ORDINANCE NO. 2011-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AVENAL AMENDING SEVERAL SECTIONS OF THE AVENAL ZONING ORDINANCE TO CLARIFY THE TEXT AND CORRECT DISCREPANCIES

THE CITY COUNCIL OF THE CITY OF AVENAL DOES ORDAIN AS FOLLOWS:

Section 1: Title 9, Section 9.03 of the Avenal Municipal Code is hereby amended to add the following language:

> ***Family: One or more persons related or unrelated, living together as a single nonprofit housekeeping unit, as distinguished from a group occupying a boarding or lodging house, hotel, club, or similar dwelling for group use. A family shall include domestic servants employed by the family but shall not include a fraternal, religious, social, or business group.***

Section 2: Title 9, Section 9.10.14(E) and Section 9.12.14(G) of the Avenal Municipal Code is hereby amended to change the following language:

> The number of dogs per household shall be limited to ~~two~~ **three** with the exception of newborns. Any number of puppies shall be allowed until they reach the age of six (6) months.

Section 3: Title 9, Section 9.06.13(f) of the Avenal Municipal Code is hereby amended to add the following language:

> ***The number of dogs per household shall be limited to three with the exception of newborns. Any number of puppies shall be allowed until they reach the age of six (6) months.***

Section 4: Title 9, Section 9.79.06(K) of the Avenal Municipal Code is hereby amended to change the following language:

> Parking areas, private alleys, driveways, sidewalks, and walkways shall be maintained free of potholes, cracks, breaks, lifting, and other deteriorated conditions. The parking and storage of Vehicles are subject to the provisions in Table 9-7. The parking of vehicles is prohibited in the front or side ~~lawns~~ ***yards.***

Section 5: Title 9, Section 9.12.03 of the Avenal Municipal Code is hereby amended to delete the following language:

> USES PERMITTED WITH A CONDITIONAL USE PERMIT. The uses as shown in Table 9-3 as conditional and all others determined to be similar to these uses pursuant to Chapter 9.73 of this Title are permitted subject to securing a Conditional Use Permit in accordance with the standards and procedures set out in Chapter 9.70 of this Ordinance. ~~Such conditional uses shall include R-3 developments in excess of 20 total units.~~

	Intensive Ag.	Exclusive Ag.	Community Comm.	Highway Comm.	Downtown Commercial	Service Comm.	Light Mfg.	Heavy Mfg.	Public Facilities	Open Space, Parks & Rec.
MASTER LIST ZONE DISTRICT	**A-I**	**A-E**	**C-C**	**H-C**	**D-C**	**S-C**	**M-1**	**M-2**	**P-F**	**O**

Section 6: Title 9, Table 9-1 of the Avenal Municipal Code is hereby amended to change the following language:

RESIDENTIAL										
Farm Labor housing	~~C~~ *P*	~~C~~ *P*								

	Residential Estate	Single Family Residential	Medium Density Multi-Family Residential	High Density Multi-Family Residential
MASTER LIST ZONE DISTRICT	**R-E**	**R-1**	**R-2**	**R-3**

Section 7: Title 9, Table 9-3 of the Avenal Municipal Code is hereby amended to change the following language:

Emergency/Temporary housing		~~C~~	~~C~~	~~C~~ *P*

Section 8: Title 9, Table 9-3 of the Avenal Municipal Code is hereby amended to delete the following language:

~~Household Pets (up to 6)~~	~~P~~	~~P~~	~~P~~	~~P~~

PASSED AND ADOPTED at a regular meeting of the Avenal City Council on the 24th day of March, 2011, by the following roll call vote:

AYES: PRECIADO, OVALLE, CASIDA, CURTY.
NOES: NONE.
ABSENT: NONE.
ABSTAIN: GRAVELLE.

Approved:
Harlin Casida, **MAYOR**

ATTEST:

Pamela Bonilla, **CITY CLERK**

Exhibit A

RESOLUTION NO. 2011-03

A RESOLUTION OF THE AVENAL PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL THAT VARIOUS SECTIONS OF THE AVENAL ZONING ORDINANCE BE CHANGED TO MAKE MINOR CORRECTIONS TO THE ORDINANCE

WHEREAS, on September 8, 2005, the City Council of the City of Avenal approved Ordinance 2005-08 adopting the City of Avenal Zoning Ordinance; and

WHEREAS, on September 27, 2007, the City Council of the City of Avenal approved Ordinance 2007-02 adopting a Zone Text Change; and

WHEREAS, since the last Text Change the City has identified the need for several minor changes to the Ordinance as outlined in Exhibit A attached hereto; and

WHEREAS, Section 9.76.04 of the Avenal Zoning Ordinance allows the Planning Commission, following a public hearing on the issue, to recommend amendments and changes to Zoning Ordinance by a Resolution containing its recommendation and findings; and

WHEREAS, on March 7, 2011, this Commission held a duly noticed public hearing to receive testimony from any interested person; and

WHEREAS, the Avenal Planning Commission believes that these changes are vital to protect the health, safety and welfare of its citizens.

NOW, THEREFORE, BE IT RESOLVED, that after a thorough review and full consideration of all evidence and testimony the Avenal Planning Commission finds that:

1. Any Ordinance passed by the City Council amending the Avenal Zoning Ordinance as recommended herein is categorically exempt from environmental review pursuant to California Environmental Quality Act Guidelines Section 15061(b)(3).

2. The notice of a public hearing regarding its consideration of this Resolution, and its intent to recommend amendment of the Avenal Zoning Ordinance, was properly given at least ten (10) days prior to the date of the public hearing in a manner consistent with Section 9.76.04(1) of the Avenal Zoning Ordinance.

BE IT FURTHER RESOLVES THAT:

1. After a thorough review and full consideration of all evidence and testimony

related to the potential benefits of the changes the Commission recommends that the Avenal Zoning Ordinance be amended as set forth in Exhibit A and incorporated herein by reference.

2. The Commission directs the Planning Director and/or his agent, in accordance with Section 9.76.05 of the Avenal Zoning Ordinance, to transmit to the Avenal City Council; (1) a copy of this resolution, (2) any reports and/or documentary evidence received and considered by the Planning Commission during the public hearing relating to this Resolution.

PASSED AND ADOPTED at a regular meeting of the Avenal Planning Commission held on March 7, 2011 on a motion by Commissioner Elliott and seconded by Commissioner Tillotson, by the following vote:

AYES:	Commissioners Contreras, Elliott, Tillotson, Beil
NOES:	None
ABSTAIN:	None
ABSENT:	Commissioner Horton

Mike Beil, CHAIRPERSON

ATTEST:

Steven Sopp, SECRETARY

EXHIBIT A

ZONE TEXT CHANGE:

Section 9.03.02 – Definition of a Family

Added Text: ***Family: One or more persons related or unrelated, living together as a single nonprofit housekeeping unit, as distinguished from a group occupying a boarding or lodging house, hotel, club, or similar dwelling for group use. A family shall include domestic servants employed by the family but shall not include a fraternal, religious, social, or business group.***

Section 9.10.14(E) – Number of dogs allowed in Single Family Residential Zone (R-1)
Section 9.12.14(G) – Number of dogs allowed in Multi Family Residential Zone (R-3)

Changed Text: The number of dogs per household shall be limited to ~~two~~ **three** with the exception of newborns. Any number of puppies shall be allowed until they reach the age of six (6) months.

Section 9.06.13(F) – Number of dogs allowed in Residential Estate Zone (R-E)

Added Text: ***The number of dogs per household shall be limited to three with the exception of newborns. Any number of puppies shall be allowed until they reach the age of six (6) months.***

Section 9.79.06(K) – Parking in front yards

Changed Text: Parking areas, private alleys, driveways, sidewalks, and walkways shall be maintained free of potholes, cracks, breaks, lifting, and other deteriorated conditions. The parking and storage of Vehicles are subject to the provisions in Table 9-7. The parking of vehicles is prohibited in the front or side ~~lawns~~ ***yards.***

Eliminate a portion of Section 9.12.03 – Conditional use for Multi-Family

Deleted Text: USES PERMITTED WITH A CONDITIONAL USE PERMIT. The uses as shown in Table 9-3 as conditional and all others determined to be similar to these uses pursuant to Chapter 9.73 of this Title are permitted subject to securing a Conditional Use Permit in accordance with the standards and procedures set out

in Chapter 9.70 of this Ordinance. ~~Such conditional uses shall include R-3 developments in excess of 20 total units.~~

	Intensive Ag.	Exclusive Ag.	Community Comm.	Highway Comm.	Downtown Commercial	Service Comm.	Light Mfg.	Heavy Mfg.	Public Facilities	Open Space, Parks & Rec.
MASTER LIST ZONE DISTRICT	**A-I**	**A-E**	**C-C**	**H-C**	**D-C**	**S-C**	**M-1**	**M-2**	**P-F**	**O**

Table 9-1 – Farm Worker Housing

RESIDENTIAL										
Farm Labor housing	~~C~~ *P*	~~C~~ *P*								

	Residential Estate	Single Family Residential	Medium Density Multi-Family Residential	High Density Multi-Family Residential
MASTER LIST ZONE DISTRICT	**R-E**	**R-1**	**R-2**	**R-3**

Table 9-3 – Emergency Secondary residential units

Emergency/Temporary housing		~~C~~	~~C~~	~~C~~ *P*

Table 9-3 – Household Pets

~~Household Pets (up to 6)~~	~~P~~	~~P~~	~~P~~	~~P~~