

**ORDINANCE AMENDING TITLE III, DIVISION 1, CHAPTER 4 OF HUMBOLDT COUNTY  
CODE SECTIONS 314-56 AND 314-6**

The Board of Supervisors of the County of Humboldt ordains as follows:

**SECTION 1. PURPOSE OF ZONING REGULATION AMENDMENTS.**

Title III, Division 1, Chapter 4 of the Planning Regulations: amending Section 314-56, adopting Mixed Residential Densities in Housing Opportunity Zones regulations, in accordance with Housing Element Implementation Measure 61 (Establish a Mixed Housing Zoning District). The intent is to allow higher housing density to support workforce housing needs for existing and new development.

**SECTION 2. Mixed Residential Densities**

Section 314-56.6, regarding Mixed Residential Densities in Housing Opportunity Zones in Title III, Division 1, Chapter 4 of the Humboldt County Code, is hereby adopted as follows (modifications deleting text are shown in strike out and additions as underlined text):

**314-56.6 MIXED RESIDENTIAL DENSITIES IN HOUSING OPPORTUNITY ZONES**

56.6.1 **Purpose.** The purpose of these regulations is to provide opportunities for the development of higher density housing within Housing Opportunity Zones and to regulate their development to ensure such higher densities remain compatible with existing zones.

56.6.2 **Applicability.** These regulations shall apply in any R-1 and R-2 zones within Housing Opportunity Zones (HOZ), as identified by the General Plan in Attachment H to Appendix G of the Housing Element. The requirements herein shall not be applied to densities or structure types that may be principally or conditionally permitted without the allowances of this Section.

56.6.3 **Permitted Structures.** Within lands described by Section 56.6.2, the following Mixed Residential Structures may be permitted in addition to the uses permitted by the zoning, subject to the Exceptions in Section 56.6.6 and the Development Standards in Section 56.6.5:

<u>314-56.6.3</u>	<b><u>Mixed Residential Use Types</u></b>
	<b><u>Principal Permitted Structures</u></b>
	<u>Duplexes</u>
	<u>Triplexes</u>
	<u>Quadplexes</u>
	<u>Apartments comprised of 5 dwelling units</u>

Other configurations of dwelling units comprised of two (2) to five (5) units and any other use principally permitted by the zone

**Structures Permitted with a Use Permit**

Apartments comprised of six (6) or more dwelling units

- 56.6.4 **Multiple Structures and Uses:** This Section shall not be construed to prevent the development of multiple structures complying with the types permitted by subsection 56.6.3 on one parcel, provided that the Development Standards specified by subsection 56.6.5 are complied with, nor shall it be construed to prevent the development of multiple structures permitted by the underlying zone and/or by subsection 56.6.3.
- 56.6.5 **Development Standards:** On properties utilizing this Section for the development of increased residential density, the following Development Standards apply to the entire property:
- 56.6.5.1 **Maximum Residential Density.** The maximum density shall be increased to 25 dwelling units per acre.
- 56.6.5.1.1 This Section shall not be construed to reduce any existing maximum densities.
- 56.6.5.1.2 This Section does not alter minimum parcel size and does not authorize subdivisions with resultant parcels below the minimum parcel size.
- 56.6.5.2 **Maximum Ground Coverage.** The maximum ground coverage shall be increased to 45%.
- 56.6.5.3 **Minimum Parcel Width.** The parcel shall comply with the minimum lot width of the underlying zone.
- 56.6.5.4 **Open Space.** At least 10% of the area of the property shall be consolidated into shared open space to be used for shared lawn, outdoor seating, and/or garden space. This shared open space shall not be separated into more than two (2) distinct areas per three (3) structures. The sum of private and shared open space shall also be at least 100 square feet per unit. Exceptions to reduce this percentage may be considered with a Conditional Use Permit, dependent upon inability to provide the minimum 10% due to property shape or existing natural obstacles onsite. This exception may not reduce the percentage to zero (0); insufficient property size is not a valid reason for providing this exception.

56.6.5.4.1 To encourage active recreational opportunities for residents, the square footage of each dedicated open space area may be counted twice toward the total amount of required open space (e.g. a 500 square foot dedicated open space area may count as 1,000 square feet toward the open space requirement), provided that such area meets the both following standards:

56.6.5.4.1.1 Be a minimum of 500 square feet in size, featuring a minimum dimension of 20 feet on all sides; and

56.6.5.4.1.2 Include at least one of the following types of features:

56.6.1.1.1.1 Covered pavilion;

56.6.1.1.1.2 Ornamental or food garden;

56.6.1.1.1.3 Developed and equipped children's play area, with a minimum 2.5 foot tall fence to separate the children's play area from any parking lot, drive aisle, or street; or

56.6.1.1.1.4 Multi-purpose sports area or court (e.g. tennis, pickleball, volleyball, basketball).

56.6.5.4.2 To encourage proximity to and use of public parks, the total amount of required open space shall be reduced by 50% for developments that are located within one-quarter mile of a publicly-owned urban, community, or neighborhood park. The distance shall be measured along a route utilizing public or private streets with safe path of travel that are existing or will be constructed with the development.

56.6.5.5 **Landscaping for Screening.** On sites which abut property that is developed with a single family residence and is zoned for lower density residential use, developments of higher intensity than duplexes (triplexes to apartments) shall incorporate a combination of landscaping and screening to buffer between the multi-family development and adjacent residential uses which may be incompatible. The landscaping and screening shall include all of the following features:

56.6.5.5.1 A minimum of one tree, at least 1.5 inches in diameter at breast height (dbh), for every 30 linear feet of abutting property width; and

56.6.5.5.2 A minimum 6-foot tall, decorative, sight-obscuring fence or wall. The fence or wall shall be constructed of materials commonly used in the construction of fences and walls, such as wood, stone, brick, or other

durable materials. Chain-link fencing with slats shall not be allowed to satisfy this standard.

56.6.5.5.3 All flora incorporated within the landscaping shall be native and/or drought-resistant. Flora on the invasive species list maintained by the California Invasive Plant Council (Cal-IPC) shall be prohibited from the plan. Landscaping shall be maintained in a fire-smart manner (e.g. selecting fire-safe plants, avoiding direct contact with structure and its features, efficient irrigation to avoid drying of plants, and managing the shedding of branches or leaves).

56.6.5.6 **Footpaths.** The pathing between dwelling units, driveways, and/or public sidewalks shall be hard-surface (e.g. concrete, asphalt, or cobblestone) and shall not be dirt or gravel.

56.6.5.7 **Setbacks.**

56.6.5.7.1 Property line setbacks shall be the same as the underlying zone.

56.6.5.7.2 One- and two-story structures on the property shall be set back from other structures on and off the property by at least 10 feet. For each additional story after the second, an additional five (5) foot setback is required.

56.6.5.8 **Height Limitation.** The maximum structure height shall be the same as the underlying zone. Within 20 feet of a single family residence on a separate parcel, however, a multifamily structure shall not exceed the height of the single family residence by more than 15 feet.

56.6.5.9 **Windows.**

56.6.5.9.1 **Privacy.** Units shall not be designed or arranged such that a unit's window provides a direct view into a neighboring unit resulting in a loss of privacy.

56.6.5.10

**Alternative 1:**

**56.6.5.10 Parking.** Parking shall be provided on-site in accordance with Section 314-109, except in the following case:

56.6.5.10.1 For structures developed with four or more residential units, minimum required off-street parking shall be one parking space per unit or in accordance with Section 314-109, whichever is less.

**Alternative 2:**

**56.6.5.10 Parking.** Parking shall be provided on-site in accordance with Section 314-109, except in the following cases:

**56.6.5.10.1** For structures developed with four (4) to five (5) residential units, minimum required off-street parking shall be one parking space per unit or in accordance with Section 314-109, whichever is less.

**56.6.5.10.2** For structures developed with six or more residential units, minimum required off-street parking shall be one parking space per unit or in accordance with Section 314-109, whichever is less, unless the development is within one-half (½) mile of a bus stop that provides service at least twice daily, Monday through Saturday, in which case minimum required off-street parking shall be reduced to one parking space per two units. Parking calculations resulting in decimal values shall be rounded up.

**56.6.5.11 Design Elements.**

**56.6.5.11.1** Structures shall incorporate elements that match the building materials, design elements, and colors of the neighborhood. Architectural elevations shall be included with building permit applications so the design elements can be assessed.

**56.6.5.11.2** To minimize the appearance of building bulk, any street-facing façade that is over 60 feet in width shall be broken down with offsets (recesses or extensions) to read as a series of buildings no wider than 40 feet each.

**56.6.5.12 Short-Term Rentals Prohibited.** Rental of any unit created pursuant to this Section shall be for a term longer than thirty (30) days. No short term rental permits shall be issued pursuant to Section 314-60.05 for developments that were permitted via Section 56.6.

**56.6.5.13 Hazards.** No element of this Section shall be interpreted to exempt development from codified requirements associated with mitigating hazards and risks to health and safety, including density limits such as those associated with Airport Compatibility Zones.

**56.6.5.13.1** This Section shall not permit Mixed Residential Densities within mapped 100-year flood zones.

**56.6.5.14 Density Bonus Applicability.** For density bonuses permitted in accordance with Section 314-112.1, the Maximum Residential Density for calculations shall be interpreted to be consistent with subsection 56.6.5.1, but may

also be applied to housing developments for the purpose of allowing more than five (5) dwelling units per structure without a Conditional Use Permit, even if a site has not reached the maximum permissible density, subject to the following requirements:

- 56.6.5.14.1 The allowed increase from each “Density Bonus Available” column is the percentage over the total number of units permissible based upon number of proposed structures;
- 56.6.5.14.2 The density bonus units shall be distributed equally among all permissible structures, increasing the maximum of five (5) dwelling units per structure;
- 56.6.5.14.3 Unless pursuant to a Conditional Use Permit, the maximum allowable number of dwelling units per structure shall be five (5) plus the number of units permissible by the density bonus (based upon the percentage tables provided in Section 314-112.1.6.1 et seq.), divided by the number of structures required prior to the density bonus, rounded up to the next whole number; and
- 56.6.5.14.4 Calculations resulting in remainders shall reduce the number of additional units from at least one structure.
- 56.6.5.14.5 Example of the above: For a development proposing 15 dwelling units plus five (5) density bonus units, the 15 units require three (3) structures. Those three (3) structures may each include two (2) of the bonus units, except for one (1) structure which may only add one (1) density bonus unit.

#### 56.6.6 **Exceptions:**

- 56.6.6.1 **Proximity to Heavy Industrial Zones.** Heavy industrial uses are broadly incompatible with residential uses. This Section shall not be utilized to permit Mixed Residential Densities within 300 feet of a mapped Heavy Industrial (MH) zone.
- 56.6.6.2 **Adjacency to Industrial Uses.** This Section shall not be utilized to permit Mixed Residential Densities on a site or adjoining a site where more than one-third (1/3) of the square footage is dedicated to industrial use.
- 56.6.6.3 **Greenway and Open Space.** This Section shall not be interpreted to permit development within areas identified as Greenway and Open Space. New development shall remain outside the boundaries of Greenway and Open Space areas on Detailed Development Plan Maps. Notwithstanding Section 314-22.2.3.2 of this Code, a new or existing Detailed Development Plan

Map is required to develop Mixed Residential Densities on parcels with a Greenway and Open Space Combining Zone.

- 56.6.6.4 **Existing Residential Uses.** This Section shall not be utilized to reduce the number of dwelling units on any site. On sites where a residential use or structure was present within the past 5 years, the number of proposed dwelling units and number of proposed bedrooms proposed shall be at least the maximum number of each that had been present on-site within the past 5 years.
- 56.6.6.5 **Incentives or Concessions.** Most of the Development Standards in Section 56.6.5 above may be reduced or modified at the request of the applicant in accordance with an Additional Incentive or Concession granted via Section 314-112.1. Each incentive or concession shall not be utilized to modify or reduce more than one Development Standard. This subsection shall not be interpreted to grant additional incentives or provide exceptions to any incentive requirements.
- 56.6.6.6 **ADUs or Two Single Family Dwellings.** This Section is an alternative, not an addition, to the code permitting Accessory Dwelling Units (Section 314-69.05) and the State code permitting two (2) single-family residential dwellings per lot (California Government Code Section 65852.21).
- 56.6.6.6.1 This Section permits four (4) dwelling units per parcel, with the exceptions of Section 56.6.6.7 and/or Section 56.6.5.3, provided that it meets all other terms of this section, maximum density notwithstanding. This Section may not be utilized in tandem with Section 314-69.05 and California Government Code Section 65852.21 for the purpose of permitting more than four (4) units per parcel.
- 56.6.6.7 In accordance with California Government Code Section 66411.7(j), parcels which have undergone an “urban lot split” pursuant to that Section are limited to either two (2) dwelling units per resultant parcel or the number of dwelling units that would be allowed by the site’s density.

SECTION 3. Residential Zone Districts

Section 314-6, regarding Residential Zone Districts in Title III, Division 1, Chapter 4 of the Humboldt County Code, is hereby amended as follows (modifications deleting text are shown in strike out and additions as underlined text):

314-6.2 Residential One Family Zone

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<b>314-6.2</b>	<b>R-1: RESIDENTIAL ONE-FAMILY</b>
<b>Principal Permitted Uses</b>	
One (1) family dwelling.	
Accessory dwelling unit.	
Single-unit supportive housing and transitional housing subject only to restrictions that apply to other residential dwellings of the same type in the same zone.	
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.	
<b><u>Housing Opportunity Zones</u></b>	
<u>If project site lies within a Housing Opportunity Zone, higher densities may be permitted in accordance with Section 314-56.6.</u>	
<b>Uses Permitted with a Use Permit</b>	
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.	

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314-6.3 Residential Two Family Zone

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<b><u>314-6.3</u></b>	<b>R-2: RESIDENTIAL TWO-FAMILY</b>
<b>Principal Permitted Uses</b>	
One (1) family dwellings.	
Two (2) family dwellings.	
Accessory dwelling unit.	
Supportive housing and transitional housing subject only to restrictions that apply to other residential dwellings of the same type in the same zone.	

<b>314-6.3</b>	<b>R-2: RESIDENTIAL TWO-FAMILY</b>
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.	
<b><u>Housing Opportunity Zones</u></b>	
If project site lies within a Housing Opportunity Zone, higher densities may be permitted in accordance with Section 314-56.6.	
<b>Uses Permitted with a Use Permit</b>	
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.	
Tiny house villages and dependent unit villages, at a density no greater than allowed by the General Plan 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.	