

Attachment 1

Summary of Inyo County Zoning Code Update

May 2013

This document provides an overview of the major substantive changes proposed to the Inyo County Zoning Code. For other issues not addressed, either minimal or no change is proposed.

Background

The County adopted a comprehensive update to the General Plan on December 11, 2001. One of the follow-up actions from the General Plan was to update the Zoning Code. Staff worked with Willdan to prepare updated Zoning Code sections, which were presented to the Planning Commission and Board of Supervisors in a series of workshops in 2011. Staff incorporated input from these workshops into a comprehensive Zoning Code update, and presented the Code to a joint meeting of the Board of Supervisors and Planning Commission on July 10, 2012. Additional work on several issues was directed, which was completed in early 2013.

The existing Zoning Code is a component of the Inyo County Code (ICC) in Title 18, and is divided into approximately 35 sections in a relatively standard linear format. It appears as if the Code began as a modified pyramid zoning scheme, with industrial and commercial zoning being more permissive than residential zoning, but has become customized over time. The Code begins with general provisions and definitions, and then moves to Zone Districts, and then special Zone Districts and standards (such as signs, water transfers, and small wind energy conversion systems), and lastly to general regulations and procedures. The existing Zoning Code may be viewed online at <http://www.qcode.us/codes/inyocounty/>.

General Plan Direction

The 2001 General Plan recommended a number of changes to the Zoning Code, including regarding the following issues:

- Reflect goals, policies, and implementation measures of the Land Use Element
- Implementation of projects and measures from the Long-term Water Agreement
- Undergrounding of utilities
- Financing capital facilities and expanded services
- Recycling
- Streamlining
- Second unit development standards
- Scenic resources
- Airport land use compatibility (including noise)
- Erosion control and grading
- Establish minimum park standards
- Incorporate new identified avalanche standards
- Limit maximum slope and maximum average slope that can be built on
- Noise standards

- Construction noise

Based on the input from 2011, these have been carried forward, already completed, altered as appropriate, or discarded if unneeded.

The 2009 update to the Housing Element commits the County to address homeless shelters, second dwelling units, supportive and transitional housing and residential care facilities in residential zones, single-room occupancy hotels, exceptions to zoning and building ordinances for people with disabilities, and updated second unit standards. These have been incorporated into the draft Zoning Code.

Overview

The Zoning Code has been reformatted to address issues in a more logical structure than the existing format. A reorganization of the Zoning Code is proposed into the following chapters:

- Chapter 1 – Administration
- Chapter 2 – Permits and Approvals
- Chapter 3 – Special Zone Districts
- Chapter 4 – Residential Zone Districts
- Chapter 5 – Commercial Zone Districts
- Chapter 6 – Industrial Zone Districts
- Chapter 7 – Combining and Overlay Zone Districts
- Chapter 8 – Development Standards
- Chapter 9 – Signs
- Chapter 10 – Parking and Loading

The following summarizes the more substantive changes proposed to the Zoning Code by Chapter.

Chapter 1 (Administration)

Chapter 1 provides basic administration of the Zoning Code. This Chapter lays out the duties of the Planning Director and the Planning Commission, describes the General Plan and the Zoning Districts, and provides definitions.

Zone Districts: the existing Zone Districts are largely carried over, with the exception of the following:

- The Residential (R) Zone Districts are proposed to be renamed to more standard classifications.
 - The existing One Family (R-1) and Single Residence or Mobilhome Combined (RMH) Zone Districts are proposed to be merged into the Single Family Residential District (R-1). Consideration may be given to not merging these districts due to the different character between them.
 - The R Zone Districts are expanded to include RR-0.5-Starlite Estates and Rural Residential (RR).
 - Due to the varying character throughout the County, interest in varying development standards has been expressed, possibly through an overlay, maintaining the distinct R-1/RMH zoning districts, or another mechanism. No proposal is being carried forward at this time, but may be included as the process proceeds.

- The Heavy Commercial (C-4) and Light Industrial (M-2) Districts are proposed to be merged into the Light Industrial/Manufacturing/Heavy Commercial (M-2) District, an Industrial Zone District.
- The Industrial (M) Zone Districts are renamed to better reflect the proposed permitted/conditionally permitted uses.

Code Enforcement: a substantially updated procedure based on the template provided by San Bernardino County is proposed to significantly strengthen and specify code enforcement. Under the proposal, upon written complaint and/or observation by County staff, the Planning Director shall investigate. If a violation exists, the Planning Director shall attempt to contact the property owner to alert the property owner about the violation and educate the property owner, the penalties for non-compliance, and how to bring the violation into compliance with the Zoning Code. If the property owner does not correct the violation, the Planning Director shall send written warnings to the property owner describing the violation, the penalties for non-compliance, and specifying a reasonable period of time to correct the violation. If the property owner still does not correct the violation, the Planning Director shall issue a citation. If the property owner wishes, he or she may appeal the citation to the Planning Commission. The County may file civil and/or criminal charges, abate the violation, and/or collect from the property owner the County's costs to process the case. A provision to allow waiving the double fee permits for code enforcement cases is proposed as well.

Definitions: the definitions have been separated into land use classifications and general definitions. The definitions have been crafted based on the existing definitions, staff's experience, those suggested by Willdan, and input from the previous workshops. The land use classifications are now standardized, and generalized land use classification definitions are provided for broad classifications (such as Light Commercial) with specialized definitions provided for land uses that may be treated differently across Zone Districts due to their unique characteristics (such as Motel).

Determination of Use: a new Determination of Use procedure is proposed, which allows the Planning Director to determine if a use not defined by the Code is similar to other uses in the Code. Currently, several of the Zoning Districts permit the Planning Commission to make this determination, and a similar procedure is permitted by ICC Section 18.81.020. The new proposed Determination of Use section will streamline this procedure.

Chapter 2 (Permits and Approvals)

This Chapter provides for detail about how applications are processed. Subsections are provided for a variety of entitlements, appeals, hearings and notices, and details regarding application procedures.

Acceptance of Conditions: a new procedure is proposed for many of the permits requiring the applicant to submit an acceptance of conditions. This procedure is common in many jurisdictions to provide proof that the applicant has consented to the conditions for the permit.

Findings: findings are specified for a number of the permit types. These findings have been updated and/or are included anew.

Automatic Expiration of Variances and Conditional Use Permits: the current automatic expiration of Variances and Conditional Use Permits is deleted – instead, the term will be specified through the permit.

Modifications: a new section for Modifications is proposed to allow for specified alterations to certain development standards, such as minor setback reductions, parking standard relief, and accommodation for people with disabilities. The Planning Director would be the decision-maker for Modifications.

Temporary Occupancy Permits: the Code currently is silent regarding Temporary Occupancy Permits, but does provide for temporary uses in ICC Section 18.78.190. The proposed new section would provide for Temporary Occupancy Permits for a wider variety of temporary uses, as well as procedures and standards.

Special Event Permits: the Code currently allows temporary uses pursuant to ICC Section 18.78.190. Special Event Permits would largely replace and expand procedures for these types of events, and would incorporate ICC Chapter 5.12 (Outdoor Festivals), which would need to be deleted.

Non-conforming Uses/Structures: The proposed Code would substantially clarify and enhance the existing Code's treatment of non-conforming uses and structures. Clearer differentiation between non-conforming uses and structures would be provided. Additionally, the Planning Commission could approve, conditionally approve, or disapprove the moving, alteration, enlargement, extension, or reconstruction of non-conforming uses and/or structures pursuant to a conditional use permit (CUP) process, if not otherwise permitted.

Permitted/Conditionally Permitted Uses

The proposed permitted and conditionally permitted uses by Zone District are included in the matrix in Attachment 3. These use classifications have been standardized across Zone Districts. At the end of the process, the matrix will be incorporated into Chapter Nos. 3-6. The following summarizes the changes per Zone District.

Open Space (OS): minimal changes are proposed. Housing types per the Housing Element update are proposed, as well as clarifying the types of commercial, public, and quasi public uses that may be developed.

Rural Residential (RR), Starlite Estates (RR-0.5), and Single-Family Residential (R-1): minimal changes are proposed. Housing types per the Housing Element update are proposed to be added. The R-1 and RMH zoning districts are proposed to be merged.

Duplex (R-2) and Multi-Family Residential (R-3): minimal changes are proposed. Housing types per the Housing Element update are proposed to be added. Commercial parking is proposed to be added as a conditionally permitted use.

Commercial Business (CB): minimal changes are proposed, although the use classifications have been standardized with the other districts. Outdoor sales and dining are proposed to be permitted by right; currently, they are conditionally permitted.

General Commercial (C-1): minimal changes are proposed, although the use classifications have been standardized with the other districts.

Highway Services and Tourist Commercial (C-2): minimal changes are proposed. Emergency shelter is added as a permitted use per the Housing Element update. Outdoor sales and dining are proposed to be permitted by right; currently, they are conditionally permitted.

Administrative and Professional Offices (C-3): minimal changes are proposed, although the use classifications have been standardized with the other districts.

Commercial Recreation (C-5): the permitted and conditionally permitted uses have been expanded to clarify the uses that may be developed.

General Industrial, Manufacturing, and Extractive (M-1): minimal changes are proposed, although the use classifications have been standardized with the other districts.

Light Industrial/Manufacturing/Heavy Commercial (M-2): the existing M-2 and C-4 Zone Districts are proposed to be combined; the uses have been substantially expanded to accommodate uses from the previous iteration for the C-4 zone district.

Public (P): the uses have been expanded substantially to specifically address public and quasi public uses.

Chapter Nos. 3 (Special), 4 (Residential), 5 (Commercial), and 6 (Industrial) Zone Districts

The existing Zone Districts are presented and reformatted, as modified as discussed previously. The Zone District purposes have been enhanced, and development standards tables are provided as applicable for ease of use. The permitted and conditionally permitted use tables will be added later in the process; they are now presented in the matrix discussed previously (Attachment 3).

Chapter 7 (Combining and Overlay Zone Districts)

The existing Overlay Districts are presented in one chapter; in most instances minimal changes are proposed. For all, the definitions have been relocated to Chapter 1.

- Language in the Airport Hazard (AH) Overlay has been modified to require approval by the Federal Aviation Administration and Caltrans prior to any action on a CUP.
- The Planning Director is given more authority to make minor changes to approved Precise Plans (PP).
- The General Plan EIR requires that an engineering study be prepared for parcels within an avalanche runout zone that demonstrates that either (1) the property is not subject to avalanche or (2) that adequate protection against avalanche is provided; this language has been incorporated into the Snow Avalanche Hazard (SAHO) Overlay.
- For the Architectural Design Control (D) Overlay, the existing language is unclear regarding the involvement of the Planning Commission in design review. The language has been modified to better reflect current practice, as well as clarify the Architectural Design Review Board's determination.
- A Military Operations Overlay (MOO) Zone is proposed based on consultations with Department of Defense representatives.

Chapter 8 (Development Standards)

The existing Code's development standards have been largely carried forward, with minor changes. A variety of additions are included, such as short-term rentals in single-family Zone Districts and right-to-farm provisions. The existing Code's provisions for water transfer, wireless communications, and small wind energy systems have been included; the definitions for these sections have been relocated to Chapter 1.

Accessory Structures: this section is expanded and clarifies regulations for accessory structures. A different set of regulations is proposed for the R/OS Zone Districts and other Districts.

Fences and Walls: the maximum height for fences and walls is increased from three and one-half feet to four feet in the front yard. A different set of regulations is proposed for the R/OS Zone Districts and other Districts.

Lighting: qualitative lighting standards are proposed, with an exception for flags.

Noise: qualitative noise standards are proposed based on the Penal Code, with time limits for certain construction activities.

Trash Receptacle Screening: qualitative screening and capacity requirements for trash receptacles are specified for the R-3, C, and M Zone Districts.

Storage: requirements for storage have been expanded to limit storage in front and corner-side yard setbacks and on vacant parcels.

Right-to-Farm: new requirements are included to preclude nuisance determinations for certain agricultural operations.

Maintenance of Animals: the current regulations have been carried forward with clarifying language regarding breeding and training for dogs and cats, as well as for egg laying by chickens. Setback regulations for structures for animals in specified instances are proposed to be strengthened.

Short-term Rental in Specified Residential Zones: the County enforces a policy precluding rentals in R Zone Districts for less than 30 days. This has been codified for the R-1, R-2, R-3 and RR-0.5-Starlite Estates Zone Districts.

Emergency Shelter: occupancy limits and staffing requirements are provided for emergency shelters.

Chapter 9 (Signs)

The existing sign standards are largely carried over, and minimal changes are proposed. Classes of signs not meeting Code standards may be permitted with a CUP; currently, a variance would be required. The amortization schedule and non-conforming sign standards (ICC Section 18.75.060) are eliminated so that non-conforming signs may be treated the same as other non-conforming uses and structures.

Chapter 10 (Parking and Loading)

The parking and loading requirements have been standardized. Standards for parking space dimension and aisle widths are provided.

Fees

The fees for Planning Department services specified by ICC Chapter 3.60 would need to be adjusted to address the proposed changes to the Zoning Code; these adjustments are intended to be included in the final adoption documents.