscaping, walls, or a combination thereof, while maintaining access to service doors and equipment, as required by the affected utility.
- C. Roof mounted mechanical equipment:** Shall be hidden with building elements that are designed for that purpose as an integral part of the building design.
- D. Wall-mounted mechanical equipment:** Equipment that protrudes more than 12 inches from an outer building wall shall be screened from public view by structural features that are compatible with the architecture and materials of the building. Wall-mounted equipment that protrudes less than 12 inches from the outer building wall shall be designed to blend with the building color(s), design and materials of the building.

17.30.040 Industrial Uses

- A.** Ground mounted HVAC units and utility equipment shall be screened from public view.
- B.** Due to the nature of industrial uses, alternative screening measures may be utilized for HVAC units and utility equipment. This may include, but shall not be limited to, increased yard sizes, increased landscaping, grouping equipment outside of public view, painting, or otherwise camouflaging the equipment.

Part 5

Planning Procedures

17.35 Types of Site Development Permits

17.35.010 Development Plan Review

- A. Purpose:** The development plan review is utilized for projects that are considered to be “permitted uses” and is an administrative process conducted by the Community Development Director. It is intended to ensure that the proposed project is in conformance with all City development and design standards. For larger development projects an extra level of review is added to ensure compliance with the General Plan Circulation Element.
- B. Process:** Projects subject to a development plan review shall be reviewed and decided upon by the Community Development Director within 30 days of receipt of all requested information or, in the case of projects described below in Subsec. 17.35.010. C. in which a traffic study is required, the review by the Director shall be completed with 30 days of completion and acceptance by the City of the traffic study.
- C. Review of larger projects for traffic impacts:** For projects that meet or exceed the size provided below in Table 17.35.010 the City shall conduct a traffic study for the proposed project. If the resulting study concludes that the project will increase traffic levels that exceed General Plan level of service standards, either on a project specific level or a 20 year cumulative level or both, street improvements shall be incorporated into the project that reduces the traffic levels of service to be within the standards provided in the General Plan at both the project specific level and 20 year cumulative level, as determined by the Community Development Director. In lieu of providing the street improvements, a fee may be paid to the City by the applicant in an amount that mitigates the project’s fair share of traffic impacts, as determined by the City.

Table 17.35.010: Development Plan Review Projects Required to Prepare Traffic Studies

Land Use	If a Project Exceeds the Following Size a Traffic Study is Required
Multiple-family	75 residential units
Office	35,000 square feet
Retail and service commercial: Indoor Outdoor	30,000 square feet 50,000 square feet
Industrial, warehouse & outdoor storage	50,000 square feet
Conversion an existing facility to a different category of use	30,000 square feet of conversion area
Conversion of sites to the same category of use	No limit

- D. Determination:** Upon completion of the review the Community Development Director shall make one of the following determinations:
- 1. Approve the application:** If it is determined that the proposal complies with all applicable standards of this Title and all other relevant City standards. The term of the development plan approval shall be the same as the building permit. In the case of larger projects, as identified in Table ??? above, if the traffic study prepared for the proposal concludes that traffic improvements are needed, the project shall be approved with inclusion of required traffic improvements, or fees in lieu of the applicant's fair share of improvements, as determined by the City.
 - 2. Deny the application:** If it is determined that the proposal will not comply with all applicable standards of this Title or any other relevant City standards. However, prior to denying the application, the Community Development Director shall provide the applicant an opportunity to modify or correct the application to bring the project into conformance with City standards.
 - 3. Request further information:** As needed in order to make the determination of whether to approve or deny the application.
- E. Appeal:** The decision of the Community Development Director may be appealed to the Planning Commission, pursuant to Subsec. 17.37.070.A.

17.35.020 Zoning Clearance

- A. Purpose:** A zoning clearance is an administrative process conducted by the Community Development Director intended to provide verification that an intended use or structure complies with the allowed list of activities and all applicable development standards.
- B. Applicability:** When required by the zone district in which the use of a structure or land is located, a zoning clearance is required prior to commencement of construction or use.
- C.** The Community Development Director shall review all applicable information and, within 30 days of receiving all relevant information, make a determination whether the proposed structure or use meets all standards required by this Title and all other relevant City standards.
- D. Determination:** Following the receipt of a complete application and review of the information submitted, the Community Development Director shall make one of the following determinations:
- 1. Approve the application:** If it is determined that the proposal complies with all applicable standards of this Title and all other relevant City standards. If conditions warrant, the Community Development Director may apply a reasonable term to the permit.
 - 2. Deny the application:** If it is determined that the proposal will not comply with all applicable standards of this Title or any other relevant City standards. However, prior to denying the application, the Community Development Director shall provide the applicant an opportunity to modify or correct the application to bring the project into conformance with City standards.

3. Request further information: As needed in order to make the determination to approve or deny the application.

E. Appeal: The decision of the Community Development Director may be appealed to the Planning Commission, pursuant to Subsec. 17.37.070.A.

17.35.030 Use Permit

A. Purpose: Use permits are intended to allow for activities and uses whose effect on the surrounding environment cannot be determined prior to being proposed for a particular location. Additionally, conditions of approval or time limits may be placed on a use permit by the Planning Commission to ensure the use is compatible with existing and anticipated uses in the vicinity.

B. Applicability: A use permit is required to authorize a proposed land use identified within the applicable zone district as being a use allowed, subject to an approved use permit.

C. Application processing: Upon determination of a complete application by the Community Development Director, the application shall be processed in accordance with Chap. 17.37.

D. Planning Commission Action:

1. Notice and hearing: Upon completion of the review by City staff, proper notice of a public hearing before the Planning Commission shall be provided, as required by California Government Code Sections 65090 through 65095, and by such other means of notification the Planning Commission may require.

2. Determination: At the conclusion of the public hearing, or at a time prescribed in Sec. 17.37.050, the Planning Commission shall approve, approve with modifications and/or conditions or deny the application.

E. Findings for approval: In order to approve the application, or approve it with modifications and/or conditions, the Planning Commission must first make the following findings, based on information in the record:

1. The proposal is consistent with the General Plan and any relevant specific plan, neighborhood plan, or area plan.

2. The site for the proposed use is adequate in size and shape to accommodate said use and its associated yards, parking, landscaping and other improvements required by this Title and other relevant City standards.

3. The streets serving the site are adequate to carry the quantity of traffic generated by the proposed use.

4. The site design and the size and design of the building(s) will complement neighboring facilities.

5. The establishment and operation of the use will not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the vicinity of the proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

- F. Appeal:** The decision of the Planning Commission may be appealed to the City Council, pursuant to Subsec. 17.37.070.B.

17.35.040 Variances

- A. Purpose:** The provisions of this Section allow for the adjustment of development standards required by this Title when, because of special circumstances applicable to the property, including location, shape, size, surroundings, or topography, the strict application of these regulations denies the property owner privileges enjoyed by other property owners in the vicinity and under the same zone district. Any variance that is granted shall be subject to conditions that ensure that the variance does not constitute a granting of special privilege(s) inconsistent with the limitations upon other properties in the vicinity and within the same zone district in which the property is located. The power to grant variances does not apply to land use regulations.
- B. Applicability:** A variance may be granted for any physical development standards of this Title except for land uses, residential densities, and prohibited signs.
- C. Application processing:** Upon determination of a complete application by the Community Development Director, the application shall be processed in accordance with Chap. 17.37.
- D. Planning Commission action:**
- 1. Notice and hearing:** Upon completion of the review by City staff, proper notice of a public hearing before the Planning Commission shall be provided as required by California Government Code Sections 65090 through 65095, and by such other means of notification the Planning Commission may require.
 - 2. Determination:** At the conclusion of the public hearing, or at a time prescribed in Sec. 17.37.050, the Planning Commission shall approve, approve with modifications and/or conditions or deny the application.
- E. Findings for approval:** In order to approve the application or approve it with modifications and/or conditions the following findings must be made, based on information in the record:
- 1.** There are special circumstances applicable to the property or structure(s) including location, size, shape, surroundings, or topography or other conditions, so that the strict application of this Title denies the property owner privileges enjoyed by other property owners in the vicinity and within the same zone district.
 - 2.** Granting the variance is necessary for the preservation and enjoyment of substantial property rights.
 - 3.** Granting the variance does not result in special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zone district as the property is located.
 - 4.** Granting the variance does not allow a use or activity which is not otherwise authorized by the zone district within which the property is located.

5. Granting the variance will not be detrimental to the health, safety, peace, comfort or general welfare of persons residing or working in the vicinity or be detrimental to property or improvements in the vicinity or to the general welfare of the City.
- F. Appeal:** The decision of the Planning Commission may be appealed to the City Council, pursuant to Subsec. 17.37.070.B.

17.36 Amendments to the Zoning Regulations

17.36.010 Initiation

Amendments to the zoning regulations, either text or map, may be initiated as follows:

- A. By application of a property owner and accompanied by the prevailing fee adopted by the City Council.
- B. By direction of the City Council.
- C. By direction of the Planning Commission.

17.36.020 Application Processing

The application for an amendment to the Zoning Regulations shall be processed by the Community Development Director in accordance with Chap. 17.37.

17.36.030 Planning Commission Action

- A. **Notice and hearing:** Upon receipt of a complete application and review by City staff, proper notice of a public hearing before the Planning Commission shall be provided, as required by California Government Code Sections 65090 through 65095, and by such other means of notification the Planning Commission may require.
- B. **Recommendation:** At the conclusion of the public hearing, or at a time prescribed in Sec. 17.37.050, the Planning Commission shall make a written recommendation, and the reasons for the recommendation, to the City Council whether to approve, approve in modified form, or deny the proposed amendment.

17.36.040 City Council Action

- A. **Notice and hearing:** Upon receipt of the Planning Commission's recommendation, proper notice of a public hearing before the City Council shall be provided, as required by California Government Code Sections 65090 through 65095, and by such other means of notification the City Council may require.
- B. **Determination:** At the conclusion of the public hearing, or at a time prescribed in Sec. 17.37.050., the City Council shall approve, approve with modifications or deny the application.
- C. **Referral back to Planning Commission:** If the City Council proposes to adopt a substantial modification to the amendment not previously considered by the Planning Commission during its hearing, the proposed modification shall first be referred to the Planning Commission, in compliance with Government Code Section 65857.

17.36.050 Refiling of a Rezoning Application

If an application for a change of zone district is denied, another application for the same zone district shall not be filed within a 12 month period of its denial, unless specific approval for the filing is given by the Planning Commission or City Council.

17.37 General Processing Procedures

17.37.010 Purpose

The purpose of this Chapter is to establish procedures which are common to the processing of use permits, variances and zoning amendments. This Chapter is also intended to provide for processing procedures for the review of entitlements required in other parts of the City of Live Oak Ordinance including general plan amendments, specific plans and land divisions. All are hereinafter referred to as entitlements.

17.37.020 Applicability

All entitlements approved under the authority of this Title shall run with the property for which the entitlement is issued and not with a person, unless otherwise expressly provided for in the approved entitlement.

17.37.030 Application Forms and Fees

Applications initiated by this Chapter shall be filed on forms and shall contain information and the number of copies prescribed by the Community Development Director. All applications shall be signed by the property owner of the subject property or other person with the written consent of the property owner (except zoning amendments as provided in Chap. 17.36). The application shall be accompanied by the appropriate fees, as established by the City Council.

17.37.040 Application Review

Every application shall be reviewed by the Community Development Director to ensure compliance with all applicable City and other local agency codes and standards and with all State laws and regulations.

17.37.050 Public Hearings

- A. Hearing required:** All permits and variances that are decided by the Planning Commission, and by the City Council on an appeal of a Planning Commission decision, and for zoning amendments and other entitlements, shall be first provided a public hearing before the decision making body. Notice of any hearing required by this Chapter shall be conducted in compliance with Government Code Sections 65090 through 65095, and by any other means of notification the Planning Commission or City Council may require.
- B. Continuance:** A hearing may be continued without further notice, provided the hearing body announces the date, time and location to which the hearing is continued prior to the adjournment or recess of the hearing. A hearing may be continued and need not announce the date to which the hearing will be continued, provided that notice of the continued or new hearing is provided in accordance with Subsec. A., above.

- C. Determination:** Following the close of the public hearing, the hearing body may make its decision, may defer its decision to another meeting or announce a tentative decision and defer its final decision until appropriate findings and/or conditions of approval have been prepared.

17.37.060 Concurrent Processing of Multiple Applications

Whenever multiple entitlement applications are required by this Title for a single project, the applicant may choose to have the applications processed concurrently. When this method is utilized, the decision on all project applications shall be made by the highest level of review authority required for any of the applications.

When concurrent multiple applications are filed that include a general plan amendment, specific plan or specific plan amendment, or rezoning, the time limits for processing project applications pursuant to State Government Code 65950 et. seq. shall not commence until the general plan amendment, specific plan, specific plan amendment or rezoning become effective.

17.37.070 Appeals

A. Community Development Director Decisions

- 1. Filing:** Any applicant or person claiming to be adversely affected by any action of the Community Development Director in carrying out the provisions of this Title may, within 10 days after such action, file a written appeal to the Planning Commission. The appeal shall be accompanied by the payment of any fee adopted by the City Council. Such appeal shall stay the issuance of any permit in connection with the application, pending a decision of the Planning Commission.
- 2. Notice and hearing:** Upon receipt of the appeal, proper notice of a public hearing before the Planning Commission shall be provided, as required by California Government Code Sections 65090 through 65095, and by such other means of notification the Planning Commission may require.
- 3. Determination:** At the conclusion of the public hearing, or at a time prescribed by Sec. 17.37.050, the Planning Commission shall approve, approve in modified form, or deny the appeal.
- 4. Further appeal:** Any decision of the Planning Commission may be appealed to the City Council by the appeal process provided in Subsec. B., below.

B. Planning Commission Decisions

- 1. Filing:** Any applicant or person claiming to be adversely affected by any action of the Planning Commission in carrying out the provisions of this Title, any City Council person or the City Manager may, within 10 days after such action, file a written appeal to the City Council. Such appeal shall be filed with the City Clerk and shall be accompanied by the payment of any fee adopted by the City Council. The filing of an appeal shall stay the issuance of any permit in connection with the action pending a decision from the City Council.

2. **Notice and hearing:** Upon receipt of the appeal, proper notice of a public hearing before the City Council shall be provided, as required by California Government Code Sections 65090 through 65095, and by such other means of notification the City Council may require.
3. **Determination:** At the conclusion of the public hearing, or at a time prescribed in Sec. 17.37.050, the City Council shall approve, approve in modified form or deny the appeal.

17.37.080 Amendments to Permits and Variances

Amendments to previously approved permits and variances may be granted as follows:

- A. **Minor modifications:** The Community Development Director may approve minor modifications to a previously approved project if the resulting project is considered substantially the same as originally approved and the basis for the findings for the environmental document prepared for the project and the findings for the approval of the project are not affected.
- B. **All other modifications:** Must be approved by the Planning Commission. The procedure for such an amendment shall comply with Sections 17.37.030 through 17.37.050.

17.37.090 Expiration of Permits and Variances

- A. **Expiration:** Every permit and variance provided for in this Chapter, unless otherwise conditioned as part of the permit or variance, expires and is null and void without further action by the City if the use, building or structure for which the permit was issued has not substantially commenced operation, or in the case of new construction, the construction has not been substantially commenced, within two years of the date of approval or, in the case of appeals, the date the approval was affirmed or a denial was reversed. In the case the permit or variance is accompanied by a rezoning, the approval date is not until the effective date of the rezoning. For purposes of this Section, “construction that has substantially commenced” means the installation of a building foundation(s).
- B. **Phasing:** In the case of phased projects decided upon by the Planning Commission or City Council, construction of the first phase must have substantially commenced within two years. Additional phases shall be commenced within two years of the initial phase of construction or as otherwise provided in the initial application process or as an amendment to the application.
- C. **Project completion:** In the case of a project that commenced construction prior to its expiration date, or its extended expiration date if an extension was granted, or the phase expiration date if it is a phased project, construction must be completed within two years of the expiration date or the permit becomes null and void without any further action by the City.
- D. **Discontinuance of a use:** When a use for which a permit was granted has been abandoned and the use discontinued for a period of one year, the permit shall expire and become null and void without further action by the City.

17.37.100 Permit and Variance Revocation or Modification

Any approved permit or variance may be revoked, or conditions of approval or other provisions of the permit or variance may be modified, in compliance with this Chapter.

- A. Initiation of proceedings:** The Community Development Director may initiate the process for zoning clearance revocation or modification. All other permit and variance revocation or modification proceedings may be initiated by the Planning Commission on its own motion or may be directed to the Planning Commission by the City Council.
- B. Notice and hearing:** Permits and variances (except zoning clearances) proposed to be revoked or modified shall first be provided a public hearing by the Planning Commission, as provided in Sec. 17.37.050.
- C. Revocation:** A permit or variance may be revoked or modified by the Planning Commission if one or more of the following findings are made:
 - 1. Misrepresentation:** Permit issuance was based on misrepresentation by the applicant, either through the provision of information or statements in the application, or in public hearing testimony.
 - 2. Invalidation of findings:** One or more of the findings required to grant the original permit can no longer be made due to changes in the project.
 - 3. Violation of conditions:** One or more of the conditions of approval have not been completed or have been violated.
 - 4. Violation of other codes:** Improvements authorized by the permit or variance are in violation of any ordinance or law.
 - 5. Improper expansion:** The approved permit or variance has been expanded beyond the scope of the original approval, so that the external impacts of the use are substantially greater than would be under the original approval.
 - 6. Threatens the public's health:** Exercising the permit or variance is in a manner that threatens or is injurious to the public's health or safety or constitutes a public nuisance.
- D. Appeal:** The decision of the Planning Commission may be appealed to the City Council, pursuant to Subsec.17.37.070.B.

17.37.110 Reapplication

Following the denial of a use permit or variance by the Planning Commission, or a rezoning, revocation or denial of an appeal by the City Council, no permit or variance for the same or substantially the same permit, variance, rezoning or other entitlement shall be filed within 12 months following the date of the previous final action.

17.38 Nonconforming Structures and Uses

17.38.010 Purpose

This chapter establishes uniform provisions for the regulation of nonconforming uses, structures and lots. Within zone districts established by this Title, there exist structures, land uses, and lots that were lawful prior to the adoption of this Title, but which would be prohibited, regulated, or restricted differently under the use regulations and development standards of this Title or future amendments. It is the intent of this Chapter to discourage the long term continuance of these nonconformities, providing for their eventual elimination, but to permit them to exist under limited conditions described in this Chapter. This Chapter also recognizes that the investments made in developed property can be substantial and that provisions for continuation of certain nonconforming structures or uses may be desirable, particularly if it can be assured that the structure or use does not negatively impact adjacent properties. Further, this Chapter provides for the improvement of nonconforming structures and properties to reduce the blighting influence that can occur if abandoned structures cannot be reused for their originally designed purposes.

17.38.020 Nonconforming Structures

Nonconforming structures may be continued and be maintained, subject to the following limitations:

- A. Maintenance, repairs, and rehabilitation:** Ordinary maintenance and repairs may be made to any nonconforming structure. Structural repairs, such as bearing walls, columns, beams or girders, may be modified only when the Building Official determines that such modification or repair is immediately necessary to protect the health and safety of the public, occupants of the nonconforming structure or adjacent property, and the cost does not exceed one-half of the replacement cost of the nonconforming structure.
- B. Severely damaged or destroyed structures:** If a nonconforming structure is damaged to an extent of more than 50 percent of the replacement value, as determined by the Building Official, or is destroyed, the restoration of such structure shall be in full compliance with the requirements of this Title, except as provided in Sec. 17.38.060, Nonconforming Residential Structures in Commercial and Employment Zones and Sec. 17.38.070, Reestablishment of Abandoned or Destroyed Commercial or Employment Nonconforming Structures and Uses.
- C. Abandonment:** If a nonconforming structure remains vacant for a continuous period of 12 months or more, it shall be considered abandoned and shall thereafter be removed or converted to a conforming structure, except as provided in Sec.s 17.38.060 and 17.38.070. The presumption of abandonment may be rebutted upon showing, to the satisfaction of the Community Development Director, that during such period, the owner of the structure (1) has been maintaining it and did not intend to discontinue the use and (2) has been actively marketing the structure for use or sale or (3) has been engaged in other activities evidencing an intent not to abandon the use.

17.38.030 Nonconforming Uses

A. Continuation: Nonconforming uses, including uses lacking permits or other entitlements, may be continued provided that such use shall not be enlarged to occupy a greater area than that occupied by the same use at the time it became nonconforming, except that uses that are nonconforming due to lack of permits or other entitlements may be enlarged upon by first securing the required permit or other entitlement.

B. Change to the same or less intensive use: Nonconforming uses may be permitted to be changed to a different nonconforming use provided that the new use is of the same or less intensive nature, as determined by the Community Development Director.

Exception: No nonconforming use that involves the storage, use, or generation of hazardous materials, products, or wastes or other activity that may be detrimental to the public's health or safety because of the potential to generate dust, glare, heat, noise, noxious gases, odor, smoke, vibration or other conditions that would be incompatible with surrounding uses may be substituted for an existing nonconforming use even if the use is of the same or less intensive nature.

C. Abandonment: If a nonconforming use ceases for a continuous period of 12 months, it shall be considered abandoned and shall not be reestablished, except as provided in Sec.s 17.38.060 and 17.38.070. The presumption of abandonment may be rebutted upon showing, to the satisfaction of the Community Development Director, that during such period, the owner of the structure (1) has been maintaining it and did not intend to discontinue the use and (2) has been actively marketing the structure for use or sale or (3) has been engaged in other activities evidencing an intent not to abandon the use.

17.38.040 Nonconforming Lots

Any lawfully created lot which fails to meet the standards for area or dimensions of the zone district in which it is located shall be considered buildable for purposes of this Chapter, provided that all site development standards for the improvements are met or a variance (Sec. 17.35.040) from any site improvement standards is approved.

17.38.050 Nonconforming Signs

A nonconforming sign may be continued subject to the limitations pursuant to Sec. 17.38.020.

Once a nonconforming sign is determined by the Community Development Director to have lost its nonconforming status, it shall be removed from the property or otherwise converted to a conforming use within 90 days of the determination.

17.38.060 Nonconforming Residential Structures in Commercial and Employment Zone Districts

A. Reestablishment: A nonconforming residential use in a commercial or employment zone district that is involuntarily lost by damage or destruction may be re-established provided that:

1. **Meets current standards:** Reconstruction is consistent with building setback, height, and other development standards of the zone district within which the residence is located.
 2. **Not detrimental to residents:** The use will not be detrimental to residents of the structure, as determined by the Community Development Director.
 3. **Timely issuance of a building permit:** A building permit for reconstruction is issued within 24 months of the damage or destruction.
- B. Expansion of a nonconforming residence:** A nonconforming residence may be expanded by up to 50 percent of its original floor area.
- C. Remodel:** A nonconforming residence may be remodeled.
- D. Use Permit:** If the provisions of Subsec. A., above cannot be met, or the period since damage or destruction exceeds 24 months, a use permit approved by the Planning Commission is required prior to issuance of a building permit for reconstruction. If an existing nonconforming residence is proposed to be expanded beyond 50 percent of the original floor area, as provided in Subsec. B. above, an approved use permit must first be secured.

17.38.070 Reestablishment of Abandoned or Destroyed Commercial or Employment Nonconforming Structures and Uses

- A. Reestablishment:** A commercial or employment structure or use which has lost its nonconforming status may be reestablished upon issuance of a use permit by the Planning Commission. The Planning Commission may approve the use permit if all of the following findings can be made:
1. **Legally established use:** The use was a legally established use that was made nonconforming by a rezoning action by the City Council.
 2. **No violations:** No compliance actions are pending on the lot for violations of building or fire codes or other Municipal Code sections.
 3. **Intensity of the use:** The proposed use is of a similar or less intensity as the previous use, as determined by the Planning Commission.
 4. **No adverse impacts:** Re-establishment of a nonconforming use will not detrimentally impact adjacent properties.
- B. Use permit conditions:** The use permit may be approved subject to conditions reasonably related to making the current use or site conform to standards of the current Zoning Regulations, including, but not limited to:
1. Parking provisions, as provided in Chap. 17.25.
 2. Installation of landscaping, as provided in Chap. 17.27.
 3. Property maintenance, such as painting and general cleanup.
 4. Installation of fencing.
 5. Conformance with sign standards, as provided in Chap. 17.28.

6. Façade or other exterior improvements.
7. Compliance with building and fire codes.
8. Installation of public improvements such as curb, gutter, and sidewalk, undergrounding utilities, etc.
9. Establishment of a date certain for termination of the use.

17.38.080 Unlawful Structures and Uses

Any structure or use that did not comply with the applicable provisions of this Title or other regulations in effect when the structures or uses were established are violations of this code and are subject to appropriate action, pursuant to Title 14 (Code Enforcement). No right to continue occupancy of a property containing an illegal structure or use is granted by this Chapter. The activity shall not be allowed to continue unless or until all of the provisions of the Live Oak Municipal Code are met.

17.39 Enforcement

17.39.010 Responsibility

All City officers, departments, and employees vested with the duty or authority to issue permits, licenses, or other entitlements shall do so subject to the requirements of this Title. No permit, license or other entitlement shall be issued or approved for any purpose or in any manner which conflicts with the provisions of this Title and is null and void as of the date of issuance or approval.

17.39.020 Compliance Required

Any structure constructed, erected, altered, enlarged, converted, moved, maintained, used or operated, or any use of property contrary to the provisions of this Title or noncompliance with any conditions attached to the granting of a permit or variance issued pursuant to this Title is unlawful and shall be considered a violation of the Live Oak Municipal Code and subject to all enforcement actions, pursuant to Chapter 14.08 of the Live Oak Municipal Code.

17.40 Development Agreements

17.40.010 Purpose

- A. This Chapter outlines the procedures and minimum requirements for the review and consideration of development agreements upon application by, or on behalf of, property owners, the Planning Commission, or City Council. It is intended that the provisions of this Chapter shall be fully consistent with the provisions of State law, and shall be so construed.
- B. In construing the provisions of any development agreement entered into in compliance with this Chapter, those provisions shall be read to fully effectuate, and to be consistent with, the language of this Chapter, State law, and the agreement. Should any apparent discrepancies between the meanings of these documents arise, reference shall be made to the following documents, and in the following order:
 - 1. The plain terms of the development agreement;
 - 2. The provisions of this Chapter; and
 - 3. The provisions of State law.

17.40.020 Application:

- A. Any owner of real property may request and apply through the Community Development Director to enter into a development agreement. Acceptance of the application is contingent on the following:
 - 1. The status of the applicant as an owner of property is established to the satisfaction of the Community Development Director;
 - 2. The application is made on forms approved, and contains all information required, by the Community Development Director;
 - 3. The application is accompanied by all lawfully required documents, materials and information; and
 - 4. The application is accompanied by the appropriate fee, as established by the City Council.

17.40.030 Application Processing

The application for a development agreement shall be processed by the Community Development Director in accordance with Chap. 17.37.

17.40.040 Planning Commission Action

- A. **Notice and hearing:** Following processing of the application for a development agreement by City staff, proper notice of a public hearing before the Planning Commission shall be provided, as required by California Government Code Sections

65090 through 65095, and by such other means of notification the Planning Commission may require.

- B. Recommendation:** At the conclusion of the public hearing, or at a time prescribed by Sec. 17.37.050, the Planning Commission shall make a written recommendation to the City Council on whether to approve, approve in modified form, or deny the proposed development agreement.

17.40.050 City Council Action

- A. Notice and hearing:** Upon receipt of the Planning Commission's recommendation, proper notice of a public hearing before the City Council shall be provided, as required by California Government Code Sections 65090 through 65095, and by such other means of notification the City Council may require.
- B. Determination:** At the conclusion of the public hearing, or at a time prescribed in Sec. 17.37.050., the City Council shall approve, approve with modifications or deny the application.

17.40.060 Findings:

- A.** The City Council may approve or approve with modifications a development agreement only after first making all of the following findings:
 - 1. The development agreement is consistent with the General Plan;
 - 2. The development agreement will be in the best interest of the City; and
 - 3. The development agreement will promote the public interest and welfare of the City.
- B.** Nothing in this chapter requires the City Council to approve a development agreement if, in the City Council's sole discretion, it chooses not to do so.

17.40.070 Execution and Recordation

- A.** The City shall not execute any development agreement until on or after the date upon which the ordinance approving the agreement becomes effective;
- B.** The provisions of this Chapter shall not be construed to prohibit the Community Development Director, Planning Commission or City Council from conditioning approval of a discretionary entitlement where the condition is otherwise authorized by law; and
- C.** A development agreement shall be recorded with the Sutter County Recorder no later than 10 days after it is executed.

17.40.080 Effect of a Development Agreement

Unless otherwise provided by the development agreement, the rules, regulations, and official policies governing allowed uses of the land, density, design, improvement and construction standards and specifications applicable to the development of the property subject to a

development agreement are the rules, regulations, and official policies in force at the time of granting the entitlement or issuance of a building permit.

Unless specifically provided for in the development agreement, the agreement does not prevent the City, in any subsequent actions applicable to the property, from applying new rules, regulations and policies which do not conflict with the development agreement, nor does a development agreement, unless otherwise specified in the development agreement, prevent the City from conditionally approving or denying any subsequent development project application on the basis of existing or new rules, regulations and policies.

17.40.090 Approved Development Agreements

Development agreements approved by the City Council shall be on file with the City Clerk.

17.41 Official Street Map and Official Plan Lines

17.41.010 Official Street Map

As established by this Chapter, highways, streets and alleys and their centerlines shall be as designated on the Official Street Map.

17.41.020 Establishment of Official Plan Lines

Official plan lines may be established for streets described in the Circulation Element of the General Plan as a collector or arterial. The official plan lines shall show the ultimate right-of-way needs for the collectors and arterials within the City.

- A. **Process:** A proposed plan line shall be reviewed by City departments and other relevant public agencies for review and comment. Following the review, a recommendation shall be prepared by the Public Works Director and forwarded to the Planning Commission.

17.41.030 Planning Commission Action

- A. **Notice and hearing:** Upon receipt of the proposed plan line and review by City staff, proper notice of a public hearing before the Planning Commission shall be provided, as required by California Government Code Sections 65090 through 65095, and by such other means of notification the Planning Commission may require.
- B. **Recommendation:** At the conclusion of the public hearing, or at a time prescribed by Sec. 17.37.050, the Planning Commission shall make a written recommendation, and the reasons for the recommendation, to the City Council whether to approve, approve in modified form, or deny the proposed plan line.

17.36.040 City Council Action

- A. **Notice and hearing:** Upon receipt of the Planning Commission's recommendation, proper notice of a public hearing before the City Council shall be provided, as required by California Government Code Sections 65090 through 65095, and by such other means of notification the City Council may require.
- B. **Determination:** At the conclusion of the public hearing, or at a time prescribed in Sec. 17.37.050., the City Council shall approve, approve with modifications or deny the proposed plan line.
- C. **Referral back to Planning Commission:** If the City Council proposes to adopt a substantial modification to the plan line not previously considered by the Planning Commission during its hearing, the proposed modification shall first be referred to the Planning Commission, in compliance with Government Code Section 65857.

17.41.050 Rights-of-Way Shown on the Official Street Map

Following adoption of a street plan line, it shall be shown on the Official Street Map.

17.41.060 Determining Yard Areas for New Construction

Prior to issuance of building permits for a structure located on a street that has not been fully improved to the limit prescribed in the General Plan Circulation Element, either one of the following shall occur:

- A. If there is an adopted plan line for the street, the front, street side and rear yards, as appropriate, shall be measured from the outside edge of the adopted plan line.
- B. If an official plan line has not been adopted for a street, the front, street side or rear yard, as appropriate, shall be measured from the center of the street to a distance that equals the ultimate right-of-way width for that street classification plus the required yard distance.

Part 6

Definitions

17.50 Definitions

17.50.010 Purpose

This Chapter provides definitions of terms and phrases used in these Zoning Regulations that are technical or specialized, or that may not reflect common usage. If any of the definitions of this Chapter conflict with the definitions in other provisions of the Municipal Code, these definitions shall control for purposes of these Zoning Regulations. Other words not defined in this Chapter shall have the same meaning as provided in a standard dictionary.

17.05.020 Definitions

Adult oriented business terms:

Adult oriented arcade: Any commercial establishment to which the public is permitted or invited wherein coin-operated, slug-operated or for any form of consideration, electronically, electrically or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image producing devices that are maintained to show images to persons, and where the images so displayed are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult oriented business: Any adult oriented book, novelty or video store; adult oriented motion picture theater, adult oriented hotel or motel, adult oriented arcade, adult oriented cabaret, adult sexual encounter center, or any other business establishment which offers its patrons services or entertainment of which a preponderance of the business is characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult oriented bookstore, adult oriented novelty store or adult oriented video store: A commercial establishment for which a preponderant portion of the stock in trade offers for sale or rental for any form of consideration any one or more of the following:

- A. Books, magazines periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, any material in digital format, [including, but not limited to, compact disc (CD) or digital video disc (DVD)], slides, or other visual representations which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or
- B. Instruments, devices or paraphernalia, except for clothing, which are designed for use in connection with specified sexual activities.

Adult oriented cabaret: A nightclub, bar, restaurant or similar commercial establishment which, as a regular and substantial course of business, features live entertainment including go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers whose performances are distinguished or characterized by an emphasis on specified sexual activities or exposing specified sexual anatomical areas.

Adult sexual encounter center: Any business, agency or person who, for any form of consideration or gratuity, provides a place where persons may congregate, assemble or associate for the purposes of engaging in specified sexual activities or exposing of specified anatomical areas by persons therein.

Adult oriented hotel or motel: A hotel or motel wherein material is presented that is distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas and that excludes minors by virtue of age.

Adult oriented motion picture theater: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are distinguished or characterized by an emphasis upon the depiction of specified sexual activities or specified anatomical areas for observation by patrons therein.

Specified anatomical areas: Means and includes the following:

- A. Less than completely and opaquely covered by fabric, (1) human genitals or pubic region, (2) human buttocks, (3) human anus, (4) the female breast below a point immediately above the top of the areola;
- B. Human genitals in a discernibly turgid state, even if completely or opaquely covered by fabric; and
- C. Any device, costume or covering that simulates any of the body parts included in Subsec.s A. or B., above.

Specified sexual activities: Means and includes any of the following, whether performed directly or indirectly through clothing or other covering:

- A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breast; sex acts, actual or simulated, including but not limited to, intercourse, oral copulation, or sodomy;
- B. Masturbation, actual or simulated; and
- C. Excretory functions as part of or in connection with any of the other activities described in “Specified anatomical areas” or “Specified sexual activities” described above.

Alley: A public or private right-of-way or easement not more than 30 feet wide that primarily provides secondary access to abutting property.

Apartment: See “Residential, multiple family.”

Apartment Hotel: A building designed for or containing both apartments and individual hotel guest rooms under resident supervision and an inner lobby through which tenants must pass to gain access to apartments and hotel rooms.

Bed and breakfast inn: A single family residence or detached guest house to a single family residence that provides guest rooms, without individual kitchen facilities, for temporary sleeping accommodations for overnight guests. It may also include meal service that is limited to overnight guests.

Billboard: See “Sign, off-site”

Boarding house: A one family residence that provides lodging or lodging and meals for compensation. This does not include bed and breakfast inn or residential care home.

Building: Any structure having a roof supported by columns or walls, used for or intended for use for the shelter or enclosure of persons, animals or chattels.

Building, accessory: A building which is used in support of or accessory to the main building on a lot.

Building frontage: The building elevations which front on a public street, or customer parking area.

Building, main: A building or buildings within which is conducted the principal use of the lot upon which it is situated.

Building Official: The City of Live Oak Building Official or his/her designee.

Building site: One or more lots under common ownership or control occupied or intended to be occupied by a main building or buildings, and accessory buildings or by a use, together with all parking areas and other open spaces.

Car wash: The use of a site for washing and cleaning of passenger vehicles, recreational vehicles or other light duty equipment.

Car wash, self-service: A car wash wherein the customer provides labor and where no self-propelled wash racks are provided.

Cemetery: Land used or intended to be used for the burying of the dead. This includes columbariums, crematoriums, mausoleums and funeral establishments when within the boundary of such cemetery.

Child care center: See “Day care”

Church: See “Place of religious worship”

City: The City of Live Oak.

City Council: The City Council of the City of Live Oak.

City Manager: The City Manager of the City of Live Oak or his/her designee.

Clear vision triangle: A triangular area located at the intersection of two streets, a street and a railroad, a street and an alley or a street and a driveway; two sides of which are measured from the corner intersection for a distance specified in this Title. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines at intersections have rounded corners, for measurement purposes the lot lines will be extended in a straight line to a point of intersection.

Community Development Director: The Community Development Director of the City of Live Oak or his/her designee.

Condominium: An estate in real property consisting of an undivided interest in common in a portion of real property, together with a separate interest in space in a residential, commercial or industrial building on the real property.

Convalescent hospital: See “Skilled Nursing/Intermediate Care Facility.”

Day care facilities:

Day care home, small: A residence licensed by the California State Department of Social Services where the occupant provides child day care for periods of less than 24 hours for eight or fewer minor children, including children under the age of 10 years who reside in the residence.

Day care home, large: A residence licensed by the California State Department of Social Services where the occupant provides child day care for periods of less than 24 hours for nine to 14 minor children, including children under the age of 10 years who reside in the residence.

Day care center: A facility licensed by the California State Department of Social Services that provides day care to 15 or more minor children for periods of less than 24 hours in a non-residential building. Includes, but is not limited to, infant centers, preschools, sick-child centers and school age day care facilities

Deck: A platform, either freestanding or attached to a building that is supported by pillars or posts.

Development agreement: A contract between the City of Live Oak and an applicant for a development project, in compliance with State law.

Duplex: See “Two family residence.”

Dwelling: See “Residence”

Emergency shelter: Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person.

Family: One or more persons occupying a residence and living as a single nonprofit housekeeping unit.

Frontage, building: See “Building frontage.”

General Plan: City of Live Oak General Plan.

Golf course/country club: Public and private golf courses and accessory facilities and uses including clubhouses with bar and restaurant, locker and shower facilities, driving range, pro-shop for the sale of golfing equipment and golf cart sales and rentals.

Guest house: A residential accessory building to a single family residence with living and sleeping quarters, but without kitchen facilities, for the use of family, non-paying guests, or servants of the occupants of the main building and not rented or otherwise used as a separate residence.

Half-plex: Two one family residences, attached by a common wall, each being on a separate lot (a duplex with each unit being under separate ownership).

Height, structure: The vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the structure to the top most point of the roof.

Home occupation: A commercial activity or business service conducted on the same lot containing a residence, only by the inhabitants thereof, in a manner clearly incidental to the residential character of the lot.

Hotel or motel: A building or portion of a building containing five or more guest rooms or suites, provided with or without meals or kitchen facilities, rented to the general public for overnight or temporary stay (less than 30 days). Also includes accessory guest facilities including swimming pools, tennis courts, indoor athletic facilities and accessory retail uses).

Kennel: Any lot where five or more dogs aged 10 weeks or older are kept, whether owned by the residents, boarded, trained or bred. Does not include pets for sale in pet shops, patients in a veterinary clinic or pet grooming facilities with no boarding facilities.

Kitchen: A room or space within a building used or intended to be used for the cooking or preparation of food, which includes both a refrigerator and cooking facilities. Does not include outdoor cooking facilities.

Lot: A recorded lot or parcel of real property under single ownership, lawfully created as required by applicable Subdivision Map Act and City ordinance requirements, including these Zoning Regulations.

Lot line types:

Lot line, front: The lot line abutting a street. In the case of corner lots, only one street line shall be considered as a front lot line, as determined by the Building Official upon issuance of a building permit or the demarcation made on a final or parcel map. In the case of through lots both lot lines are considered front lines and there is no rear lot line.

Lot line, street side: On a corner lot the side facing a street that is not determined to be the front lot line.

Lot line, rear: The line which is opposite and most distant from the front lot line. In the case of an irregular or triangular shaped lot, a line 10 feet in length within the lot parallel to and at the maximum distance from the front lot line.

Lot line, interior side: Any lot line that is not a front, street side or rear lot line.

Lot types:

Corner lot: A lot located at the junction of two or more streets, or upon two parts of the same street and the parts of the street form an angle of less than 135 degrees.

Flag lot: A lot that has access to a public right-of-way only by a narrow driveway that is located between abutting lots.

Interior lot: A lot other than a corner lot.

Through lot: A lot having frontage upon two parallel or nearly parallel streets.

Manufactured home: A residence that is either wholly or partially constructed or assembled off-site in compliance with State law, and certified under the National Manufactured Housing Construction and Safety Standards Act of 1974. This does not include recreational vehicles, trailers or motor homes.

Mobile home: See “manufactured home.”

Manufactured home park: A building site where two or more manufactured homes or manufactured home sites, or any combination thereof are rented or leased, or offered for rent or lease.

Motel: See “Hotel.”

Nonconforming terms:

Nonconforming lot: Any lawfully created lot which does not comply with current lot area or lot dimensions of the zone district in which it is located.

Nonconforming sign: A sign that was lawfully erected or displayed, but does not conform to currently applicable development standards prescribed in the zone district in which it is located.

Nonconforming structure: A structure or portion of a structure which was lawfully constructed, erected or altered, but does not conform to the currently applicable development standards prescribed in the zone district in which it is located.

Nonconforming use: A use of a lot and/or structure which was lawful at the time of its establishment but does not conform to the currently applicable zoning regulations prescribed in the zone district in which it is located.

Official plan line: A boundary describing the ultimate width or alignment of a public street or highway, adopted by the City Council or California Department of Transportation.

Parcel: See “lot.”

Person: Any individual, firm, partnership, corporation, company, association, joint stock association, district, city, county, or state and includes any trustee, receiver, assignee or other similar representative thereof.

Place of religious worship: A building(s) wherein persons regularly assemble for religious worship and which is controlled and maintained by a religious body organized to sustain public worship, together with all accessory buildings and uses associated with a church such as schools, day care facilities, offices, residences and halls.

Planning Commission: The City of Live Oak Planning Commission.

Planning Director: See “Community Development Director.”

Property line: See “lot line.”

Public Works Director: The City of Live Oak Public Works Director or his/her designee.

Quasi-public use: A use that is often publicly owned and operated, but also may be under private or non-profit ownership. For example a hospital or golf course may be publically owned and operated or may be owned and operated by a nonprofit or for-profit organization.

Residence: A building or portion thereof designed for occupancy by one family for living purposes, having only one kitchen.

Residential care home: A residence licensed by the Federal or State government that provides 24-hour non-medical care for unrelated persons who are handicapped and in need of personnel services, supervision; assistance for sustaining activities of daily living; for the protection of the individual in a family like environment. This does not include day care facilities, which are separately defined.

Residential care home, large: A residential care home for 7 to 12 children, elderly and/or mentally or physically disabled persons, not including members of the family or employees of the operator, that is certified, authorized or licensed by the State.

Residential care home, small: A residential care home for up to six children, elderly and/or mentally or physically disabled persons, not including members of the family or employees of the operator which are certified, authorized or licensed by the State.

Residential stock cooperative: As provided in California Civil Code Section 1351.

Residence, group: A group of two or more detached single family, two family or multiple family residences, other than a manufactured home park, occupying a building site in single ownership and having any yard, open space or court in common.

Residence, multiple family: A building containing three or more residences.

Residence, single family: A building containing one residence.

Residence, two family: A building containing two residences.

Setback: See “yard.”

Senior congregate care facility: A facility providing residence for senior citizens 60 years of age or older or handicapped people of any age. Care may include central kitchen and dining, laundry, recreational activities, etc. with separate bedrooms or living quarters. Nursing is not provided on a 24 hour basis.

Sign: A structure, device, figure, display, message placard or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended, or used to advertise, or to provide information in the nature of advertising, to direct or attract attention to an object, person, institution, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images. This does not include murals, paintings and other works of art that are not intended to advertise or identify any business product. Types of signs and sign terminology include the following:

Address sign: The numeric reference of a structure or use to a street.

A-frame sign: A free standing sign, not secured or attached to the ground, usually hinged at the top, or attached in a similar manner as to form an “A” or tent shape.

Awning sign: A non-electric sign that is printed or painted on or attached to an awning or canopy.

Banner, flag, pennant or balloon: Any cloth, bunting, plastic, paper or similar non-rigid material used for advertising purposes attached or pinned on to any structure, staff, pole, line, framing or vehicle, including captive balloons and inflatable signs. This does not include flags of a state or nation or political subdivision.

Bench sign: A sign located on the seat or back of a bench or seat and placed on or adjacent to a public right-of-way.

Billboard: See “Off-site sign.”

Changeable copy sign: A sign designed to allow changing of copy through manual, mechanical or electrical means, not including date, time and temperature. This does not include electrical message signs with moving letters or signals.

Civic event sign: A temporary sign posted to advertise a civic event sponsored by a public agency or similar non-commercial organization.

Developer/contractor sign: A temporary sign erected on a lot on which construction is taking place, limited to the duration of the construction, indicating the names of the architect, engineer, landscape architect, contractor, and the owner, financial supporters, sponsors, and similar firms having a role or interest in the project.

Directional sign: An on-site sign which is designed and erected solely for the purpose of directing vehicular and/or pedestrian traffic within the project.

Directory sign: A sign for listing the tenants and their suite numbers of a multiple tenant structure or center.

Electronic message board: A sign with a fixed or changing display/message composed of a series of lights that maybe changed through electronic means. Does not include date time and temperature signs.

Fence sign: A sign attached to or painted on a fence.

Freestanding sign: Any non-movable sign that is not attached to a building.

Lighted signs:

External: A sign illuminated by light directed toward or across it or by backlighting from a source not within the sign. Typical forms of lighting are gooseneck lamps or spotlights.

Internal: a sign whose light source is located in the interior of the sign so that the light goes through the face of the sign.

Monument sign: A freestanding sign placed upon a solid base that is at least two-thirds the width of the sign, and not supported by poles, braces or uprights.

Off-site sign: A sign that advertises or informs in any manner businesses, services, goods, persons, locations or events at a building site other than upon which the sign is located. Off-premise sign, billboard and outdoor advertising signs are equivalent terms.

Political sign: A temporary sign directly associated with national, state or local elections.

Pole sign: A freestanding sign that is mounted on a pole or poles, columns or braces.

Projecting sign: Any wall sign affixed to a building wall in such a manner that its leading edge extends more than six inches beyond the surface of such building wall.

Real estate sign: A temporary sign that relates to the sale, lease or rental of property or building on which the sign is located.

Roof sign: a sign erected, constructed or placed above the eaves of a building.

Special event sign: A sign including but not limited to banners, flags, pennants and balloons intended to be erected on a temporary basis, and displayed for a limited period of time, to promote a new business, the sale of new products, new management, new hours of operation, a new service or to promote a sale.

Suspended sign: A sign that is suspended from the underside of a canopy, portico or like structure.

Vehicle sign: A sign which is attached to, or painted on or carried in a vehicle, the principal purpose of which is to attract attention to a product sold, an activity or business.

Wall sign: A sign painted or fastened to an exterior building wall and which does not project more than six inches from the wall.

Window sign: Any sign painted, placed or affixed to or on a window, intended to be seen from the exterior of the building. An interior sign that faces a window exposed to public view and located within three feet of the window is considered a window sign.

Skilled nursing/intermediate care facility: A facility or part of a hospital which provides 24 hour inpatient care which may include skilled nursing, physician and pharmaceutical services.

Story: That portion of a building between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, the space between the floor and the ceiling above it.

Structure: anything constructed or erected, the use of which requires a permanent location upon the ground or attached to something on the ground.

Structure, accessory: A structure that is detached, but located on the same lot as the primary structure, and that is secondary and incidental to the primary structure.

Structure, primary: A structure that accommodates the primary use of the building site.

Structural alteration: Any change of the supporting members of a building or structure, such as the foundation, bearing walls, columns, beams or girders, floor joists or roof rafters.

Tandem parking: The placement of parking spaces one behind the other, so that the space nearest the driveway or street access serves as the only means of access to the other space.

Transitional housing: Housing with supportive services for up to 24 months that is exclusively designated and targeted for recently homeless persons.

Use: The purpose for which a building, structure or lot are designed, arranged or intended, or for which they may be occupied or maintained; or for any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure or lot.

Use, accessory: A use that is conducted on the same lot as the primary use and that is incidental and subordinate to the primary use.

Use, primary: The main purpose for which the building site is developed and occupied.

Yard: An area which is unoccupied and unobstructed by any structure from the ground upward except for encroachments permitted by the provisions of this Title. Types of yards include the following:

Front yard: A yard extending along the full length of a front lot line measured from either the existing or future street right-of-way line to a depth required by the zone district in which the lot is located.

Interior side yard: A yard extending along an interior side lot line from the front lot line to the rear lot line and to a depth required by the zone district in which the lot is located.

Rear yard: A yard extending along the full length of the rear lot line to a depth required by the zone district in which the lot is located.

Street side yard: A yard extending along a street side lot line from the front lot line to the rear lot line measured from the existing or future street right-of-way line to a depth required by the zone district in which the lot is located.

Zoning Regulations: The City of Live Oak Zoning Regulations.