

ATTACHMENT 5c

Draft Implementation Program

Inland Zoning Ordinance Changes and Ordinance of Adoption

(Additions are shown in double underline text and deletions are shown in ~~strikeout~~.)

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF
THE COUNTY OF HUMBOLDT AMENDING SECTIONS DIVISION I OF TITLE III OF THE HUMBOLDT
COUNTY CODE (THE ZONING ORDINANCE), ADDING SECTION 312-42 IN CHAPTER 2, AND MODIFYING
SECTIONS 314-2.1 (C-1 ZONE), 314-2.2 (C-2 ZONE), 314-2.3 (C-3 ZONE), 314-2.4 (CH ZONE), 314-3.1
(MB ZONE), 314-3.2 (ML ZONE), 314-3.3 (MH ZONE), 314-6.4 (R-3 ZONE), 314-6.5 (R-4 ZONE), 314-99.1
(EXCEPTIONS TO THE DEVELOPMENT STANDARDS), 314-109.1 (Off-Street Parking), 314-112.1
(RESIDENTIAL DENSITY BONUS), 314-140 (DEFINITIONS (E)), 314-155 (DEFINITIONS (T)), 314-177
(RESIDENTIAL USE TYPES) OF CHAPTER 4 AS SHOWN IN THE ATTACHED ORDINANCES
(IMPLEMENTING THE 2003 HOUSING ELEMENT UPDATE).

The Board of Supervisors of the County of Humboldt do ordain as follows:

SECTION 1. ZONE AMENDMENT. Division I of Title III of the Humboldt County Code (the Zoning Ordinance), Sections 314-2.1 (C-1 Zone), 314-2.2 (C-2 Zone), 314-2.4 (CH Zone), 314-3.1 (MB Zone), 314-3.2 (ML Zone), 314-3.3 (MH Zone), 314-6.4 (R-3 Zone), 314-6.5 (R-4 Zone), 314-99.1 (Exceptions to the Development Standards), 314-109.1 (Off-Street Parking), 314-112.1 (Residential Density Bonus) 314-140 (Definitions (E)), 314-155 (Definitions (T)), 314-177 (Residential Use Types) of Chapter 4 are hereby amended and Section 312-42 in Chapter 2 is added, as shown on the attached pages (additions are shown in double underline text, deletions are shown in ~~strikeout~~ text).

SECTION 2. EFFECTIVE DATE. This ordinance shall take effect and be in full force thirty (30) days from the date of its passage. A summary shall be published at least five (5) days before the date for adoption and again fifteen days after passage of this ordinance. It shall be published at least once with the names of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of Humboldt, State of California.

PASSED, APPROVED AND ADOPTED this 9th of November, 2004 the following vote, to wit:

AYES:

NOES:

ABSENT:

Chair of the Board of Supervisors
of the County of Humboldt, State of
California

(SEAL)

ATTEST:

Lora Canzoneri
Clerk of the Board of Supervisors
of the County of Humboldt, State of California.

Lora Canzoneri

312-42 PROCEDURE FOR ADDRESSING REQUESTS FOR REASONABLE ACCOMMODATION

This procedure is required for consideration of unforeseen circumstances that require consideration of “reasonable accommodation” consistent with the Americans With Disabilities Act

42.1 The party requesting the modification or exception from any zoning or land use standard or regulation shall provide the Director of Community Development Services a written request for “reasonable accommodation” pursuant to the federal Fair Housing Act (FHA) and/or State Fair Employment and Housing Act (FEHA). The request shall describe the nature of the disability, the impact of the existing regulation or standard that has necessitated the request, and other methods or actions considered by the party to provide necessary relief and why the measure or measures were not found to be feasible.

42.2 Upon finding the request complete, and following consultation with any knowledgeable party or parties as determined appropriate, the Director shall process the request according to the procedures for Special Permits. If this determination of modification of exception is related to a discretionary land use project, the matter may be taken to the hearing officer ahead of the project as a whole, so as to expedite review and render a decision on which other permit findings may be dependant.

42.3 In addition to the findings for approving Special Permits, approval of a request for reasonable accommodation shall include the findings, a) the request is the only feasible design, and b) the request provides a “reasonable accommodation” consistent with the Americans With Disabilities Act.

312-423 through 312-49 *(Sections Reserved for Future Use)*

314-2.1 C-1: NEIGHBORHOOD COMMERCIAL ZONE

The Neighborhood Commercial or C-1 Zone is intended to provide for neighborhood shopping centers which will provide convenient sales and service facilities to residential areas without detracting from the residential desirability of such areas. The following regulations shall apply in all Neighborhood Commercial or C-1 Zones. (Former Section INL#314-34; Ord. 1086, Sec. 7, 7/13/76; Amended by Ord. 2214, 6/6/00)

314-2.1 C-1: NEIGHBORHOOD COMMERCIAL	
Principal Permitted Uses	
Social halls, fraternal and social organizations, and clubs.	
Professional and business offices, and commercial instruction.	
Stores, agencies and services of a light commercial character, conducted entirely within an enclosed building, such as antique shops, art galleries, retail bakeries, banks, barber shops, beauty salons, book stores, clothing and apparel stores, coin-operated dry cleaning and laundries, dry cleaning and laundry agencies, drug stores, florists, food markets, furniture stores, hardware and appliance stores, radio and television sales and services, restaurants and licensed premises appurtenant thereto, automobile service stations, studios, tailor shops, enclosed theaters, variety stores, and mortuaries.	
Sales of used and secondhand goods when appurtenant to any of the foregoing.	
Caretaker's Residence which is incidental to and under the same ownership as an existing commercial use (Added by Ord. 2166, Sec. 14, 4/7/98)	
Uses Permitted with a Special Permit	
Apartments, <u>emergency shelters, and transitional housing</u> on the upper floors of multistory structures where below are establishments engaged in commercial uses designated "Principally Permitted" or "Conditionally Permitted" in the C-1 Zone. (Added by Ord. 2313A 12/16/2003)	
Uses Permitted with a Use Permit	
Manufactured homes, hotels, motels, boarding and rooming houses and manufactured home parks.	
Small animal hospitals completely enclosed within a building.	
Stores, agencies and services such as minor automobile repair; new automobile, trailer and boat sales, and used automobile, trailer and boat sales appurtenant thereto; bowling alleys; licensed premises not appurtenant to any restaurant, pet shops, public garages, sales of used or secondhand goods, and storage warehouses.	
Private institutions where specifically allowed by the General Plan. (Amended by Ord. 2161 on 3/3/98)	
Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the C-1 zone.	
Other Regulations	
Minimum Lot Area	2,000 square feet.
Minimum Lot Width	Twenty-five feet (25').
Minimum Yard Setbacks*	
Front	None, except that where frontage is in a block which is partially in a Residential Zone (RS, R-1, R-2, R-3, R-4) the front yard shall be the same as that required in such Residential Zone.
Rear	Fifteen feet (15'), except that where a rear yard abuts on an alley, such rear yard may be not less than five feet (5').
Side	None, except that a side yard of an interior lot abutting on a Residential Zone (RS, R-1, R-2, R-3, R-4) or Agricultural Zone (AE, AG) shall be not less than the front yard required in such Residential Zone or Agricultural Zone.
Maximum Ground Coverage	(None specified.)
Maximum Building Height	Forty-five feet (45'). (Ord. 1086, Sec. 7, 7/13/76)

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1, "Alquist-Priolo Fault Hazard" and the "Fire Safe" Regulations at Title III, Division 11. (Former Section INL#314-34(c)(1-4); Amended by Ord. 2166, Sec. 13, 4/7/98)

314-2.2 C-2: COMMUNITY COMMERCIAL ZONE

The Community Commercial or C-2 Zone is intended to apply to areas where more complete commercial facilities are necessary for community convenience. The following regulations shall apply in all Community Commercial or C-2 Zones. (Former Section INL#314-37; Amended by Ord. 2214, 6/6/00)

314-2.2 C-2: COMMUNITY COMMERCIAL	
Principal Permitted Uses	
Social halls, fraternal and social organizations, and clubs.	
Professional and business offices, and commercial instruction.	
Stores, agencies and services of a light commercial character, conducted entirely within an enclosed building, such as antique shops, art galleries, retail bakeries, banks, barber shops, beauty salons, book stores, clothing and apparel stores, coin-operated dry cleaning and laundries, dry cleaning and laundry agencies, drug stores, florists, food markets, furniture stores, hardware and appliance stores, radio and television sales and services, restaurants and licensed premises appurtenant thereto, automobile service stations, studios, tailor shops, enclosed theaters, variety stores, and mortuaries. (From Section INL#314-34(a)(3))	
Caretaker's Residence which is incidental to and under the same ownership as an existing commercial use. (From Section INL#314-34(a)(5); Added by Ord. 2166, Sec. 14, 4/7/98)	
Stores, agencies and services such as minor automobile repair; new automobile, trailer and boat sales, and used automobile, trailer and boat sales appurtenant thereto; bowling alleys; licensed premises not appurtenant to any restaurant, pet shops, public garages, sales of used or secondhand goods, and storage warehouses. (From Section INL#314-34(b)(3); Ord. 1086, Sec. 8, 7/13/76)	
Uses Permitted with a Special Permit	
Apartments, <u>emergency shelters, and transitional housing</u> on the upper floors of multistory structures where below are establishments engaged in commercial uses designated "Principally Permitted" or "Conditionally Permitted" in the C-2 Zone. (Added by Ord. 2313A, 12/16/2003)	
Uses Permitted with a Use Permit	
Dwellings, hotels, motels, boarding and rooming houses and manufactured home parks.	
Small animal hospitals completely enclosed within a building.	
Stores, agencies and services such as carpentry and cabinet-making shops, clothing manufacture, contractors' yards, dry cleaning and laundry plants, handicraft manufacture, lumber yards metal-working shops, wholesale outlet stores, painters' and decorators' yards, plumbing shops, printing, lithographing and major auto repair. (Amended by Ord. 1848, Sec. 14, 9/13/88)	
Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the C-2 zone.	
Other Regulations	
Minimum Lot Area	2,000 square feet.
Minimum Lot Width	Twenty-five feet (25').
Minimum Yard Setbacks*	
Front	None, except that where frontage is in a block which is partially in a Residential Zone (RS, R-1, R-2, R-3, R-4) the front yard shall be the same as that required in such Residential Zone.
Rear	Fifteen feet (15'), except that where a rear yard abuts on an alley, such rear yard may be not less than five feet (5').
Side	None, except that a side yard of an interior lot abutting on a Residential Zone (RS, R-1, R-2, R-3, R-4) or Agricultural Zone (AE, AG) shall be not less than the front yard required in such Residential Zone or Agricultural Zone.
Maximum Ground Coverage	(None specified.)
Maximum Building Height	Seventy-five feet (75').

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1, "Alquist-Priolo Fault Hazard" and the "Fire Safe" Regulations at Title III, Division 11. (Former Section INL#314-37(c)(1-2); Ord. 1086, Sec. 8, 7/13/76)

314-2.3 C-3: INDUSTRIAL COMMERCIAL ZONE

The Industrial Commercial or C-3 Zone is intended to apply to areas where heavy commercial uses and compatible light industrial uses not serving day to day needs are the desirable predominant uses. The following regulations shall apply in all Industrial Commercial or C-3 zones. For further description of use types, see “Glossary of Use Types” in Section D: Use Types, at the end of this Chapter. (Former Section INL#314-38; Ord. 1801, Sec. 1, 6/30/87)

314-2.3 C-3: INDUSTRIAL COMMERCIAL	
Use Type	Principal Permitted Use
Commercial Use Types	Automotive Sales, Service and Repair Office and Professional Service Warehousing, Storage and Distribution
Industrial Use Types	Cottage Industry Research/Light Industrial
Use Type	Uses Permitted with a Special Permit
Residential Use Types	<u>Residential Uses Subordinate to the Permitted Use including caretaker's residences, apartments, emergency shelters, and transitional housing</u> on the upper floors of multistory structures where below are establishments engaged in uses designated “Principally Permitted” or “Conditionally Permitted” in the C-3 Zone. (Added by Ord. 2313A, 12/16/2003)
Use Type	Uses Permitted with a Use Permit
Residential Use Types	Residential Uses Subordinate to the Permitted Use.
Civic Use Types	Community Assembly
Commercial Use Types	Heavy Commercial Neighborhood Commercial Retail Sales Retail Service
Use Types Not Listed in This Table	Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the C-3 zone.
Other Regulations	
Minimum Lot Area	5,000 square feet.
Minimum Lot Width	Fifty feet (50').
Minimum Yard Setbacks*	
Front	Five feet (5').
Rear	Five feet (5').
Side	Five feet (5') or ten (10') feet on one side.
Maximum Ground Coverage	(None specified.)
Maximum Building Height	Forty-five feet (45').
Special Regulations	All equipment and materials storage areas shall be security fenced to a height of not less than six feet (6'). (Added by Ord. 1801, Sec. 1, 6/30/87)
	In addition, all such areas shall be screened from view of any residential area, public roadway, or recreational use area. (Former Section INL#314-38(c)(5); Added by Ord. 1801, Sec. 1, 6/30/87)
	Such fencing and screening need not comply with yard setbacks, but shall comply with the Visibility Obstruction Regulations (Humboldt County Code, Section 341). (Former Section INL#314-38(c)(5); Added by Ord. 1801, Sec. 1, 6/30/87)

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1, “Alquist-Priolo Fault Hazard” and the “Fire Safe” Regulations at Title III, Division 11. (Former Section INL#314-38(a)(1-5); INL#314-38(b)(1-6); INL#314-38(c)(1-5))

314-2.4 CH: HIGHWAY SERVICE COMMERCIAL ZONE

The Highway Service Commercial or CH Zone is intended to provide necessary services and conveniences for the traveling public along main roads and highway frontages at proper intervals and locations in developments designed for safety, convenience and suitable appearance. The following regulations shall apply in all highway Service Commercial or CH Zones. (Former Section INL#314-40; Ord. 1086, Sections 9 and 10, 7/13/76; Amended by Ord. 2214, 6/6/00)

314-2.4	CH: HIGHWAY SERVICE COMMERCIAL
Principal Permitted Uses	
Hotels and motels.	
Car washes.	
Nurseries and greenhouses.	
Amusement parks and commercial recreational facilities.	
Social halls, fraternal and social organizations, and clubs. (From Section INL#314-34(a)(1))	
Professional and business offices, and commercial instruction. (From Section INL#314-34(a)(2))	
Stores, agencies and services of a light commercial character, conducted entirely within an enclosed building, such as antique shops, art galleries, retail bakeries, banks, barber shops, beauty salons, book stores, clothing and apparel stores, coin-operated dry cleaning and laundries, dry cleaning and laundry agencies, drug stores, florists, food markets, furniture stores, hardware and appliance stores, radio and television sales and services, restaurants and licensed premises appurtenant thereto, automobile service stations, studios, tailor shops, enclosed theaters, variety stores, and mortuaries. (From Section INL#314-34(a)(3))	
Caretaker's Residence which is incidental to and under the same ownership as an existing commercial use. (From Section INL#314-34(a)(5); Added by Ord. 2166, Sec. 14, 4/7/98)	
Stores, agencies and services such as minor automobile repair; new automobile, trailer and boat sales, and used automobile, trailer and boat sales appurtenant thereto; bowling alleys; licensed premises not appurtenant to any restaurant, pet shops, public garages, sales of used or secondhand goods, and storage warehouses. (From Section INL#314-34(b)(3))	
Uses Permitted with a Special Permit	
Apartments, <u>emergency shelters</u> , and <u>transitional housing</u> on the upper floors of multistory structures where below are establishments engaged in commercial uses designated "Principally Permitted" or "Conditionally Permitted" in the CH Zone. (Added by Ord. 2313A, 12/16/2003)	
Uses Permitted with a Use Permit	
Small animal hospitals and kennels.	
Special occupancy parks. (Amended by Ord. 2166, Sec. 15, 4/7/98)	
Dwellings, manufactured homes, manufactured home parks and boarding and rooming houses.	
Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the CH zone.	

314-2.4	CH: HIGHWAY SERVICE COMMERCIAL
Other Regulations	
Minimum Lot Area	5,000 square feet.
Minimum Lot Width	Fifty feet (50').
Minimum Yard Setbacks*	
Front	Fifteen feet (15').
Rear	None, except that where a rear yard abuts on a Residential Zone (RS, R-1, R-2, R-3, R-4) such rear yard shall not be less than twenty feet (20').
Side	None, except that, where a side yard abuts on a Residential Zone (RS, R-1, R-2, R-3, R-4), such side yard shall not be less than fifteen feet (15') provided further that such side yard, of a motel shall not be less than six feet (6').
Maximum Ground Coverage	(None specified.)
Maximum Building Height	Forty-five feet (45').

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1, "Alquist-Priolo Fault Hazard" and the "Fire Safe" Regulations at Title III, Division 11.(Former Section INL#314-40(a)(1-5); INL#314-40(b)(1-3); INL#314-40(c)(1-4))

314-3.1 MB: BUSINESS PARK ZONE

The MB zone is intended to protect sites which are suitable for "business park" developments: well-designed mixed industrial/commercial areas composed of nuisance-free light industrial, research and development, administrative and business and professional office facilities, developed in a park-like environment. For further description of use types, see "Glossary of Use Types" in Section D: Use Types, at the end of this Chapter. (Former Section INL#314-44; Ord. 1800, Sec. 1, 6/23/87)

314-3.1 MB: BUSINESS PARK	
Use Type	Principal Permitted Use
Civic Use Types	Administrative
Commercial Use Types	Office and Professional Service Warehousing, Storage and Distribution
Industrial Use Types	Research/Light Industrial
<u>Uses Permitted with a Special Permit</u>	
<u>Residential uses subordinate to the permitted use, including caretaker's residence apartments, emergency shelters, and transitional housing on the upper floors of multistory structures where below are establishments engaged in commercial uses designated "Principally Permitted" or "Conditionally Permitted" in the MB Zone</u>	
Use Type	Uses Permitted with a Use Permit
Commercial Use Types	Retail Sales Retail Service Transient Habitation
Use Types Not Listed in This Table	Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the MB zone.
Other Regulations	
Minimum Lot Area	10,000 square feet.
Minimum Lot Width	Sixty (60) feet.
Minimum Yard Setbacks*	
Front	Thirty (30) feet.
Rear	Ten (10) feet.
Side	Thirty (30) feet where side yard adjoins a public street and ten (10) feet otherwise.
Maximum Ground Coverage	Fifty percent (50%).
Maximum Building Height	Fifty (50) feet.

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1, "Alquist-Priolo Fault Hazard" and the "Fire Safe" Regulations at Title III, Division 11.
(Former Section INL#314-44(a)(1-4); (Former Section INL#314-44(b)(1-3); INL#314-44(c)(1-5); Ord. 1800, Sec. 1, 6/23/87)

314-3.2 ML: LIMITED INDUSTRIAL ZONE

The Limited Industrial or ML Zone is intended to apply to areas in which light manufacturing and heavy commercial uses of the non-nuisance type and large administrative facilities are the desirable predominant uses. The following regulations shall apply in all Limited Industrial or ML Zones. (Former Section INL#314-43; Ord. 1086, Sec. 11, 7/13/76; Amended by Ord. 2214, 6/6/00)

314-3.2 ML: LIMITED INDUSTRIAL	
Principal Permitted Uses	
Small animal hospitals completely enclosed within a building. (From Section INL#314-37(b)(2); Ord. 1086, Sec. 8, 7/13/76)	
Stores, agencies and services such as carpentry and cabinet-making shops, clothing manufacture, contractors' yards, dry cleaning and laundry plants, handicraft manufacture, lumber yards metal-working shops, wholesale outlet stores, painters' and decorators' yards, plumbing shops, printing, lithographing and major auto repair. (From Section INL#314-37(b)(3); Ord. 1086, Sec. 8, 7/13/76)	
Administrative, business and professional offices. (From Section INL#314-43(a)(2))	
Manufacturing of electrical and electronic equipment, of household effects such as lamps, rugs and fabrics, and research and development laboratories. (From Section INL#314-43(a)(3))	
Uses Permitted with a Use Permit	
Dwellings, manufactured homes, hotels, motels, <u>emergency shelters</u> , and manufactured home parks.	
Animal hospitals and kennels.	
Animal feed and sales yards.	
Manufacture of furniture, finished paper and paper products.	
Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the ML zone.	
Other Regulations	
Minimum Lot Area	One (1) acre.
Minimum Lot Width	(None specified.)
Minimum Yard Setbacks*	
Front	Fifty feet (50');
Rear	Fifty feet (50');
Side	Ten percent (10%) of average lot width but not less than twenty-five feet (25').
Maximum Ground Coverage	Twenty-five percent (25%).
Maximum Building Height	Seventy-five feet (75').
Special Regulations	All manufacturing and fabricating areas shall be enclosed in buildings; and
	All equipment and materials storage areas adjacent to Residential (RS, R-1, R-2, R-3, R-4) Zones shall be screened by walls, fences or adequate plantings to a height of not less than six feet (6'); and
	Said fencing and screening shall conform to all yard requirements.

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1, "Alquist-Priolo Fault Hazard" and the "Fire Safe" Regulations at Title III, Division 11. (Former Section INL#314-43(a)(1-3); INL#314-43(b); INL#314-43(c))

314-3.3 MH: HEAVY INDUSTRIAL ZONE

The Heavy Industrial or MH Zone is intended to apply to areas devoted to normal operations of industries subject only to regulations as are needed to control congestion and protect surrounding areas. The following regulations shall apply to all Heavy Industrial or MH Zones. (Former Section INL#314-46; Ord. 1086, Sec. 12, 7/13/76; Amended by Ord. 2214, 6/6/00)

314-3.3 MH: HEAVY INDUSTRIAL	
Principal Permitted Uses	
Small animal hospitals completely enclosed within a building. (From Section INL#314-37(b)(2); Ord. 1086, Sec. 8, 7/13/76)	
Stores, agencies and services such as carpentry and cabinet-making shops, clothing manufacture, contractors' yards, dry cleaning and laundry plants, handicraft manufacture, lumber yards metal-working shops, wholesale outlet stores, painters' and decorators' yards, plumbing shops, printing, lithographing and major auto repair. (From Section INL#314-37(b)(3); Ord. 1086, Sec. 8, 7/13/76)	
Administrative, business and professional offices. (From Section INL#314-43(a)(2))	
Manufacturing of electrical and electronic equipment, of household effects such as lamps, rugs and fabrics, and research and development laboratories. (From Section INL#314-43(a)(3))	
Animal hospitals and kennels. (From Section INL#314-43(b)(2))	
Animal feed and sales yards. (From Section INL#314-43(b)(3))	
Manufacture of furniture, finished paper and paper products. (From Section INL#314-43(b)(4))	
Industrial manufacturing uses, except as provided in the following subsection, Uses Permitted with a Use Permit.	
Uses Permitted with a Use Permit	
Dwellings, manufactured homes, hotels, motels, <u>emergency shelters</u> , manufactured home parks, and special occupancy parks.	
All uses except: One-family dwellings; general agriculture; rooming and boarding of not more than two (2) persons; and manufactured homes. (Former Sections 314-2(c); 314-2(b)(1-4) and 314-46(b)(2))	
Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the MH zone.	
Other Regulations	
Minimum Lot Area	One (1) acre. (From Section INL#314-43(c))
Minimum Lot Width	(None specified.) (From Section INL#314-43(c))
Minimum Yard Setbacks*	
Front	Fifty feet (50'); (From Section INL#314-43(c))
Rear	Fifty feet (50'); (From Section INL#314-43(c))
Side	Ten percent (10%) of average lot width but not less than twenty-five feet (25'). (From Section INL#314-43(c))
Maximum Ground Coverage	(None specified.)
Maximum Building Height	Seventy-five feet (75'). (From Section INL#314-43(c))

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-2.1, "Alquist-Priolo Fault Hazard" and the "Fire Safe" Regulations at Title III, Division 11.

(Former Section INL#314-46(a)(1-3); Ord. 1086, Sec. 12, 7/13/76) (Former Section INL#314-46(b)(1-2); Ord. 894, Sec. 1, 12/19/72; Amended by Ord. 1086, Sec. 12, 7/13/76; Amended by Ord. 2166, Sec. 16, 4/7/98)

314-6.4 R-3: RESIDENTIAL MULTIPLE FAMILY ZONE

The Residential Multiple Family or R-3 Zone is intended to apply in areas of the County where it is reasonable to permit and protect low density apartment developments. The following regulations shall apply in all Residential Multiple Family or R-3 Zones. (Former Section INL#314-30; Ord. 519, Sec. 440, 5/11/65; Amended by Ord. 1848, Sec. 12, 9/13/88; Amended by Ord. 1876, Sec. 7, 9/26/89; Amended by Ord. 2166, Sec. 12, 4/7/98)

314-6.4 R-3: RESIDENTIAL MULTIPLE FAMILY	
Principal Permitted Uses	
Two-family dwellings. (Amended by Ord. 2166, 4/7/98)	
Dwelling groups and multiple dwellings containing four or fewer units per building. (Amended by Ord. 2313A, 12/16/2003).	
Keeping of no more than two (2) household pets for each dwelling unit.	
Uses Permitted with a Use Permit	
Hotels, motels, manufactured home parks, and rooming and boarding houses, <u>emergency shelters and transitional housing.</u>	
Private institutions.	
Professional offices.	
One family dwellings where it can be shown that the property could be developed in the future with multifamily dwellings. The Hearing Officer may require submittal of a development plan which shows how the multifamily dwelling units could be sited on the property in conformance with County requirements. (Added by Ord. 2166, Sec. 12, 4/7/98)	
Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the R-3 zone.	
Other Regulations	
Minimum Lot Area	5,000 square feet, but not less than 500 square feet for each dwelling unit.
Minimum Lot Width	Fifty feet (50').
Maximum Lot Depth	Three (3) times lot width.
Minimum Yard Setbacks*	
Front	Twenty (20) feet.
Rear	Ten (10) feet.
Interior Side	Five (5) feet.
Exterior Side	Same as front or one-half the front if all parts of the main building are more than twenty-five feet from the rear lot line, and the exterior side yard does not abut a collector or higher order street. (In questionable cases, the Public Works Director shall classify the subject street.)
Double Frontage Lots	Front and rear twenty (20) feet, except the rear yard setbacks may be reduced to ten (10) feet where such yard abuts an alley.
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1, "Alquist-Priolo Fault Hazard" and the "Fire Safe" Regulations at Title III, Division 11.

314-6.4 R-3: RESIDENTIAL MULTIPLE FAMILY	
Other Regulations, cont.	
Special yards for multiple dwellings on the same lot	The distance between separate dwelling units in a group on the same lot shall be not less than ten feet (10'). (Amended by Ord. 2214, 6/6/00) The distance between the front of any dwelling unit in the group and any other building shall be not less than twenty feet (20'). The distance between the front of any dwelling unit in the group and any side lot line shall be not less than twelve feet (12'). All of the above distances shall be increased by two feet (2') for each two feet (2') that any building on the lot exceeds two (2) stories.
Maximum Ground Coverage	Sixty percent (60%).
Maximum Building Height	Forty-five feet (45').
Maximum Density	The maximum density as specified by the General Plan. The maximum density for the parcel shall be calculated as the maximum density permitted by the General Plan land use designation (i.e. number of dwelling units per acre) divided by the total area within the lot and within one-half of any adjacent street(s). (Added by Ord. 2313A, 12/16/2003)
Design Considerations (Advisory only)	The following items shall guide the design of projects involving more than four units: <ul style="list-style-type: none"> - Avoid letting garages, driveways and parking lots dominate the streetscape. - Design to minimize conflicts between vehicles and pedestrians. - Design public open areas to the same level of quality as any other "space" in the development. - Provide direct access to open space from the dwelling units that the open space is intended to serve. - Provide visual access to shared open spaces from individual units, preferably from the kitchen, living room or dining room. - Avoid lighting which shines directly into dwelling units on- and off-site. - Private outdoor space, including patios, porches, decks, balconies and yards should be of adequate size and within easy access of each dwelling unit. - Good landscaping is critical to the quality of any multifamily project. (Added by Ord. 2313A, 12/16/2003)

(Former Section INL#314-30(a)(1-3); INL#314-30(b)(1-4); INL#314-30(c)(1-7; Amended by Ord. 2166, 4/7/98)

314-6.5 R-4: APARTMENT PROFESSIONAL ZONE

The Apartment Professional or R-4 Zone is intended to apply in areas suitable for higher density residential uses and for professional and business offices and institutional uses. The following regulations shall apply in all Apartment Professional or R-4 Zones. (Former Section INL#314-31; Ord. 519, Sec. 440, 5/11/65; Amended by Ord. 1848, Sec. 13, 9/13/88; Amended by Ord. 1876, Sec. 8, 9/26/89; Amended by Ord. 2166, Sec. 13, 4/7/98)

314-6.5	R-4: APARTMENT PROFESSIONAL
Principal Permitted Uses	
Two-family dwellings and multiple dwellings and dwelling groups. (Amended by Ord. 2166, Sec. 13, 4/7/98)	
Professional and business offices.	
Commercial instruction.	
Boarding and rooming houses.	
Keeping of no more than two (2) household pets for each dwelling unit.	
Manufactured home parks.	
Uses Permitted with a Use Permit	
Hotels and motels, <u>transitional housing, and emergency shelters.</u>	
Private institutions.	
Social Halls and fraternal and social organizations.	
Noncommercial recreation facilities.	
Mortuaries.	
Small animal hospitals completely enclosed within a building.	
One family dwellings where it can be shown that the property could be developed in the future with multifamily dwellings. The Hearing Officer may require submittal of a development plan which shows how the multifamily dwelling units could be sited on the property in conformance with County requirements. (Added by Ord. 2166, Sec. 13, 4/7/98)	
Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the R-4 zone.	

314-6.5 R-4: APARTMENT PROFESSIONAL	
Other Regulations	
Minimum Lot Area	5,000 square feet, but not less than 500 square feet for each dwelling unit.
Minimum Lot Width	Fifty feet (50').
Maximum Lot Depth	Three (3) times lot width.
Minimum Yard Setbacks*	
Front	Twenty (20) feet.
Rear	Ten (10) feet.
Interior Side	Five (5) feet.
Exterior Side	Same as front or one-half (1/2) the front if all parts of the main building are more than twenty-five (25) feet from the rear lot line, and the exterior side yard does not abut a collector or higher order street. (In questionable cases, the Public Works Director shall classify the subject street.)
Double Frontage Lots	Front and rear twenty (20) feet, except the rear yard setbacks may be reduced to ten (10) feet where such yard abuts an alley.
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
Special yards for multiple dwellings on the same lot	The distance between separate dwelling units in a group on the same lot shall be not less than ten feet (10'). (Amended by Ord. 2214, 6/6/00) The distance between the front of any dwelling unit in the group and any other building shall be not less than twenty feet (20'). The distance between the front of any dwelling unit in the group and any side lot line shall be not less than twelve feet (12'). All of the above distances shall be increased by two feet (2') for each two feet (2') that any building on the lot exceeds two (2) stories.
Maximum Ground Coverage	Sixty percent (60%).
Maximum Building Height	Forty-five feet (45').
Maximum Density	The maximum density as specified by the General Plan. The maximum density for the parcel shall be calculated as the maximum density permitted by the General Plan land use designation (i.e. number of dwelling units per acre) divided by the total area within the lot and within one-half of any adjacent street(s). (Added by Ord. 2313A, 12/16/2003)
Design Considerations (Advisory Only)	The following items shall guide the design of projects involving more than four units: <ul style="list-style-type: none"> - Avoid letting garages, driveways and parking lots dominate the streetscape. - Design to minimize conflicts between vehicles and pedestrians. - Design public open areas to the same level of quality as any other "space" in the development. - Provide direct access to open space from the dwelling units that the open space is intended to serve. - Provide visual access to shared open spaces from individual units, preferably from the kitchen, living room or dining room. - Avoid lighting which shines directly into dwelling units on- and off-site. - Private outdoor space, including patios, porches, decks, balconies and yards should be of adequate size and within easy access of each dwelling unit. - Good landscaping is critical to the quality of any multifamily project. (Added by Ord. 2313A, 12/16/2003)

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1, "Alquist-Priolo Fault Hazard" and the "Fire Safe" Regulations at Title III, Division 11. (Former Section INL#314-31(a)(1-6); INL#314-31(b)(1-7); INL#314-31(c))

**SECTION B: REGULATIONS THAT APPLY IN ALL
OR SEVERAL AREAS**

PART 3: DEVELOPMENT STANDARDS

(314-96 through 314-98: Sections Reserved for Future Use)

314-99.1 EXCEPTIONS TO DEVELOPMENT STANDARDS

99.1.1 Exceptions to Height Standards. Any structure, building or any architectural feature of a building may be erected to a height greater than the maximum height limits in this Division provided that a Special Permit is first obtained. Such excess height, when allowed, will normally be conditioned upon proportional increases in the yards required. (Former Section INL#316-9(a))

99.1.2 Exceptions to Lot Size, Lot Width and Lot Depth Standards. In order to better design and cope with difficulties due to topography and other natural or man-made features, minimum lot size, minimum lot width and maximum lot depth in all zones may be modified as specified in the following table, subject to securing a Special Permit: (Former Section INL#316-9(b))

EXCEPTIONS TABLE		
DEVELOPMENT STANDARD	PERMITTED MODIFICATIONS	LIMITATIONS
Minimum Lot Size	Minimum Lot Size may be modified down to a maximum of fifty (50) percent, or 5,000 square feet, whichever is greater.	Such modification must be approved in conjunction with a subdivision or lot line adjustment. No lot created by the proposed subdivision or lot line adjustment shall exceed 1.8 times the applicable lot size. Also, the total number of lots created by the subdivision shall not be more than that allowed by the applicable zone.
Minimum Lot Width	Minimum Lot Width may be modified to a maximum of fifty (50) percent.	Minimum Lot Width shall not be modified below fifty (50) feet.
Maximum Lot Depth	Maximum Lot Depth may be modified up to a maximum of twice that permitted.	Maximum Lot Depth shall not be modified to exceed eight (8) times the lot width.

99.1.3 Exceptions to Yard Standards.

99.1.3.1 Architectural Features. Cornices, eaves, canopies, bay windows, chimneys and similar architectural features may extend a maximum of two and one-half feet (2 ½') into the minimum required yard. (Former Section INL#316-9(c)(1); Amended by Ord. 1848, Sec. 17, 9/13/88)

99.1.3.2 Uncovered Porches, Decks or Stairways. Uncovered porches, decks or

stairways, fire escapes or landings may extend a maximum of six feet (6') into front or rear yards and three feet (3') into side yards. (Former Section INL#316-9(c)(2); Amended by Ord. 1848, Sec. 17, 9/13/88)

99.1.3.3 **Developed Block in a Residential Zone.** In any R-1, R-2, or RS zone where more than one-half of the existing and potential lots on the block are occupied with residential main buildings, the required front yard shall be the average of those of the improved sites to a maximum of that required for the zone. (Former Section INL#316-9(c)(3); Amended by Ord. 1848, Sec. 17, 9/13/88)

99.1.3.4 **Substandard Lots.** Minimum yard standards for substandard lots less than 2 ½ acres in size in AE, TPZ, FR, and AG principal zones and B combining zones shall be reduced to: (Former Section INL#316-9(c)(4); Amended by Ord. 1848, Sec. 17, 9/13/88)

Front	Twenty (20) feet
Rear	Ten (10) feet
Interior Side	Five (5) feet
Exterior Side	Twenty (20) feet

99.1.3.5 **Other Exceptions to Yard Standards.** In any R-1, R-2 or RS zone, any structure, building or any architectural feature of a building may be constructed within the front yard setback requirements in this Division without a Special Permit, and within the side and rear yard setback requirements in this Division provided a Special Permit is first obtained. Such reduced yard setback requirements, may be conditioned upon proportional decreases in the maximum building height allowed, and may require a setback reduction agreement with the adjoining property owner(s). (Amended by Ord. 2313A, 12/16/2003)

Exceptions to the front yard setback may only be allowed provided all the following criteria are met:

- the setback is not reduced to less than 10 feet,
- the house is located on a dead end street, cul-de-sac, or secondary road that is not included in the Circulation Element of the General Plan,
- the garage is not located closer than 20 feet from the street,
- the driveway and parking area has adequate clearance from adjacent property lines and structures, and
- the street fully complies with County standards along the frontage of the lot. and
- the reduced setback is consistent with the County's Visibility Ordinance (Amended by Ord. 2313A, 12/16/2003)

99.1.4 **Exceptions to Lot Coverage Standards.** In any R-1 zone on lots 6,000 square feet or less in size, any structure, building or any architectural feature of a building may be constructed in excess of the lot coverage requirements in this Division provided a Special Permit is first obtained.

99.1.4.1 Other Exceptions to Lot Coverage Standards for Lots 8,000 Square Feet or Less in Size. In any R-1 zone on lots 8,000 square feet or less in size, any deck or decks may be constructed in excess of the lot coverage requirements in this Division without a Special Permit provided all following conditions are met:

99.1.4.1.1 The building area does not exceed the maximum lot coverage allowed by the zone, and

99.1.4.1.2 The total lot coverage of all structures on the lot including the proposed deck does not exceed forty percent (40%), and

99.1.4.1.3 The proposed deck does not encroach into the required setbacks, and

99.1.4.1.4 The deck is uncovered, and

99.1.4.1.5 The deck allows the passage of water so that water can percolate into the soil below.

99.1.4.2 Other Exceptions to Lot Coverage Standards for Lots 10,000 Square Feet or Less in Size. In any R-1 zone on lots 10,000 square feet or less in size, any deck or decks may be constructed in excess of the lot coverage requirements in this Division without a Special Permit provided all following conditions are met:

99.1.4.2.1 The building area does not exceed the maximum lot coverage allowed by the zone, and

99.1.4.2.2 The total lot coverage of all structures on the lot including the proposed deck does not exceed thirty seven and one half percent (37.5%), and

99.1.4.2.3 The proposed deck does not encroach into the required setbacks, and

99.1.4.2.4 The deck is uncovered, and

99.1.4.2.5 The deck allows the passage of water so that water can percolate into the soil below.

314-112.1 RESIDENTIAL DENSITY BONUS

112.1.1 **Purpose and Intent.** This Density Bonus Ordinance is intended to provide incentives for the production of housing for very low, lower income, or senior households in accordance with Sections 65915 and 65917 of the California Government Code. In enacting this Chapter, it is the intent of the County of Humboldt to facilitate the development of affordable housing and to implement the goals, objectives, and polices of the County's Housing Element. (Former Section INL#316.4-1(A); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.2 **Definitions.** Whenever the following terms are used in this Section, they shall have the meaning established by this section and as defined in this Chapter 4: Section C: Index of Definitions of Language and Legal Terms. (Former Section INL#316.4-2(a-p); Added by Ord. 2166, Sec. 31, 4/7/98; Amended by Ord. 2214, 6/6/00)

- 112.1.2.1 Additional Incentives
- 112.1.2.2 Affordable Rent
- 112.1.2.3 Affordable Sales Price
- 112.1.2.4 Density Bonus
- 112.1.2.5 Density Bonus Housing Agreement
- 112.1.2.6 Density Bonus Unit
- 112.1.2.7 Equivalent Financial Incentive
- 112.1.2.8 Housing Cost
- 112.1.2.9 Housing Development
- 112.1.2.10 Lower Income
- 112.1.2.11 Lower Income Household
- 112.1.2.12 Maximum Residential Density
- 112.1.2.13 Non-Restricted Unit
- 112.1.2.14 Qualifying Resident
- 112.1.2.15 Senior Citizen Housing
- 112.1.2.16 Target Unit
- 112.1.2.17 Very Low Income
- 112.1.2.18 Very Low Income Household

112.1.3 **Implementation.**

112.1.3.1 The County shall grant either: a Density Bonus, or a Density Bonus with an Additional Incentive(s), or Equivalent Financial Incentive; as set forth in Section 314-112.1.5, to an applicant or developer of a Housing Development, who agrees to provide the following: (Former Section INL#316.4-3; Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.3.1.1 At least 20 percent of the total units of the Housing Development as Target Units affordable to Lower Income Households; or (Former Section INL#316.4-3(a); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.3.1.2 At least 10 percent of the total units of the Housing Development as Target Units affordable to Very Low Income Households; or (Former Section INL#316.4-3(b); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.3.1.3 Senior citizen housing. (Former Section INL#316.4-3(c); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.3.1.4 Twenty % of the units are affordable to moderate income households in a condominium project as defined in subsection F of section 1351 of the Civil Code

112.1.3.2 In determining the minimum number of Density Bonus Units to be granted pursuant to this Section, the Maximum Residential Density for the site shall be multiplied by 0.25. When calculating the number of permitted Density Bonus Units, any fractions of units shall be rounded to the next larger integer. (Former Section INL#316.4-3(c); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.3.3 In determining the number of Target Units to be provided pursuant to this Section, the Maximum Residential Density shall be multiplied by 0.10 where Very Low Income Households are targeted, or by 0.20 where Lower Income Households are targeted. The Density Bonus Units shall not be included when determining the total number of Target Units in the Housing Development. When calculating the required number of Target Units, any resulting decimal fraction shall be rounded to the next larger integer. (Former Section INL#316.4-3(c); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.3.4 In cases where a density increase of less than 25 percent is requested, no reduction will be allowed in the number of Target Units required. In cases where a density increase of more than 25 percent is requested, the requested density increase, if granted, shall be considered an Additional Incentive, as outlined in Section 314-112.1.5. (Former Section INL#316.4-3(c); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.3.5 In cases where the developer agrees to construct more than 20 percent of the total units for Lower Income Households, or more than 10 percent of the total units for Very Low Income Households, the developer is entitled to only one Density Bonus and an Additional Incentive(s) (or an Equivalent Financial Incentive) pursuant to Section 314-112.1.5. Similarly, a developer who agrees to construct Senior Citizen Housing with 20 or 10 percent of the units reserved for Lower- or Very Low- Income Households, respectively, is only entitled to one Density Bonus and an Additional Incentive(s). The County may, however, grant multiple Additional Incentives to facilitate the inclusion of more Target Units than are required by this Chapter. (Former Section INL#316.4-3(c); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.4 **Development Standards.**

112.1.4.1 Target Units should be constructed concurrently with Non-Restricted Units unless both the County and the developer/applicant agree within the Density Bonus Housing Agreement to an alternative schedule for development. (Former Section INL#316.4-4; Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.4.2 Target Units shall remain restricted and affordable to the designated group for

a period of 30 years (or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program; or rental subsidy program), ~~under the following circumstances: (Former Section INL#316.4-4; Added by Ord. 2166, Sec. 31, 4/7/98)~~

~~112.1.4.2.1 — Both a Density Bonus and an Additional Incentive(s) is granted; or (Former Section INL#316.4-4(a); Added by Ord. 2166, Sec. 31, 4/7/98)~~

~~112.1.4.2.2 — An Equivalent Financial Incentive equivalent to a Density Bonus and an Additional Incentive(s) is granted. (Former Section INL#316.4-4(b); Added by Ord. 2166, Sec. 31, 4/7/98)~~

~~112.1.4.3 — Target Units shall remain restricted and affordable to the designated group for a period of 10 years under the following circumstances: (Former Section INL#316.4-4; Added by Ord. 2166, Sec. 31, 4/7/98)~~

~~112.1.4.3.1 — Only a Density Bonus is granted and no Additional Incentives are granted; or (Former Section INL#316.4-4(a); Added by Ord. 2166, Sec. 31, 4/7/98)~~

~~112.1.4.3.2 — An Equivalent Financial Incentive equivalent to only a Density Bonus is granted. (Former Section INL#316.4-4(b); Added by Ord. 2166, Sec. 31, 4/7/98)~~

112.1.4.43 Circumstances may arise in which the public interest would be served by allowing some or all of the Target Units associated with one Housing Development to be produced and operated at an alternative development site. Where the developer and County form such an agreement, the resulting linked developments shall be considered a single Housing Development for purposes of this Chapter. Under these circumstances, the developer shall be subject to the same requirements of this Chapter for the Target Units to be provided on the alternative site. (Former Section INL#316.4-4; Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.4.54 Target Units should be built onsite wherever possible and, when practical, be dispersed within the Housing Development. Where feasible, the number of bedrooms of the Target Units should be equivalent to the bedroom mix of the non-Target units of the Housing Development; except that the Developer may include a higher proportion of Target Units with more bedrooms. The design and appearance of the Target Units shall be compatible with the design of the total Housing Development. Housing Developments shall comply with all applicable development standards, except those which may be modified as provided by this Chapter. (Former Section INL#316.4-4; Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.4.65 A Density Bonus Housing Agreement shall be made a condition of the discretionary planning permits for all Housing Developments pursuant to this chapter. The Agreement shall be recorded as a restriction on the parcel or parcels on which the Target Units will be constructed. The Agreement shall be consistent with Section 314-112.1.7. (Former Section INL#316.4-4; Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.5 **Development Incentives.**

112.1.5.1 The County shall provide a Density Bonus and an Additional Incentive(s), for qualified Housing Developments, upon the written request of a developer, unless the County makes a written finding that the Additional Incentive(s) would have an adverse impact on public health and safety, the environment, or an historic site or building (Former Section INL#316.4-5; Added by Ord. 2166, Sec. 31, 4/7/98, as amended by Ord. 2313A, 12/16/2003))

112.1.5.2 The development incentives granted shall contribute significantly to the economic feasibility of providing the Target Units. Applicants seeking a waiver or modification of development or zoning standards shall show that such waivers or modifications are necessary to make the Housing Development economically feasible in accordance with Government Code Section 65915(e). This requirement may be satisfied by reference to applicable sections of the County's general plan housing element. (Former Section INL#316.4-5; Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.5.3 The need for incentives will vary for different Housing Developments. Therefore, the allocation of Additional Incentives shall be determined on a case-by-case basis. The Additional Incentives may include, but are not limited to, any of the following: (Former Section INL#316.4-5; Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.5.3.1 A reduction of site development standards or a modification of zoning code or architectural design requirements which exceed the minimum building standards provided in Part 2.5 (commencing with Section 18901) of Division 13 of the California Health and Safety Code). These may include, but are not limited to, any of the following: (Former Section INL#316.4-5(a)(1-7); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.5.3.1.1 Reduced minimum lot sizes and dimensions.

112.1.5.3.1.2 Reduced minimum yard setbacks.

112.1.5.3.1.3 Increased maximum lot coverage.

112.1.5.3.1.4 Increased maximum building height.

112.1.5.3.1.5 Reduced on site parking standard; including the number or size of spaces.

112.1.5.3.1.6 Reduced minimum building separation requirements.

112.1.5.3.1.7 Reduced street standards (e.g. reduced minimum street widths).

112.1.5.3.2 Allow the Housing Development to include nonresidential uses and/or allow the Housing Development within a nonresidential zone. (Former Section INL#316.4-5(b); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.5.3.3 Other regulatory incentives or concessions proposed by the developer or the County which result in identifiable cost reductions or avoidance. (Former Section INL#316.4-5(c); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.5.3.4 A Density Bonus of more than 25 percent. (Former Section INL#316.4-

5(d); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.5.3.5 Waived, reduced, or deferred planning, plan check, construction permit, and/or development impact fees. (Former Section INL#316.4-5(e); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.5.3.6 Direct financial aid in the form of a loan or a grant to subsidize or provide low interest financing for on or off site improvements, land or construction costs. (Former Section INL#316.4-5(f); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.5.4 The County may offer an Equivalent Financial Incentive instead of granting a Density Bonus and an Additional Incentive(s). The value of the Equivalent Financial Incentive shall equal at least the land cost per dwelling unit savings that would result from a Density Bonus and must contribute significantly to the economic feasibility of providing the Target Units pursuant to this Chapter. (Former Section INL#316.4-5; Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.5.5 When an applicant qualifying for a density bonus includes a child care facility that will be located on the project site or adjacent to the project site, that applicant is eligible for additional incentives as provided by State law.

112.1.6 **Application Requirements and Review.**

112.1.6.1 An application for a density bonus and additional incentives as allowed pursuant to this Chapter shall be processed concurrently with any other application(s) required for the Housing Development. Final approval or disapproval of the application (with right of appeal to the Board of Supervisors) shall be made by the Planning Commission unless direct financial assistance is requested. If direct financial assistance is requested, the Planning Commission shall make a recommendation to the Board of Supervisors who will have the authority to make the final decision on the application. (Former Section INL#316.4-6; Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.6.2 An applicant/developer proposing a Housing Development pursuant to this Chapter, may submit a preliminary application prior to the submittal of any formal request for approval of a Housing Development. Applicants are encouraged to schedule a pre-application conference with the Director or designated staff to discuss and identify potential application issues including prospective Additional Incentives pursuant to Section 5 of this Chapter. (Former Section INL#316.4-6; Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.6.3 The Director or designated staff shall inform the applicant/developer that the requested Additional Incentives shall be recommended for consideration with the proposed Housing Development, or that alternative or modified Additional Incentives pursuant to Section 314-112.1.5 shall be recommended for consideration instead of the requested Incentives. If alternative or modified Incentives are recommended by the Director, the recommendation shall establish how the alternative or modified Incentives can be expected to have an equivalent

affordability effect as the requested Incentives. (Former Section INL#316.4-6; Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.7 **Density Bonus Housing Agreement.**

112.1.7.1 Applicant/Developers requesting a Density Bonus, shall agree to enter into a Density Bonus Housing Agreement with the County. The terms of the draft agreement shall be reviewed and revised as appropriate by the Director or designated staff, who shall formulate a recommendation to the Planning Commission for final approval. (Former Section INL#316.4-7; Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.7.2 Following execution of the agreement by all parties, the completed Density Bonus Housing Agreement, or other equivalent recording instrument, shall be recorded and the conditions therefrom filed and recorded on the parcel or parcels designated for the construction of Target Units. The approval and recordation shall take place prior to final map approval, or, where a map is not being processed, prior to issuance of building permits for such parcels or units. The Density Bonus Housing Agreement shall be binding to all future owners and successors in interest. (Former Section INL#316.4-7; Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.7.3 The Density Bonus Housing Agreement shall include at least the following: (Former Section INL#316.4-7; Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.7.3.1 The total number of units approved for the Housing Development, including the number of Target Units. (Former Section INL#316.4-7(a); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.7.3.2 A description of the household income group to be accommodated by the Housing Development, as outlined in Section 314-112.1.3, and the standards for determining the corresponding Affordable Rent or Affordable Sales Price and Housing Cost. (Former Section INL#316.4-7(b); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.7.3.3 The location, unit sizes (square feet) and number of bedrooms of Target Units. (Former Section INL#316.4-7(c); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.7.3.4 Tenure of use restrictions for Target Units of at least 10 or 30 years, in accordance with Section 4 of this Chapter. (Former Section INL#316.4-7(d); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.7.3.5 A schedule for completion and occupancy of Target Units. (Former Section INL#316.4-7(e); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.7.3.6 A description of the Additional Incentive(s) or Equivalent Financial Incentives being provided by the County. (Former Section INL#316.4-7(f); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.7.3.7 A description of remedies for breach of the agreement by either party (the County may identify tenants or qualified purchasers as third

party beneficiaries under the agreement). (Former Section INL#316.4-7(g); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.7.3.8 Other provisions to ensure implementation and compliance with this Chapter. (Former Section INL#316.4-7(h); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.7.3.9 In the case of for-sale Housing Developments, the Density Bonus Housing Agreement shall provide for the following conditions governing the initial sale and use of Target Units during the applicable use restriction period: (Former Section INL#316.4-7(i); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.7.3.9.1 Target Units shall, upon initial sale, be sold to eligible Very Low or Lower Income Households at an Affordable Sales Price and Housing Cost, or to Qualified Residents (i.e. maintained as Senior Citizen Housing) as defined by this Chapter. (Former Section INL#316.4-7(i)(1); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.7.3.9.2 Target Units shall be initially owner-occupied by eligible Very Low or Lower Income Household; or by Qualified Residents in the case of Senior Citizen Housing. (Former Section INL#316.4-7(i)(2); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.7.3.9.3 The initial purchaser of each Target Unit shall execute an instrument or agreement approved by the County restricting the sale of the Target Units in accordance with this ordinance during the applicable use restriction period. Such instrument or agreement shall be recorded against the parcel containing the Target Unit and shall contain such provisions as the County may require to ensure continued compliance with this ordinance and the State Density Bonus Law. (Former Section INL#316.4-7(i)(3); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.7.3.10 In the case of rental Housing Developments, the Density Bonus Housing Agreement shall provide for the following conditions governing the use of Target Units during the use restriction period: (Former Section INL#316.4-7; Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.7.3.10.1 The rules and procedures for qualifying tenants, establishing Affordable Rent, filling vacancies, and maintaining Target Units for qualified tenants; (Former Section INL#316.4-7(4); Added by Ord. 2166, Sec. 31, 4/7/98)

112.1.7.3.10.2 Provisions requiring owners to verify tenant incomes and maintain books and records to demonstrate compliance with this Chapter. (Former Section INL#316.4-7(5); Added by Ord.)

112.1.7.3.10.3 Provisions requiring owners to submit an annual report to the County, which includes the name, address, and income of each person occupying Target Units, and which identifies the bedroom size and

monthly rent or cost of each Target Unit. (Former Section INL#316.4-7(6);
Added by Ord. 2166, Sec. 31, 4/7/98)

314-109.1 OFF-STREET PARKING

109.1.1 Purpose and Intent.

109.1.1.1 Purpose. The general purpose of these requirements is to enhance public safety by minimizing traffic congestion, by providing for off-street motor vehicle parking and thereby permitting safe passage of passengers to and from their destinations. (Former Section INL#316-13.1; Added by Ord. 1668, Sec. 3, 1/15/85)

109.1.1.2 Intent. The intent of these off-street parking requirements is to provide for the on-site, off-street parking of motor vehicles associated with any use or uses on the premises. More off-street parking will allow on-street parking to be limited or prohibited to permit greater utilization of streets for moving traffic. The facilities required by these requirements represent the minimum that will be required by the various land use types. It shall be the responsibility of the developer, owner or operator of any specific use to provide adequate off-street parking even though such parking is in excess of the minimum requirements set forth in these requirements. (See, "Adequate Off-Street Parking" in Section C: Index of Definitions of Language and Legal Terms.) (Former Section INL#316-13.1; Added by Ord. 1668, Sec. 3, 1/15/85)

109.1.2 General Requirements.

109.1.2.1 Location of Off-Street Parking. Required parking facilities shall be located on the same building site and conveniently close to the use or uses they serve, and shall be designed, located, constructed and maintained so as to be fully and independently usable and accessible at all times. In R-1 zones, non independently usable (tandem) parking is allowed on lots with only one single family residence where the parking is located in a garage and driveway immediately in front of the garage. (Former Section INL#316-13.2(a); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85; Amended by Ord. 2214, 6/6/00, by Ord. 2313A, 12/16/2003)

109.1.2.1.1 Exceptions to the location requirement for parking facilities for commercial uses may be allowed if it is found that: (Former Section INL#316-13.2(a); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.1.1.1 A substitute parking area is to be provided and remain available for as long as the use to which the required parking pertains shall continue; and (Former Section INL#316-13.2(a)(1); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.1.1.2 The substitute parking area is within an area designated in the General Plan for commercial or other business use and within which parking is a permitted and compatible use; and (Former Section INL#316-13.2(a)(2); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.1.1.3 All or part of the substitute location is within four hundred feet (400') of the principal use for which the parking is being provided, measured in walking distance along the way open to public pedestrian passage; and (Former Section INL#316-13.2(a)(3); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.1.1.4 The substitute parking area is owned by the owner of the property on which the use for which the parking is being provided

or is owned by a public entity empowered to provide public parking facilities; or (Former Section INL#316-13.2(a)(4); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.1.1.5 Consistent with those of the requirements of subsections 109.1.2.1.1.1 through 109.1.2.1.1.4 which may be applicable, there is available a site specifically designated for entrepreneurial parking at which substitute parking can be provided at the expense of the party seeking the exception to on-site parking. (Former Section INL#316-13.2(a)(5); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.1.1.5.1 When the substitute parking is provided in this manner, a Use Permit shall be required for such substitute parking unless the use to which the parking relates is being conducted pursuant to a Use Permit. (Former Section INL#316-13.2(a)(5); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.1.1.5.2 In either instance, the Use Permit shall contain conditions providing that an easement for the use of the site for parking shall be obtained and filed with the County Recorder prior to the issuance of building permits, and providing that the use shall automatically terminate at any time when the required parking is not fully available for the associated use. (Former Section INL#316-13.2(a)(5); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.2 Size and Improvement.

109.1.2.2.1 Each normal size parking space shall be not less than eight feet (8') wide, eighteen feet (18') long and contain seven feet (7') of vertical clearance. (Former Section INL#316-13.2(b)(1); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.2.2 Each compact car space shall be not less than seven and one-half feet (7-1/2') wide and sixteen feet (16') long. (Former Section INL#316-13.2(b)(2); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.2.2.1 No compact car spaces shall be allowed in parking areas containing less than ten (10) parking spaces. (Former Section INL#316-13.2(b)(2)(a); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.2.2.2 In lots where compact car spaces are permitted, up to twenty-five percent (25%) of all spaces in the lot may be compact car parking spaces. (Former Section INL#316-13.2(b)(2)(b); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.2.2.3 Compact car spaces shall be visibly marked with signs and shall be clustered in one section of the parking area. (Former Section INL#316-13.2(b)(2)(c); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.2.3 Each loading space shall be not less than ten feet (10') wide, sixty feet (60) long and shall contain at least fourteen feet (14') of vertical clearance. (Former Section INL#316-13.2(b)(3); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.2.4 In recreation areas adequate parking facilities shall be provided, consistent with the level of anticipated use. Special Parking provisions shall be made for recreation vehicles and boats and trailers. (Former Section INL#316-13.2(b)(4); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.2.5 All parking spaces, driveway locations, and maneuvering areas shall be improved to levels consistent with the anticipated uses as determined by the Department of Public Works. (Former Section INL#316-13.2(b)(5); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.3 Required Off-Street Parking.

109.1.2.3.1 Off-street parking facilities shall be provided for any new building constructed and for any new use established. (Former Section INL#316-13.2(c); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.3.2 Off-street parking facilities shall be provided for any addition or enlargement of an existing building or use, or any manner of operation that would result in additional parking spaces being required, provided that additional parking shall be required only for such addition, enlargement, or change and not the entire building or use. (Former Section INL#316-13.2(c); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.4 Requirements for Lots Fronting Unimproved Roads. Whenever a use for which off-street parking is required is served by a roadway where on-street parking is permitted not improved to a width of forty feet (40') with asphalt or gravel, the following provisions shall be applicable: (Former Section INL#316-13.2(d); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.4.1 Additional improved off-street parking must be provided consistent with the standards of Section 314-109.1.3, or a parking lane may be constructed along the frontage of the lot in lieu of such additional parking requirements. (Former Section INL#316-13.2(d)(1); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.4.2 If the lot frontage exceeds one hundred twenty feet (120') the parking lane shall not be required to accommodate more than three (3) vehicles. Construction standards for the parking lane shall be as specified by the Department of Public Works in accordance with the Appendix to Title III, Division 2 of this Code, establishing subdivision design and improvement standards. (Former Section INL#316-13.2(d)(2); Added by Ord. 1668,

109.1.2.5 Parking Requirements for Uses Not in Compliance With Current Parking Requirements.

109.1.2.5.1 No additional parking spaces shall be required:

109.1.2.5.1.1 Whenever existing uses not in compliance with the parking standards of this Code are transferred to new owners or operators who will continue the use without significant change, or (Former Section INL#316-13.2(e)(1); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.5.1.2 When new uses are initiated within existing structures which generate the same level of parking demand as the former use, or (Former Section INL#316-13.2(e)(1); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.5.1.3 When the new use generates a lower parking demand. (Former Section INL#316-13.2(e)(3); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85; Amended by Ord. 2214, 6/6/00)

109.1.2.5.2 Whenever the use of any premises which is not in compliance with the parking standards of this Code is enlarged, expanded, or intensified, additional parking spaces consistent with this Code shall be provided only for the enlargement, expansion, or intensification, and not for the entire use. (Former Section INL#316-13.2(e)(2); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.5.3 Whenever the use of any premises which is not in compliance with the parking standards of this Code is changed to a use where a higher parking demand is identified, additional parking spaces consistent with this Code shall be provided only for the additional intensity of the use, and not for the entire use. (Former Section INL#316-13.2(e)(3); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85; Amended by Ord. 2214, 6/6/00)

109.1.2.5.4 Levels of use, as they relate to this division, shall be determined by the Director based on engineering standards and design studies, and the principal and conditional uses of the specific zone district. (Former Section INL#316-13.2(e)(4); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.6 Multiple Uses and Joint Use. Whenever more than one use is proposed for a development site, the total off-street parking spaces required shall be the sum of the spaces required for each use. Off-street parking facilities for one use shall not be considered as providing parking facilities for any other use, except when use of the parking facilities for the different uses would not be concurrent or would otherwise not be conflicting, as determined by the Planning Commission at a noticed public hearing. (Former Section INL#316-13.2(f); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.7 Lighting. Any lights used to illuminate the parking spaces or driveways shall be designed and located so that direct rays are confined to the property where the parking area is located. (Former Section INL#316-13.2(g); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.8 Parking Facilities for the Physically Handicapped. Facilities accommodating the

general public, including but not limited to auditoriums, theaters, restaurants, hotels, motels, stadiums, retail establishments, medical offices and office buildings shall provide parking spaces for the physically handicapped in compliance with Section 431-2 of the Humboldt County Code and the following provisions: (Former Section INL#316-13.2(h); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.8.1 Handicapped parking spaces shall be at least fourteen feet (14') wide and eighteen feet (18') long. (Former Section INL#316-13.2(h)(1); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.8.2 Parking facilities containing six (6) through (40) spaces, inclusive, shall include one (1) handicapped parking space permanently signed with the international symbol of accessibility. One more handicapped space shall be provided for each additional forty (40) spaces or increment thereof. (Former Section INL#316-13.2(h)(2); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.8.3 Two (2) handicapped spaces permanently signed, shall be required in conjunction with any use or combined uses which occur within a space of more than 10,000 square feet gross floor area. (Former Section INL#316-13.2(h)(3); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.9 Parking Spaces for Uses Not Specified. The parking space requirements for uses not set forth in this Code shall be fixed by the Director and be based upon available studies and standards for the most comparable use. (Former Section INL#316-13.2(i); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.10 Fractional Spaces. Where the application of the parking requirement schedule results in a fractional parking space requirement, a fraction of 0.5 or higher shall be resolved to the higher whole number. (Former Section INL#316-13.2(j); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.11 Variable Demand. Where the demand for parking is variable because of work shifts or peak business periods, parking space requirements shall be based upon the periods of highest parking demand. (Former Section INL#316-13.2(k); Added by Ord. 1668, Sec. 3, 1/15/85; Amended by Ord. 1692, Sec. 1, 6/11/85)

109.1.2.12 Exceptions by Petition. Exceptions to the requirements for the number of off-street parking spaces may be allowed by filing an exception petition containing information in support of the exception. Exceptions may be granted by the hearing officer based upon the following factors: (Former Section INL#316-13.2(l); Amended by Ord. 1692, Sec. 1, 6/11/85; Amended by Ord. 1842, Sec. 12, 8/16/88)

109.1.2.12.1 Geographic location of site;

109.1.2.12.2 Identification as a Rural Center in the Community Plan;

109.1.2.12.3 Site specific topographic constraints;

109.1.2.12.4 Historically designated structures;

109.1.2.12.5 Proximity to urban built-up areas; and

109.1.2.12.6 Levels of anticipated use.

109.1.3 **Parking Spaces Required.** The number of off-street parking spaces required shall not be less than specified in this Section: (Former Section INL#316-13.3; Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.1 Residential Uses.

109.1.3.1.1 One-Family and Two-Family Dwellings.

109.1.3.1.1.1 One (1) parking space for each dwelling unit containing one (1) bedroom or less; two (2) parking spaces for each dwelling unit containing more than one (1) bedroom. The required parking shall not be sited in the front-yard setback. (Former Section INL#316-13.3(a)(1)(a); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.1.1.2 Except as provided in subsection 314-109.1.3.1.1.3, when a single family residence or duplex is proposed on a parcel that is served by a roadway not improved to a width of forty feet (40') with asphalt or gravel, parking spaces in addition to those required by subsection 314-109.1.3.1.1.1, shall be located outside of the front-yard setback. In R-1 zones, non independently usable (tandem) parking is allowed on lots with only one single family residence where the parking is located in a garage and driveway immediately in front of the garage. Parking shall be provided as follows: (Former Section INL#316-13.3(a)(b); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88, by Ord. 2313A, 12/16/2003)

109.1.3.1.1.2.1 One (1) space for each single family residence and each unit of a duplex containing one (1) bedroom or less. (Former Section INL#316-13.3(a)(1)(b)(1); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.1.1.2.2 One (1) space for an attached second or secondary dwelling unit and each unit of a duplex containing two (2) or more bedrooms. (Former Section INL#316-13.3(a)(1)(b)(2); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.1.1.2.3 Two (2) spaces for each single family residence containing two (2) or more bedrooms. (Former Section INL#316-13.3(a)(1) (b)(3); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.1.1.3 Instead of providing the additional parking spaces required by subsection 314-109.1.3.1.1.2, a parking lane may be constructed along the frontage of the lot. The parking lane shall meet the standards referred to in subsection 314-109.1.2.4. (Former Section INL#316-13.3(a)(1) (c); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.1.1.4 Driveway openings shall be in conformance with the standards in the “Encroachment Regulations” of this Code. (See also, Division 4, Chapter 1, Encroachment.) (Former Section INL#316-

13.3(a)(1) (d); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.1.2 Family Dwellings with More than Two Dwelling Units.

109.1.3.1.2.1 One (1) parking space for each unit containing one (1) bedroom or less; two (2) parking spaces for each two (2) or three (3) bedroom dwelling unit; two and one-half (2 1/2) parking spaces for each dwelling unit containing four (4) or more bedrooms. (Former Section INL#316-13.3(a)(2)(a); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.1.2.2 Except as provided in subsection 314-109.1.3.1.2.3, if the units are proposed on a parcel that is served by a roadway not improved to a width of forty feet (40') with asphalt or gravel, parking spaces in addition to those required by subsection 314-109.1.3.2.1, shall be provided as follows: (Former Section INL#316-13.3(a)(2)(b); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.1.2.2.1 One-half (1/2) space for each one- bedroom unit; (Former Section INL#316-13.3(a)(2)(b)(1); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.1.2.2.2 Three-fourths (3/4) space for each two (2) or three (3) bedroom unit; (Former Section INL#316-13.3(a)(2)(b)(2); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.1.2.2.3 One (1) space for each four-bedroom unit. (Former Section INL#316-13.3(a)(2)(b)(3); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.1.2.3 Instead of providing the additional parking spaces required by subsection 314-109.1.3.1.2.2, a parking lane may be constructed along the frontage of the lot. The parking lane shall meet the standards referred to in subsection 314-109.1.2.4. (Former Section INL#316-13.3(a)(2)(c); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.1.2.4 Driveway openings shall be in conformance with the standards in the “Encroachment Regulations” of this Code (see Section 411, and following). (Former Section INL#316-13.3(a)(2) (d); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.1.3 Hotel, Motel, Boarding and Rooming Houses, and Transitional

Housing. One (1) parking space for each sleeping unit plus two (2) manager parking spaces. (Former Section INL#316-13.3(a)(3); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.1.4 Senior Housing Complex. One (1) parking space for every two (2)

dwelling units. A parking space requirement study may be conducted to identify the special parking needs for such projects. Parking facilities shall include handicapped parking spaces no less than specified herein. (Former Section INL#316-13.3(a)(4); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.1.5 Emergency Shelters. One (1) space for each ten (10) beds plus one (1) space for each employee at peak shift

109.1.3.2 Institutional Uses.

109.1.3.2.1 Hospitals. One (1) parking space per bed plus one (1) for every three (3) employees and medical staff members. (Former Section INL#316-13.3(b)(1); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.2.2 Clinics/Doctor's Office. One (1) parking space for every 300 square feet of gross floor area plus one (1) space for each employee and doctor or other professional attendant serving the clinic, with a minimum of four (4) spaces required. (Former Section INL#316-13.3(b)(2); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.2.3 Churches. One (1) parking space for every four (4) seats of seating or occupancy capacity, as determined by the Fire Marshall, in the largest assembly area of the church, plus one (1) parking space for every 30 square feet of gross floor area in said assembly area not used for seating. (Former Section INL#316-13.3(b)(3); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.2.4 Schools.

109.1.3.2.4.1 Kindergarten or Day Care. One (1) parking space for every ten (10) children plus one (1) for each employee; additionally, sufficient loading area shall be provided for, the safe loading and unloading of children and adults. (Former Section INL#316-13.3(b)(4)(a); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.2.4.2 Elementary Schools. One (1) parking space for every ten (10) children plus one (1) space for each employee. (Former Section INL#316-13.3(b)(4)(b); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.2.4.3 High Schools. One (1) parking space for every five (5) students plus one (1) space for each employee. (Former Section INL#316-13.3(b)(4)(c); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.2.4.4 College and Trade Schools. One (1) parking space for every three (3) students plus one (1) space for each employee. (Former Section INL#316-13.3(b)(4)(d); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.2.5 Residential Care Homes. One (1) parking space for every five (5) licensed patient beds and the higher of one (1) parking space for every 500 square feet of gross floor area, or one (1) parking space for each employee of the peak shift. (Former Section INL#316-13.3(b)(5); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.3 Commercial Uses.

109.1.3.3.1 Retail Sales or Service. One (1) space for every 300 square feet of gross floor area with a minimum of four (4) spaces plus one (1) space for each employee. (Former Section INL#316-13.3(c)(1); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.3.2 Furniture or Appliance Sales. One (1) parking space for every 750 square feet of gross floor area with a minimum of four (4) spaces plus one (1) space for each employee. (Former Section INL#316-13.3(c)(2); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.3.3 Restaurants. The higher of one (1) parking space for each 200 square feet of gross floor area or one (1) parking space for every four (4) seats. Additionally, one (1) parking space for every two (2) employees. (Former Section INL#316-13.3(c)(3); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.3.4 Theaters or Stadiums. One (1) parking space for every four (4) seats, plus one (1) space for every two (2) employees. (Former Section INL#316-13.3(c)(4); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.3.5 Offices. One (1) parking space for every 300 square feet of gross floor area plus one (1) space for each employee. (Former Section INL#316-13.3(c)(5); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.3.6 Dance or Amusement Halls. The higher of one (1) parking space for every four (4) seats or one (1) parking space for each 200 square feet of gross floor area. (Former Section INL#316-13.3(c)(6); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.3.7 Shopping Centers. A shopping center covering two acres shall provide one (1) parking space per 200 square feet of gross floor area. Neighborhood shopping centers covering less than two (2) acres shall provide parking spaces as identified for retail sales or service uses. (Former Section INL#316-13.3(c)(7); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.4 Industrial Uses.

109.1.3.4.1 Management. The parking requirements for office space associated with industrial uses shall be the same as identified for commercial type offices. (Former Section INL#316-13.3(d)(1); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.4.2 Manufacturing. The higher of one parking space for each 1500

square feet of gross floor space within all enclosed building areas or one (1) parking space for each employee at the peak shift. A minimum of two (2) parking spaces are required. (Former Section INL#316-13.3(d)(2); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.4.3 Warehouse. The higher of one (1) parking space for every four (4) employees or one (1) parking space for each 2,500 square feet of gross floor area. (Former Section INL#316-13.3(d)(3); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.4 **Loading Spaces Required**. The number of off-street loading spaces required for commercial and industrial uses shall be no less than: (Former Section INL#316-13.4; Ord. 1668, Sec. 6, 1/15/85; Amended by Ord. 1692, Sec. 3, 6/11/85)

109.1.4.1 One (1) loading space for each 20,000 square feet of gross floor area, or portion thereof. (Former Section INL#316-13.4(a); Ord. 1668, Sec. 6, 1/15/85; Amended by Ord. 1692, Sec. 3, 6/11/85)

109.1.4.2 The loading space requirement for uses containing 10,000 square feet or less may be eliminated upon issuance of a Special Permit by the Director, in conjunction with the Public Works Department, based on the type and intensity of the proposed use. (Former Section INL#316-13.4(a); Ord. 1668, Sec. 6, 1/15/85; Amended by Ord. 1692, Sec. 3, 6/11/85)

109.1.4.3 Exceptions.

109.1.4.3.1 Exceptions to loading space size requirements may be allowed by filing an exception petition containing sufficient information in support of the exception to the Planning Division. (Former Section INL#316-13.4(b); Ord. 1668, Sec. 6, 1/15/85; Amended by Ord. 1692, Sec. 3, 6/11/85)

109.1.4.3.2 Exceptions may be granted by the Hearing Officer based on the following factors: (Former Section INL#316-13.4(b)(1); Ord. 1668, Sec. 6, 1/15/85; Amended by Ord. 1692, Sec. 3, 6/11/85)

109.1.4.3.2.1 geographic location of the site;

109.1.4.3.2.2 identification as a Rural Center in the Community Plan;

109.1.4.3.2.3 site specific topographic constraints;

109.1.4.3.2.4 historically designated structures;

109.1.4.3.2.5 proximity to urban built-up areas; and

109.1.4.3.2.6 levels of anticipated use.

109.1.5 Additional Requirements.

109.1.5.1 Any off-street parking area for other than residential uses wherein five (5) or more spaces are proposed shall be in conformance with the standards in this Code which pertain to encroachment (Section 411 and following), and shall be designed so as to provide sufficient maneuvering room for vehicles on-site so that they may leave the site to enter onto any street without backing onto the street. The adequacy of maneuvering room shall be determined by the Department of Public Works, based upon engineering standards. (Former Section INL#316-13.5 (a); Added by Ord. 1668, Sec. 7, 1/15/85)

109.1.5.2 Landscaping. The Planning Commission may require the landscaping of any off-street parking facility. The landscaping material, if required, shall be appropriately placed within

off-street parking areas which are equivalent to not less than two percent (2%) of the total area devoted to such off-street parking areas and associated drives or aisles. Such landscaping shall be designed to be consistent with Title III, Division 4, of this Code relating to visibility corridors along streets and highways. The Planning Commission may require a landscaping plan approved by the Design Review Committee established as part of each area plan. (Former Section INL#316-13.5 (b); Added by Ord. 1668, Sec. 7, 1/15/85)

Emergency Shelter: Boarding or lodging services usually in a dormitory or congregate setting provided by a public or non-profit organization without direct compensation to persons without permanent housing and where the majority of people utilizing such services remain for periods of less than one (1) month. Operations may be seasonal or year round and client services such as counseling, medical evaluation and job/life skills training may be offered in addition to food, showers and sleeping accommodations.

Emergency Vehicle: Self-propelled vehicle or trailer used in the discharge of the duties of public districts, agencies, or departments or privately owned public utilities responsible for fire prevention and control, policing, sanitation, sewage, drainage, flood control, and public utility maintenance and service. (Former Section INL#312-25; Ord. 519, Sec. 225, 5/11/65)

Equivalent Financial Incentive: “Equivalent Financial Incentive” means a monetary contribution, based upon a land cost per dwelling unit value, equal to one of the following:

- A. A Density Bonus and an Additional Incentive(s); or
- B. A Density Bonus, where an Additional Incentive(s) is not requested or is determined to be unnecessary.

See, Section 314-112.1, Residential Density Bonus, for further discussion. (From Section INL#316.4-2(g); Added by Ord. 2166, Sec. 31, 4/7/98)

Target Unit: Means a dwelling unit within a Housing Development that will be reserved for sale or rent to, and affordable to, Very Low or Lower Income Households, or Qualifying Residents. In determining the maximum Affordable Rent or Affordable Sales Price of Target Units the following household and unit size assumptions shall be used, unless the Housing Development is subject to different assumptions imposed by other governmental regulations:

TARGET UNITS	
UNIT SIZE	HOUSEHOLD SIZE
SRO (residential hotel) unit	75% of 1 person
0 bedroom (studio)	1 person
1 bedroom	2 persons
2 bedroom	3 persons
3 bedroom	4 persons
4 bedroom	6 persons

(See Section 314-112.1, Residential Density Bonus, for further discussion. Also see, “Affordable Rent,” “Affordable Sales Price,” “Qualifying Residents,” “Lower Income Households,” “Very Low Income Households.”) (From Section INL#316.4-2(o); Added by Ord. 2166, Sec. 31, 4/7/98)

Temporary Recreational Vehicle Park: “Temporary Recreational Vehicle Park” has the same meaning as stated in Section 18217 of the California Health and Safety Code (Temporary Recreational Vehicle Park), which is any area or tract of land or a separate designated section within a manufactured home park where one or more lots are rented or leased or held out for rent or lease to owners or users of recreational vehicles, and which is established for one occupancy not to exceed 11 consecutive days, and is then removed. (Former Section INL#312-67.2; Added by Ord. 2166, Sec. 8, 4/7/98)

Tent Camp: “Tent Camp” has the same meaning as stated in Title 25, California Code of Regulations, Section 2208 (Definitions - Tent Camp). “Tent Camps” are any area or tract of land where one or more lots are rented or leased or held out for rent or lease for the exclusive use of camping parties. (Former Section INL#312-17, INL#312-67.3; Ord. 519, Sec. 217, 5/11/65; Amended by Ord. 2166; Sec. 8, 4/7/98; Amended by Ord. 2214, 6/6/00)

Timberland: "Timberland" means land other than land owned by the federal government which is available for and capable of growing a crop of trees or upon which there are trees of any commercial species used to produce lumber and other forest products. (Former Section INL#312-68; Ord. 1057, Sec. 1, 12/8/75)

Timber Production: "Timber production" means the cutting or removal or both of timber and solid wood forest products from timberlands for commercial purposes, together with all the work incidental thereto, including but not limited to construction and maintenance of roads, fuelbreaks, firebreaks, stream crossing, landings, skid trails, beds for the felling of trees, and fire hazard abatement. Timber production does not include cutting or removal of timber for creating building pads and access to a legal building site when such cutting or removal is approved as a part of the building and/or encroachment permit and removal of diseased and/or dangerous trees which have no commercial value. Removal or harvest of incidental vegetation from timberlands such as berries, ferns, greenery, mistletoe, herbs, and other products, which action cannot normally be expected to result in a threat to forest, air, water, or soil resources, does not constitute timber production. (Former Section INL#312-69; Ord. 1057, Sec. 2, 12/8/75; Amended by Ord. 1235, Sec. 2, 6/13/78)

Timber Products Processing Plants: Timber product processing plants are buildings and premises for the commercial processing of wood and wood products, including but not limited to sawmills, lumber mills and plywood mills, but not including pulp mills. Pulp mills shall be classified as heavy industrial uses and shall be permitted in the zones designed to accommodate such uses with a Use Permit. (Former Section INL#312-70; Ord. 542, Sec. 3, 2/8/66)

Transient: When used in conjunction with boarding or lodging, it means services that are charged for in units of less than one (1) month and where the majority of people utilizing such services remain for periods of less than three (3) months. (Former Section INL#312-71; Ord. 519, Sec. 270, 5/11/65; Amended by Ord. 2166, Sec. 9, 4/7/98)

Transient Habitation: (See Commercial Use Types, Transient Habitation, in Section D, Part 2, Glossary of Use Types.)

Transitional Housing: Boarding or lodging services provided by a public or non-profit organization for the purpose of helping persons find more stable living arrangements where the majority of people utilizing such services remain for periods of less than three (3) months.

Turkey Farm: A place at which turkeys are bred and raised for commercial purposes. (Added by Ord. 2214, 6/6/00)

314-177 RESIDENTIAL USE TYPES

Residential Use Types include the occupancy of dwelling units on a wholly or principally non-transient basis. Residential uses do not include institutional living arrangements involving the provision of a special kind of care or forced residence, such as in nursing homes, orphanages, asylum, and prisons, except as otherwise provided for various community care facilities.

177.1 **Emergency Shelter.** The Emergency Shelter Use Type includes boarding or lodging services usually in a dormitory or congregate setting provided by a public or non-profit organization without direct compensation to persons without permanent housing and where the majority of people utilizing such services remain for periods of less than one (1) month. Operations may be seasonal or year round and client services such as counseling, medical evaluation and job/life skills training may be offered in addition to food, showers and sleeping accommodations.

~~177.42~~ **Guest House.** The Guest House Use Type refers to living quarters within a detached accessory building for the sole use of persons employed on the premises or for temporary use by guests of the occupants of the premises, which living quarters have no kitchen facilities and are not otherwise used as a separate dwelling. (From Section CZ#A313-5(F); Added to INL by Ord. 2205, Sec. 1, 4/11/00)

~~177.43~~ **Manufactured Home Park Development.** The Manufactured Home Park Development Use Type refers to a tract of land where two or more manufactured home lots are rented or leased or held out for rent or lease to accommodate manufactured homes or recreational vehicles used for human habitation. The Manufactured Home Park Development Use Type includes manufactured home development constructed according to the requirements of Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code. (Reference: Section 65852.7, Government Code.)
(From Section CZ#A313-5(E); Added to INL by Ord. 2205, Sec. 1, 4/11/00)

~~177.44~~ **Residential Uses Subordinate to the Permitted Use.** The Residential Uses Subordinate to the Permitted Use Type includes caretaker residences, apartments in back or above a commercial use, and repair and replacement of existing residences. Alterations and minor expansions of existing residences are also permitted if they can be found compatible with adjacent uses. (Former Section INL#314-38(b)(6); Ord. 1801, Sec. 1, 6/30/87)

~~177.45~~ **Second Residential Unit (Second/Secondary Dwelling Unit).** The Second Residential Unit Use Type refers to a fully equipped dwelling unit which is ancillary and subordinate to a principal dwelling unit located on the same lot for occupancy by individuals or a family. (See, Section 314-87.1, Second and Secondary Dwelling Units, for regulations governing second residential units.)
(Former Section CZ#A313-5(J); INL#312-61.1)

177.56 **Single Family Residential.** The Single Family Residential Use Type includes the residential occupancy of a single detached main building by one family on a non-transient basis, except for rental of single family dwellings as vacation homes, where the use would not be otherwise different than the uses allowed to be made of single family dwellings. (See also, Vacation Home Rental.) (From Section CZ#A313-5(B); Added to INL by Ord. 2205, Sec. 1, 4/11/00)

177.7 **Transitional Housing.** The Transitional Housing Use Type includes boarding or lodging services provided by a public on non-profit organization for the purpose of helping persons find more stable living arrangements where the majority of people utilizing such services remain for periods of less than three (3) months.