

Reported (230)

ORDINANCE NO. 78

*Amended by 110 & 111
referred
concluded*

AN ORDINANCE PROVIDING FOR THE ESTABLISHING OF PROTECTIVE REGULATIONS FOR VARIOUS USES OF LAND, THE LOCATIONS AND USES OF BUILDINGS, THE HEIGHT AND BULK OF BUILDINGS, THE OPEN STACKS ABOUT BUILDINGS AND THE DIMENSIONS AND AREA OF BUILDING SITES WITHIN CERTAIN DISTRICTS: PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF SUCH REGULATIONS AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

*Am by
#138*

PART I

Part I of this Enabling Ordinance includes the provisions for A-1 Districts which will apply within all of the unincorporated area of the County of Inyo when this Ordinance becomes effective. None of the provisions for other types of districts may apply except by later amendment of this ordinance.

SECTION I ADOPTION OF ZONING ENABLING PLAN

1.1 There is hereby adopted a Zoning Enabling Plan for the County of Inyo, State of California.

1.2 Said Zoning Enabling Plan is adopted to provide for the promotion and protection of the Public Health, Safety, Peace, Morals, Comfort, Convenience and General Welfare, and:

(a) To assist in providing a definite plan of development for the County, and to guide the future growth of the County in accordance with said plan.

(b) To protect the character and the social and economic stability of agricultural, residential, commercial, industrial, recreational, and other areas within the County, and assure the orderly and beneficial development of such areas.

1.3 THE PURPOSES OF THIS ORDINANCE ARE:

First to classify all of the unincorporated area of the County as an "A-1" District. No portions of such area may be included in any other District except by amendment hereof by Ordinance of the Board of Supervisors.

Second, to provide the means whereby any of the communities in the unincorporated area of the County may, upon request of property owners affected, secure more detailed districting protection as provided in Part II, details of which may be developed in public discussion and advertized public hearings with the assistance of the Planning Commission, and made effective by Ordinance adopted by the Board of Supervisors following and additional advertizing public hearing.

1-4 THE EFFECT OF THIS ORDINANCE IS:

To include the unincorporated territory of the County of Inyo in a District "A-1" as set forth.

1-5 The following regulations shall apply in all "A-1" Districts:

USES PERMITTED

(a) All uses not otherwise prohibited by law are permitted, except that following adoption of this Ordinance, the establishment of any of the following shall not be permitted unless and until a use permit shall first have been secured in each case.

1. Airport
2. Cemetery, crematory, mausoleum or other place for burial or other disposal of the human dead.
3. Commercial distillation of bones, stock yards, slaughter house, fat rendering.
4. Community or commercial use of areas for dumping, disposal, incineration or reduction of garbage, sewage, offal dead animals, or refuse.

5. Commercial feed lot, hog feeding with garbage or refuse other than that produced on the premises, auction yard, or commercial dog kennels.
6. Junk Yard, auto wrecking yard.
7. Milling or grinding of acid, cement, explosives, fertilizer, gas, glue, gypsum, lime, plaster of paris, and metallic or non-metallic minerals.
8. Storage of radio active material.
9. Smelting of copper, iron, tin, zinc, or other ores.
10. Out door theater, race track, amusement park, trailer Court
11. Sawmill.

1.6

USE PERMITS

Application for a use permit shall be submitted in writing to the Planning Commission, together with a filing fee of \$15.00. A public hearing shall be held on all such applications, notice of which shall be given as provided in Section 2.2 of this Ordinance.

The Planning Commission shall approve, conditionally approve, or disapprove a use permit application within 31 days from the date of filing, provided however, should the Planning Commission fail to approve or disapprove within the 31 day period said application would be automatically disapproved. Appeals from any decision of the Planning Commission shall be filed in writing with the Board of Supervisors within 15 days from the date of notification of the Planning Commission action.

PART II

This part of the Enabling Ordinance provides for the amendment of this Ordinance to permit more detailed protection than is provided in Part I.

SECTION II

AMENDMENT PROCEDURE

2.1 Upon receipt of a petition of one or more property owners, the Board of Supervisors or Planning Commission may initiate amendment proceedings to provide more detailed protection to any portion of the unincorporated territory of the County, in the manner provided by law.

Such more detailed protection may include, and is not limited to protective regulations for various uses of land, the locations and uses of buildings, the height and bulk of buildings, the open spaces about buildings, and the dimensions and areas of building sites within certain districts.

Each such petition shall be submitted in writing to the Planning Commission together with a filing fee of \$15.00.

2.2

NOTICE OF HEARING

Notice of any required public hearing shall be given in accordance with law, and shall be in form of a published notice in a newspaper of general circulation in the area of the County concerned.

Additional notice may be given by posting or mailing when deemed advisable by the Planning Commission or Board of Supervisors.

2.3

ZONING MAPS

Additional classes of zoning districts and certain combinations thereof may be established by amendments to this Ordinance and the designations, locations, and boundaries thereof may set forth and indicated on various sectional district maps which hereafter be adopted, said maps and all information shown thereon shall become parts of this ordinance by amendment hereto and subject to the provisions hereof.

Such maps shall constitute subsections of Section 2 of this Ordinance.

PART III

SECTION III ENFORCEMENT, LEGAL-PROCEDURE, PENALTIES

3.1 It shall be the duty of the officers of the County herein and otherwise charged by law with the enforcement of Ordinances to enforce this Ordinance and all the provisions of the same.

3.2 Any person, firm, corporation, political subdivision, governmental agency or municipality whether as principal, agent, employee or otherwise, violating any of the provisions of this Ordinance shall be guilty of a misdemeanor. Such person, firm, corporation, political subdivision, governmental agency or municipality shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this Ordinance is committed, maintained, contained or permitted by such person, firm, corporation, political subdivision, governmental agency or municipality, and shall be punishable as herein provided.

3.3 Any building set up erected, built, moved or maintained and any use of property contrary to the provisions of this Ordinance shall be and the same is hereby declared to be a violation of this Ordinance unlawful and a public nuisance and the District Attorney shall upon request of the Board of Supervisors immediately commence action or actions, proceeding or proceedings, for the abatement, removal and enjoinder thereof in the manner provided by law and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate and remove such building or use and restrain and enjoin any persons, firm, corporation, political subdivision, governmental agency or municipality from setting up, erecting, building, moving or maintaining any such building or using any property contrary to the provisions of this Ordinance.

3.4 All remedies provided for herein shall be cumulative and not exclusive.

SECTION 4

REPEALING

4.1 All ordinances and parts of ordinances of the County in conflict with this ordinance, to the extent of such conflict and no further, are hereby repealed; provided, however, that nothing herein contained shall be deemed to repeal or amend any ordinance of said County requiring a permit or license or both, to cover any business, trade or occupation.

SECTION 5

VALIDITY

5.1 If any section, subsection, sentence, clause or phase of this Ordinance is for any reason held by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would pass this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact, that one or more sections, subsections, sentences, clauses or phases be declared invalid.

SECTION 6

REFERENCE

This ordinance shall be known and cited as the Inyo County Zoning Enabling Ordinance.

SECTION 7

ENACTMENT

This Ordinance shall take effect and be in force 30 days after the date of its' passage and approval, and before the expiration of 15 days is to be published one time in all County papers.

1 2.2

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3 accordance with law, and shall be in form of a published
4 notice in a newspaper of general circulation in the area
5 of the County concerned.

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7 when deemed advisable by the Planning Commission or
8 Board of Supervisors.

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11 combinations thereof may be established by amendments to
12 this Ordinance and the designations, locations, and boundaries
13 thereof may set forth and indicated on various sectional
14 district maps which hereafter be adopted, said maps and all
15 information shown thereon shall become parts of this ordinance
16 by amendment hereto and subject to the provisions hereof.
17 Such maps shall constitute subsections of Section 2 of this
18 Ordinance.

19 PART III

20 SECTION III ENFORCEMENT, LEGAL PROCEDURE, PENALTIES

21 3.1 It shall be the duty of the officers of the County
22 herein and otherwise charged by law with the enforcement of
23 Ordinances to enforce this Ordinance and all the provisions
24 of the same.

25 3.2 Any person, firm, corporation, political subdivision,
26 governmental agency or municipality whether as principal,
27 agent, employee or otherwise, violating any of the provisions
28 of this Ordinance shall be guilty of a misdemeanor. Such
29 person, firm, corporation, political subdivision, governmental
30 agency or municipality shall be deemed to be guilty of a
31 separate offense for each and every day during any portion
32 of which any violation of this Ordinance is committed,

STATE OF CALIFORNIA }
COUNTY OF INYO } SS

I FAY LAURENCE, County Clerk of the County of Inyo, State of California, and ex-officio Clerk of the Board of Supervisors of the County of Inyo, do hereby certify that the foregoing Ordinance No. 78 was passed, adopted and approved by the Board of Supervisors of the County of Inyo, State of California at a regular meeting of the Board held on the 2nd day of May 1960, at which meeting there were present Supervisors Sorrell, Partridge, Hopkins, Jacobs and Knapp, and the Clerk, and that the said Board of Supervisors of the County of Inyo, consists of five members who were all present on the 2nd day of May 1960, and that the foregoing ordinance was passed, adopted and approved by said Board by the following roll call vote:

AYES: Sorrells, Partridge, Hopkins, Jacobs and Knapp.

NOES: None

ADSENT: None

FAY LAURENCE
Clerk of the Board

(Pub II: May 6 1960)