

Adopted Oct 6, 1930

Monterey County

ZONING ORDINANCE

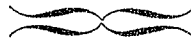
WITH EXPLANATORY
INTRODUCTION

Monterey County Planning Commission

Court House,
Salinas, California

126 Bonifacio Place,
Monterey, California

Passed Oct. 6, 1930.



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Summary of Zoning Ordinance

A zoning ordinance adopted by the board of supervisors of Monterey County, on recommendation of the county planning commission, is printed in this booklet. This ordinance provides machinery and classifications. Any neighborhood or community in the county that is outside the municipal limits of the cities may, through the group action of its residents, apply to have its area classified for uses as established in this ordinance.

It should be clearly understood that this ordinance is not regulating county property as a whole. At this time—October, 1930—its provisions have only been applied in zoning the Carmel Highlands area and The Point adjacent to Carmel. The majority of the property owners in both these neighborhoods asked for the protection granted by zoning. They wanted their neighborhoods protected as residential. Until this ordinance was passed and until its provisions were applied to these neighborhoods at their request, they had no protection. Factories, service stations, or business firms could have located among the homes.

Zoning in this fashion is the application of a sound American doctrine of self-determination. The neighborhood asks for what it wants. The classifications of the zoning ordinance that the property owners want are applied to the property. It is a democratic principle of self-determination. The county planning commission merely acts as an advisor and a friend. It does not urge. It does not force. It merely provides the legal machinery whereby the community can protect itself from the encroachments of that kind of business or industry that it does not want and that would be detrimental to property values.

Zoning provides for orderly development. Rural communities can use it to protect highways from signboards and hot dog stands, from auto camps and road-houses, where those do not already exist. They can use the ordinance to preserve the beauty of the countryside as well as the value of their property and the pleasure of living in a neighborhood that has not been commercialized and rendered unsightly.

One thing frequently asked by farmers is whether zoning interferes with farming or the sale of their products from their land if they wish to do so. Absolutely not. There is not the least limitation or restriction on any form of agriculture in this zoning ordinance in the agricultural zone. Also the farmer is not restricted from selling off his land, retail or wholesale, whatever products he is raising.

It must be remembered also that such things as auto camps, service stations, etc., are only barred in certain zones. They are provided for in other zones. They have a natural place and utility, and zoning provides for their location. However, it also provides against their location in neighborhoods where they are not wanted by the people.

Zoning is regulation, not prohibition. The county planning commission and the county zoning ordinance provide the machinery that the people of the various sections of Monterey County may use if they see fit.

Summary of Zoning Ordinance
No attempt is made in this general summary to give the minor details of the ordinance, the text of which should be referred to for such matters.

ABBREVIATIONS AND MEANINGS OF USE DISTRICTS.

RESIDENTIAL DISTRICTS.

R-1. Limited Residential Zone permits only single and two family dwellings. No signboards or other commercial use.

R-2. Agricultural-Residential Zone permits any and all farming uses, but bars auto-camps, hot-dog kennels, bill-boards and non-farming business. No restriction is placed against the sale of farm products or live stock grown in the neighborhood. This is designed to be used along main travelled roads for a width of from 500 to 1000 feet on each side of the road.

R-3. Intermediate Residential Zone permits residences, limited apartments and bungalow courts.

R-4. Unlimited Residential Zone permits residences, limited apartments, bungalow courts, neighborhood hotels and a large number of public and semi-public uses such as lodge halls, schools and fire houses.

COMMERCIAL DISTRICTS.

C-1. Restricted Commercial Zone provides for a first class shopping and office district. All customary uses desirable in such a shopping center have been placed here, but such uses as service stations and warehouses are included in the next zone, as they are more properly placed at the end or to one side of the highest class retail development.

C-2. Intermediate Commercial Zone allows all the uses included in previous zones, with the addition of certain classes of uses not nuisances in themselves but which do not properly belong in Zone C-1. This will probably be a more widely used Zone than the Restricted Commercial as it is less restricted.

C-3. Unrestricted Commercial Zone includes auto-camps and billboards of any size in addition to all uses allowed in the previously listed Residential and Commercial Zones. Certain semi-industrial uses are also placed in this district.

MANUFACTURING DISTRICTS.

M-1. and M-2 are two Zones, not yet defined in the ordinance, which will accommodate manufacturing establishments. When the zoning is expanded to include these zones, the first one, Zone M-1, will allow all uses previously listed and anything else except certain nuisances and semi-nuis-

ances, and the other, Zone M-2, will bar only nuisance industries such as fertilizer works.

M-3. Unrestricted Manufacturing Zone will allow any and all uses.

AREA AND HEIGHT PROVISIONS

Admittedly, it is important what ground is used for. It is equally important to regulate how closely built on it is. A good home should not be crowded by neighboring houses. Sunlight and air must be preserved. The County Zoning Ordinance is a comprehensive one, in that it provides for adequate yards, varying with the district, and sets a limit on building heights. It will tend to prevent the crowding of population, which is the great mistake our cities have made in the past.

In ZONE R-1, the minimum building site can be specified for each locality zoned. Thus in a neighborhood desires to preserve a rural character, it can provide that lots shall not be less than an acre in size. If a half-acre is felt desirable, that can be provided. If a town lot subdivision is being dealt with, a single-family dwelling can be placed on lots as small as 60 by 100 feet.

It is recognized that there are many tracts already subdivided into small lots, and a reading of the ordinance will show that exceptions are made in such cases. The standard should be raised, however, as the country builds up.

Buildings are restricted to two and one half stories average height. Only 30% to 35% of the building site may be covered by buildings.

In ZONE R-2 much the same regulations apply, but since we are dealing with farm land the only regulation of any importance is the setback of fifty feet from the center line of the road.

In ZONE R-3 a less rigid area requirement is made, it being provided that one unit of a bungalow court may occupy as little as 3000 square feet.

AMENDMENTS AND VARIATIONS.

A zoning ordinance must grow with the country. Provision has been made for amendments to take care of changing conditions. There are also special cases which will arise where hardship would result from a strict enforcement of the letter of the law. In such cases the Supervisors may grant special permits after the neighboring property owners have been given notice and the County Planning Commission has made an investigation and report.

NON-CONFORMING USES.

No zoning ordinance disturbs present uses. Those things which exist at the time an area is zoned are allowed to continue. They may not be enlarged, nor in case of being more than half destroyed by fire may they be re-established without a special permit. In some cases where a lot is used for a purpose different from that felt desirable generally in the neighborhood, it should be given a small zone which includes that use. In other cases it will be found that the owner has no wish to enlarge his business and his property can be zoned uniformly with the adjacent land, but he will continue his existing use undisturbed.

ORDINANCE No. 377

An ordinance providing for the creation in the unincorporated area of the County of Monterey of certain zones, consisting of various districts, and in several zones thereby created prescribing the classes of buildings, structures and improvements and the uses of buildings, structures, improvements and premises and the heights of buildings and structures and the area of building sites covered thereby and providing for building and use permits; defining the terms used herein; providing for the enforcement and amendment of said ordinance and prescribing penalties for its violation.

The Board of Supervisors of the County of Monterey, State of California, do ordain as follows:

SECTION 1: DEFINITIONS.

This ordinance shall be known as "The County Zoning Ordinance" and for the purpose of this ordinance certain words and terms are defined as follows:

Words used in the present tense include the future, except where the natural construction of this ordinance otherwise indicates; words in the singular number include the plural and words in the plural number include the singular; the word "building" includes the word "structure" and the word "shall" is mandatory and not directory. The word "Supervisors" when used herein shall mean the "Board of Supervisors of the County of Monterey" and "Planning Commission" shall mean the "Monterey Planning Commission."

Accessory Building: A subordinate building or portion of the main building, the use of which is incidental to that of the main building on the same lot.

Accessory use: A use customarily incidental and accessory to the principal use of a building site or a building located upon the same building site as the accessory use.

Building: A structure having a roof supported by columns or walls.

Building height: The height of a building shall mean the vertical distance from the average finished grade in the middle of any side of the building to the highest point of the coping of a flat roof or to the mean height of the highest gable of a pitch or hip roof on that side of the building.

Building Site: "Building Site" shall include the ground area of a building or buildings together with all open spaces as required by this ordinance.

Dwelling, Single family: A dwelling for one family alone, including guests and all necessary servants and employees, having but one kitchen, and within which not more than five (5) persons may be lodged or furnished meals as paying guests at one time.

Dwelling, Two Family: A building which is a combination of not more than two single family dwellings under one roof.

Family: One person living alone or two or more persons living together whether related to each other or not.

Home Occupation: Any use customarily conducted within a dwelling, where carried on by the inhabitants thereof and where no assistants are employed.

Structure: Anything constructed or erected and the use of which re-

quires more or less permanent location on the ground or attachment to something having a permanent location on the ground.

Alteration: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, floor joists or roof joists.

Yard: An unoccupied space on a building site on which is situated a building and except where otherwise provided in this ordinance such space shall be open and unobstructed from the ground to the sky.

Yard, Front: A yard extending across the front of the building site between the inner side yard lines and measured between the front line of the building site and the nearest line of the building or of any enclosed, open or covered porch.

Yard, Rear: A yard extending across the full width of the building site and measured between the rear line of the building site and the nearest line of the building or of any enclosed, open or covered porch.

Yard, Side: A yard between the building and the side line of the building site and extending from the street line of the building site to the rear yard.

Guest House: Detached living quarters of a permanent type of construction and without kitchen or cooking facilities.

Club: The term club shall include all clubs except those the chief activity of which is a service customarily carried on as a business.

Permanent Type Automobile Camp: An establishment of a commercial or resort hotel nature consisting of two (2) or more detached or semi-detached buildings entirely of frame or a more permanent type of construction, designed, intended and used principally to furnish living and/or cooking and/or garage accommodations for transient paying guests or tenants, and the accommodation units of which camp are declared by the owner thereof, or his agent, not to be single family dwellings. Any application for a building permit under the terms of this ordinance for the construction or maintenance of such camp shall be deemed to include such declaration. Such camp shall not maintain, operate nor provide any structure or premises for the accommodation of such guests or tenants in or to any lesser degree than furnished by the aforesaid buildings.

Unrestricted Automobile Camps: An unrestricted automobile camp is defined as premises maintained and/or operated for the accommodation of transient paying guests or tenants, where such accommodation does not include the provision of a building of frame or more permanent type of construction.

SECTION 2: ESTABLISHING AND NAMING DISTRICTS.

Paragraph 1: In order to classify, regulate, restrict and segregate the uses of land, buildings and structures and to regulate and restrict the height and bulk of buildings and to regulate the area of yards and other open spaces about buildings, the unincorporated area of the County of Monterey is hereby divided into and classified as certain of the districts designated as follows:

- Zone R-1—Limited Residential.
- Zone R-2—Agricultural—Residential.

Zone R-3—Intermediate Residential.

Zone R-4—Unlimited Residential.

Zone C-1—Restricted Commercial.

Zone C-2—Intermediate Commercial.

Zone C-3—Unrestricted Commercial.

Zone M-1—Restricted Manufacturing.

Zone M-2—Intermediate Manufacturing.

Zone M-3—Unrestricted Manufacturing.

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Zone M-3—Unrestricted Manufacturing.

ZONE R-1

within any of the said zones, except in compliance with the regulations and limitations regarding building height, intensity of use of building site, and front, side and rear yards, and no land whether in the same original ownership or not which has been designated as any part of the building site required for one building shall thereafter be included in the building site for another building, if said inclusion will reduce the building site of the original building to less than the minimum amount required hereinafter.

SECTION 5: ZONE R-1—LIMITED RESIDENTIAL DISTRICT REGULATIONS.

Paragraph 1.

USES PERMITTED

Single Family Dwellings;
Two Family Dwellings;
Churches; parks, planting, cultivation and irrigation of trees, plants and crops;
Non-Commercial Playgrounds;
Temporary real estate offices for the sale of that tract only upon which located, and for periods of not over one year;
Accessory buildings and structures, including not more than 2 guest houses as accessory to each single or two family dwelling;
Private garages;
Private stables or barns for the accommodation of not over two horses, or cows or dogs, or such other domestic animals for which a permit has been granted under the terms of Section 16 herein; provided that such stables or barns may be erected and maintained for the accommodation of a total of two such animals per acre of land included within the building site upon which such stable or barn is located, if such buildings are at least one hundred (100) feet from the nearest boundary of said building site;
Uses customarily incident to and subordinate to residential use, including home occupations and professional offices maintained within dwellings; painters, sculptors and other similar studios; but not involving the maintenance of a store, shop, or commercial enterprise; provided that no name plate or sign exceeding two (2) square feet in area shall be displayed;

Tea Rooms for which a conditional special permit shall have been obtained under the terms of Section 16 herein;

Bill boards or signs, not exceeding six (6) square feet in area, appertaining to the lease, hire or sale of the particular property only upon which located, provided that not more than one such sign shall be erected upon any one parcel or two or more contiguous parcels of land in the same ownership. No other advertising sign or bill board of any character shall be permitted.

Paragraph 2

BUILDING HEIGHT.

No building hereafter erected, constructed or structurally altered shall exceed two and one-half stories or thirty-five (35) feet in height; provided that if the height of the portion of the building on the highest part of

the ground is not over one and one-half stories or twenty-five (25) feet in height, then the portion of the building on the lowest part of the ground may be three and one-half stories or forty-five (45) feet in height.

Paragraph 3.

INTENSITY OF USE OF BUILDING SITE.

Each building, together with its accessory buildings, hereafter erected shall have a building site consisting of a lot or parcel of privately controlled land having an average width of not less than sixty feet and an area of not less than the "Minimum Area for Building Sites" as set forth on the Zoning Map, or in the text or that part of the amendatory zoning ordinance relating to the particular area zoned, which minimum shall in no case be less than six thousand (6,000) square feet. No building with its accessory buildings shall occupy more than thirty per cent (30%) of the area of the building site. Nor shall any building or group of buildings be hereafter erected or altered to accommodate or make provision for more than one family on any six thousand (6,000) square feet of privately controlled land, nor make provision for more than a proportionate number of families on any larger building site. Provided, however, that a single family dwelling together with not more than two accessory buildings, only one of which may be a guest house, may be erected upon any lot having less width, or an area less than said minimum size, if such lot shall appear upon a subdivision map duly recorded either prior to or after the effective date of this ordinance, and such dwelling, with its accessory buildings may occupy an area not in excess of fifteen hundred (1500) square feet on any such recorded lot having an area of from four thousand and ten (4,010) to five thousand (5,000) square feet, and not in excess of thirty-five per cent (35%) of the area of any lesser size lots. Provided further that a single family dwelling with its accessory buildings may be erected upon any parcel of land having less width than or an area less than the said minimum size if said parcel is delineated and designated as a building site upon the appropriate "Zoning Map" applying to the area affected, or if said parcel of land was in individual ownership at the effective date of this ordinance or amendments thereto. Provided further, that any said recorded lot or designated building site may be reduced not over ten per cent (10%) in area, and nothing contained herein shall be deemed to prohibit its occupancy by a single family dwelling.

Paragraph 4

FRONT YARD.

No buildings shall be erected closer than fifty (50) feet to the center line of any street, highway, or such private road rights-of-way as appear on the said "Zoning Map," nor closer than twenty (20)

ZONE R-1, Continued—ZONE R-2—ZONE R-3

feet to the side line of said road, highway or right-of-way. The above regulation shall be subject to the following exceptions:

Where the surface of the natural ground at said fifty foot distance is seven (7) feet or more above or below said center line, a garage may be built within (5) feet of said side line:

Where the building site consists of a recorded lot having a depth of one hundred and ten (110) feet or less and abuts on a public street or highway having a width of sixty (60) feet or less, then a single family dwelling may be built to within twenty (20) feet of the front line of said lot.

Where a conditional permit shall have been granted under the terms of Section 16 herein.

Paragraph 5.
SIDE YARD.

There shall be a side yard on each side of all buildings of a width of at least ten per cent (10%) of the average width of the building site, except that in no case shall the side yard be less than five (5) feet in width, nor in any case need it be over fifteen (15) feet in width. Provided further that on corner building sites the side yard on the street side shall be at least twenty per cent (20%) of the average width of the building site, but in no case need it be over fifteen (15) feet in width.

Paragraph 6.
REAR YARD.

There shall be a rear yard with a depth of at least ten per cent (10%) of the average depth of the building site, but in no case need it be over twenty-five (25) feet. Accessory buildings not over twelve (12) feet in height may occupy not over thirty per cent (30%) of any part of the area of any rear yard twenty (20) feet or over in depth.

Paragraph 7.
INTERPRETATION.

In the interpretation of all regulations in regard to use, building height, intensity of use of building site and yard requirements, the fair and reasonable intent of this ordinance shall govern, and the Planning Commission may by resolution prescribe such additional administrative regulations as may be necessary to accomplish this end.

SECTION 6: ZONE R-2—AGRICULTURAL - RESIDENTIAL DISTRICT REGULATIONS.

Paragraph 1.

USES PERMITTED.

Any use permitted within Zone R-1;

Farming, agricultural and horticultural operations of any nature; Stock and poultry raising; Animal hospitals and dog kennels;

Wood cutting and splitting; Rock, gravel and sand pits and quarries;

Rooming and boarding houses for any number of farm help Construction camps;

Schools, colleges, libraries, museums and community building;

Institutions of a philanthropic, religious or charitable nature; Golf and country clubs, athletic fields, parks, playgrounds and recreation fields, either of a private or commercial nature;

Uses customarily incident to and subordinate to the uses listed above.

Nothing contained in this section shall be deemed to prohibit the sale of farm products, poultry or live stock grown in the neighborhood.

Bulletin boards or signs not exceeding six (6) square feet in area, appertaining to the sale of such products only shall be allowed.

Paragraph 2.

BUILDING HEIGHT.

For dwellings same as in Zone R-1.

For other uses, buildings may be built to any height, provided that the total cubic contents of any such building shall not exceed fifty (50) times the area of the building site provided for it.

Paragraph 3.

INTENSITY OF USE OF BUILDING SITE.

Same as in Zone R-1.

Paragraph 4.

FRONT YARD.

Same as in Zone R-1.

Paragraph 5.

SIDE YARD.

Same as in Zone R-1.

Paragraph 6.

REAR YARD.

Same as in Zone R-1.

SECTION 7: ZONE R-3—INTERMEDIATE RESIDENTIAL DISTRICT REGULATIONS.

Paragraph 1.

USES PERMITTED.

Any use permitted in Zone R-1. (But not as in Zone R-2.) Flats, apartment houses, bungalow courts, multiple and grouped dwellings.

Paragraph 2.

BUILDING HEIGHT.

Same as in Zone R-1.

Paragraph 3.

INTENSITY OF USE OF BUILDING SITE.

For single family dwellings, the same as in Zone R-1; for other buildings the area provided for each single family unit shall be at least three thousand (3,000) square feet, such buildings may occupy not over forty per cent (40%) of the area of the building site and any building site shall be at least sixty (60) feet in average width.

Paragraph 4.

FRONT YARD.

Same as in Zone R-1.

Paragraph 5.

SIDE YARD.

Same as in Zone R-1.

Paragraph 6.

REAR YARD.

Same as in Zone R-1.

ZONE R-4—ZONE C-1

SECTION 8: ZONE R-4—UNLIMITED RESIDENTIAL DISTRICT REGULATIONS.

**Paragraph 1.
USES PERMITTED.**

Any use permitted in Zones R-1 and R-3;

Hotels, which may have as accessory thereto the usual services of a restaurant, valet, newstand, barbershop and florist, provided that such services shall not maintain an outside entrance to the street, nor street signs, and which may also maintain as an accessory use a garage with a capacity of not to exceed storage and service space for one automobile for each single sleeping room in said hotel, and may also maintain a gasoline storage tank and pump, provided no sign over six (6) square feet in area may be displayed in connection with either garage or gasoline supply.

Such hotel may maintain as accessory buildings, detached sleeping quarters of a permanent type of construction without kitchens or cooking facilities, but shall not rent tents nor tent space for guests, nor permit the erection of tents used for living purposes on the premises.

Schools, colleges, libraries, museums and community buildings; Golf and country clubs; athletic parks; playgrounds and recreation fields, either of a private or commercial nature;

Boarding houses;
Fire stations; greenhouses; institutions of a philanthropic, religious or charitable nature; studios; lodge and society halls; police stations; post offices; private clubs; railroad passenger stations; automobile stage stations; telegraph offices and telephone exchanges;

Aviation fields.
Sign or bulletin boards not over twelve (12) square feet in area may be maintained in connection with those uses only as listed above.

Other uses, which can reasonably be considered similar or related to the uses listed above, and for which a permit has been granted under the term of Section 16 herein.

**Paragraph 2.
BUILDING HEIGHT.**

For single and two family dwellings, the same as in Zone R-1.
For other buildings, three and one-half stories or forty-five (45) feet.

**Paragraph 3.
INTENSITY OF USE
OF BUILDING SITE**

For single family dwellings, the same as in Zone R-1;
For other dwellings, flats, apartments and bungalow courts, the same as in Zone R-3.

For all other uses, every building with its accessory buildings hereafter erected shall have a building site consisting of a lot or parcel of land having an average width of not less than sixty (60) feet and an area of not less than six thousand (6000) square feet, and no such building with its accessory buildings shall occupy in excess of forty per cent (40%) of the area of said building site.

**Paragraph 4.
FRONT YARD.**
Same as in Zone R-1.

**Paragraph 5.
SIDE YARD.**
Same as in Zone R-1.

**Paragraph 6.
REAR YARD.**
Same as in Zone R-1.

SECTION 9: ZONE C-1. RESTRICTED COMMERCIAL DISTRICT REGULATIONS.

**Paragraph 1.
USES PERMITTED**

Any use permitted in Zones R-1, R-3 and R-4.

Bakery, retail; Banks, Barber-shops; Beauty parlors; Business offices; Cafeterias; Catering; Clothing stores; Candy stores; Curio stores; Dressmaking; Drug stores; Cleaning and Dyeing Agencies; Dry goods stores; Electric shops; Employment agencies; Furniture stores; Grocery stores; Hardware stores; Ice cream parlors; Locksmiths; Messenger offices; Meat markets; Hotels; Millinery shops; Notion stores; Photograph galleries; Printing shops; Professional offices; Restaurant and lunch counters; Sales and show rooms; Stationery stores; Shoe repair shops; Shoe stores; Tailors; Theatres;

Other uses, which can reasonably be considered similar or related to the uses listed above and for which a permit has been granted under the terms of Section 16 herein.

A single sign or bulletin board not over twelve (12) square feet in area may be maintained in connection with the above uses only.

**Paragraph 2.
BUILDING HEIGHT.**

For all dwellings, flats, apartments and bungalow courts, the same as in Zone R-1;

For all other uses, buildings may be built to any height, provided that the total cubic contents of any such building shall not exceed fifty (50) times the area of the building site provided for it.

**Paragraph 3.
INTENSITY OF USE
OF BUILDING SITE.**

For single family dwellings, the same as in Zone R-1.

For other dwellings, flats, apartments and bungalow courts, the same as in Zone R-3.

For all other uses, buildings may occupy any building site having an average width of at least twenty-five (25) feet and a total area of at least twenty-five hundred (2500) square feet, and may occupy all of the area of such building site not affected by the front yard requirements.

**Paragraph 4.
FRONT YARD.**

For single and two-family dwellings, the same as in Zone R-1. For all other uses the front yard requirements shall be the same as in Zone R-1, except that where buildings front on a street or highway having a total dedicated width of one hundred and forty (140) feet or over, no front yard shall be required.

ZONE C-1, Continued—ZONE C-2—ZONE C-3

Paragraph 5.

SIDE YARD.

For single and two-family dwellings, the same as in Zone R-1. For other uses, no side yards will be required except those required by the State Housing Act of California.

Paragraph 6.

REAR YARD.

For single and two-family dwellings, the same as in Zone R-1. For other uses, no rear yards will be required except those required by the State Housing Act of California.

SECTION 10: ZONE C-2. INTERMEDIATE COMMERCIAL DISTRICT REGULATIONS.

Paragraph 1.

USES PERMITTED.

Any use permitted in Zones R-1, R-2, R-3, R-4, and C-1; Amusement and carnival parks and places; Automobile service stations, provided that not more than fifty (50) gallons of petroleum naphtha products shall be stored at any time above ground, and that not more than three thousand (3000) gallons thereof shall be stored below ground in connection with such service station; Dancing academies; Auction rooms; Conservatories; Undertaking parlors; Fruit stands; Painting or decorating shops; Recreation buildings; Cemeteries; Upholstery shops; Sanitoriums; Sanitariums; Hospitals; Crematoriums; Public garages; Warehouses; Battery Service Stations; Tire repair shops; Other uses, which can reasonably be considered similar or related to the uses listed above and for which a permit has been granted under the terms of Section 16 herein.

A single sign or bulletin board not over (12) square feet in area may be maintained in connection with the above uses only.

Paragraph 2.

BUILDING HEIGHT.

Same as in Zone C-1.

Paragraph 3.

INTENSITY OF USE OF BUILDING SITE.

Same as in Zone C-1.

Paragraph 4.

FRONT YARD.

Same as in Zone C-1.

Paragraph 5.

SIDE YARD.

Same as in Zone C-1.

Paragraph 6.

REAR YARD.

Same as in Zone C-1.

SECTION 11: ZONE C-3. UNRESTRICTED COMMERCIAL DISTRICT REGULATIONS.

Paragraph 1.

USES PERMITTED.

Any use permitted in Zones R-1, R-2, R-3, R-4, C-1 and C-2; Permanent type automobile camps; Automobile sales, or storage yards or lots; Billboards and sign boards; Blacksmith shops; Dyeing and cleaning establishments; Lumber and supply yards; wood, coal, feed and fuel yards, provided that no machinery is used therein; Laboratories; Plumbing shops; Stables; Store-

houses; Tinsmith shops; Rock, gravel and sand pits and quarries, provided that no rock crushing machinery shall be used permanently therein; Other uses which can reasonably be considered similar or related to the uses listed above and for which a permit has been granted under the terms of Section 16 herein.

Paragraph 2.

BUILDING HEIGHT.

Same as in Zone C-1.

Paragraph 3.

INTENSITY OF USE OF BUILDING SITE.

Same as in Zone C-1, except that any number of buildings comprising a permanent type automobile camp may be placed on any building site if all of such buildings do not occupy an area in excess of thirty-five per cent (35%) of the area of said building site, and if there is an open space at least twenty-five (25) feet wide around each building under one roof.

Paragraph 4.

FRONT YARD.

Same as in one C-1.

Paragraph 5.

SIDE YARD.

Same as in Zone C-1.

Paragraph 6.

REAR YARD.

Same as in Zone C-1.

SECTION 12. BUILDINGS UNDER CONSTRUCTION.

Nothing in this ordinance shall be deemed to prevent the completion of any building for which a building permit under the terms of this ordinance shall have been issued and which is under construction at the effective date of this ordinance or any amendments thereto, in the event that such construction or the proposed use of such building is not, at said date, in violation of any other ordinance or law, and in the further event that such building is completed within six months from such date, nor to prohibit the restoration of any building the minor portion of which shall have been destroyed by fire or other calamity; provided that if the major portion of any such building shall have been so destroyed, upon restoration thereof the use thereof shall be made to conform to a use permitted in the zone in which located, unless a permit to the contrary has been granted by the Planning Commission under the terms of Section 16 herein.

SECTION 13. EXISTING USES.

Nothing contained in this ordinance shall be deemed to prohibit a continuation of the particular existing use of any building or premises existing at the effective date of this ordinance or amendments thereto, in the event that such existing use is not in violation of any other ordinance or law; provided that no such existing use of any building or premises shall be enlarged or extended unless a permit therefor has been granted by the Planning Commission under the terms of Section 16 herein; provided further, that if such use is changed to a different use, such different use shall conform to the provisions of this ordinance regulating the particular zone in which the

premises are located; provided, further, that if such existing use is discontinued it shall not be reestablished or renewed unless in compliance with the provisions of this ordinance regulating the particular zone in which the premises are located.

SECTION 14. BUILDING PERMITS.

Paragraph 1. It shall be unlawful for any person, firm or corporation to commence or proceed with the erection, alteration, moving, occupancy or use of any building or structure or portion thereof, except walls or fences not over five (5) feet in height, within any zone, except zone M-3, unless a permit in writing shall first have been obtained from the County Planning Commission or agent thereof. Provided, however, that no permit shall be required for the continuation of the occupancy or use in existence at the effective date of this ordinance; provided further that no permit shall be required for the erection or alteration of any building when the cost of such erection or alteration amounts to less than one hundred dollars (\$100.00), nor for the making of ordinary repairs or for painting, except that no sign or billboard over six feet square feet in area shall be erected without a permit. The issuance of the permit for the erection, alteration or moving of any building shall be deemed to include a permit for the use thereof for the purpose stated therein or for any other use permitted in the zone within which said building is located.

Paragraph 2. The Planning Commission shall maintain offices in convenient localities for the issuance of permits and may adopt reasonable regulations to provide for the effective enforcement of the provisions of this section. Copies of such regulations shall be prepared for distribution to interested parties.

Paragraph 3. No charge will be made for the issuance of permits, but the Supervisors hereby declare that such free issuance of permits is not necessarily a permanent policy and that they may later amend this section to provide for a charge for such permits.

Paragraph 4. Nothing contained herein shall be deemed to require compliance with any building code, except the State Housing Act of California, nor to provide for building inspection of any character.

SECTION 15.

The Planning Commission shall as rapidly as is, in its judgment feasible, proceed with the more precise classification of the unincorporated territory of Monterey County in accordance with the provisions of the statutes of the State of California relating to such matters and shall hold such public hearings as are prescribed and in the manner directed by such statutes.

SECTION 16. AMENDMENTS AND EXCEPTIONS.

The Supervisors may, after report thereon by the Planning Commission, and after public hearings as required by law, amend the regulations and zones herein or subsequently established, and may also, where there are practical difficulties or unnecessary hardships in the way of enforcing the strict letter of this ordinance, and after report thereon by the Planning Commission, grant conditional

exceptions to the rules, regulations and provisions contained herein to the extent only as hereinafter set forth.

Action precedent to such amendments or exceptions may be initiated by the Supervisors, by the Planning Commission or by petition of property owners. Whenever the owner of any land or building desires such an amendment or exception he shall file with the Secretary of the Planning Commission a petition requesting that either this ordinance be amended or an exception be made so that he may be allowed to perform certain specified acts. The Secretary shall thereupon make an investigation of the matter and shall post and/or mail such notices and arrange for such hearings by the Planning Commission as may be required by law and in connection with which matters he shall have received directions and authorization from the Planning Commission. The Planning Commission, after holding such hearings shall report to the Supervisors their findings and recommendations thereon.

Paragraph 2. The Supervisors shall, if said report recommends an amendment to this ordinance, hold a final hearing thereupon, duly advertised as required by law.

Paragraph 3. Permits for such conditional exceptions shall be granted only in the following cases.

(a) Where the exception is in the nature of an adjustment of the requirements of this ordinance and not a change in district boundaries or a violation of the spirit and purpose of this ordinance.

(b) Where the boundary line of a zone divides a lot or parcel of land in single ownership at the effective date of this ordinance, such permit may allow the extension of the less restricted zone for a distance not to exceed fifty (50) feet.

(c) Such conditional permit may allow a reduction of the area requirements and front, side and rear yard regulations where the shape of the building site, topography or other conditions make a strict compliance with said regulations impossible without practical difficulty or hardship, but in no case shall these regulations be reduced more than fifty per cent (50%) or in such a manner as to violate the intent and purpose of this ordinance. "Practical difficulty" and "Unnecessary hardship" shall be determined with reference to actual bonafide applications for building permits and the petition for such permit shall show:

1. That there are special circumstances or conditions applicable to the parcel of property referred to in the application.

2. That an exception to the existing regulations is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

3. That a granting of such exception will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or district in which the property is located.

4. That the applicant is willing and able to proceed immediately to carry out the purposes for which the special permit is sought and agrees to conform to any regulations or restrictions imposed by the Planning Commission or Supervisors as a condition for the granting of such permit.

(d) Such conditional permit may allow the reconstruction, within twelve months, of a building, located in a district restricted against its use, which has been damaged by fire or other calamity to an extent in excess of fifty per cent (50%) of its total value, but such reconstruction shall not be permitted to allow an enlargement of the building over its original size.

(e) Such additional permit may add to the list of uses permitted in any zone, such other uses which may reasonably be considered similar or related to the uses listed as permitted under the terms of this ordinance. Before any such addition is made, a postcard notice shall be mailed to the owners of all property within three hundred (300) feet of the premises for which application is made for such additional use, giving the date on which a hearing will be held by the Planning Commission in relation thereto and the date of the meeting of the Supervisors when they will receive the Planning Commission's report thereon. If allowed, such permit may provide that such additional use is included only for the particular area involved and shall not apply to other areas in the county which have been or may thereafter be placed in the zone classification involved.

(f) Such conditional permit may permit the erection in Zones R-4, C-1 and C-2 of signs and bulletin boards which are not reasonably objectionable to the general character of the area affected.

(g) Such conditional permit may allow in the case of a use in existence at the effective date of this ordinance or amendments thereto, which use was not one of those permitted in the zone in which it was situated, the extension of such use over other portions of the property in the same ownership at said effective date, but in no case shall such use be enlarged or extended more than fifty per cent (50%) of its original size.

(h) Such conditional permit may allow the erection of towers, spires or tanks to a greater height than allowed by the regulations governing building heights.

Paragraph 4. If at the time of the final hearing before the Supervisors in connection with an amendment, or at the time the Supervisors shall receive a report from the Planning Commission in connection with a conditional permit, a protest is presented, against such amendment or permit, signed by the owners of twenty per cent (20%) or more of the area for which a change of classification is proposed, or by twenty per cent (20%) or more of the owners

of property within three hundred (300) feet of the property for which a change of classification is proposed or within the same distance from the property affected by the proposed conditional permit, then no such amendment shall be adopted nor such permit granted except by a four-fifths (4/5) vote of the full membership of said Board.

SECTION 17. VALIDITY.

If any section, paragraph, sub-section, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid such decision shall not affect the validity of the remaining portions of this ordinance. The Supervisors hereby declares that it would have passed this ordinance and each section, paragraph, sub-section, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs, sub-sections, clauses or phrases be unconstitutional or invalid.

SECTION 18. ENFORCEMENT, LEGAL PROCEDURE, PENALTIES.

Any person, firm or corporation, whether as principal, agent or employee or otherwise, violating any provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for a term not exceeding six (6) months or by both such fine and imprisonment. Such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this ordinance is committed, continued or permitted by such person, firm or corporation, and shall be punishable as herein provided.

Any building or structure set up, erected, built or maintained and/or any use of property contrary to the provisions of this ordinance shall be and the same is hereby declared to be unlawful and a public nuisance and the District Attorney of Monterey County shall, upon order of the Supervisors immediately commence action or actions, proceeding or proceedings for the abatement and removal and enjoinder thereof in the manner provided by law and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate and remove such building or structure and restrain and enjoin any person, firm or corporation from setting up, erecting, building or maintaining any such building or structure or using any property contrary to the provisions of this ordinance.

The remedies provided for herein shall be cumulative and not exclusive.

SECTION 19. WHEN EFFECTIVE.

Thirty days from the passage hereof.

Passed and ordered published by the following vote this 6th day of October 1929, to-wit:

Ayes: Supervisors Stirling, Talbott, Dudley and Caruthers.

Noes: None.

Absent: Supervisor Abbott.

GEO. DUDLEY,

Chairman of the Board of Supervisors of the County of Monterey, State of California.

Attest:

C. J. JOY, Clerk.

(Seal of Board of Supervisors.)