

SECTION C: INDEX OF DEFINITIONS OF LANGUAGE AND LEGAL TERMS

313-135 GENERAL RULES FOR CONSTRUCTION OF LANGUAGE

135.1 The meaning and construction of words and phrases as set forth shall apply throughout the Zoning Regulations, except where the context of such words or phrases clearly indicates a different meaning or construction. Definitions contained in the Uniform Building Code shall be applicable except when in conflict with definitions contained in these Zoning Regulations, in which case the Zoning Regulations definition shall prevail. The following general rules of construction shall apply to the textual provisions of the Zoning Regulations: (Former Section CZ#A312-1)

135.1.1 Headings. Section and subsection headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any provision of the Zoning Regulations. (Former Section CZ#A312-1)

135.1.2 Illustrations. In case of any difference of meaning or implication between the text of any provision and any illustration, the text of the provision shall control. (Former Section CZ#A312-1)

135.1.3 Shall, May, and Should. "Shall" is always mandatory and not discretionary. "May" is permissive or discretionary. "Should" is advisory, in that it, like "may," is not mandatory, but "should" indicates a policy preference of the County. (Former Section CZ#A312-1)

135.1.4 Tense, Number and Gender. Words used in the present tense include the past and future tense. Words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary. The masculine gender includes the feminine and neuter gender, and neuter includes the masculine and feminine, and feminine includes masculine and neuter. (Former Section CZ#A312-1)

135.1.5 Conjunctions. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows: (Former Section CZ#A312-1)

135.1.5.1 "And" indicates that all connected items or provisions shall apply.

135.1.5.2 "Or" indicates that the connected items or provisions may apply singly or in any combination.

135.1.5.3 "Either...or" indicates that the connected items or provisions shall apply singly but not in combination.

- 135.1.6 "Used" includes "arranged for," "designed for," "occupied," or "intended to be occupied for." (Former Section CZ#A312-1)
- 135.1.7 All public officials, bodies, and agencies to which reference is made are those of Humboldt County unless otherwise indicated. (Former Section CZ#A312-1)
- 135.1.8 References to other laws and regulations. Whenever this Code refers to sections of this Code, State Law, or other statutes or regulations, the reference shall be construed to include any successor or amended provisions which have been adopted to replace, renumber, or otherwise change the section(s) reference from that which is contained in this Code.

313-136-161 DEFINITIONS (A - Z)

313-136 DEFINITIONS (A)

- Abutting:** Land having a common property line or separated only by any alley, easement or private road. (Former Section CZ#A312-3)
- Access:** The place or way by which pedestrians and/or vehicles have usable ingress and egress to a property or use. (Former Section CZ#A312-3)
- Access, Coastal Lateral:** A recorded dedication or easement granting to the public the right to pass and repass over the dedicating's real property generally parallel to the mean high tide line. (Former Section CZ#A312-3)
- Access, Coastal Public:** Public rights-of-way to and along coastal beaches and tidelands. (Former Section CZ#A312-3)
- Access, Coastal Vertical:** A recorded dedication or easement granting the public the privilege and right to pass and repass over the dedicating's real property from a public road to the mean high tide line. (Former Section CZ#A312-3)
- Accessory Building:** (See, Building, Accessory)
- Accessory Use:** (See, Use, Accessory)
- Acreage:** Land customarily measured in terms of acres rather than square feet. The number of acres, extent in acres.
- Address of Convenience:** Nonresidential activities associated with any profession, occupation, or hobby, having no employees, receiving no deliveries at the address, and utilizing a private residence only for receiving mail, phone calls, or related record keeping (typically a mobile business). No more than one (1) truck or other motor vehicle of no larger than three-fourths (3/4) of a ton shall be permitted in conjunction with any Address of Convenience. (Former Section CZ#A312-3)
- Additional Incentives:** Means such regulatory concessions as specified in California Government Code Subsections 65915 (d) and (b). These include, but are not limited to, the reduction of site development standards or zoning code requirements, direct financial assistance, approval of mixed-use zoning in conjunction with the Housing Development,

or any other regulatory incentive resulting in identifiable cost avoidance or reductions offered in addition to a Density Bonus. See, Section 313-112.1, Residential Density Bonus, for further discussion. (Former Section CZ#A314-12.1(B)(1); Added by Ord. 2167, Sec. 25, 4/7/98)

Adequate Off-Street Parking: Parking facilities sufficient to meet anticipated parking demand generated by a use or activity. (See, Section 313-109.1, Off-Street Parking, for parking requirements.)

Administrative Official: The Director of Community Development Services and/or other Planning Division employee designated by the Director. (From Section INL#312-5; Ord. 519, Sec. 205, 5/11/65)

Administrative Services: (See, Civic Use Types, Administrative, in Section D: Use Types.)

Affordable Rent: Means monthly housing expenses, including a reasonable allowance for utilities, for rental Target Units reserved for Very Low or Lower Income Households, not exceeding the following calculations:

- A. Very Low Income: Fifty percent of the area median income for Humboldt County, adjusted for household size, multiplied by thirty percent (30%) and divided by twelve (12). (Former Section CZ#A314-12.1(B)(2)(a); Added by Ord. 2167, Sec. 25, 4/7/98)
- B. Lower Income: Sixty percent of the area median income for Humboldt County, adjusted for household size, multiplied by thirty percent (30%) and divided by twelve (12). (Former Section CZ#A314-12.1(B)(2)(b); Added by Ord. 2167, Sec. 25, 4/7/98)

(See, Section 313-112.1, Residential Density Bonus, for further discussion.) (Former Section CZ#A314-12.1(B)(2); Added by Ord. 2167, Sec. 25, 4/7/98)

Affordable Sales Price: Means a sales price at which Lower or Very Low Income Households can qualify for the purchase of Target Units, calculated on the basis of underwriting standards of mortgage financing available for the development. (See, Section 313-112.1, Residential Density Bonus, for further discussion.) (Former Section CZ#A314-12.1(B)(3); Added by Ord. 2167, Sec. 25, 4/7/98)

Aggrieved Person: Any person who, in person or through a representative, appeared at a public hearing, held by Humboldt County in accordance with these Zoning Regulations, or who, by other appropriate means prior to action on a development permit, or variance, informed the County of his or her concerns about the application for such permit or who, for good cause, was unable to do either, and who objects to the action taken on such permit and wishes to appeal such action to a higher authority. (Former Section CZ#A312-3)

Agricultural Activities: (See, Agricultural Use Types, in Section D: Use Types.)

Agricultural Land, Boundary of Transitional: (See, Section 313-35.1, Transitional Agricultural Lands.)

Agricultural Land: "Agricultural Land" shall mean all real property within the boundaries of Humboldt County which is designated in the General Plan, Local Coastal Program, or any plan element (in these regulations, "designations" or "planned") and/or zoned for agricultural

use. Such designations or zones shall include, but not be limited to Timber Production Zones (TPZ), Agricultural General (AG), Agricultural Exclusive (AE), and any other agricultural designations of zones which may exist or be established by the County in the future. (From Section INL#316.2-1(a); Added by Ord. 1662, Sec. 1, 11/27/84; Amended by Ord. 2138b, Sec. 1, 1/14/97)

Agricultural Land, Non Prime: Agricultural lands that are now in use for crops, grazing, or that are suitable for agriculture, other than Prime Agricultural Land, as defined in these regulations. (Former Section CZ#A312-3)

Agricultural Land, Prime: Per California Government Code Section 51201(c), or any successor provision thereto, with which it is intended that the following definitions be consistent: (Former Section CZ#A312-3)

- A. All land which qualifies for rating as Class I or Class II in the Soil Conservation Service land use capability classification;
- B. Land which qualifies for rating 80-100 in the Storie Index Rating;
- C. Land which supports livestock used for the production of food and fiber which has an annual carrying capacity equivalent to at least one (1) animal unit per acre as defined by the United States Department of Agriculture;
- D. Land planted with fruit or nut bearing trees, vines, bushes or crops which have a non-bearing period of less than five (5) years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than \$200.00 per acre.

Agricultural Land, Transitional: A wetland that has been altered for production of crops, including pasture, hay, or other forage, but where hydrophytes typical of non-farmed wetlands will predominate if farming is discontinued. In Humboldt County, these areas are typically diked former tidal marshes or clearly defined non-tidal sloughs used for hay or pasture. (Former Section CZ#A312-3)

Agricultural Operation: "Agricultural Operation" shall mean and include, but not be limited to, the cultivation and tillage of the soil, dairying, the production, irrigation, frost protection, cultivation, growing, harvesting, and processing of any agricultural commodity, including viticulture, horticulture, timber or apiculture, the raising of livestock, fur bearing animals, fish or poultry, and any commercial operations, including preparation for market, delivery to storage or to market, or to carriers for transportation to market. (From Section INL#316.2-1(b); Added by Ord. 1662, Sec. 1, 11/27/84; Amended by Ord. 1138b, Sec. 1, 1/14/97)

Agricultural Use Types: (See, Agricultural Use Types in Section D: Use Types.)

Airports: (See, Civic Use Types, Extensive Impact Civic Uses, in Section D: Use Types.)

Alley or Lane: A public or private way permanently reserved as a secondary means of access to abutting properties and not intended for general traffic circulation. (Former Section CZ#A312-3)

Ambulance Services: (See, Civic Use Types, Essential Services, in Section D: Use Types.)

Amendment: Any change, modification, deletion, or addition to the wording, text or substance of the Zoning Regulations or any change, modification, deletion, or addition to the application of the Zoning Regulations to property within Humboldt County, including any

alteration in the boundaries of a zone, when adopted by ordinance passed by the Board of Supervisors in the manner prescribed by law. (Former Section CZ#A312-3)

Anadromous Fish Stream: (See, Streams, Anadromous Fish)

Animal Hospital: A building where animals are given medical or surgical treatment for compensation, and boarding of animals is incidental to such treatment. (Former Section CZ#A312-10)

Animal and/or Fish Product Processing: The preparation for wholesale distribution of animal and/or fish products, including but not limited to, slaughtering, fat rendering, fertilizer production, tanning, seafood packing and canning, and distillation of bones. (Former Section CZ#A312-18)

Animal and/or Fish Waste Product Processing: The processing of animal or fish waste and by-products including but not limited to animal manure, animal bedding waste, by-products from fish packing and a similar by-product of an animal raising agricultural operation, or commercial fishing or fish processing operation, for use as a commercial fertilizer or soil amendment and including composting operations. (Former Section CZ#A312-18)

Aquaculture: The culture and husbandry of aquatic organisms, including, but not limited to, fish, shellfish, mollusks, crustaceans, kelp, and algae. "Aquaculture" does not include the culture and husbandry of commercially utilized inland crops, including, but not limited to, rice, watercress, and bean sprouts. (See also, Industrial Use Types, Aquaculture, in Section D: Use Types.) (Former Section CZ#A312-3)

Automobile Repair:

- A. **Major:** General repair, rebuilding or reconditioning of engines, including removal of same; motor vehicle, truck or trailer collision service, including body, frame or fender straightening or repair; over-all painting or body shop. (Former Section CZ#A312-3(a))
- B. **Minor:** Upholstering, replacement of parts and motor service, not including removal of the motor, to passenger cars and trucks not exceeding one and one-half (1 1/2) tons capacity, but not including any operation under "automobile repair, major." (Former Section CZ#A312-3(b))

Automobile Service, Gas or Filling Station: A commercial activity which provides servicing, washing and/or fueling of operating motor vehicles, including minor repairs, and the sales of merchandise and supplies incidental thereto. (Former Section CZ#A312-3)

Automobile Wrecking: The dismantling or wrecking of used motor vehicles or trailers, or the storage, or sale, or dumping of dismantled or wrecked vehicles or their parts. The presence of five or more non-operating vehicles on any lot or parcel of land for a period exceeding 30 days, and from which parts have been or are to be removed for reuse or sale shall constitute prima facie evidence of an automobile wrecking yard. (See also, "Wrecking and Salvage Yard.") (Former Section CZ#A312-3)

313-137 DEFINITIONS (B)

Bankfull, Channel: The water surface elevation attained by a stream flowing at capacity, i.e., at a stage above which banks are overflowed. When the water fills the channel to the bankfull stage, its surface is level with the flood plain. (Former Section CZ#A312-4)

Barn: A building used for the shelter of livestock raised on the premises, the storage of agricultural products produced or consumed on the premises, or the storage and maintenance of farm equipment and agricultural supplies used for the agricultural operations on the premises. (Former Section CZ#A312-4)

Beach: A shore consisting at least partly of unconsolidated material deposited by the motion of waters. Most often that material is sand, but may be cobbles or shingle, such as a boulder or rocky beach. (Former Section CZ#A312-4)

Bed and Breakfast Establishments: (See, Commercial Use Types in Section D: Use Types.)

Bedload, Average Annual: The average amount of gravel that is carried downstream in a normal year and deposited during the high water season. (Former Section CZ#A312-4)

Berm, Earthen: A mound or embankment of earth, together with necessary retaining structures. (Former Section CZ#A312-4)

Block: All property fronting upon one side of a street between intersecting and intercepting streets, or between a street and a right-of-way, waterway, terminus of dead end street, or city boundary. An intercepting street shall determine only the boundary of the block on the side of the street which it intercepts. (Former Section CZ#A312-4)

Bluff or Cliff Areas: A bluff or cliff is a scarp or steep face of rock, decomposed rock, sediment, or soil resulting from erosion, faulting, folding or excavation of the land mass. The cliff or bluff may be simple planar or curved surface, or it may be step-like in section. For the purposes of this ordinance, "cliff" or "bluff" is limited to those features having vertical relief of ten feet (10') or more, and "sea cliff" is a cliff whose toe is or may be subject to marine erosion. (Former Section CZ#A312-4)

Bluff Edge or Cliff Edge: The upper termination of a bluff, cliff or sea cliff. When the top edge of the cliff is rounded away from the face of the cliff as a result of erosion processes related to the presence of a steep cliff face, the edge shall be defined as that point nearest the cliff beyond which the downward gradient of the land surface increases more or less continuously until it reaches the general gradient of the cliff. In a case where there is a step-like feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge. (Former Section CZ#A312-4)

Bluff, Coastal: Those bluffs, the toe of which is now or was historically (generally within the last 200 years) subject to marine erosion; and those bluffs, the toe of which is not now or was not historically subject to marine erosion, but the toe of which lies within an area otherwise identified as a State Coastal Commission appeals area. (Former Section CZ#A312-4)

Board of Supervisors: The Board of Supervisors of Humboldt County, California. (Former Section CZ#A312-2)

Boarding House: A dwelling or part thereof where meals and/or lodging are provided for compensation, by agreement for definite periods of time, for three or more persons who do not constitute a family. (Former Section CZ#A312-10)

Boating Facilities: (See, Natural Resource Use Types, Boating Facilities, in Section D: Use Types.)

Borrow Pit: An excavation created for the surface mining of rock, unconsolidated geologic deposits or soil which is used off-site. (Former Section CZ#A312-4)

Boundary of Transitional Agricultural Land: (See, Transitional Agriculture Land Regulations at Section 313-35.1, Transitional Agricultural Lands.)

Boundary of a Wetland: (See, Wetland, Boundary of)

Building: Any roofed structure intended for use as human shelter, or shelter or enclosure of animals or property. When such a structure is divided into separate parts by one (1) or more unpierced walls extending from the ground or foundation up, each part is deemed a separate building (does not count towards minimum size yard requirements). (See also, "Structure") (Former Section CZ#A312-4; INL#312-15; Ord. 519, Sec. 215, 5/11/65)

- A. **Accessory:** A detached subordinate building located on the same lot as the building or use to which it is accessory. The accessory building is incidental and subordinate to the use of the principal building or to the principal use of the lot. (Former Section CZ#A312-4)
- B. **Detached:** Any accessory or main building that does not share at least ten feet (10') of a common wall with any other accessory or main building. (Former Section CZ#A312-4)
- C. **Height.** Heights of buildings and structures shall be measured from the average elevation of the ground covered by the structure to the highest point on the roof. Other objects projecting from or attached to the roof, such as chimneys, stacks, air conditioning equipment, parapet walls, and conventional television antennae are not included in calculating the highest point. (Former Section CZ#A312-10)
- D. **Main:** A building in which the principal use of the building site is conducted. (Former Section CZ#A312-4)
- E. **Site:** One lot, or two or more lots when used in combination for a building or permitted group of buildings, together with all yards and open spaces as required by these regulations. (See also, Lot.) (Former Section CZ#A312-4)

Building Type: The structural types and arrangements of buildings, and the arrangement of uses within them. (Former Section CZ#A312-4)

Building Type, Mixed Residential-Nonresidential: A group of building types that comprise the following:

- A. **Limited:** A building containing one or more dwelling units (1+du) in any vertical or horizontal arrangement and in which principal nonresidential use types are located only at the ground level, or at any level below the ground level of the building or structure. (Former Section CZ#A312-4)
- B. **Unlimited:** One or more buildings containing one or more dwelling units (1+du) in any vertical or horizontal arrangement and in which principal nonresidential use types may be located on any level of the building. (Former Section CZ#A312-4)

Building Type, Nonresidential: A group of building types that comprise the following: