

Zoning Ordinance Workshop

Board of Supervisors
&
Planning Commission

July 19, 2012

Zoning Ordinance Workshop

- Article 5 – Planning Permit Processing
- Article 6 – Zoning Ordinance Administration
- Article 7 – Fees

- Appendices
- County-wide Zoning Map Component

Article 5

Planning Permit Processing

- Permit processing requirements
- General provisions for hearings and public notice
- Time limits and extensions
- Detailed requirements for specific plans and development agreements

Article 5

17.50 Application Filing and Processing

- Basic information on types of application processes
- Clear reference for each permit application in Table 17.50.030
 - Original authority
 - Appeal processes

Article 5

17.51 General Application Procedures

- Basic procedures for processing different types of applications
 - Concurrent application provisions moved to submittal process
 - Environmental review revisions expanded for clarity
 - Separate consideration by Commission of Director's decision to require EIR
 - Environmental findings required on projects subject to CEQA
 - Certification of CEQA document for each project

Article 5

17.51 General Application Procedures

- County specific public noticing provisions codified
- Conditions of approval, including automatic approvals consistent with state law
- Noticing provisions for final decisions
- Pre-application/conceptual review processes added

Article 5

17.52 Permit Requirements, Procedures, Decisions and Appeals

- Specific to types of permits
- Listed alphabetically
- Purpose and intent for each sub section

Article 5

17.52 Permit Requirements, Procedures, Decisions and Appeals (cont.)

- Site plan review permit eliminated, ministerial review handled under Administrative permit. The site plan review will remain a *process* in any permit review and approval.
- Administrative relief and waiver provisions consolidated
 - Includes nonconforming use determinations
 - Variance option when findings for relief cannot be made
- Findings for a Minor Use permit application vs. Conditional Use permit
- Specific findings Conditional and Minor Use permits
 - Site adequacy, infrastructure availability, and the potential for alternative energy systems on site or impacts to systems located off site

Article 5

17.52 Permit Requirements, Procedures, Decisions and Appeals (cont.)

- Provision requiring all existing and subsequent uses to be addressed under an approved Conditional Use permit
- Adds Design Review application, focused on design, architecture, and other development features and not on use when the use is permitted in the zone
- Development Plan permit moved to this chapter for consistency and ease of reference

Article 5

17.52 Permit Requirements, Procedures, Decisions and Appeals (cont.)

- Scope of approval under a Development Plan permit added for clarity
- Findings added to include mixed-use development
- Phased Development Plan provisions added for clarity
- Temporary Mobile Home permit provisions preclude use where secondary dwelling exists on site

Article 5

17.52 Permit Requirements, Procedures, Decisions and Appeals (cont.)

- Written notification of change of residency in temporary unit required
- Structural requirements, including use of RV, for temporary unit codified
- Maximum temporary unit size, including measurement provisions, consistent with secondary dwelling unit standards, to allow units to be converted to permanent use in the future, if necessary

Article 5

17.52 Permit Requirements, Procedures, Decisions and Appeals (cont.)

- Temporary Use permit exemptions expanded for clarity.
 - Permitted uses moved to use zone matrices
 - Time limits and development standards for outdoor sales moved to Article 4 (Outdoor Retail Sales)
 - Bond amounts removed and provisions moved to 17.54.050 (Performance Guarantees)
- Provisions allowing conditional approval of a Variance added
- Appeal provisions clarified on timing of process

Article 5

17.54 Permit Implementation, Time Limits, and Extensions

- General requirements after a permit is approved or authorization given
 - Permit effective date codified for clarity
 - Automatic approval requirements before development or use entitlements codified
 - Security bonds and failure to comply provisions codified
 - Time extension request standards codified
 - Time extensions of up to 36 months codified
 - Permit resubmittal process added
 - Revocation procedures of an authorized permit clarified

Article 5

- 17.56 – Specific Plans

- Carries forward existing provisions and requirements per state law
- Government Code 65450 for specific plans

- 17.58 – Development Agreements

- Carries forward existing provisions and requirements per state law
- Government Code 65864 for specific plans

Article 5

Discussion Items



- Discussion items identified:
 - 17.51.020 Application Forms, Submittal Process, and Fees
 - 17.52.020 Conditional and Minor Use Permits
 - 17.54.060 Time Limits, Extensions, and Permit Expiration

Article 6

Zoning Ordinance Administration

- Provisions on nonconforming uses
- Amendments to code
- Code enforcement
- Post disaster rebuilding processes

Article 6

17.60 – Administrative Responsibilities

- New provisions added for clarity and ease of reference for the public (with the exception of the design review committee and floodplain administrator)
- Housing Advisory Commission, Chapter 17.80 of the existing Ordinance, removed from PRD

Article 6

17.61 – Nonconforming Uses, Structures and Lots

- Differentiates between nonconforming uses, structures, and lots
- Provides a process in determining nonconforming status through an Administrative permit
- Differentiates between illegal uses or structures and those that are nonconforming
- Allows for adoption of focused regulations addressing specific nonconforming uses or structures including their amortization and/or retirement

Article 6

17.61 – Nonconforming Uses, Structures and Lots (cont.)

- Provides for continued residential use regardless if dwelling(s) are partially or completely destroyed in compliance with state law, provided structure(s) are not expanded or extended beyond the existing footprint
 - Allows an exception when relocating on site to better conform to topography or reduce impacts to resources or surrounding area.
- Provides criteria for termination of use decisions
- Expands criteria for alteration/modification of nonconforming structures
- Provides for normal maintenance and repair of nonconforming structures
- Clarifies development standards for nonconforming lots and requires setback provisions to be applied based on zone requirements rather than lot size.

Article 6

17.63 – Amendments and Zone Changes

- Provides reference to General Plan Policy 2.2.5.3 for required findings when zone change will increase density or intensity of use
- Provides for reasonable conditions or mitigation measures to be imposed by the Board when necessary and the timing and vehicle for insuring they are satisfied
- Clarifies process and adoption method for amendments to the General Plan or an adopted specific plan

Article 6

17.65 – Covenant of Easement

- New provision
- Sets forth requirements for granting easements to the County if determined to be necessary as a condition of approval or mitigation measure for a development project

Article 6

17.67 – Code Enforcement

- Expands upon the existing provisions of County Code as it applies to code enforcement in concert with the Code Enforcement division.
 - Enforcement duties of the Agricultural Commissioner have been removed.
 - Violation penalties expanded and clarified pursuant to current requirements.
 - Investigation and enforcement fees required when violations are confirmed.

Article 6

17.68 – Post-Disaster Rebuilding

- New provision
- Provides relief from some of the standard procedures in the event of a disaster such as a flood or wildfire
- Many of these provisions are already utilized by the Board under these circumstances, but this section provides an administrative procedure to provide such relief

Article 6

Discussion Items



- Discussion items identified:
 - Chapter 17.61 – nonconforming uses, structures, and lots
 - Setback provisions to be applied based on zone requirements rather than lot size.

Article 7

Fees

- Article 7 addresses the special fees adopted by the County to include the following:
 - **Chapter 17.70 – Bass Lake Hills Specific Plan Supplemental Tentative Map Submittal Fee**
 - **Chapter 17.71 – Ecological Preserve Fee**
 - Removes existing provisions for on site mitigation in Mitigation Area 0 of the Gabbro Soils Preserve and moves it to Section 17.27.080 [Ecological Preserve (-EP) Combining Zone]
 - **Chapter 17.72 – Missouri Flat Planning Cost Reimbursement Fee**

Article 7

Discussion Items



- Discussion items identified:
 - No items raised at this point

Appendices

- A Landscape and Irrigation
- B Lighting Inventory
- C Determination of Substantial Improvement Checklist
- D Density Bonus Calculation Examples
- E Alternatives to On Site Open Space in Planned Development Worksheets

Appendix A

- Three documents relating to the water efficiency requirements in the Landscape Ordinance
- Includes required worksheets demonstrating compliance with regulations and the certification of completion
- Current drought resistant plant list as a source of information to staff and the public
- Current parking lot shade tree and calculation worksheet

Appendix B

- New document
- Lighting inventory worksheet to be used in figuring lumens per acre requirements under the Lighting Ordinance and a certification of installation and completion

Appendix C

- Appendix C - current checklist being used to assist staff in determining substantial improvement

Appendices D & E

- Utilized in planned developments to:
 - Assist in calculating density bonuses and off site mitigation or
 - In lieu fee requirements for the 30% open space requirement

Appendices

Discussion Items



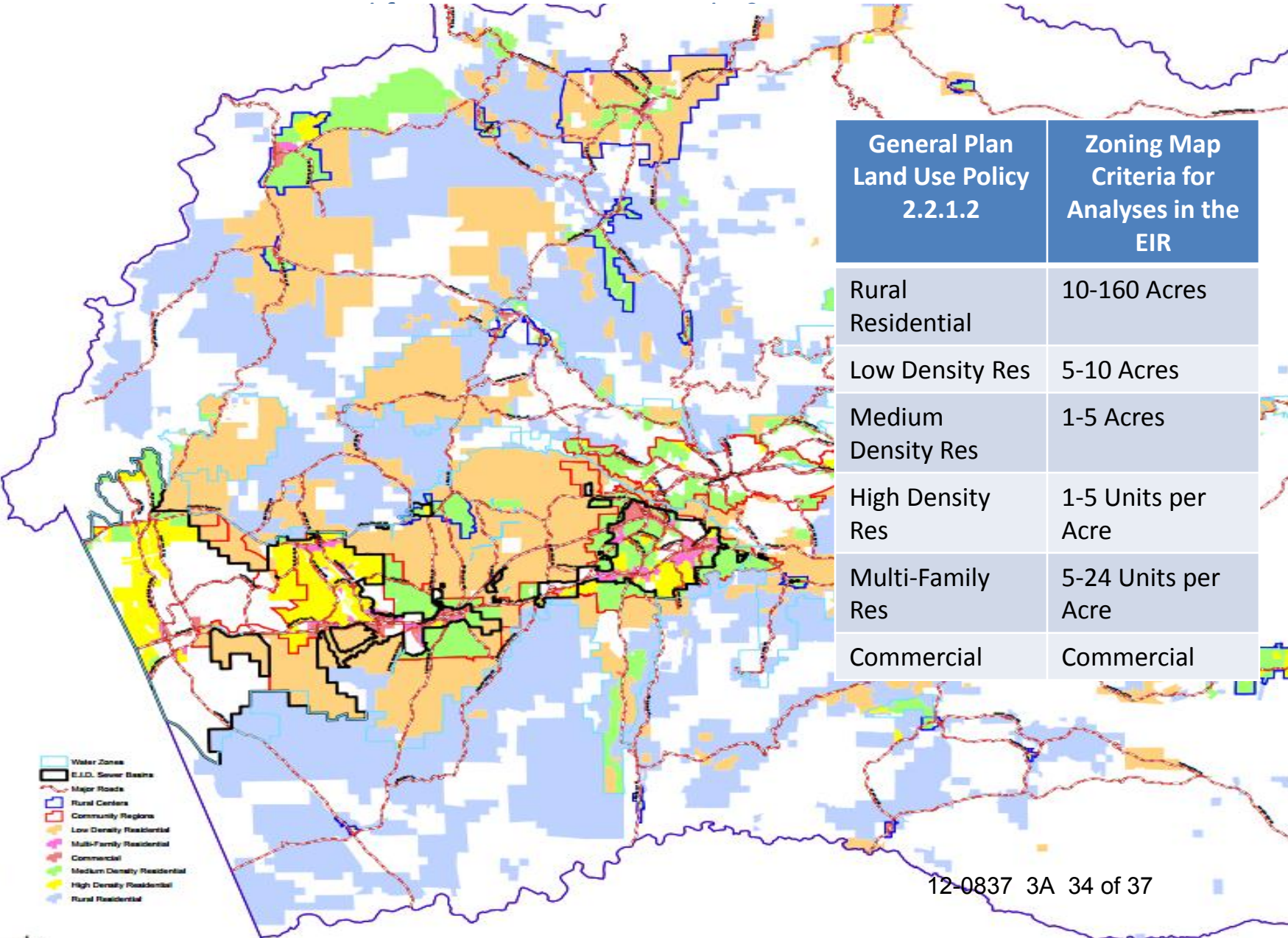
- Discussion items identified:
 - Landscape ordinance
 - More onerous than state requirements
 - Lighting
 - Light standards

Article 1

Zoning Map Corrections

- Zone Consistency
 - Maintain existing zones where possible
 - Zone closest to the existing zone in density and uses
 - New zones to replace zones proposed for elimination
 - Correct current zoning errors

Zoning Map Consistent with General Plan



General Plan Land Use Policy 2.2.1.2	Zoning Map Criteria for Analyses in the EIR
Rural Residential	10-160 Acres
Low Density Res	5-10 Acres
Medium Density Res	1-5 Acres
High Density Res	1-5 Units per Acre
Multi-Family Res	5-24 Units per Acre
Commercial	Commercial

Zoning Map Criteria for the Purpose of Analysis

- Resolution 183-2011 Item #12 – *Revise the zoning map to conform to standardized rules sets for zoning modifications based on General Plan land use designations.*

Timing		Change in Project Description Required ↓			
		Land Use	Current Zoning	Proposed for the Purpose of Analysis	Proposed Zoning
9-12 Months		Commercial (C)	Residential 1 Acre (R1A)	Community Commercial (CC) (option: Limited, Mainstreet, Regional etc.)	Residential 1 Acre (R1A)
		High Density Residential (HDR)	Residential 10 Acre (RE-10)	Residential 1 Acre R1A (allows for 1-5 units per acre)	Residential 10 Acre (RE-10)
		Low Density Residential (LDR)	Exclusive Agriculture (A)	Residential Estate 10 Acre (RE-10) (Option to Opt-in to Ag)	Rural Lands 20, 40, 80 or 160
		Rural Residential (RR)	Agriculture Residential (RA)	Residential Estate 5 Acre (RE-5)	Natural Resources 40 acres (NR 40)

Change in Project Description Required →

↑ Requires a Change in Land Use

12-0837 3A 35 of 37

Holding Zone as a result of analysis

Article 1

Zoning Map Corrections

- Discussion items identified:
 - Agricultural Opt-In
 - Mapping Correction Requests



Zoning Ordinance Workshop

End of Presentation for July 19, 2012

✓ Daily Wrap Up