

Monterey County Zoning Ordinance



Title 21 (For Inland Areas)

Includes Wireless Ordinance additions
Adopted September 1997

**MONTEREY COUNTY
TITLE 21 ZONING ORDINANCE
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Chapter 21.02

GENERAL PROVISIONS

Sections:

21.02.010	Reference.
21.02.020	Adoption of Zoning Plan.
21.02.030	Purpose of Adoption of Zoning Plan.
21.02.040	Nature of Zoning Ordinance.
21.02.050	Effect of Adoption.
21.02.060	Consistency with Adopted Plans.
21.02.070	Severability.

21.02.010 REFERENCE.

This Title shall be known and cited as The Zoning Ordinance of the County of Monterey. This Title is applicable only to the unincorporated areas outside of the Coastal Zone in the County of Monterey.

21.02.020 ADOPTION OF ZONING PLAN.

There is adopted a Zoning Plan for the County of Monterey, State of California. That Zoning Plan is a Districting Plan as provided for by law.

21.02.030 PURPOSE OF ADOPTION OF ZONING PLAN.

The Zoning Plan is adopted to promote and protect the public health, safety, peace, morals, comfort, convenience and general welfare of the people of the County of Monterey, while respecting and preserving the development rights of property owners. This Title is adopted for the following particularly specified purposes among others:

- A. To assist in providing a definite plan of development for the County, and to guide, control and regulate the future growth of the County, in accordance with said plan;
- B. To protect the character and the social and economic stability of agricultural areas, residential areas, commercial areas, industrial areas, and other areas, within the County and to assure the orderly and beneficial development of such areas;
- C. To protect the public safety from the location of structures and other uses of land which may cause interference with existing or prospective traffic movement on highways.
- D. To implement the Monterey County General Plan, adopted area plans, specific plans and the policies and standards adopted by the Monterey County Board of Supervisors.

- E. To provide regulations of sufficient clarity and detail for the location and nature of Zoning Districts to provide the appropriate authorities and the public with clear standards and direction in the land use decision making process.
- F. To provide a sufficient level of review and public hearing processes for adequate and necessary public participation in the review of development projects.
- G. To provide standards and procedures for preservation and exercise of property development rights.

21.02.040 NATURE OF ZONING ORDINANCE.

The Zoning Ordinance consists of the establishment of various districts, regulations and permit processes for the unincorporated territory of the County of Monterey.

The zoning districts list the uses which are allowed or may be allowed subject to discretionary permit processes. Those listed uses and other uses which are consistent with the Monterey County General Plan and applicable area plans may be allowed subject to appropriate permits. Other uses are prohibited. Further, the districts provide the regulation of structural height, bulk, and setbacks, as well as prescribing other site development amenities and requirements such as parking, landscaping, and lighting control.

This Title is not intended and shall not be construed as authorizing the County of Monterey, through the Board of Supervisors, Planning Commission, Zoning Administrator, Minor Subdivision Committee or Director of Planning and Building Inspection, acting pursuant to this Title, to exercise its power to grant or deny a permit in a manner which will take or damage private property for public use without the payment of just compensation therefore.

21.02.050 EFFECT OF ADOPTION

- A. No portion of this Title shall become applicable to lands in the County of Monterey unless and until the adoption and effective date of Sectional District Maps for any portion of the County of Monterey as described in Section 21.08.060.
- B. Upon the adoption and effective date of any Sectional District Maps for any portion of the County of Monterey pursuant to Section 21.08.060 the terms, conditions and regulations of this Title shall govern and supersede the provisions of Title 20, Monterey County Code, for the unincorporated non-Coastal Zone areas of the County of Monterey.

21.02.060 CONSISTENCY WITH ADOPTED PLANS.

- A. No building permit, grading permit, land use discretionary permit, or other permit relative to land use may be approved if it is found to be inconsistent with the Monterey County General Plan or an adopted Area Plan.

- B. If an application is found to be inconsistent when received, or during processing, or when before the Appropriate Authority, a written notice shall be given the applicant of said inconsistency and the application shall be withdrawn or denied.
- C. Notwithstanding anything in this Section to the contrary the following permits may be considered despite inconsistencies:
 - 1. Renewal applications for permits previously approved. "Renewal application" means reapplication for a permit which has expired within less than one year.
 - 2. Building permit applications where the permit is to remodel an existing structure.
- D. When the applicable land use plan, be it either the Monterey County General Plan, or an adopted Area Plan requires or entitles an application for a Use Permit or similar discretionary permit for a specific land use, and no other ordinance is in effect to require such permit, the permit shall be required under the terms of this Section. Permits required pursuant to this Section shall be processed pursuant to Chapter 21.74 of this Title. The Planning Commission is the appropriate authority for such permits.

21.02.070 SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Title is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Title. The Board of Supervisors hereby declares that it would have passed this Title and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Chapter 21.04

ZONING ADMINISTRATOR

Sections:

21.04.010	Creation.
21.04.020	Appointment.
21.04.030	Powers.

21.04.010 CREATION.

The Office of the Zoning Administrator is hereby established.

21.04.020 APPOINTMENT.

The Zoning Administrator shall be appointed by the Director of Planning and Building Inspection.

21.04.030 POWERS.

- A. The Zoning Administrator shall have the authority to hear and decide applications for Variances and to grant, deny, revoke and modify Variances pursuant to Chapter 21.72.
- B. The Zoning Administrator shall have the authority to hear and decide applications for Use Permits for those uses identified in the zoning district regulations by the designation "(ZA)" and to grant, deny, revoke and modify Use Permits for such uses pursuant to Chapter 21.74.
- C. The Zoning Administrator shall have the authority to hear and decide applications for Administrative Permits and to grant, deny, revoke and modify Administrative Permits and to grant, deny, revoke and modify Administrative Permits pursuant to Chapter 21.70.
- D. The Zoning Administrator shall have the authority to hear and decide applications for Combined Development Permits and to grant, deny, revoke and modify Combined Development Permits pursuant to Chapter 21.76.
- E. The Zoning Administrator shall have the authority to hear and decide applications for Design Approvals pursuant to Chapter 21.44.
- F. In addition to those items designated in the zoning districts (ZA) to be heard by the Zoning Administrator, the Director of Planning and Building Inspection may also designate the Zoning Administrator as the

Appropriate Authority to consider other Use Permits provided said permits do not involve the following factors:

- 1) Significant public policy issues;
- 2) Unmitigable significant adverse environmental impacts;
- 3) Significant changes in the nature of a community;
- 4) Establishment of precedents or standards by which other projects will be measured.

If at any point in the consideration of the permit application the Director of Planning and Building Inspection or the Zoning Administrator finds that an application before the Zoning Administrator involves any of the listed factors, the Zoning Administrator shall refer the application to the Planning Commission. In such case, the Planning Commission shall become the Appropriate Authority.

Chapter 21.06

DEFINITIONS

A. INTERPRETATION AND GRAMMAR.

For the purpose of this Title, certain terms used in this Title are defined as follows: All words used in the present tense shall include the future tense; all words in the plural number shall include the singular; and all words in the singular number shall include the plural number, unless the natural construction of the wording indicates otherwise. The word "lot" includes the word "plot"; the word "building" includes the word "structure"; and the word "shall" is mandatory and not directory. The word "County" means the "County of Monterey, State of California"; The words "Board of Supervisors" means the "Board of Supervisors of the County of Monterey, State of California". The words "Planning Commission" mean the "County Planning Commission of the County of Monterey, State of California"; and the words "County boundary" mean "the boundary of the County of Monterey, State of California, or the boundary of any incorporated municipality within said County".

B. TERMS IN COMMON USAGE.

Any term, word, or phrase not specifically defined in this Chapter shall be defined, firstly, in the light of the other Chapters of the Monterey County Code; secondly, state law, particularly the State Planning Act; thirdly, as defined in "Anderson on Zoning", latest edition; fourthly as defined in Webster's New International Dictionary of the American Language, latest edition; and fifthly, any accepted dictionary of the English language.

C. DEFINITIONS

21.06.005 AFFORDABLE HOUSING.

Affordable housing means those residential projects, for rent or sale, which are intended for and restricted to households of very low, low and moderate income, which meet the following qualifications:

- a. A rental project for very low income households (income up to 50% of Housing and Urban Development (HUD) median household income for Monterey County) where the unit has a monthly contract rent less than or equal to 30% of 50% of the HUD median household income adjusted for household size; or,
- b. A rental project for low income households (income between 50% and 80% of Housing and Urban Development median household income for Monterey County) where the unit has a monthly contract rent less than or equal to 30% of 70% of the HUD median household income adjusted for household size; or,
- c. A project for sale to low income households (income between 50% and 80% of Housing and Urban Development median household income for Monterey County) where the units are for sale

to households with incomes not more than 80% of the HUD median household income for Monterey County. The average price of the unit will be based on the affordability of such a unit to a four person household earning 70% of the Monterey County median income as defined by HUD; or,

- d. A project for sale to moderate income households (income between 80% and 120% of Housing and Urban Development median household income for Monterey County) where the units are for sale to households with incomes not more than 120% of the HUD median household income for Monterey County. The average price of the unit will be based on the affordability of such a unit by a four person household earning 100% of the Monterey County median income as defined by HUD; or
- e. Any combination of the above.

21.06.010 AGRICULTURE.

Agriculture means the art or science of cultivating the ground; harvesting of crops; rearing and management of livestock; tillage; husbandry; farming; horticulture; and forestry; the science and art of the production of plants and animals useful to man; and wildlife management.

21.06.020 AGRICULTURAL PROCESSING PLANT.

Agricultural processing plant means a structure, building, facility, area, open or enclosed, or any other location for the refinement, treatment, or conversion of agricultural products where a physical, chemical or similar change of an agricultural product occurs. Examples of agricultural processing include but are not limited to, coolers, dehydrators, cold storage houses, hulling operations, and the sorting, cleaning, packing, and storing of agricultural products preparatory to sale or shipment in their natural form including all customarily incidental uses. Agricultural processing plants include wineries.

21.06.030 AGRICULTURAL SUPPORT SERVICE.

Agricultural support service means a necessary and accessory facility principally established to serve on site farming or ranching activities and which relies on the on site agriculture as its' major means of support. Agricultural support facilities include but are not limited to coolers, cold storage, loading docks and shops.

21.06.040 AIRPORT.

Airport means a place, either on land or on water, where aircraft may land and take off and where additional space may be provided to discharge or receive cargoes and passengers, make repairs, or take in fuel.

21.06.050 ALLEY.

Alley means a passage or way, public or private, open to public travel, affording a secondary means of vehicular access to abutting lots and not intended for general traffic circulation.

21.06.060 ALL-WEATHER ROAD SURFACE.

All-weather road surface means a drivable road having a weight bearing capability to support the loads of fire fighting equipment used or likely to be used by the local fire protection agency in all weather conditions.

21.04.070 ALTERATION, STRUCTURAL.

Structural alteration means any change or rearrangement in the supporting members of an existing structure, such as bearing walls, columns, beams, girders, or interior bearing partitions, or any enlargement to or diminution of a structure, whether horizontally or vertically, or the moving of a structure from one location to another.

21.06.080 APARTMENT.

Apartment means a room, or suite of two or more rooms, occupying a portion of a structure and such room or rooms are designated for, intended for, or occupied by one family.

21.06.090 APPROPRIATE AUTHORITY.

Appropriate authority means that person, official, or body designated to hear, grant, deny, modify, condition, revoke or otherwise act on permits required by this Title.

21.06.100 AUTOMOBILE WRECKING YARD.

Automobile wrecking yard means any structure, portion thereof, property, location, facility, or area used for the dismantling or wrecking of more than two motor vehicles or trailers, or the storage, sale or dumping of more than two dismantled, partially dismantled, obsolete or wrecked vehicles or their parts, but not including the incidental storage of vehicles in connection with the operation of a repair garage, providing the repair period of any one vehicle does not exceed 60 days, and not including the active noncommercial repair of one personal motor vehicle within a 120 day period and not including the storage, dismantling, wrecking and repair of vehicles or equipment accessory to on- site agricultural operations.

21.06.103 AVERAGE LOT DEPTH

Average lot depth means the distance of a line extending from the midpoint of the front lot line to the midpoint of the rear lot line, with that line being equidistant from the side lot lines.

21.06.105 AVERAGE LOT WIDTH.

Average lot width means the quotient of the lot area divided by the average lot depth.

21.06.110 BED AND BREAKFAST FACILITY.

Bed and breakfast facility means an establishment providing overnight accommodations and a morning meal by people who rent rooms in their homes. Rent or rental fee can include any form of remuneration including cash, goods or services, barter, or forgiveness of debt.

21.06.120 BLOCK.

Block means that property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets or nearest intersecting or intercepting streets and railroad right-of-way, unsubdivided acreage, watercourse, or body of water.

21.06.130 BUILDING.

Building means any structure built entirely of frame or a more lasting type of construction, having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of any person, animal, or chattel, but not including any tent or trailer.

21.06.140 BUILDING SITE.

Building site means a parcel of land occupied or intended to be occupied by main structures and accessory structures and uses, including such open spaces as are provided or are intended to be used in connection therewith or are required by the regulations for the district wherein such parcel is located.

21.06.150 CAMPGROUND.

Campground means land or premises which is used, or intended to be used, let, or rented for transient occupancy by persons traveling by automobile or otherwise, or by transient persons using tents, recreational vehicles or similar quarters.

21.06.160 CARETAKER UNITS.

Caretaker units means a permanent residence, secondary and accessory to an existing main dwelling for persons employed principally on-site for purposes of care and protection of persons, property, plants, animals, equipment or other circumstances on site or on contiguous lots under the same ownership.

21.06.170 CHILD CARE CENTER.

Child care center means a facility, other than a day care home, licensed by the State of California to provide non-medical care to children under 18 years of age in need of personal services, supervision or assistance on less than a 24-hour basis.

21.06.180 CHAPARRAL.

An evergreen plant community of drought-adapted shrubs usually found on dry slopes and ridges.

21.06.190 COASTAL SCRUB.

Coastal scrub means a plant community related to the chaparral community in that it consists primarily of low-growing, woody shrubs.

21.06.195 COMMON PUBLIC VIEWING AREA.

Common public viewing area means a public area such as a public street, road, designated vista point, or public park from which the general public ordinarily views the surrounding viewshed.

21.06.200 CONSTRUCTION, ACTUAL.

Actual construction means the placing of construction materials in their permanent position, fastened in a permanent manner; actual work in excavation or grading, or the demolition or removal of an existing structure begun preparatory to rebuilding; provided, that in all cases diligent work shall be carried on until the completion of the building or structure.

21.06.210 CONVENIENCE STORE.

Convenience store means a market with a floor area of less than 5,000 square feet, frequently located near residential development, which offers a limited variety of food, household and sundry items and which is operated primarily for the convenience of the walk-in shopper or persons purchasing a few items.

21.06.220 COTTAGE INDUSTRY.

Cottage industry means a business in a residential area conducted primarily by the residents of the property manufacturing artistic, handicraft and other craft items.

21.06.230 COUNTRY CLUB.

Country club means any premises, structures or facilities used for meetings, dining, dancing, other social events, or recreational activities for club members and guests.

21.06.240 COUNTY SCENIC ROUTE.

County scenic route means a segment of County roadway that has been officially designated a scenic route by the Director of the California Department of Transportation.

21.06.250 COVERAGE.

Coverage means any area covered by a structure, structures or structure protrusions including decks twenty-four inches or more above grade but not including building eaves of thirty inches or less and similar non-usable areas, paved driveways, sidewalks, paths, patios and decks less than twenty-four inches above grade.

21.06.260 DAY CARE CENTER.

Day care center means any child day care facility other than a family day care home and includes infant centers, preschools and extended day care facilities.

21.06.270 DAY CARE HOME, LARGE FAMILY.

Large family day care home means a home licensed as such by the State of California to provide day care for seven to twelve children, inclusive of the children who reside at the home.

21.06.280 DAY CARE HOME, SMALL FAMILY.

Small family day care home means a home licensed as such by the State of California to provide day care for one to six children, inclusive of the children who reside at the home.

21.04.290 DENSITY.

Density means the measure of the ratio of population to the area of land occupied by that population, which may be expressed as dwelling units per acre, families per acre, persons per acre, or conversely as acres per dwelling unit or square feet per dwelling unit.

21.06.300 DENSITY, GROSS.

Gross density means the ratio of dwelling units per acre utilizing the full acreage of the parcel without subtracting areas dedicated to public or private roads, schools, parks, or similar public use and open space areas or hazard areas.

21.06.310 DEVELOPMENT.

Development means any activity which occurs on land or water that involves the placement of any structure, the discharge or disposal of any waste material, grading, dredging or mineral extraction. This definition includes any change in density and/or intensity of use including the subdivision of land, construction of any structure, and the harvesting of major vegetation other than for agricultural purposes.

21.06.320 DEVELOPMENT RIGHTS.

Development rights means the rights, along with others such as mineral rights and water rights, that are commonly associated with real property ownership. Development rights, subject to local, state, and federal regulations, provide the legal basis for property development.

21.06.330 DEVELOPMENT STANDARD.

Development standard means the regulations contained within each zoning district or other sections of this Title setting forth minimum requirements or specifications and maximum allowances for development which must be met by all applicants for zoning clearances.

21.06.340 DILIGENT WORK.

Diligent work means work characterized by steady, earnest and energetic application of effort to complete any given project without lapse of necessary grading or building permits.

21.06.350 DIRECTOR OF PLANNING AND BUILDING INSPECTION.

Director of Planning and Building Inspection means the Director of Planning and Building Inspection of the County of Monterey.

21.06.360 DWELLING.

Dwelling means a structure or portion thereof designed for or occupied exclusively for non-transient residential purposes including one family and multiple family dwellings, but not including hotels, motels, boarding or lodging houses or other transient occupancy facilities.

21.06.370 DWELLING UNIT.

Dwelling unit means a dwelling or portion thereof used by one family and containing only one kitchen.

21.06.380 DWELLING UNIT, MANUFACTURED.

Manufactured dwelling unit means a dwelling structure, constructed in part or in whole off the building site, including a mobile home meeting the standards of the National Manufactured Housing and Construction Safety Act of 1976, and subsequently transported to the site and installed on a permanent foundation. A manufactured dwelling unit does not include a mobile accessory building or structure, a recreational vehicle or a commercial coach.

21.06.390 DWELLING, DUPLEX.

Duplex dwelling means a detached structure, under one roof, designed for or occupied exclusively by two families living independently of each other, and each dwelling unit having its own kitchen.

21.06.400 DWELLING GROUP.

Dwelling group means a group of two or more attached or detached one-family, duplex, or multiple-family dwellings occupying a parcel of land under one ownership and having a yard in common.

21.06.410 DWELLING, MULTIPLE FAMILY.

Multiple family dwelling means a structure or portion thereof used to house three or more families, living independently of each other, and each unit having its own kitchen.

21.06.420 DWELLING, SINGLE FAMILY.

Single family dwelling means a detached structure, including a mobilehome or manufactured dwelling unit, containing only one kitchen and used to house not more than one family.

21.06.425 EMERGENCY.

Emergency means a situation arising from fire, explosion, act of God or act of public enemy which, if not corrected immediately, will potentially result in the loss of life, property or substantial environmental resources.

21.06.430 ENFORCING OFFICER.

Enforcing officer means the person, office or department designated by state law or the Board of Supervisors to enforce any provision of this Title. Enforcing officer includes any County officer, employee or agent to whom enforcement powers have been lawfully delegated by a designated enforcement officer.

21.06.440 ENVIRONMENTALLY SENSITIVE HABITAT.

Environmentally sensitive habitat means an area known or believed, based on substantial evidence, to contain rare or endangered species.

21.06.450 FAMILY.

Family means one or more persons occupying a dwelling unit or other premises and living as a single not-for-profit housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house. Family includes necessary servants.

21.06.460 FARM EMPLOYEE FAMILY HOUSING.

Farm employee family housing means any place, area, or piece of land under one ownership where more than three farm employee families including the owner or operator of the farm are provided living quarters or housing accommodations.

21.06.470 FARM EMPLOYEE HOUSING FACILITY.

Farm employee housing facility means any living quarters or accommodations of any type, including mobile homes, which meet the requirements of the Uniform Building Code and Uniform Housing Code, provided by any person for employees or families employed principally in farming or other agricultural activities on the land and contiguous land occupied by the farm employee housing facility.

21.06.480 FARM WORKER HOUSING FACILITY.

Farm worker housing facility means any living quarters or accommodations of any type, including mobile homes, which meet the requirements of the Uniform Building Code and Uniform Housing Code, provided by any person for individuals or families employed principally in farming or other agricultural activities off the property on which the farm worker housing facility is to be located.

21.06.490 FARM SHOP.

Farm shop means a structure used for the maintenance, repair and/or fabrication of farm equipment by the owner and/or operator of the farm.

21.06.500 FAULT.

Fault means a fracture in the earth's crust along which there has been displacement of land masses relative to one another.

21.06.510 FAULT, ACTIVE.

Active fault means a fault along which there has been displacement during the last 11,000 years.

21.06.520 FAULT, INACTIVE.

Inactive fault means a fault along which there has been no major displacement for more than 3,000,000 years.

21.06.530 FAULT, POTENTIALLY ACTIVE.

A potentially active fault means a fault along which the most recent major displacement occurred between 11,000 and 3,000,000 years ago.

21.06.540 FAULT TRACE.

Fault trace means the intersection of a fault with the earth's surface.

21.06.550 FAULT ZONE.

Fault zone means a zone consisting of interconnected, closely spaced faults and fault traces.

21.06.560 FEASIBLE.

Feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technical factors.

21.06.570 FRONT WALL.

Front wall means the wall of the structure nearest the street or streets upon which the structure faces, but excluding certain architectural features as specified in Chapter 21.62 (Height and Setback Exceptions) of this Title.

21.06.580 GARAGE, PRIVATE.

Private garage means an enclosed, attached or detached accessory structure intended primarily for the storage of private motor vehicles.

21.06.590 GARAGE, PUBLIC.

Public garage means any structure and premises, except a private or storage garage, used for the storage, repair or storage and repair of motor vehicles for remuneration, hire, or sale.

21.06.600 GARAGE, STORAGE.

Storage garage means any structure and premises, except a private garage, used exclusively for the storage of motor vehicles.

21.06.610 GOLF COURSE.

Golf course means any of the following:

- A. Practice fairway golf course means a practice and instructional facility for golf purposes.
- B. Regulation golf course means a golf course whose minimum total length for nine holes is three thousand yards and for eighteen holes is six thousand yards.
- C. Short golf course means a golf course whose minimum total length is five thousand yards, with some holes over two hundred fifty yards.
- D. Three-par golf course means a golf course in which the longest hole does not exceed two hundred fifty yards.

21.06.620 GUESTHOUSE.

Guesthouse means an attached or detached living quarters of a permanent type of construction lacking internal circulation with the main dwelling, without kitchen or cooking facilities, clearly subordinate and incidental to the main structure, on the same lot, and not to be rented, let, or leased, whether compensation is direct or indirect.

21.06.630 HEIGHT OF STRUCTURE.

Height of structure means the vertical distance from the average level of the highest and lowest point of the natural grade of that portion of the building site covered by the structure, to the topmost point of the structure, but excluding certain features, as specified in Chapter 21.62 (Height and Setback Exceptions) of this Title.

21.06.640 HOG RANCH, COMMERCIAL.

Commercial hog ranch means any premises on which hogs are raised or maintained and said hogs are fed by the purchase or import of swill, garbage, vegetables, or fruit.

21.06.650 HOME OCCUPATION.

Home occupation means a business conducted in a residential area conducted by the residents of the property, the main product of which is a service rather than goods.

21.06.660 HOTEL.

Hotel means any structure or portion thereof containing guestrooms used, designed, or intended to be used, let, or hired out or to be occupied, whether the compensation for hire is paid directly or indirectly, and occupied or intended to be occupied by more than two persons.

21.06.670 HOTEL, RESORT.

Resort hotel means a hotel and accessory recreational components as well as service uses designed primarily for the convenience of guests and containing guestrooms with a maximum density of ten guestrooms per acre and with a minimum of ten percent of the total area maintained for landscaping.

21.06.680 HUNTING AND FISHING FACILITY.

Hunting and fishing facility means any structure or physical improvement related to the hunting and fishing use offered for the purpose of hunting, fishing or hunting and fishing for compensation, whether compensation be direct or indirect. Hunting and fishing facilities do not include hunting and fishing by the owner and non-paying guests of the owner.

21.06.690 INTERNAL CIRCULATION.

Internal circulation means a structural connection between two portions of a structure designed to provide for circulation between habitable portions of a structure without circulation out of doors or through non-habitable areas such as a garage, or through areas not normally utilized for interior circulation such as laundry rooms, bathrooms, and mechanical rooms.

21.06.700 JUNK YARD.

Junk yard means the use of more than two hundred square feet of the area of any lot used for the storage of junk, including scrap metals or other scrap materials, or for the dismantling or wrecking of automobiles or other vehicles or machinery; but not including the dismantling, storage, wrecking and repair of vehicles or equipment accessory to on-site agricultural operations.

21.06.710 KENNEL, COMMERCIAL.

Commercial kennel means any property or premises in which more than eight dogs, 6 months of age or older, or other household pets, are kept for commercial reasons which include, but are not limited to, letting for hire, training for fee, sale and any other commercial purpose; but not including a veterinary hospital, premises operated by the Society for the Prevention of Cruelty to Animals (SPCA), any public pound or the County animal shelter.

21.06.720 KITCHEN.

Kitchen means an area capable of being used for the preparation or cooking of food containing both a stove or other device for cooking and a refrigerator or other device for the cool storage of food.

21.06.730 LABOR SUPPLY CAMP.

Labor supply camp means place, area or piece of land where housing is provided for five or more employees or prospective employees of another by any individual, firm, partnership, association, or corporation, that for a fee, employs persons to render personal services for, or under the direction of, a third person, or that recruits, solicits, supplies, or hires persons on behalf of an employer, and that, for a fee, provides in connection therewith one or more of the following services:

- (a) Furnishes board, lodging, or transportation for such employees or prospective employees.
- (b) Supervises, times, checks, counts, weights, or otherwise directs or measures the work of such employees.
- (c) Disburses wage payments to such employees.

21.06.740 LIQUEFACTION.

Liquefaction means the loss of soil strength due to seismic forces acting on water-saturated granular soil.

21.06.750 LIVESTOCK FEED YARD.

Livestock feed yard means any premises on which livestock is held or maintained for the purpose of feeding and fattening for market and where sixty percent or more of the food for such livestock is imported or purchased.

21.06.760 LOT.

Lot means a unit of land which has been created under the provisions of the Subdivision Map Act or any prior law regulating the division of land or a local ordinance enacted pursuant thereto or was created prior to the time any local or state law regulated divisions of land or which were not subject to any local or state regulation of the time of its creation. In the Coastal Zone, an existing parcel means a separate legal parcel recorded as of December 31, 1976, or later if approved under a coastal development permit. Existing parcels do not include parcels recorded without benefit of coastal development permit where such permit was required by law prior to 1977. Parcels

crossed by public road or highway rights-of-way will not be considered to have been "subdivided" by such a road or highway. Except where a legal determination by the County (or by the Coastal Commission on appeal of a permit application) concludes otherwise for a particular ownership, contiguous lots conveyed by U.S. patent or aggregated under a single ownership will be considered as a single parcel for Subdivision Map Act purposes.

21.06.770 LOT, KEY.

Key lot means the first lot to the rear of a corner lot, the front line of which is a continuation of the side line of the corner lot exclusive of the width of any alley, and fronting on the street which intersects or intercepts the street upon which the corner lot fronts.

21.06.780 MOBILEHOME.

Mobilehome means a vehicle designed and equipped for human habitation.

21.06.790 MOBILEHOME, FORMER.

Former mobilehome means a mobilehome attached to a permanent foundation and modified to meet applicable building code and land use requirements as a residential structure.

21.06.800 MOBILEHOME PARK.

Mobilehome park means a parcel of land under one ownership which has been planned and improved for the placement of two or more mobilehomes for rental purposes for non-transient use.

21.06.810 MOTEL.

Motel means a building, structures, accessory facilities and premises with guestrooms or apartments with parking areas provided to serve such guestrooms or apartments and the use of which is designed and used primarily for the accommodation of transient travelers.

21.06.820 NUISANCE.

Nuisance means and includes every public or private act or condition known or described in the common law as a public nuisance and any other public or private act or condition which is or may be declared to be a public nuisance under the laws of the State of California or by county ordinance.

21.06.830 ONE OWNERSHIP.

One ownership means ownership of property or possession thereof under a contract to purchase or under a lease, the term of which is not less than ten years, by a person or persons, firm, corporation, or partnership, individually, jointly, in common, or in any other manner whereby such property is under single or unified control. The term owner means the person, firm, corporation, or partnership exercising one ownership as defined in this Section.

21.06.840 OPEN SPACE.

Open space means any open land or other spaces which are predominantly lacking in structural development. Open space includes natural areas, wetlands and open water, wildlife habitats, farmlands and grazing areas, and park recreation areas. The term "open space" does not imply public access or ownership.

21.06.850 OUTDOOR ADVERTISING STRUCTURE.

Outdoor advertising structure means any structure of any kind or character, erected or maintained for outdoor advertising sign purposes.

21.06.860 OVERSPEED CONTROL.

Overspeed control means a mechanism used to limit the speed of blade rotation to below the design limits of a wind energy conversion system.

21.06.865 PERSON.

Person means any individual, corporation, partnership, firm, business, or similar entity, public or private agency, municipality, city, State or Federal agency.

21.06.870 PETS.

Pets mean commonly domesticated household animals.

21.06.875 PLANNED UNIT DEVELOPMENT.

Planned Unit Development means a common interest development (other than a community apartment project, a condominium project, or a stock cooperative) having either or both of the following features:

- a. Any contiguous or noncontiguous lots, parcels, or areas in which owners of separately owned lots, parcels, or areas are owners in common, possessing appurtenant rights to the beneficial use and enjoyment of the commonly owned property.
- b. A power exists in the association to enforce an obligation of an owner of a separately owned lot, parcel, or area with respect to the beneficial use and enjoyment by means of an assessment which may become a lien upon the separately owned lot, parcel, or area in accordance with Government Code Section 1367.

21.06.880 POULTRY FARM.

Poultry farm means the raising, keeping or raising and keeping of, in the aggregate, more than five hundred chickens, turkeys, ducks, geese, pigeons, pheasants, peafowl, guinea fowl or other fowl.

21.06.890 PROFESSIONAL OFFICE.

Professional office means an establishment for professional, executive and administrative offices, including those of accountants, lawyers, doctors, dentists, architects, engineers, drafting offices, insurance agents, real estate agents, and other occupations which are of similar character to those enumerated, but not including barbers, beauty parlors, cosmetologists, or other service establishments and structure trades contractors.

21.06.900 PUBLIC UTILITY.

Public utility means a company regulated by the California Public Utilities Commission or other regulatory body including the County of Monterey.

21.06.910 PUBLIC UTILITY FACILITIES.

Public utility facilities mean facilities for the production, storage, transmission, distribution, and recovery of water, sewage, energy, and other similar utilities.

21.06.920 RARE AND ENDANGERED SPECIES.

Rare and endangered species means a plant or animal species identified by the California Department of Fish and Game, or the United States Fish and Wildlife Service, as rare, endangered, or threatened.

21.06.930 RECREATIONAL VEHICLE.

Recreational vehicle means a vehicle designed and used for temporary human habitation and with its wheels in place, and primarily used for recreational purposes.

21.06.940 REST HOME.

Rest home means a place used for the rooming or boarding of any aged or convalescent persons, whether ambulatory or non-ambulatory, for which a license is required by a county, state or federal agency.

21.06.950 RIDGELINE DEVELOPMENT.

Ridgeline development means development on the crest of a hill which has the potential to create a silhouette or other substantially adverse impact when viewed from a common public viewing area.

21.06.960 RIGHT-OF-WAY.

Right-of-way means a strip of land either public or private commonly allocated for transportation purposes, such as a public or private road, a railroad, or a utility transmission line.

21.06.970 RIPARIAN HABITAT.

Riparian habitat means a natural plant community dependent upon a water body or water course.

21.06.980 RIPARIAN WOODLAND.

Riparian woodland means a plant community with lush growths of trees and shrubs, supported by wet conditions along seasonally and permanently flowing fresh water streams and rivers.

21.06.990 ROOMINGHOUSE OR BOARDINGHOUSE.

Roominghouse or boardinghouse means a facility other than a hotel where lodging with or without meals for three or more persons is provided for compensation.

21.06.1000 SENIOR CITIZEN UNIT.

Senior citizen unit means an independent, self contained living unit attached or detached from other residences for senior citizens and handicapped persons in addition to a residence on site. The senior citizen unit may be rented.

21.06.1005 SERVICE CENTER.

Service center means a facility which provides storage, fueling, parking, offices, equipment, materials and similar services for persons engaged in the construction, maintenance and repair trades, but not including facilities the chief business of which is the provision of on-site retail sales.

21.06.1010 SERVICE CONNECTION.

Service connection means a connection to any habitable structure, except a guesthouse, which uses potable water from a water system for domestic and not agricultural purposes.

21.06.1020 SETBACK.

Setback means a minimum distance required by this Title to be maintained between structures or between structures and property lines.

21.06.1030 SETBACK, FRONT.

Front setback means a setback from the edge of a private or public road right-of-way or adopted Official Plan Line to the nearest point of a structure.

21.06.1040 SETBACK LINE.

Setback line means the line formed on a lot by the measurement of required front, side, or rear setback areas required by this Title.

21.06.1050 SETBACK, REAR.

Rear setback means a setback measured between the rear property line of the lot and the nearest point of the structure.

21.06.1060 SETBACK, SIDE.

Side setback means a setback between the side property line of the lot and the nearest line of a structure and extending between the required front and rear setbacks.

21.06.1070 SIGN.

Sign means anything whatsoever placed, erected, constructed, posted, painted, printed, tacked, nailed, glued, stuck, carved, or otherwise fastened, affixed or made visible for out-of-door advertising purposes in any manner whatsoever, on the ground or on any tree, wall, bush, rock, post, fence, building, structure, or thing whatsoever.

21.06.1080 SIGN, APPURTENANT.

Appurtenant sign means a sign relating only to the sale of goods or rendering of services upon the building site on which said sign is erected or maintained.

21.06.1090 SIGN, DIRECTIONAL AND INFORMATIONAL.

Directional and informational sign means any sign which is confined to the giving of directions to a community or population center, or which, in addition to such directions, also gives general information as to the services, products, or facilities available therein, without, however, naming or otherwise identifying any particular establishment, purveyor of goods or services, or brand or manufacturer of products.

21.06.1100 SIGN, DIRECTORY.

Directory sign means an on-site sign providing a listing of and directions to the particular uses, structures, or occupants of a building or complex.

21.06.1110 SIGN, OUTDOOR ADVERTISING.

Outdoor advertising sign means any sign other than an appurtenant sign, a directional and informational sign or a directory sign.

21.06.1120 SMALL LIVESTOCK FARMING.

Small livestock farming means the raising or keeping of small animals which may include the following: chickens, pigeons, hogs, rabbits, ducks, geese, guinea fowl, peafowl, goats, sheep, or similar fowl or animals.

21.06.1130 SLOPE.

Slope means the natural or artificial incline of ground, with the degree of incline numerically expressed as "percent slope," calculated as the vertical rise divided by the horizontal run.

21.06.1140 SPHERE OF INFLUENCE.

Sphere of influence means a plan for the probable 20-year physical boundaries and service areas for cities, special districts, or similar entities.

21.06.1150 START OF CONSTRUCTION.

See Construction, start of.

21.06.1160 STATE SCENIC HIGHWAY.

State scenic highway means a segment of a state highway that has been officially designated by the Director of the California Department of Transportation as part of the State Scenic Highway System.

21.06.1170 STORY.

Story means that portion of a building or structure included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

21.06.1180 STREET, PRIVATE.

Private street means an avenue, place, way, drive, lane, boulevard, highway, or road not owned or maintained by a state, county or incorporated city, or other public agency.

21.06.1190 STREET, PUBLIC.

Public street means an avenue, place, way, drive lane, boulevard, highway or road, but not an alley, owned by or maintained by a state, county, or incorporated city, or other public agency.

21.06.1200 STRUCTURAL CONNECTION.

Structural connection means a connection between structures by means of structural members such as bearing walls, columns, beams, girders, or roof.

21.06.1210 STRUCTURAL WALL.

Structural wall means any bearing wall of a structure.

21.06.1220 STRUCTURE.

Structure means anything constructed or erected, except fences under six feet in height, the use of which requires location on the ground or attachment to something having location on the ground, but not including any trailer or tent.

21.06.1230 STRUCTURE, ACCESSORY.

Accessory structure means a subordinate structure, the use of which is incidental to that of a main structure on the same building site, including but not limited to caretaker quarters, guesthouses, farm employee family housing facilities, farm worker housing facilities, and employee housing accessory to an allowed use.

21.06.1240 STRUCTURE, ATTACHED.

Attached structure means any structure which is connected to any other structure by means of a structural connection, such as a roof, stairway, atrium, breezeway or other structural connection.

21.06.1250 STRUCTURE, DETACHED.

Detached structure means any structure not structurally attached to any other structure on the same lot.

21.06.1260 STRUCTURE, LEGAL NONCONFORMING.

Legal nonconforming structure means a structure or portion thereof, which does not conform to the height, setback or, coverage regulations of the district in which it is situated.

21.06.1270 STRUCTURE, MAIN.

Main structure means a structure in which is conducted the principal use of the building site on which it is situated.

21.06.1275 SUBSTANTIAL ADVERSE VISUAL IMPACT.

Substantial adverse visual impact means a visual impact which, considering the condition of the existing viewshed, the proximity and duration of view when observed with normal unaided vision, causes an existing visual experience to be materially degraded.

21.06.1280 TIMESHARE PROJECT.

Timeshare project means a development in which a purchaser receives the right in perpetuity, for life, or for term of years, to the recurrent, exclusive use or occupancy of a lot, parcel, unit or segment of real property, annually or on some other periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the project has been divided. The definition of time share project includes a timeshare estate and a timeshare use.

21.06.1290 TIMESHARE ESTATE.

Timeshare estate means a right of occupancy in a timeshare project which is coupled with an estate in the real property.

21.06.1300 TIMESHARE USE.

Timeshare use means a license or contractual or membership right of occupancy in a timeshare project which is not coupled with an estate in the real property.

21.06.1310 TRANSIENT OCCUPANCY.

Transient occupancy means occupying for consideration a structure designed, intended or used for temporary dwelling, lodging or sleeping purposes by non-family members; any commercial use of a structure or portion thereof which subjects the owner or occupant to the Uniform Transient Occupancy Tax Ordinance of Monterey County.

21.06.1320 USE.

Use means the purpose for which land or premises or a structure thereon is designed, arranged, or intended, or for which it is, or may be occupied or maintained.

21.06.1330 USE, ACCESSORY.

Accessory use means a use accessory to and customarily a part of the permitted use, clearly incidental and secondary to the permitted use and which does not change the character of the permitted use.

21.06.1340 USE, LEGAL NONCONFORMING.

Legal nonconforming use means the use of a structure or land which does not conform to the regulations including density for the district in which it is situated, although the use lawfully existed at the time of the adoption of the ordinance creating the district.

21.06.1350 WETLANDS.

Wetlands means the area and the plant communities that include fresh and salt water marshes, generally found in areas of shallow, standing or sluggishly moving water.

21.06.1360 WILD ANIMAL.

Wild animal means any animal which is wild by nature and not customarily domesticated in the State of California.

21.06.1370 WIND ENERGY CONVERSION SYSTEMS, COMMERCIAL.

Commercial wind energy conversion systems means a wind driven machine that converts wind energy into electrical power for the primary purpose of resale or off-site use.

21.06.1380 WIND ENERGY CONVERSION SYSTEMS, NON COMMERCIAL.

Non commercial wind energy conversion systems means a wind driven machine that converts wind energy into electrical power for primary purpose of on-site use and not for resale.

21.06.1390 WIND ENERGY CONVERSION SYSTEM, TOTAL HEIGHT.

Total height means the highest vertical point on the wind energy conversion system, including the rotor blade tips, measured from the tower base.

21.06.1400 WINERY.

Winery means an agricultural processing plant used for the commercial purpose of processing grapes, other fruit products or vegetables, to produce wine or similar spirits. Processing includes wholesale sales, crushing, fermenting, blending, aging, storage, bottling, administrative office functions for the winery and warehousing. Retail sales and tasting facilities of wine and related promotional items may be permitted as part of the winery operations.

Chapter 21.08

ESTABLISHMENT AND DESIGNATION OF ZONING DISTRICTS

Sections:

21.08.010	Designation of Districts.
21.08.020	Combining Regulations.
21.08.030	Establishment of Districts.
21.08.080	Effect of Establishment of Districts.
21.08.050	Index to Sectional District Maps.
21.08.060	Sectional District Maps.

21.08.010 DESIGNATION OF DISTRICTS.

The districts established and into which the County is divided are designated as follows and shall not be used as combining districts.

<i>Designation</i>	<i>District Name</i>
HDR	High Density Residential
MDR	Medium Density Residential
LDR	Low Density Residential
RDR	Rural Density Residential
LC	Light Commercial
HC	Heavy Commercial
VO	Visitor Serving/Office
AI	Agricultural Industrial
LI	Light Industrial
HI	Heavy Industrial
F	Farmlands
RG	Rural Grazing
PG	Permanent Grazing
RC	Resource Conservation
PQP	Public/Quasi-Public
O	Open Space

21.08.020 COMBINING REGULATIONS.

In addition to the districts mentioned in Section 21.06.010, certain combining districts are established and are designated as follows:

<i>Designation</i>	<i>District Name</i>
B	Building Site District
D	Design Control District
S	Site Plan Review District
VS	Visual Sensitivity District
A	Limited Agricultural District
UR	Urban Reserve District
RAZ	Residential Allocation District
HR	Historical Resources District
Z	Street Improvements District
RES	Regulations for Parking and Use of Major Recreational Equipment Storage in Seaward Zone

21.08.030 ESTABLISHMENT OF DISTRICTS.

- A. The designations, locations, and boundaries of districts are set forth on the Sectional District Maps showing the Zoning Plan.
- B. The districts and certain combinations are established as the designation. The locations, and boundaries thereof are set forth and indicated on Sectional District Maps. Section 20.06.050 is the Index to the Sectional District Maps, each of which is designated by the number 21, followed by a dash and numeral. Each Sectional District Map shows the designations, locations, and boundaries of certain of districts. The maps and all notations, references, data, and other information shown on the maps are a part of this Title.
- C. Where uncertainty exists as to the boundaries of any of the aforesaid districts as shown on a Sectional District Map or Maps, the Planning Commission, upon written application or upon its own motion, shall determine the location of such boundaries.

21.08.040 EFFECT OF ESTABLISHMENT OF DISTRICTS.

- A. Except as otherwise provided in this Title:
 - 1. No structure shall be erected and no existing structure shall be moved, altered, added to or enlarged, nor shall any land, 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 district in which such structure, land, or premises is located;

2. No structure shall be erected, reconstructed or structurally altered to exceed in height the limit herein after designated for the districts in which such structure is located;
 3. No structure shall be erected, altered, enlarged, or rebuilt, except in conformity to the setback, building site area and structure location regulations hereinafter designated for the district in which such structure is located;
 4. No setback or other space provided about any structure for the purpose of complying with provisions of this Title shall be considered as providing a setback for a structure on any other building site;
 5. No use shall be established, expanded, altered, changed or otherwise modified except as provided for in the terms of this Title.
- B. No governmental unit whether City, County, District, State or Federal shall be exempt from the provisions of this Title.

21.08.050 INDEX TO SECTIONAL DISTRICT MAPS.

This Section consists of an Index Map to Sectional District Maps which show the Zoning Plan, being parts of this Title under the provisions of Section 21.08.030 and shall constitute Section 21.08.050 of this Title.

21.08.060 SECTIONAL DISTRICT MAPS.

This Section shall consist of a series of Sectional District Maps which show the Zoning Plan, being parts of this Title under the provisions of Section 21.08.030, and are for example designated Sections 21-10, 21-2, etc.

Chapter 21.10

REGULATIONS FOR HIGH DENSITY RESIDENTIAL ZONING DISTRICTS OR "HDR" DISTRICTS

Sections:

21.10.010	Purpose.
21.10.020	Applicability.
21.10.030	Uses Allowed.
21.10.040	Uses Allowed, Administrative Permit Required in Each Case.
21.10.050	Uses Allowed, Use Permit Required in Each Case.
21.10.060	Site Development Standards.
21.10.070	Special Regulations.

21.10.010 PURPOSE.

The purpose of this Chapter is to provide a zoning district to accommodate high density residential uses in those areas of the County of Monterey where adequate services and facilities exist or may be developed to support such development. It is intended within this Chapter to require adequate on-site facilities and amenities to assure proper, usable and livable development while allowing sufficient design flexibility to provide such development.

21.10.020 APPLICABILITY.

The regulations of this Chapter shall apply in all "HDR" districts and are subject to Chapter 21.62 (Height and Setback Exceptions) of this Title.

21.10.030 USES ALLOWED.

- A. The first single family dwelling per lot;
- B. Single family dwellings, not exceeding a density of 5 dwelling units/acre, gross;
- C. Duplexes, not exceeding 5 dwelling units/acre, gross;
- D. Multiple dwellings not exceeding 5 dwelling units/acre gross;
- E. The keeping of pets, but not more than 2 dogs per dwelling unit;

- F. Temporary residence, pursuant to Section 21.64.070, used as living quarters during the construction of the first dwelling on a lot;
- G. Small family day care home;
- H. Licensed residential care homes for aged persons or hospices of not more than six persons including any permitted rooming and boarding;
- I. Accessory structures and accessory uses to any permitted use;
- J. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Title 15.04, Monterey County Code, and replacement of water tanks and wells where no increase in service connections is created. The screening of any tanks and associated structures shall be approved by the Director of Planning and Building Inspection;
- K. Cultivation, cutting and removal of Christmas trees;
- L. Home occupations, pursuant to Section 21.64.090;
- M. Other uses of a similar character, density and intensity to those listed in this Section.

**21.10.040 USES ALLOWED, ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE.
(Chapter 21.70)**

- A. Single family dwellings, between 5-10 dwelling units/acre, gross, except for the first single family dwelling on a lot;
- B. Duplexes, between 5-8 dwelling units/acre, gross;
- C. Multiple dwellings and dwelling groups, between 5-8 dwelling units/acre, gross;
- D. Senior citizen units meeting the development standards of Section 21.64.010;
- E. Tract sales or rental offices;
- F. Reduction in setback requirements of ten percent or less of the required setbacks;
- G. Small water system facilities including wells and storage tanks of five to fourteen service connections;
- H. Other uses of a similar character, density and intensity to those listed in this Section.
- I. Multiple dwellings and dwelling groups for affordable housing projects in Development Incentive Zones, pursuant to Section 21.10.070 D.

J. Additions to existing, approved wireless communications facilities, pursuant to Section 21.65.310.

21.10.050 USES ALLOWED, USE PERMIT REQUIRED IN EACH CASE. (Chapter 21.74)

- A. Any residential use, except the first single family dwelling on a vacant lot, exceeding 10 dwelling units/acre gross;
- B. Mobilehome parks, pursuant to Section 21.64.210;
- C. Resthomes, sanitariums, convalescent homes;
- D. Public and quasi-public uses including churches, cemeteries, parks, playgrounds, schools, public safety facilities, public utility facilities, but not including uses of a non-residential nature such as jails, rehabilitation centers, detention facilities, or corporation yards;
- E. Parking lots used in conjunction with an adjoining commercial use (ZA);
- F. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- G. Legal nonconforming use changed to a use of a similar or more restricted nature;
- H. Bed and breakfast facility, pursuant to Section 21.64.100;
- I. Commercial and noncommercial wind energy systems;
- J. Time share uses, pursuant to Section 21.64.110;
- K. Ridgeline development;
- L. Water system facilities including wells and storage tanks serving fifteen or more service connections (ZA);
- M. Removal of minerals or natural materials for commercial purposes;
- N. Assemblages of people, such as carnivals, festivals, races and circuses, not exceeding ten days, and not involving construction of permanent facilities (ZA);
- O. Accessory structures and accessory uses prior to establishment of main use or structure (ZA);
- P. Large family day care home;
- Q. The exploration for and the removal of oil and gas (ZA);
- R. Development in the Carmel Valley Floodplain, pursuant to Section 21.64.130 (ZA);

- S. Other uses of a similar character, density and intensity as those listed in this Section;
- T. Cottage industries, pursuant to Section 21.64.095 (ZA);
- U. Rooming and boarding houses (ZA).
- V. Wireless communications facilities, pursuant to Section 21.64.310.

21.10.060 SITE DEVELOPMENT STANDARDS.

A. Minimum Building Site

The minimum building site which may be created shall be 5,000 square feet unless otherwise approved as part of condominium, planned unit development or similar clustered residential subdivision.

B. Development Density, Maximum

The maximum development density allowed shall not exceed the units/acre shown for the specific "HDR" district as illustrated on the zoning map (e.g. "HDR/10" means an "HDR" district with a maximum gross density of 10 units per acre).

C. Structure Height and Setback Regulations

The following structure height and setback regulations apply unless superceded by a structure height limit noted on the zoning map (e.g. "HDR/10(24)" would limit structure height to 24 feet), setback requirements when combined with a "B" district or setbacks shown on a recorded final or parcel map, or setback lines on a Sectional District Map.

In an approved planned unit development where the dwelling unit and accessory structures are to be located on a lot in the development, no setbacks from the lot lines are required except as necessary to meet Building Code and Fire Code requirements, unless otherwise noted on the recorded final map, parcel map or Sectional District Map.

1. Main Structures

a) Minimum Setbacks

Front: 20 feet

Side: 5 feet

Rear: 10 feet

b) Height

Maximum Height: 35 feet

2. Accessory Structure (Habitable)

a) Minimum Setbacks

Front: 50 feet

Side: 6 feet

Rear: 6 feet

b) Height

Maximum Height: 15 feet

3. Accessory Structures (Non-habitable)

a) Minimum Setbacks

Front: 50 feet or behind the main structure, whichever is less

Side: 6 feet on front one-half of property; 1 foot on rear one-half of property.

Rear: 1 foot

b) Height

Maximum Height: 15 feet

D. Minimum Distance Between Structures

Main Structures: 10 feet

Accessory/Main Structure: 6 feet

Accessory/Accessory: 6 feet

E. Building Site Coverage, Maximum: 60%

F. Parking Regulations

Parking for all development shall be established pursuant to Chapter 21.58.

G. Landscaping Requirements

For developments of more than 2 residential units on a lot a minimum of 10% of the developed lot area shall be landscaped prior to occupancy, pursuant to a landscaping plan approved by the Director of Planning and Building Inspection.

H. Lighting Plan Requirements

For developments of more than 2 dwelling units on a lot, all exterior lighting shall be unobtrusive, harmonious with the local area and constructed or located so that only the area intended is illuminated and off-site glare is fully controlled. The location, type and wattage of the exterior lighting must be approved by the Director of Planning and Building Inspection prior to the issuance of building permits or the establishment of the use.

I. Sign Regulations

Signing for all development shall be established pursuant to Chapter 21.60.

21.10.070 SPECIAL REGULATIONS.

A. Developments in excess of 5 dwelling units on a lot shall provide a trash enclosure area for the residents of the development. The location of and the design of the trash enclosure area shall be approved by the Director of Environmental Health and the Director of Planning and Building Inspection. A plan showing the trash enclosure area shall contain the following:

1. A site plan of the overall development;
2. The location of the trash enclosure area;
3. Elevations of the design of the trash enclosure area;
4. Adequate fencing to ensure safety of the residents and the public.

B. Developments in excess of 5 dwelling units on a lot shall provide a recreational area for the residents of the development. The location of and the design of the recreational area shall be approved by the Director of Planning and Building Inspection. A plan showing the recreational area shall contain the following:

1. A site plan of the overall development;
2. The location of the recreational area;
3. A list and location of all recreational area facilities to be provided;

4. The recreational area shall consist of at least 3% of the lot.
- C. Manufactured dwelling units meeting the standards of Section 21.64.040 are permitted subject to the requirements of any conventional dwelling unit in this Chapter.
- D. Multiple dwellings and dwelling groups for affordable housing projects shall be an allowed use in this District provided all of the following standards and requirements are met:
1. That the project site is located in a Development Incentive Zone as established in the Monterey County Housing Element.
 2. That the project be a 100% affordable housing project;
 3. That the proportion of very low and low income units in the project be in accord with the housing needs analysis of the Monterey County Housing Element;
 4. That the continuing availability of the units be assured by deed restrictions, agreements or other such instruments as may be approved by the Director of Planning and Building Inspection and the County Counsel;
 5. That the project does not include any form of subdivision;
 6. That the project's gross density does not exceed the gross density as shown on the Sectional District Map;
 7. That the project complies with all of the Site Development Standards in Section 21.10.060 of this Chapter;
 8. The project complies with the Special Regulations in Section 21.10.070 A and B of this Chapter;
 9. That the project is reviewed by the Water Resources Agency, Health Department, Public Works Department, County Fire Warden and any other agencies deemed necessary by the Director of Planning and Building Inspection and that the requirements of those agencies are satisfied;
 10. That the design, color and location of all structures, signs and fences are subject to Chapter 21.44 (Regulations for Design Control Districts) of this Title.
- E. Any residential development of 25 or more units is subject to Section 21.64.250 (Regulations for the Reduction of Vehicle Trips) of this Title.

Chapter 21.12

REGULATIONS FOR MEDIUM DENSITY RESIDENTIAL ZONING DISTRICTS OR "MDR" DISTRICTS

Sections:

21.12.010	Purpose.
21.12.020	Applicability.
21.12.030	Uses Allowed.
21.12.040	Uses Allowed, Administrative Permit Required in Each Case.
21.12.050	Uses Allowed, Use Permit Required in Each Case.
21.12.060	Site Development Standards.
21.12.070	Special Regulations

21.12.010 PURPOSE.

The purpose of this Chapter is to provide a district to accommodate Medium Density Residential uses in those areas of the County of Monterey where adequate public services and facilities exist or may be developed to support medium density developments. It is intended within this Chapter to require adequate on-site facilities and amenities to assure proper, usable and livable development while allowing sufficient design flexibility to provide such development.

21.12.020 APPLICABILITY.

The regulations of this Chapter shall apply in all "MDR" districts and are subject to Chapter 21.62 (Height and Setback Exceptions) of this Title.

21.12.030 USES ALLOWED.

- A. The first single family dwelling per lot;
- B. The keeping of pets, but not more than 4 dogs per dwelling unit;
- C. Guesthouses meeting the development standards of Section 21.64.020;
- D. Temporary residence, pursuant to Section 21.64.070, used as living quarters during the construction of the first dwelling on a lot;
- E. Small family day care home;

- F. Licensed residential care homes for aged persons or hospices of not more than six persons including any permitted rooming and boarding;
- G. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Title 15.04, Monterey County Code, and replacement of water tanks and wells where no increase in service connections is created. The screening of any tanks and associated structures shall be approved by the Director of Planning and Building Inspection;
- H. Accessory structures and accessory uses to any permitted use;
- I. Cultivation, cutting and removal of Christmas trees;
- J. Home occupations, pursuant to Section 21.64.090;
- K. Rooming and boarding of not more than two persons;
- L. Other uses of a similar character, density and intensity to those listed in this Section;
- M. Intermittant livestock farming or animal husbandry uses such as "4-H" projects on a minimum of 20,000 square feet.

21.12.040 USES ALLOWED, ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE. (Chapter 21.70)

- A. Second single family dwelling provided the gross density does not exceed the dwelling units/acre specified on the Sectional District Map (Not in Del Monte Forest);
- B. The first duplex on a vacant lot, not exceeding 2 dwelling units/acre provided the gross density does not exceed the dwelling units/acre specified on the Sectional District Map (Not in Del Monte Forest);
- C. Senior citizen units meeting the development standards of Section 21.64.010;
- D. Tract sales or rental offices;
- E. Reduction in setback requirements of ten percent or less of the required setbacks;
- F. Small water system facilities including wells and storage tanks of five to fourteen service connections.
- G. Other uses of a similar character, density and intensity to those listed in this Section.
- H. Additions to existing, approved wireless communications facilities, pursuant to Section 21.64.310.

21.12.050 USE ALLOWED, USE PERMIT REQUIRED IN EACH CASE. (Chapter 21.74)

- A. Any residential use, except the first single family dwelling on a vacant lot, exceeding 2 dwelling units/acre, gross, and not exceeding four units, total (Not in Del Monte Forest);
- B. Rooming houses and boarding houses (ZA);
- C. Resthomes (ZA);
- D. Public and quasi-public uses including churches, cemeteries, parks, playgrounds, schools, public safety facilities, public utility facilities, but not including uses of a non residential nature such as jails, rehabilitation centers, detention facilities, or corporation yards;
- E. Parking lots used in conjunction to an adjoining commercial or retail use (ZA);
- F. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- G. Legal nonconforming use changed to a use of a similar or more restricted nature;
- H. Bed and Breakfast facilities, pursuant to Section 21.64.100;
- I. Commercial and noncommercial wind energy conversion systems;
- J. Development in Carmel Valley Floodplain, pursuant to Section 21.64.130 (ZA);
- K. Ridgeline development;
- L. Water system facilities including wells and storage tanks serving fifteen or more service connections (ZA);
- M. Removal of minerals and natural materials for commercial purposes;
- N. Assemblages of people, such as carnivals, festivals, races and circuses not exceeding ten days and not involving construction of permanent facilities (ZA);
- O. Accessory structures and uses prior to establishment of main use or structure (ZA);
- P. Large family day care home;
- Q. Cottage industries, pursuant to Section 21.64.095 (ZA);
- R. Other uses of a similar nature, density and intensity as those listed in this Section;
- S. The exploration for and the removal of oil and gas (ZA);
- T. Mobilehome parks, pursuant to Section 21.64.210.

- U. Wireless communications facilities, pursuant to Section 21.64.310.

21.12.060 SITE DEVELOPMENT STANDARDS.

- A. Minimum Building Site

The minimum building site which may be created shall be 6,000 square feet unless otherwise approved as part of a condominium, planned unit development or similar clustered residential subdivision.

- B. Development Density, Maximum

The maximum development density shall not exceed the units/acre as shown for the specific "MDR" district as shown on the zoning map. (e.g. "MDR/4" means an "MDR" district with a maximum gross density of 4 units per acre.)

- C. Structure Height and Setback Regulations

The following structure height and setback regulations apply unless superseded by a structure height limit noted on the zoning map (e.g. "MDR/5 (24)" would limit structure height to 24 feet), setback requirements when combined with a "B" district or setbacks shown on a recorded final or parcel map, or setback lines on a Sectional District Map.

In an approved planned unit development where the dwelling unit and accessory structures are to be located on a lot in the development, no setbacks from the lot lines are required except as necessary to meet Building Code and Fire Code requirements, unless otherwise noted on the recorded final map, parcel map or Sectional District Map.

- 1. Main Structures

- a. Minimum Setbacks

Front: 20 feet

Side: 5 feet

Rear: 10 feet

- b. Height

Maximum height: 30 feet

- 2. Accessory Structures (Habitable)

- a. Minimum Setbacks

Front: 50 feet

Side: 6 feet

Rear: 6 feet

b. Height

Maximum Height: 15 feet

3. Accessory Structures (Non-habitable)

a. Minimum Setbacks

Front: 50 feet or behind the main structure, whichever is less.

Side: 6 feet on front one half of property; 1 foot on rear one half of property.

Rear: 1 foot

b. Height

Maximum Height: 15 feet

D. Minimum distance between Structures

Main structures: 10 feet

Accessory/Main structure: 6 feet

Accessory/Accessory: 6 feet

E. Building site coverage, maximum: 35%.

F. Parking regulations:

Parking for all development shall be established pursuant to Chapter 21.58.

G. Landscaping requirements:

For development of more than 2 residential units on a lot, a minimum of 10% of the developed lot area shall be landscaped prior to occupancy, pursuant to a landscaping plan approved by the Director of Planning and Building Inspection.

H. Lighting plan requirements:

For developments of more than 2 residential units on a lot, all exterior lighting shall be unobtrusive, harmonious with the local area and constructed or located so that only the area intended is illuminated and off-site glare is fully controlled. The location, type and wattage of the exterior lighting must be approved by the Director of Planning and Building Inspection prior to the issuance of building permits or the establishment of the use.

I. Sign regulations:

Signing for all development shall be established pursuant to Chapter 21.60.

21.12.070 SPECIAL REGULATIONS.

A. Developments in excess of 5 dwelling units on a lot shall provide a trash enclosure area for the residents of the development. The location of and the design of the trash enclosure area shall be approved by the Director of Environmental Health and the Director of Planning and Building Inspection. A plan showing the trash enclosure area shall contain the following:

1. A site plan of the overall development;
2. The location of the trash enclosure area;
3. Elevations of the design of the trash enclosure area;
4. Adequate fencing to ensure safety of the residents and the public.
5. Adequate area for the separation and holding of recyclable materials.

B. Developments in excess of 5 dwelling units on a lot shall provide a recreational area for the residents of the development. The location of and the design of the recreational area shall be approved by the Director of Planning and Building Inspection. A plan showing the recreational area shall contain the following:

1. A site plan of the overall development;
2. The location of the recreational area;
3. A list and location of all recreational area facilities to be provided;
4. The recreational area shall consist of at least 3% of the lot.

C. Manufactured dwelling units meeting the standards of Section 21.64.040 are permitted subject to the requirements of any conventional dwelling unit in this Chapter.

D. The MDR District in the Del Monte Forest area is subject to the following development standards.

1. Building Site Coverage/Floor Area Ratio

Density	Coverage/FAR
2 units or less per acre	25%
More than 2 units per acre	35%

For the purpose of this Section, floor area ratio means the total combined gross floor areas of all floors in all buildings on the building site as measured from the exterior face of the enclosing walls expressed as a percentage of the total lot area. Enclosed floor area constructed and maintained completely below ground shall not be counted as floor area.

2. Height of Main Structures: 27 feet

3. Side Yard Setbacks:

a. First Story: 10 feet

b. Second Story: 20 feet

E. Any residential development of 25 or more units are subject to Section 21.64.250 (Regulations for the Reduction of Vehicle Trips) of this Title.

Chapter 21.14

REGULATIONS FOR LOW DENSITY RESIDENTIAL ZONING DISTRICTS OR "LDR" DISTRICTS

Sections:

21.14.010	Purpose.
21.14.020	Applicability.
21.14.030	Uses Allowed.
21.14.040	Uses Allowed, Administrative Permit Required in Each Case.
21.14.050	Uses Allowed, Use Permit Required in Each Case.
21.14.060	Site Development Standards.
21.14.070	Special Regulations.

21.14.010 PURPOSE.

The purpose of this Chapter is to provide a district to accommodate low density and intensity uses in the rural and suburban areas of the County of Monterey and to insure that allowable land uses are compatible in the area.

21.14.020 APPLICABILITY.

The regulation of this Chapter shall apply in all "LDR" districts and are subject to Chapter 21.62 (Height and Setback Exceptions) of this Title.

21.14.030 USES ALLOWED.

- A. The first single family dwelling per lot;
- B. Guesthouses meeting the development standards of Section 21.64.020;
- C. The keeping of pets;
- D. Animal husbandry and small livestock farming; provided that not more than one horse, mule, cow, or similar livestock shall be kept for each twenty thousand square feet of land area;
- E. Rooming and boarding of not more than 2 persons;
- F. Accessory structures and accessory uses to any permitted use;

- G. Temporary residence, pursuant to Section 21.64.070, used as living quarters during the construction of the first dwelling on a lot;
- H. Small family day care home;
- I. Licensed residential care homes for aged persons or hospices of not more than six persons including any permitted rooming and boarding;
- J. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Title 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections is created. The screening of any tanks and associated structures shall be approved by the Director of Planning and Building Inspection;
- K. Cultivation, cutting and removal of Christmas trees;
- L. Home occupations, pursuant to Section 21.64.090;
- M. Stands for the sale of agricultural products grown on the premises having no permanent electricity, plumbing or paving and where adequate restroom facilities exist on premises, subject to the approval of the Director of Environmental Health;
- N. Crop farming, tree farming, viticulture and horticulture;
- O. Other uses of a similar character, density and intensity to those listed in this Section;
- P. Intermittent livestock farming or animal husbandry uses such as "4-H" projects.

**21.14.040 USES ALLOWED, ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE.
(Chapter 21.70)**

- A. Senior citizen units meeting the development standards of Section 21.64.010;
- B. Tract sales or rental offices;
- C. Caretaker unit meeting the development standards of Section 21.64.030;
- D. Farm employee housing facility for not more than two families or more than five single persons;
- E. Second residential unit not exceeding the zoning density of the property;
- F. Reduction in setback requirements of ten percent or less of the required setbacks;
- G. Small water system facilities including wells and storage tanks of five to fourteen service connections;

- H. Other uses of a similar character, density and intensity to those listed in this Section.
- I. Additions to existing, approved wireless communications facilities, pursuant to Section 21.64.310.

21.14.050 USES ALLOWED, USE PERMIT REQUIRED IN EACH CASE. (Chapter 21.74)

- A. Additional residential units to a maximum of 4 on any lot and not exceeding the zoning density of the property;
- B. Public and quasi-public uses including churches, cemeteries, parks, playgrounds, schools, public safety facilities, public utility facilities but not including uses of a non-residential nature such as jails, rehabilitation centers, detention facilities or corporation yards;
- C. Country clubs;
- D. Golf courses;
- E. Commercial kennel (ZA);
- F. Legal nonconforming use of a portion of the structure extended throughout the structure (ZA);
- G. Legal nonconforming use changed to a use of a similar or more restricted nature;
- H. Bed and Breakfast facilities, pursuant to Section 21.64.100;
- I. Commercial and noncommercial wind energy conversion systems;
- J. Development in Carmel Valley Floodplain, pursuant to Section 21.64.130 (ZA);
- K. Ridgeline development;
- L. Conversion of uncultivated land to cultivated agricultural use on land with 15% - 25% slopes (North County Area Plan, Central Salinas Valley Plan, Cachagua Area Plan, only);
- M. Farm worker family housing facility;
- N. Farm employee housing facility for more than two families or no more than five single persons;
- O. Keeping and raising of mink (ZA);
- P. Any building, structure, or enclosure for the purpose of maintaining a zoo or zoological garden or for the purpose of raising, maintaining or exhibiting any wild animal or animals;
- Q. Water system facilities including wells and storage tanks serving fifteen or more service connections;

- R. Removal of minerals and natural materials for commercial purposes;
- S. Assemblages of people, such as carnivals, festivals, races and circuses, not exceeding ten days and not involving construction of permanent facilities (ZA);
- T. Accessory structures and uses prior to establishment of main use or structure (ZA);
- U. Large family day care facilities (ZA);
- V. Cottage industries, pursuant to Section 21.64.095 (ZA);
- W. The exploration for and the removal of oil and gas (ZA);
- X. Other uses of a similar character, density and intensity to those uses listed in this Section;
- Y. Public stables on a minimum of ten acres (ZA);
- Z. Mobilehome parks, pursuant to Section 21.64.210.
- AA. Wireless communications facilities, pursuant to Section 21.64.310.

21.14.060 SITE DEVELOPMENT STANDARDS.

A. Minimum Building Site

The minimum building site shall be one acre unless otherwise approved as part of a clustered residential development.

B. Development Density, Maximum

The maximum development density shall not exceed the acres/unit shown for the specific "LDR" district as shown on the zoning map (e.g. "LDR/2" means an "LDR" district with a maximum gross density of 2 acres/unit).

C. Structure Height and Setback Regulations

The following structure height and setback regulations apply unless superseded by a structure height limit noted on the zoning map (e.g. "LDR/2.5 (24)" would mean a structure height limit of 24 feet), setback requirements when combined with a "B" district or setbacks shown on a recorded final or parcel map, or setback lines on a Sectional District Map.

In a subdivision where a lot or lots have a designated building envelope, the dwelling unit and accessory structures shall be located wholly within the building envelope unless otherwise approved in the subdivision process.

1. Main Structures

a. Minimum Setbacks

Front: 30 feet

Side: 10% of the average lot width, to a maximum required of 20 feet

Rear: 20 feet

b. Height:

Maximum Height: 30 feet

2. Accessory Structures (Habitable)

a. Minimum Setbacks

Front: 50 feet

Side: 6 feet

Rear: 6 feet

b. Height:

Maximum Height: 15 feet

3. Accessory Structures (Non-habitable)

a. Minimum Setbacks

Front: 50 feet.

Side: 6 feet on front one half of property; 1 foot on rear one half of property.

Rear: 1 foot

b. Height

Maximum Height: 15 feet

c. Agricultural windmills are exempt from the height provisions of this Chapter.

4. Accessory structures used as barns, stables or farm out buildings shall not be less than 50 feet from the front of the property or 20 feet from the side or rear property line or 20 feet from any residence on the property. The maximum height shall be 30 feet.

D. Minimum Distance Between Structures

Main Structures: 20 feet

Accessory/Main Structures: 10 feet

Accessory/Accessory Structures: 6 feet

E. Building Site Coverage, Maximum: 35% on lots less than 20,000 square feet; 25% on lots of 20,000 square feet or more

F. Parking Regulations:

Parking for all development shall be established pursuant to Chapter 21.58.

G. Landscaping Requirements:

None, except as may be required by condition of approval of an Administrative or Use Permit.

H. Lighting Plan Requirements:

None, except as may be required by condition of approval of an Administrative or Use Permit.

I. Sign Regulations:

Signing for all development shall be established pursuant to Chapter 21.60.

21.14.70 SPECIAL REGULATIONS.

A. Manufactured dwelling units meeting the standards of Section 21.04.040 are permitted subject to the requirements of any conventional dwelling unit in this Chapter.

B. The following types of development are subject to Section 21.64.250 (Regulations for the Reduction of Vehicle Trips) of this Title:

- a) Any residential development of 25 or more units; or,
- b) Any new or expanded commercial, industrial or tourist oriented development which will employ 50 or more persons.

Chapter 21.16

REGULATIONS FOR RURAL DENSITY RESIDENTIAL ZONING DISTRICTS OR "RDR" DISTRICTS

Sections:

21.16.010	Purpose.
21.16.020	Applicability
21.16.030	Uses Allowed.
21.16.040	Uses Allowed, Administrative Permit Required in Each Case.
21.16.050	Uses Allowed, Use Permit Required in Each Case.
21.16.060	Site Development Standards.
21.16.070	Special Regulations.

21.16.010 PURPOSE.

The purpose of this Chapter is to provide a district to accommodate rural density and intensity uses in the rural and suburban areas of the County of Monterey where adequate services and facilities exist or may be developed to support such development. It is intended within this Chapter to require adequate on-site facilities and amenities to assure proper, usable and livable development while allowing sufficient design flexibility to provide such development.

21.16.020 APPLICABILITY.

The regulations of this Chapter shall apply in all "RDR" districts subject to Chapter 21.62 (Height and Setback Exceptions) of this Title.

21.16.030 USES ALLOWED.

- A. The first single family dwelling per lot;
- B. Guesthouses meeting the development standards of Section 21.64.020;
- C. The keeping of pets;
- D. Rooming and boarding of not more than 2 persons;
- E. Accessory structures and accessory uses to any permitted use;

- F. Temporary residence, pursuant to Section 21.64.070, used as living quarters during the construction of the first dwelling on a lot;
- G. Cultivation, cutting and removal of Christmas trees;
- H. Small family day care home;
- I. Licensed residential care homes for aged persons or hospices of not more than six persons including any permitted rooming and boarding;
- J. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Title 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections is created. The screening of any tanks and associated structures shall be approved by the Director of Planning and Building Inspection;
- K. Animal husbandry and small livestock farming; provided that not more than one horse, mule, cow, or similar livestock shall be kept for each twenty thousand square feet of land area;
- L. All agricultural uses on a minimum of ten acres including crop and tree farming, livestock farming, animal husbandry, apiaries, aviaries, except for those uses requiring an Administrative or Use Permit;
- M. Home occupations, pursuant to Section 21.64.090;
- N. Stands for the sale of agricultural products grown on the premises having no permanent electricity, plumbing or paving and where adequate restroom facilities exist on premises, subject to the approval of the Director of Environmental Health;
- O. Single family dwellings not exceeding three in total on a minimum of 10 acres for an owner, operator or employees employed on the site;
- P. Crop farming, tree farming, viticulture and horticulture;
- Q. Other uses of a similar character, density and intensity to those listed in this Section;
- R. Intermittent livestock farming or animal husbandry such as "4-H" projects.

**21.16.040 USES ALLOWED, ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE.
(Chapter 21.70)**

- A. Senior citizen units meeting the development standards of Section 21.64.010;
- B. Tract sales or rental offices;
- C. Caretaker unit meeting the development standards of Chapter 21.64.030;

- D. Farm employee housing facility for not more than two families or five single persons;
- E. Second residential unit not exceeding the zoning density of the property;
- F. Reduction in setback requirements provided the proposed reduction is ten percent or less of the required setbacks;
- G. Small water system facilities including wells and storage tanks of five to fourteen service connections;
- H. Reserved;
- I. Other uses of a similar character, density and intensity to those listed in this Section.
- J. Additions to existing, approved wireless communications facilities, pursuant to Section 21.64.310.

21.16.050 USES ALLOWED, USE PERMIT REQUIRED IN EACH CASE. (Chapter 21.74)

- A. Additional residential units to a maximum of 4 on any lot, and not exceeding the zoning density of the property;
- B. Public and quasi-public uses including churches, cemeteries, parks, playgrounds, schools public safety facilities, schools, public utility facilities, but not including uses of a non-residential nature such as jails, rehabilitation centers, detention facilities, or corporation yards;
- C. Country clubs;
- D. Golf courses;
- E. Commercial kennel (ZA);
- F. Public stables on a minimum of 10 acres (ZA);
- G. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- H. Legal nonconforming use changed to a use of a similar or more restricted nature;
- I. Bed and Breakfast facilities, pursuant to Section 21.64.100;
- J. Commercial and noncommercial wind energy conversion systems;
- K. Development in Carmel Valley Floodplain, pursuant to Section 21.64.130 (ZA);
- L. Ridgeline development;

- M. Conversion of uncultivated land to cultivated agricultural use on land with 15% - 25% slopes (North County Area Plan, Cachagua Area Plan, Central Salinas Valley Area Plan, only);
- N. Agricultural support services (ZA);
- O. Farm worker housing facility;
- P. Farm employee housing facility for more than two families or five or more single persons;
- Q. Keeping and raising of mink (ZA);
- R. Water system facilities including wells and storage tanks serving fifteen or more service connections;
- S. Removal of minerals and natural materials for commercial purposes;
- T. Assemblages of people, such as carnivals, festivals, races and circuses not exceeding ten days and not involving construction of permanent facilities (ZA);
- U. Accessory structures and uses prior to establishment of main use or structure (ZA);
- V. Large family day care facilities (ZA);
- W. Agricultural processing plants (ZA);
- X. Frog farms (ZA);
- Y. Commercial hog and turkey raising on a minimum of 10 acres (ZA);
- Z. Livestock feed yards on a minimum of 20 acres (ZA);
- AA. Animal sales yards on a minimum of 10 acres (ZA);
- BB. Dairies on a minimum of 40 acres (ZA);
- CC. Airports, heliports or landing strips for aircraft;
- DD. Animal hospitals (ZA);
- EE. Poultry farms on a minimum of 5 acres (ZA);
- FF. Sale of hay and grain not grown on the premises, on a minimum of five acres (ZA);
- GG. Riding and roping arena operations (ZA);

- HH. Other uses of a similar nature, intensity and density as those listed in this Section;
- II. Zoos or zoological gardens for the purpose of raising, wild T STANDARDS.
- JJ. Stands for the sale of agricultural products grown on the premises having permanent electricity, plumbing or paving (ZA);
- KK. Cottage industries, pursuant to Section 21.64.095 (ZA);
- LL. The exploration for and the removal of oil and gas (ZA);
- MM. Mobilehome parks, pursuant to Section 21.64.210.
- NN. Wireless communications facilities, pursuant to Section 21.64.310.

21.16.060 SITE DEVELOPMENT STANDARDS.

A. Minimum Building Site

The minimum building site shall be five acres unless otherwise approved as part of clustered residential development.

B. Development Density, Maximum

The maximum development density shall not exceed the acres/unit shown for the specific "RDR" district as shown on the zoning map (e.g. "RDR/10" means an "RDR" district with a maximum gross density of ten acres/one unit).

C. Structure Height and Setback Regulations

The following structure height and setback regulations apply unless superceded by a structure height limit noted on the zoning map (e.g. "RDR/10(24)" would limit structure height to 24 feet), setback requirements when combined with a "B" district or setbacks shown on a recorded final or parcel map, or setback lines on a Sectional District Map.

In a subdivision where a lot or lots have a designated building envelope, the dwelling unit and accessory structures shall be located wholly within the building envelope unless otherwise approved in the subdivision process.

1. Main Structures

a) Minimum Setbacks

Front: 30 feet

Side: 20 feet

Rear: 20 feet

b) Height

Maximum Height: 30 feet

2. Accessory Structures (Habitable)

a) Minimum Setbacks

Front: 50 feet

Side: 6 feet

Rear: 6 feet

b) Height

Maximum Height: 15 feet

3. Accessory Structures (Non-habitable)

a) Minimum Setbacks

Front: 50 feet.

Side: 6 feet on front one-half of property; 1 foot on rear one-half of property.

Rear: 1 foot

b) Height

Maximum Height: 15 feet

c) Agricultural windmills and wind machines for crop protection are exempt from the height provisions of this Chapter.

4. Accessory structures used as barns, stables or farm outbuildings shall not be less than 50 feet from the front of the property or 20 feet from the side or rear property line or 20 feet from any residence on the property. The maximum height shall be 30 feet.

D. Minimum Distance Between Structures

Main Structures: 20 feet

Accessory/Main Structure: 10 feet

Accessory/Accessory: 6 feet

E. Building Site Coverage, Maximum: 25%

F. Parking Regulations

Parking for all development shall be established pursuant to Chapter 21.58

G. Landscaping Requirements

None, except as may be required by condition of approval of an Administrative or Use Permit

H. Lighting Plan Requirements

None, except as may be required by condition of approval of an Administrative or Use Permit

I. Sign Regulations

Signing for all development shall be established pursuant to Chapter 21.60.

21.16.070 SPECIAL REGULATIONS.

A. Manufactured dwelling units meeting the standards of Section 21.64.040 are permitted subject to the requirements of any conventional dwelling unit in this Chapter.

B. The following types of development are subject to Section 21.64.250 (Regulations for the Reduction of Vehicle Trips) of this Title:

a) Any residential development of 25 or more units; or,

b) Any new or expanded commercial, industrial or tourist oriented development which will employ 50 or more persons.

Chapter 21.18

REGULATIONS FOR LIGHT COMMERCIAL ZONING DISTRICTS OR "LC" DISTRICTS

Sections:

21.18.010	Purpose.
21.18.020	Applicability.
21.18.030	General Development Plan.
21.18.040	Uses Allowed.
21.18.050	Uses Allowed, Administrative Permit Required in Each Case.
21.18.060	Uses Allowed, Use Permit Required in Each Case.
21.18.070	Site Development Standards.
21.18.080	Special Regulations.

21.18.010 PURPOSE

The purpose of this Chapter is to provide a zoning district to accommodate and maintain a broad range of light commercial uses suitable for the convenience of nearby residential areas.

21.18.020 APPLICABILITY.

The regulations of this Chapter shall apply in all "LC" districts subject to the provisions of Chapter 21.62 (Height and Setback Exceptions) of this Title.

21.18.030 GENERAL DEVELOPMENT PLAN.

- A. A General Development Plan shall be required prior to the establishment of any development in the Light Commercial district if there is no prior approved General Development Plan and if:
- 1) The lot is in excess of one acre; or,
 - 2) The development proposed includes more than one use; or,
 - 3) The development includes any form of subdivision (Title 19, Subdivision Ordinance).
- B. No new development, change or expansion of use, or physical improvements may be approved unless such development, use or expansion is found to be in conformance with an approved General Development Plan and amendments thereto where such plan is required.

- C. General Development Plans and amendments thereto shall be approved by the Planning Commission.
- D. The General Development Plan shall be prepared by the developer and submitted for review and approval prior to or concurrent with approval of any required permits for the development. The plans shall address the long range development and operation of the facilities including physical expansion and new development, operational changes, circulation or transportation improvements, alternative development opportunities, environmental considerations, potential mitigation of adverse environmental impacts and conformance to the policies of the local area plan.
- E. The requirement of a General Development Plan or an amendment to a General Development Plan may be waived by the Director of Planning and Building Inspection when, due to the circumstances of the particular situation, there is no potential significant adverse impact from the development and requiring the General Development Plan will not further the purposes of this Chapter.

21.18.040 USES ALLOWED.

- A. Change of commercial uses within a structure provided the new use will not change the nature or intensity of the use of the structure;
- B. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Title 15.04, Monterey County Code, and replacement of water tanks and wells where no increase in service connections is created. The screening of any tanks and associated structures shall be approved by the Director of Planning and Building Inspection.
- C. Cultivation, cutting or removal of Christmas trees.
- D. Other uses of a similar character, density and intensity to those listed in this Section.

**21.18.050 USES ALLOWED, ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE.
(CHAPTER 21.70)**

- A. Appliance store;
- B. Barber shop;
- C. Beauty shop;
- D. Book store;
- E. Clothing and apparel store;
- F. Drug store;

- G. Banks less than 5,000 square feet;
- H. Shoe shop;
- I. Shoe store;
- J. Art gallery;
- K. Convenience market;
- L. Stationery and office supply store;
- M. Photography studio;
- N. Florist;
- O. Gift and card store;
- P. Office;
- Q. Locksmith, key and lock shop;
- R. Bicycle shop;
- S. Hardware store, excluding lumber sales and outside storage of materials;
- T. Accessory structures and uses appurtenant to any permitted use provided there is not intensification of the permitted use;
- U. Reduction in setback requirements of ten percent or less of the required setback;
- V. Small water system facilities including wells and storage tanks for five to fourteen service connections;
- W. Picture framing business;
- X. Storage, rental and sale of irrigation equipment.
- Y. Other uses of a similar character, density and intensity to those listed in this Section;
- Z. Pet shop.
- AA. Additions to existing, approved wireless communications facilities, pursuant to Section 21.64.310.

21.18.060 USES ALLOWED, USE PERMIT REQUIRED IN EACH CASE. (Chapter 21.74)

- A. Hotels and motels (ZA);
- B. Animal hospitals (ZA);
- C. Parking lots (ZA);
- D. Auto sales;
- E. Banks greater than 5,000 square feet;
- F. Open air retail and wholesale sales (ZA);
- G. Mini warehouse storage warehouses;
- H. Theaters (ZA);
- I. Restaurants (ZA);
- J. Service stations (ZA);
- K. Caretaker unit for the purpose of providing on-site security (ZA);
- L. All residential uses provided that the gross square footage of the residential use does not exceed the gross square footage of the commercial use (ZA);
- M. Assemblages of people, such as carnivals, festivals, races and circuses not exceeding ten days and not involving construction of permanent facilities (ZA);
- N. Public and quasi-public uses including churches, parks, playgrounds, schools, public safety facilities, public utility facilities, but not including uses such as jails, detention facilities, rehabilitation centers, or corporation yards;
- O. Water system facilities including wells and storage tanks serving fifteen or more service connections (ZA);
- P. Other uses of a similar character, density and intensity as those listed in this Section;
- Q. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- R. Legal nonconforming use changed to a use of a similar or more restricted nature;
- S. Zoos or zoological gardens for the purpose of raising, maintaining, keeping or exhibiting any wild animal;
- T. Commercial kennel (ZA);

- U. Any lot or establishment where alcoholic beverages are served, commercial place of amusement or recreation, or any place where live entertainment is provided within 200 feet of the boundary of a residential district (ZA);
- V. Ridgeline development;
- W. Removal of minerals and natural materials for commercial purposes;
- X. Development in the Carmel Valley Floodplain, pursuant to Section 21.64.130 (ZA);
- Y. Wholesale and retail establishments distributing materials and products essential to agriculture and farming operations, except manure;
- Z. Day care centers (ZA);
- AA. The exploration for and the removal of oil and gas (ZA).
- BB. Auto repair facilities (ZA);
- CC. Storage garage (ZA);
- DD. Funeral homes (ZA);
- EE. Development laboratories;
- FF. Service centers.
- GG. Wireless communications facilities, pursuant to Section 21.64.310.

21.18.070 SITE DEVELOPMENT STANDARDS

- A. Structure Height and Setback Regulations
 - 1. The maximum structure height is 35 feet unless superseded by a structure height limit noted on the zoning map (e.g. "LC/(24)") would limit structure height to 24 feet).
 - 2. Setbacks for developments in the "LC" district are established by the approval of the General Development Plan where such plan is required.
 - 3. Setbacks for development where a General Development Plan is not required shall be established by the Appropriate Authority through the project review process based on:
 - a) surrounding land use;

- b) provision of adequate parking and landscaping; and
 - c) other site design features.
- 4. All minimum setback requirements established by a combining "B" district, setbacks shown on a recorded final map or parcel map, or setback lines shown on a Sectional District map, shall apply.
- B. Building Site Coverage, Maximum: 50%, excluding parking and landscaping.
- C. Parking Regulations: All parking shall be established pursuant to Chapter 21.58.
- D. Landscaping Requirements:

All developments allowed shall have landscaping covering a minimum of 10% of the developed site area subject to a plan approved by the Director of Planning and Building Inspection. The landscaping shall be in place prior to the commencement of use.
- E. Lighting Plan Requirements

All exterior lighting shall be unobtrusive, harmonious with the local area and constructed or located so that only the area intended is illuminated and off-site glare is fully controlled. The location, type and wattage of the exterior lighting must be approved by the Director of Planning and Building Inspection prior to the issuance of building permits or the establishment of the use.
- F. Sign Regulations

Signing for all development shall be established pursuant to Chapter 21.60.

21.18.080 Special Regulations.

- A. Manufactured dwelling units meeting the standards of Section 21.64.040 are permitted subject to the requirements of any conventional dwelling unit in this Chapter.
- B. The following types of development are subject to Section 21.64.250 (Regulations for the Reduction of Vehicle Trips) of this Title:
 - a) Any residential development of 25 or more units; or,
 - b) Any new or expanded commercial or tourist oriented development which will employ 50 or more persons; or
 - c) Any new or expanded commercial or tourist oriented development of 25,000 gross square feet or more.

Chapter 21.20

REGULATIONS FOR HEAVY COMMERCIAL ZONING DISTRICTS OR "HC" DISTRICTS

Section:

21.20.010	Purpose.
21.20.020	Applicability.
21.20.030	General Development Plan.
21.20.040	Uses Allowed.
21.20.050	Uses Allowed, Administrative Permit Required in Each Case.
21.20.060	Uses Allowed, Use Permit Required in Each Case.
21.20.070	Site Development Standards.
21.20.080	Special Regulations.

21.20.010 PURPOSE.

The purpose of this Chapter is to provide a zoning district to accommodate a broad range of heavy commercial uses in those areas of the County of Monterey suitable for such uses. The types of uses appropriate for this district are those uses which are of a heavier commercial character potentially involving needs for warehousing, storage facilities, offices, trade centers, repair facilities, and fabrication shops.

21.20.020 APPLICABILITY.

The regulations of this Chapter shall apply in all "HC" zoning districts, subject to the provisions of Chapter 21.62 (Height and Setback Exceptions) of this Title.

21.20.030 GENERAL DEVELOPMENT PLANS.

- A. A General Development Plan shall be required prior to the establishment of any development in the Heavy Commercial district if there is no prior approved General Development Plan and if;
- 1) The lot is in excess of one acre; or,
 - 2) The development proposed includes more than one use; or
 - 3) The development includes any form of subdivision (Title 19, Subdivision Ordinance).

- B. No new development, change or expansion of use, or physical improvements may be approved unless such development, use or expansion is found to be in conformance with an approved General Development Plan and amendments thereto where such plan is required.
- C. General Development Plans and amendments thereto shall be approved by the Planning Commission.
- D. The General Development Plan shall be prepared by the developer and submitted for review and approval prior to or concurrent with approval of any required permits for the development. The plans shall address the long range development and operation of the facilities including physical expansion and new development, operational changes, circulation or transportation improvements, alternative development opportunities, environmental considerations, potential mitigation of adverse environmental impacts and conformance to the policies of the local area plan.
- E. The requirement of a General Development Plan or an amendment to a General Development Plan may be waived by the Director of Planning and Building Inspection when, due to the circumstances of the particular situation, there is no potential significant adverse impact from the development and requiring the General Development Plan will not further the purposes of this Chapter.

21.20.040 USES ALLOWED.

- A. Change of commercial uses within a structure provided the new use will not change the nature or intensity of the use of the structure;
- B. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Title 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections is created. The screening of any tanks and associated structures shall be approved by the Director of Planning and Building Inspection;
- C. Cultivation, cutting or removal of Christmas trees;
- D. Other uses of a similar character, density and intensity to those listed in this Section.

**21.20.050 USES ALLOWED, ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE.
(Chapter 21.70)**

- A. Offices less than 5,000 square feet of floor area;
- B. Auto repair facilities;
- C. Service stations;
- D. Shops for tradesmen such as plumbers, electricians, furniture makers and repairmen, appliance repairmen, and similar uses provided that in all cases all equipment and materials, except vehicles, are maintained within a structure;

- E. Caretaker unit for the purpose of providing on-site security;
- F. Mini-warehouse storage facilities of less than 5,000 square feet of floor area;
- G. Small water system facilities including wells and storage tanks for five to fourteen service connections;
- H. Reduction in setback requirements provided the proposed reduction is ten percent or less of the required setbacks;
- I. Accessory structures and accessory uses appurtenant to any permitted use provided there is no intensification of the permitted use;
- J. Photography studio;
- K. Picture framing business;
- L. Shoe shop;
- M. Shoe store;
- N. Shops of a light commercial character and conducted within a structure;
- O. Stationery and office supply store;
- P. Storage, rental and sales of irrigation equipment;
- Q. The manufacture of clothing;
- R. Day care center for use of on-site employees and employees of developments on the same lot or subdivision;
- S. Other uses of a similar character, density and intensity to those listed in this Section.
- T. Boarding kennels.
- U. Additions to existing, approved wireless communications facilities, pursuant to Section 21.64.310.

21.20.060 USES ALLOWED, USE PERMIT REQUIRED IN EACH CASE. (Chapter 21.74)

- A. Office complexes greater than 5,000 square feet of floor area (ZA);
- B. Automobile and recreational vehicle storage yards (ZA);

- C. Mini-warehouse storage facilities of more than 5,000 square feet (ZA);
- D. Automobile and truck tow and storage operations (ZA);
- E. Boat and auto sales (ZA);
- F. Agricultural processing plants (ZA);
- G. Trucking operations, including offices and facilities for the repair, servicing, fueling, storage, and dispatching of commercial trucks;
- H. Hotels, motels, restaurants and similar visitor facilities (ZA);
- I. Contractors yards and offices (ZA);
- J. Contractor's equipment storage facility including vehicles, within a building (ZA);
- K. Retail sales which are accessory and incidental to the uses permitted in this Section, provided that the sales area does not exceed twenty-five percent of the floor area of the structure housing the retail sales facility (ZA);
- L. Bag cleaning or rag works;
- M. Water well drilling businesses (ZA);
- N. Public utility uses and accessory structures, including corporation yards or similar uses;
- O. Wholesale distributors of petroleum products, contractors yards, welding shops and other uses of a similar character;
- P. Furniture manufacturing, finish paper products from finished paper stock (ZA);
- Q. Propane distributorship and sales and services of appliances, and related equipment;
- R. All residential uses provided that the gross square footage of the residential use does not exceed the gross square footage of the commercial use (ZA);
- S. Other uses of a similar character, density and intensity as those listed in this Section;
- T. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- U. Legal nonconforming use changed to a use of a similar or more restricted nature;
- V. Zoos or zoological gardens for the purpose of raising, maintaining, keeping or exhibiting any wild animal;

- W. Public and quasi-public uses including churches, parks, playgrounds, schools, public safety facilities, public utility facilities, jails, rehabilitation centers and detention facilities;
- X. Any lot or establishment where alcoholic beverages are served, commercial place of amusement or recreation, or any place where live entertainment is provided within 200 feet of the boundary of a residential district (ZA);
- Y. Ridgeline development;
- Z. Removal of minerals and natural materials for commercial purposes;
- AA. Development in the Carmel Valley Floodplain pursuant to Section 21.64.130 (ZA);
- BB. Wholesale and retail establishments distributing materials and products essential to agriculture and farming operations, except manure;
- CC. Chemical laboratories, electronic products and instrument manufacturing;
- DD. Research laboratories, provided such use does not produce undue odor, noise, smoke, or other objectionable effects;
- EE. Warehouses for the collection, packaging and distribution of agricultural and horticultural products (ZA);
- FF. Day care centers (ZA);
- GG. The exploration for and the removal of oil and gas (ZA).
- HH. Lumber yards (ZA);
- II. Bottling works (ZA);
- JJ. Wholesale stores and storage (ZA);
- KK. Storage garages (ZA);
- LL. Service centers;
- MM. Open air retail and wholesale sales (ZA).
- NN. Wireless communications facilities, pursuant to Section 21.64.310.

21.20.070 SITE DEVELOPMENT STANDARDS.

A. Structure Height and Setback Regulations

1. The maximum structure height is 35 feet unless superseded by a structure height limit noted on the zoning map. (e.g. "HC/(24)") would limit structure height to 24 feet).
2. Setbacks for developments in the "HC" district are established by the approval of the General Development Plan where such plan is required.
3. Setbacks for development where a General Development Plan is not required shall be established by the Appropriate Authority through the project review process based on:
 - a) surrounding land use;
 - b) provision of adequate parking and landscaping;
 - c) other site design features.
4. All minimum setback requirements established by a combining "B" district, setbacks shown on a recorded final map or parcel map, or setback lines shown on a Sectional District map, shall apply.

B. Building Site Coverage, Maximum: 50%, excluding parking and landscaping.

C. Parking Regulations: All parking shall be established pursuant to Chapter 21.58.

D. Landscaping Requirements:

All developments allowed shall have landscaping covering a minimum of 10% of the site area subject to a plan approved by the Director of Planning and Building Inspection. The landscaping shall be in place prior to the commencement of use.

E. Lighting Plan Requirements

All exterior lighting shall be unobtrusive, harmonious with the local area and constructed or located so that only the area intended is illuminated and off-site glare is fully controlled. The location, type and wattage of the exterior lighting must be approved by the Director of Planning and Building Inspection prior to the issuance of building permits or the establishment of the use.

F. Sign Regulations

Signing for all development shall be established pursuant to Chapter 21.60

21.20.080 SPECIAL REGULATIONS.

- A. Manufactured dwelling units meeting the standards of Section 21.64.040 are permitted subject to the requirements of any conventional dwelling unit in this Chapter.
- B. The following types of development are subject to Section 21.64.250 (Regulations for the Reduction of Vehicle Trips) of this Title:
 - a) Any residential development of 25 or more units; or,
 - b) Any new or expanded commercial or tourist oriented development which will employ 50 or more persons; or
 - c) Any new or expanded commercial or tourist oriented development of 25,000 gross square feet or more.

Chapter 21.22

REGULATIONS FOR VISITOR SERVING/PROFESSIONAL OFFICE ZONING DISTRICTS OR "VO" DISTRICTS

Sections

21.22.010	Purpose.
21.22.020	Applicability.
21.22.030	General Development Plans.
21.22.040	Uses Allowed.
21.22.050	Uses Allowed, Administrative Permit Required in Each Case.
21.22.060	Uses Allowed, Use Permit Required in Each Case.
21.22.070	Site Development Standards.
21.22.080	Special Regulations.

21.22.010 PURPOSE.

The purpose of this Chapter is to provide a district to establish areas necessary to service the needs of visitors and professional services to Monterey County.

21.22.020 APPLICABILITY.

The regulations of this Chapter shall apply in all "VO" districts subject to the provisions of Chapter 21.62 (Height and Setback Exceptions) of this Title.

21.22.030 GENERAL DEVELOPMENT PLAN.

- A. A General Development Plan shall be required prior to the establishment of any development in the Visitor Serving/Professional Office district if there is no prior approved General Development Plan and if:
- 1) The lot is in excess of one acre; or,
 - 2) The development proposed includes more than one use; or
 - 3) The development includes any form of subdivision. (Title 19, Subdivision Ordinance)
- B. No new development, change or expansion of use, or physical improvements may approved unless such development, use or expansion is found to be in conformance with an approved General Development Plan and amendments thereto where such plan is required.

- C. General development plans and amendments thereto shall be approved by the Planning Commission.
- D. The plans shall be prepared by the developer and submitted for review and approval prior to or concurrent with approval of any required permits for the development. The plans shall address the long range development and operation of the facilities including physical expansion and new development, operational changes, circulation or transportation improvements, alternative development opportunities, environmental considerations, potential mitigation of adverse environmental impacts and conformance to the policies of the local area plan.
- E. The requirement of a General Development Plan or an amendment to a General Development Plan may be waived by the Director of Planning and Building Inspection when, due to the circumstances of the particular situation, there is no potential significant adverse impact from the development and requiring the General Development Plan will not further the purposes of this Chapter.

21.22.040 USES ALLOWED.

- A. Change of visitor serving/professional office uses within a structure provided the new use will not change the nature or intensity of the commercial use of the structure;
- B. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Title 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections is created. The screening of any tanks and associated structures shall be approved by the Director of Planning and Building Inspection;
- C. Other uses of a similar character, density and intensity to those listed in this Section.

**21.22.050 USES ALLOWED, ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE.
(Chapter 21.70)**

- A. One caretaker unit for the purpose of providing on-site security;
- B. Reduction in setback requirements provided the proposed reduction is ten percent or less of the required setbacks;
- C. Accessory structures and accessory uses appurtenant to any permitted use provided there is no intensification of the permitted use;
- D. Small water system facilities including wells and storage tanks for five to fourteen service connections;
- E. Other uses of a similar character, density and intensity to those listed in this Section.
- F. Additions to existing, approved wireless communications facilities, pursuant to Section 21.64.310.

21.22.060 USES ALLOWED USE PERMIT REQUIRED IN EACH CASE. (Chapter 21.74)

- A. Hotels, motels, hostels, inns (ZA);
- B. Restaurants (ZA);
- C. Service stations (ZA);
- D. Recreational vehicle parks (ZA);
- E. Employee housing, accessory to an allowed use (ZA);
- F. Professional offices (ZA);
- G. Removal of minerals and natural materials for commercial purposes;
- H. Assemblages of people, such as carnivals, festivals, races and circuses not exceeding ten days and not involving construction of permanent facilities (ZA);
- I. Accessory structures and uses prior to establishment of main use or structure (ZA);
- J. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- K. Legal nonconforming use changed to a use of a similar or more restricted nature (ZA);
- L. Water system facilities including wells and storage tanks serving fifteen or more service connections (ZA);
- M. All residential uses provided that the gross square footage of the residential use does not exceed the gross square footage of the commercial use (ZA);
- N. Other uses of a similar character, density and intensity as those listed in this Section;
- O. Zoos or zoological gardens for the purpose of raising, maintaining, keeping or exhibiting any wild animal;
- P. Public and quasi-public uses including churches, parks, playgrounds, schools, public safety facilities, public utility facilities, jails, rehabilitation centers and detention facilities;
- Q. Any lot or establishment where alcoholic beverages are served, commercial place of amusement or recreation or any place where live entertainment is provided within 200 feet of the boundary of a residential district (ZA);
- R. Ridgeline development;
- S. Removal of minerals and natural materials for commercial purposes;

- T. Development in the Carmel Valley Floodplain pursuant to Section 21.64.130 (ZA);
- U. Day care centers (ZA);
- V. The exploration for and the removal of oil and gas (ZA).
- W. Wireless communications facilities, pursuant to Section 21.64.310.

21.22.070 SITE DEVELOPMENT STANDARDS

A. Structure Height and Setback Regulations

1. The maximum structure height is 35 feet unless superseded by a structure height limit noted on the zoning map. (e.g. "VO(24)" would limit structure height to 24 feet).
2. Setbacks for development in the VO district are established by the approval of the General Development Plan where such plan is required.
3. Setbacks for development where a General Development Plan is not required shall be established by the Appropriate Authority through the project review process based on:
 - a) surrounding land use;
 - b) provision of adequate parking and landscaping;
 - c) other site design features.
4. All minimum setback requirements established by a combining "B" district, setbacks shown on a recorded final map or parcel map, or setback lines shown on a Sectional District map, shall apply.

B. Building Site Coverage, Maximum: 50%, excluding parking and landscaping.

C. Parking Regulations: All parking shall be established pursuant to Chapter 21.58

D. Landscaping Requirements

All developments allowed shall have landscaping covering a minimum of 10% of the site area subject to a plan approved by the Director of Planning and Building Inspection. The landscaping shall be in place prior to the commencement of use.

E. Lighting Plan Requirements

All exterior lighting shall be unobtrusive, harmonious with the local area and constructed or located so that only the area intended is illuminated and off-site glare is fully controlled. The location, type and wattage of the exterior lighting must be approved by the Director of Planning and Building Inspection prior to the issuance of building permits or the establishment of the use.

F. Sign Regulations

Signing for all development shall be established pursuant to Chapter 21.60.

21.22.080 SPECIAL REGULATIONS.

- A. Manufactured dwelling units meeting the standards of Section 21.64.040 are permitted subject to the requirements of any conventional dwelling unit in this Chapter.
- B. The following types of development are subject to Section 21.64.250 (Regulations for the Reduction of Vehicle Trips) of this Title:
 - a) Any residential development of 25 or more units; or,
 - b) Any new or expanded commercial or tourist oriented development which will employ 50 or more persons; or
 - c) Any new or expanded commercial or tourist oriented development of 25,000 gross square feet or more.

Chapter 21.24

REGULATIONS FOR AGRICULTURAL INDUSTRIAL ZONING DISTRICTS OR "AI" DISTRICTS

Sections:

21.24.010	Purpose.
21.24.020	Applicability.
21.24.030	General Development Plans.
21.24.040	Uses Allowed.
21.24.050	Uses Allowed, Administrative Permit Required in Each Case.
21.24.060	Uses Allowed, Use Permit Required in Each Case.
21.24.070	Site Development Standards.
21.24.080	Special Regulations.

21.24.010 PURPOSE.

The purpose of this Chapter is to provide for the orderly and balanced development of agriculturally oriented industrial uses that support existing and future agricultural activity. Further, this Chapter provides a broad spectrum of agricultural industrial uses that contribute to the maintenance of agriculture as a major industry of Monterey County.

21.24.020 APPLICABILITY.

The regulations of in this Chapter shall apply in all "AI" districts and shall be subject to Chapter 21.62 (Height and Setback Exceptions) of this Title.

21.24.030 GENERAL DEVELOPMENT PLAN.

- A. A General Development Plan shall be required prior to the establishment of any development in the Agricultural Industrial district if there is no prior approved General Development Plan and if:
- 1) The lot is in excess of one acre; or,
 - 2) The development proposed includes more than one use; or
 - 3) The development includes any form of subdivision (Title 19, Subdivision Ordinance).

- B. No new development, change or expansion of use, or physical improvements may be approved unless such development, use or expansion is found to be in conformance with an approved General Development Plan and amendments thereto where such plan is required.
- C. General development plans and amendments thereto shall be approved by the Planning Commission.
- D. The plans shall be prepared by the developer and submitted for review and approval prior to or concurrent with approval of any required permits for these developments. The plans shall address the long range development and operation of the facilities including physical expansion and new development, operational changes, circulation or transportation improvements, alternative development opportunities, environmental considerations, potential mitigation of adverse environmental impacts and conformance to the policies of the local area plan.
- E. The requirement of a General Development Plan or an amendment to a General Development Plan may be waived by the Director of Planning and Building Inspection when, due to the circumstances of the particular situation, there is no potential significant adverse impact from the development and requiring the General Development Plan will not further the purposes of this Chapter.

21.24.040 USES ALLOWED.

- A. Change of agricultural industrial uses within a structure provided the new use will not change the nature or intensity of the use of the structure;
- B. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Title 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections is created. The screening of any tanks and associated structures shall be approved by the Director of Planning and Building Inspection;
- C. Cultivation, cutting and removal of Christmas trees;
- D. Other uses of a similar character, density and intensity to those listed in this Section.

**21.24.050 USES ALLOWED, ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE.
(Chapter 21.70)**

- A. One caretaker unit for the purpose of providing on-site security;
- B. Reduction in yard setback requirements provided the proposed reduction is ten percent or less of the required setbacks;
- C. Accessory structures and uses appurtenant to any permitted use provided there is no intensification of the permitted use;
- D. Small water system facilities including wells and storage tanks serving five to fourteen service connections;

- E. Sale of hay and grain not grown on the premises;
- F. Retail sales which are accessory and incidental to the main uses permitted in this section; provided, that the sales area does not exceed twenty-five percent of the floor area;
- G. Water well drilling businesses;
- H. Rental and sales of irrigation equipment;
- I. Day care center for use of on-site employees and employees of developments on the same lot or subdivision;
- J. Other uses of a similar character, density and intensity to those listed in this Section.
- K. Animal hospitals;
- L. Kennels;
- M. Employee housing accessory to a permitted use.
- N. Additions to existing, approved wireless communications facilities, pursuant to Section 21.64.310.

21.24.060 USES ALLOWED USE PERMIT REQUIRED IN EACH CASE. (Chapter 21.74)

- A. Contractors plants and storage yards including garages and sheds for the storage of vehicles, equipment and materials when such contractor is engaged in the servicing of the production of agricultural or horticultural products, including spraying, trimming, fertilizing, smudging, drainage, tree removal, and crop harvesting and marketing, as the principal activity of such plant or storage yard (ZA);
- B. Warehouses for the collection, packaging and distribution of agricultural and horticultural products (ZA);
- C. Wholesale and retail establishments distributing materials and products essential to agriculture and farming operations, except manure (ZA);
- D. Sales and repair services for agricultural equipment (ZA);
- E. Offices accessory to permitted on-site uses not to exceed 25% of the overall floor area of the project (ZA);
- F. Agricultural processing plants (ZA);
- G. Processing for market of poultry, rabbits and small animals, but not including canning, rendering, tanning or reduction of meat or animal products (ZA);

- H. Manufacture of insecticides and pesticides;
- I. Fertilizer plants and yards;
- J. Reserved;
- K. Public and quasi-public structures and uses and public utility structures and uses (ZA);
- L. Other uses of a similar character, intensity and density as those listed in this Section;
- M. Water system facilities including wells and storage tanks serving fifteen or more service connections (ZA);
- N. All residential uses provided that the gross square footage of the residential use does not exceed the gross square footage of the industrial use (ZA);
- O. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- P. Legal nonconforming use changed to a use of a similar or more restricted nature;
- Q. Zoos or zoological gardens for the purpose of raising, maintaining, keeping or exhibiting any wild animal;
- R. Public and quasi-public uses including churches, parks, playgrounds, public safety facilities, public utility facilities, jails, rehabilitation centers and detention facilities;
- S. Any lot or establishment where alcoholic beverages are served, commercial place of amusement or recreation or any place where live entertainment is provided within 200 feet of the boundary of a residential district (ZA).
- T. Removal of minerals and natural materials for commercial purposes;
- U. Ridgeline development;
- V. Wholesale stores, storage and warehouses (ZA);
- W. Chemical laboratories, electronic products and instrument manufacturing;
- X. Food processing, fish canning and other uses of a similar character;
- Y. Propane distributorship, sales and service of appliances and related equipment;
- Z. Research laboratories, provided such use does not produce undue odor, smoke, noise or other objectionable effects;

- AA. Wholesale distributors of petroleum products, contractors yards, welding shops and other uses of a similar character;
- BB. Trucking operations, including office and facilities for repair, servicing, fueling, storage and dispatching of commercial trucks;
- CC. The exploration for and the removal of oil and gas (ZA).
- DD. Wireless communications facilities, pursuant to Section 21.64.310.

21.24.070 SITE DEVELOPMENT STANDARDS.

A. Structure Height and Setback Regulations

1. The maximum structure height is 35 feet unless superseded by a structure height limit noted on the zoning map. (e.g. "AI/(50)") would limit structure height to 50 feet). Additional height may be allowed subject to a Use Permit (ZA).
2. Setbacks for development in the AI district are established by the approval of the General Development Plan where such plan is required.
3. Setbacks for development where a General Development Plan is not required shall be established by the Appropriate Authority through the project review process based on:
 - a) surrounding land use;
 - b) provision of adequate parking and landscaping;
 - c) other site design features.
4. All minimum setback requirements established by a combining "B" district, setbacks shown on a recorded final map or parcel map, or setback lines shown on a Sectional District map, shall apply.

C. Building Site Coverage, Maximum 50%, excluding parking and landscaping.

D. Parking Regulations: All parking shall be established pursuant to Chapter 21.58.

E. Landscaping Requirements

All developments allowed shall have landscaping covering a minimum of 10% of the site area subject to a plan approved by the Director of Planning and Building Inspection. The landscaping shall be in place prior to the commencement of use.

F. Lighting Plan Requirements

All exterior lighting shall be unobtrusive, harmonious with the local area and constructed or located so that only the area intended is illuminated and off-site glare is fully controlled. The location, type and wattage of the exterior lighting must be approved by the Director of Planning and Building Inspection prior to the issuance of building permits or the establishment of the use.

G. Sign Regulations.

Signing for all development shall be established pursuant to Chapter 21.60.

21.24.080 SPECIAL REGULATIONS.

- A. All manufacturing and fabrication operations shall be conducted within structures. All equipment and material storage areas shall be screened by solid walls, fences, or by adequate plantings of not less than six feet in height.
- B. Manufactured dwelling units meeting the standards of Section 21.64.040 are permitted subject to the requirements of any conventional dwelling unit in this Chapter.
- C. The following types of development are subject to Section 21.64.250 (Regulations for the Reduction of Vehicle Trips) of this Title:
 - a) Any residential development of 25 or more units; or,
 - b) Any new or expanded commercial or industrial development which will employ 50 or more persons; or
 - c) Any new or expanded commercial or industrial development of 25,000 gross square feet or more.

Chapter 21.26

REGULATIONS FOR LIGHT INDUSTRIAL ZONING DISTRICTS OR "LI" DISTRICTS

Sections:

21.26.010	Purpose.
21.26.020	Applicability.
21.26.030	General Development Plans.
21.26.040	Uses Allowed.
21.26.050	Uses Allowed, Administrative Permit Required in Each Case.
21.26.060	Uses Allowed, Use Permit Required in Each Case.
21.26.070	Site Development Standards.
21.26.080	Special Regulations.

21.26.010 PURPOSE

The purpose of this Chapter is to provide areas exclusively for light industrial uses and to encourage sound industrial development by setting forth appropriate areas for these uses and to protect nearby residential, commercial, and industrial uses from undue hazards, noise, and other disturbances.

21.26.020 APPLICABILITY.

The regulations of this Chapter shall apply in all "LI" districts subject to the provisions of Chapter 21.62 (Height and Setback Exceptions) of this Title.

21.26.030 GENERAL DEVELOPMENT PLAN.

- A. A General Development Plan shall be required prior to the establishment of any development in the Light Industrial district if there is no prior approved General Development Plan and if:
- 1) The lot is in excess of one acre; or,
 - 2) The development proposed includes more than one use; or,
 - 3) The development includes any form of subdivision (Title 19, Subdivision Ordinance).

- B. No new development, change or expansion of use, or physical improvements may approved unless such development, use or expansion is found to be in conformance with an approved General Development Plan and amendments thereto where such plan is required.
- C. General development plans and amendments thereto shall be approved by the Planning Commission.
- D. The plans shall be prepared by the developer and submitted for review and approval prior to or concurrent with approval of any required permits for these developments. The plans shall address the long range development and operation of the facilities including physical expansion and new development, operational changes, circulation or transportation improvements, alternative development opportunities, environmental considerations, potential mitigation of adverse environmental impacts and conformance to the policies of the local area plan.
- E. The requirement of a General Development Plan or an amendment to a General Development Plan may be waived by the Director of Planning and Building Inspection when, due to the circumstances of the particular situation, there is no potential significant adverse impact from the development and requiring the General Development Plan will not further the purposes of this Chapter.

21.26.040 USES ALLOWED.

- A. Change of light industrial uses within a structure provided the new use will not change the nature or intensity of the use of the structure;
- B. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Title 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections are created. The screening of any tanks and associated structures shall be approved by the Director of Planning and Building Inspection;
- C. Cultivation, cutting and removal of Christmas trees;
- D. Other uses of a similar character, density and intensity to those listed in this Section.

**21.26.050 USES ALLOWED ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE.
(CHAPTER 21.70)**

- A. The manufacture of clothing;
- B. Interior decorating business;
- C. Picture framing business;
- D. Craft shop for the manufacture of art, jewelry, silverware, ceramics, leather goods, toys, bookbinding, editorial and designing, printing, lithography;

- E. Other light industries of a similar character; provided, that none of the above uses produce undue odor, dust, smoke, noise, or other objectionable effects;
- F. Reduction in setback requirements provided the proposed reduction is ten percent or less of the required setbacks;
- G. Parking lots used in conjunction to an adjoining commercial or retail use;
- H. Mini-warehouse facilities;
- I. One caretaker unit for the purpose of providing on-site security;
- J. Retail sales which are accessory and incidental to the main uses permitted in this Section; provided, that the sales area does not exceed twenty-five percent of the floor area of the structure housing the sales facility;
- K. Warehouses and open air facilities for the storage of boats, trailers, and other marine or recreation oriented equipment of similar nature;
- L. Accessory structures and uses prior to establishment of main use or structure;
- M. Stands for the sale of agricultural products grown on the premises;
- N. Day care centers;
- O. Auto repair facilities;
- P. Shops for tradesmen such as plumbers, electricians, furniture makers and repairmen, appliance repairmen, and similar uses provided that in all cases all equipment and materials, except vehicles, are maintained within a structure;
- Q. Contractors yards and offices;
- R. Shops of a light commercial character and conducted within a structure;
- S. Small water system facilities including wells and storage tanks of five to fourteen service connections;
- T. Service station;
- U. Accessory structures and uses appurtenant to any permitted use provided there is no intensification of the permitted use;
- V. Photography studio;
- W. Stationery and office supply store;

- X. Storage, rental and sale of irrigation equipment;
- Y. The manufacture of clothing;
- Z. Other uses of a similar character, density and intensity to those listed in this Section.
- AA. Additions to existing, approved wireless communications facilities, pursuant to Section 21.64.310.

21.26.060 USES ALLOWED - USE PERMIT REQUIRED IN EACH CASE. (CHAPTER 21.74)

- A. Executive and professional offices (ZA);
- B. Research laboratories; provided such use does not produce undue odor, smoke, noise, or other objectionable effects;
- C. Nurseries and greenhouses (ZA);
- D. Storage warehouses, furniture manufacturing, finish paper products from finished paper stock (ZA);
- E. Ridgeline development;
- F. Carpentry shops, paint, paperhanging and decorators shops, plumbing shops, sheetmetal shops, and other uses of similar nature; provided, that all activity is conducted within a structure (ZA);
- G. Animal hospitals (ZA);
- H. Commercial kennel (ZA);
- I. Other light industrial uses similar to those listed in this section;
- J. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- K. Legal nonconforming use changed to a use of a similar or more restricted nature;
- L. Commercial and noncommercial wind energy systems;
- M. Community directional and informational signs;
- N. Removal of minerals or natural materials for commercial purposes;
- O. Assemblages of people, such as carnivals, festivals, races and circuses not exceeding ten days and not involving construction of permanent facilities (ZA);

- P. Agricultural processing plants (ZA);
- Q. Hotels, motels, restaurants, and similar visitor serving facilities (ZA);
- R. Propane distributorship and sales and services of appliances, and related equipment, provided, all equipment is stored within a structure or screened by adequate fencing and landscaping;
- S. Water system facilities including wells and storage tanks serving fifteen or more service connections (ZA);
- T. Contractors plants and storage yards including garages and sheds for the storage of vehicles, equipment and materials when such contractor is engaged in the servicing of the production of agricultural or horticultural products, including spraying, trimming, fertilizing, smudging, drainage, tree removal, and crop harvesting and marketing, as the principal activity of such plant or storage yard (ZA);
- U. Other uses of a similar character, intensity and density as those listed in this Section;
- V. All residential uses provided that the gross square footage of the residential use does not exceed the gross square footage of the industrial use (ZA);
- W. Zoos or zoological gardens for the purpose of raising, maintaining, keeping or exhibiting any wild animal;
- X. Public and quasi-public uses including churches, parks, playground, public safety facilities, public utility facilities, jails, rehabilitation centers and detention facilities;
- Y. Any lot or establishment where alcoholic beverages are served, commercial place of amusement or recreation or any place where live entertainment is provided within 200 feet of the boundary of a residential district (ZA);
- Z. Development in the Carmel Valley Floodplain pursuant to Section 21.64.130 (ZA);
- AA. Wholesale distributors of petroleum products, contractors yards, welding shops and other uses of a similar character;
- BB. Wholesale stores, storage and warehouses (ZA);
- CC. Chemical laboratories, electronic products and instrument manufacturing;
- DD. Food processing, fish canning and other uses of a similar character (ZA);
- EE. Processing for market of poultry, rabbits and small animals, but not including canning, rendering, tanning or reduction of meat or animal products (ZA);
- FF. Warehouses for the collection, packaging and distribution of agricultural and horticultural products (ZA);

GG. The exploration for and the removal of oil and gas (ZA).

HH. Wireless communications facilities, pursuant to Section 21.64.310.

21.26.070 SITE DEVELOPMENT STANDARDS.

A. Structure Height and Setback Regulations

1. The maximum structure height is 35 feet unless superseded by a structure height limit noted on the zoning map. (e.g. "LI/(50)" would limit structure height to 50 feet). Additional height may be allowed subject to a Use Permit (ZA).
2. Setbacks for development in the "LI" district are established by the approval of the General Development Plan where such plan is required.
3. Setbacks for development where a General Development Plan is not required shall be established by the Appropriate Authority through the project review process based on:
 - a) surrounding land use;
 - b) provision of adequate parking and landscaping;
 - c) other site design features.
4. All minimum setback requirements established by a combining "B" district, setbacks shown on a recorded final map or parcel map or setback lines shown on a Sectional District map shall apply.

B. Building Site Coverage, Maximum: 50%, excluding parking and landscaping.

C. Parking Regulations

All parking shall be established pursuant to Chapter 21.58.

D. Landscaping Requirements

All developments allowed shall have landscaping covering a minimum of 10% of the site area subject to a plan approved by the Director of Planning and Building Inspection. The landscaping shall be in place prior to the commencement of use.

E. Lighting Plan Requirements

All exterior lighting shall be unobtrusive, harmonious with the local area and constructed or located so that only the area intended is illuminated and off-site glare is fully controlled. The location, type and wattage of

the exterior lighting must be approved by the Director of Planning and Building Inspection prior to the issuance of building permits or the establishment of the use.

F. Sign Regulations.

Signing for all development shall be established pursuant to Chapter 21.60.

21.26.080 SPECIAL REGULATIONS.

- A. All manufacturing and fabrication operations shall be conducted within structures. All equipment and material storage areas shall be screened by solid walls, fences, or by adequate plantings of not less than six feet in height.
- B. Manufactured dwelling units meeting the standards of Section 21.64.040 are permitted subject to the requirements of any conventional dwelling unit in this Chapter.
- C. The following types of development are subject to Section 21.64.250 (Regulations for the Reduction of Vehicle Trips) of this Title:
 - a) Any residential development of 25 or more units; or,
 - b) Any new or expanded commercial, industrial or tourist oriented development which will employ 50 or more persons; or
 - c) Any new or expanded commercial, industrial or tourist oriented development of 25,000 gross square feet or more.

Chapter 21.28

REGULATIONS FOR HEAVY INDUSTRIAL ZONING DISTRICTS OR "HI" DISTRICTS

Sections:

21.28.010	Purpose.
21.28.020	Applicability
21.28.030	General Development Plans.
21.28.040	Uses Allowed.
21.28.050	Uses Allowed, Administrative Permit Required in Each Case.
21.28.060	Uses Allowed, Use Permit Required in Each Case.
21.28.070	Site Development Standards.
21.28.080	Special Regulations.

21.28.010 PURPOSE.

The purpose of this Chapter is to provide a district which will assure an environment conducive to the development and protection of modern industry, research institutions and administrative facilities, all well designed and properly landscaped, which are not dependent on pedestrian traffic.

21.28.020 APPLICABILITY.

Regulations of this Chapter shall apply in all "HI" districts subject to the provisions of Chapter 21.62 (Height and Setback Exceptions) of this Title.

21.28.030 GENERAL DEVELOPMENT PLANS.

- A. A General Development Plan shall be required prior to the establishment of any development in the Heavy Industrial district if there is no prior approved General Development Plan and if:
- 1) The lot is in excess of one acre; or,
 - 2) The development proposed includes more than one use; or,
 - 3) The development includes any form of subdivision (Title 19, Subdivision Ordinance).

- B. No new development, change or expansion of use, or physical improvements may approved unless such development, use or expansion is found to be in conformance with an approved General Development Plan and amendments thereto where such plan is required.
- C. General development plans and amendments thereto shall be approved by the Planning Commission.
- D. The plans shall be prepared by the developer and submitted for review and approval prior to or concurrent with approval of any required permits for the development. The plans shall address the long range development and operation of the facilities including physical expansion and new development, operational changes, circulation or transportation improvements, alternative development opportunities, environmental considerations, potential mitigation of adverse environmental impacts and conformance to the policies of the local area plan.
- E. The requirement of a General Development Plan or an amendment to a General Development Plan may be waived by the Director of Planning and Building Inspection when, due to the circumstances of the particular situation, there is no potential significant adverse impact from the development and requiring the General Development Plan will not further the purposes of this Chapter.

21.28.040 USES ALLOWED

- A. Change of heavy industrial uses within a structure provided the new use will not change the nature or intensity of the use of the structure;
- B. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Title 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections are created. The screening of any tanks and associated structures shall be approved by the Director of Planning and Building Inspection;
- C. Cultivation, cutting and removal of Christmas trees;
- D. Other uses of a similar character, density and intensity to those listed in this Section.

21.28.050 USES ALLOWED SUBJECT TO AN ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE (CHAPTER 21.70).

- A. One caretaker unit for the purpose of providing on-site security;
- B. Reduction in setback requirements provided the proposed reduction is ten percent or less of the required setbacks;
- C. Accessory structures and accessory uses appurtenant to any permitted use provided there is no intensification of the permitted use;
- D. Parking lots used in conjunction with an adjoining commercial or retail use;

- E. Small water system facilities including wells and storage tanks serving five to fourteen service connections;
- F. Accessory structures and uses prior to establishment of main use or structure;
- G. Hotels and motels;
- H. Animal hospitals;
- I. Parking lots;
- J. Offices less than 5,000 square feet of floor area;
- K. Shops for tradesmen such as plumbers, electricians, furniture makers and repairmen, appliance repairmen, and similar uses provided that in all cases all equipment and materials, except vehicles, are maintained within a structure;
- L. Picture framing business;
- M. Shops of a light commercial character conducted within a structure;
- N. Stationery and office supply store;
- O. Storage, rental and sales of irrigation equipment;
- P. The manufacture of clothing;
- Q. Day care center for use of on-site employees and employees of developments on the same lot or subdivision;
- R. Other uses of a similar character, density and intensity to those listed in this Section.
- S. Auto repair facilities;
- T. Body and fender repair;
- U. Vehicle painting;
- V. Storage garages.
- W. Additions to existing, approved wireless communications facilities, pursuant to Section 21.64.310.

21.28.060 USES ALLOWED - USE PERMIT REQUIRED IN EACH CASE. (CHAPTER 21.76)

- A. Bottling works, carpenter shops, contractors yards, lumberyards, bulk storage of oil and gasoline, plumbing shops, welding shops, public utility structures and uses, and other uses of a similar character (ZA);
- B. The manufacture of clothing, handicraft products, printing, lithographing, and other light manufacturing or industrial uses of a similar character (ZA);
- C. Industrial manufacturing uses;
- D. Research and development laboratories and institutes;
- E. Chemical laboratories, electronic products and instrument manufacturing;
- F. Non-retail dry cleaning plants and laundries (ZA);
- G. Wholesale stores, storage and warehouses (ZA);
- H. Offices in excess of 5,000 square feet of floor area (ZA);
- I. Food processing, fish canning and other uses of similar character (ZA);
- J. Junk yards, wrecking yards, automobile dismantling yards;
- K. The manufacture of acid, cement, electric power, explosives, nuclear components, fireworks, pesticides, fertilizer, gas, glue, gypsum, inflammable fluids or gases, incineration of garbage, refining of petroleum and its products, tank farms, smelting of copper, iron, tin, zinc, and other ores and other uses which might be objectionable by reason of the production or emission of noise, offensive odor, smoke, dust, bright lights, vibration or involving the handling of explosives or dangerous materials;
- L. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- M. Legal nonconforming use changed to a use of a similar or more restricted nature;
- N. Commercial and noncommercial wind energy systems;
- O. Removal of minerals or natural materials for commercial purposes;
- P. Assemblages of people, such as carnivals, festivals, races and circuses not exceeding ten days and not involving construction of permanent facilities (ZA);
- Q. Agricultural processing plants (ZA);
- R. All residential uses provided that the gross square footage of the residential use does not exceed the gross square footage of the industrial use (ZA);

- S. Water system facilities including wells and storage tanks serving fifteen or more service connections (ZA);
- T. Zoos or zoological gardens for the purpose of raising, maintaining, keeping or exhibiting any wild animal;
- U. Public and quasi-public uses including churches, parks, playgrounds, schools, public safety facilities, public utility facilities, jails, rehabilitation centers and detention facilities;
- V. Ridgeline development;
- W. Development in the Carmel Valley Floodplain pursuant to Section 21.64.130 (ZA);
- X. Any lot or establishment where alcoholic beverages are served, commercial place of amusement or recreation or any place where live entertainment is provided within 200 feet of the boundary of a residential district (ZA);
- Y. Commercial kennels (ZA);
- Z. Wholesale and retail establishments distributing materials and products essential to agriculture and farming operations, except manure (ZA);
- AA. Reserved;
- BB. Propane distributorships, sales and service of appliances and related equipment (ZA);
- CC. Wholesale distributors of petroleum products, contractors yards, welding shops and other uses of a similar character (ZA);
- DD. Warehouses for the collection, packaging and distribution of agricultural and horticultural products (ZA);
- EE. Other uses of a similar character, density and intensity to those listed in this Section;
- FF. The exploration for and the removal of oil and gas (ZA).
- GG. Open air sales (ZA);
- HH. Auto sales (ZA);
- II. Funeral parlors (ZA).
- JJ. Wireless communications facilities, pursuant to Section 21.64.310.

21.28.070 SITE DEVELOPMENT STANDARDS.

A. Structure Height and Setback Regulations:

1. The maximum structure height is 35 feet unless superseded by a structure height limit noted on the zoning map. (e.g. "HI/(50)" would limit structure height to 50 feet). Additional height may be allowed subject to a Use Permit (ZA).
2. Setbacks for development in the HI district are established by the approval of the General Development Plan where such plan is required.
3. Setbacks for development where a General Development Plan is not required shall be established by the Appropriate Authority through the project review process based on:
 - a) surrounding land use;
 - b) provision of adequate parking and landscaping;
 - c) other site design features.
4. All minimum setback requirements established by a combining "B" district, setbacks shown on a recorded final map or parcel map or setback lines shown on a Sectional District map shall apply.

B. Building Site Coverage, Maximum: 50%, excluding parking and landscaping.

C. Parking Regulations

All parking shall be established pursuant to Chapter 21.58.

D. Landscaping Requirements

All developments allowed shall have landscaping covering a minimum of 10% of the site area subject to a plan approved by the Director of Planning and Building Inspection. The landscaping shall be in place prior to the commencement of use.

E. Lighting Plan Requirements

All exterior lighting shall be unobtrusive, harmonious with the local area and constructed or located so that only the area intended is illuminated and off-site glare is fully controlled. The location, type and wattage of the exterior lighting must be approved by the Director of Planning and Building Inspection prior to the issuance of building permits or the establishment of the use.

F. Sign Regulations.

Signing for all development shall be established pursuant to Chapter 21.60.

21.28.080 SPECIAL REGULATIONS.

- A. All manufacturing and fabrication operations shall be conducted within structures. All equipment and material storage areas shall be screened by solid walls, fences, or by adequate plantings of not less than six feet in height.
- B. Manufactured dwelling units meeting the standards of Section 21.64.040 are permitted subject to the requirements of any conventional dwelling unit in this Chapter.
- C. The following types of development are subject to Section 21.64.250 (Regulations for the Reduction of Vehicle Trips) of this Title:
 - a) Any residential development of 25 or more units; or
 - b) Any new or expanded commercial, industrial or tourist oriented development which will employ 50 or more persons; or
 - c) Any new or expanded commercial, industrial or tourist oriented development of 25,000 gross square feet or more.

Chapter 21.30

REGULATIONS FOR FARMLANDS ZONING DISTRICTS OR "F" DISTRICTS

Sections:

21.30.010	Purpose.
21.30.020	Applicability.
21.30.030	Uses Allowed.
21.30.040	Uses Allowed, Administrative Permit Required in Each Case.
21.30.050	Uses Allowed, Use Permit Required in Each Case.
21.30.060	Site Development Standards.
21.30.070	Special Regulations.

21.30.010 PURPOSE.

The purpose of this Chapter is to provide a district to preserve and enhance the use of the prime, productive and unique farmlands in the County of Monterey while also providing opportunity to establish necessary support facilities for those agricultural uses.

21.30.020 APPLICABILITY.

The regulations of this Chapter shall apply in all "F" districts subject to Chapter 21.62 (Height and Setback Exceptions) and Section 21.66.030 of this Title.

21.30.030 USES ALLOWED.

- A. Except for those uses requiring an Administrative Permit or Use Permit, all soil dependent agricultural uses, including crop and tree farming, dry land farming, livestock farming, greenhouses and vineyards;
- B. Single family dwellings accessory to the agricultural use of the property, not exceeding three in total, for an owner, operator or employees employed on-site;
- C. All accessory structures such as barns, stables, storage structures, and farm shops;
- D. Guesthouses meeting the development standards of Section 21.64.020;
- E. Cultivation, cutting or removal of Christmas trees;

- F. Temporary residence, pursuant to Section 21.64.070, used as living quarters during the construction of the first dwelling on a lot;
- G. Small family day care homes;
- H. Licensed residential care homes for aged persons or hospices of not more than six persons including any permitted rooming and boarding;
- I. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Title 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections is created. Service connections do not include livestock watering facilities;
- J. Rooming and boarding of not more than two persons;
- K. Hunting and fishing;
- L. Reserved;
- M. Stands for the sale of agricultural products grown on the premises having no permanent electricity, plumbing or paving;
- N. Home occupations, pursuant to Section 21.64.090;
- O. The keeping of pets;
- P. Other uses of a similar character, density and intensity to those listed in this Section.

**21.30.040 USES ALLOWED, ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE.
(CHAPTER 21.70)**

- A. Senior citizen units meeting the development standards of Section 21.64.010;
- B. Small water system facilities including wells and storage tanks of five to fourteen service connections;
- C. Stands for the sale of agricultural products grown on the premises having permanent electricity, plumbing or paving where adequate restroom facilities exist on premises, subject to the approval of the Director of Environmental Health;
- D. Other uses of a similar character, density and intensity to those listed in this Section;
- E. Farm employee housing facility for not more than five families or twelve single persons;

- F. Reduction in setback requirements for main structures, provided the proposed reduction is 10% or less of the required setback;
- G. Reduction in setback requirements for accessory structures, provided the proposed reduction is 80% or less of the proposed setback.
- H. Additions to existing, approved wireless communications facilities, pursuant to Section 21.64.310.

21.30.050 USES ALLOWED, USE PERMIT REQUIRED IN EACH CASE. (CHAPTER 21.74)

- A. Conversion of uncultivated land to cultivated agricultural use on land with 15% - 25% slopes (North County Area Plan, Central Salinas Valley Plan, Cachagua Area Plan, only);
- B. Public and quasi-public uses including churches, parks, playgrounds, schools public safety facilities, schools, public utilities, but not including uses such as jails, detention facilities, rehabilitation centers or corporation yards;
- C. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- D. Legal nonconforming use changed to a use of a similar or more restricted nature;
- E. Commercial and noncommercial wind energy conversion systems;
- F. Development in Carmel Valley Floodplain, pursuant to Section 21.64.130 (ZA);
- G. Genetic Engineering Experiments, pursuant to Section 21.64.140;
- H. Ridgeline development;
- I. Agricultural support facilities (ZA);
- J. Large family day care facilities (ZA);
- K. Water system facilities including wells and storage tanks serving fifteen or more service connections (ZA);
- L. Removal of minerals or natural materials for commercial purposes;
- M. Assemblages of people, such as carnivals, festivals, races and circuses not exceeding ten days and not involving construction of permanent facilities (ZA);
- N. Agricultural processing plants (ZA);
- O. Frog farms (ZA);

- P. Commercial hog and turkey raising on a minimum of 10 acres(ZA);
- Q. Livestock feed yards on a minimum of 20 acres (ZA);
- R. Animal sales yards on a minimum of 10 acres (ZA);
- S. Dairies on a minimum of 40 acres (ZA);
- T. Airports, heliports or landing strips for aircraft;
- U. Animal hospitals (ZA);
- V. Poultry farms on a minimum of 5 acres (ZA);
- W. Other uses of a similar character, density and intensity to those uses listed in this Section;
- X. Zoos or zoological gardens for the purpose of raising, maintaining, keeping or exhibiting any wild animal;
- Y. Commercial kennel (ZA);
- Z. Farm worker housing facility;
- AA. Farm employee housing facility for more than five families or more than twelve single persons;
- BB. Bed and breakfast facility, pursuant to Section 21.64.100;
- CC. Cottage industries, pursuant to Section 21.64.095 (ZA);
- DD. Non-soil dependent greenhouses and nurseries (ZA);
- EE. The exploration for and the removal of oil and gas (ZA).
- FF. The division of property to create a one acre minimum lot to accommodate housing for members of the immediate family of the property owner who earn their livelihood from the agricultural use of the family land immediately contiguous to the lot being created by the subdivision.
- GG. Farm worker parking facilities (ZA);
- HH. Farm equipment storage facilities (ZA).
- II. Wireless communications facilities, pursuant to Section 21.64.310.

21.30.060 SITE DEVELOPMENT STANDARDS.

A. Minimum Building Site

The minimum building site is forty acres unless otherwise shown on the Sectional District Map (e.g. "F/160" would mean a minimum building site of 160 acres).

B. Structure Height and Setback Regulations:

The following structure height and setback regulations apply unless superseded by a structure height limit noted on the zoning map (e.g. "F/40 (24)" would mean a structure height limit of 24 feet), setback requirements when combined with a "B" district or setbacks shown on a recorded final or parcel maps, or setback lines on a Sectional District Map.

1. Main Structures

a. Minimum Setbacks

Front: 30 feet

Side: 20 feet

Rear: 20 feet

Maximum Height: 35 feet

2. Accessory Structures (Habitable)

a. Minimum Setbacks

Front: 50 feet

Side: 6 feet

Rear: 6 feet

Maximum Height: 35 feet

3. Accessory Structures (Non-habitable)

a. Minimum Setbacks

Front: 50 feet

Side: 6 feet

Rear: 6 feet

Maximum Height: 35 feet

4. Wells, pumps, pump houses and associated facilities

a. Minimum Setbacks

Front: 5 feet

Side: 5 feet

Rear: 5 feet

Maximum Height: 35 feet

b. Agricultural windmills and wind machines for crop protection are exempt from the height provisions of this Chapter.

C. Minimum Distance Between Structures

Main Structures: 10 feet

Accessory/Main Structure: 6 feet

Accessory/Accessory: 6 feet

D. Building Site Coverage, Maximum: 5%, except for commercial greenhouse operations, which are permitted a coverage of 50%. Additional coverage for greenhouses may be permitted subject to a Use Permit. All other additions to coverage shall require a Variance.

E. Parking Regulations

All parking shall be established pursuant to Chapter 21.58.

F. Landscaping Requirements

None, except as required as a condition of approval of an Administrative Permit or Use Permit.

G. Lighting Plan Requirements

None, except as required as a condition of approval of an Administrative Permit or Use Permit.

H. Sign Regulations

Signing for all development shall be established pursuant to Chapter 21.60

21.30.070 SPECIAL REGULATIONS.

- A. In areas designated as "special treatment" to permit on- site soil dependent agricultural operations such as greenhouses, the minimum parcel size shall be 10 acres. Subdivision of land in this area shall be approved only under the following conditions:
1. That the residential development rights on lots formed through subdivision approval be dedicated by means of an agricultural conservation easement to the County or a qualified organization such as that specified in Section 501 (c) (3) of the Internal Revenue Code;
 2. That a drainage management plan to mitigate run-off to adjoining farmlands has been prepared for the entire special treatment area;
 3. That appurtenant structures such as processing, packaging supply and boiler sheds will have concrete foundations no thicker than 4 inches and will be no larger than 4,000 square feet;
 4. That the allowance of one mobilehome will be only for a caretaker or security personnel and not for other residential purposes;
 5. That no uses other than agriculture will be allowed on subdivided lots.
- B. Manufactured dwelling units meeting the standards of Section 21.64.040 are permitted subject to the requirements of any conventional dwelling unit in this Chapter.
- C. The division of property to create a one acre minimum lot may be considered if the division is to accommodate housing for members of the immediate family of the property owner who earn a substantial portion of their livelihood from the agricultural use of the family land contiguous to the lot being created by the subdivision. The subdivision shall be conditioned to allow for the exclusive occupancy by immediate family members and spouses and shall require the lot to be an accessory use to the subdivided property or to adjoining property. The residence must be accessory to the agricultural use of the properties and be occupied exclusively by immediate family members and spouses of the owners or lessors.
- D. The following types of development are subject to Section 21.64.250 (Regulations for the Reduction of Vehicle Trips) of this Title:
- a) Any residential development of 25 or more units; or,
 - b) Any new or expanded commercial or industrial development which will employ 50 or more persons; or

- c) Any new or expanded commercial or industrial development of 25,000 gross square feet or more.

Chapter 21.32

REGULATIONS FOR RURAL GRAZING ZONING DISTRICTS OR "RG" DISTRICT

Sections:

21.32.010	Purposes.
21.32.020	Applicability.
21.32.030	Uses Allowed.
21.32.040	Uses Allowed, Administrative Permit Required in Each Case.
21.32.050	Uses Allowed, Use Permit Required in Each Case.
21.32.060	Site Development Standards.
21.32.070	Special Regulations.

21.32.010 PURPOSES.

The purpose of this Chapter is to provide a district to preserve and enhance the use of productive grazing lands in the County of Monterey while also providing the opportunity to establish support facilities for grazing uses and clustered residential uses.

21.32.020 APPLICABILITY.

The regulations in this Chapter shall apply in all "RG" districts subject to Chapter 21.62 (Height and Setback Exceptions) and Section 21.66.030 of this Title.

21.32.030 USES ALLOWED.

- A. Except for those uses requiring an Administrative Permit or Use Permit, all soil dependent agricultural uses including crop and tree farming, dry land farming, livestock farming, greenhouses and vineyards;
- B. Single family dwellings accessory to the agricultural use of the property not exceeding three in total, for an owner, operator or employees employed on-site;
- C. All necessary, appurtenant accessory structures such as barns, stables, storage structures and farm shops;
- D. Guesthouses meeting the development standards of Section 21.64.020;
- E. Cultivation, cutting or removal of Christmas trees;

- F. Temporary residence, pursuant to Section 21.64.070, used as living quarters during the construction of the first dwelling on a lot;
- G. Licensed residential care homes for aged persons or hospices of not more than six persons including any permitted rooming and boarding;
- H. Small family day care homes;
- I. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Title 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections is created. Service connections do not include livestock watering facilities;
- J. Rooming and boarding of not more than two persons;
- K. The keeping of pets;
- L. Reserved;
- M. Home occupations, pursuant to Section 21.64.090;
- N. Stands for the sale of agricultural products grown on the premises having no permanent electricity, plumbing or paving;
- O. Other uses of a similar character, density and intensity to those listed in this Section;
- P. Hunting and fishing.

**21.32.040 USES ALLOWED, ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE.
(CHAPTER 21.70)**

- A. Stands for the sale of agricultural products grown on the premises having permanent electricity, plumbing or paving where adequate restroom facilities exist on premises, subject to the approval of the Director of Environmental Health;
- B. Senior citizen units meeting the development standards of Section 21.64.010;
- C. Small water system facilities including wells and storage tanks of five to fourteen service connections;
- D. Other uses of a similar character, density and intensity to those listed in this Section;
- E. Farm employee housing facility for not more than five families or twelve single persons;
- F. Reduction in setback requirements for main structures, provided the proposed reduction is 10% of less of the required setback;

- G. Reduction in setback requirements for accessory structures, provided the proposed reduction is 80% or less of the required setback.
- H. Additions to existing, approved wireless communications facilities, pursuant to Section 21.64.310.

21.32.050 USES ALLOWED, USE PERMIT REQUIRED IN EACH CASE. (CHAPTER 21.74)

- A. Conversion of uncultivated land to cultivated agricultural use on land with 15% - 25% slopes (North County Area Plan, Central Salinas Valley Plan, Cachagua Area Plan, only);
- B. Public and quasi-public uses including churches, parks, playgrounds, schools, public safety facilities, schools, public utilities, but not including uses such as jails, detention facilities, rehabilitation centers, or corporation yards;
- C. Commercial and noncommercial wind energy conversion systems;
- D. Development in Carmel Valley Floodplain, pursuant to Section 21.64.130 (ZA);
- E. Genetic Engineering Experiments, pursuant to Chapter 21.64.140;
- F. Ridgeline development;
- G. Agricultural support facilities (ZA);
- H. Large family day care homes (ZA);
- I. Keeping and raising of mink (ZA);
- J. Any building, structure, or enclosure for the purpose of maintaining a zoo or zoological garden for the purpose of raising, maintaining or exhibiting any wild animal or animals;
- K. Removal of minerals or natural materials for commercial purposes;
- L. Assemblages of people, such as carnivals, festivals, races and circuses not exceeding ten days and not involving construction of permanent facilities (ZA);
- M. Agricultural processing plants (ZA);
- N. Commercial hog and turkey raising on a minimum of 10 acres (ZA);
- O. Livestock feed yards on a minimum of 20 acres (ZA);
- P. Animal sales yards on a minimum of 10 acres (ZA);

- Q. Dairies on a minimum of 40 acres (ZA);
- R. Airports, heliports or landing strips for aircraft (ZA);
- S. Poultry farms on a minimum of 5 acres (ZA);
- T. Water system facilities including wells and storage tanks serving fifteen or more service connections (ZA);
- U. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- V. Legal nonconforming use changed to a use of a similar or more restricted nature;
- W. Other uses of a similar character, density and intensity to those uses listed in this Section;
- X. Hunting and fishing facilities (ZA);
- Y. Public or private rifle and pistol ranges, trap or skeet fields, archery ranges or other similar use (ZA);
- Z. Public or private riding or hiking clubs with accessory structures and trails developed for such use (ZA);
- AA. Commercial kennel (ZA);
- BB. Farm worker housing facility;
- CC. Farm employee housing facility for more than five families or more than twelve single persons;
- DD. Bed and breakfast facility, pursuant to Section 21.64.100;
- EE. Cottage industries, pursuant to Section 21.64.095 (ZA);
- FF. Non soil dependent nurseries and greenhouses;
- GG. The exploration for and the removal of oil and gas (ZA).
- HH. Farm worker parking facilities (ZA);
- II. Farm equipment storage facilities (ZA).
- JJ. Wireless communications facilities, pursuant to Section 21.64.310.

21.32.060 SITE DEVELOPMENT STANDARDS.

- A. Minimum Building Site

The minimum building site shall be 10 acres unless otherwise approved as part of a clustered residential development.

B. Development Density, Maximum

The maximum gross development density shall not exceed the acres/unit as shown on the specific "RG" district as shown on the zoning map (e.g. "RG/20" means an "RG" district with a maximum gross density of 20 acres/unit).

C. Structure Height and Setback Regulations

The following structure height and setback regulations apply unless superseded by a structure height limit noted on the zoning map (e.g. "RG/10 (24)" would limit structure height to 24 feet), setback requirements when combined with a "B" district or setbacks shown on a recorded final or parcel map, or setback lines on a Sectional District Map.

1. Main Structures

a. Minimum Setbacks

b. Front: 30 feet

Side: 20 feet

Rear: 20 feet

Maximum Height: 35 feet

2. Accessory Structures (Habitable)

a. Minimum Setbacks

Front: 50 feet

Side: 6 feet

Rear: 6 feet

Maximum Height: 35 feet

3. Accessory Structures (Non-habitable)

a. Minimum Setbacks

Front: 50 feet

Side: 6 feet

Rear: 6 feet

Maximum Height: 35 feet

4. Wells, pumps, pump houses and associated facilities

a. Minimum Setbacks

Front: 5 feet

Side: 5 feet

Rear: 5 feet

Height: 35 feet

b. Agricultural windmills and wind machines for crop protection are exempt from the height provisions of this Chapter.

D. Minimum Distance Between Structures

Main Structures: 10 feet

Accessory Main Structures: 6 feet

Accessory/Accessory: 6 feet

E. Building Site Coverage, Maximum: 5%, except for commercial greenhouse operations which are permitted a coverage of 50%. Additional coverage for greenhouses may be permitted subject to a Use Permit. Addition to coverage for other uses shall require a Variance.

F. Parking Regulations

All parking shall be established pursuant to Chapter 21.58.

G. Landscaping Requirements

None, except as required as a condition of approval of an Administrative Permit or Use Permit.

H. Lighting Plan Requirements

None, except as required as a condition of approval of an Administrative Permit or Use Permit.

I. Sign Regulations

Signing for all development shall be established pursuant to Chapter 21.60.

21.32.070 SPECIAL REGULATIONS.

A. In areas designated as "special treatment" area to permit on-site soil dependent agricultural operations such as greenhouses, the minimum parcel size shall be 10 acres. Subdivision of land in this area shall be approved only under the following conditions:

1. That the residential development rights on lots formed through subdivision approval be dedicated by means of an agricultural conservation easement to the County or a qualified organization such as that specified in Section 501 (c) (3) of the Internal Revenue Code;
2. That a drainage management plan to mitigate run-off to adjoining farmlands has been prepared for the entire special treatment area;
3. That appurtenant structures such as processing, packaging supply and boiler sheds will have concrete foundations no thicker than 4 inches and will be no larger than 4,000 square feet;
4. That the allowance of one mobilehome will be only for a caretaker or security personnel and not for other residential purposes;
5. That no uses other than agriculture will be allowed on subdivided lots.

B. Manufactured dwelling units meeting the standards of Section 21.64.040 are permitted subject to the requirements of any conventional dwelling unit in this Chapter.

C. The following types of development are subject to Section 21.64.250 (Regulations for the Reduction of Vehicle Trips) of this Title:

- a) Any residential development of 25 or more units; or,
- b) Any new or expanded commercial or industrial development which will employ 50 or more persons; or
- c) Any new or expanded commercial or industrial development of 25,000 gross square feet or more.

Chapter 21.34

REGULATIONS FOR PERMANENT GRAZING ZONING DISTRICTS OR "PG" DISTRICTS

Sections:

21.34.010	Purpose.
21.34.020	Applicability.
21.34.030	Uses Allowed.
21.34.040	Uses Allowed, Administrative Permit Required in Each Case.
21.34.050	Uses Allowed, Use Permit Uses Required in Each Case.
21.34.060	Site Development Standards.
21.34.070	Special Regulations.

21.34.010 PURPOSE.

The purpose of this Chapter is to provide a district to preserve, protect, and enhance those productive exclusive grazing lands in the County of Monterey.

21.34.020 APPLICABILITY.

The regulations set forth in this Chapter shall apply in all "PG" Districts and shall be subject to the provisions of Chapter 21.62 (Height and Setback Exceptions) and Section 21.66.030 of this Title.

21.34.030 USES ALLOWED.

- A. Except for those uses requiring an Administrative Permit or Use Permit, all soil dependent agricultural uses including crop and tree farming, dry land farming, livestock farming, greenhouses and vineyards;
- B. Single family dwellings accessory to the agricultural use of the property, not exceeding three in total, for an owner, operator or employees employed on-site;
- C. All accessory structures such as barns, stables, storage structures and farm shops;
- D. Guesthouses meeting the development standards of Chapter 21.64.020 (Special Regulations);
- E. Cultivation, cutting or removal of Christmas trees;

- F. Temporary residence, pursuant to Section 21.64.070, used as living quarters during the construction of the first dwelling on a lot;
- G. Licensed residential care homes for aged persons or hospices of not more than six persons including any permitted rooming and boarding;
- H. Small family day care homes;
- I. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Title 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections is created. Service connections do not include livestock watering facilities;
- J. Rooming and boarding of not more than two persons;
- K. Hunting and fishing;
- L. Home occupations, pursuant to Section 21.64.090;
- M. Stands for the sale of agricultural products grown on the premises having no permanent electricity, plumbing or paving where adequate restroom facilities exist on premises, subject to the approval of the Director of Environmental Health;
- N. The keeping of pets;
- O. Other uses of a similar character, density and intensity to those listed in this Section.

**21.34.040 USES ALLOWED, ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE.
(CHAPTER 21.70)**

- A. Senior citizen units meeting the development standards of Section 21.64.010;
- B. Small water system facilities including wells and storage tanks of five to fourteen service connections;
- C. Farm employee housing facility for not more than five families or twelve single persons;
- D. Stands for the sale of agricultural products grown on the premises having permanent electricity, plumbing or paving;
- E. Other uses of a similar character, density and intensity to those listed in this Section;
- F. Reduction in setback requirements for main structures, provided the proposed reduction is 10% or less of the required setback;

- G. Reduction in setback requirements for accessory structures, provided the proposed reduction is 80% or less of the required setback.
- H. Additions to existing, approved wireless communications facilities, pursuant to Section 21.64.310.

21.34.050 USES ALLOWED, USE PERMIT REQUIRED IN EACH CASE. (CHAPTER 21.74)

- A. Commercial hog and turkey raising (ZA);
- B. Dairies (ZA);
- C. Airports, heliports, or landing strips for aircraft (ZA);
- D. Public and quasi-public uses including churches, parks, playgrounds, schools, public safety facilities, schools, public utilities, but not including uses such as jails, detention facilities, rehabilitation centers or corporation yards;
- E. Large animal hospitals (ZA);
- F. Poultry farms (ZA);
- G. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- H. Legal nonconforming use changed to a use of a similar or more restricted nature;
- I. Commercial and noncommercial wind energy conservation system;
- J. Development in Carmel Valley Floodplain, pursuant to Section 21.64.130 (ZA);
- K. Genetic Engineering Experiments, pursuant to Chapter 21.64.140;
- L. Ridgeline development;
- M. Conversion of uncultivated land to cultivated agricultural use on land with 15% - 25% slopes (North County Area Plan, Central Salinas Valley Plan, Cachagua Area Plan, only);
- N. Agricultural support facilities (ZA);
- O. Water system facilities including wells and storage tanks serving fifteen or more service connections;
- P. The division of property to create a one-acre minimum lot to accommodate housing for members of the immediate family of the property owner who earn their livelihood from the agricultural use of the family land immediately contiguous to the parcel being created by subdivision;

- Q. Large family day care homes (ZA);
- R. Agricultural processing plants (ZA);
- S. Hunting and fishing facilities (ZA);
- T. Public or private rifle and pistol ranges, trap or skeet fields, archery ranges or other similar uses (ZA);
- U. Public or private riding or hiking clubs with accessory structures and trails developed for such use (ZA);
- V. Zoos or zoological gardens for the purpose of raising, maintaining, keeping or exhibiting any wild animal;
- W. Commercial kennel (ZA);
- X. Other uses of a similar character, density and intensity to those uses listed in this Section;
- Y. Removal of minerals and natural materials for commercial purposes;
- Z. Farm worker housing facility;
- AA. Farm employee housing facility for more than five families or more than twelve single persons;
- BB. Bed and breakfast facility, pursuant to Section 21.64.100;
- CC. Cottage industries, pursuant to Section 21.64.095 (ZA);
- DD. Non-soil dependent nurseries and greenhouses;
- EE. The exploration for and the removal of oil and gas (ZA).
- FF. Farm worker parking facility (ZA);
- GG. Farm equipment storage facilities (ZA).

21.34.060 SITE DEVELOPMENT STANDARDS.

A. Minimum Building Site

The minimum building site is forty acres unless otherwise shown on the Sectional District Map (e.g. "PG/160" would mean a minimum building site of 160 acres).

B. Structure Height and Setback Regulations: The following structure height and setback regulations apply unless superseded by a structure height limit noted on the zoning map (e.g. "PG/40 (24)" would mean a

structure height limit of 24 feet), setback requirements when combined with a "B" district or setbacks shown on a recorded final or parcel maps, or setback lines on a Sectional District Map.

1. Main Structures

a. Minimum Setbacks

Front: 30 feet

Side: 20 feet

Rear: 20 feet

Maximum Height: 35 feet

2. Accessory Structures (Habitable)

a. Minimum Setbacks

Front: 50 feet

Side: 6 feet

Rear: 6 feet

Maximum Height: 35 feet

3. Accessory Structures (Non-habitable)

a. Minimum Setbacks

Front: 50 feet

Side: 6 feet

Rear: 6 feet

Maximum Height: 35 feet

4. Wells, pumps, pump houses and associated facilities

a. Minimum Setbacks

Front: 5 feet

Side: 5 feet

Rear: 5 feet

Height: 35 feet

b. Agricultural windmills and wind machines for crop protection are exempt from the height provisions of this Chapter.

C. Minimum Distance Between Structures

Main Structures: 10 feet

Accessory/Main Structures: 6 feet

Accessory/Accessory: 6 feet

D. Building Site Coverage, Maximum: 5%, except for commercial greenhouse operations which are permitted a coverage of 50%. Additional coverage for greenhouses may be permitted subject to a Use Permit. All other additions to coverage shall require a Variance.

E. Parking Regulations

All parking shall be established pursuant to Chapter 21.58.

F. Landscaping Requirements

None, except as required as a condition of approval of an Administrative Permit or Use Permit.

G. Lighting Plan Requirements

None, except as required as a condition of approval of an Administrative Permit or Use Permit.

H. Sign Regulations

Signing for all development shall be established pursuant to Chapter 21.60.

21.34.070 SPECIAL REGULATIONS.

A. In areas designated as "special treatment" to permit on-site soil dependent agricultural operations such as greenhouses, the minimum parcel size shall be 10 acres. Subdivision of land in this area may be approved only under the following conditions:

1. That the residential development rights on lots formed through subdivision approval be dedicated by means of an agricultural conservation easement, to the County or a qualified organization such as that specified in Section 501 (c) (3) of the Internal Revenue Code;
 2. That a drainage management plan to mitigate run-off to adjoining farmlands has been prepared for the entire special treatment area;
 3. That appurtenant structures such as processing, packaging supply and boiler sheds will have concrete foundations no thicker than 4 inches and will be no larger than 4,000 square feet;
 4. That the allowance of one mobilehome will be only for a caretaker or security personnel and not for other residential purposes;
 5. That no uses other than agriculture will be allowed on subdivided lots.
- B. The division of property to create a one-acre minimum lot may be considered if the division is to accommodate housing for members of the immediate family of the property owner who earn a substantial portion of their livelihood from the agricultural use of the family land contiguous to the lot being created by subdivision. Such subdivision shall be conditioned to allow for the exclusive occupancy by immediate family members and their spouses, and shall require the lot to be an accessory use to the subdivided property or to adjoining property. The residence must be an accessory to the adjoining agricultural use of the properties and be occupied exclusively by immediate family owners and spouses of the owners or lessors.
- C. Manufactured dwelling units meeting the standards of Section 21.64.040 are permitted subject to the requirements of any conventional dwelling unit in this Chapter.
- D. The following types of development are subject to Section 21.64.250 (Regulations for the Reduction of Vehicle Trips) of this Title:
- a) Any residential development of 25 or more units; or,
 - b) Any new or expanded commercial or industrial development which will employ 50 or more persons; or,
 - c) Any new or expanded commercial or industrial development of 25,000 gross square feet or more.

Chapter 21.36

REGULATIONS FOR RESOURCE CONSERVATION ZONING DISTRICTS OR "RC" DISTRICTS

Sections:

21.36.010	Purposes.
21.36.020	Applicability.
21.36.030	Uses Allowed.
21.36.040	Uses Allowed, Administrative Permit Required in Each Case.
21.36.050	Uses Allowed, Use Permit Required in Each Case.
21.36.060	Site Development Standards.
21.36.070	Special Regulations.

21.36.010 PURPOSE.

The purpose of this Chapter is to provide a district to allow development in the more remote and mountainous areas in the County of Monterey while protecting the significant and substantial resources of those areas. Of specific concern are the highly sensitive resources inherent in such areas such as viewshed, watershed, plant and wildlife habitat, streams and riparian corridors. The purpose of this Chapter is to be carried out by allowing only such development that can be achieved without adverse effect and which will be subordinate to the resources of the particular site and area.

21.36.020 APPLICABILITY.

The regulations of this Chapter shall apply in all "RC" districts subject to Chapter 21.62 (Height and Setback Exceptions) of this Title.

21.36.030 USES ALLOWED.

- A. One single family dwelling per lot;
- B. Guesthouses meeting the development standards of Chapter 21.64.020;
- C. The keeping of pets;
- D. Rooming and boarding of not more than 2 persons;
- E. Accessory structures and accessory uses to any permitted use;

- F. Cultivation, cutting or removal of Christmas trees;
- G. Temporary residence, pursuant to Section 21.64.070, used as living quarters during the construction of the first dwelling on a lot;
- H. Small family day care facilities;
- I. Licensed residential care homes for aged persons or hospices of not more than six persons including any permitted rooming and boarding;
- J. Animal husbandry and small livestock farming, on lots less than 10 acres provided not more than one horse, mule, cow, steer or similar livestock may be kept for each 20,000 square feet of land area;
- K. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Title 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections is created;
- L. On lots of ten acres or more, except for those uses requiring an Administrative Permit or Use Permit, all soil dependent agricultural uses including crop and tree farming, livestock farming, greenhouses and vineyards;
- M. Home occupations, pursuant to Section 21.64.090;
- N. Stands for the sale of agricultural products grown on the premises having no permanent electricity, plumbing or paving where adequate restroom facilities exist on premises, subject to the approval of the Director of Environmental Health;
- O. Farm shops;
- P. Hunting and fishing;
- Q. Other uses of a similar character, density and intensity to those listed in this Section;
- R. Intermittent livestock farming or animal husbandry such as "4-H" projects.

21.36.040 USES ALLOWED, SUBJECT TO AN ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE. (CHAPTER 21.70)

- A. Senior citizen units meeting the development standards of Section 21.64.010;
- B. Caretaker unit meeting the development standards of Section 21.64.030;
- C. Second residential unit meeting the density limit of the district;

- D. Farm employee housing facility for not more than five families or twelve single persons;
- E. Small water system facilities and systems of five to fourteen services;
- F. Stands for the sale of agricultural products grown on the premises having permanent electricity, plumbing or paving;
- G. Reserved;
- H. Other uses of a similar character, density and intensity to those listed in this Section;
- I. Reduction in setback requirements for accessory structure, provided the proposed reduction is 10% or less of the required setback;
- J. Reduction in setback requirements for accessory structures, provided the proposed reduction is 80% or less of the required setback.

21.36.050 USES ALLOWED, USE PERMIT REQUIRED IN EACH CASE. (CHAPTER 21.74)

- A. Additional residential units to a maximum of 4 units per lot not exceeding the zoning density of the property;
- B. Public and quasi-public uses including churches, parks, playgrounds, schools public safety facilities, public utility facilities, but not including jails, detention facilities, rehabilitation centers or corporation yards;
- C. Commercial kennel (ZA);
- D. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- E. Legal nonconforming use changed to a use of a similar or more restricted nature;
- F. Commercial and noncommercial wind energy conversion systems;
- G. Development in Carmel Valley Floodplain, pursuant to Section 21.64.130 (ZA);
- H. Ridgeline development;
- I. Conversion of uncultivated land to cultivated agricultural use on land with 15% - 25% slopes (North County Area Plan, Central Salinas Valley Plan, Cachagua Area Plan only);
- J. Agricultural support facilities (ZA);
- K. Country clubs;
- L. Keeping and raising of mink (ZA);

- M. Removal of minerals, or natural materials for commercial purposes;
- N. Assemblages of people, such as carnivals, festivals, races and circuses not exceeding ten days and not involving construction of permanent facilities (ZA);
- O. Accessory structures and uses prior to establishment of main use or structure (ZA);
- P. Golf courses;
- Q. Dairies on a minimum of 40 acres (ZA);
- R. Poultry farms on a minimum of 5 acres (ZA);
- S. Sale of hay and grain not grown on the premises on a minimum of five acres (ZA);
- T. Water system facilities including wells and storage tanks serving fifteen or more service connections (ZA);
- U. Large family day care homes (ZA);
- V. Other uses of a similar character, density and intensity to those uses listed in this Section;
- W. Hunting and fishing facilities (ZA);
- X. Public or private rifle and pistol ranges, trap or skeet fields, archery ranges or other similar uses (ZA);
- Y. Public or private riding or hiking clubs with accessory structures and trails developed for such use (ZA);
- Z. Zoos or zoological gardens for the purpose of raising, maintaining, keeping or exhibiting any wild animal;
- AA. Farm worker housing facility;
- BB. Farm employee housing facility for more than five families or more than twelve single persons;
- CC. Bed and breakfast facility, pursuant to Section 21.64.100;
- DD. Cottage industries, pursuant to Section 21.64.095 (ZA);
- EE. Non-soil dependent nurseries and greenhouses (ZA);
- FF. The exploration for and the removal of oil and gas (ZA).
- GG. Wireless communications facilities, pursuant to Section 21.64.310.

21.36.060 SITE DEVELOPMENT STANDARDS.

A. Minimum Building Site

The minimum building site shall be ten acres unless otherwise approved as part of a clustered residential development.

B. Development Density, Maximum

The maximum development density allowed shall not exceed the acres/unit shown for the specific "RC" district on the adopted zoning map (e.g. "RC/10" means an "RC" district with a maximum gross density of one unit/10 acres).

C. Structure Height and Setback Regulations

The following structure height and setback regulations apply unless superseded by a structure height limit noted on the zoning map (e.g. "RC/10(24)" would limit structure height to 24 feet), setback requirements when combined with a "B" district or setbacks shown on a recorded final or parcel map, or setback lines on a Sectional District Map.

In a subdivision where a lot or lots have a designated building envelope, the dwelling unit and accessory structures shall be located wholly within the building envelope. Non-habitable accessory structures such as garages, workshops and storage buildings may be located outside the building envelope, subject to a use permit (ZA) in each case.

1. Main Structures

a) Minimum Setbacks

Front: 30 feet

Side: 20 feet

Rear: 20 feet

b) Height

Maximum Height: 30 feet

2. Accessory Structures (Habitable)

a) Minimum Setbacks

Front: 50 feet

Side: 6 feet

Rear: 6 feet

b) Height

Maximum Height: 15 feet

3. Accessory Structures (Non-habitable)

a) Minimum Setbacks

Front: 50 feet

Side: 6 feet on front one-half of property; 1 foot on rear one-half of property.

Rear: 1 foot

b) Height

Maximum Height: 35 feet

4. Accessory structures used as barns, stables or farm outbuildings shall not be less than 50 feet from the front of the property or 20 feet from the side or rear property line or 20 feet from any residence on the property.

D. Minimum Distance Between Structures

Main Structures: 20 feet

Accessory/Main Structure: 10 feet

Accessory/Accessory: 6 feet

E. Building Site Coverage, Maximum: 25%

F. Parking Regulations

All parking shall be established pursuant to Chapter 21.58.

G. Landscaping Requirements

None, except as may be required by condition of approval of an Administrative Permit or Use Permit

H. Lighting Plan Requirements

None, except as may be required by condition of approval of an Administrative Permit or Use Permit

I. Sign Regulations

Signing for all development shall be established pursuant to Chapter 21.60.

21.36.070 SPECIAL REGULATIONS

- A. Manufactured dwelling units meeting the standards of Section 21.64.040 are permitted subject to the requirements of any conventional dwelling unit in this Chapter.
- B. the following types of development are subject to Section 21.64.250 (Regulations for the Reduction of Vehicle Trips) of this Title:
 - a) Any residential development of 25 or more units; or,
 - b) Any new or expanded commercial, industrial or tourist oriented development which will employ 50 or more persons; or
 - c) Any new or expanded commercial, industrial or tourist oriented development of 25,000 gross square feet or more.

Chapter 21.38

REGULATIONS FOR OPEN SPACE ZONING DISTRICTS OR "O" DISTRICTS

Sections:

21.38.010	Purpose.
21.38.020	Applicability.
21.38.030	Uses Allowed.
21.38.040	Uses Allowed, Administrative Permit Required in Each Case.
21.38.050	Uses Allowed, Use Permit Required in Each Case.
21.38.060	Site Development Standards.
21.38.070	Special Regulations.

21.38.010 PURPOSE.

The purpose of this Chapter is to promote a rural atmosphere in an otherwise urban or semi-urban development and to hold for future generations open space in which trees and plants can grow. The "O" district shall not be applied as a combining district.

21.38.020 APPLICABILITY.

The regulations set forth in this Chapter shall apply in all "O" districts subject to the provisions of Chapter 21.62 (Height and Setback Exceptions) of this Title.

21.38.030 USES ALLOWED.

- A. Crop and tree farming and grazing of horses, cattle, sheep and goats.
- B. Buildings accessory to any allowed uses;
- C. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Title 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections is created. The screening of any tanks and associated structures shall be approved by the Director of Planning and Building Inspection.
- D. Other uses of a similar character, density and intensity to those listed in this Section.

21.38.040 USES ALLOWED, ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE. (CHAPTER 21.70)

- A. Nonprofit recreational uses;
- B. Small water system facilities including wells and storage tanks of five to fourteen service connections;
- C. Other uses of a similar character, density and intensity to those listed in this Section.

21.38.050 USES ALLOWED - USE PERMIT REQUIRED IN EACH CASE. (CHAPTER 21.74)

- A. Any structure or use or removal of any vegetation or natural materials not in keeping with the purpose of this Chapter;
- B. Golf courses;
- C. Public utility uses and accessory structures, not including corporation yards or similar uses;
- D. Water system facilities including wells and storage tanks serving fifteen or more service connections (ZA);
- E. Other uses of a similar character, density and intensity to those uses listed in this Section;
- F. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- G. Legal nonconforming use changed to a use of a similar or more restricted nature;
- H. Development in the Carmel Valley Floodplain, pursuant to Section 21.64.130 (ZA);
- I. The exploration for and the removal of oil and gas (ZA).
- J. Wireless communications facilities, pursuant to Section 21.64.310.

21.38.060 SITE DEVELOPMENT STANDARDS.

- A. Minimum Building Site
None
- B. Development Density, Maximum
None
- C. Structure height and setback regulations: The following structure height and setback regulations apply unless superseded by a structure height limit noted on the zoning map (e.g. "O(24)" would mean a structure

height limit of 24 feet), setback requirements when combined with a "B" district or setbacks shown on a recorded final or parcel maps, or setback lines on a Sectional District Map.

1. Main Structures

a. Minimum Setbacks

Front: 30 feet

Side: 20 feet

Rear: 20 feet

b. Height

Maximum Height: 30 feet

2. Accessory Structures (Habitable)

a. Minimum Setbacks

Front: 50 feet

Side: 6 feet on front one half of property; 1 foot on rear one half of property.

Rear: 6 feet

b. Height:

Maximum Height: 15 feet

3. Accessory Structures (Non-habitable)

a. Minimum Setbacks

Front: 50 feet

Side: 6 feet on front one half of property; 1 foot on rear one half of property.

Rear: 1 foot

b. Height

Maximum Height: 15 feet

4. Accessory structures used are barns, stables or farm out structures shall not be less than 50 feet from the front of the property or 20 feet from the side or rear property line or 20 feet from any residence on the property. The maximum height shall be 30 feet.

D. Minimum Distance Between Structures

Main Structure: 20 feet

Accessory/Main Structure: 10 feet

Accessory/Accessory Structure: 6 feet

- E. Building Site Coverage, Maximum 25%

F. Parking Regulations:

Parking for all development shall be established pursuant to Chapter 21.58.

G. Landscaping Requirements:

None, except as may be required by condition of approval of an Administrative or Use Permit.

H. Lighting Plan Requirements:

None, except one may be required by condition of approval of an Administrative or Use Permit.

I. Sign Regulations:

Signing for all development shall be established pursuant to Chapter 21.60.

21.38.70 SPECIAL REGULATIONS.

The following types of development are subject to Section 21.64.250 (Regulations for the Reduction of Vehicle Trips) of this Title:

- a) Any residential development of 25 or more units; or,
- b) Any new or expanded commercial or tourist oriented development which will employ 50 or more persons;
or
- c) Any new or expanded commercial or tourist oriented development of 25,000 gross square feet or more.

Chapter 21.40

REGULATIONS FOR PUBLIC/QUASI-PUBLIC ZONING DISTRICTS OR "PQP" DISTRICTS

Sections:

21.40.010	Purpose.
21.40.020	Applicability.
21.40.030	Uses Allowed.
21.40.040	Uses Allowed, Administrative Permit Required in Each Case.
21.40.050	Uses Allowed, Use Permit Required in Each Case.
21.40.060	Site Development Standards.
21.40.070	Special Regulations

21.40.10 PURPOSE.

The purpose of this Chapter is to allow in designated areas public/quasi public uses such as schools, parks, regional parks, recreation areas, and uses which serve the public at large.

21.40.020 APPLICABILITY.

The regulations set forth in this Chapter shall apply in all "PQP" Districts subject to the provisions Chapter 21.62 (Height and Setback Exceptions) of this Title.

21.40.030 USES ALLOWED

- A. Crop and tree farming, grazing of cattle, sheep and goats.
- B. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Title 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections is created. The screening of any tanks and associated structures are approved by the Director of Planning and Building Inspection;
- C. Home occupations pursuant to Section 21.64.090;
- D. Other uses of a similar character, density and intensity to those listed in this Section.

21.40.040 USES ALLOWED, ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE. (CHAPTER 21.70)

- A. One caretaker unit for the purpose of providing on-site security;
- B. Reduction in setback requirements provided the proposed reduction is ten percent or less of the required setbacks;
- C. Structures accessory to any permitted uses;
- D. Small water system facilities including wells and storage tanks of five to fourteen service connections;
- E. Other uses of a similar nature, density and intensity as those listed in this Section.
- F. Additions to existing, approved wireless communications facilities, pursuant to Section 21.64.310.

21.40.050 USES ALLOWED - USE PERMIT REQUIRED IN EACH CASE. (CHAPTER 21.74)

- A. Public recreational uses;
- B. Removal of minerals or natural materials for commercial purposes;
- C. Golf courses and country clubs;
- D. Public utility uses and accessory structures;
- E. Public/Quasi-Public uses including hospitals, hospices, churches, cemeteries, firehouses, parks and playgrounds, schools, jails, prisons, detention facilities, convalescent homes, and rehabilitation centers;
- F. Other uses of a similar nature, density and intensity as those listed in this Section;
- G. Legal nonconforming use changed to a use of a similar or more restricted nature;
- H. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- I. Ridgeline development;
- J. Development in the Carmel Valley Floodplain, pursuant to Section 21.64.130 (ZA);
- K. Cottage industries, pursuant to Section 21.64.095 (ZA);
- L. Airports;
- M. Day care centers (ZA);

- N. Solid and liquid waste disposal sites.
- O. Wireless communications facilities, pursuant to Section 21.64.310.

21.40.060 SITE DEVELOPMENT STANDARDS.

- A. Minimum Building Site
None
- B. Development Density, Maximum
None
- C. Structure Height and Setback Regulations

The following structure height and setback regulations apply unless superseded by a structure height limit noted on the zoning map (e.g. "PQP(24)" would limit structure height to 24 feet), setback requirements when combined with a "B" district or setbacks shown on a recorded final or parcel map, or setback lines on a Sectional District Map.

- 1. Main Structures
 - a) Minimum Setbacks
 - Front: 30 feet
 - Side: 20 feet
 - Rear: 20 feet
 - b) Height
 - Maximum Height: 30 feet
- 2. Accessory Structures (Habitable)
 - a) Minimum Setbacks
 - Front: 50 feet
 - Side: 6 feet
 - Rear: 6 feet

b) Height

Maximum Height: 15 feet

3. Accessory Structures (Non-habitable)

a) Minimum Setbacks

Front: 50 feet

Side: 6 feet on front, one-half of property; 1 foot on rear, one-half of property.

Rear: 1 foot

b) Height

Maximum Height: 15 feet

D. Minimum Distance Between Structures

Main Structures: 20 feet

Accessory/Main Structure: 10 feet

Accessory/Accessory: 6 feet

Accessory structures used as barns, stables or farm out structures shall not be less than 50 feet from the front of the property or 20 feet from the side or rear property line or 20 feet from any residence on the property. The maximum height shall be 30 feet.

E. Building Site Coverage, Maximum: 25%

F. Parking Regulations

All parking shall be established pursuant to Chapter 21.58

G. Landscaping Requirements

None, except as may be required by condition of approval of an Administrative or Use Permit

H. Lighting Plan Requirements

None, except as may be required by condition of approval of an Administrative or Use Permit

I. Sign Regulations

Signing for all development shall be established pursuant to Chapter 21.60.

21.40.070 SPECIAL REGULATIONS

- A. Manufactured dwelling units meeting the standards of Section 21.64.040 are permitted subject to the requirements of any conventional dwelling unit in this Chapter.
- B. The following types of development are subject to Section 21.64.250 (Regulations for the Reduction of Vehicle Trips) of this Title:
 - a) Any residential development of 25 or more units; or,
 - b) Any new or expanded commercial or tourist oriented development which will employ 50 or more persons; or
 - c) Any new or expanded commercial or tourist oriented development of 25,000 gross square feet or more.

Chapter 21.42

REGULATIONS FOR BUILDING SITE ZONING DISTRICTS OR "B" DISTRICTS

Sections:

- 21.42.010 Purpose.
- 21.42.020 Applicability.
- 21.42.030 Building Site Area and Setbacks.

21.42.010 PURPOSE.

The purpose of this Chapter is to provide a district which by specific designation on a Sectional District Map will establish specific regulations for lot size and structure setbacks. Further this district provides a manner in which areas of approved subdivisions and areas impacted by public facility constraints may be identified.

21.42.020 APPLICABILITY.

The regulations set forth in this Chapter shall apply in all districts which are combined with such "B" District and shall be applied in lieu of the building site area and setbacks in the combined district, except that in no case shall setback requirements be less than specified in "MDR" Districts, and shall be subject to the provisions of Chapter 21.62 (Height and Setback Exceptions) of this Title.

21.42.030 BUILDING SITE AREA AND SETBACKS.

	<i>Combining Designation</i>	<i>Minimum Lot Size</i>	<i>Minimum Front Setback</i>	<i>Minimum Side Setback</i>	<i>Minimum Rear Setback</i>
A.	B-1	Eight thousand square feet.	Twenty-five feet	Ten percent of average lot width with a maximum required of eight feet	Ten feet
B.	B-2	Ten thousand square feet	Twenty-five feet	Ten percent of average lot width with a maximum required of ten feet	Ten feet

<i>Combining Designation</i>	<i>Minimum Lot Size</i>	<i>Minimum Front Setback</i>	<i>Minimum Side Setback</i>	<i>Minimum Rear Setback</i>
C. B-3	Twenty thousand square feet	Thirty feet	Ten percent of average lot width with a maximum required of fifteen feet	Fifteen feet
D. B-4	One acre	Thirty feet	Ten percent width maximum required of twenty feet	Twenty feet
E. B-5	Minimum lot size as specified on the Sectional District Maps designating any such district. Setbacks shall not be less than those required under the "B-4" regulations.			
F. B-6	1.	The lots as shown on the recorded final map or parcel map may not be further subdivided. Lot line adjustments may be allowed. Lot line adjustments which reduce the size of a lot shall require an Administrative Permit. Adjustments of equal areas between lots do not require an Administrative Permit or a Variance.		
	2.	Setbacks to be not less than "B-4" regulations, unless otherwise indicated on the final map or parcel map or Sectional District Maps;		
G. B-7	1.	The lots as shown on the recorded final map or parcel map may not be further subdivided unless the lots are first reclassified from the "B-7" district. Lot line adjustments may be allowed. Lot line adjustments which reduce the size of a lot shall require an Administrative Permit. Adjustments of equal areas between lots do not require an Administrative Permit or a Variance.		
	2.	Setbacks to be not less than "B-4" regulations unless otherwise indicated on the recorded final map or parcel map;		
	3.	Reclassification from "B-7" zoning to allow further subdivision may be considered when the applicant demonstrates to the satisfaction of the Board of Supervisors that he has met minimum requirements in respect to water supply, drainage, sewage disposal, parcel size and design, and traffic circulation for the total area included in the "B-7" district, created as a result of the subdivision of which the lot is a part. Upon application for a land division, the applicant shall provide appropriate copies illustrating the aforementioned information.		
H. B-8	1.	The purpose of the "B-8" Zoning District is to restrict development and/or intensification of land use in areas where, due to water supply, water quality, sewage disposal capabilities,		

traffic impacts or similar measurable public- facility type constraints, additional development and/or intensification of land use if found to be detrimental to the health, safety, and welfare of the residents of the area, or the County as a whole.

For the purpose of this Section "intensification" means the change in the use of a building site which increases the demand on the constraint(s) which caused the "B-8" District to be applied over that use existing at that time the "B-8" district is applied to the property. The "B-8" district does not affect construction of the first single family dwelling on a building site, additions to dwellings, guesthouses, non-habitable structures accessory to a dwelling use, or addition and/or expansion of existing commercial uses where such addition and/or expansion can be found to not adversely affect the constraints which caused the "B-8" district to be applied to the property.

2. The minimum building site shall be that which is recognized as an existing legal lot at the time the "B-8" Zoning District is imposed on the property, or lots that are created by minor or standard subdivision for which an application was received by the Monterey County Planning Department prior to the imposition of the "B-8" Zoning District on the property;
3. Setbacks to be not less than "B-4" regulations unless otherwise indicated on parcel maps, final maps, or Sectional District Maps;
4. Reclassification of an area from "B-8" zoning may be considered when the constraints existing at the time of placing "B-8" zoning on the area zoned "B-8" no longer exist and additional development and/or intensification of land use will not be detrimental to the health, safety, and welfare of the residents of the area, or the County as a whole.

Chapter 21.44

REGULATIONS FOR DESIGN CONTROL ZONING DISTRICTS OR "D" DISTRICTS

Sections:

21.44.010	Purpose.
21.44.020	Applicability.
21.44.030	Application for Design Approval.
21.44.040	Appropriate Authority.
21.44.050	Public Notice.
21.44.060	Action by the Appropriate Authority.
21.44.070	Appeals.
21.44.080	Effect.
21.44.090	Fees.

21.44.010 PURPOSE.

The purpose of this Chapter is to provide a district for the regulation of the location, size, configuration, materials, and colors of structures and fences, except agricultural fences, in those areas of the County of Monterey where the design review of structures is appropriate to assure protection of the public viewshed, neighborhood character, and to assure the visual integrity of certain developments without imposing undue restrictions on private property.

21.44.020 APPLICABILITY.

- A. The provisions of this Chapter shall apply in all districts with which the Design Control District is combined in addition to the regulations specified for that district and shall be subject to the provisions of Chapter 21.62. However, if any of the provisions specified in this Chapter differ from the regulations of the district which is combined with a "D" District, then the provisions of this Chapter shall apply.
- B. This Chapter shall apply only to those areas of the County of Monterey in which the visual impacts of structures can be adequately mitigated by regulation of the location, size, configuration, materials and colors, only.

21.44.030 APPLICATION FOR DESIGN APPROVAL

- A. A Design Approval Application shall be submitted and approved prior to the issuance of building permits for the construction of any structures in the "D" District.

- B. The Design Approval Application shall include:
- 1) Drawings showing front, side and rear elevations, existing and proposed grades of proposed structures.
 - 2) Color samples indicating the proposed color scheme for the structures.
 - 3) Plot plans or drawings showing, at scale and in reasonable detail, proposed structure location, topography, existing vegetation, proposed parking layout, proposed landscaping and north arrow.
 - 4) Preaddressed stamped envelopes for all persons to receive public notice pursuant to Section 21.44.050(A).

21.44.040 APPROPRIATE AUTHORITY.

The Appropriate Authority to consider and decide a Design Approval Application shall be:

- A. The Appropriate Authority to consider the discretionary permit combined with the Design Approval Application; or,
- B. The Appropriate Authority for the discretionary permit requiring the Design Approval Application as a condition of approval of that discretionary permit; or,
- C. The Zoning Administrator, except as provided by Section 21.44.040(A), (B), (D) or (E).
- D. The Director of Planning and Building Inspection may approve, in lieu of the Appropriate Authority, plans and submittals in "D" districts for small structures such as structure additions, accessory structures and similar minor structures and minor modifications to approved designs.

The Director of Planning and Building Inspection is the Appropriate Authority to consider all Design Approval applications in the Farmlands (F), Permanent Grazing (PG) and Rural Grazing (RG) zoning districts.

- E. The Planning Commission shall be the Appropriate Authority to consider Design Approval applications for those structures which have the greatest potential to impact public views, such as structures along scenic highway or road corridors, in areas designated as critical viewshed, or which may have a substantial adverse visual impact from common public viewing areas.

21.44.050 PUBLIC NOTICE.

- A. At least ten days prior to the consideration of a Design Approval Application by an Appropriate Authority, the Director of Planning and Building Inspection shall give notice of such consideration by mailing, postage prepaid, a notice of the time and place of such consideration. Such notice shall be mailed or delivered in accordance with paragraphs (3) and (5) of Section 21.78.040 A.

- B. No public notice shall be required for actions of the Director of Planning and Building Inspection taken pursuant to Section 21.44.040(D).

21.44.060 ACTION BY THE APPROPRIATE AUTHORITY.

- A. The Appropriate Authority shall consider the size, configuration, materials and colors of the proposed structures to assure that they will comply with the provisions of Section 21.44.010.
- B. The Appropriate Authority shall require such conditions of the proposed size, configuration, materials and colors as it may deem necessary to assure compliance with the provisions of Section 21.44.010.
- C. The Appropriate Authority after review of such plans as deemed necessary may require a public hearing to be scheduled for the further consideration of said plans. Such public hearing and appeals, if any, shall be conducted pursuant to the public hearing (Chapter 21.78) and appeal provisions (Chapter 21.80) of this Title.
- D. The standard and criteria of review of the Director of Planning and Building Inspection shall be the same standard and criteria as that of an Appropriate Authority.
- E. The Director of Planning and Building Inspection may refer, at the Director's discretion, Design Approval applications to the Planning Commission for consideration and action.

21.44.070 APPEALS.

Appeals to any action taken by an Appropriate Authority pursuant to this Chapter may be appealed to the Board of Supervisors pursuant to Chapter 21.80 of this Title.

21.44.080 EFFECT.

- A. No building permit shall be issued nor any structure constructed otherwise than in accordance with the conditions and terms of the design approval granted, nor until ten days after the mailing of notice of granting of such design approval by the Appropriate Authority, or by the Board of Supervisors in the event of appeal.
- B. No building permit shall be issued for any such structure proposed in a "D" combining district unless the size, configuration, materials and colors of such structures have been approved. Any such structures for which such approval has been obtained shall be constructed substantially in accordance with such approval and no change shall be made without the approval for such change having first been obtained.

21.44.090 FEES.

The application fee for a Design Approval shall be established from time to time by the Board of Supervisors, and no part of such fee shall be refundable, unless said refund is requested in writing concurrent with the withdrawal of

the Design Approval and provided that the applicant has not yet been sent written notice of the applications completeness or incompleteness. In such cases, 50% of the filing fee shall be refunded.

21.44.100 EXEMPTIONS.

The following activities in the Farmlands (F), Permanent Grazing (PG), and Rural Grazing (RG) zoning districts are exempt from the provisions of this Chapter:

- A. Repair and maintenance of existing agricultural facilities and structures including, but not limited to, roads, fences, watering facilities, water tanks, barns, storage buildings and windmills.
- B. The establishment, maintenance and modification of agricultural operations including, but not limited to, changes in crops, brush removal and disposal, crop rotations, grazing, farm and ranch roads, planting, harvesting and reservoirs.
- C. Replacement of agricultural structures, provided the replacement structure does not exceed the height, floor area, lot coverage or bulk of the structure to be replaced by more than 10%.

Chapter 21.45

REGULATIONS FOR SITE PLAN REVIEW ZONING DISTRICTS OR "S" DISTRICTS

Sections:

21.45.010	Purpose.
21.45.020	Applicability.
21.45.030	Application for Site Plan Approval.
21.45.040	Regulations.
21.45.050	Action by the Appropriate Authority.
21.45.060	Appeals.
21.45.070	Effect.

21.45.010 PURPOSE

The purpose of this Chapter is to provide district regulations for review of development in those areas of the County of Monterey where development, by reason of its location has the potential to adversely affect or be adversely affected by natural resources or site constraints without imposing undue restrictions on private property.

21.45.020 APPLICABILITY.

- A. The provisions of this Chapter shall apply in all districts which are combined with the "S" district in addition to the regulations specified for that district, and shall be subject to the provisions of Chapter 21.62. If the regulations specified in this Chapter differ from the regulations of the district combined with the "S" district, the provisions of this Chapter shall apply.
- B. This Chapter shall apply only to those areas of the County of Monterey in which sensitive natural resources or unusual site constraints exist which require review of the location of development.

21.45.030 APPLICATION FOR SITE PLAN APPROVAL.

- A. A Site Plan Approval Application shall be submitted and approved prior to the issuance of permits for the construction of any development in the "S" District.
- B. The Site Plan Approval Application shall include:
 - 1. Plot plans or drawings showing, at scale, and in reasonable detail, proposed structure location, topography, existing vegetation, proposed landscaping, proposed parking layout, proposed

grading, any identified environmentally sensitive habitats, any identified hazards, identified archaeological resources and historical sites, and north arrow.

2. Pre-addressed stamped envelopes for all persons to receive public notice pursuant to Section 21.78.040A(3) and (5).

21.45.040 REGULATIONS.

- A. No construction of structures, additions, deposit or removal of materials, shall be permitted without the approval of the Appropriate Authority.
- B. All such development as listed in Section 21.45.040(A), except as provided in Section 21.45.040(C), shall require an Administrative Permit pursuant to the provisions of Chapter 21.70 of this Title.
- C. The Director of Planning and Building Inspection, or the Zoning Administrator, may approve, without benefit of an Administrative Permit, small development projects such as structure additions, accessory structures, decks, fences, similar minor developments and minor modifications to previously approved projects. No public notice shall be required for actions of the Director of Planning and Building Inspection, or the Zoning Administrator, taken pursuant to this paragraph.

21.45.050 ACTION BY THE APPROPRIATE AUTHORITY.

- A. The Appropriate Authority shall consider the location of the proposed development to assure that such development will comply with the provisions of Section 21.45.010.
- B. The Appropriate Authority shall require such conditions and changes in the location of such proposed development as it may deem necessary to assure compliance with the provisions of Section 21.45.010.
- C. The standard and criteria of review of the Director of Planning and Building Inspection and Zoning Administrator shall be the same standard and criteria as that of an Appropriate Authority.
- D. The Director of Planning and Building Inspection or Zoning Administrator may refer, at their discretion, Site Plan Approval applications to the Planning Commission for consideration and action.

21.45.060 APPEALS.

Appeals to any action taken by an Appropriate Authority pursuant to this Chapter may be appealed to the Board of Supervisors pursuant to Chapter 21.80 of this Title.

21.45.070 EFFECT.

- A. No building permit shall be issued nor any development commenced otherwise than in accordance with the conditions and terms of the Site Plan Approval granted, nor until 10 days after the mailing of notice of

granting of such Site Plan Approval by the Appropriate Authority or by the Board of Supervisors in the event of an appeal.

- B. No building permit shall be issued for any such development proposed in an "S" combining district unless the location of such development has been approved. Any such development for which such approval has been obtained shall be completed substantially in accordance with such approval, and no change shall be made without the approval for such change having first been obtained.

Chapter 21.46

REGULATIONS FOR VISUAL SENSITIVITY ZONING DISTRICTS OR "VS" DISTRICTS

Sections:

21.46.010	Purpose.
21.46.020	Applicability.
21.46.030	Regulations.
21.46.040	Appropriate Authority.
21.46.050	Action by the Appropriate Authority.
21.46.060	Standards
21.46.070	Exemptions

21.46.010 PURPOSE.

The purpose of this Chapter is to provide district regulations for the review of development in those areas of the County of Monterey in which such development could potentially create adverse visual impacts when viewed from a common public viewing area.

21.46.020 APPLICABILITY.

- A. The provisions of this Chapter shall apply in all districts which are combined with the "VS" district in addition to the regulations specified for that district, and shall be subject to the provisions of Chapter 21.62. If the regulations specified in this Chapter differ from the regulations of the district combined with the "VS" district, the provisions of this Chapter shall apply.
- B. This Chapter shall apply only to those areas of the County of Monterey which contain the most unique and highly sensitive visual resources of regional or county-wide significance, and where development will have the potential to create a substantially adverse visual impact when viewed from a common public viewing area.

21.46.030 REGULATIONS.

- A. No construction of structures, additions, grading, significant vegetation removal, or deposit or removal of materials, causing the change, alteration, or modification of the landscape or existing development shall be permitted without the approval of the Appropriate Authority.

- B. All development in the "VS" district shall be subject to the regulations of Section 21.46.060.
- C. No development may be approved by the Appropriate Authority, without a specific finding that the development as approved and conditioned will not create a substantially adverse visual impact when viewed from a common public viewing area.
- D. All development in the VS district shall require a Use Permit pursuant to the provisions of Chapter 21.74 of this Title or an Administrative Permit pursuant to the provisions of Chapter 21.70 of this Title subject to the following criteria:
 - 1. A Use Permit shall be required for any development in a VS district if any portion of that development, after flagging, staking and an on-site inspection, pursuant to Section 21.46.060, is determined to have the potential to create a substantial adverse visual impact when viewed from a common public viewing area.
 - 2. An Administrative Permit shall be required for all other development in the VS district, except as provided for in Section 21.46.040 (B) of this Chapter.
- E. Exterior color changes for existing structures shall require only Design Approval pursuant to the provisions of Chapter 21.44 of this Title.
- F. New structures and additions to existing structures which are accessory to agricultural operations in the Farmlands (F), Permanent Grazing (PG) or Rural Grazing (RG) zoning districts shall only require Design Approval pursuant to the provisions of Chapter 21.44 of this Title.

21.46.040 APPROPRIATE AUTHORITY.

The Appropriate Authority to consider and decide a Use Permit required pursuant to Section 21.46.030(D) shall be the Planning Commission unless:

- A. Such Use Permit is being considered in conjunction with another discretionary permit required by this Title. In that case, the Appropriate Authority to consider the discretionary permit shall also consider the Use Permit required by Section 21.46.030(D); or,
- B. The Director of Planning and Building Inspection may approve plans and submittals in the "VS" district for small structures such as structure additions, accessory structures, and similar minor structures and minor modifications to previously approved projects. Such consideration shall be considered as a design approval pursuant to Section 21.44.040 D of this Title.

The standards and criteria of review of the Director of Planning and Building Inspection shall be the same standards and criteria as that of the Planning Commission.

The Director of Planning and Building Inspection may refer, at the Director's discretion, such plans and submittals to the Planning Commission for consideration and action.

21.46.050 ACTION BY THE APPROPRIATE AUTHORITY.

- A. The Appropriate Authority shall consider such plans and submittals to determine that such structures, or other improvements shall be designed and constructed so that they will not create a substantially adverse visual impact when viewed from a common public viewing area.
- B. The Appropriate Authority shall require such changes in the plans of such proposed buildings, structures, and other improvements, as it may deem to be necessary to accomplish the purposes of this Chapter.
- C. The Appropriate Authority shall not approve any such plans until it is satisfied that the purposes of this Chapter will be accomplished.

21.46.060 STANDARDS

- A. The provisions of this Section are applicable to all development and subdivisions in the "VS" combining district.
- B. Flagging and staking shall be done in the following manner:
 - 1) An initial on-site inspection shall be required for all development and subdivisions in the "VS" combining district within thirty days of the receipt of the project application. The initial inspection shall be for the purpose of determining whether or not the proposed project may have the potential to create a substantially adverse visual impact when viewed from a common public viewing area in terms of normal, unaided vision for any length of time.
 - 2) If the initial on-site inspection indicates that any portion of the project may have the potential to create a substantially adverse visual impact when viewed from a common public viewing area, such portion of the project shall be staked in accordance with "County-wide Staking and Flagging Criteria" before the project application may be considered complete.
 - 3) When the project staking is completed in accordance with "County-wide Staking and Flagging Criteria", a subsequent on-site inspection shall be made within thirty days to assess the potential for substantially adverse visual impacts of the project when viewed from a common public viewing area.
- C. Development Standards.
 - 1) Subdivisions in "VS" districts shall be designed to minimize the project's visibility by techniques which may include, but are not limited to:

- a. Lot configurations which provide high potential for each building site to be screened by existing or proposed topography and vegetation;
 - b. Specified building sites and new access road locations that allow for screening by existing or proposed topography and vegetation, minimized grading, minimized tree removal, and development on less than 30% slopes;
 - c. Clustering of structures, with visually significant wooded hills and ridges placed in open space or scenic easement.
- 2) Structures shall be located and sited so as to minimize tree removal, grading, and visibility from common public viewing areas.
- 3) New access roads shall:
- a. Be sited to reduce visibility from common public viewing areas, by siting to allow screening by existing and proposed vegetation and topography.
 - b. Roads shall minimize grading, erosion, and scarring by siting new roads to conform with natural topography and by incorporating proper erosion and drainage control, engineering, and construction.
 - c. New roads shall not be permitted on slopes of greater than 30%, unless such roads comply with the provisions of Section 21.66.040 (c)(4).
 - d. Access to residential, recreational, and agricultural uses should utilize existing access roads where feasible.
- 4) New utility and transmission lines shall be placed underground, except upon demonstration that:
- a. The utility provider is unable feasibly to place utilities underground; or
 - b. Overhead utilities will not have the potential to create substantially adverse visual impacts when viewed from a common public viewing area due to poles and lines being screened by existing or proposed topography or vegetation; or,
 - c. Overhead utilities will better protect resources of the property and area.

21.46.070 EXEMPTIONS.

The following activities in the Farmlands (F), Permanent Grazing (PG), and Rural Grazing (RG) zoning districts are exempt from the provisions of this Chapter:

- A. Repair and maintenance of existing agricultural facilities and structures including, but not limited to, roads, fences, watering facilities, water tanks, barns, storage buildings and windmills.
- B. The establishment, maintenance and modification of agricultural operations including, but not limited to, changes in crops, brush removal and disposal, crop rotations, grazing, farm and ranch roads, planting, harvesting and reservoirs.
- C. Replacement of agricultural structures, provided the replacement structure does not exceed the height, floor area, lot coverage or bulk of the structure to be replaced by more than 10%.

Chapter 21.48

REGULATIONS FOR LIMITED AGRICULTURAL ZONING DISTRICTS OR "A" DISTRICTS

Sections:

21.48.010	Purpose.
21.48.020	Applicability.
21.48.030	Uses Allowed.
21.48.040	Uses Allowed, Use Permit Required in Each Case.
21.48.050	Special Setbacks and Distances Between Structures Required.

21.48.010 PURPOSE.

The purpose of this Chapter is to establish a district providing for some agricultural use of land while placing limits on the number of animals and intensity of agricultural uses in those areas which are not suitable by size, terrain, neighborhood uses or similar constraints for extensive agricultural use.

21.48.020 APPLICABILITY.

The regulations set forth in this Chapter shall apply in all districts which are combined "A" Districts in addition to the regulations of that district and shall be subject to the provisions of Chapter 21.62. However, if any of the regulations specified in this Chapter differ from any of the corresponding regulations specified in this Title for any district combined with an "A" District, then the provisions of this Chapter shall govern.

21.48.030 USES ALLOWED.

- A. All uses permitted in the respective district with which the "A" District is combined;
- B. Animal husbandry and small livestock farming; provided, that not more than one horse, mule, cow, or steer or similar livestock shall be kept for each twenty thousand square feet of area;
- C. Crop farming, tree farming, viticulture and horticulture;
- D. Stands for the sale of agricultural products grown on the premises having no permanent electricity, plumbing or paving;
- E. Other uses of a similar character, density and intensity to those listed in this Section.

21.48.040 USES ALLOWED, USE PERMIT REQUIRED IN EACH CASE. (CHAPTER 21.74)

- A. Other uses of a similar character, density and intensity to those listed in this Section;
- B. Commercial kennels (ZA);
- C. Riding academies (ZA);
- D. Stands for the sale of agricultural products grown on the premises having permanent electricity, plumbing or paving.

21.48.050 SPECIAL SETBACKS AND DISTANCES BETWEEN STRUCTURES REQUIRED.

Barns, stables, chicken houses, or similar accessory structures, shall be not less than fifty feet from the front property line, nor less than twenty feet from any side or rear property lines, nor closer than twenty feet from any dwelling on the same or adjacent property.

Chapter 21.50

REGULATIONS FOR URBAN RESERVE ZONING DISTRICTS OR "UR" DISTRICTS

Sections:

21.50.010	Purpose.
21.50.020	Applicability.
21.50.030	Regulations.

21.50.010 PURPOSE.

The purpose of this Chapter is identify those areas shown in the Monterey County General Plan and adopted area plans which should be annexed and developed in a phased manner as part of an incorporated city to ensure the effective provision of urban services.

21.50.020 APPLICABILITY.

The regulations of this Chapter shall apply in all districts which are combined with the "UR" district. If the regulations specified in this Chapter differ from any regulations of the district combined with the "UR" district, the provisions of this Chapter shall apply.

21.50.030 REGULATIONS.

- A. No use shall be permitted on lands within a "UR" zoning district except those uses permitted within the district combined with the "UR" district.
- B. No reclassification of property to change land use may occur in any area governed by a "UR" district without prior approval of an amendment to the Monterey County General Plan, applicable area plan or master plan.
- C. A development proposed within an "UR" district which requires an Administrative Permit, Use Permit, subdivision or similar discretionary permit shall be referred to the appropriate city for review and recommendation prior to action by an Appropriate Authority.

Chapter 21.52

REGULATIONS FOR RESIDENTIAL ALLOCATION ZONING DISTRICTS OR "RAZ" DISTRICTS

Sections:

21.52.010	Purpose.
21.52.020	Applicability.
21.52.030	Uses Allowed.
21.52.040	Special Regulations.

21.52.010 PURPOSE.

The purpose of this Chapter is to provide a district to denote that a specific area is subject to policies or ordinances which specify limitations on the number of lots or units which may be created in a given period of time.

21.52.020 APPLICABILITY.

The regulations set forth in this Chapter shall apply in all districts with which are combined with "RAZ" districts in addition to the regulations specified for that district, and shall be subject to the provisions of Chapter 21.62. However, if any of the regulations specified in this Chapter differ from any of the regulations specified in this title, for any district with which is combined a "RAZ" district, then the provisions of this Chapter shall govern.

21.52.030 USES ALLOWED.

All uses permitted in the respective district with which the "RAZ" is combined.

21.52.040 SPECIAL REGULATIONS.

The construction of dwellings, except the first and only dwelling unit on legal lots existing at the time the "RAZ" District becomes applicable, and/or any subdivision of the property, are subject to the limits of development and the system of allocation as set forth in the General, Area or Master Plan applicable to the area and also are subject to the provisions of Title 19 (Subdivisions).

CHAPTER 21.54

REGULATIONS FOR HISTORIC RESOURCES ZONING DISTRICTS OR "HR" DISTRICTS

Sections:

21.54.010	Purpose
21.54.020	Applicability
21.54.030	Definitions
21.54.040	Referral to the Historic Resources Review Board
21.54.050	Appropriate Authority
21.54.060	Action by the Appropriate Authority
21.54.070	Appeals
21.54.080	Regulations
21.54.090	Fees
21.54.100	Archaeologic Resources

21.54.010 PURPOSE

The purpose of this Chapter is to provide incentives and regulation for the protection, preservation, enhancement, and perpetuation of those structures and areas of historic, architectural and engineering significance which contribute to the historic heritage of Monterey County and to encourage conservation of the County's important representative and unique archaeological sites and features.

21.54.020 APPLICABILITY

- A. The provisions of this Chapter shall apply in all districts with which the Historic Resources District is combined, in addition to the regulations specified for that district. However, if any of the provisions specified in this Chapter differ from the regulations of the district which is combined with an "HR" District, then the provisions of this Chapter shall apply.
- B. Reserved

21.54.030 DEFINITIONS

Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this Title and Chapters 18.25 and 18.26 of this Code shall also govern the construction, meaning, and application of words and phrases used in this Chapter.

- A. Alteration means any exterior change or exterior modification of any historic resource. Alteration includes, but is not limited to:
1. exterior structural change or modification of a site, fence or structure;
 2. change or modification of the exterior architectural features of a site, fence or structure including surface texture, and materials;
 3. change or modification of a site including grading, paving, cutting or removal of trees, removal or modification of significant vegetation or other natural features;
 4. new structures or fences;
 5. demolition of structures or fences;
 6. placement or removal of exterior objects or features such as signs, plaques, light fixtures, street furniture, walls, fences, and steps; and,
 7. disturbance of any archaeological site.

Alteration does not include painting or repainting, ordinary maintenance and repair of structures, landscaping or repair and maintenance of other existing physical improvements.

- B. Cultural means related to the origins or history of mankind in Monterey County.
- C. Designated site means that portion of a parcel on which a significant historic resource is or has been situated and has been listed on the National Register of Historic Places, the State Historic Landmark Register, or the county register of historic sites.
- D. Historic resource means any structure, object, fence, site or portion of a site which has a significant historic, archaeological, architectural, engineering or cultural value.
- E. Integrity means soundness or completeness.
- F. Minor alteration means any of the following alterations: placement, removal, exterior structural change or modification of a fence, sign, plaque, light fixture, street furniture, steps, platforms, walks, driveway, temporary motion picture, television and theatre stage steps and scenery.
- G. Object means an item of significant historic value that can be seen or touched, such as an artifact, monument, or work of art.
- H. Preservation means use of long-term or permanent safeguards to guarantee the viability of man-made resources.

- I. Ordinary maintenance and repair means any work for which a building permit is not required by law where the purpose and effect of such work is to prevent or correct any deterioration of or damage to a structure or any part thereof and to restore the structure or part thereof to its condition prior to the occurrence of such deterioration or damage.
- J. Significant means having historic, architectural, or engineering value.

21.54.040 REFERRAL TO THE HISTORIC RESOURCES REVIEW BOARD

- A. Upon receipt of any application, except those involving archaeological resources, pursuant to Section 21.54.080, a copy of all application materials shall be transmitted to the Secretary of Historic Resources Review Board requesting the review and recommendation of the Historic Resources Review Board.
- B. The Appropriate Authority shall provide sufficient time, but not less than thirty days from the date of transmittal, to the Historic Resources Review Board for the review of and recommendation on such applications.

21.54.050 APPROPRIATE AUTHORITY

- A. The Appropriate Authority to consider and decide a Use Permit required pursuant to Section 21.54.080 (A) is the Planning Commission unless such Use Permit is being considered in conjunction with another discretionary permit required by this Title. In that case, the Appropriate Authority to consider the discretionary permit shall also consider the Use Permit required by Section 21.54.080 (A); or
- B.
 - 1. The Director of Planning and Building Inspection may approve plans and submittals for minor alterations and minor modifications to previously approved projects.
 - 2. The standard and criteria of review for the Director of Planning and Building Inspection shall be the same standards and criteria as that of the Planning Commission.
 - 3. The Director of Planning and Building Inspection may refer, at the Director's discretion, such plans and submittals to the Planning Commission for consideration and action.
 - 4. Appeals to the Director's decisions may be taken to the Board of Supervisors pursuant to Chapter 21.80 of this Title.
- C. No alterations in the "HR" district which require a Use Permit, Variance or similar public hearing process, may be considered by the Director of Planning and Building Inspection.

21.54.060 ACTION BY THE APPROPRIATE AUTHORITY

- A. The Appropriate Authority shall consider the recommendations of the Historic Resources Review Board, the feasibility of any recommended mitigation measures or alternatives, and consistency with the purpose of this Chapter.

- B. The Appropriate Authority shall require such conditions of the proposed alteration as it may deem necessary to assure compliance with Section 21.54.010 of this Chapter.
- C. In considering the application, the Appropriate Authority's decisions shall achieve the stated purpose of this Chapter, but shall not deprive the applicant of the uses allowed in the respective district with which the "HR" District is combined; nor will the Appropriate Authority require such mitigation measures or conditions which will render the applicant's project infeasible, or require the applicant to preserve or maintain the resource without viable use or economic return.
- D. The Appropriate Authority shall support any such tax incentive, mutual covenants, protective covenants, purchase options, preservation easements, building, fire, health and County code modifications and any other methods deemed mutually agreeable between County and landowner which will help to preserve historic resources.
- E. In order for the Appropriate Authority to approve or conditionally approve any application, the following findings shall be made:
 - 1. With regard to a designated resource, the proposed work is found to be consistent with the purposes of this Chapter and will neither adversely affect the significant architectural features of the designated resource nor adversely affect the character of historical, architectural, or aesthetic interest or value of the designated resource and its site.
 - 2. With regard to any property located within an historic district, the proposed work is found to be consistent with the purposes of this Chapter and conforms to the prescriptive standards and design guidelines for the district adopted by the Board of Supervisors and does not adversely affect the character of the district.
 - 3. In the case of construction of a new improvement, addition, building, or structure upon a designated historic resource site, the use and exterior of such improvements will neither adversely affect nor be incompatible with the use and exterior of existing designated historical resources, improvements, buildings, natural features, and structures on such site.
 - 4. The action proposed is necessary to correct an unsafe or dangerous condition on the property and such unsafe or dangerous condition has not been ordered to be corrected pursuant to Section 18.25.160 of this Code; or,
 - 5. Denial of the application will result in immediate and substantial financial hardship as established pursuant to Section 18.25.175 of this Code.

21.54.070 APPEALS

Appeals to any action taken by an Appropriate Authority pursuant to this Chapter may be appealed to the Board of Supervisors pursuant to Chapter 21.80 of this Title.

21.54.080 REGULATIONS

- A. Except as otherwise provided, no alteration may be allowed on any area in an "HR" district without the approval of a Use Permit pursuant to the provisions of Chapter 21.74 of this Title.
- B. Minor alterations and minor modifications to previously approved projects may be approved without a Use Permit pursuant to Section 21.54.050B.
- C. Existing designated structures shall not be subject to the height and setback provisions of the district with which the "HR" district is combined.
- D. New construction on designated sites shall be subject to the height and setback provisions of the district with which the "HR" district is combined.
- E. Development proposed on parcels with an identified historic resource shall be designed and located so as to avoid significant adverse impacts on the historic resource.
- F. Feasible mitigation measures recommended by the Historic Resources Review Board or contained in any required historic or archaeological survey report prepared for the project shall be made conditions of approval.
- G. As a condition of approval of an application for demolition or alteration of an identified historic resource, rezoning to add an "HR" combining district or to modify an existing "HR" zoning district, shall be required to place only the designated site within the "HR" District.
- H. Notwithstanding the provisions of the California Government Code, Section 65091 (A)(3), no property shall be placed in the "HR" District without notice to the property owner in accordance with Section 21.78.040 (A)(1) of this Title.
- I. As a condition of approval of an application for demolition or alteration of an identified historic resource, the historic resource shall be placed in an historic easement. The easement shall be adequate to protect the resource.

21.54.090 FEES

- 1. There shall be no fee for a Use Permit required pursuant to Section 21.54.080 A.
- 2. There shall be no fee for referral to the Historic Resources Review Board.

21.54.100 ARCHAEOLOGICAL RESOURCES

Development or alteration in areas of low, moderate or high archaeological sensitivity shall be considered pursuant to Section 21.66.050 of this Title without referral to the Historic Resources Review Board.

Chapter 21.56

REGULATIONS FOR IMPROVEMENT ZONING DISTRICTS OR "Z" DISTRICTS

Sections:

21.56.010	Purpose.
21.56.020	Applicability.
21.56.030	Regulations.

21.56.010 PURPOSE.

The purpose of this Chapter is to provide a zoning district to establish regulation and locations in those developing areas of the County of Monterey where the provision of curbs, gutters, sidewalks and associated road improvements are a necessary and integral part of development.

21.56.020 APPLICABILITY.

The regulations set forth in this Chapter shall apply in all districts with which are combined with "Z" districts, in addition to the regulations of the combined districts. However, that if any of the regulations specified in this Chapter differ from any of the corresponding regulations specified in this Title for any district which is combined a "Z" district, then the provisions of this Chapter shall apply.

21.56.030 REGULATIONS.

The following regulation shall apply, but may be modified, subject to first securing a Use Permit in each case.

Except for building permits to remodel, where the declared value is less than twice the assessed value of the structure as shown on the latest adopted assessment roll, no building permit shall be issued, nor any use conducted, until the following improvements are made by the property owner or developer:

- A. If the property has frontage on a County road, grant to the County by deed any portion of the property within Official Plan Lines. If there are no Official Plan Lines, a grant shall be made to the County by deed of property thirty feet in width measured from the centerline of the roadway and running the entire frontage of the parcel being used.
- B. Install, or enter into an agreement to install, sidewalk, curb, and gutter and extend existing pavement to join the gutter as required by the Director of Public Works.

Chapter 21.57

REGULATIONS FOR PARKING AND USE OF MAJOR RECREATIONAL EQUIPMENT STORAGE IN SEAWARD ZONE OR "RES" DISTRICTS

Sections:

21.57.010	Purpose.
21.57.020	Applicability.
21.57.030	Definitions.
21.57.040	Regulations.

21.57.010 PURPOSE.

The purpose of this Chapter is:

1. To permanently protect the County's natural and scenic resources which are a paramount concern to present and future residents of the County, State and Nation.
2. To promote the public safety, health, and welfare and to protect public and private property, and natural environment, within parts of the coastal and seaward zone within Monterey County.
3. To protect, maintain, and where feasible, enhance and restore the overall quality of the coastal and seaward zone environment and its natural and manmade resources.
4. To preserve the residential and scenic character of neighborhoods in combined "RES" Districts by permitting the parking and use of major recreational equipment in a manner which will minimize its visibility and prevent possible incompatibility with adjoining residential land uses.

21.57.020 APPLICABILITY.

The regulations set forth in this Chapter shall apply in all districts which are combined with the "RES" district, and shall be subject to the provisions of Chapter 21.62. If the regulations specified in this Chapter differ from the regulations of the district combined with the "RES" district, the provisions of this Chapter shall apply.

21.57.030 DEFINITIONS.

For the purpose of this Chapter, the following definitions shall apply:

1. Major Recreational Equipment includes:

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- a. A commercial coach, mobile home, recreational vehicle or travel trailer, as defined in the California Health and Safety Code, Division 13, Chapter 1, part 2, Section 18000, et seq. This definition excludes pickups with shells that do not extend above the height of the cab, and vehicles not over 6 feet high and 14 feet long.
 - b. A mobilehome, camp trailer, house car, trailer coach, camper, trailer, or utility trailer as defined in the California Vehicle Code, Division 1, Sections 100, et seq.
 - c. A boat, defined as a vessel or any other description of watercraft used, or capable of being used, as a means of transportation on water.
 - d. A boat trailer, defined as a vehicle used to transport a boat.
 - e. Any other vehicle or structure originally designed, or permanently altered in such a manner to permit occupancy or use for living or sleeping purposes. The vehicle or structure may be designed or equipped with wheels, or be capable of being mounted on wheels and used as a conveyance on roadways used by the public; it may be propelled or drawn by its own or other motive power.
2. To screen means to shelter or locate in such a way that major recreational equipment is made not obtrusive, not conspicuous, not glaring, not visually intrusive. It does not mean to completely hide but it does mean to curtain, fence, mask, shade, or camouflage, or put into the background, so that the major recreational equipment is not immediately apparent from adjacent properties and roads used by the public.
 3. Seaward zone is defined as that area seaward of the nearest public highway.
 4. Front yard means that part of a lot between the front lot line and the front(s) of the principal structure on the lot, and extended to both side and lot lines.
 5. Rear yard means that part of a lot between the rear lot line and the back(s) of the principal structure on the lot, and extended to both side lot lines.
 6. Side yard means that part of a lot not surrounded by structure and not in the front or back yard.

21.57.040 REGULATIONS.

- A. Major recreational equipment may be parked upon any lot, within "RES" Districts in the following areas:
 1. Inside any enclosed structure which conforms to the zoning requirements of the district with which this "RES" District is combined;

2. Outside in the side yard or rear yard and screened from view of adjoining lots and roads used by the public. Screening by fencing or landscaping is permitted but shall be approved by the Director of Planning and Building Inspection. On a corner lot, parking is not permitted in side yards which abut a road used by the public;
 3. Anywhere on the premises for the purpose of active loading or unloading, or visitor parking not to exceed 36 hours in any 48 hour period. The use of electricity or propane fuel is permitted when necessary to prepare the major recreational equipment for use. No unit shall discharge any litter, sewage, effluent or other matter except into sanitary facilities designed to dispose of such material.
 4. On a driveway more than 30 feet from the front property line and screened from view of adjoining lots and roads used by the public when space is not available in the front, rear or side yard, or there is not reasonable access to either the side yard or rear yard. A fence is not necessarily deemed to prevent reasonable access. This parking is subject to the approval of the Director of Planning and Building Inspection.
- B. Major recreational equipment may be parked only for temporary, active loading or unloading purposes, upon any publicly used street, alley, highway, municipal off-street parking lot, or other land, public place not to exceed 24 hours in any 48 hour period.
- C. Regulations for use of major recreational equipment on "RES" District premises are as follows:
1. Storage: Major recreational equipment may be used for storage only of those goods, materials, or equipment considered to be a part of the unit or essential for its immediate use. The unit shall be owned by the resident on whose premises the unit is parked for storage.
 2. Dwelling or sleeping. Major recreational equipment may not be used for dwelling or sleeping purposes. Cooking is not permitted at any time. The unit shall not be permanently connected to sewer lines, water lines, or electricity. However, the unit shall be permitted to be connected to electricity temporarily for charging batteries and other similar purposes.

All temporary electric hookup facilities shall comply with applicable state law.
 3. Cessation of Non-conforming Uses: All present non- conforming uses of major recreational equipment and its storage on property within this combining district shall conform to the requirements of this section within one year of the reclassification of said property to this district.

Chapter 21.58

REGULATIONS FOR PARKING.

Sections:

21.58.010	Purpose.
21.58.020	Applicability.
21.58.030	Regulations.
21.58.040	Parking Spaces Required.
21.58.050	General Provisions.

21.58.010 PURPOSE.

The purpose of this Chapter is to avoid or lessen congestion in the streets and to promote the public safety and welfare by requiring off-street parking spaces for customers and employees and loading spaces for all land uses in the unincorporated areas of the County of Monterey sufficient in number to accommodate all vehicles which will be congregated at a given location at a given point in time by drivers and passengers who use or occupy the facility or area for which the parking space and loading space is provided.

21.58.020 APPLICABILITY.

The regulations set forth in this Chapter shall apply in all zoning districts.

21.58.030 REGULATIONS.

Accessible off-street parking areas shall be provided and maintained as set forth in this Chapter. The parking access area shall provide parking and maneuvering room for motor vehicles and for pedestrian safety based on the anticipated occupancy of a given structure, area of land or area of water. Any new structure hereafter constructed, erected or altered, and any new use hereafter inaugurated, altered or enlarged shall have permanently maintained off-street parking spaces in accordance with the provisions of this Chapter.

Parking facilities required by this Chapter shall conform to the design standards set forth in the Monterey County Parking Standards for Off-Street Parking, as approved by the Monterey County Planning Commission. All off-street parking facilities required by this Chapter shall be maintained for the duration of the use requiring such areas. Such facilities shall be used exclusively for the temporary parking of passenger automobiles, motor vehicles, or light trucks not exceeding one ton in capacity, and shall not be used for the sale, display, or storage of merchandise, or for the storage or repair of vehicles or equipment.

In each district, off-street parking facilities for each use shall be provided in accordance with Section 21.58.040. The requirement for any use not specifically listed shall be determined by the Director of Planning and Building Inspection based on standards established for any similar uses.

21.58.040 PARKING SPACES REQUIRED.

The number of off-street parking spaces shall be not less than:

<i>USE</i>	<i>PARKING</i>
Agricultural Processing Plant	1 space/500 square feet
Amusement Park	1 space/4 occupants
Appliance Repair	1 space/500 square feet
Art Gallery	1 space/200 square feet
Auditorium	1 space/4 seats. If no fixed seating, 1 space/35 square feet
Automobile Repair	1 space/500 square feet of floor area
Automobile Sales	1 space/500 square feet floor area plus 1 space/2000 square feet outdoor sales, display or storage area
Automobile Service Station	1 space/500 square feet floor area
Bank	1 space/200 square feet
Bar, Lounge, Night Club, Cocktail Lounge	1 space/3 seats. Where seating is not fixed, 1 space/50 square feet.
Barber Shop, Beauty Parlor	2 spaces/chair
Baseball Park	1 space/4 seats
Bed and Breakfast Facility	1 space/unit
Billiard Hall	2 spaces/table
Bowling Alley	5 spaces/lane
Building Materials	1 space/500 square feet floor area plus 1 space/2000 square feet outdoor use area

Title 21-164

Bus Depot	1 space/20 square feet waiting area plus 1 space/300 square feet office area
Cabinet Shop	1 space/500 square feet
Caretaker Unit	1 space/unit
Children's Home, Orphanage	1 space/4 beds plus 1 space/employee
Church	1 space/4 seats. If no fixed seating, 1 space/35 square feet
Cleaners	2 spaces plus space/1000 square feet
Community Center	1 space/4 seats. If no fixed seating, 1 space/35 square feet
Contractor's Yard	1 space/3000 square feet lot area
Convalescent Home, Nursing Home, Rest Home, Home for the Aged	1 space/3 beds
Convention Center, Meeting Hall, Exhibit Facility	1 space/4 seats or 1 space/50 square feet
Dance Hall	1 space/50 square feet
Dental Clinic/Office	1 space/200 square feet
Driving Range	1 space/tee
Equipment Rental	1 space/500 square feet floor area plus 1 space/2000 square feet outdoor use area
Family Day Care Facility	1 space/employee plus 1 space/10 children
Farm Equipment and Supplies	1 space/500 square feet floor area plus 1 space/2000 square feet outdoor use area
Farm Labor Housing	1 space/bedroom
Flea Market/Open Air Sales	1 space/200 square feet sales area
Freight Terminals	2 spaces/loading bay plus 1 space/250 square feet

Title 21-165

	office space
Funeral Home, Mortuary	1 space/4 seats. If no fixed seating, 1 space/35 square feet
Golf Course	4 spaces/hole
Guesthouse	1 space/unit
Gymnasium, Spa, Health Studio	1 space/50 square feet
Heating, Air Conditioning, Electrical Shop	1 space/500 square feet
Hospital	2 spaces/bed
Hotel	1 space/unit plus 2 spaces/3 employees on largest shift plus other applicable requirements (i.e. restaurant, lounge, etc.)
Industrial Office	1 space/300 square feet
Laboratory	1 space/250 square feet
Laundromat	1 space/2 machines
Library	1 space/200 square feet
Manufacturing	1 space/500 square feet
Marina	3 spaces/4 boat slips
Medical Clinic/Office	1 space/200 square feet
Miniature Golf	2 space/hole
Mini-Storage	2 spaces for manager plus 2 customer spaces
Motel	2 spaces for manager plus 1 space/unit
Museum	1 space/200 square feet
Nursery	1 space/2000 square feet
Office	1 space/250 square feet

Title 21-166

Open Air Sales	1 space/200 square feet sales area
Photography Studio	1 space/400 square feet
Post Office	5 spaces/service window plus 1 space/500 square feet of non-customer area
Printer, Copying, Reproduction	1 space/400 square feet
Race Track	1 space/4 seats
Recreational Enterprises	1 space/4 occupants capacity
Recreational Vehicle Park	1 standard vehicle space/1 rv space
Residential	
Single-Family Detached	2 spaces/unit
Duplex	2 spaces/unit
Triplex	2 spaces/unit
Multiple-Family Residential, Apartments, Townhouses, Condominiums, Cluster Homes	1 space/studio unit 1.5 spaces/1 bedroom unit 2 spaces/2 bedroom unit 2.2 spaces/3 or more bedroom unit In addition, 1 guest parking space shall be provided for every 4 units
Boarding House, Rooming House, Organizational House	1 space/guest room. 1 space/100 square feet of guest room.
Senior Citizen Housing Complexes Handicapped Housing	1 space/2 units plus 1 guest space/8 units 1 space/2 units plus 1 guest space/8 units
Mobilhome Park	2 spaces/unit plus 1 guest parking space/4 units
Restaurant	1 space/r seats. Where seating is not fixed, 1 space/50 square feet of seating, waiting, or cocktail lounge area
Restaurant, Drive-In	1 space/3 seats enclosed plus 3 and Drive-Through spaces/service window and 3 employee spaces
Retail, General	1 space/250 square feet

Retail, Large Item (i.e. Appliance Stores)	1 space/500 square feet
Savings and Loan	1 space/200 square feet
Schools:	
Pre-School, Daycare	1 space/employee plus 1 space/10 children
Kindergarten through Grade Nine	2 spaces/classroom plus 1 space/50 square feet in the auditorium
High School	2 spaces/classroom plus 1 space/5 students
College, University	1 space/employee plus 1 space/3 students
Trade School, Vocational School, Business School, Professional School, Art Academy, Craft School, Music School, Dancing School	1 space/employee plus 1 space/3 students
Shopping Center	1 space/250 square feet
Skating Rink	1 space/50 square feet
Social Care Facility:	
Sanitarium, Welfare Institution, Asylum	1 space/3 beds plus 1 space/employee on the largest shift
Social Club	1 space/50 square feet
Stable, Public	1 space/3 horses
Stadium, Sports Area	1 space/4 seats
Swimming Pool	1 space/100 square feet pool area
Tennis Courts, Racquetball Courts	2 spaces/court
Theater	1 space/3 seats
Warehouse	1 space/500 square feet
Veterinary Hospital	1 space/250 square feet

21.58.050

GENERAL PROVISIONS.

- A. Unless otherwise indicated, square footage shall be based on net floor area, which does not include areas to be used for toilets or restrooms, utilities, stairways, mechanical rooms and duct shafts, janitor and building maintenance rooms, and elevator rooms. For multi-stored structures, the net floor area of each floor shall be calculated.
- B. Twenty-four (24) inches of bench or pew space is equal to one seat.
- C. The standards indicated herein may be modified by a Use Permit from the Zoning Administrator, Planning Commission, or Board of Supervisors, where appropriate, in cases which, due to the unusual characteristics of a use or its immediate vicinity, do not necessitate the number of parking spaces, type of design, or improvements required by this Chapter. In such cases, it shall be determined that reduced parking will be adequate to accommodate all parking needs generated by the use, or that additional parking is not necessary because of specific features of the use, site, or site vicinity.
- D. All parking and loading shall be provided on the same site as the use to which it relates, unless a Use Permit is approved by the Zoning Administrator, Planning Commission, or Board of Supervisors.
- E. Parking spaces which are located within the required front setback shall not count toward the amount of required parking unless an Administrative Permit is first secured.
- F. In all residential developments, at least one covered parking space for each dwelling unit shall be provided. Covered parking shall count toward the amount of required parking.
- G. Parking for the Handicapped. Non-residential parking lots with five or more spaces shall include handicapped parking as required by Title 24 of the California Administrative Code, and as set forth in this subsection. Handicapped spaces shall be included as part of the total number of parking spaces required by this Title.

Number of spaces required:

Total Spaces

Spaces for Handicapped

1 - 40

1

41 - 80

2

81 - 120

3

121 - 160

4

161 - 300

5

301 - 400

6

401 - 500

7

500+

1 for each
additional 200 spaces provided

Design and identification Handicapped parking spaces shall be designed, located and provided with identification signing as set forth in Section 27102, Title 24, California Administrative Code and subsequent sections.

- H. Loading Spaces: In any zoning district, in connection with every structure or part erected and having a gross floor area of five thousand square feet or more, which is to be occupied by a commercial or industrial use requiring the receipt or distribution by vehicles carrying materials or merchandise, there shall be provided and maintained, on the same lot with such structure, at least one off-street loading space plus one additional loading space for each additional 20,000 square feet or major fraction thereof. Such spaces shall conform to the design standards for loading spaces set forth in the Monterey County Parking Standards for Off- Street Parking as approved by the Monterey County Planning Commission.
- I. Access: All off-street parking facilities shall be designed so as to limit access to the property from streets and highways to a minimum number of driveways. For purposes of ingress and egress, parking shall be designed such that, with the exception of a single family or duplex dwelling on a lot, vehicles entering and exiting a right-of-way can do so traveling in a forward direction. An exception to this requirement may be granted by the Director of Public Works when site constraints limit site design alternatives and traffic safety will not be compromised.
- J. Paving. Parking and loading facilities shall be surfaced and maintained with surfacing material sufficient to control dust and loose material.
- K. Curbs, Bumpers, Wheel Stops: A permanent curb, bumper, wheel stop or similar device shall be installed in parking spaces where needed, subject to the approval of the Director of Planning and Building Inspection. In parking spaces abutting landscaped areas, the protective curbing around the landscape area may serve as the wheel stop, allowing the vehicle to overhang the landscaped area. In such cases, the length of the parking stall may be reduced by three feet, provided the landscaped area is widened by three feet. Landscape materials in areas subject to vehicle overhang shall be limited to low-growing shrubs and ground cover, in order to avoid damage by vehicles. In addition, only low sprinkler heads shall be placed in such areas.
- L. Mixed Uses: In the case of mixed uses, the total requirement for off-street parking spaces shall be the sum of the requirements for the various uses, unless otherwise indicated, as for shopping centers. Off-street parking facilities for one use shall not be considered as providing parking facilities for any other use, unless is it determined by the Director of Planning and Building Inspection, Zoning Administrator, Planning Commission, or Board of Supervisors, where appropriate, that the particular grouping of uses is such that the hours of operation are substantially different (e.g., a theater and an office building).
- M. Bicycle racks: Parking lots with 20 or more spaces are to provide one bicycle rack space for each 10 parking spaces. Bicycle racks are to be designed to enable bicycles to be locked to the rack.
- N. Compact spaces: Compact spaces shall not account for more than 25% of the spaces required for any use.

Chapter 21.60

REGULATIONS FOR SIGNS

Sections:

21.60.010	Purpose.
21.60.020	Applicability.
21.60.030	Residential Zoning District Sign Regulations.
21.60.040	Agricultural Zoning District Sign Regulations.
21.60.050	Commercial and Industrial Zoning District Sign Regulations.
21.60.060	Off-Site Advertising Sign Regulations.
21.60.070	Design Control (D) and Visual Sensitivity (VS) Zoning District Sign Regulations.
21.60.080	Political Sign Regulations.
21.60.090	Exempt Signs.
21.60.100	Prohibited Signs.
21.60.110	Computation of Sign Area.
21.60.120	Special Sign Provisions.
21.60.130	Legal Nonconforming Signs.

21.60.010 PURPOSE.

The purpose of this Chapter is to provide the regulations for signing in the unincorporated area of the County of Monterey. It is also the purpose of this Chapter to assure by the regulation of signing that the integrity and nature of residential, rural, commercial and industrial areas are protected from the indiscriminate and inappropriate proliferation of signs while providing for a sufficient level of business and residential identification to adequately and safely inform and direct the public.

21.60.020 APPLICABILITY.

The following regulations shall apply in all the unincorporated areas of the County of Monterey and in all zoning districts as listed in the regulations in this Chapter.

21.60.030 RESIDENTIAL ZONING DISTRICT SIGN REGULATIONS.

These regulations apply in the following zoning districts High Density Residential (HDR), Medium Density Residential (MDR), Low Density Residential (LDR) and Rural Density Residential (RDR).

A. On-site signs used for the following purposes are allowed:

1. Nameplate and street address signs not exceeding in the aggregate four square feet and not to exceed six feet in height for the purpose of identifying the subject property. One sign may be allowed for each street frontage.
 2. Real Estate signs including open house signs not exceeding in the aggregate seven square feet and six feet in height advertising the sale or lease of that property, provided that the sign is removed ten days after the close of escrow.
 3. Temporary signs for construction projects, may be erected to identify the project and those associated with the project subject to the following regulations:
 - a) There shall be no more than two temporary construction signs per lot.
 - b) The signs shall not exceed in the aggregate twenty four square feet in area.
 - c) The signs shall not be illuminated.
 - d) If attached to the structure, the signs shall not extend above the roof line or parapet wall of the structure. If freestanding, the maximum height shall be six feet.
 - e) The signs shall be stationary.
 - f) The signs shall be removed at the time of occupancy of the project.
 - g) The signs shall not be located within any road right-of-way.
 4. Signs identifying apartment complexes, mobile home parks, condominium projects and other clustered residential developments may be allowed subject to the following regulations.
 - a) There shall be no more than two signs per development.
 - b) The signs shall not exceed in the aggregate thirty five square feet;
 - c) If attached to the structure, the signs shall not extend above the roof line or parapet wall of the structure. If freestanding, the maximum height shall be six feet.
 - d) The signs shall be stationary;
 - e) The signs shall not be located within any road right-of-way.
- B. The following signs may be allowed subject to obtaining an Administrative Permit (Chapter 21.70).
1. Signs not over twenty square feet in the aggregate and appurtenant to any permitted use, except for those signs provided in Section 21.60.030, (A), Subsections (3) and (4).

- C. The following signs are subject to obtaining a Use Permit (Chapter 21.74).
1. Signs not over one hundred square feet in the aggregate for advertising the sale of a subdivision. Limit of two signs in each case.
 2. Signs not over seventy-five square feet in area, and appurtenant to any permitted use; provided, that the area permitted may be divided into not more than three single-faced or double-faced signs.
- D. The Zoning Administrator is the Appropriate Authority for Use Permits for signs.

21.60.040 AGRICULTURAL ZONING DISTRICT SIGN REGULATIONS.

These regulations apply in the following zoning districts: Farmlands (F), Permanent Grazing (PG), Rural Grazing (RG) Resource Conservation (RC), Open Space (O) and Public/Quasi-Public (PQP).

- A. Signs used for the following purposes are allowed:
1. Nameplate and street address signs not exceeding in the aggregate four square feet and not to exceed six feet in height for the purpose of identifying the subject property. One sign may be allowed for each street frontage;
 2. Real Estate signs including open house signs not exceeding in the aggregate seven square feet and six feet in height advertising the sale or lease of that property, provided that the sign is removed ten days after the close of escrow.
 3. Temporary signs for construction projects, may be erected to identify the project and those associated with the project subject to the following regulations:
 - a) There shall be no more than two temporary construction signs per lot.
 - b) The signs shall not exceed in the aggregate twenty four square feet in area.
 - c) The signs shall not be illuminated.
 - d) If attached to the structure, the signs shall not extend above the roof line or parapet wall of the structure. If freestanding, the maximum height shall be six feet.
 - e) The signs shall be stationary.
 - f) The signs shall not be located within any road right-of-way.
 - g) The signs shall be removed at the time of occupancy of the project.
 4. Signs not over twenty square feet in the aggregate and, appurtenant to any permitted use except for those signs provided in Section 21.60.040, (A).

- B. The following signs are subject to obtaining a Use Permit (Chapter 21.70).
1. Signs not over one hundred square feet in the aggregate for advertising the sale of the property. Limit of two signs in each case.
 2. Signs between twenty and seventy-five square feet in the aggregate appurtenant to any permitted use; provided, that the area permitted may be divided into not more than three single-faced or double-faced signs.
- C. The Zoning Administrator is the Appropriate Authority for Use Permits for signs.

21.60.050 COMMERCIAL AND INDUSTRIAL ZONING DISTRICT SIGN REGULATIONS.

These zoning regulations apply in the following zoning districts: Light Commercial (LC), Heavy Commercial (HC), Visitor Serving/Professional Office (VO), Agricultural Industrial (AI), Light Industrial (LI) and Heavy Industrial (HI).

- A. Signs for the following purposes are allowed:
1. Nameplate and street address signs not exceeding in the aggregate four square feet and not to exceed six feet in height for the purpose of identifying the subject property. One sign may be allowed for each street frontage;
 2. Real Estate signs including open house signs not exceeding seven square feet and six feet in height advertising the sale or lease of that property, provided that the sign is removed ten days after the close of escrow.
 3. Temporary signs for construction projects to identify the project and those associated with the project subject to the following regulations:
 - a. There shall be no more than two such temporary construction signs per project.
 - b. The signs shall not exceed twenty four square feet in area.
 - c. The signs shall not be illuminated.
 - d. If attached to the structure, the signs shall not extend above the roof line or parapet wall of the structure. If freestanding, the maximum height shall be six feet.
 - e. The signs shall be stationary.
 - f. The signs shall not be located within any road right-of-way
 - g. The signs shall be removed at the time of final inspection of the project.

4. Signs shall be permitted to have an area not to exceed one square foot for each one foot of structure frontage; provided, that any business establishment shall be allowed a sign of fifty square feet and no more than three hundred square feet; and, further provided, that the area permitted may be divided into not more than six single-faced or double-faced signs; said formula shall apply to each street frontage.
- B. The following signs are subject to obtaining an Administrative Permit (Chapter 21.70):
- Real estate signs between seven and twenty square feet and subject to the provisions of Section 21.60.060 (B), subsections 2 through 4 (off site real estate signs).
- C. The following signs are subject to obtaining a Use Permit (Chapter 21.74):
1. Signs not over one hundred square feet in the aggregate for advertising the sale of a subdivision. Limit of two signs in each case;
 2. Signs not over seventy-five square feet in area, and appurtenant to any permitted use; provided, that the area permitted may be divided into not more than three single-faced or double-faced signs;
 3. Real estate signs exceeding twenty square feet and greater than four feet in height.
- D. The Zoning Administrator is the Appropriate Authority for Use Permits for signs.
- E. Lighting of signs attached to structures shall be arranged so as not to produce a glare on other properties in the vicinity, and the source of light shall not be visible from adjacent property or a public street.
- F. Signs in commercial and industrial zoning districts are subject to the General Development Plan provisions of the zoning district. If a General Development Plan is not required, signs shall conform to this Chapter.
- G. Signs may be attached to a structure providing the sign does not project above the peak of the roof of the structure.
- H. Signs may be mounted below the soffit of a canopy, overhanging, or porch and may be perpendicular to the structure providing that they do not exceed twelve inches below the soffit or beam and maintain a minimum of eight feet vertical clearance along corridors or exit courts below.

21.60.060 OFF-SITE ADVERTISING SIGN REGULATIONS

These regulations shall apply to all off-site advertising signs in the unincorporated areas of Monterey County.

- A. Off-site real estate "open house" signs advertising the sale or lease of property may be allowed subject to the following regulations:
1. The signs shall not exceed seven square feet;

2. The signs shall not exceed four feet in height;
 3. The signs shall not be located within any road right-of-way;
 4. The signs shall not utilize banners, balloons, lights and other similar attention getting devices;
 5. Off-site real estate "open house" signs shall only be allowed from 10:00 a.m. to dusk and shall be removed at the end of the day.
- B. One off-site real estate sign advertising the sale of property may be allowed subject to the following regulations:
1. The sign shall not exceed seven square feet;
 2. The sign shall not exceed four feet in height;
 3. The sign shall not be located within any road right-of-way;
 4. The sign shall be removed within ten days after the close of escrow.
- C. The following signs are subject to obtaining a Administrative Permit (Chapter 21.70).
1. Off-site real estate signs between seven and twenty square feet and subject to the provisions of Section 21.60.060 (B), subsections 2 through 4;
 2. Temporary signs placed by non-profit groups for the advertisement of a special event such as parades, festivals, and sporting events may be permitted subject to the following regulations:
 - a) No such sign shall exceed thirty two square feet in size nor be more than twelve feet in height.
 - b) No such sign shall be erected more than thirty days prior to the first day of the special event.
 - c) All such signs shall be removed within five days of the last day of the special event.
 - d) The sign shall not be located within any road right-of-way.
 - e) Designation of the individual or individuals responsible for the removal of such signs.
- D. The following signs are subject to obtaining a Use Permit (Chapter 21.74).
1. Community information and directional signs subject to the following criteria.

- a) Such signs shall be permitted only on property adjacent to freeways approaching, passing through or going near cities or communities.
 - b) No one sign shall exceed a maximum area of four hundred square feet.
 - c) The sign shall not identify any specific business, person, entity or organization, except a non profit organization.
- 2. Off-site real estate signs exceeding twenty square feet or greater than four feet in height and subject to the provisions of Section 21.60.060 (B), subsections (3) and (4) (ZA).
 - 3. Outdoor advertising and any other signs used for off- site advertising shall be located in an industrial or commercial zoning district.

21.60.070 DESIGN CONTROL (D) AND VISUAL SENSITIVITY (VS) ZONING DISTRICT SIGN REGULATIONS.

These regulations apply in the following districts: Design Control (D) and Visual Sensitivity (VS).

Where signs are allowable under the regulations of the zoning district with which the Design Control (D) zoning district or the Visual Sensitivity (VS) zoning district is combined, the total area of such signs shall not exceed 35 square feet in the aggregate. This limitation in total area shall apply even though the use has frontage on two or more streets.

21.60.080 POLITICAL SIGN REGULATIONS.

A. Definitions.

- 1. A "political sign" is any board, poster, placard, banner or other medium, including its structure and component parts, which is designed to influence the action of a voter in voting for or against any candidate or measure on the ballot at any national, state, or local election.
- 2. "Election period" consists of the sixty days prior to election day, election day and the ten days after election day.

B. Political Sign Placement.

- 1. No political sign shall be erected earlier than sixty days before the election to which it relates.
- 2. No political sign or any part shall be supplied with electrical power for lighting, movement, or any other purpose unless a building permit is first obtained from the Director of Planning and Building Inspection.
- 3. No political sign shall be erected in such a manner that it will, or reasonably may be expected to obstruct, the view of, or conflict with any traffic sign, signal, or device. A political sign shall not be

erected in such a manner that it will, or reasonably may be expected to obstruct, the view of pedestrian or vehicular traffic.

4. No political sign shall be erected or maintained upon the property of another without first obtaining permission to do so from the owner or tenant of said property. In the case of vacant property, written permission must be obtained from the property owner, and such signs must have affixed to the rear of the said sign a copy of the written permission, including the name, address, telephone number, and signature of the property owner.
5. No political sign shall be erected or maintained unless a statement of responsibility has been filed with the Director of Planning and Building Inspection certifying a person who will be responsible for the placing and removal of the political sign pursuant to this chapter and who will reimburse the County of Monterey for any costs incurred to remove it.

C. Removal.

1. Political signs shall be removed within ten days after the election to which they relate. Political signs placed on behalf of candidates who have been successful in primary elections shall not remain posted for general election purposes.
2. Any political sign not posted or erected in accordance with the provisions of this section shall be deemed a public nuisance and shall be subject to removal by the person certifying responsibility, the candidate or the property owner within ten days of notification of the violation. Upon their failure to remove the sign, the Director of Planning and Building Inspection Department or its designated representative may remove the sign.
3. Any political sign not removed within ten days after the election shall be deemed abandoned and may be summarily removed by the Director of Planning and Building Inspection or its designated representative.

D. Exemptions.

The provisions of this Section shall not apply to:

1. Political signs erected inside a structure.
2. Political signs posted by a person or corporation duly licensed to erect and maintain commercial outdoor advertising signs and billboards, provided that the sign or signs as posted are in a location and manner authorized or permitted under the zoning provisions of the Title.

21.60.080 EXEMPT SIGNS.

The following signs, except as provided elsewhere in this Title, are exempt from the provisions of this Chapter:

- A. Approved highway directional signs.

- B. Railroad signal signs.
- C. Signs prohibiting trespassing and hunting, provided that they do not exceed two square feet in area.
- D. Directional, warning or informational signs required by law or authorized by Federal, County or State authority.
- E. Utility company signs identifying cables, conducts, or hazards
- F. Public notices and announcements authorized by courts and public officials.
- G. Advertising signs on buses and taxis.
- H. Signs attached to bus stops and shelters.
- I. Signs on automobiles and trucks that are painted on or attached flat against the vehicle to identify or advertise the associated business, provided that the vehicle is primarily used for the business.
- J. Signs that are painted on or attached to the windshield of a vehicle or boat.
- K. Public telephone identification.
- L. Signs of an instructive nature or which include information required by County, State or Federal enforcement agencies including, but not limited to: telephone booth, gas pump use instructions, instructions for recreational vehicle dump station, brake and smog certification, restroom identification, no smoking, propane tank identification, gas pump identification, air and water, drive to forward pump, cashier, hours of operation, required gallon to liter conversion, full and self service signs at each island not exceeding four square feet in area, and traffic directional signs as approved by enforcement agencies for necessary traffic control and direction, provided that they do not exceed four square feet in area each and do not exceed thirty inches in height in front or side street yard and no symbol, name, or other message is on said signs.
- M. Directional, warning, or identification signs not exceeding two square feet in area for petroleum drilling and extraction activities.
- N. Any official sign, signal, device, or marking which purports to be or is an imitation of, or resembles, an official traffic control device or which attempts to direct the movement of traffic or which hides from view any official traffic control device.
- O. Barber poles.

21.60.100 PROHIBITED SIGNS.

The following signs are prohibited in all zoning districts:

- A. Moving or rotating signs, flags, pennants, banners.
- B. Signs with flashing, moving, or animated illumination.
- C. Advertising signs that include the words, "Stop, Look, Listen" or any other word, phrase, symbol, lights, motion, sound, fumes, mist, or other effluent that may interfere with, mislead, or confuse the driving public.
- D. Portable signs, except for temporary off-site real estate signs as provided in Section 21.60.060.
- E. Signs on inflatable advertising devices when the device is attached or secured to the ground or structure.
- F. Signs extending above roofs, and roof signs, except where specifically provided for under the provisions of this title for signs attached to structures.
- G. Wind activated signs.
- H. Any other advertising device attached to a structure, fence, pole, or vehicle on display not specifically authorized by this Title.

21.60.110 COMPUTATION OF SIGN AREA.

The following methods will be used to compute the area of a sign:

- A. The area of a sign is computed by multiplying the height by the length of the sign, not including framework of the sign. The base or supporting structure of a sign shall not be considered part of the sign.
- B. The area of a two sided back to back sign shall be computed by multiplying the height by the length of only one side.
- C. The area of a two sided or multifaced sign where the signs are not back to back shall be computed by multiplying the height by the length of each sign face.
- D. The area of signs which are composed of letters individually mounted or painted on a structure, without a border or frame enclosure, shall be computed from the smallest single rectangle in which all the letters or words can be closed.
- E. The area of a sign that is an object or statuary shall be computed by the appropriate mathematical equation for determining total surface of an object.

21.60.110 SPECIAL SIGN PROVISIONS.

- A. Electronic time and temperature signs as part of an approved on-site advertising sign are permitted as regulated by this Chapter as to height and size.

- B. Exit, entrance, or other on-site traffic directional signs are permitted, provided that the signs do not exceed six feet in height and contain no advertising or message other than for traffic directions. Signs may be attached to a structure providing the sign does not project above the peak of the roof of the structure.
- C. Special signing required for drive-in windows for drive-in restaurants, banks, or similar businesses are permitted, provided the sign copy is necessary for information, instruction, or directions and specifically related to the special use subject to review and approval of the Director of Planning and Building Inspection.

21.60.130 LEGAL NONCONFORMING SIGNS.

Existing signs that are rendered legal non-conforming by this Chapter shall be subject to the requirement of Chapter 21.68 of this Title.

Chapter 21.62

HEIGHT AND SETBACK EXCEPTIONS

Sections:

21.62.010	Purpose.
21.62.020	Applicability.
21.62.030	Height.
21.62.040	Setbacks

21.62.010 PURPOSE.

The purpose of this Chapter is to provide those provisions and exceptions to height and setback regulations throughout all zoning districts and other regulations of this Title.

21.62.020 APPLICABILITY.

The provisions of the Chapter shall apply to all zoning districts and other applicable regulations of this Title.

21.62.030 HEIGHT.

- A. Chimneys, vents, and mechanical appurtenances may be erected to a greater height than the limit established for the district in which the structure is located.
- B. Towers, poles, water tanks, and similar structures may be erected to a greater height than the limit established for the district in which they are to be located, subject to securing a Use Permit (ZA) in each case. Local distribution poles for public utilities shall be allowed in all districts and to greater heights than allowed for the districts without a Use Permit.
- C. Any structure in any Commercial or Industrial District may be erected to a greater height than the limit established for the district in which the structure is to be located, provided that the cubical contents of the structure shall not be greater than that possible for a structure erected within the height limit and provided the design, exterior lighting, siting and landscaping plan for the project is approved by the Planning Commission.
- D. Any accessory structure structurally attached to the main structure shall be allowed the same height as the main structure.

21.62.040 SETBACKS.

- A. Where an Official Plan Line has been established as a part of the Street and Highway Master Plan, the required setbacks on the street side shall be measured from such Official Plan Lines and in no case shall the provisions of this Title be construed as permitting any structure to extend within such Official Plan Line.
- B. In any case where a structure setback line has been shown on a Sectional District Map the required setback on the street side shall be not less than the distance from the edge of the right-of-way of the street specified for such structure line. In no case shall the provisions of this Title be construed as permitting any structures to extend beyond such structure line.
- C. Cornices, eaves, canopies, fireplaces, and similar architectural features may extend into any required setback not exceeding two and one-half feet.
- D. Uncovered decks, porches, or stairways, fire escapes or landing places may extend into any required front or rear setback not exceeding six feet, and into any required side setback not exceeding three feet. For the purpose of this Section, a normal roof overhang up to two and one-half feet does not constitute coverage.
- E. No interior area of a structure may extend into required front, side or rear setbacks, except for bay windows or cantilevered windows where there is no floor or storage area below the window. In such cases, the window may extend into the required setback area up to two feet.
- F. In any district where 50% or more of the building sites on any one block or portion thereof in the same district have been improved with structures, the required front setback shall be of a depth equal to the average of the front setbacks of the improved building sites, to a maximum of that specified for the district in which such building site is located.
- G. In case a dwelling is to be located so that the front or rear thereof faces any side lot line, such dwelling shall not be less than ten feet from such lot line.
- H. In case a building site is less than sixty feet in width, side setbacks shall equal ten percent of the lot width or more but not less than five feet, except in Commercial or Industrial Zoning Districts.
- I. Any residential use to be located in any Commercial or Industrial Zoning District shall provide side and rear setbacks as required in the "MDR" District except for any residential use to be located over a commercial or industrial establishment.
- J. In the case of a corner lot adjacent to a key lot, the required side setback on the street side for any structure within twenty-five feet of the side line of the key lot shall be equal to the front setback required on the key lot, and if more than twenty-five feet from such side line, the required side setback shall be fifty percent of the front yard required on the key lot.
- K. Any accessory structure structurally attached to the main structure shall be subject to the same setback requirements as the main structure.
- L. Detached accessory structures which have access from any alley shall not be located within six feet of the alley right-of-way.

- M. In case of a lot abutting upon two or more streets, the main structure and accessory structures shall not be erected so as to encroach upon the front setback required on any of the streets.
- N. Notwithstanding any requirements in this Chapter, in cases where the elevation of the front half of the lot at a point fifty feet from the centerline of the traveled roadway is seven feet above or below the grade of said centerline, a private garage or carport, attached or detached, may be built to within five feet of the front line of the lot. For garage doors that face the right-of-way, an electric garage door opener is required.
- O. Structures, except utility poles, appurtenant utility equipment and fences shall not be located so as to encroach on any utility or road easement or right-of-way.
- P. Nothing contained in this Chapter shall be deemed to reduce special setback requirements as set forth in the special regulations for any Zoning District.
- Q. In the case of back-to-back corner lots, the required setback from the common street property line shall not be less than the side setback of the district in which the back-to-back corner lots are situated. Should the back-to-back corner lots be in different zoning districts, the side setback requirement of each respective district would apply.

Chapter 21.64

SPECIAL REGULATIONS

Sections:

- 21.64.010 Regulations for Senior Citizen Units.
- 21.64.020 Regulations for Guesthouses.
- 21.64.030 Regulations for Caretaker Units.
- 21.64.040 Regulations for Manufactured Dwelling Units Installed on a Permanent Foundation.
- 21.64.050 Regulations for Mobilehomes Existing with Use Permits.
- 21.64.060 Regulations for Mobilehomes Existing without Use Permits.
- 21.64.070 Regulations for Temporary Residences during the Construction of a Dwelling.
- 21.64.080 Regulations for Temporary Construction Offices or Emergency Facilities for Public Utilities.
- 21.64.090 Regulations for Home Occupations.
- 21.64.095 Regulations for Cottage Industry.
- 21.64.100 Regulations for Bed and Breakfast Facilities.
- 21.64.110 Regulations for Time Share Uses.
- 21.64.120 Regulations for Commercial and Noncommercial Wind Energy Conversion Systems.
- 21.64.130 Regulations for Land Use in the Carmel Valley Floodplain.
- 21.64.140 Regulations for the Location and Siting of Genetic Engineering Experiments.
- 21.64.150 Special Events at County Parks.
- 21.64.160 Location of Public Utility Distribution and Transmission Facilities.
- 21.64.170 Water Facilities in Approved Subdivisions.
- 21.64.180 Density of Development.
- 21.64.190 Reserved.
- 21.64.200 Regulations for Adult Entertainment Facilities.
- 21.64.210 Regulations for Mobilehome Parks.
- 21.64.220 Regulations for Relocated Structures and Mobilehomes.
- 21.64.230 Regulations for Development on Slopes in Excess of 30%.
- 21.64.240 Determination of Vested Rights.
- 21.64.250 Regulations for the Reduction of Vehicle Trips for Certain Developments.
- 21.64.260 Preservation of Oak and Other Protected Trees.
- 21.64.270 Regulations for Historic Resources.
- 21.64.280 Short Term Rentals
- 21.64.310 Regulations for the Siting, Design, and Construction of Wireless Communication Facilities

21.64.010 REGULATIONS FOR SENIOR CITIZEN UNITS.

- A. Purpose: The purpose of this Section is to establish the regulations, standards and circumstances under which certain ancillary housing units may be developed on residential lots where multiple residential units may not otherwise have been permitted.
- B. Applicability: The provisions of this Section are applicable in all zoning districts which allow single family residences.
- C. Regulations: A senior citizen unit shall be allowed on any lot or parcel in any zoning district (unless combined with a "B-8" district) that allows single family dwellings, subject to an Administrative Permit in each case, and subject to the following regulations:
 - 1. An attached senior citizen unit shall not exceed 700 square feet. A detached senior citizen unit shall not exceed 850 square feet.
 - 2. The senior citizen unit shall not be occupied by more than two persons, one of whom shall be sixty years of age or handicapped.
 - 3. Not more than one senior citizen unit shall be permitted on any lot or parcel.
 - 4. The senior citizen unit shall conform with all of the zoning and development standards (lot coverage, height, setbacks, design, etc.) of the zoning district which governs the lot. A senior citizen unit attached to the principal residence shall be subject to the height, setback and coverage regulations of the principal residence. A senior citizen unit detached from the principal dwelling shall be treated as a habitable accessory structure in regard to height, and setbacks.
 - 5. The senior citizen unit shall be designed in such a manner as to be visually consistent and compatible with the principal residence on-site and other residences in the area.
 - 6. One usable and accessible parking space shall be provided in addition to the parking required for the other uses on-site. Any garage or carport constructed in connection with the senior citizen unit is not considered part of the area of the unit, but is considered in the overall lot coverage.
 - 7. In areas not served by public sewer systems, senior citizen units shall not be permitted on lots of less than two acres.
 - 8. Senior citizen units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.
 - 9. Senior citizen units are not permitted on any lot less than 10 acres where a guesthouse or a caretaker unit already exists. Such existing units may be converted to a senior citizen unit, subject to an Administrative Permit.

10. Subsequent subdivisions which divide the main residence from a senior citizen unit shall not be permitted except where lots created meet minimum lot size and density requirements of the existing zoning.
 11. Prior to the issuance of a building permit the applicant shall record a deed restriction as a condition of project approval stating the regulations applicable to the senior citizen unit.
- D. In order to grant the Administrative Permit, the Appropriate Authority shall make the following findings:
1. That the establishment of the senior citizen unit will not, under the circumstances of the particular application, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County; and
 2. That the proposed senior citizen unit complies with all applicable requirements of Section 21.64.010(C) of this Title.
 3. That adequate sewage disposal and water supply facilities exist or are readily available to the site, as approved by the Director of Environmental Health.
 4. That the proposed senior citizen unit will not adversely impact traffic conditions in the area.
 5. That the subject property is in compliance with all rules and regulations pertaining to the use of the property, that no violations exist on the property and that all zoning abatement costs, if any, have been paid.
- E.
1. Any senior citizen unit which does not comply with the provisions of this section shall require a Use Permit. If the modifications to this section are for size, height, or setbacks a Variance shall also be required. The Zoning Administrator is the appropriate authority to consider said permit.
 2. Conversion of an existing structure, or portion of a structure, to a senior citizen unit when that structure exceeds the allowable height for a habitable accessory structure does not require a Variance for an addition to height, provided no additional height is proposed for that structure.

21.64.020 REGULATIONS FOR GUESTHOUSES.

- A. Purpose: The purpose of this Section is to establish the regulations, standards and circumstances under which sleeping facilities not integral to the main dwelling may be established. Such facilities are intended for limited sleeping and living purposes, but not for independent living purposes, permanent residential use, or rental purposes.
- B. Applicability: The provisions of this Section are applicable in all zoning districts which allow guesthouses.
- C. Regulations: The guesthouse shall be a permanent detached structure or an attached structure lacking internal circulation with the main residence. The guesthouse may include a living and sleeping area but shall be without kitchen or cooking facilities. The guesthouse shall be clearly subordinate and incidental to a main residence on the same building site.

A guesthouse shall be subject to the following standards:

1. Only one guesthouse shall be allowed per lot.
2. Detached guesthouses shall be located in close proximity to the principal residence.
3. Guesthouses shall share the same utilities with the main residence, unless prohibited by public health requirements.
4. The guesthouse shall contain no kitchen or cooking facilities, including but not limited to microwave ovens, hot plates, and toaster ovens.
5. There shall be a maximum of six linear feet of counter space, excluding counter space in a bathroom. There shall be a maximum of eight square feet of cabinet space, excluding clothes closets.
6. Guesthouses shall not exceed 600 square feet of livable floor area.
7. Guesthouses shall not be separately rented, let or leased from the main residence whether compensation be direct or indirect.
8. Prior to the issuance of permits for guesthouse construction, or for use of an existing structure as a guesthouse, the applicant shall record a deed restriction stating the regulations applicable to the guesthouse, including that the guesthouse shall not be separately rented, let or leased from the main residence and shall not have cooking or kitchen facilities.
9. Subsequent subdivisions which divide a main residence from a guesthouse shall not be permitted.
10. The guesthouse shall be designed in such a manner as to be visually consistent and compatible with the main residence on site and other residences in the area.

11. The guesthouse height shall not exceed 15 feet nor be more than one story. Additions to height and placement of guesthouses over a one-story structure, such as a garage, may be considered by Use Permit (ZA) when intended to provide for architectural consistency and compatibility with the main residence.
- D. Any guesthouse proposal which does not comply with the provisions of this Section shall require a Use Permit. If the modification to the provisions of this Section are for other than the height of the guesthouse pursuant to Section 21.64.020(C)(11), a Variance shall also be required. The Zoning Administrator shall be the Appropriate Authority to consider said permits.

21.64.030 REGULATIONS FOR CARETAKER UNITS.

- A. Purpose: The purpose of this Section is to establish the regulations, standards and circumstances under which a dwelling unit accessory to the main residence on a lot may be established for the purpose of providing continuous on- site care for persons and property.
- B. Applicability: The provisions of this Section are applicable in all zoning districts which allow single family residences.
- C. Regulations: Caretaker units may be allowed subject to an Administrative Permit in designated districts and subject in all cases to the following regulations:
1. Only one caretaker unit per lot of shall be allowed.
 2. The caretaker shall be employed principally on the lot for purposes of care and protection of persons, plants, animals, equipment, or other facilities on- site or on contiguous lots under the same ownership.
 3. The minimum lot size for establishment of a caretaker unit in areas not served by public sewers shall be two acres.
 4. Caretaker units shall not be subject to density requirements of the zoning district in which the lot is located.
 5. The maximum floor area for a caretaker unit is 1,000 square feet on lots of ten acres or less and 1,200 square feet on lots greater than ten acres.
 6. A minimum of one covered off-street parking space shall be provided for the caretaker unit.
 7. The caretaker unit shall not be separately rented let, or leased to other than the caretaker whether compensation be direct or indirect.
 8. Subsequent subdivisions which divide a main residence from a caretaker unit shall not be permitted except where lots created meet minimum lot size and density requirements of the existing zoning.
 9. Caretaker units are not permitted on any lot less than ten acres where a senior citizen unit exists. Senior citizen units may be converted to a caretaker unit, subject to an Administrative Permit.
 10. The applicant shall record a deed restriction as a condition of project approval, stating that the caretaker unit shall not be rented to other than the caretaker.
- D. In order to grant the Administrative Permit the Appropriate Authority shall make the following findings.

1. That the establishment of the caretaker unit will not, under the circumstances of the particular application, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County; and
 2. That the proposed caretaker unit complies with all of the applicable requirements of Section 21.64.030(C) of this Title.
 3. That the subject property upon which the caretaker unit is to be built is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of this Title and that all zoning violation abatement costs, if any, have been paid.
 4. That adequate sewage disposal and water supply facilities exist or are readily available, as approved by the Director of Environmental Health.
- E. Any caretaker unit proposal which does not comply with the provisions of this Section shall require a Use Permit. If the modification to the provisions of this Section are for other than the height of the caretaker unit, a Variance shall also be required. The Zoning Administrator shall be the Appropriate Authority to consider said permits.

21.64.040 REGULATIONS FOR MANUFACTURED DWELLING UNITS INSTALLED ON A PERMANENT FOUNDATION.

- A. Purpose: The purpose of this Section is to establish the regulations, standards and circumstances for the placement of manufactured dwelling units on permanent foundations. It is the further purpose of this Section to provide the parameters under which such units may be determined to be compatible in an area of residential uses.
- B. Applicability: The provisions of this Section are applicable in all zoning districts.
- C. Regulations: The installation of any manufactured dwelling unit on a foundation system shall be subject to the same development process as the process applicable to a conventionally built dwelling unit on the same lot, provided the following standards are met:
 - 1. That not more than 10 years have elapsed between the date of manufacture of the manufactured dwelling unit and the date of the application for a permit to install the manufactured dwelling unit.
 - 2. That the manufactured dwelling unit shall have a siding material of, or having the appearance of, wood, stucco, brick, stone or other material similar to other residences in the immediate area.
 - 3. That the manufactured dwelling unit shall have a roofing material of wooden, fiberglass or composition shingle, tile, slate or other roofing material similar to homes in the immediate area.
- D. No deviation of the standards listed in Section 21.64.040(C) shall be allowed unless an Administrative Permit is first secured.

21.64.050 REGULATIONS FOR MOBILEHOMES EXISTING WITH USE PERMITS.

- A. Purpose: The purpose of this Section is to establish the regulations for the continuing use of mobilehomes which were established with Use Permits.
- B. Applicability: The regulations of this Section are applicable to those mobilehomes which were placed in use pursuant to a Use Permit. This Section does not apply to mobilehomes established by Use Permit for use in a labor camp, farm labor housing or similar facility.
- C. Regulations: Mobilehomes existing with Use Permits are subject to the following regulations:
 - 1. A Use Permit may be filed for the continuing use of a mobilehome as living quarters, for which a prior Use Permit was granted prior to the time the provisions of this Section became applicable to the property. A Use Permit may be granted, providing application is made not less than ninety days prior to expiration of the Use Permit, and providing all conditions of the Use Permit have been continually met.
 - 2. Mobilehomes existing with a Use Permit may be converted to a former mobilehome without benefit of an Administrative Permit or Use Permit.
 - 3. Mobilehomes existing with a Use Permit may be added to, provided the mobilehome and addition are placed on a permanent foundation. No additional Use Permit or Administrative Permit is required.
 - 4. Mobilehomes existing with a Use Permit may be replaced with another mobilehome of similar size in essentially the same location without an additional Administrative Permit, Use Permit or placement on a permanent foundation. The new mobilehome is subject to the same Use Permit conditions as the mobilehome being replaced.
 - 5. Mobilehomes which were established with benefit of a Use Permit which has subsequently expired shall be considered to be a legal nonconforming use and shall be subject to the provisions of Chapter 21.68 of this Title.

21.64.060 REGULATIONS FOR MOBILEHOMES EXISTING WITHOUT USE PERMITS.

- A. Purpose: This purpose of this Section is to establish the regulations and limitations for the continuing use of mobilehomes which were legally initiated without Use Permits pursuant to the regulations in effect at the time the mobilehomes use was established.
- B. Applicability: The regulations of this Section are applicable to those mobilehomes which were legally placed in use when Use Permits were not required to establish such uses.
- C. Regulations: Mobilehomes existing without Use Permits are subject to the following regulations:
 - 1. Mobilehomes existing prior to Use Permit requirements may be replaced with another mobilehome, subject to an Administrative Permit.
 - 2. Mobilehomes existing prior to Use Permit requirements may be converted to a former mobilehome or may be replaced with a former mobilehome, provided an Administrative Permit is obtained.
 - 3. A mobilehome existing prior to Use Permit requirements may be increased in size as for living area subject to an Administrative Permit. Awnings and carport additions or detached accessory structures may be placed on the property.

21.64.070 REGULATIONS FOR TEMPORARY RESIDENCES DURING THE CONSTRUCTION OF A DWELLING.

- A. Purpose: The purpose of this Section to establish the regulations whereby an owner or builder may reside on the building site during the course of actual construction of the first residence on a lot.
- B. Applicability: The provisions of this Section are applicable in all zoning districts for the establishment of a temporary residence during the construction of the first residence on any lot.
- C. Regulations: Recreational vehicles or mobilehomes may be used as a temporary residence during the course of actual construction of a single family dwelling subject to the following standards:
 - 1. Only one temporary residence may be allowed on a lot.
 - 2. No temporary residence may be allowed if other residences exist on the lot.
 - 3. All building, health, public works or other required permits for the temporary residence must be obtained, all installations be completed, inspected and approved prior occupancy of the temporary residence.
 - 4. The use of the temporary residence may not begin until a building permit for the permanent residence is issued.
 - 5. Actual construction on the permanent residence must start within sixty days of the issuance of the building permit for the residence or the use of the temporary residence must cease, the unit be vacated and be disconnected from all utilities until actual construction is started.
 - 6. The use of the temporary residence must cease within eighteen months of the date of issuance of the building permit for the permanent residence or occupancy of the permanent dwelling whichever occurs first. Upon cessation of the use, if the temporary residence is a mobilehome it must be removed from the property. If the temporary residence is a travel trailer, motorized recreational vehicle, fifth wheel unit, motorhome or similar recreational vehicle, the unit shall be disconnected from all utilities, but need not be removed from the property.
 - 7. The temporary residence must be connected to a water source and sewage disposal facility approved by the Director of Environmental Health.
- D. Any alteration, modification, extension, or amendment to the provisions of this regulation shall require an Administrative Permit.

21.64.080 REGULATIONS FOR TEMPORARY CONSTRUCTION OFFICES OR EMERGENCY FACILITIES FOR PUBLIC UTILITIES.

- A. Purpose: The purpose of this Section is to establish the regulations for the establishment of temporary construction offices or emergency facilities for public utilities.
- B. Applicability: The provisions of this Section are applicable in all zoning districts.
- C. Regulations:
 - 1. All mobilehomes, trailers, coaches, or similar facilities used for temporary construction offices or emergency public utility facilities are permitted during the course of construction or duration of the emergency.
 - 2. Such facilities shall comply with all requirements of the Uniform Building Code and Title 16, Monterey County Code and Chapter 15.20, Monterey County Code.
 - 3. Such facilities shall not be lived in.

21.64.090 REGULATIONS FOR HOME OCCUPATIONS.

- A. Purpose: The purpose of this Section is to establish the regulations, standards and circumstances under which businesses of limited scale and impact may be established in residences.
- B. Applicability: The provisions of this Section are applicable in all areas of the county.
- C. Regulations: Home occupations may be conducted in any zoning district which allows residential use.
 - 1. Home occupations are limited to those occupations using facilities, equipment and materials normally found in the home and within accessory structures, including but not limited to typing, seamstress or tailoring, computerized data processing, ceramics, music and instrument lessons, and lawn mower repair which do not interfere with the use or appearance of the home as a residence or the aesthetic character of the district.
 - 2. No persons other than the resident and immediate family residing on site may be employed in the home occupation.
 - 3. All facets of the home occupation must be contained in the residence or inside structures on-site that are otherwise considered to be accessory structures to a residence.
 - 4. There shall be no production of noxious or toxic odors or fumes, nor increase in numbers or duration of noise or traffic levels above those of ordinary residential use; nor use, storage, or disposal of materials of a nature or quantity not ordinarily found in residential neighborhoods, which have the potential to endanger the health, safety, or peaceful enjoyment of their property or neighborhood residence, or to constitute a hazard to their environment.
 - 5. There shall be no advertising for the home occupation allowed on the property.
- D. Modification to the provisions of Section 21.64.090 C of this Chapter may be considered by an Administrative Permit.

21.64.095 REGULATIONS FOR COTTAGE INDUSTRY

- A. Purpose: The purpose of this Section is to establish the regulations, standards and circumstances under which businesses of limited scale and impact may be established in all zoning districts where a single family dwelling is an allowed use. It is the further purpose of this Section to provide for standards, review processes and review periods to assure that such uses are not detrimental to the residential property in the area in which they are established.
- B. Applicability: The provisions of this Section are applicable in all areas of the County.
- C. Regulations: A Cottage Industry may be conducted in any zoning district which allows residential use, subject to the following standards.
1. All Cottage Industry shall require a Use Permit pursuant to Chapter 21.74. The Zoning Administrator is the Appropriate Authority to consider such Use Permit.
 2. A total of two persons, other than the resident and immediate family residing on site, may be employed in the cottage industry.
 3. There shall be no advertising for the cottage industry on the property, except for such advertising as may be incorporated within the four square foot nameplate allowed for the residence. The location and design of such nameplate shall be subject to the approval of the Zoning Administrator.
 4. Adequate access and parking must be provided on-site to accommodate the residential use, employees and two customers of the cottage industry.
- D. All Use Permits issued for Cottage Industry shall be subject to the following time limits:
1. The initial Use Permit shall not be issued for more than one year,
 2. The second Use Permit shall not be issued for more than three years; and
 3. The third and subsequent Use Permits shall not be issued for more than five years.
- The purpose of these time limits is to provide adequate on-going review of the Cottage Industry to assure that the use continues to meet the standards of this Section, that the nature of the area has not changed sufficiently to cause the use to be detrimental to the area, and to review the conditions of the prior Use Permit to determine their continuing adequacy.
- E. The Zoning Administrator shall not approve a Use Permit for Cottage Industry unless the following findings, in addition to those required by Chapter 21.74, can be made:
1. That the proposed use conforms to the requirements of Section 21.64.095(C);
 2. That the site is physically suitable for the project;

3. That adequate sewer and water service exists or can be provided;
4. That adequate road and transportation facilities exist for the use;
5. The use proposed is compatible with the area;
6. That the subject property complies with all zoning standards, such as height, setbacks and lot coverage, subdivision standards and that no zoning violations exist on the property; and
6. Impacts considered potentially significant are mitigated.

21.64.100 REGULATIONS FOR BED AND BREAKFAST FACILITIES.

- A. Purpose: It is the purpose of this Section to establish the regulations, standards and circumstances under which bed and breakfast facilities may be established in certain residential areas of the County of Monterey. It is the further purpose of this Section to provide for standards, review processes and review periods to assure that such uses are not detrimental to the area and residents in which it is established.
- B. Applicability: The regulations of this Section are applicable in all zoning districts which allow bed and breakfast operations.
- C. Regulations: A bed and breakfast facility may be allowed in all districts which allow residential use and where found to be consistent with the Monterey County General Plan, or applicable area plan on any lot in any zoning district that allows residential uses subject to a Use Permit in each case and subject to the following regulations:
1. The property owners shall occupy and manage the bed and breakfast facility. The facility shall not be affiliated with hotels or motels operating anywhere in the County of Monterey.
 2. No more than ten guest rooms may be allowed in one facility.
 3. No long-term rental of rooms shall be permitted. The maximum stay for guests shall not exceed 29 consecutive days in a 30 day period.
 4. The facility shall provide parking on site at the rate of 1 space per guestroom plus two spaces for the owners.
 5. Each bed and breakfast facility may have a maximum of one sign not exceeding 4 square feet in area. Such sign shall be attached to the residence, and shall not be internally illuminated.
 6. Such facilities shall be subject to the transient occupancy tax. (Chapter 5.40, Monterey County Code)
 7. Any cooking facility must comply with State and County codes.
- D. In order to grant the Use Permit the Appropriate Authority shall make the following findings:
1. That the establishment of the bed and breakfast facility will not under the circumstances of the particular application be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.
 2. That the proposed bed and breakfast facility complies with all applicable requirements of Section 21.64.100(C) of this Title.
 3. That the proposed bed and breakfast facility will not adversely impact traffic conditions in the area.

4. That adequate sewage disposal and water supply facilities exist or are readily available to the lot.
5. That the proposed bed and breakfast facility is consistent with the Monterey County General Plan and/or applicable area plan.
7. That the subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions, and any other applicable provisions of this Title and that all zoning violation abatement costs, if any, have been paid.

21.64.110 REGULATIONS FOR TIMESHARE USES.

- A. Purpose: The purpose of the Section is to establish the standards, regulations and circumstances under which timesharing residential uses may be established. Further, the regulation of the Section are intended to provide for the protection of existing residential uses and neighborhoods through mandatory findings for approval and public hearing processes.
- B. Applicability: A timeshare project shall be permissible only in such zones and at the locations therein where a hotel, motel or similar visitor accommodation use would be permitted. No timeshare project shall be allowed in any case wherein covenants, conditions and restrictions expressly prohibit timeshare or other transient uses.
- C. A Use Permit shall be required in accordance with Chapter 21.74 for any timeshare project.
- D. **Transient Occupancy Tax Applicable.**

All timeshare projects shall be subject to the provisions of Chapter 5.40 of the Monterey County Code (Uniform Transient Occupancy Tax Ordinance of the County of Monterey).

- E. **Application for Timeshare Project Approval.**

An applicant for approval of a proposed timeshare project shall submit a completed application on a form as prescribed by the Director of Planning and Building Inspection, in addition to any other application, information or forms that may be necessary in the particular case as determined by the Director of Planning and Building Inspection. The application shall include:

- 1. Identification by name of the timesharing project and street address where the timesharing project is situated, including legal description;
 - 2. Identification of the time periods, types of units, and number of units that are in the timeshare project. In order to facilitate orderly planned timeshare projects, the total number of timeshare units anticipated for the project shall be stated and approved although the project may be built, converted or maintained for timeshare purposes in phases convenient to the applicant;
 - 3. A map drawn at the appropriate scale (1"=100' or as otherwise approved by the Director of Planning and Building Inspection), showing the site in relation to surrounding property, existing roads and other existing improvements (in all cases, an engineers scale shall be used);
 - 4. A site plan for the entire anticipated project (whether or not built, converted or maintained in phases) showing proposed improvements, location of structures, vehicular ingress, and egress, landscaping, and floor plans;
- F. **General Conditions and Findings.**

The Planning Commission may approve or deny an application for Use Permit for a timeshare project. The Commission may impose such conditions as it determines necessary to protect the public safety, health, peace and welfare. If a Use Permit is granted, the Use Permit shall be granted with a condition attached that no timeshare rights or entitlements shall be sold or offered for sale unless, at such time, there then exists a valid final subdivision public report for the sale of such timeshare rights or entitlements, issued by the Department of Real Estate of the State of California. In determining whether, and under what conditions to issue any such Use Permit, the Commission, among other things, shall consider:

1. The impact of the timesharing project on transient or permanent rental stock;
2. The impact of timesharing on present and future County services;
3. Conformity with current zoning regulations and the General Plan;
4. Conformity with existing uniform building and fire codes;
5. The sign program proposed for the project;
6. The landscaping proposed for the project;
7. Traffic circulation and parking for residents, guests, prospective purchasers and sales program personnel;
8. The applicant's description of the methods proposed to be employed to guarantee the future adequacy, stability and continuity of a satisfactory level of management and maintenance of the timeshare project.
9. The desirability of requiring an office of the managing agent or agency be located locally or on-site, as appropriate.
10. The nature and feasibility of alternative uses in case the sales program for timeshares fails.
11. Any other factors deemed relevant and any other information which the Commission or the applicant considers necessary or desirable to an appropriate and proper consideration of the application.

G. Specific Conditions and Findings.

In addition to other considerations of a conditional Use Permit for a timeshare project, the following shall apply:

1. **Condominium Conversions.** In the event an existing condominium project is proposed to be converted to a whole or partial timeshare project, a verified description or statement of the number and percentage of the current condominium owners desiring or consenting to the proposed conversion of some or all of the units to a timeshare basis shall be submitted. Also in such instance,

there shall be submitted, a verified statement of the number and percentage of owners who have received notification, either personally (proof by signature of the recipient or witness) or by receipted certified U.S. Mail, the application to so convert the project will be submitted to the Commission on a date and time certain for hearing. No application shall be approved unless, among other considerations, it appears that more than 50% of the owners of condominium units (not including those owned by the applicant and/or the developer or any person or entity affiliated therewith) have received notification, either personally or by receipted certified U.S. Mail.

2. Hotel and Motel Conversions. In the event an existing hotel, motel, inn, or bed and breakfast facility is proposed to be converted in whole or in part to a timeshare project, the Planning Commission shall consider, in addition to the considerations in section 21.64.110(F), the following:
 - (a) the impact of the conversion on employment opportunities in the planning area of the project;
 - (b) the impact of the project on the visitor serving economy of the planning area;
 - (c) the impact of the conversion on energy, water and sewer use;
 - (d) the impact of the project on the stock of hotel and other visitor accommodations for low and moderate income persons;
 - (e) the impact of the project on the stock of hotel and other visitor accommodations for stays of less than one week within the planning area.

H. **Approval of the Timeshare Projects.**

No timeshare project shall be approved by the County unless the following findings can be made:

1. That the project is compatible with adjacent land uses and is adequately buffered by open space and/or landscaping from any less intense use.
2. That the development plan is consistent with all goals and policies of the General Plan.
3. That adequate access for high density dwellings is available or attainable through the conditions of the development.
4. That all structures, existing or proposed, meet presently established minimum structural, health, safety and fire standards.
5. That the project does not significantly adversely impact:
 - (a) water use;
 - (b) sewer use;

- (c) energy use;
 - (d) traffic;
 - (e) police protection and other county services;
 - (f) fire protection;
 - (g) employment opportunities in the planning area;
 - (h) the visitor serving economy of the planning area;
 - (i) the stock of hotel and other visitor serving accommodations including, but not limited to, that which serves low and moderate income persons;
 - (j) the stock of hotel and other visitor accommodations for stays of less than one week within the planning area.
6. That the project will not have a significant adverse impact on the health, safety, and welfare of the general public.

I. **Exceptions.**

This Chapter shall not affect timeshare projects for which approved permits from the State Department of Real Estate have been issued prior to January 1, 1984, or projects in which units have been lawfully sold or offered for sale to the public prior to January 1, 1984, if said projects were in compliance with the zoning laws then in force.

21.64.120 REGULATIONS FOR COMMERCIAL AND NONCOMMERCIAL WIND ENERGY CONVERSION SYSTEMS.

- A. Purpose: The purpose of this Section is to provide the necessary regulations for the establishment of commercial and noncommercial wind energy conversion systems in the locations and circumstances under which the use may be established without detriment to the public health, safety and welfare.
- B. Applicability: The provisions of this Section are applicable in those districts which allow commercial and noncommercial wind energy conversion systems.
- C. Regulations: Wind Energy Conversion Systems may be permitted in specified zoning districts, subject to securing a the appropriate permits in each case, and subject to the following regulations:
 - 1. The application shall include a plot plan using an engineers scale and drawn in sufficient detail to show the following:
 - a. Property lines, dimensions, acreage, and contours with appropriate intervals for site evaluation.
 - b. Location and elevation of proposed Wind Energy Conversion System.
 - c. Location and dimensions of all existing structures and uses on the lot within 300 feet of the system.
 - d. Height of any structures or trees over 35' within a 500' radius on-site or off-site of the proposed Wind Energy Conversion System.
 - e. Surrounding land use and all structures irrespective of height, within 500 feet of the Wind Energy Conversion System location.
 - f. Standard drawings of the structural components of the Wind Energy Conversion System, including structures, tower, base and footings. Drawings and any necessary calculations shall be certified by a registered engineer that the system complies with the Uniform Building code.
 - g. Evidence from a qualified individual that the site is feasible for a Wind Energy Conversion System.
 - h. Certification from a registered engineer or qualified person that the rotor and overspeed control have been designed for the proposed use on the proposed site.
 - 2. Setbacks:
 - a. Wind Energy Conversion Systems shall maintain a minimum setback of two times the total height of the Wind Energy Conversion System from any property line.

- b. Wind Energy Conversion Systems shall maintain a minimum setback of at least 5 times the Wind Energy Conversion System height from the right-of-way line of any public road or highway.
 - c. In all cases the Wind Energy Conversion Systems shall maintain a minimum distance of at least 1.25 times the Wind Energy Conversion Systems height from any habitable structure.
3. Height:
- a. Noncommercial Wind Energy Conversion Systems shall not exceed a total height of 50 feet unless the parcel on which the Wind Energy Conversion Systems is to be located is 10 acres or larger, in which case the maximum total height may be 100 feet.
 - b. Commercial Wind Energy Conversion Systems shall not exceed a total height of 200 feet.
 - c. In all cases the minimum height of the lowest position of the Wind Energy Conversion Systems blade shall be at least 30 feet above the ground and 30 feet above the highest existing structure or tree within a 250 foot radius.
4. Wind Energy Conversion Systems Siting and Design Standards:
- a. Wind Energy Conversion Systems shall not be placed on visually prominent ridgelines.
 - b. Wind Energy Conversion Systems shall be designed and placed in such a manner to minimize to the greatest extent feasible adverse visual and noise impacts on neighboring areas.
 - c. Colors and surface treatment of the Wind Energy Conversion Systems and supporting structures shall to the greatest extent feasible minimize disruption of the natural characteristics of the site.
 - d. Wind Energy Conversion Systems shall be equipped with air traffic warning lights and shall have prominent markings on the rotor blade tips of an international orange color where:
 - i. The total height of the Wind Energy Conversion Systems exceeds 175', or
 - ii. Any Wind Energy Conversion Systems exceeding 125' in total height is placed at a ground elevation over 200'
5. Noise:
- The Wind Energy Conversion System shall comply with the Noise Element of the General Plan and any noise ordinance of the County of Monterey.

6. Safety Measures:

- a. Each Wind Energy Conversion Systems shall be equipped with both manual and automatic controls to limit the rotational speed of the rotor blade so it does not exceed the design limits of the rotor.
- b. The height, color, and type of fencing for Wind Energy Conversion Systems installation shall be determined on the basis of individual applications as safety needs dictate.
- c. Appropriate warning signs shall be posted. The type and placement of the signs shall be determined on an individual basis as safety needs dictate.

7. Electromagnetic Interference:

The Wind Energy Conversion System shall be operated such that no disrupting electromagnetic interference is caused. If it is determined that a Wind Energy Conversion Systems is causing electromagnetic interference, the operator shall take the necessary corrective action to eliminate this interference including relocation or removal of the facilities, subject to the approval of the Director of Planning and Building Inspection.

8. Liability Insurance:

The Wind Energy Conversion System operator shall maintain a current insurance policy which will cover installation and operation of the Wind Energy Conversion Systems. The amount of said policy shall be established as a condition of permit approval.

D. Findings: The approval of the Use Permit shall include the following minimum findings:

1. That the proposed use is not detrimental to the public health and safety, and
2. That the use of the property for such purposes will not result in material damage, or prejudice to other property in the area, and
3. Installation of the Wind Energy Conversion System does not have the potential to create a substantially adverse visual impact when viewed from a common public viewing area.
4. That the subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions, and any other applicable provisions of this Title and that all zoning violation abatement costs have been paid.

E. Abatement:

1. If any Wind Energy Conversion System remains non- functional or inoperative for a continuous period of one year, the permittee shall remove said system at their expense. Removal of the system

includes the entire structure including foundations, transmission equipment, and fencing from the property.

2. Non-function or lack of operation may be proven by reports to the State Energy Commission or by lack of income generation. The applicant, permit holder, and successors shall make available to the Director of Planning and Building Inspection all reports to and from the purchaser or purchasers of energy from individual Wind Energy Conversion Systems or from the wind farm, if requested.
3. The applicant, or successors, shall continuously maintain a fund payable to the County of Monterey for the removal of non-functional towers and appurtenant facilities in an amount to be determined by the Director of Planning and Building Inspection for the period of the Use Permit. This fund may consist of a certificate of deposit in a State of California financial institution (as approved under Government Code Section 66499). Interest on said certificate of deposit shall be paid to the applicant, or its successors, but the terms of the certificate shall require that it remain on deposit during the period of the Use Permit.
4. If removal of towers and appurtenant facilities is required and the applicant, permit holder, or successors fails to remove the towers and appurtenant facilities from the property within 30 days from the date of notification by the Director of Planning and Building Inspection, the Director of Planning and Building Inspection may contract for such removal and pay for removal from the fund. The permit holder shall then have 90 days within which to replenish the fund. Failure to replenish the fund shall be a breach of the condition of the Use Permit and as such, voids the permit.
4. If the County removes a tower and appurtenant facilities, it may sell the salvage to defray the cost of removal. By the acceptance of a Use Permit, the permittee or grantor grants a license to the County of Monterey to enter the property to remove a tower pursuant to the terms of the Use Permit and to assure compliance with the other conditions set forth in the permit.

21.64.130 REGULATIONS FOR LAND USE IN THE CARMEL VALLEY FLOODPLAIN.

- A. Purpose: The purpose of this Section is to protect the Carmel River and its corridor including visual aspects, value as wildlife habitat and stabilize the river channel; preserve the rural character of Carmel Valley; and promote the public health and safety by lessening local flood potential and flood related hazards.
- B. Applicability: This Section shall apply to that area within the riparian corridor, within 200 feet of the river bank, and within the floodway and floodway fringe designations illustrated on maps prepared by Nolte Engineers for the Federal Emergency Management Agency and titled, "Preliminary Flood Boundary and Floodway Map" beginning at the westerly boundary of Lot 11, and the westerly boundary of that 4.768 acre parcel of Lot 12 as shown on Page 220 of Volume X3 of Surveys of the Hatton Partition of Rancho Canada de la Segunda and extending upstream to the Limit of Detailed Study easterly of Camp Stephani.
- C. Definitions: For the purpose of this Section, unless the context otherwise requires, certain terms used in this Section are defined as follows:
1. Floodway: That portion of the valley floor required to carry the flow which may on the average occur once every 100 years (a 100 year flood). The floodway shall be that area shown on maps prepared by Nolte Engineers for the Federal Emergency Management Agency titled, Preliminary Flood Boundary and Floodway Map, and which are in the possession of the Monterey County Water Resources Agency and the Monterey County Planning and Building Inspection Department.
 2. Riparian Corridor: That portion of the valley floor vegetated with native plant materials characteristic of the channel, banks, and adjacent areas of the river. The riparian corridor is further defined as that area which includes trees and woody plants which are clearly dependent on the water course for their continued existence, but shall not extend beyond the floodway fringe.
 3. Development: The construction of structures, grading, or other similar activity which requires a permit(s) from any governmental agency.
 4. Floodway Fringe: That portion of the valley floor outside of the floodway normally required to carry the flow which may on the average occur once every 100 years (a 100 year flood), and which could be completely obstructed without increasing the floodwater surface elevation more than one foot at any point. The floodway fringe shall be that area shown on maps prepared by Nolte Engineers for the Federal Emergency Management Agency titled Preliminary Flood Boundary and Floodway Map, and which are in the possession of the Monterey County Water Resources Agency and the Monterey County Planning and Building Inspection Department.
- D. **Regulations.**
1. The following activities are hereby prohibited, except as provided for herein.
 - a. Development within 200 feet of the riverbanks, or in the floodway or riparian corridor, as defined herein, except for areas separated vertically by more than the vertical elevation of

flooding, as shown in the 100 year floodplain and floodway maps described in Section 21.64.030(C), where it can be shown, to the satisfaction of the Monterey County Water Resources Agency Engineer, that development will accommodate sufficient setback to avoid erosion. All development within 200 feet of the river banks will require a Use Permit.

- b. Alteration of the living riparian vegetation by removal, thinning, or other means.
 - c. Construction or alteration of levees, or the placement of fill material in the floodway or riparian corridor.
 - d. Any alteration of the natural course of the river or its banks, except as a part of a flood control project planned or approved by the Monterey County Water Resources Agency.
 - e. Any dredging of, or removal of, natural materials from the river channel or banks.
2. Development in the floodway fringe as defined herein, and subject to the provisions of sub-section 21.64.130D(1) and sub-section 20.108.050A is permitted subject to the provisions of this Chapter and provided that all structures including related utilities shall be so located and constructed so as to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. On-site waste disposal systems shall be located so as to avoid impairment of them or contamination from and during flooding. The first habitable floor of any structures shall be located at least one foot above the 100 year flood level. Such use shall be subject to first securing a Use Permit prior to the commencement of any such development.
 3. Development of recreation facilities and the establishment of low intensity open space uses and structural repairs and alterations to existing structures may be permitted in the floodway or floodway fringe provided such facilities or uses comply with the intent and all provisions of this Ordinance, including the requirement for a Use Permit and adequate protection of riparian habitats and riparian vegetation, smooth flood flow, retention of Federal Flood Insurance Eligibility, and prevention of damage to structures in the floodways. Such facilities and uses shall not include activities and/or structures which would increase flood-related hazards or impede flood flows. Structural repairs and alterations to existing structures may not expand, enlarge, increase, or otherwise intensify the existing structure.

E. Development of Lots of Record.

1. Lots of record as of August 7, 1981, whose development would be in conflict with the provisions of this Chapter because their developable portions are within 200 feet of the river bank or within the riparian corridor, may be developed for single family residential purposes, provided that such uses shall, to the maximum extent feasible, comply with all applicable provisions of this Chapter. Such development shall be subject to first securing a Use Permit, prior to the commencement of any such use.

2. New development, or the expansion of or addition to any existing uses, in the floodway is prohibited except for recreational facilities or low intensity open space uses, and structural repairs and alterations to existing structures as provided for in sub-section 64.130(D)(3).

F. Riverbank Protection or Channel Modification.

1. Notwithstanding Section 21.64.130(D)(1) and (2) of this Section, riverbank protection, riparian vegetation trimming or removal or channel modification measures may be taken, provided that a Use Permit is first secured.
2. Emergency riverbank protection or channel modification measures are excepted from the prior requirement for a Use Permit, provided that the General Manager of the Monterey County Water Resources Agency must first declare such an emergency to exist or to be imminent. When declaring an existing or imminent emergency, the General Manager of the Monterey County Water Resources Agency shall take into account the high probability of flooding, erosion danger, blockage and structural damage within the next 60 days. During a declared period of emergency, the General Manager must first approve in writing the type, location and extent of any such emergency measures. Application for approval shall be made to the General Manager on forms supplied by the Water Resources Agency and shall be accompanied by appropriate plans prepared by a registered civil engineer.
3. Should an emergency situation arise that requires immediate bank protective actions to mitigate a clear and present danger to life or property, such actions may be performed without prior approval of the Monterey County Water Resources Agency Engineer. Protective measures performed under this sub-section shall be limited to those needed to mitigate such clear and present danger to life or property. Within ten calendar days of the commencement of such actions the type, location, and extent of protective measures performed under this Sub-section shall be reported in writing to the General Manager of the Monterey County Water Resources Agency.

G. Approved Projects Exclusion.

1. Any development project for which all required permits have been secured and are in effect at that time of adoption of this Section shall be exempt from the provisions of this Section. Should any such permit(s) lapse or otherwise become ineffective for any reason, all provisions of this Section shall then apply.
2. Any channel modification, or alteration of riparian vegetation within the river channel or on the riverbanks which, in the opinion of the General Manager of the Monterey County Water Resources Agency and the Director of Planning and Building Inspection would be of such a very minor nature that such projects could have no impact on the river, its visual appearance, habitat values or stability, are exempt from the other provisions of this Section. This exemption only applies if the proposed project is approved by the General Manager and the Director of Planning and Building Inspection prior to the commencement of the intended work.

3. Any development project which, in the opinion of the Director of Planning and Building Inspection and the Monterey County Water Resources Agency would be of such a very minor nature, that such a project would have no impact on the flood plain or the riparian corridor, is exempt from the other provisions of this Section. This exemption only applies if the proposed project is approved by the Director of Planning and Building Inspection and the General Manager of the Monterey County Water Resources Agency, prior to construction of the project.

H. Conflicts with Other Chapters.

If this Section is found to be in conflict with any other Chapter, Section, Subsection or Title, the provisions of this Section shall prevail.

21.64.140 REGULATIONS FOR THE LOCATION AND SITING OF GENETIC ENGINEERING EXPERIMENTS.

- A. Purpose: The purpose of this Section is to establish a uniform County regulatory policy, standards, and permitting process pertaining to the location and siting of experiments involving the release of genetically engineered microorganisms into the environment with the end in view that public health and safety and the environment are afforded the maximum degree of protection. It is not the intent of this Section to enter the regulatory sphere occupied by the federal and state government; rather, it is the intent of this Section, land use plans and zoning ordinances by using them as primary guides in the determination of proper location for the conduct of genetic engineering experiments.
- B. Applicability: This Section is applicable to any and all experiments involving the release of genetically engineered microorganisms into the open environment conducted by any person or agency. It is not applicable where the experiment proposed has already been conducted within the same crop grouping, as defined in 40 C.F.R. 180.34, within the United States. without any adverse impacts on public health and safety and the environment, on a crop
- C. **Findings.**
1. Experiments involving the release of genetically engineered microorganisms into the open environment may pose risks to public health, safety, and the environment not adequately addressed under current federal and state regulations.
 2. While the control of the release of genetically engineered microorganisms into the environment may generally be considered the responsibility of federal and state governments, it is local government that may initially be called upon to respond to any adverse effects to public health, safety, and the environment, resulting from the release of such microorganisms into the open environment.
 3. In order for local government to have the capacity to provide appropriate response in such instances, it is, at minimum, necessary for local government to be able to determine sites within its jurisdiction appropriate for the conduct of such experiments within the parameters of its land use prerogatives.
 4. In order to protect the public health, safety, and the environment, it is in the public interest for local government to establish rules and regulations addressing certain land use aspects of such experiments, including suitability of test sites and their compatibility with surrounding land uses.
- D. **Definitions.**
1. "Agency" means any local agency as defined in Section 53090 of the government Code. It does not include the federal government or any agencies thereof.
 2. "DNA" means deoxyribonucleic acid.

3. "Genetically engineered microorganisms" means microorganisms including bacteria, fungi, protozoa and viruses, created or modified by recombinant (rDNA) technology.
4. "Genetic engineering" means a process or technology employed whereby the hereditary apparatus of a living cell is altered, modified, or changed so that the cell can produce more or different chemicals or perform completely new functions.
5. "In vitro" means, literally, in glass. This pertains to biological reactions taking place in an artificial apparatus; sometimes used to include growth of cells from multicellular organisms under cell culture conditions.
6. "Open environment" means any unenclosed area or area in the open or place outside a building or shelter.
7. "Person" means any individual, firm, partnership, trust, corporation, company, estate, public or private institution, association, organization, or group, and any representative, agent, or agency of any of the foregoing.
8. "Recombinant DNA (rDNA)" means the hybrid DNA produced by joining or deleting pieces of DNA from the same or different organisms or synthetic DNA from the same or different organisms or synthetic DNA together in vitro.
9. "Release" means to intentionally or deliberately discharge, emit, or liberate any genetically engineered microorganism into the open environment.

E. Regulations.

1. No person or agency shall conduct experiments involving the release of genetically engineered microorganisms into the open environment without first obtaining a Use Permit pursuant to Chapter 21.74 of this Title. Chapter 21.74 shall govern all matters relating to Use Permits for such experiments except as provided for in this Section. The Planning Commission of the County of Monterey shall have the power to hear and decide applications for, and issue such Use Permits.
2. No application for a Use Permit may be considered unless applicant demonstrates that he/she has been granted the necessary permit to conduct such experiments by the appropriate federal and state agencies at the time of the filing of the application.
3. An application for a Use Permit may be made only on properties designated by the Monterey County General Plan, area plans or coastal land use plans as Farmlands, Permanent Grazing, Rural Grazing, Agricultural Conservation or Agricultural Preservation.
4. No application for a Use Permit may be considered for an application site within one mile of any existing permanent residence occupied by persons during the duration of the experiment, including but not limited to single family dwellings, apartments, and farm labor housing, unless the applicant

submits with a Use Permit application, written approval of both the Monterey County Director of Environmental Health and the Monterey County Agricultural Commissioner for a lesser distance.

5. All Use Permits for experiments involving the release of genetically engineered microorganisms shall require environmental review pursuant to the California Environmental Quality Act and the guidelines adopted by the County of Monterey. Such Use Permits may not be categorically exempt.
6. All Use Permit applications shall be accompanied by all necessary forms, plans and supporting information deemed necessary by the Director of Planning and Building Inspection, the Director of Environmental Health, and the Agricultural Commissioner to consider the Use Permit application complete. Such information shall include at the minimum:
 - a. A site plan showing in sufficient detail and scale:
 - i. the size of the property proposed for the use;
 - ii. the current use of the property;
 - iii. the use of all properties within two miles of the exterior boundary of the subject;
 - b. Copies of all approved state and federal permits for the use;
 - c. Copies of all information submitted to state and federal agencies, except materials and information considered to be "trade secrets";
 - d. Information relative to the type of microorganism to be used;
 - e. Plans and measures for the control of public access and trespass on the subject site;
 - f. Measures for the protection of surface and groundwater;
 - g. Measures for vector control;
 - h. Measures for control of airborne materials from the site;
 - i. Measures proposed for meeting potential liability.
7. Upon the application being deemed complete, it shall be submitted to the Monterey County Agricultural Advisory Committee for a report and recommendation prior to consideration by the Planning commission.
8. The Planning Commission may impose, as a condition to the issuance of the permit, such conditions as it deems necessary to protect the public health, safety and the environment.

F. Financial Assurances and Indemnification.

1. Each permit issued pursuant to this Section shall have as a condition of the permit, a requirement that the applicant provide financial assurances that are necessary to respond adequately to damage claims arising from activities permitted under this Chapter. The financial assurances shall be in the form of a trust fund, surety bond, letter of credit, insurance, or other equivalent financial arrangement in a form and in amounts acceptable to the County.
2. Each permit issued pursuant to this Section shall have as a condition of the permit, a requirement that the applicant indemnify and hold harmless the County and its officers, agents, and employees from actions or claims of any description brought on account of any injury or damages sustained, including death, by any person or property resulting from the issuance of the permit and the conduct of the activities or experiments authorized under said permit.

G. Severability.

If any section, subsection, sentence, clause, or phrase of this Section is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Section. The Board of Supervisors hereby declares that it would have passed this Section and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases may be declared invalid.

21.64.150 SPECIAL EVENTS AT COUNTY PARKS.

- A. Purpose: The purpose of this Section is to provide a mechanism whereby special event activities involving the assemblages of people including, but not limited to, circuses, carnivals, fairs, festivals, exhibitions, concerts, shows, sporting and racing events, which are to be held within the Monterey County Regional Park System when the attendance for these special events is estimated by the Director of Parks to be more than 5,000 persons per day may be considered.
- B. Applicability: The provisions of this Section are applicable in parks under the control of the Monterey County Regional Park System.
- C. Regulations: The following special events in the Monterey County Regional Parks shall require a Special Event Permit issued solely by the Monterey County Board of Supervisors:
 - (1) Each special event which the Director of Parks estimates will have an attendance in excess of 5,000 persons per day;
 - (2) All special events that require the significant support of services of other county departments;
 - (3) All outdoor concerts;
 - (4) All vehicular racing events on the Laguna Seca Recreation Area Raceway;
 - (5) All events at park units that are not designated as being germane to the park unit as the Board of Supervisors may from time to time establish by resolution.
- D. All Special Event Permits considered by the Board of Supervisors shall require a public hearing pursuant to the requirements of Chapter 21.78 of this Title.

21.64.160 LOCATION OF PUBLIC UTILITY DISTRIBUTION AND TRANSMISSION FACILITIES.

- A. Purpose: It is the purpose of this Section to provide a mechanism for public utilities to obtain permits for public utility facilities.
- B. Applicability: This provisions of this Section are applicable in all zoning districts.
- C. Regulations: Public utility distribution and transmission line towers and poles and underground facilities for distribution of gas, water, sewer, telephone, and electricity, and telephone booths, shall be allowed in all districts, and without limitations as to height, without the necessity of first obtaining a Use Permit; provided, however, that the routes of proposed gas, water, telephone, and electric transmission lines, and the proposed locations of telephone booths, shall be submitted to the Planning Commission for recommendation to the public utility at any time prior to, but at least thirty days in advance of, the acquisition of rights-of-way for any such routes, or, in the case of telephone booths, in advance of the erection thereof.

21.64.170 WATER FACILITIES IN APPROVED SUBDIVISIONS.

- A. Purpose: It is the purpose of this Section to provide a mechanism whereby a Use Permit is not required for water system facilities in approved subdivisions.
- B. Applicability: The provisions of this Section are applicable in all zoning districts.
- C. Regulations: A Use Permit is not required for any water facility which has been approved by the Appropriate Authority in conjunction with a tentative map or tentative parcel map. All conditions of the map approval which pertain to the water facility must be met prior to the construction or installation of said facility. The water facility may be used only for all development within the subdivision for which it is designed unless a Use Permit is obtained.

21.64.180 DENSITY OF DEVELOPMENT.

A. Purpose: The purpose of this Section is to provide a mechanism to calculate the maximum residential development allowed in accordance to an established formula to determine land use densities.

B. Applicability:

The provisions of this section shall apply in the following zoning districts: "LDR", "RDR", "RG", and "RC".

C. Regulations:

1. The following slope density formula shall be used in the calculation of maximum possible density for individual parcels based upon slope:
 - a. Those portions of parcels with a cross-slope of between zero and 19.9 percent shall be assigned a density of one building site per one acre.
 - b. Those portions of parcels with a cross-slope of between 20 and 29.9 percent shall be assigned a density of one building site per each two acres.
 - c. Those portions of parcels with a cross-slope of 30 percent or greater shall be assigned zero building sites.
 - d. The density for a particular parcel shall be computed by determining the cross-slope of the various portions of the lot applying the assigned densities listed above according to the percent of cross-slope and by adding the densities derived from this process. The maximum density derived by the procedure shall be used as one of the factors in the final determination of the actual density that shall be allowed on a parcel.
2. Where an entire parcel would not be developable because of plan policies, an extremely low density of development should be allowed.
3. Any decrease in density resulting from application of General Plan or Area Plan policies shall be subtracted from the maximum density allowable under the slope density formula.
4. In instances where a parcel includes more than one zoning district or plan designation, the maximum density shall be calculated for the respective zoning districts or plan designation. The sum of the calculations shall be the maximum number of units allowed by zoning or plan designation.
5. If the slope density formula renders a maximum density greater than the maximum density allowable under the General Plan, the density established by General Plan shall prevail over the slope density formula.

6. If the slope density formula renders a maximum density less than that maximum density allowable under the General Plan, the density established by the slope density formula shall prevail over the General Plan density.
7. If the maximum allowable density established pursuant to subsection 5 or 6 above exceeds the maximum allowed by zoning, the maximum allowed by zoning shall prevail.
8. Lot line adjustments shall be exempt from the criteria for maximum allowable residential density on a parcel, provided that no net increase in the number of residential lots will result.

D. Density of Development Standards

The maximum density established under this Section shall be utilized as the basis to begin consideration of the density appropriate for development of a specific parcel. Such established maximum density is not a guarantee of possible development potential of any given property. Density of development shall ultimately be determined through the permit process, consideration of site conditions on the specific property and of details of the specific development proposal without imposing undue restrictions on private property. Such considerations may include but are not limited to:

1. soils;
2. available supply and priorities for water;
3. traffic;
4. sewage disposal;
5. development design;
6. known hazards;
7. public facilities, such as schools and police and fire facilities;
8. environmentally sensitive habitat;
9. archaeological and historical resources;
10. housing demands of the County;
11. employment needs;
12. development of the County's economic climate; and
13. attainment of State mandated fair share housing.

- D. For the purpose of calculating on-site density for zoning purposes, caretaker quarters, guesthouses, senior citizen units, farm employee housing, farm employee housing facilities, farm employee quarters and employee housing accessory to an allowed use, shall not be included.

21.64.200 REGULATIONS FOR ADULT ENTERTAINMENT FACILITIES.

- A. Purpose: In adopting this Section, the Board of Supervisors of the County of Monterey recognizes that certain types of adult entertainment facilities possess certain objectionable operational characteristics which, if such uses are allowed to concentrate, will have adverse effects upon the character of the affected area and adjacent neighborhoods. The Board further recognizes that locating adult entertainment facilities in close proximity to facilities frequented by minors will cause the exposure of minors to adult material which may adversely affect such minors due to their immaturity. Additionally, it is recognized by the Board that while certain adult entertainment enjoys limited protection under the First Amendment to the United States Constitution, substantial numbers of the citizens of the County of Monterey are offended by the public display of sexually oriented material. Special and limited regulation of adult entertainment uses, consistent with the First Amendment rights of such uses, is therefore necessary to insure that these adverse effects of adult entertainment uses will not contribute to the lighting or downgrading of zones in which they are permitted, the downgrading of surrounding neighborhoods, will not adversely affect minors, and will not offend those citizens of the County who do not wish to be exposed to sexually oriented material.

- B. Applicability: The provisions of this Section apply to all proposed adult entertainment facilities.

- C. Definitions: As used in this Section, the following terms shall have the following meanings:
 - 1. Specified sexual activities means:
 - a. Human genitals in a state of sexual stimulation or arousal;
 - b. Acts of human masturbation, sexual intercourse or sodomy;
 - c. Fondling or other erotic touching or sex stimulation of human genitals, pubic region, buttock, or female breast.

 - 2. Specified anatomical areas means:
 - a. Less than completely or opaquely covered;
 - i. Human genitals;
 - ii. Human buttock;
 - iii. Human female breasts below a point immediately above the top of the areola; and
 - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

 - 3. Adult entertainment facility as used in this Section shall include the following uses:
 - a. Adult bookstore means an establishment having as all or a substantial or significant portion of its stock, books, magazines or other periodicals or films, peepshows, or other similar

devices designed for use in individual viewing of films on the premises, which books, magazines, periodicals, films, peepshows, or similar devices are substantially devoted to the depiction of specified sexual activities or specified anatomical areas as defined herein.

- b. Adult motion picture theatre means a building or structure or portion thereof used for presenting material in the form of motion picture film, video tape or other similar means which film, video tape, or other means is substantially devoted to the depiction of specified sexual activities or specified anatomical areas for observation and viewing by patrons therein.
- c. Adult live entertainment establishment means a building or structure or portion thereof used or proposed to be used for presenting live entertainment which is substantially devoted to the depiction of specified sexual activities or specified anatomical areas for observation and viewing by patrons therein.
- d. Adult entertainment facility means any facility which includes an adult bookstore, an adult motion picture theatre, an adult live entertainment establishment or any other place of business of any similar purpose, operation or function.
- e. Massage establishment means any establishment or proposed establishment having a fixed place of business or which operates by means of soliciting or receiving business by means of telephonic communication without a fixed place of business, the purpose of which establishment is to give, receive, or provide massage or any similar or like service to customers or clients of said establishment. Massage establishment shall not include a facility operated by:
 - i. Physicians, surgeons, chiropractors, osteopaths, physical herapists or massage therapists who are duly licensed to practice their respective professions in the State of California;
 - ii. Nurses who are registered as such under the laws of the State of California.

D. Location of Adult Entertainment Facilities.

- 1. No persons, whether as principal, agent, employee or independent contractor, either for himself or for any other person, or as an officer of any corporation or member of any partnership, or otherwise, shall place, maintain, own, or operate any adult entertainment facility in the following locations:
 - a. Within 1,000 feet of any "HDR", "MDR", "LDR" or "RDR" district;
 - b. Within 1,000 feet of any parcel of real property upon which is located any of the following:
 - i. A public or private school attended primarily by minors;

- ii. A church;
 - iii. A public work or recreation facility which is available for use by minors.
 - c. Within 1,000 feet of any other adult entertainment facility.
- 2. An adult entertainment facility shall only be permitted in commercial zoned districts upon first obtaining a Use Permit in each case.

E. Public Display of Certain Matter Prohibited.

Adult entertainment facilities shall not display or exhibit any material depicting specified anatomical areas or specified sexual activities in a manner which exposes said material to the view of persons outside the building in which said facility is located.

21.64.210 REGULATIONS FOR MOBILEHOME PARKS.

- A. Purpose: The purpose of this Section is to provide the minimum development standards for mobilehome parks.
- B. Applicability: The provisions of this Section are applicable in all residential zoning districts.
- C. Regulations:
 - 1. Mobilehome parks may be permitted subject to the approval of the Planning Commission of a Use Permit in any residential zoning district.
 - 2. The minimum lot area for a mobilehome park shall be five acres.
 - 3. The density of a mobilehome park shall not exceed the density shown for the parcel on the Sectional District Map, or eight units per acre, whichever is less.
 - 4. The minimum mobilehome site within the mobilehome park shall not be less than three thousand square feet.
 - 5. Minimum setbacks from adjoining streets and properties shall:
 - a. Front setback: twenty feet;
 - b. Side setback: ten feet; and
 - c. Rear setback: ten feet.
 - 6. Landscaping and fencing shall be provided and designed to screen the mobilehome park from the street and adjoining properties. Landscaping and fencing plans shall be approved by the Director of Planning and Building Inspection.
 - 7. All landscaped areas shall be maintained in a litter- free, weed-free, condition. All plant material shall be maintained in a healthy, growing condition.
 - 8. Ten percent of the total area of the mobilehome park shall be developed and maintained for recreational purposes.
 - 9. Two parking spaces shall be provided on each mobilehome site. The parking spaces shall not be a part of the minimum street width.
 - 10. All utility distribution facilities, including but not limited to electrical, communication and cable television lines installed in, and for the purpose of, supplying service within any mobilehome park, shall be placed underground, except:

- a. Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets; and
- b. Concealed ducts, or such equipment when concealed by shrubbery, landscaping, or other screening as approved by the Director of Planning and Building Inspection.

The Planning Commission may waive the requirements of this sub-section if topographical, soil, or other physical conditions make underground installation of said facilities unreasonable or impractical.

11. No mobilehome park shall have commercial uses other than those used primarily by the residents of the park such as coin-operated machines for laundry, soft drinks, cigarettes, and similar uses on condition that the uses shall be located in the interior of the park.

21.64.220 REGULATIONS FOR RELOCATED STRUCTURES AND MOBILEHOMES.

- A. Purpose: The purpose of this Section is to establish regulations for relocating structures and mobilehomes onto any lot in the County of Monterey.
- B. Applicability: The provisions of this Section are applicable in all zoning districts.
- C. Regulations:

No structure or mobilehome may be relocated onto any lot unless:

1. All necessary discretionary permits for the structure or mobilehome or use of the structure or mobilehome are obtained and appeals, if any, are resolved; or,
2. When no discretionary permits are required, all necessary building permits for the installation of the relocated structure or mobilehome are issued.

21.64.230 REGULATIONS FOR DEVELOPMENT ON SLOPES IN EXCESS OF 30%

- A. Purpose: The purpose of this Section is to establish regulations, procedures and standards to consider development on slopes in excess of 30%.
- B. Applicability: The provisions of this Section are applicable in all zoning districts for all proposed development on slopes in excess of 30%.
- C. Regulations
 - 1. All development on slopes of 30% or more requires a Use Permit, except as provided in Section 21.64.230 (C) (2) and (3).
 - 2. The following development may be allowed on slopes of 30% to 40% provided an Administrative Permit is first obtained:
 - a. soils tests, percolation tests, geologic tests and similar exploratory tests;
 - b. excavations on man-made slopes provided:
 - i.) the excavation does not exceed one hundred cubic yards; and
 - ii.) the excavation does not exceed two feet in depth; and
 - iii.) the excavated slopes is not steeper than the 1-1/2 horizontal to 1 vertical;
 - c. fills on man-made slopes provided:
 - i.) the fill contains earth material only; and
 - ii.) the fill does not exceed one hundred cubic yards; and
 - iii.) the fill does not exceed two feet in depth; and
 - iv.) the fill is not placed on a man-made slope in excess of 1-1/2 horizontal to 1 vertical.
 - d) additions to existing structures on natural or man-made slopes provided the addition does not exceed 120 square feet on the slope area.
 - 3. Internal remodeling and second story additions of portions of structures existing on slopes of 30% or more are exempt from Use Permits and Administrative Permits provided such remodeling or additions causes no site disturbance on slopes of 30% or more
- D. Appropriate Authority

The Appropriate Authority to consider Use Permits pursuant to Section 21.64.230(1) is the Monterey County Planning Commission unless such Use Permit is combined with another discretionary permit required to be considered by another body. In such case, that body shall be the Appropriate Authority for the Use Permit.

E. Action of the Appropriate Authority

1. In order to approve development on slopes of 30% or more, the Appropriate Authority must find, in addition to other necessary findings, based on substantial evidence, that:
 - a) there is no feasible alternative which would allow development to occur on slopes of less than 30%; or
 - b) that the proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and applicable area plan than other development alternatives.
2. The Appropriate Authority shall require such conditions and changes in the development as it may deem necessary to assure compliance with Section 21.64.230(E) (1).

21.64.240 DETERMINATION OF VESTED RIGHTS.

A. Purpose.

1. The purpose of this Section is to establish regulations, procedures, and standards to be used in the determination of vested land use rights as those rights are defined under existing law. This Section is not intended to make a change in common law or statutory vested rights standards in existence as of the date of adoption hereof.
2. This Section is not intended to address the following:
 - a. Legal non-conforming uses or structures which are regulated in Chapter 21.68 of Title 21.
 - b. Questions regarding permit enforcement which are regulated in Chapter 21.84 of Title 21.
 - c. Vesting tentative maps which are regulated in Title 19.
 - d. Development or uses in accordance with binding development agreements.
3. This Section is not intended to and does not limit nor restrict any other rights which may exist in law or equity, including the right to have a development application evaluated under the laws, policies, and/or regulations in effect at the time the application is determined to be complete by the Monterey County Planning and Building Inspection Department.

B. Applicability. The provisions of this Section are applicable in all zoning districts.

C. Regulations.

1. No person who has obtained a vested right in a development prior to the effective date of all applicable County ordinances or regulations or who has obtained a permit from the County in compliance with all applicable County ordinances or regulations in effect at the time said permit was granted shall be required to secure approval for said development; provided, however, that no significant or substantial change may be made in any such development without prior approval having been obtained from the County pursuant to other applicable County ordinances and regulations.
2. Any person claiming a vested right in a development, which right is disputed by a department head of the County, and who wishes to be exempt from any County land use or development permit requirements, shall substantiate the claim in a proceeding before the Planning Commission pursuant to this section. In such a proceeding the claimant shall have the burden of proof as to each finding necessary to establish a vested right as set forth in subsection 6 following.
3. Any person who claims that a development is exempt from the County's permit requirements by reason of a vested right, and whose such claim is disputed by a department head of the County,

shall initiate such claim by filing a claim of vested rights with the Planning and Building Inspection Department.

4. For each claim, claimant shall provide the following information together with any other relevant information required by the Director of Planning and Building Inspection:
 - a. Name of claimant, address, telephone number.
 - b. Name, address, and telephone number of claimant's representative, if any.
 - c. Description of the development claimed to be exempt, including all incidental improvements such as utilities, road and other infrastructure, and a description of the specific parcel of land on, and including a description of the specific boundaries within which such development or use exists for which the claim of exemption is made. A site plan, development plan, grading plan, and construction or architectural plans may be attached as appropriate.
 - d. A list of all governmental approvals which have been obtained, including those from State or Federal agencies, and the date of each final approval. Copies of all approvals shall be attached.
 - e. A list of any governmental approvals which have not yet been obtained and anticipated dates of approval.
 - f. A list of any conditions to which the approvals are subject and date on which the conditions were satisfied or are expected to be satisfied.
 - g. A specification of the nature and extent of the work or use in progress or completed, including (1) date of each portion commenced (e.g., grading, foundation work, structural work, etc.); (2) any governmental approval pursuant to which the portion was commenced; (3) portions completed and date on which completed, if applicable; (4) status of each portion on date of claim; (5) amounts of money expended on portions of work completed or in progress (dates and amounts of expenditures shall be itemized).
 - h. A description of those portions of the development or use continuing and remaining to be completed.
 - i. A list of the amount and nature of any liabilities incurred that are not covered above and dates incurred, and a list of any remaining liabilities to be incurred and date when these are anticipated to be incurred.
 - j. A statement of the expected total cost of the development or use.
 - k. A statement on whether the development or use is planned as a series of phases or segments, and if so, a description of the phases or segments involved.

- l. A statement of the date when it is anticipated that the total development or use will be completed.
 - m. A written authorization of any agent acting on behalf of the applicant.
 - n. A certification by applicant or agent as to all contents of documents submitted in support of the claim of vested right.
- 5. As soon as practicable after an application for a determination of a claim of vested rights is found to be complete by the Planning and Building Inspection Department, and in no event later than 90 days from such date, the Planning Director shall notice a hearing before the Planning Commission pursuant to Chapter 21.78 of the Monterey County Code, to determine the claim of vested rights. Notice shall also be given to any person who has requested such notice in writing. The Director of Planning and Building Inspection Department shall make a written recommendation to the Planning Commission for consideration of the claim of vested rights. At such hearing, the Director of Planning and Building Inspection shall introduce into evidence all evidence submitted by the claimant and all evidence submitted either supporting or in opposition to the claim.
- 6. Action by the Planning Commission on a claim of vested right shall be supported by written findings of fact. The required findings to substantiate a claim of vested right shall be as follows:
 - a. That the vested right has been established with respect to a specific parcel of land or within specifically described boundaries, or for a specifically described development or use;
 - b. That each development or use as to which a vested right is sought was done in reliance upon a County-issued permit or was established prior to enactment of County regulations requiring such a permit;
 - c. That each development or use as to which a vested right is sought does not exceed either:
 - 1) The scope authorized by the terms and conditions of the County-issued permit relied upon (if any); or
 - 2) The extent of the development or use as of the effective date of County ordinances or regulations regulating the development or use.
 - d. That the person claiming a vested right performed substantial work and incurred substantial financial liabilities in good faith reliance upon a building permit issued by the County as required under existing law, or did the same prior to the effective date of the regulation from which a vested right exemption is sought; and
 - e. That each development or use as to which a vested right is sought has not been abandoned to and including the effective date of the regulation from which a vested right exemption is sought.

7. Each claim of vested rights is substantiated pursuant to Paragraph 6 of this Subsection C shall be acknowledged by the Planning Commission to the extent it has been substantiated. If the claim is not substantiated, it shall be denied by the Planning Commission. However, if the circumstances suggest that a claimant may be able to provide additional information to substantiate the claim or that other evidence is pertinent to the claim, the matter may be continued so that claimant may submit additional evidence.
8. Appeals from a decision of the Planning Commission granting or denying a claim of vested rights may be made to the Board of Supervisors by any public agency or person aggrieved by the decision pursuant to Chapter 21.80 of the Monterey County Code.
9. A final determination by the Planning Commission recognizing a claim of vested rights shall constitute acknowledgment that the development does not require any additional permit under County regulations provided that no substantial change may be made in the development except in accordance with the permit requirements of the County. If any approval upon which the acknowledgment is based lapse either by its own terms or pursuant to any provision of law, the acknowledgment made under this section shall automatically and without further action be null and void and the development or use shall become subject to the permit requirements of the County.

D. Filing Fee.

The application fee for a determination of vested land use rights shall be as established from time to time by the Board of Supervisors, and no part of such fee shall be refundable unless said refund is requested in writing concurrently with the withdrawal of the request and provided that the applicant has not been sent written notice of the application's completeness or incompleteness. In the latter case, 50% of the filing fee shall be refunded.

21.64.250 REGULATIONS FOR THE REDUCTION OF VEHICLE TRIPS FOR CERTAIN DEVELOPMENTS

- A. Purpose: It is the purpose of this Section to establish requirements to reduce vehicle trips in certain developments by ensuring that new developments, redevelopment, and expansion of existing developments contain the infrastructure and programs needed to reduce the need to travel and to encourage alternative modes of travel.
- B. Applicability: The provisions of this Section are applicable to all residential developments of 25 or more units and all other applicable development as defined herein.
- C. Definitions: The following definitions apply to this Section:
1. *Alternative Transportation Mode* means any mode of travel that serves as an alternative to the single occupant vehicle including, but not limited to, ridesharing, carpooling, vanpooling, public transit, bicycling, walking, or alternative work modes such as telecommuting.
 2. *Applicable Development* means any new development project that proposes:
 - a. A residential development of 25 or more units; or,
 - b. A new or expanded commercial, industrial or tourist oriented development which will employ 50 or more persons; or
 - c. A new or expanded commercial, industrial or tourist oriented development of 25,000 gross square feet or more.

Applicable Development includes complexes exceeding the 50 employee threshold.
 3. *Average Vehicle Ridership (AVR)* means the figure determined by dividing the number of employees (including those telecommuting) at a regulated work site who commute to and from work during the peak period, by the number of vehicles driven by these employees between home and the work site over that five-day period.
 4. *Buspool* means use of a heavy duty vehicle designed and intended to be occupied by at least 16 passengers, the routing or scheduling for which is arranged between employer(s) and transit operators.
 5. *Carpool* means the use of a light duty motor vehicle by at least 2 but not more than 6 employees traveling together to work.
 6. *Commercial Development* means a development to serve business, professional, or office purposes.

7. *Complex* means any business park, shopping center, or mixed use development in separate or common ownership, which can be identified by two or more of the following characteristics:
 - a. It is known by a common name given to the project by its developer.
 - b. It is governed by a common set of covenants, conditions, and restrictions.
 - c. It was approved, or is to be approved as an entity by the County.
 - d. It is covered by a single tentative or final subdivision map or has been represented to the County as a single site and development.
 - e. It is located on a single assessor's parcel.
 - f. It is part of a master plan community or a specific area plan

At the discretion of the County, a Complex may also include the central business district and/or strip commercial areas.

8. *Congestion Management Program (CMP)* means the county- wide program developed in accordance with California Government Code Sections 65088 et seq., requiring local jurisdictions and Congestion Management Agencies to adopt and implement a trip reduction and travel demand element.
9. *County* means an Administrative body or person within the organizational structure of the County of Monterey, such as the Board of Supervisors, Planning Commission, Minor Subdivision Committee, Zoning Administrator or Building Official with the power to grant a ministerial or discretionary permit to an Applicable Development.
10. *Developer* means the individual or company who is responsible for the planning, design, construction and/or management of an Applicable Development.
11. *Drive Alone Rate* means the percentage of employees driving to and from work without a passenger.
12. *Facility(ies)* means the total of all buildings, structures and grounds that encompass the development site of an Applicable Development.
13. *Mixed-Use Development* means any development project that combines residential uses with any one of these or similar land uses: day care, office, commercial, light industrial, retail, and business park.
14. *Park-and-Ride Lot* means a free parking lot located near residential communities or along highways which is served by a transit route or can be used by commuters as a staging area for carpool formation or for catching a bus and/or by visitors as a staging area for tourist shuttle buses.

15. *Parking Cash Out Program* means an employer funded, tax deductible program where the employer provides a cash allowance to an employee that is equivalent to the parking subsidy the employer would otherwise provide.
16. *Parking Management* means the comprehensive management of the location, cost and availability of parking to effect changes in travel behavior, trips generated, and transportation mode used.
17. *Permit* means a ministerial or discretionary permit from the County for an applicable development.
18. *Site Development Plan* means a precise plan of a particular development or permit for an Applicable Development.
19. *Special Event* means a seasonal, recurring activity or a singular event which attracts both residents and nonresidents to a facility for recreational or other activities.
20. *Special Event Promoter* means the applicant who applies for a permit to stage, present, or advertise a special event.
21. *Telecommuting* means a method(s) of conducting work without leaving one's residence.
22. *Tourist Oriented Development* means a development whose purpose is to accommodate, or to sell to, the traveling public, or to promote tourism.
23. *Transportation Demand Management (TDM)* means the implementation of programs, plans, pricing, or policies designed to encourage changes in individual travel behavior.
24. *Transportation Management Association (TMA)* means a group of employers or others joining together in a formal association with the intent to reduce trips.
25. *Trip* means a Vehicle Trip.
26. *Trip Reduction* means reducing the number of trips made in single occupant vehicles.
27. *Trip Reduction Checklist* means a listing of the TDM methods proposed to be used by developers to reduce trips.
28. *Vanpool* means the organization of seven or more persons traveling to and from work in one vehicle.
29. *Vehicle Trip* means a point journey or trip in one direction utilizing a vehicle.

D. Regulations: The following regulations apply to all Applicable Developments:

1. Developers of all proposed Applicable Developments shall submit a Trip Reduction Checklist as part of the ministerial or discretionary permit application materials for the proposed Applicable Development. The Checklist and site development shall identify the proposed design elements and facilities that encourage alternative transportation usage by residents, employees and customers of that development.
2. The County shall consider the nature and size of the development when reviewing the Trip Reduction Checklist. After review of the Trip Reduction Checklist and site development plans submitted with the application, the County may require, but not be limited to, one or all of the following programs from the developer as a condition of approval of the development:
 - a. Provide ridesharing, public transportation, and nearby licensed child care facility information to tenants/buyers as part of move-in materials.
 - b. Print transit scheduling information on all promotional materials.
 - c. Install bicycle amenities, such as bicycle racks and bicycle lanes (where appropriate), paths and routes, and at intermodal connection points.
 - d. Provide bus pull-outs, pedestrian access, transit stops, shelters and amenities as part of the site plan, as described in the Monterey Salinas Transit Development Review Guidebook or subsequent publications.
 - e. Provide locked and secure transportation information centers or kiosks with bus route and schedule information, as part of common areas in applicable developments.
 - f. Provide pedestrian facilities linking transit stops and common areas.
 - g. Provide financial resources for site amenities that reduce vehicle trips.
 - h. Provide park-and-ride facilities.
 - i. Provide on-site child care facilities.
 - j. Provide local TDM Improvements defined as shuttle bus services, bus pools or improved transit service as part of the development.
 - k. Provide facilities such as computers and modems to encourage Telecommuting.
 - l. Pay trip generation fees with proceeds to go toward provision of transit service, transportation management associations, ridesharing services and other alternative transportation services.
 - m. Provide mixed land uses designed to reduce the length and number of vehicle trips where permitted by the zoning ordinance.

- n. Provide pedestrian and bicycle system improvements.
- o. Provide transit oriented design or pedestrian oriented design, or both.
- p. Provide park-and-ride, public transportation shuttles, and associated marketing to special event ticket purchasers as part of the special event promotion or site or business promotion.
- q. Prepare programs and projects to provide alternatives to automobile transportation into Monterey County.
- r. Provide alternative transportation from the airport, provide airport information displays, contribute to the marketing or fare promotions of transit service and transit passes, provide concierges as sources of tourist transit promotion, rent bicycles to visitors, provide contribution of funds for implementing rail service to the area, provide transit informational displays.
- s. Provide educational and marketing strategies designed to induce tourists to reduce their vehicle trips.
- t. Provide on-site banking automatic teller machines (ATMs), restaurants, dry cleaners, grocery, and other typically needed services to reduce the need for vehicle trips. Link these uses with convenient and pedestrian oriented paths. Provide transit access that allows bus passengers convenient access to uses with a minimum of walking distance.
- u. Locate building entrances close to bus stops with access uninterrupted by parking lots, parking aisles, and interior roadways. Place parking at the rear of the development and the transit stop at the front of the development near the main entrance.

E. Employee Generation Factors: The following are the employee generation factors by type of use:

<i>Land Use Category</i>	<i>Number of Employees</i>
Commercial (Regional, Community or Neighborhood)	1/500 gross square feet
Office/Professional	1/250 gross square feet
Industrial	1/525 gross square feet
Hotel/Motel	0.8 per room
Mixed Use	Sum of individual figures for each use
Restaurant	1 per 10 seats
Hospital/Other Medical	1 per 4 beds

NOTE: *Locally generated data using summer (May-Sept.) figures may be substituted.*

21.64.260 PRESERVATION OF OAK AND OTHER PROTECTED TREES

A. Purpose: The purpose of this Section is to provide the regulations for the protection and preservation of oak and other specific types of trees as required in the Monterey County General Plan, area plans and master plans. This Section is also intended to provide the procedures under which proposed removal of such trees may be considered or exempted.

B. Applicability.

The provisions of this Section are applicable throughout the unincorporated area of the County of Monterey outside the Coastal Zone.

C. Regulations.

Except as provided in Subsection 21.64.260F of this Section the following regulations apply:

1. No oak or madrone tree six inches or more in diameter two feet above ground level shall be removed in the North County Area Plan or Toro Area Plan areas without approval of the permit(s) required in Subsection 21.64.260D.
2. No oak, madrone or redwood tree six inches or more in diameter two feet above ground level shall be removed in the Carmel Valley Master Plan area without approval of the permit(s) required in Subsection 21.64.260D.
3. No native tree six inches or more in diameter two feet above ground level shall be removed in the Cachagua Area Plan area without approval of the permit(s) required in Subsection 21.64.260D.

"Native trees," for the purpose of this subsection, are:

- a. Santa Lucia Fir
 - b. Black Cottonwood
 - c. Fremont Cottonwood
 - d. Box Elder
 - e. Willows
 - f. California Laurel
 - g. Sycamores
 - h. Oaks
 - i. Madrones
4. No oak tree six inches or more in diameter two feet above ground level may be removed in any other area of the County of Monterey designated in the applicable area plan as Resource Conservation, Residential, Commercial or Industrial (except Industrial, Mineral Extraction) without approval of the permit(s) required in Subsection 21.64.260D.

5. No landmark oak tree shall be removed in any area except as may be approved by the Director of Planning and Building Inspection pursuant to Subsection 21.64.260D.

Landmark oak trees are those trees which are 24 inches or more in diameter when measured two feet above the ground, or trees which are visually significant, historically significant, or exemplary of their species.

6. No oak trees six inches or more in diameter two feet above ground level may be removed in any other area of the County of Monterey designated in the applicable area plan as Agricultural or Industrial, Mineral Extraction, unless such removal meets the purpose and standards required in Subsection 21.64.260E.
7. No oak trees may be removed in any area of the County of Monterey for commercial harvesting purposes without approval of a Use Permit by the Planning Commission.

D. Permits Required.

1. Permit Required: No person shall do, cause, permit, aid, abet, suffer or furnish equipment or labor to remove, cut down or trim more than one-third of the green foliage of, poison or otherwise kill or destroy any tree as specified in this Section until a tree removal permit for the project has first been obtained.

All provisions of this Section shall apply to any person removing trees on behalf of any other person, including all companies or persons in the business of removing trees or construction. It shall be unlawful for any person or company to remove or cause to be removed or undertake any work for which a permit is required under this Section, unless a valid permit has been obtained and is in effect.

2. Removal of Three or Less Protected Trees: The Director of Planning and Building Inspection may approve the removal of no more than three protected trees per lot in a one-year period. The following information shall be submitted to the Director of Planning and Building Inspection prior to consideration of such removal:
 - a. Applicants or authorized representatives name, address and telephone number;
 - b. The description of the site(s) involved, including the street address, if any, and the assessor's parcel number;
 - c. A site plan sufficient to identify and locate the trees to be removed, other trees, buildings, proposed buildings, and other improvements;
 - d. The purpose for the tree removal;
 - e. A description of the species, diameter two feet above ground level, estimated height, and general health of the trees to be removed.

- f. A description of the method to be used in removing the tree(s);
 - g. A statement showing how trees not proposed for removal are to be protected during removal or construction;
 - h. Proposed visual impact mitigation measures the applicant intends to take (if appropriate). Size, location and species of replacement trees, if any, shall be indicated in the site plan;
 - i. Such further information as may be required by the Director of Planning and Building Inspection, including, but not limited to, the opinion of a registered professional forester, tree surgeon, or other qualified expert to enable the determination of matter required under these regulations.
3. Removal of More Than Three Protected Trees:
- a. Removal of more than three protected trees on a lot in a one-year period shall require a Forest Management Plan and approval of a Use Permit by the Monterey County Planning Commission.
 - b. The Forest Management Plan shall be prepared by a qualified professional forester, as selected from the County's list of Consulting Foresters. Plan preparation shall be at the applicant's expense.
 - c. The Director of Planning and Building Inspection shall prescribe the format and content requirements for the Forest Management Plan and maintain a list of qualified and acceptable foresters to prepare the Forest Management Plan.
 - d. All tree removal requests coming under this subsection shall be subject to the requirements of the California Environmental Quality Act (CEQA).
4. Relocation or Replacement: As a consideration of the granting of a permit pursuant to subsections 2 or 3, the applicant shall be required to relocate or replace each removed protected tree on a one-to-one ratio. This requirement may be varied upon a showing that such a requirement will create a special hardship in the use of the site or such replacement would be detrimental to the long-term health and maintenance of the remaining habitat.
5. Required Findings: In order to grant the permit for tree removal, the appropriate authority shall make the following findings based on substantial evidence:
- a. The tree removal is the minimum required under the circumstances of the case; and
 - b. The removal will not involve a risk of adverse environmental impacts such as:
 - 1. Soil erosion;

2. Water Quality: The removal of the trees will not substantially lessen the ability for the natural assimilation of nutrients, chemical pollutants, heavy metals, silt and other noxious substances from ground and surface waters;
 3. Ecological Impacts: The removal will not have a substantial adverse impact upon existing biological and ecological systems, climatic conditions which affect these systems, or such removal will not create conditions which may adversely affect the dynamic equilibrium of associated systems;
 4. Noise Pollution: The removal will not significantly increase ambient noise levels to the degree that a nuisance is anticipated to occur;
 5. Air Movement: The removal will not significantly reduce the ability of the existing vegetation to reduce wind velocities to the degree that a nuisance is anticipated to occur;
 6. Wildlife Habitat: The removal will not significantly reduce available habitat for wildlife existence and reproduction or result in the immigration of wildlife from adjacent or associated ecosystems; or
- c. The tree is diseased, injured, in danger of falling too close to existing or proposed structures, creates unsafe vision clearance, or is likely to promote the spread of insects of disease.
6. Conditions of Approval: In granting any permit as provided herein, the appropriate authority may attach reasonable conditions to mitigate environmental impacts and ensure compliance with the provisions of this Section, including but not limited to replacement of trees removed.
 7. Emergencies: In the case of emergency caused by hazardous or dangerous condition of a tree and requiring immediate action for the safety of life or property, such necessary action may be taken to remove the tree or otherwise reduce or eliminate the hazard without complying with the other provisions of this Section, except that the person responsible for cutting or removal of the tree(s) shall report such action to the Director of Planning and Building Inspection within ten (10) working days thereafter.

E. Purpose and Standards for Agricultural Areas.

Removal of oak trees in the areas outside of the North County Area Plan, Toro Area Plan, Cachagua Area Plan and Carmel Valley Master Plan designated Farmlands, Rural Grazing or Permanent Grazing by the applicable area plan shall be allowed only if the following purposes and standards are satisfied.

1. Oak tree removal is allowed without a permit for any of the following reasons:
 - a. Rangeland improvement;

- b. Promotion of wildlife habitat;
- c. Enhancement of watershed area;
- d. Elimination of trees hazardous to life or property, or;
- e. Firewood for the use of the owners and other persons residing on site.

2. Standards:

- a. The current Best Management Practices as promulgated by the University of California Hardwood Range Management Plan shall be followed to maintain and promote regeneration of oak trees.
 - b. A representative sample of sizes, ages and species of oaks shall be retained with special emphasis placed on retaining samplings.
 - c. The number of oaks on any acre shall not be reduced to less than 25% canopy existing at the time of adoption of this ordinance.
 - d. Removal of oak trees encroaching on existing cultivated farmland is allowed.
3. Oak trees on land being converted to irrigated farmland where a Use Permit is required for such conversion by area plan policy shall not be allowed until such use permit is approved and applicable conditions are met.
4. Removal for purposes not under the guidelines of this Subsection may be approved by the Director of Planning and Building Inspection on an individual basis.

F. Exemptions.

The following tree removal activities are exempted from the provisions of this Section:

- 1. Timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Zberg-Nejedly Forest Practices Act of 1973 (commencing with Section 45110 of the Public Resources Code).
- 2. Tree removal pursuant to Public Utilities Commission General Order 95 or by governmental agencies within public rights of way.
- 3. Tree removal for construction of structures, roads and other site improvements included in an approved subdivision, Use Permit, or similar discretionary permit.

21.64.270. REGULATIONS FOR HISTORIC RESOURCES.

- A. Purpose: To provide reasonable flexibility of zoning standards to encourage and accommodate the renovation and rehabilitation of historic resources and structures within historic districts.

- B. Following the provision of notice pursuant to Chapter 21.70 of this Code, the Director of Planning and Building Inspection may grant an exception to the zoning district regulations when such exception is necessary to permit the preservation or restoration of, or improvements to, a structure designated as historically significant pursuant to the provisions of Chapter 18.85 of this Code. Such exceptions may include, but are not limited to, parking, yards, height, and coverage regulations. Such exceptions shall not include approval of uses not otherwise allowed by the zoning district regulations.

21.64.280 ADMINISTRATIVE PERMITS FOR TRANSIENT USE OF RESIDENTIAL PROPERTY FOR REMUNERATION (Short Term Rentals)

A. Findings and Declarations.

1. Title 21 provides for zoning districts to accommodate development where adequate services and facilities exist to support such development.
2. Title 21 also establishes certain residential and commercial zoning districts to accommodate a wide range of commercial uses compatible with residential and other surrounding land uses.
3. The use of single and multiple family dwelling units, duplexes, guesthouses, caretaker units, and other structures normally occupied for residential purposes, for bed and breakfast, hostel, hotel, inn, lodging, resort, or other transient lodging purposes has impacts on residential areas which must be addressed through existing County use permit processes.
4. Allowing transient use of residential property will provide an administrative procedure to legalize existing visitor serving opportunities and increase and enhance public access to areas of the County and other visitor destinations.
5. If not properly regulated, such use of residential property may create adverse impacts on surrounding residential uses including, but not limited to, increased levels of commercial and residential vehicle traffic, parking demand, light and glare, and noise detrimental to surrounding residential uses and the general welfare of the County. Moreover, such use may increase demand for public services, including, but not limited to, police, fire, and medical emergency services, and neighborhood watch programs.
6. Requiring administrative permits for such use of residential property enables the County of Monterey to address any adverse impacts of such use, is consistent with and declaratory of existing regulations under Title 21, and necessary to maintain the integrity of the various zoning districts.
7. This ordinance is necessary in order to protect the public health, safety, and welfare.

B. Purpose. The purpose of this Section is to:

1. Preserve and enhance the residential character of the zoning districts established in Title 21 and the sense of security and safety in stable neighborhoods of owner-occupied residences.
2. Implement the provisions and advance the purposes and objectives of Title 21.
3. Except as provided in this Section, restrict transient use of property for remuneration, which use may be inharmonious with and injurious to the preservation of the character and environment of the various zoning districts in Title 21.
4. Promote the public health, safety, and general welfare of the County.

C. Definitions. Except as otherwise defined or where the context otherwise indicates, the following words shall have the following meaning:

1. "Person" means any individual, partnership, firm, business, or similar entity, public or private agency, municipality, city, State or Federal agency.
2. "Remuneration" means compensation, money, rent, or other bargained for consideration given in return for occupancy, possession, or use of residential real property.
3. "Residential property" means any single- or multiple-family dwelling units, duplexes, guesthouses, caretaker units, or other dwelling unit or structure located on one or more contiguous lots of record in any of the zoning districts in Title 21 which allow residential uses.
4. "Transient" means, except as provided herein, a period of time not less than seven (7) nor more than thirty (30) consecutive calendar days.
5. "Transient Use of Residential Property" means the use, by any person, of residential property for bed and breakfast, hostel, hotel, inn, lodging, motel, resort or other transient lodging uses where the term of occupancy, possession or tenancy of the property by the person entitled to such occupancy, possession, or tenancy is, except as provided herein, for not less than seven (7) nor more than thirty (30) consecutive calendar days.

D. Administrative Permit.

1. **Permitted Use.**

- a. Transient use of residential property for remuneration shall be permitted in all zoning districts which allow residential use upon the issuance of an administrative permit pursuant to Chapter 21.70 of Title 21, subject to the regulations in Section D.2.
- b. Transient use of residential property in existence on the effective date of this Section shall, upon application, be issued an administrative permit provided that any such units devoted to transient use are registered with the Director of Planning and Building Inspection and the administrative permit application is filed within 90 days of the effective date of this Section. Upon registration, the owner/registrant shall record a covenant and/or deed restriction against each unit whereby such owner/registrant agrees to comply with the regulations set forth in Section D.2. The owner/registrant shall have the burden of demonstrating that the transient use was established. Payment of transient occupancy taxes shall be, but is not the exclusive method of demonstrating, evidence of the existence of historic transient use of residential property.
- c. The rental period and days per year of rental for residential properties registered for transient uses with the Director of Planning and Building Inspection pursuant to this Section shall be limited to the rental period and days per year of rental established by the

owner/registrant at the time of registration. Nothing in this Section shall preclude the owner/registrant from increasing or extending the rental period for the registered property provided an administrative permit is first obtained under this Section.

2. **Regulations.**

- a. The minimum rental period for all transient use of residential property shall be the greater of seven (7) consecutive calendar days or the minimum rental period set forth in enforceable, recorded conditions, covenants, and restrictions encumbering the property rented. Transient use of residential property for a term less than provided herein is hereby expressly prohibited. Any residential property the rezoning of which is being proposed or considered by the Planning Commission or the Board of Supervisors so as to be exempted from the provisions of this Section, shall be exempted from the permit and/or registration requirements of this Section pending consideration and final decision on said rezoning by the Planning Commission and the Board of Supervisors. Such exemption shall terminate immediately in the event the Board of Supervisors reaches a final decision not to adopt the above-described rezoning proposed for any such property.
- b. The number of occupants in any residential unit for transient use shall not exceed the limits set forth in the California Uniform Housing Code and other applicable State and County housing regulations for residential structures based on the number of bedrooms within the unit. Each permit shall specify the maximum number of occupants allowed.
- c. Availability of the rental unit to the public shall not be advertised on site.
- d. Any administrative permit issued pursuant to this Section shall require, as a condition of approval, that applicant who does not reside within a five-mile radius of the residence being rented, designate a person located within a 25-mile radius of the rental unit, as a local contact person who will be available 24 hours a day to respond to tenant and neighborhood questions or concerns and to otherwise be responsible for assuring that the rental unit complies with the requirements of the administrative permit issued and the provisions of this Section and other applicable provisions of Title 21. The name, address, and telephone number(s) of such a designated person shall be furnished to the Director of Planning and Building Inspection prior to issuance of the coastal administrative permit and made available for public review. The permit holder shall promptly notify the Director of Planning and Building Inspection of any change in the local contact person's address or telephone number.
- e. A copy of any administrative permit and/or registration issued pursuant to this Section shall be furnished by the Director of Planning and Building Inspection to the Treasurer of the County of Monterey and the Sheriff of the County of Monterey.
- f. The administrative permit holder and/or registrant shall collect and remit to the Treasurer of the County of Monterey, the transient occupancy tax for each rental unit pursuant to Chapter 5.40 of the Monterey County Code. However, nothing in this Section shall be

construed to require an applicant from collecting and paying any transient occupancy tax for any transient use of residential property had and made prior to the effective date of this Section.

- g. The use of a residential unit for a transient use shall not violate any applicable conditions, covenants, or other restrictions on real property. The applicant shall provide notice to any affected homeowners' association in a manner consistent with the notice requirements for a use permit. In the event the homeowners' association objects to the issuance of the permit, the permit shall not be approved until the homeowners' association's objection has been withdrawn or the right of the applicant to use the subject residential property for transient use has been validated, approved, or otherwise ordered by a court, arbitrator, or other appropriate entity with the authority to review, approve, validate, or otherwise act on the proposed use of the action of the homeowners' association.
- h. Compliance with the requirements of this Section shall be considered conditions of approval, the violation of which may result in a revocation of any administrative permit by the Director of Planning and Building Inspection.

3. Violations.

- a. Any person who uses, or allows the use of, residential property in violation of the provisions of this Section is guilty of a misdemeanor for each day in which such residential property is used, or allowed to be used, in violation of this Section and is punishable pursuant to Title 21 and Chapter 1.20 of the Monterey County Code.
- b. Any person acting as agent, real estate broker, real estate sales agent, property manager, reservation service, or who otherwise arranges or negotiates for the use of property in violation of the provisions of this Section is guilty of a misdemeanor for each day in which such residential property is used, or allowed to be used, in violation of this Section, and is punishable pursuant to Title 21 and Chapter 1.20 of the Monterey County Code.

SECTION 3. DECLARATION OF INTENT. The Board of Supervisors finds that the current provisions of the Monterey County Coastal Implementation Plan and Title 21 restrict the use of residential property to be occupied by a person or persons for short-term occupancies. The Board further finds that occupancies of less than thirty days of residential property is a transient use of residential property for remuneration and may be allowed only upon the issuance of an administrative permit in the coastal zone, or an administrative permit in the non-coastal area. This ordinance, therefore, is intended to clarify, restate, and ratify these findings to ensure full and complete enforcement of the Monterey County Coastal Implementation Plan and Title 21. The Board of Supervisors further finds that this ordinance does not create, enhance, or diminish any rights or obligations of any person holding any interest in real property covered by this ordinance. In adopting the provisions of Section 1 of this ordinance, the Board of Supervisors finds that it intends to carry out the Local Coastal Program in a manner fully consistent with the California Coastal Act.

SECTION 4. NO ADVERSE IMPACT. The Board of Supervisors finds that the adoption of this ordinance has the effect of regulating a previously illegal use; however, the use permitted pursuant to this ordinance, as

regulated, will not constitute a substantial adverse physical change to the environment or any substantive change in the intensity of use of existing single family dwellings.

21.64.310 REGULATIONS FOR THE SITING, DESIGN, AND CONSTRUCTION OF WIRELESS COMMUNICATION FACILITIES

- A. **PURPOSE:** The purpose of this Section is to establish the regulations, standards and circumstances for the siting, design, construction and maintenance of wireless communication facilities in the unincorporated area of the County of Monterey.

It is also the purpose of this Chapter to assure, by the regulation of siting of wireless communications facilities, that the integrity and nature of residential, rural, commercial, and industrial areas are protected from the indiscriminate and inappropriate proliferation of wireless communication facilities while complying with the Federal Telecommunications Act of 1996, General Order 159A of the Public Utilities Commission of the State of California and the policies of Monterey County.

- B. **APPLICABILITY:** The provisions of this Section are applicable in all zoning districts.

- C. **REGULATIONS:** Wireless communication facilities shall be allowed on any lot or parcel in any zoning district, subject to a discretionary permit, and subject to the following regulations.

1. Wireless communication facilities shall comply with all applicable goals, objectives and policies of the general plan, area plans, zoning regulations and development standards.
2. Wireless communication facilities shall comply with all FCC rules, regulations and standards.
3. Wireless communication facilities shall comply with all applicable criteria from the Federal Aviation Administration (FAA) and shall comply with the requirements of all Comprehensive Airport Land Use Plans adopted by the Monterey County Airport Land Use Commission (ALUC) unless the Board of Supervisors has overruled the adoption of said plans pursuant to California Public Utility Code Section 21676.
4. Wireless communication facilities shall be sited in the least visually obtrusive location possible. Appropriate mitigation measures shall be applied in instances where the facility is visible from a designated scenic corridor or public viewing area.
5. A visual simulation of the wireless communication facility shall be provided. Visual simulation can consist of either a physical mock-up of the facility, balloon simulation, computer installation or other means. In instances where the wireless communication facility is located near or in a residential area, photos shall be submitted of the proposed wireless communication facility from the nearest residential neighbors. In instances where the wireless communication facility is located along a scenic corridor, or within a Historic Resource Area or District, a detailed visual analysis of the facility shall be submitted.
6. Where the wireless communication facility is proposed to be located within a designated historic resource site or district, the applicant shall comply with the regulations for historic resources pursuant to Chapter 21.54 and Chapters 18.25 and 18.26.

7. Where a wireless communication facility exists on the proposed site location, co-location shall be pursued to the maximum extent feasible. If a co-location agreement cannot be met, documentation of the effort and the reasons why co-location was not possible shall be submitted and reviewed by the Director of Planning and Building Inspection.
8. Other regulations enacted pursuant to the General Plan and Area Plan, may be applied to the proposed wireless communication facility, depending on the location and type of facility.

D. **EXEMPTIONS:** The following types of wireless communications facilities are allowed in any zoning district and are exempt from the provisions of this chapter.

1. Structure-mounted antennas as defined in Section 21.64.310 (F) (3) of this Chapter.
2. Ground-mounted antennas as defined in Section 21.64.310 (F) (4) of this Chapter.
3. A ground- or building-mounted citizens band or two-way radio antenna including any mast, provided the height of the antenna, including the tower, support structure, or post, does not exceed zoning district height requirements of the zoning district.
4. A ground- or building- or tower-mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur or Business Radio Service, provided that its maximum height does not exceed the height requirements of the zoning district.
5. A ground- or building-mounted receive-only radio or television antenna or television satellite dish, which does not exceed thirteen feet (13') in diameter, for the sole use of the resident occupying a residential parcel on which the radio or television antenna or satellite dish is located; provided the height of said dish does not exceed the height of the ridgeline of the primary structure on said parcel, including any mast, for the sole use of the tenant occupying the parcel on which the radio or television antenna is located.
6. Mobile services providing public information coverage of news events or a temporary nature.
7. Hand held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers and similar devices as determined by the Planning Director.

E. **FINDINGS:**

1. The proliferation of antennas, towers, and or satellite dishes could create significant, adverse visual impacts; therefore, there is a need to regulate the siting, design, and construction of wireless communication facilities to insure that the appearance and integrity of wireless communication facilities to insure that the appearance and integrity of the community is not marred by the cluttering of unsightly facilities.
2. General Order 159A of the Public Utilities Commission (PUC) of the State of California acknowledges that local citizens and local government are often in a better position than the

Commission to measure local impact and to identify alternative sites. Accordingly, the Commission will generally defer to local governments to regulate the location and design of cell sites, wireless communication facilities and MTSOs (mobile telephone switching office) including (a) the issuance of land use approvals; (b) acting as Lead Agency for purposes of satisfying the California Environmental Quality Act (CEQA) and, (c) the satisfaction of noticing procedures for both land use and CEQA procedures.

3. While the licensing of wireless communication facilities is under the control of the Federal Communication Commission (FCC) and Public Utilities Commission (PUC) of the State of California, local government must address public health, safety, welfare, zoning, and environmental concerns.
4. In order to protect the public health, safety and the environmental, it is in the public interest for local government to establish rules and regulations addressing certain and land use aspects relating to the construction, design, and siting of wireless communication facilities and the compatibility with surround land uses.

F. DEFINITIONS

1. ALUC – Airport Land Use Commission of Monterey County
2. Antenna – Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure.
3. Antenna – Structure-mounted – Any antenna, other than an antenna with its supports resting on the ground, directly attached or affixed to a building, tank, tower, building-mounted mast less than 10 feet tall and six inches in diameter and not exceeding the height limit for the zoning district.
4. Antenna – Ground-mounted – Any antenna with its base placed directly on the ground or a mast less than 10 feet tall and six inches in diameter and not exceeding the height limit for the zoning district.
5. Cellular Service – A wireless communications service that permits customers to use mobile telephones to connect, via low-power radio transmitter sites called cell sites, either to the public switched network or to other mobile cellular phones.
6. CEQA – California Environmental Quality Act. Guidelines established to identify and prevent potentially significant environmental impacts as well to identify ways that environmental damage can be avoided or significantly reduced by the use of alternatives or mitigation measures.
7. Co-located Communication Facility – A wireless communications facility comprised of a single tower or building supporting one or more antennas, dishes, or similar devices owned or used by more than one public or private entity.

8. Equipment Building, Shelter or Cabinet – A cabinet or building used to house equipment used by wireless communication providers to house equipment at a facility.
9. FAA – Federal Aviation Administration.
10. FCC – Federal Communications Commission.
11. MTSOs – Mobile Telephone Switching Offices.
12. Monopole – A structure erected on the ground to support wireless communications antennas and connecting appurtenances.
13. PCS (Personal Communications Services) – Digital wireless communications technology such as portable phones, pagers, faxes and computers. Also known as Personal Communications Network (PCN).
14. PUC – California Public Utilities Commission.
15. Satellite Dish – Any device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, or cornucopia-shaped and is used to transmit and/or receive electromagnetic signals.
16. Telecommunication Facility – A facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking area, and other accessory development.
17. Telecommunication Tower – A mast, pole, monopole, guyed tower, lattice tower, free-standing tower, or other structure designed and primarily used to support antennas.
18. Wireless Communication Facility – An unstaffed facility for the transmission and reception of low-power radio signals. Wireless communication facilities include cellular radiotelephone service facilities; personal communications service facilities; specialized mobile radio service facilities; and commercial paging service facilities. Components of these types of facilities can consist of the following antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking area, and other accessory development.
19. Wireless Communication Facility – Commercial – A wireless communications facility that is operated primarily for a business purpose or purposes.
20. Wireless Communication Facility – Non-commercial – A wireless communication facility that is operated solely for a non-business purpose.

G. REGISTRATION REQUIREMENT:

1. All wireless communications carriers and providers that offer or provide any wireless communication services for a fee directly to the public, within the unincorporated areas of the County of Monterey, shall register with the County pursuant to this Chapter on forms to be provided by the Director of Planning and Building Inspection and which shall include the following:
 - a. The identity and legal status of the registrant, including any affiliates.
 - b. The name, address, and telephone number of the officer, agent or employee responsible for the accuracy of the registration statement.
 - c. A narrative and map description of registrant's existing or proposed facilities within the unincorporated areas of the County of Monterey.
 - d. A description of the wireless communication services that the registrant intends to offer to provide, or is currently offering or providing, to persons, firms, businesses or institutions within the unincorporated areas of the County of Monterey.
 - e. Information sufficient to determine that the applicant has applied for and received any certificate of authority required by the California Public Utilities Commission to provide wireless communications services or facilities within the unincorporated areas of the County of Monterey.
 - f. Information sufficient to determine that the applicant has applied for and received any building permit, operating license or other approvals required by the Federal Telecommunications Commission (FCC) to provide services or facilities within the unincorporated areas of the County of Monterey.
 - g. Such other information as the Director of Planning and Building Inspection may reasonable require.
2. The purpose of the registration under this Section is to:
 - a. Provide the County with accurate and current information concerning the wireless communication carriers and providers who offer to provide communications services within the unincorporated areas of the County of Monterey, or that own or operate facilities within the unincorporated areas of the County of Monterey;
 - b. Assist the County in the enforcement of this Chapter;
 - c. Assist the County in monitoring compliance with local, State and Federal laws.

3. Amendment. Each registrant shall inform the County, within sixty (60) days of any change of the information required pursuant to this Section.

H. GENERAL DEVELOPMENT STANDARDS

1. *Site Location*

- a. Site location and development of wireless communications facilities shall preserve the visual character and aesthetic values of the specific parcel and surrounding land uses. Facilities shall be integrated to the maximum extent feasible to the existing characteristics of the site.
- b. Co-location is encouraged when it will decrease visual impact and discouraged in cases when it will increase visual impact.
- c. Wireless communications facilities, to every extent possible, should not be sited to create visual clutter or negatively affect specific views.
- d. In designated visually sensitive areas, designated scenic corridors or areas of high visibility, wireless communication facilities shall be sited below the ridgeline or designed to minimize their visual impact.
- e. Wireless communications facilities shall be screened from any designated scenic corridors or public viewing areas to the maximum extent feasible.
- f. Disturbance of existing topography and on-site vegetation shall be minimized unless such disturbance would substantially reduce the visual impacts of the facility.
- g. Any exterior lighting, except as required for FAA regulations for airport safety, or as recommended by the ALUC, shall be manually operated and used only during night maintenance checks or in emergencies. The lighting shall be constructed or located so that only the intended area is illuminated and off-site glare is fully controlled.
- h. No wireless communication facility shall be installed at a location where special painting or lighting will be required by the FAA regulations unless the applicant has demonstrated to the Director of Planning and Building Inspection, that the proposed location is the most feasible location for the provision of services as required by the FCC.
- i. No wireless communication facility shall be installed within the safety zone or runway protection zone of any airport within Monterey County or any helipad unless the airport owner/operator indicates that it will not adversely affect the operation of the airport or helipad.
- j. No wireless communication facility shall be located in an environmentally sensitive habitat unless mitigation measures can be adopted which would reduce potential impacts to levels non-significance.

2. ***Design Review Criteria***

- a. Towers and monopoles shall be constructed of non-flammable materials, unless specifically approved and conditioned by the County to be otherwise.
- b. Support facilities (i.e. vaults, equipment rooms, utilities, and equipment enclosures) shall be constructed of non-flammable, non-reflective materials and shall be placed in underground vaults, unless otherwise approved by the County.
- c. All support facilities, poles, towers, antenna supports, antennas, and other components of communications facilities shall be of a color approved by the appropriate authority. If a facility is conditioned to require paint, it will initially be painted with a flat paint color approved by the appropriate authority, and thereafter repainted as necessary with a flat paint color. Components of a communication facility which will be viewed against soils, trees, or grasslands shall be of a color matching these landscapes.
- d. Special design of the communication facilities may be required to mitigate potentially significant adverse visual impacts.

3. ***Requirements for Application Submittal***

Applications for the use of wireless communication facilities shall be subject to the Planning and Building Inspection Department “Requirements for Application Submittal for the Development of Wireless Communication Facilities.”

I. **APPROPRIATE AUTHORITY:**

- a. The Planning Commission, the Zoning Administrator or the Director of Planning and Building Inspection shall be the Appropriate Authority to hear and decide all applications for Wireless Communication Facilities based on the following:

Planning Commission – The Planning Commission shall be the Appropriate Authority for applications for the installation of new, wireless communications facilities proposed in visually sensitive areas, critical viewsheds, scenic corridors and historic resource zoning districts.

Zoning Administrator – The Zoning Administrator shall be the Appropriate Authority for applications for the installation of new, wireless communications facilities proposed in visually sensitive areas, critical viewsheds, scenic corridors and historic resource zoning districts.

Director of Planning and Building Inspection – The Director of Planning and Building Inspection shall be the Appropriate Authority for additions/amendments to existing, approved wireless communications facilities. The Director of Planning and Building Inspection may refer a proposed project to the Zoning Administrator if the project is determined to be more than minor in nature.

b. Applications for telecommunications facilities that have the following characteristics shall be referred to the Monterey County Airport Land Use Commission for a report and recommendation prior to consideration by the appropriate authority:

1. Any structure penetrating a FAR Part 77 Imaginary Surface;
2. Any structure within 5 miles of an airport that exceeds 35 feet in height;
3. All structures over 100 feet anywhere in the County if the application requires a Use Permit or Variance for a height exception;
4. Any structure that has the potential to present a hazard to aircraft in flight as determined by the Director of Planning and Building Inspection.

Applications shall also be referred to the local land use advisory committee, as appropriate.

c. The Director of Planning and Building Inspection, the Zoning Administrator or Planning Commission, may impose such conditions deemed necessary to protect public health, safety, welfare, and the environment.

J. ACTION BY THE APPROPRIATE AUTHORITY

In order to grant any Administrative Permit or Use Permit, the findings of the appropriate authority shall be:

1. That the development of the proposed wireless communications facility will not significantly affect any designated public viewing area, scenic corridor or any identified environmentally sensitive area or resource as defined in the Monterey County General Plan, Area Plan or Local Coastal Plan.
2. That the site is adequate for the development of the proposed wireless communications facility and that the applicant has demonstrated that it is the most adequate for the provision of services as required by the FCC.
3. That the proposed wireless communication facility complies with all of the applicable requirements of Section 20.64.310 of this Title.
4. That the subject property upon which the wireless communications facility is to be built is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of this Title and that all zoning violation abatement costs, if any have been paid.
5. That the proposed wireless communications facility will not create a hazard for aircraft in flight.

K. SITE RESTORATION UPON TERMINATION/ABANDONMENT OF FACILITY

1. The site shall be restored to its natural state within six months of termination of use or abandonment of the site.

2. Applicant shall enter into a site restoration agreement subject to the approval of the Director of Planning and Building Inspection and County Counsel.

L. INDEMNIFICATION

Each permit issued pursuant to this Section shall have as a condition of the permit, a requirement that the applicant indemnify and hold harmless the county and its officers, agents, and employees from actions or claims of any description brought on account of any injury or damages sustained, by any person or property resulting from the issuance of the permit and conduct of the activities authorized under said permit.

M/ SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Section is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Section. The Board of Supervisors hereby declares that it would have passed this Section and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases may be declared invalid.

N. CONFLICTS WITH OTHER CHAPTERS

If this Section is found to be in conflict with any other Chapter, Section, Subsection, or Title, the provisions of this Section shall prevail.

Chapter 21.66

DEVELOPMENT STANDARDS

Sections:

- 21.66.010 Standards for Ridgeline Development.
- 21.66.020 Standards for Environmentally Sensitive Habitats.
- 21.66.030 Standards for Agricultural Uses.
- 21.66.040 Standards for Hazardous Areas.
- 21.66.050 Standards for Archaeological Resource Areas.
- 21.66.060 Standards for Farm Employee Housing.

21.66.010 STANDARDS FOR RIDGELINE DEVELOPMENT.

- A. Purpose: The purpose of this section is to provide standards for those projects which constitute ridgeline development.
- B. Applicability: The provisions of this section are applicable to all proposed ridgeline development in the County of Monterey.
- C. Ridgeline development shall require a Use Permit in each case.
- D. A Use Permit for ridgeline development may be approved only if the following finding, based on substantial evidence, may be made:

The ridgeline development, as conditioned by permit, will not create a substantially adverse visual impact when viewed from a common public viewing area.

21.66.020 STANDARDS FOR ENVIRONMENTALLY SENSITIVE HABITATS.

- A. Purpose: The purpose of this Section is to provide development standards which will allow for the protection, maintenance, and, where possible, enhancement and restoration of environmentally sensitive habitats. The environmentally sensitive habitats of Monterey County are unique, limited, and fragile resources important to the enrichment of present and future generations of County residents and visitors.
- B. Applicability: The provisions of this Section shall be applicable to areas known by available resource information, site review or other research, to contain environmentally sensitive habitats.
- C. Regulations: Biological Survey Requirement.
 - 1. A biological survey shall be required for all proposed development meeting one or more of the following criteria:
 - a. The development is proposed within a known environmentally sensitive habitat, based on the most current resource maps, other reliable other available resource information, or through the planner's on-site investigation;
 - b. The development is located within 100 feet of an environmentally sensitive habitat, and has potential negative impact on the long-term maintenance of the habitat.
 - 2. The survey shall be required, submitted, and meet approval of the Director of Planning and Building Inspection prior to the project application being determined complete.
 - 3. The survey shall be prepared by a qualified biologist, as selected from the County's list of consulting biologists maintained by the Planning and Building Inspection Department. Report preparation shall be at the applicant's expense.
 - 4. The biological survey shall contain the following elements:
 - a. Identify the property surveyed, with accompanying location map and site plan showing topography and all existing and proposed structures and roads, and the proposed project site or sites;
 - b. Describe the method of survey;
 - c. Identify the environmentally sensitive habitat found on the site and within 100 feet of the site with an accompanying map delineating the habitat location or locations.
 - d. Describe and assess potential impacts of the development on the environmentally sensitive habitat(s) identified in the survey found on the site or on neighboring properties;
 - e. Recommend mitigation measures which will reduce impacts;

- f. Assess whether the mitigation measures will reduce the development's impact to an insignificant level.
5. The biological survey shall be waived by the Director of Planning and Building Inspection for development of a single family dwelling on a vacant lot created through subdivision or lot line adjustment, for which an accepted biological survey was previously prepared.

D. General Development Standards.

1. Development, including vegetation removal, excavation, grading, filling, and construction of roads and structures shall be prohibited in environmentally sensitive habitats. As an exception, resource dependent uses, including nature education and research, hunting, fishing and aquiculture, may be allowed within environmentally sensitive habitats if it has been determined through the biological survey that impacts of such uses will not harm the habitat's long-term maintenance.
2. Development on parcels containing or within 100 feet of environmentally sensitive habitats, shall be permitted only where they will not have a significant adverse impact on the habitat's long-term maintenance, either on a development or cumulative basis. Development shall only be approved where conditions of approval are available which will mitigate adverse impacts to and allow for the long-term maintenance of the habitat, as determined through the biological survey.
3. Removal of indigenous vegetation and land disturbance, such as grading, excavation, paving, and fill, in or within 100 feet of environmentally sensitive habitats shall be limited to that necessary for the structural improvements and driveway access. Modifications to the proposal shall be made for siting, location, design, bulk, vegetation removal, and grading where such modifications will reduce impacts to the habitat.
4. The use of native species consistent with and found in the project area shall be required in landscaping required as a condition of project approval.
5. Development activities which would adversely affect the breeding habitat of rare, threatened and endangered birds shall be regulated by conditions of project approval to avoid significant impacts during their breeding and nesting seasons.

21.66.030 STANDARDS FOR AGRICULTURAL USES.

- A. Purpose: The purpose of this Section is to provide development standards which will support the preservation of prime agricultural soils and to protect productive farmland not on prime soils.
- B. Applicability: The regulations of this Section are applicable in all zoning districts where agricultural uses are allowed.
- C. Regulations:
 - 1. Conversion of uncultivated land to cropland shall not be permitted on slopes over 25%.
 - 2. A Use Permit shall be required for development of new or expanded agricultural operations on uncultivated slopes of 15%-25% in the North County Area Plan, Central Salinas Valley Area Plan and Cachagua Area Plan areas.
- D. Reserved
- E. Agricultural Management Plan Requirement
 - 1. An Agricultural Management Plan shall be required for the development of new or expanded agricultural uses pursuant to Section 21.66.030(C)(2).
 - 2. The plan, if required, shall be prepared by a consultant selected by the applicant from the County list of Agricultural Viability Report Consultants, at the applicant's expense.
 - 3. The Agricultural Management Plan, if required, shall contain, at a minimum, the following elements:
 - a. location map (1" = 2000");
 - b. scale site plan showing the entire parcel, and proposed and existing structures (including accessory and agricultural structures and residences), roads, fences, contours, wells, water lines, septic tanks and leach lines;
 - c. scale plan showing the entire parcel, and existing land uses, areas presently under and proposed for cultivation, areas of vegetation type, areas to be cleared, and areas to be graded for the development;
 - d. soils analysis, discussing soils conditions (including erosion potential and erosion control) and their relationship to appropriate agricultural management on the parcel;
 - e. water availability and demand, and the relationship to appropriate agricultural management on the parcel;

- f. map delineating areas which are suitable for agricultural production, based on soils, water, and other conditions as deemed appropriate by the consultant in the absence of an agricultural viability report;
 - g. description and analysis of existing and proposed agricultural activities on the parcel, including types of crops and acres under cultivation, geographic distribution of crops over the parcel, rotation of crops, and related agricultural activities, including agricultural goods and equipment storage, packing and processing;
 - h. erosion control plan element;
 - i. hydrologic report element;
 - j. description of recommended agricultural management techniques for the parcel and proposed development or development alternatives to reduce erosion, conserve water, protect water quality, and minimize impacts to plant and animal habitats.
4. The plan shall be reviewed by the Soil Conservation Service, County Agricultural Commissioner, and any other agencies or departments appropriate for the specific project. After comments have been received, the Director of Planning and Building Inspection may require that the plan be revised to include additional information or assessment as deemed necessary by the reviewing agencies. A third party review may also be required at applicants expense. All departmental review, report revisions, and third party review must be complete before the plan may be approved by the Director of Planning and Building Inspection.
 5. The plan shall be required, submitted, and approved by the Director of Planning and Building Inspection prior to the application being determined complete.

F. General Development Standards

1. Subdivision of parcels located in "F" (Farmlands), "PG" (Permanent Grazing) or "RG" (Rural Grazing), or any land under Williamson Act contract, shall only be permitted when such subdivision does not adversely affect the land's long-term agricultural viability. Each subdivided parcel must be capable of remaining a viable agricultural unit, as determined through the agricultural viability report prepared for the project.
2. New development adjacent to agricultural areas shall be required to establish a well-defined buffer zone within the area to be developed. The area to be utilized as a buffer shall be placed in an easement, required as a condition of project approval. Requirements for the easement are as follows:
 - a. The easement width shall be sufficient to protect agriculture from impacts of new residential or other incompatible development and to mitigate against the effects of agricultural operations on the proposed uses. For development adjacent to "F", "PG" or "RG" zoning districts, the easement shall be a width of 200 feet, or wider where

necessary to mitigate adverse impacts between agricultural and adjacent land uses. In all other zoning districts, the easement may be reduced to a width of not less than 50 feet.

- b. The easement shall extend the full length of the boundaries between the property to be developed and adjacent agricultural lands. Permanent roads which have been established by a dedicated road easement, or which have been paved, or which are a public road, may serve as part of this easement.
 - c. Land within the easement may not be used for recreational areas as part of housing projects or public facilities. Minor storage structures or sheds associated with the residential uses may be permitted within the easement area. Specific permitted and prohibited uses shall be stipulated in the easement document.
3. Agricultural support services such as coolers, cold storage, loading docks, and commercial farm equipment shops may be in "F" (Farmlands), "RG" (Rural Grazing) or "PG" (Permanent Grazing) districts subject to a Use Permit provided that:
- a. The land on which the support facilities are proposed is not suitable for cultivation because of irregular terrain or inadequate soil quality, or other physical constraints which limit agricultural productivity; and
 - b. The proposed support facilities are a necessary accessory to the cultivation, harvesting, or processing of crops raised by the applicant on the same property where the support facilities are proposed; and
 - c. The maintenance and operation of the proposed support facilities will not impair the ability to produce crops on either the remainder of the subject property or neighboring properties; and
 - d. The agricultural support facilities are in connection with the cultivation, harvesting, processing, or storage of crops grown on lands in close proximity to the subject property, especially when the maximum amount of prime farmland for production would be preserved, expanded, or enhanced.
 - e. The land on which the support facilities are constructed shall not be subdivided from the remainder of the subject property.
 - f. Agricultural support facilities shall be compatible with land uses on neighboring properties.

21.66.040 STANDARDS FOR HAZARDOUS AREAS.

- A. Purpose: The purpose of this Section is to provide development standards which regulate land use and development, using the best available planning practices, in order to minimize risk to life and property and damage to the natural environment.
- B. Applicability: The regulations of this Section are applicable in all zoning districts.
- C. Regulations:
 - 1. Geologic Report Requirement
 - a. Regardless of a lot's seismic hazard zone, a geologic report shall be required for the following projects:
 - 1) new power plants;
 - 2) large dams;
 - 3) manufacturing explosives;
 - 4) new hospitals;
 - 5) emergency communication facilities;
 - 6) schools, detention centers, civic buildings, and other public facilities.
 - b. Regardless of a lot's seismic hazard zone, a geologic report shall also be required for any development project located in the following areas:
 - 1) landslide areas, or areas showing evidence of ground movement within historic times;
 - 2) within 50 feet of the face of a cliff or bluff or within the area of a 20 degree angle above horizontal from the face of a cliff, whichever is greater;
 - 3) within 1/8 mile of an active or potentially active fault;
 - 4) on slopes of greater than 30%; and
 - 5) in any area of known geologic hazards.
 - c. If a parcel is located in Seismic Hazard Zone IV, V, or VI, in Recent Alluvium or in Unstable Uplands areas, a geologic report shall be required for, the following types of projects:

- 1) churches;
 - 2) theaters;
 - 3) hotels, motels;
 - 4) utility centers;
 - 5) large commercial or industrial structures or centers which are not exempt from environmental review under CEQA;
 - 6) apartment buildings.
- d. If a parcel is located in Seismic Hazard Zone VI, an Unstable Uplands or Recent Alluvium area, or in an area of a known and documented hazard, a geologic report shall be required for, the following types of projects:
- 1) single family dwellings in an immediate hazard area;
 - 2) small commercial or industrial structures in immediate hazard areas which are exempt from environmental review under CEQA; and,
 - 3) grading in immediate hazard areas.
- e. Projects which require no report, unless a hazard is known and documented, include but are not limited to:
- 1) uninhabited structures;
 - 2) pole barns;
 - 3) storage shed;
 - 4) greenhouses;
 - 5) uses in existing structures;
 - 6) structural additions which are exempt from environmental review under CEQA;
 - 7) additions to water systems;
 - 8) outdoor public gatherings;
 - 9) other uses of a similar nature.

- f. The report shall be prepared, at the applicant's expense, by a registered geologist or certified engineering geologist.
- g. The report shall be required and deemed adequate by the Department of Planning and Building Inspection prior to the application being considered complete.
- h. Third party review by a registered geologist or certified engineering geologist may be required at the applicants expense if the County finds the applicants report faulty.
- i. The report shall be consistent with "Guidelines for Geologic/Seismic Reports" of the California Division of Mines and Geology (CDMG Notes No. 37) and shall include, at a minimum, the following elements, as applicable to the site:
 - 1) regional geologic setting;
 - 2) geologic conditions, including soil, sediment, and rock types and characteristics in addition to structural features such as bedding, joints and faults;
 - 3) evidence of past landslide conditions, the implications of such conditions for the proposed development, and the potential effects of the development on landslide activity both on-site and off-site;
 - 4) ground and surface water conditions and variations, including hydrologic changes caused by the development (e.g., introduction of sewage effluent and irrigation water to the groundwater system, and alterations in surface drainage);
 - 5) effect of the proposed development including siting, structural design, septic system, landscaping, drainage, and grading, and impacts of construction activity on the stability of the site and the adjacent area;
 - 6) any other factors that might affect slope stability;
 - 7) potential erodibility of site and mitigating measures to be used to ensure minimized erosion problems during and after construction (i.e., landscaping and drainage design); and,
 - 8) any other recommended mitigation measures.

2. Development Standards

- a. If a geologic report has been prepared for a proposed development, the following requirements shall apply:

- 1) The report recommendations shall be incorporated into project design, as follows:
 - a) If the proposed development requires a discretionary permit, the recommendations contained in the report shall be made conditions of project approval.
 - b) If the proposed development requires only a ministerial permit, the recommendations contained in the geologic report shall be incorporated into project design.
 - c) All structures, with the exception of utility lines where no alternative route is feasible, shall be sited a minimum of 50 feet from an identified active fault. Greater setbacks may be required where it is warranted by local geologic conditions, as recommended in the geologic report prepared for the project.
3. Development shall be sited and designed to conform to site topography so as to minimize grading and other site preparation activities where feasible. Modifications in location, and siting shall be required where such modifications will allow better conformity to natural topography and minimize required grading.
4. Development of new roads on slopes of 30% and greater shall only be allowed where potential erosion and geologic impacts can be adequately mitigated. Adequate mitigation shall be that level at which the proposed development will not induce landsliding, significant soil creep, nor increase existing rates of erosion. Mitigation measures shall not include massive grading or excavation, or the construction of protective devices that would substantially alter landforms.

21.66.050 STANDARDS FOR ARCHAEOLOGICAL RESOURCE AREAS.

- A. Purpose: The purpose of this Section is to provide development standards which assure the maintenance and protection of the County's archaeological resources. New land uses and development, both public and private, shall be considered compatible with this intent only where they incorporate all site planning and design features necessary to avoid or mitigate impacts to archaeological resources.
- B. Applicability: The regulations of this Section are applicable in all zoning districts.
- C. Regulations: Archaeological Survey Report Requirement.
 - 1. An archaeological survey report shall be required for any development project located within:
 - a. "High Archaeological Sensitivity Zone" as mapped on current County resource maps;
 - b. Moderate Archaeological Sensitivity Zone", as mapped on current County source maps, which requires environmental assessment according to Monterey County CEQA Guidelines; and,
 - c. "Low Archaeological Sensitivity Zone" where specific information is already known to exist which states that archaeological resources are present; and
 - d. Development within 750 feet of a known archaeological resource; or,
 - e. In an area of suspected archaeological resources, as determined through the planner's on-site investigation or other available information.
 - 2. The archaeological survey report shall be required and approved by the Director of Planning and Building Inspection prior to an application being considered complete.
 - 3. The survey report shall be prepared, at the applicant's expense, by a qualified archaeologist, from the County's list of archaeological consultants or by a member of the Society of Professional Archaeologists.
 - 4. The report shall be prepared according to the report standards of the Society of Professional Archaeologists and must include, at a minimum, a field survey by the archaeologist, survey of available State resource information at the Northwest Regional Information Center of the California Archaeological Inventory, description of the site's sensitivity and any identified archaeological resources, appropriate levels of development on the site, and recommended mitigation measures.
 - 5. The archaeological survey report shall be waived by the Director of Planning and Building Inspection under the following circumstances:

- a. A previous report was prepared for the site by a qualified archaeologist, as included on the County's list of archaeological consultants or as a member of the Society of Professional Archaeologists; and,
- b. The report clearly and adequately included the currently-proposed development site within the scope of its survey; or,
- c. The proposed development does not involve land clearing or land disturbance; or,
- d. Minor projects on previously disturbed sites or,
- e. Other acceptable evidence from an archaeologist.

D. Development Standards

- 1. Development on parcels with an archaeological site, as identified through an archaeological report prepared for the site, shall include the recommended mitigation measures contained in the archaeological survey report prepared for the site as conditions of approval.
- 2. Development proposed on parcels with an identified archaeological site shall be designed and located so as to avoid development on or impacts to the site. Alternative siting or location, reduction of project size, and other techniques, such as limiting of public access and requiring archaeological easements as conditions of project approval, shall be utilized where resulting in reduced impact to or avoidance of the archaeological site.
- 3. Where development on or development impacts to an identified archaeological or paleontological site cannot be avoided, a mitigation plan shall be required for the project. Prior to the application being considered complete, the plan shall be submitted to, and approved by the Director of Planning and Building Inspection. The mitigation plan shall be prepared at the applicant's expense by a qualified archaeologist, either from the County's list of archaeological consultants or by a member of the Society of Professional Archaeologists. Included in the mitigation plan shall be recommended preservation measures in accordance with the guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission. The consulting archaeologist shall file the mitigation plan with the State Office of Historic Preservation.
- 4. Where a mitigation plan has been prepared for a proposed development, a condition of project approval shall be that:
 - a. The preservation measures shall be undertaken and completed prior to the issuance of building or grading permits; or,
 - b. Where appropriate according to the recommendations contained in the mitigation plan, the preservation measures shall be undertaken concurrent with grading or other soil-

disturbing activities and shall be undertaken in accordance with the mitigation plan, as a condition of the grading or building permit; and,

- c. The results of the preservation activities shall be compiled into a final report prepared by the archaeologist and submitted to the Planning and Building Inspection Department.

21.66.060 STANDARDS FOR FARM EMPLOYEE AND FARM WORKER HOUSING.

- A. Purpose: The purpose of this Section is to provide the minimum standards for the application and development of farm employee and farm worker housing facilities.
- B. Applicability: The regulations of this Section are applicable in those zoning districts which allow farm employee housing or farm worker housing.
- C. Regulations:
 - 1. Development of farm employee housing and farm worker housing and renewal of permits for existing farm labor housing shall require a Use Permit or an Administrative Permit. The application shall include, at a minimum, the following elements:
 - a. Entity responsible for housing maintenance and up-keep;
 - b. Description of whether the housing will be used on a permanent, temporary, and/or seasonal basis;
 - c. Total number of people to be housed on-site at any one time;
 - d. Description of the housing, including whether the structures will be permanent and/or temporary, intended as units for families, one person, or several persons, and cost of the units and utilities to the laborers;
 - e. Location of where the employees will work;
 - f. Assessment of how much water will be used by the proposed development and description of how water is proposed to be supplied to the housing, including water source location and type, water quality, water quantity, and storage; and,
 - g. Description of the sewage disposal method, such as septic systems, to be used to service the housing.
 - 2. Farm employee and farm worker housing shall meet the following criteria, which shall be made conditions of project approval where appropriate:
 - a. There must be adequate water and sewer available to service the development, as determined by the Director of Environmental Health.
 - b. The housing must be located off prime and productive agricultural land, or on the parcel where no other alternatives exist on site, on the least viable portion of the parcel.
 - c. The development shall incorporate proper erosion and drainage controls.

- d. Enclosed storage facilities shall be provided for each housing or dwelling unit.
 - e. Laundry facilities, including washers and dryers, shall be provided on-site.
 - f. The site design of the facilities shall be subject to the approval of the Director of Planning and Building Inspection.
 - g. The development of three or more units shall require inclusion of recreation facilities and open space, proportional to the amount and type of facilities to be provided. Inclusion of family units in the facilities shall require children's play equipment. Adult housing shall require the inclusion of appropriate recreational areas, such as for baseball, basketball, soccer or horseshoe pitching.
 - h. The development shall be landscaped pursuant to a landscaping plan approved by the Director of Planning and Building Inspection prior to issuance of building permits for the facility.
 - i. All recreational areas and landscaping shall be installed prior to occupancy of the facilities. Landscaped areas shall be maintained.
- D. All permits for farm employee or farm worker housing shall be conditioned to expire at a time to be specified by the decision making body at the time of permit approval. Renewal of the permit shall require on-site inspections by the Planning and Building Inspection Department and Health Department, prior to public hearing, to assess compliance with the previous conditions of project approval.
- E. All renewals of permits for existing farm employee or farm worker housing shall be subject to the criteria of this section. New conditions of project approval shall be applied in order to assure compliance with the criteria where feasible.

Chapter 21.68

LEGAL NONCONFORMING USES

Sections:

21.68.010	Establishment of Legal Nonconforming Uses.
21.68.020	Legal Nonconforming Land Use.
21.68.030	Legal Nonconforming Structure Use.
21.68.040	Legal Nonconforming Structure Location and Height.
21.68.050	Damaged or Destroyed Legal Nonconforming Structures.
21.68.060	Legal Nonconforming Building Sites.
21.68.070	Legal Nonconforming Outdoor Advertising Structures.
21.68.080	Legal Nonconforming Wrecking and Junk Yards.
21.68.090	Construction or Use Initiated Prior to Adoption of Regulations.
21.68.100	Abandonment of Legal Nonconforming Uses.

21.68.010 ESTABLISHMENT OF LEGAL NONCONFORMING USES.

Any use of land, structure or land and structure which was legally established but is nonconforming to subsequently adopted land use regulations is a legal nonconforming use

21.68.020 LEGAL NONCONFORMING LAND USE.

A legal nonconforming land use may be continued from the time that legal nonconforming land use is established, except that.

- A. No such use shall be expanded, enlarged, increased, or extended to occupy a greater area than that occupied when the legal nonconforming use was established.
- B. No such use may be intensified over the level of use that existed at the time the legal nonconforming use was established.
- C. The legal nonconforming use may be changed to a use of a similar or more restricted nature, subject to a Use Permit in each case.

21.68.030 LEGAL NONCONFORMING STRUCTURE USE.

A legal nonconforming use of a structure may be continued except that:

- A. The nonconforming use of a structure may be changed to a use of the same or more restricted nature subject to the issuance of a Use Permit in each case.

- B. The nonconforming use of a portion of a structure may be extended throughout the structure subject to the issuance of a Use Permit in each case.
- C. A structure maintaining a legal residential nonconforming use may be increased for the expansion of the use by one hundred twenty square feet, or 10% of the floor area, whichever is greater.

21.68.040 LEGAL NONCONFORMING STRUCTURE LOCATIONS AND HEIGHT.

- A. The enlargement, extension, reconstruction or structural alteration of a nonconforming structure, nonconforming only as to height and yard regulations, may be permitted if the enlargement, extension reconstruction or structural alteration conforms to all the regulations of the district in which they are located.
- B. Ordinary maintenance and repairs, including structural repairs and foundations, may be made to any structure which is nonconforming as to height or setbacks or to a structure used for a legal nonconforming use, provided:
 - 1) No structural alterations are made; and,
 - 2) Such work does not exceed fifty percent of the appraised value of the structure in any one year period.

Additional maintenance and repair in a one year period may be allowed subject to the issuance of a Use Permit in each case.

- C. No legal nonconforming structure or sign shall be moved in whole or in part to any other location unless every portion of such structure or sign which is moved is made to conform to all the regulations of the district in which it is located.

21.68.050 DAMAGED OR DESTROYED LEGAL NONCONFORMING STRUCTURES.

If at any time any structure in existence at the time any provision of this Title becomes applicable to it, which does not conform to this Title, be damaged or destroyed by fire, explosion, act of God, or act of public enemy, the land and structure shall be subject to all the regulations specified by this Title for the district in which said land and structure are located; except that such structure may be rebuilt to a total floor area and volume not exceeding that of the structure destroyed and the use may continue as herein provided for nonconforming uses, if a Use Permit is first secured.

21.68.060 LEGAL NONCONFORMING BUILDING SITES.

Means divisions of property into parcels when said parcels were shown on the 1964-65 county tax roll under separate ownership, or a division of property into four or less parcels shown on a record of survey recorded prior to March 2, 1964, or record or survey of four or less parcels, each of which is over two and one-half acres, recorded prior to March 7, 1972, or parcels of two and one-half acres or over when said parcels were shown

under separate ownership prior to March 7, 1972, when shown on a deed or deeds recorded on or before March 7, 1972, when said parcels comply with applicable zoning ordinances in effect at the time of division, or when said parcels are lots on a recorded subdivision map approved by the Board of Supervisors of the County of Monterey.

21.68.070 LEGAL NONCONFORMING OUTDOOR ADVERTISING STRUCTURES.

- A. All legal nonconforming outdoor advertising signs and outdoor advertising structures shall be removed entirely on or before January 1, 1979, except those in Light Commercial, Heavy Commercial, Light Industrial and Heavy Industrial districts for which a Use Permit has been obtained.
- B. All legal nonconforming outdoor advertising signs and outdoor advertising structures located on property shall be removed entirely within five years from the date said property is reclassified into some other zoning district, unless the reclassification is to light commercial, heavy commercial, light industrial or heavy industrial district and a Use Permit has been obtained within such five-year period or had been previously secured.

21.68.080 LEGAL NONCONFORMING WRECKING AND JUNK YARDS.

All legal nonconforming wrecking yards and junk yards shall be enclosed by a solid board or masonry fence at least six feet in height for fire prevention and prevention of the spread of litter and debris. No junk, dismantled cars or machinery shall be stacked higher than the fence. Wrecking yards and junk yards shall comply with these special regulations, or shall be removed entirely by July 1, 1961, or secure a Use Permit.

21.68.090 CONSTRUCTION OR USE INITIATED PRIOR TO ADOPTION OF REGULATIONS.

- A. Nothing contained in this Title shall be deemed to require any change in the plans, construction, or designated use of any structure upon which actual construction was lawfully begun prior to the effective date of this Title.
- B. The foregoing provisions shall also apply to nonconforming uses in districts hereafter changed.

21.68.100 ABANDONMENT OF LEGAL NONCONFORMING USES.

- A. If the actual operation of a legal nonconforming use of a structure, land, or structure and land ceases for a continuous period of twelve months, the legal nonconforming use shall be deemed to be abandoned. Any and all subsequent uses of the structure and land shall conform in all respects to the provisions of this Title.
- B. Should the property owner, operator, prospective owner or operator, or any other person dispute whether or not the legal nonconforming use has in fact been abandoned, the Planning Commission shall determine said abandonment pursuant to the provisions of Chapter 21.78 of this Title.

Chapter 21.70

ADMINISTRATIVE PERMITS

Sections:

21.70.010	Purpose.
21.70.020	Applicability.
21.70.030	Appropriate Authority.
21.70.040	Public Notice.
21.70.050	Action by Appropriate Authority.
21.70.060	Referral to Public Hearing.
21.70.070	Revocation.
21.70.080	Expiration.
21.70.090	Effect.
21.70.100	Reapplication.
21.70.110	Filing Fee.
21.70.120	Extension of Administrative Permits

21.70.010 PURPOSE.

- A. The purpose of this Chapter is to provide a process whereby certain development permits can be considered at an administrative level.
- B. It is the further purpose of this Chapter, by allowing Administrative Permit processing for certain types of developments, to expedite work flow, reduce the time needed to process and consider certain applications, dispense with public hearings on certain types of developments which are of a minor and non-controversial nature, and decrease the impact in time, materials and cost in processing certain discretionary permits.

21.70.020 APPLICABILITY.

Any development identified within the zoning district regulations as being a permitted use requiring an Administrative Permit is subject to the provisions of this Chapter.

21.70.030 APPROPRIATE AUTHORITY.

The Director of Planning and Building Inspection or the Zoning Administrator is the Appropriate Authority to consider Administrative Permits unless the matter is referred to public hearing under Section 21.70.060. In such case the Zoning Administrator is the Appropriate Authority to hear and consider Administrative Permits.

21.70.040 PUBLIC NOTICE.

- A. Not less than ten calendar days prior to consideration of the Administrative Permit, the Appropriate Authority shall give notice of such consideration by mailing, postage prepaid, a notice of such consideration to all persons owning property within 300 feet of the exterior boundaries of the property to be occupied by the use for which the permit was applied. Addresses shall be used from the last equalized assessment roll, or alternatively, from such other records of the Assessor or the Tax Collector as contain more recent addresses in the opinion of the Appropriate Authority.
- B. Not less than ten calendar days prior to consideration of the Administrative Permit, the Appropriate Authority shall provide the applicant with not less than three public hearing notices. Said notices are to be posted in three public places near the subject property. The notices shall be posted in places accessible and visible to the public.
- C. Not less than ten calendar days prior to consideration of the Administrative Permit the Appropriate Authority shall publish notice of said consideration in at least one newspaper of general circulation published in the County of Monterey.
- D. All persons receiving notice pursuant to Section 21.70.040(A) or requesting such notice shall be notified in writing of the issuance of an Administrative Permit which was approved without public hearing. Said notice shall include information relative to the appeal rights and procedure for Administrative Permits.

21.70.050 ACTION BY APPROPRIATE AUTHORITY.

- A. The Appropriate Authority in its consideration of an Administrative Permit may grant in whole or in part, deny, or modify said permit; provided, however, that no Administrative Permit may be denied without a public hearing.
- B. An Administrative Permit application which has been deemed complete shall be acted on or be set for public hearing by the Appropriate Authority within fifteen working days or it shall be deemed approved. The fifteen day time limit may be extended with the mutual consent of the Appropriate Authority and the applicant.
- C. In acting on an Administrative Permit, the Appropriate Authority shall make findings as necessary to support its decision on the permit. Such findings shall address, but not be limited to, consistency with the Monterey County General Plan, applicable area plan, master plan, specific plan, site suitability, environmental issues and Variances where applicable. The findings shall include a determination that the subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions, and any other applicable provisions of Title 21 and that all zoning violation abatement costs have been paid.
- D. The Appropriate Authority may designate such conditions in connection with the Administrative Permit as it deems necessary to secure the purposes of this Title. Such conditions may include monitoring, at reasonable times and intervals, to assure compliance with the conditions set forth in the permit. Other conditions may include, but are not limited to, health and safety requirements, architectural and site approval, time limitations, street dedication, and street and drainage improvements. The Appropriate

Authority may also require such security and guarantees as it deems appropriate to assure the compliance of the conditions.

- E. An appeal may be taken from the action of the Appropriate Authority pursuant to Chapter 21.80.

21.70.060 REFERRAL TO PUBLIC HEARING.

- A. An Administrative Permit shall be referred to the Zoning Administrator for consideration at a public hearing if there is evidence of public controversy or public opposition to the proposed use or development. Such evidence includes, but is not limited to:
 - 1. A staff recommendation for denial;
 - 2. The project is not categorically exempt under the California Environmental Quality Act;
 - 3. The applicant or applicant's representative requests, in writing, a public hearing;
 - 4. Zoning violations exist on the property;
 - 5. Written request, based on a substantive issue, for a public hearing by one or more owners or residents in the area.
- B. If a public hearing is required, it shall be noticed and conducted pursuant to the public hearing provisions of Chapter 21.78.

21.70.070 REVOCATION.

- A. Where one or more of the conditions of an Administrative Permit have not been, or are not being complied with, or when an Administrative Permit was granted on the basis of false material information, written or oral, given willfully or negligently by the applicant, the Zoning Administrator may revoke or modify the Administrative Permit following public hearing pursuant to Chapter 21.78.
- B. An appeal may be taken from such revocation or modification pursuant to Chapter 21.80.

21.70.080 EXPIRATION.

- A. Any permit issued under the terms of this Chapter shall be valid until the date of expiration stated on the permit. If no date of expiration is stated or any permit which allows a use without the construction of structures or other structures, shall expire two years from the date of granting the permit unless use of the property has begun within this period.
- B. If no date of expiration is stated, or any permit granted under this Chapter which allows for the construction of structures or other structures shall remain valid as long as actual construction has begun within two years from the date of the granting of the permit.

C. In case of an appeal, the term of the permit shall not begin until the date of the resolution of the appeal.

21.70.090 EFFECT.

No building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the Administrative Permit granted, nor until ten days after the mailing of notice of granting of such Administrative Permit by the Appropriate Authority. In the event of appeal to the Board of Supervisors, the building permit may be issued upon resolution of the appeal in accordance with the terms and conditions of the Administrative Permit.

21.70.100 REAPPLICATION.

When an application or portion of a Administrative Permit for a Administrative Permit is denied by the appropriate authority, the Zoning Administrator or Board of Supervisors, no new application for a Administrative Permit substantially the same as the one or part denied shall be considered for a period of one year following such denial.

21.70.110 FILING FEE.

The application fee for an Administrative Permit shall be established from time to time by the Board of Supervisors, and no part of such fee shall be refundable, unless said refund is requested in writing concurrent with the withdrawal of the Administrative Permit and provided that the applicant has not yet been sent written notice of the applications completeness or incompleteness. In such cases, 50% of the filing fee shall be refunded.

21.70.120 EXTENSION OF ADMINISTRATIVE PERMITS.

- A. The Appropriate Authority may extend an Administrative Permit upon receipt of a written request from the permittee, provided such request is made at least thirty days prior to the expiration of the Administrative Permit. The written request shall be filed with the Appropriate Authority and set forth reasons supporting the request.
- B. The extension request shall be subject to the provisions of Chapter 21.70.040 of this Title.

Chapter 21.72

VARIANCES

Sections:

21.72.010	Purpose.
21.72.020	Applicability.
21.72.030	Appropriate Authority.
21.72.040	Application.
21.72.050	Action by Appropriate Authority.
21.72.060	Revocation.
21.72.070	Expiration.
21.72.080	Effect.
21.72.090	Reapplication.
21.72.100	Filing Fee.
21.72.110	Extension of Variances

21.72.010 PURPOSE.

The purpose of this Chapter is to provide a mechanism for applicants to make an application for Variances and to provide specific findings to approve or deny Variances.

21.72.020 APPLICABILITY.

Modifications to the setback, coverage, height, building site area, and development standard regulations of this Title may be considered by a Variance.

21.72.030 APPROPRIATE AUTHORITY.

The Zoning Administrator is the Appropriate Authority to hear and decide all applications for Variances, unless said Variance is combined with another permit pursuant to Chapter 21.76 (Combined Development Permits) of this Title.

21.72.040 APPLICATION.

An application for Variance shall be made in writing on a form prescribed by the Director of Planning and Building Inspection and be accompanied by statements, plans, and other evidence supporting the Variance request. Variances from the terms of this Title shall only be granted based upon the following findings.

- A. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this Title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification; and

- B. That the variance not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated;
- C. A Variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

21.72.050 ACTION BY APPROPRIATE AUTHORITY.

- A. All Variances require a public hearing pursuant to Chapter 21.78.
- B. After conclusion of the public hearing, the Appropriate Authority shall make its decision in writing. The decision shall include findings of fact supported by substantial evidence:
 - 1. The qualifications of Section 21.72.040(A) and (B) apply to the land, structure, or use of which the Variance is sought, and
 - 2. The subject property is in compliance with all rules regulations pertaining to zoning uses, subdivisions, or any other applicable provisions of Title 21 and any zoning violation abatement costs have been paid.
- C. The Appropriate Authority shall include such conditions in connection with the Variance as deemed reasonable and necessary under the circumstances to preserve the integrity and character of the zoning district and to secure the general purposes of this Title. Such conditions may include monitoring, at reasonable times and intervals, to assure compliance with the conditions set forth in the Variance. Such conditions may include, but are not limited to, architectural and site approval, time limitations, health and safety requirements, street dedication, and street and drainage improvements. The appropriate authority may also require such bond and guarantees as he deems appropriate to assure the compliance of the conditions.
- D. An appeal may be taken from the action of the Appropriate Authority pursuant to Chapter 21.80.

21.72.060 REVOCATION.

- A. Where one or more of the conditions of a Variance have not been, or are not being complied with, or when a Variance was granted on the basis of false material information, written or oral, given willfully or negligently by the applicant, the Appropriate Authority may revoke or modify the Variance following public hearing pursuant to Chapter 21.78 of this Title.
- B. An appeal may be taken from such revocation or modification pursuant to Chapter 21.80.

21.72.070 EXPIRATION.

- A. Any Variance issued under the terms of this Chapter shall be valid until the date of expiration stated on the permit. If no date of expiration is stated, or unless otherwise specified by the decision making body,

any permit which allows a use, excluding a use which contemplates the construction of structures or other structures, shall expire two years from the date of granting the permit unless use of the property has begun within this period.

- B. If no date of expiration is stated, or unless otherwise specified by the Appropriate Authority, any permit granted under this Chapter which allows for the construction of buildings or other structures shall remain valid as long as actual construction has begun within two years from the date of the granting of the permit.
- C. In case of an appeal, the term of the permit shall not begin until the date of the resolution of the appeal.

21.72.080 EFFECT.

Building permits shall not be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the Variance granted nor until ten days after the mailing of notice of granting of such Variance by the Appropriate Authority, or, after granting of such Variance by the Board of Supervisors in the event of appeal.

21.72.090 REAPPLICATION.

When an application or portion of a application for a Variance is denied by the Appropriate Authority or the Board of Supervisors on appeal, no new application for a Variance substantially the same as the one denied shall be considered for a period of one year following such denial.

21.72.100 FILING FEE.

The application fee for a Variance shall be established from time to time by the Board of Supervisors, and no part of such fee shall be refundable, unless said refund is requested in writing concurrent with the withdrawal of the Variance and provided that the applicant has not yet been sent written notice of the applications completeness or incompleteness. In such cases, 50% of the filing fee shall be refunded.

21.72.110 EXTENSION OF VARIANCES.

- A. The Appropriate Authority may extend Variances upon receipt of a written request from the permittee, provided such request is made at least thirty days prior to the expiration of the Variance. The written request shall be filed with the Appropriate Authority and set forth reasons supporting the request.
- B. The extension request shall be subject to the provisions of Chapter 21.78.040A of this Title.

Chapter 21.74

USE PERMITS

Sections:

21.74.010	Purpose.
21.74.020	Applicability.
21.74.030	Appropriate Authority.
21.74.040	Application.
21.74.050	Action by Appropriate Authority.
21.74.060	Revocation.
21.74.070	Expiration.
21.74.080	Effect.
21.74.090	Reapplication.
21.74.100	Filing Fee.
21.74.110	Extension of Use Permits

21.74.010 PURPOSE.

It is the purpose of this Chapter to provide a means whereby applicants desiring to conduct a use other than an allowed use may make application to the Appropriate Authority to consider the use at a public hearing.

21.74.020 APPLICABILITY.

This provisions of this Chapter apply in all zoning districts in the unincorporated areas of Monterey County.

21.74.030 APPROPRIATE AUTHORITY.

- A. Use Permits may be issued for any of the uses or purposes for which such permits are required or permitted by the terms of this Title.
- B. The Zoning Administrator shall be the Appropriate Authority to hear and decide applications for, and issue Use Permits, for those uses identified by the "(ZA)" designation.
- C. The Planning Commission shall be the Appropriate Authority to hear and decide applications for, and issue Use Permits, for all other uses for which a Use Permit is required or permitted. The powers and authority may be combined to one body pursuant to a Combined Development Permit subject to Chapter 21.76.

21.74.040 APPLICATION.

Application for a Use Permit shall be made to the Appropriate Authority in writing on a form prescribed by the Director of Planning and Building Inspection and shall be accompanied by statements, plans, and elevations necessary to show the detail of the proposed use or structure.

21.74.050 ACTION BY APPROPRIATE AUTHORITY.

- A. All Use Permits require a public hearing pursuant to Chapter 21.78.
- B. In order to grant any Use Permit, the findings of the Appropriate Authority shall be:
 - 1) The establishment, maintenance, or operation of the use or structure applied for, will not, under the circumstances of the particular case, be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use; or be detrimental or injurious to property and improvement in the neighborhood; or to the general welfare of the County.
 - 2) The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of this Title and any zoning violation abatement costs have been paid.
- C. The Appropriate Authority may designate such conditions in connection with the Use Permit as it deems necessary to secure the purposes of this Title. Such conditions may include monitoring, at reasonable times and intervals, to assure compliance with the conditions set forth in the permit. Other such conditions may include, but are not limited to, health and safety requirements, architectural and site approval, time limitations, street dedication, and street and drainage improvements. The Appropriate Authority may also require such bond and guarantees as it deems appropriate to assure the compliance of the conditions.
- D. An appeal may be taken from the action of the Appropriate Authority pursuant to Chapter 21.80.

21.74.060 REVOCATION.

- A. Where one or more of the conditions of a Use Permit have not been, or are not being complied with, or when a Use Permit was granted on the basis of false material information, written or oral, given willfully or negligently by the applicant, the Appropriate Authority may revoke or modify the Use Permit following public hearing pursuant to Chapter 21.78 of this Title.
- B. An appeal may be taken from such revocation or modification in the same manner as described in Chapter 21.80.

21.74.070 EXPIRATION.

- A. Any Use Permit issued under the terms of this Chapter shall be valid until the date of expiration stated on the permit. If no date of expiration is stated, or unless otherwise specified by the decision making body, any permit which allows a use, excluding a use which contemplates the construction of buildings or other

structures, shall expire two years from the date of granting the permit unless use of the property has begun within this period.

- B. If no date of expiration is stated, or unless otherwise specified by the Appropriate Authority, any permit granted under this Chapter which allows for the construction of buildings or other structures shall remain valid as long as actual construction has begun within two years from the date of the granting of the permit.
- C. In case of an appeal, the term of the permit shall not begin until the date of the resolution of the appeal.

21.74.080 EFFECT.

Building permits shall not be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the Use Permit granted nor until ten days after the mailing of notice of granting of such Use Permit by the Appropriate Authority, or, after granting of such Use Permit by the Board of Supervisors in the event of appeal.

21.74.090 REAPPLICATION.

When an application or portion of a application for a Use Permit is denied by the Appropriate Authority or the Board of Supervisors on appeal, no new application for a Use Permit substantially the same as the one denied shall be considered for a period of one year following such denial.

21.74.100 FILING FEE.

The application fee for a Use Permit shall be as established from time to time by the Board of Supervisors, and no part of such fee shall be refundable unless said refund is requested in writing concurrent with the withdrawal of the Use Permit and provided that the applicant has not yet been sent written notice of the application's completeness or incompleteness. In such case, 50% of the filing fee shall be refunded.

21.74.110 EXTENSION OF USE PERMITS.

- A. The Appropriate Authority may extend a Use Permit upon receipt of a written request from the permittee, provided such request is made at least thirty days prior to the expiration of the Use Permit. The written request shall be filed with the Appropriate Authority and set forth reasons supporting the request.
- B. The extension request shall be subject to the provisions of Chapter 21.78.040A of this Title.

Chapter 21.75

EMERGENCY PERMITS

Sections:

21.75.010	Purpose.
21.75.020	Applicability.
21.75.030	Appropriate Authority.
21.75.040	Application.
21.75.050	Action by Appropriate Authority.
21.75.060	Revocation.
21.75.070	Expiration
21.75.080	Effect.
21.75.090	Filing Fee.
21.75.100	Extension of Emergency Permits.

21.75.010 PURPOSE.

It is the purpose of this Chapter to provide a means whereby development normally requiring discretionary approvals under this Title may be considered without the normally required public hearing processes to meet an emergency situation.

21.75.020 APPLICABILITY.

The provisions of this Chapter shall apply in all zoning districts in the unincorporated areas of the County of Monterey.

21.75.030 APPROPRIATE AUTHORITY.

The Appropriate Authority to consider and decide Emergency Permits is the Zoning Administrator.

21.75.040 APPLICATION.

Application for an Emergency Permit shall be made to the Appropriate Authority in writing on a form prescribed by the Director of Planning and Building Inspection and shall be accompanied by such statements, plans and elevations necessary to show the detail of the proposed use or structure and to explain the nature of the emergency.

21.75.050 ACTION BY APPROPRIATE AUTHORITY.

- A. A public hearing is not required to consider and decide an Emergency Permit.
- B. In order to grant an Emergency Permit, the findings of the Appropriate Authority shall be:

- 1) That an emergency situation exists and immediate action is required to protect life and property from imminent danger or to restore, repair or maintain public works, utilities or services destroyed, damaged or interrupted by the emergency.
 - 2) That the establishment, maintenance or operation of the use or structures approved by the Emergency Permit will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such approved use; or, be detrimental or injurious to property and improvement in the neighborhood; or to the general welfare of the County.
 - 3) That the work authorized by the Emergency Permit is the minimum amount of work required to mitigate the emergency situation.
 - 4) That the work authorized by the Emergency Permit is consistent with the provisions of the Monterey County General Plan and the applicable area plan.
- C. The Appropriate Authority may designate such conditions in connection with the Emergency Permit as deemed necessary to secure the purposes of this Title. Such conditions may include monitoring, at reasonable times and intervals, to assure compliance with the conditions set forth in the Emergency Permit. Other conditions may include but are not limited to, health and safety requirements, architectural and site approval, time limitations, street dedications, and street and drainage improvements. The Appropriate Authority may also require such bonds and guarantees as it deems appropriate to assure compliance with the conditions.
- D. The Appropriate Authority shall establish a date by which the construction or use authorized by the Emergency Permit shall commence.
- E. An appeal may be taken from the action of the Appropriate Authority pursuant to Chapter 21.80.

21.75.060 REVOCATION

- A. Where one or more of the conditions of the Emergency Permit have not been or are not being complied with, or when the Emergency Permit was granted on the basis of false material information, written or oral, given willfully or negligently by the applicant, the Appropriate Authority may revoke or modify the Emergency Permit following a public hearing pursuant to Chapter 21.78 of this Title.
- B. An appeal may be taken from such revocation or modification pursuant to Chapter 21.80 of this title.

21.75.070 EXPIRATION.

- A. Any Emergency Permit issued under the terms of this Chapter shall be valid until the date of expiration stated on the permit.

- B. Any Emergency Permit which is not exercised by the date established pursuant to Section 21.75.050D of this Title shall be deemed to be expired.

21.75.080 EFFECT.

Building Permits shall not be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the Emergency Permit granted. The construction or use authorized by the Emergency Permit may commence prior to the expiration of the appeal period or while an appeal is being resolved subject to the approval of the Director of Planning and Building Inspection or Zoning Administrator and provided that the permittee acknowledges in writing that they are proceeding at their own risk and the appropriate indemnification agreement has been filed with the County Recorder.

21.75.090 FILING FEE.

The application fee for an Emergency Permit shall be as established from time to time by the Board of Supervisors, and no part of such fee shall be refundable unless such refund is requested in writing concurrent with the withdrawal of the Emergency Permit and provided that the applicant has not yet been sent written notice of the applications' completeness or incompleteness. In such case, 50% of the filing fee shall be refunded.

21.75.100 EXTENSION OF EMERGENCY PERMITS

- A. the Appropriate Authority may extend an Emergency Permit upon receipt of a written request of the permittee, provided such request is made at least thirty days prior to the expiration of the Emergency Permit. The written request shall be filed with the Appropriate Authority and set forth reasons supporting the request.
- B. The extension request shall be subject to the provisions of Chapter 21.78.040A of this Title.

Chapter 21.76

COMBINED DEVELOPMENT PERMITS

Sections:

21.76.010	Purpose.
21.76.020	Applicability.
21.76.030	Appropriate Authority.
21.76.040	Application.
21.76.050	Action by Appropriate Authority.
21.76.060	Revocation.
21.76.070	Expiration.
21.76.080	Effect.
21.76.090	Reapplication.
21.76.100	Filing Fee.
21.76.110	Extension of Combined Development Permits.

21.76.010 PURPOSE.

- A. The purpose of this Chapter is to provide a process whereby a development requiring a multiple of discretionary permits pursuant to Title 21 (Zoning) and Title 19 (Subdivisions), Monterey County Code, may be considered under a single discretionary permit encompassing all phases and aspects of the development.
- B. It is the further purpose of this Chapter, by allowing multiple discretionary permits to combine, to expedite work flow, reduce the time needed to process and consider applications, reduce the number of required hearings, and decrease the impact in time, materials and cost to the developer and the County of making and considering multiple applications.

21.76.020 APPLICABILITY.

- A. Any person desiring to develop property consisting of an individual parcel or contiguous parcels which under the terms of Title 21 (Zoning) and Title 19 (Subdivisions), Monterey County Code, requires more than one discretionary permit, may apply for a Combined Development Permit, pursuant to the regulations set forth in this Chapter.
- B. The provisions of this Chapter shall apply in all zoning districts in the unincorporated areas of Monterey County. Where the provisions of this Chapter differ from other provisions of Title 21 or Title 19, Monterey County Code, the regulations of this Chapter shall apply.

21.76.030 APPROPRIATE AUTHORITY.

- A. The Appropriate Authority to consider a Combined Development Permit shall be the Planning Commission, Zoning Administrator, Minor Subdivision Committee or Board of Supervisors. The basis for the designation shall be that the body established under State Law, Title 19 (Subdivisions), Monterey County Code, or Title 21 (Zoning), Monterey County Code, as the decision making body for the principal land use shall be the decision making body for the Combined Development Permit. Should the Combined Development Permit include any permit normally considered by the Planning Commission, then the Planning Commission shall consider the entire Combined Development Permit, including Variances.
- B. The Planning Commission shall act as the recommending body to the Board of Supervisors when said Board is the Appropriate Authority for the Combined Development Permit. Said Board shall not act on a Combined Development Permit without prior review and recommendation of the Planning Commission on both the environmental and land use issues. The Planning Commission recommendation shall be made only after public hearing by the Planning Commission.

21.76.040 APPLICATION.

Application for a Combined Development Permit shall be made to the Appropriate Authority in writing on a form prescribed by the Director of Planning and Building Inspection and shall be accompanied by statements, plans, and elevations necessary to show the detail of the proposed use or structure.

21.76.050 ACTION BY APPROPRIATE AUTHORITY.

- A. All Combined Development Permits require a public hearing pursuant to Chapter 21.78.
- B. The Appropriate Authority may in its consideration of a Combined Development Permit grant or deny, in whole or in part, or modify said permit.
- C. In acting on a Combined Development Permit, the Appropriate Authority shall make findings as necessary to support its decision on the permit. Such findings shall address, but not be limited to, consistency with the General Plan, area plans, site suitability, environmental issues and Variance hardships, where applicable. If there is a Variance request it must be processed with a combined application.
- D. The Appropriate Authority may designate such conditions in connection with the Combined Development Permit as it deems necessary to secure the purposes of this Title. Such conditions may include monitoring, at reasonable times and intervals, to assure compliance with the conditions set forth in the permit. Other such conditions may include, but are not limited to, health and safety requirements, architectural and site approval, time limitations, street dedication, and street and drainage improvements. The Appropriate Authority may also require such bond and guarantees as it deems appropriate to assure the compliance of the conditions.
- E. An appeal may be taken from the action of the Appropriate Authority pursuant to Chapter 21.80.

21.76.060 REVOCATION.

- A. Where one or more of the conditions of a Combined Development Permit have not been, or are not being complied with, or when a Combined Development Permit was granted on the basis of false material information, written or oral, given willfully or negligently by the applicant, the Appropriate Authority may revoke or modify the Combined Development Permit following public hearing pursuant to Chapter 21.78 of this Title.
- B. Where only a portion of the overall project approved by a Combined Development Permit is considered to be subject to revocation or modification pursuant to Section 21.76.060(A) only that portion of the project shall be considered for revocation or modification.
- C. An appeal may be taken from such revocation or modification pursuant to Chapter 21.80.

21.76.070 EXPIRATION.

- A. Any Combined Development Permit issued under the terms of this Chapter shall be valid until the date of expiration stated on the permit. If no date of expiration is stated, or unless otherwise specified by the decision making body, any permit which allows a use, excluding a use which contemplates the construction of buildings or other structures, shall expire two years from the date of granting the permit unless use of the property has begun within this period.
- B. If no date of expiration is stated, or unless otherwise specified by the decision making body, any permit granted under this Chapter which allows for the construction of buildings or other structures shall remain valid as long as actual construction has begun within two years from the date of the granting of the permit.
- C. Exception may be made to Section 21.76.070(A) when the Combined Development Permit includes a subdivision approval. Such subdivision approval within the Combined Development Permit shall include specific conditions regarding expiration pursuant to the expiration and extension provisions in Title 19, Monterey County Code.
- D. In case of an appeal, the term of the permit shall not begin until the date of the resolution of the appeal.

21.76.080 EFFECT.

Building permits shall not be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the Combined Development Permit granted nor until ten days after the mailing of notice of granting of such Combined Development Permit by the Appropriate Authority, or, after granting of such Combined Development Permit by the Board of Supervisors in the event of appeal.

21.76.090 REAPPLICATION.

When an application or portion of a Combined Development Permit for a Combined Development Permit is denied by the Appropriate Authority or the Board of Supervisors, no new application for a Combined Development Permit substantially the same as the one denied shall be considered for a period of one year following such denial.

21.76.100 FILING FEE.

The filing fee for a Combined Development Permit shall be equal to the total combined filing fee for the permits incorporated into the Combined Development Permit. No part of such fee shall be refundable unless said refund is requested in writing concurrent with the withdrawal of the Combined Development Permit and provided the applicant has not yet been sent written notice of the applications completeness or incompleteness. In such case, 50% of the filing fee shall be refunded.

21.76.110 EXTENSION OF COMBINED DEVELOPMENT PERMITS.

- A. The Appropriate Authority may extend a Combined Development Permit upon receipt of a written request from the permittee, provided such request is made at least thirty days prior to the expiration of the Combined Development Permit. The written request shall be filed with the Appropriate Authority and set forth reasons supporting the request.

- B. The extension request shall be subject to the provisions of Chapter 21.78.040A of this Title.

Chapter 21.78

PUBLIC HEARINGS

Sections:

21.78.010	Purpose.
21.78.020	Applicability.
21.78.030	Public Hearing Required.
21.78.040	Public Notice Required.
21.78.050	Public Hearing Notice Contents.
21.78.060	Responsibility of the Applicant.

21.78.010 PURPOSE.

The purpose of this Chapter is to provide an opportunity where interested parties may express, in a public forum, views and opinions regarding land use applications pending before an Appropriate Authority.

21.78.020 APPLICABILITY.

The provisions of this Chapter apply to all applications that are discretionary in nature, including, but not limited to, Use Permits, Variances, Combined Development Permits, Amendments and Appeals.

21.78.030 PUBLIC HEARING REQUIRED.

Any action to approve or deny any application for a discretionary permit by an Appropriate Authority, including the Board of Supervisors, shall require that a public hearing be held and notice given pursuant to this Chapter.

General Plan, area, plan, or master plan amendments shall be set for public hearing before the Board of Supervisors, following consideration by the Planning Commission, by the Director of Planning and Building Inspection. The action by the Director to set the public hearing before the Board of Supervisors does not require public notice or a public hearing.

21.78.040 PUBLIC NOTICE REQUIRED.

A. The notice shall be given in all of the following ways:

1. Notice of the public hearing shall be mailed or delivered at least 10 days prior to the public hearing to the owner of the subject real property or the owner's duly authorized agent, and to the project applicant.
2. Notice of the public hearing shall be mailed or delivered at least 10 days prior to the public hearing to each local agency expected to provide water, sewage, streets, roads, schools, or other

essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected.

3. Notice of the public hearing shall be mailed or delivered at least 10 days prior to the public hearing to all owners of real property as shown on the latest equalized assessment roll within 300 feet of the real property that is the subject of the public hearing.
 4. At least three public hearing notices shall be clearly posted at three different public places on and near the subject property. The notices shall be accessible and visible to the public.
 5. In-lieu of utilizing the assessment roll, the County may utilize records of the County Assessor or County Tax Collector which contain more recent information than the assessment roll.
 6. If the number of property owners to whom notice would be mailed or delivered pursuant to this Chapter is greater than 1,000, the County, in lieu of mailed or delivered notice, may provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the local agency in which the proceeding is conducted, at least 10 days prior to the hearing.
 7. If the public hearing notice is mailed or delivered pursuant to paragraph (3), the notice shall also be published in at least one newspaper of general circulation within the area, at least 10 days prior to the hearing.
- B. The failure of any person or entity to receive notice given pursuant to this Title shall not constitute grounds for any court to invalidate the action on any permit pursuant to this Title for which notice was given (GC 65093).

21.78.050 PUBLIC HEARING NOTICE CONTENTS.

The contents of a public hearing notice shall contain at a minimum the following information:

- A. Date, time and place of the public hearing;
- B. The identity of the Appropriate Authority;
- C. A general explanation of the matter to be considered at the public hearing; and,
- D. A general description, in text or by diagram, of the location of the real property, if any, that is the subject of the public hearing.

21.78.060 RESPONSIBILITY OF THE APPLICANT.

It shall be the responsibility of the applicant to provide a complete list of all the names, addresses, and assessor's parcel numbers of all property owners within 300 feet of the property, including the owner of the subject property

for which this application is filed. The list shall be taken from the most recent records of the Monterey County Assessor's Office.

Chapter 21.80

APPEALS

Sections:

21.80.010	Purpose.
21.80.020	Applicability.
21.80.030	Effect of Filing an Appeal.
21.80.040	Designation of Appeal Authority.
21.80.050	Who May Appeal; Time of Appeal.
21.80.060	Requirements for Contents of Appeal.
21.80.070	Acceptance of Appeal.
21.80.080	Public Hearing Notice.
21.80.090	Action by Board of Supervisors Appeal Authority on Appeal.

21.80.010 PURPOSE.

It is the purpose of this Chapter to provide a means whereby any person aggrieved by a decision of an Appropriate Authority may appeal that decision to the Appropriate Appeal Authority.

21.80.020 APPLICABILITY.

The provisions of this Chapter apply to discretionary decisions made pursuant to the provisions of this Title by the Director of Planning and Building Inspection, Zoning Administrator, and the Planning Commission.

21.80.030 EFFECT OF FILING AN APPEAL.

An appeal, in whole or in part, of a decision of the Appropriate Authority, shall set aside in its entirety the decision of the Appropriate Authority. Should the appeal subsequently be withdrawn, the decision of the Appropriate Authority shall become effective immediately.

21.80.040 DESIGNATION OF APPEAL AUTHORITIES.

- A. The Planning Commission is the Appeal Authority to consider appeals from the discretionary decisions of the Director of Planning and Building Inspection made pursuant to this Title. The decision of the Planning Commission shall be final and may not be appealed.

- B. The Planning Commission is the Appeal Authority to consider appeals from the discretionary decisions of the Zoning Administrator made pursuant to this Title. The decision of the Planning Commission shall be final and may not be appealed, except as provided for in Section 21.80.040 C.
- C. In the event the decisions made pursuant to Subsections A and B are accompanied by an environmental impact report, decisions of the Planning Commission may be appealed to the Board of Supervisors if the Appropriate Authority or the Appeal Authority approves or adopts any finding of overriding consideration of unmitigateable impacts identified in the applicable controlling environmental impact report.
- D. The Board of Supervisors is the Appeal Authority to consider appeals from the discretionary decisions, except decisions on appeals made pursuant to subsections A and B of section 21.80.040, of the Planning Commission made pursuant to this Title.

21.80.050 WHO MAY APPEAL; TIME OF APPEAL.

- A. An appeal may be made to the Appeal Authority by any person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
- B. Persons who receive notice of the hearing before the Appropriate Authority, or who had knowledge of the time and place of the hearing before the Appropriate Authority, but who chose not to participate in the hearing, either orally or in writing, shall not have the right to appeal. However, the Appeal Authority may grant the right to appeal to those persons who, in the exercise of reasonable care, did not participate in the hearing.
- C. An appeal shall be in writing and shall be filed with the Secretary of the Planning Commission or the Clerk to the Board of Supervisors, as appropriate, and with Appropriate Authority within ten days after written notice of the decisions of the Appropriate Authority has been mailed to the applicant.
- D. At the time of the filing of the appeal the appellant shall pay the required filing fee, as established from time to time by the Board of Supervisors, to the Secretary of the Planning Commission or the Clerk to the Board of Supervisors as appropriate.
- E. Written notice of the decision shall be given promptly to the applicant and to those who have requested notice, in writing, at the hearing on the application. No appeal shall be accepted until the notice of the decision has been given.

21.80.060 REQUIREMENTS FOR CONTENTS OF APPEAL.

The appellant shall specifically state in the notice of appeal:

- A. The identity of the appellant and its interest in the decision;
- B. The identity of the decision appealed or the conditions appealed;

- C. A clear, complete, but brief, statement of the reasons why, in the opinion of the appellant, the decision or the conditions imposed are unjustified or inappropriate because:
 - 1. There was a lack of a fair and impartial hearing; or,
 - 2. The findings, decision, or conditions are not supported by the evidence; or
 - 3. The decision was contrary to law.
- D. The specific reasons the appellant disagrees with the findings, or decision made or conditions imposed by, the Appropriate Authority, if the appellant disagrees with such findings, decision, or conditions;
- E. The notice of appeal shall set forth specific facts of the matter in sufficient detail to notify interested persons of the nature of the proceedings, and to place interested persons upon notice as to how any proposed action may affect their interest so that they may formulate their defense or opposition without being subjected to surprise. The Appeal Authority shall not accept an appeal stated in generalities, legal or otherwise.

21.80.070 ACCEPTANCE OF APPEAL.

An appeal shall not be accepted by the Appeal Authority unless it is complete and complies with all requirements. The Secretary of the Planning Commission or Clerk to the Board of Supervisors shall not accept a notice of appeal if it is obvious on the face of the notice that it is incomplete.

21.80.080 PUBLIC HEARING NOTICE.

Notice of the public hearing on the appeal shall be provided pursuant to Chapter 21.78 of this Title.

21.80.090 ACTION BY THE APPEAL AUTHORITY ON APPEAL.

- A. Upon receipt of the notice of appeal, the Secretary of the Planning Commission or the Clerk to the Board of Supervisors, as appropriate, shall, within fifteen days following the filing of the appeal, set a date for public hearing on the appeal, giving public hearing notice thereof pursuant to Chapter 21.78 and additionally, to those who have requested notice of appeal, in writing at the hearing on the application.
- B. The hearing before the Appeal Authority shall be "de novo." As a de novo hearing, the Appeal Authority may hear all such testimony and evidence on the entirety of the application as may be presented by any person at that appeal hearing. If relevant new evidence that was not known and could not have been known at the original hearing is presented at the appeal hearing the application may be returned to the Appropriate Authority for reconsideration.
- C. The Appeal Authority may reject an appeal for failure of the appellant to present all the evidence available to the appellant at the time of the original hearing on the application if the appellant had notice of the original hearing.

- D. If a request for continuance is granted, the person who makes such request shall notify the interested public in the same manner and to the same extent that notice was given to the public for the public hearing from which consideration of the appeal was continued. The notice shall state the date to which the hearing upon the appeal is continued. Failure to give notice may be grounds for denial of an appeal.
- E. The Appeal Authority shall consider an appeal and render a decision within 60 days after receipt of the appeal.
- F. The Appeal Authority may grant or deny the appeal, in whole or in part.
- G. The Appeal Authority shall make such findings as necessary to support its decision. Findings shall address, but not be limited to consistency with the General Plan and Area Plans, site suitability, environmental issues and special circumstances pertaining to Variances, where applicable.
- H. The Appeal Authority may designate such conditions as it deems necessary to secure the purposes of this Title. Such conditions may include monitoring, at reasonable times and intervals, to assure compliance with the conditions set forth in the decision. Other conditions may include, but are not limited to health and safety requirements, architectural and site approval, time limitations, street dedications, and street and drainage improvements. The Appeal Authority may also require such security and guarantees as it deems appropriate to assure compliance with the conditions imposed.
- I. The decision of the Appeal Authority shall be final.

Chapter 21.82

APPEALS TO ADMINISTRATIVE INTERPRETATION OF THE ZONING ORDINANCE

Sections:

21.82.010	Purpose.
21.82.020	Applicability.
21.82.010	Appropriate Authority.
21.82.020	Application.
21.82.030	Action by the Planning Commission.
21.82.040	Fees.

21.82.010 PURPOSE.

The purpose of this Chapter is to provide a process whereby a person aggrieved by an administrative decision may appeal the decision.

21.82.020 APPLICABILITY.

The provisions of this Chapter are applicable only to administrative decisions and interpretations.

21.82.030 APPROPRIATE AUTHORITY.

The Planning Commission of the County of Monterey is the Appropriate Authority to consider appeals of the administrative decisions and interpretations of this Title.

21.82.040 APPLICATION.

- A. Appeals pursuant to this Chapter may only be taken from the written decision or opinion of the Director of Planning and Building Inspection.
- B. Requests for a written decision or opinion from the Director of Planning and Building Inspection shall be made in writing. Requests must be specific and in sufficient detail to provide a clear basis for issuing the requested decision or opinion.
- C. Upon receipt of an appropriate request, the Director of Planning and Building Inspection shall respond in writing within 10 days setting forth the decision of the Director of Planning and Building Inspection. Said response shall also include the statement "Should you wish to appeal this decision, the appeal must be filed with the Secretary to the Planning Commission no later than 5:00 p.m. on _____, or no

subsequent appeal on this issue may be heard." The Director of Planning and Building Inspection shall provide a minimum of ten days from the date of mailing the letter for filing an appeal.

- D. The appeal shall set forth in detail:
1. The identity of the appellant and interest in the decision;
 2. The identity of the decision appealed;
 3. A clear, complete, but brief statement of the reasons why, in the appellant's opinion, the administrative decision or interpretation is unjustified or inappropriate because:
 - a) The findings, interpretation and decision are not supported by the evidence, or
 - b) The decision or interpretation is contrary to law.
 4. The specific reasons the appellant disagrees with the decision or interpretation.
- E. The appeal shall not be accepted by the Secretary to the Planning Commission unless it is complete and complies with all requirements.

21.82.050 ACTION BY THE PLANNING COMMISSION.

- A. The Planning Commission shall consider the appeal and render a decision thereon within 60 days after the receipt thereof.
- B. The Planning Commission may, after its consideration of the administrative decision or interpretation, affirm, reverse or modify the interpretation.
- C. In so acting on an administrative decision or interpretation, the Planning Commission shall indicate the reasons for its affirmation, reversal or modification of the administrative interpretation.
- D. The decision of the Planning Commission may be appealed to the Board of Supervisors pursuant to Chapter 21.80.

21.82.060 FEES.

The fee for such appeal shall be set from time to time by the Board of Supervisors, by resolution. No part of such fee shall be refundable.

Chapter 21.84

ENFORCEMENT, ADMINISTRATIVE AND LEGAL PROCEDURES, PENALTIES

Sections:

21.84.010	Conformance to Provisions Required.
21.84.020	Authority to Enforce.
21.84.030	Nonconformance to Provisions Declared a Nuisance.
21.84.040	Violations.
21.84.050	Violations of Conditions of Permits.
21.84.060	Fines and Imprisonment.
21.84.070	Abatement and Injunction.
21.84.080	Remedies, Cumulative.
21.84.090	Enforcement by Administrative Process, Powers of Enforcing Officer.
21.84.100	Notice of Violation Recordation.
21.84.110	Removal of Notice of Violation.
21.84.120	Refusal to Issue Permits, Licenses or Other Entitlements.
21.84.130	Restoration of Land Required Before Application Deemed Complete.
21.84.140	Fees for Retroactive Permit Application.

21.84.010 CONFORMANCE TO PROVISIONS REQUIRED.

All departments, officials, and public employees of the County of Monterey which are vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this Title, and shall issue no such permits or licenses for uses, structures, or purposes where the same would be in conflict with the provisions of this Title, and any such permits or licenses, if issued in conflict with the provisions of this title, shall be null and void.

21.84.020 AUTHORITY TO ENFORCE.

The Director of Planning and Building Inspection and his duly appointed subordinates are authorized to investigate all reported or apparent violations of this Title. If the Director of Planning and Building Inspection finds that there is reasonable cause to believe that a violation exists, the Director of Planning and Building Inspection is hereby authorized to take such measures as he deems necessary or expedient to enforce and secure compliance with the provisions of this Title.

The Director of Planning and Building Inspection may request, and shall receive, the assistance and cooperation of other officials or departments of the County of Monterey to assist in the discharge of its duties.

21.84.030 NONCONFORMANCE TO PROVISIONS DECLARED A NUISANCE.

Any structure in an unreasonable state of partial construction, set-up, erected, constructed, altered, enlarged, converted, moved, or maintained, contrary to the provisions of this Title, and any use of any land, structure, or premises, established, conducted, operated, or maintained contrary to the provisions of this Chapter shall be, and the same is hereby declared to be, a violation of this Title, and a public nuisance.

An "unreasonable state of partial construction" exists if it has been more than one year since actual construction has begun, and;

- A. The construction work or required improvements have not been diligently pursued on a consistent basis; and
- B. The appearance of the structure or the building site substantially detract from the appearance of the neighborhood or reduce the property values in the immediate neighborhood; or
- C. The condition of the structure or the building site is detrimental to the public health, safety and welfare.

21.84.040 VIOLATIONS.

- A. It is prohibited to make any use of, or to allow any use of land or structure which is not permitted under this Title in the designated zoning district in which the property is located. It shall be unlawful for any person, firm or corporation whether as principal, agent, employee, landlord, tenant or otherwise to permit, allow or cause the set-up, alteration, erection, construction enlargement, conversion, or maintenance of any building or structure contrary to the provisions of this Title and/or to permit, allow or cause the establishment, operation or maintenance of any use of the land, structure, or premise, which is contrary to the provisions of this Title. Any person violating any provision of this Title, including the violation of any conditions of a discretionary permit, is guilty of a misdemeanor, unless, in the discretion of the prosecutor, it is charged as an infraction.
- B. It is prohibited for any person, firm or corporation to maintain, permit, or allow a violation or a public nuisance to exist upon any property, or premise, or for any person occupying or leasing the property or premises of another to maintain, permit or allow a public nuisance to exist thereon, after reasonable notice in writing from an enforcement officer, to remove, discontinue, or abate, the violation or public nuisance, has been served on the person, firm or corporation.
- C. It is prohibited for any person, firm or corporation to arrange or negotiate for the use of real property in violation of the provisions of this Title.
- D. It is prohibited to continue work on any property after a stop work order has been issued by an enforcing officer.
- E. Each day or portion of a day that any person violates or continues to violate this Title constitutes a separate offense and may be charged and punished separately without awaiting conviction on any prior offense.

21.84.050 VIOLATIONS OF CONDITIONS OF PERMITS.

The conditions of the Use Permit, Variance, Administrative Permit, Combined Development Permit or other permit approved under the authority of Title 21, immediately becomes effective upon initiation of the use and must be strictly complied with. The violation of any condition imposed by the Planning Commission, Board of Supervisors, Director of Planning and Building Inspection or Zoning Administrator in connection with the granting of any Use Permit, Variance, Administrative Permit, Combined Development Permit or other permit authorized by Title 21 shall constitute a violation of this Title and is declared to be a public nuisance.

21.84.060 FINES AND IMPRISONMENT.

- A. Every violation of any provision of this Title determined to be an infraction is punishable by a fine not to exceed the amount allowed by state law.
- B. Unless a different punishment is prescribed by any law of this state, including any provisions of this Title, every violation of this Title determined to be a misdemeanor is punishable by imprisonment in the county jail for not more than one year, or by fine not exceeding the amount allowed by state law, or by both fine and imprisonment.

21.84.070 ABATEMENT AND INJUNCTION.

- A. The County may summarily abate the public nuisance, and County Counsel or the District Attorney, upon order of the Board of Supervisors, may bring civil suit, or other action, to enjoin or abate the nuisance.
- B. Any person, firm or corporation whether as principal, agent, employee, tenant, landlord, or otherwise, violating any provisions of this Title or permits issued hereunder, shall be liable to the County of Monterey for the costs incurred and the damages suffered by the County, its agents, and agencies as a direct and proximate result of such violation. Such cost shall include but not be limited to the expenses incurred in detecting, investigating, abating or prosecuting the violation, including attorneys' fees and the costs of monitoring compliance.

The County may recover such costs by civil action or the enforcing officer may bill the owner or agent of the property on which the violation has occurred and proceed pursuant to Sections 16.30.110 through 16.30.150 of Chapter 16.30 of the Monterey County Code to obtain a special assessment and lien against the property.

- C. Upon a continuation of a public nuisance under this Chapter after notice from the County to cease the nuisance, any person, firm or corporation, who violates this Title shall be liable for a civil penalty of fifty percent (50%) of those costs payable to the County in subsection B for each day the violation continues. This penalty may be assessed and recovered in a civil action and may be recovered in any judicial action brought to abate or enjoin a violation of this Title.

21.84.080 REMEDIES, CUMULATIVE.

- A. Unless otherwise expressly provided in this Title, the remedies provided in this Chapter are cumulative and not exclusive.

- B. Nothing in this Chapter is intended, or shall be deemed or construed, to limit or impair the ability of the County, or any of its officers, agents or employees, to take any administrative or judicial action, otherwise authorized by law, to summarily abate any nuisance.
- C. Nothing in this Chapter bars any legal, equitable, administrative or summary remedy to which any aggrieved person or the County or any of its officers may otherwise be entitled.
- D. Paying a fine or serving a jail sentence shall not relieve any person from responsibility for correcting any condition which violates any provision of this Title.

21.84.090 ENFORCEMENT BY ADMINISTRATIVE PROCESS, POWERS OF ENFORCING OFFICER.

- A. Nothing in this Title or any other County enactment is intended, or shall be deemed or construed, to impose liability upon the County of Monterey, or any of its officers, agents or employees, for any injury to persons or damage to property alleged to result from any act or omission by the County or any of its officers, agents or employees, beyond the liability imposed by the laws of the State of California or the United States, or shall be deemed or construed, to impose a mandatory duty upon the County, or any of its officers, agents or employees, for the purpose of determining entitlement to equitable relief or liability for any injury to persons or damage to property alleged to result from the failure of the County or any of its officers, agents or employees to discharge a mandatory duty imposed for any County enactment.
- B. Every enforcing officer may use administrative processes such as notices of violation, stop work orders, or warning letters in lieu of, or prior to, seeking judicial enforcement of any provision of this title if the officer determines that the process may result in compliance with this Title as less cost to the County.
- C. Every enforcing officer is authorized to appear as a complaining witness in any criminal proceeding brought for an alleged violation of this Title and in every administrative or civil proceeding brought to abate any violation of this Title or to enjoin any present or future violation of this Title.
- D. Pursuant to Penal Code Section 19d and the provisions of Section 836.5 of Chapter 5c (commencing with Section 853.5) of Title 3 of Part 2 of the Penal Code, every enforcing officer may cite as an infraction any person for violation of this Title whenever the enforcing officer has reasonable cause to believe that the person has caused, committed, continued or permitted any violation of this Title.
- E. Whenever there is reasonable cause to suspect a violation of any provision of this Title, or whenever necessary to investigate either an application for granting, extension or modification of any application described in this Title, or an action to revoke or modify a discretionary permit, or whenever necessary to investigate a proposed amendment of this Title, the enforcing officers or their duly authorized representatives, may enter any site for the purpose of investigation, provided they shall do so in a reasonable manner. No owner, or occupant, or agent thereof, shall, after reasonable notice and opportunity to comply, refuse to permit such entry. In the course of such inspection, no enclosed structure shall be entered without the express permission of the owner or occupant. When necessary,

and with the prior approval of the District Attorney or County Counsel, an enforcing officer may apply to the court for an inspection warrant.

- F. No person shall give, either orally or in writing, false information to an enforcing officer or his duly authorized subordinate, while in the performance of his duties under the provisions of this Title when such person knows the information to be false.
- G. Whenever any work is being done contrary to the provisions of this Title, the enforcing officer may order the work stopped by notice in writing served on a person, firm or corporation, engaged in doing or causing such work to be done and any such person shall forthwith stop such work until authorized by the enforcing officer to proceed with the work.

21.84.100 NOTICE OF VIOLATION RECORDATION.

If in the course of fulfilling their responsibilities under this Chapter, the enforcing officer has knowledge that there is a violation of this Chapter including a violation of a discretionary permit, the enforcing officer shall cause to be mailed by certified mail with return receipt, to the owner, as reported on the latest equalized assessment roll, and the occupant if different from the owner, a notice of intention to record a notice of violation. The notice shall include a description of the property, a description of the violation, the action necessary to abate the violation, the time limit for compliance, the intent to record the notice of violation, and state a time, date and place for a meeting with the enforcing officer at which the occupant or owner may present evidence as to why the notice should not be recorded.

If the occupant or the owner of the real property fails to inform the enforcing officer whose signature appears on the notice, of his objections to the recordation of the notice of violation, and the violation has not been cured within the time limit set for compliance, that enforcing officer may record a notice of violation with the County Recorder. If the owner or occupant has presented evidence and it is determined that there has been no violation, the enforcing officer shall not record the notice of violation. If, however, after the owner or occupant has presented evidence, the enforcing officer determines that a violation does exist, the enforcing officer shall record a notice of violation after the expiration of the time for compliance.

21.84.110 REMOVAL OF NOTICE OF VIOLATION.

If the owner, occupant or his authorized agent disagree with the determination that a violation of this Title exists on the property, he may apply for a "Removal of Notice of Violation" by submitting evidence to the Zoning Administrator that there is no violation or that the work to abate the violation has been completed. An adverse decision of the Zoning Administrator may be appealed by the property owner or operator pursuant to Chapter 21.82.

The enforcing officer shall submit a Removal of Notice of Violation to the County Recorder when:

1. It is determined by the Zoning Administrator, the Planning Commission or the Board of Supervisors, after review, that no violation of this Title exists; or
2. All required work to abate the violation has been completed, and approved by the enforcing officer.

The fee for the submittal of the "Removal of Notice of Violation" shall be set from time to time by the Board of Supervisors.

21.84.120 REFUSAL TO ISSUE PERMITS, LICENSES OR OTHER ENTITLEMENTS.

No department, commission, or public employee of the County of Monterey which is vested with the duty or authority to issue or approve permits, licenses or other entitlements shall issue or approve such permits, licenses or other entitlements nor determine a discretionary permit complete where there is an outstanding violation of this Title involving the property upon which there is pending application for such permit, license or other entitlement unless such permit, license, or other entitlement is the, or part of the, administrative remedy for the violation. The authority to deny or determine incomplete shall apply whether the applicant for the permit was the owner of record at the time of such violation or the applicant is the current owner.

After recordation of a Notice of Violation by the enforcing officer, all departments, commissions, and public employees shall refuse to issue permits or licenses or entitlements involving the property except those necessary to abate the violation of this Title, if such are obtainable, or those cleared pursuant to plan for restoration approved by the Director of Planning and Building Inspection, pursuant to Section 21.84.130.

Written notice of the refusal to issue shall be mailed to the applicant for the permit, license or entitlement and to the property owner. Such written notice shall include information regarding the specific violation and the action necessary to abate the violation, a copy of the complaint and the identity of the complainant.

If the applicant for a permit, license or other entitlement disagrees with the determination that a violation exists, he may follow the procedure set forth in Section 21.84.110, if:

1. It has been determined by the Zoning Administrator, Planning Commission or Board of Supervisors, after review, that no violation of this Title exists; or
2. All required work to abate the violation has been completed, and approved by the enforcing officer.

The Director of Planning and Building Inspection may waive the provisions of this Section and Section 21.84.130 for remedial, protective, or preventative work, needed to deal with an emergency situation.

21.84.130 RESTORATION OF LAND REQUIRED BEFORE APPLICATION DEEMED COMPLETE.

No application for a discretionary land use permit under the authority of the Director of Planning and Building Inspection, the Zoning Administrator, the Minor Subdivision Committee, the Planning Commission or the Board of Supervisors shall be deemed complete if there is a violation on said property of a County ordinance which regulates grading, vegetation removal or tree removal until that property has been restored to its pre-violation state.

"Restoration" of the property shall include, but not be limited to, the revegetation of native plants and trees and the reconstruction of natural features of the land which have been removed or changed in violation of County

ordinances regulating grading, vegetation removal or tree removal. Alternatives to restoration of the property shall not be considered unless the applicant can show that restoration would endanger the public health or safety, or that restoration is unfeasible due to circumstances beyond the control of the applicant or the property owner.

Plans for restoration shall be submitted to and approved by the Director of Planning and Building Inspection prior to the commencement of restoration and the plan shall include a time period to ensure reestablishment of the soil or vegetation.

21.84.140 FEES FOR RETROACTIVE PERMIT APPLICATION.

Application for permits for any use for which a permit is required and where the use has been constructed, placed on the property, operated or has been otherwise established or initiated prior to the application for the permit, in violation of this Title, shall require a fee of twice the amount normally charged for the application.

Chapter 21.86

AIRPORT APPROACHES ZONING

Sections:

21.86.010	Adoption.
21.86.020	Short Title.
21.86.030	Definitions.
21.86.040	Establishment of Zones.
21.86.050	Designation of Zones.
21.86.060	Height Limitations.
21.86.070	Use Restrictions.
21.86.080	Nonconforming Structures.
21.86.090	Use Permits.
21.86.100	Exceptions.

21.86.010 ADOPTION.

Pursuant to the authority conferred by Article XI, Section 7, of the California Constitution, the Board of Supervisors of the County of Monterey, State of California, deems it necessary to create an Airport Approaches Zoning Ordinance for the purpose of promoting the health, safety, and general welfare of the inhabitants of the County of Monterey, by preventing the creation or establishment of airport hazards, thereby protecting the lives and property of the users of airports in the County of Monterey and of the occupants of the land in its vicinity and preventing destruction and impairment of the utility of the airport and the public investment therein.

21.86.020 SHORT TITLE.

This Chapter shall be known and may be cited as the Airport Approaches Zoning Ordinance of the County of Monterey.

21.86.030 DEFINITIONS.

For the purpose of this Chapter, unless the context otherwise requires, certain terms used in this Title are defined as follows:

- A. Airport means any area of land or water designed and set aside for the landing and taking off of aircraft and utilized or to be utilized in the interest of the public for such purposes.
- B. Airport Elevation means the elevation of the airport reference point.

- C. Airport Hazard means any structure or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at the airport or is otherwise hazardous to such landing or taking off of aircraft.
- D. Airport Reference Point means that point at the geographical center of a public airport as defined in this section and shown on the Airport Approaches Zoning Maps which is also the point established for determining the height limits specified in Section 21.86.060, being the official elevation reference.
- E. City or County means any city, county or city and county.
- F. Height of Structure means the vertical distance from the average level of the highest and lowest point of that portion of the building site covered by the structure to the topmost point of the structure.
- G. Nonconforming Use means any preexisting structure or use of land which does not conform to a regulation prescribed in this Title or an amendment thereto, as of the effective date of such regulations, but which was legal at the time it was constructed or when the use began.
- H. Person means any individual, firm, copartnership, corporation, company, association, joint stock association, city, county or district and includes any trustee, receiver, assignee.
- I. Planning Commission means the County Planning Commission of the County of Monterey, State of California.
- J. Structure means any object constructed or installed by man, including, but not limited to buildings, towers, smokestacks, and overhead lines.
- K. Landing Area means the area of the airport used for the landing, takeoff, or taxiing of aircraft.
- L. Airport Land Use Commission (ALUC) means a State authorized body existing in any county where there is an airport operated for the general public and served by an air carrier, having the responsibility to develop plans for achieving land use compatibility between airports and their environs.

21.86.040 ESTABLISHMENT OF ZONES

- A. In order to carry out the purposes of this Chapter all land within the boundaries of airports and other lands in the vicinity of the airport are divided into Instrument Approach Zones, Non-Instrument Approach Zones, Transitional Zones, Horizontal Zones and Conical Zones. These zones are based on the "imaginary surfaces" found in Federal Aviation Regulation (FAR) Part 77 (Objects Affecting Navigable Airspace). The boundaries of these zones are shown on the following maps:
 1. Monterey Peninsula Airport Approaches Zoning Map.
 2. Salinas Municipal Airport Approaches Zoning Map.
 3. Mesa Del Rey (King City) Airport Approaches Zoning Map.

4. Carmel Valley Airport Approaches Zoning Map.
5. Fritzsche Army Airfield (Fort Ord) Airport Approaches Zoning Map.

The Airport Approaches Zoning Maps and other pertinent documents are on file and available for inspection in the Monterey County Planning and Building Inspection Department.

- B. Where uncertainty exists as to the boundaries of any of the aforesaid districts as described as aforesaid or as shown on said maps, the Planning Commission and the ALUC, upon written application or upon its own motion, shall determine the location of such boundaries.

21.86.050 DESIGNATION OF ZONES.

The several zones established pursuant to Section 21.86.040(A) are designated and defined as follows:

- A. **Instrument Approach Zone:** An instrument approach zone is established at each end of the instrument runway for instrument landings and takeoffs. The instrument approach zones shall have a width of one thousand feet at a distance of two hundred feet beyond each end of the runway, widening thereafter uniformly to a width of sixteen thousand feet at a distance of fifty thousand two hundred feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway.
- B. **Noninstrument Approach Zone:** A noninstrument approach zone is established at each end of all noninstrument runways for noninstrument landings and takeoffs. The noninstrument approach zone shall have a width of five hundred feet at a distance of two hundred feet beyond each end of the runway, widening thereafter uniformly to a width of one thousand five hundred feet at a distance of five thousand two hundred feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway.
- C. **Transition Zones:** Transition zones are established adjacent to each instrument and noninstrument runway and approach zone as indicated on the Airport Approaches Zoning Maps. Transition zones symmetrically located on either side of runways have variable widths as shown on the zoning map. Transition zones extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sites of the approach surfaces. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.
- D. **Horizontal Zone:** A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:
 - (1) 5,000 feet for all runways designated as utility or visual;

- (2) 10,000 feet for all other runways. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.
- E. Conical Zone: A conical zone is established as the area that extends outward and upward from the periphery of the horizontal zone at a slope of 20 to 1 for a horizontal distance of 4,000 feet as shown on the Airport Approaches Zoning Maps. The conical zone does not include the instrument approach zones and transition zones.

21.86.060 HEIGHT LIMITATIONS.

No structure shall be erected, altered, or maintained in any zone created by this Chapter to a height in excess of the height limit established in this section for such zone without first obtaining a Use Permit. Such height limitations are established for each of the zones in question as follows:

- A. Instrument Approach Zone: One foot in height for each fifty feet in horizontal distance beginning at a point two hundred feet from and at the centerline elevation of the end of the instrument runways and extending to a distance of ten thousand two hundred feet from the end of the runway; thence one foot in height for each forty feet in horizontal distance to a point fifty thousand two hundred feet from the end of the runway;
- B. Noninstrument Approach Zones: One foot in height for each twenty feet in horizontal distance beginning at a point two hundred feet from and at the centerline elevation of the end of the noninstrument runway and extending to a point five thousand two hundred feet from the end of the runway.
- C. Transition Zones: These surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.
- D. Horizontal Zone: A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:
 - (1) 5,000 feet for all runways designated as utility or visual;
 - (2) 10,000 feet for all other runways. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.

- E. Conical Zone: One foot in height for each twenty feet of horizontal distance beginning at the periphery of the horizontal zone extending for a horizontal distance of 4,000 feet, as shown on Airport Approaches Zoning Maps.

21.86.070 USE RESTRICTIONS.

Notwithstanding any other provisions of this Chapter, no use may be made of land within any zone established by this ordinance which will (1) create electrical interference with navigational signals or radio communications between the airport and aircraft; (2) make it difficult for pilots to distinguish between airport lights and other lights; (3) result in glare in the eyes of pilots using the airport; (4) impair visibility of the airport; or (5) otherwise in any way create a hazard or endanger the landing, takeoff, or maneuvering of aircraft using or intending to use the airport.

21.86.080 NONCONFORMING STRUCTURES.

- A. The regulations prescribed in Sections 21.86.060 and 21.86.070 shall not be construed to require the removal, lowering or other change or alteration of any structure which was lawfully constructed, but not conforming to these regulations as of the effective date of this Chapter, or otherwise interfere with the continuance of any such legal nonconforming use.
- B. Nothing contained in this Chapter shall require any change in the construction, alteration or intended use of any structures, the construction or alteration of which was begun prior to the effective date of this Chapter, and is diligently pursued and completed within a reasonable time thereof.
- C. Before any nonconforming structure may be replaced, substantially altered, repaired or rebuilt, a Use Permit must be secured from the Planning Commission.

21.86.090 USE PERMITS.

- A. Authority: The Planning Commission shall review and decide all applications for Use Permits under this Chapter. All Use Permit applications in the area encompassed in the zones created by this Chapter shall be referred to the Monterey County Airport Land Use Commission for review and recommendations.
- B. Application: Application for a Use Permit shall be made pursuant to Chapter 21.74.
- C. Public Hearing: A public hearing shall be held pursuant to Chapter 21.78.
- D. Action by Planning Commission:

In addition to the requirements of Chapter 21.74:

- 1. The Planning Commission shall not grant a permit which adds to or increase the hazards stated in Section 21.86.070.

2. No permit shall be granted that would allow a legal nonconforming structure or a legal nonconforming use to become a greater hazard to air navigation than it was on the effective date of this Chapter, or than it is when the application for a Use Permit is made. No such permit shall be required to make maintenance repairs or to replace parts of existing structures which do not enlarge or increase the height of the existing structure.

E. Conditions; Avigation and Hazard Easements:

1. A Use Permit may be allowed subject to any reasonable condition that the ALUC may recommend and Planning Commission may deem necessary to achieve the purposes of this Chapter.
2. Such conditions may include the requirements that an Avigation and Hazard Easement be granted to the airport operator for aircraft overflight and that such easement be recorded with the County Recorder. The easement may include:
 - (a) Right-of-flight at any altitude above the acquired easement surfaces.
 - (b) Right to cause noise, vibrations, fumes, dust, and fuel particle emissions.
 - (c) Right to prevent construction or growth of all structures, objects or natural growth above the acquired easement surfaces.
 - (d) Right-of-entry to remove, mark, or light any structures or growth above the acquired easement surfaces, or right to require the owner to remove, mark or light.
 - (e) Right to prohibit creation of electrical interference, unusual light sources, and other hazards to aircraft flight.
 - (f) Any other limitation that the ALUC may recommend to protect the public's health, safety and welfare.

F. Appeal.

1. An appeal to the Board of Supervisors may be filed pursuant to Chapter 21.80

21.86.100 EXCEPTIONS.

The following regulations shall apply only within those zones related to the Monterey Peninsula Airport and if any of the regulations specified in this Section differ from any of the corresponding regulations specified in this Chapter for any zone, then in such case the provisions of this Section shall govern:

- A. Nothing in this Chapter shall prohibit a structure to a maximum height of thirty-five feet.

- B. Nothing in this Chapter shall prohibit a structure that is completely shielded or shadowed from the Airport Reference Point by a natural land formation that is equal or greater in elevation than the structure.

Chapter 21.88

AMENDMENTS TO TITLE

Sections:

21.88.010	Nature of Amendments.
21.88.020	Initiation of Amendments.
21.88.030	Public Hearings.
21.88.040	Reapplication.
21.88.050	Fees.

21.88.010 NATURE OF AMENDMENTS.

- A. This Title may be amended by modification, change, deletion, addition, boundary adjustments, or similar changes to zoning district designations.
- B. This Title also may be amended by modification, change, deletion, addition, or similar changes to the text of any portion or portions of this Title

21.88.020 INITIATION OF AMENDMENTS.

Amendments to this Title may be initiated by:

- A. Application by an individual property owner to amend the zoning designation of the owners property; or,
- B. Application by an individual to amend the text provisions of this Title; or,
- C. Resolution of Intention by the Planning Commission of the County of Monterey to consider amendments to either the zoning designation for property or properties or the text provisions of this Title, or both; or,
- D. Resolution of Intention by the Board of Supervisors of the County of Monterey to consider amendments to either the zoning designation of property or properties or the text provisions of this Title, or both.

21.88.030 PUBLIC HEARINGS.

- A. The Planning Commission shall hold at least one public hearing on any proposed amendment pursuant to Chapter 21.78.
- B. Zoning District Changes.

In case the proposed amendment consists of a change of the boundaries of any district so as to reclassify the property from any district to any other district, the Planning Commission shall give notice in addition to

that required by Chapter 21.78 of the time and place of such hearing and of the purpose thereof by posting at least three notices of public hearings not less than ten days prior to the date of the first of such hearings along the street or road upon which the property proposed to be reclassified abuts, and in the general vicinity thereof. Such notices shall consist of the words Notice of Proposed Change of Zoning District, printed or lettered in plain type with letters not less than one inch in height, and in addition thereto, a statement in small type setting forth a general description of the property involved in the proposed change of district, the time at which the public hearing on the proposed change will be held, and any other information which the Planning Commission may deem to be necessary. Any failure to post public notices as aforesaid shall not invalidate any proceedings for amendment of this Title.

When the proposed amendment will effect less than 1000 property owners, notice by direct mail to property owners as shown on the latest equalized assessment rolls or alternatively from such other records of the Assessor or Tax Collector or contain move recent addresses in the opinion of the appropriate authority shall be provided not less than ten days prior to public hearing.

When the proposed amendment will effect more than one thousand property owners, in lieu of direct mail notice, notice may be provided by publishing a public notice not less than one-eighth page in size in a newspaper of local circulation published in the County of Monterey.

- C. Following the public hearing(s), the Planning Commission shall make a report of findings and recommendations with respect to the proposed amendment and shall transmit a Resolution of the Planning Commission to the Board of Supervisors setting forth the recommendation of the Planning Commission.
- D. Action by Board of Supervisors:
 - 1. Upon receipt of such report and resolution from the Planning Commission, the Board of Supervisors shall set the matter for public hearing and shall give notice thereof pursuant to the provision of Chapter 21.78. After conclusion of the public hearings, the Board of Supervisors may deny the proposed amendment, adopt the proposed amendment, or adopt any part thereof in such form as the Board may deem advisable.
 - 2. Should the Board of Supervisors wish to consider any action pursuant to the proposed amendment not considered by the Planning Commission at its public hearing, the matter must be referred to the Planning Commission for recommendation prior to action by the Board of Supervisors.
 - 3. With the consent of the Planning Commission, any petition for an amendment may be withdrawn upon the written application of a majority of all persons who signed such petition.
 - 4. The Board of Supervisors or the Planning Commission, as the case may be, may abandon any proceedings for an amendment initiated by it, provided that such abandonment may occur only when such proceedings are before such body for consideration, and provided that any hearing of which public notice has been given shall be held.

21.88.040 REAPPLICATION.

Where an application for an amendment is denied by the Board of Supervisors, no new application for an amendment substantially the same as the one denied shall be considered for a period of one year following denial.

21.88.050 FEES.

- A. The fee for an application to amend provisions of the Title shall be set by the Board of Supervisors by resolution. No part of such fee shall be refundable.
- B. No fee shall be required for amendments properly initiated by petition.