

CHAPTER 1

GENERAL PROVISIONS

CHAPTER 1

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311-1 TITLE AND PURPOSE

- 1.1 This division shall be known and cited as the "Humboldt County Zoning Code." Permissible synonyms are "Zoning Code," "Zoning Regulations" and "Code." (Former Section INL#311-1; CZ#A311-1; Ord. 519, Sec. 101, 5/11/65; Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)
- 1.2 This division is adopted pursuant to Title 7 of the California Government Code and Section 30500 of the California Public Resources Code. Its purpose is to:
(Former Section INL#311-2; CZ#A311-2 (A); Ord. 519, Sec. 101, 102, 5/11/65; Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)
 - 1.2.1 promote and protect the public health, safety, comfort, convenience and general welfare;
 - 1.2.2 promote sound and orderly development;
 - 1.2.3 assure social and economic stability within the various zones hereby established;
 - 1.2.4 implement the General Plan and Local Coastal program of the County; and
 - 1.2.5 accomplish these objectives with the fewest possible restrictions on freedom of citizen's use of their property and maximum concern for economic disruption caused by delays and uncertainties inherent in the permit review process.
- 1.3 It is the intent of this Board of Supervisors that the Humboldt County Local Coastal Program be administered in full conformity with the provisions of the California Coastal Act (Public Resources Code Section 30000, and following). (Former Section CZ#A311-2 (B); Ord. 1705, 9/10/85)
- 1.4 For the purpose of State certification of the Humboldt County Local Coastal Program, and assumption of Coastal Development Permit jurisdiction, the regulations contained in this Code will become effective in the Humboldt County Coastal Zone upon certification by the California Coastal Commission pursuant to applicable provisions of State Law and Regulations, including but not limited to Public Resources Code Sections 30513 and 30519, and Section 13544 of Title 14 of the California Code of Regulations, or any successor provisions thereto. (Former Section CZ#A311-2 (C); Ord. 1705, 9/10/85)

**311-2 THESE ZONING REGULATIONS ARE TO BE CONSISTENT
WITH THE HUMBOLDT COUNTY GENERAL PLAN,
INCLUDING THE LOCAL COASTAL PROGRAM PLANS**

It is the intent of the Board of Supervisors that the Regulations contained herein are consistent with and are adequate to implement the policies and designations of all elements of the Humboldt County General Plan, including the Local Coastal Program Plans. If these Zoning Regulations become inconsistent with or inadequate to implement the General Plan by reason of adoption of any Plan amendments, these Regulations shall be amended to be consistent with the amended Plan. All Zoning Regulation amendments shall maintain reasonable compatibility with the adopted General Plan. (Former Section CZ#A311-3; Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)

311-3 WHERE THE ZONING REGULATIONS APPLY

These Zoning Regulations shall be applicable to all of the unincorporated areas of Humboldt County. Any development shall conform to all regulations applicable to the zone in which the land is located. (Former Section CZ#A311-4; INL#311-3; Ord. 519, Sec. 101, 102, 5/11/65; Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)

**311-4 INTERPRETING THE REGULATIONS IF A PROVISION IS
UNCLEAR**

- 4.1 If ambiguity is found in the content or application of the Zoning Regulations, the Hearing Officer shall ascertain all relevant facts, consider the ambiguity and interpret the regulations. Interpretations by the Hearing Officer in making a decision on a discretionary permit are subject to appeal, pursuant to Chapter 2, Section 312-2.13, of these regulations. Interpretations by the Director, or designee, in making decisions on zoning clearance certificates are not subject to appeal. However, where the zoning regulations are unclear, a Special Permit may be submitted and processed to a decision for any proposed use or development. (Former Section CZ#A311-5; Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)
- 4.2 The Director of the Community Development Services Department shall maintain a written record of all such interpretations, which interpretations shall be maintained as public records and shall be referenced to the code section which they interpret. The Director shall, within budget constraints, take action as soon as possible to amend the code and eliminate the ambiguity. (Former Section CZ#A311-5; Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)

311-5 INTERPRETING THE REGULATIONS IF PROVISIONS
CONFLICT

- 5.1 In interpreting and applying the provisions of these Regulations, the Hearing Officer or Director shall consider that the minimum requirements of this Code are for the promotion of the public health, safety, comfort, convenience and general welfare. (Former Section CZ#A311-6; Ord. 1705, 9/10/85)

- 5.2 It is not the intent of these Regulations to interfere with or supersede any easement, covenant or other agreement between private parties except as otherwise specified. However, where these Regulations impose any greater requirements or restrictions, including but not limited to the use of buildings or land, the height of buildings, or the requirement for larger open spaces than are imposed or required by other provisions of this Code, or any other government rules and/or regulations, or by any private easements, covenants or agreements, the provisions of these Regulations shall control. (Former Section INL#314-1; CZ#A311-6; Ord. 519, Sec. 401, 5/11/65; Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)

311-6 THE LIST OF PRINCIPAL AND COMBINING ZONES WHICH ARE ESTABLISHED AND DESIGNATED BY THESE REGULATIONS

6.1 PRINCIPAL ZONES

The principal zones, into which the County of Humboldt shall be divided are as follows: (Former Section INL#313-1; CZ#A311-7; Ord. 1705, 9/10/85; Ord. 1800, Sec. 2, 6/23/87; Amended by Ord. 1842, Sec. 4, 8/16/88; Amended by Ord. 2214, 6/6/00)

PRINCIPAL ZONES - COASTAL		
ZONE DISTRICT	DESIGNATION	CODE SECTION
COMMERCIAL		
Neighborhood Commercial	CN	313-2.1
Commercial General	CG	313-2.2
INDUSTRIAL		
Business Park	MB	313-3.1
Light Industrial	ML	313-3.2
Industrial General	MG	313-3.3
Industrial/Coastal Dependent	MC	313-3.4
PUBLIC		
Public Facility – Urban	PF1	313-4.1
Public Facility – Rural	PF2	313-4.2
RECREATION AND CONSERVATION		
Public Recreation	PR	313-5.1
Commercial Recreation	CR	313-5.2
Coastal Dependent Commercial Recreation	CRD	313-5.3
Natural Resources	NR	313-5.4
RESIDENTIAL		
Residential Single Family*	RS-5, RS-7.5, RS-10, RS-20, RS-40	313-6.1
Residential Multi-Family**	RM	313-6.2
Residential Mixed	R2	313-6.3
Rural Residential Agriculture***	RA-1, RA-2, RA-2.5, RA-5, RA-10, RA-20, RA-40	313-6.4
RESOURCE		
Agriculture Exclusive***	AE-20, AE-40 AE-60, AE-160, AE-600	313-7.1
Commercial Timberland (Coastal)	TC	313-7.2
Timber Production Zone	TPZ	313-7.3

PRINCIPAL ZONES - INLAND		
ZONE DISTRICT	DESIGNATION	CODE SECTION
COMMERCIAL		
Neighborhood Commercial	C-1	314-2.1
Community Commercial	C-2	314-2.2
Industrial Commercial	C-3	314-2.3
Highway Service Commercial	CH	314-2.4
INDUSTRIAL		
Business Park	MB	314-3.1
Limited Industrial	ML	314-3.2
Heavy Industrial	MH	314-3.3
PUBLIC		
Airport	AV	314-4.1
NATURAL HAZARD/FLOOD		
Design Floodway	DF	314-5.1
Flood Plain	FP	314-5.2
RESIDENTIAL		
Residential Suburban	RS	314-6.1
Residential One-Family	R-1	314-6.2
Residential Two-Family	R-2	314-6.3
Residential Multiple Family	R-3	314-6.4
Apartment Professional	R-4	314-6.5
Rural Residential Agricultural	RA	314-6.6
RESOURCE		
Agriculture Exclusive	AE	314-7.1
Agriculture General	AG	314-7.2
Forestry Recreation	FR	314-7.3
Timberland Production	TPZ	314-7.4
UNCLASSIFIED		
Unclassified	U	314-8.1

6.2 COMBINING ZONES

In addition to the principal zones, certain "Combining Zone" regulations are hereby established as follows, and in the sections entitled "Special Area Combining Zones," in Chapters 3 and 4 of this Code. All uses and development regulations of the Principal Zone shall apply in the Combined Zone except in so far as they are modified or augmented by the uses and regulations set forth in the Combining Zone regulations. (Former Section INL#313-2, 315-1; CZ#A311-7 (B), CZ#A313-44; Ord. 519, Sec. 501, 5/11/65; Ord. 1705, 9/10/85; Ord. 1800, Sec. 4, 6/23/87; Amended by Ord. 2214, 6/6/00)

COMBINING ZONES - COASTAL		
COMBINING ZONE	DESIGNATION	CODE SECTION
Archaeological Resource Area Outside Shelter Cove	A	313-16.1
Special Archaeological Resource Area Regulations for Shelter Cove	A	313-16.2
Airport Safety Review	AP	313-16.3
Beach and Dune Areas	B	313-17.1
Coastal Resource Dependent	C	313-18.1
Design Review	D	313-19.1
Coastal Elk Habitat	E	313-20.1
Flood Hazard Areas	F	313-21.1
Alquist-Priolo Fault Hazard	G	313-22.1
Landscape and Design	L	313-27.1
Manufactured Home	M	313-28.1
Noise Impact	N	313-29.1
Offshore Rocks and Rocky Intertidal Areas	O	313-30.1
Planned Unit Development	P	313-31.1
Qualified	Q	313-32.1
Streams and Riparian Corridor Protection	R	313-33.1
Development Standard	S	313-34.1
Modified Building Standards Including Provision for Manufactured Homes	SM	313-34.2
Development Standards Which Are Combined with a Prohibition Against Further Subdivision	SX	313-34.3
Development Standards Where Standards in Addition to Minimum Lot Size are Modified	SY	313-34.4
Transitional Agricultural Lands	T	313-35.1
Vacation Home Rental	V	313-37.1
Coastal Wetlands	W	313-38.1
No Further Subdivision Allowed	X	313-39.1
Specified Minimum and Average Lot Sizes	Y	313-40.1

COMBINING ZONES - INLAND		
COMBINING ZONE	DESIGNATION	CODE SECTION
Special Building Site	B	314-17
Design Control	D	314-19
Flood Hazard Areas	F	314-21
Alquist-Priolo Fault Hazard	G	314-22.1
Greenway and Open Space	GO	314-22.2
Landscaping and Design Control	L	314-27
Manufactured Home Development Standard	M	314-28
Planned Development	P	314-31
Qualified	Q	314-32
Recreation	R	314-33
Development Standard	S	314-34
Development Standard - Standards in Addition to Manufactured Home Building Types are Modified	SM	314-34.2
Development Standards - Minimum Lot Size and Minimum Average Lot Size are Both Specified	SY	314-34.3
Development Standards Where Standards in Addition to Minimum Lot Size are Modified	SZ	314-34.4
Manufactured Home	T	314-35.1
Vacation Home Rental	V	314-37.1
Recreation	X	314-39.1
Specified Minimum and Average Lot Size	Y	314-40.1
No Further Subdivision Allowed	Z	314-41.1

311-7 DESIGNATION AND ADOPTION OF ZONING MAPS

- 7.1 The designation, location and boundaries of the zones shall be made by written description or by delineation on zoning maps which may be adopted or amended as provided in Chapter 2 of this Division. (Former Section CZ#A311-8; Ord. 1705, 9/10/85)
- 7.2 The maps and all notations, references, data and other information shown thereon shall be a part of, and subject to all of the requirements of this Code, and shall supersede all maps, notations, references, data and other information which are incorporated or referenced in any prior zoning maps of the County Code. Although the zoning maps and written legal descriptions of property within the County of Humboldt are not included in the text of this Code, they are incorporated herein by reference. (Former Section INL#313-3, INL#313-4; CZ#A311-8, CZ#A311-9; Ord. 519, Sec. 303, 5/11/65; Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)

311-8 UNCERTAINTIES IN ZONE BOUNDARIES: HOW TO RESOLVE

Where uncertainty exists as to the boundaries of any districts shown on the zoning maps, the Hearing Officer, in reviewing a discretionary permit, shall apply the following rules to resolve such uncertainty: (Former Section INL#313-5; CZ#A311-10; Ord. 519, Sec. 305, 5/11/65; Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)

- 8.1 **Streets or Alleys.** Where zoning district boundaries approximately follow lot, alley, or street lines, such lot lines and street and alley centerlines shall be construed as the zone district boundaries unless said boundaries are otherwise indicated. (Former Section INL#313-5(a); CZ#A311-10 (A); Ord. 519, Sec. 305, 5/11/65; Ord. 1705, 9/10/85)
- 8.2 **Scale on Map; Determination by Commission.** Where the property is indicated on a zoning map or maps as acreage and not subdivided into lots and blocks, or where the zone boundary lines are not approximately street, alley or lot lines, the zone boundary lines on said zoning map or maps shall be determined by scale contained on such map or maps, and where uncertainty exists, the zone boundary line shall be determined by the Planning Commission. In the event property shown as acreage on the zoning map or maps has been or is subsequently subdivided into lots or lot and block arrangement does not conform to that anticipated when the zone boundaries were established, the Planning Commission, after notice to the owners of the property affected thereby, may interpret the zone maps in such a way as to implement the intent and purpose of these regulations and conform to the street, block and lot layout on the ground. Such interpretation shall be by written decision, and thereafter the copies of the zoning maps shall be changed to conform thereto. (Former Section INL#313-5(c); CZ#A311-10 (B); Ord. 519, Sec. 305, 5/11/65; Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)
- 8.3 **Vacated Street or Alley.** Where a public street or alley is officially vacated or abandoned, the property formerly in said street or alley shall be included within the zone district or districts of the adjoining property on either side of said vacated or abandoned street or alley centerline. (Former Section INL#313-5(d); CZ#A311-10(C); Ord. 519, Sec. 305, 5/11/65; Ord. 1705, 9/10/85)
- 8.4 Where a boundary line follows the bank of a watercourse, it shall be construed as following the top edge of the nearest bank, or if there is no identifiable bank, the stream transition line. (Former Section CZ#A311-10 (D); Ord. 1705, 9/10/85)
- 8.5 Where a boundary line is indicated as following a watercourse, it shall be construed as the centerline of the watercourse. (Former Section CZ#A311-10 (E); Ord. 1705, 9/10/85)
- 8.6 Where further uncertainty exists, the Planning Commission, upon written application or on its own motion, shall determine the location of the boundary in question, giving due consideration to the location indicated on the Zoning Map and the purposes set forth in the Principal Zone district regulations. (Former Section CZ#A311-10 (F); Ord. 1705, 9/10/85)

311-9 HOW THE PROVISIONS OF THIS CODE RELATE TO EACH OTHER AND TO OTHER PROVISIONS OF LAW

- 9.1 All other provisions of law still apply. Unless otherwise specifically provided, no provision of these Zoning Regulations shall be construed as relieving any party to whom a development permit, license, or variance is issued, from any other provision of State or Federal Law or from any provision, ordinance, rule, or regulation of Humboldt County requiring a license, franchise, or permit to accomplish, engage in, carry on or maintain a particular business, enterprise, occupation, transaction or use. (Former Section CZ#A311-11; Ord. 1705, 9/10/85)
- 9.2 Each provision of this code is severable and independent. If any section, subsection, sentence, clause or phrase of these regulations is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of these regulations. It is hereby expressly declared that this ordinance and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. (Former Section CZ#A311-12; Ord. 1705, 9/10/85)
- 9.3 These regulations supersede other existing code sections previously adopted. These Regulations supersede the existing zoning regulations, as amended, of the County of Humboldt, for land which lies within the unincorporated areas of the County. If any provisions of these Regulations should be determined to be invalid or inapplicable, the provisions of the most recently adopted pre-existing zoning regulations shall apply. (Former Section CZ#A311-13; Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)
- 9.4 These Regulations shall not be construed as validating or legalizing any building, structure or land use conducted, constructed, erected, or maintained in violation of any Federal, State or Humboldt County ordinance. Insofar as the provisions of these regulations impose the same regulations as those imposed by existing zoning regulations, this ordinance shall be construed as a continuation of said regulations and not as a new enactment. (Former Section CZ#A311-13; Ord. 1705, 9/10/85)

311-10 LIMITATIONS ON LAND USES AND STRUCTURES

Except as otherwise specifically provided in this Code:

- 10.1 **Use Requirements.** No building or part thereof or other structure shall be erected, altered, added to or enlarged, nor shall any land, building, structure or premises be used, designated or intended to be used for any purpose or in any manner other than is included among the uses hereinafter listed as permitted in the zone in which such buildings, land or premises is located. (Former Section INL#313-7(a); Ord. 519, Sec. 307, 5/11/65; Amended by Ord. 2214, 6/6/00)

- 10.2 **Height Requirements.** No building or part thereof or structure shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the zone in which such building is located except as otherwise specifically provided in this Code. (Former Section INL#313-7(b); Ord. 519, Sec. 307, 5/11/65; Amended by Ord. 2214, 6/6/00)
- 10.4 **Area Requirements.** No building or part thereof or structure shall be erected nor shall any existing building be altered, enlarged or rebuilt or moved into any zone, nor shall any open space be encroached upon or reduced in any manner, except in conformity to the yard, building site area, and building location regulations hereinafter designated for the zone in which such building or open space is located. (Former Section INL#313-7(c); Ord. 519, Sec. 307, 5/11/65; Amended by Ord. 2214, 6/6/00)
- 10.4 **Duplicate Use of Open Space and Yards.** No yard or other spaces provided about any buildings for the purpose of complying with provisions of this division shall be considered as providing a yard or open space for any other building, and no yard or other open space on one building site shall be considered as providing a yard or open space for a building on any other building site unless specifically permitted elsewhere in this Code. (Former Section INL#313-7(d); Ord. 519, Sec. 307, 5/11/65; Amended by Ord. 2214, 6/6/00)

311-11 COMPLETION OF EXISTING BUILDINGS WHEN THE REGULATIONS CHANGE

- 11.1 These regulations do not require any change in the plans, construction or designated use of a building or structure for which a Coastal Development Permit has been issued by the Coastal Commission, or to any permit issued by the County prior to the effective date of these Regulations or any amendment of these regulations, provided that actual construction of such building or structure is commenced within 120 days after the date of issuance of the permit, and is completed within one (1) year from the effective date of such adoption or amendment. (Former Section CZ#A311-14; Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)
- 11.2 Actual construction is hereby defined to be the actual placing of construction materials in their permanent position, fastened in a permanent manner, except that where a basement is being excavated such excavation shall be deemed to be actual construction, or where demolition or removal of an existing structure has begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction. (Former Section CZ#A311-14; Ord. 1705, 9/10/85)