

Areas where not permitted, including ALUP, road systems not meeting SRA standards; OWTS waiver prohibition areas?

PROPOSED CODE 314 INLAND

314-87.1 ACCESSORY DWELLING UNITS

Commented [MM1]: Change name to ADUs

87.1.1 Purpose; Findings

Accessory dwelling units are independent living spaces on lots in rural areas and residential neighborhoods. They are also referred to as second units, second dwelling units, secondary dwelling units, etc., but all refer to the same type of structure and use and mean the same. These regulations provide for one accessory dwelling unit per lot developed or proposed to be developed with a single-family or multi-family dwelling. Such accessory dwellings contribute needed housing to the county's housing stock. Thus, accessory dwelling units are a residential use which is consistent with the General Plan objectives and zoning regulations and which enhances housing opportunities, including near transit on single-family lots. An accessory dwelling unit does not exceed the allowable density for the lot on which it is located.

Commented [MM2]: 65852.2(a)(1)(C) mandate

87.1.2 Accessory Dwelling Units Permitted

An accessory dwelling unit use type, as defined in this Code, is permitted in areas zoned to allow single-family or multifamily use and that include a proposed or existing single-family dwelling, if all the criteria of subsection 314-87.1.4, Development Regulations and Standards, are met. An accessory dwelling unit that cannot meet all the criteria in subsection 87.1.4 may be permitted with a Special Permit pursuant to subsections 314-87.1.6.

Commented [MM3]: Permitted in "areas zoned to allow single-family or multi-family use", add "or proposed SFU" 65852.2(a)(1)(D)(ii)

Commented [MM4]: ADUs permitted by right where SFUs permitted 65852.2(a)(1)

Commented [MM5]: 1984 FW Plan, AR

Commented [MM6]: 1984 FW Plan, AR, AL, AG, AE, T

Commented [MM7]: density, GP compliance 65852.2(a)(1)(C)

Commented [MM8]: distance limits and common driveway are preempted, 65852.2(g), local regs must be no more restrictive unless these are local building code requirements, or health & safety

Commented [MM9]: See comment above

87.1.3 General Provisions.

The following provisions apply to all second dwelling units and accessory dwelling units.

Commented [MM10]: Addressed elsewhere; non-conflicting, less restrictive standards as to "parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit" are allowed, as per 65852.2(a)(1)(B)(1)

87.1.3.1 One ADU per lot, AE exception

One accessory dwelling unit shall be permitted per lot developed or proposed to be developed with a single-family or multi-family dwelling. Such dwelling units shall not be permitted in addition to a guest house, or on any lots with two or more dwelling units, except in the case of AE lots. For AE lots, one such dwelling unit may be allowed in addition to a main residence and a caretaker residence, if consistent with permitted densities.

Commented [MM11]: Move elsewhere; capture conditions for these zones

Commented [MM12]: Criteria for principally permitted ADUs appear in 87.1.3 General Provisions, and 87.1.4 Development Standards, below

Commented [MM13]: Conditions for principally permitted areas captured below

87.1.3.2 Ownership

An accessory dwelling unit shall not be sold separately from the principal dwelling..

Commented [MM14]: preempted

87.1.3.3 Renting Permitted

The accessory dwelling may be rented although rental is not required.

Commented [MM15]: Preserved AE exception. Conflict ? Needs a look

Commented [MM16]: update language, 65852.2(a)(1)(D)(i)

87.1.3.x ALTERNATIVE 1 short-term lodging prohibition:

The accessory dwelling unit shall not be rented for periods of less than 30 days.

Commented [MM17]: Alternative to protect rental stock

87.1.3.x ALTERNATIVE 2 Occupancy:

The principal dwelling unit or the accessory dwelling unit shall be continuously occupied by at least one person having an ownership interest in the lot.

Commented [MM18]: This could be added to the vacation rental ordinance instead

87.1.3.x.1. Deed restriction and recordation required.

Prior to issuance of a Building and/or Grading Permit for an accessory dwelling unit, the property owner shall record a deed restriction with the County Recorder's Office. The deed restriction document shall notify future owners of the owner occupancy requirements and restrictions on short-term rentals. This deed restriction shall remain in effect so long as the accessory dwelling unit exists on the property.

Commented [MM19]: Relates to ALTERNATIVES above

87.1.3.4 Building Type

The accessory dwelling unit may be attached to, or detached from, the existing or proposed principal residence and may be over a garage. (Former Section CZ#A314-31(C)(3)) An accessory dwelling unit also includes (1) an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, and (2) a manufactured home, as defined in Section 18007 of the Health and Safety Code.

Commented [MM20]: 65852.2(i)(4)

87.1.3.5 Complete Independent Facilities

The accessory dwelling unit shall have complete independent living facilities for one or more persons, with permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated.

Commented [MM21]: used 65852.2(i)(4) definition language

Commented [MM22]: New ADU definition includes manuf. home in definition 65852.265852.2(i)(4)(B)

87.1.3.6 Existing Single-Family Residence

Where one single family dwelling unit exists on a lot, a larger accessory unit may be constructed as the principal dwelling unit, and the existing unit treated as the accessory dwelling unit, provided all other development regulations and standards can be met for both units.

87.1.3.7 TPZ, Caretaker or Immediate Family Member Only

In lands zoned TPZ, accessory dwelling units may only be allowed for the purpose of providing a residence for a caretaker or immediate family member of the property owner.

Commented [MM23]: Do we keep this, or is it too restrictive? May run afoul of "no more restrictive" clause in 65852.2(a)(6) "no additional standards other than those provided in this subdivision..."

87.1.3.8 Accessory Dwelling Unit within Existing Space

Notwithstanding other parts of this section, an accessory dwelling unit shall be permitted if the unit is contained within the existing space of a single-unit dwelling or existing accessory structure, including, but not limited to, a studio, pool house, or other similar structure, has independent exterior access from the existing residence and the side and rear setbacks are sufficient for fire safety, and the dwelling unit conforms with the following:

Commented [MM24]: Added provision as per 65852.2(e); ADUs within existing structure, 65852.2(e)- no size limit

87.1.3.8.1 For purposes of this section, the portion of the single-unit dwelling or accessory structure must have been legally permitted and existing for a minimum of three years prior to the issuance of a permit to convert.

Commented [MM25]: This provision is an addition in the Newport Beach code, not state requirement. Apparently accepted

87.1.3.8.2 No new or separate utility connection may be required between the accessory dwelling unit and the utility service, such as water, sewer and power.

Commented [MM26]: 65852.2(f)(2)(A)

87.1.3.8.3 The property is located within a coastal residential zoning district that permits single-unit dwellings and no more than one dwelling unit exists on the property.

Commented [MM27]: Language recommended by Coastal Commission F15b 2018

87.1.4 Development Regulations and Standards – applicable codes.

The following development regulations and standards shall apply to all accessory residential units:

87.1.4.1 Utilities.

Commented [MM28]: add language 65852.2(f)(2)

Utilities may be shared in common with or separate from the main dwelling unit, whichever method may afford compliance with the applicable requirements of the County Code, including the currently effective versions of the Uniform Building Codes, except that:

87.1.4.1.1 Connection fees

Commented [MM29]: 65852.2(f)(2)

Accessory dwelling units shall not be considered to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.

87.1.4.1.2 New Attached or Detached Units

Commented [MM30]: 65852.2(f)(2)(B)

For an accessory dwelling unit that is not described in section 87.1.3.8, a new or separate utility connection may be required directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that is proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

87.1.4.2 Building Site.

Commented [MM31]: distance limits and common driveway are preempted, 65852.2(g), local regs must be no more restrictive unless these are local building code requirements, or health & safety

The building site shall be shared in common with the proposed or existing primary dwelling unit. Accessory dwelling units must comply with the requirements of this Code, including, but not limited to Division 3 of Title III of this Code relating to building site suitability and building standards.

87.1.4.3 Kitchen and Bathroom Facilities sCommon or Separate

Commented [MM32]: These sections incorporated in 87.1.4.3-.10, below

Service facilities listed in 314-87.1.3.5 may be shared in common with or separate from the other dwelling unit(s), whichever method may afford compliance with the requirements stated.

Commented [MM33]: This says the kitchen/kitchenette and bathroom may be shared. The coastal code has no equivalent language - 313 requires separate bathroom and permanent cooking facilities.

87.1.4.4 Development standards

Such dwelling units shall conform to the following development standards:

87.1.4.4.1 Special Permit for Substandard Lot

Commented [MM34]: Coastal code allows for ADU on substandard lot.

No accessory dwelling unit may be constructed or placed on a lot substandard to the zone unless a Special Permit is granted under applicable provisions of this Code.

87.1.4.4.2 Total Floor Area.

Commented [MM35]: replace as per 65852.2(a)(1)(D)(iv and v)

The total floor area for a detached accessory dwelling unit shall not exceed 1200 square feet. The total area of floor space of an attached accessory dwelling unit shall not exceed fifty (50) percent of the proposed or existing primary dwelling living area, or 1200 square feet. The

Commented [MM36]: Current code limits size inland the same as for the primary DU; the second dwelling was to be "subordinate", defined as "of lesser bulk and less prominence", along with lot coverage limits.

minimum total floor area shall be at least the size of an efficiency unit as defined in Section 17958.1 of the Health and Safety Code.

Commented [MM37]: 65852.2(c)

87.1.4.4.3 Sprinklers

Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

Commented [MM38]: 65852.2(e)

87.1.4.4.4 Development Standards

Such dwelling units shall conform to the development standards of the zoning district in which they are located, including, but not limited to, standards for setbacks, height, and lot coverage, except that no setback shall be required for an existing garage that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

Commented [MM39]: ok as per 65852.2(a)(1)(B)(i); except 65852.2(a)(1)(D)(vii) existing garage setbacks

Commented [MM40]: Move to 87.1.5

87.1.4.4.5 Design Standards

The accessory dwelling unit shall be constructed in such a manner as to be compatible with the existing neighborhood in terms of height, material and landscaping. The height of the accessory dwelling unit shall not exceed the height of the principal unit by more than eight (8) feet.

Commented [MM41]: Non-conflicting, less restrictive standards as to "parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit" are allowed, as per 65852.2(a)(1)(B)(1)

Commented [MM42]: 65852.2(g), 65852.2(a)(1)(A), local regs must be no more restrictive unless these are local building code requirements, or health & safety. Subjective criteria are preempted.

87.1.4.4.6 Parking

Each accessory dwelling unit requires one (1) parking space. These spaces may be provided in tandem on a driveway. Offstreet parking shall be permitted in setback areas or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

Commented [MM43]: Mandated 65852.2(a)(1)(D)(x)(l, ll); see also 313-109.1 parking

Commented [MM44]: Ordinance must include "only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units" 65852.2(a)(4)

87.1.4.4.7 Access

The subject lot shall have a minimum of fifty (50) feet of frontage on a road improved to a road category 4 or better, as specified in the Appendix to Title III, Division 2, of the Humboldt County Code.

Commented [MM45]: allowed as per 65852.2(a)(1)(A), traffic flow and public safety.

87.1.4.4.8 Services

The applicant shall provide evidence of adequate services to serve the accessory residential unit including water supply and sewage disposal.

Commented [MM46]: allowed as per 65852.2(a)(1)(A), adequacy of water and sewer services

Commented [MM47]: Should be covered in objective standards above

87.1.5 Accessory Dwelling Units on Lots with Nonconforming Use or Structure.

Commented [MM48]: Formerly sec 87.1.3.2

Accessory dwelling units may be approved on lots with nonconforming uses, structures or support facilities provided that:

87.1.5.1 Nonconforming Use

In the case of nonconformity due to use, the application can be processed consistent with the

regulations for nonconforming uses in this Code;

87.1.5.2 Nonconforming Height or Setbacks

In the case of nonconformity due to height or yard setbacks, no greater degree of nonconformity is created;

87.1.5.3 Nonconforming as to Health Code

In the case of nonconformity due to County Code health provisions, all currently applicable County Code health provisions can be met;

87.1.5.4 Nonconforming as to Building Code

In the case of nonconformity due to building codes, parking and road easements, encroachments and standards, all current applicable codes can be met, or substantially met to the extent that it is determined that no abnormal risk to health or safety will result from occupancy of the unit.

87.1.6 Procedures – Special Permit Procedures

87.1.6.1 Special Permit Procedures

An application for a Special Permit for an accessory dwelling unit shall be in writing on forms prescribed by the Planning Division.

87.1.6.2 HO shall approve, add conditions, or deny

At the time that an application is filed in proper form, the Hearing Officer or administrative official shall approve, approve with conditions, or deny a Special Permit in accordance with the procedures set forth in Chapter 2 of Division 1 of Title III of the Humboldt County Code.

Commented [MM49]: Coastal code has no equivalent section

Commented [MM50]: Exception preempted by 65852.2(a)(1)(C)

Commented [MM51]: Redundant, since this is the inland code?

87.1.7 Permits for Existing Accessory Dwelling Units .

87.1.7.1 Special Permit for ADU Existing Before 1984.

A Special Permit may be approved by the Hearing Officer for an accessory dwelling unit that was constructed or partially constructed prior to March 13, 1984, on any legally created lot..

87.1.7.2 Comply with Procedures

The application shall comply with the procedures set forth in Section 314-87.1.6.

87.1.7.3 Standard for Approval

Upon receipt of a completed application, an inspection of the dwelling shall be made by the appropriate county official(s). If the official(s) determine(s) that the requirements of the applicable codes, including modifications thereof, have been met or substantially met, to the extent that no abnormal risk to health or safety will result from occupancy of the dwelling and the dwelling otherwise conforms to this Code, the Hearing Officer or Planning Commission may issue a permit for the dwelling in accordance with the procedures and requirements set forth in Section 314-87.1.6.

Commented [MM52]: Substantially the same standard and conditions as for coastal code, slightly different construction

314-6 RESIDENTIAL ZONE DISTRICTS

Tables to be amended as follows

314-6.1 RS: RESIDENTIAL SUBURBAN	
Principal Permitted Uses	
One-family dwellings. Servants' quarters and guest houses. Accessory dwelling units (but not in addition to servants' quarters or guest house) Keeping of no more than eight (8) household pets on each lot.	
Uses Permitted with a Use Permit	
Private Institutions. Private recreation facilities, including golf courses. Manufactured home parks at a density no greater than allowed by the minimum parcel size in the zone or as may be modified by a combining zone. Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the RS zone.	
Other Regulations	
Minimum Lot Area	One (1) acre.
Minimum Lot Width	125 feet.
Minimum Lot Depth	110 feet.
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 setback 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.
Maximum Ground Coverage	35 percent.
Maximum Building Height	Thirty-five feet (35').

Commented [MM53]: 65852.2(A)(1)

314-6.2 R-1: RESIDENTIAL ONE-FAMILY

Principal Permitted Uses

One-family dwelling.
 Accessory dwelling unit
 Rooming and boarding of not over two (2) persons not employed on the premises.
 Keeping of no more than four (4) household pets on each lot.

Commented [MM54]: 65852.2(A)(1)

Uses Permitted with a Use Permit

Guest houses and servants quarters.
 Public and private noncommercial recreation facilities, including golf courses.
 Manufactured home parks at a density no greater than allowed by the minimum parcel size in the zone or as may be modified by a combining zone.
 Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the R-1 zone.

Other Regulations

Minimum Lot Area	5,000 square feet.
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 (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.
Maximum Ground Coverage	Thirty-five percent (35%).
Maximum Building Height	Thirty-five feet (35').

**314-6.3 R-2: RESIDENTIAL TWO-FAMILY
Principal Permitted Uses**

One-family dwellings.
 One accessory dwelling unit per one-family dwelling.
 Two-family dwellings.
 Rooming and boarding of not more than two (2) persons not employed on the premises.
 Keeping of no more than four (4) household pets for each dwelling unit.

Commented [MM55]: 65852.2(A)(1)

Uses Permitted with a Use Permit

Guest houses and servants quarters.
 Private institutions.
 Manufactured home parks at a density no greater than allowed by the minimum parcel size in the zone or as may be modified by a combining zone.
 Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the R-2 zone.

Other Regulations

Minimum Lot Area	5,000 square feet.
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 (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.
Maximum Ground Coverage	Forty percent (40%).
Maximum Building Height	Thirty-five feet (35').

**314-6.4 R-3: RESIDENTIAL MULTIPLE FAMILY
Principal Permitted Uses**

Two-family dwellings.
 Dwelling groups and multiple dwellings containing four or fewer units per building..
 Keeping of no more than two (2) household pets for each dwelling unit.
 Emergency Shelters within areas mapped to specifically allow emergency shelters as a principally permitted use
 Single Room Occupancy Facilities

Uses Permitted with a Use Permit

Hotels, motels, manufactured home parks, rooming and boarding houses, and emergency shelters outside areas mapped to specifically allow emergency shelters as a principally permitted use (Amended by Ord. 2335, 12/14/04)
 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.
 One accessory dwelling unit per permitted one-family dwelling, **with no use additional permit.**
 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.

Commented [MM56]: 65852.2(A)(1) no extra permit required.

314-6.5	R-4: APARTMENT PROFESSIONAL Principal Permitted Uses
<p>Two-family dwellings and multiple dwellings and dwelling groups. 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. Single Room Occupancy Facilities.</p>	
Uses Permitted with a Use Permit	
<p>Hotels motels and emergency shelters. 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. One accessory dwelling unit per permitted one-family dwelling, with no additional use permit. Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the R-4 zone.</p>	

Commented [MM57]: 65852.2(A)(1)

314-6.6 RA: RURAL RESIDENTIAL AGRICULTURE	
Use Type	Principal Permitted Use
Residential Use Types	Single Family Residential Accessory Dwelling Unit
Civic Use Types	Minor Utilities
Agricultural Use Types	General Agriculture
Industrial Use Types	Cottage Industry; subject to the Cottage Industry Regulations
Use Type	Conditionally Permitted Use
Residential Use Types	Guest House
Civic Use Types	Essential Services Community Assembly Public Recreation and Open Space Solid Waste Disposal; subject to the Solid Waste Disposal Regulations Oil and Gas Pipelines; subject to the Oil and Gas Pipeline Regulations Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations Minor Generation and Distribution Facilities
Commercial Use Types	Neighborhood Commercial Bed and Breakfast Establishment; subject to the Bed and Breakfast Establishment Regulations Private Recreation Stables and Kennels Intensive Agriculture
Agricultural Use Types	Timber Production
Commercial Timber Use Type	Surface Mining -2; subject to the Surface Mining Regulations
Extractive Use Type	Fish and Wildlife Management Watershed Management Wetland Restoration
Natural Resource Use Types	Coastal Access Facilities
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 RA zone.

314-6.6 RA: RURAL RESIDENTIAL AGRICULTURE		
Development Standards		
Minimum Lot Size and Minimum Lot Width		
Zone Designation	Minimum Lot Size	Minimum Lot Width
RA-1	1.0 acre	150 feet
RA-2	2.0 acres	175 feet
RA-2.5	2.5 acres	175 feet
RA-5	5.0 acres	250 feet
RA-10	10.0 acres	350 feet
RA-20	20.0 acres	475 feet
RA-40	40.0 acres	750 feet
Maximum Lot Depth	Four (4) times the lot width.	
Maximum Density	One dwelling unit or and one accessory dwelling unit. per lawfully created lot	
Minimum Yard Setbacks*	Minimum Lot Size Less Than 2.5 Acres	Minimum Lot Size 2.5 Acres or Greater
Front	Twenty (20) feet	Twenty (20) feet; Thirty (30) feet for flag lots
Rear	Ten (10) feet	Thirty (30) feet
Interior Side	Five (5) feet	Thirty (30) feet
Exterior Side	Twenty (20) feet	Thirty (30) feet
Flag Lots	The Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for vehicular turn around on the lot.	The Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for vehicular turn around on the lot.
Double Frontage Lots	Front and rear yards shall be twenty (20) feet, except that the rear yard setback may be reduced to ten (10) feet where such yard abuts an alley.	Front and rear yards shall be twenty (20) feet, except that the rear yard setback may be reduced to ten (10) feet where such yard abuts an alley.
Maximum Ground Coverage	Thirty-five percent (35%)	
Maximum Structure Height	Thirty-five (35) feet.	
Permitted Main Building Types	Residential Single Detached Limited Mixed Residential -Nonresidential Nonresidential Detached or Multiple/Group	

314-7 RESOURCE USE REGULATIONS

314-7.1 AE: AGRICULTURE EXCLUSIVE Principal Permitted Uses	
All general agricultural uses, including accessory agricultural uses and structures listed at Sections 314-43.1.3 (Permitted Agricultural Accessory Uses) and 314-69.1.1 (Permitted Agricultural Accessory Structures), except those specified in the following subsection, Uses Permitted with a Use Permit. Farm dwellings. On lots 40 acres or larger in size, two single detached dwellings are permitted. Manufactured homes used as farm dwellings.	
Uses Permitted with a Use Permit	
Hog farms, turkey farms, frog farms and fur farms. Animal feed yards and sales yards. Agricultural and timber products processing plants. Rental and sales of irrigation equipment and storage incidental thereto. Animal hospitals. Labor camps and labor supply camps. Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the AE zone.	
Other Regulations	
No Subdivisions	No subdivisions or residential developments, whether by official map, record of survey or recorded subdivision, shall be permitted in Agriculture Exclusive or AE Zones.
Minimum Lot Area	Twenty (20) acres.
Minimum Lot Width	One hundred feet (100').
Maximum Lot Depth	(None specified.)
Minimum Yard Setbacks*	
Front	Thirty feet (30');
Rear	Twenty feet (20');
Side	Ten percent (10%) of the lot width on each side but not more than twenty feet (20') shall be required.
Farm Outbuildings	Farm outbuildings shall not be less than twenty feet (20') from any dwelling on the premises.
Maximum Ground Coverage	Thirty-five percent (35 %).
Maximum Building Height	(None specified.)

Commented [MM58]: AE zone can likely escape the ADU mandate because the principally permitted residence type – farm dwelling – is defined in a more restrictive way than a single-family unit: (a dwelling on farm premises; a permanent residence for owner, lessee, foreman, or those principally employed on the farm; and not quarters for seasonal labor). Therefore, no changes are made to the current code. ADUs could be an allowed second detached dwelling, or could be allowed with a use permit

314-7.2 AG: AGRICULTURE GENERAL	
Principal Permitted Uses	
General Agriculture, including accessory agricultural uses and structures listed at Sections 314-43.1.3 (Permitted Agricultural Accessory Uses) and 314-69.1.1 (Permitted Agricultural Accessory Structures). One-family dwellings and farm dwellings. One accessory dwelling unit per one-family dwelling. Rooming and boarding of not more than two (2) persons not employed on the premises. Manufactured homes.	
Uses Permitted with a Use Permit	
Guest houses, servants' quarters, labor camps and labor supply camps. Hog farms, turkey farms, frog farms and fur farms. Animal feed lots and sales yards. Agricultural and timber products processing plants. Rental and sales of irrigation equipment and storage incidental thereto. Animal hospitals and kennels. Golf courses. Private institutions and cemeteries. Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the AG zone.	
Other Regulations	
Minimum Lot Area	Two and one-half (2 ½) acres.
Minimum Lot Width	Sixty feet (60').
Maximum Lot Depth	(None specified.)
Minimum Yard Setbacks*	
Front	Twenty feet (20');
Rear	Twenty feet (20');
Side	Six feet (6').
Farm Outbuildings	Farm outbuildings shall not be less than twenty feet (20') from any dwelling on the premises.
Maximum Ground Coverage	Thirty-five percent (35%).
Maximum Building Height	Thirty-five feet (35'). (Ord. 1086, Sec. 6, 7/13/76)

Commented [MM59]: 65852.2(a)(1)

314-7.3 FR: FORESTRY RECREATION	
Principal Permitted Uses	
<p>One-family dwellings and farm dwellings. One accessory dwelling unit per one-family dwelling. General agriculture, nurseries and greenhouses, and roadside stands. Public and private noncommercial recreational uses, including golf courses and public stables. Social halls, fraternal and social organizations, and clubs. Manufactured homes.</p>	
Uses Permitted with a Special Permit	
Single Room Occupancy Facilities.	
Uses Permitted with a Use Permit	
<p>Hotels, motels, special occupancy parks and manufactured home parks. Two-family and multiple dwellings. Restaurants, food markets and automobile service stations, and commercial recreational facilities. Agricultural and timber products processing plants. Private institutions and cemeteries. Hog farms, turkey farms, frog farms and fur farms. Animal hospitals and kennels. Wrecking and salvage yards. Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the FR zone.</p>	
Other Regulations	
Minimum Lot Area	One (1) acre.
Minimum Lot Width	Two hundred feet (200').
Maximum Lot Depth	(None specified.)
Minimum Yard Setbacks*	
Front	Twenty feet (20').
Rear	Twenty feet (20').
Side	Ten feet (10').
Maximum Ground Coverage	(None specified.)
Maximum Building Height	Thirty-five feet (35'). (Ord. 1086, Sec. 4, 7/13/76)

Commented [MM60]: 65852.2(a)(1)

314-7.4	TPZ: TIMBERLAND PRODUCTION
Principal Permitted Uses	
<p>Growing and harvesting of timber and accessory uses compatible thereto. Accessory agricultural uses and structures listed at Sections 314-43.1.3 (Permitted Agricultural Accessory Uses) and 314-69.1.1 (Permitted Agricultural Accessory Structures).</p>	
Principal Permitted Uses Compatible with Timber Production	
<p>The following accessory uses are deemed to be compatible with the growing and harvesting of timber provided they do not significantly detract from the use of the property for, or inhibit, growing and harvesting of timber: (Former Section INL#314-11)</p> <p>Management for watershed. Management for fish and wildlife habitat. A use integrally related to the growing, harvesting and processing of forest products; including but not limited to roads, log landings, and log storage areas (portable chippers and portable sawmills are considered a part of "processing"). The erection, construction, alteration, or maintenance of gas, electric, water, or communication transmission facilities. Grazing and other agricultural uses. One-family dwelling or manufactured home and normal accessory uses and structures for owner or caretaker subject to the special restrictions of the following subsection, Special Restrictions Regarding Residences. One accessory dwelling unit for parcels 40 acres or larger.</p> <p>Temporary labor camps, less than one (1) year in duration, accessory to timber harvesting or planting operations. Recreational use of the land by the public, with or without charge, for any of the following: walking, hiking, picnicking, swimming, boating, fishing, hunting and skiing.</p>	
Uses Permitted with a Use Permit	
<p>Note: Permits authorized under this section cannot be approved if such use will significantly detract from the use of the property for, or inhibit, growing and harvesting of timber. Timber production processing plants (buildings) for commercial processing of wood and wood products, including but not limited to sawmills, lumber and plywood mills, but not including a pulp mill. Incidental Camping Area, Tent Camp, Temporary Recreational Vehicle Park, Special Occupancy Parks, and similar recreational uses. Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the TPZ zone.</p>	

Commented [MM61]: See 7.4.1.6.2 below

7.4.1.6 Special Restrictions Regarding Residences.

Amended as follows:

7.4.1.6 Other TPZ Regulations.

7.4.1.6.2 Parcels smaller than forty (40) acres shall not have accessory dwelling units.

314-136 DEFINITIONS (A)

Accessory Dwelling Unit:

Accessory dwelling unit: An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot where an existing or proposed single-family dwelling is situated. An accessory dwelling unit also includes the following:

- A. An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.
- B. A manufactured home, as defined in Section 18007 of the Health and Safety Code. (See, Residential Use Types, Accessory Dwelling Unit, in Section D: Use Types.)

Commented [MM62]: Replaces definition "Secondary Dwelling Unit"

314-154 DEFINITIONS (S)

Repeal definition:

314-163 LISTING OF USE CLASSIFICATIONS

163.1.8 Residential Use Types

- Guest House (allowed in RA)
- Manufactured Home Park (prohibited in F)
- Residential Uses Subordinate to the Permitted Use (allowed in C-3)
- Second Residential Unit (allowed in areas zoned for single-family and multi-family units)
- Single Family Residence (allowed in RA)

Commented [MM63]: 65852.2(a)(1)

314-22.2.3 Specific Determination of Greenway and Open Space Boundary

22.2.4.3 Other Provisions for Greenway Bench Development.

22.2.4.3.4 No Accessory Dwelling Units shall be allowed within a determined greenway bench area.

2.2.5 Density Bonus

22.2.5.1.4 Accessory Dwelling Units shall not be allowed on parcels created by these provisions.

314-109.1 OFF-STREET PARKING

109.1.3 Parking Spaces Required.

The number of off-street parking spaces required shall not be less than specified in this Section:

109.1.3.1 Residential Uses.

109.1.3.1.1 One-Family and Two-Family Dwellings.

109.1.3.1.1.1 Spaces Required, Setback

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. The following exception applies to Accessory Dwelling Units:

109.1.4.1.1.1.1 Accessory Dwelling Unit Exception

One (1) parking space for each accessory dwelling unit. These spaces may be provided in tandem on a driveway. Offstreet parking shall be permitted in setback areas or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

Commented [MM64]: 65852.2(a)(1)(D)(x)(I) and (II): one space per ADU; tandem and parking in setbacks allowed unless special findings

109.1.3.1.1.1.1 Housing Opportunity Zone Exceptions.

Within mapped Housing Opportunity Zones, the parking required in 109.1.3.1.1.1 is reduced to one (1) parking space for each dwelling unit 1,000 square feet or less in total gross floor area. Also, one-half (½) of the required parking spaces, or one (1) required parking space, whichever is greater, may be located within the front yard setback.

Commented [MM65]: Nearly the same as exceptions for ADUs. Redundant?