



**DATE:** October 18, 2011  
**TO:** Mayor and Members of the City Council  
Chairman and Members of the Planning Commission  
**FROM:** Denis Cook, City Planner

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**SUBJECT:** Clean-up of the 2010 Citywide Zoning Regulations  
**RECOMMENDATION:** No action is requested as it is a study session only.  
**FISCAL IMPACTS:** None

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**BACKGROUND:**

As part of the process to implement the new Live Oak General Plan, the new Zoning Ordinance was adopted in May, 2010. At that time it was stated that, as a new document, there likely would be some bugs to be worked out, and that staff would be returning in a year or so to address those concerns. During the last year staff has been using the new code in day-to-day operations and some minor errors have been found and some more recent issues need to be resolved. Attached is that proposed cleanup.

**STAFF COMMENTS:**

The list of proposed changes is attached to this staff report. For each proposed revision an explanation is provided. The explanation is followed by the changes to the code (highlighted in red), with existing wording proposed to be deleted lined out and new wording is underlined.

While no action is to be taken during the study session, we are requesting that the City Council Members and Planning Commissioners each provide their thoughts on each proposal.

Respectfully submitted,

Denis Cook  
City Planner

Reviewed By   
Jim Goodwin, City Manager

## Recommended Zoning Ordinance Revisions

As a follow up to the August, 2010 adoption of the new Zoning Regulations, staff has identified several items that need to be revised, up-dated or added. The following are descriptions of the proposed revisions, the reason why, and the actual word changes. **Existing verbiage to be deleted is shown with a line-through and the new recommended verbiage is underlined. All the changes are shown in red.**

**1. Table 17.02.030 (Low Density Residential (R-1) Zone District)** - The maximum percent lot coverage was inadvertently revised from the previous ordinance. The proposal is to put the percentage back to its original amount, as it worked well:

<b>Maximum percentage lot coverage (includes residence(s) and garage)</b>	<del>40</del> <u>45</u> % for single story and <del>35</del> <u>40</u> % for two stories.
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**2. Tables 17.02.030 (R-1 Zone District), 17.02.040 (R-2), 17.02.050 (R-3) and 17.-02.060 (R-4):** This involves two changes in the street side yard requirement for all four of the residential zone districts: (1) a clarification that the yard starts at the back of sidewalk. This is necessary since the actual right-of-way typically extends five feet in back of sidewalk and would create an excessively size setback if interpreted that way; and (2) revises the street side yard from 10 feet to 15 feet. Again, this is because the street right-of-way typically extends five feet into the yard and the City requires another 10 foot utility easement beyond that:

<b>Minimum yards</b>	<p><b>Front yard:</b> 15 feet <u>from back of sidewalk</u>, except that garage entrances must be 20 feet.</p> <p><b>Interior side yard:</b> 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><b>Street side yard:</b> <del>10</del> <u>15</u> feet <u>from back of sidewalk</u>, except that garage entrances must be 20 feet.</p> <p><b>Rear yard:</b> 20 feet or 20 % of the lot depth, whichever is less.</p> <p>Other criteria and exceptions are provided in Chap. 17.22.</p>
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**3. Tables 17.03.020 and 17.04.020:** Permitting agricultural uses in the commercial and industrial zone districts was inadvertently omitted. While agricultural uses are not what we typically expect in commercial and industrial areas, as we annex rural properties for future development it may be many years before the properties are developed. It is important that we allow agricultural uses to continue in the interim until development occurs.

Table 17.03.020 and Table 17.04.020

Agricultural uses (over 1 acre) <sup>1</sup>	P	P	
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<sup>1</sup>Large farm animals shall not exceed 2 per acre. Buildings housing farm animals must be a minimum of 50 feet from neighboring residence.

**4. Table 17.03.020 Commercial Uses:** This table lists the types of uses allowed in the commercial zone districts. There has been some confusion over what uses or portions of uses are permitted outdoors so this is an attempt to clarify that:

**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</u>	<u>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 (excluding body & radiator shops)	P	P	
Bank, financial institution, insurance	P	P	
Day care center, <u>including outdoor play area</u> )	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	
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			Sec. 17.16.060

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**5. Section 17.15.010 Keeping of Animals:** Following the City Council’s discussion last year regarding how many animals may be kept for each residence, it was since discovered that the City already has an ordinance on this in Title 6 - Animals. Specifically it is Article Five of that Chapter – titled “Animal Sanctuaries.” (See Attachment A to this report) The allowed numbers in that code section are different than those contained in the Zoning Regulations, so staff is proposing to delete any reference to pets in the Zoning Regulations. If the Commission or Council wants something different (like revise that portion of Title 6) please advise staff.

~~17.15.010 Keeping of Animals~~

~~The following numbers of animals may be kept on residentially zoned lots as an accessory use of a residence, provided they are kept in a sanitary and humane manor:~~

~~A. Dogs, cats: Not to exceed three over 10 weeks old.~~

~~B. Chicken hens (no roosters),~~

~~rabbits, similar small animals: Not to exceed 6.~~

~~C. Hoofed animals: Not permitted.~~

~~D. Bees: Not permitted.~~

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**6. Section 17.15.040 Attached patio covers:** This section regulates patios in back yards. One of the criteria says that, if the patio extends into the rear yard, it can extend only ½ the width of the residence. Due to the summer heat it is not uncommon that people want a longer patio cover. Further, it is more energy efficient to allow longer patio covers. The request is to delete that standard and let attached patio covers extend the length of the house:

#### **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.**

~~C. Width: The width of the covered patio does not exceed one half the width of the residence.~~

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**7. Chapter 17.21 Required Public Improvements:** This chapter describes what public improvements (primarily curbs, gutters, sidewalks, streets and undergrounding utilities) are required with new development. At the time of drafting this portion of the Zoning Regulations staff was not aware that another section of the Live Oak Code (Chapter 12.01 – See Attachment B to this staff report) already addressed much of this issue. This proposed change will delete the discrepancy between the two ordinances, primarily relying on the pre-existing ordinance.

### **17.21 Required Public Improvements**

#### **Chapter 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; and Provisions ~~have been~~ 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. ~~Single family residences and two family residences are exempt from the required improvements.~~

~~A. For purposes of this Chapter “alter” includes any change, addition, or modification in construction which has a value of \$25,000 or more, as determined by the Building Official.~~

~~B. For purposes of this Chapter the words “provisions have been made for the dedication” shall be deemed to have been satisfied if the owner of the lot has signed and~~

~~filed a statement with the City that he/she will dedicate to the City, at no cost to the City, the required right of way.~~

~~C. For the purposes of this Chapter the word “improvement” means and includes street paving, the installation of not less than such curbs, gutters, and side walks as are required on that side of the centerline of the street which adjoins such lot. Such improvements shall be constructed under permits issued by and to standards established by the City.~~

~~D. For the purposes of this Chapter the words “provisions have been made for the improvement” shall be deemed to have been satisfied if any one of the following exists:~~

- ~~1. All of the required improvements are in place in conformity with existing City requirements; or~~
- ~~2. A good and sufficient bond is on file with the City which guarantees that upon 60 days notice by the City the required improvements will be constructed; or~~
- ~~3. The owner and/or developer has signed and filed with the City an agreement approved by the City Council which guarantees that the required improvements will be constructed within two years of the date of issuance of the building permit. The period may be extended upon approval by the City Council; or~~
- ~~4. A cash deposit in an amount sufficient to pay the contract cost of such improvement.~~

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**8. Section 17.22.030 Yard Exceptions:** This section provides exceptions for items that may be located with required yards. Parts of Subsection B, which addresses various architectural features allowed in required yards, need a few clarifications as to which yards the exception pertains to:

**B. Architectural features allowed in yards:**

- 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 maximum exception does not exceed 10 feet in length.
- 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.
- 9. Ground level air conditioning units and pool equipment:** ~~may be located within three feet of a property line.~~ May extend into an interior side yard or rear yard by two feet.

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**9. Chapter 17.28 Signs:** There are three parts. The first – Table 17.28.070 describes the types, sizes and height of various permitted signs in the various zone districts. Unfortunately the references to the commercial zone districts for sign size references the commercial zone districts

from the old ordinance. The names need to be revised in the new ordinance to reflect the designations from the new General Plan.

**Table 17.28.070 Commercial Zone Districts (C-G and C-MU)**

Sign Type	Maximum Number	Maximum Area per Sign
Monument sign (under 25,000 sq. ft. of floor area)	1 sign per 300 feet of lineal street frontage	<del>C-0, C-1: 40 sq. ft.</del> <del>C-2: 100 sq. ft.</del>
Monument sign (over 25,000 sq. ft. of floor area)	1 sign per 300 feet of lineal street frontage	<del>C-0, C-1: 64 sq. ft.</del> <del>C-2: 130 sq. ft.</del>

For the second part, the same table which describes permitted commercial signs, contains no provisions for off-site signs (billboards) in the commercial zone districts, but they are provided for in the Employment and Industrial Zone Districts with a use permit, so a case-by-case review is conducted. While it is staff’s opinion that it generally is not beneficial to the City to consider adding billboards within the city limits, there may be some instances where they may be appropriate, i.e., to identify a commercial use that may not have good visibility. The following is proposed to be added to Table 17.28.070 that will allow off-site signs to be placed in the commercial zone districts (General Commercial and Commercial-Mixed Use) with an approved use permit:

<u>Off-site advertising sign</u>						<u>Allowed only with an approved use permit.</u>
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The third part of the sign ordinance update is that any reference to requiring that new signs be professionally prepared and look appropriate for the location was omitted. As part of the upgrading of the quality of development within the City, especially the Highway 99 corridor the City should require that new commercial signs be professionally prepared. The proposed new wording is below:

**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.
- A. 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.

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**10. Section 17.35.010 Development Plan Review:** This section describes the requirements to process a “development plan” permit, which is the Planning Department’s portion of the review of a building permit, for compliance with the Zoning Regulations and the design review process. No substantive changes are proposed but some wording clarifications are needed:

**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, ~~both~~ 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.

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**11. Section 17.38.060 Expansion of nonconforming residences:** This portion of the Zoning Regulations provides for the ongoing use of existing residences in areas zoned for non-residential uses. This proposal is to allow for the expansion of those nonconforming residences. Normally this is not something that is permitted as the expectation is that the properties will eventually be developed for retail, office, industrial or other job creation type uses. However, in Live Oak, many of the non-residentially zoned properties are not anticipated to be developed for many years and it seems reasonable to allow property owners to improve their homes in the meantime.



### 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.

**DB. 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 the 50 percent of the original floor area., as provided in Subsec. B. above, an approved use permit must first be secured.

**12. Section 17.39.020 Compliance with the Zoning Regulations is required:** This section provides for enforcement of the Zoning Regulations by referencing the section of the Municipal Code regarding code enforcement. There is a mistake in that the incorrect section number is cited and this proposal will correct that mistake. There is no proposed change in policy or practices.

#### 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 14.14.08 of the Live Oak Municipal Code.

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**13. This is a proposed map change for the downtown area:** The General Plan designates the downtown area as “Downtown Mixed Use.” The zoning that was placed on the property is General Commercial with a Downtown Combining District (CG-D). The proper zoning should

have been another commercial district that more accurately reflects the General Plan, which is the Commercial-Mixed Use Zone District with a combining Downtown District (C-MU-D). The biggest difference is that the newer district will allow higher density residential uses in the downtown area.

**6.04.750 Cats: Spay/Neuter Deposit Required**

Animal Control Services shall not sell, give away, or transfer any cat over six months of age except as provided for in Chapter 2 commencing with Section 31760 of Division 14.5 of the Agricultural Code.

**ARTICLE FIVE: ANIMAL SANCTUARIES**

**6.04.760 Definitions**

(a) Health officer: Whenever the term "health officer" is used in this section, it means a person designated by the city's community services department to perform code enforcement functions or animal inspections.

(b) Small animals: Whenever the term "small animals" is used in this chapter, it means dogs, cats, rabbits, pigeons, or other small animal as determined by the community services department and approved by the city manager.

(c) Animal control officer: "Animal control officer" means any person authorized by the city manager, by designation, delegation, or contract, to administer or enforce the provisions of this chapter and applicable state laws and regulations pertaining to animal control or rabies control.

(d) Animal shelter: A facility operated by a public jurisdiction or by an accredited, tax-exempt humane organization for the purpose of impounding, harboring, selling, placing or destroying seized, stray, distressed, homeless, abandoned or unwanted animals.

(e) Building: A fully enclosed permanent structure that is constructed with permits that conform to standards of the building, electrical, fire, mechanical, plumbing and zoning codes.

(f) Director: the city manager or the head or director of the department designated by the city manager to enforce and administer the provisions of this chapter.

(g) Licensing authority: the city manager or person authorized by the city manager by designation, delegation or contract, to administer and enforce the provisions of this chapter and applicable state laws and regulations pertaining to dog, cat, or small animal licensing.

(h) Owner: An owner is defined as any person who acknowledges ownership of an animal or who harbors or keeps an animal in his or her possession for five or more consecutive days.

(i) Private kennel: A person who maintains within or adjoining his private residence four but not more than six dogs over four months of age, four or more cats over four months of age, or three or more small animals over four months of age or more than a combined total of three dogs and three cats, such animals to be for that person's recreational use or for exhibition in conformation shows, field or obedience trials and where the sale of offspring is not the primary function of the kennel. The maintenance of more than two dogs or cats used for breeding purposes for which compensation is received, or the parturition or rearing of more than two litters of dogs or cats in any one calendar year from the total number of females owned or maintained by that person on the premises shall be a rebuttable presumption that such animals are owned or maintained for the purpose of commercial breeding and the owner and the premises shall be subject to the permit requirements of a commercial kennel.

(j) Dog: A domestic dog (*Canis familiaris*).

(k) Cat: A domestic cat (*Felis catus*).

(l.) PIGEON: Racing or homing pigeons (*Columba Livia*)

#### **6.04.770 Permit - Requirements General**

No person shall have in his possession or control, on any premises in the city any, rabbit, dog, cat, pigeon, bird, or other small animal, hereinafter referred to in this chapter as "animals or fowl", unless he shall have obtained and have in his possession a permit from the health officer, which permit shall be issued only after inspection of the premises and approval of the sanitary condition and sanitary facilities thereof, and such enclosure(s) exist as may be reasonably necessary to secure any such animal or fowl. No permit shall be required if no more than a maximum of six small animals are maintained in any combination thereof. Except as to the provisions regarding issuance, renewal and revocation of permits, all other provisions of this chapter shall be applicable to those persons maintaining six or less small animals.

#### **6.04.780 Exemptions To Chapter Applicability**

The provisions of this chapter shall not apply to circuses, carnivals, agricultural shows or exhibits and other similar enterprises which operate for limited periods only, where a permit to conduct such enterprises has been granted in accordance with the chapter of this code relating to the operation of such enterprises, nor to any pet shop, pet grooming parlor, or animal menagerie.

#### **6.04.790 Permit - Application - Period Of Validity**

All applications for permits for the keeping of any such animals or fowl shall be filed with the health officer, on forms to be provided by him or her. Every permit issued

pursuant to such application shall be valid for a period of one year from date of issue, unless revoked in the manner as hereinafter provided by this chapter.

**6.04.800 Permit - Fees**

The fee for each biennial permit for the keeping of any such animals or fowl shall be as set forth in the master schedule of fees established by resolution of council.

**6.04.810 Permit - Renewal Procedures**

Upon the expiration of any permit, the same may be renewed by the person to whom it has been issued by filing an application for a renewal thereof with the health officer. Approval of such application for renewal of permit shall be issued and the permit endorsed for the succeeding annual period in the same manner as prescribed for the first renewal.

**6.04.820 Permit - Transfer Prohibited**

Permits issued under this chapter shall not be sold, assigned or transferred and shall cover the premises designated and the person to whom issued only. Permits shall be revoked, for violation of this provision.

**6.04.830 Permit Privilege - Revocation Conditions - Note**

Every such permit, so issued, or every privilege to keep six or less small animals shall be subject to revocation. The health officer shall revoke permits or revoke the privilege to keep six or less small animals without a permit for violations of the provisions of this chapter, regulations of the city, or the health laws and regulations of this state, by notice in writing delivered personally or by mail to the holder of such permit or person. maintaining six or less small animals.

**6.04.840 Removal Of Animals Following Permit Or Privilege Revocation - Time Limit**

In the event of the revocation of any such permit, or in the event that there is a revocation of the privilege to maintain six or less small animals, the holder of such permit or that person maintaining six or less small animals shall remove all animals or fowl from the premises covered by the permit or from the premises maintaining six or less small animals within fifteen days after receipt of notice of revocation. If a written appeal to the health officer is made, the period of time for removal of such animals or fowl shall be extended until ten days after affirmation of the revocation by the health officer. The decision of the health officer shall be final.

**6.04.850 Side Setback Area**

No person shall keep any animals or fowl as designated in Section 6.16.020 within any side or rear setback area as defined by Live Oak Municipal Code chapters 17.16, 17.18, 17.20, or 17.22.

**6.04.860 Premises To Be Fenced Or Enclosed**

Any person maintaining any such animals or fowl within the city shall keep the premises upon which they are kept fenced or enclosed so as to keep them from leaving the premises, and shall not permit such animals or fowl to run at large upon the streets, or upon the property of other persons; provided, however, homing pigeons may be released for flying.

**6.04.870 Sanitary Enclosures Required**

A. All premises, enclosures, or structures wherein said animals or fowl are kept shall be kept in a clean and sanitary condition, free from all obnoxious smells or substances.

B. The presence of numerous flies or the presence of fly larvae in the vicinity of any such premises, enclosures or structures shall be evidence of a lack of sanitary maintenance of the premises.

C. Any unnecessary accumulation of debris, refuse, manure or other removable material upon any surface within any such enclosed area or premises, or within, any structure used or intended to be used for the housing of such animals or fowl, shall be evidence of a lack of sanitary maintenance of the premises.

D. Any obnoxious odor or allergen arising from any condition existing within the enclosure or within any structure used or intended to be used for the housing of such animals or fowl shall be evidence of a lack of sanitary maintenance of the premises.

E. All premises, enclosures or structures used or intended to be used for the keeping or housing of any such animals or fowl shall be thoroughly cleaned and all debris, refuse, manure or other removable material removed, there from as often as may be necessary to effect satisfactory compliance with the provisions of this section. Enclosures housing small animals shall be cleaned of all debris, refuse, offal, manure, and filth on a daily basis.

**6.04.880 Refuse Container Requirements**

All refuse and manure and any material conducive to the breeding of flies or which would create any obnoxious odor removed from such premises, enclosures or such structures, shall be placed in suitable tight containers, which containers must be covered with a tightly fitted fly proof cover.

**6.04.890 Number Of Animals - Restrictions**

From and after the effective date of this chapter, not more than six (6) small animals shall be kept on any premises within the city, unless the premises involved is operated under a City issued permit as a private kennel or animal shelter, or to engage in the handling of such animals or fowl on a commercial basis and where the conducting of such a business is in accordance with the city's zoning ordinance.

#### **6.04.900 Noisy Animals Prohibited**

No person shall keep or permit to remain on any premises within the city any animal that habitually disturbs the peace and quietude of any neighborhood or person, by howling, barking, crying, baying or making any other noise.

#### **6.04.910 Inspection Of Premises Authorized When**

The health officer and any other employee authorized by the city manager or the director of the department community services are authorized to enter upon any premises, to the extent permitted and in the manner provided by law, other than a dwelling, for the purpose of inspecting the same to ascertain if any of the provisions of this chapter are being violated. Neither the health officer nor any such other employee of the community services department shall exercise the right of inspection granted by this section unless he has reasonable cause to believe that such inspection is reasonably necessary to carry out or enforce the provisions of this chapter.

Every person who keeps an animal, confined in an enclosed area shall provide it with an adequate exercise area. If the animal is restricted by a leash, rope, or chain, the leash, rope, or chain, shall be affixed in such a manner that it will prevent the animal from becoming entangled or injured and permit the animal's access to adequate shelter, food, and water. Violation of this section constitutes a misdemeanor. This section shall not apply to an animal that is in transit, in a vehicle, or in the immediate control of a person.

#### **6.04.920 Inspection By Health Officer Or Animal Control Officer**

A. An animal control officer shall have the power to enter upon and inspect any premises where any animal is kept or harbored when such entry is necessary to enforce the provisions of this chapter. A search warrant or an inspection warrant shall be obtained whenever required by law.

B. Such entry and inspection shall be made only after the occupant of the premises has been given written or oral notice of the inspection by the administrator and/or an animal control officer. If the land is unoccupied, the administrator and/or animal control officer shall make a reasonable effort to give such notice to the owner or other person having control of the property before making entry.

C. Notwithstanding the foregoing, if the administrator and/or an animal control officer has reasonable cause to believe the keeping or maintaining of any animal is so

**Chapter 12.01 INSTALLATION OF CURBS, GUTTERS, AND/OR SIDEWALKS****Sections**

<u>12.01.010</u>	Applicability - required improvements and plans.
<u>12.01.020</u>	Appeal from determination of Building Department, Planning Department or Planning Commission.
<u>12.01.030</u>	New installation or repair.
<u>12.01.040</u>	Installation required for occupancy.
<u>12.01.050</u>	Installation by City - costs.
<u>12.01.060</u>	Engineering services.
<u>12.01.070</u>	Specifications.
<u>12.01.080</u>	Additional remedies.
<u>12.01.090</u>	Violation--penalty.

**12.01.010 Applicability - Required Improvements And Plans**

A. Except as provided herein, the installation of curbs, gutters and sidewalks shall be required as part of the plans for proposed construction and/or development which will change the present use of, or increase the intensity of the use as allowed in the zoning district for, the property on which the construction and/or development is proposed. No building permit, use permit, encroachment permit, or other permit or license for proposed construction or land development which requires the installation of curbs and gutters and/or sidewalks shall be issued unless there is included within the plans submitted to the City, proper and adequate plans for the construction of the required curbs, and gutters required curbs, and gutters and/or sidewalks on all streets abutting the real estate on which the development is proposed.

B. For purposes of this chapter, construction which is determined to increase the intensity of the use of the property on which construction and/or development is proposed includes and is conclusively established by, but is not limited to, the following:

1. The building of any new residence.
2. The building of any additional living area onto an existing residence. The addition of an unenclosed porch, or a garage or shop building associated with a residential use shall not be considered as building additional living area for the purposes of this section.
3. Any new building construction not associated with a residential use, or a land development project requiring a building permit, use permit, encroachment permit or any other permit, license, or permission from the City.



**12.01.020 Appeal From Determination Of Building Department, Planning Department Or Planning Commission**

A. In the event that the Planning Department or the Planning Commission, pursuant to Section 12.01.010 determines that the proposed construction and/or development will change the present use of, or increase the intensity of the use as allowed in the zoning district for, the property on which the construction and/or development is proposed, and in the event that the applicant disagrees with the said determination, an appeal may be taken to the City Council provided a written request to appeal is filed with, the City Clerk no later than ten (10) calendar days following the determination made by the Building Department, Planning Department or the Planning Commission.

B. On appeal, the Council shall consider the matter “de novo” and may uphold, or reverse the decision of the Planning Department or the Planning Commission in accordance with the facts presented to it on appeal.

**12.01.030 New Installation Or Repair**

A. If no curbs, gutters, or sidewalks are in place, then new installation of the same shall be required when a building permit, use permit, encroachment permit, or other permit is issued, or permission is granted by the City for the construction of a new residence or a new non-residential building with the development of land. The property owner shall pay all costs of such installation or repair.

B. If curbs and gutters and/or sidewalks, or any of them, are in place but in need of repair, the City shall require the necessary repairs to be made, including the complete replacement of substandard facilities with new facilities if necessary, before issuing any permit as set forth in this chapter, and the repairs shall be included in the plans submitted by the real estate owner, contractor, or developer.

C. If no curb and gutter exists within the block where new curb and gutter improvements are required, the City engineer may require that the property owner execute a deferred improvement agreement for the construction of said improvements, subject to the approval of the City Council. The property owner shall agree to pay all costs of such installation. It shall be the sole discretion of the City whether to enter into a deferred improvement agreement with the property owner or to require immediate installation of the improvements.

**12.01.040 Installation Required For Occupancy**

The construction of curbs and gutters and/or sidewalks shall be deemed to be an integral part of the overall construction when such construction is required as a condition of the permit, as set forth in this chapter, and the premises shall not be passed upon for occupancy by the building inspector until the required curbs and gutters and/or sidewalks are properly and completely installed.

**12.01.050 Installation By City - Costs**

A. If the property owner does not provide for the required curbs and gutters and/or sidewalks, as set forth in this chapter, the City may install the required curbs and gutters and/or sidewalks at its sole expense, after which the City may charge the land owner; and place a lien against the land for all costs incurred.

B. In this regard, the City shall hold a public hearing on the matter, giving ten days notice to the land owner of its intention to commence construction of the curbs and gutters and/or sidewalks, at which hearing the land owner may appear and object and/or agree to forthwith comply with this chapter.

C. If the landowner has not complied within, thirty days of the public hearing, then the City will proceed to install the curbs and gutters and/or sidewalks; and upon completion thereof will hold another public hearing, giving ten days' notice to the land owner, to assess the costs thereof.

D. At the meeting, the costs shall be assessed and if the land owner does not make payment within thirty days, a resolution establishing the costs shall be recorded by the City in the office of the recorder of the county and filed with the tax collector of the county, and shall then become a lien upon the land involved.

**12.01.060 Engineering Services**

The City will make no additional charge for the engineering services in regard to the establishment of design alignment and grade parameters for the curbs and gutters and/or sidewalks.

**12.01.070 Specifications**

The City will furnish the engineering elevation criteria for the curbs and gutters and/or sidewalks to the land owner or his duly authorized contractor or agent; and the curbs and gutters and/or sidewalks shall be installed to the design grades approved, by the City Engineer in accordance with the City Improvement Standards.

**12.01.080 Additional Remedies**

The City reserves to itself any other remedies available at law and shall not be limited by the lien provided for in this chapter.

**12.01.090 Violation - Penalty**

Failure to comply with the requests set forth in this chapter shall be deemed a misdemeanor and shall be punishable as such.