

ORDINANCE NO. 365

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
YUCAIPA, CALIFORNIA AMENDING DIVISIONS 4 OF THE
DEVELOPMENT CODE TO ADD REGULATIONS PERTAINING
THE KEEPING OF MINIATURE GOATS AS PART OF
ACCESSORY ANIMAL RAISING FOR PRIMARY SINGLE
DWELLING UNITS**

WHEREAS, on March 14, 1994, the City Council of the City of Yucaipa (the "City Council") adopted a comprehensive Development Code that included zoning standards and development review procedures for the City of Yucaipa (the "City") to use to evaluate a variety of development and land use proposals; and

WHEREAS, on December 20, 2017, the Planning Commission conducted a duly noticed public hearing to consider its recommendation on this Ordinance and after receiving public comments, closed the public hearing, and recommended that the City Council adopt this Ordinance; and

WHEREAS, on January 22, 2018, the City Council held a duly noticed public hearing on the proposed Ordinance, and after receiving public comments, closed the public hearing, and thereafter introduced this Ordinance; and

WHEREAS, the City Council's approval of the proposed amendments to the Development Code will result in consistency between the Development Code and the policies and objectives of the General Plan by ensuring the compatibility of assessor animal raising for single family uses.

WHEREAS, the City Council has made the necessary findings to adopt amendments to the Development Code as required by California law and has taken all other actions as required by California law to amend the Development Code; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF YUCAIPA DOES ORDAIN AS FOLLOWS:

Section 1. Paragraph (3) of Subsection (H) (Permitted Accessory Animal Raising) of Section 84.0560 (Accessory Animal Raising for Primary Single Dwelling Unit) of Chapter 5 (Accessory Uses) of Division 4 (Land Uses) of the Development Code is amended to read as follows. with all other provisions in Section 84.0560 remaining in effect without amendment:

| | | |
|---|------------------------|---------------------|
| "3) Sheep and/or Goats | 7,200 sq. ft. | 1 per lot |
| | 10,000 sq. ft. | 1 per 5,000 sq. ft. |
| Miniature Goats, including Pygmy Goats | Up to 9,999 sq. ft. | 2 per lot |
| | 10,000 sq. ft. or more | 1 per 5,000 sq. ft. |

Goats (male) 20,000 sq. ft. 1 per lot

The maximum cumulative total of sheep and goats, inclusive of miniature goats and pygmy goats, shall be 9 per lot. However, if keeping miniature goats, there shall be at least 2 miniature goats or a miniature goat and another companion animal kept on the premises. In addition, any miniature goats kept on the premises shall be dehorned or located in an area with solid fencing. The lot size requirement for male goats refers to male goats that have not been neutered."

Section 2. Pursuant to CEQA, and the City's local CEQA Guidelines, staff has determined that the proposed Development Code amendment is exempt from the requirements of CEQA. It can be seen with certainty that there is no possibility that the adoption of the Code Amendments, and the provisions established hereby, may have a significant effect on the environment, because the Code Amendment will permit animal keeping within single family properties consistent with past regulations, but providing a distinction for a specific animal that was not originally noted during the development of the previous accessory animal raising ordinance, and will thereby serve to eliminate potentially significant adverse environmental impacts. The City Council has reviewed the staff's determination of exemption and based on its own independent judgment, concurs in staff's determination that the proposed Code Amendments are exempt from CEQA. The adoption of the Code Amendment is therefore not subject to the California Environmental Quality Act review pursuant to Title 14, Chapter 3, Section 15061(b)(3) of the California Code of Regulations.

Section 8. Severability.

If any section, subsection, subdivision, sentence, clause, or phrase in this Ordinance, or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

Section 9. Savings Clause.

Neither the adoption of this Ordinance nor the repeal or amendment by this Ordinance of any ordinance or part or portion of any ordinance previously in effect in the City, or within the territory comprising the City, shall in any manner affect the prosecution for the violation of any ordinance, which violation was committed prior to the effective date of this Ordinance, nor be construed as a waiver of any license, fee or penalty or the penal provisions applicable to any violation of such ordinances.

Section 10. Effective Date.

This Ordinance shall take effect thirty (30) days after the date of its adoption by the City Council.

Section 11. Publication and Posting.

The City Clerk is hereby directed to cause the following summary of this Ordinance to be published by two (2) insertions in the Yucaipa News Mirror, a newspaper of general circulation that

is printed, published, and circulated in the City of Yucaipa, and hereby designated for that purpose by said Council of the City of Yucaipa: "Ordinance No. 365."

PASSED, APPROVED and ADOPTED on this 12th day of February, 2018.

Greg Bogh, Mayor

ATTEST:

Jennifer Shankland, City Clerk

APPROVED AS TO FORM:

David Snow, City Attorney