

ORDINANCE NO. 120

(Now No. NS-1200)

AN ORDINANCE OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ADOPTING A ZONING PLAN, BEING A DISTRICTING PLAN, FOR SAID COUNTY; SPECIFYING THE PURPOSES AND THE EFFECTS OF THE ADOPTION OF SAID PLAN WHEREBY VARIOUS DISTRICTS ARE ESTABLISHED IN SAID COUNTY; SPECIFYING THE USES OF LAND AND OF BUILDINGS PERMITTED IN SAID DISTRICTS; ESTABLISHING CERTAIN HEIGHT LIMITS WITHIN SAID DISTRICTS; REQUIRING CERTAIN YARDS AND OTHER OPEN SPACES WITHIN SAID DISTRICTS; PRESCRIBING REGULATIONS FOR THE ERECTION, CONSTRUCTION, ALTERATION AND MAINTENANCE OF BUILDINGS, STRUCTURES AND OTHER IMPROVEMENTS IN SAID DISTRICTS, INCLUDING THE REQUIREMENT THAT CERTAIN PERMITS SHALL BE SECURED FOR CERTAIN OF SUCH BUILDINGS, STRUCTURES AND IMPROVEMENTS AND FOR THE USE THEREOF AND OF LAND; REQUIRING CERTAIN FEES; DEFINING THE TERMS USED HEREIN; SPECIFYING THE PROCEDURE FOR THE AMENDMENT HEREOF; REPEALING ORDINANCE NO. 88 OF SAID COUNTY AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ANY OF THE PROVISIONS HEREOF.

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

SECTION 1. ADOPTION OF ZONING PLAN

There is hereby adopted a Zoning Plan for the County of Santa Clara, State of California, said Zoning Plan being a Districting Plan as provided by law.

SECTION 2. PURPOSE OF ADOPTION OF ZONING PLAN

Said Zoning Plan is adopted to promote and protect the public health, safety, peace, morals, comfort, convenience and general welfare and for the accomplishment thereof is adopted, among other purposes, for the following more particularly specified purposes, to-wit:

- (1) 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.
- (2) To protect the character and the social and economic stability of agricultural, residential, commercial, industrial and other areas within the County and to assure the orderly and beneficial development of such areas.
- (3) To obviate the menace to the public safety resulting from the location of buildings, and the uses thereof and of land, adjacent to highways which are a part of the Street and Highway Plan of the Master Plan of the County, or which are important thoroughfares, in such manner as to cause interference with existing or prospective traffic movements on said highways.

SECTION 3. NATURE OF ZONING PLAN

Said Zoning Plan consists of the establishment of various districts within the unincorporated territory of said County within some, all or none of which it shall be lawful, and within some, all or none of which it shall be unlawful to erect, construct, alter or maintain certain buildings or to carry on certain trades or occupations or to conduct certain uses of land and/or of buildings and/or within

which the height and bulk of future buildings shall be limited and/or within which certain open spaces shall be required about future buildings, and consisting, further, of appropriate regulations to be enforced in such districts, all as set forth in this ordinance.

#### SECTION 4. DISTRICTS

The aforesaid districts are as follows, to-wit:

##### Non-Urban Group

"A-1" Districts: All the unincorporated territory of the County not included in any other district.

"A-2" Districts: Suburban Agricultural Districts.

"H-1" Districts: Limited Highway Frontage Districts.

##### Community Group

"R-E" Districts: Residential Estates Districts.

"R-1" Districts: One-Family Residence Districts.

"R-2" Districts: Two-Family Residence Districts.

"R-3" Districts: Limited Multiple Residence Districts.

"R-4" Districts: General Multiple Residence Districts.

"C-1" Districts: Retail Business Districts.

"C-2" Districts: General Commercial Districts.

"M-1" Districts: Light Industrial Districts.

"M-2" Districts: Heavy Industrial Districts.

#### SECTION 5. COMBINING REGULATIONS

In addition to the foregoing districts certain combining regulations are established as set forth in this ordinance, said combining regulations being as follows, to-wit:

"-A": Agricultural Uses.

"-H": Highway Frontage Regulations.

"B-1": First Building Site Area Regulations.

"B-2": Second Building Site Area Regulations.

"B-3": Third Building Site Area Regulations.

"B-4": Fourth Building Site Area Regulations.

"B-D": Special Building Site Area Regulations.

#### SECTION 6. ESTABLISHMENT OF DISTRICTS

The aforesaid districts and certain combinations thereof are hereby established in so far as the designations, locations and boundaries thereof are set forth and indicated in Sections 8, 8a, 8b, and other sections of this ordinance, each of which other sections is designated by the number 8 followed by a letter or letters of the alphabet, and in Sections 9, 9a, 9b and other sections of this ordinance, each of which other sections is designated by the number 9 followed by a letter or letters of the alphabet, and in Sections 10, 10a, 10b and other sections of this ordinance, each of which other sections is designated by the number 10 followed by a letter or letters of the alphabet. Sections 8, 8a, 8b and other sections of this ordinance, each of which other sections is designated by the number 8 followed by a letter or letters of the alphabet, describe

certain of said districts; Sections 9, 9a, 9b and other sections of this ordinance, each of which other sections is designated by the number 9 followed by a letter or letters of the alphabet, consist of index maps to various sectional districts maps; and Sections 10, 10a, 10b and other sections of this ordinance, each of which other sections is designated by the number 10 followed by a letter or letters of the alphabet, consist of various sectional districts maps which show the designations, locations and boundaries of certain of said districts. Said maps and all notations, references, data and other information shown thereon are hereby made a part of this ordinance.

Where uncertainty exists as to the boundaries of any of the aforesaid districts as described as aforesaid or as shown on said sectional districts maps, the following rules shall apply:

(a) Where such boundaries are indicated as approximately following street and alley lines, such street and alley lines shall be construed to be such boundaries.

(b) Where such boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.

(c) In unsubdivided property and where a district boundary divides a lot, the location of any such boundary, unless the same is indicated by dimensions shown upon said sectional districts maps, shall be determined by the use of the scale appearing on such sectional districts maps.

(d) In case further uncertainty exists, the Planning Commission, upon written application or upon its own motion, shall determine the location of such boundaries.

#### SECTION 7. EFFECT OF ESTABLISHMENT OF DISTRICTS

Except as hereinafter otherwise provided:

(a) No building shall be erected and no existing building shall be moved, altered, added to or enlarged nor shall any land, building or premises be used, designed 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 building, land or premises is located.

(b) No building shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located.

(c) No building shall be erected, nor shall any existing building be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity to the yard, building site area and building location regulations hereinafter designated for the district in which such building or open space is located.

(d) No yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be considered as providing a yard or open space for any other building, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.

#### SECTION 8. A-1 DISTRICTS

All the unincorporated territory of the County which is not included, under the terms of this ordinance, in any other district is hereby designated and classified as constituting "A-1" districts.

SECTION 8a. MARGINAL DISTRICT ALONG BAYSHORE HIGHWAY

A "C-2-H" district is hereby established, including therein all that portion of the unincorporated territory of the County lying within a distance of six hundred (600) feet from the exterior boundaries of that road or highway commonly known as Bayshore Highway, being California State Highway Route Number Sixty-eight as designated by the Division of Highways of the Department of Public Works of the State of California.

SECTIONS 9, 10, etc.: to consist of index maps and sectional districts maps.

SECTION 11. DEFINITIONS

For the purpose of this ordinance certain terms used herein 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 number 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" as used herein shall mean the County of Santa Clara, State of California; the words "Board of Supervisors" shall mean the Board of Supervisors of the County of Santa Clara, State of California; the words "Planning Commission" shall mean the County Planning Commission of the County of Santa Clara, State of California; and the words "County boundary" shall mean the boundary of the County of Santa Clara, State of California, and/or the boundary of any incorporated municipality within said County.

Agriculture: The tilling of the soil, the raising of crops, horticulture, viticulture, small livestock farming, dairying and/or animal husbandry, including all uses customarily incidental thereto but not including slaughter houses, fertilizer yards, bone yards or plants for the reduction of animal matter or any other industrial use which is similarly objectionable because of noise, odor, smoke, dust or fumes.

Alley: Any public thoroughfare, not exceeding thirty (30) feet in width, for the use of pedestrians and/or of vehicles which affords only a secondary means of access to abutting property.

Apartment: A room or suite of two or more rooms which is designed for, intended for and/or occupied by one family doing its cooking therein.

Apartment Court: See Dwelling Group.

Apartment House: See Dwelling, Multiple.

Automobile Camp: Land or premises used or intended to be used, let or rented for occupancy by campers traveling by automobile or otherwise, or for occupancy by or of trailers or movable dwellings, rooms or sleeping quarters of any kind.

Automobile Court: A group of two or more detached or semi-detached buildings containing guest rooms and/or apartments with automobile storage space serving such rooms and/or apartments provided in connection therewith, which group is designed, intended and/or used primarily for the accommodation of automobile travelers; including groups designated as auto cabins, motor ledges, and by similar designations.

Automobile Wrecking: See Junk Yards.

Basement: A story partly underground and having at least one-half ( $\frac{1}{2}$ ) of its height above grade. A basement shall be counted as a story if the vertical distance from grade to the ceiling is over five feet or if used for business purposes or if used for dwelling purposes by other than a janitor or domestic servants

employed in the same building, including the family of the same.

**Block:** 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 or unsubdivided acreage.

**Building:** Any structure having a roof supported by columns and/or by walls and intended for the shelter, housing and/or enclosure of any person, animal or chattel. When any portion thereof is completely separated from every other portion thereof by a masonry division or fire wall without any window, door or other opening therein, which wall extends from the ground to the upper surface of the roof at every point, then each such portion shall be deemed to be a separate building.

**Building, Accessory:** A subordinate building, the use of which is incidental to that of a main building on the same lot. On any lot upon which is located a dwelling any building which is incidental to the conducting of any agricultural use shall be deemed to be an accessory building.

**Building, Main:** A building in which is conducted the principal use of the lot upon which it is situated. In any "R" or "A" District any dwelling shall be deemed to be a main building upon the lot upon which the same is situated.

**Bungalow Court:** See House Court; also Dwelling Group.

**Business or Commerce:** The purchase, sale or other transaction involving the handling or disposition (other than is included in the term "industry", as defined therein) of any article, substance or commodity for profit or livelihood, including, in addition, office buildings, offices, shops for the sale of personal services, garages, outdoor advertising signs and outdoor advertising structures, automobile camps, automobile courts, and recreational and amusement enterprises conducted for profit, but not including junk yards.

**Center Line:** The center line of a street, as referred to in this ordinance, shall mean the center line thereof as established by the County Surveyor of the County or by the City Engineer of any city within the County or by the State Division of Highways of the Department of Public Works of the State of California. If no such center line has been established, the center line of a street shall be a line midway between the side lines of the right of way thereof; provided, however, that if only a part-width right of way exists for any portion of any street, the center line for such part-width portion shall be determined by prolonging the center lines on each side of such part-width portion parallel to the side lines of such part-width portion. In any case in which the foregoing definition is not applicable, the Planning Commission shall designate the center line.

**Court:** An open, unoccupied space, other than a yard, on the same lot with a building or buildings and which is bounded on two (2) or more sides by such building or buildings, including the open space in a house court or court apartment providing access to the units thereof.

**District:**

1. A portion of the unincorporated territory of the County within which certain uses of land, premises and buildings are permitted and certain other uses of land, premises and buildings are not permitted and within which certain yards and other open spaces are required and certain building site areas are established and certain height limits are established for buildings, all as set forth and specified in this ordinance.

2. A portion of the unincorporated territory of the County within which are applied certain regulations designated as combining regulations as set forth in this ordinance.

The term "A district" shall mean any "A-1", "A-2", or "A" district or any of said districts with which any combining regulations are combined. The term

"R district" shall mean any "R-E", "R-1", "R-2", "R-3" or "R-4" district, or any of said districts with which any combining regulations are combined. The term "C district" shall mean any "C-1" or "C-2" district or any of said districts with which any combining regulations are combined. The term "M district" shall mean any "M-1" or "M-2" district or any of said districts with which any combining regulations are combined. The term "B district" shall mean any "B-1", "B-2", "B-3", "B-4", or "B-D" district.

District, More Restricted or Less Restricted: In the following list each district shall be deemed to be more restricted than the districts succeeding it and each district shall be deemed to be less restricted than the districts preceding it: "R-1", "R-2", "R-3", "R-4", "C-1", "C-2", "M-1" and "M-2".

Dwelling, One-Family: A detached building designed for and/or occupied exclusively by one family.

Dwelling, Two-Family: A detached building designed for and/or occupied exclusively by two families living independently of each other.

Dwelling, Multiple: A building or portion thereof used and/or designed as a residence for three or more families living independently of each other, and doing their own cooking in said building, including apartment houses, apartment hotels and flats, but not including automobile courts.

Dwelling Group: A group of two or more detached or semi-detached one-family, two-family or multiple dwellings occupying a parcel of land in one ownership and having any yard or court in common, including house courts and apartment courts, but not including automobile courts.

Family: One or more persons occupying a premises and living as a single, non-profit housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house. A family shall be deemed to include necessary servants.

Front Wall: The wall of the building or other structure nearest the street upon which the building faces, but excluding certain architectural features as specified in Section 29 of this ordinance.

Garage, Private: An accessory building for only the storage of self-propelled vehicles when the storage space does not exceed that necessary for:

(a) In any "R-1" district, including any combination therewith: Three (3) such vehicles for each dwelling.

(b) In any "R-2", "R-3" or "R-4" district, including any combination therewith: Three (3) such vehicles for each lot, and in addition one (1) such vehicle for each family housed on such lot, but not to exceed three (3) such vehicles for any one (1) family.

(c) Provided: That on any lot or parcel of land of one (1) acre or more in area, in lieu of the foregoing specified storage space, the storage space shall not exceed that necessary for the vehicles used by the families housed on such lot or parcel, including visitors and servants; and provided, further, that in any "A" district there may be adequate storage space for any vehicles used in agriculture or for farm help.

Garage, Public: Any premises, except those herein defined as a private or storage garage, used for the storage and/or care of self-propelled vehicles or where any such vehicles are equipped for operation or repair, or kept for remuneration, hire or sale.

Garage, Storage: Any premises, except those herein defined as a private garage, used exclusively for the storage of self-propelled vehicles.

Grade:

1. For buildings adjoining one street only, the elevation of the sidewalk

at the center of that wall adjoining the street.

2. For buildings adjoining more than one street, the average of the elevations of the sidewalks at the centers of all walls adjoining streets.

3. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

4. All walls approximately parallel to and not more than five (5) feet from the street line shall be considered as adjoining the street.

Guest Room: A room which is intended, arranged or designed to be occupied or which is occupied by one or more guests, but in which no provision is made for cooking and not including dormitories for sleeping purposes.

Height of Building: The vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the building to the ceiling of the topmost story.

Home Occupations: Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. Clinics, hospitals, barber shops, beauty parlors and animal hospitals shall not be deemed to be home occupations.

House Court: See Dwelling Group.

Hotel: Any building or portion thereof containing six (6) or more guest rooms used, designed or intended to be used, let or hired out to be occupied, or which are occupied by six (6) or more individuals for compensation, whether the compensation be paid directly or indirectly.

Industry: The manufacture, fabrication, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form or character thereof, including, in addition, the following: animal hospitals; bottling works; building materials or contractors yards; cleaning and dyeing establishments; creameries, dog pounds; junk yards; laundries; lumber yards; milk bottling or distributing stations; stockyards; storage elevators; truck storage, service or repair; warehouses; and wholesale storage.

Junk Yard: The use of more than two hundred (200) square feet of the area of any lot, or the use of any portion of that half of any lot (but not exceeding a depth or width, as the case may be, of one hundred feet) which half adjoins any street, for the storage or keeping of junk, including scrap metals or other scrap material, and/or for the dismantling or "wrecking" of automobiles or other vehicles or machinery; provided, however, that this definition shall not be deemed to include any case of any of the foregoing uses which is accessory and incidental to any agricultural use.

Lot: Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this ordinance, having not less than the minimum area required by this ordinance for a building site in the district in which such lot is situated, and having its principal frontage on a street.

Lot, Corner: A lot situated in the intersection of two or more streets, or bounded on two or more adjacent sides by street lines.

Lot, Interior: A lot other than a corner lot.

Lot, Key: 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 on which the corner lot fronts.

Lot Area: The total horizontal area included within lot lines, including

one-half ( $\frac{1}{2}$ ) the width, but not to exceed ten (10) feet, of any alley or portion thereof abutting any such lot line.

Lot Depth: The average distance from the street line of the lot to its rear line measured in the general direction of the side lines of the lot.

Lot Frontage: The dimension of a lot or portion of a lot abutting on a street, except the side of a corner lot.

Lot Lines: The lines bounding a lot as defined herein.

Lot Line, Rear: Ordinarily, that line of a lot which is generally opposite the lot line along the frontage of said lot. In cases in which this definition is not applicable, the Planning Commission shall designate the rear lot line.

Non-Conforming Use: A building or land occupied by a use that does not conform to the regulations for the district in which it is situated.

One Ownership: 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" shall be deemed to mean the person, firm, corporation or partnership exercising one ownership as herein defined.

Outdoor Advertising Sign: Any card, cloth, paper, metal, painted, glass, wooden, plaster, stone or other sign of any kind or character whatsoever placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure or thing whatsoever. The term "placed" as used in the definitions of "outdoor advertising sign" and "outdoor advertising structure" shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever.

Outdoor Advertising Structure: Any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, including also outdoor advertising statuary.

Small Livestock Farming: The raising and/or keeping of more than twelve chicken hens or twelve pigeons or twelve similar fowl and/or twelve rabbits or twelve similar animals or any roosters, quacking ducks, geese, guinea fowl, peafowl, goats, sheep or similar livestock; or the raising and/or keeping for commercial purposes of any cats or dogs; provided that the term "small livestock farming" as used in this ordinance shall not include hog farming, dairying or the raising and/or keeping of horses, mules, or similar livestock as determined by the Board of Supervisors.

Stable, Private: An accessory building where not more than three (3) horses are kept.

Stable, Public: A stable other than a private stable or with capacity for more than three (3) horses.

Story: That portion of a building 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.

Story, Half: A story with at least two (2) opposite exterior sides meeting a sloping roof not more than two (2) feet above the floor of such story.

Street: A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley as defined herein.

Street Line: The boundary between a street and abutting property.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.



**Structural Alterations:** Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

**Use:** The purpose for which land or premises or a building thereon is designed, arranged or intended or for which it is or may be occupied or maintained.

**Use, Accessory:** A use incidental and accessory to the principal use of a lot or a building located on the same lot as the accessory use. Any agricultural use in any "R" or "A" district shall be deemed to be an accessory use to the use for residence purposes of the lot on which such agricultural use is conducted.

**Yard:** An open space other than a court on the same lot with a building, which open space is unoccupied and unobstructed from the ground upward, except as otherwise provided in Section 29 of this ordinance. In measuring a yard, as hereinafter provided, the line of a building shall be deemed to mean a line parallel to the nearest lot line drawn through the point of a building or the point of a dwelling group nearest to such lot line, exclusive of the respective architectural features enumerated in Section 29 of this ordinance as not to be considered in measuring yard dimensions or as being permitted to extend into any front, side or rear yard, respectively; and the measurement shall be taken from the line of the building to the nearest lot line, provided, however, that if any Official Plan Line has been established for the street on which the lot faces or if any future width line is specified therefor by the provisions of this ordinance, then such measurement shall be taken from such Official Plan Line or such future width line to the nearest line of the building.

**Yard, Front:** A yard extending across the front of the lot between the inner side yard lines and lying between the front line of the lot and the nearest line of the building.

**Yard, Rear:** A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.

**Yard, Side:** A yard between the side line of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard.

## SECTION 12. REGULATIONS FOR "A-1" DISTRICTS

The following regulations shall apply in all "A-1" districts and shall be subject to the provisions of Section 29 of this ordinance:

(a) Uses Permitted:

All uses not otherwise prohibited by law; provided, however, that none of the following uses shall be established in any "A-1" district unless and until, in any such case, a use permit, as provided in Section 35 of this ordinance, shall first have been secured for such use:

1. Any use for which a use permit is required for the establishment of such use in any "M-2" districts.

2. Junk yard.

3. Commercial excavating of natural materials within a distance of one thousand (1000) feet from any public street.

4. Storage of any inflammable fluid in a greater quantity than two thousand (2000) gallons if such storage is in any container the uppermost portion of which is at an elevation higher than four (4) feet below the surface of the ground.

5. Cemetery, crematory, mausoleum or any other place for the burial of other disposal of the human dead, or any addition thereto.

(b) Additional Regulations:

No building shall hereafter be erected, nor shall any use of land be conducted except the use of land for agricultural purposes so that the same will be closer to the right of way line of any street than any Official Plan Line or any building line which has been established for such street by the Street and Highway Plan, or section thereof, of the Master Plan of the County, or than any future width line or building line which may be specified therefor by the provisions of this ordinance.

SECTION 13. REGULATIONS FOR "A-2" DISTRICTS:

The following regulations shall apply in all "A-2" districts and shall be subject to the provisions of Section 29 of this ordinance:

(a) Uses Permitted:

All uses not otherwise prohibited by law; provided, however, that no use which is not permitted in any "R" district shall be established in any "A-2" district unless and until a use permit, as provided in Section 35 of this ordinance, shall first have been secured for such use.

(b) Additional Regulations:

All other regulations specified for "A-1" districts shall also apply in all "A-2" districts.

SECTION 14. REGULATIONS FOR "R-1" DISTRICTS

The following regulations shall apply in all "R-1" districts and shall be subject to the provisions of Section 29 of this ordinance:

(a) Uses Permitted:

1. All agricultural uses except the conducting and maintenance of hog farms.

2. One-family dwellings.

3. The following uses, upon the securing of a use permit in each case, as provided in Section 35 of this ordinance, which a use permit shall prescribe conditions as to area of building site, building height limit, dimensions of yards, provision of adequate automobile standing space, signs which may be displayed and such other matters as may be deemed to be necessary, which conditions shall be in lieu of the regulations specified by the provisions of this section for any matters covered by such conditions:

(a) Hotels and automobile courts.

(b) Automobile service stations, but not including junk yards, automobile wrecking or the storage of used automobile parts or of junk.

(c) Restaurants, refreshment stands and retail stores.

4. Nurseries and greenhouses.

5. Accessory buildings incidental to any of the above uses.

(b) Building Height Limit:

Two and one-half (2½) stories, but not exceeding thirty-five (35) feet in height.

(c) Building Site Area Required:

Same as specified for "R-1" districts.

(d) Front Yard Required:

Thirty (30) feet for any dwelling, hotel or automobile court; provided, however, that in case a building line for the street upon which any lot faces is established by the Street and Highway Plan of the

Master Plan of the County or is specified by the provisions of this ordinance, then the front yard on such lot shall have a depth of not less than the distance from the street line specified for such building line.

(c) Side and Rear Yards Required:

Same as specified for "R-1" districts.

SECTION 15. REGULATIONS FOR "R-E" DISTRICTS.

The following regulations shall apply in all "R-E" districts and shall be subject to the provisions of Section 29 of this ordinance:

(a) Uses Permitted:

1. One-family dwellings.
2. Golf courses, country clubs, non-commercial riding clubs and polo fields.
3. Public parks and playgrounds.
4. Crop and tree farming and truck gardening.
5. Nurseries and greenhouses.
6. Private stables.
7. Any agricultural use which is appurtenant to and accessory to any domestic establishment in the district.
8. Home occupations, provided that there shall be no external evidence of any home occupation except a name plate not exceeding one (1) square foot in area; and provided further that there shall be no red illumination of any such name plate.
9. Schools, libraries, museums, churches, retreats, monasteries, convents, riding academies and non-commercial clubs other than those hereinbefore in this sub-section specified, subject to the securing of a use permit in each case, as provided in Section 35 of this ordinance.
10. Accessory buildings and accessory uses, including servants' quarters and non-commercial guest houses.

(b) Building Site Area Required:

Same as specified for "R-1" districts.

(c) Front, Side and Rear Yards Required:

Same as specified for "R-1" districts.

SECTION 16. REGULATIONS FOR "R-1" DISTRICTS.

The following regulations shall apply in all "R-1" districts and shall be subject to the provisions of Section 29 of this ordinance:

(a) Uses Permitted:

1. One-family dwellings.
2. Golf courses and country clubs.
3. Public parks and public playgrounds.
4. Crop and tree farming and truck gardening.
5. Nurseries and greenhouses used only for the propagating and cultivating of plants.
6. Home occupations; provided that there shall be no external evidence of any home occupation except a name plate not exceeding one (1) square foot in area; and provided, further, that there shall be no red illumination of any such name plate.
7. Accessory buildings and accessory uses.
8. Schools, libraries and churches subject to the securing of a use permit in each case, as provided in Section 35 of this ordinance.

9. Pending residential development, cows, goats and fowl may be kept in any "R-1" district subject to the following limitations:

I. There may be kept not more than one (1) cow or two (2) goats for each one-half ( $\frac{1}{2}$ ) acre in area of the parcel of land on which the same are kept nor more than one hundred (100) fowl for each one-quarter ( $\frac{1}{4}$ ) acre in area of the parcel of land on which the same are kept.

II. No more than twelve (12) fowl and no cows or goats shall be kept within a distance of two hundred (200) feet from any dwelling other than a dwelling on the parcel of land on which the same are kept nor within a distance of fifty (50) feet from any dwelling.

III. The conditions under which cows, goats or fowl are kept shall be such as may be specified by the County Health Officer; provided, however, that no permanent building or structure shall be erected, constructed or maintained primarily for the keeping of any such cows, goats or fowl.

(b) Building Height Limit:

Two and one-half ( $2\frac{1}{2}$ ) stories but not exceeding thirty-five (35) feet in height.

(c) Building Site Area Required:

Each one-family dwelling, together with its accessory buildings, hereafter erected shall be located on a building site in one ownership having an area of not less than five thousand (5000) square feet, provided, however, that any parcel of land with an area of less than five thousand (5000) square feet, (I) which parcel was under one ownership at the time of the adoption of this ordinance, when the owner thereof owns no adjoining land, or (II) which parcel includes not less than one (1) entire lot as shown on any subdivision map which was recorded in the office of the County Recorder of the County prior to the adoption of this ordinance, and which parcel has an area of not less than three thousand seven hundred fifty (3750) square feet, or (III) which parcel is shown as a lot on any subdivision map which is hereafter recorded in the office of said County Recorder after approval of said map by the Board of Supervisors in the manner provided by law, may be used as a building site for one (1) one-family dwelling by the owner of such parcel of land or by his successor in interest, provided that all other regulations for the district, as prescribed in this ordinance shall be complied with; provided, further, that in lieu of the foregoing building site area regulations in any "R-1" district in which there are also applied the regulations of any "B" district under the provisions of this ordinance, each one-family dwelling with its accessory buildings hereafter erected shall be located on a building site in one ownership having an area not less than that specified for such "B" district. In no case, however, shall there be more than one (1) dwelling on any one lot.

(d) Front Yard Required:

Each lot shall have a front yard not less than twenty-five (25) feet in depth, except as otherwise specified for any "B" district in which such lot may be located; provided, however, that in case a building line for the street upon which any lot faces is established by the Street and Highway Plan of the Master Plan of the County or is specified by the provisions of this ordinance, then the front yard on such lot shall have a depth of not less than the distance from the street line specified for such building line.

**(e) Side Yards Required:**

Each lot, except as otherwise specified for any "B" district in which such lot is located, shall have side yards each having a width of not less than five (5) feet; provided, however, as follows:

1. On any parcel of land of an average width of less than fifty (50) feet, (I) which parcel was under one ownership at the time of the adoption of this ordinance, when the owner thereof owns no adjoining land, or (II) which parcel includes not less than one (1) entire lot as shown on any subdivision map which was recorded in the office of the County Recorder of the County prior to the adoption of this ordinance and which parcel has an average width of not less than thirty seven and one-half (37½) feet, or (III) which parcel is shown as a lot on any subdivision map which is hereafter recorded in the office of said County Recorder after approval of said map by the Board of Supervisors in the manner provided by law, the width of each side yard may be reduced to ten (10) per cent of the width of such parcel, but in no case shall the width of any such side yard be less than four (4) feet.

2. On a corner lot adjacent to a key lot the side yard on the street side of such corner lot shall have a width in addition to that hereinbefore specified, so that the total width of such side yard shall be equal to not less than forty (40) per cent of the front yard depth required for the lots to the rear of such corner lot, to a maximum width of ten (10) feet for such side yard, provided, however, that this regulation shall not be so applied as to reduce the buildable width after providing the required interior side yard, of any such corner lot to less than twenty (20) feet.

3. In case a dwelling is so located on a lot that the front or rear thereof faces any side lot line, such dwelling shall be not less than twenty-five (25) feet from such lot line.

**(f) Rear Yard Required:**

Each lot shall have a rear yard of a depth equal to not less than twenty (20) per cent of the depth of the lot to a maximum required depth of twenty-five (25) feet for such rear yard.

**SECTION 17. REGULATIONS FOR "R-2" DISTRICTS**

The following regulations shall apply in all "R-2" districts and shall be subject to the provisions of Section 29 of this ordinance:

**(a) Uses permitted:**

1. All uses permitted in "R-1" districts, subject to the securing of a use permit, as provided in Section 35 of this ordinance, for any use for which a use permit is required in an "R-1" district.

2. Two-family dwellings.

**(b) Building Height Limit:**

Two and one-half (2½) stories but not exceeding thirty-five (35) feet in height.

**(c) Building Site Area Required:**

Same as specified for "R-1" districts, except that there may be not to exceed one (1) one-family dwelling or one (1) two-family dwelling on any one (1) lot.

**(d) Front, Side and Rear Yards Required:**

Same as specified for "R-1" districts.

SECTION 18. REGULATIONS FOR "R-1" DISTRICTS

The following regulations shall apply in all "R-1" districts and shall be subject to the provisions of Section 29 of this ordinance:

(a) Uses Permitted:

1. All uses permitted in "R-1" districts, subject to the securing of a use permit, as provided in Section 35 of this ordinance, for any use for which a use permit is required in an "R-1" district.

2. Two-family dwellings, dwelling groups and four-family flats.

(b) Building Height Limit:

Two and one-half (2½) stories but not exceeding thirty-five (35) feet in height.

(c) Building Site Area Required:

Same as specified for "R-1" districts, except that there may be more than one (1) dwelling upon one (1) lot.

(d) Percentage of Lot Coverage:

The buildings, including accessory buildings, on any lot shall not cover in the aggregate more than forty (40) per cent of the area of such lot.

(e) Front Yard Required:

Each lot shall have a front yard not less than twenty (20) feet in depth except as otherwise specified for any "B" district in which such lot may be located; provided, however, that in case a building line for the street upon which any lot faces is established by the Street and Highway Plan of the Master Plan of the County or is specified by the provisions of this ordinance, then the front yard on such lot shall have a depth of not less than the distance from the street line specified for such building line.

(f) Side Yards Required:

Same as specified for "R-1" districts, except as hereinafter specified for dwelling groups.

(g) Rear Yard Required:

Each lot shall have a rear yard of a depth of not less than fifteen (15) feet, except as hereinafter specified for dwelling groups.

(h) Distance Between Buildings on Same Lot:

No main building shall be closer than twenty (20) feet to any other main building on the same lot, except as hereinafter specified for dwelling groups.

(i) Dwelling Groups:

The following additional regulations shall apply to Dwelling Groups:

(A) In case the buildings of the group are so located on the lot that the rear of the building which faces the street is faced by the front of a building to the rear, et seq. (i.e., in a "front to back" series), no such building shall be closer than twenty (20) feet to any other such building.

(B) In case the buildings of the group are so located on the lot that the rears thereof abut upon one side yard and the fronts thereof abut upon the other side yard (i.e., in a single row "side to side" series), the side yard to the rears thereof shall have a width of not less than seven (7) feet, and the side yard to the fronts thereof shall have a width of not less than twelve (12) feet.

(C) In case the buildings of the group are so located on the lot that the rears thereof abut upon either side yard and the fronts thereof face a court (i.e., in a double row "side to side" series), each side yard shall have a width of not less than seven (7) feet and the court shall have a width of not less than twenty (20) feet.

(D) No building shall be so located on the lot that the rear thereof abuts on any street line.

(E) In no case shall any building of the group be closer to any other building of the group than a distance of ten (10) feet.

(F) Each lot upon which a dwelling group is constructed shall have a rear yard of a depth of not less than ten (10) feet; provided, however, that there may be deducted from such width a portion of the width of any public street, alley or park upon which such rear yard abuts to an extent not exceeding one-half (½) the width thereof and not exceeding five (5) feet.

#### SECTION 19: REGULATIONS FOR "R-4" DISTRICTS

The following regulations shall apply in all "R-4" districts and shall be subject to the provisions of Section 29 of this ordinance:

(a) Uses Permitted:

1. All uses permitted in "R-1" districts, without regard to the securing of a use permit for any such use.

2. Two-family dwellings, multiple dwellings and dwelling groups.

3. Hotels.

4. Clubs, lodges and fraternity and sorority houses.

5. Museums not operated for profit.

6. In an apartment house designed, constructed and/or used for twenty-four (24) or more families and in a hotel designed, constructed and/or used for fifty (50) or more guest rooms, there may be conducted a business incidental thereto for the convenience of the occupants and the guests thereof; provided that there shall be no entrance to such business except from the inside of the building in which the same is located, and that the floor area used for business purposes shall not exceed twenty-five (25) per cent of the ground floor area of such building, and provided, further, that no street frontage of any such building shall be used for any such business and that no sign shall be exhibited on the outside of any such building in connection with such business.

7. The following uses, subject to the securing of a use permit in each case, as provided in Section 35 of this ordinance:

(A) Hospitals, rest homes, sanitariums, clinics, and other buildings used for the treatment of human ailments.

(B) Philanthropic and charitable institutions.

(C) Automobile courts.

(b) Building Height Limits:

Six (6) stories but not exceeding seventy-five (75) feet in height.

(c) Percentage of Lot Coverage:

The buildings, including accessory buildings, on any lot shall not cover more than fifty (50) per cent of the area of such lot.

(d) Front, Side and Rear Yards Required:

Same as specified for "R-3" districts; provided, that for any

building of more than two (2) stories in height, the width herein required for each side yard shall be increased by one (1) foot for each story by which the height of such building exceeds two (2) stories.

SECTION 20. REGULATIONS FOR "C-1" DISTRICTS

The following regulations shall apply in all "C-1" districts and shall be subject to the provisions of Section 29 of this ordinance:

(a) Uses Permitted:

1. All uses permitted in any "R" district, without regard to the securing of any use permit, except that in any "C-1" district which is entirely surrounded by "R" districts or by such districts and the County boundary, a use permit, as provided in Section 35 of this ordinance, shall be required for the establishment of any use for which a use permit is required in "R-4" districts.

2. Stores and shops for the conduct of any retail business; automobile service stations for only the sale of gasoline, oil and minor accessories; banks, barber shops, beauty parlors; conservatories; dressmaking, millinery, shoe and tailor shops; messenger offices; outdoor advertising signs and outdoor advertising structures; professional offices; storage garages; studios (except motion picture studios); telegraph offices; theaters; and other business uses which, in the opinion of the Planning Commission are of the same general character as those enumerated in this sub-section and will not be obnoxious or detrimental to the district in which located.

X 3. Public garages, automobile repair shops, automobile service stations at which general repairing is done, used car lots, and undertaking establishments; subject in each case to the securing of a use permit, as provided in Section 35 of this ordinance.

(b) Building Height Limit:

Six (6) stories but not exceeding seventy-five (75) feet in height except in the case of any "C-1" district which is entirely surrounded by "R" districts or by such districts and the County boundary, in which case the height limit shall be that specified for such surrounding "R" district, or, if there be more than one such surrounding "R" district, then the height limit specified for the least restricted of them.

(c) Yards Required:

None except:

1. Every building or portion thereof which is designed, intended and/or used for any purpose permitted in "R-4" districts or for any automobile court shall comply with the provisions of this ordinance as to rear yards and side yards which are required in "R-4" districts; provided, that when the ground floor of any such building is used for any commercial purpose, no side yard shall be required adjacent to a street line, except as hereinafter in this section provided.

2. In the case of a "C-1" district which is entirely surrounded by "R" districts or by such districts and the County boundary there shall be provided on each lot in that portion of such district which is located in any one block a yard adjacent to the street bounding such block of a width or depth equal to that required for yards adjacent to said street for the remaining property in the same block; except that on a corner lot in such "C-1" district which is adjacent to a key lot the side yard adjacent to the street shall be of a width equal to not less than one-half the depth required for front yards on the lots to the rear of such corner lot. In



case any portion of such "C-1" district occupies the entire frontage of any block, there shall be provided adjacent to the street bounding such block a yard of a depth or width equal to that required in the next adjacent block of such surrounding "R" districts (or in the least restricted of such surrounding "R" districts, in case they differ).

3. There shall be a side yard along the side of every lot in a "C-1" district which side is bordering on property in any "R" district, which side yard shall be of a width not less than the width of a side yard as required in "R-4" districts. There shall be a rear yard on the rear of every lot in a "C-1" district which rear is bordering on property in any "R" district, which yard shall be of a depth equal to not less than twice the width of a side yard as required in "R-4" districts.

4. No building shall hereafter be erected, nor shall any use of land be conducted except the use of land for agricultural purposes, so that the same will be closer to the right of way line of any street than any Official Plan Line or any building line which has been established for such street by the Street and Highway Plan, or section thereof, of the Master Plan of the County, or than any future width line or building line which may be specified therefor by the provisions of this ordinance.

#### SECTION 21. REGULATIONS FOR "C-2" DISTRICTS

The following regulations shall apply in all "C-2" districts and shall be subject to the provisions of Section 29 of this ordinance.

(a) Uses Permitted:

1. All uses permitted in "R" districts.
2. All uses permitted in "C-1" districts without regard to any limitations specified in this ordinance for such uses in said "C-1" districts and without regard to the securing of any use permit for any such use.
3. All uses not otherwise prohibited by law except the following: animal hospital, automobile assembly, bakery employing more than five (5) persons, bottling works, building materials yard, carpet cleaning, chemical laboratory, clothing manufacture, contractor's yard, cooperage works, cosmetics manufacture, dyeing and cleaning works, draying terminal, electric welding, electroplating, feed or fuel yard (distributing or storage), feed manufacture, fruit canning or packing, furniture manufacture, ice plant or storage of more than fifteen (15) tons capacity, junk yard, laundry (other than hand), lumber yard, macaroni manufacture, machine shop, milk distributing station, manufacture of shoes, paint mixing, plumbing shop, poultry or rabbit raising or slaughter or live storage, stone cutting or polishing except as unaccessory to a jeweler's shop, storage elevator, tinsmith shop, truck storage or service or repair, warehouse, and all uses excluded from "M-1" districts by the terms of this ordinance.
4. The use of power-driven machinery incidental and accessory to any of the uses permitted in "C-2" districts.

(b) Building Height Limit:

Not exceeding one hundred (100) feet in height.

(c) Yards Required:

None except:

1. Every building or portion thereof which is designed, intended and/or used for any purpose permitted in "R-4" districts or for any automobile court shall comply with the provisions of this ordinance as to side yards and rear yards which are required in "R-4" districts, provided that when the ground floor of any such building is used for any commercial purpose, no side yard shall be required adjacent to a street line.

2. There shall be a side yard along the side of every lot in a "C-2" district which side is bordering on property in any "R" district, which side yard shall be of a width not less than the width of a side yard as required in "R-4" districts. There shall be a rear yard on the rear of every lot in a "C-2" district which rear is bordering on property in any "R" district, which rear yard shall be of a depth equal to not less than twice the width of a side yard as required in "R-4" districts.

3. No building shall hereafter be erected, nor shall any use of land be conducted except the use of land for agricultural purposes, so that the same will be closer to the right of way line of any street than any Official Plan Line or any building line which has been established for such street by the Street and Highway Plan, or section thereof, of the Master Plan of the County, or than any future width line or building line which may be specified therefor by the provisions of this ordinance.

#### SECTION 22. REGULATIONS FOR M-1 DISTRICTS

The following regulations shall apply in all "M-1" districts and shall be subject to the provisions of Section 29 of this ordinance:

(a) Uses Permitted:

1. Commercial excavating of building or construction materials, subject to the securing of a use permit in each case, as provided in Section 35 of this ordinance.

2. All other uses not otherwise prohibited by law, except the following: bag cleaning; blast furnace; boiler or tank works; candle factory; central mixing plant for cement, mortar, plaster or paving materials; coke oven; curing, tanning or storage of raw hides or skins; distillation of bones, coal or wood; distillation of tar; drilling for oil, gas or other hydrocarbon substances; dumping, disposal, incineration or reduction of garbage, sewage, offal, dead animals or refuse; fat rendering; fish cannery; forge plant; foundry or metal fabrication plant; hog farm; junk yard or the baling of rags or junk, except when conducted entirely within a building completely enclosed on all sides or when entirely enclosed within a fence approved by the Planning Commission; manufacture of: acetylene; acid; alcohol; alcoholic beverages; ammonia; bleaching powder, chlorine, chemicals, soda or soda compounds; brick, pottery, terra cotta or tile (except handcraft products only); candles; celluloid or pyroxylin (or treatment of same); cement, gypsum, lime or plaster of paris; chewing tobacco (or treatment of same); disinfectants; dyestuffs; emery cloth or sandpaper; explosives, fireworks or gunpowder (or storage of same); exterminators or insect poisons; fertilizer; glass; glue, size or gelatin; grease, lard or tallow (manufactured or refined from or of animal fat); illuminating or heating gas (or storage of same); lamp black; matches; linoleum, oilcloth or oiled products; linseed oil, paint, oil, shellac, turpentine or varnish (except mixing); paper or pulp; pickles, sauerkraut or vinegar; potash products; rubber or gutta percha products (or treatment of same); shoddy; shoe polish; soap (other than liquid soap); starch, glucose or dextrin; stove polish; tar roofing or waterproofing or other tar products; yeast; pumping, refining or wholesale storage of crude petroleum; slaughtering of animals (except poultry and rabbits); smelting of copper, iron, tin, zinc or other ores; steam power plant; stock yard; stone mill or quarry; sugar refining, wool pulling or scouring; and all other uses which, in the opinion of the Planning Commission,

are similarly objectionable by reason of odor, dust, smoke, gas, noise or vibration, or would impose hazard to life or property in the neighborhood.

(b) Building Height Limit:

Not exceeding one hundred (100) feet in height.

(c) Yards Required:

Same as specified for "C-2" districts.

SECTION 23. REGULATIONS FOR "M-2" DISTRICTS

The following regulations shall apply in all "M-2" districts and shall be subject to the provisions of Section 29 of this ordinance:

(a) Uses Permitted:

All uses not otherwise prohibited by law; provided, however, that none of the following uses shall be established in any "M-2" district unless and until a use permit in each case, as provided in Section 35 of this ordinance, shall first have been secured for such use:

Distillation of bones.

Drilling for and/or removal of oil, gas or other hydrocarbon substances.

Dumping, disposal, incineration or reduction of garbage, sewage, offal, dead animals or refuse.

Fat rendering.

Feeding of hogs with garbage or refuse other than that produced on the premises.

Manufacture of acid, cement, explosives or fireworks (or storage of same), fertilizer, gas, glue, gypsum, lime or plaster of paris.

Refining of petroleum or its products.

Smelting of copper, iron, tin, zinc or other ores.

Stock yard or slaughter of animals (except poultry and rabbits).

(b) Building Height Limit:

None.

(c) Yards Required:

Same as specified for "C-2" districts.

SECTION 24. REGULATIONS FOR "-A" DISTRICTS

The following regulations shall apply in all districts with which are combined "-A" districts, in addition to the regulations hereinbefore specified therefor, and shall be subject to the provisions of Section 29 of this ordinance; provided, however, that if any of the regulations specified in this section differ from any of the corresponding regulations specified in this ordinance for any district with which is combined an "-A" district, then in such case the provisions of this section shall govern:

(a) Uses Permitted:

1. All uses permitted in the respective district with which the "-A" district is combined.

2. Small livestock farming; provided, that not to exceed one (1) cow or three (3) goats or other similar livestock may be kept for each ten thousand (10,000) square feet of area of the parcel of land upon which the same are kept, to a maximum of three (3) cows or ten (10) goats or other similar livestock maintained in any one establishment.

3. In any -A district a dairy may be conducted on any parcel of land not less than five (5) acres in area.

4. Sale of any of the products of any of the aforementioned permitted uses upon the premises upon which such products are produced; provided, that in any "R" district with which an "-A" district is combined no building other than a stand or shelter shall be constructed primarily for such sale.

5. Keeping of such horses and/or mules as may be necessary to the conducting of any of the uses permitted in any "-A" district.

6. Accessory buildings and accessory uses.

(b) Location of Accessory Buildings:

No livestock or any building used in connection with the same shall be located or maintained on any lot closer than forty (40) feet to the street upon which the lot faces or closer than twenty (20) feet to any dwelling on the same lot or on the front half of any contiguous lot. Otherwise, any accessory building used in connection with any livestock use permitted in the district may occupy any portion of any rear yard or of any side yard along the rear half of the lot upon which located, except of any side yard adjacent to any street.

SECTION 25. REGULATIONS FOR "-H" DISTRICTS

The following regulations shall apply in all districts with which are combined "-H" districts, in addition to the regulations hereinbefore specified therefor, and shall be subject to the provisions of Section 29 of this ordinance; provided, however, that if any of the regulations specified in this section differ from any of the corresponding regulations specified in this ordinance for any district with which is combined an "-H" district, then in such case the provisions of this section shall govern:

(a) Uses Permitted:

All uses permitted in the respective district with which the "-H" district is combined, provided, however, as follows:

1. No outdoor advertising sign or outdoor advertising structure shall be placed and/or maintained in any such district unless placed and/or maintained within a business district as defined in the California Vehicle Act; provided, however, that there may be displayed on the premises occupied by any permitted business use which located in any such district with which is combined an "-H" district but outside any business district as defined in the California Vehicle Act outdoor advertising signs and outdoor advertising structures for the advertising only of such business, provided that, unless all such outdoor advertising signs and outdoor advertising structures displayed in connection with any such permitted business are made a part of the architectural design of the building in which such business use is conducted and/or of the premises thereof and are approved under the provisions of Section 32 of this ordinance, no such outdoor advertising sign or outdoor advertising structure shall exceed twenty-four (24) square feet in area and the total area for all outdoor advertising signs and outdoor advertising structures in the aggregate displayed by or for any one place of business shall not exceed the equivalent of one (1) square foot for each one (1) foot of frontage actually occupied by such business, including the widths of driveways directly appurtenant thereto.

2. No junk yard shall be established in any such district with which is combined an "-H" district unless the same is completely enclosed within a building or within a continuous solid fence not less than eight (8) feet in height and in any case of sufficient height to screen completely all the

business of such junk yard, which building or fence shall be of concrete, brick or stucco construction; provided that no junk yard shall be established in any such district unless and until a use permit shall first have been secured therefor, as provided in Section 35 of this ordinance.

3. All agricultural uses except the maintenance of hog farms shall be permitted in any "C-2" district with which is combined an "-H" district.

4. No dance hall, commercial club or commercial place of amusement or recreation shall be established in any district with which is combined an "-H" district unless and until a use permit, as provided in Section 35 of this ordinance, shall first have been secured for the establishment, maintenance and operation of such use.

(b) Building Location:

In case no building line is established by the Street and Highway Plan of the Master Plan of the County or by the provisions of this ordinance for the street on which any building will front in any district with which an "-H" district is combined, no such building shall be erected, constructed, moved or structurally altered so that the same will be closer to the line of such street than a distance sufficient to provide adequate space for the traffic movements and standing of vehicles which will be incidental to the use of such building. Such distance shall be designated by the Planning Commission as a part of the action on plans submitted with the application for a permit for such building, as provided in Section 32 of this ordinance.

SECTION 26. REGULATIONS FOR "B" DISTRICTS

(a) In any district with which is combined any "B" district, the following regulations as specified for the respective "B" district shall apply in lieu of the respective regulations as to building site areas, depths of front yards and widths of side yards which are hereinbefore specified for such district with which is combined such "B" district; provided, however, that such application shall not be made in any case in which any of the following regulations are less than the corresponding regulations hereinbefore specified for such district with which is combined such "B" district:

<u>"B"</u> <u>District</u>	<u>Building</u> <u>Site Area</u>	<u>Front Yard</u> <u>Depth</u>	<u>Side Yards</u> <u>Widths</u>
"B-1"	Six thousand (6000) square feet.	Twenty-five (25) feet.	Six (6) feet.
"B-2"	Ten thousand (10,000) square feet.	Twenty-five (25) feet.	Ten (10) feet.
"B-3"	Twenty thousand (20,000) square feet.	Thirty (30) feet.	Fifteen (15) feet.
"B-4"	One (1) acre.	Thirty (30) feet.	Twenty (20) feet.
"B-D"	As specified on the sectional districts map designing any such district.		

(b) The foregoing regulations shall be subject to the following provisions:  
 1. Any parcel of land in any "B" district, (I) which parcel was under one ownership at the time of the adoption of this ordinance, when the owner thereof owns no adjoining land, or (II) which parcel includes not less than one (1) entire lot as shown on any subdivision map which was recorded in the office of the County Recorder of the County prior to the adoption of this

ordinance and which parcel has an area of not less than three thousand seven hundred fifty (3750) square feet, or (III) which parcel is shown as a lot on any subdivision map which is recorded in the office of said County Recorder after approval of said map by the Board of Supervisors in the manner provided by law, may be used as a building site for a dwelling of the character permitted in the district with which is combined such "B" district, provided that all other regulations for such district, as prescribed by this ordinance, shall be complied with, provided, however, that the side yards of any such parcel shall each have a width not less than that required in any "B" district in which the minimum building site area required by this ordinance is a number of square feet nearest the number of square feet plus one (1) square feet constituting the area of such parcel.

2. In any "B-1" district, on any parcel of land with an average width of less than sixty (60) feet, (I) which parcel was under one ownership at the time of the adoption of this ordinance, when the owner thereof owns no adjoining land, or (II) which parcel includes not less than one (1) entire lot as shown on any subdivision map which was recorded in the office of the County Recorder of the County prior to the adoption of this ordinance and which parcel has an average width of not less than thirty-seven and one-half (37½) feet, or (III) which parcel is shown as a lot on any subdivision map which is recorded in the office of said County Recorder after approval of said map by the Board of Supervisors in the manner provided by law, the width of each side yard may be reduced to ten (10) per cent of the width of such parcel, but in no case shall the width of any such side yard be less than four (4) feet.

#### SECTION 27. FUTURE WIDTH LINES

The following specified future width lines are hereby established for the following streets and highways:

1. Middlefield Road: Forty-three (43) feet from the center line thereof on each side thereof.
2. Embarcadero Road: Forty-three (43) feet from the center line thereof on each side thereof.
3. Stierlin Road: Forty-three (43) feet from the center line thereof on each side thereof.

#### SECTION 28. BUILDING LINES

The following specified building lines are hereby established, such building lines being located in each case exterior to the right of way of the specified street or highway and, unless otherwise specified, measured from the exterior line of such right of way on each side thereof:

1. Bayshore Highway: Thirty (30) feet.

#### SECTION 29. GENERAL PROVISIONS AND EXCEPTIONS

The regulations specified in this ordinance shall be subject to the following interpretations and exceptions:

(a) Use:

1. The following accessory uses, in addition to those hereinbefore specified, shall be permitted in any "R" district, provided that such accessory uses do not alter the character of the premises in respect to

their use for the purposes permitted in such respective districts:

(A) The renting of rooms and/or the providing of table board in a dwelling as an incidental use to that of its occupancy as a dwelling of the character permitted in the respective district, but not to the extent of constituting a hotel as defined in this ordinance, unless permitted in the district.

(B) The operation of necessary facilities and equipment in connection with schools, colleges, universities, hospitals and other institutions permitted in the respective district.

(C) News and refreshment stands and restaurants in connection with passenger stations.

(D) Recreation, refreshment and service buildings in public parks and playgrounds.

2. On any lot in any "R" district, in addition to any livestock permitted in such district by the terms of this ordinance, there may be kept not to exceed twelve (12) fowl other than roosters, quacking ducks, geese, guinea fowl or peafowl and there may be kept not to exceed twelve (12) rabbits or guinea pigs; provided that no such livestock shall be maintained closer than forty (40) feet to any dwelling now existing or hereafter erected; and provided, further, that any such livestock shall be kept in buildings or structures subject to the approval of the County Health Officer.

3. Outdoor advertising signs and outdoor advertising structures (referred to in this sub-section as "signs") in addition to those otherwise permitted in this ordinance shall be permitted in the following cases and under the following conditions:

(A) Signs displaying the name only of the property or premises upon which displayed or of the owner or lessee thereof.

(B) Signs not exceeding eight (8) square feet in area pertaining only to the sale, rental or lease of the premises upon which displayed.

(C) The following signs upon the securing of a use permit, as provided in Section 35 of this ordinance, for each such sign:

I. Signs advertising the sale of a subdivision and located thereon.

II. Directional and informational signs of a public or quasi-public nature, including signs serving as directional signs to properties not situated adjacent to the street adjacent to which such signs are located.

4. Horses may be kept in any "R" or "C" district on the securing of a use permit, as provided in Section 35 of this ordinance, for each case of any such use.

5. Nothing in this ordinance shall be deemed to prohibit the excavating of natural materials for the construction of a building permitted in the district in which the same is to be located, which building is to be constructed on the same lot from which such material is excavated, and no use permit shall be required for such excavating.

6. Nothing in this ordinance shall be deemed to prohibit or limit the construction or maintenance of any stand or shelter for the sale of agricultural products produced on the premises.

(b) Height:

1. In any district with a height/limit of less than seventy-five (75) feet, public and semi-public buildings, schools, churches, hospitals and other institutions permitted in such district may be erected to a height not exceeding seventy-five (75) feet, provided that the front, rear and side yards shall be increased one (1) foot for each one (1) foot by which

such building exceeds the height limit hereinbefore established for such district.

2. One-family dwellings in "R-1" districts may be increased in height not to exceed ten (10) feet and to a total of not exceeding three (3) stories when two (2) side yards of widths of not less than fifteen (15) feet each are provided.

3. Upon the securing of a use permit as provided in Section 35 of this ordinance, any building may be erected to a height exceeding that hereinbefore specified for the respective district; provided, that the total floor area of such building shall not exceed that possible for a building in such respective district erected within the height limit hereinbefore specified for such district.

4. Subject to any other provisions of law, towers, gables, spires, penthouses, scenery lofts, cupolas, water tanks, similar structures and necessary mechanical appurtenances may be built and used to a greater height than the limit established for the district in which the building is located; provided that no such exception shall cover at any level more than fifteen (15) per cent in area of the lot nor have an area at the base greater than sixteen hundred (1600) square feet; provided, further, that no tower, gable, spire, or similar structure shall be used for sleeping or eating quarters or for any commercial purpose other than such as may be incidental to the permitted uses of the main building; and provided, further, that no building or structure in any district except an "A-1", "A-2" or "M-2" district shall ever exceed a maximum height of one hundred fifty (150) feet, except that the height limitations of this ordinance shall not apply to chimneys, church spires, flag poles, monuments and radio towers.

5. Where the average slope of a lot is greater than one (1) foot rise or fall in seven (7) feet of distance from the established street elevation at the property line, one story in addition to the number permitted in the district in which said lot is situated shall be permitted on the downhill side of any building, provided, that the height of the building shall not be increased above the limit specified for said district.

(c) Yards:

1. For the purpose of computing front yard dimensions the measurement shall be taken from the nearest point of the front wall of the building to the street line; provided, however, that if an Official Plan Line has been established for the street, or if a future width line is established therefor by the provisions of this ordinance, then the measurement shall be taken from the nearest point of the front wall of the building to such Official Plan Line or such future width line, except that the certain architectural features hereinafter enumerated shall not be considered in making such measurements, to-wit:

(A) Cornices, canopies, eaves, or any other architectural features may extend beyond said front wall a distance not exceeding two (2) feet, six (6) inches.

(B) Fire escapes may extend beyond said front wall a distance not exceeding four (4) feet, six (6) inches.

(C) A landing place or uncovered porch may extend beyond said front wall to a distance not exceeding six (6) feet, provided that such landing place or porch shall have its floor no higher than the entrance floor of the building. A railing no higher than three (3)



feet may be placed around such landing place. In no case, however, shall any such landing place or porch extend beyond any Official Plan Line which has been established for any street or beyond any future width line which is established therefor by the provisions of this ordinance.

(D) The above enumerated architectural features may also extend into any side or rear yard the same distance that they are permitted to extend beyond any front wall, except that no porch, terrace or outside stairway shall project more than three (3) feet into any side yard and then, in the case of an outside stairway, only if the same is unroofed and unenclosed above and below the steps thereof.

2. Ordinary front yard and farm fences, sprinkling systems and such irrigation systems and their appurtenances as do not extend above the surface of the ground may be extended beyond any Official Plan Line or future width line.

3. In any "R-1" or "R-2" district or any combination therewith where twenty-five (25) per cent or more of the lots in any block and located in the same district, exclusive of the frontage along the side of a corner lot, has been improved with buildings at the time of the passage of this ordinance, which buildings are of a character permitted in said district but not in a more restricted district, (including, in an "R-1" district, buildings permitted in such district) and the front yards on such lots vary in depth to an extent not greater than six (6) feet, then the required front yard depth for such district shall be disregarded in such block and in lieu thereof the front yard required on each lot in said block shall be of a depth not less than the average depth of the front yards on the lots on which are located such existing buildings, to a maximum of fifty (50) feet. The same rule shall apply in any "R-3" or "R-4" district or any combination therewith, but only, however, in case such average depth of front yards on the lots on which are located such existing buildings is less than the depth of front yards otherwise required by this ordinance. In no case, however, shall any building be erected closer to any street line than any Official Plan Line which may have been established for such street or than any future width line designated therefor by the provisions of this ordinance.

4. When any interior lot in an "R-1" or "R-2" district is adjacent to any lot in any district other than an "R-1" or "R-2" district and other than any "C-1" district which is entirely surrounded by "R" districts or by such districts and the County boundary, the depth required for the front yard on such interior lot may be reduced to not less than the average of such required depth and the width or depth of yard required on said lot in such other district which yard is adjacent to the street upon which said interior lot faces.

5. When any interior lot in an "R-3" or "R-4" district is adjacent to any lot in any "C" or "M" district, except any "C-1" district which is entirely surrounded by "R" districts or by such districts and the County boundary, the front yard requirement for such interior lot may be disregarded and in lieu thereof that portion of any building on that portion of the width of such interior lot not exceeding one-half ( $\frac{1}{2}$ ) thereof, and not exceeding twenty-five (25) feet, which portion of the width of such interior lot is next adjacent to such lot in such "C" or "M" district, may be built to the street line, and the line of the building for the remainder of such building shall be not nearer to said street line than a distance equal to such required depth of front yard.

6. In determining the depth of rear yard for any building, but not for any dwelling group, where such rear yard opens into an alley, one-half the width of such alley, but not exceeding ten (10) feet, may be considered as a portion of such rear yard; provided, however, that this provision shall not be so applied as to reduce the depth of any rear yard to less than ten (10) feet; and provided, further, that in no case shall the door of any building or improvement, except a fence, which door opens into any alley, be erected, constructed or established closer to the center of such alley than a distance of fifteen (15) feet.

7. In case an accessory building is attached to the main building, it shall be made structurally a part thereof, and shall comply in all respects with the requirements of this ordinance applicable to the main building. An accessory building, unless attached to and made a part of the main building as above provided for, shall not be closer than five (5) feet to the main building, except as otherwise provided in this section.

8. A detached accessory building of not over one story and not exceeding twelve (12) feet in height may occupy not to exceed thirty (30) per cent of the area of any rear yard. Any such accessory building may have not to exceed one (1) additional story used for apartments, provided that:

(A) Such additional story, herein construed to be a dwelling, shall not be permitted unless the same is permitted under the regulations hereinbefore in this ordinance specified for the district in which such accessory building is located, except that any such additional story in an "R-1" or "R-E" district may be used for sleeping purposes when no rent, either direct or indirect, is paid for such use, or for sleeping purposes by servants, including the family of the same, which are employed on the same lot, provided that no cooking facilities shall be installed in such additional story in an "R-1" or "R-E" district.

(B) No exterior wall of such additional story shall be nearer to any lot line than a distance equal to the width of a side yard required on the same lot.

(C) No exterior wall of such additional story shall be nearer than ten (10) feet to any main building on the same lot.

9. Detached accessory buildings in "R" districts shall conform to the following additional regulations as to their locations upon the lot; provided, however, that where the slope of the front half of the lot is greater than one (1) foot rise or fall in a distance of seven (7) feet from the established street elevation at the property line, or where the elevation of the lot at the street line is five (5) feet or more above or below the established street elevation, a private garage may be built to the front and side lines of the lot:

(A) In the case of an interior lot abutting upon one street, no detached accessory building shall be erected or altered so as to encroach upon the front half of the lot.

(B) In the case of an interior lot abutting upon two or more streets, no accessory building shall be erected or altered so as to encroach upon the one-quarter ( $\frac{1}{4}$ ) of the lot nearest either street.

(C) In the case of a corner lot abutting upon two (2) streets, no accessory building shall be erected or altered so as to encroach upon the area between such respective streets and lines drawn parallel to such streets, respectively, in such a manner that each of such lines divides the lot into two (2) equal areas; provided that on a

corner lot adjacent to a key lot no accessory building shall be located nearer to the street line of the street upon which such key lot faces than a distance equal to the depth of front yard required on said key lot.

(D) In the case of a corner lot abutting on more than two (2) streets, no detached accessory building shall be erected or altered so as to be nearer to any street line than one-fourth ( $\frac{1}{4}$ ) the width or length of the lot.

(E) No detached accessory building shall be within five (5) feet of the side line of the front half of any adjacent lot, except as hereinbefore specifically permitted.

(F) Notwithstanding any requirements in this section, the foregoing rules shall not require any detached accessory building to be more than seventy-five (75) feet from any street line bounding the lot, and shall not require that that line of any such accessory building which faces toward any street and is nearest thereto shall be nearer to the lot line opposite such street line than a distance of twenty (20) feet.

(d) Interpretation of Ordinance:

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Except as specifically herein provided, it is not intended by this ordinance to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinance, or any rule, regulation or permit previously adopted or issued, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, or relating to the erection, construction, establishment, moving, alteration or enlargement of any building or improvement; nor is it intended by this ordinance to interfere with or abrogate or annul any easement, covenant or other agreement between parties; provided, however, that in cases in which this ordinance imposes a greater restriction upon the erection, construction, establishment, moving, alteration or enlargement of buildings or the use of any such building or premises in said several districts or any of them, than is imposed or required by such existing provisions of law or ordinance, or by such rules, regulations or permits, or by such easements, covenants or agreements, then in such case the provisions of this ordinance shall control.

SECTION 30. NON-CONFORMING USES

Except as otherwise provided in this section, the lawful use of land existing at the time of the adoption of this ordinance, although such use does not conform to the regulations specified by this ordinance for the district in which such land is located, may be continued; provided, however, that no such non-conforming use shall be enlarged or increased, nor shall any such non-conforming use be extended to occupy a greater area of land than that occupied by such use at the time of the adoption of this ordinance; provided, further, that if any such non-conforming use ceases, any subsequent use of such land shall be in conformity to the regulations specified by this ordinance for the district in which such land is located.

Except as otherwise provided in this section, the lawful use of a building

existing at the time of the adoption of this ordinance may be continued, although such use does not conform to the regulations specified by this ordinance for the district in which such building is located. Any such use may be extended throughout the building provided no structural alterations except those required by law or ordinance are made therein. If no structural alterations are made, the non-conforming use of a building may be changed to another non-conforming use, which, in the opinion of the Planning Commission, is of the same or of a more restricted nature. If a non-conforming use hereunder ceases for a continuous period of not less than six (6) months, any future use of said building shall be in conformity to the regulations specified by this ordinance for the district in which such building is located.

No existing building designed, arranged or intended for or devoted to a use not permitted under the regulations specified by this ordinance for the district in which such building or premises is located shall be enlarged, extended, reconstructed or structurally altered unless such use is changed to a use permitted under the regulations specified by this ordinance for such district in which said building is located; provided, however, that work done in any period of twelve (12) months on ordinary structural alterations or replacements of walls, fixtures or plumbing not exceeding twenty-five (25) per cent of the building's assessed value according to the assessment thereof by the Assessor of the County for the fiscal year in which such work is done shall be permitted, provided that the cubical contents of the building as it existed at the time of the passage of this ordinance be not increased.

If at any time any building in existence or maintained at the time of the adoption of this ordinance, which does not conform to the regulations for the district in which it is located, shall be destroyed by fire, explosion, Act of God or act of the public enemy to the extent of more than seventy-five (75) per cent of the assessed value thereof according to the assessment thereof by the said Assessor for the fiscal year during which such destruction occurs, then without further action by the Board of Supervisors the said building and the land on which said building was located or maintained shall from and after the date of said destruction be subject to all the regulations specified by this ordinance for the district in which such land and building are located.

Nothing contained in this ordinance shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the adoption of this ordinance and upon which building actual construction has been diligently carried on. Actual construction is hereby defined to be the actual placing of construction materials in their permanent position fastened in a permanent manner; except that where a basement is being excavated, such excavating shall be deemed to be actual construction; or where demolition or removal of an existing structure has been begun preparatory to rebuilding, such demolition and removal shall be deemed to be actual construction; provided that in all cases actual construction work shall be diligently carried on until the completion of the building or structure involved.

Regardless of any other provision of this ordinance no junk yard which, after the adoption of this ordinance, exists as a non-conforming use in any district, shall continue as herein provided for non-conforming uses unless such junk yard shall, within one year after the same has become a non-conforming use, be completely enclosed within a building or within a continuous solid fence not less than eight (8) feet in height and in any case of such height as to screen completely all the operations of such junk yard, of which building or fence the plans shall first have been approved by the Planning Commission. All other provisions of this section shall apply to any non-conforming junk yard.

Regardless of any other provision of this ordinance, any use for which a use permit is required or for which a use permit may be granted, as provided in this ordinance, which use is existing at the time of the adoption of this ordinance in any district in which such use is specifically permitted subject to the securing of a use permit, shall without further action be deemed to be a conforming use in such district.

The foregoing provisions shall also apply to non-conforming uses in districts hereafter changed.

#### SECTION 31. BUILDING PERMITS AND PLATS

No building or structure having an aggregate value in excess of Twenty-five (25) Dollars, and no building or structure designed or intended to be used for any commercial or industrial purpose (except an accessory building having an aggregate value of less than Twenty-five (25) Dollars) shall hereafter be erected or constructed unless and until a permit therefor shall first have been secured from the Planning Commission or from such officer or employee thereof as said Commission may designate for such purpose. No repairs or alterations of an aggregate value in excess of Twenty-five (25) Dollars and no repairs or alterations which would change the character of any building or structure to a commercial or industrial nature (except an accessory building having an aggregate value of less than Twenty-five (25) Dollars) shall hereafter be made on any building or structure until a permit therefor shall first have been secured from the Planning Commission or from the aforesaid officer or employee thereof. No building or structure having an aggregate value in excess of Twenty-five (25) Dollars and no building or structure designed or intended to be used for commercial or industrial purposes (except an accessory building having an aggregate value of less than Twenty-five (25) Dollars) shall hereafter be moved until a permit for such moving shall first have been secured from the Planning Commission or from the aforesaid officer or employee thereof and also from the County Surveyor. The aforesaid permits shall be required for all such buildings and structures, except fences, hereafter erected, constructed, altered, repaired or moved within or into any district established by this ordinance except any "A-1" or "A-2" district with which no "H" district is combined, except that no such permit shall be required for any building or structure designed or intended to be used as a one-family dwelling or for any agricultural purpose, or for any purpose accessory thereto, in any "A" or "M" district with which an "H" district is combined if such building or structure is located or is to be located at a distance of not less than one hundred (100) feet from the nearest boundary of the right of way of any street and not less than ten (10) feet from any property line.

Every application for permit shall be accompanied by a drawing or plat, in duplicate, drawn to scale, showing the lot and building site, the proposed location of the building on the lot, accurate dimensions of the building, of the yards and of the lot, and such other information as may be necessary to the enforcement of this ordinance. A careful record of the original copy of such application and plat shall be kept in the office of the Planning Commission and the duplicate copy shall be kept at the building at all times during construction.

#### SECTION 32. ARCHITECTURAL SUPERVISION

In case an application is made for a permit, as required in Section 31 of this ordinance, for any building, structure or other improvement in any "H-1" district or in any district with which is combined an "H" district, said application shall be accompanied by drawings or sketches showing the front, sides and rear elevations

of the proposed building, structure or other improvement, or of the building, structure or other improvement as the same will appear after the work for which the permit is sought shall have been completed. Such drawings or sketches shall be considered by the Planning Commission in an endeavor to provide that such buildings, structures and other improvements shall be so designed and constructed that they will not be of unsightly, undesirable or obnoxious appearance to the extent that they will hinder the orderly and harmonious development of the County, impair the desirability of residence, investment or occupation in the County as appearing to travelers passing through or traveling in the County, limit the opportunity to attain the optimum use and value of land and improvements, impair the desirability of living conditions in the same or adjacent agricultural or residential areas, and/or otherwise adversely affect the general prosperity and welfare. To this end, the Planning Commission shall suggest any changes in the plans of such proposed buildings, structures and other improvements as it may deem to be necessary to accomplish the purposes of this section, and shall not approve any such plans until it is satisfied that such purposes will be accomplished thereby. In case the applicant is not satisfied with the action of the Planning Commission, he may, within thirty (30) days after such action, appeal in writing to the Board of Supervisors. Said Board shall hold a hearing on said appeal and shall render its decision thereon within thirty (30) days after the filing thereof. No permit, as provided herein, shall be issued unless the plans filed with the application therefor as required in this section shall first have been approved by the Planning Commission or by the Board of Supervisors. Upon such approval the Planning Commission shall issue such permit, provided all other provisions of law have been complied with. Every drawing or sketch filed under the provisions of this section shall become a part of the permanent records of the Planning Commission.

### SECTION 33. CERTIFICATES OF OCCUPANCY

No vacant land in any district established by this ordinance, except any "A-1" or "A-2" district, shall hereafter be occupied or used, except for agricultural uses other than livestock farming or dairying, and no building hereafter erected or structurally altered in any such district shall be occupied or used until a certificate of occupancy shall have been issued by the Planning Commission or by such officer or employee thereof as the Commission may designate for such purpose.

Application for a certificate of occupancy for a new building or for an existing building which has been altered shall be made at the same time as the application for a permit for such building as required in Section 31 of this ordinance. Said certificate shall be issued within three (3) days after a written request for the same has been made to the said Planning Commission or officer or employee thereof after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this ordinance. Pending the issuance of such a certificate, a temporary certificate of occupancy may be issued by the said Planning Commission or officer or employee thereof for a period of not exceeding six (6) months during the completion. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the County relating to the use or occupancy of the premises or any other matter except under such restrictions and provisions as will adequately insure the safety of the occupants.

Written application for a certificate of occupancy for the use of vacant land or for a change in the character of the use of land, as herein provided, shall be made before any such land shall be so occupied or used, except for agricultural purposes other than livestock farming or dairying. Such a certificate of occupancy

shall be issued within three (3) days after the application therefor has been made, provided such use is in conformity with the provisions of this ordinance.

Every certificate of occupancy shall state that the building or proposed use of a building or land complies with all provisions of law and of this ordinance. A record of all certificates of occupancy shall be kept on file in the office of the Planning Commission and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building or land affected. No fee shall be charged for a certificate of occupancy.

No permit for excavation for any building shall be issued before application has been made for a certificate of occupancy.

#### SECTION 34. ADJUSTMENTS, VARIANCES AND APPEALS

The Planning Commission, subject to the approval and confirmation of the Board of Supervisors in each case, as hereinafter provided, shall have power to grant adjustments, variances and exceptions in and to any of the provisions of this ordinance to the extent of the following and no further:

1. To vary or modify the strict application of any of the regulations or provisions contained in this ordinance in cases in which there are practical difficulties or unnecessary hardships in the way of such strict application.

2. To permit the extension of a district where the boundary line thereof divides a lot in one ownership at the time of the passage of this ordinance.

Application for any adjustment or variance permissible under the provisions of this section shall be made to the Planning Commission in the form of a written application for a building permit or for a permit to use the property or premises as set forth in said application. Upon receipt of any such application by the officer or employee of the Planning Commission designated in the rules of the Commission for such purpose, such officer or employee shall set a time and place for a public hearing before the Planning Commission on such application. Such officer or employee shall cause public notice of such public hearing to be given by causing one notice thereof to be published in a newspaper of general circulation in the County at least ten (10) days before the date of said hearing. At said hearing the applicant shall present a statement and adequate evidence, in such form as the Planning Commission may require, showing:

1. That there are special circumstances or conditions applicable to the land, building or use referred to in the application.

2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights.

3. That the granting of such application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.

The Commission shall thereupon make its decision upon the said application and shall report such decision to the Board of Supervisors within forty-five (45) days after the filing of the application.

In granting any adjustment or variance under the provisions of this section, the Planning Commission shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulation or provision to which such adjustment or variance is granted, as to light, air, and the public health, safety, comfort, convenience and general welfare. No permit shall be issued under the provisions of this section unless and until a decision of the Planning Commission, as aforesaid, approving the same, is approved and confirmed by the Board of Supervisors. In reporting its decision to the Board of Supervisors, the

Planning Commission shall report its findings with respect thereto and all facts in connection therewith, and shall specifically and fully set forth any adjustment or variance granted and the conditions designated. Upon receipt of such report, if the decision of the Planning Commission approved the granting of the application, the Board of Supervisors either shall, by resolution, approve and confirm said decision, whereupon the permit as applied for may issue; or shall refuse to approve and confirm such decision. In all cases in which adjustments or variances are granted under the provisions of this section, the Planning Commission shall require such evidence and guarantees as it may deem to be necessary that the conditions designated in connection therewith are being and will be complied with.

The Planning Commission shall have power to decide any question involving the interpretation of any provision of this ordinance.

Any person who is dissatisfied with any decision or ruling of the Planning Commission may, within thirty (30) days after the date of such decision or ruling, appeal therefrom in writing to the Board of Supervisors, who shall have power to over-rule such decision or ruling.

#### SECTION 35. USE PERMITS

Use permits may be issued for any of the following:

1. Any of the uses or purposes for which such permits are required or permitted by the provisions of this ordinance.

2. Public utility or public service uses or public buildings in any district when found to be necessary for the public health, safety, convenience or welfare.

3. Commercial excavating of natural materials used for building or construction purposes, in any district.

4. To classify as a conforming use any use permitted in "C-2" districts, but not in more restricted districts, which use is existing at the time of the adoption of this ordinance as a non-conforming use in a "C-1" district.

5. To classify as a conforming use any institutional use existing in any district at the time of the establishment of such district.

6. To permit the location of any of the following uses in a district from which they are excluded by the provisions of this ordinance: airport, library, community center, church, hospital, any institution of an educational, philanthropic or charitable nature, cemetery, crematory, mausoleum or any other place for the disposal of the human dead.

Such use permits shall be issued under the same procedure as that specified in Section 34 of this ordinance for the granting of adjustments or variances, except that:

1. No public hearing need be held thereon; provided, that the Planning Commission may hold such hearings thereon as it may deem to be necessary; and provided, further, that a public hearing shall be held on any application for a use permit for the establishment of any use listed in the preceding paragraph numbered "6" of this section.

2. The findings of the Planning Commission, except as otherwise provided in this section, need include only that the establishment, maintenance and/or conducting of the use for which a use permit is sought will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, convenience, or welfare of persons residing or working in the neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in said neighborhood.

3. Any proceedings to classify certain uses as conforming uses, as provided in this section, may be initiated by the Board of Supervisors or by the Planning



Commission, or by petition as hereinbefore provided.

All other provisions of said Section 34, including the designation by the Planning Commission of any conditions upon which the use permit may be issued and guarantees that such conditions will be complied with, shall apply to the granting of a use permit.

Any use permitted under the terms of any use permit shall be established and conducted in conformity to the terms of such use permit and of any conditions designated in connection therewith.

#### SECTION 36. AMENDMENTS

This ordinance may be amended by changing the boundaries of districts or by changing any other provision hereof whenever the public necessity and convenience and the general welfare require such amendment, by following the procedure specified in this section. Said amendment may be initiated by:

(a) The verified petition of one or more owners of property affected by the proposed amendment, which petition shall be filed with the Planning Commission and shall be accompanied by a fee of Twenty-five (25) Dollars, no part of which shall be returnable to the petitioner; or by

(b) Resolution of intention of the Board of Supervisors; or by

(c) Resolution of intention of the Planning Commission.

The Planning Commission, not later than at its next succeeding meeting following the filing of such verified petition or following the adoption of such resolution of intention, shall set the times and places for such public hearings as may be required by law. Such notice shall include notice of the proposed amendment. In case the proposed amendment consists of a change of the boundaries of any district so as to reclassify property from any district, except an "A-1" or "A-2" district, to any other district, the Planning Commission shall give additional notice of the time and place of such hearings and of the purpose thereof by:

1. Posting public notices thereof not less than ten (10) days prior to the date of the first of such hearings along each and every street upon which the property proposed to be reclassified abuts. In case a majority of the property proposed to be reclassified has been subdivided into parcels of one (1) acre or less in area, such notice shall be placed not more than five hundred (500) feet apart and such posting shall extend along said street or streets a distance of not less than five hundred (500) feet from the exterior limits of such properties as are proposed for reclassification. In the case of all other property proposed to be reclassified such notices shall be placed not more than one (1) mile apart. Each such notice shall consist of the words "Notice of proposed change of zoning" printed in plain type with letters not less than one (1) 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 and place at which the public hearings on the proposed change will be held and any other information which the Planning Commission may deem to be necessary; and by

2. Mailing a postal card notice not less than ten days prior to the date of the first of such hearings to the owners of all property within the posting area above defined, using for this purpose the last known name and address of such owners as shown upon the records of the Assessor of the County.

Any failure to post public notices or to mail postal card notices as aforesaid shall not invalidate any proceedings for amendment of this ordinance.

Following the aforesaid hearings the Planning Commission shall make a report of its findings and recommendations with respect to the proposed amendment and shall file with the Board of Supervisors an attested copy of such report within ninety (90)

days after the date of the meeting at which said Commission set the times and places for said hearings. Failure of the Planning Commission so to report within said ninety (90) days shall be deemed to be approval of the proposed amendment by said Planning Commission.

Upon receipt of such report from the Planning Commission, or upon the expiration of such ninety (90) days as aforesaid, the Board of Supervisors shall set the matter for public hearing after notice thereof and of the proposed amendment, given as provided by law. After the conclusion of such hearing the Board of Supervisors may adopt the amendment or any part thereof set forth in the petition or in the resolution of intention in such form as said Board may deem to be advisable.

The decision of the Board of Supervisors shall be rendered within sixty (60) days after the receipt of a report and recommendations from the Planning Commission or after the expiration of such ninety (90) days, as aforesaid.

Upon the consent of the Planning Commission any petition for an amendment may be withdrawn upon the written application of a majority of all the persons who signed such petition. The Board of Supervisors or the Planning Commission, as the case may be, may by resolution, abandon any proceedings for an amendment initiated by its own resolution of intention, provided that such abandonment may be made 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.

#### SECTION 37. FORM OF PETITIONS, APPLICATIONS AND APPEALS

The Planning Commission shall in its rules prescribe the form and scope of all petitions and applications provided for in this ordinance, and of accompanying data to be furnished so as to assure the fullest practicable presentation of facts for proper consideration of the matter involved in each case and for a permanent record. Any petition for an adjustment or variance as provided in Section 34 of this ordinance, or for a use permit as provided in Section 35 of this ordinance, or for an amendment as provided in Section 36 of this ordinance shall include a verification by at least one of the petitioners, attesting to the truth and correctness of all facts and maps presented with said petition. Such verification shall be dated and attested before a notary public or before the County Clerk.

#### SECTION 38. ENFORCEMENT, LEGAL PROCEDURE, PENALTIES

All departments, officials and public employees of the County which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this ordinance and shall issue no such permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this ordinance and any such permit or license, if issued in conflict with the provisions of this ordinance, shall be null and void.

It shall be the duty of the Planning Commission to enforce the provisions of this ordinance pertaining to the erection, construction, reconstruction, moving, conversion, alteration or addition to any building or structure.

It shall be the duty of the Sheriff of the County and of the officers of the County herein and/or otherwise charged by law with the enforcement of this ordinance to enforce this ordinance and all the provisions of the same.

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than Three Hundred (300) Dollars or by imprisonment in the County Jail of the County for a term not exceeding three (3) months or by both such fine and imprisonment.

Such person, firm or corporation shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this ordinance is committed, continued or permitted by such person, firm or corporation, and shall be punishable as herein provided.

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

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

#### SECTION 39. REPEALING

Ordinance Number 88 of the County, being the Zoning Ordinance of the County of Santa Clara, and all other ordinances and parts of ordinances of the County in conflict with this ordinance, to the extent of such conflict and no further, are hereby repealed; provided, however, that nothing herein contained shall be deemed to repeal or amend any ordinance of said County requiring a permit or license or both, to cover any business, trade or occupation.

#### SECTION 40. VALIDITY

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

#### SECTION 41. REFERENCE

This ordinance shall be known and cited as the Zoning Ordinance of the County of Santa Clara.

#### SECTION 42. ENACTMENT

This ordinance shall take effect and be in force thirty (30) days after the date of its passage and approval.

Passed and adopted by the Board of Supervisors of the County of Santa Clara on the 25th day of August, A.D. 1937, by the following vote:

Ayes: Supervisors Cooley, McKinnon, Wool, Hecker

Noes: Supervisors: None

Absent: Supervisor McClay

*H. Hecker*  
Chairman of the Board of Supervisors of the County  
of Santa Clara, State of California.

ATTEST:

FRANK W. HOGAN  
County Clerk and ex-officio Clerk  
of the Board of Supervisors of  
the County of Santa Clara, State  
of California.

By *Eugene M. Don*  
Deputy Clerk