Article 10. Overlay Zones

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Sec. 1001. Purpose and Objectives: The purpose of the following Overlay Zones is to modify and supplement the underlying base zoning district regulations that apply to specific areas. Whenever a requirement of an overlay zone conflicts with those of the underlying base zoning district, the overlay zone requirements shall control. Where the overlay zone is silent, the regulations of the underlying zoning district shall apply. Where two or more overlay zone requirements conflict, the Zoning Administrator shall determine the appropriate requirement.

Sec. 1002. DDOZ - Dairy Development Overlay Zone:

A. **Purpose:** As established in the *Dairy Element* of the *2035 Kings County General Plan*, the Dairy Development Overlay Zone (DDOZ) designates those portions of Kings County where the majority of dairies exist and where new dairies may be located. The zone contains nine separate areas totaling approximately 394 square miles, 341 of which can accommodate dairy facilities.

B. **Development Standards and Regulations:** New dairies and the expansion of existing dairies shall be allowed in the DDOZ according to the specific requirements and standards contained in the *Dairy Element of the 2035 Kings County General Plan* and the *Application Guidelines for New and Expanding Dairy Permits* and as permitted by the underlying agricultural zoning district.

C. **Dairy Development Overlay Zones:**

1. DDOZ 1 (Central)
2. DDOZ 2 (NE Central)
3. DDOZ 3 (East Central)
4. DDOZ 4 (EES Central)
5. DDOZ 5 (SE Central)
6. DDOZ SE County
7. DDOZ West County

8. DDOZ SW 1

9. DDOZ SW 2

D. **Restrictions:** New dairy development shall be limited to one of the 9 Dairy Development Overlay Zones.

Sec. 1003. NSOZ -Nutrient Spreading Overlay Zone:

A. **Purpose:** Also as established in the *Dairy Element*, the Nutrient Spreading Overlay Zone (NSOZ) designates another 642 square miles of agricultural land for the application of liquid and solid manure from dairies located in the DDOZ. The manure and dairy process water generated from dairy cows contains various nutrients that are a natural fertilizer and essential to plant growth.

B. **Standards**: The amount of liquid and solid manure permitted to be applied to agricultural cropland in the NSOZ is calculated through the dairy permitting process by using the *Nitrogen & Salt Generation Calculation Table No. 5* in Appendix A-6 of the *Dairy Element*. The dairy permitting process through the *Dairy Element* serves to ensure that liquid and solid manure is applied at agronomic rates since each dairy operation must account for the nutrient load of dairy process water on the site controlled by the dairy operator.

C. **Nutrient Spreading Overlay Zones:**

1. NSOZ 1 (Lake Basin)
2. NSOZ 2 (Island)
3. NSOZ 3 (Stratford)
4. NSOZ 4 (Northeast County)
5. NSOZ 5 (South County)
6. NSOZ SW 1
7. NSOZ SW 2
8. NSOZ AX Zoning district

D. **Prohibited Uses:** New dairy development is not permitted in the NSOZ, but manure from dairies may be transported to and used to fertilize the crops there.

Sec. 1004. AOZ - Agriculture Overlay Zone

A. **Purpose:** The regulations contained in the AOZ are intended to be applied to Agricultural Zone District areas where additional land use limitations are needed to implement the Kings County General Plan and address related public health and safety concerns. The AOZ is intended to provide added restrictions that are limited in scope and serve to modify the base zone district requirements. The specific purposes of the AOZ are:

1. Reduce potential land use conflicts around Naval Air Station Lemoore, concerning noise and safety due to the operation of military jet aircraft.

2. Enhance land use compatibility around Naval Air Station Lemoore by accommodating agriculture, aircraft, and residential uses in a compatible manner that maintains economic and national defense sustainability while also allowing residents opportunities to improve their quality of life.

3. Preserve lands best suited for agricultural uses and serving as a military base safety buffer from encroachment by incompatible uses.

4. Apply to AX expansion areas as adopted by the Board of Supervisors on January 2010 and any changes and/or amendments of such expansion areas, and implement the policies and provisions of the Kings County General Plan.

5. The AOZ shall be shown on the Zoning Map by adding the designator "AO" to the base district designation. The AOZ will be applied to all properties designated as Exclusive Agriculture as shown on Figure LU-11 of the 2035 Kings County General Plan and currently zoned either AG-20 or AG-40.

6. The provisions of this chapter shall apply to all parcels of land located within the designated boundaries of the overlay district as illustrated on maps contained on the County zoning map. In the event of a conflict with the regulations of the underlying base zoning district and the overlay zoning district, the provisions of the overlay zoning district shall apply. Where the overlay zoning district is not defined, the regulations of other sections of this title shall apply.

B. **Development Standards and Regulations within the Agricultural Overlay Zone:**

1. New residential development is prohibited when proposed within the 70 Community Noise Equivalent Level (CNEL) or greater noise contours for any military airfield, airport or helipad within Kings County.

2. Residential development in an area with 60 CNEL noise contours or greater, but less than 70 CNEL, shall be in accordance with the following standards:

    a. Minimum noise insulation to 45 dB CNEL within residential dwelling units including accessory residential dwelling units.

    b. The property owner shall provide disclosure statements to prospective buyers that the parcel is located in an area which may be exposed to frequent aircraft noise events such as aircraft arrivals, departures, overflights, engine run-ups, etc.

    c. An Avigation Easement, on forms approved by the County, shall be recorded with the Kings County Clerk Recorder, for each newly created residential or agricultural parcel or when a building permit is issued on an existing parcel or lot. Copies shall be filed with the Community Development Agency. The Avigation Easement shall be granted to the owner of the airport and acknowledge the property is located near a source of aircraft noise and grants the right of flight and unobstructed passage of all aircraft, civilian and military, into and out of the military airfield.

3. Maximum height for any structure is 100 feet.

4. Maximum of five dwelling units per parcel. This includes any combination of dwelling units (e.g., primary residence, farm employee housing, mobile home or manufactured home for farm employee and/or infirm relative, etc.).

5. Nothing in the Naval Air Station Lemoore Joint Land Use Study (JLUS) or adoption of plans or policies to implement the JLUS shall impair or prohibit the lawful operation of non-public use airports within the JLUS boundaries. Expansions or modifications to such airports may occur if found consistent with applicable local land use standards for such activities.

C. **Residential Clustering:**

1. The purpose of the Residential Clustering is to provide a mitigation method to locate residential development in a manner that will minimize potential negative impacts to the aviation patterns of military aircraft. Residential clustering must be approved through Site Plan Review and comply with the following requirements:

    a. A parcel of land will be credited one dwelling unit per each legal parcel that could be created through the subdivision of the property. Farm employee housing and accessory manufactured or mobile homes will not be included in the density calculation. Density cannot be transferred to another parcel of land. Maximum density shall be no greater than that allowed under the base zoning district.

b. If a property utilizes clustering, the physical subdivision of the property at a later date may be allowed however, no dwelling units may be constructed on the newly subdivided parcels.

c. A development agreement between the County and landowner will be required that will outline the specifics related to the residential clustering.

D. **Agricultural Residential Transfer:**

1. The purpose of the agricultural residential transfer is to provide an alternative mitigation method to property owners within the AOZ when agricultural residential clustering is not a feasible option and allows transfer of the agricultural residential development rights to a third party. Increased restrictions apply so as to protect the integrity of other prioritized agricultural land resources within the County. Agricultural residential transfer must be approved through site plan review and comply with the following requirements:

   a. Sufficiently demonstrate to the County that the Agricultural Residential Clustering is not a feasible option.

   b. Allow one agricultural residence development right per minimum parcel size that could be created through the subdivision of the property. Farm employee housing and accessory manufactured or mobile homes will not be included in the density calculation.

   c. A development agreement between the County and landowner will be required that will disclose and define the actual transfer of development rights to a specific parcel or parcels.

   d. Recipient parcel(s) shall not be located within a designated military aircraft flight corridor.

   e. Recipient parcel(s) shall not be located on Williamson Act or Farmland Security Zone contracted land.

   f. Recipient parcel(s) must be located within the Low-Medium Priority agricultural land or lower according to Figure RC-13 Priority Agricultural Land in the Resource Conservation Element of the 2035 Kings County General Plan.

   g. Future division of land shall be subject to the agricultural residential limitations as exercised by the present or past property owner.

E. **Prohibited Uses:**

1. Residential development within an area that has 70 CENL noise contours or greater.

2. Farm Labor housing in excess of five dwelling units per parcel.

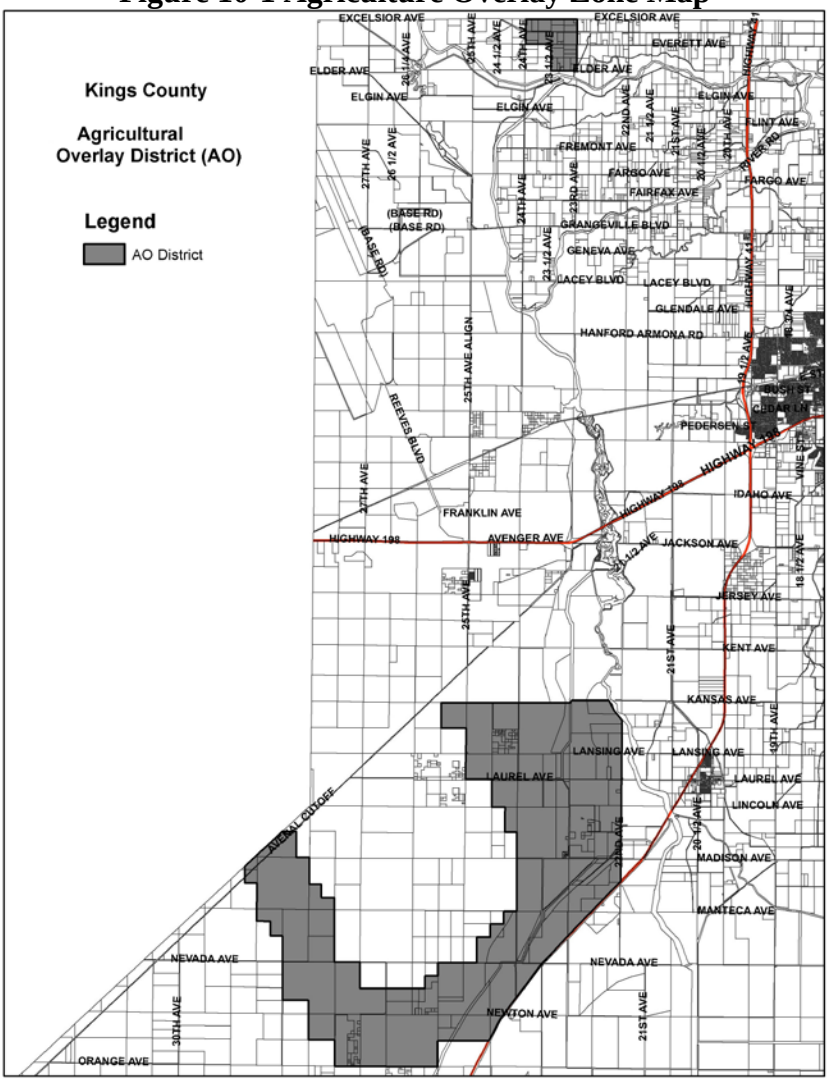
3. Community Care facilities, supportive housing for the target population, and transitional housing that do not qualify as a residential use allowed by the Health and Safety Code Section 1500, et seq.

4. Large family day care homes for nine to fourteen children.

5. Animal rescue shelters.

6. Guest ranches.

Figure 10-1 Agriculture Overlay Zone Map



Sec. 1005. ACOZ - Aviation Land Use Compatibility Overlay Zone:

A. **Purpose:** The regulations contained in the Aviation Land Use Overlay Zone (ACOZ) are intended to be applied to areas where additional controls to supplement or to modify those of the base zoning district are required.

1. The specific purposes of the ACOZ are to:

   a. Reduce potential conflicts around the Hanford airport concerning noise and safety due to the operation of private aircraft.

   b. Encourage proper land use planning to ensure that agriculture, aircraft, and residential uses co-exist to maintain economic sustainability while providing residents a strong quality of life.

   c. Implement the policies and provisions of the *2035 Kings County General Plan*.

2. The ACOZ shall be shown on the Zoning Map by adding the designator "AC" to the base district designation. The ACOZ will be applied to within the airport compatibility areas around the Hanford Airport.

3. The provisions of this chapter shall apply to all parcels of land located within the designated boundaries of the overlay zone as illustrated on maps contained on the Official County zoning map.

B. **Development Standards and Regulations**

1. New residential development is prohibited when proposed within the 70 Community Noise Equivalent Level (CNEL) or greater noise contours for any military airfield, airport or helipad within Kings County.

2. The *Kings County Airport Land Use Compatibility Plan* (ALUC) and the *2035 Kings County General Plan* address land use compatibility surrounding the Hanford Airport. Use of the procedures and criteria contained within the Kings County ALUC serves to ensure that the risks to public safety related to aircraft flight operations around airports is minimized.

3. The ACOZ for the Hanford Airport designate the following specific areas of potential impacts associated with airport operations:

   a. A – Runway Protection Zone or Within Building Restriction Line

   b. B1 – Approach/Departure Zone and Adjacent to Runway

   c. B2 – Extended Approach/Departure Zone

   d. C – Common Traffic Pattern

   e. D – Other Airport Environs

4. Land use and development within the overlay zones of the Hanford Airport shall be consistent with the Airport Land Use Compatibility and Land Development Restrictions contained in the following Tables:

Table 10-1 **AIRPORT LAND USE COMPATIBILITY AND LAND DEVELOPMENT CHART**

Zone	Location	Impact Elements	Maximum Densities		Required Open Land[3]
			Residential (du/ac)[1]	Other Uses (people/ac)[2]	
A	Runway Protection Zone or Within Building Restriction Line.	• High Risk • High Noise Levels.	0	10	All Remaining.
B1	Approach/Departure Zone and Adjacent to Runway.	• Substantial risk – aircraft commonly below 400 ft. AGL or within 1,000 ft. of runway. • Substantial Noise.	0.1 (10 acre min. parcel req. for 1 dwelling)	60	30%
B2	Extended Approach/Departure Zone.	• Moderate risk – aircraft commonly below 800 ft. AGL. • Significant Noise.	0.5 (2 acre min. parcel req. for 1 dwelling)	60	30%
C	Common Traffic Pattern.	• Limited risk – aircraft at or below 1,000 ft AGL. • Frequent Noise Intrusion.	8	150	15%
D	Other Airport Environs.	• Negligible risk. • Potential for annoyance from overflights.	No Limit.	No Limit.	No Requirement.

Zone	Additional Criteria		Examples	
	Prohibited Uses	**Other Development Conditions**	**Normally Acceptable Uses[4]**	**Uses Not Normally Acceptable[5]**
A	• All structures except ones with location set by aeronautical function • Assemblages of people • Objects exceeding FAR Part 77 height limits • Aboveground bulk storage of hazardous materials • Hazards to flight[6.]	• Dedication of Avigation Easement.	• Aircraft tie down apron • Pastures, field crops, vineyards • Automobile parking.	• Heavy poles, signs, etc. • Orchards, large trees.
B1 and B2	• Children's schools, day care centers, libraries. • Hospitals, nursing homes. • Highly noise-sensitive uses (e.g. outdoor theaters). • Aboveground bulk storage of hazardous materials[7] • Hazards to flight[6.]	• Locate structures maximum distance from extended runway centerline. • Minimum NLR[8] of 25 dBA in residential and office buildings. • Dedication of Avigation Easement.	• Uses in Zone A. • Agricultural uses except ones attracting birds. • Single-family residences on existing lots. • Warehousing, truck terminals, low-intensity manufacturing. • Single-story offices. • Low-intensity retail (e.g. auto, furniture sales).	• Residential subdivisions. • Multi-family residential. • Intensive retail uses. • Intensive manufacturing or food processing uses. • Multiple story offices. • Hotels and motels.
C	• Children's schools. • Hospitals, nursing homes. • Hazards to flight[6.]	• Dedication of overflight easement for residential uses.	• Uses in Zone B. • Parks, playgrounds. • General retail, offices, etc. (2-story maximum). • Low-intensity manufacturing, food processing. • Two-story motels.	• Major shopping malls. • Theaters, auditoriums. • Large sports stadiums. • Hi-rise office buildings.
D	• Hazards to flight[6.]	• Deed notice required for residential development.	• All except ones hazardous to flight.	
Source: Kings County Airport Land Use Compatibility Plan				

Table 10-2 Aircraft Land Use Primary Compatibility Notes	
1	Residential development should not contain more than the indicated number of dwelling units per gross acre. Clustering of units is encouraged as a means of meeting the Required Open Land requirements.
2	The land use should not attract more than the indicated number of people per acre at any time. This figure should include all individuals who may be on the property (e.g. employees, customers/visitors, etc.) These densities are intended as general planning guidelines to aid in determining the acceptability of proposed land uses.
3	Open land requirements are intended to be applied with respect to an entire zone. This is typically accomplished as part of a community General Plan or a specific plan. See supporting compatibility policies in the General Plan on safety for definition of open land.
4	These uses typically can be designed to meet the density requirements and other development conditions listed.
5	These uses typically do not meet the density and other development conditions listed. They should be allowed only if a major community objective is served by their location in this zone and no feasible alternative location exists.
6	Hazards to flight include physical, visual, and electronic forms if interference with the safety of aircraft operations. See supporting compatibility policies in the General Plan on airspace protection for details.
7	Storage of aviation fuel, other aviation-related flammable materials, and up to 2,000 gallons of non aviation flammable materials is exempted from this criterion in Zones B1 and B2.
8	NLR = Noise Level Reduction; i.e., the attenuation of sound level from outside to inside provided by the structure.
Source: Kings County Airport Land Use Compatibility Plan	

Sec. 1006. OSOZ - Open Space Overlay Zone

A. Purpose: The specific purpose of the Open Space Overlay Zone (OSOZ) is to promote the preservation of natural and other open space land which contributes to the economy, general welfare, and quality of life of the residents of Kings County.

B. **Applicability**: The OSOZ is applicable only to those areas which are mapped on the Official Zoning Map as OS. Open space areas include natural watershed terrain, riparian habitat, vernal pools, flood zones, and natural water courses, as well as areas primarily for human use, including agricultural lands, recreation oriented park lands, existing and proposed community open space buffers, aquifer recharge areas, and areas zoned for mineral and aggregate extraction. Open space is also used around Community District areas to establish community buffer areas. There is overlap between many natural and other open space use areas.

C. **Development Standards and Regulations within the Open Space Overlay Zone:** All new structures proposed within the OSOZ require approval of a Conditional Use Permit, with the exception of a single family residence and accessory structures related to the single family residence.

Figure 10-2 Open Space Overlay Zone Map 1

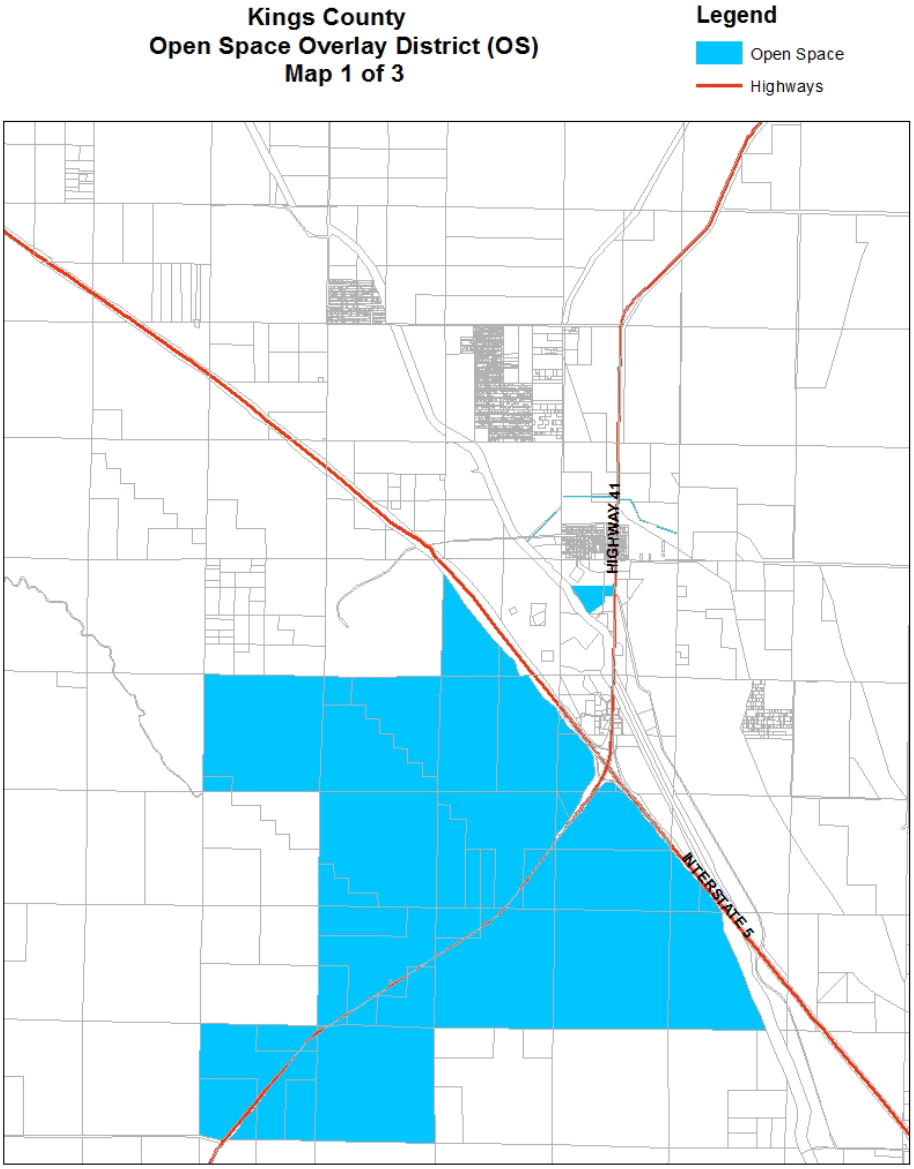


Figure 10-3 Open Space Overlay Zone Map 2

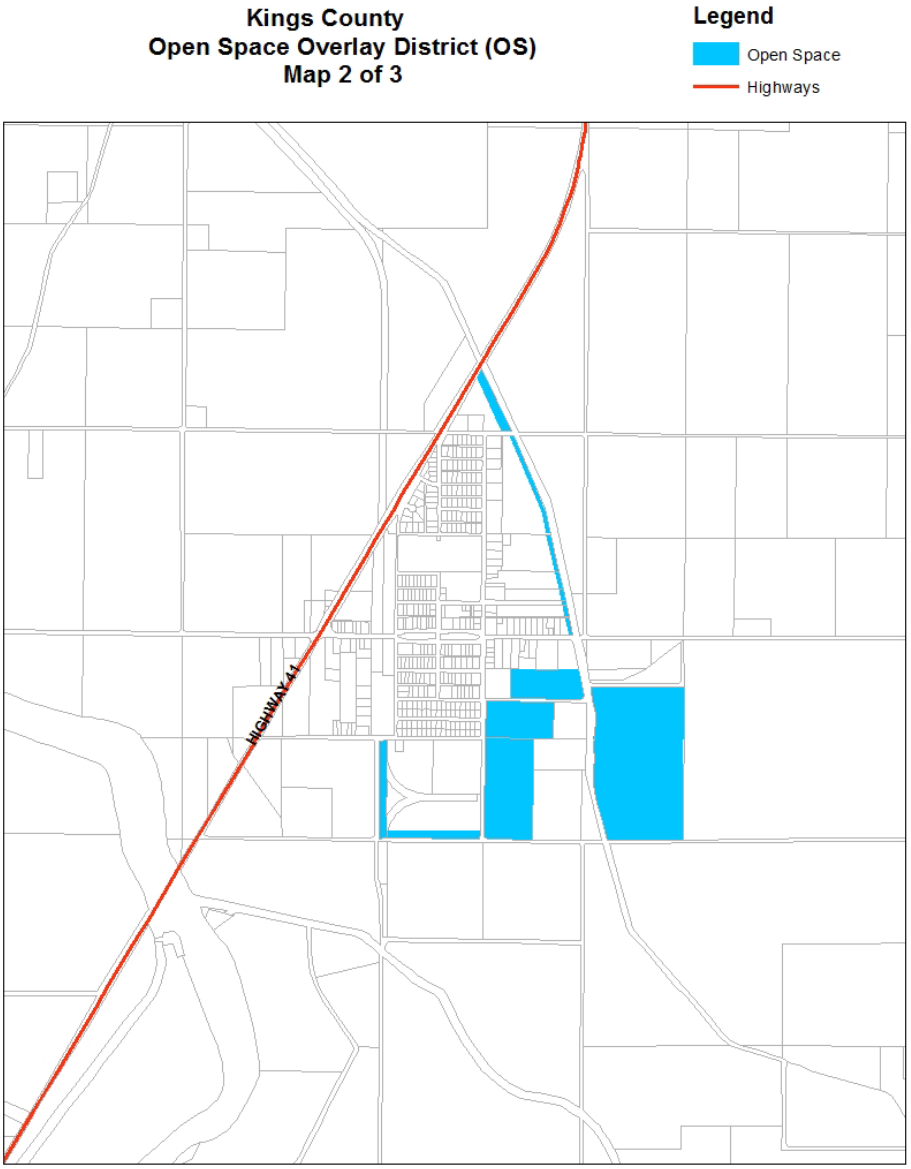


Figure 10-4 Open Space Overlay Zone Map 3

Sec. 1007. NRCOZ – Natural Resource Conservation Overlay Zone

A. **Purpose:** The purpose of the Natural Resource Conservation Overlay Zone (NRCOZ) is to protect and preserve natural land resources within the County. Such resources consist of high slope areas of the coast ranges, and waterway channels of the Kings River and Cross Creek.

B. **Applicability:** These zones are also intended primarily for application to those rural and urban areas of the county where it is necessary and desirable to provide permanent open spaces to protect natural watercourses, drainage basins and sloughs which are necessary to safeguard the health, safety and welfare of the County residents as well as protecting and preserving natural and biological resources for the long term benefit of the County. Natural Resource Conservation designations also prevent the intrusion of inharmonious types of land uses that could potentially disrupt the natural scenic beauty and resources of natural land.

C. **Development Standards and Regulations within the Natural Resource Conservation Overlay Zone:**
All new structures proposed within the NRCOZ require approval of a Conditional Use Permit. The Kings River and Cross Creek are designated as resource conservation areas implemented by the NRCOZ. Construction, development and land

clearing along the Kings River designated floodway channel and Cross Creek may be subject to additional requirements due to potential environmental impacts and the need to protect riparian vegetation and wetlands along the banks. In order to ensure that property owners are aware of the additional requirements or restrictions, the following requirements are necessary:

1. Prior to the issuance of any permit for construction or development in the NRCOZ along the Kings River designated floodway channel the applicant is required to comply with the encroachment permit process required by the **Central Valley Flood Protection Board**.

2. Property owners who intend to build on property along the Kings River or its levees shall provide written documentation from the **California Department of Fish and Wildlife** and the **Kings River Conservation District** showing that the property owner is aware of the possible environmental impacts and has met any permit requirements.

3. All discretionary permit applications for projects along the Kings River and Cross Creek shall be submitted to the appropriate local, state, and federal agencies for review and approval.

Figure 10-5 Natural Resources Conservation Overlay Zone Map 1

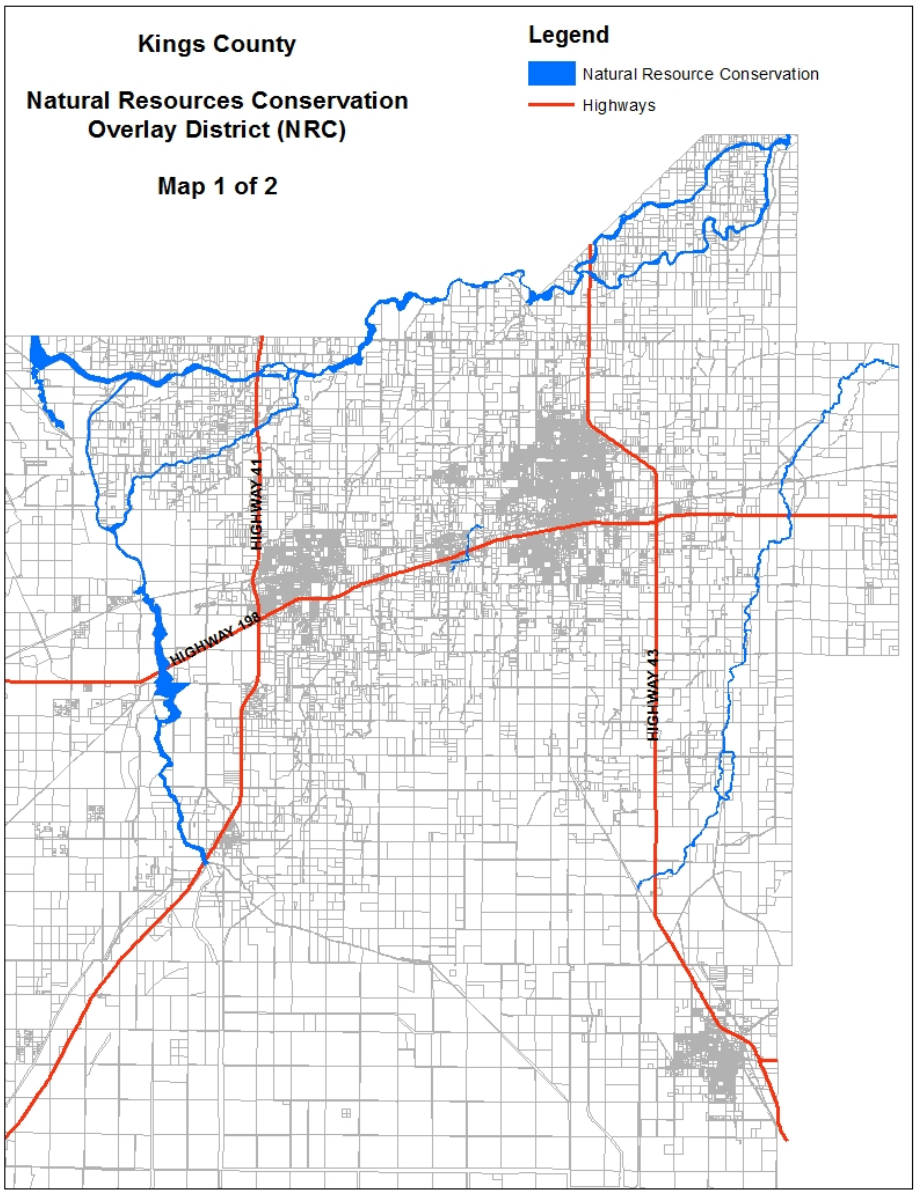
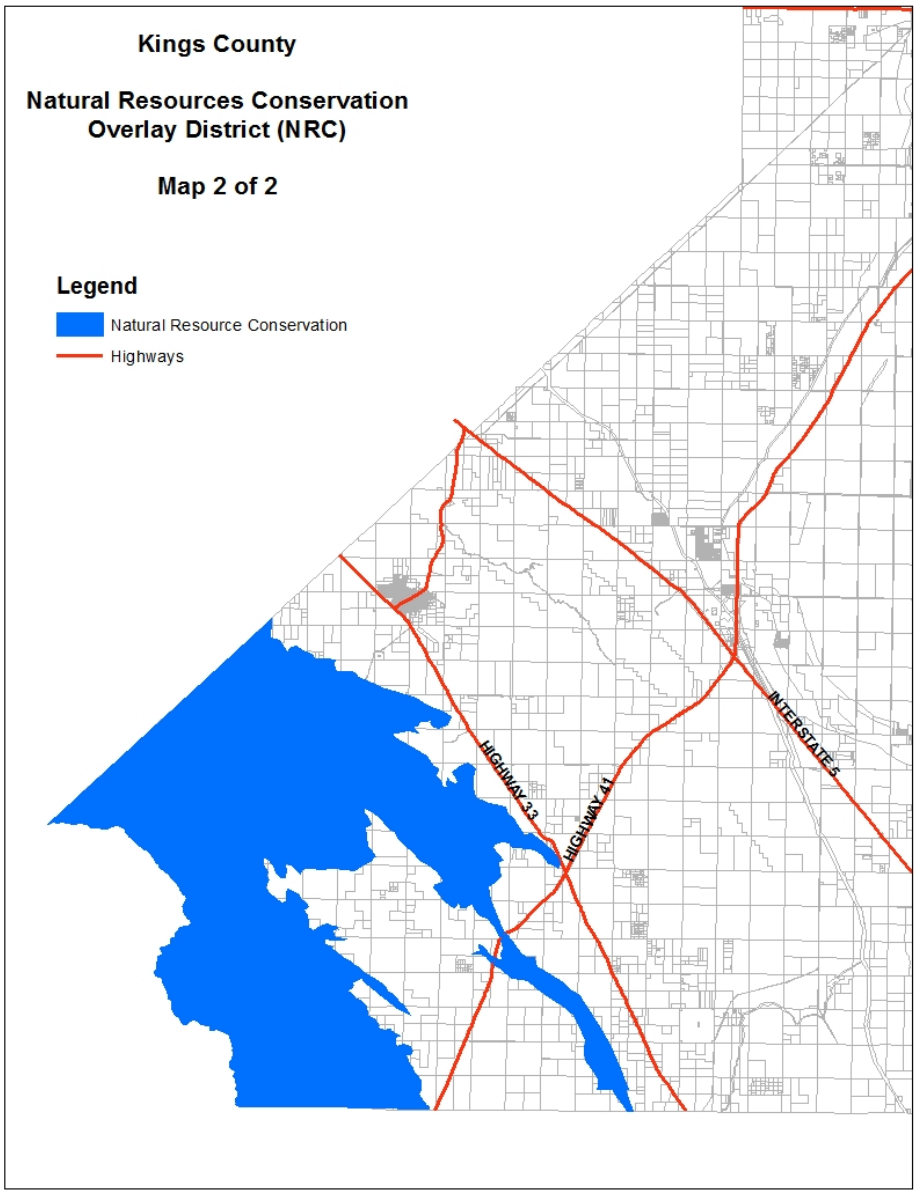


Figure 10-6 Natural Resources Conservation Overlay Zone Map 2



Sec. 1008. FHOZ - Flood Hazard Overlay Zone

A. Purpose. The specific purpose of the Flood Hazard Overlay Zone (FHOZ) is to promote public health, safety, and general welfare, and to minimize the loss of life and property due to flooding in areas of the County that have been determined to be subject to such an event. The FHOZ is also intended to:

1. Minimize expenditure of public money for costly flood control projects;

2. Minimize the need for rescue and relief efforts associated with flooding;

3. Minimize prolonged business interruptions;

4. Minimize flood damage to public facilities and utilities such as water and gas mains; electric, telephone, and sewer lines; and streets and bridges located in areas of special flood hazard;

5. Maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;

6. Ensure that potential buyers are notified that property is in an area of special flood hazard;

7. Ensure that those that occupy the areas of special flood hazard assume responsibility for their actions; and

8. Maintain eligibility for state disaster relief.

B. **Applicability.**

1. The standards and regulations of this Section apply to all lands within the FHOZ mapped on the Official Zoning Map and all lands which, after considering evidence from flood experience and engineering studies, are deemed subject to inundation by a 100 year flood.

2. The basis for establishing the FHOZ boundaries on the Official Zoning Map are areas of special flood and other hazards identified by the Federal Emergency Management Agency (FEMA) in "The Flood Insurance Rate Maps" effective June 16, 2009, with subsequent revisions.

C. **Development in the Flood Hazard Overlay Zone**: All development in the FHOZ shall be in compliance with the Flood Damage Prevention ordinance, Chapter 5A of the *Kings County Code of Ordinances.*

Sec. 1009. RMOZ – Multifamily Residential Overlay Zone (Kettleman City only).

A. Purpose. In order to reduce overcrowded housing conditions in the community of Kettleman City, the Multifamily Residential Overlay Zone (RMOZ) serves to provide an automatic increased density bonus allowance over the underlying zoning district which provides an incentive to property owners and developers to construct additional units dwelling units.

1. Use of the RMOZ is intended to increase the potential for multifamily residential development and reduce overcrowded housing conditions.

2 Developers are encouraged to utilize the automatic density bonus incorporated into the RMOZ to provide more low and moderate income housing units.

3. The RMOZ incorporates new maximum floor area ratios (FAR's) to ensure that a majority of multifamily residential zoned land is developed with multifamily residential units instead of single-family residential housing.

B. **Applicability and Development Standards:** The RMOZ and the corresponding FAR's shall be applied to the underlying zoning districts as follows:

Table 10-3 Multi-family Residential Overlay Zones

Underlying Zone District	Overlay Zone District	Minimum Density Requirement per Dwelling Unit	Maximum Floor Area Ratio (FAR)
RM-3	RM-2.4	2,400 Square Feet	50%
RM-2	RM-1.6	1,600 Square Feet	60%
RM-1.5	RM-1.2	1,200 Square Feet	70%

Sec. 1010. SDOZ – Substantially Developed Fringe Area Overlay Zone

A. Purpose. The Substantially Developed Fringe Area Overlay Zone (SDOZ) is established to designate those areas of the unincorporated county where the majority of the properties have been issued land use and/or building permits and were developed according to Kings County standards at the time of development.

B. **Applicability and Development Standards:** The tone and character of substantially developed fringe areas are generally already established and those characteristics shall be maintained while complying with the requirements of the zoning district. Any undeveloped parcels within these areas, before annexation, shall be developed per the applicable zoning district requirements listed in this Development Code for that district.

Sec. 1011. CROZ – Cultural Resources Overlay Zone: The Cultural Resources Overlay Zone (CR) is established to assist in implementation of the requirements of RC Policy I1.1.4 of the 2035 Kings County General Plan. It is intended that the CR Overlay Zone is to be applied to all properties designated historic sites or County landmarks.

A. The CR Overlay Zone is strictly an informational designation which serves to advise property owners, County staff, and the general public that a property is a designated Cultural or Historic Resource and, as such, is subject to all the requirements of the 2035 Kings County General Plan.

B. The CR Overlay Zone does not change the use and development standards of the underlying base zone. Any application that involves the removal, destruction, or alteration of proposed or designated historic site or County landmark shall be referred to the Kings County Museum Advisory Committee or its successor for recommended mitigation measures.