

EXHIBIT K, ATTACHMENT A

(PROPOSED)
ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA AMENDING TITLE 21 (ZONING) OF THE MONTEREY COUNTY CODE TO: ADD CHAPTER 21.41 TO ESTABLISH REGULATIONS FOR SPECIFIC PLAN ZONING DISTRICTS; AMEND SECTION 21.08.010- TO DESIGNATE THE SPECIFIC PLAN ZONING DISTRICT; AND AMEND SECTION 21.08.060 TO APPLY SPECIFIC PLAN ZONING TO THE EAST GARRISON SPECIFIC PLAN AREA.

County Counsel Synopsis

This ordinance amends the provisions of Title 21 (Zoning) of the Monterey County Code to: add Chapter 21.41 to establish regulations for Specific Plan Districts; amend Section 21.08.010 to add the Specific Plan District to the list of designated districts; and amend Section 21.08.060 to apply specific plan zoning to the East Garrison Specific Plan area.

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

SECTION 1. Section 21.08.010 (Designation of Districts) of the Monterey County Code is hereby amended to add the “SP” or Specific Plan District.

SECTION 2. Chapter 21.41 is hereby added to the Monterey County Code to read as follows:

CHAPTER 21.41
REGULATIONS FOR SPECIFIC PLAN ZONING DISTRICTS OR “SP” DISTRICTS

Sections:

21.41.010 Purpose.
21.41.020 Applicability.
21.41.030 Uses Allowed.

21.41.010 PURPOSE.

The purpose of this Chapter is to provide regulations for review of development in those areas of the County for which a Specific Plan has been adopted.

21.41.020 APPLICABILITY.

- A. The provisions of this chapter shall apply to all lands for which a specific plan has been adopted pursuant to Government Code Section 65453 and which have been zoned “SP” in accord with the provisions of that specific plan.
- B. Where the provisions of this Title and the provisions of the adopted specific plan differ,

the provisions of the specific plan shall prevail.

- C. Where the provisions of this Title and the provisions of a development agreement adopted to implement a specific plan differ, the provisions of the development agreement shall prevail.
- D. Any regulation, standard, or procedure of this Title that is not addressed by the Specific Plan's regulations, standards, or procedures, shall be applicable to the area governed by the Specific Plan.

21.41.030 USES ALLOWED.

- A. Uses allowed within the "SP" district are those uses specifically provided for by the specific plan and, where applicable, adopted development agreement.
- B. Other uses allowed by this Title may be considered provided:
 - a. Such uses are not inconsistent or incompatible with the specific plan and, where applicable, adopted development agreement; and,
 - b. Such uses comply with all the requirements and standards of this Title.
- C. Any use within the specific plan area legally existing at the time of the adoption of the specific plan or development agreement that does not comply with the terms of the specific plan or development agreement is hereby deemed to be a legal non conforming use.

SECTION 3. Section 21-12 of Section 21.08.060 of the Monterey County Code is hereby amended as shown on the map attached hereto as Exhibit A and incorporated herein by reference.

SECTION 4. 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.

SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective on the 31st day after its adoption.

PASSED AND ADOPTED this 26th day of July, 2005 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Butch Lindley, Chair
Monterey County Board of Supervisors

Attest:
LEW BAUMAN, Clerk
to the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM:
Charles McKee, County Counsel

By: _____
Deputy