

Del Norte County Coastal Zoning Code Chapter 21.47 Update

Harbor Area Public Access Provisions

Sections:

- 21.47.010 Required generally
- 21.47.020 Criteria
- 21.47.030 Exceptions
- 21.47.040 Temporary interruptions

21.47.010 Required generally. In all harbor zone districts with each industrial, recreational, or commercial structural improvement, lease agreement issued by the Harbor District, or any other development which would impair the public's right of shoreline access, the requirements set forth in this chapter and Section 21.35.040 shall apply. In the event of any conflict between this Section 21.47 and Section 21.35.040, these harbor-specific regulations shall control. (Ord. 83-03 (part))

21.47.020 Criteria. No development shall be permitted within the harbor area which would interrupt public access both to and along the shoreline. Alternatives to open access may be access along a corridor to the shoreline provided access along the shoreline is maintained. Physical alteration of the shoreline shall incorporate access by the public to the shoreline, when feasible, except as noted in Section 21.47.030. (Ord. 83-03 (part)).

New development with the potential to impact public access should be evaluated for public access impacts, and any negative impacts should be avoided if feasible. If avoidance is not feasible, negative impacts should be minimized and fully mitigated. Where it is not feasible to provide onsite public access, off-site mitigation is required for public access impacts. Off-site mitigation could include paying into a harbor fund for public access improvements in the harbor.

21.47.030 Exceptions. Public access need not be required at harbor-dependent uses where access would constitute a hazard to the public. Examples of potential public hazard areas include but are not limited to:

- a) Boat and ship building and repair facilities
- b) Processing and packaging plants and their piers for fish and/or marine products
- c) Marine products purchasing and storage facilities
- d) Marine service areas involving flammable liquids
- e) Emergency facilities (police and fire protection) including the Coast Guard facility subject to permission to access from the Coast Guard
- f) Marine loading and unloading facilities
- g) The inner breakwater
- h) The breakwater for the inner boat basin

21.47.040 Temporary interruptions. Temporary interruptions of public access to the shoreline may be permitted. Development that has the potential to temporarily impact public access shall provide a public access management strategy designed to identify and limit temporary impacts to public access. Plans shall identify peak use times and measures to avoid disruption during those times where feasible; minimize road and trail closures; identify alternative access routes where feasible; communicate closures and alternative routes to the public; and provide for public safety. Interruptions should be limited to those necessary to protect the public from a hazard and/or are necessary for maintenance of existing development. Examples are:

- a) Dredging and dredge spoils disposal
- b) Paving and/or concrete work
- c) Construction of new development
- d) Repair and maintenance of existing development
- e) Field surveys and examinations
- f) Landscape construction. (Ord. 83-03 (part))

Del Norte County Zoning Code Chapter 21.47A

Harbor Dependent Marine Commercial District

Sections:

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|---|------------------------------|
| 21.47A.010 Intent | 21.47A.060 Minimum lot width |
| 21.47A.020 Principally permitted use | 21.47A.070 Lot coverage |
| 21.47A.030 Uses permitted with use permit | 21.47A.080 Front yard |
| 21.47A.040 Building height | 21.47A.090 Side yard |
| 21.47A.050 Minimum lot area | 21.47A.100 Rear yard |

21.47A.010 Intent. This district classification is intended to prioritize the needs of the commercial fishing industry while also accommodating other coastal-dependent commercial and industrial development and coastal-related support facilities within or immediately adjacent to the waters of the harbor in a manner that will encourage the continuation of commercial fishing and other coastal-dependent marine commercial and industrial activities, maintain the marine theme and character of the Harbor, and encourage physical and visual access to the harbor where appropriate. Changes of district classification from Harbor Dependent Marine Commercial to another classification are to be made only where such uses are in accord with the adopted land use designations and policies of the Harbor Land Use Plan.

21.47A.020 Permitted Uses:

The principal permitted Harbor Dependent Marine Commercial uses include:

- a) Marinas and boat basins, boat berthing and float facilities, docks, barge, boat, and ship loading and unloading facilities, boat and ship building and repair facilities for non-trailerable boats, dry boat storage, and breakwater devices and piers.
- b) Processing and packaging plants for fish and/or marine products and wastes from such plants, processing plants for waste products from fish and/or marine products processing plants, aquaculture and auxiliary facilities, net repair and gear repair and the storage of commercial fishing gear on vacant parcels.
- c) Marine products purchasing and storage facilities, marine electronic repair and sales, ice production and sales facilities, marine fuel sales and service facilities, and commercial fisheries supply stores.
- d) Boat ramps, boat launching facilities and boat cleaning areas.
- e) Seafood sales.
- f) Non-flashing signs appurtenant to any permitted use not exceeding forty square feet in aggregate area.
- g) Accessory uses and buildings appurtenant to a permitted use including parking areas.
- h) Pipelines that need ocean access (e.g., pipelines for disposal of dredged spoils, ocean outfall and intake pipelines, boat and ship loading and unloading pipelines, pipelines serving offshore facilities, etc.).

- i) Import and export facilities requiring a waterfront location.
- j) Maintenance dredging and dredge materials disposal at approved disposal sites.
- k) Harbor District offices, harbor maintenance facilities, Coast Guard docks and quarters.

21.47A.030 **Uses Permitted with a Use Permit.** Uses permitted with a use permit shall be as follows:

- a) Wastewater treatment plants and/or facilities.
- b) Restaurant/café serving fishermen.
- c) Marine fuel tanks.
- d) Public and quasi-public utilities needed to serve the harbor and/or coastal-dependent or coastal-related uses and facilities.
- e) Marine products manufacturing or assembly plants not identified above, which require immediate access to the harbor's waters.
- f) Non-flashing signs exceeding forty square feet in aggregate area, subject to Title 18.

21.47A.040 **Building height limit.** Building height limit shall be seventy-five feet.

21.47A.050 **Minimum parcel area required.** Minimum parcel area shall be two thousand eight hundred and fifty square feet.

21.47A.060 **Minimum parcel width.** Minimum parcel width shall be thirty feet.

21.47A.070 **Percentage of lot coverage permitted.** Percentage of lot coverage permitted shall be up to one hundred percent of the building site, except as required in Chapter 21.47.

21.47A.080 **Front yard.** Required front yards shall be none.

21.47A.090 **Side yard.** Required side yards shall be none.

21.47A.100 **Rear yard.** Required rear yards shall be none.

Del Norte County Zoning Code Chapter 21.47B

Harbor Dependent Recreational District

Sections:

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| 21.47B.010 Intent | 21.47B.060 Minimum lot width |
| 21.47B.020 Principally permitted use | 21.47B.070 Lot coverage |
| 21.47B.030 Uses permitted with use permit | 21.47B.080 Front yard |
| 21.47B.040 Building height | 21.47B.090 Side yard |
| 21.47B.050 Minimum lot area | 21.47B.100 Rear yard |

21.47B.010 Intent. This district classification is intended to provide for public and commercial recreational development within or immediately adjacent to the waters of the harbor in a manner that will encourage the continuation of recreational boating and other water-oriented visitor-serving and recreational uses and mutually supportive businesses that enhance public opportunities for coastal recreation, maintain the marine theme and character of the Harbor, and encourage physical and visual access to harbor on waterfront commercial and recreational sites along or in proximity to the water of the harbor. District classification changes from Harbor Dependent Recreational to another classification are to be made only where such uses are in accord with the adopted land use designations and policies of the Harbor Land Use Plan.

21.47B.020 Permitted Uses.

The principal permitted Harbor Dependent Recreational uses include:

- a) Recreational marinas and boat basins, boat berthing and float facilities, docks, piers, moorings, and breakwater devices.
- b) Bait and tackle shops, fuel sales for boats, party boat offices, recreational boat sales and rental, boat and boat motor sales and service, marine electronic shops, and dry storage for trailerable boats.
- c) Custom fish processing and canneries.
- d) Restaurants, drinking places, and cafes with a harbor theme, coastal-related retail shops (including specialty shops) of 3,000 square feet or less in areas that are located and designed to foster pedestrian access within the harbor, and seafood sales.
- e) Harbor-related outdoor seasonal sales and events.
- f) Accessory uses and buildings appurtenant to a permitted use including parking areas.
- g) Maintenance dredging and dredge materials disposal at approved disposal sites.
- h) Non-flashing signs appurtenant to any permitted use not exceeding forty square feet in aggregate.

21.47B.030 Uses Permitted with a Use Permit. Uses permitted with a use permit shall be as follows:

- a) Boat ramps, boat launching facilities, fish cleaning stations, and boat cleaning areas.

- b) Boat motels (floating overnight accommodations) when the vessels are maintained in a seaworthy state and such use does not occupy more than 33% of designed available boat moorage in the recreational marina area.
- c) Public and quasi-public utilities needed to serve the harbor and/or coastal-dependent or coastal-related uses and facilities.
- d) Coast Guard stations, quarters and dock facilities.
- e) Non-flashing signs exceeding forty square feet in aggregate area, subject to Title 18.
- f) Sub-surface pipelines.
- g) Aquaculture, mariculture, and auxiliary facilities.

21.47B.040 Building height limit. Building height limit shall be forty-five feet excluding light poles and navigational aids.

21.47B.050 Minimum parcel area required. Minimum parcel area shall be two thousand eight hundred and fifty square feet.

21.47B.060 Minimum parcel width. Minimum parcel width shall be thirty feet.

21.47B.070 Percentage of lot coverage permitted. Percentage of lot coverage permitted shall be up to one hundred percent of the building site, except as required in Chapter 21.47.

21.47B.080 Front yard. Required front yards shall be none, except as provided in Chapter 21.47 and Section 21.46.090.

21.47B.090 Side yard. Required side yards shall be none, except as provided in Chapter 21.47 and Section 21.46.090.

21.47B.100 Rear yard. Required rear yards shall be none, except as provided in Chapter 21.47 and Section 21.46.090.

Del Norte County Zoning Code Chapter 21.47C

Harbor Visitor Serving Commercial District

Sections:

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| 21.47C.010 Intent | 21.47C.060 Minimum lot width |
| 21.47C.020 Principally permitted use | 21.47C.070 Lot coverage |
| 21.47C.030 Uses permitted with use permit | 21.47C.080 Front yard |
| 21.47C.040 Building height | 21.47C.090 Side yard |
| 21.47C.050 Minimum lot area | 21.47C.100 Rear yard |

21.47C.010 Intent. This district classification is intended to provide for accommodations, conveniences, goods, and services intended to primarily serve Harbor Area visitors where specific use does not necessarily require location immediately adjacent to Harbor waters. Changes of district classification from Harbor Visitor Serving Commercial to another classification are to be made only where such uses are in accord with the adopted land use designations and policies of the Harbor Land Use Plan.

21.47C.020 Permitted Uses.

The principal permitted Harbor Visitor Serving Commercial uses include:

- a) Visitor serving facilities that provide overnight accommodations such as hotels, motels, and hostels.
- b) Bait and tackle shops, fuel sales for boats, party boat offices, recreational boat sales and rental, boat and boat motor sales and service, commercial fisheries supply stores, marine electronic shops, and dry storage for trailerable boats.
- c) Dry storage of commercial fishing gear.
- d) Custom fish processing.
- e) Restaurants, drinking places, cafes, harbor visitor serving retail shops (including specialty shops), and seafood sales.
- f) Visitor serving facilities that provide local information and history such as an interpretative center, visitor center, nautical museum.
- g) Visitor serving outdoor seasonal sales and events.
- h) Accessory uses and buildings appurtenant to a permitted use including parking areas.
- i) Boat and auto service including washing and cleaning facilities.
- j) Administrative and professional offices with limited or no accessory retail and services uses. Offices that are not principally devoted to the administration of activities within the marina and surrounding open-ocean (or are not an accessory use to another permitted use) are not be permitted on the first floor of this district. Medical offices are not permitted.
- k) Non-flashing signs appurtenant to any permitted use not exceeding forty square feet in aggregate.

- l) Harbor District offices and harbor maintenance facilities.

21.47C.030 Uses Permitted with a Use Permit. Uses permitted with a use permit shall be as follows:

- a) Recreational Vehicle (RV) Parks including laundry room, office, and a recreation room.
- b) A residential unit for the manager of a permitted commercial development may be permitted provided the residential unit is above the ground floor. In a recreational vehicle park, campground, or hostel, a manufactured home for the site manager may be permitted in conjunction with the operation of the recreational vehicle park, campground, or hostel. A residential unit on the second floor of a laundry, office or recreation room is preferred and if granted excludes the use of a manufactured home.
- c) Public and quasi-public uses.
- d) Coast Guard stations, quarters and dock facilities.
- e) Non-flashing signs exceeding forty square feet in aggregate area, subject to Title 18.
- f) Sub-surface pipelines.

21.47C.040 Building height limit. Building height limit shall be forty-five feet excluding light poles and navigational aids which shall not have a height limit.

21.47C.050 Minimum parcel area required. Minimum parcel area shall be two thousand eight hundred and fifty square feet.

21.47C.060 Minimum parcel width. Minimum parcel width shall be thirty feet.

21.47C.070 Percentage of lot coverage permitted. Percentage of lot coverage permitted shall be up to one hundred percent of the building site, except as required in Chapter 21.47 and Section 21.46.090.

21.47C.080 Front yard. Required front yards shall be none, except as provided in Chapter 21.47 and Section 21.46.090.

21.47C.090 Side yard. Required side yards shall be none, except as provided in Chapter 21.47 and Section 21.46.090.

21.47C.100 Rear yard. Required rear yards shall be none, except as provided in Chapter 21.47 and Section 21.46.090.

Del Norte County Zoning Code Chapter 21.47D

Harbor Greenery Areas District

Sections:

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| 21.47D.010 Intent | 21.47D.030 Uses permitted with a use permit |
| 21.47D.020 Principally permitted uses | 21.47D.040 Height and area requirements |

21.47D.010 Intent. Greenery areas are set aside as open space areas to be utilized for habitat protection/restoration, passive recreation, wind or weather screens and for visual effect. These areas may also include day use public recreational facilities and be utilized as utility corridors, but any vegetation removed in the course of installing or maintaining utility lines shall be replaced in kind.

Changes of district classification from Harbor Greenery Areas to another classification are to be made only where such uses are in accord with the adopted land use designations and policies of the Harbor Land Use Plan. The greenery area along Highway 101 and adjacent to the existing boat basin will continue to act as a reserve area until such time the area is needed for future harbor-dependent uses. This area and the beach strand area between the Inner Boat Basin and Shoreline Campground shall be zoned greenery as an interim zone until it is necessary to develop these areas as a harbor-dependent use or uses.

21.47D.020 Permitted Uses.

The principal permitted Harbor Greenery Areas uses include:

- a) Day use public recreational facilities requiring little or no alteration to existing landforms.
- b) Native tree plantings.
- c) Habitat restoration.
- d) Public trails or pathways.
- e) Public events.
- f) Publicly owned directional or site identification signs.
- g) Utility lines, provided that any removed vegetation shall be replaced in kind unless a public safety risk is involved with the vegetation replacement.

21.47D.030 Uses Permitted with a Use Permit. Uses permitted with a use permit shall be as follows:

- a) Limited structural development for visitor-serving recreational uses such as lifeguard towers, recreational equipment, restrooms and showers.
- b) Non-publicly owned subsurface pipelines.

21.47D.040 Height and area requirements. In the Harbor Greenery Areas District, no minimum or maximum dimensions of yard, lots or heights are established, except that no more than ten percent of the contiguous Harbor Greenery Areas zone may be covered by a building or structure and no more than an additional ten percent of the contiguous zoned area may be placed in pavement, exclusive of any required roads.

Del Norte County Zoning Code Chapter 21.47E

Harbor Area Parking

Sections:

21.47E.010 Purpose

21.47E.020 Shared parking

21.47E.030 Low demand

21.47E.010 Purpose. Adequate parking shall be provided for all uses in the Harbor area. Where new development in the Harbor area cannot meet current off-street parking standards (Chapter 21.44), lesser standards may be allowed in accordance with this Section.

21.47E.020 Shared parking. Shared parking is the practice of allowing land uses within different peak and off-peak parking demand schedules to share required onsite parking spaces. Where two or more adjacent nonresidential uses have distinct and differing peak parking usage, a reduction in the required number of parking spaces may be allowed through Community Development Director approval.

Shared parking may be allowed only with: (a) a parking plan approved by the Community Development Director that in total provides shared parking to meet the combined needs of the businesses and/or uses involved; (b) evidence that facilities and/or programs are available that provide for the use of alternative modes of transportation such as public transit, bicycling or walking; and (c) documentation that less parking will not result in interference with public access, or overcrowding or over use of any single area.

The Director may approve shared parking to satisfy off-street parking space requirements, if the following findings are made:

- A. The off-street parking spaces designed for joint use are located within 500 feet of the use to be served.
- B. The times demanded for these parking spaces will not conflict substantially between the use offering the spaces and the use to be served.
- C. The off-street parking spaces designated for joint use are not otherwise committed to satisfying the parking requirements for some other use at similar times.

The Director may require that additional documents, covenants, deed restriction, or other agreement are executed to ensure the required parking spaces are maintained for the duration of the uses served.

21.47E.030 Low demand. The number or required parking spaces may be reduced by up to 25 percent with Community Development Director approval for uses with unique operating characteristics that result in lower parking demand than otherwise would be required.

An applicant requesting reduced parking for a low demand use must submit evidence to the satisfaction of the Director that the use requires fewer parking spaces than otherwise required. Acceptable evidence may include parking surveys, sales receipts, and examples of comparable uses.

To approve reduced parking, the Director must make the following findings:

- A. Evidence submitted by the applicant demonstrates that the uses requires fewer parking spaces required than by Chapter 21.44, and
- B. The use will provide sufficient on-site parking to accommodate its expected parking demand.