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AGENDA ITEM NO.: 5

**PLANNING COMMISSION
MEETING DATE:** July 6, 2011

SUBJECT: Zoning Code Update – Workshop 2

EXECUTIVE SUMMARY

The County is working on an update to the Zoning Code as a follow-up to the 2001 General Plan. Chapters 8 (General Development Standards), 9 (Specific Development Standards), and 11 (Sign Regulations) are being presented to the Planning Commission for review and recommendations.

PROJECT INFORMATION

Supervisory District: County-wide

Recommended Action: Conduct a workshop regarding draft sections of the updated Zoning Code and provide input to staff and the Board of Supervisors

Project Planner: Joshua Hart, AICP, Planning Director

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 has been working with Willdan to prepare updated Zoning Code sections, the second batch of which is being provided for the Commission's review and input. Staff is working to provide draft Zoning Code sections to the Planning Commission and the Board of Supervisors in a series of workshops to solicit feedback regarding the proposed approach. Staff will incorporate this input into a comprehensive Zoning Code update, and then identify any modifications that might be necessary to the General Plan in response to the proposed Zoning Code updates, as well as other desirable General Plan modifications. Subsequently, a comprehensive package will be prepared to begin environmental review.

ANALYSIS

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 (LTWA)
- 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

The 2009 update to the Housing Element commits the County to address homeless shelters, second dwelling units, supportive and transitional housing in residential zones, 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.

Since 2001, the following amendments to the Zoning Code have been processed in response to the General Plan's guidance:

- Central Business Zoning District
- Density Bonus Overlay Zoning District
- Residential and Mixed Uses in Commercial Zones
- Zoning map amendments to reflect the LTWA

Draft Zoning Code

The Zoning Code is being reorganized into the following chapters:

- Chapter 1* – Administration
- Chapter 2* – Permits and Approvals
- Chapter 3* – Combining and Overlay Districts
- Chapter 4* – Special Zone Districts
- Chapter 5* – Residential Zone Districts
- Chapter 6* – Commercial Zone Districts
- Chapter 7* – Industrial Zone Districts

- Chapter 8* – General Development Standards
- Chapter 9* – Specific Use Development Standards
- Chapter 10* – Parking Regulations
- Chapter 11* – Sign Regulations

The second batch of draft chapters of the Zoning Code being presented are Chapters 8 (General Development Standards), 9 (Specific Development Standards), and 11 (Sign Regulations) and are included in Attachment 1. Pertinent sections of the existing Zoning Code to this Workshop are included in Attachment 2, and the full Zoning Ordinance may be viewed online through the County Code website.¹ The following summarizes the key issues presented in the draft.

Chapters 8 and 9 (General and Specific Use Development Standards)

The consultant has provided a detailed set of development standards that may be considered. Staff recommends that most of these not be carried forward, as they generally are not necessary in Inyo County at this time, as discussed further below. If in the future general or specific development standards become necessary for any such issues (or other issues), they may be crafted at such time with knowledge of the specific issues that need to be addressed. Since staff recommends that most of these regulations not be carried forward, it is recommended that Chapter Nos. 8 and 9 be combined.

Encroachments into Yards

The current Code's language for encroachments is included.

Accessory Structures

This section substantially expands and clarifies regulations for accessory structures. A different set of regulations is proposed for residential and non-residential districts. In the non-residential districts, no encroachments are permitted; staff plans to identify encroachments that may be permitted, similar to the existing code.

Circulation, Transportation, and Trails Facilities

This section duplicates requirements in the Subdivision Ordinance [Inyo County Code (ICC) Title 16]] and other regulations and policies implemented by the Department of Public Works. Therefore, staff recommends that this section not be carried forward.

Condominiums and Condominium Conversions

This section duplicates requirements in the Subdivision Ordinance (Title 16). Condominium development and condominium conversions are rare in the County, and site-specific issues may be addressed on a case-by-case basis through compliance with conditional use permit (CUP) requirements and Title 16. Therefore, staff recommends that this section not be carried forward.

¹ <http://www.qcode.us/codes/inyocounty/>

Conversion of Residential Structures to Nonresidential Use

This section emphasizes building code requirements, duplicates existing zoning district regulations, and is rarely an issue in the County. Staff believes that the County should encourage adaptive reuse, and recommends no further regulatory restrictions. Therefore, staff recommends that this section not be carried forward.

Fences and Walls

The proposal is similar to existing regulations, but provides separate requirements for residential and non-residential districts. The consultant has recommended regulating barbed wire fences, and including permitting fences above six feet in commercial districts with a CUP. The current reference to hedges is removed. The current code seems to limit fences, walls, and hedges to six feet, even outside of yards (refer to ICC Section 18.78.160 in Attachment 2); the proposed Code eliminates this inferred height limit.

Grading

Grading is regulated through the Building Code, and staff is not aware of concerns regarding grading. Much of the developable land in the County is relatively flat, and therefore the need for grading is minimized. Therefore, staff recommends that this section not be carried forward. If grading is regulated in the Zoning Ordinance, the proposed grading section could be strengthened to required contour grading, limitations on grading quantity, requirements for maximum graded slopes, and other issues.

Hazardous Materials Management

Hazardous materials are regulated by the Environmental Health Department and a myriad of federal, State, and local laws, regulations, and policies. Therefore, staff recommends that this section not be carried forward.

Lighting

Staff is aware of several issues in the County related to lighting, typically involving lighting that is not shielded or directed downward onto the property. Interest has also been expressed in protecting dark night skies. The General Plan includes the following policies:

Policy No. VIS-1.6 – The County shall require that all outdoor light fixtures including street lighting, externally illuminated signs, advertising displays, and billboards use low-energy, shielded light fixtures, which direct light downward (i.e., lighting shall not emit higher than a horizontal level) and which are fully shielded. Where public safety would not be compromised, the County shall encourage the use of low-pressure sodium lighting for all outdoor light fixtures.

Policy No. VIS-1.7 – Street lighting shall only be utilized where needed to protect public safety related to traffic movement.

The consultant has provided draft language to address lighting, which staff recommends replacing with language similar to the General Plan's guidance above. Consideration may also be given to specifying maximum permitted lighting levels at property lines, and procedures for permitting spotlights and other high-intensity lighting in non-residential zones. Input from the Commission is also desired for event lighting.

Minimum Building Sites

Staff recommends that this section not be carried forward, as it replicates requirements in the specific zoning districts.

Manufactured Housing

Staff recommends that this section be replaced by the existing standards for mobile homes (refer to ICC Section 18.78.350 – see Attachment 2).

Mobile Home Parks

Staff recommends that this section not be carried forward, as many of the proposed regulations are duplicative, site-specific issues may be addressed through the CUP process, and mobile home parks are regulated by the State.

Noise Hazards

County staff occasionally receives complaints about excessive noise. The Consultant has recommended noise standards, which are included in Attachment 1. Staff proposes to largely replace these with the General Plan's guidance (refer to Attachment 3), including noise limitations from on-site uses at property lines. Staff also plans to incorporate Noise Implementation Measure No. 5.0, with an exemption for single-family homes and agricultural uses, which reads as follows:

Construction activities within 500 feet of existing noise-sensitive uses shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday. No construction shall occur on Sunday or federal holidays without a special permit from the County for unusual circumstances.

Relocated Structures

This new section regulates relocated structures. The proposed language is generally acceptable to staff, although the Commission could consider a CUP requirement for such relocations and more flexible time requirements.

Transportation Control Measures

The consultant has provided a section for transportation control measures. However, these are typically not an issue in the County, due to its rural nature. Therefore, staff recommends that they not be carried forward.

Water Efficient Landscape Requirements

The consultant had recommended including the State's new water efficient landscape requirements, but staff recommends not carrying these forward as they are a standard requirement.

Other General Development Regulations

The consultant has provided language for out-door uses, reflective material, screening, solar energy, storage, recycling, and a right-to-farm ordinance. These are generally acceptable to staff.

Specific Use Development Standards

The consultant has provided a variety of regulatory sections for specific uses that may be considered. With the exception of regulations for home occupations and wireless communication facilities, and perhaps regulations for keeping of animals, kennels, and exotic animals, staff recommends not carrying these sections forward.

- *Home Occupations* – staff recommends that the existing Code's language be carried forward (refer to ICC Section 18.78.130 in Attachment 2).
- *Second Units* – staff recommends that the existing Code language be carried forward (refer to ICC Section 18.78.340 in Attachment 2), absent the CUP requirement, as specified by State law.
- *Wireless Telecommunications Facilities* – the consultant has incorporated the County's existing telecommunications ordinance into the draft Code (refer to ICC Chapter 18.76 in Attachment 2). Staff recommends that the definitions be added to the definition section in Chapter 1.
- *Keeping of Animals* – staff recommends that the existing Code's animal maintenance procedures be carried forward (refer to ICC Section 18.78.310 in Attachment 2). Staff has received complaints about animal keeping from in-town locations, so a distance requirement to residential (R) zoning could be considered.

As discussed previously, staff recommends merging Chapters 8 and 9 since so few specific development standards are recommended to be carried forward.

Chapter 11 (Signs)

The consultant has recommended changing the County's sign standards, as illustrated in Attachment 1. Since the County's sign ordinance is a recent addition to the existing Code, staff recommends that it be maintained. Based on concerns expressed about the restrictiveness of the

existing Sign Ordinance, staff recommends that classes of signs not meeting the existing Code standards be permitted with a CUP. For example, signs exceeding two times the area requirements could be permitted with a CUP. Alternatively, specified classes of signs could be permitted with a Sign Permit or other procedure (such as a Modification). Staff also plans to delete the amortization schedule and non-conforming sign standards (ICC Section 18.75.060) so that non-conforming signs may be treated the same as other non-conforming uses and structures.

Other Issues

Staff has identified the following other issues pertinent to draft Code sections 8, 9, and 11.

Density Bonus Overlay

Currently, the County's density bonus regulations require a zone change to institute the regulations and allow for the density bonus. The regulations could instead be permitted by CUP, with the regulations provided in the Development Regulations Chapter. Since Density Bonus Overlay is a recent addition to the existing Code, staff recommends that the current procedures requiring a zone change be maintained.

Development on Slopes

The General Plan indicates that the County shall restrict development on steep slopes (defined as slopes greater than 30 percent) – refer to Policy GEO-1.5. The General Plan also indicates that the County will revise the Zoning Ordinance to set limits on the amount on the maximum slope and maximum average slope that can be built on – refer to Geologic and Seismic Hazard Implementation Measure No. 9.0. Staff is unaware of issues related to construction on steep slopes in the County, and therefore recommends that these requirements not be carried forward into the Zoning Ordinance; if so, staff plans to delete these sections of the General Plan.

If the County proceeds with restrictions for construction on slopes, alternatives that could be considered include specifying thresholds for development on slopes. For example, the County could require a CUP or Modification for development on slopes greater than 30 percent, or prohibit development on slopes greater than 30 percent. Under the latter option, a variance would be required to develop on slopes greater than 30 percent.

Water Transfers

ICC Chapter 18.77 regulates water transfers and other water-related issues. Staff recommends that this Chapter be incorporated into the development standards.

Short-term Rental in Residential Zones

The County enforces a policy precluding rentals in single-family zoning districts for less than 30 days. Staff recommends incorporating this into the Code.

Park and Recreation Standards

General Plan Recreation Implementation Measure No. 13.0 indicates as follows:

The County, as part of their Zoning Ordinance, shall establish minimum park standards to be used in assessing improvement needs, new park development plans, and available funding for maintenance.

The County's Subdivision Ordinance addresses park and recreational dedications for subdivisions. Park development plans and funding are addressed through the County's park and recreational programs. Therefore, the Implementation Measure is unneeded, and staff plans to delete it.

Housing Element Implementation

The 2009 General Plan Housing Element commits the County to allowing for Emergency Shelters in the Highway Services and Tourist Commercial (C-2) zone. Standards may be specified, including the following:

1. The maximum number of beds or persons permitted to be served nightly by the facility;
2. Off-street parking based upon demonstrated need, provided that the standards do not require more parking for emergency shelters than for other residential or commercial uses within the same zone;
3. The size and location of exterior and interior on-site waiting and client intake areas;
4. The provision of on-site management;
5. The proximity to other emergency shelters provided that emergency shelters are not required to be more than 300 feet apart;
6. The length of stay;
7. Lighting; and
8. Security during hours that the emergency shelter is in operation.

Staff recommends providing a section in the development standards chapter for these standards.

Long Term Water Agreement

The General Plan directs that the Zoning Code update include implementation of LTWA projects and measures. It appears as if this has been completed.

Undergrounding of Utilities

General Plan Public Services and Utilities Implementation Measure No. 2.0 states as follows:

As part of the Zoning ordinance update, the County shall develop rules for determining the need to underground utilities associated with a new project or major renovation.

Staff is unaware of issues related to undergrounding utilities, and therefore recommends that no such requirements be adopted. If this path is taken, staff intends to delete this General Plan Implementation Measure.

Financing Capital Facilities and Expanded Services

General Plan Public Services and Utilities Implementation Measure No. 6.0 states as follows:

The County shall develop and adopt ordinances specifying acceptable methods for new development to pay for new capital facilities and expanded services. Possible mechanisms include development fees, assessment districts, land/facility dedications, County service areas, and community facilities districts.

Existing procedures require addressing certain such issues through the standard development review process, and many others are addressed by the Local Agency Formation Commission. Due to the relatively slow pace of development in the County, these existing regulations are adequate to address paying for new capital facilities and expanded services. If the updated Zoning Code does not address financing capital facilities and expanded services, staff intends to delete this General Plan Implementation Measure and otherwise update the Public Services and Utilities Chapter of the Land Use Element accordingly.

Recycling

General Plan Public Services and Utilities Implementation Measure No. 8.0 states as follows:

The County shall require new commercial, industrial, and multi-family residential uses to provide adequate areas on-site to accommodate the collection and storage of recyclable materials.

Due to the relative low density of development in a rural area like Inyo County, providing areas for recycling is generally not an issue. However, draft Chapter 9 includes a model for developing such requirements, if deemed appropriate.

Scenic Highways

General Plan Scenic Highway Implementation Measure No. 1 indicates as follows:

Adopt standards within the County Zoning Ordinance for development within the vicinity of scenic routes that maintains the integrity of viewsheds in the County.

Scenic routes within the County are generally located away from developed areas and are protected by existing zoning and public land management, and such additional regulations are therefore unnecessary. Accordingly, staff recommends deleting this Implementation Measure and not incorporating additional regulations into the Zoning Ordinance.

Multi-family Development Standards

The consultant has recommended additional development standards for multi-family projects, which are included in Attachment 4. Multi-family development is relatively rare in the County, and site-specific issues may be addressed through the CUP process. Therefore, staff recommends that these standards not be carried forward.

Public Health

Standards or guidelines could be provided to encourage public health, such as measures to encourage walking, healthy eating, and production of local agricultural products. Staff believes that these are unnecessary as the County's towns are conducive to walking, local choices for health eating are available, and local agricultural production is utilized locally.

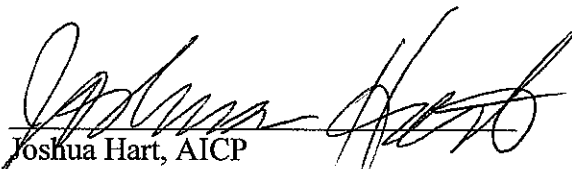
RECOMMENDATION

Conduct a workshop regarding draft sections of the updated Zoning Code and provide input to staff and the Board of Supervisors.

ATTACHMENTS

1. Draft Zoning Code Sections – Chapters 8 (General Development Standards), 9 (Specific Development Standards), and 11 (Sign Regulations)
2. Pertinent Existing Zoning Code Sections
3. General Plan Table 9-9 (Maximum Allowable Ambient Noise Exposure by Land Use)
4. Examples of Multi-family Development Standards

Prepared and Approved By:



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