

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA, AMENDING SECTION 18.78.280 OF THE INYO COUNTY CODE, AND ADDING SECTION 18.78.285 TO TITLE 18 OF THE INYO COUNTY CODE.

The Board of Supervisors of the County of Inyo ordains as follows:

SECTION ONE. PURPOSE/AUTHORITY.

The purpose of this ordinance is to add new sections to the County Zoning Ordinance, set forth in Title 18 of the Inyo County Code, and to amend existing sections in that Title 18, to permit reconstruction of residences in the event of destruction. This ordinance is enacted pursuant to the authority given this Board of Supervisors by the California Planning and Zoning Law, set forth in Government Code 65000 et seq., which authorizes a county to enact ordinances governing the uses of land within its jurisdiction.

SECTION TWO. AMENDMENT OF SECTION 18.78.280 OF THE COUNTY CODE.

Section 18.78.280 is amended to read as follows:

The restoration of a nonconforming building that is damaged or partially destroyed by fire, explosion, act of God, or of the public enemy to the extent of fifty percent or less shall be permitted; provided, that such restoration is permitted by the building code of the county and is started within one year and diligently prosecuted to completion. Except as specified in Section 18.78.285, a nonconforming building that is completely destroyed, or partially destroyed to a greater extent than above specified, shall not be restored except in full conformity with all the regulations of this title. The proportion of damage or partial destruction shall be based upon the ratio of the estimated cost of duplicating the entire structure as it existed prior thereto.

SECTION THREE. ADDITION OF SECTION 18.78.285 OF THE COUNTY CODE TO PERMIT RECONSTRUCTION OF RESIDENCES REGARDLESS OF THE EXTENT OF DESTRUCTION.

Section 18.78.285 is added to Title 18 of the Inyo County Code to read as follows:

Notwithstanding Section 18.78.280, the restoration of a nonconforming one-family or multiple dwelling that is damaged or destroyed by fire, explosion, act of God, or of the public enemy shall be permitted regardless of the extent of destruction, provided that such restoration or

reconstruction has equal to or less floor area and a similar building footprint and height as the destroyed non-conforming one-family or multiple dwelling, that such restoration is permitted by the building code of the county, and is started within one year and diligently prosecuted to completion.

SECTION FOUR. SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this ordinance would be subsequently declared invalid or unconstitutional.

SECTION FIVE. EFFECTIVE DATE.

This Ordinance shall take effect and be in full force and effect thirty (30) days after its adoption. Before the expiration of fifteen (15) days from the adoption thereof, a summary of this Ordinance shall be published once in a newspaper of general circulation printed and published in the County of Inyo, State of California in accordance with Government Code Section 25124(b). The Clerk of the Board is hereby instructed and ordered to so publish a summary of this Ordinance together with the names of the Board voting for and against same.

PASSED AND ADOPTED this 19th day of January 2010, by the following vote of the Inyo County Board of Supervisors:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

Chairperson Inyo County Board of Supervisors

ATTEST: Kevin Carunchio
Clerk to the Board

By: _____
Patricia Gunsolley, Assistant