

Chapter 7

Combining and Overlay Districts

18.07.010 ARCHITECTURAL DESIGN (D) COMBINING ZONE DISTRICT

1. Purpose and Intent

- a. The Architectural Design or “D” Combining zone district may be combined with any other land use district in order to assure a generally harmonious architectural design to all buildings, landscape features and uses within certain designated districts of the County.
- b. The Board of Supervisors finds that it is in the public interest for the County to be beautiful, and to preserve and express architecturally and through the use of appropriate building materials, colors and design the historical high-desert culture of the County. This Board of Supervisors finds further that such architectural expression is in the public interest since it will enhance the tourism-based economy of the region. This District is not to be construed as a rigid means for controlling the style of buildings, but rather as a device for encouraging those property owners requesting to be within D district to produce the best architectural-landscape design interpretation of the climate, natural environment, regional identity, and way of life of the people of this County. It is the intent of this Chapter to preserve and enhance the historical western design and appearance of commercial buildings and structures in the County while providing to each owner and/or operator thereof in complying with this Chapter the freedom and flexibility to choose among a range of designs, materials and colors.

2 Architectural Design Review Board

- a. There is created by this Chapter an Architectural Design Review Board (Board) to be composed of five persons appointed by the chairman with the consent of a majority vote of the Board of Supervisors. Each appointee shall be a qualified person capable of exercising sound and fair design judgments.
- b. The members shall be:
 - 1) A qualified licensed architect;
 - 2) The Director of the County Department of Public Works;
 - 3) A member of the Planning Commission or a professional city or regional planner;
 - 4) A member of the Chamber of Commerce representing the town or locale in which the D district has been designated recommended jointly to the

Board of Supervisors by that Chamber of Commerce and the Planning Commissioner representing the supervisorial district in which the D district has been designated;

- 5) A member of the public residing in the town or locale in which the D district has been designated, recommended jointly to the Board of Supervisors by the Chamber of Commerce representing that town or locale and the Planning Commissioner representing the supervisorial district in which the D district has been designated;
 - 6) In the event the D district is designated in an area which is not represented by a chamber of commerce, the Planning Commissioner representing the supervisorial district in which the D district has been designated shall select the members required to be appointed by this Chapter from the owners of businesses in and the residents of that area, respectively, and shall recommend those persons to the Board of Supervisors.
- c. Each Architectural Design Review Board may prepare and adopt guidelines for implementing design review.
 - d. Each member shall serve a term of two years, without compensation, except that two of the original appointees shall serve one year and three others shall serve three-year terms.
3. Review of Building Plans Required
- a. Prior to the issuance of a building permit for any new construction or development or for major modifications to the exterior of existing structures in an area within a designated D district building plans, including accurate elevations of each facade and sufficient detailing of exterior materials, shall be submitted to the Architectural Review Board for a determination whether or not the proposed construction, development or modification is architecturally acceptable.
 - b. The Architectural Review Board, in making its determination, shall be governed by the following criteria:
 - 1) No building shall be permitted, the design or exterior appearance of which, is of such unorthodox or abnormal character in relation to the surroundings as to be unsightly or offensive to generally accepted taste;
 - 2) No individual building shall be permitted the design or exterior appearance of which is so identical with those adjoining as to create excessive monotony and drabness. In applying this standard to attached buildings or row buildings to apartment groupings or commercial and industrial centers, the overall composition and aesthetic effect shall be considered;

- 3) No building shall be permitted where any exposed facade is not constructed or faced with a finished material which is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties;
- 4) No building shall be permitted to be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in that area; or which would unreasonably affect adversely the beauty and general enjoyment of existing residences on adjoining properties;
- 5) As used above, the terms “exterior appearance” and “exposed facade” include the color(s) of the building, structure, development or modification under consideration by the Architectural Review Board.
- 6) The decision of the Architectural Design Review Board is appealable to the Planning Commission, as provided for in Section ■■■.

4. Approval of Building, Site and Operational Plans

- a. Where Required. In the case of certain uses, the character of which could have substantial adverse effect upon the surrounding environment and general character of the County, by reason of the appearance of the structures, arrangement or use of the land, the Planning Director may refer such uses to the Planning Commission to review and approve building, site and operational plans as a qualifying condition to their permissibility,.
- b. Use by Right Not Infringed. Such required approval shall be limited solely to reasonable compliance with design, location, color and operational requirements and shall not involve the basic permissibility of the use where such use is permitted by right.
- c. Criteria. In determining the acceptability of the building, site or operational plans, the Planning Commission shall take into consideration the following factors as well as any others they deem appropriate:
 - 1) The general design and appearance of any structures in terms of generally accepted standards of good taste and particularly in terms of the relationship and effect upon surrounding properties;
 - 2) The relationship of structures and uses to each other and to the site, with particular consideration of traffic flow, access, screening of parking and storage areas, and general appearance;

- 3) The character of the operation in terms of its impact upon traffic facilities, sewage disposal, water supply, and environmental character, with particular consideration of the control of any possible noise, dust, odor or other undesirable operating characteristic.

5. Form of Submittal

Before issuing a building or an occupancy and zoning use permit, the necessary building, site and operational plans shall be submitted to the Architectural Review Design Board and/or the Planning Commission for consideration. Such plans shall be in reasonable detail to enable the Architectural Review Design Board and/or the Planning Commission to properly evaluate them and shall specifically include the following:

- a. A site plan of the property accurately dimensioned showing the location of all existing and proposed structures and uses;
- b. General building plans including either elevations or perspective drawings showing the exterior appearance;
- c. A statement describing the basic operational characteristics of the proposed use.

6. Architectural Board not Supplanted

The approval required by this Chapter may be a prerequisite to the determination by the Planning Commission as to the acceptability of the use proposed, but does not supplant the requirement for specific approval by the Architectural Review Board as to appearance of any proposed structures.

18.07.020 SNOW AVALANCHE HAZARD (SAHO) OVERLAY ZONE DISTRICT

1. Intent and Purpose

The intent and purpose of this Section is to provide a mechanism (overlay zone) to advise current and future property owners within officially designated snow-avalanche-hazard areas of the potential for snow avalanches.

2. Principal, Accessory and Conditional Uses

The uses permitted in the SAHO district are the uses authorized in the district which is combined with SAHO district

3. Development Standards

All of the listed development standards, as designated in the district with which the SAHO is combined, shall be the same as the underlying district except as specifically stated in Section [REDACTED].

4. Implementation

- a. Upon completion and acceptance of a snow-avalanche-hazard study prepared by a qualified and recognized snow-avalanche specialist, the County shall apply the SAHO to properties identified as within the potential snow-avalanche area.
- b. The SAHO shall encompass those areas designated as historical snow-avalanche areas and potential snow-avalanche areas (one hundred-year-frequency). Whenever possible, the SAHO shall conform to existing property lines, unless the subject property is of such size or configuration to warrant only a portion of the property to be so designated.
- c. Within sixty (60) days of the application of any SAHO zone to property, the County Planning Department shall send by certified mail to the current property owner, as shown on the latest tax assessment roll, a notification of snow-avalanche-hazard. The certified mail receipt shall be kept on file in the office of the County Planning Department.
- d. Within sixty days of the application of any SAHO zone to property, the County Planning Department shall record, in the office of the County Recorder, a notification of snow-avalanche-hazard. The recorded notification of snow-avalanche-hazard shall be deemed sufficient notification of future property owners within the designated SAHO zone.

5. Additional Development Standards

The following additional development standards are imposed on those properties or those portions of properties located within a SAHO:

- a. Avalanche protective, deflective and preventive structures, devices or earthwork which threaten to deflect avalanches toward property of others, or otherwise threaten to increase the danger to persons or property are prohibited.
- b. Prior to new development of habitable structures and/or other structures as determined by the Building Official, a competent engineer with expertise in avalanche hazards shall prepare and submit for approval one of the following:
 - 1) A study demonstrating that the development will not be impacted by avalanche hazards.
 - 2) A study demonstrating that avalanche protections and design features will adequately protect the structures from avalanche hazards and will not increase potential impacts to other properties or structures. Such protections and design features must be installed prior to occupancy.

6. Amendment

Any property owner within the SAHO may request a rezoning out of the SAHO. In so doing, the rezoning application must be accompanied with a report prepared by a County-approved recognized and qualified snow-avalanche-hazard expert that demonstrates that the SAHO currently mapped and zoned on the property either does not exist or should be adjusted. If approved, and the entire property is removed from the SAHO, the County Planning Department shall record, within thirty days, a notice in the office of the County Recorder rescinding the recorded notification of snow-avalanche-hazard on the subject property.

18.07.030 AIRPORT HAZARD (AH) OVERLAY DISTRICT

1. Purpose and Intent

- a. The airport hazard overlay district, designated AH, is established to prevent the creation of airport hazards, thereby protecting the lives and property of users of the various County airports and the occupants of the land in the vicinity of the County airports. The Board of Supervisors finds it necessary to provide height and land use regulations in the vicinity of County airports to protect and promote the health, safety, and general welfare of the inhabitants of the County pursuant to the state law. The AH district shall be in addition to the underlying zone district regulations with which it is established.
- b. The provisions of this title have been revised to incorporate the “Policy Plan and Airport Comprehensive Land Use Plans” that were adopted by the County Airport Land Use Commission, in December 1991, pursuant to Section 21670 et seq. of the State of California Public Utilities Code.

2. Surfaces and Zone

The AH district consists of five surfaces and one zone for the purpose of airport zoning. Each of the surfaces as defined in this Section and as depicted on the Zoning Map establish the height limitations necessary to accomplish the intent of the AH district. The surfaces and zones of the AH district shall be as follows:

- a. **Primary Surface.** The primary surface is a surface longitudinally centered on the runway. When the runway has a specifically prepared hard surface, the primary surface extends two hundred feet beyond each end of the runway; but when the runway has no specially prepared hard surface, the primary surface ends at each end of that runway. The elevation of any point of the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is two hundred fifty feet for all runways at all airports except for the nonprecision runways at Bishop and Lone Pine Airports where the width is five hundred feet.

- b. **Approach Surface.** The approach surface is a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of one thousand two hundred fifty feet, at five thousand feet in length with an approach slope of 20:1, for that end of all runways at all public use airports in the County except for those nonprecision instrument runways at Bishop and Lone Pine Airports where the approach surface expands uniformly, from the primary surface, to a width of three thousand five hundred feet, at ten thousand feet in length with an approach slope of 34:1.
 - c. **Transition Surface.** These surfaces extend outward and upward at right angles to the runway center line and the runway centerline extended at a slope of 7:1 from the sides of the primary surfaces. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface extend a distance of five thousand feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.
 - d. **Horizontal Surface.** The horizontal surface is a horizontal plane one hundred fifty feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of a specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is five thousand feet for all runways in the County except for those nonprecision runways at Bishop and Lone Pine Airports where the radius of each arc is ten thousand feet.
 - e. **Conical Surface.** The conical surface is a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of four thousand feet.
 - f. **Runway Protection Zone.** The runway protection zone is the land area which lays under the approach surface from the end of the primary surface for a distance of one thousand feet for all runways at all public use airports in the County except for those nonprecision runways at Bishop and Lone Pine Airports where the distance is one thousand seven hundred feet.
3. **Establishment**

In order to implement the purposes of this Chapter, the AH district described by this Chapter shall be shown and delineated on the Zoning Map. The AH district shall be drawn to scale and is established on and around each of the following public use airports located within the county:

- a. Bishop Airport;

- b. Independence Airport;
- c. Lone Pine Airport;
- d. Shoshone Airport;
- e. Trona Airport;
- f. Death Valley National Monument Airport (Furnace Creek);
- g. Death Valley, Stovepipe Wells Airport.

4. Use Restriction Generally

No use may be made of land within the AH district which would create electrical interference with radio communication, make it difficult for pilots to distinguish between airport lights and other lights, create glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing, takeoff or maneuverability of the aircraft.

5. Height Restrictions

Except as otherwise provided in this Chapter, no structure, manmade or natural, shall be erected, altered or expanded in any portion of the AH district to a height in excess of the height limit established by each surface, as defined in this Chapter and as shown on the Zoning Maps. The datum plane for measurement of such height limits shall be based on the airport elevation.

6. Use Restrictions in Runway Protection Zone and Under Approach Surfaces

Except as otherwise provided in this Chapter, no use which would result in a man-made structure or natural object shall be permitted in that portion of the AH district known as the runway protection zone, as defined in Section [REDACTED] and as shown on the zoning maps. Furthermore, except as otherwise provided in this Chapter, no use which would result in a concentration of people, public or private, shall be permitted on property lying within that area outside of the runway protection zone and comprising of the balance of the approach surface as defined in Section [REDACTED] and as shown on the zoning maps. Additionally, residential development shall be limited to no more than four single-family dwellings per acre within this area. An occupancy potential of twenty-five (25) or more persons shall be considered a concentration of people for the purposes of this Chapter.

7. Conditional Use Permit Required

- a. Before that portion of any nonconforming structure which exceeds height limitations established by this Chapter may be structurally altered and before any

nonconforming structure or natural growth may be replaced, reconstructed, allowed to grow higher or replanted, a conditional use permit must be approved by the Planning Commission authorizing such structural alteration, replacement, reconstruction or change. Those portions of an existing nonconforming structure or natural growth below the height limitations established in this Chapter shall not be affected by the provisions of this Chapter. Minor repair or alteration of nonconforming structures pursuant to Section [REDACTED] shall not require a conditional use permit provided the repair or alteration does not exceed the applicable height limitations.

- b. Pursuant to Section [REDACTED] no structure or man-made or natural object shall be permitted to exceed the established height limits of the AH district surfaces without first securing a conditional use permit from the Planning Commission. Except as otherwise provided in this Chapter the conditional use permit process and procedures shall be as set forth in Section [REDACTED] of this Title.
- c. Pursuant to Section [REDACTED], no structure may be erected in the runway protection zone or use made of land lying within any portion of the approach surface which would result in a concentration of people without first securing a conditional use permit from the Planning Commission. Except as otherwise provided in this Chapter the conditional use permit process and procedures shall be that contained in Section [REDACTED] of this Title.
- d. Issuance of any use or conditional use permit for development of any land use whatsoever, located within any area defined within Section [REDACTED] and as shown on the Zoning Maps, shall be subject to the grant of an aviation easement to the County.

8. Referral to Federal Aviation Administration (FAA)

In all cases where a conditional use permit is required pursuant to this Chapter the applicant shall be referred to the Federal Aviation Administration (FAA) for their review and approval pursuant to the requirements of Part 77 of the Federal Aviation Regulations. The application may also be referred to the State of California, Division of Housing and Transportation, Department of Transportation, Division of Aeronautics. The conditional use permit application shall include a copy of the FAA's findings, conclusions and conditions pursuant to the Part 77 review and this Chapter. No action shall be taken by the County until evidence has been produced indicating the FAA's Part 77 review requirements have been satisfied.

9. Conflicting Regulations

If there is conflict between this Chapter and any other ordinances or regulations applicable to the same area or parcel of land, whether the conflict is with respect to the height of structures or trees, the use of land, or any other matter, and whether such other regulations were adopted by the County or by some other public agency, the more

stringent regulations shall govern or prevail. Additionally, a collation between this Chapter and standards contained within the noise element of the County's General Plan and the Noise Section of this Title is required. In all cases, the standards and requirements of Part 77 of the Federal Aviation Regulations administered by the FAA shall be held as the minimum necessary to prevent hazards to aviation.

18.07.040 PRECISE PLAN (PP) COMBINING ZONE DISTRICT

1. Establishment and Purpose

There is established a combined land use district known as a precise plan district. The precise plan district consists of those regulations set forth in this chapter, together with the specific regulations in the district which is combined with the precise plan district as incorporated in this district.

The purpose of the precise plan district is to assure that yards, open space, structures, parking, loading facilities, landscaping, streets and similar uses and developments of land within the district will be located in accordance with an approved precise plan providing for compatible developments within the district and a compatible relationship with developments in adjoining districts.

2. Precise Plans

a. At the time of the application for rezoning, the applicant shall file eight copies of the proposed precise plan drawn to scale and prepared by a licensed architect, landscape architect, civil engineer or land surveyor, which proposed precise plan shall precisely indicate:

- 1) Parcel dimensions in distances and bearings;
- 2) All existing and proposed buildings and structures (location);
- 3) Yards and open spaces between buildings;
- 4) Enclosures, walls, fences (location, height and materials);
- 5) Off-street parking (location, number of spaces, dimensions of parking area and internal circulation pattern);
- 6) Access (pedestrian, vehicular, service, points of ingress and egress, internal circulation, design and improvements);
- 7) Signs (location, size and height, types of materials, text and lighting);
- 8) Loading (location, dimensions, number of spaces and internal circulation);

- 9) Open storage areas (location and use);
 - 10) Landscaping (location of all existing trees twenty feet or higher, proposed landscaping plan indicating location and type of trees, shrubs and ground covers);
 - 11) Lighting (location and general nature);
 - 12) Street dedications and improvements;
 - 13) Such other data as may be required under the circumstances of each application to permit the Planning Commission to properly consider the application.
- b. Planning Commission Approval of Precise Plan
- No person may build or construct in a Precise Plan Combining Zone District until the precise plan is approved by the Planning Commission.
- c. Modification of Approved Precise Plan
- The Planning Director may administratively make minor changes to the precise plan if the change is not contrary to the purpose and intent of the approved precise plan or if the change is consistent with the underlying zoning district.
- d. Uses Permitted
- The uses permitted in the Precise Plan Combining zone district are the uses authorized in the district which is combined with the Precise Plan Combining zone district. If the proposed use requires the issuance of a land use permit, the approval of a precise plan is deemed approval of the land use permit.
- e. Yard Requirements
- The front, rear and side yard requirements in the Precise Plan Combining zone district is that front, rear and side yard requirements which are shown upon the approved precise plan.
- f. Lot Requirements
- The area, width and depth requirements of the lot in a Precise Plan Combining zone district are those areas, width and depth requirements established for the land use district which is combined with the Precise Plan Combining zone district.
- g. Height Limitations

The height limit in the Precise Plan Combining zone district is the height limit established for the land use district which is combined with the Precise Plan Overlay zone district.

18.07.060 DENSITY BONUS (DB) OVERLAY DISTRICT

1. Purpose and Intent

- a. The Density Bonus or “DB” districts are established as overlay zones to provide for increases in housing densities to provide affordable and adequate housing for all residents of the County. The DB district consists of those regulations set forth in the underlying zoning district, except where modified in this section.
- b. The intent and purpose of this chapter is to allow the County to work together with housing agencies and the private sector and offer appropriate incentives to encourage development of additional affordable housing as provided by Section 65915 et seq. of the Government Code.
- c. Nothing in this chapter is intended to limit the authority of the county to exercise its police powers to protect the public health, safety and welfare of its citizens through any of the provisions of the county subdivision and zoning ordinances (Titles 16 and 18 of this code), except as specifically required by Sections 65589.5 and 65915 of the Government Code.

2. Applicability

The DB overlay shall be applied when the applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus award, that contain at least any one of the following:

- a. Five (5) percent of the total units for very low income households;
- b. Ten (10) percent of the total units for lower income households;
- c. Ten (10) percent of the total dwelling units in a common interest development, as defined in Section 1351 of the Civil Code, for moderate income households, provided that all units in the development are offered to the public for purchase. The initial occupants of the moderate income units that are directly related to the receipt of the density bonus must be persons and families of moderate income, and the units must be offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the Health and Safety Code;
- d. A senior citizen housing development;

- e. A donation of land to the county sufficient to provide housing for very low income households in the amount of ten percent of the number of residential units proposed for development, subject to Section [REDACTED].

3. Principal, Accessory and Conditional Uses

The principal, accessory and conditional uses in the DB district are the same as the uses authorized in the zoning district which is combined with the DB district.

4. Density

The maximum building density for any affordable housing development or senior citizen development shall be as follows or as required by statute, whichever is less:

- a. For developments providing very low income housing, a twenty (20) percent base density bonus plus a two and one-half (½) percent supplemental increase over that base for every one percent increase in very low income units above five percent. The maximum density bonus allowed is thirty-five (35) percent;
- b. For developments providing lower income housing, a twenty (20) percent base density bonus plus a one and one-half (½) percent supplemental increase over that base for every one percent increase in lower income units above ten percent. The maximum density bonus allowed is thirty-five (35) percent;
- c. For common interest developments providing moderate income housing, a ten (10) percent base density bonus plus a one (1) percent increase over that base for every one percent increase in moderate income units above ten (10) percent. The maximum density bonus allowed, including supplemental increases, is thirty-five (35) percent;
- d. For developments, providing senior citizen housing, twenty percent (20); and
- e. For donation of land in accordance with subsection [REDACTED], a fifteen (15) percent base density bonus plus a one percent supplemental increase over that base for every land donation that provides a one (1) percent increase in housing for very low income households. The density bonus shall be in addition to bonuses awarded in subsections A through D of this section, to a combined maximum of thirty-five percent (35).

5. Donation of Land

An applicant for a tentative subdivision map, parcel map, or other residential development approval, may receive a density bonus for the donation of land to the County, or to a developer approved by the Planning Commission, subject to the following conditions:

- a. The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application;
- b. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than ten percent of the number of residential units of the proposed development;
- c. The transferred land is at least one (1) acre in size or of sufficient size to permit development of at least forty (40) units, has the appropriate General Plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure;
- d. The transferred land and the affordable units shall be subject to deed restrictions ensuring continued affordability of the units as required by statute;
- e. The transferred land shall be within the boundary of the proposed development or, with approval of the planning commission, within one-quarter ($\frac{1}{4}$) mile of the boundary of the proposed development.

6. Child Care Facility

When an applicant proposes to construct affordable housing that conforms to the requirements of this section and includes a child care facility that will be located on the premises of, as part of, or adjacent to the project, the Planning Commission shall approve, subject to all conditions required by Section 65915 of the Government Code, either of the following:

- a. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility;
- b. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

7. General Provisions

- a. The density bonus shall be a density increase over the otherwise maximum allowable residential density under this title and the applicable land use element of the General Plan as of the date of application.
- b. All density calculations resulting in fractional units shall be rounded up to the next whole number.
- c. The granting of a density bonus shall not be interpreted, in and of itself, to require a General Plan Amendment, zoning change, or other discretionary approval.

- d. The county shall not apply any development standard that would have the effect of precluding the construction of a housing development meeting the requirements of Section [REDACTED] (Applicability).
- e. Upon request by the applicant, the county shall not require that a housing development provide a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds one onsite parking space for zero to one bedrooms, two onsite parking spaces for two to three bedrooms, or two and one-half onsite parking spaces for four and more bedrooms.

8. Building Site Area/Parcel Size

The minimum building site area/parcel size for any affordable housing or senior citizen development pursuant to this chapter shall be reduced to be consistent with the maximum building density under Section [REDACTED]. The minimum required width of parcels shall remain as specified in the underlying zoning district.

9. Density Bonus Concessions – Generally

In addition to the eligible density bonus percentage described above, an applicant may request concessions in connection with its application for a density bonus as follows:

- a. One concession for housing developments that include at least five (5) percent of the total units for very low income households, at least ten (10) percent for lower income households, or at least ten percent (10) for moderate income households in a common interest development;
- b. Two concessions for housing developments that include at least ten (10) percent of the total units for very low income households, at least twenty (20) percent for lower income households or at least twenty (20) percent for moderate income households in a common interest development;
- c. Three concessions for projects that include at least fifteen (15) percent for very low income households, at least thirty (30) percent of the total units for lower income households, or at least thirty (30) percent for persons or families of moderate income in a common interest development.

10. Density Bonus Concessions – Yards

Where concessions are required to meet affordability targets mandated by Section 65915 of the Government Code, the minimum yard requirements are as follows:

- a. In an R-1, R-2 or RMH district the minimum yard requirements shall be as follows:
 - 1) Depth of front yard, twenty (20) feet;

- 2) Depth of rear yard, ten (10) feet;
 - 3) Depth of side yards, three (3) feet.
- b. In an R-3 district the minimum yard requirements shall be as follows:
- 1) Depth of front yard, five (5) feet, except where the front yard is utilized to provide required parking;
 - 2) Depth of rear yard, five feet (5); zero (0) feet for accessory buildings;
 - 3) Depth of side yard, five (5) feet; zero (0) feet for accessory buildings;
 - 4) Distance between buildings on the same property, ten (10) feet.

11. Denial of Request for Concessions

The Planning Commission shall grant concession(s) requested by the applicant unless the Planning Commission makes a written finding, based upon substantial evidence, of either of the following:

- a. The incentive or concession is not required in order to provide for affordable housing costs or affordable rents. The applicant shall be required to prove that a concession is required to make the housing economically feasible.
- b. The incentive or concession would have a specific adverse impact, as defined in paragraph (2) of sub-division (d) of Section 65589.5 of the California Government Code, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and if the planning commission determines there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to very low, lower and moderate income households.

12. Plot Plan and Development Plan Required

Any application for the DB overlay zone shall be in the form and method prescribed by the Planning Director and accompanied by plot and development plans necessary to determine compliance with the purpose, intent and development standards prescribed by the DB overlay. The development plans shall contain sufficient cost and market data based upon the land cost per dwelling unit to assure any density bonus concessions granted are necessary to attain the affordability targets mandated by Section 65915 of the Government Code.

13. Management Contract Required

- a. Before any permit to construct is issued in the DB overlay zone, a project management plan in the form of a written contract and deed restrictions shall be executed by and between the applicant, housing agency and county. The contract and deed restrictions shall be a recorded document approved by the county counsel as to form and content, and shall set forth sales, resales and rental restrictions to ensure that designated units remain available as affordable or senior citizen units, as applicable, for the term of the project as required by Section 65915 of the Government Code.
- b. The management plan shall provide for the housing agency to ensure the financial or age eligibility of applicants for purchase/rental of the affordable housing or senior citizen units for the term of the project. If requested by the housing agency, the management plan shall provide for reimbursement by the applicant of the costs to the housing agency of administering the management plan.

14. Approval Required, Subject to Standards

As provided by Section 65915 of Government Code, when a developer submits a complete application for a DB overlay, the Planning Commission shall approve the application, unless it documents through findings that the affordable housing or senior citizen development as proposed would have a specific adverse impact upon the public health and safety, and there is no feasible method to satisfactorily mitigate or avoid the impact without rendering the development unaffordable to moderate income, lower income or very low income households.

15. Location of Bonus Units

As provided by Government Code Section 65915, the location of density bonus units within the housing development may be at the discretion of the developer; however, the bonus units shall be reasonably dispersed throughout the development, shall contain on average the same number of bedrooms as the bonus units in the development, and shall be compatible with the design or use of the remaining units in terms of exterior appearance, materials and quality finish.

18.07.070 MOBILEHOME (MH) OVERLAY ZONE

1. Purpose

It is the intent and purpose of this section is to provide flexibility as to the use of mobilehomes as a single-family residential dwelling in various areas of Inyo County. The Mobilehome (MH) overlay zone is intended to enable the County to selectively permit mobilehomes depending on circumstances and the character of existing development, and planning studies indicating the appropriate type of mobilehome use in various areas of Inyo County. The MH overlay zone is expected to be applied in the rural communities, special service centers, and other residential areas of Inyo County.

2. The following are the principal permitted uses of the MH overlay zone which shall be in addition to those established by the zone district which the MH overlay zone is combined with: a mobilehome, complying with the provisions of Title 25 of the Administrative Code, may be used as a single-family dwelling.

18.07.080 MILITARY OVERFLIGHTS OVERLAY (MOO) ZONE

1. Purpose and Intent

The purpose of this section is to provide information to property owners about military overflight activities within the area, including potential noise and other effects from the activities of military aircraft and other aerial military activities.

2. The Military Overflights Overlay Zone (MOO) is applied as depicted on the Official Zoning Map.
3. The MOO Zone has no regulatory effect and is for educational and informational purposes only.