

Monterey County

Coastal Implementation Plan

Part I



Title 20

Zoning Ordinance

Includes Wireless Ordinance additions
Adopted February 2000

MONTEREY COUNTY

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Chapter 20.02

GENERAL PROVISIONS

Sections:

20.02.010	Reference.
20.02.020	Adoption of Zoning Plan.
20.02.030	Purpose of Adoption of Zoning Plan.
20.02.040	Nature of Coastal Zoning Ordinance.
20.02.050	Effect of Adoption.
20.02.060	Consistency with Adopted Plans.
20.02.070	Severability.
20.02.080	Effect of prior Offenses and Rights.
20.02.090	Conflicting Provisions.

20.02.010 REFERENCE.

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

20.02.020 ADOPTION OF ZONING PLAN.

This Title implements the Monterey County Local Coastal Program. The Zoning Plan which contains the sectional district maps shall hereby be a part of this Title.

20.02.030 PURPOSE OF ADOPTION OF ZONING PLAN.

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 Local Coastal Program, 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.

20.02.040 NATURE OF COASTAL ZONING ORDINANCE.

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

The coastal 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 Local Coastal Program 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, 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.

20.02.050 EFFECT OF ADOPTION

- A. Upon adoption this Title shall become applicable to lands in the County of Monterey within the Coastal Zone.
- B. Upon adoption the terms, conditions and regulations of this Title shall govern and supersede the provisions of Title 20, Monterey County Code and Part 1 of the Monterey County Coastal Implementation Plan, for the unincorporated Coastal Zone areas of the County of Monterey.

20.02.060 CONSISTENCY WITH ADOPTED PLANS.

- A. No building permit, grading permit, land use discretionary permit, coastal administrative permit, coastal development permit, exemption, categorical exclusion, or other permit relative to land use may be approved if it is found to be inconsistent with the Monterey County Local Coastal Program.
- B. An exception to the finding required in Section 20.02.060.A may be considered by the Board of Supervisors on appeal, if it is found that the strict application of the area land use plan policies and development standards of this ordinance denies all reasonable use of the subject property. The exception may be granted only if the decision-making body is able to make the following findings:

- a. that the parcel is otherwise undevelopable due to specific policies of the applicable land use plan and development standards of this ordinance, other than for reasons of public health and safety;
 - b. that the grant of a coastal development permit would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use designation in which the subject property is located;
 - c. that the parcel is not located within the critical viewshed of Big Sur as defined in Section 20.145.020 and Section 20.145.030 and in the Big Sur Land Use Plan;
 - d. that any development being approved is the least environmentally damaging alternative project. In order to make this finding, the development shall be required to minimize development of structures and impervious surfaces to the amount needed to reduce environmental impacts to the greatest extent possible and shall be required to locate the development on the least environmentally sensitive portion of the parcel;
 - e. that any development being approved under these provisions shall be one of the "allowable uses" as listed under the parcel's zoning classification and that it shall be appealable to the California Coastal Commission in all cases.
- C. If under the foregoing provisions, a property remains undevelopable, then the County or applicant may initiate a land use plan amendment for the subject parcel. For parcels identified in the Land Use Plans or found through implementation of the Land Use Plans to consist of important environmental or other coastal resources worthy of complete, permanent protection, the County Planning Department shall engage in an on-going effort to identify such means of protection and report periodically to the Board of Supervisors on such efforts. These may include, but not be limited to, possible land use plan amendments that would be consistent with the Coastal Act, public or private acquisitions, or other techniques, such as transfer of development credit programs.
- D. In the event of a conflict or inconsistency between this Title and any County land use regulation the terms of the regulations listed highest on the following ladder shall prevail:
- 1. Coastal Act
 - 2. Applicable Area Land Use Plan
 - 3. Regulations For Development (Parts 2 through 6 of the Coastal Implementation Plan)
 - 4. Title 20 (Part 1 of the Coastal Implementation Plan)
 - 5. Any other regulation in the County

20.02.070 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.

20.02.080 EFFECT ON PRIOR OFFENSES AND RIGHTS.

- A. Nothing in this Title or the ordinance adopting this Title shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of this Title.
- B. The adoption of this Title shall not be interpreted as authorizing any use or the continuance of any use of a structure or premises in violation of any ordinance of the County of Monterey in effect on the date of adoption of this Title, except as otherwise provided.
- C. The repeal of any section, chapter, or portion of the Monterey County Coastal Implementation Plan or any ordinance of the County of Monterey shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal for an offense committed under the section, chapter or portion of the Monterey County Coastal Implementation Plan or any ordinance repealed.

20.02.090 CONFLICTING PROVISIONS.

- A. If the provisions of different chapters of this Title conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions growing out of the subject matter of such chapter.
- B. If conflicting provisions be found in different sections of the same chapter, the provisions of the section which is last in numerical order shall prevail unless such construction be inconsistent with the meaning of such chapter.
- C. If the provisions of this Title conflict with or contravene the ordinances incorporated by reference in Chapter 20.96, the provisions of this Title shall prevail.

Chapter 20.04

ZONING ADMINISTRATOR

Sections:

- 20.04.010 Creation.
- 20.04.020 Appointment.
- 20.04.030 Powers.

20.04.010 CREATION.

The Office of the Zoning Administrator is hereby established.

20.04.020 APPOINTMENT.

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

20.04.030 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 20.78.
- B. The Zoning Administrator shall have the authority to hear and decide applications for Coastal Development Permits for those uses identified in the zoning district regulations by the designation "(ZA)" and to grant, deny, revoke and modify Coastal Development Permits for such uses pursuant to Chapter 20.70.
- C. The Zoning Administrator shall have the authority to hear and decide applications for Coastal Administrative Permits and to grant, deny, revoke and modify Coastal Administrative Permits pursuant to Chapter 20.76.
- 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 20.82.
- E. The Zoning Administrator shall have the authority to hear and decide applications for Design Approvals pursuant to Chapter 20.44.
- 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 Coastal Development 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 or area:

- 4) Establishment of precedents or standards by which other projects will be measured.

If at any point in the permit process the Director of Planning and Building Inspection or the Zoning Administrator find 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 20.06

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 and the Coastal 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

20.06.010 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 or woman, and wildlife management.

20.06.020 AGRICULTURAL PROCESSING PLANT.

Agricultural processing plant means a structure, building, facility, or 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.

20.06.030 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.

20.06.040 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.

20.06.050 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.

20.06.060 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.

20.04.070 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.

20.06.080 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.

20.06.090 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.

20.06.100 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.

20.06.105 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.

20.06.107 AVERAGE LOT WIDTH

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

20.06.110 BED AND BREAKFAST FACILITY.

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

20.06.120 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.

20.06.130 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.

20.06.140 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.

20.06.150 CAMPGROUND.

Campground means land or premises which are 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.

20.06.160 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.

20.06.170 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.

20.06.180 CHAPARRAL.

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

20.06.181 COASTAL ADMINISTRATIVE PERMIT

A Coastal Administrative Permit is a Coastal Development Permit processed pursuant to Chapter 20.76 of this Title.

20.06.185 COASTAL COMMISSION

Coastal Commission means The California Coastal Commission.

20.06.186 COASTAL DEVELOPMENT PERMIT

A Coastal Development Permit is a Discretionary Permit authorized pursuant to the California Coastal Act of 1976 and processed pursuant to Chapter 20.70 of this Title.

20.06.190 COASTAL SCRUB.

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

20.06.195 COASTAL ZONE

That portion of the unincorporated portion of the County lying in the Coastal Zone as established by the Coastal Act of 1976 and as it may subsequently be amended by the State of California.

20.06.197 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.

20.06.200 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 diligently carried on until the completion of the building or structure.

20.06.210 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.

20.06.200 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.

20.06.230 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.

20.06.240 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.

20.06.250 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.

20.06.260 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.

20.06.270 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.

20.06.280 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.

20.06.290 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.

20.06.300 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.

20.06.310 DEVELOPMENT.

Development means, on land, in or under water:

1. placement or erection of any solid material or structure, including but not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line;
2. discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste;
3. grading, removing, dredging, mining, or extraction of any materials, including excavation and filling which requires environmental review pursuant to the Monterey County CEQA Guidelines.
4. change in the density or intensity of use of land, including but not limited to:
 - a) subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code);
 - b) lot line adjustments;
 - c) any other division of land, including lot splits; and,
 - d) conditional certificates of compliance pursuant to the Subdivision Map Act;
5. change in the intensity of use of water, or of access thereto;
6. expansion or construction of water wells, surface water diversions, or septic systems, except for replacement thereof;
7. construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility;
8. removal or harvesting of major vegetation including land clearing pursuant to Chapter 16.12 and removal of natural vegetation specified in the applicable ordinances as requiring a coastal development permit. "Development" shall not include removal or harvesting of major vegetation for agricultural purposes, except in North County as per Section 20.144.080.A, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Zberg-Nejedly Forest Practice Act of 1973 (commencing with Section 45111);
9. any project within 750 feet of a known archaeological resource, as per sections shown on current County Resource Maps or other available information;

10. tree removal as per sections 20.144.050.A, 20.145.060.A, 20.146.060.A, and 20.147.050.A.
11. granting of transferable density credits pertaining to a lot in the critical viewshed of Big Sur, pursuant to Chapter 20.64.190.

20.06.320 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.

20.06.330 DEVELOPMENT STANDARD.

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

20.06.340 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.

20.06.350 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.

20.06.355 DISCRETIONARY PERMIT

Discretionary permit means any permit which requires review and approval by a decision making body including but not limited to the Monterey County Planning Commission or Board of Supervisors.

20.06.360 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.

20.06.370 DWELLING UNIT.

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

20.06.380 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 home, a mobile accessory building or structure, a recreational vehicle or a commercial coach.

20.06.390 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.

20.06.400 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.

20.06.410 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.

20.06.420 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.

20.06.425 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 environmental resources.

20.06.430 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.

20.06.440 ENVIRONMENTALLY SENSITIVE HABITAT.

Environmentally sensitive habitat means an area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and development. (See individual land use plan segment definitions for specific examples.)

20.06.450 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.

20.06.460 FARM EMPLOYEE HOUSING FACILITY.

Farm employee housing facility means any living quarters or accommodations of any type 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.

20.06.470 FARM WORKER HOUSING FACILITY.

Farm worker housing facility means any living quarters or accommodations of any type 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.

20.06.490 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.

20.06.500 FAULT.

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

20.06.510 FAULT, ACTIVE.

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

20.06.520 FAULT, INACTIVE.

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

20.06.530 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.

20.06.540 FAULT TRACE.

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

20.06.550 FAULT ZONE.

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

20.06.560 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.

20.06.562 FLOOR AREA

Floor area means the total square footage of the building site divided by the floor area of the structure(s) on site.

20.06.564 FLOOR AREA RATIO

Floor area ratio means the total combined gross floor area of all floors contained in all buildings on the building site as measured from the exterior face of the enclosing walls. Floor area shall include, but not be limited to all enclosed spaces within all buildings, finished basements, guesthouses, studios, garages and carports. Areas of enclosed floor space constructed and maintained entirely below ground, including garages, shall not be counted as floor area.

Floor area ratio shall not apply to new condominiums, planned unit developments, or similar projects where by their design the legally described lot coincides or is generally confined to the structures.

20.06.570 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 20.62 (Height and Setback Exceptions) of this Title.

20.06.580 GARAGE, PRIVATE.

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

20.06.590 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.

20.06.600 GARAGE, STORAGE.

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

20.06.610 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.

20.06.620 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.

20.06.625 GUESTROOM

Guestroom means a room which is intended, arranged, or designed to be occupied, or which is occupied by guests, but in which no provision is made for cooking, and does not include dormitories for sleeping purposes.

20.06.630 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 20.62 (Height and Setback Exceptions) of this Title.

20.06.640 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.

20.06.650 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.

20.06.660 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.

20.06.670 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.

20.06.680 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.

20.06.682 HYDRIC SOIL

Hydric soil means a type of soil with characteristics resulting from prolonged saturation and chemically reducing conditions such as occurs under anaerobic conditions.

20.06.684 HYDROPHYTIC VEGETATION

Hydrophytic vegetation means plants that have adapted to living in aquatic environments. These plants are also called hydrophytes. In wetlands, hydrophytic species occur where at least the root zone of the plant is seasonally or continually found in saturated or submerged soil.

20.06.690 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.

20.06.700 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.

20.06.710 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.

20.06.720 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.

20.06.730 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.

20.06.735 LAND USE PLAN

Land Use Plan means Plan adopted by the Board of Supervisors of the County of Monterey and certified by the Coastal Commission as the governing land use plan for a specific area of the Coastal Zone lying in the unincorporated area of the County of Monterey.

20.06.740 LIQUEFACTION.

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

20.06.750 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.

20.06.755 LOCAL COASTAL PROGRAM

Monterey County's land use plans, zoning ordinances, zoning maps and implementing actions certified by the Coastal Commission as meeting the requirements of the California Coastal Act of 1976. The four land use plans are the North County Land Use Plan, Del Monte Forest Area Land Use Plan, Carmel Area Land Use Plan, and Big Sur Coast Land Use Plan. The ordinances, zoning maps, and implementation actions are those listed in the Table of Contents of the Coastal Implementation Plan. The Plan consists of this Title 20 (Parts 1 - 5) and other applicable ordinances and appendices (Part 6). Unless otherwise exempted by this Title, any revisions to these provisions must be approved by the Coastal Commission before they go into effect in the Coastal Zone.

20.06.760 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.

20.06.770 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.

20.06.780 MOBILEHOME.

Mobile home means a vehicle designed and equipped for human habitation.

20.06.790 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.

20.06.800 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.

20.06.810 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.

20.06.820 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.

20.06.830 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.

20.06.840 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, park and recreation areas. The term "open space" does not imply public access or ownership.

20.06.850 OUTDOOR ADVERTISING STRUCTURE.

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

20.06.860 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.

20.06.865 PERSON.

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

20.06.870 PETS.

Pets mean commonly domesticated household animals.

20.06.875 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.

20.06.880 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.

20.06.890 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.

20.06.900 PUBLIC UTILITY.

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

20.06.910 PUBLIC UTILITY FACILITIES.

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

20.06.920 RARE AND ENDANGERED SPECIES.

Rare and endangered species means a plant or animal species identified by the California Department of Fish and Game, the United States Fish and Wildlife Service, the California Native Plant Society and/or other relevant scientific authority as rare, endangered, or threatened.

20.06.930 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.

20.06.940 REST HOME.

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

20.06.950 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.

20.06.960 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.

20.06.970 RIPARIAN HABITAT.

Riparian habitat means a natural plant community dependent upon a water body or water course. (See individual land use plan segment definitions for specific examples.)

20.06.980 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.

20.06.990 ROOMINGHOUSE OR BOARDINGHOUSE.

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

20.06.1000 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.

20.06.1010 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.

20.06.1020 SETBACK.

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

20.06.1030 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.

20.06.1040 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.

20.06.1050 SETBACK, REAR.

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

20.06.1060 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.

20.06.1070 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.

20.06.1080 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.

20.06.1090 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.

20.06.1100 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.

20.06.1110 SIGN, OUTDOOR ADVERTISING.

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

20.06.1120 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.

20.06.1130 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.

20.06.1140 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.

20.06.1150 START OF CONSTRUCTION.

See Construction, Actual.

20.06.1160 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.

20.06.1170 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.

20.06.1180 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.

20.06.1190 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.

20.06.1200 STRUCTURAL CONNECTION.

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

20.06.1210 STRUCTURAL WALL.

Structural wall means any bearing wall of a structure.

20.06.1200 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.

20.06.1230 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, farm employee housing facility, farm employee quarters, and employee housing accessory to an allowed use.

20.06.1240 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.

20.06.1250 STRUCTURE, DETACHED.

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

20.06.1260 STRUCTURE, LEGAL NONCONFORMING.

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

20.06.1270 STRUCTURE, MAIN.

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

20.06.1275 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.

20.06.1280 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 timeshare project includes a timeshare estate and a timeshare use.

20.06.1290 TIMESHARE ESTATE.

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

20.06.1300 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.

20.06.1310 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

20.06.1320 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.

20.06.1330 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.

20.06.1340 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.

20.06.1350 WETLANDS.

Wetlands means lands where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent or drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salt or other substance in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to vegetated wetlands or deepwater habitats.

20.06.1360 WILD ANIMAL.

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

20.06.1370 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.

20.06.1380 WIND ENERGY CONVERSION SYSTEMS, NONCOMMERCIAL.

Noncommercial 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.

20.06.1390 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.

20.06.1400 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 20.08

ESTABLISHMENT AND DESIGNATION OF ZONING DISTRICTS

Sections:

20.08.010	Designation of Districts.
20.08.020	Combining Regulations.
20.08.030	Establishment of Districts.
20.08.080	Effect of Establishment of Districts.
20.08.050	Index to Sectional District Maps.
20.08.060	Sectional District Maps.

20.08.010 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(CZ)	High Density Residential
MDR(CZ)	Medium Density Residential
LDR(CZ)	Low Density Residential
RDR(CZ)	Rural Density Residential
WSC(CZ)	Watershed and Scenic Conservation
CGC(CZ)	Coastal General Commercial
MLC(CZ)	Moss Landing Commercial
IC(CZ)	Institutional Commercial
VSC(CZ)	Visitor Serving Commercial
AI(CZ)	Agricultural Industrial
LI(CZ)	Light Industrial
HI(CZ)	Heavy Industrial
CAP(CZ)	Coastal Agricultural Preservation
AC(CZ)	Agricultural Conservation
RC(CZ)	Resource Conservation
OR(CZ)	Open Space Recreation
PQP(CZ)	Public/Quasi-Public

20.08.020 COMBINING REGULATIONS.

In addition to the above-mentioned districts, 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
A	Limited Agricultural District
HR	Historical Resources District
Z	Street Improvements District

20.08.030 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 20.08.050 is the Index to the Sectional District Maps, each of which is designated by the Section Number of the Zoning Plan of the County of Monterey. Each Sectional District Map shows the designations, locations, and boundaries of certain 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.

20.08.040 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 hereinafter 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 unless otherwise provided for by Federal or State Law.

20.08.050 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 20.08.030 and shall constitute Section 20.08.050 of this Title.

20.08.060 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 20.08.030, and are for example designated SECTIONS 1, 2, 3, ... OF THE ZONING PLAN OF THE COUNTY OF MONTEREY.

Chapter 20.10

REGULATIONS FOR HIGH DENSITY RESIDENTIAL ZONING DISTRICTS OR "HDR (CZ)" DISTRICTS

Sections:

20.10.010	Purpose.
20.10.020	Applicability.
20.10.030	Nonexempt Development
20.10.040	Principal Uses Allowed, Coastal Administrative Permit Required in Each Case.
20.10.050	Conditional Uses Allowed, Coastal Development Permit Required in Each Case.
20.10.060	Site Development Standards.
20.10.070	Special Regulations.

20.10.010 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.

20.10.020 APPLICABILITY.

The regulations of this Chapter shall apply in all "HDR" districts and are subject to Chapter 20.62 (Height and Setback Exceptions) and Chapter 20.70 (Coastal Development Permits) of this Title.

20.10.030 NONEXEMPT DEVELOPMENT.

The following list shall require a coastal development permit regardless of which category of allowed uses it falls into:

- A. Development which will cause a Significant Environmental Impact;
- B. Development within the Critical Viewshed as defined by Section 20.145.020.V (Big Sur);
- C. Development on slopes of 30% or greater (25% in North County) except as provided for in Section 20.64.230 (C) (2) and (3);
- D. Ridgeline Development;
- E. Development within 100 feet of mapped or field identified environmentally sensitive habitats;

- F. Development with positive archaeological reports;
- G. Land divisions;
- H. Development of new or expanded agricultural operations if 50% or more of the parcel has a slope of 10% or greater; or where the operation is to occur on soils with a high or very high erosion hazard potential, according to the Soil Conservation Service Soil Survey Manual.

20.10.040 PRINCIPAL USES ALLOWED, COASTAL ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE. (Chapter 20.76) UNLESS EXEMPT (Section 20.70.120)

- A. The first single family dwelling per legal lot of record;
- B. Single family dwellings, between 5-8 dwelling units/acre, gross;
- C. Duplexes, between 5-8 dwelling units/acre, gross;
- D. Multiple dwellings and dwelling groups, between 5-8 dwelling units/acre gross;
- E. The keeping of pets, but not more than 2 dogs per dwelling unit;
- F. Guesthouses meeting the development standards of Section 20.64.020;
- G. Temporary residences, pursuant to Section 20.64.070, used as living quarters during the construction of the first dwelling on a lot;
- H. Small family day care homes conducted within an existing structure;
- I. Licensed residential care homes for aged persons or hospices of not more than 6 persons including any permitted rooming and boarding conducted within an existing structure;
- J. Accessory structures and accessory uses to any principal permitted use;
- K. Small water systems facilities including wells and storage tanks serving of up to 14 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;
- L. Cultivation, cutting and removal of Christmas trees;
- M. Home occupations, pursuant to Section 20.64.090;
- N. Senior citizen units meeting the development standards of Section 20.64.010;
- O. Tract sales or rental offices;

- P. Reduction in setback requirements of 10% or less of the required setbacks;
- Q. Additions to existing, approved wireless communications facilities, pursuant to Section 20.64.010

20.10.050 CONDITIONAL USES ALLOWED, COASTAL DEVELOPMENT PERMIT REQUIRED IN EACH CASE. (Chapter 20.70) UNLESS EXEMPT (Section 20.70.120)

- A. Any residential use, except the first single family dwelling on a vacant lot, exceeding 8 dwelling units/acre gross;
- B. Mobilehome parks, pursuant to Section 20.64.210 (Not in Del Monte Forest)
- 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 facilities, pursuant to Section 20.64.100;
- I. Commercial and noncommercial wind energy systems;
- J. Time share uses, pursuant to Section 20.64.110;
- K. Ridgeline development;
- L. Water system facilities including wells and storage tanks serving fifteen or more service connections;
- M. Reserved;
- N. Assemblages of people, such as carnivals, festivals, races and circuses, not exceeding 10 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 homes;
- Q. Reserved;

- R. Conditional Certificates of Compliance;
- S. Cottage industries, pursuant to Section 20.64.095 (ZA).
- T. Planned Unit Developments;
- U. Condominiums;
- V. Detached structures accessory to any conditional use;
- W. Other residential uses of a similar character, density and intensity to those listed in this Section determined by the Planning Commission to be consistent and compatible with the intent of this Chapter and the applicable land use plans;
- X. Rooming and boarding houses;
- Y. Subdivisions;
- Z. Lot Line Adjustments.
- AA. Wireless communications, pursuant to Section 20.64.310.

20.10.060 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 a 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 superseded 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 or parcel map.

1. Main Structures

a) Minimum Setbacks

Front: 20 feet

Side: 5 feet

Rear: 10 feet

b) Height

Maximum Height: 35 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: 60%

F. Parking Regulations

Parking for all development shall be established pursuant to Chapter 20.58.

G. Landscaping Requirements

For developments of more than 2 residential units 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, 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 20.60.

20.10.070 SPECIAL REGULATIONS.

A. Required Trash Enclosure Areas

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. Required Recreation Areas

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 include 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

Manufactured dwelling units meeting the standards of Section 20.64.040 are permitted subject to the requirements of any conventional dwelling unit in this Chapter.

Vehicle Trip Reduction

The following types of development are subject to Section 20.64.250 (Regulations for the Reduction of Vehicle Trips) of this Title:

- a) Any residential development of 25 or more units.

Chapter 20.12

REGULATIONS FOR MEDIUM DENSITY RESIDENTIAL ZONING DISTRICTS OR "MDR (CZ)" DISTRICTS

Sections:

20.12.010	Purpose.
20.12.020	Applicability.
20.12.030	Nonexempt Development
20.12.040	Principal Uses Allowed, Coastal Administrative Permit Required in Each Case.
20.12.050	Conditional Uses Allowed, Coastal Development Permit Required in Each Case.
20.12.060	Site Development Standards.
20.12.070	Special Regulations

20.12.010 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.

20.12.020 APPLICABILITY.

The regulations of this Chapter shall apply in all "MDR" districts and are subject to Chapter 20.62 (Height and Setback Exceptions) and Chapter 20.70 (Coastal Development Permits) of this Title.

20.12.030 NONEXEMPT DEVELOPMENT.

The following list shall require a coastal development permit regardless of which category of allowed uses it falls into:

- A. Development which will cause a Significant Environmental Impact;
- B. Development within the Critical Viewshed as defined by Section 20.145.020.V (Big Sur);
- C. Development on slopes of 30% or greater (25% in North County) except as provided for in Section 20.64.230 (C) (2) and (3);
- D. Ridgeline Development;
- E. Development within 100 feet of mapped or field identified environmentally sensitive habitats;

- F. Development with positive archaeological reports;
- G. Land divisions;
- H. Development of new or expanded agricultural operations if 50% or more of the parcel has a slope of 10% or greater; or where the operation is to occur on soils with a high or very high erosion hazard potential, according to the Soil Conservation Service Soil Survey Manual.

20.12.040 PRINCIPAL USES ALLOWED, COASTAL ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE. (Chapter 20.76) UNLESS EXEMPT (Section 20.70.120)

- A. The first single family dwelling per legal lot of record;
- B. The keeping of pets, but not more than 4 dogs per dwelling unit;
- C. Guesthouses meeting the development standards of Section 20.64.020;
- D. Temporary residences pursuant to Section 20.64.070, used as living quarters during the construction of the first dwelling on a lot;
- E. Small family day care home conducted within an existing structure;
- F. Licensed residential care homes for aged persons or hospices of not more than six persons including any permitted rooming and boarding conducted within an existing structure;
- G. Water system facilities including wells and storage tanks serving up to 14 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 principal allowed use;
- I. Cultivation, cutting and removal of Christmas trees;
- J. Home occupations, pursuant to Section 20.64.090;
- K. Rooming and boarding of not more than two persons;
- L. Intermittent livestock farming or animal husbandry uses such as "4-H" projects on a minimum of 20,000 square feet.
- M. Second single family dwelling provided the gross density does not exceed the dwelling units/acre specified on the Sectional District Map;

- N. 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;
- O. Senior citizen units meeting the development standards of Section 20.64.010;
- P. Tract sales or rental offices;
- Q. Reduction in setback requirements of 10 percent or less of the required setbacks;
- R. Additions to existing approved wireless communications facilities, pursuant to Section 20.64.310;

20.12.050 CONDITIONAL USES ALLOWED, COASTAL DEVELOPMENT PERMIT REQUIRED IN EACH CASE. (Chapter 20.70) UNLESS EXEMPT (Section 20.70.120)

- 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;
- 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 20.64.100;
- I. Commercial and noncommercial wind energy conversion systems;
- J. Ridgeline development;
- K. Water system facilities including wells and storage tanks serving 15 or more service connections;
- L. Reserved;
- M. Assemblages of people, such as carnivals, festivals, races and circuses not exceeding 10 days and not involving construction of permanent facilities (ZA);
- N. Accessory structures and uses prior to establishment of main use or structure (ZA);

- O. Large family day care homes;
- P. Cottage industries, pursuant to Section 20.64.095 (ZA);
- Q. Reserved;
- R. Detached structures accessory to any conditional use;
- S. Planned Unit Developments;
- T. Conditional Certificates of Compliance;
- U. Other residential uses of a similar nature, density and intensity as those listed in this Section determined by the Planning Commission to be consistent and compatible with the intent of this Chapter and applicable land use plan;
- V. Condominiums;
- W. Mobile Home Parks, pursuant to Section 20.64.210 (Not in Del Monte Forest);
- X. Subdivisions;
- Y. Lot Line Adjustments;
- Z. Golf Courses (in Del Monte Forest only).
- AA. Wireless communication facilities, pursuant to Section 20.64.310;

20.12.060 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 or parcel map.

1. Main Structures

a. Minimum Setbacks

Front: 20 feet

Side: 5 feet

Del Monte Forest:

First Floor: 10 feet

Second Floor: 20 feet

Rear: 10 feet

b. Height

Maximum height: 30 feet

Del Monte Forest: 27 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%.

Del Monte Forest:

MDR/2 Zoning Districts: 25%

MDR/4 Zoning Districts: 35%

F. Floor Area Ratio (Del Monte Forest and Carmel Area Only)

Del Monte Forest

MDR/2 Zoning District: 25%

MDR/4 Zoning District: 35%

Carmel

MDR/2 Zoning District: 45%

G. Parking regulations

Parking for all development shall be established pursuant to Chapter 20.58.

H. 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.

I. Lighting plan requirements

For developments of more than two 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.

J. Sign regulations

Signing for all development shall be established pursuant to Chapter 20.60.

20.12.070 SPECIAL REGULATIONS.

A. Required Trash Enclosure Areas

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. Required Recreation Facilities

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 include 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

Manufactured dwelling units meeting the standards of Section 20.64.040 are permitted subject to the requirements of any conventional dwelling unit in this Chapter.

D. Vehicle Trip Reduction

The following types of development are subject to Section 20.64.250 (Regulations for the Reduction of Vehicle Trips) of this Title:

a) Any residential development of 25 or more units.

E. Visitor-Serving Uses

1. On that portion of the Odello property known as "Odello East", visitor-serving uses and employee housing in addition to the permitted residential uses are permitted pursuant to Section 20.146.120.C.2.

2. Up to 16 visitor-serving units and one manager apartment—are permitted to remain on the property commonly known as "Grosvenor Inn".

3. Up to 4 visitor-serving units are permitted to remain on the property commonly known as "Lincoln Green Cottages".

CHAPTER 20.14

REGULATIONS FOR LOW DENSITY RESIDENTIAL ZONING DISTRICTS OR "LDR (CZ)" DISTRICTS

Sections :

20.14.010	Purpose.
20.14.020	Applicability.
20.14.030	Nonexempt Development
20.14.040	Principal Uses Allowed, Coastal Administrative Permit Required in Each Case.
20.14.050	Conditional Uses Allowed, Coastal Development Permit Required in Each Case.
20.14.060	Site Development Standards.
20.14.070	Special Regulations.

20.14.010 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.

20.14.020 APPLICABILITY.

The regulation of this Chapter shall apply in all "LDR" districts and are subject to Chapter 20.62 (Height and Setback Exceptions) and 20.70 (Coastal Development Permits) of this Title.

20.14.030 NONEXEMPT DEVELOPMENT.

The following list shall require a coastal development permit regardless of which category of allowed uses it falls into:

- A. Development which will cause a Significant Environmental Impact:
- B. Development within the Critical Viewshed as defined by Section 20.145.020.V (Big Sur);
- C. Development on slopes of 30% or greater (25% in North County) except as provided for in Section 20.64.230 (C) (2) and (3);
- D. Ridgeline Development;
- E. Development within 100 feet of mapped or field identified environmentally sensitive habitats;
- F. Development with positive archaeological reports;
- G. Land divisions;

- H. Development of new or expanded agricultural operations if 50% or more of the parcel has a slope of 10% or greater; or where the operation is to occur on soils with a high or very high erosion hazard potential, according to the Soil Conservation Service Soil Survey Manual.

20.14.040 PRINCIPAL USES ALLOWED, COASTAL ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE. (Chapter 20.76) UNLESS EXEMPT (Section 20.70.120)

- A. The first single family dwelling per legal lot of record;
- B. Guesthouses meeting the development standards of Section 20.64.020;
- 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 (Not in DMF);
- F. Accessory structures and accessory uses to any principal use;
- G. Temporary residences, pursuant to Section 20.64.070, used as living quarters during the construction of the first dwelling on a lot;
- H. Small family day care homes conducted within an existing structure;
- I. Licensed residential care homes for aged persons or hospices of not more than 6 persons including any permitted rooming and boarding conducted within an existing structure;
- J. Water system facilities including wells and storage tanks serving up to 14 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 20.64.090;
- 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. Intermittent livestock farming or animal husbandry uses such as "4-H" projects;

- P. Senior citizen units meeting the development standards of Section 20.64.010;
- Q. Tract sales or rental offices;
- R. Detached structures accessory to any conditional use;
- S. Farm employee housing facility for not more than two families or five single persons;
- T. Second residential units not exceeding the zoning density of the property;
- U. Reduction in setback requirements of 10% percent or less of the required setbacks;
- V. Additions to existing, approved wireless communications facilities, pursuant to Section 20.64.310

20.14.050 CONDITIONAL USES ALLOWED, COASTAL DEVELOPMENT PERMIT REQUIRED IN EACH CASE. (Chapter 20.70) UNLESS EXEMPT (Section 20.70.120)

- 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. Commercial kennels (ZA) (Not in DMF);
- D. Golf Courses (in Del Monte Forest only);
- E. Legal nonconforming use of a portion of the structure extended throughout the structure (ZA);
- F. Legal nonconforming use changed to a use of a similar or more restricted nature;
- G. Bed and Breakfast facilities, pursuant to Section 20.64.100;
- H. Commercial and noncommercial wind energy conversion systems;
- I. Caretaker units meeting the development standards of Section 20.64.030;
- J. Ridgeline development;
- K. Conversion of uncultivated land to cultivated agricultural use on land with 15% - 25% slopes (North County Area Plan only);
- L. Farm worker housing facility;

- M. Farm employee housing facilities for more than two families or five single persons;
- N. Keeping and raising of mink (ZA);
- O. 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;
- P. Water system facilities including wells and storage tanks serving 15 or more service connections;
- Q. Reserved;
- R. Assemblages of people, such as carnivals, festivals, races and circuses, not exceeding 10 days and not involving construction of permanent facilities (ZA);
- S. Accessory structures and uses prior to establishment of main use or structure (ZA);
- T. Large family day care facilities (ZA);
- U. Cottage industries, pursuant to Section 20.64.095 (ZA);
- V. Reserved;
- W. Public stables on a minimum of ten acres (ZA);
- X. Mobile Home Parks pursuant to Section 20.64.210 (Not in Del Monte Forest);
- Y. Conditional Certificates of Compliance;
- Z. Other residential uses of a similar character, density and intensity to those uses listed in this Section determined by the Planning Commission to be consistent and compatible with the intent of this Chapter and the applicable land use plan;
- AA. Subdivisions;
- BB. Lot Line Adjustments.

20.14.060 SITE DEVELOPMENT STANDARDS.

A. Minimum Building Site

The minimum building site shall be 1 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, 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.

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 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: 15%

F. Floor Area Ratio (Del Monte Forest Only)

LDR/1 Zoning Districts: 20%

LDR/1.5 Zoning Districts: 17.5%

LDR/2 Zoning Districts: 17.5%

G. Parking Regulations

Parking for all development shall be established pursuant to Chapter 20.58.

H. Landscaping Requirements

None, except as may be required by condition of approval of a Coastal Administrative or Coastal Development Permit.

I. Lighting Plan Requirements:

None, except as may be required by condition of approval of a Coastal Administrative or Coastal Development Permit.

J. Sign Regulations

Signing for all development shall be established pursuant to Chapter 20.60.

20.14.70 SPECIAL REGULATIONS.

A. Manufactured Dwelling Units

Manufactured dwelling units meeting the standards of Section 20.64.040 are permitted subject to the requirements of any conventional dwelling unit in this Chapter.

B. Vehicle Trip Reduction

The following types of development are subject to Section 20.64.250 (Regulations for the Reduction of Vehicle Trips) of this Title:

- a) Any residential development of 25 or more units.

Chapter 20.16

REGULATIONS FOR RURAL DENSITY RESIDENTIAL ZONING DISTRICTS OR "RDR (CZ)" DISTRICTS

Sections:

20.16.010	Purpose.
20.16.020	Applicability.
20.16.030	Nonexempt Uses
20.16.040	Principal Uses Allowed, Coastal Administrative Permit Required in Each Case.
20.16.050	Conditional Uses Allowed, Coastal Development Permit Required in Each Case.
20.16.060	Site Development Standards.
20.16.070	Special Regulations.

20.16.010 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.

20.16.020 APPLICABILITY.

The regulations of this Chapter shall apply in all "RDR" districts subject to Chapter 20.62 (Height and Setback Exceptions) and 20.70 (Coastal Development Permits) of this Title.

20.16.030 NONEXEMPT DEVELOPMENT.

The following list shall require a coastal development permit regardless of which category of allowed uses it falls into:

- A. Development which will cause a Significant Environmental Impact;
- B. Development within the Critical Viewshed as defined by Section 20.145.020.V (Big Sur);
- C. Development on slopes of 30% or greater (25% in North County) except as provided for in Section 20.64.230 (C) (2) and (3);
- D. Ridgeline Development;
- E. Development within 100 feet of mapped or field identified environmentally sensitive habitats;

- F. Development with positive archaeological reports;
- G. Land divisions;
- H. Development of new or expanded agricultural operations if 50% or more of the parcel has a slope of 10% or greater; or where the operation is to occur on soils with a high or very high erosion hazard potential, according to the Soil Conservation Service Soil Survey Manual.

20.16.040 PRINCIPAL USES ALLOWED, COASTAL ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE. (Chapter 20.76) UNLESS EXEMPT (Section 20.70.120)

- A. The first single family dwelling per legal lot of record;
- B. Guesthouses meeting the development standards of Section 20.64.020;
- C. The keeping of pets;
- D. Rooming and boarding of not more than 2 persons;
- E. Accessory structures and accessory uses to any principal use;
- F. Temporary residences, pursuant to Section 20.64.070, 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 homes conducted within an existing structure;
- I. Licensed residential care homes for aged persons or hospices of not more than 6 persons including any permitted rooming and boarding conducted within an existing structure;
- J. Water system facilities including wells and storage tanks serving up to 14 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 1 horse, mule, cow, or similar livestock shall be kept for each 20,000 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 a Coastal Development Permit;
- M. Home occupations, pursuant to Section 20.64.090;

- 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. Crop farming, tree farming, viticulture and horticulture;
- P. Intermittent livestock farming or animal husbandry such as "4-H" projects,
- Q. Senior citizen units meeting the development standards of Section 20.64.010;
- R. Tract sales or rental offices;
- S. Farm employee housing facility for not more than two families or five single persons;
- T. Second residential units not exceeding the zoning density of the property;
- U. Reduction in setback requirements provided the proposed reduction is 10 percent or less of the required setbacks;
- V. Additions to existing, approved wireless communications facilities, pursuant to Section 20.64.310;

**20.16.050 CONDITIONAL USES ALLOWED, COASTAL DEVELOPMENT
PERMIT REQUIRED IN EACH CASE. (Chapter 20.70) UNLESS
EXEMPT (Section 20.70.120)**

- 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. Commercial kennels (ZA);
- D. Public stables on a minimum of 10 acres (ZA);
- E. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- F. Legal nonconforming use changed to a use of a similar or more restricted nature;
- G. Bed and Breakfast facilities, pursuant to Section 20.64.100;
- H. Commercial and noncommercial wind energy conversion systems;
- I. Caretaker units meeting the development standard of Section 20.64.030 (not in Big Sur);

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

- GG. Zoos or zoological gardens for the purpose of raising, maintaining, keeping or exhibiting any wild animal;
- HH. Stands for the sale of agricultural products grown on the premises having permanent electricity, plumbing or paving (ZA);
- II. Cottage industries, pursuant to Section 20.64.095 (ZA);
- JJ. Reserved;
- KK. Creation or use of Transfer Development Credits pursuant to Chapter 20.64.90 of this Ordinance (Big Sur only);
- LL. Conditional Certificates of Compliance;
- MM. Detached structures accessory to any conditional use;
- NN. Other residential or agricultural uses of a similar nature, intensity and density as those listed in this Section determined by the Planning Commission to be consistent and compatible with the intent of this Chapter and the applicable land use plan;
- OO. Mobile Home Parks, pursuant to Section 20.64.210;
- PP. Subdivisions;
- QQ. Lot Line Adjustments;
- RR. Wireless communication facilities, pursuant to Section 20.64.310

20.16.060 SITE DEVELOPMENT STANDARDS.

A. Minimum Building Site

The minimum building site shall be 5 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 10 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. "RDR/10(24)" would limit structure height to 24 feet), setback requirements when combined with a "B" district, 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.

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 20.58.

G. Landscaping Requirements

None, except as may be required by condition of approval of a Coastal Administrative or Coastal Development Permit

H. Lighting Plan Requirements

None, except as may be required by condition of approval of a Coastal Administrative or Coastal Development Permit

I. Sign Regulations

Signing for all development shall be established pursuant to Chapter 20.60.

20.16.070 SPECIAL REGULATIONS.

A. Manufactured Dwelling Units

Manufactured dwelling units meeting the standards of Section 20.64.040 are permitted subject to the requirements of any conventional dwelling unit in this Chapter.

B. Vehicle Trip Reduction

The following types of development are subject to Section 20.64.250 (Regulations for the Reduction of Vehicle Trips) of this Title:

- a) Any residential development of 25 or more units.

Chapter 20.17

REGULATIONS FOR WATERSHED AND SCENIC CONSERVATION RESIDENTIAL ZONING DISTRICTS OR "WSC (CZ)" DISTRICTS

Sections:

20.17.010	Purpose.
20.17.020	Applicability.
20.17.030	Nonexempt Development
20.17.040	Principal Uses Allowed, Coastal Administrative Permit Required in Each Case.
20.17.050	Conditional Uses Allowed, Coastal Development Permit Required in Each Case.
20.17.060	Site Development Standards.
20.17.070	Special Regulations.

20.17.010 PURPOSE.

The purpose of this chapter is to provide a district to allow development in the more remote or mountainous areas in the Coastal Zone 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.

20.17.020 APPLICABILITY.

The regulations of this Chapter shall apply in all "WSC" districts subject to Chapter 20.62 (Height and Setback Exceptions) and 20.70 (Coastal Development Permits) of this Title.

20.17.030 NONEXEMPT DEVELOPMENT.

The following list shall require a coastal development permit regardless of which category of allowed uses it falls into:

- A. Development which will cause a Significant Environmental Impact.
- B. Development within the Critical Viewshed as defined by Section 20.145.020.V (Big Sur);
- C. Development on slopes of 30% or greater (25% in North County) except as provided for in Section 20.64.230 (C) (2) and (3);
- D. Ridgeline Development;

- E. Development within 100 feet of mapped or field identified environmentally sensitive habitats;
- F. Development with positive archaeological reports;
- G. Land divisions;
- H. Development of new or expanded agricultural operations if 50% or more of the parcel has a slope of 10% or greater; or where the operation is to occur on soils with a high or very high erosion hazard potential, according to the Soil Conservation Service Soil Survey Manual.

20.17.040 PRINCIPAL USES ALLOWED, COASTAL ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE. (Chapter 20.76) UNLESS EXEMPT (Section 20.70.120)

- A. The first single family dwelling per legal lot of record;
- B. Guesthouses meeting the development standards of Section 20.64.020;
- C. The keeping of pets;
- D. Rooming and boarding of not more than 2 persons;
- E. Accessory structures and accessory uses to any principal use;
- F. Temporary residences, pursuant to Section 20.64.070, 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 homes conducted within an existing structure;
- I. Licensed residential care homes for aged persons or hospices of not more than 6 persons including any permitted rooming and boarding conducted within an existing structure;
- J. Water system facilities including wells and storage tanks serving 14 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 1 horse, mule, cow, or similar livestock shall be kept for each 20,000 square feet of land area;
- L. All agricultural uses on a minimum of 10 acres including crop and tree farming, livestock farming, animal husbandry, apiaries, aviaries, except for those uses requiring a Coastal Administrative or Coastal Development Permit;

- M. Home occupations, pursuant to Section 20.64.090;
- 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 (ZA);
- O. Crop farming, tree farming, viticulture and horticulture;
- P. Intermittent livestock farming or animal husbandry such as "4-H" projects;
- Q. Senior citizen units meeting the development standards of Section 20.64.010;
- R. Farm employee housing facility for not more than two families or five single persons;
- S. Second residential units not exceeding the zoning density of the property;
- T. Reduction in setback requirements provided the proposed reduction is 10% or less of the required setbacks;
- U. The use of mobilehomes for farm employee quarters;
- V. Additions to existing, approved wireless communications facilities, pursuant to Section 20.64.310;

20.17.050 CONDITIONAL USES ALLOWED, COASTAL DEVELOPMENT PERMIT REQUIRED IN EACH CASE. (Chapter 20.70) UNLESS EXEMPT (Section 20.70.120)

- 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. Commercial kennels (ZA);
- D. Public stables on a minimum of 10 acres (ZA);
- E. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- F. Legal nonconforming use changed to a use of a similar or more restricted nature;
- G. Bed and Breakfast facilities, pursuant to Section 20.64.100;
- H. Commercial and noncommercial wind energy conversion systems;

- I. Caretaker units meeting the development standard of Section 20.64.030;
- J. Agricultural support services (ZA);
- K. Farm worker housing facility;
- L. Farm employee housing facility for more than two families or five single persons;
- M. Keeping and raising of mink (ZA);
- N. Water system facilities including wells and storage tanks serving 15 or more service connections;
- O. Reserved;
- P. Assemblages of people, such as carnivals, festivals, races and circuses not exceeding 10 days and not involving construction of permanent facilities (ZA);
- Q. Accessory structures and uses prior to establishment of main use or structure (ZA);
- R. Large family day care facilities (ZA);
- S. Frog farms (ZA);
- T. Commercial hog and turkey raising on a minimum of 10 acres (ZA);
- U. Livestock feed yards on a minimum of 20 acres (ZA);
- V. Animal sales yards on a minimum of 10 acres (ZA);
- W. Dairies on a minimum of 40 acres (ZA);
- X. Animal hospitals (ZA);
- Y. Poultry farms on a minimum of 5 acres (ZA);
- Z. Riding and roping arena operations on a minimum of 10 acres (ZA);
- AA. Zoos or zoological gardens for the purpose of raising, maintaining, keeping or exhibiting any wild animal;
- BB. Stands for the sale of agricultural products grown on the premises having permanent electricity, plumbing or paving;
- CC. Cottage industries, pursuant to Section 20.64.095 (ZA);
- DD. Reserved;

- EE. Creation or use of Transfer Development Credits pursuant to Chapter 20.64.90 of this Ordinance (Big Sur only);
- FF. Conditional Certificates of Compliance;
- GG. Detached structures accessory to any conditional use;
- HH. Other residential or agricultural uses of a similar nature, intensity and density as those listed in this Section determined by the Planning Commission to be consistent and compatible with this Chapter and the applicable land use plan;
- II. Subdivisions;
- JJ. Lot Line Adjustments.
- KK. Wireless communications facilities, pursuant to Section 20.64.310.

20.17.060 SITE DEVELOPMENT STANDARDS.

A. Minimum Building Site

For clustering purposes only, the minimum building site area shall not be less than 1 acre.

B. Development Density, Maximum

The maximum development density shall not exceed the acres/unit shown for the specific "WSC" district as shown on the zoning map (e.g. "WSC/40" means a "WSC" district with a maximum gross density of 40 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. "WSC/40(18)" would limit structure height to 18 feet), setback requirements when combined with a "B" district, 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.

1. Main Structures

a) Minimum Setbacks

Front: 30 feet

Side: 20 feet

Rear: 20 feet

b) Height

Maximum Height: 24 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: 10%

F. Parking Regulations

Parking for all development shall be established pursuant to Chapter 20.58.

G. Landscaping Requirements

None, except as may be required by condition of approval of a Coastal Administrative or Coastal Development Permit

H. Lighting Plan Requirements

None, except as may be required by condition of approval of a Coastal Administrative or Coastal Development Permit

I. Sign Regulations

Signing for all development shall be established pursuant to Chapter 20.60.

20.17.070 SPECIAL REGULATIONS.

A. Manufactured Dwelling Units

Manufactured dwelling units meeting the standards of Section 20.64.040 are permitted subject to the requirements of any conventional dwelling unit in this Chapter.

B. Vehicle Trip Reduction

The following types of development are subject to Section 20.64.250 (Regulations for the Reduction of Vehicle Trips) of this Title:

a) Any residential development of 25 or more units.

Chapter 20.18

REGULATIONS FOR COASTAL GENERAL COMMERCIAL ZONING DISTRICTS OR "CGC (CZ)" DISTRICTS

Sections:

- 20.18.010 Purpose.
- 20.18.020 Applicability.
- 20.18.030 General Development Plan.
- 20.18.040 Nonexempt Development.
- 20.18.050 Principal Uses Allowed, Coastal Administrative Permit Required in Each Case.
- 20.18.060 Conditional Uses Allowed, Coastal Development Permit Required in Each Case.
- 20.18.070 Site Development Standards.
- 20.18.080 Special Regulations.

20.18.010 PURPOSE.

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

20.18.020 APPLICABILITY.

The regulations of this Chapter shall apply in all "CGC" districts subject to the provisions of Chapter 20.62 (Height and Setback Exceptions) and Chapter 20.70 (Coastal Development Permits) of this Title.

20.18.030 GENERAL DEVELOPMENT PLAN.

- A. A General Development Plan shall be required prior to the establishment of any development in the Coastal General 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 purpose of this Chapter.

20.18.040 NONEXEMPT DEVELOPMENT.

The following list shall require a coastal development permit regardless of which category of allowed uses it falls into:

- A. Development which will cause a Significant Environmental Impact;
- B. Development within the Critical Viewshed as defined by Section 20.145.020.V (Big Sur);
- C. Development on slopes of 30% or greater (25% in North County) except as provided for in Section 20.64.230 (C) (2) and (3);
- D. Ridgeline Development;
- E. Development within 100 feet of mapped or field identified environmentally sensitive habitats;
- F. Development with positive archaeological reports;
- G. Land divisions;
- H. Development of new or expanded agricultural operations if 50% or more of the parcel has a slope of 10% or greater; or where the operation is to occur on soils with a high or very high erosion hazard potential, according to the Soil Conservation Service Soil Survey Manual.

**20.18.050 PRINCIPAL USES ALLOWED, COASTAL ADMINISTRATIVE PERMIT
REQUIRED IN EACH CASE. (CHAPTER 20.76) UNLESS EXEMPT
(Section 20.70.120)**

- 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 14 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. Appliance stores;
- E. Barber shops;
- F. Beauty shops;
- G. Book stores;
- H. Clothing and apparel stores;
- I. Drug stores;
- J. Banks less than 5,000 square feet of floor area;
- K. Shoe shops;
- L. Shoe stores;
- M. Art galleries;
- N. Convenience markets;
- O. Stationery and office supply stores;
- P. Photography studios;
- Q. Florists;
- R. Gift and card stores;
- S. Offices less than 5000 square feet of floor area;
- T. Locksmith, key and lock shops;

- U. Bicycle shops;
- V. Hardware store, excluding lumber sales and outside storage of materials;
- W. Accessory structures and uses appurtenant to any permitted use provided there is not intensification of the permitted use;
- X. Reduction in setback requirements of 10% or less of the required setback;
- Y. Picture framing businesses;
- Z. Storage, rental and sale of irrigation equipment.

**20.18.060 CONDITIONAL USES ALLOWED, COASTAL DEVELOPMENT
PERMIT REQUIRED IN EACH CASE. (Chapter 20.70) UNLESS
EXEMPT (Section 20.70.120)**

- A. Hotels and motels (ZA);
- B. Animal hospitals (ZA);
- C. Parking lots (ZA);
- D. Auto sales (ZA);
- E. Banks greater than 5,000 square feet (ZA);
- F. Open air retail and wholesale sales (ZA);
- G. Mini warehouse storage warehouses (ZA);
- H. Theaters (ZA);
- I. Restaurants (ZA);
- J. Service stations (ZA);
- K. Caretaker units 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 10 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 15 or more service connections;
- P. Refreshment stands (ZA);
- 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 kennels (ZA);
- U. Any lots or establishments where alcoholic beverages are served, commercial places 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. Quarrying (Del Monte Forest only);
- X. Campgrounds (ZA) (not in Del Monte Forest);
- Y. Wholesale and retail establishments distributing materials and products essential to agriculture and farming operations, except manure;
- Z. Day care centers (ZA);
- AA. Reserved;
- BB. Contractors yards (not in Del Monte Forest);
- CC. Conditional Certificates of Compliance;
- DD. Lumber yards;
- EE. Mini-warehouse storage;
- FF. Professional/Administrative offices greater than 5,000 square feet of floor area (ZA);
- GG. Laundries (ZA);
- HH. Other commercial uses of a similar character, density and intensity as those listed in this Section determined by the Planning Commission to be consistent and compatible with the intent of this Chapter and the applicable land use plan;
- II. Service Centers (ZA);

- JJ. General Retail;
- KK. Recreational Vehicle and Trailer Storage;
- LL. Clubs and Lodges;
- MM. Food Stores;
- NN. Subdivisions;
- OO. Lot Line Adjustments.
- PP. Wireless communications facilities, pursuant to Section 20.64.310.

20.18.070 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. "CGC/(24)" would limit structure height to 24 feet).
2. Setbacks for developments in the "CGC" 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 20.58.

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 20.60.

G. Minimum Building Site Area

The minimum building area shall be 10,000 square feet in areas served by public sewers; one acre if served by septic tanks.

20.18.080 SPECIAL REGULATIONS.

A. Manufactured Dwelling Units

Manufactured dwelling units meeting the standards of Section 20.64.040 are permitted subject to the requirements of any conventional dwelling unit in this Chapter.

B. Vehicle Trip Reduction

The following types of development are subject to Section 20.64.250 (Regulations for the Reduction of Vehicle Trips) of this Title:

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

Chapter 20.20

REGULATIONS FOR MOSS LANDING COMMERCIAL ZONING DISTRICTS OR "MLC (CZ)" DISTRICT

Sections:

20.20.010	Purpose.
20.20.020	Applicability.
20.20.030	General Development Plan.
20.20.040	Nonexempt Development
20.20.050	Principal Uses Allowed, Coastal Administrative Permit Required in Each Case.
20.20.060	Conditional Uses Allowed, Coastal Development Permit Required in Each Case.
20.20.070	Site Development Standards.
20.20.080	Special Regulations.

20.20.010 PURPOSE.

The purpose of this Chapter is to provide a district to maintain a range of commercial and residential uses on Moss Landing Road, such that the uses are suitable for the convenience and service of residents and visitors while also maintaining the unique historical and architectural character of Moss Landing Road.

20.20.020 APPLICABILITY.

The regulations of this Chapter shall apply in all "MLC" zoning districts, subject to the provisions of Chapter 20.62 (Height and Setback Exceptions) and Chapter 20.70 (Coastal Development Permits) of this Title.

20.20.030 GENERAL DEVELOPMENT PLANS.

A. A General Development Plan shall be required prior to the establishment of any development in the Moss Landing Commercial district if there is no prior approved General Development Plan and if:

- 1) The lot is in excess of 1 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 purpose of this Chapter.

20.20.040 NONEXEMPT DEVELOPMENT.

The following list shall require a coastal development permit regardless of which category of allowed uses it falls into:

- A. Development which will cause a Significant Environmental Impact;
- B. Development within the Critical Viewshed as defined by Section 20.145.020.V (Big Sur);
- C. Development on slopes of 30% or greater (25% in North County) except as provided for in Section 20.64.230 (C) (2) and (3);
- D. Ridgeline Development;
- E. Development within 100 feet of mapped or field identified environmentally sensitive habitats;
- F. Development with positive archaeological reports;
- G. Land divisions;
- H. Development of new or expanded agricultural operations if 50% or more of the parcel has a slope of 10% or greater; or where the operation is to occur on soils with a high or very high erosion hazard potential, according to the Soil Conservation Service Soil Survey Manual.

**20.20.050 PRINCIPAL USES ALLOWED, COASTAL ADMINISTRATIVE PERMIT
REQUIRED IN EACH CASE. (Chapter 20.76) UNLESS EXEMPT (Section
20.70.120)**

- 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 14 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. Offices less than 5,000 square feet of floor area;
- D. Retail stores and shops of a light commercial character and conducted within a building;
- E. 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;
- F. General Stores;
- G. Caretaker units for the purpose of providing on-site security;
- H. Mini-warehouse storage facilities of less than 5,000 square feet of floor area;
- I. Reduction in setback requirements provided the proposed reduction is 10% percent or less of the required setbacks;
- J. Accessory structures and accessory uses appurtenant to any permitted use provided there is no intensification of the permitted use;
- K. Drug stores;
- L. Dress shops;
- M. Book stores;
- N. Banks;
- O. Used and secondhand goods shops;
- P. Chandleries;
- Q. Antique shops;
- R. Shops of a light commercial character and conducted within a structure;

- S. Day care centers for use of on-site employees and employees of developments on the same lot or subdivision;
- T. Additions to existing, approved wireless communications facilities, pursuant to Section 20.64.310;

**20.20.060 CONDITIONAL USES ALLOWED, COASTAL DEVELOPMENT
PERMIT REQUIRED IN EACH CASE. (Chapter 20.70) UNLESS
EXEMPT (Section 20.70.120)**

- A. Office complexes greater than 5,000 square feet of floor area (ZA);
- B. Service stations (ZA);
- C. Marine and fishing related wholesale sales (ZA);
- D. Restaurants (ZA);
- E. Second-story dwellings at a density not to exceed 4 units per acre, located over a first floor commercial use (ZA);
- F. Laundries (ZA);
- G. Cottage industries, pursuant to Section 20.64.095 (ZA);
- H. Conditional Certificates of Compliance;
- I. Bed and Breakfast facilities pursuant to Section 20.64.100 (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. Zoos or zoological gardens for the purpose of raising, maintaining, keeping or exhibiting any wild animal;
- M. Public and quasi-public uses including churches, parks, playgrounds, schools, public safety facilities, public utility facilities, jails, rehabilitation centers and detention facilities;
- N. Any lots or establishments where alcoholic beverages are served, commercial places of amusement or recreation, or any places where live entertainment is provided within 200 feet of the boundary of a residential district (ZA);
- O. Ridgeline development;
- P. Reserved;

- Q. Research laboratories, provided such use does not produce undue odor, noise, smoke, or other objectionable effects;
- R. Day care centers (ZA);
- S. Reserved;
- T. Other commercial uses of a similar character, density and intensity as those listed in this Section which do not adversely impact the neighborhood or the neighborhood historical and architectural character and determined by the Planning Commission to be consistent and compatible with the intent of this Chapter and the applicable land use plan.
- U. Lot Line Adjustments.
- V. Wireless communications facilities, pursuant to Section 20.64.310;

20.20.070 SITE DEVELOPMENT STANDARDS.

A. Structure Height and Setback Regulations

1. The maximum height shall be 24 feet above the center line of Moss Landing Road.
2. An addition to height, up to a maximum of 30 feet above natural grade, may be allowed provided that the gross square footage of the second story does not exceed 40% of the structure's footprint. The addition to height shall require a variance considered as part of the overall Coastal Development Permit.
3. Any additional structural height required for flood control purposes shall be included within, and not considered an addition to, the maximum building height and any addition to height allowed by variance.
4. Setbacks for developments in the "MLC" district are established by the approval of the General Development Plan where such plan is required.
5. 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.
6. 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.

7. In any case involving properties adjacent to or including wetlands, setbacks for development shall comply with the provisions of Section 20.144.040.C.2.d.

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

C. Parking Regulations: All parking shall be established pursuant to Chapter 20.58.

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 20.60.

G. Minimum Lot Size

The minimum size of a lot created through a subdivision shall be 10,000 square feet.

H. Design

1. Building and structural design shall conform to the early American style, reflecting the early port and commercial fishing and Western character of Moss Landing Road. Appropriate design features include:

- a) small scale structures;
- b) low vertical height;
- c) wide covered porches extending the length of the building's frontage;
- d) wooden posts framing the front covered porch;
- e) false front on the second story of the building;
- f) wood frames around doors and windows;
- g) multi-paned windows; and,

- h) double-entry front doors.
- 2. Buildings shall be of a one-story or two-story design.
- 3. Exterior wall material shall be composed of wood siding.
- 4. Exterior walls and trim shall either be natural wood, wood stain, or painted a natural-tone color.
- 5. Exterior doors shall be of a wood panel or wood frame construction.
- 6. Utility lines shall be placed underground. As an exception, the underground utility requirement may be waived by the decision-making body hearing the coastal development permit only if it has been verified in writing by the utility-provider that underground utilities cannot be provided to the development.

20.20.080 SPECIAL REGULATIONS.

A. Manufactured Dwelling Units

Manufactured dwelling units meeting the standards of Section 20.64.040 are permitted subject to the requirements of any conventional dwelling unit in this Chapter.

B. Vehicle Trip Reduction

The following types of development are subject to Section 20.64.250 (Regulations for the Reduction of Vehicle Trips) of this Title:

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

Chapter 20.21

REGULATIONS FOR INSTITUTIONAL COMMERCIAL ZONING DISTRICTS OR "IC (CZ)" DISTRICTS

Sections:

20.21.010	Purpose
20.21.020	Applicability
20.21.030	General Development Plans
20.21.040	Nonexempt Development
20.21.050	Principal Uses Allowed, Coastal Administrative Permit Required in each case.
20.21.060	Conditional Uses Allowed, Coastal Development Permit Required in Each Case.
20.21.070	Site Development Standards.
20.21.080	Special Regulations.

20.21.010 PURPOSE.

The purpose of this Chapter is to provide a district to establish areas necessary for the maintenance and/or establishment of public and private institution type uses in the County of Monterey.

20.21.020 APPLICABILITY.

The regulations of this Chapter shall apply in all "IC" districts subject to the provisions of Chapter 20.62 (Height and Setback Exceptions) and Chapter 20.70 (Coastal Development Permits) of this Title.

20.21.030 GENERAL DEVELOPMENT PLAN.

- A. A General Development Plan shall be required prior to the establishment of any development in the Institutional Commercial district if there is no prior approved General Development Plan and if:
- 1) The lot is in excess of 1 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 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 purpose of this Chapter.

21.21.040 NONEXEMPT DEVELOPMENT.

The following list shall require a coastal development permit regardless of which category of allowed uses it falls into:

- A. Development which will cause a Significant Environmental Impact;
- B. Development within the Critical Viewshed as defined by Section 20.145.020.V (Big Sur);
- C. Development on slopes of 30% or greater (25% in North County) except as provided for in Section 20.64.230 (C) (2) and (3);
- D. Ridgeline Development;
- E. Development within 100 feet of mapped or field identified environmentally sensitive habitats;
- F. Development with positive archaeological reports;
- G. Land divisions;
- H. Development of new or expanded agricultural operations if 50% or more of the parcel has a slope of 10% or greater; or where the operation is to occur on soils with a high or very high erosion hazard potential, according to the Soil Conservation Service Soil Survey Manual.

**20.21.050 PRINCIPAL USES ALLOWED, COASTAL ADMINISTRATIVE PERMIT
REQUIRED IN EACH CASE. (Chapter 20.76) UNLESS EXEMPT (Section
20.70.120)**

- A. Change of institutional commercial 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 14 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. One caretaker unit for the purpose of providing on-site security;
- D. Reduction in setback requirements provided the proposed reduction is 10% percent or less of the required setbacks;
- E. Accessory structures and accessory uses appurtenant to any principal allowed use provided there is no intensification of the principal allowed use;
- F. Additions to existing, approved wireless communications facilities pursuant to Section 20.64.310;
- G. Wireless communications facilities, pursuant to Section 20.64.310;

**20.21.060 CONDITIONAL USES ALLOWED, COASTAL DEVELOPMENT
PERMIT REQUIRED IN EACH CASE. (Chapter 20.70) UNLESS
EXEMPT (Section 20.70.120)**

- A. Public and private schools;
- B. Hospitals, clinics;
- C. Firehouses;
- D. Subdivisions;
- E. Conditional Certificates of Compliance;
- F. Other institutional uses of a similar character, density and intensity to those listed in this Section determined by the Planning Commission to be consistent and compatible with the intent of this Chapter and the applicable land use plan;
- G. Lot Line Adjustments.

20.21.070 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. "IC (24')" would limit structure height to 24 feet).
2. Setbacks for development in the IC 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: 40%, excluding parking and landscaping.

C. Parking Regulations: All parking shall be established pursuant to Chapter 20.58.

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 20.60.

G. Building Site Area

The minimum building site area shall not be less than 10,000 square feet

20.21.080 SPECIAL REGULATIONS.

A. Manufactured Dwelling Units

Manufactured dwelling units meeting the standards of Section 20.64.040 are permitted subject to the requirements of any conventional dwelling unit in this Chapter.

B. Vehicle Trip Reduction

The following types of development are subject to Section 20.64.250 (Regulations for the Reduction of Vehicle Trips) of this Title:

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

Chapter 20.22

REGULATIONS FOR VISITOR SERVING COMMERCIAL ZONING DISTRICTS OR "VSC (CZ)" DISTRICTS

Sections:

20.22.010	Purpose.
20.22.020	Applicability.
20.22.030	General Development Plans.
20.22.040	Nonexempt Development
20.22.050	Principal Uses Allowed, Coastal Administrative Permit Required in Each Case.
20.22.060	Conditional Uses Allowed, Coastal Development Permit Required in Each Case.
20.22.070	Site Development Standards.
20.22.080	Special Regulations.

20.22.010 PURPOSE.

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

20.22.020 APPLICABILITY.

The regulations of this Chapter shall apply in all "VSC" districts subject to the provisions of Chapter 20.62 (Height and Setback Exceptions) and Chapter 20.70 (Coastal Development Permits) of this Title.

20.22.030 GENERAL DEVELOPMENT PLAN.

- A. A General Development Plan shall be required prior to the establishment of any development in the Visitor Serving Commercial district if there is no prior approved General Development Plan and if:
- 1) The lot is in excess of 1 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 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 purpose of this Chapter.

20.22.040 NONEXEMPT DEVELOPMENT.

The following list shall require a coastal development permit regardless of which category of allowed uses it falls into:

- A. Development which will cause a Significant Environmental Impact;
- B. Development within the Critical Viewshed as defined by Section 20.145.020.V (Big Sur);
- C. Development on slopes of 30% or greater (25% in North County) except as provided for in Section 20.64.230 (C) (2) and (3);
- D. Ridgeline Development;
- E. Development within 100 feet of mapped or field identified environmentally sensitive habitats;
- F. Development with positive archaeological reports;
- G. Land divisions;
- H. Development of new or expanded agricultural operations if 50% or more of the parcel has a slope of 10% or greater; or where the operation is to occur on soils with a high or very high erosion hazard potential, according to the Soil Conservation Service Soil Survey Manual.

**20.22.050 PRINCIPAL USES ALLOWED, COASTAL ADMINISTRATIVE PERMIT
REQUIRED IN EACH CASE. (Chapter 20.76) UNLESS EXEMPT (Section
20.70.120)**

- A. Change of visitor serving commercial 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 14 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. One caretaker unit for the purpose of providing on-site security;
- D. Reduction in setback requirements provided the proposed reduction is 10% percent or less of the required setbacks;
- E. Accessory structures and accessory uses appurtenant to any principal allowed use provided there is no intensification of the permitted use;
- F. Additions to existing, approved wireless communications facilities pursuant to Section 20.64.310;

**20.22.060 CONDITIONAL USES ALLOWED, COASTAL DEVELOPMENT
PERMIT REQUIRED IN EACH CASE. (Chapter 21.70)**

- A. Hotels, motels, hostels, inns (ZA);
- B. Restaurants (ZA);
- C. Service stations (ZA);
- D. Recreational vehicle parks (Not in Del Monte Forest) (ZA);
- E. Employee housing, accessory to an allowed use (ZA);
- F. Day care centers (ZA);
- G. Assemblages of people, such as carnivals, festivals, races and circuses not exceeding ten days and not involving construction of permanent facilities (ZA);
- H. Accessory structures and uses prior to establishment of main use or structure (ZA);
- I. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- J. Legal nonconforming use changed to a use of a similar or more restricted nature (ZA);

- K. Water system facilities including wells and storage tanks serving 15 or more service connections;
- L. Single family residential uses provided for in a certified land use plan;
- M. Ridgeline development;
- N. Zoos or zoological gardens for the purpose of raising, maintaining, keeping or exhibiting any wild animal;
- O. Public and quasi-public uses including churches, parks, playgrounds, schools, public safety facilities, public utility facilities, jails, rehabilitation centers and detention facilities;
- P. Any lots or establishments where alcoholic beverages are served, commercial places of amusement or recreation or any places where live entertainment is provided within 200 feet of the boundary of a residential district (ZA);
- Q. Conditional certificate of compliance;
- R. Reserved;
- S. Campgrounds and moderate intensity recreational use, including tent platforms, cabins, parks, stables, bicycle paths, restrooms, and interpretive facilities.
- T. Day care centers (ZA);
- U. Reserved;
- V. Visitor-serving recreational uses and facilities for recreational activities consistent with the limitations set forth by the North County Land Use Plan (North County only);
- W. Other visitor-serving uses of a similar character, density and intensity as those listed in this Section determined by the Planning Commission to be consistent and compatible with the intent of this Chapter and the applicable land use plan.
- X. Retail Stores and Offices accessory to Visitor Serving Uses;
- Y. Subdivisions;
- Z. Lot Line Adjustments;
- AA. Wireless communications facilities (ZA); pursuant to Section 20.64.310.

20.22.070 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. "VSC (24')" would limit structure height to 24 feet).
2. Setbacks for development in the VSC 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 20.58.

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 20.60.

G. Minimum Lot Size

The minimum size of a lot created through a subdivision shall be 10,000 square feet in areas served by public sewer and 1 acre in areas served by septic systems.

20.22.080 SPECIAL REGULATIONS.

A. Manufactured Dwelling Units

Manufactured dwelling units meeting the standards of Section 20.64.040 are permitted subject to the requirements of any conventional dwelling unit in this Chapter.

B. Vehicle Trip Reduction

The following types of development are subject to Section 20.64.250 (Regulations for the Reduction of Vehicle Trips) of this Title:

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

Chapter 20.24

REGULATIONS FOR AGRICULTURAL INDUSTRIAL ZONING DISTRICTS OR "AI (CZ)" DISTRICTS

Sections:

20.24.010	Purpose.
20.24.020	Applicability.
20.24.030	General Development Plans.
20.24.040	Nonexempt Development
20.24.050	Principal Uses Allowed, Coastal Administrative Permit Required in Each Case.
20.24.060	Conditional Uses Allowed, Coastal Development Permit Required in Each Case.
20.24.070	Site Development Standards.
20.24.080	Special Regulations.

20.24.010 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.

20.24.020 APPLICABILITY.

The regulations of in this Chapter shall apply in all "AI" districts and shall be subject to Chapter 20.62 (Height and Setback Exceptions) and Chapter 20.70 (Coastal Development Permits) of this Title.

20.24.030 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 1 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 purpose of this Chapter.

20.24.040 NONEXEMPT DEVELOPMENT.

The following list shall require a coastal development permit regardless of which category of allowed uses it falls into:

- A. Development which will cause a Significant Environmental Impact;
- B. Development within the Critical Viewshed as defined by Section 20.145.020.V (Big Sur);
- C. Development on slopes of 30% or greater (25% in North County) except as provided for in Section 20.64.230 (C) (2) and (3);
- D. Ridgeline Development;
- E. Development within 100 feet of mapped or field identified environmentally sensitive habitats;
- F. Development with positive archaeological reports;
- G. Land divisions;
- H. Development of new or expanded agricultural operations if 50% or more of the parcel has a slope of 10% or greater; or where the operation is to occur on soils with a high or very high erosion hazard potential, according to the Soil Conservation Service Soil Survey Manual.

20.24.050 PRINCIPAL USES ALLOWED, COASTAL ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE. (Chapter 20.76) UNLESS EXEMPT (Section 20.70.120)

- 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 14 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. One caretaker unit for the purpose of providing on-site security;
- E. Reduction in yard setback requirements provided the proposed reduction is 10% percent or less of the required setbacks;
- F. Accessory structures and uses appurtenant to any principal use allowed provided there is no intensification of the permitted use;
- G. Sale of hay and grain not grown on the premises;
- H. Retail sales which are accessory and incidental to the main uses permitted in this section; provided, that the sales area does not exceed 25% of the floor area;
- I. Water well drilling businesses;
- J. Rentals and sales of irrigation equipment;
- K. Day care centers for use of on-site employees and employees of developments on the same lot or subdivision;
- L. Additions to existing, approved wireless communications facilities pursuant to Section 20.64.310;
- M. Wireless communications facilities, pursuant to Section 20.64.310;

20.24.060 CONDITIONAL USES ALLOWED, COASTAL DEVELOPMENT PERMIT REQUIRED IN EACH CASE. (Chapter 20.70) UNLESS EXEMPT (Section 20.70.120)

- 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. Conditional Certificates of Compliance;
- M. Water system facilities including wells and storage tanks serving 15 or more service connections.
- N. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- O. Legal nonconforming use changed to a use of a similar or more restricted nature;
- P. Zoos or zoological gardens for the purpose of raising, maintaining, keeping or exhibiting any wild animal;
- Q. Public and quasi-public uses including churches, parks, playgrounds, public safety facilities, public utility facilities, jails, rehabilitation centers and detention facilities;
- R. Any lots or establishments where alcoholic beverages are served, commercial places of amusement or recreation or any places where live entertainment is provided within 200 feet of the boundary of a residential district (ZA);
- S. Reserved;
- T. Ridgeline development;
- U. Wholesale stores, storage and warehouses for agricultural purposes (ZA);

- V. Chemical laboratories, electronic products and instrument manufacturing for agricultural purposes;
- W. Food processing, fish canning and other uses of a similar character for agricultural purposes;
- X. Propane distributorships, sales and service of appliances and related equipment for agricultural purposes;
- Y. Research laboratories, provided such use does not produce undue odor, smoke, noise or other objectionable effects for agricultural purposes;
- Z. Wholesale distributors of petroleum products, contractors yards, welding shops and other uses of a similar character for agricultural purposes;
- AA. Trucking operations, including office and facilities for repair, servicing, fueling, storage and dispatching of commercial trucks for agricultural purposes;
- BB. Reserved;
- CC. Other agricultural or agricultural industrial uses of a similar character, intensity and density as those listed in this Section determined by the Planning Commission to be consistent and compatible with the intent of this Chapter and the applicable land use plan;
- DD. Animal Hospitals;
- EE. Kennels;
- FF. Employee Housing accessory to a permitted use;
- GG. Subdivisions;
- HH. Lot Line Adjustments.

20.24.070 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.
- B. Building Site Coverage, Maximum 50%, excluding parking and landscaping.
- C. Parking Regulations: All parking shall be established pursuant to Chapter 20.58.
- 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 20.60.

20.24.080 SPECIAL REGULATIONS.

A. Manufacturing and Fabrication Operations

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 6 feet in height.

B. Manufactured Dwelling Units

Manufactured dwelling units meeting the standards of Section 20.64.040 are permitted subject to the requirements of any conventional dwelling unit in this Chapter.

C. Vehicle Trip Reduction

The following types of development are subject to Section 20.64.250 (Regulations for the Reduction of Vehicle Trips) of this Title:

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

Chapter 20.26

REGULATIONS FOR LIGHT INDUSTRIAL ZONING DISTRICTS OR "LI (CZ)" DISTRICTS

Sections:

20.26.010	Purpose.
20.26.020	Applicability.
20.26.030	General Development Plans.
20.26.040	Nonexempt Development
20.26.050	Principal Uses Allowed, Coastal Administrative Permit Required in Each Case.
20.26.060	Conditional Uses Allowed, Coastal Development Permit Required in Each Case.
20.26.070	Site Development Standards.
20.26.080	Special Regulations.

20.26.010 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.

20.26.020 APPLICABILITY.

The regulations of this Chapter shall apply in all "LI" districts subject to the provisions of Chapter 20.62 (Height and Setback Exceptions) and Chapter 20.70 (Coastal Development Permits) of this Title.

20.26.030 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 1 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 purpose of this Chapter.

20.26.040 NONEXEMPT DEVELOPMENT.

The following list shall require a coastal development permit regardless of which category of allowed uses it falls into:

- A. Development which will cause a Significant Environmental Impact;
- B. Development within the Critical Viewshed as defined by Section 20.145.020.V (Big Sur);
- C. Development on slopes of 30% or greater (25% in North County) except as provided for in Section 20.64.230 (C) (2) and (3);
- D. Ridgeline Development;
- E. Development within 100 feet of mapped or field identified environmentally sensitive habitats;
- F. Development with positive archaeological reports;
- G. Land divisions;
- H. Development of new or expanded agricultural operations if 50% or more of the parcel has a slope of 10% or greater; or where the operation is to occur on soils with a high or very high erosion hazard potential, according to the Soil Conservation Service Soil Survey Manual.

**20.26.050 PRINCIPAL USES ALLOWED, COASTAL ADMINISTRATIVE PERMIT
REQUIRED IN EACH CASE. (CHAPTER 20.76) UNLESS EXEMPT
(Section 20.70.120)**

- 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 14 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. The manufacture of clothing;
- E. Interior decorating businesses;
- F. Picture framing businesses;
- G. Craft shops for the manufacture of art, jewelry, silver ware, ceramics, leather goods, toys, bookbinding, editorial and designing, printing, lithography;
- H. Other light industries of a similar character; provided, that none of the above uses produce undue odor, dust, smoke, noise, or other objectionable effects;
- I. Reduction in setback requirements provided the proposed reduction is ten percent or less of the required setbacks;
- J. Parking lots used in conjunction to an adjoining commercial or retail use;
- K. Mini-warehouse facilities;
- L. One caretaker unit for the purpose of providing on-site security;
- M. Retail sales which are accessory and incidental to the main uses permitted in this Section; provided, that the sales area does not exceed 25% of the floor area of the structure housing the sales facility;
- N. Warehouses and open air facilities for the storage of boats, trailers, and other marine or recreation oriented equipment of similar nature;
- O. Accessory structures and uses prior to establishment of main use or structure;
- P. Stands for the sale of agricultural products grown on the premises;
- Q. Day care centers;

- R. Auto repair facilities;
- S. 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;
- T. Contractors yards and offices;
- U. Shops of a light commercial character and conducted within a structure;
- V. Service stations;
- W. Accessory structures and uses appurtenant to any permitted use provided there is no intensification of the permitted use;
- X. Photography studios;
- Y. Stationery and office supply stores;
- Z. Storage, rental and sale of irrigation equipment;
- AA. The manufacture of clothing;
- BB. Additions to existing, approved wireless communications facilities pursuant to Section 20.64.310;
- CC. Wireless communications facilities, pursuant to Section 20.64.310;

**20.26.060 CONDITIONAL USES ALLOWED, COASTAL DEVELOPMENT
PERMIT REQUIRED IN EACH CASE. (CHAPTER 20.70) UNLESS
EXEMPT (Section 20.70.120)**

- A. Executive and professional offices (ZA);
- B. Boat storage and repair facilities including but not limited to boat building operations;
- 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 kennels (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. Reserved;
- O. Assemblages of people, such as carnivals, festivals, races and circuses not exceeding 10 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 distributorships 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 15 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. Conditional Certificates of Compliance;
- 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, playgrounds, public safety facilities, public utility facilities, jails, rehabilitation centers and detention facilities;
- Y. Any lots or establishments where alcoholic beverages are served, commercial places of amusement or recreation or any places where live entertainment is provided within 200 feet of the boundary of a residential district (ZA);

- Z. Marine related research facilities including but not limited to laboratories, offices and other reasonable related uses;
- 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. Reserved;
- HH. Marine supply stores including fishing; supplies and gas and oil products not including automobile service stations;
- II. Dormitories, rooming houses, and cafes intended to serve commercial fisherman or others engaged in the commercial fishing industry;
- JJ. Offices and laboratories for commercial aquaculture or fish processing operations;
- KK. Other industrial uses of a similar character, intensity and density as those listed in this Section determined by the Planning Commission to be consistent and compatible with the intent of this Chapter and the applicable land use plan.;
- LL. Subdivisions;
- MM. Lot Line Adjustments.

20.26.070 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 20.58.
- 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 20.60.
- G. Building Site Area
- The minimum building site area shall be one acre.

20.26.080 SPECIAL REGULATIONS.

A. Manufacturing and Fabrication Operations

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 6 feet in height.

B. Manufactured Dwelling Units

Manufactured dwelling units meeting the standards of Section 20.64.040 are permitted subject to the requirements of any conventional dwelling unit in this Chapter.

C. Vehicle Trip Reduction

The following types of development are subject to Section 20.64.250 (Regulations for the Reduction of Vehicle Trips) of this Title:

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

Chapter 20.28

REGULATIONS FOR HEAVY INDUSTRIAL ZONING DISTRICTS OR "HI (CZ)" DISTRICTS

Sections:

20.28.010	Purpose.
20.28.020	Applicability.
20.28.030	General Development Plans.
20.28.040	Nonexempt Development
20.28.050	Conditional Uses Allowed, Coastal Administrative Permit Required in Each Case.
20.28.060	Conditional Uses Allowed, Coastal Development Permit Required in Each Case.
20.28.070	Site Development Standards.
20.28.080	Special Regulations.

20.28.010 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.

20.28.020 APPLICABILITY.

Regulations of this Chapter shall apply in all "HI" districts subject to the provisions of Chapter 21.62 (Height and Setback Exceptions) and Chapter 20.70 (Coastal Development Permits) of this Title.

20.28.030 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 1 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 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 purpose of this Chapter.

20.28.040 NONEXEMPT DEVELOPMENT.

The following list shall require a coastal development permit regardless of which category of allowed uses it falls into:

- A. Development which will cause a Significant Environmental Impact;
- B. Development within the Critical Viewshed as defined by Section 20.145.020.V (Big Sur);
- C. Development on slopes of 30% or greater (25% in North County) except as provided for in Section 20.64.230 (C) (2) and (3);
- D. Ridgeline Development;
- E. Development within 100 feet of mapped or field identified environmentally sensitive habitats;
- F. Development with positive archaeological reports;
- G. Land divisions;
- H. Development of new or expanded agricultural operations if 50% or more of the parcel has a slope of 10% or greater; or where the operation is to occur on soils with a high or very high erosion hazard potential, according to the Soil Conservation Service Soil Survey Manual.

**20.28.050 PRINCIPAL USES ALLOWED, COASTAL ADMINISTRATIVE PERMIT
REQUIRED IN EACH CASE. (CHAPTER 20.76) UNLESS EXEMPT
(Section 20.70.120)**

- 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 14 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. Reserved;
- E. Manufacture of electric power;
- F. Production of magnesia and refractory brick when such use and manner of production is coastal dependent and/or related;
- G. Uses accessory to industrial uses in the Heavy Industrial District;
- H. One caretaker unit for the purpose of providing on-site security;
- I. Reduction in setback requirements provided the proposed reduction is 10% percent or less of the required setbacks;
- J. Accessory structures and accessory uses appurtenant to any permitted use provided there is no intensification of the permitted use;
- K. Parking lots used in conjunction with an adjoining commercial or retail use;
- L. Accessory structures and uses prior to establishment of main use or structure;
- M. Animal hospitals;
- N. Parking lots;
- O. Offices less than 5,000 square feet of floor area;
- P. Shops for tradesmen such as plumbers, electricians, furniture makers and repair persons, appliance repairpersons, and similar uses provided that in all cases all equipment and materials, except vehicles, are maintained within a structure;
- Q. Picture framing businesses;
- R. Shops of a light commercial character conducted within a structure;

- S. Stationery and office supply stores;
- T. Storage, rental and sales of irrigation equipment;
- U. The manufacture of clothing;
- V. Day care centers for use of on-site employees and employees of developments on the same lot or subdivision;
- W. Additions to existing, approved wireless communications facilities pursuant to Section 20.64.310;
- X. Wireless communications facilities, pursuant to Section 20.64.310;

**20.28.060 CONDITIONAL USES ALLOWED, COASTAL DEVELOPMENT
PERMIT REQUIRED IN EACH CASE. (CHAPTER 20.70) UNLESS
EXEMPT (Section 20.70.120)**

- 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. Reserved;
- P. Assemblages of people, such as carnivals, festivals, races and circuses not exceeding 10 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 15 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. Reserved;
- X. Any lots or establishments where alcoholic beverages are served, commercial places of amusement or recreation or any places 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. Storage Garages;
- 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;
- DD. Warehouses for the collection, packaging and distribution of agricultural and horticultural products;

- EE. Conditional Certificates of Compliance;
- FF. Other industrial uses of a similar character, density and intensity to those listed in this Section determined by the Planning Commission to be consistent and compatible with the intent of this Chapter and the applicable land use plan.;
- GG. Auto repair facilities;
- HH. Body and fender repair;
- II. Vehicle parking;
- JJ. Open air sales;
- KK. Funeral parlors;
- LL. Subdivisions;
- MM. Lot Line Adjustments.

20.28.070 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 20.58.

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 20.60.

G. Building Site Area

The minimum building site area shall be one acre.

20.28.080 SPECIAL REGULATIONS.

A. Manufacturing and Fabrication Operations

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 6 feet in height.

B. Manufactured Dwelling Units

Manufactured dwelling units meeting the standards of Section 20.64.040 are permitted subject to the requirements of any conventional dwelling unit in this Chapter.

C. Vehicle Trip Reduction

The following types of development are subject to Section 20.64.250 (Regulations for the Reduction of Vehicle Trips) of this Title:

- a) Any new or expanded commercial, industrial or tourist oriented development which will employ 50 or more persons; or

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

Chapter 20.30

REGULATIONS FOR COASTAL AGRICULTURAL PRESERVE ZONING DISTRICTS OR "CAP (CZ)" DISTRICTS

Sections:

20.30.010	Purpose.
20.30.020	Applicability.
20.30.030	Nonexempt Development
20.30.040	Principal Uses Allowed, Coastal Administrative Permit Required in Each Case.
20.30.050	Conditional Uses Allowed, Coastal Development Permit Required in Each Case.
20.30.060	Site Development Standards.
20.30.070	Special Regulations.

20.30.010 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.

20.30.020 APPLICABILITY.

The regulations of this Chapter shall apply in all "CAP" districts subject to Chapter 20.62 (Height and Setback Exceptions), Section 20.66.030 (Agricultural Uses), and Chapter 20.70 (Coastal Development Permits) of this Title.

20.30.030 NONEXEMPT DEVELOPMENT.

The following list shall require a coastal development permit regardless of which category of allowed uses it falls into:

- A. Development which will cause a Significant Environmental Impact;
- B. Development within the Critical Viewshed as defined by Section 20.145.020.V (Big Sur);
- C. Development on slopes of 30% or greater (25% in North County) except as provided for in Section 20.64.230 (C) (2) and (3);
- D. Ridgeline Development;
- E. Development within 100 feet of mapped or field identified environmentally sensitive habitats;
- F. Development with positive archaeological reports;

- G. Land divisions;
- H. Development of new or expanded agricultural operations if 50% or more of the parcel has a slope of 10% or greater; or where the operation is to occur on soils with a high or very high erosion hazard potential, according to the Soil Conservation Service Soil Survey Manual.

20.30.040 PRINCIPAL USES ALLOWED, COASTAL ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE. (CHAPTER 20.76) UNLESS EXEMPT (Section 20.70.120)

- A. Except for those uses requiring a Coastal Development 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 for an owner, operator or employees employed on-site (not in Carmel);
- C. All accessory structures such as barns, stables, storage structures, and farm shops;
- D. Guesthouses meeting the development standards of Section 20.64.020;
- E. Cultivation, cutting or removal of Christmas trees;
- F. Temporary residences, pursuant to Section 20.64.070, used as living quarters during the construction of the first dwelling on a lot;
- G. Small family day care homes conducted within an existing structure;
- H. Water system facilities including wells and storage tanks serving 14 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;
- I. Rooming and boarding of not more than 2 persons;
- J. Hunting and fishing;
- K. Reserved;
- L. Stands for the sale of agricultural products grown on the premises having no permanent electricity, plumbing or paving;
- M. Home occupations, pursuant to Section 20.64.090;
- N. The keeping of pets;
- O. Senior citizen units meeting the development standards of Section 20.64.010;

- P. 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;
- Q. Farm employee housing facility for not more than five families or twelve single persons;
- R. Reduction in setback requirements for main structures, provided the proposed reduction is 10% or less of the required setback;
- S. Reduction in setback requirements for accessory structures, provided the proposed reduction is 80% or less of the proposed setback.

20.30.050 CONDITIONAL USES ALLOWED, COASTAL DEVELOPMENT PERMIT REQUIRED IN EACH CASE. (CHAPTER 20.70) UNLESS EXEMPT (Section 20.70.120)

- A. Conversion of uncultivated land to cultivated agricultural use on land with 15% - 25% slopes (North County Area Plan only);
- B. Public utilities and infrastructure;
- 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. Conditional Certificates of Compliance;
- G. Genetic Engineering Experiments, pursuant to Section 20.64.140;
- 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 15 or more service connections;
- L. Reserved;
- M. Assemblages of people, such as carnivals, festivals, races and circuses not exceeding 10 days and not involving construction of permanent facilities (ZA);
- N. Frog farms (ZA);
- O. Commercial hog and turkey raising on a minimum of 10 acres (ZA);

- P. Livestock feed yards on a minimum of 20 acres (ZA);
- Q. Animal sales yards on a minimum of 10 acres (ZA);
- R. Dairies on a minimum of 40 acres (ZA);
- S. Heliports or landing strips for aircraft;
- T. Animal hospitals (ZA);
- U. Poultry farms on a minimum of 5 acres (ZA);
- V. Zoos or zoological gardens for the purpose of raising, maintaining, keeping or exhibiting any wild animal;
- W. Farm worker housing facility;
- X. Farm employee housing facilities for more than five families or more than twelve single persons;
- Y. Non-soil dependent greenhouses and nurseries (ZA);
- Z. Reserved;
- AA. Other agricultural uses of a similar character, density and intensity to those uses listed in this Section determined by the Planning Commission to be consistent and compatible with the intent of this Chapter and the applicable land use plan.;
- BB. Subdivisions;
- CC. Lot Line Adjustments'
- DD. Wireless communications facilities, pursuant to Section 20.64.310.

20.30.060 SITE DEVELOPMENT STANDARDS.

A. Minimum Building Site

The minimum building site is 40 acres unless otherwise shown on the Sectional District Map (e.g. "CAP/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. "CAP/40 (24)" would mean a structure height limit of 24 feet), setback requirements when combined with a "B" district, 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: 3%.

E. Parking Regulations

All parking shall be established pursuant to Chapter 20.58.

F. Landscaping Requirements

None, except as required as a condition of approval of a Coastal Administrative Permit or Coastal Development Permit.

G. Lighting Plan Requirements

None, except as required as a condition of approval of a Coastal Administrative Permit or Coastal Development Permit.

H. Sign Regulations

Signing for all development shall be established pursuant to Chapter 20.60

I. Building Site Area

The minimum building site area shall be forty acres.

J. Development Density, Maximum

Two single family dwellings or equivalent per parcel of 40 or more acres pursuant to Section 20.144.080.D.11 of this Title.

20.30.070 SPECIAL REGULATIONS.

A. Special Treatment Areas

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 1 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

Manufactured dwelling units meeting the standards of Section 20.64.040 are permitted subject to the requirements of any conventional dwelling unit in this Chapter.

C. Subdivision

- a. Lands within the CAP (CZ) district may not be subdivided unless sufficient evidence is available to demonstrate that:
 - i. the subdivision will not reduce the agricultural viability of the existing parcel or parcels to be created; and
 - ii. the subdivision will not be detrimental to the agricultural viability of adjoining parcels.
- b. All divisions of agricultural lands within the CAP (CZ) district shall be conditioned to ensure continued long term agricultural use be requiring agricultural easements, agricultural preserve contracts or other suitable instruments.

D. Development Siting

Development in the CAP (CZ) district shall be sited in a manner to reduce loss of productive agricultural land, provide efficient farming practice and patterns, reduce impacts on adjoining agricultural operations, and preserve existing environmental resources.

Chapter 20.32

REGULATIONS FOR AGRICULTURAL CONSERVATION ZONING DISTRICTS OR "AC (CZ)" DISTRICT

Sections:

20.32.010	Purposes.
20.32.020	Applicability.
20.32.030	Nonexempt Development
20.32.040	Principal Uses Allowed, Coastal Administrative Permit Required in Each Case.
20.32.050	Conditional Uses Allowed, Coastal Development Permit Required in Each Case.
20.32.060	Site Development Standards.
20.32.070	Special Regulations.

20.32.010 PURPOSES.

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

20.32.020 APPLICABILITY.

The regulations in this Chapter shall apply in all "AC" districts subject to Chapter 20.62 (Height and Setback Exceptions) Section 20.66.030 (Agricultural Uses) and Chapter 20.70 (Coastal Development Permits) of this Title.

20.32.030 NON-EXEMPT DEVELOPMENT.

The following list shall require a coastal development permit regardless of which category of allowed uses it falls into:

- A. Development which will cause a Significant Environmental Impact;
- B. Development within the Critical Viewshed as defined by Section 20.145.020.V (Big Sur);
- C. Development on slopes of 30% or greater (25% in North County) except as provided for in Section 20.64.230 (C) (2) and (3);
- D. Ridgeline Development;
- E. Development within 100 feet of mapped or field identified environmentally sensitive habitats;
- F. Development with positive archaeological reports;

- G. Land divisions;
- H. Development of new or expanded agricultural operations if 50% or more of the parcel has a slope of 10% or greater; or where the operation is to occur on soils with a high or very high erosion hazard potential, according to the Soil Conservation Service Soil Survey Manual.

20.32.040 PRINCIPAL USES ALLOWED, COASTAL ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE. (CHAPTER 20.76) UNLESS EXEMPT (Section 20.70.120)

- A. Except for those uses requiring a Coastal Development Permit, all soil dependent agricultural uses including crop and tree farming, dry land farming, livestock farming, greenhouses and vineyards;
- B. Single family dwellings 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 20.64.020;
- E. Cultivation, cutting or removal of Christmas trees;
- F. Temporary residences, pursuant to Section 20.64.070, used as living quarters during the construction of the first dwelling on a lot;
- G. Small family day care homes conducted within an existing structure;
- H. Water system facilities including wells and storage tanks serving 14 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;
- I. Rooming and boarding of not more than 2 persons;
- J. The keeping of pets;
- K. Reserved;
- L. Home occupations, pursuant to Section 20.64.090;
- M. Stands for the sale of agricultural products grown on the premises having no permanent electricity, plumbing or paving;
- N. Hunting and fishing.
- O. 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;

- P. Senior citizen units meeting the development standards of Section 20.64.010;
- Q. Farm employee housing facility for not more than five families or twelve single persons;
- R. Reduction in setback requirements for main structures, provided the proposed reduction is 10% or less of the required setback;
- S. Reduction in setback requirements for accessory structures, provided the proposed reduction is 80% or less of the required setback.
- T. Additions to existing approved wireless communications facilities pursuant to Section 20.64.310.

20.32.050 CONDITIONAL USES ALLOWED, COASTAL DEVELOPMENT PERMIT REQUIRED IN EACH CASE. (CHAPTER 20.70) UNLESS EXEMPT (Section 20.70.120)

- A. Conversion of uncultivated land to cultivated agricultural use on land with 15% - 25% slopes (North County Area Plan only);
- B. Public utilities and infrastructure;
- C. Commercial and noncommercial wind energy conversion systems;
- D. Conditional Certificates of Compliance;
- E. Genetic Engineering Experiments, pursuant to Chapter 20.64.140;
- F. Ridgeline development;
- G. Agricultural support facilities (ZA);
- H. Large family day care homes accessory to the agricultural uses on site (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. Reserved;
- L. Assemblages of people, such as carnivals, festivals, races and circuses not exceeding 10 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. Mushroom farms (North County Only);
- S. Poultry farms on a minimum of 5 acres (ZA);
- T. Water system facilities including wells and storage tanks serving 15 or more service connections;
- 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. Reserved;
- X. Hunting and fishing facilities (ZA);
- Y. Public or private riding or hiking clubs with accessory structures and trails developed for such uses (ZA);
- Z. Commercial kennel;
- AA. Farm worker housing;
- BB. Farm employee housing facilities for more than five families or more than twelve single persons;
- CC. Cottage industries, pursuant to Section 20.64.095 (ZA);
- DD. Non-soil dependent nurseries and greenhouses;
- EE. Other agricultural uses of a similar character, density and intensity to those uses listed in this Section determined by the Planning Commission to be consistent and compatible with the intent of this Chapter and the applicable land use plan;
- FF. Subdivisions;
- GG. Lot Line Adjustments.
- HH. Wireless communications facilities pursuant to Section 20.64.310.

20.32.060 SITE DEVELOPMENT STANDARDS.

A. Minimum Building Site

The minimum building site shall be 40 acres unless otherwise approved as part of a clustered residential development.

B. Development Density, Maximum

The maximum gross development density shall not exceed two single family dwellings or equivalent per parcel of 40 or more acres pursuant to Section 20.144.080.D.11 of this Title.

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. "AC/40 (24)" would limit structure height to 24 feet), setback requirements when combined with a "B" district, 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

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

Building Site Coverage, Maximum: 3%

F. Parking Regulations

All parking shall be established pursuant to Chapter 20.58.

G. Landscaping Requirements

None, except as required as a condition of approval of a Coastal Administrative Permit or Coastal Development Permit.

H. Lighting Plan Requirements

None, except as required as a condition of approval of a Coastal Administrative Permit or Coastal Development Permit.

I. Sign Regulations

Signing for all development shall be established pursuant to Chapter 20.60.

J. Building Site Area

The minimum building site area shall be forty acres.

20.32.070 SPECIAL REGULATIONS.

A. Special Treatment Areas

An areas designated as "special treatment" area to permit on-site soil dependent agricultural operations such as greenhouses, the minimum parcel size shall be 40 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 1 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

Manufactured dwelling units meeting the standards of Section 20.64.040 are permitted subject to the requirements of any conventional dwelling unit in this Chapter.

C. Subdivision

- a. Lands within the CAP (CZ) district may not be subdivided unless sufficient evidence is available to demonstrate that:
 - i. the subdivision will not reduce the agricultural viability of the existing parcel or parcels to be created; and
 - ii. the subdivision will not be detrimental to the agricultural viability of adjoining parcels.

- b. All divisions of agricultural lands within the CAP (CZ) district shall be conditioned to ensure continued long term agricultural use by requiring agricultural easements, agricultural preserve contracts or other suitable instruments.

D. Development Siting

Development in the CAP (CZ) district shall be sited in a manner to reduce loss of productive agricultural land, provide efficient farming practice and patterns, reduce impacts on adjoining agricultural operations, and preserve existing environmental resources.

Chapter 20.36

REGULATIONS FOR RESOURCE CONSERVATION ZONING DISTRICTS OR "RC (CZ)" DISTRICTS

Sections:

20.36.010	Purposes.
20.36.020	Applicability.
20.36.030	Nonexempt Development
20.36.040	Principal Uses Allowed, Coastal Administrative Permit Required in Each Case.
20.36.050	Conditional Uses Allowed, Coastal Development Permit Required in Each Case.
20.36.060	Site Development Standards.
20.36.070	Special Regulations.

20.36.010 PURPOSE.

The purpose of this Chapter is to provide a district to protect, preserve, enhance, and restore sensitive resource areas in the County of Monterey. Of specific concern are the highly sensitive resources inherent in such areas such as viewshed, watershed, plant and wildlife habitat, streams, beaches, dunes, tidal areas, estuaries, sloughs, forests, public open space areas 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.

20.36.020 APPLICABILITY.

The regulations of this Chapter shall apply in all "RC" districts subject to Chapter 20.62 (Height and Setback Exceptions) and Chapter 20.70 (Coastal Development Permits) of this Title.

20.36.030 NONEXEMPT DEVELOPMENT.

The following list shall require a coastal development permit regardless of which category of allowed uses it falls into:

- A. Development which will cause a Significant Environmental Impact;
- B. Development within the Critical Viewshed as defined by Section 20.145.020.V (Big Sur);
- C. Development on slopes of 30% or greater (25% in North County) except as provided for in Section 20.64.230 (C) (2) and (3);
- D. Ridgeline Development;

- E. Development within 100 feet of mapped or field identified environmentally sensitive habitats;
- F. Development with positive archaeological reports;
- G. Land divisions;
- H. Development of new or expanded agricultural operations if 50% or more of the parcel has a slope of 10% or greater; or where the operation is to occur on soils with a high or very high erosion hazard potential, according to the Soil Conservation Service Soil Survey Manual.

20.36.040 PRINCIPAL USES ALLOWED, COASTAL ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE. (CHAPTER 20.70) UNLESS EXEMPT (Section 20.70.120)

- A. Resource dependent educational and scientific research facilities uses, and low intensity day use recreation uses such as trails, picnic areas and boardwalks;
- B. Restoration and management programs for fish, wildlife, or other physical resources;

20.36.050 CONDITIONAL USES ALLOWED, COASTAL DEVELOPMENT PERMIT REQUIRED IN EACH CASE. (CHAPTER 20.70) UNLESS EXEMPT (Section 20.70.120)

- A. Except in Big Sur dredging, filling, excavation, dams, flood control facilities, dikes levees, revetments, seawalls and cliff retaining walls;
- B. Except in Big Sur public utility facilities such as pipelines, underground and overhead utility extensions, and water tanks, but not including public/quasi-public uses such as schools, fire stations, or parking lots;
- C. In Big Sur only hike-in and environmental campsites;
- 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. For State Parks and Fish and Game Reserves, uses subject to State-approved facilities and area management plans;
- G. Lot Line Adjustments;
- H. Subdivisions;
- I. Conditional Certificates of Compliance;

- J. Other resource conservation uses of a similar character, density and intensity to those uses listed in this Section determined by the Planning Commission to be consistent and compatible with the intent of this Chapter and the applicable land use plan.

20.36.060 SITE DEVELOPMENT STANDARDS.

A. Minimum Building Site

The minimum building site shall be one acre.

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. "RC/10(24)" would limit structure height to 24 feet), setback requirements when combined with a "B" district, 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: 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.

C. Minimum Distance Between Structures

Main Structures: 20 feet

Accessory/Main Structure: 10 feet

Accessory/Accessory: 6 feet

D. Building Site Coverage, Maximum: 5%

E. Parking Regulations

All parking shall be established pursuant to Chapter 20.58.

F. Landscaping Requirements

None, except as may be required by condition of approval of a Coastal Administrative Permit or Coastal Development Permit. Natural vegetation shall be retained or restored.

G. Lighting Plan Requirements

None, except as may be required by condition of approval of a Coastal Administrative Permit or Coastal Development Permit.

H. Sign Regulations

Signing for all development shall be established pursuant to Chapter 20.60.

I. Building Site Area

The minimum building site area shall be one acre.

20.36.070 SPECIAL REGULATIONS.

A. Manufactured Dwelling Units

Manufactured dwelling units meeting the standards of Section 20.64.040 are permitted subject to the requirements of any conventional dwelling unit in this Chapter.

***REGULATIONS FOR OPEN SPACE RECREATION
ZONING DISTRICTS OR "OR (CZ)" DISTRICTS***

Sections:

20.38.010	Purpose.
20.38.020	Applicability.
20.38.025	General Development Plan
20.38.030	Nonexempt Development
20.38.040	Principal Uses Allowed, Coastal Administrative Permit Required in Each Case.
20.38.050	Conditional Uses Allowed, Coastal Development Permit Required in Each Case.
20.38.060	Site Development Standards.
20.38.070	Special Regulations.

20.38.010 PURPOSE.

The purpose of this Chapter is to provide a district for the establishment, enhancement and maintenance of the outdoor recreation uses in the County of Monterey.

20.38.020 APPLICABILITY.

The regulations set forth in this Chapter shall apply in all "OR" districts subject to the provisions of Chapter 20.62 (Height and Setback Exceptions) and Chapter 20.70 (Coastal Development Permits) of this Title.

20.38.025 GENERAL DEVELOPMENT PLAN.

- A. A General Development Plan shall be required prior to the establishment of any recreational development in the Open Space Recreation district if there is no prior approved General Development Plan and if:
- 1) The lot is in excess of 1 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 purpose of this Chapter.

20.38.030 NONEXEMPT DEVELOPMENT.

The following list shall require a coastal development permit regardless of which category of allowed uses it falls into:

- A. Development which will cause a Significant Environmental Impact;
- B. Development within the Critical Viewshed as defined by Section 20.145.020.V (Big Sur);
- C. Development on slopes of 30% or greater (25% in North County) except as provided for in Section 20.64.230 (C) (2) and (3);
- D. Ridgeline Development;
- E. Development within 100 feet of mapped or field identified environmentally sensitive habitats;
- F. Development with positive archaeological reports;
- G. Land divisions;
- H. Development of new or expanded agricultural operations if 50% or more of the parcel has a slope of 10% or greater; or where the operation is to occur on soils with a high or very high erosion hazard potential, according to the Soil Conservation Service Soil Survey Manual.

20.38.040 PRINCIPAL USES ALLOWED, COASTAL ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE. (CHAPTER 20.76) UNLESS EXEMPT (Section 20.70.120)

- A. Crop and tree farming and grazing of horses, cattle, sheep and goats;
- B. Buildings accessory to any principal allowed uses;

- C. Water system facilities including wells and storage tanks serving 14 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. Hiking and equestrian trails;
- E. Picnic areas;
- F. Primitive camping facilities (Not in DMF);
- G. Minimum accessory facilities, such as restrooms, parking accessory to other principal permitted uses;
- H. Open air recreation facilities such as parks, athletic fields and swimming pools.
- I. Nonprofit recreational uses;
- J. Additions to existing, approved wireless communications facilities pursuant to Section 20.64.310.

20.38.050 CONDITIONAL USES ALLOWED, COASTAL DEVELOPMENT PERMIT REQUIRED IN EACH CASE. (CHAPTER 20.70) UNLESS EXEMPT (Section 20.70.120)

- 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 and accessory facilities (Not in Big Sur);
- C. Public utility uses and accessory structures, not including corporation yards or similar uses;
- D. Water system facilities including wells and storage tanks serving 15 or more service connections;
- E. In the Moss Landing area only:
 - a. educational or scientific uses and facilities related to the coastal dune environment;
 - b. hang-gliding/model airplane launch ports;
 - c. public or private riding stables;
 - d. academies;
 - e. aquaculture;
 - f. bait house;
 - g. native plant nurseries;
 - h. botanic gardens;

- 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. Conditional Certificates of Compliance;
- I. Subdivisions;
- J. Reserved;
- K. Revetments, seawalls and cliff retaining walls (not in Big Sur or DMF);
- L. Moderate intensity recreational uses including but not limited to: tent platforms, cabins, and on-site dining facilities limited to that necessary to serve on-premises overnight guests (Not in DMF);
- M. Other recreational uses of a similar character, density and intensity to those listed in this Section determined by the Planning Commission to be consistent and compatible with the intent of this Chapter and the applicable land use plan;
- N. Stables and accessory equestrian uses;
- O. Employee Housing and maintenance facilities accessory to conditional uses. (Not in North County)
- P. Hostels and improved campgrounds not to exceed specified densities of certified land use plans (Not in DMF);
- Q. Paved bicycle, jogging and walking paths.
- R. Interpretive Centers;
- S. Lot Line Adjustments.
- T. Wireless communications facilities, pursuant to Section 20.64.310.

20.38.060 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. "OR (24)" would mean a structure height limit of 24 feet), setback requirements when combined with a "B" district, 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: To be located on rear one-half of property to a maximum required of 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: 10%

F. Parking Regulations

Parking for all development shall be established pursuant to Chapter 20.58.

G. Landscaping Requirements

None, except as may be required by condition of approval of a Coastal Administrative or Coastal Development Permit.

H. Lighting Plan Requirements

None, except one may be required by condition of approval of a Coastal Administrative or Coastal Development Permit.

I. Sign Regulations

Signing for all development shall be established pursuant to Chapter 20.60.

J. Building Site Area

The minimum building site area shall be one acre,

20.38.70 SPECIAL REGULATIONS.

A. Vehicle Trip Reduction

The following types of development are subject to Section 20.64.250 (Regulations for the Reduction of Vehicle Trips) of this Title:

- a) Any new or expanded commercial, industrial or tourist oriented development which will employ 50 or more persons; or

- b) Any new or expanded commercial, industrial or tourist oriented development of 25,000 gross square feet or more. None.

Chapter 20.40

REGULATIONS FOR PUBLIC/QUASI-PUBLIC ZONING DISTRICTS OR "PQP (CZ)" DISTRICTS

Sections:

20.40.010	Purpose.
20.40.020	Applicability.
20.40.030	Nonexempt Development
20.40.040	Principal Uses Allowed, Coastal Administrative Permit Required in Each Case.
20.40.050	Conditional Uses Allowed, Coastal Development Permit Required in Each Case.
20.40.060	Site Development Standards.
20.40.070	Special Regulations

20.40.10 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.

20.40.020 APPLICABILITY.

The regulations set forth in this Chapter shall apply in all "PQP" Districts subject to the provisions Chapter 20.62 (Height and Setback Exceptions) and Chapter 20.70 (Coastal Development Permits) of this Title.

20.40.030 NONEXEMPT DEVELOPMENT.

The following list shall require a coastal development permit regardless of which category of allowed uses it falls into:

- A. Development which will cause a Significant Environmental Impact;
- B. Development within the Critical Viewshed as defined by Section 20.145.020.V (Big Sur);
- C. Development on slopes of 30% or greater (25% in North County) except as provided for in Section 20.64.230 (C) (2) and (3);
- D. Ridgeline Development;
- E. Development within 100 feet of mapped or field identified environmentally sensitive habitats;
- F. Development with positive archaeological reports;
- G. Land divisions;

- H. Development of new or expanded agricultural operations if 50% or more of the parcel has a slope of 10% or greater; or where the operation is to occur on soils with a high or very high erosion hazard potential, according to the Soil Conservation Service Soil Survey Manual.

20.40.040 PRINCIPAL USES ALLOWED, COASTAL ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE. (CHAPTER 20.76) UNLESS EXEMPT (Section 20.70.120)

- A. Crop and tree farming, grazing of cattle, sheep and goats.
- B. Water system facilities including wells and storage tanks serving 14 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 20.64.090;
- D. One caretaker unit for the purpose of providing on-site security;
- E. Reduction in setback requirements provided the proposed reduction is 10% or less of the required setbacks;
- F. Structures accessory to any principal permitted use;
- G. Additions to existing, approved wireless communications facilities, pursuant to Section 20.64.310.

20.40.050 CONDITIONAL USES ALLOWED, COASTAL DEVELOPMENT PERMIT REQUIRED IN EACH CASE. (CHAPTER 20.70) UNLESS EXEMPT (Section 20.70.120)

- A. Public recreational uses;
- B. Removal of minerals or natural materials;
- 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. Subdivisions;
- 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. Conditional Certificates of Compliance;
- K. Cottage industries, pursuant to Section 20.64.095 (ZA);
- L. Airports;
- M. Day care centers (ZA);
- N. Solid and liquid waste disposal sites;
- O. On National Forest Lands, all uses which are specified for the "WSC (CZ)" district in Big Sur except for private residential development, inn units, and Transferable Development Credits;
- P. On Federal Lands (other than National Forest Lands) in Big Sur, coastal-dependent development;
- Q. On Federal Lands (other than National Forest Lands) in Big Sur, moderate intensity recreational uses which are specified for the "OR (CZ)" district in Big Sur;
- R. Lot Line Adjustments.
- S. Wireless communications facilities, pursuant to Section 20.64.310.

20.40.060 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: 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 20.58.

G. Landscaping Requirements

None, except as may be required by condition of approval of a Coastal Administrative or Combined Development Permit.

H. Lighting Plan Requirements

None, except as may be required by condition of approval of a Coastal Administrative or Coastal Development Permit.

I. Sign Regulations

Signing for all development shall be established pursuant to Chapter 20.60.

J. Building Site Area

The minimum building site area shall be one acre.

20.40.070 SPECIAL REGULATIONS.

A. Manufactured Dwelling Units

Manufactured dwelling units meeting the standards of Section 20.64.040 are permitted subject to the requirements of any conventional dwelling unit in this Chapter.

B. Ventana Wilderness

1. Land uses in the Ventana Wilderness portion of Los Padres National Forest shall be limited to back-country recreational use only.

C. Vehicle Trip Reduction

The following types of development are subject to Section 20.64.250 (Regulations for the Reduction of Vehicle Trips) of this Title:

- a) Any new or expanded commercial, industrial or tourist oriented development which will employ 50 or more persons; or
- b) Any new or expanded commercial, industrial or tourist oriented development of 25,000 gross square feet or more. None.

Chapter 20.42

REGULATIONS FOR BUILDING SITE ZONING DISTRICTS OR "B (CZ)" DISTRICTS

Sections:

- 20.42.010 Purpose.
- 20.42.020 Applicability.
- 20.42.030 Building Site Area and Setbacks.

20.42.010 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.

20.42.020 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 20.62 (Height and Setback Exceptions) of this Title.

20.42.030 BUILDING SITE AREA AND SETBACKS.

- 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 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 a Coastal Administrative Permit. Adjustments of equal areas between lots do not require 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 a Coastal Administrative Permit. Adjustments of equal area between lots do not require 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 is found to be detrimental to the health, safety, and welfare of the residents of the area, or the County as a whole; or 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 at 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 20.44

REGULATIONS FOR DESIGN CONTROL ZONING DISTRICTS OR "D (CZ)" DISTRICTS

Sections:

20.44.010	Purpose.
20.44.020	Applicability.
20.44.030	Application for Design Approval.
20.44.040	Appropriate Authority.
20.44.050	Public Notice.
20.44.060	Action by the Appropriate Authority.
20.44.070	Appeals.
20.44.080	Effect.
20.44.090	Fees.

20.44.010 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 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.

20.44.020 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 20.62. 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.
- C. This Chapter shall apply to all of the areas within the following Area Land Use Plans:
 - 1. Big Sur Coast;
 - 2. Carmel; and
 - 3. Del Monte Forest

20.44.030 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 20.44.050(A).

20.44.040 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 20.44.040(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.
- 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 be prominent from common public viewing areas.

20.44.050 PUBLIC NOTICE.

- A. At least 10 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 20.84.040 A.

- B. No public notice shall be required for actions of the Director of Planning and Building Inspection taken pursuant to Section 20.44.040(D).

20.44.060 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 20.44.010.
- 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 this Chapter and all other applicable regulations set forth by the Monterey County Local Coastal Program.
- 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 20.84) and appeal provisions (Chapter 20.86) 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.

20.44.070 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 20.86 of this Title.

20.44.080 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 10 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 unless the Building permit is for the replacement of an existing structure and the materials proposed are substantially similar to what exists. 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.

20.44.090 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.

Chapter 20.48

REGULATIONS FOR LIMITED AGRICULTURAL ZONING DISTRICTS OR "A (CZ)" DISTRICTS

Sections:

- 20.48.010 Purpose.
- 20.48.020 Applicability.
- 20.48.025 Nonexempt Development
- 20.48.030 Principal Uses Allowed.
- 20.48.040 Conditional Uses Allowed, Coastal Development Permit Required in Each Case.
- 20.48.050 Special Setbacks and Distances Between Structures Required.

20.48.010 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.

20.48.020 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 20.62. 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.

20.48.025 NON-EXEMPT DEVELOPMENT.

The following list shall require a coastal development permit regardless of which category of allowed uses it falls into:

- A. Development which will cause a Significant Environmental Impact;
- B. Development within the Critical Viewshed as defined by Section 20.145.020.V (Big Sur);
- C. Development on slopes of 30% or greater (25% in North County) except as provided for in Section 20.64.230 (C) (2) and (3);
- D. Ridgeline Development;
- E. Development within 100 feet of mapped or field identified environmentally sensitive habitats;
- F. Development with positive archaeological reports;

- G. Land divisions;
- H. Development of new or expanded agricultural operations if 50% or more of the parcel has a slope of 10% or greater; or where the operation is to occur on soils with a high or very high erosion hazard potential, according to the Soil Conservation Service Soil Survey Manual.

20.48.030 PRINCIPAL USES ALLOWED.

- 1. All uses permitted in the respective district with which the "A" District is combined;
- 2. Animal husbandry and small livestock farming, provided, that not more than 1 horse, mule, cow, or steer or similar livestock shall be kept for each 20,000 square feet of area;
- 3. Crop farming, tree farming, viticulture and horticulture;
- 4. Stands for the sale of agricultural products grown on the premises having no permanent electricity, plumbing or paving;
- 5. Other uses of a similar character, density and intensity to those listed in this Section.

20.48.040 CONDITIONAL USES ALLOWED, COASTAL DEVELOPMENT PERMIT REQUIRED IN EACH CASE. (CHAPTER 20.70)

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

20.48.050 SPECIAL SETBACKS AND DISTANCES BETWEEN STRUCTURES REQUIRED.

Barns, stables, chicken houses, or similar accessory structures, shall be not less than 50 feet from the front property line, nor less than 20 feet from any side or rear property lines, nor closer than 20 feet from any dwelling on the same or adjacent property.

Chapter 20.54

REGULATIONS FOR HISTORIC RESOURCES ZONING DISTRICTS OR "HR" DISTRICTS

Sections:

20.54.010	Purpose.
20.54.020	Applicability.
20.54.030	Definitions.
20.54.040	Referral to the Historic Resources Review Board.
20.54.050	Appropriate Authority.
20.54.060	Action by the Appropriate Authority.
20.54.070	Appeals.
20.54.080	Regulations.
20.54.090	Fees.
20.54.100	Archaeologic Resources.

20.54.010 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.

20.54.020 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.

20.54.030 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 theater 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.

20.54.040 REFERRAL TO THE HISTORIC RESOURCES REVIEW BOARD.

- A. Upon receipt of any application, except those involving archaeologic resources, pursuant to Section 20.54.080, 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 30 days from the date of transmittal, to the Historic Resources Review Board for the review of and recommendation on such applications.

20.54.050 APPROPRIATE AUTHORITY.

- A. The Appropriate Authority to consider and decide a Coastal Development Permit required pursuant to Section 20.54.080 (A) is the Planning Commission unless such Coastal Development 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 Coastal Development Permit required by Section 20.54.080 (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 20.86 of this Title.
- C. No alterations in the "HR" district which require a Coastal Development Permit, Variance or similar public hearing process, may be considered by the Director of Planning and Building Inspection.

20.54.060 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 20.54.010 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 finding 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 of 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 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.

20.54.070 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 20.86 of this Title.

20.54.080 REGULATIONS.

- A. Except as otherwise provided, no alteration may be allowed on any area in an "HR" district without the approval of a Coastal Development Permit pursuant to the provisions of Chapter 20.70 of this Title.

- B. Minor alterations and minor modifications to previously approved projects that do not harm the archaeological or historical resource may be approved without a Coastal Development Permit pursuant to Section 20.54.050B, if a Coastal Development Permit or amendment is not otherwise required pursuant to Chapters 20.70 or 20.76.
- 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 archaeologic 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 20.78.040 (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.

20.54.090 FEES.

- 1. There shall be no fee for a Coastal Development Permit required pursuant to Section 20.54.080 A.
- 2. There shall be no fee for referral to the Historic Resources Review Board.

20.54.100 ARCHAEOLOGICAL RESOURCES.

Development or alteration in areas of low, moderate or high archaeologic sensitivity shall be considered pursuant to Section 20.66.050 of this Title without referral to the Historic Resources Review Board.

Chapter 20.56

REGULATIONS FOR IMPROVEMENT ZONING DISTRICTS OR "Z (CZ)" DISTRICTS

Sections:

20.56.010	Purpose.
20.56.020	Applicability.
20.56.030	Regulations.

20.56.010 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.

20.56.020 APPLICABILITY.

The regulations set forth in this Chapter shall apply in all districts which are combined with "Z" districts, in addition to the regulations of the combined districts. However, 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.

20.56.030 REGULATIONS.

The following regulation shall apply, but may be modified, subject to first securing a Coastal Development 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 30 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 20.58

REGULATIONS FOR PARKING.

Sections:

20.58.010	Purpose.
20.58.020	Applicability.
20.58.030	Regulations.
20.58.040	Parking Spaces Required.
20.58.050	General Provisions.

20.58.010 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.

20.58.020 APPLICABILITY.

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

20.58.030 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 20.58.040. 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.

20.58.040 PARKING SPACES REQUIRED.

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

<i>USE</i>	<i>PARKING SPACES REQUIRED</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/500 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/line
Building Materials	1 space/500 square feet floor area plus 1 space/2000 square feet outdoor use area
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 1 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 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 boats slips
Medical Clinic/Office	1 space/200 square feet
Miniature Golf	2 spaces/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
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 Duplex Triplex Multiple-Family Residential Apartments, Townhouses, Condominiums, Cluster Homes Boarding Housing, Rooming House Organizational House Senior Citizen Housing Complex Handicapped Housing Mobilehome Park	2 spaces/unit 2 spaces/unit 2 spaces/unit 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 1 space/guest room 1 space/100 square feet of guest room 1 space/2 units plus 1 guest space/8 units 1 space/2 units plus 1 guest space/8 units 2 spaces/unit plus 1 guest parking space/4 units
Restaurant	1 space/4 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 Store)	1 space/500 square feet

Savings and Loan	1 space/200 square feet
Schools: Pre-School, Day Care Kindergarten through Grade Nine High School College, University Trade School, Vocational School, Business School, Professional School, Art Academy, Craft School, Music School, Dancing School	1 space/employee plus 1 space/10 children 2 spaces/classroom plus 1 space/50 square feet in the auditorium 2 spaces/classroom plus 1 space/5 students 1 space/employee plus 1 space/3 students 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 Arena	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
Veterinary Hospital	1 space/250 square feet
Warehouse	1 space/500 square feet

20.58.050 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 Coastal Development 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 Coastal Development 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 a Coastal Administrative Permit is first secured.
- F. In all residential developments in High Density Residential (HDR) and Medium Density Residential (MDR) zoning districts, at least one covered parking space for each dwelling unit shall be provided. Covered parking shall count toward the amount of required parking. In all residential zoning districts other than HDR and MDR districts, residential development approved after the effective date of the amendment to this Subsection by Ordinance No. 5127 is not required to provide covered parking spaces, provided that the development provides the total number of parking spaces otherwise required under Section 20.58.040. In all residential zoning districts other than HDR and MDR districts, residential development that was approved but which had not received final building inspection approval as of the effective date of Ordinance No. 5127 may be relieved of the requirement to provide covered parking spaces if the development provides the total number of parking spaces required by Chapter 20.58 and if the County approves the revised site plan to omit the covered parking and determines that no further environmental analysis is required. (Ord. 5127, effective 04/03/2009)
- 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.

<i>Total Spaces</i>	<i>Spaces for Handicapped</i>
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 5,000 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 1 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 1 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 1 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 20.60

REGULATIONS FOR SIGNS

Sections:

20.60.010	Purpose.
20.60.020	Applicability.
20.60.030	Residential Zoning District Sign Regulations.
20.60.040	Agricultural Zoning District Sign Regulations.
20.60.050	Commercial and Industrial Zoning District Sign Regulations.
20.60.060	Off-Site Advertising Sign Regulations.
20.60.070	Design Control (D) and those areas defined as Critical Viewshed (Big Sur)
20.60.080	Political Sign Regulations.
20.60.090	Exempt Signs.
20.60.100	Prohibited Signs.
20.60.110	Computation of Sign Area.
20.60.120	Special Sign Provisions.
20.60.130	Legal Nonconforming Signs.

20.60.010 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.

20.60.020 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.

20.60.030 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), Rural Density Residential (RDR) and Watershed and Scenic Conservation (WSC).

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

1. Nameplate and street address signs not exceeding in the aggregate 4 square feet and not to exceed 6 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 7 square feet and 6 feet in height advertising the sale or lease of that property, provided that the sign is removed 10 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 2 temporary construction signs per lot.
 - b) The signs shall not exceed in the aggregate 24 square feet in area.
 - c) The signs shall not be illuminated.
 - d) If attached to the structure, the signs shall not extend above the roofline or parapet wall of the structure. If freestanding, the maximum height shall be 6 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 2 signs per development.
 - b) The signs shall not exceed in the aggregate 35 five square feet;
 - c) If attached to the structure, the signs shall not extend above the roofline or parapet wall of the structure. If freestanding, the maximum height shall be 6 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 a Coastal Administrative Permit (Chapter 20.76).
1. Signs not over 20 square feet in the aggregate and appurtenant to any permitted use, except for those signs provided in Section 20.60.030, (A), Subsections (3) and (4).
- C. The following signs are subject to obtaining a Coastal Development Permit (Chapter 20.70).

1. Signs not over 100 hundred square feet in the aggregate for advertising the sale of a subdivision. Limit of 2 signs in each case.
 2. Signs not over 75 square feet in area, and appurtenant to any permitted use, provided that the area permitted may be divided into not more than 3 single-faced or double-faced signs.
- D. The Zoning Administrator is the Appropriate Authority for Coastal Development Permits for signs.

20.60.040 AGRICULTURAL ZONING DISTRICT SIGN REGULATIONS.

These regulations apply in the following zoning districts: Coastal Agricultural Preserve (CAP (CZ)), Agricultural Conservation (AC [CZ]), Open Space Recreation (OR [CZ]), Resource Conservation (RC [CZ]), and Public/Quasi-Public (PQP [CZ]).

A. Signs used for the following purposes are allowed:

1. Nameplate and street address signs not exceeding in the aggregate 4 square feet and not to exceed 6 feet in height for the purpose of identifying the subject property. One (1) sign may be allowed for each street frontage;
2. Real Estate signs including open house signs not exceeding in the aggregate 7 square feet and 6 feet in height advertising the sale or lease of that property, provided that the sign is removed 10 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 2 temporary construction signs per lot.
 - b. The signs shall not exceed in the aggregate 24 square feet in area.
 - c. The signs shall not be illuminated.
 - d. If attached to the structure, the signs shall not extend above the roofline or parapet wall of the structure. If freestanding, the maximum height shall be 6 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 20 square feet in the aggregate and, appurtenant to any permitted use except for those signs provided in Section 20.60.040, (A).

- B. The following signs are subject to obtaining a Coastal Development Permit (Chapter 20.70).
1. Signs not over 100 square feet in the aggregate for advertising the sale of the property. Limit of two signs in each case.
 2. Signs between 20 and 75 square feet in the aggregate appurtenant to any permitted use, provided that the area permitted may be divided into not more than 3 single-faced or double-faced signs.
 3. All signs proposed in a Resource Conservation (RC (CZ)) district; limited to a maximum of 20 square feet.
- C. The Zoning Administrator is the Appropriate Authority for Coastal Development Permits for signs.

20.60.050 COMMERCIAL AND INDUSTRIAL ZONING DISTRICT SIGN REGULATIONS.

These zoning regulations apply in the following zoning districts: Visitor Serving Commercial (VSC), Institutional Commercial (IC), Coastal General Commercial (CGC), Moss Landing Commercial (MLC), 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 4 square feet and not to exceed six feet in height for the purpose of identifying the subject property. One (1) sign may be allowed for each street frontage;
2. Real Estate signs including open house signs not exceeding 7 square feet and 6 feet in height advertising the sale or lease of that property, provided that the sign is removed 10 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 2 such temporary construction signs per project.
 - b. The signs shall not exceed 24 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 6 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 1 square foot for each 1 foot of structure frontage, provided that any business establishment shall be allowed a sign of 50 square feet and no more than 300 square feet; and, further provided, that the area permitted may be divided into not more than 6 single- faced or double-faced signs; said formula shall apply to each street frontage.
- B. The following signs are subject to obtaining a Coastal Administrative Permit (Chapter 20.76):

Real estate signs between 7 and 20 square feet and subject to the provisions of Section 20.60.060 (B), subsections 2 through 4 (off-site real estate signs).
- C. The following signs are subject to obtaining a Coastal Development Permit (Chapter 20.70):
 - 1. Signs not over 100 square feet in the aggregate for advertising the sale of a subdivision. Limit of 2 signs in each case;
 - 2. Signs not over 75 square feet in area, and appurtenant to any permitted use; provided, that the area permitted may be divided into not more than 3 single-faced or double-faced signs;
 - 3. Real estate signs exceeding 20 square feet and greater than 4 feet in height.
- D. The Zoning Administrator is the Appropriate Authority for Coastal Development 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 12 inches below the soffit or beam and maintain a minimum of 8 feet vertical clearance along corridors or exit courts below.

- I. In the Moss Landing Commercial District, signs shall be composed of natural materials such as wood and stone. The signs shall utilize paint only for lettering and shall not be internally-illuminated. External illumination shall be restricted to lighting only of the sign's face. The amount of signing and sign design may be further regulated to conform with the Moss Landing Design Guidelines (see Section 20.20.070.H).

20.60.060 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 7 square feet;
 2. The signs shall not exceed 4 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 7 square feet;
 2. The sign shall not exceed 4 feet in height;
 3. The sign shall not be located within any road right-of-way;
 4. The sign shall be removed within 10 days after the close of escrow.
- C. The following signs are subject to obtaining a Coastal Administrative Permit (Chapter 20.76).
 1. Off-site real estate signs between 7 and 20 square feet and subject to the provisions of Section 20.60.060 (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 32 square feet in size nor be more than 12 feet in height.

- b) No such sign shall be erected more than 30 days prior to the first day of the special event.
 - c) All such signs shall be removed within 5 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 Coastal Development Permit (Chapter 20.70).
 - 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 400 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 20 square feet or greater than 4 feet in height and subject to the provisions of Section 20.60.060 (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.

20.60.070 DESIGN CONTROL (D) ZONING DISTRICT SIGN REGULATIONS.

These regulations apply in the following districts: Design Control (D).

Where signs are allowable under the regulations of the zoning district with which the Design Control (D) 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 2 or more streets.

20.60.080 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 60 days prior to election day, election day and the 10 days after election day.

B. POLITICAL SIGN PLACEMENT

1. No political sign shall be erected earlier than 60 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 10 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 10 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 10 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.

20.60.090 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 2 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, conduits, 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 4 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 4 square feet in area each and do not exceed 30 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 2 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;
- P. Open space management signs which do not exceed 4 square feet in area.

20.60.100 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 20.60.060;
- 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.

20.60.110 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 2 sided back to back sign shall be computed by multiplying the height by the length of only one side.
- C. The area of a 2 sided or multi-faced 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 enclosed.
- 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.

20.60.110 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 6 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.

20.60.130 LEGAL NONCONFORMING SIGNS.

Existing signs that are rendered legal non-conforming by this Chapter shall be subject to the requirement of Chapter 20.68 of this Title.

Chapter 20.62

HEIGHT AND SETBACK EXCEPTIONS

Sections:

20.62.010	Purpose.
20.62.020	Applicability.
20.62.030	Height.
20.62.040	Setbacks

20.62.010 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.

20.62.020 APPLICABILITY.

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

20.62.030 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 Coastal Development Permit (ZA) in each case. Local distribution poles for public utilities serving permitted development shall be allowed in all districts and to greater heights than allowed for the districts without a Coastal Development 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 to be the same height as the main structure.

20.62.040 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 2 1/2 feet.
- D. Uncovered decks, porches, or stairways, fire escapes or landing places may extend into any required front or rear setback not exceeding 6 feet, and into any required side setback not exceeding 3 feet. For the purpose of this Section, a normal roof overhang up to 2 1/2 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 2 feet.
- F. In any district where 50% or more of the building sites on any 1 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 10 feet from such lot line.
- H. In case a building site is less than 60 feet in width, side setbacks shall equal 10 percent of the lot width or more but not less than 5 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 25 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 25 feet from such side line, the required side setback shall be 50 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 6 feet of the alley right-of-way.
- M. In case of a lot abutting upon 2 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 50 feet from the centerline of the traveled roadway is 7 feet above or below the grade of said centerline, a parking space, private garage or carport, attached or detached, may encroach into the front yard setback requirement up to 5 feet from 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 20.64

SPECIAL REGULATIONS

Sections:

20.64.010	Regulations for Senior Citizen Units.
20.64.020	Regulations for Guesthouses.
20.64.030	Regulations for Caretaker Units.
20.64.040	Regulations for Manufactured Dwelling Units Installed on a Permanent Foundation.
20.64.050	Regulations for Mobilehomes Existing with Discretionary Permits.
20.64.060	Regulations for Mobilehomes Existing without Discretionary Permits.
20.64.070	Regulations for Temporary Residences during the Construction of a Dwelling.
20.64.080	Regulations for Temporary Construction Offices or Emergency Facilities for Public Utilities.
20.64.090	Regulations for Home Occupations.
20.64.095	Regulations for Cottage Industry.
20.64.100	Regulations for Bed and Breakfast Facilities.
20.64.110	Regulations for Time Share Uses.
20.64.120	Regulations for Commercial and Noncommercial Wind Energy Conversion Systems.
20.64.140	Regulations for the Location and Siting of Genetic Engineering Experiments.
20.64.150	Special Events at County Parks.
20.64.160	Location of Public Utility Distribution and Transmission Facilities.
20.64.170	Water Facilities in Approved Subdivisions.
20.64.180	Density of Development.
20.64.190	Transfer of Development Credits.
20.64.200	Regulations for Adult Entertainment Facilities.
20.64.210	Regulations for Mobilehome Parks.
20.64.220	Regulations for Relocated Structures and Mobilehomes.
20.64.230	Regulations for Development on Slopes in Excess of 30%.
20.64.240	Determination of Vested Rights
20.64.250	Regulations for the Reduction of Vehicle Trips for Certain Developments.
20.64.260	Public and Quasi Public Uses.
20.64.280	Easements, Offers of Dedication, Deed Restrictions, and Notices
20.64.300	Regulations for Historic Resources
20.64.310	Regulations for the Siting, Design and Construction of Wireless Communication Facilities

20.64.010 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, or in the Carmel or Big Sur Planning Areas) that allows single family dwellings, subject to a Coastal 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 2 persons, 1 of whom shall be sixty years of age or handicapped.
 - 3. Not more than 1 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 (1) 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. Senior citizen units shall not be permitted on lots of less than 2 acres if located in an area not served by public sewer systems. In North County, senior citizen units shall not be permitted on lots of less than 5 acres if located in an area not served by public sewer systems.
 - 8. 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 a Coastal Administrative Permit.

9. 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.
 10. 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 Coastal 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 20.64.010(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 with regard to size, height, or setbacks shall require a Variance. The Zoning Administrator is the Appropriate Authority to consider said permits.
 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.
- F. Senior Citizen Units shall not be allowed in the Carmel and Big Sur Planning Areas due to the limited resources and infrastructure available in these two planning areas necessary to support the existing maximum potential development of the areas.

20.64.020 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 6 linear feet of counter space, excluding counter space in a bathroom. There shall be a maximum of 8 square feet of cabinet space, excluding clothes closets.
6. Guesthouses shall not exceed 425 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 12 feet nor be more than 1 story. Additions to height and placement of guesthouses over a 1-story structure, such as a garage, may be considered by Coastal Development Permit (ZA) when intended to provide for architectural consistency and compatibility with the main residence.

20.64.030 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 a Coastal Administrative Permit in designated districts and subject in all cases to the following regulations:
 - 1. Only 1 caretaker unit per lot 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. The minimum lot size for establishment of a caretaker unit in the Carmel Planning Area shall be 40 acres.
 - 4. Caretaker units shall not be subject to density requirements of the zoning district in which the lot is located, except in North County. In North County, caretakers units shall not be permitted on lots less than 5 acres if located in an area not served by public sewer systems.
 - 5. The maximum floor area for a caretaker unit 850 square feet.
 - 6. A minimum of 1 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 10 acres where a senior citizen unit exists. Senior citizen units may be converted to a caretaker unit, subject to a Coastal 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 Coastal 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 20.64.030(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 with regard to size, height, or setbacks shall require a Variance. The Zoning Administrator shall be the Appropriate Authority to consider said permits.
- F. There shall be a maximum of 50 Caretaker Units approved in the Big Sur Planning Area from the time of certification of the Big Sur Coast Land Use Plan (April 9, 1986).
- G. Caretaker Units shall not be allowed on parcels under 40 acres in the Carmel Planning Area and shall not count towards maximum density.
- H. Caretaker Units shall count towards density in the North County Planning Area.
- I. Caretaker Units shall be subject to the overall buildout in Del Monte Forest as defined by Table A in the Del Monte Forest Land Use Plan.

**20.64.040 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 20.64.040(C) shall be allowed unless a Coastal Administrative Permit is first secured.

20.64.050 REGULATIONS FOR MOBILEHOMES EXISTING WITH DISCRETIONARY PERMITS.

- A. Purpose: The purpose of this Section is to establish the regulations for the continuing use of mobilehomes which were established with Discretionary Permits.
- B. Applicability: The regulations of this Section are applicable to those mobilehomes which were placed in use pursuant to a Discretionary Permit. This Section does not apply to mobilehomes established by Discretionary Permit for use in a labor camp, farm labor housing or similar facility.
- C. Regulations: Mobilehomes existing with Discretionary Permits are subject to the following regulations:
1. A Coastal Development Permit may be filed for the continuing use of a mobilehome as living quarters, for which a prior Discretionary Permit was granted prior to the time the provisions of this Section became applicable to the property. A Coastal Development Permit may be granted, providing application is made not less than 90 days prior to expiration of the Discretionary Permit, and providing all conditions of the Discretionary Permit have been continually met.
 2. Mobilehomes existing with a Discretionary Permit may be converted to a former mobilehome without benefit of a Coastal Administrative Permit or Coastal Development Permit.
 3. Mobilehomes existing with a Discretionary Permit may be added to, provided the mobilehome and addition are placed on a permanent foundation. No additional Coastal Development Permit or Coastal Administrative Permit is required provided one is not otherwise required pursuant to Chapter 20.70 of this Title.

4. Mobilehomes existing with a Discretionary Permit may be replaced with another mobilehome of similar size in essentially the same location without an additional Coastal Administrative Permit, Coastal Development Permit or placement on a permanent foundation. The new mobilehome is subject to the same Discretionary Permit conditions as the mobilehome being replaced.
5. Mobilehomes which were established with benefit of a discretionary permit which has subsequently expired shall be considered to be a legal nonconforming use and shall be subject to the provisions of Chapter 20.68 of this Title.

20.64.060 REGULATIONS FOR MOBILEHOMES EXISTING WITHOUT DISCRETIONARY PERMITS.

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

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

- A. Purpose: The purpose of this Section is 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 1 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 to 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 60 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 18 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 application of the provisions of this regulation shall require a Coastal Administrative Permit.

20.64.080 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.
4. If the office is associated with a development authorized by a Discretionary Permit, then it shall comply with any applicable provisions of that permit.

20.64.090 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 application of the provisions of Section 20.64.090 C of this Chapter may be considered by a Coastal Administrative Permit.

20.64.095 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 Coastal Development Permit pursuant to Chapter 20.70. The Zoning Administrator is the Appropriate Authority to consider such Coastal Development Permit.
 2. A total of 2 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 4 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 2 customers of the cottage industry.
- D. All Coastal Development Permits issued for Cottage Industry shall be subject to the following time limits:
1. The initial Coastal Development Permit shall not be issued for more than 1 year,
 2. The second Coastal Development Permit shall not be issued for more than 3 years; and
 3. The third and subsequent Coastal Development Permits shall not be issued for more than 5 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 Coastal Development Permit to determine their continuing adequacy.
- E. The Zoning Administrator shall not approve a Coastal Development Permit for Cottage Industry unless the following findings, in addition to those required by Chapter 20.70, can be made:

1. That the proposed use conforms to the requirements of Section 20.64.095(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
7. Impacts considered potentially significant are mitigated.

20.64.100 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 Local Coastal Program on any lot in any zoning district that allows residential uses subject to a Coastal Development 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 10 guest rooms may be allowed in 1 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 and no more than 60 days in a one year 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 Coastal Development 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 20.64.100(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 Local Coastal Program.
 6. 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.

20.64.110 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 Coastal Development Permit shall be required in accordance with Chapter 20.70 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 a Coastal Development 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 Coastal Development Permit is granted, the Coastal Development 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 Coastal Development 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 Coastal Development 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 to the Commission on a date and time certain for hearing, 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, of the application to so convert the project. 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 20.64.110(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 Local Coastal Program.
- 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.

20.64.120 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 non-commercial 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 2 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 feet, or
 - ii. Any Wind Energy Conversion Systems exceeding 125' in total height is placed at a ground elevation over 200 feet.

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 1 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 Coastal Development Permit and as such, voids the permit.

5. 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 Coastal Development 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 Discretionary Permit and to assure compliance with the other conditions set forth in the permit.

20.64.140 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 without any adverse impacts on public health and safety and the environment, on a crop within the same crop grouping, as defined in 40 C.F.R. 180.34, within the United States.
- 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 Coastal Development Permit pursuant to Chapter 20.70 of this Title. Chapter 20.70 shall govern all matters relating to Coastal Development 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 Coastal Development Permits.
2. No application for a Coastal Development 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 Coastal Development Permit may be made only on properties designated by the Monterey County Local Coastal Program as Coastal Agricultural Preservation or Agricultural Conservation.
4. No application for a Coastal Development 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 Coastal Development 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 Coastal Development 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 Coastal Development Permits may not be categorically exempt.
6. All Coastal Development 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 Coastal Development Permit applications 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.

20.64.150 SPECIAL EVENTS AT COUNTY PARKS.

- A. Purpose: The purpose of this Section is to provide a mechanism whereby special event activities may be considered which involve 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.
- 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 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 20.84 of this Title.

20.64.160 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: The 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 Coastal Development Permit unless otherwise required pursuant to Chapter 20.70 of this Title; 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 30 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.
- D. This section does not apply to wireless communication facilities, which are instead governed by Section 20.64.310.

20.64.170 WATER FACILITIES IN APPROVED SUBDIVISIONS.

- A. Purpose: It is the purpose of this Section to provide a mechanism whereby a Coastal Development 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 separate Coastal Development 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 Coastal Development Permit is obtained.

20.64.180 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 to all zoning districts which allow for any residential uses, unless otherwise specified.

- 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 0 and 19.9 percent shall be assigned a density of 1 building site per 1 acre.
 - b. Those portions of parcels with a cross-slope of between 20 and 29.9 percent shall be assigned a density of 1 building site per each 2 acres.
 - c. Those portions of parcels with a cross-slope of 30 percent or greater shall be assigned 0 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.
 - e. The slope density formula does not apply to the “HDR (CZ)” or “MDR (CZ)” zoning districts.
2. Where an entire parcel would not be developable because of plan policies, one residential unit may be permitted pursuant to Section 20.02.060.B of this Title.
3. Any decrease in density resulting from application of Land Use Plan policies shall be subtracted from the maximum density allowable under the slope density formula.

4. In instances where a parcel includes more than 1 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 Land Use Plan, the density established by Land Use 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 Land Use Plan, the density established by the slope density formula shall prevail over the Land Use 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.
9. In the Big Sur Planning Area east of Highway 1, residential development in "RDR" (Rural Density Residential) and "WSC" (Watershed and Scenic Conservation) zoning districts shall be allowed at maximum densities established according to the following steps:
 - a. The maximum density is established by the zoning district in which the parcel lies, e.g., "Watershed and Scenic Conservation/40 (CZ)" provides a 40 acre minimum building site.
 - b. The maximum density is established according to the slope density analysis required for the project according to Section 20.64.180.C.10.
 - c. The development standards of this ordinance and the policies of the Big Sur Coast Land Use Plan are applied to the parcel. Any policy or standard resulting in a decrease in density are then tabulated and subtracted for the maximum density allowed under the slope density formula.
 - d. Whichever of the 2 resulting densities, from the slope formula and from zoning, the lesser is then established as the maximum allowable density for the parcel.
10. A slope density analysis shall be required for applications for residential development beyond the first residential unit on parcels which are east of Highway 1 and in a "WSC" (Watershed and Scenic Conservation) or "RDR" (Rural Density Residential) zoning districts. The analysis shall be required and submitted to the County prior to the application being considered complete. The slope density analysis shall include the following elements:

- a. topographic map of the entire parcel at an appropriate scale and contour interval of 40 feet or less;
- b. table showing the calculation of average cross slope;
- c. the resulting maximum allowable number of dwelling units using the following slope density formula:

<i>Existing Slope</i>	<i>Maximum Allowable Density</i>
Under 15%	1 unit/40 acres
15% - 30%	1 Unit/80 acres
Over 30%	1 Unit/320 acres

11. In the Big Sur Planning Area west of Highway 1, residential development in "RDR" (Rural Density Residential) and "WSC" (Watershed and Scenic Conservation) zoning districts shall be allowed at a density of 1 unit per 40 acres.

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.

E. On-site density for, caretaker quarters, guesthouses, senior citizen units, farm worker housing, farm employee housing facilities, farm employee quarters and employee housing accessory to an allowed use, shall be determined as follows:

<i>Type of Unit</i>	<i>North County</i>	<i>Big Sur Coast</i>	<i>Carmel Area</i>	<i>Del Monte Forest</i>
Caretaker Units	Based on parcel zoning	Maximum of 50 in planning areas	Excluded from density	Subject to overall buildout, LUP Table A
Senior Citizen Units	Subject to LUPs overall buildout cap	Not permitted	Not permitted	Subject to overall buildout, LUP Table A
Guesthouses	Excluded from density	Excluded from density	Excluded from density	Excluded from density
Commercial Employee Housing	Subject to LUPs overall buildout cap	Maximum of 300 in planning area	Permitted per Section 20.146.120.B.3	Not permitted
Ranch/Farm Employee/Farm Worker Housing	Based on parcel zoning	Permitted per Section 20.145.14.0.B4c 1	Excluded from density	Not permitted

All other residential development is subject to the density established by the parcel's zoning district, except if provided elsewhere in this Chapter.

“Excluded from density” means that the units may be considered in addition to the density allowed by the parcel's zoning classification.

F. For the purposes of calculating residential density, employee housing units, including farm employee and farm worker housing facilities, shall be considered a residential unit at the following ratio:

1 unit/850 square feet of floor area. Where the building contains non-residential uses, such as equipment storage or tack rooms, the calculation of floor area shall not include those non-residential areas.

G. Buildout Limitations

1. In North County, a total of 2, 043 new lots or units may be created from the date of certification of the North County Land Use Plan. Also see build-out explanation and further information in Section 20.144.140.B.3.a. Approval of new residential units and lots may not exceed the build-out figure, as per the development standard.
2. In Big Sur, a total of 100 new residential lots may be created by new subdivisions and 50 new caretaker units may be permitted from the date of certification of the Big Sur Coast Land Use Plan, as provided in Table 1 of the Big Sur Coast Land Use Plan.
3. Where this ordinance establishes a numerical cap on a type of unit in a certain area, the Planning and Building Inspection Department shall maintain a running tally of the number of units permitted since certification of the relevant land use plan. Findings for approval shall include the following: "This is the () out of a maximum of () (e.g., caretaker units) to be approved for the () Land Use Plan Area.

20.64.190 TRANSFER OF DEVELOPMENT CREDITS.

20.64.190.010 PREMISES OF THE TRANSFER OF DEVELOPMENT CREDIT ORDINANCE.

The Transfer of Development Credit Ordinance is based, in part, on the following premises:

1. The California coast has been recognized as an area of special significance requiring state-enacted regulation of land use, with the most significant manifestation of this intent being the passage of Proposition 20 in 1972;
2. The Big Sur was recognized as an area of statewide importance and of particular concern in the California Coastal Plan of 1975;
3. The significance of cumulative impact concerns in the Big Sur area was legislatively recognized through the substantial increase in Coastal Act regulatory jurisdiction in the California Coastal Act of 1976 (up to several miles inland) in comparison with the 1,000 yard permit boundary of the California Coastal Zone Conservation Act of 1972;
4. The California Coastal Act of 1976 places great stress on resolving land use and environmental protection problems at the local government level rather than having specific solutions imposed by the state regulatory agency (e.g., Public Resources Code Section 30500(c));
5. Based on extensive studies, all levels of government concur in the view that Big Sur is an area of national significance whose resources would be threatened by the cumulative impact of development absent an effective regulatory program; and

6. A major land use issue confronting the County is how cumulative impacts can be regulated in both an effective and equitable manner.

20.64.190.020 OBJECTIVES OF THE TRANSFER OF DEVELOPMENT CREDIT REGULATIONS.

Based on the foregoing premises, the Big Sur Transfer of Development Credits program is intended to carry out the following objectives:

1. Maintain the natural and scenic resources of Big Sur for the benefit of County residents and of residents of the State of California;
2. Maintain the natural and scenic resources of Big Sur to assure the vitality of the County's tourism industry which depends in large part on the Big Sur;
3. Provide a system of land use regulation of the Big Sur that is controlled and implemented locally.
4. Provide a means of implementing the policies of the Big Sur Local Coastal Program (certified pursuant to the provisions of the California Coastal Act of 1976), which, while publicly regulated, relies primarily on private involvement and participation to carry out the program.
5. Establish regulations for transferring development credit from parcels rendered unbuildable by the viewshed policies of the Big Sur Land Use Plan to other sites within the Big Sur Land Use Plan area deemed viable for additional development beyond that normally allowed by the Big Sur Land Use Plan and zoning consistent with that Plan.

20.64.190.030 DEFINITIONS.

Chapter 20.06 of this Title includes those definitions applicable in the County and as are commonly used throughout this Title. These definitions are also applicable in the Coastal Zone.

Definitions provided in this chapter specifically adopted to implement the Big Sur Coast LCP TDC Program shall apply only in the Big Sur Coastal segment.

In addition to the other definitions made in this Title the following terms are defined for the purposes of this chapter:

Buildable Parcel, a "buildable parcel" is any parcel which, regardless of size, contains a site which can be accessed and upon which at least one single family residence can be constructed in conformity with all of Monterey County's health and safety codes and all County Land Use Plan policies except the critical viewshed policy in effect at time of application for a development or building permit.

Donor Site, a "donor site" is a buildable viewshed lot within the Big Sur Coast Land Use Plan area which has been designated as a donor site at a public hearing pursuant to Section 20.84 to qualify for transferable development credits (TDCs).

Viewshed Policies, the "LCP viewshed policies" are the Critical Viewshed Policies set forth in the Big Sur Coast Land Use Plan.

Receiver Site, a "receiver site" is a buildable parcel designated to receive one or more TDCs for use in developing a specific project. The designation is made after a noticed public hearing pursuant to Section 20.84 or Title 19 (Subdivision Ordinance) of the Monterey County Code.

Residential Building Site, a "residential building site" is a location within a buildable parcel upon which one single family residence can be constructed.

Rendered Unbuildable, to be "rendered unbuildable" means that a buildable parcel may not be developed because the parcel is subject to the constraints of the viewshed policies. Public Resources Code ~ 30106.

Transfer, a "transfer" is the set of actions which result in an increase in development on one parcel-"receiver site"-over the level initially allocated under zoning by reducing the development on another parcel-"donor site"-by a like amount. In a typical transaction, two parcel owners will contract to transfer between themselves to their mutual financial advantage. The transfer of development is officially validated at the time the receiving site is issued a development permit to receive the increased development, and the donor site has been encumbered by documents permanently restricting its development potential. A parcel from which development credits have been transferred may be retained by the owner or transferred subject to any restrictions encumbering the parcel.

Transferable Development Credit (TDC), a "transferable development credit" (TDC) is the right to transfer the right to develop a residential building site from a donor site to a receiver site within the Big Sur Coast Land Use Plan area. One credit or TDC would equal the right to develop one residential building site on an eligible parcel designated as a receiver site.

Transferable Development Credit Decision, a "transferable development credit decision" is a written statement of decision rendered by the Planning Commission or the Board of Supervisors on appeal after noticed public hearing which is evidence that a donor site is entitled to one or more development credits.

Viewshed Lot, a "viewshed lot" is an otherwise buildable parcel upon which a residential building site can be located and accessed in conformity with all Big Sur Coast Land Use Plan policies except for the LCP viewshed policies.

20.64.190.040 DESIGNATION OF DONOR SITES.

1. Donor sites may be designated by the Planning Commission or Board of Supervisors on appeal after an application by the property owner pursuant to the procedure set forth in Chapter 20.70 (Coastal Development Permits) of the Monterey County Code.
2. The application to designate a donor site need not contain the information necessary to obtain a coastal development permit pursuant to Chapter 20.70, but it must contain sufficient information to determine whether a buildable parcel, and more specifically, a residential building site may be located on the parcel in conformity with all LCP policies except for those on viewshed.

If a parcel is a buildable parcel upon which a residential building site could be developed under the Big Sur Coast LCP's detailed exception policies, it cannot qualify as donor site.

3. To designate a parcel as a donor site, the Planning Commission or Board of Supervisors on appeal, as the appropriate authority under Section 20.70.050, must make the following written findings:
 - a. the parcel is a buildable parcel; and
 - b. the parcel is a viewshed lot.
4. Upon designation of a parcel as a donor site, the owner of the donor site shall be granted two transferable development credits. This decision shall be recorded. The transferable development credits (TDCs) may be transferred to designated receiver sites.
5. Designation of a parcel as a donor site shall require an offer to dedicate to the County of Monterey a permanent, irrevocable scenic easement on the property, the text of which has been approved by the County. Upon transfer of the first TDC, the County shall accept the easement offer.

The scenic easement may make exceptions for passive open space, agricultural and maintenance uses, but shall prohibit residential and commercial use of the property.

20.64.190.050 DESIGNATION OF RECEIVER SITES.

1. Receiver sites may be designated by the Planning Commission, or Board of Supervisors on appeal, after an application by the property owner for a specific project utilizing transferred development credit has been filed:
 - a. Pursuant to the procedure set forth in Chapter 20.70 (Coastal Development Permits) of the Monterey County Code;
 - b. And, if applicable, pursuant to the procedures set forth in Title 19 (Subdivision Ordinance) of the Monterey County Code.
2. To designate a parcel as a receiver site, the Planning Commission, or Board of Supervisors on appeal, as the appropriate authority under Section 20.70.050, must make the following written findings:
 - a. The receiver site has the potential for development consistent with the policies of the Big Sur Coast Land Use Plan except for the maximum development otherwise allowed by the Big Sur Land Use Plan and implementing zoning.
 - b. The new residential building sites made possible by the receipt of TDCs have the minimum feasible number of common driveway access onto Highway 1.

- c. The new development provided on the receiver site meets the septic, viewshed protection, resource protection, water supply, and geologic safety criteria specified in the Big Sur Coast Land Use Plan although the land use designation and zoning may have been amended to accommodate the receipt of the TDCs.
- d. The receiver site is not permitted to be developed to an overall density of more than one residential unit per net acre.
- e. The increase in residential density on the receiving property does not exceed twice that which is specified by the Development Policies contained in Chapter 5.4 of the certified Big Sur Coast Land Use Plan; or, although the increase in residential density on the receiving property exceeds that which is specified by the Development Policies contained in Chapter 5.4 of the certified Big Sur Coast Land Use Plan, the environmental impact analysis reveals that the site is suitable for more units, and traffic impacts will be mitigated through a reduction in the potential number of driveway encroachments onto State Highway Route 1. (Big Sur LUP 3.2.6.3).

20.64.190.060 TRANSFER OF DEVELOPMENT CREDIT.

1. Application.

The application to transfer a development credit shall contain the following information in addition to the information required by Monterey County Procedure:

- a. Identification of the application for the proposed donor site which will generate the TDC to be transferred to the receiver site or identification of the transferable development credit and the donor site from which it is generated.
- b. Evidence of a binding commitment to transfer one or more development credits to the receiver site upon approval of designation of both donor and receiver sites; or in the alternative, evidence of a binding commitment to transfer one or more development credits upon approval of the designation of the receiver site.

2. Timing of Transfer.

The TDC may be transferred from a designated donor site to a designated receiver site. Transfer shall take place after the designation of both the donor and receiver sites.

3. Right to Transfer TDCs.

The right to transfer a TDC shall be granted by the Planning Commission's written decision designating the receiver site and canceling a TDC on a donor site upon approval of a coastal development permit pursuant to Chapter 20.70, Monterey County Code. The written decision of the Commission shall serve as the transfer of development credit defined in Section 20.64.190.030.

4. Duration of TDC after Transfer.

After a TDC has been transferred to a receiver site, the right to its use continues as long as the right to use the approval for development granted to the receiver site. For example, if a TDC is transferred to a receiver site which is subdivided with the use of the TDC, the life of the TDC is extended for the full period granted by law and the exercise of discretion by the advisory planning agency under the State Map Act. In the case of a subdivision, the life of a TDC would be extended for or terminated upon the expiration of the period between the tentative map approval and the final map approval and discretionary extensions of these periods.

20.64.190.070 TDCs CREATED BUT NOT TRANSFERRED.

Because two TDCs are granted to the donor site at the time of its designation, it may be that both TDCs are not immediately transferred. It may be that a receiver site may be granted only one TDC. This section addresses those TDCs created but not immediately transferred upon their creation.

1. Right to Transfer TDC.

The Planning Commission written decision designating the donor site shall serve as the record of the creation of development credits. This decision shall be recorded as an inchoate right upon the property that is the donor site. This right is extinguished upon transfer to a receiver site.

2. Duration of Right to Transfer TDC.

The right to transfer a TDC from a donor site to a receiver site shall exist in perpetuity. However, the duration of this right may be shortened by its transfer to a receiver site. After its transfer the right to use the TDC would extend only for the period in which the owner of the receiver site must complete the conditions of development.

3. Transfer and Assignment of TDCs.

A TDC may only be transferred from a donor site to a receiver site.

4. Upon transfer of a TDC, the provisions of Section 20.64.190.040.5 shall apply.

20.64.190.080 FUND TO PURCHASE TDCs.

The Board shall establish a revolving fund to purchase the right to transfer TDCs for retirement or for transfer. This fund may be funded by County funds, charitable contributions, non-profit trusts, or other governmental monies.

20.64.200 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 blighting 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 theater 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 theater, 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 therapists 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 Coastal Development 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.

20.64.210 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 Coastal Development Permit in any residential zoning district.
 - 2. The minimum lot area for a mobilehome park shall be 5 acres.
 - 3. The density of a mobilehome park shall not exceed the density shown for the parcel on the Sectional District Map, or 8 units per acre, whichever is less.
 - 4. The minimum mobilehome site within the mobilehome park shall not be less than 3,000 square feet.
 - 5. Minimum setbacks from adjoining streets and properties shall:
 - a. Front setback: 20 feet;

- b. Side setback: 10; and
 - c. Rear setback: 10 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. 10 percent of the total area of the mobilehome park shall be developed and maintained for recreational purposes.
 - 9. Two (2) 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.

20.64.220 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.

20.64.230 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% (25% in North County). In areas within the North County Land Use Plan boundaries 25% shall replace 30% throughout this Section.

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 Coastal Development Permit, except as provided in Section 20.64.230 (C) (2) and (3).
2. The following development may be allowed on slopes exceeding 30% provided a Coastal 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 100 hundred cubic yards; and
 - ii.) the excavation does not exceed 2 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 100 cubic yards; and
 - iii.) the fill does not exceed 2 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 Coastal Development Permit and Coastal 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 Coastal Development Permit pursuant to Section 20.64.230(1) is the Monterey County Planning Commission unless such Coastal Development 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 Coastal Development 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 Local Coastal Program 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 20.64.230(E) (1).

20.64.240 REGULATIONS FOR 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 20.68 of this Title.
 - b. Questions regarding permit enforcement which are regulated in Chapter 20.90 of this Title.
 - 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 is it 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 Director of Planning and Building Inspection shall notice a hearing before the Planning Commission pursuant to Chapter 20.84 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 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 20.86 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 acknowledgement 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.
10. Claims involving vested rights created by a Coastal Permit and approved prior to 1988 or claims involving vested rights for development created before coastal development permits were required in 1972 or 1976 shall be made to the California Coastal Commission.

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.

20.64.250 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 Developments 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 include 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 under 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.
- 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 organization 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, or 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.
- 1 7) 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 non-residents 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 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 to 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 the 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, 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 or 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 of 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 information displays.
- s. Provide educational and marketing strategies designed to induce tourists to reduce their vehicle trips.
- t. Provide on-site banking automatic teller machines (ATM's), 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-September) figures may be substituted.

20.64.260 PUBLIC AND QUASI-PUBLIC USES.

- A. Public and quasi-public uses such as schools, churches, parking lots, public facilities (except in Del Monte Forest), public utilities and roads are consistent land uses under all land use designations and in all zoning districts except for AP (CZ), AC (CZ), and RC (CZ) zoning districts.

- B. All public and quasi-public uses approved pursuant to a coastal development permit shall be specifically found with substantial evidence to be compatible with surrounding land uses.
- C. Public and quasi-public uses allowed in residential areas shall be limited to those of a residential nature or incidental to residential uses such as schools, or public safety facilities.
- D. Intensive public and quasi-public uses, such as corporation yards, jails or other types of detention facilities shall not be located in residential areas.

20.64.280 EASEMENTS, OFFERS OF DEDICATION, DEED RESTRICTIONS, AND NOTICES.

A. Easements and Offers of Dedications

- 1. Easements and Offers of Dedications shall be required as conditions of project approval where so required in the ordinance and where determined by the County to be necessary for protection of natural resources and/or public access. The easement or offer of dedication shall be required in accordance with procedures in 20.64.280.A.6., prior to the issuance of building or grading permits.
- 2. Public access easements or offers of dedications for public access shall be required for provision of vertical or lateral public access. An offer of dedication shall be required when neither the County nor any other agency or association acceptable to the County is ready to accept the dedication. An easement or fee simple dedication where specified in a land use plan shall be required when the County or other agency or association acceptable to the County has agreed to accept the dedication. The public access easements and offers of dedication shall be required as follows:
 - a. Offers of dedication for vertical public access shall be required in accordance with the forms in Appendix 6.
 - b. Offers of dedication for lateral public access shall be required in accordance with the forms in Appendix 7.
 - c. Offers of dedication for trail public access shall be required in accordance with the forms in Appendix 8.
 - d. Public access easements for provision of lateral, vertical, and/or trail access shall be required in accordance with the forms in Appendix 9.

3. Offers of dedication for public access, where required, shall be irrevocable for a period of 21 years after recordation. The offer shall be held by and kept on file with the California Coastal Commission for the duration of this time except offers involving Del Monte Forest are to be held by the County. During the twenty-one year period, the County may choose to act as Grantee and accept the offer of dedication. If so, a public access easement or fee simple dedication shall be prepared in accordance with the procedures and forms in Appendix 9.
4. Scenic and conservation easements shall be required when necessary for the protection of habitat, scenic, open space, or archaeological resources, in accordance with the forms in Appendix 10. The Del Monte Forest Foundation should be the grantee for all easements required for the protection of environmentally sensitive habitats and scenic and visual resources in the Del Monte Forest. All other easements shall be granted to the County of Monterey.
5. A subordination agreement shall be required, where necessary, in accordance with the procedures and forms in Appendix 11. A subordination agreement must be recorded if the title report prepared for the property shows that the property is encumbered by any prior lien or encumbrance other than a tax lien which the Director of Planning and Building Inspection and legal counsel have determined may affect the interest being conveyed.
6. The procedure for recordations of easements and offers of dedication shall be as follows:
 - a. The easement or offer of dedication shall be required as a condition of project approval.
 - b. The appropriate easement or offer packet, as contained in the appendix specified above, shall be transmitted to the applicant by the Planning and Building Inspection Department.
 - c. The applicant shall complete the signed and notarized forms according to the procedures outlined in the packet. The subordination agreement must accompany the offer or easement, if the preliminary title report shows that the property is not free of prior liens, except for tax liens.
 - d. The applicant shall submit the completed packet to the Monterey County Planning and Building Inspection Department.
 - e. The Monterey County Planning and Building Inspection Department shall review the documents for correctness of content, then transmit the completed packet to the County Counsel office for review and approval.
 - f. County Counsel shall review the documents for correctness of form. Once Counsel has approved the documents, Counsel shall initial the documents to indicate approval as to form.

- g. The Planning and Building Inspection Department shall forward a copy of the permit conditions and findings of approval and copies of the legal documents to the Executive Director of the Coastal Commission for review and approval of the legal adequacy and consistency with the requirements of potential accepting agencies. The procedure shall then be as follows:
 - 1) The Executive Director of the Coastal Commission shall have fifteen (15) working days from receipt of the documents in which to complete the review and notify the applicant of recommended revisions if any;
 - 2) The local government may issue the permit upon expiration of the fifteen (15) working day period if notification of inadequacy has not been received by the local government within that time period;
 - 3) If the executive director has recommended revisions to the applicant, the permit shall not be issued until the deficiencies have been resolved to the satisfaction of the Executive Director. (Coastal Commission Regulations Section 13574)
- h. County Counsel shall return the documents to the Planning and Building Inspection Department.
- i. If the document is an easement to be granted to the County or an offer of an easement that the County wishes to accept, the Planning and Building Inspection Department shall arrange for the easement to be accepted by the Board of Supervisors where possible as a "consent" item at a regularly-scheduled public hearing of the Board of Supervisors. The Planning and Building Inspection Department shall notify the applicant of the hearing date and time. Then:
 - 1) The Board of Supervisors may accept the easement.
 - 2) If accepted by the Board of Supervisors, the easement shall be duly signed by the Board Chair.
 - 3) The Clerk of the Board shall return the signed documents to the Planning and Building Inspection Department, who shall then transmit the documents to the applicant.
 - 4) The Coastal Commission shall be notified of the acceptance of the easement.
- j. If the document is an offer of dedication that the County is not accepting, the Planning and Building Inspection Department shall return the document to the applicant.

- k. The applicant shall record the offer of dedication or easement and subordination agreement, if applicable, at the County Recorder's office. The offer or easement and subordination agreement must be recorded as separate documents. Once indexed by the Recorder's office, the County Recorder shall return the documents to the Monterey County Planning and Building Inspection Department.
- l. The applicant shall submit an updated preliminary title report to the Monterey County Planning and Building Inspection Department. The title report shall show the recorded documents in the chain of title and free of prior liens or encumbrances which could affect the interest being conveyed.
- m. The Planning and Building Inspection Department shall transmit the title report to the County Counsel's office for review.
- n. County Counsel shall notify the Planning and Building Inspection Department in writing that the title report properly shows the recorded documents free of prior liens or encumbrances.
- o. The condition shall be shown as completed by the Planning and Building Inspection Department. The condition must be completed prior to the issuance of building or grading permits or prior to recordation of the parcel or final map or other authorization to proceed with the approved development, as applicable. If an offer has been required, the Planning and Building Inspection Department shall transmit a copy of the Offer, title report, and subordination agreement, if applicable, to the California Coastal Commission.

B. Deed Restrictions

- 1. Deed restrictions shall be required as conditions of project approval where so required in the ordinance and or as otherwise recommended by Monterey County departments. The deed restriction shall be required in accordance with the procedures contained in Section 20.64.280.B.3, prior to the issuance of building or grading permits and prior to recordation of the parcel or final map or other authorization to proceed with the approved development, as applicable.
- 2. The deed restriction shall be required in accordance with forms contained in Appendix 12.
- 3. The procedure for recordations of deed restrictions shall be as follows:
 - a. The deed restriction shall be required as a condition of project approval.
 - b. The deed restriction packet, as contained in Appendix 12, shall be transmitted to the applicant by the Planning and Building Inspection Department.

- c. The applicant shall complete the signed and notarized forms according to the procedures outlined in the packet. The subordination agreement must accompany the deed restriction, if the preliminary title report shows that the property is not free of prior liens, except for tax liens which the Director of Planning and Building Inspection and legal counsel have determined may affect the interest being conveyed.
- d. The applicant shall submit the completed packet to the Monterey County planning and Building Inspection Department.
- e. The Monterey County Planning and Building Inspection Department shall review the documents for correctness of content, then transmit the completed packet to the County Counsel office for review and approval.
- f. County Counsel shall review the documents for correctness of form. Once Counsel has approved the documents, Counsel shall initial the documents to indicate approval as to form.
- g. County Counsel shall return the documents to the Planning and Building Inspection Department.
- h. The Planning and Building Inspection Department shall return the documents to the applicant.
- i. The applicant shall record the deed restriction and subordination agreement, if applicable, at the County Recorder's office. The deed restriction and subordination agreement must be recorded as separate documents. Once indexed by the Recorder's office, the County Recorder shall return the documents to the Monterey County Planning and Building Inspection Department.
- j. The applicant shall submit an updated preliminary title report to the Monterey County Planning and Building Inspection Department. The title report shall show the recorded documents in the chain of title and free of prior liens or encumbrances which could affect the interest being conveyed.
- k. The Planning and Building Inspection Department shall transmit the title report to the County Counsel's office for review.
- l. County Counsel shall notify the Planning and Building Inspection Department in writing that the title report properly shows the recorded documents free of prior liens or encumbrances.
- m. The condition shall be shown as completed by the Planning and Building Inspection Department. The condition must be completed prior to the issuance of building or grading permits.

C. Notices of Other Restrictions

1. Notices of other restrictions, such as presence of floodplain or preparation of a consultant report, which do not constitute a deed restriction, shall be required as conditions of project approval where so required in the ordinance and or as otherwise recommended by Monterey County departments. The notice shall be required prior to the issuance of building or grading permits in accordance with the following procedures:
 - a. The notice shall be required as a condition of project approval.
 - b. The applicant shall prepare the notice.
 - c. The signed and notarized notice shall be transmitted by the applicant to the Planning and Building Inspection Department.
 - d. The Monterey County Planning and Building Inspection Department shall review the notice for correctness of content, then transmit the proposed notice to the County Counsel office for review and approval.
 - e. County Counsel shall review the notice for correctness of form. Once Counsel has approved the notice, Counsel shall initial the documents to indicate approval as to form.
 - f. County Counsel shall return the documents to the Planning and Building Inspection Department.
 - g. The Planning and Building Inspection Department shall transmit the notice to applicant, with notification that the notice is acceptable to the County.
 - h. The applicant shall record the notice at the County Recorder's office. Once indexed by the Recorder's office, the County Recorder shall return the recorded notice to the Monterey County Planning and Building Inspection Department.
 - i. After the recorded notice has been returned to the Planning and Building Inspection Department, the condition shall be shown as completed by the Planning and Building Inspection Department. The condition must be completed prior to the issuance of building or grading permits.

20.64.300 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 20.76 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 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.

20.64.310 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 coastal areas of 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 Telecommunication 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 Coastal Administrative Permit or a Coastal Development Permit. Facilities regulated by this ordinance include the construction, modification, and placement of all Federal Communication Commission (FCC) regulated amateur radio antenna, satellite dish antennas and any antennas used for multi-channel, multi-point distribution services (MMDS or “Wireless Cable”) and personal wireless service facilities. Wireless service facilities shall be subject to the following regulations to the extent that such requirements (1) do not unreasonably discriminate among providers of functionally equivalent services or (2) do not have the effect of prohibiting personal wireless services within Monterey County.
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 requirement 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 the California Public Utility Code section 21676.

4. Wireless communication facilities shall be sited in the least visually obtrusive location possible pursuant to Sections 20.64.310G and 20.64.310H1. 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 together with a written report from an installer showing all locations where an unimpaired signal can be received. Visual simulation can consist of either a physical mock-up of the facility, balloon simulation, computer simulation 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, critical viewshed area or within a designated historic resource site 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 20.54 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, Local Coastal Program 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. Except that, if defined as development (Sec. 20.06.310) which is not exempt, pursuant to Section 20.70.120, nor preempted by federal law, a coastal permit shall be required.
1. Structure-mounted antennas as defined in Section 20.64.310 (F)(3) of this Chapter.
 2. Ground-mounted antennas as defined in Section 20.64.310 (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-, 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 which does not exceed 12' in height above the roofline or television satellite dish, which does not exceed one meter in diameter, if located on residential property within the exclusive use or control of the antenna user.
6. A television satellite dish which is between one and two meters in diameter and is located in any area where commercial or industrial uses are permitted by the land use designation.
7. Mobile services providing public information coverage of news events of a temporary nature.
8. 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 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 where not preempted by federal statute or regulation.
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 relating to the construction, design, and siting of wireless communication facilities and the compatibility with surrounding land uses.

F. DEFINITIONS

1. ALUC – Airport Land Use Commission of Monterey County
2. Antennas – 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, 10 feet or less tall and six inches or less in diameter, attached to a structure 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, either to the public-switched network or to other mobile cellular phones.
6. CEQA – California Environmental Quality Act
7. Co-located Facility – A communication 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 communication 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 including but not limited to antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunications 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 reasonably require.
2. The purpose of the registration under this Section is to:
- a. Provide the County with accurate and current information concerning the wireless communications carriers and providers who offer or 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.
4. The provider shall consult with the Director of Planning and Building Inspection on site selection, prior to securing any sites that the provider does not already own or lease at the time of initial registration.

H. GENERAL DEVELOPMENT STANDARDS

1. Site Location

The following criteria shall govern appropriate locations for wireless communication facilities and may require an alternative site other than the site shown on an initial permit application for a wireless facility:

- 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 and shall not significantly impact public views to the ocean. 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 according to Sections 20.144.030; 20.145.030; 20.146.030; or 20.147.070. Furthermore, they should always be sited below the ridgeline where possible and be 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.
 - i. Disturbance of existing topography and on-site vegetation shall be minimized, unless such disturbance would substantially reduce the visual impacts of the facility.
 - ii. 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.
 - iii. 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.
 - iv. 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.
 - v. Wireless communication facilities shall be subject to the Big Sur Coast Land Use Plan viewshed policies.
 - vi. No wireless communication facility shall be located in an environmentally sensitive habitat unless found consistent with Sections 20.144.040; 20.145.040; 20.146.040; or 20.147.040.

- vii. Any wireless communication facility between the first through public road and the sea shall be consistent with the access and recreation policies of the LCP and Chapter 3 of the Coastal Act. No portion of a wireless facility shall extend onto or impede access to a public beach.

2. Site Location: Satellite Dish and MMDS Antenna

The antenna shall comply with the following requirements only to the extent such requirements are necessary to find the development consistent with the visual, public view protection, hazard and access policies of the certified LUP.

- a. The antenna complies with all applicable development standards of the base district in which it is located.
- b. The antenna and associated equipment blends into the surrounding environment, or provides adequate concealment through architecturally integrated elements.
- c. Where screening potential is low, innovative designs have been incorporated to reduce the visual impact.
- d. The applicant has demonstrated good faith to collocate on existing facilities or sites.
- e. The antenna does not significantly impact public views to the ocean.

3. Design Review Criteria

- a. Towers and monopoles shall be constructed of non-flammable material, 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 communication facilities shall be of a color approved by the appropriate authority. If a facility is conditioned to require paint, it shall 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 telecommunication facility which will be viewed against soils, trees, or grasslands shall be of a color matching these landscapes.
- d. Special design of wireless communication facilities may be required to mitigate potentially significant adverse visual impacts.

4. 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:

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 on existing buildings or structures and which exceed the height limit for the zoning district, co-located facilities, and facilities that have no significant adverse visual impact from any common public viewing area.

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 or if a coastal permit or a non-minor or non-trivial coastal permit amendment is required and not preempted by Federal law, based on Sections 20.06.310, 20.70.120, 20.70.105, and/or 20.76.115 or conditions of previously-issued coastal permits."

Applications for wireless communication 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:

- a. Any structure penetrating a FAR Part 77 Imaginary Surface;
- b. Any structure within 5 miles of an airport that exceeds 35 feet in height;
- c. All structures over 100 feet anywhere in the County if the application requires a Use Permit or Variance for a height exception;
- d. 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.

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 Coastal Administrative Permit or Coastal Development Permit, the Appropriate Authority shall make the following findings:

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 resources as defined in the Monterey County General Plan and the Area Plan.
2. That the site is adequate for the development of the proposed wireless communications facility and that the applicant has demonstrated that there are not alternative sites for the proposed facility.
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 telecommunications facility will not create a hazard for aircraft in flight.
6. Any decision to deny a permit for a personal wireless service facility shall be in writing and shall be supported by substantial evidence and shall specifically identify the reasons for the decision, the evidence that led to the decision and the written record of all evidence.

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.
3. As part of the agreement, the applicant shall commit to the following: where future technological advances would allow for reduced visual impacts resulting from the proposed wireless communication facility, the applicant shall agree to make those modifications that would reduce the visual impact of the proposed facility.

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 the 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.

Chapter 20.66

DEVELOPMENT STANDARDS

Sections:

20.66.010	Standards for Ridgeline Development.
20.66.020	Standards for Environmentally Sensitive Habitats.
20.66.030	Standards for Agricultural Uses.
20.66.040	Standards for Hazardous Areas.
20.66.050	Standards for Archaeological Resource Areas.
20.66.060	Standards for Farm Employee and Farm Worker Housing.

20.66.010 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 Coastal Development Permit in each case.
- D. A Coastal Development Permit for ridgeline development may be approved only if the following findings, based on substantial evidence, may be made:
 - 1. The ridgeline development, as conditioned by permit, will not create a substantially adverse visual impact when viewed from a common public viewing area.
 - 2. No alternative location exists on the subject site which would allow a reasonable development without the potential for ridgeline development.

20.66.020 STANDARDS FOR ENVIRONMENTALLY SENSITIVE HABITATS.

Refer to Part 2 (North County), Part 3 (Big Sur), Part 4 (Carmel) or Part 5 (Del Monte Forest) of the Monterey County Coastal Implementation Plan for these standards.

20.66.030 STANDARDS FOR AGRICULTURAL USES.

Refer to Part 2 (North County) or Part 3 (Big Sur) of the Monterey County Coastal Implementation Plan for these standards.

20.66.040 STANDARDS FOR HAZARDOUS AREAS.

Refer to Part 2 (North County), Part 3 (Big Sur), Part 4 (Carmel) or Part 5 (Del Monte Forest) of the Monterey County Coastal Implementation Plan for these standards.

20.66.050 STANDARDS FOR ARCHAEOLOGICAL RESOURCE AREAS

Refer to Part 2 (North County), Part 3 (Big Sur), Part 4 (Carmel), or Part 5 (Del Monte Forest) of the Monterey County Coastal Implementation Plan for these standards.

20.66.060 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 and farm worker housing.
- C. Regulations:
 - 1. Development of farm employee and farm worker housing or additions to or renewal of permits for existing farm labor housing shall require a Coastal Development Permit or a Coastal Administrative Permit. The Coastal Development Permit 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. In "CAP (CZ)" (Coastal Agricultural Preservation) zoning districts the housing must be located off prime and productive agricultural land, or on a lot where no other alternatives exist on site, on the least viable portion of the lot.
- c. In "AC (CZ)" (Agricultural Conservation) zoning districts, the housing must be located off of viable agricultural land.
- d. In "LI" (Light Industrial) zoning districts, the housing may be located on any portion of the parcel subject to conformance with the policies of the North County Land Use Plan and standards of this ordinance.
- e. The development shall incorporate proper erosion and drainage controls and shall not be located on Critical Erosion Areas.
- f. Enclosed storage facilities shall be provided for each housing or dwelling unit.
- g. Laundry facilities, including washers and dryers, shall be provided on-site.
- h. The housing shall meet the density requirements of the zoning district in which it is to be located. The minimum parcel size for the establishment of farm labor housing shall be 2.5 acres.
- i. Parking shall be provided at the ratio of two spaces per family unit, and/or one space per single person. Such spaces need not be covered. The parking areas shall be designated on the approved site plan.
- j. The site design of the facilities shall be subject to the approval of the Director of Planning and Building Inspection.
- k. The development of 4 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.
- l. 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.

- m. 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.

LEGAL NONCONFORMING USES

Sections:

20.68.010	Establishment of Legal Nonconforming Uses.
20.68.020	Legal Nonconforming Land Use.
20.68.030	Legal Nonconforming Structure Use.
20.68.040	Legal Nonconforming Structure Location and Height.
20.68.050	Damaged or Destroyed Legal Nonconforming Structures.
20.68.060	Legal Nonconforming Building Sites.
20.68.070	Legal Nonconforming Outdoor Advertising Structures.
20.68.080	Legal Nonconforming Wrecking and Junk Yards.
20.68.090	Construction or Use Initiated Prior to Adoption of Regulations.
20.68.100	Abandonment of Legal Nonconforming Uses.

20.68.010 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.

20.68.020 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 Coastal Development Permit in each case.

20.68.030 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 Coastal Development 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 Coastal Development Permit in each case.
- C. A structure maintaining a legal residential nonconforming use may be increased for the expansion of the use by 120 square feet, or 10% of the floor area, whichever is greater.

20.68.040 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) provided such work does not exceed 50 percent of the appraised value of the structure in any one year period.

Additional maintenance and repair may be allowed subject to a Coastal Development 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.

20.68.050 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 Coastal Development Permit is first secured.

Replacement structures meeting the following criteria shall not require a Coastal Development Permit:

- 1. they conform to all of the applicable zoning requirements; and
- 2. they are proposed for the same use as the destroyed structure; and
- 3. they do not exceed the floor area, height, or bulk of the destroyed structure by more than 10%; and
- 4. they are sited in substantially the same location on the affected property as the destroyed structure.

20.68.060 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 4 or less parcels shown on a record of survey recorded prior to March 2, 1964, or record of survey of 4 or less parcels, each of which is over 2 1/2 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.

**20.68.070 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 Discretionary Permit has been obtained.
- B. All legal nonconforming outdoor advertising signs and outdoor advertising structures located on property shall be removed entirely within 5 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 Discretionary Permit has been obtained within such 5-year period or had been previously secured.

20.68.080 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 Coastal Development Permit.

**20.68.090 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.

20.68.100 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 12 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 20.84 of this Title.

Chapter 20.70

COASTAL DEVELOPMENT PERMITS

Sections:

20.70.010	Purpose.
20.70.020	Applicability.
20.70.025	Coastal Development Permits.
20.70.030	Appropriate Authority.
20.70.040	Application.
20.70.050	Action by Appropriate Authority.
20.70.060	Revocation.
20.70.070	Expiration.
20.70.080	Effect.
20.70.090	Reapplication.
20.70.100	Filing Fee.
20.70.105	Amendments to Coastal Development Permits
20.70.110	Extension of Coastal Development Permits.
20.70.115	Determination of Permit Requirement.
20.70.120	Exemptions from Coastal Development Permits.
20.70.130	Coastal Development Permit Process.

21.70.010 PURPOSE.

The purpose of this Chapter is to establish a review process for development in the Coastal Zone of Monterey County. The review process is designed to meet the intent and requirements of the Coastal Act, to effect proper and thorough review of development in the Coastal Zone consistent with adopted land use plans, and to meet the needs of the public for timely review and action on proposed developments.

20.70.020 APPLICABILITY.

The provisions of this Chapter apply in all zoning districts in the unincorporated areas inside the Coastal Zone within Monterey County.

20.70.025 COASTAL DEVELOPMENT PERMITS

All development as defined by Section 20.06.310 shall require a Coastal Development Permit except development exempted by section 20.70.120. Applications for development listed as a Principal Use Allowed Coastal Administrative Permit Required in Each Case in the respective category within the district shall be processed pursuant to the provisions of Chapter 20.76 of this Title instead of the provisions of this Chapter. Furthermore, those uses not considered development shall not require a Coastal Development Permit.

20.70.030 APPROPRIATE AUTHORITY.

- A. Coastal Development 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 Coastal Development Permits, for those uses identified by the "(ZA)" designation and those items designated by the Director of Planning and Building Inspection pursuant to Section 20.04.030.F of this Title.
- C. The Planning Commission shall be the Appropriate Authority to hear and decide applications for, and issue Coastal Development Permits, for all other uses for which a Coastal Development Permit is required or permitted. The powers and authority may be combined to one body pursuant to a Combined Development Permit subject to Chapter 20.82.

20.70.040 APPLICATION.

Application for a Coastal 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.

20.70.050 ACTION BY APPROPRIATE AUTHORITY.

- A. All Coastal Development Permits require a public hearing pursuant to Chapter 20.84.
- B. In order to grant any Coastal Development 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.
 - 3) The subject project is in conformance with the Monterey County Local Coastal Program.
 - 4) If applicable, including for all projects seaward of the first public road, that the project is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30200 of the Public Resources Code). Specific findings shall be made with respect to the following:

- a) ***Protection of Historic Access and/or Public Trust.*** No development shall be permitted which interferes with any form of historic public use or trust rights unless the applicant has demonstrated clear ownership of the area in question unencumbered by any form of public rights. For purposes of this policy, historic public use rights will be protected where a trail or use area has been established, and potential public trust rights will be protected on all beaches subject to ocean waves seaward of the first line of vegetation. The first choice where there is evidence of public use or trust rights shall be to resite the development to avoid the area of public use or trust rights. If that is not possible, development may be allowed if offsetting public access benefits are provided and those access benefits are of equivalent nature and utility. In the case of trails, offsetting public access benefits shall consist of replacement trails. In the case of use areas, offsetting public access benefits shall consist of replacement use areas. In the case of beaches, offsetting public access benefits shall consist of access dedications over the remaining beach area.
- b) ***Provision of Public Access.*** Access will be provided as a condition of new development, consistent with Section 30212 of the California Coastal Act and Constitutional protections, subject to paragraph (c) below.
- c) ***Application of Access Requirements to Single Family Residential Development.*** As further guidance to the application of the above stated access requirements to single family development: prior to requiring public access for new development on an existing legal lot, the permitting authority shall consider the cumulative impact of development of this and all similarly situated vacant parcels on public access to tidelands and recreational areas. If no substantial adverse impact can be demonstrated, either individually or cumulatively, on any of the following:
 - (i.) historic access, public trust, or the recreational value of, accessibility to, use of, or safety of public beaches, trails, recreation areas, or recreation support areas; or,
 - (ii.) the shoreline, by affecting either processes or sources of sand necessary to maintain public beaches or tidelands, or by siting in a manner that would necessitate a shoreline protective device or other public maintenance of the area; then access shall not be required.

C. The Appropriate Authority may designate such conditions in connection with the Coastal 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.

- D. An appeal may be taken from the action of the Appropriate Authority pursuant to Chapter 20.86.
- E. On or before the seventh day following action by the appropriate authority or Board of Supervisors on appeal, notice of the decision, including findings for approval (or denial) and conditions on the project proposal shall be mailed to the following people:
 - 1. The applicants
 - 2. The owner of the subject parcel.
 - 3 All persons who have submitted a written request for notification of action on this specific permit.
 - 4. The Coastal Commission.

Should, for any reason, a coastal development permit not be acted upon for decision within the time limits established by law, notice of said inaction shall be supplied to the Coastal Commission within three days of such determination.

20.70.060 REVOCATION.

- A. Where one or more of the conditions of a Coastal Development Permit have not been, or are not being complied with, or when a Coastal 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 Coastal Development Permit following public hearing pursuant to Chapter 20.84 of this Title.
- B. An appeal may be taken from such revocation or modification in the same manner as described in Chapter 20.86.

20.70.070 EXPIRATION.

- A. Any Coastal 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 2 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 2 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.

20.70.080 EFFECT.

Building permits shall not be issued, nor any use conducted, other than in accordance with the conditions and terms of the Coastal Development Permit granted nor until 10 days after the mailing of notice of granting of such Coastal Development Permit by the Appropriate Authority, or, after a final resolution of such Coastal Development Permit by the Board of Supervisors or California Coastal Commission in the event of appeal. For coastal development permits appealable to the Coastal Commission pursuant to Section 20.86.080 of this Title, the effective date is after the ten working day appeal period to the Coastal Commission has expired or, if appealed, after the appeal has been resolved, pursuant to Section 20.86.090.

20.70.090 REAPPLICATION.

When an application or portion of an application for a Coastal Development Permit is denied by the Appropriate Authority or the Board of Supervisors or California Coastal Commission on appeal, no new application for a Coastal Development Permit substantially the same as the one denied shall be considered for a period of one year following such denial.

20.70.100 FILING FEE.

The application fee for a Coastal Development 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 Coastal Development 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.

20.70.105 AMENDMENTS TO COASTAL DEVELOPMENT PERMITS.

Proposed amendments to any permit issued under the provisions of this Chapter shall be submitted to the Planning And Building Inspection Department in writing and in sufficient detail to adequately assess the nature of the amendment and any potential impacts of the amendment. Proposed amendments shall be handled in the following manner:

- A. If, in the opinion of the Director of Planning and Building Inspection the amendment is of a minor or trivial nature, with no impacts not already assessed in the original permit action, and generally in keeping with the action of the appropriate authority, the amendment may be approved by the Director of Planning And Building Inspection. The Director shall post notice of such approval at the project site and by mail to all parties that the Director has reason to know may be interested in the application. If no written objections are received by the Planning And Building Inspection Department within ten working days of posting such notice, the amendment approval shall be final. If objections are received, the amendment shall be considered under Section 20.70.105.B below.
- B. If, in the opinion of the Director of Planning And Building Inspection the amendment is of other than a minor or trivial nature, or may cause impacts not already assessed in the original permit, or is not in keeping with the action of the appropriate authority the amendment shall be taken to the decision making body of the original permit and processed consistent with the original permit procedures.

20.70.110 EXTENSION OF COASTAL DEVELOPMENT PERMITS.

- A. The Director of Planning and Building Inspection may extend a Coastal Development Permit for an additional two year period upon receipt of a written request from the permittee, provided such request is made at least 30 days prior to the expiration of the Coastal Development Permit and provided that there are no changed circumstances. 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 notice provisions of Section 20.70.105 of this Title.

20.70.115 DETERMINATION OF PERMIT REQUIREMENT.

- A. The Director of Planning and Building Inspection, Zoning Administrator, Chief of Planning Services, or Supervising Coastal Planner shall have the authority to determine whether or not any development proposed in the Coastal Zone is exempt from a Coastal Development Permit pursuant to this Title.
- B. Any person wishing such determination shall submit to the Planning and Building Inspection Department all plans and information deemed necessary by the Planning and Building Inspection Department to assess the development.
- C. After review, the Director of Planning and Building Inspection, Zoning Administrator, Chief of Planning Services, or Supervising Coastal Planner shall notify the applicant in writing that the development is:
 - 1) exempt and state the category of exemption, or
 - 2) that a coastal development permit is required and, if so, whether it is appealable or not.
- D. The procedure described in this section shall be considered an administrative determination and is appealable pursuant to Section 20.88 of this Title.
- E. If the final determination of the local government is challenged by the applicant or an interested person pursuant to Chapter 20.88 of this Title, or if the local government wishes to have a Commission determination as to the appropriate designation, the local government shall notify the Commission by telephone of the dispute/question and shall request an Executive Director's opinion which shall be made pursuant to Section 13569 of the Coastal Commission's regulations.
- F. Where a Coastal Development Permit or other discretionary permit has not been required for a project, the development standards of the applicable land use plan segment and applicable County ordinances shall still apply to the ministerial permit. All reports, studies, and other specified information shall be submitted prior to the permit application being determined complete. Where required by ordinance, conditions of approval shall be applied to the ministerial permit, to be completed prior to receiving either occupancy

or the final permit, as so stated in the condition. The Building Inspection Department shall only permit occupancy or issue the final permit after receiving verification from the Director of Planning and Building Inspection, Zoning Administrator, or their designee that all conditions have been met.

20.70.120 EXEMPTIONS FROM COASTAL DEVELOPMENT PERMITS

The projects listed below shall be exempt from the requirement for a Coastal Development Permit. Requirements for any other permits are unaffected by this Section.

- A. The maintenance, alteration, or addition to existing single-family dwellings, including the establishment or expansion of non-habitable accessory structures not exceeding 1000 square feet and normally associated with residential uses such as garages, decks, workshops, and storage buildings not exceeding 1000 square feet; however, the following classes of development shall require a permit because they involve a risk of adverse environmental impact:
1. Improvements to a single-family structure on a beach, wetland or seaward of the mean high tide line or within 50 feet of a coastal bluff edge.
 2. Any significant alteration of landforms including removal or placement of vegetation on a beach, wetland or sand dune, or within 50 feet of the edge of a coastal bluff.
 3. The expansion or construction of water wells or septic systems.
 4. On property located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in scenic road corridors, improvement that would result in an increase of 10% or more of internal floor area of an existing structure, the construction of an additional story (including lofts) in an existing structure, and/or any significant non-attached structure such as garages in excess of 1000 square feet, fences over 6 feet in height, shoreline protective works, docks or trees or satellite dishes.
 5. In areas determined to have critically short water supply that must be maintained for the protection of coastal resources or public recreational use, the construction of any specified major water using development not essential to residential use including but not limited to swimming pools, or construction or extension of any landscaping irrigation system.
 6. Additions or expansions to developments which, by condition of previous permit issued by the County of Monterey or Coastal Commission, which by condition of such permit requires development permits for such addition or expansion.
- B. The maintenance, alteration, or addition to existing structures other than single-family dwellings and public works facilities; however, the following classes of development shall require a permit because they involve a risk of adverse environmental impact:

1. Improvements to any structure on a beach, wetland, stream or lake, or seaward of the mean high tide line or within 50 feet of a coastal bluff edge.
 2. Any significant alteration of landforms including removal or placement of vegetation, on a beach, wetland or sand dune, or within 100 feet of the edge of a coastal bluff or stream or in areas of natural vegetation designated as a sensitive habitat.
 3. The expansion or construction of water wells or septic systems serving 5 or more service connections.
 4. On property located between the sea and the first public road paralleling the sea or within 300 feet of the inland intent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in scenic road corridors an improvement that would result in an increase of 10% or more of internal floor area of the existing structure, and/or the construction of an additional story (including lofts) in an existing structure, or satellite dishes.
 5. In areas determined to have critically short water supply that must be maintained for the protection of coastal recreation or public recreational use, the construction of any specified major water using development including but not limited to swimming pools or the construction or extension of any landscaping irrigation system.
 6. Any improvement to a structure which increases the intensity of use of the structure or changes the nature of the use.
 7. Any improvement made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold including but not limited to a condominium conversion, stock cooperative conversion or motel/hotel time-sharing conversion.
 8. Addition or expansion to developments which by condition of previous permit issued by the County of Monterey or Coastal Commission requires development permits for such addition or expansion.
- C. Use of existing or permitted structures for keeping of pets, small family day care homes, licensed residential care homes for not more than 6 people, rooming and boarding, home occupations pursuant to Section 20.64.090, and animal husbandry and small livestock farming.
- D. Maintenance dredging of existing navigation channels or moving dredged material from such channels to a disposal area outside the Coastal Zone, pursuant to a permit from the United States Army Corps of Engineers.
- E. Repair or maintenance activities and safety improvements that do not result in an addition to, or enlargement or expansion of, the object of such repair or maintenance activities; however, the following classes of development shall require a permit because they involve a risk of adverse environmental impact:

1. Any method of repair or maintenance of a seawall, revetment, bluff retaining wall, breakwater, groin, or similar shoreline work that involves:
 - a. Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;
 - b. The placement, whether temporary or permanent, of riprap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective work;
 - c. The replacement of 20% or more of the materials of an existing structure with materials of a different kind; or
 - d. The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area or bluff or within 20 feet of coastal water or streams.
2. The replacement of 50% or more of a seawall, revetment, bluff retaining wall, breakwater, groin or similar protective work under 1 ownership.
3. Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that includes:
 - a. The placement or removal, whether temporary or permanent, of riprap, rocks, sand or other beach materials or any other forms of solid materials;
 - b. The presence, whether temporary or permanent, of mechanized equipment or construction material.

The provisions of this subsection 3 shall not be applicable to routine, regularly occurring maintenance on existing golf courses and public access improvements.

- F. Any category of development requested by the County as a Categorical Exclusion pursuant to Section 13241 of the Coastal Commission's Regulations and approved by the Coastal Commission pursuant to Coastal Act Section 13241 of the Regulations.

G. The installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development provided that the County may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources. In the Big Sur Coast area, the exception shall not apply to the installation of utility poles and lines within the "Critical Viewshed". (See Coastal Commission's September 5, 1978 "Repair, Maintenance and Utility Hook-Up Exclusions from Permit Requirements" document for further detail on which public utility projects are exempt.)

H. The replacement of any structure, other than a public works facility, destroyed by natural disaster. Such replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10%, and shall be sited in the same location on the affected property as the destroyed structure. Structures which are destroyed by natural disaster in the Carmel Meadows and Carmel Point areas may be rebuilt to their original height and bulk of that existing prior to the disaster. Applicant shall provide proof of previous dimensions.

As used in this subdivision, "natural disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner.

As used in this subdivision, "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

I. Harvesting of agricultural crops, including kelp.

J. Timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'Berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511). Road development and grading work shall be considered part of the timber operation only if all of the following apply:

1. Such work is for the exclusive purpose of timber operations;
2. Such work is shown on the approved timber harvest plan; and,
3. Such work is located on the premises, within the immediate area of timber operations.

K. Land division brought about in connection with the purchase of land by a public agency for public recreational use.

L. Encroachment permits.

M. Any project undertaken by a federal agency.

N. Any project undertaken by a federal agency or exempt from local regulation pursuant to federal law.

- O. Tree removal (which is not major vegetation) excepted by any section of the Monterey County Coastal Implementation Plan.
- P. Public works determined by the Coastal Commission to be consistent with a Public Work Plan certified by the Coastal Commission pursuant to Coastal Act Section 30605.
- Q. Abatement of dangerous buildings pursuant to Chapter 18.20 of this Title and other abatements of nuisances pursuant to Section 20.90.130 of this Title.
- R. Repair and maintenance activities, and safety improvements on public or private roads that do not result in an addition to, or enlargement or expansion of the object of such repair or maintenance activities. (See Coastal Commission's September 5, 1978 "Repair, Maintenance and Utility Hook-Up Exclusions from Permit Requirements" document for further detail on which public road projects are exempt.)

20.70.130 COASTAL DEVELOPMENT PROCESS

- A. **Request for Application Materials:** A prospective applicant, or their respective agent must pay the appropriate fees and submit sufficient information for a planner to determine which process they must follow for their request. A subsequent conference will be held between the applicant, or their respective agent to convey the findings of the Planning and Building Inspection staff at which time the planner assigned to the project will give the application materials to the applicant.
- B. **Application:** An application for a Coastal Development Permit shall be made to the Monterey County Planning and Building Inspection Department in writing and in sufficient copies on a form prescribed by the Department, and shall be accompanied by statements, plans, elevations, reports and any such other information deemed necessary by the Planning and Building Inspection Department to adequately assess and evaluate the proposed use in light of the applicable land use plan, policies and environmental constraints.
- C. **Procedure:**
 - 1. The applicant submits the application deemed appropriate in subdivision (A) of this Section;
 - 2. The application is reviewed by the appropriate agencies for completeness, consistency, and any other deficiencies;
 - 3. Within 30 calendar days from submittal of the application, the application will be deemed complete or incomplete;
 - 4. If the application is deemed incomplete the applicant has the responsibility to perform the necessary duties or submit the appropriate materials to make the application complete;

5. If the application is deemed complete the application will be scheduled for a public hearing with the appropriate hearing body on the next available hearing date;
6. If the application is approved the applicant must comply with the conditions of approval before the permit becomes valid (in most cases the applicant must apply for and receive a building permit prior to construction of the project);
7. If the project is denied the applicant may exercise his option to appeal as set forth in Chapter 20.86 of this Title;
8. At no time shall any use or building permit be issued until the 10 day appeal period has expired. Said time period begins on the day the Resolution is mailed to the applicant and is counted by calendar days.

The above procedures may vary in some instances and are not intended to bind the County in the way it processes applications. They are included in this Title to inform the Public how the County generally processes Coastal Development Permits. Individuals interested in applying for a Coastal Development Permit may contact the Coastal Team at the Monterey County Planning and Building Inspection Department for specific information regarding the process.

Chapter 20.76

COASTAL ADMINISTRATIVE PERMITS

Sections:

20.76.010	Purpose.
20.76.020	Applicability.
20.76.030	Appropriate Authority.
20.76.040	Public Notice.
20.76.050	Action by Appropriate Authority.
20.76.060	Referral to Public Hearing.
20.76.070	Revocation.
20.76.080	Expiration.
20.76.090	Effect.
20.76.100	Reapplication.
20.76.110	Filing Fee.
20.76.115	Amendments to Coastal Administrative Permits
20.76.120	Extension of Coastal Administrative Permits

20.76.010 PURPOSE.

- A. The purpose of this Chapter is to provide a process whereby certain coastal development permits can be considered at an administrative level.
- B. It is the further purpose of this Chapter, by allowing Coastal 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.

20.76.020 APPLICABILITY.

Any development identified within the zoning district regulations as being a Principally Permitted Use Coastal Administrative Permit Required in Each Case is subject to the provisions of this Chapter. Those uses not considered development pursuant to Section 20.06.310 or exempted by Section 20.70.120 of this Title shall not require a Coastal Administrative Permit. Permit determinations and applications are made pursuant to Sections 20.70.115 through 20.70.130 of this Title.

20.76.030 APPROPRIATE AUTHORITY.

The Director of Planning and Building Inspection or the Zoning Administrator is the Appropriate Authority to consider Coastal Administrative Permits unless the matter is referred to public hearing under Section 20.76.060. In such case the Zoning Administrator is the Appropriate Authority to hear and consider Coastal Administrative Permits.

20.76.040 PUBLIC NOTICE.

- A. Not less than 10 calendar days prior to consideration of the Coastal Administrative Permit, the Appropriate Authority shall give notice of such consideration by mailing, postage prepaid, a notice of such consideration to all owners and legal residents of property within 300 feet of the exterior boundaries of the property to be occupied by the use for which the permit was applied, all persons who have requested, in writing, notices relating to coastal permits, Coastal Commission, and interested public agencies. For development on parcels in excess of 100 acres where development is proposed on a small portion of the parcel and notice to property owners and legal residents within 300 feet from all property boundaries is determined to be unreasonable by the Director of Planning and Building Inspection, notice shall be provided to property owners within 300 feet of the development envelope and to properties in the vicinity of the development which the Director of Planning and Building Inspection determines to be affected by the development. 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 10 calendar days prior to consideration of the Coastal Administrative Permit, the Appropriate Authority shall provide the applicant with not less than 3 public hearing notices. Said notices are to be posted in 3 public places on and near the subject property. The notices shall be posted in places accessible and visible to the public. At least ten days prior to the first scheduled public hearing the applicant shall post or cause to be posted in conspicuous places on and off-site three notices of public hearing as provided by the Planning and Building Inspection Department. An affidavit of posting will be provided to the applicant by the Planning and Building Inspection Department. The applicant shall complete and return the affidavit to the Department at the time posting is accomplished. The affidavit shall serve as evidence of posting. Failure to post or to provide evidence of posting shall constitute grounds for suspension or continuance of the permit process.
- C. Not less than 10 calendar days prior to consideration of the Coastal Administrative Permit the Appropriate Authority shall publish notice of said consideration in at least 1 newspaper of general circulation published in the County of Monterey.
- D. If a Coastal Administrative Permit proceeding is continued, then the procedure for public notice shall be in accordance with Section 20.84.040.A.8
- E. All persons receiving notice pursuant to Section 20.76.040(A) or requesting such notice shall be notified in writing of the issuance of a Coastal Administrative Permit which was approved without public hearing. Said notices shall include information relative to the local and Coastal Commission appeal rights and to the procedures for Coastal Administrative Permits. Said notices to the applicants, the owner of the subject parcel, all persons who have submitted a written request for notification of action on this specific permit, and the Coastal Commission shall be mailed on or before the seventh day following action by the appropriate authority or Board of Supervisors on appeal and include findings for approval (or denial) and conditions on the project proposal.

Should, for any reason, a coastal development permit not be acted upon for decision

within the time limits established by law, notice of said inaction shall be supplied to the Coastal Commission within three days of such determination.

20.76.050 ACTION BY APPROPRIATE AUTHORITY.

- A. The Appropriate Authority in its consideration of a Coastal Administrative Permit may grant in whole or in part, deny, or modify said permit, provided, however, that no Coastal Administrative Permit may be denied without a public hearing.
- B. A Coastal Administrative Permit application which has been deemed complete shall be acted on or be set for public hearing with the Appropriate Authority no more than 15 working days from the day it is deemed complete or it shall be deemed approved. The 15 day time limit may be extended with the mutual consent of the Appropriate Authority and the applicant.
- C. In acting on a Coastal 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 Local Coastal Program, site suitability, environmental issues, public access pursuant to Section 20.70.050.B.3 of this Title, 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 20 and that all zoning violation abatement costs have been paid.
- D. The Appropriate Authority may designate such conditions in connection with the Coastal Administrative Permit as it deems necessary to secure the purposes of this Title and the Monterey County Local Coastal Program. 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 20.86.

20.76.060 REFERRAL TO PUBLIC HEARING.

- A. A Coastal 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 for a public hearing by one or more persons.
- B. If a public hearing is required, it shall be noticed and conducted pursuant to the public hearing provisions of Chapter 20.84.

20.76.070 REVOCATION.

- A. Where 1 or more of the conditions of a Coastal Administrative Permit have not been, or are not being complied with, or when a Coastal 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 Coastal Administrative Permit following public hearing pursuant to Chapter 20.84.
- B. An appeal may be taken from such revocation or modification pursuant to Chapter 20.86.

20.76.080 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 unless otherwise specified by the Appropriate Authority, any permit which allows a use without the construction of structures or other structures, shall expire 2 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 2 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.

20.76.090 EFFECT.

No building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the Coastal Administrative Permit granted, nor until 10 days after the mailing of notice of granting of such Coastal Administrative Permit by the Appropriate Authority. In the event of an appeal to the Board of Supervisors and/or the California Coastal Commission, the building permit may be issued upon resolution of the appeal in accordance with the terms and conditions of the Coastal Administrative Permit. For Coastal Administrative Permits appealable to the Coastal Commission pursuant to Section 20.86.080 of this Title, the effective date is after the ten working day appeal period to the Coastal Commission has expired or, if appealed, after the appeal has been resolved, pursuant to Section 20.86.090.

20.76.100 REAPPLICATION.

When an application or portion of a Coastal Administrative Permit is denied by the appropriate authority, the Zoning Administrator, Board of Supervisors, or California Coastal Commission, no new application for a Coastal Administrative Permit or any other approval substantially the same as the one or part denied shall be considered for a period of 1 year following such denial.

20.76.110 FILING FEE.

The application fee for a Coastal 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 Coastal 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.

20.76.115 AMENDMENTS TO COASTAL ADMINISTRATIVE PERMITS.

Proposed amendments to any coastal administrative permit issued under the provisions of this Chapter shall be submitted to the Planning and Building Inspection Department in writing and in sufficient detail to adequately assess the nature of the amendment and any potential impacts of the amendment. Proposed amendments shall be handled in the following manner:

- A. If, in the opinion of the appropriate authority, the amendment is of a minor or trivial nature, with no impacts not already assessed in the original permit action, and generally in keeping with the action of the appropriate authority, the amendment may be approved by the appropriate authority. The Appropriate authority shall post notice of such approval at the project site and by mail to all parties that the appropriate authority has reason to know may be interested in the application. If no written objections are received by the Planning and Building Inspection Department within ten working days of posting such notice, the amendment approval shall be final. If objections are received, the amendment shall be considered under Section 20.76.115.B below.
- B. If, in the opinion of the appropriate authority, the amendment is of other than a minor or trivial nature, or may cause impacts not already assessed in the original permit, or is not in keeping with the action of the appropriate authority the amendment shall be taken to the decision making body of the original permit and processed consistent with the original permit procedures.

20.76.120 EXTENSION OF COASTAL ADMINISTRATIVE PERMITS.

- A. The Director of Planning and Building Inspection may extend a Coastal Administrative Permit for an additional two years upon receipt of a written request from the permittee, provided such request is made at least 30 days prior to the expiration of the Coastal Administrative Permit and provided there are no changed circumstances. 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 noticing provisions of Section 20.76.115 of this Title.

Chapter 20.78

VARIANCES

Sections:

20.78.010	Purpose.
20.78.020	Applicability.
20.78.030	Appropriate Authority.
20.78.040	Application.
20.78.050	Action by Appropriate Authority.
20.78.060	Revocation.
20.78.070	Expiration.
20.78.080	Effect.
20.78.090	Reapplication.
20.78.100	Filing Fee.
20.78.110	Extension of Variances.

20.78.010 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.

20.78.020 APPLICABILITY.

Modifications to the setback, coverage, height, building site area, floor area ratio and development standard regulations of this Title may be considered by a Variance.

20.78.030 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 20.82 (Combined Development Permits) of this Title.

20.78.040 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.

20.78.050 ACTION BY APPROPRIATE AUTHORITY.

- A. All Variances require a public hearing pursuant to Chapter 20.84.
- 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 that:
 - 1. The qualifications of Section 20.78.040(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 20 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 20.86.
- E. Principle permitted uses authorized by Variance (i.e., Combined Development Permits for a Coastal Administrative Permit and a Variance) for other than height, setback, coverage, and building site area are considered conditional uses, appealable to the Coastal Commission.

20.78.060 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 20.84 of this Title.
- B. An appeal may be taken from such revocation or modification pursuant to Chapter 20.86.

20.78.070 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 shall expire 2 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 2 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.

20.78.080 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 10 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 and/or the California Coastal Commission in the event of appeal.

20.78.090 REAPPLICATION.

When an application or portion of a application for a Variance is denied by the Appropriate Authority or the Board of Supervisors and/or the California Coastal Commission on appeal, no new application for a Variance substantially the same as the one denied shall be considered for a period of 1 year following such denial.

20.78.100 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.

20.78.110 EXTENSION OF VARIANCES.

- A. The Director of Planning and Building Inspection 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 20.84.040A of this Title.

Chapter 20.79

EMERGENCY PERMITS

Sections:

20.79.010	Purpose.
20.79.020	Applicability.
20.79.030	Appropriate Authority.
20.79.040	Application.
20.79.050	Action by Appropriate Authority.
20.79.060	Revocation.
20.79.070	Expiration.
20.79.080	Effect.
20.79.090	Filing Fee.
20.79.100	Extension of Emergency Permits.

20.79.010 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.

20.79.020 APPLICABILITY.

The provisions of this Chapter shall apply in all zoning districts in the unincorporated areas of the County of Monterey and within the Coastal Zone.

20.79.030 APPROPRIATE AUTHORITY.

The Appropriate Authority to consider and decide Emergency Permits is the Zoning Administrator.

20.79.040 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.

20.79.050 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 does exist that requires action more expeditiously

than allowable under normal discretionary permit procedures.

- 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 Local Coastal program.
- C. The Appropriate Authority may designate such conditions in connection with the Emergency Permit as deemed necessary to secure the purposes of this Title as well as the local coastal program. 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 apply a condition to require a Coastal Development Permit for continued authorization of the emergency work in order to address any requirements of this Title or the local coastal program that were not addressed under the Emergency Permit. 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 20.86.
- F. The Appropriate Authority shall report the granting of an Emergency Permit, in writing, to the Planning Commission and Coastal Commission. The report shall be mailed to all persons who have requested such notification in writing.
- G. The Appropriate Authority shall not issue an Emergency Permit for any work that must be reviewed by the California Coastal Commission, including work that the Commission's Executive Director may waive permit requirements for under Section 30611 of the Coastal Act.

20.79.060 REVOCATION.

- A. Where 1 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 20.84 of this Title.

- B. An appeal may be taken from such revocation or modification pursuant to Chapter 20.86 of this Title.
- C. Failure by the applicant to follow through in a timely manner with a Coastal Development Permit application, if required by the Appropriate Authority, shall be cause for the Appropriate Authority to revoke the emergency permit and direct removal of any improvements installed under the emergency permit. The Appropriate Authority may conduct a public hearing prior to taking action in such situations.

20.79.070 EXPIRATION.

- A. Any Emergency Permit 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 20.79.050 D of this Title shall be deemed to be expired.

20.79.080 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.

20.79.090 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 application's status as complete or incomplete. In such case, 50% of the filing fee shall be refunded.

20.79.100 EXTENSION OF EMERGENCY PERMITS.

- A. The Appropriate Authority may extend the expiration date of an Emergency Permit upon receipt of a written request by the permittee, provided such request is made at least 30 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. The Appropriate Authority may grant the extension for a reasonable additional time period necessary to complete or maintain the emergency work and/or apply for a Coastal Development Permit.

- B. The extension request shall be subject to the provisions of Chapter 20.84.040 (A) of this Title.

Chapter 20.80

RENEWAL OF PERMITS APPROVED PRIOR TO ADOPTION OF THE COASTAL IMPLEMENTATION PLAN

- A. Any discretionary land use permit, such as use permits, special permits, or subdivisions, with approved coastal development permits which have been approved prior to the certification of the implementation plan shall remain valid and effective through the given life of said permit, including permissible extensions.
- B. Any discretionary land use permit approved prior to certification of the implementation plan which expires unused may be reapplied for only if consistent with the applicable certified land use plan and zoning. Such reapplication is subject to the terms of the applicable zoning district and current permit requirements.
- C. Any discretionary land use permit approved prior to certification of the implementation plan which has been exercised, but is to expire due to the specified term of the permit, may be reapplied for regardless of land use designation or zoning designation, provided such reapplication is made within 1 year of expiration. Such reapplication shall be considered a conditional use and be subject to Chapter 20.70 of this Title.

Chapter 20.82

COMBINED DEVELOPMENT PERMITS

Sections:

20.82.010	Purpose.
20.82.020	Applicability.
20.82.030	Appropriate Authority.
20.82.040	Application.
20.82.050	Action by Appropriate Authority.
20.82.060	Revocation.
20.82.070	Expiration.
20.82.080	Effect.
20.82.090	Reapplication.
20.82.100	Filing Fee.
20.82.110	Extension of Combined Development Permits.

20.82.010 PURPOSE.

- A. The purpose of this Chapter is to provide a process whereby a development requiring a multiple of discretionary permits pursuant to Title 20 (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.

20.82.020 APPLICABILITY.

- A. Any person desiring to develop property consisting of an individual parcel or contiguous parcels which under the terms of Title 20 (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 20 or Title 19, Monterey County Code, the regulations of this Chapter shall apply. However, the provisions of this chapter shall not supersede any requirements for processing Coastal Development Permits or Coastal Administrative Permits.

20.82.030 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 20 (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.

20.82.040 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.

20.82.050 ACTION BY APPROPRIATE AUTHORITY.

- A. All Combined Development Permits require a public hearing pursuant to Chapter 20.84.
- 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 and the Monterey County Local Coastal Program. 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 20.86.

20.82.060 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 20.84 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 20.82.060(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 20.86.

20.82.070 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 2 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 2 years from the date of the granting of the permit.
- C. Exception may be made to Section 20.82.070(A) when the Combined Development Permit includes a subdivision approval. In such case 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.

20.82.080 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 and/or the California Coastal Commission in the event of appeal. For Combined Development Permits appealable to the Coastal Commission pursuant to Section 20.86.080 of this Title, the effective date is after the ten working day appeal period to the Coastal Commission has expired or, if appealed, after the appeal has been resolved, pursuant to Section 20.86.090.

20.82.090 REAPPLICATION.

When an application or portion of a Combined Development Permit for a Combined Development Permit is denied by the Appropriate Authority, Board of Supervisors, and/or the California Coastal Commission no new application for a Combined Development Permit substantially the same as the one denied shall be considered for a period of 1 year following such denial.

20.82.100 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.

20.82.110 EXTENSION OF COMBINED DEVELOPMENT PERMITS.

- A. The Director of Planning and Building Inspection may extend a Combined Development Permit upon receipt of a written request from the permittee, provided such request is made at least 30 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 20.84.040A of this Title.

Chapter 20.84

PUBLIC HEARINGS

Sections:

20.84.010	Purpose.
20.84.020	Applicability.
20.84.030	Public Hearing Required.
20.84.040	Public Notice Required.
20.84.050	Public Hearing Notice Contents.
20.84.060	Responsibility of the Applicant.

20.84.010 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.

20.84.020 APPLICABILITY.

The provisions of this Chapter apply to all applications that are discretionary in nature, including, but not limited to, Coastal Development Permits, Variances, Combined Development Permits, Amendments and Appeals.

20.84.030 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.

20.84.040 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 and legal residents 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, all persons who have requested, in writing, notices relating to coastal permits, the Coastal Commission, and interested public

agencies. For development on parcels in excess of 100 acres where development is proposed on a small portion of the parcel and notice to property owners and legal residents within 300 feet from all property boundaries is determined to be unreasonable by the Director of Planning and Building Inspection, notice shall be provided to property owners and legal residents within 300 feet of the development envelope and to properties in the vicinity of the development which the Director of Planning and Building Inspection determines to be affected by the development. Addresses shall be used from the last equalized assessment roll.

4. At least 3 public hearing notices shall be clearly posted at 3 different public places on and near the subject property. The notices shall be accessible and visible to the public. At least ten days prior to the first scheduled public hearing the applicant shall post or cause to be posted in conspicuous places on and off-site three notices of public hearing as provided by the Planning and Building Inspection Department. An affidavit of posting will be provided to the applicant by the Planning and Building Inspection Department. The applicant shall complete and return the affidavit to the Department at the time posting is accomplished. The affidavit shall serve as evidence of posting. Failure to post or to provide evidence of posting shall constitute grounds for suspension or continuance of the permit process.
 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 to such property owners and residents, may provide notice by placing a display advertisement of at least 1/8 page in at least 1 newspaper of general circulation within the local 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.
 8. If a decision of an appealable Coastal Development Permit is continued to a time which has not been stated in the initial notice or at the public hearing, notice of the continued hearing shall be provided to persons requesting in writing such notice in accordance with the notice requirements set forth in this Section, unless the specified time of the continued public hearing was previously stated in the notice provided pursuant to this Section or was announced at the hearing as being the time to which the hearing would be continued.
- 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).

20.84.050 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.
- E. A statement that the development is in the coastal zone and if it is appealable to the Coastal Commission, and the process for appeals.

20.84.060 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 and residents 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 20.86

APPEALS

Sections:

20.86.010	Purpose.
20.86.020	Applicability.
20.86.030	Who May Appeal; Time of Appeal.
20.86.040	Requirements for Contents of Appeal.
20.86.050	Acceptance of Appeal.
20.86.060	Public Hearing Notice.
20.86.070	Action by Board of Supervisors on Appeal.
20.86.080	Development Appealable to the California Coastal Commission.
20.86.090	Effect of Filing an Appeal.
20.86.100	Notice to California Coastal Commission

20.86.010 PURPOSE.

It is the purpose of this Chapter to provide a means whereby a public agency, person or persons dissatisfied with the decision of an Appropriate Authority may appeal that decision to the Board of Supervisors and to put such persons on notice that certain decisions may be appealed to the California Coastal Commission.

20.86.020 APPLICABILITY.

The provisions of this Chapter apply to discretionary decisions made by the Director of Planning and Building Inspection, Zoning Administrator, Planning Commission and the Board of Supervisors.

20.86.030 WHO MAY APPEAL; TIME OF APPEAL.

- A. An appeal may be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
- B. Persons who receive notice of the hearing, or who had knowledge of the time and place of hearing, but who chose not to participate in the hearing, either orally or in writing, shall not have the right to appeal. However, the Board 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 Clerk of the Board of Supervisors and with Appropriate Authority within 10 days after written notice of the decision 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 Clerk of the Board of Supervisors. No appeal fee shall be charged for Coastal Development Permits that are appealable to the Coastal Commission.

- 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.
- F. Appeals to the California Coastal Commission from a decision made by the Board of Supervisors shall comply with the provisions of the California Coastal Act of 1976.

20.86.040 REQUIREMENTS FOR CONTENTS OF APPEAL.

The appellant must specifically state in the notice of appeal:

- A. The identity of the appellant and his interest in the decision;
- B. The identity of the decision appealed and 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 lack of a fair and impartial hearing; or
 - 2. The findings or 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 of the Appropriate Authority, if he disagrees;
- 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, to place the 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 Board will not accept an appeal stated in generalities, legal or otherwise.

20.86.050 ACCEPTANCE OF APPEAL.

An appeal shall not be accepted by the Board of Supervisors unless it is complete and complies with all requirements. The Clerk of 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.

20.86.060 PUBLIC HEARING NOTICE.

Notice of the public hearing on the appeal shall be provided pursuant to Chapter 20.84.

20.86.070 ACTION BY THE BOARD OF SUPERVISORS ON APPEAL.

- A. Upon receipt of the notice of appeal, the Board of Supervisors shall, within 15 days following the filing of the appeal, set a date for public hearing thereon, giving public hearing notice thereof pursuant to Chapter 20.84 and additionally, to those who have requested notice of appeal, in writing at the hearing on the application. The hearing

before the Board of Supervisors shall be "de novo" except that when relevant new evidence is available at the time of the appeal which was not available at the time of the original hearing, the application may be returned to the Appropriate Authority for consideration. The Board may reject an appeal for failure of the appellant to present all the evidence available to him at the time of the original hearing if he had notice of the original hearing.

- B. If a request for continuance is granted, the person who asks for the continuance 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. If notice is not given the appeal may not be heard on a date for which inadequate notice is given. Failure to give notice may be grounds for denial of an appeal.
- C. The Board of Supervisors shall consider an appeal and render a decision thereon within 60 days after receipt thereof.
- D. The Board of Supervisors may reverse or affirm, wholly, or in part, or modify the order, requirement, condition, finding or decision appealed from, and make such order, requirement, condition, finding or decision as should be made, and such action shall be final. The decision of the Board of Supervisors shall be final, conclusive and effective immediately, unless appealable pursuant to Section 20.86.080 of this Title.

20.86.080 DEVELOPMENT APPEALABLE TO THE CALIFORNIA COASTAL COMMISSION.

- A. An appeal of a County decision on a coastal development permit application may be filed by an applicant or any aggrieved person who has exhausted all County appeals pursuant to this Chapter, or by any two (2) members of the California Coastal Commission. Appeals by members of the Coastal Commission may be made following decisions of the Appropriate Authority. The following coastal permit applications are appealable to the Coastal Commission:
 - 1. Approved projects between the sea and the first through public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.
 - 2. Approved projects in County jurisdiction located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream or within 300 feet of the top of the seaward face of any coastal bluff.
 - 3. Any approved project involving development that is permitted in the underlying zone as a conditional use. Uses listed as principal uses are not appealable to the Coastal Commission unless they fall within the above categories by location.
 - 4. Any project involving development which constitutes a major public works project or a major energy facility.
- B. Grounds of appeal shall be limited to an allegation that the development does not

conform to the certified local coastal program., or, if appealed under subsection A1 above, that the development does not conform to the public access policies of the California Coastal Act.

- C. Appeals to the Coastal Commission pursuant to this Section must be filed with the Coastal Commission on forms prescribed by and available from the Coastal Commission.
- D. Coastal Commissioner appeals taken prior to exhaustion of all local appeals shall be transmitted to the Board of Supervisors and the appeal to the Coastal Commission may be suspended pending a decision on the merits by the Board of Supervisors. If the decision of the Board of Supervisors modifies or reverses the previous decision, the Coastal Commissioners shall be required to file a new appeal from that decision.

20.86.090 EFFECT OF FILING AN APPEAL.

An appeal shall stay the proceedings and effective date of the decision of the Appropriate Authority until such time as the appeal is resolved by the Board of Supervisors and/or the California Coastal Commission.

20.86.100 NOTICE TO CALIFORNIA COASTAL COMMISSION

Notice shall be provided to the California Coastal Commission at the time an appeal is resolved (eg. withdrawal, rejection or decided).

Chapter 20.88

APPEALS TO ADMINISTRATIVE INTERPRETATION OF THE ZONING ORDINANCE

Sections:

20.88.010	Purpose.
20.88.020	Applicability.
20.88.010	Appropriate Authority.
20.88.020	Application.
20.88.030	Action by the Planning Commission.
20.88.040	Fees.

20.88.010 PURPOSE.

The purpose of this Chapter is to provide a process whereby a person aggrieved by an administrative decision may appeal the decision.

20.88.020 APPLICABILITY.

The provisions of this Chapter are applicable only to administrative decisions and interpretations.

20.88.030 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.

20.88.040 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 10 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.

20.88.050 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 20.86.

20.88.060 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 20.90

ENFORCEMENT, ADMINISTRATIVE AND LEGAL PROCEDURES, PENALTIES

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20.90.010 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 the remaining parts of the Monterey County Coastal Implementation Plan, 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.

20.90.020 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 and the remaining parts of the Monterey County Coastal Implementation Plan. 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, including measures ordering the immediate restoration of a degraded site to pre-violation, natural conditions in a manner that will not further degrade the environment.

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.

20.90.030 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 the remaining portions of the Monterey County Coastal Implementation Plan, 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 1 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.

20.90.040 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 or and the remaining portions of the Monterey County Coastal Implementation Plan 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 or the remaining portions of the Monterey County Coastal Implementation Plan 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 or the remaining portions of the Monterey County Coastal Implementation Plan. Any person violating any provision of this Title or any of the remaining portions of the Monterey County Coastal Implementation Plan, 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 or the remaining portions of the Monterey County Coastal Implementation Plan.

- 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 or the remaining portions of the Monterey County Coastal Implementation Plan constitutes a separate offense and may be charged and punished separately without awaiting conviction on any prior offense.

20.90.050 VIOLATIONS OF CONDITIONS OF PERMITS.

The conditions of the Coastal Development Permit, Variance, Coastal Administrative Permit, Combined Development Permit or other permit approved under the authority of Title 20, 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, Zoning Administrator or California Coastal Commission in connection with the granting of any Coastal Development Permit, Variance, Coastal Administrative Permit, Combined Development Permit or other permit authorized by Title 20 shall constitute a violation of this Title and is declared to be a public nuisance.

20.90.060 FINES AND IMPRISONMENT.

- A. Every violation of any provision of this Title or the remaining portions of the Monterey County Coastal Implementation Plan 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 or the remaining portions of the Monterey County Coastal Implementation Plan 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.

20.90.070 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 the remaining portions of the Monterey County Coastal Implementation Plan 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 or the remaining portions of the Monterey County Coastal Implementation Plan shall be liable for a civil penalty of 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 or the remaining portions of the Monterey County Coastal Implementation Plan.

20.90.080 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 or the remaining portions of the Monterey County Coastal Implementation Plan.

20.90.090 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 or the remaining portions of the Monterey County Coastal

Implementation Plan 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 or the remaining portions of the Monterey County Coastal Implementation Plan and in every administrative or civil proceeding brought to abate any violation of this Title or the remaining portions of the Monterey County Coastal Implementation or to enjoin any present or future violation of this Title or the remaining portions of the Monterey County Coastal Implementation Plan.
- 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 or the remaining portions of the Monterey County Coastal Implementation Plan whenever the enforcing officer has reasonable cause to believe that the person has caused, committed, continued or permitted any violation of this Title or the remaining portions of the Monterey County Coastal Implementation Plan.
- E. Whenever there is reasonable cause to suspect a violation of any provision of this Title or the remaining portions of the Monterey County Coastal Implementation Plan, or whenever necessary to investigate either an application for granting, extension or modification of any application described in this Title or the remaining portions of the Monterey County Coastal Implementation Plan, 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 or the remaining portions of the Monterey County Coastal Implementation Plan 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.

20.90.100 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.

20.90.110 REMOVAL OF NOTICE OF VIOLATION.

If the owner, occupant or his authorized agent disagree with the determination that a violation of this Title or the remaining portions of the Monterey County Coastal Implementation Plan 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 20.88.

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 or the remaining portions of the Monterey County Coastal Implementation Plan exists; or
2. All required work to abate the violation has been completed, and approved by the enforcing officer.
3. The fee for the submittal of the "Removal of Notice of Violation" shall be set from time to time by the Board of Supervisors.

20.90.120 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 or the remaining portions of the Monterey County Coastal Implementation Plan 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 or the remaining portions of the Monterey County Coastal Implementation Plan, if such are obtainable, or those cleared pursuant to plan for restoration approved by the Director of Planning and Building Inspection, pursuant to Section 20.90.130.

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.

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 20.90.110, if:

1. It has been determined by the Zoning Administrator, Planning Commission or Board of Supervisors, after review, that no violation of this Title or the remaining portions of the Monterey County Coastal Implementation Plan 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 20.90.130 for remedial, protective, or preventative work, needed to deal with an emergency situation.

20.90.130 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, except for a restoration project, 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 restoration has been implemented on that property and monitoring agreements are in place.

The Director of Planning and Building Inspection may require restoration of the property to its pre-violation state if in his or her opinion it is necessary to correct the violation.

"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 re-establishment of the soil or vegetation.

20.90.140 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 or the remaining portions of the Monterey County Coastal Implementation Plan, shall require a fee of twice the amount normally charged for the application.

20.90.150 CONFLICT IN ENFORCEMENT PROVISIONS

If the provisions of this Chapter conflict with or contravene the enforcement provisions contained in the ordinances incorporated by reference in Chapter 20.96 of this Title, the provisions of the ordinances incorporated by reference shall prevail.

Chapter 20.92

AIRPORT APPROACHES ZONING

Sections:

20.92.020	Adoption.
20.92.020	Short Title.
20.92.030	Definitions.
20.92.040	Establishment of Zones.
20.92.050	Designation of Zones.
20.92.060	Height Limitations.
20.92.070	Use Restrictions.
20.92.080	Nonconforming Structures.
20.92.090	Use Permits/Coastal Development Permits
20.92.100	Exceptions.

20.92.010 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.

20.92.020 SHORT TITLE.

This Chapter shall be known and may be cited as the Airport Approaches Zoning Ordinance of the County of Monterey.

20.92.030 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 20.92.060, 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.

20.92.040 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.

20.92.050 DESIGNATION OF ZONES.

The several zones established pursuant to Section 20.86.040(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 1,000 feet at a distance of 200 feet beyond each end of the runway, widening thereafter uniformly to a width of 16,000 feet at a distance of 50,200 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 500 feet at a distance of 200 feet beyond each end of the runway, widening thereafter uniformly to a width of 1,500 feet at a distance of 5,200 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 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: 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.

20.92.060 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 Coastal Development 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 50 feet in horizontal distance beginning at a point 200 feet from and at the centerline elevation of the end of the instrument runways and extending to a distance of 10,200 feet from the end of the runway; thence 1 foot in height for each 40 feet in horizontal distance to a point 50,200 feet from the end of the runway;
- B. Noninstrument Approach Zones: One (1) foot in height for each 20 feet in horizontal distance beginning at a point 200 feet from and at the centerline elevation of the end of the noninstrument runway and extending to a point 5,200 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 (1) foot in height for each 20 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.

20.92.070 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.

20.92.080 NONCONFORMING STRUCTURES.

- A. The regulations prescribed in Sections 20.92.060 and 20.92.070 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 Coastal Development Permit must be secured from the Planning Commission.

20.92.090 USE PERMITS/COASTAL DEVELOPMENT PERMITS.

- A. Authority: The Appropriate Authority shall review and decide appropriate applications for Discretionary Permits under this Chapter. All appropriate Discretionary 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 Coastal Development Permit shall be made pursuant to Chapter 20.70.
- C. Public Hearing: A public hearing shall be held pursuant to Chapter 20.84.
- D. Action by Appropriate Authority:

In addition to the requirements of Chapter 20.70:

- 1. The Appropriate Authority shall not grant a permit which adds to or increase the hazards stated in Section 20.92.070.

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 Coastal Development 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 Coastal Development 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 20.86.

20.92.100 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 35 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 20.94

AMENDMENTS TO TITLE

Sections:

20.94.010	Nature of Amendments.
20.94.020	Initiation of Amendments.
20.94.030	Public Hearings.
20.94.040	Reapplication.
20.94.045	Zoning Changes and Amendments not subject to California Coastal Commission Certification.
20.94.050	Fees.

20.94.010 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

20.94.020 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.

20.94.030 PUBLIC HEARINGS.

- A. The Planning Commission shall hold at least 1 public hearing on any proposed amendment pursuant to Chapter 20.84 and Appendix 13 (Local Coastal Program Amendment Procedures) of Part 6 of the Coastal Implementation Plan.

For amendments determined to be de minimis in nature, in consultation with Coastal Commission staff, pursuant to Section 30514(d) of the Coastal Act, the noticing requirements of Chapter 20.84 and Appendix 13 are modified. De minimus amendments are those which would have no impact, either individually or cumulatively, on coastal resources, are consistent with Coastal Act Chapter 3 policies, and do not involve any change in existing or proposed uses of land or water. Notice may be accomplished by one of the following procedures at least 21 days prior to submitting the amendment to the Coastal Commission:

- publication, pursuant to Section 6061 of the Government Code, in a newspaper or newspapers of general circulation in the area(s) affected by the proposed amendment;
- posting of the notice both onsite and offsite in the area affected by the proposed amendment; or
- direct mailing to the owners and occupants of property affected by and contiguous to that affected by the proposed amendment.

These provisions shall not supersede any of the following provisions. If the Coastal Commission, upon receipt of the proposed amendment, determines that it is not de minimus, additional noticing and hearings will be necessary pursuant to Chapter 20.84 of this Title, Appendix 13 and this Chapter.

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 20.84 of the time and place of such hearing and of the purpose thereof by posting at least 3 notices of public hearings not less than 10 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 affect less than 1,000 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 which contain more recent addresses in the opinion of the appropriate authority and shall be provided not less than 10 days prior to public hearing.

When the proposed amendment will affect more than 1,000 property owners, in lieu of direct mail notice, notice may be provided by publishing a public notice not less than 1/8 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 20.84. After conclusion of the public hearings, the Board of Supervisors may deny the proposed amendment; or adopt a Resolution of "Intent to Approve" the amendment as proposed 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.
 5. Denial of an amendment request by the Board of Supervisors shall be final and no appeal to the California Coastal Commission shall be allowed except Public Works projects undertaken by any authorized person or agency or amendments for energy facilities pursuant to Section 30515 of the Coastal Act.
 6. An amendment to this title or the Monterey County Local Coastal Program as certified by the California Coastal Commission shall not become effective after Board of Supervisors adoption until the amendment is also certified by the California Coastal Commission pursuant to Chapter 6, Article 2 of the California Coastal Act.
 7. The Board of Supervisors shall acknowledge receipt of Coastal Commission certification of amendments. Certified amendments become effective upon formal adoption by the Board of Supervisors.
 8. If the Coastal Commission suggests modifications to the Board-approved amendment, the Board of Supervisors shall consider such modifications at a noticed public hearing. The Board may accept, reject, or suggest alternative language to the Commission's suggested modifications. The Board of Supervisors action is subsequently transmitted to the Coastal Commission. If the

modifications are accepted by the Board, the Coastal Commission acknowledges and accepts the Board of Supervisors action, thereby certifying the amendments. If alternative language is suggested by the Board, the Coastal Commission may either accept the language as fulfilling the intent of the suggested modifications, or may not, in which case a new amendment request may be submitted to the Coastal Commission.

20.94.040 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 1 year following denial.

20.94.050 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.

20.94.042 ZONING CHANGES AND AMENDMENTS NOT SUBJECT TO CALIFORNIA COASTAL COMMISSION CERTIFICATION

Zoning designation reclassifications constituting an amendment to this Title and initiated for the purpose of preserving or enhancing the coastal resources including adding any "B", "A", "HR", "Z" overlay zoning designations shall not require certification by the California Coastal Commission.

Chapter 20.96

OTHER ORDINANCES

Sections:

- | | |
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| 20.96.010 | Other Ordinances Incorporated by Reference. |
| 20.96.020 | New Section Designation of Sections Referred to in Parts 2 through 5. |

20.96.010 PURPOSE.

The provisions of the following Titles and Chapters of the Monterey County Code as may be amended from time to time, copies of which are on file as required by law, are adopted and incorporated into this title by reference:

- A. All chapters of Title 18 (Building and Construction) except:
 - 1. Chapter 18.40 (Inclusionary Housing)
 - 2. Chapter 18.44 (Residential and Commercial Water Conservation Measures)
 - 3. Chapter 18.46 (Regulations to Control Intensification of Water Consumption in the California American Water Company Service Area)
 - 4. Chapter 18.50 (Residential, Commercial and Industrial Water Conservation Measures)
 - 5. Chapter 18.51 (Water Impact Fees: North Monterey County Area)
 - 6. Chapter 18.56 (Wildfire Protection Standards in State Responsibility Areas)
- B. The following Chapter of Title 16
 - 1. Chapter 16.04 (Surface and Mining Reclamation)
- C. The following Chapters of Title 15 (Public Services):
 - 1. Chapter 15.04 (Small Water Systems)
 - 2. Chapter 15.08 (Water Wells)
 - 3. Chapter 15.21 (Prohibited Discharge of Sewage into Streams)
 - 4. Chapter 15.22 (Discharge of Contaminants into Waters of the County)
 - 5. Chapter 15.23 (Sewage Treatment and Reclamation Facilities)

20.96.020 NEW SECTION DESIGNATIONS OF SECTIONS REFERRED TO IN PARTS 2 THROUGH 5.

<u>Title 20.1</u>	<u>Title 20</u>
20.142.130	20.64.280
20.140.080.J	20.86.080
20.140.080.D	20.70.130
20.140.080	20.70.130
20.140.070	20.70.120
20.140.070.D	20.70.120.D
20.142.130.A.6	20.64.280.A.6
20.142.130.B	20.64.280.B
20.156	20.64.190
20.98.080	20.06.760