

SECTION 3. Applicability of Ordinance.

- A. The Ordinance only applies to temporary modifications undertaken in order to comply with a federal health order, State Shelter Order, County Health Order, or physical distancing requirements to reduce the risk of transmission of COVID-19.

SECTION 4. Administration and Administrative Policies.

- A. This Ordinance will be administered under the direction of the Board of Supervisors, by the Planning and Building Services Department (the "Department").
- B. The Department will establish administrative policies for use in implementing the Ordinance. The administrative policies must be consistent with the Ordinance and made available to the public on the Department website and upon request at the Department, as soon as practicable.
- C. Where this Ordinance directly conflicts with Mendocino County Code, a discretionary permit for a particular business, or a business's legal non-conforming use allowance, the provisions of this Ordinance shall prevail.

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SECTION 5. Temporary Modifications.

- A. Indoor Modifications.
 - 1. A business area can be expanded into temporary indoor areas including into an existing nearby space or building.
 - 2. A temporary indoor area can only be located in a zone in which the primary use is an allowed use under the base zoning designation or on the same parcel as a conditional use operating legally under a Use Permit or on the same legal parcel as a legal non-conforming use.
- B. Outdoor Modifications.
 - 1. A business area can be expanded into temporary outdoor areas.
 - 2. A temporary outdoor area can only be located in a zone in which the primary use is an allowed use under the base zoning designation or on the same parcel as a conditional use operating legally under a Use Permit or on the same legal parcel as a legal non-conforming use.
 - 3. A temporary outdoor area must comply with zoning standards and height standards for the base zoning designation in terms of setbacks from parcel boundaries, except for the following exemptions:
 - i. Temporary outdoor areas do not count towards lot coverage.
 - ii. A temporary outdoor area located in a zoning district that requires setbacks in excess of 30 feet are authorized to construct temporary outdoor areas at a setback distance of no less than 30 feet from any

parcel boundary, unless expressly allowed by the zoning code or an approved variance to be less than 30 feet.

4. A temporary outdoor area is exempt from Corridor Preservation Setbacks (MCC Sections 20.152.020, 20.444.020, and 20.692.015) but shall not be located within a public right-of-way unless an encroachment permit has been granted by the applicable department of transportation.
 5. No loud equipment, or loud musical instruments, such as horns, drums, or cymbals, are allowed in the temporary outdoor area.
 6. Noise must be controlled in accordance with Mendocino County Code Exterior Noise Limit Standards (Title 20, Division I, Appendix C and Title 20, Division II, Appendix B of Mendocino County Code), including amplified music.
 7. No additional signage is authorized for a temporary outdoor area without complying with standard regulations of Mendocino County Code.
 8. All lighting in a temporary outdoor area shall be downcast and shielded. Decorative lights may be hung but shall be turned off at the end of the business day.
 9. A temporary outdoor area can only be located in a previously disturbed area, such as a parking lot, hardscape, existing landscaping area, or other similar area.
 10. A temporary outdoor area may utilize an existing parking area provided they do not utilize any California Disabled Persons Act (ADA) required spaces. A temporary outdoor area may utilize 5 spaces, or up to 75% of their required off-street parking spaces, whichever is greater, if the parcel adjoins a public road which allows for on-street parking. A temporary outdoor area may utilize up to 50% of their required off-street parking spaces if the parcel does not adjoin a public road which allows for on-street parking.
- C. Parking Regulations Exemption. A temporary modification is exempt from Chapters 20.180 Off-Street Parking, 20.472 Off-Street Parking, and 20.714 Circulation and Parking, as applicable.
- D. New Structures and Modifications. A business may erect a new temporary structure or make a minor modification to an existing structure as part of a temporary modification.
- E. Discretionary Review Exemption. A temporary modification is exempt from Discretionary Review, including Mendocino Historical Review Board Permits and Coastal Development Permits, unless the business wishes to retain it after the end of the effective period of this ordinance as provided in Section 5(H) of this ordinance.
- F. Compliance with Other Laws. All temporary modification must comply with other state and local laws, including encroachment, building, grading, fire, and health code requirements, the California Disabled Persons Act, the State Shelter Order and the County Health Order.

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